



Rep. Luis Arroyo

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LRB098 18442 AMC 59694 a

1 AMENDMENT TO SENATE BILL 2797

2 AMENDMENT NO. _____. Amend Senate Bill 2797 by replacing
3 everything of the enacting clause with the following:

4 "Section 5. The Video Gaming Act is amended by changing
5 Section 5 and by adding Section 59 as follows:

6 (230 ILCS 40/5)

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

8 "Board" means the Illinois Gaming Board.

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

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

16 "Electronic card" means a card purchased from a licensed

1 establishment, licensed fraternal establishment, licensed
2 veterans establishment, or licensed truck stop establishment
3 for use in that establishment as a substitute for cash in the
4 conduct of gaming on a video gaming terminal.

5 "Electronic voucher" means a voucher printed by an
6 electronic video game machine that is redeemable in the
7 licensed establishment for which it was issued.

8 "Terminal operator" means an individual, partnership,
9 corporation, or limited liability company that is licensed
10 under this Act and that owns, services, and maintains video
11 gaming terminals for placement in licensed establishments,
12 licensed truck stop establishments, licensed fraternal
13 establishments, or licensed veterans establishments.

14 "Licensed technician" means an individual who is licensed
15 under this Act to repair, service, and maintain video gaming
16 terminals.

17 "Licensed terminal handler" means a person, including but
18 not limited to an employee or independent contractor working
19 for a manufacturer, distributor, supplier, technician, or
20 terminal operator, who is licensed under this Act to possess or
21 control a video gaming terminal or to have access to the inner
22 workings of a video gaming terminal. A licensed terminal
23 handler does not include an individual, partnership,
24 corporation, or limited liability company defined as a
25 manufacturer, distributor, supplier, technician, or terminal
26 operator under this Act.

1 "Manufacturer" means an individual, partnership,
2 corporation, or limited liability company that is licensed
3 under this Act and that manufactures or assembles video gaming
4 terminals.

5 "Supplier" means an individual, partnership, corporation,
6 or limited liability company that is licensed under this Act to
7 supply major components or parts to video gaming terminals to
8 licensed terminal operators.

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

11 "Video gaming terminal" means any electronic video game
12 machine that, upon insertion of cash, electronic cards or
13 vouchers, or any combination thereof, ~~electronic voucher, or~~
14 ~~any combination thereof~~, is available to play or simulate the
15 play of a video game, including but not limited to video poker,
16 line up, and blackjack, as authorized by the Board utilizing a
17 video display and microprocessors in which the player may
18 receive free games or credits that can be redeemed for cash.
19 The term does not include a machine that directly dispenses
20 coins, cash, or tokens or is for amusement purposes only.

21 "Licensed establishment" means any licensed retail
22 establishment where alcoholic liquor is drawn, poured, mixed,
23 or otherwise served for consumption on the premises, whether
24 the establishment operates on a nonprofit or for-profit basis.

25 "Licensed establishment" includes any such establishment that
26 has a contractual relationship with an inter-track wagering

1 location licensee licensed under the Illinois Horse Racing Act
2 of 1975, provided any contractual relationship shall not
3 include any transfer or offer of revenue from the operation of
4 video gaming under this Act to any licensee licensed under the
5 Illinois Horse Racing Act of 1975. Provided, however, that the
6 licensed establishment that has such a contractual
7 relationship with an inter-track wagering location licensee
8 may not, itself, be (i) an inter-track wagering location
9 licensee, (ii) the corporate parent or subsidiary of any
10 licensee licensed under the Illinois Horse Racing Act of 1975,
11 or (iii) the corporate subsidiary of a corporation that is also
12 the corporate parent or subsidiary of any licensee licensed
13 under the Illinois Horse Racing Act of 1975. "Licensed
14 establishment" does not include a facility operated by an
15 organization licensee, an inter-track wagering licensee, or an
16 inter-track wagering location licensee licensed under the
17 Illinois Horse Racing Act of 1975 or a riverboat licensed under
18 the Riverboat Gambling Act, except as provided in this
19 paragraph. The changes made to this definition by Public Act
20 98-587 ~~this amendatory Act of the 98th General Assembly~~ are
21 declarative of existing law.

22 "Licensed fraternal establishment" means the location
23 where a qualified fraternal organization that derives its
24 charter from a national fraternal organization regularly
25 meets.

26 "Licensed veterans establishment" means the location where

1 a qualified veterans organization that derives its charter from
2 a national veterans organization regularly meets.

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

13 "Video Gaming Board Exclusion List" or "Exclusion List"
14 means a publicly available list of persons compiled and
15 maintained by the Board pursuant to Section 59 of this Act and
16 procedures established by Board rule.

17 (Source: P.A. 97-333, eff. 8-12-11; 98-31, eff. 6-24-13;
18 98-582, eff. 8-27-13; 98-587, eff. 8-27-13; revised 9-19-13.)

19 (230 ILCS 40/59 new)

20 Sec. 59. Video Gaming Board Exclusion List.

21 (a) The Board shall have authority to establish a Video
22 Gaming Board Exclusion List. Persons on the Exclusion List
23 shall be prohibited from licensure under this Act and from
24 engaging in any activities, agreements, or transactions
25 authorized by this Act, the rules adopted under this Act, or a

1 final order of the Board that are directly related to the
2 conduct and operation of video gaming and not otherwise
3 excluded. Activities, agreements, and transactions not
4 affected by this Section include, but are not limited to,
5 agreements to provide or to purchase nongaming-related goods or
6 services, such as food, beverages, coin-operated amusement
7 devices (if the possession is not prohibited by subsection (a)
8 of Section 35 of this Act), vending machines, or ATMs;
9 employment that is not directly involved in the gaming
10 activity, such as serving food or beverages to customers,
11 cleaning, maintenance, beer line cleaning, plumbing,
12 electrical, snow removal, construction, and the like (provided
13 the employee is not an officer, director, limited liability
14 company member, or the like of the licensed establishment,
15 licensed fraternal establishment, licensed veterans
16 establishment, or licensed truck stop establishment);
17 provision of legal, accounting, or insurance services, if not
18 based on a percentage of video gaming revenue; and rental or
19 leasing agreements concerning the licensed premises if rents
20 are not computed by any formula involving as a variable a
21 percentage of video gaming revenue. Nothing in this Section
22 shall be deemed to invalidate agreements entered into prior to
23 the effective date of this amendatory Act of the 98th General
24 Assembly.

25 (b) The Board may place a person on the Video Gaming Board
26 Exclusion List for reasons that include, but are not limited

1 to, the following reasons:

2 (i) the person has been found to be in violation of
3 this Act or any rules adopted under this Act by a final
4 administrative decision of the Board for which review is
5 barred under the Administrative Review Law or a final
6 decision, order, or judgment of a court; or

7 (ii) the person's conduct or reputation is such that
8 his or her licensure under this Act or engagement in
9 activities, agreements, or transactions authorized by this
10 Act, and not otherwise exempt from the provisions of this
11 Section would call into question the honesty and integrity
12 of video gaming operations or interfere with the orderly
13 conduct of such operations, except that placement on the
14 Exclusion List pursuant to this paragraph (ii) shall not
15 occur until notice is provided to the person pursuant to
16 subsection (c) of this Section and until any requested
17 hearing conducted pursuant to subsection (c) is concluded,
18 with a finding that the person qualifies for placement on
19 the Exclusion List.

20 (c) The proposed placement of a person on the Video Gaming
21 Board Exclusion List shall be subject to notice as provided
22 under the Board's riverboat gambling rules (86 Ill. Adm. Code
23 3000.730) and a subsequent hearing by the Board pursuant to the
24 Board's video gaming rules (11 Ill. Adm. Code 1800.720).

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".