



Sen. Terry Link

Filed: 10/29/2009

09600HB3997sam002

LRB096 08979 AMC 30593 a

1 AMENDMENT TO HOUSE BILL 3997

2 AMENDMENT NO. _____. Amend House Bill 3997 by replacing
3 everything after the enacting clause with the following:

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

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

8 Sec. 2505-305. Investigators.

9 (a) The Department has the power to appoint investigators
10 to conduct all investigations, searches, seizures, arrests,
11 and other duties imposed under the provisions of any law
12 administered by the Department, the Illinois Liquor Control
13 Commission, or the Illinois Racing Board. These ~~Except as~~
14 ~~provided in subsection (c), these~~ investigators have and may
15 exercise all the powers of peace officers only as provided in
16 this Section. An investigator may exercise the powers of a

1 peace officer while ~~solely for the purpose of~~ enforcing taxing
2 or other measures administered by the Department, the Illinois
3 Liquor Control Commission, or the Illinois Racing Board. An
4 investigator may also exercise the powers of a peace officer
5 when he or she discovers any criminal offense or violation
6 while enforcing any measure administered by the Department, the
7 Illinois Liquor Control Commission, or the Illinois Racing
8 Board if (i) the criminal offense or violation creates a threat
9 to the life or safety of the investigator or any other person
10 and (ii) the investigator notifies the proper local law
11 enforcement agency as soon as is practical.

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

19 (c) The Department may enter into agreements with the
20 Illinois Gaming Board providing that investigators appointed
21 under this Section shall exercise the peace officer powers set
22 forth in paragraph (20.6) of subsection (c) of Section 5 of the
23 Riverboat Gambling Act.

24 (Source: P.A. 96-37, eff. 7-13-09.)

25 Section 10. The Riverboat Gambling Act is amended by

1 changing Sections 4, 5, 5.1, 6, 7, 9, 11, 12, 13, 15, and 18 and
2 by adding Section 5.2 as follows:

3 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

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

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

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

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

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

1 passengers from the riverboat.

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

5 (h) "Adjusted gross receipts" means the gross receipts less
6 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) (Blank) ~~"Department"~~ means the Department of Revenue.

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

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

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

20 (Source: P.A. 95-331, eff. 8-21-07.)

21 (230 ILCS 10/5) (from Ch. 120, par. 2405)

22 Sec. 5. Gaming Board.

23 (a) (1) There is hereby established the ~~within the~~
24 ~~Department of Revenue an~~ Illinois Gaming Board, l which shall
25 have the powers and duties specified in this Act, and all other

1 powers necessary and proper to fully and effectively execute
2 this Act for the purpose of administering, regulating, and
3 enforcing the system of riverboat gambling established by this
4 Act. Its jurisdiction shall extend under this Act to every
5 person, association, corporation, partnership and trust
6 involved in riverboat gambling operations in the State of
7 Illinois.

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

20 (3) The terms of office of the Board members shall be 3
21 years, except that the terms of office of the initial Board
22 members appointed pursuant to this Act will commence from the
23 effective date of this Act and run as follows: one for a term
24 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for
25 a term ending July 1, 1993. Upon the expiration of the
26 foregoing terms, the successors of such members shall serve a

1 term for 3 years and until their successors are appointed and
2 qualified for like terms. Vacancies in the Board shall be
3 filled for the unexpired term in like manner as original
4 appointments. Each member of the Board shall be eligible for
5 reappointment at the discretion of the Governor with the advice
6 and consent of the Senate.

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

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

25 (5.5) No member of the Board shall engage in any political
26 activity. For the purposes of this Section, "political" means

1 any activity in support of or in connection with any campaign
2 for federal, State, or local elective office or any political
3 organization, but does not include activities (i) relating to
4 the support or opposition of any executive, legislative, or
5 administrative action (as those terms are defined in Section 2
6 of the Lobbyist Registration Act), (ii) relating to collective
7 bargaining, or (iii) that are otherwise in furtherance of the
8 person's official State duties or governmental and public
9 service functions.

10 (6) Any member of the Board may be removed by the Governor
11 for neglect of duty, misfeasance, malfeasance, or nonfeasance
12 in office or for engaging in any political activity.

13 (7) Before entering upon the discharge of the duties of his
14 office, each member of the Board shall take an oath that he
15 will faithfully execute the duties of his office according to
16 the laws of the State and the rules and regulations adopted
17 therewith and shall give bond to the State of Illinois,
18 approved by the Governor, in the sum of \$25,000. Every such
19 bond, when duly executed and approved, shall be recorded in the
20 office of the Secretary of State. Whenever the Governor
21 determines that the bond of any member of the Board has become
22 or is likely to become invalid or insufficient, he shall
23 require such member forthwith to renew his bond, which is to be
24 approved by the Governor. Any member of the Board who fails to
25 take oath and give bond within 30 days from the date of his
26 appointment, or who fails to renew his bond within 30 days

1 after it is demanded by the Governor, shall be guilty of
2 neglect of duty and may be removed by the Governor. The cost of
3 any bond given by any member of the Board under this Section
4 shall be taken to be a part of the necessary expenses of the
5 Board.

6 (8) ~~The~~ Upon the request of the Board, the Department shall
7 employ such personnel as may be necessary to carry out its ~~the~~
8 functions and shall determine the salaries of all personnel,
9 except those personnel whose salaries are determined under the
10 terms of a collective bargaining agreement ~~of the Board~~. No
11 person shall be employed to serve the Board who is, or whose
12 spouse, parent or child is, an official of, or has a financial
13 interest in or financial relation with, any operator engaged in
14 gambling operations within this State or any organization
15 engaged in conducting horse racing within this State. Any
16 employee violating these prohibitions shall be subject to
17 termination of employment.

18 (9) An Administrator shall perform any and all duties that
19 the Board shall assign him. The salary of the Administrator
20 shall be determined by the Board ~~and approved by the Director~~
21 ~~of the Department~~ and, in addition, he shall be reimbursed for
22 all actual and necessary expenses incurred by him in discharge
23 of his official duties. The Administrator shall keep records of
24 all proceedings of the Board and shall preserve all records,
25 books, documents and other papers belonging to the Board or
26 entrusted to its care. The Administrator shall devote his full

1 time to the duties of the office and shall not hold any other
2 office or employment.

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

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

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

22 (3) To promulgate such rules and regulations as in its
23 judgment may be necessary to protect or enhance the
24 credibility and integrity of gambling operations
25 authorized by this Act and the regulatory process
26 hereunder;

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

6 (5) To provide for the levy and collection of penalties
7 and fines for the violation of provisions of this Act and
8 the rules and regulations promulgated hereunder. All such
9 fines and penalties shall be deposited into the Education
10 Assistance Fund, created by Public Act 86-0018, of the
11 State of Illinois;

12 (6) To be present through its inspectors and agents any
13 time gambling operations are conducted on any riverboat for
14 the purpose of certifying the revenue thereof, receiving
15 complaints from the public, and conducting such other
16 investigations into the conduct of the gambling games and
17 the maintenance of the equipment as from time to time the
18 Board may deem necessary and proper;

19 (7) To review and rule upon any complaint by a licensee
20 regarding any investigative procedures of the State which
21 are unnecessarily disruptive of gambling operations. The
22 need to inspect and investigate shall be presumed at all
23 times. The disruption of a licensee's operations shall be
24 proved by clear and convincing evidence, and establish
25 that: (A) the procedures had no reasonable law enforcement
26 purposes, and (B) the procedures were so disruptive as to

1 unreasonably inhibit gambling operations;

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

25 (9) To maintain records which are separate and distinct
26 from the records of any other State board or commission.

1 Such records shall be available for public inspection and
2 shall accurately reflect all Board proceedings;

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

10 (11) (Blank);

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

16 (13) To assume responsibility for administration and
17 enforcement of the Video Gaming Act; and-

18 (14) To adopt, by rule, a code of conduct governing
19 Board members and employees that ensure, to the maximum
20 extent possible, that persons subject to this Code avoid
21 situations, relationships, or associations that may
22 represent or lead to a conflict of interest.

23 (c) The Board shall have jurisdiction over and shall
24 supervise all gambling operations governed by this Act. The
25 Board shall have all powers necessary and proper to fully and
26 effectively execute the provisions of this Act, including, but

1 not limited to, the following:

2 (1) To investigate applicants and determine the
3 eligibility of applicants for licenses and to select among
4 competing applicants the applicants which best serve the
5 interests of the citizens of Illinois.

6 (2) To have jurisdiction and supervision over all
7 riverboat gambling operations in this State and all persons
8 on riverboats where gambling operations are conducted.

9 (3) To promulgate rules and regulations for the purpose
10 of administering the provisions of this Act and to
11 prescribe rules, regulations and conditions under which
12 all riverboat gambling in the State shall be conducted.
13 Such rules and regulations are to provide for the
14 prevention of practices detrimental to the public interest
15 and for the best interests of riverboat gambling, including
16 rules and regulations regarding the inspection of such
17 riverboats and the review of any permits or licenses
18 necessary to operate a riverboat under any laws or
19 regulations applicable to riverboats, and to impose
20 penalties for violations thereof.

21 (4) To enter the office, riverboats, facilities, or
22 other places of business of a licensee, where evidence of
23 the compliance or noncompliance with the provisions of this
24 Act is likely to be found.

25 (5) To investigate alleged violations of this Act or
26 the rules of the Board and to take appropriate disciplinary

1 action against a licensee or a holder of an occupational
2 license for a violation, or institute appropriate legal
3 action for enforcement, or both.

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

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

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

21 (9) To conduct hearings, issue subpoenas for the
22 attendance of witnesses and subpoenas duces tecum for the
23 production of books, records and other pertinent documents
24 in accordance with the Illinois Administrative Procedure
25 Act, and to administer oaths and affirmations to the
26 witnesses, when, in the judgment of the Board, it is

1 necessary to administer or enforce this Act or the Board
2 rules.

3 (10) To prescribe a form to be used by any licensee
4 involved in the ownership or management of gambling
5 operations as an application for employment for their
6 employees.

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

19 (12) To eject or exclude or authorize the ejection or
20 exclusion of, any person from riverboat gambling
21 facilities where such person is in violation of this Act,
22 rules and regulations thereunder, or final orders of the
23 Board, or where such person's conduct or reputation is such
24 that his presence within the riverboat gambling facilities
25 may, in the opinion of the Board, call into question the
26 honesty and integrity of the gambling operations or

1 interfere with orderly conduct thereof; provided that the
2 propriety of such ejection or exclusion is subject to
3 subsequent hearing by the Board.

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

9 (14) (Blank).

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

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

24 (17) To establish minimum levels of insurance to be
25 maintained by licensees.

26 (18) To authorize a licensee to sell or serve alcoholic

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

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

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

24 (20.5) To approve any contract entered into on its
25 behalf.

26 (20.6) To appoint investigators to conduct

1 investigations, searches, seizures, arrests, and other
2 duties imposed under this Act, as deemed necessary by the
3 Board. These investigators have and may exercise all of the
4 rights and powers of peace officers, provided that these
5 powers shall be limited to offenses or violations occurring
6 or committed on a riverboat or dock, as defined in
7 subsections (d) and (f) of Section 4, or as otherwise
8 provided by this Act or any other law.

9 (20.7) To contract with the Department of State Police
10 for the use of trained and qualified State police officers
11 and with the Department of Revenue for the use of trained
12 and qualified Department of Revenue investigators to
13 conduct investigations, searches, seizures, arrests, and
14 other duties imposed under this Act and to exercise all of
15 the rights and powers of peace officers, provided that the
16 powers of Department of Revenue investigators under this
17 subdivision (20.7) shall be limited to offenses or
18 violations occurring or committed on a riverboat or dock,
19 as defined in subsections (d) and (f) of Section 4, or as
20 otherwise provided by this Act or any other law. In the
21 event the Department of State Police or the Department of
22 Revenue is unable to fill contracted police or
23 investigative positions, the Board may appoint
24 investigators to fill those positions pursuant to
25 subdivision (20.6).

26 (21) To take any other action as may be reasonable or

1 appropriate to enforce this Act and rules and regulations
2 hereunder.

3 (d) The Board may seek and shall receive the cooperation of
4 the Department of State Police in conducting background
5 investigations of applicants and in fulfilling its
6 responsibilities under this Section. Costs incurred by the
7 Department of State Police as a result of such cooperation
8 shall be paid by the Board in conformance with the requirements
9 of Section 2605-400 of the Department of State Police Law (20
10 ILCS 2605/2605-400).

11 (e) The Board must authorize to each investigator and to
12 any other employee of the Board exercising the powers of a
13 peace officer a distinct badge that, on its face, (i) clearly
14 states that the badge is authorized by the Board and (ii)
15 contains a unique identifying number. No other badge shall be
16 authorized by the Board.

17 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; revised
18 8-20-09.)

19 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

20 Sec. 5.1. Disclosure of records.

21 (a) Notwithstanding any applicable statutory provision to
22 the contrary, the Board shall, on written request from any
23 person, provide information furnished by an applicant or
24 licensee concerning the applicant or licensee, his products,
25 services or gambling enterprises and his business holdings, as

1 follows:

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

4 (2) An identification of any applicant or licensee
5 including, if an applicant or licensee is not an
6 individual, the state of incorporation or registration,
7 the corporate officers, and the identity of all
8 shareholders or participants. If an applicant or licensee
9 has a pending registration statement filed with the
10 Securities and Exchange Commission, only the names of those
11 persons or entities holding interest of 5% or more must be
12 provided.

13 (3) An identification of any business, including, if
14 applicable, the state of incorporation or registration, in
15 which an applicant or licensee or an applicant's or
16 licensee's spouse or children has an equity interest of
17 more than 1% ~~5%~~. If an applicant or licensee is a
18 corporation, partnership or other business entity, the
19 applicant or licensee shall identify any other
20 corporation, partnership or business entity in which it has
21 an equity interest of 1% ~~5%~~ or more, including, if
22 applicable, the state of incorporation or registration.
23 This information need not be provided by a corporation,
24 partnership or other business entity that has a pending
25 registration statement filed with the Securities and
26 Exchange Commission.

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

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

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

24 (7) Whether an applicant or licensee has filed, or been
25 served with a complaint or other notice filed with any
26 public body, regarding the delinquency in the payment of,

1 or a dispute over the filings concerning the payment of,
2 any tax required under federal, State or local law,
3 including the amount, type of tax, the taxing agency and
4 time periods involved.

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

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

19 (10) The name and business telephone number of the
20 counsel representing an applicant or licensee in matters
21 before the Board.

22 (11) A description of any proposed or approved
23 riverboat gaming operation, including the type of boat,
24 home dock location, expected economic benefit to the
25 community, anticipated or actual number of employees, any
26 statement from an applicant or licensee regarding

1 compliance with federal and State affirmative action
2 guidelines, projected or actual admissions and projected
3 or actual adjusted gross gaming receipts.

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

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

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

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

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

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

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

21 (2) The statutes, rules, regulations or
22 intergovernmental agreements of any jurisdiction.

23 (d) The Board may assess fees for the copying of
24 information in accordance with Section 6 of the Freedom of
25 Information Act.

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

1 (230 ILCS 10/5.2 new)

2 Sec. 5.2. Separation from Department of Revenue. As of July
3 1, 2009, all of the powers, duties, assets, liabilities,
4 employees, contracts, property, records, pending business, and
5 unexpended appropriations of the Department of Revenue related
6 to the administration and enforcement of this Act are
7 transferred to the Illinois Gaming Board.

8 The status and rights of the transferred employees, and the
9 rights of the State of Illinois and its agencies, under the
10 Personnel Code and applicable collective bargaining agreements
11 or under any pension, retirement, or annuity plan are not
12 affected (except as provided in Sections 14-110 and 18-127 of
13 the Illinois Pension Code) by that transfer or by any other
14 provision of this amendatory Act of the 96th General Assembly.

15 This Section is declarative of existing law.

16 (230 ILCS 10/6) (from Ch. 120, par. 2406)

17 Sec. 6. Application for Owners License.

18 (a) A qualified person may apply to the Board for an owners
19 license to conduct a riverboat gambling operation as provided
20 in this Act. The application shall be made on forms provided by
21 the Board and shall contain such information as the Board
22 prescribes, including but not limited to the identity of the
23 riverboat on which such gambling operation is to be conducted
24 and the exact location where such riverboat will be docked, a

1 certification that the riverboat will be registered under this
2 Act at all times during which gambling operations are conducted
3 on board, detailed information regarding the ownership and
4 management of the applicant, and detailed personal information
5 regarding the applicant. Any application for an owners license
6 to be re-issued on or after June 1, 2003 shall also include the
7 applicant's license bid in a form prescribed by the Board.
8 Information provided on the application shall be used as a
9 basis for a thorough background investigation which the Board
10 shall conduct with respect to each applicant. An incomplete
11 application shall be cause for denial of a license by the
12 Board.

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

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

26 (d) An application shall be filed and considered in

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

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

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

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

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

12 (230 ILCS 10/7) (from Ch. 120, par. 2407)

13 Sec. 7. Owners Licenses.

14 (a) The Board shall issue owners licenses to persons, firms
15 or corporations which apply for such licenses upon payment to
16 the Board of the non-refundable license fee set by the Board,
17 upon payment of a \$25,000 license fee for the first year of
18 operation and a \$5,000 license fee for each succeeding year and
19 upon a determination by the Board that the applicant is
20 eligible for an owners license pursuant to this Act and the
21 rules of the Board. From the effective date of this amendatory
22 Act of the 95th General Assembly until (i) 3 years after the
23 effective date of this amendatory Act of the 95th General
24 Assembly, (ii) the date any organization licensee begins to
25 operate a slot machine or video game of chance under the

1 Illinois Horse Racing Act of 1975 or this Act, (iii) the date
2 that payments begin under subsection (c-5) of Section 13 of the
3 Act, or (iv) the wagering tax imposed under Section 13 of this
4 Act is increased by law to reflect a tax rate that is at least
5 as stringent or more stringent than the tax rate contained in
6 subsection (a-3) of Section 13, whichever occurs first, as a
7 condition of licensure and as an alternative source of payment
8 for those funds payable under subsection (c-5) of Section 13 of
9 the Riverboat Gambling Act, any owners licensee that holds or
10 receives its owners license on or after the effective date of
11 this 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 The payments required under this Section shall be made by the
18 owners licensee to the State Treasurer no later than 3:00
19 o'clock p.m. of the day after the day when the adjusted gross
20 receipts were received by the owners licensee. A person, firm
21 or corporation is ineligible to receive an owners license if:

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

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

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

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

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

7 (6) the firm or corporation employs a person defined in
8 (1), (2), (3) or (4) who participates in the management or
9 operation of gambling operations authorized under this
10 Act;

11 (7) (blank); or

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

15 The Board is expressly prohibited from making changes to
16 the requirement that licensees make payment into the Horse
17 Racing Equity Trust Fund without the express authority of the
18 Illinois General Assembly and making any other rule to
19 implement or interpret this amendatory Act of the 95th General
20 Assembly. For the purposes of this paragraph, "rules" is given
21 the meaning given to that term in Section 1-70 of the Illinois
22 Administrative Procedure Act.

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

25 (1) the character, reputation, experience and
26 financial integrity of the applicants and of any other or

1 separate person that either:

2 (A) controls, directly or indirectly, such
3 applicant, or

4 (B) is controlled, directly or indirectly, by such
5 applicant or by a person which controls, directly or
6 indirectly, such applicant;

7 (2) the facilities or proposed facilities for the
8 conduct of riverboat gambling;

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

11 (4) the extent to which the ownership of the applicant
12 reflects the diversity of the State by including minority
13 persons, ~~and~~ females, and persons with a disability and the
14 good faith affirmative action plan of each applicant to
15 recruit, train and upgrade minority persons, ~~and~~ females,
16 and persons with a disability in all employment
17 classifications;

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

20 (6) whether the applicant has adequate capitalization
21 to provide and maintain, for the duration of a license, a
22 riverboat;

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

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

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

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

5 (e) The Board may issue up to 10 licenses authorizing the
6 holders of such licenses to own riverboats. In the application
7 for an owners license, the applicant shall state the dock at
8 which the riverboat is based and the water on which the
9 riverboat will be located. The Board shall issue 5 licenses to
10 become effective not earlier than January 1, 1991. Three of
11 such licenses shall authorize riverboat gambling on the
12 Mississippi River, or, with approval by the municipality in
13 which the riverboat was docked on August 7, 2003 and with Board
14 approval, be authorized to relocate to a new location, in a
15 municipality that (1) borders on the Mississippi River or is
16 within 5 miles of the city limits of a municipality that
17 borders on the Mississippi River and (2), on August 7, 2003,
18 had a riverboat conducting riverboat gambling operations
19 pursuant to a license issued under this Act; one of which shall
20 authorize riverboat gambling from a home dock in the city of
21 East St. Louis. One other license shall authorize riverboat
22 gambling on the Illinois River south of Marshall County. The
23 Board shall issue one additional license to become effective
24 not earlier than March 1, 1992, which shall authorize riverboat
25 gambling on the Des Plaines River in Will County. The Board may
26 issue 4 additional licenses to become effective not earlier

1 than March 1, 1992. In determining the water upon which
2 riverboats will operate, the Board shall consider the economic
3 benefit which riverboat gambling confers on the State, and
4 shall seek to assure that all regions of the State share in the
5 economic benefits of riverboat gambling.

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

19 In addition to any other revocation powers granted to the
20 Board under this Act, the Board may revoke the owners license
21 of a licensee which fails to begin conducting gambling within
22 15 months of receipt of the Board's approval of the application
23 if the Board determines that license revocation is in the best
24 interests of the State.

25 (f) The first 10 owners licenses issued under this Act
26 shall permit the holder to own up to 2 riverboats and equipment

1 thereon for a period of 3 years after the effective date of the
2 license. Holders of the first 10 owners licenses must pay the
3 annual license fee for each of the 3 years during which they
4 are authorized to own riverboats.

5 (g) Upon the termination, expiration, or revocation of each
6 of the first 10 licenses, which shall be issued for a 3 year
7 period, all licenses are renewable annually upon payment of the
8 fee and a determination by the Board that the licensee
9 continues to meet all of the requirements of this Act and the
10 Board's rules. However, for licenses renewed on or after May 1,
11 1998, renewal shall be for a period of 4 years, unless the
12 Board sets a shorter period.

13 (h) An owners license shall entitle the licensee to own up
14 to 2 riverboats. A licensee shall limit the number of gambling
15 participants to 1,200 for any such owners license. A licensee
16 may operate both of its riverboats concurrently, provided that
17 the total number of gambling participants on both riverboats
18 does not exceed 1,200. Riverboats licensed to operate on the
19 Mississippi River and the Illinois River south of Marshall
20 County shall have an authorized capacity of at least 500
21 persons. Any other riverboat licensed under this Act shall have
22 an authorized capacity of at least 400 persons.

23 (i) A licensed owner is authorized to apply to the Board
24 for and, if approved therefor, to receive all licenses from the
25 Board necessary for the operation of a riverboat, including a
26 liquor license, a license to prepare and serve food for human

1 consumption, and other necessary licenses. All use, occupation
2 and excise taxes which apply to the sale of food and beverages
3 in this State and all taxes imposed on the sale or use of
4 tangible personal property apply to such sales aboard the
5 riverboat.

6 (j) The Board may issue or re-issue a license authorizing a
7 riverboat to dock in a municipality or approve a relocation
8 under Section 11.2 only if, prior to the issuance or
9 re-issuance of the license or approval, the governing body of
10 the municipality in which the riverboat will dock has by a
11 majority vote approved the docking of riverboats in the
12 municipality. The Board may issue or re-issue a license
13 authorizing a riverboat to dock in areas of a county outside
14 any municipality or approve a relocation under Section 11.2
15 only if, prior to the issuance or re-issuance of the license or
16 approval, the governing body of the county has by a majority
17 vote approved of the docking of riverboats within such areas.

18 (Source: P.A. 94-667, eff. 8-23-05; 94-804, eff. 5-26-06;
19 95-1008, eff. 12-15-08.)

20 (230 ILCS 10/9) (from Ch. 120, par. 2409)

21 Sec. 9. Occupational licenses.

22 (a) The Board may issue an occupational license to an
23 applicant upon the payment of a non-refundable fee set by the
24 Board, upon a determination by the Board that the applicant is
25 eligible for an occupational license and upon payment of an

1 annual license fee in an amount to be established. To be
2 eligible for an occupational license, an applicant must:

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

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

11 (2.5) not have been convicted of a crime, other than a
12 crime described in item (2) of this subsection (a),
13 involving dishonesty or moral turpitude, except that the
14 Board may, in its discretion, issue an occupational license
15 to a person who has been convicted of a crime described in
16 this item (2.5) more than 10 years prior to his or her
17 application and has not subsequently been convicted of any
18 other crime;

19 (3) have demonstrated a level of skill or knowledge
20 which the Board determines to be necessary in order to
21 operate gambling aboard a riverboat; and

22 (4) have met standards for the holding of an
23 occupational license as adopted by rules of the Board. Such
24 rules shall provide that any person or entity seeking an
25 occupational license to manage gambling operations
26 hereunder shall be subject to background inquiries and

1 further requirements similar to those required of
2 applicants for an owners license. Furthermore, such rules
3 shall provide that each such entity shall be permitted to
4 manage gambling operations for only one licensed owner.

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

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

21 (d) The Board may in its discretion refuse an occupational
22 license to any person: (1) who is unqualified to perform the
23 duties required of such applicant; (2) who fails to disclose or
24 states falsely any information called for in the application;
25 (3) who has been found guilty of a violation of this Act or
26 whose prior gambling related license or application therefor

1 has been suspended, restricted, revoked or denied for just
2 cause in any other state; or (4) for any other just cause.

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

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

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

15 (h) Nothing in this Act shall be interpreted to prohibit a
16 licensed owner from entering into an agreement with a public
17 community college or a school approved under the Private
18 Business and Vocational Schools Act for the training of any
19 occupational licensee. Any training offered by such a school
20 shall be in accordance with a written agreement between the
21 licensed owner and the school.

22 (i) Any training provided for occupational licensees may be
23 conducted either on the riverboat or at a school with which a
24 licensed owner has entered into an agreement pursuant to
25 subsection (h).

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

1 (230 ILCS 10/11) (from Ch. 120, par. 2411)

2 Sec. 11. Conduct of gambling. Gambling may be conducted by
3 licensed owners or licensed managers on behalf of the State
4 aboard riverboats, subject to the following standards:

5 (1) A licensee may conduct riverboat gambling
6 authorized under this Act regardless of whether it conducts
7 excursion cruises. A licensee may permit the continuous
8 ingress and egress of passengers on a riverboat not used
9 for excursion cruises for the purpose of gambling.
10 Excursion cruises shall not exceed 4 hours for a round
11 trip. However, the Board may grant express approval for an
12 extended cruise on a case-by-case basis.

13 (2) (Blank).

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

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

22 (5) Employees of the Board shall have the right to be
23 present on the riverboat or on adjacent facilities under
24 the control of the licensee.

25 (6) Gambling equipment and supplies customarily used

1 in conducting riverboat gambling must be purchased or
2 leased only from suppliers licensed for such purpose under
3 this Act. The Board may approve the transfer, sale, or
4 lease of gambling equipment and supplies by a licensed
5 owner from or to an affiliate of the licensed owner as long
6 as the gambling equipment and supplies were initially
7 acquired from a supplier licensed in Illinois.

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

11 (8) Wagers may be received only from a person present
12 on a licensed riverboat. No person present on a licensed
13 riverboat shall place or attempt to place a wager on behalf
14 of another person who is not present on the riverboat.

15 (9) Wagering shall not be conducted with money or other
16 negotiable currency.

17 (10) A person under age 21 shall not be permitted on an
18 area of a riverboat where gambling is being conducted,
19 except for a person at least 18 years of age who is an
20 employee of the riverboat gambling operation. No employee
21 under age 21 shall perform any function involved in
22 gambling by the patrons. No person under age 21 shall be
23 permitted to make a wager under this Act, and any winnings
24 that are a result of a wager by a person under age 21,
25 whether or not paid by a licensee, shall be treated as
26 winnings for the privilege tax purposes, confiscated, and

1 forfeited to the State and deposited into the Education
2 Assistance Fund.

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

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

20 (13) Notwithstanding any other Section of this Act, in
21 addition to the other licenses authorized under this Act,
22 the Board may issue special event licenses allowing persons
23 who are not otherwise licensed to conduct riverboat
24 gambling to conduct such gambling on a specified date or
25 series of dates. Riverboat gambling under such a license
26 may take place on a riverboat not normally used for

1 riverboat gambling. The Board shall establish standards,
2 fees and fines for, and limitations upon, such licenses,
3 which may differ from the standards, fees, fines and
4 limitations otherwise applicable under this Act. All such
5 fees shall be deposited into the State Gaming Fund. All
6 such fines shall be deposited into the Education Assistance
7 Fund, created by Public Act 86-0018, of the State of
8 Illinois.

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

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

13 (230 ILCS 10/12) (from Ch. 120, par. 2412)

14 Sec. 12. Admission tax; fees.

15 (a) A tax is hereby imposed upon admissions to riverboats
16 operated by licensed owners authorized pursuant to this Act.
17 Until July 1, 2002, the rate is \$2 per person admitted. From
18 July 1, 2002 until July 1, 2003, the rate is \$3 per person
19 admitted. From July 1, 2003 until August 23, 2005 (the
20 effective date of Public Act 94-673) ~~this amendatory Act of the~~
21 ~~94th General Assembly~~, for a licensee that admitted 1,000,000
22 persons or fewer in the previous calendar year, the rate is \$3
23 per person admitted; for a licensee that admitted more than
24 1,000,000 but no more than 2,300,000 persons in the previous
25 calendar year, the rate is \$4 per person admitted; and for a

1 licensee that admitted more than 2,300,000 persons in the
2 previous calendar year, the rate is \$5 per person admitted.
3 Beginning on August 23, 2005(the effective date of Public Act
4 94-673) ~~this amendatory Act of the 94th General Assembly,~~ for a
5 licensee that admitted 1,000,000 persons or fewer in calendar
6 year 2004, the rate is \$2 per person admitted, and for all
7 other licensees, including licensees that were not conducting
8 gambling operations in 2004, the rate is \$3 per person
9 admitted. This admission tax is imposed upon the licensed owner
10 conducting gambling.

11 (1) The admission tax shall be paid for each admission,
12 except that a person who exits a riverboat gambling
13 facility and reenters that riverboat gambling facility
14 within the same gaming day shall be subject only to the
15 initial admission tax.

16 (2) (Blank).

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

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

25 (a-5) A fee is hereby imposed upon admissions operated by
26 licensed managers on behalf of the State pursuant to Section

1 7.3 at the rates provided in this subsection (a-5). For a
2 licensee that admitted 1,000,000 persons or fewer in the
3 previous calendar year, the rate is \$3 per person admitted; for
4 a licensee that admitted more than 1,000,000 but no more than
5 2,300,000 persons in the previous calendar year, the rate is \$4
6 per person admitted; and for a licensee that admitted more than
7 2,300,000 persons in the previous calendar year, the rate is \$5
8 per person admitted.

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

10 (2) (Blank).

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

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

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

1 of local government for deposit in the general fund.

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

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

16 (Source: P.A. 94-673, eff. 8-23-05; 95-663, eff. 10-11-07.)

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

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

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

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

1 authorized under this Act at the following rates:

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

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

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

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

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

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

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

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

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

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

1 37.5% of annual adjusted gross receipts in excess of
2 \$100,000,000 but not exceeding \$150,000,000;

3 45% of annual adjusted gross receipts in excess of
4 \$150,000,000 but not exceeding \$200,000,000;

5 50% of annual adjusted gross receipts in excess of
6 \$200,000,000.

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

14 15% of annual adjusted gross receipts up to and
15 including \$25,000,000;

16 27.5% of annual adjusted gross receipts in excess of
17 \$25,000,000 but not exceeding \$37,500,000;

18 32.5% of annual adjusted gross receipts in excess of
19 \$37,500,000 but not exceeding \$50,000,000;

20 37.5% of annual adjusted gross receipts in excess of
21 \$50,000,000 but not exceeding \$75,000,000;

22 45% of annual adjusted gross receipts in excess of
23 \$75,000,000 but not exceeding \$100,000,000;

24 50% of annual adjusted gross receipts in excess of
25 \$100,000,000 but not exceeding \$250,000,000;

26 70% of annual adjusted gross receipts in excess of

1 \$250,000,000.

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

7 The privilege tax imposed under this subsection (a-3) shall
8 no longer be imposed beginning on the earlier of (i) July 1,
9 2005; (ii) the first date after June 20, 2003 that riverboat
10 gambling operations are conducted pursuant to a dormant
11 license; or (iii) the first day that riverboat gambling
12 operations are conducted under the authority of an owners
13 license that is in addition to the 10 owners licenses initially
14 authorized under this Act. For the purposes of this subsection
15 (a-3), the term "dormant license" means an owners license that
16 is authorized by this Act under which no riverboat gambling
17 operations are being conducted on June 20, 2003.

18 (a-4) Beginning on the first day on which the tax imposed
19 under subsection (a-3) is no longer imposed, a privilege tax is
20 imposed on persons engaged in the business of conducting
21 riverboat gambling operations, other than licensed managers
22 conducting riverboat gambling operations on behalf of the
23 State, based on the adjusted gross receipts received by a
24 licensed owner from gambling games authorized under this Act at
25 the following rates:

26 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

2 22.5% of annual adjusted gross receipts in excess of
3 \$25,000,000 but not exceeding \$50,000,000;

4 27.5% of annual adjusted gross receipts in excess of
5 \$50,000,000 but not exceeding \$75,000,000;

6 32.5% of annual adjusted gross receipts in excess of
7 \$75,000,000 but not exceeding \$100,000,000;

8 37.5% of annual adjusted gross receipts in excess of
9 \$100,000,000 but not exceeding \$150,000,000;

10 45% of annual adjusted gross receipts in excess of
11 \$150,000,000 but not exceeding \$200,000,000;

12 50% of annual adjusted gross receipts in excess of
13 \$200,000,000.

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

17 (a-10) The taxes imposed by this Section shall be paid by
18 the licensed owner to the Board not later than 5:00 ~~3:00~~
19 o'clock p.m. of the day after the day when the wagers were
20 made.

21 (a-15) If the privilege tax imposed under subsection (a-3)
22 is no longer imposed pursuant to item (i) of the last paragraph
23 of subsection (a-3), then by June 15 of each year, each owners
24 licensee, other than an owners licensee that admitted 1,000,000
25 persons or fewer in calendar year 2004, must, in addition to
26 the payment of all amounts otherwise due under this Section,

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

1 licensee that does not result from any act or omission by the
2 owners licensee or any of its agents and that poses a hazardous
3 threat to the health and safety of patrons. If an owners
4 licensee pays an amount in excess of its liability under this
5 Section, the Board shall apply the overpayment to future
6 payments required under this Section.

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

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

12 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

23 "Net privilege tax" means all privilege taxes paid by a
24 licensed owner to the Board under this Section, less all
25 payments made from the State Gaming Fund pursuant to subsection
26 (b) of this Section.

1 The changes made to this subsection (a-15) by Public Act
2 94-839 are intended to restate and clarify the intent of Public
3 Act 94-673 with respect to the amount of the payments required
4 to be made under this subsection by an owners licensee to the
5 Board.

6 (b) Until January 1, 1998, 25% of the tax revenue deposited
7 in the State Gaming Fund under this Section shall be paid,
8 subject to appropriation by the General Assembly, to the unit
9 of local government which is designated as the home dock of the
10 riverboat. Beginning January 1, 1998, from the tax revenue
11 deposited in the State Gaming Fund under this Section, an
12 amount equal to 5% of adjusted gross receipts generated by a
13 riverboat 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. From the tax
16 revenue deposited in the State Gaming Fund pursuant to
17 riverboat gambling operations conducted by a licensed manager
18 on behalf of the State, an amount equal to 5% of adjusted gross
19 receipts generated pursuant to those riverboat gambling
20 operations shall be paid monthly, subject to appropriation by
21 the General Assembly, to the unit of local government that is
22 designated as the home dock of the riverboat upon which those
23 riverboat gambling operations are conducted.

24 (c) Appropriations, as approved by the General Assembly,
25 may be made from the State Gaming Fund to the Board (i)
26 ~~Department of Revenue and the Department of State Police~~ for

1 the administration and enforcement of this Act and the Video
2 Gaming Act, (ii) for distribution to the Department of State
3 Police and to the Department of Revenue for the enforcement of
4 this Act, and (iii) ~~or~~ to the Department of Human Services for
5 the administration of programs to treat problem gambling.

6 (c-5) Before May 26, 2006 (the effective date of Public Act
7 94-804) and beginning on the effective date of this amendatory
8 Act of the 95th General Assembly, unless any organization
9 licensee under the Illinois Horse Racing Act of 1975 begins to
10 operate a slot machine or video game of chance under the
11 Illinois Horse Racing Act of 1975 or this Act, after the
12 payments required under subsections (b) and (c) have been made,
13 an amount equal to 15% of the adjusted gross receipts of (1) an
14 owners licensee that relocates pursuant to Section 11.2, (2) an
15 owners licensee conducting riverboat gambling operations
16 pursuant to an owners license that is initially issued after
17 June 25, 1999, or (3) the first riverboat gambling operations
18 conducted by a licensed manager on behalf of the State under
19 Section 7.3, whichever comes first, shall be paid from the
20 State Gaming Fund into the Horse Racing Equity Fund.

21 (c-10) Each year the General Assembly shall appropriate
22 from the General Revenue Fund to the Education Assistance Fund
23 an amount equal to the amount paid into the Horse Racing Equity
24 Fund pursuant to subsection (c-5) in the prior calendar year.

25 (c-15) After the payments required under subsections (b),
26 (c), and (c-5) have been made, an amount equal to 2% of the

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

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

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

26 (d) From time to time, the Board shall transfer the

1 remainder of the funds generated by this Act into the Education
2 Assistance Fund, created by Public Act 86-0018, of the State of
3 Illinois.

4 (e) Nothing in this Act shall prohibit the unit of local
5 government designated as the home dock of the riverboat from
6 entering into agreements with other units of local government
7 in this State or in other states to share its portion of the
8 tax revenue.

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

15 (Source: P.A. 95-331, eff. 8-21-07; 95-1008, eff. 12-15-08;
16 96-37, eff. 7-13-09.)

17 (230 ILCS 10/15) (from Ch. 120, par. 2415)

18 Sec. 15. Audit of Licensee Operations. Annually ~~Within 90~~
19 ~~days after the end of each quarter of each fiscal year,~~ the
20 licensed owner or manager shall transmit to the Board an audit
21 of the financial transactions and condition of the licensee's
22 total operations. Additionally, within 90 days after the end of
23 each quarter of each fiscal year, the licensed owner or manager
24 shall transmit to the Board a compliance report on engagement
25 procedures determined by the Board. All audits and compliance

1 engagements shall be conducted by certified public accountants
2 selected by the Board. Each certified public accountant must be
3 registered in the State of Illinois under the Illinois Public
4 Accounting Act. The compensation for each certified public
5 accountant shall be paid directly by the licensed owner or
6 manager to the certified public accountant.

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

8 (230 ILCS 10/18) (from Ch. 120, par. 2418)

9 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

18 (1) permitting a person under 21 years to make a wager;

19 or

20 (2) violating paragraph (12) of subsection (a) of
21 Section 11 of this Act.

22 (c) A person wagering or accepting a wager at any location
23 outside the riverboat is subject to the penalties in paragraphs
24 (1) or (2) of subsection (a) of Section 28-1 of the Criminal
25 Code of 1961.

1 (d) A person commits a Class 4 felony and, in addition,
2 shall be barred for life from riverboats under the jurisdiction
3 of the Board, if the person does any of the following:

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

14 (2) Solicits or knowingly accepts or receives a promise
15 of anything of value or benefit while the person is
16 connected with a riverboat including, but not limited to,
17 an officer or employee of a licensed owner, or holder of an
18 occupational license, pursuant to an understanding or
19 arrangement or with the intent that the promise or thing of
20 value or benefit will influence the actions of the person
21 to affect or attempt to affect the outcome of a gambling
22 game, or to influence official action of a member of the
23 Board.

24 (3) Uses or possesses with the intent to use a device
25 to assist:

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

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

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

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

7 (4) Cheats at a gambling game.

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

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

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

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

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

1 (10) Possesses any key or device designed for the
2 purpose of opening, entering, or affecting the operation of
3 a gambling game, drop box, or an electronic or mechanical
4 device connected with the gambling game or for removing
5 coins, tokens, chips or other contents of a gambling game.
6 This paragraph (10) does not apply to a gambling licensee
7 or employee of a gambling licensee acting in furtherance of
8 the employee's employment.

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

13 (f) A person under the age of 21 who, except as authorized
14 under paragraph (10) of Section 11, enters upon a riverboat
15 commits a petty offense and is subject to a fine of not less
16 than \$100 or more than \$250 for a first offense and of not less
17 than \$200 or more than \$500 for a second or subsequent offense.

18 An action to prosecute any crime occurring on a riverboat
19 shall be tried in the county of the dock at which the riverboat
20 is based.

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