



## 95TH GENERAL ASSEMBLY

### State of Illinois

#### 2007 and 2008

#### HB0480

Introduced 2/1/2007, by Rep. Lou Lang

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Intercity Development Act. Provides that certain economically distressed communities may appoint a Board of Economic Advisors, which shall create a 3-year to 5-year revitalization plan for the community. Provides that the Department of Commerce and Economic Opportunity shall make grants to communities that create a Board of Economic Advisors under the Act for the operational expenses of the Board. Amends the Illinois Horse Racing Act of 1975 and the Riverboat Gambling Act to authorize slot machine gambling at race tracks (and makes conforming changes in various Acts). Further amends the Illinois Horse Racing Act of 1975 to delete the recapture provisions and to repeal Sections concerning the pari-mutuel tax credit and the Horse Racing Equity Fund. Authorizes consolidation of 2 or more organization licensees. Further amends the Riverboat Gambling Act. Changes the short title to the Riverboat and Casino Gambling Act. Adds 4 additional owners licenses, one of which authorizes the conduct of riverboat or land-based gambling in the City of Chicago. Changes the admission tax. Increases the number of gaming positions an owners licensee may operate. Provides that unused gaming positions shall become the property of the Gaming Board, which may make the positions subject to competitive bidding by owners licensees. Requires owners licensees to pay a specified amount to the Gaming Board for deposit into the State Gaming Fund. Amends Public Act 91-40 to replace that Act's inseverability clause with a severability clause. Makes other changes. Effective July 1, 2007.

LRB095 07388 AMC 27530 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning gaming.

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

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 revitalization  
9 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 State  
14 and other resources, each community can participate in and  
15 shepherd its own economic renewal.

16 (4) Successful redevelopment plans are based on policy  
17 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 the  
20 redevelopment planning process.

21 (5) A successful redevelopment initiative creates and  
22 maintains a capable and adaptable workforce, has access to  
23 capital, has a sound fiscal base, has adequate

1 infrastructure, has well-managed natural resources, and  
2 has an attractive quality of life.

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

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

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

10 "Department" means the Department of Commerce and Economic  
11 Opportunity.

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

16 Section 15. Certification; Board of Economic Advisors.

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

1 economically distressed community.

2 (b) A community that is certified by the Department as an  
3 economically distressed community may appoint a Board of  
4 Economic Advisors to create and implement a revitalization plan  
5 for the community. The Board shall consist of 12 members of the  
6 community, appointed by the mayor or the presiding officer of  
7 the county or jointly by the presiding officers of each  
8 municipality and county that have joined to form a community  
9 for the purposes of this Act. The Board members shall be  
10 appointed from the 12 sectors vital to community redevelopment  
11 as follows:

12 (1) A member representing households and families.

13 (2) A member representing religious organizations.

14 (3) A member representing educational institutions.

15 (4) A member representing daycare centers, care  
16 centers for the handicapped, and care centers for the  
17 disadvantaged.

18 (5) A member representing community based  
19 organizations such as neighborhood improvement  
20 associations.

21 (6) A member representing federal and State employment  
22 service systems, skill training centers, and placement  
23 referrals.

24 (7) A member representing Masonic organizations,  
25 fraternities, sororities, and social clubs.

26 (8) A member representing hospitals, nursing homes,

1 senior citizens, public health agencies, and funeral  
2 homes.

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

5 (10) A member representing political parties, clubs,  
6 and affiliations, and election related matters concerning  
7 voter education and participation.

8 (11) A member representing the cultural aspects of the  
9 community, including cultural events, lifestyles,  
10 languages, music, visual and performing arts, and  
11 literature.

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

15 The Board shall meet initially within 30 days of its  
16 appointment, shall select one member as chairperson at its  
17 initial meeting, and shall thereafter meet at the call of the  
18 chairperson. Members of the Board shall serve without  
19 compensation but shall be reimbursed for their reasonable and  
20 necessary expenses from funds available for that purpose.

21 (b) The Board shall create a 3-year to 5-year  
22 revitalization plan for the community. The plan shall contain  
23 distinct, measurable objectives for revitalization. The  
24 objectives shall be used to guide ongoing implementation of the  
25 plan and to measure progress during the 3-year to 5-year  
26 period. The Board shall work in a dynamic manner defining goals

1 for the community based on the strengths and weaknesses of the  
2 individual sectors of the community as presented by each member  
3 of the Board. The Board shall meet periodically and revise the  
4 plan in light of the input from each member of the Board  
5 concerning his or her respective sector of expertise. The  
6 process shall be a community driven revitalization process,  
7 with community-specific data determining the direction and  
8 scope of the revitalization.

9 Section 20. Action by the Board.

10 (a) Organize. The Board shall first assess the needs and  
11 the resources of the community operating from the basic premise  
12 that the family unit is the primary unit of community and that  
13 the demand for goods and services from this residential sector  
14 is the main source of recovery and growth for the redevelopment  
15 of a community. The Board shall inventory community assets,  
16 including the condition of the family with respect to the role  
17 of the family as workers, consumers, and investors. The Board  
18 shall inventory the type and viability of businesses and  
19 industries currently in the community. In compiling the  
20 inventory, the Board shall rely on the input of each Board  
21 member with respect to his or her expertise in a given sector  
22 of the revitalization plan.

23 (b) Revitalize. In implementing the revitalization plan,  
24 the Board shall focus on and build from existing resources in  
25 the community, growing existing businesses rather than luring

1 business into the community from the outside. The Board shall  
2 also focus on the residents themselves rather than jobs. The  
3 Board shall promote investment in training residents in areas  
4 that will lead to employment and in turn will bring revenue  
5 into the community.

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

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

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

25 The Board shall annually submit a report to the General  
26 Assembly and the Governor summarizing the accomplishments of

1 the community concerning revitalization and the goals of the  
2 community for future revitalization.

3 Section 25. Funding sources.

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

7 (1) 50% shall be paid to the Department to be used to make  
8 grants as follows:

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

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

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

18 The procedures for grant applications shall be established  
19 by the Department by rule.

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

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

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



1           (C) 50% shall be paid, subject to appropriation, to the  
2           general funds of communities that are located outside of  
3           Cook County and are certified as economically distressed  
4           communities and that have created Boards of Economic  
5           Advisors under this Act for the operational expenses of the  
6           Boards.

7           (b) The Board, as a vital part of its function, shall seek  
8           funding sources to enhance economic development. The Board  
9           shall seek funding from the local, State, and federal  
10          government as well as from private funding sources, whether in  
11          the form of grants, loans, or otherwise. The Department shall  
12          advise the Boards of Economic Advisors created under this Act  
13          of all available sources of funding for economic development  
14          that it is aware of and shall assist the Boards in securing  
15          this funding.

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

20          Section 900. The Alcoholism and Other Drug Abuse and  
21          Dependency Act is amended by changing Section 5-20 as follows:

22               (20 ILCS 301/5-20)

23               Sec. 5-20. Compulsive gambling program.

24               (a) Subject to appropriation, the Department shall

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

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

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

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

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

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

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

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

8 Section 905. The Department of Revenue Law of the Civil  
9 Administrative Code of Illinois is amended by changing Section  
10 2505-305 as follows:

11 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

12 Sec. 2505-305. Investigators.

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

21 (b) The Director must authorize to each investigator  
22 employed under this Section and to any other employee of the  
23 Department exercising the powers of a peace officer a distinct  
24 badge that, on its face, (i) clearly states that the badge is

1 authorized by the Department and (ii) contains a unique  
2 identifying number. No other badge shall be authorized by the  
3 Department.

4 (c) Investigators appointed under this Section who are  
5 assigned to the Illinois Gaming Board have and may exercise all  
6 the rights and powers of peace officers, provided that these  
7 powers shall be limited to offenses or violations occurring or  
8 committed on a riverboat or dock or in a casino, as defined in  
9 ~~subsections (d) and (f) of~~ Section 4 of the Riverboat and  
10 Casino Gambling Act.

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

13 Section 910. The Property Tax Code is amended by changing  
14 Section 18-165 as follows:

15 (35 ILCS 200/18-165)

16 Sec. 18-165. Abatement of taxes.

17 (a) Any taxing district, upon a majority vote of its  
18 governing authority, may, after the determination of the  
19 assessed valuation of its property, order the clerk of that  
20 county to abate any portion of its taxes on the following types  
21 of property:

22 (1) Commercial and industrial.

23 (A) The property of any commercial or industrial  
24 firm, including but not limited to the property of (i)

1 any firm that is used for collecting, separating,  
2 storing, or processing recyclable materials, locating  
3 within the taxing district during the immediately  
4 preceding year from another state, territory, or  
5 country, or having been newly created within this State  
6 during the immediately preceding year, or expanding an  
7 existing facility, or (ii) any firm that is used for  
8 the generation and transmission of electricity  
9 locating within the taxing district during the  
10 immediately preceding year or expanding its presence  
11 within the taxing district during the immediately  
12 preceding year by construction of a new electric  
13 generating facility that uses natural gas as its fuel,  
14 or any firm that is used for production operations at a  
15 new, expanded, or reopened coal mine within the taxing  
16 district, that has been certified as a High Impact  
17 Business by the Illinois Department of Commerce and  
18 Economic Opportunity. The property of any firm used for  
19 the generation and transmission of electricity shall  
20 include all property of the firm used for transmission  
21 facilities as defined in Section 5.5 of the Illinois  
22 Enterprise Zone Act. The abatement shall not exceed a  
23 period of 10 years and the aggregate amount of abated  
24 taxes for all taxing districts combined shall not  
25 exceed \$4,000,000.

26 (A-5) Any property in the taxing district of a new

1 electric generating facility, as defined in Section  
2 605-332 of the Department of Commerce and Economic  
3 Opportunity Law of the Civil Administrative Code of  
4 Illinois. The abatement shall not exceed a period of 10  
5 years. The abatement shall be subject to the following  
6 limitations:

7 (i) if the equalized assessed valuation of the  
8 new electric generating facility is equal to or  
9 greater than \$25,000,000 but less than  
10 \$50,000,000, then the abatement may not exceed (i)  
11 over the entire term of the abatement, 5% of the  
12 taxing district's aggregate taxes from the new  
13 electric generating facility and (ii) in any one  
14 year of abatement, 20% of the taxing district's  
15 taxes from the new electric generating facility;

16 (ii) if the equalized assessed valuation of  
17 the new electric generating facility is equal to or  
18 greater than \$50,000,000 but less than  
19 \$75,000,000, then the abatement may not exceed (i)  
20 over the entire term of the abatement, 10% of the  
21 taxing district's aggregate taxes from the new  
22 electric generating facility and (ii) in any one  
23 year of abatement, 35% of the taxing district's  
24 taxes from the new electric generating facility;

25 (iii) if the equalized assessed valuation of  
26 the new electric generating facility is equal to or

1 greater than \$75,000,000 but less than  
2 \$100,000,000, then the abatement may not exceed  
3 (i) over the entire term of the abatement, 20% of  
4 the taxing district's aggregate taxes from the new  
5 electric generating facility and (ii) in any one  
6 year of abatement, 50% of the taxing district's  
7 taxes from the new electric generating facility;

8 (iv) if the equalized assessed valuation of  
9 the new electric generating facility is equal to or  
10 greater than \$100,000,000 but less than  
11 \$125,000,000, then the abatement may not exceed  
12 (i) over the entire term of the abatement, 30% of  
13 the taxing district's aggregate taxes from the new  
14 electric generating facility and (ii) in any one  
15 year of abatement, 60% of the taxing district's  
16 taxes from the new electric generating facility;

17 (v) if the equalized assessed valuation of the  
18 new electric generating facility is equal to or  
19 greater than \$125,000,000 but less than  
20 \$150,000,000, then the abatement may not exceed  
21 (i) over the entire term of the abatement, 40% of  
22 the taxing district's aggregate taxes from the new  
23 electric generating facility and (ii) in any one  
24 year of abatement, 60% of the taxing district's  
25 taxes from the new electric generating facility;

26 (vi) if the equalized assessed valuation of

1           the new electric generating facility is equal to or  
2           greater than \$150,000,000, then the abatement may  
3           not exceed (i) over the entire term of the  
4           abatement, 50% of the taxing district's aggregate  
5           taxes from the new electric generating facility  
6           and (ii) in any one year of abatement, 60% of the  
7           taxing district's taxes from the new electric  
8           generating facility.

9           The abatement is not effective unless the owner of  
10          the new electric generating facility agrees to repay to  
11          the taxing district all amounts previously abated,  
12          together with interest computed at the rate and in the  
13          manner provided for delinquent taxes, in the event that  
14          the owner of the new electric generating facility  
15          closes the new electric generating facility before the  
16          expiration of the entire term of the abatement.

17          The authorization of taxing districts to abate  
18          taxes under this subdivision (a)(1)(A-5) expires on  
19          January 1, 2010.

20          (B) The property of any commercial or industrial  
21          development of at least 500 acres having been created  
22          within the taxing district. The abatement shall not  
23          exceed a period of 20 years and the aggregate amount of  
24          abated taxes for all taxing districts combined shall  
25          not exceed \$12,000,000.

26          (C) The property of any commercial or industrial



1 firm currently located in the taxing district that  
2 expands a facility or its number of employees. The  
3 abatement shall not exceed a period of 10 years and the  
4 aggregate amount of abated taxes for all taxing  
5 districts combined shall not exceed \$4,000,000. The  
6 abatement period may be renewed at the option of the  
7 taxing districts.

8 (2) Horse racing. Through the 2006 taxable year, any  
9 ~~Any~~ property in the taxing district which is used for the  
10 racing of horses and upon which capital improvements  
11 consisting of expansion, improvement or replacement of  
12 existing facilities have been made since July 1, 1987. The  
13 combined abatements for such property from all taxing  
14 districts in any county shall not exceed \$5,000,000  
15 annually and shall not exceed a period of 10 years.

16 (3) Auto racing. Any property designed exclusively for  
17 the racing of motor vehicles. Such abatement shall not  
18 exceed a period of 10 years.

19 (4) Academic or research institute. The property of any  
20 academic or research institute in the taxing district that  
21 (i) is an exempt organization under paragraph (3) of  
22 Section 501(c) of the Internal Revenue Code, (ii) operates  
23 for the benefit of the public by actually and exclusively  
24 performing scientific research and making the results of  
25 the research available to the interested public on a  
26 non-discriminatory basis, and (iii) employs more than 100

1 employees. An abatement granted under this paragraph shall  
2 be for at least 15 years and the aggregate amount of abated  
3 taxes for all taxing districts combined shall not exceed  
4 \$5,000,000.

5 (5) Housing for older persons. Any property in the  
6 taxing district that is devoted exclusively to affordable  
7 housing for older households. For purposes of this  
8 paragraph, "older households" means those households (i)  
9 living in housing provided under any State or federal  
10 program that the Department of Human Rights determines is  
11 specifically designed and operated to assist elderly  
12 persons and is solely occupied by persons 55 years of age  
13 or older and (ii) whose annual income does not exceed 80%  
14 of the area gross median income, adjusted for family size,  
15 as such gross income and median income are determined from  
16 time to time by the United States Department of Housing and  
17 Urban Development. The abatement shall not exceed a period  
18 of 15 years, and the aggregate amount of abated taxes for  
19 all taxing districts shall not exceed \$3,000,000.

20 (6) Historical society. For assessment years 1998  
21 through 2008, the property of an historical society  
22 qualifying as an exempt organization under Section  
23 501(c)(3) of the federal Internal Revenue Code.

24 (7) Recreational facilities. Any property in the  
25 taxing district (i) that is used for a municipal airport,  
26 (ii) that is subject to a leasehold assessment under

1 Section 9-195 of this Code and (iii) which is sublet from a  
2 park district that is leasing the property from a  
3 municipality, but only if the property is used exclusively  
4 for recreational facilities or for parking lots used  
5 exclusively for those facilities. The abatement shall not  
6 exceed a period of 10 years.

7 (8) Relocated corporate headquarters. If approval  
8 occurs within 5 years after the effective date of this  
9 amendatory Act of the 92nd General Assembly, any property  
10 or a portion of any property in a taxing district that is  
11 used by an eligible business for a corporate headquarters  
12 as defined in the Corporate Headquarters Relocation Act.  
13 Instead of an abatement under this paragraph (8), a taxing  
14 district may enter into an agreement with an eligible  
15 business to make annual payments to that eligible business  
16 in an amount not to exceed the property taxes paid directly  
17 or indirectly by that eligible business to the taxing  
18 district and any other taxing districts for premises  
19 occupied pursuant to a written lease and may make those  
20 payments without the need for an annual appropriation. No  
21 school district, however, may enter into an agreement with,  
22 or abate taxes for, an eligible business unless the  
23 municipality in which the corporate headquarters is  
24 located agrees to provide funding to the school district in  
25 an amount equal to the amount abated or paid by the school  
26 district as provided in this paragraph (8). Any abatement

1 ordered or agreement entered into under this paragraph (8)  
2 may be effective for the entire term specified by the  
3 taxing district, except the term of the abatement or annual  
4 payments may not exceed 20 years.

5 (9) United States Military Public/Private Residential  
6 Developments. Each building, structure, or other  
7 improvement designed, financed, constructed, renovated,  
8 managed, operated, or maintained after January 1, 2006  
9 under a "PPV Lease", as set forth under Division 14 of  
10 Article 10, and any such PPV Lease.

11 (b) Upon a majority vote of its governing authority, any  
12 municipality may, after the determination of the assessed  
13 valuation of its property, order the county clerk to abate any  
14 portion of its taxes on any property that is located within the  
15 corporate limits of the municipality in accordance with Section  
16 8-3-18 of the Illinois Municipal Code.

17 (Source: P.A. 93-270, eff. 7-22-03; 94-793, eff. 5-19-06;  
18 94-974, eff. 6-30-06.)

19 Section 915. The Joliet Regional Port District Act is  
20 amended by changing Section 5.1 as follows:

21 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

22 Sec. 5.1. Riverboat and casino gambling. Notwithstanding  
23 any other provision of this Act, the District may not regulate  
24 the operation, conduct, or navigation of any riverboat gambling

1 casino licensed under the Riverboat and Casino Gambling Act,  
2 and the District may not license, tax, or otherwise levy any  
3 assessment of any kind on any riverboat gambling casino  
4 licensed under the Riverboat and Casino Gambling Act. The  
5 General Assembly declares that the powers to regulate the  
6 operation, conduct, and navigation of riverboat gambling  
7 casinos and to license, tax, and levy assessments upon  
8 riverboat gambling casinos are exclusive powers of the State of  
9 Illinois and the Illinois Gaming Board as provided in the  
10 Riverboat and Casino Gambling Act.

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

12 Section 920. The Consumer Installment Loan Act is amended  
13 by changing Section 12.5 as follows:

14 (205 ILCS 670/12.5)

15 Sec. 12.5. Limited purpose branch.

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

22 (b) The licensee must submit an application for a limited  
23 purpose branch to the Director on forms prescribed by the  
24 Director with an application fee of \$300. The approval for the

1 limited purpose branch must be renewed concurrently with the  
2 renewal of the licensee's license along with a renewal fee of  
3 \$300 for the limited purpose branch.

4 (c) The books, accounts, records, and files of the limited  
5 purpose branch's transactions shall be maintained at the  
6 licensee's licensed location. The licensee shall notify the  
7 Director of the licensed location at which the books, accounts,  
8 records, and files shall be maintained.

9 (d) The licensee shall prominently display at the limited  
10 purpose branch the address and telephone number of the  
11 licensee's licensed location.

12 (e) No other business shall be conducted at the site of the  
13 limited purpose branch unless authorized by the Director.

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

16 (g) A limited purpose branch may not be located within  
17 1,000 feet of a facility operated by an inter-track wagering  
18 licensee or an organization licensee subject to the Illinois  
19 Horse Racing Act of 1975, on a riverboat or in a casino subject  
20 to the Riverboat and Casino Gambling Act, or within 1,000 feet  
21 of the location at which the riverboat docks or within 1,000  
22 feet of a casino.

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

24 Section 925. The Illinois Horse Racing Act of 1975 is  
25 amended by changing Sections 1.2, 3.11, 9, 20, 25, 26, 26.1,

1 27, 28.1, 30, 31, 36, and 42 and adding Sections 3.24, 3.25,  
2 3.26, 3.27, 34.2, and 56 as follows:

3 (230 ILCS 5/1.2)

4 Sec. 1.2. Legislative intent. This Act is intended to  
5 benefit the people of the State of Illinois by encouraging the  
6 breeding and production of race horses, assisting economic  
7 development, and promoting Illinois tourism. The General  
8 Assembly finds and declares it to be the public policy of the  
9 State of Illinois to:

10 (a) support and enhance Illinois' horse racing industry,  
11 which is a significant component within the agribusiness  
12 industry;

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

15 (c) stimulate growth within Illinois' horse racing  
16 industry, thereby encouraging new investment and development  
17 to produce additional tax revenues and to create additional  
18 jobs;

19 (d) promote the further growth of tourism;

20 (e) encourage the breeding of thoroughbred and  
21 standardbred horses in this State; and

22 (f) ensure that public confidence and trust in the  
23 credibility and integrity of racing operations and the  
24 regulatory process is maintained.

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

1 (230 ILCS 5/3.11) (from Ch. 8, par. 37-3.11)

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

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

8 (230 ILCS 5/3.24 new)

9 Sec. 3.24. "Adjusted gross receipts" means the gross  
10 receipts from electronic gaming less winnings paid to wagerers.

11 (230 ILCS 5/3.25 new)

12 Sec. 3.25. "Electronic gaming" means slot machine gambling  
13 conducted at a race track pursuant to an electronic gaming  
14 license.

15 (230 ILCS 5/3.26 new)

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

18 (230 ILCS 5/3.27 new)

19 Sec. 3.27. "Electronic gaming facility" means that portion  
20 of an organization licensee's race track facility at which  
21 electronic gaming is conducted.



1 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

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

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

21 Upon application, the Board shall issue a license to the  
22 Illinois Department of Agriculture to conduct harness and  
23 Quarter Horse races at the Illinois State Fair and at the  
24 DuQuoin State Fairgrounds during the scheduled dates of each  
25 fair. The Board shall not require and the Department of

1 Agriculture shall be exempt from the requirements of Sections  
2 15.3, 18 and 19, paragraphs (a) (2), (b), (c), (d), (e), (e-5),  
3 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24  
4 and 25. The Board and the Department of Agriculture may extend  
5 any or all of these exemptions to any contractor or agent  
6 engaged by the Department of Agriculture to conduct its race  
7 meetings when the Board determines that this would best serve  
8 the public interest and the interest of horse racing.

9 Notwithstanding any provision of law to the contrary, it  
10 shall be lawful for any licensee to operate pari-mutuel  
11 wagering or contract with the Department of Agriculture to  
12 operate pari-mutuel wagering at the DuQuoin State Fairgrounds  
13 or for the Department to enter into contracts with a licensee,  
14 employ its owners, employees or agents and employ such other  
15 occupation licensees as the Department deems necessary in  
16 connection with race meetings and wagerings.

17 (b) The Board is vested with the full power to promulgate  
18 reasonable rules and regulations for the purpose of  
19 administering the provisions of this Act and to prescribe  
20 reasonable rules, regulations and conditions under which all  
21 horse race meetings or wagering in the State shall be  
22 conducted. Such reasonable rules and regulations are to provide  
23 for the prevention of practices detrimental to the public  
24 interest and to promote the best interests of horse racing and  
25 to impose penalties for violations thereof.

26 (c) The Board, and any person or persons to whom it

1 delegates this power, is vested with the power to enter the  
2 facilities and other places of business of any licensee to  
3 determine whether there has been compliance with the provisions  
4 of this Act and its rules and regulations.

5 (d) The Board, and any person or persons to whom it  
6 delegates this power, is vested with the authority to  
7 investigate alleged violations of the provisions of this Act,  
8 its reasonable rules and regulations, orders and final  
9 decisions; the Board shall take appropriate disciplinary  
10 action against any licensee or occupation licensee for  
11 violation thereof or institute appropriate legal action for the  
12 enforcement thereof.

13 (e) The Board, and any person or persons to whom it  
14 delegates this power, may eject or exclude from any race  
15 meeting or the facilities of any licensee, or any part thereof,  
16 any occupation licensee or any other individual whose conduct  
17 or reputation is such that his presence on those facilities  
18 may, in the opinion of the Board, call into question the  
19 honesty and integrity of horse racing or wagering or interfere  
20 with the orderly conduct of horse racing or wagering; provided,  
21 however, that no person shall be excluded or ejected from the  
22 facilities of any licensee solely on the grounds of race,  
23 color, creed, national origin, ancestry, or sex. The power to  
24 eject or exclude an occupation licensee or other individual may  
25 be exercised for just cause by the licensee or the Board,  
26 subject to subsequent hearing by the Board as to the propriety

1 of said exclusion.

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

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

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

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

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

23 (j) The Board may discharge any Board employee who fails or  
24 refuses for any reason to comply with the rules and regulations  
25 of the Board, or who, in the opinion of the Board, is guilty of  
26 fraud, dishonesty or who is proven to be incompetent. The Board

1 shall have no right or power to determine who shall be  
2 officers, directors or employees of any licensee, or their  
3 salaries except the Board may, by rule, require that all or any  
4 officials or employees in charge of or whose duties relate to  
5 the actual running of races be approved by the Board.

6 (k) The Board is vested with the power to appoint delegates  
7 to execute any of the powers granted to it under this Section  
8 for the purpose of administering this Act and any rules or  
9 regulations promulgated in accordance with this Act.

10 (l) The Board is vested with the power to impose civil  
11 penalties of up to \$5,000 against an individual and up to  
12 \$10,000 against a licensee for each violation of any provision  
13 of this Act, any rules adopted by the Board, any order of the  
14 Board or any other action which, in the Board's discretion, is  
15 a detriment or impediment to horse racing or wagering.

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

19 (n) The Board shall have the power to issue a license to  
20 any county fair, or its agent, authorizing the conduct of the  
21 pari-mutuel system of wagering. The Board is vested with the  
22 full power to promulgate reasonable rules, regulations and  
23 conditions under which all horse race meetings licensed  
24 pursuant to this subsection shall be held and conducted,  
25 including rules, regulations and conditions for the conduct of  
26 the pari-mutuel system of wagering. The rules, regulations and

1 conditions shall provide for the prevention of practices  
2 detrimental to the public interest and for the best interests  
3 of horse racing, and shall prescribe penalties for violations  
4 thereof. Any authority granted the Board under this Act shall  
5 extend to its jurisdiction and supervision over county fairs,  
6 or their agents, licensed pursuant to this subsection. However,  
7 the Board may waive any provision of this Act or its rules or  
8 regulations which would otherwise apply to such county fairs or  
9 their agents.

10 (o) Whenever the Board is authorized or required by law to  
11 consider some aspect of criminal history record information for  
12 the purpose of carrying out its statutory powers and  
13 responsibilities, then, upon request and payment of fees in  
14 conformance with the requirements of Section 2605-400 of the  
15 Department of State Police Law (20 ILCS 2605/2605-400), the  
16 Department of State Police is authorized to furnish, pursuant  
17 to positive identification, such information contained in  
18 State files as is necessary to fulfill the request.

19 (p) To insure the convenience, comfort, and wagering  
20 accessibility of race track patrons, to provide for the  
21 maximization of State revenue, and to generate increases in  
22 purse allotments to the horsemen, the Board shall require any  
23 licensee to staff the pari-mutuel department with adequate  
24 personnel.

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

1 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

6 (1) the dates on which it intends to conduct the horse  
7 race meeting, which dates shall be provided under Section  
8 21;

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

11 (3) the location where it proposes to conduct the  
12 meeting; and

13 (4) any other information the Board may reasonably  
14 require.

15 (b) A separate application for an organization license  
16 shall be filed for each horse race meeting which such person  
17 proposes to hold. Any such application, if made by an  
18 individual, or by any individual as trustee, shall be signed  
19 and verified under oath by such individual. If made by  
20 individuals or a partnership, it shall be signed and verified  
21 under oath by at least 2 of such individuals or members of such  
22 partnership as the case may be. If made by an association,  
23 corporation, corporate trustee or any other entity, it shall be  
24 signed by the president and attested by the secretary or  
25 assistant secretary under the seal of such association, trust  
26 or corporation if it has a seal, and shall also be verified



1 under oath by one of the signing officers.

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

15 (d) The applicant shall execute and file with the Board a  
16 good faith affirmative action plan to recruit, train, and  
17 upgrade minorities in all classifications within the  
18 association.

19 (e) With such application there shall be delivered to the  
20 Board a certified check or bank draft payable to the order of  
21 the Board for an amount equal to \$1,000. All applications for  
22 the issuance of an organization license shall be filed with the  
23 Board before August 1 of the year prior to the year for which  
24 application is made and shall be acted upon by the Board at a  
25 meeting to be held on such date as shall be fixed by the Board  
26 during the last 15 days of September of such prior year. At

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

11 (e-2) In awarding racing dates for calendar year 2008 and  
12 thereafter, the Board shall award at least 600 racing days plus  
13 an 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 licensee  
21 that conducts racing at Fairmount Race Track that are in excess  
22 of the number awarded to that organization licensee in 2006  
23 shall be in addition to those racing dates awarded under  
24 subsection (e-2).

25 (e-5) In reviewing an application for the purpose of  
26 granting an organization license consistent with the best

1 interests of the public and the sport of horse racing, the  
2 Board shall consider:

3 (1) the character, reputation, experience, and  
4 financial integrity of the applicant and of any other  
5 separate person that either:

6 (i) controls the applicant, directly or  
7 indirectly, or

8 (ii) is controlled, directly or indirectly, by  
9 that applicant or by a person who controls, directly or  
10 indirectly, that applicant;

11 (2) the applicant's facilities or proposed facilities  
12 for conducting horse racing;

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

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

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

21 (6) the applicant's proposed and prior year's  
22 promotional and marketing activities and expenditures of  
23 the applicant associated with those activities;

24 (7) an agreement, if any, among organization licensees  
25 as provided in subsection (b) of Section 21 of this Act;  
26 and

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

4           In granting organization licenses and allocating dates for  
5           horse race meetings, the Board shall have discretion to  
6           determine an overall schedule, including required simulcasts  
7           of Illinois races by host tracks that will, in its judgment, be  
8           conducive to the best interests of the public and the sport of  
9           horse racing.

10          (e-10) The Illinois Administrative Procedure Act shall  
11          apply to administrative procedures of the Board under this Act  
12          for the granting of an organization license, except that (1)  
13          notwithstanding the provisions of subsection (b) of Section  
14          10-40 of the Illinois Administrative Procedure Act regarding  
15          cross-examination, the Board may prescribe rules limiting the  
16          right of an applicant or participant in any proceeding to award  
17          an organization license to conduct cross-examination of  
18          witnesses at that proceeding where that cross-examination  
19          would unduly obstruct the timely award of an organization  
20          license under subsection (e) of Section 20 of this Act; (2) the  
21          provisions of Section 10-45 of the Illinois Administrative  
22          Procedure Act regarding proposals for decision are excluded  
23          under this Act; (3) notwithstanding the provisions of  
24          subsection (a) of Section 10-60 of the Illinois Administrative  
25          Procedure Act regarding ex parte communications, the Board may  
26          prescribe rules allowing ex parte communications with

1 applicants or participants in a proceeding to award an  
2 organization license where conducting those communications  
3 would be in the best interest of racing, provided all those  
4 communications are made part of the record of that proceeding  
5 pursuant to subsection (c) of Section 10-60 of the Illinois  
6 Administrative Procedure Act; (4) the provisions of Section 14a  
7 of this Act and the rules of the Board promulgated under that  
8 Section shall apply instead of the provisions of Article 10 of  
9 the Illinois Administrative Procedure Act regarding  
10 administrative law judges; and (5) the provisions of subsection  
11 (d) of Section 10-65 of the Illinois Administrative Procedure  
12 Act that prevent summary suspension of a license pending  
13 revocation or other action shall not apply.

14 (f) The Board may allot racing dates to an organization  
15 licensee for more than one calendar year but for no more than 3  
16 successive calendar years in advance, provided that the Board  
17 shall review such allotment for more than one calendar year  
18 prior to each year for which such allotment has been made. The  
19 granting of an organization license to a person constitutes a  
20 privilege to conduct a horse race meeting under the provisions  
21 of this Act, and no person granted an organization license  
22 shall be deemed to have a vested interest, property right, or  
23 future expectation to receive an organization license in any  
24 subsequent year as a result of the granting of an organization  
25 license. Organization licenses shall be subject to revocation  
26 if the organization licensee has violated any provision of this

1 Act or the rules and regulations promulgated under this Act or  
2 has been convicted of a crime or has failed to disclose or has  
3 stated falsely any information called for in the application  
4 for an organization license. Any organization license  
5 revocation proceeding shall be in accordance with Section 16  
6 regarding suspension and revocation of occupation licenses.

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

1 (g) (Blank).

2 (h) The Board shall send the applicant a copy of its  
3 formally executed order by certified mail addressed to the  
4 applicant at the address stated in his application, which  
5 notice shall be mailed within 5 days of the date the formal  
6 order is executed.

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

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

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

13 (3) file with the Board the bonds required in Sections  
14 21 and 25 at least 20 days prior to the first day of each  
15 race meeting.

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

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

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

23 (230 ILCS 5/25) (from Ch. 8, par. 37-25)

24 Sec. 25. Admissions tax; records and books; bond; penalty.

25 (a) There shall be paid to the Board at such time or times

1 as it shall prescribe, the sum of fifteen cents (15¢) for each  
2 person entering the grounds or enclosure of each organization  
3 licensee and inter-track wagering licensee upon a ticket of  
4 admission except as provided in subsection (g) of Section 27 of  
5 this Act. If tickets are issued for more than one day then the  
6 sum of fifteen cents (15¢) shall be paid for each person using  
7 such ticket on each day that the same shall be used. Provided,  
8 however, that no charge shall be made on tickets of admission  
9 issued to and in the name of directors, officers, agents or  
10 employees of the organization licensee, or inter-track  
11 wagering licensee, or to owners, trainers, jockeys, drivers and  
12 their employees or to any person or persons entering the  
13 grounds or enclosure for the transaction of business in  
14 connection with such race meeting. The organization licensee or  
15 inter-track wagering licensee may, if it desires, collect such  
16 amount from each ticket holder in addition to the amount or  
17 amounts charged for such ticket of admission.

18 (b) Accurate records and books shall at all times be kept  
19 and maintained by the organization licensees and inter-track  
20 wagering licensees showing the admission tickets issued and  
21 used on each racing day and the attendance thereat of each  
22 horse racing meeting. The Board or its duly authorized  
23 representative or representatives shall at all reasonable  
24 times have access to the admission records of any organization  
25 licensee and inter-track wagering licensee for the purpose of  
26 examining and checking the same and ascertaining whether or not



1 the proper amount has been or is being paid the State of  
2 Illinois as herein provided. The Board shall also require,  
3 before issuing any license, that the licensee shall execute and  
4 deliver to it a bond, payable to the State of Illinois, in such  
5 sum as it shall determine, not, however, in excess of fifty  
6 thousand dollars (\$50,000), with a surety or sureties to be  
7 approved by it, conditioned for the payment of all sums due and  
8 payable or collected by it under this Section upon admission  
9 fees received for any particular racing meetings. The Board may  
10 also from time to time require sworn statements of the number  
11 or numbers of such admissions and may prescribe blanks upon  
12 which such reports shall be made. Any organization licensee or  
13 inter-track wagering licensee failing or refusing to pay the  
14 amount found to be due as herein provided, shall be deemed  
15 guilty of a business offense and upon conviction shall be  
16 punished by a fine of not more than five thousand dollars  
17 (\$5,000) in addition to the amount due from such organization  
18 licensee or inter-track wagering licensee as herein provided.  
19 All fines paid into court by an organization licensee or  
20 inter-track wagering licensee found guilty of violating this  
21 Section shall be transmitted and paid over by the clerk of the  
22 court to the Board.

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

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

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

6           (3) The number and issuance of tax-free passes is  
7 subject to the rules of the Board, and a list of all  
8 persons to whom the tax-free passes are issued shall be  
9 filed with the Board.

10           (4) The organization licensee shall pay the entire  
11 admission tax to the Board. Such payments shall be made  
12 daily. Accompanying each payment shall be a return on forms  
13 provided by the Board which shall include other information  
14 regarding admission as the Board may require. Failure to  
15 submit either the payment or the return within the  
16 specified time may result in suspension or revocation of  
17 the organization licensee's license.

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

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

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

2 Sec. 26. Wagering.

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

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

24 (b-5) An individual may place a wager under the pari-mutuel  
25 system from any licensed location authorized under this Act

1 provided that wager is electronically recorded in the manner  
2 described in Section 3.12 of this Act. Any wager made  
3 electronically by an individual while physically on the  
4 premises of a licensee shall be deemed to have been made at the  
5 premises of that licensee.

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

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

26 (d) A pari-mutuel ticket shall be honored until December 31

1 of the next calendar year, and the licensee shall pay the same  
2 and may charge the amount thereof against unpaid money  
3 similarly accumulated on account of pari-mutuel tickets not  
4 presented for payment.

5 (e) No licensee shall knowingly permit any minor, other  
6 than an employee of such licensee or an owner, trainer, jockey,  
7 driver, or employee thereof, to be admitted during a racing  
8 program unless accompanied by a parent or guardian, or any  
9 minor to be a patron of the pari-mutuel system of wagering  
10 conducted or supervised by it. The admission of any  
11 unaccompanied minor, other than an employee of the licensee or  
12 an owner, trainer, jockey, driver, or employee thereof at a  
13 race track is a Class C misdemeanor.

14 (f) Notwithstanding the other provisions of this Act, an  
15 organization licensee may contract with an entity in another  
16 state or country to permit any legal wagering entity in another  
17 state or country to accept wagers solely within such other  
18 state or country on races conducted by the organization  
19 licensee in this State. Beginning January 1, 2000, these wagers  
20 shall not be subject to State taxation. Until January 1, 2000,  
21 when the out-of-State entity conducts a pari-mutuel pool  
22 separate from the organization licensee, a privilege tax equal  
23 to 7 1/2% of all monies received by the organization licensee  
24 from entities in other states or countries pursuant to such  
25 contracts is imposed on the organization licensee, and such  
26 privilege tax shall be remitted to the Department of Revenue

1 within 48 hours of receipt of the moneys from the simulcast.  
2 When the out-of-State entity conducts a combined pari-mutuel  
3 pool with the organization licensee, the tax shall be 10% of  
4 all monies received by the organization licensee with 25% of  
5 the receipts from this 10% tax to be distributed to the county  
6 in which the race was conducted.

7 An organization licensee may permit one or more of its  
8 races to be utilized for pari-mutuel wagering at one or more  
9 locations in other states and may transmit audio and visual  
10 signals of races the organization licensee conducts to one or  
11 more locations outside the State or country and may also permit  
12 pari-mutuel pools in other states or countries to be combined  
13 with its gross or net wagering pools or with wagering pools  
14 established by other states.

15 (g) A host track may accept interstate simulcast wagers on  
16 horse races conducted in other states or countries and shall  
17 control the number of signals and types of breeds of racing in  
18 its simulcast program, subject to the disapproval of the Board.  
19 The Board may prohibit a simulcast program only if it finds  
20 that the simulcast program is clearly adverse to the integrity  
21 of racing. The host track simulcast program shall include the  
22 signal of live racing of all organization licensees. All  
23 non-host licensees shall carry the host track simulcast program  
24 and accept wagers on all races included as part of the  
25 simulcast program upon which wagering is permitted. The costs  
26 and expenses of the host track and non-host licensees

1 associated with interstate simulcast wagering, other than the  
2 interstate commission fee, shall be borne by the host track and  
3 all non-host licensees incurring these costs. The interstate  
4 commission fee shall not exceed 5% of Illinois handle on the  
5 interstate simulcast race or races without prior approval of  
6 the Board. The Board shall promulgate rules under which it may  
7 permit interstate commission fees in excess of 5%. The  
8 interstate commission fee and other fees charged by the sending  
9 racetrack, including, but not limited to, satellite decoder  
10 fees, shall be uniformly applied to the host track and all  
11 non-host licensees.

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

1 non-host licensee and its affiliated non-host licensees  
2 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 may  
5 receive supplemental interstate simulcasts only with the  
6 consent of the host track, except when the Board finds that  
7 the simulcast is clearly adverse to the integrity of  
8 racing. Consent granted under this paragraph (2) to any  
9 intertrack wagering licensee shall be deemed consent to all  
10 non-host licensees. The interstate commission fee for the  
11 supplemental interstate simulcast shall be paid by all  
12 participating non-host licensees.

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



1 to the provisions of subparagraph (B) of paragraph (11) of  
2 subsection (h) of Section 26 of this Act.

3 (4) A licensee who receives an interstate simulcast may  
4 combine its gross or net pools with pools at the sending  
5 racetracks pursuant to rules established by the Board. All  
6 licensees combining their gross pools at a sending  
7 racetrack shall adopt the take-out percentages of the  
8 sending racetrack. A licensee may also establish a separate  
9 pool and takeout structure for wagering purposes on races  
10 conducted at race tracks outside of the State of Illinois.  
11 The licensee may permit pari-mutuel wagers placed in other  
12 states or countries to be combined with its gross or net  
13 wagering pools or other wagering pools.

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

23 (A) For interstate simulcast wagers made at a host  
24 track, 50% to the host track and 50% to purses at the  
25 host track.

26 (B) For wagers placed on interstate simulcast

1 races, supplemental simulcasts as defined in  
2 subparagraphs (1) and (2), and separately pooled races  
3 conducted outside of the State of Illinois made at a  
4 non-host licensee, 25% to the host track, 25% to the  
5 non-host licensee, and 50% to the purses at the host  
6 track.

7 (6) Notwithstanding any provision in this Act to the  
8 contrary, non-host licensees who derive their licenses  
9 from a track located in a county with a population in  
10 excess of 230,000 and that borders the Mississippi River  
11 may receive supplemental interstate simulcast races at all  
12 times subject to Board approval, which shall be withheld  
13 only upon a finding that a supplemental interstate  
14 simulcast is clearly adverse to the integrity of racing.

15 (7) Notwithstanding any provision of this Act to the  
16 contrary, after payment of all applicable State and local  
17 taxes and interstate commission fees, non-host licensees  
18 who derive their licenses from a track located in a county  
19 with a population in excess of 230,000 and that borders the  
20 Mississippi River shall retain 50% of the retention from  
21 interstate simulcast wagers and shall pay 50% to purses at  
22 the track from which the non-host licensee derives its  
23 license as follows:

24 (A) Between January 1 and the third Friday in  
25 February, inclusive, if no live thoroughbred racing is  
26 occurring in Illinois during this period, when the

1 interstate simulcast is a standardbred race, the purse  
2 share to its standardbred purse account;

3 (B) Between January 1 and the third Friday in  
4 February, inclusive, if no live thoroughbred racing is  
5 occurring in Illinois during this period, and the  
6 interstate simulcast is a thoroughbred race, the purse  
7 share to its interstate simulcast purse pool to be  
8 distributed under paragraph (10) of this subsection  
9 (g);

10 (C) Between January 1 and the third Friday in  
11 February, inclusive, if live thoroughbred racing is  
12 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.  
13 the purse share from wagers made during this time  
14 period to its thoroughbred purse account and between  
15 6:30 p.m. and 6:30 a.m. the purse share from wagers  
16 made during this time period to its standardbred purse  
17 accounts;

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

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

26 (7.1) Notwithstanding any other provision of this Act

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

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

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

1           Advisory Board.

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

11           (A) If the licensee that conducts horse racing at  
12 that racetrack requests from the Board at least as many  
13 racing dates as were conducted in calendar year 2000,  
14 80% shall be deposited into its standardbred purse  
15 account; and

16           (B) Twenty percent shall be deposited into the  
17 Illinois Colt Stakes Purse Distribution Fund. Moneys  
18 deposited into the Illinois Colt Stakes Purse  
19 Distribution Fund pursuant to this subparagraph (B)  
20 shall be paid to Illinois conceived and foaled  
21 thoroughbred breeders' programs and to thoroughbred  
22 purses for races conducted at any county fairgrounds  
23 for Illinois conceived and foaled horses at the  
24 discretion of the Department of Agriculture, with the  
25 advice and assistance of the Illinois Thoroughbred  
26 Breeders Fund Advisory Board. The moneys deposited

1           into the Illinois Colt Stakes Purse Distribution Fund  
2           pursuant to this subparagraph (B) shall be deposited  
3           within 2 weeks after the day they were generated, shall  
4           be in addition to and not in lieu of any other moneys  
5           paid to thoroughbred purses under this Act, and shall  
6           not be commingled with other moneys deposited into that  
7           Fund.

8           (7.3) If no live standardbred racing is conducted at a  
9           racetrack located in Madison County in calendar year 2000  
10          or 2001, an organization licensee who is licensed to  
11          conduct horse racing at that racetrack shall, before  
12          January 1, 2002, pay all moneys derived from simulcast  
13          wagering and inter-track wagering in calendar years 2000  
14          and 2001 and paid into the licensee's standardbred purse  
15          account as follows:

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

18                 (B) Twenty percent to the Illinois Colt Stakes  
19                 Purse Distribution Fund.

20          Failure to make the payment to the Illinois Colt Stakes  
21          Purse Distribution Fund before January 1, 2002 shall result  
22          in the immediate revocation of the licensee's organization  
23          license, inter-track wagering license, and inter-track  
24          wagering location license.

25          Moneys paid into the Illinois Colt Stakes Purse  
26          Distribution Fund pursuant to this paragraph (7.3) shall be

1       paid to purses for standardbred races for Illinois  
2       conceived and foaled horses conducted at any county  
3       fairgrounds. Moneys paid into the Illinois Colt Stakes  
4       Purse Distribution Fund pursuant to this paragraph (7.3)  
5       shall be used as determined by the Department of  
6       Agriculture, with the advice and assistance of the Illinois  
7       Standardbred Breeders Fund Advisory Board, shall be in  
8       addition to and not in lieu of any other moneys paid to  
9       standardbred purses under this Act, and shall not be  
10      commingled with any other moneys paid into that Fund.

11       (7.4) If live standardbred racing is conducted at a  
12      racetrack located in Madison County at any time in calendar  
13      year 2001 before the payment required under paragraph (7.3)  
14      has been made, the organization licensee who is licensed to  
15      conduct racing at that racetrack shall pay all moneys  
16      derived by that racetrack from simulcast wagering and  
17      inter-track wagering during calendar years 2000 and 2001  
18      that (1) are to be used for purses and (2) are generated  
19      between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or  
20      2001 to the standardbred purse account at that racetrack to  
21      be used for standardbred purses.

22       (8) Notwithstanding any provision in this Act to the  
23      contrary, an organization licensee from a track located in  
24      a county with a population in excess of 230,000 and that  
25      borders the Mississippi River and its affiliated non-host  
26      licensees shall not be entitled to share in any retention

1 generated on racing, inter-track wagering, or simulcast  
2 wagering at any other Illinois wagering facility.

3 (8.1) Notwithstanding any provisions in this Act to the  
4 contrary, if 2 organization licensees are conducting  
5 standardbred race meetings concurrently between the hours  
6 of 6:30 p.m. and 6:30 a.m., after payment of all applicable  
7 State and local taxes and interstate commission fees, the  
8 remainder of the amount retained from simulcast wagering  
9 otherwise attributable to the host track and to host track  
10 purses shall be split daily between the 2 organization  
11 licensees and the purses at the tracks of the 2  
12 organization licensees, respectively, based on each  
13 organization licensee's share of the total live handle for  
14 that day, provided that this provision shall not apply to  
15 any non-host licensee that derives its license from a track  
16 located in a county with a population in excess of 230,000  
17 and that borders the Mississippi River.

18 (9) (Blank).

19 (10) (Blank).

20 (11) (Blank).

21 (12) The Board shall have authority to compel all host  
22 tracks to receive the simulcast of any or all races  
23 conducted at the Springfield or DuQuoin State fairgrounds  
24 and include all such races as part of their simulcast  
25 programs.

26 (13) (Blank). ~~Notwithstanding any other provision of~~



~~this Act, in the event that the total Illinois pari-mutuel handle on Illinois horse races at all wagering facilities in any calendar year is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at all such wagering facilities for calendar year 1994, then each wagering facility that has an annual total Illinois pari-mutuel handle on Illinois horse races that is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at such wagering facility for calendar year 1994, shall be permitted to receive, from any amount otherwise payable to the purse account at the race track with which the wagering facility is affiliated in the succeeding calendar year, an amount equal to 2% of the differential in total Illinois pari-mutuel handle on Illinois horse races at the wagering facility between that calendar year in question and 1994 provided, however, that a wagering facility shall not be entitled to any such payment until the Board certifies in writing to the wagering facility the amount to which the wagering facility is entitled and a schedule for payment of the amount to the wagering facility, based on: (i) the racing dates awarded to the race track affiliated with the wagering facility during the succeeding year; (ii) the sums available or anticipated to be available in the purse account of the race track affiliated with the wagering facility for purses during the succeeding year; and (iii) the need to ensure~~

~~reasonable purse levels during the payment period. The Board's certification shall be provided no later than January 31 of the succeeding year. In the event a wagering facility entitled to a payment under this paragraph (13) is affiliated with a race track that maintains purse accounts for both standardbred and thoroughbred racing, the amount to be paid to the wagering facility shall be divided between each purse account pro rata, based on the amount of Illinois handle on Illinois standardbred and thoroughbred racing respectively at the wagering facility during the previous calendar year. Annually, the General Assembly shall appropriate sufficient funds from the General Revenue Fund to the Department of Agriculture for payment into the thoroughbred and standardbred horse racing purse accounts at Illinois pari mutuel tracks. The amount paid to each purse account shall be the amount certified by the Illinois Racing Board in January to be transferred from each account to each eligible racing facility in accordance with the provisions of this Section.~~

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

(1) Any person licensed to conduct a race meeting (i) at a track where 60 or more days of racing were conducted during the immediately preceding calendar year or where

1 over the 5 immediately preceding calendar years an average  
2 of 30 or more days of racing were conducted annually may be  
3 issued an inter-track wagering license; (ii) at a track  
4 located in a county that is bounded by the Mississippi  
5 River, which has a population of less than 150,000  
6 according to the 1990 decennial census, and an average of  
7 at least 60 days of racing per year between 1985 and 1993  
8 may be issued an inter-track wagering license; or (iii) at  
9 a track located in Madison County that conducted at least  
10 100 days of live racing during the immediately preceding  
11 calendar year may be issued an inter-track wagering  
12 license, unless a lesser schedule of live racing is the  
13 result of (A) weather, unsafe track conditions, or other  
14 acts of God; (B) an agreement between the organization  
15 licensee and the associations representing the largest  
16 number of owners, trainers, jockeys, or standardbred  
17 drivers who race horses at that organization licensee's  
18 racing meeting; or (C) a finding by the Board of  
19 extraordinary circumstances and that it was in the best  
20 interest of the public and the sport to conduct fewer than  
21 100 days of live racing. Any such person having operating  
22 control of the racing facility may also receive up to 6  
23 inter-track wagering location licenses. In no event shall  
24 more than 6 inter-track wagering locations be established  
25 for each eligible race track, except that an eligible race  
26 track located in a county that has a population of more

1 than 230,000 and that is bounded by the Mississippi River  
2 may establish up to 7 inter-track wagering locations. An  
3 application for said license shall be filed with the Board  
4 prior to such dates as may be fixed by the Board. With an  
5 application for an inter-track wagering location license  
6 there shall be delivered to the Board a certified check or  
7 bank draft payable to the order of the Board for an amount  
8 equal to \$500. The application shall be on forms prescribed  
9 and furnished by the Board. The application shall comply  
10 with all other rules, regulations and conditions imposed by  
11 the Board in connection therewith.

12 (2) The Board shall examine the applications with  
13 respect to their conformity with this Act and the rules and  
14 regulations imposed by the Board. If found to be in  
15 compliance with the Act and rules and regulations of the  
16 Board, the Board may then issue a license to conduct  
17 inter-track wagering and simulcast wagering to such  
18 applicant. All such applications shall be acted upon by the  
19 Board at a meeting to be held on such date as may be fixed  
20 by the Board.

21 (3) In granting licenses to conduct inter-track  
22 wagering and simulcast wagering, the Board shall give due  
23 consideration to the best interests of the public, of horse  
24 racing, and of maximizing revenue to the State.

25 (4) Prior to the issuance of a license to conduct  
26 inter-track wagering and simulcast wagering, the applicant

1 shall file with the Board a bond payable to the State of  
2 Illinois in the sum of \$50,000, executed by the applicant  
3 and a surety company or companies authorized to do business  
4 in this State, and conditioned upon (i) the payment by the  
5 licensee of all taxes due under Section 27 or 27.1 and any  
6 other monies due and payable under this Act, and (ii)  
7 distribution by the licensee, upon presentation of the  
8 winning ticket or tickets, of all sums payable to the  
9 patrons of pari-mutuel pools.

10 (5) Each license to conduct inter-track wagering and  
11 simulcast wagering shall specify the person to whom it is  
12 issued, the dates on which such wagering is permitted, and  
13 the track or location where the wagering is to be  
14 conducted.

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

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

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

26 (8.1) Inter-track wagering location licensees who

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

18 (8.2) Inter-track wagering or simulcast wagering shall  
19 not be conducted by an inter-track wagering location  
20 licensee at any location within 500 feet of an existing  
21 church or existing school, nor within 500 feet of the  
22 residences of more than 50 registered voters without  
23 receiving written permission from a majority of the  
24 registered voters at such residences. Such written  
25 permission statements shall be filed with the Board. The  
26 distance of 500 feet shall be measured to the nearest part

1 of any building used for worship services, education  
2 programs, residential purposes, or conducting inter-track  
3 wagering by an inter-track wagering location licensee, and  
4 not to property boundaries. However, inter-track wagering  
5 or simulcast wagering may be conducted at a site within 500  
6 feet of a church, school or residences of 50 or more  
7 registered voters if such church, school or residences have  
8 been erected or established, or such voters have been  
9 registered, after the Board issues the original  
10 inter-track wagering location license at the site in  
11 question. Inter-track wagering location licensees may  
12 conduct inter-track wagering and simulcast wagering only  
13 in areas that are zoned for commercial or manufacturing  
14 purposes or in areas for which a special use has been  
15 approved by the local zoning authority. However, no license  
16 to conduct inter-track wagering and simulcast wagering  
17 shall be granted by the Board with respect to any  
18 inter-track wagering location within the jurisdiction of  
19 any local zoning authority which has, by ordinance or by  
20 resolution, prohibited the establishment of an inter-track  
21 wagering location within its jurisdiction. However,  
22 inter-track wagering and simulcast wagering may be  
23 conducted at a site if such ordinance or resolution is  
24 enacted after the Board licenses the original inter-track  
25 wagering location licensee for the site in question.

26 (9) (Blank).

1           (10) An inter-track wagering licensee or an  
2 inter-track wagering location licensee may retain, subject  
3 to the payment of the privilege taxes and the purses, an  
4 amount not to exceed 17% of all money wagered. Each program  
5 of racing conducted by each inter-track wagering licensee  
6 or inter-track wagering location licensee shall be  
7 considered a separate racing day for the purpose of  
8 determining the daily handle and computing the privilege  
9 tax or pari-mutuel tax on such daily handle as provided in  
10 Section 27.

11           (10.1) Except as provided in subsection (g) of Section  
12 27 of this Act, inter-track wagering location licensees  
13 shall pay 1% of the pari-mutuel handle at each location to  
14 the municipality in which such location is situated and 1%  
15 of the pari-mutuel handle at each location to the county in  
16 which such location is situated. In the event that an  
17 inter-track wagering location licensee is situated in an  
18 unincorporated area of a county, such licensee shall pay 2%  
19 of the pari-mutuel handle from such location to such  
20 county.

21           (10.2) Notwithstanding any other provision of this  
22 Act, with respect to intertrack wagering at a race track  
23 located in a county that has a population of more than  
24 230,000 and that is bounded by the Mississippi River ("the  
25 first race track"), or at a facility operated by an  
26 inter-track wagering licensee or inter-track wagering



1 location licensee that derives its license from the  
2 organization licensee that operates the first race track,  
3 on races conducted at the first race track or on races  
4 conducted at another Illinois race track and  
5 simultaneously televised to the first race track or to a  
6 facility operated by an inter-track wagering licensee or  
7 inter-track wagering location licensee that derives its  
8 license from the organization licensee that operates the  
9 first race track, those moneys shall be allocated as  
10 follows:

11 (A) That portion of all moneys wagered on  
12 standardbred racing that is required under this Act to  
13 be paid to purses shall be paid to purses for  
14 standardbred races.

15 (B) That portion of all moneys wagered on  
16 thoroughbred racing that is required under this Act to  
17 be paid to purses shall be paid to purses for  
18 thoroughbred races.

19 (11) (A) After payment of the privilege or pari-mutuel  
20 tax, any other applicable taxes, and the costs and expenses  
21 in connection with the gathering, transmission, and  
22 dissemination of all data necessary to the conduct of  
23 inter-track wagering, the remainder of the monies retained  
24 under either Section 26 or Section 26.2 of this Act by the  
25 inter-track wagering licensee on inter-track wagering  
26 shall be allocated with 50% to be split between the 2

1 participating licensees and 50% to purses, except that an  
2 intertrack wagering licensee that derives its license from  
3 a track located in a county with a population in excess of  
4 230,000 and that borders the Mississippi River shall not  
5 divide any remaining retention with the Illinois  
6 organization licensee that provides the race or races, and  
7 an intertrack wagering licensee that accepts wagers on  
8 races conducted by an organization licensee that conducts a  
9 race meet in a county with a population in excess of  
10 230,000 and that borders the Mississippi River shall not  
11 divide any remaining retention with that organization  
12 licensee.

13 (B) From the sums permitted to be retained pursuant to  
14 this Act each inter-track wagering location licensee shall  
15 pay (i) the privilege or pari-mutuel tax to the State; (ii)  
16 4.75% of the pari-mutuel handle on intertrack wagering at  
17 such location on races as purses, except that an intertrack  
18 wagering location licensee that derives its license from a  
19 track located in a county with a population in excess of  
20 230,000 and that borders the Mississippi River shall retain  
21 all purse moneys for its own purse account consistent with  
22 distribution set forth in this subsection (h), and  
23 intertrack wagering location licensees that accept wagers  
24 on races conducted by an organization licensee located in a  
25 county with a population in excess of 230,000 and that  
26 borders the Mississippi River shall distribute all purse

1 moneys to purses at the operating host track; (iii) until  
2 January 1, 2000, except as provided in subsection (g) of  
3 Section 27 of this Act, 1% of the pari-mutuel handle  
4 wagered on inter-track wagering and simulcast wagering at  
5 each inter-track wagering location licensee facility to  
6 the Horse Racing Tax Allocation Fund, provided that, to the  
7 extent the total amount collected and distributed to the  
8 Horse Racing Tax Allocation Fund under this subsection (h)  
9 during any calendar year exceeds the amount collected and  
10 distributed to the Horse Racing Tax Allocation Fund during  
11 calendar year 1994, that excess amount shall be  
12 redistributed (I) to all inter-track wagering location  
13 licensees, based on each licensee's pro-rata share of the  
14 total handle from inter-track wagering and simulcast  
15 wagering for all inter-track wagering location licensees  
16 during the calendar year in which this provision is  
17 applicable; then (II) the amounts redistributed to each  
18 inter-track wagering location licensee as described in  
19 subpart (I) shall be further redistributed as provided in  
20 subparagraph (B) of paragraph (5) of subsection (g) of this  
21 Section 26 provided first, that the shares of those  
22 amounts, which are to be redistributed to the host track or  
23 to purses at the host track under subparagraph (B) of  
24 paragraph (5) of subsection (g) of this Section 26 shall be  
25 redistributed based on each host track's pro rata share of  
26 the total inter-track wagering and simulcast wagering

1 handle at all host tracks during the calendar year in  
2 question, and second, that any amounts redistributed as  
3 described in part (I) to an inter-track wagering location  
4 licensee that accepts wagers on races conducted by an  
5 organization licensee that conducts a race meet in a county  
6 with a population in excess of 230,000 and that borders the  
7 Mississippi River shall be further redistributed as  
8 provided in subparagraphs (D) and (E) of paragraph (7) of  
9 subsection (g) of this Section 26, with the portion of that  
10 further redistribution allocated to purses at that  
11 organization licensee to be divided between standardbred  
12 purses and thoroughbred purses based on the amounts  
13 otherwise allocated to purses at that organization  
14 licensee during the calendar year in question; and (iv) 8%  
15 of the pari-mutuel handle on inter-track wagering wagered  
16 at such location to satisfy all costs and expenses of  
17 conducting its wagering. The remainder of the monies  
18 retained by the inter-track wagering location licensee  
19 shall be allocated 40% to the location licensee and 60% to  
20 the organization licensee which provides the Illinois  
21 races to the location, except that an intertrack wagering  
22 location licensee that derives its license from a track  
23 located in a county with a population in excess of 230,000  
24 and that borders the Mississippi River shall not divide any  
25 remaining retention with the organization licensee that  
26 provides the race or races and an intertrack wagering

1 location licensee that accepts wagers on races conducted by  
2 an organization licensee that conducts a race meet in a  
3 county with a population in excess of 230,000 and that  
4 borders the Mississippi River shall not divide any  
5 remaining retention with the organization licensee.  
6 Notwithstanding the provisions of clauses (ii) and (iv) of  
7 this paragraph, in the case of the additional inter-track  
8 wagering location licenses authorized under paragraph (1)  
9 of this subsection (h) by this amendatory Act of 1991,  
10 those licensees shall pay the following amounts as purses:  
11 during the first 12 months the licensee is in operation,  
12 5.25% of the pari-mutuel handle wagered at the location on  
13 races; during the second 12 months, 5.25%; during the third  
14 12 months, 5.75%; during the fourth 12 months, 6.25%; and  
15 during the fifth 12 months and thereafter, 6.75%. The  
16 following amounts shall be retained by the licensee to  
17 satisfy all costs and expenses of conducting its wagering:  
18 during the first 12 months the licensee is in operation,  
19 8.25% of the pari-mutuel handle wagered at the location;  
20 during the second 12 months, 8.25%; during the third 12  
21 months, 7.75%; during the fourth 12 months, 7.25%; and  
22 during the fifth 12 months and thereafter, 6.75%. For  
23 additional intertrack wagering location licensees  
24 authorized under this amendatory Act of 1995, purses for  
25 the first 12 months the licensee is in operation shall be  
26 5.75% of the pari-mutuel wagered at the location, purses

1 for the second 12 months the licensee is in operation shall  
2 be 6.25%, and purses thereafter shall be 6.75%. For  
3 additional intertrack location licensees authorized under  
4 this amendatory Act of 1995, the licensee shall be allowed  
5 to retain to satisfy all costs and expenses: 7.75% of the  
6 pari-mutuel handle wagered at the location during its first  
7 12 months of operation, 7.25% during its second 12 months  
8 of operation, and 6.75% thereafter.

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

24 Two-sevenths to the Department of Agriculture.  
25 Fifty percent of this two-sevenths shall be used to  
26 promote the Illinois horse racing and breeding

1 industry, and shall be distributed by the Department of  
2 Agriculture upon the advice of a 9-member committee  
3 appointed by the Governor consisting of the following  
4 members: the Director of Agriculture, who shall serve  
5 as chairman; 2 representatives of organization  
6 licensees conducting thoroughbred race meetings in  
7 this State, recommended by those licensees; 2  
8 representatives of organization licensees conducting  
9 standardbred race meetings in this State, recommended  
10 by those licensees; a representative of the Illinois  
11 Thoroughbred Breeders and Owners Foundation,  
12 recommended by that Foundation; a representative of  
13 the Illinois Standardbred Owners and Breeders  
14 Association, recommended by that Association; a  
15 representative of the Horsemen's Benevolent and  
16 Protective Association or any successor organization  
17 thereto established in Illinois comprised of the  
18 largest number of owners and trainers, recommended by  
19 that Association or that successor organization; and a  
20 representative of the Illinois Harness Horsemen's  
21 Association, recommended by that Association.  
22 Committee members shall serve for terms of 2 years,  
23 commencing January 1 of each even-numbered year. If a  
24 representative of any of the above-named entities has  
25 not been recommended by January 1 of any even-numbered  
26 year, the Governor shall appoint a committee member to

1 fill that position. Committee members shall receive no  
2 compensation for their services as members but shall be  
3 reimbursed for all actual and necessary expenses and  
4 disbursements incurred in the performance of their  
5 official duties. The remaining 50% of this  
6 two-sevenths shall be distributed to county fairs for  
7 premiums and rehabilitation as set forth in the  
8 Agricultural Fair Act;

9 Four-sevenths to park districts or municipalities  
10 that do not have a park district of 500,000 population  
11 or less for museum purposes (if an inter-track wagering  
12 location licensee is located in such a park district)  
13 or to conservation districts for museum purposes (if an  
14 inter-track wagering location licensee is located in a  
15 municipality that is not included within any park  
16 district but is included within a conservation  
17 district and is the county seat of a county that (i) is  
18 contiguous to the state of Indiana and (ii) has a 1990  
19 population of 88,257 according to the United States  
20 Bureau of the Census, except that if the conservation  
21 district does not maintain a museum, the monies shall  
22 be allocated equally between the county and the  
23 municipality in which the inter-track wagering  
24 location licensee is located for general purposes) or  
25 to a municipal recreation board for park purposes (if  
26 an inter-track wagering location licensee is located



1 in a municipality that is not included within any park  
2 district and park maintenance is the function of the  
3 municipal recreation board and the municipality has a  
4 1990 population of 9,302 according to the United States  
5 Bureau of the Census); provided that the monies are  
6 distributed to each park district or conservation  
7 district or municipality that does not have a park  
8 district in an amount equal to four-sevenths of the  
9 amount collected by each inter-track wagering location  
10 licensee within the park district or conservation  
11 district or municipality for the Fund. Monies that were  
12 paid into the Horse Racing Tax Allocation Fund before  
13 the effective date of this amendatory Act of 1991 by an  
14 inter-track wagering location licensee located in a  
15 municipality that is not included within any park  
16 district but is included within a conservation  
17 district as provided in this paragraph shall, as soon  
18 as practicable after the effective date of this  
19 amendatory Act of 1991, be allocated and paid to that  
20 conservation district as provided in this paragraph.  
21 Any park district or municipality not maintaining a  
22 museum may deposit the monies in the corporate fund of  
23 the park district or municipality where the  
24 inter-track wagering location is located, to be used  
25 for general purposes; and

26 One-seventh to the Agricultural Premium Fund to be

1 used for distribution to agricultural home economics  
2 extension councils in accordance with "An Act in  
3 relation to additional support and finances for the  
4 Agricultural and Home Economic Extension Councils in  
5 the several counties of this State and making an  
6 appropriation therefor", approved July 24, 1967.

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

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

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

21 Four-sevenths to museums and aquariums located in  
22 park districts of over 500,000 population; provided  
23 that the monies are distributed in accordance with the  
24 previous year's distribution of the maintenance tax  
25 for such museums and aquariums as provided in Section 2  
26 of the Park District Aquarium and Museum Act; and

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

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

14           (i) If the inter-track wagering licensee,  
15 except an intertrack wagering licensee that  
16 derives its license from an organization licensee  
17 located in a county with a population in excess of  
18 230,000 and bounded by the Mississippi River, is  
19 not conducting its own race meeting during the same  
20 dates, then the entire purse allocation shall be to  
21 purses at the track where the races wagered on are  
22 being conducted.

23           (ii) If the inter-track wagering licensee,  
24 except an intertrack wagering licensee that  
25 derives its license from an organization licensee  
26 located in a county with a population in excess of

1           230,000 and bounded by the Mississippi River, is  
2           also conducting its own race meeting during the  
3           same dates, then the purse allocation shall be as  
4           follows: 50% to purses at the track where the races  
5           wagered on are being conducted; 50% to purses at  
6           the track where the inter-track wagering licensee  
7           is accepting such wagers.

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

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

23                (A) The Board is vested with power to promulgate  
24                reasonable rules and regulations for the purpose of  
25                administering the conduct of this wagering and to  
26                prescribe reasonable rules, regulations and conditions

1 under which such wagering shall be held and conducted.  
2 Such rules and regulations are to provide for the  
3 prevention of practices detrimental to the public  
4 interest and for the best interests of said wagering  
5 and to impose penalties for violations thereof.

6 (B) The Board, and any person or persons to whom it  
7 delegates this power, is vested with the power to enter  
8 the facilities of any licensee to determine whether  
9 there has been compliance with the provisions of this  
10 Act and the rules and regulations relating to the  
11 conduct of such wagering.

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

22 (D) (Blank).

23 (E) The Board is vested with the power to appoint  
24 delegates to execute any of the powers granted to it  
25 under this Section for the purpose of administering  
26 this wagering and any rules and regulations

1 promulgated in accordance with this Act.

2 (F) The Board shall name and appoint a State  
3 director of this wagering who shall be a representative  
4 of the Board and whose duty it shall be to supervise  
5 the conduct of inter-track wagering as may be provided  
6 for by the rules and regulations of the Board; such  
7 rules and regulation shall specify the method of  
8 appointment and the Director's powers, authority and  
9 duties.

10 (G) The Board is vested with the power to impose  
11 civil penalties of up to \$5,000 against individuals and  
12 up to \$10,000 against licensees for each violation of  
13 any provision of this Act relating to the conduct of  
14 this wagering, any rules adopted by the Board, any  
15 order of the Board or any other action which in the  
16 Board's discretion, is a detriment or impediment to  
17 such wagering.

18 (13) The Department of Agriculture may enter into  
19 agreements with licensees authorizing such licensees to  
20 conduct inter-track wagering on races to be held at the  
21 licensed race meetings conducted by the Department of  
22 Agriculture. Such agreement shall specify the races of the  
23 Department of Agriculture's licensed race meeting upon  
24 which the licensees will conduct wagering. In the event  
25 that a licensee conducts inter-track pari-mutuel wagering  
26 on races from the Illinois State Fair or DuQuoin State Fair

1           which are in addition to the licensee's previously approved  
2           racing program, those races shall be considered a separate  
3           racing day for the purpose of determining the daily handle  
4           and computing the privilege or pari-mutuel tax on that  
5           daily handle as provided in Sections 27 and 27.1. Such  
6           agreements shall be approved by the Board before such  
7           wagering may be conducted. In determining whether to grant  
8           approval, the Board shall give due consideration to the  
9           best interests of the public and of horse racing. The  
10          provisions of paragraphs (1), (8), (8.1), and (8.2) of  
11          subsection (h) of this Section which are not specified in  
12          this paragraph (13) shall not apply to licensed race  
13          meetings conducted by the Department of Agriculture at the  
14          Illinois State Fair in Sangamon County or the DuQuoin State  
15          Fair in Perry County, or to any wagering conducted on those  
16          race meetings.

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

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

22                 (230 ILCS 5/26.1) (from Ch. 8, par. 37-26.1)

23                 Sec. 26.1. For all pari-mutuel wagering conducted pursuant  
24                 to this Act, breakage shall be at all times computed on the  
25                 basis of not to exceed 10¢ on the dollar. If there is a minus



1 pool, the breakage shall be computed on the basis of not to  
2 exceed 5¢ on the dollar. Breakage shall be calculated only  
3 after the amounts retained by licensees pursuant to Sections 26  
4 and 26.2 of this Act, and all applicable surcharges, are taken  
5 out of winning wagers and winnings from wagers. ~~From Beginning~~  
6 January 1, 2000 until July 1, 2007, all breakage shall be  
7 retained by licensees, with 50% of breakage to be used by  
8 licensees for racetrack improvements at the racetrack from  
9 which the wagering facility derives its license. The remaining  
10 50% is to be allocated 50% to the purse account for the  
11 licensee from which the wagering facility derives its license  
12 and 50% to the licensee. Beginning July 1, 2007, all breakage  
13 shall be retained by licensees, with 50% of breakage to be used  
14 by licensees for racetrack improvements at the racetrack from  
15 which the wagering facility derives its license. The remaining  
16 50% is to be allocated to the purse account for the licensee  
17 from which the wagering facility derives its license.

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

19 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

20 Sec. 27. (a) In addition to the organization license fee  
21 provided by this Act, until January 1, 2000, a graduated  
22 privilege tax is hereby imposed for conducting the pari-mutuel  
23 system of wagering permitted under this Act. Until January 1,  
24 2000, except as provided in subsection (g) of Section 27 of  
25 this Act, all of the breakage of each racing day held by any

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

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

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

25 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax  
26 at the rate of 1.5% of the daily pari-mutuel handle is imposed

1 at all pari-mutuel wagering facilities, except as otherwise  
2 provided for in this subsection (a-5). Beginning on the  
3 effective date of this amendatory Act of the 94th General  
4 Assembly and until moneys deposited pursuant to Section 54 are  
5 distributed and received, a pari-mutuel tax at the rate of  
6 0.25% of the daily pari-mutuel handle is imposed at a  
7 pari-mutuel facility whose license is derived from a track  
8 located in a county that borders the Mississippi River and  
9 conducted live racing in the previous year. After moneys  
10 deposited pursuant to Section 54 are distributed and received,  
11 a pari-mutuel tax at the rate of 1.5% of the daily pari-mutuel  
12 handle is imposed at a pari-mutuel facility whose license is  
13 derived from a track located in a county that borders the  
14 Mississippi River and conducted live racing in the previous  
15 year. The pari-mutuel tax imposed by this subsection (a-5)  
16 shall be remitted to the Department of Revenue within 48 hours  
17 after the close of the racing day upon which it is assessed or  
18 within such other time as the Board prescribes.

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

25 (c) Licensees shall at all times keep accurate books and  
26 records of all monies wagered on each day of a race meeting and

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

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

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

22 (f) No other license fee, privilege tax, excise tax or  
23 racing fee shall be assessed or collected from any such  
24 licensee by units of local government except as provided in  
25 paragraph 10.1 of subsection (h) and subsection (f) of Section  
26 26 of this Act. However, any municipality that has a Board

1 licensed horse race meeting at a race track wholly within its  
2 corporate boundaries or a township that has a Board licensed  
3 horse race meeting at a race track wholly within the  
4 unincorporated area of the township may charge a local  
5 amusement tax not to exceed 10¢ per admission to such horse  
6 race meeting by the enactment of an ordinance. However, any  
7 municipality or county that has a Board licensed inter-track  
8 wagering location facility wholly within its corporate  
9 boundaries may each impose an admission fee not to exceed \$1.00  
10 per admission to such inter-track wagering location facility,  
11 so that a total of not more than \$2.00 per admission may be  
12 imposed. Except as provided in subparagraph (g) of Section 27  
13 of this Act, the inter-track wagering location licensee shall  
14 collect any and all such fees and within 48 hours remit the  
15 fees to the Board, which shall, pursuant to rule, cause the  
16 fees to be distributed to the county or municipality.

17 (g) Notwithstanding any provision in this Act to the  
18 contrary, if in any calendar year the total taxes and fees from  
19 wagering on live racing and from inter-track wagering required  
20 to be collected from licensees and distributed under this Act  
21 to all State and local governmental authorities exceeds the  
22 amount of such taxes and fees distributed to each State and  
23 local governmental authority to which each State and local  
24 governmental authority was entitled under this Act for calendar  
25 year 1994, then the first \$11 million of that excess amount  
26 shall be allocated at the earliest possible date for

1 distribution as purse money for the succeeding calendar year.  
2 Upon reaching the 1994 level, and until the excess amount of  
3 taxes and fees exceeds \$11 million, the Board shall direct all  
4 licensees to cease paying the subject taxes and fees and the  
5 Board shall direct all licensees to allocate any such excess  
6 amount for purses as follows:

7 (i) the excess amount shall be initially divided  
8 between thoroughbred and standardbred purses based on the  
9 thoroughbred's and standardbred's respective percentages  
10 of total Illinois live wagering in calendar year 1994;

11 (ii) each thoroughbred and standardbred organization  
12 licensee issued an organization license in that  
13 succeeding allocation year shall be allocated an amount  
14 equal to the product of its percentage of total Illinois  
15 live thoroughbred or standardbred wagering in calendar  
16 year 1994 (the total to be determined based on the sum of  
17 1994 on-track wagering for all organization licensees  
18 issued organization licenses in both the allocation year  
19 and the preceding year) multiplied by the total amount  
20 allocated for standardbred or thoroughbred purses,  
21 provided that the first \$1,500,000 of the amount allocated  
22 to standardbred purses under item (i) shall be allocated to  
23 the Department of Agriculture to be expended with the  
24 assistance and advice of the Illinois Standardbred  
25 Breeders Funds Advisory Board for the purposes listed in  
26 subsection (g) of Section 31 of this Act, before the amount

1 allocated to standardbred purses under item (i) is  
2 allocated to standardbred organization licensees in the  
3 succeeding allocation year.

4 To the extent the excess amount of taxes and fees to be  
5 collected and distributed to State and local governmental  
6 authorities exceeds \$11 million, that excess amount shall be  
7 collected and distributed to State and local authorities as  
8 provided for under this Act.

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

10 (230 ILCS 5/28.1)

11 Sec. 28.1. Payments.

12 (a) Beginning on January 1, 2000, moneys collected by the  
13 Department of Revenue and the Racing Board pursuant to Section  
14 26 or Section 27 of this Act shall be deposited into the Horse  
15 Racing Fund, which is hereby created as a special fund in the  
16 State Treasury.

17 (b) Appropriations, as approved by the General Assembly,  
18 may be made from the Horse Racing Fund to the Board to pay the  
19 salaries of the Board members, secretary, stewards, directors  
20 of mutuels, veterinarians, representatives, accountants,  
21 clerks, stenographers, inspectors and other employees of the  
22 Board, and all expenses of the Board incident to the  
23 administration of this Act, including, but not limited to, all  
24 expenses and salaries incident to the taking of saliva and  
25 urine samples in accordance with the rules and regulations of

1 the Board.

2 (c) Appropriations, as approved by the General Assembly,  
3 shall be made from the Horse Racing Fund to the Department of  
4 Agriculture for the purposes identified in paragraphs (2),  
5 (2.5), (4), (4.1), (6), (7), (8), and (9) of subsection (g) of  
6 Section 30, subsection (e) of Section 30.5, paragraphs (1),  
7 (2), (3), (5), and (8) of subsection (g) of Section 31, and for  
8 standardbred bonus programs for owners of horses that win  
9 multiple stakes races that are limited to Illinois conceived  
10 and foaled horses. From ~~Beginning on~~ January 1, 2000 ~~until the~~  
11 effective date of this amendatory Act of the 95th General  
12 Assembly, the Board shall transfer the remainder of the funds  
13 generated pursuant to Sections 26 and 27 from the Horse Racing  
14 Fund into the General Revenue Fund.

15 (d) Beginning January 1, 2000, payments to all programs in  
16 existence on the effective date of this amendatory Act of 1999  
17 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and  
18 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of  
19 Section 30, and subsections (a), (b), (c), (d), (e), (f), (g),  
20 and (h) of Section 31 shall be made from the General Revenue  
21 Fund at the funding levels determined by amounts paid under  
22 this Act in calendar year 1998. Beginning on the effective date  
23 of this amendatory Act of the 93rd General Assembly, payments  
24 to the Peoria Park District shall be made from the General  
25 Revenue Fund at the funding level determined by amounts paid to  
26 that park district for museum purposes under this Act in



1 calendar year 1994. Beginning on the effective date of this  
2 amendatory Act of the 94th General Assembly, in lieu of  
3 payments to the Champaign Park District for museum purposes,  
4 payments to the Urbana Park District shall be made from the  
5 General Revenue Fund at the funding level determined by amounts  
6 paid to the Champaign Park District for museum purposes under  
7 this Act in calendar year 2005.

8 (e) Beginning July 1, 2006, the payment authorized under  
9 subsection (d) to museums and aquariums located in park  
10 districts of over 500,000 population shall be paid to museums,  
11 aquariums, and zoos in amounts determined by Museums in the  
12 Park, an association of museums, aquariums, and zoos located on  
13 Chicago Park District property.

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

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

20 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

21 Sec. 30. (a) The General Assembly declares that it is the  
22 policy of this State to encourage the breeding of thoroughbred  
23 horses in this State and the ownership of such horses by  
24 residents of this State in order to provide for: sufficient  
25 numbers of high quality thoroughbred horses to participate in

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

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

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

25 (d) There is hereby created a special fund of the State  
26 Treasury to be known as the Illinois Thoroughbred Breeders

1 Fund.

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

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

10 (f) The Illinois Thoroughbred Breeders Fund Advisory Board  
11 shall consist of the Director of the Department of Agriculture,  
12 who shall serve as Chairman; a member of the Illinois Racing  
13 Board, designated by it; 2 representatives of the organization  
14 licensees conducting thoroughbred racing meetings, recommended  
15 by them; 2 representatives of the Illinois Thoroughbred  
16 Breeders and Owners Foundation, recommended by it; and 2  
17 representatives of the Horsemen's Benevolent Protective  
18 Association or any successor organization established in  
19 Illinois comprised of the largest number of owners and  
20 trainers, recommended by it, with one representative of the  
21 Horsemen's Benevolent and Protective Association to come from  
22 its Illinois Division, and one from its Chicago Division.  
23 Advisory Board members shall serve for 2 years commencing  
24 January 1 of each odd numbered year. If representatives of the  
25 organization licensees conducting thoroughbred racing  
26 meetings, the Illinois Thoroughbred Breeders and Owners

1 Foundation, and the Horsemen's Benevolent Protection  
2 Association have not been recommended by January 1, of each odd  
3 numbered year, the Director of the Department of Agriculture  
4 shall make an appointment for the organization failing to so  
5 recommend a member of the Advisory Board. Advisory Board  
6 members shall receive no compensation for their services as  
7 members but shall be reimbursed for all actual and necessary  
8 expenses and disbursements incurred in the execution of their  
9 official duties.

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

18 (1) To provide purse supplements to owners of horses  
19 participating in races limited to Illinois conceived and  
20 foaled and Illinois foaled horses. Any such purse  
21 supplements shall not be included in and shall be paid in  
22 addition to any purses, stakes, or breeders' awards offered  
23 by each organization licensee as determined by agreement  
24 between such organization licensee and an organization  
25 representing the horsemen. No monies from the Illinois  
26 Thoroughbred Breeders Fund shall be used to provide purse

1 supplements for claiming races in which the minimum  
2 claiming price is less than \$7,500.

3 (2) To provide stakes and awards to be paid to the  
4 owners of the winning horses in certain races limited to  
5 Illinois conceived and foaled and Illinois foaled horses  
6 designated as stakes races.

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

23 (3) To provide stallion awards to the owner or owners  
24 of any stallion that is duly registered with the Illinois  
25 Thoroughbred Breeders Fund Program ~~prior to the effective~~  
26 ~~date of this amendatory Act of 1995~~ whose duly registered

1 Illinois conceived and foaled offspring wins a race  
2 conducted at an Illinois thoroughbred racing meeting other  
3 than a claiming race. Such award shall not be paid to the  
4 owner or owners of an Illinois stallion that served outside  
5 this State at any time during the calendar year in which  
6 such race was conducted.

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

17 (4.1) (Blank). ~~To provide purse money for an Illinois~~  
18 ~~stallion stakes program.~~

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

23 (6) To provide for educational programs regarding the  
24 thoroughbred breeding industry.

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

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

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

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

8           (h) (Blank). ~~Whenever the Governor finds that the amount in~~  
9 ~~the Illinois Thoroughbred Breeders Fund is more than the total~~  
10 ~~of 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 amount~~  
14 ~~from the Illinois Thoroughbred Breeders Fund to the General~~  
15 ~~Revenue Fund.~~

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

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

25 (j) A sum equal to 12 1/2% of the first prize money won in  
26 each race limited to Illinois foaled horses or Illinois



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

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

23 (1) 60% of such sum shall be paid to the breeder of the  
24 horse which finishes in the official first position;

25 (2) 20% of such sum shall be paid to the breeder of the  
26 horse which finishes in the official second position;

1           (3) 15% of such sum shall be paid to the breeder of the  
2 horse which finishes in the official third position; and

3           (4) 5% of such sum shall be paid to the breeder of the  
4 horse which finishes in the official fourth position.

5           Such payments shall not reduce any award to the owners of a  
6 horse or reduce the taxes payable under this Act. Upon  
7 completion of its racing meet, each organization licensee shall  
8 deliver to the organization representing thoroughbred breeders  
9 and owners whose representative serves on the Illinois  
10 Thoroughbred Breeders Fund Advisory Board a listing of all the  
11 Illinois foaled and the Illinois conceived and foaled horses  
12 which won breeders' awards and the amount of such breeders'  
13 awards in accordance with the provisions of this Act. Such  
14 payments shall be delivered by the organization licensee within  
15 30 days of the end of each race meeting.

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

1 and is not bred to a stallion standing in any other state  
2 during the season of foaling. An "Illinois foaled horse" also  
3 means a foal born in Illinois of a mare purchased at public  
4 auction subsequent to the mare entering this State prior to  
5 March 1 ~~February 1~~ of the foaling year providing the mare is  
6 owned solely by one or more Illinois residents or an Illinois  
7 entity that is entirely owned by one or more Illinois  
8 residents.

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

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

24 (2) Provide for the registration of Illinois conceived  
25 and foaled horses and Illinois foaled horses. No such horse  
26 shall compete in the races limited to Illinois conceived

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

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

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

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

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

1 ~~Director of the Racing Board, who shall serve as Chairman.~~

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

3 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

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

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

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

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

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

13      (d) There is hereby created a special fund of the State  
14      Treasury to be known as the Illinois Standardbred Breeders  
15      Fund.

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

21      (e) The Illinois Standardbred Breeders Fund shall be  
22      administered by the Department of Agriculture with the  
23      assistance and advice of the Advisory Board created in  
24      subsection (f) of this Section.

25      (f) The Illinois Standardbred Breeders Fund Advisory Board  
26      is hereby created. The Advisory Board shall consist of the

1 Director of the Department of Agriculture, who shall serve as  
2 Chairman; the Superintendent of the Illinois State Fair; a  
3 member of the Illinois Racing Board, designated by it; a  
4 representative of the Illinois Standardbred Owners and  
5 Breeders Association, recommended by it; a representative of  
6 the Illinois Association of Agricultural Fairs, recommended by  
7 it, such representative to be from a fair at which Illinois  
8 conceived and foaled racing is conducted; a representative of  
9 the organization licensees conducting harness racing meetings,  
10 recommended by them and a representative of the Illinois  
11 Harness Horsemen's Association, recommended by it. Advisory  
12 Board members shall serve for 2 years commencing January 1, of  
13 each odd numbered year. If representatives of the Illinois  
14 Standardbred Owners and Breeders Associations, the Illinois  
15 Association of Agricultural Fairs, the Illinois Harness  
16 Horsemen's Association, and the organization licensees  
17 conducting harness racing meetings have not been recommended by  
18 January 1, of each odd numbered year, the Director of the  
19 Department of Agriculture shall make an appointment for the  
20 organization failing to so recommend a member of the Advisory  
21 Board. Advisory Board members shall receive no compensation for  
22 their services as members but shall be reimbursed for all  
23 actual and necessary expenses and disbursements incurred in the  
24 execution of their official duties.

25 (g) No monies shall be expended from the Illinois  
26 Standardbred Breeders Fund except as appropriated by the



1 General Assembly. Monies appropriated from the Illinois  
2 Standardbred Breeders Fund shall be expended by the Department  
3 of Agriculture, with the assistance and advice of the Illinois  
4 Standardbred Breeders Fund Advisory Board for the following  
5 purposes only:

6 1. To provide purses for races limited to Illinois  
7 conceived and foaled horses at the State Fair and the  
8 DuQuoin State Fair.

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

11 3. To provide purse supplements for races limited to  
12 Illinois conceived and foaled horses conducted by  
13 associations conducting harness racing meetings.

14 4. No less than 75% of all monies in the Illinois  
15 Standardbred Breeders Fund shall be expended for purses in  
16 1, 2 and 3 as shown above.

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

1 breeders awards.

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

4 7. To pay the expenses incurred in the administration  
5 of the Illinois Standardbred Breeders Fund.

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

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

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

1 each month ~~race meeting~~.

2 (j) The Department of Agriculture shall, by rule, with the  
3 assistance and advice of the Illinois Standardbred Breeders  
4 Fund Advisory Board:

5 1. Qualify stallions for Illinois Standardbred Breeders  
6 Fund breeding; such stallion shall be owned by a resident of  
7 the State of Illinois or by an Illinois corporation all of  
8 whose shareholders, directors, officers and incorporators are  
9 residents of the State of Illinois. Such stallion shall stand  
10 for service at and within the State of Illinois at the time of  
11 a foal's conception, and such stallion must not stand for  
12 service at any place, ~~nor may semen from such stallion be~~  
13 ~~transported,~~ outside the State of Illinois during that calendar  
14 year in which the foal is conceived and that the owner of the  
15 stallion was for the 12 months prior, a resident of Illinois.  
16 The articles of agreement of any partnership, joint venture,  
17 limited partnership, syndicate, association or corporation and  
18 any bylaws and stock certificates must contain a restriction  
19 that provides that the ownership or transfer of interest by any  
20 one of the persons a party to the agreement can only be made to  
21 a person who qualifies as an Illinois resident. Foals conceived  
22 outside the State of Illinois from shipped semen from a  
23 stallion qualified for breeders' awards under this Section are  
24 not eligible to participate in the Illinois conceived and  
25 foaled program.

26 2. Provide for the registration of Illinois conceived and

1 foaled horses and no such horse shall compete in the races  
2 limited to Illinois conceived and foaled horses unless  
3 registered with the Department of Agriculture. The Department  
4 of Agriculture may prescribe such forms as may be necessary to  
5 determine the eligibility of such horses. No person shall  
6 knowingly prepare or cause preparation of an application for  
7 registration of such foals containing false information. A mare  
8 (dam) must be in the state at least 30 days prior to foaling or  
9 remain in the State at least 30 days at the time of foaling.  
10 Beginning with the 1996 breeding season and for foals of 1997  
11 and thereafter, a foal conceived in the State of Illinois by  
12 transported fresh semen may be eligible for Illinois conceived  
13 and foaled registration provided all breeding and foaling  
14 requirements are met. The stallion must be qualified for  
15 Illinois Standardbred Breeders Fund breeding at the time of  
16 conception and the mare must be inseminated within the State of  
17 Illinois. The foal must be dropped in Illinois and properly  
18 registered with the Department of Agriculture in accordance  
19 with this Act.

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

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

13           5. Provide for the registration with the Department of  
14 Agriculture of Colt Associations or county fairs desiring to  
15 sponsor races at county fairs.

16           (k) The Department of Agriculture, with the advice and  
17 assistance of the Illinois Standardbred Breeders Fund Advisory  
18 Board, may allocate monies for purse supplements for such  
19 races. In determining whether to allocate money and the amount,  
20 the Department of Agriculture shall consider factors,  
21 including but not limited to, the amount of money appropriated  
22 for the Illinois Standardbred Breeders Fund program, the number  
23 of races that may occur, and an organizational licensee's purse  
24 structure. The organizational licensee shall notify the  
25 Department of Agriculture of the conditions and minimum purses  
26 for races limited to Illinois conceived and foaled horses to be

1 conducted by each organizational licensee conducting a harness  
2 racing meeting for which purse supplements have been  
3 negotiated.

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

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

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

1 (230 ILCS 5/34.2 new)

2 Sec. 34.2. Racetrack consolidation.

3 (a) Findings. The General Assembly finds that encouraging  
4 organization licensees to consolidate will be beneficial to the  
5 horse racing industry. The General Assembly declares it to be  
6 the public policy of this State to enhance the viability of the  
7 horse racing industry by encouraging organization licensees to  
8 consolidate and not be penalized or lose any rights, benefits,  
9 or powers by reason of such consolidation.

10 (b) Consolidation. Notwithstanding any provision of this  
11 Act to the contrary, if 2 or more existing organization  
12 licensees consolidate into a single organization licensee or  
13 otherwise form a joint venture, corporation, limited liability  
14 company, or similar consolidated enterprise (consolidated  
15 organization licensee) whereby the consolidated organization  
16 licensee makes application or joint application, as the case  
17 may be, as a single organization licensee, or such existing  
18 licensees, after consolidation, make separate applications in  
19 the names of such pre-existing licensees, the newly  
20 consolidated organization licensee or each such separate  
21 pre-existing licensee shall thereafter retain and be entitled  
22 to all of the rights, benefits, and powers under this Act that  
23 would have otherwise accrued to each such individual  
24 pre-consolidation organization licensee but for such  
25 consolidation, regardless of whether all or a portion of the  
26 facilities of a pre-consolidation licensee are sold,

1 transferred, or otherwise cease to be utilized by the newly  
2 consolidated organization licensee or either of the  
3 pre-existing licensees. Such multiple rights, benefits, and  
4 powers shall include, but not be limited to:

5 (1) the authority to make application for and receive,  
6 within the discretion of the Board, racing dates, including  
7 host track days, in the same manner as the individual  
8 pre-consolidation organization licensees and the  
9 racetracks from which the organization licensees derive  
10 their licenses;

11 (2) the right to retain the existing inter-track  
12 wagering licenses and inter-track wagering location  
13 licenses of the individual pre-consolidation organization  
14 licensees and the racetracks from which the organization  
15 licensees derive their licenses, and the authority to make  
16 application for future inter-track wagering licenses and  
17 inter-track wagering location licenses in the same manner  
18 as each individual pre-consolidation organization licensee  
19 and the racetracks from which each pre-consolidation  
20 organization licensee derives its license, had or has in  
21 its own right; and

22 (3) all existing and future rights, benefits, and  
23 powers that the individual pre-consolidation organization  
24 licensees and the racetracks from which the organization  
25 licensees derive their licenses would have had or received  
26 but for the consolidation.



1       The newly consolidated organization licensee shall be  
2       subject to such taxation and fees as other similarly situated  
3       organization licensees.

4           (230 ILCS 5/36) (from Ch. 8, par. 37-36)

5       Sec. 36. (a) Whoever administers or conspires to administer  
6       to any horse a hypnotic, narcotic, stimulant, depressant or any  
7       chemical substance which may affect the speed of a horse at any  
8       time in any race where the purse or any part of the purse is  
9       made of money authorized by any Section of this Act, except  
10       those chemical substances permitted by ruling of the Board,  
11       internally, externally or by hypodermic method in a race or  
12       prior thereto, or whoever knowingly enters a horse in any race  
13       within a period of 24 hours after any hypnotic, narcotic,  
14       stimulant, depressant or any other chemical substance which may  
15       affect the speed of a horse at any time, except those chemical  
16       substances permitted by ruling of the Board, has been  
17       administered to such horse either internally or externally or  
18       by hypodermic method for the purpose of increasing or retarding  
19       the speed of such horse shall be guilty of a Class 4 felony.  
20       The Board shall suspend or revoke such violator's license.

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

23       (c) The term "narcotic" as used in this Section includes  
24       opium and all its alkaloids, salts, preparations and  
25       derivatives, cocaine and all its salts, preparations and

1 derivatives and substitutes.

2 (d) The provisions of this Section 36 and the treatment  
3 authorized herein apply to horses entered in and competing in  
4 race meetings as defined in Section 3.47 of this Act and to  
5 horses entered in and competing at any county fair.

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

7 (230 ILCS 5/42) (from Ch. 8, par. 37-42)

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

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

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

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

24 (230 ILCS 5/56 new)

1       Sec. 56. Electronic gaming.

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

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

15               82.5% shall be retained by the licensee;

16               15% shall be paid to purse equity accounts;

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

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

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

26               0.125% shall be paid to the Racing Industry Charitable

1           Foundation; and  
2           0.25% shall be paid to the licensee's live racing and  
3           horse ownership promotional account.  
4           Of the moneys paid to purse equity accounts by an  
5           electronic gaming licensee, 58% shall be paid to the licensee's  
6           thoroughbred purse equity account and 42% shall be paid to the  
7           licensee's standardbred purse equity account.

8           Section 930. The Riverboat Gambling Act is amended by  
9           changing Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 7.1, 7.3, 8, 9, 11,  
10          11.1, 12, 13, 14, 18, 19, and 20 and by adding Sections 7.6,  
11          7.7, and 13.2 as follows:

12           (230 ILCS 10/1) (from Ch. 120, par. 2401)

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

15          (Source: P.A. 86-1029.)

16           (230 ILCS 10/2) (from Ch. 120, par. 2402)

17           Sec. 2. Legislative Intent.

18           (a) This Act is intended to benefit the people of the State  
19          of Illinois by assisting economic development and promoting  
20          Illinois tourism and by increasing the amount of revenues  
21          available to the State to assist and support education.

22           (b) While authorization of riverboat and casino gambling  
23          will enhance investment, development and tourism in Illinois,

1 it is recognized that it will do so successfully only if public  
2 confidence and trust in the credibility and integrity of the  
3 gambling operations and the regulatory process is maintained.  
4 Therefore, regulatory provisions of this Act are designed to  
5 strictly regulate the facilities, persons, associations and  
6 practices related to gambling operations pursuant to the police  
7 powers of the State, including comprehensive law enforcement  
8 supervision.

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

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

14 (230 ILCS 10/3) (from Ch. 120, par. 2403)

15 Sec. 3. ~~Riverboat~~ Gambling Authorized.

16 (a) Riverboat and casino gambling operations and  
17 electronic gaming operations ~~and the system of wagering~~  
18 ~~incorporated therein~~, as defined in this Act, are hereby  
19 authorized to the extent that they are carried out in  
20 accordance with the provisions of this Act.

21 (b) This Act does not apply to the pari-mutuel system of  
22 wagering used or intended to be used in connection with the  
23 horse-race meetings as authorized under the Illinois Horse  
24 Racing Act of 1975, lottery games authorized under the Illinois  
25 Lottery Law, bingo authorized under the Bingo License and Tax

1 Act, charitable games authorized under the Charitable Games Act  
2 or pull tabs and jar games conducted under the Illinois Pull  
3 Tabs and Jar Games Act. This Act does apply to electronic  
4 gaming authorized under the Illinois Horse Racing Act of 1975  
5 to the extent provided in that Act and in this Act.

6 (c) Riverboat gambling conducted pursuant to this Act may  
7 be authorized upon any water within the State of Illinois or  
8 any water other than Lake Michigan which constitutes a boundary  
9 of the State of Illinois. Notwithstanding any provision in this  
10 subsection (c) to the contrary, a licensee that receives its  
11 license pursuant to subsection (e-5) of Section 7 or pursuant  
12 to paragraph (2) of subsection (e-10) of Section 7 may conduct  
13 riverboat gambling on Lake Michigan from a home dock located on  
14 Lake Michigan subject to any limitations contained in Section  
15 7. Notwithstanding any provision in this subsection (c) to the  
16 contrary, a licensee may conduct gambling at its home dock  
17 facility as provided in Sections 7 and 11. A licensee may  
18 conduct riverboat gambling authorized under this Act  
19 regardless of whether it conducts excursion cruises. A licensee  
20 may permit the continuous ingress and egress of passengers for  
21 the purpose of gambling.

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

25 (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 the  
6 Board has identified as requiring a license to engage in  
7 riverboat or casino gambling in Illinois.

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

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

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

22 ~~(f)~~ "Dock" means the location where a riverboat moors for  
23 the purpose of embarking passengers for and disembarking  
24 passengers from the riverboat.

25 ~~(g)~~ "Gross receipts" means the total amount of money  
26 exchanged for the purchase of chips, tokens or electronic cards

1 by riverboat or casino patrons or electronic gaming operation  
2 patrons.

3 ~~(h)~~ "Adjusted gross receipts" means the gross receipts less  
4 winnings paid to wagerers.

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

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

9 ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~  
10 gambling games authorized under this Act on ~~upon~~ a riverboat or  
11 in a casino or authorized under this Act and the Illinois Horse  
12 Racing Act of 1975 at an electronic gaming facility.

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

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

19 "Casino" means a land-based facility at which lawful  
20 gambling is authorized as provided in this Act.

21 "Owners license" means a license to conduct riverboat or  
22 casino gambling operations, but does not include an electronic  
23 gaming license.

24 "Licensed owner" means a person who holds an owners  
25 license.

26 "Electronic gaming license" means a license issued by the



1 Board under Section 7.4 of this Act authorizing electronic  
2 gaming at an electronic gaming facility.

3 "Electronic gaming" means the conduct of gambling using  
4 slot machines at a race track licensed under the Illinois Horse  
5 Racing Act of 1975 pursuant to the Illinois Horse Racing Act of  
6 1975 and this Act.

7 "Electronic gaming facility" means the area where the Board  
8 has authorized limited gaming at a race track of an  
9 organization licensee under the Illinois Horse Racing Act of  
10 1975 that holds an electronic gaming license.

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

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

16 (230 ILCS 10/5) (from Ch. 120, par. 2405)

17 Sec. 5. Gaming Board.

18 (a) (1) There is hereby established within the Department  
19 of Revenue an Illinois Gaming Board which shall have the powers  
20 and duties specified in this Act, and all other powers  
21 necessary and proper to fully and effectively execute this Act  
22 for the purpose of administering, regulating, and enforcing the  
23 system of riverboat and casino gambling established by this  
24 Act. Its jurisdiction shall extend under this Act to every  
25 person, association, corporation, partnership and trust

1 involved in riverboat and casino gambling operations in the  
2 State of Illinois.

3 (2) The Board shall consist of 5 members to be appointed by  
4 the Governor with the advice and consent of the Senate, one of  
5 whom shall be designated by the Governor to be chairman. Each  
6 member shall have a reasonable knowledge of the practice,  
7 procedure and principles of gambling operations. Each member  
8 shall either be a resident of Illinois or shall certify that he  
9 will become a resident of Illinois before taking office. At  
10 least one member shall be experienced in law enforcement and  
11 criminal investigation, at least one member shall be a  
12 certified public accountant experienced in accounting and  
13 auditing, and at least one member shall be a lawyer licensed to  
14 practice law in 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 term  
19 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for  
20 a term ending July 1, 1993. Upon the expiration of the  
21 foregoing terms, the successors of such members shall serve a  
22 term for 3 years and until their successors are appointed and  
23 qualified for like terms. Vacancies in the Board shall be  
24 filled for the unexpired term in like manner as original  
25 appointments. Each member of the Board shall be eligible for  
26 reappointment at the discretion of the Governor with the advice

1 and consent of the Senate.

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

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

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

23 (7) Before entering upon the discharge of the duties of his  
24 office, each member of the Board shall take an oath that he  
25 will faithfully execute the duties of his office according to  
26 the laws of the State and the rules and regulations adopted

1 therewith and shall give bond to the State of Illinois,  
2 approved by the Governor, in the sum of \$25,000. Every such  
3 bond, when duly executed and approved, shall be recorded in the  
4 office of the Secretary of State. Whenever the Governor  
5 determines that the bond of any member of the Board has become  
6 or is likely to become invalid or insufficient, he shall  
7 require such member forthwith to renew his bond, which is to be  
8 approved by the Governor. Any member of the Board who fails to  
9 take oath and give bond within 30 days from the date of his  
10 appointment, or who fails to renew his bond within 30 days  
11 after it is demanded by the Governor, shall be guilty of  
12 neglect of duty and may be removed by the Governor. The cost of  
13 any bond given by any member of the Board under this Section  
14 shall be taken to be a part of the necessary expenses of the  
15 Board.

16 (8) Upon the request of the Board, the Department shall  
17 employ such personnel as may be necessary to carry out the  
18 functions of the Board. No person shall be employed to serve  
19 the Board who is, or whose spouse, parent or child is, an  
20 official of, or has a financial interest in or financial  
21 relation with, any operator engaged in gambling operations  
22 within this State or any organization engaged in conducting  
23 horse racing within this State. Any employee violating these  
24 prohibitions shall be subject to termination of employment.

25 (9) An Administrator shall perform any and all duties that  
26 the Board shall assign him. The salary of the Administrator

1 shall be determined by the Board and approved by the Director  
2 of the Department and, in addition, he shall be reimbursed for  
3 all actual and necessary expenses incurred by him in discharge  
4 of his official duties. The Administrator shall keep records of  
5 all proceedings of the Board and shall preserve all records,  
6 books, documents and other papers belonging to the Board or  
7 entrusted to its care. The Administrator shall devote his full  
8 time to the duties of the office and shall not hold any other  
9 office or employment.

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

13 (1) To decide promptly and in reasonable order all  
14 license applications. Any party aggrieved by an action of  
15 the Board denying, suspending, revoking, restricting or  
16 refusing to renew a license may request a hearing before  
17 the Board. A request for a hearing must be made to the  
18 Board in writing within 5 days after service of notice of  
19 the action of the Board. Notice of the action of the Board  
20 shall be served either by personal delivery or by certified  
21 mail, postage prepaid, to the aggrieved party. Notice  
22 served by certified mail shall be deemed complete on the  
23 business day following the date of such mailing. The Board  
24 shall conduct all requested hearings promptly and in  
25 reasonable order;

26 (2) To conduct all hearings pertaining to civil

1 violations of this Act or rules and regulations promulgated  
2 hereunder;

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

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

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

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

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

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

1 member or administrative law judge conducting such hearing  
2 shall have all powers and rights granted to the Board in  
3 this Act. The record made at the time of the hearing shall  
4 be reviewed by the Board, or a majority thereof, and the  
5 findings and decision of the majority of the Board shall  
6 constitute the order of the Board in such case;

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

11 (10) To file a written annual report with the Governor  
12 on or before March 1 each year and such additional reports  
13 as the Governor may request. The annual report shall  
14 include a statement of receipts and disbursements by the  
15 Board, actions taken by the Board, and any additional  
16 information and recommendations which the Board may deem  
17 valuable or which the Governor may request;

18 (11) (Blank); ~~and~~

19 (12) To assume responsibility for the administration  
20 and enforcement of the Bingo License and Tax Act, the  
21 Charitable Games Act, and the Pull Tabs and Jar Games Act  
22 if such responsibility is delegated to it by the Director  
23 of Revenue; and.

24 (13) To assume responsibility for the administration  
25 and enforcement of operations at electronic gaming  
26 facilities pursuant to this Act and the Illinois Horse



1           Racing Act of 1975.

2           (c) The Board shall have jurisdiction over and shall  
3 supervise all gambling operations governed by this Act. The  
4 Board shall have all powers necessary and proper to fully and  
5 effectively execute the provisions of this Act, including, but  
6 not limited to, the following:

7           (1) To investigate applicants and determine the  
8 eligibility of applicants for licenses and to select among  
9 competing applicants the applicants which best serve the  
10 interests of the citizens of Illinois.

11           (2) To have jurisdiction and supervision over all  
12 ~~riverboat~~ gambling operations authorized under this Act in  
13 ~~this State~~ and all persons in places ~~on riverboats~~ where  
14 gambling operations are conducted.

15           (3) To promulgate rules and regulations for the purpose  
16 of administering the provisions of this Act and to  
17 prescribe rules, regulations and conditions under which  
18 all ~~riverboat~~ gambling operations subject to this Act in  
19 ~~the State~~ shall be conducted. Such rules and regulations  
20 are to provide for the prevention of practices detrimental  
21 to the public interest and for the best interests of  
22 ~~riverboat~~ gambling, including rules and regulations  
23 regarding the inspection of electronic gaming facilities,  
24 casinos, and ~~such~~ riverboats and the review of any permits  
25 or licenses necessary to operate a riverboat, casino, or  
26 electronic gaming facilities under any laws or regulations

1 applicable to riverboats, casinos, or electronic gaming  
2 facilities and to impose penalties for violations thereof.

3 (4) To enter the office, riverboats, casinos,  
4 electronic gaming facilities, and other facilities, or  
5 other places of business of a licensee, where evidence of  
6 the compliance or noncompliance with the provisions of this  
7 Act is likely to be found.

8 (5) To investigate alleged violations of this Act or  
9 the rules of the Board and to take appropriate disciplinary  
10 action against a licensee or a holder of an occupational  
11 license for a violation, or institute appropriate legal  
12 action for enforcement, or both.

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

16 (7) To adopt appropriate standards for all electronic  
17 gaming facilities, riverboats, casinos, and other  
18 facilities authorized under this Act.

19 (8) To require that the records, including financial or  
20 other statements of any licensee under this Act, shall be  
21 kept in such manner as prescribed by the Board and that any  
22 such licensee involved in the ownership or management of  
23 gambling operations submit to the Board an annual balance  
24 sheet and profit and loss statement, list of the  
25 stockholders or other persons having a 1% or greater  
26 beneficial interest in the gambling activities of each

1 licensee, and any other information the Board deems  
2 necessary in order to effectively administer this Act and  
3 all rules, regulations, orders and final decisions  
4 promulgated under this Act.

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

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

17 (11) To revoke or suspend licenses, as the Board may  
18 see fit and in compliance with applicable laws of the State  
19 regarding administrative procedures, and to review  
20 applications for the renewal of licenses. The Board may  
21 suspend an owners license or electronic gaming license,  
22 without notice or hearing, upon a determination that the  
23 safety or health of patrons or employees is jeopardized by  
24 continuing a gambling operation conducted under that  
25 license ~~a riverboat's operation~~. The suspension may remain  
26 in effect until the Board determines that the cause for

1 suspension has been abated. The Board may revoke the owners  
2 license or electronic gaming license upon a determination  
3 that the licensee ~~owner~~ has not made satisfactory progress  
4 toward abating the hazard.

5 (12) To eject or exclude or authorize the ejection or  
6 exclusion of, any person from ~~riverboat~~ gambling  
7 facilities where that ~~such~~ person is in violation of this  
8 Act, rules and regulations thereunder, or final orders of  
9 the Board, or where such person's conduct or reputation is  
10 such that his or her presence within the ~~riverboat~~ gambling  
11 facilities may, in the opinion of the Board, call into  
12 question the honesty and integrity of the gambling  
13 operations or interfere with the orderly conduct thereof;  
14 provided that the propriety of such ejection or exclusion  
15 is subject to subsequent hearing by the Board.

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

21 (14) (Blank).

22 (15) To suspend, revoke or restrict licenses, to  
23 require the removal of a licensee or an employee of a  
24 licensee for a violation of this Act or a Board rule or for  
25 engaging in a fraudulent practice, and to impose civil  
26 penalties of up to \$5,000 against individuals and up to

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

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

10          (17) To establish minimum levels of insurance to be  
11          maintained by licensees.

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

1 subsection (h) of Section 6 of Article VII of the Illinois  
2 Constitution.

3 (19) After consultation with the U.S. Army Corps of  
4 Engineers, to establish binding emergency orders upon the  
5 concurrence of a majority of the members of the Board  
6 regarding the navigability of water, relative to  
7 excursions, in the event of extreme weather conditions,  
8 acts of God or other extreme circumstances.

9 (20) To delegate the execution of any of its powers  
10 under this Act for the purpose of administering and  
11 enforcing this Act and its rules and regulations hereunder.

12 (21) To make rules concerning the conduct of electronic  
13 gaming.

14 (22) ~~(21)~~ To take any other action as may be reasonable  
15 or appropriate to enforce this Act and rules and  
16 regulations hereunder.

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

25 (e) The Board must authorize to each investigator and to  
26 any other employee of the Board exercising the powers of a

1 peace officer a distinct badge that, on its face, (i) clearly  
2 states that the badge is authorized by the Board and (ii)  
3 contains a unique identifying number. No other badge shall be  
4 authorized by the Board.

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

7 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

8 Sec. 5.1. Disclosure of records.

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

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

17 (2) An identification of any applicant or licensee  
18 including, if an applicant or licensee is not an  
19 individual, the state of incorporation or registration,  
20 the corporate officers, and the identity of all  
21 shareholders or participants. If an applicant or licensee  
22 has a pending registration statement filed with the  
23 Securities and Exchange Commission, only the names of those  
24 persons or entities holding interest of 5% or more must be  
25 provided.

1           (3) An identification of any business, including, if  
2           applicable, the state of incorporation or registration, in  
3           which an applicant or licensee or an applicant's or  
4           licensee's spouse or children has an equity interest of  
5           more than 5%. If an applicant or licensee is a corporation,  
6           partnership or other business entity, the applicant or  
7           licensee shall identify any other corporation, partnership  
8           or business entity in which it has an equity interest of 5%  
9           or more, including, if applicable, the state of  
10          incorporation or registration. This information need not  
11          be provided by a corporation, partnership or other business  
12          entity that has a pending registration statement filed with  
13          the Securities and Exchange Commission.

14          (4) Whether an applicant or licensee has been indicted,  
15          convicted, pleaded guilty or nolo contendere, or forfeited  
16          bail concerning any criminal offense under the laws of any  
17          jurisdiction, either felony or misdemeanor (except for  
18          traffic violations), including the date, the name and  
19          location of the court, arresting agency and prosecuting  
20          agency, the case number, the offense, the disposition and  
21          the location and length of incarceration.

22          (5) Whether an applicant or licensee has had any  
23          license or certificate issued by a licensing authority in  
24          Illinois or any other jurisdiction denied, restricted,  
25          suspended, revoked or not renewed and a statement  
26          describing the facts and circumstances concerning the



1 denial, restriction, suspension, revocation or  
2 non-renewal, including the licensing authority, the date  
3 each such action was taken, and the reason for each such  
4 action.

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

11 (7) Whether an applicant or licensee has filed, or been  
12 served with a complaint or other notice filed with any  
13 public body, regarding the delinquency in the payment of,  
14 or a dispute over the filings concerning the payment of,  
15 any tax required under federal, State or local law,  
16 including the amount, type of tax, the taxing agency and  
17 time periods involved.

18 (8) A statement listing the names and titles of all  
19 public officials or officers of any unit of government, and  
20 relatives of said public officials or officers who,  
21 directly or indirectly, own any financial interest in, have  
22 any beneficial interest in, are the creditors of or hold  
23 any debt instrument issued by, or hold or have any interest  
24 in any contractual or service relationship with, an  
25 applicant or licensee.

26 (9) Whether an applicant or licensee has made, directly

1 or indirectly, any political contribution, or any loans,  
2 donations or other payments, to any candidate or office  
3 holder, within 5 years from the date of filing the  
4 application, including the amount and the method of  
5 payment.

6 (10) The name and business telephone number of the  
7 counsel representing an applicant or licensee in matters  
8 before the Board.

9 (11) A description of any proposed or approved  
10 riverboat or casino gaming operation, including the type of  
11 boat, home dock or casino location, expected economic  
12 benefit to the community, anticipated or actual number of  
13 employees, any statement from an applicant or licensee  
14 regarding compliance with federal and State affirmative  
15 action guidelines, projected or actual admissions and  
16 projected or actual adjusted gross gaming receipts.

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

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

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

25 (2) Whenever the Board finds an applicant for an  
26 owner's license unsuitable for licensing, a copy of the

1 written letter outlining the reasons for the denial.

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

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

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

8 (2) The statutes, rules, regulations or  
9 intergovernmental agreements of any jurisdiction.

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

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

14 (230 ILCS 10/6) (from Ch. 120, par. 2406)

15 Sec. 6. Application for Owners License.

16 (a) A qualified person may apply to the Board for an owners  
17 license to conduct a ~~riverboat~~ gambling operation as provided  
18 in this Act. The application shall be made on forms provided by  
19 the Board and shall contain such information as the Board  
20 prescribes, including but not limited to the identity of the  
21 riverboat on which such gambling operation is to be conducted,  
22 if applicable, and the exact location where such riverboat will  
23 be docked, a certification that the riverboat will be  
24 registered under this Act at all times during which gambling  
25 operations are conducted on board, detailed information

1 regarding the ownership and management of the applicant, and  
2 detailed personal information regarding the applicant. Any  
3 application for an owners license to be re-issued on or after  
4 June 1, 2003 shall also include the applicant's license bid in  
5 a form prescribed by the Board. Information provided on the  
6 application shall be used as a basis for a thorough background  
7 investigation which the Board shall conduct with respect to  
8 each applicant. An incomplete application shall be cause for  
9 denial of a license by the Board.

10 (b) Applicants shall submit with their application all  
11 documents, resolutions, and letters of support from the  
12 governing body that represents the municipality or county  
13 wherein the licensee will dock.

14 (c) Each applicant shall disclose the identity of every  
15 person, association, trust or corporation having a greater than  
16 1% direct or indirect pecuniary interest in the ~~riverboat~~  
17 gambling operation with respect to which the license is sought.  
18 If the disclosed entity is a trust, the application shall  
19 disclose the names and addresses of the beneficiaries; if a  
20 corporation, the names and addresses of all stockholders and  
21 directors; if a partnership, the names and addresses of all  
22 partners, both general and limited.

23 (d) An application shall be filed with the Board by January  
24 1 of the year preceding any calendar year for which an  
25 applicant seeks an owners license; however, applications for an  
26 owners license permitting operations on January 1, 1991 shall

1 be filed by July 1, 1990. An application fee of \$50,000 shall  
2 be paid at the time of filing to defray the costs associated  
3 with the background investigation conducted by the Board. If  
4 the costs of the investigation exceed \$50,000, the applicant  
5 shall pay the additional amount to the Board. If the costs of  
6 the investigation are less than \$50,000, the applicant shall  
7 receive a refund of the remaining amount. All information,  
8 records, interviews, reports, statements, memoranda or other  
9 data supplied to or used by the Board in the course of its  
10 review or investigation of an application for a license under  
11 this Act shall be privileged, strictly confidential and shall  
12 be used only for the purpose of evaluating an applicant. Such  
13 information, records, interviews, reports, statements,  
14 memoranda or other data shall not be admissible as evidence,  
15 nor discoverable in any action of any kind in any court or  
16 before any tribunal, board, agency or person, except for any  
17 action deemed necessary by the Board.

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

23 (f) The licensed owner shall be the person primarily  
24 responsible for the boat or casino itself. Only one ~~riverboat~~  
25 gambling operation may be authorized by the Board on any  
26 riverboat or in any casino. The applicant must identify the

1 ~~each~~ riverboat or premises it intends to use and certify that  
2 the riverboat or premises: (1) has the authorized capacity  
3 required in this Act; (2) is accessible to disabled persons;  
4 and (3) is fully registered and licensed in accordance with any  
5 applicable laws.

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

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

9 (230 ILCS 10/7) (from Ch. 120, par. 2407)

10 Sec. 7. Owners Licenses.

11 (a) The Board shall issue owners licenses to persons, firms  
12 or corporations which apply for such licenses upon payment to  
13 the Board of the non-refundable license fee set by the Board,  
14 upon payment of a \$25,000 license fee for the first year of  
15 operation and a \$5,000 license fee for each succeeding year and  
16 upon a determination by the Board that the applicant is  
17 eligible for an owners license pursuant to this Act and the  
18 rules of the Board. From May 26, 2006 (~~For a period of 2 years~~  
19 ~~beginning on~~ the effective date of Public Act 94-804) until  
20 July 1, 2007 ~~this amendatory Act of the 94th General Assembly,~~  
21 as a condition of licensure and as an alternative source of  
22 payment for those funds payable under subsection (c-5) of  
23 Section 13 of this ~~the Riverboat Gambling~~ Act, any owners  
24 licensee that holds or receives its owners license on or after  
25 the effective date of this amendatory Act of the 94th General

1 Assembly, other than an owners licensee operating a riverboat  
2 with adjusted gross receipts in calendar year 2004 of less than  
3 \$200,000,000, must pay into the Horse Racing Equity Trust Fund,  
4 in addition to any other payments required under this Act, an  
5 amount equal to 3% of the adjusted gross receipts received by  
6 the owners licensee. The payments required under this Section  
7 shall be made by the owners licensee to the State Treasurer no  
8 later than 3:00 o'clock p.m. of the day after the day when the  
9 adjusted gross receipts were received by the owners licensee. A  
10 person, firm or corporation is ineligible to receive an owners  
11 license if:

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

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

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

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

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

23 (6) the firm or corporation employs a person defined in  
24 (1), (2), (3) or (4) who participates in the management or  
25 operation of gambling operations authorized under this  
26 Act;

1 (7) (blank); or

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

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

7 (1) the character, reputation, experience and  
8 financial integrity of the applicants and of any other or  
9 separate person that either:

10 (A) controls, directly or indirectly, such  
11 applicant, or

12 (B) is controlled, directly or indirectly, by such  
13 applicant or by a person which controls, directly or  
14 indirectly, such applicant;

15 (2) the facilities or proposed facilities for the  
16 conduct of ~~riverboat~~ gambling;

17 (3) the highest prospective total revenue to be derived  
18 by the State from the ~~conduct of riverboat~~ gambling;

19 (4) the extent to which the ownership of the applicant  
20 reflects the diversity of the State by including minority  
21 persons and females and the good faith affirmative action  
22 plan of each applicant to recruit, train and upgrade  
23 minority persons and females in all employment  
24 classifications;

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



1 (6) whether the applicant has adequate capitalization  
2 to provide and maintain, for the duration of a license, a  
3 riverboat or casino;

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

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

8 (c) Each owners license shall specify the place where the  
9 casino shall operate or the riverboat ~~riverboats~~ shall operate  
10 and dock.

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

13 (e) In addition to any licenses authorized under  
14 subsections (e-5) and (e-10), the ~~The~~ Board may issue up to 10  
15 licenses authorizing the holders of such licenses to own  
16 riverboats. In the application for an owners license, the  
17 applicant shall state the dock at which the riverboat is based  
18 and the water on which the riverboat will be located. The Board  
19 shall issue 5 licenses to become effective not earlier than  
20 January 1, 1991. Three of such licenses shall authorize  
21 riverboat gambling on the Mississippi River, or, with approval  
22 by the municipality in which the riverboat was docked on August  
23 7, 2003 and with Board approval, be authorized to relocate to a  
24 new location, in a municipality that (1) borders on the  
25 Mississippi River or is within 5 miles of the city limits of a  
26 municipality that borders on the Mississippi River and (2), on

1 August 7, 2003, had a riverboat conducting riverboat gambling  
2 operations pursuant to a license issued under this Act; one of  
3 which shall authorize riverboat gambling from a home dock in  
4 the city of East St. Louis. One other license shall authorize  
5 riverboat gambling on the Illinois River south of Marshall  
6 County. The Board shall issue one additional license to become  
7 effective not earlier than March 1, 1992, which shall authorize  
8 riverboat gambling on the Des Plaines River in Will County. The  
9 Board may issue 4 additional licenses to become effective not  
10 earlier than March 1, 1992. In determining the water upon which  
11 riverboats will operate, the Board shall consider the economic  
12 benefit which riverboat gambling confers on the State, and  
13 shall seek to assure that all regions of the State share in the  
14 economic benefits of riverboat gambling.

15 In granting all licenses, the Board may give favorable  
16 consideration to economically depressed areas of the State, to  
17 applicants presenting plans which provide for significant  
18 economic development over a large geographic area, and to  
19 applicants who currently operate non-gambling riverboats in  
20 Illinois. The Board shall review all applications for owners  
21 licenses, and shall inform each applicant of the Board's  
22 decision. The Board may grant an owners license to an applicant  
23 that has not submitted the highest license bid, but if it does  
24 not select the highest bidder, the Board shall issue a written  
25 decision explaining why another applicant was selected and  
26 identifying the factors set forth in this Section that favored

1 the winning bidder.

2 (e-5) In addition to licenses authorized under subsections  
3 (e) and (e-10), the Board may issue one owners license  
4 authorizing either the conduct of riverboat gambling  
5 operations from a home dock located in a municipality with a  
6 population of more than 500,000 inhabitants or the conduct of  
7 gambling operations in a casino located in a municipality with  
8 a population of more than 500,000 inhabitants.

9 The license authorized under this subsection (e-5) shall be  
10 awarded pursuant to a process of competitive bidding. However,  
11 the city council of the municipality in which the casino or the  
12 home dock of the riverboat is located may make recommendations  
13 regarding the location, proposal for ownership, licensee, and  
14 any other decisions made by the Board in connection with the  
15 license issued under this subsection (e-5).

16 The license authorized under this subsection (e-5) may  
17 authorize the conduct of riverboat gambling on Lake Michigan if  
18 the city council of the municipality in which the home dock is  
19 located approves the authorization in its recommendations  
20 under this subsection (e-5).

21 (e-10) In addition to licenses authorized under  
22 subsections (e) and (e-5), the Board may issue the following 3  
23 owners licenses:

24 (1) One owners license authorizing the conduct of  
25 riverboat gambling operations from a home dock located  
26 outside of the City of Chicago, but in Cook County and in

1 one of the following townships: Bloom, Thornton, Rich,  
2 Orland, Calumet, Worth, Palos, Bremen, or Lemont Township.

3 (2) One owners license authorizing the conduct of  
4 riverboat gambling from a home dock located in a  
5 municipality that (A) has a population of at least 75,000  
6 inhabitants, (B) is bordered on the East by Lake Michigan,  
7 and (C) is located in a county, the entirety of which is  
8 located to the North of Cook County, and shall authorize  
9 its holder to conduct riverboat gambling on Lake Michigan.

10 (3) One owners license authorizing the conduct of  
11 riverboat gambling from a home dock located in a  
12 municipality of which any portion is located within 10  
13 miles of any portion of O'Hare International Airport

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

20 (f) The ~~first 10 owners~~ licenses issued under this Act  
21 shall permit the holder to own the riverboat or casino ~~up to 2~~  
22 ~~riverboats~~ and equipment ~~thereon~~ for a period of 3 years after  
23 the effective date of the license. Holders of the first 10  
24 owners licenses must pay the annual license fee for each of the  
25 3 years during which they are authorized to own riverboats.

26 (g) Upon the termination, expiration, or revocation of each

1 owners license ~~of the first 10 licenses~~, which shall be issued  
2 for a 3 year period, all licenses are renewable annually upon  
3 payment of the fee and a determination by the Board that the  
4 licensee continues to meet all of the requirements of this Act  
5 and the Board's rules. However, for licenses renewed on or  
6 after May 1, 1998, renewal shall be for a period of 4 years,  
7 unless the Board sets a shorter period.

8 (h) An owners license, except for the owners license issued  
9 under subsection (e-5), shall entitle the licensee to operate  
10 up to 2,000 gaming positions. In addition to the 2,000 gaming  
11 positions authorized by a licensee's owners license, a licensee  
12 may operate gaming positions that it acquires pursuant to the  
13 competitive bidding process established under this subsection  
14 (h). An owners license issued under subsection (e-5) shall  
15 entitle the licensee to operate up to 4,000 gaming positions.  
16 For each 4-year license period, a licensee shall certify to the  
17 Board the total number of gaming positions it will use during  
18 the license period. If a licensee certifies that it will use a  
19 given number of gaming positions during its license period and,  
20 in the Board's determination, fails to use some or all of those  
21 gaming positions, then the unused gaming positions shall become  
22 the property of the Board. If a licensee certifies that it will  
23 use fewer than 2,000 gaming positions, or 4,000 gaming  
24 positions in the case of the licensee that acquires its license  
25 under subsection (e-5), then the authorized but unused gaming  
26 positions shall become the property of the Board. The Board

1 shall establish, by rule, a method for licensees to  
2 competitively bid for the right to use gaming positions that  
3 become the property of the Board under this subsection (h). A  
4 licensee, other than the licensee that acquires its license  
5 under subsection (e-5), may not bid for additional gaming  
6 positions under this subsection (h) unless it uses all 2,000  
7 gaming positions authorized by its license. A licensee that  
8 acquires its license under subsection (e-5) may bid for gaming  
9 positions under this subsection (h) only if the licensee had  
10 unused gaming positions become the property of the Board, and  
11 in no event shall that licensee be authorized to operate more  
12 than 4,000 gaming positions ~~own up to 2 riverboats.~~

13 An owners licensee, other than the licensee that acquires  
14 its license under subsection (e-5) or (e-10), that is  
15 authorized to operate in excess of 2,000 positions under this  
16 subsection (h) may conduct riverboat gambling operations from a  
17 temporary facility pending the construction of a permanent  
18 facility or the remodeling of an existing facility to  
19 accommodate those additional positions until July 1, 2008. An  
20 owners licensee that acquires its license under subsection  
21 (e-10) may conduct gambling operations from a temporary  
22 facility pending the construction of a permanent facility for  
23 one year after the issuance of its license. The number of  
24 positions at such a temporary facility may not exceed the  
25 number of positions the licensee is authorized to operate in  
26 excess of 2,000. The licensee that acquires its license under

1 ~~subsection (e-5) may not operate from a temporary facility. The~~  
2 ~~Board shall make rules concerning the conduct of gambling from~~  
3 ~~temporary facilities. A licensee shall limit the number of~~  
4 ~~gambling participants to 1,200 for any such owners license. A~~  
5 ~~licensee may operate both of its riverboats concurrently,~~  
6 ~~provided that the total number of gambling participants on both~~  
7 ~~riverboats does not exceed 1,200. Riverboats licensed to~~  
8 ~~operate on the Mississippi River and the Illinois River south~~  
9 ~~of Marshall County shall have an authorized capacity of at~~  
10 ~~least 500 persons. Any other riverboat licensed under this Act~~  
11 ~~shall have an authorized capacity of at least 400 persons.~~

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

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

1 municipality. The Board may issue or re-issue a license  
2 authorizing a riverboat to dock in areas of a county outside  
3 any municipality or approve a relocation under Section 11.2  
4 only if, prior to the issuance or re-issuance of the license or  
5 approval, the governing body of the county has by a majority  
6 vote approved of the docking of riverboats within such areas.

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

9 (230 ILCS 10/7.1)

10 Sec. 7.1. Re-issuance of revoked or non-renewed owners  
11 licenses.

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

22 (b) To be a qualified applicant, a person, firm, or  
23 corporation cannot be ineligible to receive an owners license  
24 under Section 7(a) and must submit an application for an owners  
25 license that complies with Section 6. Each such applicant must



1 also submit evidence to the Board that minority persons and  
2 females hold ownership interests in the applicant of at least  
3 16% and 4% respectively.

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

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

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

1 (230 ILCS 10/7.3)

2 Sec. 7.3. State conduct of gambling operations.

3 (a) If, after reviewing each application for a re-issued  
4 license, the Board determines that the highest prospective  
5 total revenue to the State would be derived from State conduct  
6 of the gambling operation in lieu of re-issuing the license,  
7 the Board shall inform each applicant of its decision. The  
8 Board shall thereafter have the authority, without obtaining an  
9 owners license, to conduct riverboat gambling operations as  
10 previously authorized by the terminated, expired, revoked, or  
11 nonrenewed license through a licensed manager selected  
12 pursuant to an open and competitive bidding process as set  
13 forth in Section 7.5 and as provided in Section 7.4.

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

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

25 (d) The maximum number of owners licenses authorized under  
26 Section 7 ~~7(e)~~ shall be reduced by one for each instance in

1 which the Board authorizes the State to conduct a riverboat  
2 gambling operation under subsection (a) in lieu of re-issuing a  
3 license to an applicant under Section 7.1.

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

5 (230 ILCS 10/7.6 new)

6 Sec. 7.6. Electronic gaming.

7 (a) The General Assembly finds that the horse racing and  
8 riverboat gambling industries share many similarities and  
9 collectively comprise the bulk of the State's gaming industry.  
10 One feature in common to both industries is that each is highly  
11 regulated by the State of Illinois.

12 The General Assembly further finds, however, that despite  
13 their shared features each industry is distinct from the other  
14 in that horse racing is and continues to be intimately tied to  
15 Illinois' agricultural economy and is, at its core, a spectator  
16 sport. This distinction requires the General Assembly to  
17 utilize different methods to regulate and promote the horse  
18 racing industry throughout the State.

19 The General Assembly finds that in order to promote live  
20 horse racing as a spectator sport in Illinois and the  
21 agricultural economy of this State, it is necessary to allow  
22 electronic gaming at Illinois race tracks given the success of  
23 other states in increasing live racing purse accounts and  
24 improving the quality of horses participating in horse race  
25 meetings.

1       The General Assembly finds, however, that even though the  
2 authority to conduct electronic gaming is a uniform means to  
3 improve live horse racing in this State, electronic gaming must  
4 be regulated and implemented differently in southern Illinois  
5 versus the Chicago area. The General Assembly finds that  
6 Fairmount Park is the only race track operating on a year round  
7 basis in southern Illinois that offers live racing and for that  
8 matter only conducts live thoroughbred racing. The General  
9 Assembly finds that the current state of affairs deprives  
10 spectators and standardbred horsemen residing in southern  
11 Illinois of the opportunity to participate in live standardbred  
12 racing in a manner similar to spectators, thoroughbred  
13 horsemen, and standardbred horsemen residing in the Chicago  
14 area. The General Assembly declares that southern Illinois  
15 spectators and standardbred horsemen are entitled to have a  
16 similar opportunity to participate in live standardbred racing  
17 as spectators in the Chicago area. The General Assembly  
18 declares that in order to remove this disparity between  
19 southern Illinois and the Chicago area, it is necessary for the  
20 State to regulate Fairmount Park differently from horse race  
21 tracks found in the Chicago area and tie Fairmount Park's  
22 authorization to conduct electronic gaming to a commitment to  
23 conduct at least 100 days of standardbred racing as set forth  
24 in subsection (d) of this Section.

25       (b) The Illinois Gaming Board shall award one electronic  
26 gaming license to become effective on or after July 1, 2007 to

1 each organization licensee under the Illinois Horse Racing Act  
2 of 1975, subject to application and eligibility requirements of  
3 this Section. An electronic gaming license shall authorize its  
4 holder to conduct electronic gaming at its race track at the  
5 following times:

6 (1) on days when it conducts live racing at the track  
7 where its electronic gaming facility is located from the  
8 time the first race of the day at that track begins until  
9 the end of the final race of the day at that race track;

10 and

11 (2) on days when it conducts simulcast wagering on  
12 races run in the United States from the time it first  
13 receives the simulcast signal until one hour after it stops  
14 receiving the simulcast signal. A license to conduct  
15 limited gaming and any renewal of a limited owners license  
16 shall authorize limited gaming for a period of 4 years.

17 (c) To be eligible to conduct electronic gaming, an  
18 organization licensee must (i) obtain an electronic gaming  
19 license, (ii) hold an organization license under the Illinois  
20 Horse Racing Act of 1975, (iii) hold an inter-track wagering  
21 license, (iv) pay a fee of \$25,000 (\$12,500 in the case of  
22 Fairmount Race Track and Balmoral Race Track) for each person  
23 it is authorized to admit before beginning to conduct  
24 electronic gaming and an additional fee of \$25,000 (\$12,500 in  
25 the case of Fairmount Race Track and Balmoral Race Track) for  
26 each person it is authorized to admit no later than 12 months

1 after the date it first conducts electronic gaming, (v) apply  
2 for at least 600 racing days, and (vi) meet all other  
3 requirements of this Act that apply to owners licensees.

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

14 (d) In addition to the other eligibility requirements of  
15 subsection (c), an organization licensee that holds an  
16 electronic gaming license authorizing it to conduct electronic  
17 gaming at Fairmount Park must apply for and conduct at least  
18 100 days of standardbred racing in calendar year 2008 and  
19 thereafter, unless a lesser schedule of live racing is the  
20 result of (A) weather or unsafe track conditions due to acts of  
21 God or (B) a strike between the organization licensee and the  
22 associations representing the largest number of owners,  
23 trainers, jockeys, or standardbred drivers who race horses at  
24 that organization licensee's racing meeting.

25 (e) The Board may approve electronic gaming licenses  
26 authorizing the conduct of electronic gaming by eligible

1 organization licensees.

2 (f) In calendar year 2007, the Board may approve up to  
3 3,800 aggregate gambling participants statewide as provided in  
4 this Section. The authority to admit participants under this  
5 Section in calendar year 2007 shall be allocated as follows:

6 (1) The organization licensee operating at Arlington  
7 Park Race Course may admit up to 1,150 gaming participants  
8 at a time;

9 (2) The organization licensees operating at Hawthorne  
10 Race Course, including the organization licensee formerly  
11 operating at Sportsman's Park, may collectively admit up to  
12 1,000 gaming participants at a 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 850 gaming participants at a time; and

17 (5) The organization licensee operating at Fairmount  
18 Park may admit up to 500 gaming participants at a time.

19 (g) For each calendar year after 2007 in which an  
20 electronic gaming licensee requests a number of racing days  
21 under its organization license that is less than 90% of the  
22 number of days of live racing it was awarded in 2007, the  
23 electronic gaming licensee may not conduct electronic gaming.

24 (h) On the second anniversary of the issuance of an  
25 electronic gaming license, the Gaming Board shall review the  
26 average daily live on-track handle at the race track where the

1 electronic gaming licensee's electronic gaming facility is  
2 located. If the average daily live on-track handle at that race  
3 track is lower than the average daily live on-track handle at  
4 that race track in calendar year 2005 by at least 10%, then the  
5 Board shall withdraw 10% of the gaming positions at that  
6 electronic gaming facility. If the average daily live on-track  
7 handle at that race track is higher than the average daily live  
8 on-track handle at the race track in calendar year 2005 by at  
9 least 10%, then the board shall allow that race track to  
10 operate up to 10% more additional electronic gaming positions,  
11 subject to the initial fees described in subsection (c) for  
12 each additional position allowed.

13 (i) An electronic gaming licensee may conduct electronic  
14 gaming at a temporary facility pending the construction of a  
15 permanent facility or the remodeling of an existing facility to  
16 accommodate electronic gaming participants for up to 12 months  
17 after receiving an electronic gaming license. The Board shall  
18 make rules concerning the conduct of electronic gaming from  
19 temporary facilities.

20 (230 ILCS 10/7.7 new)

21 Sec. 7.7. Home rule. The regulation and licensing of  
22 electronic gaming and electronic gaming licensees are  
23 exclusive powers and functions of the State. A home rule unit  
24 may not regulate or license electronic gaming or electronic  
25 gaming licensees. This Section is a denial and limitation of



1 home rule powers and functions under subsection (h) of Section  
2 6 of Article VII of the Illinois Constitution.

3 (230 ILCS 10/8) (from Ch. 120, par. 2408)

4 Sec. 8. Suppliers licenses.

5 (a) The Board may issue a suppliers license to such  
6 persons, firms or corporations which apply therefor upon the  
7 payment of a non-refundable application fee set by the Board,  
8 upon a determination by the Board that the applicant is  
9 eligible for a suppliers license and upon payment of a \$5,000  
10 annual license fee.

11 (b) The holder of a suppliers license is authorized to sell  
12 or lease, and to contract to sell or lease, gambling equipment  
13 and supplies to any licensee involved in the ownership or  
14 management of gambling operations.

15 (c) Gambling supplies and equipment may not be distributed  
16 unless supplies and equipment conform to standards adopted by  
17 rules of the Board.

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

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

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

25 (3) the person has submitted an application for a

1 license under this Act which contains false information;

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

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

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

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

13 (e) Any person that supplies any equipment, devices, or  
14 supplies to a licensed riverboat or casino gambling operation  
15 or electronic gaming operation must first obtain a suppliers  
16 license. A supplier shall furnish to the Board a list of all  
17 equipment, devices and supplies offered for sale or lease in  
18 connection with gambling games authorized under this Act. A  
19 supplier shall keep books and records for the furnishing of  
20 equipment, devices and supplies to gambling operations  
21 separate and distinct from any other business that the supplier  
22 might operate. A supplier shall file a quarterly return with  
23 the Board listing all sales and leases. A supplier shall  
24 permanently affix its name to all its equipment, devices, and  
25 supplies for gambling operations. Any supplier's equipment,  
26 devices or supplies which are used by any person in an

1 unauthorized gambling operation shall be forfeited to the  
2 State. A holder of an owners license or an electronic gaming  
3 license ~~licensed owner~~ may own its own equipment, devices and  
4 supplies. Each holder of an owners license or an electronic  
5 gaming license under the Act shall file an annual report  
6 listing its inventories of gambling equipment, devices and  
7 supplies.

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

10 (g) Any gambling equipment, devices and supplies provided  
11 by any licensed supplier may either be repaired on the  
12 riverboat, in a casino, or in an electronic gaming facility or  
13 removed from the riverboat, casino, or electronic gaming  
14 facility to a ~~an on-shore~~ facility owned by the holder of an  
15 owners license or electronic gaming license for repair.

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

17 (230 ILCS 10/9) (from Ch. 120, par. 2409)

18 Sec. 9. Occupational licenses.

19 (a) The Board may issue an occupational license to an  
20 applicant upon the payment of a non-refundable fee set by the  
21 Board, upon a determination by the Board that the applicant is  
22 eligible for an occupational license and upon payment of an  
23 annual license fee in an amount to be established. To be  
24 eligible for an occupational license, an applicant must:

25 (1) be at least 21 years of age if the applicant will

1 perform any function involved in gaming by patrons. Any  
2 applicant seeking an occupational license for a non-gaming  
3 function shall be at least 18 years of age;

4 (2) not have been convicted of a felony offense, a  
5 violation of Article 28 of the Criminal Code of 1961, or a  
6 similar statute of any other jurisdiction, or a crime  
7 involving dishonesty or moral turpitude;

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

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

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

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

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

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

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

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

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

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

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

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

18 (230 ILCS 10/11) (from Ch. 120, par. 2411)

19 Sec. 11. Conduct of gambling. Gambling may be conducted by  
20 licensed owners or licensed managers on behalf of the State  
21 aboard riverboats or by licensed owners in a casino. If  
22 authorized by the Board by rule, an owners licensee may move up  
23 to 15% of its slot machines from its riverboat to its home dock  
24 facility and use those slot machines to conduct gambling,  
25 provided that the slot machines are located in an area that is

1 accessible only to persons who are at least 21 years of age and  
2 provided that the admission tax imposed under Section 12 has  
3 been paid for all persons who use those slot machines. Gambling  
4 may be conducted by electronic gaming licensees at limited  
5 gaming facilities. Gambling authorized under this Section  
6 shall be subject to the following standards:

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

12 (2) (Blank).

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

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

24 (5) Employees of the Board shall have the right to be  
25 present on the riverboat or in the casino or on adjacent  
26 facilities under the control of the licensee and at the

1       electronic gaming facility under the control of the  
2       electronic gaming licensee.

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

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

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

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

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



1 permitted to make a wager under this Act.

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

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

23 (13) Notwithstanding any other Section of this Act, in  
24 addition to the other licenses authorized under this Act,  
25 the Board may issue special event licenses allowing persons  
26 who are not otherwise licensed to conduct riverboat

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

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

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

16 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

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

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

2 (230 ILCS 10/12) (from Ch. 120, par. 2412)

3 Sec. 12. Admission tax; fees.

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

1 the first 1,500,000 persons admitted by a licensee per year and  
2 \$3 per person for all persons admitted by that licensee in  
3 excess of 1,500,000 per year. This admission tax is imposed  
4 upon the licensed owner conducting gambling.

5 (1) The admission tax shall be paid for each admission,  
6 except that a person who exits a riverboat gambling  
7 facility and reenters that riverboat gambling facility  
8 within a reasonable time, as determined by the Board by  
9 rule, shall be subject only to the initial admission tax.

10 (2) (Blank).

11 (3) The owners ~~riverboat~~ licensee may issue tax-free  
12 passes to actual and necessary officials and employees of  
13 the licensee or other persons actually working on the  
14 riverboat or in the casino.

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

19 (a-5) A fee is hereby imposed upon admissions operated by  
20 licensed managers on behalf of the State pursuant to Section  
21 7.3 at the rates provided in this subsection (a-5). Until the  
22 effective date of this amendatory Act of the 95th General  
23 Assembly, For a licensee that admitted 1,000,000 persons or  
24 fewer in the previous calendar year, the rate is \$3 per person  
25 admitted; for a licensee that admitted more than 1,000,000 but  
26 no more than 2,300,000 persons in the previous calendar year,

1 the rate is \$4 per person admitted; and for a licensee that  
2 admitted more than 2,300,000 persons in the previous calendar  
3 year, the rate is \$5 per person admitted. Beginning on the  
4 effective date of this amendatory Act of the 95th General  
5 Assembly, the rate is \$2 per person for the first 1,500,000  
6 persons admitted by a licensee per year and \$3 per person for  
7 all persons admitted by that licensee in excess of 1,500,000  
8 per year.

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

10 (2) (Blank).

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

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

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

1 quarterly by the State, subject to appropriation, to the  
2 treasurer of the unit of local government for deposit in the  
3 general fund.

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

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

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

20 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

25 (a-1) From January 1, 1998 until July 1, 2002, a privilege

1 tax is imposed on persons engaged in the business of conducting  
2 riverboat gambling operations, based on the adjusted gross  
3 receipts received by a licensed owner from gambling games  
4 authorized under this Act at the following rates:

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

7 20% of annual adjusted gross receipts in excess of  
8 \$25,000,000 but not exceeding \$50,000,000;

9 25% of annual adjusted gross receipts in excess of  
10 \$50,000,000 but not exceeding \$75,000,000;

11 30% of annual adjusted gross receipts in excess of  
12 \$75,000,000 but not exceeding \$100,000,000;

13 35% of annual adjusted gross receipts in excess of  
14 \$100,000,000.

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

22 15% of annual adjusted gross receipts up to and  
23 including \$25,000,000;

24 22.5% of annual adjusted gross receipts in excess of  
25 \$25,000,000 but not exceeding \$50,000,000;

26 27.5% of annual adjusted gross receipts in excess of

1           \$50,000,000 but not exceeding \$75,000,000;  
2           32.5% of annual adjusted gross receipts in excess of  
3           \$75,000,000 but not exceeding \$100,000,000;  
4           37.5% of annual adjusted gross receipts in excess of  
5           \$100,000,000 but not exceeding \$150,000,000;  
6           45% of annual adjusted gross receipts in excess of  
7           \$150,000,000 but not exceeding \$200,000,000;  
8           50% of annual adjusted gross receipts in excess of  
9           \$200,000,000.

10          (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
11 persons engaged in the business of conducting riverboat  
12 gambling operations, other than licensed managers conducting  
13 riverboat gambling operations on behalf of the State, based on  
14 the adjusted gross receipts received by a licensed owner from  
15 gambling games authorized under this Act at the following  
16 rates:

17           15% of annual adjusted gross receipts up to and  
18 including \$25,000,000;  
19           27.5% of annual adjusted gross receipts in excess of  
20 \$25,000,000 but not exceeding \$37,500,000;  
21           32.5% of annual adjusted gross receipts in excess of  
22 \$37,500,000 but not exceeding \$50,000,000;  
23           37.5% of annual adjusted gross receipts in excess of  
24 \$50,000,000 but not exceeding \$75,000,000;  
25           45% of annual adjusted gross receipts in excess of  
26 \$75,000,000 but not exceeding \$100,000,000;



1           50% of annual adjusted gross receipts in excess of  
2           \$100,000,000 but not exceeding \$250,000,000;

3           70% of annual adjusted gross receipts in excess of  
4           \$250,000,000.

5           An amount equal to the amount of wagering taxes collected  
6           under this subsection (a-3) that are in addition to the amount  
7           of wagering taxes that would have been collected if the  
8           wagering tax rates under subsection (a-2) were in effect shall  
9           be paid into the Common School Fund.

10          The privilege tax imposed under this subsection (a-3) shall  
11          no longer be imposed beginning on the earlier of (i) July 1,  
12          2005; (ii) the first date after June 20, 2003 that riverboat  
13          gambling operations are conducted pursuant to a dormant  
14          license; or (iii) the first day that riverboat gambling  
15          operations are conducted under the authority of an owners  
16          license that is in addition to the 10 owners licenses initially  
17          authorized under this Act. For the purposes of this subsection  
18          (a-3), the term "dormant license" means an owners license that  
19          is authorized by this Act under which no riverboat gambling  
20          operations are being conducted on June 20, 2003.

21          (a-4) From ~~Beginning on~~ the first day on which the tax  
22          imposed under subsection (a-3) is no longer imposed until the  
23          effective date of this amendatory Act of the 95th General  
24          Assembly, a privilege tax is imposed on persons engaged in the  
25          business of conducting riverboat gambling operations, other  
26          than licensed managers conducting riverboat gambling

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

4 15% of annual adjusted gross receipts up to and  
5 including \$25,000,000;

6 22.5% of annual adjusted gross receipts in excess of  
7 \$25,000,000 but not exceeding \$50,000,000;

8 27.5% of annual adjusted gross receipts in excess of  
9 \$50,000,000 but not exceeding \$75,000,000;

10 32.5% of annual adjusted gross receipts in excess of  
11 \$75,000,000 but not exceeding \$100,000,000;

12 37.5% of annual adjusted gross receipts in excess of  
13 \$100,000,000 but not exceeding \$150,000,000;

14 45% of annual adjusted gross receipts in excess of  
15 \$150,000,000 but not exceeding \$200,000,000;

16 50% of annual adjusted gross receipts in excess of  
17 \$200,000,000.

18 (a-5) Beginning on the effective date of this amendatory  
19 Act of the 95th General Assembly, a privilege tax is imposed on  
20 persons engaged in the business of conducting riverboat or  
21 casino gambling operations, based on the adjusted gross  
22 receipts received by a licensed owner from gambling games  
23 authorized under this Act, and on persons conducting electronic  
24 gaming, based on the adjusted gross receipts received by an  
25 electronic gaming licensee from electronic gambling, at the  
26 following rates:

1           15% of annual adjusted gross receipts up to and  
2           including \$25,000,000;

3           20% of annual adjusted gross receipts in excess of  
4           \$25,000,000 but not exceeding \$50,000,000;

5           25% of annual adjusted gross receipts in excess of  
6           \$50,000,000 but not exceeding \$75,000,000;

7           30% of annual adjusted gross receipts in excess of  
8           \$75,000,000 but not exceeding \$100,000,000;

9           35% of annual adjusted gross receipts in excess of  
10           \$100,000,000 but not exceeding \$400,000,000;

11           40% of annual adjusted gross receipts in excess of  
12           \$400,000,000 but not exceeding \$450,000,000;

13           45% of annual adjusted gross receipts in excess of  
14           \$450,000,000 but not exceeding \$500,000,000;

15           50% of annual adjusted gross receipts in excess of  
16           \$500,000,000.

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

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

24           (a-15) If the privilege tax imposed under subsection (a-3)  
25 is no longer imposed pursuant to item (i) of the last paragraph  
26 of subsection (a-3), then by June 15 of each year, each owners

1 licensee, other than an owners licensee that admitted 1,000,000  
2 persons or fewer in calendar year 2004, must, in addition to  
3 the payment of all amounts otherwise due under this Section,  
4 pay to the Board a reconciliation payment in the amount, if  
5 any, by which the licensed owner's base amount exceeds the  
6 amount of net privilege tax paid by the licensed owner to the  
7 Board in the then current State fiscal year. A licensed owner's  
8 net privilege tax obligation due for the balance of the State  
9 fiscal year shall be reduced up to the total of the amount paid  
10 by the licensed owner in its June 15 reconciliation payment.  
11 The obligation imposed by this subsection (a-15) is binding on  
12 any person, firm, corporation, or other entity that acquires an  
13 ownership interest in any such owners license. The obligation  
14 imposed under this subsection (a-15) terminates on the earliest  
15 of: (i) July 1, 2007, (ii) the first day after the effective  
16 date of this amendatory Act of the 94th General Assembly that  
17 riverboat gambling operations are conducted pursuant to a  
18 dormant license, (iii) the first day that riverboat gambling  
19 operations are conducted under the authority of an owners  
20 license that is in addition to the 10 owners licenses initially  
21 authorized under this Act, or (iv) the first day that a  
22 licensee under the Illinois Horse Racing Act of 1975 conducts  
23 gaming operations with slot machines or other electronic gaming  
24 devices. The Board must reduce the obligation imposed under  
25 this subsection (a-15) by an amount the Board deems reasonable  
26 for any of the following reasons: (A) an act or acts of God,

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

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

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

15 "Base amount" means the following:

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

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

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

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

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

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

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

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

24 "Dormant license" has the meaning ascribed to it in  
25 subsection (a-3).

26 "Net privilege tax" means all privilege taxes paid by a

1 licensed owner to the Board under this Section, less all  
2 payments made from the State Gaming Fund pursuant to subsection  
3 (b) of this Section.

4 The changes made to this subsection (a-15) by Public Act  
5 94-839 ~~this amendatory Act of the 94th General Assembly~~ are  
6 intended to restate and clarify the intent of Public Act 94-673  
7 with respect to the amount of the payments required to be made  
8 under this subsection by an owners licensee to the Board.

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

21 For calendar year 2007 and each year thereafter, a licensee  
22 shall not pay more money to the unit of local government (1)  
23 that is designated as the home dock of its riverboat or (2) in  
24 which its casino is located, than it paid in calendar year  
25 2006. In the case of an owners licensee that first begins  
26 conducting riverboat or casino gambling operations on or after

1 the effective date of this amendatory Act of the 95th General  
2 Assembly, the term "calendar year 2006" as used in this  
3 subsection (b) means the owners licensee's first full year of  
4 conducting riverboat gambling operations.

5 (b-5) Beginning on the effective date of this amendatory  
6 Act of the 95th General Assembly, from the tax revenue from  
7 electronic gaming deposited into the State Gaming Fund under  
8 this Section, an amount equal to 1% of the adjusted gross  
9 receipts generated by an electronic gaming licensee shall be  
10 paid monthly, subject to appropriation, to the municipality in  
11 which the electronic gaming facility is located. If an  
12 electronic gaming facility is not located within a  
13 municipality, then an amount equal to 1% of the adjusted gross  
14 receipts generated by the electronic gaming licensee shall be  
15 paid monthly, subject to appropriation, to the county in which  
16 the electronic gaming facility is located.

17 (b-10) Beginning on the effective date of this amendatory  
18 Act of the 95th General Assembly, from the tax revenue from  
19 electronic gaming deposited into the State Gaming Fund under  
20 this Section, an amount equal to 1% of the adjusted gross  
21 receipts generated by an electronic gaming licensee, but in no  
22 event more than \$25,000,000 in any year, shall be paid monthly,  
23 subject to appropriation, into the Intercity Development Fund.

24 (b-15) Beginning on the effective date of this amendatory  
25 Act of the 95th General Assembly, after the payments required  
26 under subsections (b), (b-5), and (b-10) have been made, the

1 first \$5,000,000 of tax revenue derived from electronic gaming  
2 shall be paid to the Department of Human Services to be used  
3 for compulsive gambling programs. From the tax revenue  
4 deposited in the State Gaming Fund pursuant to riverboat  
5 gambling operations conducted by a licensed manager on behalf  
6 of the State, an amount equal to 5% of adjusted gross receipts  
7 generated pursuant to those riverboat gambling operations  
8 shall be paid monthly, subject to appropriation by the General  
9 Assembly, to the unit of local government that is designated as  
10 the home dock of the riverboat upon which those riverboat  
11 gambling operations are conducted.

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

18 (c-5) (Blank). ~~Before the effective date of this amendatory~~  
19 ~~Act of the 94th General Assembly and beginning 2 years after~~  
20 ~~the effective date of this amendatory Act of the 94th General~~  
21 ~~Assembly, after the payments required under subsections (b) and~~  
22 ~~(c) have been made, an amount equal to 15% of the adjusted~~  
23 ~~gross receipts of (1) an owners licensee that relocates~~  
24 ~~pursuant to Section 11.2, (2) an owners licensee conducting~~  
25 ~~riverboat gambling operations pursuant to an owners license~~  
26 ~~that is initially issued after June 25, 1999, or (3) the first~~



1 ~~riverboat gambling operations conducted by a licensed manager~~  
2 ~~on behalf of the State under Section 7.3, whichever comes~~  
3 ~~first, shall be paid from the State Gaming Fund into the Horse~~  
4 ~~Racing Equity Fund.~~

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

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

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

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

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

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

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

26 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,

1 eff. 8-23-05; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06;  
2 revised 8-3-06.)

3 (230 ILCS 10/13.2 new)

4 Sec. 13.2. Licensee assessment. All owners licensees  
5 licensed to conduct riverboat gambling operations on the  
6 effective date of this amendatory Act of the 95th General  
7 Assembly shall be required to pay an aggregate amount of  
8 \$130,000,000 to the Gaming Board by July 1, 2007. The Board  
9 shall deposit all moneys received under this Section into the  
10 State Gaming Fund. Each owners licensee shall pay a pro rata  
11 share based on its adjusted gross receipts from calendar year  
12 2006 as determined by the Board.

13 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

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

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

19 (2) The total amount of gross receipts.

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

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

1 (c) The books and records kept by a licensed owner or  
2 electronic gaming licensee as provided by this Section are  
3 public records and the examination, publication, and  
4 dissemination of the books and records are governed by the  
5 provisions of The Freedom of Information Act.

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

7 (230 ILCS 10/18) (from Ch. 120, par. 2418)

8 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

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

18 or

19 (2) violating paragraph (12) of subsection (a) of  
20 Section 11 of this Act.

21 (c) A person wagering or accepting a wager at any location  
22 outside the riverboat, casino, or electronic gaming facility in  
23 violation of paragraph ~~is subject to the penalties in~~  
24 ~~paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the  
25 Criminal Code of 1961 is subject to the penalties provided in

1 that Section.

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

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

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

1 of a member of the Board.

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

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

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

6 (iii) In analyzing the probability of the  
7 occurrence of an event relating to the gambling game.

8 (iv) In analyzing the strategy for playing or  
9 betting to be used in the game except as permitted by  
10 the Board.

11 (4) Cheats at a gambling game.

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

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

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

23 (8) Claims, collects, or takes, or attempts to claim,  
24 collect, or take, money or anything of value in or from the  
25 gambling games, with intent to defraud, without having made  
26 a wager contingent on winning a gambling game, or claims,

1 collects, or takes an amount of money or thing of value of  
2 greater value than the amount won.

3 (9) Uses counterfeit chips or tokens in a gambling  
4 game.

5 (10) Possesses any key or device designed for the  
6 purpose of opening, entering, or affecting the operation of  
7 a gambling game, drop box, or an electronic or mechanical  
8 device connected with the gambling game or for removing  
9 coins, tokens, chips or other contents of a gambling game.  
10 This paragraph (10) does not apply to a gambling licensee  
11 or employee of a gambling licensee acting in furtherance of  
12 the employee's employment.

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

17 An action to prosecute any crime occurring on a riverboat  
18 shall be tried in the county of the dock at which the riverboat  
19 is based. An action to prosecute any crime occurring in a  
20 casino shall be tried in the county in which the casino is  
21 located.

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

23 (230 ILCS 10/19) (from Ch. 120, par. 2419)

24 Sec. 19. Forfeiture of property.

25 (a) Except as provided in subsection (b), any riverboat, l

1 casino, or electronic gaming facility used for the conduct of  
2 gambling games in violation of this Act shall be considered a  
3 gambling place in violation of Section 28-3 of the Criminal  
4 Code of 1961, as now or hereafter amended. Every gambling  
5 device found on a riverboat, in a casino, or at an electronic  
6 gaming facility operating gambling games in violation of this  
7 Act and every slot machine found at an electronic gaming  
8 facility operating gambling games in violation of this Act  
9 shall be subject to seizure, confiscation and destruction as  
10 provided in Section 28-5 of the Criminal Code of 1961, as now  
11 or hereafter amended.

12 (b) It is not a violation of this Act for a riverboat or  
13 other watercraft which is licensed for gaming by a contiguous  
14 state to dock on the shores of this State if the municipality  
15 having jurisdiction of the shores, or the county in the case of  
16 unincorporated areas, has granted permission for docking and no  
17 gaming is conducted on the riverboat or other watercraft while  
18 it is docked on the shores of this State. No gambling device  
19 shall be subject to seizure, confiscation or destruction if the  
20 gambling device is located on a riverboat or other watercraft  
21 which is licensed for gaming by a contiguous state and which is  
22 docked on the shores of this State if the municipality having  
23 jurisdiction of the shores, or the county in the case of  
24 unincorporated areas, has granted permission for docking and no  
25 gaming is conducted on the riverboat or other watercraft while  
26 it is docked on the shores of this State.



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

2 (230 ILCS 10/20) (from Ch. 120, par. 2420)

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

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

17 Section 935. The Illinois Pull Tabs and Jar Games Act is  
18 amended by changing Sections 1.1, 4, and 5 as follows:

19 (230 ILCS 20/1.1) (from Ch. 120, par. 1051.1)

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

21 "Pull tabs" and "jar games" means a game using  
22 single-folded or banded tickets or a card, the face of which is  
23 initially covered or otherwise hidden from view in order to

1 conceal a number, symbol or set of symbols, some of which are  
2 winners. Players with winning tickets receive a prize stated on  
3 a promotional display or "flare". Pull tabs also means a game  
4 in which prizes are won by pulling a tab from a board thereby  
5 revealing a number which corresponds to the number for a given  
6 prize.

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

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

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

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

26 "Charitable organization" means an organization or

1 institution organized and operated to benefit an indefinite  
2 number of the public.

3 "Educational organization" means an organization or  
4 institution organized and operated to provide systematic  
5 instruction in useful branches of learning by methods common to  
6 schools and institutions of learning which compare favorably in  
7 their scope and intensity with the course of study presented in  
8 tax-supported schools.

9 "Religious organization" means any church, congregation,  
10 society, or organization founded for the purpose of religious  
11 worship.

12 "Fraternal organization" means an organization of persons,  
13 including but not limited to ethnic organizations, having a  
14 common interest, organized and operated exclusively to promote  
15 the welfare of its members and to benefit the general public on  
16 a continuing and consistent basis.

17 "Veterans' organization" means an organization comprised  
18 of members of which substantially all are individuals who are  
19 veterans or spouses, widows, or widowers of veterans, the  
20 primary purpose of which is to promote the welfare of its  
21 members and to provide assistance to the general public in such  
22 a way as to confer a public benefit.

23 "Labor organization" means an organization composed of  
24 labor unions or workers organized with the objective of  
25 betterment of the conditions of those engaged in such pursuit  
26 and the development of a higher degree of efficiency in their

1       respective occupations.

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

5           "Senior citizens organization" means an organization or  
6 association comprised of members of which substantially all are  
7 individuals who are senior citizens, as defined in the Illinois  
8 Act on the Aging, the primary purpose of which is to promote  
9 the welfare of its members.

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

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

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

18           (230 ILCS 20/4) (from Ch. 120, par. 1054)

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

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

25           (2) No person except a bona fide member or employee of the

1 sponsoring organization may participate in the management or  
2 operation of such pull tabs or jar games; however, nothing  
3 herein shall conflict with pull tabs and jar games conducted  
4 under the provisions of the Charitable Games Act.

5 (3) No person may receive any remuneration or profit for  
6 participating in the management or operation of such pull tabs  
7 or jar games; however, nothing herein shall conflict with pull  
8 tabs and jar games conducted under the provisions of the  
9 Charitable Games Act.

10 (4) The price paid for a single chance or right to  
11 participate in a game licensed under this Act shall not exceed  
12 \$2. ~~The aggregate value of all prizes or merchandise awarded in  
13 any single day of pull tabs and jar games shall not exceed  
14 \$5,000, except that in adjoining counties having 200,000 to  
15 275,000 inhabitants each, and in counties which are adjacent to  
16 either of such adjoining counties and are adjacent to total of  
17 not more than 2 counties in this State, the value of all prizes  
18 or merchandise awarded may not exceed \$5,000 in a single day.~~

19 (5) No person under the age of 18 years shall play or  
20 participate in games under this Act. A person under the age of  
21 18 years may be within the area where pull tabs and jar games  
22 are being conducted only when accompanied by his parent or  
23 guardian.

24 (6) Pull tabs and jar games shall be conducted only on  
25 premises owned or occupied by licensed organizations and used  
26 by its members for general activities, or on premises owned or

1 rented for conducting the game of bingo, or as permitted in  
2 subsection (4) of Section 3.

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

4 (230 ILCS 20/5) (from Ch. 120, par. 1055)

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

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

19 (b) 50% shall be deposited in the Illinois Gaming Law  
20 Enforcement Fund. Of the monies deposited in the Illinois  
21 Gaming Law Enforcement Fund under this Section, the General  
22 Assembly shall appropriate two-thirds to the Department of  
23 Revenue, Department of State Police and the Office of the  
24 Attorney General for State law enforcement purposes, and  
25 one-third shall be appropriated to the Department of Revenue

1 for the purpose of distribution in the form of grants to  
2 counties or municipalities for law enforcement purposes. The  
3 amounts of grants to counties or municipalities shall bear the  
4 same ratio as the number of licenses issued in counties or  
5 municipalities bears to the total number of licenses issued in  
6 the State. In computing the number of licenses issued in a  
7 county, licenses issued for locations within a municipality's  
8 boundaries shall be excluded.

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

19 The Department of Revenue shall adopt by rule minimum  
20 quality production standards for pull tabs and jar games. In  
21 determining such standards, the Department shall consider the  
22 standards adopted by the National Association of Gambling  
23 Regulatory Agencies and the National Association of  
24 Fundraising Ticket Manufacturers. ~~Such standards shall include~~  
25 ~~the name of the supplier which shall appear in plain view to~~  
26 ~~the casual observer on the face side of each pull tab ticket~~

1 ~~and on each jar game ticket.~~ The pull tab ticket shall contain  
2 the name of the game, the selling price of the ticket, the  
3 amount of the prize and the serial number of the ticket. The  
4 back side of a pull tab ticket shall contain a series of  
5 perforated tabs ~~marked "open here"~~. The logo of the  
6 manufacturer shall be clearly visible on each jar game ticket.

7 The Department of Revenue shall adopt rules necessary to  
8 provide for the proper accounting and control of activities  
9 under this Act, to ensure that the proper taxes are paid, that  
10 the proceeds from the activities under this Act are used  
11 lawfully, and to prevent illegal activity associated with the  
12 use of pull tabs and jar games.

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



1 property means persons engaged in conducting pull tabs and jar  
2 games and references in such incorporated Sections of the  
3 Retailers' Occupation Tax Act to sales of tangible personal  
4 property mean the conducting of pull tabs and jar games and the  
5 making of charges for participating in such drawings.

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

7 Section 940. The Liquor Control Act of 1934 is amended by  
8 changing Sections 5-1 and 6-30 as follows:

9 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

10 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
11 Commission shall be of the following classes:

12 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
13 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
14 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
15 First Class Winemaker, Class 7. Second Class Winemaker, Class  
16 8. Limited Wine Manufacturer,

17 (b) Distributor's license,

18 (c) Importing Distributor's license,

19 (d) Retailer's license,

20 (e) Special Event Retailer's license (not-for-profit),

21 (f) Railroad license,

22 (g) Boat license,

23 (h) Non-Beverage User's license,

24 (i) Wine-maker's premises license,

- 1 (j) Airplane license,  
2 (k) Foreign importer's license,  
3 (l) Broker's license,  
4 (m) Non-resident dealer's license,  
5 (n) Brew Pub license,  
6 (o) Auction liquor license,  
7 (p) Caterer retailer license,  
8 (q) Special use permit license.

9 No person, firm, partnership, corporation, or other legal  
10 business entity that is engaged in the manufacturing of wine  
11 may concurrently obtain and hold a wine-maker's license and a  
12 wine manufacturer's license.

13 (a) A manufacturer's license shall allow the manufacture,  
14 importation in bulk, storage, distribution and sale of  
15 alcoholic liquor to persons without the State, as may be  
16 permitted by law and to licensees in this State as follows:

17 Class 1. A Distiller may make sales and deliveries of  
18 alcoholic liquor to distillers, rectifiers, importing  
19 distributors, distributors and non-beverage users and to no  
20 other licensees.

21 Class 2. A Rectifier, who is not a distiller, as defined  
22 herein, may make sales and deliveries of alcoholic liquor to  
23 rectifiers, importing distributors, distributors, retailers  
24 and non-beverage users and to no other licensees.

25 Class 3. A Brewer may make sales and deliveries of beer to  
26 importing distributors, distributors, and to non-licensees,

1 and to retailers provided the brewer obtains an importing  
2 distributor's license or distributor's license in accordance  
3 with the provisions of this Act.

4 Class 4. A first class wine-manufacturer may make sales and  
5 deliveries of up to 50,000 gallons of wine to manufacturers,  
6 importing distributors and distributors, and to no other  
7 licensees.

8 Class 5. A second class Wine manufacturer may make sales  
9 and deliveries of more than 50,000 gallons of wine to  
10 manufacturers, importing distributors and distributors and to  
11 no other licensees.

12 Class 6. A first-class wine-maker's license shall allow the  
13 manufacture of up to 50,000 gallons of wine per year, and the  
14 storage and sale of such wine to distributors in the State and  
15 to persons without the State, as may be permitted by law. A  
16 first-class wine-maker's license shall allow the sale of no  
17 more than 5,000 gallons of the licensee's wine to retailers.  
18 The State Commission shall issue only one first-class  
19 wine-maker's license to any person, firm, partnership,  
20 corporation, or other legal business entity that is engaged in  
21 the making of less than 50,000 gallons of wine annually that  
22 applies for a first-class wine-maker's license. No subsidiary  
23 or affiliate thereof, nor any officer, associate, member,  
24 partner, representative, employee, agent, or shareholder may  
25 be issued an additional wine-maker's license by the State  
26 Commission.

1           Class 7. A second-class wine-maker's license shall allow  
2 the manufacture of between 50,000 and 100,000 gallons of wine  
3 per year, and the storage and sale of such wine to distributors  
4 in this State and to persons without the State, as may be  
5 permitted by law. A second-class wine-maker's license shall  
6 allow the sale of no more than 10,000 gallons of the licensee's  
7 wine directly to retailers. The State Commission shall issue  
8 only one second-class wine-maker's license to any person, firm,  
9 partnership, corporation, or other legal business entity that  
10 is engaged in the making of less than 100,000 gallons of wine  
11 annually that applies for a second-class wine-maker's license.  
12 No subsidiary or affiliate thereof, or any officer, associate,  
13 member, partner, representative, employee, agent, or  
14 shareholder may be issued an additional wine-maker's license by  
15 the State Commission.

16           Class 8. A limited wine-manufacturer may make sales and  
17 deliveries not to exceed 40,000 gallons of wine per year to  
18 distributors, and to non-licensees in accordance with the  
19 provisions of this Act.

20           (a-1) A manufacturer which is licensed in this State to  
21 make sales or deliveries of alcoholic liquor and which enlists  
22 agents, representatives, or individuals acting on its behalf  
23 who contact licensed retailers on a regular and continual basis  
24 in this State must register those agents, representatives, or  
25 persons acting on its behalf with the State Commission.

26           Registration of agents, representatives, or persons acting

1 on behalf of a manufacturer is fulfilled by submitting a form  
2 to the Commission. The form shall be developed by the  
3 Commission and shall include the name and address of the  
4 applicant, the name and address of the manufacturer he or she  
5 represents, the territory or areas assigned to sell to or  
6 discuss pricing terms of alcoholic liquor, and any other  
7 questions deemed appropriate and necessary. All statements in  
8 the forms required to be made by law or by rule shall be deemed  
9 material, and any person who knowingly misstates any material  
10 fact under oath in an application is guilty of a Class B  
11 misdemeanor. Fraud, misrepresentation, false statements,  
12 misleading statements, evasions, or suppression of material  
13 facts in the securing of a registration are grounds for  
14 suspension or revocation of the registration.

15 (b) A distributor's license shall allow the wholesale  
16 purchase and storage of alcoholic liquors and sale of alcoholic  
17 liquors to licensees in this State and to persons without the  
18 State, as may be permitted by law.

19 (c) An importing distributor's license may be issued to and  
20 held by those only who are duly licensed distributors, upon the  
21 filing of an application by a duly licensed distributor, with  
22 the Commission and the Commission shall, without the payment of  
23 any fee, immediately issue such importing distributor's  
24 license to the applicant, which shall allow the importation of  
25 alcoholic liquor by the licensee into this State from any point  
26 in the United States outside this State, and the purchase of

1 alcoholic liquor in barrels, casks or other bulk containers and  
2 the bottling of such alcoholic liquors before resale thereof,  
3 but all bottles or containers so filled shall be sealed,  
4 labeled, stamped and otherwise made to comply with all  
5 provisions, rules and regulations governing manufacturers in  
6 the preparation and bottling of alcoholic liquors. The  
7 importing distributor's license shall permit such licensee to  
8 purchase alcoholic liquor from Illinois licensed non-resident  
9 dealers and foreign importers only.

10 (d) A retailer's license shall allow the licensee to sell  
11 and offer for sale at retail, only in the premises specified in  
12 the license, alcoholic liquor for use or consumption, but not  
13 for resale in any form: Provided that any retail license issued  
14 to a manufacturer shall only permit the manufacturer to sell  
15 beer at retail on the premises actually occupied by the  
16 manufacturer. For the purpose of further describing the type of  
17 business conducted at a retail licensed premises, a retailer's  
18 licensee may be designated by the State Commission as (i) an on  
19 premise consumption retailer, (ii) an off premise sale  
20 retailer, or (iii) a combined on premise consumption and off  
21 premise sale retailer.

22 Notwithstanding any other provision of this subsection  
23 (d), a retail licensee may sell alcoholic liquors to a special  
24 event retailer licensee for resale to the extent permitted  
25 under subsection (e).

26 (e) A special event retailer's license (not-for-profit)

1 shall permit the licensee to purchase alcoholic liquors from an  
2 Illinois licensed distributor (unless the licensee purchases  
3 less than \$500 of alcoholic liquors for the special event, in  
4 which case the licensee may purchase the alcoholic liquors from  
5 a licensed retailer) and shall allow the licensee to sell and  
6 offer for sale, at retail, alcoholic liquors for use or  
7 consumption, but not for resale in any form and only at the  
8 location and on the specific dates designated for the special  
9 event in the license. An applicant for a special event retailer  
10 license must (i) furnish with the application: (A) a resale  
11 number issued under Section 2c of the Retailers' Occupation Tax  
12 Act or evidence that the applicant is registered under Section  
13 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
14 exemption identification number issued under Section 1g of the  
15 Retailers' Occupation Tax Act, and a certification to the  
16 Commission that the purchase of alcoholic liquors will be a  
17 tax-exempt purchase, or (C) a statement that the applicant is  
18 not registered under Section 2a of the Retailers' Occupation  
19 Tax Act, does not hold a resale number under Section 2c of the  
20 Retailers' Occupation Tax Act, and does not hold an exemption  
21 number under Section 1g of the Retailers' Occupation Tax Act,  
22 in which event the Commission shall set forth on the special  
23 event retailer's license a statement to that effect; (ii)  
24 submit with the application proof satisfactory to the State  
25 Commission that the applicant will provide dram shop liability  
26 insurance in the maximum limits; and (iii) show proof

1 satisfactory to the State Commission that the applicant has  
2 obtained local authority approval.

3 (f) A railroad license shall permit the licensee to import  
4 alcoholic liquors into this State from any point in the United  
5 States outside this State and to store such alcoholic liquors  
6 in this State; to make wholesale purchases of alcoholic liquors  
7 directly from manufacturers, foreign importers, distributors  
8 and importing distributors from within or outside this State;  
9 and to store such alcoholic liquors in this State; provided  
10 that the above powers may be exercised only in connection with  
11 the importation, purchase or storage of alcoholic liquors to be  
12 sold or dispensed on a club, buffet, lounge or dining car  
13 operated on an electric, gas or steam railway in this State;  
14 and provided further, that railroad licensees exercising the  
15 above powers shall be subject to all provisions of Article VIII  
16 of this Act as applied to importing distributors. A railroad  
17 license shall also permit the licensee to sell or dispense  
18 alcoholic liquors on any club, buffet, lounge or dining car  
19 operated on an electric, gas or steam railway regularly  
20 operated by a common carrier in this State, but shall not  
21 permit the sale for resale of any alcoholic liquors to any  
22 licensee within this State. A license shall be obtained for  
23 each car in which such sales are made.

24 (g) A boat license shall allow the sale of alcoholic liquor  
25 in individual drinks, on any passenger boat regularly operated  
26 as a common carrier on navigable waters in this State or on any



1 riverboat operated under the Riverboat and Casino Gambling Act,  
2 which boat or riverboat maintains a public dining room or  
3 restaurant thereon.

4 (h) A non-beverage user's license shall allow the licensee  
5 to purchase alcoholic liquor from a licensed manufacturer or  
6 importing distributor, without the imposition of any tax upon  
7 the business of such licensed manufacturer or importing  
8 distributor as to such alcoholic liquor to be used by such  
9 licensee solely for the non-beverage purposes set forth in  
10 subsection (a) of Section 8-1 of this Act, and such licenses  
11 shall be divided and classified and shall permit the purchase,  
12 possession and use of limited and stated quantities of  
13 alcoholic liquor as follows:

- 14 Class 1, not to exceed ..... 500 gallons
- 15 Class 2, not to exceed ..... 1,000 gallons
- 16 Class 3, not to exceed ..... 5,000 gallons
- 17 Class 4, not to exceed ..... 10,000 gallons
- 18 Class 5, not to exceed ..... 50,000 gallons

19 (i) A wine-maker's premises license shall allow a licensee  
20 that concurrently holds a first-class wine-maker's license to  
21 sell and offer for sale at retail in the premises specified in  
22 such license not more than 50,000 gallons of the first-class  
23 wine-maker's wine that is made at the first-class wine-maker's  
24 licensed premises per year for use or consumption, but not for  
25 resale in any form. A wine-maker's premises license shall allow  
26 a licensee who concurrently holds a second-class wine-maker's

1 license to sell and offer for sale at retail in the premises  
2 specified in such license up to 100,000 gallons of the  
3 second-class wine-maker's wine that is made at the second-class  
4 wine-maker's licensed premises per year for use or consumption  
5 but not for resale in any form. A wine-maker's premises license  
6 shall allow a licensee that concurrently holds a first-class  
7 wine-maker's license or a second-class wine-maker's license to  
8 sell and offer for sale at retail at the premises specified in  
9 the wine-maker's premises license, for use or consumption but  
10 not for resale in any form, any beer, wine, and spirits  
11 purchased from a licensed distributor. Upon approval from the  
12 State Commission, a wine-maker's premises license shall allow  
13 the licensee to sell and offer for sale at (i) the wine-maker's  
14 licensed premises and (ii) at up to 2 additional locations for  
15 use and consumption and not for resale. Each location shall  
16 require additional licensing per location as specified in  
17 Section 5-3 of this Act.

18 (j) An airplane license shall permit the licensee to import  
19 alcoholic liquors into this State from any point in the United  
20 States outside this State and to store such alcoholic liquors  
21 in this State; to make wholesale purchases of alcoholic liquors  
22 directly from manufacturers, foreign importers, distributors  
23 and importing distributors from within or outside this State;  
24 and to store such alcoholic liquors in this State; provided  
25 that the above powers may be exercised only in connection with  
26 the importation, purchase or storage of alcoholic liquors to be

1 sold or dispensed on an airplane; and provided further, that  
2 airplane licensees exercising the above powers shall be subject  
3 to all provisions of Article VIII of this Act as applied to  
4 importing distributors. An airplane licensee shall also permit  
5 the sale or dispensing of alcoholic liquors on any passenger  
6 airplane regularly operated by a common carrier in this State,  
7 but shall not permit the sale for resale of any alcoholic  
8 liquors to any licensee within this State. A single airplane  
9 license shall be required of an airline company if liquor  
10 service is provided on board aircraft in this State. The annual  
11 fee for such license shall be as determined in Section 5-3.

12 (k) A foreign importer's license shall permit such licensee  
13 to purchase alcoholic liquor from Illinois licensed  
14 non-resident dealers only, and to import alcoholic liquor other  
15 than in bulk from any point outside the United States and to  
16 sell such alcoholic liquor to Illinois licensed importing  
17 distributors and to no one else in Illinois; provided that the  
18 foreign importer registers with the State Commission every  
19 brand of alcoholic liquor that it proposes to sell to Illinois  
20 licensees during the license period and provided further that  
21 the foreign importer complies with all of the provisions of  
22 Section 6-9 of this Act with respect to registration of such  
23 Illinois licensees as may be granted the right to sell such  
24 brands at wholesale.

25 (l) (i) A broker's license shall be required of all persons  
26 who solicit orders for, offer to sell or offer to supply

1 alcoholic liquor to retailers in the State of Illinois, or who  
2 offer to retailers to ship or cause to be shipped or to make  
3 contact with distillers, rectifiers, brewers or manufacturers  
4 or any other party within or without the State of Illinois in  
5 order that alcoholic liquors be shipped to a distributor,  
6 importing distributor or foreign importer, whether such  
7 solicitation or offer is consummated within or without the  
8 State of Illinois.

9 No holder of a retailer's license issued by the Illinois  
10 Liquor Control Commission shall purchase or receive any  
11 alcoholic liquor, the order for which was solicited or offered  
12 for sale to such retailer by a broker unless the broker is the  
13 holder of a valid broker's license.

14 The broker shall, upon the acceptance by a retailer of the  
15 broker's solicitation of an order or offer to sell or supply or  
16 deliver or have delivered alcoholic liquors, promptly forward  
17 to the Illinois Liquor Control Commission a notification of  
18 said transaction in such form as the Commission may by  
19 regulations prescribe.

20 (ii) A broker's license shall be required of a person  
21 within this State, other than a retail licensee, who, for a fee  
22 or commission, promotes, solicits, or accepts orders for  
23 alcoholic liquor, for use or consumption and not for resale, to  
24 be shipped from this State and delivered to residents outside  
25 of this State by an express company, common carrier, or  
26 contract carrier. This Section does not apply to any person who

1 promotes, solicits, or accepts orders for wine as specifically  
2 authorized in Section 6-29 of this Act.

3 A broker's license under this subsection (1) shall not  
4 entitle the holder to buy or sell any alcoholic liquors for his  
5 own account or to take or deliver title to such alcoholic  
6 liquors.

7 This subsection (1) shall not apply to distributors,  
8 employees of distributors, or employees of a manufacturer who  
9 has registered the trademark, brand or name of the alcoholic  
10 liquor pursuant to Section 6-9 of this Act, and who regularly  
11 sells such alcoholic liquor in the State of Illinois only to  
12 its registrants thereunder.

13 Any agent, representative, or person subject to  
14 registration pursuant to subsection (a-1) of this Section shall  
15 not be eligible to receive a broker's license.

16 (m) A non-resident dealer's license shall permit such  
17 licensee to ship into and warehouse alcoholic liquor into this  
18 State from any point outside of this State, and to sell such  
19 alcoholic liquor to Illinois licensed foreign importers and  
20 importing distributors and to no one else in this State;  
21 provided that said non-resident dealer shall register with the  
22 Illinois Liquor Control Commission each and every brand of  
23 alcoholic liquor which it proposes to sell to Illinois  
24 licensees during the license period; and further provided that  
25 it shall comply with all of the provisions of Section 6-9  
26 hereof with respect to registration of such Illinois licensees

1 as may be granted the right to sell such brands at wholesale.

2 (n) A brew pub license shall allow the licensee to  
3 manufacture beer only on the premises specified in the license,  
4 to make sales of the beer manufactured on the premises to  
5 importing distributors, distributors, and to non-licensees for  
6 use and consumption, to store the beer upon the premises, and  
7 to sell and offer for sale at retail from the licensed  
8 premises, provided that a brew pub licensee shall not sell for  
9 off-premises consumption more than 50,000 gallons per year.

10 (o) A caterer retailer license shall allow the holder to  
11 serve alcoholic liquors as an incidental part of a food service  
12 that serves prepared meals which excludes the serving of snacks  
13 as the primary meal, either on or off-site whether licensed or  
14 unlicensed.

15 (p) An auction liquor license shall allow the licensee to  
16 sell and offer for sale at auction wine and spirits for use or  
17 consumption, or for resale by an Illinois liquor licensee in  
18 accordance with provisions of this Act. An auction liquor  
19 license will be issued to a person and it will permit the  
20 auction liquor licensee to hold the auction anywhere in the  
21 State. An auction liquor license must be obtained for each  
22 auction at least 14 days in advance of the auction date.

23 (q) A special use permit license shall allow an Illinois  
24 licensed retailer to transfer a portion of its alcoholic liquor  
25 inventory from its retail licensed premises to the premises  
26 specified in the license hereby created, and to sell or offer

1 for sale at retail, only in the premises specified in the  
2 license hereby created, the transferred alcoholic liquor for  
3 use or consumption, but not for resale in any form. A special  
4 use permit license may be granted for the following time  
5 periods: one day or less; 2 or more days to a maximum of 15 days  
6 per location in any 12 month period. An applicant for the  
7 special use permit license must also submit with the  
8 application proof satisfactory to the State Commission that the  
9 applicant will provide dram shop liability insurance to the  
10 maximum limits and have local authority approval.

11 (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;  
12 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.  
13 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

14 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

15 Sec. 6-30. Notwithstanding any other provision of this Act,  
16 the Illinois Gaming Board shall have exclusive authority to  
17 establish the hours for sale and consumption of alcoholic  
18 liquor on board a riverboat during riverboat gambling  
19 excursions and in a casino conducted in accordance with the  
20 Riverboat and Casino Gambling Act.

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

22 Section 945. The Criminal Code of 1961 is amended by  
23 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as  
24 follows:

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

2 Sec. 28-1. Gambling.

3 (a) A person commits gambling when he:

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

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

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

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



1 put, call, or other option to buy or sell securities which  
2 have been registered with the Secretary of State or which  
3 are exempt from such registration under Section 3 of the  
4 Illinois Securities Law of 1953 is not gambling within the  
5 meaning of this paragraph (4); or

6 (5) Knowingly owns or possesses any book, instrument or  
7 apparatus by means of which bets or wagers have been, or  
8 are, recorded or registered, or knowingly possesses any  
9 money which he has received in the course of a bet or  
10 wager; or

11 (6) Sells pools upon the result of any game or contest  
12 of skill or chance, political nomination, appointment or  
13 election; or

14 (7) Sets up or promotes any lottery or sells, offers to  
15 sell or transfers any ticket or share for any lottery; or

16 (8) Sets up or promotes any policy game or sells,  
17 offers to sell or knowingly possesses or transfers any  
18 policy ticket, slip, record, document or other similar  
19 device; or

20 (9) Knowingly drafts, prints or publishes any lottery  
21 ticket or share, or any policy ticket, slip, record,  
22 document or similar device, except for such activity  
23 related to lotteries, bingo games and raffles authorized by  
24 and conducted in accordance with the laws of Illinois or  
25 any other state or foreign government; or

26 (10) Knowingly advertises any lottery or policy game,

1           except for such activity related to lotteries, bingo games  
2           and raffles authorized by and conducted in accordance with  
3           the laws of Illinois or any other state; or

4           (11) Knowingly transmits information as to wagers,  
5           betting odds, or changes in betting odds by telephone,  
6           telegraph, radio, semaphore or similar means; or knowingly  
7           installs or maintains equipment for the transmission or  
8           receipt of such information; except that nothing in this  
9           subdivision (11) prohibits transmission or receipt of such  
10          information for use in news reporting of sporting events or  
11          contests; or

12          (12) Knowingly establishes, maintains, or operates an  
13          Internet site that permits a person to play a game of  
14          chance or skill for money or other thing of value by means  
15          of the Internet or to make a wager upon the result of any  
16          game, contest, political nomination, appointment, or  
17          election by means of the Internet.

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

20           (1) Agreements to compensate for loss caused by the  
21           happening of chance including without limitation contracts  
22           of indemnity or guaranty and life or health or accident  
23           insurance;

24           (2) Offers of prizes, award or compensation to the  
25           actual contestants in any bona fide contest for the  
26           determination of skill, speed, strength or endurance or to

1 the owners of animals or vehicles entered in such contest;

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

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

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

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

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

19 (8) Raffles when conducted in accordance with the  
20 Raffles Act;

21 (9) Charitable games when conducted in accordance with  
22 the Charitable Games Act;

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

25 (11) Gambling games ~~conducted on riverboats~~ when  
26 authorized by the Riverboat and Casino Gambling Act.

1 (c) Sentence.

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

10 (d) Circumstantial evidence.

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

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

15 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

16 Sec. 28-1.1. Syndicated gambling.

17 (a) Declaration of Purpose. Recognizing the close  
18 relationship between professional gambling and other organized  
19 crime, it is declared to be the policy of the legislature to  
20 restrain persons from engaging in the business of gambling for  
21 profit in this State. This Section shall be liberally construed  
22 and administered with a view to carrying out this policy.

23 (b) A person commits syndicated gambling when he operates a  
24 "policy game" or engages in the business of bookmaking.

25 (c) A person "operates a policy game" when he knowingly

1 uses any premises or property for the purpose of receiving or  
2 knowingly does receive from what is commonly called "policy":

3 (1) money from a person other than the better or player  
4 whose bets or plays are represented by such money; or

5 (2) written "policy game" records, made or used over  
6 any period of time, from a person other than the better or  
7 player whose bets or plays are represented by such written  
8 record.

9 (d) A person engages in bookmaking when he receives or  
10 accepts more than five bets or wagers upon the result of any  
11 trials or contests of skill, speed or power of endurance or  
12 upon any lot, chance, casualty, unknown or contingent event  
13 whatsoever, which bets or wagers shall be of such size that the  
14 total of the amounts of money paid or promised to be paid to  
15 such bookmaker on account thereof shall exceed \$2,000.  
16 Bookmaking is the receiving or accepting of such bets or wagers  
17 regardless of the form or manner in which the bookmaker records  
18 them.

19 (e) Participants in any of the following activities shall  
20 not be convicted of syndicated gambling:

21 (1) Agreements to compensate for loss caused by the  
22 happening of chance including without limitation contracts  
23 of indemnity or guaranty and life or health or accident  
24 insurance; and

25 (2) Offers of prizes, award or compensation to the  
26 actual contestants in any bona fide contest for the

1 determination of skill, speed, strength or endurance or to  
2 the owners of animals or vehicles entered in such contest;  
3 and

4 (3) Pari-mutuel betting as authorized by law of this  
5 State; and

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

12 (5) Raffles when conducted in accordance with the  
13 Raffles Act; and

14 (6) Gambling games conducted on riverboats, in  
15 casinos, or at electronic gaming facilities when  
16 authorized by the Riverboat and Casino Gambling Act.

17 (f) Sentence. Syndicated gambling is a Class 3 felony.

18 (Source: P.A. 86-1029; 87-435.)

19 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

20 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is  
21 any real estate, vehicle, boat or any other property whatsoever  
22 used for the purposes of gambling other than gambling conducted  
23 in the manner authorized by the Riverboat and Casino Gambling  
24 Act. Any person who knowingly permits any premises or property  
25 owned or occupied by him or under his control to be used as a

1 gambling place commits a Class A misdemeanor. Each subsequent  
2 offense is a Class 4 felony. When any premises is determined by  
3 the circuit court to be a gambling place:

4 (a) Such premises is a public nuisance and may be proceeded  
5 against as such, and

6 (b) All licenses, permits or certificates issued by the  
7 State of Illinois or any subdivision or public agency thereof  
8 authorizing the serving of food or liquor on such premises  
9 shall be void; and no license, permit or certificate so  
10 cancelled shall be reissued for such premises for a period of  
11 60 days thereafter; nor shall any person convicted of keeping a  
12 gambling place be reissued such license for one year from his  
13 conviction and, after a second conviction of keeping a gambling  
14 place, any such person shall not be reissued such license, and

15 (c) Such premises of any person who knowingly permits  
16 thereon a violation of any Section of this Article shall be  
17 held liable for, and may be sold to pay any unsatisfied  
18 judgment that may be recovered and any unsatisfied fine that  
19 may be levied under any Section of this Article.

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

21 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

22 Sec. 28-5. Seizure of gambling devices and gambling funds.

23 (a) Every device designed for gambling which is incapable  
24 of lawful use or every device used unlawfully for gambling  
25 shall be considered a "gambling device", and shall be subject

1 to seizure, confiscation and destruction by the Department of  
2 State Police or by any municipal, or other local authority,  
3 within whose jurisdiction the same may be found. As used in  
4 this Section, a "gambling device" includes any slot machine,  
5 and includes any machine or device constructed for the  
6 reception of money or other thing of value and so constructed  
7 as to return, or to cause someone to return, on chance to the  
8 player thereof money, property or a right to receive money or  
9 property. With the exception of any device designed for  
10 gambling which is incapable of lawful use, no gambling device  
11 shall be forfeited or destroyed unless an individual with a  
12 property interest in said device knows of the unlawful use of  
13 the device.

14 (b) Every gambling device shall be seized and forfeited to  
15 the county wherein such seizure occurs. Any money or other  
16 thing of value integrally related to acts of gambling shall be  
17 seized and forfeited to the county wherein such seizure occurs.

18 (c) If, within 60 days after any seizure pursuant to  
19 subparagraph (b) of this Section, a person having any property  
20 interest in the seized property is charged with an offense, the  
21 court which renders judgment upon such charge shall, within 30  
22 days after such judgment, conduct a forfeiture hearing to  
23 determine whether such property was a gambling device at the  
24 time of seizure. Such hearing shall be commenced by a written  
25 petition by the State, including material allegations of fact,  
26 the name and address of every person determined by the State to



1 have any property interest in the seized property, a  
2 representation that written notice of the date, time and place  
3 of such hearing has been mailed to every such person by  
4 certified mail at least 10 days before such date, and a request  
5 for forfeiture. Every such person may appear as a party and  
6 present evidence at such hearing. The quantum of proof required  
7 shall be a preponderance of the evidence, and the burden of  
8 proof shall be on the State. If the court determines that the  
9 seized property was a gambling device at the time of seizure,  
10 an order of forfeiture and disposition of the seized property  
11 shall be entered: a gambling device shall be received by the  
12 State's Attorney, who shall effect its destruction, except that  
13 valuable parts thereof may be liquidated and the resultant  
14 money shall be deposited in the general fund of the county  
15 wherein such seizure occurred; money and other things of value  
16 shall be received by the State's Attorney and, upon  
17 liquidation, shall be deposited in the general fund of the  
18 county wherein such seizure occurred. However, in the event  
19 that a defendant raises the defense that the seized slot  
20 machine is an antique slot machine described in subparagraph  
21 (b) (7) of Section 28-1 of this Code and therefore he is exempt  
22 from the charge of a gambling activity participant, the seized  
23 antique slot machine shall not be destroyed or otherwise  
24 altered until a final determination is made by the Court as to  
25 whether it is such an antique slot machine. Upon a final  
26 determination by the Court of this question in favor of the

1 defendant, such slot machine shall be immediately returned to  
2 the defendant. Such order of forfeiture and disposition shall,  
3 for the purposes of appeal, be a final order and judgment in a  
4 civil proceeding.

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

17 (e) Any gambling device displayed for sale to a riverboat  
18 gambling operation, casino gambling operation, or electronic  
19 gaming facility or used to train occupational licensees of a  
20 riverboat gambling operation, casino gambling operation, or  
21 electronic gaming facility as authorized under the Riverboat  
22 Gambling Act is exempt from seizure under this Section.

23 (f) Any gambling equipment, devices and supplies provided  
24 by a licensed supplier in accordance with the Riverboat  
25 Gambling Act which are removed from a ~~the~~ riverboat, casino, or  
26 electronic gaming facility for repair are exempt from seizure

1 under this Section.

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

3 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

4 Sec. 28-7. Gambling contracts void.

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

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

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

24 (d) This Section shall not prevent a licensed owner of a  
25 riverboat gambling operation, casino gambling operation, or an

1 electronic gaming licensee under the Riverboat and Casino  
2 Gambling Act and the Illinois Horse Racing Act of 1975 from  
3 instituting a cause of action to collect any amount due and  
4 owing under an extension of credit to a ~~riverboat~~ gambling  
5 patron as authorized under Section 11.1 of the Riverboat and  
6 Casino Gambling Act.

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

8 Section 950. The Payday Loan Reform Act is amended by  
9 changing Section 3-5 as follows:

10 (815 ILCS 122/3-5)

11 Sec. 3-5. Licensure.

12 (a) A license to make a payday loan shall state the  
13 address, including city and state, at which the business is to  
14 be conducted and shall state fully the name of the licensee.  
15 The license shall be conspicuously posted in the place of  
16 business of the licensee and shall not be transferable or  
17 assignable.

18 (b) An application for a license shall be in writing and in  
19 a form prescribed by the Secretary. The Secretary may not issue  
20 a payday loan license unless and until the following findings  
21 are made:

22 (1) that the financial responsibility, experience,  
23 character, and general fitness of the applicant are such as  
24 to command the confidence of the public and to warrant the

1 belief that the business will be operated lawfully and  
2 fairly and within the provisions and purposes of this Act;  
3 and

4 (2) that the applicant has submitted such other  
5 information as the Secretary may deem necessary.

6 (c) A license shall be issued for no longer than one year,  
7 and no renewal of a license may be provided if a licensee has  
8 substantially violated this Act and has not cured the violation  
9 to the satisfaction of the Department.

10 (d) A licensee shall appoint, in writing, the Secretary as  
11 attorney-in-fact upon whom all lawful process against the  
12 licensee may be served with the same legal force and validity  
13 as if served on the licensee. A copy of the written  
14 appointment, duly certified, shall be filed in the office of  
15 the Secretary, and a copy thereof certified by the Secretary  
16 shall be sufficient evidence to subject a licensee to  
17 jurisdiction in a court of law. This appointment shall remain  
18 in effect while any liability remains outstanding in this State  
19 against the licensee. When summons is served upon the Secretary  
20 as attorney-in-fact for a licensee, the Secretary shall  
21 immediately notify the licensee by registered mail, enclosing  
22 the summons and specifying the hour and day of service.

23 (e) A licensee must pay an annual fee of \$1,000. In  
24 addition to the license fee, the reasonable expense of any  
25 examination or hearing by the Secretary under any provisions of  
26 this Act shall be borne by the licensee. If a licensee fails to

1 renew its license by December 31, its license shall  
2 automatically expire; however, the Secretary, in his or her  
3 discretion, may reinstate an expired license upon:

4 (1) payment of the annual fee within 30 days of the  
5 date of expiration; and

6 (2) proof of good cause for failure to renew.

7 (f) Not more than one place of business shall be maintained  
8 under the same license, but the Secretary may issue more than  
9 one license to the same licensee upon compliance with all the  
10 provisions of this Act governing issuance of a single license.  
11 The location, except those locations already in existence as of  
12 June 1, 2005, may not be within one mile of a horse race track  
13 subject to the Illinois Horse Racing Act of 1975, within one  
14 mile of a facility at which gambling is conducted under the  
15 Riverboat and Casino Gambling Act, within one mile of the  
16 location at which a riverboat subject to the Riverboat and  
17 Casino Gambling Act docks, or within one mile of any State of  
18 Illinois or United States military base or naval installation.

19 (g) No licensee shall conduct the business of making loans  
20 under this Act within any office, suite, room, or place of  
21 business in which any other business is solicited or engaged in  
22 unless the other business is licensed by the Department or, in  
23 the opinion of the Secretary, the other business would not be  
24 contrary to the best interests of consumers and is authorized  
25 by the Secretary in writing.

26 (h) The Secretary shall maintain a list of licensees that

1 shall be available to interested consumers and lenders and the  
2 public. The Secretary shall maintain a toll-free number whereby  
3 consumers may obtain information about licensees. The  
4 Secretary shall also establish a complaint process under which  
5 an aggrieved consumer may file a complaint against a licensee  
6 or non-licensee who violates any provision of this Act.

7 (Source: P.A. 94-13, eff. 12-6-05.)

8 Section 955. The Travel Promotion Consumer Protection Act  
9 is amended by changing Section 2 as follows:

10 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

11 Sec. 2. Definitions.

12 (a) "Travel promoter" means a person, including a tour  
13 operator, who sells, provides, furnishes, contracts for,  
14 arranges or advertises that he or she will arrange wholesale or  
15 retail transportation by air, land, sea or navigable stream,  
16 either separately or in conjunction with other services.  
17 "Travel promoter" does not include (1) an air carrier; (2) a  
18 sea carrier; (3) an officially appointed agent of an air  
19 carrier who is a member in good standing of the Airline  
20 Reporting Corporation; (4) a travel promoter who has in force  
21 \$1,000,000 or more of liability insurance coverage for  
22 professional errors and omissions and a surety bond or  
23 equivalent surety in the amount of \$100,000 or more for the  
24 benefit of consumers in the event of a bankruptcy on the part

1 of the travel promoter; or (5) a riverboat subject to  
2 regulation under the Riverboat and Casino Gambling Act.

3 (b) "Advertise" means to make any representation in the  
4 solicitation of passengers and includes communication with  
5 other members of the same partnership, corporation, joint  
6 venture, association, organization, group or other entity.

7 (c) "Passenger" means a person on whose behalf money or  
8 other consideration has been given or is to be given to  
9 another, including another member of the same partnership,  
10 corporation, joint venture, association, organization, group  
11 or other entity, for travel.

12 (d) "Ticket or voucher" means a writing or combination of  
13 writings which is itself good and sufficient to obtain  
14 transportation and other services for which the passenger has  
15 contracted.

16 (Source: P.A. 91-357, eff. 7-29-99.)

17 (230 ILCS 5/32.1 rep.)

18 (230 ILCS 5/54 rep.)

19 Section 960. The Illinois Horse Racing Act of 1975 is  
20 amended by repealing Sections 32.1 and 54.

21 Section 965. "An Act in relation to gambling, amending  
22 named Acts", approved June 25, 1999, Public Act 91-40, is  
23 amended by changing Section 30 as follows:



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

2 Sec. 30. Severability. If any provision of this Act (Public  
3 Act 91-40) or the application thereof to any person or  
4 circumstance is held invalid, that invalidity does not affect  
5 the other provisions or applications of the Act which can be  
6 given effect without the invalid application or provision, and  
7 to this end the provisions of this Act are severable. This  
8 severability applies without regard to whether the action  
9 challenging the validity was brought before the effective date  
10 of this amendatory Act of the 95th General Assembly.

11 ~~Inseverability. The provisions of this Act are mutually~~  
12 ~~dependent and inseverable. If any provision is held invalid~~  
13 ~~other than as applied to a particular person or circumstance,~~  
14 ~~then this entire Act is invalid.~~

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

16 Section 970. The State Finance Act is amended by adding  
17 Section 5.675 as follows:

18 (30 ILCS 105/5.675 new)

19 Sec. 5.675. The Intercity Development Fund.

20 Section 999. Effective date. This Act takes effect July 1,  
21 2007.

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