

1 AMENDMENT TO HOUSE BILL 143

2 AMENDMENT NO. _____. Amend House Bill 143 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Intercity Development Act.

6 Section 5. Findings and purpose.

7 (a) The General Assembly finds that:

8 (1) There is a great need for economic
9 revitalization in many communities throughout this State.

10 (2) Each community has valuable resources at its
11 fingertips that can be tapped in the revitalization
12 process.

13 (3) With adequate support and assistance from the
14 State and other resources, each community can participate
15 in and shepherd its own economic renewal.

16 (4) Successful redevelopment plans are based on
17 policy that is responsive to the existing composition and
18 character of the economically distressed community and
19 that allows and compels the community to participate in
20 the redevelopment planning process.

21 (5) A successful redevelopment initiative creates
22 and maintains a capable and adaptable workforce, has

1 access to capital, has a sound fiscal base, has adequate
2 infrastructure, has well-managed natural resources, and
3 has an attractive quality of life.

4 (b) It is the purpose of this legislation to provide a
5 mechanism for an economically distressed community to use in
6 its efforts to revitalize the community.

7 Section 10. Definitions. As used in this Section:

8 "Community" means a municipality, a county with respect
9 to the unincorporated areas of a county, and any combination
10 of municipalities and counties acting jointly.

11 "Department" means the Department of Commerce and
12 Community Affairs.

13 "Economically distressed community" means any community
14 that is certified by the Department as being in the highest
15 3% of all communities in the State in its rate of
16 unemployment, its poverty rate, and the rate of bankruptcy
17 petitions filed.

18 Section 15. Certification; Board of Economic Advisors.

19 (a) In order to receive the assistance as provided in
20 this Act, a community shall first, by ordinance passed by its
21 corporate authorities, request that the Department certify
22 that it is an economically distressed community. The
23 community must submit a certified copy of the ordinance to
24 the Department. After review of the ordinance, if the
25 Department determines that the community meets the
26 requirements for certification, the Department shall certify
27 the community as an economically distressed community.

28 (b) A community that is certified by the Department as
29 an economically distressed community may appoint a Board of
30 Economic Advisors to create and implement a revitalization
31 plan for the community. The Board shall consist of 12 members
32 of the community, appointed by the mayor or the presiding

1 officer of the county or jointly by the presiding officers of
2 each municipality and county that have joined to form a
3 community for the purposes of this Act. The Board members
4 shall be appointed from the 12 sectors vital to community
5 redevelopment as follows:

6 (1) A member representing households and families.

7 (2) A member representing religious organizations.

8 (3) A member representing educational institutions.

9 (4) A member representing daycare centers, care
10 centers for the handicapped, and care centers for the
11 disadvantaged.

12 (5) A member representing community based
13 organizations such as neighborhood improvement
14 associations.

15 (6) A member representing federal and State
16 employment service systems, skill training centers, and
17 placement referrals.

18 (7) A member representing Masonic organizations,
19 fraternities, sororities, and social clubs.

20 (8) A member representing hospitals, nursing homes,
21 senior citizens, public health agencies, and funeral
22 homes.

23 (9) A member representing organized sports, parks,
24 parties, and games of chance.

25 (10) A member representing political parties,
26 clubs, and affiliations, and election related matters
27 concerning voter education and participation.

28 (11) A member representing the cultural aspects of
29 the community, including cultural events, lifestyles,
30 languages, music, visual and performing arts, and
31 literature.

32 (12) A member representing police and fire
33 protection agencies, prisons, weapons systems, and the
34 military industrial complex.

1 The Board shall meet initially within 30 days of its
2 appointment, shall select one member as chairperson at its
3 initial meeting, and shall thereafter meet at the call of the
4 chairperson. Members of the Board shall serve without
5 compensation but shall be reimbursed for their reasonable and
6 necessary expenses from funds available for that purpose.

7 (b) The Board shall create a 3-year to 5-year
8 revitalization plan for the community. The plan shall contain
9 distinct, measurable objectives for revitalization. The
10 objectives shall be used to guide ongoing implementation of
11 the plan and to measure progress during the 3-year to 5-year
12 period. The Board shall work in a dynamic manner defining
13 goals for the community based on the strengths and weaknesses
14 of the individual sectors of the community as presented by
15 each member of the Board. The Board shall meet periodically
16 and revise the plan in light of the input from each member of
17 the Board concerning his or her respective sector of
18 expertise. The process shall be a community driven
19 revitalization process, with community-specific data
20 determining the direction and scope of the revitalization.

21 Section 20. Action by the Board.

22 (a) Organize. The Board shall first assess the needs and
23 the resources of the community operating from the basic
24 premise that the family unit is the primary unit of community
25 and that the demand for goods and services from this
26 residential sector is the main source of recovery and growth
27 for the redevelopment of a community. The Board shall
28 inventory community assets, including the condition of the
29 family with respect to the role of the family as workers,
30 consumers, and investors. The Board shall inventory the type
31 and viability of businesses and industries currently in the
32 community. In compiling the inventory, the Board shall rely
33 on the input of each Board member with respect to his or her

1 expertise in a given sector of the revitalization plan.

2 (b) Revitalize. In implementing the revitalization plan,
3 the Board shall focus on and build from existing resources in
4 the community, growing existing businesses rather than luring
5 business into the community from the outside. The Board shall
6 also focus on the residents themselves rather than jobs. The
7 Board shall promote investment in training residents in areas
8 that will lead to employment and in turn will bring revenue
9 into the community.

10 (c) Mobilize. The Board shall engage in the dynamic
11 process of community self-revitalization through a continuous
12 reassessment of the needs of the community in the
13 revitalization process. As each goal of the 3-year to 5-year
14 plan is achieved, the Board shall draw from the resources of
15 its members to establish new goals and implement new
16 strategies employing the lessons learned in the earlier
17 stages of revitalization.

18 (d) Advise. The Board shall Act as the liaison between
19 the community and the local, county, and State Government.
20 The Board shall make use of the resources of these
21 governmental entities and shall provide counsel to each of
22 these bodies with respect to economic development.

23 The Board shall also act as a liaison between private
24 business entities located in the community and the community
25 itself. The Board shall offer advice and assistance to these
26 entities when requested and provide incentives and support,
27 both economic and otherwise, to facilitate expansion and
28 further investment in the community by the businesses.

29 The Board shall annually submit a report to the General
30 Assembly and the Governor summarizing the accomplishments of
31 the community concerning revitalization and the goals of the
32 community for future revitalization.

33 Section 25. Funding sources.

1 (a) The moneys appropriated into the Intercity
2 Development Fund, which is hereby created as a special fund
3 in the State Treasury, shall be allocated as follows:

4 (1) 50% shall be paid to the Department to be used to
5 make grants as follows:

6 (A) 25% shall be allocated for use within the City
7 of Chicago;

8 (B) 25% shall be allocated for use within Cook
9 County, but outside of the City of Chicago; and

10 (C) 50% shall be allocated to communities that are
11 located outside of Cook County and are certified as
12 economically distressed communities and that have created
13 Boards of Economic Advisors under this Act for the
14 operational expenses of the Boards.

15 The procedures for grant applications shall be
16 established by the Department by rule.

17 (2) The remaining 50% of the moneys shall be allocated
18 as follows:

19 (A) 25% shall be paid, subject to appropriation, to
20 the general fund of the City of Chicago;

21 (B) 25% shall be paid, subject to appropriation, to
22 the general fund of Cook County; and

23 (C) 50% shall be paid, subject to appropriation, to
24 the general funds of communities that are located outside
25 of Cook County and are certified as economically
26 distressed communities and that have created Boards of
27 Economic Advisors under this Act for the operational
28 expenses of the Boards.

29 (b) The Board, as a vital part of its function, shall
30 seek funding sources to enhance economic development. The
31 Board shall seek funding from the local, State, and federal
32 government as well as from private funding sources, whether
33 in the form of grants, loans, or otherwise. The Department
34 shall advise the Boards of Economic Advisors created under

1 this Act of all available sources of funding for economic
2 development that it is aware of and shall assist the Boards
3 in securing this funding.

4 (c) To the extent that there is a gap in funding for
5 economic development, the Board shall recommend possible
6 solutions to be undertaken by the State in addressing this
7 issue to fill the funding gap.

8 Section 75. The Illinois Horse Racing Act of 1975 is
9 amended by changing Sections 1.2, 3.11, 9, 20, 25, 26, 26.1,
10 27, 28.1, 30, 31, 36, and 42 and adding Sections 3.24, 3.25,
11 3.26, 3.27, 34.2, and 56 as follows:

12 (230 ILCS 5/1.2)

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

19 (a) support and enhance Illinois' horse racing industry,
20 which is a significant component within the agribusiness
21 industry;

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

24 (c) stimulate growth within Illinois' horse racing
25 industry, thereby encouraging new investment and development
26 to produce additional tax revenues and to create additional
27 jobs;

28 (d) promote the further growth of tourism;

29 (e) encourage the breeding of thoroughbred and
30 standardbred horses in this State; and

31 (f) ensure that public confidence and trust in the
32 credibility and integrity of racing operations and the

1 regulatory process is maintained.

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

3 (230 ILCS 5/3.11) (from Ch. 8, par. 37-3.11)

4 Sec. 3.11. "Organization licensee" means any person,
5 not-for-profit corporation, municipality, or legal authority
6 with bonding power created to promote tourism, receiving an
7 organization license from the Board to conduct a race meeting
8 or meetings.

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

10 (230 ILCS 5/3.24 new)

11 Sec. 3.24. "Adjusted gross receipts" means the gross
12 receipts from electronic gaming less winnings paid to
13 wagerers.

14 (230 ILCS 5/3.25 new)

15 Sec. 3.25. "Electronic gaming" means slot machine
16 gambling conducted at a race track pursuant to an electronic
17 gaming license.

18 (230 ILCS 5/3.26 new)

19 Sec. 3.26. "Electronic gaming license" means a license to
20 conduct electronic gaming issued under Section 56.

21 (230 ILCS 5/3.27 new)

22 Sec. 3.27. "Electronic gaming facility" means that
23 portion of an organization licensee's race track facility at
24 which electronic gaming is conducted.

25 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

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

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

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

31 Notwithstanding any provision of law to the contrary, it
32 shall be lawful for any licensee to operate pari-mutuel
33 wagering or contract with the Department of Agriculture to
34 operate pari-mutuel wagering at the DuQuoin State Fairgrounds

1 or for the Department to enter into contracts with a
2 licensee, employ its owners, employees or agents and employ
3 such other occupation licensees as the Department deems
4 necessary in connection with race meetings and wagerings.

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

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

19 (d) The Board, and any person or persons to whom it
20 delegates this power, is vested with the authority to
21 investigate alleged violations of the provisions of this Act,
22 its reasonable rules and regulations, orders and final
23 decisions; the Board shall take appropriate disciplinary
24 action against any licensee or occupation licensee for
25 violation thereof or institute appropriate legal action for
26 the enforcement thereof.

27 (e) The Board, and any person or persons to whom it
28 delegates this power, may eject or exclude from any race
29 meeting or the facilities of any licensee, or any part
30 thereof, any occupation licensee or any other individual
31 whose conduct or reputation is such that his presence on
32 those facilities may, in the opinion of the Board, call into
33 question the honesty and integrity of horse racing or
34 wagering or interfere with the orderly conduct of horse

1 racing or wagering; provided, however, that no person shall
2 be excluded or ejected from the facilities of any licensee
3 solely on the grounds of race, color, creed, national origin,
4 ancestry, or sex. The power to eject or exclude an
5 occupation licensee or other individual may be exercised for
6 just cause by the licensee or the Board, subject to
7 subsequent hearing by the Board as to the propriety of said
8 exclusion.

9 (f) The Board is vested with the power to acquire,
10 establish, maintain and operate (or provide by contract to
11 maintain and operate) testing laboratories and related
12 facilities, for the purpose of conducting saliva, blood,
13 urine and other tests on the horses run or to be run in any
14 horse race meeting, including races run at county fairs, and
15 to purchase all equipment and supplies deemed necessary or
16 desirable in connection with any such testing laboratories
17 and related facilities and all such tests.

18 (g) The Board may require that the records, including
19 financial or other statements of any licensee or any person
20 affiliated with the licensee who is involved directly or
21 indirectly in the activities of any licensee as regulated
22 under this Act to the extent that those financial or other
23 statements relate to such activities be kept in such manner
24 as prescribed by the Board, and that Board employees shall
25 have access to those records during reasonable business
26 hours. Within 120 days of the end of its fiscal year, each
27 licensee shall transmit to the Board an audit of the
28 financial transactions and condition of the licensee's total
29 operations. All audits shall be conducted by certified
30 public accountants. Each certified public accountant must be
31 registered in the State of Illinois under the Illinois Public
32 Accounting Act. The compensation for each certified public
33 accountant shall be paid directly by the licensee to the
34 certified public accountant. A licensee shall also submit

1 any other financial or related information the Board deems
2 necessary to effectively administer this Act and all rules,
3 regulations, and final decisions promulgated under this Act.

4 (h) The Board shall name and appoint in the manner
5 provided by the rules and regulations of the Board: an
6 Executive Director; a State director of mutuels; State
7 veterinarians and representatives to take saliva, blood,
8 urine and other tests on horses; licensing personnel; revenue
9 inspectors; and State seasonal employees (excluding admission
10 ticket sellers and mutuel clerks). All of those named and
11 appointed as provided in this subsection shall serve during
12 the pleasure of the Board; their compensation shall be
13 determined by the Board and be paid in the same manner as
14 other employees of the Board under this Act.

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

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

32 (k) The Board is vested with the power to appoint
33 delegates to execute any of the powers granted to it under
34 this Section for the purpose of administering this Act and

1 any rules or regulations promulgated in accordance with this
2 Act.

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

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

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

30 (o) Whenever the Board is authorized or required by law
31 to consider some aspect of criminal history record
32 information for the purpose of carrying out its statutory
33 powers and responsibilities, then, upon request and payment
34 of fees in conformance with the requirements of Section

1 2605-400 of the Department of State Police Law (20 ILCS
2 2605/2605-400), the Department of State Police is authorized
3 to furnish, pursuant to positive identification, such
4 information contained in State files as is necessary to
5 fulfill the request.

6 (p) To insure the convenience, comfort, and wagering
7 accessibility of race track patrons, to provide for the
8 maximization of State revenue, and to generate increases in
9 purse allotments to the horsemen, the Board shall require any
10 licensee to staff the pari-mutuel department with adequate
11 personnel.

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

13 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

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

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

23 (3) the location where it proposes to conduct the
24 meeting; and

25 (4) any other information the Board may reasonably
26 require.

27 (b) A separate application for an organization license
28 shall be filed for each horse race meeting which such person
29 proposes to hold. Any such application, if made by an
30 individual, or by any individual as trustee, shall be signed
31 and verified under oath by such individual. If made by
32 individuals or a partnership, it shall be signed and verified
33 under oath by at least 2 of such individuals or members of

1 such partnership as the case may be. If made by an
2 association, corporation, corporate trustee or any other
3 entity, it shall be signed by the president and attested by
4 the secretary or assistant secretary under the seal of such
5 association, trust or corporation if it has a seal, and shall
6 also be verified under oath by one of the signing officers.

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

21 (d) The applicant shall execute and file with the Board
22 a good faith affirmative action plan to recruit, train, and
23 upgrade minorities in all classifications within the
24 association.

25 (e) With such application there shall be delivered to
26 the Board a certified check or bank draft payable to the
27 order of the Board for an amount equal to \$1,000. All
28 applications for the issuance of an organization license
29 shall be filed with the Board before August 1 of the year
30 prior to the year for which application is made and shall be
31 acted upon by the Board at a meeting to be held on such date
32 as shall be fixed by the Board during the last 15 days of
33 September of such prior year. At such meeting, the Board
34 shall announce the award of the racing meets, live racing

1 schedule, and designation of host track to the applicants and
2 its approval or disapproval of each application. No
3 announcement shall be considered binding until a formal order
4 is executed by the Board, which shall be executed no later
5 than October 15 of that prior year. Absent the agreement of
6 the affected organization licensees, the Board shall not
7 grant overlapping race meetings to 2 or more tracks that are
8 within 100 miles of each other to conduct the thoroughbred
9 racing.

10 (e-2) In awarding racing dates for calendar year 2004
11 and thereafter, the Board shall award the same total number
12 of racing days as it awarded in calendar year 2003 plus an
13 amount as provided in subsection (e-3). In awarding racing
14 dates under this subsection (e-2), the Board shall have the
15 discretion to allocate those racing dates among organization
16 licensees.

17 (e-3) Upon request, the Board shall award at least 100
18 standardbred racing dates to the organization licensee that
19 conducts racing at Fairmount Race Track. Any racing dates
20 awarded under this subsection (e-3) to an organization
21 licensee that conducts racing at Fairmount Race Track that
22 are in excess of the number awarded to that organization
23 licensee in 2003 shall be in addition to those racing dates
24 awarded under subsection (e-2).

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

29 (1) the character, reputation, experience, and
30 financial integrity of the applicant and of any other
31 separate person that either:

32 (i) controls the applicant, directly or
33 indirectly, or

34 (ii) is controlled, directly or indirectly, by

1 that applicant or by a person who controls, directly
2 or indirectly, that applicant;

3 (2) the applicant's facilities or proposed
4 facilities for conducting horse racing;

5 (3) the total revenue without regard to Section
6 32.1 to be derived by the State and horsemen from the
7 applicant's conducting a race meeting;

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

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

13 (6) the applicant's proposed and prior year's
14 promotional and marketing activities and expenditures of
15 the applicant associated with those activities;

16 (7) an agreement, if any, among organization
17 licensees as provided in subsection (b) of Section 21 of
18 this Act; and

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

22 In granting organization licenses and allocating dates
23 for horse race meetings, the Board shall have discretion to
24 determine an overall schedule, including required simulcasts
25 of Illinois races by host tracks that will, in its judgment,
26 be conducive to the best interests of the public and the
27 sport of horse racing.

28 (e-10) The Illinois Administrative Procedure Act shall
29 apply to administrative procedures of the Board under this
30 Act for the granting of an organization license, except that
31 (1) notwithstanding the provisions of subsection (b) of
32 Section 10-40 of the Illinois Administrative Procedure Act
33 regarding cross-examination, the Board may prescribe rules
34 limiting the right of an applicant or participant in any

1 proceeding to award an organization license to conduct
2 cross-examination of witnesses at that proceeding where that
3 cross-examination would unduly obstruct the timely award of
4 an organization license under subsection (e) of Section 20 of
5 this Act; (2) the provisions of Section 10-45 of the Illinois
6 Administrative Procedure Act regarding proposals for decision
7 are excluded under this Act; (3) notwithstanding the
8 provisions of subsection (a) of Section 10-60 of the Illinois
9 Administrative Procedure Act regarding ex parte
10 communications, the Board may prescribe rules allowing ex
11 parte communications with applicants or participants in a
12 proceeding to award an organization license where conducting
13 those communications would be in the best interest of racing,
14 provided all those communications are made part of the record
15 of that proceeding pursuant to subsection (c) of Section
16 10-60 of the Illinois Administrative Procedure Act; (4) the
17 provisions of Section 14a of this Act and the rules of the
18 Board promulgated under that Section shall apply instead of
19 the provisions of Article 10 of the Illinois Administrative
20 Procedure Act regarding administrative law judges; and (5)
21 the provisions of subsection (d) of Section 10-65 of the
22 Illinois Administrative Procedure Act that prevent summary
23 suspension of a license pending revocation or other action
24 shall not apply.

25 (f) The Board may allot racing dates to an organization
26 licensee for more than one calendar year but for no more than
27 3 successive calendar years in advance, provided that the
28 Board shall review such allotment for more than one calendar
29 year prior to each year for which such allotment has been
30 made. The granting of an organization license to a person
31 constitutes a privilege to conduct a horse race meeting under
32 the provisions of this Act, and no person granted an
33 organization license shall be deemed to have a vested
34 interest, property right, or future expectation to receive an

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

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

31 (g) (Blank).

32 (h) The Board shall send the applicant a copy of its
33 formally executed order by certified mail addressed to the
34 applicant at the address stated in his application, which

1 notice shall be mailed within 5 days of the date the formal
2 order is executed.

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

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

8 (2) pay to the Board an additional amount equal to
9 \$110 for each racing date awarded; and

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

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

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

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

20 (230 ILCS 5/25) (from Ch. 8, par. 37-25)

21 Sec. 25. Admissions tax; records and books; bond;
22 penalty.

23 (a) There shall be paid to the Board at such time or
24 times as it shall prescribe, the sum of fifteen cents (15¢)
25 for each person entering the grounds or enclosure of each
26 organization licensee and inter-track wagering licensee upon
27 a ticket of admission except as provided in subsection (g) of
28 Section 27 of this Act. If tickets are issued for more than
29 one day then the sum of fifteen cents (15¢) shall be paid for
30 each person using such ticket on each day that the same shall
31 be used. Provided, however, that no charge shall be made on
32 tickets of admission issued to and in the name of directors,
33 officers, agents or employees of the organization licensee,

1 or inter-track wagering licensee, or to owners, trainers,
2 jockeys, drivers and their employees or to any person or
3 persons entering the grounds or enclosure for the transaction
4 of business in connection with such race meeting. The
5 organization licensee or inter-track wagering licensee may,
6 if it desires, collect such amount from each ticket holder in
7 addition to the amount or amounts charged for such ticket of
8 admission.

9 (b) Accurate records and books shall at all times be kept
10 and maintained by the organization licensees and inter-track
11 wagering licensees showing the admission tickets issued and
12 used on each racing day and the attendance thereat of each
13 horse racing meeting. The Board or its duly authorized
14 representative or representatives shall at all reasonable
15 times have access to the admission records of any
16 organization licensee and inter-track wagering licensee for
17 the purpose of examining and checking the same and
18 ascertaining whether or not the proper amount has been or is
19 being paid the State of Illinois as herein provided. The
20 Board shall also require, before issuing any license, that
21 the licensee shall execute and deliver to it a bond, payable
22 to the State of Illinois, in such sum as it shall determine,
23 not, however, in excess of fifty thousand dollars (\$50,000),
24 with a surety or sureties to be approved by it, conditioned
25 for the payment of all sums due and payable or collected by
26 it under this Section upon admission fees received for any
27 particular racing meetings. The Board may also from time to
28 time require sworn statements of the number or numbers of
29 such admissions and may prescribe blanks upon which such
30 reports shall be made. Any organization licensee or
31 inter-track wagering licensee failing or refusing to pay the
32 amount found to be due as herein provided, shall be deemed
33 guilty of a business offense and upon conviction shall be
34 punished by a fine of not more than five thousand dollars

1 (\$5,000) in addition to the amount due from such organization
2 licensee or inter-track wagering licensee as herein provided.
3 All fines paid into court by an organization licensee or
4 inter-track wagering licensee found guilty of violating this
5 Section shall be transmitted and paid over by the clerk of
6 the court to the Board.

7 (c) In addition to the admission tax imposed under
8 subsection (a), a tax of \$1 is hereby imposed for each person
9 who enters the grounds or enclosure of each organization
10 licensee. The tax is imposed upon the organization licensee.

11 (1) The admission tax shall be paid for each
12 admission.

13 (2) An organization licensee may issue tax-free
14 passes to actual and necessary officials and employees of
15 the licensee and other persons associated with race
16 meeting operations.

17 (3) The number and issuance of tax-free passes is
18 subject to the rules of the Board, and a list of all
19 persons to whom the tax-free passes are issued shall be
20 filed with the Board.

21 (4) The organization licensee shall pay the entire
22 admission tax to the Board. Such payments shall be made
23 daily. Accompanying each payment shall be a return on
24 forms provided by the Board which shall include other
25 information regarding admission as the Board may require.
26 Failure to submit either the payment or the return within
27 the specified time may result in suspension or revocation
28 of the organization licensee's license.

29 (5) The Board shall administer and collect the
30 admission tax imposed by this subsection, to the extent
31 practicable, in a manner consistent with the provisions
32 of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 6, 6a, 6b,
33 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and
34 Section 3-7 of the Uniform Penalty and Interest Act. All

1 moneys collected by the Board shall be deposited into the
2 State Gaming Fund.

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

4 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

5 Sec. 26. Wagering.

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

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

28 (b-5) An individual may place a wager under the
29 pari-mutuel system from any licensed location authorized
30 under this Act provided that wager is electronically recorded
31 in the manner described in Section 3.12 of this Act. Any
32 wager made electronically by an individual while physically
33 on the premises of a licensee shall be deemed to have been

1 made at the premises of that licensee.

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

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

23 (d) A pari-mutuel ticket shall be honored until December
24 31 of the next calendar year, and the licensee shall pay the
25 same and may charge the amount thereof against unpaid money
26 similarly accumulated on account of pari-mutuel tickets not
27 presented for payment.

28 (e) No licensee shall knowingly permit any minor, other
29 than an employee of such licensee or an owner, trainer,
30 jockey, driver, or employee thereof, to be admitted during a
31 racing program unless accompanied by a parent or guardian, or
32 any minor to be a patron of the pari-mutuel system of
33 wagering conducted or supervised by it. The admission of any
34 unaccompanied minor, other than an employee of the licensee

1 or an owner, trainer, jockey, driver, or employee thereof at
2 a race track is a Class C misdemeanor.

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

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

30 (g) A host track may accept interstate simulcast wagers
31 on horse races conducted in other states or countries and
32 shall control the number of signals and types of breeds of
33 racing in its simulcast program, subject to the disapproval
34 of the Board. The Board may prohibit a simulcast program

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

20 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
21 intertrack wagering licensee other than the host track
22 may supplement the host track simulcast program with
23 additional simulcast races or race programs, provided
24 that between January 1 and the third Friday in February
25 of any year, inclusive, if no live thoroughbred racing is
26 occurring in Illinois during this period, only
27 thoroughbred races may be used for supplemental
28 interstate simulcast purposes. The Board shall withhold
29 approval for a supplemental interstate simulcast only if
30 it finds that the simulcast is clearly adverse to the
31 integrity of racing. A supplemental interstate simulcast
32 may be transmitted from an intertrack wagering licensee
33 to its affiliated non-host licensees. The interstate
34 commission fee for a supplemental interstate simulcast

1 shall be paid by the non-host licensee and its affiliated
2 non-host licensees receiving the simulcast.

3 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
4 intertrack wagering licensee other than the host track
5 may receive supplemental interstate simulcasts only with
6 the consent of the host track, except when the Board
7 finds that the simulcast is clearly adverse to the
8 integrity of racing. Consent granted under this
9 paragraph (2) to any intertrack wagering licensee shall
10 be deemed consent to all non-host licensees. The
11 interstate commission fee for the supplemental interstate
12 simulcast shall be paid by all participating non-host
13 licensees.

14 (3) Each licensee conducting interstate simulcast
15 wagering may retain, subject to the payment of all
16 applicable taxes and the purses, an amount not to exceed
17 17% of all money wagered. If any licensee conducts the
18 pari-mutuel system wagering on races conducted at
19 racetracks in another state or country, each such race or
20 race program shall be considered a separate racing day
21 for the purpose of determining the daily handle and
22 computing the privilege tax of that daily handle as
23 provided in subsection (a) of Section 27. Until January
24 1, 2000, from the sums permitted to be retained pursuant
25 to this subsection, each intertrack wagering location
26 licensee shall pay 1% of the pari-mutuel handle wagered
27 on simulcast wagering to the Horse Racing Tax Allocation
28 Fund, subject to the provisions of subparagraph (B) of
29 paragraph (11) of subsection (h) of Section 26 of this
30 Act.

31 (4) A licensee who receives an interstate simulcast
32 may combine its gross or net pools with pools at the
33 sending racetracks pursuant to rules established by the
34 Board. All licensees combining their gross pools at a

1 sending racetrack shall adopt the take-out percentages of
2 the sending racetrack. A licensee may also establish a
3 separate pool and takeout structure for wagering purposes
4 on races conducted at race tracks outside of the State of
5 Illinois. The licensee may permit pari-mutuel wagers
6 placed in other states or countries to be combined with
7 its gross or net wagering pools or other wagering pools.

8 (5) After the payment of the interstate commission
9 fee (except for the interstate commission fee on a
10 supplemental interstate simulcast, which shall be paid by
11 the host track and by each non-host licensee through the
12 host-track) and all applicable State and local taxes,
13 except as provided in subsection (g) of Section 27 of
14 this Act, the remainder of moneys retained from simulcast
15 wagering pursuant to this subsection (g), and Section
16 26.2 shall be divided as follows:

17 (A) For interstate simulcast wagers made at a
18 host track, 50% to the host track and 50% to purses
19 at the host track.

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

27 (6) Notwithstanding any provision in this Act to
28 the contrary, non-host licensees who derive their
29 licenses from a track located in a county with a
30 population in excess of 230,000 and that borders the
31 Mississippi River may receive supplemental interstate
32 simulcast races at all times subject to Board approval,
33 which shall be withheld only upon a finding that a
34 supplemental interstate simulcast is clearly adverse to

1 the integrity of racing.

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

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

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

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

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

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

5 (7.1) Notwithstanding any other provision of this
6 Act to the contrary, if no standardbred racing is
7 conducted at a racetrack located in Madison County during
8 any calendar year beginning on or after January 1, 2002,
9 all moneys derived by that racetrack from simulcast
10 wagering and inter-track wagering that (1) are to be used
11 for purses and (2) are generated between the hours of
12 6:30 p.m. and 6:30 a.m. during that calendar year shall
13 be paid as follows:

14 (A) If the licensee that conducts horse racing
15 at that racetrack requests from the Board at least
16 as many racing dates as were conducted in calendar
17 year 2000, 80% shall be paid to its thoroughbred
18 purse account; and

19 (B) Twenty percent shall be deposited into the
20 Illinois Colt Stakes Purse Distribution Fund and
21 shall be paid to purses for standardbred races for
22 Illinois conceived and foaled horses conducted at
23 any county fairgrounds. The moneys deposited into
24 the Fund pursuant to this subparagraph (B) shall be
25 deposited within 2 weeks after the day they were
26 generated, shall be in addition to and not in lieu
27 of any other moneys paid to standardbred purses
28 under this Act, and shall not be commingled with
29 other moneys paid into that Fund. The moneys
30 deposited pursuant to this subparagraph (B) shall be
31 allocated as provided by the Department of
32 Agriculture, with the advice and assistance of the
33 Illinois Standardbred Breeders Fund Advisory Board.

34 (7.2) Notwithstanding any other provision of this

1 Act to the contrary, if no thoroughbred racing is
2 conducted at a racetrack located in Madison County during
3 any calendar year beginning on or after January 1, 2002,
4 all moneys derived by that racetrack from simulcast
5 wagering and inter-track wagering that (1) are to be used
6 for purses and (2) are generated between the hours of
7 6:30 a.m. and 6:30 p.m. during that calendar year shall
8 be deposited as follows:

9 (A) If the licensee that conducts horse racing
10 at that racetrack requests from the Board at least
11 as many racing dates as were conducted in calendar
12 year 2000, 80% shall be deposited into its
13 standardbred purse account; and

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

32 (7.3) If no live standardbred racing is conducted
33 at a racetrack located in Madison County in calendar year
34 2000 or 2001, an organization licensee who is licensed to

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

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

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

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

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

28 (7.4) If live standardbred racing is conducted at a
29 racetrack located in Madison County at any time in
30 calendar year 2001 before the payment required under
31 paragraph (7.3) has been made, the organization licensee
32 who is licensed to conduct racing at that racetrack shall
33 pay all moneys derived by that racetrack from simulcast
34 wagering and inter-track wagering during calendar years

1 2000 and 2001 that (1) are to be used for purses and (2)
2 are generated between the hours of 6:30 p.m. and 6:30
3 a.m. during 2000 or 2001 to the standardbred purse
4 account at that racetrack to be used for standardbred
5 purses.

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

14 (8.1) Notwithstanding any provisions in this Act to
15 the contrary, if 2 organization licensees are conducting
16 standardbred race meetings concurrently between the hours
17 of 6:30 p.m. and 6:30 a.m., after payment of all
18 applicable State and local taxes and interstate
19 commission fees, the remainder of the amount retained
20 from simulcast wagering otherwise attributable to the
21 host track and to host track purses shall be split daily
22 between the 2 organization licensees and the purses at
23 the tracks of the 2 organization licensees, respectively,
24 based on each organization licensee's share of the total
25 live handle for that day, provided that this provision
26 shall not apply to any non-host licensee that derives its
27 license from a track located in a county with a
28 population in excess of 230,000 and that borders the
29 Mississippi River.

30 (9) (Blank).

31 (10) (Blank).

32 (11) (Blank).

33 (12) The Board shall have authority to compel all
34 host tracks to receive the simulcast of any or all races

1 conducted at the Springfield or DuQuoin State fairgrounds
2 and include all such races as part of their simulcast
3 programs.

4 (13) (Blank). Notwithstanding any other provision
5 of this Act, in the event that the total Illinois
6 pari-mutuel handle on Illinois horse races at all
7 wagering facilities in any calendar year is less than 75%
8 of the total Illinois pari-mutuel handle on Illinois
9 horse races at all such wagering facilities for calendar
10 year 1994, then each wagering facility that has an annual
11 total Illinois pari-mutuel handle on Illinois horse races
12 that is less than 75% of the total Illinois pari-mutuel
13 handle on Illinois horse races at such wagering facility
14 for calendar year 1994, shall be permitted to receive,
15 from any amount otherwise payable to the purse account at
16 the race track with which the wagering facility is
17 affiliated in the succeeding calendar year, an amount
18 equal to 2% of the differential in total Illinois
19 pari-mutuel handle on Illinois horse races at the
20 wagering facility between that calendar year in question
21 and 1994 provided, however, that a wagering facility
22 shall not be entitled to any such payment until the Board
23 certifies in writing to the wagering facility the amount
24 to which the wagering facility is entitled and a schedule
25 for payment of the amount to the wagering facility, based
26 on: (i) the racing dates awarded to the race track
27 affiliated with the wagering facility during the
28 succeeding year; (ii) the sums available or anticipated
29 to be available in the purse account of the race track
30 affiliated with the wagering facility for purses during
31 the succeeding year; and (iii) the need to ensure
32 reasonable purse levels during the payment period. The
33 Board's certification shall be provided no later than
34 January 31 of the succeeding year. In the event a

1 wagering--facility--entitled--to--a--payment--under--this
2 paragraph-(13)-is--affiliated--with--a--race--track--that
3 maintains---purse--accounts--for--both--standardbred--and
4 thoroughbred--racing,--the--amount--to--be--paid--to--the
5 wagering-facility-shall-be--divided--between--each--purse
6 account--pro-rata,--based-on-the-amount-of-Illinois-handle
7 on--Illinois---standardbred---and---thoroughbred---racing
8 respectively-at-the-wagering-facility-during-the-previous
9 calendar--year.--Annually,--the--General--Assembly--shall
10 appropriate--sufficient--funds--from--the-General-Revenue
11 Fund-to-the-Department-of-Agriculture--for--payment--into
12 the--thoroughbred--and--standardbred--horse--racing-purse
13 accounts-at-Illinois-pari-mutuel-tracks.--The-amount-paid
14 to-each-purse-account-shall-be-the--amount--certified--by
15 the--Illinois--Racing-Board-in--January-to-be-transferred
16 from-each-account-to-each--eligible--racing--facility--in
17 accordance-with-the-provisions-of-this-Section.

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

- 22 (1) Any person licensed to conduct a race meeting
- 23 (i) at a track where 60 or more days of racing were
- 24 conducted during the immediately preceding calendar year
- 25 or where over the 5 immediately preceding calendar years
- 26 an average of 30 or more days of racing were conducted
- 27 annually may be issued an inter-track wagering license;
- 28 (ii) at a track located in a county that is bounded by
- 29 the Mississippi River, which has a population of less
- 30 than 150,000 according to the 1990 decennial census, and
- 31 an average of at least 60 days of racing per year between
- 32 1985 and 1993 may be issued an inter-track wagering
- 33 license; or (iii) at a track located in Madison County
- 34 that conducted at least 100 days of live racing during

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

29 (2) The Board shall examine the applications with
30 respect to their conformity with this Act and the rules
31 and regulations imposed by the Board. If found to be in
32 compliance with the Act and rules and regulations of the
33 Board, the Board may then issue a license to conduct
34 inter-track wagering and simulcast wagering to such

1 applicant. All such applications shall be acted upon by
2 the Board at a meeting to be held on such date as may be
3 fixed by the Board.

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

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

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

24 (6) All wagering under such license is subject to
25 this Act and to the rules and regulations from time to
26 time prescribed by the Board, and every such license
27 issued by the Board shall contain a recital to that
28 effect.

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

33 (8) Inter-track wagering or simulcast wagering
34 shall not be conducted at any track less than 5 miles

1 from a track at which a racing meeting is in progress.

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

20 (8.2) Inter-track wagering or simulcast wagering
21 shall not be conducted by an inter-track wagering
22 location licensee at any location within 500 feet of an
23 existing church or existing school, nor within 500 feet
24 of the residences of more than 50 registered voters
25 without receiving written permission from a majority of
26 the registered voters at such residences. Such written
27 permission statements shall be filed with the Board. The
28 distance of 500 feet shall be measured to the nearest
29 part of any building used for worship services, education
30 programs, residential purposes, or conducting inter-track
31 wagering by an inter-track wagering location licensee,
32 and not to property boundaries. However, inter-track
33 wagering or simulcast wagering may be conducted at a site
34 within 500 feet of a church, school or residences of 50

1 or more registered voters if such church, school or
2 residences have been erected or established, or such
3 voters have been registered, after the Board issues the
4 original inter-track wagering location license at the
5 site in question. Inter-track wagering location licensees
6 may conduct inter-track wagering and simulcast wagering
7 only in areas that are zoned for commercial or
8 manufacturing purposes or in areas for which a special
9 use has been approved by the local zoning authority.
10 However, no license to conduct inter-track wagering and
11 simulcast wagering shall be granted by the Board with
12 respect to any inter-track wagering location within the
13 jurisdiction of any local zoning authority which has, by
14 ordinance or by resolution, prohibited the establishment
15 of an inter-track wagering location within its
16 jurisdiction. However, inter-track wagering and
17 simulcast wagering may be conducted at a site if such
18 ordinance or resolution is enacted after the Board
19 licenses the original inter-track wagering location
20 licensee for the site in question.

21 (9) (Blank).

22 (10) An inter-track wagering licensee or an
23 inter-track wagering location licensee may retain,
24 subject to the payment of the privilege taxes and the
25 purses, an amount not to exceed 17% of all money wagered.
26 Each program of racing conducted by each inter-track
27 wagering licensee or inter-track wagering location
28 licensee shall be considered a separate racing day for
29 the purpose of determining the daily handle and computing
30 the privilege tax or pari-mutuel tax on such daily handle
31 as provided in Section 27.

32 (10.1) Except as provided in subsection (g) of
33 Section 27 of this Act, inter-track wagering location
34 licensees shall pay 1% of the pari-mutuel handle at each

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

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

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

28 (B) That portion of all moneys wagered on
29 thoroughbred racing that is required under this Act
30 to be paid to purses shall be paid to purses for
31 thoroughbred races.

32 (11) (A) After payment of the privilege or
33 pari-mutuel tax, any other applicable taxes, and the
34 costs and expenses in connection with the gathering,

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

18 (B) From the sums permitted to be retained pursuant
19 to this Act each inter-track wagering location licensee
20 shall pay (i) the privilege or pari-mutuel tax to the
21 State; (ii) 4.75% of the pari-mutuel handle on intertrack
22 wagering at such location on races as purses, except that
23 an intertrack wagering location licensee that derives its
24 license from a track located in a county with a
25 population in excess of 230,000 and that borders the
26 Mississippi River shall retain all purse moneys for its
27 own purse account consistent with distribution set forth
28 in this subsection (h), and intertrack wagering location
29 licensees that accept wagers on races conducted by an
30 organization licensee located in a county with a
31 population in excess of 230,000 and that borders the
32 Mississippi River shall distribute all purse moneys to
33 purses at the operating host track; (iii) until January
34 1, 2000, except as provided in subsection (g) of Section

1 27 of this Act, 1% of the pari-mutuel handle wagered on
2 inter-track wagering and simulcast wagering at each
3 inter-track wagering location licensee facility to the
4 Horse Racing Tax Allocation Fund, provided that, to the
5 extent the total amount collected and distributed to the
6 Horse Racing Tax Allocation Fund under this subsection
7 (h) during any calendar year exceeds the amount collected
8 and distributed to the Horse Racing Tax Allocation Fund
9 during calendar year 1994, that excess amount shall be
10 redistributed (I) to all inter-track wagering location
11 licensees, based on each licensee's pro-rata share of the
12 total handle from inter-track wagering and simulcast
13 wagering for all inter-track wagering location licensees
14 during the calendar year in which this provision is
15 applicable; then (II) the amounts redistributed to each
16 inter-track wagering location licensee as described in
17 subpart (I) shall be further redistributed as provided in
18 subparagraph (B) of paragraph (5) of subsection (g) of
19 this Section 26 provided first, that the shares of those
20 amounts, which are to be redistributed to the host track
21 or to purses at the host track under subparagraph (B) of
22 paragraph (5) of subsection (g) of this Section 26 shall
23 be redistributed based on each host track's pro rata
24 share of the total inter-track wagering and simulcast
25 wagering handle at all host tracks during the calendar
26 year in question, and second, that any amounts
27 redistributed as described in part (I) to an inter-track
28 wagering location licensee that accepts wagers on races
29 conducted by an organization licensee that conducts a
30 race meet in a county with a population in excess of
31 230,000 and that borders the Mississippi River shall be
32 further redistributed as provided in subparagraphs (D)
33 and (E) of paragraph (7) of subsection (g) of this
34 Section 26, with the portion of that further

1 redistribution allocated to purses at that organization
2 licensee to be divided between standardbred purses and
3 thoroughbred purses based on the amounts otherwise
4 allocated to purses at that organization licensee during
5 the calendar year in question; and (iv) 8% of the
6 pari-mutuel handle on inter-track wagering wagered at
7 such location to satisfy all costs and expenses of
8 conducting its wagering. The remainder of the monies
9 retained by the inter-track wagering location licensee
10 shall be allocated 40% to the location licensee and 60%
11 to the organization licensee which provides the Illinois
12 races to the location, except that an intertrack wagering
13 location licensee that derives its license from a track
14 located in a county with a population in excess of
15 230,000 and that borders the Mississippi River shall not
16 divide any remaining retention with the organization
17 licensee that provides the race or races and an
18 intertrack wagering location licensee that accepts wagers
19 on races conducted by an organization licensee that
20 conducts a race meet in a county with a population in
21 excess of 230,000 and that borders the Mississippi River
22 shall not divide any remaining retention with the
23 organization licensee. Notwithstanding the provisions of
24 clauses (ii) and (iv) of this paragraph, in the case of
25 the additional inter-track wagering location licenses
26 authorized under paragraph (1) of this subsection (h) by
27 this amendatory Act of 1991, those licensees shall pay
28 the following amounts as purses: during the first 12
29 months the licensee is in operation, 5.25% of the
30 pari-mutuel handle wagered at the location on races;
31 during the second 12 months, 5.25%; during the third 12
32 months, 5.75%; during the fourth 12 months, 6.25%; and
33 during the fifth 12 months and thereafter, 6.75%. The
34 following amounts shall be retained by the licensee to

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

20 (C) There is hereby created the Horse Racing Tax
21 Allocation Fund which shall remain in existence until
22 December 31, 1999. Moneys remaining in the Fund after
23 December 31, 1999 shall be paid into the General Revenue
24 Fund. Until January 1, 2000, all monies paid into the
25 Horse Racing Tax Allocation Fund pursuant to this
26 paragraph (11) by inter-track wagering location licensees
27 located in park districts of 500,000 population or less,
28 or in a municipality that is not included within any park
29 district but is included within a conservation district
30 and is the county seat of a county that (i) is contiguous
31 to the state of Indiana and (ii) has a 1990 population of
32 88,257 according to the United States Bureau of the
33 Census, and operating on May 1, 1994 shall be allocated
34 by appropriation as follows:

1 Two-sevenths to the Department of Agriculture.
2 Fifty percent of this two-sevenths shall be used to
3 promote the Illinois horse racing and breeding
4 industry, and shall be distributed by the Department
5 of Agriculture upon the advice of a 9-member
6 committee appointed by the Governor consisting of
7 the following members: the Director of Agriculture,
8 who shall serve as chairman; 2 representatives of
9 organization licensees conducting thoroughbred race
10 meetings in this State, recommended by those
11 licensees; 2 representatives of organization
12 licensees conducting standardbred race meetings in
13 this State, recommended by those licensees; a
14 representative of the Illinois Thoroughbred Breeders
15 and Owners Foundation, recommended by that
16 Foundation; a representative of the Illinois
17 Standardbred Owners and Breeders Association,
18 recommended by that Association; a representative of
19 the Horsemen's Benevolent and Protective Association
20 or any successor organization thereto established in
21 Illinois comprised of the largest number of owners
22 and trainers, recommended by that Association or
23 that successor organization; and a representative of
24 the Illinois Harness Horsemen's Association,
25 recommended by that Association. Committee members
26 shall serve for terms of 2 years, commencing January
27 1 of each even-numbered year. If a representative
28 of any of the above-named entities has not been
29 recommended by January 1 of any even-numbered year,
30 the Governor shall appoint a committee member to
31 fill that position. Committee members shall receive
32 no compensation for their services as members but
33 shall be reimbursed for all actual and necessary
34 expenses and disbursements incurred in the

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

5 Four-sevenths to park districts or
6 municipalities that do not have a park district of
7 500,000 population or less for museum purposes (if
8 an inter-track wagering location licensee is located
9 in such a park district) or to conservation
10 districts for museum purposes (if an inter-track
11 wagering location licensee is located in a
12 municipality that is not included within any park
13 district but is included within a conservation
14 district and is the county seat of a county that (i)
15 is contiguous to the state of Indiana and (ii) has a
16 1990 population of 88,257 according to the United
17 States Bureau of the Census, except that if the
18 conservation district does not maintain a museum,
19 the monies shall be allocated equally between the
20 county and the municipality in which the inter-track
21 wagering location licensee is located for general
22 purposes) or to a municipal recreation board for
23 park purposes (if an inter-track wagering location
24 licensee is located in a municipality that is not
25 included within any park district and park
26 maintenance is the function of the municipal
27 recreation board and the municipality has a 1990
28 population of 9,302 according to the United States
29 Bureau of the Census); provided that the monies are
30 distributed to each park district or conservation
31 district or municipality that does not have a park
32 district in an amount equal to four-sevenths of the
33 amount collected by each inter-track wagering
34 location licensee within the park district or

1 conservation district or municipality for the Fund.
2 Monies that were paid into the Horse Racing Tax
3 Allocation Fund before the effective date of this
4 amendatory Act of 1991 by an inter-track wagering
5 location licensee located in a municipality that is
6 not included within any park district but is
7 included within a conservation district as provided
8 in this paragraph shall, as soon as practicable
9 after the effective date of this amendatory Act of
10 1991, be allocated and paid to that conservation
11 district as provided in this paragraph. Any park
12 district or municipality not maintaining a museum
13 may deposit the monies in the corporate fund of the
14 park district or municipality where the inter-track
15 wagering location is located, to be used for general
16 purposes; and

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

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

29 Two-sevenths to the Department of Agriculture.
30 Fifty percent of this two-sevenths shall be used to
31 promote the Illinois horse racing and breeding
32 industry, and shall be distributed by the Department
33 of Agriculture upon the advice of a 9-member
34 committee appointed by the Governor consisting of

1 the following members: the Director of Agriculture,
2 who shall serve as chairman; 2 representatives of
3 organization licensees conducting thoroughbred race
4 meetings in this State, recommended by those
5 licensees; 2 representatives of organization
6 licensees conducting standardbred race meetings in
7 this State, recommended by those licensees; a
8 representative of the Illinois Thoroughbred Breeders
9 and Owners Foundation, recommended by that
10 Foundation; a representative of the Illinois
11 Standardbred Owners and Breeders Association,
12 recommended by that Association; a representative of
13 the Horsemen's Benevolent and Protective Association
14 or any successor organization thereto established in
15 Illinois comprised of the largest number of owners
16 and trainers, recommended by that Association or
17 that successor organization; and a representative of
18 the Illinois Harness Horsemen's Association,
19 recommended by that Association. Committee members
20 shall serve for terms of 2 years, commencing January
21 1 of each even-numbered year. If a representative
22 of any of the above-named entities has not been
23 recommended by January 1 of any even-numbered year,
24 the Governor shall appoint a committee member to
25 fill that position. Committee members shall receive
26 no compensation for their services as members but
27 shall be reimbursed for all actual and necessary
28 expenses and disbursements incurred in the
29 performance of their official duties. The remaining
30 50% of this two-sevenths shall be distributed to
31 county fairs for premiums and rehabilitation as set
32 forth in the Agricultural Fair Act;

33 Four-sevenths to museums and aquariums located
34 in park districts of over 500,000 population;

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

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

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

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

29 (ii) If the inter-track wagering
30 licensee, except an intertrack wagering
31 licensee that derives its license from an
32 organization licensee located in a county with
33 a population in excess of 230,000 and bounded
34 by the Mississippi River, is also conducting

1 its own race meeting during the same dates,
2 then the purse allocation shall be as follows:
3 50% to purses at the track where the races
4 wagered on are being conducted; 50% to purses
5 at the track where the inter-track wagering
6 licensee is accepting such wagers.

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

17 (12) The Board shall have all powers necessary and
18 proper to fully supervise and control the conduct of
19 inter-track wagering and simulcast wagering by
20 inter-track wagering licensees and inter-track wagering
21 location licensees, including, but not limited to the
22 following:

23 (A) The Board is vested with power to
24 promulgate reasonable rules and regulations for the
25 purpose of administering the conduct of this
26 wagering and to prescribe reasonable rules,
27 regulations and conditions under which such wagering
28 shall be held and conducted. Such rules and
29 regulations are to provide for the prevention of
30 practices detrimental to the public interest and for
31 the best interests of said wagering and to impose
32 penalties for violations thereof.

33 (B) The Board, and any person or persons to
34 whom it delegates this power, is vested with the

1 power to enter the facilities of any licensee to
2 determine whether there has been compliance with the
3 provisions of this Act and the rules and regulations
4 relating to the conduct of such wagering.

5 (C) The Board, and any person or persons to
6 whom it delegates this power, may eject or exclude
7 from any licensee's facilities, any person whose
8 conduct or reputation is such that his presence on
9 such premises may, in the opinion of the Board, call
10 into the question the honesty and integrity of, or
11 interfere with the orderly conduct of such wagering;
12 provided, however, that no person shall be excluded
13 or ejected from such premises solely on the grounds
14 of race, color, creed, national origin, ancestry, or
15 sex.

16 (D) (Blank).

17 (E) The Board is vested with the power to
18 appoint delegates to execute any of the powers
19 granted to it under this Section for the purpose of
20 administering this wagering and any rules and
21 regulations promulgated in accordance with this Act.

22 (F) The Board shall name and appoint a State
23 director of this wagering who shall be a
24 representative of the Board and whose duty it shall
25 be to supervise the conduct of inter-track wagering
26 as may be provided for by the rules and regulations
27 of the Board; such rules and regulation shall
28 specify the method of appointment and the Director's
29 powers, authority and duties.

30 (G) The Board is vested with the power to
31 impose civil penalties of up to \$5,000 against
32 individuals and up to \$10,000 against licensees for
33 each violation of any provision of this Act relating
34 to the conduct of this wagering, any rules adopted

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

30 (i) Notwithstanding the other provisions of this Act,
31 the conduct of wagering at wagering facilities is authorized
32 on all days, except as limited by subsection (b) of Section
33 19 of this Act.

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

1 (230 ILCS 5/26.1) (from Ch. 8, par. 37-26.1)

2 Sec. 26.1. For all pari-mutuel wagering conducted
3 pursuant to this Act, breakage shall be at all times computed
4 on the basis of not to exceed 10¢ on the dollar. If there is
5 a minus pool, the breakage shall be computed on the basis of
6 not to exceed 5¢ on the dollar. Breakage shall be calculated
7 only after the amounts retained by licensees pursuant to
8 Sections 26 and 26.2 of this Act, and all applicable
9 surcharges, are taken out of winning wagers and winnings from
10 wagers. From Beginning January 1, 2000 until July 1, 2004,
11 all breakage shall be retained by licensees, with 50% of
12 breakage to be used by licensees for racetrack improvements
13 at the racetrack from which the wagering facility derives its
14 license. The remaining 50% is to be allocated 50% to the
15 purse account for the licensee from which the wagering
16 facility derives its license and 50% to the licensee.
17 Beginning July 1, 2004, all breakage shall be retained by
18 licensees, with 50% of breakage to be used by licensees for
19 racetrack improvements at the racetrack from which the
20 wagering facility derives its license. The remaining 50% is
21 to be allocated to the purse account for the licensee from
22 which the wagering facility derives its license.

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

24 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

25 Sec. 27. (a) In addition to the organization license fee
26 provided by this Act, until January 1, 2000, a graduated
27 privilege tax is hereby imposed for conducting the
28 pari-mutuel system of wagering permitted under this Act.
29 Until January 1, 2000, except as provided in subsection (g)
30 of Section 27 of this Act, all of the breakage of each racing
31 day held by any licensee in the State shall be paid to the
32 State. Until January 1, 2000, such daily graduated privilege
33 tax shall be paid by the licensee from the amount permitted

1 to be retained under this Act. Until January 1, 2000, each
2 day's graduated privilege tax, breakage, and Horse Racing Tax
3 Allocation funds shall be remitted to the Department of
4 Revenue within 48 hours after the close of the racing day
5 upon which it is assessed or within such other time as the
6 Board prescribes. The privilege tax hereby imposed, until
7 January 1, 2000, shall be a flat tax at the rate of 2% of the
8 daily pari-mutuel handle except as provided in Section 27.1.

9 In addition, every organization licensee, except as
10 provided in Section 27.1 of this Act, which conducts multiple
11 wagering shall pay, until January 1, 2000, as a privilege tax
12 on multiple wagers an amount equal to 1.25% of all moneys
13 wagered each day on such multiple wagers, plus an additional
14 amount equal to 3.5% of the amount wagered each day on any
15 other multiple wager which involves a single betting interest
16 on 3 or more horses. The licensee shall remit the amount of
17 such taxes to the Department of Revenue within 48 hours after
18 the close of the racing day on which it is assessed or within
19 such other time as the Board prescribes.

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

22 (a-5) Beginning on January 1, 2000, a flat pari-mutuel
23 tax at the rate of 1.5% of the daily pari-mutuel handle is
24 imposed at all pari-mutuel wagering facilities, which shall
25 be remitted to the Department of Revenue within 48 hours
26 after the close of the racing day upon which it is assessed
27 or within such other time as the Board prescribes.

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

34 (c) Licensees shall at all times keep accurate books and

1 records of all monies wagered on each day of a race meeting
2 and of the taxes paid to the Department of Revenue under the
3 provisions of this Section. The Board or its duly authorized
4 representative or representatives shall at all reasonable
5 times have access to such records for the purpose of
6 examining and checking the same and ascertaining whether the
7 proper amount of taxes is being paid as provided. The Board
8 shall require verified reports and a statement of the total
9 of all monies wagered daily at each wagering facility upon
10 which the taxes are assessed and may prescribe forms upon
11 which such reports and statement shall be made.

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

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

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

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

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

27 (i) the excess amount shall be initially divided
28 between thoroughbred and standardbred purses based on the
29 thoroughbred's and standardbred's respective percentages
30 of total Illinois live wagering in calendar year 1994;

31 (ii) each thoroughbred and standardbred
32 organization licensee issued an organization licensee in
33 that succeeding allocation year shall be allocated an
34 amount equal to the product of its percentage of total

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

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

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

22 (230 ILCS 5/28.1)

23 Sec. 28.1. Payments.

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

29 (b) Appropriations, as approved by the General Assembly,
30 may be made from the Horse Racing Fund to the Board to pay
31 the salaries of the Board members, secretary, stewards,
32 directors of mutuels, veterinarians, representatives,
33 accountants, clerks, stenographers, inspectors and other

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

6 (c) Appropriations, as approved by the General Assembly,
7 shall be made from the Horse Racing Fund to the Department of
8 Agriculture for the purposes identified in paragraphs (2),
9 (2.5), (4), (4.1), (6), (7), (8), and (9) of subsection (g)
10 of Section 30, subsection (e) of Section 30.5, paragraphs
11 (1), (2), (3), (5), and (8) of subsection (g) of Section 31,
12 and for standardbred bonus programs for owners of horses that
13 win multiple stakes races that are limited to Illinois
14 conceived and foaled horses. From Beginning--on January 1,
15 2000 until the effective date of this amendatory Act of the
16 93rd General Assembly, the Board shall transfer the remainder
17 of the funds generated pursuant to Sections 26 and 27 from
18 the Horse Racing Fund into the General Revenue Fund.

19 (d) Beginning January 1, 2000, payments to all programs
20 in existence on the effective date of this amendatory Act of
21 1999 that are identified in Sections 26(c), 26(f),
22 26(h)(11)(C), and 28, subsections (a), (b), (c), (d), (e),
23 (f), (g), and (h) of Section 30, and subsections (a), (b),
24 (c), (d), (e), (f), (g), and (h) of Section 31 shall be made
25 from the General Revenue Fund at the funding levels
26 determined by amounts paid under this Act in calendar year
27 1998.

28 (e) Notwithstanding any other provision of this Act to
29 the contrary, appropriations, as approved by the General
30 Assembly, may be made from the Fair and Exposition Fund to
31 the Department of Agriculture for distribution to Illinois
32 county fairs to supplement premiums offered in junior
33 classes.

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

1 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

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

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

25 (c) Conditions of races under subsection (b) shall be
26 commensurate with past performance, quality, and class of
27 Illinois conceived and foaled and Illinois foaled horses
28 available. If, however, sufficient competition cannot be had
29 among horses of that class on any day, the races may, with
30 consent of the Board, be eliminated for that day and
31 substitute races provided.

32 (d) There is hereby created a special fund of the State
33 Treasury to be known as the Illinois Thoroughbred Breeders
34 Fund.

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

5 (e) The Illinois Thoroughbred Breeders Fund shall be
6 administered by the Department of Agriculture with the advice
7 and assistance of the Advisory Board created in subsection
8 (f) of this Section.

9 (f) The Illinois Thoroughbred Breeders Fund Advisory
10 Board shall consist of the Director of the Department of
11 Agriculture, who shall serve as Chairman; a member of the
12 Illinois Racing Board, designated by it; 2 representatives of
13 the organization licensees conducting thoroughbred racing
14 meetings, recommended by them; 2 representatives of the
15 Illinois Thoroughbred Breeders and Owners Foundation,
16 recommended by it; and 2 representatives of the Horsemen's
17 Benevolent Protective Association or any successor
18 organization established in Illinois comprised of the largest
19 number of owners and trainers, recommended by it, with one
20 representative of the Horsemen's Benevolent and Protective
21 Association to come from its Illinois Division, and one from
22 its Chicago Division. Advisory Board members shall serve for
23 2 years commencing January 1 of each odd numbered year. If
24 representatives of the organization licensees conducting
25 thoroughbred racing meetings, the Illinois Thoroughbred
26 Breeders and Owners Foundation, and the Horsemen's Benevolent
27 Protection Association have not been recommended by January
28 1, of each odd numbered year, the Director of the Department
29 of Agriculture shall make an appointment for the organization
30 failing to so recommend a member of the Advisory Board.
31 Advisory Board members shall receive no compensation for
32 their services as members but shall be reimbursed for all
33 actual and necessary expenses and disbursements incurred in
34 the execution of their official duties.

1 (g) Moneys ~~Monies~~ shall be expended from the Illinois
2 Thoroughbred Breeders Fund ~~except~~ as appropriated by the
3 General Assembly pursuant to this Act, the Riverboat Gambling
4 Act, or both. ~~Monies~~ appropriated from the Illinois
5 Thoroughbred Breeders Fund shall be expended by the
6 Department of Agriculture, with the advice and assistance of
7 the Illinois Thoroughbred Breeders Fund Advisory Board, for
8 the following purposes only:

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

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

25 (2.5) To provide an award to the owner or owners of
26 an Illinois conceived and foaled or Illinois foaled horse
27 that wins a maiden special weight, an allowance,
28 overnight handicap race, or claiming race with claiming
29 price of \$10,000 or more providing the race is not
30 restricted to Illinois conceived and foaled or Illinois
31 foaled horses. Awards shall also be provided to the
32 owner or owners of Illinois conceived and foaled and
33 Illinois foaled horses that place second or third in
34 those races. To the extent that additional moneys are

1 required to pay the minimum additional awards of 40% of
 2 the purse the horse earns for placing first, second or
 3 third in those races for Illinois foaled horses and of
 4 60% of the purse the horse earns for placing first,
 5 second or third in those races for Illinois conceived and
 6 foaled horses, those moneys shall be provided from the
 7 purse account at the track where earned.

8 (3) To provide stallion awards to the owner or
 9 owners of any stallion that is duly registered with the
 10 Illinois Thoroughbred Breeders Fund Program ~~prior-to-the~~
 11 ~~effective-date-of-this-amendatory-Act-of-1995~~ whose duly
 12 registered Illinois conceived and foaled offspring wins a
 13 race conducted at an Illinois thoroughbred racing meeting
 14 other than a claiming race. Such award shall not be paid
 15 to the owner or owners of an Illinois stallion that
 16 served outside this State at any time during the calendar
 17 year in which such race was conducted.

18 (4) To provide \$75,000 annually for purses to be
 19 distributed to county fairs that provide for the running
 20 of races during each county fair exclusively for the
 21 thoroughbreds conceived and foaled in Illinois. The
 22 conditions of the races shall be developed by the county
 23 fair association and reviewed by the Department with the
 24 advice and assistance of the Illinois Thoroughbred
 25 Breeders Fund Advisory Board. There shall be no wagering
 26 of any kind on the running of Illinois conceived and
 27 foaled races at county fairs.

28 (4.1) (Blank). ~~To--provide--purse--money--for---an~~
 29 ~~Illinois-stallion-stakes-program-~~

30 (5) No less than 80% of all monies appropriated to
 31 ~~from~~ the Illinois Thoroughbred Breeders Fund shall be
 32 expended for the purposes in (1), (2), (2.5), (3), (4),
 33 (4.1), and (5) as shown above.

34 (6) To provide for educational programs regarding

1 the thoroughbred breeding industry.

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

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

6 (9) To provide for dissemination of public
7 information designed to promote the breeding of
8 thoroughbred horses in Illinois.

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

12 (h) (Blank). ~~Whenever the Governor finds that the amount~~
13 ~~in the Illinois Thoroughbred Breeders Fund is more than the~~
14 ~~total of the outstanding appropriations from such fund, the~~
15 ~~Governor shall notify the State Comptroller and the State~~
16 ~~Treasurer of such fact. The Comptroller and the State~~
17 ~~Treasurer, upon receipt of such notification, shall transfer~~
18 ~~such excess amount from the Illinois Thoroughbred Breeders~~
19 ~~Fund to the General Revenue Fund.~~

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

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

22 (j) A sum equal to 12 1/2% of the first prize money won
23 in each race limited to Illinois foaled horses or Illinois
24 conceived and foaled horses, or both, shall be paid in the
25 following manner by the organization licensee conducting the
26 horse race meeting, from the organization licensee's share of
27 the money wagered: 11 1/2% to the breeders of the horses in
28 each such race which are the official first, second, third
29 and fourth finishers and 1% to the organization representing
30 thoroughbred breeders and owners whose representative serves
31 on the Illinois Thoroughbred Breeders Fund Advisory Board for
32 verifying the amounts of breeders' awards earned, assuring
33 their proper distribution in accordance with this Act, and
34 servicing and promoting the Illinois thoroughbred horse

1 racing industry. The organization representing thoroughbred
2 breeders and owners shall cause all expenditures of monies
3 received under this subsection (j) to be audited at least
4 annually by a registered public accountant. The organization
5 shall file copies of each annual audit with the Racing Board,
6 the Clerk of the House of Representatives and the Secretary
7 of the Senate, and shall make copies of each annual audit
8 available to the public upon request and upon payment of the
9 reasonable cost of photocopying the requested number of
10 copies.

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

13 (1) 60% of such sum shall be paid to the breeder of
14 the horse which finishes in the official first position;

15 (2) 20% of such sum shall be paid to the breeder of
16 the horse which finishes in the official second position;

17 (3) 15% of such sum shall be paid to the breeder of
18 the horse which finishes in the official third position;
19 and

20 (4) 5% of such sum shall be paid to the breeder of
21 the horse which finishes in the official fourth position.

22 Such payments shall not reduce any award to the owners of
23 a horse or reduce the taxes payable under this Act. Upon
24 completion of its racing meet, each organization licensee
25 shall deliver to the organization representing thoroughbred
26 breeders and owners whose representative serves on the
27 Illinois Thoroughbred Breeders Fund Advisory Board a listing
28 of all the Illinois foaled and the Illinois conceived and
29 foaled horses which won breeders' awards and the amount of
30 such breeders' awards in accordance with the provisions of
31 this Act. Such payments shall be delivered by the
32 organization licensee within 30 days of the end of each race
33 meeting.

34 (k) The term "breeder", as used herein, means the owner

1 of the mare at the time the foal is dropped. An "Illinois
2 foaled horse" is a foal dropped by a mare which enters this
3 State on or before December 1, in the year in which the horse
4 is bred, provided the mare remains continuously in this State
5 until its foal is born. An "Illinois foaled horse" also means
6 a foal born of a mare in the same year as the mare enters
7 this State on or before March 1, and remains in this State at
8 least 30 days after foaling, is bred back during the season
9 of the foaling to an Illinois Registered Stallion (unless a
10 veterinarian certifies that the mare should not be bred for
11 health reasons), and is not bred to a stallion standing in
12 any other state during the season of foaling. An "Illinois
13 foaled horse" also means a foal born in Illinois of a mare
14 purchased at public auction subsequent to the mare entering
15 this State prior to March 1 ~~February-1~~ of the foaling year
16 providing the mare is owned solely by one or more Illinois
17 residents or an Illinois entity that is entirely owned by one
18 or more Illinois residents.

19 (1) The Department of Agriculture shall, by rule, with
20 the advice and assistance of the Illinois Thoroughbred
21 Breeders Fund Advisory Board:

22 (1) Qualify stallions for Illinois breeding; such
23 stallions to stand for service within the State of
24 Illinois at the time of a foal's conception. Such
25 stallion must not stand for service at any place outside
26 the State of Illinois during the calendar year in which
27 the foal is conceived. The Department of Agriculture may
28 assess and collect an application fee of \$500 fees for
29 the registration of each Illinois-eligible stallion
30 stallions. All fees collected are to be paid into the
31 Illinois Thoroughbred Breeders Fund and used by the
32 Illinois Thoroughbred Breeders Fund Advisory Board for
33 stallion awards.

34 (2) Provide for the registration of Illinois

1 conceived and foaled horses and Illinois foaled horses.
2 No such horse shall compete in the races limited to
3 Illinois conceived and foaled horses or Illinois foaled
4 horses or both unless registered with the Department of
5 Agriculture. The Department of Agriculture may prescribe
6 such forms as are necessary to determine the eligibility
7 of such horses. The Department of Agriculture may assess
8 and collect application fees for the registration of
9 Illinois-eligible foals. All fees collected are to be
10 paid into the Illinois Thoroughbred Breeders Fund. No
11 person shall knowingly prepare or cause preparation of an
12 application for registration of such foals containing
13 false information.

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

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

32 (n) The Board and the organizational licensee shall
33 notify the Department of the conditions and minimum purses
34 for races limited to Illinois conceived and foaled and

1 Illinois foaled horses conducted for each organizational
 2 licensee conducting a thoroughbred racing meeting. The
 3 Department of Agriculture with the advice and assistance of
 4 the Illinois Thoroughbred Breeders Fund Advisory Board may
 5 allocate monies for purse supplements for such races. In
 6 determining whether to allocate money and the amount, the
 7 Department of Agriculture shall consider factors, including
 8 but not limited to, the amount of money appropriated for the
 9 Illinois Thoroughbred Breeders Fund program, the number of
 10 races that may occur, and the organizational licensee's purse
 11 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 17, 1999
 18 to make recommendations to the General Assembly by no later
 19 than March 17, 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
 22 Horsemen's 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.)

27 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

28 Sec. 31. (a) The General Assembly declares that it is
 29 the policy of this State to encourage the breeding of
 30 standardbred horses in this State and the ownership of such
 31 horses by residents of this State in order to provide for:
 32 sufficient numbers of high quality standardbred horses to
 33 participate in harness racing meetings in this State, and to

1 establish and preserve the agricultural and commercial
2 benefits of such breeding and racing industries to the State
3 of Illinois. It is the intent of the General Assembly to
4 further this policy by the provisions of this Section of this
5 Act.

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

14 (b-5) Each organization licensee conducting a harness
15 racing meeting pursuant to this Act shall provide stakes
16 races and early closer races for Illinois conceived and
17 foaled horses so the total purses distributed for such races
18 shall be no less than 17% of the total purses distributed at
19 the meeting.

20 (b-10) Each organization licensee conducting a harness
21 racing meeting pursuant to this Act shall provide an owner
22 award to be paid from the purse account equal to 25% of the
23 amount earned by Illinois conceived and foaled horses in
24 races that are not restricted to Illinois conceived and
25 foaled horses.

26 (c) Conditions of races under subsection (b) shall be
27 commensurate with past performance, quality and class of
28 Illinois conceived and foaled horses available. If, however,
29 sufficient competition cannot be had among horses of that
30 class on any day, the races may, with consent of the Board,
31 be eliminated for that day and substitute races provided.

32 (d) There is hereby created a special fund of the State
33 Treasury to be known as the Illinois Standardbred Breeders
34 Fund.

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

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

10 (f) The Illinois Standardbred Breeders Fund Advisory
11 Board is hereby created. The Advisory Board shall consist of
12 the Director of the Department of Agriculture, who shall
13 serve as Chairman; the Superintendent of the Illinois State
14 Fair; a member of the Illinois Racing Board, designated by
15 it; a representative of the Illinois Standardbred Owners and
16 Breeders Association, recommended by it; a representative of
17 the Illinois Association of Agricultural Fairs, recommended
18 by it, such representative to be from a fair at which
19 Illinois conceived and foaled racing is conducted; a
20 representative of the organization licensees conducting
21 harness racing meetings, recommended by them and a
22 representative of the Illinois Harness Horsemen's
23 Association, recommended by it. Advisory Board members shall
24 serve for 2 years commencing January 1, of each odd numbered
25 year. If representatives of the Illinois Standardbred Owners
26 and Breeders Associations, the Illinois Association of
27 Agricultural Fairs, the Illinois Harness Horsemen's
28 Association, and the organization licensees conducting
29 harness racing meetings have not been recommended by January
30 1, of each odd numbered year, the Director of the Department
31 of Agriculture shall make an appointment for the organization
32 failing to so recommend a member of the Advisory Board.
33 Advisory Board members shall receive no compensation for
34 their services as members but shall be reimbursed for all

1 actual and necessary expenses and disbursements incurred in
2 the execution of their official duties.

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

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

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

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

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

21 5. In the discretion of the Department of
22 Agriculture to provide awards to harness breeders of
23 Illinois conceived and foaled horses which win races
24 conducted by organization licensees conducting harness
25 racing meetings. A breeder is the owner of a mare at the
26 time of conception. No more than 10% of all monies
27 appropriated from the Illinois Standardbred Breeders Fund
28 shall be expended for such harness breeders awards. No
29 more than 25% of the amount expended for harness breeders
30 awards shall be expended for expenses incurred in the
31 administration of such harness breeders awards.

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

34 7. To pay the expenses incurred in the

1 administration of the Illinois Standardbred Breeders
2 Fund.

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

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

16 (i) A sum equal to 12 1/2% of the first prize money of
17 every purse won by an Illinois conceived and foaled horse
18 shall be paid by the organization licensee conducting the
19 horse race meeting to the breeder of such winning horse from
20 the organization licensee's account ~~share--of--the--money~~
21 ~~wagered~~. Such payment shall not reduce any award to the owner
22 of the horse or reduce the taxes payable under this Act.
23 Such payment shall be delivered by the organization licensee
24 at the end of each month ~~race-meeting~~.

25 (j) The Department of Agriculture shall, by rule, with
26 the assistance and advice of the Illinois Standardbred
27 Breeders Fund Advisory Board:

28 1. Qualify stallions for Illinois Standardbred Breeders
29 Fund breeding; such stallion shall be owned by a resident of
30 the State of Illinois or by an Illinois corporation all of
31 whose shareholders, directors, officers and incorporators are
32 residents of the State of Illinois. Such stallion shall
33 stand for service at and within the State of Illinois at the
34 time of a foal's conception, and such stallion must not stand

1 for service at any place, ~~nor may semen from such stallion be~~
2 ~~transported~~, outside the State of Illinois during that
3 calendar year in which the foal is conceived and that the
4 owner of the stallion was for the 12 months prior, a resident
5 of Illinois. The articles of agreement of any partnership,
6 joint venture, limited partnership, syndicate, association or
7 corporation and any bylaws and stock certificates must
8 contain a restriction that provides that the ownership or
9 transfer of interest by any one of the persons a party to the
10 agreement can only be made to a person who qualifies as an
11 Illinois resident. Foals conceived outside the State of
12 Illinois from shipped semen from a stallion qualified for
13 breeders' awards under this Section are not eligible to
14 participate in the Illinois conceived and foaled program.

15 2. Provide for the registration of Illinois conceived
16 and foaled horses and no such horse shall compete in the
17 races limited to Illinois conceived and foaled horses unless
18 registered with the Department of Agriculture. The
19 Department of Agriculture may prescribe such forms as may be
20 necessary to determine the eligibility of such horses. No
21 person shall knowingly prepare or cause preparation of an
22 application for registration of such foals containing false
23 information. A mare (dam) must be in the state at least 30
24 days prior to foaling or remain in the State at least 30 days
25 at the time of foaling. Beginning with the 1996 breeding
26 season and for foals of 1997 and thereafter, a foal conceived
27 in the State of Illinois by transported fresh semen may be
28 eligible for Illinois conceived and foaled registration
29 provided all breeding and foaling requirements are met. The
30 stallion must be qualified for Illinois Standardbred Breeders
31 Fund breeding at the time of conception and the mare must be
32 inseminated within the State of Illinois. The foal must be
33 dropped in Illinois and properly registered with the
34 Department of Agriculture in accordance with this Act.

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

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

21 5. Provide for the registration with the Department of
22 Agriculture of Colt Associations or county fairs desiring to
23 sponsor races at county fairs.

24 (k) The Department of Agriculture, with the advice and
25 assistance of the Illinois Standardbred Breeders Fund
26 Advisory Board, may allocate monies for purse supplements for
27 such races. In determining whether to allocate money and the
28 amount, the Department of Agriculture shall consider factors,
29 including but not limited to, the amount of money
30 appropriated for the Illinois Standardbred Breeders Fund
31 program, the number of races that may occur, and an
32 organizational licensee's purse structure. The
33 organizational licensee shall notify the Department of
34 Agriculture of the conditions and minimum purses for races

1 limited to Illinois conceived and foaled horses to be
2 conducted by each organizational licensee conducting a
3 harness racing meeting for which purse supplements have been
4 negotiated.

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

10 (m) At all standardbred race meetings held or conducted
11 under authority of a license granted by the Board, and at all
12 standardbred races held at county fairs which are approved by
13 the Department of Agriculture or at the Illinois or DuQuoin
14 State Fairs, no one shall jog, train, warm up or drive a
15 standardbred horse unless he or she is wearing a protective
16 safety helmet, with the chin strap fastened and in place,
17 which meets the standards and requirements as set forth in
18 the 1984 Standard for Protective Headgear for Use in Harness
19 Racing and Other Equestrian Sports published by the Snell
20 Memorial Foundation, or any standards and requirements for
21 headgear the Illinois Racing Board may approve. Any other
22 standards and requirements so approved by the Board shall
23 equal or exceed those published by the Snell Memorial
24 Foundation. Any equestrian helmet bearing the Snell label
25 shall be deemed to have met those standards and requirements.
26 (Source: P.A. 91-239, eff. 1-1-00.)

27 (230 ILCS 5/34.2 new)

28 Sec. 34.2. Racetrack consolidation.

29 (a) Findings. The General Assembly finds that
30 encouraging organization licensees to consolidate will be
31 beneficial to the horse racing industry. The General
32 Assembly declares it to be the public policy of this State to
33 enhance the viability of the horse racing industry by

1 encouraging organization licensees to consolidate and not be
2 penalized or lose any rights, benefits, or powers by reason
3 of such consolidation.

4 (b) Consolidation. Notwithstanding any provision of
5 this Act to the contrary, if 2 or more existing organization
6 licensees consolidate into a single organization licensee or
7 otherwise form a joint venture, corporation, limited
8 liability company, or similar consolidated enterprise
9 (consolidated organization licensee) whereby the consolidated
10 organization licensee makes application or joint application,
11 as the case may be, as a single organization licensee, or
12 such existing licensees, after consolidation, make separate
13 applications in the names of such pre-existing licensees, the
14 newly consolidated organization licensee or each such
15 separate pre-existing licensee shall thereafter retain and be
16 entitled to all of the rights, benefits, and powers under
17 this Act that would have otherwise accrued to each such
18 individual pre-consolidation organization licensee but for
19 such consolidation, regardless of whether all or a portion of
20 the facilities of a pre-consolidation licensee are sold,
21 transferred, or otherwise cease to be utilized by the newly
22 consolidated organization licensee or either of the
23 pre-existing licensees. Such multiple rights, benefits, and
24 powers shall include, but not be limited to:

25 (1) the authority to make application for and
26 receive, within the discretion of the Board, racing
27 dates, including host track days, in the same manner as
28 the individual pre-consolidation organization licensees
29 and the racetracks from which the organization licensees
30 derive their licenses;

31 (2) the right to retain the existing inter-track
32 wagering licenses and inter-track wagering location
33 licenses of the individual pre-consolidation organization
34 licensees and the racetracks from which the organization

1 licensees derive their licenses, and the authority to
2 make application for future inter-track wagering licenses
3 and inter-track wagering location licenses in the same
4 manner as each individual pre-consolidation organization
5 licensee and the racetracks from which each
6 pre-consolidation organization licensee derives its
7 license, had or has in its own right; and

8 (3) all existing and future rights, benefits, and
9 powers that the individual pre-consolidation organization
10 licensees and the racetracks from which the organization
11 licensees derive their licenses would have had or
12 received but for the consolidation.

13 The newly consolidated organization licensee shall be
14 subject to such taxation and fees as other similarly situated
15 organization licensees.

16 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

17 Sec. 36. (a) Whoever administers or conspires to
18 administer to any horse a hypnotic, narcotic, stimulant,
19 depressant or any chemical substance which may affect the
20 speed of a horse at any time in any race where the purse or
21 any part of the purse is made of money authorized by any
22 Section of this Act, except those chemical substances
23 permitted by ruling of the Board, internally, externally or
24 by hypodermic method in a race or prior thereto, or whoever
25 knowingly enters a horse in any race within a period of 24
26 hours after any hypnotic, narcotic, stimulant, depressant or
27 any other chemical substance which may affect the speed of a
28 horse at any time, except those chemical substances permitted
29 by ruling of the Board, has been administered to such horse
30 either internally or externally or by hypodermic method for
31 the purpose of increasing or retarding the speed of such
32 horse shall be guilty of a Class 4 felony. The Board shall
33 suspend or revoke such violator's license.

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

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

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

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

12 (230 ILCS 5/42) (from Ch. 8, par. 37-42)

13 Sec. 42. (a) Except as to the distribution of monies
14 provided for by Sections 28, 29, 30, and 31 and the treating
15 of horses as provided in Section 36, nothing whatsoever in
16 this Act shall be held or taken to apply to county fairs and
17 State Fairs or to agricultural and livestock exhibitions
18 where the pari-mutuel system of wagering upon the result of
19 horses is not permitted or conducted.

20 (b) Nothing herein shall be construed to permit the
21 pari-mutuel method of wagering upon any race track unless
22 such race track is licensed under this Act. It is hereby
23 declared to be unlawful for any person to permit, conduct or
24 supervise upon any race track ground the pari-mutuel method
25 of wagering except in accordance with the provisions of this
26 Act.

27 (c) Whoever violates subsection (b) of this Section is
28 guilty of a Class 4 felony.

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

30 (230 ILCS 5/56 new)

31 Sec. 56. Electronic gaming.

32 (a) An organization licensee may apply to the Gaming

1 Board for an electronic gaming license. An electronic gaming
2 license shall authorize its holder to conduct gambling at
3 slot machines on the grounds of the licensee's race track.
4 Each license shall specify the number of slot machines that
5 its holder may operate. An electronic gaming licensee may
6 not permit persons under 21 years of age to be present in its
7 electronic gaming facility, but the licensee may accept
8 wagers on live racing and inter-track wagers at its
9 electronic gaming facility.

10 (b) The adjusted gross receipts received by an
11 electronic gaming licensee from electronic gaming remaining
12 after the payment of taxes under Section 13 of the Riverboat
13 Gambling Act shall be distributed as follows:

14 82.5% shall be retained by the licensee;

15 15% shall be paid to purse equity accounts;

16 1.75% shall be paid to the Illinois Thoroughbred
17 Breeders Fund, and the Illinois Standardbred Breeders
18 Fund, divided pro rata based on the proportion of live
19 thoroughbred racing and live standardbred racing
20 conducted at that licensee's race track;

21 0.25% shall be paid to the Illinois Quarter Horse
22 Breeders Fund;

23 0.125% shall be paid to the University of Illinois
24 for equine research;

25 0.125% shall be paid to the Racing Industry
26 Charitable Foundation;

27 0.25% shall be paid to the licensee's live racing
28 and horse ownership promotional account.

29 Of the moneys paid to purse equity accounts by an
30 electronic gaming licensee, 58% shall be paid to the
31 licensee's thoroughbred purse equity account and 42% shall be
32 paid to the licensee's standardbred purse equity account.

33 Section 80. The Riverboat Gambling Act is amended by

1 changing Sections 3, 4, 5, 7, 8, 9, 11, 11.1, 12, 13, 14, 18,
2 19, and 20 and adding Sections 7.4 and 13.2 as follows:

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

4 Sec. 3. Riverboat Gambling Authorized.

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

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

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

29 (d) Gambling that is conducted in accordance with this
30 Act using slot machines shall be authorized at electronic
31 gaming facilities as provided in this Act.

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

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

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

3 {a} "Board" means the Illinois Gaming Board.

4 {b} "Occupational license" means a license issued by the
5 Board to a person or entity to perform an occupation which
6 the Board has identified as requiring a license to engage in
7 riverboat gambling in Illinois.

8 {c} "Gambling game" includes, but is not limited to,
9 baccarat, twenty-one, poker, craps, slot machine, video game
10 of chance, roulette wheel, klondike table, punchboard, faro
11 layout, keno layout, numbers ticket, push card, jar ticket,
12 or pull tab which is authorized by the Board as a wagering
13 device under this Act.

14 {d} "Riverboat" means a self-propelled excursion boat, a
15 permanently moored barge, or permanently moored barges that
16 are permanently fixed together to operate as one vessel, on
17 which lawful gambling is authorized and licensed as provided
18 in this Act.

19 {e}--(Blank)-

20 {f} "Dock" means the location where a riverboat moors
21 for the purpose of embarking passengers for and disembarking
22 passengers from the riverboat.

23 {g} "Gross receipts" means the total amount of money
24 exchanged for the purchase of chips, tokens or electronic
25 cards by riverboat patrons or electronic gaming operation
26 patrons.

27 {h} "Adjusted gross receipts" means the gross receipts
28 less winnings paid to wagerers.

29 {i} "Cheat" means to alter the selection of criteria
30 which determine the result of a gambling game or the amount
31 or frequency of payment in a gambling game.

32 {j} "Department" means the Department of Revenue.

33 {k} "Gambling operation" means the conduct of ~~authorized~~
34 gambling games authorized under this Act on ~~upon~~ a riverboat

1 or authorized under this Act and the Illinois Horse Racing
2 Act of 1975 at an electronic gaming facility.

3 "Owners license" means a license to conduct riverboat
4 gambling operations, but does not include an electronic
5 gaming license.

6 "Licensed owner" means a person who holds an owners
7 license.

8 "Electronic gaming license" means a license issued by the
9 Board under Section 7.4 of this Act authorizing electronic
10 gaming at an electronic gaming facility.

11 "Electronic gaming" means the conduct of gambling using
12 slot machines at a race track licensed under the Illinois
13 Horse Racing Act of 1975 pursuant to the Illinois Horse
14 Racing Act of 1975 and this Act.

15 "Electronic gaming facility" means the area where the
16 Board has authorized limited gaming at a race track of an
17 organization licensee under the Illinois Horse Racing Act of
18 1975 that holds an electronic gaming license.

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

22 (Source: P.A. 91-40, eff. 6-25-99; 92-600, eff. 6-28-02.)

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

24 Sec. 5. Gaming Board.

25 (a) (1) There is hereby established within the
26 Department of Revenue an Illinois Gaming Board which shall
27 have the powers and duties specified in this Act, and all
28 other powers necessary and proper to fully and effectively
29 execute this Act for the purpose of administering,
30 regulating, and enforcing the system of riverboat gambling
31 established by this Act. Its jurisdiction shall extend under
32 this Act to every person, association, corporation,
33 partnership and trust involved in riverboat gambling

1 operations in the State of Illinois.

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

15 (3) The terms of office of the Board members shall be 3
16 years, except that the terms of office of the initial Board
17 members appointed pursuant to this Act will commence from the
18 effective date of this Act and run as follows: one for a
19 term ending July 1, 1991, 2 for a term ending July 1, 1992,
20 and 2 for a term ending July 1, 1993. Upon the expiration of
21 the foregoing terms, the successors of such members shall
22 serve a term for 3 years and until their successors are
23 appointed and qualified for like terms. Vacancies in the
24 Board shall be filled for the unexpired term in like manner
25 as original appointments. Each member of the Board shall be
26 eligible for reappointment at the discretion of the Governor
27 with the advice and consent of the Senate.

28 (4) Each member of the Board shall receive \$300 for each
29 day the Board meets and for each day the member conducts any
30 hearing pursuant to this Act. Each member of the Board shall
31 also be reimbursed for all actual and necessary expenses and
32 disbursements incurred in the execution of official duties.

33 (5) No person shall be appointed a member of the Board
34 or continue to be a member of the Board who is, or whose

1 spouse, child or parent is, a member of the board of
2 directors of, or a person financially interested in, any
3 gambling operation subject to the jurisdiction of this Board,
4 or any race track, race meeting, racing association or the
5 operations thereof subject to the jurisdiction of the
6 Illinois Racing Board. No Board member shall hold any other
7 public office for which he shall receive compensation other
8 than necessary travel or other incidental expenses. No
9 person shall be a member of the Board who is not of good
10 moral character or who has been convicted of, or is under
11 indictment for, a felony under the laws of Illinois or any
12 other state, or the United States.

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

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

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

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

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

24 (1) To decide promptly and in reasonable order all
25 license applications. Any party aggrieved by an action of
26 the Board denying, suspending, revoking, restricting or
27 refusing to renew a license may request a hearing before
28 the Board. A request for a hearing must be made to the
29 Board in writing within 5 days after service of notice of
30 the action of the Board. Notice of the action of the
31 Board shall be served either by personal delivery or by
32 certified mail, postage prepaid, to the aggrieved party.
33 Notice served by certified mail shall be deemed complete
34 on the business day following the date of such mailing.

1 The Board shall conduct all requested hearings promptly
2 and in reasonable order;

3 (2) To conduct all hearings pertaining to civil
4 violations of this Act or rules and regulations
5 promulgated hereunder;

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

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

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

22 (6) To be present through its inspectors and agents
23 any time gambling operations are conducted on any
24 riverboat or at any electronic gaming facility for the
25 purpose of certifying the revenue thereof, receiving
26 complaints from the public, and conducting such other
27 investigations into the conduct of the gambling games and
28 the maintenance of the equipment as from time to time the
29 Board may deem necessary and proper;

30 (7) To review and rule upon any complaint by a
31 licensee regarding any investigative procedures of the
32 State which are unnecessarily disruptive of gambling
33 operations. The need to inspect and investigate shall be
34 presumed at all times. The disruption of a licensee's

1 operations shall be proved by clear and convincing
2 evidence, and establish that: (A) the procedures had no
3 reasonable law enforcement purposes, and (B) the
4 procedures were so disruptive as to unreasonably inhibit
5 gambling operations;

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

30 (9) To maintain records which are separate and
31 distinct from the records of any other State board or
32 commission. Such records shall be available for public
33 inspection and shall accurately reflect all Board
34 proceedings;

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

9 (11) (Blank); and

10 (12) To assume responsibility for the
 11 administration and enforcement of the Bingo License and
 12 Tax Act, the Charitable Games Act, and the Pull Tabs and
 13 Jar Games Act if such responsibility is delegated to it
 14 by the Director of Revenue; and-

15 (13) To assume responsibility for the
 16 administration and enforcement of operations at
 17 electronic gaming facilities pursuant to this Act and the
 18 Illinois Horse Racing Act of 1975.

19 (c) The Board shall have jurisdiction over and shall
 20 supervise all gambling operations governed by this Act. The
 21 Board shall have all powers necessary and proper to fully and
 22 effectively execute the provisions of this Act, including,
 23 but not limited to, the following:

24 (1) To investigate applicants and determine the
 25 eligibility of applicants for licenses and to select
 26 among competing applicants the applicants which best
 27 serve the interests of the citizens of Illinois.

28 (2) To have jurisdiction and supervision over all
 29 ~~riverboat~~ gambling operations authorized under this Act
 30 ~~in--this--State~~ and all persons in places ~~on-riverbeats~~
 31 where gambling operations are conducted.

32 (3) To promulgate rules and regulations for the
 33 purpose of administering the provisions of this Act and
 34 to prescribe rules, regulations and conditions under

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

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

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

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

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

28 (8) To require that the records, including
29 financial or other statements of any licensee under this
30 Act, shall be kept in such manner as prescribed by the
31 Board and that any such licensee involved in the
32 ownership or management of gambling operations submit to
33 the Board an annual balance sheet and profit and loss
34 statement, list of the stockholders or other persons

1 having a 1% or greater beneficial interest in the
2 gambling activities of each licensee, and any other
3 information the Board deems necessary in order to
4 effectively administer this Act and all rules,
5 regulations, orders and final decisions promulgated under
6 this Act.

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

15 (10) To prescribe a form to be used by any licensee
16 involved in the ownership or management of gambling
17 operations as an application for employment for their
18 employees.

19 (11) To revoke or suspend licenses, as the Board
20 may see fit and in compliance with applicable laws of the
21 State regarding administrative procedures, and to review
22 applications for the renewal of licenses. The Board may
23 suspend an owners license or electronic gaming license,
24 without notice or hearing, upon a determination that the
25 safety or health of patrons or employees is jeopardized
26 by continuing a gambling operation conducted under that
27 license a--riverbeat's--operation. The suspension may
28 remain in effect until the Board determines that the
29 cause for suspension has been abated. The Board may
30 revoke the owners license or electronic gaming license
31 upon a determination that the licensee owner has not made
32 satisfactory progress toward abating the hazard.

33 (12) To eject or exclude or authorize the ejection
34 or exclusion of, any person from riverbeat gambling

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

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

15 (14) (Blank).

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

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

30 (17) To establish minimum levels of insurance to be
31 maintained by licensees.

32 (18) To authorize a licensee to sell or serve
33 alcoholic liquors, wine or beer as defined in the Liquor
34 Control Act of 1934 on board a riverboat and to have

1 exclusive authority to establish the hours for sale and
2 consumption of alcoholic liquor on board a riverboat,
3 notwithstanding any provision of the Liquor Control Act
4 of 1934 or any local ordinance, and regardless of whether
5 the riverboat makes excursions. The establishment of the
6 hours for sale and consumption of alcoholic liquor on
7 board a riverboat is an exclusive power and function of
8 the State. A home rule unit may not establish the hours
9 for sale and consumption of alcoholic liquor on board a
10 riverboat. This subdivision (18) amendatory Act of 1991
11 is a denial and limitation of home rule powers and
12 functions under subsection (h) of Section 6 of Article
13 VII of the Illinois Constitution.

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

20 (20) To delegate the execution of any of its powers
21 under this Act for the purpose of administering and
22 enforcing this Act and its rules and regulations
23 hereunder.

24 (21) To make rules concerning the conduct of
25 electronic gaming.

26 (22) (21) To take any other action as may be
27 reasonable or appropriate to enforce this Act and rules
28 and regulations hereunder.

29 (d) The Board may seek and shall receive the cooperation
30 of the Department of State Police in conducting background
31 investigations of applicants and in fulfilling its
32 responsibilities under this Section. Costs incurred by the
33 Department of State Police as a result of such cooperation
34 shall be paid by the Board in conformance with the

1 requirements of Section 2605-400 of the Department of State
2 Police Law (20 ILCS 2605/2605-400).

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

9 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00;
10 91-883, eff. 1-1-01.)

11 (230 ILCS 10/7) (from Ch. 120, par. 2407)

12 Sec. 7. Owners Licenses.

13 (a) The Board shall issue owners licenses to persons,
14 firms or corporations which apply for such licenses upon
15 payment to the Board of the non-refundable license fee set by
16 the Board, upon payment of a \$25,000 license fee for the
17 first year of operation and a \$5,000 license fee for each
18 succeeding year and upon a determination by the Board that
19 the applicant is eligible for an owners license pursuant to
20 this Act and the rules of the Board. A person, firm or
21 corporation is ineligible to receive an owners license if:

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

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

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

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

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

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

5 (7) (blank); or

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

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

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

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

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

20 (2) the facilities or proposed facilities for the
21 conduct of riverboat gambling;

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

25 (4) the good faith affirmative action plan of each
26 applicant to recruit, train and upgrade minorities in all
27 employment classifications;

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

31 (6) whether the applicant has adequate
32 capitalization to provide and maintain, for the duration
33 of a license, a riverboat; and

34 (7) the extent to which the applicant exceeds or

1 meets other standards for the issuance of an owners
2 license which the Board may adopt by rule.

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

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

7 (e) The Board may issue up to 10 licenses authorizing
8 the holders of such licenses to own riverboats. In the
9 application for an owners license, the applicant shall state
10 the dock at which the riverboat is based and the water on
11 which the riverboat will be located. The Board shall issue 5
12 licenses to become effective not earlier than January 1,
13 1991. Three of such licenses shall authorize riverboat
14 gambling on the Mississippi River, one of which shall
15 authorize riverboat gambling from a home dock in the city of
16 East St. Louis, and one of which shall authorize riverboat
17 gambling on the Mississippi River or in a municipality that
18 (1) borders on the Mississippi River or is within 5 miles of
19 the city limits of a municipality that borders on the
20 Mississippi River and (2) on the effective date of this
21 amendatory Act of the 92nd General Assembly has a riverboat
22 conducting riverboat gambling operations pursuant to a
23 license issued under this Act. One other license shall
24 authorize riverboat gambling on the Illinois River south of
25 Marshall County. The Board shall issue one additional
26 license to become effective not earlier than March 1, 1992,
27 which shall authorize riverboat gambling on the Des Plaines
28 River in Will County. The Board may issue 4 additional
29 licenses to become effective not earlier than March 1, 1992.
30 In determining the water upon which riverboats will operate,
31 the Board shall consider the economic benefit which riverboat
32 gambling confers on the State, and shall seek to assure that
33 all regions of the State share in the economic benefits of
34 riverboat gambling.

1 In granting all licenses, the Board may give favorable
2 consideration to economically depressed areas of the State,
3 to applicants presenting plans which provide for significant
4 economic development over a large geographic area, and to
5 applicants who currently operate non-gambling riverboats in
6 Illinois. The Board shall review all applications for owners
7 licenses, and shall inform each applicant of the Board's
8 decision.

9 The Board may revoke the owners license of a licensee
10 which fails to begin conducting gambling within 15 months of
11 receipt of the Board's approval of the application if the
12 Board determines that license revocation is in the best
13 interests of the State.

14 (f) The first 10 owners licenses issued under this Act
15 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
19 during which they are authorized to own riverboats.

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

28 (h) An owners license shall entitle the licensee to own
29 up to 2 riverboats and operate up to 2,000 gaming positions.
30 In addition to the 2,000 gaming positions authorized by a
31 licensee's owners license, a licensee may operate gaming
32 positions that it acquires pursuant to the competitive
33 bidding process established under this subsection (h). A
34 licensee may operate both of its riverboats concurrently,

1 provided that the total number of gaming positions on both
2 riverboats does not exceed 2,000 plus the number of gaming
3 positions it receives under the competitive bidding process.
4 For each 4-year license period, a licensee shall certify to
5 the Board the total number of gaming positions it will use
6 during the license period. If a licensee certifies that it
7 will use a given number of gaming positions during its
8 license period and, in the Board's determination, fails to
9 use some or all of those gaming positions, then the unused
10 gaming positions shall become the property of the Board. If
11 a licensee certifies that it will use fewer than 2,000 gaming
12 positions, then the authorized but unused gaming positions
13 shall become the property of the Board. The Board shall
14 establish, by rule, a method for licensees to competitively
15 bid for the right to use gaming positions that become the
16 property of the Board under this subsection (h). A licensee
17 may not bid for additional gaming positions under this
18 subsection (h) unless it uses all 2,000 gaming positions
19 authorized by its license.

20 An owners licensee that is authorized to admit in excess
21 of 1,200 participants under this subsection (h) may conduct
22 riverboat gambling operations from a temporary facility
23 pending the construction of a permanent facility or the
24 remodeling of an existing facility to accommodate those
25 additional participants for up to 12 months after receiving
26 the authority to admit additional participants. The number
27 of participants who may be present at such a temporary
28 facility at one time may not exceed the number of
29 participants the licensee is authorized to admit in excess of
30 1,200. The Board shall make rules concerning the conduct of
31 gambling from temporary facilities. A licensee shall limit
32 the number of gambling participants to 1,200 for any such
33 owners license. A licensee may operate both of its riverboats
34 concurrently, provided that the total number of gambling

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

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

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

28 (Source: P.A. 91-40, eff. 6-25-99; 92-600, eff. 6-28-02.)

29 (230 ILCS 10/7.4 new)

30 Sec. 7.4. Electronic gaming.

31 (a) The General Assembly finds that the horse racing and
 32 riverboat gambling industries share many similarities and
 33 collectively comprise the bulk of the State's gaming

1 industry. One feature in common to both industries is that
2 each is highly regulated by the State of Illinois.

3 The General Assembly further finds, however, that despite
4 their shared features each industry is distinct from the
5 other in that horse racing is and continues to be intimately
6 tied to Illinois' agricultural economy and is, at its core, a
7 spectator sport. This distinction requires the General
8 Assembly to utilize different methods to regulate and promote
9 the horse racing industry throughout the State.

10 The General Assembly finds that in order to promote live
11 horse racing as a spectator sport in Illinois and the
12 agricultural economy of this State, it is necessary to allow
13 electronic gaming at Illinois race tracks given the success
14 of other states in increasing live racing purse accounts and
15 improving the quality of horses participating in horse race
16 meetings.

17 The General Assembly finds, however, that even though the
18 authority to conduct electronic gaming is a uniform means to
19 improve live horse racing in this State, electronic gaming
20 must be regulated and implemented differently in southern
21 Illinois versus the Chicago area. The General Assembly finds
22 that Fairmount Park is the only race track operating on a
23 year round basis in southern Illinois that offers live racing
24 and for that matter only conducts live thoroughbred racing.
25 The General Assembly finds that the current state of affairs
26 deprives spectators and standardbred horsemen residing in
27 southern Illinois of the opportunity to participate in live
28 standardbred racing in a manner similar to spectators,
29 thoroughbred horsemen, and standardbred horsemen residing in
30 the Chicago area. The General Assembly declares that southern
31 Illinois spectators and standardbred horsemen are entitled to
32 have a similar opportunity to participate in live
33 standardbred racing as spectators in the Chicago area. The
34 General Assembly declares that in order to remove this

1 disparity between southern Illinois and the Chicago area, it
2 is necessary for the State to regulate Fairmount Park
3 differently from horse race tracks found in the Chicago area
4 and tie Fairmount Park's authorization to conduct electronic
5 gaming to a commitment to conduct at least 100 days of
6 standardbred racing as set forth in subsection (d) of this
7 Section.

8 (b) The Illinois Gaming Board shall award one electronic
9 gaming license to become effective on or after July 1, 2003
10 to each organization licensee under the Illinois Horse Racing
11 Act of 1975, subject to application and eligibility
12 requirements of this Section. An electronic gaming license
13 shall authorize its holder to conduct electronic gaming at
14 its race track at the following times:

15 (1) on days when it conducts live racing at the
16 track where its electronic gaming facility is located
17 from the time the first race of the day at that track
18 begins until the end of the final race of the day at that
19 race track; and

20 (2) on days when it conducts simulcast wagering on
21 races run in the United States from the time it first
22 receives the simulcast signal until one hour after it
23 stops receiving the simulcast signal. A license to
24 conduct limited gaming and any renewal of a limited
25 owners license shall authorize limited gaming for a
26 period of 4 years.

27 (c) To be eligible to conduct electronic gaming, an
28 organization licensee must (i) obtain an electronic gaming
29 license, (ii) hold an organization license under the Illinois
30 Horse Racing Act of 1975, (iii) hold an inter-track wagering
31 license, (iv) pay a fee of \$25,000 (\$12,500 in the case of
32 Fairmount Race Track and Balmoral Race Track) for each person
33 it is authorized to admit before beginning to conduct
34 electronic gaming and an additional fee of \$25,000 (\$12,500

1 in the case of Fairmount Race Track and Balmoral Race Track)
2 for each person it is authorized to admit no later than 12
3 months after the date it first conducts electronic gaming,
4 (v) apply for at least the same number of days of
5 thoroughbred racing or standardbred racing or both, as the
6 case may be, as it was awarded in calendar year 2003, and
7 (vi) meet all other requirements of this Act that apply to
8 owners licensees.

9 With respect to the live racing requirement described in
10 this subsection, an organization licensee must conduct the
11 same number of days of thoroughbred or standardbred racing or
12 both, as the case may be, as it was awarded by the Board,
13 unless a lesser schedule of live racing is the result of (A)
14 weather or unsafe track conditions due to acts of God or (B)
15 a strike between the organization licensee and the
16 associations representing the largest number of owners,
17 trainers, jockeys, or standardbred drivers who race horse at
18 that organization licensee's racing meeting.

19 (d) In addition to the other eligibility requirements of
20 subsection (c), an organization licensee that holds an
21 electronic gaming license authorizing it to conduct
22 electronic gaming at Fairmount Park must apply for and
23 conduct at least 100 days of standardbred racing in calendar
24 year 2004 and thereafter, unless a lesser schedule of live
25 racing is the result of (A) weather or unsafe track
26 conditions due to acts of God or (B) a strike between the
27 organization licensee and the associations representing the
28 largest number of owners, trainers, jockeys, or standardbred
29 drivers who race horses at that organization licensee's
30 racing meeting.

31 (e) The Board may approve electronic gaming licenses
32 authorizing the conduct of electronic gaming by eligible
33 organization licensees.

34 (f) In calendar year 2003, the Board may approve up to

1 3,200 aggregate gambling participants statewide as provided
2 in this Section. The authority to admit participants under
3 this Section in calendar year 2003 shall be allocated as
4 follows:

5 (1) The organization licensee operating at
6 Arlington Park Race Course may admit up to 1,000 gaming
7 participants at a time;

8 (2) The organization licensees operating at
9 Hawthorne Race Course, including the organization
10 licensee formerly operating at Sportsman's Park, may
11 collectively admit up to 900 gaming participants at a
12 time;

13 (3) The organization licensee operating at Balmoral
14 Park may admit up to 300 gaming participants at a time;

15 (4) The organization licensee operating at Maywood
16 Park may admit up to 700 gaming participants at a time;
17 and

18 (5) The organization licensee operating at
19 Fairmount Park may admit up to 300 gaming participants at
20 a time.

21 (g) For each calendar year after 2003 in which an
22 electronic gaming licensee requests a number of racing days
23 under its organization license that is less than 90% of the
24 number of days of live racing it was awarded in 2003, the
25 electronic gaming licensee may not conduct electronic gaming.

26 (h) Upon renewal of an electronic gaming license, if an
27 electronic gaming licensee had a higher average daily live
28 handle in the term of its previous electronic gaming license
29 than in 2003, then the number of participants that the
30 electronic gaming licensee may admit after its license is
31 renewed shall be increased by a percentage equal to the
32 percentage increase in average daily live handle during that
33 previous license term over calendar year 2003, but in no
34 event by more than 10%. If an electronic gaming license is

1 authorized to admit additional participants under this
2 subsection (b), it must pay the fee imposed under item (iv)
3 of subsection (c) for each additional participant.

4 (i) An electronic gaming licensee may conduct
5 electronic gaming at a temporary facility pending the
6 construction of a permanent facility or the remodeling of an
7 existing facility to accommodate electronic gaming
8 participants for up to 12 months after receiving an
9 electronic gaming license. The Board shall make rules
10 concerning the conduct of electronic gaming from temporary
11 facilities.

12 (230 ILCS 10/8) (from Ch. 120, par. 2408)

13 Sec. 8. Suppliers licenses.

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

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

24 (c) Gambling supplies and equipment may not be
25 distributed unless supplies and equipment conform to
26 standards adopted by rules of the Board.

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

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

32 (2) the person has been convicted of any violation
33 of Article 28 of the Criminal Code of 1961, or

1 substantially similar laws of any other jurisdiction;

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

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

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

8 (6) the firm or corporation employs a person who
9 participates in the management or operation of riverboat
10 gambling authorized under this Act;

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

15 (e) Any person that supplies any equipment, devices, or
16 supplies to a licensed riverboat gambling operation or
17 electronic gaming operation must first obtain a suppliers
18 license. A supplier shall furnish to the Board a list of all
19 equipment, devices and supplies offered for sale or lease in
20 connection with gambling games authorized under this Act. A
21 supplier shall keep books and records for the furnishing of
22 equipment, devices and supplies to gambling operations
23 separate and distinct from any other business that the
24 supplier might operate. A supplier shall file a quarterly
25 return with the Board listing all sales and leases. A
26 supplier shall permanently affix its name to all its
27 equipment, devices, and supplies for gambling operations. Any
28 supplier's equipment, devices or supplies which are used by
29 any person in an unauthorized gambling operation shall be
30 forfeited to the State. A holder of an owners license or an
31 electronic gaming license ~~licensed--owner~~ may own its own
32 equipment, devices and supplies. Each holder of an owners
33 license or an electronic gaming license under the Act shall
34 file an annual report listing its inventories of gambling

1 equipment, devices and supplies.

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

4 (g) Any gambling equipment, devices and supplies
5 provided by any licensed supplier may either be repaired on
6 the riverboat or electronic gaming facility or removed from
7 the riverboat or electronic gaming facility to a an--en-shore
8 facility owned by the holder of an owners license or
9 electronic gaming license for repair.

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

11 (230 ILCS 10/9) (from Ch. 120, par. 2409)

12 Sec. 9. Occupational licenses.

13 (a) The Board may issue an occupational license to an
14 applicant upon the payment of a non-refundable fee set by the
15 Board, upon a determination by the Board that the applicant
16 is eligible for an occupational license and upon payment of
17 an annual license fee in an amount to be established. To be
18 eligible for an occupational license, an applicant must:

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

23 (2) not have been convicted of a felony offense, a
24 violation of Article 28 of the Criminal Code of 1961, or
25 a similar statute of any other jurisdiction, or a crime
26 involving dishonesty or moral turpitude;

27 (3) have demonstrated a level of skill or knowledge
28 which the Board determines to be necessary in order to
29 operate gambling aboard a riverboat or at an electronic
30 gaming facility; and

31 (4) have met standards for the holding of an
32 occupational license as adopted by rules of the Board.
33 Such rules shall provide that any person or entity

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

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

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

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

33 (e) The Board may suspend, revoke or restrict any
34 occupational licensee: (1) for violation of any provision of

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

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

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

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

18 (i) Any training provided for occupational licensees may
19 be conducted either at the site of the gambling facility on
20 ~~the--riverboat~~ or at a school with which a licensed owner or
21 electronic gaming licensee has entered into an agreement
22 pursuant to subsection (h).

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

24 (230 ILCS 10/11) (from Ch. 120, par. 2411)

25 Sec. 11. Conduct of gambling. Gambling may be conducted
26 by licensed owners aboard riverboats. If authorized by the
27 Board by rule, an owners licensee may move up to 15% of its
28 slot machines from its riverboats to its home dock facility
29 and use those slot machines to conduct gambling, provided
30 that the slot machines are located in an area that is
31 accessible only to persons who are at least 21 years of age
32 and provided that the admission tax imposed under Section 12
33 has been paid for all persons who use those slot machines.

1 Gambling may be conducted by electronic gaming licensees at
2 limited gaming facilities. Gambling authorized under this
3 Section shall be subject to the following standards:

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

9 (2) (Blank).

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

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

20 (5) Employees of the Board shall have the right to
21 be present on the riverboat or on adjacent facilities
22 under the control of the licensee and at the electronic
23 gaming facility under the control of the electronic
24 gaming licensee.

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

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

32 (8) Wagers may be received only from a person
33 present on a licensed riverboat or at an electronic
34 gaming facility. No person present on a licensed

1 riverboat or at an electronic gaming facility shall place
2 or attempt to place a wager on behalf of another person
3 who is not present on the riverboat or at the electronic
4 gaming facility.

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

7 (10) A person under age 21 shall not be permitted
8 on an area of a riverboat where gambling is being
9 conducted or at an electronic gaming facility where
10 gambling is being conducted, except for a person at least
11 18 years of age who is an employee of the riverboat
12 gambling operation or electronic gaming operation. No
13 employee under age 21 shall perform any function involved
14 in gambling by the patrons. No person under age 21 shall
15 be permitted to make a wager under this Act.

16 (11) Gambling excursion cruises are permitted only
17 when the waterway for which the riverboat is licensed is
18 navigable, as determined by the Board in consultation
19 with the U.S. Army Corps of Engineers. This paragraph
20 (11) does not limit the ability of a licensee to conduct
21 gambling authorized under this Act when gambling
22 excursion cruises are not permitted.

23 (12) All tokens, chips or electronic cards used to
24 make wagers must be purchased (i) from a licensed owner,
25 in the case of a riverboat, either aboard the a riverboat
26 or at an onshore facility which has been approved by the
27 Board and which is located where the riverboat docks or
28 (ii) from an electronic gaming licensee at the electronic
29 gaming facility. The tokens, chips or electronic cards
30 may be purchased by means of an agreement under which the
31 owner extends credit to the patron. Such tokens, chips
32 or electronic cards may be used while aboard the
33 riverboat or at the electronic gaming facility only for
34 the purpose of making wagers on gambling games.

1 (13) Notwithstanding any other Section of this Act,
2 in addition to the other licenses authorized under this
3 Act, the Board may issue special event licenses allowing
4 persons who are not otherwise licensed to conduct
5 riverboat gambling to conduct such gambling on a
6 specified date or series of dates. Riverboat gambling
7 under such a license may take place on a riverboat not
8 normally used for riverboat gambling. The Board shall
9 establish standards, fees and fines for, and limitations
10 upon, such licenses, which may differ from the standards,
11 fees, fines and limitations otherwise applicable under
12 this Act. All such fees shall be deposited into the
13 State Gaming Fund. All such fines shall be deposited
14 into the Education Assistance Fund, created by Public Act
15 86-0018, of the State of Illinois.

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

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

20 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

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

30 (Source: P.A. 86-1029; 86-1389; 87-826.)

31 (230 ILCS 10/12) (from Ch. 120, par. 2412)

32 Sec. 12. Admission tax; fees.

1 (a) A tax is hereby imposed upon admissions to riverboat
2 gambling facilities authorized pursuant to this Act. Until
3 July 1, 2002, the rate is \$2 per person admitted. From
4 Beginning July 1, 2002 until the effective date of this
5 amendatory Act of the 93rd General Assembly, the rate is \$3
6 per person admitted. Beginning on the effective date of this
7 amendatory Act, the rate is \$2 per person for the first
8 1,500,000 persons admitted by a licensee per year and \$3 per
9 person for all persons admitted by that licensee in excess of
10 1,500,000 per year. This admission tax is imposed upon the
11 licensed owner conducting gambling.

12 (1) The admission tax shall be paid for each
13 admission, except that a person who exits a riverboat
14 gambling facility and reenters that riverboat gambling
15 facility within a reasonable time, as determined by the
16 Board by rule, shall be subject only to the initial
17 admission tax.

18 (2) (Blank).

19 (3) The riverboat licensee may issue tax-free
20 passes to actual and necessary officials and employees of
21 the licensee or other persons actually working on the
22 riverboat.

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

27 (b) From the tax imposed under subsection (a), a
28 municipality shall receive from the State \$1 for each person
29 embarking on a riverboat docked within the municipality, and
30 a county shall receive \$1 for each person embarking on a
31 riverboat docked within the county but outside the boundaries
32 of any municipality. The municipality's or county's share
33 shall be collected by the Board on behalf of the State and
34 remitted quarterly by the State, subject to appropriation, to

1 the treasurer of the unit of local government for deposit in
2 the general fund.

3 (c) The licensed owner shall pay the entire admission
4 tax to the Board. Such payments shall be made daily.
5 Accompanying each payment shall be a return on forms provided
6 by the Board which shall include other information regarding
7 admissions as the Board may require. Failure to submit
8 either the payment or the return within the specified time
9 may result in suspension or revocation of the owners license.

10 (d) The Board shall administer and collect the admission
11 tax imposed by this Section, to the extent practicable, in a
12 manner consistent with the provisions of Sections 4, 5, 5a,
13 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of
14 the Retailers' Occupation Tax Act and Section 3-7 of the
15 Uniform Penalty and Interest Act.

16 (Source: P.A. 91-40, eff. 6-25-99; 92-595, eff. 6-28-02.)

17 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

22 From January 1, 1998 until July 1, 2002, a privilege tax
23 is imposed on persons engaged in the business of conducting
24 riverboat gambling operations, based on the adjusted gross
25 receipts received by a licensed owner from gambling games
26 authorized under this Act at the following rates:

27 15% of annual adjusted gross receipts up to and
28 including \$25,000,000;

29 20% of annual adjusted gross receipts in excess of
30 \$25,000,000 but not exceeding \$50,000,000;

31 25% of annual adjusted gross receipts in excess of
32 \$50,000,000 but not exceeding \$75,000,000;

33 30% of annual adjusted gross receipts in excess of

1 \$75,000,000 but not exceeding \$100,000,000;
2 35% of annual adjusted gross receipts in excess of
3 \$100,000,000.

4 From Beginning July 1, 2002 until the effective date of
5 this amendatory Act of the 93rd General Assembly, a privilege
6 tax is imposed on persons engaged in the business of
7 conducting riverboat gambling operations, based on the
8 adjusted gross receipts received by a licensed owner from
9 gambling games authorized under this Act at the following
10 rates:

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

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

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

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

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

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

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

25 Beginning on the effective date of this amendatory Act of
26 the 93rd General Assembly, a privilege tax is imposed on
27 persons engaged in the business of conducting riverboat
28 gambling operations, based on the adjusted gross receipts
29 received by a licensed owner from gambling games authorized
30 under this Act, and on persons conducting electronic gaming,
31 based on the adjusted gross receipts received by an
32 electronic gaming licensee from electronic gambling, at the
33 following rates:

34 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;
2 20% of annual adjusted gross receipts in excess of
3 \$25,000,000 but not exceeding \$50,000,000;
4 25% of annual adjusted gross receipts in excess of
5 \$50,000,000 but not exceeding \$75,000,000;
6 30% of annual adjusted gross receipts in excess of
7 \$75,000,000 but not exceeding \$100,000,000;
8 35% of annual adjusted gross receipts in excess of
9 \$100,000,000 but not exceeding \$400,000,000;
10 40% of annual adjusted gross receipts in excess of
11 \$400,000,000 but not exceeding \$450,000,000;
12 45% of annual adjusted gross receipts in excess of
13 \$450,000,000 but not exceeding \$500,000,000;
14 50% of annual adjusted gross receipts in excess of
15 \$500,000,000.

16 The taxes imposed by this Section shall be paid by the
17 licensed owner or electronic gaming licensee to the Board not
18 later than 3:00 o'clock p.m. of the day after the day when
19 the wagers were made.

20 (b) Until January 1, 1998, 25% of the tax revenue
21 deposited in the State Gaming Fund under this Section shall
22 be paid, subject to appropriation by the General Assembly, to
23 the unit of local government which is designated as the home
24 dock of the riverboat. Except as otherwise provided in this
25 subsection (b), beginning January 1, 1998, from the tax
26 revenue from riverboat gambling deposited in the State Gaming
27 Fund under this Section, an amount equal to 5% of adjusted
28 gross receipts generated by a riverboat shall be paid
29 monthly, subject to appropriation by the General Assembly, to
30 the unit of local government that is designated as the home
31 dock of the riverboat.

32 For calendar year 2003 and each year thereafter, a
33 licensee shall not pay more money to the unit of local
34 government that is designated as the home dock of its

1 riverboat than it paid in calendar year 2002. In the case of
2 an owners licensee that first begins conducting riverboat
3 gambling operations on or after the effective date of this
4 amendatory Act of the 93rd General Assembly, the term
5 "calendar year 2002" as used in this subsection (b) means the
6 owners licensee's first full year of conducting riverboat
7 gambling operations.

8 (b-5) Beginning on the effective date of this amendatory
9 Act of the 93rd General Assembly, from the tax revenue from
10 electronic gaming deposited into the State Gaming Fund under
11 this Section, an amount equal to 1% of the adjusted gross
12 receipts generated by an electronic gaming licensee shall be
13 paid monthly, subject to appropriation, to the municipality
14 in which the electronic gaming facility is located. If an
15 electronic gaming facility is not located within a
16 municipality, then an amount equal to 1% of the adjusted
17 gross receipts generated by the electronic gaming licensee
18 shall be paid monthly, subject to appropriation, to the
19 county in which the electronic gaming facility is located.

20 (b-10) Beginning on the effective date of this
21 amendatory Act of the 93rd General Assembly, from the tax
22 revenue from electronic gaming deposited into the State
23 Gaming Fund under this Section, an amount equal to 1% of the
24 adjusted gross receipts generated by an electronic gaming
25 licensee, but in no event more than \$25,000,000 in any year,
26 shall be paid monthly, subject to appropriation, into the
27 Intercity Development Fund.

28 (b-15) Beginning on the effective date of this
29 amendatory Act of the 93rd General Assembly, after the
30 payments required under subsections (b), (b-5), and (b-10)
31 have been made, the first \$5,000,000 of tax revenue derived
32 from electronic gaming shall be paid to the Department of
33 Human Services to be used for compulsive gambling programs.

34 (c) Appropriations, as approved by the General Assembly,

1 may be made from the State Gaming Fund to the Department of
2 Revenue and the Department of State Police for the
3 administration and enforcement of this Act.

4 (c-5) (Blank). After--the---payments---required---under
5 subsections--(b)--and--(c)--have--been--made,--an--amount--equal--to
6 15%--of--the--adjusted--gross--receipts--of--a--riverboat--(1)--that
7 relocates--pursuant--to--Section--11.2,--or--(2)--for--which--an
8 owners--license--is--initially--issued--after--the--effective--date
9 of--this--amendatory--Act--of--1999,--whichever--comes--first,--shall
10 be--paid--from--the--State--Gaming--Fund--into--the--Horse--Racing
11 Equity--Fund.

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

17 (c-15) After the payments required under subsections (b)
18 and, (c), ~~(c-5)~~ have been made, an amount equal to 2% of
19 the adjusted gross receipts of a riverboat (1) that relocates
20 pursuant to Section 11.2, or (2) for which an owners license
21 is initially issued after the effective date of this
22 amendatory Act of 1999, whichever comes first, shall be paid,
23 subject to appropriation from the General Assembly, from the
24 State Gaming Fund to each home rule county with a population
25 of over 3,000,000 inhabitants for the purpose of enhancing
26 the county's criminal justice system.

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

32 (c-25) After the payments required under subsections
33 (b), (c), ~~(c-5)~~ and (c-15) have been made, an amount equal to
34 2% of the adjusted gross receipts of a riverboat (1) that

1 relocates pursuant to Section 11.2, or (2) for which an
2 owners license is initially issued after the effective date
3 of this amendatory Act of 1999, whichever comes first, shall
4 be paid from the State Gaming Fund into the State
5 Universities Athletic Capital Improvement Fund.

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

10 (e) Nothing in this Act shall prohibit the unit of local
11 government designated as the home dock of the riverboat from
12 entering into agreements with other units of local government
13 in this State or in other states to share its portion of the
14 tax revenue.

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

21 (Source: P.A. 91-40, eff. 6-25-99; 92-595, eff. 6-28-02.)

22 (230 ILCS 10/13.2 new)

23 Sec. 13.2. Licensee assessment. All owners licensees
24 licensed to conduct riverboat gambling operations on the
25 effective date of this amendatory Act of the 93rd General
26 Assembly shall be required to pay an aggregate amount of
27 \$130,000,000 to the Gaming Board by July 1, 2003. The Board
28 shall deposit all moneys received under this Section into the
29 State Gaming Fund. Each owners licensee shall pay a pro rata
30 share based on its adjusted gross receipts from calendar year
31 2002 as determined by the Board.

32 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

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

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

6 (2) The total amount of gross receipts.

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

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

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

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

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

19 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

28 (1) permitting a person under 21 years to make a
29 wager; or

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

32 (c) A person wagering or accepting a wager at any
33 location outside the riverboat or electronic gaming facility

1 in violation of paragraph is--subject-to-the-penalties-in
2 paragraphs (1) or (2) of subsection (a) of Section 28-1 of
3 the Criminal Code of 1961 is subject to the penalties
4 provided in that Section.

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

9 (1) Offers, promises, or gives anything of value or
10 benefit to a person who is connected with a riverboat
11 owner or electronic gaming licensee including, but not
12 limited to, an officer or employee of a licensed owner or
13 electronic gaming licensee or holder of an occupational
14 license pursuant to an agreement or arrangement or with
15 the intent that the promise or thing of value or benefit
16 will influence the actions of the person to whom the
17 offer, promise, or gift was made in order to affect or
18 attempt to affect the outcome of a gambling game, or to
19 influence official action of a member of the Board.

20 (2) Solicits or knowingly accepts or receives a
21 promise of anything of value or benefit while the person
22 is connected with a riverboat or electronic gaming
23 facility, including, but not limited to, an officer or
24 employee of a licensed owner or electronic gaming
25 licensee, or the holder of an occupational license,
26 pursuant to an understanding or arrangement or with the
27 intent that the promise or thing of value or benefit will
28 influence the actions of the person to affect or attempt
29 to affect the outcome of a gambling game, or to influence
30 official action of a member of the Board.

31 (3) Uses or possesses with the intent to use a
32 device to assist:

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

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

1 (iii) In analyzing the probability of the
2 occurrence of an event relating to the gambling
3 game.

4 (iv) In analyzing the strategy for playing or
5 betting to be used in the game except as permitted
6 by the Board.

7 (4) Cheats at a gambling game.

8 (5) Manufactures, sells, or distributes any cards,
9 chips, dice, game or device which is intended to be used
10 to violate any provision of this Act.

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

15 (7) Places a bet after acquiring knowledge, not
16 available to all players, of the outcome of the gambling
17 game which is subject of the bet or to aid a person in
18 acquiring the knowledge for the purpose of placing a bet
19 contingent on that outcome.

20 (8) Claims, collects, or takes, or attempts to
21 claim, collect, or take, money or anything of value in or
22 from the gambling games, with intent to defraud, without
23 having made a wager contingent on winning a gambling
24 game, or claims, collects, or takes an amount of money or
25 thing of value of greater value than the amount won.

26 (9) Uses counterfeit chips or tokens in a gambling
27 game.

28 (10) Possesses any key or device designed for the
29 purpose of opening, entering, or affecting the operation
30 of a gambling game, drop box, or an electronic or
31 mechanical device connected with the gambling game or for
32 removing coins, tokens, chips or other contents of a
33 gambling game. This paragraph (10) does not apply to a
34 gambling licensee or employee of a gambling licensee

1 acting in furtherance of the employee's employment.

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

6 An action to prosecute any crime occurring on a riverboat
7 shall be tried in the county of the dock at which the
8 riverboat is based.

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.

12 (a) Except as provided in subsection (b), any riverboat
13 or electronic gaming facility used for the conduct of
14 gambling games in violation of this Act shall be considered a
15 gambling place in violation of Section 28-3 of the Criminal
16 Code of 1961, as now or hereafter amended. Every gambling
17 device found on a riverboat or at an electronic gaming
18 facility operating gambling games in violation of this Act
19 and every slot machine found at an electronic gaming facility
20 operating gambling games in violation of this Act shall be
21 subject to seizure, confiscation and destruction as provided
22 in Section 28-5 of the Criminal Code of 1961, as now or
23 hereafter amended.

24 (b) It is not a violation of this Act for a riverboat or
25 other watercraft which is licensed for gaming by a contiguous
26 state to dock on the shores of this State if the municipality
27 having jurisdiction of the shores, or the county in the case
28 of unincorporated areas, has granted permission for docking
29 and no gaming is conducted on the riverboat or other
30 watercraft while it is docked on the shores of this State. No
31 gambling device shall be subject to seizure, confiscation or
32 destruction if the gambling device is located on a riverboat
33 or other watercraft which is licensed for gaming by a

1 contiguous state and which is docked on the shores of this
2 State if the municipality having jurisdiction of the shores,
3 or the county in the case of unincorporated areas, has
4 granted permission for docking and no gaming is conducted on
5 the riverboat or other watercraft while it is docked on the
6 shores of this State.

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

8 (230 ILCS 10/20) (from Ch. 120, par. 2420)

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

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

23 Section 85. The Illinois Pull Tabs and Jar Games Act is
24 amended by changing Sections 1.1, 4, and 5 as follows:

25 (230 ILCS 20/1.1) (from Ch. 120, par. 1051.1)

26 Sec. 1.1. Definitions. As used in this Act:

27 "Pull tabs" and "jar games" means a game using
28 single-folded or banded tickets or a card, the face of which
29 is initially covered or otherwise hidden from view in order
30 to conceal a number, symbol or set of symbols, some of which
31 are winners. Players with winning tickets receive a prize

1 stated on a promotional display or "flare". Pull tabs also
2 means a game in which prizes are won by pulling a tab from a
3 board thereby revealing a number which corresponds to the
4 number for a given prize.

5 Except in the case of bingo event games, each winning
6 pull tab or slip shall be predetermined. The right to
7 participate in such games shall not cost more than \$2.
8 Except for prizes awarded as part of a progressive game, no
9 single prize shall exceed \$500. There shall be no more than
10 6,000 tickets in a game.

11 "Pull tabs and jar games", as used in this Act, does not
12 include the following: numbers, policy, bolita or similar
13 games, dice, slot machines, bookmaking and wagering pools
14 with respect to a sporting event, or that game commonly known
15 as punch boards, or any other game or activity not expressly
16 defined in this Section.

17 "Organization" means a corporation, agency, partnership,
18 association, firm or other entity consisting of 2 or more
19 persons joined by a common interest or purpose.

20 "Non-profit organization" means an organization or
21 institution organized and conducted on a not-for-profit basis
22 with no personal profit inuring to anyone as a result of the
23 operation.

24 "Charitable organization" means an organization or
25 institution organized and operated to benefit an indefinite
26 number of the public.

27 "Educational organization" means an organization or
28 institution organized and operated to provide systematic
29 instruction in useful branches of learning by methods common
30 to schools and institutions of learning which compare
31 favorably in their scope and intensity with the course of
32 study presented in tax-supported schools.

33 "Religious organization" means any church, congregation,
34 society, or organization founded for the purpose of religious

1 worship.

2 "Fraternal organization" means an organization of
3 persons, including but not limited to ethnic organizations,
4 having a common interest, organized and operated exclusively
5 to promote the welfare of its members and to benefit the
6 general public on a continuing and consistent basis.

7 "Veterans' organization" means an organization comprised
8 of members of which substantially all are individuals who are
9 veterans or spouses, widows, or widowers of veterans, the
10 primary purpose of which is to promote the welfare of its
11 members and to provide assistance to the general public in
12 such a way as to confer a public benefit.

13 "Labor organization" means an organization composed of
14 labor unions or workers organized with the objective of
15 betterment of the conditions of those engaged in such pursuit
16 and the development of a higher degree of efficiency in their
17 respective occupations.

18 "Youth athletic organization" means an organization
19 having as its exclusive purpose the promotion and provision
20 of athletic activities for youth aged 18 and under.

21 "Senior citizens organization" means an organization or
22 association comprised of members of which substantially all
23 are individuals who are senior citizens, as defined in the
24 Illinois Act on the Aging, the primary purpose of which is to
25 promote the welfare of its members.

26 "Progressive game" means a pull tab game that has a
27 portion of its predetermined prize payout designated to a
28 progressive jackpot that, if not won, is carried forward and
29 added to the jackpot of subsequent games until won.

30 "Bingo event game" means a pull tab game played with pull
31 tab tickets where the winner has not been designated in
32 advance by the manufacturer, but is determined by chance.

33 (Source: P.A. 90-536, eff. 1-1-98.)

1 (230 ILCS 20/4) (from Ch. 120, par. 1054)

2 Sec. 4. The conducting of pull tabs and jar games is
3 subject to the following restrictions:

4 (1) The entire net proceeds of any pull tabs or jar
5 games, except as otherwise approved in this Act, must be
6 exclusively devoted to the lawful purposes of the
7 organization permitted to conduct such drawings.

8 (2) No person except a bona fide member or employee of
9 the sponsoring organization may participate in the management
10 or operation of such pull tabs or jar games; however, nothing
11 herein shall conflict with pull tabs and jar games conducted
12 under the provisions of the Charitable Games Act.

13 (3) No person may receive any remuneration or profit for
14 participating in the management or operation of such pull
15 tabs or jar games; however, nothing herein shall conflict
16 with pull tabs and jar games conducted under the provisions
17 of the Charitable Games Act.

18 (4) The price paid for a single chance or right to
19 participate in a game licensed under this Act shall not
20 exceed \$2. ~~The aggregate value of all prizes or merchandise~~
21 ~~awarded in any single day of pull tabs and jar games shall~~
22 ~~not exceed \$5,000, except that in adjoining counties having~~
23 ~~200,000 to 275,000 inhabitants each, and in counties which~~
24 ~~are adjacent to either of such adjoining counties and are~~
25 ~~adjacent to total of not more than 2 counties in this State,~~
26 ~~the value of all prizes or merchandise awarded may not exceed~~
27 ~~\$5,000 in a single day.~~

28 (5) No person under the age of 18 years shall play or
29 participate in games under this Act. A person under the age
30 of 18 years may be within the area where pull tabs and jar
31 games are being conducted only when accompanied by his parent
32 or guardian.

33 (6) Pull tabs and jar games shall be conducted only on
34 premises owned or occupied by licensed organizations and used

1 by its members for general activities, or on premises owned
2 or rented for conducting the game of bingo, or as permitted
3 in subsection (4) of Section 3.

4 (Source: P.A. 90-536, eff. 1-1-98; 90-808, eff. 12-1-98.)

5 (230 ILCS 20/5) (from Ch. 120, par. 1055)

6 Sec. 5. There shall be paid to the Department of Revenue
7 5% of the gross proceeds of any pull tabs and jar games
8 conducted under this Act. Such payments shall be made 4
9 times per year, between the first and the 20th day of April,
10 July, October and January. Payment must be made by money
11 order or certified check. Accompanying each payment shall be
12 a report, on forms provided by the Department of Revenue,
13 listing the number of drawings conducted, the gross income
14 derived therefrom and such other information as the
15 Department of Revenue may require. Failure to submit either
16 the payment or the report within the specified time shall
17 result in automatic revocation of the license. All payments
18 made to the Department of Revenue under this Act shall be
19 deposited as follows:

20 (a) 50% shall be deposited in the Common School Fund;
21 and

22 (b) 50% shall be deposited in the Illinois Gaming Law
23 Enforcement Fund. Of the monies deposited in the Illinois
24 Gaming Law Enforcement Fund under this Section, the General
25 Assembly shall appropriate two-thirds to the Department of
26 Revenue, Department of State Police and the Office of the
27 Attorney General for State law enforcement purposes, and
28 one-third shall be appropriated to the Department of Revenue
29 for the purpose of distribution in the form of grants to
30 counties or municipalities for law enforcement purposes. The
31 amounts of grants to counties or municipalities shall bear
32 the same ratio as the number of licenses issued in counties
33 or municipalities bears to the total number of licenses

1 issued in the State. In computing the number of licenses
2 issued in a county, licenses issued for locations within a
3 municipality's boundaries shall be excluded.

4 The Department of Revenue shall license suppliers and
5 manufacturers of pull tabs and jar games at an annual fee of
6 \$5,000. Suppliers and manufacturers shall meet the
7 requirements and qualifications established by rule by the
8 Department. Licensed manufacturers shall sell pull tabs and
9 jar games only to licensed suppliers. Licensed suppliers
10 shall buy pull tabs and jar games only from licensed
11 manufacturers and shall sell pull tabs and jar games only to
12 licensed organizations. Licensed organizations shall buy pull
13 tabs and jar games only from licensed suppliers.

14 The Department of Revenue shall adopt by rule minimum
15 quality production standards for pull tabs and jar games. In
16 determining such standards, the Department shall consider the
17 standards adopted by the National Association of Gambling
18 Regulatory Agencies and the National Association of
19 Fundraising Ticket Manufacturers. ~~Such---standards---shall~~
20 ~~include--the-name-of-the-supplier-which-shall-appear-in-plain~~
21 ~~view-to-the-casual-observer-on-the-face-side-of-each-pull-tab~~
22 ~~ticket-and-on-each-jar-game--ticket.~~ The pull tab ticket
23 shall contain the name of the game, the selling price of the
24 ticket, the amount of the prize and the serial number of the
25 ticket. The back side of a pull tab ticket shall contain a
26 series of perforated tabs marked-"open-here". The logo of
27 the manufacturer shall be clearly visible on each jar game
28 ticket.

29 The Department of Revenue shall adopt rules necessary to
30 provide for the proper accounting and control of activities
31 under this Act, to ensure that the proper taxes are paid,
32 that the proceeds from the activities under this Act are used
33 lawfully, and to prevent illegal activity associated with the
34 use of pull tabs and jar games.

1 The provisions of Section 2a of the Retailers' Occupation
2 Tax Act pertaining to the furnishing of a bond or other
3 security are incorporated by reference into this Act and are
4 applicable to licensees under this Act as a precondition of
5 obtaining a license under this Act. The provisions of
6 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6, 6a,
7 6b, 6c, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax
8 Act, and Section 3-7 of the Uniform Penalty and Interest Act,
9 which are not inconsistent with this Act shall apply, as far
10 as practicable, to the subject matter of this Act to the same
11 extent as if such provisions were included in this Act. For
12 the purposes of this Act, references in such incorporated
13 Sections of the Retailers' Occupation Tax Act to retailers,
14 sellers or persons engaged in the business of selling
15 tangible personal property means persons engaged in
16 conducting pull tabs and jar games and references in such
17 incorporated Sections of the Retailers' Occupation Tax Act to
18 sales of tangible personal property mean the conducting of
19 pull tabs and jar games and the making of charges for
20 participating in such drawings.

21 (Source: P.A. 87-205; 87-895.)

22 Section 90. The Criminal Code of 1961 is amended by
23 changing Sections 28-1, 28-5 and 28-7 as follows:

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

25 Sec. 28-1. Gambling.

26 (a) A person commits gambling when he:

27 (1) Plays a game of chance or skill for money or
28 other thing of value, unless excepted in subsection (b)
29 of this Section; or

30 (2) Makes a wager upon the result of any game,
31 contest, or any political nomination, appointment or
32 election; or

1 (3) Operates, keeps, owns, uses, purchases,
2 exhibits, rents, sells, bargains for the sale or lease
3 of, manufactures or distributes any gambling device; or

4 (4) Contracts to have or give himself or another
5 the option to buy or sell, or contracts to buy or sell,
6 at a future time, any grain or other commodity
7 whatsoever, or any stock or security of any company,
8 where it is at the time of making such contract intended
9 by both parties thereto that the contract to buy or sell,
10 or the option, whenever exercised, or the contract
11 resulting therefrom, shall be settled, not by the receipt
12 or delivery of such property, but by the payment only of
13 differences in prices thereof; however, the issuance,
14 purchase, sale, exercise, endorsement or guarantee, by or
15 through a person registered with the Secretary of State
16 pursuant to Section 8 of the Illinois Securities Law of
17 1953, or by or through a person exempt from such
18 registration under said Section 8, of a put, call, or
19 other option to buy or sell securities which have been
20 registered with the Secretary of State or which are
21 exempt from such registration under Section 3 of the
22 Illinois Securities Law of 1953 is not gambling within
23 the meaning of this paragraph (4); or

24 (5) Knowingly owns or possesses any book,
25 instrument or apparatus by means of which bets or wagers
26 have been, or are, recorded or registered, or knowingly
27 possesses any money which he has received in the course
28 of a bet or wager; or

29 (6) Sells pools upon the result of any game or
30 contest of skill or chance, political nomination,
31 appointment or election; or

32 (7) Sets up or promotes any lottery or sells,
33 offers to sell or transfers any ticket or share for any
34 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
6 lottery ticket or share, or any policy ticket, slip,
7 record, document or similar device, except for such
8 activity related to lotteries, bingo games and raffles
9 authorized by and conducted in accordance with the laws
10 of Illinois or any other state or foreign government; or

11 (10) Knowingly advertises any lottery or policy
12 game, except for such activity related to lotteries,
13 bingo games and raffles authorized by and conducted in
14 accordance with the laws of Illinois or any other state;
15 or

16 (11) Knowingly transmits information as to wagers,
17 betting odds, or changes in betting odds by telephone,
18 telegraph, radio, semaphore or similar means; or
19 knowingly installs or maintains equipment for the
20 transmission or receipt of such information; except that
21 nothing in this subdivision (11) prohibits transmission
22 or receipt of such information for use in news reporting
23 of sporting events or contests; or

24 (12) Knowingly establishes, maintains, or operates
25 an Internet site that permits a person to play a game of
26 chance or skill for money or other thing of value by
27 means of the Internet or to make a wager upon the result
28 of any game, contest, political nomination, appointment,
29 or election by means of the Internet.

30 (b) Participants in any of the following activities
31 shall not be convicted of gambling therefor:

32 (1) Agreements to compensate for loss caused by the
33 happening of chance including without limitation
34 contracts of indemnity or guaranty and life or health or

1 accident insurance;

2 (2) Offers of prizes, award or compensation to the
3 actual contestants in any bona fide contest for the
4 determination of skill, speed, strength or endurance or
5 to the owners of animals or vehicles entered in such
6 contest;

7 (3) Pari-mutuel betting as authorized by the law of
8 this State;

9 (4) Manufacture of gambling devices, including the
10 acquisition of essential parts therefor and the assembly
11 thereof, for transportation in interstate or foreign
12 commerce to any place outside this State when such
13 transportation is not prohibited by any applicable
14 Federal law;

15 (5) The game commonly known as "bingo", when
16 conducted in accordance with the Bingo License and Tax
17 Act;

18 (6) Lotteries when conducted by the State of
19 Illinois in accordance with the Illinois Lottery Law;

20 (7) Possession of an antique slot machine that is
21 neither used nor intended to be used in the operation or
22 promotion of any unlawful gambling activity or
23 enterprise. For the purpose of this subparagraph (b)(7),
24 an antique slot machine is one manufactured 25 years ago
25 or earlier;

26 (8) Raffles when conducted in accordance with the
27 Raffles Act;

28 (9) Charitable games when conducted in accordance
29 with the Charitable Games Act;

30 (10) Pull tabs and jar games when conducted under
31 the Illinois Pull Tabs and Jar Games Act; or

32 (11) Gambling games ~~conducted--on-riverboats~~ when
33 authorized by the Riverboat Gambling Act.

34 (c) Sentence.

1 Gambling under subsection (a)(1) or (a)(2) of this
2 Section is a Class A misdemeanor. Gambling under any of
3 subsections (a)(3) through (a)(11) of this Section is a Class
4 A misdemeanor. A second or subsequent conviction under any
5 of subsections (a)(3) through (a)(11), is a Class 4 felony.
6 Gambling under subsection (a)(12) of this Section is a Class
7 A misdemeanor. A second or subsequent conviction under
8 subsection (a)(12) is a Class 4 felony.

9 (d) Circumstantial evidence.

10 In prosecutions under subsection (a)(1) through (a)(12)
11 of this Section circumstantial evidence shall have the same
12 validity and weight as in any criminal prosecution.

13 (Source: P.A. 91-257, eff. 1-1-00.)

14 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

15 Sec. 28-5. Seizure of gambling devices and gambling
16 funds.

17 (a) Every device designed for gambling which is
18 incapable of lawful use or every device used unlawfully for
19 gambling shall be considered a "gambling device", and shall
20 be subject to seizure, confiscation and destruction by the
21 Department of State Police or by any municipal, or other
22 local authority, within whose jurisdiction the same may be
23 found. As used in this Section, a "gambling device" includes
24 any slot machine, and includes any machine or device
25 constructed for the reception of money or other thing of
26 value and so constructed as to return, or to cause someone to
27 return, on chance to the player thereof money, property or a
28 right to receive money or property. With the exception of
29 any device designed for gambling which is incapable of lawful
30 use, no gambling device shall be forfeited or destroyed
31 unless an individual with a property interest in said device
32 knows of the unlawful use of the device.

33 (b) Every gambling device shall be seized and forfeited

1 to the county wherein such seizure occurs. Any money or
2 other thing of value integrally related to acts of gambling
3 shall be seized and forfeited to the county wherein such
4 seizure occurs.

5 (c) If, within 60 days after any seizure pursuant to
6 subparagraph (b) of this Section, a person having any
7 property interest in the seized property is charged with an
8 offense, the court which renders judgment upon such charge
9 shall, within 30 days after such judgment, conduct a
10 forfeiture hearing to determine whether such property was a
11 gambling device at the time of seizure. Such hearing shall
12 be commenced by a written petition by the State, including
13 material allegations of fact, the name and address of every
14 person determined by the State to have any property interest
15 in the seized property, a representation that written notice
16 of the date, time and place of such hearing has been mailed
17 to every such person by certified mail at least 10 days
18 before such date, and a request for forfeiture. Every such
19 person may appear as a party and present evidence at such
20 hearing. The quantum of proof required shall be a
21 preponderance of the evidence, and the burden of proof shall
22 be on the State. If the court determines that the seized
23 property was a gambling device at the time of seizure, an
24 order of forfeiture and disposition of the seized property
25 shall be entered: a gambling device shall be received by the
26 State's Attorney, who shall effect its destruction, except
27 that valuable parts thereof may be liquidated and the
28 resultant money shall be deposited in the general fund of the
29 county wherein such seizure occurred; money and other things
30 of value shall be received by the State's Attorney and, upon
31 liquidation, shall be deposited in the general fund of the
32 county wherein such seizure occurred. However, in the event
33 that a defendant raises the defense that the seized slot
34 machine is an antique slot machine described in subparagraph

1 (b) (7) of Section 28-1 of this Code and therefore he is
2 exempt from the charge of a gambling activity participant,
3 the seized antique slot machine shall not be destroyed or
4 otherwise altered until a final determination is made by the
5 Court as to whether it is such an antique slot machine. Upon
6 a final determination by the Court of this question in favor
7 of the defendant, such slot machine shall be immediately
8 returned to the defendant. Such order of forfeiture and
9 disposition shall, for the purposes of appeal, be a final
10 order and judgment in a civil proceeding.

11 (d) If a seizure pursuant to subparagraph (b) of this
12 Section is not followed by a charge pursuant to subparagraph
13 (c) of this Section, or if the prosecution of such charge is
14 permanently terminated or indefinitely discontinued without
15 any judgment of conviction or acquittal (1) the State's
16 Attorney shall commence an in rem proceeding for the
17 forfeiture and destruction of a gambling device, or for the
18 forfeiture and deposit in the general fund of the county of
19 any seized money or other things of value, or both, in the
20 circuit court and (2) any person having any property interest
21 in such seized gambling device, money or other thing of value
22 may commence separate civil proceedings in the manner
23 provided by law.

24 (e) Any gambling device displayed for sale to a
25 riverboat gambling operation or used to train occupational
26 licensees of a riverboat gambling operation as authorized
27 under the Riverboat Gambling Act is exempt from seizure under
28 this Section.

29 (f) Any gambling equipment, devices and supplies
30 provided by a licensed supplier in accordance with the
31 Riverboat Gambling Act which are removed from a the riverboat
32 or electronic gaming facility for repair are exempt from
33 seizure under this Section.

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

1 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

2 Sec. 28-7. Gambling contracts void.

3 (a) All promises, notes, bills, bonds, covenants,
4 contracts, agreements, judgments, mortgages, or other
5 securities or conveyances made, given, granted, drawn, or
6 entered into, or executed by any person whatsoever, where the
7 whole or any part of the consideration thereof is for any
8 money or thing of value, won or obtained in violation of any
9 Section of this Article are null and void.

10 (b) Any obligation void under this Section may be set
11 aside and vacated by any court of competent jurisdiction,
12 upon a complaint filed for that purpose, by the person so
13 granting, giving, entering into, or executing the same, or by
14 his executors or administrators, or by any creditor, heir,
15 legatee, purchaser or other person interested therein; or if
16 a judgment, the same may be set aside on motion of any person
17 stated above, on due notice thereof given.

18 (c) No assignment of any obligation void under this
19 Section may in any manner affect the defense of the person
20 giving, granting, drawing, entering into or executing such
21 obligation, or the remedies of any person interested therein.

22 (d) This Section shall not prevent a licensed owner of a
23 riverboat gambling operation or an electronic gaming licensee
24 under the Riverboat Gambling Act and the Illinois Horse
25 Racing Act of 1975 from instituting a cause of action to
26 collect any amount due and owing under an extension of credit
27 to a ~~riverboat~~ gambling patron as authorized under Section
28 11.1 of the Riverboat Gambling Act.

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

30 (230 ILCS 5/32.1 rep.)

31 (230 ILCS 5/54 rep.)

32 Section 95. The Illinois Horse Racing Act is amended by
33 repealing Sections 32.1 and 54.

1 Section 100. "An Act in relation to gambling, amending
2 named Acts", approved June 25, 1999, Public Act 91-40, is
3 amended by changing Section 30 as follows:

4 (P.A. 91-40, Sec. 30)

5 Sec. 30. Severability. If any provision of this Act
6 (Public Act 91-40) or the application thereof to any person
7 or circumstance is held invalid, that invalidity does not
8 affect the other provisions or applications of the Act which
9 can be given effect without the invalid application or
10 provision, and to this end the provisions of this Act are
11 severable. This severability applies without regard to
12 whether the action challenging the validity was brought
13 before the effective date of this amendatory Act of the 93rd
14 General Assembly.

15 ~~Inseverability.--The provisions of this Act are mutually~~
16 ~~dependent and inseverable.--If any provision is held invalid~~
17 ~~other than as applied to a particular person or circumstance,~~
18 ~~then this entire Act is invalid.~~

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

20 Section 105. The State Finance Act is amended by adding
21 Section 5.595 as follows:

22 (30 ILCS 105/5.595 new)

23 Sec. 5.595. The Intercity Development Fund.

24 Section 999. Effective date. This Act takes effect upon
25 becoming law."