



Sen. James F. Clayborne Jr.

**Filed: 5/24/2007**

09500SB0011sam001

LRB095 04879 AMC 37001 a

1 AMENDMENT TO SENATE BILL 11

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 11 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Findings. The legislature makes all of the  
5 following findings:

6 (1) That riverboat gaming has had a negative impact on  
7 horse racing. From 1992, the first full year of riverboat  
8 operations, through 2005, Illinois on-track wagering has  
9 decreased by 42% from \$835 million to \$482 million.

10 (2) That this decrease in wagering has negatively  
11 impacted purses for Illinois racing, which has hurt the  
12 State's breeding industry. Between 1991 and 2004 the number  
13 of foals registered with the Department of Agriculture has  
14 decreased by more than 46% from 3,529 to 1,891.

15 (3) That the decline of the Illinois horseracing and  
16 breeding program, a \$2.5 billion industry, would be  
17 reversed if this amendatory Act of the 95th General

1 Assembly was enacted. By requiring that riverboats agree to  
2 pay those percentages of their gross revenue identified in  
3 Section 7 of the Riverboat and Casino Gambling Act of this  
4 amendatory Act of the 95th General Assembly into the Horse  
5 Racing Equity Trust Fund, total purses in the State may  
6 increase by 50%, helping Illinois tracks to better compete  
7 with those in other states. Illinois currently ranks  
8 thirteenth nationally in terms of its purse size; the  
9 change would propel the State to second or third.

10 (4) That Illinois agriculture and other businesses  
11 that support and supply the horse racing industry, already  
12 a sector that employs over 37,000 Illinoisans, also stand  
13 to substantially benefit and would be much more likely to  
14 create additional jobs should Illinois horse racing once  
15 again become competitive with other states.

16 (5) That the percentage of gross revenues this  
17 amendatory Act of the 95th General Assembly will contribute  
18 to the horse racing industry will benefit that important  
19 industry for Illinois farmers, breeders, and fans of  
20 horseracing and will begin to address the negative impact  
21 riverboat gaming has had on Illinois horseracing.

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

24 (20 ILCS 301/5-20)

1           Sec. 5-20. Compulsive gambling program.

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

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

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

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

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

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

1 in-service training concerning problem and compulsive  
2 gambling.

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

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

10 Section 10. The Department of Commerce and Economic  
11 Opportunity Law of the Civil Administrative Code of Illinois is  
12 amended by adding Section 605-530 as follows:

13 (20 ILCS 605/605-530 new)

14 Sec. 605-530. The Depressed Communities Economic  
15 Development Board.

16 (a) The Depressed Communities Economic Development Board  
17 is created as an advisory board within the Department of  
18 Commerce and Economic Opportunity. The Board shall consist of  
19 10 members as follows:

20 (1) 2 members appointed by the President of the Senate,  
21 one of whom is appointed to serve an initial term of one  
22 year and one of whom is appointed to serve an initial term  
23 of 2 years.

24 (2) 2 members appointed by the Minority Leader of the

1 Senate, one of whom is appointed to serve an initial term  
2 of one year and one of whom is appointed to serve an  
3 initial term of 2 years.

4 (3) 2 members appointed by the Speaker of the House of  
5 Representatives, one of whom is appointed to serve an  
6 initial term of one year and one of whom is appointed to  
7 serve an initial term of 2 years.

8 (4) 2 members appointed by the Minority Leader of the  
9 House of Representatives, one of whom is appointed to serve  
10 an initial term of one year and one of whom is appointed to  
11 serve an initial term of 2 years.

12 (5) 2 members appointed by the Governor with the advice  
13 and consent of the Senate, one of whom is appointed to  
14 serve an initial term of one year and one of whom is  
15 appointed to serve an initial term of 2 years as chair of  
16 the Board at the time of appointment.

17 After the initial terms, each member shall be appointed to  
18 serve a term of 2 years and until his or her successor has been  
19 appointed and assumes office. If a vacancy occurs in the Board  
20 membership, the vacancy shall be filled in the same manner as  
21 the initial appointment.

22 (b) Board members shall serve without compensation but may  
23 be reimbursed for their reasonable travel expenses from funds  
24 available for that purpose. The Department of Commerce and  
25 Economic Opportunity shall provide staff and administrative  
26 support services to the Board.

1       (c) The Board must make recommendations to the Department  
2 of Commerce and Economic Opportunity concerning the award of  
3 grants from amounts appropriated to the Department from the  
4 Depressed Communities Economic Development Fund. The  
5 Department must make grants to public or private entities  
6 submitting proposals to the Board to revitalize an Illinois  
7 depressed community. Grants may be used by these entities only  
8 for those purposes conditioned with the grant. For the purposes  
9 of this subsection (c), plans for revitalizing an Illinois  
10 depressed community include plans intended to curb high levels  
11 of poverty, unemployment, job and population loss, and general  
12 distress. An Illinois depressed community (i) is an area where  
13 the poverty rate, as determined by using the most recent data  
14 released by the United States Census Bureau, is at least 3%  
15 greater than the State poverty rate as determined by using the  
16 most recent data released by the United States Census Bureau;  
17 or (ii) is an area within following zip codes: 60064, 60085,  
18 60087, 60104, 60153, 60160, 60402, 60406, 60409, 60411, 60419,  
19 60426, 60429, 60431, 60432, 60433, 60441, 60472, 60473, 60505,  
20 60608, 60609, 60612, 60614, 60615, 60617, 60618, 60619, 60620,  
21 60622, 60623, 60624, 60628, 60629, 60630, 60632, 60636, 60637,  
22 60638, 60639, 60641, 60643, 60644, 60647, 60649, 60651, 60652,  
23 60653, 60655, 60804, 60827, 61101, 61102, 61103, 61104, 61801,  
24 61802, 61820, 61821, 62002, 62060, 62090, 62201, 62203, 62204,  
25 62205, 62206, 62207, 62220, 62221, 62223, 62522, 62523, 62524,  
26 62525, 62526, 62801, 62914, and 62963.

1           Section 15. The Department of Revenue Law of the Civil  
2 Administrative Code of Illinois is amended by changing Section  
3 2505-305 as follows:

4           (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)  
5           Sec. 2505-305. Investigators.

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

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

21           (c) Investigators appointed under this Section who are  
22 assigned to the Illinois Gaming Board have and may exercise all  
23 the rights and powers of peace officers, provided that these  
24 powers shall be limited to offenses or violations occurring or

1 committed on a riverboat or dock or in a casino, as defined in  
2 ~~subsections (d) and (f) of~~ Section 4 of the Riverboat and  
3 Casino Gambling Act.

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

6 Section 20. The State Finance Act is amended by changing  
7 Section 8a and by reenacting and changing Section 8h as  
8 follows:

9 (30 ILCS 105/8a) (from Ch. 127, par. 144a)

10 (Text of Section before amendment by P.A. 94-1105)

11 Sec. 8a. Common School Fund; transfers to Common School  
12 Fund and Education Assistance Fund.

13 (a) Except as provided in subsection (b) of this Section  
14 and except as otherwise provided in this subsection (a) with  
15 respect to amounts transferred from the General Revenue Fund to  
16 the Common School Fund for distribution therefrom for the  
17 benefit of the Teachers' Retirement System of the State of  
18 Illinois and the Public School Teachers' Pension and Retirement  
19 Fund of Chicago:

20 (1) With respect to all school districts, for each  
21 fiscal year other than fiscal year 1994, on or before the  
22 eleventh and twenty-first days of each of the months of  
23 August through the following July, at a time or times  
24 designated by the Governor, the State Treasurer and the



1 State Comptroller shall transfer from the General Revenue  
2 Fund to the Common School Fund and Education Assistance  
3 Fund, as appropriate, 1/24 or so much thereof as may be  
4 necessary of the amount appropriated to the State Board of  
5 Education for distribution to all school districts from  
6 such Common School Fund and Education Assistance Fund, for  
7 the fiscal year, including interest on the School Fund  
8 proportionate for that distribution for such year.

9 (2) With respect to all school districts, but for  
10 fiscal year 1994 only, on the 11th day of August, 1993 and  
11 on or before the 11th and 21st days of each of the months  
12 of October, 1993 through July, 1994 at a time or times  
13 designated by the Governor, the State Treasurer and the  
14 State Comptroller shall transfer from the General Revenue  
15 Fund to the Common School Fund 1/24 or so much thereof as  
16 may be necessary of the amount appropriated to the State  
17 Board of Education for distribution to all school districts  
18 from such Common School Fund, for fiscal year 1994,  
19 including interest on the School Fund proportionate for  
20 that distribution for such year; and on or before the 21st  
21 day of August, 1993 at a time or times designated by the  
22 Governor, the State Treasurer and the State Comptroller  
23 shall transfer from the General Revenue Fund to the Common  
24 School Fund 3/24 or so much thereof as may be necessary of  
25 the amount appropriated to the State Board of Education for  
26 distribution to all school districts from the Common School

1 Fund, for fiscal year 1994, including interest  
2 proportionate for that distribution on the School Fund for  
3 such fiscal year.

4 The amounts of the payments made in July of each year: (i)  
5 shall be considered an outstanding liability as of the 30th day  
6 of June immediately preceding those July payments, within the  
7 meaning of Section 25 of this Act; (ii) shall be payable from  
8 the appropriation for the fiscal year that ended on that 30th  
9 day of June; and (iii) shall be considered payments for claims  
10 covering the school year that commenced during the immediately  
11 preceding calendar year.

12 Notwithstanding the foregoing provisions of this  
13 subsection, as soon as may be after the 10th and 20th days of  
14 each of the months of August through May, 1/24, and on or as  
15 soon as may be after the 10th and 20th days of June, 1/12 of the  
16 annual amount appropriated to the State Board of Education for  
17 distribution and payment during that fiscal year from the  
18 Common School Fund to and for the benefit of the Teachers'  
19 Retirement System of the State of Illinois (until the end of  
20 State fiscal year 1995) and the Public School Teachers' Pension  
21 and Retirement Fund of Chicago as provided by the Illinois  
22 Pension Code and Section 18-7 of the School Code, or so much  
23 thereof as may be necessary, shall be transferred by the State  
24 Treasurer and the State Comptroller from the General Revenue  
25 Fund to the Common School Fund to permit semi-monthly payments  
26 from the Common School Fund to and for the benefit of such

1 teacher retirement systems as required by Section 18-7 of the  
2 School Code.

3 Notwithstanding the other provisions of this Section, on or  
4 as soon as may be after the 15th day of each month, beginning  
5 in July of 1995, 1/12 of the annual amount appropriated for  
6 that fiscal year from the Common School Fund to the Teachers'  
7 Retirement System of the State of Illinois (other than amounts  
8 appropriated under Section 1.1 of the State Pension Funds  
9 Continuing Appropriation Act), or so much thereof as may be  
10 necessary, shall be transferred by the State Treasurer and the  
11 State Comptroller from the General Revenue Fund to the Common  
12 School Fund to permit monthly payments from the Common School  
13 Fund to that retirement system in accordance with Section  
14 16-158 of the Illinois Pension Code and Section 18-7 of the  
15 School Code, except that such transfers in fiscal year 2004  
16 from the General Revenue Fund to the Common School Fund for the  
17 benefit of the Teachers' Retirement System of the State of  
18 Illinois shall be reduced in the aggregate by the State  
19 Comptroller and State Treasurer to adjust for the amount  
20 transferred to the Teachers' Retirement System of the State of  
21 Illinois pursuant to subsection (a) of Section 6z-61. Amounts  
22 appropriated to the Teachers' Retirement System of the State of  
23 Illinois under Section 1.1 of the State Pension Funds  
24 Continuing Appropriation Act shall be transferred by the State  
25 Treasurer and the State Comptroller from the General Revenue  
26 Fund to the Common School Fund as necessary to provide for the

1 payment of vouchers drawn against those appropriations.

2 The Governor may notify the State Treasurer and the State  
3 Comptroller to transfer, at a time designated by the Governor,  
4 such additional amount as may be necessary to effect advance  
5 distribution to school districts of amounts that otherwise  
6 would be payable in the next month pursuant to Sections 18-8  
7 through 18-10 of the School Code. The State Treasurer and the  
8 State Comptroller shall thereupon transfer such additional  
9 amount. The aggregate amount transferred from the General  
10 Revenue Fund to the Common School Fund in the eleven months  
11 beginning August 1 of any fiscal year shall not be in excess of  
12 the amount necessary for payment of claims certified by the  
13 State Superintendent of Education pursuant to the  
14 appropriation of the Common School Fund for that fiscal year.  
15 Notwithstanding the provisions of the first paragraph in this  
16 section, no transfer to effect an advance distribution shall be  
17 made in any month except on notification, as provided above, by  
18 the Governor.

19 The State Comptroller and State Treasurer shall transfer  
20 from the General Revenue Fund to the Common School Fund and the  
21 Education Assistance Fund such amounts as may be required to  
22 honor the vouchers presented by the State Board of Education  
23 pursuant to Sections 18-3, 18-4.3, 18-5, 18-6 and 18-7 of the  
24 School Code.

25 The State Comptroller shall report all transfers provided  
26 for in this Act to the President of the Senate, Minority Leader

1 of the Senate, Speaker of the House, and Minority Leader of the  
2 House.

3 (b) On or before the 11th and 21st days of each of the  
4 months of June, 1982 through July, 1983, at a time or times  
5 designated by the Governor, the State Treasurer and the State  
6 Comptroller shall transfer from the General Revenue Fund to the  
7 Common School Fund 1/24 or so much thereof as may be necessary  
8 of the amount appropriated to the State Board of Education for  
9 distribution from such Common School Fund, for that same fiscal  
10 year, including interest on the School Fund for such year. The  
11 amounts of the payments in the months of July, 1982 and July,  
12 1983 shall be considered an outstanding liability as of the  
13 30th day of June immediately preceding such July payment,  
14 within the meaning of Section 25 of this Act, and shall be  
15 payable from the appropriation for the fiscal year which ended  
16 on such 30th day of June, and such July payments shall be  
17 considered payments for claims covering school years 1981-1982  
18 and 1982-1983 respectively.

19 In the event the Governor makes notification to effect  
20 advanced distribution under the provisions of subsection (a) of  
21 this Section, the aggregate amount transferred from the General  
22 Revenue Fund to the Common School Fund in the 12 months  
23 beginning August 1, 1981 or the 12 months beginning August 1,  
24 1982 shall not be in excess of the amount necessary for payment  
25 of claims certified by the State Superintendent of Education  
26 pursuant to the appropriation of the Common School Fund for the

1 fiscal years commencing on the first of July of the years 1981  
2 and 1982.

3 (c) In determining amounts to be transferred from the  
4 General Revenue Fund to the Education Assistance Fund, the  
5 amount of moneys transferred from the State Gaming Fund to the  
6 Education Assistance Fund shall be disregarded. The amounts  
7 transferred from the General Revenue Fund shall not be  
8 decreased as an adjustment for any amounts transferred from the  
9 State Gaming Fund to the Education Assistance Fund.

10 (Source: P.A. 93-665, eff. 3-5-04.)

11 (Text of Section after amendment by P.A. 94-1105)

12 Sec. 8a. Common School Fund; transfers to Common School  
13 Fund and Education Assistance Fund.

14 (a) Except as provided in subsection (b) of this Section  
15 and except as otherwise provided in this subsection (a) with  
16 respect to amounts transferred from the General Revenue Fund to  
17 the Common School Fund for distribution therefrom for the  
18 benefit of the Teachers' Retirement System of the State of  
19 Illinois and the Public School Teachers' Pension and Retirement  
20 Fund of Chicago:

21 (1) With respect to all school districts, for each  
22 fiscal year other than fiscal year 1994, on or before the  
23 eleventh and twenty-first days of each of the months of  
24 August through the following July, at a time or times  
25 designated by the Governor, the State Treasurer and the

1 State Comptroller shall transfer from the General Revenue  
2 Fund to the Common School Fund and Education Assistance  
3 Fund, as appropriate, 1/24 or so much thereof as may be  
4 necessary of the amount appropriated to the State Board of  
5 Education for distribution to all school districts from  
6 such Common School Fund and Education Assistance Fund, for  
7 the fiscal year, including interest on the School Fund  
8 proportionate for that distribution for such year.

9 (2) With respect to all school districts, but for  
10 fiscal year 1994 only, on the 11th day of August, 1993 and  
11 on or before the 11th and 21st days of each of the months  
12 of October, 1993 through July, 1994 at a time or times  
13 designated by the Governor, the State Treasurer and the  
14 State Comptroller shall transfer from the General Revenue  
15 Fund to the Common School Fund 1/24 or so much thereof as  
16 may be necessary of the amount appropriated to the State  
17 Board of Education for distribution to all school districts  
18 from such Common School Fund, for fiscal year 1994,  
19 including interest on the School Fund proportionate for  
20 that distribution for such year; and on or before the 21st  
21 day of August, 1993 at a time or times designated by the  
22 Governor, the State Treasurer and the State Comptroller  
23 shall transfer from the General Revenue Fund to the Common  
24 School Fund 3/24 or so much thereof as may be necessary of  
25 the amount appropriated to the State Board of Education for  
26 distribution to all school districts from the Common School

1 Fund, for fiscal year 1994, including interest  
2 proportionate for that distribution on the School Fund for  
3 such fiscal year.

4 The amounts of the payments made in July of each year: (i)  
5 shall be considered an outstanding liability as of the 30th day  
6 of June immediately preceding those July payments, within the  
7 meaning of Section 25 of this Act; (ii) shall be payable from  
8 the appropriation for the fiscal year that ended on that 30th  
9 day of June; and (iii) shall be considered payments for claims  
10 covering the school year that commenced during the immediately  
11 preceding calendar year.

12 Notwithstanding the foregoing provisions of this  
13 subsection, as soon as may be after the 10th and 20th days of  
14 each of the months of August through May, 1/24, and on or as  
15 soon as may be after the 10th and 20th days of June, 1/12 of the  
16 annual amount appropriated to the State Board of Education for  
17 distribution and payment during that fiscal year from the  
18 Common School Fund to and for the benefit of the Teachers'  
19 Retirement System of the State of Illinois (until the end of  
20 State fiscal year 1995) and the Public School Teachers' Pension  
21 and Retirement Fund of Chicago as provided by the Illinois  
22 Pension Code and Section 18-7 of the School Code, or so much  
23 thereof as may be necessary, shall be transferred by the State  
24 Treasurer and the State Comptroller from the General Revenue  
25 Fund to the Common School Fund to permit semi-monthly payments  
26 from the Common School Fund to and for the benefit of such



1 teacher retirement systems as required by Section 18-7 of the  
2 School Code.

3 Notwithstanding the other provisions of this Section, on or  
4 as soon as may be after the 15th day of each month, beginning  
5 in July of 1995, 1/12 of the annual amount appropriated for  
6 that fiscal year from the Common School Fund to the Teachers'  
7 Retirement System of the State of Illinois (other than amounts  
8 appropriated under Section 1.1 of the State Pension Funds  
9 Continuing Appropriation Act), or so much thereof as may be  
10 necessary, shall be transferred by the State Treasurer and the  
11 State Comptroller from the General Revenue Fund to the Common  
12 School Fund to permit monthly payments from the Common School  
13 Fund to that retirement system in accordance with Section  
14 16-158 of the Illinois Pension Code and Section 18-7 of the  
15 School Code, except that such transfers in fiscal year 2004  
16 from the General Revenue Fund to the Common School Fund for the  
17 benefit of the Teachers' Retirement System of the State of  
18 Illinois shall be reduced in the aggregate by the State  
19 Comptroller and State Treasurer to adjust for the amount  
20 transferred to the Teachers' Retirement System of the State of  
21 Illinois pursuant to subsection (a) of Section 6z-61. Amounts  
22 appropriated to the Teachers' Retirement System of the State of  
23 Illinois under Section 1.1 of the State Pension Funds  
24 Continuing Appropriation Act shall be transferred by the State  
25 Treasurer and the State Comptroller from the General Revenue  
26 Fund to the Common School Fund as necessary to provide for the

1 payment of vouchers drawn against those appropriations.

2 The Governor may notify the State Treasurer and the State  
3 Comptroller to transfer, at a time designated by the Governor,  
4 such additional amount as may be necessary to effect advance  
5 distribution to school districts of amounts that otherwise  
6 would be payable in the next month pursuant to Sections 18-8.05  
7 through 18-9 of the School Code. The State Treasurer and the  
8 State Comptroller shall thereupon transfer such additional  
9 amount. The aggregate amount transferred from the General  
10 Revenue Fund to the Common School Fund in the eleven months  
11 beginning August 1 of any fiscal year shall not be in excess of  
12 the amount necessary for payment of claims certified by the  
13 State Superintendent of Education pursuant to the  
14 appropriation of the Common School Fund for that fiscal year.  
15 Notwithstanding the provisions of the first paragraph in this  
16 section, no transfer to effect an advance distribution shall be  
17 made in any month except on notification, as provided above, by  
18 the Governor.

19 The State Comptroller and State Treasurer shall transfer  
20 from the General Revenue Fund to the Common School Fund and the  
21 Education Assistance Fund such amounts as may be required to  
22 honor the vouchers presented by the State Board of Education  
23 pursuant to Sections 18-3, 18-4.3, 18-5, 18-6 and 18-7 of the  
24 School Code.

25 The State Comptroller shall report all transfers provided  
26 for in this Act to the President of the Senate, Minority Leader

1 of the Senate, Speaker of the House, and Minority Leader of the  
2 House.

3 (b) On or before the 11th and 21st days of each of the  
4 months of June, 1982 through July, 1983, at a time or times  
5 designated by the Governor, the State Treasurer and the State  
6 Comptroller shall transfer from the General Revenue Fund to the  
7 Common School Fund 1/24 or so much thereof as may be necessary  
8 of the amount appropriated to the State Board of Education for  
9 distribution from such Common School Fund, for that same fiscal  
10 year, including interest on the School Fund for such year. The  
11 amounts of the payments in the months of July, 1982 and July,  
12 1983 shall be considered an outstanding liability as of the  
13 30th day of June immediately preceding such July payment,  
14 within the meaning of Section 25 of this Act, and shall be  
15 payable from the appropriation for the fiscal year which ended  
16 on such 30th day of June, and such July payments shall be  
17 considered payments for claims covering school years 1981-1982  
18 and 1982-1983 respectively.

19 In the event the Governor makes notification to effect  
20 advanced distribution under the provisions of subsection (a) of  
21 this Section, the aggregate amount transferred from the General  
22 Revenue Fund to the Common School Fund in the 12 months  
23 beginning August 1, 1981 or the 12 months beginning August 1,  
24 1982 shall not be in excess of the amount necessary for payment  
25 of claims certified by the State Superintendent of Education  
26 pursuant to the appropriation of the Common School Fund for the

1 fiscal years commencing on the first of July of the years 1981  
2 and 1982.

3 (c) In determining amounts to be transferred from the  
4 General Revenue Fund to the Education Assistance Fund, the  
5 amount of moneys transferred from the State Gaming Fund to the  
6 Education Assistance Fund shall be disregarded. The amounts  
7 transferred from the General Revenue Fund shall not be  
8 decreased as an adjustment for any amounts transferred from the  
9 State Gaming Fund to the Education Assistance Fund.

10 (Source: P.A. 93-665, eff. 3-5-04; 94-1105, eff. 6-1-07.)

11 (30 ILCS 105/8h)

12 Sec. 8h. Transfers to General Revenue Fund.

13 (a) Except as otherwise provided in this Section and  
14 Section 8n of this Act, and ~~(c), (d), or (e)~~, notwithstanding  
15 any other State law to the contrary, the Governor may, through  
16 June 30, 2007, from time to time direct the State Treasurer and  
17 Comptroller to transfer a specified sum from any fund held by  
18 the State Treasurer to the General Revenue Fund in order to  
19 help defray the State's operating costs for the fiscal year.  
20 The total transfer under this Section from any fund in any  
21 fiscal year shall not exceed the lesser of (i) 8% of the  
22 revenues to be deposited into the fund during that fiscal year  
23 or (ii) an amount that leaves a remaining fund balance of 25%  
24 of the July 1 fund balance of that fiscal year. In fiscal year  
25 2005 only, prior to calculating the July 1, 2004 final

1 balances, the Governor may calculate and direct the State  
2 Treasurer with the Comptroller to transfer additional amounts  
3 determined by applying the formula authorized in Public Act  
4 93-839 to the funds balances on July 1, 2003. No transfer may  
5 be made from a fund under this Section that would have the  
6 effect of reducing the available balance in the fund to an  
7 amount less than the amount remaining unexpended and unreserved  
8 from the total appropriation from that fund estimated to be  
9 expended for that fiscal year. This Section does not apply to  
10 any funds that are restricted by federal law to a specific use,  
11 to any funds in the Motor Fuel Tax Fund, the Intercity  
12 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid  
13 Provider Relief Fund, the Teacher Health Insurance Security  
14 Fund, the Reviewing Court Alternative Dispute Resolution Fund,  
15 the Voters' Guide Fund, the Foreign Language Interpreter Fund,  
16 the Lawyers' Assistance Program Fund, the Supreme Court Federal  
17 Projects Fund, the Supreme Court Special State Projects Fund,  
18 the Supplemental Low-Income Energy Assistance Fund, the Good  
19 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste  
20 Facility Development and Operation Fund, the Horse Racing  
21 Equity Trust Fund, or the Hospital Basic Services Preservation  
22 Fund, or to any funds to which subsection (f) of Section 20-40  
23 of the Nursing and Advanced Practice Nursing Act applies. No  
24 transfers may be made under this Section from the Pet  
25 Population Control Fund. Notwithstanding any other provision  
26 of this Section, for fiscal year 2004, the total transfer under

1 this Section from the Road Fund or the State Construction  
2 Account Fund shall not exceed the lesser of (i) 5% of the  
3 revenues to be deposited into the fund during that fiscal year  
4 or (ii) 25% of the beginning balance in the fund. For fiscal  
5 year 2005 through fiscal year 2007, no amounts may be  
6 transferred under this Section from the Road Fund, the State  
7 Construction Account Fund, the Criminal Justice Information  
8 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
9 Mandatory Arbitration Fund.

10 In determining the available balance in a fund, the  
11 Governor may include receipts, transfers into the fund, and  
12 other resources anticipated to be available in the fund in that  
13 fiscal year.

14 The State Treasurer and Comptroller shall transfer the  
15 amounts designated under this Section as soon as may be  
16 practicable after receiving the direction to transfer from the  
17 Governor.

18 (a-5) Transfers directed to be made under this Section on  
19 or before February 28, 2006 that are still pending on May 19,  
20 2006 (the effective date of Public Act 94-774) ~~this amendatory~~  
21 ~~Act of the 94th General Assembly~~ shall be redirected as  
22 provided in Section 8n of this Act.

23 (b) This Section does not apply to: (i) the Ticket For The  
24 Cure Fund; (ii) any fund established under the Community Senior  
25 Services and Resources Act; or (iii) on or after January 1,  
26 2006 (the effective date of Public Act 94-511), the Child Labor

1 and Day and Temporary Labor Enforcement Fund.

2 (c) This Section does not apply to the Demutualization  
3 Trust Fund established under the Uniform Disposition of  
4 Unclaimed Property Act.

5 (d) This Section does not apply to moneys set aside in the  
6 Illinois State Podiatric Disciplinary Fund for podiatric  
7 scholarships and residency programs under the Podiatric  
8 Scholarship and Residency Act.

9 (e) Subsection (a) does not apply to, and no transfer may  
10 be made under this Section from, the Pension Stabilization  
11 Fund.

12 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
13 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
14 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
15 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
16 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,  
17 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
18 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.  
19 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,  
20 eff. 6-6-06; revised 6-19-06.)

21 Section 25. The Tobacco Products Tax Act of 1995 is amended  
22 by changing Section 99-99 as follows:

23 (35 ILCS 143/99-99)

24 Sec. 99-99. Effective date. This Section, Sections 10-1

1 through 10-90 of this Act, the changes to the Illinois  
2 Administrative Procedure Act, the changes to the State  
3 Employees Group Insurance Act of 1971, the changes to Sec. 5 of  
4 the Children and Family Services Act, the changes to Sec. 8.27  
5 of the State Finance Act, the changes to Secs. 16-136.2,  
6 16-153.2, and 17-156.3 of the Illinois Pension Code, Sec. 8.19  
7 of the State Mandates Act, the changes to Sec. 8.2 of the  
8 Abused and Neglected Child Reporting Act, and the changes to  
9 the Unemployment Insurance Act take effect upon becoming law.

10 The following provisions take effect July 1, 1995: the  
11 changes to the Illinois Act on the Aging and the Civil  
12 Administrative Code of Illinois; the changes to Secs. 7 and  
13 8a-13 of the Children and Family Services Act; the changes to  
14 the Disabled Persons Rehabilitation Act; Secs. 5.408, 5.409,  
15 6z-39, and 6z-40 and the changes to Sec. 8.16 of the State  
16 Finance Act; the changes to the State Prompt Payment Act, the  
17 Illinois Income Tax Act, and Sec. 16-133.3 of the Illinois  
18 Pension Code; Sec. 2-3.117 and the changes to Secs. 14-7.02 and  
19 14-15.01 of the School Code; Sec. 2-201.5 of the Nursing Home  
20 Care Act; the changes to the Child Care Act of 1969 and the  
21 Riverboat and Casino Gambling Act; the changes to Secs. 3-1,  
22 3-1a, 3-3, 3-4, 3-13, 5-2.1, 5-5, 5-5.02, 5-5.4, 5-13, 5-16.3,  
23 5-16.5, 5A-2, 5A-3, 5C-2, 5C-7, 5D-1, 5E-10, 6-8, 6-11, 9-11,  
24 12-4.4, 12-10.2, and 14-8 and the repeal of Sec. 9-11 of the  
25 Illinois Public Aid Code; the changes to Sec. 3 of the Abused  
26 and Neglected Child Reporting Act; and the changes to the



1 Juvenile Court Act of 1987, the Adoption Act, and the Probate  
2 Act of 1975.

3 The remaining provisions of this Act take effect on the  
4 uniform effective date as provided in the Effective Date of  
5 Laws Act.

6 (Source: P.A. 89-21, eff. 6-6-95.)

7 Section 30. The Joliet Regional Port District Act is  
8 amended by changing Section 5.1 as follows:

9 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

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

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

1           Section 35. The Consumer Installment Loan Act is amended by  
2 changing Section 12.5 as follows:

3           (205 ILCS 670/12.5)

4           Sec. 12.5. Limited purpose branch.

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

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

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

22           (d) The licensee shall prominently display at the limited  
23 purpose branch the address and telephone number of the  
24 licensee's licensed location.

25           (e) No other business shall be conducted at the site of the

1 limited purpose branch unless authorized by the Director.

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

4 (g) A limited purpose branch may not be located within  
5 1,000 feet of a facility operated by an inter-track wagering  
6 licensee or an organization licensee subject to the Illinois  
7 Horse Racing Act of 1975, on a riverboat or in a casino subject  
8 to the Riverboat and Casino Gambling Act, or within 1,000 feet  
9 of the location at which the riverboat docks or within 1,000  
10 feet of a casino.

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

12 Section 40. The Illinois Horse Racing Act of 1975 is  
13 amended by changing Sections 1.2, 3.077, 3.12, 3.20, 3.22,  
14 3.23, 15, 26, 26.2, 27, 28.1, 29, 30, 31, and 54.5 and adding  
15 Sections 3.24, 3.28, 3.29, 3.30, 3.31, 3.32, 31.2, and 56 as  
16 follows:

17 (230 ILCS 5/1.2)

18 Sec. 1.2. Legislative intent. This Act is intended to  
19 benefit the people of the State of Illinois by encouraging the  
20 breeding and production of race horses, assisting economic  
21 development, and promoting Illinois tourism. The General  
22 Assembly finds and declares it to be the public policy of the  
23 State of Illinois to:

24 (a) support and enhance Illinois' horse racing industry,

1 which is a significant component within the agribusiness  
2 industry;

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

5 (c) stimulate growth within Illinois' horse racing  
6 industry, thereby encouraging new investment and development  
7 to produce additional tax revenues and to create additional  
8 jobs;

9 (d) promote the further growth of tourism;

10 (e) encourage the breeding of thoroughbred and  
11 standardbred horses in this State; and

12 (f) ensure that public confidence and trust in the  
13 credibility and integrity of racing operations and the  
14 regulatory process is maintained.

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

16 (230 ILCS 5/3.077)

17 Sec. 3.077. Non-host licensee. "Non-host licensee" means a  
18 licensee, other than an advance deposit wagering licensee,  
19 operating concurrently with a host track.

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

21 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

22 Sec. 3.12. Pari-mutuel system of wagering. "Pari-mutuel  
23 system of wagering" means a form of wagering on the outcome of  
24 live or historical horse racing ~~horse races~~ in which wagers are

1 made in various denominations on a horse or horses and all  
2 wagers for each race are pooled and held by a licensee for  
3 distribution in a manner approved by the Board. Wagers may be  
4 placed via any method or at any location authorized under this  
5 Act.

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

7 (230 ILCS 5/3.20)

8 Sec. 3.20. Licensee. "Licensee" means an individual  
9 organization licensee, an inter-track wagering licensee, an ~~or~~  
10 inter-track wagering location licensee, or an advance deposit  
11 wagering licensee, as the context of this Act requires.

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

13 (230 ILCS 5/3.22)

14 Sec. 3.22. Wagering facility. "Wagering facility" means  
15 any location at which a licensee, other than an advance deposit  
16 wagering licensee, may accept or receive pari-mutuel wagers  
17 under this Act.

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

19 (230 ILCS 5/3.23)

20 Sec. 3.23. Wagering. "Wagering" means, collectively, the  
21 pari-mutuel system of wagering, inter-track wagering, ~~and~~  
22 simulcast wagering, and advance deposit wagering.

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

1 (230 ILCS 5/3.24 new)

2 Sec. 3.24. Electronic poker. "Electronic poker" means  
3 poker by use of electronic aids, including via the Internet or  
4 by other electronic means. "Electronic poker" does not include  
5 slot machines.

6 (230 ILCS 5/3.28 new)

7 Sec. 3.28. Historical horse racing. "Historical horse  
8 racing" means a form of simulcast horse racing that creates  
9 pari-mutuel pools from wagers placed on pre-recorded horse  
10 racers held at wagering facilities.

11 (230 ILCS 5/3.29 new)

12 Sec. 3.29. Advance deposit wagering. "Advance deposit  
13 wagering" means a method of pari-mutuel wagering in which an  
14 individual may establish an account, deposit money into the  
15 account, and use the account balance to pay for pari-mutuel  
16 wagering authorized by this Act. An advance deposit wager may  
17 be placed in person or from any other location via a  
18 telephone-type device or any electronic means. Any person who  
19 accepts an advance deposit wager who is not licensed by the  
20 Board as an advance deposit wagering licensee shall be  
21 considered in violation of this Act and the Criminal Code of  
22 1961. Any advance deposit wager placed in person shall be  
23 deemed to have been placed at that wagering facility.

1 (230 ILCS 5/3.30 new)

2 Sec. 3.30. Advance deposit wagering fee. "Advance deposit  
3 wagering fee" means the amount paid to or retained by a person,  
4 as defined in Section 3.14, for the purpose of administering a  
5 pari-mutuel system of advance deposit wagering.

6 (230 ILCS 5/3.31 new)

7 Sec. 3.31. Source market fee. "Source market fee" means any  
8 amount remaining from advance deposit wagering after payment of  
9 winning wagers, any breakage, any privilege or pari-mutuel tax,  
10 any interstate commission fee, and any advance deposit wagering  
11 fees.

12 (230 ILCS 5/3.32 new)

13 Sec. 3.32. Advance deposit wagering licensee. "Advance  
14 deposit wagering licensee" means a person licensed by the Board  
15 to conduct advance deposit wagering. An advance deposit  
16 wagering licensee shall be an organization licensee or a person  
17 or third party who contracts with an organization licensee in  
18 order to conduct advance deposit wagering.

19 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

20 Sec. 15. (a) The Board shall, in its discretion, issue  
21 occupation licenses to horse owners, trainers, harness  
22 drivers, jockeys, agents, apprentices, grooms, stable foremen,

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

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



1 such suspension or revocation is in effect at the time of the  
2 application, and such other information as the Board may  
3 require. Fees for registration of stable names shall not exceed  
4 \$50.00.

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

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

8 (2) who is unqualified to perform the duties required  
9 of such applicant;

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

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

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

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

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

18 or

19 (2) for violation of any of the rules or regulations of  
20 the Board; or

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

24 (4) for any other just cause.

25 (e) Each applicant shall submit his or her fingerprints  
26 to the Department of State Police in the form and manner

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

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

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

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

2 Sec. 26. Wagering.

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

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

24 (b-5) An individual may place a wager under the pari-mutuel  
25 system from any licensed location or via any other method  
26 authorized under this Act provided that wager is electronically

1 recorded in the manner described in Section 3.12 of this Act.  
2 Any wager made electronically by an individual while physically  
3 on the premises of a licensee shall be deemed to have been made  
4 at the premises of that licensee. Any wager made via a  
5 telephone-type device or electronic means by an individual  
6 while not physically on the premises of the licensee (advance  
7 deposit wagering) shall be deemed to have been made at the host  
8 track at the time at which the race upon which the wager was  
9 placed occurs.

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

20 (c-5) Beginning January 1, 2000, the sum held by any  
21 licensee for payment of outstanding pari-mutuel tickets, if  
22 unclaimed prior to December 31 of the next year, shall be  
23 retained by the licensee for payment of such tickets until that  
24 date; except that, beginning on the effective date of this  
25 amendatory Act of the 95th General Assembly, the sum held by an  
26 organization licensee located in a county with a population in

1 excess of 230,000 and that borders the Mississippi River and  
2 every inter-track wagering location licensee who derives its  
3 license from that organization licensee shall be retained by  
4 the organization licensee for payment of such tickets until  
5 that date. Within 10 days thereafter, the balance of such sum  
6 remaining unclaimed, less any uncashed supplements contributed  
7 by such licensee for the purpose of guaranteeing minimum  
8 distributions of any pari-mutuel pool, shall be evenly  
9 distributed to the purse account of the organization licensee  
10 and the organization licensee.

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

16 (e) No licensee shall knowingly permit any minor, other  
17 than an employee of such licensee or an owner, trainer, jockey,  
18 driver, or employee thereof, to be admitted during a racing  
19 program unless accompanied by a parent or guardian, or any  
20 minor to be a patron of the pari-mutuel system of wagering  
21 conducted or supervised by it. The admission of any  
22 unaccompanied minor, other than an employee of the licensee or  
23 an owner, trainer, jockey, driver, or employee thereof at a  
24 race track is a Class C misdemeanor.

25 (f) Notwithstanding the other provisions of this Act, an  
26 organization licensee may contract with an entity in another

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

18 An organization licensee may permit one or more of its  
19 races to be utilized for pari-mutuel wagering at one or more  
20 locations in other states and may transmit audio and visual  
21 signals of races the organization licensee conducts to one or  
22 more locations outside the State or country and may also permit  
23 pari-mutuel pools in other states or countries to be combined  
24 with its gross or net wagering pools or with wagering pools  
25 established by other states.

26 (g) A host track may accept interstate simulcast wagers on

1 horse races conducted in other states or countries and shall  
2 control the number of signals and types of breeds of racing in  
3 its simulcast program, subject to the disapproval of the Board.  
4 The Board may prohibit a simulcast program only if it finds  
5 that the simulcast program is clearly adverse to the integrity  
6 of racing. The host track simulcast program shall include the  
7 signal of live racing of all organization licensees. All  
8 non-host licensees shall carry the host track simulcast program  
9 and accept wagers on all races included as part of the  
10 simulcast program upon which wagering is permitted. All advance  
11 deposit wagering licensees shall accept wagers on all races  
12 conducted by all organization licensees, unless the  
13 organization licensee withholds its signal from the advance  
14 deposit wagering licensee. The costs and expenses of the host  
15 track and non-host licensees associated with interstate  
16 simulcast wagering, other than the interstate commission fee,  
17 shall be borne by the host track and all non-host licensees  
18 incurring these costs. The interstate commission fee shall not  
19 exceed 5% of Illinois handle on the interstate simulcast race  
20 or races without prior approval of the Board. The Board shall  
21 promulgate rules under which it may permit interstate  
22 commission fees in excess of 5%. The interstate commission fee  
23 and other fees charged by the sending racetrack, including, but  
24 not limited to, satellite decoder fees, shall be uniformly  
25 applied to the host track and all non-host licensees.

26 Notwithstanding any other provision of this Act, an

1 organization licensee may maintain a system whereby advance  
2 deposit wagering may take place or an organization licensee may  
3 contract with another person to carry out a system of advance  
4 deposit wagering. All advance deposit wagers placed from within  
5 Illinois must be placed through a Board-approved advance  
6 deposit wagering licensee; no other entity may accept an  
7 advance deposit wager from a person within Illinois. All  
8 advance deposit wagering is subject to any rules adopted by the  
9 Board. An advance deposit wagering licensee may retain an  
10 advance deposit wagering fee not to exceed 6.5% of all wagers  
11 placed through the system. However, an organization licensee  
12 licensed as an advance deposit wagering licensee operating and  
13 maintaining its own advance deposit wagering system may retain  
14 an advance deposit wagering fee not to exceed 6.5% of all  
15 wagers placed through the system, subject to approval by the  
16 Board. Each host track shall pay a share of all source market  
17 fees and any breakage to an organization licensee operating at  
18 a racetrack located in Madison County, provided that the  
19 organization licensee conducted live racing in 2004 and the  
20 current year, in an amount equal to the proportion of total  
21 moneys wagered in the previous calendar year at the  
22 organizational licensee operating at a racetrack located in  
23 Madison County and all of its inter-track wagering location  
24 licensees as compared to the total statewide moneys wagered,  
25 with the exception of moneys wagered from advance deposit  
26 wagering, in the previous year. The proportion shall be



1 certified by the Board in writing within 45 days after the end  
2 of the calendar year and the host track shall make payment to  
3 the organization licensee located in Madison County within 90  
4 days following the end of the calendar year. The first payment  
5 under this provision shall be due following the end of the  
6 first calendar year in which advance deposit wagers are  
7 accepted. The moneys received by an organization licensee  
8 operating at a racetrack in Madison County shall be distributed  
9 as follows: 50% to the organization licensee operating at a  
10 racetrack in Madison County and 50% to the purse account at the  
11 racetrack in Madison County. After distributing the moneys to  
12 the organization licensee operating at a racetrack in Madison  
13 County, the source market fees shall be paid as follows: 50% to  
14 the host track and 50% to the purse accounts at the host track.  
15 To the extent any fees substantially equivalent to source  
16 market fees or other fees deducted from advance deposit  
17 wagering conducted in Illinois for wagers in Illinois or other  
18 states have been placed in escrow or otherwise withheld from  
19 wagers pending a determination of the legality of advance  
20 deposit wagering, no action shall be brought to declare such  
21 wagers illegal, provided that all such fees shall be paid to  
22 the appropriate host track within 30 days after the effective  
23 date of this amendatory Act of the 95th General Assembly.

24 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an  
25 intertrack wagering licensee other than the host track may  
26 supplement the host track simulcast program with

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

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

25 (3) Each licensee conducting interstate simulcast  
26 wagering may retain, subject to the payment of all

1 applicable taxes and the purses, an amount not to exceed  
2 17% of all money wagered. If any licensee conducts the  
3 pari-mutuel system wagering on races conducted at  
4 racetracks in another state or country, each such race or  
5 race program shall be considered a separate racing day for  
6 the purpose of determining the daily handle and computing  
7 the privilege tax of that daily handle as provided in  
8 subsection (a) of Section 27. Until January 1, 2000, from  
9 the sums permitted to be retained pursuant to this  
10 subsection, each intertrack wagering location licensee  
11 shall pay 1% of the pari-mutuel handle wagered on simulcast  
12 wagering to the Horse Racing Tax Allocation Fund, subject  
13 to the provisions of subparagraph (B) of paragraph (11) of  
14 subsection (h) of Section 26 of this Act.

15 (4) A licensee who receives an interstate simulcast may  
16 combine its gross or net pools with pools at the sending  
17 racetracks pursuant to rules established by the Board. All  
18 licensees combining their gross pools at a sending  
19 racetrack shall adopt the take-out percentages of the  
20 sending racetrack. A licensee may also establish a separate  
21 pool and takeout structure for wagering purposes on races  
22 conducted at race tracks outside of the State of Illinois.  
23 The licensee may permit pari-mutuel wagers placed in other  
24 states or countries to be combined with its gross or net  
25 wagering pools or other wagering pools.

26 (5) After the payment of the interstate commission fee

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

9 (A) For interstate simulcast wagers made at a host  
10 track, 50% to the host track and 50% to purses at the  
11 host track.

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

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

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

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

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

22           (C) Between January 1 and the third Friday in  
23           February, inclusive, if live thoroughbred racing is  
24           occurring in Illinois, between 6:30 a.m. and 6:30 p.m.  
25           the purse share from wagers made during this time  
26           period to its thoroughbred purse account and between

1           6:30 p.m. and 6:30 a.m. the purse share from wagers  
2           made during this time period to its standardbred purse  
3           accounts;

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

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

12          (7.1) Notwithstanding any other provision of this Act  
13          to the contrary, if no standardbred racing is conducted at  
14          a racetrack located in Madison County during any calendar  
15          year beginning on or after January 1, 2002, all moneys  
16          derived by that racetrack from simulcast wagering and  
17          inter-track wagering that (1) are to be used for purses and  
18          (2) are generated between the hours of 6:30 p.m. and 6:30  
19          a.m. during that calendar year shall be paid as follows:

20                (A) If the licensee that conducts horse racing at  
21                that racetrack requests from the Board at least as many  
22                racing dates as were conducted in calendar year 2000,  
23                80% shall be paid to its thoroughbred purse account;  
24                and

25                (B) Twenty percent shall be deposited into the  
26                Illinois Colt Stakes Purse Distribution Fund and shall

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

14 (7.2) Notwithstanding any other provision of this Act  
15 to the contrary, if no thoroughbred racing is conducted at  
16 a racetrack located in Madison County during any calendar  
17 year beginning on or after January 1, 2002, all moneys  
18 derived by that racetrack from simulcast wagering and  
19 inter-track wagering that (1) are to be used for purses and  
20 (2) are generated between the hours of 6:30 a.m. and 6:30  
21 p.m. during that calendar year shall be deposited as  
22 follows:

23 (A) If the licensee that conducts horse racing at  
24 that racetrack requests from the Board at least as many  
25 racing dates as were conducted in calendar year 2000,  
26 80% shall be deposited into its standardbred purse

1 account; and

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

20 (7.3) If no live standardbred racing is conducted at a  
21 racetrack located in Madison County in calendar year 2000  
22 or 2001, an organization licensee who is licensed to  
23 conduct horse racing at that racetrack shall, before  
24 January 1, 2002, pay all moneys derived from simulcast  
25 wagering and inter-track wagering in calendar years 2000  
26 and 2001 and paid into the licensee's standardbred purse



1 account as follows:

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

4 (B) Twenty percent to the Illinois Colt Stakes  
5 Purse Distribution Fund.

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

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

23 (7.4) If live standardbred racing is conducted at a  
24 racetrack located in Madison County at any time in calendar  
25 year 2001 before the payment required under paragraph (7.3)  
26 has been made, the organization licensee who is licensed to

1       conduct racing at that racetrack shall pay all moneys  
2       derived by that racetrack from simulcast wagering and  
3       inter-track wagering during calendar years 2000 and 2001  
4       that (1) are to be used for purses and (2) are generated  
5       between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or  
6       2001 to the standardbred purse account at that racetrack to  
7       be used for standardbred purses.

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

15      (8.1) Notwithstanding any provisions in this Act to the  
16      contrary, if 2 organization licensees are conducting  
17      standardbred race meetings concurrently between the hours  
18      of 6:30 p.m. and 6:30 a.m., after payment of all applicable  
19      State and local taxes and interstate commission fees, the  
20      remainder of the amount retained from simulcast wagering  
21      otherwise attributable to the host track and to host track  
22      purses shall be split daily between the 2 organization  
23      licensees and the purses at the tracks of the 2  
24      organization licensees, respectively, based on each  
25      organization licensee's share of the total live handle for  
26      that day, provided that this provision shall not apply to

1 any non-host licensee that derives its license from a track  
2 located in a county with a population in excess of 230,000  
3 and that borders the Mississippi River.

4 (9) (Blank).

5 (10) (Blank).

6 (11) (Blank).

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

12 (13) Notwithstanding any other provision of this Act,  
13 in the event that the total Illinois pari-mutuel handle on  
14 Illinois horse races at all wagering facilities in any  
15 calendar year is less than 75% of the total Illinois  
16 pari-mutuel handle on Illinois horse races at all such  
17 wagering facilities for calendar year 1994, then each  
18 wagering facility that has an annual total Illinois  
19 pari-mutuel handle on Illinois horse races that is less  
20 than 75% of the total Illinois pari-mutuel handle on  
21 Illinois horse races at such wagering facility for calendar  
22 year 1994, shall be permitted to receive, from any amount  
23 otherwise payable to the purse account at the race track  
24 with which the wagering facility is affiliated in the  
25 succeeding calendar year, an amount equal to 2% of the  
26 differential in total Illinois pari-mutuel handle on

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

1 accounts at Illinois pari-mutuel tracks. The amount paid to  
2 each purse account shall be the amount certified by the  
3 Illinois Racing Board in January to be transferred from  
4 each account to each eligible racing facility in accordance  
5 with the provisions of this Section.

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

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

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

24 (2) The Board shall examine the applications with  
25 respect to their conformity with this Act and the rules and  
26 regulations imposed by the Board. If found to be in

1 compliance with the Act and rules and regulations of the  
2 Board, the Board may then issue a license to conduct  
3 inter-track wagering and simulcast wagering to such  
4 applicant. All such applications shall be acted upon by the  
5 Board at a meeting to be held on such date as may be fixed  
6 by the Board.

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

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

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

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

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

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

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



1 inter-track wagering location licensees, which consent  
2 must be filed with the Board at or prior to the time  
3 application is made.

4 (8.2) Inter-track wagering or simulcast wagering shall  
5 not be conducted by an inter-track wagering location  
6 licensee at any location within 500 feet of an existing  
7 church or existing school, nor within 500 feet of the  
8 residences of more than 50 registered voters without  
9 receiving written permission from a majority of the  
10 registered voters at such residences. Such written  
11 permission statements shall be filed with the Board. The  
12 distance of 500 feet shall be measured to the nearest part  
13 of any building used for worship services, education  
14 programs, residential purposes, or conducting inter-track  
15 wagering by an inter-track wagering location licensee, and  
16 not to property boundaries. However, inter-track wagering  
17 or simulcast wagering may be conducted at a site within 500  
18 feet of a church, school or residences of 50 or more  
19 registered voters if such church, school or residences have  
20 been erected or established, or such voters have been  
21 registered, after the Board issues the original  
22 inter-track wagering location license at the site in  
23 question. Inter-track wagering location licensees may  
24 conduct inter-track wagering and simulcast wagering only  
25 in areas that are zoned for commercial or manufacturing  
26 purposes or in areas for which a special use has been

1 approved by the local zoning authority. However, no license  
2 to conduct inter-track wagering and simulcast wagering  
3 shall be granted by the Board with respect to any  
4 inter-track wagering location within the jurisdiction of  
5 any local zoning authority which has, by ordinance or by  
6 resolution, prohibited the establishment of an inter-track  
7 wagering location within its jurisdiction. However,  
8 inter-track wagering and simulcast wagering may be  
9 conducted at a site if such ordinance or resolution is  
10 enacted after the Board licenses the original inter-track  
11 wagering location licensee for the site in question.

12 (9) (Blank).

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

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

1 of the pari-mutuel handle at each location to the county in  
2 which such location is situated. In the event that an  
3 inter-track wagering location licensee is situated in an  
4 unincorporated area of a county, such licensee shall pay 2%  
5 of the pari-mutuel handle from such location to such  
6 county.

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

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

1           (B) That portion of all moneys wagered on  
2 thoroughbred racing that is required under this Act to  
3 be paid to purses shall be paid to purses for  
4 thoroughbred races.

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

25           (B) From the sums permitted to be retained pursuant to  
26 this Act each inter-track wagering location licensee shall

1 pay (i) the privilege or pari-mutuel tax to the State; (ii)  
2 4.75% of the pari-mutuel handle on intertrack wagering at  
3 such location on races as purses, except that an intertrack  
4 wagering location licensee that derives its license from a  
5 track located in a county with a population in excess of  
6 230,000 and that borders the Mississippi River shall retain  
7 all purse moneys for its own purse account consistent with  
8 distribution set forth in this subsection (h), and  
9 intertrack wagering location licensees that accept wagers  
10 on races conducted by an organization licensee located in a  
11 county with a population in excess of 230,000 and that  
12 borders the Mississippi River shall distribute all purse  
13 moneys to purses at the operating host track; (iii) until  
14 January 1, 2000, except as provided in subsection (g) of  
15 Section 27 of this Act, 1% of the pari-mutuel handle  
16 wagered on inter-track wagering and simulcast wagering at  
17 each inter-track wagering location licensee facility to  
18 the Horse Racing Tax Allocation Fund, provided that, to the  
19 extent the total amount collected and distributed to the  
20 Horse Racing Tax Allocation Fund under this subsection (h)  
21 during any calendar year exceeds the amount collected and  
22 distributed to the Horse Racing Tax Allocation Fund during  
23 calendar year 1994, that excess amount shall be  
24 redistributed (I) to all inter-track wagering location  
25 licensees, based on each licensee's pro-rata share of the  
26 total handle from inter-track wagering and simulcast

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

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

1 during the fifth 12 months and thereafter, 6.75%. The  
2 following amounts shall be retained by the licensee to  
3 satisfy all costs and expenses of conducting its wagering:  
4 during the first 12 months the licensee is in operation,  
5 8.25% of the pari-mutuel handle wagered at the location;  
6 during the second 12 months, 8.25%; during the third 12  
7 months, 7.75%; during the fourth 12 months, 7.25%; and  
8 during the fifth 12 months and thereafter, 6.75%. For  
9 additional intertrack wagering location licensees  
10 authorized under this amendatory Act of 1995, purses for  
11 the first 12 months the licensee is in operation shall be  
12 5.75% of the pari-mutuel wagered at the location, purses  
13 for the second 12 months the licensee is in operation shall  
14 be 6.25%, and purses thereafter shall be 6.75%. For  
15 additional intertrack location licensees authorized under  
16 this amendatory Act of 1995, the licensee shall be allowed  
17 to retain to satisfy all costs and expenses: 7.75% of the  
18 pari-mutuel handle wagered at the location during its first  
19 12 months of operation, 7.25% during its second 12 months  
20 of operation, and 6.75% thereafter.

21 (C) There is hereby created the Horse Racing Tax  
22 Allocation Fund which shall remain in existence until  
23 December 31, 1999. Moneys remaining in the Fund after  
24 December 31, 1999 shall be paid into the General Revenue  
25 Fund. Until January 1, 2000, all monies paid into the Horse  
26 Racing Tax Allocation Fund pursuant to this paragraph (11)



1 by inter-track wagering location licensees located in park  
2 districts of 500,000 population or less, or in a  
3 municipality that is not included within any park district  
4 but is included within a conservation district and is the  
5 county seat of a county that (i) is contiguous to the state  
6 of Indiana and (ii) has a 1990 population of 88,257  
7 according to the United States Bureau of the Census, and  
8 operating on May 1, 1994 shall be allocated by  
9 appropriation as follows:

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

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

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

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

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

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

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

22           Two-sevenths to the Department of Agriculture.  
23          Fifty percent of this two-sevenths shall be used to  
24          promote the Illinois horse racing and breeding  
25          industry, and shall be distributed by the Department of  
26          Agriculture upon the advice of a 9-member committee

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

1 reimbursed for all actual and necessary expenses and  
2 disbursements incurred in the performance of their  
3 official duties. The remaining 50% of this  
4 two-sevenths shall be distributed to county fairs for  
5 premiums and rehabilitation as set forth in the  
6 Agricultural Fair Act;

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

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

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

26 (i) If the inter-track wagering licensee,

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

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

20          (iii) If the inter-track wagering is being  
21          conducted by an inter-track wagering location  
22          licensee, except an intertrack wagering location  
23          licensee that derives its license from an  
24          organization licensee located in a county with a  
25          population in excess of 230,000 and bounded by the  
26          Mississippi River, the entire purse allocation for

1 Illinois races shall be to purses at the track  
2 where the race meeting being wagered on is being  
3 held.

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

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

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

24 (C) The Board, and any person or persons to whom it  
25 delegates this power, may eject or exclude from any  
26 licensee's facilities, any person whose conduct or



1 reputation is such that his presence on such premises  
2 may, in the opinion of the Board, call into the  
3 question the honesty and integrity of, or interfere  
4 with the orderly conduct of such wagering; provided,  
5 however, that no person shall be excluded or ejected  
6 from such premises solely on the grounds of race,  
7 color, creed, national origin, ancestry, or sex.

8 (D) (Blank).

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

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

22 (G) The Board is vested with the power to impose  
23 civil penalties of up to \$5,000 against individuals and  
24 up to \$10,000 against licensees for each violation of  
25 any provision of this Act relating to the conduct of  
26 this wagering, any rules adopted by the Board, any

1           order of the Board or any other action which in the  
2           Board's discretion, is a detriment or impediment to  
3           such wagering.

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

1 Fair in Perry County, or to any wagering conducted on those  
2 race meetings.

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

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

8 (230 ILCS 5/26.2) (from Ch. 8, par. 37-26.2)

9 Sec. 26.2. In addition to the amount retained by licensees  
10 pursuant to Section 26, each licensee may retain an additional  
11 amount up to 3 1/2% of the amount wagered on all multiple  
12 wagers plus an additional amount up to 8% of the amount wagered  
13 on any other multiple wager that involves a single betting  
14 interest on 3 or more horses. Amounts retained by organization  
15 licensees and inter-track wagering licensees on all forms of  
16 wagering shall be allocated, after payment of applicable State  
17 and local taxes and advance deposit wagering fees, if  
18 applicable, among organization licensees, inter-track wagering  
19 licensees, and purses as set forth in paragraph (5) of  
20 subsection (g) of Section 26, subparagraph (A) of paragraph  
21 (11) of subsection (h) of Section 26, and subsection (a) of  
22 Section 29 of this Act. Amounts retained by intertrack wagering  
23 location licensees under this Section on all forms of wagering  
24 shall be allocated, after payment of applicable State and local  
25 taxes, among organization licensees, intertrack wagering

1 location licensees, and purses as set forth in paragraph 5 of  
2 subsection (g) of Section 26 and subparagraph (B) of paragraph  
3 (11) of subsection (h) of Section 26.

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

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

6 Sec. 27. (a) In addition to the organization license fee  
7 provided by this Act, until January 1, 2000, a graduated  
8 privilege tax is hereby imposed for conducting the pari-mutuel  
9 system of wagering permitted under this Act. Until January 1,  
10 2000, except as provided in subsection (g) of Section 27 of  
11 this Act, all of the breakage of each racing day held by any  
12 licensee in the State shall be paid to the State. Until January  
13 1, 2000, such daily graduated privilege tax shall be paid by  
14 the licensee from the amount permitted to be retained under  
15 this Act. Until January 1, 2000, each day's graduated privilege  
16 tax, breakage, and Horse Racing Tax Allocation funds shall be  
17 remitted to the Department of Revenue within 48 hours after the  
18 close of the racing day upon which it is assessed or within  
19 such other time as the Board prescribes. The privilege tax  
20 hereby imposed, until January 1, 2000, shall be a flat tax at  
21 the rate of 2% of the daily pari-mutuel handle except as  
22 provided in Section 27.1.

23 In addition, every organization licensee, except as  
24 provided in Section 27.1 of this Act, which conducts multiple  
25 wagering shall pay, until January 1, 2000, as a privilege tax

1 on multiple wagers an amount equal to 1.25% of all moneys  
2 wagered each day on such multiple wagers, plus an additional  
3 amount equal to 3.5% of the amount wagered each day on any  
4 other multiple wager which involves a single betting interest  
5 on 3 or more horses. The licensee shall remit the amount of  
6 such taxes to the Department of Revenue within 48 hours after  
7 the close of the racing day on which it is assessed or within  
8 such other time as the Board prescribes.

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

11 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax  
12 at the rate of 1.5% of the daily pari-mutuel handle, other than  
13 from advance deposit wagering from a location other than a  
14 wagering facility, which shall be subject to a pari-mutuel tax  
15 at the rate of 0.5%, is imposed at all pari-mutuel wagering  
16 facilities, except as otherwise provided for in this subsection  
17 (a-5). Beginning on the effective date of this amendatory Act  
18 of the 94th General Assembly and until moneys deposited  
19 pursuant to Section 54 are distributed and received, a  
20 pari-mutuel tax at the rate of 0.25% of the daily pari-mutuel  
21 handle is imposed at a pari-mutuel facility whose license is  
22 derived from a track located in a county that borders the  
23 Mississippi River and conducted live racing in the previous  
24 year. After moneys deposited pursuant to Section 54 are  
25 distributed and received, a pari-mutuel tax at the rate of 1.5%  
26 of the daily pari-mutuel handle is imposed at a pari-mutuel

1 facility whose license is derived from a track located in a  
2 county that borders the Mississippi River and conducted live  
3 racing in the previous year. The pari-mutuel tax imposed by  
4 this subsection (a-5) shall be remitted to the Department of  
5 Revenue within 48 hours after the close of the racing day upon  
6 which it is assessed or within such other time as the Board  
7 prescribes.

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

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

26 (d) Any licensee failing or refusing to pay the amount of

1 any tax due under this Section shall be guilty of a business  
2 offense and upon conviction shall be fined not more than \$5,000  
3 in addition to the amount found due as tax under this Section.  
4 Each day's violation shall constitute a separate offense. All  
5 fines paid into Court by a licensee hereunder shall be  
6 transmitted and paid over by the Clerk of the Court to the  
7 Board.

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

11 (f) No other license fee, privilege tax, excise tax or  
12 racing fee shall be assessed or collected from any such  
13 licensee by units of local government except as provided in  
14 paragraph 10.1 of subsection (h) and subsection (f) of Section  
15 26 of this Act. However, any municipality that has a Board  
16 licensed horse race meeting at a race track wholly within its  
17 corporate boundaries or a township that has a Board licensed  
18 horse race meeting at a race track wholly within the  
19 unincorporated area of the township may charge a local  
20 amusement tax not to exceed 10¢ per admission to such horse  
21 race meeting by the enactment of an ordinance. However, any  
22 municipality or county that has a Board licensed inter-track  
23 wagering location facility wholly within its corporate  
24 boundaries may each impose an admission fee not to exceed \$1.00  
25 per admission to such inter-track wagering location facility,  
26 so that a total of not more than \$2.00 per admission may be

1 imposed. Except as provided in subparagraph (g) of Section 27  
2 of this Act, the inter-track wagering location licensee shall  
3 collect any and all such fees and within 48 hours remit the  
4 fees to the Board, which shall, pursuant to rule, cause the  
5 fees to be distributed to the county or municipality.

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

22 (i) the excess amount shall be initially divided  
23 between thoroughbred and standardbred purses based on the  
24 thoroughbred's and standardbred's respective percentages  
25 of total Illinois live wagering in calendar year 1994;

26 (ii) each thoroughbred and standardbred organization



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

19       To the extent the excess amount of taxes and fees to be  
20       collected and distributed to State and local governmental  
21       authorities exceeds \$11 million, that excess amount shall be  
22       collected and distributed to State and local authorities as  
23       provided for under this Act.

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

1           Sec. 28.1. Payments.

2           (a) Beginning on January 1, 2000, moneys collected by the  
3 Department of Revenue and the Racing Board pursuant to Section  
4 26 or Section 27 of this Act shall be deposited into the Horse  
5 Racing Fund, which is hereby created as a special fund in the  
6 State Treasury.

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

17           (c) Appropriations, as approved by the General Assembly,  
18 shall be made from the Horse Racing Fund to the Department of  
19 Agriculture for the purposes identified in paragraphs (2),  
20 (2.5), (4), (6), (7), (8), and (9) of subsection (g) of Section  
21 30, subsection (e) of Section 30.5, and paragraphs (1), (2),  
22 (3), (5), and (8) of subsection (g) of Section 31 and for  
23 standardbred bonus programs for owners of horses that win  
24 multiple stakes races that are limited to Illinois conceived  
25 and foaled horses. From ~~Beginning on~~ January 1, 2000 until the  
26 effective date of this amendatory Act of the 95th General

1 Assembly, the Board shall transfer the remainder of the funds  
2 generated pursuant to Sections 26 and 27 from the Horse Racing  
3 Fund into the General Revenue Fund.

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

23 (e) Beginning July 1, 2006, the payment authorized under  
24 subsection (d) to museums and aquariums located in park  
25 districts of over 500,000 population shall be paid to museums,  
26 aquariums, and zoos in amounts determined by Museums in the

1 Park, an association of museums, aquariums, and zoos located on  
2 Chicago Park District property.

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

8 (Source: P.A. 93-869, eff. 8-6-04; 94-813, eff. 5-26-06.)

9 (230 ILCS 5/29) (from Ch. 8, par. 37-29)

10 Sec. 29. (a) After the privilege or pari-mutuel tax  
11 established in Sections 26(f), 27, and 27.1 is paid to the  
12 State from the monies from wagering other than advance deposit  
13 wagering retained by the organization licensee pursuant to  
14 Sections 26, 26.2, and 26.3, the remainder of those monies  
15 retained pursuant to Sections 26 and 26.2, except as provided  
16 in subsection (g) of Section 27 of this Act, shall be allocated  
17 evenly to the organization licensee and as purses. Monies from  
18 advance deposit wagering shall be allocated as provided in  
19 subsection (g) of Section 26.

20 (b) (Blank).

21 (c) (Blank).

22 (d) Each organization licensee and inter-track wagering  
23 licensee from the money retained for purses as set forth in  
24 subsection (a) of this Section, shall pay to an organization  
25 representing the largest number of horse owners and trainers

1 which has negotiated a contract with the organization licensee  
2 for such purpose an amount equal to at least 1% of the  
3 organization licensee's and inter-track wagering licensee's  
4 retention of the pari-mutuel handle for the racing season. Each  
5 inter-track wagering location licensee, from the 4% of its  
6 handle required to be paid as purses under paragraph (11) of  
7 subsection (h) of Section 26 of this Act, shall pay to the  
8 contractually established representative organization 2% of  
9 that 4%, provided that the payments so made to the organization  
10 shall not exceed a total of \$125,000 in any calendar year. Such  
11 contract shall be negotiated and signed prior to the beginning  
12 of the racing season.

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

14 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

15 Sec. 30. (a) The General Assembly declares that it is the  
16 policy of this State to encourage the breeding of thoroughbred  
17 horses in this State and the ownership of such horses by  
18 residents of this State in order to provide for: sufficient  
19 numbers of high quality thoroughbred horses to participate in  
20 thoroughbred racing meetings in this State, and to establish  
21 and preserve the agricultural and commercial benefits of such  
22 breeding and racing industries to the State of Illinois. It is  
23 the intent of the General Assembly to further this policy by  
24 the provisions of this Act.

25 (b) Each organization licensee conducting a thoroughbred

1 racing meeting pursuant to this Act shall provide at least two  
2 races each day limited to Illinois conceived and foaled horses  
3 or Illinois foaled horses or both. A minimum of 6 races shall  
4 be conducted each week limited to Illinois conceived and foaled  
5 or Illinois foaled horses or both. Subject to the daily  
6 availability of horses, one of the 6 races scheduled per week  
7 that are limited to Illinois conceived and foaled or Illinois  
8 foaled horses or both shall be limited to Illinois conceived  
9 and foaled or Illinois foaled maidens. No horses shall be  
10 permitted to start in such races unless duly registered under  
11 the rules of the Department of Agriculture.

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

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

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

26 (e) The Illinois Thoroughbred Breeders Fund shall be

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

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

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

4 (g) Moneys ~~No monies~~ shall be expended from the Illinois  
5 Thoroughbred Breeders Fund ~~except~~ as appropriated by the  
6 General Assembly pursuant to this Act, the Riverboat and Casino  
7 Gambling Act, or both. Monies appropriated from the Illinois  
8 Thoroughbred Breeders Fund shall be expended by the Department  
9 of Agriculture, with the advice and assistance of the Illinois  
10 Thoroughbred Breeders Fund Advisory Board, for the following  
11 purposes only:

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

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



1           (2.5) To provide an award to the owner or owners of an  
2 Illinois conceived and foaled or Illinois foaled horse that  
3 wins a maiden special weight, an allowance, overnight  
4 handicap race, or claiming race with claiming price of  
5 \$10,000 or more providing the race is not restricted to  
6 Illinois conceived and foaled or Illinois foaled horses.  
7 Awards shall also be provided to the owner or owners of  
8 Illinois conceived and foaled and Illinois foaled horses  
9 that place second or third in those races. To the extent  
10 that additional moneys are required to pay the minimum  
11 additional awards of 40% of the purse the horse earns for  
12 placing first, second or third in those races for Illinois  
13 foaled horses and of 60% of the purse the horse earns for  
14 placing first, second or third in those races for Illinois  
15 conceived and foaled horses, those moneys shall be provided  
16 from the purse account at the track where earned.

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

1        which the offspring was conceived. ~~Such award shall not be~~  
2        ~~paid to the owner or owners of an Illinois stallion that~~  
3        ~~served outside this State at any time during the calendar~~  
4        ~~year in which such race was conducted.~~

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

15           (4.1) (Blank). ~~To provide purse money for an Illinois~~  
16       ~~stallion stakes program.~~

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

21           (6) To provide for educational programs regarding the  
22       thoroughbred breeding industry.

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

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

1           (9) To provide for dissemination of public information  
2           designed to promote the breeding of thoroughbred horses in  
3           Illinois.

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

6           (h) (Blank). ~~Whenever the Governor finds that the amount in~~  
7 ~~the Illinois Thoroughbred Breeders Fund is more than the total~~  
8 ~~of the outstanding appropriations from such fund, the Governor~~  
9 ~~shall notify the State Comptroller and the State Treasurer of~~  
10 ~~such fact. The Comptroller and the State Treasurer, upon~~  
11 ~~receipt of such notification, shall transfer such excess amount~~  
12 ~~from the Illinois Thoroughbred Breeders Fund to the General~~  
13 ~~Revenue Fund.~~

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

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

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

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

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

21 (1) 60% of such sum shall be paid to the breeder of the  
22 horse which finishes in the official first position;

23 (2) 20% of such sum shall be paid to the breeder of the  
24 horse which finishes in the official second position;

25 (3) 15% of such sum shall be paid to the breeder of the  
26 horse which finishes in the official third position; and

1           (4) 5% of such sum shall be paid to the breeder of the  
2           horse which finishes in the official fourth position.

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

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

1 means a foal born in Illinois of a mare purchased at public  
2 auction subsequent to the mare entering this State prior to  
3 March 1 ~~February 1~~ of the foaling year providing the mare is  
4 owned solely by one or more Illinois residents or an Illinois  
5 entity that is entirely owned by one or more Illinois  
6 residents.

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

10 (1) Qualify stallions for Illinois breeding; such  
11 stallions to stand for service within the State of Illinois  
12 at the time of a foal's conception. Such stallion must not  
13 stand for service at any place outside the State of  
14 Illinois during the calendar year in which the foal is  
15 conceived. The Department of Agriculture may assess and  
16 collect an application fee of \$500 ~~fees~~ for the  
17 registration of each Illinois-eligible stallion ~~stallions~~.  
18 All fees collected are to be paid into the Illinois  
19 Thoroughbred Breeders Fund and used by the Illinois  
20 Thoroughbred Breeders Fund Advisory Board for stallion  
21 awards.

22 (2) Provide for the registration of Illinois conceived  
23 and foaled horses and Illinois foaled horses. No such horse  
24 shall compete in the races limited to Illinois conceived  
25 and foaled horses or Illinois foaled horses or both unless  
26 registered with the Department of Agriculture. The

1 Department of Agriculture may prescribe such forms as are  
2 necessary to determine the eligibility of such horses. The  
3 Department of Agriculture may assess and collect  
4 application fees for the registration of Illinois-eligible  
5 foals. All fees collected are to be paid into the Illinois  
6 Thoroughbred Breeders Fund. No person shall knowingly  
7 prepare or cause preparation of an application for  
8 registration of such foals containing false information.

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

15 In determining the stakes races and the amount of awards  
16 for such races, the Department of Agriculture shall consider  
17 factors, including but not limited to, the amount of money  
18 appropriated for the Illinois Thoroughbred Breeders Fund  
19 program, organization licensees' contributions, availability  
20 of stakes caliber horses as demonstrated by past performances,  
21 whether the race can be coordinated into the proposed racing  
22 dates within organization licensees' racing dates, opportunity  
23 for colts and fillies and various age groups to race, public  
24 wagering on such races, and the previous racing schedule.

25 (n) The Board and the organizational licensee shall notify  
26 the Department of the conditions and minimum purses for races



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

12 (o) (Blank). ~~In order to improve the breeding quality of~~  
13 ~~thoroughbred horses in the State, the General Assembly~~  
14 ~~recognizes that existing provisions of this Section to~~  
15 ~~encourage such quality breeding need to be revised and~~  
16 ~~strengthened. As such, a Thoroughbred Breeder's Program Task~~  
17 ~~Force is to be appointed by the Governor by September 1, 1999~~  
18 ~~to make recommendations to the General Assembly by no later~~  
19 ~~than March 1, 2000. This task force is to be composed of 2~~  
20 ~~representatives from the Illinois Thoroughbred Breeders and~~  
21 ~~Owners Foundation, 2 from the Illinois Thoroughbred Horsemen's~~  
22 ~~Association, 3 from Illinois race tracks operating~~  
23 ~~thoroughbred race meets for an average of at least 30 days in~~  
24 ~~the past 3 years, the Director of Agriculture, the Executive~~  
25 ~~Director of the Racing Board, who shall serve as Chairman.~~

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

1 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

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

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

19 (c) Conditions of races under subsection (b) shall be  
20 commensurate with past performance, quality and class of  
21 Illinois conceived and foaled horses available. If, however,  
22 sufficient competition cannot be had among horses of that class  
23 on any day, the races may, with consent of the Board, be  
24 eliminated for that day and substitute races provided.

25 (d) There is hereby created a special fund of the State

1 Treasury to be known as the Illinois Standardbred Breeders  
2 Fund.

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

8 (e) The Illinois Standardbred Breeders Fund shall be  
9 administered by the Department of Agriculture with the  
10 assistance and advice of the Advisory Board created in  
11 subsection (f) of this Section.

12 (f) The Illinois Standardbred Breeders Fund Advisory Board  
13 is hereby created. The Advisory Board shall consist of the  
14 Director of the Department of Agriculture, who shall serve as  
15 Chairman; the Superintendent of the Illinois State Fair; a  
16 member of the Illinois Racing Board, designated by it; a  
17 representative of the Illinois Standardbred Owners and  
18 Breeders Association, recommended by it; a representative of  
19 the Illinois Association of Agricultural Fairs, recommended by  
20 it, such representative to be from a fair at which Illinois  
21 conceived and foaled racing is conducted; a representative of  
22 the organization licensees conducting harness racing meetings,  
23 recommended by them and a representative of the Illinois  
24 Harness Horsemen's Association, recommended by it. Advisory  
25 Board members shall serve for 2 years commencing January 1, of  
26 each odd numbered year. If representatives of the Illinois

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

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

20 1. To provide purses for races limited to Illinois  
21 conceived and foaled horses at the State Fair and the  
22 DuQuoin State Fair.

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

25 3. To provide purse supplements for races limited to  
26 Illinois conceived and foaled horses conducted by

1 associations conducting harness racing meetings.

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

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

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

18 7. To pay the expenses incurred in the administration  
19 of the Illinois Standardbred Breeders Fund.

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

25 (h) Whenever the Governor finds that the amount in the  
26 Illinois Standardbred Breeders Fund is more than the total of

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

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

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

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

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

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

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

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

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



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

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

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

23           (m) At all standardbred race meetings held or conducted  
24 under authority of a license granted by the Board, and at all  
25 standardbred races held at county fairs which are approved by  
26 the Department of Agriculture or at the Illinois or DuQuoin

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

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

14 (230 ILCS 5/31.2 new)

15 Sec. 31.2. Racing Industry Workers' Fund; advisory board.

16 (a) The General Assembly finds that backstretch workers  
17 play a critical role in the success and prosperity of the  
18 racing industry. The General Assembly finds that there is a  
19 need to improve the quality and viability of live racing in  
20 Illinois by providing new resources to increase purse sizes and  
21 to improve race track facilities. The General Assembly finds  
22 that there is a concomitant responsibility and duty to address  
23 the human service and housing needs of backstretch workers.

24 (b) There is hereby created in the State treasury a special  
25 fund to be known as the Racing Industry Workers' Fund. The Fund

1 shall consist of moneys paid into it under subsection (b) of  
2 Section 54.5 of the Illinois Horse Racing Act of 1975.

3 (c) The Illinois Racing Board is authorized to use funds in  
4 the Racing Industry Workers' Fund to fund programs and  
5 initiatives that improve the quality of life of backstretch  
6 workers. Initiatives funded by the Illinois Racing Board shall  
7 address needs such as illiteracy, substance dependence,  
8 primary health care, child care, housing, and any other social  
9 service need determined by the Illinois Racing Board.

10 (d) On December 31st of each year the Board shall report to  
11 the General Assembly and the Governor on the programs funded by  
12 the Board during the preceding fiscal year, the number of  
13 persons served, and the working and living conditions of  
14 backstretch workers.

15 (e) The Board shall appoint a Backstretch Programs Advisory  
16 Board, who shall report to and advise the Board on matters  
17 concerning backstretch conditions and needs. The Backstretch  
18 Programs Advisory Board shall consist of the following 7  
19 members:

20 (1) 2 persons who represent the interests of an  
21 organization licensee;

22 (2) one person who represents the interests of  
23 standardbred horsemen;

24 (3) one person who represents the interests of  
25 thoroughbred horsemen;

26 (4) one person who is or was a backstretch worker;

1           (5) one person who advocates on behalf of backstretch  
2           workers; and

3           (6) one person who has significant experience in  
4           administering social services.

5           (f) The Board shall hire, in its sole discretion, a  
6           backstretch workers' Program Coordinator who shall serve under  
7           the direction of the Board to supervise and coordinate the  
8           programs funded by the Racing Industry Workers' Fund. The  
9           Program Coordinator shall be paid from the Racing Industry  
10           Workers' Fund.

11           (230 ILCS 5/54.5)

12           (Section scheduled to be repealed on May 26, 2008)

13           Sec. 54.5. Horse Racing Equity Trust Fund.

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

22           (b) An amount equal to \$2,000,000 shall be paid annually,  
23           subject to appropriation by the General Assembly, from the  
24           House Racing Equity Trust Fund to the Racing Industry Workers'  
25           Fund. The remaining moneys deposited into the Fund, plus any

1 accrued interest on those moneys, shall be distributed within  
2 10 days after those moneys are deposited into the Fund as  
3 follows:

4 (1) Sixty 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 by licensees in the current  
16 calendar year.

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

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

25 (B) the remaining 89% shall be distributed pro rata  
26 according to the aggregate proportion of total handle

1 from wagering on live races conducted in Illinois  
2 (irrespective of where the wagers are placed) for  
3 calendar years 2004 and 2005 to any person (or its  
4 successors or assigns) who (i) had majority operating  
5 control of a racing facility at which live racing was  
6 conducted in calendar year 2002, (ii) is a licensee in  
7 the current year, and (iii) is not eligible to receive  
8 moneys under subparagraph (A) of this paragraph (2).

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

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

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

1       ~~(d) This Section is repealed 2 years after the effective~~  
2 ~~date of this amendatory Act of the 94th General Assembly.~~

3       (Source: P.A. 94-804, eff. 5-26-06.)

4       (230 ILCS 5/56 new)

5       Sec. 56. Electronic poker.

6       (a) An organization licensee may apply to the Illinois  
7 Gaming Board for authorization to conduct electronic poker at  
8 its wagering facilities, including inter-track wagering  
9 facilities. The authorization that the Illinois Gaming Board  
10 issues to the organization licensee shall specify the number of  
11 electronic poker positions the organization licensee may  
12 operate.

13       (b) The adjusted gross receipts an organization licensee  
14 receives from electronic poker is subject to the wagering tax  
15 imposed under subsection (a-3) of Section 13 of the Riverboat  
16 Gambling Act.

17       Section 45. The Riverboat Gambling Act is amended by  
18 changing Sections 1, 2, 3, 4, 5, 6, 7.1, 7.3, 8, 9, 11, 11.1,  
19 12, 13, 14, 18, 19, and 20, by reenacting and changing Sections  
20 7 and 23, and by adding Sections 5.2, 7.6, and 7.7 as follows:

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

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

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

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

3 Sec. 2. Legislative Intent.

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

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

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

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

23 (230 ILCS 10/3) (from Ch. 120, par. 2403)

24 Sec. 3. ~~Riverboat~~ Gambling Authorized.



1 (a) Riverboat and casino gambling operations and  
2 electronic poker ~~and the system of wagering incorporated~~  
3 ~~therein~~, as defined in this Act, are hereby authorized to the  
4 extent that they are carried out in accordance with the  
5 provisions of this Act.

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

16 (c) Riverboat gambling conducted pursuant to this Act may  
17 be authorized upon any water within the State of Illinois or  
18 any water other than Lake Michigan which constitutes a boundary  
19 of the State of Illinois. Notwithstanding any provision in this  
20 subsection (c) to the contrary, a licensee that receives its  
21 license pursuant to subsection (e-5) of Section 7 authorizing  
22 its holder to conduct riverboat gambling from a home dock in  
23 any county North of Cook County may conduct riverboat gambling  
24 on Lake Michigan from a home dock located on Lake Michigan.  
25 Notwithstanding any provision in this subsection (c) to the  
26 contrary, a licensee may conduct gambling at its home dock

1 facility as provided in Sections 7 and 11. A licensee may  
2 conduct riverboat gambling authorized under this Act  
3 regardless of whether it conducts excursion cruises. A licensee  
4 may permit the continuous ingress and egress of passengers for  
5 the purpose of gambling.

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

7 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

10 "Casino" means a land-based facility located within a  
11 municipality with a population of more than 500,000 inhabitants  
12 at which lawful gambling is authorized and licensed as provided  
13 in this Act. "Casino" includes any temporary land-based or  
14 river-based facility at which lawful gambling is authorized and  
15 licensed as provided in this Act. "Casino" does not include any  
16 ancillary facilities such as hotels, restaurants, retail  
17 facilities, conference rooms, parking areas, entertainment  
18 venues, or other facilities at which gambling operations are  
19 not conducted.

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

24 ~~(c)~~ "Gambling game" includes, but is not limited to,  
25 baccarat, twenty-one, poker, electronic poker, craps, slot

1 machine, video game of chance, roulette wheel, klondike table,  
2 punchboard, faro layout, keno layout, numbers ticket, push  
3 card, jar ticket, or pull tab which is authorized by the Board  
4 as a wagering device under this Act.

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

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

13 ~~(f)~~ "Dock" means the location where a riverboat moors for  
14 the purpose of embarking passengers for and disembarking  
15 passengers from the riverboat.

16 ~~(g)~~ "Whole gaming ~~Gross~~ receipts" means the total amount of  
17 money exchanged for the purchase of chips, tokens or electronic  
18 cards by riverboat or casino patrons or electronic poker  
19 patrons.

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

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

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

26 ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~

1 gambling games authorized under this Act upon a riverboat or in  
2 a casino or authorized under this Act and the Illinois Horse  
3 Racing Act of 1975 at a wagering facility.

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

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

10 "Owners license" means a license to conduct riverboat  
11 gambling operations or casino gambling operations.

12 "Licensed owner" means a person who holds an owners  
13 license.

14 "Electronic poker" means poker by use of electronic aids,  
15 including via the Internet or by other electronic means.

16 "Electronic poker" does not include slot machines.

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

20  
21 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;  
22 revised 1-28-04.)

23 (230 ILCS 10/5) (from Ch. 120, par. 2405)

24 Sec. 5. Gaming Board.

25 (a) (1) There is hereby established within the Department

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

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

22 (3) The terms of office of the Board members shall be 3  
23 years, except that the terms of office of the initial Board  
24 members appointed pursuant to this Act will commence from the  
25 effective date of this Act and run as follows: one for a term  
26 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for

1 a term ending July 1, 1993. Upon the expiration of the  
2 foregoing terms, the successors of such members shall serve a  
3 term for 3 years and until their successors are appointed and  
4 qualified for like terms. Vacancies in the Board shall be  
5 filled for the unexpired term in like manner as original  
6 appointments. Each member of the Board shall be eligible for  
7 reappointment at the discretion of the Governor with the advice  
8 and consent of the Senate.

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

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

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

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

23           (8) Upon the request of the Board, the Department shall  
24 employ such personnel as may be necessary to carry out the  
25 functions of the Board. No person shall be employed to serve  
26 the Board who is, or whose spouse, parent or child is, an

1 official of, or has a financial interest in or financial  
2 relation with, any operator engaged in gambling operations  
3 within this State or any organization engaged in conducting  
4 horse racing within this State. Any employee violating these  
5 prohibitions shall be subject to termination of employment.

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

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

20 (1) To decide promptly and in reasonable order all  
21 license applications. Any party aggrieved by an action of  
22 the Board denying, suspending, revoking, restricting or  
23 refusing to renew a license may request a hearing before  
24 the Board. A request for a hearing must be made to the  
25 Board in writing within 5 days after service of notice of  
26 the action of the Board. Notice of the action of the Board



1 shall be served either by personal delivery or by certified  
2 mail, postage prepaid, to the aggrieved party. Notice  
3 served by certified mail shall be deemed complete on the  
4 business day following the date of such mailing. The Board  
5 shall conduct all requested hearings promptly and in  
6 reasonable order;

7 (2) To conduct all hearings pertaining to civil  
8 violations of this Act or rules and regulations promulgated  
9 hereunder;

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

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

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

26 (6) To be present through its inspectors and agents any

1 time gambling operations are conducted on any riverboat or  
2 in any casino or any time electronic poker is being  
3 conducted at an organization licensee's wagering facility  
4 for the purpose of certifying the revenue thereof,  
5 receiving complaints from the public, and conducting such  
6 other investigations into the conduct of the gambling games  
7 and the maintenance of the equipment as from time to time  
8 the Board may deem necessary and proper;

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

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

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

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

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

1 (11) (Blank); and

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

7 (13) To assume responsibility for administration and  
8 enforcement related to electronic poker at an  
9 organizational licensee's wagering facilities.

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

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

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

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

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

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

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

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

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

1       the conduct of electronic poker as authorized under this  
2       Act.

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

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

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

1           (11) To revoke or suspend licenses, as the Board may  
2 see fit and in compliance with applicable laws of the State  
3 regarding administrative procedures, and to review  
4 applications for the renewal of licenses. The Board may  
5 suspend an owners license, without notice or hearing, upon  
6 a determination that the safety or health of patrons or  
7 employees is jeopardized by continuing a gambling  
8 operation conducted under that license ~~a riverboat's~~  
9 ~~operation~~. The suspension may remain in effect until the  
10 Board determines that the cause for suspension has been  
11 abated. The Board may revoke the owners license upon a  
12 determination that the licensee ~~owner~~ has not made  
13 satisfactory progress toward abating the hazard.

14           (11.5) To revoke or suspend an organization licensee's  
15 authorization to conduct electronic poker at one or more of  
16 its wagering facilities, as the Board may see fit and in  
17 compliance with applicable laws of the State regarding  
18 administrative procedures. The suspension may remain in  
19 effect until the Board determines that the cause for  
20 suspension has been abated. The Board may revoke the  
21 organization licensee's authorization to conduct  
22 electronic poker at one or more of its wagering facilities  
23 upon a determination that the licensee has not made  
24 satisfactory progress toward abating the hazard.

25           (12) To eject or exclude or authorize the ejection or  
26 exclusion of, any person from ~~riverboat~~ gambling

1 facilities or wagering facilities at which electronic  
2 poker is conducted where that ~~such~~ person is in violation  
3 of this Act, rules and regulations thereunder, or final  
4 orders of the Board, or where such person's conduct or  
5 reputation is such that his or her presence within the  
6 ~~riverboat~~ gambling facilities may, in the opinion of the  
7 Board, call into question the honesty and integrity of the  
8 gambling operations or interfere with the orderly conduct  
9 thereof; provided that the propriety of such ejection or  
10 exclusion is subject to subsequent hearing by the Board.

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

16 (14) (Blank).

17 (15) To suspend, revoke or restrict licenses, to  
18 require the removal of a licensee or an employee of a  
19 licensee for a violation of this Act or a Board rule or for  
20 engaging in a fraudulent practice, and to impose civil  
21 penalties of up to \$5,000 against individuals and up to  
22 \$10,000 or an amount equal to the daily whole gaming ~~gross~~  
23 receipts, whichever is larger, against licensees for each  
24 violation of any provision of the Act, any rules adopted by  
25 the Board, any order of the Board or any other action  
26 which, in the Board's discretion, is a detriment or



1           impediment to ~~riverboat~~ gambling operations.

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

5           (17) To establish minimum levels of insurance to be  
6 maintained by licensees.

7           (18) To authorize a licensee to sell or serve alcoholic  
8 liquors, wine or beer as defined in the Liquor Control Act  
9 of 1934 on board a riverboat or in a casino and to have  
10 exclusive authority to establish the hours for sale and  
11 consumption of alcoholic liquor on board a riverboat or in  
12 a casino, notwithstanding any provision of the Liquor  
13 Control Act of 1934 or any local ordinance, and regardless  
14 of whether the riverboat or in a casino makes excursions.  
15 The establishment of the hours for sale and consumption of  
16 alcoholic liquor on board a riverboat or in a casino is an  
17 exclusive power and function of the State. A home rule unit  
18 may not establish the hours for sale and consumption of  
19 alcoholic liquor on board a riverboat or in a casino. This  
20 subdivision (18) amendatory Act of 1991 is a denial and  
21 limitation of home rule powers and functions under  
22 subsection (h) of Section 6 of Article VII of the Illinois  
23 Constitution.

24           (19) After consultation with the U.S. Army Corps of  
25 Engineers, to establish binding emergency orders upon the  
26 concurrence of a majority of the members of the Board

1 regarding the navigability of water, relative to  
2 excursions, in the event of extreme weather conditions,  
3 acts of God or other extreme circumstances.

4 (20) To delegate the execution of any of its powers  
5 under this Act for the purpose of administering and  
6 enforcing this Act and its rules and regulations hereunder.

7 (21) To make rules concerning the conduct of electronic  
8 poker.

9 (22) ~~(21)~~ To take any other action as may be reasonable  
10 or appropriate to enforce this Act and rules and  
11 regulations hereunder.

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

20 (e) The Board must authorize to each investigator and to  
21 any other employee of the Board exercising the powers of a  
22 peace officer a distinct badge that, on its face, (i) clearly  
23 states that the badge is authorized by the Board and (ii)  
24 contains a unique identifying number. No other badge shall be  
25 authorized by the Board.

26 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 91-883,

1 eff. 1-1-01.)

2 (230 ILCS 10/5.2 new)

3 Sec. 5.2. Enforcement and investigations. Notwithstanding  
4 any provision in this Act to the contrary, all duties related  
5 to investigations under this Act and the enforcement of this  
6 Act shall be divided equally between employees of the  
7 Department of State Police and investigators employed by the  
8 Department of Revenue.

9 (230 ILCS 10/6) (from Ch. 120, par. 2406)

10 Sec. 6. Application for Owners License.

11 (a) A qualified person may apply to the Board for an owners  
12 license to conduct a riverboat gambling operation as provided  
13 in this Act. The application shall be made on forms provided by  
14 the Board and shall contain such information as the Board  
15 prescribes, including but not limited to the identity of the  
16 riverboat on which such gambling operation is to be conducted  
17 and the exact location where such riverboat will be docked, a  
18 certification that the riverboat will be registered under this  
19 Act at all times during which gambling operations are conducted  
20 on board, detailed information regarding the ownership and  
21 management of the applicant, and detailed personal information  
22 regarding the applicant. Any application for an owners license  
23 to be re-issued on or after June 1, 2003 shall also include the  
24 applicant's license bid in a form prescribed by the Board.

1 Information provided on the application shall be used as a  
2 basis for a thorough background investigation which the Board  
3 shall conduct with respect to each applicant. An incomplete  
4 application shall be cause for denial of a license by the  
5 Board.

6 (a-5) In addition to any other information required under  
7 this Section, each application for an owners license must  
8 include the following information:

9 (1) The history and success of the applicant and each  
10 person and entity disclosed under subsection (c) of this  
11 Section in developing tourism facilities ancillary to  
12 gaming, if applicable.

13 (2) The likelihood that granting a license to the  
14 applicant will lead to the creation of quality, living wage  
15 jobs and permanent, full-time jobs for residents of the  
16 State and residents of the unit of local government that is  
17 designated as the home dock of the proposed facility where  
18 gambling is to be conducted by the applicant.

19 (3) The projected number of jobs that would be created  
20 if the license is granted and the projected number of new  
21 employees at the proposed facility where gambling is to be  
22 conducted by the applicant.

23 (4) The record of the applicant and its developer in  
24 meeting commitments to local agencies, community-based  
25 organizations, and employees at other locations where the  
26 applicant or its developer has performed similar functions

1       as they would perform if the applicant were granted a  
2       license.

3       (5) Identification of adverse effects that might be  
4       caused by the proposed facility where gambling is to be  
5       conducted by the applicant, including the costs of meeting  
6       increased demand for public health care, child care, public  
7       transportation, affordable housing, and social services,  
8       and a plan to mitigate those adverse effects.

9       (6) The record of the applicant and its developer  
10       regarding compliance with:

11               (A) Federal, State, and local discrimination, wage  
12               and hour, disability, and occupational and  
13               environmental health and safety laws.

14               (B) State and local labor relations and employment  
15               laws.

16       (7) The applicant's record in dealing with its  
17       employees and their representatives at other locations.

18       (b) Applicants shall submit with their application all  
19 documents, resolutions, and letters of support from the  
20 governing body that represents the municipality or county  
21 wherein the licensee will dock. A governing body providing  
22 documents, resolutions, or letters of support for an applicant  
23 for a license authorized under subsection (e-6) or item (1) of  
24 subsection (e-5) of Section 7 must also issue similar items of  
25 support for no less than 2 other applicants.

26       (c) Each applicant shall disclose the identity of every

1 person, association, trust or corporation having a greater than  
2 1% direct or indirect pecuniary interest in the riverboat  
3 gambling operation with respect to which the license is sought.  
4 If the disclosed entity is a trust, the application shall  
5 disclose the names and addresses of the beneficiaries; if a  
6 corporation, the names and addresses of all stockholders and  
7 directors; if a partnership, the names and addresses of all  
8 partners, both general and limited.

9 (d) An application shall be filed with the Board by January  
10 1 of the year preceding any calendar year for which an  
11 applicant seeks an owners license; however, applications for an  
12 owners license permitting operations on January 1, 1991 shall  
13 be filed by July 1, 1990. An application fee of \$50,000 shall  
14 be paid at the time of filing to defray the costs associated  
15 with the background investigation conducted by the Board. If  
16 the costs of the investigation exceed \$50,000, the applicant  
17 shall pay the additional amount to the Board. If the costs of  
18 the investigation are less than \$50,000, the applicant shall  
19 receive a refund of the remaining amount. All information,  
20 records, interviews, reports, statements, memoranda or other  
21 data supplied to or used by the Board in the course of its  
22 review or investigation of an application for a license under  
23 this Act shall be privileged, strictly confidential and shall  
24 be used only for the purpose of evaluating an applicant. Such  
25 information, records, interviews, reports, statements,  
26 memoranda or other data shall not be admissible as evidence,

1 nor discoverable in any action of any kind in any court or  
2 before any tribunal, board, agency or person, except for any  
3 action deemed necessary by the Board.

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

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

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

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

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

21 Sec. 7. Owners Licenses.

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

1 operation and a \$5,000 license fee for each succeeding year and  
2 upon a determination by the Board that the applicant is  
3 eligible for an owners license pursuant to this Act and the  
4 rules of the Board. From May 26, 2006 (For a period of 2 years  
5 beginning on the effective date of Public Act 94-804) until the  
6 effective date of this amendatory Act of the 95th General  
7 Assembly ~~this amendatory Act of the 94th General Assembly,~~ as a  
8 condition of licensure and as an alternative source of payment  
9 for those funds payable under subsection (c-5) of Section 13 of  
10 the Riverboat and Casino Gambling Act, any owners licensee that  
11 holds or receives its owners license on or after the effective  
12 date of this amendatory Act of the 94th General Assembly, other  
13 than an owners licensee operating a riverboat with adjusted  
14 gross receipts in calendar year 2004 of less than \$200,000,000,  
15 must pay into the Horse Racing Equity Trust Fund, in addition  
16 to any other payments required under this Act, an amount equal  
17 to 3% of the adjusted gross receipts received by the owners  
18 licensee. Beginning on the effective date of this amendatory  
19 Act of the 95th General Assembly, 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, any owners licensee that  
22 holds or receives its owners license on or after the effective  
23 date of this amendatory Act of the 95th General Assembly must  
24 pay into the Horse Racing Equity Trust Fund, in addition to any  
25 other payments required under this Act, based on the adjusted  
26 gross receipts received by a licensed owner from gambling games



1 authorized under this Act, an amount based on the following  
2 rates:

3 0.5% of annual gross gaming receipts up to and  
4 including \$50,000,000;

5 1% of annual gross gaming receipts in excess of  
6 \$50,000,000 but not exceeding \$100,000,000;

7 1.5% of annual gross gaming receipts in excess of  
8 \$100,000,000 but not exceeding \$200,000,000;

9 2.5% of annual gross gaming receipts in excess of  
10 \$200,000,000 but not exceeding \$300,000,000;

11 3% of annual gross gaming receipts in excess of  
12 \$300,000,000.

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

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

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

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

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

26 (5) a person defined in (1), (2), (3) or (4) is an

1 officer, director or managerial employee of the firm or  
2 corporation;

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

7 (7) (blank); or

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

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 gambling;

23 (3) the highest prospective total revenue to be derived  
24 by the State from the conduct of riverboat gambling;

25 (4) the extent to which the ownership of the applicant  
26 reflects the diversity of the State by including minority

1 persons and females and the good faith affirmative action  
2 plan of each applicant to recruit, train and upgrade  
3 minority persons and females in all employment  
4 classifications;

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

7 (6) whether the applicant has adequate capitalization  
8 to provide and maintain, for the duration of a license, a  
9 riverboat;

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

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

14 (c) Each owners license shall specify the place where  
15 riverboats shall operate and dock.

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

18 (e) In addition to the licenses authorized under  
19 subsections (e-5) and (e-6), the ~~The~~ Board may issue up to 10  
20 licenses authorizing the holders of such licenses to own  
21 riverboats. In the application for an owners license, the  
22 applicant shall state the dock at which the riverboat is based  
23 and the water on which the riverboat will be located. The Board  
24 shall issue 5 licenses to become effective not earlier than  
25 January 1, 1991. Three of such licenses shall authorize  
26 riverboat gambling on the Mississippi River, or, with approval

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

20 (e-5) In addition to the licenses authorized under  
21 subsections (e) and (e-6), the Board may issue 3 additional  
22 licenses authorizing riverboat gambling.

23 (1) One of the licenses issued under this subsection  
24 (e-5) shall authorize its holder to conduct riverboat  
25 gambling from a home dock located in a municipality that  
26 (A) has a population of at least 75,000 inhabitants, (B) is

1 bordered on the East by Lake Michigan, and (C) is located  
2 in a county, the entirety of which is located to the North  
3 of Cook County, and shall authorize its holder to conduct  
4 riverboat gambling on Lake Michigan.

5 (2) One license issued under this subsection (e-5)  
6 shall authorize its holder to conduct riverboat gambling in  
7 Cook County from a home dock located in the area bordered  
8 on the North by the southern corporate limit of the City of  
9 Chicago, on the South by Route 30, and on the West by  
10 Interstate 57 and that is within 8 miles of the Indiana  
11 border.

12 (3) One license issued under this subsection (e-5)  
13 shall authorize its holder to conduct riverboat gambling  
14 operations from a home dock located within 8 miles of any  
15 portion of O'Hare International Airport.

16 Licenses authorized under this subsection (e-5) shall be  
17 awarded pursuant to a process of competitive bidding to the  
18 highest bidder that is eligible to hold an owners license under  
19 this Act. The minimum bid for an owners license under this  
20 subsection (e-5) shall be \$365,000,000, except that the Board  
21 may declare a lower minimum bid for a specific license if it  
22 finds a lower minimum bid to be necessary or appropriate.

23 (e-6) In addition to the licenses authorized under  
24 subsections (e) and (e-5), the Board may issue an owners  
25 license authorizing the conduct of gambling operations in a  
26 casino located in a municipality with a population of more than

1 500,000 inhabitants. Until completion of a permanent casino,  
2 the license issued under this subsection (e-6) shall authorize  
3 it to conduct gambling operations in one or more land-based or  
4 riverboat temporary casinos within the municipality, provided  
5 that the total number of gaming positions is limited to 4,000.

6 Licenses authorized under this subsection (e-6) shall be  
7 awarded pursuant to a process of competitive bidding to the  
8 highest bidder that is eligible to hold an owners license under  
9 this Act. The minimum bid for an owners license under this  
10 subsection (e-6) shall be \$800,000,000, except that the Board  
11 may declare a lower minimum bid for a specific license if it  
12 finds a lower minimum bid to be necessary or appropriate.

13 (e-7) If an applicant for a license under subsection (e-5)  
14 or (e-6) and a minority or female owner in the applicant  
15 originally granted the dormant license agree, then the  
16 applicant for a license under subsection (e-5) or (e-6) may  
17 include the entire amount invested by the minority or female in  
18 the dormant license in the applicant's bid for a license under  
19 subsection (e-5) or (e-6). If a license is awarded to the  
20 applicant based on that bid, then the amount the applicant must  
21 pay for the license is the amount of the bid less the amount  
22 invested by the minority or female owner. The minority or  
23 female owner then has an ownership interest in the applicant as  
24 if the amount invested had been paid to the applicant and that  
25 amount then included in the payment for the license. "Dormant  
26 license" has the meaning ascribed to it in subsection (a-3) of

1 Section 13.

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

15 In granting all licenses, the Board must give favorable  
16 consideration to applicants based on each applicant's level of  
17 minority persons and female ownership. For the purposes of this  
18 subsection (e-10), the terms "minority person" and "female"  
19 have the meanings provided in Section 2 of the Business  
20 Enterprise for Minorities, Females, and Persons with  
21 Disabilities Act

22 In granting a license that is a dormant license to an  
23 applicant, the Board must give favorable consideration to  
24 applicants submitting evidence to the Board that minority  
25 persons and females, who held ownership interests in the  
26 applicant originally granted the dormant license, hold

1 ownership interests in the applicant for the license. The  
2 weight of the Board's favorable consideration to applicants  
3 pursuant to this paragraph must be in proportion to the  
4 percentage of ownership interest in the applicant of those  
5 minority persons and female owners. "Dormant license" has the  
6 meaning ascribed to it in subsection (a-3) of Section 13 of  
7 this Act.

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

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

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



1 unless the Board sets a shorter period.

2 (h) An owners license, other than an owners license  
3 authorized under subsection (e-5) or (e-6), shall entitle the  
4 licensee to own up to 2 riverboats and operate up to 1,200  
5 gaming positions, plus an additional number of positions as  
6 provided in subsections (h-5) and (h-6). The owners license  
7 authorized under subsection (e-6) shall limit the number of  
8 gaming positions to 4,000, and shall not allow the licensee to  
9 obtain additional gaming positions under subsection (h-5). An  
10 owner's license authorized under subsection (e-5) shall limit  
11 the number of gaming positions to 2,000 and shall not allow the  
12 licensee to obtain additional gaming positions under  
13 subsection (h-5). Electronic poker positions shall not be  
14 included when determining the number of gaming positions for  
15 the purposes of the limitations contained in this subsection  
16 (h).

17 (h-5) In addition to the 1,200 gaming positions authorized  
18 under subsection (h), a licensee, other than the owners  
19 licensee that received a license under subsection (e-5) or  
20 (e-6), may purchase and operate additional gaming positions as  
21 provided in this subsection (h-5). A licensee, other than the  
22 owners licensee that received a license under subsection (e-5)  
23 or (e-6), may purchase up to 800 additional gaming positions  
24 under this subsection (h-5) in groups of 100 by paying to the  
25 Board a fee of \$3,000,000 for each group of 100 additional  
26 gaming positions.

1       (h-6) An owners licensee that obtains in excess of 1,200  
2 positions, other than the owners licensee that received a  
3 license under subsection (e-5) or (e-6), may conduct riverboat  
4 gambling operations from a land-based facility within or  
5 attached to its home dock facility or from a temporary  
6 facility, as the term "temporary facility" is defined by Board  
7 rule, that is attached to the licensee's home dock, with Board  
8 approval. Gaming positions located in a land-based facility  
9 must be located in an area that is accessible only to persons  
10 who are at least 21 years of age. A licensee may not conduct  
11 gambling at a land-based facility unless the admission tax  
12 imposed under Section 12 has been paid for all persons who  
13 enter the land-based facility. The Board shall adopt rules  
14 concerning the conduct of gambling from land-based facilities,  
15 including rules concerning the number of gaming positions that  
16 may be located at a temporary facility.

17       (h-7) Gaming positions authorized under subsection (h-5)  
18 that go unpurchased for 120 days after the adoption of rules  
19 under subsection (h-8) concerning the forfeiture of unused  
20 gaming positions, if any, shall be made available to owners  
21 licensees, other than the owners licensee that received a  
22 license under subsection (e-6), as provided in this subsection  
23 (h-7). Two hundred and ten days after the end of that 120-day  
24 period, the Gaming Board shall make those unpurchased positions  
25 available to owners licensees, other than the owners licensee  
26 that received a license under subsection (e-6), under a process

1 of competitive bidding, in groups of 100 gaming positions. The  
2 minimum bid for each group of 100 gaming positions shall be  
3 \$2,500,000.

4 (h-8) At the time of license renewal, if the Gaming Board  
5 determines that an owners licensee is not using any portion of  
6 the gaming positions that it obtained under subsection (h-5) or  
7 (h-7), the owners licensee shall forfeit those unused gaming  
8 positions. The owners licensee shall not receive compensation  
9 for those forfeited gaming positions. Within 30 days after the  
10 forfeiture of an owners licensee's unused gaming positions, the  
11 unused positions shall be made available by the Gaming Board to  
12 owners licensees, other than the owners licensee that received  
13 a license under subsection (e-6), under a process of  
14 competitive bidding, in groups of 100 gaming positions. The  
15 minimum bid for each group of 100 gaming positions shall be  
16 \$2,500,000. Within 30 days after the effective date of this  
17 amendatory Act of the 95th General Assembly, the Board shall  
18 adopt rules concerning the forfeiture of unused gaming  
19 positions obtained under subsection (h-5) or (h-7).

20 (h-10) The total number of gaming positions used by an  
21 owners licensee shall not exceed 3,500 at one time (4,000 in  
22 the case of the owners licensee that received a license under  
23 subsection (e-6)). Within this limit, a licensee may operate  
24 both of its riverboats concurrently. ~~A licensee shall limit the~~  
25 ~~number of gambling participants to 1,200 for any such owners~~  
26 ~~license. A licensee may operate both of its riverboats~~

1 ~~concurrently, provided that the total number of gambling~~  
2 ~~participants on both riverboats does not exceed 1,200.~~  
3 ~~Riverboats licensed to operate on the Mississippi River and the~~  
4 ~~Illinois River south of Marshall County shall have an~~  
5 ~~authorized capacity of at least 500 persons. Any other~~  
6 ~~riverboat licensed under this Act shall have an authorized~~  
7 ~~capacity of at least 400 persons.~~

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

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

1 approval, the governing body of the county has by a majority  
2 vote approved of the docking of riverboats within such areas.

3 (Source: P.A. 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; 94-667,  
4 eff. 8-23-05; 94-804, eff. 5-26-06.)

5 (230 ILCS 10/7.1)

6 Sec. 7.1. Re-issuance of revoked or non-renewed owners  
7 licenses.

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

18 (b) To be a qualified applicant, a person, firm, or  
19 corporation cannot be ineligible to receive an owners license  
20 under Section 7(a) and must submit an application for an owners  
21 license that complies with Section 6. Each such applicant must  
22 also submit evidence to the Board that minority persons and  
23 females hold ownership interests in the applicant of at least  
24 16% and 4% respectively.

25 (c) Notwithstanding anything to the contrary in

1 subsections (e), (e-5), or (e-6) of Section 7, ~~Section 7(e)~~, an  
2 applicant may apply to the Board for approval of relocation of  
3 a re-issued license to a new home dock location authorized  
4 under Section 3(c) upon receipt of the approval from the  
5 municipality or county, as the case may be, pursuant to Section  
6 7(j).

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

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

22 (230 ILCS 10/7.3)

23 Sec. 7.3. State conduct of gambling operations.

24 (a) If, after reviewing each application for a re-issued  
25 license, the Board determines that the highest prospective

1 total revenue to the State would be derived from State conduct  
2 of the gambling operation in lieu of re-issuing the license,  
3 the Board shall inform each applicant of its decision. The  
4 Board shall thereafter have the authority, without obtaining an  
5 owners license, to conduct riverboat gambling operations as  
6 previously authorized by the terminated, expired, revoked, or  
7 nonrenewed license through a licensed manager selected  
8 pursuant to an open and competitive bidding process as set  
9 forth in Section 7.5 and as provided in Section 7.4.

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

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

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

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

1 (230 ILCS 10/7.6 new)

2 Sec. 7.6. Electronic poker.

3 (a) An owner licensee may apply to the Illinois Gaming  
4 Board for authorization to conduct electronic poker on its  
5 riverboats. The authorization that the Illinois Gaming Board  
6 issues to the owner licensee shall specify the number of  
7 electronic poker positions the owner licensee may operate,  
8 which shall not be counted against the limit on the number of  
9 gambling participants under subsection (h) of Section 7.

10 (b) The Illinois Gaming Board must adopt rules for the  
11 authorization and administration of the conduct of electronic  
12 poker.

13 (230 ILCS 10/7.7 new)

14 Sec. 7.7. Home rule. The regulation of electronic poker is  
15 an exclusive power and function of the State. A home rule unit  
16 may not regulate electronic poker. This Section is a denial and  
17 limitation of home rule powers and functions under subsection  
18 (h) of Section 6 of Article VII of the Illinois Constitution.

19 (230 ILCS 10/8) (from Ch. 120, par. 2408)

20 Sec. 8. Suppliers licenses.

21 (a) The Board may issue a suppliers license to such  
22 persons, firms or corporations which apply therefor upon the  
23 payment of a non-refundable application fee set by the Board,



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

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

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

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

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

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

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

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

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

24 (6) the firm or corporation employs a person who  
25 participates in the management or operation of riverboat  
26 gambling authorized under this Act;

1           (7) the 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           (e) Any person that supplies any equipment, devices, or  
6 supplies to a licensed riverboat or casino gambling operation  
7 or an organization licensee that conducts electronic poker at  
8 its wagering facilities must first obtain a suppliers license.

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

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

1 (g) Any gambling equipment, devices and supplies provided  
2 by any licensed supplier may either be repaired on the  
3 riverboat, at the casino, or at the wagering facility or  
4 removed from the riverboat, the casino, or the wagering  
5 facility to a ~~an on shore~~ facility owned by the holder of an  
6 owners license or organization license for repair.

7 (h) On and after the effective date of this amendatory Act  
8 of the 95th General Assembly, at least 30% of all slot machines  
9 and video games of chance purchased by an owners licensee shall  
10 be purchased from manufacturers whose manufacturing facilities  
11 are located in Illinois. The Board shall review the  
12 availability of such slot machines and video games of chance  
13 and shall have the discretion to raise or lower the minimum  
14 percentage of those slot machines and video games of chance  
15 that must be purchased from suppliers whose manufacturing  
16 facilities are located in Illinois by rule as it sees fit.

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 involving dishonesty or moral turpitude;

9           (3) have demonstrated a level of skill or knowledge  
10 which the Board determines to be necessary in order to  
11 operate gambling aboard a riverboat, in a casino, or at a  
12 wagering facility conducting electronic poker; and

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

22           (b) Each application for an occupational license shall be  
23 on forms prescribed by the Board and shall contain all  
24 information required by the Board. The applicant shall set  
25 forth in the application: whether he has been issued prior  
26 gambling related licenses; whether he has been licensed in any

1 other state under any other name, and, if so, such name and his  
2 age; and whether or not a permit or license issued to him in  
3 any other state has been suspended, restricted or revoked, and,  
4 if so, for what period of time.

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

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

20 (e) The Board may suspend, revoke or restrict any  
21 occupational licensee: (1) for violation of any provision of  
22 this Act; (2) for violation of any of the rules and regulations  
23 of the Board; (3) for any cause which, if known to the Board,  
24 would have disqualified the applicant from receiving such  
25 license; or (4) for default in the payment of any obligation or  
26 debt due to the State of Illinois; or (5) for any other just

1 cause.

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

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

6 (h) Nothing in this Act shall be interpreted to prohibit a  
7 licensed owner or organization licensee from entering into an  
8 agreement with a school approved under the Private Business and  
9 Vocational Schools Act for the training of any occupational  
10 licensee. Any training offered by such a school shall be in  
11 accordance with a written agreement between the licensed owner  
12 or organization licensee and the school.

13 (i) Any training provided for occupational licensees may be  
14 conducted either at the site of the gambling facility ~~on the~~  
15 ~~riverboat~~ or at a school with which a licensed owner or  
16 organization licensee has entered into an agreement pursuant to  
17 subsection (h).

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

19 (230 ILCS 10/11) (from Ch. 120, par. 2411)

20 Sec. 11. Conduct of gambling. Gambling may be conducted by  
21 licensed owners or licensed managers on behalf of the State  
22 aboard riverboats or in a casino. Gambling in the form of  
23 electronic poker may be conducted as authorized by the Illinois  
24 Gambling Board by licensed owners aboard riverboats or by  
25 organization licensees at wagering facilities. If authorized

1 by the Board by rule, an owners licensee may move gaming  
2 positions to a "temporary facility" as that term is defined in  
3 Section 7(h-6) and use those gaming positions to conduct  
4 gambling as provided in Section 7(h-6). Gambling authorized  
5 under this Section shall be<sup>7</sup> subject to the following  
6 standards:

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

12 (2) (Blank).

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

15 (4) Agents of the Board and the Department of State  
16 Police may board and inspect any riverboat or enter and  
17 inspect any portion of a casino or an organization  
18 licensee's wagering facility at which electronic poker is  
19 being conducted at any time for the purpose of determining  
20 whether this Act is being complied with. Every riverboat,  
21 if under way and being hailed by a law enforcement officer  
22 or agent of the Board, must stop immediately and lay to.

23 (5) Employees of the Board shall have the right to be  
24 present on the riverboat or in the casino or on adjacent  
25 facilities under the control of the licensee and at the  
26 wagering facility at which electronic poker is being

1       conducted.

2           (6) Gambling equipment and supplies customarily used  
3 in conducting ~~riverboat~~ gambling games must be purchased or  
4 leased only from suppliers licensed for such purpose under  
5 this Act.

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

9           (8) Wagers may be received only from a person present  
10 on a licensed riverboat, in a casino, or at a wagering  
11 facility at which electronic poker is being conducted. No  
12 person present on a licensed riverboat or in a casino or at  
13 a wagering facility at which electronic poker is being  
14 conducted shall place or attempt to place a wager on behalf  
15 of another person who is not present on the riverboat or in  
16 the casino or at the wagering facility at which electronic  
17 poker is being conducted.

18           (9) Wagering shall not be conducted with money or other  
19 negotiable currency.

20           (10) A person under age 21 shall not be permitted on an  
21 area of a riverboat or casino where gambling is being  
22 conducted, except for a person at least 18 years of age who  
23 is an employee of the riverboat or casino gambling  
24 operation. No employee under age 21 shall perform any  
25 function involved in gambling by the patrons. No person  
26 under age 21 shall be permitted to make a wager under this



1 Act.

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

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

24 (13) Notwithstanding any other Section of this Act, in  
25 addition to the other licenses authorized under this Act,  
26 the Board may issue special event licenses allowing persons

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

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

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

17 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

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

1 expenses and reasonable attorney's fees incurred in  
2 collection.

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

4 (230 ILCS 10/12) (from Ch. 120, par. 2412)

5 Sec. 12. Admission tax; fees.

6 (a) A tax is hereby imposed upon admissions to riverboats  
7 and casinos operated by licensed owners authorized pursuant to  
8 this Act. Until July 1, 2002, the rate is \$2 per person  
9 admitted. From July 1, 2002 until July 1, 2003, the rate is \$3  
10 per person admitted. From July 1, 2003 until the effective date  
11 of this amendatory Act of the 94th General Assembly, for a  
12 licensee that admitted 1,000,000 persons or fewer in the  
13 previous calendar year, the rate is \$3 per person admitted; for  
14 a licensee that admitted more than 1,000,000 but no more than  
15 2,300,000 persons in the previous calendar year, the rate is \$4  
16 per person admitted; and for a licensee that admitted more than  
17 2,300,000 persons in the previous calendar year, the rate is \$5  
18 per person admitted. Beginning on August 23, 2005 (the  
19 effective date of Public Act 94-673) and until the effective  
20 date of this amendatory Act of the 95th General Assembly ~~this~~  
21 ~~amendatory Act of the 94th General Assembly~~, for a licensee  
22 that admitted 1,000,000 persons or fewer in calendar year 2004,  
23 the rate is \$2 per person admitted, and for all other licensees  
24 the rate is \$3 per person admitted. Beginning on the effective  
25 date of this amendatory Act of the 95th General Assembly, for a

1 licensee that conducted riverboat gambling operations in  
2 calendar year 2003 and admitted 1,000,000 persons or fewer in  
3 the calendar year 2003, the rate is \$1 per person admitted and  
4 for all other licensees the rate is \$3 per person admitted.

5 This admission tax is imposed upon the licensed owner  
6 conducting gambling.

7 (1) The admission tax shall be paid for each admission,  
8 except that a person who exits a riverboat gambling  
9 facility or a casino and reenters that riverboat gambling  
10 facility or casino within the same gaming day, as the term  
11 "gaming day" is defined by the Board by rule, shall be  
12 subject only to the initial admission tax. The Board shall  
13 establish, by rule, a procedure to determine whether a  
14 person admitted to a riverboat gambling facility or casino  
15 has paid the admission tax.

16 (2) (Blank).

17 (3) An owners licensee ~~The riverboat licensee~~ may issue  
18 tax-free passes to actual and necessary officials and  
19 employees of the licensee or other persons actually working  
20 on the riverboat or in the casino.

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

25 (a-5) A fee is hereby imposed upon admissions operated by  
26 licensed managers on behalf of the State pursuant to Section

1 7.3 at the rates provided in this subsection (a-5). For a  
2 licensee that admitted 1,000,000 persons or fewer in the  
3 previous calendar year, the rate is \$3 per person admitted; for  
4 a licensee that admitted more than 1,000,000 but no more than  
5 2,300,000 persons in the previous calendar year, the rate is \$4  
6 per person admitted; and for a licensee that admitted more than  
7 2,300,000 persons in the previous calendar year, the rate is \$5  
8 per person admitted.

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

10 (2) (Blank).

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

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

18 (b) From the tax imposed under subsection (a) and the fee  
19 imposed under subsection (a-5), a municipality shall receive  
20 from the State \$1 for each person embarking on a riverboat  
21 docked within the municipality or entering a casino located  
22 within the municipality, and a county shall receive \$1 for each  
23 person entering a casino or embarking on a riverboat docked  
24 within the county but outside the boundaries of any  
25 municipality. The municipality's or county's share shall be  
26 collected by the Board on behalf of the State and remitted

1 quarterly by the State, subject to appropriation, to the  
2 treasurer of the unit of local government for deposit in the  
3 general fund. For each admission in excess of 1,500,000 in a  
4 year, from the tax imposed under this Section, the county in  
5 which the licensee's home dock or casino is located shall  
6 receive, subject to appropriation, \$0.15, which shall be in  
7 addition to any other moneys paid to the county under this  
8 Section, and \$0.20 shall be paid into the Agricultural Premium  
9 Fund.

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

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

24 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,  
25 eff. 8-23-05.)

1 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

3 (a) Until January 1, 1998, a tax is imposed on the ~~adjusted~~  
4 gross gaming receipts received from gambling games authorized  
5 under this Act at the rate of 20%.

6 (a-1) From January 1, 1998 until July 1, 2002, a privilege  
7 tax is imposed on persons engaged in the business of conducting  
8 riverboat gambling operations, based on the ~~adjusted~~ gross  
9 gaming receipts received by a licensed owner from gambling  
10 games authorized under this Act at the following rates:

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

13 20% of annual ~~adjusted~~ gross gaming receipts in excess  
14 of \$25,000,000 but not exceeding \$50,000,000;

15 25% of annual ~~adjusted~~ gross gaming receipts in excess  
16 of \$50,000,000 but not exceeding \$75,000,000;

17 30% of annual ~~adjusted~~ gross gaming receipts in excess  
18 of \$75,000,000 but not exceeding \$100,000,000;

19 35% of annual ~~adjusted~~ gross gaming receipts in excess  
20 of \$100,000,000.

21 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax  
22 is imposed on persons engaged in the business of conducting  
23 riverboat gambling operations, other than licensed managers  
24 conducting riverboat gambling operations on behalf of the  
25 State, based on the ~~adjusted~~ gross gaming receipts received by  
26 a licensed owner from gambling games authorized under this Act

1 at the following rates:

2 15% of annual ~~adjusted~~ gross gaming receipts up to and  
3 including \$25,000,000;

4 22.5% of annual ~~adjusted~~ gross gaming receipts in  
5 excess of \$25,000,000 but not exceeding \$50,000,000;

6 27.5% of annual ~~adjusted~~ gross gaming receipts in  
7 excess of \$50,000,000 but not exceeding \$75,000,000;

8 32.5% of annual ~~adjusted~~ gross gaming receipts in  
9 excess of \$75,000,000 but not exceeding \$100,000,000;

10 37.5% of annual ~~adjusted~~ gross gaming receipts in  
11 excess of \$100,000,000 but not exceeding \$150,000,000;

12 45% of annual ~~adjusted~~ gross gaming receipts in excess  
13 of \$150,000,000 but not exceeding \$200,000,000;

14 50% of annual ~~adjusted~~ gross gaming receipts in excess  
15 of \$200,000,000.

16 (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
17 persons engaged in the business of conducting riverboat  
18 gambling operations, other than licensed managers conducting  
19 riverboat gambling operations on behalf of the State, based on  
20 the ~~adjusted~~ gross gaming receipts received by a licensed owner  
21 from gambling games authorized under this Act at the following  
22 rates:

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

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



1           32.5% of annual ~~adjusted~~ gross gaming receipts in  
2 excess of \$37,500,000 but not exceeding \$50,000,000;

3           37.5% of annual ~~adjusted~~ gross gaming receipts in  
4 excess of \$50,000,000 but not exceeding \$75,000,000;

5           45% of annual ~~adjusted~~ gross gaming receipts in excess  
6 of \$75,000,000 but not exceeding \$100,000,000;

7           50% of annual ~~adjusted~~ gross gaming receipts in excess  
8 of \$100,000,000 but not exceeding \$250,000,000;

9           70% of annual ~~adjusted~~ gross gaming receipts in excess  
10 of \$250,000,000.

11           An amount equal to the amount of wagering taxes collected  
12 under this subsection (a-3) that are in addition to the amount  
13 of wagering taxes that would have been collected if the  
14 wagering tax rates under subsection (a-2) were in effect shall  
15 be paid into the Common School Fund.

16           The privilege tax imposed under this subsection (a-3) shall  
17 no longer be imposed beginning on the earlier of (i) July 1,  
18 2005; (ii) the first date after June 20, 2003 that riverboat  
19 gambling operations are conducted pursuant to a dormant  
20 license; or (iii) the first day that riverboat gambling  
21 operations are conducted under the authority of an owners  
22 license that is in addition to the 10 owners licenses initially  
23 authorized under this Act. For the purposes of this subsection  
24 (a-3), the term "dormant license" means an owners license that  
25 is authorized by this Act under which no riverboat gambling  
26 operations are being conducted on June 20, 2003.

1 (a-4) Beginning on the first day on which the tax imposed  
2 under subsection (a-3) is no longer imposed, a privilege tax is  
3 imposed on persons engaged in the business of conducting  
4 riverboat gambling operations, other than licensed managers  
5 conducting riverboat gambling operations on behalf of the State  
6 and the owners licensee of the license authorized under  
7 subsection (e-6) of Section 7, based on the ~~adjusted~~ gross  
8 gaming receipts received by a licensed owner from gambling  
9 games authorized under this Act at the following rates:

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

12 22.5% of annual ~~adjusted~~ gross gaming receipts in  
13 excess of \$25,000,000 but not exceeding \$50,000,000;

14 27.5% of annual ~~adjusted~~ gross gaming receipts in  
15 excess of \$50,000,000 but not exceeding \$75,000,000;

16 32.5% of annual ~~adjusted~~ gross gaming receipts in  
17 excess of \$75,000,000 but not exceeding \$100,000,000;

18 37.5% of annual ~~adjusted~~ gross gaming receipts in  
19 excess of \$100,000,000 but not exceeding \$150,000,000;

20 45% of annual ~~adjusted~~ gross gaming receipts in excess  
21 of \$150,000,000 but not exceeding \$200,000,000;

22 50% of annual ~~adjusted~~ gross gaming receipts in excess  
23 of \$200,000,000.

24 (a-5) A privilege tax is imposed on the owners licensee of  
25 the license authorized under subsection (e-6) of Section 7 at  
26 the rate of 50% of annual gross gaming receipts.

1       (a-6) A privilege tax is imposed on persons engaged in the  
2 business of conducting electronic poker based on the adjusted  
3 gross receipts received from gambling games authorized under  
4 this Act at the following rates:

5           15% of annual gross gaming receipts up to and including  
6 \$25,000,000;

7           22.5% of annual gross gaming receipts in excess of  
8 \$25,000,000 but not exceeding \$50,000,000;

9           27.5% of annual gross gaming receipts in excess of  
10 \$50,000,000 but not exceeding \$75,000,000;

11           32.5% of annual gross gaming receipts in excess of  
12 \$75,000,000 but not exceeding \$100,000,000;

13           37.5% of annual gross gaming receipts in excess of  
14 \$100,000,000 but not exceeding \$150,000,000;

15           45% of annual gross gaming receipts in excess of  
16 \$150,000,000 but not exceeding \$200,000,000;

17           50% of annual gross gaming receipts in excess of  
18 \$200,000,000.

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

22       (a-10) The taxes imposed by this Section shall be paid by  
23 the licensed owner or organization licensee to the Board not  
24 later than 3:00 o'clock p.m. of the day after the day when the  
25 wagers were made.

26       (a-15) If the privilege tax imposed under subsection (a-3)

1 is no longer imposed pursuant to item (i) of the last paragraph  
2 of subsection (a-3), then by June 15 of each year, each owners  
3 licensee, other than an owners licensee that admitted 1,000,000  
4 persons or fewer in calendar year 2004, must, in addition to  
5 the payment of all amounts otherwise due under this Section,  
6 pay to the Board a reconciliation payment in the amount, if  
7 any, by which the licensed owner's base amount exceeds the  
8 amount of net privilege tax paid by the licensed owner to the  
9 Board in the then current State fiscal year. A licensed owner's  
10 net privilege tax obligation due for the balance of the State  
11 fiscal year shall be reduced up to the total of the amount paid  
12 by the licensed owner in its June 15 reconciliation payment.  
13 The obligation imposed by this subsection (a-15) is binding on  
14 any person, firm, corporation, or other entity that acquires an  
15 ownership interest in any such owners license. The obligation  
16 imposed under this subsection (a-15) terminates on the earliest  
17 of: (i) July 1, 2007, (ii) the first day after the effective  
18 date of this amendatory Act of the 94th General Assembly that  
19 riverboat gambling operations are conducted pursuant to a  
20 dormant license, (iii) the first day that riverboat gambling  
21 operations are conducted under the authority of an owners  
22 license that is in addition to the 10 owners licenses initially  
23 authorized under this Act, or (iv) the first day that a  
24 licensee under the Illinois Horse Racing Act of 1975 conducts  
25 gaming operations with slot machines or other electronic gaming  
26 devices. The Board must reduce the obligation imposed under

1 this subsection (a-15) by an amount the Board deems reasonable  
2 for any of the following reasons: (A) an act or acts of God,  
3 (B) an act of bioterrorism or terrorism or a bioterrorism or  
4 terrorism threat that was investigated by a law enforcement  
5 agency, or (C) a condition beyond the control of the owners  
6 licensee that does not result from any act or omission by the  
7 owners licensee or any of its agents and that poses a hazardous  
8 threat to the health and safety of patrons. If an owners  
9 licensee pays an amount in excess of its liability under this  
10 Section, the Board shall apply the overpayment to future  
11 payments required under this Section.

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

13 "Act of God" means an incident caused by the operation of  
14 an extraordinary force that cannot be foreseen, that cannot be  
15 avoided by the exercise of due care, and for which no person  
16 can be held liable.

17 "Base amount" means the following:

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

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

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

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

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

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

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

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

26 "Dormant license" has the meaning ascribed to it in

1 subsection (a-3).

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

6 The changes made to this subsection (a-15) by Public Act  
7 94-839 ~~this amendatory Act of the 94th General Assembly~~ are  
8 intended to restate and clarify the intent of Public Act 94-673  
9 with respect to the amount of the payments required to be made  
10 under this subsection by an owners licensee to the Board.

11 (b) Until January 1, 1998, 25% of the tax revenue deposited  
12 in the State Gaming Fund under this Section shall be paid,  
13 subject to appropriation by the General Assembly, to the unit  
14 of local government which is designated as the home dock of the  
15 riverboat. Except as otherwise provided in this subsection (b),  
16 beginning ~~Beginning~~ January 1, 1998, from the tax revenue from  
17 riverboat and casino gambling deposited in the State Gaming  
18 Fund under this Section, an amount equal to 5% of ~~adjusted~~  
19 gross gaming receipts generated by a riverboat and an amount  
20 equal to 20% of gross gaming receipts generated by a casino  
21 shall be paid monthly, subject to appropriation by the General  
22 Assembly, to the unit of local government that is designated as  
23 the home dock of the riverboat, the municipality in which the  
24 casino is located, or the unit of local government in which the  
25 wagering facility conducting electronic poker is located. From  
26 the tax revenue deposited in the State Gaming Fund pursuant to

1 riverboat gambling operations conducted by a licensed manager  
2 on behalf of the State, an amount equal to 5% of ~~adjusted~~ gross  
3 gaming receipts generated pursuant to those riverboat gambling  
4 operations shall be paid monthly, subject to appropriation by  
5 the General Assembly, to the unit of local government that is  
6 designated as the home dock of the riverboat upon which those  
7 riverboat gambling operations are conducted.

8 (b-5) An amount equal to 1% of the moneys in the State  
9 Gaming Fund (but not more than \$10,000,000 annually) shall be  
10 transferred monthly to the Depressed Communities Economic  
11 Development Fund, which is created in the State treasury. The  
12 Department of Commerce and Economic Opportunity shall  
13 administer the Fund and use moneys in the Fund to make grants  
14 in accordance with the recommendations of the Depressed  
15 Communities Economic Development Board.

16 (c) Appropriations, as approved by the General Assembly,  
17 may be made from the State Gaming Fund to the Department of  
18 Revenue and the Department of State Police for the  
19 administration and enforcement of this Act, or to the  
20 Department of Human Services for the administration of programs  
21 to treat problem gambling.

22 (c-5) (Blank). ~~Before the effective date of this amendatory~~  
23 ~~Act of the 94th General Assembly and beginning 2 years after~~  
24 ~~the effective date of this amendatory Act of the 94th General~~  
25 ~~Assembly, after the payments required under subsections (b) and~~  
26 ~~(c) have been made, an amount equal to 15% of the adjusted~~

1 ~~gross receipts of (1) an owners licensee that relocates~~  
2 ~~pursuant to Section 11.2, (2) an owners licensee conducting~~  
3 ~~riverboat gambling operations pursuant to an owners license~~  
4 ~~that is initially issued after June 25, 1999, or (3) the first~~  
5 ~~riverboat gambling operations conducted by a licensed manager~~  
6 ~~on behalf of the State under Section 7.3, whichever comes~~  
7 ~~first, shall be paid from the State Gaming Fund into the Horse~~  
8 ~~Racing Equity Fund.~~

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

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

26 (c-20) (Blank). ~~Each year the General Assembly shall~~



1 ~~appropriate from the General Revenue Fund to the Education~~  
2 ~~Assistance Fund an amount equal to the amount paid to each home~~  
3 ~~rule county with a population of over 3,000,000 inhabitants~~  
4 ~~pursuant to subsection (c-15) in the prior calendar year.~~

5 (c-25) After the payments required under subsections (b)  
6 ~~and~~ (c), ~~(c-5) and (c-15)~~ have been made, an amount equal to  
7 2% of the ~~adjusted~~ gross gaming receipts of (1) each ~~an~~ owners  
8 licensee that relocates pursuant to Section 11.2 ~~and~~ (2) each  
9 ~~an~~ owners licensee conducting riverboat or casino gambling  
10 operations pursuant to an owners license that is initially  
11 issued after June 25, 1999, ~~or (3) the first riverboat gambling~~  
12 ~~operations conducted by a licensed manager on behalf of the~~  
13 ~~State under Section 7.3, whichever comes first,~~ shall be paid  
14 from the State Gaming Fund to Chicago State University.

15 (c-35) After the payments required under subsections (b),  
16 (b-5), (c), and (c-25) have been made, an amount equal to 1% of  
17 the gross gaming receipts of an owners licensee that docks on  
18 the Mississippi River, the Illinois River, or the Ohio River  
19 shall be paid, subject to appropriation by the General  
20 Assembly, from the State Gaming Fund to qualifying  
21 municipalities within 50 miles of the home dock of the  
22 riverboat. The amount paid under this subsection (c-35) to each  
23 qualifying municipality shall be based on the proportion that  
24 the number of persons living at or below the poverty level in  
25 the qualifying municipality bears to the total number of  
26 persons living at or below the poverty level in qualifying

1 municipalities that are within 50 miles of the owners  
2 licensee's home dock. If 2 or more owners licensees that dock  
3 on the Mississippi River, the Illinois River, or the Ohio River  
4 are within 50 miles of each other, payments required under this  
5 subsection (c-35) from the gross gaming receipts of those  
6 owners licensees shall be commingled and paid to qualifying  
7 municipalities that are within 50 miles of at least one of  
8 those owners licensee's home docks. For the purposes of this  
9 subsection (c-35), the term "qualifying municipality" means a  
10 municipality, other than a municipality in which a riverboat  
11 docks, in which the poverty rate as determined by using the  
12 most recent data released by the United States Census Bureau is  
13 at least 3% greater than the State poverty rate as determined  
14 by using the most recent data released by the United States  
15 Census Bureau.

16 (c-40) After the payments required under subsections (b),  
17 (b-5), (c), (c-25), and (c-35) have been made, an amount equal  
18 to 1% of the gross gaming receipts of an owners licensee that  
19 (i) docks on the Fox River or the Des Plaines River or (ii) is  
20 authorized under subsection (e-5) of Section 7, shall be paid,  
21 subject to appropriation by the General Assembly, from the  
22 State Gaming Fund to qualifying municipalities within 20 miles  
23 of the home dock of the riverboat. The amount paid under this  
24 subsection (c-40) to each qualifying municipality shall be  
25 based on the proportion that the number of persons living at or  
26 below the poverty level in the qualifying municipality bears to

1 the total number of persons living at or below the poverty  
2 level in qualifying municipalities that are within 20 miles of  
3 the owners licensee's home dock. If the home docks of 2 or more  
4 owners licensees that (i) dock on the Fox River or the Des  
5 Plaines River or (ii) are authorized under subsection (e-5) of  
6 Section 7 are within 20 miles of each other, payments required  
7 under this subsection (c-40) from the gross gaming receipts of  
8 those owners licensees shall be commingled and paid to  
9 qualifying municipalities that are within 20 miles of at least  
10 one of those owners licensee's home docks. For the purposes of  
11 this subsection (c-40), the term "qualifying municipality"  
12 means a municipality, other than the City of Chicago or a  
13 municipality in which a riverboat docks, in which the poverty  
14 rate as determined by using the most recent data released by  
15 the United States Census Bureau is at least 3% greater than the  
16 State poverty rate as determined by using the most recent data  
17 released by the United States Census Bureau.

18 (c-45) After the payments required under subsections (b),  
19 (b-5), (c), (c-25), (c-35), and (c-40) have been made, an  
20 amount equal to 1% of the gross gaming receipts of an owners  
21 licensee that is authorized under subsection (e-6) of Section  
22 7, shall be paid, subject to appropriation by the General  
23 Assembly, from the State Gaming Fund to qualifying  
24 municipalities within 10 miles of the casino. The amount paid  
25 under this subsection (c-45) to each qualifying municipality  
26 shall be based on the proportion that the number of persons

1 living at or below the poverty level in the qualifying  
2 municipality bears to the total number of persons living at or  
3 below the poverty level in qualifying municipalities that are  
4 within 10 miles of the casino. For the purposes of this  
5 subsection (c-45), the term "qualifying municipality" means a  
6 municipality, other than the City of Chicago, a municipality in  
7 which a riverboat docks, or a municipality that received  
8 payment under subsection (c-35) or (c-40), in which the poverty  
9 rate as determined by using the most recent data released by  
10 the United States Census Bureau is at least 3% greater than the  
11 State poverty rate as determined by using the most recent data  
12 released by the United States Census Bureau.

13 (c-60) After the payments required under subsections (b),  
14 (b-5), (c), (c-25), (c-35), (c-40), and (c-45) have been made,  
15 an amount equal to 0.93% of the gross gaming receipts from  
16 owners licensees authorized under Sections 7(e-5) and 7(e-6),  
17 but in no case more than \$3,750,000 per year, shall be reserved  
18 for the Board and may be used by the Board, subject to  
19 appropriation, for the administration and enforcement of this  
20 Act. Moneys reserved for the Board under this subsection (c-60)  
21 shall not be deposited into the Education Assistance Fund.

22 (c-65) After the payments required under subsections (b),  
23 (b-5), (c), (c-25), (c-35), (c-40), (c-45), and (c-60) have  
24 been made, an amount equal to 8% of the gross gaming receipts  
25 from owners licensees authorized under Sections 7(e-5) and  
26 7(e-6), but in no case more than \$200,000,000 per year, shall

1 be transferred from the State Gaming Fund to the General  
2 Obligation Bond Retirement and Interest Fund.

3 (c-70) After the payments required under subsections (b),  
4 (b-5), (c), (c-25), (c-35), (c-40), (c-45), (c-60) have been  
5 made, the remainder of the gross gaming receipts from owners  
6 licensees authorized under Sections 7(e-5) and 7(e-6) shall be  
7 transferred from the State Gaming Fund to the General Revenue  
8 Fund.

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

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

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

24 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,  
25 eff. 8-23-05; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06;  
26 revised 8-3-06.)

1 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

3 (a) ~~A~~ Licensed owners and organization licensees  
4 conducting electronic poker ~~owner~~ shall keep their ~~his~~ books  
5 and records so as to clearly show the following:

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

7 (2) The total amount of whole gaming ~~gross~~ receipts.

8 (3) The total amount of the ~~adjusted~~ gross gaming receipts.

9 (b) ~~The~~ Licensed owners and organization licensees ~~owner~~  
10 shall furnish to the Board reports and information as the Board  
11 may require with respect to its activities on forms designed  
12 and supplied for such purpose by the Board.

13 (c) The books and records kept by a licensed owner or  
14 organization licensee as provided by this Section are public  
15 records and the examination, publication, and dissemination of  
16 the books and records are governed by the provisions of The  
17 Freedom of Information Act.

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

19 (230 ILCS 10/18) (from Ch. 120, par. 2418)

20 Sec. 18. Prohibited Activities - Penalty.

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

23 (1) Conducting gambling where wagering is used or to be  
24 used without a license or authorization issued by the

1 Board.

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

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

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

7 or

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

10 (c) A person wagering or accepting a wager at any location  
11 outside the riverboat, casino, or wagering facility in  
12 violation of paragraph ~~is subject to the penalties in~~  
13 ~~paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the  
14 Criminal Code of 1961 is subject to the penalties provided in  
15 that Section.

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

20 (1) Offers, promises, or gives anything of value or  
21 benefit to a person who is connected with a riverboat or  
22 casino owner or organization licensee, including, but not  
23 limited to, an officer or employee of a licensed owner,   
24 organization licensee or holder of an occupational license  
25 pursuant to an agreement or arrangement or with the intent  
26 that the promise or thing of value or benefit will

1 influence the actions of the person to whom the offer,  
2 promise, or gift was made in order to affect or attempt to  
3 affect the outcome of a gambling game, or to influence  
4 official action of a member of the Board.

5 (2) Solicits or knowingly accepts or receives a promise  
6 of anything of value or benefit while the person is  
7 connected with a riverboat, casino, or wagering facility,  
8 including, but not limited to, an officer or employee of a  
9 licensed owner, an organization licensee, or the holder of  
10 an occupational license, pursuant to an understanding or  
11 arrangement or with the intent that the promise or thing of  
12 value or benefit will influence the actions of the person  
13 to affect or attempt to affect the outcome of a gambling  
14 game, or to influence official action of a member of the  
15 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 An action to prosecute any crime occurring on a riverboat  
6 or in a casino shall be tried in the county of the dock at which  
7 the riverboat is based or in the county in which the casino is  
8 located.

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

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

11 Sec. 19. Forfeiture of property. (a) Except as provided in  
12 subsection (b), any riverboat or wagering facility at which  
13 electronic poker is conducted used for the conduct of gambling  
14 games in violation of this Act shall be considered a gambling  
15 place in violation of Section 28-3 of the Criminal Code of  
16 1961, as now or hereafter amended. Every gambling device found  
17 on a riverboat operating gambling games or wagering facility at  
18 which electronic poker is conducted in violation of this Act  
19 shall be subject to seizure, confiscation and destruction as  
20 provided in Section 28-5 of the Criminal Code of 1961, as now  
21 or hereafter amended.

22 (b) It is not a violation of this Act for a riverboat or  
23 other watercraft which is licensed for gaming by a contiguous  
24 state to dock on the shores of this State if the municipality  
25 having jurisdiction of the shores, or the county in the case of

1 unincorporated areas, has granted permission for docking and no  
2 gaming is conducted on the riverboat or other watercraft while  
3 it is docked on the shores of this State. No gambling device  
4 shall be subject to seizure, confiscation or destruction if the  
5 gambling device is located on a riverboat or other watercraft  
6 which is licensed for gaming by a contiguous state and which is  
7 docked on the shores of this State if the municipality having  
8 jurisdiction of the shores, or the county in the case of  
9 unincorporated areas, has granted permission for docking and no  
10 gaming is conducted on the riverboat or other watercraft while  
11 it is docked on the shores of this State.

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

13 (230 ILCS 10/20) (from Ch. 120, par. 2420)

14 Sec. 20. Prohibited activities - civil penalties. Any  
15 person who conducts a gambling operation without first  
16 obtaining a license to do so, or who continues to conduct such  
17 games after revocation of his license, or any licensee who  
18 conducts or allows to be conducted any unauthorized gambling  
19 games on a riverboat, in a casino, or at a wagering facility  
20 where it is authorized to conduct its ~~riverboat~~ gambling  
21 operation, in addition to other penalties provided, shall be  
22 subject to a civil penalty equal to the amount of whole gaming  
23 ~~gross~~ receipts derived from wagering on the gambling games,  
24 whether unauthorized or authorized, conducted on that day as  
25 well as confiscation and forfeiture of all gambling game

1 equipment used in the conduct of unauthorized gambling games.

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

3 (230 ILCS 10/23) (from Ch. 120, par. 2423)

4 Sec. 23. The State Gaming Fund. On or after the effective  
5 date of this Act, except as provided for payments into the  
6 Horse Racing Equity Trust Fund under subsection (a) of Section  
7 7, all of the fees and taxes collected pursuant to this Act  
8 shall be deposited into the State Gaming Fund, a special fund  
9 in the State Treasury, which is hereby created. The ~~adjusted~~  
10 gross gaming receipts of any riverboat gambling operations  
11 conducted by a licensed manager on behalf of the State  
12 remaining after the payment of the fees and expenses of the  
13 licensed manager shall be deposited into the State Gaming Fund.  
14 Fines and penalties collected pursuant to this Act shall be  
15 deposited into the Education Assistance Fund, created by Public  
16 Act 86-0018, of the State of Illinois.

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

18 Section 50. The Liquor Control Act of 1934 is amended by  
19 changing Sections 5-1 and 6-30 as follows:

20 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

23 (a) Manufacturer's license - Class 1. Distiller, Class 2.

1 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
2 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
3 First Class Winemaker, Class 7. Second Class Winemaker, Class  
4 8. Limited Wine Manufacturer,

5 (b) Distributor's license,

6 (c) Importing Distributor's license,

7 (d) Retailer's license,

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

9 (f) Railroad license,

10 (g) Boat license,

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

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

13 (j) Airplane license,

14 (k) Foreign importer's license,

15 (l) Broker's license,

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

17 (n) Brew Pub license,

18 (o) Auction liquor license,

19 (p) Caterer retailer license,

20 (q) Special use permit license.

21 No person, firm, partnership, corporation, or other legal  
22 business entity that is engaged in the manufacturing of wine  
23 may concurrently obtain and hold a wine-maker's license and a  
24 wine manufacturer's license.

25 (a) A manufacturer's license shall allow the manufacture,  
26 importation in bulk, storage, distribution and sale of

1 alcoholic liquor to persons without the State, as may be  
2 permitted by law and to licensees in this State as follows:

3 Class 1. A Distiller may make sales and deliveries of  
4 alcoholic liquor to distillers, rectifiers, importing  
5 distributors, distributors and non-beverage users and to no  
6 other licensees.

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

11 Class 3. A Brewer may make sales and deliveries of beer to  
12 importing distributors, distributors, and to non-licensees,  
13 and to retailers provided the brewer obtains an importing  
14 distributor's license or distributor's license in accordance  
15 with the provisions of this Act.

16 Class 4. A first class wine-manufacturer may make sales and  
17 deliveries of up to 50,000 gallons of wine to manufacturers,  
18 importing distributors and distributors, and to no other  
19 licensees.

20 Class 5. A second class Wine manufacturer may make sales  
21 and deliveries of more than 50,000 gallons of wine to  
22 manufacturers, importing distributors and distributors and to  
23 no other licensees.

24 Class 6. A first-class wine-maker's license shall allow the  
25 manufacture of up to 50,000 gallons of wine per year, and the  
26 storage and sale of such wine to distributors in the State and

1 to persons without the State, as may be permitted by law. A  
2 first-class wine-maker's license shall allow the sale of no  
3 more than 5,000 gallons of the licensee's wine to retailers.  
4 The State Commission shall issue only one first-class  
5 wine-maker's license to any person, firm, partnership,  
6 corporation, or other legal business entity that is engaged in  
7 the making of less than 50,000 gallons of wine annually that  
8 applies for a first-class wine-maker's license. No subsidiary  
9 or affiliate thereof, nor any officer, associate, member,  
10 partner, representative, employee, agent, or shareholder may  
11 be issued an additional wine-maker's license by the State  
12 Commission.

13 Class 7. A second-class wine-maker's license shall allow  
14 the manufacture of between 50,000 and 100,000 gallons of wine  
15 per year, and the storage and sale of such wine to distributors  
16 in this State and to persons without the State, as may be  
17 permitted by law. A second-class wine-maker's license shall  
18 allow the sale of no more than 10,000 gallons of the licensee's  
19 wine directly to retailers. The State Commission shall issue  
20 only one second-class wine-maker's license to any person, firm,  
21 partnership, corporation, or other legal business entity that  
22 is engaged in the making of less than 100,000 gallons of wine  
23 annually that applies for a second-class wine-maker's license.  
24 No subsidiary or affiliate thereof, or any officer, associate,  
25 member, partner, representative, employee, agent, or  
26 shareholder may be issued an additional wine-maker's license by

1 the State Commission.

2 Class 8. A limited wine-manufacturer may make sales and  
3 deliveries not to exceed 40,000 gallons of wine per year to  
4 distributors, and to non-licensees in accordance with the  
5 provisions of this Act.

6 (a-1) A manufacturer which is licensed in this State to  
7 make sales or deliveries of alcoholic liquor and which enlists  
8 agents, representatives, or individuals acting on its behalf  
9 who contact licensed retailers on a regular and continual basis  
10 in this State must register those agents, representatives, or  
11 persons acting on its behalf with the State Commission.

12 Registration of agents, representatives, or persons acting  
13 on behalf of a manufacturer is fulfilled by submitting a form  
14 to the Commission. The form shall be developed by the  
15 Commission and shall include the name and address of the  
16 applicant, the name and address of the manufacturer he or she  
17 represents, the territory or areas assigned to sell to or  
18 discuss pricing terms of alcoholic liquor, and any other  
19 questions deemed appropriate and necessary. All statements in  
20 the forms required to be made by law or by rule shall be deemed  
21 material, and any person who knowingly misstates any material  
22 fact under oath in an application is guilty of a Class B  
23 misdemeanor. Fraud, misrepresentation, false statements,  
24 misleading statements, evasions, or suppression of material  
25 facts in the securing of a registration are grounds for  
26 suspension or revocation of the registration.



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

5           (c) An importing distributor's license may be issued to and  
6 held by those only who are duly licensed distributors, upon the  
7 filing of an application by a duly licensed distributor, with  
8 the Commission and the Commission shall, without the payment of  
9 any fee, immediately issue such importing distributor's  
10 license to the applicant, which shall allow the importation of  
11 alcoholic liquor by the licensee into this State from any point  
12 in the United States outside this State, and the purchase of  
13 alcoholic liquor in barrels, casks or other bulk containers and  
14 the bottling of such alcoholic liquors before resale thereof,  
15 but all bottles or containers so filled shall be sealed,  
16 labeled, stamped and otherwise made to comply with all  
17 provisions, rules and regulations governing manufacturers in  
18 the preparation and bottling of alcoholic liquors. The  
19 importing distributor's license shall permit such licensee to  
20 purchase alcoholic liquor from Illinois licensed non-resident  
21 dealers and foreign importers only.

22           (d) A retailer's license shall allow the licensee to sell  
23 and offer for sale at retail, only in the premises specified in  
24 the license, alcoholic liquor for use or consumption, but not  
25 for resale in any form: Provided that any retail license issued  
26 to a manufacturer shall only permit the manufacturer to sell

1 beer at retail on the premises actually occupied by the  
2 manufacturer. For the purpose of further describing the type of  
3 business conducted at a retail licensed premises, a retailer's  
4 licensee may be designated by the State Commission as (i) an on  
5 premise consumption retailer, (ii) an off premise sale  
6 retailer, or (iii) a combined on premise consumption and off  
7 premise sale retailer.

8 Notwithstanding any other provision of this subsection  
9 (d), a retail licensee may sell alcoholic liquors to a special  
10 event retailer licensee for resale to the extent permitted  
11 under subsection (e).

12 (e) A special event retailer's license (not-for-profit)  
13 shall permit the licensee to purchase alcoholic liquors from an  
14 Illinois licensed distributor (unless the licensee purchases  
15 less than \$500 of alcoholic liquors for the special event, in  
16 which case the licensee may purchase the alcoholic liquors from  
17 a licensed retailer) and shall allow the licensee to sell and  
18 offer for sale, at retail, alcoholic liquors for use or  
19 consumption, but not for resale in any form and only at the  
20 location and on the specific dates designated for the special  
21 event in the license. An applicant for a special event retailer  
22 license must (i) furnish with the application: (A) a resale  
23 number issued under Section 2c of the Retailers' Occupation Tax  
24 Act or evidence that the applicant is registered under Section  
25 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
26 exemption identification number issued under Section 1g of the

1 Retailers' Occupation Tax Act, and a certification to the  
2 Commission that the purchase of alcoholic liquors will be a  
3 tax-exempt purchase, or (C) a statement that the applicant is  
4 not registered under Section 2a of the Retailers' Occupation  
5 Tax Act, does not hold a resale number under Section 2c of the  
6 Retailers' Occupation Tax Act, and does not hold an exemption  
7 number under Section 1g of the Retailers' Occupation Tax Act,  
8 in which event the Commission shall set forth on the special  
9 event retailer's license a statement to that effect; (ii)  
10 submit with the application proof satisfactory to the State  
11 Commission that the applicant will provide dram shop liability  
12 insurance in the maximum limits; and (iii) show proof  
13 satisfactory to the State Commission that the applicant has  
14 obtained local authority approval.

15 (f) A railroad license shall permit the licensee to import  
16 alcoholic liquors into this State from any point in the United  
17 States outside this State and to store such alcoholic liquors  
18 in this State; to make wholesale purchases of alcoholic liquors  
19 directly from manufacturers, foreign importers, distributors  
20 and importing distributors from within or outside this State;  
21 and to store such alcoholic liquors in this State; provided  
22 that the above powers may be exercised only in connection with  
23 the importation, purchase or storage of alcoholic liquors to be  
24 sold or dispensed on a club, buffet, lounge or dining car  
25 operated on an electric, gas or steam railway in this State;  
26 and provided further, that railroad licensees exercising the

1 above powers shall be subject to all provisions of Article VIII  
 2 of this Act as applied to importing distributors. A railroad  
 3 license shall also permit the licensee to sell or dispense  
 4 alcoholic liquors on any club, buffet, lounge or dining car  
 5 operated on an electric, gas or steam railway regularly  
 6 operated by a common carrier in this State, but shall not  
 7 permit the sale for resale of any alcoholic liquors to any  
 8 licensee within this State. A license shall be obtained for  
 9 each car in which such sales are made.

10 (g) A boat license shall allow the sale of alcoholic liquor  
 11 in individual drinks, on any passenger boat regularly operated  
 12 as a common carrier on navigable waters in this State or on any  
 13 riverboat operated under the Riverboat and Casino Gambling Act,  
 14 which boat or riverboat maintains a public dining room or  
 15 restaurant thereon.

16 (h) A non-beverage user's license shall allow the licensee  
 17 to purchase alcoholic liquor from a licensed manufacturer or  
 18 importing distributor, without the imposition of any tax upon  
 19 the business of such licensed manufacturer or importing  
 20 distributor as to such alcoholic liquor to be used by such  
 21 licensee solely for the non-beverage purposes set forth in  
 22 subsection (a) of Section 8-1 of this Act, and such licenses  
 23 shall be divided and classified and shall permit the purchase,  
 24 possession and use of limited and stated quantities of  
 25 alcoholic liquor as follows:

26 Class 1, not to exceed ..... 500 gallons

1 Class 2, not to exceed ..... 1,000 gallons  
2 Class 3, not to exceed ..... 5,000 gallons  
3 Class 4, not to exceed ..... 10,000 gallons  
4 Class 5, not to exceed ..... 50,000 gallons

5 (i) A wine-maker's premises license shall allow a licensee  
6 that concurrently holds a first-class wine-maker's license to  
7 sell and offer for sale at retail in the premises specified in  
8 such license not more than 50,000 gallons of the first-class  
9 wine-maker's wine that is made at the first-class wine-maker's  
10 licensed premises per year for use or consumption, but not for  
11 resale in any form. A wine-maker's premises license shall allow  
12 a licensee who concurrently holds a second-class wine-maker's  
13 license to sell and offer for sale at retail in the premises  
14 specified in such license up to 100,000 gallons of the  
15 second-class wine-maker's wine that is made at the second-class  
16 wine-maker's licensed premises per year for use or consumption  
17 but not for resale in any form. A wine-maker's premises license  
18 shall allow a licensee that concurrently holds a first-class  
19 wine-maker's license or a second-class wine-maker's license to  
20 sell and offer for sale at retail at the premises specified in  
21 the wine-maker's premises license, for use or consumption but  
22 not for resale in any form, any beer, wine, and spirits  
23 purchased from a licensed distributor. Upon approval from the  
24 State Commission, a wine-maker's premises license shall allow  
25 the licensee to sell and offer for sale at (i) the wine-maker's  
26 licensed premises and (ii) at up to 2 additional locations for

1 use and consumption and not for resale. Each location shall  
2 require additional licensing per location as specified in  
3 Section 5-3 of this Act.

4 (j) An airplane license shall permit the licensee to import  
5 alcoholic liquors into this State from any point in the United  
6 States outside this State and to store such alcoholic liquors  
7 in this State; to make wholesale purchases of alcoholic liquors  
8 directly from manufacturers, foreign importers, distributors  
9 and importing distributors from within or outside this State;  
10 and to store such alcoholic liquors in this State; provided  
11 that the above powers may be exercised only in connection with  
12 the importation, purchase or storage of alcoholic liquors to be  
13 sold or dispensed on an airplane; and provided further, that  
14 airplane licensees exercising the above powers shall be subject  
15 to all provisions of Article VIII of this Act as applied to  
16 importing distributors. An airplane licensee shall also permit  
17 the sale or dispensing of alcoholic liquors on any passenger  
18 airplane regularly operated by a common carrier in this State,  
19 but shall not permit the sale for resale of any alcoholic  
20 liquors to any licensee within this State. A single airplane  
21 license shall be required of an airline company if liquor  
22 service is provided on board aircraft in this State. The annual  
23 fee for such license shall be as determined in Section 5-3.

24 (k) A foreign importer's license shall permit such licensee  
25 to purchase alcoholic liquor from Illinois licensed  
26 non-resident dealers only, and to import alcoholic liquor other

1 than in bulk from any point outside the United States and to  
2 sell such alcoholic liquor to Illinois licensed importing  
3 distributors and to no one else in Illinois; provided that the  
4 foreign importer registers with the State Commission every  
5 brand of alcoholic liquor that it proposes to sell to Illinois  
6 licensees during the license period and provided further that  
7 the foreign importer complies with all of the provisions of  
8 Section 6-9 of this Act with respect to registration of such  
9 Illinois licensees as may be granted the right to sell such  
10 brands at wholesale.

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

21 No holder of a retailer's license issued by the Illinois  
22 Liquor Control Commission shall purchase or receive any  
23 alcoholic liquor, the order for which was solicited or offered  
24 for sale to such retailer by a broker unless the broker is the  
25 holder of a valid broker's license.

26 The broker shall, upon the acceptance by a retailer of the

1 broker's solicitation of an order or offer to sell or supply or  
2 deliver or have delivered alcoholic liquors, promptly forward  
3 to the Illinois Liquor Control Commission a notification of  
4 said transaction in such form as the Commission may by  
5 regulations prescribe.

6 (ii) A broker's license shall be required of a person  
7 within this State, other than a retail licensee, who, for a fee  
8 or commission, promotes, solicits, or accepts orders for  
9 alcoholic liquor, for use or consumption and not for resale, to  
10 be shipped from this State and delivered to residents outside  
11 of this State by an express company, common carrier, or  
12 contract carrier. This Section does not apply to any person who  
13 promotes, solicits, or accepts orders for wine as specifically  
14 authorized in Section 6-29 of this Act.

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

19 This subsection (1) shall not apply to distributors,  
20 employees of distributors, or employees of a manufacturer who  
21 has registered the trademark, brand or name of the alcoholic  
22 liquor pursuant to Section 6-9 of this Act, and who regularly  
23 sells such alcoholic liquor in the State of Illinois only to  
24 its registrants thereunder.

25 Any agent, representative, or person subject to  
26 registration pursuant to subsection (a-1) of this Section shall



1 not be eligible to receive a broker's license.

2 (m) A non-resident dealer's license shall permit such  
3 licensee to ship into and warehouse alcoholic liquor into this  
4 State from any point outside of this State, and to sell such  
5 alcoholic liquor to Illinois licensed foreign importers and  
6 importing distributors and to no one else in this State;  
7 provided that said non-resident dealer shall register with the  
8 Illinois Liquor Control Commission each and every brand of  
9 alcoholic liquor which it proposes to sell to Illinois  
10 licensees during the license period; and further provided that  
11 it shall comply with all of the provisions of Section 6-9  
12 hereof with respect to registration of such Illinois licensees  
13 as may be granted the right to sell such brands at wholesale.

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

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

1 (p) An auction liquor license shall allow the licensee to  
2 sell and offer for sale at auction wine and spirits for use or  
3 consumption, or for resale by an Illinois liquor licensee in  
4 accordance with provisions of this Act. An auction liquor  
5 license will be issued to a person and it will permit the  
6 auction liquor licensee to hold the auction anywhere in the  
7 State. An auction liquor license must be obtained for each  
8 auction at least 14 days in advance of the auction date.

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

23 (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;  
24 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.  
25 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

1 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

2 Sec. 6-30. Notwithstanding any other provision of this Act,  
3 the Illinois Gaming Board shall have exclusive authority to  
4 establish the hours for sale and consumption of alcoholic  
5 liquor on board a riverboat during riverboat gambling  
6 excursions and in a casino conducted in accordance with the  
7 Riverboat and Casino Gambling Act.

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

9 Section 55. The Criminal Code of 1961 is amended by  
10 changing Sections 28-1, 28-1.1, 28-3, 28-5 and 28-7 as follows:

11 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

12 Sec. 28-1. Gambling.

13 (a) A person commits gambling when he:

14 (1) Plays a game of chance or skill for money or other  
15 thing of value, unless excepted in subsection (b) of this  
16 Section; or

17 (2) Makes a wager upon the result of any game, contest,  
18 or any political nomination, appointment or election; or

19 (3) Operates, keeps, owns, uses, purchases, exhibits,  
20 rents, sells, bargains for the sale or lease of,  
21 manufactures or distributes any gambling device; or

22 (4) Contracts to have or give himself or another the  
23 option to buy or sell, or contracts to buy or sell, at a  
24 future time, any grain or other commodity whatsoever, or

1 any stock or security of any company, where it is at the  
2 time of making such contract intended by both parties  
3 thereto that the contract to buy or sell, or the option,  
4 whenever exercised, or the contract resulting therefrom,  
5 shall be settled, not by the receipt or delivery of such  
6 property, but by the payment only of differences in prices  
7 thereof; however, the issuance, purchase, sale, exercise,  
8 endorsement or guarantee, by or through a person registered  
9 with the Secretary of State pursuant to Section 8 of the  
10 Illinois Securities Law of 1953, or by or through a person  
11 exempt from such registration under said Section 8, of a  
12 put, call, or other option to buy or sell securities which  
13 have been registered with the Secretary of State or which  
14 are exempt from such registration under Section 3 of the  
15 Illinois Securities Law of 1953 is not gambling within the  
16 meaning of this paragraph (4); or

17 (5) Knowingly owns or possesses any book, instrument or  
18 apparatus by means of which bets or wagers have been, or  
19 are, recorded or registered, or knowingly possesses any  
20 money which he has received in the course of a bet or  
21 wager; or

22 (6) Sells pools upon the result of any game or contest  
23 of skill or chance, political nomination, appointment or  
24 election; or

25 (7) Sets up or promotes any lottery or sells, offers to  
26 sell or transfers any ticket or share for any lottery; or

1           (8) Sets up or promotes any policy game or sells,  
2 offers to sell or knowingly possesses or transfers any  
3 policy ticket, slip, record, document or other similar  
4 device; or

5           (9) Knowingly drafts, prints or publishes any lottery  
6 ticket or share, or any policy ticket, slip, record,  
7 document or similar device, except for such activity  
8 related to lotteries, bingo games and raffles authorized by  
9 and conducted in accordance with the laws of Illinois or  
10 any other state or foreign government; or

11           (10) Knowingly advertises any lottery or policy game,  
12 except for such activity related to lotteries, bingo games  
13 and raffles authorized by and conducted in accordance with  
14 the laws of Illinois or any other state; or

15           (11) Knowingly transmits information as to wagers,  
16 betting odds, or changes in betting odds by telephone,  
17 telegraph, radio, semaphore or similar means; or knowingly  
18 installs or maintains equipment for the transmission or  
19 receipt of such information; except that nothing in this  
20 subdivision (11) prohibits transmission or receipt of such  
21 information for use in news reporting of sporting events or  
22 contests; or

23           (12) Knowingly establishes, maintains, or operates an  
24 Internet site that permits a person to play a game of  
25 chance or skill for money or other thing of value by means  
26 of the Internet or to make a wager upon the result of any

1 game, contest, political nomination, appointment, or  
2 election by means of the Internet.

3 (b) Participants in any of the following activities shall  
4 not be convicted of gambling therefor:

5 (1) Agreements to compensate for loss caused by the  
6 happening of chance including without limitation contracts  
7 of indemnity or guaranty and life or health or accident  
8 insurance;

9 (2) Offers of prizes, award or compensation to the  
10 actual contestants in any bona fide contest for the  
11 determination of skill, speed, strength or endurance or to  
12 the owners of animals or vehicles entered in such contest;

13 (3) Pari-mutuel betting as authorized by the law of  
14 this State;

15 (4) Manufacture of gambling devices, including the  
16 acquisition of essential parts therefor and the assembly  
17 thereof, for transportation in interstate or foreign  
18 commerce to any place outside this State when such  
19 transportation is not prohibited by any applicable Federal  
20 law;

21 (5) The game commonly known as "bingo", when conducted  
22 in accordance with the Bingo License and Tax Act;

23 (6) Lotteries when conducted by the State of Illinois  
24 in accordance with the Illinois Lottery Law;

25 (7) Possession of an antique slot machine that is  
26 neither used nor intended to be used in the operation or

1 promotion of any unlawful gambling activity or enterprise.  
2 For the purpose of this subparagraph (b)(7), an antique  
3 slot machine is one manufactured 25 years ago or earlier;

4 (8) Raffles when conducted in accordance with the  
5 Raffles Act;

6 (9) Charitable games when conducted in accordance with  
7 the Charitable Games Act;

8 (10) Pull tabs and jar games when conducted under the  
9 Illinois Pull Tabs and Jar Games Act; or

10 (11) Gambling games ~~conducted on riverboats~~ when  
11 authorized by the Riverboat and Casino Gambling Act.

12 (c) Sentence.

13 Gambling under subsection (a)(1) or (a)(2) of this Section  
14 is a Class A misdemeanor. Gambling under any of subsections  
15 (a)(3) through (a)(11) of this Section is a Class A  
16 misdemeanor. A second or subsequent conviction under any of  
17 subsections (a)(3) through (a)(11), is a Class 4 felony.  
18 Gambling under subsection (a)(12) of this Section is a Class A  
19 misdemeanor. A second or subsequent conviction under  
20 subsection (a)(12) is a Class 4 felony.

21 (d) Circumstantial evidence.

22 In prosecutions under subsection (a)(1) through (a)(12) of  
23 this Section circumstantial evidence shall have the same  
24 validity and weight as in any criminal prosecution.

25 (Source: P.A. 91-257, eff. 1-1-00.)

1 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

2 Sec. 28-1.1. Syndicated gambling.

3 (a) Declaration of Purpose. Recognizing the close  
4 relationship between professional gambling and other organized  
5 crime, it is declared to be the policy of the legislature to  
6 restrain persons from engaging in the business of gambling for  
7 profit in this State. This Section shall be liberally construed  
8 and administered with a view to carrying out this policy.

9 (b) A person commits syndicated gambling when he operates a  
10 "policy game" or engages in the business of bookmaking.

11 (c) A person "operates a policy game" when he knowingly  
12 uses any premises or property for the purpose of receiving or  
13 knowingly does receive from what is commonly called "policy":

14 (1) money from a person other than the better or player  
15 whose bets or plays are represented by such money; or

16 (2) written "policy game" records, made or used over  
17 any period of time, from a person other than the better or  
18 player whose bets or plays are represented by such written  
19 record.

20 (d) A person engages in bookmaking when he receives or  
21 accepts more than five bets or wagers upon the result of any  
22 trials or contests of skill, speed or power of endurance or  
23 upon any lot, chance, casualty, unknown or contingent event  
24 whatsoever, which bets or wagers shall be of such size that the  
25 total of the amounts of money paid or promised to be paid to  
26 such bookmaker on account thereof shall exceed \$2,000.



1 Bookmaking is the receiving or accepting of such bets or wagers  
2 regardless of the form or manner in which the bookmaker records  
3 them.

4 (e) Participants in any of the following activities shall  
5 not be convicted of syndicated gambling:

6 (1) Agreements to compensate for loss caused by the  
7 happening of chance including without limitation contracts  
8 of indemnity or guaranty and life or health or accident  
9 insurance; and

10 (2) Offers of prizes, award or compensation to the  
11 actual contestants in any bona fide contest for the  
12 determination of skill, speed, strength or endurance or to  
13 the owners of animals or vehicles entered in such contest;  
14 and

15 (3) Pari-mutuel betting as authorized by law of this  
16 State; and

17 (4) Manufacture of gambling devices, including the  
18 acquisition of essential parts therefor and the assembly  
19 thereof, for transportation in interstate or foreign  
20 commerce to any place outside this State when such  
21 transportation is not prohibited by any applicable Federal  
22 law; and

23 (5) Raffles when conducted in accordance with the  
24 Raffles Act; and

25 (6) Gambling games conducted on riverboats or in  
26 casinos when authorized by the Riverboat and Casino

1 Gambling Act.

2 (f) Sentence. Syndicated gambling is a Class 3 felony.

3 (Source: P.A. 86-1029; 87-435.)

4 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

5 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is  
6 any real estate, vehicle, boat or any other property whatsoever  
7 used for the purposes of gambling other than gambling conducted  
8 in the manner authorized by the Riverboat and Casino Gambling  
9 Act. Any person who knowingly permits any premises or property  
10 owned or occupied by him or under his control to be used as a  
11 gambling place commits a Class A misdemeanor. Each subsequent  
12 offense is a Class 4 felony. When any premises is determined by  
13 the circuit court to be a gambling place:

14 (a) Such premises is a public nuisance and may be proceeded  
15 against as such, and

16 (b) All licenses, permits or certificates issued by the  
17 State of Illinois or any subdivision or public agency thereof  
18 authorizing the serving of food or liquor on such premises  
19 shall be void; and no license, permit or certificate so  
20 cancelled shall be reissued for such premises for a period of  
21 60 days thereafter; nor shall any person convicted of keeping a  
22 gambling place be reissued such license for one year from his  
23 conviction and, after a second conviction of keeping a gambling  
24 place, any such person shall not be reissued such license, and

25 (c) Such premises of any person who knowingly permits

1 thereon a violation of any Section of this Article shall be  
2 held liable for, and may be sold to pay any unsatisfied  
3 judgment that may be recovered and any unsatisfied fine that  
4 may be levied under any Section of this Article.

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

6 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

7 Sec. 28-5. Seizure of gambling devices and gambling funds.

8 (a) Every device designed for gambling which is incapable  
9 of lawful use or every device used unlawfully for gambling  
10 shall be considered a "gambling device", and shall be subject  
11 to seizure, confiscation and destruction by the Department of  
12 State Police or by any municipal, or other local authority,  
13 within whose jurisdiction the same may be found. As used in  
14 this Section, a "gambling device" includes any slot machine,  
15 and includes any machine or device constructed for the  
16 reception of money or other thing of value and so constructed  
17 as to return, or to cause someone to return, on chance to the  
18 player thereof money, property or a right to receive money or  
19 property. With the exception of any device designed for  
20 gambling which is incapable of lawful use, no gambling device  
21 shall be forfeited or destroyed unless an individual with a  
22 property interest in said device knows of the unlawful use of  
23 the device.

24 (b) Every gambling device shall be seized and forfeited to  
25 the county wherein such seizure occurs. Any money or other

1 thing of value integrally related to acts of gambling shall be  
2 seized and forfeited to the county wherein such seizure occurs.

3 (c) If, within 60 days after any seizure pursuant to  
4 subparagraph (b) of this Section, a person having any property  
5 interest in the seized property is charged with an offense, the  
6 court which renders judgment upon such charge shall, within 30  
7 days after such judgment, conduct a forfeiture hearing to  
8 determine whether such property was a gambling device at the  
9 time of seizure. Such hearing shall be commenced by a written  
10 petition by the State, including material allegations of fact,  
11 the name and address of every person determined by the State to  
12 have any property interest in the seized property, a  
13 representation that written notice of the date, time and place  
14 of such hearing has been mailed to every such person by  
15 certified mail at least 10 days before such date, and a request  
16 for forfeiture. Every such person may appear as a party and  
17 present evidence at such hearing. The quantum of proof required  
18 shall be a preponderance of the evidence, and the burden of  
19 proof shall be on the State. If the court determines that the  
20 seized property was a gambling device at the time of seizure,  
21 an order of forfeiture and disposition of the seized property  
22 shall be entered: a gambling device shall be received by the  
23 State's Attorney, who shall effect its destruction, except that  
24 valuable parts thereof may be liquidated and the resultant  
25 money shall be deposited in the general fund of the county  
26 wherein such seizure occurred; money and other things of value

1 shall be received by the State's Attorney and, upon  
2 liquidation, shall be deposited in the general fund of the  
3 county wherein such seizure occurred. However, in the event  
4 that a defendant raises the defense that the seized slot  
5 machine is an antique slot machine described in subparagraph  
6 (b) (7) of Section 28-1 of this Code and therefore he is exempt  
7 from the charge of a gambling activity participant, the seized  
8 antique slot machine shall not be destroyed or otherwise  
9 altered until a final determination is made by the Court as to  
10 whether it is such an antique slot machine. Upon a final  
11 determination by the Court of this question in favor of the  
12 defendant, such slot machine shall be immediately returned to  
13 the defendant. Such order of forfeiture and disposition shall,  
14 for the purposes of appeal, be a final order and judgment in a  
15 civil proceeding.

16 (d) If a seizure pursuant to subparagraph (b) of this  
17 Section is not followed by a charge pursuant to subparagraph  
18 (c) of this Section, or if the prosecution of such charge is  
19 permanently terminated or indefinitely discontinued without  
20 any judgment of conviction or acquittal (1) the State's  
21 Attorney shall commence an in rem proceeding for the forfeiture  
22 and destruction of a gambling device, or for the forfeiture and  
23 deposit in the general fund of the county of any seized money  
24 or other things of value, or both, in the circuit court and (2)  
25 any person having any property interest in such seized gambling  
26 device, money or other thing of value may commence separate

1 civil proceedings in the manner provided by law.

2 (e) Any gambling device displayed for sale to a riverboat  
3 gambling operation or a casino gambling operation or used to  
4 train occupational licensees of a riverboat gambling operation  
5 or a casino gambling operation, as authorized under the  
6 Riverboat and Casino Gambling Act, is exempt from seizure under  
7 this Section.

8 (f) Any gambling equipment, devices and supplies provided  
9 by a licensed supplier in accordance with the Riverboat and  
10 Casino Gambling Act which are removed from a ~~the~~ riverboat,  
11 casino, or wagering facility at which electronic poker is  
12 conducted for repair are exempt from seizure under this  
13 Section.

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

15 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

16 Sec. 28-7. Gambling contracts void.

17 (a) All promises, notes, bills, bonds, covenants,  
18 contracts, agreements, judgments, mortgages, or other  
19 securities or conveyances made, given, granted, drawn, or  
20 entered into, or executed by any person whatsoever, where the  
21 whole or any part of the consideration thereof is for any money  
22 or thing of value, won or obtained in violation of any Section  
23 of this Article are null and void.

24 (b) Any obligation void under this Section may be set aside  
25 and vacated by any court of competent jurisdiction, upon a

1 complaint filed for that purpose, by the person so granting,  
2 giving, entering into, or executing the same, or by his  
3 executors or administrators, or by any creditor, heir, legatee,  
4 purchaser or other person interested therein; or if a judgment,  
5 the same may be set aside on motion of any person stated above,  
6 on due notice thereof given.

7 (c) No assignment of any obligation void under this Section  
8 may in any manner affect the defense of the person giving,  
9 granting, drawing, entering into or executing such obligation,  
10 or the remedies of any person interested therein.

11 (d) This Section shall not prevent a licensed owner of a  
12 riverboat gambling operation or a casino gambling operation or  
13 organization licensee under the Illinois Horse Racing Act of  
14 1975 from instituting a cause of action to collect any amount  
15 due and owing under an extension of credit to a ~~riverboat~~  
16 gambling patron or electronic poker patron as authorized under  
17 Section 11.1 of the Riverboat and Casino Gambling Act.

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

19 Section 60. The Travel Promotion Consumer Protection Act is  
20 amended by changing Section 2 as follows:

21 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

22 Sec. 2. Definitions.

23 (a) "Travel promoter" means a person, including a tour  
24 operator, who sells, provides, furnishes, contracts for,

1 arranges or advertises that he or she will arrange wholesale or  
2 retail transportation by air, land, sea or navigable stream,  
3 either separately or in conjunction with other services.  
4 "Travel promoter" does not include (1) an air carrier; (2) a  
5 sea carrier; (3) an officially appointed agent of an air  
6 carrier who is a member in good standing of the Airline  
7 Reporting Corporation; (4) a travel promoter who has in force  
8 \$1,000,000 or more of liability insurance coverage for  
9 professional errors and omissions and a surety bond or  
10 equivalent surety in the amount of \$100,000 or more for the  
11 benefit of consumers in the event of a bankruptcy on the part  
12 of the travel promoter; or (5) a riverboat subject to  
13 regulation under the Riverboat and Casino Gambling Act.

14 (b) "Advertise" means to make any representation in the  
15 solicitation of passengers and includes communication with  
16 other members of the same partnership, corporation, joint  
17 venture, association, organization, group or other entity.

18 (c) "Passenger" means a person on whose behalf money or  
19 other consideration has been given or is to be given to  
20 another, including another member of the same partnership,  
21 corporation, joint venture, association, organization, group  
22 or other entity, for travel.

23 (d) "Ticket or voucher" means a writing or combination of  
24 writings which is itself good and sufficient to obtain  
25 transportation and other services for which the passenger has  
26 contracted.



1 (Source: P.A. 91-357, eff. 7-29-99.)

2 Section 65. The State Finance Act is amended by adding  
3 Sections 5.676 and 5.677 as follows:

4 (30 ILCS 105/5.676 new)

5 Sec. 5.676. The Racing Industry Workers' Fund.

6 (30 ILCS 105/5.677 new)

7 Sec. 5.677. The Depressed Communities Economic Development  
8 Fund.

9 (30 ILCS 105/5.490 rep.)

10 Section 100. The State Finance Act is amended by repealing  
11 Section 5.490.

12 (230 ILCS 5/31.1 rep.)

13 (230 ILCS 5/54 rep.)

14 Section 105. The Illinois Horse Racing Act of 1975 is  
15 amended by repealing Sections 31.1 and 54.

16 Section 995. No acceleration or delay. Where this Act makes  
17 changes in a statute that is represented in this Act by text  
18 that is not yet or no longer in effect (for example, a Section  
19 represented by multiple versions), the use of that text does  
20 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other  
2 Public Act.

3 Section 997. Inseverability. The amendatory provisions of  
4 this Act are mutually dependent and inseverable. If any  
5 amendatory provision is held invalid other than as applied to a  
6 particular person or circumstance, then all of the amendatory  
7 provisions of this Act are invalid.

8 Section 999. Effective date. This Act takes effect upon  
9 becoming law.".