



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0091

Introduced 1/14/2009, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

See Index

Creates the Intercity Development Act. Provides that certain economically distressed communities may appoint a Board of Economic Advisors, which shall create a 3-year to 5-year revitalization plan for the community. Provides that the Department of Commerce and Economic Opportunity shall make grants to communities that create a Board of Economic Advisors under the Act for the operational expenses of the Board. Amends the Illinois Horse Racing Act of 1975 and the Riverboat Gambling Act to authorize slot machine gambling at race tracks (and makes conforming changes in various Acts). Further amends the Illinois Horse Racing Act of 1975 to delete the recapture provisions and to repeal Sections concerning the pari-mutuel tax credit and the Horse Racing Equity Fund. Authorizes consolidation of 2 or more organization licensees. Further amends the Riverboat Gambling Act. Changes the short title to the Riverboat and Casino Gambling Act. Adds 4 additional owners licenses, one of which authorizes the conduct of riverboat or land-based gambling in the City of Chicago. Changes the admission tax. Increases the number of gaming positions an owners licensee may operate. Provides that unused gaming positions shall become the property of the Gaming Board, which may make the positions subject to competitive bidding by owners licensees. Requires owners licensees to pay a specified amount to the Gaming Board for deposit into the State Gaming Fund. Amends Public Act 91-40 to replace that Act's inseverability clause with a severability clause. Makes other changes. Effective July 1, 2009.

LRB096 03673 AMC 13702 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning gaming.

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

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

6 Section 5. Findings and purpose.

7 (a) The General Assembly finds that:

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

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

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

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

21 (5) A successful redevelopment initiative creates and
22 maintains a capable and adaptable workforce, has access to
23 capital, has a sound fiscal base, has adequate

1 infrastructure, has well-managed natural resources, and
2 has an attractive quality of life.

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

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

7 "Community" means a municipality, a county with respect to
8 the unincorporated areas of a county, and any combination of
9 municipalities and counties acting jointly.

10 "Department" means the Department of Commerce and Economic
11 Opportunity.

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

16 Section 15. Certification; Board of Economic Advisors.

17 (a) In order to receive the assistance as provided in this
18 Act, a community shall first, by ordinance passed by its
19 corporate authorities, request that the Department certify
20 that it is an economically distressed community. The community
21 must submit a certified copy of the ordinance to the
22 Department. After review of the ordinance, if the Department
23 determines that the community meets the requirements for
24 certification, the Department shall certify the community as an

1 economically distressed community.

2 (b) A community that is certified by the Department as an
3 economically distressed community may appoint a Board of
4 Economic Advisors to create and implement a revitalization plan
5 for the community. The Board shall consist of 12 members of the
6 community, appointed by the mayor or the presiding officer of
7 the county or jointly by the presiding officers of each
8 municipality and county that have joined to form a community
9 for the purposes of this Act. The Board members shall be
10 appointed from the 12 sectors vital to community redevelopment
11 as follows:

12 (1) A member representing households and families.

13 (2) A member representing religious organizations.

14 (3) A member representing educational institutions.

15 (4) A member representing daycare centers, care
16 centers for the handicapped, and care centers for the
17 disadvantaged.

18 (5) A member representing community based
19 organizations such as neighborhood improvement
20 associations.

21 (6) A member representing federal and State employment
22 service systems, skill training centers, and placement
23 referrals.

24 (7) A member representing Masonic organizations,
25 fraternities, sororities, and social clubs.

26 (8) A member representing hospitals, nursing homes,

1 senior citizens, public health agencies, and funeral
2 homes.

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

5 (10) A member representing political parties, clubs,
6 and affiliations, and election related matters concerning
7 voter education and participation.

8 (11) A member representing the cultural aspects of the
9 community, including cultural events, lifestyles,
10 languages, music, visual and performing arts, and
11 literature.

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

15 The Board shall meet initially within 30 days of its
16 appointment, shall select one member as chairperson at its
17 initial meeting, and shall thereafter meet at the call of the
18 chairperson. Members of the Board shall serve without
19 compensation but shall be reimbursed for their reasonable and
20 necessary expenses from funds available for that purpose.

21 (b) The Board shall create a 3-year to 5-year
22 revitalization plan for the community. The plan shall contain
23 distinct, measurable objectives for revitalization. The
24 objectives shall be used to guide ongoing implementation of the
25 plan and to measure progress during the 3-year to 5-year
26 period. The Board shall work in a dynamic manner defining goals

1 for the community based on the strengths and weaknesses of the
2 individual sectors of the community as presented by each member
3 of the Board. The Board shall meet periodically and revise the
4 plan in light of the input from each member of the Board
5 concerning his or her respective sector of expertise. The
6 process shall be a community driven revitalization process,
7 with community-specific data determining the direction and
8 scope of the revitalization.

9 Section 20. Action by the Board.

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

23 (b) Revitalize. In implementing the revitalization plan,
24 the Board shall focus on and build from existing resources in
25 the community, growing existing businesses rather than luring

1 business into the community from the outside. The Board shall
2 also focus on the residents themselves rather than jobs. The
3 Board shall promote investment in training residents in areas
4 that will lead to employment and in turn will bring revenue
5 into the community.

6 (c) Mobilize. The Board shall engage in the dynamic process
7 of community self-revitalization through a continuous
8 reassessment of the needs of the community in the
9 revitalization process. As each goal of the 3-year to 5-year
10 plan is achieved, the Board shall draw from the resources of
11 its members to establish new goals and implement new strategies
12 employing the lessons learned in the earlier stages of
13 revitalization.

14 (d) Advise. The Board shall Act as the liaison between the
15 community and the local, county, and State Government. The
16 Board shall make use of the resources of these governmental
17 entities and shall provide counsel to each of these bodies with
18 respect to economic development.

19 The Board shall also act as a liaison between private
20 business entities located in the community and the community
21 itself. The Board shall offer advice and assistance to these
22 entities when requested and provide incentives and support,
23 both economic and otherwise, to facilitate expansion and
24 further investment in the community by the businesses.

25 The Board shall annually submit a report to the General
26 Assembly and the Governor summarizing the accomplishments of

1 the community concerning revitalization and the goals of the
2 community for future revitalization.

3 Section 25. Funding sources.

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

7 (1) 50% shall be paid to the Department to be used to make
8 grants as follows:

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

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

13 (C) 50% shall be allocated to communities that are
14 located outside of Cook County and are certified as
15 economically distressed communities and that have created
16 Boards of Economic Advisors under this Act for the
17 operational expenses of the Boards.

18 The procedures for grant applications shall be established
19 by the Department by rule.

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

22 (A) 25% shall be paid, subject to appropriation, to the
23 general fund of the City of Chicago;

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

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

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

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

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

22 (20 ILCS 301/5-20)

23 Sec. 5-20. Compulsive gambling program.

24 (a) Subject to appropriation, the Department shall

1 establish a program for public education, research, and
2 training regarding problem and compulsive gambling and the
3 treatment and prevention of problem and compulsive gambling.
4 Subject to specific appropriation for these stated purposes,
5 the program must include all of the following:

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

10 (2) Promotion of public awareness regarding the
11 recognition and prevention of problem and compulsive
12 gambling.

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

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

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

1 (c) Subject to appropriation, the Department shall produce
2 and supply the signs specified in Section 10.7 of the Illinois
3 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of
4 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1
5 of the Charitable Games Act, and Section 13.1 of the Riverboat
6 and Casino Gambling Act.

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

8 Section 905. The Department of Revenue Law of the Civil
9 Administrative Code of Illinois is amended by changing Section
10 2505-305 as follows:

11 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

12 Sec. 2505-305. Investigators.

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

21 (b) The Director must authorize to each investigator
22 employed under this Section and to any other employee of the
23 Department exercising the powers of a peace officer a distinct
24 badge that, on its face, (i) clearly states that the badge is

1 authorized by the Department and (ii) contains a unique
2 identifying number. No other badge shall be authorized by the
3 Department.

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

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

13 Section 910. The Property Tax Code is amended by changing
14 Section 18-165 as follows:

15 (35 ILCS 200/18-165)

16 Sec. 18-165. Abatement of taxes.

17 (a) Any taxing district, upon a majority vote of its
18 governing authority, may, after the determination of the
19 assessed valuation of its property, order the clerk of that
20 county to abate any portion of its taxes on the following types
21 of property:

22 (1) Commercial and industrial.

23 (A) The property of any commercial or industrial
24 firm, including but not limited to the property of (i)

1 any firm that is used for collecting, separating,
2 storing, or processing recyclable materials, locating
3 within the taxing district during the immediately
4 preceding year from another state, territory, or
5 country, or having been newly created within this State
6 during the immediately preceding year, or expanding an
7 existing facility, or (ii) any firm that is used for
8 the generation and transmission of electricity
9 locating within the taxing district during the
10 immediately preceding year or expanding its presence
11 within the taxing district during the immediately
12 preceding year by construction of a new electric
13 generating facility that uses natural gas as its fuel,
14 or any firm that is used for production operations at a
15 new, expanded, or reopened coal mine within the taxing
16 district, that has been certified as a High Impact
17 Business by the Illinois Department of Commerce and
18 Economic Opportunity. The property of any firm used for
19 the generation and transmission of electricity shall
20 include all property of the firm used for transmission
21 facilities as defined in Section 5.5 of the Illinois
22 Enterprise Zone Act. The abatement shall not exceed a
23 period of 10 years and the aggregate amount of abated
24 taxes for all taxing districts combined shall not
25 exceed \$4,000,000.

26 (A-5) Any property in the taxing district of a new

1 electric generating facility, as defined in Section
2 605-332 of the Department of Commerce and Economic
3 Opportunity Law of the Civil Administrative Code of
4 Illinois. The abatement shall not exceed a period of 10
5 years. The abatement shall be subject to the following
6 limitations:

7 (i) if the equalized assessed valuation of the
8 new electric generating facility is equal to or
9 greater than \$25,000,000 but less than
10 \$50,000,000, then the abatement may not exceed (i)
11 over the entire term of the abatement, 5% of the
12 taxing district's aggregate taxes from the new
13 electric generating facility and (ii) in any one
14 year of abatement, 20% of the taxing district's
15 taxes from the new electric generating facility;

16 (ii) if the equalized assessed valuation of
17 the new electric generating facility is equal to or
18 greater than \$50,000,000 but less than
19 \$75,000,000, then the abatement may not exceed (i)
20 over the entire term of the abatement, 10% of the
21 taxing district's aggregate taxes from the new
22 electric generating facility and (ii) in any one
23 year of abatement, 35% of the taxing district's
24 taxes from the new electric generating facility;

25 (iii) if the equalized assessed valuation of
26 the new electric generating facility is equal to or

1 greater than \$75,000,000 but less than
2 \$100,000,000, then the abatement may not exceed
3 (i) over the entire term of the abatement, 20% of
4 the taxing district's aggregate taxes from the new
5 electric generating facility and (ii) in any one
6 year of abatement, 50% of the taxing district's
7 taxes from the new electric generating facility;

8 (iv) if the equalized assessed valuation of
9 the new electric generating facility is equal to or
10 greater than \$100,000,000 but less than
11 \$125,000,000, then the abatement may not exceed
12 (i) over the entire term of the abatement, 30% of
13 the taxing district's aggregate taxes from the new
14 electric generating facility and (ii) in any one
15 year of abatement, 60% of the taxing district's
16 taxes from the new electric generating facility;

17 (v) if the equalized assessed valuation of the
18 new electric generating facility is equal to or
19 greater than \$125,000,000 but less than
20 \$150,000,000, then the abatement may not exceed
21 (i) over the entire term of the abatement, 40% of
22 the taxing district's aggregate taxes from the new
23 electric generating facility and (ii) in any one
24 year of abatement, 60% of the taxing district's
25 taxes from the new electric generating facility;

26 (vi) if the equalized assessed valuation of

1 the new electric generating facility is equal to or
2 greater than \$150,000,000, then the abatement may
3 not exceed (i) over the entire term of the
4 abatement, 50% of the taxing district's aggregate
5 taxes from the new electric generating facility
6 and (ii) in any one year of abatement, 60% of the
7 taxing district's taxes from the new electric
8 generating facility.

9 The abatement is not effective unless the owner of
10 the new electric generating facility agrees to repay to
11 the taxing district all amounts previously abated,
12 together with interest computed at the rate and in the
13 manner provided for delinquent taxes, in the event that
14 the owner of the new electric generating facility
15 closes the new electric generating facility before the
16 expiration of the entire term of the abatement.

17 The authorization of taxing districts to abate
18 taxes under this subdivision (a)(1)(A-5) expires on
19 January 1, 2010.

20 (B) The property of any commercial or industrial
21 development of at least 500 acres having been created
22 within the taxing district. The abatement shall not
23 exceed a period of 20 years and the aggregate amount of
24 abated taxes for all taxing districts combined shall
25 not exceed \$12,000,000.

26 (C) The property of any commercial or industrial

1 firm currently located in the taxing district that
2 expands a facility or its number of employees. The
3 abatement shall not exceed a period of 10 years and the
4 aggregate amount of abated taxes for all taxing
5 districts combined shall not exceed \$4,000,000. The
6 abatement period may be renewed at the option of the
7 taxing districts.

8 (2) Horse racing. Through the 2008 taxable year, any
9 ~~Any~~ property in the taxing district which is used for the
10 racing of horses and upon which capital improvements
11 consisting of expansion, improvement or replacement of
12 existing facilities have been made since July 1, 1987. The
13 combined abatements for such property from all taxing
14 districts in any county shall not exceed \$5,000,000
15 annually and shall not exceed a period of 10 years.

16 (3) Auto racing. Any property designed exclusively for
17 the racing of motor vehicles. Such abatement shall not
18 exceed a period of 10 years.

19 (4) Academic or research institute. The property of any
20 academic or research institute in the taxing district that
21 (i) is an exempt organization under paragraph (3) of
22 Section 501(c) of the Internal Revenue Code, (ii) operates
23 for the benefit of the public by actually and exclusively
24 performing scientific research and making the results of
25 the research available to the interested public on a
26 non-discriminatory basis, and (iii) employs more than 100

1 employees. An abatement granted under this paragraph shall
2 be for at least 15 years and the aggregate amount of abated
3 taxes for all taxing districts combined shall not exceed
4 \$5,000,000.

5 (5) Housing for older persons. Any property in the
6 taxing district that is devoted exclusively to affordable
7 housing for older households. For purposes of this
8 paragraph, "older households" means those households (i)
9 living in housing provided under any State or federal
10 program that the Department of Human Rights determines is
11 specifically designed and operated to assist elderly
12 persons and is solely occupied by persons 55 years of age
13 or older and (ii) whose annual income does not exceed 80%
14 of the area gross median income, adjusted for family size,
15 as such gross income and median income are determined from
16 time to time by the United States Department of Housing and
17 Urban Development. The abatement shall not exceed a period
18 of 15 years, and the aggregate amount of abated taxes for
19 all taxing districts shall not exceed \$3,000,000.

20 (6) Historical society. For assessment years 1998
21 through 2008, the property of an historical society
22 qualifying as an exempt organization under Section
23 501(c)(3) of the federal Internal Revenue Code.

24 (7) Recreational facilities. Any property in the
25 taxing district (i) that is used for a municipal airport,
26 (ii) that is subject to a leasehold assessment under

1 Section 9-195 of this Code and (iii) which is sublet from a
2 park district that is leasing the property from a
3 municipality, but only if the property is used exclusively
4 for recreational facilities or for parking lots used
5 exclusively for those facilities. The abatement shall not
6 exceed a period of 10 years.

7 (8) Relocated corporate headquarters. If approval
8 occurs within 5 years after the effective date of this
9 amendatory Act of the 92nd General Assembly, any property
10 or a portion of any property in a taxing district that is
11 used by an eligible business for a corporate headquarters
12 as defined in the Corporate Headquarters Relocation Act.
13 Instead of an abatement under this paragraph (8), a taxing
14 district may enter into an agreement with an eligible
15 business to make annual payments to that eligible business
16 in an amount not to exceed the property taxes paid directly
17 or indirectly by that eligible business to the taxing
18 district and any other taxing districts for premises
19 occupied pursuant to a written lease and may make those
20 payments without the need for an annual appropriation. No
21 school district, however, may enter into an agreement with,
22 or abate taxes for, an eligible business unless the
23 municipality in which the corporate headquarters is
24 located agrees to provide funding to the school district in
25 an amount equal to the amount abated or paid by the school
26 district as provided in this paragraph (8). Any abatement

1 ordered or agreement entered into under this paragraph (8)
2 may be effective for the entire term specified by the
3 taxing district, except the term of the abatement or annual
4 payments may not exceed 20 years.

5 (9) United States Military Public/Private Residential
6 Developments. Each building, structure, or other
7 improvement designed, financed, constructed, renovated,
8 managed, operated, or maintained after January 1, 2006
9 under a "PPV Lease", as set forth under Division 14 of
10 Article 10, and any such PPV Lease.

11 (b) Upon a majority vote of its governing authority, any
12 municipality may, after the determination of the assessed
13 valuation of its property, order the county clerk to abate any
14 portion of its taxes on any property that is located within the
15 corporate limits of the municipality in accordance with Section
16 8-3-18 of the Illinois Municipal Code.

17 (Source: P.A. 93-270, eff. 7-22-03; 94-793, eff. 5-19-06;
18 94-974, eff. 6-30-06.)

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

21 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

22 Sec. 5.1. Riverboat and casino gambling. Notwithstanding
23 any other provision of this Act, the District may not regulate
24 the operation, conduct, or navigation of any riverboat gambling

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

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

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

14 (205 ILCS 670/12.5)

15 Sec. 12.5. Limited purpose branch.

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

22 (b) The licensee must submit an application for a limited
23 purpose branch to the Director on forms prescribed by the
24 Director with an application fee of \$300. The approval for the

1 limited purpose branch must be renewed concurrently with the
2 renewal of the licensee's license along with a renewal fee of
3 \$300 for the limited purpose branch.

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

9 (d) The licensee shall prominently display at the limited
10 purpose branch the address and telephone number of the
11 licensee's licensed location.

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

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

16 (g) A limited purpose branch may not be located within
17 1,000 feet of a facility operated by an inter-track wagering
18 licensee or an organization licensee subject to the Illinois
19 Horse Racing Act of 1975, on a riverboat or in a casino subject
20 to the Riverboat and Casino Gambling Act, or within 1,000 feet
21 of the location at which the riverboat docks or within 1,000
22 feet of a casino.

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

24 Section 925. The Illinois Horse Racing Act of 1975 is
25 amended by changing Sections 1.2, 3.11, 9, 20, 25, 26, 26.1,

1 27, 28.1, 30, 31, 36, and 42 and adding Sections 3.24, 3.25,
2 3.26, 3.27, 34.2, and 56 as follows:

3 (230 ILCS 5/1.2)

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

10 (a) support and enhance Illinois' horse racing industry,
11 which is a significant component within the agribusiness
12 industry;

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

15 (c) stimulate growth within Illinois' horse racing
16 industry, thereby encouraging new investment and development
17 to produce additional tax revenues and to create additional
18 jobs;

19 (d) promote the further growth of tourism;

20 (e) encourage the breeding of thoroughbred and
21 standardbred horses in this State; and

22 (f) ensure that public confidence and trust in the
23 credibility and integrity of racing operations and the
24 regulatory process is maintained.

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

1 (230 ILCS 5/3.11) (from Ch. 8, par. 37-3.11)

2 Sec. 3.11. "Organization licensee" means any person,
3 not-for-profit corporation, municipality, or legal authority
4 with bonding power created to promote tourism receiving an
5 organization license from the Board to conduct a race meeting
6 or meetings.

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

8 (230 ILCS 5/3.24 new)

9 Sec. 3.24. "Adjusted gross receipts" means the gross
10 receipts from electronic gaming less winnings paid to wagerers.

11 (230 ILCS 5/3.25 new)

12 Sec. 3.25. "Electronic gaming" means slot machine gambling
13 conducted at a race track pursuant to an electronic gaming
14 license.

15 (230 ILCS 5/3.26 new)

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

18 (230 ILCS 5/3.27 new)

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

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

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

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

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

26 (c) The Board, and any person or persons to whom it

1 delegates this power, is vested with the power to enter the
2 facilities and other places of business of any licensee to
3 determine whether there has been compliance with the provisions
4 of this Act and its rules and regulations.

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

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

1 of said exclusion.

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

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

1 also submit any other financial or related information the
2 Board deems necessary to effectively administer this Act and
3 all rules, regulations, and final decisions promulgated under
4 this Act.

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

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

23 (j) The Board may discharge any Board employee who fails or
24 refuses for any reason to comply with the rules and regulations
25 of the Board, or who, in the opinion of the Board, is guilty of
26 fraud, dishonesty or who is proven to be incompetent. The Board

1 shall have no right or power to determine who shall be
2 officers, directors or employees of any licensee, or their
3 salaries except the Board may, by rule, require that all or any
4 officials or employees in charge of or whose duties relate to
5 the actual running of races be approved by the Board.

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

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

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

19 (n) The Board shall have the power to issue a license to
20 any county fair, or its agent, authorizing the conduct of the
21 pari-mutuel system of wagering. The Board is vested with the
22 full power to promulgate reasonable rules, regulations and
23 conditions under which all horse race meetings licensed
24 pursuant to this subsection shall be held and conducted,
25 including rules, regulations and conditions for the conduct of
26 the pari-mutuel system of wagering. The rules, regulations and

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

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

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

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

1 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

6 (1) the dates on which it intends to conduct the horse
7 race meeting, which dates shall be provided under Section
8 21;

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

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

13 (4) any other information the Board may reasonably
14 require.

15 (b) A separate application for an organization license
16 shall be filed for each horse race meeting which such person
17 proposes to hold. Any such application, if made by an
18 individual, or by any individual as trustee, shall be signed
19 and verified under oath by such individual. If made by
20 individuals or a partnership, it shall be signed and verified
21 under oath by at least 2 of such individuals or members of such
22 partnership as the case may be. If made by an association,
23 corporation, corporate trustee or any other entity, it shall be
24 signed by the president and attested by the secretary or
25 assistant secretary under the seal of such association, trust
26 or corporation if it has a seal, and shall also be verified

1 under oath by one of the signing officers.

2 (c) The application shall specify the name of the persons,
3 association, trust, or corporation making such application and
4 the post office address of the applicant; if the applicant is a
5 trustee, the names and addresses of the beneficiaries; if a
6 corporation, the names and post office addresses of all
7 officers, stockholders and directors; or if such stockholders
8 hold stock as a nominee or fiduciary, the names and post office
9 addresses of these persons, partnerships, corporations, or
10 trusts who are the beneficial owners thereof or who are
11 beneficially interested therein; and if a partnership, the
12 names and post office addresses of all partners, general or
13 limited; if the applicant is a corporation, the name of the
14 state of its incorporation shall be specified.

15 (d) The applicant shall execute and file with the Board a
16 good faith affirmative action plan to recruit, train, and
17 upgrade minorities in all classifications within the
18 association.

19 (e) With such application there shall be delivered to the
20 Board a certified check or bank draft payable to the order of
21 the Board for an amount equal to \$1,000. All applications for
22 the issuance of an organization license shall be filed with the
23 Board before August 1 of the year prior to the year for which
24 application is made and shall be acted upon by the Board at a
25 meeting to be held on such date as shall be fixed by the Board
26 during the last 15 days of September of such prior year. At

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

11 (e-2) In awarding racing dates for calendar year 2010 and
12 thereafter, the Board shall award at least 600 racing days plus
13 an amount as provided in subsection (e-3). In awarding racing
14 dates under this subsection (e-2), the Board shall have the
15 discretion to allocate those racing dates among organization
16 licensees.

17 (e-3) Upon request, the Board shall award at least 100
18 standardbred racing dates to the organization licensee that
19 conducts racing at Fairmount Race Track. Any racing dates
20 awarded under this subsection (e-3) to an organization licensee
21 that conducts racing at Fairmount Race Track that are in excess
22 of the number awarded to that organization licensee in 2008
23 shall be in addition to those racing dates awarded under
24 subsection (e-2).

25 (e-5) In reviewing an application for the purpose of
26 granting an organization license consistent with the best

1 interests of the public and the sport of horse racing, the
2 Board shall consider:

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

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

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

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

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

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

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

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

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

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

4 In granting organization licenses and allocating dates for
5 horse race meetings, the Board shall have discretion to
6 determine an overall schedule, including required simulcasts
7 of Illinois races by host tracks that will, in its judgment, be
8 conducive to the best interests of the public and the sport of
9 horse racing.

10 (e-10) The Illinois Administrative Procedure Act shall
11 apply to administrative procedures of the Board under this Act
12 for the granting of an organization license, except that (1)
13 notwithstanding the provisions of subsection (b) of Section
14 10-40 of the Illinois Administrative Procedure Act regarding
15 cross-examination, the Board may prescribe rules limiting the
16 right of an applicant or participant in any proceeding to award
17 an organization license to conduct cross-examination of
18 witnesses at that proceeding where that cross-examination
19 would unduly obstruct the timely award of an organization
20 license under subsection (e) of Section 20 of this Act; (2) the
21 provisions of Section 10-45 of the Illinois Administrative
22 Procedure Act regarding proposals for decision are excluded
23 under this Act; (3) notwithstanding the provisions of
24 subsection (a) of Section 10-60 of the Illinois Administrative
25 Procedure Act regarding ex parte communications, the Board may
26 prescribe rules allowing ex parte communications with

1 applicants or participants in a proceeding to award an
2 organization license where conducting those communications
3 would be in the best interest of racing, provided all those
4 communications are made part of the record of that proceeding
5 pursuant to subsection (c) of Section 10-60 of the Illinois
6 Administrative Procedure Act; (4) the provisions of Section 14a
7 of this Act and the rules of the Board promulgated under that
8 Section shall apply instead of the provisions of Article 10 of
9 the Illinois Administrative Procedure Act regarding
10 administrative law judges; and (5) the provisions of subsection
11 (d) of Section 10-65 of the Illinois Administrative Procedure
12 Act that prevent summary suspension of a license pending
13 revocation or other action shall not apply.

14 (f) The Board may allot racing dates to an organization
15 licensee for more than one calendar year but for no more than 3
16 successive calendar years in advance, provided that the Board
17 shall review such allotment for more than one calendar year
18 prior to each year for which such allotment has been made. The
19 granting of an organization license to a person constitutes a
20 privilege to conduct a horse race meeting under the provisions
21 of this Act, and no person granted an organization license
22 shall be deemed to have a vested interest, property right, or
23 future expectation to receive an organization license in any
24 subsequent year as a result of the granting of an organization
25 license. Organization licenses shall be subject to revocation
26 if the organization licensee has violated any provision of this

1 Act or the rules and regulations promulgated under this Act or
2 has been convicted of a crime or has failed to disclose or has
3 stated falsely any information called for in the application
4 for an organization license. Any organization license
5 revocation proceeding shall be in accordance with Section 16
6 regarding suspension and revocation of occupation licenses.

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

1 (g) (Blank).

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

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

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

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

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

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

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

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

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

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

25 (a) There shall be paid to the Board at such time or times

1 as it shall prescribe, the sum of fifteen cents (15¢) for each
2 person entering the grounds or enclosure of each organization
3 licensee and inter-track wagering licensee upon a ticket of
4 admission except as provided in subsection (g) of Section 27 of
5 this Act. If tickets are issued for more than one day then the
6 sum of fifteen cents (15¢) shall be paid for each person using
7 such ticket on each day that the same shall be used. Provided,
8 however, that no charge shall be made on tickets of admission
9 issued to and in the name of directors, officers, agents or
10 employees of the organization licensee, or inter-track
11 wagering licensee, or to owners, trainers, jockeys, drivers and
12 their employees or to any person or persons entering the
13 grounds or enclosure for the transaction of business in
14 connection with such race meeting. The organization licensee or
15 inter-track wagering licensee may, if it desires, collect such
16 amount from each ticket holder in addition to the amount or
17 amounts charged for such ticket of admission.

18 (b) Accurate records and books shall at all times be kept
19 and maintained by the organization licensees and inter-track
20 wagering licensees showing the admission tickets issued and
21 used on each racing day and the attendance thereat of each
22 horse racing meeting. The Board or its duly authorized
23 representative or representatives shall at all reasonable
24 times have access to the admission records of any organization
25 licensee and inter-track wagering licensee for the purpose of
26 examining and checking the same and ascertaining whether or not

1 the proper amount has been or is being paid the State of
2 Illinois as herein provided. The Board shall also require,
3 before issuing any license, that the licensee shall execute and
4 deliver to it a bond, payable to the State of Illinois, in such
5 sum as it shall determine, not, however, in excess of fifty
6 thousand dollars (\$50,000), with a surety or sureties to be
7 approved by it, conditioned for the payment of all sums due and
8 payable or collected by it under this Section upon admission
9 fees received for any particular racing meetings. The Board may
10 also from time to time require sworn statements of the number
11 or numbers of such admissions and may prescribe blanks upon
12 which such reports shall be made. Any organization licensee or
13 inter-track wagering licensee failing or refusing to pay the
14 amount found to be due as herein provided, shall be deemed
15 guilty of a business offense and upon conviction shall be
16 punished by a fine of not more than five thousand dollars
17 (\$5,000) in addition to the amount due from such organization
18 licensee or inter-track wagering licensee as herein provided.
19 All fines paid into court by an organization licensee or
20 inter-track wagering licensee found guilty of violating this
21 Section shall be transmitted and paid over by the clerk of the
22 court to the Board.

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

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

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

6 (3) The number and issuance of tax-free passes is
7 subject to the rules of the Board, and a list of all
8 persons to whom the tax-free passes are issued shall be
9 filed with the Board.

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

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

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

1 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

2 Sec. 26. Wagering.

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

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

24 (b-5) An individual may place a wager under the pari-mutuel
25 system from any licensed location authorized under this Act

1 provided that wager is electronically recorded in the manner
2 described in Section 3.12 of this Act. Any wager made
3 electronically by an individual while physically on the
4 premises of a licensee shall be deemed to have been made at the
5 premises of that licensee.

6 (c) Until January 1, 2000, the sum held by any licensee for
7 payment of outstanding pari-mutuel tickets, if unclaimed prior
8 to December 31 of the next year, shall be retained by the
9 licensee for payment of such tickets until that date. Within 10
10 days thereafter, the balance of such sum remaining unclaimed,
11 less any uncashed supplements contributed by such licensee for
12 the purpose of guaranteeing minimum distributions of any
13 pari-mutuel pool, shall be paid to the Illinois Veterans'
14 Rehabilitation Fund of the State treasury, except as provided
15 in subsection (g) of Section 27 of this Act.

16 (c-5) Beginning January 1, 2000, the sum held by any
17 licensee for payment of outstanding pari-mutuel tickets, if
18 unclaimed prior to December 31 of the next year, shall be
19 retained by the licensee for payment of such tickets until that
20 date. Within 10 days thereafter, the balance of such sum
21 remaining unclaimed, less any uncashed supplements contributed
22 by such licensee for the purpose of guaranteeing minimum
23 distributions of any pari-mutuel pool, shall be evenly
24 distributed to the purse account of the organization licensee
25 and the organization licensee.

26 (d) A pari-mutuel ticket shall be honored until December 31

1 of the next calendar year, and the licensee shall pay the same
2 and may charge the amount thereof against unpaid money
3 similarly accumulated on account of pari-mutuel tickets not
4 presented for payment.

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

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

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

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

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

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

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

1 non-host licensee and its affiliated non-host licensees
2 receiving the simulcast.

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

13 (3) Each licensee conducting interstate simulcast
14 wagering may retain, subject to the payment of all
15 applicable taxes and the purses, an amount not to exceed
16 17% of all money wagered. If any licensee conducts the
17 pari-mutuel system wagering on races conducted at
18 racetracks in another state or country, each such race or
19 race program shall be considered a separate racing day for
20 the purpose of determining the daily handle and computing
21 the privilege tax of that daily handle as provided in
22 subsection (a) of Section 27. Until January 1, 2000, from
23 the sums permitted to be retained pursuant to this
24 subsection, each intertrack wagering location licensee
25 shall pay 1% of the pari-mutuel handle wagered on simulcast
26 wagering to the Horse Racing Tax Allocation Fund, subject

1 to the provisions of subparagraph (B) of paragraph (11) of
2 subsection (h) of Section 26 of this Act.

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

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

23 (A) For interstate simulcast wagers made at a host
24 track, 50% to the host track and 50% to purses at the
25 host track.

26 (B) For wagers placed on interstate simulcast

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

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

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

24 (A) Between January 1 and the third Friday in
25 February, inclusive, if no live thoroughbred racing is
26 occurring in Illinois during this period, when the

1 interstate simulcast is a standardbred race, the purse
2 share to its standardbred purse account;

3 (B) Between January 1 and the third Friday in
4 February, inclusive, if no live thoroughbred racing is
5 occurring in Illinois during this period, and the
6 interstate simulcast is a thoroughbred race, the purse
7 share to its interstate simulcast purse pool to be
8 distributed under paragraph (10) of this subsection
9 (g);

10 (C) Between January 1 and the third Friday in
11 February, inclusive, if live thoroughbred racing is
12 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.
13 the purse share from wagers made during this time
14 period to its thoroughbred purse account and between
15 6:30 p.m. and 6:30 a.m. the purse share from wagers
16 made during this time period to its standardbred purse
17 accounts;

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

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

26 (7.1) Notwithstanding any other provision of this Act

1 to the contrary, if no standardbred racing is conducted at
2 a racetrack located in Madison County during any calendar
3 year beginning on or after January 1, 2002, all moneys
4 derived by that racetrack from simulcast wagering and
5 inter-track wagering that (1) are to be used for purses and
6 (2) are generated between the hours of 6:30 p.m. and 6:30
7 a.m. during that calendar year shall be paid as follows:

8 (A) If the licensee that conducts horse racing at
9 that racetrack requests from the Board at least as many
10 racing dates as were conducted in calendar year 2000,
11 80% shall be paid to its thoroughbred purse account;
12 and

13 (B) Twenty percent shall be deposited into the
14 Illinois Colt Stakes Purse Distribution Fund and shall
15 be paid to purses for standardbred races for Illinois
16 conceived and foaled horses conducted at any county
17 fairgrounds. The moneys deposited into the Fund
18 pursuant to this subparagraph (B) shall be deposited
19 within 2 weeks after the day they were generated, shall
20 be in addition to and not in lieu of any other moneys
21 paid to standardbred purses under this Act, and shall
22 not be commingled with other moneys paid into that
23 Fund. The moneys deposited pursuant to this
24 subparagraph (B) shall be allocated as provided by the
25 Department of Agriculture, with the advice and
26 assistance of the Illinois Standardbred Breeders Fund

1 Advisory Board.

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

11 (A) If the licensee that conducts horse racing at
12 that racetrack requests from the Board at least as many
13 racing dates as were conducted in calendar year 2000,
14 80% shall be deposited into its standardbred purse
15 account; and

16 (B) Twenty percent shall be deposited into the
17 Illinois Colt Stakes Purse Distribution Fund. Moneys
18 deposited into the Illinois Colt Stakes Purse
19 Distribution Fund pursuant to this subparagraph (B)
20 shall be paid to Illinois conceived and foaled
21 thoroughbred breeders' programs and to thoroughbred
22 purses for races conducted at any county fairgrounds
23 for Illinois conceived and foaled horses at the
24 discretion of the Department of Agriculture, with the
25 advice and assistance of the Illinois Thoroughbred
26 Breeders Fund Advisory Board. The moneys deposited

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

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

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

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

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

25 Moneys paid into the Illinois Colt Stakes Purse
26 Distribution Fund pursuant to this paragraph (7.3) shall be

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

11 (7.4) If live standardbred racing is conducted at a
12 racetrack located in Madison County at any time in calendar
13 year 2001 before the payment required under paragraph (7.3)
14 has been made, the organization licensee who is licensed to
15 conduct racing at that racetrack shall pay all moneys
16 derived by that racetrack from simulcast wagering and
17 inter-track wagering during calendar years 2000 and 2001
18 that (1) are to be used for purses and (2) are generated
19 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
20 2001 to the standardbred purse account at that racetrack to
21 be used for standardbred purses.

22 (8) Notwithstanding any provision in this Act to the
23 contrary, an organization licensee from a track located in
24 a county with a population in excess of 230,000 and that
25 borders the Mississippi River and its affiliated non-host
26 licensees shall not be entitled to share in any retention

1 generated on racing, inter-track wagering, or simulcast
2 wagering at any other Illinois wagering facility.

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

18 (9) (Blank).

19 (10) (Blank).

20 (11) (Blank).

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

26 (13) (Blank). ~~Notwithstanding any other provision of~~

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

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

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

(1) Any person licensed to conduct a race meeting (i) at a track where 60 or more days of racing were conducted during the immediately preceding calendar year or where

1 over the 5 immediately preceding calendar years an average
2 of 30 or more days of racing were conducted annually may be
3 issued an inter-track wagering license; (ii) at a track
4 located in a county that is bounded by the Mississippi
5 River, which has a population of less than 150,000
6 according to the 1990 decennial census, and an average of
7 at least 60 days of racing per year between 1985 and 1993
8 may be issued an inter-track wagering license; or (iii) at
9 a track located in Madison County that conducted at least
10 100 days of live racing during the immediately preceding
11 calendar year may be issued an inter-track wagering
12 license, unless a lesser schedule of live racing is the
13 result of (A) weather, unsafe track conditions, or other
14 acts of God; (B) an agreement between the organization
15 licensee and the associations representing the largest
16 number of owners, trainers, jockeys, or standardbred
17 drivers who race horses at that organization licensee's
18 racing meeting; or (C) a finding by the Board of
19 extraordinary circumstances and that it was in the best
20 interest of the public and the sport to conduct fewer than
21 100 days of live racing. Any such person having operating
22 control of the racing facility may also receive up to 6
23 inter-track wagering location licenses. In no event shall
24 more than 6 inter-track wagering locations be established
25 for each eligible race track, except that an eligible race
26 track located in a county that has a population of more

1 than 230,000 and that is bounded by the Mississippi River
2 may establish up to 7 inter-track wagering locations. An
3 application for said license shall be filed with the Board
4 prior to such dates as may be fixed by the Board. With an
5 application for an inter-track wagering location license
6 there shall be delivered to the Board a certified check or
7 bank draft payable to the order of the Board for an amount
8 equal to \$500. The application shall be on forms prescribed
9 and furnished by the Board. The application shall comply
10 with all other rules, regulations and conditions imposed by
11 the Board in connection therewith.

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

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

25 (4) Prior to the issuance of a license to conduct
26 inter-track wagering and simulcast wagering, the applicant

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

10 (5) Each license to conduct inter-track wagering and
11 simulcast wagering shall specify the person to whom it is
12 issued, the dates on which such wagering is permitted, and
13 the track or location where the wagering is to be
14 conducted.

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

19 (7) An inter-track wagering licensee or inter-track
20 wagering location licensee may accept wagers at the track
21 or location where it is licensed, or as otherwise provided
22 under this Act.

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

26 (8.1) Inter-track wagering location licensees who

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

18 (8.2) Inter-track wagering or simulcast wagering shall
19 not be conducted by an inter-track wagering location
20 licensee at any location within 500 feet of an existing
21 church or existing school, nor within 500 feet of the
22 residences of more than 50 registered voters without
23 receiving written permission from a majority of the
24 registered voters at such residences. Such written
25 permission statements shall be filed with the Board. The
26 distance of 500 feet shall be measured to the nearest part

1 of any building used for worship services, education
2 programs, residential purposes, or conducting inter-track
3 wagering by an inter-track wagering location licensee, and
4 not to property boundaries. However, inter-track wagering
5 or simulcast wagering may be conducted at a site within 500
6 feet of a church, school or residences of 50 or more
7 registered voters if such church, school or residences have
8 been erected or established, or such voters have been
9 registered, after the Board issues the original
10 inter-track wagering location license at the site in
11 question. Inter-track wagering location licensees may
12 conduct inter-track wagering and simulcast wagering only
13 in areas that are zoned for commercial or manufacturing
14 purposes or in areas for which a special use has been
15 approved by the local zoning authority. However, no license
16 to conduct inter-track wagering and simulcast wagering
17 shall be granted by the Board with respect to any
18 inter-track wagering location within the jurisdiction of
19 any local zoning authority which has, by ordinance or by
20 resolution, prohibited the establishment of an inter-track
21 wagering location within its jurisdiction. However,
22 inter-track wagering and simulcast wagering may be
23 conducted at a site if such ordinance or resolution is
24 enacted after the Board licenses the original inter-track
25 wagering location licensee for the site in question.

26 (9) (Blank).

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

11 (10.1) Except as provided in subsection (g) of Section
12 27 of this Act, inter-track wagering location licensees
13 shall pay 1% of the pari-mutuel handle at each location to
14 the municipality in which such location is situated and 1%
15 of the pari-mutuel handle at each location to the county in
16 which such location is situated. In the event that an
17 inter-track wagering location licensee is situated in an
18 unincorporated area of a county, such licensee shall pay 2%
19 of the pari-mutuel handle from such location to such
20 county.

21 (10.2) Notwithstanding any other provision of this
22 Act, with respect to intertrack wagering at a race track
23 located in a county that has a population of more than
24 230,000 and that is bounded by the Mississippi River ("the
25 first race track"), or at a facility operated by an
26 inter-track wagering licensee or inter-track wagering

1 location licensee that derives its license from the
2 organization licensee that operates the first race track,
3 on races conducted at the first race track or on races
4 conducted at another Illinois race track and
5 simultaneously televised to the first race track or to a
6 facility operated by an inter-track wagering licensee or
7 inter-track wagering location licensee that derives its
8 license from the organization licensee that operates the
9 first race track, those moneys shall be allocated as
10 follows:

11 (A) That portion of all moneys wagered on
12 standardbred racing that is required under this Act to
13 be paid to purses shall be paid to purses for
14 standardbred races.

15 (B) That portion of all moneys wagered on
16 thoroughbred racing that is required under this Act to
17 be paid to purses shall be paid to purses for
18 thoroughbred races.

19 (11) (A) After payment of the privilege or pari-mutuel
20 tax, any other applicable taxes, and the costs and expenses
21 in connection with the gathering, transmission, and
22 dissemination of all data necessary to the conduct of
23 inter-track wagering, the remainder of the monies retained
24 under either Section 26 or Section 26.2 of this Act by the
25 inter-track wagering licensee on inter-track wagering
26 shall be allocated with 50% to be split between the 2

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

13 (B) From the sums permitted to be retained pursuant to
14 this Act each inter-track wagering location licensee shall
15 pay (i) the privilege or pari-mutuel tax to the State; (ii)
16 4.75% of the pari-mutuel handle on intertrack wagering at
17 such location on races as purses, except that an intertrack
18 wagering location licensee that derives its license from a
19 track located in a county with a population in excess of
20 230,000 and that borders the Mississippi River shall retain
21 all purse moneys for its own purse account consistent with
22 distribution set forth in this subsection (h), and
23 intertrack wagering location licensees that accept wagers
24 on races conducted by an organization licensee located in a
25 county with a population in excess of 230,000 and that
26 borders the Mississippi River shall distribute all purse

1 moneys to purses at the operating host track; (iii) until
2 January 1, 2000, except as provided in subsection (g) of
3 Section 27 of this Act, 1% of the pari-mutuel handle
4 wagered on inter-track wagering and simulcast wagering at
5 each inter-track wagering location licensee facility to
6 the Horse Racing Tax Allocation Fund, provided that, to the
7 extent the total amount collected and distributed to the
8 Horse Racing Tax Allocation Fund under this subsection (h)
9 during any calendar year exceeds the amount collected and
10 distributed to the Horse Racing Tax Allocation Fund during
11 calendar year 1994, that excess amount shall be
12 redistributed (I) to all inter-track wagering location
13 licensees, based on each licensee's pro-rata share of the
14 total handle from inter-track wagering and simulcast
15 wagering for all inter-track wagering location licensees
16 during the calendar year in which this provision is
17 applicable; then (II) the amounts redistributed to each
18 inter-track wagering location licensee as described in
19 subpart (I) shall be further redistributed as provided in
20 subparagraph (B) of paragraph (5) of subsection (g) of this
21 Section 26 provided first, that the shares of those
22 amounts, which are to be redistributed to the host track or
23 to purses at the host track under subparagraph (B) of
24 paragraph (5) of subsection (g) of this Section 26 shall be
25 redistributed based on each host track's pro rata share of
26 the total inter-track wagering and simulcast wagering

1 handle at all host tracks during the calendar year in
2 question, and second, that any amounts redistributed as
3 described in part (I) to an inter-track wagering location
4 licensee that accepts wagers on races conducted by an
5 organization licensee that conducts a race meet in a county
6 with a population in excess of 230,000 and that borders the
7 Mississippi River shall be further redistributed as
8 provided in subparagraphs (D) and (E) of paragraph (7) of
9 subsection (g) of this Section 26, with the portion of that
10 further redistribution allocated to purses at that
11 organization licensee to be divided between standardbred
12 purses and thoroughbred purses based on the amounts
13 otherwise allocated to purses at that organization
14 licensee during the calendar year in question; and (iv) 8%
15 of the pari-mutuel handle on inter-track wagering wagered
16 at such location to satisfy all costs and expenses of
17 conducting its wagering. The remainder of the monies
18 retained by the inter-track wagering location licensee
19 shall be allocated 40% to the location licensee and 60% to
20 the organization licensee which provides the Illinois
21 races to the location, except that an intertrack wagering
22 location 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 shall not divide any
25 remaining retention with the organization licensee that
26 provides the race or races and an intertrack wagering

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

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

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

24 Two-sevenths to the Department of Agriculture.

25 Fifty percent of this two-sevenths shall be used to
26 promote the Illinois horse racing and breeding

1 industry, and shall be distributed by the Department of
2 Agriculture upon the advice of a 9-member committee
3 appointed by the Governor consisting of the following
4 members: the Director of Agriculture, who shall serve
5 as chairman; 2 representatives of organization
6 licensees conducting thoroughbred race meetings in
7 this State, recommended by those licensees; 2
8 representatives of organization licensees conducting
9 standardbred race meetings in this State, recommended
10 by those licensees; a representative of the Illinois
11 Thoroughbred Breeders and Owners Foundation,
12 recommended by that Foundation; a representative of
13 the Illinois Standardbred Owners and Breeders
14 Association, recommended by that Association; a
15 representative of the Horsemen's Benevolent and
16 Protective Association or any successor organization
17 thereto established in Illinois comprised of the
18 largest number of owners and trainers, recommended by
19 that Association or that successor organization; and a
20 representative of the Illinois Harness Horsemen's
21 Association, recommended by that Association.
22 Committee members shall serve for terms of 2 years,
23 commencing January 1 of each even-numbered year. If a
24 representative of any of the above-named entities has
25 not been recommended by January 1 of any even-numbered
26 year, the Governor shall appoint a committee member to

1 fill that position. Committee members shall receive no
2 compensation for their services as members but shall be
3 reimbursed for all actual and necessary expenses and
4 disbursements incurred in the performance of their
5 official duties. The remaining 50% of this
6 two-sevenths shall be distributed to county fairs for
7 premiums and rehabilitation as set forth in the
8 Agricultural Fair Act;

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

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

26 One-seventh to the Agricultural Premium Fund to be

1 used for distribution to agricultural home economics
2 extension councils in accordance with "An Act in
3 relation to additional support and finances for the
4 Agricultural and Home Economic Extension Councils in
5 the several counties of this State and making an
6 appropriation therefor", approved July 24, 1967.

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

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

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

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

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

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

14 (i) If the inter-track wagering licensee,
15 except an intertrack wagering licensee that
16 derives its license from an organization licensee
17 located in a county with a population in excess of
18 230,000 and bounded by the Mississippi River, is
19 not conducting its own race meeting during the same
20 dates, then the entire purse allocation shall be to
21 purses at the track where the races wagered on are
22 being conducted.

23 (ii) If the inter-track wagering licensee,
24 except an intertrack wagering licensee that
25 derives its license from an organization licensee
26 located in a county with a population in excess of

1 230,000 and bounded by the Mississippi River, is
2 also conducting its own race meeting during the
3 same dates, then the purse allocation shall be as
4 follows: 50% to purses at the track where the races
5 wagered on are being conducted; 50% to purses at
6 the track where the inter-track wagering licensee
7 is accepting such wagers.

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

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

23 (A) The Board is vested with power to promulgate
24 reasonable rules and regulations for the purpose of
25 administering the conduct of this wagering and to
26 prescribe reasonable rules, regulations and conditions

1 under which such wagering shall be held and conducted.
2 Such rules and regulations are to provide for the
3 prevention of practices detrimental to the public
4 interest and for the best interests of said wagering
5 and to impose penalties for violations thereof.

6 (B) The Board, and any person or persons to whom it
7 delegates this power, is vested with the power to enter
8 the facilities of any licensee to determine whether
9 there has been compliance with the provisions of this
10 Act and the rules and regulations relating to the
11 conduct of such wagering.

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

22 (D) (Blank).

23 (E) The Board is vested with the power to appoint
24 delegates to execute any of the powers granted to it
25 under this Section for the purpose of administering
26 this wagering and any rules and regulations

1 promulgated in accordance with this Act.

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

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

18 (13) The Department of Agriculture may enter into
19 agreements with licensees authorizing such licensees to
20 conduct inter-track wagering on races to be held at the
21 licensed race meetings conducted by the Department of
22 Agriculture. Such agreement shall specify the races of the
23 Department of Agriculture's licensed race meeting upon
24 which the licensees will conduct wagering. In the event
25 that a licensee conducts inter-track pari-mutuel wagering
26 on races from the Illinois State Fair or DuQuoin State Fair

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

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

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

22 (230 ILCS 5/26.1) (from Ch. 8, par. 37-26.1)

23 Sec. 26.1. For all pari-mutuel wagering conducted pursuant
24 to this Act, breakage shall be at all times computed on the
25 basis of not to exceed 10¢ on the dollar. If there is a minus

1 pool, the breakage shall be computed on the basis of not to
2 exceed 5¢ on the dollar. Breakage shall be calculated only
3 after the amounts retained by licensees pursuant to Sections 26
4 and 26.2 of this Act, and all applicable surcharges, are taken
5 out of winning wagers and winnings from wagers. ~~From Beginning~~
6 January 1, 2000 until July 1, 2009, all breakage shall be
7 retained by licensees, with 50% of breakage to be used by
8 licensees for racetrack improvements at the racetrack from
9 which the wagering facility derives its license. The remaining
10 50% is to be allocated 50% to the purse account for the
11 licensee from which the wagering facility derives its license
12 and 50% to the licensee. Beginning July 1, 2009, all breakage
13 shall be retained by licensees, with 50% of breakage to be used
14 by licensees for racetrack improvements at the racetrack from
15 which the wagering facility derives its license. The remaining
16 50% is to be allocated to the purse account for the licensee
17 from which the wagering facility derives its license.

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

19 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

20 Sec. 27. (a) In addition to the organization license fee
21 provided by this Act, until January 1, 2000, a graduated
22 privilege tax is hereby imposed for conducting the pari-mutuel
23 system of wagering permitted under this Act. Until January 1,
24 2000, except as provided in subsection (g) of Section 27 of
25 this Act, all of the breakage of each racing day held by any

1 licensee in the State shall be paid to the State. Until January
2 1, 2000, such daily graduated privilege tax shall be paid by
3 the licensee from the amount permitted to be retained under
4 this Act. Until January 1, 2000, each day's graduated privilege
5 tax, breakage, and Horse Racing Tax Allocation funds shall be
6 remitted to the Department of Revenue within 48 hours after the
7 close of the racing day upon which it is assessed or within
8 such other time as the Board prescribes. The privilege tax
9 hereby imposed, until January 1, 2000, shall be a flat tax at
10 the rate of 2% of the daily pari-mutuel handle except as
11 provided in Section 27.1.

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

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

25 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
26 at the rate of 1.5% of the daily pari-mutuel handle is imposed

1 at all pari-mutuel wagering facilities, except as otherwise
2 provided for in this subsection (a-5). Beginning on the
3 effective date of this amendatory Act of the 94th General
4 Assembly and until moneys deposited pursuant to Section 54 are
5 distributed and received, a pari-mutuel tax at the rate of
6 0.25% of the daily pari-mutuel handle is imposed at a
7 pari-mutuel facility whose license is derived from a track
8 located in a county that borders the Mississippi River and
9 conducted live racing in the previous year. After moneys
10 deposited pursuant to Section 54 are distributed and received,
11 a pari-mutuel tax at the rate of 1.5% of the daily pari-mutuel
12 handle is imposed at a pari-mutuel facility whose license is
13 derived from a track located in a county that borders the
14 Mississippi River and conducted live racing in the previous
15 year. The pari-mutuel tax imposed by this subsection (a-5)
16 shall be remitted to the Department of Revenue within 48 hours
17 after the close of the racing day upon which it is assessed or
18 within such other time as the Board prescribes.

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

25 (c) Licensees shall at all times keep accurate books and
26 records of all monies wagered on each day of a race meeting and

1 of the taxes paid to the Department of Revenue under the
2 provisions of this Section. The Board or its duly authorized
3 representative or representatives shall at all reasonable
4 times have access to such records for the purpose of examining
5 and checking the same and ascertaining whether the proper
6 amount of taxes is being paid as provided. The Board shall
7 require verified reports and a statement of the total of all
8 monies wagered daily at each wagering facility upon which the
9 taxes are assessed and may prescribe forms upon which such
10 reports and statement shall be made.

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

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

22 (f) No other license fee, privilege tax, excise tax or
23 racing fee shall be assessed or collected from any such
24 licensee by units of local government except as provided in
25 paragraph 10.1 of subsection (h) and subsection (f) of Section
26 26 of this Act. However, any municipality that has a Board

1 licensed horse race meeting at a race track wholly within its
2 corporate boundaries or a township that has a Board licensed
3 horse race meeting at a race track wholly within the
4 unincorporated area of the township may charge a local
5 amusement tax not to exceed 10¢ per admission to such horse
6 race meeting by the enactment of an ordinance. However, any
7 municipality or county that has a Board licensed inter-track
8 wagering location facility wholly within its corporate
9 boundaries may each impose an admission fee not to exceed \$1.00
10 per admission to such inter-track wagering location facility,
11 so that a total of not more than \$2.00 per admission may be
12 imposed. Except as provided in subparagraph (g) of Section 27
13 of this Act, the inter-track wagering location licensee shall
14 collect any and all such fees and within 48 hours remit the
15 fees to the Board, which shall, pursuant to rule, cause the
16 fees to be distributed to the county or municipality.

17 (g) Notwithstanding any provision in this Act to the
18 contrary, if in any calendar year the total taxes and fees from
19 wagering on live racing and from inter-track wagering required
20 to be collected from licensees and distributed under this Act
21 to all State and local governmental authorities exceeds the
22 amount of such taxes and fees distributed to each State and
23 local governmental authority to which each State and local
24 governmental authority was entitled under this Act for calendar
25 year 1994, then the first \$11 million of that excess amount
26 shall be allocated at the earliest possible date for

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

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

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

1 allocated to standardbred purses under item (i) is
2 allocated to standardbred organization licensees in the
3 succeeding allocation year.

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

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

10 (230 ILCS 5/28.1)

11 Sec. 28.1. Payments.

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

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

1 the Board.

2 (c) Appropriations, as approved by the General Assembly,
3 shall be made from the Horse Racing Fund to the Department of
4 Agriculture for the purposes identified in paragraphs (2),
5 (2.5), (4), (4.1), (6), (7), (8), and (9) of subsection (g) of
6 Section 30, subsection (e) of Section 30.5, paragraphs (1),
7 (2), (3), (5), and (8) of subsection (g) of Section 31, and for
8 standardbred bonus programs for owners of horses that win
9 multiple stakes races that are limited to Illinois conceived
10 and foaled horses. From ~~Beginning on~~ January 1, 2000 ~~until the~~
11 effective date of this amendatory Act of the 96th General
12 Assembly, the Board shall transfer the remainder of the funds
13 generated pursuant to Sections 26 and 27 from the Horse Racing
14 Fund into the General Revenue Fund.

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

1 calendar year 1994. Beginning on the effective date of this
2 amendatory Act of the 94th General Assembly, in lieu of
3 payments to the Champaign Park District for museum purposes,
4 payments to the Urbana Park District shall be made from the
5 General Revenue Fund at the funding level determined by amounts
6 paid to the Champaign Park District for museum purposes under
7 this Act in calendar year 2005.

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

14 (f) Beginning July 1, 2007, the Children's Discovery Museum
15 in Normal, Illinois shall receive payments from the General
16 Revenue Fund at the funding level determined by the amounts
17 paid to the Miller Park Zoo in Bloomington, Illinois under this
18 Section in calendar year 2006.

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

24 (Source: P.A. 94-813, eff. 5-26-06; 95-222, eff. 8-16-07.)

1 Sec. 30. (a) The General Assembly declares that it is the
2 policy of this State to encourage the breeding of thoroughbred
3 horses in this State and the ownership of such horses by
4 residents of this State in order to provide for: sufficient
5 numbers of high quality thoroughbred horses to participate in
6 thoroughbred racing meetings in this State, and to establish
7 and preserve the agricultural and commercial benefits of such
8 breeding and racing industries to the State of Illinois. It is
9 the intent of the General Assembly to further this policy by
10 the provisions of this Act.

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

23 (c) Conditions of races under subsection (b) shall be
24 commensurate with past performance, quality, and class of
25 Illinois conceived and foaled and Illinois foaled horses
26 available. If, however, sufficient competition cannot be had

1 among horses of that class on any day, the races may, with
2 consent of the Board, be eliminated for that day and substitute
3 races provided.

4 (d) There is hereby created a special fund of the State
5 Treasury to be known as the Illinois Thoroughbred Breeders
6 Fund.

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

11 (e) The Illinois Thoroughbred Breeders Fund shall be
12 administered by the Department of Agriculture with the advice
13 and assistance of the Advisory Board created in subsection (f)
14 of this Section.

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

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

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

23 (1) To provide purse supplements to owners of horses
24 participating in races limited to Illinois conceived and
25 foaled and Illinois foaled horses. Any such purse
26 supplements shall not be included in and shall be paid in

1 addition to any purses, stakes, or breeders' awards offered
2 by each organization licensee as determined by agreement
3 between such organization licensee and an organization
4 representing the horsemen. No monies from the Illinois
5 Thoroughbred Breeders Fund shall be used to provide purse
6 supplements for claiming races in which the minimum
7 claiming price is less than \$7,500.

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

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

1 from the purse account at the track where earned.

2 (3) To provide stallion awards to the owner or owners
3 of any stallion that is duly registered with the Illinois
4 Thoroughbred Breeders Fund Program ~~prior to the effective~~
5 ~~date of this amendatory Act of 1995~~ whose duly registered
6 Illinois conceived and foaled offspring wins a race
7 conducted at an Illinois thoroughbred racing meeting other
8 than a claiming race. Such award shall not be paid to the
9 owner or owners of an Illinois stallion that served outside
10 this State at any time during the calendar year in which
11 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 (b-5) Each organization licensee conducting a harness
2 racing meeting pursuant to this Act shall provide stakes races
3 and early closer races for Illinois conceived and foaled horses
4 so the total purses distributed for such races shall be no less
5 than 17% of the total purses distributed at the meeting.

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

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

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

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

26 (e) The Illinois Standardbred Breeders Fund shall be

1 administered by the Department of Agriculture with the
2 assistance and advice of the Advisory Board created in
3 subsection (f) of this Section.

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

1 their services as members but shall be reimbursed for all
2 actual and necessary expenses and disbursements incurred in the
3 execution of their official duties.

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

11 1. To provide purses for races limited to Illinois
12 conceived and foaled horses at the State Fair and the
13 DuQuoin State Fair.

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

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

19 4. No less than 75% of all monies in the Illinois
20 Standardbred Breeders Fund shall be expended for purses in
21 1, 2 and 3 as shown above.

22 5. In the discretion of the Department of Agriculture
23 to provide awards to harness breeders of Illinois conceived
24 and foaled horses which win races conducted by organization
25 licensees conducting harness racing meetings. A breeder is
26 the owner of a mare at the time of conception. No more than

1 10% of all monies appropriated from the Illinois
2 Standardbred Breeders Fund shall be expended for such
3 harness breeders awards. No more than 25% of the amount
4 expended for harness breeders awards shall be expended for
5 expenses incurred in the administration of such harness
6 breeders awards.

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

9 7. To pay the expenses incurred in the administration
10 of the Illinois Standardbred Breeders Fund.

11 8. To promote the sport of harness racing, including
12 grants up to a maximum of \$7,500 per fair per year for the
13 cost of a totalizer system to be used for conducting
14 pari-mutuel wagering during the advertised dates of a
15 county fair.

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

24 (i) A sum equal to 12 1/2% of the first prize money of
25 every purse won by an Illinois conceived and foaled horse shall
26 be paid by the organization licensee conducting the horse race

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

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

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

1 outside the State of Illinois from shipped semen from a
2 stallion qualified for breeders' awards under this Section are
3 not eligible to participate in the Illinois conceived and
4 foaled program.

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

25 3. Provide that at least a 5 day racing program shall be
26 conducted at the State Fair each year, which program shall

1 include at least the following races limited to Illinois
2 conceived and foaled horses: (a) a two year old Trot and Pace,
3 and Filly Division of each; (b) a three year old Trot and Pace,
4 and Filly Division of each; (c) an aged Trot and Pace, and Mare
5 Division of each.

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

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

21 (k) The Department of Agriculture, with the advice and
22 assistance of the Illinois Standardbred Breeders Fund Advisory
23 Board, may allocate monies for purse supplements for such
24 races. In determining whether to allocate money and the amount,
25 the Department of Agriculture shall consider factors,
26 including but not limited to, the amount of money appropriated

1 for the Illinois Standardbred Breeders Fund program, the number
2 of races that may occur, and an organizational licensee's purse
3 structure. The organizational licensee shall notify the
4 Department of Agriculture of the conditions and minimum purses
5 for races limited to Illinois conceived and foaled horses to be
6 conducted by each organizational licensee conducting a harness
7 racing meeting for which purse supplements have been
8 negotiated.

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

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

1 those published by the Snell Memorial Foundation. Any
2 equestrian helmet bearing the Snell label shall be deemed to
3 have met those standards and requirements.

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

5 (230 ILCS 5/34.2 new)

6 Sec. 34.2. Racetrack consolidation.

7 (a) Findings. The General Assembly finds that encouraging
8 organization licensees to consolidate will be beneficial to the
9 horse racing industry. The General Assembly declares it to be
10 the public policy of this State to enhance the viability of the
11 horse racing industry by encouraging organization licensees to
12 consolidate and not be penalized or lose any rights, benefits,
13 or powers by reason of such consolidation.

14 (b) Consolidation. Notwithstanding any provision of this
15 Act to the contrary, if 2 or more existing organization
16 licensees consolidate into a single organization licensee or
17 otherwise form a joint venture, corporation, limited liability
18 company, or similar consolidated enterprise (consolidated
19 organization licensee) whereby the consolidated organization
20 licensee makes application or joint application, as the case
21 may be, as a single organization licensee, or such existing
22 licensees, after consolidation, make separate applications in
23 the names of such pre-existing licensees, the newly
24 consolidated organization licensee or each such separate
25 pre-existing licensee shall thereafter retain and be entitled

1 to all of the rights, benefits, and powers under this Act that
2 would have otherwise accrued to each such individual
3 pre-consolidation organization licensee but for such
4 consolidation, regardless of whether all or a portion of the
5 facilities of a pre-consolidation licensee are sold,
6 transferred, or otherwise cease to be utilized by the newly
7 consolidated organization licensee or either of the
8 pre-existing licensees. Such multiple rights, benefits, and
9 powers shall include, but not be limited to:

10 (1) the authority to make application for and receive,
11 within the discretion of the Board, racing dates, including
12 host track days, in the same manner as the individual
13 pre-consolidation organization licensees and the
14 racetracks from which the organization licensees derive
15 their licenses;

16 (2) the right to retain the existing inter-track
17 wagering licenses and inter-track wagering location
18 licenses of the individual pre-consolidation organization
19 licensees and the racetracks from which the organization
20 licensees derive their licenses, and the authority to make
21 application for future inter-track wagering licenses and
22 inter-track wagering location licenses in the same manner
23 as each individual pre-consolidation organization licensee
24 and the racetracks from which each pre-consolidation
25 organization licensee derives its license, had or has in
26 its own right; and

1 (3) all existing and future rights, benefits, and
2 powers that the individual pre-consolidation organization
3 licensees and the racetracks from which the organization
4 licensees derive their licenses would have had or received
5 but for the consolidation.

6 The newly consolidated organization licensee shall be
7 subject to such taxation and fees as other similarly situated
8 organization licensees.

9 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

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

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

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

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

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

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

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

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

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

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

4 (230 ILCS 5/56 new)

5 Sec. 56. Electronic gaming.

6 (a) An organization licensee may apply to the Gaming Board
7 for an electronic gaming license. An electronic gaming license
8 shall authorize its holder to conduct gambling at slot machines
9 on the grounds of the licensee's race track. Each license shall
10 specify the number of slot machines that its holder may
11 operate. An electronic gaming licensee may not permit persons
12 under 21 years of age to be present in its electronic gaming
13 facility, but the licensee may accept wagers on live racing and
14 inter-track wagers at its electronic gaming facility.

15 (b) The adjusted gross receipts received by an electronic
16 gaming licensee from electronic gaming remaining after the
17 payment of taxes under Section 13 of the Riverboat and Casino
18 Gambling Act shall be distributed as follows:

19 82.5% shall be retained by the licensee;

20 15% shall be paid to purse equity accounts;

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

1 0.25% shall be paid to the Illinois Quarter Horse
2 Breeders Fund;

3 0.125% shall be paid to the University of Illinois for
4 equine research;

5 0.125% shall be paid to the Racing Industry Charitable
6 Foundation; and

7 0.25% shall be paid to the licensee's live racing and
8 horse ownership promotional account.

9 Of the moneys paid to purse equity accounts by an
10 electronic gaming licensee, 58% shall be paid to the licensee's
11 thoroughbred purse equity account and 42% shall be paid to the
12 licensee's standardbred purse equity account.

13 Section 930. The Riverboat Gambling Act is amended by
14 changing Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 7.1, 7.3, 8, 9, 11,
15 11.1, 12, 13, 14, 18, 19, and 20 and by adding Sections 7.6,
16 7.7, and 13.2 as follows:

17 (230 ILCS 10/1) (from Ch. 120, par. 2401)

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

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

21 (230 ILCS 10/2) (from Ch. 120, par. 2402)

22 Sec. 2. Legislative Intent.

23 (a) This Act is intended to benefit the people of the State

1 of Illinois by assisting economic development and promoting
2 Illinois tourism and by increasing the amount of revenues
3 available to the State to assist and support education.

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

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

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

19 (230 ILCS 10/3) (from Ch. 120, par. 2403)

20 Sec. 3. ~~Riverboat~~ Gambling Authorized.

21 (a) Riverboat and casino gambling operations and
22 electronic gaming operations ~~and the system of wagering~~
23 ~~incorporated therein~~, as defined in this Act, are hereby
24 authorized to the extent that they are carried out in
25 accordance with the provisions of this Act.

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

11 (c) Riverboat gambling conducted pursuant to this Act may
12 be authorized upon any water within the State of Illinois or
13 any water other than Lake Michigan which constitutes a boundary
14 of the State of Illinois. Notwithstanding any provision in this
15 subsection (c) to the contrary, a licensee that receives its
16 license pursuant to subsection (e-5) of Section 7 or pursuant
17 to paragraph (2) of subsection (e-10) of Section 7 may conduct
18 riverboat gambling on Lake Michigan from a home dock located on
19 Lake Michigan subject to any limitations contained in Section
20 7. Notwithstanding any provision in this subsection (c) to the
21 contrary, a licensee may conduct gambling at its home dock
22 facility as provided in Sections 7 and 11. A licensee may
23 conduct riverboat gambling authorized under this Act
24 regardless of whether it conducts excursion cruises. A licensee
25 may permit the continuous ingress and egress of passengers for
26 the purpose of gambling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 "Casino" means a land-based facility at which lawful
25 gambling is authorized as provided in this Act.

26 "Owners license" means a license to conduct riverboat or

1 casino gambling operations, but does not include an electronic
2 gaming license.

3 "Licensed owner" means a person who holds an owners
4 license.

5 "Electronic gaming license" means a license issued by the
6 Board under Section 7.4 of this Act authorizing electronic
7 gaming at an electronic gaming facility.

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

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

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

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 (230 ILCS 10/5) (from Ch. 120, par. 2405)

21 Sec. 5. Gaming Board.

22 (a) (1) There is hereby established within the Department
23 of Revenue an Illinois Gaming Board which shall have the powers
24 and duties specified in this Act, and all other powers
25 necessary and proper to fully and effectively execute this Act

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

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

19 (3) The terms of office of the Board members shall be 3
20 years, except that the terms of office of the initial Board
21 members appointed pursuant to this Act will commence from the
22 effective date of this Act and run as follows: one for a term
23 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for
24 a term ending July 1, 1993. Upon the expiration of the
25 foregoing terms, the successors of such members shall serve a
26 term for 3 years and until their successors are appointed and

1 qualified for like terms. Vacancies in the Board shall be
2 filled for the unexpired term in like manner as original
3 appointments. Each member of the Board shall be eligible for
4 reappointment at the discretion of the Governor with the advice
5 and consent of the Senate.

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

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

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

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

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

1 horse racing within this State. Any employee violating these
2 prohibitions shall be subject to termination of employment.

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

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

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

1 business day following the date of such mailing. The Board
2 shall conduct all requested hearings promptly and in
3 reasonable order;

4 (2) To conduct all hearings pertaining to civil
5 violations of this Act or rules and regulations promulgated
6 hereunder;

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

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

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

23 (6) To be present through its inspectors and agents any
24 time gambling operations are conducted on any riverboat, in
25 any casino, or at any electronic gaming facility for the
26 purpose of certifying the revenue thereof, receiving

1 complaints from the public, and conducting such other
2 investigations into the conduct of the gambling games and
3 the maintenance of the equipment as from time to time the
4 Board may deem necessary and proper;

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

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

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

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

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

22 (11) (Blank); ~~and~~

23 (12) To assume responsibility for the administration
24 and enforcement of the Bingo License and Tax Act, the
25 Charitable Games Act, and the Pull Tabs and Jar Games Act
26 if such responsibility is delegated to it by the Director

1 of Revenue; ~~and~~.

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

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

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

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

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

1 regarding the inspection of electronic gaming facilities,
2 casinos, and ~~such~~ riverboats and the review of any permits
3 or licenses necessary to operate a riverboat, casino, or
4 electronic gaming facilities under any laws or regulations
5 applicable to riverboats, casinos, or electronic gaming
6 facilities and to impose penalties for violations thereof.

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

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

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

20 (7) To adopt appropriate standards for all electronic
21 gaming facilities, riverboats, casinos, and other
22 facilities authorized under this Act.

23 (8) To require that the records, including financial or
24 other statements of any licensee under this Act, shall be
25 kept in such manner as prescribed by the Board and that any
26 such licensee involved in the ownership or management of

1 gambling operations submit to the Board an annual balance
2 sheet and profit and loss statement, list of the
3 stockholders or other persons having a 1% or greater
4 beneficial interest in the gambling activities of each
5 licensee, and any other information the Board deems
6 necessary in order to effectively administer this Act and
7 all rules, regulations, orders and final decisions
8 promulgated under this Act.

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

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

21 (11) To revoke or suspend licenses, as the Board may
22 see fit and in compliance with applicable laws of the State
23 regarding administrative procedures, and to review
24 applications for the renewal of licenses. The Board may
25 suspend an owners license or electronic gaming license,
26 without notice or hearing, upon a determination that the

1 safety or health of patrons or employees is jeopardized by
2 continuing a gambling operation conducted under that
3 license ~~a riverboat's operation~~. The suspension may remain
4 in effect until the Board determines that the cause for
5 suspension has been abated. The Board may revoke the owners
6 license or electronic gaming license upon a determination
7 that the licensee ~~owner~~ has not made satisfactory progress
8 toward abating the hazard.

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

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

25 (14) (Blank).

26 (15) To suspend, revoke or restrict licenses, to

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

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

12 Sec. 5.1. Disclosure of records.

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

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

21 (2) An identification of any applicant or licensee
22 including, if an applicant or licensee is not an
23 individual, the state of incorporation or registration,
24 the corporate officers, and the identity of all
25 shareholders or participants. If an applicant or licensee

1 has a pending registration statement filed with the
2 Securities and Exchange Commission, only the names of those
3 persons or entities holding interest of 5% or more must be
4 provided.

5 (3) An identification of any business, including, if
6 applicable, the state of incorporation or registration, in
7 which an applicant or licensee or an applicant's or
8 licensee's spouse or children has an equity interest of
9 more than 5%. If an applicant or licensee is a corporation,
10 partnership or other business entity, the applicant or
11 licensee shall identify any other corporation, partnership
12 or business entity in which it has an equity interest of 5%
13 or more, including, if applicable, the state of
14 incorporation or registration. This information need not
15 be provided by a corporation, partnership or other business
16 entity that has a pending registration statement filed with
17 the Securities and Exchange Commission.

18 (4) Whether an applicant or licensee has been indicted,
19 convicted, pleaded guilty or nolo contendere, or forfeited
20 bail concerning any criminal offense under the laws of any
21 jurisdiction, either felony or misdemeanor (except for
22 traffic violations), including the date, the name and
23 location of the court, arresting agency and prosecuting
24 agency, the case number, the offense, the disposition and
25 the location and length of incarceration.

26 (5) Whether an applicant or licensee has had any

1 license or certificate issued by a licensing authority in
2 Illinois or any other jurisdiction denied, restricted,
3 suspended, revoked or not renewed and a statement
4 describing the facts and circumstances concerning the
5 denial, restriction, suspension, revocation or
6 non-renewal, including the licensing authority, the date
7 each such action was taken, and the reason for each such
8 action.

9 (6) Whether an applicant or licensee has ever filed or
10 had filed against it a proceeding in bankruptcy or has ever
11 been involved in any formal process to adjust, defer,
12 suspend or otherwise work out the payment of any debt
13 including the date of filing, the name and location of the
14 court, the case and number of the disposition.

15 (7) Whether an applicant or licensee has filed, or been
16 served with a complaint or other notice filed with any
17 public body, regarding the delinquency in the payment of,
18 or a dispute over the filings concerning the payment of,
19 any tax required under federal, State or local law,
20 including the amount, type of tax, the taxing agency and
21 time periods involved.

22 (8) A statement listing the names and titles of all
23 public officials or officers of any unit of government, and
24 relatives of said public officials or officers who,
25 directly or indirectly, own any financial interest in, have
26 any beneficial interest in, are the creditors of or hold

1 any debt instrument issued by, or hold or have any interest
2 in any contractual or service relationship with, an
3 applicant or licensee.

4 (9) Whether an applicant or licensee has made, directly
5 or indirectly, any political contribution, or any loans,
6 donations or other payments, to any candidate or office
7 holder, within 5 years from the date of filing the
8 application, including the amount and the method of
9 payment.

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

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

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

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

26 (1) The amount of the wagering tax and admission tax

1 paid daily to the State of Illinois by the holder of an
2 owner's license.

3 (2) Whenever the Board finds an applicant for an
4 owner's license unsuitable for licensing, a copy of the
5 written letter outlining the reasons for the denial.

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

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

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

12 (2) The statutes, rules, regulations or
13 intergovernmental agreements of any jurisdiction.

14 (d) The Board may assess fees for the copying of
15 information in accordance with Section 6 of the Freedom of
16 Information Act.

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

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

19 Sec. 6. Application for Owners License.

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

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

14 (b) Applicants shall submit with their application all
15 documents, resolutions, and letters of support from the
16 governing body that represents the municipality or county
17 wherein the licensee will dock.

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

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

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

1 (f) The licensed owner shall be the person primarily
2 responsible for the boat or casino itself. Only one ~~riverboat~~
3 gambling operation may be authorized by the Board on any
4 riverboat or in any casino. The applicant must identify the
5 ~~each~~ riverboat or premises it intends to use and certify that
6 the riverboat or premises: (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. From the effective date of this amendatory
23 Act of the 95th General Assembly until (i) 3 years after the
24 effective date of this amendatory Act of the 95th General
25 Assembly, (ii) the date any organization licensee begins to

1 operate a slot machine or video game of chance under the
2 Illinois Horse Racing Act of 1975 or this Act, (iii) the date
3 that payments begin under subsection (c-5) of Section 13 of the
4 Act, or (iv) the wagering tax imposed under Section 13 of this
5 Act is increased by law to reflect a tax rate that is at least
6 as stringent or more stringent than the tax rate contained in
7 subsection (a-3) of Section 13, whichever occurs first, as a
8 condition of licensure and as an alternative source of payment
9 for those funds payable under subsection (c-5) of Section 13 of
10 ~~this the Riverboat Gambling~~ Act, any owners licensee that holds
11 or receives its owners license on or after the effective date
12 of this amendatory Act of the 94th General Assembly, other than
13 an owners licensee operating a riverboat with adjusted gross
14 receipts in calendar year 2004 of less than \$200,000,000, must
15 pay into the Horse Racing Equity Trust Fund, in addition to any
16 other payments required under this Act, an amount equal to 3%
17 of the adjusted gross receipts received by the owners licensee.
18 The payments required under this Section shall be made by the
19 owners licensee to the State Treasurer no later than 3:00
20 o'clock p.m. of the day after the day when the adjusted gross
21 receipts were received by the owners licensee. A person, firm
22 or corporation is ineligible to receive an owners license if:

- 23 (1) the person has been convicted of a felony under the
24 laws of this State, any other state, or the United States;
25 (2) the person has been convicted of any violation of
26 Article 28 of the Criminal Code of 1961, or substantially

1 similar laws of any other jurisdiction;

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

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

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

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

12 (7) (blank); or

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

16 The Board is expressly prohibited from making changes to
17 the requirement that licensees make payment into the Horse
18 Racing Equity Trust Fund without the express authority of the
19 Illinois General Assembly and making any other rule to
20 implement or interpret this amendatory Act of the 95th General
21 Assembly. For the purposes of this paragraph, "rules" is given
22 the meaning given to that term in Section 1-70 of the Illinois
23 Administrative Procedure Act.

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

26 (1) the character, reputation, experience and

1 financial integrity of the applicants and of any other or
2 separate person that either:

3 (A) controls, directly or indirectly, such
4 applicant, or

5 (B) is controlled, directly or indirectly, by such
6 applicant or by a person which controls, directly or
7 indirectly, such applicant;

8 (2) the facilities or proposed facilities for the
9 conduct of ~~riverboat~~ gambling;

10 (3) the highest prospective total revenue to be derived
11 by the State from the conduct of ~~riverboat~~ gambling;

12 (4) the extent to which the ownership of the applicant
13 reflects the diversity of the State by including minority
14 persons and females and the good faith affirmative action
15 plan of each applicant to recruit, train and upgrade
16 minority persons and females in all employment
17 classifications;

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

20 (6) whether the applicant has adequate capitalization
21 to provide and maintain, for the duration of a license, a
22 riverboat or casino;

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

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

1 (c) Each owners license shall specify the place where the
2 casino shall operate or the riverboat ~~riverboats~~ shall operate
3 and dock.

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

6 (e) In addition to any licenses authorized under
7 subsections (e-5) and (e-10), the ~~The~~ Board may issue up to 10
8 licenses authorizing the holders of such licenses to own
9 riverboats. In the application for an owners license, the
10 applicant shall state the dock at which the riverboat is based
11 and the water on which the riverboat will be located. The Board
12 shall issue 5 licenses to become effective not earlier than
13 January 1, 1991. Three of such licenses shall authorize
14 riverboat gambling on the Mississippi River, or, with approval
15 by the municipality in which the riverboat was docked on August
16 7, 2003 and with Board approval, be authorized to relocate to a
17 new location, in a municipality that (1) borders on the
18 Mississippi River or is within 5 miles of the city limits of a
19 municipality that borders on the Mississippi River and (2), on
20 August 7, 2003, had a riverboat conducting riverboat gambling
21 operations pursuant to a license issued under this Act; one of
22 which shall authorize riverboat gambling from a home dock in
23 the city of East St. Louis. One other license shall authorize
24 riverboat gambling on the Illinois River south of Marshall
25 County. The Board shall issue one additional license to become
26 effective not earlier than March 1, 1992, which shall authorize

1 riverboat gambling on the Des Plaines River in Will County. The
2 Board may issue 4 additional licenses to become effective not
3 earlier than March 1, 1992. In determining the water upon which
4 riverboats will operate, the Board shall consider the economic
5 benefit which riverboat gambling confers on the State, and
6 shall seek to assure that all regions of the State share in the
7 economic benefits of riverboat gambling.

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

21 (e-5) In addition to licenses authorized under subsections
22 (e) and (e-10), the Board may issue one owners license
23 authorizing either the conduct of riverboat gambling
24 operations from a home dock located in a municipality with a
25 population of more than 500,000 inhabitants or the conduct of
26 gambling operations in a casino located in a municipality with

1 a population of more than 500,000 inhabitants.

2 The license authorized under this subsection (e-5) shall be
3 awarded pursuant to a process of competitive bidding. However,
4 the city council of the municipality in which the casino or the
5 home dock of the riverboat is located may make recommendations
6 regarding the location, proposal for ownership, licensee, and
7 any other decisions made by the Board in connection with the
8 license issued under this subsection (e-5).

9 The license authorized under this subsection (e-5) may
10 authorize the conduct of riverboat gambling on Lake Michigan if
11 the city council of the municipality in which the home dock is
12 located approves the authorization in its recommendations
13 under this subsection (e-5).

14 (e-10) In addition to licenses authorized under
15 subsections (e) and (e-5), the Board may issue the following 3
16 owners licenses:

17 (1) One owners license authorizing the conduct of
18 riverboat gambling operations from a home dock located
19 outside of the City of Chicago, but in Cook County and in
20 one of the following townships: Bloom, Thornton, Rich,
21 Orland, Calumet, Worth, Palos, Bremen, or Lemont Township.

22 (2) One owners license authorizing the conduct of
23 riverboat gambling from a home dock located in a
24 municipality that (A) has a population of at least 75,000
25 inhabitants, (B) is bordered on the East by Lake Michigan,
26 and (C) is located in a county, the entirety of which is

1 located to the North of Cook County, and shall authorize
2 its holder to conduct riverboat gambling on Lake Michigan.

3 (3) One owners license authorizing the conduct of
4 riverboat gambling from a home dock located south of
5 Interstate 80 and not less than 50 miles from a casino or
6 the home dock of the nearest riverboat.

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

13 (f) The ~~first 10 owners~~ licenses issued under this Act
14 shall permit the holder to own up the riverboat or casino ~~to 2~~
15 ~~riverboats~~ and equipment ~~thereon~~ for a period of 3 years after
16 the effective date of the license. Holders of the first 10
17 owners licenses must pay the annual license fee for each of the
18 3 years during which they are authorized to own riverboats.

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

1 (h) An owners license, except for the owners license issued
2 under subsection (e-5), shall entitle the licensee to operate
3 up to 2,000 gaming positions. In addition to the 2,000 gaming
4 positions authorized by a licensee's owners license, a licensee
5 may operate gaming positions that it acquires pursuant to the
6 competitive bidding process established under this subsection
7 (h). An owners license issued under subsection (e-5) shall
8 entitle the licensee to operate up to 4,000 gaming positions.
9 For each 4-year license period, a licensee shall certify to the
10 Board the total number of gaming positions it will use during
11 the license period. If a licensee certifies that it will use a
12 given number of gaming positions during its license period and,
13 in the Board's determination, fails to use some or all of those
14 gaming positions, then the unused gaming positions shall become
15 the property of the Board. If a licensee certifies that it will
16 use fewer than 2,000 gaming positions, or 4,000 gaming
17 positions in the case of the licensee that acquires its license
18 under subsection (e-5), then the authorized but unused gaming
19 positions shall become the property of the Board. The Board
20 shall establish, by rule, a method for licensees to
21 competitively bid for the right to use gaming positions that
22 become the property of the Board under this subsection (h). A
23 licensee, other than the licensee that acquires its license
24 under subsection (e-5), may not bid for additional gaming
25 positions under this subsection (h) unless it uses all 2,000
26 gaming positions authorized by its license. A licensee that

1 acquires its license under subsection (e-5) may bid for gaming
2 positions under this subsection (h) only if the licensee had
3 unused gaming positions become the property of the Board, and
4 in no event shall that licensee be authorized to operate more
5 than 4,000 gaming positions ~~own up to 2 riverboats.~~

6 An owners licensee, other than the licensee that acquires
7 its license under subsection (e-5) or (e-10), that is
8 authorized to operate in excess of 2,000 positions under this
9 subsection (h) may conduct riverboat gambling operations from a
10 temporary facility pending the construction of a permanent
11 facility or the remodeling of an existing facility to
12 accommodate those additional positions until July 1, 2010. An
13 owners licensee that acquires its license under subsection
14 (e-10) may conduct gambling operations from a temporary
15 facility pending the construction of a permanent facility for
16 one year after the issuance of its license. The number of
17 positions at such a temporary facility may not exceed the
18 number of positions the licensee is authorized to operate in
19 excess of 2,000. The licensee that acquires its license under
20 subsection (e-5) may not operate from a temporary facility. The
21 Board shall make rules concerning the conduct of gambling from
22 temporary facilities. ~~A licensee shall limit the number of~~
23 ~~gambling participants to 1,200 for any such owners license. A~~
24 ~~licensee may operate both of its riverboats concurrently,~~
25 ~~provided that the total number of gambling participants on both~~
26 ~~riverboats does not exceed 1,200. Riverboats licensed to~~

1 ~~operate on the Mississippi River and the Illinois River south~~
2 ~~of Marshall County shall have an authorized capacity of at~~
3 ~~least 500 persons. Any other riverboat licensed under this Act~~
4 ~~shall have an authorized capacity of at least 400 persons.~~

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

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

26 (Source: P.A. 94-667, eff. 8-23-05; 94-804, eff. 5-26-06;

1 95-1008, eff. 12-15-08.)

2 (230 ILCS 10/7.1)

3 Sec. 7.1. Re-issuance of revoked or non-renewed owners
4 licenses.

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

15 (b) To be a qualified applicant, a person, firm, or
16 corporation cannot be ineligible to receive an owners license
17 under Section 7(a) and must submit an application for an owners
18 license that complies with Section 6. Each such applicant must
19 also submit evidence to the Board that minority persons and
20 females hold ownership interests in the applicant of at least
21 16% and 4% respectively.

22 (c) Notwithstanding anything to the contrary in Section
23 7(e), an applicant may apply to the Board for approval of
24 relocation of a re-issued license to a new home dock location
25 authorized under Section 3(c) upon receipt of the approval from

1 the municipality or county, as the case may be, pursuant to
2 Section 7(j).

3 (d) In determining whether to grant a re-issued owners
4 license to an applicant, the Board shall consider all of the
5 factors set forth in Section ~~Sections~~ 7(b) and in Section 7(e),
6 (e-5), or (e-10), whichever is applicable, ~~(e)~~ as well as the
7 amount of the applicant's license bid. The Board may grant the
8 re-issued owners license to an applicant that has not submitted
9 the highest license bid, but if it does not select the highest
10 bidder, the Board shall issue a written decision explaining why
11 another applicant was selected and identifying the factors set
12 forth in Section ~~Sections~~ 7(b) and in Section 7(e), (e-5), or
13 (e-10), whichever is applicable, ~~(e)~~ that favored the winning
14 bidder.

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

19 (230 ILCS 10/7.3)

20 Sec. 7.3. State conduct of gambling operations.

21 (a) If, after reviewing each application for a re-issued
22 license, the Board determines that the highest prospective
23 total revenue to the State would be derived from State conduct
24 of the gambling operation in lieu of re-issuing the license,
25 the Board shall inform each applicant of its decision. The

1 Board shall thereafter have the authority, without obtaining an
2 owners license, to conduct riverboat gambling operations as
3 previously authorized by the terminated, expired, revoked, or
4 nonrenewed license through a licensed manager selected
5 pursuant to an open and competitive bidding process as set
6 forth in Section 7.5 and as provided in Section 7.4.

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

12 (c) The Board shall have jurisdiction over and shall
13 supervise all gambling operations conducted by the State
14 provided for in this Act and shall have all powers necessary
15 and proper to fully and effectively execute the provisions of
16 this Act relating to gambling operations conducted by the
17 State.

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

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

24 (230 ILCS 10/7.6 new)

25 Sec. 7.6. Electronic gaming.

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

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

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

20 The General Assembly finds, however, that even though the
21 authority to conduct electronic gaming is a uniform means to
22 improve live horse racing in this State, electronic gaming must
23 be regulated and implemented differently in southern Illinois
24 versus the Chicago area. The General Assembly finds that
25 Fairmount Park is the only race track operating on a year round
26 basis in southern Illinois that offers live racing and for that

1 matter only conducts live thoroughbred racing. The General
2 Assembly finds that the current state of affairs deprives
3 spectators and standardbred horsemen residing in southern
4 Illinois of the opportunity to participate in live standardbred
5 racing in a manner similar to spectators, thoroughbred
6 horsemen, and standardbred horsemen residing in the Chicago
7 area. The General Assembly declares that southern Illinois
8 spectators and standardbred horsemen are entitled to have a
9 similar opportunity to participate in live standardbred racing
10 as spectators in the Chicago area. The General Assembly
11 declares that in order to remove this disparity between
12 southern Illinois and the Chicago area, it is necessary for the
13 State to regulate Fairmount Park differently from horse race
14 tracks found in the Chicago area and tie Fairmount Park's
15 authorization to conduct electronic gaming to a commitment to
16 conduct at least 100 days of standardbred racing as set forth
17 in subsection (d) of this Section.

18 (b) The Illinois Gaming Board shall award one electronic
19 gaming license to become effective on or after July 1, 2009 to
20 each organization licensee under the Illinois Horse Racing Act
21 of 1975, subject to application and eligibility requirements of
22 this Section. An electronic gaming license shall authorize its
23 holder to conduct electronic gaming at its race track at the
24 following times:

25 (1) on days when it conducts live racing at the track
26 where its electronic gaming facility is located from the

1 time the first race of the day at that track begins until
2 the end of the final race of the day at that race track;
3 and

4 (2) on days when it conducts simulcast wagering on
5 races run in the United States from the time it first
6 receives the simulcast signal until one hour after it stops
7 receiving the simulcast signal. A license to conduct
8 limited gaming and any renewal of a limited owners license
9 shall authorize limited gaming for a period of 4 years.

10 (c) To be eligible to conduct electronic gaming, an
11 organization licensee must (i) obtain an electronic gaming
12 license, (ii) hold an organization license under the Illinois
13 Horse Racing Act of 1975, (iii) hold an inter-track wagering
14 license, (iv) pay a fee of \$25,000 (\$12,500 in the case of
15 Fairmount Race Track and Balmoral Race Track) for each person
16 it is authorized to admit before beginning to conduct
17 electronic gaming and an additional fee of \$25,000 (\$12,500 in
18 the case of Fairmount Race Track and Balmoral Race Track) for
19 each person it is authorized to admit no later than 12 months
20 after the date it first conducts electronic gaming, (v) apply
21 for at least 600 racing days, and (vi) meet all other
22 requirements of this Act that apply to owners licensees.

23 With respect to the live racing requirement described in
24 this subsection, an organization licensee must conduct the same
25 number of days of thoroughbred or standardbred racing or both,
26 as the case may be, as it was awarded by the Board, unless a

1 lesser schedule of live racing is the result of (A) weather or
2 unsafe track conditions due to acts of God or (B) a strike
3 between the organization licensee and the associations
4 representing the largest number of owners, trainers, jockeys,
5 or standardbred drivers who race horses at that organization
6 licensee's racing meeting.

7 (d) In addition to the other eligibility requirements of
8 subsection (c), an organization licensee that holds an
9 electronic gaming license authorizing it to conduct electronic
10 gaming at Fairmount Park must apply for and conduct at least
11 100 days of standardbred racing in calendar year 2010 and
12 thereafter, unless a lesser schedule of live racing is the
13 result of (A) weather or unsafe track conditions due to acts of
14 God or (B) a strike between the organization licensee and the
15 associations representing the largest number of owners,
16 trainers, jockeys, or standardbred drivers who race horses at
17 that organization licensee's racing meeting.

18 (e) The Board may approve electronic gaming licenses
19 authorizing the conduct of electronic gaming by eligible
20 organization licensees.

21 (f) In calendar year 2009, the Board may approve up to
22 3,800 aggregate gambling participants statewide as provided in
23 this Section. The authority to admit participants under this
24 Section in calendar year 2009 shall be allocated as follows:

25 (1) The organization licensee operating at Arlington
26 Park Race Course may admit up to 1,150 gaming participants

1 at a time;

2 (2) The organization licensees operating at Hawthorne
3 Race Course, including the organization licensee formerly
4 operating at Sportsman's Park, may collectively admit up to
5 1,000 gaming participants at a time;

6 (3) The organization licensee operating at Balmoral
7 Park may admit up to 300 gaming participants at a time;

8 (4) The organization licensee operating at Maywood
9 Park may admit up to 850 gaming participants at a time; and

10 (5) The organization licensee operating at Fairmount
11 Park may admit up to 500 gaming participants at a time.

12 (g) For each calendar year after 2009 in which an
13 electronic gaming licensee requests a number of racing days
14 under its organization license that is less than 90% of the
15 number of days of live racing it was awarded in 2009, the
16 electronic gaming licensee may not conduct electronic gaming.

17 (h) On the second anniversary of the issuance of an
18 electronic gaming license, the Gaming Board shall review the
19 average daily live on-track handle at the race track where the
20 electronic gaming licensee's electronic gaming facility is
21 located. If the average daily live on-track handle at that race
22 track is lower than the average daily live on-track handle at
23 that race track in calendar year 2007 by at least 10%, then the
24 Board shall withdraw 10% of the gaming positions at that
25 electronic gaming facility. If the average daily live on-track
26 handle at that race track is higher than the average daily live

1 on-track handle at the race track in calendar year 2007 by at
2 least 10%, then the board shall allow that race track to
3 operate up to 10% more additional electronic gaming positions,
4 subject to the initial fees described in subsection (c) for
5 each additional position allowed.

6 (i) An electronic gaming licensee may conduct electronic
7 gaming at a temporary facility pending the construction of a
8 permanent facility or the remodeling of an existing facility to
9 accommodate electronic gaming participants for up to 12 months
10 after receiving an electronic gaming license. The Board shall
11 make rules concerning the conduct of electronic gaming from
12 temporary facilities.

13 (230 ILCS 10/7.7 new)

14 Sec. 7.7. Home rule. The regulation and licensing of
15 electronic gaming and electronic gaming licensees are
16 exclusive powers and functions of the State. A home rule unit
17 may not regulate or license electronic gaming or electronic
18 gaming licensees. This Section is a denial and limitation of
19 home rule powers and functions under subsection (h) of Section
20 6 of Article VII of the Illinois Constitution.

21 (230 ILCS 10/8) (from Ch. 120, par. 2408)

22 Sec. 8. Suppliers licenses.

23 (a) The Board may issue a suppliers license to such
24 persons, firms or corporations which apply therefor upon the

1 payment of a non-refundable application fee set by the Board,
2 upon a determination by the Board that the applicant is
3 eligible for a suppliers license and upon payment of a \$5,000
4 annual license fee.

5 (b) The holder of a suppliers license is authorized to sell
6 or lease, and to contract to sell or lease, gambling equipment
7 and supplies to any licensee involved in the ownership or
8 management of gambling operations.

9 (c) Gambling supplies and equipment may not be distributed
10 unless supplies and equipment conform to standards adopted by
11 rules of the Board.

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

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

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

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

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

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

25 (6) the firm or corporation employs a person who
26 participates in the management or operation of riverboat

1 gambling authorized under this Act;

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

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

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

3 (g) Any gambling equipment, devices and supplies provided
4 by any licensed supplier may either be repaired on the
5 riverboat, in a casino, or in an electronic gaming facility or
6 removed from the riverboat, casino, or electronic gaming
7 facility to a an on-shore facility owned by the holder of an
8 owners license or electronic gaming license for repair.

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

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

11 Sec. 9. Occupational licenses.

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

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

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

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

5 (4) have met standards for the holding of an
6 occupational license as adopted by rules of the Board. Such
7 rules shall provide that any person or entity seeking an
8 occupational license to manage gambling operations
9 hereunder shall be subject to background inquiries and
10 further requirements similar to those required of
11 applicants for an owners license. Furthermore, such rules
12 shall provide that each such entity shall be permitted to
13 manage gambling operations for only one licensed owner.

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

23 (c) Each applicant shall submit with his application, on
24 forms provided by the Board, 2 sets of his fingerprints. The
25 Board shall charge each applicant a fee set by the Department
26 of State Police to defray the costs associated with the search

1 and classification of fingerprints obtained by the Board with
2 respect to the applicant's application. These fees shall be
3 paid into the State Police Services Fund.

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

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

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

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

24 (h) Nothing in this Act shall be interpreted to prohibit a
25 licensed owner or electronic gaming licensee from entering into
26 an agreement with a school approved under the Private Business

1 and Vocational Schools Act for the training of any occupational
2 licensee. Any training offered by such a school shall be in
3 accordance with a written agreement between the licensed owner
4 or electronic gaming licensee and the school.

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

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

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

12 Sec. 11. Conduct of gambling. Gambling may be conducted by
13 licensed owners or licensed managers on behalf of the State
14 aboard riverboats or by licensed owners in a casino. If
15 authorized by the Board by rule, an owners licensee may move up
16 to 15% of its slot machines from its riverboat to its home dock
17 facility and use those slot machines to conduct gambling,
18 provided that the slot machines are located in an area that is
19 accessible only to persons who are at least 21 years of age and
20 provided that the admission tax imposed under Section 12 has
21 been paid for all persons who use those slot machines. Gambling
22 may be conducted by electronic gaming licensees at limited
23 gaming facilities. Gambling authorized under this Section
24 shall be⁷ subject to the following standards:

25 (1) A licensee may conduct riverboat gambling

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

5 (2) (Blank).

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

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

17 (5) Employees of the Board shall have the right to be
18 present on the riverboat or in the casino or on adjacent
19 facilities under the control of the licensee and at the
20 electronic gaming facility under the control of the
21 electronic gaming licensee.

22 (6) Gambling equipment and supplies customarily used
23 in conducting riverboat or casino gambling or electronic
24 gaming must be purchased or leased only from suppliers
25 licensed for such purpose under 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, in a casino, or at an electronic
5 gaming facility. No person present on a licensed riverboat,
6 in a casino, or at an electronic gaming facility shall
7 place or attempt to place a wager on behalf of another
8 person who is not present on the riverboat, in the casino,
9 or at the electronic gaming facility.

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

12 (10) A person under age 21 shall not be permitted on an
13 area of a riverboat or casino where gambling is being
14 conducted or at an electronic gaming facility where
15 gambling is conducted, except for a person at least 18
16 years of age who is an employee of the riverboat or casino
17 gambling operation or electronic gaming operation. No
18 employee under age 21 shall perform any function involved
19 in gambling by the patrons. No person under age 21 shall be
20 permitted to make a wager under this Act.

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

1 are not permitted.

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

16 (13) Notwithstanding any other Section of this Act, in
17 addition to the other licenses authorized under this Act,
18 the Board may issue special event licenses allowing persons
19 who are not otherwise licensed to conduct riverboat
20 gambling to conduct such gambling on a specified date or
21 series of dates. Riverboat gambling under such a license
22 may take place on a riverboat not normally used for
23 riverboat gambling. The Board shall establish standards,
24 fees and fines for, and limitations upon, such licenses,
25 which may differ from the standards, fees, fines and
26 limitations otherwise applicable under this Act. All such

1 fees shall be deposited into the State Gaming Fund. All
2 such fines shall be deposited into the Education Assistance
3 Fund, created by Public Act 86-0018, of the State of
4 Illinois.

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

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

9 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

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

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

20 (230 ILCS 10/12) (from Ch. 120, par. 2412)

21 Sec. 12. Admission tax; fees.

22 (a) A tax is hereby imposed upon admissions to riverboat
23 and casino gambling facilities ~~riverboats~~ operated by licensed
24 owners authorized pursuant to this Act. Until July 1, 2002, the

1 rate is \$2 per person admitted. From July 1, 2002 until July 1,
2 2003, the rate is \$3 per person admitted. From July 1, 2003
3 until August 23, 2005 (the effective date of Public Act 94-673)
4 ~~this amendatory Act of the 94th General Assembly,~~ for a
5 licensee that admitted 1,000,000 persons or fewer in the
6 previous calendar year, the rate is \$3 per person admitted; for
7 a licensee that admitted more than 1,000,000 but no more than
8 2,300,000 persons in the previous calendar year, the rate is \$4
9 per person admitted; and for a licensee that admitted more than
10 2,300,000 persons in the previous calendar year, the rate is \$5
11 per person admitted. From August 23, 2005 (the effective date
12 of Public Act 94-673) until the effective date of this
13 amendatory Act of the 96th General Assembly ~~Beginning on the~~
14 ~~effective date of this amendatory Act of the 94th General~~
15 ~~Assembly,~~ for a licensee that admitted 1,000,000 persons or
16 fewer in calendar year 2004, the rate is \$2 per person
17 admitted, and for all other licensees the rate is \$3 per person
18 admitted. Beginning on the effective date of this amendatory
19 Act of the 96th General Assembly, the rate is \$2 per person for
20 the first 1,500,000 persons admitted by a licensee per year and
21 \$3 per person for all persons admitted by that licensee in
22 excess of 1,500,000 per year. This admission tax is imposed
23 upon the licensed owner conducting gambling.

24 (1) The admission tax shall be paid for each admission,
25 except that a person who exits a riverboat gambling
26 facility and reenters that riverboat gambling facility

1 within a reasonable time, as determined by the Board by
2 rule, ~~within the same gaming day~~ shall be subject only to
3 the initial admission tax.

4 (2) (Blank).

5 (3) The owners ~~riverboat~~ licensee may issue tax-free
6 passes to actual and necessary officials and employees of
7 the licensee or other persons actually working on the
8 riverboat or in the casino.

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

13 (a-5) A fee is hereby imposed upon admissions operated by
14 licensed managers on behalf of the State pursuant to Section
15 7.3 at the rates provided in this subsection (a-5). Until the
16 effective date of this amendatory Act of the 96th General
17 Assembly, For a licensee that admitted 1,000,000 persons or
18 fewer in the previous calendar year, the rate is \$3 per person
19 admitted; for a licensee that admitted more than 1,000,000 but
20 no more than 2,300,000 persons in the previous calendar year,
21 the rate is \$4 per person admitted; and for a licensee that
22 admitted more than 2,300,000 persons in the previous calendar
23 year, the rate is \$5 per person admitted. Beginning on the
24 effective date of this amendatory Act of the 96th General
25 Assembly, the rate is \$2 per person for the first 1,500,000
26 persons admitted by a licensee per year and \$3 per person for

1 all persons admitted by that licensee in excess of 1,500,000
2 per year.

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

4 (2) (Blank).

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

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

12 (b) From the tax imposed under subsection (a) and the fee
13 imposed under subsection (a-5), a municipality shall receive
14 from the State \$1 for each person embarking on a riverboat
15 docked within the municipality or entering a casino located
16 within the municipality, and a county shall receive \$1 for each
17 person entering a casino or embarking on a riverboat docked
18 within the county but outside the boundaries of any
19 municipality. The municipality's or county's share shall be
20 collected by the Board on behalf of the State and remitted
21 quarterly by the State, subject to appropriation, to the
22 treasurer of the unit of local government for deposit in the
23 general fund.

24 (c) The licensed owner shall pay the entire admission tax
25 to the Board and the licensed manager shall pay the entire
26 admission fee to the Board. Such payments shall be made daily.

1 Accompanying each payment shall be a return on forms provided
2 by the Board which shall include other information regarding
3 admissions as the Board may require. Failure to submit either
4 the payment or the return within the specified time may result
5 in suspension or revocation of the owners or managers license.

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

12 (Source: P.A. 94-673, eff. 8-23-05; 95-663, eff. 10-11-07.)

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

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

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

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

23 15% of annual adjusted gross receipts up to and
24 including \$25,000,000;

25 20% of annual adjusted gross receipts in excess of

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

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

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

1 50% of annual adjusted gross receipts in excess of
2 \$200,000,000.

3 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
4 persons engaged in the business of conducting riverboat
5 gambling operations, other than licensed managers conducting
6 riverboat gambling operations on behalf of the State, based on
7 the adjusted gross receipts received by a licensed owner from
8 gambling games authorized under this Act at the following
9 rates:

10 15% of annual adjusted gross receipts up to and
11 including \$25,000,000;

12 27.5% of annual adjusted gross receipts in excess of
13 \$25,000,000 but not exceeding \$37,500,000;

14 32.5% of annual adjusted gross receipts in excess of
15 \$37,500,000 but not exceeding \$50,000,000;

16 37.5% of annual adjusted gross receipts in excess of
17 \$50,000,000 but not exceeding \$75,000,000;

18 45% of annual adjusted gross receipts in excess of
19 \$75,000,000 but not exceeding \$100,000,000;

20 50% of annual adjusted gross receipts in excess of
21 \$100,000,000 but not exceeding \$250,000,000;

22 70% of annual adjusted gross receipts in excess of
23 \$250,000,000.

24 An amount equal to the amount of wagering taxes collected
25 under this subsection (a-3) that are in addition to the amount
26 of wagering taxes that would have been collected if the

1 wagering tax rates under subsection (a-2) were in effect shall
2 be paid into the Common School Fund.

3 The privilege tax imposed under this subsection (a-3) shall
4 no longer be imposed beginning on the earlier of (i) July 1,
5 2005; (ii) the first date after June 20, 2003 that riverboat
6 gambling operations are conducted pursuant to a dormant
7 license; or (iii) the first day that riverboat gambling
8 operations are conducted under the authority of an owners
9 license that is in addition to the 10 owners licenses initially
10 authorized under this Act. For the purposes of this subsection
11 (a-3), the term "dormant license" means an owners license that
12 is authorized by this Act under which no riverboat gambling
13 operations are being conducted on June 20, 2003.

14 (a-4) ~~From Beginning on~~ the first day on which the tax
15 imposed under subsection (a-3) is no longer imposed until the
16 effective date of this amendatory Act of the 96th General
17 Assembly, a privilege tax is imposed on persons engaged in the
18 business of conducting riverboat gambling operations, other
19 than licensed managers conducting riverboat gambling
20 operations on behalf of the State, based on the adjusted gross
21 receipts received by a licensed owner from gambling games
22 authorized under this Act at the following rates:

23 15% of annual adjusted gross receipts up to and
24 including \$25,000,000;

25 22.5% of annual adjusted gross receipts in excess of
26 \$25,000,000 but not exceeding \$50,000,000;

1 27.5% of annual adjusted gross receipts in excess of
2 \$50,000,000 but not exceeding \$75,000,000;

3 32.5% of annual adjusted gross receipts in excess of
4 \$75,000,000 but not exceeding \$100,000,000;

5 37.5% of annual adjusted gross receipts in excess of
6 \$100,000,000 but not exceeding \$150,000,000;

7 45% of annual adjusted gross receipts in excess of
8 \$150,000,000 but not exceeding \$200,000,000;

9 50% of annual adjusted gross receipts in excess of
10 \$200,000,000.

11 (a-5) Beginning on the effective date of this amendatory
12 Act of the 96th General Assembly, a privilege tax is imposed on
13 persons engaged in the business of conducting riverboat or
14 casino gambling operations, based on the adjusted gross
15 receipts received by a licensed owner from gambling games
16 authorized under this Act, and on persons conducting electronic
17 gaming, based on the adjusted gross receipts received by an
18 electronic gaming licensee from electronic gambling, at the
19 following rates:

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

22 20% of annual adjusted gross receipts in excess of
23 \$25,000,000 but not exceeding \$50,000,000;

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

26 30% of annual adjusted gross receipts in excess of

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

2 35% of annual adjusted gross receipts in excess of
3 \$100,000,000 but not exceeding \$400,000,000;

4 40% of annual adjusted gross receipts in excess of
5 \$400,000,000 but not exceeding \$450,000,000;

6 45% of annual adjusted gross receipts in excess of
7 \$450,000,000 but not exceeding \$500,000,000;

8 50% of annual adjusted gross receipts in excess of
9 \$500,000,000.

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 electronic gaming licensee to the Board
15 not later than 3:00 o'clock p.m. of the day after the day when
16 the wagers were made.

17 (a-15) If the privilege tax imposed under subsection (a-3)
18 is no longer imposed pursuant to item (i) of the last paragraph
19 of subsection (a-3), then by June 15 of each year, each owners
20 licensee, other than an owners licensee that admitted 1,000,000
21 persons or fewer in calendar year 2004, must, in addition to
22 the payment of all amounts otherwise due under this Section,
23 pay to the Board a reconciliation payment in the amount, if
24 any, by which the licensed owner's base amount exceeds the
25 amount of net privilege tax paid by the licensed owner to the
26 Board in the then current State fiscal year. A licensed owner's

1 net privilege tax obligation due for the balance of the State
2 fiscal year shall be reduced up to the total of the amount paid
3 by the licensed owner in its June 15 reconciliation payment.
4 The obligation imposed by this subsection (a-15) is binding on
5 any person, firm, corporation, or other entity that acquires an
6 ownership interest in any such owners license. The obligation
7 imposed under this subsection (a-15) terminates on the earliest
8 of: (i) July 1, 2007, (ii) the first day after the effective
9 date of this amendatory Act of the 94th General Assembly that
10 riverboat gambling operations are conducted pursuant to a
11 dormant license, (iii) the first day that riverboat gambling
12 operations are conducted under the authority of an owners
13 license that is in addition to the 10 owners licenses initially
14 authorized under this Act, or (iv) the first day that a
15 licensee under the Illinois Horse Racing Act of 1975 conducts
16 gaming operations with slot machines or other electronic gaming
17 devices. The Board must reduce the obligation imposed under
18 this subsection (a-15) by an amount the Board deems reasonable
19 for any of the following reasons: (A) an act or acts of God,
20 (B) an act of bioterrorism or terrorism or a bioterrorism or
21 terrorism threat that was investigated by a law enforcement
22 agency, or (C) a condition beyond the control of the owners
23 licensee that does not result from any act or omission by the
24 owners licensee or any of its agents and that poses a hazardous
25 threat to the health and safety of patrons. If an owners
26 licensee pays an amount in excess of its liability under this

1 Section, the Board shall apply the overpayment to future
2 payments required under this Section.

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

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

8 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

19 "Net privilege tax" means all privilege taxes paid by a
20 licensed owner to the Board under this Section, less all
21 payments made from the State Gaming Fund pursuant to subsection
22 (b) of this Section.

23 The changes made to this subsection (a-15) by Public Act
24 94-839 are intended to restate and clarify the intent of Public
25 Act 94-673 with respect to the amount of the payments required
26 to be made under this subsection by an owners licensee to the

1 Board.

2 (b) Until January 1, 1998, 25% of the tax revenue deposited
3 in the State Gaming Fund under this Section shall be paid,
4 subject to appropriation by the General Assembly, to the unit
5 of local government which is designated as the home dock of the
6 riverboat. Except as otherwise provided in this subsection (b),
7 beginning ~~Beginning~~ January 1, 1998, from the tax revenue from
8 riverboat or casino gambling deposited in the State Gaming Fund
9 under this Section, an amount equal to 5% of adjusted gross
10 receipts generated by a casino or a riverboat shall be paid
11 monthly, subject to appropriation by the General Assembly, to
12 the unit of local government that is designated as the home
13 dock of the riverboat.

14 For calendar year 2009 and each year thereafter, a licensee
15 shall not pay more money to the unit of local government (1)
16 that is designated as the home dock of its riverboat or (2) in
17 which its casino is located, than it paid in calendar year
18 2008. In the case of an owners licensee that first begins
19 conducting riverboat or casino gambling operations on or after
20 the effective date of this amendatory Act of the 96th General
21 Assembly, the term "calendar year 2008" as used in this
22 subsection (b) means the owners licensee's first full year of
23 conducting riverboat gambling operations.

24 (b-5) Beginning on the effective date of this amendatory
25 Act of the 96th General Assembly, from the tax revenue from
26 electronic gaming deposited into the State Gaming Fund under

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

10 (b-10) Beginning on the effective date of this amendatory
11 Act of the 96th General Assembly, from the tax revenue from
12 electronic gaming deposited into the State Gaming Fund under
13 this Section, an amount equal to 1% of the adjusted gross
14 receipts generated by an electronic gaming licensee, but in no
15 event more than \$25,000,000 in any year, shall be paid monthly,
16 subject to appropriation, into the Intercity Development Fund.

17 (b-15) Beginning on the effective date of this amendatory
18 Act of the 96th General Assembly, after the payments required
19 under subsections (b), (b-5), and (b-10) have been made, the
20 first \$5,000,000 of tax revenue derived from electronic gaming
21 shall be paid to the Department of Human Services to be used
22 for compulsive gambling programs. From the tax revenue
23 deposited in the State Gaming Fund pursuant to riverboat
24 gambling operations conducted by a licensed manager on behalf
25 of the State, an amount equal to 5% of adjusted gross receipts
26 generated pursuant to those riverboat gambling operations

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

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

12 (c-5) (Blank). ~~Before May 26, 2006 (the effective date of~~
13 ~~Public Act 94-804) and beginning on the effective date of this~~
14 ~~amendatory Act of the 95th General Assembly, unless any~~
15 ~~organization licensee under the Illinois Horse Racing Act of~~
16 ~~1975 begins to operate a slot machine or video game of chance~~
17 ~~under the Illinois Horse Racing Act of 1975 or this Act, after~~
18 ~~the payments required under subsections (b) and (c) have been~~
19 ~~made, an amount equal to 15% of the adjusted gross receipts of~~
20 ~~(1) an owners licensee that relocates pursuant to Section 11.2,~~
21 ~~(2) an owners licensee conducting riverboat gambling~~
22 ~~operations pursuant to an owners license that is initially~~
23 ~~issued after June 25, 1999, or (3) the first riverboat gambling~~
24 ~~operations conducted by a licensed manager on behalf of the~~
25 ~~State under Section 7.3, whichever comes first, shall be paid~~
26 ~~from the State Gaming Fund into the Horse Racing Equity Fund.~~

1 (c-10) (Blank). ~~Each year the General Assembly shall~~
2 ~~appropriate from the General Revenue Fund to the Education~~
3 ~~Assistance Fund an amount equal to the amount paid into the~~
4 ~~Horse Racing Equity Fund pursuant to subsection (c-5) in the~~
5 ~~prior calendar year.~~

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

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

23 (c-25) After the payments required under subsections (b),
24 (c), ~~(c-5)~~ and (c-15) have been made, an amount equal to 2% of
25 the adjusted gross receipts of (1) an owners licensee that
26 relocates pursuant to Section 11.2, (2) an owners licensee

1 conducting riverboat gambling operations pursuant to an owners
2 license that is initially issued after June 25, 1999, or (3)
3 the first riverboat gambling operations conducted by a licensed
4 manager on behalf of the State under Section 7.3, whichever
5 comes first, shall be paid from the State Gaming Fund to
6 Chicago State University.

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

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

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

22 (Source: P.A. 94-673, eff. 8-23-05; 94-804, eff. 5-26-06;
23 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-1008, eff.
24 12-15-08.)

1 Sec. 13.2. Licensee assessment. All owners licensees
2 licensed to conduct riverboat gambling operations on the
3 effective date of this amendatory Act of the 96th General
4 Assembly shall be required to pay an aggregate amount of
5 \$130,000,000 to the Gaming Board by July 1, 2009. The Board
6 shall deposit all moneys received under this Section into the
7 State Gaming Fund. Each owners licensee shall pay a pro rata
8 share based on its adjusted gross receipts from calendar year
9 2008 as determined by the Board.

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

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

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

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

16 (2) The total amount of gross receipts.

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

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

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

1 provisions of The Freedom of Information Act.

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

3 (230 ILCS 10/18) (from Ch. 120, par. 2418)

4 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

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

14 or

15 (2) violating paragraph (12) of subsection (a) of
16 Section 11 of this Act.

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

23 (d) A person commits a Class 4 felony and, in addition,
24 shall be barred for life from gambling operations ~~riverboats~~
25 under the jurisdiction of the Board, if the person does any of

1 the following:

2 (1) Offers, promises, or gives anything of value or
3 benefit to a person who is connected with a riverboat or
4 casino owner or electronic gaming licensee including, but
5 not limited to, an officer or employee of a licensed owner
6 or electronic gaming licensee or holder of an occupational
7 license pursuant to an agreement or arrangement or with the
8 intent that the promise or thing of value or benefit will
9 influence the actions of the person to whom the offer,
10 promise, or gift was made in order to affect or attempt to
11 affect the outcome of a gambling game, or to influence
12 official action of a member of the Board.

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

24 (3) Uses or possesses with the intent to use a device
25 to assist:

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

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

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

4 (iv) In analyzing the strategy for playing or
5 betting to be used in the game except as permitted by
6 the Board.

7 (4) Cheats at a gambling game.

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

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

14 (7) Places a bet after acquiring knowledge, not
15 available to all players, of the outcome of the gambling
16 game which is subject of the bet or to aid a person in
17 acquiring the knowledge for the purpose of placing a bet
18 contingent on that outcome.

19 (8) Claims, collects, or takes, or attempts to claim,
20 collect, or take, money or anything of value in or from the
21 gambling games, with intent to defraud, without having made
22 a wager contingent on winning a gambling game, or claims,
23 collects, or takes an amount of money or thing of value of
24 greater value than the amount won.

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

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

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

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

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

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

20 Sec. 19. Forfeiture of property.

21 (a) Except as provided in subsection (b), any riverboat,
22 casino, or electronic gaming facility used for the conduct of
23 gambling games in violation of this Act shall be considered a
24 gambling place in violation of Section 28-3 of the Criminal
25 Code of 1961, as now or hereafter amended. Every gambling

1 device found on a riverboat, in a casino, or at an electronic
2 gaming facility operating gambling games in violation of this
3 Act and every slot machine found at an electronic gaming
4 facility operating gambling games in violation of this Act
5 shall be subject to seizure, confiscation and destruction as
6 provided in Section 28-5 of the Criminal Code of 1961, as now
7 or hereafter amended.

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

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

24 (230 ILCS 10/20) (from Ch. 120, par. 2420)

25 Sec. 20. Prohibited activities - civil penalties. Any

1 person who conducts a gambling operation without first
2 obtaining a license to do so, or who continues to conduct such
3 games after revocation of his license, or any licensee who
4 conducts or allows to be conducted any unauthorized gambling
5 games on a riverboat, in a casino, or at an electronic gaming
6 facility where it is authorized to conduct its ~~riverboat~~
7 gambling operation, in addition to other penalties provided,
8 shall be subject to a civil penalty equal to the amount of
9 gross receipts derived from wagering on the gambling games,
10 whether unauthorized or authorized, conducted on that day as
11 well as confiscation and forfeiture of all gambling game
12 equipment used in the conduct of unauthorized gambling games.

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

14 Section 935. The Illinois Pull Tabs and Jar Games Act is
15 amended by changing Sections 1.1, 3.1, 3.2, and 4 as follows:

16 (230 ILCS 20/1.1) (from Ch. 120, par. 1051.1)

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

18 "Pull tabs" and "jar games" means a game using
19 single-folded or banded tickets or a card, the face of which is
20 initially covered or otherwise hidden from view in order to
21 conceal a number, symbol or set of symbols, some of which are
22 winners. Players with winning tickets receive a prize stated on
23 a promotional display or "flare". Pull tabs also means a game
24 in which prizes are won by pulling a tab from a board thereby

1 revealing a number which corresponds to the number for a given
2 prize.

3 Except in the case of bingo event games, each ~~Each~~ winning
4 pull tab or slip shall be predetermined.

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

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

14 "Non-profit organization" means an organization or
15 institution organized and conducted on a not-for-profit basis
16 with no personal profit inuring to anyone as a result of the
17 operation.

18 "Charitable organization" means an organization or
19 institution organized and operated to benefit an indefinite
20 number of the public.

21 "Educational organization" means an organization or
22 institution organized and operated to provide systematic
23 instruction in useful branches of learning by methods common to
24 schools and institutions of learning which compare favorably in
25 their scope and intensity with the course of study presented in
26 tax-supported schools.

1 "Religious organization" means any church, congregation,
2 society, or organization founded for the purpose of religious
3 worship.

4 "Fraternal organization" means an organization of persons
5 having a common interest that is organized and operated
6 exclusively to promote the welfare of its members and to
7 benefit the general public on a continuing and consistent
8 basis, including but not limited to ethnic organizations.

9 "Veterans' organization" means an organization comprised
10 of members of which substantially all are individuals who are
11 veterans or spouses, widows, or widowers of veterans, the
12 primary purpose of which is to promote the welfare of its
13 members and to provide assistance to the general public in such
14 a way as to confer a public benefit.

15 "Labor organization" means an organization composed of
16 labor unions or workers organized with the objective of
17 betterment of the conditions of those engaged in such pursuit
18 and the development of a higher degree of efficiency in their
19 respective occupations.

20 "Youth athletic organization" means an organization having
21 as its exclusive purpose the promotion and provision of
22 athletic activities for youth aged 18 and under.

23 "Senior citizens organization" means an organization or
24 association comprised of members of which substantially all are
25 individuals who are senior citizens, as defined in the Illinois
26 Act on the Aging, the primary purpose of which is to promote

1 the welfare of its members.

2 "Department" means the Department of Revenue.

3 "Person" means any natural individual, corporation,
4 partnership, limited liability company, organization, licensee
5 under this Act, or volunteer.

6 "Special permit" means a permit issued to a licensed
7 organization that allows it to conduct pull tabs and jar games
8 at other premises or on other days not exceeding 5 consecutive
9 days.

10 "Supplier" means any person, firm, or corporation that
11 sells, leases, lends, distributes, or otherwise provides any
12 pull tabs and jar games to any organization licensed to conduct
13 pull tabs and jar games in Illinois.

14 "Volunteer" means a person recruited by the licensed
15 organization who voluntarily performs services at a pull tabs
16 or jar games event, including participation in the management
17 or operation of a game.

18 "Progressive game" means a pull tab game that has a portion
19 of its predetermined prize payout designated to a progressive
20 jackpot that, if not won, is carried forward and added to the
21 jackpot of subsequent games until won.

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

25 (Source: P.A. 95-228, eff. 8-16-07.)

1 (230 ILCS 20/3.1)

2 Sec. 3.1. Suppliers' license. The Department shall issue a
3 suppliers' license permitting a person, firm or corporation to
4 sell or distribute to any organization licensed to conduct pull
5 tabs and jar games supplies, devices or other equipment
6 designed for use in the playing of pull tabs and jar games. No
7 person, firm or corporation shall sell or distribute pull tabs
8 and jar games supplies without having first obtained a license.
9 Licensed suppliers shall buy pull tabs and jar games only from
10 licensed manufacturers and shall sell pull tabs and jar games
11 only to licensed organizations. Licensed organizations shall
12 buy pull tabs and jar games only from licensed suppliers.
13 Applications for suppliers' licenses shall be made in writing
14 in accordance with Department rules. The Department shall
15 license suppliers of pull tabs and jar games subject to a
16 nonrefundable annual fee of \$5,000, or a nonrefundable
17 triennial supplier's fee of \$15,000. Each suppliers' license is
18 valid for one year from date of issuance, or 3 years from date
19 of issuance for a triennial license, unless extended,
20 suspended, or revoked by Department action before that date.
21 Any extension of a suppliers' license shall not exceed one
22 year. No licensed supplier under this Act shall sell,
23 distribute or allow the use of any supplies, devices or
24 equipment designed for use in the play of pull tabs and jar
25 games for the conducting of anything other than pull tabs and
26 jar games or to any person or organization not otherwise

1 licensed under this Act.

2 The Department shall adopt by rule minimum quality
3 production standards for pull tabs and jar games. In
4 determining those standards, the Department shall consider the
5 standards adopted by the National Association of Gambling
6 Regulatory Agencies and the National Association of
7 Fundraising Ticket Manufacturers. ~~The standards shall include~~
8 ~~the name of the supplier which shall appear in plain view to~~
9 ~~the casual observer on the face side of each pull tab ticket~~
10 ~~and on each jar game ticket.~~ The pull tab ticket shall contain
11 the name of the game, the selling price of the ticket, the
12 amount of the prize and the serial number of the ticket. The
13 back side of a pull tab ticket shall contain a series of
14 perforated tabs ~~marked "open here"~~. The logo of the
15 manufacturer shall be clearly visible on each jar game ticket.
16 (Source: P.A. 95-228, eff. 8-16-07.)

17 (230 ILCS 20/3.2)

18 Sec. 3.2. Manufacturers' license. The Department shall
19 issue a manufacturers' license permitting a person, firm or
20 corporation that produces, creates, constructs, assembles or
21 otherwise manufactures pull tab and jar games to sell or
22 distribute to any organization licensed to supply pull tabs and
23 jar games. No person, firm or corporation shall produce,
24 create, construct, assemble or otherwise manufacture pull tab
25 and jar games without having first obtained a license. Licensed

1 manufacturers may sell pull tabs and jar games only to licensed
2 suppliers. Applications for manufacturers' licenses shall be
3 made in writing in accordance with Department rules. The
4 Department of Revenue shall license manufacturers of pull tabs
5 and jar games subject to a nonrefundable annual fee of \$5,000,
6 or a triennial supplier's license fee of \$15,000. Each
7 manufacturers' license is valid for one year from date of
8 issuance, or 3 years from date of issuance for a triennial
9 license, unless extended, suspended, or revoked by Department
10 action before that date. Any extension of a manufacturers'
11 license shall not exceed one year.

12 The Department shall adopt by rule minimum quality
13 production standards for pull tabs and jar games. In
14 determining those standards, the Department shall consider the
15 standards adopted by the National Association of Gambling
16 Regulatory Agencies and the National Association of
17 Fundraising Ticket Manufacturers. ~~The standards shall include~~
18 ~~the name of the supplier which shall appear in plain view to~~
19 ~~the casual observer on the face side of each pull tab ticket~~
20 ~~and on each jar game ticket.~~ The pull tab ticket shall contain
21 the name of the game, the selling price of the ticket, the
22 amount of the prize and the serial number of the ticket. The
23 back side of a pull tab ticket shall contain a series of
24 perforated tabs ~~marked "open here"~~. The logo of the
25 manufacturer shall be clearly visible on each jar game ticket.
26 (Source: P.A. 95-228, eff. 8-16-07.)

1 (230 ILCS 20/4) (from Ch. 120, par. 1054)

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

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

8 (2) No person except a bona fide member or employee of
9 the sponsoring organization may participate in the
10 management or operation of such pull tabs or jar games;
11 however, nothing herein shall conflict with pull tabs and
12 jar games conducted under the provisions of the Charitable
13 Games Act.

14 (3) No person may receive any remuneration or profit
15 for participating in the management or operation of such
16 pull tabs or jar games; however, nothing herein shall
17 conflict with pull tabs and jar games conducted under the
18 provisions of the Charitable Games Act.

19 (4) The price paid for a single chance or right to
20 participate in a game licensed under this Act shall not
21 exceed \$2. ~~No single prize shall exceed \$500. There shall~~
22 ~~be no more than 6,000 tickets in a game. The aggregate~~
23 ~~value of all prizes or merchandise awarded in any single~~
24 ~~day of pull tabs and jar games shall not exceed \$5,000.~~

25 (5) No person under the age of 18 years shall play or

1 participate in games under this Act. A person under the age
2 of 18 years may be within the area where pull tabs and jar
3 games are being conducted only when accompanied by his
4 parent or guardian.

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

10 (Source: P.A. 95-228, eff. 8-16-07.)

11 Section 940. The Liquor Control Act of 1934 is amended by
12 changing Sections 5-1 and 6-30 as follows:

13 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

14 Sec. 5-1. Licenses issued by the Illinois Liquor Control
15 Commission shall be of the following classes:

16 (a) Manufacturer's license - Class 1. Distiller, Class 2.
17 Rectifier, Class 3. Brewer, Class 4. First Class Wine
18 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
19 First Class Winemaker, Class 7. Second Class Winemaker, Class
20 8. Limited Wine Manufacturer,

21 (b) Distributor's license,

22 (c) Importing Distributor's license,

23 (d) Retailer's license,

24 (e) Special Event Retailer's license (not-for-profit),

- 1 (f) Railroad license,
- 2 (g) Boat license,
- 3 (h) Non-Beverage User's license,
- 4 (i) Wine-maker's premises license,
- 5 (j) Airplane license,
- 6 (k) Foreign importer's license,
- 7 (l) Broker's license,
- 8 (m) Non-resident dealer's license,
- 9 (n) Brew Pub license,
- 10 (o) Auction liquor license,
- 11 (p) Caterer retailer license,
- 12 (q) Special use permit license,
- 13 (r) Winery shipper's license.

14 No person, firm, partnership, corporation, or other legal
15 business entity that is engaged in the manufacturing of wine
16 may concurrently obtain and hold a wine-maker's license and a
17 wine manufacturer's license.

18 (a) A manufacturer's license shall allow the manufacture,
19 importation in bulk, storage, distribution and sale of
20 alcoholic liquor to persons without the State, as may be
21 permitted by law and to licensees in this State as follows:

22 Class 1. A Distiller may make sales and deliveries of
23 alcoholic liquor to distillers, rectifiers, importing
24 distributors, distributors and non-beverage users and to no
25 other licensees.

26 Class 2. A Rectifier, who is not a distiller, as defined

1 herein, may make sales and deliveries of alcoholic liquor to
2 rectifiers, importing distributors, distributors, retailers
3 and non-beverage users and to no other licensees.

4 Class 3. A Brewer may make sales and deliveries of beer to
5 importing distributors, distributors, and to non-licensees,
6 and to retailers provided the brewer obtains an importing
7 distributor's license or distributor's license in accordance
8 with the provisions of this Act.

9 Class 4. A first class wine-manufacturer may make sales and
10 deliveries of up to 50,000 gallons of wine to manufacturers,
11 importing distributors and distributors, and to no other
12 licensees.

13 Class 5. A second class Wine manufacturer may make sales
14 and deliveries of more than 50,000 gallons of wine to
15 manufacturers, importing distributors and distributors and to
16 no other licensees.

17 Class 6. A first-class wine-maker's license shall allow the
18 manufacture of up to 50,000 gallons of wine per year, and the
19 storage and sale of such wine to distributors in the State and
20 to persons without the State, as may be permitted by law. A
21 person who, prior to the effective date of this amendatory Act
22 of the 95th General Assembly, is a holder of a first-class
23 wine-maker's license and annually produces more than 25,000
24 gallons of its own wine and who distributes its wine to
25 licensed retailers shall cease this practice on or before July
26 1, 2008 in compliance with this amendatory Act of the 95th

1 General Assembly.

2 Class 7. A second-class wine-maker's license shall allow
3 the manufacture of between 50,000 and 150,000 gallons of wine
4 per year, and the storage and sale of such wine to distributors
5 in this State and to persons without the State, as may be
6 permitted by law. A person who, prior to the effective date of
7 this amendatory Act of the 95th General Assembly, is a holder
8 of a second-class wine-maker's license and annually produces
9 more than 25,000 gallons of its own wine and who distributes
10 its wine to licensed retailers shall cease this practice on or
11 before July 1, 2008 in compliance with this amendatory Act of
12 the 95th General Assembly.

13 Class 8. A limited wine-manufacturer may make sales and
14 deliveries not to exceed 40,000 gallons of wine per year to
15 distributors, and to non-licensees in accordance with the
16 provisions of this Act.

17 (a-1) A manufacturer which is licensed in this State to
18 make sales or deliveries of alcoholic liquor and which enlists
19 agents, representatives, or individuals acting on its behalf
20 who contact licensed retailers on a regular and continual basis
21 in this State must register those agents, representatives, or
22 persons acting on its behalf with the State Commission.

23 Registration of agents, representatives, or persons acting
24 on behalf of a manufacturer is fulfilled by submitting a form
25 to the Commission. The form shall be developed by the
26 Commission and shall include the name and address of the

1 applicant, the name and address of the manufacturer he or she
2 represents, the territory or areas assigned to sell to or
3 discuss pricing terms of alcoholic liquor, and any other
4 questions deemed appropriate and necessary. All statements in
5 the forms required to be made by law or by rule shall be deemed
6 material, and any person who knowingly misstates any material
7 fact under oath in an application is guilty of a Class B
8 misdemeanor. Fraud, misrepresentation, false statements,
9 misleading statements, evasions, or suppression of material
10 facts in the securing of a registration are grounds for
11 suspension or revocation of the registration.

12 (b) A distributor's license shall allow the wholesale
13 purchase and storage of alcoholic liquors and sale of alcoholic
14 liquors to licensees in this State and to persons without the
15 State, as may be permitted by law.

16 (c) An importing distributor's license may be issued to and
17 held by those only who are duly licensed distributors, upon the
18 filing of an application by a duly licensed distributor, with
19 the Commission and the Commission shall, without the payment of
20 any fee, immediately issue such importing distributor's
21 license to the applicant, which shall allow the importation of
22 alcoholic liquor by the licensee into this State from any point
23 in the United States outside this State, and the purchase of
24 alcoholic liquor in barrels, casks or other bulk containers and
25 the bottling of such alcoholic liquors before resale thereof,
26 but all bottles or containers so filled shall be sealed,

1 labeled, stamped and otherwise made to comply with all
2 provisions, rules and regulations governing manufacturers in
3 the preparation and bottling of alcoholic liquors. The
4 importing distributor's license shall permit such licensee to
5 purchase alcoholic liquor from Illinois licensed non-resident
6 dealers and foreign importers only.

7 (d) A retailer's license shall allow the licensee to sell
8 and offer for sale at retail, only in the premises specified in
9 the license, alcoholic liquor for use or consumption, but not
10 for resale in any form. Nothing in this amendatory Act of the
11 95th General Assembly shall deny, limit, remove, or restrict
12 the ability of a holder of a retailer's license to transfer,
13 deliver, or ship alcoholic liquor to the purchaser for use or
14 consumption subject to any applicable local law or ordinance.
15 Any retail license issued to a manufacturer shall only permit
16 the manufacturer to sell beer at retail on the premises
17 actually occupied by the manufacturer. For the purpose of
18 further describing the type of business conducted at a retail
19 licensed premises, a retailer's licensee may be designated by
20 the State Commission as (i) an on premise consumption retailer,
21 (ii) an off premise sale retailer, or (iii) a combined on
22 premise consumption and off premise sale retailer.

23 Notwithstanding any other provision of this subsection
24 (d), a retail licensee may sell alcoholic liquors to a special
25 event retailer licensee for resale to the extent permitted
26 under subsection (e).

1 (e) A special event retailer's license (not-for-profit)
2 shall permit the licensee to purchase alcoholic liquors from an
3 Illinois licensed distributor (unless the licensee purchases
4 less than \$500 of alcoholic liquors for the special event, in
5 which case the licensee may purchase the alcoholic liquors from
6 a licensed retailer) and shall allow the licensee to sell and
7 offer for sale, at retail, alcoholic liquors for use or
8 consumption, but not for resale in any form and only at the
9 location and on the specific dates designated for the special
10 event in the license. An applicant for a special event retailer
11 license must (i) furnish with the application: (A) a resale
12 number issued under Section 2c of the Retailers' Occupation Tax
13 Act or evidence that the applicant is registered under Section
14 2a of the Retailers' Occupation Tax Act, (B) a current, valid
15 exemption identification number issued under Section 1g of the
16 Retailers' Occupation Tax Act, and a certification to the
17 Commission that the purchase of alcoholic liquors will be a
18 tax-exempt purchase, or (C) a statement that the applicant is
19 not registered under Section 2a of the Retailers' Occupation
20 Tax Act, does not hold a resale number under Section 2c of the
21 Retailers' Occupation Tax Act, and does not hold an exemption
22 number under Section 1g of the Retailers' Occupation Tax Act,
23 in which event the Commission shall set forth on the special
24 event retailer's license a statement to that effect; (ii)
25 submit with the application proof satisfactory to the State
26 Commission that the applicant will provide dram shop liability

1 insurance in the maximum limits; and (iii) show proof
2 satisfactory to the State Commission that the applicant has
3 obtained local authority approval.

4 (f) A railroad license shall permit the licensee to import
5 alcoholic liquors into this State from any point in the United
6 States outside this State and to store such alcoholic liquors
7 in this State; to make wholesale purchases of alcoholic liquors
8 directly from manufacturers, foreign importers, distributors
9 and importing distributors from within or outside this State;
10 and to store such alcoholic liquors in this State; provided
11 that the above powers may be exercised only in connection with
12 the importation, purchase or storage of alcoholic liquors to be
13 sold or dispensed on a club, buffet, lounge or dining car
14 operated on an electric, gas or steam railway in this State;
15 and provided further, that railroad licensees exercising the
16 above powers shall be subject to all provisions of Article VIII
17 of this Act as applied to importing distributors. A railroad
18 license shall also permit the licensee to sell or dispense
19 alcoholic liquors on any club, buffet, lounge or dining car
20 operated on an electric, gas or steam railway regularly
21 operated by a common carrier in this State, but shall not
22 permit the sale for resale of any alcoholic liquors to any
23 licensee within this State. A license shall be obtained for
24 each car in which such sales are made.

25 (g) A boat license shall allow the sale of alcoholic liquor
26 in individual drinks, on any passenger boat regularly operated

1 as a common carrier on navigable waters in this State or on any
 2 riverboat operated under the Riverboat and Casino Gambling Act,
 3 which boat or riverboat maintains a public dining room or
 4 restaurant thereon.

5 (h) A non-beverage user's license shall allow the licensee
 6 to purchase alcoholic liquor from a licensed manufacturer or
 7 importing distributor, without the imposition of any tax upon
 8 the business of such licensed manufacturer or importing
 9 distributor as to such alcoholic liquor to be used by such
 10 licensee solely for the non-beverage purposes set forth in
 11 subsection (a) of Section 8-1 of this Act, and such licenses
 12 shall be divided and classified and shall permit the purchase,
 13 possession and use of limited and stated quantities of
 14 alcoholic liquor as follows:

- 15 Class 1, not to exceed 500 gallons
- 16 Class 2, not to exceed 1,000 gallons
- 17 Class 3, not to exceed 5,000 gallons
- 18 Class 4, not to exceed 10,000 gallons
- 19 Class 5, not to exceed 50,000 gallons

20 (i) A wine-maker's premises license shall allow a licensee
 21 that concurrently holds a first-class wine-maker's license to
 22 sell and offer for sale at retail in the premises specified in
 23 such license not more than 50,000 gallons of the first-class
 24 wine-maker's wine that is made at the first-class wine-maker's
 25 licensed premises per year for use or consumption, but not for
 26 resale in any form. A wine-maker's premises license shall allow

1 a licensee who concurrently holds a second-class wine-maker's
2 license to sell and offer for sale at retail in the premises
3 specified in such license up to 100,000 gallons of the
4 second-class wine-maker's wine that is made at the second-class
5 wine-maker's licensed premises per year for use or consumption
6 but not for resale in any form. A wine-maker's premises license
7 shall allow a licensee that concurrently holds a first-class
8 wine-maker's license or a second-class wine-maker's license to
9 sell and offer for sale at retail at the premises specified in
10 the wine-maker's premises license, for use or consumption but
11 not for resale in any form, any beer, wine, and spirits
12 purchased from a licensed distributor. Upon approval from the
13 State Commission, a wine-maker's premises license shall allow
14 the licensee to sell and offer for sale at (i) the wine-maker's
15 licensed premises and (ii) at up to 2 additional locations for
16 use and consumption and not for resale. Each location shall
17 require additional licensing per location as specified in
18 Section 5-3 of this Act. A wine-maker's premises licensee shall
19 secure liquor liability insurance coverage in an amount at
20 least equal to the maximum liability amounts set forth in
21 subsection (a) of Section 6-21 of this Act.

22 (j) An airplane license shall permit the licensee to import
23 alcoholic liquors into this State from any point in the United
24 States outside this State and to store such alcoholic liquors
25 in this State; to make wholesale purchases of alcoholic liquors
26 directly from manufacturers, foreign importers, distributors

1 and importing distributors from within or outside this State;
2 and to store such alcoholic liquors in this State; provided
3 that the above powers may be exercised only in connection with
4 the importation, purchase or storage of alcoholic liquors to be
5 sold or dispensed on an airplane; and provided further, that
6 airplane licensees exercising the above powers shall be subject
7 to all provisions of Article VIII of this Act as applied to
8 importing distributors. An airplane licensee shall also permit
9 the sale or dispensing of alcoholic liquors on any passenger
10 airplane regularly operated by a common carrier in this State,
11 but shall not permit the sale for resale of any alcoholic
12 liquors to any licensee within this State. A single airplane
13 license shall be required of an airline company if liquor
14 service is provided on board aircraft in this State. The annual
15 fee for such license shall be as determined in Section 5-3.

16 (k) A foreign importer's license shall permit such licensee
17 to purchase alcoholic liquor from Illinois licensed
18 non-resident dealers only, and to import alcoholic liquor other
19 than in bulk from any point outside the United States and to
20 sell such alcoholic liquor to Illinois licensed importing
21 distributors and to no one else in Illinois; provided that (i)
22 the foreign importer registers with the State Commission every
23 brand of alcoholic liquor that it proposes to sell to Illinois
24 licensees during the license period, (ii) the foreign importer
25 complies with all of the provisions of Section 6-9 of this Act
26 with respect to registration of such Illinois licensees as may

1 be granted the right to sell such brands at wholesale, and
2 (iii) the foreign importer complies with the provisions of
3 Sections 6-5 and 6-6 of this Act to the same extent that these
4 provisions apply to manufacturers.

5 (1) (i) A broker's license shall be required of all persons
6 who solicit orders for, offer to sell or offer to supply
7 alcoholic liquor to retailers in the State of Illinois, or who
8 offer to retailers to ship or cause to be shipped or to make
9 contact with distillers, rectifiers, brewers or manufacturers
10 or any other party within or without the State of Illinois in
11 order that alcoholic liquors be shipped to a distributor,
12 importing distributor or foreign importer, whether such
13 solicitation or offer is consummated within or without the
14 State of Illinois.

15 No holder of a retailer's license issued by the Illinois
16 Liquor Control Commission shall purchase or receive any
17 alcoholic liquor, the order for which was solicited or offered
18 for sale to such retailer by a broker unless the broker is the
19 holder of a valid broker's license.

20 The broker shall, upon the acceptance by a retailer of the
21 broker's solicitation of an order or offer to sell or supply or
22 deliver or have delivered alcoholic liquors, promptly forward
23 to the Illinois Liquor Control Commission a notification of
24 said transaction in such form as the Commission may by
25 regulations prescribe.

26 (ii) A broker's license shall be required of a person

1 within this State, other than a retail licensee, who, for a fee
2 or commission, promotes, solicits, or accepts orders for
3 alcoholic liquor, for use or consumption and not for resale, to
4 be shipped from this State and delivered to residents outside
5 of this State by an express company, common carrier, or
6 contract carrier. This Section does not apply to any person who
7 promotes, solicits, or accepts orders for wine as specifically
8 authorized in Section 6-29 of this Act.

9 A broker's license under this subsection (1) shall not
10 entitle the holder to buy or sell any alcoholic liquors for his
11 own account or to take or deliver title to such alcoholic
12 liquors.

13 This subsection (1) shall not apply to distributors,
14 employees of distributors, or employees of a manufacturer who
15 has registered the trademark, brand or name of the alcoholic
16 liquor pursuant to Section 6-9 of this Act, and who regularly
17 sells such alcoholic liquor in the State of Illinois only to
18 its registrants thereunder.

19 Any agent, representative, or person subject to
20 registration pursuant to subsection (a-1) of this Section shall
21 not be eligible to receive a broker's license.

22 (m) A non-resident dealer's license shall permit such
23 licensee to ship into and warehouse alcoholic liquor into this
24 State from any point outside of this State, and to sell such
25 alcoholic liquor to Illinois licensed foreign importers and
26 importing distributors and to no one else in this State;

1 provided that (i) said non-resident dealer shall register with
2 the Illinois Liquor Control Commission each and every brand of
3 alcoholic liquor which it proposes to sell to Illinois
4 licensees during the license period, (ii) it shall comply with
5 all of the provisions of Section 6-9 hereof with respect to
6 registration of such Illinois licensees as may be granted the
7 right to sell such brands at wholesale, and (iii) the
8 non-resident dealer shall comply with the provisions of
9 Sections 6-5 and 6-6 of this Act to the same extent that these
10 provisions apply to manufacturers.

11 (n) A brew pub license shall allow the licensee to
12 manufacture beer only on the premises specified in the license,
13 to make sales of the beer manufactured on the premises to
14 importing distributors, distributors, and to non-licensees for
15 use and consumption, to store the beer upon the premises, and
16 to sell and offer for sale at retail from the licensed
17 premises, provided that a brew pub licensee shall not sell for
18 off-premises consumption more than 50,000 gallons per year.

19 (o) A caterer retailer license shall allow the holder to
20 serve alcoholic liquors as an incidental part of a food service
21 that serves prepared meals which excludes the serving of snacks
22 as the primary meal, either on or off-site whether licensed or
23 unlicensed.

24 (p) An auction liquor license shall allow the licensee to
25 sell and offer for sale at auction wine and spirits for use or
26 consumption, or for resale by an Illinois liquor licensee in

1 accordance with provisions of this Act. An auction liquor
2 license will be issued to a person and it will permit the
3 auction liquor licensee to hold the auction anywhere in the
4 State. An auction liquor license must be obtained for each
5 auction at least 14 days in advance of the auction date.

6 (q) A special use permit license shall allow an Illinois
7 licensed retailer to transfer a portion of its alcoholic liquor
8 inventory from its retail licensed premises to the premises
9 specified in the license hereby created, and to sell or offer
10 for sale at retail, only in the premises specified in the
11 license hereby created, the transferred alcoholic liquor for
12 use or consumption, but not for resale in any form. A special
13 use permit license may be granted for the following time
14 periods: one day or less; 2 or more days to a maximum of 15 days
15 per location in any 12 month period. An applicant for the
16 special use permit license must also submit with the
17 application proof satisfactory to the State Commission that the
18 applicant will provide dram shop liability insurance to the
19 maximum limits and have local authority approval.

20 (r) A winery shipper's license shall allow a person with a
21 first-class or second-class wine manufacturer's license, a
22 first-class or second-class wine-maker's license, or a limited
23 wine manufacturer's license or who is licensed to make wine
24 under the laws of another state to ship wine made by that
25 licensee directly to a resident of this State who is 21 years
26 of age or older for that resident's personal use and not for

1 resale. Prior to receiving a winery shipper's license, an
2 applicant for the license must provide the Commission with a
3 true copy of its current license in any state in which it is
4 licensed as a manufacturer of wine. An applicant for a winery
5 shipper's license must also complete an application form that
6 provides any other information the Commission deems necessary.
7 The application form shall include an acknowledgement
8 consenting to the jurisdiction of the Commission, the Illinois
9 Department of Revenue, and the courts of this State concerning
10 the enforcement of this Act and any related laws, rules, and
11 regulations, including authorizing the Department of Revenue
12 and the Commission to conduct audits for the purpose of
13 ensuring compliance with this amendatory Act.

14 A winery shipper licensee must pay to the Department of
15 Revenue the State liquor gallonage tax under Section 8-1 for
16 all wine that is sold by the licensee and shipped to a person
17 in this State. For the purposes of Section 8-1, a winery
18 shipper licensee shall be taxed in the same manner as a
19 manufacturer of wine. A licensee who is not otherwise required
20 to register under the Retailers' Occupation Tax Act must
21 register under the Use Tax Act to collect and remit use tax to
22 the Department of Revenue for all gallons of wine that are sold
23 by the licensee and shipped to persons in this State. If a
24 licensee fails to remit the tax imposed under this Act in
25 accordance with the provisions of Article VIII of this Act, the
26 winery shipper's license shall be revoked in accordance with

1 the provisions of Article VII of this Act. If a licensee fails
2 to properly register and remit tax under the Use Tax Act or the
3 Retailers' Occupation Tax Act for all wine that is sold by the
4 winery shipper and shipped to persons in this State, the winery
5 shipper's license shall be revoked in accordance with the
6 provisions of Article VII of this Act.

7 A winery shipper licensee must collect, maintain, and
8 submit to the Commission on a semi-annual basis the total
9 number of cases per resident of wine shipped to residents of
10 this State. A winery shipper licensed under this subsection (r)
11 must comply with the requirements of Section 6-29 of this
12 amendatory Act.

13 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08;
14 95-769, eff. 7-29-08.)

15 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

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

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

23 Section 945. The Criminal Code of 1961 is amended by
24 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as

1 follows:

2 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

3 Sec. 28-1. Gambling.

4 (a) A person commits gambling when he:

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

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

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

13 (4) Contracts to have or give himself or another the
14 option to buy or sell, or contracts to buy or sell, at a
15 future time, any grain or other commodity whatsoever, or
16 any stock or security of any company, where it is at the
17 time of making such contract intended by both parties
18 thereto that the contract to buy or sell, or the option,
19 whenever exercised, or the contract resulting therefrom,
20 shall be settled, not by the receipt or delivery of such
21 property, but by the payment only of differences in prices
22 thereof; however, the issuance, purchase, sale, exercise,
23 endorsement or guarantee, by or through a person registered
24 with the Secretary of State pursuant to Section 8 of the
25 Illinois Securities Law of 1953, or by or through a person

1 exempt from such registration under said Section 8, of a
2 put, call, or other option to buy or sell securities which
3 have been registered with the Secretary of State or which
4 are exempt from such registration under Section 3 of the
5 Illinois Securities Law of 1953 is not gambling within the
6 meaning of this paragraph (4); or

7 (5) Knowingly owns or possesses any book, instrument or
8 apparatus by means of which bets or wagers have been, or
9 are, recorded or registered, or knowingly possesses any
10 money which he has received in the course of a bet or
11 wager; or

12 (6) Sells pools upon the result of any game or contest
13 of skill or chance, political nomination, appointment or
14 election; or

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

17 (8) Sets up or promotes any policy game or sells,
18 offers to sell or knowingly possesses or transfers any
19 policy ticket, slip, record, document or other similar
20 device; or

21 (9) Knowingly drafts, prints or publishes any lottery
22 ticket or share, or any policy ticket, slip, record,
23 document or similar device, except for such activity
24 related to lotteries, bingo games and raffles authorized by
25 and conducted in accordance with the laws of Illinois or
26 any other state or foreign government; or

1 (10) Knowingly advertises any lottery or policy game,
2 except for such activity related to lotteries, bingo games
3 and raffles authorized by and conducted in accordance with
4 the laws of Illinois or any other state; or

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

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

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

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

25 (2) Offers of prizes, award or compensation to the
26 actual contestants in any bona fide contest for the

1 determination of skill, speed, strength or endurance or to
2 the owners of animals or vehicles entered in such contest;

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

5 (4) Manufacture of gambling devices, including the
6 acquisition of essential parts therefor and the assembly
7 thereof, for transportation in interstate or foreign
8 commerce to any place outside this State when such
9 transportation is not prohibited by any applicable Federal
10 law;

11 (5) The game commonly known as "bingo", when conducted
12 in accordance with the Bingo License and Tax Act;

13 (6) Lotteries when conducted by the State of Illinois
14 in accordance with the Illinois Lottery Law;

15 (7) Possession of an antique slot machine that is
16 neither used nor intended to be used in the operation or
17 promotion of any unlawful gambling activity or enterprise.
18 For the purpose of this subparagraph (b)(7), an antique
19 slot machine is one manufactured 25 years ago or earlier;

20 (8) Raffles when conducted in accordance with the
21 Raffles Act;

22 (9) Charitable games when conducted in accordance with
23 the Charitable Games Act;

24 (10) Pull tabs and jar games when conducted under the
25 Illinois Pull Tabs and Jar Games Act; or

26 (11) Gambling games ~~conducted on riverboats~~ when

1 authorized by the Riverboat and Casino Gambling Act.

2 (c) Sentence.

3 Gambling under subsection (a)(1) or (a)(2) of this Section
4 is a Class A misdemeanor. Gambling under any of subsections
5 (a)(3) through (a)(11) of this Section is a Class A
6 misdemeanor. A second or subsequent conviction under any of
7 subsections (a)(3) through (a)(11), is a Class 4 felony.
8 Gambling under subsection (a)(12) of this Section is a Class A
9 misdemeanor. A second or subsequent conviction under
10 subsection (a)(12) is a Class 4 felony.

11 (d) Circumstantial evidence.

12 In prosecutions under subsection (a)(1) through (a)(12) of
13 this Section circumstantial evidence shall have the same
14 validity and weight as in any criminal prosecution.

15 (Source: P.A. 91-257, eff. 1-1-00.)

16 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

17 Sec. 28-1.1. Syndicated gambling.

18 (a) Declaration of Purpose. Recognizing the close
19 relationship between professional gambling and other organized
20 crime, it is declared to be the policy of the legislature to
21 restrain persons from engaging in the business of gambling for
22 profit in this State. This Section shall be liberally construed
23 and administered with a view to carrying out this policy.

24 (b) A person commits syndicated gambling when he operates a
25 "policy game" or engages in the business of bookmaking.

1 (c) A person "operates a policy game" when he knowingly
2 uses any premises or property for the purpose of receiving or
3 knowingly does receive from what is commonly called "policy":

4 (1) money from a person other than the better or player
5 whose bets or plays are represented by such money; or

6 (2) written "policy game" records, made or used over
7 any period of time, from a person other than the better or
8 player whose bets or plays are represented by such written
9 record.

10 (d) A person engages in bookmaking when he receives or
11 accepts more than five bets or wagers upon the result of any
12 trials or contests of skill, speed or power of endurance or
13 upon any lot, chance, casualty, unknown or contingent event
14 whatsoever, which bets or wagers shall be of such size that the
15 total of the amounts of money paid or promised to be paid to
16 such bookmaker on account thereof shall exceed \$2,000.
17 Bookmaking is the receiving or accepting of such bets or wagers
18 regardless of the form or manner in which the bookmaker records
19 them.

20 (e) Participants in any of the following activities shall
21 not be convicted of syndicated gambling:

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

26 (2) Offers of prizes, award or compensation to the

1 actual contestants in any bona fide contest for the
2 determination of skill, speed, strength or endurance or to
3 the owners of animals or vehicles entered in such contest;
4 and

5 (3) Pari-mutuel betting as authorized by law of this
6 State; and

7 (4) Manufacture of gambling devices, including the
8 acquisition of essential parts therefor and the assembly
9 thereof, for transportation in interstate or foreign
10 commerce to any place outside this State when such
11 transportation is not prohibited by any applicable Federal
12 law; and

13 (5) Raffles when conducted in accordance with the
14 Raffles Act; and

15 (6) Gambling games conducted on riverboats, in
16 casinos, or at electronic gaming facilities when
17 authorized by the Riverboat and Casino Gambling Act.

18 (f) Sentence. Syndicated gambling is a Class 3 felony.

19 (Source: P.A. 86-1029; 87-435.)

20 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

21 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is
22 any real estate, vehicle, boat or any other property whatsoever
23 used for the purposes of gambling other than gambling conducted
24 in the manner authorized by the Riverboat and Casino Gambling
25 Act. Any person who knowingly permits any premises or property

1 owned or occupied by him or under his control to be used as a
2 gambling place commits a Class A misdemeanor. Each subsequent
3 offense is a Class 4 felony. When any premises is determined by
4 the circuit court to be a gambling place:

5 (a) Such premises is a public nuisance and may be proceeded
6 against as such, and

7 (b) All licenses, permits or certificates issued by the
8 State of Illinois or any subdivision or public agency thereof
9 authorizing the serving of food or liquor on such premises
10 shall be void; and no license, permit or certificate so
11 cancelled shall be reissued for such premises for a period of
12 60 days thereafter; nor shall any person convicted of keeping a
13 gambling place be reissued such license for one year from his
14 conviction and, after a second conviction of keeping a gambling
15 place, any such person shall not be reissued such license, and

16 (c) Such premises of any person who knowingly permits
17 thereon a violation of any Section of this Article shall be
18 held liable for, and may be sold to pay any unsatisfied
19 judgment that may be recovered and any unsatisfied fine that
20 may be levied under any Section of this Article.

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

22 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

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

24 (a) Every device designed for gambling which is incapable
25 of lawful use or every device used unlawfully for gambling

1 shall be considered a "gambling device", and shall be subject
2 to seizure, confiscation and destruction by the Department of
3 State Police or by any municipal, or other local authority,
4 within whose jurisdiction the same may be found. As used in
5 this Section, a "gambling device" includes any slot machine,
6 and includes any machine or device constructed for the
7 reception of money or other thing of value and so constructed
8 as to return, or to cause someone to return, on chance to the
9 player thereof money, property or a right to receive money or
10 property. With the exception of any device designed for
11 gambling which is incapable of lawful use, no gambling device
12 shall be forfeited or destroyed unless an individual with a
13 property interest in said device knows of the unlawful use of
14 the device.

15 (b) Every gambling device shall be seized and forfeited to
16 the county wherein such seizure occurs. Any money or other
17 thing of value integrally related to acts of gambling shall be
18 seized and forfeited to the county wherein such seizure occurs.

19 (c) If, within 60 days after any seizure pursuant to
20 subparagraph (b) of this Section, a person having any property
21 interest in the seized property is charged with an offense, the
22 court which renders judgment upon such charge shall, within 30
23 days after such judgment, conduct a forfeiture hearing to
24 determine whether such property was a gambling device at the
25 time of seizure. Such hearing shall be commenced by a written
26 petition by the State, including material allegations of fact,

1 the name and address of every person determined by the State to
2 have any property interest in the seized property, a
3 representation that written notice of the date, time and place
4 of such hearing has been mailed to every such person by
5 certified mail at least 10 days before such date, and a request
6 for forfeiture. Every such person may appear as a party and
7 present evidence at such hearing. The quantum of proof required
8 shall be a preponderance of the evidence, and the burden of
9 proof shall be on the State. If the court determines that the
10 seized property was a gambling device at the time of seizure,
11 an order of forfeiture and disposition of the seized property
12 shall be entered: a gambling device shall be received by the
13 State's Attorney, who shall effect its destruction, except that
14 valuable parts thereof may be liquidated and the resultant
15 money shall be deposited in the general fund of the county
16 wherein such seizure occurred; money and other things of value
17 shall be received by the State's Attorney and, upon
18 liquidation, shall be deposited in the general fund of the
19 county wherein such seizure occurred. However, in the event
20 that a defendant raises the defense that the seized slot
21 machine is an antique slot machine described in subparagraph
22 (b) (7) of Section 28-1 of this Code and therefore he is exempt
23 from the charge of a gambling activity participant, the seized
24 antique slot machine shall not be destroyed or otherwise
25 altered until a final determination is made by the Court as to
26 whether it is such an antique slot machine. Upon a final

1 determination by the Court of this question in favor of the
2 defendant, such slot machine shall be immediately returned to
3 the defendant. Such order of forfeiture and disposition shall,
4 for the purposes of appeal, be a final order and judgment in a
5 civil proceeding.

6 (d) If a seizure pursuant to subparagraph (b) of this
7 Section is not followed by a charge pursuant to subparagraph
8 (c) of this Section, or if the prosecution of such charge is
9 permanently terminated or indefinitely discontinued without
10 any judgment of conviction or acquittal (1) the State's
11 Attorney shall commence an in rem proceeding for the forfeiture
12 and destruction of a gambling device, or for the forfeiture and
13 deposit in the general fund of the county of any seized money
14 or other things of value, or both, in the circuit court and (2)
15 any person having any property interest in such seized gambling
16 device, money or other thing of value may commence separate
17 civil proceedings in the manner provided by law.

18 (e) Any gambling device displayed for sale to a riverboat
19 gambling operation, casino gambling operation, or electronic
20 gaming facility or used to train occupational licensees of a
21 riverboat gambling operation, casino gambling operation, or
22 electronic gaming facility as authorized under the Riverboat
23 Gambling Act is exempt from seizure under this Section.

24 (f) Any gambling equipment, devices and supplies provided
25 by a licensed supplier in accordance with the Riverboat
26 Gambling Act which are removed from a the riverboat, casino, or

1 electronic gaming facility for repair are exempt from seizure
2 under this Section.

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

4 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

5 Sec. 28-7. Gambling contracts void.

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

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

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

25 (d) This Section shall not prevent a licensed owner of a

1 riverboat gambling operation, casino gambling operation, or an
2 electronic gaming licensee under the Riverboat and Casino
3 Gambling Act and the Illinois Horse Racing Act of 1975 from
4 instituting a cause of action to collect any amount due and
5 owing under an extension of credit to a ~~riverboat~~ gambling
6 patron as authorized under Section 11.1 of the Riverboat and
7 Casino Gambling Act.

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

9 Section 950. The Payday Loan Reform Act is amended by
10 changing Section 3-5 as follows:

11 (815 ILCS 122/3-5)

12 Sec. 3-5. Licensure.

13 (a) A license to make a payday loan shall state the
14 address, including city and state, at which the business is to
15 be conducted and shall state fully the name of the licensee.
16 The license shall be conspicuously posted in the place of
17 business of the licensee and shall not be transferable or
18 assignable.

19 (b) An application for a license shall be in writing and in
20 a form prescribed by the Secretary. The Secretary may not issue
21 a payday loan license unless and until the following findings
22 are made:

23 (1) that the financial responsibility, experience,
24 character, and general fitness of the applicant are such as

1 to command the confidence of the public and to warrant the
2 belief that the business will be operated lawfully and
3 fairly and within the provisions and purposes of this Act;
4 and

5 (2) that the applicant has submitted such other
6 information as the Secretary may deem necessary.

7 (c) A license shall be issued for no longer than one year,
8 and no renewal of a license may be provided if a licensee has
9 substantially violated this Act and has not cured the violation
10 to the satisfaction of the Department.

11 (d) A licensee shall appoint, in writing, the Secretary as
12 attorney-in-fact upon whom all lawful process against the
13 licensee may be served with the same legal force and validity
14 as if served on the licensee. A copy of the written
15 appointment, duly certified, shall be filed in the office of
16 the Secretary, and a copy thereof certified by the Secretary
17 shall be sufficient evidence to subject a licensee to
18 jurisdiction in a court of law. This appointment shall remain
19 in effect while any liability remains outstanding in this State
20 against the licensee. When summons is served upon the Secretary
21 as attorney-in-fact for a licensee, the Secretary shall
22 immediately notify the licensee by registered mail, enclosing
23 the summons and specifying the hour and day of service.

24 (e) A licensee must pay an annual fee of \$1,000. In
25 addition to the license fee, the reasonable expense of any
26 examination or hearing by the Secretary under any provisions of

1 this Act shall be borne by the licensee. If a licensee fails to
2 renew its license by December 31, its license shall
3 automatically expire; however, the Secretary, in his or her
4 discretion, may reinstate an expired license upon:

5 (1) payment of the annual fee within 30 days of the
6 date of expiration; and

7 (2) proof of good cause for failure to renew.

8 (f) Not more than one place of business shall be maintained
9 under the same license, but the Secretary may issue more than
10 one license to the same licensee upon compliance with all the
11 provisions of this Act governing issuance of a single license.
12 The location, except those locations already in existence as of
13 June 1, 2005, may not be within one mile of a horse race track
14 subject to the Illinois Horse Racing Act of 1975, within one
15 mile of a facility at which gambling is conducted under the
16 Riverboat and Casino Gambling Act, within one mile of the
17 location at which a riverboat subject to the Riverboat and
18 Casino Gambling Act docks, or within one mile of any State of
19 Illinois or United States military base or naval installation.

20 (g) No licensee shall conduct the business of making loans
21 under this Act within any office, suite, room, or place of
22 business in which any other business is solicited or engaged in
23 unless the other business is licensed by the Department or, in
24 the opinion of the Secretary, the other business would not be
25 contrary to the best interests of consumers and is authorized
26 by the Secretary in writing.

1 (h) The Secretary shall maintain a list of licensees that
2 shall be available to interested consumers and lenders and the
3 public. The Secretary shall maintain a toll-free number whereby
4 consumers may obtain information about licensees. The
5 Secretary shall also establish a complaint process under which
6 an aggrieved consumer may file a complaint against a licensee
7 or non-licensee who violates any provision of this Act.

8 (Source: P.A. 94-13, eff. 12-6-05.)

9 Section 955. The Travel Promotion Consumer Protection Act
10 is amended by changing Section 2 as follows:

11 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

12 Sec. 2. Definitions.

13 (a) "Travel promoter" means a person, including a tour
14 operator, who sells, provides, furnishes, contracts for,
15 arranges or advertises that he or she will arrange wholesale or
16 retail transportation by air, land, sea or navigable stream,
17 either separately or in conjunction with other services.
18 "Travel promoter" does not include (1) an air carrier; (2) a
19 sea carrier; (3) an officially appointed agent of an air
20 carrier who is a member in good standing of the Airline
21 Reporting Corporation; (4) a travel promoter who has in force
22 \$1,000,000 or more of liability insurance coverage for
23 professional errors and omissions and a surety bond or
24 equivalent surety in the amount of \$100,000 or more for the

1 benefit of consumers in the event of a bankruptcy on the part
2 of the travel promoter; or (5) a riverboat subject to
3 regulation under the Riverboat and Casino Gambling Act.

4 (b) "Advertise" means to make any representation in the
5 solicitation of passengers and includes communication with
6 other members of the same partnership, corporation, joint
7 venture, association, organization, group or other entity.

8 (c) "Passenger" means a person on whose behalf money or
9 other consideration has been given or is to be given to
10 another, including another member of the same partnership,
11 corporation, joint venture, association, organization, group
12 or other entity, for travel.

13 (d) "Ticket or voucher" means a writing or combination of
14 writings which is itself good and sufficient to obtain
15 transportation and other services for which the passenger has
16 contracted.

17 (Source: P.A. 91-357, eff. 7-29-99.)

18 (230 ILCS 5/32.1 rep.)

19 (230 ILCS 5/54 rep.)

20 Section 960. The Illinois Horse Racing Act of 1975 is
21 amended by repealing Sections 32.1 and 54.

22 Section 965. "An Act in relation to gambling, amending
23 named Acts", approved June 25, 1999, Public Act 91-40, is
24 amended by changing Section 30 as follows:

1 (P.A. 91-40, Sec. 30)

2 Sec. 30. Severability. If any provision of this Act (Public
3 Act 91-40) or the application thereof to any person or
4 circumstance is held invalid, that invalidity does not affect
5 the other provisions or applications of the Act which can be
6 given effect without the invalid application or provision, and
7 to this end the provisions of this Act are severable. This
8 severability applies without regard to whether the action
9 challenging the validity was brought before the effective date
10 of this amendatory Act of the 96th General Assembly.

11 ~~Inseverability. The provisions of this Act are mutually~~
12 ~~dependent and inseverable. If any provision is held invalid~~
13 ~~other than as applied to a particular person or circumstance,~~
14 ~~then this entire Act is invalid.~~

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

16 Section 970. The State Finance Act is amended by adding
17 Section 5.719 as follows:

18 (30 ILCS 105/5.719 new)

19 Sec. 5.719. The Intercity Development Fund.

20 Section 999. Effective date. This Act takes effect July 1,
21 2009.

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