



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3758

Introduced 4/7/2011, by Rep. Kenneth Dunkin

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Riverboat Gambling Act. Changes short title to the SEFEL Act. Provides that "SEFEL" means Strategic Economic Family Entertainment License and that the trademark remains the property of Homeland Innovation, LLC. Provides that the provisions of the Act shall apply to land-based gaming (instead of riverboat gambling). Replaces the Illinois Gaming Board with the SEFEL Board, which is established within the Department of Revenue. Provides that Homeland Innovation, LLC, shall consult and effectively represent the interests of the State by determining the scope, designs, venues, and locations of land-based gaming. Provides that applications for licenses to conduct gaming under the Act must be submitted to the SEFEL Board for its approval. Provides that Homeland Innovation, LLC, shall receive 4.75%, plus legal expenses, of gross SEFEL receipts as compensation for its contribution, expertise, and consultation in establishing each SEFEL complex. Provides that this rate is payable daily and in effect as long as the State benefits from revenues received under this program, in perpetuity. Provides that the Governor may, at his option, appoint either or both SEFEL creators to lifetime appointments on the SEFEL Board at a salary of \$450,000 (plus increases commensurate with respective revenue increases) per annum as minimum compensation for their invaluable contribution. Makes other changes. Amends the State Finance Act. Creates the State SEFEL Taxpayer Rebate Fund and the Illinois Waterpark Insurance Fund. Makes corresponding changes in various other Acts. Effective January 1, 2012.

LRB097 11160 ASK 52737 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning gaming.

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

4 Section 5. The State Officials and Employees Ethics Act is  
5 amended by changing Section 5-50 as follows:

6 (5 ILCS 430/5-50)

7 Sec. 5-50. Ex parte communications; special government  
8 agents.

9 (a) This Section applies to ex parte communications made to  
10 any agency listed in subsection (e).

11 (b) "Ex parte communication" means any written or oral  
12 communication by any person that imparts or requests material  
13 information or makes a material argument regarding potential  
14 action concerning regulatory, quasi-adjudicatory, investment,  
15 or licensing matters pending before or under consideration by  
16 the agency. "Ex parte communication" does not include the  
17 following: (i) statements by a person publicly made in a public  
18 forum; (ii) statements regarding matters of procedure and  
19 practice, such as format, the number of copies required, the  
20 manner of filing, and the status of a matter; and (iii)  
21 statements made by a State employee of the agency to the agency  
22 head or other employees of that agency.

23 (b-5) An ex parte communication received by an agency,

1 agency head, or other agency employee from an interested party  
2 or his or her official representative or attorney shall  
3 promptly be memorialized and made a part of the record.

4 (c) An ex parte communication received by any agency,  
5 agency head, or other agency employee, other than an ex parte  
6 communication described in subsection (b-5), shall immediately  
7 be reported to that agency's ethics officer by the recipient of  
8 the communication and by any other employee of that agency who  
9 responds to the communication. The ethics officer shall require  
10 that the ex parte communication be promptly made a part of the  
11 record. The ethics officer shall promptly file the ex parte  
12 communication with the Executive Ethics Commission, including  
13 all written communications, all written responses to the  
14 communications, and a memorandum prepared by the ethics officer  
15 stating the nature and substance of all oral communications,  
16 the identity and job title of the person to whom each  
17 communication was made, all responses made, the identity and  
18 job title of the person making each response, the identity of  
19 each person from whom the written or oral ex parte  
20 communication was received, the individual or entity  
21 represented by that person, any action the person requested or  
22 recommended, and any other pertinent information. The  
23 disclosure shall also contain the date of any ex parte  
24 communication.

25 (d) "Interested party" means a person or entity whose  
26 rights, privileges, or interests are the subject of or are

1 directly affected by a regulatory, quasi-adjudicatory,  
2 investment, or licensing matter.

3 (e) This Section applies to the following agencies:

4 Executive Ethics Commission

5 Illinois Commerce Commission

6 Educational Labor Relations Board

7 State Board of Elections

8 SEFEL ~~Illinois Gaming~~ Board

9 Health Facilities and Services Review Board

10 Illinois Workers' Compensation Commission

11 Illinois Labor Relations Board

12 Illinois Liquor Control Commission

13 Pollution Control Board

14 Property Tax Appeal Board

15 Illinois Racing Board

16 Illinois Purchased Care Review Board

17 Department of State Police Merit Board

18 Motor Vehicle Review Board

19 Prisoner Review Board

20 Civil Service Commission

21 Personnel Review Board for the Treasurer

22 Merit Commission for the Secretary of State

23 Merit Commission for the Office of the Comptroller

24 Court of Claims

25 Board of Review of the Department of Employment Security

26 Department of Insurance

1 Department of Professional Regulation and licensing boards  
2 under the Department

3 Department of Public Health and licensing boards under the  
4 Department

5 Office of Banks and Real Estate and licensing boards under  
6 the Office

7 State Employees Retirement System Board of Trustees

8 Judges Retirement System Board of Trustees

9 General Assembly Retirement System Board of Trustees

10 Illinois Board of Investment

11 State Universities Retirement System Board of Trustees

12 Teachers Retirement System Officers Board of Trustees

13 (f) Any person who fails to (i) report an ex parte  
14 communication to an ethics officer, (ii) make information part  
15 of the record, or (iii) make a filing with the Executive Ethics  
16 Commission as required by this Section or as required by  
17 Section 5-165 of the Illinois Administrative Procedure Act  
18 violates this Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

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

23 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

24 Sec. 2505-305. Investigators.

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

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

15 (c) The Department may enter into agreements with the SEFEL  
16 ~~Illinois Gaming~~ Board providing that investigators appointed  
17 under this Section shall exercise the peace officer powers set  
18 forth in paragraph (20.6) of subsection (c) of Section 5 of the  
19 SEFEL Riverboat Gambling Act.

20 (Source: P.A. 96-37, eff. 7-13-09.)

21 Section 15. The Task Force on Inventorying Employment  
22 Restrictions Act is amended by changing Section 10 as follows:

23 (20 ILCS 5000/10)

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

1 "State agencies" shall mean the following State agencies,  
2 boards, and commissions: Department on Aging, Department of  
3 Agriculture, Office of Appellate Defender, Office of the  
4 State's Attorneys Appellate Prosecutor, Illinois Arts Council,  
5 Office of the Attorney General, Auditor General, Capital  
6 Development Board, Department of Central Management Services,  
7 Department of Children and Family Services, Civil Service  
8 Commission, Illinois Department of Commerce and Economic  
9 Opportunity, Illinois Commerce Commission, Illinois Community  
10 College Board, State of Illinois Comprehensive Health  
11 Insurance Plan, Office of the Comptroller, Department of  
12 Corrections, Criminal Justice Information Authority, Illinois  
13 Council on Developmental Disabilities, Illinois Deaf and Hard  
14 of Hearing Commission, Commission on Discrimination and Hate  
15 Crimes, State Board of Education, Illinois Educational Labor  
16 Relations Board, State Board of Elections, Illinois Emergency  
17 Management Agency, Department of Employment Security,  
18 Environmental Protection Agency, Illinois State Fair, Illinois  
19 Finance Authority, Department of Financial and Professional  
20 Regulation, Office of the First Lady, SEFEL ~~Illinois Gaming~~  
21 Board, Office of the Governor, Guardianship and Advocacy  
22 Commission, Department of Healthcare and Family Services,  
23 Board of Higher Education, Historic Preservation Agency,  
24 Illinois Housing Development Authority, Illinois Human Rights  
25 Commission, Department of Human Rights, Department of Human  
26 Services, Illinois State Board of Investment, Department of

1 Juvenile Justice, Office of the Lieutenant Governor,  
2 Department of Labor, Illinois Labor Relations Board, Illinois  
3 Law Enforcement Training Standards Board, Illinois Liquor  
4 Control Commission, Illinois Lottery, Governor's Office of  
5 Management and Budget, Illinois Medical District Commission,  
6 Department of Military Affairs, Department of Natural  
7 Resources, Pollution Control Board, Prairie State 2000  
8 Authority, Property Tax Appeal Board, Department of Public  
9 Health, Illinois Prisoner Review Board, Illinois Racing Board,  
10 Department of Revenue, Office of the Secretary of State, State  
11 Fire Marshal, Illinois State Police, State Police Merit Board,  
12 State Retirement Systems, Office of the State Treasurer, State  
13 Universities Civil Service System, State Universities  
14 Retirement System, Illinois Student Assistance Commission,  
15 Illinois Supreme Court, Illinois Teachers' Retirement System,  
16 Illinois State Toll Highway Authority, Department of  
17 Transportation, Department of Veterans Affairs', Governor's  
18 Office of Women's Affairs, and Illinois Workers' Compensation  
19 Commission.

20 (Source: P.A. 96-593, eff. 8-18-09.)

21 Section 20. The State Finance Act is amended by adding  
22 Sections 5.786 and 5.787 as follows:

23 (30 ILCS 105/5.786 new)

24 Sec. 5.786. The State SEFEL Taxpayer Rebate Fund.



1 (30 ILCS 105/5.787 new)

2 Sec. 5.787. The Illinois Waterpark Insurance Fund.

3 Section 30. The Illinois Pension Code is amended by  
4 changing Section 14-110 as follows:

5 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

6 Sec. 14-110. Alternative retirement annuity.

7 (a) Any member who has withdrawn from service with not less  
8 than 20 years of eligible creditable service and has attained  
9 age 55, and any member who has withdrawn from service with not  
10 less than 25 years of eligible creditable service and has  
11 attained age 50, regardless of whether the attainment of either  
12 of the specified ages occurs while the member is still in  
13 service, shall be entitled to receive at the option of the  
14 member, in lieu of the regular or minimum retirement annuity, a  
15 retirement annuity computed as follows:

16 (i) for periods of service as a noncovered employee: if  
17 retirement occurs on or after January 1, 2001, 3% of final  
18 average compensation for each year of creditable service;  
19 if retirement occurs before January 1, 2001, 2 1/4% of  
20 final average compensation for each of the first 10 years  
21 of creditable service, 2 1/2% for each year above 10 years  
22 to and including 20 years of creditable service, and 2 3/4%  
23 for each year of creditable service above 20 years; and

1           (ii) for periods of eligible creditable service as a  
2 covered employee: if retirement occurs on or after January  
3 1, 2001, 2.5% of final average compensation for each year  
4 of creditable service; if retirement occurs before January  
5 1, 2001, 1.67% of final average compensation for each of  
6 the first 10 years of such service, 1.90% for each of the  
7 next 10 years of such service, 2.10% for each year of such  
8 service in excess of 20 but not exceeding 30, and 2.30% for  
9 each year in excess of 30.

10          Such annuity shall be subject to a maximum of 75% of final  
11 average compensation if retirement occurs before January 1,  
12 2001 or to a maximum of 80% of final average compensation if  
13 retirement occurs on or after January 1, 2001.

14          These rates shall not be applicable to any service  
15 performed by a member as a covered employee which is not  
16 eligible creditable service. Service as a covered employee  
17 which is not eligible creditable service shall be subject to  
18 the rates and provisions of Section 14-108.

19          (b) For the purpose of this Section, "eligible creditable  
20 service" means creditable service resulting from service in one  
21 or more of the following positions:

22               (1) State policeman;

23               (2) fire fighter in the fire protection service of a  
24 department;

25               (3) air pilot;

26               (4) special agent;

- 1 (5) investigator for the Secretary of State;
- 2 (6) conservation police officer;
- 3 (7) investigator for the Department of Revenue or the
- 4 SEFEL ~~Illinois Gaming~~ Board;
- 5 (8) security employee of the Department of Human
- 6 Services;
- 7 (9) Central Management Services security police
- 8 officer;
- 9 (10) security employee of the Department of
- 10 Corrections or the Department of Juvenile Justice;
- 11 (11) dangerous drugs investigator;
- 12 (12) investigator for the Department of State Police;
- 13 (13) investigator for the Office of the Attorney
- 14 General;
- 15 (14) controlled substance inspector;
- 16 (15) investigator for the Office of the State's
- 17 Attorneys Appellate Prosecutor;
- 18 (16) Commerce Commission police officer;
- 19 (17) arson investigator;
- 20 (18) State highway maintenance worker.

21 A person employed in one of the positions specified in this  
22 subsection is entitled to eligible creditable service for  
23 service credit earned under this Article while undergoing the  
24 basic police training course approved by the Illinois Law  
25 Enforcement Training Standards Board, if completion of that  
26 training is required of persons serving in that position. For

1 the purposes of this Code, service during the required basic  
2 police training course shall be deemed performance of the  
3 duties of the specified position, even though the person is not  
4 a sworn peace officer at the time of the training.

5 (c) For the purposes of this Section:

6 (1) The term "state policeman" includes any title or  
7 position in the Department of State Police that is held by  
8 an individual employed under the State Police Act.

9 (2) The term "fire fighter in the fire protection  
10 service of a department" includes all officers in such fire  
11 protection service including fire chiefs and assistant  
12 fire chiefs.

13 (3) The term "air pilot" includes any employee whose  
14 official job description on file in the Department of  
15 Central Management Services, or in the department by which  
16 he is employed if that department is not covered by the  
17 Personnel Code, states that his principal duty is the  
18 operation of aircraft, and who possesses a pilot's license;  
19 however, the change in this definition made by this  
20 amendatory Act of 1983 shall not operate to exclude any  
21 noncovered employee who was an "air pilot" for the purposes  
22 of this Section on January 1, 1984.

23 (4) The term "special agent" means any person who by  
24 reason of employment by the Division of Narcotic Control,  
25 the Bureau of Investigation or, after July 1, 1977, the  
26 Division of Criminal Investigation, the Division of

1 Internal Investigation, the Division of Operations, or any  
2 other Division or organizational entity in the Department  
3 of State Police is vested by law with duties to maintain  
4 public order, investigate violations of the criminal law of  
5 this State, enforce the laws of this State, make arrests  
6 and recover property. The term "special agent" includes any  
7 title or position in the Department of State Police that is  
8 held by an individual employed under the State Police Act.

9 (5) The term "investigator for the Secretary of State"  
10 means any person employed by the Office of the Secretary of  
11 State and vested with such investigative duties as render  
12 him ineligible for coverage under the Social Security Act  
13 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
14 218(1)(1) of that Act.

15 A person who became employed as an investigator for the  
16 Secretary of State between January 1, 1967 and December 31,  
17 1975, and who has served as such until attainment of age  
18 60, either continuously or with a single break in service  
19 of not more than 3 years duration, which break terminated  
20 before January 1, 1976, shall be entitled to have his  
21 retirement annuity calculated in accordance with  
22 subsection (a), notwithstanding that he has less than 20  
23 years of credit for such service.

24 (6) The term "Conservation Police Officer" means any  
25 person employed by the Division of Law Enforcement of the  
26 Department of Natural Resources and vested with such law

1 enforcement duties as render him ineligible for coverage  
2 under the Social Security Act by reason of Sections  
3 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
4 term "Conservation Police Officer" includes the positions  
5 of Chief Conservation Police Administrator and Assistant  
6 Conservation Police Administrator.

7 (7) The term "investigator for the Department of  
8 Revenue" means any person employed by the Department of  
9 Revenue and vested with such investigative duties as render  
10 him ineligible for coverage under the Social Security Act  
11 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
12 218(1)(1) of that Act.

13 The term "investigator for the SEFEL ~~Illinois Gaming~~  
14 Board" means any person employed as such by the SEFEL  
15 ~~Illinois Gaming~~ Board and vested with such peace officer  
16 duties as render the person ineligible for coverage under  
17 the Social Security Act by reason of Sections 218(d)(5)(A),  
18 218(d)(8)(D), and 218(1)(1) of that Act.

19 (8) The term "security employee of the Department of  
20 Human Services" means any person employed by the Department  
21 of Human Services who (i) is employed at the Chester Mental  
22 Health Center and has daily contact with the residents  
23 thereof, (ii) is employed within a security unit at a  
24 facility operated by the Department and has daily contact  
25 with the residents of the security unit, (iii) is employed  
26 at a facility operated by the Department that includes a

1 security unit and is regularly scheduled to work at least  
2 50% of his or her working hours within that security unit,  
3 or (iv) is a mental health police officer. "Mental health  
4 police officer" means any person employed by the Department  
5 of Human Services in a position pertaining to the  
6 Department's mental health and developmental disabilities  
7 functions who is vested with such law enforcement duties as  
8 render the person ineligible for coverage under the Social  
9 Security Act by reason of Sections 218(d)(5)(A),  
10 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
11 means that portion of a facility that is devoted to the  
12 care, containment, and treatment of persons committed to  
13 the Department of Human Services as sexually violent  
14 persons, persons unfit to stand trial, or persons not  
15 guilty by reason of insanity. With respect to past  
16 employment, references to the Department of Human Services  
17 include its predecessor, the Department of Mental Health  
18 and Developmental Disabilities.

19 The changes made to this subdivision (c)(8) by Public  
20 Act 92-14 apply to persons who retire on or after January  
21 1, 2001, notwithstanding Section 1-103.1.

22 (9) "Central Management Services security police  
23 officer" means any person employed by the Department of  
24 Central Management Services who is vested with such law  
25 enforcement duties as render him ineligible for coverage  
26 under the Social Security Act by reason of Sections

1 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

2 (10) For a member who first became an employee under  
3 this Article before July 1, 2005, the term "security  
4 employee of the Department of Corrections or the Department  
5 of Juvenile Justice" means any employee of the Department  
6 of Corrections or the Department of Juvenile Justice or the  
7 former Department of Personnel, and any member or employee  
8 of the Prisoner Review Board, who has daily contact with  
9 inmates or youth by working within a correctional facility  
10 or Juvenile facility operated by the Department of Juvenile  
11 Justice or who is a parole officer or an employee who has  
12 direct contact with committed persons in the performance of  
13 his or her job duties. For a member who first becomes an  
14 employee under this Article on or after July 1, 2005, the  
15 term means an employee of the Department of Corrections or  
16 the Department of Juvenile Justice who is any of the  
17 following: (i) officially headquartered at a correctional  
18 facility or Juvenile facility operated by the Department of  
19 Juvenile Justice, (ii) a parole officer, (iii) a member of  
20 the apprehension unit, (iv) a member of the intelligence  
21 unit, (v) a member of the sort team, or (vi) an  
22 investigator.

23 (11) The term "dangerous drugs investigator" means any  
24 person who is employed as such by the Department of Human  
25 Services.

26 (12) The term "investigator for the Department of State



1 Police" means a person employed by the Department of State  
2 Police who is vested under Section 4 of the Narcotic  
3 Control Division Abolition Act with such law enforcement  
4 powers as render him ineligible for coverage under the  
5 Social Security Act by reason of Sections 218(d)(5)(A),  
6 218(d)(8)(D) and 218(1)(1) of that Act.

7 (13) "Investigator for the Office of the Attorney  
8 General" means any person who is employed as such by the  
9 Office of the Attorney General and is vested with such  
10 investigative duties as render him ineligible for coverage  
11 under the Social Security Act by reason of Sections  
12 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
13 the period before January 1, 1989, the term includes all  
14 persons who were employed as investigators by the Office of  
15 the Attorney General, without regard to social security  
16 status.

17 (14) "Controlled substance inspector" means any person  
18 who is employed as such by the Department of Professional  
19 Regulation and is vested with such law enforcement duties  
20 as render him ineligible for coverage under the Social  
21 Security Act by reason of Sections 218(d)(5)(A),  
22 218(d)(8)(D) and 218(1)(1) of that Act. The term  
23 "controlled substance inspector" includes the Program  
24 Executive of Enforcement and the Assistant Program  
25 Executive of Enforcement.

26 (15) The term "investigator for the Office of the

1 State's Attorneys Appellate Prosecutor" means a person  
2 employed in that capacity on a full time basis under the  
3 authority of Section 7.06 of the State's Attorneys  
4 Appellate Prosecutor's Act.

5 (16) "Commerce Commission police officer" means any  
6 person employed by the Illinois Commerce Commission who is  
7 vested with such law enforcement duties as render him  
8 ineligible for coverage under the Social Security Act by  
9 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
10 218(1)(1) of that Act.

11 (17) "Arson investigator" means any person who is  
12 employed as such by the Office of the State Fire Marshal  
13 and is vested with such law enforcement duties as render  
14 the person ineligible for coverage under the Social  
15 Security Act by reason of Sections 218(d)(5)(A),  
16 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
17 employed as an arson investigator on January 1, 1995 and is  
18 no longer in service but not yet receiving a retirement  
19 annuity may convert his or her creditable service for  
20 employment as an arson investigator into eligible  
21 creditable service by paying to the System the difference  
22 between the employee contributions actually paid for that  
23 service and the amounts that would have been contributed if  
24 the applicant were contributing at the rate applicable to  
25 persons with the same social security status earning  
26 eligible creditable service on the date of application.

1           (18) The term "State highway maintenance worker" means  
2 a person who is either of the following:

3           (i) A person employed on a full-time basis by the  
4 Illinois Department of Transportation in the position  
5 of highway maintainer, highway maintenance lead  
6 worker, highway maintenance lead/lead worker, heavy  
7 construction equipment operator, power shovel  
8 operator, or bridge mechanic; and whose principal  
9 responsibility is to perform, on the roadway, the  
10 actual maintenance necessary to keep the highways that  
11 form a part of the State highway system in serviceable  
12 condition for vehicular traffic.

13           (ii) A person employed on a full-time basis by the  
14 Illinois State Toll Highway Authority in the position  
15 of equipment operator/laborer H-4, equipment  
16 operator/laborer H-6, welder H-4, welder H-6,  
17 mechanical/electrical H-4, mechanical/electrical H-6,  
18 water/sewer H-4, water/sewer H-6, sign maker/hanger  
19 H-4, sign maker/hanger H-6, roadway lighting H-4,  
20 roadway lighting H-6, structural H-4, structural H-6,  
21 painter H-4, or painter H-6; and whose principal  
22 responsibility is to perform, on the roadway, the  
23 actual maintenance necessary to keep the Authority's  
24 tollways in serviceable condition for vehicular  
25 traffic.

26           (d) A security employee of the Department of Corrections or

1 the Department of Juvenile Justice, and a security employee of  
2 the Department of Human Services who is not a mental health  
3 police officer, shall not be eligible for the alternative  
4 retirement annuity provided by this Section unless he or she  
5 meets the following minimum age and service requirements at the  
6 time of retirement:

7 (i) 25 years of eligible creditable service and age 55;

8 or

9 (ii) beginning January 1, 1987, 25 years of eligible  
10 creditable service and age 54, or 24 years of eligible  
11 creditable service and age 55; or

12 (iii) beginning January 1, 1988, 25 years of eligible  
13 creditable service and age 53, or 23 years of eligible  
14 creditable service and age 55; or

15 (iv) beginning January 1, 1989, 25 years of eligible  
16 creditable service and age 52, or 22 years of eligible  
17 creditable service and age 55; or

18 (v) beginning January 1, 1990, 25 years of eligible  
19 creditable service and age 51, or 21 years of eligible  
20 creditable service and age 55; or

21 (vi) beginning January 1, 1991, 25 years of eligible  
22 creditable service and age 50, or 20 years of eligible  
23 creditable service and age 55.

24 Persons who have service credit under Article 16 of this  
25 Code for service as a security employee of the Department of  
26 Corrections or the Department of Juvenile Justice, or the

1 Department of Human Services in a position requiring  
2 certification as a teacher may count such service toward  
3 establishing their eligibility under the service requirements  
4 of this Section; but such service may be used only for  
5 establishing such eligibility, and not for the purpose of  
6 increasing or calculating any benefit.

7 (e) If a member enters military service while working in a  
8 position in which eligible creditable service may be earned,  
9 and returns to State service in the same or another such  
10 position, and fulfills in all other respects the conditions  
11 prescribed in this Article for credit for military service,  
12 such military service shall be credited as eligible creditable  
13 service for the purposes of the retirement annuity prescribed  
14 in this Section.

15 (f) For purposes of calculating retirement annuities under  
16 this Section, periods of service rendered after December 31,  
17 1968 and before October 1, 1975 as a covered employee in the  
18 position of special agent, conservation police officer, mental  
19 health police officer, or investigator for the Secretary of  
20 State, shall be deemed to have been service as a noncovered  
21 employee, provided that the employee pays to the System prior  
22 to retirement an amount equal to (1) the difference between the  
23 employee contributions that would have been required for such  
24 service as a noncovered employee, and the amount of employee  
25 contributions actually paid, plus (2) if payment is made after  
26 July 31, 1987, regular interest on the amount specified in item

1 (1) from the date of service to the date of payment.

2 For purposes of calculating retirement annuities under  
3 this Section, periods of service rendered after December 31,  
4 1968 and before January 1, 1982 as a covered employee in the  
5 position of investigator for the Department of Revenue shall be  
6 deemed to have been service as a noncovered employee, provided  
7 that the employee pays to the System prior to retirement an  
8 amount equal to (1) the difference between the employee  
9 contributions that would have been required for such service as  
10 a noncovered employee, and the amount of employee contributions  
11 actually paid, plus (2) if payment is made after January 1,  
12 1990, regular interest on the amount specified in item (1) from  
13 the date of service to the date of payment.

14 (g) A State policeman may elect, not later than January 1,  
15 1990, to establish eligible creditable service for up to 10  
16 years of his service as a policeman under Article 3, by filing  
17 a written election with the Board, accompanied by payment of an  
18 amount to be determined by the Board, equal to (i) the  
19 difference between the amount of employee and employer  
20 contributions transferred to the System under Section 3-110.5,  
21 and the amounts that would have been contributed had such  
22 contributions been made at the rates applicable to State  
23 policemen, plus (ii) interest thereon at the effective rate for  
24 each year, compounded annually, from the date of service to the  
25 date of payment.

26 Subject to the limitation in subsection (i), a State

1 policeman may elect, not later than July 1, 1993, to establish  
2 eligible creditable service for up to 10 years of his service  
3 as a member of the County Police Department under Article 9, by  
4 filing a written election with the Board, accompanied by  
5 payment of an amount to be determined by the Board, equal to  
6 (i) the difference between the amount of employee and employer  
7 contributions transferred to the System under Section 9-121.10  
8 and the amounts that would have been contributed had those  
9 contributions been made at the rates applicable to State  
10 policemen, plus (ii) interest thereon at the effective rate for  
11 each year, compounded annually, from the date of service to the  
12 date of payment.

13 (h) Subject to the limitation in subsection (i), a State  
14 policeman or investigator for the Secretary of State may elect  
15 to establish eligible creditable service for up to 12 years of  
16 his service as a policeman under Article 5, by filing a written  
17 election with the Board on or before January 31, 1992, and  
18 paying to the System by January 31, 1994 an amount to be  
19 determined by the Board, equal to (i) the difference between  
20 the amount of employee and employer contributions transferred  
21 to the System under Section 5-236, and the amounts that would  
22 have been contributed had such contributions been made at the  
23 rates applicable to State policemen, plus (ii) interest thereon  
24 at the effective rate for each year, compounded annually, from  
25 the date of service to the date of payment.

26 Subject to the limitation in subsection (i), a State

1 policeman, conservation police officer, or investigator for  
2 the Secretary of State may elect to establish eligible  
3 creditable service for up to 10 years of service as a sheriff's  
4 law enforcement employee under Article 7, by filing a written  
5 election with the Board on or before January 31, 1993, and  
6 paying to the System by January 31, 1994 an amount to be  
7 determined by the Board, equal to (i) the difference between  
8 the amount of employee and employer contributions transferred  
9 to the System under Section 7-139.7, and the amounts that would  
10 have been contributed had such contributions been made at the  
11 rates applicable to State policemen, plus (ii) interest thereon  
12 at the effective rate for each year, compounded annually, from  
13 the date of service to the date of payment.

14 Subject to the limitation in subsection (i), a State  
15 policeman, conservation police officer, or investigator for  
16 the Secretary of State may elect to establish eligible  
17 creditable service for up to 5 years of service as a police  
18 officer under Article 3, a policeman under Article 5, a  
19 sheriff's law enforcement employee under Article 7, a member of  
20 the county police department under Article 9, or a police  
21 officer under Article 15 by filing a written election with the  
22 Board and paying to the System an amount to be determined by  
23 the Board, equal to (i) the difference between the amount of  
24 employee and employer contributions transferred to the System  
25 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4  
26 and the amounts that would have been contributed had such



1 contributions been made at the rates applicable to State  
2 policemen, plus (ii) interest thereon at the effective rate for  
3 each year, compounded annually, from the date of service to the  
4 date of payment.

5 Subject to the limitation in subsection (i), an  
6 investigator for the Office of the Attorney General, or an  
7 investigator for the Department of Revenue, may elect to  
8 establish eligible creditable service for up to 5 years of  
9 service as a police officer under Article 3, a policeman under  
10 Article 5, a sheriff's law enforcement employee under Article  
11 7, or a member of the county police department under Article 9  
12 by filing a written election with the Board within 6 months  
13 after August 25, 2009 (the effective date of Public Act 96-745)  
14 and paying to the System an amount to be determined by the  
15 Board, equal to (i) the difference between the amount of  
16 employee and employer contributions transferred to the System  
17 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the  
18 amounts that would have been contributed had such contributions  
19 been made at the rates applicable to State policemen, plus (ii)  
20 interest thereon at the actuarially assumed rate for each year,  
21 compounded annually, from the date of service to the date of  
22 payment.

23 Subject to the limitation in subsection (i), a State  
24 policeman, conservation police officer, investigator for the  
25 Office of the Attorney General, an investigator for the  
26 Department of Revenue, or investigator for the Secretary of

1 State may elect to establish eligible creditable service for up  
2 to 5 years of service as a person employed by a participating  
3 municipality to perform police duties, or law enforcement  
4 officer employed on a full-time basis by a forest preserve  
5 district under Article 7, a county corrections officer, or a  
6 court services officer under Article 9, by filing a written  
7 election with the Board within 6 months after August 25, 2009  
8 (the effective date of Public Act 96-745) and paying to the  
9 System an amount to be determined by the Board, equal to (i)  
10 the difference between the amount of employee and employer  
11 contributions transferred to the System under Sections 7-139.8  
12 and 9-121.10 and the amounts that would have been contributed  
13 had such contributions been made at the rates applicable to  
14 State policemen, plus (ii) interest thereon at the actuarially  
15 assumed rate for each year, compounded annually, from the date  
16 of service to the date of payment.

17 (i) The total amount of eligible creditable service  
18 established by any person under subsections (g), (h), (j), (k),  
19 and (l) of this Section shall not exceed 12 years.

20 (j) Subject to the limitation in subsection (i), an  
21 investigator for the Office of the State's Attorneys Appellate  
22 Prosecutor or a controlled substance inspector may elect to  
23 establish eligible creditable service for up to 10 years of his  
24 service as a policeman under Article 3 or a sheriff's law  
25 enforcement employee under Article 7, by filing a written  
26 election with the Board, accompanied by payment of an amount to

1 be determined by the Board, equal to (1) the difference between  
2 the amount of employee and employer contributions transferred  
3 to the System under Section 3-110.6 or 7-139.8, and the amounts  
4 that would have been contributed had such contributions been  
5 made at the rates applicable to State policemen, plus (2)  
6 interest thereon at the effective rate for each year,  
7 compounded annually, from the date of service to the date of  
8 payment.

9 (k) Subject to the limitation in subsection (i) of this  
10 Section, an alternative formula employee may elect to establish  
11 eligible creditable service for periods spent as a full-time  
12 law enforcement officer or full-time corrections officer  
13 employed by the federal government or by a state or local  
14 government located outside of Illinois, for which credit is not  
15 held in any other public employee pension fund or retirement  
16 system. To obtain this credit, the applicant must file a  
17 written application with the Board by March 31, 1998,  
18 accompanied by evidence of eligibility acceptable to the Board  
19 and payment of an amount to be determined by the Board, equal  
20 to (1) employee contributions for the credit being established,  
21 based upon the applicant's salary on the first day as an  
22 alternative formula employee after the employment for which  
23 credit is being established and the rates then applicable to  
24 alternative formula employees, plus (2) an amount determined by  
25 the Board to be the employer's normal cost of the benefits  
26 accrued for the credit being established, plus (3) regular

1 interest on the amounts in items (1) and (2) from the first day  
2 as an alternative formula employee after the employment for  
3 which credit is being established to the date of payment.

4 (l) Subject to the limitation in subsection (i), a security  
5 employee of the Department of Corrections may elect, not later  
6 than July 1, 1998, to establish eligible creditable service for  
7 up to 10 years of his or her service as a policeman under  
8 Article 3, by filing a written election with the Board,  
9 accompanied by payment of an amount to be determined by the  
10 Board, equal to (i) the difference between the amount of  
11 employee and employer contributions transferred to the System  
12 under Section 3-110.5, and the amounts that would have been  
13 contributed had such contributions been made at the rates  
14 applicable to security employees of the Department of  
15 Corrections, plus (ii) interest thereon at the effective rate  
16 for each year, compounded annually, from the date of service to  
17 the date of payment.

18 (m) The amendatory changes to this Section made by this  
19 amendatory Act of the 94th General Assembly apply only to: (1)  
20 security employees of the Department of Juvenile Justice  
21 employed by the Department of Corrections before the effective  
22 date of this amendatory Act of the 94th General Assembly and  
23 transferred to the Department of Juvenile Justice by this  
24 amendatory Act of the 94th General Assembly; and (2) persons  
25 employed by the Department of Juvenile Justice on or after the  
26 effective date of this amendatory Act of the 94th General

1 Assembly who are required by subsection (b) of Section 3-2.5-15  
2 of the Unified Code of Corrections to have a bachelor's or  
3 advanced degree from an accredited college or university with a  
4 specialization in criminal justice, education, psychology,  
5 social work, or a closely related social science or, in the  
6 case of persons who provide vocational training, who are  
7 required to have adequate knowledge in the skill for which they  
8 are providing the vocational training.

9 (n) A person employed in a position under subsection (b) of  
10 this Section who has purchased service credit under subsection  
11 (j) of Section 14-104 or subsection (b) of Section 14-105 in  
12 any other capacity under this Article may convert up to 5 years  
13 of that service credit into service credit covered under this  
14 Section by paying to the Fund an amount equal to (1) the  
15 additional employee contribution required under Section  
16 14-133, plus (2) the additional employer contribution required  
17 under Section 14-131, plus (3) interest on items (1) and (2) at  
18 the actuarially assumed rate from the date of the service to  
19 the date of payment.

20 (Source: P.A. 95-530, eff. 8-28-07; 95-1036, eff. 2-17-09;  
21 96-37, eff. 7-13-09; 96-745, eff. 8-25-09; 96-1000, eff.  
22 7-2-10.)

23 Section 35. The Illinois Urban Development Authority Act is  
24 amended by changing Section 3 as follows:

1 (70 ILCS 531/3)

2 Sec. 3. Definitions. The following terms, whenever used or  
3 referred to in this Act, shall have the following meanings,  
4 except in such instances where the context may clearly indicate  
5 otherwise:

6 "Authority" means the Illinois Urban Development Authority  
7 created by this Act.

8 "Board" means the Illinois Urban Development Authority  
9 Board of Directors.

10 "Bonds" shall include bonds, notes, or other evidence of  
11 indebtedness.

12 "Commercial project" means any project, including but not  
13 limited to one or more buildings and other structures,  
14 improvements, machinery, and equipment whether or not on the  
15 same site or sites now existing or hereafter acquired, suitable  
16 for use by any retail or wholesale concern, distributorship, or  
17 agency, any cultural facilities of a for-profit or  
18 not-for-profit type including but not limited to educational,  
19 theatrical, recreational and entertainment, sports facilities,  
20 racetracks, stadiums, convention centers, exhibition halls,  
21 arenas, opera houses and theaters, waterfront improvements,  
22 swimming pools, boat storage, moorage, docking facilities,  
23 restaurants, coliseums, sports training facilities, parking  
24 facilities, terminals, hotels and motels, gymnasiums, medical  
25 facilities, and port facilities.

26 "Costs incurred in connection with the development,

1 construction, acquisition, or improvement of a project" means  
2 the cost of purchase and construction of all lands and  
3 improvements in connection with a project and equipment and  
4 other property, rights, easements, and franchises acquired  
5 that are deemed necessary for such construction; financing  
6 charges; interest costs with respect to bonds, notes, and other  
7 evidences of indebtedness of the Authority prior to and during  
8 construction and for a period of 6 months thereafter;  
9 engineering and legal expenses; the costs of plans,  
10 specifications, surveys, and estimates of costs and other  
11 expenses necessary or incident to determining the feasibility  
12 or practicability of any project, together with such other  
13 expenses as may be necessary or incident to the financing,  
14 insuring, acquisition, and construction of a specific project  
15 and the placing of the same in operation.

16 "Financial aid" means the expenditure of Authority funds or  
17 funds provided by the Authority through the issuance of its  
18 revenue bonds, notes, or other evidences of indebtedness for  
19 the development, construction, acquisition, or improvement of  
20 a project.

21 "Governmental agency" means any federal, State or local  
22 governmental body, and any agency or instrumentality thereof,  
23 corporate or otherwise.

24 "Governor" means the Governor of the State of Illinois.

25 "Housing project" or "residential project" includes a  
26 specific work or improvement undertaken to provide dwelling

1 accommodations, including the acquisition, construction,  
2 leasing, or rehabilitation of lands, buildings, and community  
3 facilities and in connection therewith to provide nonhousing  
4 facilities which are an integral part of a planned large-scale  
5 project or new community.

6 "Industrial project" means (1) a capital project,  
7 including one or more buildings and other structures,  
8 improvements, machinery, and equipment whether or not on the  
9 same site or sites now existing or hereafter acquired, suitable  
10 for use by any manufacturing, industrial, research,  
11 transportation, or commercial enterprise including but not  
12 limited to use as a factory, mill, processing plant, assembly  
13 plant, packaging plant, fabricating plant, office building,  
14 industrial distribution center, warehouse, repair, overhaul or  
15 service facility, freight terminal, research facility, test  
16 facility, railroad facility, solid waste and wastewater  
17 treatment and disposal sites and other pollution control  
18 facilities, resource or waste reduction, recovery, treatment  
19 and disposal facilities, and including also the sites thereof  
20 and other rights in land therefor whether improved or  
21 unimproved, site preparation and landscaping and all  
22 appurtenances and facilities incidental thereto such as  
23 utilities, access roads, railroad sidings, truck docking and  
24 similar facilities, parking facilities, dockage, wharfage,  
25 railroad roadbed, track, trestle, depot, terminal, switching,  
26 and signaling equipment or related equipment and other



1 improvements necessary or convenient thereto; or (2) any land,  
2 buildings, machinery or equipment comprising an addition to or  
3 renovation, rehabilitation or improvement of any existing  
4 capital project.

5 "Lease agreement" means an agreement whereby a project  
6 acquired by the Authority by purchase, gift, or lease is leased  
7 to any person or corporation that will use or cause the project  
8 to be used as a project as defined in this Act upon terms  
9 providing for lease rental payments at least sufficient to pay  
10 when due all principal of and interest and premium, if any, on  
11 any bonds, notes or other evidences of indebtedness of the  
12 Authority issued with respect to such project, providing for  
13 the maintenance, insurance, and operation of the project on  
14 terms satisfactory to the Authority, and providing for  
15 disposition of the project upon termination of the lease term,  
16 including purchase options or abandonment of the premises, with  
17 such other terms as may be deemed desirable by the Authority.  
18 The Authority may, directly or indirectly, lease or otherwise  
19 transfer property the Authority owns to another and such leased  
20 property shall remain tax exempt.

21 "Loan agreement" means any agreement pursuant to which the  
22 Authority agrees to loan the proceeds of its bonds, notes, or  
23 other evidences of indebtedness issued with respect to a  
24 project to any person or corporation that will use or cause the  
25 project to be used as a project as defined in this Act upon  
26 terms providing for loan repayment installments at least

1 sufficient to pay when due all principal and interest and  
2 premium, if any, on any bonds, notes, or other evidences of  
3 indebtedness of the Authority issued with respect to the  
4 project, providing for maintenance, insurance, and operation  
5 of the project on terms satisfactory to the Authority and  
6 providing for other matters as may be deemed advisable by the  
7 Authority.

8 "Municipal poverty rate" is the percentage of total  
9 population of the municipality having income levels below the  
10 poverty level as determined by the Authority based upon the  
11 most recent data released by the United States Census Bureau  
12 before the beginning of such calendar year.

13 "Occupational license" means a license issued by the SEFEL  
14 ~~Illinois Gaming~~ Board to a person or entity to perform an  
15 occupation which the SEFEL ~~Illinois Gaming~~ Board has identified  
16 as requiring a license to engage in riverboat, dockside, or  
17 land-based gambling in Illinois.

18 "Person" means any natural person, firm, partnership,  
19 corporation, both domestic and foreign, company, association,  
20 or joint stock association and includes any trustee, receiver,  
21 assignee, or personal representative thereof.

22 "Project" means an industrial, housing, residential,  
23 commercial, or service project, or any combination thereof,  
24 provided that all uses shall fall within one of those  
25 categories. Any project, of any nature whatsoever, shall  
26 automatically include all site improvements and new

1 construction involving sidewalks, sewers, solid waste and  
2 wastewater treatment and disposal sites and other pollution  
3 control facilities, resource or waste reduction, recovery,  
4 treatment and disposal facilities, parks, open spaces,  
5 wildlife sanctuaries, streets, highways, and runways.

6 "Revenue bond" means any bond issued by the Authority under  
7 the supervision of the Illinois Finance Authority, the  
8 principal and interest of which are payable solely from  
9 revenues or income derived from any project or activity of the  
10 Authority.

11 (Source: P.A. 96-234, eff. 1-1-10.)

12 Section 40. The Joliet Regional Port District Act is  
13 amended by changing Section 5.1 as follows:

14 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

15 Sec. 5.1. Riverboat gambling. Notwithstanding any other  
16 provision of this Act, the District may not regulate the  
17 operation, conduct, or navigation of any riverboat gambling  
18 casino licensed under the SEFEL ~~Riverboat Gambling~~ Act, and the  
19 District may not license, tax, or otherwise levy any assessment  
20 of any kind on any riverboat gambling casino licensed under the  
21 SEFEL ~~Riverboat Gambling~~ Act. The General Assembly declares  
22 that the powers to regulate the operation, conduct, and  
23 navigation of riverboat gambling casinos and to license, tax,  
24 and levy assessments upon riverboat gambling casinos are

1 exclusive powers of the State of Illinois and the SEFEL  
2 ~~Illinois Gaming~~ Board as provided in the SEFEL ~~Riverboat~~  
3 ~~Gambling~~ Act.

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

5 Section 45. The Consumer Installment Loan Act is amended by  
6 changing Section 12.5 as follows:

7 (205 ILCS 670/12.5)

8 Sec. 12.5. Limited purpose branch.

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

15 (b) The licensee must submit an application for a limited  
16 purpose branch to the Director on forms prescribed by the  
17 Director with an application fee of \$300. The approval for the  
18 limited purpose branch must be renewed concurrently with the  
19 renewal of the licensee's license along with a renewal fee of  
20 \$300 for the limited purpose branch.

21 (c) The books, accounts, records, and files of the limited  
22 purpose branch's transactions shall be maintained at the  
23 licensee's licensed location. The licensee shall notify the  
24 Director of the licensed location at which the books, accounts,

1 records, and files shall be maintained.

2 (d) The licensee shall prominently display at the limited  
3 purpose branch the address and telephone number of the  
4 licensee's licensed location.

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

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

9 (g) A limited purpose branch may not be located within  
10 1,000 feet of a facility operated by an inter-track wagering  
11 licensee or an organization licensee subject to the Illinois  
12 Horse Racing Act of 1975, on a riverboat subject to the SEFEL  
13 ~~Riverboat Gambling~~ Act, or within 1,000 feet of the location at  
14 which the riverboat docks.

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

16 Section 50. The Illinois Horse Racing Act of 1975 is  
17 amended by changing Sections 54 and 54.75 as follows:

18 (230 ILCS 5/54)

19 Sec. 54. Horse Racing Equity Fund.

20 (a) There is created in the State Treasury a Fund to be  
21 known as the Horse Racing Equity Fund. The Fund shall consist  
22 of moneys paid into it pursuant to subsection (c-5) of Section  
23 13 of the SEFEL ~~Riverboat Gambling~~ Act. The Fund shall be  
24 administered by the Racing Board.

1           (b) The moneys deposited into the Fund shall be distributed  
2 by the State Treasurer within 10 days after those moneys are  
3 deposited into the Fund as follows:

4           (1) Fifty percent of all moneys distributed under this  
5 subsection shall be distributed to organization licensees  
6 to be distributed at their race meetings as purses.  
7 Fifty-seven percent of the amount distributed under this  
8 paragraph (1) shall be distributed for thoroughbred race  
9 meetings and 43% shall be distributed for standardbred race  
10 meetings. Within each breed, moneys shall be allocated to  
11 each organization licensee's purse fund in accordance with  
12 the ratio between the purses generated for that breed by  
13 that licensee during the prior calendar year and the total  
14 purses generated throughout the State for that breed during  
15 the prior calendar year.

16           (2) The remaining 50% of the moneys distributed under  
17 this subsection (b) shall be distributed pro rata according  
18 to the aggregate proportion of state-wide handle at the  
19 racetrack, inter-track, and inter-track wagering locations  
20 that derive their licenses from a racetrack identified in  
21 this paragraph (2) for calendar years 1994, 1996, and 1997  
22 to (i) any person (or its successors or assigns) who had  
23 operating control of a racing facility at which live racing  
24 was conducted in calendar year 1997 and who has operating  
25 control of an organization licensee that conducted racing  
26 in calendar year 1997 and is a licensee in the current

1 year, or (ii) any person (or its successors or assigns) who  
2 has operating control of a racing facility located in a  
3 county that is bounded by the Mississippi River that has a  
4 population of less than 150,000 according to the 1990  
5 decennial census and conducted an average of 60 days of  
6 racing per year between 1985 and 1993 and has been awarded  
7 an inter-track wagering license in the current year.

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

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

13 (230 ILCS 5/54.75)

14 Sec. 54.75. Horse Racing Equity Trust Fund.

15 (a) There is created a Fund to be known as the Horse Racing  
16 Equity Trust Fund, which is a non-appropriated trust fund held  
17 separate and apart from State moneys. The Fund shall consist of  
18 moneys paid into it by owners licensees under the SEFEL  
19 ~~Riverboat Gambling~~ Act for the purposes described in this  
20 Section. The Fund shall be administered by the Board. Moneys in  
21 the Fund shall be distributed as directed and certified by the  
22 Board in accordance with the provisions of subsection (b).

23 (b) The moneys deposited into the Fund, plus any accrued  
24 interest on those moneys, shall be distributed within 10 days  
25 after those moneys are deposited into the Fund as follows:

1           (1) Sixty percent of all moneys distributed under this  
2 subsection shall be distributed to organization licensees  
3 to be distributed at their race meetings as purses.  
4 Fifty-seven percent of the amount distributed under this  
5 paragraph (1) shall be distributed for thoroughbred race  
6 meetings and 43% shall be distributed for standardbred race  
7 meetings. Within each breed, moneys shall be allocated to  
8 each organization licensee's purse fund in accordance with  
9 the ratio between the purses generated for that breed by  
10 that licensee during the prior calendar year and the total  
11 purses generated throughout the State for that breed during  
12 the prior calendar year by licensees in the current  
13 calendar year.

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

16                   (A) 11% shall be distributed to any person (or its  
17 successors or assigns) who had operating control of a  
18 racetrack that conducted live racing in 2002 at a  
19 racetrack in a county with at least 230,000 inhabitants  
20 that borders the Mississippi River and is a licensee in  
21 the current year; and

22                   (B) the remaining 89% shall be distributed pro rata  
23 according to the aggregate proportion of total handle  
24 from wagering on live races conducted in Illinois  
25 (irrespective of where the wagers are placed) for  
26 calendar years 2004 and 2005 to any person (or its



1 successors or assigns) who (i) had majority operating  
2 control of a racing facility at which live racing was  
3 conducted in calendar year 2002, (ii) is a licensee in  
4 the current year, and (iii) is not eligible to receive  
5 moneys under subparagraph (A) of this paragraph (2).

6 The moneys received by an organization licensee  
7 under this paragraph (2) shall be used by each  
8 organization licensee to improve, maintain, market,  
9 and otherwise operate its racing facilities to conduct  
10 live racing, which shall include backstretch services  
11 and capital improvements related to live racing and the  
12 backstretch. Any organization licensees sharing common  
13 ownership may pool the moneys received and spent at all  
14 racing facilities commonly owned in order to meet these  
15 requirements.

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

20 (c) The Board shall monitor organization licensees to  
21 ensure that moneys paid to organization licensees under this  
22 Section are distributed by the organization licensees as  
23 provided in subsection (b).

24 (Source: P.A. 95-1008, eff. 12-15-08.)

25 Section 55. The Riverboat Gambling Act is amended by

1 changing Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 7.1, 7.3, 7.4, 7.5,  
2 8, 9, 10, 11, 11.1, 11.2, 12, 13, 13.1, 14, 15, 16, 17, 17.1,  
3 18, 19, 20, and 23 as follows:

4 (230 ILCS 10/1) (from Ch. 120, par. 2401)

5 Sec. 1. Short title. This Act shall be known and may be  
6 cited as the SEFEL ~~Riverboat Gambling~~ Act.

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

8 (230 ILCS 10/2) (from Ch. 120, par. 2402)

9 Sec. 2. Legislative Intent.

10 (a) This Act is intended to benefit the people of the State  
11 of Illinois by reversing and nullifying the effects of the most  
12 devastating recession in modern history by assisting economic  
13 development and promoting Illinois tourism and by increasing  
14 the amount of revenues available to the State to assist and  
15 support various programs ~~education~~. SEFEL's will expand  
16 popular and lucrative activities that yield ample,  
17 respectable, and accepted tax rates. Such activities are  
18 primarily recreational in nature and focus on family groups.  
19 SEFEL developments shall indirectly lead to the expansion of  
20 college campuses, create new community centers, and cause the  
21 construction of at least one more airport and new train stops  
22 and museums. These licenses shall also lead to the construction  
23 of new amusement and water parks, golf courses, hotels,  
24 restaurants, concert venues, and theaters. They shall draw

1 revenue from surrounding states and consequently add to the  
2 State's general money supply. The new venues created will also  
3 bring new and additional expos to the State, along with parks  
4 and highways. SEFEL's will bring world chess, and national  
5 spelling and math championships as well. These licenses shall  
6 also cause the deliberate expansion of 2 more professional  
7 sport franchises for Chicago and surrounding suburbs. SEFEL's  
8 (depending on configurations) will increase high school  
9 programs, create nearly 20,000 jobs per location (over 200,000  
10 total) and generate over \$1,000,000,000 in additional annual  
11 tax revenue once all are successfully operational and equitably  
12 configured in size on a voluntary basis.

13 It is the intent to retain and win additional local tourism  
14 business by creating a local escape for Illinoisans whom tend  
15 to travel abroad. It is a priority and mandate for SEFEL's to  
16 ensure the Family Venue and Activity component of each SEFEL  
17 location or project generate more revenue, or the majority of  
18 the total revenue, on an annual basis versus gaming revenue.  
19 Gaming fees will fund extenuating and regular marketing efforts  
20 on behalf of the SEFEL Family Venue components while revenue of  
21 such components, in quarterly totals, are equal to or less than  
22 the gaming revenue for that same quarter.

23 (b) While authorization of land-based gaming is part of  
24 this amendatory Act of the 97th General Assembly, it is but a  
25 small portion and compliments the entire concept that ~~riverboat~~  
26 gambling will enhance investment, development, and tourism in

1 Illinois, it is recognized that gaming ~~it~~ will do so  
2 successfully as a minority of revenue contribution and only if  
3 public confidence and trust in the credibility and integrity of  
4 the gaming ~~gambling~~ operations and the regulatory process is  
5 maintained. Therefore, regulatory provisions of this Act are  
6 designed to strictly regulate the facilities, persons,  
7 associations and practices related to gaming ~~gambling~~  
8 operations pursuant to the police powers of the State,  
9 including comprehensive law enforcement supervision.

10 (c) The Illinois SEFEL ~~Gaming~~ Board established under this  
11 Act shall ~~should~~, as soon as possible, contract with the  
12 creators of the SEFEL concept to open the bid process for  
13 respective teams or corporations and inform each prospective  
14 bidder ~~inform each applicant for an owners license~~ of the  
15 Board's intent to grant or deny a license. The bidding process  
16 is defined in this Act and is considered deposits, with the  
17 final amount determined as described. Homeland Innovation,  
18 LLC, as creators of this approach and strategy, shall consult  
19 and effectively represent the interests of the State by  
20 determining scope, designs, venues, and locations. Homeland  
21 Innovation, LLC, shall receive 4.75%, plus legal expenses, of  
22 gross SEFEL receipts as compensation for its contribution,  
23 expertise, and consultation in establishing each SEFEL  
24 complex. This rate is payable daily and in effect as long as  
25 the State benefits from revenues received under this program,  
26 in perpetuity.

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

2 (230 ILCS 10/3) (from Ch. 120, par. 2403)

3 Sec. 3. Additional Gaming ~~Riverboat Gambling~~ Authorized.

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

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

16 (c) Land-based gaming ~~Riverboat gambling~~ conducted  
17 pursuant to this Act may be authorized ~~upon any water~~ within  
18 the State of Illinois or any area ~~water other than Lake~~  
19 ~~Michigan~~ which constitutes a boundary of the State of Illinois.  
20 A licensee may conduct SEFEL operations ~~riverboat gambling~~  
21 authorized under this Act ~~regardless of whether it conducts~~  
22 ~~excursion cruises~~. A licensee may permit the continuous ingress  
23 and egress of patrons ~~passengers~~ for the purpose of gaming,  
24 subject to the provisions of this Act ~~gambling~~.

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

1 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

4 "SEFEL Board" means the Illinois SEFEL Board established in  
5 this Act.

6 "SEFEL" means Strategic Economic Family Entertainment  
7 License and the trademark remains the property of Homeland  
8 Innovation, LLC.

9 (b) "Occupational license" means a percentage of the SEFEL  
10 initially ~~license~~ issued by the SEFEL Board to a person or  
11 entity to perform an occupation which the Board has identified  
12 as requiring a license to engage in land-based gaming or  
13 non-gaming ~~riverboat gambling~~ in Illinois within the scope of a  
14 SEFEL. Renewal or extended gaming licenses issued under SEFEL  
15 shall be under the jurisdiction of the Illinois SEFEL Board.

16 (c) "Gambling game" includes, but is not limited to,  
17 baccarat, twenty-one, poker, craps, slot machine, video game of  
18 chance, roulette wheel, klondike table, punchboard, faro  
19 layout, keno layout, numbers ticket, hold-em, blackjack, big 6,  
20 mahjong, dominoes, beat the dealer, push card, jar ticket, or  
21 pull tab which is authorized by the Board as a wagering device  
22 under this Act. March Madness bracket wagering is specifically  
23 allowed by this Act and national wagering is allowed if the  
24 wagering individual is verifiable of wagering age and  
25 registered and records kept for tax purposes.

1           (d) "Casino" means a structure or facility as part of a  
2 complex or self standing in ~~"Riverboat" means a self-propelled~~  
3 ~~excursion boat, a permanently moored barge, or permanently~~  
4 ~~moored barges that are permanently fixed together to operate as~~  
5 ~~one vessel, on~~ which lawful gambling is authorized and licensed  
6 as provided in this Act.

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

10           (f) "Complex" means the locations where partners of the  
11 SEFEL are co-located to conduct operations ~~"Dock" means the~~  
12 ~~location where a riverboat moors for the purpose of embarking~~  
13 ~~passengers for and disembarking passengers from the riverboat.~~

14           (g) "Gaming receipts" means the total amount of money  
15 exchanged for the purchase of chips, tokens, or electronic  
16 cards by gambling patrons.

17           "Non-Gaming receipts" means the total amount of money  
18 exchanged for the purchase of chips, tokens, or electronic  
19 cards by non-gambling patrons.

20           (g) "Gross receipts" means the total amount of money  
21 exchanged for the purchase of chips, tokens or electronic cards  
22 by all riverboat patrons covered or authorized under this Act.

23           (h) "Adjusted gross gaming receipts" means the gross  
24 receipts less winnings paid to wagerers in the gaming venues.

25           (i) "Cheat" means to alter the selection of criteria which  
26 determine the result of a gambling game or the amount or

1 frequency of payment in a gambling game.

2 (j) "Department" means the Department of Revenue. ~~(Blank)~~.

3 (k) "Gambling operation" means the conduct of authorized  
4 gambling games within the gaming component facility of the  
5 SEFEL ~~upon a riverboat~~.

6 (l) "License bid" means the lump sum amount of money that  
7 an applicant bids and agrees to pay the State in return for a  
8 15-year ~~an~~ owners license that is issued ~~re-issued~~ on or after  
9 July 1, 2011 ~~2003~~.

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

14 (n) "Bid" means a deposit to be credited against the final  
15 license price calculated as follows: the final price of each  
16 license is calculated as the average gross receipts of the  
17 first 5 years of each respective casino. The initial bid shall  
18 be credited against the final license amount.

19 (Source: P.A. 95-331, eff. 8-21-07; 96-1392, eff. 1-1-11.)

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

21 Sec. 5. SEFEL ~~Gaming~~ Board.

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



1 for the purpose of administering, regulating, and enforcing the  
2 system of land-based ~~riverboat~~ gambling or family amusement and  
3 entertainment venues established by this Act. Its jurisdiction  
4 shall extend under this Act to every person, association,  
5 corporation, partnership and trust involved in SEFEL-related  
6 ~~riverboat~~ gambling operations in the State of Illinois.

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

19 (3) The terms of office of the SEFEL Board members shall be  
20 3 years, except that the terms of office of the initial Board  
21 members appointed pursuant to this Act will commence from the  
22 effective date of this Act and run as follows: one for a term  
23 ending July 1, 2012 ~~1991~~, 3 ~~2~~ for a term ending July 1, 2013  
24 ~~1992~~, and 3 ~~2~~ for a term ending July 1, 2014 ~~1993~~. 2  
25 appointments referenced in this paragraph shall reduce the  
26 total available appointments by 2. Upon the expiration of the

1 foregoing terms, the successors of such members shall serve a  
2 term for 3 years and until their successors are appointed and  
3 qualified for like terms. Vacancies in the Board shall be  
4 filled for the unexpired term in like manner as original  
5 appointments. Each member of the Board shall be eligible for  
6 reappointment at the discretion of the Governor with the advice  
7 and consent of the Senate. The Governor may, at his option,  
8 appoint either or both SEFEL creators to lifetime appointments  
9 at a salary of \$450,000 (plus increases commensurate with  
10 respective revenue increases) per annum as minimum  
11 compensation for their invaluable contribution. Both  
12 individuals retain ownership rights to their model and SEFEL  
13 trademark, and only they may market such trademark products  
14 abroad at their exclusive and complete discretion.

15 (4) Each member of the Board shall receive \$500 ~~\$300~~ for  
16 each day the Board meets and for each day the member conducts  
17 any hearing pursuant to this Act. Each member of the Board  
18 shall also be reimbursed for all actual and necessary expenses  
19 and disbursements incurred in the execution of official duties.

20 (5) No person shall be appointed a member of the Board or  
21 continue to be a member of the Board who is, or whose spouse,  
22 child or parent is, a member of the board of directors of, or a  
23 person financially interested in, any gambling operation  
24 subject to the jurisdiction of this Board, or any race track,  
25 race meeting, racing association or the operations thereof  
26 subject to the jurisdiction of the Illinois Racing Board. No

1 Board member shall hold any other public office for which he  
2 shall receive compensation other than necessary travel or other  
3 incidental expenses. No person shall be a member of the Board  
4 who is not of good moral character or who has been convicted  
5 of, or is under indictment for, a felony under the laws of  
6 Illinois or any other state, or the United States.

7 ~~(5.5) No member of the Board shall engage in any political~~  
8 ~~activity. For the purposes of this Section, "political" means~~  
9 ~~any activity in support of or in connection with any campaign~~  
10 ~~for federal, State, or local elective office or any political~~  
11 ~~organization, but does not include activities (i) relating to~~  
12 ~~the support or opposition of any executive, legislative, or~~  
13 ~~administrative action (as those terms are defined in Section 2~~  
14 ~~of the Lobbyist Registration Act), (ii) relating to collective~~  
15 ~~bargaining, or (iii) that are otherwise in furtherance of the~~  
16 ~~person's official State duties or governmental and public~~  
17 ~~service functions.~~

18 (6) Any member of the SEFEL Board may be removed by the  
19 Governor for neglect of duty, misfeasance, malfeasance, or  
20 nonfeasance in office ~~or for engaging in any political~~  
21 ~~activity.~~

22 (7) Before entering upon the discharge of the duties of his  
23 office, each member of the Board shall take an oath that he  
24 will faithfully execute the duties of his office according to  
25 the laws of the State and the rules and regulations adopted  
26 therewith and shall give bond to the State of Illinois,

1 approved by the Governor, in the sum of \$25,000. Every such  
2 bond, when duly executed and approved, shall be recorded in the  
3 office of the Secretary of State. Whenever the Governor  
4 determines that the bond of any member of the Board has become  
5 or is likely to become invalid or insufficient, he shall  
6 require such member forthwith to renew his bond, which is to be  
7 approved by the Governor. Any member of the SEFEL Board who  
8 fails to take oath and give bond within 30 days from the date  
9 of his appointment, or who fails to renew his bond within 30  
10 days after it is demanded by the Governor, shall be guilty of  
11 neglect of duty and may be removed by the Governor. The cost of  
12 any bond given by any member of the Board under this Section  
13 shall be taken to be a part of the necessary expenses of the  
14 Board.

15 (8) Upon the request of the SEFEL ~~The Board,~~ the Department  
16 shall employ such personnel as may be necessary to carry out  
17 the functions of the SEFEL Board ~~its functions and shall~~  
18 ~~determine the salaries of all personnel, except those personnel~~  
19 ~~whose salaries are determined under the terms of a collective~~  
20 ~~bargaining agreement.~~ No person shall be employed to serve the  
21 Board who is, or whose spouse, parent or child is, an official  
22 of, or has a financial interest in or financial relation with,  
23 any operator engaged in gambling operations within this State  
24 or any organization engaged in conducting horse racing within  
25 this State. Any employee violating these prohibitions shall be  
26 subject to termination of employment.

1           (9) An Administrator shall perform any and all duties that  
2 the SEFEL Board shall assign him. The Administrator shall have  
3 a support staff of 9, one of which shall be a licensed  
4 architect and one shall serve as General Counsel. The salary of  
5 the Administrator and their staff shall be determined by the  
6 SEFEL Board and approved by the Director of the Department  
7 and, in addition, he shall be reimbursed for all actual and  
8 necessary expenses incurred by him in discharge of his official  
9 duties. The Administrator shall keep records of all proceedings  
10 of the SEFEL Board and shall preserve all records, books,  
11 documents and other papers belonging to the Board or entrusted  
12 to its care. The Administrator shall devote his full time to  
13 the duties of the office and shall not hold any other office or  
14 employment. The Administrator shall also have the authority to  
15 hire and contract up to \$1,695,000 annually in supplementary  
16 services or acquisitions and subject to a 2% annual increase  
17 each year thereafter. Any services not to be conducted or the  
18 responsibility of the SEFEL Board or jurisdiction shall be  
19 awarded to Homeland Innovation, LLC, and not subject to any  
20 limitation other than those compensatory conditions previously  
21 defined herein. Homeland Innovation, LLC, shall be fully  
22 compensated and made whole toward any additional  
23 responsibility's taken or assumed including legal and  
24 marketing.

25           (b) The SEFEL Board shall have general responsibility for  
26 the implementation of the Family and Gaming Venue portion of

1 this Act in conjunction with Homeland Innovation, LLC. The  
2 SEFEL Board ~~this Act. Its~~ duties include, without limitation,  
3 the following:

4 (1) To decide promptly and in reasonable order all  
5 family venue and gaming license applications. Any party  
6 aggrieved by an action of the Board denying, suspending,  
7 revoking, restricting or refusing to renew a license may  
8 request a hearing before the Board. A request for a hearing  
9 must be made to the Board in writing within 7 calendar ~~5~~  
10 days after service of notice of the action of the Board.  
11 Notice of the action of the Board shall be served either by  
12 personal delivery or by certified mail, postage prepaid, to  
13 the aggrieved party. Notice served by certified mail shall  
14 be deemed complete on the business day following the date  
15 of such mailing. The SEFEL Board shall conduct all  
16 requested hearings promptly and in reasonable order;

17 (2) To conduct all hearings pertaining to civil  
18 violations of this Act or rules and regulations promulgated  
19 hereunder;

20 (3) To promulgate such rules and regulations as in its  
21 judgment may be necessary to protect or enhance the  
22 credibility and integrity of gambling operations  
23 authorized by this Act and the regulatory process  
24 hereunder;

25 (4) To provide for the establishment and collection of  
26 all license and registration fees and taxes imposed by this

1 Act and the rules and regulations issued pursuant hereto.  
2 All such fees and taxes related to gambling shall be  
3 deposited into the State Gaming Fund, non-gaming fees and  
4 taxes shall be deposited into the State SEFEL Taxpayer  
5 Rebate Fund;

6 (5) To provide for the levy and collection of penalties  
7 and fines for the violation of provisions of this Act and  
8 the rules and regulations promulgated hereunder. All such  
9 fines and penalties shall be deposited into the Education  
10 Assistance Fund, created by Public Act 86-0018, of the  
11 State of Illinois;

12 (6) To be present through its inspectors and agents any  
13 time gambling (or family venue) operations are conducted in  
14 on any SEFEL facility or location or land-based casino or  
15 derivative riverboat for the purpose of certifying the  
16 revenue thereof, receiving complaints from the public, and  
17 conducting such other investigations into the conduct of  
18 the gambling games and the maintenance of the equipment as  
19 from time to time the Board may deem necessary and proper;

20 (7) To review and rule upon any complaint by a licensee  
21 regarding any investigative procedures of the State which  
22 are unnecessarily disruptive of gambling operations. The  
23 need to inspect and investigate shall be presumed at all  
24 times. The disruption of a licensee's operations shall be  
25 proved by clear and convincing evidence, and establish  
26 that: (A) the procedures had no reasonable law enforcement

1 purposes, and (B) the procedures were so disruptive as to  
2 unreasonably inhibit gambling (or non-gaming) operations;

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



1           (9) To maintain records which are separate and distinct  
2 from the records of any other State board or commission.  
3 Such records shall be available for public inspection and  
4 shall accurately reflect all SEFEL Board proceedings;

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

12           (10.5) The State of Illinois shall establish the  
13 Illinois Waterpark Insurance Fund to be paid out of  
14 additional provisions, fees, or otherwise to offset  
15 liability insurance costs for waterparks;

16           (11) (Blank);

17           (12) (Blank);

18           (13) To assume responsibility for initiating the  
19 petitioning of a second NBA franchise and NFL franchise for  
20 the State of Illinois on behalf, or in conjunction with,  
21 interested municipalities within the State and full  
22 authority to contract for services to facilitate  
23 ~~administration and enforcement of the Video Gaming Act; and~~

24           (14) (Blank). ~~To adopt, by rule, a code of conduct~~  
25 ~~governing Board members and employees that ensure, to the~~  
26 ~~maximum extent possible, that persons subject to this Code~~

1 ~~avoid situations, relationships, or associations that may~~  
2 ~~represent or lead to a conflict of interest.~~

3 (c) The SEFEL Board, along with Homeland Innovation, LLC,  
4 shall have jurisdiction over and shall supervise all Family  
5 venue and gaming ~~gambling~~ operations governed by this Act. The  
6 Board shall have all powers necessary and proper to fully and  
7 effectively execute the provisions of this Act, including, but  
8 not limited to, the following:

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

13 (2) To have jurisdiction and supervision over all SEFEL  
14 Family Venue ~~riverboat gambling~~ operations in this State  
15 and all persons on SEFEL property ~~riverboats~~ where  
16 respective ~~gambling~~ operations are conducted.

17 (3) To promulgate rules and regulations for the purpose  
18 of administering the provisions of this Act and to  
19 prescribe rules, regulations and conditions under which  
20 all SEFEL Family Venue and gaming operations ~~riverboat~~  
21 ~~gambling~~ in the State shall be conducted. Such rules and  
22 regulations are to provide for the prevention of practices  
23 detrimental to the public interest and for the best  
24 interests of these family activities ~~riverboat gambling,~~  
25 including rules and regulations regarding the inspection  
26 of such parks or locations ~~riverboats~~ and the review of any

1       permits or licenses necessary to operate respective  
2       operations ~~a riverboat~~ under any laws or regulations  
3       applicable to said activities ~~riverboats~~, and to impose  
4       penalties for violations thereof.

5           (4) To enter the office, parks, campuses ~~riverboats~~,  
6       facilities, or other places of business of a licensee,  
7       where evidence of the compliance or noncompliance with the  
8       provisions of this Act is likely to be found. A penalty of  
9       \$10,000 shall be assessed if entry is refused to any per  
10      board member or designee and per instance. This penalty is  
11      not limited to one penalty per occasion.

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

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

21          (7) To adopt appropriate standards for all SEFEL Venues  
22      ~~riverboats~~ and facilities.

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

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

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

17            (10) To prescribe a form to be used by any licensee  
18        involved in the ownership or management of SEFEL Family  
19        Venue or gaming ~~gambling~~ operations as an application for  
20        employment for their employees. Due to the likely proximity  
21        of SEFEL Family Venues to their respective gaming  
22        counterpart, similar administrative functions are prudent.

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

1 suspend an owners license, without notice or hearing upon a  
2 determination that the safety or health of patrons or  
3 employees is jeopardized by continuing a venue's  
4 ~~riverboat's~~ operation. The suspension may remain in effect  
5 until the SEFEL Board determines that the cause for  
6 suspension has been abated. The Board may revoke the owners  
7 license upon a determination that the owner has not made  
8 satisfactory progress toward abating the hazard.

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

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

1           (14) To require all SEFEL participants, including  
2 gaming venues, to have on file, an up-to-date and current  
3 organization chart (Blank).

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

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

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

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

1 ~~exceptions whether the riverboat makes excursions.~~ The  
2 establishment of the hours for sale and consumption of  
3 alcoholic liquor on non-gaming grounds ~~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 a SEFEL property ~~board a riverboat~~.  
7 This amendatory Act of 1991 is a denial and limitation of  
8 home rule powers and functions under subsection (h) of  
9 Section 6 of Article 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 SEFEL Board  
13 regarding the constructed size and scope of the complex  
14 ~~navigability of water, relative to excursions,~~ in the event  
15 of extreme weather conditions, acts of God or other extreme  
16 circumstances.

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

20 (20.5) (Blank). ~~To approve any contract entered into on~~  
21 ~~its behalf.~~

22 (20.6) (Blank). ~~To appoint investigators to conduct~~  
23 ~~investigations, searches, seizures, arrests, and other~~  
24 ~~duties imposed under this Act, as deemed necessary by the~~  
25 ~~Board. These investigators have and may exercise all of the~~  
26 ~~rights and powers of peace officers, provided that these~~

1 ~~powers shall be limited to offenses or violations occurring~~  
2 ~~or committed on a riverboat or dock, as defined in~~  
3 ~~subsections (d) and (f) of Section 4, or as otherwise~~  
4 ~~provided by this Act or any other law.~~

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

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

25 (22) To ensure construction of all facilities are in  
26 full compliance of, and in accordance with, prevailing



1       wages and labor agreements.

2       (23) To prohibit the extension of credit at any of the  
3       gaming components Monday through Thursday during  
4       operations, with the exception of holidays and high roller  
5       and special events; and to those individuals receiving  
6       government stipends, such as Social Security,  
7       Unemployment, and disability. This prohibition is lifted  
8       on Friday at 1 pm.

9       (24) To ensure that gaming eventually becomes the  
10      minority revenue contributor and generator of the SEFEL.

11      (25) To prohibit or limit the use of volunteers,  
12      interns, part time, contractual, or temporary employees on  
13      SEFEL property or in any of the SEFEL operational  
14      components unless specifically approved by the SEFEL Board  
15      for periods exceeding 20 days. Fees and penalties for use  
16      of temps shall be at least \$1,500 for each occurrence or  
17      every 2 weeks or pay period.

18      (d) The SEFEL Board may seek and shall receive the  
19      cooperation of the Department of State Police in conducting  
20      background investigations of applicants and in fulfilling its  
21      responsibilities under this Section. Costs incurred by the  
22      Department of State Police as a result of such cooperation  
23      shall be paid by the SEFEL Board in conformance with the  
24      requirements of Section 2605-400 of the Department of State  
25      Police Law (20 ILCS 2605/2605-400).

26      (e) The SEFEL Board must authorize to each investigator and

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

6 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
7 96-1000, eff. 7-2-10; 96-1392, eff. 1-1-11.)

8 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

9 Sec. 5.1. Disclosure of records.

10 (a) Notwithstanding any applicable statutory provision to  
11 the contrary, the SEFEL Board shall, on written request from  
12 any identifiable person who is a verifiable registered voter or  
13 U.S. Citizen, for a \$500 fee, provide a single, hard copy of  
14 copyrighted ~~person, provide~~ information furnished by an  
15 applicant or licensee concerning the applicant or licensee, his  
16 products, services or non-gambling ~~gambling~~ enterprises and  
17 his business holdings, as follows:

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

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

1 Securities and Exchange Commission, only the names of those  
2 persons or entities holding interest of 5% or more must be  
3 provided.

4 (3) An identification of any business, including, if  
5 applicable, the state of incorporation or registration, in  
6 which an applicant or licensee or an applicant's or  
7 licensee's spouse or children has an equity interest of  
8 more than 5% ~~1%~~. If an applicant or licensee is a  
9 corporation, partnership or other business entity, the  
10 applicant or licensee shall identify any other  
11 corporation, partnership or business entity in which it has  
12 an equity interest of 5% ~~1%~~ or more, including, if  
13 applicable, the state of incorporation or registration.  
14 This information need not be provided by a corporation,  
15 partnership or other business entity that has a pending  
16 registration statement filed with the Securities and  
17 Exchange Commission.

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

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

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

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

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

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

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

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

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

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

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

24 (b) Notwithstanding any applicable statutory provision to  
25 the contrary, the SEFEL Board shall, on written request from  
26 any identifiable person who is a registered voter, for a fee,

1 also provide the following information in a single, hard copy,  
2 copyrighted form:

3 (1) The amount of the non-wagering ~~wagering~~ tax and  
4 admission tax paid daily to the State of Illinois by the  
5 holder of an owners ~~owner's~~ license.

6 (2) Whenever the SEFEL Board finds an applicant for an  
7 owners ~~owner's~~ license unsuitable for licensing, a copy of  
8 the written letter outlining the reasons for the denial.

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

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

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

15 (2) The statutes, rules, regulations or  
16 inter-governmental ~~intergovernmental~~ agreements of any  
17 jurisdiction.

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

21 (Source: P.A. 96-1392, eff. 1-1-11.)

22 (230 ILCS 10/6) (from Ch. 120, par. 2406)

23 Sec. 6. Application for Owners License.

24 (a) A qualified person may apply to the SEFEL Board for an  
25 owners license to conduct SEFEL operations ~~a riverboat gambling~~

1 ~~operation~~ as provided in this Act. The application shall be  
2 made on forms provided by the SEFEL Board and shall contain  
3 such information as the Board prescribes, including but not  
4 limited to the type ~~identity~~ of venue in the ~~riverboat on~~ which  
5 such ~~gambling~~ operation is to be conducted and the exact  
6 location where such activity ~~riverboat~~ will take place ~~be~~  
7 ~~docked~~, a certification that the corporation and machines or  
8 equipment ~~riverboat~~ will be registered under this Act at all  
9 times during which ~~gambling~~ operations are conducted ~~on board~~,  
10 detailed information regarding the ownership and management of  
11 the applicant, and detailed personal information regarding the  
12 applicant. Any application for an owners license to be  
13 re-issued on or after June 1, 2011 ~~2003~~ shall also include the  
14 applicant's license bid in a form prescribed by the SEFEL  
15 Board. Information provided on the application shall be used as  
16 a basis for a thorough background investigation which the SEFEL  
17 Board shall conduct with respect to each applicant. An  
18 incomplete application shall be cause for denial of a license  
19 by the SEFEL Board.

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

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

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

7 (d) An application shall be filed with the SEFEL Board by  
8 January 1 of the year preceding any calendar year for which an  
9 applicant seeks an owners license; however, applications for an  
10 owners license permitting operations on January 1, 2012 shall  
11 be filed by July 1, 2011. An application fee of \$1,500 per name  
12 on the application and considered in accordance with the rules  
13 ~~of the Board. An application fee of \$50,000~~ shall be paid at  
14 the time of filing to defray the costs associated with the  
15 background investigation conducted by the SEFEL Board. If the  
16 costs of the investigation exceed the amount \$1,500 per name  
17 ~~\$50,000~~, the applicant shall pay the additional amount to the  
18 SEFEL Board within 30 days. If the costs of the investigation  
19 are less than 1,500 ~~\$50,000~~, the applicant shall receive a  
20 refund of the remaining amount. All information, records,  
21 interviews, reports, statements, memoranda or other data  
22 supplied to or used by the SEFEL Board in the course of its  
23 review or investigation of an application for a license ~~or a~~  
24 ~~renewal~~ under this Act shall be privileged, strictly  
25 confidential and shall be used only for the purpose of  
26 evaluating an applicant ~~for a license or a renewal~~. Such



1 information, records, interviews, reports, statements,  
2 memoranda or other data shall not be admissible as evidence,  
3 nor discoverable in any action of any kind in any court or  
4 before any tribunal, board, agency or person, except for any  
5 action deemed necessary by the SEFEL Board.

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

12 (f) The licensed owners ~~owner~~ shall be the person primarily  
13 responsible for the Venue ~~boat~~ itself. The SEFEL Board may  
14 authorize several operations at any SEFEL location ~~Only one~~  
15 ~~riverboat gambling operation may be authorized by the Board on~~  
16 ~~any riverboat~~. The applicant must identify each venue ~~riverboat~~  
17 it intends to use and certify that the venue ~~riverboat~~: (1) has  
18 the authorized capacity required in this Act; (2) is accessible  
19 to disabled persons; and (3) is fully registered and licensed  
20 in accordance with any applicable laws.

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

23 (Source: P.A. 96-1392, eff. 1-1-11.)

24 (230 ILCS 10/7) (from Ch. 120, par. 2407)

25 Sec. 7. Owners Licenses.

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

1 ~~Racing Equity Trust Fund, in addition to any other payments~~  
2 ~~required under this Act, an amount equal to 3% of the adjusted~~  
3 ~~gross receipts received by the owners licensee. The payments~~  
4 ~~required under this Section shall be made by the owners~~  
5 ~~licensee to the State Treasurer no later than 3:00 o'clock p.m.~~  
6 ~~of the day after the day when the adjusted gross receipts were~~  
7 ~~received by the owners licensee. A person, firm or corporation~~  
8 is ineligible to receive an owners license if:

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

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

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

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

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

20 (6) the firm or corporation employs a person defined in  
21 (1), (2), (3) or (4) who participates in the management or  
22 operation of non-gambling ~~gambling~~ operations authorized  
23 under this Act;

24 (7) (blank); or

25 (8) a license of the person, firm or corporation issued  
26 under this Act, or a license to own or operate similar

1        non-gambling ~~gambling~~ facilities in any other  
2        jurisdiction, has been revoked.

3        ~~The Board is expressly prohibited from making changes to~~  
4        ~~the requirement that licensees make payment into the Horse~~  
5        ~~Racing Equity Trust Fund without the express authority of the~~  
6        ~~Illinois General Assembly and making any other rule to~~  
7        ~~implement or interpret this amendatory Act of the 95th General~~  
8        ~~Assembly. For the purposes of this paragraph, "rules" is given~~  
9        ~~the meaning given to that term in Section 1-70 of the Illinois~~  
10       ~~Administrative Procedure Act.~~

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

13                (1) the character, reputation, experience and  
14                financial integrity of the applicants and of any other or  
15                separate person that either:

16                        (A) controls, directly or indirectly, such  
17                        applicant, or

18                        (B) is controlled, directly or indirectly, by such  
19                        applicant or by a person which controls, directly or  
20                        indirectly, such applicant;

21                (2) the facilities or proposed facilities for the  
22                conduct of riverboat SEFEL Family Venues or non-gambling  
23                ~~gambling~~;

24                (3) the highest prospective total revenue to be derived  
25                by the State from the conduct of SEFEL Family Venues or  
26                non-gambling plus gaming ~~riverboat gambling~~;

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

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

10 (6) whether the applicant has adequate capitalization  
11 to provide and maintain, for the duration of a license,  
12 contributing to the SEFEL facility complex a riverboat;

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

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

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

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

21 (e) The SEFEL Board may issue up to 25 SEFEL ~~10~~ licenses  
22 authorizing the fractional holders of such licenses to rights  
23 for operating on SEFEL grounds. The authorization of these  
24 licenses are subject to the total sales clause stated here  
25 after. The initial SEFEL awarding shall be by the SEFEL Board's  
26 action and cause the SEFEL Board to award a gaming license for

1 the same location if no gaming exists prior to award. The SEFEL  
2 Board shall confirm the initial size and scope of the all  
3 venues including gambling casinos as proposed by Homeland  
4 Innovation, LLC own riverboats. In the application for an  
5 owners license, the applicant shall state the preferred  
6 location ~~dock~~ at which the operation is to ~~riverboat is based~~  
7 ~~and the water on which the riverboat will~~ be located. The SEFEL  
8 Board shall issue 25 ~~5~~ licenses to become effective not earlier  
9 than July 1, 2011. The first 23 licenses must raise a minimum  
10 of \$1,000,000,000 in awards as a group of 23. If the total  
11 amount of awarded bids does not exceed a minimum of  
12 \$1,000,000,000, the SEFEL Board may, at its option, select  
13 certain (or all) licenses and rebid them.

14 1 of 25 (Area "I") - One SEFEL shall be issued for  
15 servicing the population areas of: Rochester, Minnesota,  
16 Wausau, Wisconsin, Eau Claire, Wisconsin, La Crosse,  
17 Wisconsin, Madison, Wisconsin, State of Minnesota, and those  
18 areas in between.

19 2 of 25 (Area "A") - One SEFEL shall be issued for  
20 servicing the population the areas of: Green Bay, Wisconsin,  
21 Racine, Wisconsin, Sheboygan, Wisconsin, Oshkosh, Wisconsin,  
22 Milwaukee, Wisconsin, Kenosha, Wisconsin, and those areas in  
23 between.

24 3 and 4 of 25 (Areas "C1" and "C2") - 2 SEFEL's shall be  
25 issued for servicing the population areas of: Gary, Indiana,  
26 South Bend, Indiana, Cleveland, Ohio, Pittsburgh,

1 Pennsylvania, Fort Wayne, Indiana, Toledo, Ohio, Kalamazoo,  
2 Michigan, most of the State of Michigan, and those areas in  
3 between.

4 5 and 6 of 25 (Areas "B5" and "B6") 2 SEFEL's shall be  
5 issued for servicing the population areas of: Chicago North,  
6 Chicago West, and those areas in between. This market enjoys  
7 the opportunity to draw the vast number of annual Chicago  
8 tourists of nearly 45 million.

9 7 of 25 (Area "J") One SEFEL shall be issued for servicing  
10 the population areas of: Central Illinois and the more densely  
11 populated areas of Springfield, Bloomington, Peoria,  
12 Champaign, Decatur, Lincoln, and those areas in between. This  
13 market is currently served by an existing riverboat.

14 8 and 9 of 25 (Areas "D1" and "D2") 2 SEFEL's shall be  
15 issued for servicing the population areas of: Terre Haute,  
16 Indiana, Indianapolis, Indiana, Dayton, Ohio, Columbus, Ohio,  
17 and those areas in between.

18 10 of 25 (Area "E1") One SEFEL shall be issued for  
19 servicing the population areas of: Cape Girardeau, Missouri,  
20 Little Rock, Arkansas, Memphis, Tennessee, the State of  
21 Mississippi, and those areas in between.

22 11 and 12 of 25 (Areas "F1" and "F2") 2 SEFEL's shall be  
23 issued for servicing the population areas of: Springfield,  
24 Missouri, St. Louis, Missouri, Tulsa, Oklahoma, Fort Smith,  
25 Missouri, and those areas in between. This area is served by 2  
26 existing riverboats.

1       13 of 25 (Area "G") One SEFEL shall be issued for servicing  
2 the population areas of: Quincy, Illinois, Columbia, Missouri,  
3 Kansas City, Missouri, St. Joseph, Missouri, Topeka, Kansas,  
4 and those areas in between.

5       14 and 15 of 25 (Areas "H1" and "H2") 2 SEFEL's shall be  
6 issued for servicing the population areas of: Davenport, Iowa,  
7 Cedar Rapids, Iowa, Waterloo, Iowa, Des Moines, Iowa, Lincoln,  
8 Nebraska, Omaha, Nebraska, Sioux City, Iowa, and those areas in  
9 between. This area is currently served by one riverboat.

10       16 of 25 (Area "D3") One SEFEL shall be issued for  
11 servicing the population areas of: Evansville, Indiana,  
12 Cincinnati, Ohio, Lexington, Kentucky, Huntington, West  
13 Virginia, and those areas in between.

14       17 and 18 of 25 (Areas "E2" and "E3") 2 SEFEL's shall be  
15 issued for servicing the population areas of: Clarksville,  
16 Tennessee, Nashville, Tennessee, Knoxville, Tennessee,  
17 Atlanta, Georgia, Birmingham, Alabama, Chattanooga, Tennessee,  
18 Charlotte, North Carolina, and those areas in between. This  
19 area is currently served by one riverboat.

20       19 and 20 of 25 (Areas "B2" and "B3") 2 SEFEL's shall be  
21 issued for servicing the Joliet area in respect to the 2  
22 existing riverboat licenses.

23       21 of 25 (Area "B4") One SEFEL shall be issued for  
24 servicing the Aurora area in respect to the existing riverboat  
25 license.

26       22 of 25 (Area "B1") One SEFEL shall be issued for



1 servicing the Elgin area in respect to the existing riverboat  
2 license.

3 23 of 25 (Area "B7") One SEFEL shall be issued for  
4 servicing the Des Plaines area in respect to the existing  
5 riverboat license.

6 24 and 25 of 25 (Areas "K" and "L") 2 additional SEFEL  
7 licenses shall be issued but held in reserve for contingency.

8 Ten licenses are allotted for consideration of the current  
9 10 riverboat licensees and are referenced in this subsection  
10 (e).

11 The SEFEL Board shall lead the petition and subsequent  
12 efforts to acquire 2 more professional sports franchises for  
13 the City of Chicago and surrounding suburbs with one franchise  
14 for the area near O'Hare Airport and one along a new highway  
15 expansion or extension and shall include 2 new stadiums and a  
16 consolidated World Soccer Hall of Fame and Museum. The SEFEL  
17 Board shall have Homeland Innovation, LLC, monitor population  
18 and traffic patterns of SEFEL's so that 5 years after the third  
19 SEFEL is constructed, new or additional airport planning may  
20 begin. January 1, 1991. Three of such licenses shall authorize  
21 riverboat gambling on the Mississippi River, or, with approval  
22 by the municipality in which the riverboat was docked on August  
23 7, 2003 and with Board approval, be authorized to relocate to a  
24 new location, in a municipality that (1) borders on the  
25 Mississippi River or is within 5 miles of the city limits of a  
26 municipality that borders on the Mississippi River and (2), on

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

15 In granting all licenses, the SEFEL Board may give  
16 favorable consideration to economically depressed areas of the  
17 State, to applicants presenting plans which provide for  
18 significant economic development over a large geographic area,  
19 and to applicants who currently operate Gaming or Family  
20 Amusement Venues ~~non-gambling riverboats~~ in Illinois. The  
21 Board shall review all applications for owners licenses, and  
22 shall inform each applicant of the Board's decision. The SEFEL  
23 Board may award a percentage license to one applicant and not  
24 another within the same SEFEL location. The Board may grant an  
25 owners license to an applicant that has not submitted the  
26 highest license bid deposit, but if it does not select the

1 highest bidder deposit, the Board shall issue a written  
2 decision explaining why another applicant was selected and  
3 identifying the factors set forth in this Section that favored  
4 the winning bidder.

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

12 (f) The first 25 ~~10~~ owners licenses issued under this Act  
13 shall permit the holder to own percentages in up to 2 SEFEL  
14 gaming locations ~~riverboats~~ and equipment thereon for a period  
15 of 7 ~~3~~ years after the effective date of the license. Holders  
16 of the first 25 ~~10~~ owners licenses must pay the annual license  
17 fee for each of the 7 ~~3~~ years during which they are authorized  
18 to own land-based casino rights ~~riverboats~~.

19 (g) Upon the termination, expiration, or revocation of each  
20 of the first 25 ~~10~~ licenses, which shall be issued for a 7 ~~3~~  
21 year period, all licenses are renewable annually upon payment  
22 of the fee and a determination by the Gaming Board that the  
23 licensee continues to meet all of the requirements of this Act  
24 and the Board's rules. However, for licenses renewed on or  
25 after May 1, 2019 ~~1998~~, renewal shall be for a period of 4  
26 years, unless the Gaming Board sets a shorter period.

1 (h) An owners license shall entitle the licensee to own up  
2 to 2 SEFEL Venues ~~riverboats~~. A licensee shall limit the number  
3 of gambling participants ~~to 1,200~~ for any such owners license  
4 to a number calculated under the SEFEL formula. A licensee may  
5 operate both of its Gaming Venues ~~riverboats~~ concurrently,  
6 provided that the total number of gambling participants at ~~on~~  
7 both Venues ~~riverboats~~ does not exceed the same figure  
8 calculated in this subsection (h). Gaming and Non-Gaming venues  
9 ~~1,200~~. ~~Riverboats~~ licensed to operate ~~on the Mississippi River~~  
10 ~~and the Illinois River south of Marshall County~~ shall have an  
11 authorized capacity of at least 50,000 ~~500~~ persons. Any other  
12 additional Venues ~~riverboat~~ licensed under this Act shall have  
13 an authorized capacity of at least 250 ~~400~~ persons.

14 (i) A licensed owner is authorized to apply to the SEFEL  
15 Board for and, if approved therefore ~~therefor~~, to receive all  
16 licenses from the SEFEL Board necessary for the operation of  
17 the initial Gaming Venue ~~a riverboat~~, including a liquor  
18 license, a license to prepare and serve food for human  
19 consumption, and other necessary licenses. Subsequent Gaming  
20 License renewals shall be through the Illinois SEFEL Board. All  
21 use, occupation and excise taxes which apply to the sale of  
22 food and beverages in this State and all taxes imposed on the  
23 sale or use of tangible personal property apply to such sales  
24 within the confines of the SEFEL complex ~~aboard the riverboat~~.

25 (j) The SEFEL Board may issue or re-issue a license  
26 authorizing a casino ~~riverboat to dock~~ in a municipality or

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

12 (Source: P.A. 95-1008, eff. 12-15-08; 96-1392, eff. 1-1-11.)

13 (230 ILCS 10/7.1)

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

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

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

8 (c) Notwithstanding anything to the contrary in Section  
9 7(e), an applicant may apply to the SEFEL Board for approval of  
10 relocation of a re-issued license to a new home ~~deck~~ location  
11 authorized under Section 3(c) upon receipt of the approval from  
12 the municipality or county, as the case may be, pursuant to  
13 Section 7(j).

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

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

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

2 (230 ILCS 10/7.3)

3 Sec. 7.3. State conduct of gambling operations.

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

16 (b) The SEFEL Board may locate any casino in ~~riverboat on~~  
17 which a gambling operation is conducted by the State in any  
18 home ~~dock~~ location authorized by Section 3(c) upon receipt of  
19 approval from a majority vote of the governing body of the  
20 municipality or county, as the case may be, in which the casino  
21 ~~riverboat~~ will operate ~~dock~~.

22 (c) The SEFEL Board shall have jurisdiction over and shall  
23 supervise all non-gambling ~~gambling~~ operations conducted by  
24 the State provided for in this Act and shall have all powers  
25 necessary and proper to fully and effectively execute the

1 provisions of this Act relating to non-gambling ~~gambling~~  
2 operations conducted by the State.

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

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

14 Each gaming facility shall post signs with a statement  
15 regarding obtaining assistance with gambling problems, the  
16 text of which shall be determined by rule by the Department of  
17 Human Services, at all entrances, exits, phones, and restrooms  
18 at the premises.

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

20 (230 ILCS 10/7.4)

21 Sec. 7.4. Manager's ~~Managers~~ licenses.

22 (a) A qualified person may apply to the SEFEL Board for a  
23 manager's ~~managers~~ license to operate and manage any gambling  
24 operation conducted by the State. The application shall be made  
25 on forms provided by the SEFEL Board and shall contain such



1 information as the Board prescribes, including but not limited  
2 to information required in Sections 6(a), (b), and (c) and  
3 information relating to the applicant's proposed price to  
4 manage State gambling operations and to provide the casino  
5 ~~riverboat~~, related gambling equipment, and supplies necessary  
6 to conduct State gambling operations.

7 (b) Each applicant must submit evidence to the SEFEL Board  
8 that minority persons and females hold ownership interests in  
9 the applicant of at least 16% and 4%, respectively.

10 (c) A person, firm, or corporation is ineligible to receive  
11 a managers license if:

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

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

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

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

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

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

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

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

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

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

13          (g) The managers license shall be for a term not to exceed  
14          10 years, shall be renewable at the SEFEL Board's option, and  
15          shall contain such terms and provisions as the SEFEL Board  
16          deems necessary to protect or enhance the credibility and  
17          integrity of State gambling operations, achieve the highest  
18          prospective total revenue to the State, and otherwise serve the  
19          interests of the citizens of Illinois.

20          (h) Issuance of a manager's ~~managers~~ license shall be  
21          subject to an open and competitive bidding process. The Board  
22          may select an applicant other than the lowest bidder by price.  
23          If it does not select the lowest bidder, the Board shall issue  
24          a notice of who the lowest bidder was and a written decision as  
25          to why another bidder was selected.

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

1 (230 ILCS 10/7.5)

2 Sec. 7.5. Competitive Bidding. When the SEFEL Board  
3 determines that it will re-issue an owners license pursuant to  
4 an open and competitive bidding deposit process, as set forth  
5 in Section 7.1, or that it will issue a managers license  
6 pursuant to an open and competitive bidding deposit process, as  
7 set forth in Section 7.4, the open and competitive bidding  
8 deposit process shall adhere to the following procedures:

9 (1) The Board shall make applications for owners and  
10 managers licenses available to the public and allow a  
11 reasonable time for applicants to submit applications to the  
12 Board.

13 (2) During the filing period for owners or managers license  
14 applications, the SEFEL Board will retain Homeland Innovation,  
15 LLC, and may retain the services of an investment banking firm  
16 to assist the Board in conducting the open and competitive  
17 bidding process.

18 (3) After receiving all of the bid deposit proposals, the  
19 SEFEL Board shall open all of the proposals in a public forum  
20 and disclose the prospective owners or managers names, venture  
21 partners, if any, and, in the case of applicants for owners  
22 licenses, the locations of the proposed development sites.

23 (4) The Board shall summarize the terms of the deposit  
24 proposals and may make this summary available to the public.

25 (5) The Board shall evaluate the proposals, along with

1 Homeland Innovation, LLC, within a reasonable time and select  
2 no more than 3 final applicants to make presentations of their  
3 proposals to the Board for each of the 23 SEFEL Developments.

4 (6) The final applicants shall make their presentations to  
5 the Board and Homeland Innovation, LLC, on the same day during  
6 an open session of the Board.

7 (7) As soon as practicable after the public presentations  
8 by the final applicants, the Board, in its discretion, may  
9 conduct further negotiations among the 3 final applicants.  
10 During such negotiations, each final applicant may increase its  
11 license bid deposit or otherwise enhance its bid proposal. At  
12 the conclusion of such negotiations, the Board shall select the  
13 winning proposal. In the case of negotiations for an owners  
14 license, the Board may, at the conclusion of such negotiations,  
15 make the determination allowed under Section 7.3(a).

16 (8) Upon selection of a winning bid deposit, the Board and  
17 Homeland Innovation, LLC, shall evaluate the winning bid within  
18 a reasonable period of time for licensee suitability in  
19 accordance with all applicable statutory and regulatory  
20 criteria.

21 (9) If the winning bidder is unable or otherwise fails to  
22 consummate the transaction, (including if the Board determines  
23 that the winning bidder does not satisfy the suitability  
24 requirements), the Board may, on the same criteria, select from  
25 the remaining bidders or make the determination allowed under  
26 Section 7.3(a).

1       (10) The actual bid price and license cost is calculated as  
2 follows: the gross receipts of the first 1,825 days (5 years)  
3 of casino or gaming operations, divided by 5, less the initial  
4 bid deposit. The balance will be due within 180 days and  
5 payment arrangements will be handled by Homeland Innovation,  
6 LLC.

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

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

9       Sec. 8. Supplier's ~~Suppliers~~ licenses.

10       (a) The Board may issue a suppliers license to such  
11 persons, firms or corporations which apply therefore ~~therefor~~  
12 upon the payment of a non-refundable application fee set by the  
13 Board, upon a determination by the Board that the applicant is  
14 eligible for a supplier's ~~suppliers~~ license and upon payment of  
15 a \$10,000 ~~\$5,000~~ annual license fee.

16       (b) The holder of a suppliers license is authorized to sell  
17 or lease, and to contract to sell or lease, gambling equipment  
18 and supplies to any licensee involved in the ownership or  
19 management of gambling operations.

20       (c) Gambling supplies and equipment may not be distributed  
21 unless supplies and equipment conform to standards adopted by  
22 rules of the Board.

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

25           (1) the person has been convicted of a felony under the

1 laws of this State, any other state, or the United States;

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

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

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

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

11 (6) the firm or corporation employs a person who  
12 participates in the management or operation of casino  
13 ~~riverboat~~ gambling authorized under this Act;

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

18 (e) Any person that supplies any equipment, devices, or  
19 supplies to a licensed casino ~~riverboat~~ gambling operation must  
20 first obtain a suppliers license. A supplier shall furnish to  
21 the Board a list of all equipment, devices and supplies offered  
22 for sale or lease in connection with gambling games authorized  
23 under this Act. A supplier shall keep books and records for the  
24 furnishing of equipment, devices and supplies to gambling  
25 operations separate and distinct from any other business that  
26 the supplier might operate. A supplier shall file a quarterly

1 return with the Board listing all sales and leases. A supplier  
2 shall permanently affix its name to all its equipment, devices,  
3 and supplies for gambling operations. Any supplier's  
4 equipment, devices or supplies which are used by any person in  
5 an unauthorized gambling operation shall be forfeited to the  
6 State. A licensed owner may own its own equipment, devices and  
7 supplies. Each holder of an owners license under the Act shall  
8 file an annual report listing its inventories of gambling  
9 equipment, devices and supplies.

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

12 (g) Any gambling equipment, devices and supplies provided  
13 by any licensed supplier may either be repaired at ~~on~~ the  
14 casino riverboat or removed from the casino riverboat to a ~~an~~  
15 ~~on-shore~~ facility owned by the holder of an owners license for  
16 repair.

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

18 (230 ILCS 10/9) (from Ch. 120, par. 2409)

19 Sec. 9. Occupational licenses.

20 (a) The Board may issue an occupational license to an  
21 applicant upon the payment of a non-refundable fee set by the  
22 Board, upon a determination by the Board that the applicant is  
23 eligible for an occupational license and upon payment of an  
24 annual license fee in an amount to be established. To be  
25 eligible for an occupational license, an applicant must:

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

5           (2) not have been convicted of a felony offense, a  
6 violation of Article 28 of the Criminal Code of 1961, or a  
7 similar statute of any other jurisdiction, or a crime;

8 ~~(2.5) not have been convicted of a crime, other than a~~  
9 ~~crime described in item (2) of this subsection (a),~~  
10 involving dishonesty or moral turpitude, ~~except that the~~  
11 ~~Board may, in its discretion, issue an occupational license~~  
12 ~~to a person who has been convicted of a crime described in~~  
13 ~~this item (2.5) more than 10 years prior to his or her~~  
14 ~~application and has not subsequently been convicted of any~~  
15 ~~other crime;~~

16           (3) have demonstrated a level of skill or knowledge  
17 which the Board determines to be necessary in order to  
18 operate gambling at ~~aboard~~ a casino riverboat; and

19           (4) have met standards for the holding of an  
20 occupational license as adopted by rules of the Board. Such  
21 rules shall provide that any person or entity seeking an  
22 occupational license to manage gambling operations  
23 hereunder shall be subject to background inquiries and  
24 further requirements similar to those required of  
25 applicants for an owners license. Furthermore, such rules  
26 shall provide that each such entity shall be permitted to



1 manage gambling operations for only one licensed owner.

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

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

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

26 (e) The Board may suspend, revoke or restrict any

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

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

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

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

19 (i) Any training provided for occupational licensees may be  
20 conducted either at ~~on~~ the casino riverboat or at a school with  
21 which a licensed owner has entered into an agreement pursuant  
22 to subsection (h).

23 (Source: P.A. 96-1392, eff. 1-1-11.)

24 (230 ILCS 10/10) (from Ch. 120, par. 2410)

25 Sec. 10. Bond of licensee. Before an owners license is

1 issued or re-issued or a manager's ~~managers~~ license is issued,  
2 the licensee shall post a bond in the sum of \$500,000 ~~\$200,000~~  
3 to the State of Illinois. The bond shall be used to guarantee  
4 that the licensee faithfully makes the payments, keeps his  
5 books and records and makes reports, and conducts his games of  
6 chance in conformity with this Act and the rules adopted by the  
7 Board. The bond shall not be canceled by a surety on less than  
8 30 days notice in writing to the Board. If a bond is canceled  
9 and the licensee fails to file a new bond with the Board in the  
10 required amount on or before the effective date of  
11 cancellation, the licensee's license shall be revoked. The  
12 total and aggregate liability of the surety on the bond is  
13 limited to the amount specified in the bond.

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

15 (230 ILCS 10/11) (from Ch. 120, par. 2411)

16 Sec. 11. Conduct of gambling. Gambling may be conducted by  
17 licensed owners or licensed managers on behalf of the State  
18 inside SEFEL Casinos ~~aboard riverboats~~, subject to the  
19 following standards:

20 (1) A licensee may conduct SEFEL Casino ~~riverboat~~  
21 gambling authorized under this Act ~~regardless of whether it~~  
22 ~~conducts excursion cruises~~. A licensee may permit the  
23 continuous ingress and egress of passengers ~~on a riverboat~~  
24 ~~not used for excursion cruises~~ for the purpose of gambling.  
25 ~~Excursion cruises shall not exceed 4 hours for a round~~

1 ~~trip. However, the Board may grant express approval for an~~  
2 ~~extended cruise on a case-by-case basis.~~

3 (2) (Blank).

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

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

13 (5) Employees of the Board shall have the right to be  
14 present at ~~on~~ the casino ~~riverboat~~ or on adjacent  
15 facilities under the control of the licensee.

16 (6) Gambling equipment and supplies customarily used  
17 in conducting ~~riverboat~~ gambling must be purchased or  
18 leased only from suppliers licensed for such purpose under  
19 this Act. ~~The Board may approve the transfer, sale, or~~  
20 ~~lease of gambling equipment and supplies by a licensed~~  
21 ~~owner from or to an affiliate of the licensed owner as long~~  
22 ~~as the gambling equipment and supplies were initially~~  
23 ~~acquired from a supplier licensed in Illinois.~~

24 (7) Persons licensed under this Act shall permit no  
25 form of wagering on gambling games except as permitted by  
26 this Act.

1 (8) Wagers may be received only from a person present  
2 at a licensed casino with the only exception of those  
3 instances of March Madness Bracket Wagers subject to the  
4 verifiable and legal age requirements mentioned within  
5 this Act. No person present at a licensed casino ~~on a~~  
6 ~~licensed riverboat. No person present on a licensed~~  
7 ~~riverboat~~ shall place or attempt to place a wager on behalf  
8 of another person who is not present on the casino  
9 ~~riverboat~~.

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

12 (10) A person under age 21 shall not be permitted at ~~on~~  
13 an area of a casino ~~riverboat~~ where gambling is being  
14 conducted, except for a person at least 18 years of age who  
15 is an employee of the casino ~~riverboat~~ gambling operation.  
16 No employee under age 21 shall perform any function  
17 involved in gambling by the patrons. No person under age 21  
18 shall be permitted to make a wager under this Act, ~~and any~~  
19 ~~winnings that are a result of a wager by a person under age~~  
20 ~~21, whether or not paid by a licensee, shall be treated as~~  
21 ~~winnings for the privilege tax purposes, confiscated, and~~  
22 ~~forfeited to the State and deposited into the Education~~  
23 ~~Assistance Fund.~~

24 (11) (Blank). ~~Gambling excursion cruises are permitted~~  
25 ~~only when the waterway for which the riverboat is licensed~~  
26 ~~is navigable, as determined by the Board in consultation~~

1 ~~with the U.S. Army Corps of Engineers. This paragraph (11)~~  
2 ~~does not limit the ability of a licensee to conduct~~  
3 ~~gambling authorized under this Act when gambling excursion~~  
4 ~~cruises are not permitted.~~

5 (12) All tokens, chips or electronic cards used to make  
6 wagers must be purchased from a licensed owner or manager  
7 either at ~~aboard~~ a casino riverboat or another ~~at an~~  
8 ~~onsore~~ facility which has been recommended by Homeland  
9 Innovation, LLC, and approved by the Board and which is  
10 located where the casino is located ~~riverboat docks~~. The  
11 tokens, chips or electronic cards may be purchased by means  
12 of an agreement under which the owner or manager extends  
13 credit to the patron through a licensed third party as  
14 recommended by Homeland Innovation, LLC. Such tokens,  
15 chips or electronic cards may be used while at ~~aboard~~ the  
16 casino riverboat only for the purpose of making wagers on  
17 gambling games.

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

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

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

10 (Source: P.A. 96-1392, eff. 1-1-11.)

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

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

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

22 (230 ILCS 10/11.2)

23 Sec. 11.2. Relocation of casino facilities ~~riverboat home~~  
24 ~~dock~~.

1 (a) A licensee that was not conducting casino ~~riverboat~~  
2 gambling on January 1, 2011 ~~1998~~ may apply to the Board for  
3 renewal and approval of relocation to a ~~new home dock~~ location  
4 authorized under Section 3(c) and the Board shall grant the  
5 application and approval upon receipt by the licensee of  
6 approval from the new municipality or county, as the case may  
7 be, in which the licensee wishes to relocate pursuant to  
8 Section 7(j).

9 (b) Any licensee that relocates its facility ~~home dock~~  
10 pursuant to this Section shall attain a level of at least 20%  
11 minority person and female ownership, at least 16% and 4%  
12 respectively, within a time period prescribed by the Board, but  
13 not to exceed 12 months from the date the licensee begins  
14 conducting gambling at the new ~~home dock~~ location. The 12-month  
15 period shall be extended by the amount of time necessary to  
16 conduct a background investigation pursuant to Section 6. For  
17 the purposes of this Section, the terms "female" and "minority  
18 person" have the meanings provided in Section 2 of the Business  
19 Enterprise for Minorities, Females, and Persons with  
20 Disabilities Act.

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

22 (230 ILCS 10/12) (from Ch. 120, par. 2412)

23 Sec. 12. Admission tax; fees.

24 (a) A tax is hereby imposed upon admissions to casinos  
25 ~~riverboats~~ operated by licensed owners authorized pursuant to



1 this Act. Until July 1, 2002, the rate is \$2 per person  
2 admitted. From July 1, 2022 ~~2002 until July 1, 2003~~, the rate  
3 is \$3 per person admitted. From July 2, 2022 until July 1,  
4 2033, the rate is \$4 per person admitted. From July 1, 2033  
5 ~~until 1, 2003 until August 23, 2005~~ (the effective date of this  
6 amendatory Act of the 97th General Assembly ~~Public Act 94-673~~),  
7 for a licensee that admitted 1,000,000 persons or fewer in the  
8 previous calendar year, the rate is \$4 ~~\$3~~ per person admitted;  
9 for a licensee that admitted more than 1,000,000 but no more  
10 than 2,300,000 persons in the previous calendar year, the rate  
11 is \$4 per person admitted; and for a licensee that admitted  
12 more than 2,300,000 persons in the previous calendar year, the  
13 rate is \$5 per person admitted. Beginning on ~~August 23, 2005~~  
14 ~~(the effective date of~~ this amendatory Act of the 97th General  
15 Assembly ~~Public Act 94-673~~), for a licensee that admitted  
16 1,000,000 persons or fewer in calendar year 2024 ~~2004~~, the rate  
17 is \$2 per person admitted, and for all other licensees,  
18 ~~including licensees that were not conducting gambling~~  
19 ~~operations in 2004~~, the rate is \$3 per person admitted. This  
20 admission tax is imposed upon the licensed owner conducting  
21 gambling.

22 (1) The admission tax shall be paid for each admission,  
23 ~~except that a person who exits a riverboat gambling~~  
24 ~~facility and reenters that riverboat gambling facility~~  
25 ~~within the same gaming day shall be subject only to the~~  
26 ~~initial admission tax.~~

1 (2) (Blank).

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

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

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

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

21 (2) (Blank).

22 (3) The licensed managers ~~manager~~ may issue fee-free  
23 passes to actual and necessary officials and employees of  
24 the manager or other persons actually working at ~~on~~ the  
25 SEFEL component ~~riverboat~~.

26 (4) The number and issuance of fee-free passes is

1 subject to the rules of the SEFEL Board, and a list of all  
2 persons to whom the fee-free passes are issued shall be  
3 filed with the SEFEL Board.

4 (b) From the tax imposed under subsection (a) and the fee  
5 imposed under subsection (a-5), a municipality shall receive  
6 from the State \$1 for each person entering a casino ~~embarking~~  
7 ~~on a riverboat docked~~ within the municipality, and a county  
8 shall receive \$1 for each person entering a casino ~~embarking on~~  
9 ~~a riverboat docked~~ within the county but outside the boundaries  
10 of any municipality. The municipality's or county's share shall  
11 be collected by the Board on behalf of the State and remitted  
12 quarterly by the State, subject to appropriation, to the  
13 treasurer of the unit of local government for deposit in the  
14 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 (d) The Board shall administer and collect the admission  
24 tax imposed by this Section, to the extent practicable, in a  
25 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
26 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the

1 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
2 Penalty and Interest Act.

3 (Source: P.A. 95-663, eff. 10-11-07; 96-1392, eff. 1-1-11.)

4 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

6 (a) This rate shall follow the SEFEL formula which includes  
7 the configuration of the facility. If the quarterly gaming  
8 percentage of total SEFEL revenue is greater than 50%, then the  
9 tax rate shall be multiplied by a factor of 1.3. Until January  
10 1, 1998, a tax is imposed on the adjusted gross receipts  
11 received from gambling games authorized under this Act at the  
12 rate of 20%.

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

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

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

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

25 30% of annual adjusted gross receipts in excess of

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

2 ~~35% of annual adjusted gross receipts in excess of~~  
3 ~~\$100,000,000.~~

4 (a-2) (Blank). ~~From July 1, 2002 until July 1, 2003, a~~  
5 ~~privilege tax is imposed on persons engaged in the business of~~  
6 ~~conducting riverboat gambling operations, other than licensed~~  
7 ~~managers conducting riverboat gambling operations on behalf of~~  
8 ~~the 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 receipts up to and~~  
12 ~~including \$25,000,000;~~

13 ~~22.5% of annual adjusted gross receipts in excess of~~  
14 ~~\$25,000,000 but not exceeding \$50,000,000;~~

15 ~~27.5% of annual adjusted gross receipts in excess of~~  
16 ~~\$50,000,000 but not exceeding \$75,000,000;~~

17 ~~32.5% of annual adjusted gross receipts in excess of~~  
18 ~~\$75,000,000 but not exceeding \$100,000,000;~~

19 ~~37.5% of annual adjusted gross receipts in excess of~~  
20 ~~\$100,000,000 but not exceeding \$150,000,000;~~

21 ~~45% of annual adjusted gross receipts in excess of~~  
22 ~~\$150,000,000 but not exceeding \$200,000,000;~~

23 ~~50% of annual adjusted gross receipts in excess of~~  
24 ~~\$200,000,000.~~

25 (a-3) (Blank). ~~Beginning July 1, 2003, a privilege tax is~~  
26 ~~imposed on persons engaged in the business of conducting~~

1 ~~riverboat gambling operations, other than licensed managers~~  
2 ~~conducting riverboat gambling operations on behalf of the~~  
3 ~~State, based on the adjusted gross receipts received by a~~  
4 ~~licensed owner from gambling games authorized under this Act at~~  
5 ~~the following rates:~~

6 ~~15% of annual adjusted gross receipts up to and~~  
7 ~~including \$25,000,000;~~

8 ~~27.5% of annual adjusted gross receipts in excess of~~  
9 ~~\$25,000,000 but not exceeding \$37,500,000;~~

10 ~~32.5% of annual adjusted gross receipts in excess of~~  
11 ~~\$37,500,000 but not exceeding \$50,000,000;~~

12 ~~37.5% of annual adjusted gross receipts in excess of~~  
13 ~~\$50,000,000 but not exceeding \$75,000,000;~~

14 ~~45% of annual adjusted gross receipts in excess of~~  
15 ~~\$75,000,000 but not exceeding \$100,000,000;~~

16 ~~50% of annual adjusted gross receipts in excess of~~  
17 ~~\$100,000,000 but not exceeding \$250,000,000;~~

18 ~~70% of annual adjusted gross receipts in excess of~~  
19 ~~\$250,000,000.~~

20 ~~An amount equal to the amount of wagering taxes collected~~  
21 ~~under this subsection (a-3) that are in addition to the amount~~  
22 ~~of wagering taxes that would have been collected if the~~  
23 ~~wagering tax rates under subsection (a-2) were in effect shall~~  
24 ~~be paid into the Common School Fund.~~

25 ~~The privilege tax imposed under this subsection (a-3) shall~~  
26 ~~no longer be imposed beginning on the earlier of (i) July 1,~~

1 ~~2005; (ii) the first date after June 20, 2003 that riverboat~~  
2 ~~gambling operations are conducted pursuant to a dormant~~  
3 ~~license; or (iii) the first day that riverboat gambling~~  
4 ~~operations are conducted under the authority of an owners~~  
5 ~~license that is in addition to the 10 owners licenses initially~~  
6 ~~authorized under this Act. For the purposes of this subsection~~  
7 ~~(a-3), the term "dormant license" means an owners license that~~  
8 ~~is authorized by this Act under which no riverboat gambling~~  
9 ~~operations are being conducted on June 20, 2003.~~

10 (a-4) (Blank). ~~Beginning on the first day on which the tax~~  
11 ~~imposed under subsection (a-3) is no longer imposed, a~~  
12 ~~privilege tax is imposed on persons engaged in the business of~~  
13 ~~conducting riverboat gambling operations, other than licensed~~  
14 ~~managers conducting riverboat gambling operations on behalf of~~  
15 ~~the State, based on the adjusted gross receipts received by a~~  
16 ~~licensed owner from gambling games authorized under this Act at~~  
17 ~~the following rates:~~

18 ~~15% of annual adjusted gross receipts up to and~~  
19 ~~including \$25,000,000;~~

20 ~~22.5% of annual adjusted gross receipts in excess of~~  
21 ~~\$25,000,000 but not exceeding \$50,000,000;~~

22 ~~27.5% of annual adjusted gross receipts in excess of~~  
23 ~~\$50,000,000 but not exceeding \$75,000,000;~~

24 ~~32.5% of annual adjusted gross receipts in excess of~~  
25 ~~\$75,000,000 but not exceeding \$100,000,000;~~

26 ~~37.5% of annual adjusted gross receipts in excess of~~

1 ~~\$100,000,000 but not exceeding \$150,000,000;~~

2 ~~45% of annual adjusted gross receipts in excess of~~

3 ~~\$150,000,000 but not exceeding \$200,000,000;~~

4 ~~50% of annual adjusted gross receipts in excess of~~

5 ~~\$200,000,000.~~

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

9 (a-10) The taxes imposed by this Section shall be paid by  
10 the licensed owner to the Board not later than 3:00 ~~5:00~~  
11 o'clock p.m. of the day after the day when the wagers were  
12 made.

13 (a-15) If the privilege tax imposed under subsection (a-3)  
14 is no longer imposed pursuant to item (i) of the last paragraph  
15 of subsection (a-3), then by June 15 of each year, each owners  
16 licensee, other than an owners licensee that admitted 1,000,000  
17 persons or fewer in calendar year 2014 ~~2004~~, must, in addition  
18 to the payment of all amounts otherwise due under this Section,  
19 pay to the Board ~~a reconciliation payment in~~ the amount, if  
20 any, by which the licensed owner's base amount exceeds the  
21 amount of ~~net privilege~~ tax paid under this Section by the  
22 licensed owner ~~to the Board~~ in the then current State fiscal  
23 year. ~~A licensed owner's net privilege tax obligation due for~~  
24 ~~the balance of the State fiscal year shall be reduced up to the~~  
25 ~~total of the amount paid by the licensed owner in its June 15~~  
26 ~~reconciliation payment.~~ The obligation imposed by this



1 subsection (a-15) is binding on any person, firm, corporation,  
2 or other entity that acquires an ownership interest in any such  
3 owners license. The obligation imposed under this subsection  
4 (a-15) terminates on the earliest of: (i) July 1, 2027 ~~2007~~,  
5 (ii) the first day after the effective date of this amendatory  
6 Act of the 97th ~~94th~~ General Assembly that casino ~~riverboat~~  
7 gambling operations are conducted pursuant to a dormant  
8 license, or (iii) the first day that casino ~~riverboat~~ gambling  
9 operations are conducted under the authority of an owners  
10 license that is in addition to the 23 ~~10~~ owners licenses  
11 initially authorized under this Act, ~~or (iv) the first day that~~  
12 ~~a licensee under the Illinois Horse Racing Act of 1975 conducts~~  
13 ~~gaming operations with slot machines or other electronic gaming~~  
14 ~~devices~~. The Board must reduce the obligation imposed under  
15 this subsection (a-15) by an amount the Board deems reasonable  
16 for any of the following reasons: (A) an act or acts of God,  
17 (B) an act of bioterrorism or terrorism or a bioterrorism or  
18 terrorism threat that was investigated by a law enforcement  
19 agency, or (C) a condition beyond the control of the owners  
20 licensee that does not result from any act or omission by the  
21 owners licensee or any of its agents and that poses a hazardous  
22 threat to the health and safety of patrons. If an owners  
23 licensee pays an amount in excess of its liability under this  
24 Section, the Board shall apply the overpayment to future  
25 payments required under this Section.

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

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

5 "Base amount" means the following:

6 ~~For a riverboat in Alton, \$31,000,000.~~

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

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

9 ~~For a riverboat in Metropolis, \$45,000,000.~~

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

11 ~~For a riverboat in Aurora, \$86,000,000.~~

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

13 ~~For a riverboat in Elgin, \$198,000,000.~~

14 ~~"Dormant license" has the meaning ascribed to it in~~  
15 ~~subsection (a-3).~~

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

20 ~~The changes made to this subsection (a-15) by Public Act~~  
21 ~~94-839 are intended to restate and clarify the intent of Public~~  
22 ~~Act 94-673 with respect to the amount of the payments required~~  
23 ~~to be made under this subsection by an owners licensee to the~~  
24 ~~Board.~~

25 (b) Until January 1, 2012 ~~1998~~, 25% of the tax revenue  
26 deposited in the State Gaming Fund under this Section shall be

1 paid, subject to appropriation by the General Assembly, to the  
2 unit of local government which is designated as the home ~~dock~~  
3 of the SEFEL Casino ~~riverboat~~. Beginning January 1, 2012 ~~1998~~,  
4 from the tax revenue deposited in the State Gaming Fund under  
5 this Section, an amount equal to 5% of adjusted gross receipts  
6 generated by a SEFEL Casino ~~riverboat~~ shall be paid monthly,  
7 subject to appropriation by the General Assembly, to the unit  
8 of local government that is designated as the home ~~dock~~ of the  
9 SEFEL Casino ~~riverboat~~. From the tax revenue deposited in the  
10 State Gaming Fund pursuant to SEFEL Casino ~~riverboat~~ gambling  
11 operations conducted by a licensed manager on behalf of the  
12 State, an amount equal to 5% of adjusted gross receipts  
13 generated pursuant to those casino ~~riverboat~~ gambling  
14 operations shall be paid monthly, subject to appropriation by  
15 the General Assembly, to the unit of local government that is  
16 designated as the casino at ~~home dock of the riverboat upon~~  
17 which those ~~riverboat~~ gambling operations are conducted.

18 (c) Appropriations, as approved by the General Assembly,  
19 may be made from the State Gaming Fund to the Department of  
20 Revenue and Board ~~(i) for the administration and enforcement of~~  
21 ~~this Act and the Video Gaming Act, (ii) for distribution to the~~  
22 Department of State Police ~~and to the Department of Revenue~~ for  
23 the administration and enforcement of this Act, or ~~and (iii)~~ to  
24 the Department of Human Services for the administration of  
25 programs to treat problem gambling.

26 (c-5) After ~~Before May 26, 2006~~ ~~(the effective date of~~

1 ~~Public Act 94-804) and beginning on the effective date of this~~  
2 ~~amendatory Act of the 95th General Assembly, unless any~~  
3 ~~organization licensee under the Illinois Horse Racing Act of~~  
4 ~~1975 begins to operate a slot machine or video game of chance~~  
5 ~~under the Illinois Horse Racing Act of 1975 or this Act, after~~  
6 the payments required under subsections (b) and (c) have been  
7 made, an amount equal to 15% of the adjusted gross receipts of  
8 (1) an owners licensee that relocates pursuant to Section 11.2,  
9 (2) an owners licensee conducting casino ~~riverboat~~ gambling  
10 operations pursuant to an owners license that is initially  
11 issued after June 25, 2011 ~~1999~~, or (3) the first riverboat  
12 gambling operations conducted by a licensed manager on behalf  
13 of the State under Section 7.3, whichever comes first, shall be  
14 paid from the State Gaming Fund into the Horse Racing Equity  
15 Fund.

16 (c-10) Each year the General Assembly shall appropriate  
17 from the General Revenue Fund to the Education Assistance Fund  
18 an amount equal to the amount paid into the Horse Racing Equity  
19 Fund pursuant to subsection (c-5) in the prior calendar year.

20 (c-15) After the payments required under subsections (b),  
21 (c), and (c-5) have been made, an amount equal to 2% of the  
22 adjusted gross receipts of (1) an owners licensee that  
23 relocates pursuant to Section 11.2, (2) an owners licensee  
24 conducting casino ~~riverboat~~ gambling operations pursuant to an  
25 owners license that is initially issued after June 25, 2012  
26 ~~1999~~, or (3) the first casino ~~riverboat~~ gambling operations

1 conducted by a licensed manager on behalf of the State under  
2 Section 7.3, whichever comes first, shall be paid, subject to  
3 appropriation from the General Assembly, from the State Gaming  
4 Fund to each home rule county with a population of over  
5 3,000,000 inhabitants for the purpose of enhancing the county's  
6 criminal justice system.

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

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

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

1 (e) Nothing in this Act shall prohibit the unit of local  
2 government designated as the home ~~deck~~ of the casino riverboat  
3 from entering into agreements with other units of local  
4 government in this State or in other states to share its  
5 portion of the tax revenue.

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

12 (Source: P.A. 95-331, eff. 8-21-07; 95-1008, eff. 12-15-08;  
13 96-37, eff. 7-13-09; 96-1392, eff. 1-1-11.)

14 (230 ILCS 10/13.1)

15 Sec. 13.1. Compulsive gambling.

16 (a) Each licensed owner shall post signs with a statement  
17 regarding obtaining assistance with gambling problems, the  
18 text of which shall be determined by rule by the Department of  
19 Human Services, at the following locations in each facility at  
20 which gambling is conducted by the licensed owner:

21 (i) Each entrance and exit and public phones and  
22 restrooms.

23 (ii) Near each atm credit location (credit is not  
24 allowed to be extended as stipulated in this Act).

25 The signs shall be provided by the Department of Human

1 Services.

2 (b) Each licensed owner shall print a statement regarding  
3 obtaining assistance with gambling problems, the text of which  
4 shall be determined by rule by the Department of Human  
5 Services, on all paper stock that the licensed owner provides  
6 to the general public.

7 (Source: P.A. 89-374, eff. 1-1-96; 89-507, eff. 7-1-97.)

8 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

10 (a) A licensed owner shall keep his books and records so as  
11 to clearly show the following, and transmit such information in  
12 the daily, weekly, monthly, quarterly, and annual formats to  
13 the SEFEL Board:

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

15 (2) The total amount of gross receipts.

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

17 (4) Payout amounts.

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

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

1 Information Act.

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

3 (230 ILCS 10/15) (from Ch. 120, par. 2415)

4 Sec. 15. Audit of Licensee Operations. Within 90 days after  
5 the end of each quarter of each fiscal year ~~Annually~~, the  
6 licensed owner or manager shall transmit to the Board an audit  
7 of the financial transactions and condition of the licensee's  
8 total operations. ~~Additionally, within 90 days after the end of~~  
9 ~~each quarter of each fiscal year, the licensed owner or manager~~  
10 ~~shall transmit to the Board a compliance report on engagement~~  
11 ~~procedures determined by the Board.~~ All audits ~~and compliance~~  
12 ~~engagements~~ shall be conducted by certified public accountants  
13 selected by the SEFEL Board. Each certified public accountant  
14 must be registered in the State of Illinois under the Illinois  
15 Public Accounting Act. The compensation for each certified  
16 public accountant shall be paid directly by the licensed owner  
17 or manager to the certified public accountant.

18 (Source: P.A. 96-1392, eff. 1-1-11.)

19 (230 ILCS 10/16) (from Ch. 120, par. 2416)

20 Sec. 16. Annual Report of Board. The SEFEL Board shall make  
21 an annual report to the Governor, for the period ending  
22 December 31 of each year. Included in the report shall be an  
23 account of the Board actions, its financial position and  
24 results of operation under this Act, the practical results



1 attained under this Act and any recommendations for legislation  
2 which the SEFEL Board deems advisable.

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

4 (230 ILCS 10/17) (from Ch. 120, par. 2417)

5 Sec. 17. Administrative Procedures. The Illinois  
6 Administrative Procedure Act shall apply to all administrative  
7 rules and procedures of the Board under this Act ~~or the Video~~  
8 ~~Gaming Act~~, except that: (1) subsection (b) of Section 5-10 of  
9 the Illinois Administrative Procedure Act does not apply to  
10 final orders, decisions and opinions of the SEFEL Board; (2)  
11 subsection (a) of Section 5-10 of the Illinois Administrative  
12 Procedure Act does not apply to forms established by the Board  
13 for use under this Act ~~or the Video Gaming Act~~; (3) the  
14 provisions of Section 10-45 of the Illinois Administrative  
15 Procedure Act regarding proposals for decision are excluded  
16 under this Act ~~or the Video Gaming Act~~; and (4) the provisions  
17 of subsection (d) of Section 10-65 of the Illinois  
18 Administrative Procedure Act do not apply so as to prevent  
19 summary suspension of any license pending revocation or other  
20 action, which suspension shall remain in effect unless modified  
21 by the Board or unless the Board's decision is reversed on the  
22 merits upon judicial review.

23 (Source: P.A. 96-34, eff. 7-13-09.)

24 (230 ILCS 10/18) (from Ch. 120, par. 2418)

1           Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

10                 (1) permitting a person under 21 years to make a wager;  
11 or

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

14           (c) A person wagering or accepting a wager at any location  
15 outside the SEFEL Casino ~~riverboat~~ is subject to the penalties  
16 in paragraphs (1) or (2) of subsection (a) of Section 28-1 of  
17 the Criminal Code of 1961.

18           (d) A person commits a Class 4 felony and, in addition,  
19 shall be barred for life from SEFEL Casinos ~~riverboats~~ under  
20 the jurisdiction of the Board, if the person does any of the  
21 following:

22                 (1) Offers, promises, or gives anything of value or  
23 benefit to a person who is connected with a SEFEL Casino  
24 ~~riverboat~~ owner including, but not limited to, an officer  
25 or employee of a licensed owner or holder of an  
26 occupational license pursuant to an agreement 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 whom the offer, promise, or gift was made in order to  
4 affect or attempt to affect the outcome of a gambling game,  
5 or to influence official action of a member of the Board.

6 (2) Solicits or knowingly accepts or receives a promise  
7 of anything of value or benefit while the person is  
8 connected with a SEFEL Casino ~~riverboat~~ including, but not  
9 limited to, an officer or employee of a licensed owner, or  
10 holder of an occupational license, pursuant to an  
11 understanding or arrangement or with the intent that the  
12 promise or thing of value or benefit will influence the  
13 actions of the person to affect or attempt to affect the  
14 outcome of a gambling game, or to influence official action  
15 of a member of the Board.

16 (3) Uses or possesses with the intent to use a device  
17 to assist:

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

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

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

22 (iv) In analyzing the strategy for playing or  
23 betting to be used in the game except as permitted by  
24 the Board.

25 (4) Cheats at a gambling game.

26 (5) Manufactures, sells, or distributes any cards,

1 chips, dice, game or device which is intended to be used to  
2 violate any provision of this Act.

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

6 (7) Places a bet after acquiring knowledge, not  
7 available to all players, of the outcome of the gambling  
8 game which is subject of the bet or to aid a person in  
9 acquiring the knowledge for the purpose of placing a bet  
10 contingent on that outcome.

11 (8) Claims, collects, or takes, or attempts to claim,  
12 collect, or take, money or anything of value in or from the  
13 gambling games, with intent to defraud, without having made  
14 a wager contingent on winning a gambling game, or claims,  
15 collects, or takes an amount of money or thing of value of  
16 greater value than the amount won.

17 (9) Uses counterfeit chips or tokens in a gambling  
18 game.

19 (10) Possesses any key or device designed for the  
20 purpose of opening, entering, or affecting the operation of  
21 a gambling game, drop box, or an electronic or mechanical  
22 device connected with the gambling game or for removing  
23 coins, tokens, chips or other contents of a gambling game.  
24 This paragraph (10) does not apply to a gambling licensee  
25 or employee of a gambling licensee acting in furtherance of  
26 the employee's employment.

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

5 (f) (Blank). ~~A person under the age of 21 who, except as~~  
6 ~~authorized under paragraph (10) of Section 11, enters upon a~~  
7 ~~riverboat commits a petty offense and is subject to a fine of~~  
8 ~~not less than \$100 or more than \$250 for a first offense and of~~  
9 ~~not less than \$200 or more than \$500 for a second or subsequent~~  
10 ~~offense.~~

11 An action to prosecute any crime occurring in ~~on~~ a casino  
12 ~~riverboat~~ shall be tried in the county ~~of the dock at~~ which the  
13 casino riverboat is based unless the SEFEL Board determines an  
14 alternative court or district.

15 (Source: P.A. 96-1392, eff. 1-1-11.)

16 (230 ILCS 10/19) (from Ch. 120, par. 2419)

17 Sec. 19. Forfeiture of property. (a) Except as provided in  
18 subsection (b), any SEFEL Casino riverboat used for the conduct  
19 of gambling games in violation of this Act shall be considered  
20 a gambling place in violation of Section 28-3 of the Criminal  
21 Code of 1961, as now or hereafter amended. Every gambling  
22 device found on a SEFEL Casino ~~riverboat~~ operating gambling  
23 games in violation of this Act shall be subject to seizure,  
24 confiscation and destruction as provided in Section 28-5 of the  
25 Criminal Code of 1961, as now or hereafter amended.

1           (b) (Blank). ~~It is not a violation of this Act for a~~  
2 ~~riverboat or other watercraft which is licensed for gaming by a~~  
3 ~~contiguous state to dock on the shores of this State if the~~  
4 ~~municipality having jurisdiction of the shores, or the county~~  
5 ~~in the case of unincorporated areas, has granted permission for~~  
6 ~~docking and no gaming is conducted on the riverboat or other~~  
7 ~~watercraft while it is docked on the shores of this State. No~~  
8 ~~gambling device shall be subject to seizure, confiscation or~~  
9 ~~destruction if the gambling device is located on a riverboat or~~  
10 ~~other watercraft which is licensed for gaming by a contiguous~~  
11 ~~state and which is docked on the shores of this State if the~~  
12 ~~municipality having jurisdiction of the shores, or the county~~  
13 ~~in the case of unincorporated areas, has granted permission for~~  
14 ~~docking and no gaming is conducted on the riverboat or other~~  
15 ~~watercraft while it is docked on the shores of this State.~~

16           (Source: P.A. 86-1029.)

17           (230 ILCS 10/20) (from Ch. 120, par. 2420)

18           Sec. 20. Prohibited activities - civil penalties. Any  
19 person who conducts a gambling operation without first  
20 obtaining a license to do so, or who continues to conduct such  
21 games after revocation of his license, or any licensee who  
22 conducts or allows to be conducted any unauthorized gambling  
23 games on a SEFEL Casino ~~riverboat~~ where it is authorized to  
24 conduct its SEFEL Casino ~~riverboat~~ gambling operation, in  
25 addition to other penalties provided, shall be subject to a

1 civil penalty equal to the amount of gross receipts derived  
2 from wagering on the gambling games, whether unauthorized or  
3 authorized, conducted on that day as well as confiscation and  
4 forfeiture of all gambling game equipment used in the conduct  
5 of unauthorized gambling games.

6 Any person who conducts or knowingly participates in an  
7 unlicensed game commits the offense of gambling in violation of  
8 Section 28-1 of the Criminal Code of 1961, as amended. Any  
9 person who violates any provision of this Act, or who files a  
10 fraudulent return or application under this Act, or any person  
11 who willfully violates any rule or regulation of the Department  
12 for the administration and enforcement of this Act, or any  
13 officer or agent of an organization licensed under this Act who  
14 signs a fraudulent return or application filed on behalf of  
15 such an organization, is guilty of a Class A misdemeanor. Any  
16 second or subsequent violation of this Act constitutes a Class  
17 4 felony.

18 Any organization licensed to conduct games or Family Venues  
19 that allows any form of illegal gambling to be conducted on the  
20 premises where licensed games are being conducted, in addition  
21 to other penalties provided for in this Act, shall be subject  
22 to a civil penalty equal to the amount of gross proceeds  
23 derived on that day from licensed activities and any illegal  
24 game that may have been conducted, as well as confiscation and  
25 forfeiture of any gaming equipment and the normal non-gaming  
26 operating equipment used in the normal operations of the Family

1 Venue activities.

2 Any person who violates any provision of this Act or  
3 knowingly violates any rule of the SEFEL Board for the  
4 administration of this Act, in addition to other penalties  
5 provided, shall be subject to a civil penalty not to exceed  
6 \$250 for each separate violation and \$1,500 for illegal gaming  
7 violations.

8 No person shall sell, lease, or distribute for compensation  
9 within this State, or possess with intent to sell, lease, or  
10 distribute for compensation within this State, any chips,  
11 representations of money, wheels, or any devices or equipment  
12 designed for use or used in gambling without first having  
13 obtained a license to do so from the Department of Revenue. Any  
14 person that knowingly violates this paragraph is guilty of a  
15 Class A misdemeanor, the fine for which shall not exceed  
16 \$50,000.

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  
25 gross receipts of any SEFEL Casino ~~riverboat~~ gambling



1 operations conducted by a licensed manager on behalf of the  
2 State remaining after the payment of the fees and expenses of  
3 the licensed manager shall be deposited into the State Gaming  
4 Fund. Fines and penalties collected pursuant to this Act shall  
5 be deposited into the Education Assistance Fund, created by  
6 Public Act 86-0018, of the State of Illinois.

7 (Source: P.A. 93-28, eff. 6-20-03; 94-804, eff. 5-26-06.)

8 Section 60. The Video Gaming Act is amended by changing  
9 Sections 5, 25, 45, 78, and 80 as follows:

10 (230 ILCS 40/5)

11 Sec. 5. Definitions. As used in this Act:

12 "Board" means the SEFEL ~~Illinois Gaming~~ Board.

13 "Credit" means one, 5, 10, or 25 cents either won or  
14 purchased by a player.

15 "Distributor" means an individual, partnership,  
16 corporation, or limited liability company licensed under this  
17 Act to buy, sell, lease, or distribute video gaming terminals  
18 or major components or parts of video gaming terminals to or  
19 from terminal operators.

20 "Terminal operator" means an individual, partnership,  
21 corporation, or limited liability company that is licensed  
22 under this Act and that owns, services, and maintains video  
23 gaming terminals for placement in licensed establishments,  
24 licensed truck stop establishments, licensed fraternal

1 establishments, or licensed veterans establishments.

2 "Licensed technician" means an individual who is licensed  
3 under this Act to repair, service, and maintain video gaming  
4 terminals.

5 "Licensed terminal handler" means a person, including but  
6 not limited to an employee or independent contractor working  
7 for a manufacturer, distributor, supplier, technician, or  
8 terminal operator, who is licensed under this Act to possess or  
9 control a video gaming terminal or to have access to the inner  
10 workings of a video gaming terminal. A licensed terminal  
11 handler does not include an individual, partnership,  
12 corporation, or limited liability company defined as a  
13 manufacturer, distributor, supplier, technician, or terminal  
14 operator under this Act.

15 "Manufacturer" means an individual, partnership,  
16 corporation, or limited liability company that is licensed  
17 under this Act and that manufactures or assembles video gaming  
18 terminals.

19 "Supplier" means an individual, partnership, corporation,  
20 or limited liability company that is licensed under this Act to  
21 supply major components or parts to video gaming terminals to  
22 licensed terminal operators.

23 "Net terminal income" means money put into a video gaming  
24 terminal minus credits paid out to players.

25 "Video gaming terminal" means any electronic video game  
26 machine that, upon insertion of cash, is available to play or

1 simulate the play of a video game, including but not limited to  
2 video poker, line up, and blackjack, as authorized by the Board  
3 utilizing a video display and microprocessors in which the  
4 player may receive free games or credits that can be redeemed  
5 for cash. The term does not include a machine that directly  
6 dispenses coins, cash, or tokens or is for amusement purposes  
7 only.

8 "Licensed establishment" means any licensed retail  
9 establishment where alcoholic liquor is drawn, poured, mixed,  
10 or otherwise served for consumption on the premises and  
11 includes any such establishment that has a contractual  
12 relationship with an inter-track wagering location licensee  
13 licensed under the Illinois Horse Racing Act of 1975, provided  
14 any contractual relationship shall not include any transfer or  
15 offer of revenue from the operation of video gaming under this  
16 Act to any licensee licensed under the Illinois Horse Racing  
17 Act of 1975. Provided, however, that the licensed establishment  
18 that has such a contractual relationship with an inter-track  
19 wagering location licensee may not, itself, be (i) an  
20 inter-track wagering location licensee, (ii) the corporate  
21 parent or subsidiary of any licensee licensed under the  
22 Illinois Horse Racing Act of 1975, or (iii) the corporate  
23 subsidiary of a corporation that is also the corporate parent  
24 or subsidiary of any licensee licensed under the Illinois Horse  
25 Racing Act of 1975. "Licensed establishment" does not include a  
26 facility operated by an organization licensee, an inter-track

1     wagering licensee, or an inter-track wagering location  
2     licensee licensed under the Illinois Horse Racing Act of 1975  
3     or a facility ~~riverboat~~ licensed under the SEFEL ~~Riverboat~~  
4     ~~Gambling~~ Act, except as provided in this paragraph.

5             "Licensed fraternal establishment" means the location  
6     where a qualified fraternal organization that derives its  
7     charter from a national fraternal organization regularly  
8     meets.

9             "Licensed veterans establishment" means the location where  
10    a qualified veterans organization that derives its charter from  
11    a national veterans organization regularly meets.

12            "Licensed truck stop establishment" means a facility (i)  
13    that is at least a 3-acre facility with a convenience store,  
14    (ii) with separate diesel islands for fueling commercial motor  
15    vehicles, (iii) that sells at retail more than 10,000 gallons  
16    of diesel or biodiesel fuel per month, and (iv) with parking  
17    spaces for commercial motor vehicles. "Commercial motor  
18    vehicles" has the same meaning as defined in Section 18b-101 of  
19    the Illinois Vehicle Code. The requirement of item (iii) of  
20    this paragraph may be met by showing that estimated future  
21    sales or past sales average at least 10,000 gallons per month.

22    (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
23    96-1410, eff. 7-30-10; 96-1479, eff. 8-23-10; revised  
24    9-16-10.)

1           Sec. 25. Restriction of licensees.

2           (a) Manufacturer. A person may not be licensed as a  
3 manufacturer of a video gaming terminal in Illinois unless the  
4 person has a valid manufacturer's license issued under this  
5 Act. A manufacturer may only sell video gaming terminals for  
6 use in Illinois to persons having a valid distributor's  
7 license.

8           (b) Distributor. A person may not sell, distribute, or  
9 lease or market a video gaming terminal in Illinois unless the  
10 person has a valid distributor's license issued under this Act.  
11 A distributor may only sell video gaming terminals for use in  
12 Illinois to persons having a valid distributor's or terminal  
13 operator's license.

14           (c) Terminal operator. A person may not own, maintain, or  
15 place a video gaming terminal unless he has a valid terminal  
16 operator's license issued under this Act. A terminal operator  
17 may only place video gaming terminals for use in Illinois in  
18 licensed establishments, licensed truck stop establishments,  
19 licensed fraternal establishments, and licensed veterans  
20 establishments. No terminal operator may give anything of  
21 value, including but not limited to a loan or financing  
22 arrangement, to a licensed establishment, licensed truck stop  
23 establishment, licensed fraternal establishment, or licensed  
24 veterans establishment as any incentive or inducement to locate  
25 video terminals in that establishment. Of the after-tax profits  
26 from a video gaming terminal, 50% shall be paid to the terminal

1 operator and 50% shall be paid to the licensed establishment,  
2 licensed truck stop establishment, licensed fraternal  
3 establishment, or licensed veterans establishment,  
4 notwithstanding any agreement to the contrary. A video terminal  
5 operator that violates one or more requirements of this  
6 subsection is guilty of a Class 4 felony and is subject to  
7 termination of his or her license by the Board.

8 (d) Licensed technician. A person may not service,  
9 maintain, or repair a video gaming terminal in this State  
10 unless he or she (1) has a valid technician's license issued  
11 under this Act, (2) is a terminal operator, or (3) is employed  
12 by a terminal operator, distributor, or manufacturer.

13 (d-5) Licensed terminal handler. No person, including, but  
14 not limited to, an employee or independent contractor working  
15 for a manufacturer, distributor, supplier, technician, or  
16 terminal operator licensed pursuant to this Act, shall have  
17 possession or control of a video gaming terminal, or access to  
18 the inner workings of a video gaming terminal, unless that  
19 person possesses a valid terminal handler's license issued  
20 under this Act.

21 (e) Licensed establishment. No video gaming terminal may be  
22 placed in any licensed establishment, licensed veterans  
23 establishment, licensed truck stop establishment, or licensed  
24 fraternal establishment unless the owner or agent of the owner  
25 of the licensed establishment, licensed veterans  
26 establishment, licensed truck stop establishment, or licensed

1 fraternal establishment has entered into a written use  
2 agreement with the terminal operator for placement of the  
3 terminals. A copy of the use agreement shall be on file in the  
4 terminal operator's place of business and available for  
5 inspection by individuals authorized by the Board. A licensed  
6 establishment, licensed truck stop establishment, licensed  
7 veterans establishment, or licensed fraternal establishment  
8 may operate up to 5 video gaming terminals on its premises at  
9 any time.

10 (f) (Blank).

11 (g) Financial interest restrictions. As used in this Act,  
12 "substantial interest" in a partnership, a corporation, an  
13 organization, an association, a business, or a limited  
14 liability company means:

15 (A) When, with respect to a sole proprietorship, an  
16 individual or his or her spouse owns, operates, manages, or  
17 conducts, directly or indirectly, the organization,  
18 association, or business, or any part thereof; or

19 (B) When, with respect to a partnership, the individual  
20 or his or her spouse shares in any of the profits, or  
21 potential profits, of the partnership activities; or

22 (C) When, with respect to a corporation, an individual  
23 or his or her spouse is an officer or director, or the  
24 individual or his or her spouse is a holder, directly or  
25 beneficially, of 5% or more of any class of stock of the  
26 corporation; or

1           (D) When, with respect to an organization not covered  
2           in (A), (B) or (C) above, an individual or his or her  
3           spouse is an officer or manages the business affairs, or  
4           the individual or his or her spouse is the owner of or  
5           otherwise controls 10% or more of the assets of the  
6           organization; or

7           (E) When an individual or his or her spouse furnishes  
8           5% or more of the capital, whether in cash, goods, or  
9           services, for the operation of any business, association,  
10          or organization during any calendar year; or

11          (F) When, with respect to a limited liability company,  
12          an individual or his or her spouse is a member, or the  
13          individual or his or her spouse is a holder, directly or  
14          beneficially, of 5% or more of the membership interest of  
15          the limited liability company.

16          For purposes of this subsection (g), "individual" includes  
17          all individuals or their spouses whose combined interest would  
18          qualify as a substantial interest under this subsection (g) and  
19          whose activities with respect to an organization, association,  
20          or business are so closely aligned or coordinated as to  
21          constitute the activities of a single entity.

22          (h) Location restriction. A licensed establishment,  
23          licensed truck stop establishment, licensed fraternal  
24          establishment, or licensed veterans establishment that is (i)  
25          located within 1,000 feet of a facility operated by an  
26          organization licensee or an inter-track wagering licensee ~~or~~



1 ~~inter-track~~ licensed under the Illinois Horse Racing Act of  
2 1975, or at a facility ~~the home dock of a riverboat~~ licensed  
3 under the SEFEL ~~Riverboat Gambling~~ Act or (ii) located within  
4 100 feet of a school or a place of worship under the Religious  
5 Corporation Act, is ineligible to operate a video gaming  
6 terminal. The location restrictions in this subsection (h) do  
7 not apply if a facility operated by an organization licensee,  
8 an inter-track wagering licensee, or an inter-track wagering  
9 location licensee, a school, or a place of worship moves to or  
10 is established within the restricted area after a licensed  
11 establishment, licensed truck stop establishment, licensed  
12 fraternal establishment, or licensed veterans establishment  
13 becomes licensed under this Act. For the purpose of this  
14 subsection, "school" means an elementary or secondary public  
15 school, or an elementary or secondary private school registered  
16 with or recognized by the State Board of Education.

17 Notwithstanding the provisions of this subsection (h), the  
18 Board may waive the requirement that a licensed establishment,  
19 licensed truck stop establishment, licensed fraternal  
20 establishment, or licensed veterans establishment not be  
21 located within 1,000 feet from a facility operated by an  
22 organization licensee, an inter-track wagering licensee, or an  
23 inter-track wagering location licensee licensed under the  
24 Illinois Horse Racing Act of 1975 or at a facility ~~the home~~  
25 ~~dock of a riverboat~~ licensed under the SEFEL ~~Riverboat Gambling~~  
26 Act. The Board shall not grant such waiver if there is any

1 common ownership or control, shared business activity, or  
2 contractual arrangement of any type between the establishment  
3 and the organization licensee, inter-track wagering licensee,  
4 inter-track wagering location licensee, or owners licensee of a  
5 riverboat. The Board shall adopt rules to implement the  
6 provisions of this paragraph.

7 (i) Undue economic concentration. In addition to  
8 considering all other requirements under this Act, in deciding  
9 whether to approve the operation of video gaming terminals by a  
10 terminal operator in a location, the Board shall consider the  
11 impact of any economic concentration of such operation of video  
12 gaming terminals. The Board shall not allow a terminal operator  
13 to operate video gaming terminals if the Board determines such  
14 operation will result in undue economic concentration. For  
15 purposes of this Section, "undue economic concentration" means  
16 that a terminal operator would have such actual or potential  
17 influence over video gaming terminals in Illinois as to:

18 (1) substantially impede or suppress competition among  
19 terminal operators;

20 (2) adversely impact the economic stability of the  
21 video gaming industry in Illinois; or

22 (3) negatively impact the purposes of the Video Gaming  
23 Act.

24 The Board shall adopt rules concerning undue economic  
25 concentration with respect to the operation of video gaming  
26 terminals in Illinois. The rules shall include, but not be

1 limited to, (i) limitations on the number of video gaming  
2 terminals operated by any terminal operator within a defined  
3 geographic radius and (ii) guidelines on the discontinuation of  
4 operation of any such video gaming terminals the Board  
5 determines will cause undue economic concentration.

6 (j) The provisions of the Illinois Antitrust Act are fully  
7 and equally applicable to the activities of any licensee under  
8 this Act.

9 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
10 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10;  
11 96-1479, eff. 8-23-10; revised 9-16-10.)

12 (230 ILCS 40/45)

13 Sec. 45. Issuance of license.

14 (a) The burden is upon each applicant to demonstrate his  
15 suitability for licensure. Each video gaming terminal  
16 manufacturer, distributor, supplier, operator, handler,  
17 licensed establishment, licensed truck stop establishment,  
18 licensed fraternal establishment, and licensed veterans  
19 establishment shall be licensed by the Board. The Board may  
20 issue or deny a license under this Act to any person pursuant  
21 to the same criteria set forth in Section 9 of the SEFEL  
22 ~~Riverboat Gambling~~ Act.

23 (a-5) The Board shall not grant a license to a person who  
24 has facilitated, enabled, or participated in the use of  
25 coin-operated devices for gambling purposes or who is under the

1 significant influence or control of such a person. For the  
2 purposes of this Act, "facilitated, enabled, or participated in  
3 the use of coin-operated amusement devices for gambling  
4 purposes" means that the person has been convicted of any  
5 violation of Article 28 of the Criminal Code of 1961. If there  
6 is pending legal action against a person for any such  
7 violation, then the Board shall delay the licensure of that  
8 person until the legal action is resolved.

9 (b) Each person seeking and possessing a license as a video  
10 gaming terminal manufacturer, distributor, supplier, operator,  
11 handler, licensed establishment, licensed truck stop  
12 establishment, licensed fraternal establishment, or licensed  
13 veterans establishment shall submit to a background  
14 investigation conducted by the Board with the assistance of the  
15 State Police or other law enforcement. The background  
16 investigation shall include each beneficiary of a trust, each  
17 partner of a partnership, and each director and officer and all  
18 stockholders of 5% or more in a parent or subsidiary  
19 corporation of a video gaming terminal manufacturer,  
20 distributor, supplier, operator, or licensed establishment,  
21 licensed truck stop establishment, licensed fraternal  
22 establishment, or licensed veterans establishment.

23 (c) Each person seeking and possessing a license as a video  
24 gaming terminal manufacturer, distributor, supplier, operator,  
25 handler, licensed establishment, licensed truck stop  
26 establishment, licensed fraternal establishment, or licensed

1 veterans establishment shall disclose the identity of every  
2 person, association, trust, corporation, or limited liability  
3 company having a greater than 1% direct or indirect pecuniary  
4 interest in the video gaming terminal operation for which the  
5 license is sought. If the disclosed entity is a trust, the  
6 application shall disclose the names and addresses of the  
7 beneficiaries; if a corporation, the names and addresses of all  
8 stockholders and directors; if a limited liability company, the  
9 names and addresses of all members; or if a partnership, the  
10 names and addresses of all partners, both general and limited.

11 (d) No person may be licensed as a video gaming terminal  
12 manufacturer, distributor, supplier, operator, handler,  
13 licensed establishment, licensed truck stop establishment,  
14 licensed fraternal establishment, or licensed veterans  
15 establishment if that person has been found by the Board to:

16 (1) have a background, including a criminal record,  
17 reputation, habits, social or business associations, or  
18 prior activities that pose a threat to the public interests  
19 of the State or to the security and integrity of video  
20 gaming;

21 (2) create or enhance the dangers of unsuitable,  
22 unfair, or illegal practices, methods, and activities in  
23 the conduct of video gaming; or

24 (3) present questionable business practices and  
25 financial arrangements incidental to the conduct of video  
26 gaming activities.

1 (e) Any applicant for any license under this Act has the  
 2 burden of proving his or her qualifications to the satisfaction  
 3 of the Board. The Board may adopt rules to establish additional  
 4 qualifications and requirements to preserve the integrity and  
 5 security of video gaming in this State.

6 (f) A non-refundable application fee shall be paid at the  
 7 time an application for a license is filed with the Board in  
 8 the following amounts:

- 9 (1) Manufacturer ..... \$5,000
- 10 (2) Distributor..... \$5,000
- 11 (3) Terminal operator..... \$5,000
- 12 (4) Supplier ..... \$2,500
- 13 (5) Technician ..... \$100
- 14 (6) Terminal Handler ..... \$50

15 (g) The Board shall establish an annual fee for each  
 16 license not to exceed the following:

- 17 (1) Manufacturer ..... \$10,000
- 18 (2) Distributor..... \$10,000
- 19 (3) Terminal operator..... \$5,000
- 20 (4) Supplier ..... \$2,000
- 21 (5) Technician ..... \$100
- 22 (6) Licensed establishment, licensed truck stop  
 23 establishment, licensed fraternal establishment,  
 24 or licensed veterans establishment ..... \$100
- 25 (7) Video gaming terminal..... \$100
- 26 (8) Terminal Handler ..... \$50

1 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
2 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10.)

3 (230 ILCS 40/78)

4 Sec. 78. Authority of the SEFEL ~~Illinois Gaming~~ Board.

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

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

14 (2) To have jurisdiction and supervision over all video  
15 gaming operations in this State and all persons in  
16 establishments where video gaming operations are  
17 conducted.

18 (3) To adopt rules for the purpose of administering the  
19 provisions of this Act and to prescribe rules, regulations,  
20 and conditions under which all video gaming in the State  
21 shall be conducted. Such rules and regulations are to  
22 provide for the prevention of practices detrimental to the  
23 public interest and for the best interests of video gaming,  
24 including rules and regulations regarding the inspection  
25 of such establishments and the review of any permits or

1 licenses necessary to operate an establishment under any  
2 laws or regulations applicable to establishments and to  
3 impose penalties for violations of this Act and its rules.

4 (b) The Board shall adopt emergency rules to administer  
5 this Act in accordance with Section 5-45 of the Illinois  
6 Administrative Procedure Act. For the purposes of the Illinois  
7 Administrative Procedure Act, the General Assembly finds that  
8 the adoption of rules to implement this Act is deemed an  
9 emergency and necessary to the public interest, safety, and  
10 welfare.

11 (Source: P.A. 96-38, eff. 7-13-09; 96-1410, eff. 7-30-10.)

12 (230 ILCS 40/80)

13 Sec. 80. Applicability of SEFEL ~~Illinois Riverboat~~  
14 ~~Gambling~~ Act. The provisions of the SEFEL ~~Illinois Riverboat~~  
15 ~~Gambling~~ Act, and all rules promulgated thereunder, shall apply  
16 to the Video Gaming Act, except where there is a conflict  
17 between the 2 Acts. All provisions of the Uniform Penalty and  
18 Interest Act shall apply, as far as practicable, to the subject  
19 matter of this Act to the same extent as if such provisions  
20 were included herein.

21 (Source: P.A. 96-37, eff. 7-13-09.)

22 Section 65. The Liquor Control Act of 1934 is amended by  
23 changing Sections 5-1 and 6-30 as follows:



1 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

2 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
3 Commission shall be of the following classes:

4 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
5 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
6 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
7 First Class Winemaker, Class 7. Second Class Winemaker, Class  
8 8. Limited Wine Manufacturer, Class 9. Craft Distiller,

9 (b) Distributor's license,

10 (c) Importing Distributor's license,

11 (d) Retailer's license,

12 (e) Special Event Retailer's license (not-for-profit),

13 (f) Railroad license,

14 (g) Boat license,

15 (h) Non-Beverage User's license,

16 (i) Wine-maker's premises license,

17 (j) Airplane license,

18 (k) Foreign importer's license,

19 (l) Broker's license,

20 (m) Non-resident dealer's license,

21 (n) Brew Pub license,

22 (o) Auction liquor license,

23 (p) Caterer retailer license,

24 (q) Special use permit license,

25 (r) Winery shipper's license.

26 No person, firm, partnership, corporation, or other legal

1 business entity that is engaged in the manufacturing of wine  
2 may concurrently obtain and hold a wine-maker's license and a  
3 wine manufacturer's license.

4 (a) A manufacturer's license shall allow the manufacture,  
5 importation in bulk, storage, distribution and sale of  
6 alcoholic liquor to persons without the State, as may be  
7 permitted by law and to licensees in this State as follows:

8 Class 1. A Distiller may make sales and deliveries of  
9 alcoholic liquor to distillers, rectifiers, importing  
10 distributors, distributors and non-beverage users and to no  
11 other licensees.

12 Class 2. A Rectifier, who is not a distiller, as defined  
13 herein, may make sales and deliveries of alcoholic liquor to  
14 rectifiers, importing distributors, distributors, retailers  
15 and non-beverage users and to no other licensees.

16 Class 3. A Brewer may make sales and deliveries of beer to  
17 importing distributors, distributors, and to non-licensees,  
18 and to retailers provided the brewer obtains an importing  
19 distributor's license or distributor's license in accordance  
20 with the provisions of this Act.

21 Class 4. A first class wine-manufacturer may make sales and  
22 deliveries of up to 50,000 gallons of wine to manufacturers,  
23 importing distributors and distributors, and to no other  
24 licensees.

25 Class 5. A second class Wine manufacturer may make sales  
26 and deliveries of more than 50,000 gallons of wine to

1 manufacturers, importing distributors and distributors and to  
2 no other licensees.

3 Class 6. A first-class wine-maker's license shall allow the  
4 manufacture of up to 50,000 gallons of wine per year, and the  
5 storage and sale of such wine to distributors in the State and  
6 to persons without the State, as may be permitted by law. A  
7 person who, prior to the effective date of this amendatory Act  
8 of the 95th General Assembly, is a holder of a first-class  
9 wine-maker's license and annually produces more than 25,000  
10 gallons of its own wine and who distributes its wine to  
11 licensed retailers shall cease this practice on or before July  
12 1, 2008 in compliance with this amendatory Act of the 95th  
13 General Assembly.

14 Class 7. A second-class wine-maker's license shall allow  
15 the manufacture of between 50,000 and 150,000 gallons of wine  
16 per year, and the storage and sale of such wine to distributors  
17 in this State and to persons without the State, as may be  
18 permitted by law. A person who, prior to the effective date of  
19 this amendatory Act of the 95th General Assembly, is a holder  
20 of a second-class wine-maker's license and annually produces  
21 more than 25,000 gallons of its own wine and who distributes  
22 its wine to licensed retailers shall cease this practice on or  
23 before July 1, 2008 in compliance with this amendatory Act of  
24 the 95th General Assembly.

25 Class 8. A limited wine-manufacturer may make sales and  
26 deliveries not to exceed 40,000 gallons of wine per year to

1 distributors, and to non-licensees in accordance with the  
2 provisions of this Act.

3 Class 9. A craft distiller license shall allow the  
4 manufacture of up to 5,000 gallons of spirits by distillation  
5 per year and the storage of such spirits. If a craft distiller  
6 licensee is not affiliated with any other manufacturer, then  
7 the craft distiller licensee may sell such spirits to  
8 distributors in this State and non-licensees to the extent  
9 permitted by any exemption approved by the Commission pursuant  
10 to Section 6-4 of this Act.

11 Any craft distiller licensed under this Act who on the  
12 effective date of this amendatory Act of the 96th General  
13 Assembly was licensed as a distiller and manufactured no more  
14 spirits than permitted by this Section shall not be required to  
15 pay the initial licensing fee.

16 (a-1) A manufacturer which is licensed in this State to  
17 make sales or deliveries of alcoholic liquor and which enlists  
18 agents, representatives, or individuals acting on its behalf  
19 who contact licensed retailers on a regular and continual basis  
20 in this State must register those agents, representatives, or  
21 persons acting on its behalf with the State Commission.

22 Registration of agents, representatives, or persons acting  
23 on behalf of a manufacturer is fulfilled by submitting a form  
24 to the Commission. The form shall be developed by the  
25 Commission and shall include the name and address of the  
26 applicant, the name and address of the manufacturer he or she

1 represents, the territory or areas assigned to sell to or  
2 discuss pricing terms of alcoholic liquor, and any other  
3 questions deemed appropriate and necessary. All statements in  
4 the forms required to be made by law or by rule shall be deemed  
5 material, and any person who knowingly misstates any material  
6 fact under oath in an application is guilty of a Class B  
7 misdemeanor. Fraud, misrepresentation, false statements,  
8 misleading statements, evasions, or suppression of material  
9 facts in the securing of a registration are grounds for  
10 suspension or revocation of the registration.

11 (b) A distributor's license shall allow the wholesale  
12 purchase and storage of alcoholic liquors and sale of alcoholic  
13 liquors to licensees in this State and to persons without the  
14 State, as may be permitted by law.

15 (c) An importing distributor's license may be issued to and  
16 held by those only who are duly licensed distributors, upon the  
17 filing of an application by a duly licensed distributor, with  
18 the Commission and the Commission shall, without the payment of  
19 any fee, immediately issue such importing distributor's  
20 license to the applicant, which shall allow the importation of  
21 alcoholic liquor by the licensee into this State from any point  
22 in the United States outside this State, and the purchase of  
23 alcoholic liquor in barrels, casks or other bulk containers and  
24 the bottling of such alcoholic liquors before resale thereof,  
25 but all bottles or containers so filled shall be sealed,  
26 labeled, stamped and otherwise made to comply with all

1 provisions, rules and regulations governing manufacturers in  
2 the preparation and bottling of alcoholic liquors. The  
3 importing distributor's license shall permit such licensee to  
4 purchase alcoholic liquor from Illinois licensed non-resident  
5 dealers and foreign importers only.

6 (d) A retailer's license shall allow the licensee to sell  
7 and offer for sale at retail, only in the premises specified in  
8 the license, alcoholic liquor for use or consumption, but not  
9 for resale in any form. Nothing in this amendatory Act of the  
10 95th General Assembly shall deny, limit, remove, or restrict  
11 the ability of a holder of a retailer's license to transfer,  
12 deliver, or ship alcoholic liquor to the purchaser for use or  
13 consumption subject to any applicable local law or ordinance.  
14 Any retail license issued to a manufacturer shall only permit  
15 the manufacturer to sell beer at retail on the premises  
16 actually occupied by the manufacturer. For the purpose of  
17 further describing the type of business conducted at a retail  
18 licensed premises, a retailer's licensee may be designated by  
19 the State Commission as (i) an on premise consumption retailer,  
20 (ii) an off premise sale retailer, or (iii) a combined on  
21 premise consumption and off premise sale retailer.

22 Notwithstanding any other provision of this subsection  
23 (d), a retail licensee may sell alcoholic liquors to a special  
24 event retailer licensee for resale to the extent permitted  
25 under subsection (e).

26 (e) A special event retailer's license (not-for-profit)

1 shall permit the licensee to purchase alcoholic liquors from an  
2 Illinois licensed distributor (unless the licensee purchases  
3 less than \$500 of alcoholic liquors for the special event, in  
4 which case the licensee may purchase the alcoholic liquors from  
5 a licensed retailer) and shall allow the licensee to sell and  
6 offer for sale, at retail, alcoholic liquors for use or  
7 consumption, but not for resale in any form and only at the  
8 location and on the specific dates designated for the special  
9 event in the license. An applicant for a special event retailer  
10 license must (i) furnish with the application: (A) a resale  
11 number issued under Section 2c of the Retailers' Occupation Tax  
12 Act or evidence that the applicant is registered under Section  
13 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
14 exemption identification number issued under Section 1g of the  
15 Retailers' Occupation Tax Act, and a certification to the  
16 Commission that the purchase of alcoholic liquors will be a  
17 tax-exempt purchase, or (C) a statement that the applicant is  
18 not registered under Section 2a of the Retailers' Occupation  
19 Tax Act, does not hold a resale number under Section 2c of the  
20 Retailers' Occupation Tax Act, and does not hold an exemption  
21 number under Section 1g of the Retailers' Occupation Tax Act,  
22 in which event the Commission shall set forth on the special  
23 event retailer's license a statement to that effect; (ii)  
24 submit with the application proof satisfactory to the State  
25 Commission that the applicant will provide dram shop liability  
26 insurance in the maximum limits; and (iii) show proof

1 satisfactory to the State Commission that the applicant has  
2 obtained local authority approval.

3 (f) A railroad license shall permit the licensee to import  
4 alcoholic liquors into this State from any point in the United  
5 States outside this State and to store such alcoholic liquors  
6 in this State; to make wholesale purchases of alcoholic liquors  
7 directly from manufacturers, foreign importers, distributors  
8 and importing distributors from within or outside this State;  
9 and to store such alcoholic liquors in this State; provided  
10 that the above powers may be exercised only in connection with  
11 the importation, purchase or storage of alcoholic liquors to be  
12 sold or dispensed on a club, buffet, lounge or dining car  
13 operated on an electric, gas or steam railway in this State;  
14 and provided further, that railroad licensees exercising the  
15 above powers shall be subject to all provisions of Article VIII  
16 of this Act as applied to importing distributors. A railroad  
17 license shall also permit the licensee to sell or dispense  
18 alcoholic liquors on any club, buffet, lounge or dining car  
19 operated on an electric, gas or steam railway regularly  
20 operated by a common carrier in this State, but shall not  
21 permit the sale for resale of any alcoholic liquors to any  
22 licensee within this State. A license shall be obtained for  
23 each car in which such sales are made.

24 (g) A boat license shall allow the sale of alcoholic liquor  
25 in individual drinks, on any passenger boat regularly operated  
26 as a common carrier on navigable waters in this State or at a



1 facility ~~on any riverboat~~ operated under the SEFEL Riverboat  
 2 ~~Gambling~~ Act, which boat or riverboat maintains a public dining  
 3 room or restaurant thereon.

4 (h) A non-beverage user's license shall allow the licensee  
 5 to purchase alcoholic liquor from a licensed manufacturer or  
 6 importing distributor, without the imposition of any tax upon  
 7 the business of such licensed manufacturer or importing  
 8 distributor as to such alcoholic liquor to be used by such  
 9 licensee solely for the non-beverage purposes set forth in  
 10 subsection (a) of Section 8-1 of this Act, and such licenses  
 11 shall be divided and classified and shall permit the purchase,  
 12 possession and use of limited and stated quantities of  
 13 alcoholic liquor as follows:

- 14 Class 1, not to exceed ..... 500 gallons
- 15 Class 2, not to exceed ..... 1,000 gallons
- 16 Class 3, not to exceed ..... 5,000 gallons
- 17 Class 4, not to exceed ..... 10,000 gallons
- 18 Class 5, not to exceed ..... 50,000 gallons

19 (i) A wine-maker's premises license shall allow a licensee  
 20 that concurrently holds a first-class wine-maker's license to  
 21 sell and offer for sale at retail in the premises specified in  
 22 such license not more than 50,000 gallons of the first-class  
 23 wine-maker's wine that is made at the first-class wine-maker's  
 24 licensed premises per year for use or consumption, but not for  
 25 resale in any form. A wine-maker's premises license shall allow  
 26 a licensee who concurrently holds a second-class wine-maker's

1 license to sell and offer for sale at retail in the premises  
2 specified in such license up to 100,000 gallons of the  
3 second-class wine-maker's wine that is made at the second-class  
4 wine-maker's licensed premises per year for use or consumption  
5 but not for resale in any form. A wine-maker's premises license  
6 shall allow a licensee that concurrently holds a first-class  
7 wine-maker's license or a second-class wine-maker's license to  
8 sell and offer for sale at retail at the premises specified in  
9 the wine-maker's premises license, for use or consumption but  
10 not for resale in any form, any beer, wine, and spirits  
11 purchased from a licensed distributor. Upon approval from the  
12 State Commission, a wine-maker's premises license shall allow  
13 the licensee to sell and offer for sale at (i) the wine-maker's  
14 licensed premises and (ii) at up to 2 additional locations for  
15 use and consumption and not for resale. Each location shall  
16 require additional licensing per location as specified in  
17 Section 5-3 of this Act. A wine-maker's premises licensee shall  
18 secure liquor liability insurance coverage in an amount at  
19 least equal to the maximum liability amounts set forth in  
20 subsection (a) of Section 6-21 of this Act.

21 (j) An airplane license shall permit the licensee to import  
22 alcoholic liquors into this State from any point in the United  
23 States outside this State and to store such alcoholic liquors  
24 in this State; to make wholesale purchases of alcoholic liquors  
25 directly from manufacturers, foreign importers, distributors  
26 and importing distributors from within or outside this State;

1 and to store such alcoholic liquors in this State; provided  
2 that the above powers may be exercised only in connection with  
3 the importation, purchase or storage of alcoholic liquors to be  
4 sold or dispensed on an airplane; and provided further, that  
5 airplane licensees exercising the above powers shall be subject  
6 to all provisions of Article VIII of this Act as applied to  
7 importing distributors. An airplane licensee shall also permit  
8 the sale or dispensing of alcoholic liquors on any passenger  
9 airplane regularly operated by a common carrier in this State,  
10 but shall not permit the sale for resale of any alcoholic  
11 liquors to any licensee within this State. A single airplane  
12 license shall be required of an airline company if liquor  
13 service is provided on board aircraft in this State. The annual  
14 fee for such license shall be as determined in Section 5-3.

15 (k) A foreign importer's license shall permit such licensee  
16 to purchase alcoholic liquor from Illinois licensed  
17 non-resident dealers only, and to import alcoholic liquor other  
18 than in bulk from any point outside the United States and to  
19 sell such alcoholic liquor to Illinois licensed importing  
20 distributors and to no one else in Illinois; provided that (i)  
21 the foreign importer registers with the State Commission every  
22 brand of alcoholic liquor that it proposes to sell to Illinois  
23 licensees during the license period, (ii) the foreign importer  
24 complies with all of the provisions of Section 6-9 of this Act  
25 with respect to registration of such Illinois licensees as may  
26 be granted the right to sell such brands at wholesale, and

1 (iii) the foreign importer complies with the provisions of  
2 Sections 6-5 and 6-6 of this Act to the same extent that these  
3 provisions apply to manufacturers.

4 (1) (i) A broker's license shall be required of all persons  
5 who solicit orders for, offer to sell or offer to supply  
6 alcoholic liquor to retailers in the State of Illinois, or who  
7 offer to retailers to ship or cause to be shipped or to make  
8 contact with distillers, rectifiers, brewers or manufacturers  
9 or any other party within or without the State of Illinois in  
10 order that alcoholic liquors be shipped to a distributor,  
11 importing distributor or foreign importer, whether such  
12 solicitation or offer is consummated within or without the  
13 State of Illinois.

14 No holder of a retailer's license issued by the Illinois  
15 Liquor Control Commission shall purchase or receive any  
16 alcoholic liquor, the order for which was solicited or offered  
17 for sale to such retailer by a broker unless the broker is the  
18 holder of a valid broker's license.

19 The broker shall, upon the acceptance by a retailer of the  
20 broker's solicitation of an order or offer to sell or supply or  
21 deliver or have delivered alcoholic liquors, promptly forward  
22 to the Illinois Liquor Control Commission a notification of  
23 said transaction in such form as the Commission may by  
24 regulations prescribe.

25 (ii) A broker's license shall be required of a person  
26 within this State, other than a retail licensee, who, for a fee

1 or commission, promotes, solicits, or accepts orders for  
2 alcoholic liquor, for use or consumption and not for resale, to  
3 be shipped from this State and delivered to residents outside  
4 of this State by an express company, common carrier, or  
5 contract carrier. This Section does not apply to any person who  
6 promotes, solicits, or accepts orders for wine as specifically  
7 authorized in Section 6-29 of this Act.

8 A broker's license under this subsection (1) shall not  
9 entitle the holder to buy or sell any alcoholic liquors for his  
10 own account or to take or deliver title to such alcoholic  
11 liquors.

12 This subsection (1) shall not apply to distributors,  
13 employees of distributors, or employees of a manufacturer who  
14 has registered the trademark, brand or name of the alcoholic  
15 liquor pursuant to Section 6-9 of this Act, and who regularly  
16 sells such alcoholic liquor in the State of Illinois only to  
17 its registrants thereunder.

18 Any agent, representative, or person subject to  
19 registration pursuant to subsection (a-1) of this Section shall  
20 not be eligible to receive a broker's license.

21 (m) A non-resident dealer's license shall permit such  
22 licensee to ship into and warehouse alcoholic liquor into this  
23 State from any point outside of this State, and to sell such  
24 alcoholic liquor to Illinois licensed foreign importers and  
25 importing distributors and to no one else in this State;  
26 provided that (i) said non-resident dealer shall register with

1 the Illinois Liquor Control Commission each and every brand of  
2 alcoholic liquor which it proposes to sell to Illinois  
3 licensees during the license period, (ii) it shall comply with  
4 all of the provisions of Section 6-9 hereof with respect to  
5 registration of such Illinois licensees as may be granted the  
6 right to sell such brands at wholesale, and (iii) the  
7 non-resident dealer shall comply with the provisions of  
8 Sections 6-5 and 6-6 of this Act to the same extent that these  
9 provisions apply to manufacturers.

10 (n) A brew pub license shall allow the licensee to  
11 manufacture beer only on the premises specified in the license,  
12 to make sales of the beer manufactured on the premises to  
13 importing distributors, distributors, and to non-licensees for  
14 use and consumption, to store the beer upon the premises, and  
15 to sell and offer for sale at retail from the licensed  
16 premises, provided that a brew pub licensee shall not sell for  
17 off-premises consumption more than 50,000 gallons per year.

18 (o) A caterer retailer license shall allow the holder to  
19 serve alcoholic liquors as an incidental part of a food service  
20 that serves prepared meals which excludes the serving of snacks  
21 as the primary meal, either on or off-site whether licensed or  
22 unlicensed.

23 (p) An auction liquor license shall allow the licensee to  
24 sell and offer for sale at auction wine and spirits for use or  
25 consumption, or for resale by an Illinois liquor licensee in  
26 accordance with provisions of this Act. An auction liquor

1 license will be issued to a person and it will permit the  
2 auction liquor licensee to hold the auction anywhere in the  
3 State. An auction liquor license must be obtained for each  
4 auction at least 14 days in advance of the auction date.

5 (q) A special use permit license shall allow an Illinois  
6 licensed retailer to transfer a portion of its alcoholic liquor  
7 inventory from its retail licensed premises to the premises  
8 specified in the license hereby created, and to sell or offer  
9 for sale at retail, only in the premises specified in the  
10 license hereby created, the transferred alcoholic liquor for  
11 use or consumption, but not for resale in any form. A special  
12 use permit license may be granted for the following time  
13 periods: one day or less; 2 or more days to a maximum of 15 days  
14 per location in any 12 month period. An applicant for the  
15 special use permit license must also submit with the  
16 application proof satisfactory to the State Commission that the  
17 applicant will provide dram shop liability insurance to the  
18 maximum limits and have local authority approval.

19 (r) A winery shipper's license shall allow a person with a  
20 first-class or second-class wine manufacturer's license, a  
21 first-class or second-class wine-maker's license, or a limited  
22 wine manufacturer's license or who is licensed to make wine  
23 under the laws of another state to ship wine made by that  
24 licensee directly to a resident of this State who is 21 years  
25 of age or older for that resident's personal use and not for  
26 resale. Prior to receiving a winery shipper's license, an

1 applicant for the license must provide the Commission with a  
2 true copy of its current license in any state in which it is  
3 licensed as a manufacturer of wine. An applicant for a winery  
4 shipper's license must also complete an application form that  
5 provides any other information the Commission deems necessary.  
6 The application form shall include an acknowledgement  
7 consenting to the jurisdiction of the Commission, the Illinois  
8 Department of Revenue, and the courts of this State concerning  
9 the enforcement of this Act and any related laws, rules, and  
10 regulations, including authorizing the Department of Revenue  
11 and the Commission to conduct audits for the purpose of  
12 ensuring compliance with this amendatory Act.

13 A winery shipper licensee must pay to the Department of  
14 Revenue the State liquor gallonage tax under Section 8-1 for  
15 all wine that is sold by the licensee and shipped to a person  
16 in this State. For the purposes of Section 8-1, a winery  
17 shipper licensee shall be taxed in the same manner as a  
18 manufacturer of wine. A licensee who is not otherwise required  
19 to register under the Retailers' Occupation Tax Act must  
20 register under the Use Tax Act to collect and remit use tax to  
21 the Department of Revenue for all gallons of wine that are sold  
22 by the licensee and shipped to persons in this State. If a  
23 licensee fails to remit the tax imposed under this Act in  
24 accordance with the provisions of Article VIII of this Act, the  
25 winery shipper's license shall be revoked in accordance with  
26 the provisions of Article VII of this Act. If a licensee fails



1 to properly register and remit tax under the Use Tax Act or the  
2 Retailers' Occupation Tax Act for all wine that is sold by the  
3 winery shipper and shipped to persons in this State, the winery  
4 shipper's license shall be revoked in accordance with the  
5 provisions of Article VII of this Act.

6 A winery shipper licensee must collect, maintain, and  
7 submit to the Commission on a semi-annual basis the total  
8 number of cases per resident of wine shipped to residents of  
9 this State. A winery shipper licensed under this subsection (r)  
10 must comply with the requirements of Section 6-29 of this  
11 amendatory Act.

12 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08;  
13 95-769, eff. 7-29-08; 96-1367, eff. 7-28-10.)

14 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

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

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

22 Section 70. The Smoke Free Illinois Act is amended by  
23 changing Section 10 as follows:

1 (410 ILCS 82/10)

2 Sec. 10. Definitions. In this Act:

3 "Bar" means an establishment that is devoted to the serving  
4 of alcoholic beverages for consumption by guests on the  
5 premises and that derives no more than 10% of its gross revenue  
6 from the sale of food consumed on the premises. "Bar" includes,  
7 but is not limited to, taverns, nightclubs, cocktail lounges,  
8 adult entertainment facilities, and cabarets.

9 "Department" means the Department of Public Health.

10 "Employee" means a person who is employed by an employer in  
11 consideration for direct or indirect monetary wages or profits  
12 or a person who volunteers his or her services for a non-profit  
13 entity.

14 "Employer" means a person, business, partnership,  
15 association, or corporation, including a municipal  
16 corporation, trust, or non-profit entity, that employs the  
17 services of one or more individual persons.

18 "Enclosed area" means all space between a floor and a  
19 ceiling that is enclosed or partially enclosed with (i) solid  
20 walls or windows, exclusive of doorways, or (ii) solid walls  
21 with partitions and no windows, exclusive of doorways, that  
22 extend from the floor to the ceiling, including, without  
23 limitation, lobbies and corridors.

24 "Enclosed or partially enclosed sports arena" means any  
25 sports pavilion, stadium, gymnasium, health spa, boxing arena,  
26 swimming pool, roller rink, ice rink, bowling alley, or other

1 similar place where members of the general public assemble to  
2 engage in physical exercise or participate in athletic  
3 competitions or recreational activities or to witness sports,  
4 cultural, recreational, or other events.

5 "Gaming equipment or supplies" means gaming  
6 equipment/supplies as defined in the SEFEL ~~Illinois Gaming~~  
7 Board Rules of the Illinois Administrative Code.

8 "Gaming facility" means an establishment utilized  
9 primarily for the purposes of gaming and where gaming equipment  
10 or supplies are operated for the purposes of accruing business  
11 revenue.

12 "Healthcare facility" means an office or institution  
13 providing care or treatment of diseases, whether physical,  
14 mental, or emotional, or other medical, physiological, or  
15 psychological conditions, including, but not limited to,  
16 hospitals, rehabilitation hospitals, weight control clinics,  
17 nursing homes, homes for the aging or chronically ill,  
18 laboratories, and offices of surgeons, chiropractors, physical  
19 therapists, physicians, dentists, and all specialists within  
20 these professions. "Healthcare facility" includes all waiting  
21 rooms, hallways, private rooms, semiprivate rooms, and wards  
22 within healthcare facilities.

23 "Place of employment" means any area under the control of a  
24 public or private employer that employees are required to  
25 enter, leave, or pass through during the course of employment,  
26 including, but not limited to entrances and exits to places of

1 employment, including a minimum distance, as set forth in  
2 Section 70 of this Act, of 15 feet from entrances, exits,  
3 windows that open, and ventilation intakes that serve an  
4 enclosed area where smoking is prohibited; offices and work  
5 areas; restrooms; conference and classrooms; break rooms and  
6 cafeterias; and other common areas. A private residence or  
7 home-based business, unless used to provide licensed child  
8 care, foster care, adult care, or other similar social service  
9 care on the premises, is not a "place of employment", nor are  
10 enclosed laboratories, not open to the public, in an accredited  
11 university or government facility where the activity of smoking  
12 is exclusively conducted for the purpose of medical or  
13 scientific health-related research. Rulemaking authority to  
14 implement this amendatory Act of the 95th General Assembly, if  
15 any, is conditioned on the rules being adopted in accordance  
16 with all provisions of the Illinois Administrative Procedure  
17 Act and all rules and procedures of the Joint Committee on  
18 Administrative Rules; any purported rule not so adopted, for  
19 whatever reason, is unauthorized.

20 "Private club" means a not-for-profit association that (1)  
21 has been in active and continuous existence for at least 3  
22 years prior to the effective date of this amendatory Act of the  
23 95th General Assembly, whether incorporated or not, (2) is the  
24 owner, lessee, or occupant of a building or portion thereof  
25 used exclusively for club purposes at all times, (3) is  
26 operated solely for a recreational, fraternal, social,

1 patriotic, political, benevolent, or athletic purpose, but not  
2 for pecuniary gain, and (4) only sells alcoholic beverages  
3 incidental to its operation. For purposes of this definition,  
4 "private club" means an organization that is managed by a board  
5 of directors, executive committee, or similar body chosen by  
6 the members at an annual meeting, has established bylaws, a  
7 constitution, or both to govern its activities, and has been  
8 granted an exemption from the payment of federal income tax as  
9 a club under 26 U.S.C. 501.

10 "Private residence" means the part of a structure used as a  
11 dwelling, including, without limitation: a private home,  
12 townhouse, condominium, apartment, mobile home, vacation home,  
13 cabin, or cottage. For the purposes of this definition, a  
14 hotel, motel, inn, resort, lodge, bed and breakfast or other  
15 similar public accommodation, hospital, nursing home, or  
16 assisted living facility shall not be considered a private  
17 residence.

18 "Public place" means that portion of any building or  
19 vehicle used by and open to the public, regardless of whether  
20 the building or vehicle is owned in whole or in part by private  
21 persons or entities, the State of Illinois, or any other public  
22 entity and regardless of whether a fee is charged for  
23 admission, including a minimum distance, as set forth in  
24 Section 70 of this Act, of 15 feet from entrances, exits,  
25 windows that open, and ventilation intakes that serve an  
26 enclosed area where smoking is prohibited. A "public place"

1 does not include a private residence unless the private  
2 residence is used to provide licensed child care, foster care,  
3 or other similar social service care on the premises. A "public  
4 place" includes, but is not limited to, hospitals, restaurants,  
5 retail stores, offices, commercial establishments, elevators,  
6 indoor theaters, libraries, museums, concert halls, public  
7 conveyances, educational facilities, nursing homes,  
8 auditoriums, enclosed or partially enclosed sports arenas,  
9 meeting rooms, schools, exhibition halls, convention  
10 facilities, polling places, private clubs, gaming facilities,  
11 all government owned vehicles and facilities, including  
12 buildings and vehicles owned, leased, or operated by the State  
13 or State subcontract, healthcare facilities or clinics,  
14 enclosed shopping centers, retail service establishments,  
15 financial institutions, educational facilities, ticket areas,  
16 public hearing facilities, public restrooms, waiting areas,  
17 lobbies, bars, taverns, bowling alleys, skating rinks,  
18 reception areas, and no less than 75% of the sleeping quarters  
19 within a hotel, motel, resort, inn, lodge, bed and breakfast,  
20 or other similar public accommodation that are rented to  
21 guests, but excludes private residences.

22 "Restaurant" means (i) an eating establishment, including,  
23 but not limited to, coffee shops, cafeterias, sandwich stands,  
24 and private and public school cafeterias, that gives or offers  
25 for sale food to the public, guests, or employees, and (ii) a  
26 kitchen or catering facility in which food is prepared on the

1 premises for serving elsewhere. "Restaurant" includes a bar  
2 area within the restaurant.

3 "Retail tobacco store" means a retail establishment that  
4 derives more than 80% of its gross revenue from the sale of  
5 loose tobacco, plants, or herbs and cigars, cigarettes, pipes,  
6 and other smoking devices for burning tobacco and related  
7 smoking accessories and in which the sale of other products is  
8 merely incidental. "Retail tobacco store" includes an enclosed  
9 workplace that manufactures, imports, or distributes tobacco  
10 or tobacco products, when, as a necessary and integral part of  
11 the process of making, manufacturing, importing, or  
12 distributing a tobacco product for the eventual retail sale of  
13 that tobacco or tobacco product, tobacco is heated, burned, or  
14 smoked, or a lighted tobacco product is tested, provided that  
15 the involved business entity: (1) maintains a specially  
16 designated area or areas within the workplace for the purpose  
17 of the heating, burning, smoking, or lighting activities, and  
18 does not create a facility that permits smoking throughout; (2)  
19 satisfies the 80% requirement related to gross sales; and (3)  
20 delivers tobacco products to consumers, retail establishments,  
21 or other wholesale establishments as part of its business.  
22 "Retail tobacco store" does not include a tobacco department or  
23 section of a larger commercial establishment or any  
24 establishment with any type of liquor, food, or restaurant  
25 license. Rulemaking authority to implement this amendatory Act  
26 of the 95th General Assembly, if any, is conditioned on the

1 rules being adopted in accordance with all provisions of the  
2 Illinois Administrative Procedure Act and all rules and  
3 procedures of the Joint Committee on Administrative Rules; any  
4 purported rule not so adopted, for whatever reason, is  
5 unauthorized.

6 "Smoke" or "smoking" means the carrying, smoking, burning,  
7 inhaling, or exhaling of any kind of lighted pipe, cigar,  
8 cigarette, hookah, weed, herbs, or any other lighted smoking  
9 equipment. "Smoke" or "smoking" does not include smoking that  
10 is associated with a native recognized religious ceremony,  
11 ritual, or activity by American Indians that is in accordance  
12 with the federal American Indian Religious Freedom Act, 42  
13 U.S.C. 1996 and 1996a.

14 "State agency" has the meaning formerly ascribed to it in  
15 subsection (a) of Section 3 of the Illinois Purchasing Act (now  
16 repealed).

17 "Unit of local government" has the meaning ascribed to it  
18 in Section 1 of Article VII of the Illinois Constitution of  
19 1970.

20 (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09; 96-797,  
21 eff. 1-1-10.)

22 Section 75. The Criminal Code of 1961 is amended by  
23 changing Section 28-1 as follows:

24 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)



1           Sec. 28-1. Gambling.

2           (a) A person commits gambling when he:

3                 (1) Plays a game of chance or skill for money or other  
4           thing of value, unless excepted in subsection (b) of this  
5           Section; or

6                 (2) Makes a wager upon the result of any game, contest,  
7           or any political nomination, appointment or election; or

8                 (3) Operates, keeps, owns, uses, purchases, exhibits,  
9           rents, sells, bargains for the sale or lease of,  
10          manufactures or distributes any gambling device; or

11                (4) Contracts to have or give himself or another the  
12          option to buy or sell, or contracts to buy or sell, at a  
13          future time, any grain or other commodity whatsoever, or  
14          any stock or security of any company, where it is at the  
15          time of making such contract intended by both parties  
16          thereto that the contract to buy or sell, or the option,  
17          whenever exercised, or the contract resulting therefrom,  
18          shall be settled, not by the receipt or delivery of such  
19          property, but by the payment only of differences in prices  
20          thereof; however, the issuance, purchase, sale, exercise,  
21          endorsement or guarantee, by or through a person registered  
22          with the Secretary of State pursuant to Section 8 of the  
23          Illinois Securities Law of 1953, or by or through a person  
24          exempt from such registration under said Section 8, of a  
25          put, call, or other option to buy or sell securities which  
26          have been registered with the Secretary of State or which

1 are exempt from such registration under Section 3 of the  
2 Illinois Securities Law of 1953 is not gambling within the  
3 meaning of this paragraph (4); or

4 (5) Knowingly owns or possesses any book, instrument or  
5 apparatus by means of which bets or wagers have been, or  
6 are, recorded or registered, or knowingly possesses any  
7 money which he has received in the course of a bet or  
8 wager; or

9 (6) Sells pools upon the result of any game or contest  
10 of skill or chance, political nomination, appointment or  
11 election; or

12 (7) Sets up or promotes any lottery or sells, offers to  
13 sell or transfers any ticket or share for any lottery; or

14 (8) Sets up or promotes any policy game or sells,  
15 offers to sell or knowingly possesses or transfers any  
16 policy ticket, slip, record, document or other similar  
17 device; or

18 (9) Knowingly drafts, prints or publishes any lottery  
19 ticket or share, or any policy ticket, slip, record,  
20 document or similar device, except for such activity  
21 related to lotteries, bingo games and raffles authorized by  
22 and conducted in accordance with the laws of Illinois or  
23 any other state or foreign government; or

24 (10) Knowingly advertises any lottery or policy game,  
25 except for such activity related to lotteries, bingo games  
26 and raffles authorized by and conducted in accordance with

1 the laws of Illinois or any other state; or

2 (11) Knowingly transmits information as to wagers,  
3 betting odds, or changes in betting odds by telephone,  
4 telegraph, radio, semaphore or similar means; or knowingly  
5 installs or maintains equipment for the transmission or  
6 receipt of such information; except that nothing in this  
7 subdivision (11) prohibits transmission or receipt of such  
8 information for use in news reporting of sporting events or  
9 contests; or

10 (12) Knowingly establishes, maintains, or operates an  
11 Internet site that permits a person to play a game of  
12 chance or skill for money or other thing of value by means  
13 of the Internet or to make a wager upon the result of any  
14 game, contest, political nomination, appointment, or  
15 election by means of the Internet. This item (12) does not  
16 apply to activities referenced in items (6) and (6.1) of  
17 subsection (b) of this Section.

18 (b) Participants in any of the following activities shall  
19 not be convicted of gambling therefor:

20 (1) Agreements to compensate for loss caused by the  
21 happening of chance including without limitation contracts  
22 of indemnity or guaranty and life or health or accident  
23 insurance.

24 (2) Offers of prizes, award or compensation to the  
25 actual contestants in any bona fide contest for the  
26 determination of skill, speed, strength or endurance or to

1 the owners of animals or vehicles entered in such contest.

2 (3) Pari-mutuel betting as authorized by the law of  
3 this State.

4 (4) Manufacture of gambling devices, including the  
5 acquisition of essential parts therefor and the assembly  
6 thereof, for transportation in interstate or foreign  
7 commerce to any place outside this State when such  
8 transportation is not prohibited by any applicable Federal  
9 law; or the manufacture, distribution, or possession of  
10 video gaming terminals, as defined in the Video Gaming Act,  
11 by manufacturers, distributors, and terminal operators  
12 licensed to do so under the Video Gaming Act.

13 (5) The game commonly known as "bingo", when conducted  
14 in accordance with the Bingo License and Tax Act.

15 (6) Lotteries when conducted by the State of Illinois  
16 in accordance with the Illinois Lottery Law. This exemption  
17 includes any activity conducted by the Department of  
18 Revenue to sell lottery tickets pursuant to the provisions  
19 of the Illinois Lottery Law and its rules.

20 (6.1) The purchase of lottery tickets through the  
21 Internet for a lottery conducted by the State of Illinois  
22 under the program established in Section 7.12 of the  
23 Illinois Lottery Law.

24 (7) Possession of an antique slot machine that is  
25 neither used nor intended to be used in the operation or  
26 promotion of any unlawful gambling activity or enterprise.

1 For the purpose of this subparagraph (b)(7), an antique  
2 slot machine is one manufactured 25 years ago or earlier.

3 (8) Raffles when conducted in accordance with the  
4 Raffles Act.

5 (9) Charitable games when conducted in accordance with  
6 the Charitable Games Act.

7 (10) Pull tabs and jar games when conducted under the  
8 Illinois Pull Tabs and Jar Games Act.

9 (11) Gambling games conducted at facilities ~~on~~  
10 ~~riverboats~~ when authorized by the SEFEL ~~Riverboat Gambling~~  
11 Act.

12 (12) Video gaming terminal games at a licensed  
13 establishment, licensed truck stop establishment, licensed  
14 fraternal establishment, or licensed veterans  
15 establishment when conducted in accordance with the Video  
16 Gaming Act.

17 (13) Games of skill or chance where money or other  
18 things of value can be won but no payment or purchase is  
19 required to participate.

20 (c) Sentence.

21 Gambling under subsection (a)(1) or (a)(2) of this Section  
22 is a Class A misdemeanor. Gambling under any of subsections  
23 (a)(3) through (a)(11) of this Section is a Class A  
24 misdemeanor. A second or subsequent conviction under any of  
25 subsections (a)(3) through (a)(11), is a Class 4 felony.  
26 Gambling under subsection (a)(12) of this Section is a Class A

1 misdemeanor. A second or subsequent conviction under  
2 subsection (a)(12) is a Class 4 felony.

3 (d) Circumstantial evidence.

4 In prosecutions under subsection (a)(1) through (a)(12) of  
5 this Section circumstantial evidence shall have the same  
6 validity and weight as in any criminal prosecution.

7 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
8 96-1203, eff. 7-22-10.)

9 (230 ILCS 10/5.2 rep.)

10 Section 80. The Riverboat Gambling Act is amended by  
11 repealing Section 5.2.

12 Section 999. Effective date. This Act takes effect January  
13 1, 2012.

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5	20 ILCS 5000/10	
6	30 ILCS 105/5.786 new	
7	30 ILCS 105/5.787 new	
8	40 ILCS 5/14-110	from Ch. 108 1/2, par. 14-110
9	70 ILCS 531/3	
10	70 ILCS 1825/5.1	from Ch. 19, par. 255.1
11	205 ILCS 670/12.5	
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14	230 ILCS 10/1	from Ch. 120, par. 2401
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1 230 ILCS 10/5.2 rep.