



Rep. William D. Burns

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1 AMENDMENT TO SENATE BILL 3146

2 AMENDMENT NO. _____. Amend Senate Bill 3146, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Findings. The General Assembly makes all of the
6 following findings:

7 (1) That more than 50 municipalities and 5 counties
8 have opted out of video gaming legislation that was enacted
9 by the 96th General Assembly as Public Act 96-34, and
10 revenues for the State's newly approved capital
11 construction program are on track to fall short of
12 projections.

13 (2) That these shortfalls could postpone much-needed
14 road construction, school construction, and other
15 infrastructure improvements.

16 (3) That the State likely will wait a year or more,
17 until video gaming is licensed, organized, and online, to

1 realize meaningful revenue from the program.

2 (4) That a significant infusion of new revenue is
3 necessary to ensure that those projects, which are
4 fundamental to the State's economic recovery, proceed as
5 planned.

6 (5) That the decline of the Illinois horse racing and
7 breeding program, a \$2.5 billion industry, would be
8 reversed if this amendatory Act of the 96th General
9 Assembly would be enacted.

10 (6) That the Illinois horse racing industry is on the
11 verge of extinction due to fierce competition from fully
12 developed horse racing and gaming operations in other
13 states.

14 (7) That Illinois lawmakers agreed in 1999 to earmark
15 15% of the forthcoming 10th casino's revenue for horse
16 racing; the State's horse racing industry has never seen a
17 penny of that revenue because the 10th casino has yet to
18 open.

19 (8) That allowing the State's horse racing venues,
20 currently licensed gaming destinations, to maximize their
21 capacities with gaming machines, would generate up to \$120
22 million to \$200 million for the State in the form of extra
23 licensing fees, plus an additional \$100 million to \$300
24 million in recurring annual tax revenue for the State to
25 help ensure that school, road, and other building projects
26 promised under the capital plan occur on schedule.

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

7 (9) That by keeping these projects on track, the State
8 can be sure that significant job and economic growth will
9 in fact result from the previously enacted legislation.

10 (10) That gaming machines at Illinois horse racing
11 tracks would create an estimated 1,200 to 1,500 permanent
12 jobs, and an estimated capital investment of up to \$200
13 million to \$400 million at these race tracks would prompt
14 additional trade organization jobs necessary to construct
15 new facilities or remodel race tracks to operate electronic
16 gaming.

17 Section 3. The Illinois Income Tax Act is amended by
18 changing Section 201 as follows:

19 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

20 Sec. 201. Tax Imposed.

21 (a) In general. A tax measured by net income is hereby
22 imposed on every individual, corporation, trust and estate for
23 each taxable year ending after July 31, 1969 on the privilege
24 of earning or receiving income in or as a resident of this

1 State. Such tax shall be in addition to all other occupation or
2 privilege taxes imposed by this State or by any municipal
3 corporation or political subdivision thereof.

4 (b) Rates. The tax imposed by subsection (a) of this
5 Section shall be determined as follows, except as adjusted by
6 subsection (d-1):

7 (1) In the case of an individual, trust or estate, for
8 taxable years ending prior to July 1, 1989, an amount equal
9 to 2 1/2% of the taxpayer's net income for the taxable
10 year.

11 (2) In the case of an individual, trust or estate, for
12 taxable years beginning prior to July 1, 1989 and ending
13 after June 30, 1989, an amount equal to the sum of (i) 2
14 1/2% of the taxpayer's net income for the period prior to
15 July 1, 1989, as calculated under Section 202.3, and (ii)
16 3% of the taxpayer's net income for the period after June
17 30, 1989, as calculated under Section 202.3.

18 (3) In the case of an individual, trust or estate, for
19 taxable years beginning after June 30, 1989, an amount
20 equal to 3% of the taxpayer's net income for the taxable
21 year.

22 (4) (Blank).

23 (5) (Blank).

24 (6) In the case of a corporation, for taxable years
25 ending prior to July 1, 1989, an amount equal to 4% of the
26 taxpayer's net income for the taxable year.

1 (7) In the case of a corporation, for taxable years
2 beginning prior to July 1, 1989 and ending after June 30,
3 1989, an amount equal to the sum of (i) 4% of the
4 taxpayer's net income for the period prior to July 1, 1989,
5 as calculated under Section 202.3, and (ii) 4.8% of the
6 taxpayer's net income for the period after June 30, 1989,
7 as calculated under Section 202.3.

8 (8) In the case of a corporation, for taxable years
9 beginning after June 30, 1989, an amount equal to 4.8% of
10 the taxpayer's net income for the taxable year.

11 Surcharge; sale or exchange of assets, properties, and
12 intangibles of gaming licensees. For each of taxable years 2010
13 through 2019, a surcharge is imposed on all taxpayers on income
14 arising from the sale or exchange of capital assets,
15 depreciable business property, real property used in the trade
16 or business, and Section 197 intangibles (i) of an organization
17 licensee under the Illinois Horse Racing Act of 1975 and (ii)
18 of an electronic gaming licensee under the Riverboat Gambling
19 Act. The amount of the surcharge is equal to the amount of
20 federal income tax liability for the taxable year attributable
21 to those sales and exchanges. The surcharge imposed shall not
22 apply if:

23 (1) the electronic gaming license, organization
24 license, or race track property is transferred as a result
25 of any of the following:

26 (A) bankruptcy, a receivership, or a debt

1 adjustment initiated by or against the initial
2 licensee or the substantial owners of the initial
3 licensee;

4 (B) cancellation, revocation, or termination of
5 the electronic gaming licensee's license by the
6 Illinois Gaming Board;

7 (C) a determination by the Illinois Gaming Board
8 that transfer of the license is in the best interests
9 of Illinois gaming;

10 (D) the death of an owner of the equity interest in
11 a licensee;

12 (E) the acquisition of a controlling interest in
13 the stock or substantially all of the assets of a
14 publicly traded company;

15 (F) a transfer by a parent company to a wholly
16 owned subsidiary; or

17 (G) the transfer or sale to or by one person to
18 another person where both persons were initial owners
19 of the license when the license was issued; or

20 (2) the controlling interest in the electronic gaming
21 license, organization license, or race track property is
22 transferred in a transaction to lineal descendants in which
23 no gain or loss is recognized or as a result of a
24 transaction in accordance with Section 351 of the Internal
25 Revenue Code in which no gain or loss is recognized.

26 The transfer of an electronic gaming license, organization

1 license, or race track property by a person other than the
2 initial licensee to receive the electronic gaming license is
3 not subject to a surcharge. The Department shall adopt rules
4 necessary to implement and administer this paragraph.

5 (c) Personal Property Tax Replacement Income Tax.
6 Beginning on July 1, 1979 and thereafter, in addition to such
7 income tax, there is also hereby imposed the Personal Property
8 Tax Replacement Income Tax measured by net income on every
9 corporation (including Subchapter S corporations), partnership
10 and trust, for each taxable year ending after June 30, 1979.
11 Such taxes are imposed on the privilege of earning or receiving
12 income in or as a resident of this State. The Personal Property
13 Tax Replacement Income Tax shall be in addition to the income
14 tax imposed by subsections (a) and (b) of this Section and in
15 addition to all other occupation or privilege taxes imposed by
16 this State or by any municipal corporation or political
17 subdivision thereof.

18 (d) Additional Personal Property Tax Replacement Income
19 Tax Rates. The personal property tax replacement income tax
20 imposed by this subsection and subsection (c) of this Section
21 in the case of a corporation, other than a Subchapter S
22 corporation and except as adjusted by subsection (d-1), shall
23 be an additional amount equal to 2.85% of such taxpayer's net
24 income for the taxable year, except that beginning on January
25 1, 1981, and thereafter, the rate of 2.85% specified in this
26 subsection shall be reduced to 2.5%, and in the case of a

1 partnership, trust or a Subchapter S corporation shall be an
2 additional amount equal to 1.5% of such taxpayer's net income
3 for the taxable year.

4 (d-1) Rate reduction for certain foreign insurers. In the
5 case of a foreign insurer, as defined by Section 35A-5 of the
6 Illinois Insurance Code, whose state or country of domicile
7 imposes on insurers domiciled in Illinois a retaliatory tax
8 (excluding any insurer whose premiums from reinsurance assumed
9 are 50% or more of its total insurance premiums as determined
10 under paragraph (2) of subsection (b) of Section 304, except
11 that for purposes of this determination premiums from
12 reinsurance do not include premiums from inter-affiliate
13 reinsurance arrangements), beginning with taxable years ending
14 on or after December 31, 1999, the sum of the rates of tax
15 imposed by subsections (b) and (d) shall be reduced (but not
16 increased) to the rate at which the total amount of tax imposed
17 under this Act, net of all credits allowed under this Act,
18 shall equal (i) the total amount of tax that would be imposed
19 on the foreign insurer's net income allocable to Illinois for
20 the taxable year by such foreign insurer's state or country of
21 domicile if that net income were subject to all income taxes
22 and taxes measured by net income imposed by such foreign
23 insurer's state or country of domicile, net of all credits
24 allowed or (ii) a rate of zero if no such tax is imposed on such
25 income by the foreign insurer's state of domicile. For the
26 purposes of this subsection (d-1), an inter-affiliate includes

1 a mutual insurer under common management.

2 (1) For the purposes of subsection (d-1), in no event
3 shall the sum of the rates of tax imposed by subsections
4 (b) and (d) be reduced below the rate at which the sum of:

5 (A) the total amount of tax imposed on such foreign
6 insurer under this Act for a taxable year, net of all
7 credits allowed under this Act, plus

8 (B) the privilege tax imposed by Section 409 of the
9 Illinois Insurance Code, the fire insurance company
10 tax imposed by Section 12 of the Fire Investigation
11 Act, and the fire department taxes imposed under
12 Section 11-10-1 of the Illinois Municipal Code,
13 equals 1.25% for taxable years ending prior to December 31,
14 2003, or 1.75% for taxable years ending on or after
15 December 31, 2003, of the net taxable premiums written for
16 the taxable year, as described by subsection (1) of Section
17 409 of the Illinois Insurance Code. This paragraph will in
18 no event increase the rates imposed under subsections (b)
19 and (d).

20 (2) Any reduction in the rates of tax imposed by this
21 subsection shall be applied first against the rates imposed
22 by subsection (b) and only after the tax imposed by
23 subsection (a) net of all credits allowed under this
24 Section other than the credit allowed under subsection (i)
25 has been reduced to zero, against the rates imposed by
26 subsection (d).

1 This subsection (d-1) is exempt from the provisions of
2 Section 250.

3 (e) Investment credit. A taxpayer shall be allowed a credit
4 against the Personal Property Tax Replacement Income Tax for
5 investment in qualified property.

6 (1) A taxpayer shall be allowed a credit equal to .5%
7 of the basis of qualified property placed in service during
8 the taxable year, provided such property is placed in
9 service on or after July 1, 1984. There shall be allowed an
10 additional credit equal to .5% of the basis of qualified
11 property placed in service during the taxable year,
12 provided such property is placed in service on or after
13 July 1, 1986, and the taxpayer's base employment within
14 Illinois has increased by 1% or more over the preceding
15 year as determined by the taxpayer's employment records
16 filed with the Illinois Department of Employment Security.
17 Taxpayers who are new to Illinois shall be deemed to have
18 met the 1% growth in base employment for the first year in
19 which they file employment records with the Illinois
20 Department of Employment Security. The provisions added to
21 this Section by Public Act 85-1200 (and restored by Public
22 Act 87-895) shall be construed as declaratory of existing
23 law and not as a new enactment. If, in any year, the
24 increase in base employment within Illinois over the
25 preceding year is less than 1%, the additional credit shall
26 be limited to that percentage times a fraction, the

1 numerator of which is .5% and the denominator of which is
2 1%, but shall not exceed .5%. The investment credit shall
3 not be allowed to the extent that it would reduce a
4 taxpayer's liability in any tax year below zero, nor may
5 any credit for qualified property be allowed for any year
6 other than the year in which the property was placed in
7 service in Illinois. For tax years ending on or after
8 December 31, 1987, and on or before December 31, 1988, the
9 credit shall be allowed for the tax year in which the
10 property is placed in service, or, if the amount of the
11 credit exceeds the tax liability for that year, whether it
12 exceeds the original liability or the liability as later
13 amended, such excess may be carried forward and applied to
14 the tax liability of the 5 taxable years following the
15 excess credit years if the taxpayer (i) makes investments
16 which cause the creation of a minimum of 2,000 full-time
17 equivalent jobs in Illinois, (ii) is located in an
18 enterprise zone established pursuant to the Illinois
19 Enterprise Zone Act and (iii) is certified by the
20 Department of Commerce and Community Affairs (now
21 Department of Commerce and Economic Opportunity) as
22 complying with the requirements specified in clause (i) and
23 (ii) by July 1, 1986. The Department of Commerce and
24 Community Affairs (now Department of Commerce and Economic
25 Opportunity) shall notify the Department of Revenue of all
26 such certifications immediately. For tax years ending

1 after December 31, 1988, the credit shall be allowed for
2 the tax year in which the property is placed in service,
3 or, if the amount of the credit exceeds the tax liability
4 for that year, whether it exceeds the original liability or
5 the liability as later amended, such excess may be carried
6 forward and applied to the tax liability of the 5 taxable
7 years following the excess credit years. The credit shall
8 be applied to the earliest year for which there is a
9 liability. If there is credit from more than one tax year
10 that is available to offset a liability, earlier credit
11 shall be applied first.

12 (2) The term "qualified property" means property
13 which:

14 (A) is tangible, whether new or used, including
15 buildings and structural components of buildings and
16 signs that are real property, but not including land or
17 improvements to real property that are not a structural
18 component of a building such as landscaping, sewer
19 lines, local access roads, fencing, parking lots, and
20 other appurtenances;

21 (B) is depreciable pursuant to Section 167 of the
22 Internal Revenue Code, except that "3-year property"
23 as defined in Section 168(c)(2)(A) of that Code is not
24 eligible for the credit provided by this subsection
25 (e);

26 (C) is acquired by purchase as defined in Section

1 179(d) of the Internal Revenue Code;

2 (D) is used in Illinois by a taxpayer who is
3 primarily engaged in manufacturing, or in mining coal
4 or fluorite, or in retailing, or was placed in service
5 on or after July 1, 2006 in a River Edge Redevelopment
6 Zone established pursuant to the River Edge
7 Redevelopment Zone Act; and

8 (E) has not previously been used in Illinois in
9 such a manner and by such a person as would qualify for
10 the credit provided by this subsection (e) or
11 subsection (f).

12 (3) For purposes of this subsection (e),
13 "manufacturing" means the material staging and production
14 of tangible personal property by procedures commonly
15 regarded as manufacturing, processing, fabrication, or
16 assembling which changes some existing material into new
17 shapes, new qualities, or new combinations. For purposes of
18 this subsection (e) the term "mining" shall have the same
19 meaning as the term "mining" in Section 613(c) of the
20 Internal Revenue Code. For purposes of this subsection (e),
21 the term "retailing" means the sale of tangible personal
22 property for use or consumption and not for resale, or
23 services rendered in conjunction with the sale of tangible
24 personal property for use or consumption and not for
25 resale. For purposes of this subsection (e), "tangible
26 personal property" has the same meaning as when that term

1 is used in the Retailers' Occupation Tax Act, and, for
2 taxable years ending after December 31, 2008, does not
3 include the generation, transmission, or distribution of
4 electricity.

5 (4) The basis of qualified property shall be the basis
6 used to compute the depreciation deduction for federal
7 income tax purposes.

8 (5) If the basis of the property for federal income tax
9 depreciation purposes is increased after it has been placed
10 in service in Illinois by the taxpayer, the amount of such
11 increase shall be deemed property placed in service on the
12 date of such increase in basis.

13 (6) The term "placed in service" shall have the same
14 meaning as under Section 46 of the Internal Revenue Code.

15 (7) If during any taxable year, any property ceases to
16 be qualified property in the hands of the taxpayer within
17 48 months after being placed in service, or the situs of
18 any qualified property is moved outside Illinois within 48
19 months after being placed in service, the Personal Property
20 Tax Replacement Income Tax for such taxable year shall be
21 increased. Such increase shall be determined by (i)
22 recomputing the investment credit which would have been
23 allowed for the year in which credit for such property was
24 originally allowed by eliminating such property from such
25 computation and, (ii) subtracting such recomputed credit
26 from the amount of credit previously allowed. For the

1 purposes of this paragraph (7), a reduction of the basis of
2 qualified property resulting from a redetermination of the
3 purchase price shall be deemed a disposition of qualified
4 property to the extent of such reduction.

5 (8) Unless the investment credit is extended by law,
6 the basis of qualified property shall not include costs
7 incurred after December 31, 2013, except for costs incurred
8 pursuant to a binding contract entered into on or before
9 December 31, 2013.

10 (9) Each taxable year ending before December 31, 2000,
11 a partnership may elect to pass through to its partners the
12 credits to which the partnership is entitled under this
13 subsection (e) for the taxable year. A partner may use the
14 credit allocated to him or her under this paragraph only
15 against the tax imposed in subsections (c) and (d) of this
16 Section. If the partnership makes that election, those
17 credits shall be allocated among the partners in the
18 partnership in accordance with the rules set forth in
19 Section 704(b) of the Internal Revenue Code, and the rules
20 promulgated under that Section, and the allocated amount of
21 the credits shall be allowed to the partners for that
22 taxable year. The partnership shall make this election on
23 its Personal Property Tax Replacement Income Tax return for
24 that taxable year. The election to pass through the credits
25 shall be irrevocable.

26 For taxable years ending on or after December 31, 2000,

1 a partner that qualifies its partnership for a subtraction
2 under subparagraph (I) of paragraph (2) of subsection (d)
3 of Section 203 or a shareholder that qualifies a Subchapter
4 S corporation for a subtraction under subparagraph (S) of
5 paragraph (2) of subsection (b) of Section 203 shall be
6 allowed a credit under this subsection (e) equal to its
7 share of the credit earned under this subsection (e) during
8 the taxable year by the partnership or Subchapter S
9 corporation, determined in accordance with the
10 determination of income and distributive share of income
11 under Sections 702 and 704 and Subchapter S of the Internal
12 Revenue Code. This paragraph is exempt from the provisions
13 of Section 250.

14 (f) Investment credit; Enterprise Zone; River Edge
15 Redevelopment Zone.

16 (1) A taxpayer shall be allowed a credit against the
17 tax imposed by subsections (a) and (b) of this Section for
18 investment in qualified property which is placed in service
19 in an Enterprise Zone created pursuant to the Illinois
20 Enterprise Zone Act or, for property placed in service on
21 or after July 1, 2006, a River Edge Redevelopment Zone
22 established pursuant to the River Edge Redevelopment Zone
23 Act. For partners, shareholders of Subchapter S
24 corporations, and owners of limited liability companies,
25 if the liability company is treated as a partnership for
26 purposes of federal and State income taxation, there shall

1 be allowed a credit under this subsection (f) to be
2 determined in accordance with the determination of income
3 and distributive share of income under Sections 702 and 704
4 and Subchapter S of the Internal Revenue Code. The credit
5 shall be .5% of the basis for such property. The credit
6 shall be available only in the taxable year in which the
7 property is placed in service in the Enterprise Zone or
8 River Edge Redevelopment Zone and shall not be allowed to
9 the extent that it would reduce a taxpayer's liability for
10 the tax imposed by subsections (a) and (b) of this Section
11 to below zero. For tax years ending on or after December
12 31, 1985, the credit shall be allowed for the tax year in
13 which the property is placed in service, or, if the amount
14 of the credit exceeds the tax liability for that year,
15 whether it exceeds the original liability or the liability
16 as later amended, such excess may be carried forward and
17 applied to the tax liability of the 5 taxable years
18 following the excess credit year. The credit shall be
19 applied to the earliest year for which there is a
20 liability. If there is credit from more than one tax year
21 that is available to offset a liability, the credit
22 accruing first in time shall be applied first.

23 (2) The term qualified property means property which:

24 (A) is tangible, whether new or used, including
25 buildings and structural components of buildings;

26 (B) is depreciable pursuant to Section 167 of the

1 Internal Revenue Code, except that "3-year property"
2 as defined in Section 168(c)(2)(A) of that Code is not
3 eligible for the credit provided by this subsection
4 (f);

5 (C) is acquired by purchase as defined in Section
6 179(d) of the Internal Revenue Code;

7 (D) is used in the Enterprise Zone or River Edge
8 Redevelopment Zone by the taxpayer; and

9 (E) has not been previously used in Illinois in
10 such a manner and by such a person as would qualify for
11 the credit provided by this subsection (f) or
12 subsection (e).

13 (3) The basis of qualified property shall be the basis
14 used to compute the depreciation deduction for federal
15 income tax purposes.

16 (4) If the basis of the property for federal income tax
17 depreciation purposes is increased after it has been placed
18 in service in the Enterprise Zone or River Edge
19 Redevelopment Zone by the taxpayer, the amount of such
20 increase shall be deemed property placed in service on the
21 date of such increase in basis.

22 (5) The term "placed in service" shall have the same
23 meaning as under Section 46 of the Internal Revenue Code.

24 (6) If during any taxable year, any property ceases to
25 be qualified property in the hands of the taxpayer within
26 48 months after being placed in service, or the situs of

1 any qualified property is moved outside the Enterprise Zone
2 or River Edge Redevelopment Zone within 48 months after
3 being placed in service, the tax imposed under subsections
4 (a) and (b) of this Section for such taxable year shall be
5 increased. Such increase shall be determined by (i)
6 recomputing the investment credit which would have been
7 allowed for the year in which credit for such property was
8 originally allowed by eliminating such property from such
9 computation, and (ii) subtracting such recomputed credit
10 from the amount of credit previously allowed. For the
11 purposes of this paragraph (6), a reduction of the basis of
12 qualified property resulting from a redetermination of the
13 purchase price shall be deemed a disposition of qualified
14 property to the extent of such reduction.

15 (7) There shall be allowed an additional credit equal
16 to 0.5% of the basis of qualified property placed in
17 service during the taxable year in a River Edge
18 Redevelopment Zone, provided such property is placed in
19 service on or after July 1, 2006, and the taxpayer's base
20 employment within Illinois has increased by 1% or more over
21 the preceding year as determined by the taxpayer's
22 employment records filed with the Illinois Department of
23 Employment Security. Taxpayers who are new to Illinois
24 shall be deemed to have met the 1% growth in base
25 employment for the first year in which they file employment
26 records with the Illinois Department of Employment

1 Security. If, in any year, the increase in base employment
2 within Illinois over the preceding year is less than 1%,
3 the additional credit shall be limited to that percentage
4 times a fraction, the numerator of which is 0.5% and the
5 denominator of which is 1%, but shall not exceed 0.5%.

6 (g) Jobs Tax Credit; Enterprise Zone, River Edge
7 Redevelopment Zone, and Foreign Trade Zone or Sub-Zone.

8 (1) A taxpayer conducting a trade or business in an
9 enterprise zone or a High Impact Business designated by the
10 Department of Commerce and Economic Opportunity or for
11 taxable years ending on or after December 31, 2006, in a
12 River Edge Redevelopment Zone conducting a trade or
13 business in a federally designated Foreign Trade Zone or
14 Sub-Zone shall be allowed a credit against the tax imposed
15 by subsections (a) and (b) of this Section in the amount of
16 \$500 per eligible employee hired to work in the zone during
17 the taxable year.

18 (2) To qualify for the credit:

19 (A) the taxpayer must hire 5 or more eligible
20 employees to work in an enterprise zone, River Edge
21 Redevelopment Zone, or federally designated Foreign
22 Trade Zone or Sub-Zone during the taxable year;

23 (B) the taxpayer's total employment within the
24 enterprise zone, River Edge Redevelopment Zone, or
25 federally designated Foreign Trade Zone or Sub-Zone
26 must increase by 5 or more full-time employees beyond

1 the total employed in that zone at the end of the
2 previous tax year for which a jobs tax credit under
3 this Section was taken, or beyond the total employed by
4 the taxpayer as of December 31, 1985, whichever is
5 later; and

6 (C) the eligible employees must be employed 180
7 consecutive days in order to be deemed hired for
8 purposes of this subsection.

9 (3) An "eligible employee" means an employee who is:

10 (A) Certified by the Department of Commerce and
11 Economic Opportunity as "eligible for services"
12 pursuant to regulations promulgated in accordance with
13 Title II of the Job Training Partnership Act, Training
14 Services for the Disadvantaged or Title III of the Job
15 Training Partnership Act, Employment and Training
16 Assistance for Dislocated Workers Program.

17 (B) Hired after the enterprise zone, River Edge
18 Redevelopment Zone, or federally designated Foreign
19 Trade Zone or Sub-Zone was designated or the trade or
20 business was located in that zone, whichever is later.

21 (C) Employed in the enterprise zone, River Edge
22 Redevelopment Zone, or Foreign Trade Zone or Sub-Zone.
23 An employee is employed in an enterprise zone or
24 federally designated Foreign Trade Zone or Sub-Zone if
25 his services are rendered there or it is the base of
26 operations for the services performed.

1 (D) A full-time employee working 30 or more hours
2 per week.

3 (4) For tax years ending on or after December 31, 1985
4 and prior to December 31, 1988, the credit shall be allowed
5 for the tax year in which the eligible employees are hired.
6 For tax years ending on or after December 31, 1988, the
7 credit shall be allowed for the tax year immediately
8 following the tax year in which the eligible employees are
9 hired. If the amount of the credit exceeds the tax
10 liability for that year, whether it exceeds the original
11 liability or the liability as later amended, such excess
12 may be carried forward and applied to the tax liability of
13 the 5 taxable years following the excess credit year. The
14 credit shall be applied to the earliest year for which
15 there is a liability. If there is credit from more than one
16 tax year that is available to offset a liability, earlier
17 credit shall be applied first.

18 (5) The Department of Revenue shall promulgate such
19 rules and regulations as may be deemed necessary to carry
20 out the purposes of this subsection (g).

21 (6) The credit shall be available for eligible
22 employees hired on or after January 1, 1986.

23 (h) Investment credit; High Impact Business.

24 (1) Subject to subsections (b) and (b-5) of Section 5.5
25 of the Illinois Enterprise Zone Act, a taxpayer shall be
26 allowed a credit against the tax imposed by subsections (a)

1 and (b) of this Section for investment in qualified
2 property which is placed in service by a Department of
3 Commerce and Economic Opportunity designated High Impact
4 Business. The credit shall be .5% of the basis for such
5 property. The credit shall not be available (i) until the
6 minimum investments in qualified property set forth in
7 subdivision (a)(3)(A) of Section 5.5 of the Illinois
8 Enterprise Zone Act have been satisfied or (ii) until the
9 time authorized in subsection (b-5) of the Illinois
10 Enterprise Zone Act for entities designated as High Impact
11 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
12 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
13 Act, and shall not be allowed to the extent that it would
14 reduce a taxpayer's liability for the tax imposed by
15 subsections (a) and (b) of this Section to below zero. The
16 credit applicable to such investments shall be taken in the
17 taxable year in which such investments have been completed.
18 The credit for additional investments beyond the minimum
19 investment by a designated high impact business authorized
20 under subdivision (a)(3)(A) of Section 5.5 of the Illinois
21 Enterprise Zone Act shall be available only in the taxable
22 year in which the property is placed in service and shall
23 not be allowed to the extent that it would reduce a
24 taxpayer's liability for the tax imposed by subsections (a)
25 and (b) of this Section to below zero. For tax years ending
26 on or after December 31, 1987, the credit shall be allowed

1 for the tax year in which the property is placed in
2 service, or, if the amount of the credit exceeds the tax
3 liability for that year, whether it exceeds the original
4 liability or the liability as later amended, such excess
5 may be carried forward and applied to the tax liability of
6 the 5 taxable years following the excess credit year. The
7 credit shall be applied to the earliest year for which
8 there is a liability. If there is credit from more than one
9 tax year that is available to offset a liability, the
10 credit accruing first in time shall be applied first.

11 Changes made in this subdivision (h) (1) by Public Act
12 88-670 restore changes made by Public Act 85-1182 and
13 reflect existing law.

14 (2) The term qualified property means property which:

15 (A) is tangible, whether new or used, including
16 buildings and structural components of buildings;

17 (B) is depreciable pursuant to Section 167 of the
18 Internal Revenue Code, except that "3-year property"
19 as defined in Section 168(c) (2) (A) of that Code is not
20 eligible for the credit provided by this subsection
21 (h);

22 (C) is acquired by purchase as defined in Section
23 179(d) of the Internal Revenue Code; and

24 (D) is not eligible for the Enterprise Zone
25 Investment Credit provided by subsection (f) of this
26 Section.

1 (3) The basis of qualified property shall be the basis
2 used to compute the depreciation deduction for federal
3 income tax purposes.

4 (4) If the basis of the property for federal income tax
5 depreciation purposes is increased after it has been placed
6 in service in a federally designated Foreign Trade Zone or
7 Sub-Zone located in Illinois by the taxpayer, the amount of
8 such increase shall be deemed property placed in service on
9 the date of such increase in basis.

10 (5) The term "placed in service" shall have the same
11 meaning as under Section 46 of the Internal Revenue Code.

12 (6) If during any taxable year ending on or before
13 December 31, 1996, any property ceases to be qualified
14 property in the hands of the taxpayer within 48 months
15 after being placed in service, or the situs of any
16 qualified property is moved outside Illinois within 48
17 months after being placed in service, the tax imposed under
18 subsections (a) and (b) of this Section for such taxable
19 year shall be increased. Such increase shall be determined
20 by (i) recomputing the investment credit which would have
21 been allowed for the year in which credit for such property
22 was originally allowed by eliminating such property from
23 such computation, and (ii) subtracting such recomputed
24 credit from the amount of credit previously allowed. For
25 the purposes of this paragraph (6), a reduction of the
26 basis of qualified property resulting from a

1 redetermination of the purchase price shall be deemed a
2 disposition of qualified property to the extent of such
3 reduction.

4 (7) Beginning with tax years ending after December 31,
5 1996, if a taxpayer qualifies for the credit under this
6 subsection (h) and thereby is granted a tax abatement and
7 the taxpayer relocates its entire facility in violation of
8 the explicit terms and length of the contract under Section
9 18-183 of the Property Tax Code, the tax imposed under
10 subsections (a) and (b) of this Section shall be increased
11 for the taxable year in which the taxpayer relocated its
12 facility by an amount equal to the amount of credit
13 received by the taxpayer under this subsection (h).

14 (i) Credit for Personal Property Tax Replacement Income
15 Tax. For tax years ending prior to December 31, 2003, a credit
16 shall be allowed against the tax imposed by subsections (a) and
17 (b) of this Section for the tax imposed by subsections (c) and
18 (d) of this Section. This credit shall be computed by
19 multiplying the tax imposed by subsections (c) and (d) of this
20 Section by a fraction, the numerator of which is base income
21 allocable to Illinois and the denominator of which is Illinois
22 base income, and further multiplying the product by the tax
23 rate imposed by subsections (a) and (b) of this Section.

24 Any credit earned on or after December 31, 1986 under this
25 subsection which is unused in the year the credit is computed
26 because it exceeds the tax liability imposed by subsections (a)

1 and (b) for that year (whether it exceeds the original
2 liability or the liability as later amended) may be carried
3 forward and applied to the tax liability imposed by subsections
4 (a) and (b) of the 5 taxable years following the excess credit
5 year, provided that no credit may be carried forward to any
6 year ending on or after December 31, 2003. This credit shall be
7 applied first to the earliest year for which there is a
8 liability. If there is a credit under this subsection from more
9 than one tax year that is available to offset a liability the
10 earliest credit arising under this subsection shall be applied
11 first.

12 If, during any taxable year ending on or after December 31,
13 1986, the tax imposed by subsections (c) and (d) of this
14 Section for which a taxpayer has claimed a credit under this
15 subsection (i) is reduced, the amount of credit for such tax
16 shall also be reduced. Such reduction shall be determined by
17 recomputing the credit to take into account the reduced tax
18 imposed by subsections (c) and (d). If any portion of the
19 reduced amount of credit has been carried to a different
20 taxable year, an amended return shall be filed for such taxable
21 year to reduce the amount of credit claimed.

22 (j) Training expense credit. Beginning with tax years
23 ending on or after December 31, 1986 and prior to December 31,
24 2003, a taxpayer shall be allowed a credit against the tax
25 imposed by subsections (a) and (b) under this Section for all
26 amounts paid or accrued, on behalf of all persons employed by

1 the taxpayer in Illinois or Illinois residents employed outside
2 of Illinois by a taxpayer, for educational or vocational
3 training in semi-technical or technical fields or semi-skilled
4 or skilled fields, which were deducted from gross income in the
5 computation of taxable income. The credit against the tax
6 imposed by subsections (a) and (b) shall be 1.6% of such
7 training expenses. For partners, shareholders of subchapter S
8 corporations, and owners of limited liability companies, if the
9 liability company is treated as a partnership for purposes of
10 federal and State income taxation, there shall be allowed a
11 credit under this subsection (j) to be determined in accordance
12 with the determination of income and distributive share of
13 income under Sections 702 and 704 and subchapter S of the
14 Internal Revenue Code.

15 Any credit allowed under this subsection which is unused in
16 the year the credit is earned may be carried forward to each of
17 the 5 taxable years following the year for which the credit is
18 first computed until it is used. This credit shall be applied
19 first to the earliest year for which there is a liability. If
20 there is a credit under this subsection from more than one tax
21 year that is available to offset a liability the earliest
22 credit arising under this subsection shall be applied first. No
23 carryforward credit may be claimed in any tax year ending on or
24 after December 31, 2003.

25 (k) Research and development credit.

26 For tax years ending after July 1, 1990 and prior to

1 December 31, 2003, and beginning again for tax years ending on
2 or after December 31, 2004, a taxpayer shall be allowed a
3 credit against the tax imposed by subsections (a) and (b) of
4 this Section for increasing research activities in this State.
5 The credit allowed against the tax imposed by subsections (a)
6 and (b) shall be equal to 6 1/2% of the qualifying expenditures
7 for increasing research activities in this State. For partners,
8 shareholders of subchapter S corporations, and owners of
9 limited liability companies, if the liability company is
10 treated as a partnership for purposes of federal and State
11 income taxation, there shall be allowed a credit under this
12 subsection to be determined in accordance with the
13 determination of income and distributive share of income under
14 Sections 702 and 704 and subchapter S of the Internal Revenue
15 Code.

16 For purposes of this subsection, "qualifying expenditures"
17 means the qualifying expenditures as defined for the federal
18 credit for increasing research activities which would be
19 allowable under Section 41 of the Internal Revenue Code and
20 which are conducted in this State, "qualifying expenditures for
21 increasing research activities in this State" means the excess
22 of qualifying expenditures for the taxable year in which
23 incurred over qualifying expenditures for the base period,
24 "qualifying expenditures for the base period" means the average
25 of the qualifying expenditures for each year in the base
26 period, and "base period" means the 3 taxable years immediately

1 preceding the taxable year for which the determination is being
2 made.

3 Any credit in excess of the tax liability for the taxable
4 year may be carried forward. A taxpayer may elect to have the
5 unused credit shown on its final completed return carried over
6 as a credit against the tax liability for the following 5
7 taxable years or until it has been fully used, whichever occurs
8 first; provided that no credit earned in a tax year ending
9 prior to December 31, 2003 may be carried forward to any year
10 ending on or after December 31, 2003.

11 If an unused credit is carried forward to a given year from
12 2 or more earlier years, that credit arising in the earliest
13 year will be applied first against the tax liability for the
14 given year. If a tax liability for the given year still
15 remains, the credit from the next earliest year will then be
16 applied, and so on, until all credits have been used or no tax
17 liability for the given year remains. Any remaining unused
18 credit or credits then will be carried forward to the next
19 following year in which a tax liability is incurred, except
20 that no credit can be carried forward to a year which is more
21 than 5 years after the year in which the expense for which the
22 credit is given was incurred.

23 No inference shall be drawn from this amendatory Act of the
24 91st General Assembly in construing this Section for taxable
25 years beginning before January 1, 1999.

26 (1) Environmental Remediation Tax Credit.

1 (i) For tax years ending after December 31, 1997 and on
2 or before December 31, 2001, a taxpayer shall be allowed a
3 credit against the tax imposed by subsections (a) and (b)
4 of this Section for certain amounts paid for unreimbursed
5 eligible remediation costs, as specified in this
6 subsection. For purposes of this Section, "unreimbursed
7 eligible remediation costs" means costs approved by the
8 Illinois Environmental Protection Agency ("Agency") under
9 Section 58.14 of the Environmental Protection Act that were
10 paid in performing environmental remediation at a site for
11 which a No Further Remediation Letter was issued by the
12 Agency and recorded under Section 58.10 of the
13 Environmental Protection Act. The credit must be claimed
14 for the taxable year in which Agency approval of the
15 eligible remediation costs is granted. The credit is not
16 available to any taxpayer if the taxpayer or any related
17 party caused or contributed to, in any material respect, a
18 release of regulated substances on, in, or under the site
19 that was identified and addressed by the remedial action
20 pursuant to the Site Remediation Program of the
21 Environmental Protection Act. After the Pollution Control
22 Board rules are adopted pursuant to the Illinois
23 Administrative Procedure Act for the administration and
24 enforcement of Section 58.9 of the Environmental
25 Protection Act, determinations as to credit availability
26 for purposes of this Section shall be made consistent with

1 those rules. For purposes of this Section, "taxpayer"
2 includes a person whose tax attributes the taxpayer has
3 succeeded to under Section 381 of the Internal Revenue Code
4 and "related party" includes the persons disallowed a
5 deduction for losses by paragraphs (b), (c), and (f)(1) of
6 Section 267 of the Internal Revenue Code by virtue of being
7 a related taxpayer, as well as any of its partners. The
8 credit allowed against the tax imposed by subsections (a)
9 and (b) shall be equal to 25% of the unreimbursed eligible
10 remediation costs in excess of \$100,000 per site, except
11 that the \$100,000 threshold shall not apply to any site
12 contained in an enterprise zone as determined by the
13 Department of Commerce and Community Affairs (now
14 Department of Commerce and Economic Opportunity). The
15 total credit allowed shall not exceed \$40,000 per year with
16 a maximum total of \$150,000 per site. For partners and
17 shareholders of subchapter S corporations, there shall be
18 allowed a credit under this subsection to be determined in
19 accordance with the determination of income and
20 distributive share of income under Sections 702 and 704 and
21 subchapter S of the Internal Revenue Code.

22 (ii) A credit allowed under this subsection that is
23 unused in the year the credit is earned may be carried
24 forward to each of the 5 taxable years following the year
25 for which the credit is first earned until it is used. The
26 term "unused credit" does not include any amounts of

1 unreimbursed eligible remediation costs in excess of the
2 maximum credit per site authorized under paragraph (i).
3 This credit shall be applied first to the earliest year for
4 which there is a liability. If there is a credit under this
5 subsection from more than one tax year that is available to
6 offset a liability, the earliest credit arising under this
7 subsection shall be applied first. A credit allowed under
8 this subsection may be sold to a buyer as part of a sale of
9 all or part of the remediation site for which the credit
10 was granted. The purchaser of a remediation site and the
11 tax credit shall succeed to the unused credit and remaining
12 carry-forward period of the seller. To perfect the
13 transfer, the assignor shall record the transfer in the
14 chain of title for the site and provide written notice to
15 the Director of the Illinois Department of Revenue of the
16 assignor's intent to sell the remediation site and the
17 amount of the tax credit to be transferred as a portion of
18 the sale. In no event may a credit be transferred to any
19 taxpayer if the taxpayer or a related party would not be
20 eligible under the provisions of subsection (i).

21 (iii) For purposes of this Section, the term "site"
22 shall have the same meaning as under Section 58.2 of the
23 Environmental Protection Act.

24 (m) Education expense credit. Beginning with tax years
25 ending after December 31, 1999, a taxpayer who is the custodian
26 of one or more qualifying pupils shall be allowed a credit

1 against the tax imposed by subsections (a) and (b) of this
2 Section for qualified education expenses incurred on behalf of
3 the qualifying pupils. The credit shall be equal to 25% of
4 qualified education expenses, but in no event may the total
5 credit under this subsection claimed by a family that is the
6 custodian of qualifying pupils exceed \$500. In no event shall a
7 credit under this subsection reduce the taxpayer's liability
8 under this Act to less than zero. This subsection is exempt
9 from the provisions of Section 250 of this Act.

10 For purposes of this subsection:

11 "Qualifying pupils" means individuals who (i) are
12 residents of the State of Illinois, (ii) are under the age of
13 21 at the close of the school year for which a credit is
14 sought, and (iii) during the school year for which a credit is
15 sought were full-time pupils enrolled in a kindergarten through
16 twelfth grade education program at any school, as defined in
17 this subsection.

18 "Qualified education expense" means the amount incurred on
19 behalf of a qualifying pupil in excess of \$250 for tuition,
20 book fees, and lab fees at the school in which the pupil is
21 enrolled during the regular school year.

22 "School" means any public or nonpublic elementary or
23 secondary school in Illinois that is in compliance with Title
24 VI of the Civil Rights Act of 1964 and attendance at which
25 satisfies the requirements of Section 26-1 of the School Code,
26 except that nothing shall be construed to require a child to

1 attend any particular public or nonpublic school to qualify for
2 the credit under this Section.

3 "Custodian" means, with respect to qualifying pupils, an
4 Illinois resident who is a parent, the parents, a legal
5 guardian, or the legal guardians of the qualifying pupils.

6 (n) River Edge Redevelopment Zone site remediation tax
7 credit.

8 (i) For tax years ending on or after December 31, 2006,
9 a taxpayer shall be allowed a credit against the tax
10 imposed by subsections (a) and (b) of this Section for
11 certain amounts paid for unreimbursed eligible remediation
12 costs, as specified in this subsection. For purposes of
13 this Section, "unreimbursed eligible remediation costs"
14 means costs approved by the Illinois Environmental
15 Protection Agency ("Agency") under Section 58.14a of the
16 Environmental Protection Act that were paid in performing
17 environmental remediation at a site within a River Edge
18 Redevelopment Zone for which a No Further Remediation
19 Letter was issued by the Agency and recorded under Section
20 58.10 of the Environmental Protection Act. The credit must
21 be claimed for the taxable year in which Agency approval of
22 the eligible remediation costs is granted. The credit is
23 not available to any taxpayer if the taxpayer or any
24 related party caused or contributed to, in any material
25 respect, a release of regulated substances on, in, or under
26 the site that was identified and addressed by the remedial

1 action pursuant to the Site Remediation Program of the
2 Environmental Protection Act. Determinations as to credit
3 availability for purposes of this Section shall be made
4 consistent with rules adopted by the Pollution Control
5 Board pursuant to the Illinois Administrative Procedure
6 Act for the administration and enforcement of Section 58.9
7 of the Environmental Protection Act. For purposes of this
8 Section, "taxpayer" includes a person whose tax attributes
9 the taxpayer has succeeded to under Section 381 of the
10 Internal Revenue Code and "related party" includes the
11 persons disallowed a deduction for losses by paragraphs
12 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
13 Code by virtue of being a related taxpayer, as well as any
14 of its partners. The credit allowed against the tax imposed
15 by subsections (a) and (b) shall be equal to 25% of the
16 unreimbursed eligible remediation costs in excess of
17 \$100,000 per site.

18 (ii) A credit allowed under this subsection that is
19 unused in the year the credit is earned may be carried
20 forward to each of the 5 taxable years following the year
21 for which the credit is first earned until it is used. This
22 credit shall be applied first to the earliest year for
23 which there is a liability. If there is a credit under this
24 subsection from more than one tax year that is available to
25 offset a liability, the earliest credit arising under this
26 subsection shall be applied first. A credit allowed under

1 this subsection may be sold to a buyer as part of a sale of
2 all or part of the remediation site for which the credit
3 was granted. The purchaser of a remediation site and the
4 tax credit shall succeed to the unused credit and remaining
5 carry-forward period of the seller. To perfect the
6 transfer, the assignor shall record the transfer in the
7 chain of title for the site and provide written notice to
8 the Director of the Illinois Department of Revenue of the
9 assignor's intent to sell the remediation site and the
10 amount of the tax credit to be transferred as a portion of
11 the sale. In no event may a credit be transferred to any
12 taxpayer if the taxpayer or a related party would not be
13 eligible under the provisions of subsection (i).

14 (iii) For purposes of this Section, the term "site"
15 shall have the same meaning as under Section 58.2 of the
16 Environmental Protection Act.

17 (iv) This subsection is exempt from the provisions of
18 Section 250.

19 (Source: P.A. 95-454, eff. 8-27-07; 96-115, eff. 7-31-09;
20 96-116, eff. 7-31-09; revised 8-20-09.)

21 Section 5. The Illinois Horse Racing Act of 1975 is amended
22 by changing Sections 1.2, 3.11, 3.12, 9, 15, 15.1, 18, 19, 20,
23 24, 26, 27, 28, 28.1, 30, 31, 31.1, 32.1, 36, and 40 and by
24 adding Sections 3.31, 3.32, 3.33, 3.34, 3.35, and 56 as
25 follows:

1 (230 ILCS 5/1.2)

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

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

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

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

17 (d) promote the further growth of tourism;

18 (e) encourage the breeding of thoroughbred and
19 standardbred horses in this State; and

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

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

24 (230 ILCS 5/3.11) (from Ch. 8, par. 37-3.11)

1 Sec. 3.11. "Organization Licensee" means any person
2 receiving an organization license from the Board to conduct a
3 race meeting or meetings. With respect only to electronic
4 gaming, "organization licensee" includes the authorization for
5 an electronic gaming license under subsection (a) of Section 56
6 of this Act.

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

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

9 Sec. 3.12. Pari-mutuel system of wagering. "Pari-mutuel
10 system of wagering" means a form of wagering on the outcome of
11 horse races in which wagers are made in various denominations
12 on a horse or horses and all wagers for each race are pooled
13 and held by a licensee for distribution in a manner approved by
14 the Board. "Pari-mutuel system of wagering" shall not include
15 wagering on historic races. Wagers may be placed via any method
16 or at any location authorized under this Act.

17 (Source: P.A. 96-762, eff. 8-25-09.)

18 (230 ILCS 5/3.31 new)

19 Sec. 3.31. Gross gaming receipts. "Gross gaming receipts"
20 means the whole gaming receipts less winnings paid to wagerers.

21 (230 ILCS 5/3.32 new)

22 Sec. 3.32. Whole gaming receipts. "Whole gaming receipts"
23 means the total amount of money exchanged for the purchase of

1 chips, tokens, or electronic cards by riverboat patrons or
2 electronic gaming patrons.

3 (230 ILCS 5/3.33 new)

4 Sec. 3.33. Electronic gaming. "Electronic gaming" means
5 slot machine gambling, video game of chance gambling, or
6 gambling with electronic gambling games as defined in the
7 Riverboat Gambling Act that is conducted at a race track
8 pursuant to an electronic gaming license.

9 (230 ILCS 5/3.34 new)

10 Sec. 3.34. Electronic gaming license. "Electronic gaming
11 license" means a license issued by the Illinois Gaming Board
12 under Section 7.6 of the Riverboat Gambling Act authorizing
13 electronic gaming at an electronic gaming facility.

14 (230 ILCS 5/3.35 new)

15 Sec. 3.35. Electronic gaming facility. "Electronic gaming
16 facility" means that portion of an organization licensee's race
17 track facility at which electronic gaming is conducted.

18 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

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

22 (a) The Board is vested with jurisdiction and supervision

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

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

1 meetings when the Board determines that this would best serve
2 the public interest and the interest of horse racing.

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

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

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

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

1 investigate alleged violations of the provisions of this Act,
2 its reasonable rules and regulations, orders and final
3 decisions; the Board shall take appropriate disciplinary
4 action against any licensee or occupation licensee for
5 violation thereof or institute appropriate legal action for the
6 enforcement thereof.

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

22 (f) The Board is vested with the power to acquire,
23 establish, maintain and operate (or provide by contract to
24 maintain and operate) testing laboratories and related
25 facilities, for the purpose of conducting saliva, blood, urine
26 and other tests on the horses run or to be run in any horse race

1 meeting and to purchase all equipment and supplies deemed
2 necessary or desirable in connection with any such testing
3 laboratories and related facilities and all such tests.

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

24 (h) The Board shall name and appoint in the manner provided
25 by the rules and regulations of the Board: an Executive
26 Director; a State director of mutuels; State veterinarians and

1 representatives to take saliva, blood, urine and other tests on
2 horses; licensing personnel; revenue inspectors; and State
3 seasonal employees (excluding admission ticket sellers and
4 mutuel clerks). All of those named and appointed as provided in
5 this subsection shall serve during the pleasure of the Board;
6 their compensation shall be determined by the Board and be paid
7 in the same manner as other employees of the Board under this
8 Act.

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

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

25 (k) The Board is vested with the power to appoint delegates
26 to execute any of the powers granted to it under this Section

1 for the purpose of administering this Act and any rules or
2 regulations promulgated in accordance with this Act.

3 (l) The Board is vested with the power to impose civil
4 penalties of up to \$5,000 against an individual and up to
5 \$10,000 against a licensee for each violation of any provision
6 of this Act, any rules adopted by the Board, any order of the
7 Board or any other action which, in the Board's discretion, is
8 a detriment or impediment to horse racing or wagering. All such
9 civil penalties shall be deposited into the Horse Racing Fund.

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

13 (n) The Board shall have the power to issue a license to
14 any county fair, or its agent, authorizing the conduct of the
15 pari-mutuel system of wagering. The Board is vested with the
16 full power to promulgate reasonable rules, regulations and
17 conditions under which all horse race meetings licensed
18 pursuant to this subsection shall be held and conducted,
19 including rules, regulations and conditions for the conduct of
20 the pari-mutuel system of wagering. The rules, regulations and
21 conditions shall provide for the prevention of practices
22 detrimental to the public interest and for the best interests
23 of horse racing, and shall prescribe penalties for violations
24 thereof. Any authority granted the Board under this Act shall
25 extend to its jurisdiction and supervision over county fairs,
26 or their agents, licensed pursuant to this subsection. However,

1 the Board may waive any provision of this Act or its rules or
2 regulations which would otherwise apply to such county fairs or
3 their agents.

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

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

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

20 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

21 Sec. 15. (a) The Board shall, in its discretion, issue
22 occupation licenses to horse owners, trainers, harness
23 drivers, jockeys, agents, apprentices, grooms, stable foremen,
24 exercise persons, veterinarians, valets, blacksmiths,
25 concessionaires and others designated by the Board whose work,

1 in whole or in part, is conducted upon facilities within the
2 State. Such occupation licenses will be obtained prior to the
3 persons engaging in their vocation upon such facilities. The
4 Board shall not license pari-mutuel clerks, parking
5 attendants, security guards and employees of concessionaires.
6 No occupation license shall be required of any person who works
7 at facilities within this State as a pari-mutuel clerk, parking
8 attendant, security guard or as an employee of a
9 concessionaire. Concessionaires of the Illinois State Fair and
10 DuQuoin State Fair and employees of the Illinois Department of
11 Agriculture shall not be required to obtain an occupation
12 license by the Board.

13 (b) Each application for an occupation license shall be on
14 forms prescribed by the Board. Such license, when issued, shall
15 be for the period ending December 31 of each year, except that
16 the Board in its discretion may grant 3-year licenses. The
17 application shall be accompanied by a fee of not more than \$25
18 per year or, in the case of 3-year occupation license
19 applications, a fee of not more than \$60. Each applicant shall
20 set forth in the application his full name and address, and if
21 he had been issued prior occupation licenses or has been
22 licensed in any other state under any other name, such name,
23 his age, whether or not a permit or license issued to him in
24 any other state has been suspended or revoked and if so whether
25 such suspension or revocation is in effect at the time of the
26 application, and such other information as the Board may

1 require. Fees for registration of stable names shall not exceed
2 \$50.00.

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

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

6 (2) who is unqualified to perform the duties required
7 of such applicant;

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

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

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

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

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

16 or

17 (2) for violation of any of the rules or regulations of
18 the Board; or

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

22 (4) for any other just cause.

23 (e) Each applicant shall submit his or her fingerprints
24 to the Department of State Police in the form and manner
25 prescribed by the Department of State Police. These
26 fingerprints shall be checked against the fingerprint records

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

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

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

24 (230 ILCS 5/15.1) (from Ch. 8, par. 37-15.1)

25 Sec. 15.1. Upon collection of the fee accompanying the

1 application for an occupation license, the Board shall be
2 authorized to make daily temporary deposits of the fees, for a
3 period not to exceed 7 days, with the horsemen's bookkeeper at
4 a race meeting. The horsemen's bookkeeper shall issue a check,
5 payable to the order of the Illinois Racing Board, for monies
6 deposited under this Section within 24 hours of receipt of the
7 monies. Provided however, upon the issuance of the check by the
8 horsemen's bookkeeper the check shall be deposited into the
9 Horse Racing Fund ~~in the State Treasury in accordance with the~~
10 ~~provisions of the "State Officers and Employees Money~~
11 ~~Disposition Act", approved June 9, 1911, as amended.~~

12 (Source: P.A. 84-432.)

13 (230 ILCS 5/18) (from Ch. 8, par. 37-18)

14 Sec. 18. (a) Together with its application, each applicant
15 for racing dates shall deliver to the Board a certified check
16 or bank draft payable to the order of the Board for \$1,000. In
17 the event the applicant applies for racing dates in 2 or 3
18 successive calendar years as provided in subsection (b) of
19 Section 21, the fee shall be \$2,000. Filing fees shall not be
20 refunded in the event the application is denied. All filing
21 fees shall be deposited into the Horse Racing Fund.

22 (b) In addition to the filing fee of \$1000 and the fees
23 provided in subsection (j) of Section 20, each organization
24 licensee shall pay a license fee of \$100 for each racing
25 program on which its daily pari-mutuel handle is \$400,000 or

1 more but less than \$700,000, and a license fee of \$200 for each
2 racing program on which its daily pari-mutuel handle is
3 \$700,000 or more. The additional fees required to be paid under
4 this Section by this amendatory Act of 1982 shall be remitted
5 by the organization licensee to the Illinois Racing Board with
6 each day's graduated privilege tax or pari-mutuel tax and
7 breakage as provided under Section 27.

8 (c) Sections 11-42-1, 11-42-5, and 11-54-1 of the "Illinois
9 Municipal Code," approved May 29, 1961, as now or hereafter
10 amended, shall not apply to any license under this Act.

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

12 (230 ILCS 5/19) (from Ch. 8, par. 37-19)

13 Sec. 19. (a) No organization license may be granted to
14 conduct a horse race meeting:

15 (1) except as provided in subsection (c) of Section 21
16 of this Act, to any person at any place within 35 miles of
17 any other place licensed by the Board to hold a race
18 meeting on the same date during the same hours, the mileage
19 measurement used in this subsection (a) shall be certified
20 to the Board by the Bureau of Systems and Services in the
21 Illinois Department of Transportation as the most commonly
22 used public way of vehicular travel;

23 (2) to any person in default in the payment of any
24 obligation or debt due the State under this Act, provided
25 no applicant shall be deemed in default in the payment of

1 any obligation or debt due to the State under this Act as
2 long as there is pending a hearing of any kind relevant to
3 such matter;

4 (3) to any person who has been convicted of the
5 violation of any law of the United States or any State law
6 which provided as all or part of its penalty imprisonment
7 in any penal institution; to any person against whom there
8 is pending a Federal or State criminal charge; to any
9 person who is or has been connected with or engaged in the
10 operation of any illegal business; to any person who does
11 not enjoy a general reputation in his community of being an
12 honest, upright, law-abiding person; provided that none of
13 the matters set forth in this subparagraph (3) shall make
14 any person ineligible to be granted an organization license
15 if the Board determines, based on circumstances of any such
16 case, that the granting of a license would not be
17 detrimental to the interests of horse racing and of the
18 public;

19 (4) to any person who does not at the time of
20 application for the organization license own or have a
21 contract or lease for the possession of a finished race
22 track suitable for the type of racing intended to be held
23 by the applicant and for the accommodation of the public.

24 (b) (Blank) ~~Horse racing on Sunday shall be prohibited~~
25 ~~unless authorized by ordinance or referendum of the~~
26 ~~municipality in which a race track or any of its appurtenances~~

1 ~~or facilities are located, or utilized.~~

2 (c) If any person is ineligible to receive an organization
3 license because of any of the matters set forth in subsection
4 (a) (2) or subsection (a) (3) of this Section, any other or
5 separate person that either (i) controls, directly or
6 indirectly, such ineligible person or (ii) is controlled,
7 directly or indirectly, by such ineligible person or by a
8 person which controls, directly or indirectly, such ineligible
9 person shall also be ineligible.

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

11 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

16 (1) the dates on which it intends to conduct the horse
17 race meeting, which dates shall be provided under Section
18 21;

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

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

23 (4) any other information the Board may reasonably
24 require.

25 (b) A separate application for an organization license

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

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

26 (d) The applicant shall execute and file with the Board a

1 good faith affirmative action plan to recruit, train, and
2 upgrade minorities in all classifications within the
3 association.

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

22 (e-1) In awarding standardbred racing dates for calendar
23 year 2011 and thereafter, the Board shall award at least 310
24 racing days, and each organization licensee shall average at
25 least 12 races for each racing day awarded. The Board shall
26 have the discretion to allocate those racing days among

1 organization licensees requesting standardbred race dates.
2 Once awarded by the Board, organization licensees awarded
3 standardbred dates shall run at least 3,500 races in total
4 during that calendar year.

5 (e-2) In awarding racing dates for calendar year 2011 and
6 thereafter, the Board shall award racing dates and the
7 organization licensee shall run at least 2,500 thoroughbred
8 races at Cook County race tracks and 700 thoroughbred races at
9 a race track in Madison County each year. In awarding racing
10 dates under this subsection (e-2), the Board shall have the
11 discretion to allocate those racing dates among organization
12 licensees.

13 (e-3) The Board shall ensure that each organization
14 licensee shall individually run a sufficient number of races
15 per year to qualify for an electronic gaming license under
16 Section 7.6 of the Riverboat Gambling Act.

17 (e-4) Notwithstanding the provisions of Section 7.6 of the
18 Riverboat Gambling Act, for each calendar year for which an
19 electronic gaming licensee requests a number of live racing
20 days under its organization license that is less than the
21 number of days of live racing it requested in 2009 for its race
22 track facility, the electronic gaming licensee may not conduct
23 electronic gaming for the calendar year of such requested
24 racing days. The number of days of live racing may be adjusted,
25 on a year-by-year basis, because of weather or unsafe track
26 conditions due to acts of God or an agreement between the

1 organization licensee and the association representing the
2 largest number of owners, trainers, or standardbred drivers who
3 race horses at that organization licensee's racing meeting.

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

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

11 (i) controls the applicant, directly or
12 indirectly, or

13 (ii) is controlled, directly or indirectly, by
14 that applicant or by a person who controls, directly or
15 indirectly, that applicant;

16 (2) the applicant's facilities or proposed facilities
17 for conducting horse racing;

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

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

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

26 (6) the applicant's proposed and prior year's

1 promotional and marketing activities and expenditures of
2 the applicant associated with those activities;

3 (7) an agreement, if any, among organization licensees
4 as provided in subsection (b) of Section 21 of this Act;
5 and

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

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

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

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

19 (f) The Board may allot racing dates to an organization
20 licensee for more than one calendar year but for no more than 3
21 successive calendar years in advance, provided that the Board
22 shall review such allotment for more than one calendar year
23 prior to each year for which such allotment has been made. The
24 granting of an organization license to a person constitutes a
25 privilege to conduct a horse race meeting under the provisions
26 of this Act, and no person granted an organization license

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

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

1 with the other provisions of this Act. The Illinois
2 Administrative Procedures Act shall not apply to the
3 administrative procedures of the Board in conducting the
4 emergency hearing and the reallocation of racing dates on an
5 emergency basis.

6 (g) (Blank).

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

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

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

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

18 (3) file with the Board the bonds required in Sections
19 21 and 25 at least 20 days prior to the first day of each
20 race meeting.

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

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

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

2 (230 ILCS 5/24) (from Ch. 8, par. 37-24)

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

11 (b) An organization licensee must notify the Board within
12 10 days of any change in the holders of a direct or indirect
13 interest in the ownership of the organization licensee. The
14 Board may, after hearing, revoke the organization license of
15 any person who registers on its books or knowingly permits a
16 direct or indirect interest in the ownership of that person
17 without notifying the Board of the name of the holder in
18 interest within this period.

19 (c) In addition to the provisions of subsection (a) of this
20 Section, no person shall be granted an organization license if
21 any public official of the State or member of his or her family
22 holds any ownership or financial interest, directly or
23 indirectly, in the person.

24 (d) No person which has been granted an organization
25 license to hold a race meeting shall give to any public

1 official or member of his family, directly or indirectly, for
2 or without consideration, any interest in the person. The Board
3 shall, after hearing, revoke the organization license granted
4 to a person which has violated this subsection.

5 (e) (Blank).

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

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

17 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

18 Sec. 26. Wagering.

19 (a) Any licensee may conduct and supervise the pari-mutuel
20 system of wagering, as defined in Section 3.12 of this Act, on
21 horse races conducted by an Illinois organization licensee or
22 conducted at a racetrack located in another state or country
23 ~~and televised in Illinois~~ in accordance with subsection (g) of
24 Section 26 of this Act. Subject to the prior consent of the
25 Board, licensees may supplement any pari-mutuel pool in order

1 to guarantee a minimum distribution. Such pari-mutuel method of
2 wagering shall not, under any circumstances if conducted under
3 the provisions of this Act, be held or construed to be
4 unlawful, other statutes of this State to the contrary
5 notwithstanding. Subject to rules for advance wagering
6 promulgated by the Board, any licensee may accept wagers in
7 advance of the day of the race wagered upon occurs.

8 (b) Except for those gaming activities for which a license
9 is obtained and authorized under the Illinois Lottery Act, the
10 Charitable Games Act, the Raffles Act, or the Riverboat
11 Gambling Act, no ~~no~~ other method of betting, pool making,
12 wagering or gambling shall be used or permitted by the
13 licensee. Each licensee may retain, subject to the payment of
14 all applicable taxes and purses, an amount not to exceed 17% of
15 all money wagered under subsection (a) of this Section, except
16 as may otherwise be permitted under this Act.

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

24 (c) Until January 1, 2000, the sum held by any licensee for
25 payment of outstanding pari-mutuel tickets, if unclaimed prior
26 to December 31 of the next year, shall be retained by the

1 licensee for payment of such tickets until that date. Within 10
2 days thereafter, the balance of such sum remaining unclaimed,
3 less any uncashed supplements contributed by such licensee for
4 the purpose of guaranteeing minimum distributions of any
5 pari-mutuel pool, shall be paid to the Illinois Veterans'
6 Rehabilitation Fund of the State treasury, except as provided
7 in subsection (g) of Section 27 of this Act.

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

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

23 (e) No licensee shall knowingly permit any minor, other
24 than an employee of such licensee or an owner, trainer, jockey,
25 driver, or employee thereof, to be admitted during a racing
26 program unless accompanied by a parent or guardian, or any

1 minor to be a patron of the pari-mutuel system of wagering
2 conducted or supervised by it. The admission of any
3 unaccompanied minor, other than an employee of the licensee or
4 an owner, trainer, jockey, driver, or employee thereof at a
5 race track is a Class C misdemeanor.

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

25 An organization licensee may permit one or more of its
26 races to be utilized for pari-mutuel wagering at one or more

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

7 (g) A host track may accept interstate simulcast wagers on
8 horse races conducted in other states or countries and shall
9 control the number of signals and types of breeds of racing in
10 its simulcast program, subject to the disapproval of the Board.
11 The Board may prohibit a simulcast program only if it finds
12 that the simulcast program is clearly adverse to the integrity
13 of racing. The host track simulcast program shall include the
14 signal of live racing of all organization licensees. All
15 non-host licensees and advance deposit wagering licensees
16 shall carry the signal of and accept wagers on live racing of
17 all organization licensees. Advance deposit wagering licensees
18 shall not be permitted to accept out-of-state wagers on any
19 Illinois signal provided pursuant to this Section without the
20 approval and consent of the organization licensee providing the
21 signal. Non-host licensees may carry the host track simulcast
22 program and shall accept wagers on all races included as part
23 of the simulcast program upon which wagering is permitted. All
24 organization licensees shall provide their live signal to all
25 advance deposit wagering licensees for a simulcast commission
26 fee not to exceed 6% of the advance deposit wagering licensee's

1 Illinois handle on the organization licensee's signal without
2 prior approval by the Board. The Board may adopt rules under
3 which it may permit simulcast commission fees in excess of 6%.
4 The Board shall adopt rules limiting the interstate commission
5 fees charged to an advance deposit wagering licensee. The Board
6 shall adopt rules regarding advance deposit wagering on
7 interstate simulcast races that shall reflect, among other
8 things, the General Assembly's desire to maximize revenues to
9 the State, horsemen purses, and organizational licensees.
10 However, organization licensees providing live signals
11 pursuant to the requirements of this subsection (g) may
12 petition the Board to withhold their live signals from an
13 advance deposit wagering licensee if the organization licensee
14 discovers and the Board finds reputable or credible information
15 that the advance deposit wagering licensee is under
16 investigation by another state or federal governmental agency,
17 the advance deposit wagering licensee's license has been
18 suspended in another state, or the advance deposit wagering
19 licensee's license is in revocation proceedings in another
20 state. The organization licensee's provision of their live
21 signal to an advance deposit wagering licensee under this
22 subsection (g) pertains to wagers placed from within Illinois.
23 Advance deposit wagering licensees may place advance deposit
24 wagering terminals at wagering facilities as a convenience to
25 customers. The advance deposit wagering licensee shall not
26 charge or collect any fee from purses for the placement of the

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

14 Notwithstanding any other provision of this Act, for a
15 period of 3 years after the effective date of this amendatory
16 Act of the 96th General Assembly, an organization licensee may
17 maintain a system whereby advance deposit wagering may take
18 place or an organization licensee, with the consent of the
19 horsemen association representing the largest number of
20 owners, trainers, jockeys, or standardbred drivers who race
21 horses at that organization licensee's racing meeting, may
22 contract with another person to carry out a system of advance
23 deposit wagering. Such consent may not be unreasonably
24 withheld. All advance deposit wagers placed from within
25 Illinois must be placed through a Board-approved advance
26 deposit wagering licensee; no other entity may accept an

1 advance deposit wager from a person within Illinois. All
2 advance deposit wagering is subject to any rules adopted by the
3 Board. The Board may adopt rules necessary to regulate advance
4 deposit wagering through the use of emergency rulemaking in
5 accordance with Section 5-45 of the Illinois Administrative
6 Procedure Act. The General Assembly finds that the adoption of
7 rules to regulate advance deposit wagering is deemed an
8 emergency and necessary for the public interest, safety, and
9 welfare. An advance deposit wagering licensee may retain all
10 moneys as agreed to by contract with an organization licensee.
11 Any moneys retained by the organization licensee from advance
12 deposit wagering, not including moneys retained by the advance
13 deposit wagering licensee, shall be paid 50% to the
14 organization licensee's purse account and 50% to the
15 organization licensee. If more than one breed races at the same
16 race track facility, then the 50% of the moneys to be paid to
17 an organization licensee's purse account shall be allocated
18 among all organization licensees' purse accounts operating at
19 that race track facility proportionately based on the actual
20 number of host days that the Board grants to that breed at that
21 race track facility in the current calendar year. To the extent
22 any fees from advance deposit wagering conducted in Illinois
23 for wagers in Illinois or other states have been placed in
24 escrow or otherwise withheld from wagers pending a
25 determination of the legality of advance deposit wagering, no
26 action shall be brought to declare such wagers or the

1 disbursement of any fees previously escrowed illegal.

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

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

1 supplemental interstate simulcast shall be paid by all
2 participating non-host licensees.

3 (3) Each licensee conducting interstate simulcast
4 wagering may retain, subject to the payment of all
5 applicable taxes and the purses, an amount not to exceed
6 17% of all money wagered. If any licensee conducts the
7 pari-mutuel system wagering on races conducted at
8 racetracks in another state or country, each such race or
9 race program shall be considered a separate racing day for
10 the purpose of determining the daily handle and computing
11 the privilege tax of that daily handle as provided in
12 subsection (a) of Section 27. Until January 1, 2000, from
13 the sums permitted to be retained pursuant to this
14 subsection, each intertrack wagering location licensee
15 shall pay 1% of the pari-mutuel handle wagered on simulcast
16 wagering to the Horse Racing Tax Allocation Fund, subject
17 to the provisions of subparagraph (B) of paragraph (11) of
18 subsection (h) of Section 26 of this Act.

19 (4) A licensee who receives an interstate simulcast may
20 combine its gross or net pools with pools at the sending
21 racetracks pursuant to rules established by the Board. All
22 licensees combining their gross pools at a sending
23 racetrack shall adopt the take-out percentages of the
24 sending racetrack. A licensee may also establish a separate
25 pool and takeout structure for wagering purposes on races
26 conducted at race tracks outside of the State of Illinois.

1 The licensee may permit pari-mutuel wagers placed in other
2 states or countries to be combined with its gross or net
3 wagering pools or other wagering pools.

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

13 (A) For interstate simulcast wagers made at a host
14 track, 50% to the host track and 50% to purses at the
15 host track.

16 (B) For wagers placed on interstate simulcast
17 races, supplemental simulcasts as defined in
18 subparagraphs (1) and (2), and separately pooled races
19 conducted outside of the State of Illinois made at a
20 non-host licensee, 25% to the host track, 25% to the
21 non-host licensee, and 50% to the purses at the host
22 track.

23 (6) Notwithstanding any provision in this Act to the
24 contrary, non-host licensees who derive their licenses
25 from a track located in a county with a population in
26 excess of 230,000 and that borders the Mississippi River

1 may receive supplemental interstate simulcast races at all
2 times subject to Board approval, which shall be withheld
3 only upon a finding that a supplemental interstate
4 simulcast is clearly adverse to the integrity of racing.

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

14 (A) Between January 1 and the third Friday in
15 February, inclusive, if no live thoroughbred racing is
16 occurring in Illinois during this period, when the
17 interstate simulcast is a standardbred race, the purse
18 share to its standardbred purse account;

19 (B) Between January 1 and the third Friday in
20 February, inclusive, if no live thoroughbred racing is
21 occurring in Illinois during this period, and the
22 interstate simulcast is a thoroughbred race, the purse
23 share to its interstate simulcast purse pool to be
24 distributed under paragraph (10) of this subsection
25 (g);

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

1 February, inclusive, if live thoroughbred racing is
2 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.
3 the purse share from wagers made during this time
4 period to its thoroughbred purse account and between
5 6:30 p.m. and 6:30 a.m. the purse share from wagers
6 made during this time period to its standardbred purse
7 accounts;

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

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

16 (7.1) Notwithstanding any other provision of this Act
17 to the contrary, if no standardbred racing is conducted at
18 a racetrack located in Madison County during any calendar
19 year beginning on or after January 1, 2002, all moneys
20 derived by that racetrack from simulcast wagering and
21 inter-track wagering that (1) are to be used for purses and
22 (2) are generated between the hours of 6:30 p.m. and 6:30
23 a.m. during that calendar year shall be paid as follows:

24 (A) If the licensee that conducts horse racing at
25 that racetrack requests from the Board at least as many
26 racing dates as were conducted in calendar year 2000,

1 80% shall be paid to its thoroughbred purse account;
2 and

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

18 (7.2) Notwithstanding any other provision of this Act
19 to the contrary, if no thoroughbred racing is conducted at
20 a racetrack located in Madison County during any calendar
21 year beginning on or after January 1, 2002, all moneys
22 derived by that racetrack from simulcast wagering and
23 inter-track wagering that (1) are to be used for purses and
24 (2) are generated between the hours of 6:30 a.m. and 6:30
25 p.m. during that calendar year shall be deposited as
26 follows:

1 (A) If the licensee that conducts horse racing at
2 that racetrack requests from the Board at least as many
3 racing dates as were conducted in calendar year 2000,
4 80% shall be deposited into its standardbred purse
5 account; and

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

24 (7.3) If no live standardbred racing is conducted at a
25 racetrack located in Madison County in calendar year 2000
26 or 2001, an organization licensee who is licensed to

1 conduct horse racing at that racetrack shall, before
2 January 1, 2002, pay all moneys derived from simulcast
3 wagering and inter-track wagering in calendar years 2000
4 and 2001 and paid into the licensee's standardbred purse
5 account as follows:

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

8 (B) Twenty percent to the Illinois Colt Stakes
9 Purse Distribution Fund.

10 Failure to make the payment to the Illinois Colt Stakes
11 Purse Distribution Fund before January 1, 2002 shall result
12 in the immediate revocation of the licensee's organization
13 license, inter-track wagering license, and inter-track
14 wagering location license.

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

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

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

19 (8.1) Notwithstanding any provisions in this Act to the
20 contrary, if 2 organization licensees are conducting
21 standardbred race meetings concurrently between the hours
22 of 6:30 p.m. and 6:30 a.m., after payment of all applicable
23 State and local taxes and interstate commission fees, the
24 remainder of the amount retained from simulcast wagering
25 otherwise attributable to the host track and to host track
26 purses shall be split daily between the 2 organization

1 licensees and the purses at the tracks of the 2
2 organization licensees, respectively, based on each
3 organization licensee's share of the total live handle for
4 that day, provided that this provision shall not apply to
5 any non-host licensee that derives its license from a track
6 located in a county with a population in excess of 230,000
7 and that borders the Mississippi River.

8 (9) (Blank).

9 (10) (Blank).

10 (11) (Blank).

11 (12) The Board shall have authority to compel all host
12 tracks to receive the simulcast of any or all races
13 conducted at the Springfield or DuQuoin State fairgrounds
14 and include all such races as part of their simulcast
15 programs.

16 (13) Notwithstanding any other provision of this Act,
17 in the event that the total Illinois pari-mutuel handle on
18 Illinois horse races at all wagering facilities in any
19 calendar year is less than 75% of the total Illinois
20 pari-mutuel handle on Illinois horse races at all such
21 wagering facilities for calendar year 1994, then each
22 wagering facility that has an annual total Illinois
23 pari-mutuel handle on Illinois horse races that is less
24 than 75% of the total Illinois pari-mutuel handle on
25 Illinois horse races at such wagering facility for calendar
26 year 1994, shall be permitted to receive, from any amount

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

1 previous calendar year. Annually, the General Assembly
2 shall appropriate sufficient funds from the General
3 Revenue Fund to the Department of Agriculture for payment
4 into the thoroughbred and standardbred horse racing purse
5 accounts at Illinois pari-mutuel tracks. The amount paid to
6 each purse account shall be the amount certified by the
7 Illinois Racing Board in January to be transferred from
8 each account to each eligible racing facility in accordance
9 with the provisions of this Section. Beginning in the
10 calendar year in which an organization licensee that is
11 eligible to receive payment under this paragraph (13)
12 begins to receive funds from electronic gaming, the amount
13 of the payment due to all wagering facilities licensed
14 under that organization licensee under this paragraph (13)
15 shall be the amount certified by the Board in January of
16 that year. An organization licensee and its related
17 wagering facilities shall no longer be able to receive
18 payments under this paragraph (13) beginning in the year
19 subsequent to the first year in which the organization
20 licensee begins to receive funds from electronic gaming.

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

25 (1) Any person licensed to conduct a race meeting (i)
26 at a track where 60 or more days of racing were conducted

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

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

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

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

26 (4) Prior to the issuance of a license to conduct

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

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

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

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

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

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

19 (8.2) Inter-track wagering or simulcast wagering shall
20 not be conducted by an inter-track wagering location
21 licensee at any location within 500 feet of an existing
22 church, an ~~or~~ existing elementary or secondary public
23 school, or an existing elementary or secondary private
24 school registered with or recognized by the State Board of
25 Education ~~school~~, nor within 500 feet of the residences of
26 more than 50 registered voters without receiving written

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

1 conducted at a site if such ordinance or resolution is
2 enacted after the Board licenses the original inter-track
3 wagering location licensee for the site in question.

4 (9) (Blank).

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

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

25 (10.2) Notwithstanding any other provision of this
26 Act, with respect to intertrack wagering at a race track

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

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

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

23 (11) (A) After payment of the privilege or pari-mutuel
24 tax, any other applicable taxes, and the costs and expenses
25 in connection with the gathering, transmission, and
26 dissemination of all data necessary to the conduct of

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

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

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

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

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

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

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

1 appropriation as follows:

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

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

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

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

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

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

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

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

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

25 Four-sevenths to museums and aquariums located in
26 park districts of over 500,000 population; provided

1 that the monies are distributed in accordance with the
2 previous year's distribution of the maintenance tax
3 for such museums and aquariums as provided in Section 2
4 of the Park District Aquarium and Museum Act; and

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

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

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

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

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

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

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

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

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

26 (D) (Blank).

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

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

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

22 (13) The Department of Agriculture may enter into
23 agreements with licensees authorizing such licensees to
24 conduct inter-track wagering on races to be held at the
25 licensed race meetings conducted by the Department of
26 Agriculture. Such agreement shall specify the races of the

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

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

25 (Source: P.A. 96-762, eff. 8-25-09.)

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

2 Sec. 27. (a) In addition to the organization license fee
3 provided by this Act, until January 1, 2000, a graduated
4 privilege tax is hereby imposed for conducting the pari-mutuel
5 system of wagering permitted under this Act. Until January 1,
6 2000, except as provided in subsection (g) of Section 27 of
7 this Act, all of the breakage of each racing day held by any
8 licensee in the State shall be paid to the State. Until January
9 1, 2000, such daily graduated privilege tax shall be paid by
10 the licensee from the amount permitted to be retained under
11 this Act. Until January 1, 2000, each day's graduated privilege
12 tax, breakage, and Horse Racing Tax Allocation funds shall be
13 remitted to the Department of Revenue within 48 hours after the
14 close of the racing day upon which it is assessed or within
15 such other time as the Board prescribes. The privilege tax
16 hereby imposed, until January 1, 2000, shall be a flat tax at
17 the rate of 2% of the daily pari-mutuel handle except as
18 provided in Section 27.1. In addition, every organization
19 licensee, except as provided in Section 27.1 of this Act, which
20 conducts multiple wagering shall pay, until January 1, 2000, as
21 a privilege tax on multiple wagers an amount equal to 1.25% of
22 all moneys wagered each day on such multiple wagers, plus an
23 additional amount equal to 3.5% of the amount wagered each day
24 on any other multiple wager which involves a single betting
25 interest on 3 or more horses. The licensee shall remit the
26 amount of such taxes to the Department of Revenue within 48

1 hours after the close of the racing day on which it is assessed
2 or within such other time as the Board prescribes.

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

5 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
6 at the rate of 1.5% of the daily pari-mutuel handle is imposed
7 at all pari-mutuel wagering facilities and on advance deposit
8 wagering from a location other than a wagering facility, except
9 as otherwise provided for in this subsection (a-5). In addition
10 to the pari-mutuel tax imposed on advance deposit wagering
11 pursuant to this subsection (a-5), an additional pari-mutuel
12 tax at the rate of 0.25% shall be imposed on advance deposit
13 wagering, the amount of which shall not exceed \$250,000 in each
14 calendar year. The additional 0.25% pari-mutuel tax imposed on
15 advance deposit wagering by this amendatory Act of the 96th
16 General Assembly shall be deposited into the Quarter Horse
17 Purse Fund, which shall be created as a non-appropriated trust
18 fund administered by the Board for grants to thoroughbred
19 organization licensees for payment of purses for quarter horse
20 races conducted by the organization licensee. Thoroughbred
21 organization licensees may petition the Board to conduct
22 quarter horse racing and receive purse grants from the Quarter
23 Horse Purse Fund. The Board shall have complete discretion in
24 distributing the Quarter Horse Purse Fund to the petitioning
25 organization licensees. Beginning on the effective date of this
26 amendatory Act of the 94th General Assembly and until moneys

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

16 (a-10) Beginning on the date when an organization licensee
17 begins conducting electronic gaming pursuant to an electronic
18 gaming license, the following pari-mutuel tax is imposed upon
19 an organization licensee on Illinois races at the licensee's
20 race track:

21 1.5% of the pari-mutuel handle at or below the average
22 daily pari-mutuel handle for 2010.

23 2% of the pari-mutuel handle above the average daily
24 pari-mutuel handle for 2010 up to 125% of the average daily
25 pari-mutuel handle for 2010.

26 2.5% of the pari-mutuel handle 125% or more above the

1 average daily pari-mutuel handle for 2010 up to 150% of the
2 average daily pari-mutuel handle for 2010.

3 3% of the pari-mutuel handle 150% or more above the
4 average daily pari-mutuel handle for 2010 up to 175% of the
5 average daily pari-mutuel handle for 2010.

6 3.5% of the pari-mutuel handle 175% or more above the
7 average daily pari-mutuel handle for 2010.

8 The pari-mutuel tax imposed by this subsection (a-10) shall
9 be remitted to the Board within 48 hours after the close of the
10 racing day upon which it is assessed or within such other time
11 as the Board prescribes.

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

18 (c) Licensees shall at all times keep accurate books and
19 records of all monies wagered on each day of a race meeting and
20 of the taxes paid to the Department of Revenue under the
21 provisions of this Section. The Board or its duly authorized
22 representative or representatives shall at all reasonable
23 times have access to such records for the purpose of examining
24 and checking the same and ascertaining whether the proper
25 amount of taxes is being paid as provided. The Board shall
26 require verified reports and a statement of the total of all

1 monies wagered daily at each wagering facility upon which the
2 taxes are assessed and may prescribe forms upon which such
3 reports and statement shall be made.

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

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

15 (f) No other license fee, privilege tax, excise tax or
16 racing fee shall be assessed or collected from any such
17 licensee by units of local government except as provided in
18 paragraph 10.1 of subsection (h) and subsection (f) of Section
19 26 of this Act. However, any municipality that has a Board
20 licensed horse race meeting at a race track wholly within its
21 corporate boundaries or a township that has a Board licensed
22 horse race meeting at a race track wholly within the
23 unincorporated area of the township may charge a local
24 amusement tax not to exceed 10¢ per admission to such horse
25 race meeting by the enactment of an ordinance. However, any
26 municipality or county that has a Board licensed inter-track

1 wagering location facility wholly within its corporate
2 boundaries may each impose an admission fee not to exceed \$1.00
3 per admission to such inter-track wagering location facility,
4 so that a total of not more than \$2.00 per admission may be
5 imposed. Except as provided in subparagraph (g) of Section 27
6 of this Act, the inter-track wagering location licensee shall
7 collect any and all such fees and within 48 hours remit the
8 fees to the Board, which shall, pursuant to rule, cause the
9 fees to be distributed to the county or municipality.

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

26 (i) the excess amount shall be initially divided

1 between thoroughbred and standardbred purses based on the
2 thoroughbred's and standardbred's respective percentages
3 of total Illinois live wagering in calendar year 1994;

4 (ii) each thoroughbred and standardbred organization
5 licensee issued an organization licensee in that
6 succeeding allocation year shall be allocated an amount
7 equal to the product of its percentage of total Illinois
8 live thoroughbred or standardbred wagering in calendar
9 year 1994 (the total to be determined based on the sum of
10 1994 on-track wagering for all organization licensees
11 issued organization licenses in both the allocation year
12 and the preceding year) multiplied by the total amount
13 allocated for standardbred or thoroughbred purses,
14 provided that the first \$1,500,000 of the amount allocated
15 to standardbred purses under item (i) shall be allocated to
16 the Department of Agriculture to be expended with the
17 assistance and advice of the Illinois Standardbred
18 Breeders Funds Advisory Board for the purposes listed in
19 subsection (g) of Section 31 of this Act, before the amount
20 allocated to standardbred purses under item (i) is
21 allocated to standardbred organization licensees in the
22 succeeding allocation year.

23 To the extent the excess amount of taxes and fees to be
24 collected and distributed to State and local governmental
25 authorities exceeds \$11 million, that excess amount shall be
26 collected and distributed to State and local authorities as

1 provided for under this Act.

2 (Source: P.A. 96-762, eff. 8-25-09.)

3 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

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

7 (a) Thirty per cent of the total of all monies received by
8 the State as privilege taxes shall be paid into the
9 Metropolitan Exposition Auditorium and Office Building Fund in
10 the State Treasury.

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

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

18 (d) Seven per cent of the total of all monies received by
19 the State as privilege taxes shall be paid into the Fair and
20 Exposition Fund in the State treasury; provided, however, that
21 when all bonds issued prior to July 1, 1984 by the Metropolitan
22 Fair and Exposition Authority shall have been paid or payment
23 shall have been provided for upon a refunding of those bonds,
24 thereafter 1/12 of \$1,665,662 of such monies shall be paid each
25 month into the Build Illinois Fund, and the remainder into the

1 Fair and Exposition Fund. All excess monies shall be allocated
2 to the Department of Agriculture for distribution to county
3 fairs for premiums and rehabilitation as set forth in the
4 Agricultural Fair Act.

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

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

9 (g) Until January 1, 2000, that part representing 1/2 of
10 the total breakage in Thoroughbred, Harness, Appaloosa,
11 Arabian, and Quarter Horse racing in the State shall be paid
12 into the Illinois Race Track Improvement Fund as established in
13 Section 32.

14 (h) All other monies received by the Board under this Act
15 shall be paid into the Horse Racing Fund ~~General Revenue Fund~~
16 ~~of the State~~.

17 (i) The salaries of the Board members, secretary, stewards,
18 directors of mutuels, veterinarians, representatives,
19 accountants, clerks, stenographers, inspectors and other
20 employees of the Board, and all expenses of the Board incident
21 to the administration of this Act, including, but not limited
22 to, all expenses and salaries incident to the taking of saliva
23 and urine samples in accordance with the rules and regulations
24 of the Board shall be paid out of the Agricultural Premium
25 Fund.

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

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

4 (2) for the distribution to county fairs, vocational
5 agriculture section fairs, agricultural societies, and
6 agricultural extension clubs in accordance with the
7 Agricultural Fair Act, as amended;

8 (3) for payment of prize monies and premiums awarded
9 and for expenses incurred in connection with the
10 International Livestock Exposition and the Mid-Continent
11 Livestock Exposition held in Illinois, which premiums, and
12 awards must be approved, and paid by the Illinois
13 Department of Agriculture;

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

16 (5) for distribution to agricultural home economic
17 extension councils in accordance with "An Act in relation
18 to additional support and finance for the Agricultural and
19 Home Economic Extension Councils in the several counties in
20 this State and making an appropriation therefor", approved
21 July 24, 1967, as amended;

22 (6) for research on equine disease, including a
23 development center therefor;

24 (7) for training scholarships for study on equine
25 diseases to students at the University of Illinois College
26 of Veterinary Medicine;

1 (8) for the rehabilitation, repair and maintenance of
2 the Illinois and DuQuoin State Fair Grounds and the
3 structures and facilities thereon and the construction of
4 permanent improvements on such Fair Grounds, including
5 such structures, facilities and property located on such
6 State Fair Grounds which are under the custody and control
7 of the Department of Agriculture;

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

11 (10) for the expenses of the Department of Commerce and
12 Economic Opportunity under Sections 605-620, 605-625, and
13 605-630 of the Department of Commerce and Economic
14 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and
15 605/605-630);

16 (11) for remodeling, expanding, and reconstructing
17 facilities destroyed by fire of any Fair and Exposition
18 Authority in counties with a population of 1,000,000 or
19 more inhabitants;

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

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

25 (14) for the Department of Agriculture for soil surveys
26 and soil and water conservation purposes;

1 (15) for the Department of Agriculture for grants to
2 the City of Chicago for conducting the Chicagofest;

3 (16) for the State Comptroller for grants and operating
4 expenses authorized by the Illinois Global Partnership
5 Act.

6 (k) To the extent that monies paid by the Board to the
7 Agricultural Premium Fund are in the opinion of the Governor in
8 excess of the amount necessary for the purposes herein stated,
9 the Governor shall notify the Comptroller and the State
10 Treasurer of such fact, who, upon receipt of such notification,
11 shall transfer such excess monies from the Agricultural Premium
12 Fund to the General Revenue Fund.

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

14 (230 ILCS 5/28.1)

15 Sec. 28.1. Payments.

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

21 (b) Appropriations, as approved by the General Assembly,
22 may be made from the Horse Racing Fund to the Board to pay the
23 salaries of the Board members, secretary, stewards, directors
24 of mutuels, veterinarians, representatives, accountants,
25 clerks, stenographers, inspectors and other employees of the

1 Board, and all expenses of the Board incident to the
2 administration of this Act, including, but not limited to, all
3 expenses and salaries incident to the taking of saliva and
4 urine samples in accordance with the rules and regulations of
5 the Board.

6 (c) Beginning on January 1, 2000, the Board shall transfer
7 the remainder of the funds generated pursuant to Sections 26
8 and 27 from the Horse Racing Fund into the General Revenue
9 Fund.

10 In the event that in any fiscal year, the amount of total
11 funds in the Horse Racing Fund is insufficient to meet the
12 annual operating expenses of the Board, as appropriated by the
13 General Assembly for that fiscal year, the Board shall invoice
14 the organization licensees for the amount of the deficit. The
15 amount of the invoice shall be allocated in a proportionate
16 amount of pari-mutuel wagering handled by the organization
17 licensee in the year preceding assessment and divided by the
18 total pari-mutuel wagering handled by all Illinois
19 organization licensees. The payments shall be made 50% from the
20 organization licensee's account and 50% from the organization
21 licensee's purse account.

22 (d) Beginning January 1, 2000, payments to all programs in
23 existence on the effective date of this amendatory Act of 1999
24 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and
25 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of
26 Section 30, and subsections (a), (b), (c), (d), (e), (f), (g),

1 and (h) of Section 31 shall be made from the General Revenue
2 Fund at the funding levels determined by amounts paid under
3 this Act in calendar year 1998. Beginning on the effective date
4 of this amendatory Act of the 93rd General Assembly, payments
5 to the Peoria Park District shall be made from the General
6 Revenue Fund at the funding level determined by amounts paid to
7 that park district for museum purposes under this Act in
8 calendar year 1994.

9 If an inter-track wagering location licensee's facility
10 changes its location, then the payments associated with that
11 facility under this subsection (d) for museum purposes shall be
12 paid to the park district in the area where the facility
13 relocates, and the payments shall be used for museum purposes.
14 If the facility does not relocate to a park district, then the
15 payments shall be paid to the taxing district that is
16 responsible for park or museum expenditures.

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

23 (f) Beginning July 1, 2007, the Children's Discovery Museum
24 in Normal, Illinois shall receive payments from the General
25 Revenue Fund at the funding level determined by the amounts
26 paid to the Miller Park Zoo in Bloomington, Illinois under this

1 Section in calendar year 2006.

2 (Source: P.A. 95-222, eff. 8-16-07; 96-562, eff. 8-18-09.)

3 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

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

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

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

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

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

7 Beginning on the effective date of this amendatory Act of
8 the 96th General Assembly, the Illinois Thoroughbred Breeders
9 Fund shall become a non-appropriated trust fund held separate
10 and apart from State moneys. Expenditures from this fund shall
11 no longer be subject to appropriation.

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

16 Notwithstanding any provision of law to the contrary,
17 amounts deposited into the Illinois Thoroughbred Breeders Fund
18 from revenues generated by electronic gaming after the
19 effective date of this amendatory Act of the 96th General
20 Assembly shall be in addition to tax and fee amounts paid under
21 this Section for calendar year 2010 and thereafter.

22 (e) The Illinois Thoroughbred Breeders Fund shall be
23 administered by the Department of Agriculture with the advice
24 and assistance of the Advisory Board created in subsection (f)
25 of this Section.

26 (f) The Illinois Thoroughbred Breeders Fund Advisory Board

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

1 execution of their official duties.

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

9 (1) To provide purse supplements to owners of horses
10 participating in races limited to Illinois conceived and
11 foaled and Illinois foaled horses. Any such purse
12 supplements shall not be included in and shall be paid in
13 addition to any purses, stakes, or breeders' awards offered
14 by each organization licensee as determined by agreement
15 between such organization licensee and an organization
16 representing the horsemen. No monies from the Illinois
17 Thoroughbred Breeders Fund shall be used to provide purse
18 supplements for claiming races in which the minimum
19 claiming price is less than \$7,500.

20 (2) To provide stakes and awards to be paid to the
21 owners of the winning horses in certain races limited to
22 Illinois conceived and foaled and Illinois foaled horses
23 designated as stakes races.

24 (2.5) To provide an award to the owner or owners of an
25 Illinois conceived and foaled or Illinois foaled horse that
26 wins a maiden special weight, an allowance, overnight

1 handicap race, or claiming race with claiming price of
2 \$10,000 or more providing the race is not restricted to
3 Illinois conceived and foaled or Illinois foaled horses.
4 Awards shall also be provided to the owner or owners of
5 Illinois conceived and foaled and Illinois foaled horses
6 that place second or third in those races. To the extent
7 that additional moneys are required to pay the minimum
8 additional awards of 40% of the purse the horse earns for
9 placing first, second or third in those races for Illinois
10 foaled horses and of 60% of the purse the horse earns for
11 placing first, second or third in those races for Illinois
12 conceived and foaled horses, those moneys shall be provided
13 from the purse account at the track where earned.

14 (3) To provide stallion awards to the owner or owners
15 of any stallion that is duly registered with the Illinois
16 Thoroughbred Breeders Fund Program ~~prior to the effective~~
17 ~~date of this amendatory Act of 1995~~ whose duly registered
18 Illinois conceived and foaled offspring wins a race
19 conducted at an Illinois thoroughbred racing meeting other
20 than a claiming race, provided that the stallion stood
21 service within Illinois at the time the offspring was
22 conceived and that the stallion did not stand for service
23 outside of Illinois at any time during the year in which
24 the offspring was conceived. ~~Such award shall not be paid~~
25 ~~to the owner or owners of an Illinois stallion that served~~
26 ~~outside this State at any time during the calendar year in~~

1 ~~which such race was conducted.~~

2 (4) To provide \$75,000 annually for purses to be
3 distributed to county fairs that provide for the running of
4 races during each county fair exclusively for the
5 thoroughbreds conceived and foaled in Illinois. The
6 conditions of the races shall be developed by the county
7 fair association and reviewed by the Department with the
8 advice and assistance of the Illinois Thoroughbred
9 Breeders Fund Advisory Board. There shall be no wagering of
10 any kind on the running of Illinois conceived and foaled
11 races at county fairs.

12 (4.1) To provide purse money for an Illinois stallion
13 stakes program.

14 (5) No less than 90% ~~80%~~ of all monies appropriated
15 from the Illinois Thoroughbred Breeders Fund shall be
16 expended for the purposes in (1), (2), (2.5), (3), (4),
17 (4.1), and (5) as shown above.

18 (6) To provide for educational programs regarding the
19 thoroughbred breeding industry.

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

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

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

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

3 (h) The Illinois Thoroughbred Breeders Fund is not subject
4 to administrative charges or charge-backs, including, but not
5 limited to, those authorized under Section 8h of the State
6 Finance Act. ~~Whenever the Governor finds that the amount in the~~
7 ~~Illinois Thoroughbred Breeders Fund is more than the total of~~
8 ~~the outstanding appropriations from such fund, the Governor~~
9 ~~shall notify the State Comptroller and the State Treasurer of~~
10 ~~such fact. The Comptroller and the State Treasurer, upon~~
11 ~~receipt of such notification, shall transfer such excess amount~~
12 ~~from the Illinois Thoroughbred Breeders Fund to the General~~
13 ~~Revenue Fund.~~

14 (i) A sum equal to 13% ~~12 1/2%~~ of the first prize money of
15 every purse won by an Illinois foaled or an Illinois conceived
16 and foaled horse in races not limited to Illinois foaled horses
17 or Illinois conceived and foaled horses, or both, shall be paid
18 by the organization licensee conducting the horse race meeting.
19 Such sum shall be paid 50% from the organization licensee's
20 account and 50% from the purse account of the licensee ~~share of~~
21 ~~the money wagered~~ as follows: 11 1/2% to the breeder of the
22 winning horse and 1 1/2% ~~1%~~ to the organization representing
23 thoroughbred breeders and owners whose representative serves
24 on the Illinois Thoroughbred Breeders Fund Advisory Board for
25 verifying the amounts of breeders' awards earned, assuring
26 their distribution in accordance with this Act, and servicing

1 and promoting the Illinois thoroughbred horse racing industry.
2 The organization representing thoroughbred breeders and owners
3 shall cause all expenditures of monies received under this
4 subsection (i) to be audited at least annually by a registered
5 public accountant. The organization shall file copies of each
6 annual audit with the Racing Board, the Clerk of the House of
7 Representatives and the Secretary of the Senate, and shall make
8 copies of each annual audit available to the public upon
9 request and upon payment of the reasonable cost of photocopying
10 the requested number of copies. Such payments shall not reduce
11 any award to the owner of the horse or reduce the taxes payable
12 under this Act. Upon completion of its racing meet, each
13 organization licensee shall deliver to the organization
14 representing thoroughbred breeders and owners whose
15 representative serves on the Illinois Thoroughbred Breeders
16 Fund Advisory Board a listing of all the Illinois foaled and
17 the Illinois conceived and foaled horses which won breeders'
18 awards and the amount of such breeders' awards under this
19 subsection to verify accuracy of payments and assure proper
20 distribution of breeders' awards in accordance with the
21 provisions of this Act. Such payments shall be delivered by the
22 organization licensee within 30 days of the end of each race
23 meeting.

24 (j) A sum equal to 13% ~~12 1/2%~~ of the first prize money won
25 in each race limited to Illinois foaled horses or Illinois
26 conceived and foaled horses, or both, shall be paid in the

1 following manner by the organization licensee conducting the
2 horse race meeting, 50% from the organization licensee's
3 account and 50% from the purse account of the licensee ~~share of~~
4 ~~the money wagered~~: 11 1/2% to the breeders of the horses in
5 each such race which are the official first, second, third and
6 fourth finishers and 1 1/2% ~~1%~~ to the organization representing
7 thoroughbred breeders and owners whose representative serves
8 on the Illinois Thoroughbred Breeders Fund Advisory Board for
9 verifying the amounts of breeders' awards earned, assuring
10 their proper distribution in accordance with this Act, and
11 servicing and promoting the Illinois thoroughbred horse racing
12 industry. The organization representing thoroughbred breeders
13 and owners shall cause all expenditures of monies received
14 under this subsection (j) to be audited at least annually by a
15 registered public accountant. The organization shall file
16 copies of each annual audit with the Racing Board, the Clerk of
17 the House of Representatives and the Secretary of the Senate,
18 and shall make copies of each annual audit available to the
19 public upon request and upon payment of the reasonable cost of
20 photocopying the requested number of copies.

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

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

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

1 (3) 15% of such sum shall be paid to the breeder of the
2 horse which finishes in the official third position; and

3 (4) 5% of such sum shall be paid to the breeder of the
4 horse which finishes in the official fourth position.

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

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

1 and is not bred to a stallion standing in any other state
2 during the season of foaling. An "Illinois foaled horse" also
3 means a foal born in Illinois of a mare purchased at public
4 auction subsequent to the mare entering this State on or before
5 March 1 ~~prior to February 1~~ of the foaling year providing the
6 mare is owned solely by one or more Illinois residents or an
7 Illinois entity that is entirely owned by one or more Illinois
8 residents.

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

12 (1) Qualify stallions for Illinois breeding; such
13 stallions to stand for service within the State of Illinois
14 at the time of a foal's conception. Such stallion must not
15 stand for service at any place outside the State of
16 Illinois during the calendar year in which the foal is
17 conceived. The Department of Agriculture may assess and
18 collect an application fee of up to \$500 ~~fees~~ for the
19 registration of Illinois-eligible stallions. All fees
20 collected are to be held in trust accounts for the purposes
21 set forth in this Act and in accordance with Section 205-15
22 of the Department of Agriculture Law ~~paid into the Illinois~~
23 ~~Thoroughbred Breeders Fund.~~

24 (2) Provide for the registration of Illinois conceived
25 and foaled horses and Illinois foaled horses. No such horse
26 shall compete in the races limited to Illinois conceived

1 and foaled horses or Illinois foaled horses or both unless
2 registered with the Department of Agriculture. The
3 Department of Agriculture may prescribe such forms as are
4 necessary to determine the eligibility of such horses. The
5 Department of Agriculture may assess and collect
6 application fees for the registration of Illinois-eligible
7 foals. All fees collected are to be held in trust accounts
8 for the purposes set forth in this Act and in accordance
9 with Section 205-15 of the Department of Agriculture Law
10 ~~paid into the Illinois Thoroughbred Breeders Fund~~. No
11 person shall knowingly prepare or cause preparation of an
12 application for registration of such foals containing
13 false information.

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

20 In determining the stakes races and the amount of awards
21 for such races, the Department of Agriculture shall consider
22 factors, including but not limited to, the amount of money
23 appropriated for the Illinois Thoroughbred Breeders Fund
24 program, organization licensees' contributions, availability
25 of stakes caliber horses as demonstrated by past performances,
26 whether the race can be coordinated into the proposed racing

1 dates within organization licensees' racing dates, opportunity
2 for colts and fillies and various age groups to race, public
3 wagering on such races, and the previous racing schedule.

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

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

1 Association, 3 from Illinois race tracks operating
2 thoroughbred race meets for an average of at least 30 days in
3 the past 3 years, the Director of Agriculture, the Executive
4 Director of the Racing Board, who shall serve as Chairman.

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

6 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

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

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

24 (b-5) Excluding the harness races at the Illinois State
25 Fair and the DuQuoin State Fair, each organization licensee

1 conducting a harness racing meeting pursuant to this Act shall
2 provide stakes races and early closer races for Illinois
3 conceived and foaled horses so the total purses distributed for
4 such races shall be no less than 17% of the total purses
5 distributed at the meeting.

6 (b-10) Each organization licensee conducting a harness
7 racing meeting pursuant to this Act shall provide an owner
8 award to be paid from the purse account equal to 25% of the
9 amount earned by Illinois conceived and foaled horses in races
10 that are not restricted to Illinois conceived and foaled
11 horses. The owner awards shall not be paid on races below the
12 \$10,000 claiming class.

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

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

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

1 (e) The Illinois Standardbred Breeders Fund shall be
2 administered by the Department of Agriculture with the
3 assistance and advice of the Advisory Board created in
4 subsection (f) of this Section.

5 (f) The Illinois Standardbred Breeders Fund Advisory Board
6 is hereby created. The Advisory Board shall consist of the
7 Director of the Department of Agriculture, who shall serve as
8 Chairman; the Superintendent of the Illinois State Fair; a
9 member of the Illinois Racing Board, designated by it; a
10 representative of the Illinois Standardbred Owners and
11 Breeders Association, recommended by it; a representative of
12 the Illinois Association of Agricultural Fairs, recommended by
13 it, such representative to be from a fair at which Illinois
14 conceived and foaled racing is conducted; a representative of
15 the organization licensees conducting harness racing meetings,
16 recommended by them and a representative of the Illinois
17 Harness Horsemen's Association, recommended by it. Advisory
18 Board members shall serve for 2 years commencing January 1, of
19 each odd numbered year. If representatives of the Illinois
20 Standardbred Owners and Breeders Associations, the Illinois
21 Association of Agricultural Fairs, the Illinois Harness
22 Horsemen's Association, and the organization licensees
23 conducting harness racing meetings have not been recommended by
24 January 1, of each odd numbered year, the Director of the
25 Department of Agriculture shall make an appointment for the
26 organization failing to so recommend a member of the Advisory

1 Board. Advisory Board members shall receive no compensation for
2 their services as members but shall be reimbursed for all
3 actual and necessary expenses and disbursements incurred in the
4 execution of their official duties.

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

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

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

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

20 4. No less than 75% of all monies in the Illinois
21 Standardbred Breeders Fund shall be expended for purses in
22 1, 2 and 3 as shown above.

23 5. In the discretion of the Department of Agriculture
24 to provide awards to harness breeders of Illinois conceived
25 and foaled horses which win races conducted by organization
26 licensees conducting harness racing meetings. A breeder is

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

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

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

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

16 9. To pay up to \$50,000 annually for the Department of
17 Agriculture to conduct drug testing at county fairs racing
18 standardbred horses.

19 10. To pay up to \$100,000 annually for distribution to
20 Illinois county fairs to supplement premiums offered in
21 junior classes.

22 11. To pay up to \$100,000 for distribution to Illinois
23 universities with equine research program.

24 (h) (Blank) ~~Whenever the Governor finds that the amount in~~
25 ~~the Illinois Standardbred Breeders Fund is more than the total~~
26 ~~of the outstanding appropriations from such fund, the Governor~~

1 ~~shall notify the State Comptroller and the State Treasurer of~~
2 ~~such fact. The Comptroller and the State Treasurer, upon~~
3 ~~receipt of such notification, shall transfer such excess amount~~
4 ~~from the Illinois Standardbred Breeders Fund to the General~~
5 ~~Revenue Fund.~~

6 (i) A sum equal to 13% ~~12 1/2%~~ of the first prize money of
7 the gross every purse won by an Illinois conceived and foaled
8 horse shall be paid 50% by the organization licensee conducting
9 the horse race meeting to the breeder of such winning horse
10 from the organization licensee's account and 50% from the purse
11 account of the licensee ~~share of the money wagered~~. Such
12 payment shall not reduce any award to the owner of the horse or
13 reduce the taxes payable under this Act. Such payment shall be
14 delivered by the organization licensee at the end of each month
15 ~~race meeting~~.

16 (j) The Department of Agriculture shall, by rule, with the
17 assistance and advice of the Illinois Standardbred Breeders
18 Fund Advisory Board:

- 19 1. Qualify stallions for Illinois Standardbred
20 Breeders Fund breeding; ~~such stallion shall be owned by a~~
21 ~~resident of the State of Illinois or by an Illinois~~
22 ~~corporation all of whose shareholders, directors, officers~~
23 ~~and incorporators are residents of the State of Illinois.~~
24 Such stallion shall stand for service at and within the
25 State of Illinois at the time of a foal's conception, and
26 such stallion must not stand for service at any place, ~~nor~~

1 ~~may semen from such stallion be transported,~~ outside the
2 State of Illinois during that calendar year in which the
3 foal is conceived ~~and that the owner of the stallion was~~
4 ~~for the 12 months prior, a resident of Illinois.~~ Foals
5 conceived outside the State of Illinois from shipped semen
6 from a stallion qualified for breeders' awards under this
7 Section are not eligible to participate in the Illinois
8 conceived and foaled program. ~~The articles of agreement of~~
9 ~~any partnership, joint venture, limited partnership,~~
10 ~~syndicate, association or corporation and any bylaws and~~
11 ~~stock certificates must contain a restriction that~~
12 ~~provides that the ownership or transfer of interest by any~~
13 ~~one of the persons a party to the agreement can only be~~
14 ~~made to a person who qualifies as an Illinois resident.~~

15 2. Provide for the registration of Illinois conceived
16 and foaled horses and no such horse shall compete in the
17 races limited to Illinois conceived and foaled horses
18 unless registered with the Department of Agriculture. The
19 Department of Agriculture may prescribe such forms as may
20 be necessary to determine the eligibility of such horses.
21 No person shall knowingly prepare or cause preparation of
22 an application for registration of such foals containing
23 false information. A mare (dam) must be in the state at
24 least 30 days prior to foaling or remain in the State at
25 least 30 days at the time of foaling. Beginning with the
26 1996 breeding season and for foals of 1997 and thereafter,

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

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

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

1 held in trust accounts for the purposes as set forth in
2 this Act and in accordance with Section 205-15 of the
3 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
6 to sponsor races at county fairs.

7 6. Provide for the promotion of producing standardbred
8 racehorses by providing a bonus award program for owners of
9 2-year-old horses that win multiple major stakes races that
10 are limited to Illinois conceived and foaled horses.

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

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

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

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

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

21 (230 ILCS 5/31.1) (from Ch. 8, par. 37-31.1)

22 Sec. 31.1. (a) Organization licensees collectively shall
23 contribute annually to charity the sum of \$1,000,000 ~~\$750,000~~
24 to non-profit organizations that provide medical and family,
25 counseling, and similar services to persons who reside or work

1 on the backstretch of Illinois racetracks. These contributions
2 shall be collected as follows: (i) no later than July 1st of
3 each year the Board shall assess each organization licensee,
4 except those tracks which are not within 100 miles of each
5 other which tracks shall pay \$40,000 ~~\$30,000~~ annually apiece
6 into the Board charity fund, that amount which equals \$920,000
7 ~~\$690,000~~ multiplied by the amount of pari-mutuel wagering
8 handled by the organization licensee in the year preceding
9 assessment and divided by the total pari-mutuel wagering
10 handled by all Illinois organization licensees, except those
11 tracks which are not within 100 miles of each other, in the
12 year preceding assessment; (ii) notice of the assessed
13 contribution shall be mailed to each organization licensee;
14 (iii) within thirty days of its receipt of such notice, each
15 organization licensee shall remit the assessed contribution to
16 the Board. If an organization licensee wilfully fails to so
17 remit the contribution, the Board may revoke its license to
18 conduct horse racing.

19 (b) No later than October 1st of each year, any qualified
20 charitable organization seeking an allotment of contributed
21 funds shall submit to the Board an application for those funds,
22 using the Board's approved form. No later than December 31st of
23 each year, the Board shall distribute all such amounts
24 collected that year to such charitable organization
25 applicants.

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

1 (230 ILCS 5/32.1)

2 Sec. 32.1. Pari-mutuel tax credit; statewide racetrack
3 real estate equalization. In order to encourage new investment
4 in Illinois racetrack facilities and mitigate differing real
5 estate tax burdens among all racetracks, the licensees
6 affiliated or associated with each racetrack that has been
7 awarded live racing dates in the current year shall receive an
8 immediate pari-mutuel tax credit in an amount equal to the
9 greater of (i) 50% of the amount of the real estate taxes paid
10 in the prior year attributable to that racetrack, ~~or~~ (ii) the
11 amount by which the real estate taxes paid in the prior year
12 attributable to that racetrack exceeds 60% of the average real
13 estate taxes paid in the prior year for all racetracks awarded
14 live horse racing meets in the current year, or (iii) the total
15 amount of the real estate tax credits claimed by all racetracks
16 in calendar year 2010.

17 Each year, regardless of whether the organization licensee
18 conducted live racing in the year of certification, the Board
19 shall certify in writing, prior to December 31, the real estate
20 taxes paid in that year for each racetrack and the amount of
21 the pari-mutuel tax credit that each organization licensee,
22 intertrack wagering licensee, and intertrack wagering location
23 licensee that derives its license from such racetrack is
24 entitled in the succeeding calendar year. The real estate taxes
25 considered under this Section for any racetrack shall be those

1 taxes on the real estate parcels and related facilities used to
2 conduct a horse race meeting and inter-track wagering at such
3 racetrack under this Act. In no event shall the amount of the
4 tax credit under this Section exceed the amount of pari-mutuel
5 taxes otherwise calculated under this Act. The amount of the
6 tax credit under this Section shall be retained by each
7 licensee and shall not be subject to any reallocation or
8 further distribution under this Act. The Board may promulgate
9 emergency rules to implement this Section.

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

11 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

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

1 the speed of such horse shall be guilty of a Class 4 felony.
2 The Board shall suspend or revoke such violator's license.

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

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

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

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

14 (230 ILCS 5/40) (from Ch. 8, par. 37-40)

15 Sec. 40. (a) The imposition of any fine or penalty provided
16 in this Act shall not preclude the Board in its rules and
17 regulations from imposing a fine or penalty for any other
18 action which, in the Board's discretion, is a detriment or
19 impediment to horse racing.

20 (b) The Director of Agriculture or his or her authorized
21 representative shall impose the following monetary penalties
22 and hold administrative hearings as required for failure to
23 submit the following applications, lists, or reports within the
24 time period, date or manner required by statute or rule or for
25 removing a foal from Illinois prior to inspection:

1 (1) late filing of a renewal application for offering
2 or standing stallion for service:

3 (A) if an application is submitted no more than 30
4 days late, \$50;

5 (B) if an application is submitted no more than 45
6 days late, \$150; or

7 (C) if an application is submitted more than 45
8 days late, if filing of the application is allowed
9 under an administrative hearing, \$250;

10 (2) late filing of list or report of mares bred:

11 (A) if a list or report is submitted no more than
12 30 days late, \$50;

13 (B) if a list or report is submitted no more than
14 60 days late \$150; or

15 (C) if a list or report is submitted more than 60
16 days late, if filing of the list or report is allowed
17 under an administrative hearing, \$250;

18 (3) filing an Illinois foaled thoroughbred mare status
19 report after the statutory deadline as provided in
20 subsection (k) of Section 30 of this Act ~~December 31:~~

21 (A) if a report is submitted no more than 30 days
22 late, \$50;

23 (B) if a report is submitted no more than 90 days
24 late, \$150;

25 (C) if a report is submitted no more than 150 days
26 late, \$250; or

1 (D) if a report is submitted more than 150 days
2 late, if filing of the report is allowed under an
3 administrative hearing, \$500;

4 (4) late filing of application for foal eligibility
5 certificate:

6 (A) if an application is submitted no more than 30
7 days late, \$50;

8 (B) if an application is submitted no more than 90
9 days late, \$150;

10 (C) if an application is submitted no more than 150
11 days late, \$250; or

12 (D) if an application is submitted more than 150
13 days late, if filing of the application is allowed
14 under an administrative hearing, \$500;

15 (5) failure to report the intent to remove a foal from
16 Illinois prior to inspection, identification and
17 certification by a Department of Agriculture investigator,
18 \$50; and

19 (6) if a list or report of mares bred is incomplete,
20 \$50 per mare not included on the list or report.

21 Any person upon whom monetary penalties are imposed under
22 this Section 3 times within a 5 year period shall have any
23 further monetary penalties imposed at double the amounts set
24 forth above. All monies assessed and collected for violations
25 relating to thoroughbreds shall be paid into the Thoroughbred
26 Breeders Fund. All monies assessed and collected for violations

1 relating to standardbreds shall be paid into the Standardbred
2 Breeders Fund.

3 (Source: P.A. 87-397.)

4 (230 ILCS 5/56 new)

5 Sec. 56. Electronic gaming.

6 (a) A person, firm, or corporation having operating control
7 of a race track may apply to the Gaming Board for an electronic
8 gaming license. An electronic gaming license shall authorize
9 its holder to conduct gambling using slot machines, video games
10 of chance, electronic gambling games, or any combination of
11 these on the grounds of the race track controlled by the
12 licensee's race track. Only one electronic gaming license may
13 be awarded for any race track. Each license shall specify the
14 number of slot machines, video games of chance, or electronic
15 gambling games that its holder may operate.

16 An electronic gaming licensee may not permit persons under
17 21 years of age to be present in its electronic gaming
18 facility, but the licensee may accept wagers on live racing and
19 inter-track wagers at its electronic gaming facility.

20 (b) The gross gaming receipts by an electronic gaming
21 licensee from electronic gaming remaining after the payment of
22 taxes under Section 13 of the Riverboat Gambling Act shall be
23 distributed as follows:

24 (1) Amounts shall be paid to the purse account at the
25 track at which the organization license conducting racing

1 equal to the following:

2 12.75% of annual gross gaming receipts up to and
3 including \$75,000,000;

4 20% of annual gross gaming receipts in excess of
5 \$75,000,000 but not exceeding \$100,000,000; and

6 26.5% of annual gross gaming receipts in excess of
7 \$100,000,000 but not exceeding \$125,000,000; and

8 20.5% of annual gross gaming receipts in excess of
9 \$125,000,000.

10 (2) The remainder shall be retained by the electronic
11 gaming licensee.

12 (c) Electronic gaming receipts placed into the purse
13 account of an organization licensee racing thoroughbred horses
14 shall be used for purses, for health care services and worker's
15 compensation for racing industry workers, for equine research,
16 for R.A.C.E., Inc. (a 501(c)(3) corporation affiliated with a
17 race track in Madison County) for the express purpose of caring
18 for and transitioning injured and retired thoroughbred horses
19 that race at the race track or any like organization at other
20 race tracks, or for horse ownership promotion, in accordance
21 with the agreement of the horsemen's association representing
22 the largest number of owners or trainers who race at that
23 organization licensee's race meeting. Annually, from the purse
24 account of an organization licensee racing thoroughbred
25 horses, an amount equal to 12% of the electronic gaming
26 receipts shall be paid to the Illinois Thoroughbred Breeders

1 Fund and shall be used for owner awards; a stallion program
2 pursuant to paragraph (3) of subsection (g) of Section 30 of
3 this Act; and Illinois conceived and foaled stakes races
4 pursuant to paragraph (2) of subsection (g) of Section 30 of
5 this Act, as specifically designated by the horsemen's
6 association representing the largest number of owners or
7 trainers who race at the organization licensee's race meeting.
8 Annually from the purse account of an organization licensee
9 conducting thoroughbred races at a race track in Madison
10 County, an amount equal to 0.33 1/3% of the electronic gaming
11 receipts shall be paid to Southern Illinois University for
12 equine research, an amount equal to 0.33 1/3% of the electronic
13 gaming receipts shall be used to operate laundry facilities for
14 backstretch workers at that race track, and an amount equal to
15 0.33 1/3% of the electronic gaming receipts shall be paid to
16 the R.A.C.E. program to care for injured and unwanted horses
17 that race at that race track.

18 Annually from the purse account of organization licenses
19 conducting thoroughbred races at race tracks in Cook County,
20 \$100,000 shall be paid to the University of Illinois for equine
21 research and \$100,000 shall be paid to Southern Illinois
22 University for equine research.

23 (d) Annually, from the purse account of an organization
24 licensee racing standardbred horses, an amount equal to 15% of
25 the electronic gaming receipts placed into that purse account
26 shall be paid to the Illinois Colt Stakes Purse Distribution

1 Fund. Moneys deposited into the Illinois Colt Stakes Purse
2 Distribution Fund shall be used for standardbred racing as
3 authorized in paragraphs 1, 2, 3, 8, 9, 10, and 11 of
4 subsection (g) of Section 31 of this Act and for bonus awards
5 as authorized under paragraph 6 of subsection (j) of Section 31
6 of this Act.

7 As a requirement for continued eligibility to conduct
8 electronic gaming, each organization licensee must promote
9 live racing and horse ownership through marketing and
10 promotional efforts. To meet this requirement, all
11 organization licensees operating at each racetrack facility
12 must collectively expend the amount of the pari-mutuel tax
13 credit that was certified by the Illinois Racing Board in the
14 prior calendar year pursuant to Section 32.1 of the Illinois
15 Horse Racing Act for that racetrack facility, in addition to
16 the amount that was expended by each organizational licensee
17 for such efforts in calendar year 2009. Such incremental
18 expenditures must be directed to assure that all marketing
19 expenditures, including those for the organization licensee's
20 electronic gaming facility, advertise, market and promote
21 horse racing and/or horse ownership. The amount spent by the
22 organization licensee for such marketing and promotional
23 efforts in 2009 shall be certified by the Board no later than
24 90 days after the effective date of this Act.

25 Section 10. The Riverboat Gambling Act is amended by

1 changing Sections 3, 4, 5, 8, 9, 11, 11.1, 12, 13, 14, 18, 19,
2 20, and 23 and by adding Sections 7.6 and 7.7 as follows:

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

4 Sec. 3. ~~Riverboat~~ Gambling Authorized.

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

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

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

1 continuous ingress and egress of passengers for the purpose of
2 gambling.

3 (d) Gambling that is conducted in accordance with this Act
4 using slot machines and video games of chance and other
5 electronic gambling games as defined in both the Riverboat
6 Gambling Act and the Horse Racing Act of 1975.

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

8 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

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

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

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

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

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

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

10 ~~(h)~~ "Gross gaming Adjusted-gross receipts" means the whole
11 gaming gross receipts less winnings paid to wagerers.

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

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

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

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

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

26 "Owners license" means a license to conduct riverboat

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

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

5 "Electronic gaming" means the conduct of gambling using
6 slot machines, video games of chance, and electronic gambling
7 games licensed under this Act at a race track licensed under
8 the Illinois Horse Racing Act of 1975 pursuant to the Illinois
9 Horse Racing Act of 1975 and this Act.

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

14 "Electronic gaming license" means a license issued by the
15 Board under Section 7.6 of this Act authorizing electronic
16 gaming at an electronic gaming facility.

17 "Electronic gaming licensee" means an entity that holds an
18 electronic gaming license.

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

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

1 (230 ILCS 10/5) (from Ch. 120, par. 2405)

2 Sec. 5. Gaming Board.

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

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

24 (3) The terms of office of the Board members shall be 3
25 years, except that the terms of office of the initial Board

1 members appointed pursuant to this Act will commence from the
2 effective date of this Act and run as follows: one for a term
3 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for
4 a term ending July 1, 1993. Upon the expiration of the
5 foregoing terms, the successors of such members shall serve a
6 term for 3 years and until their successors are appointed and
7 qualified for like terms. Vacancies in the Board shall be
8 filled for the unexpired term in like manner as original
9 appointments. Each member of the Board shall be eligible for
10 reappointment at the discretion of the Governor with the advice
11 and consent of the Senate.

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

17 (5) No person shall be appointed a member of the Board or
18 continue to be a member of the Board who is, or whose spouse,
19 child or parent is, a member of the board of directors of, or a
20 person financially interested in, any gambling operation
21 subject to the jurisdiction of this Board, or any race track,
22 race meeting, racing association or the operations thereof
23 subject to the jurisdiction of the Illinois Racing Board. No
24 Board member shall hold any other public office for which he
25 shall receive compensation other than necessary travel or other
26 incidental expenses. No person shall be a member of the Board

1 who is not of good moral character or who has been convicted
2 of, or is under indictment for, a felony under the laws of
3 Illinois or any other state, or the United States.

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

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

26 (8) Upon the request of the Board, the Department shall

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

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

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

23 (1) To decide promptly and in reasonable order all
24 license applications. Any party aggrieved by an action of
25 the Board denying, suspending, revoking, restricting or
26 refusing to renew a license may request a hearing before

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

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

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

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

23 (5) To provide for the levy and collection of penalties
24 and fines for the violation of provisions of this Act and
25 the rules and regulations promulgated hereunder. All such
26 fines and penalties shall be deposited into the Education

1 Assistance Fund, created by Public Act 86-0018, of the
2 State of Illinois;

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

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

20 (8) To hold at least one meeting each quarter of the
21 fiscal year. In addition, special meetings may be called by
22 the Chairman or any 2 Board members upon 72 hours written
23 notice to each member. All Board meetings shall be subject
24 to the Open Meetings Act. Three members of the Board shall
25 constitute a quorum, and 3 votes shall be required for any
26 final determination by the Board. The Board shall keep a

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

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

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

1 valuable or which the Governor may request;

2 (11) (Blank);

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

8 (13) To assume responsibility for administration and
9 enforcement of the Video Gaming Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 regarding administrative procedures, and to review
2 applications for the renewal of licenses. The Board may
3 suspend an owners license or an electronic gaming license,
4 without notice or hearing, upon a determination that the
5 safety or health of patrons or employees is jeopardized by
6 continuing a gambling operation conducted under that
7 license ~~a riverboat's operation~~. The suspension may remain
8 in effect until the Board determines that the cause for
9 suspension has been abated. The Board may revoke the owners
10 license or the electronic gaming license upon a
11 determination that the licensee ~~owner~~ has not made
12 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 owners licenses or
5 electronic gaming licenses, to require the removal of a
6 licensee or an employee of a licensee for a violation of
7 this Act or a Board rule or for engaging in a fraudulent
8 practice, and to impose civil penalties of up to \$5,000
9 against individuals and up to \$10,000 or an amount equal to
10 the daily gross gaming receipts, whichever is larger,
11 against licensees for each violation of any provision of
12 the Act, any rules adopted by the Board, any order of the
13 Board or any other action which, in the Board's discretion,
14 is a detriment or impediment to ~~riverboat~~ gambling
15 operations.

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

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

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

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

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

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

19 (20.6) To appoint investigators to conduct
20 investigations, searches, seizures, arrests, and other
21 duties imposed under this Act, as deemed necessary by the
22 Board. These investigators have and may exercise all of the
23 rights and powers of peace officers, provided that these
24 powers shall be limited to offenses or violations occurring
25 or committed on a riverboat or dock, as defined in
26 subsections (d) and (f) of Section 4, or as otherwise

1 provided by this Act or any other law.

2 (20.7) To contract with the Department of State Police
3 for the use of trained and qualified State police officers
4 and with the Department of Revenue for the use of trained
5 and qualified Department of Revenue investigators to
6 conduct investigations, searches, seizures, arrests, and
7 other duties imposed under this Act and to exercise all of
8 the rights and powers of peace officers, provided that the
9 powers of Department of Revenue investigators under this
10 subdivision (20.7) shall be limited to offenses or
11 violations occurring or committed on a riverboat or dock,
12 as defined in subsections (d) and (f) of Section 4, or as
13 otherwise provided by this Act or any other law. In the
14 event the Department of State Police or the Department of
15 Revenue is unable to fill contracted police or
16 investigative positions, the Board may appoint
17 investigators to fill those positions pursuant to
18 subdivision (20.6).

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

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

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

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

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

12 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; revised
13 8-20-09.)

14 (230 ILCS 10/7.6 new)

15 Sec. 7.6. Electronic gaming.

16 (a) The General Assembly finds that the horse racing and
17 riverboat gambling industries share many similarities and
18 collectively comprise the bulk of the State's gaming industry.
19 One feature common to both industries is that each is highly
20 regulated by the State of Illinois. The General Assembly
21 further finds, however, that despite their shared features each
22 industry is distinct from the other in that horse racing is and
23 continues to be intimately tied to Illinois' agricultural
24 economy and is, at its core, a spectator sport. This
25 distinction requires the General Assembly to utilize different

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

9 (b) The Illinois Gaming Board shall award one electronic
10 gaming license to each person, firm, or corporation having
11 operating control of a race track that applies under Section 56
12 of the Illinois Horse Racing Act of 1975, subject to the
13 application and eligibility requirements of this Section.
14 Within 60 days after the effective date of this amendatory Act
15 of the 96th General Assembly, a person, firm, or corporation
16 having operating control of a race track may submit an
17 application for an electronic gaming license. The application
18 shall specify the number of gaming positions the applicant
19 intends to use.

20 The Board shall determine within 120 days after receiving
21 an application for an electronic gaming license, whether to
22 grant an electronic gaming license to the applicant. If the
23 Board does not make a determination within 120 days, the Board
24 shall give a written explanation to the applicant as to why it
25 has not reached a determination and when it reasonably expects
26 to make a determination.

1 The electronic gaming licensee shall purchase up to the
2 amount of electronic gaming positions authorized under this Act
3 within 120 days after receiving its electronic gaming license.
4 If an electronic gaming licensee is prepared to purchase the
5 electronic gaming positions, but is temporarily prohibited
6 from doing so by order of a court of competent jurisdiction or
7 the Board, then the 120-day period is tolled until a resolution
8 is reached. If an electronic gaming licensee does purchase
9 electronic gaming positions within the 120-day period, then the
10 electronic gaming licensee shall not be estopped from
11 proceeding to operate or operating electronic gaming
12 positions, unless otherwise stated by a court of competent
13 jurisdiction or the Board.

14 An electronic gaming license shall authorize its holder to
15 conduct electronic gaming at its race track at the following
16 times:

17 (1) On days when it conducts live racing at the track
18 where its electronic gaming facility is located, from 8:00
19 a.m. until 3:00 a.m. on the following day.

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

23 A license to conduct electronic gaming and any renewal of
24 an electronic gaming license shall authorize electronic gaming
25 for a period of 4 years. The fee for the issuance or renewal of
26 an electronic gaming license shall be \$100,000.

1 (c) To be eligible to conduct electronic gaming, a person,
2 firm, or corporation having operating control of a race track
3 must (i) obtain an electronic gaming license, (ii) hold an
4 organization license under the Illinois Horse Racing Act of
5 1975, (iii) hold an inter-track wagering license, (iv) pay an
6 initial fee of \$25,000 per gaming position from electronic
7 gaming licensees where electronic gaming is conducted in Cook
8 County and \$12,500 for electronic gaming licensees where
9 electronic gaming is located outside of Cook County before
10 beginning to conduct electronic gaming plus make the
11 reconciliation payment required under subsection (h), (v)
12 conduct at least 240 live races per year, (vi) meet the
13 requirements of subsection (a) of Section 56 of the Illinois
14 Horse Racing Act of 1975, (vii) for organization licensees
15 conducting standardbred race meetings that had an open
16 backstretch in 2009, keep backstretch barns and dormitories
17 open and operational year-round unless a lesser schedule is
18 mutually agreed to by the organization licensee and the
19 horsemen's association racing at that organization licensee's
20 race meeting, (viii) for organization licensees conducting
21 thoroughbred race meetings, the organization licensee must
22 maintain accident medical expense liability insurance coverage
23 of \$1,000,000 for jockeys, and (ix) meet all other requirements
24 of this Act that apply to owners licensees. Only those persons,
25 firms, or corporations (or its successors or assigns) that had
26 operating control of a race track and held an inter-track

1 wagering license authorized by the Illinois Racing Board in
2 2009 are eligible.

3 All payments by licensees under this subsection (c) shall
4 be deposited into the Capital Projects Fund to the extent taxes
5 imposed under the Video Gaming Act are insufficient for such
6 purposes. Any remaining revenues generated pursuant to this
7 Section shall be deposited into the Education Assistance Fund.

8 (d) The Board may approve electronic gaming positions
9 statewide as provided in this Section. The authority to operate
10 electronic gaming positions under this Section shall be
11 allocated as follows: up to 1,200 gaming positions for any
12 electronic gaming licensee in Cook County and up to 900 gaming
13 positions for any electronic gaming licensee outside of Cook
14 County.

15 (e) Any positions that are not obtained by an organization
16 licensee shall be retained by the Gaming Board and shall be
17 offered in equal amounts to organization licensees who have
18 purchased all of the positions that were offered. This process
19 shall continue until all positions have been purchased. All
20 positions obtained pursuant to this process must be in
21 operation within 18 months after they were obtained or the
22 organization licensee forfeits the right to operate all of the
23 positions, but is not entitled to a refund of any fees paid.
24 The Board may, after holding a public hearing, grant extensions
25 so long as an organization licensee is working in good faith to
26 begin conducting electronic gaming. The extension may be for a

1 period of 6 months. If, after the period of the extension, a
2 licensee has not begun to conduct electronic gaming, another
3 public hearing must be held by the Board before it may grant
4 another extension.

5 (f) In the event that any positions remain unpurchased,
6 those positions shall first be made available in equal amounts
7 to owners licensees conducting gambling operations on the
8 effective date of this amendatory Act of the 96th General
9 Assembly under subsection (h-2) of Section 7, subject to the
10 payment of all applicable fees. In the event the positions
11 remain unpurchased after being offered to owners licensees
12 conducting gambling operations on the effective date of this
13 amendatory Act of the 96th General Assembly, those positions
14 shall be held by the Board for any owners licensee that was not
15 conducting gambling operations on the effective date of this
16 amendatory Act.

17 (g) Subject to the approval of the Illinois Gaming Board,
18 an electronic gaming licensee may make modification or
19 additions to any existing buildings and structures to comply
20 with the requirements of this Act. The Illinois Gaming Board
21 shall make its decision after consulting with the Illinois
22 Racing Board. In no case, however, shall the Illinois Gaming
23 Board approve any modification or addition that alters the
24 grounds of the organizational licensee such that the act of
25 live racing is an ancillary activity to electronic gaming.
26 Electronic gaming may take place in existing structures where

1 inter-track wagering is conducted at the race track or a
2 facility within 300 yards of the race track in accordance with
3 the provisions of this Act and the Illinois Horse Racing Act of
4 1975.

5 (h) An electronic gaming licensee may conduct electronic
6 gaming at a temporary facility pending the construction of a
7 permanent facility or the remodeling of an existing facility to
8 accommodate electronic gaming participants for up to 12 months
9 after receiving an electronic gaming license. Upon request by
10 an electronic gaming licensee and upon a showing of good cause
11 by the electronic gaming licensee, the Board shall extend the
12 period during which the licensee may conduct electronic gaming
13 at a temporary facility by up to 12 months. The Board shall
14 make rules concerning the conduct of electronic gaming from
15 temporary facilities.

16 Electronic gaming may take place in existing structures
17 where inter-track wagering is conducted at the race track or a
18 facility within 300 yards of the race track in accordance with
19 the provisions of this Act and the Illinois Horse Racing Act of
20 1975. Any electronic gaming conducted at a permanent facility
21 within 300 yards of the race track in accordance with this Act
22 and the Illinois Horse Racing Act of 1975 shall have an
23 all-weather egress connecting the electronic gaming facility
24 and the race track facility.

25 (i) The Illinois Gaming Board must adopt emergency rules in
26 accordance with Section 5-45 of the Illinois Administrative

1 Procedure Act as necessary to ensure compliance with the
2 provisions of this amendatory Act of the 96th General Assembly
3 concerning electronic gaming. The adoption of emergency rules
4 authorized by this subsection (g) shall be deemed to be
5 necessary for the public interest, safety, and welfare.

6 (j) Each electronic gaming licensee who obtains electronic
7 gaming positions must make a reconciliation payment 4 years
8 after the date the electronic gaming licensee begins operating
9 the positions in an amount equal to 75% of the amount for which
10 privilege tax was paid under subsection (a-5) of Section 13 of
11 this Act from electronic gaming for the most lucrative 12-month
12 period of operations, minus an amount equal to the initial
13 \$25,000 or \$12,500 per electronic gaming position initial
14 payment. If this calculation results in a negative amount, then
15 the electronic gaming licensee is not entitled to any
16 reimbursement of fees previously paid. This reconciliation
17 payment may be made in installments over a period of no more
18 than 5 years, subject to Board approval. Any installment
19 payments shall include an annual market interest rate as
20 determined by the Board.

21 All payments by licensees under this subsection (j) shall
22 be deposited into the Capital Projects Fund to the extent taxes
23 imposed by the Video Gaming Act are insufficient for such
24 purposes. Any remaining revenues generated pursuant to this
25 Section shall be deposited into the Education Assistance Fund.

26 (k) As soon as practical after a request is made by the

1 Illinois Gaming Board, to minimize duplicate submissions by the
2 applicant, the Illinois Racing Board must provide information
3 on an applicant for an electronic gaming license to the
4 Illinois Gaming Board.

5 (230 ILCS 10/7.7 new)

6 Sec. 7.7. Home rule. The regulation and licensing of
7 electronic gaming and electronic gaming licensees are
8 exclusive powers and functions of the State. A home rule unit
9 may not regulate or license electronic gaming or electronic
10 gaming licensees. This Section is a denial and limitation of
11 home rule powers and functions under subsection (h) of Section
12 6 of Article VII of the Illinois Constitution.

13 (230 ILCS 10/8) (from Ch. 120, par. 2408)

14 Sec. 8. Suppliers licenses.

15 (a) The Board may issue a suppliers license to such
16 persons, firms or corporations which apply therefor upon the
17 payment of a non-refundable application fee set by the Board,
18 upon a determination by the Board that the applicant is
19 eligible for a suppliers license and upon payment of a \$5,000
20 annual license fee.

21 (b) The holder of a suppliers license is authorized to sell
22 or lease, and to contract to sell or lease, gambling equipment
23 and supplies to any licensee involved in the ownership or
24 management of gambling operations.

1 (c) Gambling supplies and equipment may not be distributed
2 unless supplies and equipment conform to standards adopted by
3 rules of the Board.

4 (d) A person, firm or corporation is ineligible to receive
5 a suppliers 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) the firm or corporation is one in which a person
15 defined in (1), (2), (3) or (4), is an officer, director or
16 managerial employee;

17 (6) the firm or corporation employs a person who
18 participates in the management or operation of riverboat
19 gambling authorized under this Act;

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

24 (e) Any person that supplies any equipment, devices, or
25 supplies to a licensed riverboat gambling operation or
26 electronic gaming operation must first obtain a suppliers

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

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

21 (g) Any gambling equipment, devices and supplies provided
22 by any licensed supplier may either be repaired on the
23 riverboat or at the electronic gaming facility or removed from
24 the riverboat or electronic gaming facility to a ~~an on-shore~~
25 facility owned by the holder of an owners license or electronic
26 gaming license for repair.

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

2 (230 ILCS 10/9) (from Ch. 120, par. 2409)

3 Sec. 9. Occupational licenses.

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

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

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

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

22 (4) have met standards for the holding of an
23 occupational license as adopted by rules of the Board. Such
24 rules shall provide that any person or entity seeking an
25 occupational license to manage gambling operations

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

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

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

22 (d) The Board may in its discretion refuse an occupational
23 license to any person: (1) who is unqualified to perform the
24 duties required of such applicant; (2) who fails to disclose or
25 states falsely any information called for in the application;
26 (3) who has been found guilty of a violation of this Act or

1 whose prior gambling related license or application therefor
2 has been suspended, restricted, revoked or denied for just
3 cause in any other state; or (4) for any other just cause.

4 (e) The Board may suspend, revoke or restrict any
5 occupational licensee: (1) for violation of any provision of
6 this Act; (2) for violation of any of the rules and regulations
7 of the Board; (3) for any cause which, if known to the Board,
8 would have disqualified the applicant from receiving such
9 license; or (4) for default in the payment of any obligation or
10 debt due to the State of Illinois; or (5) for any other just
11 cause.

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

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

16 (h) Nothing in this Act shall be interpreted to prohibit a
17 licensed owner or electronic gaming licensee from entering into
18 an agreement with a school approved under the Private Business
19 and Vocational Schools Act for the training of any occupational
20 licensee. Any training offered by such a school shall be in
21 accordance with a written agreement between the licensed owner
22 or electronic gaming licensee and the school.

23 (i) Any training provided for occupational licensees may be
24 conducted either at the site of the gambling facility ~~on the~~
25 ~~riverboat~~ or at a school with which a licensed owner or
26 electronic gaming licensee has entered into an agreement

1 pursuant to subsection (h).

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

3 (230 ILCS 10/11) (from Ch. 120, par. 2411)

4 Sec. 11. Conduct of gambling. Gambling may be conducted by
5 licensed owners or licensed managers on behalf of the State
6 aboard riverboats. Gambling may be conducted by electronic
7 gaming licensees at electronic gaming facilities. Gambling
8 authorized under this Section shall be, subject to the
9 following standards:

10 (1) A licensee may conduct riverboat gambling
11 authorized under this Act regardless of whether it conducts
12 excursion cruises. A licensee may permit the continuous
13 ingress and egress of patrons ~~passengers~~ for the purpose of
14 gambling.

15 (2) (Blank).

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

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

25 (5) Employees of the Board shall have the right to be

1 present on the riverboat or on adjacent facilities under
2 the control of the licensee and at the electronic gaming
3 facility under the control of the electronic gaming
4 licensee.

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

9 (7) Persons licensed under this Act shall permit no
10 form of wagering on gambling games except as permitted by
11 this Act.

12 (8) Wagers may be received only from a person present
13 on a licensed riverboat or at an electronic gaming
14 facility. No person present on a licensed riverboat or at
15 an electronic gaming facility shall place or attempt to
16 place a wager on behalf of another person who is not
17 present on the riverboat or at the electronic gaming
18 facility.

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

21 (10) A person under age 21 shall not be permitted on an
22 area of a riverboat where gambling is being conducted or at
23 an electronic gaming facility where gambling is being
24 conducted, except for a person at least 18 years of age who
25 is an employee of the riverboat gambling operation or
26 electronic gaming operation. No employee under age 21 shall

1 perform any function involved in gambling by the patrons.
2 No person under age 21 shall be permitted to make a wager
3 under this Act.

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

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

23 (13) Notwithstanding any other Section of this Act, in
24 addition to the other licenses authorized under this Act,
25 the Board may issue special event licenses allowing persons
26 who are not otherwise licensed to conduct riverboat

1 gambling to conduct such gambling on a specified date or
2 series of dates. Riverboat gambling under such a license
3 may take place on a riverboat not normally used for
4 riverboat gambling. The Board shall establish standards,
5 fees and fines for, and limitations upon, such licenses,
6 which may differ from the standards, fees, fines and
7 limitations otherwise applicable under this Act. All such
8 fees shall be deposited into the State Gaming Fund. All
9 such fines shall be deposited into the Education Assistance
10 Fund, created by Public Act 86-0018, of the State of
11 Illinois.

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

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

16 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

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

1 collection.

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

3 (230 ILCS 10/12) (from Ch. 120, par. 2412)

4 Sec. 12. Admission tax; fees.

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

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

1 within the same gaming day shall be subject only to the
2 initial admission tax.

3 (2) (Blank).

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

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

12 (a-5) A fee is hereby imposed upon admissions operated by
13 licensed managers on behalf of the State pursuant to Section
14 7.3 at the rates provided in this subsection (a-5). For a
15 licensee that admitted 1,000,000 persons or fewer in the
16 previous calendar year, the rate is \$3 per person admitted; for
17 a licensee that admitted more than 1,000,000 but no more than
18 2,300,000 persons in the previous calendar year, the rate is \$4
19 per person admitted; and for a licensee that admitted more than
20 2,300,000 persons in the previous calendar year, the rate is \$5
21 per person admitted.

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

23 (2) (Blank).

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

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

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

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

23 (c-5) A tax is imposed on admissions to electronic gaming
24 facilities at the rate of \$3 per person admitted by an
25 electronic gaming licensee. The tax is imposed upon the
26 electronic gaming licensee.

1 (1) The admission tax shall be paid for each admission,
2 except that a person who exits an electronic gaming
3 facility and reenters that electronic gaming facility
4 within the same gaming day, as the term "gaming day" is
5 defined by the Board by rule, shall be subject only to the
6 initial admission tax. The Board shall establish, by rule,
7 a procedure to determine whether a person admitted to an
8 electronic gaming facility has paid the admission tax.

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

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

17 (4) The electronic gaming licensee shall pay the entire
18 admission tax to the Board.

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

25 From the tax imposed under this subsection (c-5), the
26 municipality in which an electronic gaming facility is located

1 or, if the electronic gaming facility is not located within a
2 municipality, the county in which the electronic gaming
3 facility is located shall receive, subject to appropriation, \$1
4 for each person who enters the electronic gaming facility. For
5 each admission to the electronic gaming facility in excess of
6 1,500,000 in a year, from the tax imposed under this subsection
7 (c-5), the county in which the electronic gaming facility is
8 located shall receive, subject to appropriation, \$0.30, which
9 shall be in addition to any other moneys paid to the county
10 under this Section. For an electronic gaming facility located
11 in Madison County, 25% of the taxes imposed under this Section
12 shall be allocated to the municipality in which the gaming is
13 conducted and the remainder shall be equally allocated for
14 capital projects in Madison and St. Clair counties.

15 After payments made under this subsection (c-5), all
16 remaining amounts shall be deposited into the Capital Projects
17 Fund to the extent taxes imposed under the Video Gaming Act are
18 insufficient for such purposes. Any remaining revenues
19 generated pursuant to this Section shall be deposited into the
20 Education Assistance Fund.

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

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

2 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

12 15% of annual adjusted gross receipts up to and
13 including \$25,000,000;

14 20% of annual adjusted gross receipts in excess of
15 \$25,000,000 but not exceeding \$50,000,000;

16 25% of annual adjusted gross receipts in excess of
17 \$50,000,000 but not exceeding \$75,000,000;

18 30% of annual adjusted gross receipts in excess of
19 \$75,000,000 but not exceeding \$100,000,000;

20 35% of annual adjusted gross receipts in excess of
21 \$100,000,000.

22 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
23 is imposed on persons engaged in the business of conducting
24 riverboat gambling operations, other than licensed managers
25 conducting riverboat gambling operations on behalf of the

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

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

6 22.5% of annual adjusted gross receipts in excess of
7 \$25,000,000 but not exceeding \$50,000,000;

8 27.5% of annual adjusted gross receipts in excess of
9 \$50,000,000 but not exceeding \$75,000,000;

10 32.5% of annual adjusted gross receipts in excess of
11 \$75,000,000 but not exceeding \$100,000,000;

12 37.5% of annual adjusted gross receipts in excess of
13 \$100,000,000 but not exceeding \$150,000,000;

14 45% of annual adjusted gross receipts in excess of
15 \$150,000,000 but not exceeding \$200,000,000;

16 50% of annual adjusted gross receipts in excess of
17 \$200,000,000.

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

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

1 27.5% of annual adjusted gross receipts in excess of
2 \$25,000,000 but not exceeding \$37,500,000;

3 32.5% of annual adjusted gross receipts in excess of
4 \$37,500,000 but not exceeding \$50,000,000;

5 37.5% of annual adjusted gross receipts in excess of
6 \$50,000,000 but not exceeding \$75,000,000;

7 45% of annual adjusted gross receipts in excess of
8 \$75,000,000 but not exceeding \$100,000,000;

9 50% of annual adjusted gross receipts in excess of
10 \$100,000,000 but not exceeding \$250,000,000;

11 70% of annual adjusted gross receipts in excess of
12 \$250,000,000.

13 An amount equal to the amount of wagering taxes collected
14 under this subsection (a-3) that are in addition to the amount
15 of wagering taxes that would have been collected if the
16 wagering tax rates under subsection (a-2) were in effect shall
17 be paid into the Common School Fund.

18 The privilege tax imposed under this subsection (a-3) shall
19 no longer be imposed beginning on the earlier of (i) July 1,
20 2005; (ii) the first date after June 20, 2003 that riverboat
21 gambling operations are conducted pursuant to a dormant
22 license; or (iii) the first day that riverboat gambling
23 operations are conducted under the authority of an owners
24 license that is in addition to the 10 owners licenses initially
25 authorized under this Act. For the purposes of this subsection
26 (a-3), the term "dormant license" means an owners license that

1 is authorized by this Act under which no riverboat gambling
2 operations are being conducted on June 20, 2003.

3 (a-4) Beginning on the first day on which the tax imposed
4 under subsection (a-3) is no longer imposed, a privilege tax is
5 imposed on persons engaged in the business of conducting
6 riverboat gambling operations, other than licensed managers
7 conducting riverboat gambling operations on behalf of the
8 State, based on the ~~adjusted~~ gross receipts received by a
9 licensed owner from gambling games authorized under this Act at
10 the following rates:

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

13 22.5% of annual ~~adjusted~~ gross gaming receipts in
14 excess of \$25,000,000 but not exceeding \$50,000,000;

15 27.5% of annual ~~adjusted~~ gross gaming receipts in
16 excess of \$50,000,000 but not exceeding \$75,000,000;

17 32.5% of annual ~~adjusted~~ gross gaming receipts in
18 excess of \$75,000,000 but not exceeding \$100,000,000;

19 37.5% of annual ~~adjusted~~ gross gaming receipts in
20 excess of \$100,000,000 but not exceeding \$150,000,000;

21 45% of annual ~~adjusted~~ gross gaming receipts in excess
22 of \$150,000,000 but not exceeding \$200,000,000;

23 50% of annual ~~adjusted~~ gross gaming receipts in excess
24 of \$200,000,000.

25 (a-5) Beginning on the effective date of this amendatory
26 Act of the 96th General Assembly, a privilege tax is imposed on

1 persons conducting electronic gaming, based on the gross gaming
2 receipts received by an electronic gaming licensee from
3 electronic gaming authorized under this Act at the following
4 rates:

5 15% of annual gross gaming receipts up to and including
6 \$25,000,000;

7 22.5% of annual gross gaming receipts in excess of
8 \$25,000,000 but not exceeding \$50,000,000;

9 27.5% of annual gross gaming receipts in excess of
10 \$50,000,000 but not exceeding \$75,000,000;

11 32.5% of annual gross gaming receipts in excess of
12 \$75,000,000 but not exceeding \$100,000,000;

13 37.5% of annual gross gaming receipts in excess of
14 \$100,000,000 but not exceeding \$150,000,000;

15 45% of annual gross gaming receipts in excess of
16 \$150,000,000 but not exceeding \$200,000,000;

17 50% of annual gross gaming receipts in excess of
18 \$200,000,000.

19 For the imposition of the privilege tax in this subsection
20 (a-5), amounts paid pursuant to subsection (b-1) of Section 56
21 of the Illinois Horse Racing Act shall not be included in the
22 determination of gross gaming receipts.

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 the electronic gaming licensee to the
2 Board not later than 5:00 o'clock p.m. ~~3:00 o'clock p.m.~~ of the
3 day after the day 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. Beginning January 1, 1998, from the tax revenue
20 deposited in the State Gaming Fund under this Section, an
21 amount equal to 5% of ~~adjusted~~ gross gaming receipts generated
22 by a riverboat shall be paid monthly, subject to appropriation
23 by the General Assembly, to the unit of local government that
24 is designated as the home dock of the riverboat. From the tax
25 revenue deposited in the State Gaming Fund pursuant to
26 riverboat gambling operations conducted by a licensed manager

1 on behalf of the State, an amount equal to 5% of ~~adjusted~~ gross
2 gaming receipts generated pursuant to those riverboat gambling
3 operations shall be paid monthly, subject to appropriation by
4 the General Assembly, to the unit of local government that is
5 designated as the home dock of the riverboat upon which those
6 riverboat gambling operations are conducted.

7 (b-5) Beginning on the effective date of this amendatory
8 Act of the 96th General Assembly, from the tax revenue
9 deposited in the State Gaming Fund under this Section, an
10 amount equal to (i) 3% of adjusted gross receipts (net adjusted
11 gross receipts for electronic gaming facilities) generated by
12 an electronic gaming facility located outside Madison County
13 shall be paid monthly, subject to appropriation by the General
14 Assembly, to the municipality in which an electronic gaming
15 facility is located and (ii) 2% of adjusted gross receipts (net
16 adjusted gross receipts for tracks) generated by an electronic
17 gaming facility located outside Madison County shall be paid
18 monthly, subject to appropriation by the General Assembly, to
19 the county in which the electronic gaming facility is located
20 for the purposes of its criminal justice system or health care
21 system. In the case of an electronic gaming facility that is
22 not located in a municipality, the amounts distributed under
23 this subsection (b) shall be distributed wholly to the county.

24 Beginning on the effective date of this amendatory Act of
25 the 96th General Assembly, from the tax revenue deposited in
26 the State Gaming Fund under this Section, an amount equal to

1 (i) 2% of net adjusted gross receipts generated by an
2 electronic gaming facility located in Madison County shall be
3 paid monthly, subject to appropriation by the General Assembly,
4 to the unit of local government in which the electronic gaming
5 facility is located, (ii) 1.5% of net adjusted gross receipts
6 generated by an electronic gaming facility located in Madison
7 County shall be paid monthly, subject to appropriation by the
8 General Assembly, to Madison County for the purposes of its
9 criminal justice or health care systems, and (iii) 1.5% of net
10 adjusted gross receipts generated by an electronic gaming
11 facility located in Madison County shall be paid monthly,
12 subject to appropriation by the General Assembly, to St. Clair
13 County for the purposes of its criminal justice or health care
14 systems.

15 (b-10) After payments required under subsection (b-5) have
16 been made from the tax revenue from electronic gaming deposited
17 into the State Gaming Fund under this Section, all remaining
18 amounts from electronic gaming shall be deposited into the
19 Capital Projects Fund to the extent taxes imposed under the
20 Video Gaming Act are insufficient for such purposes. Any
21 remaining revenues generated under this Section shall be
22 deposited into the Education Assistance Fund.

23 (c) Appropriations, as approved by the General Assembly,
24 may be made from the State Gaming Fund to the Department of
25 Revenue and the Department of State Police for the
26 administration and enforcement of this Act and the Video Gaming

1 Act, or to the Department of Human Services for the
2 administration of programs to treat problem gambling.

3 (c-5) (Blank). ~~Before May 26, 2006 (the effective date of~~
4 ~~Public Act 94-804) and beginning on the effective date of this~~
5 ~~amendatory Act of the 95th General Assembly, unless any~~
6 ~~organization licensee under the Illinois Horse Racing Act of~~
7 ~~1975 begins to operate a slot machine or video game of chance~~
8 ~~under the Illinois Horse Racing Act of 1975 or this Act, after~~
9 ~~the payments required under subsections (b) and (c) have been~~
10 ~~made, an amount equal to 15% of the adjusted gross receipts of~~
11 ~~(1) an owners licensee that relocates pursuant to Section 11.2,~~
12 ~~(2) an owners licensee conducting riverboat gambling~~
13 ~~operations pursuant to an owners license that is initially~~
14 ~~issued after June 25, 1999, or (3) the first riverboat gambling~~
15 ~~operations conducted by a licensed manager on behalf of the~~
16 ~~State under Section 7.3, whichever comes first, shall be paid~~
17 ~~from the State Gaming Fund into the Horse Racing Equity Fund.~~

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

23 (c-15) After the payments required under subsections (b),
24 (b-5), (b-10), (b-20), (b-30), and (c), ~~and (c-5)~~ have been
25 made, an amount equal to 2% of the ~~adjusted~~ gross gaming
26 receipts of (1) an owners licensee that relocates pursuant to

1 Section 11.2, (2) an owners licensee conducting riverboat
2 gambling operations pursuant to an owners license that is
3 initially issued after June 25, 1999, or (3) the first
4 riverboat gambling operations conducted by a licensed manager
5 on behalf of the State under Section 7.3, whichever comes
6 first, shall be paid, subject to appropriation from the General
7 Assembly, from the State Gaming Fund to each home rule county
8 with a population of over 3,000,000 inhabitants for the purpose
9 of enhancing the county's criminal justice system.

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

15 (c-25) After the payments required under subsections (b),
16 (b-5), (b-10), (b-20), (b-30), (c), ~~(e-5)~~ and (c-15) have been
17 made, an amount equal to 2% of the ~~adjusted~~ gross gaming
18 receipts of (1) an owners licensee that relocates pursuant to
19 Section 11.2, (2) an owners licensee conducting riverboat
20 gambling operations pursuant to an owners license that is
21 initially issued after June 25, 1999, or (3) the first
22 riverboat gambling operations conducted by a licensed manager
23 on behalf of the State under Section 7.3, whichever comes
24 first, shall be paid from the State Gaming Fund to Chicago
25 State University.

26 (d) From time to time, the Board shall transfer the

1 remainder of the funds generated by this Act into the Education
2 Assistance Fund, created by Public Act 86-0018, of the State of
3 Illinois.

4 (e) Nothing in this Act shall prohibit the unit of local
5 government designated as the home dock of the riverboat from
6 entering into agreements with other units of local government
7 in this State or in other states to share its portion of the
8 tax revenue.

9 (f) To the extent practicable, the Board shall administer
10 and collect the wagering taxes imposed by this Section in a
11 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
12 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
13 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
14 Penalty and Interest Act.

15 (Source: P.A. 95-331, eff. 8-21-07; 95-1008, eff. 12-15-08;
16 96-37, eff. 7-13-09.)

17 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

19 (a) Licensed owners and electronic gaming licensees ~~A~~
20 ~~licensed owner~~ shall keep ~~his~~ books and records so as to
21 clearly show the following:

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

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

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

25 (b) Licensed owners and electronic gaming licensees ~~The~~

1 ~~licensed owner~~ shall furnish to the Board reports and
2 information as the Board may require with respect to its
3 activities on forms designed and supplied for such purpose by
4 the Board.

5 (c) The books and records kept by a licensed owner as
6 provided by this Section are public records and the
7 examination, publication, and dissemination of the books and
8 records are governed by the provisions of The Freedom of
9 Information Act.

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

11 (230 ILCS 10/18) (from Ch. 120, par. 2418)

12 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

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

23 (2) violating paragraph (12) of subsection (a) of
24 Section 11 of this Act.

25 (c) A person wagering or accepting a wager at any location

1 outside the riverboat or electronic gaming facility in
2 violation of paragraph ~~is subject to the penalties in~~
3 ~~paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the
4 Criminal Code of 1961 is subject to the penalties provided in
5 that Section.

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

10 (1) Offers, promises, or gives anything of value or
11 benefit to a person who is connected with a riverboat owner
12 or electronic gaming licensee including, but not limited
13 to, an officer or employee of a licensed owner or
14 electronic gaming licensee or holder of an occupational
15 license pursuant to an agreement or arrangement or with the
16 intent that the promise or thing of value or benefit will
17 influence the actions of the person to whom the offer,
18 promise, or gift was made in order to affect or attempt to
19 affect the outcome of a gambling game, or to influence
20 official action of a member of the Board.

21 (2) Solicits or knowingly accepts or receives a promise
22 of anything of value or benefit while the person is
23 connected with a riverboat or electronic gaming facility,
24 including, but not limited to, an officer or employee of a
25 licensed owner or electronic gaming licensee, or the holder
26 of an occupational license, pursuant to an understanding or

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

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

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

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

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

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

15 (4) Cheats at a gambling game.

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

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

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

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

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

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

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

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

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

1 Sec. 19. Forfeiture of property. (a) Except as provided in
2 subsection (b), any riverboat or electronic gaming facility
3 used for the conduct of gambling games in violation of this Act
4 shall be considered a gambling place in violation of Section
5 28-3 of the Criminal Code of 1961, as now or hereafter amended.
6 Every gambling device found on a riverboat or at an electronic
7 gaming facility operating gambling games in violation of this
8 Act and every slot machine and video game of chance found at an
9 electronic gaming facility operating gambling games in
10 violation of this Act shall be subject to seizure, confiscation
11 and destruction as provided in Section 28-5 of the Criminal
12 Code of 1961, as now 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 or at an electronic gaming facility where
10 it is authorized to conduct its ~~riverboat~~ gambling operation,
11 in addition to other penalties provided, shall be subject to a
12 civil penalty equal to the amount of whole gaming ~~gross~~
13 receipts derived from wagering on the gambling games, whether
14 unauthorized or authorized, conducted on that day as well as
15 confiscation and forfeiture of all gambling game equipment used
16 in the conduct of unauthorized gambling games.

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

18 (230 ILCS 10/23) (from Ch. 120, par. 2423)

19 Sec. 23. The State Gaming Fund. On or after the effective
20 date of this Act, except as provided for payments into the
21 Horse Racing Equity Trust Fund under subsection (a) of Section
22 7, all of the fees and taxes collected pursuant to this Act
23 shall be deposited into the State Gaming Fund, a special fund
24 in the State Treasury, which is hereby created. The ~~adjusted~~

1 gross gaming receipts of any riverboat gambling operations
2 conducted by a licensed manager on behalf of the State
3 remaining after the payment of the fees and expenses of the
4 licensed manager shall be deposited into the State Gaming Fund.
5 Fines and penalties collected pursuant to this Act shall be
6 deposited into the Education Assistance Fund, created by Public
7 Act 86-0018, of the State of Illinois.

8 (Source: P.A. 93-28, eff. 6-20-03; 94-804, eff. 5-26-06.)

9 Section 15. The Criminal Code of 1961 is amended by
10 changing Section 28-5 and 28-7 as follows:

11 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

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

13 (a) Every device designed for gambling which is incapable
14 of lawful use or every device used unlawfully for gambling
15 shall be considered a "gambling device", and shall be subject
16 to seizure, confiscation and destruction by the Department of
17 State Police or by any municipal, or other local authority,
18 within whose jurisdiction the same may be found. As used in
19 this Section, a "gambling device" includes any slot machine,
20 and includes any machine or device constructed for the
21 reception of money or other thing of value and so constructed
22 as to return, or to cause someone to return, on chance to the
23 player thereof money, property or a right to receive money or
24 property. With the exception of any device designed for

1 gambling which is incapable of lawful use, no gambling device
2 shall be forfeited or destroyed unless an individual with a
3 property interest in said device knows of the unlawful use of
4 the device.

5 (b) Every gambling device shall be seized and forfeited to
6 the county wherein such seizure occurs. Any money or other
7 thing of value integrally related to acts of gambling shall be
8 seized and forfeited to the county wherein such seizure occurs.

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

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

22 (d) If a seizure pursuant to subparagraph (b) of this
23 Section is not followed by a charge pursuant to subparagraph
24 (c) of this Section, or if the prosecution of such charge is
25 permanently terminated or indefinitely discontinued without
26 any judgment of conviction or acquittal (1) the State's

1 Attorney shall commence an in rem proceeding for the forfeiture
2 and destruction of a gambling device, or for the forfeiture and
3 deposit in the general fund of the county of any seized money
4 or other things of value, or both, in the circuit court and (2)
5 any person having any property interest in such seized gambling
6 device, money or other thing of value may commence separate
7 civil proceedings in the manner provided by law.

8 (e) Any gambling device displayed for sale to a riverboat
9 gambling operation or used to train occupational licensees of a
10 riverboat gambling operation as authorized under the Riverboat
11 Gambling Act is exempt from seizure under this Section.

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

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

18 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

19 Sec. 28-7. Gambling contracts void.

20 (a) All promises, notes, bills, bonds, covenants,
21 contracts, agreements, judgments, mortgages, or other
22 securities or conveyances made, given, granted, drawn, or
23 entered into, or executed by any person whatsoever, where the
24 whole or any part of the consideration thereof is for any money
25 or thing of value, won or obtained in violation of any Section

1 of this Article are null and void.

2 (b) Any obligation void under this Section may be set aside
3 and vacated by any court of competent jurisdiction, upon a
4 complaint filed for that purpose, by the person so granting,
5 giving, entering into, or executing the same, or by his
6 executors or administrators, or by any creditor, heir, legatee,
7 purchaser or other person interested therein; or if a judgment,
8 the same may be set aside on motion of any person stated above,
9 on due notice thereof given.

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

14 (d) This Section shall not prevent a licensed owner of a
15 riverboat gambling operation or an electronic gaming licensee
16 under the Riverboat Gambling Act and the Illinois Horse Racing
17 Act of 1975 from instituting a cause of action to collect any
18 amount due and owing under an extension of credit to a
19 ~~riverboat~~ gambling patron as authorized under Section 11.1 of
20 the Riverboat Gambling Act.

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

22 (30 ILCS 105/5.490 rep.)

23 Section 25. The State Finance Act is amended by repealing
24 Section 5.490.

1 (230 ILCS 5/54 rep.)

2 Section 30. The Illinois Horse Racing Act of 1975 is
3 amended by repealing Section 54.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".