



Rep. Lou Lang

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LRB094 02937 AMC 45080 a

1 AMENDMENT TO HOUSE BILL 1916

2 AMENDMENT NO. _____. Amend House Bill 1916 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Revenue Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2505-305 as follows:

7 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

8 Sec. 2505-305. Investigators.

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

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

24 (c) (Blank). ~~Investigators appointed under this Section~~

1 ~~who are assigned to the Illinois Gaming Board have and may~~
2 ~~exercise all the rights and powers of peace officers, provided~~
3 ~~that these powers shall be limited to offenses or violations~~
4 ~~occurring or committed on a riverboat or dock, as defined in~~
5 ~~subsections (d) and (f) of Section 4 of the Riverboat Gambling~~
6 ~~Act.~~

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

9 Section 10. The Riverboat Gambling Act is amended by
10 changing Sections 4, 5, 5.1, and 13 and by adding Sections 5.2
11 and 22.5 as follows:

12 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

14 (a) "Board" means the Illinois Gaming Board.

15 (b) "Occupational license" means a license issued by the
16 Board to a person or entity to perform an occupation which the
17 Board has identified as requiring a license to engage in
18 riverboat gambling in Illinois.

19 (c) "Gambling game" includes, but is not limited to,
20 baccarat, twenty-one, poker, craps, slot machine, video game of
21 chance, roulette wheel, klondike table, punchboard, faro
22 layout, keno layout, numbers ticket, push card, jar ticket, or
23 pull tab which is authorized by the Board as a wagering device
24 under this Act.

25 (d) "Riverboat" means a self-propelled excursion boat, a
26 permanently moored barge, or permanently moored barges that are
27 permanently fixed together to operate as one vessel, on which
28 lawful gambling is authorized and licensed as provided in this
29 Act.

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

1 (f) "Dock" means the location where a riverboat moors for
2 the purpose of embarking passengers for and disembarking
3 passengers from the riverboat.

4 (g) "Gross receipts" means the total amount of money
5 exchanged for the purchase of chips, tokens or electronic cards
6 by riverboat patrons.

7 (h) "Adjusted gross receipts" means the gross receipts less
8 winnings paid to wagerers.

9 (i) "Cheat" means to alter the selection of criteria which
10 determine the result of a gambling game or the amount or
11 frequency of payment in a gambling game.

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

13 (k) "Gambling operation" means the conduct of authorized
14 gambling games upon a riverboat.

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

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

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

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

24 Sec. 5. Gaming Board.

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

1 Illinois.

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

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

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

32 (5) No person shall be appointed a member of the Board or
33 continue to be a member of the Board who is, or whose spouse,
34 child or parent is, a member of the board of directors of, or a

1 person financially interested in, any gambling operation
2 subject to the jurisdiction of this Board, or any race track,
3 race meeting, racing association or the operations thereof
4 subject to the jurisdiction of the Illinois Racing Board. No
5 Board member shall hold any other public office for which he or
6 she shall receive compensation in excess of \$10,000, other than
7 necessary travel or other incidental expenses. No person shall
8 be a member of the Board who is not of good moral character or
9 who has been convicted of, or is under indictment for, a felony
10 under the laws of Illinois or any other state, or the United
11 States.

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

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

34 (8) ~~The~~ Upon the request of the Board, the Department shall

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

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

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

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

1 reasonable order;

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

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

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

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

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

28 (7) To review and rule upon any complaint by a licensee
29 regarding any investigative procedures of the State which
30 are unnecessarily disruptive of gambling operations. The
31 need to inspect and investigate shall be presumed at all
32 times. The disruption of a licensee's operations shall be
33 proved by clear and convincing evidence, and establish
34 that: (A) the procedures had no reasonable law enforcement

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

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

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

30 (10) To file a written annual report with the Governor
31 on or before March 1 each year and such additional reports
32 as the Governor may request. The annual report shall
33 include a statement of receipts and disbursements by the
34 Board, actions taken by the Board, and any additional

1 information and recommendations which the Board may deem
2 valuable or which the Governor may request;

3 (11) (Blank); and

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

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

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

18 (2) To have jurisdiction and supervision over all
19 riverboat gambling operations in this State and all persons
20 on riverboats where gambling operations are conducted.

21 (3) To promulgate rules and regulations for the purpose
22 of administering the provisions of this Act and to
23 prescribe rules, regulations and conditions under which
24 all riverboat gambling in the State shall be conducted.
25 Such rules and regulations are to provide for the
26 prevention of practices detrimental to the public interest
27 and for the best interests of riverboat gambling, including
28 rules and regulations regarding the inspection of such
29 riverboats and the review of any permits or licenses
30 necessary to operate a riverboat under any laws or
31 regulations applicable to riverboats, and to impose
32 penalties for violations thereof.

33 (4) To enter the office, riverboats, facilities, or
34 other places of business of a licensee, where evidence of

1 the compliance or noncompliance with the provisions of this
2 Act is likely to be found.

3 (5) To investigate alleged violations of this Act or
4 the rules of the Board and to take appropriate disciplinary
5 action against a licensee or a holder of an occupational
6 license for a violation, or institute appropriate legal
7 action for enforcement, or both.

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

11 (7) To adopt appropriate standards for all riverboats
12 and facilities.

13 (8) To require that the records, including financial or
14 other statements of any licensee under this Act, shall be
15 kept in such manner as prescribed by the Board and that any
16 such licensee involved in the ownership or management of
17 gambling operations submit to the Board an annual balance
18 sheet and profit and loss statement, list of the
19 stockholders or other persons having any ~~a 1% or greater~~
20 beneficial interest in the gambling activities of each
21 licensee, and any other information the Board deems
22 necessary in order to effectively administer this Act and
23 all rules, regulations, orders and final decisions
24 promulgated under this Act.

25 (9) To conduct hearings, issue subpoenas for the
26 attendance of witnesses and subpoenas duces tecum for the
27 production of books, records and other pertinent documents
28 in accordance with the Illinois Administrative Procedure
29 Act, and to administer oaths and affirmations to the
30 witnesses, when, in the judgment of the Board, it is
31 necessary to administer or enforce this Act or the Board
32 rules.

33 (10) To prescribe a form to be used by any licensee
34 involved in the ownership or management of gambling

1 operations as an application for employment for their
2 employees.

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

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

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

31 (14) (Blank).

32 (15) To suspend, revoke or restrict licenses, to
33 require the removal of a licensee or an employee of a
34 licensee for a violation of this Act or a Board rule or for

1 engaging in a fraudulent practice, and to impose civil
2 penalties of up to \$5,000 against individuals and up to
3 \$10,000 or an amount equal to the daily gross receipts,
4 whichever is larger, against licensees for each violation
5 of any provision of the Act, any rules adopted by the
6 Board, any order of the Board or any other action which, in
7 the Board's discretion, is a detriment or impediment to
8 riverboat gambling operations.

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

12 (17) To establish minimum levels of insurance to be
13 maintained by licensees.

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

29 (19) After consultation with the U.S. Army Corps of
30 Engineers, to establish binding emergency orders upon the
31 concurrence of a majority of the members of the Board
32 regarding the navigability of water, relative to
33 excursions, in the event of extreme weather conditions,
34 acts of God or other extreme circumstances.

1 (20) To delegate the execution of any of its powers
2 under this Act for the purpose of administering and
3 enforcing this Act and its rules and regulations hereunder.

4 (20.5) To approve any contract entered into on its
5 behalf.

6 (20.6) To appoint investigators to conduct all
7 investigations, searches, seizures, arrests, and other
8 duties imposed under this Act. These investigators have and
9 may exercise all the rights and powers of peace officers,
10 provided that these powers shall be limited to offenses or
11 violations occurring or committed on a riverboat or dock,
12 as defined in subsections (d) and (f) of Section 4. The
13 Board must issue to each investigator a distinct badge
14 that, on its face, (i) clearly states that the badge is
15 authorized by the Board and (ii) contains a unique
16 identifying number. No other badge shall be authorized by
17 the Board.

18 (21) To take any other action as may be reasonable or
19 appropriate to enforce this Act and rules and regulations
20 hereunder.

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

29 (e) The Board must authorize to each investigator and to
30 any other employee of the Board exercising the powers of a
31 peace officer a distinct badge that, on its face, (i) clearly
32 states that the badge is authorized by the Board and (ii)
33 contains a unique identifying number. No other badge shall be
34 authorized by the Board.

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

3 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

4 Sec. 5.1. Disclosure of records.

5 (a) Notwithstanding any applicable statutory provision to
6 the contrary, the Board shall, on written request from any
7 person, provide information furnished by an applicant or
8 licensee concerning the applicant or licensee, his products,
9 services or gambling enterprises and his business holdings, as
10 follows:

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

13 (2) An identification of any applicant or licensee
14 including, if an applicant or licensee is not an
15 individual, the state of incorporation or registration,
16 the corporate officers, and the identity of all
17 shareholders or participants. If an applicant or licensee
18 has a pending registration statement filed with the
19 Securities and Exchange Commission, ~~only~~ the names of those
20 persons or entities holding any interest ~~of 5% or more~~ must
21 be provided. The information referenced in this paragraph
22 (2) shall be posted on the Board's Internet website and
23 updated annually.

24 (3) An identification of any business, including, if
25 applicable, the state of incorporation or registration, in
26 which an applicant or licensee or an applicant's or
27 licensee's spouse or children has any ~~an~~ equity interest ~~of~~
28 ~~more than 5%~~. If an applicant or licensee is a corporation,
29 partnership or other business entity, the applicant or
30 licensee shall identify any other corporation, partnership
31 or business entity in which it has any ~~an~~ equity interest
32 ~~of 5% or more~~, including, if applicable, the state of
33 incorporation or registration. This information need not

1 be provided by a corporation, partnership or other business
2 entity that has a pending registration statement filed with
3 the Securities and Exchange Commission. The information
4 referenced in this paragraph (3) shall be posted on the
5 Board's Internet website and updated annually.

6 (4) Whether an applicant or licensee has been indicted,
7 convicted, pleaded guilty or nolo contendere, or forfeited
8 bail concerning any criminal offense under the laws of any
9 jurisdiction, either felony or misdemeanor (except for
10 traffic violations), including the date, the name and
11 location of the court, arresting agency and prosecuting
12 agency, the case number, the offense, the disposition and
13 the location and length of incarceration.

14 (5) Whether an applicant or licensee has had any
15 license or certificate issued by a licensing authority in
16 Illinois or any other jurisdiction denied, restricted,
17 suspended, revoked or not renewed and a statement
18 describing the facts and circumstances concerning the
19 denial, restriction, suspension, revocation or
20 non-renewal, including the licensing authority, the date
21 each such action was taken, and the reason for each such
22 action.

23 (6) Whether an applicant or licensee has ever filed or
24 had filed against it a proceeding in bankruptcy or has ever
25 been involved in any formal process to adjust, defer,
26 suspend or otherwise work out the payment of any debt
27 including the date of filing, the name and location of the
28 court, the case and number of the disposition.

29 (7) Whether an applicant or licensee has filed, or been
30 served with a complaint or other notice filed with any
31 public body, regarding the delinquency in the payment of,
32 or a dispute over the filings concerning the payment of,
33 any tax required under federal, State or local law,
34 including the amount, type of tax, the taxing agency and

1 time periods involved.

2 (8) A statement listing the names and titles of all
3 public officials or officers of any unit of government, and
4 relatives of said public officials or officers who,
5 directly or indirectly, own any financial interest in, have
6 any beneficial interest in, are the creditors of or hold
7 any debt instrument issued by, or hold or have any interest
8 in any contractual or service relationship with, an
9 applicant or licensee.

10 (9) Whether an applicant or licensee has made, directly
11 or indirectly, any political contribution, or any loans,
12 donations or other payments, to any candidate or office
13 holder, within 5 years from the date of filing the
14 application, including the amount and the method of
15 payment.

16 (10) The name and business telephone number of the
17 counsel representing an applicant or licensee in matters
18 before the Board.

19 (11) A description of any proposed or approved
20 riverboat gaming operation, including the type of boat,
21 home dock location, expected economic benefit to the
22 community, anticipated or actual number of employees, any
23 statement from an applicant or licensee regarding
24 compliance with federal and State affirmative action
25 guidelines, projected or actual admissions and projected
26 or actual adjusted gross gaming receipts.

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

29 (b) Notwithstanding any applicable statutory provision to
30 the contrary, the Board shall, on written request from any
31 person, also provide the following information:

32 (1) The amount of the wagering tax and admission tax
33 paid daily to the State of Illinois by the holder of an
34 owner's license.

1 (2) Whenever the Board finds an applicant for an
2 owner's license unsuitable for licensing, a copy of the
3 written letter outlining the reasons for the denial.

4 (3) Whenever the Board has refused to grant leave for
5 an applicant to withdraw his application, a copy of the
6 letter outlining the reasons for the refusal.

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

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

10 (2) The statutes, rules, regulations or
11 intergovernmental agreements of any jurisdiction.

12 (d) The Board may assess fees for the copying of
13 information in accordance with Section 6 of the Freedom of
14 Information Act.

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

16 (230 ILCS 10/5.2 new)

17 Sec. 5.2. Separation from Department of Revenue. On the
18 effective date of this amendatory Act of the 94th General
19 Assembly, all of the powers, duties, assets, liabilities,
20 employees, contracts, property, records, pending business, and
21 unexpended appropriations of the Department of Revenue related
22 to the administration and enforcement of this Act are
23 transferred to Illinois Gaming Board.

24 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

29 (a-1) From January 1, 1998 until July 1, 2002, a privilege
30 tax is imposed on persons engaged in the business of conducting
31 riverboat gambling operations, based on the adjusted gross
32 receipts received by a licensed owner from gambling games

1 authorized under this Act at the following rates:

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

4 20% of annual adjusted gross receipts in excess of
5 \$25,000,000 but not exceeding \$50,000,000;

6 25% of annual adjusted gross receipts in excess of
7 \$50,000,000 but not exceeding \$75,000,000;

8 30% of annual adjusted gross receipts in excess of
9 \$75,000,000 but not exceeding \$100,000,000;

10 35% of annual adjusted gross receipts in excess of
11 \$100,000,000.

12 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
13 is imposed on persons engaged in the business of conducting
14 riverboat gambling operations, other than licensed managers
15 conducting riverboat gambling operations on behalf of the
16 State, based on the adjusted gross receipts received by a
17 licensed owner from gambling games authorized under this Act at
18 the following rates:

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

21 22.5% of annual adjusted gross receipts in excess of
22 \$25,000,000 but not exceeding \$50,000,000;

23 27.5% of annual adjusted gross receipts in excess of
24 \$50,000,000 but not exceeding \$75,000,000;

25 32.5% of annual adjusted gross receipts in excess of
26 \$75,000,000 but not exceeding \$100,000,000;

27 37.5% of annual adjusted gross receipts in excess of
28 \$100,000,000 but not exceeding \$150,000,000;

29 45% of annual adjusted gross receipts in excess of
30 \$150,000,000 but not exceeding \$200,000,000;

31 50% of annual adjusted gross receipts in excess of
32 \$200,000,000.

33 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
34 persons engaged in the business of conducting riverboat

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

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

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

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

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

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

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

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

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

25 The privilege tax imposed under this subsection (a-3) shall
26 no longer be imposed beginning on the earlier of (i) July 1,
27 2005; (ii) the first date after June 20, 2003 ~~the effective~~
28 ~~date of this amendatory Act of the 93rd General Assembly~~ that
29 riverboat gambling operations are conducted pursuant to a
30 dormant license; or (iii) the first day that riverboat gambling
31 operations are conducted under the authority of an owners
32 license that is in addition to the 10 owners licenses initially
33 authorized under this Act. For the purposes of this subsection
34 (a-3), the term "dormant license" means an owners license that

1 is authorized by this Act under which no riverboat gambling
2 operations are being conducted on June 20, 2003 ~~the effective~~
3 ~~date of this amendatory Act of the 93rd General Assembly.~~

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

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

14 22.5% of annual adjusted gross receipts in excess of
15 \$25,000,000 but not exceeding \$50,000,000;

16 27.5% of annual adjusted gross receipts in excess of
17 \$50,000,000 but not exceeding \$75,000,000;

18 32.5% of annual adjusted gross receipts in excess of
19 \$75,000,000 but not exceeding \$100,000,000;

20 37.5% of annual adjusted gross receipts in excess of
21 \$100,000,000 but not exceeding \$150,000,000;

22 45% of annual adjusted gross receipts in excess of
23 \$150,000,000 but not exceeding \$200,000,000;

24 50% of annual adjusted gross receipts in excess of
25 \$200,000,000.

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

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

32 (b) Until January 1, 1998, 25% of the tax revenue deposited
33 in the State Gaming Fund under this Section shall be paid,
34 subject to appropriation by the General Assembly, to the unit

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

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

22 (c-5) After the payments required under subsections (b) and
23 (c) have been made, an amount equal to 15% of the adjusted
24 gross receipts of (1) an owners licensee that relocates
25 pursuant to Section 11.2, (2) an owners licensee ~~license~~
26 conducting riverboat gambling operations pursuant to an owners
27 license that is initially issued after June 25, 1999, or (3)
28 the first riverboat gambling operations conducted by a licensed
29 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever
30 comes first, shall be paid from the State Gaming Fund into the
31 Horse Racing Equity Fund.

32 (c-10) Each year the General Assembly shall appropriate
33 from the General Revenue Fund to the Education Assistance Fund
34 an amount equal to the amount paid into the Horse Racing Equity

1 Fund pursuant to subsection (c-5) in the prior calendar year.

2 (c-15) After the payments required under subsections (b),
3 (c), and (c-5) have been made, an amount equal to 2% of the
4 adjusted gross receipts of (1) an owners licensee that
5 relocates pursuant to Section 11.2, (2) an owners licensee
6 conducting riverboat gambling operations pursuant to an owners
7 license that is initially issued after June 25, 1999, or (3)
8 the first riverboat gambling operations conducted by a licensed
9 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever
10 comes first, shall be paid, subject to appropriation from the
11 General Assembly, from the State Gaming Fund to each home rule
12 county with a population of over 3,000,000 inhabitants for the
13 purpose of enhancing the county's criminal justice system.

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

19 (c-25) After the payments required under subsections (b),
20 (c), (c-5) and (c-15) have been made, an amount equal to 2% of
21 the adjusted gross receipts of (1) an owners licensee ~~license~~
22 that relocates pursuant to Section 11.2, (2) an owners licensee
23 ~~license~~ conducting riverboat gambling operations pursuant to
24 an owners license that is initially issued after June 25, 1999,
25 or (3) the first riverboat gambling operations conducted by a
26 licensed manager on behalf of the State under Section 7.3 ~~7.2~~,
27 whichever comes first, shall be paid from the State Gaming Fund
28 to Chicago State University.

29 (d) From time to time, the Board shall transfer the
30 remainder of the funds generated by this Act into the Education
31 Assistance Fund, created by Public Act 86-0018, of the State of
32 Illinois.

33 (e) Nothing in this Act shall prohibit the unit of local
34 government designated as the home dock of the riverboat from

1 entering into agreements with other units of local government
2 in this State or in other states to share its portion of the
3 tax revenue.

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

10 (Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28,
11 eff. 6-20-03; revised 1-28-04.)

12 (230 ILCS 10/22.5 new)

13 Sec. 22.5. Gaming Code of Ethics.

14 (a) Board members and Board employees are prohibited from
15 gambling at any gambling operation subject to the jurisdiction
16 of the Board or any race track, race meeting, racing
17 association, or the operations thereof subject to the
18 jurisdiction of the Illinois Racing Board. Any person who
19 violates this subsection (a) shall be guilty of a Class A
20 misdemeanor, shall be subject to immediate removal by the
21 Governor, and shall pay any and all winnings associated with
22 the violation into the State Gaming Fund.

23 (b) No Board member or Board employee or spouse, parent, or
24 child of such person shall be an official of or have a
25 financial interest in any entity subject to the jurisdiction of
26 the Board or any race track, race meeting, racing association,
27 or the operations thereof subject to the jurisdiction of the
28 Illinois Racing Board. Anyone violating these prohibitions
29 shall be subject to removal or termination of employment.

30 (c) No former Board member or Board employee or spouse,
31 parent, or child of such person shall, within a period of 5
32 years immediately after termination of service, have a
33 financial interest in or accept employment or receive

1 compensation or fees for services from a person or entity
2 subject to the jurisdiction of the Board or any race track,
3 race meeting, racing association, or the operations thereof
4 subject to the jurisdiction of the Illinois Racing Board.
5 Violation of this subsection (c) is a Class A misdemeanor. This
6 subsection applies only to persons who terminate an affected
7 position on or after the effective date of this amendatory Act
8 of the 94th General Assembly.

9 (d) In addition to the requirements under the State
10 Officials and Employees Ethics Act, ex parte communications
11 made to a Board member or Board employee must be publicly
12 disclosed and made part of the Board's official record on the
13 next business day following the day on which the communications
14 occurred. Failure to timely disclose an ex parte communication
15 shall constitute cause for removal or termination. For the
16 purposes of this subsection (d), "ex parte communication" has
17 the same meaning as that set forth in subsection (b) of Section
18 5-50 of the State Officials and Employees Ethics Act.

19 Section 99. Effective date. This Act takes effect January
20 1, 2006."