



Sen. Rickey R. Hendon

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1 AMENDMENT TO HOUSE BILL 2035

2 AMENDMENT NO. _____. Amend House Bill 2035 by replacing
3 everything after the enacting clause with the following:

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

6 Section 5. Definitions. As used in this Act:

7 "Authority" means the Chicago Casino Development Authority
8 created by this Act.

9 "Board" means the board appointed pursuant to this Act to
10 govern and control the Authority.

11 "Casino" means one or more temporary land-based or
12 river-based facilities and a permanent land-based facility, at
13 each of which lawful gambling is authorized and licensed as
14 provided in the Riverboat and Casino Gambling Act.

15 "City" means the City of Chicago.

16 "Casino operator" means any person developing or managing a

1 casino pursuant to a casino development and management
2 contract.

3 "Casino development and management contract" means a
4 legally binding agreement between the Board and one or more
5 casino operators, as specified in Section 45 of this Act.

6 "Executive director" means the person appointed by the
7 Board to oversee the daily operations of the Authority.

8 "Gaming Board" means the Illinois Gaming Board created by
9 the Riverboat and Casino Gambling Act.

10 "Mayor" means the Mayor of the City.

11 Section 12. Authority; duties.

12 (a) There is hereby created a political subdivision, unit
13 of local government with only those powers authorized by law,
14 body politic, and municipal corporation, by the name and style
15 of Chicago Casino Development Authority.

16 (b) It shall be the duty of the Authority to promote,
17 operate, and maintain a casino in the City of Chicago and to
18 construct, equip, and maintain grounds, buildings, and
19 facilities for that purpose. The Authority is granted all
20 rights and powers necessary to perform such duties.

21 Section 15. Board.

22 (a) The governing and administrative powers of the
23 Authority shall be vested in a body known as the Chicago Casino
24 Development Board. The Board shall consist of 5 members; 3

1 members of the Board shall be appointed by the Mayor, with the
2 advice and consent of the corporate authorities of the City,
3 and 2 members of the Board shall be appointed by the Governor,
4 with the advice and consent of the Senate. All appointees shall
5 be subject to background investigation and approval by the
6 Gaming Board. One of these members shall be designated by the
7 Mayor to serve as chairperson. If the corporate authorities
8 fail to approve or reject a proposed appointment by the Mayor
9 within 45 days after the Mayor has submitted the proposed
10 appointment to the corporate authorities, the corporate
11 authorities shall be deemed to have given consent to the
12 appointment. All of the members appointed by the Mayor shall be
13 residents of the City.

14 (b) A Board member shall not hold any other public office
15 under the laws or Constitution of this State or any political
16 subdivision thereof.

17 (c) Board members shall receive \$300 for each day the
18 Authority meets and shall be entitled to reimbursement of
19 reasonable expenses incurred in the performance of their
20 official duties. A Board member who serves in the office of
21 secretary or treasurer may also receive compensation for
22 services provided as that officer.

23 Section 20. Terms of appointments; resignation and
24 removal.

25 (a) The Mayor and Governor shall each appoint one member of

1 the Board for an initial term expiring July 1, 2008 and shall
2 each appoint one member for an initial term expiring July 1,
3 2010, and the Mayor shall appoint one member, who shall serve
4 as chairperson, for an initial term expiring July 1, 2012. At
5 the expiration of the term of any member, his or her successor
6 shall be appointed by the Mayor or Governor, as appropriate, in
7 like manner as appointments for the initial terms.

8 (b) All successors shall hold office for a term of 5 years
9 from the first day of July of the year in which they are
10 appointed, except in the case of an appointment to fill a
11 vacancy. All subsequent chairpersons shall hold office for a
12 term of 5 years. Each member, including the chairperson, shall
13 hold office until the expiration of his or her term and until
14 his or her successor is appointed. Nothing shall preclude a
15 member or a chairperson from serving consecutive terms. Any
16 member may resign from his or her office, to take effect when
17 his or her successor has been appointed and has qualified.

18 (c) The Mayor may remove any member of the Board appointed
19 by the Mayor and the Governor may remove any member of the
20 Board appointed by the Governor upon a finding of incompetence,
21 neglect of duty, misfeasance or malfeasance in office, or for a
22 violation of Ethics Section 32, on the part of the board member
23 to be removed. In addition the Gaming Board may remove any
24 member of the Board for violation of any provision of the
25 Riverboat and Casino Gambling Act or the rules and regulations
26 of the Gaming Board. In case of a member's failure to qualify

1 within the time required or abandonment of his or her office,
2 or in the case of a member's death, indictment, or conviction
3 for, or pleading guilty to, a felony or removal from office,
4 his or her office shall become vacant. Each vacancy shall be
5 filled for the unexpired term by appointment in like manner, as
6 in the case of expiration of the term of a member of the Board.

7 Section 25. Organization of Board; meetings. As soon as
8 practicable after the effective date of this Act, the Board
9 shall organize for the transaction of business. The Board shall
10 prescribe the time and place for meetings, the manner in which
11 special meetings may be called, and the notice that must be
12 given to members. All actions and meetings of the Board and its
13 committees shall be subject to the provisions of the Open
14 Meetings Act. Three members of the Board shall constitute a
15 quorum for the transaction of business. All substantive action
16 of the Board shall be by resolution. The affirmative vote of at
17 least 3 members shall be necessary for the adoption of any
18 resolution.

19 Section 30. Executive director; officers.

20 (a) The Board shall appoint an executive director, after
21 the completion of a background investigation and approval by
22 the Gaming Board, who shall be the chief executive officer of
23 the Authority. The Board shall fix the compensation of the
24 executive director. Subject to the general control of the

1 Board, the executive director shall be responsible for the
2 management of the business, properties, and employees of the
3 Authority. The executive director shall direct the enforcement
4 of all resolutions, rules, and regulations of the Board, and
5 shall perform such other duties as may be prescribed from time
6 to time by the Board. All employees and independent
7 contractors, consultants, engineers, architects, accountants,
8 attorneys, financial experts, construction experts and
9 personnel, superintendents, managers, and other personnel
10 appointed or employed pursuant to this Act shall report to the
11 executive director. In addition to any other duties set forth
12 in this Act, the executive director shall do all of the
13 following:

14 (1) Direct and supervise the administrative affairs
15 and activities of the Authority in accordance with its
16 rules, regulations, and policies.

17 (2) Attend meetings of the Board.

18 (3) Keep minutes of all proceedings of the Board.

19 (4) Approve all accounts for salaries, per diem
20 payments, and allowable expenses of the Board and its
21 employees and consultants.

22 (5) Report and make recommendations to the Board
23 concerning the terms and conditions of any casino
24 development and management contract.

25 (6) Perform any other duty that the Board requires for
26 carrying out the provisions of this Act.

1 (7) Devote his or her full time to the duties of the
2 office and not hold any other office or employment.

3 (b) The Board shall select a secretary and a treasurer, who
4 need not be members of the Board, to hold office at the
5 pleasure of the Board. The Board shall fix the duties and
6 compensation of each such officer.

7 Section 32. Code of Ethics.

8 (a) No person who is an officer or employee of the
9 Authority or the City may have a financial interest, either
10 directly or indirectly, in his own name or in the name of any
11 other person, partnership, association, trust, corporation, or
12 other entity, in any contract or subcontract or the performance
13 of any work of the Authority. No spouse or immediate family
14 member living with a person who is a Board member of the
15 Authority may have a financial interest, either directly or
16 indirectly, in his or her own name or in the name of any other
17 person, partnership, association, trust, corporation, or other
18 entity in any contract or subcontract or the performance of any
19 work of the Authority. No such person may represent, either
20 professionally or as agent or otherwise, any person,
21 partnership, association, trust, corporation, or other
22 business entity, with respect to any application or bid for any
23 Authority contract or work, nor may any such person take or
24 receive, or offer to take or receive, either directly or
25 indirectly, any money or other thing of value as a gift or

1 bribe or means of influencing his or her vote or action in his
2 or her official character. Any contract made and procured in
3 violation of this Section is void. The provisions of this
4 Section shall continue to apply equally and in all respects for
5 a period of 2 years from and after the date on which he or she
6 ceases to be an officer or employee.

7 (b) Any person under subsection (a) may provide materials,
8 merchandise, property, services, or labor, if:

9 (1) the contract is with a person, firm, partnership,
10 association, corporation, or other business entity in
11 which the interested person has less than a 1% share in the
12 ownership;

13 (2) for a contract the amount of which exceeds \$1,500,
14 the contract is awarded after sealed bids to the lowest
15 responsible bidder; and

16 (3) the award of the contract would not cause the
17 aggregate amount of all such contracts so awarded to the
18 same person, firm, association, partnership, corporation,
19 or other business entity in the same fiscal year to exceed
20 \$25,000.

21 For the purpose of items (1), (2), and (3) of this
22 subsection (b), the interested person must publicly disclose
23 the nature and extent of his or her interest prior to or during
24 deliberations concerning the proposed award of the contract,
25 and the interested person, if a Board member, must abstain from
26 voting on the award of the contract, though he or she shall be

1 considered present for the purposes of establishing a quorum.

2 A contract for the procurement of public utility services
3 with a public utility company is not barred by this Section by
4 any such person being an officer or employee of the public
5 utility company or holding an ownership interest of no more
6 than 7 1/2% in the public utility company. Any such person
7 having such an interest shall be deemed not to have a
8 prohibited interest under this Section.

9 (c) Before any contract relating to the ownership or use of
10 real property is entered into by and between the Authority, the
11 identity of every owner and beneficiary having an interest,
12 real or personal, in such property, and every shareholder
13 entitled to receive more than 1% of the total distributable
14 income of any corporation having any interest, real or
15 personal, in such property must be disclosed. The disclosure
16 shall be in writing and shall be subscribed by an owner,
17 authorized trustee, corporate official, or managing agent
18 under oath. However, if stock in a corporation is publicly
19 traded and there is no readily known individual having greater
20 than a 1% interest, then a statement to that effect, subscribed
21 to under oath by an officer of the corporation or its managing
22 agent, shall fulfill the disclosure statement requirement of
23 this Section. This Section shall be liberally construed to
24 accomplish the purpose of requiring the identification of the
25 actual parties benefiting from any transaction with the
26 Authority involving the procurement of the ownership or use of

1 real property thereby.

2 (d) Any member of the Board, officer or employee of the
3 Authority, or other person, who violates any provision of this
4 Section, is guilty of a Class 4 felony and in addition thereto,
5 any office or official position held by any person so convicted
6 shall become vacant, and shall be so declared as part of the
7 judgment of court.

8 (e) As used in this Section: "financial interest" means (i)
9 any interest as a result of which the owner currently receives
10 or is entitled to receive in the future more than \$2,500 per
11 year; (ii) any interest with a cost or present value of \$5,000
12 or more; or (iii) any interest representing more than 1% of a
13 corporation, partnership, sole proprietorship, firm,
14 enterprise, franchise, organization, holding company, joint
15 stock company, receivership, trust, or any legal entity
16 organized for profit; provided, however, financial interest
17 shall not include (i) any ownership through purchase at fair
18 market value or inheritance of less than 1% of the shares of a
19 corporation, or any corporate subsidiary, parent, or affiliate
20 thereof, regardless of the value of or dividends on such
21 shares, if such shares are registered on a securities exchange
22 pursuant to the Securities Exchange Act of 1934, as amended;
23 (ii) the authorized compensation paid to an official or
24 employee for his office or employment; (iii) a time or demand
25 deposit in a financial institution; and (iv) an endowment or
26 insurance policy or annuity contract purchased from an

1 insurance company.

2 Section 35. General powers of the Authority. In addition to
3 the specific powers and duties set forth elsewhere in this Act,
4 the Authority may do any of the following:

5 (1) Adopt and alter an official seal.

6 (2) Sue and be sued, plead and be impleaded, all in its own
7 name, and agree to binding arbitration of any dispute to which
8 it is a party.

9 (3) Adopt, amend, and repeal by-laws, rules, and
10 regulations consistent with furtherance of the powers and
11 duties provided in this Act.

12 (4) Maintain its principal office within the City and such
13 other offices as the Board may designate.

14 (5) Employ, either as regular employees or independent
15 contractors, consultants, engineers, architects, accountants,
16 attorneys, financial experts, construction experts and
17 personnel, superintendents, managers and other professional
18 personnel, casino personnel, and such other personnel as may be
19 necessary in the judgment of the Board, and fix their
20 compensation.

21 (6) Acquire, hold, lease, use, encumber, transfer, or
22 dispose of real and personal property, including the alteration
23 of or demolition of improvements to real estate.

24 (7) Enter into, revoke, and modify contracts of any kind,
25 including the casino development and management contracts

1 specified in Section 45.

2 (9) Subject to the provisions of Section 70, develop, or
3 cause to be developed, a master plan for design, planning, and
4 development of the casino.

5 (10) Negotiate and enter into intergovernmental agreements
6 with the State and its agencies, the City, and other units of
7 local government, in furtherance of the powers and duties of
8 the Board.

9 (12) Receive and disburse funds for its own corporate
10 purposes or as otherwise specified in this Act.

11 (13) Borrow money from any source, public or private, for
12 any corporate purpose, including, without limitation, working
13 capital for its operations, reserve funds, or payment of
14 interest, and to mortgage, pledge, or otherwise encumber the
15 property or funds of the Authority and to contract with or
16 engage the services of any person in connection with any
17 financing, including financial institutions, issuers of
18 letters of credit, or insurers and enter into reimbursement
19 agreements with this person which may be secured as if money
20 were borrowed from the person.

21 (14) Issue bonds as provided under this Act.

22 (15) Receive and accept from any source, private or public,
23 contributions, gifts, or grants of money or property.

24 (16) Make loans from proceeds or funds otherwise available
25 to the extent necessary or appropriate to accomplish the
26 purposes of the Authority.

1 (17) Provide for the insurance of any property, operations,
2 officers, members, agents, or employees of the Authority
3 against any risk or hazard, to self-insure or participate in
4 joint self-insurance pools or entities to insure against such
5 risk or hazard, and to provide for the indemnification of its
6 officers, members, employees, contractors, or agents against
7 any and all risks.

8 (18) Require the removal or relocation of any building,
9 railroad, main, pipe, conduit, wire, pole, structure,
10 facility, or equipment as may be needed to carry out the powers
11 of the Authority, with the Authority to compensate the person
12 required to remove or relocate the building, railroad, main,
13 pipe, conduit, wire, pole, structure, facility, or equipment as
14 provided by law, without the necessity to secure any approval
15 from the Illinois Commerce Commission for such removal or for
16 such relocation.

17 (19) Exercise all the corporate powers granted Illinois
18 corporations under the Business Corporation Act of 1983, except
19 to the extent that powers are inconsistent with those of a body
20 politic and corporate of the State.

21 (20) Establish and change its fiscal year.

22 (21) Do all things necessary or convenient to carry out the
23 powers granted by this Act.

24 Section 45. Casino development and management contracts.

25 (a) The Board shall develop and administer an open and

1 competitive bidding process for the selection of casino
2 operators to develop and operate a casino within the City. The
3 Board shall issue one or more requests for proposal and shall
4 solicit proposals from casino operators in response to such a
5 request. The Board may establish minimum financial and
6 investment requirements to determine the eligibility of
7 persons to respond to the Board's requests for proposal, and
8 may establish and consider such other criteria as it deems
9 appropriate. The Board may impose a fee upon persons who
10 respond to requests for proposal, in order to reimburse the
11 Board for its costs in preparing and issuing the requests and
12 reviewing the proposals.

13 (b) The Board shall ensure that casino development and
14 management contracts provide for the development,
15 construction, and operation of a high quality casino, and
16 provide for the maximum amounts of revenue that reasonably may
17 be available to the Authority and the City.

18 (c) The Board shall evaluate the responses to its requests
19 for proposal and the ability of all persons or entities
20 responding to its request for proposal to meet the requirements
21 of this Act and to undertake and perform the obligations set
22 forth in its requests for proposal.

23 (d) After the review and evaluation of the proposals
24 submitted, the Board shall, in its discretion, enter into one
25 or more casino development and management contracts
26 authorizing the development, construction, and operation of

1 the casino, subject to the provisions of the Riverboat and
2 Casino Gambling Act. The Board may award a casino development
3 and management contract to a person or persons submitting
4 proposals that are not the highest bidders. In doing so it may
5 take into account other factors, such as experience, financial
6 condition, assistance in financing, reputation, and any other
7 factors the Board, in its discretion, believes may increase
8 revenues at the casino.

9 (e) The Board shall transmit to the Gaming Board a copy of
10 each casino development and management contract after it is
11 executed.

12 (f) The Board may enter into a casino development and
13 management contract prior to or after adopting a resolution
14 approving a location for the casino and requesting that the
15 Gaming Board issue an owners license to the Authority under the
16 Riverboat and Casino Gambling Act.

17 Section 50. Transfer of funds.

18 (a) The Authority must transfer each month (1) an amount
19 equal to 12% of its adjusted gross gaming receipts to the
20 Chicago Transit Authority for its general corporate purposes;
21 (2) an amount equal to 2% of its adjusted gross gaming receipts
22 to the Suburban Bus Division of the Regional Transportation
23 Authority, also known as Pace, for its general corporate
24 purposes; (3) an amount equal to 2.1% of its adjusted gross
25 gaming receipts to the Chicago Convention and Tourism Bureau,

1 for its general corporate purposes; and (4) an amount equal to
2 8% of its adjusted gross gaming receipts to City of Chicago
3 School District 299, for capital projects. For the purposes of
4 this subsection (a), "adjusted gross gaming receipts" means the
5 gross gaming receipts, as defined under Section 4 of the
6 Riverboat and Casino Gambling Act, less the amount of taxes
7 paid in that month under subsection (a) of Section 12 and
8 subsections (a-4) and (a-5) of Section 13 of the Riverboat and
9 Casino Gambling Act.

10 (b) The revenues received by the Authority (other than
11 amounts required to pay the operating expenses of the
12 Authority, to pay amounts due the casino operator pursuant to a
13 casino management and development contract, to repay any
14 borrowing of the Authority made pursuant to Section 35, to pay
15 debt service on any bonds issued under Section 75, and to pay
16 any expenses in connection with the issuance of such bonds
17 pursuant to Section 75 or derivative products pursuant to
18 Section 85 and amounts required to be paid under subsection
19 (a)) shall be transferred to the City by the Authority and may
20 be applied to any public purpose benefiting the residents of
21 the City.

22 Section 60. Authority annual expenses. Until sufficient
23 revenues become available for such purpose, the Authority and
24 the City may enter into an intergovernmental agreement whereby
25 the Authority shall receive or borrow funds from the City for

1 its annual operating expenses.

2 Section 65. Acquisition of property; eminent domain
3 proceedings.

4 (a) The Authority may acquire in its own name, by gift or
5 purchase, any real or personal property or interests in real or
6 personal property necessary or convenient to carry out the
7 purposes of the Act.

8 (b) For the lawful purposes of this Act, the City may
9 acquire by eminent domain or by condemnation proceedings in the
10 manner provided by Article VII of the Code of Civil Procedure,
11 real or personal property or interests in real or personal
12 property located in the City, and may convey to the Authority
13 property so acquired. The acquisition of property under this
14 Section is declared to be for a public use.

15 Section 70. Local regulation. The casino facilities and
16 operations therein shall be subject to all ordinances and
17 regulations of the City. The construction, development, and
18 operation of the casino shall comply with all ordinances,
19 regulations, rules, and controls of the City, including but not
20 limited to those relating to zoning and planned development,
21 building, fire prevention, and land use. However, the
22 regulation of gaming operations is subject to the exclusive
23 jurisdiction of the Gaming Board, except as limited by the
24 Riverboat and Casino Gambling Act.

1 Section 75. Borrowing.

2 (a) The Authority may at any time and from time to time
3 borrow money and issue bonds as provided in this Section. Bonds
4 of the Authority may be issued to provide funds for land
5 acquisition, site assembly and preparation, and infrastructure
6 improvements required in connection with the development of the
7 casino; to pay, refund (at the time or in advance of any
8 maturity or redemption), or redeem any bonds of the Authority;
9 to provide or increase a debt service reserve fund or other
10 reserves with respect to any or all of its bonds; to pay
11 interest on bonds; or to pay the legal, financial,
12 administrative, bond insurance, credit enhancement, and other
13 legal expenses of the authorization, issuance, or delivery of
14 bonds. In this Act, the term "bonds" also includes notes of any
15 kind, interim certificates, refunding bonds, or any other
16 evidence of obligation for borrowed money issued under this
17 Section. Bonds may be issued in one or more series and may be
18 payable and secured either on a parity with or separately from
19 other bonds.

20 (b) The bonds of the Authority shall be payable solely from
21 one or more of the following sources: (i) the property or
22 revenues of the Authority; (ii) revenues derived from the
23 casino; (iii) revenues derived from any casino operator; (iv)
24 fees, bid proceeds, charges, lease payments, payments required
25 pursuant to any casino development and management contract or

1 other revenues payable to the Authority, or any receipts of the
2 Authority; (v) payments by financial institutions, insurance
3 companies, or others pursuant to letters or lines of credit,
4 policies of insurance, or purchase agreements; (vi) investment
5 earnings from funds or accounts maintained pursuant to a bond
6 resolution or trust indenture; and (vii) proceeds of refunding
7 bonds.

8 (c) Bonds shall be authorized by a resolution of the
9 Authority and may be secured by a trust indenture by and
10 between the Authority and a corporate trustee or trustees,
11 which may be any trust company or bank having the powers of a
12 trust company within or without the State. Bonds may:

13 (i) Mature at a time or times, whether as serial
14 bonds, term bonds, or both, not exceeding 40 years from
15 their respective dates of issue.

16 (ii) Without regard to any limitation established
17 by statute, bear interest in the manner or determined
18 by the method provided in the resolution or trust
19 indenture.

20 (iii) Be payable at a time or times, in the
21 denominations and form, including book entry form,
22 either coupon, registered, or both, and carry the
23 registration and privileges as to exchange, transfer
24 or conversion, and replacement of mutilated, lost, or
25 destroyed bonds as the resolution or trust indenture
26 may provide.

1 (iv) Be payable in lawful money of the United
2 States at a designated place.

3 (v) Be subject to the terms of purchase, payment,
4 redemption, refunding, or refinancing that the
5 resolution or trust indenture provides.

6 (vi) Be executed by the manual or facsimile
7 signatures of the officers of the Authority designated
8 by the Board, which signatures shall be valid at
9 delivery even for one who has ceased to hold office.

10 (vii) Be sold at public or private sale in the
11 manner and upon the terms determined by the Authority.

12 (viii) Be issued in accordance with the provisions
13 of the Local Government Debt Reform Act.

14 (d) Any resolution or trust indenture may contain, subject
15 to the Riverboat and Casino Gambling Act and rules of the
16 Gaming Board regarding pledging of interests in holders of
17 owners licenses, provisions that shall be a part of the
18 contract with the holders of the bonds as to the following:

19 (1) Pledging, assigning, or directing the use,
20 investment, or disposition of revenues of the Authority or
21 proceeds or benefits of any contract, including without
22 limitation, any rights in any casino development and
23 management contract.

24 (2) The setting aside of loan funding deposits, debt
25 service reserves, capitalized interest accounts,
26 replacement or operating reserves, cost of issuance

1 accounts and sinking funds, and the regulation,
2 investment, and disposition thereof.

3 (3) Limitations on the purposes to which or the
4 investments in which the proceeds of sale of any issue of
5 bonds or the Authority's revenues and receipts may be
6 applied or made.

7 (4) Limitations on the issue of additional bonds, the
8 terms upon which additional bonds may be issued and
9 secured, the terms upon which additional bonds may rank on
10 a parity with, or be subordinate or superior to, other
11 bonds.

12 (5) The refunding, advance refunding, or refinancing
13 of outstanding bonds.

14 (6) The procedure, if any, by which the terms of any
15 contract with bondholders may be altered or amended and the
16 amount of bonds and holders of which must consent thereto
17 and the manner in which consent shall be given.

18 (7) Defining the acts or omissions which shall
19 constitute a default in the duties of the Authority to
20 holders of bonds and providing the rights or remedies of
21 such holders in the event of a default, which may include
22 provisions restricting individual rights of action by
23 bondholders.

24 (8) Providing for guarantees, pledges of property,
25 letters of credit, or other security, or insurance for the
26 benefit of bondholders.

1 (9) Any other matter relating to the bonds that the
2 Authority determines appropriate.

3 (e) No member of the Board, nor any person executing the
4 bonds, shall be liable personally on the bonds or subject to
5 any personal liability by reason of the issuance of the bonds.

6 (f) The Authority may issue and secure bonds in accordance
7 with the provisions of the Local Government Credit Enhancement
8 Act.

9 (g) A pledge by the Authority of revenues and receipts as
10 security for an issue of bonds or for the performance of its
11 obligations under any casino development and management
12 contract shall be valid and binding from the time when the
13 pledge is made. The revenues and receipts pledged shall
14 immediately be subject to the lien of the pledge without any
15 physical delivery or further act, and the lien of any pledge
16 shall be valid and binding against any person having any claim
17 of any kind in tort, contract, or otherwise against the
18 Authority, irrespective of whether the person has notice. No
19 resolution, trust indenture, management agreement or financing
20 statement, continuation statement, or other instrument adopted
21 or entered into by the Authority need be filed or recorded in
22 any public record other than the records of the Authority in
23 order to perfect the lien against third persons, regardless of
24 any contrary provision of law.

25 (h) By its authorizing resolution for particular bonds, the
26 Authority may provide for specific terms of those bonds,

1 including, without limitation, the purchase price and terms,
2 interest rate or rates, redemption terms and principal amounts
3 maturing in each year, to be established by one or more members
4 of the Board or officers of the Authority, all within a
5 specific range of discretion established by the authorizing
6 resolution.

7 (i) Bonds that are being paid or retired by issuance, sale,
8 or delivery of bonds, and bonds for which sufficient funds have
9 been deposited with the paying agent or trustee to provide for
10 payment of principal and interest thereon, and any redemption
11 premium, as provided in the authorizing resolution, shall not
12 be considered outstanding for the purposes of this subsection.

13 (j) The bonds of the Authority shall not be indebtedness of
14 the City, of the State, or of any political subdivision of the
15 State other than the Authority. The bonds of the Authority are
16 not general obligations of the State or the City and are not
17 secured by a pledge of the full faith and credit of the State
18 or the City and the holders of bonds of the Authority may not
19 require, except as provided in this Act, the application of
20 revenues or funds to the payment of bonds of the Authority.

21 (k) The State of Illinois pledges and agrees with the
22 owners of the bonds that it will not limit or alter the rights
23 and powers vested in the Authority by this Act so as to impair
24 the terms of any contract made by the Authority with the owners
25 or in any way impair the rights and remedies of the owners
26 until the bonds, together with interest on them, and all costs

1 and expenses in connection with any action or proceedings by or
2 on behalf of the owners, are fully met and discharged. The
3 Authority is authorized to include this pledge and agreement in
4 any contract with the owners of bonds issued under this
5 Section.

6 Section 85. Derivative products. With respect to all or
7 part of any issue of its bonds, the Authority may enter into
8 agreements or contracts with any necessary or appropriate
9 person, which will have the benefit of providing to the
10 Authority an interest rate basis, cash flow basis, or other
11 basis different from that provided in the bonds for the payment
12 of interest. Such agreements or contracts may include, without
13 limitation, agreements or contracts commonly known as
14 "interest rate swap agreements", "forward payment conversion
15 agreements", "futures", "options", "puts", or "calls" and
16 agreements or contracts providing for payments based on levels
17 of or changes in interest rates, agreements or contracts to
18 exchange cash flows or a series of payments, or to hedge
19 payment, rate spread, or similar exposure

20 Section 90. Legality for investment. The State of Illinois,
21 all governmental entities, all public officers, banks,
22 bankers, trust companies, savings banks and institutions,
23 building and loan associations, savings and loan associations,
24 investment companies, and other persons carrying on a banking

1 business, insurance companies, insurance associations, and
2 other persons carrying on an insurance business, and all
3 executors, administrators, guardians, trustees, and other
4 fiduciaries may legally invest any sinking funds, moneys, or
5 other funds belonging to them or within their control in any
6 bonds issued under this Act. However, nothing in this Section
7 shall be construed as relieving any person, firm, or
8 corporation from any duty of exercising reasonable care in
9 selecting securities for purchase or investment.

10 Section 95. Tax exemption. The Authority and all of its
11 operations and property used for public purposes shall be
12 exempt from all taxation of any kind imposed by the State of
13 Illinois or any political subdivision, school district,
14 municipal corporation, or unit of local government of the State
15 of Illinois. However, nothing in this Act prohibits the
16 imposition of any other taxes where such imposition is not
17 prohibited by Section 21 of the Riverboat and Casino Gambling
18 Act

19 Section 100. Application of laws. The Governmental Account
20 Audit Act, the Public Funds Statement Publication Act, and the
21 Illinois Municipal Budget Law shall not apply to the Authority.

22 Section 105. Budgets and reporting.

23 (a) Promptly following the execution of each casino

1 development and management contract provided for in this Act,
2 the Authority shall submit a written report with respect
3 thereto to the Governor, the Mayor, the Secretary of the
4 Senate, the Clerk of the House of Representatives, and the
5 Illinois Commission on Government Forecasting and
6 Accountability.

7 (b) The Authority shall annually adopt a current expense
8 budget for each fiscal year. The budget may be modified from
9 time to time in the same manner and upon the same vote as it may
10 be adopted. The budget shall include the Authority's available
11 funds and estimated revenues and shall provide for payment of
12 its obligations and estimated expenditures for the fiscal year,
13 including, without limitation, expenditures for
14 administration, operation, maintenance and repairs, debt
15 service, and deposits into reserve and other funds and capital
16 projects.

17 (c) The Board shall (i) annually cause the finances of the
18 Authority to be audited by a firm of certified public
19 accountants and (ii) biannually have the firm of certified
20 public accountants in item (i) conduct a management audit of
21 the Authority and all of the operations related in any way to
22 the casino.

23 (d) The Authority shall, for each fiscal year, prepare an
24 annual report setting forth information concerning its
25 activities in the fiscal year and the status of the development
26 of the casino. The annual report shall include the audited

1 financial statements of the Authority for the fiscal year, the
2 budget for the succeeding fiscal year, and the current capital
3 plan as of the date of the report. Copies of the annual report
4 shall be made available to persons who request them and shall
5 be submitted not later than 120 days after the end of the
6 Authority's fiscal year to the Governor, the Mayor, the
7 Secretary of the Senate, the Clerk of the House of
8 Representatives, and the Illinois Economic and Fiscal
9 Commission.

10 Section 110. Deposit and withdrawal of funds.

11 (a) All funds deposited by the Authority in any bank or
12 savings and loan association shall be placed in the name of the
13 Authority and shall be withdrawn or paid out only by check or
14 draft upon the bank or savings and loan association, signed by
15 2 officers or employees designated by the Board.
16 Notwithstanding any other provision of this Section, the Board
17 may designate any of its members or any officer or employee of
18 the Authority to authorize the wire transfer of funds deposited
19 by the secretary-treasurer of funds in a bank or savings and
20 loan association for the payment of payroll and employee
21 benefits-related expenses.

22 No bank or savings and loan association shall receive
23 public funds as permitted by this Section unless it has
24 complied with the requirements established pursuant to Section
25 6 of the Public Funds Investment Act.

1 (b) If any officer or employee whose signature appears upon
2 any check or draft issued pursuant to this Act ceases (after
3 attaching his signature) to hold his or her office before the
4 delivery of such a check or draft to the payee, his or her
5 signature shall nevertheless be valid and sufficient for all
6 purposes with the same effect as if he or she had remained in
7 office until delivery thereof.

8 Section 115. Purchasing.

9 (a) All construction contracts and contracts for supplies,
10 materials, equipment, and services, when the cost thereof to
11 the Authority exceeds \$25,000, shall be let to the lowest
12 responsible bidder, after advertising for bids, except for the
13 following:

14 (1) When repair parts, accessories, equipment, or
15 services are required for equipment or services previously
16 furnished or contracted for;

17 (2) Professional services;

18 (3) When services such as water, light, heat, power,
19 telephone (other than long-distance service), or telegraph
20 are required;

21 (4) When contracts for the use, purchase, delivery,
22 movement, or installation of data processing equipment,
23 software, or services and telecommunications equipment,
24 software, and services are required;

25 (5) Casino development and management contracts, which

1 shall be awarded as set forth in Section 45 of this Act.

2 (b) All contracts involving less than \$25,000 shall be let
3 by competitive bidding whenever possible, and in any event in a
4 manner calculated to ensure the best interests of the public.

5 (c) Each bidder shall disclose in his or her bid the name
6 of each individual having a beneficial interest, directly or
7 indirectly, of more than 1% in such bidding entity and, if such
8 bidding entity is a corporation, the names of each of its
9 officers and directors. The bidder shall notify the Authority
10 of any changes in its ownership or its officers or directors at
11 the time such changes occur if the change occurs during the
12 pendency of a proposal or a contract.

13 (d) In determining the responsibility of any bidder, the
14 Authority may take into account the bidder's (or an individual
15 having a beneficial interest, directly or indirectly, of more
16 than 1% in such bidding entity) past record of dealings with
17 the Authority, the bidder's experience, adequacy of equipment,
18 and ability to complete performance within the time set, and
19 other factors besides financial responsibility, but in no case
20 shall any such contract be awarded to any other than the lowest
21 bidder (in case of purchase or expenditure) unless authorized
22 or approved by a vote of at least 4 members of the Board, and
23 unless such action is accompanied by a statement in writing
24 setting forth the reasons for not awarding the contract to the
25 highest or lowest bidder, as the case may be. The statement
26 shall be kept on file in the principal office of the Authority

1 and open to public inspection.

2 (e) Contracts shall not be split into parts involving
3 expenditures of less than \$25,000 for the purposes of avoiding
4 the provisions of this Section, and all such split contracts
5 shall be void. If any collusion occurs among bidders or
6 prospective bidders in restraint of freedom of competition, by
7 agreement to bid a fixed amount, to refrain from bidding, or
8 otherwise, the bids of such bidders shall be void. Each bidder
9 shall accompany his or her bid with a sworn statement that he
10 or she has not been a party to any such agreement.

11 (f) The Authority shall have the right to reject all bids
12 and to re-advertise for bids. If after any such
13 re-advertisement, no responsible and satisfactory bid, within
14 the terms of the re-advertisement, is received, the Authority
15 may award such contract without competitive bidding, provided
16 that it shall not be less advantageous to the Authority than
17 any valid bid received pursuant to advertisement.

18 (g) Advertisements for bids and re-bids shall be published
19 at least once in a daily newspaper of general circulation
20 published in the City at least 10 calendar days before the time
21 for receiving bids, and such advertisements shall also be
22 posted on readily accessible bulletin boards in the principal
23 office of the Authority. Such advertisements shall state the
24 time and place for receiving and opening of bids and, by
25 reference to plans and specifications on file at the time of
26 the first publication or in the advertisement itself, shall

1 describe the character of the proposed contract in sufficient
2 detail to fully advise prospective bidders of their obligations
3 and to ensure free and open competitive bidding.

4 (h) All bids in response to advertisements shall be sealed
5 and shall be publicly opened by the Authority. All bidders
6 shall be entitled to be present in person or by
7 representatives. Cash or a certified or satisfactory cashier's
8 check, as a deposit of good faith, in a reasonable amount to be
9 fixed by the Authority before advertising for bids, shall be
10 required with the proposal of each bidder. A bond for faithful
11 performance of the contract with surety or sureties
12 satisfactory to the Authority and adequate insurance may be
13 required in reasonable amounts to be fixed by the Authority
14 before advertising for bids.

15 (i) The contract shall be awarded as promptly as possible
16 after the opening of bids. The bid of the successful bidder, as
17 well as the bids of the unsuccessful bidders, shall be placed
18 on file and be open to public inspection. All bids shall be
19 void if any disclosure of the terms of any bid in response to
20 an advertisement is made or permitted to be made by the
21 Authority before the time fixed for opening bids.

22 (j) Notice of each and every contract that is offered,
23 including renegotiated contracts and change orders, shall be
24 published in an online bulletin. The online bulletin must
25 include at least the date first offered, the date submission of
26 offers is due, the location that offers are to be submitted to,

1 a brief purchase description, the method of source selection,
2 information of how to obtain a comprehensive purchase
3 description and any disclosure and contract forms, and
4 encouragement to prospective vendors to hire qualified
5 veterans, as defined by Section 45-67 of the Illinois
6 Procurement Code, and Illinois residents discharged from any
7 Illinois adult correctional center. Notice of each and every
8 contract that is let or awarded, including renegotiated
9 contracts and change orders, shall be published in the online
10 bulletin and must include at least all of the information
11 specified in this item (j), as well as the name of the
12 successful responsible bidder or offeror, the contract price,
13 and the number of unsuccessful responsive bidders and any other
14 disclosure specified in this Section. This notice must be
15 posted in the online electronic bulletin prior to execution of
16 the contract.

17 Section 130. Affirmative action and equal opportunity
18 obligations of Authority.

19 (a) The Authority shall establish and maintain an
20 affirmative action program designed to promote equal
21 employment and management opportunity and eliminate the
22 effects of past discrimination in the City and the State. The
23 program shall include a plan, including timetables where
24 appropriate, which shall specify goals and methods for
25 increasing participation by women and minorities in employment

1 and management by the Authority and by parties that contract
2 with the Authority. The program shall also establish procedures
3 and sanctions (including debarment), which the Authority shall
4 enforce to ensure compliance with the plan established pursuant
5 to this Section and with State and federal laws and regulations
6 relating to the employment of women and minorities. A
7 determination by the Authority as to whether a party to a
8 contract with the Authority has achieved the goals or employed
9 the methods for increasing participation by women and
10 minorities shall be made in accordance with the terms of such
11 contracts or the applicable provisions of rules and regulations
12 existing at the time the contract was executed, including any
13 provisions for consideration of good faith efforts at
14 compliance that the Authority may reasonably adopt.

15 (b) The Authority shall adopt and maintain minority and
16 female owned business enterprise procurement programs under
17 the affirmative action program described in subsection (a) for
18 any and all work undertaken by the Authority and for the
19 development and management of any casino owned by the City.
20 That work shall include, but is not limited to, the purchase of
21 professional services, construction services, supplies,
22 materials, and equipment. The programs shall establish goals of
23 awarding not less than 25% of the annual dollar value of all
24 contracts, including but not limited to management and
25 development contracts, purchase orders, and other agreements
26 (collectively referred to as "contracts"), to minority owned

1 businesses and 5% of the annual dollar value of all contracts
2 to female owned businesses. Without limiting the generality of
3 the foregoing, the programs shall require, in connection with
4 the prequalification or consideration of vendors for
5 professional service contracts, construction contracts,
6 contracts for supplies, materials, equipment, and services,
7 and development and management contracts that each proposer or
8 bidder submit as part of his or her proposal or bid a
9 commitment detailing how he or she will expend 25% or more of
10 the dollar value of his or her contracts with one or more
11 minority owned businesses and 5% or more of the dollar value
12 with one or more female owned businesses. Bids or proposals
13 that do not include such detailed commitments are not
14 responsive and shall be rejected unless the Authority deems it
15 appropriate to grant a waiver of these requirements. The
16 commitment to minority and female owned business participation
17 may be met by the contractor's, professional service
18 provider's, developer's, or manager's status as a minority or
19 female owned business, by joint venture, by subcontracting a
20 portion of the work with or purchasing materials for the work
21 from one or more such businesses, or by any combination
22 thereof. Each contract shall require the contractor, provider,
23 developer, or manager to submit a certified monthly report
24 detailing the status of its compliance with the Authority's
25 minority and female owned business enterprise procurement
26 program. If, in connection with a particular contract, the

1 Authority determines that it is impracticable or excessively
2 costly to obtain minority or female owned businesses to perform
3 sufficient work to fulfill the commitment required by this
4 subsection (b), the Authority shall reduce or waive the
5 commitment in the contract, as may be appropriate. The
6 Authority shall establish rules setting forth the standards to
7 be used in determining whether or not a reduction or waiver is
8 appropriate. The terms "minority owned business" and "female
9 owned business" have the meanings given to those terms in the
10 Business Enterprise for Minorities, Females, and Persons with
11 Disabilities Act.

12 (c) The Authority is authorized to enter into agreements
13 with contractors' associations, labor unions, and the
14 contractors working on the development of the casino to
15 establish an apprenticeship preparedness training program to
16 provide for an increase in the number of minority and female
17 journeymen and apprentices in the building trades and to enter
18 into agreements with community college districts or other
19 public or private institutions to provide readiness training.
20 The Authority is further authorized to enter into contracts
21 with public and private educational institutions and persons in
22 the gaming, entertainment, hospitality, and tourism industries
23 to provide training for employment in those industries.

24 Section 135. Advisory Committee. An Advisory Committee is
25 established to monitor, review, and report on (1) the City's

1 utilization of minority-owned business enterprises and
2 female-owned business enterprises, (2) employment of females,
3 and (3) employment of minorities with regard to the development
4 and construction of the casino as authorized under Section
5 7(e-6) of the Riverboat and Casino Gambling Act. The City of
6 Chicago shall work with the Advisory Committee in accumulating
7 necessary information for the Committee to submit reports, as
8 necessary, to the General Assembly and to the City of Chicago.

9 The Committee shall consist of 15 members as provided in
10 this Section. Seven members shall be selected by the Mayor of
11 the City of Chicago; 2 members shall be selected by the
12 President of the Illinois Senate; 2 members shall be selected
13 by the Speaker of the House of Representatives; 2 members shall
14 be selected by the Minority Leader of the Senate; and 2 members
15 shall be selected by the Minority Leader of the House of
16 Representatives. The Advisory Committee shall meet
17 periodically and shall report the information to the Mayor of
18 the City and to the General Assembly by December 31st of every
19 year.

20 The Advisory Committee shall be dissolved on the date that
21 casino gambling operations are first conducted under the
22 license authorized under Section 7(e-6) of the Riverboat and
23 Casino Gambling Act, other than at a temporary facility.

24 For the purposes of this Section, the terms "female" and
25 "minority person" have the meanings provided in Section 2 of
26 the Business Enterprise for Minorities, Females, and Persons

1 with Disabilities Act.

2 Section 145. Severability. The provisions of this Act are
3 severable under Section 1.31 of the Statute on Statutes.

4 Section 900. Findings. The legislature makes all of the
5 following findings:

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

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

15 (3) That the decline of the Illinois horseracing and
16 breeding program, a \$2.5 billion industry, would be
17 reversed if this amendatory Act of the 95th General
18 Assembly was enacted. By requiring that riverboats agree to
19 pay those percentages of their gross revenue identified in
20 Section 7 of the Riverboat and Casino Gambling Act of this
21 amendatory Act of the 95th General Assembly into the Horse
22 Racing Equity Trust Fund, total purses in the State may
23 increase by 50%, helping Illinois tracks to better compete
24 with those in other states. Illinois currently ranks

1 thirteenth nationally in terms of its purse size; the
2 change would propel the State to second or third.

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

9 (5) That the percentage of gross revenues this
10 amendatory Act of the 95th General Assembly will contribute
11 to the horse racing industry will benefit that important
12 industry for Illinois farmers, breeders, and fans of
13 horseracing and will begin to address the negative impact
14 riverboat gaming has had on Illinois horseracing.

15 (6) That based on findings (1) through (5) set forth in
16 Section 1 of Public Act 94-804 and the declared public
17 policy set forth in the Illinois Horse Racing Act of 1975,
18 as amended, it is manifest that the horse racing industry
19 impacts many legitimate State interests and that these
20 interests have been negatively impacted as a result of
21 riverboat gaming. The provisions of this amendatory Act of
22 the 95th General Assembly, coupled with the amendatory
23 provisions of Public Act 94-804, are designed to promote
24 the State's interests in preserving the Illinois horse
25 racing and breeders industry, which is an approximately
26 \$2.5 billion industry that employs roughly 37,000

1 Illinoisans.

2 (7) That the main goal of the provisions of this
3 amendatory Act of the 95th General Assembly, and those of
4 Public Act 94-804, was and is to assist the Illinois horse
5 racing and breeding industry by increasing purses,
6 resulting in making the races more attractive to local and
7 tourist populations and thereby assisting in the
8 perpetuation of the industry.

9 (8) That the legislatures of Indiana, Michigan, and
10 Pennsylvania have all recognized the public interest in
11 maintaining a healthy horse racing and breeding industry
12 and the negative impact casino wagering has on the horse
13 racing industry by enacting legislation that allocates
14 funds derived from casino and racing operations to the
15 horse racing industry.

16 (9) That the particular impact fee included in this
17 amendatory Act of the 95th General Assembly is designed to
18 balance the 2 primary goals of this legislation, which are
19 (i) to promote and expand the vibrant gaming industry in
20 Illinois and (ii) to, at the same time, recognize and
21 counteract the significant impact that riverboat and
22 casino gambling has had on the horse racing industry, which
23 is so important to agriculture, tourism, and jobs in
24 Illinois. Thus, the rate of the impact fee is slightly
25 higher for riverboats and casinos receiving greater gross
26 gaming receipts, which necessarily have the greatest

1 impact on horse racing, and somewhat lower for riverboats
2 and casinos with lesser gross gaming receipts, the economic
3 viability of which could be threatened by a higher impact
4 fee liability.

5 Section 905. The Alcoholism and Other Drug Abuse and
6 Dependency Act is amended by changing Section 5-20 as follows:

7 (20 ILCS 301/5-20)

8 Sec. 5-20. Compulsive gambling program.

9 (a) Subject to appropriation, the Department shall
10 establish a program for public education, research, and
11 training regarding problem and compulsive gambling and the
12 treatment and prevention of problem and compulsive gambling.
13 Subject to specific appropriation for these stated purposes,
14 the program must include all of the following:

15 (1) Establishment and maintenance of a toll-free "800"
16 telephone number to provide crisis counseling and referral
17 services to families experiencing difficulty as a result of
18 problem or compulsive gambling.

19 (2) Promotion of public awareness regarding the
20 recognition and prevention of problem and compulsive
21 gambling.

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

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

4 (b) Subject to appropriation, the Department shall either
5 establish and maintain the program or contract with a private
6 or public entity for the establishment and maintenance of the
7 program. Subject to appropriation, either the Department or the
8 private or public entity shall implement the toll-free
9 telephone number, promote public awareness, and conduct
10 in-service training concerning problem and compulsive
11 gambling.

12 (c) Subject to appropriation, the Department shall produce
13 and supply the signs specified in Section 10.7 of the Illinois
14 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of
15 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1
16 of the Charitable Games Act, and Section 13.1 of the Riverboat
17 and Casino Gambling Act.

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

19 Section 910. The Department of Commerce and Economic
20 Opportunity Law of the Civil Administrative Code of Illinois is
21 amended by adding Section 605-530 as follows:

22 (20 ILCS 605/605-530 new)

23 Sec. 605-530. The Depressed Communities Economic
24 Development Board.

1 (a) The Depressed Communities Economic Development Board
2 is created as an advisory board within the Department of
3 Commerce and Economic Opportunity. The Board shall consist of
4 10 members as follows:

5 (1) 2 members appointed by the President of the Senate,
6 one of whom is appointed to serve an initial term of one
7 year and one of whom is appointed to serve an initial term
8 of 2 years.

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

13 (3) 2 members appointed by the Speaker of the House of
14 Representatives, one of whom is appointed to serve an
15 initial term of one year and one of whom is appointed to
16 serve an initial term of 2 years.

17 (4) 2 members appointed by the Minority Leader of the
18 House of Representatives, one of whom is appointed to serve
19 an initial term of one year and one of whom is appointed to
20 serve an initial term of 2 years.

21 (5) 2 members appointed by the Governor with the advice
22 and consent of the Senate, one of whom is appointed to
23 serve an initial term of one year and one of whom is
24 appointed to serve an initial term of 2 years as chair of
25 the Board at the time of appointment.

26 After the initial terms, each member shall be appointed to

1 serve a term of 2 years and until his or her successor has been
2 appointed and assumes office. If a vacancy occurs in the Board
3 membership, the vacancy shall be filled in the same manner as
4 the initial appointment.

5 (b) Board members shall serve without compensation but may
6 be reimbursed for their reasonable travel expenses from funds
7 available for that purpose. The Department of Commerce and
8 Economic Opportunity shall provide staff and administrative
9 support services to the Board.

10 (c) The Board must make recommendations to the Department
11 of Commerce and Economic Opportunity concerning the award of
12 grants from amounts appropriated to the Department from the
13 Depressed Communities Economic Development Fund. The
14 Department must make grants to public or private entities
15 submitting proposals to the Board to revitalize an Illinois
16 depressed community. Grants may be used by these entities only
17 for those purposes conditioned with the grant. For the purposes
18 of this subsection (c), plans for revitalizing an Illinois
19 depressed community include plans intended to curb high levels
20 of poverty, unemployment, job and population loss, and general
21 distress. An Illinois depressed community (i) is an area where
22 the poverty rate, as determined by using the most recent data
23 released by the United States Census Bureau, is at least 3%
24 greater than the State poverty rate as determined by using the
25 most recent data released by the United States Census Bureau;
26 or (ii) is an area within following zip codes: 60064, 60085,

1 60087, 60104, 60153, 60160, 60402, 60406, 60409, 60411, 60419,
2 60426, 60429, 60431, 60432, 60433, 60441, 60472, 60473, 60505,
3 60608, 60609, 60612, 60614, 60615, 60617, 60618, 60619, 60620,
4 60622, 60623, 60624, 60628, 60629, 60630, 60632, 60636, 60637,
5 60638, 60639, 60641, 60643, 60644, 60647, 60649, 60651, 60652,
6 60653, 60655, 60804, 60827, 61101, 61102, 61103, 61104, 61801,
7 61802, 61820, 61821, 62002, 62040, 62059, 62060, 62071, 62090,
8 62201, 62203, 62204, 62205, 62206, 62207, 62208, 62220, 62221,
9 62223, 62522, 62523, 62524, 62525, 62526, 62801, 62914, and
10 62963.

11 Section 915. The Department of Revenue Law of the Civil
12 Administrative Code of Illinois is amended by changing Section
13 2505-305 as follows:

14 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

15 Sec. 2505-305. Investigators.

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

24 (b) The Director must authorize to each investigator

1 employed under this Section and to any other employee of the
2 Department exercising the powers of a peace officer a distinct
3 badge that, on its face, (i) clearly states that the badge is
4 authorized by the Department and (ii) contains a unique
5 identifying number. No other badge shall be authorized by the
6 Department.

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

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

16 Section 920. The State Finance Act is amended by changing
17 Section 8a and by reenacting and changing Section 8h as
18 follows:

19 (30 ILCS 105/8a) (from Ch. 127, par. 144a)

20 Sec. 8a. Common School Fund; transfers to Common School
21 Fund and Education Assistance Fund.

22 (a) Except as provided in subsection (b) of this Section
23 and except as otherwise provided in this subsection (a) with
24 respect to amounts transferred from the General Revenue Fund to

1 the Common School Fund for distribution therefrom for the
2 benefit of the Teachers' Retirement System of the State of
3 Illinois and the Public School Teachers' Pension and Retirement
4 Fund of Chicago:

5 (1) With respect to all school districts, for each
6 fiscal year other than fiscal year 1994, on or before the
7 eleventh and twenty-first days of each of the months of
8 August through the following July, at a time or times
9 designated by the Governor, the State Treasurer and the
10 State Comptroller shall transfer from the General Revenue
11 Fund to the Common School Fund and Education Assistance
12 Fund, as appropriate, 1/24 or so much thereof as may be
13 necessary of the amount appropriated to the State Board of
14 Education for distribution to all school districts from
15 such Common School Fund and Education Assistance Fund, for
16 the fiscal year, including interest on the School Fund
17 proportionate for that distribution for such year.

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

1 from such Common School Fund, for fiscal year 1994,
2 including interest on the School Fund proportionate for
3 that distribution for such year; and on or before the 21st
4 day of August, 1993 at a time or times designated by the
5 Governor, the State Treasurer and the State Comptroller
6 shall transfer from the General Revenue Fund to the Common
7 School Fund 3/24 or so much thereof as may be necessary of
8 the amount appropriated to the State Board of Education for
9 distribution to all school districts from the Common School
10 Fund, for fiscal year 1994, including interest
11 proportionate for that distribution on the School Fund for
12 such fiscal year.

13 The amounts of the payments made in July of each year: (i)
14 shall be considered an outstanding liability as of the 30th day
15 of June immediately preceding those July payments, within the
16 meaning of Section 25 of this Act; (ii) shall be payable from
17 the appropriation for the fiscal year that ended on that 30th
18 day of June; and (iii) shall be considered payments for claims
19 covering the school year that commenced during the immediately
20 preceding calendar year.

21 Notwithstanding the foregoing provisions of this
22 subsection, as soon as may be after the 10th and 20th days of
23 each of the months of August through May, 1/24, and on or as
24 soon as may be after the 10th and 20th days of June, 1/12 of the
25 annual amount appropriated to the State Board of Education for
26 distribution and payment during that fiscal year from the

1 Common School Fund to and for the benefit of the Teachers'
2 Retirement System of the State of Illinois (until the end of
3 State fiscal year 1995) and the Public School Teachers' Pension
4 and Retirement Fund of Chicago as provided by the Illinois
5 Pension Code and Section 18-7 of the School Code, or so much
6 thereof as may be necessary, shall be transferred by the State
7 Treasurer and the State Comptroller from the General Revenue
8 Fund to the Common School Fund to permit semi-monthly payments
9 from the Common School Fund to and for the benefit of such
10 teacher retirement systems as required by Section 18-7 of the
11 School Code.

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

1 Illinois shall be reduced in the aggregate by the State
2 Comptroller and State Treasurer to adjust for the amount
3 transferred to the Teachers' Retirement System of the State of
4 Illinois pursuant to subsection (a) of Section 6z-61. Amounts
5 appropriated to the Teachers' Retirement System of the State of
6 Illinois under Section 1.1 of the State Pension Funds
7 Continuing Appropriation Act shall be transferred by the State
8 Treasurer and the State Comptroller from the General Revenue
9 Fund to the Common School Fund as necessary to provide for the
10 payment of vouchers drawn against those appropriations.

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

1 the Governor.

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

8 The State Comptroller shall report all transfers provided
9 for in this Act to the President of the Senate, Minority Leader
10 of the Senate, Speaker of the House, and Minority Leader of the
11 House.

12 (b) On or before the 11th and 21st days of each of the
13 months of June, 1982 through July, 1983, at a time or times
14 designated by the Governor, the State Treasurer and the State
15 Comptroller shall transfer from the General Revenue Fund to the
16 Common School Fund 1/24 or so much thereof as may be necessary
17 of the amount appropriated to the State Board of Education for
18 distribution from such Common School Fund, for that same fiscal
19 year, including interest on the School Fund for such year. The
20 amounts of the payments in the months of July, 1982 and July,
21 1983 shall be considered an outstanding liability as of the
22 30th day of June immediately preceding such July payment,
23 within the meaning of Section 25 of this Act, and shall be
24 payable from the appropriation for the fiscal year which ended
25 on such 30th day of June, and such July payments shall be
26 considered payments for claims covering school years 1981-1982

1 and 1982-1983 respectively.

2 In the event the Governor makes notification to effect
3 advanced distribution under the provisions of subsection (a) of
4 this Section, the aggregate amount transferred from the General
5 Revenue Fund to the Common School Fund in the 12 months
6 beginning August 1, 1981 or the 12 months beginning August 1,
7 1982 shall not be in excess of the amount necessary for payment
8 of claims certified by the State Superintendent of Education
9 pursuant to the appropriation of the Common School Fund for the
10 fiscal years commencing on the first of July of the years 1981
11 and 1982.

12 (c) In determining amounts to be transferred from the
13 General Revenue Fund to the Education Assistance Fund, the
14 amount of moneys transferred from the State Gaming Fund to the
15 Education Assistance Fund shall be disregarded. The amounts
16 transferred from the General Revenue Fund shall not be
17 decreased as an adjustment for any amounts transferred from the
18 State Gaming Fund to the Education Assistance Fund.

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

20 (30 ILCS 105/8h)

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

22 (a) Except as otherwise provided in this Section and
23 Section 8n of this Act, and ~~(e), (d), or (e),~~ notwithstanding
24 any other State law to the contrary, the Governor may, through
25 June 30, 2007, from time to time direct the State Treasurer and

1 Comptroller to transfer a specified sum from any fund held by
2 the State Treasurer to the General Revenue Fund in order to
3 help defray the State's operating costs for the fiscal year.
4 The total transfer under this Section from any fund in any
5 fiscal year shall not exceed the lesser of (i) 8% of the
6 revenues to be deposited into the fund during that fiscal year
7 or (ii) an amount that leaves a remaining fund balance of 25%
8 of the July 1 fund balance of that fiscal year. In fiscal year
9 2005 only, prior to calculating the July 1, 2004 final
10 balances, the Governor may calculate and direct the State
11 Treasurer with the Comptroller to transfer additional amounts
12 determined by applying the formula authorized in Public Act
13 93-839 to the funds balances on July 1, 2003. No transfer may
14 be made from a fund under this Section that would have the
15 effect of reducing the available balance in the fund to an
16 amount less than the amount remaining unexpended and unreserved
17 from the total appropriation from that fund estimated to be
18 expended for that fiscal year. This Section does not apply to
19 any funds that are restricted by federal law to a specific use,
20 to any funds in the Motor Fuel Tax Fund, the Intercity
21 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
22 Provider Relief Fund, the Teacher Health Insurance Security
23 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
24 the Voters' Guide Fund, the Foreign Language Interpreter Fund,
25 the Lawyers' Assistance Program Fund, the Supreme Court Federal
26 Projects Fund, the Supreme Court Special State Projects Fund,

1 the Supplemental Low-Income Energy Assistance Fund, the Good
2 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste
3 Facility Development and Operation Fund, the Horse Racing
4 Equity Trust Fund, or the Hospital Basic Services Preservation
5 Fund, or to any funds to which subsection (f) of Section 20-40
6 of the Nursing and Advanced Practice Nursing Act applies. No
7 transfers may be made under this Section from the Pet
8 Population Control Fund. Notwithstanding any other provision
9 of this Section, for fiscal year 2004, the total transfer under
10 this Section from the Road Fund or the State Construction
11 Account Fund shall not exceed the lesser of (i) 5% of the
12 revenues to be deposited into the fund during that fiscal year
13 or (ii) 25% of the beginning balance in the fund. For fiscal
14 year 2005 through fiscal year 2007, no amounts may be
15 transferred under this Section from the Road Fund, the State
16 Construction Account Fund, the Criminal Justice Information
17 Systems Trust Fund, the Wireless Service Emergency Fund, or the
18 Mandatory Arbitration Fund.

19 In determining the available balance in a fund, the
20 Governor may include receipts, transfers into the fund, and
21 other resources anticipated to be available in the fund in that
22 fiscal year.

23 The State Treasurer and Comptroller shall transfer the
24 amounts designated under this Section as soon as may be
25 practicable after receiving the direction to transfer from the
26 Governor.

1 (a-5) Transfers directed to be made under this Section on
2 or before February 28, 2006 that are still pending on May 19,
3 2006 (the effective date of Public Act 94-774) ~~this amendatory~~
4 ~~Act of the 94th General Assembly~~ shall be redirected as
5 provided in Section 8n of this Act.

6 (b) This Section does not apply to: (i) the Ticket For The
7 Cure Fund; (ii) any fund established under the Community Senior
8 Services and Resources Act; or (iii) on or after January 1,
9 2006 (the effective date of Public Act 94-511), the Child Labor
10 and Day and Temporary Labor Enforcement Fund.

11 (c) This Section does not apply to the Demutualization
12 Trust Fund established under the Uniform Disposition of
13 Unclaimed Property Act.

14 (d) This Section does not apply to moneys set aside in the
15 Illinois State Podiatric Disciplinary Fund for podiatric
16 scholarships and residency programs under the Podiatric
17 Scholarship and Residency Act.

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

21 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
22 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
23 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
24 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
25 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
26 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;

1 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.
2 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,
3 eff. 6-6-06; revised 6-19-06.)

4 Section 922. The Illinois Procurement Code is amended by
5 changing Section 50-70 as follows:

6 (30 ILCS 500/50-70)

7 Sec. 50-70. Additional provisions. This Code is subject to
8 applicable provisions of the following Acts:

9 (1) Article 33E of the Criminal Code of 1961;

10 (2) the Illinois Human Rights Act;

11 (3) the Discriminatory Club Act;

12 (4) the Illinois Governmental Ethics Act;

13 (5) the State Prompt Payment Act;

14 (6) the Public Officer Prohibited Activities Act;

15 (7) the Drug Free Workplace Act; ~~and~~

16 (8) the Employee Classification Act; and ~~and~~

17 (9) Section 7 of the Riverboat and Casino Gambling Act.

18 (Source: P.A. 95-26, eff. 1-1-08.)

19 Section 925. The Tobacco Products Tax Act of 1995 is
20 amended by changing Section 99-99 as follows:

21 (35 ILCS 143/99-99)

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

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

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

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

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

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

7 Section 930. The Joliet Regional Port District Act is
8 amended by changing Section 5.1 as follows:

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

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

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

1 Section 935. The Consumer Installment Loan Act is amended
2 by changing Section 12.5 as follows:

3 (205 ILCS 670/12.5)

4 Sec. 12.5. Limited purpose branch.

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

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

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

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

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

1 limited purpose branch unless authorized by the Director.

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

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

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

12 Section 940. The Illinois Horse Racing Act of 1975 is
13 amended by changing Sections 1.2, 3.12, 3.20, 3.22, 3.23, 9,
14 15, 26, 28, 28.1, 30, 31, 36, and 54.5 and adding Sections
15 3.28, 3.29, and 31.2 as follows:

16 (230 ILCS 5/1.2)

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

23 (a) support and enhance Illinois' horse racing industry,
24 which is a significant component within the agribusiness

1 industry;

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

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

8 (d) promote the further growth of tourism;

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

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

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

15 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

16 Sec. 3.12. Pari-mutuel system of wagering. "Pari-mutuel
17 system of wagering" means a form of wagering on the outcome of
18 horse races in which wagers are made in various denominations
19 on a horse or horses and all wagers for each race are pooled
20 and held by a licensee for distribution in a manner approved by
21 the Board. Wagers may be placed via any method or at any
22 location authorized under this Act.

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

24 (230 ILCS 5/3.20)

1 Sec. 3.20. Licensee. "Licensee" means an individual
2 organization licensee, an inter-track wagering licensee, an ~~or~~
3 inter-track wagering location licensee, or an advance deposit
4 wagering licensee, as the context of this Act requires.

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

6 (230 ILCS 5/3.22)

7 Sec. 3.22. Wagering facility. "Wagering facility" means
8 any location at which a licensee, other than an advance deposit
9 wagering licensee, may accept or receive pari-mutuel wagers
10 under this Act.

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

12 (230 ILCS 5/3.23)

13 Sec. 3.23. Wagering. "Wagering" means, collectively, the
14 pari-mutuel system of wagering, inter-track wagering, ~~and~~
15 simulcast wagering, and advance deposit wagering.

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

17 (230 ILCS 5/3.28 new)

18 Sec. 3.28. Advance deposit wagering licensee. "Advance
19 deposit wagering licensee" means a person licensed by the Board
20 to conduct advance deposit wagering. An advance deposit
21 wagering licensee shall be an organization licensee or a person
22 or third party who contracts with an organization licensee in
23 order to conduct advance deposit wagering.

1 (230 ILCS 5/3.29 new)

2 Sec. 3.29. Advance deposit wagering. "Advance deposit
3 wagering" means a method of pari-mutuel wagering in which an
4 individual may establish an account, deposit money into the
5 account, and use the account balance to pay for pari-mutuel
6 wagering authorized by this Act. An advance deposit wager may
7 be placed in person at a wagering facility or from any other
8 location via a telephone-type device or any other electronic
9 means. Any person who accepts an advance deposit wager who is
10 not licensed by the Board as an advance deposit wagering
11 licensee shall be considered in violation of this Act and the
12 Criminal Code of 1961. Any advance deposit wager placed in
13 person at a wagering facility shall be deemed to have been
14 placed at that wagering facility.

15 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

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

19 (a) The Board is vested with jurisdiction and supervision
20 over all race meetings in this State, over all licensees doing
21 business in this State, over all occupation licensees, and over
22 all persons on the facilities of any licensee. Such
23 jurisdiction shall include the power to issue licenses to the
24 Illinois Department of Agriculture authorizing the pari-mutuel

1 system of wagering on harness and Quarter Horse races held (1)
2 at the Illinois State Fair in Sangamon County, and (2) at the
3 DuQuoin State Fair in Perry County. The jurisdiction of the
4 Board shall also include the power to issue licenses to county
5 fairs which are eligible to receive funds pursuant to the
6 Agricultural Fair Act, as now or hereafter amended, or their
7 agents, authorizing the pari-mutuel system of wagering on horse
8 races conducted at the county fairs receiving such licenses.
9 Such licenses shall be governed by subsection (n) of this
10 Section.

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

24 Notwithstanding any provision of law to the contrary, it
25 shall be lawful for any licensee to operate pari-mutuel
26 wagering or contract with the Department of Agriculture to

1 operate pari-mutuel wagering at the DuQuoin State Fairgrounds
2 or for the Department to enter into contracts with a licensee,
3 employ its owners, employees or agents and employ such other
4 occupation licensees as the Department deems necessary in
5 connection with race meetings and wagerings.

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

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

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

1 enforcement thereof.

2 (e) The Board, and any person or persons to whom it
3 delegates this power, may eject or exclude from any race
4 meeting or the facilities of any licensee, or any part thereof,
5 any occupation licensee or any other individual whose conduct
6 or reputation is such that his presence on those facilities
7 may, in the opinion of the Board, call into question the
8 honesty and integrity of horse racing or wagering or interfere
9 with the orderly conduct of horse racing or wagering; provided,
10 however, that no person shall be excluded or ejected from the
11 facilities of any licensee solely on the grounds of race,
12 color, creed, national origin, ancestry, or sex. The power to
13 eject or exclude an occupation licensee or other individual may
14 be exercised for just cause by the licensee or the Board,
15 subject to subsequent hearing by the Board as to the propriety
16 of said exclusion.

17 (f) The Board is vested with the power to acquire,
18 establish, maintain and operate (or provide by contract to
19 maintain and operate) testing laboratories and related
20 facilities, for the purpose of conducting saliva, blood, urine
21 and other tests on the horses run or to be run in any horse race
22 meeting and to purchase all equipment and supplies deemed
23 necessary or desirable in connection with any such testing
24 laboratories and related facilities and all such tests.

25 (f-5) The Department of Agriculture is vested with the
26 power to acquire, establish, maintain, and operate (or provide

1 by contract to maintain and operate) testing laboratories and
2 related facilities for the purpose of conducting saliva, blood,
3 urine, and other tests on the horses run or to be run in any
4 county fair horse race meeting and of purchasing all equipment
5 and supplies deemed necessary or desirable in connection with
6 any such testing laboratories and related facilities and all
7 such tests in any county fair horse race.

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

1 this Act.

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

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

20 (j) The Board may discharge any Board employee who fails or
21 refuses for any reason to comply with the rules and regulations
22 of the Board, or who, in the opinion of the Board, is guilty of
23 fraud, dishonesty or who is proven to be incompetent. The Board
24 shall have no right or power to determine who shall be
25 officers, directors or employees of any licensee, or their
26 salaries except the Board may, by rule, require that all or any

1 officials or employees in charge of or whose duties relate to
2 the actual running of races be approved by the Board.

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

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

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

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

1 thereof. Any authority granted the Board under this Act shall
2 extend to its jurisdiction and supervision over county fairs,
3 or their agents, licensed pursuant to this subsection. However,
4 the Board may waive any provision of this Act or its rules or
5 regulations which would otherwise apply to such county fairs or
6 their agents.

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

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

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

23 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

24 Sec. 15. (a) The Board shall, in its discretion, issue
25 occupation licenses to horse owners, trainers, harness

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

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

1 any other state has been suspended or revoked and if so whether
2 such suspension or revocation is in effect at the time of the
3 application, and such other information as the Board may
4 require. Fees for registration of stable names shall not exceed
5 \$50.00.

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

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

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

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

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

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

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

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

19 or

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

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

25 (4) for any other just cause.

26 (e) Each applicant shall submit his or her fingerprints

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

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

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

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

2 Sec. 26. Wagering.

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

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

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

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

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

15 (c-5) Beginning January 1, 2000, the sum held by any
16 licensee for payment of outstanding pari-mutuel tickets, if
17 unclaimed prior to December 31 of the next year, shall be
18 retained by the licensee for payment of such tickets until that
19 date; except that, beginning on the effective date of this
20 amendatory Act of the 95th General Assembly, the sum held by an
21 organization licensee located in a county with a population in
22 excess of 230,000 and that borders the Mississippi River and
23 every inter-track wagering location licensee who derives its
24 license from that organization licensee shall be retained by
25 the organization licensee for payment of such tickets until
26 that date. Within 10 days thereafter, the balance of such sum

1 remaining unclaimed, less any uncashed supplements contributed
2 by such licensee for the purpose of guaranteeing minimum
3 distributions of any pari-mutuel pool, shall be evenly
4 distributed to the purse account of the organization licensee
5 and the organization licensee.

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

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

20 (f) Notwithstanding the other provisions of this Act, an
21 organization licensee may contract with an entity in another
22 state or country to permit any legal wagering entity in another
23 state or country to accept wagers solely within such other
24 state or country on races conducted by the organization
25 licensee in this State. Beginning January 1, 2000, these wagers
26 shall not be subject to State taxation. Until January 1, 2000,

1 when the out-of-State entity conducts a pari-mutuel pool
2 separate from the organization licensee, a privilege tax equal
3 to 7 1/2% of all monies received by the organization licensee
4 from entities in other states or countries pursuant to such
5 contracts is imposed on the organization licensee, and such
6 privilege tax shall be remitted to the Department of Revenue
7 within 48 hours of receipt of the moneys from the simulcast.
8 When the out-of-State entity conducts a combined pari-mutuel
9 pool with the organization licensee, the tax shall be 10% of
10 all monies received by the organization licensee with 25% of
11 the receipts from this 10% tax to be distributed to the county
12 in which the race was conducted.

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

21 (g) A host track may accept interstate simulcast wagers on
22 horse races conducted in other states or countries and shall
23 control the number of signals and types of breeds of racing in
24 its simulcast program, subject to the disapproval of the Board.
25 The Board may prohibit a simulcast program only if it finds
26 that the simulcast program is clearly adverse to the integrity

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

18 Notwithstanding any other provision of this Act, an
19 organization licensee may maintain a system whereby advance
20 deposit wagering may take place or an organization licensee may
21 contract with another person to carry out a system of advance
22 deposit wagering. All advance deposit wagers placed from within
23 Illinois must be placed through a Board-approved advance
24 deposit wagering licensee; no other entity may accept an
25 advance deposit wager from a person within Illinois. All
26 advance deposit wagering is subject to any rules adopted by the

1 Board. The Board may adopt rules necessary to regulate advance
2 deposit wagering through the use of emergency rulemaking in
3 accordance with Section 5-45 of the Illinois Administrative
4 Procedure Act. The General Assembly finds that the adoption of
5 rules to regulate advance deposit wagering is deemed an
6 emergency and necessary for the public interest, safety, and
7 welfare. An advance deposit wagering licensee may retain all
8 moneys as agreed to by contract with an organization licensee.
9 To the extent any fees from advance deposit wagering conducted
10 in Illinois for wagers in Illinois or other states have been
11 placed in escrow or otherwise withheld from wagers pending a
12 determination of the legality of advance deposit wagering, no
13 action shall be brought to declare such wagers or the
14 disbursement of any fees previously escrowed illegal.

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

1 an intertrack wagering licensee to its affiliated non-host
2 licensees. The interstate commission fee for a
3 supplemental interstate simulcast shall be paid by the
4 non-host licensee and its affiliated non-host licensees
5 receiving the simulcast.

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

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

1 subsection, each intertrack wagering location licensee
2 shall pay 1% of the pari-mutuel handle wagered on simulcast
3 wagering to the Horse Racing Tax Allocation Fund, subject
4 to the provisions of subparagraph (B) of paragraph (11) of
5 subsection (h) of Section 26 of this Act.

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

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

26 (A) For interstate simulcast wagers made at a host

1 track, 50% to the host track and 50% to purses at the
2 host track.

3 (B) For wagers placed on interstate simulcast
4 races, supplemental simulcasts as defined in
5 subparagraphs (1) and (2), and separately pooled races
6 conducted outside of the State of Illinois made at a
7 non-host licensee, 25% to the host track, 25% to the
8 non-host licensee, and 50% to the purses at the host
9 track.

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

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

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

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

13 (C) Between January 1 and the third Friday in
14 February, inclusive, if live thoroughbred racing is
15 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.
16 the purse share from wagers made during this time
17 period to its thoroughbred purse account and between
18 6:30 p.m. and 6:30 a.m. the purse share from wagers
19 made during this time period to its standardbred purse
20 accounts;

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

25 (E) Between the third Saturday in February and
26 December 31, when the interstate simulcast occurs

1 between the hours of 6:30 p.m. and 6:30 a.m., the purse
2 share to its standardbred purse account.

3 (7.1) Notwithstanding any other provision of this Act
4 to the contrary, if no standardbred racing is conducted at
5 a racetrack located in Madison County during any calendar
6 year beginning on or after January 1, 2002, all moneys
7 derived by that racetrack from simulcast wagering and
8 inter-track wagering that (1) are to be used for purses and
9 (2) are generated between the hours of 6:30 p.m. and 6:30
10 a.m. during that calendar year shall be paid as 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 paid to its thoroughbred purse account;
15 and

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

1 subparagraph (B) shall be allocated as provided by the
2 Department of Agriculture, with the advice and
3 assistance of the Illinois Standardbred Breeders Fund
4 Advisory Board.

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

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

19 (B) Twenty percent shall be deposited into the
20 Illinois Colt Stakes Purse Distribution Fund. Moneys
21 deposited into the Illinois Colt Stakes Purse
22 Distribution Fund pursuant to this subparagraph (B)
23 shall be paid to Illinois conceived and foaled
24 thoroughbred breeders' programs and to thoroughbred
25 purses for races conducted at any county fairgrounds
26 for Illinois conceived and foaled horses at the

1 discretion of the Department of Agriculture, with the
2 advice and assistance of the Illinois Thoroughbred
3 Breeders Fund Advisory Board. The moneys deposited
4 into the Illinois Colt Stakes Purse Distribution Fund
5 pursuant to this subparagraph (B) shall be deposited
6 within 2 weeks after the day they were generated, shall
7 be in addition to and not in lieu of any other moneys
8 paid to thoroughbred purses under this Act, and shall
9 not be commingled with other moneys deposited into that
10 Fund.

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

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

21 (B) Twenty percent to the Illinois Colt Stakes
22 Purse Distribution Fund.

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

1 wagering location license.

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

14 (7.4) If live standardbred racing is conducted at a
15 racetrack located in Madison County at any time in calendar
16 year 2001 before the payment required under paragraph (7.3)
17 has been made, the organization licensee who is licensed to
18 conduct racing at that racetrack shall pay all moneys
19 derived by that racetrack from simulcast wagering and
20 inter-track wagering during calendar years 2000 and 2001
21 that (1) are to be used for purses and (2) are generated
22 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
23 2001 to the standardbred purse account at that racetrack to
24 be used for standardbred purses.

25 (8) Notwithstanding any provision in this Act to the
26 contrary, an organization licensee from a track located in

1 a county with a population in excess of 230,000 and that
2 borders the Mississippi River and its affiliated non-host
3 licensees shall not be entitled to share in any retention
4 generated on racing, inter-track wagering, or simulcast
5 wagering at any other Illinois wagering facility.

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

21 (9) (Blank).

22 (10) (Blank).

23 (11) (Blank).

24 (12) The Board shall have authority to compel all host
25 tracks to receive the simulcast of any or all races
26 conducted at the Springfield or DuQuoin State fairgrounds

1 and include all such races as part of their simulcast
2 programs.

3 (13) Notwithstanding any other provision of this Act,
4 in the event that the total Illinois pari-mutuel handle on
5 Illinois horse races at all wagering facilities in any
6 calendar year is less than 75% of the total Illinois
7 pari-mutuel handle on Illinois horse races at all such
8 wagering facilities for calendar year 1994, then each
9 wagering facility that has an annual total Illinois
10 pari-mutuel handle on Illinois horse races that is less
11 than 75% of the total Illinois pari-mutuel handle on
12 Illinois horse races at such wagering facility for calendar
13 year 1994, shall be permitted to receive, from any amount
14 otherwise payable to the purse account at the race track
15 with which the wagering facility is affiliated in the
16 succeeding calendar year, an amount equal to 2% of the
17 differential in total Illinois pari-mutuel handle on
18 Illinois horse races at the wagering facility between that
19 calendar year in question and 1994 provided, however, that
20 a wagering facility shall not be entitled to any such
21 payment until the Board certifies in writing to the
22 wagering facility the amount to which the wagering facility
23 is entitled and a schedule for payment of the amount to the
24 wagering facility, based on: (i) the racing dates awarded
25 to the race track affiliated with the wagering facility
26 during the succeeding year; (ii) the sums available or

1 anticipated to be available in the purse account of the
2 race track affiliated with the wagering facility for purses
3 during the succeeding year; and (iii) the need to ensure
4 reasonable purse levels during the payment period. The
5 Board's certification shall be provided no later than
6 January 31 of the succeeding year. In the event a wagering
7 facility entitled to a payment under this paragraph (13) is
8 affiliated with a race track that maintains purse accounts
9 for both standardbred and thoroughbred racing, the amount
10 to be paid to the wagering facility shall be divided
11 between each purse account pro rata, based on the amount of
12 Illinois handle on Illinois standardbred and thoroughbred
13 racing respectively at the wagering facility during the
14 previous calendar year. Beginning in the year an
15 organization licensee first receives payment from the fee
16 imposed under subsection (a) of Section 7 of the Riverboat
17 Gambling Act, the wagering facilities permitted to receive
18 amounts from the purse accounts under this paragraph (13)
19 shall receive 75% of the amount certified, one year after
20 an organization licensee first receives the payment, the
21 wagering facilities shall receive 50% of the amount
22 certified, and 2 years after an organization licensee first
23 receives the payment, the wagering facilities shall
24 receive 25% of the amount certified. Beginning 3 years
25 after an organization licensee first receives payment from
26 the fee imposed under subsection (a) of Section 7 of the

1 Riverboat Gambling Act, the wagering facilities shall not
2 receive any moneys from the purse accounts under this
3 paragraph (13). Annually, the General Assembly shall
4 appropriate sufficient funds from the General Revenue Fund
5 to the Department of Agriculture for payment into the
6 thoroughbred and standardbred horse racing purse accounts
7 at Illinois pari-mutuel tracks. The amount paid to each
8 purse account shall be the amount certified by the Illinois
9 Racing Board in January to be transferred from each account
10 to each eligible racing facility in accordance with the
11 provisions of this Section.

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

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

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

1 and furnished by the Board. The application shall comply
2 with all other rules, regulations and conditions imposed by
3 the Board in connection therewith.

4 (2) The Board shall examine the applications with
5 respect to their conformity with this Act and the rules and
6 regulations imposed by the Board. If found to be in
7 compliance with the Act and rules and regulations of the
8 Board, the Board may then issue a license to conduct
9 inter-track wagering and simulcast wagering to such
10 applicant. All such applications shall be acted upon by the
11 Board at a meeting to be held on such date as may be fixed
12 by the Board.

13 (3) In granting licenses to conduct inter-track
14 wagering and simulcast wagering, the Board shall give due
15 consideration to the best interests of the public, of horse
16 racing, and of maximizing revenue to the State.

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

1 patrons of pari-mutuel pools.

2 (5) Each license to conduct inter-track wagering and
3 simulcast wagering shall specify the person to whom it is
4 issued, the dates on which such wagering is permitted, and
5 the track or location where the wagering is to be
6 conducted.

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

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

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

18 (8.1) Inter-track wagering location licensees who
19 derive their licenses from a particular organization
20 licensee shall conduct inter-track wagering and simulcast
21 wagering only at locations which are either within 90 miles
22 of that race track where the particular organization
23 licensee is licensed to conduct racing, or within 135 miles
24 of that race track where the particular organization
25 licensee is licensed to conduct racing in the case of race
26 tracks in counties of less than 400,000 that were operating

1 on or before June 1, 1986. However, inter-track wagering
2 and simulcast wagering shall not be conducted by those
3 licensees at any location within 5 miles of any race track
4 at which a horse race meeting has been licensed in the
5 current year, unless the person having operating control of
6 such race track has given its written consent to such
7 inter-track wagering location licensees, which consent
8 must be filed with the Board at or prior to the time
9 application is made.

10 (8.2) Inter-track wagering or simulcast wagering shall
11 not be conducted by an inter-track wagering location
12 licensee at any location within 500 feet of an existing
13 church or existing school, nor within 500 feet of the
14 residences of more than 50 registered voters without
15 receiving written permission from a majority of the
16 registered voters at such residences. Such written
17 permission statements shall be filed with the Board. The
18 distance of 500 feet shall be measured to the nearest part
19 of any building used for worship services, education
20 programs, residential purposes, or conducting inter-track
21 wagering by an inter-track wagering location licensee, and
22 not to property boundaries. However, inter-track wagering
23 or simulcast wagering may be conducted at a site within 500
24 feet of a church, school or residences of 50 or more
25 registered voters if such church, school or residences have
26 been erected or established, or such voters have been

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

18 (9) (Blank).

19 (10) An inter-track wagering licensee or an
20 inter-track wagering location licensee may retain, subject
21 to the payment of the privilege taxes and the purses, an
22 amount not to exceed 17% of all money wagered. Each program
23 of racing conducted by each inter-track wagering licensee
24 or inter-track wagering location licensee shall be
25 considered a separate racing day for the purpose of
26 determining the daily handle and computing the privilege

1 tax or pari-mutuel tax on such daily handle as provided in
2 Section 27.

3 (10.1) Except as provided in subsection (g) of Section
4 27 of this Act, inter-track wagering location licensees
5 shall pay 1% of the pari-mutuel handle at each location to
6 the municipality in which such location is situated and 1%
7 of the pari-mutuel handle at each location to the county in
8 which such location is situated. In the event that an
9 inter-track wagering location licensee is situated in an
10 unincorporated area of a county, such licensee shall pay 2%
11 of the pari-mutuel handle from such location to such
12 county.

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

1 first race track, those moneys shall be allocated as
2 follows:

3 (A) That portion of all moneys wagered on
4 standardbred racing that is required under this Act to
5 be paid to purses shall be paid to purses for
6 standardbred races.

7 (B) That portion of all moneys wagered on
8 thoroughbred racing that is required under this Act to
9 be paid to purses shall be paid to purses for
10 thoroughbred races.

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

1 race meet in a county with a population in excess of
2 230,000 and that borders the Mississippi River shall not
3 divide any remaining retention with that organization
4 licensee.

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

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

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

1 of this subsection (h) by this amendatory Act of 1991,
2 those licensees shall pay the following amounts as purses:
3 during the first 12 months the licensee is in operation,
4 5.25% of the pari-mutuel handle wagered at the location on
5 races; during the second 12 months, 5.25%; during the third
6 12 months, 5.75%; during the fourth 12 months, 6.25%; and
7 during the fifth 12 months and thereafter, 6.75%. The
8 following amounts shall be retained by the licensee to
9 satisfy all costs and expenses of conducting its wagering:
10 during the first 12 months the licensee is in operation,
11 8.25% of the pari-mutuel handle wagered at the location;
12 during the second 12 months, 8.25%; during the third 12
13 months, 7.75%; during the fourth 12 months, 7.25%; and
14 during the fifth 12 months and thereafter, 6.75%. For
15 additional intertrack wagering location licensees
16 authorized under this amendatory Act of 1995, purses for
17 the first 12 months the licensee is in operation shall be
18 5.75% of the pari-mutuel wagered at the location, purses
19 for the second 12 months the licensee is in operation shall
20 be 6.25%, and purses thereafter shall be 6.75%. For
21 additional intertrack location licensees authorized under
22 this amendatory Act of 1995, the licensee shall be allowed
23 to retain to satisfy all costs and expenses: 7.75% of the
24 pari-mutuel handle wagered at the location during its first
25 12 months of operation, 7.25% during its second 12 months
26 of operation, and 6.75% thereafter.

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

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

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

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

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

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

25 Until January 1, 2000, all other monies paid into the
26 Horse Racing Tax Allocation Fund pursuant to this paragraph

1 (11) shall be allocated by appropriation as follows:

2 Two-sevenths to the Department of Agriculture.
3 Fifty percent of this two-sevenths shall be used to
4 promote the Illinois horse racing and breeding
5 industry, and shall be distributed by the Department of
6 Agriculture upon the advice of a 9-member committee
7 appointed by the Governor consisting of the following
8 members: the Director of Agriculture, who shall serve
9 as chairman; 2 representatives of organization
10 licensees conducting thoroughbred race meetings in
11 this State, recommended by those licensees; 2
12 representatives of organization licensees conducting
13 standardbred race meetings in this State, recommended
14 by those licensees; a representative of the Illinois
15 Thoroughbred Breeders and Owners Foundation,
16 recommended by that Foundation; a representative of
17 the Illinois Standardbred Owners and Breeders
18 Association, recommended by that Association; a
19 representative of the Horsemen's Benevolent and
20 Protective Association or any successor organization
21 thereto established in Illinois comprised of the
22 largest number of owners and trainers, recommended by
23 that Association or that successor organization; and a
24 representative of the Illinois Harness Horsemen's
25 Association, recommended by that Association.
26 Committee members shall serve for terms of 2 years,

1 commencing January 1 of each even-numbered year. If a
2 representative of any of the above-named entities has
3 not been recommended by January 1 of any even-numbered
4 year, the Governor shall appoint a committee member to
5 fill that position. Committee members shall receive no
6 compensation for their services as members but shall be
7 reimbursed for all actual and necessary expenses and
8 disbursements incurred in the performance of their
9 official duties. The remaining 50% of this
10 two-sevenths shall be distributed to county fairs for
11 premiums and rehabilitation as set forth in the
12 Agricultural Fair Act;

13 Four-sevenths to museums and aquariums located in
14 park districts of over 500,000 population; provided
15 that the monies are distributed in accordance with the
16 previous year's distribution of the maintenance tax
17 for such museums and aquariums as provided in Section 2
18 of the Park District Aquarium and Museum Act; and

19 One-seventh to the Agricultural Premium Fund to be
20 used for distribution to agricultural home economics
21 extension councils in accordance with "An Act in
22 relation to additional support and finances for the
23 Agricultural and Home Economic Extension Councils in
24 the several counties of this State and making an
25 appropriation therefor", approved July 24, 1967. This
26 subparagraph (C) shall be inoperative and of no force

1 and effect on and after January 1, 2000.

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

6 (i) If the inter-track wagering licensee,
7 except an intertrack wagering licensee that
8 derives its license from an organization licensee
9 located in a county with a population in excess of
10 230,000 and bounded by the Mississippi River, is
11 not conducting its own race meeting during the same
12 dates, then the entire purse allocation shall be to
13 purses at the track where the races wagered on are
14 being conducted.

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

26 (iii) If the inter-track wagering is being

1 conducted by an inter-track wagering location
2 licensee, except an intertrack wagering location
3 licensee that derives its license from an
4 organization licensee located in a county with a
5 population in excess of 230,000 and bounded by the
6 Mississippi River, the entire purse allocation for
7 Illinois races shall be to purses at the track
8 where the race meeting being wagered on is being
9 held.

10 (12) The Board shall have all powers necessary and
11 proper to fully supervise and control the conduct of
12 inter-track wagering and simulcast wagering by inter-track
13 wagering licensees and inter-track wagering location
14 licensees, including, but not limited to the following:

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

24 (B) The Board, and any person or persons to whom it
25 delegates this power, is vested with the power to enter
26 the facilities of any licensee to determine whether

1 there has been compliance with the provisions of this
2 Act and the rules and regulations relating to the
3 conduct of such wagering.

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

14 (D) (Blank).

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

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

1 duties.

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

10 (13) The Department of Agriculture may enter into
11 agreements with licensees authorizing such licensees to
12 conduct inter-track wagering on races to be held at the
13 licensed race meetings conducted by the Department of
14 Agriculture. Such agreement shall specify the races of the
15 Department of Agriculture's licensed race meeting upon
16 which the licensees will conduct wagering. In the event
17 that a licensee conducts inter-track pari-mutuel wagering
18 on races from the Illinois State Fair or DuQuoin State Fair
19 which are in addition to the licensee's previously approved
20 racing program, those races shall be considered a separate
21 racing day for the purpose of determining the daily handle
22 and computing the privilege or pari-mutuel tax on that
23 daily handle as provided in Sections 27 and 27.1. Such
24 agreements shall be approved by the Board before such
25 wagering may be conducted. In determining whether to grant
26 approval, the Board shall give due consideration to the

1 best interests of the public and of horse racing. The
2 provisions of paragraphs (1), (8), (8.1), and (8.2) of
3 subsection (h) of this Section which are not specified in
4 this paragraph (13) shall not apply to licensed race
5 meetings conducted by the Department of Agriculture at the
6 Illinois State Fair in Sangamon County or the DuQuoin State
7 Fair in Perry County, or to any wagering conducted on those
8 race meetings.

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

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

14 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

15 Sec. 28. Except as provided in subsection (g) of Section 27
16 of this Act, moneys collected shall be distributed according to
17 the provisions of this Section 28.

18 (a) Thirty per cent of the total of all monies received by
19 the State as privilege taxes shall be paid into the
20 Metropolitan Exposition Auditorium and Office Building Fund in
21 the State Treasury.

22 (b) In addition, 4.5% of the total of all monies received
23 by the State as privilege taxes shall be paid into the State
24 treasury into a special Fund to be known as the Metropolitan
25 Exposition, Auditorium, and Office Building Fund.

1 (c) Fifty per cent of the total of all monies received by
2 the State as privilege taxes under the provisions of this Act
3 shall be paid into the Agricultural Premium Fund.

4 (d) Seven per cent of the total of all monies received by
5 the State as privilege taxes shall be paid into the Fair and
6 Exposition Fund in the State treasury; provided, however, that
7 when all bonds issued prior to July 1, 1984 by the Metropolitan
8 Fair and Exposition Authority shall have been paid or payment
9 shall have been provided for upon a refunding of those bonds,
10 thereafter 1/12 of \$1,665,662 of such monies shall be paid each
11 month into the Build Illinois Fund, and the remainder into the
12 Fair and Exposition Fund. All excess monies shall be allocated
13 to the Department of Agriculture for distribution to county
14 fairs for premiums and rehabilitation as set forth in the
15 Agricultural Fair Act.

16 (e) The monies provided for in Section 30 shall be paid
17 into the Illinois Thoroughbred Breeders Fund.

18 (f) The monies provided for in Section 31 shall be paid
19 into the Illinois Standardbred Breeders Fund.

20 (g) Until January 1, 2000, that part representing 1/2 of
21 the total breakage in Thoroughbred, Harness, Appaloosa,
22 Arabian, and Quarter Horse racing in the State shall be paid
23 into the Illinois Race Track Improvement Fund as established in
24 Section 32.

25 (h) All other monies received by the Board under this Act
26 shall be paid into the General Revenue Fund of the State.

1 (i) The salaries of the Board members, secretary, stewards,
2 directors of mutuels, veterinarians, representatives,
3 accountants, clerks, stenographers, inspectors and other
4 employees of the Board, and all expenses of the Board incident
5 to the administration of this Act, including, but not limited
6 to, all expenses and salaries incident to the taking of saliva
7 and urine samples in accordance with the rules and regulations
8 of the Board shall be paid out of the Agricultural Premium
9 Fund.

10 (j) The Agricultural Premium Fund shall also be used:

11 (1) for the expenses of operating the Illinois State
12 Fair and the DuQuoin State Fair, including the payment of
13 prize money or premiums;

14 (2) for the distribution to county fairs, vocational
15 agriculture section fairs, agricultural societies, and
16 agricultural extension clubs in accordance with the
17 Agricultural Fair Act, as amended;

18 (3) for payment of prize monies and premiums awarded
19 and for expenses incurred in connection with the
20 International Livestock Exposition and the Mid-Continent
21 Livestock Exposition held in Illinois, which premiums, and
22 awards must be approved, and paid by the Illinois
23 Department of Agriculture;

24 (4) for personal service of county agricultural
25 advisors and county home advisors;

26 (5) for distribution to agricultural home economic

1 extension councils in accordance with "An Act in relation
2 to additional support and finance for the Agricultural and
3 Home Economic Extension Councils in the several counties in
4 this State and making an appropriation therefor", approved
5 July 24, 1967, as amended;

6 (6) for research on equine disease, including a
7 development center therefor;

8 (7) for training scholarships for study on equine
9 diseases to students at the University of Illinois College
10 of Veterinary Medicine;

11 (8) for the rehabilitation, repair and maintenance of
12 the Illinois and DuQuoin State Fair Grounds and the
13 structures and facilities thereon and the construction of
14 permanent improvements on such Fair Grounds, including
15 such structures, facilities and property located on such
16 State Fair Grounds which are under the custody and control
17 of the Department of Agriculture;

18 (9) for the expenses of the Department of Agriculture
19 under Section 5-530 of the Departments of State Government
20 Law (20 ILCS 5/5-530);

21 (10) for the expenses of the Department of Commerce and
22 Economic Opportunity under Sections 605-620, 605-625, and
23 605-630 of the Department of Commerce and Economic
24 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and
25 605/605-630);

26 (11) for remodeling, expanding, and reconstructing

1 facilities destroyed by fire of any Fair and Exposition
2 Authority in counties with a population of 1,000,000 or
3 more inhabitants;

4 (12) for the purpose of assisting in the care and
5 general rehabilitation of disabled veterans of any war and
6 their surviving spouses and orphans;

7 (13) for expenses of the Department of State Police for
8 duties performed under this Act;

9 (14) for the Department of Agriculture for soil surveys
10 and soil and water conservation purposes;

11 (15) for the Department of Agriculture for grants to
12 the City of Chicago for conducting the Chicagofest;

13 (16) for the State Comptroller for grants and operating
14 expenses authorized by the Illinois Global Partnership
15 Act;

16 (17) for drug testing as authorized in Section 34.3 of
17 this Act.

18 (k) To the extent that monies paid by the Board to the
19 Agricultural Premium Fund are in the opinion of the Governor in
20 excess of the amount necessary for the purposes herein stated,
21 the Governor shall notify the Comptroller and the State
22 Treasurer of such fact, who, upon receipt of such notification,
23 shall transfer such excess monies from the Agricultural Premium
24 Fund to the General Revenue Fund.

25 (Source: P.A. 94-91, Sections 55-135 and 90-10, eff. 7-1-05.)

1 (230 ILCS 5/28.1)

2 Sec. 28.1. Payments.

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

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

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

1 effective date of this amendatory Act of the 95th General
2 Assembly, the Board shall transfer the remainder of the funds
3 generated pursuant to Sections 26 and 27 from the Horse Racing
4 Fund into the General Revenue Fund.

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

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

1 aquariums, and zoos in amounts determined by Museums in the
2 Park, an association of museums, aquariums, and zoos located on
3 Chicago Park District property.

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

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

10 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

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

21 (b) Each organization licensee conducting a thoroughbred
22 racing meeting pursuant to this Act shall provide at least two
23 races each day limited to Illinois conceived and foaled horses
24 or Illinois foaled horses or both. A minimum of 6 races shall
25 be conducted each week limited to Illinois conceived and foaled

1 or Illinois foaled horses or both. Subject to the daily
2 availability of horses, one of the 6 races scheduled per week
3 that are limited to Illinois conceived and foaled or Illinois
4 foaled horses or both shall be limited to Illinois conceived
5 and foaled or Illinois foaled maidens. No horses shall be
6 permitted to start in such races unless duly registered under
7 the rules of the Department of Agriculture.

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

15 (d) There is hereby created a special fund of the State
16 Treasury to be known as the Illinois Thoroughbred Breeders
17 Fund.

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

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

26 (f) The Illinois Thoroughbred Breeders Fund Advisory Board

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

26 (g) Moneys ~~No monies~~ shall be expended from the Illinois

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

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

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

23 (2.5) To provide an award to the owner or owners of an
24 Illinois conceived and foaled or Illinois foaled horse that
25 wins a maiden special weight, an allowance, overnight
26 handicap race, or claiming race with claiming price of

1 \$10,000 or more providing the race is not restricted to
2 Illinois conceived and foaled or Illinois foaled horses.
3 Awards shall also be provided to the owner or owners of
4 Illinois conceived and foaled and Illinois foaled horses
5 that place second or third in those races. To the extent
6 that additional moneys are required to pay the minimum
7 additional awards of 40% of the purse the horse earns for
8 placing first, second or third in those races for Illinois
9 foaled horses and of 60% of the purse the horse earns for
10 placing first, second or third in those races for Illinois
11 conceived and foaled horses, those moneys shall be provided
12 from the purse account at the track where earned.

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

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

11 (4.1) (Blank). ~~To provide purse money for an Illinois~~
12 ~~stallion stakes program.~~

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

17 (6) To provide for educational programs regarding the
18 thoroughbred breeding industry.

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

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

23 (9) To provide for dissemination of public information
24 designed to promote the breeding of thoroughbred horses in
25 Illinois.

26 (10) To provide for all expenses incurred in the

1 administration of the Illinois Thoroughbred Breeders Fund.

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

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

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

19 (j) A sum equal to 12 1/2% of the first prize money won in
20 each race limited to Illinois foaled horses or Illinois
21 conceived and foaled horses, or both, shall be paid in the
22 following manner by the organization licensee conducting the
23 horse race meeting, from the organization licensee's share of
24 the money wagered: 11 1/2% to the breeders of the horses in
25 each such race which are the official first, second, third and
26 fourth finishers and 1% to the organization representing

1 thoroughbred breeders and owners whose representative serves
2 on the Illinois Thoroughbred Breeders Fund Advisory Board for
3 verifying the amounts of breeders' awards earned, assuring
4 their proper distribution in accordance with this Act, and
5 servicing and promoting the Illinois thoroughbred horse racing
6 industry. The organization representing thoroughbred breeders
7 and owners shall cause all expenditures of monies received
8 under this subsection (j) to be audited at least annually by a
9 registered public accountant. The organization shall file
10 copies of each annual audit with the Racing Board, the Clerk of
11 the House of Representatives and the Secretary of the Senate,
12 and shall make copies of each annual audit available to the
13 public upon request and upon payment of the reasonable cost of
14 photocopying the requested number of copies.

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

17 (1) 60% of such sum shall be paid to the breeder of the
18 horse which finishes in the official first position;

19 (2) 20% of such sum shall be paid to the breeder of the
20 horse which finishes in the official second position;

21 (3) 15% of such sum shall be paid to the breeder of the
22 horse which finishes in the official third position; and

23 (4) 5% of such sum shall be paid to the breeder of the
24 horse which finishes in the official fourth position.

25 Such payments shall not reduce any award to the owners of a
26 horse or reduce the taxes payable under this Act. Upon

1 completion of its racing meet, each organization licensee shall
2 deliver to the organization representing thoroughbred breeders
3 and owners whose representative serves on the Illinois
4 Thoroughbred Breeders Fund Advisory Board a listing of all the
5 Illinois foaled and the Illinois conceived and foaled horses
6 which won breeders' awards and the amount of such breeders'
7 awards in accordance with the provisions of this Act. Such
8 payments shall be delivered by the organization licensee within
9 30 days of the end of each race meeting.

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

1 entity that is entirely owned by one or more Illinois
2 residents.

3 (1) The Department of Agriculture shall, by rule, with the
4 advice and assistance of the Illinois Thoroughbred Breeders
5 Fund Advisory Board:

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

18 (2) Provide for the registration of Illinois conceived
19 and foaled horses and Illinois foaled horses. No such horse
20 shall compete in the races limited to Illinois conceived
21 and foaled horses or Illinois foaled horses or both unless
22 registered with the Department of Agriculture. The
23 Department of Agriculture may prescribe such forms as are
24 necessary to determine the eligibility of such horses. The
25 Department of Agriculture may assess and collect
26 application fees for the registration of Illinois-eligible

1 foals. All fees collected are to be paid into the Illinois
2 Thoroughbred Breeders Fund. No person shall knowingly
3 prepare or cause preparation of an application for
4 registration of such foals containing false information.

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

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

21 (n) The Board and the organizational licensee shall notify
22 the Department of the conditions and minimum purses for races
23 limited to Illinois conceived and foaled and Illinois foaled
24 horses conducted for each organizational licensee conducting a
25 thoroughbred racing meeting. The Department of Agriculture
26 with the advice and assistance of the Illinois Thoroughbred

1 Breeders Fund Advisory Board may allocate monies for purse
2 supplements for such races. In determining whether to allocate
3 money and the amount, the Department of Agriculture shall
4 consider factors, including but not limited to, the amount of
5 money appropriated for the Illinois Thoroughbred Breeders Fund
6 program, the number of races that may occur, and the
7 organizational licensee's purse structure.

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

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

23 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

24 Sec. 31. (a) The General Assembly declares that it is the
25 policy of this State to encourage the breeding of standardbred

1 horses in this State and the ownership of such horses by
2 residents of this State in order to provide for: sufficient
3 numbers of high quality standardbred horses to participate in
4 harness racing meetings in this State, and to establish and
5 preserve the agricultural and commercial benefits of such
6 breeding and racing industries to the State of Illinois. It is
7 the intent of the General Assembly to further this policy by
8 the provisions of this Section of this Act.

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

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

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

1 (c) Conditions of races under subsection (b) shall be
2 commensurate with past performance, quality and class of
3 Illinois conceived and foaled horses available. If, however,
4 sufficient competition cannot be had among horses of that class
5 on any day, the races may, with consent of the Board, be
6 eliminated for that day and substitute races provided.

7 (d) There is hereby created a special fund of the State
8 Treasury to be known as the Illinois Standardbred Breeders
9 Fund.

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

15 (e) The Illinois Standardbred Breeders Fund shall be
16 administered by the Department of Agriculture with the
17 assistance and advice of the Advisory Board created in
18 subsection (f) of this Section.

19 (f) The Illinois Standardbred Breeders Fund Advisory Board
20 is hereby created. The Advisory Board shall consist of the
21 Director of the Department of Agriculture, who shall serve as
22 Chairman; the Superintendent of the Illinois State Fair; a
23 member of the Illinois Racing Board, designated by it; a
24 representative of the Illinois Standardbred Owners and
25 Breeders Association, recommended by it; a representative of
26 the Illinois Association of Agricultural Fairs, recommended by

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

19 (g) No monies shall be expended from the Illinois
20 Standardbred Breeders Fund except as appropriated by the
21 General Assembly pursuant to this Act, the Riverboat and Casino
22 Gambling Act, or both. Monies appropriated from the Illinois
23 Standardbred Breeders Fund shall be expended by the Department
24 of Agriculture, with the assistance and advice of the Illinois
25 Standardbred Breeders Fund Advisory Board for the following
26 purposes only:

1 1. To provide purses for races limited to Illinois
2 conceived and foaled horses at the State Fair and the
3 DuQuoin State Fair.

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

6 3. To provide purse supplements for races limited to
7 Illinois conceived and foaled horses conducted by
8 associations conducting harness racing meetings.

9 4. No less than 75% of all monies in the Illinois
10 Standardbred Breeders Fund shall be expended for purses in
11 1, 2 and 3 as shown above.

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

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

25 7. To pay the expenses incurred in the administration
26 of the Illinois Standardbred Breeders Fund.

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

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

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

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

26 1. Qualify stallions for Illinois Standardbred Breeders

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

21 2. Provide for the registration of Illinois conceived and
22 foaled horses and no such horse shall compete in the races
23 limited to Illinois conceived and foaled horses unless
24 registered with the Department of Agriculture. The Department
25 of Agriculture may prescribe such forms as may be necessary to
26 determine the eligibility of such horses. No person shall

1 knowingly prepare or cause preparation of an application for
2 registration of such foals containing false information. A mare
3 (dam) must be in the state at least 30 days prior to foaling or
4 remain in the State at least 30 days at the time of foaling.
5 Beginning with the 1996 breeding season and for foals of 1997
6 and thereafter, a foal conceived in the State of Illinois by
7 transported fresh semen may be eligible for Illinois conceived
8 and foaled registration provided all breeding and foaling
9 requirements are met. The stallion must be qualified for
10 Illinois Standardbred Breeders Fund breeding at the time of
11 conception and the mare must be inseminated within the State of
12 Illinois. The foal must be dropped in Illinois and properly
13 registered with the Department of Agriculture in accordance
14 with this Act.

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

22 4. Provide for the payment of nominating, sustaining and
23 starting fees for races promoting the sport of harness racing
24 and for the races to be conducted at the State Fair as provided
25 in subsection (j) 3 of this Section provided that the
26 nominating, sustaining and starting payment required from an

1 entrant shall not exceed 2% of the purse of such race. All
2 nominating, sustaining and starting payments shall be held for
3 the benefit of entrants and shall be paid out as part of the
4 respective purses for such races. Nominating, sustaining and
5 starting fees shall be held in trust accounts for the purposes
6 as set forth in this Act and in accordance with Section 205-15
7 of the Department of Agriculture Law (20 ILCS 205/205-15).

8 5. Provide for the registration with the Department of
9 Agriculture of Colt Associations or county fairs desiring to
10 sponsor races at county fairs.

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

25 (l) All races held at county fairs and the State Fair which
26 receive funds from the Illinois Standardbred Breeders Fund

1 shall be conducted in accordance with the rules of the United
2 States Trotting Association unless otherwise modified by the
3 Department of Agriculture.

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

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

21 (230 ILCS 5/31.2 new)

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

23 (a) The General Assembly finds that backstretch workers
24 play a critical role in the success and prosperity of the
25 racing industry. The General Assembly finds that there is a

1 need to improve the quality and viability of live racing in
2 Illinois by providing new resources to increase purse sizes and
3 to improve race track facilities. The General Assembly finds
4 that there is a concomitant responsibility and duty to address
5 the human service and housing needs of backstretch workers.

6 (b) There is hereby created in the State treasury a special
7 fund to be known as the Racing Industry Workers' Fund. The Fund
8 shall consist of moneys paid into it under subsection (b) of
9 Section 54.5 of the Illinois Horse Racing Act of 1975.

10 (c) The Illinois Racing Board is authorized to use funds in
11 the Racing Industry Workers' Fund to fund programs and
12 initiatives that improve the quality of life of backstretch
13 workers. Initiatives funded by the Illinois Racing Board shall
14 address needs such as illiteracy, substance dependence,
15 primary health care, child care, housing, and any other social
16 service need determined by the Illinois Racing Board.

17 (d) On December 31st of each year the Board shall report to
18 the General Assembly and the Governor on the programs funded by
19 the Board during the preceding fiscal year, the number of
20 persons served, and the working and living conditions of
21 backstretch workers.

22 (e) The Board shall appoint a Backstretch Programs Advisory
23 Board, who shall report to and advise the Board on matters
24 concerning backstretch conditions and needs. The Backstretch
25 Programs Advisory Board shall consist of the following 7
26 members:

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

3 (2) one person who represents the interests of
4 standardbred horsemen;

5 (3) one person who represents the interests of
6 thoroughbred horsemen;

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

8 (5) one person who advocates on behalf of backstretch
9 workers; and

10 (6) one person who has significant experience in
11 administering social services.

12 (f) The Board shall hire, in its sole discretion, a
13 backstretch workers' Program Coordinator who shall serve under
14 the direction of the Board to supervise and coordinate the
15 programs funded by the Racing Industry Workers' Fund. The
16 Program Coordinator shall be paid from the Racing Industry
17 Workers' Fund.

18 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

19 Sec. 36. (a) Whoever administers or conspires to administer
20 to any horse a hypnotic, narcotic, stimulant, depressant or any
21 chemical substance which may affect the speed of a horse at any
22 time, except those chemical substances permitted by ruling of
23 the Board, internally, externally or by hypodermic method in a
24 race or prior thereto, or whoever knowingly enters a horse in
25 any race within a period of 24 hours after any hypnotic,

1 narcotic, stimulant, depressant or any other chemical
2 substance which may affect the speed of a horse at any time,
3 except those chemical substances permitted by ruling of the
4 Board, has been administered to such horse either internally or
5 externally or by hypodermic method for the purpose of
6 increasing or retarding the speed of such horse shall be guilty
7 of a Class 4 felony. The Board shall suspend or revoke such
8 violator's license.

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

11 (c) The term "narcotic" as used in this Section includes
12 opium and all its alkaloids, salts, preparations and
13 derivatives, cocaine and all its salts, preparations and
14 derivatives and substitutes.

15 (d) The provisions of this Section 36 and the treatment
16 authorized herein apply to horses entered in and competing in
17 race meetings as defined in Section 3.47 of this Act and to
18 horses entered in and competing at any county fair.

19 (e) Drug testing for horses entered in and competing at any
20 county fair shall be conducted by the Department of
21 Agriculture, with the advice and assistance of the Board. The
22 Department of Agriculture, with the assistance of the Board,
23 shall adopt rules for drug testing, for horses entered in and
24 competing at any county fair.

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

1 (230 ILCS 5/54.5)

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

3 Sec. 54.5. Horse Racing Equity Trust Fund.

4 (a) There is created a Fund to be known as the Horse Racing
5 Equity Trust Fund, which is a non-appropriated trust fund held
6 separate and apart from State moneys. The Fund shall consist of
7 moneys paid into it by owners licensees under the Riverboat
8 Gambling Act for the purposes described in this Section. The
9 Fund shall be administered by the Board. Moneys in the Fund
10 shall be distributed as directed and certified by the Board in
11 accordance with the provisions of subsection (b).

12 (b) The moneys deposited into the Fund, plus any accrued
13 interest on those moneys, shall be distributed within 10 days
14 after those moneys are deposited into the Fund as follows:

15 (1) Sixty percent of all moneys distributed under this
16 subsection shall be distributed to organization licensees
17 to be distributed at their race meetings as purses.

18 (A) Fifteen percent of the moneys distributed
19 under this paragraph (1) shall be distributed to any
20 person (or its successors or assigns) who had operating
21 control of a racetrack that conducted live racing in
22 2002 at a racetrack in a county with at least 230,000
23 inhabitants that borders the Mississippi River and is a
24 licensee in the current year to be distributed at their
25 race meetings as purses.

26 (B) The remaining 85% of the moneys distributed

1 under this paragraph (1) shall be distributed as
2 follows:

3 (i) fifty-seven ~~Fifty-seven~~ percent ~~of the~~
4 ~~amount distributed under this paragraph (1)~~ shall
5 be distributed to licensees who are not eligible to
6 receive moneys under subparagraph (A) of this
7 paragraph (1) for thoroughbred race meetings; and

8 (ii) forty-three percent ~~43%~~ shall be
9 distributed to licensees who are not eligible to
10 receive moneys under subparagraph (A) of this
11 paragraph (1) for standardbred race meetings.

12 Within each breed, moneys shall be allocated to each
13 organization licensee's purse fund in accordance with
14 the ratio between the purses generated for that breed
15 by that licensee during the prior calendar year and the
16 total purses generated throughout the State for that
17 breed during the prior calendar year by licensees in
18 the current calendar year.

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

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

1 (B) the remaining 85% ~~89%~~ shall be distributed pro
2 rata according to the aggregate proportion of total
3 handle from wagering on live races conducted in
4 Illinois (irrespective of where the wagers are placed)
5 for calendar years 2004 and 2005 to any person (or its
6 successors or assigns) who (i) had majority operating
7 control of a racing facility at which live racing was
8 conducted in calendar year 2002, (ii) is a licensee in
9 the current year, and (iii) is not eligible to receive
10 moneys under subparagraph (A) of this paragraph (2).

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

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

25 (c) The Board shall monitor organization licensees to
26 ensure that moneys paid to organization licensees under this

1 Section are distributed by the organization licensees as
2 provided in subsection (b).

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

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

6 Section 945. The Riverboat Gambling Act is amended by
7 changing Sections 1, 2, 3, 4, 5, 6, 7.1, 7.3, 7.4, 8, 9, 10, 11,
8 11.1, 12, 13, 14, 18, and 20, by reenacting and changing
9 Sections 7 and 23, and by adding Section 5.2 as follows:

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

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

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

14 (230 ILCS 10/2) (from Ch. 120, par. 2402)

15 Sec. 2. Legislative Intent.

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

20 (b) While authorization of riverboat and casino gambling
21 will enhance investment, development and tourism in Illinois,
22 it is recognized that it will do so successfully only if public
23 confidence and trust in the credibility and integrity of the

1 gambling operations and the regulatory process is maintained.
2 Therefore, regulatory provisions of this Act are designed to
3 strictly regulate the facilities, persons, associations and
4 practices related to gambling operations pursuant to the police
5 powers of the State, including comprehensive law enforcement
6 supervision.

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

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

12 (230 ILCS 10/3) (from Ch. 120, par. 2403)

13 Sec. 3. ~~Riverboat~~ Gambling Authorized.

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

18 (b) This Act does not apply to the pari-mutuel system of
19 wagering used or intended to be used in connection with the
20 horse-race meetings as authorized under the Illinois Horse
21 Racing Act of 1975, lottery games authorized under the Illinois
22 Lottery Law, bingo authorized under the Bingo License and Tax
23 Act, charitable games authorized under the Charitable Games Act
24 or pull tabs and jar games conducted under the Illinois Pull
25 Tabs and Jar Games Act.

1 (c) Riverboat gambling conducted pursuant to this Act may
2 be authorized upon any water within the State of Illinois or
3 any water other than Lake Michigan which constitutes a boundary
4 of the State of Illinois. A licensee may conduct riverboat
5 gambling authorized under this Act regardless of whether it
6 conducts excursion cruises. A licensee may permit the
7 continuous ingress and egress of passengers for the purpose of
8 gambling.

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

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

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

12 "Authority" means the Chicago Casino Development Authority
13 created under the Chicago Casino Development Authority Act.

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

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

25 "Casino operator" means any person or entity that manages

1 casino gambling operations conducted by the Authority under
2 subsection (e-6) of Section 7.

3 "Casino operators license" means a license issued by the
4 Board to a person or entity to manage casino gambling
5 operations conducted by the Authority pursuant to subsection
6 (e-6) of Section 7.

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

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

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

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

25 ~~(f)~~ "Dock" means the location where a riverboat moors for
26 the purpose of embarking passengers for and disembarking

1 passengers from the riverboat.

2 ~~(g)~~ "Whole gaming ~~Gross~~ receipts" means the total amount of
3 money exchanged for the purchase of chips, tokens or electronic
4 cards by riverboat or casino patrons.

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

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

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

11 ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~
12 gambling games authorized under this Act upon a riverboat or in
13 a casino.

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

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

21 "Owners license" means a license to conduct riverboat
22 gambling operations or casino gambling operations.

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

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

1 (230 ILCS 10/5) (from Ch. 120, par. 2405)

2 Sec. 5. Gaming Board.

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

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

25 (3) The terms of office of the Board members shall be 3

1 years, except that the terms of office of the initial Board
2 members appointed pursuant to this Act will commence from the
3 effective date of this Act and run as follows: one for a term
4 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for
5 a term ending July 1, 1993. Upon the expiration of the
6 foregoing terms, the successors of such members shall serve a
7 term for 3 years and until their successors are appointed and
8 qualified for like terms. Vacancies in the Board shall be
9 filled for the unexpired term in like manner as original
10 appointments. Each member of the Board shall be eligible for
11 reappointment at the discretion of the Governor with the advice
12 and consent of the Senate.

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

18 (5) No person shall be appointed a member of the Board or
19 continue to be a member of the Board who is, or whose spouse,
20 child or parent is, a member of the board of directors of, or a
21 person financially interested in, any gambling operation
22 subject to the jurisdiction of this Board, or any race track,
23 race meeting, racing association or the operations thereof
24 subject to the jurisdiction of the Illinois Racing Board. No
25 Board member shall hold any other public office for which he
26 shall receive compensation other than necessary travel or other

1 incidental expenses. No person shall be a member of the Board
2 who is not of good moral character or who has been convicted
3 of, or is under indictment for, a felony under the laws of
4 Illinois or any other state, or the United States.

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

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

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

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

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

24 (1) To decide promptly and in reasonable order all
25 license applications. Any party aggrieved by an action of
26 the Board denying, suspending, revoking, restricting or

1 refusing to renew a license may request a hearing before
2 the Board. A request for a hearing must be made to the
3 Board in writing within 5 days after service of notice of
4 the action of the Board. Notice of the action of the Board
5 shall be served either by personal delivery or by certified
6 mail, postage prepaid, to the aggrieved party. Notice
7 served by certified mail shall be deemed complete on the
8 business day following the date of such mailing. The Board
9 shall conduct all requested hearings promptly and in
10 reasonable order;

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

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

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

24 (5) To provide for the levy and collection of penalties
25 and fines for the violation of provisions of this Act and
26 the rules and regulations promulgated hereunder. All such

1 fines and penalties shall be deposited into the Education
2 Assistance Fund, created by Public Act 86-0018, of the
3 State of Illinois;

4 (6) To be present through its inspectors and agents any
5 time gambling operations are conducted on any riverboat or
6 in any casino for the purpose of certifying the revenue
7 thereof, receiving complaints from the public, and
8 conducting such other investigations into the conduct of
9 the gambling games and the maintenance of the equipment as
10 from time to time the Board may deem necessary and proper;

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

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

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

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

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

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

3 (11) (Blank); and

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

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

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

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

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

1 are to provide for the prevention of practices detrimental
2 to the public interest and for the best interests of
3 ~~riverboat~~ gambling, including rules and regulations
4 regarding the inspection of ~~such~~ riverboats and casinos and
5 the review of any permits or licenses necessary to operate
6 a riverboat or casino under any laws or regulations
7 applicable to riverboats or casinos, and to impose
8 penalties for violations thereof.

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

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

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

22 (7) To adopt appropriate standards for all riverboats, and
23 casinos, and other facilities authorized under this Act.

24 (8) To require that the records, including financial or
25 other statements of any licensee under this Act, shall be
26 kept in such manner as prescribed by the Board and that any

1 such licensee involved in the ownership or management of
2 gambling operations submit to the Board an annual balance
3 sheet and profit and loss statement, list of the
4 stockholders or other persons having a 1% or greater
5 beneficial interest in the gambling activities of each
6 licensee, and any other information the Board deems
7 necessary in order to effectively administer this Act and
8 all rules, regulations, orders and final decisions
9 promulgated under this Act.

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

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

22 (11) To revoke or suspend licenses, other than the
23 license issued to the Authority, as the Board may see fit
24 and in compliance with applicable laws of the State
25 regarding administrative procedures, and to review
26 applications for the renewal of licenses. The Board may

1 suspend an owners license (other than the license issued to
2 the Authority), without notice or hearing, upon a
3 determination that the safety or health of patrons or
4 employees is jeopardized by continuing a gambling
5 operation conducted under that license ~~a riverboat's~~
6 ~~operation~~. The suspension may remain in effect until the
7 Board determines that the cause for suspension has been
8 abated. The Board may revoke the owners license (other than
9 the license issued to the Authority) upon a determination
10 that the licensee ~~owner~~ has not made satisfactory progress
11 toward abating the hazard.

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

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

1 establishment.

2 (14) (Blank).

3 (15) To suspend, revoke or restrict licenses (other
4 than the license issued to the Authority), to require the
5 removal of a licensee or an employee of a licensee for a
6 violation of this Act or a Board rule or for engaging in a
7 fraudulent practice, and to impose civil penalties of up to
8 \$5,000 against individuals and up to \$10,000 or an amount
9 equal to the daily whole gaming ~~gross~~ receipts, whichever
10 is larger, against licensees for each violation of any
11 provision of the Act, any rules adopted by the Board, any
12 order of the Board or any other action which, in the
13 Board's discretion, is a detriment or impediment to
14 ~~riverboat~~ gambling operations.

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

18 (17) To establish minimum levels of insurance to be
19 maintained by licensees.

20 (18) To authorize a licensee to sell or serve alcoholic
21 liquors, wine or beer as defined in the Liquor Control Act
22 of 1934 on board a riverboat or in a casino and to have
23 exclusive authority to establish the hours for sale and
24 consumption of alcoholic liquor on board a riverboat or in
25 a casino, notwithstanding any provision of the Liquor
26 Control Act of 1934 or any local ordinance, and regardless

1 of whether the riverboat or in a casino makes excursions.
2 The establishment of the hours for sale and consumption of
3 alcoholic liquor on board a riverboat or in a casino is an
4 exclusive power and function of the State. A home rule unit
5 may not establish the hours for sale and consumption of
6 alcoholic liquor on board a riverboat or in a casino. This
7 subdivision (18) ~~amendatory Act of 1991~~ is a denial and
8 limitation of home rule powers and functions under
9 subsection (h) of Section 6 of Article VII of the Illinois
10 Constitution.

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

17 (20) To delegate the execution of any of its powers
18 under this Act for the purpose of administering and
19 enforcing this Act and its rules and regulations hereunder.

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

23 (d) The Board may seek and shall receive the cooperation of
24 the Department of State Police in conducting background
25 investigations of applicants and in fulfilling its
26 responsibilities under this Section. Costs incurred by the

1 Department of State Police as a result of such cooperation
2 shall be paid by the Board in conformance with the requirements
3 of Section 2605-400 of the Department of State Police Law (20
4 ILCS 2605/2605-400).

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

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

13 (230 ILCS 10/5.2 new)

14 Sec. 5.2. Enforcement and investigations. Notwithstanding
15 any provision in this Act to the contrary, all duties related
16 to investigations under this Act and the enforcement of this
17 Act shall be divided equally between employees of the
18 Department of State Police and investigators employed by the
19 Department of Revenue.

20 (230 ILCS 10/6) (from Ch. 120, par. 2406)

21 Sec. 6. Application for Owners License.

22 (a) A qualified person, other than the Authority, may apply
23 to the Board for an owners license to conduct a riverboat
24 gambling operation as provided in this Act. The application

1 shall be made on forms provided by the Board and shall contain
2 such information as the Board prescribes, including but not
3 limited to the identity of the riverboat on which such gambling
4 operation is to be conducted and the exact location where such
5 riverboat will be docked, a certification that the riverboat
6 will be registered under this Act at all times during which
7 gambling operations are conducted on board, detailed
8 information regarding the ownership and management of the
9 applicant, and detailed personal information regarding the
10 applicant. Any application for an owners license to be
11 re-issued on or after June 1, 2003 shall also include the
12 applicant's license bid in a form prescribed by the Board.
13 Information provided on the application shall be used as a
14 basis for a thorough background investigation which the Board
15 shall conduct with respect to each applicant. An incomplete
16 application shall be cause for denial of a license by the
17 Board.

18 (b) Applicants shall submit with their application all
19 documents, resolutions, and letters of support from the
20 governing body that represents the municipality or county
21 wherein the licensee will dock.

22 (c) Each applicant shall disclose the identity of every
23 person, association, trust or corporation having a greater than
24 1% direct or indirect pecuniary interest in the riverboat
25 gambling operation with respect to which the license is sought.
26 If the disclosed entity is a trust, the application shall

1 disclose the names and addresses of the beneficiaries; if a
2 corporation, the names and addresses of all stockholders and
3 directors; if a partnership, the names and addresses of all
4 partners, both general and limited.

5 (d) An application shall be filed with the Board by January
6 1 of the year preceding any calendar year for which an
7 applicant seeks an owners license; however, applications for an
8 owners license permitting operations on January 1, 1991 shall
9 be filed by July 1, 1990. An application fee of \$50,000 shall
10 be paid at the time of filing to defray the costs associated
11 with the background investigation conducted by the Board. If
12 the costs of the investigation exceed \$50,000, the applicant
13 shall pay the additional amount to the Board. If the costs of
14 the investigation are less than \$50,000, the applicant shall
15 receive a refund of the remaining amount. All information,
16 records, interviews, reports, statements, memoranda or other
17 data supplied to or used by the Board in the course of its
18 review or investigation of an application for a license under
19 this Act shall be privileged, strictly confidential and shall
20 be used only for the purpose of evaluating an applicant. Such
21 information, records, interviews, reports, statements,
22 memoranda or other data shall not be admissible as evidence,
23 nor discoverable in any action of any kind in any court or
24 before any tribunal, board, agency or person, except for any
25 action deemed necessary by the Board.

26 (e) The Board shall charge each applicant a fee set by the

1 Department of State Police to defray the costs associated with
2 the search and classification of fingerprints obtained by the
3 Board with respect to the applicant's application. These fees
4 shall be paid into the State Police Services Fund.

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

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

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

16 (230 ILCS 10/7) (from Ch. 120, par. 2407)

17 Sec. 7. Owners Licenses.

18 (a) The Board shall issue owners licenses to persons, firms
19 or corporations which apply for such licenses upon payment to
20 the Board of the non-refundable license fee set by the Board,
21 upon payment of a \$25,000 license fee for the first year of
22 operation and a \$5,000 license fee for each succeeding year and
23 upon a determination by the Board that the applicant is
24 eligible for an owners license pursuant to this Act and the
25 rules of the Board. No application under this Section shall be

1 required from the Authority. The Authority is not required to
2 pay the yearly license fees imposed above. From May 26, 2006
3 (For a period of 2 years beginning on the effective date of
4 Public Act 94-804) until the effective date of this amendatory
5 Act of the 95th General Assembly ~~this amendatory Act of the~~
6 ~~94th General Assembly,~~ as a condition of licensure and as an
7 alternative source of payment for those funds payable under
8 subsection (c-5) of Section 13 of the Riverboat and Casino
9 Gambling Act, any owners licensee that holds or receives its
10 owners license on or after the effective date of this
11 amendatory Act of the 94th General Assembly, other than an
12 owners licensee operating a riverboat with adjusted gross
13 receipts in calendar year 2004 of less than \$200,000,000, must
14 pay into the Horse Racing Equity Trust Fund, in addition to any
15 other payments required under this Act, an amount equal to 3%
16 of the adjusted gross receipts received by the owners licensee.
17 Beginning on the effective date of this amendatory Act of the
18 95th General Assembly, as a condition of licensure and as an
19 alternative source of payment for those funds payable under
20 subsection (c-5) of Section 13, any owners licensee that holds
21 or receives its owners license on or after the effective date
22 of this amendatory Act of the 95th General Assembly must pay
23 into the Horse Racing Equity Trust Fund, in addition to any
24 other payments required under this Act, based on the gross
25 gaming receipts received by a licensed owner authorized to
26 conduct riverboat or casino gambling, an amount based on the

1 following rates:

2 0.5% for owners licensees with annual gross gaming
3 receipts up to and including \$50,000,000;

4 1% for owners licensees with annual gross gaming
5 receipts in excess of \$50,000,000 but not exceeding
6 \$100,000,000;

7 1.5% for owners licensees with annual gross gaming
8 receipts in excess of \$100,000,000 but not exceeding
9 \$250,000,000;

10 3.5% for owners licensees with annual gross gaming
11 receipts in excess of \$250,000,000.

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

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

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

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

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

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

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

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

7 (7) (blank); or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (e-6) In addition to the licenses authorized under
21 subsection (e), the Board may, upon written request of the
22 Authority and upon payment by the Authority to the Board on or
23 before June 30, 2008 of a fee of \$800,000,000, issue an owners
24 license to the Authority authorizing the conduct of gambling
25 operations in a casino located in a municipality with a
26 population of more than 500,000 inhabitants. Until completion

1 of a permanent casino, the Authority's license shall authorize
2 it to conduct gambling operations in one or more land-based or
3 riverboat temporary casinos within the municipality, provided
4 that the total number of gaming positions is limited to 4,000.
5 The license issued to the Authority shall be perpetual and may
6 not be revoked, suspended, or limited by the Board. Casino
7 gambling operations shall be conducted by a casino operator on
8 behalf of the Authority. The Authority shall conduct a
9 competitive bidding process for the selection of casino
10 operators to develop and operate the casino and one or more
11 temporary casinos and riverboats. Any such casino operators
12 shall be subject to licensing by, and full jurisdiction of, the
13 Board.

14 (e-10) In granting all licenses, the Board may give
15 favorable consideration to economically depressed areas of the
16 State, to applicants presenting plans which provide for
17 significant economic development over a large geographic area,
18 and to applicants who currently operate non-gambling
19 riverboats in Illinois. The Board shall review all applications
20 for owners licenses, and shall inform each applicant of the
21 Board's decision. The Board may grant an owners license to an
22 applicant that has not submitted the highest license bid, but
23 if it does not select the highest bidder, the Board shall issue
24 a written decision explaining why another applicant was
25 selected and identifying the factors set forth in this Section
26 that favored the winning bidder.

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

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

13 (g) Upon the termination, expiration, or revocation of each
14 owners license ~~of the first 10 licenses~~, which shall be issued
15 for a 3 year period, all licenses are renewable annually upon
16 payment of the fee and a determination by the Board that the
17 licensee continues to meet all of the requirements of this Act
18 and the Board's rules. However, for licenses renewed on or
19 after May 1, 1998, renewal shall be for a period of 4 years,
20 unless the Board sets a shorter period. The Authority's license
21 shall be perpetual and shall not be subject to renewal.

22 (h) An owners license shall entitle the licensee to own up
23 to 2 riverboats. A licensee shall limit the number of gaming
24 positions ~~gambling participants~~ to 1,200 for any such owners
25 license, plus any gaming positions acquired as a result of
26 subsection (h-5). A licensee may operate both of its riverboats

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

9 (h-5) As soon as practical after the effective date of this
10 amendatory Act of the 95th General Assembly, the Board shall
11 offer for lease a total of 6,000 gaming positions, in blocks of
12 100 each, to owners licensees authorized under subsection (e).
13 When offering these positions, the Board shall negotiate the
14 price per block so as to generate the highest amount of revenue
15 to the State. The negotiation process shall be determined by
16 the Board by rule, and that process shall be used,
17 notwithstanding any provision of law to the contrary. For this
18 purpose, it is in the public interest and welfare that the
19 Board has emergency rulemaking authority under the Illinois
20 Administrative Procedure Act. A gaming position leased
21 pursuant to this subsection (h-5) shall be contingent on the
22 continued licensure of the owners licensee. Any lease agreement
23 entered into with a lease term longer than 4 years shall
24 require the owners licensee to pay the total lease amount for
25 the first 2 years at the time the lease is executed. Neither an
26 owners licensee nor the Board shall avoid or contravene the

1 restrictions of this subsection (h-5) by any means. Prior to
2 the expiration of each lease, so as to ensure the continuous
3 use of those positions subject to the lease, the Board must
4 re-offer for lease those gaming positions pursuant to the
5 process as provided in this subsection (h-5). For the purposes
6 of this subsection (h-5), the limitations on lease terms
7 pursuant to Section 40-25 of the Illinois Procurement Code do
8 not apply.

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

25 ~~A licensee shall limit the number of gambling participants~~
26 ~~to 1,200 for any such owners license. A licensee may operate~~

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

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

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

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

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

5 (230 ILCS 10/7.1)

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

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

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

25 (c) Notwithstanding anything to the contrary in

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

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

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

21 (230 ILCS 10/7.3)

22 Sec. 7.3. State conduct of gambling operations.

23 (a) If, after reviewing each application for a re-issued
24 license, the Board determines that the highest prospective
25 total revenue to the State would be derived from State conduct

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

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

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

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

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

1 (230 ILCS 10/7.4)

2 Sec. 7.4. Managers and casino operators licenses.

3 (a) A qualified person may apply to the Board for a
4 managers license to operate and manage any gambling operation
5 conducted by the State or the Authority. The application shall
6 be made on forms provided by the Board and shall contain such
7 information as the Board prescribes, including but not limited
8 to information required in Sections 6(a), (b), and (c) and
9 information relating to the applicant's proposed price to
10 manage State or Authority gambling operations and to provide
11 the riverboat or casino, gambling equipment, and supplies
12 necessary to conduct State or Authority gambling operations.

13 (b) Each applicant must submit evidence to the Board that
14 minority persons and females hold ownership interests in the
15 applicant of at least 16% and 4%, respectively.

16 (c) A person, firm, or corporation is ineligible to receive
17 a managers license or a casino operators license if:

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

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

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

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

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

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

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

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

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

14 (e) The Board shall charge each applicant a fee, set by the
15 Board, to defray the costs associated with the background
16 investigation conducted by the Board.

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

19 (g) The ~~managers~~ license to manage any gambling operation
20 conducted by the State shall be for a term not to exceed 10
21 years, shall be renewable at the Board's option, and shall
22 contain such terms and provisions as the Board deems necessary
23 to protect or enhance the credibility and integrity of State
24 gambling operations, achieve the highest prospective total
25 revenue to the State, and otherwise serve the interests of the
26 citizens of Illinois. The initial term of a casino operators

1 license to manage the Authority's gambling operations shall be
2 4 years. Upon expiration of the initial term and of each
3 renewal term, the casino operators license shall be renewed for
4 a period of 4 years, provided that the casino operator
5 continues to meet all of the requirements of this Act and the
6 Board's rules.

7 (h) Issuance of a managers license shall be subject to an
8 open and competitive bidding process. The Board may select an
9 applicant other than the lowest bidder by price. If it does not
10 select the lowest bidder, the Board shall issue a notice of who
11 the lowest bidder was and a written decision as to why another
12 bidder was selected.

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

14 (230 ILCS 10/8) (from Ch. 120, par. 2408)

15 Sec. 8. Suppliers licenses.

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

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

1 (c) Gambling supplies and equipment may not be distributed
2 unless supplies and equipment conform to standards adopted by
3 rules of the Board.

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

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

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

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

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

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

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

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

24 (e) Any person that supplies any equipment, devices, or
25 supplies to a licensed riverboat or casino gambling operation
26 must first obtain a suppliers license. A supplier shall furnish

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

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

19 (g) Any gambling equipment, devices and supplies provided
20 by any licensed supplier may either be repaired on the
21 riverboat or at the casino or removed from the riverboat or the
22 casino to a an on-shore facility owned by the holder of an
23 owners license for repair.

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

1 Sec. 9. Occupational licenses.

2 (a) The Board may issue an occupational license to an
3 applicant upon the payment of a non-refundable fee set by the
4 Board, upon a determination by the Board that the applicant is
5 eligible for an occupational license and upon payment of an
6 annual license fee in an amount to be established. To be
7 eligible for an occupational license, an applicant must:

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

12 (2) not have been convicted of a felony offense, a
13 violation of Article 28 of the Criminal Code of 1961, or a
14 similar statute of any other jurisdiction, or a crime
15 involving dishonesty or moral turpitude;

16 (3) have demonstrated a level of skill or knowledge
17 which the Board determines to be necessary in order to
18 operate gambling aboard a riverboat or in a casino; and

19 (4) have met standards for the holding of an
20 occupational license as adopted by rules of the Board. Such
21 rules shall provide that any person or entity seeking an
22 occupational license to manage gambling operations
23 hereunder shall be subject to background inquiries and
24 further requirements similar to those required of
25 applicants for an owners license. Furthermore, such rules
26 shall provide that each such entity shall be permitted to

1 manage gambling operations for only one licensed owner.

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

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

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

26 (e) The Board may suspend, revoke or restrict any

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

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

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

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

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

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

1 Sec. 10. Bond of licensee. Before an owners license, other
2 than the Authority's license, is issued or re-issued or a
3 managers license or casino operators license is issued, the
4 licensee shall post a bond in the sum of \$200,000 to the State
5 of Illinois. The bond shall be used to guarantee that the
6 licensee faithfully makes the payments, keeps his books and
7 records and makes reports, and conducts his games of chance in
8 conformity with this Act and the rules adopted by the Board.
9 The bond shall not be canceled by a surety on less than 30 days
10 notice in writing to the Board. If a bond is canceled and the
11 licensee fails to file a new bond with the Board in the
12 required amount on or before the effective date of
13 cancellation, the licensee's license shall be revoked. The
14 total and aggregate liability of the surety on the bond is
15 limited to the amount specified in the bond.

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

17 (230 ILCS 10/11) (from Ch. 120, par. 2411)

18 Sec. 11. Conduct of gambling. Gambling may be conducted by
19 licensed owners or licensed managers on behalf of the State or
20 by casino operators on behalf of the Authority aboard
21 riverboats or in a casino. If authorized by the Board by rule,
22 an owners licensee may move gaming positions to a "temporary
23 facility" as that term is defined in Section 7(h-6) or to a
24 land-based facility as provided in Section 7(h-6) and use those
25 gaming positions to conduct gambling as provided in Section

1 7(h-6). Gambling authorized under this Section shall be
2 subject to the following standards:

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

8 (2) (Blank).

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

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

18 (5) Employees of the Board shall have the right to be
19 present on the riverboat or in the casino or on adjacent
20 facilities under the control of the licensee.

21 (6) Gambling equipment and supplies customarily used
22 in conducting ~~riverboat~~ gambling games must be purchased or
23 leased only from suppliers licensed for such purpose under
24 this Act.

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

1 this Act.

2 (8) Wagers may be received only from a person present
3 on a licensed riverboat or in a casino. No person present
4 on a licensed riverboat or in a casino shall place or
5 attempt to place a wager on behalf of another person who is
6 not present on the riverboat or in the casino.

7 (9) Wagering shall not be conducted with money or other
8 negotiable currency.

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

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

24 (12) All tokens, chips or electronic cards used to make
25 wagers must be purchased from a licensed owner or manager,
26 in the case of a riverboat or of a casino either aboard the

1 ~~a~~ riverboat or at the casino or, in the case of a
2 riverboat, at an onshore facility which has been approved
3 by the Board and which is located where the riverboat
4 docks. The tokens, chips or electronic cards may be
5 purchased by means of an agreement under which the owner or
6 manager extends credit to the patron. Such tokens, chips or
7 electronic cards may be used while aboard the riverboat or
8 in the casino only for the purpose of making wagers on
9 gambling games.

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

25 (14) In addition to the above, gambling must be
26 conducted in accordance with all rules adopted by the

1 Board.

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

3 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

4 Sec. 11.1. Collection of amounts owing under credit
5 agreements. Notwithstanding any applicable statutory provision
6 to the contrary, a licensed owner, ~~or~~ manager, or organization
7 licensee who extends credit to a riverboat or casino gambling
8 patron pursuant to Section 11 (a) (12) of this Act is expressly
9 authorized to institute a cause of action to collect any
10 amounts due and owing under the extension of credit, as well as
11 the owner's or manager's costs, expenses and reasonable
12 attorney's fees incurred in collection.

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

14 (230 ILCS 10/12) (from Ch. 120, par. 2412)

15 Sec. 12. Admission tax; fees.

16 (a) A tax is hereby imposed upon admissions to riverboats
17 and casinos operated by licensed owners and upon admissions to
18 casinos and riverboats operated by casino operators on behalf
19 of the Authority authorized pursuant to this Act. Until July 1,
20 2002, the rate is \$2 per person admitted. From July 1, 2002
21 until July 1, 2003, the rate is \$3 per person admitted. From
22 July 1, 2003 until the effective date of this amendatory Act of
23 the 94th General Assembly, for a licensee that admitted
24 1,000,000 persons or fewer in the previous calendar year, the

1 rate is \$3 per person admitted; for a licensee that admitted
2 more than 1,000,000 but no more than 2,300,000 persons in the
3 previous calendar year, the rate is \$4 per person admitted; and
4 for a licensee that admitted more than 2,300,000 persons in the
5 previous calendar year, the rate is \$5 per person admitted.
6 Beginning on August 23, 2005 (the effective date of Public Act
7 94-673) and until the effective date of this amendatory Act of
8 the 95th General Assembly ~~this amendatory Act of the 94th~~
9 ~~General Assembly~~, for a licensee that admitted 1,000,000
10 persons or fewer in calendar year 2004, the rate is \$2 per
11 person admitted, and for all other licensees the rate is \$3 per
12 person admitted. Beginning on the effective date of this
13 amendatory Act of the 95th General Assembly, for a licensee
14 that conducted riverboat gambling operations in calendar year
15 2003 and (i) admitted 1,000,000 persons or fewer in the
16 calendar year 2003, the rate is \$1 per person admitted; (ii)
17 admitted more than 1,000,000 persons but fewer than 1,500,000
18 persons, the rate is \$2 per person admitted; and (iii) admitted
19 1,500,000 persons or more, the rate is \$3 per person admitted.
20 For a licensee that receives its license under subsection (e-6)
21 of Section 7 or that conducts riverboat gambling operations
22 pursuant to a dormant license, the rate is \$3 per person
23 admitted. This admission tax is imposed upon the licensed owner
24 conducting gambling. For the purposes of this Section 12, the
25 term "dormant license" has the meaning set forth under
26 subsection (a-3) of Section 13.

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

10 (2) (Blank).

11 (3) An owners licensee and the Authority ~~The riverboat~~
12 ~~licensee~~ may issue tax-free passes to actual and necessary
13 officials and employees of the licensee or other persons
14 actually working on the 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). For a
22 licensee that admitted 1,000,000 persons or fewer in the
23 previous calendar year, the rate is \$3 per person admitted; for
24 a licensee that admitted more than 1,000,000 but no more than
25 2,300,000 persons in the previous calendar year, the rate is \$4
26 per person admitted; and for a licensee that admitted more than

1 2,300,000 persons in the previous calendar year, the rate is \$5
2 per person admitted.

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

4 (2) (Blank).

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

8 (4) The number and issuance of fee-free passes is
9 subject to the rules of the Board, and a list of all
10 persons to whom the fee-free passes are issued shall be
11 filed with the Board.

12 (b) From the tax imposed under subsection (a) and the fee
13 imposed under subsection (a-5), a municipality shall receive
14 from the State \$1 for each person embarking on a riverboat
15 docked within the municipality or entering a casino located
16 within the municipality, and a county shall receive \$1 for each
17 person entering a casino or embarking on a riverboat docked
18 within the county but outside the boundaries of any
19 municipality. The municipality's or county's share shall be
20 collected by the Board on behalf of the State and remitted
21 quarterly by the State, subject to appropriation, to the
22 treasurer of the unit of local government for deposit in the
23 general fund. For each admission in excess of 1,500,000 in a
24 year, from the tax imposed under this Section, the county in
25 which the licensee's home dock is located shall receive,
26 subject to appropriation, \$0.15, which shall be in addition to

1 any other moneys paid to the county under this Section.

2 (c) The licensed owner and the licensed casino operator
3 conducting gambling operations on behalf of the Authority shall
4 pay the entire admission tax to the Board and the licensed
5 manager shall pay the entire admission fee to the Board. Such
6 payments shall be made daily. Accompanying each payment shall
7 be a return on forms provided by the Board which shall include
8 other information regarding admissions as the Board may
9 require. Failure to submit either the payment or the return
10 within the specified time may result in suspension or
11 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 gaming receipts received from gambling games authorized
24 under 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 gaming receipts received by a licensed owner from gambling
4 games authorized under this Act at the following rates:

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

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

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

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

13 35% of annual ~~adjusted~~ gross gaming receipts in excess
14 of \$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 gaming receipts received by
20 a licensed owner from gambling games authorized under this Act
21 at the following rates:

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

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

26 27.5% of annual ~~adjusted~~ gross gaming receipts in

1 excess of \$50,000,000 but not exceeding \$75,000,000;

2 32.5% of annual ~~adjusted~~ gross gaming receipts in
3 excess of \$75,000,000 but not exceeding \$100,000,000;

4 37.5% of annual ~~adjusted~~ gross gaming receipts in
5 excess of \$100,000,000 but not exceeding \$150,000,000;

6 45% of annual ~~adjusted~~ gross gaming receipts in excess
7 of \$150,000,000 but not exceeding \$200,000,000;

8 50% of annual ~~adjusted~~ gross gaming receipts in excess
9 of \$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 gaming receipts received by a licensed owner
15 from gambling games authorized under this Act at the following
16 rates:

17 15% of annual ~~adjusted~~ gross gaming receipts up to and
18 including \$25,000,000;

19 27.5% of annual ~~adjusted~~ gross gaming receipts in
20 excess of \$25,000,000 but not exceeding \$37,500,000;

21 32.5% of annual ~~adjusted~~ gross gaming receipts in
22 excess of \$37,500,000 but not exceeding \$50,000,000;

23 37.5% of annual ~~adjusted~~ gross gaming receipts in
24 excess of \$50,000,000 but not exceeding \$75,000,000;

25 45% of annual ~~adjusted~~ gross gaming receipts in excess
26 of \$75,000,000 but not exceeding \$100,000,000;

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

3 70% of annual ~~adjusted~~ gross gaming receipts in excess
4 of \$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) Beginning on the first day on which the tax imposed
22 under subsection (a-3) is no longer imposed, a privilege tax is
23 imposed on persons engaged in the business of conducting
24 riverboat gambling operations, other than licensed managers
25 conducting riverboat gambling operations on behalf of the State
26 or the Authority, based on the ~~adjusted~~ gross gaming receipts

1 received by a licensed owner or by the Authority from gambling
2 games authorized under this Act at the following rates:

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

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

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

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

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

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

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

17 For the imposition of the privilege tax in this subsection
18 (a-4), amounts paid pursuant to subsection (a) of Section 7
19 into the Horse Racing Equity Trust Fund shall not be included
20 in the determination of annual gross gaming receipts.

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

24 For the imposition of the privilege tax in this subsection
25 (a-5), amounts paid pursuant to subsection (a) of Section 7
26 into the Horse Racing Equity Trust Fund shall not be included

1 in the determination of annual gross gaming receipts.

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

5 (a-10) The taxes imposed by this Section shall be paid by
6 the licensed owner, or by the casino operator on behalf of the
7 Authority in the case of a license issued to the Authority, to
8 the Board not later than 3:00 o'clock p.m. of the day after the
9 day when the wagers were made.

10 (a-15) If the privilege tax imposed under subsection (a-3)
11 is no longer imposed pursuant to item (i) of the last paragraph
12 of subsection (a-3), then by June 15 of each year, each owners
13 licensee, other than an owners licensee that admitted 1,000,000
14 persons or fewer in calendar year 2004, must, in addition to
15 the payment of all amounts otherwise due under this Section,
16 pay to the Board a reconciliation payment in the amount, if
17 any, by which the licensed owner's base amount exceeds the
18 amount of net privilege tax paid by the licensed owner to the
19 Board in the then current State fiscal year. A licensed owner's
20 net privilege tax obligation due for the balance of the State
21 fiscal year shall be reduced up to the total of the amount paid
22 by the licensed owner in its June 15 reconciliation payment.
23 The obligation imposed by this subsection (a-15) is binding on
24 any person, firm, corporation, or other entity that acquires an
25 ownership interest in any such owners license. The obligation
26 imposed under this subsection (a-15) terminates on the earliest

1 of: (i) July 1, 2007, (ii) the first day after the effective
2 date of this amendatory Act of the 94th General Assembly that
3 riverboat gambling operations are conducted pursuant to a
4 dormant license, (iii) the first day that riverboat gambling
5 operations are conducted under the authority of an owners
6 license that is in addition to the 10 owners licenses initially
7 authorized under this Act, or (iv) the first day that a
8 licensee under the Illinois Horse Racing Act of 1975 conducts
9 gaming operations with slot machines or other electronic gaming
10 devices. The Board must reduce the obligation imposed under
11 this subsection (a-15) by an amount the Board deems reasonable
12 for any of the following reasons: (A) an act or acts of God,
13 (B) an act of bioterrorism or terrorism or a bioterrorism or
14 terrorism threat that was investigated by a law enforcement
15 agency, or (C) a condition beyond the control of the owners
16 licensee that does not result from any act or omission by the
17 owners licensee or any of its agents and that poses a hazardous
18 threat to the health and safety of patrons. If an owners
19 licensee pays an amount in excess of its liability under this
20 Section, the Board shall apply the overpayment to future
21 payments required under this Section.

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

23 "Act of God" means an incident caused by the operation of
24 an extraordinary force that cannot be foreseen, that cannot be
25 avoided by the exercise of due care, and for which no person
26 can be held liable.

1 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

16 The changes made to this subsection (a-15) by Public Act
17 94-839 ~~this amendatory Act of the 94th General Assembly~~ are
18 intended to restate and clarify the intent of Public Act 94-673
19 with respect to the amount of the payments required to be made
20 under this subsection by an owners licensee to the Board.

21 (b) Until January 1, 1998, 25% of the tax revenue deposited
22 in the State Gaming Fund under this Section shall be paid,
23 subject to appropriation by the General Assembly, to the unit
24 of local government which is designated as the home dock of the
25 riverboat. Except as otherwise provided in this subsection (b),
26 beginning ~~Beginning~~ January 1, 1998, from the tax revenue from

1 riverboat gambling deposited in the State Gaming Fund under
2 this Section, an amount equal to 5% of (i) an amount equal to
3 the adjusted gross gaming receipts generated by a riverboat
4 minus (ii) the gross gaming receipts of the gaming positions
5 authorized under subsection (h-5) of Section 7 generated by a
6 riverboat, shall be paid monthly, subject to appropriation by
7 the General Assembly, to the unit of local government that is
8 designated as the home dock of the riverboat. From the tax
9 revenue deposited in the State Gaming Fund pursuant to
10 riverboat gambling operations conducted by a licensed manager
11 on behalf of the State, an amount equal to 5% of ~~adjusted~~ gross
12 gaming receipts generated pursuant to those riverboat gambling
13 operations shall be paid monthly, subject to appropriation by
14 the General Assembly, to the unit of local government that is
15 designated as the home dock of the riverboat upon which those
16 riverboat gambling operations are conducted. For the purposes
17 of this subsection (b), the gross gaming receipts from the
18 gaming positions required under subsection (h-5) of Section 7
19 shall be calculated in the same manner as provided in
20 subsection (c-30).

21 (b-2) From the total amount of moneys deposited in the
22 State Gaming Fund from the issuance of the license authorized
23 under Section (e-6) of Section 7 (1) an amount equal to 30%
24 shall be transferred to the Education Assistance Fund and (2)
25 an amount equal to 70% shall be transferred to the General
26 Obligation Bond Retirement and Interest Fund.

1 (b-3) From the total amount of moneys deposited in the
2 State Gaming Fund from the issuance of any additional gaming
3 positions authorized by Section (h-5) of Section 7 (1) an
4 amount equal to 30% shall be transferred to the Education
5 Assistance Fund and (2) an amount equal to 70% shall be
6 transferred to the General Obligation Bond Retirement and
7 Interest Fund.

8 (b-5) An amount equal to 1% of the gross gaming receipts
9 from owners licenses issued on or after the effective date of
10 this amendatory Act of the 95th General Assembly authorizing
11 riverboat or casino gambling in Cook County shall be paid
12 monthly, subject to appropriation by the General Assembly, to
13 the Depressed Communities Economic Development Fund, which is
14 created as a special fund in the State treasury. The Department
15 of Commerce and Economic Opportunity shall administer the Fund
16 and use moneys in the Fund to make grants. The Department of
17 Commerce and Economic Opportunity may make grants in accordance
18 with the recommendations of the Depressed Communities Economic
19 Development Board.

20 (b-10) Beginning on the effective date of this amendatory
21 Act of the 95th General Assembly, an amount equal to
22 one-twelfth of \$3,000,000 shall be paid monthly from the State
23 Gaming Fund into the Illinois Colt Stakes Purse Distribution
24 Fund to be used for horse racing purses at the Illinois State
25 Fair and DuQuoin State Fair and for bonus programs to pay
26 owners of horses that win multiple stake races that are

1 restricted to Illinois conceived and foaled horses.

2 (b-15) Beginning on the effective date of this amendatory
3 Act of the 95th General Assembly, an amount equal to
4 one-twelfth of \$100,000 shall be transferred monthly from the
5 State Gaming Fund to the Agricultural Premium Fund to be used
6 for drug testing of horses at county fairs authorized in
7 Section 34.3 of the Illinois Horse Racing Act of 1975.

8 (c) Appropriations, as approved by the General Assembly,
9 may be made from the State Gaming Fund to the Department of
10 Revenue and the Department of State Police for the
11 administration and enforcement of this Act, or to the
12 Department of Human Services for the administration of programs
13 to treat problem gambling.

14 (c-5) Before the effective date of this amendatory Act of
15 the 94th General Assembly and beginning 2 years after the
16 effective date of this amendatory Act of the 94th General
17 Assembly, after the payments required under subsections (b) and
18 (c) have been made, an amount equal to 15% of the adjusted
19 gross receipts of (1) an owners licensee that relocates
20 pursuant to Section 11.2, (2) an owners licensee conducting
21 riverboat gambling operations pursuant to an owners license
22 that is initially issued after June 25, 1999, or (3) the first
23 riverboat gambling operations conducted by a licensed manager
24 on behalf of the State under Section 7.3, whichever comes
25 first, shall be paid from the State Gaming Fund into the Horse
26 Racing Equity Trust Fund.

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

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

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

23 (c-25) After the payments required under subsections (b),
24 (b-5), (b-10), (b-15), and (c), ~~(c-5) and (c-15)~~ have been
25 made, an amount equal to 2% of the adjusted gross receipts of
26 (1) an owners licensee that relocates pursuant to Section 11.2,

1 (2) an owners licensee conducting riverboat gambling
2 operations pursuant to an owners license that is initially
3 issued after June 25, 1999, or (3) the first riverboat gambling
4 operations conducted by a licensed manager on behalf of the
5 State under Section 7.3, whichever comes first, shall be paid
6 from the State Gaming Fund to Chicago State University.

7 (c-30) After the payments required under subsections (b),
8 (b-5), (b-10), (b-15), (c), and (c-25) have been made, (1) an
9 amount equal to 30% of moneys deposited into the State Gaming
10 Fund pursuant to this Section by an owners licensee authorized
11 under subsection (e-6) of Section 7 and any additional gaming
12 positions authorized under subsection (h-5) of Section 7 shall
13 be paid monthly, subject to appropriation by the General
14 Assembly, to the Education Assistance Fund, and (2) an amount
15 equal to 70% of moneys deposited into the State Gaming Fund
16 pursuant to this Section by an owners licensee authorized under
17 subsection (e-6) of Section 7 and from any additional gaming
18 positions authorized under subsection (h-5) of Section 7 shall
19 be paid monthly, subject to appropriation by the General
20 Assembly, to the General Obligation Bond Retirement and
21 Interest Fund. For the purposes of this subsection (c-30), the
22 gross gaming receipts from the additional gaming positions
23 authorized under subsection (h-5) of Section 7 shall be
24 calculated in the same manner as provided in subsection (c-35).

25 (c-35) After the payments required under subsections (b),
26 (b-5), (b-10), (b-15), (c), (c-25), and (c-30) have been made,

1 an amount equal to 1% of the gross gaming receipts from gaming
2 positions acquired under subsection (h-5) of Section 7 of an
3 owners licensee that docks on the Mississippi River, the
4 Illinois River, or the Ohio River shall be paid, subject to
5 appropriation by the General Assembly, from the State Gaming
6 Fund to qualifying municipalities within 50 miles of the home
7 dock of the riverboat. The amount paid under this subsection
8 (c-35) to each qualifying municipality shall be based on the
9 proportion that the number of persons living at or below the
10 poverty level in the qualifying municipality bears to the total
11 number of persons living at or below the poverty level in
12 qualifying municipalities that are within 50 miles of the
13 owners licensee's home dock. If 2 or more owners licensees that
14 dock on the Mississippi River, the Illinois River, or the Ohio
15 River are within 50 miles of each other, payments required
16 under this subsection (c-35) from the gross gaming receipts of
17 those owners licensees shall be commingled and paid to
18 qualifying municipalities that are within 50 miles of at least
19 one of those owners licensee's home docks. For the purposes of
20 this subsection (c-35), the term "qualifying municipality"
21 means a municipality, other than a municipality in which a
22 riverboat docks, in which the poverty rate as determined by
23 using the most recent data released by the United States Census
24 Bureau is at least 3% greater than the State poverty rate as
25 determined by using the most recent data released by the United
26 States Census Bureau.

1 For the purposes of this subsection (c-35), the gross
2 gaming receipts from the gaming positions acquired under
3 subsection (h-5) of Section 7 shall be the difference between
4 the gross gaming receipts in a particular month from the gross
5 gaming receipts for the corresponding month in calendar year
6 2006.

7 (c-40) After the payments required under subsections (b),
8 (b-5), (b-10), (b-15), (c), (c-25), (c-30), and (c-35) have
9 been made, an amount equal to 1% of the gross gaming receipts
10 of the gaming positions authorized under subsection (h-5) of
11 Section 7 of an owners licensee that docks on the Fox River or
12 the Des Plaines River shall be paid, subject to appropriation
13 by the General Assembly, from the State Gaming Fund to
14 qualifying municipalities within 20 miles of the home dock of
15 the riverboat. The amount paid under this subsection (c-40) to
16 each qualifying municipality shall be based on the proportion
17 that the number of persons living at or below the poverty level
18 in the qualifying municipality bears to the total number of
19 persons living at or below the poverty level in qualifying
20 municipalities that are within 20 miles of the owners
21 licensee's home dock. If the home docks of 2 or more owners
22 licensees that dock on the Fox River or the Des Plaines River
23 are within 20 miles of each other, payments required under this
24 subsection (c-40) from the gross gaming receipts of those
25 owners licensees shall be commingled and paid to qualifying
26 municipalities that are within 20 miles of at least one of

1 those owners licensee's home docks. For the purposes of this
2 subsection (c-40), the term "qualifying municipality" means a
3 municipality, other than the City of Chicago or a municipality
4 in which a riverboat docks, in which the poverty rate as
5 determined by using the most recent data released by the United
6 States Census Bureau is at least 3% greater than the State
7 poverty rate as determined by using the most recent data
8 released by the United States Census Bureau.

9 For the purposes of this subsection (c-40), the gross
10 gaming receipts from the gaming positions acquired under
11 subsection (h-5) of Section 7 shall be calculated in the same
12 manner as provided in subsection (c-30).

13 (c-45) After the payments required under subsections (b),
14 (b-5), (b-10), (b-15), (c), (c-25), (c-30), (c-35), and (c-40)
15 have been made, an amount equal to 1% of the gross gaming
16 receipts of an owners licensee that is authorized under
17 subsection (e-6) of Section 7, shall be paid, subject to
18 appropriation by the General Assembly, from the State Gaming
19 Fund to qualifying municipalities within 10 miles of the
20 casino. The amount paid under this subsection (c-45) to each
21 qualifying municipality shall be based on the proportion that
22 the number of persons living at or below the poverty level in
23 the qualifying municipality bears to the total number of
24 persons living at or below the poverty level in qualifying
25 municipalities that are within 10 miles of the casino. For the
26 purposes of this subsection (c-45), the term "qualifying

1 municipality" means a municipality, other than the City of
2 Chicago, a municipality in which a riverboat docks, or a
3 municipality that received payment under subsection (c-35) or
4 (c-40), in which the poverty rate as determined by using the
5 most recent data released by the United States Census Bureau is
6 at least 3% greater than the State poverty rate as determined
7 by using the most recent data released by the United States
8 Census Bureau.

9 (c-50) After payments required under subsections (b),
10 (b-5), (b-10), (b-15), (c), (c-25), (c-30), (c-35), (c-40), and
11 (c-45) have been made, an amount equal to 1.5% of the gross
12 gaming receipts from owners licenses issued on or after the
13 effective date of this amendatory Act of the 95th General
14 Assembly authorizing riverboat or casino gambling in Cook
15 County shall be paid monthly, subject to appropriation by the
16 General Assembly, to Cook County.

17 (d) From time to time, the Board shall transfer the
18 remainder of the funds generated by this Act into the Education
19 Assistance Fund, created by Public Act 86-0018, of the State of
20 Illinois.

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

26 (f) To the extent practicable, the Board shall administer

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

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

9 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

11 (a) ~~A~~ Licensed owners, including the Authority, owner shall
12 keep their ~~his~~ books and records so as to clearly show the
13 following:

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

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

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

17 (b) ~~The~~ Licensed owners, including the Authority, owner
18 shall furnish to the Board reports and information as the Board
19 may require with respect to its activities on forms designed
20 and supplied for such purpose by the Board.

21 (c) The books and records kept by a licensed owner as
22 provided by this Section are public records and the
23 examination, publication, and dissemination of the books and
24 records are governed by the provisions of The Freedom of
25 Information Act.

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

2 (230 ILCS 10/18) (from Ch. 120, par. 2418)

3 Sec. 18. Prohibited Activities - Penalty.

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

6 (1) Conducting gambling where wagering is used or to be
7 used without a license or authorization issued by the
8 Board.

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

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

13 (1) permitting a person under 21 years to make a wager;
14 or

15 (2) violating paragraph (12) of subsection (a) of
16 Section 11 of this Act.

17 (c) A person wagering or accepting a wager at any location
18 outside the riverboat or casino in violation of paragraph ~~is~~
19 ~~subject to the penalties in paragraphs~~ (1) or (2) of subsection
20 (a) of Section 28-1 of the Criminal Code of 1961 is subject to
21 the penalties provided in that Section.

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

1 (1) Offers, promises, or gives anything of value or
2 benefit to a person who is connected with a riverboat or
3 casino owner including, but not limited to, an officer or
4 employee of a licensed owner or holder of an occupational
5 license pursuant to an agreement or arrangement or with the
6 intent that the promise or thing of value or benefit will
7 influence the actions of the person to whom the offer,
8 promise, or gift was made in order to affect or attempt to
9 affect the outcome of a gambling game, or to influence
10 official action of a member of the Board.

11 (2) Solicits or knowingly accepts or receives a promise
12 of anything of value or benefit while the person is
13 connected with a riverboat or casino including, but not
14 limited to, an officer or employee of a licensed owner, or
15 the holder of an occupational license, pursuant to an
16 understanding or arrangement or with the intent that the
17 promise or thing of value or benefit will influence the
18 actions of the person to affect or attempt to affect the
19 outcome of a gambling game, or to influence official action
20 of a member of the Board.

21 (3) Uses or possesses with the intent to use a device
22 to assist:

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

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

25 (iii) In analyzing the probability of the
26 occurrence of an event relating to the gambling game.

1 (iv) In analyzing the strategy for playing or
2 betting to be used in the game except as permitted by
3 the Board.

4 (4) Cheats at a gambling game.

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

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

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

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

22 (9) Uses counterfeit chips or tokens in a gambling
23 game.

24 (10) Possesses any key or device designed for the
25 purpose of opening, entering, or affecting the operation of
26 a gambling game, drop box, or an electronic or mechanical

1 device connected with the gambling game or for removing
2 coins, tokens, chips or other contents of a gambling game.
3 This paragraph (10) does not apply to a gambling licensee
4 or employee of a gambling licensee acting in furtherance of
5 the employee's employment.

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

10 An action to prosecute any crime occurring on a riverboat
11 or in a casino shall be tried in the county of the dock at which
12 the riverboat is based or in the county in which the casino is
13 located.

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

15 (230 ILCS 10/20) (from Ch. 120, par. 2420)

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

1 authorized, conducted on that day as well as confiscation and
2 forfeiture of all gambling game equipment used in the conduct
3 of unauthorized gambling games.

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

5 (230 ILCS 10/23) (from Ch. 120, par. 2423)

6 Sec. 23. The State Gaming Fund. On or after the effective
7 date of this Act, except as provided for payments into the
8 Horse Racing Equity Trust Fund under subsection (a) of Section
9 7, all of the fees and taxes collected pursuant to this Act
10 shall be deposited into the State Gaming Fund, a special fund
11 in the State Treasury, which is hereby created. The ~~adjusted~~
12 gross gaming receipts of any riverboat gambling operations
13 conducted by a licensed manager on behalf of the State
14 remaining after the payment of the fees and expenses of the
15 licensed manager shall be deposited into the State Gaming Fund.
16 Fines and penalties collected pursuant to this Act shall be
17 deposited into the Education Assistance Fund, created by Public
18 Act 86-0018, of the State of Illinois.

19 (Source: P.A. 93-28, eff. 6-20-03; 94-804, eff. 5-26-06.)

20 Section 950. The Liquor Control Act of 1934 is amended by
21 changing Sections 5-1 and 6-30 as follows:

22 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

23 Sec. 5-1. Licenses issued by the Illinois Liquor Control

1 Commission shall be of the following classes:

2 (a) Manufacturer's license - Class 1. Distiller, Class 2.
3 Rectifier, Class 3. Brewer, Class 4. First Class Wine
4 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
5 First Class Winemaker, Class 7. Second Class Winemaker, Class
6 8. Limited Wine Manufacturer,

7 (b) Distributor's license,

8 (c) Importing Distributor's license,

9 (d) Retailer's license,

10 (e) Special Event Retailer's license (not-for-profit),

11 (f) Railroad license,

12 (g) Boat license,

13 (h) Non-Beverage User's license,

14 (i) Wine-maker's premises license,

15 (j) Airplane license,

16 (k) Foreign importer's license,

17 (l) Broker's license,

18 (m) Non-resident dealer's license,

19 (n) Brew Pub license,

20 (o) Auction liquor license,

21 (p) Caterer retailer license,

22 (q) Special use permit license.

23 No person, firm, partnership, corporation, or other legal
24 business entity that is engaged in the manufacturing of wine
25 may concurrently obtain and hold a wine-maker's license and a
26 wine manufacturer's license.

1 (a) A manufacturer's license shall allow the manufacture,
2 importation in bulk, storage, distribution and sale of
3 alcoholic liquor to persons without the State, as may be
4 permitted by law and to licensees in this State as follows:

5 Class 1. A Distiller may make sales and deliveries of
6 alcoholic liquor to distillers, rectifiers, importing
7 distributors, distributors and non-beverage users and to no
8 other licensees.

9 Class 2. A Rectifier, who is not a distiller, as defined
10 herein, may make sales and deliveries of alcoholic liquor to
11 rectifiers, importing distributors, distributors, retailers
12 and non-beverage users and to no other licensees.

13 Class 3. A Brewer may make sales and deliveries of beer to
14 importing distributors, distributors, and to non-licensees,
15 and to retailers provided the brewer obtains an importing
16 distributor's license or distributor's license in accordance
17 with the provisions of this Act.

18 Class 4. A first class wine-manufacturer may make sales and
19 deliveries of up to 50,000 gallons of wine to manufacturers,
20 importing distributors and distributors, and to no other
21 licensees.

22 Class 5. A second class Wine manufacturer may make sales
23 and deliveries of more than 50,000 gallons of wine to
24 manufacturers, importing distributors and distributors and to
25 no other licensees.

26 Class 6. A first-class wine-maker's license shall allow the

1 manufacture of up to 50,000 gallons of wine per year, and the
2 storage and sale of such wine to distributors in the State and
3 to persons without the State, as may be permitted by law. A
4 first-class wine-maker's license shall allow the sale of no
5 more than 5,000 gallons of the licensee's wine to retailers.
6 The State Commission shall issue only one first-class
7 wine-maker's license to any person, firm, partnership,
8 corporation, or other legal business entity that is engaged in
9 the making of less than 50,000 gallons of wine annually that
10 applies for a first-class wine-maker's license. No subsidiary
11 or affiliate thereof, nor any officer, associate, member,
12 partner, representative, employee, agent, or shareholder may
13 be issued an additional wine-maker's license by the State
14 Commission.

15 Class 7. A second-class wine-maker's license shall allow
16 the manufacture of between 50,000 and 100,000 gallons of wine
17 per year, and the storage and sale of such wine to distributors
18 in this State and to persons without the State, as may be
19 permitted by law. A second-class wine-maker's license shall
20 allow the sale of no more than 10,000 gallons of the licensee's
21 wine directly to retailers. The State Commission shall issue
22 only one second-class wine-maker's license to any person, firm,
23 partnership, corporation, or other legal business entity that
24 is engaged in the making of less than 100,000 gallons of wine
25 annually that applies for a second-class wine-maker's license.
26 No subsidiary or affiliate thereof, or any officer, associate,

1 member, partner, representative, employee, agent, or
2 shareholder may be issued an additional wine-maker's license by
3 the State Commission.

4 Class 8. A limited wine-manufacturer may make sales and
5 deliveries not to exceed 40,000 gallons of wine per year to
6 distributors, and to non-licensees in accordance with the
7 provisions of this Act.

8 (a-1) A manufacturer which is licensed in this State to
9 make sales or deliveries of alcoholic liquor and which enlists
10 agents, representatives, or individuals acting on its behalf
11 who contact licensed retailers on a regular and continual basis
12 in this State must register those agents, representatives, or
13 persons acting on its behalf with the State Commission.

14 Registration of agents, representatives, or persons acting
15 on behalf of a manufacturer is fulfilled by submitting a form
16 to the Commission. The form shall be developed by the
17 Commission and shall include the name and address of the
18 applicant, the name and address of the manufacturer he or she
19 represents, the territory or areas assigned to sell to or
20 discuss pricing terms of alcoholic liquor, and any other
21 questions deemed appropriate and necessary. All statements in
22 the forms required to be made by law or by rule shall be deemed
23 material, and any person who knowingly misstates any material
24 fact under oath in an application is guilty of a Class B
25 misdemeanor. Fraud, misrepresentation, false statements,
26 misleading statements, evasions, or suppression of material

1 facts in the securing of a registration are grounds for
2 suspension or revocation of the registration.

3 (b) A distributor's license shall allow the wholesale
4 purchase and storage of alcoholic liquors and sale of alcoholic
5 liquors to licensees in this State and to persons without the
6 State, as may be permitted by law.

7 (c) An importing distributor's license may be issued to and
8 held by those only who are duly licensed distributors, upon the
9 filing of an application by a duly licensed distributor, with
10 the Commission and the Commission shall, without the payment of
11 any fee, immediately issue such importing distributor's
12 license to the applicant, which shall allow the importation of
13 alcoholic liquor by the licensee into this State from any point
14 in the United States outside this State, and the purchase of
15 alcoholic liquor in barrels, casks or other bulk containers and
16 the bottling of such alcoholic liquors before resale thereof,
17 but all bottles or containers so filled shall be sealed,
18 labeled, stamped and otherwise made to comply with all
19 provisions, rules and regulations governing manufacturers in
20 the preparation and bottling of alcoholic liquors. The
21 importing distributor's license shall permit such licensee to
22 purchase alcoholic liquor from Illinois licensed non-resident
23 dealers and foreign importers only.

24 (d) A retailer's license shall allow the licensee to sell
25 and offer for sale at retail, only in the premises specified in
26 the license, alcoholic liquor for use or consumption, but not

1 for resale in any form: Provided that any retail license issued
2 to a manufacturer shall only permit the manufacturer to sell
3 beer at retail on the premises actually occupied by the
4 manufacturer. For the purpose of further describing the type of
5 business conducted at a retail licensed premises, a retailer's
6 licensee may be designated by the State Commission as (i) an on
7 premise consumption retailer, (ii) an off premise sale
8 retailer, or (iii) a combined on premise consumption and off
9 premise sale retailer.

10 Notwithstanding any other provision of this subsection
11 (d), a retail licensee may sell alcoholic liquors to a special
12 event retailer licensee for resale to the extent permitted
13 under subsection (e).

14 (e) A special event retailer's license (not-for-profit)
15 shall permit the licensee to purchase alcoholic liquors from an
16 Illinois licensed distributor (unless the licensee purchases
17 less than \$500 of alcoholic liquors for the special event, in
18 which case the licensee may purchase the alcoholic liquors from
19 a licensed retailer) and shall allow the licensee to sell and
20 offer for sale, at retail, alcoholic liquors for use or
21 consumption, but not for resale in any form and only at the
22 location and on the specific dates designated for the special
23 event in the license. An applicant for a special event retailer
24 license must (i) furnish with the application: (A) a resale
25 number issued under Section 2c of the Retailers' Occupation Tax
26 Act or evidence that the applicant is registered under Section

1 2a of the Retailers' Occupation Tax Act, (B) a current, valid
2 exemption identification number issued under Section 1g of the
3 Retailers' Occupation Tax Act, and a certification to the
4 Commission that the purchase of alcoholic liquors will be a
5 tax-exempt purchase, or (C) a statement that the applicant is
6 not registered under Section 2a of the Retailers' Occupation
7 Tax Act, does not hold a resale number under Section 2c of the
8 Retailers' Occupation Tax Act, and does not hold an exemption
9 number under Section 1g of the Retailers' Occupation Tax Act,
10 in which event the Commission shall set forth on the special
11 event retailer's license a statement to that effect; (ii)
12 submit with the application proof satisfactory to the State
13 Commission that the applicant will provide dram shop liability
14 insurance in the maximum limits; and (iii) show proof
15 satisfactory to the State Commission that the applicant has
16 obtained local authority approval.

17 (f) A railroad license shall permit the licensee to import
18 alcoholic liquors into this State from any point in the United
19 States outside this State and to store such alcoholic liquors
20 in this State; to make wholesale purchases of alcoholic liquors
21 directly from manufacturers, foreign importers, distributors
22 and importing distributors from within or outside this State;
23 and to store such alcoholic liquors in this State; provided
24 that the above powers may be exercised only in connection with
25 the importation, purchase or storage of alcoholic liquors to be
26 sold or dispensed on a club, buffet, lounge or dining car

1 operated on an electric, gas or steam railway in this State;
2 and provided further, that railroad licensees exercising the
3 above powers shall be subject to all provisions of Article VIII
4 of this Act as applied to importing distributors. A railroad
5 license shall also permit the licensee to sell or dispense
6 alcoholic liquors on any club, buffet, lounge or dining car
7 operated on an electric, gas or steam railway regularly
8 operated by a common carrier in this State, but shall not
9 permit the sale for resale of any alcoholic liquors to any
10 licensee within this State. A license shall be obtained for
11 each car in which such sales are made.

12 (g) A boat license shall allow the sale of alcoholic liquor
13 in individual drinks, on any passenger boat regularly operated
14 as a common carrier on navigable waters in this State or on any
15 riverboat operated under the Riverboat and Casino Gambling Act,
16 which boat or riverboat maintains a public dining room or
17 restaurant thereon.

18 (h) A non-beverage user's license shall allow the licensee
19 to purchase alcoholic liquor from a licensed manufacturer or
20 importing distributor, without the imposition of any tax upon
21 the business of such licensed manufacturer or importing
22 distributor as to such alcoholic liquor to be used by such
23 licensee solely for the non-beverage purposes set forth in
24 subsection (a) of Section 8-1 of this Act, and such licenses
25 shall be divided and classified and shall permit the purchase,
26 possession and use of limited and stated quantities of

1 alcoholic liquor as follows:

2 Class 1, not to exceed 500 gallons

3 Class 2, not to exceed 1,000 gallons

4 Class 3, not to exceed 5,000 gallons

5 Class 4, not to exceed 10,000 gallons

6 Class 5, not to exceed 50,000 gallons

7 (i) A wine-maker's premises license shall allow a licensee
8 that concurrently holds a first-class wine-maker's license to
9 sell and offer for sale at retail in the premises specified in
10 such license not more than 50,000 gallons of the first-class
11 wine-maker's wine that is made at the first-class wine-maker's
12 licensed premises per year for use or consumption, but not for
13 resale in any form. A wine-maker's premises license shall allow
14 a licensee who concurrently holds a second-class wine-maker's
15 license to sell and offer for sale at retail in the premises
16 specified in such license up to 100,000 gallons of the
17 second-class wine-maker's wine that is made at the second-class
18 wine-maker's licensed premises per year for use or consumption
19 but not for resale in any form. A wine-maker's premises license
20 shall allow a licensee that concurrently holds a first-class
21 wine-maker's license or a second-class wine-maker's license to
22 sell and offer for sale at retail at the premises specified in
23 the wine-maker's premises license, for use or consumption but
24 not for resale in any form, any beer, wine, and spirits
25 purchased from a licensed distributor. Upon approval from the
26 State Commission, a wine-maker's premises license shall allow

1 the licensee to sell and offer for sale at (i) the wine-maker's
2 licensed premises and (ii) at up to 2 additional locations for
3 use and consumption and not for resale. Each location shall
4 require additional licensing per location as specified in
5 Section 5-3 of this Act.

6 (j) An airplane license shall permit the licensee to import
7 alcoholic liquors into this State from any point in the United
8 States outside this State and to store such alcoholic liquors
9 in this State; to make wholesale purchases of alcoholic liquors
10 directly from manufacturers, foreign importers, distributors
11 and importing distributors from within or outside this State;
12 and to store such alcoholic liquors in this State; provided
13 that the above powers may be exercised only in connection with
14 the importation, purchase or storage of alcoholic liquors to be
15 sold or dispensed on an airplane; and provided further, that
16 airplane licensees exercising the above powers shall be subject
17 to all provisions of Article VIII of this Act as applied to
18 importing distributors. An airplane licensee shall also permit
19 the sale or dispensing of alcoholic liquors on any passenger
20 airplane regularly operated by a common carrier in this State,
21 but shall not permit the sale for resale of any alcoholic
22 liquors to any licensee within this State. A single airplane
23 license shall be required of an airline company if liquor
24 service is provided on board aircraft in this State. The annual
25 fee for such license shall be as determined in Section 5-3.

26 (k) A foreign importer's license shall permit such licensee

1 to purchase alcoholic liquor from Illinois licensed
2 non-resident dealers only, and to import alcoholic liquor other
3 than in bulk from any point outside the United States and to
4 sell such alcoholic liquor to Illinois licensed importing
5 distributors and to no one else in Illinois; provided that the
6 foreign importer registers with the State Commission every
7 brand of alcoholic liquor that it proposes to sell to Illinois
8 licensees during the license period and provided further that
9 the foreign importer complies with all of the provisions of
10 Section 6-9 of this Act with respect to registration of such
11 Illinois licensees as may be granted the right to sell such
12 brands at wholesale.

13 (1) (i) A broker's license shall be required of all persons
14 who solicit orders for, offer to sell or offer to supply
15 alcoholic liquor to retailers in the State of Illinois, or who
16 offer to retailers to ship or cause to be shipped or to make
17 contact with distillers, rectifiers, brewers or manufacturers
18 or any other party within or without the State of Illinois in
19 order that alcoholic liquors be shipped to a distributor,
20 importing distributor or foreign importer, whether such
21 solicitation or offer is consummated within or without the
22 State of Illinois.

23 No holder of a retailer's license issued by the Illinois
24 Liquor Control Commission shall purchase or receive any
25 alcoholic liquor, the order for which was solicited or offered
26 for sale to such retailer by a broker unless the broker is the

1 holder of a valid broker's license.

2 The broker shall, upon the acceptance by a retailer of the
3 broker's solicitation of an order or offer to sell or supply or
4 deliver or have delivered alcoholic liquors, promptly forward
5 to the Illinois Liquor Control Commission a notification of
6 said transaction in such form as the Commission may by
7 regulations prescribe.

8 (ii) A broker's license shall be required of a person
9 within this State, other than a retail licensee, who, for a fee
10 or commission, promotes, solicits, or accepts orders for
11 alcoholic liquor, for use or consumption and not for resale, to
12 be shipped from this State and delivered to residents outside
13 of this State by an express company, common carrier, or
14 contract carrier. This Section does not apply to any person who
15 promotes, solicits, or accepts orders for wine as specifically
16 authorized in Section 6-29 of this Act.

17 A broker's license under this subsection (1) shall not
18 entitle the holder to buy or sell any alcoholic liquors for his
19 own account or to take or deliver title to such alcoholic
20 liquors.

21 This subsection (1) shall not apply to distributors,
22 employees of distributors, or employees of a manufacturer who
23 has registered the trademark, brand or name of the alcoholic
24 liquor pursuant to Section 6-9 of this Act, and who regularly
25 sells such alcoholic liquor in the State of Illinois only to
26 its registrants thereunder.

1 Any agent, representative, or person subject to
2 registration pursuant to subsection (a-1) of this Section shall
3 not be eligible to receive a broker's license.

4 (m) A non-resident dealer's license shall permit such
5 licensee to ship into and warehouse alcoholic liquor into this
6 State from any point outside of this State, and to sell such
7 alcoholic liquor to Illinois licensed foreign importers and
8 importing distributors and to no one else in this State;
9 provided that said non-resident dealer shall register with the
10 Illinois Liquor Control Commission each and every brand of
11 alcoholic liquor which it proposes to sell to Illinois
12 licensees during the license period; and further provided that
13 it shall comply with all of the provisions of Section 6-9
14 hereof with respect to registration of such Illinois licensees
15 as may be granted the right to sell such brands at wholesale.

16 (n) A brew pub license shall allow the licensee to
17 manufacture beer only on the premises specified in the license,
18 to make sales of the beer manufactured on the premises to
19 importing distributors, distributors, and to non-licensees for
20 use and consumption, to store the beer upon the premises, and
21 to sell and offer for sale at retail from the licensed
22 premises, provided that a brew pub licensee shall not sell for
23 off-premises consumption more than 50,000 gallons per year.

24 (o) A caterer retailer license shall allow the holder to
25 serve alcoholic liquors as an incidental part of a food service
26 that serves prepared meals which excludes the serving of snacks

1 as the primary meal, either on or off-site whether licensed or
2 unlicensed.

3 (p) An auction liquor license shall allow the licensee to
4 sell and offer for sale at auction wine and spirits for use or
5 consumption, or for resale by an Illinois liquor licensee in
6 accordance with provisions of this Act. An auction liquor
7 license will be issued to a person and it will permit the
8 auction liquor licensee to hold the auction anywhere in the
9 State. An auction liquor license must be obtained for each
10 auction at least 14 days in advance of the auction date.

11 (q) A special use permit license shall allow an Illinois
12 licensed retailer to transfer a portion of its alcoholic liquor
13 inventory from its retail licensed premises to the premises
14 specified in the license hereby created, and to sell or offer
15 for sale at retail, only in the premises specified in the
16 license hereby created, the transferred alcoholic liquor for
17 use or consumption, but not for resale in any form. A special
18 use permit license may be granted for the following time
19 periods: one day or less; 2 or more days to a maximum of 15 days
20 per location in any 12 month period. An applicant for the
21 special use permit license must also submit with the
22 application proof satisfactory to the State Commission that the
23 applicant will provide dram shop liability insurance to the
24 maximum limits and have local authority approval.

25 (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;
26 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.

1 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

2 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

3 Sec. 6-30. Notwithstanding any other provision of this Act,
4 the Illinois Gaming Board shall have exclusive authority to
5 establish the hours for sale and consumption of alcoholic
6 liquor on board a riverboat during riverboat gambling
7 excursions and in a casino conducted in accordance with the
8 Riverboat and Casino Gambling Act.

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

10 Section 955. The Criminal Code of 1961 is amended by
11 changing Sections 28-1, 28-1.1, 28-3, 28-5 and 28-7 as follows:

12 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

13 Sec. 28-1. Gambling.

14 (a) A person commits gambling when he:

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

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

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

23 (4) Contracts to have or give himself or another the

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

19 (5) Knowingly owns or possesses any book, instrument or
20 apparatus by means of which bets or wagers have been, or
21 are, recorded or registered, or knowingly possesses any
22 money which he has received in the course of a bet or
23 wager; or

24 (6) Sells pools upon the result of any game or contest
25 of skill or chance, political nomination, appointment or
26 election; or

1 (7) Sets up or promotes any lottery or sells, offers to
2 sell or transfers any ticket or share for any lottery; or

3 (8) Sets up or promotes any policy game or sells,
4 offers to sell or knowingly possesses or transfers any
5 policy ticket, slip, record, document or other similar
6 device; or

7 (9) Knowingly drafts, prints or publishes any lottery
8 ticket or share, or any policy ticket, slip, record,
9 document or similar device, except for such activity
10 related to lotteries, bingo games and raffles authorized by
11 and conducted in accordance with the laws of Illinois or
12 any other state or foreign government; or

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

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

25 (12) Knowingly establishes, maintains, or operates an
26 Internet site that permits a person to play a game of

1 chance or skill for money or other thing of value by means
2 of the Internet or to make a wager upon the result of any
3 game, contest, political nomination, appointment, or
4 election by means of the Internet.

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

7 (1) Agreements to compensate for loss caused by the
8 happening of chance including without limitation contracts
9 of indemnity or guaranty and life or health or accident
10 insurance;

11 (2) Offers of prizes, award or compensation to the
12 actual contestants in any bona fide contest for the
13 determination of skill, speed, strength or endurance or to
14 the owners of animals or vehicles entered in such contest;

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

17 (4) Manufacture of gambling devices, including the
18 acquisition of essential parts therefor and the assembly
19 thereof, for transportation in interstate or foreign
20 commerce to any place outside this State when such
21 transportation is not prohibited by any applicable Federal
22 law;

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

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

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

6 (8) Raffles when conducted in accordance with the
7 Raffles Act;

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

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

12 (11) Gambling games ~~conducted on riverboats~~ when
13 authorized by the Riverboat and Casino Gambling Act.

14 (c) Sentence.

15 Gambling under subsection (a)(1) or (a)(2) of this Section
16 is a Class A misdemeanor. Gambling under any of subsections
17 (a)(3) through (a)(11) of this Section is a Class A
18 misdemeanor. A second or subsequent conviction under any of
19 subsections (a)(3) through (a)(11), is a Class 4 felony.
20 Gambling under subsection (a)(12) of this Section is a Class A
21 misdemeanor. A second or subsequent conviction under
22 subsection (a)(12) is a Class 4 felony.

23 (d) Circumstantial evidence.

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

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

2 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

3 Sec. 28-1.1. Syndicated gambling.

4 (a) Declaration of Purpose. Recognizing the close
5 relationship between professional gambling and other organized
6 crime, it is declared to be the policy of the legislature to
7 restrain persons from engaging in the business of gambling for
8 profit in this State. This Section shall be liberally construed
9 and administered with a view to carrying out this policy.

10 (b) A person commits syndicated gambling when he operates a
11 "policy game" or engages in the business of bookmaking.

12 (c) A person "operates a policy game" when he knowingly
13 uses any premises or property for the purpose of receiving or
14 knowingly does receive from what is commonly called "policy":

15 (1) money from a person other than the better or player
16 whose bets or plays are represented by such money; or

17 (2) written "policy game" records, made or used over
18 any period of time, from a person other than the better or
19 player whose bets or plays are represented by such written
20 record.

21 (d) A person engages in bookmaking when he receives or
22 accepts more than five bets or wagers upon the result of any
23 trials or contests of skill, speed or power of endurance or
24 upon any lot, chance, casualty, unknown or contingent event
25 whatsoever, which bets or wagers shall be of such size that the

1 total of the amounts of money paid or promised to be paid to
2 such bookmaker on account thereof shall exceed \$2,000.
3 Bookmaking is the receiving or accepting of such bets or wagers
4 regardless of the form or manner in which the bookmaker records
5 them.

6 (e) Participants in any of the following activities shall
7 not be convicted of syndicated gambling:

8 (1) Agreements to compensate for loss caused by the
9 happening of chance including without limitation contracts
10 of indemnity or guaranty and life or health or accident
11 insurance; and

12 (2) Offers of prizes, award or compensation to the
13 actual contestants in any bona fide contest for the
14 determination of skill, speed, strength or endurance or to
15 the owners of animals or vehicles entered in such contest;
16 and

17 (3) Pari-mutuel betting as authorized by law of this
18 State; and

19 (4) Manufacture of gambling devices, including the
20 acquisition of essential parts therefor and the assembly
21 thereof, for transportation in interstate or foreign
22 commerce to any place outside this State when such
23 transportation is not prohibited by any applicable Federal
24 law; and

25 (5) Raffles when conducted in accordance with the
26 Raffles Act; and

1 (6) Gambling games conducted on riverboats or in
2 casinos when authorized by the Riverboat and Casino
3 Gambling Act.

4 (f) Sentence. Syndicated gambling is a Class 3 felony.

5 (Source: P.A. 86-1029; 87-435.)

6 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

7 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is
8 any real estate, vehicle, boat or any other property whatsoever
9 used for the purposes of gambling other than gambling conducted
10 in the manner authorized by the Riverboat and Casino Gambling
11 Act. Any person who knowingly permits any premises or property
12 owned or occupied by him or under his control to be used as a
13 gambling place commits a Class A misdemeanor. Each subsequent
14 offense is a Class 4 felony. When any premises is determined by
15 the circuit court to be a gambling place:

16 (a) Such premises is a public nuisance and may be proceeded
17 against as such, and

18 (b) All licenses, permits or certificates issued by the
19 State of Illinois or any subdivision or public agency thereof
20 authorizing the serving of food or liquor on such premises
21 shall be void; and no license, permit or certificate so
22 cancelled shall be reissued for such premises for a period of
23 60 days thereafter; nor shall any person convicted of keeping a
24 gambling place be reissued such license for one year from his
25 conviction and, after a second conviction of keeping a gambling

1 place, any such person shall not be reissued such license, and

2 (c) Such premises of any person who knowingly permits
3 thereon a violation of any Section of this Article shall be
4 held liable for, and may be sold to pay any unsatisfied
5 judgment that may be recovered and any unsatisfied fine that
6 may be levied under any Section of this Article.

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

8 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

9 Sec. 28-5. Seizure of gambling devices and gambling funds.

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

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

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

1 money shall be deposited in the general fund of the county
2 wherein such seizure occurred; money and other things of value
3 shall be received by the State's Attorney and, upon
4 liquidation, shall be deposited in the general fund of the
5 county wherein such seizure occurred. However, in the event
6 that a defendant raises the defense that the seized slot
7 machine is an antique slot machine described in subparagraph
8 (b) (7) of Section 28-1 of this Code and therefore he is exempt
9 from the charge of a gambling activity participant, the seized
10 antique slot machine shall not be destroyed or otherwise
11 altered until a final determination is made by the Court as to
12 whether it is such an antique slot machine. Upon a final
13 determination by the Court of this question in favor of the
14 defendant, such slot machine shall be immediately returned to
15 the defendant. Such order of forfeiture and disposition shall,
16 for the purposes of appeal, be a final order and judgment in a
17 civil proceeding.

18 (d) If a seizure pursuant to subparagraph (b) of this
19 Section is not followed by a charge pursuant to subparagraph
20 (c) of this Section, or if the prosecution of such charge is
21 permanently terminated or indefinitely discontinued without
22 any judgment of conviction or acquittal (1) the State's
23 Attorney shall commence an in rem proceeding for the forfeiture
24 and destruction of a gambling device, or for the forfeiture and
25 deposit in the general fund of the county of any seized money
26 or other things of value, or both, in the circuit court and (2)

1 any person having any property interest in such seized gambling
2 device, money or other thing of value may commence separate
3 civil proceedings in the manner provided by law.

4 (e) Any gambling device displayed for sale to a riverboat
5 gambling operation or a casino gambling operation or used to
6 train occupational licensees of a riverboat gambling operation
7 or a casino gambling operation, as authorized under the
8 Riverboat and Casino Gambling Act, is exempt from seizure under
9 this Section.

10 (f) Any gambling equipment, devices and supplies provided
11 by a licensed supplier in accordance with the Riverboat and
12 Casino Gambling Act which are removed from a ~~the~~ riverboat or
13 casino for repair are exempt from seizure under this Section.

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

15 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

16 Sec. 28-7. Gambling contracts void.

17 (a) All promises, notes, bills, bonds, covenants,
18 contracts, agreements, judgments, mortgages, or other
19 securities or conveyances made, given, granted, drawn, or
20 entered into, or executed by any person whatsoever, where the
21 whole or any part of the consideration thereof is for any money
22 or thing of value, won or obtained in violation of any Section
23 of this Article are null and void.

24 (b) Any obligation void under this Section may be set aside
25 and vacated by any court of competent jurisdiction, upon a

1 complaint filed for that purpose, by the person so granting,
2 giving, entering into, or executing the same, or by his
3 executors or administrators, or by any creditor, heir, legatee,
4 purchaser or other person interested therein; or if a judgment,
5 the same may be set aside on motion of any person stated above,
6 on due notice thereof given.

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

11 (d) This Section shall not prevent a licensed owner of a
12 riverboat gambling operation or a casino gambling operation
13 from instituting a cause of action to collect any amount due
14 and owing under an extension of credit to a ~~riverboat~~ gambling
15 patron as authorized under Section 11.1 of the Riverboat and
16 Casino Gambling Act.

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

18 Section 960. The Eminent Domain Act is amended by adding
19 Section 15-5-45 as follows:

20 (735 ILCS 30/15-5-45 new)

21 Sec. 15-5-45. Eminent domain powers in New Acts. The
22 following provisions of law may include express grants of the
23 power to acquire property by condemnation or eminent domain:

1 Chicago Casino Development Authority Act; Chicago Casino
2 Development Authority; for the purposes of the Act.

3 Section 965. The Travel Promotion Consumer Protection Act
4 is amended by changing Section 2 as follows:

5 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

6 Sec. 2. Definitions.

7 (a) "Travel promoter" means a person, including a tour
8 operator, who sells, provides, furnishes, contracts for,
9 arranges or advertises that he or she will arrange wholesale or
10 retail transportation by air, land, sea or navigable stream,
11 either separately or in conjunction with other services.
12 "Travel promoter" does not include (1) an air carrier; (2) a
13 sea carrier; (3) an officially appointed agent of an air
14 carrier who is a member in good standing of the Airline
15 Reporting Corporation; (4) a travel promoter who has in force
16 \$1,000,000 or more of liability insurance coverage for
17 professional errors and omissions and a surety bond or
18 equivalent surety in the amount of \$100,000 or more for the
19 benefit of consumers in the event of a bankruptcy on the part
20 of the travel promoter; or (5) a riverboat subject to
21 regulation under the Riverboat and Casino Gambling Act.

22 (b) "Advertise" means to make any representation in the
23 solicitation of passengers and includes communication with
24 other members of the same partnership, corporation, joint

1 venture, association, organization, group or other entity.

2 (c) "Passenger" means a person on whose behalf money or
3 other consideration has been given or is to be given to
4 another, including another member of the same partnership,
5 corporation, joint venture, association, organization, group
6 or other entity, for travel.

7 (d) "Ticket or voucher" means a writing or combination of
8 writings which is itself good and sufficient to obtain
9 transportation and other services for which the passenger has
10 contracted.

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 Section 970. The State Finance Act is amended by adding
13 Sections 5.676 and 5.677 as follows:

14 (30 ILCS 105/5.676 new)

15 Sec. 5.676. The Racing Industry Workers' Fund.

16 (30 ILCS 105/5.677 new)

17 Sec. 5.677. The Depressed Communities Economic Development
18 Fund.

19 (30 ILCS 105/5.490 rep.)

20 Section 975. The State Finance Act is amended by repealing
21 Section 5.490.

1 (230 ILCS 5/31.1 rep.)

2 (230 ILCS 5/54 rep.)

3 Section 980. The Illinois Horse Racing Act of 1975 is
4 amended by repealing Sections 31.1 and 54.

5 Section 997. Inseverability. The amendatory provisions of
6 this Act are mutually dependent and inseverable. If any
7 amendatory provision is held invalid other than as applied to a
8 particular person or circumstance, then all of the amendatory
9 provisions of this Act are invalid.

10 Section 999. Effective date. This Act takes effect upon
11 becoming law.".