



Sen. James F. Clayborne Jr.

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1 AMENDMENT TO HOUSE BILL 25

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 25 by replacing  
3 everything after the enacting clause with the following:

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

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

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

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

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

15 "City" means the City of Chicago.

16 "Casino operator" means any person developing or managing a

1 casino pursuant to a casino development and management  
2 contract.

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

6 "Chief executive officer" means the person appointed by the  
7 Mayor, with the advice and consent of the Chicago City Council,  
8 to oversee the daily operations of the Authority.

9 "Gaming Board" means the Illinois Gaming Board created by  
10 the Riverboat and Casino Gambling Act.

11 "Mayor" means the Mayor of the City.

12 Section 15. Board.

13 (a) The governing and administrative powers of the  
14 Authority shall be vested in a body known as the Illinois  
15 Casino Development Board. The Board shall consist of the  
16 members of the Board of Directors of the Illinois Sports  
17 Facility Authority and members of the Board of the Metropolitan  
18 Pier and Exposition Authority. The Governor, with the advice  
19 and consent of the Senate, shall appoint the chairperson of the  
20 Board from the membership.

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

1 services provided as that officer.

2 Section 25. Organization of Board; meetings. As soon as  
3 practicable after the effective date of this Act, the Board  
4 shall organize for the transaction of business. The Board shall  
5 prescribe the time and place for meetings, the manner in which  
6 special meetings may be called, and the notice that must be  
7 given to members. All actions and meetings of the Board and its  
8 committees shall be subject to the provisions of the Open  
9 Meetings Act. A majority of the members of the Board shall  
10 constitute a quorum for the transaction of business. All  
11 substantive action of the Board shall be by resolution. The  
12 affirmative vote of a majority of the members of the Board  
13 shall be necessary for the adoption of any resolution.

14 Section 30. Chief executive officer; officers.

15 (a) The Mayor, with the advice and consent of the Chicago  
16 City Council, shall appoint a chief executive officer of the  
17 Authority. The Board shall fix the compensation of the chief  
18 executive officer. Subject to the general control of the Board,  
19 the chief executive officer shall be responsible for the  
20 management of the business, properties, and employees of the  
21 Authority. The chief executive officer shall direct the  
22 enforcement of all resolutions, rules, and regulations of the  
23 Board, and shall perform such other duties as may be prescribed  
24 from time to time by the Board. All employees and independent

1 contractors, consultants, engineers, architects, accountants,  
2 attorneys, financial experts, construction experts and  
3 personnel, superintendents, managers, and other personnel  
4 appointed or employed pursuant to this Act shall report to the  
5 chief executive officer. In addition to any other duties set  
6 forth in this Act, the chief executive officer shall do all of  
7 the following:

8 (1) Direct and supervise the administrative affairs  
9 and activities of the Authority in accordance with its  
10 rules, regulations, and policies.

11 (2) Attend meetings of the Board.

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

13 (4) Approve all accounts for salaries, per diem  
14 payments, and allowable expenses of the Board and its  
15 employees and consultants.

16 (5) Report and make recommendations to the Board  
17 concerning the terms and conditions of any casino  
18 development and management contract.

19 (6) Perform any other duty that the Board requires for  
20 carrying out the provisions of this Act.

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

23 (b) The Board shall select a secretary and a treasurer, who  
24 need not be members of the Board, to hold office at the  
25 pleasure of the Board. The Board shall fix the duties and  
26 compensation of each such officer.

1 Section 32. Code of Ethics.

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

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

22 (1) the contract is with a person, firm, partnership,  
23 association, corporation, or other business entity in  
24 which the interested person has less than a 7 1/2% share in  
25 the ownership;

1           (2) the interested person publicly discloses the  
2 nature and extent of his or her interest prior to or during  
3 deliberations concerning the proposed award of the  
4 contract;

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

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

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

14           (6) the award of the contract would not cause the  
15 aggregate amount of all such contracts so awarded to the  
16 same person, firm, association, partnership, corporation,  
17 or other business entity in the same fiscal year to exceed  
18 \$25,000.

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

26           (c) Before any contract relating to the ownership or use of

1 real property is entered into by and between the Authority, the  
2 identity of every owner and beneficiary having an interest,  
3 real or personal, in such property, and every shareholder  
4 entitled to receive more than 7 1/2% of the total distributable  
5 income of any corporation having any interest, real or  
6 personal, in such property must be disclosed. The disclosure  
7 shall be in writing and shall be subscribed by an owner,  
8 authorized trustee, corporate official, or managing agent  
9 under oath. However, if stock in a corporation is publicly  
10 traded and there is no readily known individual having greater  
11 than a 7 1/2% interest, then a statement to that effect,  
12 subscribed to under oath by an officer of the corporation or  
13 its managing agent, shall fulfill the disclosure statement  
14 requirement of this Section. This Section shall be liberally  
15 construed to accomplish the purpose of requiring the  
16 identification of the actual parties benefiting from any  
17 transaction with the Authority involving the procurement of the  
18 ownership or use of real property thereby.

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

25 (e) As used in this Section: "financial interest" means (i)  
26 any interest as a result of which the owner currently receives

1 or is entitled to receive in the future more than \$2,500 per  
2 year; (ii) any interest with a cost or present value of \$5,000  
3 or more; or (iii) any interest representing more than 10% of a  
4 corporation, partnership, sole proprietorship, firm,  
5 enterprise, franchise, organization, holding company, joint  
6 stock company, receivership, trust, or any legal entity  
7 organized for profit; provided, however, financial interest  
8 shall not include (i) any interest of the spouse of an official  
9 or employee which interest is related to the spouse's  
10 independent occupation, profession, or employment; (ii) any  
11 ownership through purchase at fair market value or inheritance  
12 of less than 1% of the shares of a corporation, or any  
13 corporate subsidiary, parent, or affiliate thereof, regardless  
14 of the value of or dividends on such shares, if such shares are  
15 registered on a securities exchange pursuant to the Securities  
16 Exchange Act of 1934, as amended; (iii) the authorized  
17 compensation paid to an official or employee for his office or  
18 employment; (iv) a time or demand deposit in a financial  
19 institution; and (v) an endowment or insurance policy or  
20 annuity contract purchased from an insurance company.

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

- 24 (1) Adopt and alter an official seal.  
25 (2) Sue and be sued, plead and be impleaded, all in its own



1 name, and agree to binding arbitration of any dispute to which  
2 it is a party.

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

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

8 (5) Employ, either as regular employees or independent  
9 contractors, consultants, engineers, architects, accountants,  
10 attorneys, financial experts, construction experts and  
11 personnel, superintendents, managers and other professional  
12 personnel, casino personnel, and such other personnel as may be  
13 necessary in the judgment of the Board, and fix their  
14 compensation.

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

18 (7) Enter into, revoke, and modify contracts of any kind,  
19 including the casino development and management contracts  
20 specified in Section 45.

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

24 (10) Negotiate and enter into intergovernmental agreements  
25 with the State and its agencies, the City, and other units of  
26 local government, in furtherance of the powers and duties of

1 the Board.

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

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

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

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

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

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

1           (18) Require the removal or relocation of any building,  
2 railroad, main, pipe, conduit, wire, pole, structure,  
3 facility, or equipment as may be needed to carry out the powers  
4 of the Authority, with the Authority to compensate the person  
5 required to remove or relocate the building, railroad, main,  
6 pipe, conduit, wire, pole, structure, facility, or equipment as  
7 provided by law, without the necessity to secure any approval  
8 from the Illinois Commerce Commission for such removal or for  
9 such relocation.

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

14           (20) Establish and change its fiscal year.

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

17           Section 45. Casino development and management contracts.

18           (a) The Board shall develop and administer an open and  
19 competitive bidding process for the selection of casino  
20 operators to develop and operate a casino within the City. The  
21 Board shall issue one or more requests for proposal and shall  
22 solicit proposals from casino operators in response to such a  
23 request. The Board may establish minimum financial and  
24 investment requirements to determine the eligibility of  
25 persons to respond to the Board's requests for proposal, and

1 may establish and consider such other criteria as it deems  
2 appropriate. The Board may impose a fee upon persons who  
3 respond to requests for proposal, in order to reimburse the  
4 Board for its costs in preparing and issuing the requests and  
5 reviewing the proposals.

6 (b) The Board shall ensure that casino development and  
7 management contracts provide for the development,  
8 construction, and operation of a high quality casino, and  
9 provide for the maximum amounts of revenue that reasonably may  
10 be available to the Authority and the City.

11 (c) The Board shall evaluate the responses to its requests  
12 for proposal and the ability of all persons or entities  
13 responding to its request for proposal to meet the requirements  
14 of this Act and to undertake and perform the obligations set  
15 forth in its requests for proposal.

16 (d) After the review and evaluation of the proposals  
17 submitted, the Board shall, in its discretion, enter into one  
18 or more casino development and management contracts  
19 authorizing the development, construction, and operation of  
20 the casino, subject to the provisions of the Riverboat and  
21 Casino Gambling Act. The Board may award a casino development  
22 and management contract to a person or persons submitting  
23 proposals that are not the highest bidders. In doing so it may  
24 take into account other factors, such as experience, financial  
25 condition, assistance in financing, reputation, and any other  
26 factors the Board, in its discretion, believes may increase

1 revenues at the casino.

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

5 (f) The Board may enter into a casino development and  
6 management contract prior to or after adopting a resolution  
7 approving a location for the casino and requesting that the  
8 Gaming Board issue an owners license to the Authority under the  
9 Riverboat and Casino Gambling Act.

10 Section 50. Transfer of funds. The revenues received by the  
11 Authority (other than amounts required to pay the operating  
12 expenses of the Authority, to pay amounts due the casino  
13 operator pursuant to a casino management and development  
14 contract, to repay any borrowing of the Authority made pursuant  
15 to Section 35, to pay debt service on any bonds issued under  
16 Section 75, and to pay any expenses in connection with the  
17 issuance of such bonds pursuant to Section 75 or derivative  
18 products pursuant to Section 85) shall be transferred to the  
19 City by the Authority and may be applied to any public purpose  
20 benefiting the residents of the City.

21 Section 60. Authority annual expenses. Until sufficient  
22 revenues become available for such purpose, the Authority and  
23 the City may enter into an intergovernmental agreement whereby  
24 the Authority shall receive or borrow funds from the City for

1 its annual operating expenses.

2 Section 65. Acquisition of property; eminent domain  
3 proceedings.

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

8 (b) For the lawful purposes of this Act, the City may  
9 acquire by eminent domain or by condemnation proceedings in the  
10 manner provided by the Eminent Domain Act, real or personal  
11 property or interests in real or personal property located in  
12 the City, and may convey to the Authority property so acquired.  
13 The acquisition of property under this Section is declared to  
14 be for a public use.

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

1 Section 75. Borrowing.

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

20 (b) The bonds of the Authority shall be payable solely from  
21 one or more of the following sources: (i) the property or  
22 revenues of the Authority; (ii) revenues derived from the  
23 casino; (iii) revenues derived from any casino operator; (iv)  
24 fees, bid proceeds, charges, lease payments, payments required  
25 pursuant to any casino development and management contract or

1 other revenues payable to the Authority, or any receipts of the  
2 Authority; (v) payments by financial institutions, insurance  
3 companies, or others pursuant to letters or lines of credit,  
4 policies of insurance, or purchase agreements; (vi) investment  
5 earnings from funds or accounts maintained pursuant to a bond  
6 resolution or trust indenture; and (vii) proceeds of refunding  
7 bonds.

8 (c) Bonds shall be authorized by a resolution of the  
9 Authority and may be secured by a trust indenture by and  
10 between the Authority and a corporate trustee or trustees,  
11 which may be any trust company or bank having the powers of a  
12 trust company within or without the State. Bonds may:

13 (i) Mature at a time or times, whether as serial  
14 bonds, term bonds, or both, not exceeding 40 years from  
15 their respective dates of issue.

16 (ii) Without regard to any limitation established  
17 by statute, bear interest in the manner or determined  
18 by the method provided in the resolution or trust  
19 indenture.

20 (iii) Be payable at a time or times, in the  
21 denominations and form, including book entry form,  
22 either coupon, registered, or both, and carry the  
23 registration and privileges as to exchange, transfer  
24 or conversion, and replacement of mutilated, lost, or  
25 destroyed bonds as the resolution or trust indenture  
26 may provide.



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

3           (v) Be subject to the terms of purchase, payment,  
4 redemption, refunding, or refinancing that the  
5 resolution or trust indenture provides.

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

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

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

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

19           (1) Pledging, assigning, or directing the use,  
20 investment, or disposition of revenues of the Authority or  
21 proceeds or benefits of any contract, including without  
22 limitation, any rights in any casino development and  
23 management contract.

24           (2) The setting aside of loan funding deposits, debt  
25 service reserves, capitalized interest accounts,  
26 replacement or operating reserves, cost of issuance

1 accounts and sinking funds, and the regulation,  
2 investment, and disposition thereof.

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

7 (4) Limitations on the issue of additional bonds, the  
8 terms upon which additional bonds may be issued and  
9 secured, the terms upon which additional bonds may rank on  
10 a parity with, or be subordinate or superior to, other  
11 bonds.

12 (5) The refunding, advance refunding, or refinancing  
13 of outstanding bonds.

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

18 (7) Defining the acts or omissions which shall  
19 constitute a default in the duties of the Authority to  
20 holders of bonds and providing the rights or remedies of  
21 such holders in the event of a default, which may include  
22 provisions restricting individual rights of action by  
23 bondholders.

24 (8) Providing for guarantees, pledges of property,  
25 letters of credit, or other security, or insurance for the  
26 benefit of bondholders.

1           (9) Any other matter relating to the bonds that the  
2 Authority determines appropriate.

3           (e) No member of the Board, nor any person executing the  
4 bonds, shall be liable personally on the bonds or subject to  
5 any personal liability by reason of the issuance of the bonds.

6           (f) The Authority may issue and secure bonds in accordance  
7 with the provisions of the Local Government Credit Enhancement  
8 Act.

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

25           (h) By its authorizing resolution for particular bonds, the  
26 Authority may provide for specific terms of those bonds,

1 including, without limitation, the purchase price and terms,  
2 interest rate or rates, redemption terms and principal amounts  
3 maturing in each year, to be established by one or more members  
4 of the Board or officers of the Authority, all within a  
5 specific range of discretion established by the authorizing  
6 resolution.

7 (i) Bonds that are being paid or retired by issuance, sale,  
8 or delivery of bonds, and bonds for which sufficient funds have  
9 been deposited with the paying agent or trustee to provide for  
10 payment of principal and interest thereon, and any redemption  
11 premium, as provided in the authorizing resolution, shall not  
12 be considered outstanding for the purposes of this subsection.

13 (j) The bonds of the Authority shall not be indebtedness of  
14 the City, of the State, or of any political subdivision of the  
15 State other than the Authority. The bonds of the Authority are  
16 not general obligations of the State or the City and are not  
17 secured by a pledge of the full faith and credit of the State  
18 or the City and the holders of bonds of the Authority may not  
19 require, except as provided in this Act, the application of  
20 revenues or funds to the payment of bonds of the Authority.

21 (k) The State of Illinois pledges and agrees with the  
22 owners of the bonds that it will not limit or alter the rights  
23 and powers vested in the Authority by this Act so as to impair  
24 the terms of any contract made by the Authority with the owners  
25 or in any way impair the rights and remedies of the owners  
26 until the bonds, together with interest on them, and all costs

1 and expenses in connection with any action or proceedings by or  
2 on behalf of the owners, are fully met and discharged. The  
3 Authority is authorized to include this pledge and agreement in  
4 any contract with the owners of bonds issued under this  
5 Section.

6 Section 85. Derivative products. With respect to all or  
7 part of any issue of its bonds, the Authority may enter into  
8 agreements or contracts with any necessary or appropriate  
9 person, which will have the benefit of providing to the  
10 Authority an interest rate basis, cash flow basis, or other  
11 basis different from that provided in the bonds for the payment  
12 of interest. Such agreements or contracts may include, without  
13 limitation, agreements or contracts commonly known as  
14 "interest rate swap agreements", "forward payment conversion  
15 agreements", "futures", "options", "puts", or "calls" and  
16 agreements or contracts providing for payments based on levels  
17 of or changes in interest rates, agreements or contracts to  
18 exchange cash flows or a series of payments, or to hedge  
19 payment, rate spread, or similar exposure.

20 Section 90. Legality for investment. The State of Illinois,  
21 all governmental entities, all public officers, banks,  
22 bankers, trust companies, savings banks and institutions,  
23 building and loan associations, savings and loan associations,  
24 investment companies, and other persons carrying on a banking

1 business, insurance companies, insurance associations, and  
2 other persons carrying on an insurance business, and all  
3 executors, administrators, guardians, trustees, and other  
4 fiduciaries may legally invest any sinking funds, moneys, or  
5 other funds belonging to them or within their control in any  
6 bonds issued under this Act. However, nothing in this Section  
7 shall be construed as relieving any person, firm, or  
8 corporation from any duty of exercising reasonable care in  
9 selecting securities for purchase or investment.

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

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

22 Section 105. Budgets and reporting.

23 (a) Promptly following the execution of each casino

1 development and management contract provided for in this Act,  
2 the Authority shall submit a written report with respect  
3 thereto to the Governor, the Mayor, the Secretary of the  
4 Senate, the Clerk of the House of Representatives, and the  
5 Commission on Government Forecasting and Accountability.

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

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

19 (d) The Authority shall, for each fiscal year, prepare an  
20 annual report setting forth information concerning its  
21 activities in the fiscal year and the status of the development  
22 of the casino. The annual report shall include the audited  
23 financial statements of the Authority for the fiscal year, the  
24 budget for the succeeding fiscal year, and the current capital  
25 plan as of the date of the report. Copies of the annual report  
26 shall be made available to persons who request them and shall

1 be submitted not later than 120 days after the end of the  
2 Authority's fiscal year to the Governor, the Mayor, the  
3 Secretary of the Senate, the Clerk of the House of  
4 Representatives, and the Commission on Government Forecasting  
5 and Accountability.

6 Section 110. Deposit and withdrawal of funds.

7 (a) All funds deposited by the Authority in any bank or  
8 savings and loan association shall be placed in the name of the  
9 Authority and shall be withdrawn or paid out only by check or  
10 draft upon the bank or savings and loan association, signed by  
11 2 officers or employees designated by the Board.  
12 Notwithstanding any other provision of this Section, the Board  
13 may designate any of its members or any officer or employee of  
14 the Authority to authorize the wire transfer of funds deposited  
15 by the secretary-treasurer of funds in a bank or savings and  
16 loan association for the payment of payroll and employee  
17 benefits-related expenses.

18 No bank or savings and loan association shall receive  
19 public funds as permitted by this Section unless it has  
20 complied with the requirements established pursuant to Section  
21 6 of the Public Funds Investment Act.

22 (b) If any officer or employee whose signature appears upon  
23 any check or draft issued pursuant to this Act ceases (after  
24 attaching his signature) to hold his or her office before the  
25 delivery of such a check or draft to the payee, his or her



1 signature shall nevertheless be valid and sufficient for all  
2 purposes with the same effect as if he or she had remained in  
3 office until delivery thereof.

4 Section 115. Purchasing.

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

10 (1) When repair parts, accessories, equipment, or  
11 services are required for equipment or services previously  
12 furnished or contracted for;

13 (2) Professional services;

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

17 (4) When contracts for the use, purchase, delivery,  
18 movement, or installation of data processing equipment,  
19 software, or services and telecommunications equipment,  
20 software, and services are required;

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

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

1           (c) Each bidder shall disclose in his or her bid the name  
2 of each individual having a beneficial interest, directly or  
3 indirectly, of more than 1% in such bidding entity and, if such  
4 bidding entity is a corporation, the names of each of its  
5 officers and directors. The bidder shall notify the Authority  
6 of any changes in its ownership or its officers or directors at  
7 the time such changes occur if the change occurs during the  
8 pendency of a proposal or a contract.

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

24           (e) Contracts shall not be split into parts involving  
25 expenditures of less than \$25,000 for the purposes of avoiding  
26 the provisions of this Section, and all such split contracts

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

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

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

26 (h) All bids in response to advertisements shall be sealed

1 and shall be publicly opened by the Authority. All bidders  
2 shall be entitled to be present in person or by  
3 representatives. Cash or a certified or satisfactory cashier's  
4 check, as a deposit of good faith, in a reasonable amount to be  
5 fixed by the Authority before advertising for bids, shall be  
6 required with the proposal of each bidder. A bond for faithful  
7 performance of the contract with surety or sureties  
8 satisfactory to the Authority and adequate insurance may be  
9 required in reasonable amounts to be fixed by the Authority  
10 before advertising for bids.

11 (i) The contract shall be awarded as promptly as possible  
12 after the opening of bids. The bid of the successful bidder, as  
13 well as the bids of the unsuccessful bidders, shall be placed  
14 on file and be open to public inspection. All bids shall be  
15 void if any disclosure of the terms of any bid in response to  
16 an advertisement is made or permitted to be made by the  
17 Authority before the time fixed for opening bids.

18 Section 130. Affirmative action and equal opportunity  
19 obligations of Authority.

20 (a) The Authority shall establish and maintain an  
21 affirmative action program designed to promote equal  
22 employment and management opportunity and eliminate the  
23 effects of past discrimination in the City and the State. The  
24 program shall include a plan, including timetables where  
25 appropriate, which shall specify goals and methods for

1 increasing participation by women and minorities in employment  
2 and management by the Authority and by parties that contract  
3 with the Authority. The program shall also establish procedures  
4 and sanctions (including debarment), which the Authority shall  
5 enforce to ensure compliance with the plan established pursuant  
6 to this Section and with State and federal laws and regulations  
7 relating to the employment of women and minorities. A  
8 determination by the Authority as to whether a party to a  
9 contract with the Authority has achieved the goals or employed  
10 the methods for increasing participation by women and  
11 minorities shall be made in accordance with the terms of such  
12 contracts or the applicable provisions of rules and regulations  
13 existing at the time the contract was executed, including any  
14 provisions for consideration of good faith efforts at  
15 compliance that the Authority may reasonably adopt.

16 (b) The Authority shall adopt and maintain minority and  
17 female owned business enterprise procurement programs under  
18 the affirmative action program described in subsection (a) for  
19 any and all work undertaken by the Authority and for the  
20 development and management of any casino owned by the City.  
21 That work shall include, but is not limited to, the purchase of  
22 professional services, construction services, supplies,  
23 materials, and equipment. The programs shall establish goals of  
24 awarding not less than 25% of the annual dollar value of all  
25 contracts, including but not limited to management and  
26 development contracts, purchase orders, and other agreements

1 (collectively referred to as "contracts"), to minority owned  
2 businesses and 5% of the annual dollar value of all contracts  
3 to female owned businesses. Without limiting the generality of  
4 the foregoing, the programs shall require, in connection with  
5 the prequalification or consideration of vendors for  
6 professional service contracts, construction contracts,  
7 contracts for supplies, materials, equipment, and services,  
8 and development and management contracts that each proposer or  
9 bidder submit as part of his or her proposal or bid a  
10 commitment detailing how he or she will expend 25% or more of  
11 the dollar value of his or her contracts with one or more  
12 minority owned businesses and 5% or more of the dollar value  
13 with one or more female owned businesses. Bids or proposals  
14 that do not include such detailed commitments are not  
15 responsive and shall be rejected unless the Authority deems it  
16 appropriate to grant a waiver of these requirements. The  
17 commitment to minority and female owned business participation  
18 may be met by the contractor's, professional service  
19 provider's, developer's, or manager's status as a minority or  
20 female owned business, by joint venture, by subcontracting a  
21 portion of the work with or purchasing materials for the work  
22 from one or more such businesses, or by any combination  
23 thereof. Each contract shall require the contractor, provider,  
24 developer, or manager to submit a certified monthly report  
25 detailing the status of its compliance with the Authority's  
26 minority and female owned business enterprise procurement

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

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

25 Section 135. Advisory Committee. An Advisory Committee is

1 established to monitor, review, and report on (1) the City's  
2 utilization of minority-owned business enterprises and  
3 female-owned business enterprises, (2) employment of females,  
4 and (3) employment of minorities with regard to the development  
5 and construction of the casino as authorized under Section  
6 7(e-6) of the Riverboat and Casino Gambling Act. The City of  
7 Chicago shall work with the Advisory Committee in accumulating  
8 necessary information for the Committee to submit reports, as  
9 necessary, to the General Assembly and to the City of Chicago.

10 The Committee shall consist of 13 members as provided in  
11 this Section. Seven members shall be selected by the Mayor of  
12 the City of Chicago; 2 members shall be selected by the  
13 President of the Illinois Senate; 2 members shall be selected  
14 by the Speaker of the House of Representatives; one member  
15 shall be selected by the Minority Leader of the Senate; and one  
16 member shall be selected by the Minority Leader of the House of  
17 Representatives. The Advisory Committee shall meet  
18 periodically and shall report the information to the Mayor of  
19 the City and to the General Assembly by December 31st of every  
20 year.

21 The Advisory Committee shall be dissolved on the date that  
22 casino gambling operations are first conducted under the  
23 license authorized under Section 7(e-6) of the Riverboat and  
24 Casino Gambling Act, other than at a temporary facility.

25 For the purposes of this Section, the terms "female" and  
26 "minority person" have the meanings provided in Section 2 of



1 the Business Enterprise for Minorities, Females, and Persons  
2 with Disabilities Act.

3 Section 900. Findings. The legislature makes all of the  
4 following findings:

5 (1) That riverboat gaming has had a negative impact on  
6 horse racing. From 1992, the first full year of riverboat  
7 operations, through 2005, Illinois on-track wagering has  
8 decreased by 42% from \$835 million to \$482 million.

9 (2) That this decrease in wagering has negatively  
10 impacted purses for Illinois racing, which has hurt the  
11 State's breeding industry. Between 1991 and 2004 the number  
12 of foals registered with the Department of Agriculture has  
13 decreased by more than 46% from 3,529 to 1,891.

14 (3) That the decline of the Illinois horseracing and  
15 breeding program, a \$2.5 billion industry, would be  
16 reversed if this amendatory Act of the 95th General  
17 Assembly was enacted. By requiring that riverboats agree to  
18 pay those percentages of their gross revenue identified in  
19 Section 7 of the Riverboat and Casino Gambling Act of this  
20 amendatory Act of the 95th General Assembly into the Horse  
21 Racing Equity Trust Fund, total purses in the State may  
22 increase by 50%, helping Illinois tracks to better compete  
23 with those in other states. Illinois currently ranks  
24 thirteenth nationally in terms of its purse size; the  
25 change would propel the State to second or third.

1           (4) That Illinois agriculture and other businesses  
2 that support and supply the horse racing industry, already  
3 a sector that employs over 37,000 Illinoisans, also stand  
4 to substantially benefit and would be much more likely to  
5 create additional jobs should Illinois horse racing once  
6 again become competitive with other states.

7           (5) That the percentage of gross revenues this  
8 amendatory Act of the 95th General Assembly will contribute  
9 to the horse racing industry will benefit that important  
10 industry for Illinois farmers, breeders, and fans of  
11 horseracing and will begin to address the negative impact  
12 riverboat gaming has had on Illinois horseracing.

13           Section 905. The Alcoholism and Other Drug Abuse and  
14 Dependency Act is amended by changing Section 5-20 as follows:

15           (20 ILCS 301/5-20)

16           Sec. 5-20. Compulsive gambling program.

17           (a) Subject to appropriation, the Department shall  
18 establish a program for public education, research, and  
19 training regarding problem and compulsive gambling and the  
20 treatment and prevention of problem and compulsive gambling.  
21 Subject to specific appropriation for these stated purposes,  
22 the program must include all of the following:

23           (1) Establishment and maintenance of a toll-free "800"  
24 telephone number to provide crisis counseling and referral

1 services to families experiencing difficulty as a result of  
2 problem or compulsive gambling.

3 (2) Promotion of public awareness regarding the  
4 recognition and prevention of problem and compulsive  
5 gambling.

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

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

12 (b) Subject to appropriation, the Department shall either  
13 establish and maintain the program or contract with a private  
14 or public entity for the establishment and maintenance of the  
15 program. Subject to appropriation, either the Department or the  
16 private or public entity shall implement the toll-free  
17 telephone number, promote public awareness, and conduct  
18 in-service training concerning problem and compulsive  
19 gambling.

20 (c) Subject to appropriation, the Department shall produce  
21 and supply the signs specified in Section 10.7 of the Illinois  
22 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of  
23 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1  
24 of the Charitable Games Act, and Section 13.1 of the Riverboat  
25 and Casino Gambling Act.

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

1 Section 910. The Department of Commerce and Economic  
2 Opportunity Law of the Civil Administrative Code of Illinois is  
3 amended by adding Section 605-530 as follows:

4 (20 ILCS 605/605-530 new)

5 Sec. 605-530. The Depressed Communities Economic  
6 Development Board.

7 (a) The Depressed Communities Economic Development Board  
8 is created as an advisory board within the Department of  
9 Commerce and Economic Opportunity. The Board shall consist of  
10 10 members as follows:

11 (1) 2 members appointed by the President of the Senate,  
12 one of whom is appointed to serve an initial term of one  
13 year and one of whom is appointed to serve an initial term  
14 of 2 years.

15 (2) 2 members appointed by the Minority Leader of the  
16 Senate, one of whom is appointed to serve an initial term  
17 of one year and one of whom is appointed to serve an  
18 initial term of 2 years.

19 (3) 2 members appointed by the Speaker of the House of  
20 Representatives, one of whom is appointed to serve an  
21 initial term of one year and one of whom is appointed to  
22 serve an initial term of 2 years.

23 (4) 2 members appointed by the Minority Leader of the  
24 House of Representatives, one of whom is appointed to serve

1       an initial term of one year and one of whom is appointed to  
2       serve an initial term of 2 years.

3           (5) 2 members appointed by the Governor with the advice  
4       and consent of the Senate, one of whom is appointed to  
5       serve an initial term of one year and one of whom is  
6       appointed to serve an initial term of 2 years as chair of  
7       the Board at the time of appointment.

8       After the initial terms, each member shall be appointed to  
9       serve a term of 2 years and until his or her successor has been  
10      appointed and assumes office. If a vacancy occurs in the Board  
11      membership, the vacancy shall be filled in the same manner as  
12      the initial appointment.

13       (b) Board members shall serve without compensation but may  
14      be reimbursed for their reasonable travel expenses from funds  
15      available for that purpose. The Department of Commerce and  
16      Economic Opportunity shall provide staff and administrative  
17      support services to the Board.

18       (c) The Board must make recommendations to the Department  
19      of Commerce and Economic Opportunity concerning the award of  
20      grants from amounts appropriated to the Department from the  
21      Depressed Communities Economic Development Fund. The  
22      Department must make grants to public or private entities  
23      submitting proposals to the Board to revitalize an Illinois  
24      depressed community. Grants may be used by these entities only  
25      for those purposes conditioned with the grant. For the purposes  
26      of this subsection (c), plans for revitalizing an Illinois

1 depressed community include plans intended to curb high levels  
2 of poverty, unemployment, job and population loss, and general  
3 distress. An Illinois depressed community (i) is an area where  
4 the poverty rate, as determined by using the most recent data  
5 released by the United States Census Bureau, is at least 3%  
6 greater than the State poverty rate as determined by using the  
7 most recent data released by the United States Census Bureau;  
8 or (ii) is an area within following zip codes: 60064, 60085,  
9 60087, 60104, 60153, 60160, 60402, 60406, 60409, 60411, 60419,  
10 60426, 60429, 60431, 60432, 60433, 60441, 60472, 60473, 60505,  
11 60608, 60609, 60612, 60614, 60615, 60617, 60618, 60619, 60620,  
12 60622, 60623, 60624, 60628, 60629, 60630, 60632, 60636, 60637,  
13 60638, 60639, 60641, 60643, 60644, 60647, 60649, 60651, 60652,  
14 60653, 60655, 60804, 60827, 61101, 61102, 61103, 61104, 61801,  
15 61802, 61820, 61821, 62002, 62060, 62090, 62201, 62203, 62204,  
16 62205, 62206, 62207, 62220, 62221, 62223, 62522, 62523, 62524,  
17 62525, 62526, 62801, 62914, and 62963.

18 Section 915. The Department of Revenue Law of the Civil  
19 Administrative Code of Illinois is amended by changing Section  
20 2505-305 as follows:

21 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

22 Sec. 2505-305. Investigators.

23 (a) The Department has the power to appoint investigators  
24 to conduct all investigations, searches, seizures, arrests,

1 and other duties imposed under the provisions of any law  
2 administered by the Department or the Illinois Gaming Board.  
3 Except as provided in subsection (c), these investigators have  
4 and may exercise all the powers of peace officers solely for  
5 the purpose of enforcing taxing measures administered by the  
6 Department or the Illinois Gaming Board.

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

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

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

23 Section 920. The State Finance Act is amended by changing  
24 Section 8a and by reenacting and changing Section 8h as  
25 follows:

1 (30 ILCS 105/8a) (from Ch. 127, par. 144a)

2 (Text of Section before amendment by P.A. 94-1105)

3 Sec. 8a. Common School Fund; transfers to Common School  
4 Fund and Education Assistance Fund.

5 (a) Except as provided in subsection (b) of this Section  
6 and except as otherwise provided in this subsection (a) with  
7 respect to amounts transferred from the General Revenue Fund to  
8 the Common School Fund for distribution therefrom for the  
9 benefit of the Teachers' Retirement System of the State of  
10 Illinois and the Public School Teachers' Pension and Retirement  
11 Fund of Chicago:

12 (1) With respect to all school districts, for each  
13 fiscal year other than fiscal year 1994, on or before the  
14 eleventh and twenty-first days of each of the months of  
15 August through the following July, at a time or times  
16 designated by the Governor, the State Treasurer and the  
17 State Comptroller shall transfer from the General Revenue  
18 Fund to the Common School Fund and Education Assistance  
19 Fund, as appropriate, 1/24 or so much thereof as may be  
20 necessary of the amount appropriated to the State Board of  
21 Education for distribution to all school districts from  
22 such Common School Fund and Education Assistance Fund, for  
23 the fiscal year, including interest on the School Fund  
24 proportionate for that distribution for such year.

25 (2) With respect to all school districts, but for



1 fiscal year 1994 only, on the 11th day of August, 1993 and  
2 on or before the 11th and 21st days of each of the months  
3 of October, 1993 through July, 1994 at a time or times  
4 designated by the Governor, the State Treasurer and the  
5 State Comptroller shall transfer from the General Revenue  
6 Fund to the Common School Fund 1/24 or so much thereof as  
7 may be necessary of the amount appropriated to the State  
8 Board of Education for distribution to all school districts  
9 from such Common School Fund, for fiscal year 1994,  
10 including interest on the School Fund proportionate for  
11 that distribution for such year; and on or before the 21st  
12 day of August, 1993 at a time or times designated by the  
13 Governor, the State Treasurer and the State Comptroller  
14 shall transfer from the General Revenue Fund to the Common  
15 School Fund 3/24 or so much thereof as may be necessary of  
16 the amount appropriated to the State Board of Education for  
17 distribution to all school districts from the Common School  
18 Fund, for fiscal year 1994, including interest  
19 proportionate for that distribution on the School Fund for  
20 such fiscal year.

21 The amounts of the payments made in July of each year: (i)  
22 shall be considered an outstanding liability as of the 30th day  
23 of June immediately preceding those July payments, within the  
24 meaning of Section 25 of this Act; (ii) shall be payable from  
25 the appropriation for the fiscal year that ended on that 30th  
26 day of June; and (iii) shall be considered payments for claims

1 covering the school year that commenced during the immediately  
2 preceding calendar year.

3 Notwithstanding the foregoing provisions of this  
4 subsection, as soon as may be after the 10th and 20th days of  
5 each of the months of August through May, 1/24, and on or as  
6 soon as may be after the 10th and 20th days of June, 1/12 of the  
7 annual amount appropriated to the State Board of Education for  
8 distribution and payment during that fiscal year from the  
9 Common School Fund to and for the benefit of the Teachers'  
10 Retirement System of the State of Illinois (until the end of  
11 State fiscal year 1995) and the Public School Teachers' Pension  
12 and Retirement Fund of Chicago as provided by the Illinois  
13 Pension Code and Section 18-7 of the School Code, or so much  
14 thereof as may be necessary, shall be transferred by the State  
15 Treasurer and the State Comptroller from the General Revenue  
16 Fund to the Common School Fund to permit semi-monthly payments  
17 from the Common School Fund to and for the benefit of such  
18 teacher retirement systems as required by Section 18-7 of the  
19 School Code.

20 Notwithstanding the other provisions of this Section, on or  
21 as soon as may be after the 15th day of each month, beginning  
22 in July of 1995, 1/12 of the annual amount appropriated for  
23 that fiscal year from the Common School Fund to the Teachers'  
24 Retirement System of the State of Illinois (other than amounts  
25 appropriated under Section 1.1 of the State Pension Funds  
26 Continuing Appropriation Act), or so much thereof as may be

1 necessary, shall be transferred by the State Treasurer and the  
2 State Comptroller from the General Revenue Fund to the Common  
3 School Fund to permit monthly payments from the Common School  
4 Fund to that retirement system in accordance with Section  
5 16-158 of the Illinois Pension Code and Section 18-7 of the  
6 School Code, except that such transfers in fiscal year 2004  
7 from the General Revenue Fund to the Common School Fund for the  
8 benefit of the Teachers' Retirement System of the State of  
9 Illinois shall be reduced in the aggregate by the State  
10 Comptroller and State Treasurer to adjust for the amount  
11 transferred to the Teachers' Retirement System of the State of  
12 Illinois pursuant to subsection (a) of Section 6z-61. Amounts  
13 appropriated to the Teachers' Retirement System of the State of  
14 Illinois under Section 1.1 of the State Pension Funds  
15 Continuing Appropriation Act shall be transferred by the State  
16 Treasurer and the State Comptroller from the General Revenue  
17 Fund to the Common School Fund as necessary to provide for the  
18 payment of vouchers drawn against those appropriations.

19 The Governor may notify the State Treasurer and the State  
20 Comptroller to transfer, at a time designated by the Governor,  
21 such additional amount as may be necessary to effect advance  
22 distribution to school districts of amounts that otherwise  
23 would be payable in the next month pursuant to Sections 18-8  
24 through 18-10 of the School Code. The State Treasurer and the  
25 State Comptroller shall thereupon transfer such additional  
26 amount. The aggregate amount transferred from the General

1 Revenue Fund to the Common School Fund in the eleven months  
2 beginning August 1 of any fiscal year shall not be in excess of  
3 the amount necessary for payment of claims certified by the  
4 State Superintendent of Education pursuant to the  
5 appropriation of the Common School Fund for that fiscal year.  
6 Notwithstanding the provisions of the first paragraph in this  
7 section, no transfer to effect an advance distribution shall be  
8 made in any month except on notification, as provided above, by  
9 the Governor.

10 The State Comptroller and State Treasurer shall transfer  
11 from the General Revenue Fund to the Common School Fund and the  
12 Education Assistance Fund such amounts as may be required to  
13 honor the vouchers presented by the State Board of Education  
14 pursuant to Sections 18-3, 18-4.3, 18-5, 18-6 and 18-7 of the  
15 School Code.

16 The State Comptroller shall report all transfers provided  
17 for in this Act to the President of the Senate, Minority Leader  
18 of the Senate, Speaker of the House, and Minority Leader of the  
19 House.

20 (b) On or before the 11th and 21st days of each of the  
21 months of June, 1982 through July, 1983, at a time or times  
22 designated by the Governor, the State Treasurer and the State  
23 Comptroller shall transfer from the General Revenue Fund to the  
24 Common School Fund 1/24 or so much thereof as may be necessary  
25 of the amount appropriated to the State Board of Education for  
26 distribution from such Common School Fund, for that same fiscal

1 year, including interest on the School Fund for such year. The  
2 amounts of the payments in the months of July, 1982 and July,  
3 1983 shall be considered an outstanding liability as of the  
4 30th day of June immediately preceding such July payment,  
5 within the meaning of Section 25 of this Act, and shall be  
6 payable from the appropriation for the fiscal year which ended  
7 on such 30th day of June, and such July payments shall be  
8 considered payments for claims covering school years 1981-1982  
9 and 1982-1983 respectively.

10 In the event the Governor makes notification to effect  
11 advanced distribution under the provisions of subsection (a) of  
12 this Section, the aggregate amount transferred from the General  
13 Revenue Fund to the Common School Fund in the 12 months  
14 beginning August 1, 1981 or the 12 months beginning August 1,  
15 1982 shall not be in excess of the amount necessary for payment  
16 of claims certified by the State Superintendent of Education  
17 pursuant to the appropriation of the Common School Fund for the  
18 fiscal years commencing on the first of July of the years 1981  
19 and 1982.

20 (c) In determining amounts to be transferred from the  
21 General Revenue Fund to the Education Assistance Fund, the  
22 amount of moneys transferred from the State Gaming Fund to the  
23 Education Assistance Fund shall be disregarded. The amounts  
24 transferred from the General Revenue Fund shall not be  
25 decreased as an adjustment for any amounts transferred from the  
26 State Gaming Fund to the Education Assistance Fund.

1 (Source: P.A. 93-665, eff. 3-5-04.)

2 (Text of Section after amendment by P.A. 94-1105)

3 Sec. 8a. Common School Fund; transfers to Common School  
4 Fund and Education Assistance Fund.

5 (a) Except as provided in subsection (b) of this Section  
6 and except as otherwise provided in this subsection (a) with  
7 respect to amounts transferred from the General Revenue Fund to  
8 the Common School Fund for distribution therefrom for the  
9 benefit of the Teachers' Retirement System of the State of  
10 Illinois and the Public School Teachers' Pension and Retirement  
11 Fund of Chicago:

12 (1) With respect to all school districts, for each  
13 fiscal year other than fiscal year 1994, on or before the  
14 eleventh and twenty-first days of each of the months of  
15 August through the following July, at a time or times  
16 designated by the Governor, the State Treasurer and the  
17 State Comptroller shall transfer from the General Revenue  
18 Fund to the Common School Fund and Education Assistance  
19 Fund, as appropriate, 1/24 or so much thereof as may be  
20 necessary of the amount appropriated to the State Board of  
21 Education for distribution to all school districts from  
22 such Common School Fund and Education Assistance Fund, for  
23 the fiscal year, including interest on the School Fund  
24 proportionate for that distribution for such year.

25 (2) With respect to all school districts, but for

1 fiscal year 1994 only, on the 11th day of August, 1993 and  
2 on or before the 11th and 21st days of each of the months  
3 of October, 1993 through July, 1994 at a time or times  
4 designated by the Governor, the State Treasurer and the  
5 State Comptroller shall transfer from the General Revenue  
6 Fund to the Common School Fund 1/24 or so much thereof as  
7 may be necessary of the amount appropriated to the State  
8 Board of Education for distribution to all school districts  
9 from such Common School Fund, for fiscal year 1994,  
10 including interest on the School Fund proportionate for  
11 that distribution for such year; and on or before the 21st  
12 day of August, 1993 at a time or times designated by the  
13 Governor, the State Treasurer and the State Comptroller  
14 shall transfer from the General Revenue Fund to the Common  
15 School Fund 3/24 or so much thereof as may be necessary of  
16 the amount appropriated to the State Board of Education for  
17 distribution to all school districts from the Common School  
18 Fund, for fiscal year 1994, including interest  
19 proportionate for that distribution on the School Fund for  
20 such fiscal year.

21 The amounts of the payments made in July of each year: (i)  
22 shall be considered an outstanding liability as of the 30th day  
23 of June immediately preceding those July payments, within the  
24 meaning of Section 25 of this Act; (ii) shall be payable from  
25 the appropriation for the fiscal year that ended on that 30th  
26 day of June; and (iii) shall be considered payments for claims

1 covering the school year that commenced during the immediately  
2 preceding calendar year.

3 Notwithstanding the foregoing provisions of this  
4 subsection, as soon as may be after the 10th and 20th days of  
5 each of the months of August through May, 1/24, and on or as  
6 soon as may be after the 10th and 20th days of June, 1/12 of the  
7 annual amount appropriated to the State Board of Education for  
8 distribution and payment during that fiscal year from the  
9 Common School Fund to and for the benefit of the Teachers'  
10 Retirement System of the State of Illinois (until the end of  
11 State fiscal year 1995) and the Public School Teachers' Pension  
12 and Retirement Fund of Chicago as provided by the Illinois  
13 Pension Code and Section 18-7 of the School Code, or so much  
14 thereof as may be necessary, shall be transferred by the State  
15 Treasurer and the State Comptroller from the General Revenue  
16 Fund to the Common School Fund to permit semi-monthly payments  
17 from the Common School Fund to and for the benefit of such  
18 teacher retirement systems as required by Section 18-7 of the  
19 School Code.

20 Notwithstanding the other provisions of this Section, on or  
21 as soon as may be after the 15th day of each month, beginning  
22 in July of 1995, 1/12 of the annual amount appropriated for  
23 that fiscal year from the Common School Fund to the Teachers'  
24 Retirement System of the State of Illinois (other than amounts  
25 appropriated under Section 1.1 of the State Pension Funds  
26 Continuing Appropriation Act), or so much thereof as may be



1 necessary, shall be transferred by the State Treasurer and the  
2 State Comptroller from the General Revenue Fund to the Common  
3 School Fund to permit monthly payments from the Common School  
4 Fund to that retirement system in accordance with Section  
5 16-158 of the Illinois Pension Code and Section 18-7 of the  
6 School Code, except that such transfers in fiscal year 2004  
7 from the General Revenue Fund to the Common School Fund for the  
8 benefit of the Teachers' Retirement System of the State of  
9 Illinois shall be reduced in the aggregate by the State  
10 Comptroller and State Treasurer to adjust for the amount  
11 transferred to the Teachers' Retirement System of the State of  
12 Illinois pursuant to subsection (a) of Section 6z-61. Amounts  
13 appropriated to the Teachers' Retirement System of the State of  
14 Illinois under Section 1.1 of the State Pension Funds  
15 Continuing Appropriation Act shall be transferred by the State  
16 Treasurer and the State Comptroller from the General Revenue  
17 Fund to the Common School Fund as necessary to provide for the  
18 payment of vouchers drawn against those appropriations.

19 The Governor may notify the State Treasurer and the State  
20 Comptroller to transfer, at a time designated by the Governor,  
21 such additional amount as may be necessary to effect advance  
22 distribution to school districts of amounts that otherwise  
23 would be payable in the next month pursuant to Sections 18-8.05  
24 through 18-9 of the School Code. The State Treasurer and the  
25 State Comptroller shall thereupon transfer such additional  
26 amount. The aggregate amount transferred from the General

1 Revenue Fund to the Common School Fund in the eleven months  
2 beginning August 1 of any fiscal year shall not be in excess of  
3 the amount necessary for payment of claims certified by the  
4 State Superintendent of Education pursuant to the  
5 appropriation of the Common School Fund for that fiscal year.  
6 Notwithstanding the provisions of the first paragraph in this  
7 section, no transfer to effect an advance distribution shall be  
8 made in any month except on notification, as provided above, by  
9 the Governor.

10 The State Comptroller and State Treasurer shall transfer  
11 from the General Revenue Fund to the Common School Fund and the  
12 Education Assistance Fund such amounts as may be required to  
13 honor the vouchers presented by the State Board of Education  
14 pursuant to Sections 18-3, 18-4.3, 18-5, 18-6 and 18-7 of the  
15 School Code.

16 The State Comptroller shall report all transfers provided  
17 for in this Act to the President of the Senate, Minority Leader  
18 of the Senate, Speaker of the House, and Minority Leader of the  
19 House.

20 (b) On or before the 11th and 21st days of each of the  
21 months of June, 1982 through July, 1983, at a time or times  
22 designated by the Governor, the State Treasurer and the State  
23 Comptroller shall transfer from the General Revenue Fund to the  
24 Common School Fund 1/24 or so much thereof as may be necessary  
25 of the amount appropriated to the State Board of Education for  
26 distribution from such Common School Fund, for that same fiscal

1 year, including interest on the School Fund for such year. The  
2 amounts of the payments in the months of July, 1982 and July,  
3 1983 shall be considered an outstanding liability as of the  
4 30th day of June immediately preceding such July payment,  
5 within the meaning of Section 25 of this Act, and shall be  
6 payable from the appropriation for the fiscal year which ended  
7 on such 30th day of June, and such July payments shall be  
8 considered payments for claims covering school years 1981-1982  
9 and 1982-1983 respectively.

10 In the event the Governor makes notification to effect  
11 advanced distribution under the provisions of subsection (a) of  
12 this Section, the aggregate amount transferred from the General  
13 Revenue Fund to the Common School Fund in the 12 months  
14 beginning August 1, 1981 or the 12 months beginning August 1,  
15 1982 shall not be in excess of the amount necessary for payment  
16 of claims certified by the State Superintendent of Education  
17 pursuant to the appropriation of the Common School Fund for the  
18 fiscal years commencing on the first of July of the years 1981  
19 and 1982.

20 (c) In determining amounts to be transferred from the  
21 General Revenue Fund to the Education Assistance Fund, the  
22 amount of moneys transferred from the State Gaming Fund to the  
23 Education Assistance Fund shall be disregarded. The amounts  
24 transferred from the General Revenue Fund shall not be  
25 decreased as an adjustment for any amounts transferred from the  
26 State Gaming Fund to the Education Assistance Fund.

1 (Source: P.A. 93-665, eff. 3-5-04; 94-1105, eff. 6-1-07.)

2 (30 ILCS 105/8h)

3 Sec. 8h. Transfers to General Revenue Fund.

4 (a) Except as otherwise provided in this Section and  
5 Section 8n of this Act, and ~~(c), (d), or (e)~~, notwithstanding  
6 any other State law to the contrary, the Governor may, through  
7 June 30, 2007, from time to time direct the State Treasurer and  
8 Comptroller to transfer a specified sum from any fund held by  
9 the State Treasurer to the General Revenue Fund in order to  
10 help defray the State's operating costs for the fiscal year.  
11 The total transfer under this Section from any fund in any  
12 fiscal year shall not exceed the lesser of (i) 8% of the  
13 revenues to be deposited into the fund during that fiscal year  
14 or (ii) an amount that leaves a remaining fund balance of 25%  
15 of the July 1 fund balance of that fiscal year. In fiscal year  
16 2005 only, prior to calculating the July 1, 2004 final  
17 balances, the Governor may calculate and direct the State  
18 Treasurer with the Comptroller to transfer additional amounts  
19 determined by applying the formula authorized in Public Act  
20 93-839 to the funds balances on July 1, 2003. No transfer may  
21 be made from a fund under this Section that would have the  
22 effect of reducing the available balance in the fund to an  
23 amount less than the amount remaining unexpended and unreserved  
24 from the total appropriation from that fund estimated to be  
25 expended for that fiscal year. This Section does not apply to

1 any funds that are restricted by federal law to a specific use,  
2 to any funds in the Motor Fuel Tax Fund, the Intercity  
3 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid  
4 Provider Relief Fund, the Teacher Health Insurance Security  
5 Fund, the Reviewing Court Alternative Dispute Resolution Fund,  
6 the Voters' Guide Fund, the Foreign Language Interpreter Fund,  
7 the Lawyers' Assistance Program Fund, the Supreme Court Federal  
8 Projects Fund, the Supreme Court Special State Projects Fund,  
9 the Supplemental Low-Income Energy Assistance Fund, the Good  
10 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste  
11 Facility Development and Operation Fund, the Horse Racing  
12 Equity Trust Fund, or the Hospital Basic Services Preservation  
13 Fund, or to any funds to which subsection (f) of Section 20-40  
14 of the Nursing and Advanced Practice Nursing Act applies. No  
15 transfers may be made under this Section from the Pet  
16 Population Control Fund. Notwithstanding any other provision  
17 of this Section, for fiscal year 2004, the total transfer under  
18 this Section from the Road Fund or the State Construction  
19 Account Fund shall not exceed the lesser of (i) 5% of the  
20 revenues to be deposited into the fund during that fiscal year  
21 or (ii) 25% of the beginning balance in the fund. For fiscal  
22 year 2005 through fiscal year 2007, no amounts may be  
23 transferred under this Section from the Road Fund, the State  
24 Construction Account Fund, the Criminal Justice Information  
25 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
26 Mandatory Arbitration Fund.

1           In determining the available balance in a fund, the  
2 Governor may include receipts, transfers into the fund, and  
3 other resources anticipated to be available in the fund in that  
4 fiscal year.

5           The State Treasurer and Comptroller shall transfer the  
6 amounts designated under this Section as soon as may be  
7 practicable after receiving the direction to transfer from the  
8 Governor.

9           (a-5) Transfers directed to be made under this Section on  
10 or before February 28, 2006 that are still pending on May 19,  
11 2006 (the effective date of Public Act 94-774) ~~this amendatory~~  
12 ~~Act of the 94th General Assembly~~ shall be redirected as  
13 provided in Section 8n of this Act.

14           (b) This Section does not apply to: (i) the Ticket For The  
15 Cure Fund; (ii) any fund established under the Community Senior  
16 Services and Resources Act; or (iii) on or after January 1,  
17 2006 (the effective date of Public Act 94-511), the Child Labor  
18 and Day and Temporary Labor Enforcement Fund.

19           (c) This Section does not apply to the Demutualization  
20 Trust Fund established under the Uniform Disposition of  
21 Unclaimed Property Act.

22           (d) This Section does not apply to moneys set aside in the  
23 Illinois State Podiatric Disciplinary Fund for podiatric  
24 scholarships and residency programs under the Podiatric  
25 Scholarship and Residency Act.

26           (e) Subsection (a) does not apply to, and no transfer may

1 be made under this Section from, the Pension Stabilization  
2 Fund.

3 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
4 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
5 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
6 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
7 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,  
8 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
9 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.  
10 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,  
11 eff. 6-6-06; revised 6-19-06.)

12 Section 925. The Tobacco Products Tax Act of 1995 is  
13 amended by changing Section 99-99 as follows:

14 (35 ILCS 143/99-99)

15 Sec. 99-99. Effective date. This Section, Sections 10-1  
16 through 10-90 of this Act, the changes to the Illinois  
17 Administrative Procedure Act, the changes to the State  
18 Employees Group Insurance Act of 1971, the changes to Sec. 5 of  
19 the Children and Family Services Act, the changes to Sec. 8.27  
20 of the State Finance Act, the changes to Secs. 16-136.2,  
21 16-153.2, and 17-156.3 of the Illinois Pension Code, Sec. 8.19  
22 of the State Mandates Act, the changes to Sec. 8.2 of the  
23 Abused and Neglected Child Reporting Act, and the changes to  
24 the Unemployment Insurance Act take effect upon becoming law.

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

20           The remaining provisions of this Act take effect on the  
21 uniform effective date as provided in the Effective Date of  
22 Laws Act.

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

24           Section 930. The Joliet Regional Port District Act is  
25 amended by changing Section 5.1 as follows:



1 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

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

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

16 Section 935. The Consumer Installment Loan Act is amended  
17 by changing Section 12.5 as follows:

18 (205 ILCS 670/12.5)

19 Sec. 12.5. Limited purpose branch.

20 (a) Upon the written approval of the Director, a licensee  
21 may maintain a limited purpose branch for the sole purpose of  
22 making loans as permitted by this Act. A limited purpose branch  
23 may include an automatic loan machine. No other activity shall

1 be conducted at the site, including but not limited to,  
2 accepting payments, servicing the accounts, or collections.

3 (b) The licensee must submit an application for a limited  
4 purpose branch to the Director on forms prescribed by the  
5 Director with an application fee of \$300. The approval for the  
6 limited purpose branch must be renewed concurrently with the  
7 renewal of the licensee's license along with a renewal fee of  
8 \$300 for the limited purpose branch.

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

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

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

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

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

1 feet of a casino.

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

3 Section 940. The Illinois Horse Racing Act of 1975 is  
4 amended by changing Sections 1.2, 3.077, 3.12, 3.20, 3.22,  
5 3.23, 9, 15, 26, 26.2, 27, 28, 28.1, 29, 30, 31, 36, and 54.5  
6 and adding Sections 3.29, 3.30, 3.31, 3.32, and 31.2 as  
7 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 5/3.077)

8 Sec. 3.077. Non-host licensee. "Non-host licensee" means a  
9 licensee, other than an advance deposit wagering licensee,  
10 operating concurrently with a host track.

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

12 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

13 Sec. 3.12. Pari-mutuel system of wagering. "Pari-mutuel  
14 system of wagering" means a form of wagering on the outcome of  
15 horse races in which wagers are made in various denominations  
16 on a horse or horses and all wagers for each race are pooled  
17 and held by a licensee for distribution in a manner approved by  
18 the Board. Wagers may be placed via any method or at any  
19 location authorized under this Act.

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

21 (230 ILCS 5/3.20)

22 Sec. 3.20. Licensee. "Licensee" means an individual  
23 organization licensee, an inter-track wagering licensee, an ~~or~~

1 inter-track wagering location licensee, or an advance deposit  
2 wagering licensee, as the context of this Act requires.

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

4 (230 ILCS 5/3.22)

5 Sec. 3.22. Wagering facility. "Wagering facility" means  
6 any location at which a licensee, other than an advance deposit  
7 wagering licensee, may accept or receive pari-mutuel wagers  
8 under this Act.

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

10 (230 ILCS 5/3.23)

11 Sec. 3.23. Wagering. "Wagering" means, collectively, the  
12 pari-mutuel system of wagering, inter-track wagering, ~~and~~  
13 simulcast wagering, and advance deposit wagering.

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

15 (230 ILCS 5/3.29 new)

16 Sec. 3.29. Advance deposit wagering. "Advance deposit  
17 wagering" means a method of pari-mutuel wagering in which an  
18 individual may establish an account, deposit money into the  
19 account, and use the account balance to pay for pari-mutuel  
20 wagering authorized by this Act. An advance deposit wager may  
21 be placed in person or from any other location via a  
22 telephone-type device or any electronic means. Any person who  
23 accepts an advance deposit wager who is not licensed by the

1 Board as an advance deposit wagering licensee shall be  
2 considered in violation of this Act and the Criminal Code of  
3 1961. Any advance deposit wager placed in person shall be  
4 deemed to have been placed at that wagering facility.

5 (230 ILCS 5/3.30 new)

6 Sec. 3.30. Advance deposit wagering fee. "Advance deposit  
7 wagering fee" means the amount paid to or retained by a person,  
8 as defined in Section 3.14, for the purpose of administering a  
9 pari-mutuel system of advance deposit wagering.

10 (230 ILCS 5/3.31 new)

11 Sec. 3.31. Source market fee. "Source market fee" means any  
12 amount remaining from advance deposit wagering after payment of  
13 winning wagers, any breakage, any privilege or pari-mutuel tax,  
14 any interstate commission fee, and any advance deposit wagering  
15 fees.

16 (230 ILCS 5/3.32 new)

17 Sec. 3.32. Advance deposit wagering licensee. "Advance  
18 deposit wagering licensee" means a person licensed by the Board  
19 to conduct advance deposit wagering. An advance deposit  
20 wagering licensee shall be an organization licensee or a person  
21 or third party who contracts with an organization licensee in  
22 order to conduct advance deposit wagering.

1 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

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

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

21 Upon application, the Board shall issue a license to the  
22 Illinois Department of Agriculture to conduct harness and  
23 Quarter Horse races at the Illinois State Fair and at the  
24 DuQuoin State Fairgrounds during the scheduled dates of each  
25 fair. The Board shall not require and the Department of  
26 Agriculture shall be exempt from the requirements of Sections

1 15.3, 18 and 19, paragraphs (a) (2), (b), (c), (d), (e), (e-5),  
2 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24  
3 and 25. The Board and the Department of Agriculture may extend  
4 any or all of these exemptions to any contractor or agent  
5 engaged by the Department of Agriculture to conduct its race  
6 meetings when the Board determines that this would best serve  
7 the public interest and the interest of horse racing.

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

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

25 (c) The Board, and any person or persons to whom it  
26 delegates this power, is vested with the power to enter the



1 facilities and other places of business of any licensee to  
2 determine whether there has been compliance with the provisions  
3 of this Act and its rules and regulations.

4 (d) The Board, and any person or persons to whom it  
5 delegates this power, is vested with the authority to  
6 investigate alleged violations of the provisions of this Act,  
7 its reasonable rules and regulations, orders and final  
8 decisions; the Board shall take appropriate disciplinary  
9 action against any licensee or occupation licensee for  
10 violation thereof or institute appropriate legal action for the  
11 enforcement thereof.

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

1 (f) The Board is vested with the power to acquire,  
2 establish, maintain and operate (or provide by contract to  
3 maintain and operate) testing laboratories and related  
4 facilities, for the purpose of conducting saliva, blood, urine  
5 and other tests on the horses run or to be run in any horse race  
6 meeting and to purchase all equipment and supplies deemed  
7 necessary or desirable in connection with any such testing  
8 laboratories and related facilities and all such tests.

9 (f-5) The Department of Agriculture is vested with the  
10 power to acquire, establish, maintain, and operate (or provide  
11 by contract to maintain and operate) testing laboratories and  
12 related facilities for the purpose of conducting saliva, blood,  
13 urine, and other tests on the horses run or to be run in any  
14 county fair horse race meeting and of purchasing all equipment  
15 and supplies deemed necessary or desirable in connection with  
16 any such testing laboratories and related facilities and all  
17 such tests in any county fair horse race.

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

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

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

23 (i) The Board shall require that there shall be 3 stewards  
24 at each horse race meeting, at least 2 of whom shall be named  
25 and appointed by the Board. Stewards appointed or approved by  
26 the Board, while performing duties required by this Act or by

1 the Board, shall be entitled to the same rights and immunities  
2 as granted to Board members and Board employees in Section 10  
3 of this Act.

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

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

17 (l) The Board is vested with the power to impose civil  
18 penalties of up to \$5,000 against an individual and up to  
19 \$10,000 against a licensee for each violation of any provision  
20 of this Act, any rules adopted by the Board, any order of the  
21 Board or any other action which, in the Board's discretion, is  
22 a detriment or impediment to horse racing or wagering.

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

26 (n) The Board shall have the power to issue a license to

1 any county fair, or its agent, authorizing the conduct of the  
2 pari-mutuel system of wagering. The Board is vested with the  
3 full power to promulgate reasonable rules, regulations and  
4 conditions under which all horse race meetings licensed  
5 pursuant to this subsection shall be held and conducted,  
6 including rules, regulations and conditions for the conduct of  
7 the pari-mutuel system of wagering. The rules, regulations and  
8 conditions shall provide for the prevention of practices  
9 detrimental to the public interest and for the best interests  
10 of horse racing, and shall prescribe penalties for violations  
11 thereof. Any authority granted the Board under this Act shall  
12 extend to its jurisdiction and supervision over county fairs,  
13 or their agents, licensed pursuant to this subsection. However,  
14 the Board may waive any provision of this Act or its rules or  
15 regulations which would otherwise apply to such county fairs or  
16 their agents.

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

26 (p) To insure the convenience, comfort, and wagering

1 accessibility of race track patrons, to provide for the  
2 maximization of State revenue, and to generate increases in  
3 purse allotments to the horsemen, the Board shall require any  
4 licensee to staff the pari-mutuel department with adequate  
5 personnel.

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

7 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

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

25 (b) Each application for an occupation license shall be on

1 forms prescribed by the Board. Such license, when issued, shall  
2 be for the period ending December 31 of each year, except that  
3 the Board in its discretion may grant 3-year licenses. The  
4 application shall be accompanied by a fee of not more than \$25  
5 per year or, in the case of 3-year occupation license  
6 applications, a fee of not more than \$60. Each applicant shall  
7 set forth in the application his full name and address, and if  
8 he had been issued prior occupation licenses or has been  
9 licensed in any other state under any other name, such name,  
10 his age, whether or not a permit or license issued to him in  
11 any other state has been suspended or revoked and if so whether  
12 such suspension or revocation is in effect at the time of the  
13 application, and such other information as the Board may  
14 require. Fees for registration of stable names shall not exceed  
15 \$50.00.

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

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

19 (2) who is unqualified to perform the duties required  
20 of such applicant;

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

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

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

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

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

3 or

4 (2) for violation of any of the rules or regulations of  
5 the Board; or

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

9 (4) for any other just cause.

10 (e) Each applicant shall submit his or her fingerprints  
11 to the Department of State Police in the form and manner  
12 prescribed by the Department of State Police. These  
13 fingerprints shall be checked against the fingerprint records  
14 now and hereafter filed in the Department of State Police and  
15 Federal Bureau of Investigation criminal history records  
16 databases. The Department of State Police shall charge a fee  
17 for conducting the criminal history records check, which shall  
18 be deposited in the State Police Services Fund and shall not  
19 exceed the actual cost of the records check. The Department of  
20 State Police shall furnish, pursuant to positive  
21 identification, records of conviction to the Board. Each  
22 applicant for licensure shall submit with his occupation  
23 license application, on forms provided by the Board, 2 sets of  
24 his fingerprints. All such applicants shall appear in person at  
25 the location designated by the Board for the purpose of  
26 submitting such sets of fingerprints; however, with the prior



1 approval of a State steward, an applicant may have such sets of  
2 fingerprints taken by an official law enforcement agency and  
3 submitted to the Board.

4 (f) The Board may, in its discretion, issue an occupation  
5 license without submission of fingerprints ~~if an applicant has~~  
6 ~~been duly licensed in another recognized racing jurisdiction~~  
7 ~~after submitting fingerprints that were subjected to a Federal~~  
8 ~~Bureau of Investigation criminal history background check in~~  
9 ~~that jurisdiction.~~

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

11 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

12 Sec. 26. Wagering.

13 (a) Any licensee may conduct and supervise the pari-mutuel  
14 system of wagering, as defined in Section 3.12 of this Act, on  
15 horse races conducted by an Illinois organization licensee or  
16 conducted at a racetrack located in another state or country  
17 ~~and televised in Illinois~~ in accordance with subsection (g) of  
18 Section 26 of this Act. Subject to the prior consent of the  
19 Board, licensees may supplement any pari-mutuel pool in order  
20 to guarantee a minimum distribution. Such pari-mutuel method of  
21 wagering shall not, under any circumstances if conducted under  
22 the provisions of this Act, be held or construed to be  
23 unlawful, other statutes of this State to the contrary  
24 notwithstanding. Subject to rules for advance wagering  
25 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 ~~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 or via any other method  
11 authorized under this Act provided that wager is electronically  
12 recorded in the manner described in Section 3.12 of this Act.  
13 Any wager made electronically by an individual while physically  
14 on the premises of a licensee shall be deemed to have been made  
15 at the premises of that licensee. Any wager made via a  
16 telephone-type device or electronic means by an individual  
17 while not physically on the premises of the licensee (advance  
18 deposit wagering) shall be deemed to have been made at the host  
19 track at the time at which the race upon which the wager was  
20 placed occurs.

21 (c) Until January 1, 2000, the sum held by any licensee for  
22 payment of outstanding pari-mutuel tickets, if unclaimed prior  
23 to December 31 of the next year, shall be retained by the  
24 licensee for payment of such tickets until that date. Within 10  
25 days thereafter, the balance of such sum remaining unclaimed,  
26 less any uncashed supplements contributed by such licensee for

1 the purpose of guaranteeing minimum distributions of any  
2 pari-mutuel pool, shall be paid to the Illinois Veterans'  
3 Rehabilitation Fund of the State treasury, except as provided  
4 in subsection (g) of Section 27 of this Act.

5 (c-5) Beginning January 1, 2000, the sum held by any  
6 licensee for payment of outstanding pari-mutuel tickets, if  
7 unclaimed prior to December 31 of the next year, shall be  
8 retained by the licensee for payment of such tickets until that  
9 date; except that, beginning on the effective date of this  
10 amendatory Act of the 95th General Assembly, the sum held by an  
11 organization licensee located in a county with a population in  
12 excess of 230,000 and that borders the Mississippi River and  
13 every inter-track wagering location licensee who derives its  
14 license from that organization licensee shall be retained by  
15 the organization licensee for payment of such tickets until  
16 that date. Within 10 days thereafter, the balance of such sum  
17 remaining unclaimed, less any uncashed supplements contributed  
18 by such licensee for the purpose of guaranteeing minimum  
19 distributions of any pari-mutuel pool, shall be evenly  
20 distributed to the purse account of the organization licensee  
21 and the organization licensee.

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

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

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

1 the receipts from this 10% tax to be distributed to the county  
2 in which the race was conducted.

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

11 (g) A host track may accept interstate simulcast wagers on  
12 horse races conducted in other states or countries and shall  
13 control the number of signals and types of breeds of racing in  
14 its simulcast program, subject to the disapproval of the Board.  
15 The Board may prohibit a simulcast program only if it finds  
16 that the simulcast program is clearly adverse to the integrity  
17 of racing. The host track simulcast program shall include the  
18 signal of live racing of all organization licensees. All  
19 non-host licensees shall carry the host track simulcast program  
20 and accept wagers on all races included as part of the  
21 simulcast program upon which wagering is permitted. All advance  
22 deposit wagering licensees shall accept wagers on all races  
23 conducted by all organization licensees, unless the  
24 organization licensee withholds its signal from the advance  
25 deposit wagering licensee. The costs and expenses of the host  
26 track and non-host licensees associated with interstate

1 simulcast wagering, other than the interstate commission fee,  
2 shall be borne by the host track and all non-host licensees  
3 incurring these costs. The interstate commission fee shall not  
4 exceed 5% of Illinois handle on the interstate simulcast race  
5 or races without prior approval of the Board. The Board shall  
6 promulgate rules under which it may permit interstate  
7 commission fees in excess of 5%. The interstate commission fee  
8 and other fees charged by the sending racetrack, including, but  
9 not limited to, satellite decoder fees, shall be uniformly  
10 applied to the host track and all non-host licensees.

11 Notwithstanding any other provision of this Act, an  
12 organization licensee may maintain a system whereby advance  
13 deposit wagering may take place or an organization licensee may  
14 contract with another person to carry out a system of advance  
15 deposit wagering. All advance deposit wagers placed from within  
16 Illinois must be placed through a Board-approved advance  
17 deposit wagering licensee; no other entity may accept an  
18 advance deposit wager from a person within Illinois. In  
19 granting an advance deposit wagering license, the Board must  
20 consider each applicant's level of minority persons and female  
21 ownership. For the purposes of this subsection (e-10), the  
22 terms "minority person" and "female" have the meanings provided  
23 in Section 2 of the Business Enterprise for Minorities,  
24 Females, and Persons with Disabilities Act. All advance deposit  
25 wagering is subject to any rules adopted by the Board. An  
26 advance deposit wagering licensee may retain an advance deposit

1 wagering fee not to exceed 6.5% of all wagers placed through  
2 the system, and, of this 6.5%, 3% of all wagers shall be  
3 submitted to the Board to be deposited into the General Revenue  
4 Fund. However, an organization licensee licensed as an advance  
5 deposit wagering licensee operating and maintaining its own  
6 advance deposit wagering system may retain an advance deposit  
7 wagering fee not to exceed 6.5% of all wagers placed through  
8 the system, subject to approval by the Board, and, of this  
9 6.5%, 3% of all wagers shall be submitted to the Board to be  
10 deposited into the General Revenue Fund. Each host track shall  
11 pay a share of all source market fees and any breakage to an  
12 organization licensee operating at a racetrack located in  
13 Madison County, provided that the organization licensee  
14 conducted live racing in 2004 and the current year, in an  
15 amount equal to the proportion of total moneys wagered in the  
16 previous calendar year at the organizational licensee  
17 operating at a racetrack located in Madison County and all of  
18 its inter-track wagering location licensees as compared to the  
19 total statewide moneys wagered, with the exception of moneys  
20 wagered from advance deposit wagering, in the previous year.  
21 The proportion shall be certified by the Board in writing  
22 within 45 days after the end of the calendar year and the host  
23 track shall make payment to the organization licensee located  
24 in Madison County within 90 days following the end of the  
25 calendar year. The first payment under this provision shall be  
26 due following the end of the first calendar year in which

1 advance deposit wagers are accepted. The moneys received by an  
2 organization licensee operating at a racetrack in Madison  
3 County shall be distributed as follows: 50% to the organization  
4 licensee operating at a racetrack in Madison County and 50% to  
5 the purse account at the racetrack in Madison County. After  
6 distributing the moneys to the organization licensee operating  
7 at a racetrack in Madison County, the source market fees shall  
8 be paid as follows: 50% to the host track and 50% to the purse  
9 accounts at the host track. To the extent any fees  
10 substantially equivalent to source market fees or other fees  
11 deducted from advance deposit wagering conducted in Illinois  
12 for wagers in Illinois or other states have been placed in  
13 escrow or otherwise withheld from wagers pending a  
14 determination of the legality of advance deposit wagering, no  
15 action shall be brought to declare such wagers illegal,  
16 provided that all such fees shall be paid to the appropriate  
17 host track within 30 days after the effective date of this  
18 amendatory Act of the 95th General Assembly.

19 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an  
20 intertrack wagering licensee other than the host track may  
21 supplement the host track simulcast program with  
22 additional simulcast races or race programs, provided that  
23 between January 1 and the third Friday in February of any  
24 year, inclusive, if no live thoroughbred racing is  
25 occurring in Illinois during this period, only  
26 thoroughbred races may be used for supplemental interstate



1 simulcast purposes. The Board shall withhold approval for a  
2 supplemental interstate simulcast only if it finds that the  
3 simulcast is clearly adverse to the integrity of racing. A  
4 supplemental interstate simulcast may be transmitted from  
5 an intertrack wagering licensee to its affiliated non-host  
6 licensees. The interstate commission fee for a  
7 supplemental interstate simulcast shall be paid by the  
8 non-host licensee and its affiliated non-host licensees  
9 receiving the simulcast.

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

20 (3) Each licensee conducting interstate simulcast  
21 wagering may retain, subject to the payment of all  
22 applicable taxes and the purses, an amount not to exceed  
23 17% of all money wagered. If any licensee conducts the  
24 pari-mutuel system wagering on races conducted at  
25 racetracks in another state or country, each such race or  
26 race program shall be considered a separate racing day for

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

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

21 (5) After the payment of the interstate commission fee  
22 (except for the interstate commission fee on a supplemental  
23 interstate simulcast, which shall be paid by the host track  
24 and by each non-host licensee through the host-track), the  
25 advance deposit wagering fee, and all applicable State and  
26 local taxes, except as provided in subsection (g) of

1 Section 27 of this Act, the remainder of moneys retained  
2 from simulcast wagering pursuant to this subsection (g),  
3 and Section 26.2 shall be divided as follows:

4 (A) For interstate simulcast wagers made at a host  
5 track, 50% to the host track and 50% to purses at the  
6 host track.

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

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

22 (7) Notwithstanding any provision of this Act to the  
23 contrary, after payment of all applicable State and local  
24 taxes and interstate commission fees, non-host licensees  
25 who derive their licenses from a track located in a county  
26 with a population in excess of 230,000 and that borders the

1 Mississippi River shall retain 50% of the retention from  
2 interstate simulcast wagers and shall pay 50% to purses at  
3 the track from which the non-host licensee derives its  
4 license as follows:

5 (A) Between January 1 and the third Friday in  
6 February, inclusive, if no live thoroughbred racing is  
7 occurring in Illinois during this period, when the  
8 interstate simulcast is a standardbred race, the purse  
9 share to its standardbred purse account;

10 (B) Between January 1 and the third Friday in  
11 February, inclusive, if no live thoroughbred racing is  
12 occurring in Illinois during this period, and the  
13 interstate simulcast is a thoroughbred race, the purse  
14 share to its interstate simulcast purse pool to be  
15 distributed under paragraph (10) of this subsection  
16 (g);

17 (C) Between January 1 and the third Friday in  
18 February, inclusive, if live thoroughbred racing is  
19 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.  
20 the purse share from wagers made during this time  
21 period to its thoroughbred purse account and between  
22 6:30 p.m. and 6:30 a.m. the purse share from wagers  
23 made during this time period to its standardbred purse  
24 accounts;

25 (D) Between the third Saturday in February and  
26 December 31, when the interstate simulcast occurs

1           between the hours of 6:30 a.m. and 6:30 p.m., the purse  
2           share to its thoroughbred purse account;

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

7           (7.1) Notwithstanding any other provision of this Act  
8           to the contrary, if no standardbred racing is conducted at  
9           a racetrack located in Madison County during any calendar  
10          year beginning on or after January 1, 2002, all moneys  
11          derived by that racetrack from simulcast wagering and  
12          inter-track wagering that (1) are to be used for purses and  
13          (2) are generated between the hours of 6:30 p.m. and 6:30  
14          a.m. during that calendar year shall be paid as follows:

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

20          (B) Twenty percent shall be deposited into the  
21          Illinois Colt Stakes Purse Distribution Fund and shall  
22          be paid to purses for standardbred races for Illinois  
23          conceived and foaled horses conducted at any county  
24          fairgrounds. The moneys deposited into the Fund  
25          pursuant to this subparagraph (B) shall be deposited  
26          within 2 weeks after the day they were generated, shall

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

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

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

23                 (B) Twenty percent shall be deposited into the  
24                 Illinois Colt Stakes Purse Distribution Fund. Moneys  
25                 deposited into the Illinois Colt Stakes Purse  
26                 Distribution Fund pursuant to this subparagraph (B)

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

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

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

25 (B) Twenty percent to the Illinois Colt Stakes  
26 Purse Distribution Fund.

1 Failure to make the payment to the Illinois Colt Stakes  
2 Purse Distribution Fund before January 1, 2002 shall result  
3 in the immediate revocation of the licensee's organization  
4 license, inter-track wagering license, and inter-track  
5 wagering location license.

6 Moneys paid into the Illinois Colt Stakes Purse  
7 Distribution Fund pursuant to this paragraph (7.3) shall be  
8 paid to purses for standardbred races for Illinois  
9 conceived and foaled horses conducted at any county  
10 fairgrounds. Moneys paid into the Illinois Colt Stakes  
11 Purse Distribution Fund pursuant to this paragraph (7.3)  
12 shall be used as determined by the Department of  
13 Agriculture, with the advice and assistance of the Illinois  
14 Standardbred Breeders Fund Advisory Board, shall be in  
15 addition to and not in lieu of any other moneys paid to  
16 standardbred purses under this Act, and shall not be  
17 commingled with any other moneys paid into that Fund.

18 (7.4) If live standardbred racing is conducted at a  
19 racetrack located in Madison County at any time in calendar  
20 year 2001 before the payment required under paragraph (7.3)  
21 has been made, the organization licensee who is licensed to  
22 conduct racing at that racetrack shall pay all moneys  
23 derived by that racetrack from simulcast wagering and  
24 inter-track wagering during calendar years 2000 and 2001  
25 that (1) are to be used for purses and (2) are generated  
26 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or



1 2001 to the standardbred purse account at that racetrack to  
2 be used for standardbred purses.

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

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

25 (9) (Blank).

26 (10) (Blank).

1           (11) (Blank).

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

7           (13) Notwithstanding any other provision of this Act,  
8 in the event that the total Illinois pari-mutuel handle on  
9 Illinois horse races at all wagering facilities in any  
10 calendar year is less than 75% of the total Illinois  
11 pari-mutuel handle on Illinois horse races at all such  
12 wagering facilities for calendar year 1994, then each  
13 wagering facility that has an annual total Illinois  
14 pari-mutuel handle on Illinois horse races that is less  
15 than 75% of the total Illinois pari-mutuel handle on  
16 Illinois horse races at such wagering facility for calendar  
17 year 1994, shall be permitted to receive, from any amount  
18 otherwise payable to the purse account at the race track  
19 with which the wagering facility is affiliated in the  
20 succeeding calendar year, an amount equal to 2% of the  
21 differential in total Illinois pari-mutuel handle on  
22 Illinois horse races at the wagering facility between that  
23 calendar year in question and 1994 provided, however, that  
24 a wagering facility shall not be entitled to any such  
25 payment until the Board certifies in writing to the  
26 wagering facility the amount to which the wagering facility

1 is entitled and a schedule for payment of the amount to the  
2 wagering facility, based on: (i) the racing dates awarded  
3 to the race track affiliated with the wagering facility  
4 during the succeeding year; (ii) the sums available or  
5 anticipated to be available in the purse account of the  
6 race track affiliated with the wagering facility for purses  
7 during the succeeding year; and (iii) the need to ensure  
8 reasonable purse levels during the payment period. The  
9 Board's certification shall be provided no later than  
10 January 31 of the succeeding year. In the event a wagering  
11 facility entitled to a payment under this paragraph (13) is  
12 affiliated with a race track that maintains purse accounts  
13 for both standardbred and thoroughbred racing, the amount  
14 to be paid to the wagering facility shall be divided  
15 between each purse account pro rata, based on the amount of  
16 Illinois handle on Illinois standardbred and thoroughbred  
17 racing respectively at the wagering facility during the  
18 previous calendar year. Annually, the General Assembly  
19 shall appropriate sufficient funds from the General  
20 Revenue Fund to the Department of Agriculture for payment  
21 into the thoroughbred and standardbred horse racing purse  
22 accounts at Illinois pari-mutuel tracks. The amount paid to  
23 each purse account shall be the amount certified by the  
24 Illinois Racing Board in January to be transferred from  
25 each account to each eligible racing facility in accordance  
26 with the provisions of this Section.

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

5           (1) Any person licensed to conduct a race meeting (i)  
6 at a track where 60 or more days of racing were conducted  
7 during the immediately preceding calendar year or where  
8 over the 5 immediately preceding calendar years an average  
9 of 30 or more days of racing were conducted annually may be  
10 issued an inter-track wagering license; (ii) at a track  
11 located in a county that is bounded by the Mississippi  
12 River, which has a population of less than 150,000  
13 according to the 1990 decennial census, and an average of  
14 at least 60 days of racing per year between 1985 and 1993  
15 may be issued an inter-track wagering license; or (iii) at  
16 a track located in Madison County that conducted at least  
17 100 days of live racing during the immediately preceding  
18 calendar year may be issued an inter-track wagering  
19 license, unless a lesser schedule of live racing is the  
20 result of (A) weather, unsafe track conditions, or other  
21 acts of God; (B) an agreement between the organization  
22 licensee and the associations representing the largest  
23 number of owners, trainers, jockeys, or standardbred  
24 drivers who race horses at that organization licensee's  
25 racing meeting; or (C) a finding by the Board of  
26 extraordinary circumstances and that it was in the best

1 interest of the public and the sport to conduct fewer than  
2 100 days of live racing. Any such person having operating  
3 control of the racing facility may also receive up to 6  
4 inter-track wagering location licenses. In no event shall  
5 more than 6 inter-track wagering locations be established  
6 for each eligible race track, except that an eligible race  
7 track located in a county that has a population of more  
8 than 230,000 and that is bounded by the Mississippi River  
9 may establish up to 7 inter-track wagering locations. An  
10 application for said license shall be filed with the Board  
11 prior to such dates as may be fixed by the Board. With an  
12 application for an inter-track wagering location license  
13 there shall be delivered to the Board a certified check or  
14 bank draft payable to the order of the Board for an amount  
15 equal to \$500. The application shall be on forms prescribed  
16 and furnished by the Board. The application shall comply  
17 with all other rules, regulations and conditions imposed by  
18 the Board in connection therewith.

19 (2) The Board shall examine the applications with  
20 respect to their conformity with this Act and the rules and  
21 regulations imposed by the Board. If found to be in  
22 compliance with the Act and rules and regulations of the  
23 Board, the Board may then issue a license to conduct  
24 inter-track wagering and simulcast wagering to such  
25 applicant. All such applications shall be acted upon by the  
26 Board at a meeting to be held on such date as may be fixed

1 by the Board.

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

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

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

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

26 (7) An inter-track wagering licensee or inter-track

1 wagering location licensee may accept wagers at the track  
2 or location where it is licensed, or as otherwise provided  
3 under this Act.

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

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

25 (8.2) Inter-track wagering or simulcast wagering shall  
26 not be conducted by an inter-track wagering location

1 licensee at any location within 500 feet of an existing  
2 church or existing school, nor within 500 feet of the  
3 residences of more than 50 registered voters without  
4 receiving written permission from a majority of the  
5 registered voters at such residences. Such written  
6 permission statements shall be filed with the Board. The  
7 distance of 500 feet shall be measured to the nearest part  
8 of any building used for worship services, education  
9 programs, residential purposes, or conducting inter-track  
10 wagering by an inter-track wagering location licensee, and  
11 not to property boundaries. However, inter-track wagering  
12 or simulcast wagering may be conducted at a site within 500  
13 feet of a church, school or residences of 50 or more  
14 registered voters if such church, school or residences have  
15 been erected or established, or such voters have been  
16 registered, after the Board issues the original  
17 inter-track wagering location license at the site in  
18 question. Inter-track wagering location licensees may  
19 conduct inter-track wagering and simulcast wagering only  
20 in areas that are zoned for commercial or manufacturing  
21 purposes or in areas for which a special use has been  
22 approved by the local zoning authority. However, no license  
23 to conduct inter-track wagering and simulcast wagering  
24 shall be granted by the Board with respect to any  
25 inter-track wagering location within the jurisdiction of  
26 any local zoning authority which has, by ordinance or by



1 resolution, prohibited the establishment of an inter-track  
2 wagering location within its jurisdiction. However,  
3 inter-track wagering and simulcast wagering may be  
4 conducted at a site if such ordinance or resolution is  
5 enacted after the Board licenses the original inter-track  
6 wagering location licensee for the site in question.

7 (9) (Blank).

8 (10) An inter-track wagering licensee or an  
9 inter-track wagering location licensee may retain, subject  
10 to the payment of the privilege taxes and the purses, an  
11 amount not to exceed 17% of all money wagered. Each program  
12 of racing conducted by each inter-track wagering licensee  
13 or inter-track wagering location licensee shall be  
14 considered a separate racing day for the purpose of  
15 determining the daily handle and computing the privilege  
16 tax or pari-mutuel tax on such daily handle as provided in  
17 Section 27.

18 (10.1) Except as provided in subsection (g) of Section  
19 27 of this Act, inter-track wagering location licensees  
20 shall pay 1% of the pari-mutuel handle at each location to  
21 the municipality in which such location is situated and 1%  
22 of the pari-mutuel handle at each location to the county in  
23 which such location is situated. In the event that an  
24 inter-track wagering location licensee is situated in an  
25 unincorporated area of a county, such licensee shall pay 2%  
26 of the pari-mutuel handle from such location to such

1 county.

2 (10.2) Notwithstanding any other provision of this  
3 Act, with respect to intertrack wagering at a race track  
4 located in a county that has a population of more than  
5 230,000 and that is bounded by the Mississippi River ("the  
6 first race track"), or at a facility operated by an  
7 inter-track wagering licensee or inter-track wagering  
8 location licensee that derives its license from the  
9 organization licensee that operates the first race track,  
10 on races conducted at the first race track or on races  
11 conducted at another Illinois race track and  
12 simultaneously televised to the first race track or to a  
13 facility operated by an inter-track wagering licensee or  
14 inter-track wagering location licensee that derives its  
15 license from the organization licensee that operates the  
16 first race track, those moneys shall be allocated as  
17 follows:

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

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

26 (11) (A) After payment of the privilege or pari-mutuel

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

20 (B) From the sums permitted to be retained pursuant to  
21 this Act each inter-track wagering location licensee shall  
22 pay (i) the privilege or pari-mutuel tax to the State; (ii)  
23 4.75% of the pari-mutuel handle on intertrack wagering at  
24 such location on races as purses, except that an intertrack  
25 wagering location licensee that derives its license from a  
26 track located in a county with a population in excess of

1 230,000 and that borders the Mississippi River shall retain  
2 all purse moneys for its own purse account consistent with  
3 distribution set forth in this subsection (h), and  
4 intertrack wagering location licensees that accept wagers  
5 on races conducted by an organization licensee located in a  
6 county with a population in excess of 230,000 and that  
7 borders the Mississippi River shall distribute all purse  
8 moneys to purses at the operating host track; (iii) until  
9 January 1, 2000, except as provided in subsection (g) of  
10 Section 27 of this Act, 1% of the pari-mutuel handle  
11 wagered on inter-track wagering and simulcast wagering at  
12 each inter-track wagering location licensee facility to  
13 the Horse Racing Tax Allocation Fund, provided that, to the  
14 extent the total amount collected and distributed to the  
15 Horse Racing Tax Allocation Fund under this subsection (h)  
16 during any calendar year exceeds the amount collected and  
17 distributed to the Horse Racing Tax Allocation Fund during  
18 calendar year 1994, that excess amount shall be  
19 redistributed (I) to all inter-track wagering location  
20 licensees, based on each licensee's pro-rata share of the  
21 total handle from inter-track wagering and simulcast  
22 wagering for all inter-track wagering location licensees  
23 during the calendar year in which this provision is  
24 applicable; then (II) the amounts redistributed to each  
25 inter-track wagering location licensee as described in  
26 subpart (I) shall be further redistributed as provided in

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

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

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

16 (C) There is hereby created the Horse Racing Tax  
17 Allocation Fund which shall remain in existence until  
18 December 31, 1999. Moneys remaining in the Fund after  
19 December 31, 1999 shall be paid into the General Revenue  
20 Fund. Until January 1, 2000, all monies paid into the Horse  
21 Racing Tax Allocation Fund pursuant to this paragraph (11)  
22 by inter-track wagering location licensees located in park  
23 districts of 500,000 population or less, or in a  
24 municipality that is not included within any park district  
25 but is included within a conservation district and is the  
26 county seat of a county that (i) is contiguous to the state

1 of Indiana and (ii) has a 1990 population of 88,257  
2 according to the United States Bureau of the Census, and  
3 operating on May 1, 1994 shall be allocated by  
4 appropriation as follows:

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



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

16 Four-sevenths to park districts or municipalities  
17 that do not have a park district of 500,000 population  
18 or less for museum purposes (if an inter-track wagering  
19 location licensee is located in such a park district)  
20 or to conservation districts for museum purposes (if an  
21 inter-track wagering location licensee is located in a  
22 municipality that is not included within any park  
23 district but is included within a conservation  
24 district and is the county seat of a county that (i) is  
25 contiguous to the state of Indiana and (ii) has a 1990  
26 population of 88,257 according to the United States

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

1 conservation district as provided in this paragraph.  
2 Any park district or municipality not maintaining a  
3 museum may deposit the monies in the corporate fund of  
4 the park district or municipality where the  
5 inter-track wagering location is located, to be used  
6 for general purposes; and

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

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

17 Two-sevenths to the Department of Agriculture.  
18 Fifty percent of this two-sevenths shall be used to  
19 promote the Illinois horse racing and breeding  
20 industry, and shall be distributed by the Department of  
21 Agriculture upon the advice of a 9-member committee  
22 appointed by the Governor consisting of the following  
23 members: the Director of Agriculture, who shall serve  
24 as chairman; 2 representatives of organization  
25 licensees conducting thoroughbred race meetings in  
26 this State, recommended by those licensees; 2

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

1           Agricultural Fair Act;

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

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

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

21           (i) If the inter-track wagering licensee,  
22 except an intertrack wagering licensee that  
23 derives its license from an organization licensee  
24 located in a county with a population in excess of  
25 230,000 and bounded by the Mississippi River, is  
26 not conducting its own race meeting during the same

1           dates, then the entire purse allocation shall be to  
2           purses at the track where the races wagered on are  
3           being conducted.

4           (ii) If the inter-track wagering licensee,  
5           except an intertrack wagering licensee that  
6           derives its license from an organization licensee  
7           located in a county with a population in excess of  
8           230,000 and bounded by the Mississippi River, is  
9           also conducting its own race meeting during the  
10          same dates, then the purse allocation shall be as  
11          follows: 50% to purses at the track where the races  
12          wagered on are being conducted; 50% to purses at  
13          the track where the inter-track wagering licensee  
14          is accepting such wagers.

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

25          (12) The Board shall have all powers necessary and  
26          proper to fully supervise and control the conduct of

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

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

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

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

1 from such premises solely on the grounds of race,  
2 color, creed, national origin, ancestry, or sex.

3 (D) (Blank).

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

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

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

25 (13) The Department of Agriculture may enter into  
26 agreements with licensees authorizing such licensees to



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

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

1 Act.

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

3 (230 ILCS 5/26.2) (from Ch. 8, par. 37-26.2)

4 Sec. 26.2. In addition to the amount retained by licensees  
5 pursuant to Section 26, each licensee may retain an additional  
6 amount up to 3 1/2% of the amount wagered on all multiple  
7 wagers plus an additional amount up to 8% of the amount wagered  
8 on any other multiple wager that involves a single betting  
9 interest on 3 or more horses. Amounts retained by organization  
10 licensees and inter-track wagering licensees on all forms of  
11 wagering shall be allocated, after payment of applicable State  
12 and local taxes and advance deposit wagering fees, if  
13 applicable, among organization licensees, inter-track wagering  
14 licensees, and purses as set forth in paragraph (5) of  
15 subsection (g) of Section 26, subparagraph (A) of paragraph  
16 (11) of subsection (h) of Section 26, and subsection (a) of  
17 Section 29 of this Act. Amounts retained by intertrack wagering  
18 location licensees under this Section on all forms of wagering  
19 shall be allocated, after payment of applicable State and local  
20 taxes, among organization licensees, intertrack wagering  
21 location licensees, and purses as set forth in paragraph 5 of  
22 subsection (g) of Section 26 and subparagraph (B) of paragraph  
23 (11) of subsection (h) of Section 26.

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

1 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

2 Sec. 27. (a) In addition to the organization license fee  
3 provided by this Act, until January 1, 2000, a graduated  
4 privilege tax is hereby imposed for conducting the pari-mutuel  
5 system of wagering permitted under this Act. Until January 1,  
6 2000, except as provided in subsection (g) of Section 27 of  
7 this Act, all of the breakage of each racing day held by any  
8 licensee in the State shall be paid to the State. Until January  
9 1, 2000, such daily graduated privilege tax shall be paid by  
10 the licensee from the amount permitted to be retained under  
11 this Act. Until January 1, 2000, each day's graduated privilege  
12 tax, breakage, and Horse Racing Tax Allocation funds shall be  
13 remitted to the Department of Revenue within 48 hours after the  
14 close of the racing day upon which it is assessed or within  
15 such other time as the Board prescribes. The privilege tax  
16 hereby imposed, until January 1, 2000, shall be a flat tax at  
17 the rate of 2% of the daily pari-mutuel handle except as  
18 provided in Section 27.1.

19 In addition, every organization licensee, except as  
20 provided in Section 27.1 of this Act, which conducts multiple  
21 wagering shall pay, until January 1, 2000, as a privilege tax  
22 on multiple wagers an amount equal to 1.25% of all moneys  
23 wagered each day on such multiple wagers, plus an additional  
24 amount equal to 3.5% of the amount wagered each day on any  
25 other multiple wager which involves a single betting interest  
26 on 3 or more horses. The licensee shall remit the amount of

1 such taxes to the Department of Revenue within 48 hours after  
2 the close of the racing day on which it is assessed or within  
3 such other time as the Board prescribes.

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

6 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax  
7 at the rate of 1.5% of the daily pari-mutuel handle, other than  
8 from advance deposit wagering from a location other than a  
9 wagering facility, which shall be subject to a pari-mutuel tax

10 at the rate of 0.5%, is imposed at all pari-mutuel wagering

11 facilities, except as otherwise provided for in this subsection

12 (a-5). Beginning on the effective date of this amendatory Act

13 of the 94th General Assembly and until moneys deposited

14 pursuant to Section 54 are distributed and received, a

15 pari-mutuel tax at the rate of 0.25% of the daily pari-mutuel

16 handle is imposed at a pari-mutuel facility whose license is

17 derived from a track located in a county that borders the

18 Mississippi River and conducted live racing in the previous

19 year. After moneys deposited pursuant to Section 54 are

20 distributed and received, a pari-mutuel tax at the rate of 1.5%

21 of the daily pari-mutuel handle is imposed at a pari-mutuel

22 facility whose license is derived from a track located in a

23 county that borders the Mississippi River and conducted live

24 racing in the previous year. The pari-mutuel tax imposed by

25 this subsection (a-5) shall be remitted to the Department of

26 Revenue within 48 hours after the close of the racing day upon

1 which it is assessed or within such other time as the Board  
2 prescribes.

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

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

21 (d) Any licensee failing or refusing to pay the amount of  
22 any tax due under this Section shall be guilty of a business  
23 offense and upon conviction shall be fined not more than \$5,000  
24 in addition to the amount found due as tax under this Section.  
25 Each day's violation shall constitute a separate offense. All  
26 fines paid into Court by a licensee hereunder shall be

1 transmitted and paid over by the Clerk of the Court to the  
2 Board.

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

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

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

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

21 (ii) each thoroughbred and standardbred organization  
22 licensee issued an organization licensee in that  
23 succeeding allocation year shall be allocated an amount  
24 equal to the product of its percentage of total Illinois  
25 live thoroughbred or standardbred wagering in calendar  
26 year 1994 (the total to be determined based on the sum of

1 1994 on-track wagering for all organization licensees  
2 issued organization licenses in both the allocation year  
3 and the preceding year) multiplied by the total amount  
4 allocated for standardbred or thoroughbred purses,  
5 provided that the first \$1,500,000 of the amount allocated  
6 to standardbred purses under item (i) shall be allocated to  
7 the Department of Agriculture to be expended with the  
8 assistance and advice of the Illinois Standardbred  
9 Breeders Funds Advisory Board for the purposes listed in  
10 subsection (g) of Section 31 of this Act, before the amount  
11 allocated to standardbred purses under item (i) is  
12 allocated to standardbred organization licensees in the  
13 succeeding allocation year.

14 To the extent the excess amount of taxes and fees to be  
15 collected and distributed to State and local governmental  
16 authorities exceeds \$11 million, that excess amount shall be  
17 collected and distributed to State and local authorities as  
18 provided for under this Act.

19 (Source: P.A. 94-805, eff. 5-26-06.)

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

21 Sec. 28. Except as provided in subsection (g) of Section 27  
22 of this Act, moneys collected shall be distributed according to  
23 the provisions of this Section 28.

24 (a) Thirty per cent of the total of all monies received by  
25 the State as privilege taxes shall be paid into the



1 Metropolitan Exposition Auditorium and Office Building Fund in  
2 the State Treasury.

3 (b) In addition, 4.5% of the total of all monies received  
4 by the State as privilege taxes shall be paid into the State  
5 treasury into a special Fund to be known as the Metropolitan  
6 Exposition, Auditorium, and Office Building Fund.

7 (c) Fifty per cent of the total of all monies received by  
8 the State as privilege taxes under the provisions of this Act  
9 shall be paid into the Agricultural Premium Fund.

10 (d) Seven per cent of the total of all monies received by  
11 the State as privilege taxes shall be paid into the Fair and  
12 Exposition Fund in the State treasury; provided, however, that  
13 when all bonds issued prior to July 1, 1984 by the Metropolitan  
14 Fair and Exposition Authority shall have been paid or payment  
15 shall have been provided for upon a refunding of those bonds,  
16 thereafter 1/12 of \$1,665,662 of such monies shall be paid each  
17 month into the Build Illinois Fund, and the remainder into the  
18 Fair and Exposition Fund. All excess monies shall be allocated  
19 to the Department of Agriculture for distribution to county  
20 fairs for premiums and rehabilitation as set forth in the  
21 Agricultural Fair Act.

22 (e) The monies provided for in Section 30 shall be paid  
23 into the Illinois Thoroughbred Breeders Fund.

24 (f) The monies provided for in Section 31 shall be paid  
25 into the Illinois Standardbred Breeders Fund.

26 (g) Until January 1, 2000, that part representing 1/2 of

1 the total breakage in Thoroughbred, Harness, Appaloosa,  
2 Arabian, and Quarter Horse racing in the State shall be paid  
3 into the Illinois Race Track Improvement Fund as established in  
4 Section 32.

5 (h) All other monies received by the Board under this Act  
6 shall be paid into the General Revenue Fund of the State.

7 (i) The salaries of the Board members, secretary, stewards,  
8 directors of mutuels, veterinarians, representatives,  
9 accountants, clerks, stenographers, inspectors and other  
10 employees of the Board, and all expenses of the Board incident  
11 to the administration of this Act, including, but not limited  
12 to, all expenses and salaries incident to the taking of saliva  
13 and urine samples in accordance with the rules and regulations  
14 of the Board shall be paid out of the Agricultural Premium  
15 Fund.

16 (j) The Agricultural Premium Fund shall also be used:

17 (1) for the expenses of operating the Illinois State  
18 Fair and the DuQuoin State Fair, including the payment of  
19 prize money or premiums;

20 (2) for the distribution to county fairs, vocational  
21 agriculture section fairs, agricultural societies, and  
22 agricultural extension clubs in accordance with the  
23 Agricultural Fair Act, as amended;

24 (3) for payment of prize monies and premiums awarded  
25 and for expenses incurred in connection with the  
26 International Livestock Exposition and the Mid-Continent

1 Livestock Exposition held in Illinois, which premiums, and  
2 awards must be approved, and paid by the Illinois  
3 Department of Agriculture;

4 (4) for personal service of county agricultural  
5 advisors and county home advisors;

6 (5) for distribution to agricultural home economic  
7 extension councils in accordance with "An Act in relation  
8 to additional support and finance for the Agricultural and  
9 Home Economic Extension Councils in the several counties in  
10 this State and making an appropriation therefor", approved  
11 July 24, 1967, as amended;

12 (6) for research on equine disease, including a  
13 development center therefor;

14 (7) for training scholarships for study on equine  
15 diseases to students at the University of Illinois College  
16 of Veterinary Medicine;

17 (8) for the rehabilitation, repair and maintenance of  
18 the Illinois and DuQuoin State Fair Grounds and the  
19 structures and facilities thereon and the construction of  
20 permanent improvements on such Fair Grounds, including  
21 such structures, facilities and property located on such  
22 State Fair Grounds which are under the custody and control  
23 of the Department of Agriculture;

24 (9) for the expenses of the Department of Agriculture  
25 under Section 5-530 of the Departments of State Government  
26 Law (20 ILCS 5/5-530);

1 (10) for the expenses of the Department of Commerce and  
2 Economic Opportunity under Sections 605-620, 605-625, and  
3 605-630 of the Department of Commerce and Economic  
4 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and  
5 605/605-630);

6 (11) for remodeling, expanding, and reconstructing  
7 facilities destroyed by fire of any Fair and Exposition  
8 Authority in counties with a population of 1,000,000 or  
9 more inhabitants;

10 (12) for the purpose of assisting in the care and  
11 general rehabilitation of disabled veterans of any war and  
12 their surviving spouses and orphans;

13 (13) for expenses of the Department of State Police for  
14 duties performed under this Act;

15 (14) for the Department of Agriculture for soil surveys  
16 and soil and water conservation purposes;

17 (15) for the Department of Agriculture for grants to  
18 the City of Chicago for conducting the Chicagofest;

19 (16) for the State Comptroller for grants and operating  
20 expenses authorized by the Illinois Global Partnership  
21 Act;~~;~~

22 (17) for drug testing as authorized in Section 34.3 of  
23 this Act.

24 (k) To the extent that monies paid by the Board to the  
25 Agricultural Premium Fund are in the opinion of the Governor in  
26 excess of the amount necessary for the purposes herein stated,

1 the Governor shall notify the Comptroller and the State  
2 Treasurer of such fact, who, upon receipt of such notification,  
3 shall transfer such excess monies from the Agricultural Premium  
4 Fund to the General Revenue Fund.

5 (Source: P.A. 94-91, Sections 55-135 and 90-10, eff. 7-1-05.)

6 (230 ILCS 5/28.1)

7 Sec. 28.1. Payments.

8 (a) Beginning on January 1, 2000, moneys collected by the  
9 Department of Revenue and the Racing Board pursuant to Section  
10 26 or Section 27 of this Act shall be deposited into the Horse  
11 Racing Fund, which is hereby created as a special fund in the  
12 State Treasury.

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

23 (c) Appropriations, as approved by the General Assembly,  
24 shall be made from the Horse Racing Fund to the Department of  
25 Agriculture for the purposes identified in paragraphs (2),

1 (2.5), (4), (6), (7), (8), and (9) of subsection (g) of Section  
2 30, subsection (e) of Section 30.5, and paragraphs (1), (2),  
3 (3), (5), and (8) of subsection (g) of Section 31 and for  
4 standardbred bonus programs for owners of horses that win  
5 multiple stakes races that are limited to Illinois conceived  
6 and foaled horses. From ~~Beginning on~~ January 1, 2000 ~~until the~~  
7 effective date of this amendatory Act of the 95th General  
8 Assembly, the Board shall transfer the remainder of the funds  
9 generated pursuant to Sections 26 and 27 from the Horse Racing  
10 Fund into the General Revenue Fund.

11 (d) Beginning January 1, 2000, payments to all programs in  
12 existence on the effective date of this amendatory Act of 1999  
13 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and  
14 ~~28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of~~  
15 ~~Section 30, and subsections (a), (b), (c), (d), (e), (f), (g),~~  
16 ~~and (h) of Section 31~~ shall be made from the General Revenue  
17 Fund at the funding levels determined by amounts paid under  
18 this Act in calendar year 1998. Beginning on the effective date  
19 of this amendatory Act of the 93rd General Assembly, payments  
20 to the Peoria Park District shall be made from the General  
21 Revenue Fund at the funding level determined by amounts paid to  
22 that park district for museum purposes under this Act in  
23 calendar year 1994. Beginning on the effective date of this  
24 amendatory Act of the 94th General Assembly, in lieu of  
25 payments to the Champaign Park District for museum purposes,  
26 payments to the Urbana Park District shall be made from the

1 General Revenue Fund at the funding level determined by amounts  
2 paid to the Champaign Park District for museum purposes under  
3 this Act in calendar year 2005.

4 (e) Beginning July 1, 2006, the payment authorized under  
5 subsection (d) to museums and aquariums located in park  
6 districts of over 500,000 population shall be paid to museums,  
7 aquariums, and zoos in amounts determined by Museums in the  
8 Park, an association of museums, aquariums, and zoos located on  
9 Chicago Park District property.

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

15 (Source: P.A. 93-869, eff. 8-6-04; 94-813, eff. 5-26-06.)

16 (230 ILCS 5/29) (from Ch. 8, par. 37-29)

17 Sec. 29. (a) After the privilege or pari-mutuel tax  
18 established in Sections 26(f), 27, and 27.1 is paid to the  
19 State from the monies from wagering other than advance deposit  
20 wagering retained by the organization licensee pursuant to  
21 Sections 26, 26.2, and 26.3, the remainder of those monies  
22 retained pursuant to Sections 26 and 26.2, except as provided  
23 in subsection (g) of Section 27 of this Act, shall be allocated  
24 evenly to the organization licensee and as purses. Monies from  
25 advance deposit wagering shall be allocated as provided in

1 subsection (g) of Section 26.

2 (b) (Blank).

3 (c) (Blank).

4 (d) Each organization licensee and inter-track wagering  
5 licensee from the money retained for purses as set forth in  
6 subsection (a) of this Section, shall pay to an organization  
7 representing the largest number of horse owners and trainers  
8 which has negotiated a contract with the organization licensee  
9 for such purpose an amount equal to at least 1% of the  
10 organization licensee's and inter-track wagering licensee's  
11 retention of the pari-mutuel handle for the racing season. Each  
12 inter-track wagering location licensee, from the 4% of its  
13 handle required to be paid as purses under paragraph (11) of  
14 subsection (h) of Section 26 of this Act, shall pay to the  
15 contractually established representative organization 2% of  
16 that 4%, provided that the payments so made to the organization  
17 shall not exceed a total of \$125,000 in any calendar year. Such  
18 contract shall be negotiated and signed prior to the beginning  
19 of the racing season.

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

21 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

22 Sec. 30. (a) The General Assembly declares that it is the  
23 policy of this State to encourage the breeding of thoroughbred  
24 horses in this State and the ownership of such horses by  
25 residents of this State in order to provide for: sufficient



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

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

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

26 (d) There is hereby created a special fund of the State

1 Treasury to be known as the Illinois Thoroughbred Breeders  
2 Fund.

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

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

11 (f) The Illinois Thoroughbred Breeders Fund Advisory Board  
12 shall consist of the Director of the Department of Agriculture,  
13 who shall serve as Chairman; a member of the Illinois Racing  
14 Board, designated by it; 2 representatives of the organization  
15 licensees conducting thoroughbred racing meetings, recommended  
16 by them; 2 representatives of the Illinois Thoroughbred  
17 Breeders and Owners Foundation, recommended by it; and 2  
18 representatives of the Horsemen's Benevolent Protective  
19 Association or any successor organization established in  
20 Illinois comprised of the largest number of owners and  
21 trainers, recommended by it, with one representative of the  
22 Horsemen's Benevolent and Protective Association to come from  
23 its Illinois Division, and one from its Chicago Division.  
24 Advisory Board members shall serve for 2 years commencing  
25 January 1 of each odd numbered year. If representatives of the  
26 organization licensees conducting thoroughbred racing

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

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

19 (1) To provide purse supplements to owners of horses  
20 participating in races limited to Illinois conceived and  
21 foaled and Illinois foaled horses. Any such purse  
22 supplements shall not be included in and shall be paid in  
23 addition to any purses, stakes, or breeders' awards offered  
24 by each organization licensee as determined by agreement  
25 between such organization licensee and an organization  
26 representing the horsemen. No monies from the Illinois

1 Thoroughbred Breeders Fund shall be used to provide purse  
2 supplements for claiming races in which the minimum  
3 claiming price is less than \$7,500.

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

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

24 (3) To provide stallion awards to the owner or owners  
25 of any stallion that is duly registered with the Illinois  
26 Thoroughbred Breeders Fund Program ~~prior to the effective~~

1 ~~date of this amendatory Act of 1995~~ whose duly registered  
2 Illinois conceived and foaled offspring wins a race  
3 conducted at an Illinois thoroughbred racing meeting other  
4 than a claiming race, provided (i) that the stallion stood  
5 for service within Illinois at the time the offspring was  
6 conceived and (ii) that the stallion did not stand for  
7 service outside of Illinois at any time during the year in  
8 which the offspring was conceived. Such award shall not be  
9 paid to the owner or owners of an Illinois stallion that  
10 served outside this State at any time during the calendar  
11 year in which such race was conducted.

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

22 (4.1) (Blank). ~~To provide purse money for an Illinois~~  
23 ~~stallion stakes program.~~

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

1 (5) as shown above.

2 (6) To provide for educational programs regarding the  
3 thoroughbred breeding industry.

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

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

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

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

13 (h) (Blank). ~~Whenever the Governor finds that the amount in~~  
14 ~~the Illinois Thoroughbred Breeders Fund is more than the total~~  
15 ~~of the outstanding appropriations from such fund, the Governor~~  
16 ~~shall notify the State Comptroller and the State Treasurer of~~  
17 ~~such fact. The Comptroller and the State Treasurer, upon~~  
18 ~~receipt of such notification, shall transfer such excess amount~~  
19 ~~from the Illinois Thoroughbred Breeders Fund to the General~~  
20 ~~Revenue Fund.~~

21 (i) A sum equal to 12 1/2% of the first prize money of  
22 every purse won by an Illinois foaled or an Illinois conceived  
23 and foaled horse in races not limited to Illinois foaled horses  
24 or Illinois conceived and foaled horses, or both, shall be paid  
25 by the organization licensee conducting the horse race meeting.  
26 Such sum shall be paid from the organization licensee's share

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

1 provisions of this Act. Such payments shall be delivered by the  
2 organization licensee within 30 days of the end of each race  
3 meeting.

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

26 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

1 of a mare in the same year as the mare enters this State on or  
2 before March 1, and remains in this State at least 30 days  
3 after foaling, is bred back during the season of the foaling to  
4 an Illinois Registered Stallion (unless a veterinarian  
5 certifies that the mare should not be bred for health reasons),  
6 and is not bred to a stallion standing in any other state  
7 during the season of foaling. An "Illinois foaled horse" also  
8 means a foal born in Illinois of a mare purchased at public  
9 auction subsequent to the mare entering this State prior to  
10 March 1 ~~February 1~~ of the foaling year providing the mare is  
11 owned solely by one or more Illinois residents or an Illinois  
12 entity that is entirely owned by one or more Illinois  
13 residents.

14 (1) The Department of Agriculture shall, by rule, with the  
15 advice and assistance of the Illinois Thoroughbred Breeders  
16 Fund Advisory Board:

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

1           Thoroughbred Breeders Fund Advisory Board for stallion  
2           awards.

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

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

22          In determining the stakes races and the amount of awards  
23          for such races, the Department of Agriculture shall consider  
24          factors, including but not limited to, the amount of money  
25          appropriated for the Illinois Thoroughbred Breeders Fund  
26          program, organization licensees' contributions, availability

1 of stakes caliber horses as demonstrated by past performances,  
2 whether the race can be coordinated into the proposed racing  
3 dates within organization licensees' racing dates, opportunity  
4 for colts and fillies and various age groups to race, public  
5 wagering on such races, and the previous racing schedule.

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

19 (o) (Blank). ~~In order to improve the breeding quality of~~  
20 ~~thoroughbred horses in the State, the General Assembly~~  
21 ~~recognizes that existing provisions of this Section to~~  
22 ~~encourage such quality breeding need to be revised and~~  
23 ~~strengthened. As such, a Thoroughbred Breeder's Program Task~~  
24 ~~Force is to be appointed by the Governor by September 1, 1999~~  
25 ~~to make recommendations to the General Assembly by no later~~  
26 ~~than March 1, 2000. This task force is to be composed of 2~~

1 ~~representatives from the Illinois Thoroughbred Breeders and~~  
2 ~~Owners Foundation, 2 from the Illinois Thoroughbred Horsemen's~~  
3 ~~Association, 3 from Illinois race tracks operating~~  
4 ~~thoroughbred race meets for an average of at least 30 days in~~  
5 ~~the past 3 years, the Director of Agriculture, the Executive~~  
6 ~~Director of the Racing Board, who shall serve as Chairman.~~

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

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

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

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

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

7           (d) There is hereby created a special fund of the State  
8 Treasury to be known as the Illinois Standardbred Breeders  
9 Fund.

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

15           (e) The Illinois Standardbred Breeders Fund shall be  
16 administered by the Department of Agriculture with the  
17 assistance and advice of the Advisory Board created in  
18 subsection (f) of this Section.

19           (f) The Illinois Standardbred Breeders Fund Advisory Board  
20 is hereby created. The Advisory Board shall consist of the  
21 Director of the Department of Agriculture, who shall serve as  
22 Chairman; the Superintendent of the Illinois State Fair; a  
23 member of the Illinois Racing Board, designated by it; a  
24 representative of the Illinois Standardbred Owners and  
25 Breeders Association, recommended by it; a representative of  
26 the Illinois Association of Agricultural Fairs, recommended by

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

19 (g) No monies shall be expended from the Illinois  
20 Standardbred Breeders Fund except as appropriated by the  
21 General Assembly pursuant to this Act, the Riverboat and Casino  
22 Gambling Act, or both. Monies appropriated from the Illinois  
23 Standardbred Breeders Fund shall be expended by the Department  
24 of Agriculture, with the assistance and advice of the Illinois  
25 Standardbred Breeders Fund Advisory Board for the following  
26 purposes only:

1           1. To provide purses for races limited to Illinois  
2 conceived and foaled horses at the State Fair and the  
3 DuQuoin State Fair.

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

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

9           4. No less than 75% of all monies in the Illinois  
10 Standardbred Breeders Fund shall be expended for purses in  
11 1, 2 and 3 as shown above.

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

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

25           7. To pay the expenses incurred in the administration  
26 of the Illinois Standardbred Breeders Fund.



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

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

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

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

26           1. Qualify stallions for Illinois Standardbred Breeders

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

21 2. Provide for the registration of Illinois conceived and  
22 foaled horses and no such horse shall compete in the races  
23 limited to Illinois conceived and foaled horses unless  
24 registered with the Department of Agriculture. The Department  
25 of Agriculture may prescribe such forms as may be necessary to  
26 determine the eligibility of such horses. No person shall

1 knowingly prepare or cause preparation of an application for  
2 registration of such foals containing false information. A mare  
3 (dam) must be in the state at least 30 days prior to foaling or  
4 remain in the State at least 30 days at the time of foaling.  
5 Beginning with the 1996 breeding season and for foals of 1997  
6 and thereafter, a foal conceived in the State of Illinois by  
7 transported fresh semen may be eligible for Illinois conceived  
8 and foaled registration provided all breeding and foaling  
9 requirements are met. The stallion must be qualified for  
10 Illinois Standardbred Breeders Fund breeding at the time of  
11 conception and the mare must be inseminated within the State of  
12 Illinois. The foal must be dropped in Illinois and properly  
13 registered with the Department of Agriculture in accordance  
14 with this Act.

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

22 4. Provide for the payment of nominating, sustaining and  
23 starting fees for races promoting the sport of harness racing  
24 and for the races to be conducted at the State Fair as provided  
25 in subsection (j) 3 of this Section provided that the  
26 nominating, sustaining and starting payment required from an

1 entrant shall not exceed 2% of the purse of such race. All  
2 nominating, sustaining and starting payments shall be held for  
3 the benefit of entrants and shall be paid out as part of the  
4 respective purses for such races. Nominating, sustaining and  
5 starting fees shall be held in trust accounts for the purposes  
6 as set forth in this Act and in accordance with Section 205-15  
7 of the Department of Agriculture Law (20 ILCS 205/205-15).

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

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

25 (l) All races held at county fairs and the State Fair which  
26 receive funds from the Illinois Standardbred Breeders Fund

1 shall be conducted in accordance with the rules of the United  
2 States Trotting Association unless otherwise modified by the  
3 Department of Agriculture.

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

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

21 (230 ILCS 5/31.2 new)

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

23 (a) The General Assembly finds that backstretch workers  
24 play a critical role in the success and prosperity of the  
25 racing industry. The General Assembly finds that there is a

1 need to improve the quality and viability of live racing in  
2 Illinois by providing new resources to increase purse sizes and  
3 to improve race track facilities. The General Assembly finds  
4 that there is a concomitant responsibility and duty to address  
5 the human service and housing needs of backstretch workers.

6 (b) There is hereby created in the State treasury a special  
7 fund to be known as the Racing Industry Workers' Fund. The Fund  
8 shall consist of moneys paid into it under subsection (b) of  
9 Section 54.5 of the Illinois Horse Racing Act of 1975.

10 (c) The Illinois Racing Board is authorized to use funds in  
11 the Racing Industry Workers' Fund to fund programs and  
12 initiatives that improve the quality of life of backstretch  
13 workers. Initiatives funded by the Illinois Racing Board shall  
14 address needs such as illiteracy, substance dependence,  
15 primary health care, child care, housing, and any other social  
16 service need determined by the Illinois Racing Board.

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

22 (e) The Board shall appoint a Backstretch Programs Advisory  
23 Board, who shall report to and advise the Board on matters  
24 concerning backstretch conditions and needs. The Backstretch  
25 Programs Advisory Board shall consist of the following 7  
26 members:

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

3           (2) one person who represents the interests of  
4           standardbred horsemen;

5           (3) one person who represents the interests of  
6           thoroughbred horsemen;

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

8           (5) one person who advocates on behalf of backstretch  
9           workers; and

10           (6) one person who has significant experience in  
11           administering social services.

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

18           (230 ILCS 5/36) (from Ch. 8, par. 37-36)

19           Sec. 36. (a) Whoever administers or conspires to administer  
20           to any horse a hypnotic, narcotic, stimulant, depressant or any  
21           chemical substance which may affect the speed of a horse at any  
22           time, except those chemical substances permitted by ruling of  
23           the Board, internally, externally or by hypodermic method in a  
24           race or prior thereto, or whoever knowingly enters a horse in  
25           any race within a period of 24 hours after any hypnotic,

1 narcotic, stimulant, depressant or any other chemical  
2 substance which may affect the speed of a horse at any time,  
3 except those chemical substances permitted by ruling of the  
4 Board, has been administered to such horse either internally or  
5 externally or by hypodermic method for the purpose of  
6 increasing or retarding the speed of such horse shall be guilty  
7 of a Class 4 felony. The Board shall suspend or revoke such  
8 violator's license.

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

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

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

19 (e) Drug testing for horses entered in and competing at any  
20 county fair shall be conducted by the Department of  
21 Agriculture, with the advice and assistance of the Board. The  
22 Department of Agriculture, with the assistance of the Board,  
23 shall adopt rules for drug testing, for horses entered in and  
24 competing at any county fair.

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



1 (230 ILCS 5/54.5)

2 (Section scheduled to be repealed on May 26, 2008)

3 Sec. 54.5. Horse Racing Equity Trust Fund.

4 (a) There is created a Fund to be known as the Horse Racing  
5 Equity Trust Fund, which is a non-appropriated trust fund held  
6 separate and apart from State moneys. The Fund shall consist of  
7 moneys paid into it by owners licensees under the Riverboat  
8 Gambling Act for the purposes described in this Section. The  
9 Fund shall be administered by the Board. Moneys in the Fund  
10 shall be distributed as directed and certified by the Board in  
11 accordance with the provisions of subsection (b).

12 (b) An amount equal to \$2,000,000 shall be distributed  
13 annually from the House Racing Equity Trust Fund to the Racing  
14 Industry Workers' Fund. The remaining moneys deposited into the  
15 Fund, plus any accrued interest on those moneys, shall be  
16 distributed within 10 days after those moneys are deposited  
17 into the Fund as follows:

18 (1) Sixty percent of all moneys distributed under this  
19 subsection shall be distributed to organization licensees  
20 to be distributed at their race meetings as purses.  
21 Fifty-seven percent of the amount distributed under this  
22 paragraph (1) shall be distributed for thoroughbred race  
23 meetings and 43% shall be distributed for standardbred race  
24 meetings. Within each breed, moneys shall be allocated to  
25 each organization licensee's purse fund in accordance with  
26 the ratio between the purses generated for that breed by

1 that licensee during the prior calendar year and the total  
2 purses generated throughout the State for that breed during  
3 the prior calendar year by licensees in the current  
4 calendar year.

5 (2) The remaining 40% of the moneys distributed under  
6 this subsection (b) shall be distributed as follows:

7 (A) 13% ~~11%~~ shall be distributed to any person (or  
8 its successors or assigns) who had operating control of  
9 a racetrack that conducted live racing in 2002 at a  
10 racetrack in a county with at least 230,000 inhabitants  
11 that borders the Mississippi River and is a licensee in  
12 the current year; and

13 (B) the remaining 87% ~~89%~~ shall be distributed pro  
14 rata according to the aggregate proportion of total  
15 handle from wagering on live races conducted in  
16 Illinois (irrespective of where the wagers are placed)  
17 for calendar years 2004 and 2005 to any person (or its  
18 successors or assigns) who (i) had majority operating  
19 control of a racing facility at which live racing was  
20 conducted in calendar year 2002, (ii) is a licensee in  
21 the current year, and (iii) is not eligible to receive  
22 moneys under subparagraph (A) of this paragraph (2).

23 The moneys received by an organization licensee  
24 under this paragraph (2) shall be used by each  
25 organization licensee to improve, maintain, market,  
26 and otherwise operate its racing facilities to conduct

1 live racing, which shall include backstretch services  
2 and capital improvements related to live racing and the  
3 backstretch. Any organization licensees sharing common  
4 ownership may pool the moneys received and spent at all  
5 racing facilities commonly owned in order to meet these  
6 requirements.

7 If any person identified in this paragraph (2) becomes  
8 ineligible to receive moneys from the Fund, such amount  
9 shall be redistributed among the remaining persons in  
10 proportion to their percentages otherwise calculated.

11 (c) The Board shall monitor organization licensees to  
12 ensure that moneys paid to organization licensees under this  
13 Section are distributed by the organization licensees as  
14 provided in subsection (b).

15 ~~(d) This Section is repealed 2 years after the effective~~  
16 ~~date of this amendatory Act of the 94th General Assembly.~~

17 (Source: P.A. 94-804, eff. 5-26-06.)

18 Section 945. The Riverboat Gambling Act is amended by  
19 changing Sections 1, 2, 3, 4, 5, 6, 7.1, 7.3, 7.4, 8, 9, 10, 11,  
20 11.1, 12, 13, 14, 18, and 20, by reenacting and changing  
21 Sections 7 and 23, and by adding Sections 5.2, 7.6, 7.7, 7.10,  
22 7.15, and 7.20 as follows:

23 (230 ILCS 10/1) (from Ch. 120, par. 2401)

24 Sec. 1. Short title. This Act shall be known and may be

1 cited as the Riverboat and Casino Gambling Act.

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

3 (230 ILCS 10/2) (from Ch. 120, par. 2402)

4 Sec. 2. Legislative Intent.

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

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

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

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

24 (230 ILCS 10/3) (from Ch. 120, par. 2403)

1           Sec. 3. ~~Riverboat~~ Gambling Authorized.

2           (a) Riverboat and casino gambling operations ~~and the system~~  
3 ~~of wagering incorporated therein~~, as defined in this Act, are  
4 hereby authorized to the extent that they are carried out in  
5 accordance with the provisions of this Act.

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

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

1 regardless of whether it conducts excursion cruises. A licensee  
2 may permit the continuous ingress and egress of passengers for  
3 the purpose of gambling.

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

5 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

7 "Authority" means the Illinois Casino Development  
8 Authority created under the Illinois Casino Development  
9 Authority Act.

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

11 "Casino" means a land-based facility located within a  
12 municipality with a population of more than 500,000 inhabitants  
13 at which lawful gambling is authorized and licensed as provided  
14 in this Act. "Casino" includes any temporary land-based or  
15 river-based facility at which lawful gambling is authorized and  
16 licensed as provided in this Act. "Casino" does not include any  
17 ancillary facilities such as hotels, restaurants, retail  
18 facilities, conference rooms, parking areas, entertainment  
19 venues, or other facilities at which gambling operations are  
20 not conducted.

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

24 "Casino operators license" means a license issued by the  
25 Board to a person or entity to manage casino gambling

1 operations conducted by the Authority pursuant to subsection  
2 (e-6) of Section 7.

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

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

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

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

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

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

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

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

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

7       ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~  
8 gambling games authorized under this Act upon a riverboat or in  
9 a casino.

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

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

17       "Owners license" means a license to conduct riverboat  
18 gambling operations or casino gambling operations.

19       "Licensed owner" means a person who holds an owners  
20 license.

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

23       (230 ILCS 10/5)     (from Ch. 120, par. 2405)

24       Sec. 5. Gaming Board.

25       (a) (1) There is hereby established within the Department



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

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

22 (3) The terms of office of the Board members shall be 3  
23 years, except that the terms of office of the initial Board  
24 members appointed pursuant to this Act will commence from the  
25 effective date of this Act and run as follows: one for a term  
26 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for

1 a term ending July 1, 1993. Upon the expiration of the  
2 foregoing terms, the successors of such members shall serve a  
3 term for 3 years and until their successors are appointed and  
4 qualified for like terms. Vacancies in the Board shall be  
5 filled for the unexpired term in like manner as original  
6 appointments. Each member of the Board shall be eligible for  
7 reappointment at the discretion of the Governor with the advice  
8 and consent of the Senate.

9 (4) Each member of the Board shall receive \$300 for each  
10 day the Board meets and for each day the member conducts any  
11 hearing pursuant to this Act. Each member of the Board shall  
12 also be reimbursed for all actual and necessary expenses and  
13 disbursements incurred in the execution of official duties.

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

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

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

23           (8) Upon the request of the Board, the Department shall  
24 employ such personnel as may be necessary to carry out the  
25 functions of the Board. No person shall be employed to serve  
26 the Board who is, or whose spouse, parent or child is, an

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

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

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

20 (1) To decide promptly and in reasonable order all  
21 license applications. Any party aggrieved by an action of  
22 the Board denying, suspending, revoking, restricting or  
23 refusing to renew a license may request a hearing before  
24 the Board. A request for a hearing must be made to the  
25 Board in writing within 5 days after service of notice of  
26 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

1 time gambling operations are conducted on any riverboat or  
2 in any casino for the purpose of certifying the revenue  
3 thereof, receiving complaints from the public, and  
4 conducting such other investigations into the conduct of  
5 the gambling games and the maintenance of the equipment as  
6 from time to time the Board may deem necessary and proper;

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

16 (8) To hold at least one meeting each quarter of the  
17 fiscal year. In addition, special meetings may be called by  
18 the chairperson ~~Chairman~~ or any 2 Board members upon 72  
19 hours written notice to each member. All Board meetings  
20 shall be subject to the Open Meetings Act. Three members of  
21 the Board shall constitute a quorum, and 3 votes shall be  
22 required for any final determination by the Board. The  
23 Board shall keep a complete and accurate record of all its  
24 meetings. A majority of the members of the Board shall  
25 constitute a quorum for the transaction of any business,  
26 for the performance of any duty, or for the exercise of any

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

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

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

25 (11) (Blank); and

26 (12) To assume responsibility for the administration

1 and enforcement of the Bingo License and Tax Act, the  
2 Charitable Games Act, and the Pull Tabs and Jar Games Act  
3 if such responsibility is delegated to it by the Director  
4 of Revenue.

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

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

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

18 (3) To promulgate rules and regulations for the purpose  
19 of administering the provisions of this Act and to  
20 prescribe rules, regulations and conditions under which  
21 all ~~riverboat~~ gambling operations subject to this Act in  
22 ~~the State~~ shall be conducted. Such rules and regulations  
23 are to provide for the prevention of practices detrimental  
24 to the public interest and for the best interests of  
25 ~~riverboat~~ gambling, including rules and regulations  
26 regarding the inspection of ~~such~~ riverboats and casinos and



1 the review of any permits or licenses necessary to operate  
2 a riverboat or casino under any laws or regulations  
3 applicable to riverboats or casinos, and to impose  
4 penalties for violations thereof.

5 (4) To enter the office, riverboats, casinos, and other  
6 facilities, or other places of business of an owners a  
7 licensee, where evidence of the compliance or  
8 noncompliance with the provisions of this Act is likely to  
9 be found.

10 (5) To investigate alleged violations of this Act or  
11 the rules of the Board and to take appropriate disciplinary  
12 action against a licensee or a holder of an occupational  
13 license for a violation, or institute appropriate legal  
14 action for enforcement, or both.

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

18 (7) To adopt appropriate standards for all riverboats,  
19 casinos, and other facilities authorized under this Act.

20 (8) To require that the records, including financial or  
21 other statements of any licensee under this Act, shall be  
22 kept in such manner as prescribed by the Board and that any  
23 such licensee involved in the ownership or management of  
24 gambling operations submit to the Board an annual balance  
25 sheet and profit and loss statement, list of the  
26 stockholders or other persons having a 1% or greater

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

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

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

18          (11) To revoke or suspend licenses, other than the  
19          license issued to the Authority, as the Board may see fit  
20          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 (other than the license issued to  
24          the Authority), without notice or hearing, upon a  
25          determination that the safety or health of patrons or  
26          employees is jeopardized by continuing a gambling

1        operation conducted under that license ~~a riverboat's~~  
2        ~~operation~~. The suspension may remain in effect until the  
3        Board determines that the cause for suspension has been  
4        abated. The Board may revoke the owners license (other than  
5        the license issued to the Authority) upon a determination  
6        that the licensee ~~owner~~ has not made satisfactory progress  
7        toward abating the hazard.

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

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

24            (14) (Blank).

25            (15) To suspend, revoke or restrict licenses (other  
26       than the license issued to the Authority), to require the

1 removal of a licensee or an employee of a licensee for a  
2 violation of this Act or a Board rule or for engaging in a  
3 fraudulent practice, and to impose civil penalties of up to  
4 \$5,000 against individuals and up to \$10,000 or an amount  
5 equal to the daily whole gaming ~~gross~~ receipts, whichever  
6 is larger, against licensees for each violation of any  
7 provision of the Act, any rules adopted by the Board, any  
8 order of the Board or any other action which, in the  
9 Board's discretion, is a detriment or impediment to  
10 ~~riverboat~~ gambling operations.

11 (16) To hire employees to gather information, conduct  
12 investigations and carry out any other tasks contemplated  
13 under this Act.

14 (17) To establish minimum levels of insurance to be  
15 maintained by licensees.

16 (18) To authorize a licensee to sell or serve alcoholic  
17 liquors, wine or beer as defined in the Liquor Control Act  
18 of 1934 on board a riverboat or in a casino and to have  
19 exclusive authority to establish the hours for sale and  
20 consumption of alcoholic liquor on board a riverboat or in  
21 a casino, notwithstanding any provision of the Liquor  
22 Control Act of 1934 or any local ordinance, and regardless  
23 of whether the riverboat or in a casino makes excursions.  
24 The establishment of the hours for sale and consumption of  
25 alcoholic liquor on board a riverboat or in a casino is an  
26 exclusive power and function of the State. A home rule unit

1 may not establish the hours for sale and consumption of  
2 alcoholic liquor on board a riverboat or in a casino. This  
3 subdivision (18) ~~amendatory Act of 1991~~ is a denial and  
4 limitation of home rule powers and functions under  
5 subsection (h) of Section 6 of Article VII of the Illinois  
6 Constitution.

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

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

16 (21) To make rules concerning the conduct of electronic  
17 poker.

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

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

1 of Section 2605-400 of the Department of State Police Law (20  
2 ILCS 2605/2605-400).

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

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

11 (230 ILCS 10/5.2 new)

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

18 (230 ILCS 10/6) (from Ch. 120, par. 2406)

19 Sec. 6. Application for Owners License.

20 (a) A qualified person, other than the Authority, may apply  
21 to the Board for an owners license to conduct a riverboat  
22 gambling operation as provided in this Act. The application  
23 shall be made on forms provided by the Board and shall contain  
24 such information as the Board prescribes, including but not

1 limited to the identity of the riverboat on which such gambling  
2 operation is to be conducted and the exact location where such  
3 riverboat will be docked, a certification that the riverboat  
4 will be registered under this Act at all times during which  
5 gambling operations are conducted on board, detailed  
6 information regarding the ownership and management of the  
7 applicant, and detailed personal information regarding the  
8 applicant. Any application for an owners license to be  
9 re-issued on or after June 1, 2003 shall also include the  
10 applicant's license bid in a form prescribed by the Board.  
11 Information provided on the application shall be used as a  
12 basis for a thorough background investigation which the Board  
13 shall conduct with respect to each applicant. An incomplete  
14 application shall be cause for denial of a license by the  
15 Board.

16 (a-5) In addition to any other information required under  
17 this Section, each application for an owners license must  
18 include the following information:

19 (1) The history and success of the applicant and each  
20 person and entity disclosed under subsection (c) of this  
21 Section in developing tourism facilities ancillary to  
22 gaming, if applicable.

23 (2) The likelihood that granting a license to the  
24 applicant will lead to the creation of quality, living wage  
25 jobs and permanent, full-time jobs for residents of the  
26 State and residents of the unit of local government that is

1 designated as the home dock of the proposed facility where  
2 gambling is to be conducted by the applicant.

3 (3) The projected number of jobs that would be created  
4 if the license is granted and the projected number of new  
5 employees at the proposed facility where gambling is to be  
6 conducted by the applicant.

7 (4) The record of the applicant and its developer in  
8 meeting commitments to local agencies, community-based  
9 organizations, and employees at other locations where the  
10 applicant or its developer has performed similar functions  
11 as they would perform if the applicant were granted a  
12 license.

13 (5) Identification of adverse effects that might be  
14 caused by the proposed facility where gambling is to be  
15 conducted by the applicant, including the costs of meeting  
16 increased demand for public health care, child care, public  
17 transportation, affordable housing, and social services,  
18 and a plan to mitigate those adverse effects.

19 (6) The record of the applicant and its developer  
20 regarding compliance with:

21 (A) Federal, State, and local discrimination, wage  
22 and hour, disability, and occupational and  
23 environmental health and safety laws.

24 (B) State and local labor relations and employment  
25 laws.

26 (7) The applicant's record in dealing with its



1 employees and their representatives at other locations.

2 (8) A plan concerning the utilization of minority  
3 person-owned and female-owned businesses and concerning  
4 the hiring of minorities and females. For the purposes of  
5 this item (8), the terms "minority person" and "female"  
6 have the meanings provided in Section 2 of the Business  
7 Enterprise for Minorities, Females, and Persons with  
8 Disabilities Act.

9 (b) Applicants shall submit with their application all  
10 documents, resolutions, and letters of support from the  
11 governing body that represents the municipality or county  
12 wherein the licensee will dock. A governing body providing  
13 documents, resolutions, or letters of support for an applicant  
14 for a license authorized under subsection (e-6) or item (1) of  
15 subsection (e-5) of Section 7 must also issue similar items of  
16 support for no less than 2 other applicants. The Board, subject  
17 to rule, may waive this requirement if there is a showing of  
18 good faith effort by the governing body to comply.

19 (c) Each applicant shall disclose the identity of every  
20 person, association, trust or corporation having a greater than  
21 1% direct or indirect pecuniary interest in the riverboat  
22 gambling operation with respect to which the license is sought.  
23 If the disclosed entity is a trust, the application shall  
24 disclose the names and addresses of the beneficiaries; if a  
25 corporation, the names and addresses of all stockholders and  
26 directors; if a partnership, the names and addresses of all

1 partners, both general and limited.

2 (d) An application shall be filed with the Board by January  
3 1 of the year preceding any calendar year for which an  
4 applicant seeks an owners license; however, applications for an  
5 owners license permitting operations on January 1, 1991 shall  
6 be filed by July 1, 1990. An application fee of \$50,000 shall  
7 be paid at the time of filing to defray the costs associated  
8 with the background investigation conducted by the Board. If  
9 the costs of the investigation exceed \$50,000, the applicant  
10 shall pay the additional amount to the Board. If the costs of  
11 the investigation are less than \$50,000, the applicant shall  
12 receive a refund of the remaining amount. All information,  
13 records, interviews, reports, statements, memoranda or other  
14 data supplied to or used by the Board in the course of its  
15 review or investigation of an application for a license under  
16 this Act shall be privileged, strictly confidential and shall  
17 be used only for the purpose of evaluating an applicant. Such  
18 information, records, interviews, reports, statements,  
19 memoranda or other data shall not be admissible as evidence,  
20 nor discoverable in any action of any kind in any court or  
21 before any tribunal, board, agency or person, except for any  
22 action deemed necessary by the Board.

23 (e) The Board shall charge each applicant a fee set by the  
24 Department of State Police to defray the costs associated with  
25 the search and classification of fingerprints obtained by the  
26 Board with respect to the applicant's application. These fees

1 shall be paid into the State Police Services Fund.

2 (f) The licensed owner shall be the person primarily  
3 responsible for the boat itself. Only one riverboat gambling  
4 operation may be authorized by the Board on any riverboat. The  
5 applicant must identify each riverboat it intends to use and  
6 certify that the riverboat: (1) has the authorized capacity  
7 required in this Act; (2) is accessible to disabled persons;  
8 and (3) is fully registered and licensed in accordance with any  
9 applicable laws.

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

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

13 (230 ILCS 10/7) (from Ch. 120, par. 2407)

14 Sec. 7. Owners Licenses.

15 (a) The Board shall issue owners licenses to persons, firms  
16 or corporations which apply for such licenses upon payment to  
17 the Board of the non-refundable license fee set by the Board,  
18 upon payment of a \$25,000 license fee for the first year of  
19 operation and a \$5,000 license fee for each succeeding year and  
20 upon a determination by the Board that the applicant is  
21 eligible for an owners license pursuant to this Act and the  
22 rules of the Board. No application under this Section shall be  
23 required from the Authority. The Authority is not required to  
24 pay the fees imposed under this Section. From May 26, 2006 (For  
25 a period of 2 years beginning on the effective date of Public

1 Act 94-804) until the effective date of this amendatory Act of  
2 the 95th General Assembly ~~this amendatory Act of the 94th~~  
3 ~~General Assembly,~~ as a condition of licensure and as an  
4 alternative source of payment for those funds payable under  
5 subsection (c-5) of Section 13 of the Riverboat and Casino  
6 Gambling Act, any owners licensee that holds or receives its  
7 owners license on or after the effective date of this  
8 amendatory Act of the 94th General Assembly, other than an  
9 owners licensee operating a riverboat with adjusted gross  
10 receipts in calendar year 2004 of less than \$200,000,000, must  
11 pay into the Horse Racing Equity Trust Fund, in addition to any  
12 other payments required under this Act, an amount equal to 3%  
13 of the adjusted gross receipts received by the owners licensee.  
14 Beginning on the effective date of this amendatory Act of the  
15 95th General Assembly, as a condition of licensure and as an  
16 alternative source of payment for those funds payable under  
17 subsection (c-5) of Section 13, any owners licensee that holds  
18 or receives its owners license on or after the effective date  
19 of this amendatory Act of the 95th General Assembly must pay  
20 into the Horse Racing Equity Trust Fund, in addition to any  
21 other payments required under this Act, based on the gross  
22 gaming receipts received by a licensed owner from gambling  
23 games authorized under this Act, an amount based on the  
24 following rates:

25 0.5% for owners licensees with annual gross gaming  
26 receipts up to and including \$50,000,000;

1           1% for owners licensees with annual gross gaming  
2           receipts in excess of \$50,000,000 but not exceeding  
3           \$100,000,000;

4           1.5% for owners licensees with annual gross gaming  
5           receipts in excess of \$100,000,000 but not exceeding  
6           \$250,000,000;

7           3.5% for owners licensees with annual gross gaming  
8           receipts in excess of \$250,000,000.

9           Beginning on the effective date of this amendatory Act of  
10          the 95th General Assembly, as a condition of licensure, the  
11          owners licensee whose license is authorized under subsection  
12          (e-6) must pay into the Depressed Communities and Economic  
13          Development Fund, in addition to any other payments required  
14          under this Act, an amount equal to 0.5% of its gross gaming  
15          receipts.

16          The payments required under this Section shall be made by  
17          the owners licensee to the State Treasurer no later than 3:00  
18          o'clock p.m. of the day after the day when the ~~adjusted~~ gross  
19          gaming receipts were received by the owners licensee. A person,  
20          firm or corporation is ineligible to receive an owners license  
21          if:

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

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

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

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

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

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

11           (7) (blank); or

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

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

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

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

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

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

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

3 (4) the extent to which the ownership of the applicant  
4 reflects the diversity of the State by including minority  
5 persons and females and the good faith affirmative action  
6 plan of each applicant to recruit, train and upgrade  
7 minority persons and females in all employment  
8 classifications;

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

11 (6) whether the applicant has adequate capitalization  
12 to provide and maintain, for the duration of a license, a  
13 riverboat;

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

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

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

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

22 (e) In addition to the licenses authorized under  
23 subsections (e-5) and (e-6), the ~~The~~ Board may issue up to 10  
24 licenses authorizing the holders of such licenses to own  
25 riverboats. In the application for an owners license, the  
26 applicant shall state the dock at which the riverboat is based

1 and the water on which the riverboat will be located. The Board  
2 shall issue 5 licenses to become effective not earlier than  
3 January 1, 1991. Three of such licenses shall authorize  
4 riverboat gambling on the Mississippi River, or, with approval  
5 by the municipality in which the riverboat was docked on August  
6 7, 2003 and with Board approval, be authorized to relocate to a  
7 new location, in a municipality that (1) borders on the  
8 Mississippi River or is within 5 miles of the city limits of a  
9 municipality that borders on the Mississippi River and (2), on  
10 August 7, 2003, had a riverboat conducting riverboat gambling  
11 operations pursuant to a license issued under this Act; one of  
12 which shall authorize riverboat gambling from a home dock in  
13 the city of East St. Louis. One other license shall authorize  
14 riverboat gambling on the Illinois River south of Marshall  
15 County. The Board shall issue one additional license to become  
16 effective not earlier than March 1, 1992, which shall authorize  
17 riverboat gambling on the Des Plaines River in Will County. The  
18 Board may issue 4 additional licenses to become effective not  
19 earlier than March 1, 1992. In determining the water upon which  
20 riverboats will operate, the Board shall consider the economic  
21 benefit which riverboat gambling confers on the State, and  
22 shall seek to assure that all regions of the State share in the  
23 economic benefits of riverboat gambling.

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



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

9           (2) One license issued under this subsection (e-5)  
10           shall authorize its holder to conduct riverboat gambling in  
11           Cook County from a home dock located in the area bordered  
12           on the North by the southern corporate limit of the City of  
13           Chicago, on the South by Route 30, and on the West by  
14           Interstate 57 and that is within 8 miles of the Indiana  
15           border.

16           (3) One license issued under this subsection (e-5)  
17           shall authorize its holder to conduct riverboat gambling  
18           operations from a home dock located within 5 miles of any  
19           portion of O'Hare International Airport.

20           Licenses authorized under this subsection (e-5) shall be  
21           awarded pursuant to a process of competitive bidding to the  
22           highest bidder that is eligible to hold an owners license under  
23           this Act. The minimum bid for an owners license under this  
24           subsection (e-5) shall be \$365,000,000, except that the Board  
25           may declare a lower minimum bid for a specific license if it  
26           finds a lower minimum bid to be necessary or appropriate.

1       (e-6) In addition to the licenses authorized under  
2 subsections (e) and (e-5), the Board may, upon written request  
3 of the Authority and upon payment by the Authority to the Board  
4 on or before June 30, 2008 of a fee of \$800,000,000, issue an  
5 owners license to the Authority authorizing the conduct of  
6 gambling operations in a casino located in a municipality with  
7 a population of more than 500,000 inhabitants. Until completion  
8 of a permanent casino, the Authority's license shall authorize  
9 it to conduct gambling operations in one or more land-based or  
10 riverboat temporary casinos within the municipality, provided  
11 that the total number of gaming positions is limited to 4,000.  
12 The license issued to the Authority shall be perpetual and may  
13 not be revoked, suspended, or limited by the Board. Casino  
14 gambling operations shall be conducted by a casino operator on  
15 behalf of the Authority. The Authority shall conduct a  
16 competitive bidding process for the selection of casino  
17 operators to develop and operate the casino and one or more  
18 temporary casinos and riverboats. Any such casino operators  
19 shall be subject to licensing by, and full jurisdiction of, the  
20 Board.

21       (e-10) In granting all licenses, the Board may give  
22 favorable consideration to economically depressed areas of the  
23 State, to applicants presenting plans which provide for  
24 significant economic development over a large geographic area,  
25 and to applicants who currently operate non-gambling  
26 riverboats in Illinois. The Board shall review all applications

1 for owners licenses, and shall inform each applicant of the  
2 Board's decision. The Board may grant an owners license to an  
3 applicant that has not submitted the highest license bid, but  
4 if it does not select the highest bidder, the Board shall issue  
5 a written decision explaining why another applicant was  
6 selected and identifying the factors set forth in this Section  
7 that favored the winning bidder.

8 In granting all licenses, the Board must give favorable  
9 consideration to applicants based on each applicant's level of  
10 minority persons and female ownership. For the purposes of this  
11 subsection (e-10), the terms "minority person" and "female"  
12 have the meanings provided in Section 2 of the Business  
13 Enterprise for Minorities, Females, and Persons with  
14 Disabilities Act

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

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

1 (g) Upon the termination, expiration, or revocation of each  
2 owners license of the first 10 licenses, which shall be issued  
3 for a 3 year period, all licenses are renewable annually upon  
4 payment of the fee and a determination by the Board that the  
5 licensee continues to meet all of the requirements of this Act  
6 and the Board's rules. However, for licenses renewed on or  
7 after May 1, 1998, renewal shall be for a period of 4 years,  
8 unless the Board sets a shorter period. The Authority's license  
9 shall be perpetual and shall not be subject to renewal.

10 (h) An owners license, other than an owners license  
11 authorized under subsection (e-6), shall entitle the licensee  
12 to operate up to 2,000 gaming positions. An owners license  
13 issued under subsection (e-6) shall entitle the licensee to  
14 operate up to 4,000 gaming positions. Electronic poker  
15 positions shall not be included when determining the number of  
16 gaming positions for the purposes of the limitations contained  
17 in this subsection (h). For licenses issued before the  
18 effective date of this amendatory Act of the 95th General  
19 Assembly, any positions operated in excess of 1,200, up to  
20 2,000 positions, shall be subject to a one-time fee of \$30,000  
21 per position. own up to 2 riverboats.

22 (h-5) In addition to the 2,000 gaming positions authorized  
23 by an owners license authorized under subsections (e) and  
24 (e-5), a licensee may operate gaming positions that it acquires  
25 pursuant to the competitive bidding process established under  
26 this subsection (h-5). For each 4-year license period, a

1 licensee shall certify to the Board the total number of gaming  
2 positions it will use during the license period. If a licensee  
3 certifies that it will use a given number of gaming positions  
4 during its license period and, in the Board's determination,  
5 fails to use some or all of those gaming positions, then the  
6 unused gaming positions shall become the property of the Board.  
7 If a licensee certifies that it will use fewer than 2,000  
8 gaming positions, then the authorized but unused gaming  
9 positions shall become the property of the Board. The Board  
10 shall establish, by rule, a method for licensees to  
11 competitively bid for the right to use gaming positions that  
12 become the property of the Board under this subsection (h-5). A  
13 licensee may not bid for additional gaming positions under this  
14 subsection (h-5) unless it uses all 2,000 gaming positions  
15 authorized by its license.

16 (h-6) An owners licensee that obtains in excess of 1,200  
17 positions, other than the owners licensee that received a  
18 license under subsection (e-5) or (e-6), may conduct riverboat  
19 gambling operations from a land-based facility within or  
20 attached to its home dock facility or from a temporary  
21 facility, as the term "temporary facility" is defined by Board  
22 rule, that is attached to the licensee's home dock, with Board  
23 approval. Gaming positions located in a land-based facility  
24 must be located in an area that is accessible only to persons  
25 who are at least 21 years of age. A licensee may not conduct  
26 gambling at a land-based facility unless the admission tax

1 imposed under Section 12 has been paid for all persons who  
2 enter the land-based facility. The Board shall adopt rules  
3 concerning the conduct of gambling from land-based facilities,  
4 including rules concerning the number of gaming positions that  
5 may be located at a temporary facility.

6 ~~A licensee shall limit the number of gambling participants~~  
7 ~~to 1,200 for any such owners license. A licensee may operate~~  
8 ~~both of its riverboats concurrently, provided that the total~~  
9 ~~number of gambling participants on both riverboats does not~~  
10 ~~exceed 1,200. Riverboats licensed to operate on the Mississippi~~  
11 ~~River and the Illinois River south of Marshall County shall~~  
12 ~~have an authorized capacity of at least 500 persons. Any other~~  
13 ~~riverboat licensed under this Act shall have an authorized~~  
14 ~~capacity of at least 400 persons.~~

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

24 (j) The Board may issue or re-issue a license authorizing a  
25 riverboat to dock in a municipality or approve a relocation  
26 under Section 11.2 only if, prior to the issuance or

1 re-issuance of the license or approval, the governing body of  
2 the municipality in which the riverboat will dock has by a  
3 majority vote approved the docking of riverboats in the  
4 municipality. The Board may issue or re-issue a license  
5 authorizing a riverboat to dock in areas of a county outside  
6 any municipality or approve a relocation under Section 11.2  
7 only if, prior to the issuance or re-issuance of the license or  
8 approval, the governing body of the county has by a majority  
9 vote approved of the docking of riverboats within such areas.

10 (Source: P.A. 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; 94-667,  
11 eff. 8-23-05; 94-804, eff. 5-26-06.)

12 (230 ILCS 10/7.1)

13 Sec. 7.1. Re-issuance of revoked or non-renewed owners  
14 licenses.

15 (a) If an owners license terminates or expires without  
16 renewal or the Board revokes or determines not to renew an  
17 owners license (including, without limitation, an owners  
18 license for a licensee that was not conducting riverboat  
19 gambling operations on January 1, 1998) and that revocation or  
20 determination is final, the Board may re-issue such license to  
21 a qualified applicant pursuant to an open and competitive  
22 bidding process, as set forth in Section 7.5, and subject to  
23 the maximum number of authorized licenses set forth in  
24 subsections (e), (e-5), and (e-6) of Section 7 ~~Section 7(e)~~.  
25 The Board may not re-issue a license authorized under

1 subsection (e) in a manner that would authorize the conduct of  
2 gambling in a municipality any portion of which is within 25  
3 miles of a municipality in which a riverboat authorized under  
4 subsections (e-5) or (e-10) is located.

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

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

19 (d) In determining whether to grant a re-issued owners  
20 license to an applicant, the Board shall consider all of the  
21 factors set forth in Section ~~Sections~~ 7(b) and in Section 7(e)  
22 or (e-5), whichever is applicable, ~~(e)~~ as well as the amount of  
23 the applicant's license bid. The Board may grant the re-issued  
24 owners license to an applicant that has not submitted the  
25 highest license bid, but if it does not select the highest  
26 bidder, the Board shall issue a written decision explaining why



1 another applicant was selected and identifying the factors set  
2 forth in Section ~~Sections~~ 7(b) and in Section 7(e) or (e-5),  
3 whichever is applicable, (e) that favored the winning bidder.

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

8 (230 ILCS 10/7.3)

9 Sec. 7.3. State conduct of gambling operations.

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

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

1 (c) The Board shall have jurisdiction over and shall  
2 supervise all gambling operations conducted by the State  
3 provided for in this Act and shall have all powers necessary  
4 and proper to fully and effectively execute the provisions of  
5 this Act relating to gambling operations conducted by the  
6 State.

7 (d) The maximum number of owners licenses authorized under  
8 Section 7 ~~7(e)~~ shall be reduced by one for each instance in  
9 which the Board authorizes the State to conduct a riverboat  
10 gambling operation under subsection (a) in lieu of re-issuing a  
11 license to an applicant under Section 7.1.

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

13 (230 ILCS 10/7.4)

14 Sec. 7.4. Managers and casino operators licenses.

15 (a) A qualified person may apply to the Board for a  
16 managers license to operate and manage any gambling operation  
17 conducted by the State or the Authority. The application shall  
18 be made on forms provided by the Board and shall contain such  
19 information as the Board prescribes, including but not limited  
20 to information required in Sections 6(a), (b), and (c) and  
21 information relating to the applicant's proposed price to  
22 manage State or Authority gambling operations and to provide  
23 the riverboat or casino, gambling equipment, and supplies  
24 necessary to conduct State or Authority gambling operations.

25 (b) Each applicant must submit evidence to the Board that

1 minority persons and females hold ownership interests in the  
2 applicant of at least 16% and 4%, respectively.

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

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

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

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

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

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

16 (6) the firm or corporation employs a person defined in  
17 (1), (2), (3), or (4) who participates in the management or  
18 operation of gambling operations authorized under this  
19 Act; or

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

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

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

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

6 (g) The ~~managers~~ license to manage any gambling operation  
7 conducted by the State shall be for a term not to exceed 10  
8 years, shall be renewable at the Board's option, and shall  
9 contain such terms and provisions as the Board deems necessary  
10 to protect or enhance the credibility and integrity of State  
11 gambling operations, achieve the highest prospective total  
12 revenue to the State, and otherwise serve the interests of the  
13 citizens of Illinois. The initial term of a casino operators  
14 license to manage the Authority's gambling operations shall be  
15 4 years. Upon expiration of the initial term and of each  
16 renewal term, the casino operators license shall be renewed for  
17 a period of 4 years, provided that the casino operator  
18 continues to meet all of the requirements of this Act and the  
19 Board's rules.

20 (h) Issuance of a managers license shall be subject to an  
21 open and competitive bidding process. The Board may select an  
22 applicant other than the lowest bidder by price. If it does not  
23 select the lowest bidder, the Board shall issue a notice of who  
24 the lowest bidder was and a written decision as to why another  
25 bidder was selected.

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

1 (230 ILCS 10/7.6 new)

2 Sec. 7.6. Electronic poker.

3 (a) An owner licensee may apply to the Illinois Gaming  
4 Board for authorization to operate up to 100 electronic poker  
5 positions on its riverboats or in its casinos. The  
6 authorization that the Illinois Gaming Board issues to the  
7 owner licensee shall specify the number of electronic poker  
8 positions the owner licensee may operate, which shall not be  
9 counted against the limit on the number of gaming positions  
10 under subsection (h) of Section 7.

11 (b) The Illinois Gaming Board must adopt rules for the  
12 authorization and administration of the conduct of electronic  
13 poker.

14 (230 ILCS 10/7.7 new)

15 Sec. 7.7. Home rule. The regulation of electronic poker is  
16 an exclusive power and function of the State. A home rule unit  
17 may not regulate electronic poker. This Section is a denial and  
18 limitation of home rule powers and functions under subsection  
19 (h) of Section 6 of Article VII of the Illinois Constitution.

20 (230 ILCS 10/7.10 new)

21 Sec. 7.10. Legislative financial interest in owners  
22 licensee prohibited.

23 (a) A member of the General Assembly or his or her spouse,

1 a child, either natural or adopted, of the member or his or her  
2 spouse, or a parent of the member or his or her spouse may not,  
3 directly or indirectly, own any financial interest in, have any  
4 beneficial interest in, be the creditor of or hold any debt  
5 instrument issued by, or hold or have any interest in any  
6 contractual or service relationship with an owners licensee  
7 whose owners license is issued on or after the effective date  
8 of this Section.

9 (b) Any person who knows or reasonably should know that he  
10 or she is in violation of this Section must divest himself or  
11 herself from the interest in the licensee within 30 days. If  
12 the person does not divest his or her interest within the  
13 30-day period, then he or she shall be deemed guilty of a Class  
14 A misdemeanor.

15 (230 ILCS 10/7.15 new)

16 Sec. 7.15. Undue economic concentration.

17 (a) In addition to considering all other requirements under  
18 this Act, in deciding whether to approve direct or indirect  
19 ownership or control of an owner's license, the Board shall  
20 consider the impact of any economic concentration of the  
21 ownership or control. No direct or indirect ownership or  
22 control shall be approved and no owner's license shall be  
23 issued or transferred to or held by any person or entity if the  
24 Board determines that approval, issuance, transfer, or holding  
25 shall result in undue economic concentration in the direct or

1 indirect ownership or control of riverboat gambling operations  
2 in Illinois.

3 (b) For the purposes of this Section, "undue economic  
4 concentration" means that a person or entity would have actual  
5 or potential domination of riverboat gambling in Illinois  
6 sufficient to:

7 (1) substantially impede or suppress competition among  
8 holders of owner's licenses;

9 (2) adversely impact the economic stability of the  
10 riverboat casino industry in Illinois; or

11 (3) negatively impact the purposes of this Act,  
12 including tourism, economic development, benefits to local  
13 communities, and State and local revenues. The Board may  
14 not amend or add to the "undue economic concentration",  
15 except by a unanimous vote of the Board.

16 (c) In determining whether the issuance, transfer, or  
17 holding, directly or indirectly, of an owner's license shall  
18 result in undue economic concentration, the Board shall  
19 consider the following criteria:

20 (1) The percentage share of the market presently owned  
21 or controlled by a person or entity, directly or  
22 indirectly, in each of the following categories:

23 (A) The total number of licensed riverboat casinos  
24 in Illinois.

25 (B) Total riverboat casino square footage.

26 (C) Number of persons employed in the riverboat

1 gambling operation and any affiliated hotel operation.

2 (D) Number of guest rooms in an affiliated hotel.

3 (E) Number of electronic gaming devices.

4 (F) Number of table games.

5 (G) Net revenue and adjusted gross receipts.

6 (H) Table win.

7 (I) Electronic gaming device win.

8 (J) Table drop.

9 (K) Electronic gaming device drop.

10 (2) The estimated increase in the market shares in the  
11 categories in item (1) of this subsection (c) if the person  
12 or entity is approved, or is issued or permitted to hold  
13 the owner's license.

14 (3) The relative position of other persons or entities  
15 that own or control Owner's licenses in Illinois, as  
16 evidenced by the market shares of each license in the  
17 categories in item (1) of this subsection (c).

18 (4) The current and projected financial condition of  
19 the riverboat gaming industry.

20 (5) Current market conditions, including proximity and  
21 level of competition, consumer demand, market  
22 concentration, and any other relevant characteristics of  
23 the market.

24 (6) Whether the licenses to be issued, transferred or  
25 held, directly or indirectly, by the person or entity have  
26 separate organizational structures or other independent



1       obligations.

2           (7) The potential impact on the projected future growth  
3       and development of the riverboat gambling industry, the  
4       local communities in which licenses are located, and the  
5       State of Illinois.

6           (8) The barriers to entry into the riverboat gambling  
7       industry, including the licensure requirements of this Act  
8       and its rules, and whether the issuance or transfer to, or  
9       holding, directly or indirectly, of, an owner's license by  
10       the person or entity will operate as a barrier to new  
11       companies and individuals desiring to enter the market.

12           (9) Whether the issuance or transfer to or holding,  
13       directly or indirectly, of the license by the person or  
14       entity will adversely impact on consumer interests, or  
15       whether such issuance, transfer or holding is likely to  
16       result in enhancing the quality and customer appeal of  
17       products and services offered by riverboat casinos in order  
18       to maintain or increase their respective market shares.

19           (10) Whether a restriction on the issuance or transfer  
20       of a license to, or holding, directly or indirectly, of, an  
21       additional license by the person is necessary in order to  
22       encourage and preserve competition in casino operations.

23           (11) Any other information deemed relevant by the  
24       Board.

1       Sec. 7.20. Annual report. Each owners licensee shall  
2 prepare a report to be submitted to the Illinois Gaming Board  
3 each year. The report shall identify the owners licensee's  
4 utilization of minority person-owned and female-owned  
5 businesses and the percentage of minority persons and women  
6 employed by the owners licensee in each occupational licensee  
7 category. The gaming board shall consider each submitted report  
8 when reviewing each owners licensee's application for renewal.  
9 For the purposes of this Section, the terms "minority person"  
10 and "female" have the meanings provided in Section 2 of the  
11 Business Enterprise for Minorities, Females, and Persons with  
12 Disabilities Act.

13           (230 ILCS 10/8)   (from Ch. 120, par. 2408)

14       Sec. 8. Suppliers licenses.

15       (a) The Board may issue a suppliers license to such  
16 persons, firms or corporations which apply therefor upon the  
17 payment of a non-refundable application fee set by the Board,  
18 upon a determination by the Board that the applicant is  
19 eligible for a suppliers license and upon payment of a \$5,000  
20 annual license fee.

21       (b) The holder of a suppliers license is authorized to sell  
22 or lease, and to contract to sell or lease, gambling equipment  
23 and supplies to any licensee involved in the ownership or  
24 management of gambling operations.

25       (c) Gambling supplies and equipment may not be distributed

1 unless supplies and equipment conform to standards adopted by  
2 rules of the Board.

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

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

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

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

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

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

16 (6) the firm or corporation employs a person who  
17 participates in the management or operation of riverboat  
18 gambling authorized under this Act;

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

23 (e) Any person that supplies any equipment, devices, or  
24 supplies to a licensed riverboat or casino gambling operation  
25 must first obtain a suppliers license. A supplier shall furnish  
26 to the Board a list of all equipment, devices and supplies

1 offered for sale or lease in connection with gambling games  
2 authorized under this Act. A supplier shall keep books and  
3 records for the furnishing of equipment, devices and supplies  
4 to gambling operations separate and distinct from any other  
5 business that the supplier might operate. A supplier shall file  
6 a quarterly return with the Board listing all sales and leases.  
7 A supplier shall permanently affix its name to all its  
8 equipment, devices, and supplies for gambling operations. Any  
9 supplier's equipment, devices or supplies which are used by any  
10 person in an unauthorized gambling operation shall be forfeited  
11 to the State. A holder of an owners license, including the  
12 Authority, ~~licensed owner~~ may own its own equipment, devices  
13 and supplies. Each holder of an owners license, including the  
14 Authority, under the Act shall file an annual report listing  
15 its inventories of gambling equipment, devices and supplies.

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

18 (g) Any gambling equipment, devices and supplies provided  
19 by any licensed supplier may either be repaired on the  
20 riverboat or at the casino or removed from the riverboat or the  
21 casino to a an-on-shore facility owned by the holder of an  
22 owners license for repair.

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

24 (230 ILCS 10/9) (from Ch. 120, par. 2409)

25 Sec. 9. Occupational licenses.

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

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

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

15           (3) have demonstrated a level of skill or knowledge  
16 which the Board determines to be necessary in order to  
17 operate gambling aboard a riverboat or in a casino; and

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

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

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

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

25           (e) The Board may suspend, revoke or restrict any  
26 occupational licensee: (1) for violation of any provision of

1 this Act; (2) for violation of any of the rules and regulations  
2 of the Board; (3) for any cause which, if known to the Board,  
3 would have disqualified the applicant from receiving such  
4 license; or (4) for default in the payment of any obligation or  
5 debt due to the State of Illinois; or (5) for any other just  
6 cause.

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

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

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

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

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

24 (230 ILCS 10/10) (from Ch. 120, par. 2410)

25 Sec. 10. Bond of licensee. Before an owners license, other

1 than the Authority's license, is issued or re-issued or a  
2 managers license or casino operators license is issued, the  
3 licensee shall post a bond in the sum of \$200,000 to the State  
4 of Illinois. The bond shall be used to guarantee that the  
5 licensee faithfully makes the payments, keeps his books and  
6 records and makes reports, and conducts his games of chance in  
7 conformity with this Act and the rules adopted by the Board.  
8 The bond shall not be canceled by a surety on less than 30 days  
9 notice in writing to the Board. If a bond is canceled and the  
10 licensee fails to file a new bond with the Board in the  
11 required amount on or before the effective date of  
12 cancellation, the licensee's license shall be revoked. The  
13 total and aggregate liability of the surety on the bond is  
14 limited to the amount specified in the bond.

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

16 (230 ILCS 10/11) (from Ch. 120, par. 2411)

17 Sec. 11. Conduct of gambling. Gambling may be conducted by  
18 licensed owners or licensed managers on behalf of the State or  
19 by casino operators on behalf of the Authority aboard  
20 riverboats or in a casino. Gambling in the form of electronic  
21 poker may be conducted as authorized by the Illinois Gambling  
22 Board by licensed owners aboard riverboats or in casinos. If  
23 authorized by the Board by rule, an owners licensee may move  
24 gaming positions to a "temporary facility" as that term is  
25 defined in Section 7(h-6) and use those gaming positions to



1 conduct gambling as provided in Section 7(h-6). Gambling  
2 authorized under this Section shall be, subject to the  
3 following standards:

4 (1) A licensee may conduct riverboat gambling  
5 authorized under this Act regardless of whether it conducts  
6 excursion cruises. A licensee may permit the continuous  
7 ingress and egress of patrons ~~passengers~~ for the purpose of  
8 gambling.

9 (2) (Blank).

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

12 (4) Agents of the Board and the Department of State  
13 Police may board and inspect any riverboat or enter and  
14 inspect any portion of a casino at any time for the purpose  
15 of determining whether this Act is being complied with.  
16 Every riverboat, if under way and being hailed by a law  
17 enforcement officer or agent of the Board, must stop  
18 immediately and lay to.

19 (5) Employees of the Board shall have the right to be  
20 present on the riverboat or in the casino or on adjacent  
21 facilities under the control of the licensee.

22 (6) Gambling equipment and supplies customarily used  
23 in conducting ~~riverboat~~ gambling games must be purchased or  
24 leased only from suppliers licensed for such purpose under  
25 this Act.

26 (7) Persons licensed under this Act shall permit no

1 form of wagering on gambling games except as permitted by  
2 this Act.

3 (8) Wagers may be received only from a person present  
4 on a licensed riverboat or in a casino. No person present  
5 on a licensed riverboat or in a casino shall place or  
6 attempt to place a wager on behalf of another person who is  
7 not present on the riverboat or in the casino.

8 (9) Wagering shall not be conducted with money or other  
9 negotiable currency.

10 (10) A person under age 21 shall not be permitted on an  
11 area of a riverboat or casino where gambling is being  
12 conducted, except for a person at least 18 years of age who  
13 is an employee of the riverboat or casino gambling  
14 operation. No employee under age 21 shall perform any  
15 function involved in gambling by the patrons. No person  
16 under age 21 shall be permitted to make a wager under this  
17 Act.

18 (11) Gambling excursion cruises are permitted only  
19 when the waterway for which the riverboat is licensed is  
20 navigable, as determined by the Board in consultation with  
21 the U.S. Army Corps of Engineers. This paragraph (11) does  
22 not limit the ability of a licensee to conduct gambling  
23 authorized under this Act when gambling excursion cruises  
24 are not permitted.

25 (12) All tokens, chips or electronic cards used to make  
26 wagers must be purchased from a licensed owner or manager.

1       in the case of a riverboat or of a casino either aboard the  
2       ~~a~~ riverboat or at the casino or, in the case of a  
3       riverboat, at an onshore facility which has been approved  
4       by the Board and which is located where the riverboat  
5       docks. The tokens, chips or electronic cards may be  
6       purchased by means of an agreement under which the owner or  
7       manager extends credit to the patron. Such tokens, chips or  
8       electronic cards may be used while aboard the riverboat or  
9       in the casino only for the purpose of making wagers on  
10      gambling games.

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

26           (14) In addition to the above, gambling must be

1 conducted in accordance with all rules adopted by the  
2 Board.

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

4 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

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

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

15 (230 ILCS 10/12) (from Ch. 120, par. 2412)

16 Sec. 12. Admission tax; fees.

17 (a) A tax is hereby imposed upon admissions to riverboats  
18 and casinos operated by licensed owners and upon admissions to  
19 casinos and riverboats operated by casino operators on behalf  
20 of the Authority authorized pursuant to this Act. Until July 1,  
21 2002, the rate is \$2 per person admitted. From July 1, 2002  
22 until July 1, 2003, the rate is \$3 per person admitted. From  
23 July 1, 2003 until the effective date of this amendatory Act of  
24 the 94th General Assembly, for a licensee that admitted

1 1,000,000 persons or fewer in the previous calendar year, the  
2 rate is \$3 per person admitted; for a licensee that admitted  
3 more than 1,000,000 but no more than 2,300,000 persons in the  
4 previous calendar year, the rate is \$4 per person admitted; and  
5 for a licensee that admitted more than 2,300,000 persons in the  
6 previous calendar year, the rate is \$5 per person admitted.  
7 Beginning on August 23, 2005 (the effective date of Public Act  
8 94-673) and until the effective date of this amendatory Act of  
9 the 95th General Assembly ~~this amendatory Act of the 94th~~  
10 ~~General Assembly~~, for a licensee that admitted 1,000,000  
11 persons or fewer in calendar year 2004, the rate is \$2 per  
12 person admitted, and for all other licensees the rate is \$3 per  
13 person admitted. Beginning on the effective date of this  
14 amendatory Act of the 95th General Assembly, for a licensee  
15 that conducted riverboat gambling operations in calendar year  
16 2003 and (i) admitted 1,000,000 persons or fewer in the  
17 calendar year 2003, the rate is \$1 per person admitted; (ii)  
18 admitted more than 1,000,000 persons but fewer than 1,500,000  
19 persons, the rate is \$2 per person admitted; and (iii) admitted  
20 1,500,000 persons or more, the rate is \$3 per person admitted.  
21 This admission tax is imposed upon the licensed owner  
22 conducting gambling.

23 (1) The admission tax shall be paid for each admission,  
24 except that a person who exits a riverboat gambling  
25 facility or a casino and reenters that riverboat gambling  
26 facility or casino within the same gaming day, as the term

1       "gaming day" is defined by the Board by rule, shall be  
2       subject only to the initial admission tax. The Board shall  
3       establish, by rule, a procedure to determine whether a  
4       person admitted to a riverboat gambling facility or casino  
5       has paid the admission tax.

6           (2) (Blank).

7           (3) An owners licensee and the Authority ~~The riverboat~~  
8       ~~licensee~~ may issue tax-free passes to actual and necessary  
9       officials and employees of the licensee or other persons  
10      actually working on the riverboat or in the casino.

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

15          (a-5) A fee is hereby imposed upon admissions operated by  
16      licensed managers on behalf of the State pursuant to Section  
17      7.3 at the rates provided in this subsection (a-5). For a  
18      licensee that admitted 1,000,000 persons or fewer in the  
19      previous calendar year, the rate is \$3 per person admitted; for  
20      a licensee that admitted more than 1,000,000 but no more than  
21      2,300,000 persons in the previous calendar year, the rate is \$4  
22      per person admitted; and for a licensee that admitted more than  
23      2,300,000 persons in the previous calendar year, the rate is \$5  
24      per person admitted.

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

26          (2) (Blank).

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

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

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

26           (c) The licensed owner and the licensed casino operator

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

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

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

18 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

23 (a-1) From January 1, 1998 until July 1, 2002, a privilege  
24 tax is imposed on persons engaged in the business of conducting  
25 riverboat gambling operations, based on the ~~adjusted~~ gross



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

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

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

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

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

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

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

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

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

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

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

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

17 27.5% of annual ~~adjusted~~ gross gaming receipts in  
18 excess of \$25,000,000 but not exceeding \$37,500,000;

19 32.5% of annual ~~adjusted~~ gross gaming receipts in  
20 excess of \$37,500,000 but not exceeding \$50,000,000;

21 37.5% of annual ~~adjusted~~ gross gaming receipts in  
22 excess of \$50,000,000 but not exceeding \$75,000,000;

23 45% of annual ~~adjusted~~ gross gaming receipts in excess  
24 of \$75,000,000 but not exceeding \$100,000,000;

25 50% of annual ~~adjusted~~ gross gaming receipts in excess  
26 of \$100,000,000 but not exceeding \$250,000,000;

1           70% of annual ~~adjusted~~ gross gaming receipts in excess  
2           of \$250,000,000.

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

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

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

1           15% of annual ~~adjusted~~ gross gaming receipts up to and  
2 including \$25,000,000;

3           22.5% of annual ~~adjusted~~ gross gaming receipts in  
4 excess of \$25,000,000 but not exceeding \$50,000,000;

5           27.5% of annual ~~adjusted~~ gross gaming receipts in  
6 excess of \$50,000,000 but not exceeding \$75,000,000;

7           32.5% of annual ~~adjusted~~ gross gaming receipts in  
8 excess of \$75,000,000 but not exceeding \$100,000,000;

9           37.5% of annual ~~adjusted~~ gross gaming receipts in  
10 excess of \$100,000,000 but not exceeding \$150,000,000;

11           45% of annual ~~adjusted~~ gross gaming receipts in excess  
12 of \$150,000,000 but not exceeding \$200,000,000;

13           50% of annual ~~adjusted~~ gross gaming receipts in excess  
14 of \$200,000,000.

15           (a-5) A privilege tax is imposed on the owners licensee of  
16 the license authorized under subsection (e-6) of Section 7 at  
17 the rate of 50% of annual gross gaming receipts.

18           (a-6) A privilege tax is imposed on persons engaged in the  
19 business of conducting electronic poker based on the gross  
20 gaming receipts received from gambling games authorized under  
21 this Act at the following rates:

22           15% of annual gross gaming receipts up to and including  
23 \$25,000,000;

24           22.5% of annual gross gaming receipts in excess of  
25 \$25,000,000 but not exceeding \$50,000,000;

26           27.5% of annual gross gaming receipts in excess of

1       \$50,000,000 but not exceeding \$75,000,000;

2           32.5% of annual gross gaming receipts in excess of  
3       \$75,000,000 but not exceeding \$100,000,000;

4           37.5% of annual gross gaming receipts in excess of  
5       \$100,000,000 but not exceeding \$150,000,000;

6           45% of annual gross gaming receipts in excess of  
7       \$150,000,000 but not exceeding \$200,000,000;

8           50% of annual gross gaming receipts in excess of  
9       \$200,000,000.

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

13       (a-10) The taxes imposed by this Section shall be paid by  
14 the licensed owner, or by the casino operator on behalf of the  
15 Authority in the case of a license issued to the Authority, to  
16 the Board not later than 3:00 o'clock p.m. of the day after the  
17 day when the wagers were made.

18       (a-15) If the privilege tax imposed under subsection (a-3)  
19 is no longer imposed pursuant to item (i) of the last paragraph  
20 of subsection (a-3), then by June 15 of each year, each owners  
21 licensee, other than an owners licensee that admitted 1,000,000  
22 persons or fewer in calendar year 2004, must, in addition to  
23 the payment of all amounts otherwise due under this Section,  
24 pay to the Board a reconciliation payment in the amount, if  
25 any, by which the licensed owner's base amount exceeds the  
26 amount of net privilege tax paid by the licensed owner to the

1 Board in the then current State fiscal year. A licensed owner's  
2 net privilege tax obligation due for the balance of the State  
3 fiscal year shall be reduced up to the total of the amount paid  
4 by the licensed owner in its June 15 reconciliation payment.  
5 The obligation imposed by this subsection (a-15) is binding on  
6 any person, firm, corporation, or other entity that acquires an  
7 ownership interest in any such owners license. The obligation  
8 imposed under this subsection (a-15) terminates on the earliest  
9 of: (i) July 1, 2007, (ii) the first day after the effective  
10 date of this amendatory Act of the 94th General Assembly that  
11 riverboat gambling operations are conducted pursuant to a  
12 dormant license, (iii) the first day that riverboat gambling  
13 operations are conducted under the authority of an owners  
14 license that is in addition to the 10 owners licenses initially  
15 authorized under this Act, or (iv) the first day that a  
16 licensee under the Illinois Horse Racing Act of 1975 conducts  
17 gaming operations with slot machines or other electronic gaming  
18 devices. The Board must reduce the obligation imposed under  
19 this subsection (a-15) by an amount the Board deems reasonable  
20 for any of the following reasons: (A) an act or acts of God,  
21 (B) an act of bioterrorism or terrorism or a bioterrorism or  
22 terrorism threat that was investigated by a law enforcement  
23 agency, or (C) a condition beyond the control of the owners  
24 licensee that does not result from any act or omission by the  
25 owners licensee or any of its agents and that poses a hazardous  
26 threat to the health and safety of patrons. If an owners

1 licensee pays an amount in excess of its liability under this  
2 Section, the Board shall apply the overpayment to future  
3 payments required under this 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 "Net privilege tax" means all privilege taxes paid by a  
21 licensed owner to the Board under this Section, less all  
22 payments made from the State Gaming Fund pursuant to subsection  
23 (b) of this Section.

24 The changes made to this subsection (a-15) by Public Act  
25 94-839 ~~this amendatory Act of the 94th General Assembly~~ are  
26 intended to restate and clarify the intent of Public Act 94-673

1 with respect to the amount of the payments required to be made  
2 under this subsection by an owners licensee to the Board.

3 (b) Until January 1, 1998, 25% of the tax revenue deposited  
4 in the State Gaming Fund under this Section shall be paid,  
5 subject to appropriation by the General Assembly, to the unit  
6 of local government which is designated as the home dock of the  
7 riverboat. Except as otherwise provided in this subsection (b),  
8 beginning ~~Beginning~~ January 1, 1998, from the tax revenue from  
9 riverboat and casino gambling deposited in the State Gaming  
10 Fund under this Section, an amount equal to 5% of ~~adjusted~~  
11 gross gaming receipts generated by a riverboat and an amount  
12 equal to 20% of gross gaming receipts generated by a casino  
13 shall be paid monthly, subject to appropriation by the General  
14 Assembly, to the unit of local government that is designated as  
15 the home dock of the riverboat or the municipality in which the  
16 casino is located. From the tax revenue deposited in the State  
17 Gaming Fund pursuant to riverboat gambling operations  
18 conducted by a licensed manager on behalf of the State, an  
19 amount equal to 5% of ~~adjusted~~ gross gaming receipts generated  
20 pursuant to those riverboat gambling operations shall be paid  
21 monthly, subject to appropriation by the General Assembly, to  
22 the unit of local government that is designated as the home  
23 dock of the riverboat upon which those riverboat gambling  
24 operations are conducted.

25 (b-5) An amount equal to 1% of the moneys in the State  
26 Gaming Fund shall be transferred monthly to the Depressed



1 Communities Economic Development Fund, which is created in the  
2 State treasury. The Department of Commerce and Economic  
3 Opportunity shall administer the Fund and use moneys in the  
4 Fund to make grants in accordance with the recommendations of  
5 the Depressed Communities Economic Development Board.

6 (b-10) Beginning on the effective date of this amendatory  
7 Act of the 95th General Assembly, from the tax revenue from  
8 electronic poker into the State Gaming Fund under this Section,  
9 an amount equal to one-twelfth of \$3,000,000 shall be paid  
10 monthly into the Illinois Colt Stakes Purse Distribution Fund  
11 to be used for horse racing purses at the Illinois State Fair  
12 and DuQuoin State Fair and for bonus programs to pay owners of  
13 horses that win multiple stake races that are restricted to  
14 Illinois conceived and foaled horses.

15 (b-15) Beginning on the effective date of this amendatory  
16 Act of the 95th General Assembly, from the tax revenue from  
17 electronic poker deposited into the State Gaming Fund under  
18 this Section, an amount equal to one-twelfth of \$100,000 shall  
19 be transferred monthly to the Agricultural Premium Fund to be  
20 used for drug testing of horses at county fairs authorized in  
21 Section 34.3 of the Illinois Horse Racing Act of 1975.

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

1 to treat problem gambling.

2 (c-5) (Blank). ~~Before the effective date of this amendatory~~  
3 ~~Act of the 94th General Assembly and beginning 2 years after~~  
4 ~~the effective date of this amendatory Act of the 94th General~~  
5 ~~Assembly, after the payments required under subsections (b) and~~  
6 ~~(c) have been made, an amount equal to 15% of the adjusted~~  
7 ~~gross receipts of (1) an owners licensee that relocates~~  
8 ~~pursuant to Section 11.2, (2) an owners licensee conducting~~  
9 ~~riverboat gambling operations pursuant to an owners license~~  
10 ~~that is initially issued after June 25, 1999, or (3) the first~~  
11 ~~riverboat gambling operations conducted by a licensed manager~~  
12 ~~on behalf of the State under Section 7.3, whichever comes~~  
13 ~~first, shall be paid from the State Gaming Fund into the Horse~~  
14 ~~Racing Equity Fund.~~

15 (c-10) (Blank). ~~Each year the General Assembly shall~~  
16 ~~appropriate from the General Revenue Fund to the Education~~  
17 ~~Assistance Fund an amount equal to the amount paid into the~~  
18 ~~Horse Racing Equity Fund pursuant to subsection (c-5) in the~~  
19 ~~prior calendar year.~~

20 (c-15) (Blank). ~~After the payments required under~~  
21 ~~subsections (b), (c), and (c-5) have been made, an amount equal~~  
22 ~~to 2% of the adjusted gross receipts of (1) an owners licensee~~  
23 ~~that relocates pursuant to Section 11.2, (2) an owners licensee~~  
24 ~~conducting riverboat gambling operations pursuant to an owners~~  
25 ~~license that is initially issued after June 25, 1999, or (3)~~  
26 ~~the first riverboat gambling operations conducted by a licensed~~

1 ~~manager on behalf of the State under Section 7.3, whichever~~  
2 ~~comes first, shall be paid, subject to appropriation from the~~  
3 ~~General Assembly, from the State Gaming Fund to each home rule~~  
4 ~~county with a population of over 3,000,000 inhabitants for the~~  
5 ~~purpose of enhancing the county's criminal justice system.~~

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

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

21 (c-30) After the payments required under subsections (b),  
22 (b-5), (c), and (c-25) have been made, an aggregate amount  
23 equal to 3% of the gross gaming receipts of owners licensees,  
24 but in no event more than \$75,000,000 in any year, shall be  
25 paid monthly, subject to appropriation by the General Assembly,  
26 from the State Gaming Fund into the School Infrastructure Fund

1 for the purpose of funding school construction program grants.

2 (c-33) After the payments required under subsections (b),  
3 (b-5), (c), (c-25), and (c-30) have been made, an aggregate  
4 amount equal to 3% of the gross gaming receipts of owners  
5 licensees, but in no event more than \$75,000,000 in any year,  
6 shall be paid monthly, subject to appropriation by the General  
7 Assembly, from the State Gaming Fund into the School  
8 Construction Fund for the purpose of funding school  
9 construction program grants.

10 (c-35) After the payments required under subsections (b),  
11 (b-5), (c), (c-30), and (c-33) have been made, an amount equal  
12 to 1% of the gross gaming receipts from gaming positions  
13 acquired under subsection (h-5) of Section 7 of an owners  
14 licensee that docks on the Mississippi River, the Illinois  
15 River, or the Ohio River shall be paid, subject to  
16 appropriation by the General Assembly, from the State Gaming  
17 Fund to qualifying municipalities within 50 miles of the home  
18 dock of the riverboat. The amount paid under this subsection  
19 (c-35) to each qualifying municipality shall be based on the  
20 proportion that the number of persons living at or below the  
21 poverty level in the qualifying municipality bears to the total  
22 number of persons living at or below the poverty level in  
23 qualifying municipalities that are within 50 miles of the  
24 owners licensee's home dock. If 2 or more owners licensees that  
25 dock on the Mississippi River, the Illinois River, or the Ohio  
26 River are within 50 miles of each other, payments required

1 under this subsection (c-35) from the gross gaming receipts of  
2 those owners licensees shall be commingled and paid to  
3 qualifying municipalities that are within 50 miles of at least  
4 one of those owners licensee's home docks. For the purposes of  
5 this subsection (c-35), the term "qualifying municipality"  
6 means a municipality, other than a municipality in which a  
7 riverboat docks, in which the poverty rate as determined by  
8 using the most recent data released by the United States Census  
9 Bureau is at least 3% greater than the State poverty rate as  
10 determined by using the most recent data released by the United  
11 States Census Bureau.

12 For the purposes of this subsection (c-35), the gross  
13 gaming receipts from the gaming positions acquired under  
14 subsection (h-5) of Section 7 shall be the difference between  
15 the gross gaming receipts in a particular month from the gross  
16 gaming receipts for the corresponding month in calendar year  
17 2006.

18 (c-40) After the payments required under subsections (b),  
19 (b-5), (c), (c-30), (c-33), and (c-35) have been made, an  
20 amount equal to 1% of the gross gaming receipts (i) of the  
21 gaming positions authorized under subsection (h-5) of Section 7  
22 of an owners licensee that docks on the Fox River or the Des  
23 Plaines River or (ii) of an owners licensee that is authorized  
24 under subsection (e-5) of Section 7, shall be paid, subject to  
25 appropriation by the General Assembly, from the State Gaming  
26 Fund to qualifying municipalities within 20 miles of the home

1 dock of the riverboat. The amount paid under this subsection  
2 (c-40) to each qualifying municipality shall be based on the  
3 proportion that the number of persons living at or below the  
4 poverty level in the qualifying municipality bears to the total  
5 number of persons living at or below the poverty level in  
6 qualifying municipalities that are within 20 miles of the  
7 owners licensee's home dock. If the home docks of 2 or more  
8 owners licensees that (i) dock on the Fox River or the Des  
9 Plaines River or (ii) are authorized under subsection (e-5) of  
10 Section 7 are within 20 miles of each other, payments required  
11 under this subsection (c-40) from the gross gaming receipts of  
12 those owners licensees shall be commingled and paid to  
13 qualifying municipalities that are within 20 miles of at least  
14 one of those owners licensee's home docks. For the purposes of  
15 this subsection (c-40), the term "qualifying municipality"  
16 means a municipality, other than the City of Chicago or a  
17 municipality in which a riverboat docks, in which the poverty  
18 rate as determined by using the most recent data released by  
19 the United States Census Bureau is at least 3% greater than the  
20 State poverty rate as determined by using the most recent data  
21 released by the United States Census Bureau.

22 For the purposes of this subsection (c-40), the gross  
23 gaming receipts from the gaming positions acquired under  
24 subsection (h-5) of Section 7 shall be calculated in the same  
25 manner as provided in subsection (c-30).

26 (c-45) After the payments required under subsections (b),

1 (b-5), (c), (c-30), (c-33), (c-35), and (c-40) have been made,  
2 an amount equal to 1% of the gross gaming receipts of an owners  
3 licensee that is authorized under subsection (e-6) of Section  
4 7, shall be paid, subject to appropriation by the General  
5 Assembly, from the State Gaming Fund to qualifying  
6 municipalities within 10 miles of the casino. The amount paid  
7 under this subsection (c-45) to each qualifying municipality  
8 shall be based on the proportion that the number of persons  
9 living at or below the poverty level in the qualifying  
10 municipality bears to the total number of persons living at or  
11 below the poverty level in qualifying municipalities that are  
12 within 10 miles of the casino. For the purposes of this  
13 subsection (c-45), the term "qualifying municipality" means a  
14 municipality, other than the City of Chicago, a municipality in  
15 which a riverboat docks, or a municipality that received  
16 payment under subsection (c-35) or (c-40), in which the poverty  
17 rate as determined by using the most recent data released by  
18 the United States Census Bureau is at least 3% greater than the  
19 State poverty rate as determined by using the most recent data  
20 released by the United States Census Bureau.

21 (c-60) After the payments required under subsections (b),  
22 (b-5), (c), (c-30), (c-33), (c-35), (c-40), and (c-45) have  
23 been made, an amount equal to 0.93% of the gross gaming  
24 receipts from owners licensees authorized under Sections  
25 7(e-5) and 7(e-6), but in no case more than \$3,750,000 per  
26 year, shall be reserved for the Board and may be used by the

1 Board, subject to appropriation, for the administration and  
2 enforcement of this Act. Moneys reserved for the Board under  
3 this subsection (c-60) shall not be deposited into the  
4 Education Assistance Fund.

5 (c-65) After the payments required under subsections (b),  
6 (b-5), (c), (c-30), (c-33), (c-35), (c-40), (c-45), and (c-60)  
7 have been made, an amount equal to 8% of the gross gaming  
8 receipts from owners licensees authorized under Sections  
9 7(e-5) and 7(e-6), but in no case more than \$200,000,000 per  
10 year, shall be transferred from the State Gaming Fund to the  
11 General Obligation Bond Retirement and Interest Fund.

12 (c-70) After payments required under subsections (b),  
13 (b-5), (c), (c-30), (c-33), (c-35), (c-40), (c-45), (c-60), and  
14 (c-65) have been made, an amount equal to 1.5% of the gross  
15 gaming receipts from owners licenses issued on or after the  
16 effective date of this amendatory Act of the 95th General  
17 Assembly authorizing riverboat gambling in Cook County shall be  
18 paid monthly, subject to appropriation by the General Assembly,  
19 to Cook County.

20 (c-75) After payments required under subsections (b),  
21 (b-5), (c), (c-30), (c-33), (c-35), (c-40), (c-45), (c-60),  
22 (c-65), and (c-70) have been made, an amount equal to 1% of the  
23 gross gaming receipts from owners licenses issued on or after  
24 the effective date of this amendatory Act of the 95th General  
25 Assembly authorizing riverboat gambling in Cook County shall be  
26 paid monthly, subject to appropriation by the General Assembly,



1 to the Chicago Convention and Tourism Bureau.

2 (c-80) After payments required under subsections (b),  
3 (b-5), (c), (c-30), (c-33), (c-35), (c-40), (c-45), (c-60),  
4 (c-65), (c-70), and (c-75) have been made, an amount equal to  
5 2% of the gross gaming receipts from owners licenses issued on  
6 or after the effective date of this amendatory Act of the 95th  
7 General Assembly and 2% of the gross gaming receipts from the  
8 gaming positions acquired under subsection (h-5) of Section 7  
9 by owners licensees whose license was issued before the  
10 effective date of this amendatory Act, shall be paid monthly,  
11 subject to appropriation by the General Assembly, to public  
12 universities in this State to be distributed as follows: 25%  
13 shall be distributed to Chicago State University and 75% shall  
14 be divided among the other public universities in this State in  
15 the proportion of the number of campuses of the public  
16 university to the number of campuses of all these other public  
17 universities. For the purposes of this subsection (c-80), the  
18 gross gaming receipts from the gaming positions acquired under  
19 subsection (h-5) shall be calculated in the same manner as  
20 provided in subsection (c-30).

21 (c-90) After the payments required under subsections (b),  
22 (b-5), (c), (c-30), (c-33), (c-35), (c-40), (c-45), (c-60),  
23 (c-70), (c-75), and (c-80) have been made, the remainder of the  
24 gross gaming receipts from owners licensees authorized under  
25 Sections 7(e-5) and 7(e-6) shall be transferred from the State  
26 Gaming Fund to the General Revenue Fund.

1 (d) From time to time, the Board shall transfer the  
2 remainder of the funds generated by this Act into the Education  
3 Assistance Fund, created by Public Act 86-0018, of the State of  
4 Illinois.

5 (e) Nothing in this Act shall prohibit the unit of local  
6 government designated as the home dock of the riverboat, or the  
7 municipality in which the casino is located, from entering into  
8 agreements with other units of local government in this State  
9 or in other states to share its portion of the tax revenue.

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

16 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,  
17 eff. 8-23-05; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06;  
18 revised 8-3-06.)

19 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

21 (a) ~~A~~ Licensed owners, including the Authority, ~~owner~~ shall  
22 keep their ~~his~~ books and records so as to clearly show the  
23 following:

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

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

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

2 (b) ~~The~~ Licensed owners, including the Authority, ~~owner~~  
3 shall furnish to the Board reports and information as the Board  
4 may require with respect to its activities on forms designed  
5 and supplied for such purpose by the Board.

6 (c) The books and records kept by a licensed owner as  
7 provided by this Section are public records and the  
8 examination, publication, and dissemination of the books and  
9 records are governed by the provisions of The Freedom of  
10 Information Act.

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

12 (230 ILCS 10/18) (from Ch. 120, par. 2418)

13 Sec. 18. Prohibited Activities - Penalty.

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

16 (1) Conducting gambling where wagering is used or to be  
17 used without a license or authorization issued by the  
18 Board.

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

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

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

24 or

25 (2) violating paragraph (12) of subsection (a) of

1 Section 11 of this Act.

2 (c) A person wagering or accepting a wager at any location  
3 outside the riverboat or casino in violation of paragraph ~~is~~  
4 ~~subject to the penalties in paragraphs~~ (1) or (2) of subsection  
5 (a) of Section 28-1 of the Criminal Code of 1961 is subject to  
6 the penalties provided in that Section.

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

11 (1) Offers, promises, or gives anything of value or  
12 benefit to a person who is connected with a riverboat or  
13 casino owner including, but not limited to, an officer or  
14 employee of a licensed owner or holder of an occupational  
15 license pursuant to an agreement or arrangement or with the  
16 intent that the promise or thing of value or benefit will  
17 influence the actions of the person to whom the offer,  
18 promise, or gift was made in order to affect or attempt to  
19 affect the outcome of a gambling game, or to influence  
20 official action of a member of the Board.

21 (2) Solicits or knowingly accepts or receives a promise  
22 of anything of value or benefit while the person is  
23 connected with a riverboat or casino including, but not  
24 limited to, an officer or employee of a licensed owner, or  
25 the holder of an occupational license, pursuant to an  
26 understanding or arrangement or with the intent that the

1           promise or thing of value or benefit will influence the  
2           actions of the person to affect or attempt to affect the  
3           outcome of a gambling game, or to influence official action  
4           of a member of the Board.

5           (3) Uses or possesses with the intent to use a device  
6           to assist:

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

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

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

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

14           (4) Cheats at a gambling game.

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

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

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

26           (8) Claims, collects, or takes, or attempts to claim,

1 collect, or take, money or anything of value in or from the  
2 gambling games, with intent to defraud, without having made  
3 a wager contingent on winning a gambling game, or claims,  
4 collects, or takes an amount of money or thing of value of  
5 greater value than the amount won.

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

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

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

20 An action to prosecute any crime occurring on a riverboat  
21 or in a casino shall be tried in the county of the dock at which  
22 the riverboat is based or in the county in which the casino is  
23 located.

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

1           Sec. 20. Prohibited activities - civil penalties. Any  
2 person who conducts a gambling operation without first  
3 obtaining a license to do so, or who continues to conduct such  
4 games after revocation of his license, or any licensee who  
5 conducts or allows to be conducted any unauthorized gambling  
6 games on a riverboat or in a casino where it is authorized to  
7 conduct its ~~riverboat~~ gambling operation, in addition to other  
8 penalties provided, shall be subject to a civil penalty equal  
9 to the amount of whole gaming ~~gross~~ receipts derived from  
10 wagering on the gambling games, whether unauthorized or  
11 authorized, conducted on that day as well as confiscation and  
12 forfeiture of all gambling game equipment used in the conduct  
13 of unauthorized gambling games.

14           (Source: P.A. 86-1029.)

15           (230 ILCS 10/23) (from Ch. 120, par. 2423)

16           Sec. 23. The State Gaming Fund. On or after the effective  
17 date of this Act, except as provided for payments into the  
18 Horse Racing Equity Trust Fund under subsection (a) of Section  
19 7, all of the fees and taxes collected pursuant to this Act  
20 shall be deposited into the State Gaming Fund, a special fund  
21 in the State Treasury, which is hereby created. The ~~adjusted~~  
22 gross gaming receipts of any riverboat gambling operations  
23 conducted by a licensed manager on behalf of the State  
24 remaining after the payment of the fees and expenses of the  
25 licensed manager shall be deposited into the State Gaming Fund.

1 Fines and penalties collected pursuant to this Act shall be  
2 deposited into the Education Assistance Fund, created by Public  
3 Act 86-0018, of the State of Illinois.

4 (Source: P.A. 93-28, eff. 6-20-03; 94-804, eff. 5-26-06.)

5 Section 950. The Liquor Control Act of 1934 is amended by  
6 changing Sections 5-1 and 6-30 as follows:

7 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

8 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
9 Commission shall be of the following classes:

10 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
11 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
12 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
13 First Class Winemaker, Class 7. Second Class Winemaker, Class  
14 8. Limited Wine Manufacturer,

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

17 (d) Retailer's license,

18 (e) Special Event Retailer's license (not-for-profit),

19 (f) Railroad license,

20 (g) Boat license,

21 (h) Non-Beverage User's license,

22 (i) Wine-maker's premises license,

23 (j) Airplane license,

24 (k) Foreign importer's license,



- 1 (l) Broker's license,
- 2 (m) Non-resident dealer's license,
- 3 (n) Brew Pub license,
- 4 (o) Auction liquor license,
- 5 (p) Caterer retailer license,
- 6 (q) Special use permit license.

7 No person, firm, partnership, corporation, or other legal  
8 business entity that is engaged in the manufacturing of wine  
9 may concurrently obtain and hold a wine-maker's license and a  
10 wine manufacturer's license.

11 (a) A manufacturer's license shall allow the manufacture,  
12 importation in bulk, storage, distribution and sale of  
13 alcoholic liquor to persons without the State, as may be  
14 permitted by law and to licensees in this State as follows:

15 Class 1. A Distiller may make sales and deliveries of  
16 alcoholic liquor to distillers, rectifiers, importing  
17 distributors, distributors and non-beverage users and to no  
18 other licensees.

19 Class 2. A Rectifier, who is not a distiller, as defined  
20 herein, may make sales and deliveries of alcoholic liquor to  
21 rectifiers, importing distributors, distributors, retailers  
22 and non-beverage users and to no other licensees.

23 Class 3. A Brewer may make sales and deliveries of beer to  
24 importing distributors, distributors, and to non-licensees,  
25 and to retailers provided the brewer obtains an importing  
26 distributor's license or distributor's license in accordance

1 with the provisions of this Act.

2 Class 4. A first class wine-manufacturer may make sales and  
3 deliveries of up to 50,000 gallons of wine to manufacturers,  
4 importing distributors and distributors, and to no other  
5 licensees.

6 Class 5. A second class Wine manufacturer may make sales  
7 and deliveries of more than 50,000 gallons of wine to  
8 manufacturers, importing distributors and distributors and to  
9 no other licensees.

10 Class 6. A first-class wine-maker's license shall allow the  
11 manufacture of up to 50,000 gallons of wine per year, and the  
12 storage and sale of such wine to distributors in the State and  
13 to persons without the State, as may be permitted by law. A  
14 first-class wine-maker's license shall allow the sale of no  
15 more than 5,000 gallons of the licensee's wine to retailers.  
16 The State Commission shall issue only one first-class  
17 wine-maker's license to any person, firm, partnership,  
18 corporation, or other legal business entity that is engaged in  
19 the making of less than 50,000 gallons of wine annually that  
20 applies for a first-class wine-maker's license. No subsidiary  
21 or affiliate thereof, nor any officer, associate, member,  
22 partner, representative, employee, agent, or shareholder may  
23 be issued an additional wine-maker's license by the State  
24 Commission.

25 Class 7. A second-class wine-maker's license shall allow  
26 the manufacture of between 50,000 and 100,000 gallons of wine

1 per year, and the storage and sale of such wine to distributors  
2 in this State and to persons without the State, as may be  
3 permitted by law. A second-class wine-maker's license shall  
4 allow the sale of no more than 10,000 gallons of the licensee's  
5 wine directly to retailers. The State Commission shall issue  
6 only one second-class wine-maker's license to any person, firm,  
7 partnership, corporation, or other legal business entity that  
8 is engaged in the making of less than 100,000 gallons of wine  
9 annually that applies for a second-class wine-maker's license.  
10 No subsidiary or affiliate thereof, or any officer, associate,  
11 member, partner, representative, employee, agent, or  
12 shareholder may be issued an additional wine-maker's license by  
13 the State Commission.

14 Class 8. A limited wine-manufacturer may make sales and  
15 deliveries not to exceed 40,000 gallons of wine per year to  
16 distributors, and to non-licensees in accordance with the  
17 provisions of this Act.

18 (a-1) A manufacturer which is licensed in this State to  
19 make sales or deliveries of alcoholic liquor and which enlists  
20 agents, representatives, or individuals acting on its behalf  
21 who contact licensed retailers on a regular and continual basis  
22 in this State must register those agents, representatives, or  
23 persons acting on its behalf with the State Commission.

24 Registration of agents, representatives, or persons acting  
25 on behalf of a manufacturer is fulfilled by submitting a form  
26 to the Commission. The form shall be developed by the

1 Commission and shall include the name and address of the  
2 applicant, the name and address of the manufacturer he or she  
3 represents, the territory or areas assigned to sell to or  
4 discuss pricing terms of alcoholic liquor, and any other  
5 questions deemed appropriate and necessary. All statements in  
6 the forms required to be made by law or by rule shall be deemed  
7 material, and any person who knowingly misstates any material  
8 fact under oath in an application is guilty of a Class B  
9 misdemeanor. Fraud, misrepresentation, false statements,  
10 misleading statements, evasions, or suppression of material  
11 facts in the securing of a registration are grounds for  
12 suspension or revocation of the registration.

13 (b) A distributor's license shall allow the wholesale  
14 purchase and storage of alcoholic liquors and sale of alcoholic  
15 liquors to licensees in this State and to persons without the  
16 State, as may be permitted by law.

17 (c) An importing distributor's license may be issued to and  
18 held by those only who are duly licensed distributors, upon the  
19 filing of an application by a duly licensed distributor, with  
20 the Commission and the Commission shall, without the payment of  
21 any fee, immediately issue such importing distributor's  
22 license to the applicant, which shall allow the importation of  
23 alcoholic liquor by the licensee into this State from any point  
24 in the United States outside this State, and the purchase of  
25 alcoholic liquor in barrels, casks or other bulk containers and  
26 the bottling of such alcoholic liquors before resale thereof,

1 but all bottles or containers so filled shall be sealed,  
2 labeled, stamped and otherwise made to comply with all  
3 provisions, rules and regulations governing manufacturers in  
4 the preparation and bottling of alcoholic liquors. The  
5 importing distributor's license shall permit such licensee to  
6 purchase alcoholic liquor from Illinois licensed non-resident  
7 dealers and foreign importers only.

8 (d) A retailer's license shall allow the licensee to sell  
9 and offer for sale at retail, only in the premises specified in  
10 the license, alcoholic liquor for use or consumption, but not  
11 for resale in any form: Provided that any retail license issued  
12 to a manufacturer shall only permit the manufacturer to sell  
13 beer at retail on the premises actually occupied by the  
14 manufacturer. For the purpose of further describing the type of  
15 business conducted at a retail licensed premises, a retailer's  
16 licensee may be designated by the State Commission as (i) an on  
17 premise consumption retailer, (ii) an off premise sale  
18 retailer, or (iii) a combined on premise consumption and off  
19 premise sale retailer.

20 Notwithstanding any other provision of this subsection  
21 (d), a retail licensee may sell alcoholic liquors to a special  
22 event retailer licensee for resale to the extent permitted  
23 under subsection (e).

24 (e) A special event retailer's license (not-for-profit)  
25 shall permit the licensee to purchase alcoholic liquors from an  
26 Illinois licensed distributor (unless the licensee purchases

1 less than \$500 of alcoholic liquors for the special event, in  
2 which case the licensee may purchase the alcoholic liquors from  
3 a licensed retailer) and shall allow the licensee to sell and  
4 offer for sale, at retail, alcoholic liquors for use or  
5 consumption, but not for resale in any form and only at the  
6 location and on the specific dates designated for the special  
7 event in the license. An applicant for a special event retailer  
8 license must (i) furnish with the application: (A) a resale  
9 number issued under Section 2c of the Retailers' Occupation Tax  
10 Act or evidence that the applicant is registered under Section  
11 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
12 exemption identification number issued under Section 1g of the  
13 Retailers' Occupation Tax Act, and a certification to the  
14 Commission that the purchase of alcoholic liquors will be a  
15 tax-exempt purchase, or (C) a statement that the applicant is  
16 not registered under Section 2a of the Retailers' Occupation  
17 Tax Act, does not hold a resale number under Section 2c of the  
18 Retailers' Occupation Tax Act, and does not hold an exemption  
19 number under Section 1g of the Retailers' Occupation Tax Act,  
20 in which event the Commission shall set forth on the special  
21 event retailer's license a statement to that effect; (ii)  
22 submit with the application proof satisfactory to the State  
23 Commission that the applicant will provide dram shop liability  
24 insurance in the maximum limits; and (iii) show proof  
25 satisfactory to the State Commission that the applicant has  
26 obtained local authority approval.

1 (f) A railroad license shall permit the licensee to import  
2 alcoholic liquors into this State from any point in the United  
3 States outside this State and to store such alcoholic liquors  
4 in this State; to make wholesale purchases of alcoholic liquors  
5 directly from manufacturers, foreign importers, distributors  
6 and importing distributors from within or outside this State;  
7 and to store such alcoholic liquors in this State; provided  
8 that the above powers may be exercised only in connection with  
9 the importation, purchase or storage of alcoholic liquors to be  
10 sold or dispensed on a club, buffet, lounge or dining car  
11 operated on an electric, gas or steam railway in this State;  
12 and provided further, that railroad licensees exercising the  
13 above powers shall be subject to all provisions of Article VIII  
14 of this Act as applied to importing distributors. A railroad  
15 license shall also permit the licensee to sell or dispense  
16 alcoholic liquors on any club, buffet, lounge or dining car  
17 operated on an electric, gas or steam railway regularly  
18 operated by a common carrier in this State, but shall not  
19 permit the sale for resale of any alcoholic liquors to any  
20 licensee within this State. A license shall be obtained for  
21 each car in which such sales are made.

22 (g) A boat license shall allow the sale of alcoholic liquor  
23 in individual drinks, on any passenger boat regularly operated  
24 as a common carrier on navigable waters in this State or on any  
25 riverboat operated under the Riverboat and Casino Gambling Act,  
26 which boat or riverboat maintains a public dining room or

1 restaurant thereon.

2 (h) A non-beverage user's license shall allow the licensee  
 3 to purchase alcoholic liquor from a licensed manufacturer or  
 4 importing distributor, without the imposition of any tax upon  
 5 the business of such licensed manufacturer or importing  
 6 distributor as to such alcoholic liquor to be used by such  
 7 licensee solely for the non-beverage purposes set forth in  
 8 subsection (a) of Section 8-1 of this Act, and such licenses  
 9 shall be divided and classified and shall permit the purchase,  
 10 possession and use of limited and stated quantities of  
 11 alcoholic liquor as follows:

- 12 Class 1, not to exceed ..... 500 gallons
- 13 Class 2, not to exceed ..... 1,000 gallons
- 14 Class 3, not to exceed ..... 5,000 gallons
- 15 Class 4, not to exceed ..... 10,000 gallons
- 16 Class 5, not to exceed ..... 50,000 gallons

17 (i) A wine-maker's premises license shall allow a licensee  
 18 that concurrently holds a first-class wine-maker's license to  
 19 sell and offer for sale at retail in the premises specified in  
 20 such license not more than 50,000 gallons of the first-class  
 21 wine-maker's wine that is made at the first-class wine-maker's  
 22 licensed premises per year for use or consumption, but not for  
 23 resale in any form. A wine-maker's premises license shall allow  
 24 a licensee who concurrently holds a second-class wine-maker's  
 25 license to sell and offer for sale at retail in the premises  
 26 specified in such license up to 100,000 gallons of the



1 second-class wine-maker's wine that is made at the second-class  
2 wine-maker's licensed premises per year for use or consumption  
3 but not for resale in any form. A wine-maker's premises license  
4 shall allow a licensee that concurrently holds a first-class  
5 wine-maker's license or a second-class wine-maker's license to  
6 sell and offer for sale at retail at the premises specified in  
7 the wine-maker's premises license, for use or consumption but  
8 not for resale in any form, any beer, wine, and spirits  
9 purchased from a licensed distributor. Upon approval from the  
10 State Commission, a wine-maker's premises license shall allow  
11 the licensee to sell and offer for sale at (i) the wine-maker's  
12 licensed premises and (ii) at up to 2 additional locations for  
13 use and consumption and not for resale. Each location shall  
14 require additional licensing per location as specified in  
15 Section 5-3 of this Act.

16 (j) An airplane license shall permit the licensee to import  
17 alcoholic liquors into this State from any point in the United  
18 States outside this State and to store such alcoholic liquors  
19 in this State; to make wholesale purchases of alcoholic liquors  
20 directly from manufacturers, foreign importers, distributors  
21 and importing distributors from within or outside this State;  
22 and to store such alcoholic liquors in this State; provided  
23 that the above powers may be exercised only in connection with  
24 the importation, purchase or storage of alcoholic liquors to be  
25 sold or dispensed on an airplane; and provided further, that  
26 airplane licensees exercising the above powers shall be subject

1 to all provisions of Article VIII of this Act as applied to  
2 importing distributors. An airplane licensee shall also permit  
3 the sale or dispensing of alcoholic liquors on any passenger  
4 airplane regularly operated by a common carrier in this State,  
5 but shall not permit the sale for resale of any alcoholic  
6 liquors to any licensee within this State. A single airplane  
7 license shall be required of an airline company if liquor  
8 service is provided on board aircraft in this State. The annual  
9 fee for such license shall be as determined in Section 5-3.

10 (k) A foreign importer's license shall permit such licensee  
11 to purchase alcoholic liquor from Illinois licensed  
12 non-resident dealers only, and to import alcoholic liquor other  
13 than in bulk from any point outside the United States and to  
14 sell such alcoholic liquor to Illinois licensed importing  
15 distributors and to no one else in Illinois; provided that the  
16 foreign importer registers with the State Commission every  
17 brand of alcoholic liquor that it proposes to sell to Illinois  
18 licensees during the license period and provided further that  
19 the foreign importer complies with all of the provisions of  
20 Section 6-9 of this Act with respect to registration of such  
21 Illinois licensees as may be granted the right to sell such  
22 brands at wholesale.

23 (l) (i) A broker's license shall be required of all persons  
24 who solicit orders for, offer to sell or offer to supply  
25 alcoholic liquor to retailers in the State of Illinois, or who  
26 offer to retailers to ship or cause to be shipped or to make

1 contact with distillers, rectifiers, brewers or manufacturers  
2 or any other party within or without the State of Illinois in  
3 order that alcoholic liquors be shipped to a distributor,  
4 importing distributor or foreign importer, whether such  
5 solicitation or offer is consummated within or without the  
6 State of Illinois.

7 No holder of a retailer's license issued by the Illinois  
8 Liquor Control Commission shall purchase or receive any  
9 alcoholic liquor, the order for which was solicited or offered  
10 for sale to such retailer by a broker unless the broker is the  
11 holder of a valid broker's license.

12 The broker shall, upon the acceptance by a retailer of the  
13 broker's solicitation of an order or offer to sell or supply or  
14 deliver or have delivered alcoholic liquors, promptly forward  
15 to the Illinois Liquor Control Commission a notification of  
16 said transaction in such form as the Commission may by  
17 regulations prescribe.

18 (ii) A broker's license shall be required of a person  
19 within this State, other than a retail licensee, who, for a fee  
20 or commission, promotes, solicits, or accepts orders for  
21 alcoholic liquor, for use or consumption and not for resale, to  
22 be shipped from this State and delivered to residents outside  
23 of this State by an express company, common carrier, or  
24 contract carrier. This Section does not apply to any person who  
25 promotes, solicits, or accepts orders for wine as specifically  
26 authorized in Section 6-29 of this Act.

1           A broker's license under this subsection (1) shall not  
2 entitle the holder to buy or sell any alcoholic liquors for his  
3 own account or to take or deliver title to such alcoholic  
4 liquors.

5           This subsection (1) shall not apply to distributors,  
6 employees of distributors, or employees of a manufacturer who  
7 has registered the trademark, brand or name of the alcoholic  
8 liquor pursuant to Section 6-9 of this Act, and who regularly  
9 sells such alcoholic liquor in the State of Illinois only to  
10 its registrants thereunder.

11           Any agent, representative, or person subject to  
12 registration pursuant to subsection (a-1) of this Section shall  
13 not be eligible to receive a broker's license.

14           (m) A non-resident dealer's license shall permit such  
15 licensee to ship into and warehouse alcoholic liquor into this  
16 State from any point outside of this State, and to sell such  
17 alcoholic liquor to Illinois licensed foreign importers and  
18 importing distributors and to no one else in this State;  
19 provided that said non-resident dealer shall register with the  
20 Illinois Liquor Control Commission each and every brand of  
21 alcoholic liquor which it proposes to sell to Illinois  
22 licensees during the license period; and further provided that  
23 it shall comply with all of the provisions of Section 6-9  
24 hereof with respect to registration of such Illinois licensees  
25 as may be granted the right to sell such brands at wholesale.

26           (n) A brew pub license shall allow the licensee to

1 manufacture beer only on the premises specified in the license,  
2 to make sales of the beer manufactured on the premises to  
3 importing distributors, distributors, and to non-licensees for  
4 use and consumption, to store the beer upon the premises, and  
5 to sell and offer for sale at retail from the licensed  
6 premises, provided that a brew pub licensee shall not sell for  
7 off-premises consumption more than 50,000 gallons per year.

8 (o) A caterer retailer license shall allow the holder to  
9 serve alcoholic liquors as an incidental part of a food service  
10 that serves prepared meals which excludes the serving of snacks  
11 as the primary meal, either on or off-site whether licensed or  
12 unlicensed.

13 (p) An auction liquor license shall allow the licensee to  
14 sell and offer for sale at auction wine and spirits for use or  
15 consumption, or for resale by an Illinois liquor licensee in  
16 accordance with provisions of this Act. An auction liquor  
17 license will be issued to a person and it will permit the  
18 auction liquor licensee to hold the auction anywhere in the  
19 State. An auction liquor license must be obtained for each  
20 auction at least 14 days in advance of the auction date.

21 (q) A special use permit license shall allow an Illinois  
22 licensed retailer to transfer a portion of its alcoholic liquor  
23 inventory from its retail licensed premises to the premises  
24 specified in the license hereby created, and to sell or offer  
25 for sale at retail, only in the premises specified in the  
26 license hereby created, the transferred alcoholic liquor for

1 use or consumption, but not for resale in any form. A special  
2 use permit license may be granted for the following time  
3 periods: one day or less; 2 or more days to a maximum of 15 days  
4 per location in any 12 month period. An applicant for the  
5 special use permit license must also submit with the  
6 application proof satisfactory to the State Commission that the  
7 applicant will provide dram shop liability insurance to the  
8 maximum limits and have local authority approval.

9 (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;  
10 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.  
11 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

12 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

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

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

20 Section 955. The Criminal Code of 1961 is amended by  
21 changing Sections 28-1, 28-1.1, 28-3, 28-5 and 28-7 as follows:

22 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

23 Sec. 28-1. Gambling.

1 (a) A person commits gambling when he:

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

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

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

10 (4) Contracts to have or give himself or another the  
11 option to buy or sell, or contracts to buy or sell, at a  
12 future time, any grain or other commodity whatsoever, or  
13 any stock or security of any company, where it is at the  
14 time of making such contract intended by both parties  
15 thereto that the contract to buy or sell, or the option,  
16 whenever exercised, or the contract resulting therefrom,  
17 shall be settled, not by the receipt or delivery of such  
18 property, but by the payment only of differences in prices  
19 thereof; however, the issuance, purchase, sale, exercise,  
20 endorsement or guarantee, by or through a person registered  
21 with the Secretary of State pursuant to Section 8 of the  
22 Illinois Securities Law of 1953, or by or through a person  
23 exempt from such registration under said Section 8, of a  
24 put, call, or other option to buy or sell securities which  
25 have been registered with the Secretary of State or which  
26 are exempt from such registration under Section 3 of the

1 Illinois Securities Law of 1953 is not gambling within the  
2 meaning of this paragraph (4); or

3 (5) Knowingly owns or possesses any book, instrument or  
4 apparatus by means of which bets or wagers have been, or  
5 are, recorded or registered, or knowingly possesses any  
6 money which he has received in the course of a bet or  
7 wager; or

8 (6) Sells pools upon the result of any game or contest  
9 of skill or chance, political nomination, appointment or  
10 election; or

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

13 (8) Sets up or promotes any policy game or sells,  
14 offers to sell or knowingly possesses or transfers any  
15 policy ticket, slip, record, document or other similar  
16 device; or

17 (9) Knowingly drafts, prints or publishes any lottery  
18 ticket or share, or any policy ticket, slip, record,  
19 document or similar device, except for such activity  
20 related to lotteries, bingo games and raffles authorized by  
21 and conducted in accordance with the laws of Illinois or  
22 any other state or foreign government; or

23 (10) Knowingly advertises any lottery or policy game,  
24 except for such activity related to lotteries, bingo games  
25 and raffles authorized by and conducted in accordance with  
26 the laws of Illinois or any other state; or



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

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

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

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

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

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

1           (4) Manufacture of gambling devices, including the  
2 acquisition of essential parts therefor and the assembly  
3 thereof, for transportation in interstate or foreign  
4 commerce to any place outside this State when such  
5 transportation is not prohibited by any applicable Federal  
6 law;

7           (5) The game commonly known as "bingo", when conducted  
8 in accordance with the Bingo License and Tax Act;

9           (6) Lotteries when conducted by the State of Illinois  
10 in accordance with the Illinois Lottery Law;

11           (7) Possession of an antique slot machine that is  
12 neither used nor intended to be used in the operation or  
13 promotion of any unlawful gambling activity or enterprise.  
14 For the purpose of this subparagraph (b)(7), an antique  
15 slot machine is one manufactured 25 years ago or earlier;

16           (8) Raffles when conducted in accordance with the  
17 Raffles Act;

18           (9) Charitable games when conducted in accordance with  
19 the Charitable Games Act;

20           (10) Pull tabs and jar games when conducted under the  
21 Illinois Pull Tabs and Jar Games Act; or

22           (11) Gambling games ~~conducted on riverboats~~ when  
23 authorized by the Riverboat and Casino Gambling Act.

24           (c) Sentence.

25           Gambling under subsection (a)(1) or (a)(2) of this Section  
26 is a Class A misdemeanor. Gambling under any of subsections

1 (a) (3) through (a) (11) of this Section is a Class A  
2 misdemeanor. A second or subsequent conviction under any of  
3 subsections (a) (3) through (a) (11), is a Class 4 felony.  
4 Gambling under subsection (a) (12) of this Section is a Class A  
5 misdemeanor. A second or subsequent conviction under  
6 subsection (a) (12) is a Class 4 felony.

7 (d) Circumstantial evidence.

8 In prosecutions under subsection (a) (1) through (a) (12) of  
9 this Section circumstantial evidence shall have the same  
10 validity and weight as in any criminal prosecution.

11 (Source: P.A. 91-257, eff. 1-1-00.)

12 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

13 Sec. 28-1.1. Syndicated gambling.

14 (a) Declaration of Purpose. Recognizing the close  
15 relationship between professional gambling and other organized  
16 crime, it is declared to be the policy of the legislature to  
17 restrain persons from engaging in the business of gambling for  
18 profit in this State. This Section shall be liberally construed  
19 and administered with a view to carrying out this policy.

20 (b) A person commits syndicated gambling when he operates a  
21 "policy game" or engages in the business of bookmaking.

22 (c) A person "operates a policy game" when he knowingly  
23 uses any premises or property for the purpose of receiving or  
24 knowingly does receive from what is commonly called "policy":

25 (1) money from a person other than the better or player

1           whose bets or plays are represented by such money; or

2           (2) written "policy game" records, made or used over  
3           any period of time, from a person other than the better or  
4           player whose bets or plays are represented by such written  
5           record.

6           (d) A person engages in bookmaking when he receives or  
7           accepts more than five bets or wagers upon the result of any  
8           trials or contests of skill, speed or power of endurance or  
9           upon any lot, chance, casualty, unknown or contingent event  
10          whatsoever, which bets or wagers shall be of such size that the  
11          total of the amounts of money paid or promised to be paid to  
12          such bookmaker on account thereof shall exceed \$2,000.  
13          Bookmaking is the receiving or accepting of such bets or wagers  
14          regardless of the form or manner in which the bookmaker records  
15          them.

16          (e) Participants in any of the following activities shall  
17          not be convicted of syndicated gambling:

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

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

1           (3) Pari-mutuel betting as authorized by law of this  
2 State; and

3           (4) Manufacture of gambling devices, including the  
4 acquisition of essential parts therefor and the assembly  
5 thereof, for transportation in interstate or foreign  
6 commerce to any place outside this State when such  
7 transportation is not prohibited by any applicable Federal  
8 law; and

9           (5) Raffles when conducted in accordance with the  
10 Raffles Act; and

11           (6) Gambling games conducted on riverboats or in  
12 casinos when authorized by the Riverboat and Casino  
13 Gambling Act.

14           (f) Sentence. Syndicated gambling is a Class 3 felony.

15 (Source: P.A. 86-1029; 87-435.)

16           (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

17           Sec. 28-3. Keeping a Gambling Place. A "gambling place" is  
18 any real estate, vehicle, boat or any other property whatsoever  
19 used for the purposes of gambling other than gambling conducted  
20 in the manner authorized by the Riverboat and Casino Gambling  
21 Act. Any person who knowingly permits any premises or property  
22 owned or occupied by him or under his control to be used as a  
23 gambling place commits a Class A misdemeanor. Each subsequent  
24 offense is a Class 4 felony. When any premises is determined by  
25 the circuit court to be a gambling place:

1           (a) Such premises is a public nuisance and may be proceeded  
2 against as such, and

3           (b) All licenses, permits or certificates issued by the  
4 State of Illinois or any subdivision or public agency thereof  
5 authorizing the serving of food or liquor on such premises  
6 shall be void; and no license, permit or certificate so  
7 cancelled shall be reissued for such premises for a period of  
8 60 days thereafter; nor shall any person convicted of keeping a  
9 gambling place be reissued such license for one year from his  
10 conviction and, after a second conviction of keeping a gambling  
11 place, any such person shall not be reissued such license, and

12           (c) Such premises of any person who knowingly permits  
13 thereon a violation of any Section of this Article shall be  
14 held liable for, and may be sold to pay any unsatisfied  
15 judgment that may be recovered and any unsatisfied fine that  
16 may be levied under any Section of this Article.

17       (Source: P.A. 86-1029.)

18           (720 ILCS 5/28-5)   (from Ch. 38, par. 28-5)

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

20           (a) Every device designed for gambling which is incapable  
21 of lawful use or every device used unlawfully for gambling  
22 shall be considered a "gambling device", and shall be subject  
23 to seizure, confiscation and destruction by the Department of  
24 State Police or by any municipal, or other local authority,  
25 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

1 certified mail at least 10 days before such date, and a request  
2 for forfeiture. Every such person may appear as a party and  
3 present evidence at such hearing. The quantum of proof required  
4 shall be a preponderance of the evidence, and the burden of  
5 proof shall be on the State. If the court determines that the  
6 seized property was a gambling device at the time of seizure,  
7 an order of forfeiture and disposition of the seized property  
8 shall be entered: a gambling device shall be received by the  
9 State's Attorney, who shall effect its destruction, except that  
10 valuable parts thereof may be liquidated and the resultant  
11 money shall be deposited in the general fund of the county  
12 wherein such seizure occurred; money and other things of value  
13 shall be received by the State's Attorney and, upon  
14 liquidation, shall be deposited in the general fund of the  
15 county wherein such seizure occurred. However, in the event  
16 that a defendant raises the defense that the seized slot  
17 machine is an antique slot machine described in subparagraph  
18 (b) (7) of Section 28-1 of this Code and therefore he is exempt  
19 from the charge of a gambling activity participant, the seized  
20 antique slot machine shall not be destroyed or otherwise  
21 altered until a final determination is made by the Court as to  
22 whether it is such an antique slot machine. Upon a final  
23 determination by the Court of this question in favor of the  
24 defendant, such slot machine shall be immediately returned to  
25 the defendant. Such order of forfeiture and disposition shall,  
26 for the purposes of appeal, be a final order and judgment in a



1 civil proceeding.

2 (d) If a seizure pursuant to subparagraph (b) of this  
3 Section is not followed by a charge pursuant to subparagraph  
4 (c) of this Section, or if the prosecution of such charge is  
5 permanently terminated or indefinitely discontinued without  
6 any judgment of conviction or acquittal (1) the State's  
7 Attorney shall commence an in rem proceeding for the forfeiture  
8 and destruction of a gambling device, or for the forfeiture and  
9 deposit in the general fund of the county of any seized money  
10 or other things of value, or both, in the circuit court and (2)  
11 any person having any property interest in such seized gambling  
12 device, money or other thing of value may commence separate  
13 civil proceedings in the manner provided by law.

14 (e) Any gambling device displayed for sale to a riverboat  
15 gambling operation or a casino gambling operation or used to  
16 train occupational licensees of a riverboat gambling operation  
17 or a casino gambling operation, as authorized under the  
18 Riverboat and Casino Gambling Act, is exempt from seizure under  
19 this Section.

20 (f) Any gambling equipment, devices and supplies provided  
21 by a licensed supplier in accordance with the Riverboat and  
22 Casino Gambling Act which are removed from a ~~the~~ riverboat or  
23 casino for repair are exempt from seizure under this Section.

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

25 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

1           Sec. 28-7. Gambling contracts void.

2           (a) All promises, notes, bills, bonds, covenants,  
3 contracts, agreements, judgments, mortgages, or other  
4 securities or conveyances made, given, granted, drawn, or  
5 entered into, or executed by any person whatsoever, where the  
6 whole or any part of the consideration thereof is for any money  
7 or thing of value, won or obtained in violation of any Section  
8 of this Article are null and void.

9           (b) Any obligation void under this Section may be set aside  
10 and vacated by any court of competent jurisdiction, upon a  
11 complaint filed for that purpose, by the person so granting,  
12 giving, entering into, or executing the same, or by his  
13 executors or administrators, or by any creditor, heir, legatee,  
14 purchaser or other person interested therein; or if a judgment,  
15 the same may be set aside on motion of any person stated above,  
16 on due notice thereof given.

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

21           (d) This Section shall not prevent a licensed owner of a  
22 riverboat gambling operation or a casino gambling operation  
23 from instituting a cause of action to collect any amount due  
24 and owing under an extension of credit to a ~~riverboat~~ gambling  
25 patron as authorized under Section 11.1 of the Riverboat and  
26 Casino Gambling Act.

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

2 Section 960. The Eminent Domain Act is amended by adding  
3 Section 15-5-45 as follows:

4 (735 ILCS 30/15-5-45 new)

5 Sec. 15-5-45. Eminent domain powers in New Acts. The  
6 following provisions of law may include express grants of the  
7 power to acquire property by condemnation or eminent domain:

8 Illinois Casino Development Authority Act; Illinois Casino  
9 Development Authority; for the purposes of the Act.

10 Section 965. The Travel Promotion Consumer Protection Act  
11 is amended by changing Section 2 as follows:

12 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

13 Sec. 2. Definitions.

14 (a) "Travel promoter" means a person, including a tour  
15 operator, who sells, provides, furnishes, contracts for,  
16 arranges or advertises that he or she will arrange wholesale or  
17 retail transportation by air, land, sea or navigable stream,  
18 either separately or in conjunction with other services.  
19 "Travel promoter" does not include (1) an air carrier; (2) a  
20 sea carrier; (3) an officially appointed agent of an air  
21 carrier who is a member in good standing of the Airline

1 Reporting Corporation; (4) a travel promoter who has in force  
2 \$1,000,000 or more of liability insurance coverage for  
3 professional errors and omissions and a surety bond or  
4 equivalent surety in the amount of \$100,000 or more for the  
5 benefit of consumers in the event of a bankruptcy on the part  
6 of the travel promoter; or (5) a riverboat subject to  
7 regulation under the Riverboat and Casino Gambling Act.

8 (b) "Advertise" means to make any representation in the  
9 solicitation of passengers and includes communication with  
10 other members of the same partnership, corporation, joint  
11 venture, association, organization, group or other entity.

12 (c) "Passenger" means a person on whose behalf money or  
13 other consideration has been given or is to be given to  
14 another, including another member of the same partnership,  
15 corporation, joint venture, association, organization, group  
16 or other entity, for travel.

17 (d) "Ticket or voucher" means a writing or combination of  
18 writings which is itself good and sufficient to obtain  
19 transportation and other services for which the passenger has  
20 contracted.

21 (Source: P.A. 91-357, eff. 7-29-99.)

22 Section 970. The State Finance Act is amended by adding  
23 Sections 5.676 and 5.677 as follows:

24 (30 ILCS 105/5.676 new)

1       Sec. 5.676. The Racing Industry Workers' Fund.

2       (30 ILCS 105/5.677 new)

3       Sec. 5.677. The Depressed Communities Economic Development  
4       Fund.

5       (30 ILCS 105/5.490 rep.)

6       Section 975. The State Finance Act is amended by repealing  
7       Section 5.490.

8       (230 ILCS 5/31.1 rep.)

9       (230 ILCS 5/54 rep.)

10       Section 980. The Illinois Horse Racing Act of 1975 is  
11       amended by repealing Sections 31.1 and 54.

12       Section 995. No acceleration or delay. Where this Act makes  
13       changes in a statute that is represented in this Act by text  
14       that is not yet or no longer in effect (for example, a Section  
15       represented by multiple versions), the use of that text does  
16       not accelerate or delay the taking effect of (i) the changes  
17       made by this Act or (ii) provisions derived from any other  
18       Public Act.

19       Section 997. Inseverability. The amendatory provisions of  
20       this Act are mutually dependent and inseverable. If any  
21       amendatory provision is held invalid other than as applied to a

1 particular person or circumstance, then all of the amendatory  
2 provisions of this Act are invalid.

3 Section 999. Effective date. This Act takes effect upon  
4 becoming law.".