

1 AN ACT concerning gaming.

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

4 ARTICLE 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Chicago Casino Development Authority Act.

7 Section 1-5. Definitions. As used in this Act:

8 "Authority" means the Chicago Casino Development Authority
9 created by this Act.

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

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

16 "City" means the City of Chicago.

17 "Casino operator licensee" means any person or entity
18 selected by the Authority and approved and licensed by the
19 Gaming Board to manage and operate a casino within the City of
20 Chicago pursuant to a casino management contract.

21 "Casino management contract" means a legally binding
22 agreement between the Authority and a casino operator licensee

1 to operate or manage a casino.

2 "Executive director" means the person appointed by the
3 Board to oversee the daily operations of the Authority.

4 "Gaming Board" means the Illinois Gaming Board created by
5 the Illinois Gambling Act.

6 "Mayor" means the Mayor of the City.

7 Section 1-12. Creation of the Authority. After the 5
8 members of the Illinois Gaming Board are appointed and
9 qualified pursuant to this amendatory Act of the 96th General
10 Assembly, there is hereby created a political subdivision, unit
11 of local government with only the powers authorized by law,
12 body politic, and municipal corporation, by the name and style
13 of the Chicago Casino Development Authority.

14 Section 1-13. Duties of the Authority. It shall be the duty
15 of the Authority, as a casino licensee under the Illinois
16 Gambling Act, to promote, operate, and maintain a casino in the
17 City. The Authority shall construct, equip, and maintain
18 grounds, buildings, and facilities for that purpose. The
19 Authority has the right to contract with a casino operator
20 licensee and other third parties in order to fulfill its
21 purpose. If the Authority does not contract with a casino
22 operator licensee, then the Authority is responsible for the
23 payment of any fees required of a casino operator under
24 subsection (a) of Section 7.8 of the Illinois Gambling Act. The

1 Authority is granted all rights and powers necessary to perform
2 such duties.

3 Section 1-15. Board.

4 (a) The governing and administrative powers of the
5 Authority shall be vested in a body known as the Chicago Casino
6 Development Board. The Board shall consist of 3 members
7 appointed by the Mayor. All appointees shall be subject to
8 background investigation and approval by the Gaming Board. One
9 of these members shall be designated by the Mayor to serve as
10 chairperson. All of the members appointed by the Mayor shall be
11 residents of the City.

12 (b) Board members shall receive \$300 for each day the
13 Authority meets and shall be entitled to reimbursement of
14 reasonable expenses incurred in the performance of their
15 official duties. A Board member who serves in the office of
16 secretary-treasurer may also receive compensation for services
17 provided as that officer.

18 Section 1-20. Terms of appointments; resignation and
19 removal.

20 (a) The Mayor shall appoint one member of the Board for an
21 initial term expiring July 1 of the year following approval by
22 the Gaming Board, one member for an initial term expiring July
23 1 three years following approval by the Gaming Board, and one
24 member for an initial term expiring July 1 five years following

1 approval by the Gaming Board.

2 (b) All successors shall hold office for a term of 5 years
3 from the first day of July of the year in which they are
4 appointed, except in the case of an appointment to fill a
5 vacancy. Each member, including the chairperson, shall hold
6 office until the expiration of his or her term and until his or
7 her successor is appointed and qualified. Nothing shall
8 preclude a member from serving consecutive terms. Any member
9 may resign from office, to take effect when a successor has
10 been appointed and qualified. A vacancy in office shall occur
11 in the case of a member's death or indictment, conviction, or
12 plea of guilty to a felony. A vacancy shall be filled for the
13 unexpired term by the Mayor with the approval of the Gaming
14 Board.

15 (c) The Mayor or the Gaming Board may remove any member of
16 the Board upon a finding of incompetence, neglect of duty, or
17 misfeasance or malfeasance in office or for a violation of this
18 Act. The Gaming Board may remove any member of the Board for
19 any violation of the Illinois Gambling Act or the rules and
20 regulations of the Gaming Board.

21 Section 1-25. Organization of Board; meetings. After
22 appointment by the Mayor and approval of the Gaming Board, the
23 Board shall organize for the transaction of business. The Board
24 shall prescribe the time and place for meetings, the manner in
25 which special meetings may be called, and the notice that must

1 be given to members. All actions and meetings of the Board
2 shall be subject to the provisions of the Open Meetings Act.
3 Two members of the Board shall constitute a quorum. All
4 substantive action of the Board shall be by resolution with an
5 affirmative vote of a majority of the members.

6 Section 1-30. Executive director; officers.

7 (a) The Board shall appoint an executive director, subject
8 to completion of a background investigation and approval by the
9 Gaming Board, who shall be the chief executive officer of the
10 Authority. The Board shall fix the compensation of the
11 executive director. Subject to the general control of the
12 Board, the executive director shall be responsible for the
13 management of the business, properties, and employees of the
14 Authority. The executive director shall direct the enforcement
15 of all resolutions, rules, and regulations of the Board, and
16 shall perform such other duties as may be prescribed from time
17 to time by the Board. All employees and independent
18 contractors, consultants, engineers, architects, accountants,
19 attorneys, financial experts, construction experts and
20 personnel, superintendents, managers, and other personnel
21 appointed or employed pursuant to this Act shall report to the
22 executive director. In addition to any other duties set forth
23 in this Act, the executive director shall do all of the
24 following:

25 (1) Direct and supervise the administrative affairs

1 and activities of the Authority in accordance with its
2 rules, regulations, and policies.

3 (2) Attend meetings of the Board.

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

5 (4) Approve all accounts for salaries, per diem
6 payments, and allowable expenses of the Board and its
7 employees and consultants.

8 (5) Report and make recommendations to the Board
9 concerning the terms and conditions of any casino
10 management contract.

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

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

15 (b) The Board may select a secretary-treasurer to hold
16 office at the pleasure of the Board. The Board shall fix the
17 duties of such officer.

18 Section 1-31. General rights and powers of the Authority.
19 In addition to the duties and powers set forth in this Act, the
20 Authority shall have the following rights and powers:

21 (1) Adopt and alter an official seal.

22 (2) Establish and change its fiscal year.

23 (3) Sue and be sued, plead and be impleaded, all in its
24 own name, and agree to binding arbitration of any dispute
25 to which it is a party.

1 (4) Adopt, amend, and repeal by-laws, rules, and
2 regulations consistent with the furtherance of the powers
3 and duties provided for.

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

6 (6) Select locations in the City for a temporary and a
7 permanent casino, subject to final approval by the Gaming
8 Board.

9 (7) Conduct background investigations of potential
10 casino operator licensees, including its principals or
11 shareholders, and Authority staff.

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

19 (9) Own, acquire, construct, equip, lease, operate,
20 and maintain grounds, buildings, and facilities to carry
21 out its corporate purposes and duties.

22 (10) Enter into, revoke, and modify contracts in
23 accordance with the rules of the Gaming Board.

24 (11) Enter into a casino management contract subject to
25 the final approval of the Gaming Board.

26 (12) Develop, or cause to be developed by a third

1 party, a master plan for the design, planning, and
2 development of a casino.

3 (13) Negotiate and enter into intergovernmental
4 agreements with the State and its agencies, the City, and
5 other units of local government, in furtherance of the
6 powers and duties of the Board. However, the Authority may
7 not enter into an agreement with the State Police.

8 (14) Receive and disburse funds for its own corporate
9 purposes or as otherwise specified in this Act.

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

21 (16) Issue bonds as provided for under this Act.

22 (17) Receive and accept from any source, private or
23 public, contributions, gifts, or grants of money or
24 property to the Authority.

25 (18) Provide for the insurance of any property,
26 operations, officers, members, agents, or employees of the

1 Authority against any risk or hazard, to self-insure or
2 participate in joint self-insurance pools or entities to
3 insure against such risk or hazard, and to provide for the
4 indemnification of its officers, members, employees,
5 contractors, or agents against any and all risks.

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

10 (20) Do all things necessary or convenient to carry out
11 the powers granted by this Act.

12 Section 1-32. Ethical Conduct.

13 (a) Board members and employees of the Authority must carry
14 out their duties and responsibilities in such a manner as to
15 promote and preserve public trust and confidence in the
16 integrity and conduct of gaming.

17 (b) Except as may be required in the conduct of official
18 duties, Board members and employees of the Authority shall not
19 engage in gambling on any riverboat, in any casino, or in an
20 electronic gaming facility licensed by the Illinois Gaming
21 Board or engage in legalized gambling in any establishment
22 identified by Board action that, in the judgment of the Board,
23 could represent a potential for a conflict of interest.

24 (c) A Board member or employee of the Authority shall not
25 use or attempt to use his or her official position to secure or

1 attempt to secure any privilege, advantage, favor, or influence
2 for himself or herself or others.

3 (d) Board members and employees of the Authority shall not
4 hold or pursue employment, office, position, business, or
5 occupation that may conflict with his or her official duties.
6 Employees may engage in other gainful employment so long as
7 that employment does not interfere or conflict with their
8 duties. Such employment must be disclosed to the Executive
9 Director and approved by the Board.

10 (e) Board members and employees of the Authority may not
11 engage in employment, communications, or any activity that may
12 be deemed a conflict of interest. This prohibition shall extend
13 to any act identified by Board action or Gaming Board action
14 that, in the judgment of either entity, could represent the
15 potential for or the appearance of a conflict of interest.

16 (f) Board members and employees of the Authority may not
17 have a financial interest, directly or indirectly, in his or
18 her own name or in the name of any other person, partnership,
19 association, trust, corporation, or other entity in any
20 contract or subcontract for the performance of any work for the
21 Authority. This prohibition shall extend to the holding or
22 acquisition of an interest in any entity identified by Board
23 action or Gaming Board action that, in the judgment of either
24 entity, could represent the potential for or the appearance of
25 a financial interest. The holding or acquisition of an interest
26 in such entities through an indirect means, such as through a

1 mutual fund, shall not be prohibited, expect that the Gaming
2 Board may identify specific investments or funds that, in its
3 judgment, are so influenced by gaming holdings as to represent
4 the potential for or the appearance of a conflict of interest.

5 (g) Board members and employees of the Authority may not
6 accept any gift, gratuity, service, compensation, travel,
7 lodging, or thing of value, with the exception of unsolicited
8 items of an incidental nature, from any person, corporation, or
9 entity doing business with the Authority.

10 (h) No Board member or employee of the Authority may,
11 within a period of 2 years immediately after termination of
12 employment, knowingly accept employment or receive
13 compensation or fees for services from a person or entity, or
14 its parent or affiliate, that has engaged in business with the
15 Authority that resulted in contracts with an aggregate value of
16 at least \$25,000 or if that Board member or employee has made a
17 decision that directly applied to the person or entity, or its
18 parent or affiliate.

19 (i) A spouse, child, or parent of a Board member or
20 employee of the Authority may not have a financial interest,
21 directly or indirectly, in his or her own name or in the name
22 of any other person, partnership, association, trust,
23 corporation, or other entity in any contract or subcontract for
24 the performance of any work for the Authority. This prohibition
25 shall extend to the holding or acquisition of an interest in
26 any entity identified by Board action or Gaming Board action

1 that, in the judgment of either entity, could represent the
2 potential for or the appearance of a conflict of interest. The
3 holding or acquisition of an interest in such entities through
4 an indirect means, such as through a mutual fund, shall not be
5 prohibited, except that the Gaming Board may identify specific
6 investments or funds that, in its judgment, are so influenced
7 by gaming holdings as to represent the potential for or the
8 appearance of a conflict of interest.

9 (j) A spouse, child, or parent of a Board member or
10 employee of the Authority may not accept any gift, gratuity,
11 service, compensation, travel, lodging, or thing of value, with
12 the exception of unsolicited items of an incidental nature,
13 from any person, corporation, or entity doing business with the
14 Authority.

15 (k) A spouse, child, or parent of a Board member or
16 employee of the Authority may not, within a period of 2 years
17 immediately after termination of employment, knowingly accept
18 employment or receive compensation or fees for services from a
19 person or entity, or its parent or affiliate, that has engaged
20 in business with the Authority that resulted in contracts with
21 an aggregate value of at least \$25,000 or if that Board member
22 or employee has made a decision that directly applied to the
23 person or entity, or its parent or affiliate.

24 (l) No Board member or employee of the Authority may
25 attempt, in any way, to influence any person or corporation
26 doing business with the Authority or any officer, agent, or

1 employee thereof to hire or contract with any person or
2 corporation for any compensated work.

3 (m) Any communication between an elected official of the
4 City and any applicant for or party to a casino management
5 contract with the Authority, or an officer, director, or
6 employee thereof, concerning any manner relating in any way to
7 gaming or the Authority shall be disclosed to the Board and the
8 Gaming Board. Such disclosure shall be in writing by the
9 official within 30 days of the communication and shall be filed
10 with the Board. Disclosure must consist of the date of the
11 communication, the identity and job title of the person with
12 whom the communication was made, a brief summary of the
13 communication, the action requested or recommended, all
14 responses made, the identity and job title of the person making
15 the response, and any other pertinent information.

16 The written disclosure provided to the Board and Gaming
17 Board shall be privileged and maintained strictly confidential
18 and shall be exempt from public disclosure under the Freedom of
19 Information Act.

20 Public disclosure of the written summary provided to the
21 Board and the Gaming Board shall be subject to the exemptions
22 provided under Section 7 of the Freedom of Information Act.

23 (n) Any Board member or employee of the Authority who
24 violates any provision of this Section is guilty of a Class 4
25 felony.

1 Section 1-45. Casino management contracts.

2 (a) The Board shall develop and administer a competitive
3 sealed bidding process for the selection of a potential casino
4 operator licensee to develop or operate a casino within the
5 City. The Board shall issue one or more requests for proposals.
6 The Board may establish minimum financial and investment
7 requirements to determine the eligibility of persons to respond
8 to the Board's requests for proposal, and may establish and
9 consider such other criteria as it deems appropriate. The Board
10 may impose a fee upon persons who respond to requests for
11 proposal, in order to reimburse the Board for its costs in
12 preparing and issuing the requests and reviewing the proposals.

13 (b) Within 5 days after the time limit for submitting bids
14 and proposals has passed, the Board shall make all bids and
15 proposals public, provided, however, the Board shall not be
16 required to disclose any information which would be exempt from
17 disclosure under Section 7 of the Freedom of Information Act.
18 Thereafter, the Board shall evaluate the responses to its
19 requests for proposal and the ability of all persons or
20 entities responding to its request for proposal to meet the
21 requirements of this Act and to undertake and perform the
22 obligations set forth in its requests for proposal.

23 (c) After reviewing proposals and subject to Gaming Board
24 approval, the Board shall enter into a casino management
25 contract authorizing the development, construction, or
26 operation of a casino. Validity of the casino management

1 contract is contingent upon the issuance of a casino operator
2 license to the successful bidder. If the Gaming Board approves
3 the contract and grants a casino operator license, the Board
4 shall transmit a copy of the executed casino management
5 contract to the Gaming Board.

6 (d) After the Authority has been issued a casino license,
7 the Gaming Board has issued a casino operator license, and the
8 Gaming Board has approved the location of a temporary facility,
9 the Authority may conduct gaming operations at a temporary
10 facility for no longer than 24 months after gaming operations
11 begin. The Gaming Board may, after holding a public hearing,
12 grant an extension so long as a permanent facility is not
13 operational and the Authority is working in good faith to
14 complete the permanent facility. The Gaming Board may grant
15 additional extensions following a public hearing. Each
16 extension may be for a period of no longer than 6 months.

17 Section 1-50. Transfer of funds. The revenues received by
18 the Authority (other than amounts required to be paid pursuant
19 to the Illinois Gambling Act and amounts required to pay the
20 operating expenses of the Authority, to pay amounts due the
21 casino operator licensee pursuant to a casino management
22 contract, to repay any borrowing of the Authority made pursuant
23 to Section 1-31, to pay debt service on any bonds issued under
24 Section 1-75, and to pay any expenses in connection with the
25 issuance of such bonds pursuant to Section 1-75 or derivative

1 products pursuant to Section 1-85) shall be transferred to the
2 City by the Authority.

3 Section 1-55. Municipal distributions of proceeds from a
4 casino; gaming endowment funds. At least 70% of the moneys that
5 a municipality in which a casino is located receives pursuant
6 to Section 1-50 of this Act shall be described as "gaming
7 endowment funds" and be expended or obligated by the
8 municipality for the following purposes and in the following
9 amounts:

10 (1) 40% of such gaming endowment funds shall be used
11 for or pledged for the construction and maintenance of
12 infrastructure within the municipality, including but not
13 limited to roads, bridges, transit infrastructure, and
14 municipal facilities.

15 (2) 60% of such gaming endowment funds shall be used
16 for or pledged for the construction and maintenance of
17 schools, parks and cultural institution facilities, and
18 museums within the municipality.

19 Section 1-60. Auditor General.

20 (a) Prior to the issuance of bonds under this Act, the
21 Authority shall submit to the Auditor General a certification
22 that:

23 (1) it is legally authorized to issue bonds;

24 (2) scheduled annual payments of principal and

1 interest on the bonds to be issued meet the requirements of
2 Section 1-75 of this Act;

3 (3) no bond shall mature later than 30 years; and

4 (4) after payment of costs of issuance and necessary
5 deposits to funds and accounts established with respect to
6 debt service on the bonds, the net bond proceeds (exclusive
7 of any proceeds to be used to refund outstanding bonds)
8 will be used only for the purposes set forth in this Act.

9 The Auditor General has the authority and is required to,
10 every 2 years, (1) review the financial audit of the Authority
11 performed by the Authority's certified public accountants and
12 (2) perform a management audit of the Authority. The Auditor
13 General shall submit a bill to the Authority for costs
14 associated with the review and audit required under this
15 Section, which costs shall not exceed \$100,000. The Authority
16 shall reimburse the Auditor General for such costs in a timely
17 manner. The Auditor General shall post its audits on his or her
18 website.

19 Section 1-62. Advisory committee. An Advisory Committee is
20 established to monitor, review, and report on (1) the
21 Authority's utilization of minority-owned business enterprises
22 and female-owned business enterprises, (2) employment of
23 females, and (3) employment of minorities with regard to the
24 development and construction of the casino as authorized under
25 Section 7 of the Illinois Gambling Act. The Authority shall

1 work with the Advisory Committee in accumulating necessary
2 information for the Committee to submit reports, as necessary,
3 to the General Assembly and to the City of Chicago.

4 The Committee shall consist of 15 members as provided in
5 this Section. Seven members shall be selected by the Mayor of
6 the City of Chicago; 2 members shall be selected by the
7 President of the Illinois Senate; 2 members shall be selected
8 by the Speaker of the House of Representatives; 2 members shall
9 be selected by the Minority Leader of the Senate; and 2 members
10 shall be selected by the Minority Leader of the House of
11 Representatives. The Advisory Committee shall meet
12 periodically and shall report the information to the Mayor of
13 the City and to the General Assembly by December 31st of every
14 year.

15 The Advisory Committee shall be dissolved on the date that
16 casino gambling operations are first conducted under the
17 license authorized under Section 7 of the Illinois Gambling
18 Act, other than at a temporary facility.

19 For the purposes of this Section, the terms "female" and
20 "minority person" have the meanings provided in Section 2 of
21 the Business Enterprise for Minorities, Females, and Persons
22 with Disabilities Act.

23 Section 1-65. Acquisition of property; eminent domain
24 proceedings. For the lawful purposes of this Act, the City may
25 acquire by eminent domain or by condemnation proceedings in the

1 manner provided by the Eminent Domain Act, real or personal
2 property or interests in real or personal property located in
3 the City, and the City may convey to the Authority property so
4 acquired. The acquisition of property under this Section is
5 declared to be for a public use.

6 Section 1-70. Local regulation. The casino facilities and
7 operations therein shall be subject to all ordinances and
8 regulations of the City. The construction, development, and
9 operation of the casino shall comply with all ordinances,
10 regulations, rules, and controls of the City, including but not
11 limited to those relating to zoning and planned development,
12 building, fire prevention, and land use. However, the
13 regulation of gaming operations is subject to the exclusive
14 jurisdiction of the Gaming Board.

15 Section 1-75. Borrowing.

16 (a) The Authority may borrow money and issue bonds as
17 provided in this Section. Bonds of the Authority may be issued
18 to provide funds for land acquisition, site assembly and
19 preparation, and the design and construction of the casino, as
20 defined in the Illinois Gambling Act, all ancillary and related
21 facilities comprising the casino complex, and all on-site and
22 off-site infrastructure improvements required in connection
23 with the development of the casino; to refund (at the time or
24 in advance of any maturity or redemption) or redeem any bonds

1 of the Authority; to provide or increase a debt service reserve
2 fund or other reserves with respect to any or all of its bonds;
3 or to pay the legal, financial, administrative, bond insurance,
4 credit enhancement, and other legal expenses of the
5 authorization, issuance, or delivery of bonds. In this Act, the
6 term "bonds" also includes notes of any kind, interim
7 certificates, refunding bonds, or any other evidence of
8 obligation for borrowed money issued under this Section. Bonds
9 may be issued in one or more series and may be payable and
10 secured either on a parity with or separately from other bonds.

11 (b) The bonds of the Authority shall be payable from one or
12 more of the following sources: (i) the property or revenues of
13 the Authority; (ii) revenues derived from the casino; (iii)
14 revenues derived from any casino operator licensee; (iv) fees,
15 bid proceeds, charges, lease payments, payments required
16 pursuant to any casino management contract or other revenues
17 payable to the Authority, or any receipts of the Authority; (v)
18 payments by financial institutions, insurance companies, or
19 others pursuant to letters or lines of credit, policies of
20 insurance, or purchase agreements; (vi) investment earnings
21 from funds or accounts maintained pursuant to a bond resolution
22 or trust indenture; (vii) proceeds of refunding bonds; (viii)
23 any other revenues derived from or payments by the City; and
24 (ix) any payments by any casino operator licensee or others
25 pursuant to any guaranty agreement.

26 (c) Bonds shall be authorized by a resolution of the

1 Authority and may be secured by a trust indenture by and
2 between the Authority and a corporate trustee or trustees,
3 which may be any trust company or bank having the powers of a
4 trust company within or without the State. Bonds shall meet the
5 following requirements:

6 (1) Bonds shall bear interest at a rate not to exceed
7 the maximum rate authorized by the Bond Authorization Act.

8 (2) Bonds issued pursuant to this Section may be
9 payable on such dates and times as may be provided for by
10 the resolution or indenture authorizing the issuance of
11 such bonds; provided, however, that such bonds shall mature
12 no later than 30 years from the date of issuance.

13 (3) At least 25%, based on total principal amount, of
14 all bonds issued pursuant to this Section shall be sold
15 pursuant to notice of sale and public bid. No more than
16 75%, based on total principal amount, of all bonds issued
17 pursuant to this Section shall be sold by negotiated sale.

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

24 (5) Bonds shall be payable in lawful money of the
25 United States at a designated place.

26 (6) Bonds shall be subject to the terms of purchase,

1 payment, redemption, refunding, or refinancing that the
2 resolution or trust indenture provides.

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

7 (8) Bonds shall be sold at public or private sale in
8 the manner and upon the terms determined by the Authority.

9 (9) Bonds shall be issued in accordance with the
10 provisions of the Local Government Debt Reform Act.

11 (d) The Authority shall adopt a procurement program with
12 respect to contracts relating to underwriters, bond counsel,
13 financial advisors, and accountants. The program shall include
14 goals for the payment of not less than 30% of the total dollar
15 value of the fees from these contracts to minority-owned
16 businesses and female-owned businesses as defined in the
17 Business Enterprise for Minorities, Females, and Persons with
18 Disabilities Act. The Authority shall conduct outreach to
19 minority-owned businesses and female-owned businesses.
20 Outreach shall include, but is not limited to, advertisements
21 in periodicals and newspapers, mailings, and other appropriate
22 media. The Authority shall submit to the General Assembly a
23 comprehensive report that shall include, at a minimum, the
24 details of the procurement plan, outreach efforts, and the
25 results of the efforts to achieve goals for the payment of
26 fees.

1 (e) Subject to the Illinois Gambling Act and rules of the
2 Gaming Board regarding pledging of interests in holders of
3 owners licenses, any resolution or trust indenture may contain
4 provisions that may be a part of the contract with the holders
5 of the bonds as to the following:

6 (1) Pledging, assigning, or directing the use,
7 investment, or disposition of revenues of the Authority or
8 proceeds or benefits of any contract, including without
9 limitation, any rights in any casino management contract.

10 (2) The setting aside of loan funding deposits, debt
11 service reserves, replacement or operating reserves, cost
12 of issuance accounts and sinking funds, and the regulation,
13 investment, and disposition thereof.

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

18 (4) Limitations on the issue of additional bonds, the
19 terms upon which additional bonds may be issued and
20 secured, the terms upon which additional bonds may rank on
21 a parity with, or be subordinate or superior to, other
22 bonds.

23 (5) The refunding, advance refunding, or refinancing
24 of outstanding bonds.

25 (6) The procedure, if any, by which the terms of any
26 contract with bondholders may be altered or amended and the

1 amount of bonds and holders of which must consent thereto
2 and the manner in which consent shall be given.

3 (7) Defining the acts or omissions which shall
4 constitute a default in the duties of the Authority to
5 holders of bonds and providing the rights or remedies of
6 such holders in the event of a default, which may include
7 provisions restricting individual rights of action by
8 bondholders.

9 (8) Providing for guarantees, pledges of property,
10 letters of credit, or other security, or insurance for the
11 benefit of bondholders.

12 (f) No member of the Board, nor any person executing the
13 bonds, shall be liable personally on the bonds or subject to
14 any personal liability by reason of the issuance of the bonds.

15 (g) The Authority may issue and secure bonds in accordance
16 with the provisions of the Local Government Credit Enhancement
17 Act.

18 (h) A pledge by the Authority of revenues and receipts as
19 security for an issue of bonds or for the performance of its
20 obligations under any casino management contract shall be valid
21 and binding from the time when the pledge is made. The revenues
22 and receipts pledged shall immediately be subject to the lien
23 of the pledge without any physical delivery or further act, and
24 the lien of any pledge shall be valid and binding against any
25 person having any claim of any kind in tort, contract, or
26 otherwise against the Authority, irrespective of whether the

1 person has notice. No resolution, trust indenture, management
2 agreement or financing statement, continuation statement, or
3 other instrument adopted or entered into by the Authority need
4 be filed or recorded in any public record other than the
5 records of the Authority in order to perfect the lien against
6 third persons, regardless of any contrary provision of law.

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

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

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

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

5 (1) No person holding an elective office in this State,
6 holding a seat in the General Assembly, or serving as a board
7 member, trustee, officer, or employee of the Authority,
8 including the spouse of that person, may receive a legal,
9 banking, consulting, or other fee related to the issuance of
10 bonds.

11 Section 1-85. Derivative products. With respect to all or
12 part of any issue of its bonds, the Authority may enter into
13 agreements or contracts with any necessary or appropriate
14 person, which will have the benefit of providing to the
15 Authority an interest rate basis, cash flow basis, or other
16 basis different from that provided in the bonds for the payment
17 of interest. Such agreements or contracts may include, without
18 limitation, agreements or contracts commonly known as
19 "interest rate swap agreements", "forward payment conversion
20 agreements", "futures", "options", "puts", or "calls" and
21 agreements or contracts providing for payments based on levels
22 of or changes in interest rates, agreements or contracts to
23 exchange cash flows or a series of payments, or to hedge
24 payment, rate spread, or similar exposure.

1 Section 1-90. Legality for investment. The State of
2 Illinois, all governmental entities, all public officers,
3 banks, bankers, trust companies, savings banks and
4 institutions, building and loan associations, savings and loan
5 associations, investment companies, and other persons carrying
6 on a banking business, insurance companies, insurance
7 associations, and other persons carrying on an insurance
8 business, and all executors, administrators, guardians,
9 trustees, and other fiduciaries may legally invest any sinking
10 funds, moneys, or other funds belonging to them or within their
11 control in any bonds issued under this Act. However, nothing in
12 this Section shall be construed as relieving any person, firm,
13 or corporation from any duty of exercising reasonable care in
14 selecting securities for purchase or investment.

15 Section 1-95. Tax exemption. The Authority and all of its
16 operations and property used for public purposes shall be
17 exempt from all taxation of any kind imposed by the State of
18 Illinois or any political subdivision, school district,
19 municipal corporation, or unit of local government of the State
20 of Illinois. However, nothing in this Act prohibits the
21 imposition of any other taxes where such imposition is not
22 prohibited by Section 21 of the Illinois Gambling Act.

23 Section 1-105. Budgets and reporting.

24 (a) The Board shall annually adopt a budget for each fiscal

1 year. The budget may be modified from time to time in the same
2 manner and upon the same vote as it may be adopted. The budget
3 shall include the Authority's available funds and estimated
4 revenues and shall provide for payment of its obligations and
5 estimated expenditures for the fiscal year, including, without
6 limitation, expenditures for administration, operation,
7 maintenance and repairs, debt service, and deposits into
8 reserve and other funds and capital projects.

9 (b) The Board shall annually cause the finances of the
10 Authority to be audited by a firm of certified public
11 accountants selected by the Board in accordance with the rules
12 of the Gaming Board and post the firm's audits of the Authority
13 on the Authority's Internet website.

14 (c) The Board shall, for each fiscal year, prepare an
15 annual report setting forth information concerning its
16 activities in the fiscal year and the status of the development
17 of the casino. The annual report shall include the audited
18 financial statements of the Authority for the fiscal year, the
19 budget for the succeeding fiscal year, and the current capital
20 plan as of the date of the report. Copies of the annual report
21 shall be made available to persons who request them and shall
22 be submitted not later than 120 days after the end of the
23 Authority's fiscal year or, if the audit of the Authority's
24 financial statements is not completed within 120 days after the
25 end of the Authority's fiscal year, as soon as practical after
26 completion of the audit, to the Governor, the Mayor, the

1 General Assembly, and the Commission on Government Forecasting
2 and Accountability.

3 Section 1-110. Deposit and withdrawal of funds.

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

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

19 (b) If any officer or employee whose signature appears upon
20 any check or draft issued pursuant to this Act ceases (after
21 attaching his signature) to hold his or her office before the
22 delivery of such a check or draft to the payee, his or her
23 signature shall nevertheless be valid and sufficient for all
24 purposes with the same effect as if he or she had remained in
25 office until delivery thereof.

1 Section 1-112. Contracts with the Authority or casino
2 operator licensee; disclosure requirements.

3 (a) A bidder, respondent, offeror, or contractor for
4 contracts with the Authority or casino operator licensee shall
5 disclose the identity of all officers and directors and every
6 owner, beneficiary, or person with beneficial interest of more
7 than 1% or shareholder entitled to receive more than 1% of the
8 total distributable income of any corporation having any
9 interest in the contract or in the bidder, respondent, offeror,
10 or contractor. The disclosure shall be in writing and attested
11 to by an owner, trustee, corporate official, or agent. If stock
12 in a corporation is publicly traded and there is no readily
13 known individual having greater than a 1% interest, then a
14 statement to that effect attested to by an officer or agent of
15 the corporation shall fulfill the disclosure statement
16 requirement of this Section. A bidder, respondent, offeror, or
17 contractor shall notify the Authority of any changes in
18 officers, directors, ownership, or individuals having a
19 beneficial interest of more than 1%.

20 (b) A bidder, respondent, offeror, or contractor for
21 contracts with an annual value of \$10,000 or for a period to
22 exceed one year shall disclose all political contributions of
23 the bidder, respondent, offeror, or contractor and any
24 affiliated person or entity. Disclosure shall include at least
25 the names and addresses of the contributors and the dollar

1 amounts of any contributions to any political committee made
2 within the previous 2 years. The disclosure must be submitted
3 to the Gaming Board with a copy of the contract.

4 (c) As used in this Section:

5 "Contribution" means contribution as defined in Section
6 9-1.4 of the Election Code.

7 "Affiliated person" means (i) any person with any ownership
8 interest or distributive share of the bidding, responding, or
9 contracting entity in excess of 1%, (ii) executive employees of
10 the bidding, responding, or contracting entity, and (iii) the
11 spouse and minor children of any such persons.

12 "Affiliated entity" means (i) any parent or subsidiary of
13 the bidding or contracting entity, (ii) any member of the same
14 unitary business group, or (iii) any political committee for
15 which the bidding, responding, or contracting entity is the
16 sponsoring entity.

17 (d) The Gaming Board may direct the Authority or a casino
18 operator licensee to void a contract if a violation of this
19 Section occurs. The Authority may direct a casino operator
20 licensee to void a contract if a violation of this Section
21 occurs.

22 Section 1-115. Purchasing.

23 (a) All construction contracts and contracts for supplies,
24 materials, equipment, and services, when the cost thereof to
25 the Authority exceeds \$25,000, shall be let by a competitive

1 selection process to the lowest responsible proposer, after
2 advertising for proposals, except for the following:

3 (1) When repair parts, accessories, equipment, or
4 services are required for equipment or services previously
5 furnished or contracted for;

6 (2) Professional services;

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

10 (4) When contracts for the use, purchase, delivery,
11 movement, or installation of data processing equipment,
12 software, or services and telecommunications equipment,
13 software, and services are required;

14 (5) Casino management contracts, which shall be
15 awarded as set forth in Section 1-45 of this Act;

16 (6) Contracts where there is only one economically
17 feasible source; and

18 (7) When a purchase is needed on an immediate,
19 emergency basis because there exists a threat to public
20 health or public safety, or when immediate expenditure is
21 necessary for repairs to Authority property in order to
22 protect against further loss of or damage to Authority
23 property, to prevent or minimize serious disruption in
24 Authority services or to ensure the integrity of Authority
25 records.

26 (b) All contracts involving less than \$25,000 shall be let

1 by competitive selection process whenever possible, and in any
2 event in a manner calculated to ensure the best interests of
3 the public.

4 (c) In determining the responsibility of any proposer, the
5 Authority may take into account the proposer's (or an
6 individual having a beneficial interest, directly or
7 indirectly, of more than 1% in such proposing entity) past
8 record of dealings with the Authority, the proposer's
9 experience, adequacy of equipment, and ability to complete
10 performance within the time set, and other factors besides
11 financial responsibility. No such contract shall be awarded to
12 any proposer other than the lowest proposer (in case of
13 purchase or expenditure) unless authorized or approved by a
14 vote of at least 2 members of the Board and such action is
15 accompanied by a written statement setting forth the reasons
16 for not awarding the contract to the highest or lowest
17 proposer, as the case may be. The statement shall be kept on
18 file in the principal office of the Authority and open to
19 public inspection.

20 (d) The Authority shall have the right to reject all
21 proposals and to re-advertise for proposals. If after any such
22 re-advertisement, no responsible and satisfactory proposals,
23 within the terms of the re-advertisement, is received, the
24 Authority may award such contract without competitive
25 selection, provided that the Gaming Board must approve the
26 contract prior to its execution. The contract must not be less

1 advantageous to the Authority than any valid proposal received
2 pursuant to advertisement.

3 (e) Advertisements for proposals and re-proposals shall be
4 published at least once in a daily newspaper of general
5 circulation published in the City at least 10 calendar days
6 before the time for receiving proposals, and such
7 advertisements shall also be posted on readily accessible
8 bulletin boards in the principal office of the Authority. Such
9 advertisements shall state the time and place for receiving and
10 opening of proposals and, by reference to plans and
11 specifications on file at the time of the first publication or
12 in the advertisement itself, shall describe the character of
13 the proposed contract in sufficient detail to fully advise
14 prospective proposers of their obligations and to ensure free
15 and open competitive selection.

16 (f) All proposals in response to advertisements shall be
17 sealed and shall be publicly opened by the Authority. All
18 proposers shall be entitled to be present in person or by
19 representatives. Cash or a certified or satisfactory cashier's
20 check, as a deposit of good faith, in a reasonable amount to be
21 fixed by the Authority before advertising for proposals, shall
22 be required with the proposal. A bond for faithful performance
23 of the contract with surety or sureties satisfactory to the
24 Authority and adequate insurance may be required in reasonable
25 amounts to be fixed by the Authority before advertising for
26 proposals.

1 (g) The contract shall be awarded as promptly as possible
2 after the opening of proposals. The proposal of the successful
3 proposer, as well as the bids of the unsuccessful proposers,
4 shall be placed on file and be open to public inspection
5 subject to the exemptions from disclosure provided under
6 Section 7 of the Freedom of Information Act. All proposals
7 shall be void if any disclosure of the terms of any proposals
8 in response to an advertisement is made or permitted to be made
9 by the Authority before the time fixed for opening proposals.

10 (h) Notice of each and every contract that is offered,
11 including renegotiated contracts and change orders, shall be
12 published in an online bulletin. The online bulletin must
13 include at least the date first offered, the date submission of
14 offers is due, the location that offers are to be submitted to,
15 a brief purchase description, the method of source selection,
16 information of how to obtain a comprehensive purchase
17 description and any disclosure and contract forms, and
18 encouragement to prospective vendors to hire qualified
19 veterans, as defined by Section 45-67 of the Illinois
20 Procurement Code, and Illinois residents discharged from any
21 Illinois adult correctional center subject to Gaming Board
22 licensing and eligibility rules. Notice of each and every
23 contract that is let or awarded, including renegotiated
24 contracts and change orders, shall be published in the online
25 bulletin and must include at least all of the information
26 specified in this item (h), as well as the name of the

1 successful responsible proposer or offeror, the contract
2 price, and the number of unsuccessful responsive proposers and
3 any other disclosure specified in this Section. This notice
4 must be posted in the online electronic bulletin prior to
5 execution of the contract.

6 Section 1-130. Affirmative action and equal opportunity
7 obligations of Authority.

8 (a) The Authority is subject to the requirements of Article
9 V of Chapter 2-92 (Sections 2-92-650 through 2-92-720
10 inclusive) of the Chicago Municipal Code, as now or hereafter
11 amended, renumbered, or succeeded, concerning a Minority-Owned
12 and Women-Owned Business Enterprise Procurement Program for
13 construction contracts, and Chapter 2-92-420 et seq. of the
14 Chicago Municipal Code, as now or hereafter amended,
15 renumbered, or succeeded, concerning a Minority-Owned and
16 Women-Owned Business Enterprise Procurement Program to
17 determine the status of a firm as a Minority Business
18 Enterprise for city procurement purposes.

19 (b) The Authority is authorized to enter into agreements
20 with contractors' associations, labor unions, and the
21 contractors working on the development of the casino to
22 establish an apprenticeship preparedness training program to
23 provide for an increase in the number of minority and female
24 journeymen and apprentices in the building trades and to enter
25 into agreements with community college districts or other

1 public or private institutions to provide readiness training.
2 The Authority is further authorized to enter into contracts
3 with public and private educational institutions and persons in
4 the gaming, entertainment, hospitality, and tourism industries
5 to provide training for employment in those industries.

6 ARTICLE 90.

7 Section 90-5. The Alcoholism and Other Drug Abuse and
8 Dependency Act is amended by changing Section 5-20 as follows:

9 (20 ILCS 301/5-20)

10 Sec. 5-20. Compulsive gambling program.

11 (a) Subject to appropriation, the Department shall
12 establish a program for public education, research, and
13 training regarding problem and compulsive gambling and the
14 treatment and prevention of problem and compulsive gambling.
15 Subject to specific appropriation for these stated purposes,
16 the program must include all of the following:

17 (1) Establishment and maintenance of a toll-free "800"
18 telephone number to provide crisis counseling and referral
19 services to families experiencing difficulty as a result of
20 problem or compulsive gambling.

21 (2) Promotion of public awareness regarding the
22 recognition and prevention of problem and compulsive
23 gambling.

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

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

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

15 (c) Subject to appropriation, the Department shall produce
16 and supply the signs specified in Section 10.7 of the Illinois
17 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of
18 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1
19 of the Charitable Games Act, and Section 13.1 of the Illinois
20 ~~Riverboat~~ Gambling Act.

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

22 Section 90-10. The Department of Revenue Law of the Civil
23 Administrative Code of Illinois is amended by changing Section
24 2505-305 as follows:

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

2 Sec. 2505-305. Investigators.

3 (a) The Department has the power to appoint investigators
4 to conduct all investigations, searches, seizures, arrests,
5 and other duties imposed under the provisions of any law
6 administered by the Department or the Illinois Gaming Board.
7 Except as provided in subsection (c), these investigators have
8 and may exercise all the powers of peace officers solely for
9 the purpose of enforcing taxing measures administered by the
10 Department or the Illinois Gaming Board.

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

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

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

1 Section 90-15. The Joliet Regional Port District Act is
2 amended by changing Section 5.1 as follows:

3 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

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

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

18 Section 90-20. The Consumer Installment Loan Act is amended
19 by changing Section 12.5 as follows:

20 (205 ILCS 670/12.5)

21 Sec. 12.5. Limited purpose branch.

22 (a) Upon the written approval of the Director, a licensee

1 may maintain a limited purpose branch for the sole purpose of
2 making loans as permitted by this Act. A limited purpose branch
3 may include an automatic loan machine. No other activity shall
4 be conducted at the site, including but not limited to,
5 accepting payments, servicing the accounts, or collections.

6 (b) The licensee must submit an application for a limited
7 purpose branch to the Director on forms prescribed by the
8 Director with an application fee of \$300. The approval for the
9 limited purpose branch must be renewed concurrently with the
10 renewal of the licensee's license along with a renewal fee of
11 \$300 for the limited purpose branch.

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

17 (d) The licensee shall prominently display at the limited
18 purpose branch the address and telephone number of the
19 licensee's licensed location.

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

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

24 (g) A limited purpose branch may not be located within
25 1,000 feet of a facility operated by an inter-track wagering
26 licensee or an organization licensee subject to the Illinois

1 Horse Racing Act of 1975, on a riverboat or in a casino subject
2 to the Illinois Riverboat Gambling Act, or within 1,000 feet of
3 the location at which the riverboat docks or within 1,000 feet
4 of a casino.

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

6 Section 90-25. The Illinois Horse Racing Act of 1975 is
7 amended by changing Sections 1.2, 1.3, 4, 5, 6, 9, 20, 26,
8 28.1, and 31 and by adding Sections 3.24, 3.25, 3.26, 3.27, and
9 30.6 as follows:

10 (230 ILCS 5/1.2)

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

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

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

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

1 jobs;

2 (d) promote the further growth of tourism;

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

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

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

9 (230 ILCS 5/1.3)

10 Sec. 1.3. Legislative findings.

11 (a) The General Assembly finds that the Illinois gaming
12 industry is a single industry consisting of horse racing, ~~and~~
13 riverboat and casino gambling, and electronic gaming. Reports
14 issued by the Economic and Fiscal Commission (now Commission on
15 Government Forecasting and Accountability) in 1992, 1994, and
16 1998 have found that horse racing and riverboat gambling:

17 (1) "share many of the same characteristics" and are
18 "more alike than different";

19 (2) are planned events;

20 (3) have similar odds of winning;

21 (4) occur in similar settings; and

22 (5) compete with each other for limited gaming dollars.

23 (b) The General Assembly declares it to be the public
24 policy of this State to ensure the viability of all ~~both horse~~
25 ~~racing and riverboat~~ aspects of the Illinois gaming industry.

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

2 (230 ILCS 5/3.24 new)

3 Sec. 3.24. Adjusted gross receipts. "Adjusted gross
4 receipts" means the gross receipts from electronic gaming less
5 winnings paid to wagerers.

6 (230 ILCS 5/3.25 new)

7 Sec. 3.25. Electronic gaming. "Electronic gaming" means
8 slot machine gambling, video games of chance, and electronic
9 gambling games that are conducted at a race track licensed
10 under this Act pursuant to an electronic gaming license.

11 (230 ILCS 5/3.26 new)

12 Sec. 3.26. Electronic gaming license. "Electronic gaming
13 license" means a license to conduct electronic gaming issued
14 under Section 56.

15 (230 ILCS 5/3.27 new)

16 Sec. 3.27. Electronic gaming facility. "Electronic gaming
17 facility" means that portion of an organization licensee's race
18 track facility at which electronic gaming is conducted.

19 (230 ILCS 5/4) (from Ch. 8, par. 37-4)

20 Sec. 4. Until the effective date of this amendatory Act of
21 the 96th General Assembly, the ~~The~~ Board shall consist of 11

1 members to be appointed by the Governor with the advice and
2 consent of the Senate, not more than 6 of whom shall be of the
3 same political party, and one of whom shall be designated by
4 the Governor to be chairman.

5 Notwithstanding any provision of this Section to the
6 contrary, the term of office of each member of the Board
7 sitting on the effective date of this amendatory Act of the
8 96th General Assembly ends on that date and those members shall
9 hold office only until their successors are appointed and
10 qualified pursuant to this amendatory Act.

11 Each member shall have a reasonable knowledge of harness or
12 thoroughbred racing practices and procedure and of the
13 principles of harness or thoroughbred racing and breeding.
14 Additionally, at least 6 members must have personal experience
15 working in the horse racing industry whether it be in the State
16 of Illinois or elsewhere. At ~~and, at~~ the time of his or her
17 appointment, the member shall be a resident of the State of
18 Illinois and shall have resided therein for a period of at
19 least 5 years next preceding his appointment and qualification
20 and he shall be a qualified voter therein and not less than 25
21 years of age. The Board should reflect the ethnic, cultural,
22 and geographic diversity of the State.

23 (Source: P.A. 91-798, eff. 7-9-00.)

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

25 Sec. 5. As soon as practicable following the effective date

1 of this amendatory Act of 1995, the Governor shall appoint,
2 with the advice and consent of the Senate, members to the Board
3 as follows: 3 members for terms expiring July 1, 1996; 3
4 members for terms expiring July 1, 1998; and 3 members for
5 terms expiring July 1, 2000. Of the 2 additional members
6 appointed pursuant to this amendatory Act of the 91st General
7 Assembly, the initial term of one member shall expire on July
8 1, 2002 and the initial term of the other member shall expire
9 on July 1, 2004. Thereafter, the terms of office of the Board
10 members shall be 6 years. Incumbent members on the effective
11 date of this amendatory Act of 1995 shall continue to serve
12 only until their successors are appointed and have qualified.

13 The terms of office of the initial Board members appointed
14 pursuant to this amendatory Act of the 96th General Assembly
15 will commence from the effective date of this amendatory Act
16 and run as follows, to be determined by lot: one for a term
17 expiring July 1 of the year following confirmation, 2 for a
18 term expiring July 1 two years following confirmation, 2 for a
19 term expiring July 1 three years following confirmation, and 2
20 for a term expiring July 1 four years following confirmation.
21 Upon the expiration of the foregoing terms, the successors of
22 such members shall serve a term of 4 years and until their
23 successors are appointed and qualified for like terms.

24 Each member of the Board shall receive \$300 per day for
25 each day the Board meets and for each day the member conducts a
26 hearing pursuant to Section 16 of this Act, provided that no

1 Board member shall receive more than \$5,000 in such fees during
2 any calendar year, or an amount set by the Compensation Review
3 Board, whichever is greater. Members of the Board shall also be
4 reimbursed for all actual and necessary expenses and
5 disbursements incurred in the execution of their official
6 duties.

7 (Source: P.A. 91-357, eff. 7-29-99; 91-798, eff. 7-9-00.)

8 (230 ILCS 5/6) (from Ch. 8, par. 37-6)

9 Sec. 6. Restrictions on Board members.

10 (a) No person shall be appointed a member of the Board or
11 continue to be a member of the Board if the person or any
12 member of their immediate family is a member of the Board of
13 Directors, employee, or financially interested in any of the
14 following: (i) any licensee or other person who has applied for
15 racinq dates to the Board, or the operations thereof including,
16 but not limited to, concessions, data processing, track
17 maintenance, track security, and pari-mutuel operations,
18 located, scheduled or doing business within the State of
19 Illinois, (ii) any licensee or other person in any race horse
20 competing at a meeting under the Board's jurisdiction, or (iii)
21 any licensee under the Illinois Gambling Act. ~~No person shall~~
22 ~~be appointed a member of the Board or continue to be a member~~
23 ~~of the Board who is (or any member of whose family is) a member~~
24 ~~of the Board of Directors of, or who is a person financially~~
25 ~~interested in, any licensee or other person who has applied for~~

1 ~~racetrack dates to the Board, or the operations thereof including,~~
2 ~~but not limited to, concessions, data processing, track~~
3 ~~maintenance, track security and pari-mutuel operations,~~
4 ~~located, scheduled or doing business within the State of~~
5 ~~Illinois, or in any race horse competing at a meeting under the~~
6 ~~Board's jurisdiction. No Board member shall hold any other~~
7 ~~public office for which he shall receive compensation other~~
8 ~~than necessary travel or other incidental expenses.~~

9 (b) No person shall be a member of the Board who is not of
10 good moral character or who has been convicted of, or is under
11 indictment for, a felony under the laws of Illinois or any
12 other state, or the United States.

13 (c) No member of the Board or employee shall engage in any
14 political activity. For the purposes of this Section,
15 "political" means any activity in support of or in connection
16 with any campaign for State or local elective office or any
17 political organization, but does not include activities (i)
18 relating to the support or opposition of any executive,
19 legislative, or administrative action (as those terms are
20 defined in Section 2 of the Lobbyist Registration Act), (ii)
21 relating to collective bargaining, or (iii) that are otherwise
22 in furtherance of the person's official State duties or
23 governmental and public service functions.

24 (d) Board members and employees may not engage in
25 communications or any activity that may cause or have the
26 appearance of causing a conflict of interest. A conflict of

1 interest exists if a situation influences or creates the
2 appearance that it may influence judgment or performance of
3 regulatory duties and responsibilities. This prohibition shall
4 extend to any act identified by Board action that, in the
5 judgment of the Board, could represent the potential for or the
6 appearance of a conflict of interest.

7 (e) Board members and employees may not accept any gift,
8 gratuity, service, compensation, travel, lodging, or thing of
9 value, with the exception of unsolicited items of an incidental
10 nature, from any person, corporation, or entity doing business
11 with the Board.

12 (f) A Board member or employee shall not use or attempt to
13 use his or her official position to secure, or attempt to
14 secure, any privilege, advantage, favor, or influence for
15 himself or herself or others. No Board member or employee,
16 within a period of one year immediately preceding nomination by
17 the Governor or employment, shall have been employed or
18 received compensation or fees for services from a person or
19 entity, or its parent or affiliate, that has engaged in
20 business with the Board, a licensee or a licensee under the
21 Illinois Gambling Act. In addition, no Board member or employee
22 shall for one year after the expiration of his or her term or
23 separation from the Board be employed or receive compensation
24 or fees from the beforementioned persons or entities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Board deems necessary to effectively administer this Act and
2 all rules, regulations, and final decisions promulgated under
3 this Act.

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

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

22 (j) The Board may discharge any Board employee who fails or
23 refuses for any reason to comply with the rules and regulations
24 of the Board, or who, in the opinion of the Board, is guilty of
25 fraud, dishonesty or who is proven to be incompetent. The Board
26 shall have no right or power to determine who shall be

1 officers, directors or employees of any licensee, or their
2 salaries except the Board may, by rule, require that all or any
3 officials or employees in charge of or whose duties relate to
4 the actual running of races be approved by the Board.

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

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

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

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

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

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

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

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

25 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

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

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

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

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

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

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

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

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

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

10 (e-1) In awarding standardbred racing dates for calendar
11 year 2010 and thereafter, the Board shall award at least 312
12 racing days. The Board shall have the discretion to allocate
13 those racing days among organization licensees. Once awarded by
14 the Board, organization licensees shall run at least 3,500
15 races annually. Should the organization licensee fail to race
16 all dates awarded by the Board, the organization licensees
17 shall pay to the standardbred purse account at that racing
18 facility an amount equal to the organization licensee's revenue
19 from electronic gaming for the day not raced. The Board may
20 waive the requirements of this subsection only if a lesser
21 schedule is appropriate due to (a) weather or unsafe track
22 conditions due to acts of God, (b) an agreement between the
23 organization licensee and the association representing
24 standardbred horsemen racing at the organization licensee's
25 race meeting, or (c) lack of sufficient numbers of horses to
26 conduct racing.

1 (e-5) In reviewing an application for the purpose of
2 granting an organization license consistent with the best
3 interests of the public and the sport of horse racing, the
4 Board shall consider:

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

8 (i) controls the applicant, directly or
9 indirectly, or

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

13 (2) the applicant's facilities or proposed facilities
14 for conducting horse racing;

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

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

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

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

26 (7) an agreement, if any, among organization licensees

1 as provided in subsection (b) of Section 21 of this Act;
2 and

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

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

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

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

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

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

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

1 emergency hearing and the reallocation of racing dates on an
2 emergency basis.

3 (g) (Blank).

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

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

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

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

15 (3) file with the Board the bonds required in Sections
16 21 and 25 at least 20 days prior to the first day of each
17 race meeting.

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

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

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

25 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

1 Sec. 26. Wagering.

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

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

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

1 premises of a licensee shall be deemed to have been made at the
2 premises of that licensee.

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

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

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

1 presented for payment.

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

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

1 all monies received by the organization licensee with 25% of
2 the receipts from this 10% tax to be distributed to the county
3 in which the race was conducted.

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

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

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

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

26 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an

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

10 (3) Each licensee conducting interstate simulcast
11 wagering may retain, subject to the payment of all
12 applicable taxes and the purses, an amount not to exceed
13 17% of all money wagered. If any licensee conducts the
14 pari-mutuel system wagering on races conducted at
15 racetracks in another state or country, each such race or
16 race program shall be considered a separate racing day for
17 the purpose of determining the daily handle and computing
18 the privilege tax of that daily handle as provided in
19 subsection (a) of Section 27. Until January 1, 2000, from
20 the sums permitted to be retained pursuant to this
21 subsection, each intertrack wagering location licensee
22 shall pay 1% of the pari-mutuel handle wagered on simulcast
23 wagering to the Horse Racing Tax Allocation Fund, subject
24 to the provisions of subparagraph (B) of paragraph (11) of
25 subsection (h) of Section 26 of this Act.

26 (4) A licensee who receives an interstate simulcast may

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

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

20 (A) For interstate simulcast wagers made at a host
21 track, 50% to the host track and 50% to purses at the
22 host track.

23 (B) For wagers placed on interstate simulcast
24 races, supplemental simulcasts as defined in
25 subparagraphs (1) and (2), and separately pooled races
26 conducted outside of the State of Illinois made at a

1 non-host licensee, 25% to the host track, 25% to the
2 non-host licensee, and 50% to the purses at the host
3 track.

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

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

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

26 (B) Between January 1 and the third Friday in

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

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

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

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

23 (7.1) Notwithstanding any other provision of this Act
24 to the contrary, if no standardbred racing is conducted at
25 a racetrack located in Madison County during any calendar
26 year beginning on or after January 1, 2002, all moneys

1 derived by that racetrack from simulcast wagering and
2 inter-track wagering that (1) are to be used for purses and
3 (2) are generated between the hours of 6:30 p.m. and 6:30
4 a.m. during that calendar year shall be paid as follows:

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

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

25 (7.2) Notwithstanding any other provision of this Act
26 to the contrary, if no thoroughbred racing is conducted at

1 a racetrack located in Madison County during any calendar
2 year beginning on or after January 1, 2002, all moneys
3 derived by that racetrack from simulcast wagering and
4 inter-track wagering that (1) are to be used for purses and
5 (2) are generated between the hours of 6:30 a.m. and 6:30
6 p.m. during that calendar year shall be deposited as
7 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 deposited into its standardbred purse
12 account; and

13 (B) Twenty percent shall be deposited into the
14 Illinois Colt Stakes Purse Distribution Fund. Moneys
15 deposited into the Illinois Colt Stakes Purse
16 Distribution Fund pursuant to this subparagraph (B)
17 shall be paid to Illinois conceived and foaled
18 thoroughbred breeders' programs and to thoroughbred
19 purses for races conducted at any county fairgrounds
20 for Illinois conceived and foaled horses at the
21 discretion of the Department of Agriculture, with the
22 advice and assistance of the Illinois Thoroughbred
23 Breeders Fund Advisory Board. The moneys deposited
24 into the Illinois Colt Stakes Purse Distribution Fund
25 pursuant to this subparagraph (B) shall be deposited
26 within 2 weeks after the day they were generated, shall

1 be in addition to and not in lieu of any other moneys
2 paid to thoroughbred purses under this Act, and shall
3 not be commingled with other moneys deposited into that
4 Fund.

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

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

15 (B) Twenty percent to the Illinois Colt Stakes
16 Purse Distribution Fund.

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

22 Moneys paid into the Illinois Colt Stakes Purse
23 Distribution Fund pursuant to this paragraph (7.3) shall be
24 paid to purses for standardbred races for Illinois
25 conceived and foaled horses conducted at any county
26 fairgrounds. Moneys paid into the Illinois Colt Stakes

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

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

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

26 (8.1) Notwithstanding any provisions in this Act to the

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

15 (9) (Blank).

16 (10) (Blank).

17 (11) (Blank).

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

23 (13) Notwithstanding any other provision of this Act,
24 in the event that the total Illinois pari-mutuel handle on
25 Illinois horse races at all wagering facilities in any
26 calendar year is less than 75% of the total Illinois

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

1 facility entitled to a payment under this paragraph (13) is
2 affiliated with a race track that maintains purse accounts
3 for both standardbred and thoroughbred racing, the amount
4 to be paid to the wagering facility shall be divided
5 between each purse account pro rata, based on the amount of
6 Illinois handle on Illinois standardbred and thoroughbred
7 racing respectively at the wagering facility during the
8 previous calendar year. Annually, the General Assembly
9 shall appropriate sufficient funds from the General
10 Revenue Fund to the Department of Agriculture for payment
11 into the thoroughbred and standardbred horse racing purse
12 accounts at Illinois pari-mutuel tracks. The amount paid to
13 each purse account shall be the amount certified by the
14 Illinois Racing Board in January to be transferred from
15 each account to each eligible racing facility in accordance
16 with the provisions of this Section. For the calendar year
17 in which any organization licensee that is eligible to
18 receive payment under this paragraph (13) begins to receive
19 funds from electronic gaming, the amount of the payment due
20 to all wagering facilities under this paragraph (13) shall
21 be reduced by a percentage equal to the percentage of the
22 year remaining after the earliest date that any electronic
23 gaming facility begins conducting electronic gaming
24 pursuant to an electronic gaming license. No wagering
25 facilities shall be able to receive payments under this
26 paragraph (13) beginning on the January 1 first occurring

1 after the earliest date that any organization licensee
2 begins receiving funds from electronic gaming pursuant to
3 Section 7.10 of the Illinois Gambling Act.

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

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

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

22 (2) The Board shall examine the applications with
23 respect to their conformity with this Act and the rules and
24 regulations imposed by the Board. If found to be in
25 compliance with the Act and rules and regulations of the
26 Board, the Board may then issue a license to conduct

1 inter-track wagering and simulcast wagering to such
2 applicant. All such applications shall be acted upon by the
3 Board at a meeting to be held on such date as may be fixed
4 by the Board.

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

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

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

25 (6) All wagering under such license is subject to this
26 Act and to the rules and regulations from time to time

1 prescribed by the Board, and every such license issued by
2 the Board shall contain a recital to that effect.

3 (7) An inter-track wagering licensee or inter-track
4 wagering location licensee may accept wagers at the track
5 or location where it is licensed, or as otherwise provided
6 under this Act.

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

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

1 application is made.

2 (8.2) Inter-track wagering or simulcast wagering shall
3 not be conducted by an inter-track wagering location
4 licensee at any location within 500 feet of an existing
5 church or existing school, nor within 500 feet of the
6 residences of more than 50 registered voters without
7 receiving written permission from a majority of the
8 registered voters at such residences. Such written
9 permission statements shall be filed with the Board. The
10 distance of 500 feet shall be measured to the nearest part
11 of any building used for worship services, education
12 programs, residential purposes, or conducting inter-track
13 wagering by an inter-track wagering location licensee, and
14 not to property boundaries. However, inter-track wagering
15 or simulcast wagering may be conducted at a site within 500
16 feet of a church, school or residences of 50 or more
17 registered voters if such church, school or residences have
18 been erected or established, or such voters have been
19 registered, after the Board issues the original
20 inter-track wagering location license at the site in
21 question. Inter-track wagering location licensees may
22 conduct inter-track wagering and simulcast wagering only
23 in areas that are zoned for commercial or manufacturing
24 purposes or in areas for which a special use has been
25 approved by the local zoning authority. However, no license
26 to conduct inter-track wagering and simulcast wagering

1 shall be granted by the Board with respect to any
2 inter-track wagering location within the jurisdiction of
3 any local zoning authority which has, by ordinance or by
4 resolution, prohibited the establishment of an inter-track
5 wagering location within its jurisdiction. However,
6 inter-track wagering and simulcast wagering may be
7 conducted at a site if such ordinance or resolution is
8 enacted after the Board licenses the original inter-track
9 wagering location licensee for the site in question.

10 (9) (Blank).

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

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

1 inter-track wagering location licensee is situated in an
2 unincorporated area of a county, such licensee shall pay 2%
3 of the pari-mutuel handle from such location to such
4 county.

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

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

25 (B) That portion of all moneys wagered on
26 thoroughbred racing that is required under this Act to

1 be paid to purses shall be paid to purses for
2 thoroughbred races.

3 (11) (A) After payment of the privilege or pari-mutuel
4 tax, any other applicable taxes, and the costs and expenses
5 in connection with the gathering, transmission, and
6 dissemination of all data necessary to the conduct of
7 inter-track wagering, the remainder of the monies retained
8 under either Section 26 or Section 26.2 of this Act by the
9 inter-track wagering licensee on inter-track wagering
10 shall be allocated with 50% to be split between the 2
11 participating licensees and 50% to purses, except that an
12 intertrack wagering licensee that derives its license from
13 a track located in a county with a population in excess of
14 230,000 and that borders the Mississippi River shall not
15 divide any remaining retention with the Illinois
16 organization licensee that provides the race or races, and
17 an intertrack wagering licensee that accepts wagers on
18 races conducted by an organization licensee that conducts a
19 race meet in a county with a population in excess of
20 230,000 and that borders the Mississippi River shall not
21 divide any remaining retention with that organization
22 licensee.

23 (B) From the sums permitted to be retained pursuant to
24 this Act each inter-track wagering location licensee shall
25 pay (i) the privilege or pari-mutuel tax to the State; (ii)
26 4.75% of the pari-mutuel handle on intertrack wagering at

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

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

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

1 satisfy all costs and expenses of conducting its wagering:
2 during the first 12 months the licensee is in operation,
3 8.25% of the pari-mutuel handle wagered at the location;
4 during the second 12 months, 8.25%; during the third 12
5 months, 7.75%; during the fourth 12 months, 7.25%; and
6 during the fifth 12 months and thereafter, 6.75%. For
7 additional intertrack wagering location licensees
8 authorized under this amendatory Act of 1995, purses for
9 the first 12 months the licensee is in operation shall be
10 5.75% of the pari-mutuel wagered at the location, purses
11 for the second 12 months the licensee is in operation shall
12 be 6.25%, and purses thereafter shall be 6.75%. For
13 additional intertrack location licensees authorized under
14 this amendatory Act of 1995, the licensee shall be allowed
15 to retain to satisfy all costs and expenses: 7.75% of the
16 pari-mutuel handle wagered at the location during its first
17 12 months of operation, 7.25% during its second 12 months
18 of operation, and 6.75% thereafter.

19 (C) There is hereby created the Horse Racing Tax
20 Allocation Fund which shall remain in existence until
21 December 31, 1999. Moneys remaining in the Fund after
22 December 31, 1999 shall be paid into the General Revenue
23 Fund. Until January 1, 2000, all monies paid into the Horse
24 Racing Tax Allocation Fund pursuant to this paragraph (11)
25 by inter-track wagering location licensees located in park
26 districts of 500,000 population or less, or in a

1 municipality that is not included within any park district
2 but is included within a conservation district and is the
3 county seat of a county that (i) is contiguous to the state
4 of Indiana and (ii) has a 1990 population of 88,257
5 according to the United States Bureau of the Census, and
6 operating on May 1, 1994 shall be allocated by
7 appropriation as follows:

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

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

19 Four-sevenths to park districts or municipalities
20 that do not have a park district of 500,000 population
21 or less for museum purposes (if an inter-track wagering
22 location licensee is located in such a park district)
23 or to conservation districts for museum purposes (if an
24 inter-track wagering location licensee is located in a
25 municipality that is not included within any park
26 district but is included within a conservation

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

1 district as provided in this paragraph shall, as soon
2 as practicable after the effective date of this
3 amendatory Act of 1991, be allocated and paid to that
4 conservation district as provided in this paragraph.
5 Any park district or municipality not maintaining a
6 museum may deposit the monies in the corporate fund of
7 the park district or municipality where the
8 inter-track wagering location is located, to be used
9 for general purposes; and

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

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

20 Two-sevenths to the Department of Agriculture.
21 Fifty percent of this two-sevenths shall be used to
22 promote the Illinois horse racing and breeding
23 industry, and shall be distributed by the Department of
24 Agriculture upon the advice of a 9-member committee
25 appointed by the Governor consisting of the following
26 members: the Director of Agriculture, who shall serve

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

1 official duties. The remaining 50% of this
2 two-sevenths shall be distributed to county fairs for
3 premiums and rehabilitation as set forth in the
4 Agricultural Fair Act;

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

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

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

24 (i) If the inter-track wagering licensee,
25 except an intertrack wagering licensee that
26 derives its license from an organization licensee

1 located in a county with a population in excess of
2 230,000 and bounded by the Mississippi River, is
3 not conducting its own race meeting during the same
4 dates, then the entire purse allocation shall be to
5 purses at the track where the races wagered on are
6 being conducted.

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

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

1 held.

2 (12) The Board shall have all powers necessary and
3 proper to fully supervise and control the conduct of
4 inter-track wagering and simulcast wagering by inter-track
5 wagering licensees and inter-track wagering location
6 licensees, including, but not limited to the following:

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

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

22 (C) The Board, and any person or persons to whom it
23 delegates this power, may eject or exclude from any
24 licensee's facilities, any person whose conduct or
25 reputation is such that his presence on such premises
26 may, in the opinion of the Board, call into the

1 question the honesty and integrity of, or interfere
2 with the orderly conduct of such wagering; provided,
3 however, that no person shall be excluded or ejected
4 from such premises solely on the grounds of race,
5 color, creed, national origin, ancestry, or sex.

6 (D) (Blank).

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

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

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

1 such wagering.

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

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

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

6 (230 ILCS 5/28.1)

7 Sec. 28.1. Payments.

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

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

23 (c) Beginning on January 1, 2000, the Board shall transfer
24 the remainder of the funds generated pursuant to Sections 26
25 and 27 from the Horse Racing Fund into the General Revenue

1 Fund.

2 (d) Beginning January 1, 2000, payments to all programs in
3 existence on the effective date of this amendatory Act of 1999
4 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and
5 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of
6 Section 30, and subsections (a), (b), (c), (d), (e), (f), (g),
7 and (h) of Section 31 shall be made from the General Revenue
8 Fund at the funding levels determined by amounts paid under
9 this Act in calendar year 1998. Beginning on the effective date
10 of this amendatory Act of the 93rd General Assembly, payments
11 to the Peoria Park District shall be made from the General
12 Revenue Fund at the funding level determined by amounts paid to
13 that park district for museum purposes under this Act in
14 calendar year 1994. Beginning on the effective date of this
15 amendatory Act of the 94th General Assembly, in lieu of
16 payments to the Champaign Park District for museum purposes,
17 payments to the Urbana Park District shall be made from the
18 General Revenue Fund at the funding level determined by amounts
19 paid to the Champaign Park District for museum purposes under
20 this Act in calendar year 2005.

21 (e) Beginning July 1, 2006, the payment authorized under
22 subsection (d) to museums and aquariums located in park
23 districts of over 500,000 population shall be paid to museums,
24 aquariums, and zoos in amounts determined by Museums in the
25 Park, an association of museums, aquariums, and zoos located on
26 Chicago Park District property.

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

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

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

12 (230 ILCS 5/30.6 new)

13 Sec. 30.6. Grants from Quarter Horse Purse Fund.
14 Thoroughbred organization licensees may petition the Board to
15 conduct quarter horse racing and receive purse grants from the
16 Quarter Horse Purse Fund. The Board shall have complete
17 discretion in distributing the Quarter Horse Purse Fund to the
18 petitioning organization licensees.

19 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

20 Sec. 31. (a) The General Assembly declares that it is the
21 policy of this State to encourage the breeding of standardbred
22 horses in this State and the ownership of such horses by
23 residents of this State in order to provide for: sufficient
24 numbers of high quality standardbred horses to participate in

1 harness racing meetings in this State, and to establish and
2 preserve the agricultural and commercial benefits of such
3 breeding and racing industries to the State of Illinois. It is
4 the intent of the General Assembly to further this policy by
5 the provisions of this Section of this Act.

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

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

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

24 (c) Conditions of races under subsection (b) shall be
25 commensurate with past performance, quality and class of
26 Illinois conceived and foaled horses available. If, however,

1 sufficient competition cannot be had among horses of that class
2 on any day, the races may, with consent of the Board, be
3 eliminated for that day and substitute races provided.

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

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

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

16 (f) The Illinois Standardbred Breeders Fund Advisory Board
17 is hereby created. The Advisory Board shall consist of the
18 Director of the Department of Agriculture, who shall serve as
19 Chairman; the Superintendent of the Illinois State Fair; a
20 member of the Illinois Racing Board, designated by it; a
21 representative of the Illinois Standardbred Owners and
22 Breeders Association, recommended by it; a representative of
23 the Illinois Association of Agricultural Fairs, recommended by
24 it, such representative to be from a fair at which Illinois
25 conceived and foaled racing is conducted; a representative of
26 the organization licensees conducting harness racing meetings,

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

16 (g) No monies shall be expended from the Illinois
17 Standardbred Breeders Fund except as appropriated by the
18 General Assembly. Monies appropriated from the Illinois
19 Standardbred Breeders Fund shall be expended by the Department
20 of Agriculture, with the assistance and advice of the Illinois
21 Standardbred Breeders Fund Advisory Board for the following
22 purposes only:

23 1. To provide purses for races limited to Illinois
24 conceived and foaled horses at the State Fair and the
25 DuQuoin State Fair.

26 2. To provide purses for races limited to Illinois

1 conceived and foaled horses at county fairs.

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

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

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

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

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

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

1 county fair.

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

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

19 (j) The Department of Agriculture shall, by rule, with the
20 assistance and advice of the Illinois Standardbred Breeders
21 Fund Advisory Board:

22 1. Qualify stallions for Illinois Standardbred Breeders
23 Fund breeding; such stallion shall be owned by a resident of
24 the State of Illinois or by an Illinois corporation all of
25 whose shareholders, directors, officers and incorporators are
26 residents of the State of Illinois. Such stallion shall stand

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

17 2. Provide for the registration of Illinois conceived and
18 foaled horses and no such horse shall compete in the races
19 limited to Illinois conceived and foaled horses unless
20 registered with the Department of Agriculture. The Department
21 of Agriculture may prescribe such forms as may be necessary to
22 determine the eligibility of such horses. No person shall
23 knowingly prepare or cause preparation of an application for
24 registration of such foals containing false information. A mare
25 (dam) must be in the state at least 30 days prior to foaling or
26 remain in the State at least 30 days at the time of foaling.

1 Beginning with the 1996 breeding season and for foals of 1997
2 and thereafter, a foal conceived in the State of Illinois by
3 transported fresh semen may be eligible for Illinois conceived
4 and foaled registration provided all breeding and foaling
5 requirements are met. The stallion must be qualified for
6 Illinois Standardbred Breeders Fund breeding at the time of
7 conception and the mare must be inseminated within the State of
8 Illinois. The foal must be dropped in Illinois and properly
9 registered with the Department of Agriculture in accordance
10 with this Act.

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

18 4. Provide for the payment of nominating, sustaining and
19 starting fees for races promoting the sport of harness racing
20 and for the races to be conducted at the State Fair as provided
21 in subsection (j) 3 of this Section provided that the
22 nominating, sustaining and starting payment required from an
23 entrant shall not exceed 2% of the purse of such race. All
24 nominating, sustaining and starting payments shall be held for
25 the benefit of entrants and shall be paid out as part of the
26 respective purses for such races. Nominating, sustaining and

1 starting fees shall be held in trust accounts for the purposes
2 as set forth in this Act and in accordance with Section 205-15
3 of the Department of Agriculture Law (20 ILCS 205/205-15).

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

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

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

26 (m) At all standardbred race meetings held or conducted

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

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

17 Section 90-30. The Riverboat Gambling Act is amended by
18 changing Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 7.1, 7.3, 8, 9, 11,
19 11.1, 12, 13, 14, 18, 19, and 20 and by adding Sections 7.6,
20 7.7, 7.8, 7.10, and 7.14 as follows:

21 (230 ILCS 10/1) (from Ch. 120, par. 2401)

22 Sec. 1. Short title. This Act shall be known and may be
23 cited as the Illinois ~~Riverboat~~ Gambling Act.

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

1 (230 ILCS 10/2) (from Ch. 120, par. 2402)

2 Sec. 2. Legislative Intent.

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

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

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

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

22 (230 ILCS 10/3) (from Ch. 120, par. 2403)

23 Sec. 3. ~~Riverboat~~ Gambling Authorized.

24 (a) Riverboat and casino gambling operations and

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

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

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

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

4 (d) Gambling that is conducted in accordance with this Act
5 using electronic gaming shall be authorized at the race track
6 of an organization licensee under the Illinois Horse Racing Act
7 of 1975 as provided in this Act.

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

9 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

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

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

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

1 Act.

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

5 ~~(f)~~ "Dock" means the location where a riverboat moors for
6 the purpose of embarking passengers for and disembarking
7 passengers from the riverboat.

8 ~~(g)~~ "Gross receipts" means the total amount of money
9 exchanged for the purchase of chips, tokens or electronic cards
10 by riverboat or casino patrons or electronic gaming operation
11 patrons.

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

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

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

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

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

25 ~~(m)~~ The terms "minority person" and "female" shall have the
26 same meaning as defined in Section 2 of the Business Enterprise

1 for Minorities, Females, and Persons with Disabilities Act.

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

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

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

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

12 "Electronic gaming" means slot machine gambling, video
13 games of chance, and electronic gambling games that are
14 conducted at a race track licensed under the Illinois Horse
15 Racing Act of 1975 pursuant to an electronic gaming license.

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

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

23 "Casino operator license" means the license held by the
24 person or entity selected by the Chicago Casino Development
25 Authority to manage and operate a riverboat or casino within
26 the geographic area of the authorized municipality pursuant to

1 this Act and the Chicago Casino Development Authority Act.

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

3 (230 ILCS 10/5) (from Ch. 120, par. 2405)

4 Sec. 5. Gaming Board.

5 (a) (1) There is hereby established within the Department
6 of Revenue an Illinois Gaming Board which shall have the powers
7 and duties specified in this Act, and all other powers
8 necessary and proper to fully and effectively execute this Act
9 for the purpose of administering, regulating, and enforcing the
10 system of riverboat and casino gambling and electronic gaming
11 established by this Act. Its jurisdiction shall extend under
12 this Act to every person, association, corporation,
13 partnership and trust involved in riverboat and casino gambling
14 operations and electronic gaming in the State of Illinois.

15 (2) The Board shall consist of 5 members to be appointed by
16 the Governor with the advice and consent of the Senate, one of
17 whom shall be designated by the Governor to be chairperson
18 ~~chairman~~. Each member shall have a reasonable knowledge of the
19 practice, procedure and principles of gambling operations. At
20 least 3 members must have personal experience working in the
21 gaming industry whether it be in the State of Illinois or
22 elsewhere. Each member shall either be a resident of Illinois
23 or shall certify that he or she will become a resident of
24 Illinois before taking office. Notwithstanding any provision
25 of this Section to the contrary, the term of office of each

1 member of the Board ends on the effective date of this
2 amendatory Act of the 96th General Assembly and those members
3 shall hold office only until their successors are appointed and
4 qualified pursuant to this amendatory Act.

5 No more than 3 members of the Board may be from the same
6 political party. No more than 3 members may reside within Cook,
7 Will, Lake, DuPage, or Kane County. The Board should reflect
8 the ethnic, cultural, and geographic diversity of the State. No
9 Board member, within a period of one year immediately preceding
10 nomination by the Governor or the expectation of his or her
11 term or separation from the Board, shall have been employed or
12 received compensation or fees for services from a person or
13 entity, or its parent or affiliate, that has engaged in
14 business with the Board, a licensee, or a licensee under the
15 Horse Racing Act of 1975. This prohibition shall apply
16 additionally for one year immediately after the expiration of
17 his or her term or separation from the Board. ~~At least one~~
18 ~~member shall be experienced in law enforcement and criminal~~
19 ~~investigation, at least one member shall be a certified public~~
20 ~~accountant experienced in accounting and auditing, and at least~~
21 ~~one member shall be a lawyer licensed to practice law in~~
22 ~~Illinois.~~

23 (3) The terms of office of the Board members shall be 3
24 years, except that the terms of office of the initial Board
25 members appointed pursuant to this amendatory Act of the 96th
26 General Assembly Act will commence from the effective date of

1 this amendatory Act and run as follows, to be determined by
2 lot: one for a term ending July 1 of the year following
3 confirmation, ~~1991~~, one 2 for a term ending July 1 two years
4 following confirmation, ~~1992~~, one and 2 for a term ending July
5 1 three years following confirmation, and 2 for a term ending
6 July 1 four years following confirmation ~~1993~~. Upon the
7 expiration of the foregoing terms, the successors of such
8 members shall serve a term for 3 years and until their
9 successors are appointed and qualified for like terms.
10 Vacancies in the Board shall be filled for the unexpired term
11 in like manner as original appointments. Each member of the
12 Board shall be eligible for reappointment at the discretion of
13 the Governor with the advice and consent of the Senate.

14 Until all 5 members of the Board are appointed and
15 qualified pursuant to this amendatory Act of the 96th General
16 Assembly, the Illinois Gaming Board may not act with regard to
17 any license that has not been granted by January 1, 2010;
18 however, the Board may issue electronic gaming licenses
19 pursuant to this amendatory Act.

20 (4) Each member of the Board shall receive \$300 for each
21 day the Board meets and for each day the member conducts any
22 hearing pursuant to this Act. Each member of the Board shall
23 also be reimbursed for all actual and necessary expenses and
24 disbursements incurred in the execution of official duties.

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

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

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

15 (7) Before entering upon the discharge of the duties of his
16 office, each member of the Board shall take an oath that he
17 will faithfully execute the duties of his office according to
18 the laws of the State and the rules and regulations adopted
19 therewith and shall give bond to the State of Illinois,
20 approved by the Governor, in the sum of \$25,000. Every such
21 bond, when duly executed and approved, shall be recorded in the
22 office of the Secretary of State. Whenever the Governor
23 determines that the bond of any member of the Board has become
24 or is likely to become invalid or insufficient, he shall
25 require such member forthwith to renew his bond, which is to be
26 approved by the Governor. Any member of the Board who fails to

1 take oath and give bond within 30 days from the date of his
2 appointment, or who fails to renew his bond within 30 days
3 after it is demanded by the Governor, shall be guilty of
4 neglect of duty and may be removed by the Governor. The cost of
5 any bond given by any member of the Board under this Section
6 shall be taken to be a part of the necessary expenses of the
7 Board.

8 (8) ~~The~~ ~~Upon the request of the Board, the Department~~ shall
9 employ such personnel as may be necessary to carry out ~~its~~ ~~the~~
10 functions and shall determine the salaries of all personnel,
11 except those personnel whose salaries are determined under the
12 terms of a collective bargaining agreement of the Board. No
13 person shall be employed to serve the Board who is, or whose
14 spouse, parent or child is, an official of, or has a financial
15 interest in or financial relation with, any operator engaged in
16 gambling operations within this State or any organization
17 engaged in conducting horse racing within this State. For the
18 one year immediately preceding employment, an employee shall
19 not have been employed or received compensation or fees for
20 services from a person or entity, or its parent or affiliate,
21 that has engaged in business with the Board, a licensee, or a
22 licensee under the Horse Racing Act of 1975. Any employee
23 violating these prohibitions shall be subject to termination of
24 employment. In addition, no employee shall for one year after
25 separation from the Board be employed or receive compensation
26 or fees from the beforementioned persons or entities.

1 (9) An Administrator shall be appointed by the Governor
2 with the advice and consent of the Senate. An Administrator
3 shall perform any and all duties that the Board shall assign
4 him. The salary of the Administrator shall be determined by the
5 Board and approved by the Director of the Department and, in
6 addition, he shall be reimbursed for all actual and necessary
7 expenses incurred by him in discharge of his official duties.
8 The Administrator shall keep records of all proceedings of the
9 Board and shall preserve all records, books, documents and
10 other papers belonging to the Board or entrusted to its care.
11 The Administrator shall devote his full time to the duties of
12 the office and shall not hold any other office or employment.
13 In addition to other prescribed duties, the Administrator shall
14 establish a system by which personnel assisting the Board
15 regarding the issuance of owner's licenses, whether it be
16 relocation, re-issuance, or the initial issuance, shall be
17 assigned specific duties in each instance, thereby preventing a
18 conflict of interest in regards to the decision-making process.
19 A conflict of interest exists if a situation influences or
20 creates the appearance that it may influence judgment or
21 performance of duties or responsibilities.

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

25 (1) To decide promptly and in reasonable order all
26 license applications. Any party aggrieved by an action of

1 the Board denying, suspending, revoking, restricting or
2 refusing to renew a license may request a hearing before
3 the Board. A request for a hearing must be made to the
4 Board in writing within 5 days after service of notice of
5 the action of the Board. Notice of the action of the Board
6 shall be served either by personal delivery or by certified
7 mail, postage prepaid, to the aggrieved party. Notice
8 served by certified mail shall be deemed complete on the
9 business day following the date of such mailing. The Board
10 shall conduct all requested hearings promptly and in
11 reasonable order;

12 (2) To conduct all hearings pertaining to civil
13 violations of this Act or rules and regulations promulgated
14 hereunder;

15 (3) To promulgate such rules and regulations as in its
16 judgment may be necessary to protect or enhance the
17 credibility and integrity of gambling operations
18 authorized by this Act and the regulatory process
19 hereunder;

20 (4) To provide for the establishment and collection of
21 all license and registration fees and taxes imposed by this
22 Act and the rules and regulations issued pursuant hereto.
23 All such fees and taxes shall be deposited into the State
24 Gaming Fund;

25 (5) To provide for the levy and collection of penalties
26 and fines for the violation of provisions of this Act and

1 the rules and regulations promulgated hereunder. All such
2 fines and penalties shall be deposited into the Education
3 Assistance Fund, created by Public Act 86-0018, of the
4 State of Illinois;

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

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

22 (8) To hold at least one meeting each quarter of the
23 fiscal year. In addition, special meetings may be called by
24 the Chairman or any 2 Board members upon 72 hours written
25 notice to each member. All Board meetings shall be subject
26 to the Open Meetings Act. Three members of the Board shall

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

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

23 (10) To file a written annual report with the Governor
24 on or before March 1 each year and such additional reports
25 as the Governor may request. The annual report shall
26 include a statement of receipts and disbursements by the

1 Board, actions taken by the Board, and any additional
2 information and recommendations which the Board may deem
3 valuable or which the Governor may request;

4 (11) (Blank); ~~and~~

5 (12) To assume responsibility for the administration
6 and enforcement of the Bingo License and Tax Act, the
7 Charitable Games Act, and the Pull Tabs and Jar Games Act
8 if such responsibility is delegated to it by the Director
9 of Revenue;~~;~~

10 (13) To assume responsibility for the administration
11 and enforcement of operations at electronic gaming
12 facilities pursuant to this Act and the Illinois Horse
13 Racing Act of 1975; and

14 (14) Any action by the Board or staff of the Board,
15 including, but not limited to, denying a renewal, approving
16 procedures (including internal controls), levying a fine
17 or penalty, promotions, or other activities by an applicant
18 for licensure or a licensee, may at the discretion of the
19 applicant or licensee be appealed to an administrative law
20 judge in accordance with subsection (b) of Section 17.1.

21 Internal controls and changes submitted by licensees
22 must be reviewed and either approved or denied with cause
23 within 60 days after receipt by the Illinois Gaming Board.
24 In the event an internal control submission or change does
25 not meet the standards set by the Board, staff of the Board
26 must provide technical assistance to the licensee to

1 rectify such deficiencies within 60 days after the initial
2 submission and the revised submission must be reviewed and
3 approved or denied with cause within 60 days. For the
4 purposes of this paragraph, "with cause" means that the
5 approval of the submission would jeopardize the integrity
6 of gaming. In the event the Board staff has not acted
7 within the timeframe, the submission shall be deemed
8 approved.

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

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

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

22 (3) To promulgate rules and regulations for the purpose
23 of administering the provisions of this Act and to
24 prescribe rules, regulations and conditions under which
25 all ~~riverboat~~ gambling operations subject to this Act in
26 ~~the State~~ shall be conducted. Such rules and regulations

1 are to provide for the prevention of practices detrimental
2 to the public interest and for the best interests of
3 ~~riverboat~~ gambling, including rules and regulations
4 regarding the inspection of electronic gaming facilities,
5 casinos, and ~~such~~ riverboats and the review of any permits
6 or licenses necessary to operate a riverboat, casino, or
7 electronic gaming facilities under any laws or regulations
8 applicable to riverboats, casinos, or electronic gaming
9 facilities and to impose penalties for violations thereof.

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

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

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

23 (7) To adopt appropriate standards for all electronic
24 gaming facilities, riverboats, casinos, and other
25 facilities authorized under this Act.

26 (8) To require that the records, including financial or

1 other statements of any licensee under this Act, shall be
2 kept in such manner as prescribed by the Board and that any
3 such licensee involved in the ownership or management of
4 gambling operations submit to the Board an annual balance
5 sheet and profit and loss statement, list of the
6 stockholders or other persons having a 1% or greater
7 beneficial interest in the gambling activities of each
8 licensee, and any other information the Board deems
9 necessary in order to effectively administer this Act and
10 all rules, regulations, orders and final decisions
11 promulgated under this Act.

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

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

24 (11) To revoke or suspend licenses, as the Board may
25 see fit and in compliance with applicable laws of the State
26 regarding administrative procedures, and to review

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

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

24 (13) To require all licensees of gambling operations to
25 utilize a cashless wagering system whereby all players'
26 money is converted to tokens, electronic cards, or chips

1 which shall be used only for wagering in the gambling
2 establishment.

3 (14) (Blank).

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

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

18 (17) To establish minimum levels of insurance to be
19 maintained by licensees.

20 (18) To authorize a licensee to sell or serve alcoholic
21 liquors, wine or beer as defined in the Liquor Control Act
22 of 1934 on board a riverboat or in a casino and to have
23 exclusive authority to establish the hours for sale and
24 consumption of alcoholic liquor on board a riverboat or in
25 a casino, notwithstanding any provision of the Liquor
26 Control Act of 1934 or any local ordinance, and regardless

1 of whether the riverboat makes excursions. The
2 establishment of the hours for sale and consumption of
3 alcoholic liquor on board a riverboat or in a casino is an
4 exclusive power and function of the State. A home rule unit
5 may not establish the hours for sale and consumption of
6 alcoholic liquor on board a riverboat or in a casino. This
7 subdivision (18) ~~amendatory Act of 1991~~ is a denial and
8 limitation of home rule powers and functions under
9 subsection (h) of Section 6 of Article VII of the Illinois
10 Constitution.

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

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

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

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

25 (d) The Board may seek and shall receive the cooperation of
26 the Department of State Police in conducting background

1 investigations of applicants and in fulfilling its
2 responsibilities under this Section. Costs incurred by the
3 Department of State Police as a result of such cooperation
4 shall be paid by the Board in conformance with the requirements
5 of Section 2605-400 of the Department of State Police Law (20
6 ILCS 2605/2605-400).

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

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

15 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

16 Sec. 5.1. Disclosure of records.

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

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

25 (2) An identification of any applicant or licensee

1 including, if an applicant or licensee is not an
2 individual, the state of incorporation or registration,
3 the corporate officers, and the identity of all
4 shareholders or participants. If an applicant or licensee
5 has a pending registration statement filed with the
6 Securities and Exchange Commission, only the names of those
7 persons or entities holding interest of 5% or more must be
8 provided.

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

22 (4) Whether an applicant or licensee has been indicted,
23 convicted, pleaded guilty or nolo contendere, or forfeited
24 bail concerning any criminal offense under the laws of any
25 jurisdiction, either felony or misdemeanor (except for
26 traffic violations), including the date, the name and

1 location of the court, arresting agency and prosecuting
2 agency, the case number, the offense, the disposition and
3 the location and length of incarceration.

4 (5) Whether an applicant or licensee has had any
5 license or certificate issued by a licensing authority in
6 Illinois or any other jurisdiction denied, restricted,
7 suspended, revoked or not renewed and a statement
8 describing the facts and circumstances concerning the
9 denial, restriction, suspension, revocation or
10 non-renewal, including the licensing authority, the date
11 each such action was taken, and the reason for each such
12 action.

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

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

26 (8) A statement listing the names and titles of all

1 public officials or officers of any unit of government, and
2 relatives of said public officials or officers who,
3 directly or indirectly, own any financial interest in, have
4 any beneficial interest in, are the creditors of or hold
5 any debt instrument issued by, or hold or have any interest
6 in any contractual or service relationship with, an
7 applicant or licensee.

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

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

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

26 (12) A description of the product or service to be

1 supplied by an applicant for a supplier's license.

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

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

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

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

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

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

17 (2) The statutes, rules, regulations or
18 intergovernmental agreements of any jurisdiction.

19 (d) The Board may assess fees for the copying of
20 information in accordance with Section 6 of the Freedom of
21 Information Act.

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

23 (230 ILCS 10/6) (from Ch. 120, par. 2406)

24 Sec. 6. Application for Owners License.

25 (a) A qualified person may apply to the Board for an owners

1 license to conduct a ~~riverboat~~ gambling operation as provided
2 in this Act. The application shall be made on forms provided by
3 the Board and shall contain such information as the Board
4 prescribes, including but not limited to the identity of the
5 riverboat on which such gambling operation is to be conducted,
6 if applicable, and the exact location where such riverboat or
7 casino or electronic gaming operation will be located ~~docked~~, a
8 certification that the riverboat will be registered under this
9 Act at all times during which gambling operations are conducted
10 on board, detailed information regarding the ownership and
11 management of the applicant, and detailed personal information
12 regarding the applicant. Any application for an owners license
13 to be re-issued on or after June 1, 2003 shall also include the
14 applicant's license bid in a form prescribed by the Board.
15 Information provided on the application shall be used as a
16 basis for a thorough background investigation which the Board
17 shall conduct with respect to each applicant. An incomplete
18 application shall be cause for denial of a license by the
19 Board.

20 (b) Applicants shall submit with their application all
21 documents, resolutions, and letters of support from the
22 governing body that represents the municipality or county
23 wherein the licensee will be located ~~dock~~.

24 (c) Each applicant shall disclose the identity of every
25 person, association, trust or corporation having a greater than
26 1% direct or indirect pecuniary interest in the ~~riverboat~~

1 gambling operation with respect to which the license is sought.
2 If the disclosed entity is a trust, the application shall
3 disclose the names and addresses of the beneficiaries; if a
4 corporation, the names and addresses of all stockholders and
5 directors; if a partnership, the names and addresses of all
6 partners, both general and limited.

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

1 action deemed necessary by the Board.

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

7 (f) The licensed owner shall be the person primarily
8 responsible for the boat or casino or electronic gaming
9 operation itself. Only one ~~riverboat~~ gambling operation may be
10 authorized by the Board on any riverboat or in any casino or
11 electronic gaming operation. The applicant must identify the
12 ~~each~~ riverboat or premises it intends to use and certify that
13 the riverboat or premises: (1) has the authorized capacity
14 required in this Act; (2) is accessible to disabled persons;
15 and (3) is fully registered and licensed in accordance with any
16 applicable laws.

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

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

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

21 Sec. 7. Owners Licenses.

22 (a) The Board shall issue owners licenses to persons, firms
23 or corporations which apply for such licenses upon payment to
24 the Board of the non-refundable license fee set by the Board,
25 upon payment of a \$25,000 license fee for the first year of

1 operation and a \$5,000 license fee for each succeeding year and
2 upon a determination by the Board that the applicant is
3 eligible for an owners license pursuant to this Act and the
4 rules of the Board. From the effective date of this amendatory
5 Act of the 95th General Assembly until (i) 3 years after the
6 effective date of this amendatory Act of the 95th General
7 Assembly, (ii) the date any organization licensee begins to
8 operate a slot machine or video game of chance under the
9 Illinois Horse Racing Act of 1975 or this Act, (iii) the date
10 that payments begin under subsection (c-5) of Section 13 of the
11 Act, ~~or~~ (iv) the wagering tax imposed under Section 13 of this
12 Act is increased by law to reflect a tax rate that is at least
13 as stringent or more stringent than the tax rate contained in
14 subsection (a-3) of Section 13, or (v) when the first
15 electronic gaming licensee begins conducting electronic gaming
16 operations, whichever occurs first, as a condition of licensure
17 and as an alternative source of payment for those funds payable
18 under subsection (c-5) of Section 13 of this ~~the Riverboat~~
19 ~~Gambling~~ Act, any owners licensee that holds or receives its
20 owners license on or after the effective date of this
21 amendatory Act of the 94th General Assembly, other than an
22 owners licensee operating a riverboat with adjusted gross
23 receipts in calendar year 2004 of less than \$200,000,000, must
24 pay into the Horse Racing Equity Trust Fund, in addition to any
25 other payments required under this Act, an amount equal to 3%
26 of the adjusted gross receipts received by the owners licensee.

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

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

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

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

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

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

17 (6) the firm or corporation employs a person defined in
18 (1), (2), (3) or (4) who participates in the management or
19 operation of gambling operations authorized under this
20 Act;

21 (7) (blank); or

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

25 The Board is expressly prohibited from making changes to
26 the requirement that licensees make payment into the Horse

1 Racing Equity Trust Fund without the express authority of the
2 Illinois General Assembly and making any other rule to
3 implement or interpret this amendatory Act of the 95th General
4 Assembly. For the purposes of this paragraph, "rules" is given
5 the meaning given to that term in Section 1-70 of the Illinois
6 Administrative Procedure Act.

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

9 (1) the character, reputation, experience and
10 financial integrity of the applicants and of any other or
11 separate person that either:

12 (A) controls, directly or indirectly, such
13 applicant, or

14 (B) is controlled, directly or indirectly, by such
15 applicant or by a person which controls, directly or
16 indirectly, such applicant;

17 (2) the facilities or proposed facilities for the
18 conduct of ~~riverboat~~ gambling;

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

21 (4) the extent to which the ownership of the applicant
22 reflects the diversity of the State by including minority
23 persons and females and the good faith affirmative action
24 plan of each applicant to recruit, train and upgrade
25 minority persons and females in all employment
26 classifications;

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

3 (6) whether the applicant has adequate capitalization
4 to provide and maintain, for the duration of a license, a
5 riverboat or casino;

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

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

10 (c) Each owners license shall specify the place where the
11 casino shall operate or the riverboat ~~riverboats~~ shall operate
12 and dock or the electronic gaming facility will operate.

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

15 (e) In addition to any licenses authorized under
16 subsections (e-5) and (e-10), the ~~The~~ Board may issue up to 10
17 licenses authorizing the holders of such licenses to own
18 riverboats. In the application for an owners license, the
19 applicant shall state the dock at which the riverboat is based
20 and the water on which the riverboat will be located. The Board
21 shall issue 5 licenses to become effective not earlier than
22 January 1, 1991. Three of such licenses shall authorize
23 riverboat gambling on the Mississippi River, or, with approval
24 by the municipality in which the riverboat was docked on August
25 7, 2003 and with Board approval, be authorized to relocate to a
26 new location, in a municipality that (1) borders on the

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

17 In granting all licenses, the Board may give favorable
18 consideration to economically depressed areas of the State, to
19 applicants presenting plans which provide for significant
20 economic development over a large geographic area, and to
21 applicants who currently operate non-gambling riverboats in
22 Illinois. The Board shall review all applications for owners
23 licenses, and shall inform each applicant of the Board's
24 decision. The Board may grant an owners license to an applicant
25 that has not submitted the highest license bid, but if it does
26 not select the highest bidder, the Board shall issue a written

1 decision explaining why another applicant was selected and
2 identifying the factors set forth in this Section that favored
3 the winning bidder.

4 (e-5) In addition to licenses authorized under subsections
5 (e) and (e-10), the Board may issue one owners license
6 authorizing either the conduct of riverboat gambling
7 operations from a home dock located in the City of Chicago or
8 the conduct of gambling operations in a casino located in the
9 City of Chicago.

10 The license authorized under this subsection (e-5) shall be
11 awarded to the Chicago Casino Development Authority.

12 The license authorized under this subsection (e-5) may
13 authorize the conduct of riverboat gambling on Lake Michigan or
14 at a land-based facility.

15 Additionally, the license authorized under this subsection
16 (e-5) shall be issued within 6 months after the effective date
17 of this amendatory Act of the 96th General Assembly.

18 (e-10) In addition to licenses authorized under
19 subsections (e) and (e-5), the Board may issue the following
20 owners licenses:

21 (1) One owners license authorizing the conduct of
22 riverboat gambling from a home dock located in the City of
23 Park City.

24 (2) One license authorizing the conduct of riverboat
25 gambling in the City of Rockford.

26 (3) One owners license authorizing the conduct of

1 riverboat gambling in the City of Danville.

2 The city council of the municipality in which the home dock
3 of the riverboat is located may make recommendations regarding
4 the location, proposal for ownership, licensee, and any other
5 decisions made in connection with the license issued under this
6 subsection (e-10).

7 The licenses authorized under this subsection (e-10) shall
8 be issued within 6 months after the effective date of this
9 amendatory Act of the 96th General Assembly. The license fee to
10 be paid by each licensee under this subsection (e-10) shall not
11 be less than \$150,000,000 paid in equal annual payments over 10
12 years.

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

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

25 (g) Upon the termination, expiration, or revocation of each
26 owners license of the first 10 licenses, which shall be issued

1 for a 3 year period, all licenses are renewable annually upon
2 payment of the fee and a determination by the Board that the
3 licensee continues to meet all of the requirements of this Act
4 and the Board's rules. However, for licenses renewed on or
5 after May 1, 1998, renewal shall be for a period of 4 years,
6 unless the Board sets a shorter period.

7 (h) An owners license, except for the owners license issued
8 under subsections (e-5) and (e-10), shall entitle the licensee
9 to own up to 2 riverboats.

10 A licensee, except for the owners licensee issued under
11 subsection (e-5), shall limit the number of gambling
12 participants to 2,000 ~~1,200~~ for any such owners license. A
13 licensee may operate both of its riverboats concurrently,
14 provided that the total number of gambling participants on both
15 riverboats does not exceed 2,000 ~~1,200~~. Riverboats licensed to
16 operate on the Mississippi River and the Illinois River south
17 of Marshall County shall have an authorized capacity of at
18 least 500 persons. Any other riverboat licensed under this Act
19 shall have an authorized capacity of at least 400 persons. An
20 owners licensee that acquired its license under subsection
21 (e-5) shall limit the number of gambling participants to 4,000
22 for such owners license.

23 (i) A licensed owner is authorized to apply to the Board
24 for and, if approved therefor, to receive all licenses from the
25 Board necessary for the operation of a riverboat or a casino,
26 including a liquor license, a license to prepare and serve food

1 for human consumption, and other necessary licenses. All use,
2 occupation and excise taxes which apply to the sale of food and
3 beverages in this State and all taxes imposed on the sale or
4 use of tangible personal property apply to such sales aboard
5 the riverboat or in a casino.

6 (j) The Board may issue or re-issue a license authorizing a
7 riverboat to dock in a municipality or approve a relocation
8 under Section 11.2 only if, prior to the issuance or
9 re-issuance of the license or approval, the governing body of
10 the municipality in which the riverboat will dock has by a
11 majority vote approved the docking of riverboats in the
12 municipality. The Board may issue or re-issue a license
13 authorizing a riverboat to dock in areas of a county outside
14 any municipality or approve a relocation under Section 11.2
15 only if, prior to the issuance or re-issuance of the license or
16 approval, the governing body of the county has by a majority
17 vote approved of the docking of riverboats within such areas.

18 (k) If an owners licensee elects to operate a land-based
19 gaming facility in accordance with subsection (f) of Section
20 7.1, then the owners licensee shall pay a one-time fee of
21 \$5,000,000 immediately upon approval by the Board. All other
22 owners licensees may elect to operate a land-based gaming
23 facility upon approval of the Board and shall not be required
24 to pay a fee.

25 (l) An owners licensee may apply to the Board for
26 authorization to operate up to 100 electronic poker positions

1 on a riverboat or in a casino and up to 50 electronic poker
2 positions at each electronic gaming facility. The
3 authorization that the Board issues to the owners licensee
4 shall specify the number of electronic poker positions the
5 owners licensee may operate, which shall not be counted against
6 the limit on the number of gaming positions under this Act.

7 The Board must adopt rules for the authorization and
8 administration of the conduct of electronic poker.

9 For the purposes of this subsection (1), "electronic poker"
10 means a form of gambling by which players can play
11 electronically via a network of machines at the same or any
12 other licensed facility in Illinois.

13 (Source: P.A. 94-667, eff. 8-23-05; 94-804, eff. 5-26-06;
14 95-1008, eff. 12-15-08.)

15 (230 ILCS 10/7.1)

16 Sec. 7.1. Re-issuance of revoked or non-renewed owners
17 licenses.

18 (a) If an owners license terminates or expires without
19 renewal or the Board revokes or determines not to renew an
20 owners license (including, without limitation, an owners
21 license for a licensee that was not conducting riverboat
22 gambling operations on January 1, 1998) and that revocation or
23 determination is final, the Board may re-issue such license to
24 a qualified applicant pursuant to an open and competitive
25 bidding process, as set forth in Section 7.5, and subject to

1 the maximum number of authorized licenses set forth in
2 subsections (e), (e-5), and (e-10) of Section 7 ~~Section 7(e)~~.

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

10 (c) Notwithstanding anything to the contrary in Section
11 7(e), an applicant may apply to the Board for approval of
12 relocation of a re-issued license to a new home dock location
13 authorized under Section 3(c) upon receipt of the approval from
14 the municipality or county, as the case may be, pursuant to
15 Section 7(j).

16 (d) In determining whether to grant a re-issued owners
17 license to an applicant, the Board shall consider all of the
18 factors set forth in Section ~~Sections~~ 7(b) and in Section 7(e),
19 (e-5), or (e-10), whichever is applicable, ~~(e)~~ as well as the
20 amount of the applicant's license bid. The Board may grant the
21 re-issued owners license to an applicant that has not submitted
22 the highest license bid, but if it does not select the highest
23 bidder, the Board shall issue a written decision explaining why
24 another applicant was selected and identifying the factors set
25 forth in Section ~~Sections~~ 7(b) and in Section 7(e), (e-5), or
26 (e-10), whichever is applicable, ~~(e)~~ that favored the winning

1 bidder.

2 (e) Re-issued owners licenses shall be subject to annual
3 license fees as provided for in Section 7(a) and shall be
4 governed by the provisions of Sections 7(f), (g), (h), and (i).

5 (f) An owners license that was re-issued before January 1,
6 2010 shall authorize the conduct of gambling operations in a
7 land-based facility if the owners licensee has complied with
8 subsection (k) of Section 7 of this Act.

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

10 (230 ILCS 10/7.3)

11 Sec. 7.3. State conduct of gambling operations.

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

23 (b) The Board may locate any riverboat on which a gambling
24 operation is conducted by the State in any home dock location
25 authorized by Section 3(c) upon receipt of approval from a

1 majority vote of the governing body of the municipality or
2 county, as the case may be, in which the riverboat will dock.

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

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

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

15 (230 ILCS 10/7.6 new)

16 Sec. 7.6. Electronic gaming.

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

22 The General Assembly further finds, however, that despite
23 their shared features each industry is distinct from the other
24 in that horse racing is and continues to be intimately tied to
25 Illinois' agricultural economy and is, at its core, a spectator

1 sport. This distinction requires the General Assembly to
2 utilize different methods to regulate and promote the horse
3 racing industry throughout the State.

4 The General Assembly finds that in order to promote live
5 horse racing as a spectator sport in Illinois and the
6 agricultural economy of this State, it is necessary to allow
7 electronic gaming at Illinois race tracks given the success of
8 other states in increasing live racing purse accounts and
9 improving the quality of horses participating in horse race
10 meetings.

11 Except as provided in subsection (a-5), only owners
12 licensees shall be eligible for an electronic gaming license.
13 Each electronic gaming license shall authorize the management
14 and operation of authorized gaming at an electronic gaming
15 facility. This amendatory Act of the 96th General Assembly
16 authorizes the Board to distribute up to 5,000 aggregate
17 electronic gaming positions to electronic gaming facilities
18 statewide. The Board shall distribute 1,000 positions to each
19 electronic gaming facility, the organization licensee
20 controlling the facility may choose to accept fewer than 1,000
21 positions, but in no case may they accept fewer than 500
22 positions. The organization licensee controlling the facility
23 may refuse to accept any positions; in such instance, the
24 organization licensee shall not receive any proceeds generated
25 by electronic gaming under this Section, unless the facility is
26 prohibited from installing the positions on the facility

1 premises by law. An owners licensee that wishes to conduct
2 electronic gaming at an electronic gaming facility must obtain
3 an electronic gaming license from the Board. Any owners
4 licensee that wishes to obtain an electronic gaming license
5 must have a lease with and prior approval of the organization
6 licensee that controls the electronic gaming facility prior to
7 submitting a bid to obtain an electronic gaming license for an
8 electronic gaming facility. The organization licensee and the
9 owners licensee must bargain in good faith, and if the
10 organization licensee acts in bad faith, the organization
11 licensee shall lose the right to have electronic gaming on the
12 licensee's property and shall not receive any proceeds
13 generated by electronic gaming under this Section. Any owners
14 licensee that wishes to receive an electronic gaming license
15 shall submit evidence to the Board that minority persons and
16 females hold ownership interests in the applicant of at least
17 16% and 4% respectively; it is encouraged that these ownership
18 interests be comprised of local and Illinois residents and
19 persons who annually earn \$150,000 or less. The electronic
20 gaming licenses authorized under this Section shall be subject
21 to a competitive bidding process established by rule by the
22 Board. The Board shall consider the following factors when
23 reviewing applications for an electronic gaming license:

24 (1) the applicant's past and current operation of their
25 riverboat or other gaming operation;

26 (2) the highest prospective total revenue to be derived

1 by the State from the conduct of gambling;

2 (3) any agreements entered into by the applicant and
3 the organization licensee regarding placement and
4 operation of electronic gaming positions, including, but
5 not limited to, a lease; and

6 (4) any other factors contained in this Act or the
7 Illinois Horse Racing Act of 1975 determined by the Board
8 to be relevant.

9 Within 6 months after the effective date of this amendatory
10 Act of the 96th General Assembly, the Board shall award
11 electronic gaming licenses as provided under this subsection.

12 (a-5) If any electronic gaming license is not awarded to an
13 owners licensee applicant under subsection (a), within 6 months
14 after the effective date of this amendatory Act of the 96th
15 General Assembly, the Board shall again conduct a competitive
16 bidding process in order to award the remaining licenses in a
17 method consistent with subsection (a). At the second round of
18 bidding, an owners licensee as defined in this Act or
19 organization licensee as defined in the Horse Racing Act of
20 1975 shall not be permitted to make bids for the remaining
21 licenses. At the second round of bidding, the Board shall allow
22 an entity who is not yet licensed under this Act to bid for the
23 remaining positions, so long as the entity has operated gaming
24 operations in another state. If an applicant is awarded the
25 license, the applicant must apply for and be issued an
26 electronic gaming license and meet the criteria for an owners

1 license under Sections 6 and 7 of this Act before the applicant
2 can operate electronic gaming positions, and those electronic
3 gaming licensees shall be considered owners licensees for the
4 purposes of Sections 12 and 13 of this Act.

5 (a-10) An applicant that has been awarded an electronic
6 gaming license shall not be required to pay a licensing fee or
7 similar fee for each electronic gaming position initially
8 awarded. Nothing in this subsection (a-10) precludes an
9 electronic licensee from payment of any required taxes.

10 (b) An electronic gaming license shall authorize its holder
11 to conduct electronic gaming at its race track as determined by
12 the Board.

13 (c) The Board may approve electronic gaming licenses
14 authorizing the conduct of electronic gaming by eligible owners
15 licensees. The Board shall adopt rules establishing reasonable
16 leases under which an electronic gaming licensee shall pay an
17 organizational licensee for use of the electronic gaming
18 facility.

19 (d) For each calendar year after 2009 in which an
20 organization licensee requests a number of racing days under
21 its organization license that is less than 90% of the number of
22 days of live racing it was awarded in 2005, the organization
23 licensee shall not receive any proceeds from electronic gaming.

24 (e) An electronic gaming licensee may conduct electronic
25 gaming at a temporary facility pending the construction of a
26 permanent facility or the remodeling of an existing facility to

1 accommodate electronic gaming participants for up to 12 months
2 after receiving an electronic gaming license. The Board shall
3 make rules concerning the conduct of electronic gaming from
4 temporary facilities.

5 Any electronic gaming positions awarded to an owners
6 licensee under this Section shall not be counted toward any
7 position operated by an owner licensee on that licensee's
8 riverboat or casino.

9 (f) An electronic gaming licensee may only conduct
10 electronic gaming at a facility located in a municipality in
11 which the governing body has, by a majority vote, approved the
12 location of the electronic gaming facility in the municipality.

13 (230 ILCS 10/7.7 new)

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

22 (230 ILCS 10/7.8 new)

23 Sec. 7.8. Casino operator license.

24 (a) A qualified person may apply to the Board for a casino

1 operator license to operate and manage any gambling operation
2 conducted by an Authority. The application shall be made on
3 forms provided by the Board and shall contain such information
4 as the Board prescribes, including but not limited to
5 information required in Sections 6(a), (b), and (c) and
6 information relating to the applicant's proposed price to
7 manage the Authority's gambling operations and to provide the
8 casino, gambling equipment, and supplies necessary to conduct
9 Authority gambling operations. The total license fee for a
10 license authorized under subsection (e-5) of Section 7 of this
11 Act shall be \$225,000,000. The license fee shall be paid by the
12 casino operator license to the State in the following manner
13 upon each of the following occurrences:

14 (1) when the annual adjusted gross receipts of a
15 license authorized under subsection (e-5) of Section 7 of
16 this Act exceeds \$300,000,000, the casino operator
17 licensee shall pay the State, within a reasonable time, a
18 license fee of \$50,000,000;

19 (2) when the annual adjusted gross receipts of a
20 license authorized under subsection (e-5) of Section 7 of
21 this Act exceeds \$500,000,000, the casino operator
22 licensee shall pay the State, within a reasonable time, a
23 license fee of \$75,000,000; and

24 (3) when the annual adjusted gross receipts of a
25 license authorized under subsection (e-5) of Section 7 of
26 this Act exceeds \$700,000,000, the casino operator

1 licensee shall pay the State, within a reasonable time, a
2 license fee of \$100,000,000.

3 Each of the license fees shall be paid to the State Gaming
4 Fund. If the adjusted gross receipts of a license authorized
5 under subsection (e-5) of Section 7 of this Act exceeds one of
6 the above listed occurrences before the license fee has been
7 paid for that occurrence, then the casino operator licensee
8 shall pay to the State the lowest license fee that has not yet
9 been paid. No more than one payment shall be made to the State
10 within a calendar year.

11 (b) A person, firm, or corporation is ineligible to receive
12 a casino operator license if:

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

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

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

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

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

24 (6) the firm or corporation employs a person defined in
25 (1), (2), (3), or (4) who participates in the management or
26 operation of gambling operations authorized under this

1 Act; or

2 (7) a 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 (c) In determining whether to grant a casino operator
7 license, the Board shall consider:

8 (1) the character, reputation, experience and
9 financial integrity of the applicants and of any other or
10 separate person that either:

11 (A) controls, directly or indirectly, such
12 applicant, or

13 (B) is controlled, directly or indirectly, by such
14 applicant or by a person which controls, directly or
15 indirectly, such applicant;

16 (2) the facilities or proposed facilities for the
17 conduct of gambling;

18 (3) the preference of the municipality in which the
19 licensee will operate;

20 (4) the extent to which the ownership of the applicant
21 reflects the diversity of the State by including minority
22 persons and females and the good faith affirmative action
23 plan of each applicant to recruit, train, and upgrade
24 minority persons and females in all employment
25 classifications;

26 (5) the financial ability of the applicant to purchase

1 and maintain adequate liability and casualty insurance;

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

5 (7) the extent to which the applicant exceeds or meets
6 other standards for the issuance of a managers license that
7 the Board may adopt by rule.

8 (d) Each applicant shall submit with his or her
9 application, on forms prescribed by the Board, 2 sets of his or
10 her fingerprints.

11 (e) The Board shall charge each applicant a fee, set by the
12 Board, to defray the costs associated with the background
13 investigation conducted by the Board.

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

16 (g) The casino operator license shall be issued only upon
17 proof that it has entered into a labor peace agreement with
18 each labor organization that is actively engaged in
19 representing and attempting to represent casino and
20 hospitality industry workers in this State. The labor peace
21 agreement must be a valid and enforceable agreement under 29
22 U.S.C. 185 that protects the city's and State's revenues from
23 the operation of the casino facility by prohibiting the labor
24 organization and its members from engaging in any picketing,
25 work stoppages, boycotts, or any other economic interference
26 with the casino facility for at least the first 5 years of the

1 casino license and must cover all operations at the casino
2 facility that are conducted by lessees or tenants or under
3 management agreements.

4 (h) The casino operator license shall be for a term of 20
5 years, shall be renewable at the Board's option, and shall
6 contain such terms and provisions as the Board deems necessary
7 to protect or enhance the credibility and integrity of State
8 gambling operations, achieve the highest prospective total
9 revenue to the State, and otherwise serve the interests of the
10 citizens of Illinois. The Board may revoke the license:

11 (1) for violation of any provision of this Act;

12 (2) for violation of any rules of the Board;

13 (3) for any cause which, if known to the Board, would
14 have disqualified the applicant from receiving the
15 license; or

16 (4) for any other just cause.

17 (230 ILCS 10/7.10 new)

18 Sec. 7.10. Electronic gaming; deposits into the Quarter
19 Horse Purse Fund and the Horse Racing Equity Trust Fund. The
20 adjusted gross receipts received by an electronic gaming
21 licensee from electronic gaming remaining after the payment of
22 taxes under Section 13 of this Act and operational costs
23 incurred by the electronic gaming licensee in electronic gaming
24 operations shall be retained by the electronic gaming licensee,
25 except that an amount equal to 30% of each licensee's remaining

1 balance after payment of taxes under Section 13 of this Act and
2 operational costs incurred by the electronic gaming licensee
3 from electronic gaming operations shall be distributed as
4 follows:

5 (1) \$250,000 in each calendar year shall be deposited
6 into the Quarter Horse Purse Fund, which is created as a
7 non-appropriated trust fund administered by the Illinois
8 Racing Board for grants to thoroughbred organization
9 licensees for payment of purses for quarter horse races
10 conducted by the organization licensee.

11 2) The remainder shall be deposited into the Horse
12 Racing Equity Trust Fund.

13 If the sum of the amounts distributed under paragraphs (1)
14 and (2) of this Section does not equal \$50,000,000 in a
15 calendar year, then each electronic gaming licensee must pay
16 into the Horse Racing Equity Trust Fund a portion of the
17 difference between the total amount paid for that calendar year
18 and \$50,000,000, based upon each electronic gaming licensee's
19 adjusted gross receipts for that calendar year as compared to
20 total adjusted gross receipts from all electronic gaming
21 licensees for that calendar year.

22 If the percentage of adjusted gross receipts to be
23 deposited into the Horse Racing Equity Fund under subsection
24 (c-5) of Section 13 is reduced by law, then the percentage of
25 each licensee's remaining balance after payment of taxes under
26 Section 13 of this Act and operational costs incurred by the

1 electronic gaming licensee from electronic gaming operations
2 that shall be distributed to the Quarter Horse Purse Fund and
3 the Horse Racing Equity Trust Fund shall be increased to 40%.

4 (230 ILCS 10/7.14 new)

5 Sec. 7.14. Obligations of licensure; licensure is a
6 privilege.

7 (a) All licensees under this Act have a continuing duty to
8 maintain suitability for licensure. A license does not create a
9 property right, but is a revocable privilege granted by the
10 State contingent upon continuing suitability for licensure.

11 (b) Licensees under this Act shall have a continuing,
12 affirmative duty to investigate the backgrounds of its
13 principal shareholders and officers.

14 (c) An applicant for licensure under this Act is seeking a
15 privilege and assumes and accepts any and all risk of adverse
16 publicity, notoriety, embarrassment, criticism, or other
17 action or financial loss which may occur in connection with the
18 application process. Any misrepresentation or omission made
19 with respect to an application may be grounds for denial of the
20 application.

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 facility license for
9 repair.

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

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

12 Sec. 9. Occupational licenses.

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

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

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

1 involving dishonesty or moral turpitude;

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

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

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

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

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

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

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

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

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

25 (h) Nothing in this Act shall be interpreted to prohibit a
26 licensed owner or electronic gaming licensee from entering into

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

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

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

12 (230 ILCS 10/11) (from Ch. 120, par. 2411)

13 Sec. 11. Conduct of gambling. Gambling may be conducted by
14 licensed owners or licensed managers on behalf of the State
15 aboard riverboats, subject to the following standards:

16 (1) A licensee may conduct riverboat gambling
17 authorized under this Act regardless of whether it conducts
18 excursion cruises. A licensee may permit the continuous
19 ingress and egress of passengers for the purpose of
20 gambling.

21 (2) (Blank).

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

24 (4) Agents of the Board and the Department of State
25 Police may board and inspect any riverboat, enter and

1 inspect any portion of a casino, or enter and inspect any
2 portion of an electronic gaming facility where electronic
3 gaming is conducted at any time for the purpose of
4 determining whether this Act is being complied with. Every
5 riverboat, if under way and being hailed by a law
6 enforcement officer or agent of the Board, must stop
7 immediately and lay to.

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

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

17 (7) Persons licensed under this Act shall permit no
18 form of wagering on gambling games except as permitted by
19 this Act.

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

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

3 (10) A person under age 21 shall not be permitted on an
4 area of a riverboat or casino where gambling is being
5 conducted or at an electronic gaming facility where
6 gambling is conducted, except for a person at least 18
7 years of age who is an employee of the riverboat or casino
8 gambling operation or electronic gaming operation. No
9 employee under age 21 shall perform any function involved
10 in gambling by the patrons. No person under age 21 shall be
11 permitted to make a wager under this Act.

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

19 (12) All tokens, chips, or electronic cards used to
20 make wagers must be purchased (i) from a licensed owner or
21 manager, in the case of a riverboat, either aboard the a
22 riverboat or at an onshore facility which has been approved
23 by the Board and which is located where the riverboat
24 docks, (ii) in the case of a casino, from a licensed owner
25 at the casino, or (iii) from an electronic gaming licensee
26 at the electronic gaming facility. The tokens, chips or

1 electronic cards may be purchased by means of an agreement
2 under which the owner or manager extends credit to the
3 patron. Such tokens, chips or electronic cards may be used
4 while aboard the riverboat, in the casino, or at the
5 electronic gaming facility only for the purpose of making
6 wagers on gambling games.

7 (13) Notwithstanding any other Section of this Act, in
8 addition to the other licenses authorized under this Act,
9 the Board may issue special event licenses allowing persons
10 who are not otherwise licensed to conduct riverboat
11 gambling to conduct such gambling on a specified date or
12 series of dates. Riverboat gambling under such a license
13 may take place on a riverboat not normally used for
14 riverboat gambling. The Board shall establish standards,
15 fees and fines for, and limitations upon, such licenses,
16 which may differ from the standards, fees, fines and
17 limitations otherwise applicable under this Act. All such
18 fees shall be deposited into the State Gaming Fund. All
19 such fines shall be deposited into the Education Assistance
20 Fund, created by Public Act 86-0018, of the State of
21 Illinois.

22 (14) In addition to the above, gambling must be
23 conducted in accordance with all rules adopted by the
24 Board.

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

1 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

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

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

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

13 Sec. 12. Admission tax; fees.

14 (a) A tax is hereby imposed upon admissions to riverboat
15 and casino gambling facilities ~~riverboats~~ operated by licensed
16 owners authorized pursuant to this Act.

17 Until July 1, 2002, the rate is \$2 per person admitted.
18 From July 1, 2002 until July 1, 2003, the rate is \$3 per person
19 admitted. From July 1, 2003 until the effective date of this
20 amendatory Act of the 94th General Assembly, for a licensee
21 that admitted 1,000,000 persons or fewer in the previous
22 calendar year, the rate is \$3 per person admitted; for a
23 licensee that admitted more than 1,000,000 but no more than
24 2,300,000 persons in the previous calendar year, the rate is \$4
25 per person admitted; and for a licensee that admitted more than

1 2,300,000 persons in the previous calendar year, the rate is \$5
2 per person admitted. Beginning on the effective date of this
3 amendatory Act of the 94th General Assembly, for a licensee
4 that admitted 1,000,000 persons or fewer in calendar year 2004,
5 the rate is \$2 per person admitted, and for all other licensees
6 the rate is \$3 per person admitted. This admission tax is
7 imposed upon the licensed owner conducting gambling.

8 (1) The admission tax shall be paid for each admission,
9 except that a person who exits a riverboat gambling
10 facility and reenters that riverboat gambling facility
11 within the same gaming day shall be subject only to the
12 initial admission tax.

13 (2) (Blank).

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

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

22 At the request of an owners licensee, the tax may be paid
23 in equal monthly rates based on admissions numbers from the
24 preceding calendar year for each riverboat or casino. For the
25 first year in which a riverboat or casino is operating, the
26 Board shall base the monthly rate on estimated attendance at

1 that particular riverboat or casino based on the admissions
2 information provided by the other riverboats or casino. Each
3 riverboat or casino shall keep detailed admission records and
4 provide them to the Board on a quarterly basis. Such admission
5 records must differentiate between actual and necessary
6 officials and employees of the licensee or other person
7 actually working on the riverboat or casino and other admitted
8 persons. The tax shall only be based on those persons admitted
9 to the riverboat or casino for the purpose of playing a
10 gambling game. The Board shall set the tax annually based on
11 those records provided and in a manner consistent with this
12 Section. If the Board finds that the admissions for the
13 previous year exceeded the estimate used in calculating the
14 prior year's payments, the Board shall require the riverboat or
15 casino to pay the difference in an additional payment. If the
16 Board finds that the admissions for the previous year were
17 lower than the estimate used in calculating the prior year's
18 payments, the Board shall reduce the monthly payments paid by
19 the riverboat or casino to return the difference.

20 If the licensed owner of a riverboat in operation on
21 January 1, 2009 has capital projects of at least \$40,000,000
22 that are approved by the Board in calendar year 2006 and
23 thereafter or, starting in 2006 and going forward, for which at
24 least \$40,000,000 in capital expenditures have been made during
25 a period of 3 calendar years, then no admissions tax is imposed
26 on admissions to that riverboat for a 3-year period beginning

1 on (i) the January 1 after the approval or the expenditures
2 have been made or (ii) in the case of projects approved or
3 expenditures made before the effective date of this amendatory
4 Act of the 96th General Assembly, January 1, 2010.

5 (a-5) A fee is hereby imposed upon admissions operated by
6 licensed managers on behalf of the State pursuant to Section
7 7.3 at the rates provided in this subsection (a-5).

8 For a licensee that admitted 1,000,000 persons or fewer in
9 the previous calendar year, the rate is \$3 per person admitted;
10 for a licensee that admitted more than 1,000,000 but no more
11 than 2,300,000 persons in the previous calendar year, the rate
12 is \$4 per person admitted; and for a licensee that admitted
13 more than 2,300,000 persons in the previous calendar year, the
14 rate is \$5 per person admitted.

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

16 (2) (Blank).

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

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

24 At the request of a licensed manager, the tax may be paid
25 in equal monthly rates based on admissions numbers from the
26 preceding calendar year for each riverboat or casino. For the

1 first year in which a riverboat or casino is operating, the
2 Board shall base the monthly rate on estimated attendance at
3 that particular riverboat or casino based on the admissions
4 information provided by the other riverboats or casino. Each
5 riverboat or casino shall keep detailed admission records and
6 provide them to the Board on a quarterly basis. Such admission
7 records must differentiate between actual and necessary
8 officials and employees of the licensee or other person
9 actually working on the riverboat or casino and other admitted
10 persons. The tax shall only be based on those persons admitted
11 to the riverboat or casino for the purpose of playing a
12 gambling game. The Board shall set the tax annually based on
13 those records provided and in a manner consistent with this
14 Section. If the Board finds that the admissions for the
15 previous year exceeded the estimate used in calculating the
16 prior year's payments, the Board shall require the riverboat or
17 casino to pay the difference in an additional payment. If the
18 Board finds that the admissions for the previous year were
19 lower than the estimate used in calculating the prior year's
20 payments, the Board shall reduce the monthly payments paid by
21 the riverboat or casino to return the difference.

22 (b) From the tax imposed under subsection (a) and the fee
23 imposed under subsection (a-5), a municipality shall receive
24 from the State \$1 for each person embarking or estimated to be
25 embarking on a riverboat docked within the municipality or
26 entering or estimated to be entering a casino located within

1 the municipality, and a county shall receive \$1 for each person
2 entering or estimated to be entering a casino or embarking or
3 estimated to be embarking on a riverboat docked within the
4 county but outside the boundaries of any municipality. The
5 municipality's or county's share shall be collected by the
6 Board on behalf of the State and remitted quarterly by the
7 State, subject to appropriation, to the treasurer of the unit
8 of local government for deposit in the general fund.

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

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

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

1 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

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

13 20% of annual adjusted gross receipts in excess of
14 \$25,000,000 but not exceeding \$50,000,000;

15 25% of annual adjusted gross receipts in excess of
16 \$50,000,000 but not exceeding \$75,000,000;

17 30% of annual adjusted gross receipts in excess of
18 \$75,000,000 but not exceeding \$100,000,000;

19 35% of annual adjusted gross receipts in excess of
20 \$100,000,000.

21 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
22 is imposed on persons engaged in the business of conducting
23 riverboat gambling operations, other than licensed managers
24 conducting riverboat gambling operations on behalf of the
25 State, based on the adjusted gross receipts received by a
26 licensed owner from gambling games authorized under this Act at

1 the following rates:

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

4 22.5% of annual adjusted gross receipts in excess of
5 \$25,000,000 but not exceeding \$50,000,000;

6 27.5% of annual adjusted gross receipts in excess of
7 \$50,000,000 but not exceeding \$75,000,000;

8 32.5% of annual adjusted gross receipts in excess of
9 \$75,000,000 but not exceeding \$100,000,000;

10 37.5% of annual adjusted gross receipts in excess of
11 \$100,000,000 but not exceeding \$150,000,000;

12 45% of annual adjusted gross receipts in excess of
13 \$150,000,000 but not exceeding \$200,000,000;

14 50% of annual adjusted gross receipts in excess of
15 \$200,000,000.

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

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

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

1 32.5% of annual adjusted gross receipts in excess of
2 \$37,500,000 but not exceeding \$50,000,000;

3 37.5% of annual adjusted gross receipts in excess of
4 \$50,000,000 but not exceeding \$75,000,000;

5 45% of annual adjusted gross receipts in excess of
6 \$75,000,000 but not exceeding \$100,000,000;

7 50% of annual adjusted gross receipts in excess of
8 \$100,000,000 but not exceeding \$250,000,000;

9 70% of annual adjusted gross receipts in excess of
10 \$250,000,000.

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

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

1 (a-4) Beginning on the first day on which the tax imposed
2 under subsection (a-3) is no longer imposed, a privilege tax is
3 imposed on persons engaged in the business of conducting
4 riverboat or casino gambling or electronic gaming operations,
5 other than licensed managers conducting riverboat gambling
6 operations on behalf of the State, based on the adjusted gross
7 receipts received by a licensed owner from gambling games
8 authorized under this Act at the following rates:

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

11 22.5% of annual adjusted gross receipts in excess of
12 \$25,000,000 but not exceeding \$50,000,000;

13 27.5% of annual adjusted gross receipts in excess of
14 \$50,000,000 but not exceeding \$75,000,000;

15 32.5% of annual adjusted gross receipts in excess of
16 \$75,000,000 but not exceeding \$100,000,000;

17 37.5% of annual adjusted gross receipts in excess of
18 \$100,000,000 but not exceeding \$150,000,000;

19 45% of annual adjusted gross receipts in excess of
20 \$150,000,000 but not exceeding \$200,000,000;

21 50% of annual adjusted gross receipts in excess of
22 \$200,000,000.

23 (a-5) Beginning on the effective date of this amendatory
24 Act of the 96th General Assembly, each of the privilege tax
25 rates on annual adjusted gross receipts not exceeding
26 \$150,000,000 shall be reduced by one percentage point and each

1 of the privilege tax rates on annual adjusted gross receipts in
2 excess of \$150,000,000 shall be reduced by 2 percentage points
3 for each of the following occurrences beginning on January 1 of
4 the next calendar year:

5 (1) The first electronic gaming licensee begins
6 conducting electronic gaming operations.

7 (2) The Board awards the license authorized under
8 subsection (e-5) of Section 7 of this Act.

9 (3) The licensee under subsection (e-5) of Section 7
10 begins conducting gambling operations.

11 (4) The licensee under paragraph (1) of subsection
12 (e-10) of Section 7 begins conducting gambling operations.

13 (5) The licensee under paragraph (2) of subsection
14 (e-10) of Section 7 begins conducting gambling operations.

15 (a-7) If no admissions tax is imposed on admissions to a
16 riverboat under Section 12, then in addition to any other tax
17 imposed under this Section, a privilege tax of 1% of adjusted
18 gross receipts is imposed on that riverboat, the proceeds of
19 which shall be paid monthly, subject to appropriation by the
20 General Assembly, to the unit of local government that is
21 designated as the home dock of the riverboat upon which those
22 riverboat gambling operations are conducted.

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

26 (a-10) The taxes imposed by this Section shall be paid by

1 the licensed owner or electronic gaming licensee to the Board
2 not later than 5:00 ~~3:00~~ o'clock p.m. of the day after the day
3 when the wagers were made.

4 (a-15) If the privilege tax imposed under subsection (a-3)
5 is no longer imposed pursuant to item (i) of the last paragraph
6 of subsection (a-3), then by June 15 of each year, each owners
7 licensee, other than an owners licensee that admitted 1,000,000
8 persons or fewer in calendar year 2004, must, in addition to
9 the payment of all amounts otherwise due under this Section,
10 pay to the Board a reconciliation payment in the amount, if
11 any, by which the licensed owner's base amount exceeds the
12 amount of net privilege tax paid by the licensed owner to the
13 Board in the then current State fiscal year. A licensed owner's
14 net privilege tax obligation due for the balance of the State
15 fiscal year shall be reduced up to the total of the amount paid
16 by the licensed owner in its June 15 reconciliation payment.
17 The obligation imposed by this subsection (a-15) is binding on
18 any person, firm, corporation, or other entity that acquires an
19 ownership interest in any such owners license. The obligation
20 imposed under this subsection (a-15) terminates on the earliest
21 of: (i) July 1, 2007, (ii) the first day after the effective
22 date of this amendatory Act of the 94th General Assembly that
23 riverboat gambling operations are conducted pursuant to a
24 dormant license, (iii) the first day that riverboat gambling
25 operations are conducted under the authority of an owners
26 license that is in addition to the 10 owners licenses initially

1 authorized under this Act, or (iv) the first day that a
2 licensee under the Illinois Horse Racing Act of 1975 conducts
3 gaming operations with slot machines or other electronic gaming
4 devices. The Board must reduce the obligation imposed under
5 this subsection (a-15) by an amount the Board deems reasonable
6 for any of the following reasons: (A) an act or acts of God,
7 (B) an act of bioterrorism or terrorism or a bioterrorism or
8 terrorism threat that was investigated by a law enforcement
9 agency, or (C) a condition beyond the control of the owners
10 licensee that does not result from any act or omission by the
11 owners licensee or any of its agents and that poses a hazardous
12 threat to the health and safety of patrons. If an owners
13 licensee pays an amount in excess of its liability under this
14 Section, the Board shall apply the overpayment to future
15 payments required under this Section.

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

17 "Act of God" means an incident caused by the operation of
18 an extraordinary force that cannot be foreseen, that cannot be
19 avoided by the exercise of due care, and for which no person
20 can be held liable.

21 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

10 The changes made to this subsection (a-15) by Public Act
11 94-839 are intended to restate and clarify the intent of Public
12 Act 94-673 with respect to the amount of the payments required
13 to be made under this subsection by an owners licensee to the
14 Board.

15 (b) Until January 1, 1998, 25% of the tax revenue deposited
16 in the State Gaming Fund under this Section shall be paid,
17 subject to appropriation by the General Assembly, to the unit
18 of local government which is designated as the home dock of the
19 riverboat. Except as otherwise provided in this subsection (b),
20 beginning ~~Beginning~~ January 1, 1998, from the tax revenue from
21 riverboat or casino gambling deposited in the State Gaming Fund
22 under this Section, an amount equal to 5% of adjusted gross
23 receipts generated by a casino or a riverboat shall be paid
24 monthly, subject to appropriation by the General Assembly, to
25 the unit of local government that is designated as the home
26 dock of the riverboat or in which the casino is located.

1 (b-5) Beginning on the effective date of this amendatory
2 Act of the 96th General Assembly, from the tax revenue from
3 electronic gaming deposited into the State Gaming Fund under
4 this Section, an amount equal to 1% of the adjusted gross
5 receipts generated by an electronic gaming licensee shall be
6 paid monthly, subject to appropriation, to the municipality in
7 which the electronic gaming facility is located. If an
8 electronic gaming facility is not located within a
9 municipality, then an amount equal to 1% of the adjusted gross
10 receipts generated by the electronic gaming licensee shall be
11 paid monthly, subject to appropriation, to the county in which
12 the electronic gaming facility is located.

13 (b-10) From the tax revenue deposited in the State Gaming
14 Fund pursuant to riverboat gambling operations conducted by a
15 licensed manager on behalf of the State, an amount equal to 5%
16 of adjusted gross receipts generated pursuant to those
17 riverboat gambling operations shall be paid monthly, subject to
18 appropriation by the General Assembly, to the unit of local
19 government in which the casino is located or that is designated
20 as the home dock of the riverboat upon which those riverboat
21 gambling operations are conducted.

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

1 to treat problem gambling.

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

17 (c-10) Each year the General Assembly shall appropriate
18 from the General Revenue Fund to the Education Assistance Fund
19 an amount equal to the amount paid into the Horse Racing Equity
20 Trust Fund pursuant to subsection (c-5) in the prior calendar
21 year.

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

1 license that is initially issued after June 25, 1999, or (3)
2 the first riverboat gambling operations conducted by a licensed
3 manager on behalf of the State under Section 7.3, whichever
4 comes first, shall be paid, subject to appropriation from the
5 General Assembly, from the State Gaming Fund to each home rule
6 county with a population of over 3,000,000 inhabitants for the
7 purpose of enhancing the county's criminal justice system.

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

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

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

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

6 (f) To the extent practicable, the Board shall administer
7 and collect the wagering taxes imposed by this Section 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; 94-804, eff. 5-26-06;
13 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-1008, eff.
14 12-15-08.)

15 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

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

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

21 (2) The total amount of gross receipts.

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

23 (b) ~~The~~ Licensed owners and electronic gaming licensees
24 ~~owner~~ shall furnish to the Board reports and information as the
25 Board may require with respect to its activities on forms

1 designed and supplied for such purpose by the Board.

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

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

8 (230 ILCS 10/18) (from Ch. 120, par. 2418)

9 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

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

19 or

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

22 (c) A person wagering or accepting a wager at any location
23 outside the riverboat, casino, or electronic gaming facility in
24 violation of paragraph ~~is subject to the penalties in~~
25 ~~paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the

1 Criminal Code of 1961 is subject to the penalties provided in
2 that Section.

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

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

18 (2) Solicits or knowingly accepts or receives a promise
19 of anything of value or benefit while the person is
20 connected with a riverboat, casino, or electronic gaming
21 facility, including, but not limited to, an officer or
22 employee of a licensed owner or electronic gaming licensee,
23 or the holder of an occupational license, pursuant to an
24 understanding or arrangement or with the intent that the
25 promise or thing of value or benefit will influence the
26 actions of the person to affect or attempt to affect the

1 outcome of a gambling game, or to influence official action
2 of a member of the Board.

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

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

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

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

9 (iv) In analyzing the strategy for playing or
10 betting to be used in the game except as permitted by
11 the Board.

12 (4) Cheats at a gambling game.

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

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

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

24 (8) Claims, collects, or takes, or attempts to claim,
25 collect, or take, money or anything of value in or from the
26 gambling games, with intent to defraud, without having made

1 a wager contingent on winning a gambling game, or claims,
2 collects, or takes an amount of money or thing of value of
3 greater value than the amount won.

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

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

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

18 An action to prosecute any crime occurring on a riverboat
19 shall be tried in the county of the dock at which the riverboat
20 is based. An action to prosecute any crime occurring in a
21 casino shall be tried in the county in which the casino is
22 located.

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

24 (230 ILCS 10/19) (from Ch. 120, par. 2419)

25 Sec. 19. Forfeiture of property.

1 (a) Except as provided in subsection (b), any riverboat,
2 casino, or electronic gaming facility used for the conduct of
3 gambling games in violation of this Act shall be considered a
4 gambling place in violation of Section 28-3 of the Criminal
5 Code of 1961, as now or hereafter amended. Every gambling
6 device found on a riverboat, in a casino, or at an electronic
7 gaming facility operating gambling games in violation of this
8 Act and every slot machine found at an electronic gaming
9 facility operating gambling games in violation of this Act
10 shall be subject to seizure, confiscation and destruction as
11 provided in Section 28-5 of the Criminal Code of 1961, as now
12 or hereafter amended.

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

1 it is docked on the shores of this State.

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

3 (230 ILCS 10/20) (from Ch. 120, par. 2420)

4 Sec. 20. Prohibited activities - civil penalties. Any
5 person who conducts a gambling operation without first
6 obtaining a license to do so, or who continues to conduct such
7 games after revocation of his license, or any licensee who
8 conducts or allows to be conducted any unauthorized gambling
9 games on a riverboat, in a casino, or at an electronic gaming
10 facility where it is authorized to conduct its ~~riverboat~~
11 gambling operation, in addition to other penalties provided,
12 shall be subject to a civil penalty equal to the amount of
13 gross receipts derived from wagering on the gambling games,
14 whether unauthorized or authorized, conducted on that day as
15 well as confiscation and forfeiture of all gambling game
16 equipment used in the conduct of unauthorized gambling games.

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

18 Section 90-35. The Liquor Control Act of 1934 is amended by
19 changing Sections 5-1 and 6-30 as follows:

20 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

21 Sec. 5-1. Licenses issued by the Illinois Liquor Control
22 Commission shall be of the following classes:

23 (a) Manufacturer's license - Class 1. Distiller, Class 2.

1 Rectifier, Class 3. Brewer, Class 4. First Class Wine
2 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
3 First Class Winemaker, Class 7. Second Class Winemaker, Class
4 8. Limited Wine Manufacturer,

5 (b) Distributor's license,

6 (c) Importing Distributor's license,

7 (d) Retailer's license,

8 (e) Special Event Retailer's license (not-for-profit),

9 (f) Railroad license,

10 (g) Boat license,

11 (h) Non-Beverage User's license,

12 (i) Wine-maker's premises license,

13 (j) Airplane license,

14 (k) Foreign importer's license,

15 (l) Broker's license,

16 (m) Non-resident dealer's license,

17 (n) Brew Pub license,

18 (o) Auction liquor license,

19 (p) Caterer retailer license,

20 (q) Special use permit license,

21 (r) Winery shipper's license.

22 No person, firm, partnership, corporation, or other legal
23 business entity that is engaged in the manufacturing of wine
24 may concurrently obtain and hold a wine-maker's license and a
25 wine manufacturer's license.

26 (a) A manufacturer's license shall allow the manufacture,

1 importation in bulk, storage, distribution and sale of
2 alcoholic liquor to persons without the State, as may be
3 permitted by law and to licensees in this State as follows:

4 Class 1. A Distiller may make sales and deliveries of
5 alcoholic liquor to distillers, rectifiers, importing
6 distributors, distributors and non-beverage users and to no
7 other licensees.

8 Class 2. A Rectifier, who is not a distiller, as defined
9 herein, may make sales and deliveries of alcoholic liquor to
10 rectifiers, importing distributors, distributors, retailers
11 and non-beverage users and to no other licensees.

12 Class 3. A Brewer may make sales and deliveries of beer to
13 importing distributors, distributors, and to non-licensees,
14 and to retailers provided the brewer obtains an importing
15 distributor's license or distributor's license in accordance
16 with the provisions of this Act.

17 Class 4. A first class wine-manufacturer may make sales and
18 deliveries of up to 50,000 gallons of wine to manufacturers,
19 importing distributors and distributors, and to no other
20 licensees.

21 Class 5. A second class Wine manufacturer may make sales
22 and deliveries of more than 50,000 gallons of wine to
23 manufacturers, importing distributors and distributors and to
24 no other licensees.

25 Class 6. A first-class wine-maker's license shall allow the
26 manufacture of up to 50,000 gallons of wine per year, and the

1 storage and sale of such wine to distributors in the State and
2 to persons without the State, as may be permitted by law. A
3 person who, prior to the effective date of this amendatory Act
4 of the 95th General Assembly, is a holder of a first-class
5 wine-maker's license and annually produces more than 25,000
6 gallons of its own wine and who distributes its wine to
7 licensed retailers shall cease this practice on or before July
8 1, 2008 in compliance with this amendatory Act of the 95th
9 General Assembly.

10 Class 7. A second-class wine-maker's license shall allow
11 the manufacture of between 50,000 and 150,000 gallons of wine
12 per year, and the storage and sale of such wine to distributors
13 in this State and to persons without the State, as may be
14 permitted by law. A person who, prior to the effective date of
15 this amendatory Act of the 95th General Assembly, is a holder
16 of a second-class wine-maker's license and annually produces
17 more than 25,000 gallons of its own wine and who distributes
18 its wine to licensed retailers shall cease this practice on or
19 before July 1, 2008 in compliance with this amendatory Act of
20 the 95th General Assembly.

21 Class 8. A limited wine-manufacturer may make sales and
22 deliveries not to exceed 40,000 gallons of wine per year to
23 distributors, and to non-licensees in accordance with the
24 provisions of this Act.

25 (a-1) A manufacturer which is licensed in this State to
26 make sales or deliveries of alcoholic liquor and which enlists

1 agents, representatives, or individuals acting on its behalf
2 who contact licensed retailers on a regular and continual basis
3 in this State must register those agents, representatives, or
4 persons acting on its behalf with the State Commission.

5 Registration of agents, representatives, or persons acting
6 on behalf of a manufacturer is fulfilled by submitting a form
7 to the Commission. The form shall be developed by the
8 Commission and shall include the name and address of the
9 applicant, the name and address of the manufacturer he or she
10 represents, the territory or areas assigned to sell to or
11 discuss pricing terms of alcoholic liquor, and any other
12 questions deemed appropriate and necessary. All statements in
13 the forms required to be made by law or by rule shall be deemed
14 material, and any person who knowingly misstates any material
15 fact under oath in an application is guilty of a Class B
16 misdemeanor. Fraud, misrepresentation, false statements,
17 misleading statements, evasions, or suppression of material
18 facts in the securing of a registration are grounds for
19 suspension or revocation of the registration.

20 (b) A distributor's license shall allow the wholesale
21 purchase and storage of alcoholic liquors and sale of alcoholic
22 liquors to licensees in this State and to persons without the
23 State, as may be permitted by law.

24 (c) An importing distributor's license may be issued to and
25 held by those only who are duly licensed distributors, upon the
26 filing of an application by a duly licensed distributor, with

1 the Commission and the Commission shall, without the payment of
2 any fee, immediately issue such importing distributor's
3 license to the applicant, which shall allow the importation of
4 alcoholic liquor by the licensee into this State from any point
5 in the United States outside this State, and the purchase of
6 alcoholic liquor in barrels, casks or other bulk containers and
7 the bottling of such alcoholic liquors before resale thereof,
8 but all bottles or containers so filled shall be sealed,
9 labeled, stamped and otherwise made to comply with all
10 provisions, rules and regulations governing manufacturers in
11 the preparation and bottling of alcoholic liquors. The
12 importing distributor's license shall permit such licensee to
13 purchase alcoholic liquor from Illinois licensed non-resident
14 dealers and foreign importers only.

15 (d) A retailer's license shall allow the licensee to sell
16 and offer for sale at retail, only in the premises specified in
17 the license, alcoholic liquor for use or consumption, but not
18 for resale in any form. Nothing in this amendatory Act of the
19 95th General Assembly shall deny, limit, remove, or restrict
20 the ability of a holder of a retailer's license to transfer,
21 deliver, or ship alcoholic liquor to the purchaser for use or
22 consumption subject to any applicable local law or ordinance.
23 Any retail license issued to a manufacturer shall only permit
24 the manufacturer to sell beer at retail on the premises
25 actually occupied by the manufacturer. For the purpose of
26 further describing the type of business conducted at a retail

1 licensed premises, a retailer's licensee may be designated by
2 the State Commission as (i) an on premise consumption retailer,
3 (ii) an off premise sale retailer, or (iii) a combined on
4 premise consumption and off premise sale retailer.

5 Notwithstanding any other provision of this subsection
6 (d), a retail licensee may sell alcoholic liquors to a special
7 event retailer licensee for resale to the extent permitted
8 under subsection (e).

9 (e) A special event retailer's license (not-for-profit)
10 shall permit the licensee to purchase alcoholic liquors from an
11 Illinois licensed distributor (unless the licensee purchases
12 less than \$500 of alcoholic liquors for the special event, in
13 which case the licensee may purchase the alcoholic liquors from
14 a licensed retailer) and shall allow the licensee to sell and
15 offer for sale, at retail, alcoholic liquors for use or
16 consumption, but not for resale in any form and only at the
17 location and on the specific dates designated for the special
18 event in the license. An applicant for a special event retailer
19 license must (i) furnish with the application: (A) a resale
20 number issued under Section 2c of the Retailers' Occupation Tax
21 Act or evidence that the applicant is registered under Section
22 2a of the Retailers' Occupation Tax Act, (B) a current, valid
23 exemption identification number issued under Section 1g of the
24 Retailers' Occupation Tax Act, and a certification to the
25 Commission that the purchase of alcoholic liquors will be a
26 tax-exempt purchase, or (C) a statement that the applicant is

1 not registered under Section 2a of the Retailers' Occupation
2 Tax Act, does not hold a resale number under Section 2c of the
3 Retailers' Occupation Tax Act, and does not hold an exemption
4 number under Section 1g of the Retailers' Occupation Tax Act,
5 in which event the Commission shall set forth on the special
6 event retailer's license a statement to that effect; (ii)
7 submit with the application proof satisfactory to the State
8 Commission that the applicant will provide dram shop liability
9 insurance in the maximum limits; and (iii) show proof
10 satisfactory to the State Commission that the applicant has
11 obtained local authority approval.

12 (f) A railroad license shall permit the licensee to import
13 alcoholic liquors into this State from any point in the United
14 States outside this State and to store such alcoholic liquors
15 in this State; to make wholesale purchases of alcoholic liquors
16 directly from manufacturers, foreign importers, distributors
17 and importing distributors from within or outside this State;
18 and to store such alcoholic liquors in this State; provided
19 that the above powers may be exercised only in connection with
20 the importation, purchase or storage of alcoholic liquors to be
21 sold or dispensed on a club, buffet, lounge or dining car
22 operated on an electric, gas or steam railway in this State;
23 and provided further, that railroad licensees exercising the
24 above powers shall be subject to all provisions of Article VIII
25 of this Act as applied to importing distributors. A railroad
26 license shall also permit the licensee to sell or dispense

1 alcoholic liquors on any club, buffet, lounge or dining car
2 operated on an electric, gas or steam railway regularly
3 operated by a common carrier in this State, but shall not
4 permit the sale for resale of any alcoholic liquors to any
5 licensee within this State. A license shall be obtained for
6 each car in which such sales are made.

7 (g) A boat license shall allow the sale of alcoholic liquor
8 in individual drinks, on any passenger boat regularly operated
9 as a common carrier on navigable waters in this State or on any
10 riverboat operated under the Illinois ~~Riverboat~~ Gambling Act,
11 which boat or riverboat maintains a public dining room or
12 restaurant thereon.

13 (h) A non-beverage user's license shall allow the licensee
14 to purchase alcoholic liquor from a licensed manufacturer or
15 importing distributor, without the imposition of any tax upon
16 the business of such licensed manufacturer or importing
17 distributor as to such alcoholic liquor to be used by such
18 licensee solely for the non-beverage purposes set forth in
19 subsection (a) of Section 8-1 of this Act, and such licenses
20 shall be divided and classified and shall permit the purchase,
21 possession and use of limited and stated quantities of
22 alcoholic liquor as follows:

23 Class 1, not to exceed 500 gallons
24 Class 2, not to exceed 1,000 gallons
25 Class 3, not to exceed 5,000 gallons
26 Class 4, not to exceed 10,000 gallons

1 Class 5, not to exceed 50,000 gallons

2 (i) A wine-maker's premises license shall allow a licensee
3 that concurrently holds a first-class wine-maker's license to
4 sell and offer for sale at retail in the premises specified in
5 such license not more than 50,000 gallons of the first-class
6 wine-maker's wine that is made at the first-class wine-maker's
7 licensed premises per year for use or consumption, but not for
8 resale in any form. A wine-maker's premises license shall allow
9 a licensee who concurrently holds a second-class wine-maker's
10 license to sell and offer for sale at retail in the premises
11 specified in such license up to 100,000 gallons of the
12 second-class wine-maker's wine that is made at the second-class
13 wine-maker's licensed premises per year for use or consumption
14 but not for resale in any form. A wine-maker's premises license
15 shall allow a licensee that concurrently holds a first-class
16 wine-maker's license or a second-class wine-maker's license to
17 sell and offer for sale at retail at the premises specified in
18 the wine-maker's premises license, for use or consumption but
19 not for resale in any form, any beer, wine, and spirits
20 purchased from a licensed distributor. Upon approval from the
21 State Commission, a wine-maker's premises license shall allow
22 the licensee to sell and offer for sale at (i) the wine-maker's
23 licensed premises and (ii) at up to 2 additional locations for
24 use and consumption and not for resale. Each location shall
25 require additional licensing per location as specified in
26 Section 5-3 of this Act. A wine-maker's premises licensee shall

1 secure liquor liability insurance coverage in an amount at
2 least equal to the maximum liability amounts set forth in
3 subsection (a) of Section 6-21 of this Act.

4 (j) An airplane 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 an airplane; and provided further, that
14 airplane licensees exercising the above powers shall be subject
15 to all provisions of Article VIII of this Act as applied to
16 importing distributors. An airplane licensee shall also permit
17 the sale or dispensing of alcoholic liquors on any passenger
18 airplane regularly operated by a common carrier in this State,
19 but shall not permit the sale for resale of any alcoholic
20 liquors to any licensee within this State. A single airplane
21 license shall be required of an airline company if liquor
22 service is provided on board aircraft in this State. The annual
23 fee for such license shall be as determined in Section 5-3.

24 (k) A foreign importer's license shall permit such licensee
25 to purchase alcoholic liquor from Illinois licensed
26 non-resident dealers only, and to import alcoholic liquor other

1 than in bulk from any point outside the United States and to
2 sell such alcoholic liquor to Illinois licensed importing
3 distributors and to no one else in Illinois; provided that (i)
4 the foreign importer registers with the State Commission every
5 brand of alcoholic liquor that it proposes to sell to Illinois
6 licensees during the license period, (ii) the foreign importer
7 complies with all of the provisions of Section 6-9 of this Act
8 with respect to registration of such Illinois licensees as may
9 be granted the right to sell such brands at wholesale, and
10 (iii) the foreign importer complies with the provisions of
11 Sections 6-5 and 6-6 of this Act to the same extent that these
12 provisions apply to manufacturers.

13 (1) (i) A broker's license shall be required of all persons
14 who solicit orders for, offer to sell or offer to supply
15 alcoholic liquor to retailers in the State of Illinois, or who
16 offer to retailers to ship or cause to be shipped or to make
17 contact with distillers, rectifiers, brewers or manufacturers
18 or any other party within or without the State of Illinois in
19 order that alcoholic liquors be shipped to a distributor,
20 importing distributor or foreign importer, whether such
21 solicitation or offer is consummated within or without the
22 State of Illinois.

23 No holder of a retailer's license issued by the Illinois
24 Liquor Control Commission shall purchase or receive any
25 alcoholic liquor, the order for which was solicited or offered
26 for sale to such retailer by a broker unless the broker is the

1 holder of a valid broker's license.

2 The broker shall, upon the acceptance by a retailer of the
3 broker's solicitation of an order or offer to sell or supply or
4 deliver or have delivered alcoholic liquors, promptly forward
5 to the Illinois Liquor Control Commission a notification of
6 said transaction in such form as the Commission may by
7 regulations prescribe.

8 (ii) A broker's license shall be required of a person
9 within this State, other than a retail licensee, who, for a fee
10 or commission, promotes, solicits, or accepts orders for
11 alcoholic liquor, for use or consumption and not for resale, to
12 be shipped from this State and delivered to residents outside
13 of this State by an express company, common carrier, or
14 contract carrier. This Section does not apply to any person who
15 promotes, solicits, or accepts orders for wine as specifically
16 authorized in Section 6-29 of this Act.

17 A broker's license under this subsection (1) shall not
18 entitle the holder to buy or sell any alcoholic liquors for his
19 own account or to take or deliver title to such alcoholic
20 liquors.

21 This subsection (1) shall not apply to distributors,
22 employees of distributors, or employees of a manufacturer who
23 has registered the trademark, brand or name of the alcoholic
24 liquor pursuant to Section 6-9 of this Act, and who regularly
25 sells such alcoholic liquor in the State of Illinois only to
26 its registrants thereunder.

1 Any agent, representative, or person subject to
2 registration pursuant to subsection (a-1) of this Section shall
3 not be eligible to receive a broker's license.

4 (m) A non-resident dealer's license shall permit such
5 licensee to ship into and warehouse alcoholic liquor into this
6 State from any point outside of this State, and to sell such
7 alcoholic liquor to Illinois licensed foreign importers and
8 importing distributors and to no one else in this State;
9 provided that (i) said non-resident dealer shall register with
10 the Illinois Liquor Control Commission each and every brand of
11 alcoholic liquor which it proposes to sell to Illinois
12 licensees during the license period, (ii) it shall comply with
13 all of the provisions of Section 6-9 hereof with respect to
14 registration of such Illinois licensees as may be granted the
15 right to sell such brands at wholesale, and (iii) the
16 non-resident dealer shall comply with the provisions of
17 Sections 6-5 and 6-6 of this Act to the same extent that these
18 provisions apply to manufacturers.

19 (n) A brew pub license shall allow the licensee to
20 manufacture beer only on the premises specified in the license,
21 to make sales of the beer manufactured on the premises to
22 importing distributors, distributors, and to non-licensees for
23 use and consumption, to store the beer upon the premises, and
24 to sell and offer for sale at retail from the licensed
25 premises, provided that a brew pub licensee shall not sell for
26 off-premises consumption more than 50,000 gallons per year.

1 (o) A caterer retailer license shall allow the holder to
2 serve alcoholic liquors as an incidental part of a food service
3 that serves prepared meals which excludes the serving of snacks
4 as the primary meal, either on or off-site whether licensed or
5 unlicensed.

6 (p) An auction liquor license shall allow the licensee to
7 sell and offer for sale at auction wine and spirits for use or
8 consumption, or for resale by an Illinois liquor licensee in
9 accordance with provisions of this Act. An auction liquor
10 license will be issued to a person and it will permit the
11 auction liquor licensee to hold the auction anywhere in the
12 State. An auction liquor license must be obtained for each
13 auction at least 14 days in advance of the auction date.

14 (q) A special use permit license shall allow an Illinois
15 licensed retailer to transfer a portion of its alcoholic liquor
16 inventory from its retail licensed premises to the premises
17 specified in the license hereby created, and to sell or offer
18 for sale at retail, only in the premises specified in the
19 license hereby created, the transferred alcoholic liquor for
20 use or consumption, but not for resale in any form. A special
21 use permit license may be granted for the following time
22 periods: one day or less; 2 or more days to a maximum of 15 days
23 per location in any 12 month period. An applicant for the
24 special use permit license must also submit with the
25 application proof satisfactory to the State Commission that the
26 applicant will provide dram shop liability insurance to the

1 maximum limits and have local authority approval.

2 (r) A winery shipper's license shall allow a person with a
3 first-class or second-class wine manufacturer's license, a
4 first-class or second-class wine-maker's license, or a limited
5 wine manufacturer's license or who is licensed to make wine
6 under the laws of another state to ship wine made by that
7 licensee directly to a resident of this State who is 21 years
8 of age or older for that resident's personal use and not for
9 resale. Prior to receiving a winery shipper's license, an
10 applicant for the license must provide the Commission with a
11 true copy of its current license in any state in which it is
12 licensed as a manufacturer of wine. An applicant for a winery
13 shipper's license must also complete an application form that
14 provides any other information the Commission deems necessary.
15 The application form shall include an acknowledgement
16 consenting to the jurisdiction of the Commission, the Illinois
17 Department of Revenue, and the courts of this State concerning
18 the enforcement of this Act and any related laws, rules, and
19 regulations, including authorizing the Department of Revenue
20 and the Commission to conduct audits for the purpose of
21 ensuring compliance with this amendatory Act.

22 A winery shipper licensee must pay to the Department of
23 Revenue the State liquor gallonage tax under Section 8-1 for
24 all wine that is sold by the licensee and shipped to a person
25 in this State. For the purposes of Section 8-1, a winery
26 shipper licensee shall be taxed in the same manner as a

1 manufacturer of wine. A licensee who is not otherwise required
2 to register under the Retailers' Occupation Tax Act must
3 register under the Use Tax Act to collect and remit use tax to
4 the Department of Revenue for all gallons of wine that are sold
5 by the licensee and shipped to persons in this State. If a
6 licensee fails to remit the tax imposed under this Act in
7 accordance with the provisions of Article VIII of this Act, the
8 winery shipper's license shall be revoked in accordance with
9 the provisions of Article VII of this Act. If a licensee fails
10 to properly register and remit tax under the Use Tax Act or the
11 Retailers' Occupation Tax Act for all wine that is sold by the
12 winery shipper and shipped to persons in this State, the winery
13 shipper's license shall be revoked in accordance with the
14 provisions of Article VII of this Act.

15 A winery shipper licensee must collect, maintain, and
16 submit to the Commission on a semi-annual basis the total
17 number of cases per resident of wine shipped to residents of
18 this State. A winery shipper licensed under this subsection (r)
19 must comply with the requirements of Section 6-29 of this
20 amendatory Act.

21 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08;
22 95-769, eff. 7-29-08.)

23 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

24 Sec. 6-30. Notwithstanding any other provision of this Act,
25 the Illinois Gaming Board shall have exclusive authority to

1 establish the hours for sale and consumption of alcoholic
2 liquor on board a riverboat during riverboat gambling
3 excursions and in a casino conducted in accordance with the
4 Illinois Riverboat Gambling Act.

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

6 Section 90-40. The Criminal Code of 1961 is amended by
7 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as
8 follows:

9 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

10 Sec. 28-1. Gambling.

11 (a) A person commits gambling when he:

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

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

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

20 (4) Contracts to have or give himself or another the
21 option to buy or sell, or contracts to buy or sell, at a
22 future time, any grain or other commodity whatsoever, or
23 any stock or security of any company, where it is at the
24 time of making such contract intended by both parties

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

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

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

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

25 (8) Sets up or promotes any policy game or sells,
26 offers to sell or knowingly possesses or transfers any

1 policy ticket, slip, record, document or other similar
2 device; or

3 (9) Knowingly drafts, prints or publishes any lottery
4 ticket or share, or any policy ticket, slip, record,
5 document or similar device, except for such activity
6 related to lotteries, bingo games and raffles authorized by
7 and conducted in accordance with the laws of Illinois or
8 any other state or foreign government; or

9 (10) Knowingly advertises any lottery or policy game,
10 except for such activity related to lotteries, bingo games
11 and raffles authorized by and conducted in accordance with
12 the laws of Illinois or any other state; or

13 (11) Knowingly transmits information as to wagers,
14 betting odds, or changes in betting odds by telephone,
15 telegraph, radio, semaphore or similar means; or knowingly
16 installs or maintains equipment for the transmission or
17 receipt of such information; except that nothing in this
18 subdivision (11) prohibits transmission or receipt of such
19 information for use in news reporting of sporting events or
20 contests; or

21 (12) Knowingly establishes, maintains, or operates an
22 Internet site that permits a person to play a game of
23 chance or skill for money or other thing of value by means
24 of the Internet or to make a wager upon the result of any
25 game, contest, political nomination, appointment, or
26 election by means of the Internet.

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

3 (1) Agreements to compensate for loss caused by the
4 happening of chance including without limitation contracts
5 of indemnity or guaranty and life or health or accident
6 insurance;

7 (2) Offers of prizes, award or compensation to the
8 actual contestants in any bona fide contest for the
9 determination of skill, speed, strength or endurance or to
10 the owners of animals or vehicles entered in such contest;

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

13 (4) Manufacture of gambling devices, including the
14 acquisition of essential parts therefor and the assembly
15 thereof, for transportation in interstate or foreign
16 commerce to any place outside this State when such
17 transportation is not prohibited by any applicable Federal
18 law;

19 (5) The game commonly known as "bingo", when conducted
20 in accordance with the Bingo License and Tax Act;

21 (6) Lotteries when conducted by the State of Illinois
22 in accordance with the Illinois Lottery Law;

23 (7) Possession of an antique slot machine that is
24 neither used nor intended to be used in the operation or
25 promotion of any unlawful gambling activity or enterprise.
26 For the purpose of this subparagraph (b)(7), an antique

1 slot machine is one manufactured 25 years ago or earlier;

2 (8) Raffles when conducted in accordance with the
3 Raffles Act;

4 (9) Charitable games when conducted in accordance with
5 the Charitable Games Act;

6 (10) Pull tabs and jar games when conducted under the
7 Illinois Pull Tabs and Jar Games Act; or

8 (11) Gambling games ~~conducted on riverboats~~ when
9 authorized by the Illinois Riverboat Gambling Act.

10 (c) Sentence.

11 Gambling under subsection (a) (1) or (a) (2) of this Section
12 is a Class A misdemeanor. Gambling under any of subsections
13 (a) (3) through (a) (11) of this Section is a Class A
14 misdemeanor. A second or subsequent conviction under any of
15 subsections (a) (3) through (a) (11), is a Class 4 felony.
16 Gambling under subsection (a) (12) of this Section is a Class A
17 misdemeanor. A second or subsequent conviction under
18 subsection (a) (12) is a Class 4 felony.

19 (d) Circumstantial evidence.

20 In prosecutions under subsection (a) (1) through (a) (12) of
21 this Section circumstantial evidence shall have the same
22 validity and weight as in any criminal prosecution.

23 (Source: P.A. 91-257, eff. 1-1-00.)

24 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

25 Sec. 28-1.1. Syndicated gambling.

1 (a) Declaration of Purpose. Recognizing the close
2 relationship between professional gambling and other organized
3 crime, it is declared to be the policy of the legislature to
4 restrain persons from engaging in the business of gambling for
5 profit in this State. This Section shall be liberally construed
6 and administered with a view to carrying out this policy.

7 (b) A person commits syndicated gambling when he operates a
8 "policy game" or engages in the business of bookmaking.

9 (c) A person "operates a policy game" when he knowingly
10 uses any premises or property for the purpose of receiving or
11 knowingly does receive from what is commonly called "policy":

12 (1) money from a person other than the better or player
13 whose bets or plays are represented by such money; or

14 (2) written "policy game" records, made or used over
15 any period of time, from a person other than the better or
16 player whose bets or plays are represented by such written
17 record.

18 (d) A person engages in bookmaking when he receives or
19 accepts more than five bets or wagers upon the result of any
20 trials or contests of skill, speed or power of endurance or
21 upon any lot, chance, casualty, unknown or contingent event
22 whatsoever, which bets or wagers shall be of such size that the
23 total of the amounts of money paid or promised to be paid to
24 such bookmaker on account thereof shall exceed \$2,000.
25 Bookmaking is the receiving or accepting of such bets or wagers
26 regardless of the form or manner in which the bookmaker records

1 them.

2 (e) Participants in any of the following activities shall
3 not be convicted of syndicated gambling:

4 (1) Agreements to compensate for loss caused by the
5 happening of chance including without limitation contracts
6 of indemnity or guaranty and life or health or accident
7 insurance; and

8 (2) Offers of prizes, award or compensation to the
9 actual contestants in any bona fide contest for the
10 determination of skill, speed, strength or endurance or to
11 the owners of animals or vehicles entered in such contest;
12 and

13 (3) Pari-mutuel betting as authorized by law of this
14 State; and

15 (4) Manufacture of gambling devices, including the
16 acquisition of essential parts therefor and the assembly
17 thereof, for transportation in interstate or foreign
18 commerce to any place outside this State when such
19 transportation is not prohibited by any applicable Federal
20 law; and

21 (5) Raffles when conducted in accordance with the
22 Raffles Act; and

23 (6) Gambling games conducted on riverboats, in
24 casinos, or at electronic gaming facilities when
25 authorized by the Illinois Riverboat Gambling Act.

26 (f) Sentence. Syndicated gambling is a Class 3 felony.

1 (Source: P.A. 86-1029; 87-435.)

2 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

3 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is
4 any real estate, vehicle, boat or any other property whatsoever
5 used for the purposes of gambling other than gambling conducted
6 in the manner authorized by the Illinois ~~Riverboat~~ Gambling
7 Act. Any person who knowingly permits any premises or property
8 owned or occupied by him or under his control to be used as a
9 gambling place commits a Class A misdemeanor. Each subsequent
10 offense is a Class 4 felony. When any premises is determined by
11 the circuit court to be a gambling place:

12 (a) Such premises is a public nuisance and may be proceeded
13 against as such, and

14 (b) All licenses, permits or certificates issued by the
15 State of Illinois or any subdivision or public agency thereof
16 authorizing the serving of food or liquor on such premises
17 shall be void; and no license, permit or certificate so
18 cancelled shall be reissued for such premises for a period of
19 60 days thereafter; nor shall any person convicted of keeping a
20 gambling place be reissued such license for one year from his
21 conviction and, after a second conviction of keeping a gambling
22 place, any such person shall not be reissued such license, and

23 (c) Such premises of any person who knowingly permits
24 thereon a violation of any Section of this Article shall be
25 held liable for, and may be sold to pay any unsatisfied

1 judgment that may be recovered and any unsatisfied fine that
2 may be levied under any Section of this Article.

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

4 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

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

6 (a) Every device designed for gambling which is incapable
7 of lawful use or every device used unlawfully for gambling
8 shall be considered a "gambling device", and shall be subject
9 to seizure, confiscation and destruction by the Department of
10 State Police or by any municipal, or other local authority,
11 within whose jurisdiction the same may be found. As used in
12 this Section, a "gambling device" includes any slot machine,
13 and includes any machine or device constructed for the
14 reception of money or other thing of value and so constructed
15 as to return, or to cause someone to return, on chance to the
16 player thereof money, property or a right to receive money or
17 property. With the exception of any device designed for
18 gambling which is incapable of lawful use, no gambling device
19 shall be forfeited or destroyed unless an individual with a
20 property interest in said device knows of the unlawful use of
21 the device.

22 (b) Every gambling device shall be seized and forfeited to
23 the county wherein such seizure occurs. Any money or other
24 thing of value integrally related to acts of gambling shall be
25 seized and forfeited to the county wherein such seizure occurs.

1 (c) If, within 60 days after any seizure pursuant to
2 subparagraph (b) of this Section, a person having any property
3 interest in the seized property is charged with an offense, the
4 court which renders judgment upon such charge shall, within 30
5 days after such judgment, conduct a forfeiture hearing to
6 determine whether such property was a gambling device at the
7 time of seizure. Such hearing shall be commenced by a written
8 petition by the State, including material allegations of fact,
9 the name and address of every person determined by the State to
10 have any property interest in the seized property, a
11 representation that written notice of the date, time and place
12 of such hearing has been mailed to every such person by
13 certified mail at least 10 days before such date, and a request
14 for forfeiture. Every such person may appear as a party and
15 present evidence at such hearing. The quantum of proof required
16 shall be a preponderance of the evidence, and the burden of
17 proof shall be on the State. If the court determines that the
18 seized property was a gambling device at the time of seizure,
19 an order of forfeiture and disposition of the seized property
20 shall be entered: a gambling device shall be received by the
21 State's Attorney, who shall effect its destruction, except that
22 valuable parts thereof may be liquidated and the resultant
23 money shall be deposited in the general fund of the county
24 wherein such seizure occurred; money and other things of value
25 shall be received by the State's Attorney and, upon
26 liquidation, shall be deposited in the general fund of the

1 county wherein such seizure occurred. However, in the event
2 that a defendant raises the defense that the seized slot
3 machine is an antique slot machine described in subparagraph
4 (b) (7) of Section 28-1 of this Code and therefore he is exempt
5 from the charge of a gambling activity participant, the seized
6 antique slot machine shall not be destroyed or otherwise
7 altered until a final determination is made by the Court as to
8 whether it is such an antique slot machine. Upon a final
9 determination by the Court of this question in favor of the
10 defendant, such slot machine shall be immediately returned to
11 the defendant. Such order of forfeiture and disposition shall,
12 for the purposes of appeal, be a final order and judgment in a
13 civil proceeding.

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

26 (e) Any gambling device displayed for sale to a riverboat

1 gambling operation, casino gambling operation, or electronic
2 gaming facility or used to train occupational licensees of a
3 riverboat gambling operation, casino gambling operation, or
4 electronic gaming facility as authorized under the Riverboat
5 Gambling Act is exempt from seizure under this Section.

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

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

12 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

13 Sec. 28-7. Gambling contracts void.

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

21 (b) Any obligation void under this Section may be set aside
22 and vacated by any court of competent jurisdiction, upon a
23 complaint filed for that purpose, by the person so granting,
24 giving, entering into, or executing the same, or by his
25 executors or administrators, or by any creditor, heir, legatee,

1 purchaser or other person interested therein; or if a judgment,
2 the same may be set aside on motion of any person stated above,
3 on due notice thereof given.

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

8 (d) This Section shall not prevent a licensed owner of a
9 riverboat gambling operation, casino gambling operation, or an
10 electronic gaming licensee under the Illinois Gambling Act and
11 the Illinois Horse Racing Act of 1975 from instituting a cause
12 of action to collect any amount due and owing under an
13 extension of credit to a ~~riverboat~~ gambling patron as
14 authorized under Section 11.1 of the Illinois ~~Riverboat~~
15 Gambling Act.

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

17 Section 90-45. The Payday Loan Reform Act is amended by
18 changing Section 3-5 as follows:

19 (815 ILCS 122/3-5)

20 Sec. 3-5. Licensure.

21 (a) A license to make a payday loan shall state the
22 address, including city and state, at which the business is to
23 be conducted and shall state fully the name of the licensee.
24 The license shall be conspicuously posted in the place of

1 business of the licensee and shall not be transferable or
2 assignable.

3 (b) An application for a license shall be in writing and in
4 a form prescribed by the Secretary. The Secretary may not issue
5 a payday loan license unless and until the following findings
6 are made:

7 (1) that the financial responsibility, experience,
8 character, and general fitness of the applicant are such as
9 to command the confidence of the public and to warrant the
10 belief that the business will be operated lawfully and
11 fairly and within the provisions and purposes of this Act;
12 and

13 (2) that the applicant has submitted such other
14 information as the Secretary may deem necessary.

15 (c) A license shall be issued for no longer than one year,
16 and no renewal of a license may be provided if a licensee has
17 substantially violated this Act and has not cured the violation
18 to the satisfaction of the Department.

19 (d) A licensee shall appoint, in writing, the Secretary as
20 attorney-in-fact upon whom all lawful process against the
21 licensee may be served with the same legal force and validity
22 as if served on the licensee. A copy of the written
23 appointment, duly certified, shall be filed in the office of
24 the Secretary, and a copy thereof certified by the Secretary
25 shall be sufficient evidence to subject a licensee to
26 jurisdiction in a court of law. This appointment shall remain

1 in effect while any liability remains outstanding in this State
2 against the licensee. When summons is served upon the Secretary
3 as attorney-in-fact for a licensee, the Secretary shall
4 immediately notify the licensee by registered mail, enclosing
5 the summons and specifying the hour and day of service.

6 (e) A licensee must pay an annual fee of \$1,000. In
7 addition to the license fee, the reasonable expense of any
8 examination or hearing by the Secretary under any provisions of
9 this Act shall be borne by the licensee. If a licensee fails to
10 renew its license by December 31, its license shall
11 automatically expire; however, the Secretary, in his or her
12 discretion, may reinstate an expired license upon:

13 (1) payment of the annual fee within 30 days of the
14 date of expiration; and

15 (2) proof of good cause for failure to renew.

16 (f) Not more than one place of business shall be maintained
17 under the same license, but the Secretary may issue more than
18 one license to the same licensee upon compliance with all the
19 provisions of this Act governing issuance of a single license.
20 The location, except those locations already in existence as of
21 June 1, 2005, may not be within one mile of a horse race track
22 subject to the Illinois Horse Racing Act of 1975, within one
23 mile of a facility at which gambling is conducted under the
24 Illinois ~~Riverboat~~ Gambling Act, within one mile of the
25 location at which a riverboat subject to the Illinois ~~Riverboat~~
26 Gambling Act docks, or within one mile of any State of Illinois

1 or United States military base or naval installation.

2 (g) No licensee shall conduct the business of making loans
3 under this Act within any office, suite, room, or place of
4 business in which any other business is solicited or engaged in
5 unless the other business is licensed by the Department or, in
6 the opinion of the Secretary, the other business would not be
7 contrary to the best interests of consumers and is authorized
8 by the Secretary in writing.

9 (h) The Secretary shall maintain a list of licensees that
10 shall be available to interested consumers and lenders and the
11 public. The Secretary shall maintain a toll-free number whereby
12 consumers may obtain information about licensees. The
13 Secretary shall also establish a complaint process under which
14 an aggrieved consumer may file a complaint against a licensee
15 or non-licensee who violates any provision of this Act.

16 (Source: P.A. 94-13, eff. 12-6-05.)

17 Section 90-50. The Travel Promotion Consumer Protection
18 Act is amended by changing Section 2 as follows:

19 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

20 Sec. 2. Definitions.

21 (a) "Travel promoter" means a person, including a tour
22 operator, who sells, provides, furnishes, contracts for,
23 arranges or advertises that he or she will arrange wholesale or
24 retail transportation by air, land, sea or navigable stream,

1 either separately or in conjunction with other services.
2 "Travel promoter" does not include (1) an air carrier; (2) a
3 sea carrier; (3) an officially appointed agent of an air
4 carrier who is a member in good standing of the Airline
5 Reporting Corporation; (4) a travel promoter who has in force
6 \$1,000,000 or more of liability insurance coverage for
7 professional errors and omissions and a surety bond or
8 equivalent surety in the amount of \$100,000 or more for the
9 benefit of consumers in the event of a bankruptcy on the part
10 of the travel promoter; or (5) a riverboat subject to
11 regulation under the Illinois Riverboat Gambling Act.

12 (b) "Advertise" means to make any representation in the
13 solicitation of passengers and includes communication with
14 other members of the same partnership, corporation, joint
15 venture, association, organization, group or other entity.

16 (c) "Passenger" means a person on whose behalf money or
17 other consideration has been given or is to be given to
18 another, including another member of the same partnership,
19 corporation, joint venture, association, organization, group
20 or other entity, for travel.

21 (d) "Ticket or voucher" means a writing or combination of
22 writings which is itself good and sufficient to obtain
23 transportation and other services for which the passenger has
24 contracted.

25 (Source: P.A. 91-357, eff. 7-29-99.)

1 (230 ILCS 5/32.1 rep.)

2 Section 90-55. The Illinois Horse Racing Act of 1975 is
3 amended by repealing Section 32.1.

4 ARTICLE 99.

5 Section 99-99. Effective date. This Act takes effect upon
6 becoming law.