

99TH GENERAL ASSEMBLY State of Illinois 2015 and 2016 SB1794

Introduced 2/20/2015, by Sen. Darin M. LaHood

SYNOPSIS AS INTRODUCED:

See Index

Amends the Video Gaming Act. Provides that the Illinois Gaming Board shall not issue a license to any licensed establishment unless, for each of 2 years prior to applying for a license, the licensed establishment generated no less than 80% of its revenue from the sale of food or beverages. In order to renew a license, the licensed establishment must have generated no less than 50% of its revenue from the sale of food or beverages for the year prior to applying for renewal. Provides that the Board Exclusion List and the Self-Exclusion List distributed to Illinois casinos be distributed to video gaming licensees and enforced by the licensees. Prohibits disclosure of the identity of anyone on the Self-Exclusion List. Prohibits various licensees from knowingly allowing any person on either list to play. Requires video gaming locations to separate video gaming terminals from the sight of any minor that may enter that location. Provides that video gaming areas must post signs on age restrictions. Provides that certain persons involved in the maintenance, operation, or supervision of video gaming terminals may not use or play video gaming terminals they are or may be responsible for. Provides that video gaming terminals shall only be operated during a location's regular business hours, when the video gaming terminals are generally available to the public for use or play. Makes other changes. Amends the Counties Code. Provides that counties may adopt a classification of liquor license that, when issued, authorizes the liquor license holder to subsequently apply to the Board for a license under the Video Gaming Act and to operate as a licensee if granted a license. Makes similar changes in the Illinois Municipal Code.

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FISCAL NOTE ACT MAY APPLY 1 AN ACT concerning gaming.

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

- Section 5. The Counties Code is amended by adding Section 5-1126.5 as follows:
- 6 (55 ILCS 5/5-1126.5 new)
- 7 Sec. 5-1126.5. Liquor license with video gaming authorization. Notwithstanding any provisions in the Liquor 8 9 Control Act of 1934 or the Video Gaming Act to the contrary, a county board shall have the power, by ordinance, to adopt a 10 classification of liquor license that, when issued, authorizes 11 the liquor license holder to subsequently apply to the Illinois 12 Gaming Board for a license as a licensed establishment, 13 14 licensed fraternal establishment, or licensed veterans establishment under the Video Gaming Act and to operate as a 15 licensed establishment, licensed fraternal establishment, or 16 17 licensed veterans establishment if granted a license by the Illinois Gaming Board. If such a classification is adopted by a 18 19 county, the amount of the license fee shall not exceed the amount charged for similar liquor licenses. A county that 20 21 permits video gaming pursuant to the Video Gaming Act at the 22 time it adopts such a classification of liquor license shall, upon the licensee's request, issue the license to any 2.3

- establishment already possessing an existing liquor license 1
- for no additional fee. Nothing in this Section shall be 2
- construed to terminate or otherwise affect the rights of a 3
- 4 licensed establishment, licensed fraternal establishment,
- licensed veterans establishment, or licensed truck stop 5
- establishment licensed under the Video Gaming Act that is 6
- located in a county that adopts an ordinance under this 7
- Section. A county shall notify the Illinois Gaming Board upon 8
- 9 its adoption of any ordinance under this Section.
- 10 Section 10. The Illinois Municipal Code is amended by
- 11 adding Section 11-42-10.3 as follows:
- 12 (65 ILCS 5/11-42-10.3 new)
- Sec. 11-42-10.3. Liquor license with video gaming 13
- 14 authorization. Notwithstanding any provisions in the Liquor
- 15 Control Act of 1934 or the Video Gaming Act to the contrary,
- the corporate authorities of a municipality shall have the 16
- 17 power, by ordinance, to adopt a classification of liquor
- license that, when issued, authorizes the liquor license holder 18
- to subsequently apply to the Illinois Gaming Board for a 19
- 20 license as a licensed establishment, licensed fraternal
- 21 establishment, or licensed veterans establishment under the
- 22 Video Gaming Act and to operate as a licensed establishment,
- licensed fraternal establishment, or licensed veterans 23
- establishment if granted a license by the Illinois Gaming 24

- Board. If such a classification is adopted by a municipality, 1 2 the amount of the license fee shall not exceed the amount charged for similar liquor licenses. A municipality that 3 permits video gaming pursuant to the Video Gaming Act at the 4 5 time it adopts such a classification of liquor license shall, upon the licensee's request, issue the license to any 6 establishment already possessing an existing liquor license 7 for no additional fee. Nothing in this Section shall be 8 9 construed to terminate or otherwise affect the rights of a licensed establishment, licensed fraternal establishment, 10 11 licensed veterans establishment, or licensed truck stop 12 establishment licensed under the Video Gaming Act that is located in a municipality that adopts an ordinance under this 13 14 Section. A municipality shall notify the Illinois Gaming Board 15 upon its adoption of any ordinance under this Section.
- Section 15. The Video Gaming Act is amended by changing
 Sections 25, 55, and 58 and by adding Sections 41, 56, and 59
 as follows:
- 19 (230 ILCS 40/25)
- 20 Sec. 25. Restriction of licensees.
- 21 (a) Manufacturer. A person may not be licensed as a
 22 manufacturer of a video gaming terminal in Illinois unless the
 23 person has a valid manufacturer's license issued under this
 24 Act. A manufacturer may only sell video gaming terminals for

- Illinois to persons having a valid distributor's 1 2 license.
- (b) Distributor. A person may not sell, distribute, or 3 lease or market a video gaming terminal in Illinois unless the
- 5 person has a valid distributor's license issued under this Act.
- 6 A distributor may only sell video gaming terminals for use in
- 7 Illinois to persons having a valid distributor's or terminal
- 8 operator's license.
- 9 (c) Terminal operator. A person may not own, maintain, or 10 place a video gaming terminal unless he has a valid terminal 11 operator's license issued under this Act. A terminal operator 12 may only place video gaming terminals for use in Illinois in 13 licensed establishments, licensed truck stop establishments, 14 licensed fraternal establishments, and licensed veterans 15 establishments. No terminal operator may give anything of 16 value, including but not limited to a loan or financing 17 arrangement, to a licensed establishment, licensed truck stop 18 establishment, licensed fraternal establishment, or licensed veterans establishment as any incentive or inducement to locate 19 20 video terminals in that establishment. Of the after-tax profits 21 from a video gaming terminal, 50% shall be paid to the terminal 22 operator and 50% shall be paid to the licensed establishment, 23 licensed truck stop establishment, licensed 24 establishment, or licensed veterans establishment, 25 notwithstanding any agreement to the contrary. A video terminal operator that violates one or more requirements of this 26

- subsection is guilty of a Class 4 felony and is subject to termination of his or her license by the Board.
 - shall not allow its associated licensees, owners, licensed employees, licensed agents, any person with a substantial interest in, or any person with control over the licensed terminal operator to use or play any video gaming terminal that the licensed terminal operator owns, services, or maintains.
 - (d) Licensed technician. A person may not service, maintain, or repair a video gaming terminal in this State unless he or she (1) has a valid technician's license issued under this Act, (2) is a terminal operator, or (3) is employed by a terminal operator, distributor, or manufacturer. A licensed technician shall not use or play any video gaming terminal that the licensed technician has repaired in the past 365 days, is, or within the next 365 days may be responsible to repair, service, or maintain, or that is owned, repaired, serviced, or maintained by any licensee that employs or contracts with the licensed technician as part of a video gaming operation.
 - (d-5) Licensed terminal handler. No person, including, but not limited to, an employee or independent contractor working for a manufacturer, distributor, supplier, technician, or terminal operator licensed pursuant to this Act, shall have possession or control of a video gaming terminal, or access to the inner workings of a video gaming terminal, unless that

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person possesses a valid terminal handler's license issued
under this Act. A licensed terminal handler shall not use or
play any video gaming terminal that the licensed terminal
handler has in the past 365 days, is, or within the next 365
days may be responsible to repair, service, or maintain, or
that is owned, repaired, serviced, or maintained by any
licensee that employs or contracts with the licensed terminal

handler as part of a video gaming operation.

(e) Licensed establishment. No video gaming terminal may be placed in any licensed establishment, licensed veterans establishment, licensed truck stop establishment, or licensed fraternal establishment unless the owner or agent of the owner the licensed establishment, licensed veterans establishment, licensed truck stop establishment, or licensed fraternal establishment has entered into a written use agreement with the terminal operator for placement of the terminals. A copy of the use agreement shall be on file in the terminal operator's place of business and available for inspection by individuals authorized by the Board. A licensed establishment, licensed truck stop establishment, licensed veterans establishment, or licensed fraternal establishment may operate up to 5 video gaming terminals on its premises at anv time.

A licensed establishment, licensed truck stop establishment, licensed veterans establishment, or licensed fraternal establishment shall only cash the following checks:

- (i) personal checks, (ii) cashier's checks, (iii) money orders, 1 (iv) credit card advance checks, (v) Traveler's checks, and 2 (vi) wire transfer service checks. Licensed establishments, 3 licensed truck stop establishments, licensed veterans 4 5 establishments, and licensed fraternal establishments shall not allow its associated licensees, owners, licensed 6 employees, licensed agents, managers, any person with 5% or 7 more attributed interest in, any person with a substantial 8 9 interest in, or any person with control over the licensed video gaming location to use or play any video gaming terminal 10 11 located in the licensed video gaming location.
- 12 (f) (Blank).

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- (g) Financial interest restrictions. As used in this Act, "substantial interest" in a partnership, a corporation, an organization, an association, a business, or a limited liability company means:
 - (A) When, with respect to a sole proprietorship, an individual or his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association, or business, or any part thereof; or
 - (B) When, with respect to a partnership, the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or
 - (C) When, with respect to a corporation, an individual or his or her spouse is an officer or director, or the individual or his or her spouse is a holder, directly or

- beneficially, of 5% or more of any class of stock of the
 corporation; or
 - (D) When, with respect to an organization not covered in (A), (B) or (C) above, an individual or his or her spouse is an officer or manages the business affairs, or the individual or his or her spouse is the owner of or otherwise controls 10% or more of the assets of the organization; or
 - (E) When an individual or his or her spouse furnishes 5% or more of the capital, whether in cash, goods, or services, for the operation of any business, association, or organization during any calendar year; or
 - (F) When, with respect to a limited liability company, an individual or his or her spouse is a member, or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of the membership interest of the limited liability company.

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

(h) Location restriction. A licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment that is (i)

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located within 1,000 feet of a facility operated by an organization licensee licensed under the Illinois Horse Racing Act of 1975 or the home dock of a riverboat licensed under the Riverboat Gambling Act or (ii) located within 100 feet of a school or a place of worship under the Religious Corporation Act, is ineligible to operate a video gaming terminal. The location restrictions in this subsection (h) do not apply if (A) a facility operated by an organization licensee, a school, or a place of worship moves to or is established within the restricted area after a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, licensed veterans establishment becomes licensed under this Act or (B) a school or place of worship moves to or is established within the restricted area after a establishment, licensed truck stop establishment, fraternal establishment, or licensed veterans establishment obtains its original liquor license. For the purpose of this subsection, "school" means an elementary or secondary public school, or an elementary or secondary private school registered with or recognized by the State Board of Education.

Notwithstanding the provisions of this subsection (h), the Board may waive the requirement that a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment not be located within 1,000 feet from a facility operated by an organization licensee licensed under the Illinois Horse Racing

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- Act of 1975 or the home dock of a riverboat licensed under the Riverboat Gambling Act. The Board shall not grant such waiver if there is any common ownership or control, shared business activity, or contractual arrangement of any type between the establishment and the organization licensee or owners licensee of a riverboat. The Board shall adopt rules to implement the provisions of this paragraph.
 - (i) Undue economic concentration. Ιn addition t.o considering all other requirements under this Act, in deciding whether to approve the operation of video gaming terminals by a terminal operator in a location, the Board shall consider the impact of any economic concentration of such operation of video gaming terminals. The Board shall not allow a terminal operator to operate video gaming terminals if the Board determines such operation will result in undue economic concentration. For purposes of this Section, "undue economic concentration" means that a terminal operator would have such actual or potential influence over video gaming terminals in Illinois as to:
 - (1) substantially impede or suppress competition among terminal operators;
 - (2) adversely impact the economic stability of the video gaming industry in Illinois; or
- 23 (3) negatively impact the purposes of the Video Gaming
 24 Act.

The Board shall adopt rules concerning undue economic concentration with respect to the operation of video gaming

- 1 terminals in Illinois. The rules shall include, but not be
- 2 limited to, (i) limitations on the number of video gaming
- 3 terminals operated by any terminal operator within a defined
- 4 geographic radius and (ii) guidelines on the discontinuation of
- 5 operation of any such video gaming terminals the Board
- 6 determines will cause undue economic concentration.
- 7 (j) The provisions of the Illinois Antitrust Act are fully
- 8 and equally applicable to the activities of any licensee under
- 9 this Act.
- 10 (Source: P.A. 97-333, eff. 8-12-11; 98-31, eff. 6-24-13; 98-77,
- eff. 7-15-13; 98-112, eff. 7-26-13; 98-756, eff. 7-16-14.)
- 12 (230 ILCS 40/41 new)
- 13 Sec. 41. Exclusion lists.
- 14 (a) For purposes of this Section:
- "Board Exclusion List" means the list set forth in 86
- 16 Ill. Adm. Code 3000.710.
- "Self-Exclusion List" means the list set forth in 86
- 18 Ill. Adm. Code 3000.750.
- 19 "Video gaming licensee" means a licensed
- 20 establishment, licensed truck stop establishment, licensed
- 21 <u>veterans</u> <u>establ</u>ishment, or licensed fraternal
- establishment.
- 23 (b) The Board shall distribute to each video gaming
- licensee a list of each person on the Board Exclusion List.
- 25 Each video gaming licensee shall acknowledge receipt of the

- (c) When a person is placed on the Board Exclusion List, such person shall be prohibited from contact of any kind with any video gaming operation or with any video gaming licensee unless and until a determination is made by the Board or a court to the contrary. No person on the Board Exclusion List shall be permitted entry into any licensed video gaming location. It shall be the duty of each video gaming licensee and of its employees to exclude or eject from a licensed video gaming location any person on the Board Exclusion List when such video gaming licensee or employee knows or reasonably should know of the presence of such person. It shall be the duty of every video gaming licensee to inform the Administrator in writing of the names of persons such video gaming licensee reasonable believes meet the criteria for placement on the Board Exclusion List.
- (d) Upon placement on the Self-Exclusion List by the Administrator, the name and identifying information of the self-excluded person shall be distributed to each video gaming licensee.
- No video gaming licensee may disclose the name of any person on the Self-Exclusion List to any third party unless specifically authorized by this Act or required by a court order specifically requiring the release of mental health records and information.
- No video gaming licensee who obtains identifying

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information about a person on the Self-Exclusion List from any 1 2 source may disclose the name or identifying information of the self-excluded person, except as necessary to effectuate, or as 3 4 specifically permitted by, this Act.

Any video gaming licensee who knowingly discloses, authorizes disclosure, permits a disclosure, or otherwise assists in the disclosure of the identity of a person on the Self-Exclusion List shall be subject to discipline for each disclosure, including, but not limited to, any disclosure by any of its officers, directors, employees, attorneys, agents, and contractors, unless the disclosure is made for the sole purpose of effectuating the Self-Exclusion program and this Act as to any customer tracking system, customer identification system, financial transactions system, or check and credit system.

Disclosure may be made to affiliate video gaming operations with the prior written approval of the Administrator. A video gaming licensee seeking such approval must provide to the Administrator an explanation of the manner in which the identity of the self-excluded persons will be maintained confidentially by the affiliate video gaming operations.

Nothing in this Section prohibits disclosure of the name of a person on the Self-Exclusion List to the Board or its staff or to a person authorized in writing by the self-excluded person on the Self-Exclusion List to receive such information.

(e) Each video gaming licensee shall cause the name and

- 1 address of any person on the Self-Exclusion List to be flagged
- on all mailing, marketing, or promotional lists or databases.
- 3 No video gaming licensee shall knowingly send marketing or
- 4 promotional materials that mention video poker in any way to
- 5 any person on the Self-Exclusion List.
- 6 <u>Video gaming licensees shall maintain, pursuant to</u>
- 7 subsection (d) of this Section, a system designed to detect
- 8 persons on the Self-Exclusion List so as to enforce this
- 9 Section.
- Each video gaming licensee shall cause the name and address
- of any person on the Self-Exclusion List to be flagged on all
- 12 check-cashing, credit issuance, and other financial
- 13 eligibility lists or databases utilized by the video gaming
- operation for any purposes, except as authorized by this Act.
- Video gaming licensees shall not knowingly cash checks for,
- 16 extend gaming operation credit to, or otherwise assist a person
- on the Self-Exclusion List to obtain funds for gambling
- 18 purposes.

- 19 <u>(f) No video gaming licensee shall knowingly allow any</u>
- 20 person on the Self-Exclusion List or the Board Exclusion List
- 21 to play video poker. No video gaming licensee shall knowingly
- 22 send marketing or promotional materials that mention video
- poker in any way to any person on the Self-Exclusion List or
- the Board Exclusion List.

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Sec. 55. Precondition for licensed location. In all cases of application for a licensed location, to operate a video gaming terminal, each licensed establishment, licensed fraternal establishment, or licensed veterans establishment shall possess a valid liquor license issued by the Illinois Liquor Control Commission in effect at the time of application and at all times thereafter during which a video gaming terminal is made available to the public for play at that location. Video gaming terminals in a licensed location shall be operated only during the same hours of operation generally permitted to holders of a license under the Liquor Control Act of 1934 within the unit of local government in which they are located. A licensed truck stop establishment that does not hold a liquor license may operate video gaming terminals on a continuous basis. A licensed fraternal establishment or licensed veterans establishment that does not hold a liquor license may operate video gaming terminals if (i) establishment is located in a county with a population between 6,500 and 7,000, based on the 2000 U.S. Census, (ii) the county prohibits by ordinance the sale of alcohol, and (iii) the establishment is in a portion of the county where the sale of alcohol is prohibited. A licensed fraternal establishment or licensed veterans establishment that does not hold a liquor may operate video gaming terminals if (i) establishment is located in a municipality within a county with a population between 8,500 and 9,000 based on the 2000 U.S.

- 1 Census and (ii) the municipality or county prohibits or limits
- 2 the sale of alcohol by ordinance in a way that prohibits the
- 3 establishment from selling alcohol. Video gaming terminals in
- 4 any licensed location may only be operated during that
- 5 location's regular business hours, when the video gaming
- 6 terminals are generally available to the public for use or
- 7 play.
- 8 (Source: P.A. 96-34, eff. 7-13-09; 96-1410, eff. 7-30-10;
- 9 97-594, eff. 8-26-11.)
- 10 (230 ILCS 40/56 new)
- Sec. 56. Food and beverage sales precondition for licensed
- 12 establishments.
- 13 (a) Beginning on the effective date of this amendatory Act
- of the 99th General Assembly, the Board shall not issue a
- license to any licensed establishment unless, for each of two
- 16 years prior to applying for a license, the licensed
- 17 <u>establishment generated no less than 80% of its revenue from</u>
- 18 the sale of food or beverages. In order to renew a license, the
- 19 licensed establishment must have generated no less than 50% of
- 20 its revenue from the sale of food or beverages for the year
- 21 prior to applying for renewal.
- 22 (b) Any licensed establishment that was licensed or had an
- application submitted to the Board prior to the effective date
- of this amendatory Act of the 99th General Assembly shall not
- 25 be required to demonstrate that for each of the two years prior

- 1 to applying for the licensed establishment generated no less
- 2 than 80% of its revenue from the sale of food or beverages as
- 3 required by subsection (a) of this Section.
- 4 (c) This Section does not apply to any licensed fraternal
- 5 establishment or a licensed veterans establishment that
- 6 possesses a valid liquor license issued by the Illinois Liquor
- 7 Control Commission in effect at the time of application and at
- 8 <u>all times after.</u>
- 9 (d) Each licensed establishment shall annually provide the
- 10 Board with a report showing its gross annual sales totals and
- 11 categories, including food and beverage sales. The Board may
- 12 audit this report. If the Board finds that a licensed
- 13 establishment has sales of food and beverages less than the
- levels required by subsection (a) this Section, the Board shall
- immediately revoke the licensed establishment's license.
- 16 (230 ILCS 40/58)
- 17 Sec. 58. Location of terminals.
- 18 (a) Video gaming terminals must be located in an area
- 19 restricted to persons over 21 years of age the entrance to
- 20 which is within the view of at least one employee, who is over
- 21 21 years of age, of the establishment in which they are
- located. Any licensed establishment, licensed truck stop
- 23 establishment, licensed veterans establishment, and licensed
- 24 fraternal establishment that allows minors to enter shall
- 25 <u>separate any video gaming terminals from the sight of any minor</u>

- 1 by placing a partition of at least 5 feet in height between the
- 2 video gaming terminals and any area where a minor may be
- 3 present. The partition shall be permanently affixed and solid
- 4 except for an opening to allow for player access into the area.
- 5 placement of video gaming terminals in licensed
- 6 establishments, licensed truck stop establishments, licensed
- 7 fraternal establishments, and licensed veterans establishments
- 8 shall be subject to the rules promulgated by the Board pursuant
- 9 to the Illinois Administrative Procedure Act.
- 10 (b) All licensed establishments, licensed truck stop
- 11 establishments, licensed veterans establishments, and licensed
- 12 fraternal establishments that allow minors to enter shall post
- signs on the premises that state that the play of video gaming 13
- 14 terminals by persons under the age of 21 is prohibited and that
- 15 state that access to areas where video gaming is conduct is
- 16 prohibited by persons under the age of 21.
- 17 (c) The phrase "NO PERSON UNDER THE AGE OF 21 ALLOWED TO
- PLAY" shall be conspicuously displayed on the face of all video 18
- 19 gaming terminals.
- (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09.) 20
- 21 (230 ILCS 40/59 new)
- 22 Sec. 59. Compulsive gambling.
- 23 (a) Each licensed establishment, licensed truck stop
- establishment, licensed veterans establishment, and licensed 24
- fraternal establishment shall post signs with a statement 25

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21 <u>the general public.</u>

1	regarding obtaining assistance with gambling problems, the
2	text of which shall be determined by rule by the Department of
3	Human Services, at the following locations in each facility at
4	which gambling is conducted by the licensed owner:
5	(1) Each entrance and exit.
6	(2) If the establishment has a separate restricted area
7	for video gaming pursuant to 11 Ill. Adm. Code 1800.810(b),
8	at each entrance and exit to that area of the video gaming
9	<u>location.</u>
10	(3) Near each credit location.
11	The signs shall be provided by the Department of Human
12	Services.
13	(b) Each licensed establishment, licensed truck stop
14	establishment, licensed veterans establishment, and licensed
15	fraternal establishment shall print a statement regarding
16	obtaining assistance with gambling problems, the text of which
17	shall be determined by rule by the Department of Human
18	Services, on all paper stock that the licensed establishment,
19	<u>licensed</u> truck stop establishment, licensed veterans
20	establishment, or licensed fraternal establishment provides to

- 1 INDEX
- 2 Statutes amended in order of appearance
- 3 55 ILCS 5/5-1126.5 new
- 4 65 ILCS 5/11-42-10.3 new
- 5 230 ILCS 40/25
- 6 230 ILCS 40/41 new
- 7 230 ILCS 40/55
- 8 230 ILCS 40/56 new
- 9 230 ILCS 40/58
- 10 230 ILCS 40/59 new