

1 AN ACT concerning gaming.

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

4 ARTICLE 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Chicago Casino Development Authority Act.

7 Section 1-5. Definitions. As used in this Act:

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

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

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

16 "City" means the City of Chicago.

17 "Casino operator licensee" means any person or entity
18 selected by the Authority and approved and licensed by the
19 Gaming Board to manage and operate a casino within the City of
20 Chicago pursuant to a casino management contract.

21 "Casino management contract" means a legally binding
22 agreement between the Authority and a casino operator licensee

1 to operate or manage a casino.

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

4 "Gaming Board" means the Illinois Gaming Board created by
5 the Illinois Gambling Act.

6 "Mayor" means the Mayor of the City.

7 Section 1-12. Creation of the Authority. There is hereby
8 created a political subdivision, unit of local government with
9 only the powers authorized by law, body politic, and municipal
10 corporation, by the name and style of the Chicago Casino
11 Development Authority.

12 Section 1-13. Duties of the Authority. It shall be the duty
13 of the Authority, as a casino licensee under the Illinois
14 Gambling Act, to promote and maintain a casino in the City. The
15 Authority shall construct, equip, and maintain grounds,
16 buildings, and facilities for that purpose. The Authority shall
17 contract with a casino operator licensee to manage and operate
18 the casino and in no event shall the Authority or City manage
19 or operate the casino. The Authority may contract with other
20 third parties in order to fulfill its purpose. The Authority is
21 responsible for the payment of any fees required of a casino
22 operator under subsection (a) of Section 7.8 of the Illinois
23 Gambling Act if the casino operator licensee is late in paying
24 any such fees. The Authority is granted all rights and powers

1 necessary to perform such duties.

2 Section 1-15. Board.

3 (a) The governing and administrative powers of the
4 Authority shall be vested in a body known as the Chicago Casino
5 Development Board. The Board shall consist of 3 members
6 appointed by the Mayor. All appointees shall be subject to
7 background investigation and approval by the Gaming Board. One
8 of these members shall be designated by the Mayor to serve as
9 chairperson. All of the members appointed by the Mayor shall be
10 residents of the City.

11 (b) Board members shall receive \$300 for each day the
12 Authority meets and shall be entitled to reimbursement of
13 reasonable expenses incurred in the performance of their
14 official duties. A Board member who serves in the office of
15 secretary-treasurer may also receive compensation for services
16 provided as that officer.

17 Section 1-20. Terms of appointments; resignation and
18 removal.

19 (a) The Mayor shall appoint one member of the Board for an
20 initial term expiring July 1 of the year following approval by
21 the Gaming Board, one member for an initial term expiring July
22 1 three years following approval by the Gaming Board, and one
23 member for an initial term expiring July 1 five years following
24 approval by the Gaming Board.

1 (b) All successors shall hold office for a term of 5 years
2 from the first day of July of the year in which they are
3 appointed, except in the case of an appointment to fill a
4 vacancy. Each member, including the chairperson, shall hold
5 office until the expiration of his or her term and until his or
6 her successor is appointed and qualified. Nothing shall
7 preclude a member from serving consecutive terms. Any member
8 may resign from office, to take effect when a successor has
9 been appointed and qualified. A vacancy in office shall occur
10 in the case of a member's death or indictment, conviction, or
11 plea of guilty to a felony. A vacancy shall be filled for the
12 unexpired term by the Mayor with the approval of the Gaming
13 Board.

14 (c) The Mayor or the Gaming Board may remove any member of
15 the Board upon a finding of incompetence, neglect of duty, or
16 misfeasance or malfeasance in office or for a violation of this
17 Act. The Gaming Board may remove any member of the Board for
18 any violation of the Illinois Gambling Act or the rules and
19 regulations of the Gaming Board.

20 Section 1-25. Organization of Board; meetings. After
21 appointment by the Mayor and approval of the Gaming Board, the
22 Board shall organize for the transaction of business. The Board
23 shall prescribe the time and place for meetings, the manner in
24 which special meetings may be called, and the notice that must
25 be given to members. All actions and meetings of the Board

1 shall be subject to the provisions of the Open Meetings Act.
2 Two members of the Board shall constitute a quorum. All
3 substantive action of the Board shall be by resolution with an
4 affirmative vote of a majority of the members.

5 Section 1-30. Executive director; officers.

6 (a) The Board shall appoint an executive director, subject
7 to completion of a background investigation and approval by the
8 Gaming Board, who shall be the chief executive officer of the
9 Authority. The Board shall fix the compensation of the
10 executive director. Subject to the general control of the
11 Board, the executive director shall be responsible for the
12 management of the business, properties, and employees of the
13 Authority. The executive director shall direct the enforcement
14 of all resolutions, rules, and regulations of the Board, and
15 shall perform such other duties as may be prescribed from time
16 to time by the Board. All employees and independent
17 contractors, consultants, engineers, architects, accountants,
18 attorneys, financial experts, construction experts and
19 personnel, superintendents, managers, and other personnel
20 appointed or employed pursuant to this Act shall report to the
21 executive director. In addition to any other duties set forth
22 in this Act, the executive director shall do all of the
23 following:

24 (1) Direct and supervise the administrative affairs
25 and activities of the Authority in accordance with its

1 rules, regulations, and policies.

2 (2) Attend meetings of the Board.

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

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

7 (5) Report and make recommendations to the Board
8 concerning the terms and conditions of any casino
9 management contract.

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

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

14 (b) The Board may select a secretary-treasurer to hold
15 office at the pleasure of the Board. The Board shall fix the
16 duties of such officer.

17 Section 1-31. General rights and powers of the Authority.
18 In addition to the duties and powers set forth in this Act, the
19 Authority shall have the following rights and powers:

20 (1) Adopt and alter an official seal.

21 (2) Establish and change its fiscal year.

22 (3) Sue and be sued, plead and be impleaded, all in its
23 own name, and agree to binding arbitration of any dispute
24 to which it is a party.

25 (4) Adopt, amend, and repeal bylaws, rules, and

1 regulations consistent with the furtherance of the powers
2 and duties provided for.

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

5 (6) Select locations in the City for a temporary and a
6 permanent casino, subject to final approval by the Gaming
7 Board.

8 (7) Conduct background investigations of potential
9 casino operator licensees, including its principals or
10 shareholders, and Authority staff.

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

18 (9) Own, acquire, construct, equip, lease, operate,
19 and maintain grounds, buildings, and facilities to carry
20 out its corporate purposes and duties.

21 (10) Enter into, revoke, and modify contracts in
22 accordance with the rules of the Gaming Board.

23 (11) Enter into a casino management contract subject to
24 the final approval of the Gaming Board.

25 (12) Develop, or cause to be developed by a third
26 party, a master plan for the design, planning, and

1 development of a casino.

2 (13) Negotiate and enter into intergovernmental
3 agreements with the State and its agencies, the City, and
4 other units of local government, in furtherance of the
5 powers and duties of the Board. However, the Authority may
6 not enter into an agreement with the State Police.

7 (14) Receive and disburse funds for its own corporate
8 purposes or as otherwise specified in this Act.

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

20 (16) Issue bonds as provided for under this Act.

21 (17) Receive and accept from any source, private or
22 public, contributions, gifts, or grants of money or
23 property to the Authority.

24 (18) Provide for the insurance of any property,
25 operations, officers, members, agents, or employees of the
26 Authority against any risk or hazard, to self-insure or

1 participate in joint self-insurance pools or entities to
2 insure against such risk or hazard, and to provide for the
3 indemnification of its officers, members, employees,
4 contractors, or agents against any and all risks.

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

9 (20) Do all things necessary or convenient to carry out
10 the powers granted by this Act.

11 Section 1-32. Ethical Conduct.

12 (a) Board members and employees of the Authority must carry
13 out their duties and responsibilities in such a manner as to
14 promote and preserve public trust and confidence in the
15 integrity and conduct of gaming.

16 (b) Except as may be required in the conduct of official
17 duties, Board members and employees of the Authority shall not
18 engage in gambling on any riverboat, in any casino, or in an
19 electronic gaming facility licensed by the Illinois Gaming
20 Board or engage in legalized gambling in any establishment
21 identified by Board action that, in the judgment of the Board,
22 could represent a potential for a conflict of interest.

23 (c) A Board member or employee of the Authority shall not
24 use or attempt to use his or her official position to secure or
25 attempt to secure any privilege, advantage, favor, or influence

1 for himself or herself or others.

2 (d) Board members and employees of the Authority shall not
3 hold or pursue employment, office, position, business, or
4 occupation that may conflict with his or her official duties.
5 Employees may engage in other gainful employment so long as
6 that employment does not interfere or conflict with their
7 duties. Such employment must be disclosed to the executive
8 director and approved by the Board.

9 (e) Board members and employees of the Authority may not
10 engage in employment, communications, or any activity that may
11 be deemed a conflict of interest. This prohibition shall extend
12 to any act identified by Board action or Gaming Board action
13 that, in the judgment of either entity, could represent the
14 potential for or the appearance of a conflict of interest.

15 (f) Board members and employees of the Authority may not
16 have a financial interest, directly or indirectly, in his or
17 her own name or in the name of any other person, partnership,
18 association, trust, corporation, or other entity in any
19 contract or subcontract for the performance of any work for the
20 Authority. This prohibition shall extend to the holding or
21 acquisition of an interest in any entity identified by Board
22 action or Gaming Board action that, in the judgment of either
23 entity, could represent the potential for or the appearance of
24 a financial interest. The holding or acquisition of an interest
25 in such entities through an indirect means, such as through a
26 mutual fund, shall not be prohibited, except that the Gaming

1 Board may identify specific investments or funds that, in its
2 judgment, are so influenced by gaming holdings as to represent
3 the potential for or the appearance of a conflict of interest.

4 (g) Board members and employees of the Authority may not
5 accept any gift, gratuity, service, compensation, travel,
6 lodging, or thing of value, with the exception of unsolicited
7 items of an incidental nature, from any person, corporation, or
8 entity doing business with the Authority.

9 (h) No Board member or employee of the Authority may,
10 during employment or within a period of 2 years immediately
11 after termination of employment, knowingly accept employment
12 or receive compensation or fees for services from a person or
13 entity, or its parent or affiliate, that has engaged in
14 business with the Authority that resulted in contracts with an
15 aggregate value of at least \$25,000 or if that Board member or
16 employee has made a decision that directly applied to the
17 person or entity, or its parent or affiliate.

18 (i) A spouse, child, or parent of a Board member or
19 employee of the Authority may not have a financial interest,
20 directly or indirectly, in his or her own name or in the name
21 of any other person, partnership, association, trust,
22 corporation, or other entity in any contract or subcontract for
23 the performance of any work for the Authority. This prohibition
24 shall extend to the holding or acquisition of an interest in
25 any entity identified by Board action or Gaming Board action
26 that, in the judgment of either entity, could represent the

1 potential for or the appearance of a conflict of interest. The
2 holding or acquisition of an interest in such entities through
3 an indirect means, such as through a mutual fund, shall not be
4 prohibited, except that the Gaming Board may identify specific
5 investments or funds that, in its judgment, are so influenced
6 by gaming holdings as to represent the potential for or the
7 appearance of a conflict of interest.

8 (j) A spouse, child, or parent of a Board member or
9 employee of the Authority may not accept any gift, gratuity,
10 service, compensation, travel, lodging, or thing of value, with
11 the exception of unsolicited items of an incidental nature,
12 from any person, corporation, or entity doing business with the
13 Authority.

14 (k) A spouse, child, or parent of a Board member or
15 employee of the Authority may not, while the person is a Board
16 member or employee of the spouse or within a period of 2 years
17 immediately after termination of employment, knowingly accept
18 employment or receive compensation or fees for services from a
19 person or entity, or its parent or affiliate, that has engaged
20 in business with the Authority that resulted in contracts with
21 an aggregate value of at least \$25,000 or if that Board member
22 or employee has made a decision that directly applied to the
23 person or entity, or its parent or affiliate.

24 (l) No Board member or employee of the Authority may
25 attempt, in any way, to influence any person or corporation
26 doing business with the Authority or any officer, agent, or

1 employee thereof to hire or contract with any person or
2 corporation for any compensated work.

3 (m) Any communication between an elected official of the
4 City and any applicant for or party to a casino management
5 contract with the Authority, or an officer, director, or
6 employee thereof, concerning any manner relating in any way to
7 gaming or the Authority shall be disclosed to the Board and the
8 Gaming Board. Such disclosure shall be in writing by the
9 official within 30 days of the communication and shall be filed
10 with the Board. Disclosure must consist of the date of the
11 communication, the identity and job title of the person with
12 whom the communication was made, a brief summary of the
13 communication, the action requested or recommended, all
14 responses made, the identity and job title of the person making
15 the response, and any other pertinent information.

16 Public disclosure of the written summary provided to the
17 Board and the Gaming Board shall be subject to the exemptions
18 provided under Section 7 of the Freedom of Information Act.

19 (n) Any Board member or employee of the Authority who
20 violates any provision of this Section is guilty of a Class 4
21 felony.

22 Section 1-45. Casino management contracts.

23 (a) The Board shall develop and administer a competitive
24 sealed bidding process for the selection of a potential casino
25 operator licensee to develop or operate a casino within the

1 City. The Board shall issue one or more requests for proposals.
2 The Board may establish minimum financial and investment
3 requirements to determine the eligibility of persons to respond
4 to the Board's requests for proposal, and may establish and
5 consider such other criteria as it deems appropriate. The Board
6 may impose a fee upon persons who respond to requests for
7 proposal, in order to reimburse the Board for its costs in
8 preparing and issuing the requests and reviewing the proposals.

9 (b) Within 5 days after the time limit for submitting bids
10 and proposals has passed, the Board shall make all bids and
11 proposals public, provided, however, the Board shall not be
12 required to disclose any information which would be exempt from
13 disclosure under Section 7 of the Freedom of Information Act.
14 Thereafter, the Board shall evaluate the responses to its
15 requests for proposal and the ability of all persons or
16 entities responding to its requests for proposal to meet the
17 requirements of this Act and to undertake and perform the
18 obligations set forth in its requests for proposal.

19 (c) After reviewing proposals and subject to Gaming Board
20 approval, the Board shall enter into a casino management
21 contract authorizing the development, construction, or
22 operation of a casino. Validity of the casino management
23 contract is contingent upon the issuance of a casino operator
24 license to the successful bidder. If the Gaming Board approves
25 the contract and grants a casino operator license, the Board
26 shall transmit a copy of the executed casino management

1 contract to the Gaming Board.

2 (d) After the Authority has been issued a casino license,
3 the Gaming Board has issued a casino operator license, and the
4 Gaming Board has approved the location of a temporary facility,
5 the Authority may conduct gaming operations at a temporary
6 facility for no longer than 24 months after gaming operations
7 begin. The Gaming Board may, after holding a public hearing,
8 grant an extension so long as a permanent facility is not
9 operational and the Authority is working in good faith to
10 complete the permanent facility. The Gaming Board may grant
11 additional extensions following a public hearing. Each
12 extension may be for a period of no longer than 6 months.

13 (e) Fifty percent of the total amount received by the
14 Authority pursuant to a bid for a casino management contract or
15 an executed casino management contract must be transmitted to
16 the State and deposited into the Capital Projects Fund.

17 Section 1-50. Transfer of funds. The revenues received by
18 the Authority (other than amounts required to be paid pursuant
19 to the Illinois Gambling Act and amounts required to pay the
20 operating expenses of the Authority, to pay amounts due the
21 casino operator licensee pursuant to a casino management
22 contract, to repay any borrowing of the Authority made pursuant
23 to Section 1-31, to pay debt service on any bonds issued under
24 Section 1-75, and to pay any expenses in connection with the
25 issuance of such bonds pursuant to Section 1-75 or derivative

1 products pursuant to Section 1-85) shall be transferred to the
2 City by the Authority.

3 Section 1-55. Municipal distributions of proceeds from a
4 casino; gaming endowment funds. At least 70% of the moneys that
5 a municipality in which a casino is located receives pursuant
6 to Section 1-50 of this Act shall be described as "gaming
7 endowment funds" and be expended or obligated by the
8 municipality for the following purposes and in the following
9 amounts:

10 (1) 40% of such gaming endowment funds shall be used
11 for or pledged for the construction and maintenance of
12 infrastructure within the municipality, including but not
13 limited to roads, bridges, transit infrastructure, and
14 municipal facilities.

15 (2) 60% of such gaming endowment funds shall be used
16 for or pledged for the construction and maintenance of
17 schools, parks and cultural institution facilities, and
18 museums within the municipality.

19 Section 1-60. Auditor General.

20 (a) Prior to the issuance of bonds under this Act, the
21 Authority shall submit to the Auditor General a certification
22 that:

23 (1) it is legally authorized to issue bonds;

24 (2) scheduled annual payments of principal and

1 interest on the bonds to be issued meet the requirements of
2 Section 1-75 of this Act;

3 (3) no bond shall mature later than 30 years; and

4 (4) after payment of costs of issuance and necessary
5 deposits to funds and accounts established with respect to
6 debt service on the bonds, the net bond proceeds (exclusive
7 of any proceeds to be used to refund outstanding bonds)
8 will be used only for the purposes set forth in this Act.

9 The Authority also shall submit to the Auditor General its
10 projections on revenues to be generated and pledged to
11 repayment of the bonds as scheduled and such other information
12 as the Auditor General may reasonably request.

13 The Auditor General shall examine the certifications and
14 information submitted and submit a report to the Authority and
15 the Gaming Board indicating whether the required
16 certifications, projections, and other information have been
17 submitted by the Authority and that the assumptions underlying
18 the projections are not unreasonable in the aggregate. The
19 Auditor General shall submit the report no later than 60 days
20 after receiving the information required to be submitted by the
21 Authority.

22 The Authority shall not issue bonds until it receives the
23 report from the Auditor General indicating the requirements of
24 this Section have been met. The Auditor General's report shall
25 not be in the nature of a post-audit or examination and shall
26 not lead to the issuance of an opinion, as that term is defined

1 in generally accepted government auditing standards. The
2 Auditor General shall submit a bill to the Authority for costs
3 associated with the examinations and report required under this
4 Section. The Authority shall reimburse in a timely manner.

5 (b) The Authority shall enter into an intergovernmental
6 agreement with the Auditor General authorizing the Auditor
7 General to, every 2 years, (i) review the financial audit of
8 the Authority performed by the Authority's certified public
9 accountants, (ii) perform a management audit of the Authority,
10 and (iii) perform a management audit of the casino operator
11 licensee. The Auditor General shall provide the Authority and
12 the General Assembly with the audits and shall post a copy on
13 his or her website. The Auditor General shall submit a bill to
14 the Authority for costs associated with the review and the
15 audit required under this Section, which costs shall not exceed
16 \$100,000, and the Authority shall reimburse the Auditor General
17 for such costs in a timely manner.

18 Section 1-62. Advisory committee. An Advisory Committee is
19 established to monitor, review, and report on (1) the
20 Authority's utilization of minority-owned business enterprises
21 and female-owned business enterprises, (2) employment of
22 females, and (3) employment of minorities with regard to the
23 development and construction of the casino as authorized under
24 Section 7 of the Illinois Gambling Act. The Authority shall
25 work with the Advisory Committee in accumulating necessary

1 information for the Committee to submit reports, as necessary,
2 to the General Assembly and to the City of Chicago.

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

14 The Advisory Committee shall be dissolved on the date that
15 casino gambling operations are first conducted under the
16 license authorized under Section 7 of the Illinois Gambling
17 Act, other than at a temporary facility.

18 For the purposes of this Section, the terms "female" and
19 "minority person" have the meanings provided in Section 2 of
20 the Business Enterprise for Minorities, Females, and Persons
21 with Disabilities Act.

22 Section 1-65. Acquisition of property; eminent domain
23 proceedings. For the lawful purposes of this Act, the City may
24 acquire by eminent domain or by condemnation proceedings in the
25 manner provided by the Eminent Domain Act, real or personal

1 property or interests in real or personal property located in
2 the City, and the City may convey to the Authority property so
3 acquired. The acquisition of property under this Section is
4 declared to be for a public use.

5 Section 1-70. Local regulation. The casino facilities and
6 operations therein shall be subject to all ordinances and
7 regulations of the City. The construction, development, and
8 operation of the casino shall comply with all ordinances,
9 regulations, rules, and controls of the City, including but not
10 limited to those relating to zoning and planned development,
11 building, fire prevention, and land use. However, the
12 regulation of gaming operations is subject to the exclusive
13 jurisdiction of the Gaming Board.

14 Section 1-75. Borrowing.

15 (a) The Authority may borrow money and issue bonds as
16 provided in this Section. Bonds of the Authority may be issued
17 to provide funds for land acquisition, site assembly and
18 preparation, and the design and construction of the casino, as
19 defined in the Illinois Gambling Act, all ancillary and related
20 facilities comprising the casino complex, and all on-site and
21 off-site infrastructure improvements required in connection
22 with the development of the casino; to refund (at the time or
23 in advance of any maturity or redemption) or redeem any bonds
24 of the Authority; to provide or increase a debt service reserve

1 fund or other reserves with respect to any or all of its bonds;
2 or to pay the legal, financial, administrative, bond insurance,
3 credit enhancement, and other legal expenses of the
4 authorization, issuance, or delivery of bonds. In this Act, the
5 term "bonds" also includes notes of any kind, interim
6 certificates, refunding bonds, or any other evidence of
7 obligation for borrowed money issued under this Section. Bonds
8 may be issued in one or more series and may be payable and
9 secured either on a parity with or separately from other bonds.

10 (b) The bonds of the Authority shall be payable from one or
11 more of the following sources: (i) the property or revenues of
12 the Authority; (ii) revenues derived from the casino; (iii)
13 revenues derived from any casino operator licensee; (iv) fees,
14 bid proceeds, charges, lease payments, payments required
15 pursuant to any casino management contract or other revenues
16 payable to the Authority, or any receipts of the Authority; (v)
17 payments by financial institutions, insurance companies, or
18 others pursuant to letters or lines of credit, policies of
19 insurance, or purchase agreements; (vi) investment earnings
20 from funds or accounts maintained pursuant to a bond resolution
21 or trust indenture; (vii) proceeds of refunding bonds; (viii)
22 any other revenues derived from or payments by the City; and
23 (ix) any payments by any casino operator licensee or others
24 pursuant to any guaranty agreement.

25 (c) Bonds shall be authorized by a resolution of the
26 Authority and may be secured by a trust indenture by and

1 between the Authority and a corporate trustee or trustees,
2 which may be any trust company or bank having the powers of a
3 trust company within or without the State. Bonds shall meet the
4 following requirements:

5 (1) Bonds shall bear interest at a rate not to exceed
6 the maximum rate authorized by the Bond Authorization Act.

7 (2) Bonds issued pursuant to this Section may be
8 payable on such dates and times as may be provided for by
9 the resolution or indenture authorizing the issuance of
10 such bonds; provided, however, that such bonds shall mature
11 no later than 30 years from the date of issuance.

12 (3) At least 25%, based on total principal amount, of
13 all bonds issued pursuant to this Section shall be sold
14 pursuant to notice of sale and public bid. No more than
15 75%, based on total principal amount, of all bonds issued
16 pursuant to this Section shall be sold by negotiated sale.

17 (4) Bonds shall be payable at a time or times, in the
18 denominations and form, including book entry form, either
19 coupon, registered, or both, and carry the registration and
20 privileges as to exchange, transfer or conversion, and
21 replacement of mutilated, lost, or destroyed bonds as the
22 resolution or trust indenture may provide.

23 (5) Bonds shall be payable in lawful money of the
24 United States at a designated place.

25 (6) Bonds shall be subject to the terms of purchase,
26 payment, redemption, refunding, or refinancing that the

1 resolution or trust indenture provides.

2 (7) Bonds shall be executed by the manual or facsimile
3 signatures of the officers of the Authority designated by
4 the Board, which signatures shall be valid at delivery even
5 for one who has ceased to hold office.

6 (8) Bonds shall be sold at public or private sale in
7 the manner and upon the terms determined by the Authority.

8 (9) Bonds shall be issued in accordance with the
9 provisions of the Local Government Debt Reform Act.

10 (d) The Authority shall adopt a procurement program with
11 respect to contracts relating to underwriters, bond counsel,
12 financial advisors, and accountants. The program shall include
13 goals for the payment of not less than 30% of the total dollar
14 value of the fees from these contracts to minority-owned
15 businesses and female-owned businesses as defined in the
16 Business Enterprise for Minorities, Females, and Persons with
17 Disabilities Act. The Authority shall conduct outreach to
18 minority-owned businesses and female-owned businesses.
19 Outreach shall include, but is not limited to, advertisements
20 in periodicals and newspapers, mailings, and other appropriate
21 media. The Authority shall submit to the General Assembly a
22 comprehensive report that shall include, at a minimum, the
23 details of the procurement plan, outreach efforts, and the
24 results of the efforts to achieve goals for the payment of
25 fees.

26 (e) Subject to the Illinois Gambling Act and rules of the

1 Gaming Board regarding pledging of interests in holders of
2 owners licenses, any resolution or trust indenture may contain
3 provisions that may be a part of the contract with the holders
4 of the bonds as to the following:

5 (1) Pledging, assigning, or directing the use,
6 investment, or disposition of revenues of the Authority or
7 proceeds or benefits of any contract, including without
8 limitation, any rights in any casino management contract.

9 (2) The setting aside of loan funding deposits, debt
10 service reserves, replacement or operating reserves, cost
11 of issuance accounts and sinking funds, and the regulation,
12 investment, and disposition thereof.

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

17 (4) Limitations on the issue of additional bonds, the
18 terms upon which additional bonds may be issued and
19 secured, the terms upon which additional bonds may rank on
20 a parity with, or be subordinate or superior to, other
21 bonds.

22 (5) The refunding, advance refunding, or refinancing
23 of outstanding bonds.

24 (6) The procedure, if any, by which the terms of any
25 contract with bondholders may be altered or amended and the
26 amount of bonds and holders of which must consent thereto

1 and the manner in which consent shall be given.

2 (7) Defining the acts or omissions which shall
3 constitute a default in the duties of the Authority to
4 holders of bonds and providing the rights or remedies of
5 such holders in the event of a default, which may include
6 provisions restricting individual rights of action by
7 bondholders.

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

11 (f) No member of the Board, nor any person executing the
12 bonds, shall be liable personally on the bonds or subject to
13 any personal liability by reason of the issuance of the bonds.

14 (g) The Authority may issue and secure bonds in accordance
15 with the provisions of the Local Government Credit Enhancement
16 Act.

17 (h) A pledge by the Authority of revenues and receipts as
18 security for an issue of bonds or for the performance of its
19 obligations under any casino management contract shall be valid
20 and binding from the time when the pledge is made. The revenues
21 and receipts pledged shall immediately be subject to the lien
22 of the pledge without any physical delivery or further act, and
23 the lien of any pledge shall be valid and binding against any
24 person having any claim of any kind in tort, contract, or
25 otherwise against the Authority, irrespective of whether the
26 person has notice. No resolution, trust indenture, management

1 agreement or financing statement, continuation statement, or
2 other instrument adopted or entered into by the Authority need
3 be filed or recorded in any public record other than the
4 records of the Authority in order to perfect the lien against
5 third persons, regardless of any contrary provision of law.

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

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

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

1 Authority is authorized to include this pledge and agreement in
2 any contract with the owners of bonds issued under this
3 Section.

4 (1) No person holding an elective office in this State,
5 holding a seat in the General Assembly, or serving as a board
6 member, trustee, officer, or employee of the Authority,
7 including the spouse of that person, may receive a legal,
8 banking, consulting, or other fee related to the issuance of
9 bonds. This prohibition shall also apply to a company or firm
10 that employs a person holding an elective office in this State,
11 holding a seat in the General Assembly, or serving as a board
12 member, trustee, officer, or employee of the Authority,
13 including the spouse of that person, if the person or his or
14 her spouse has greater than 7.5% ownership of the company or
15 firm.

16 Section 1-85. Derivative products. With respect to all or
17 part of any issue of its bonds, the Authority may enter into
18 agreements or contracts with any necessary or appropriate
19 person, which will have the benefit of providing to the
20 Authority an interest rate basis, cash flow basis, or other
21 basis different from that provided in the bonds for the payment
22 of interest. Such agreements or contracts may include, without
23 limitation, agreements or contracts commonly known as
24 "interest rate swap agreements", "forward payment conversion
25 agreements", "futures", "options", "puts", or "calls" and

1 agreements or contracts providing for payments based on levels
2 of or changes in interest rates, agreements or contracts to
3 exchange cash flows or a series of payments, or to hedge
4 payment, rate spread, or similar exposure.

5 Section 1-90. Legality for investment. The State of
6 Illinois, all governmental entities, all public officers,
7 banks, bankers, trust companies, savings banks and
8 institutions, building and loan associations, savings and loan
9 associations, investment companies, and other persons carrying
10 on a banking business, insurance companies, insurance
11 associations, and other persons carrying on an insurance
12 business, and all executors, administrators, guardians,
13 trustees, and other fiduciaries may legally invest any sinking
14 funds, moneys, or other funds belonging to them or within their
15 control in any bonds issued under this Act. However, nothing in
16 this Section shall be construed as relieving any person, firm,
17 or corporation from any duty of exercising reasonable care in
18 selecting securities for purchase or investment.

19 Section 1-105. Budgets and reporting.

20 (a) The Board shall annually adopt a budget for each fiscal
21 year. The budget may be modified from time to time in the same
22 manner and upon the same vote as it may be adopted. The budget
23 shall include the Authority's available funds and estimated
24 revenues and shall provide for payment of its obligations and

1 estimated expenditures for the fiscal year, including, without
2 limitation, expenditures for administration, operation,
3 maintenance and repairs, debt service, and deposits into
4 reserve and other funds and capital projects.

5 (b) The Board shall annually cause the finances of the
6 Authority to be audited by a firm of certified public
7 accountants selected by the Board in accordance with the rules
8 of the Gaming Board and post the firm's audits of the Authority
9 on the Authority's Internet website.

10 (c) The Board shall, for each fiscal year, prepare an
11 annual report setting forth information concerning its
12 activities in the fiscal year and the status of the development
13 of the casino. The annual report shall include the audited
14 financial statements of the Authority for the fiscal year, the
15 budget for the succeeding fiscal year, and the current capital
16 plan as of the date of the report. Copies of the annual report
17 shall be made available to persons who request them and shall
18 be submitted not later than 120 days after the end of the
19 Authority's fiscal year or, if the audit of the Authority's
20 financial statements is not completed within 120 days after the
21 end of the Authority's fiscal year, as soon as practical after
22 completion of the audit, to the Governor, the Mayor, the
23 General Assembly, and the Commission on Government Forecasting
24 and Accountability.

25 Section 1-110. Deposit and withdrawal of funds.

1 (a) All funds deposited by the Authority in any bank or
2 savings and loan association shall be placed in the name of the
3 Authority and shall be withdrawn or paid out only by check or
4 draft upon the bank or savings and loan association, signed by
5 2 officers or employees designated by the Board.
6 Notwithstanding any other provision of this Section, the Board
7 may designate any of its members or any officer or employee of
8 the Authority to authorize the wire transfer of funds deposited
9 by the secretary-treasurer of funds in a bank or savings and
10 loan association for the payment of payroll and employee
11 benefits-related expenses.

12 No bank or savings and loan association shall receive
13 public funds as permitted by this Section unless it has
14 complied with the requirements established pursuant to Section
15 6 of the Public Funds Investment Act.

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

23 Section 1-112. Contracts with the Authority or casino
24 operator licensee; disclosure requirements.

25 (a) A bidder, respondent, offeror, or contractor for

1 contracts with the Authority or casino operator licensee shall
2 disclose the identity of all officers and directors and every
3 owner, beneficiary, or person with beneficial interest of more
4 than 1% or shareholder entitled to receive more than 1% of the
5 total distributable income of any corporation having any
6 interest in the contract or in the bidder, respondent, offeror,
7 or contractor. The disclosure shall be in writing and attested
8 to by an owner, trustee, corporate official, or agent. If stock
9 in a corporation is publicly traded and there is no readily
10 known individual having greater than a 1% interest, then a
11 statement to that effect attested to by an officer or agent of
12 the corporation shall fulfill the disclosure statement
13 requirement of this Section. A bidder, respondent, offeror, or
14 contractor shall notify the Authority of any changes in
15 officers, directors, ownership, or individuals having a
16 beneficial interest of more than 1%.

17 (b) A bidder, respondent, offeror, or contractor for
18 contracts with an annual value of \$10,000 or more or for a
19 period to exceed one year shall disclose all political
20 contributions of the bidder, respondent, offeror, or
21 contractor and any affiliated person or entity. Disclosure
22 shall include at least the names and addresses of the
23 contributors and the dollar amounts of any contributions to any
24 political committee made within the previous 2 years. The
25 disclosure must be submitted to the Gaming Board with a copy of
26 the contract.

1 (c) As used in this Section:

2 "Contribution" means contribution as defined in Section
3 9-1.4 of the Election Code.

4 "Affiliated person" means (i) any person with any ownership
5 interest or distributive share of the bidding, responding, or
6 contracting entity in excess of 1%, (ii) executive employees of
7 the bidding, responding, or contracting entity, and (iii) the
8 spouse and minor children of any such persons.

9 "Affiliated entity" means (i) any parent or subsidiary of
10 the bidding or contracting entity, (ii) any member of the same
11 unitary business group, or (iii) any political committee for
12 which the bidding, responding, or contracting entity is the
13 sponsoring entity.

14 (d) The Gaming Board may direct the Authority or a casino
15 operator licensee to void a contract if a violation of this
16 Section occurs. The Authority may direct a casino operator
17 licensee to void a contract if a violation of this Section
18 occurs.

19 Section 1-115. Purchasing.

20 (a) All construction contracts and contracts for supplies,
21 materials, equipment, and services, when the cost thereof to
22 the Authority exceeds \$25,000, shall be let by a competitive
23 selection process to the lowest responsible proposer, after
24 advertising for proposals, except for the following:

25 (1) When repair parts, accessories, equipment, or

1 services are required for equipment or services previously
2 furnished or contracted for;

3 (2) Professional services;

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

7 (4) When contracts for the use, purchase, delivery,
8 movement, or installation of data processing equipment,
9 software, or services and telecommunications equipment,
10 software, and services are required;

11 (5) Casino management contracts, which shall be
12 awarded as set forth in Section 1-45 of this Act;

13 (6) Contracts where there is only one economically
14 feasible source; and

15 (7) When a purchase is needed on an immediate,
16 emergency basis because there exists a threat to public
17 health or public safety, or when immediate expenditure is
18 necessary for repairs to Authority property in order to
19 protect against further loss of or damage to Authority
20 property, to prevent or minimize serious disruption in
21 Authority services or to ensure the integrity of Authority
22 records.

23 (b) All contracts involving less than \$25,000 shall be let
24 by competitive selection process whenever possible, and in any
25 event in a manner calculated to ensure the best interests of
26 the public.

1 (c) In determining the responsibility of any proposer, the
2 Authority may take into account the proposer's (or an
3 individual having a beneficial interest, directly or
4 indirectly, of more than 1% in such proposing entity) past
5 record of dealings with the Authority, the proposer's
6 experience, adequacy of equipment, and ability to complete
7 performance within the time set, and other factors besides
8 financial responsibility. No such contract shall be awarded to
9 any proposer other than the lowest proposer (in case of
10 purchase or expenditure) unless authorized or approved by a
11 vote of at least 2 members of the Board and such action is
12 accompanied by a written statement setting forth the reasons
13 for not awarding the contract to the highest or lowest
14 proposer, as the case may be. The statement shall be kept on
15 file in the principal office of the Authority and open to
16 public inspection.

17 (d) The Authority shall have the right to reject all
18 proposals and to re-advertise for proposals. If after any such
19 re-advertisement, no responsible and satisfactory proposals,
20 within the terms of the re-advertisement, is received, the
21 Authority may award such contract without competitive
22 selection, provided that the Gaming Board must approve the
23 contract prior to its execution. The contract must not be less
24 advantageous to the Authority than any valid proposal received
25 pursuant to advertisement.

26 (e) Advertisements for proposals and re-proposals shall be

1 published at least once in a daily newspaper of general
2 circulation published in the City at least 10 calendar days
3 before the time for receiving proposals and in an online
4 bulletin published on the Authority's website. Such
5 advertisements shall state the time and place for receiving and
6 opening of proposals and, by reference to plans and
7 specifications on file at the time of the first publication or
8 in the advertisement itself, shall describe the character of
9 the proposed contract in sufficient detail to fully advise
10 prospective proposers of their obligations and to ensure free
11 and open competitive selection.

12 (f) All proposals in response to advertisements shall be
13 sealed and shall be publicly opened by the Authority. All
14 proposers shall be entitled to be present in person or by
15 representatives. Cash or a certified or satisfactory cashier's
16 check, as a deposit of good faith, in a reasonable amount to be
17 fixed by the Authority before advertising for proposals, shall
18 be required with the proposal. A bond for faithful performance
19 of the contract with surety or sureties satisfactory to the
20 Authority and adequate insurance may be required in reasonable
21 amounts to be fixed by the Authority before advertising for
22 proposals.

23 (g) The contract shall be awarded as promptly as possible
24 after the opening of proposals. The proposal of the successful
25 proposer, as well as the bids of the unsuccessful proposers,
26 shall be placed on file and be open to public inspection

1 subject to the exemptions from disclosure provided under
2 Section 7 of the Freedom of Information Act. All proposals
3 shall be void if any disclosure of the terms of any proposals
4 in response to an advertisement is made or permitted to be made
5 by the Authority before the time fixed for opening proposals.

6 (h) Notice of each and every contract that is offered,
7 including renegotiated contracts and change orders, shall be
8 published in an online bulletin. The online bulletin must
9 include at least the date first offered, the date submission of
10 offers is due, the location that offers are to be submitted to,
11 a brief purchase description, the method of source selection,
12 information of how to obtain a comprehensive purchase
13 description and any disclosure and contract forms, and
14 encouragement to prospective vendors to hire qualified
15 veterans, as defined by Section 45-67 of the Illinois
16 Procurement Code, and Illinois residents discharged from any
17 Illinois adult correctional center subject to Gaming Board
18 licensing and eligibility rules. Notice of each and every
19 contract that is let or awarded, including renegotiated
20 contracts and change orders, shall be published in the online
21 bulletin and must include at least all of the information
22 specified in this item (h), as well as the name of the
23 successful responsible proposer or offeror, the contract
24 price, and the number of unsuccessful responsive proposers and
25 any other disclosure specified in this Section. This notice
26 must be posted in the online electronic bulletin prior to

1 execution of the contract.

2 Section 1-130. Affirmative action and equal opportunity
3 obligations of Authority.

4 (a) The Authority is subject to the requirements of Article
5 IV of 2-92 (Sections 2-92-650 through 2-92-720 inclusive) of
6 the Chicago Municipal Code, as now or hereafter amended,
7 renumbered, or succeeded, concerning a Minority-Owned and
8 Women-Owned Business Enterprise Procurement Program for
9 construction contracts, and 2-92-420 et seq. of the Chicago
10 Municipal Code, as now or hereafter amended, renumbered, or
11 succeeded, concerning a Minority-Owned and Women-Owned
12 Business Enterprise Procurement Program to determine the
13 status of a firm as a Minority Business Enterprise for city
14 procurement purposes.

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

1 to provide training for employment in those industries.

2 Section 1-140. Home rule. The regulation and licensing of
3 casinos and casino gaming, casino gaming facilities, and casino
4 operator licensees under this Act are exclusive powers and
5 functions of the State. A home rule unit may not regulate or
6 license casinos, casino gaming, casino gaming facilities, or
7 casino operator licensees under this Act, except as provided
8 under this Act. This Section is a denial and limitation of home
9 rule powers and functions under subsection (h) of Section 6 of
10 Article VII of the Illinois Constitution.

11 ARTICLE 90.

12 Section 90-1. Findings. The General Assembly makes all of
13 the following findings:

14 (1) That more than 50 municipalities and 5 counties
15 have opted out of video gaming legislation that was enacted
16 by the 96th General Assembly as Public Act 96-34, and
17 revenues for the State's newly approved capital
18 construction program are on track to fall short of
19 projections.

20 (2) That these shortfalls could postpone much-needed
21 road construction, school construction, and other
22 infrastructure improvements.

23 (3) That the State likely will wait a year or more,

1 until video gaming is licensed, organized, and online, to
2 realize meaningful revenue from the program.

3 (4) That a significant infusion of new revenue is
4 necessary to ensure that those projects, which are
5 fundamental to the State's economic recovery, proceed as
6 planned.

7 (5) That the decline of the Illinois horse racing and
8 breeding program, a \$2.5 billion industry, would be
9 reversed if this amendatory Act of the 96th General
10 Assembly would be enacted.

11 (6) That the Illinois horse racing industry is on the
12 verge of extinction due to fierce competition from fully
13 developed horse racing and gaming operations in other
14 states.

15 (7) That Illinois lawmakers agreed in 1999 to earmark
16 15% of the forthcoming 10th casino's revenue for horse
17 racing; the State's horse racing industry has never seen a
18 penny of that revenue because the 10th casino has yet to
19 open.

20 (8) That allowing the State's horse racing venues,
21 currently licensed gaming destinations, to maximize their
22 capacities with gaming machines, would generate up to \$120
23 million to \$200 million for the State in the form of extra
24 licensing fees, plus an additional \$100 million to \$300
25 million in recurring annual tax revenue for the State to
26 help ensure that school, road, and other building projects

1 promised under the capital plan occur on schedule.

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

8 (9) That by keeping these projects on track, the State
9 can be sure that significant job and economic growth will
10 in fact result from the previously enacted legislation.

11 (10) That gaming machines at Illinois horse racing
12 tracks would create an estimated 1,200 to 1,500 permanent
13 jobs, and an estimated capital investment of up to \$200
14 million to \$400 million at these race tracks would prompt
15 additional trade organization jobs necessary to construct
16 new facilities or remodel race tracks to operate electronic
17 gaming.

18 Section 90-5. The Alcoholism and Other Drug Abuse and
19 Dependency Act is amended by changing Section 5-20 as follows:

20 (20 ILCS 301/5-20)

21 Sec. 5-20. Compulsive gambling program.

22 (a) Subject to appropriation, the Department shall
23 establish a program for public education, research, and
24 training regarding problem and compulsive gambling and the

1 treatment and prevention of problem and compulsive gambling.
2 Subject to specific appropriation for these stated purposes,
3 the program must include all of the following:

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

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

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

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

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

25 (c) Subject to appropriation, the Department shall produce
26 and supply the signs specified in Section 10.7 of the Illinois

1 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of
2 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1
3 of the Charitable Games Act, and Section 13.1 of the Illinois
4 ~~Riverboat~~ Gambling Act.

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

6 Section 90-7. The Department of Commerce and Economic
7 Opportunity Law of the Civil Administrative Code of Illinois is
8 amended by adding Section 605-530 as follows:

9 (20 ILCS 605/605-530 new)

10 Sec. 605-530. The Depressed Communities Economic
11 Development Board.

12 (a) The Depressed Communities Economic Development Board
13 is created as an advisory board within the Department of
14 Commerce and Economic Opportunity. The Board shall consist of
15 10 members as follows:

16 (1) Two members appointed by the President of the
17 Senate, one of whom is appointed to serve an initial term
18 of one year and one of whom is appointed to serve an
19 initial term of 2 years.

20 (2) Two members appointed by the Minority Leader of the
21 Senate, one of whom is appointed to serve an initial term
22 of one year and one of whom is appointed to serve an
23 initial term of 2 years.

24 (3) Two members appointed by the Speaker of the House

1 of Representatives, one of whom is appointed to serve an
2 initial term of one year and one of whom is appointed to
3 serve an initial term of 2 years.

4 (4) Two members appointed by the Minority Leader of the
5 House of Representatives, one of whom is appointed to serve
6 an initial term of one year and one of whom is appointed to
7 serve an initial term of 2 years.

8 (5) Two members appointed by the Governor with the
9 advice and consent of the Senate, one of whom is appointed
10 to serve an initial term of one year and one of whom is
11 appointed to serve an initial term of 2 years as chair of
12 the Board at the time of appointment.

13 After the initial terms, each member shall be appointed to
14 serve a term of 2 years and until his or her successor has been
15 appointed and assumes office. If a vacancy occurs in the Board
16 membership, then the vacancy shall be filled in the same manner
17 as the initial appointment.

18 (b) Board members shall serve without compensation, but may
19 be reimbursed for their reasonable travel expenses from funds
20 available for that purpose. The Department of Commerce and
21 Economic Opportunity shall provide staff and administrative
22 support services to the Board.

23 (c) The Board must make recommendations to the Department
24 of Commerce and Economic Opportunity concerning the award of
25 grants from amounts appropriated to the Department from the
26 Depressed Communities Economic Development Fund, a special

1 fund created in the State treasury. The Department must make
2 grants to public or private entities submitting proposals to
3 the Board to revitalize an Illinois depressed community. Grants
4 may be used by these entities only for those purposes
5 conditioned with the grant. For the purposes of this subsection
6 (c), plans for revitalizing an Illinois depressed community
7 include plans intended to curb high levels of poverty,
8 unemployment, job and population loss, and general distress. An
9 Illinois depressed community is an area where the poverty rate,
10 as determined by using the most recent data released by the
11 United States Census Bureau, is at least 3% greater than the
12 State poverty rate as determined by using the most recent data
13 released by the United States Census Bureau.

14 Section 90-10. The Department of Revenue Law of the Civil
15 Administrative Code of Illinois is amended by changing Section
16 2505-305 as follows:

17 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

18 Sec. 2505-305. Investigators.

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

1 enforcing taxing measures administered by the Department.

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

9 (c) The Department may enter into agreements with the
10 Illinois Gaming Board providing that investigators appointed
11 under this Section shall exercise the peace officer powers set
12 forth in paragraph (20.6) of subsection (c) of Section 5 of the
13 Illinois Riverboat ~~Riverboat~~ Gambling Act.

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

15 Section 90-12. The Illinois State Auditing Act is amended
16 by changing Section 3-1 as follows:

17 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

18 Sec. 3-1. Jurisdiction of Auditor General. The Auditor
19 General has jurisdiction over all State agencies to make post
20 audits and investigations authorized by or under this Act or
21 the Constitution.

22 The Auditor General has jurisdiction over local government
23 agencies and private agencies only:

24 (a) to make such post audits authorized by or under

1 this Act as are necessary and incidental to a post audit of
2 a State agency or of a program administered by a State
3 agency involving public funds of the State, but this
4 jurisdiction does not include any authority to review local
5 governmental agencies in the obligation, receipt,
6 expenditure or use of public funds of the State that are
7 granted without limitation or condition imposed by law,
8 other than the general limitation that such funds be used
9 for public purposes;

10 (b) to make investigations authorized by or under this
11 Act or the Constitution; and

12 (c) to make audits of the records of local government
13 agencies to verify actual costs of state-mandated programs
14 when directed to do so by the Legislative Audit Commission
15 at the request of the State Board of Appeals under the
16 State Mandates Act.

17 In addition to the foregoing, the Auditor General may
18 conduct an audit of the Metropolitan Pier and Exposition
19 Authority, the Regional Transportation Authority, the Suburban
20 Bus Division, the Commuter Rail Division and the Chicago
21 Transit Authority and any other subsidized carrier when
22 authorized by the Legislative Audit Commission. Such audit may
23 be a financial, management or program audit, or any combination
24 thereof.

25 The audit shall determine whether they are operating in
26 accordance with all applicable laws and regulations. Subject to

1 the limitations of this Act, the Legislative Audit Commission
2 may by resolution specify additional determinations to be
3 included in the scope of the audit.

4 In addition to the foregoing, the Auditor General must also
5 conduct a financial audit of the Illinois Sports Facilities
6 Authority's expenditures of public funds in connection with the
7 reconstruction, renovation, remodeling, extension, or
8 improvement of all or substantially all of any existing
9 "facility", as that term is defined in the Illinois Sports
10 Facilities Authority Act.

11 The Auditor General may also conduct an audit, when
12 authorized by the Legislative Audit Commission, of any hospital
13 which receives 10% or more of its gross revenues from payments
14 from the State of Illinois, Department of Healthcare and Family
15 Services (formerly Department of Public Aid), Medical
16 Assistance Program.

17 The Auditor General is authorized to conduct financial and
18 compliance audits of the Illinois Distance Learning Foundation
19 and the Illinois Conservation Foundation.

20 As soon as practical after the effective date of this
21 amendatory Act of 1995, the Auditor General shall conduct a
22 compliance and management audit of the City of Chicago and any
23 other entity with regard to the operation of Chicago O'Hare
24 International Airport, Chicago Midway Airport and Merrill C.
25 Meigs Field. The audit shall include, but not be limited to, an
26 examination of revenues, expenses, and transfers of funds;

1 purchasing and contracting policies and practices; staffing
2 levels; and hiring practices and procedures. When completed,
3 the audit required by this paragraph shall be distributed in
4 accordance with Section 3-14.

5 The Auditor General shall conduct a financial and
6 compliance and program audit of distributions from the
7 Municipal Economic Development Fund during the immediately
8 preceding calendar year pursuant to Section 8-403.1 of the
9 Public Utilities Act at no cost to the city, village, or
10 incorporated town that received the distributions.

11 The Auditor General must conduct an audit of the Health
12 Facilities and Services Review Board pursuant to Section 19.5
13 of the Illinois Health Facilities Planning Act.

14 The Auditor General must conduct an audit of the Chicago
15 Casino Development Authority pursuant to Section 1-60 of the
16 Chicago Casino Development Authority Act.

17 The Auditor General of the State of Illinois shall annually
18 conduct or cause to be conducted a financial and compliance
19 audit of the books and records of any county water commission
20 organized pursuant to the Water Commission Act of 1985 and
21 shall file a copy of the report of that audit with the Governor
22 and the Legislative Audit Commission. The filed audit shall be
23 open to the public for inspection. The cost of the audit shall
24 be charged to the county water commission in accordance with
25 Section 6z-27 of the State Finance Act. The county water
26 commission shall make available to the Auditor General its

1 books and records and any other documentation, whether in the
2 possession of its trustees or other parties, necessary to
3 conduct the audit required. These audit requirements apply only
4 through July 1, 2007.

5 The Auditor General must conduct audits of the Rend Lake
6 Conservancy District as provided in Section 25.5 of the River
7 Conservancy Districts Act.

8 The Auditor General must conduct financial audits of the
9 Southeastern Illinois Economic Development Authority as
10 provided in Section 70 of the Southeastern Illinois Economic
11 Development Authority Act.

12 The Auditor General shall conduct a compliance audit in
13 accordance with subsections (d) and (f) of Section 30 of the
14 Innovation Development and Economy Act.

15 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09;
16 96-939, eff. 6-24-10.)

17 Section 90-15. The State Finance Act is amended by adding
18 Sections 5.786, 5.787, 5.788, and 6z-79 and by changing Section
19 6z-77 as follows:

20 (30 ILCS 105/5.786 new)

21 Sec. 5.786. The State and County Fair Assistance Fund.

22 (30 ILCS 105/5.787 new)

23 Sec. 5.787. The Depressed Communities Economic Development

1 Fund.

2 (30 ILCS 105/5.788 new)

3 Sec. 5.788. The Gaming Facilities Fee Revenue Fund.

4 (30 ILCS 105/6z-77)

5 Sec. 6z-77. The Capital Projects Fund.

6 (a) The Capital Projects Fund is created as a special fund
7 in the State Treasury. The State Comptroller and State
8 Treasurer shall transfer from the Capital Projects Fund to the
9 General Revenue Fund \$61,294,550 on October 1, 2009,
10 \$122,589,100 on January 1, 2010, and \$61,294,550 on April 1,
11 2010. Beginning on July 1, 2010, and on July 1 and January 1 of
12 each year thereafter, the State Comptroller and State Treasurer
13 shall transfer the sum of \$122,589,100 from the Capital
14 Projects Fund to the General Revenue Fund.

15 (b) Subject to appropriation, the Capital Projects Fund may
16 be used only for capital projects and the payment of debt
17 service on bonds issued for capital projects. All interest
18 earned on moneys in the Fund shall be deposited into the Fund.
19 The Fund shall not be subject to administrative charges or
20 chargebacks, such as but not limited to those authorized under
21 Section 8h.

22 (c) Annually, the Governor's Office of Management and
23 Budget shall determine if revenues deposited into the Fund in
24 the fiscal year are expected to exceed the amount needed in the

1 fiscal year for capital projects and the payment of debt
2 service on bonds issued for capital projects. If any such
3 excess amount exists, then on April 1 or as soon thereafter as
4 practical, the Governor's Office of Management and Budget shall
5 certify such amount, accompanied by a description of the
6 process by which the amount was calculated, to the State
7 Comptroller and the State Treasurer. Within 15 days after the
8 receipt of the certification required by this subsection (c),
9 the State Comptroller and the State Treasurer shall transfer
10 that amount from the Capital Projects Fund to the Education
11 Assistance Fund, except that the amount transferred to the
12 Education Assistance Fund pursuant to this subsection (c) shall
13 not exceed the estimated amount of revenues that will be
14 deposited into the Fund pursuant to Sections 12 and 13 of the
15 Illinois Gambling Act in the fiscal year.

16 (Source: P.A. 96-34, eff. 7-13-09.)

17 (30 ILCS 105/6z-79 new)

18 Sec. 6z-79. The Gaming Facilities Fee Revenue Fund.

19 (a) The Gaming Facilities Fee Revenue Fund is created as a
20 special fund in the State treasury.

21 (b) Fifty percent of revenues in the Fund shall be
22 transferred to the Capital Projects Fund for capital projects.
23 The remaining fifty percent of revenues in the Fund shall be
24 used, subject to appropriation, by the Comptroller solely for
25 the purpose of payment of vouchers that are outstanding for

1 more than 60 days. Whenever practical, the Comptroller must
2 prioritize voucher payments for expenses related to medical
3 assistance under the Illinois Public Aid Code, the Children's
4 Health Insurance Program Act, the Covering ALL KIDS Health
5 Insurance Act, and the Senior Citizens and Disabled Persons
6 Property Tax Relief and Pharmaceutical Assistance Act.

7 (c) The Fund shall consist of fee revenues received
8 pursuant to subsections (e-5) and (e-10) of Section 7 and
9 subsections (b) and (c) of Section 7.6 of the Illinois Gambling
10 Act. All interest earned on moneys in the Fund shall be
11 deposited into the Fund.

12 (d) The Fund shall not be subject to administrative charges
13 or chargebacks, including, but not limited to, those authorized
14 under subsection (h) of Section 8 of this Act.

15 Section 90-20. The Illinois Income Tax Act is amended by
16 changing Section 201 as follows:

17 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

18 Sec. 201. Tax Imposed.

19 (a) In general. A tax measured by net income is hereby
20 imposed on every individual, corporation, trust and estate for
21 each taxable year ending after July 31, 1969 on the privilege
22 of earning or receiving income in or as a resident of this
23 State. Such tax shall be in addition to all other occupation or
24 privilege taxes imposed by this State or by any municipal

1 corporation or political subdivision thereof.

2 (b) Rates. The tax imposed by subsection (a) of this
3 Section shall be determined as follows, except as adjusted by
4 subsection (d-1):

5 (1) In the case of an individual, trust or estate, for
6 taxable years ending prior to July 1, 1989, an amount equal
7 to 2 1/2% of the taxpayer's net income for the taxable
8 year.

9 (2) In the case of an individual, trust or estate, for
10 taxable years beginning prior to July 1, 1989 and ending
11 after June 30, 1989, an amount equal to the sum of (i) 2
12 1/2% of the taxpayer's net income for the period prior to
13 July 1, 1989, as calculated under Section 202.3, and (ii)
14 3% of the taxpayer's net income for the period after June
15 30, 1989, as calculated under Section 202.3.

16 (3) In the case of an individual, trust or estate, for
17 taxable years beginning after June 30, 1989, an amount
18 equal to 3% of the taxpayer's net income for the taxable
19 year.

20 (4) (Blank).

21 (5) (Blank).

22 (6) In the case of a corporation, for taxable years
23 ending prior to July 1, 1989, an amount equal to 4% of the
24 taxpayer's net income for the taxable year.

25 (7) In the case of a corporation, for taxable years
26 beginning prior to July 1, 1989 and ending after June 30,

1 1989, an amount equal to the sum of (i) 4% of the
2 taxpayer's net income for the period prior to July 1, 1989,
3 as calculated under Section 202.3, and (ii) 4.8% of the
4 taxpayer's net income for the period after June 30, 1989,
5 as calculated under Section 202.3.

6 (8) In the case of a corporation, for taxable years
7 beginning after June 30, 1989, an amount equal to 4.8% of
8 the taxpayer's net income for the taxable year.

9 (b-5) Surcharge; sale or exchange of assets, properties,
10 and intangibles of gaming licensees. For each of taxable years
11 2010 through 2019, a surcharge is imposed on all taxpayers on
12 income arising from the sale or exchange of capital assets,
13 depreciable business property, real property used in the trade
14 or business, and Section 197 intangibles (i) of an organization
15 licensee under the Illinois Horse Racing Act of 1975 and (ii)
16 of an owners licensee or an electronic gaming licensee under
17 the Illinois Gambling Act. The amount of the surcharge is equal
18 to the amount of federal income tax liability for the taxable
19 year attributable to those sales and exchanges. The surcharge
20 imposed shall not apply if:

21 (1) the owners license, electronic gaming license,
22 organization license, or race track property is
23 transferred as a result of any of the following:

24 (A) bankruptcy, a receivership, or a debt
25 adjustment initiated by or against the initial
26 licensee or the substantial owners of the initial

1 licensee;

2 (B) cancellation, revocation, or termination of
3 any such license by the Illinois Gaming Board or the
4 Illinois Racing Board;

5 (C) a determination by the Illinois Gaming Board
6 that transfer of the license is in the best interests
7 of Illinois gaming;

8 (D) the death of an owner of the equity interest in
9 a licensee;

10 (E) the acquisition of a controlling interest in
11 the stock or substantially all of the assets of a
12 publicly traded company;

13 (F) a transfer by a parent company to a wholly
14 owned subsidiary; or

15 (G) the transfer or sale to or by one person to
16 another person where both persons were initial owners
17 of the license when the license was issued; or

18 (2) the controlling interest in the owners license,
19 electronic gaming license, organization license, or race
20 track property is transferred in a transaction to lineal
21 descendants in which no gain or loss is recognized or as a
22 result of a transaction in accordance with Section 351 of
23 the Internal Revenue Code in which no gain or loss is
24 recognized.

25 (3) the owners license, electronic gaming license,
26 organization license, or race track property is

1 transferred, sold, or exchanged pursuant to an executed
2 purchase agreement initially submitted to the Illinois
3 Gaming Board for consideration on or before October 1,
4 2010, regardless of whether such purchase agreement is
5 subsequently amended or modified.

6 The transfer of an electronic gaming license, organization
7 license, or race track property by a person other than the
8 initial licensee to receive the electronic gaming license is
9 not subject to a surcharge. The Department shall adopt rules
10 necessary to implement and administer this subsection.

11 (c) Personal Property Tax Replacement Income Tax.
12 Beginning on July 1, 1979 and thereafter, in addition to such
13 income tax, there is also hereby imposed the Personal Property
14 Tax Replacement Income Tax measured by net income on every
15 corporation (including Subchapter S corporations), partnership
16 and trust, for each taxable year ending after June 30, 1979.
17 Such taxes are imposed on the privilege of earning or receiving
18 income in or as a resident of this State. The Personal Property
19 Tax Replacement Income Tax shall be in addition to the income
20 tax imposed by subsections (a) and (b) of this Section and in
21 addition to all other occupation or privilege taxes imposed by
22 this State or by any municipal corporation or political
23 subdivision thereof.

24 (d) Additional Personal Property Tax Replacement Income
25 Tax Rates. The personal property tax replacement income tax
26 imposed by this subsection and subsection (c) of this Section

1 in the case of a corporation, other than a Subchapter S
2 corporation and except as adjusted by subsection (d-1), shall
3 be an additional amount equal to 2.85% of such taxpayer's net
4 income for the taxable year, except that beginning on January
5 1, 1981, and thereafter, the rate of 2.85% specified in this
6 subsection shall be reduced to 2.5%, and in the case of a
7 partnership, trust or a Subchapter S corporation shall be an
8 additional amount equal to 1.5% of such taxpayer's net income
9 for the taxable year.

10 (d-1) Rate reduction for certain foreign insurers. In the
11 case of a foreign insurer, as defined by Section 35A-5 of the
12 Illinois Insurance Code, whose state or country of domicile
13 imposes on insurers domiciled in Illinois a retaliatory tax
14 (excluding any insurer whose premiums from reinsurance assumed
15 are 50% or more of its total insurance premiums as determined
16 under paragraph (2) of subsection (b) of Section 304, except
17 that for purposes of this determination premiums from
18 reinsurance do not include premiums from inter-affiliate
19 reinsurance arrangements), beginning with taxable years ending
20 on or after December 31, 1999, the sum of the rates of tax
21 imposed by subsections (b) and (d) shall be reduced (but not
22 increased) to the rate at which the total amount of tax imposed
23 under this Act, net of all credits allowed under this Act,
24 shall equal (i) the total amount of tax that would be imposed
25 on the foreign insurer's net income allocable to Illinois for
26 the taxable year by such foreign insurer's state or country of

1 domicile if that net income were subject to all income taxes
2 and taxes measured by net income imposed by such foreign
3 insurer's state or country of domicile, net of all credits
4 allowed or (ii) a rate of zero if no such tax is imposed on such
5 income by the foreign insurer's state of domicile. For the
6 purposes of this subsection (d-1), an inter-affiliate includes
7 a mutual insurer under common management.

8 (1) For the purposes of subsection (d-1), in no event
9 shall the sum of the rates of tax imposed by subsections
10 (b) and (d) be reduced below the rate at which the sum of:

11 (A) the total amount of tax imposed on such foreign
12 insurer under this Act for a taxable year, net of all
13 credits allowed under this Act, plus

14 (B) the privilege tax imposed by Section 409 of the
15 Illinois Insurance Code, the fire insurance company
16 tax imposed by Section 12 of the Fire Investigation
17 Act, and the fire department taxes imposed under
18 Section 11-10-1 of the Illinois Municipal Code,
19 equals 1.25% for taxable years ending prior to December 31,
20 2003, or 1.75% for taxable years ending on or after
21 December 31, 2003, of the net taxable premiums written for
22 the taxable year, as described by subsection (1) of Section
23 409 of the Illinois Insurance Code. This paragraph will in
24 no event increase the rates imposed under subsections (b)
25 and (d).

26 (2) Any reduction in the rates of tax imposed by this

1 subsection shall be applied first against the rates imposed
2 by subsection (b) and only after the tax imposed by
3 subsection (a) net of all credits allowed under this
4 Section other than the credit allowed under subsection (i)
5 has been reduced to zero, against the rates imposed by
6 subsection (d).

7 This subsection (d-1) is exempt from the provisions of
8 Section 250.

9 (e) Investment credit. A taxpayer shall be allowed a credit
10 against the Personal Property Tax Replacement Income Tax for
11 investment in qualified property.

12 (1) A taxpayer shall be allowed a credit equal to .5%
13 of the basis of qualified property placed in service during
14 the taxable year, provided such property is placed in
15 service on or after July 1, 1984. There shall be allowed an
16 additional credit equal to .5% of the basis of qualified
17 property placed in service during the taxable year,
18 provided such property is placed in service on or after
19 July 1, 1986, and the taxpayer's base employment within
20 Illinois has increased by 1% or more over the preceding
21 year as determined by the taxpayer's employment records
22 filed with the Illinois Department of Employment Security.
23 Taxpayers who are new to Illinois shall be deemed to have
24 met the 1% growth in base employment for the first year in
25 which they file employment records with the Illinois
26 Department of Employment Security. The provisions added to

1 this Section by Public Act 85-1200 (and restored by Public
2 Act 87-895) shall be construed as declaratory of existing
3 law and not as a new enactment. If, in any year, the
4 increase in base employment within Illinois over the
5 preceding year is less than 1%, the additional credit shall
6 be limited to that percentage times a fraction, the
7 numerator of which is .5% and the denominator of which is
8 1%, but shall not exceed .5%. The investment credit shall
9 not be allowed to the extent that it would reduce a
10 taxpayer's liability in any tax year below zero, nor may
11 any credit for qualified property be allowed for any year
12 other than the year in which the property was placed in
13 service in Illinois. For tax years ending on or after
14 December 31, 1987, and on or before December 31, 1988, the
15 credit shall be allowed for the tax year in which the
16 property is placed in service, or, if the amount of the
17 credit exceeds the tax liability for that year, whether it
18 exceeds the original liability or the liability as later
19 amended, such excess may be carried forward and applied to
20 the tax liability of the 5 taxable years following the
21 excess credit years if the taxpayer (i) makes investments
22 which cause the creation of a minimum of 2,000 full-time
23 equivalent jobs in Illinois, (ii) is located in an
24 enterprise zone established pursuant to the Illinois
25 Enterprise Zone Act and (iii) is certified by the
26 Department of Commerce and Community Affairs (now

1 Department of Commerce and Economic Opportunity) as
2 complying with the requirements specified in clause (i) and
3 (ii) by July 1, 1986. The Department of Commerce and
4 Community Affairs (now Department of Commerce and Economic
5 Opportunity) shall notify the Department of Revenue of all
6 such certifications immediately. For tax years ending
7 after December 31, 1988, the credit shall be allowed for
8 the tax year in which the property is placed in service,
9 or, if the amount of the credit exceeds the tax liability
10 for that year, whether it exceeds the original liability or
11 the liability as later amended, such excess may be carried
12 forward and applied to the tax liability of the 5 taxable
13 years following the excess credit years. The credit shall
14 be applied to the earliest year for which there is a
15 liability. If there is credit from more than one tax year
16 that is available to offset a liability, earlier credit
17 shall be applied first.

18 (2) The term "qualified property" means property
19 which:

20 (A) is tangible, whether new or used, including
21 buildings and structural components of buildings and
22 signs that are real property, but not including land or
23 improvements to real property that are not a structural
24 component of a building such as landscaping, sewer
25 lines, local access roads, fencing, parking lots, and
26 other appurtenances;

1 (B) is depreciable pursuant to Section 167 of the
2 Internal Revenue Code, except that "3-year property"
3 as defined in Section 168(c)(2)(A) of that Code is not
4 eligible for the credit provided by this subsection
5 (e);

6 (C) is acquired by purchase as defined in Section
7 179(d) of the Internal Revenue Code;

8 (D) is used in Illinois by a taxpayer who is
9 primarily engaged in manufacturing, or in mining coal
10 or fluorite, or in retailing, or was placed in service
11 on or after July 1, 2006 in a River Edge Redevelopment
12 Zone established pursuant to the River Edge
13 Redevelopment Zone Act; and

14 (E) has not previously been used in Illinois in
15 such a manner and by such a person as would qualify for
16 the credit provided by this subsection (e) or
17 subsection (f).

18 (3) For purposes of this subsection (e),
19 "manufacturing" means the material staging and production
20 of tangible personal property by procedures commonly
21 regarded as manufacturing, processing, fabrication, or
22 assembling which changes some existing material into new
23 shapes, new qualities, or new combinations. For purposes of
24 this subsection (e) the term "mining" shall have the same
25 meaning as the term "mining" in Section 613(c) of the
26 Internal Revenue Code. For purposes of this subsection (e),

1 the term "retailing" means the sale of tangible personal
2 property for use or consumption and not for resale, or
3 services rendered in conjunction with the sale of tangible
4 personal property for use or consumption and not for
5 resale. For purposes of this subsection (e), "tangible
6 personal property" has the same meaning as when that term
7 is used in the Retailers' Occupation Tax Act, and, for
8 taxable years ending after December 31, 2008, does not
9 include the generation, transmission, or distribution of
10 electricity.

11 (4) The basis of qualified property shall be the basis
12 used to compute the depreciation deduction for federal
13 income tax purposes.

14 (5) If the basis of the property for federal income tax
15 depreciation purposes is increased after it has been placed
16 in service in Illinois by the taxpayer, the amount of such
17 increase shall be deemed property placed in service on the
18 date of such increase in basis.

19 (6) The term "placed in service" shall have the same
20 meaning as under Section 46 of the Internal Revenue Code.

21 (7) If during any taxable year, any property ceases to
22 be qualified property in the hands of the taxpayer within
23 48 months after being placed in service, or the situs of
24 any qualified property is moved outside Illinois within 48
25 months after being placed in service, the Personal Property
26 Tax Replacement Income Tax for such taxable year shall be

1 increased. Such increase shall be determined by (i)
2 recomputing the investment credit which would have been
3 allowed for the year in which credit for such property was
4 originally allowed by eliminating such property from such
5 computation and, (ii) subtracting such recomputed credit
6 from the amount of credit previously allowed. For the
7 purposes of this paragraph (7), a reduction of the basis of
8 qualified property resulting from a redetermination of the
9 purchase price shall be deemed a disposition of qualified
10 property to the extent of such reduction.

11 (8) Unless the investment credit is extended by law,
12 the basis of qualified property shall not include costs
13 incurred after December 31, 2013, except for costs incurred
14 pursuant to a binding contract entered into on or before
15 December 31, 2013.

16 (9) Each taxable year ending before December 31, 2000,
17 a partnership may elect to pass through to its partners the
18 credits to which the partnership is entitled under this
19 subsection (e) for the taxable year. A partner may use the
20 credit allocated to him or her under this paragraph only
21 against the tax imposed in subsections (c) and (d) of this
22 Section. If the partnership makes that election, those
23 credits shall be allocated among the partners in the
24 partnership in accordance with the rules set forth in
25 Section 704(b) of the Internal Revenue Code, and the rules
26 promulgated under that Section, and the allocated amount of

1 the credits shall be allowed to the partners for that
2 taxable year. The partnership shall make this election on
3 its Personal Property Tax Replacement Income Tax return for
4 that taxable year. The election to pass through the credits
5 shall be irrevocable.

6 For taxable years ending on or after December 31, 2000,
7 a partner that qualifies its partnership for a subtraction
8 under subparagraph (I) of paragraph (2) of subsection (d)
9 of Section 203 or a shareholder that qualifies a Subchapter
10 S corporation for a subtraction under subparagraph (S) of
11 paragraph (2) of subsection (b) of Section 203 shall be
12 allowed a credit under this subsection (e) equal to its
13 share of the credit earned under this subsection (e) during
14 the taxable year by the partnership or Subchapter S
15 corporation, determined in accordance with the
16 determination of income and distributive share of income
17 under Sections 702 and 704 and Subchapter S of the Internal
18 Revenue Code. This paragraph is exempt from the provisions
19 of Section 250.

20 (f) Investment credit; Enterprise Zone; River Edge
21 Redevelopment Zone.

22 (1) A taxpayer shall be allowed a credit against the
23 tax imposed by subsections (a) and (b) of this Section for
24 investment in qualified property which is placed in service
25 in an Enterprise Zone created pursuant to the Illinois
26 Enterprise Zone Act or, for property placed in service on

1 or after July 1, 2006, a River Edge Redevelopment Zone
2 established pursuant to the River Edge Redevelopment Zone
3 Act. For partners, shareholders of Subchapter S
4 corporations, and owners of limited liability companies,
5 if the liability company is treated as a partnership for
6 purposes of federal and State income taxation, there shall
7 be allowed a credit under this subsection (f) to be
8 determined in accordance with the determination of income
9 and distributive share of income under Sections 702 and 704
10 and Subchapter S of the Internal Revenue Code. The credit
11 shall be .5% of the basis for such property. The credit
12 shall be available only in the taxable year in which the
13 property is placed in service in the Enterprise Zone or
14 River Edge Redevelopment Zone and shall not be allowed to
15 the extent that it would reduce a taxpayer's liability for
16 the tax imposed by subsections (a) and (b) of this Section
17 to below zero. For tax years ending on or after December
18 31, 1985, the credit shall be allowed for the tax year in
19 which the property is placed in service, or, if the amount
20 of the credit exceeds the tax liability for that year,
21 whether it exceeds the original liability or the liability
22 as later amended, such excess may be carried forward and
23 applied to the tax liability of the 5 taxable years
24 following the excess credit year. The credit shall be
25 applied to the earliest year for which there is a
26 liability. If there is credit from more than one tax year

1 that is available to offset a liability, the credit
2 accruing first in time shall be applied first.

3 (2) The term qualified property means property which:

4 (A) is tangible, whether new or used, including
5 buildings and structural components of buildings;

6 (B) is depreciable pursuant to Section 167 of the
7 Internal Revenue Code, except that "3-year property"
8 as defined in Section 168(c)(2)(A) of that Code is not
9 eligible for the credit provided by this subsection
10 (f);

11 (C) is acquired by purchase as defined in Section
12 179(d) of the Internal Revenue Code;

13 (D) is used in the Enterprise Zone or River Edge
14 Redevelopment Zone by the taxpayer; and

15 (E) has not been previously used in Illinois in
16 such a manner and by such a person as would qualify for
17 the credit provided by this subsection (f) or
18 subsection (e).

19 (3) The basis of qualified property shall be the basis
20 used to compute the depreciation deduction for federal
21 income tax purposes.

22 (4) If the basis of the property for federal income tax
23 depreciation purposes is increased after it has been placed
24 in service in the Enterprise Zone or River Edge
25 Redevelopment Zone by the taxpayer, the amount of such
26 increase shall be deemed property placed in service on the

1 date of such increase in basis.

2 (5) The term "placed in service" shall have the same
3 meaning as under Section 46 of the Internal Revenue Code.

4 (6) If during any taxable year, any property ceases to
5 be qualified property in the hands of the taxpayer within
6 48 months after being placed in service, or the situs of
7 any qualified property is moved outside the Enterprise Zone
8 or River Edge Redevelopment Zone within 48 months after
9 being placed in service, the tax imposed under subsections
10 (a) and (b) of this Section for such taxable year shall be
11 increased. Such increase shall be determined by (i)
12 recomputing the investment credit which would have been
13 allowed for the year in which credit for such property was
14 originally allowed by eliminating such property from such
15 computation, and (ii) subtracting such recomputed credit
16 from the amount of credit previously allowed. For the
17 purposes of this paragraph (6), a reduction of the basis of
18 qualified property resulting from a redetermination of the
19 purchase price shall be deemed a disposition of qualified
20 property to the extent of such reduction.

21 (7) There shall be allowed an additional credit equal
22 to 0.5% of the basis of qualified property placed in
23 service during the taxable year in a River Edge
24 Redevelopment Zone, provided such property is placed in
25 service on or after July 1, 2006, and the taxpayer's base
26 employment within Illinois has increased by 1% or more over

1 the preceding year as determined by the taxpayer's
2 employment records filed with the Illinois Department of
3 Employment Security. Taxpayers who are new to Illinois
4 shall be deemed to have met the 1% growth in base
5 employment for the first year in which they file employment
6 records with the Illinois Department of Employment
7 Security. If, in any year, the increase in base employment
8 within Illinois over the preceding year is less than 1%,
9 the additional credit shall be limited to that percentage
10 times a fraction, the numerator of which is 0.5% and the
11 denominator of which is 1%, but shall not exceed 0.5%.

12 (g) Jobs Tax Credit; Enterprise Zone, River Edge
13 Redevelopment Zone, and Foreign Trade Zone or Sub-Zone.

14 (1) A taxpayer conducting a trade or business in an
15 enterprise zone or a High Impact Business designated by the
16 Department of Commerce and Economic Opportunity or for
17 taxable years ending on or after December 31, 2006, in a
18 River Edge Redevelopment Zone conducting a trade or
19 business in a federally designated Foreign Trade Zone or
20 Sub-Zone shall be allowed a credit against the tax imposed
21 by subsections (a) and (b) of this Section in the amount of
22 \$500 per eligible employee hired to work in the zone during
23 the taxable year.

24 (2) To qualify for the credit:

25 (A) the taxpayer must hire 5 or more eligible
26 employees to work in an enterprise zone, River Edge

1 Redevelopment Zone, or federally designated Foreign
2 Trade Zone or Sub-Zone during the taxable year;

3 (B) the taxpayer's total employment within the
4 enterprise zone, River Edge Redevelopment Zone, or
5 federally designated Foreign Trade Zone or Sub-Zone
6 must increase by 5 or more full-time employees beyond
7 the total employed in that zone at the end of the
8 previous tax year for which a jobs tax credit under
9 this Section was taken, or beyond the total employed by
10 the taxpayer as of December 31, 1985, whichever is
11 later; and

12 (C) the eligible employees must be employed 180
13 consecutive days in order to be deemed hired for
14 purposes of this subsection.

15 (3) An "eligible employee" means an employee who is:

16 (A) Certified by the Department of Commerce and
17 Economic Opportunity as "eligible for services"
18 pursuant to regulations promulgated in accordance with
19 Title II of the Job Training Partnership Act, Training
20 Services for the Disadvantaged or Title III of the Job
21 Training Partnership Act, Employment and Training
22 Assistance for Dislocated Workers Program.

23 (B) Hired after the enterprise zone, River Edge
24 Redevelopment Zone, or federally designated Foreign
25 Trade Zone or Sub-Zone was designated or the trade or
26 business was located in that zone, whichever is later.

1 (C) Employed in the enterprise zone, River Edge
2 Redevelopment Zone, or Foreign Trade Zone or Sub-Zone.

3 An employee is employed in an enterprise zone or
4 federally designated Foreign Trade Zone or Sub-Zone if
5 his services are rendered there or it is the base of
6 operations for the services performed.

7 (D) A full-time employee working 30 or more hours
8 per week.

9 (4) For tax years ending on or after December 31, 1985
10 and prior to December 31, 1988, the credit shall be allowed
11 for the tax year in which the eligible employees are hired.
12 For tax years ending on or after December 31, 1988, the
13 credit shall be allowed for the tax year immediately
14 following the tax year in which the eligible employees are
15 hired. If the amount of the credit exceeds the tax
16 liability for that year, whether it exceeds the original
17 liability or the liability as later amended, such excess
18 may be carried forward and applied to the tax liability of
19 the 5 taxable years following the excess credit year. The
20 credit shall be applied to the earliest year for which
21 there is a liability. If there is credit from more than one
22 tax year that is available to offset a liability, earlier
23 credit shall be applied first.

24 (5) The Department of Revenue shall promulgate such
25 rules and regulations as may be deemed necessary to carry
26 out the purposes of this subsection (g).

1 (6) The credit shall be available for eligible
2 employees hired on or after January 1, 1986.

3 (h) Investment credit; High Impact Business.

4 (1) Subject to subsections (b) and (b-5) of Section 5.5
5 of the Illinois Enterprise Zone Act, a taxpayer shall be
6 allowed a credit against the tax imposed by subsections (a)
7 and (b) of this Section for investment in qualified
8 property which is placed in service by a Department of
9 Commerce and Economic Opportunity designated High Impact
10 Business. The credit shall be .5% of the basis for such
11 property. The credit shall not be available (i) until the
12 minimum investments in qualified property set forth in
13 subdivision (a)(3)(A) of Section 5.5 of the Illinois
14 Enterprise Zone Act have been satisfied or (ii) until the
15 time authorized in subsection (b-5) of the Illinois
16 Enterprise Zone Act for entities designated as High Impact
17 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
18 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
19 Act, and shall not be allowed to the extent that it would
20 reduce a taxpayer's liability for the tax imposed by
21 subsections (a) and (b) of this Section to below zero. The
22 credit applicable to such investments shall be taken in the
23 taxable year in which such investments have been completed.
24 The credit for additional investments beyond the minimum
25 investment by a designated high impact business authorized
26 under subdivision (a)(3)(A) of Section 5.5 of the Illinois

1 Enterprise Zone Act shall be available only in the taxable
2 year in which the property is placed in service and shall
3 not be allowed to the extent that it would reduce a
4 taxpayer's liability for the tax imposed by subsections (a)
5 and (b) of this Section to below zero. For tax years ending
6 on or after December 31, 1987, the credit shall be allowed
7 for the tax year in which the property is placed in
8 service, or, if the amount of the credit exceeds the tax
9 liability for that year, whether it exceeds the original
10 liability or the liability as later amended, such excess
11 may be carried forward and applied to the tax liability of
12 the 5 taxable years following the excess credit year. The
13 credit shall be applied to the earliest year for which
14 there is a liability. If there is credit from more than one
15 tax year that is available to offset a liability, the
16 credit accruing first in time shall be applied first.

17 Changes made in this subdivision (h) (1) by Public Act
18 88-670 restore changes made by Public Act 85-1182 and
19 reflect existing law.

20 (2) The term qualified property means property which:

21 (A) is tangible, whether new or used, including
22 buildings and structural components of buildings;

23 (B) is depreciable pursuant to Section 167 of the
24 Internal Revenue Code, except that "3-year property"
25 as defined in Section 168(c) (2) (A) of that Code is not
26 eligible for the credit provided by this subsection

1 (h);

2 (C) is acquired by purchase as defined in Section
3 179(d) of the Internal Revenue Code; and

4 (D) is not eligible for the Enterprise Zone
5 Investment Credit provided by subsection (f) of this
6 Section.

7 (3) The basis of qualified property shall be the basis
8 used to compute the depreciation deduction for federal
9 income tax purposes.

10 (4) If the basis of the property for federal income tax
11 depreciation purposes is increased after it has been placed
12 in service in a federally designated Foreign Trade Zone or
13 Sub-Zone located in Illinois by the taxpayer, the amount of
14 such increase shall be deemed property placed in service on
15 the date of such increase in basis.

16 (5) The term "placed in service" shall have the same
17 meaning as under Section 46 of the Internal Revenue Code.

18 (6) If during any taxable year ending on or before
19 December 31, 1996, any property ceases to be qualified
20 property in the hands of the taxpayer within 48 months
21 after being placed in service, or the situs of any
22 qualified property is moved outside Illinois within 48
23 months after being placed in service, the tax imposed under
24 subsections (a) and (b) of this Section for such taxable
25 year shall be increased. Such increase shall be determined
26 by (i) recomputing the investment credit which would have

1 been allowed for the year in which credit for such property
2 was originally allowed by eliminating such property from
3 such computation, and (ii) subtracting such recomputed
4 credit from the amount of credit previously allowed. For
5 the purposes of this paragraph (6), a reduction of the
6 basis of qualified property resulting from a
7 redetermination of the purchase price shall be deemed a
8 disposition of qualified property to the extent of such
9 reduction.

10 (7) Beginning with tax years ending after December 31,
11 1996, if a taxpayer qualifies for the credit under this
12 subsection (h) and thereby is granted a tax abatement and
13 the taxpayer relocates its entire facility in violation of
14 the explicit terms and length of the contract under Section
15 18-183 of the Property Tax Code, the tax imposed under
16 subsections (a) and (b) of this Section shall be increased
17 for the taxable year in which the taxpayer relocated its
18 facility by an amount equal to the amount of credit
19 received by the taxpayer under this subsection (h).

20 (i) Credit for Personal Property Tax Replacement Income
21 Tax. For tax years ending prior to December 31, 2003, a credit
22 shall be allowed against the tax imposed by subsections (a) and
23 (b) of this Section for the tax imposed by subsections (c) and
24 (d) of this Section. This credit shall be computed by
25 multiplying the tax imposed by subsections (c) and (d) of this
26 Section by a fraction, the numerator of which is base income

1 allocable to Illinois and the denominator of which is Illinois
2 base income, and further multiplying the product by the tax
3 rate imposed by subsections (a) and (b) of this Section.

4 Any credit earned on or after December 31, 1986 under this
5 subsection which is unused in the year the credit is computed
6 because it exceeds the tax liability imposed by subsections (a)
7 and (b) for that year (whether it exceeds the original
8 liability or the liability as later amended) may be carried
9 forward and applied to the tax liability imposed by subsections
10 (a) and (b) of the 5 taxable years following the excess credit
11 year, provided that no credit may be carried forward to any
12 year ending on or after December 31, 2003. This credit shall be
13 applied first to the earliest year for which there is a
14 liability. If there is a credit under this subsection from more
15 than one tax year that is available to offset a liability the
16 earliest credit arising under this subsection shall be applied
17 first.

18 If, during any taxable year ending on or after December 31,
19 1986, the tax imposed by subsections (c) and (d) of this
20 Section for which a taxpayer has claimed a credit under this
21 subsection (i) is reduced, the amount of credit for such tax
22 shall also be reduced. Such reduction shall be determined by
23 recomputing the credit to take into account the reduced tax
24 imposed by subsections (c) and (d). If any portion of the
25 reduced amount of credit has been carried to a different
26 taxable year, an amended return shall be filed for such taxable

1 year to reduce the amount of credit claimed.

2 (j) Training expense credit. Beginning with tax years
3 ending on or after December 31, 1986 and prior to December 31,
4 2003, a taxpayer shall be allowed a credit against the tax
5 imposed by subsections (a) and (b) under this Section for all
6 amounts paid or accrued, on behalf of all persons employed by
7 the taxpayer in Illinois or Illinois residents employed outside
8 of Illinois by a taxpayer, for educational or vocational
9 training in semi-technical or technical fields or semi-skilled
10 or skilled fields, which were deducted from gross income in the
11 computation of taxable income. The credit against the tax
12 imposed by subsections (a) and (b) shall be 1.6% of such
13 training expenses. For partners, shareholders of subchapter S
14 corporations, and owners of limited liability companies, if the
15 liability company is treated as a partnership for purposes of
16 federal and State income taxation, there shall be allowed a
17 credit under this subsection (j) to be determined in accordance
18 with the determination of income and distributive share of
19 income under Sections 702 and 704 and subchapter S of the
20 Internal Revenue Code.

21 Any credit allowed under this subsection which is unused in
22 the year the credit is earned may be carried forward to each of
23 the 5 taxable years following the year for which the credit is
24 first computed until it is used. This credit shall be applied
25 first to the earliest year for which there is a liability. If
26 there is a credit under this subsection from more than one tax

1 year that is available to offset a liability the earliest
2 credit arising under this subsection shall be applied first. No
3 carryforward credit may be claimed in any tax year ending on or
4 after December 31, 2003.

5 (k) Research and development credit.

6 For tax years ending after July 1, 1990 and prior to
7 December 31, 2003, and beginning again for tax years ending on
8 or after December 31, 2004, and ending prior to January 1,
9 2011, a taxpayer shall be allowed a credit against the tax
10 imposed by subsections (a) and (b) of this Section for
11 increasing research activities in this State. The credit
12 allowed against the tax imposed by subsections (a) and (b)
13 shall be equal to 6 1/2% of the qualifying expenditures for
14 increasing research activities in this State. For partners,
15 shareholders of subchapter S corporations, and owners of
16 limited liability companies, if the liability company is
17 treated as a partnership for purposes of federal and State
18 income taxation, there shall be allowed a credit under this
19 subsection to be determined in accordance with the
20 determination of income and distributive share of income under
21 Sections 702 and 704 and subchapter S of the Internal Revenue
22 Code.

23 For purposes of this subsection, "qualifying expenditures"
24 means the qualifying expenditures as defined for the federal
25 credit for increasing research activities which would be
26 allowable under Section 41 of the Internal Revenue Code and

1 which are conducted in this State, "qualifying expenditures for
2 increasing research activities in this State" means the excess
3 of qualifying expenditures for the taxable year in which
4 incurred over qualifying expenditures for the base period,
5 "qualifying expenditures for the base period" means the average
6 of the qualifying expenditures for each year in the base
7 period, and "base period" means the 3 taxable years immediately
8 preceding the taxable year for which the determination is being
9 made.

10 Any credit in excess of the tax liability for the taxable
11 year may be carried forward. A taxpayer may elect to have the
12 unused credit shown on its final completed return carried over
13 as a credit against the tax liability for the following 5
14 taxable years or until it has been fully used, whichever occurs
15 first; provided that no credit earned in a tax year ending
16 prior to December 31, 2003 may be carried forward to any year
17 ending on or after December 31, 2003, and no credit may be
18 carried forward to any taxable year ending on or after January
19 1, 2011.

20 If an unused credit is carried forward to a given year from
21 2 or more earlier years, that credit arising in the earliest
22 year will be applied first against the tax liability for the
23 given year. If a tax liability for the given year still
24 remains, the credit from the next earliest year will then be
25 applied, and so on, until all credits have been used or no tax
26 liability for the given year remains. Any remaining unused

1 credit or credits then will be carried forward to the next
2 following year in which a tax liability is incurred, except
3 that no credit can be carried forward to a year which is more
4 than 5 years after the year in which the expense for which the
5 credit is given was incurred.

6 No inference shall be drawn from this amendatory Act of the
7 91st General Assembly in construing this Section for taxable
8 years beginning before January 1, 1999.

9 (1) Environmental Remediation Tax Credit.

10 (i) For tax years ending after December 31, 1997 and on
11 or before December 31, 2001, a taxpayer shall be allowed a
12 credit against the tax imposed by subsections (a) and (b)
13 of this Section for certain amounts paid for unreimbursed
14 eligible remediation costs, as specified in this
15 subsection. For purposes of this Section, "unreimbursed
16 eligible remediation costs" means costs approved by the
17 Illinois Environmental Protection Agency ("Agency") under
18 Section 58.14 of the Environmental Protection Act that were
19 paid in performing environmental remediation at a site for
20 which a No Further Remediation Letter was issued by the
21 Agency and recorded under Section 58.10 of the
22 Environmental Protection Act. The credit must be claimed
23 for the taxable year in which Agency approval of the
24 eligible remediation costs is granted. The credit is not
25 available to any taxpayer if the taxpayer or any related
26 party caused or contributed to, in any material respect, a

1 release of regulated substances on, in, or under the site
2 that was identified and addressed by the remedial action
3 pursuant to the Site Remediation Program of the
4 Environmental Protection Act. After the Pollution Control
5 Board rules are adopted pursuant to the Illinois
6 Administrative Procedure Act for the administration and
7 enforcement of Section 58.9 of the Environmental
8 Protection Act, determinations as to credit availability
9 for purposes of this Section shall be made consistent with
10 those rules. For purposes of this Section, "taxpayer"
11 includes a person whose tax attributes the taxpayer has
12 succeeded to under Section 381 of the Internal Revenue Code
13 and "related party" includes the persons disallowed a
14 deduction for losses by paragraphs (b), (c), and (f) (1) of
15 Section 267 of the Internal Revenue Code by virtue of being
16 a related taxpayer, as well as any of its partners. The
17 credit allowed against the tax imposed by subsections (a)
18 and (b) shall be equal to 25% of the unreimbursed eligible
19 remediation costs in excess of \$100,000 per site, except
20 that the \$100,000 threshold shall not apply to any site
21 contained in an enterprise zone as determined by the
22 Department of Commerce and Community Affairs (now
23 Department of Commerce and Economic Opportunity). The
24 total credit allowed shall not exceed \$40,000 per year with
25 a maximum total of \$150,000 per site. For partners and
26 shareholders of subchapter S corporations, there shall be

1 allowed a credit under this subsection to be determined in
2 accordance with the determination of income and
3 distributive share of income under Sections 702 and 704 and
4 subchapter S of the Internal Revenue Code.

5 (ii) A credit allowed under this subsection that is
6 unused in the year the credit is earned may be carried
7 forward to each of the 5 taxable years following the year
8 for which the credit is first earned until it is used. The
9 term "unused credit" does not include any amounts of
10 unreimbursed eligible remediation costs in excess of the
11 maximum credit per site authorized under paragraph (i).
12 This credit shall be applied first to the earliest year for
13 which there is a liability. If there is a credit under this
14 subsection from more than one tax year that is available to
15 offset a liability, the earliest credit arising under this
16 subsection shall be applied first. A credit allowed under
17 this subsection may be sold to a buyer as part of a sale of
18 all or part of the remediation site for which the credit
19 was granted. The purchaser of a remediation site and the
20 tax credit shall succeed to the unused credit and remaining
21 carry-forward period of the seller. To perfect the
22 transfer, the assignor shall record the transfer in the
23 chain of title for the site and provide written notice to
24 the Director of the Illinois Department of Revenue of the
25 assignor's intent to sell the remediation site and the
26 amount of the tax credit to be transferred as a portion of

1 the sale. In no event may a credit be transferred to any
2 taxpayer if the taxpayer or a related party would not be
3 eligible under the provisions of subsection (i).

4 (iii) For purposes of this Section, the term "site"
5 shall have the same meaning as under Section 58.2 of the
6 Environmental Protection Act.

7 (m) Education expense credit. Beginning with tax years
8 ending after December 31, 1999, a taxpayer who is the custodian
9 of one or more qualifying pupils shall be allowed a credit
10 against the tax imposed by subsections (a) and (b) of this
11 Section for qualified education expenses incurred on behalf of
12 the qualifying pupils. The credit shall be equal to 25% of
13 qualified education expenses, but in no event may the total
14 credit under this subsection claimed by a family that is the
15 custodian of qualifying pupils exceed \$500. In no event shall a
16 credit under this subsection reduce the taxpayer's liability
17 under this Act to less than zero. This subsection is exempt
18 from the provisions of Section 250 of this Act.

19 For purposes of this subsection:

20 "Qualifying pupils" means individuals who (i) are
21 residents of the State of Illinois, (ii) are under the age of
22 21 at the close of the school year for which a credit is
23 sought, and (iii) during the school year for which a credit is
24 sought were full-time pupils enrolled in a kindergarten through
25 twelfth grade education program at any school, as defined in
26 this subsection.

1 "Qualified education expense" means the amount incurred on
2 behalf of a qualifying pupil in excess of \$250 for tuition,
3 book fees, and lab fees at the school in which the pupil is
4 enrolled during the regular school year.

5 "School" means any public or nonpublic elementary or
6 secondary school in Illinois that is in compliance with Title
7 VI of the Civil Rights Act of 1964 and attendance at which
8 satisfies the requirements of Section 26-1 of the School Code,
9 except that nothing shall be construed to require a child to
10 attend any particular public or nonpublic school to qualify for
11 the credit under this Section.

12 "Custodian" means, with respect to qualifying pupils, an
13 Illinois resident who is a parent, the parents, a legal
14 guardian, or the legal guardians of the qualifying pupils.

15 (n) River Edge Redevelopment Zone site remediation tax
16 credit.

17 (i) For tax years ending on or after December 31, 2006,
18 a taxpayer shall be allowed a credit against the tax
19 imposed by subsections (a) and (b) of this Section for
20 certain amounts paid for unreimbursed eligible remediation
21 costs, as specified in this subsection. For purposes of
22 this Section, "unreimbursed eligible remediation costs"
23 means costs approved by the Illinois Environmental
24 Protection Agency ("Agency") under Section 58.14a of the
25 Environmental Protection Act that were paid in performing
26 environmental remediation at a site within a River Edge

1 Redevelopment Zone for which a No Further Remediation
2 Letter was issued by the Agency and recorded under Section
3 58.10 of the Environmental Protection Act. The credit must
4 be claimed for the taxable year in which Agency approval of
5 the eligible remediation costs is granted. The credit is
6 not available to any taxpayer if the taxpayer or any
7 related party caused or contributed to, in any material
8 respect, a release of regulated substances on, in, or under
9 the site that was identified and addressed by the remedial
10 action pursuant to the Site Remediation Program of the
11 Environmental Protection Act. Determinations as to credit
12 availability for purposes of this Section shall be made
13 consistent with rules adopted by the Pollution Control
14 Board pursuant to the Illinois Administrative Procedure
15 Act for the administration and enforcement of Section 58.9
16 of the Environmental Protection Act. For purposes of this
17 Section, "taxpayer" includes a person whose tax attributes
18 the taxpayer has succeeded to under Section 381 of the
19 Internal Revenue Code and "related party" includes the
20 persons disallowed a deduction for losses by paragraphs
21 (b), (c), and (f)(1) of Section 267 of the Internal Revenue
22 Code by virtue of being a related taxpayer, as well as any
23 of its partners. The credit allowed against the tax imposed
24 by subsections (a) and (b) shall be equal to 25% of the
25 unreimbursed eligible remediation costs in excess of
26 \$100,000 per site.

1 (ii) A credit allowed under this subsection that is
2 unused in the year the credit is earned may be carried
3 forward to each of the 5 taxable years following the year
4 for which the credit is first earned until it is used. This
5 credit shall be applied first to the earliest year for
6 which there is a liability. If there is a credit under this
7 subsection from more than one tax year that is available to
8 offset a liability, the earliest credit arising under this
9 subsection shall be applied first. A credit allowed under
10 this subsection may be sold to a buyer as part of a sale of
11 all or part of the remediation site for which the credit
12 was granted. The purchaser of a remediation site and the
13 tax credit shall succeed to the unused credit and remaining
14 carry-forward period of the seller. To perfect the
15 transfer, the assignor shall record the transfer in the
16 chain of title for the site and provide written notice to
17 the Director of the Illinois Department of Revenue of the
18 assignor's intent to sell the remediation site and the
19 amount of the tax credit to be transferred as a portion of
20 the sale. In no event may a credit be transferred to any
21 taxpayer if the taxpayer or a related party would not be
22 eligible under the provisions of subsection (i).

23 (iii) For purposes of this Section, the term "site"
24 shall have the same meaning as under Section 58.2 of the
25 Environmental Protection Act.

26 (iv) This subsection is exempt from the provisions of

1 Section 250.

2 (Source: P.A. 95-454, eff. 8-27-07; 96-115, eff. 7-31-09;
3 96-116, eff. 7-31-09; 96-937, eff. 6-23-10; 96-1000, eff.
4 7-2-10.)

5 Section 90-23. The Property Tax Code is amended by adding
6 Section 15-144 as follows:

7 (35 ILCS 200/15-144 new)

8 Sec. 15-144. Chicago Casino Development Authority. All
9 property owned by the Chicago Casino Development Authority is
10 exempt. Any property owned by the Chicago Casino Development
11 Authority and leased to an entity that is not exempt shall
12 remain exempt so long as it is used for a public purpose.

13 Section 90-25. The Joliet Regional Port District Act is
14 amended by changing Section 5.1 as follows:

15 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

16 Sec. 5.1. Riverboat and casino gambling. Notwithstanding
17 any other provision of this Act, the District may not regulate
18 the operation, conduct, or navigation of any riverboat gambling
19 casino licensed under the Illinois ~~Riverboat~~ Gambling Act, and
20 the District may not license, tax, or otherwise levy any
21 assessment of any kind on any riverboat gambling casino
22 licensed under the Illinois ~~Riverboat~~ Gambling Act. The General

1 Assembly declares that the powers to regulate the operation,
2 conduct, and navigation of riverboat gambling casinos and to
3 license, tax, and levy assessments upon riverboat gambling
4 casinos are exclusive powers of the State of Illinois and the
5 Illinois Gaming Board as provided in the Illinois Riverboat
6 Gambling Act.

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

8 Section 90-30. The Consumer Installment Loan Act is amended
9 by changing Section 12.5 as follows:

10 (205 ILCS 670/12.5)

11 Sec. 12.5. Limited purpose branch.

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

18 (b) The licensee must submit an application for a limited
19 purpose branch to the Director on forms prescribed by the
20 Director with an application fee of \$300. The approval for the
21 limited purpose branch must be renewed concurrently with the
22 renewal of the licensee's license along with a renewal fee of
23 \$300 for the limited purpose branch.

24 (c) The books, accounts, records, and files of the limited

1 purpose branch's transactions shall be maintained at the
2 licensee's licensed location. The licensee shall notify the
3 Director of the licensed location at which the books, accounts,
4 records, and files shall be maintained.

5 (d) The licensee shall prominently display at the limited
6 purpose branch the address and telephone number of the
7 licensee's licensed location.

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

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

12 (g) A limited purpose branch may not be located within
13 1,000 feet of a facility operated by an inter-track wagering
14 licensee or an organization licensee subject to the Illinois
15 Horse Racing Act of 1975, on a riverboat or in a casino subject
16 to the Illinois Riverboat Gambling Act, or within 1,000 feet of
17 the location at which the riverboat docks or within 1,000 feet
18 of a casino.

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

20 Section 90-35. The Illinois Horse Racing Act of 1975 is
21 amended by changing Sections 1.2, 3.11, 3.12, 6, 9, 15, 15.1,
22 18, 19, 20, 24, 26, 27, 28, 28.1, 30, 30.5, 31, 31.1, 32.1, 36,
23 and 40 and by adding Sections 3.31, 3.32, 3.33, 3.35, 3.36,
24 34.3, and 56 as follows:

1 (230 ILCS 5/1.2)

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

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

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

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

17 (d) promote the further growth of tourism;

18 (e) encourage the breeding of thoroughbred and
19 standardbred horses in this State; and

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

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

24 (230 ILCS 5/3.11) (from Ch. 8, par. 37-3.11)

25 Sec. 3.11. "Organization Licensee" means any person

1 receiving an organization license from the Board to conduct a
2 race meeting or meetings. With respect only to electronic
3 gaming, "organization licensee" includes the authorization for
4 an electronic gaming license under subsection (a) of Section 56
5 of this Act.

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

7 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

8 Sec. 3.12. Pari-mutuel system of wagering. "Pari-mutuel
9 system of wagering" means a form of wagering on the outcome of
10 horse races in which wagers are made in various denominations
11 on a horse or horses and all wagers for each race are pooled
12 and held by a licensee for distribution in a manner approved by
13 the Board. "Pari-mutuel system of wagering" shall not include
14 wagering on historic races. Wagers may be placed via any method
15 or at any location authorized under this Act.

16 (Source: P.A. 96-762, eff. 8-25-09.)

17 (230 ILCS 5/3.31 new)

18 Sec. 3.31. Adjusted gross receipts. "Adjusted gross
19 receipts" means the gross receipts less winnings paid to
20 wagerers.

21 (230 ILCS 5/3.32 new)

22 Sec. 3.32. Gross receipts. "Gross receipts" means the total
23 amount of money exchanged for the purchase of chips, tokens, or

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

3 (230 ILCS 5/3.33 new)

4 Sec. 3.33. Electronic gaming. "Electronic gaming" means
5 slot machine gambling, video game of chance gambling, or
6 gambling with electronic gambling games as defined in the
7 Illinois Gambling Act or defined by the Illinois Gaming Board
8 that is conducted at a race track pursuant to an electronic
9 gaming license.

10 (230 ILCS 5/3.35 new)

11 Sec. 3.35. Electronic gaming license. "Electronic gaming
12 license" means a license issued by the Illinois Gaming Board
13 under Section 7.6 of the Illinois Gambling Act authorizing
14 electronic gaming at an electronic gaming facility.

15 (230 ILCS 5/3.36 new)

16 Sec. 3.36. Electronic gaming facility. "Electronic gaming
17 facility" means that portion of an organization licensee's race
18 track facility at which electronic gaming is conducted.

19 (230 ILCS 5/6) (from Ch. 8, par. 37-6)

20 Sec. 6. Restrictions on Board members.

21 (a) No person shall be appointed a member of the Board or
22 continue to be a member of the Board if the person or any

1 member of their immediate family is a member of the Board of
2 Directors, employee, or financially interested in any of the
3 following: (i) any licensee or other person who has applied for
4 racing dates to the Board, or the operations thereof including,
5 but not limited to, concessions, data processing, track
6 maintenance, track security, and pari-mutuel operations,
7 located, scheduled or doing business within the State of
8 Illinois, (ii) any licensee or other person in any race horse
9 competing at a meeting under the Board's jurisdiction, or (iii)
10 any licensee under the Illinois Gambling Act. No person shall
11 be appointed a member of the Board or continue to be a member
12 of the Board who is (or any member of whose family is) a member
13 of the Board of Directors of, or who is a person financially
14 interested in, any licensee or other person who has applied for
15 racing dates to the Board, or the operations thereof including,
16 but not limited to, concessions, data processing, track
17 maintenance, track security and pari mutuel operations,
18 located, scheduled or doing business within the State of
19 Illinois, or in any race horse competing at a meeting under the
20 Board's jurisdiction. No Board member shall hold any other
21 public office for which he shall receive compensation other
22 than necessary travel or other incidental expenses.

23 (b) No person shall be a member of the Board who is not of
24 good moral character or who has been convicted of, or is under
25 indictment for, a felony under the laws of Illinois or any
26 other state, or the United States.

1 (c) No member of the Board or employee shall engage in any
2 political activity. For the purposes of this Section,
3 "political" means any activity in support of or in connection
4 with any campaign for State or local elective office or any
5 political organization, but does not include activities (i)
6 relating to the support or opposition of any executive,
7 legislative, or administrative action (as those terms are
8 defined in Section 2 of the Lobbyist Registration Act), (ii)
9 relating to collective bargaining, or (iii) that are otherwise
10 in furtherance of the person's official State duties or
11 governmental and public service functions.

12 (d) Board members and employees may not engage in
13 communications or any activity that may cause or have the
14 appearance of causing a conflict of interest. A conflict of
15 interest exists if a situation influences or creates the
16 appearance that it may influence judgment or performance of
17 regulatory duties and responsibilities. This prohibition shall
18 extend to any act identified by Board action that, in the
19 judgment of the Board, could represent the potential for or the
20 appearance of a conflict of interest.

21 (e) Board members and employees may not accept any gift,
22 gratuity, service, compensation, travel, lodging, or thing of
23 value, with the exception of unsolicited items of an incidental
24 nature, from any person, corporation, or entity doing business
25 with the Board.

26 (f) A Board member or employee shall not use or attempt to

1 use his or her official position to secure, or attempt to
2 secure, any privilege, advantage, favor, or influence for
3 himself or herself or others. No Board member or employee,
4 within a period of one year immediately preceding nomination by
5 the Governor or employment, shall have been employed or
6 received compensation or fees for services from a person or
7 entity, or its parent or affiliate, that has engaged in
8 business with the Board, a licensee or a licensee under the
9 Illinois Gambling Act. In addition, no Board member or employee
10 shall for one year after the expiration of his or her term or
11 separation from the Board be employed or receive compensation
12 or fees from the before-mentioned persons or entities.

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

14 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

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

18 (a) The Board is vested with jurisdiction and supervision
19 over all race meetings in this State, over all licensees doing
20 business in this State, over all occupation licensees, and over
21 all persons on the facilities of any licensee. Such
22 jurisdiction shall include the power to issue licenses to the
23 Illinois Department of Agriculture authorizing the pari-mutuel
24 system of wagering on harness and Quarter Horse races held (1)
25 at the Illinois State Fair in Sangamon County, and (2) at the

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

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

22 Notwithstanding any provision of law to the contrary, it
23 shall be lawful for any licensee to operate pari-mutuel
24 wagering or contract with the Department of Agriculture to
25 operate pari-mutuel wagering at the DuQuoin State Fairgrounds
26 or for the Department to enter into contracts with a licensee,

1 employ its owners, employees or agents and employ such other
2 occupation licensees as the Department deems necessary in
3 connection with race meetings and wagerings.

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

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

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

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

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

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

24 (g) The Board may require that the records, including
25 financial or other statements of any licensee or any person
26 affiliated with the licensee who is involved directly or

1 indirectly in the activities of any licensee as regulated under
2 this Act to the extent that those financial or other statements
3 relate to such activities be kept in such manner as prescribed
4 by the Board, and that Board employees shall have access to
5 those records during reasonable business hours. Within 120 days
6 of the end of its fiscal year, each licensee shall transmit to
7 the Board an audit of the financial transactions and condition
8 of the licensee's total operations. All audits shall be
9 conducted by certified public accountants. Each certified
10 public accountant must be registered in the State of Illinois
11 under the Illinois Public Accounting Act. The compensation for
12 each certified public accountant shall be paid directly by the
13 licensee to the certified public accountant. A licensee shall
14 also submit any other financial or related information the
15 Board deems necessary to effectively administer this Act and
16 all rules, regulations, and final decisions promulgated under
17 this Act.

18 (h) The Board shall name and appoint in the manner provided
19 by the rules and regulations of the Board: an Executive
20 Director; a State director of mutuels; State veterinarians and
21 representatives to take saliva, blood, urine and other tests on
22 horses; licensing personnel; revenue inspectors; and State
23 seasonal employees (excluding admission ticket sellers and
24 mutuel clerks). All of those named and appointed as provided in
25 this subsection shall serve during the pleasure of the Board;
26 their compensation shall be determined by the Board and be paid

1 in the same manner as other employees of the Board under this
2 Act.

3 (i) The Board shall require that there shall be 3 stewards
4 at each horse race meeting, at least 2 of whom shall be named
5 and appointed by the Board. Stewards appointed or approved by
6 the Board, while performing duties required by this Act or by
7 the Board, shall be entitled to the same rights and immunities
8 as granted to Board members and Board employees in Section 10
9 of this Act.

10 (j) The Board may discharge any Board employee who fails or
11 refuses for any reason to comply with the rules and regulations
12 of the Board, or who, in the opinion of the Board, is guilty of
13 fraud, dishonesty or who is proven to be incompetent. The Board
14 shall have no right or power to determine who shall be
15 officers, directors or employees of any licensee, or their
16 salaries except the Board may, by rule, require that all or any
17 officials or employees in charge of or whose duties relate to
18 the actual running of races be approved by the Board.

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

23 (l) The Board is vested with the power to impose civil
24 penalties of up to \$5,000 against an individual and up to
25 \$10,000 against a licensee for each violation of any provision
26 of this Act, any rules adopted by the Board, any order of the

1 Board or any other action which, in the Board's discretion, is
2 a detriment or impediment to horse racing or wagering. All such
3 civil penalties shall be deposited into the Horse Racing Fund.

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

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

24 (o) Whenever the Board is authorized or required by law to
25 consider some aspect of criminal history record information for
26 the purpose of carrying out its statutory powers and

1 responsibilities, then, upon request and payment of fees in
2 conformance with the requirements of Section 2605-400 of the
3 Department of State Police Law (20 ILCS 2605/2605-400), the
4 Department of State Police is authorized to furnish, pursuant
5 to positive identification, such information contained in
6 State files as is necessary to fulfill the request.

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

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

14 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

15 Sec. 15. (a) The Board shall, in its discretion, issue
16 occupation licenses to horse owners, trainers, harness
17 drivers, jockeys, agents, apprentices, grooms, stable foremen,
18 exercise persons, veterinarians, valets, blacksmiths,
19 concessionaires and others designated by the Board whose work,
20 in whole or in part, is conducted upon facilities within the
21 State. Such occupation licenses will be obtained prior to the
22 persons engaging in their vocation upon such facilities. The
23 Board shall not license pari-mutuel clerks, parking
24 attendants, security guards and employees of concessionaires.
25 No occupation license shall be required of any person who works

1 at facilities within this State as a pari-mutuel clerk, parking
2 attendant, security guard or as an employee of a
3 concessionaire. Concessionaires of the Illinois State Fair and
4 DuQuoin State Fair and employees of the Illinois Department of
5 Agriculture shall not be required to obtain an occupation
6 license by the Board.

7 (b) Each application for an occupation license shall be on
8 forms prescribed by the Board. Such license, when issued, shall
9 be for the period ending December 31 of each year, except that
10 the Board in its discretion may grant 3-year licenses. The
11 application shall be accompanied by a fee of not more than \$25
12 per year or, in the case of 3-year occupation license
13 applications, a fee of not more than \$60. Each applicant shall
14 set forth in the application his full name and address, and if
15 he had been issued prior occupation licenses or has been
16 licensed in any other state under any other name, such name,
17 his age, whether or not a permit or license issued to him in
18 any other state has been suspended or revoked and if so whether
19 such suspension or revocation is in effect at the time of the
20 application, and such other information as the Board may
21 require. Fees for registration of stable names shall not exceed
22 \$50.00.

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

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

26 (2) who is unqualified to perform the duties required

1 of such applicant;

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

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

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

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

9 (1) for violation of any of the provisions of this Act;
10 or

11 (2) for violation of any of the rules or regulations of
12 the Board; or

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

16 (4) for any other just cause.

17 (e) Each applicant shall submit his or her fingerprints
18 to the Department of State Police in the form and manner
19 prescribed by the Department of State Police. These
20 fingerprints shall be checked against the fingerprint records
21 now and hereafter filed in the Department of State Police and
22 Federal Bureau of Investigation criminal history records
23 databases. The Department of State Police shall charge a fee
24 for conducting the criminal history records check, which shall
25 be deposited in the State Police Services Fund and shall not
26 exceed the actual cost of the records check. The Department of

1 State Police shall furnish, pursuant to positive
2 identification, records of conviction to the Board. Each
3 applicant for licensure shall submit with his occupation
4 license application, on forms provided by the Board, 2 sets of
5 his fingerprints. All such applicants shall appear in person at
6 the location designated by the Board for the purpose of
7 submitting such sets of fingerprints; however, with the prior
8 approval of a State steward, an applicant may have such sets of
9 fingerprints taken by an official law enforcement agency and
10 submitted to the Board.

11 (f) The Board may, in its discretion, issue an occupation
12 license without submission of fingerprints ~~if an applicant has~~
13 ~~been duly licensed in another recognized racing jurisdiction~~
14 ~~after submitting fingerprints that were subjected to a Federal~~
15 ~~Bureau of Investigation criminal history background check in~~
16 ~~that jurisdiction.~~

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

18 (230 ILCS 5/15.1) (from Ch. 8, par. 37-15.1)

19 Sec. 15.1. Upon collection of the fee accompanying the
20 application for an occupation license, the Board shall be
21 authorized to make daily temporary deposits of the fees, for a
22 period not to exceed 7 days, with the horsemen's bookkeeper at
23 a race meeting. The horsemen's bookkeeper shall issue a check,
24 payable to the order of the Illinois Racing Board, for monies
25 deposited under this Section within 24 hours of receipt of the

1 monies. Provided however, upon the issuance of the check by the
2 horsemen's bookkeeper the check shall be deposited into the
3 Horse Racing Fund ~~in the State Treasury in accordance with the~~
4 ~~provisions of the "State Officers and Employees Money~~
5 ~~Disposition Act", approved June 9, 1911, as amended.~~

6 (Source: P.A. 84-432.)

7 (230 ILCS 5/18) (from Ch. 8, par. 37-18)

8 Sec. 18. (a) Together with its application, each applicant
9 for racing dates shall deliver to the Board a certified check
10 or bank draft payable to the order of the Board for \$1,000. In
11 the event the applicant applies for racing dates in 2 or 3
12 successive calendar years as provided in subsection (b) of
13 Section 21, the fee shall be \$2,000. Filing fees shall not be
14 refunded in the event the application is denied. All filing
15 fees shall be deposited into the Horse Racing Fund.

16 (b) In addition to the filing fee of \$1000 and the fees
17 provided in subsection (j) of Section 20, each organization
18 licensee shall pay a license fee of \$100 for each racing
19 program on which its daily pari-mutuel handle is \$400,000 or
20 more but less than \$700,000, and a license fee of \$200 for each
21 racing program on which its daily pari-mutuel handle is
22 \$700,000 or more. The additional fees required to be paid under
23 this Section by this amendatory Act of 1982 shall be remitted
24 by the organization licensee to the Illinois Racing Board with
25 each day's graduated privilege tax or pari-mutuel tax and

1 breakage as provided under Section 27.

2 (c) Sections 11-42-1, 11-42-5, and 11-54-1 of the "Illinois
3 Municipal Code," approved May 29, 1961, as now or hereafter
4 amended, shall not apply to any license under this Act.

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

6 (230 ILCS 5/19) (from Ch. 8, par. 37-19)

7 Sec. 19. (a) No organization license may be granted to
8 conduct a horse race meeting:

9 (1) except as provided in subsection (c) of Section 21
10 of this Act, to any person at any place within 35 miles of
11 any other place licensed by the Board to hold a race
12 meeting on the same date during the same hours, the mileage
13 measurement used in this subsection (a) shall be certified
14 to the Board by the Bureau of Systems and Services in the
15 Illinois Department of Transportation as the most commonly
16 used public way of vehicular travel;

17 (2) to any person in default in the payment of any
18 obligation or debt due the State under this Act, provided
19 no applicant shall be deemed in default in the payment of
20 any obligation or debt due to the State under this Act as
21 long as there is pending a hearing of any kind relevant to
22 such matter;

23 (3) to any person who has been convicted of the
24 violation of any law of the United States or any State law
25 which provided as all or part of its penalty imprisonment

1 in any penal institution; to any person against whom there
2 is pending a Federal or State criminal charge; to any
3 person who is or has been connected with or engaged in the
4 operation of any illegal business; to any person who does
5 not enjoy a general reputation in his community of being an
6 honest, upright, law-abiding person; provided that none of
7 the matters set forth in this subparagraph (3) shall make
8 any person ineligible to be granted an organization license
9 if the Board determines, based on circumstances of any such
10 case, that the granting of a license would not be
11 detrimental to the interests of horse racing and of the
12 public;

13 (4) to any person who does not at the time of
14 application for the organization license own or have a
15 contract or lease for the possession of a finished race
16 track suitable for the type of racing intended to be held
17 by the applicant and for the accommodation of the public.

18 (b) (Blank) ~~Horse racing on Sunday shall be prohibited~~
19 ~~unless authorized by ordinance or referendum of the~~
20 ~~municipality in which a race track or any of its appurtenances~~
21 ~~or facilities are located, or utilized.~~

22 (c) If any person is ineligible to receive an organization
23 license because of any of the matters set forth in subsection
24 (a) (2) or subsection (a) (3) of this Section, any other or
25 separate person that either (i) controls, directly or
26 indirectly, such ineligible person or (ii) is controlled,

1 directly or indirectly, by such ineligible person or by a
2 person which controls, directly or indirectly, such ineligible
3 person shall also be ineligible.

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

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

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

10 (1) the dates on which it intends to conduct the horse
11 race meeting, which dates shall be provided under Section
12 21;

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

15 (3) the location where it proposes to conduct the
16 meeting; and

17 (4) any other information the Board may reasonably
18 require.

19 (b) A separate application for an organization license
20 shall be filed for each horse race meeting which such person
21 proposes to hold. Any such application, if made by an
22 individual, or by any individual as trustee, shall be signed
23 and verified under oath by such individual. If made by
24 individuals or a partnership, it shall be signed and verified
25 under oath by at least 2 of such individuals or members of such

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

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

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

24 (e) With such application there shall be delivered to the
25 Board a certified check or bank draft payable to the order of
26 the Board for an amount equal to \$1,000. All applications for

1 the issuance of an organization license shall be filed with the
2 Board before August 1 of the year prior to the year for which
3 application is made and shall be acted upon by the Board at a
4 meeting to be held on such date as shall be fixed by the Board
5 during the last 15 days of September of such prior year. At
6 such meeting, the Board shall announce the award of the racing
7 meets, live racing schedule, and designation of host track to
8 the applicants and its approval or disapproval of each
9 application. No announcement shall be considered binding until
10 a formal order is executed by the Board, which shall be
11 executed no later than October 15 of that prior year. Absent
12 the agreement of the affected organization licensees, the Board
13 shall not grant overlapping race meetings to 2 or more tracks
14 that are within 100 miles of each other to conduct the
15 thoroughbred racing.

16 (e-1) In awarding standardbred racing dates for calendar
17 year 2012 and thereafter, the Board shall award at least 310
18 racing days, and each organization licensees shall average at
19 least 12 races for each racing day awarded. The Board shall
20 have the discretion to allocate those racing days among
21 organization licensees requesting standardbred race dates.
22 Once awarded by the Board, organization licensees awarded
23 standardbred dates shall run at least 3,500 races in total
24 during that calendar year.

25 (e-2) In awarding racing dates for calendar year 2012 and
26 thereafter, the Board shall award racing dates and the

1 organization licensees shall run at least 2,500 thoroughbred
2 racers at Cook County race tracks and 700 thoroughbred races at
3 a race track in Madison County each year. In awarding racing
4 dates under this subsection (e-2), the Board shall have the
5 discretion to allocate those racing dates among organization
6 licensees.

7 (e-3) The Board shall ensure that each organization
8 licensee shall individually run a sufficient number of races
9 per year to qualify for an electronic gaming license under
10 Section 7.6 of the Illinois Gambling Act.

11 (e-4) Notwithstanding the provisions of Section 7.6 of the
12 Illinois Gambling Act, for each calendar year for which an
13 electronic gaming licensee requests a number of live racing
14 days under its organization license that is less than the
15 number of days of live racing awarded in 2009 for its race
16 track facility, the electronic gaming licensee may not conduct
17 electronic gaming for the calendar year of such requested
18 racing days. The number of days of live racing may be adjusted,
19 on a year-by-year basis, because of weather or unsafe track
20 conditions due to acts of God or an agreement between the
21 organization licensee and the association representing the
22 largest number of owners, trainers, or standardbred drivers who
23 race horses at that organization licensee's racing meeting.

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

1 Board shall consider:

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

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

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

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

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

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

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

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

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

26 (8) the extent to which the applicant exceeds or meets

1 other standards for the issuance of an organization license
2 that the Board shall adopt by rule.

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

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

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

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

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

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

26 (g) (Blank).

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

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

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

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

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

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

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

21 (Source: P.A. 91-40, eff. 6-25-99; revised 9-16-10.)

22 (230 ILCS 5/24) (from Ch. 8, par. 37-24)

23 Sec. 24. (a) No license shall be issued to or held by an
24 organization licensee unless all of its officers, directors,
25 and holders of ownership interests of at least 5% are first

1 approved by the Board. The Board shall not give approval of an
2 organization license application to any person who has been
3 convicted of or is under an indictment for a crime of moral
4 turpitude or has violated any provision of the racing law of
5 this State or any rules of the Board.

6 (b) An organization licensee must notify the Board within
7 10 days of any change in the holders of a direct or indirect
8 interest in the ownership of the organization licensee. The
9 Board may, after hearing, revoke the organization license of
10 any person who registers on its books or knowingly permits a
11 direct or indirect interest in the ownership of that person
12 without notifying the Board of the name of the holder in
13 interest within this period.

14 (c) In addition to the provisions of subsection (a) of this
15 Section, no person shall be granted an organization license if
16 any public official of the State or member of his or her family
17 holds any ownership or financial interest, directly or
18 indirectly, in the person.

19 (d) No person which has been granted an organization
20 license to hold a race meeting shall give to any public
21 official or member of his family, directly or indirectly, for
22 or without consideration, any interest in the person. The Board
23 shall, after hearing, revoke the organization license granted
24 to a person which has violated this subsection.

25 (e) (Blank).

26 (f) No organization licensee or concessionaire or officer,

1 director or holder or controller of 5% or more legal or
2 beneficial interest in any organization licensee or concession
3 shall make any sort of gift or contribution that is prohibited
4 under Article 10 of the State Officials and Employees Ethics
5 Act of any kind or pay or give any money or other thing of value
6 to any person who is a public official, or a candidate or
7 nominee for public office if that payment or gift is prohibited
8 under Article 10 of the State Officials and Employees Ethics
9 Act.

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

11 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

12 Sec. 26. Wagering.

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

1 advance of the day of the race wagered upon occurs.

2 (b) Except for those gaming activities for which a license
3 is obtained and authorized under the Illinois Lottery Act, the
4 Charitable Games Act, the Raffles Act, or the Illinois Gambling
5 Act, no ~~No~~ other method of betting, pool making, wagering or
6 gambling shall be used or permitted by the licensee. Each
7 licensee may retain, subject to the payment of all applicable
8 taxes and purses, an amount not to exceed 17% of all money
9 wagered under subsection (a) of this Section, except as may
10 otherwise be permitted under this Act.

11 (b-5) An individual may place a wager under the pari-mutuel
12 system from any licensed location authorized under this Act
13 provided that wager is electronically recorded in the manner
14 described in Section 3.12 of this Act. Any wager made
15 electronically by an individual while physically on the
16 premises of a licensee shall be deemed to have been made at the
17 premises of that licensee.

18 (c) Until January 1, 2000, the sum held by any licensee for
19 payment of outstanding pari-mutuel tickets, if unclaimed prior
20 to December 31 of the next year, shall be retained by the
21 licensee for payment of such tickets until that date. Within 10
22 days thereafter, the balance of such sum remaining unclaimed,
23 less any uncashed supplements contributed by such licensee for
24 the purpose of guaranteeing minimum distributions of any
25 pari-mutuel pool, shall be paid to the Illinois Veterans'
26 Rehabilitation Fund of the State treasury, except as provided

1 in subsection (g) of Section 27 of this Act.

2 (c-5) Beginning January 1, 2000, the sum held by any
3 licensee for payment of outstanding pari-mutuel tickets, if
4 unclaimed prior to December 31 of the next year, shall be
5 retained by the licensee for payment of such tickets until that
6 date. Within 10 days thereafter, the balance of such sum
7 remaining unclaimed, less any uncashed supplements contributed
8 by such licensee for the purpose of guaranteeing minimum
9 distributions of any pari-mutuel pool, shall be evenly
10 distributed to the purse account of the organization licensee
11 and the organization licensee.

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

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

26 (f) Notwithstanding the other provisions of this Act, an

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

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

1 (g) A host track may accept interstate simulcast wagers on
2 horse races conducted in other states or countries and shall
3 control the number of signals and types of breeds of racing in
4 its simulcast program, subject to the disapproval of the Board.
5 The Board may prohibit a simulcast program only if it finds
6 that the simulcast program is clearly adverse to the integrity
7 of racing. The host track simulcast program shall include the
8 signal of live racing of all organization licensees. All
9 non-host licensees and advance deposit wagering licensees
10 shall carry the signal of and accept wagers on live racing of
11 all organization licensees. Advance deposit wagering licensees
12 shall not be permitted to accept out-of-state wagers on any
13 Illinois signal provided pursuant to this Section without the
14 approval and consent of the organization licensee providing the
15 signal. Non-host licensees may carry the host track simulcast
16 program and shall accept wagers on all races included as part
17 of the simulcast program upon which wagering is permitted. All
18 organization licensees shall provide their live signal to all
19 advance deposit wagering licensees for a simulcast commission
20 fee not to exceed 6% of the advance deposit wagering licensee's
21 Illinois handle on the organization licensee's signal without
22 prior approval by the Board. The Board may adopt rules under
23 which it may permit simulcast commission fees in excess of 6%.
24 The Board shall adopt rules limiting the interstate commission
25 fees charged to an advance deposit wagering licensee. The Board
26 shall adopt rules regarding advance deposit wagering on

1 interstate simulcast races that shall reflect, among other
2 things, the General Assembly's desire to maximize revenues to
3 the State, horsemen purses, and organizational licensees.
4 However, organization licensees providing live signals
5 pursuant to the requirements of this subsection (g) may
6 petition the Board to withhold their live signals from an
7 advance deposit wagering licensee if the organization licensee
8 discovers and the Board finds reputable or credible information
9 that the advance deposit wagering licensee is under
10 investigation by another state or federal governmental agency,
11 the advance deposit wagering licensee's license has been
12 suspended in another state, or the advance deposit wagering
13 licensee's license is in revocation proceedings in another
14 state. The organization licensee's provision of their live
15 signal to an advance deposit wagering licensee under this
16 subsection (g) pertains to wagers placed from within Illinois.
17 Advance deposit wagering licensees may place advance deposit
18 wagering terminals at wagering facilities as a convenience to
19 customers. The advance deposit wagering licensee shall not
20 charge or collect any fee from purses for the placement of the
21 advance deposit wagering terminals. The costs and expenses of
22 the host track and non-host licensees associated with
23 interstate simulcast wagering, other than the interstate
24 commission fee, shall be borne by the host track and all
25 non-host licensees incurring these costs. The interstate
26 commission fee shall not exceed 5% of Illinois handle on the

1 interstate simulcast race or races without prior approval of
2 the Board. The Board shall promulgate rules under which it may
3 permit interstate commission fees in excess of 5%. The
4 interstate commission fee and other fees charged by the sending
5 racetrack, including, but not limited to, satellite decoder
6 fees, shall be uniformly applied to the host track and all
7 non-host licensees.

8 Notwithstanding any other provision of this Act, for a
9 period of 3 years after the effective date of this amendatory
10 Act of the 96th General Assembly, an organization licensee may
11 maintain a system whereby advance deposit wagering may take
12 place or an organization licensee, with the consent of the
13 horsemen association representing the largest number of
14 owners, trainers, jockeys, or standardbred drivers who race
15 horses at that organization licensee's racing meeting, may
16 contract with another person to carry out a system of advance
17 deposit wagering. Such consent may not be unreasonably
18 withheld. All advance deposit wagers placed from within
19 Illinois must be placed through a Board-approved advance
20 deposit wagering licensee; no other entity may accept an
21 advance deposit wager from a person within Illinois. All
22 advance deposit wagering is subject to any rules adopted by the
23 Board. The Board may adopt rules necessary to regulate advance
24 deposit wagering through the use of emergency rulemaking in
25 accordance with Section 5-45 of the Illinois Administrative
26 Procedure Act. The General Assembly finds that the adoption of

1 rules to regulate advance deposit wagering is deemed an
2 emergency and necessary for the public interest, safety, and
3 welfare. An advance deposit wagering licensee may retain all
4 moneys as agreed to by contract with an organization licensee.
5 Any moneys retained by the organization licensee from advance
6 deposit wagering, not including moneys retained by the advance
7 deposit wagering licensee, shall be paid 50% to the
8 organization licensee's purse account and 50% to the
9 organization licensee. If more than one breed races at the same
10 race track facility, then the 50% of the moneys to be paid to
11 an organization licensee's purse account shall be allocated
12 among all organization licensees' purse accounts operating at
13 that race track facility proportionately based on the actual
14 number of host days that the Board grants to that breed at that
15 race track facility in the current calendar year. To the extent
16 any fees from advance deposit wagering conducted in Illinois
17 for wagers in Illinois or other states have been placed in
18 escrow or otherwise withheld from wagers pending a
19 determination of the legality of advance deposit wagering, no
20 action shall be brought to declare such wagers or the
21 disbursement of any fees previously escrowed illegal.

22 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
23 intertrack wagering licensee other than the host track may
24 supplement the host track simulcast program with
25 additional simulcast races or race programs, provided that
26 between January 1 and the third Friday in February of any

1 year, inclusive, if no live thoroughbred racing is
2 occurring in Illinois during this period, only
3 thoroughbred races may be used for supplemental interstate
4 simulcast purposes. The Board shall withhold approval for a
5 supplemental interstate simulcast only if it finds that the
6 simulcast is clearly adverse to the integrity of racing. A
7 supplemental interstate simulcast may be transmitted from
8 an intertrack wagering licensee to its affiliated non-host
9 licensees. The interstate commission fee for a
10 supplemental interstate simulcast shall be paid by the
11 non-host licensee and its affiliated non-host licensees
12 receiving the simulcast.

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

23 (3) Each licensee conducting interstate simulcast
24 wagering may retain, subject to the payment of all
25 applicable taxes and the purses, an amount not to exceed
26 17% of all money wagered. If any licensee conducts the

1 pari-mutuel system wagering on races conducted at
2 racetracks in another state or country, each such race or
3 race program shall be considered a separate racing day for
4 the purpose of determining the daily handle and computing
5 the privilege tax of that daily handle as provided in
6 subsection (a) of Section 27. Until January 1, 2000, from
7 the sums permitted to be retained pursuant to this
8 subsection, each intertrack wagering location licensee
9 shall pay 1% of the pari-mutuel handle wagered on simulcast
10 wagering to the Horse Racing Tax Allocation Fund, subject
11 to the provisions of subparagraph (B) of paragraph (11) of
12 subsection (h) of Section 26 of this Act.

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

24 (5) After the payment of the interstate commission fee
25 (except for the interstate commission fee on a supplemental
26 interstate simulcast, which shall be paid by the host track

1 and by each non-host licensee through the host-track) and
2 all applicable State and local taxes, except as provided in
3 subsection (g) of Section 27 of this Act, the remainder of
4 moneys retained from simulcast wagering pursuant to this
5 subsection (g), and Section 26.2 shall be divided as
6 follows:

7 (A) For interstate simulcast wagers made at a host
8 track, 50% to the host track and 50% to purses at the
9 host track.

10 (B) For wagers placed on interstate simulcast
11 races, supplemental simulcasts as defined in
12 subparagraphs (1) and (2), and separately pooled races
13 conducted outside of the State of Illinois made at a
14 non-host licensee, 25% to the host track, 25% to the
15 non-host licensee, and 50% to the purses at the host
16 track.

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

25 (7) Notwithstanding any provision of this Act to the
26 contrary, after payment of all applicable State and local

1 taxes and interstate commission fees, non-host licensees
2 who derive their licenses from a track located in a county
3 with a population in excess of 230,000 and that borders the
4 Mississippi River shall retain 50% of the retention from
5 interstate simulcast wagers and shall pay 50% to purses at
6 the track from which the non-host licensee derives its
7 license as follows:

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

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

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

1 accounts;

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

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

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

18 (A) If the licensee that conducts horse racing at
19 that racetrack requests from the Board at least as many
20 racing dates as were conducted in calendar year 2000,
21 80% shall be paid to its thoroughbred purse account;
22 and

23 (B) Twenty percent shall be deposited into the
24 Illinois Colt Stakes Purse Distribution Fund and shall
25 be paid to purses for standardbred races for Illinois
26 conceived and foaled horses conducted at any county

1 fairgrounds. The moneys deposited into the Fund
2 pursuant to this subparagraph (B) shall be deposited
3 within 2 weeks after the day they were generated, shall
4 be in addition to and not in lieu of any other moneys
5 paid to standardbred purses under this Act, and shall
6 not be commingled with other moneys paid into that
7 Fund. The moneys deposited pursuant to this
8 subparagraph (B) shall be allocated as provided by the
9 Department of Agriculture, with the advice and
10 assistance of the Illinois Standardbred Breeders Fund
11 Advisory Board.

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

21 (A) If the licensee that conducts horse racing at
22 that racetrack requests from the Board at least as many
23 racing dates as were conducted in calendar year 2000,
24 80% shall be deposited into its standardbred purse
25 account; and

26 (B) Twenty percent shall be deposited into the

1 Illinois Colt Stakes Purse Distribution Fund. Moneys
2 deposited into the Illinois Colt Stakes Purse
3 Distribution Fund pursuant to this subparagraph (B)
4 shall be paid to Illinois conceived and foaled
5 thoroughbred breeders' programs and to thoroughbred
6 purses for races conducted at any county fairgrounds
7 for Illinois conceived and foaled horses at the
8 discretion of the Department of Agriculture, with the
9 advice and assistance of the Illinois Thoroughbred
10 Breeders Fund Advisory Board. The moneys deposited
11 into the Illinois Colt Stakes Purse Distribution Fund
12 pursuant to this subparagraph (B) shall be deposited
13 within 2 weeks after the day they were generated, shall
14 be in addition to and not in lieu of any other moneys
15 paid to thoroughbred purses under this Act, and shall
16 not be commingled with other moneys deposited into that
17 Fund.

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

26 (A) Eighty percent to that licensee's thoroughbred

1 purse account to be used for thoroughbred purses; and

2 (B) Twenty percent to the Illinois Colt Stakes
3 Purse Distribution Fund.

4 Failure to make the payment to the Illinois Colt Stakes
5 Purse Distribution Fund before January 1, 2002 shall result
6 in the immediate revocation of the licensee's organization
7 license, inter-track wagering license, and inter-track
8 wagering location license.

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

21 (7.4) If live standardbred racing is conducted at a
22 racetrack located in Madison County at any time in calendar
23 year 2001 before the payment required under paragraph (7.3)
24 has been made, the organization licensee who is licensed to
25 conduct racing at that racetrack shall pay all moneys
26 derived by that racetrack from simulcast wagering and

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

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

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

1 and that borders the Mississippi River.

2 (9) (Blank).

3 (10) (Blank).

4 (11) (Blank).

5 (12) The Board shall have authority to compel all host
6 tracks to receive the simulcast of any or all races
7 conducted at the Springfield or DuQuoin State fairgrounds
8 and include all such races as part of their simulcast
9 programs.

10 (13) Notwithstanding any other provision of this Act,
11 in the event that the total Illinois pari-mutuel handle on
12 Illinois horse races at all wagering facilities in any
13 calendar year is less than 75% of the total Illinois
14 pari-mutuel handle on Illinois horse races at all such
15 wagering facilities for calendar year 1994, then each
16 wagering facility that has an annual total Illinois
17 pari-mutuel handle on Illinois horse races that is less
18 than 75% of the total Illinois pari-mutuel handle on
19 Illinois horse races at such wagering facility for calendar
20 year 1994, shall be permitted to receive, from any amount
21 otherwise payable to the purse account at the race track
22 with which the wagering facility is affiliated in the
23 succeeding calendar year, an amount equal to 2% of the
24 differential in total Illinois pari-mutuel handle on
25 Illinois horse races at the wagering facility between that
26 calendar year in question and 1994 provided, however, that

1 a wagering facility shall not be entitled to any such
2 payment until the Board certifies in writing to the
3 wagering facility the amount to which the wagering facility
4 is entitled and a schedule for payment of the amount to the
5 wagering facility, based on: (i) the racing dates awarded
6 to the race track affiliated with the wagering facility
7 during the succeeding year; (ii) the sums available or
8 anticipated to be available in the purse account of the
9 race track affiliated with the wagering facility for purses
10 during the succeeding year; and (iii) the need to ensure
11 reasonable purse levels during the payment period. The
12 Board's certification shall be provided no later than
13 January 31 of the succeeding year. In the event a wagering
14 facility entitled to a payment under this paragraph (13) is
15 affiliated with a race track that maintains purse accounts
16 for both standardbred and thoroughbred racing, the amount
17 to be paid to the wagering facility shall be divided
18 between each purse account pro rata, based on the amount of
19 Illinois handle on Illinois standardbred and thoroughbred
20 racing respectively at the wagering facility during the
21 previous calendar year. Annually, the General Assembly
22 shall appropriate sufficient funds from the General
23 Revenue Fund to the Department of Agriculture for payment
24 into the thoroughbred and standardbred horse racing purse
25 accounts at Illinois pari-mutuel tracks. The amount paid to
26 each purse account shall be the amount certified by the

1 Illinois Racing Board in January to be transferred from
2 each account to each eligible racing facility in accordance
3 with the provisions of this Section. Beginning in the
4 calendar year in which an organization licensee that is
5 eligible to receive payment under this paragraph (13)
6 begins to receive funds from electronic gaming, the amount
7 of the payment due to all wagering facilities licensed
8 under that organization licensee under this paragraph (13)
9 shall be the amount certified by the Board in January of
10 that year. An organization licensee and its related
11 wagering facilities shall no longer be able to receive
12 payments under this paragraph (13) beginning in the year
13 subsequent to the first year in which the organization
14 licensee begins to receive funds from electronic gaming.

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

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

1 according to the 1990 decennial census, and an average of
2 at least 60 days of racing per year between 1985 and 1993
3 may be issued an inter-track wagering license; or (iii) at
4 a track located in Madison County that conducted at least
5 100 days of live racing during the immediately preceding
6 calendar year may be issued an inter-track wagering
7 license, unless a lesser schedule of live racing is the
8 result of (A) weather, unsafe track conditions, or other
9 acts of God; (B) an agreement between the organization
10 licensee and the associations representing the largest
11 number of owners, trainers, jockeys, or standardbred
12 drivers who race horses at that organization licensee's
13 racing meeting; or (C) a finding by the Board of
14 extraordinary circumstances and that it was in the best
15 interest of the public and the sport to conduct fewer than
16 100 days of live racing. Any such person having operating
17 control of the racing facility may also receive up to 6
18 inter-track wagering location licenses. In no event shall
19 more than 6 inter-track wagering locations be established
20 for each eligible race track, except that an eligible race
21 track located in a county that has a population of more
22 than 230,000 and that is bounded by the Mississippi River
23 may establish up to 7 inter-track wagering locations. An
24 application for said license shall be filed with the Board
25 prior to such dates as may be fixed by the Board. With an
26 application for an inter-track wagering location license

1 there shall be delivered to the Board a certified check or
2 bank draft payable to the order of the Board for an amount
3 equal to \$500. The application shall be on forms prescribed
4 and furnished by the Board. The application shall comply
5 with all other rules, regulations and conditions imposed by
6 the Board in connection therewith.

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

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

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

1 other monies due and payable under this Act, and (ii)
2 distribution by the licensee, upon presentation of the
3 winning ticket or tickets, of all sums payable to the
4 patrons of pari-mutuel pools.

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

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

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

18 (8) Inter-track wagering or simulcast wagering shall
19 not be conducted at any track less than 4 ~~5~~ miles from a
20 track at which a racing meeting is in progress.

21 (8.1) Inter-track wagering location licensees who
22 derive their licenses from a particular organization
23 licensee shall conduct inter-track wagering and simulcast
24 wagering only at locations which are either within 90 miles
25 of that race track where the particular organization
26 licensee is licensed to conduct racing, or within 135 miles

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

13 (8.2) Inter-track wagering or simulcast wagering shall
14 not be conducted by an inter-track wagering location
15 licensee at any location within 500 feet of an existing
16 church, an ~~or~~ existing elementary or secondary public
17 school, or an existing elementary or secondary private
18 school registered with or recognized by the State Board of
19 Education school, nor within 500 feet of the residences of
20 more than 50 registered voters without receiving written
21 permission from a majority of the registered voters at such
22 residences. Such written permission statements shall be
23 filed with the Board. The distance of 500 feet shall be
24 measured to the nearest part of any building used for
25 worship services, education programs, residential
26 purposes, or conducting inter-track wagering by an

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

24 (9) (Blank).

25 (10) An inter-track wagering licensee or an
26 inter-track wagering location licensee may retain, subject

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

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

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

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

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

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

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

1 a track located 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 the Illinois
4 organization licensee that provides the race or races, and
5 an intertrack wagering licensee that accepts wagers on
6 races conducted by an organization licensee that conducts a
7 race meet in a county with a population in excess of
8 230,000 and that borders the Mississippi River shall not
9 divide any remaining retention with that organization
10 licensee.

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

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

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

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

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

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

22 Two-sevenths to the Department of Agriculture.

23 Fifty percent of this two-sevenths shall be used to
24 promote the Illinois horse racing and breeding
25 industry, and shall be distributed by the Department of
26 Agriculture upon the advice of a 9-member committee

1 appointed by the Governor consisting of the following
2 members: the Director of Agriculture, who shall serve
3 as chairman; 2 representatives of organization
4 licensees conducting thoroughbred race meetings in
5 this State, recommended by those licensees; 2
6 representatives of organization licensees conducting
7 standardbred race meetings in this State, recommended
8 by those licensees; a representative of the Illinois
9 Thoroughbred Breeders and Owners Foundation,
10 recommended by that Foundation; a representative of
11 the Illinois Standardbred Owners and Breeders
12 Association, recommended by that Association; a
13 representative of the Horsemen's Benevolent and
14 Protective Association or any successor organization
15 thereto established in Illinois comprised of the
16 largest number of owners and trainers, recommended by
17 that Association or that successor organization; and a
18 representative of the Illinois Harness Horsemen's
19 Association, recommended by that Association.
20 Committee members shall serve for terms of 2 years,
21 commencing January 1 of each even-numbered year. If a
22 representative of any of the above-named entities has
23 not been recommended by January 1 of any even-numbered
24 year, the Governor shall appoint a committee member to
25 fill that position. Committee members shall receive no
26 compensation for their services as members but shall be

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

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

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

24 One-seventh to the Agricultural Premium Fund to be
25 used for distribution to agricultural home economics
26 extension councils in accordance with "An Act in

1 relation to additional support and finances for the
2 Agricultural and Home Economic Extension Councils in
3 the several counties of this State and making an
4 appropriation therefor", approved July 24, 1967.

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

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

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

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

25 One-seventh to the Agricultural Premium Fund to be
26 used for distribution to agricultural home economics

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

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

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

21 (ii) If the inter-track wagering licensee,
22 except an intertrack wagering licensee that
23 derives its license from an organization licensee
24 located in a county with a population in excess of
25 230,000 and bounded by the Mississippi River, is
26 also conducting its own race meeting during the

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

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

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

21 (A) The Board is vested with power to promulgate
22 reasonable rules and regulations for the purpose of
23 administering the conduct of this wagering and to
24 prescribe reasonable rules, regulations and conditions
25 under which such wagering shall be held and conducted.
26 Such rules and regulations are to provide for the

1 prevention of practices detrimental to the public
2 interest and for the best interests of said wagering
3 and to impose penalties for violations thereof.

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

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

20 (D) (Blank).

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

26 (F) The Board shall name and appoint a State

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

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

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

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

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

19 (Source: P.A. 96-762, eff. 8-25-09.)

20 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

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

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

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

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

26 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax

1 at the rate of 1.5% of the daily pari-mutuel handle is imposed
2 at all pari-mutuel wagering facilities and on advance deposit
3 wagering from a location other than a wagering facility, except
4 as otherwise provided for in this subsection (a-5). In addition
5 to the pari-mutuel tax imposed on advance deposit wagering
6 pursuant to this subsection (a-5), an additional pari-mutuel
7 tax at the rate of 0.25% shall be imposed on advance deposit
8 wagering, the amount of which shall not exceed \$250,000 in each
9 calendar year. The additional 0.25% pari-mutuel tax imposed on
10 advance deposit wagering by this amendatory Act of the 96th
11 General Assembly shall be deposited into the Quarter Horse
12 Purse Fund, which shall be created as a non-appropriated trust
13 fund administered by the Board for grants to thoroughbred
14 organization licensees for payment of purses for quarter horse
15 races conducted by the organization licensee. Thoroughbred
16 organization licensees may petition the Board to conduct
17 quarter horse racing and receive purse grants from the Quarter
18 Horse Purse Fund. The Board shall have complete discretion in
19 distributing the Quarter Horse Purse Fund to the petitioning
20 organization licensees. Beginning on the effective date of this
21 amendatory Act of the 96th General Assembly and until moneys
22 deposited pursuant to Section 54 are distributed and received,
23 a pari-mutuel tax at the rate of 0.75% of the daily pari-mutuel
24 handle is imposed at a pari-mutuel facility whose license is
25 derived from a track located in a county that borders the
26 Mississippi River and conducted live racing in the previous

1 year. After moneys deposited pursuant to Section 54 are
2 distributed and received, a pari-mutuel tax at the rate of 1.5%
3 of the daily pari-mutuel handle is imposed at a pari-mutuel
4 facility whose license is derived from a track located in a
5 county that borders the Mississippi River and conducted live
6 racing in the previous year. The pari-mutuel tax imposed by
7 this subsection (a-5) shall be remitted to the Department of
8 Revenue within 48 hours after the close of the racing day upon
9 which it is assessed or within such other time as the Board
10 prescribes.

11 (a-10) Beginning on the date when an organization licensee
12 begins conducting electronic gaming pursuant to an electronic
13 gaming license, the following pari-mutuel tax is imposed upon
14 an organization licensee on Illinois races at the licensee's
15 race track:

16 1.5% of the pari-mutuel handle at or below the average
17 daily pari-mutuel handle for 2010.

18 2% of the pari-mutuel handle above the average daily
19 pari-mutuel handle for 2010 up to 125% of the average daily
20 pari-mutuel handle for 2010.

21 2.5% of the pari-mutuel handle 125% or more above the
22 average daily pari-mutuel handle for 2010 up to 150% of the
23 average daily pari-mutuel handle for 2010.

24 3% of the pari-mutuel handle 150% or more above the
25 average daily pari-mutuel handle for 2010 up to 175% of the
26 average daily pari-mutuel handle for 2010.

1 3.5% of the pari-mutuel handle 175% or more above the
2 average daily pari-mutuel handle for 2010.

3 The pari-mutuel tax imposed by this subsection (a-10) shall
4 be remitted to the Board within 48 hours after the close of the
5 racing day upon which it is assessed or within such other time
6 as the Board prescribes.

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

13 (c) Licensees shall at all times keep accurate books and
14 records of all monies wagered on each day of a race meeting and
15 of the taxes paid to the Department of Revenue under the
16 provisions of this Section. The Board or its duly authorized
17 representative or representatives shall at all reasonable
18 times have access to such records for the purpose of examining
19 and checking the same and ascertaining whether the proper
20 amount of taxes is being paid as provided. The Board shall
21 require verified reports and a statement of the total of all
22 monies wagered daily at each wagering facility upon which the
23 taxes are assessed and may prescribe forms upon which such
24 reports and statement shall be made.

25 (d) Any licensee failing or refusing to pay the amount of
26 any tax due under this Section shall be guilty of a business

1 offense and upon conviction shall be fined not more than \$5,000
2 in addition to the amount found due as tax under this Section.
3 Each day's violation shall constitute a separate offense. All
4 fines paid into Court by a licensee hereunder shall be
5 transmitted and paid over by the Clerk of the Court to the
6 Board.

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

10 (f) No other license fee, privilege tax, excise tax or
11 racing fee shall be assessed or collected from any such
12 licensee by units of local government except as provided in
13 paragraph 10.1 of subsection (h) and subsection (f) of Section
14 26 of this Act. However, any municipality that has a Board
15 licensed horse race meeting at a race track wholly within its
16 corporate boundaries or a township that has a Board licensed
17 horse race meeting at a race track wholly within the
18 unincorporated area of the township may charge a local
19 amusement tax not to exceed 10¢ per admission to such horse
20 race meeting by the enactment of an ordinance. However, any
21 municipality or county that has a Board licensed inter-track
22 wagering location facility wholly within its corporate
23 boundaries may each impose an admission fee not to exceed \$1.00
24 per admission to such inter-track wagering location facility,
25 so that a total of not more than \$2.00 per admission may be
26 imposed. Except as provided in subparagraph (g) of Section 27

1 of this Act, the inter-track wagering location licensee shall
2 collect any and all such fees and within 48 hours remit the
3 fees to the Board, which shall, pursuant to rule, cause the
4 fees to be distributed to the county or municipality.

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

21 (i) the excess amount shall be initially divided
22 between thoroughbred and standardbred purses based on the
23 thoroughbred's and standardbred's respective percentages
24 of total Illinois live wagering in calendar year 1994;

25 (ii) each thoroughbred and standardbred organization
26 licensee issued an organization licensee in that

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

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

23 (Source: P.A. 96-762, eff. 8-25-09; 96-1287, eff. 7-26-10.)

24 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

25 Sec. 28. Except as provided in subsection (g) of Section 27

1 of this Act, moneys collected shall be distributed according to
2 the provisions of this Section 28.

3 (a) Thirty per cent of the total of all monies received by
4 the State as privilege taxes shall be paid into the
5 Metropolitan Exposition Auditorium and Office Building Fund in
6 the State Treasury.

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

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

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

26 (e) The monies provided for in Section 30 shall be paid

1 into the Illinois Thoroughbred Breeders Fund.

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

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

9 (h) All other monies received by the Board under this Act
10 shall be paid into the Horse Racing Fund ~~General Revenue Fund~~
11 ~~of the State~~.

12 (i) The salaries of the Board members, secretary, stewards,
13 directors of mutuels, veterinarians, representatives,
14 accountants, clerks, stenographers, inspectors and other
15 employees of the Board, and all expenses of the Board incident
16 to the administration of this Act, including, but not limited
17 to, all expenses and salaries incident to the taking of saliva
18 and urine samples in accordance with the rules and regulations
19 of the Board shall be paid out of the Agricultural Premium
20 Fund.

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

22 (1) for the expenses of operating the Illinois State
23 Fair and the DuQuoin State Fair, including the payment of
24 prize money or premiums;

25 (2) for the distribution to county fairs, vocational
26 agriculture section fairs, agricultural societies, and

1 agricultural extension clubs in accordance with the
2 Agricultural Fair Act, as amended;

3 (3) for payment of prize monies and premiums awarded
4 and for expenses incurred in connection with the
5 International Livestock Exposition and the Mid-Continent
6 Livestock Exposition held in Illinois, which premiums, and
7 awards must be approved, and paid by the Illinois
8 Department of Agriculture;

9 (4) for personal service of county agricultural
10 advisors and county home advisors;

11 (5) for distribution to agricultural home economic
12 extension councils in accordance with "An Act in relation
13 to additional support and finance for the Agricultural and
14 Home Economic Extension Councils in the several counties in
15 this State and making an appropriation therefor", approved
16 July 24, 1967, as amended;

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

19 (7) for training scholarships for study on equine
20 diseases to students at the University of Illinois College
21 of Veterinary Medicine;

22 (8) for the rehabilitation, repair and maintenance of
23 the Illinois and DuQuoin State Fair Grounds and the
24 structures and facilities thereon and the construction of
25 permanent improvements on such Fair Grounds, including
26 such structures, facilities and property located on such

1 State Fair Grounds which are under the custody and control
2 of the Department of Agriculture;

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

6 (10) for the expenses of the Department of Commerce and
7 Economic Opportunity under Sections 605-620, 605-625, and
8 605-630 of the Department of Commerce and Economic
9 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and
10 605/605-630);

11 (11) for remodeling, expanding, and reconstructing
12 facilities destroyed by fire of any Fair and Exposition
13 Authority in counties with a population of 1,000,000 or
14 more inhabitants;

15 (12) for the purpose of assisting in the care and
16 general rehabilitation of disabled veterans of any war and
17 their surviving spouses and orphans;

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

20 (14) for the Department of Agriculture for soil surveys
21 and soil and water conservation purposes;

22 (15) for the Department of Agriculture for grants to
23 the City of Chicago for conducting the Chicagofest;

24 (16) for the State Comptroller for grants and operating
25 expenses authorized by the Illinois Global Partnership
26 Act.

1 (k) To the extent that monies paid by the Board to the
2 Agricultural Premium Fund are in the opinion of the Governor in
3 excess of the amount necessary for the purposes herein stated,
4 the Governor shall notify the Comptroller and the State
5 Treasurer of such fact, who, upon receipt of such notification,
6 shall transfer such excess monies from the Agricultural Premium
7 Fund to the General Revenue Fund.

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

9 (230 ILCS 5/28.1)

10 Sec. 28.1. Payments.

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

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

1 (c) Beginning on January 1, 2000, the Board shall transfer
2 the remainder of the funds generated pursuant to Sections 26
3 and 27 from the Horse Racing Fund into the General Revenue
4 Fund.

5 In the event that in any fiscal year, the amount of total
6 funds in the Horse Racing Fund is insufficient to meet the
7 annual operating expenses of the Board, as appropriated by the
8 General Assembly for that fiscal year, the Board shall invoice
9 the organization licensees for the amount of the deficit. The
10 amount of the invoice shall be allocated in a proportionate
11 amount of pari-mutuel wagering handled by the organization
12 licensee in the year preceding assessment and divided by the
13 total pari-mutuel wagering handled by all Illinois
14 organization licensees. The payments shall be made 50% from the
15 organization licensee's account and 50% from the organization
16 licensee's purse account.

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

1 Revenue Fund at the funding level determined by amounts paid to
2 that park district for museum purposes under this Act in
3 calendar year 1994.

4 If an inter-track wagering location licensee's facility
5 changes its location, then the payments associated with that
6 facility under this subsection (d) for museum purposes shall be
7 paid to the park district in the area where the facility
8 relocates, and the payments shall be used for museum purposes.
9 If the facility does not relocate to a park district, then the
10 payments shall be paid to the taxing district that is
11 responsible for park or museum expenditures.

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

18 (f) Beginning July 1, 2007, the Children's Discovery Museum
19 in Normal, Illinois shall receive payments from the General
20 Revenue Fund at the funding level determined by the amounts
21 paid to the Miller Park Zoo in Bloomington, Illinois under this
22 Section in calendar year 2006.

23 (Source: P.A. 95-222, eff. 8-16-07; 96-562, eff. 8-18-09.)

24 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

25 Sec. 30. (a) The General Assembly declares that it is the

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

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

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

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

1 Fund.

2 Beginning on the effective date of this amendatory Act of
3 the 96th General Assembly, the Illinois Thoroughbred Breeders
4 Fund shall become a non-appropriated trust fund held separate
5 and apart from State moneys. Expenditures from this fund shall
6 no longer be subject to appropriation.

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

11 Notwithstanding any provision of law to the contrary,
12 amounts deposited into the Illinois Thoroughbred Breeders Fund
13 from revenues generated by electronic gaming after the
14 effective date of this amendatory Act of the 96th General
15 Assembly shall be in addition to tax and fee amounts paid under
16 this Section for calendar year 2010 and thereafter.

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

21 (f) The Illinois Thoroughbred Breeders Fund Advisory Board
22 shall consist of the Director of the Department of Agriculture,
23 who shall serve as Chairman; a member of the Illinois Racing
24 Board, designated by it; 2 representatives of the organization
25 licensees conducting thoroughbred racing meetings, recommended
26 by them; 2 representatives of the Illinois Thoroughbred

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

23 (g) ~~No monies shall be expended from the Illinois~~
24 ~~Thoroughbred Breeders Fund except as appropriated by the~~
25 ~~General Assembly.~~ Monies expended ~~appropriated~~ from the
26 Illinois Thoroughbred Breeders Fund shall be expended by the

1 Department of Agriculture, with the advice and assistance of
2 the Illinois Thoroughbred Breeders Fund Advisory Board, for the
3 following purposes only:

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

15 (2) To provide stakes and awards to be paid to the
16 owners of the winning horses in certain races limited to
17 Illinois conceived and foaled and Illinois foaled horses
18 designated as stakes races.

19 (2.5) To provide an award to the owner or owners of an
20 Illinois conceived and foaled or Illinois foaled horse that
21 wins a maiden special weight, an allowance, overnight
22 handicap race, or claiming race with claiming price of
23 \$10,000 or more providing the race is not restricted to
24 Illinois conceived and foaled or Illinois foaled horses.
25 Awards shall also be provided to the owner or owners of
26 Illinois conceived and foaled and Illinois foaled horses

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

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

23 (4) To provide \$75,000 annually for purses to be
24 distributed to county fairs that provide for the running of
25 races during each county fair exclusively for the
26 thoroughbreds conceived and foaled in Illinois. The

1 conditions of the races shall be developed by the county
2 fair association and reviewed by the Department with the
3 advice and assistance of the Illinois Thoroughbred
4 Breeders Fund Advisory Board. There shall be no wagering of
5 any kind on the running of Illinois conceived and foaled
6 races at county fairs.

7 (4.1) To provide purse money for an Illinois stallion
8 stakes program.

9 (5) No less than 90% ~~80%~~ of all monies appropriated
10 from the Illinois Thoroughbred Breeders Fund shall be
11 expended for the purposes in (1), (2), (2.5), (3), (4),
12 (4.1), and (5) as shown above.

13 (6) To provide for educational programs regarding the
14 thoroughbred breeding industry.

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

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

19 (9) To provide for dissemination of public information
20 designed to promote the breeding of thoroughbred horses in
21 Illinois.

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

24 (h) The Illinois Thoroughbred Breeders Fund is not subject
25 to administrative charges or chargebacks, including, but not
26 limited to, those authorized under Section 8h of the State

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

9 (i) A sum equal to 13% ~~12 1/2%~~ of the first prize money of
10 every purse won by an Illinois foaled or an Illinois conceived
11 and foaled horse in races not limited to Illinois foaled horses
12 or Illinois conceived and foaled horses, or both, shall be paid
13 by the organization licensee conducting the horse race meeting.
14 Such sum shall be paid 50% from the organization licensee's
15 account and 50% from the purse account of the licensee ~~share of~~
16 ~~the money wagered~~ as follows: 11 1/2% to the breeder of the
17 winning horse and 1 1/2% ~~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 13% ~~12 1/2%~~ of the first prize money won
20 in 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, 50% from the organization licensee's
24 account and 50% from the purse account of the licensee ~~share of~~
25 ~~the money wagered~~: 11 1/2% to the breeders of the horses in
26 each such race which are the official first, second, third and

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

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

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

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

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

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

26 Such payments shall not reduce any award to the owners of a

1 horse or reduce the taxes payable under this Act. Upon
2 completion of its racing meet, each organization licensee shall
3 deliver to the organization representing thoroughbred breeders
4 and owners whose representative serves on the Illinois
5 Thoroughbred Breeders Fund Advisory Board a listing of all the
6 Illinois foaled and the Illinois conceived and foaled horses
7 which won breeders' awards and the amount of such breeders'
8 awards in accordance with the provisions of this Act. Such
9 payments shall be delivered by the organization licensee within
10 30 days of the end of each race meeting.

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

1 mare is owned solely by one or more Illinois residents or an
2 Illinois entity that is entirely owned by one or more Illinois
3 residents.

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

7 (1) Qualify stallions for Illinois breeding; such
8 stallions to stand for service within the State of Illinois
9 at the time of a foal's conception. Such stallion must not
10 stand for service at any place outside the State of
11 Illinois during the calendar year in which the foal is
12 conceived. The Department of Agriculture may assess and
13 collect an application fee of up to \$500 ~~fees~~ for the
14 registration of Illinois-eligible stallions. All fees
15 collected are to be held in trust accounts for the purposes
16 set forth in this Act and in accordance with Section 205-15
17 of the Department of Agriculture Law ~~paid into the Illinois~~
18 ~~Thoroughbred Breeders Fund.~~

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

1 application fees for the registration of Illinois-eligible
2 foals. All fees collected are to be held in trust accounts
3 for the purposes set forth in this Act and in accordance
4 with Section 205-15 of the Department of Agriculture Law
5 ~~paid into the Illinois Thoroughbred Breeders Fund~~. No
6 person shall knowingly prepare or cause preparation of an
7 application for registration of such foals containing
8 false information.

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

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

25 (n) The Board and the organizational licensee shall notify
26 the Department of the conditions and minimum purses for races

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

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

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

1 (230 ILCS 5/30.5)

2 Sec. 30.5. Illinois Quarter Horse Breeders Fund.

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

12 (b) There is hereby created a non-appropriated trust
13 ~~special fund in the State Treasury~~ to be known as the Illinois
14 Racing Quarter Horse Breeders Fund, which is held separate and
15 apart from State moneys. Except as provided in subsection (g)
16 of Section 27 of this Act, 8.5% of all the moneys received by
17 the State as pari-mutuel taxes on quarter horse racing shall be
18 paid into the Illinois Racing Quarter Horse Breeders Fund. The
19 Illinois Racing Quarter Horse Breeders Fund shall not be
20 subject to administrative charges or chargebacks, including,
21 but not limited to, those authorized under Section 8h of the
22 State Finance Act.

23 (c) The Illinois Racing Quarter Horse Breeders Fund shall
24 be administered by the Department of Agriculture with the
25 advice and assistance of the Advisory Board created in

1 subsection (d) of this Section.

2 (d) The Illinois Racing Quarter Horse Breeders Fund
3 Advisory Board shall consist of the Director of the Department
4 of Agriculture, who shall serve as Chairman; a member of the
5 Illinois Racing Board, designated by it; one representative of
6 the organization licensees conducting pari-mutuel quarter
7 horse racing meetings, recommended by them; 2 representatives
8 of the Illinois Running Quarter Horse Association, recommended
9 by it; and the Superintendent of Fairs and Promotions from the
10 Department of Agriculture. Advisory Board members shall serve
11 for 2 years commencing January 1 of each odd numbered year. If
12 representatives have not been recommended by January 1 of each
13 odd numbered year, the Director of the Department of
14 Agriculture may make an appointment for the organization
15 failing to so recommend a member of the Advisory Board.
16 Advisory Board members shall receive no compensation for their
17 services as members but may be reimbursed for all actual and
18 necessary expenses and disbursements incurred in the execution
19 of their official duties.

20 (e) Moneys in ~~No moneys shall be expended from the Illinois~~
21 ~~Racing Quarter Horse Breeders Fund except as appropriated by~~
22 ~~the General Assembly. Moneys appropriated from~~ the Illinois
23 Racing Quarter Horse Breeders Fund shall be expended by the
24 Department of Agriculture, with the advice and assistance of
25 the Illinois Racing Quarter Horse Breeders Fund Advisory Board,
26 for the following purposes only:

1 (1) To provide stakes and awards to be paid to the
2 owners of the winning horses in certain races. This
3 provision is limited to Illinois conceived and foaled
4 horses.

5 (2) To provide an award to the owner or owners of an
6 Illinois conceived and foaled horse that wins a race when
7 pari-mutuel wagering is conducted; providing the race is
8 not restricted to Illinois conceived and foaled horses.

9 (3) To provide purse money for an Illinois stallion
10 stakes program.

11 (4) To provide for purses to be distributed for the
12 running of races during the Illinois State Fair and the
13 DuQuoin State Fair exclusively for quarter horses
14 conceived and foaled in Illinois.

15 (5) To provide for purses to be distributed for the
16 running of races at Illinois county fairs exclusively for
17 quarter horses conceived and foaled in Illinois.

18 (6) To provide for purses to be distributed for running
19 races exclusively for quarter horses conceived and foaled
20 in Illinois at locations in Illinois determined by the
21 Department of Agriculture with advice and consent of the
22 Racing Quarter Horse Breeders Fund Advisory Board.

23 (7) No less than 90% of all moneys appropriated from
24 the Illinois Racing Quarter Horse Breeders Fund shall be
25 expended for the purposes in items (1), (2), (3), (4), and
26 (5) of this subsection (e).

1 (8) To provide for research programs concerning the
2 health, development, and care of racing quarter horses.

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

6 (10) To provide for expenses incurred in the
7 administration of the Illinois Racing Quarter Horse
8 Breeders Fund.

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

12 (1) Qualify stallions for Illinois breeding; such
13 stallions to stand for service within the State of
14 Illinois, at the time of a foal's conception. Such stallion
15 must not stand for service at any place outside the State
16 of Illinois during the calendar year in which the foal is
17 conceived. The Department of Agriculture may assess and
18 collect application fees for the registration of
19 Illinois-eligible stallions. All fees collected are to be
20 paid into the Illinois Racing Quarter Horse Breeders Fund.

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

1 Department of Agriculture may assess and collect
2 application fees for the registration of Illinois-eligible
3 foals. All fees collected are to be paid into the Illinois
4 Racing Quarter Horse Breeders Fund. No person shall
5 knowingly prepare or cause preparation of an application
6 for registration of such foals that contains false
7 information.

8 (g) The Department of Agriculture, with the advice and
9 assistance of the Illinois Racing Quarter Horse Breeders Fund
10 Advisory Board, shall provide that certain races limited to
11 Illinois conceived and foaled be stakes races and determine the
12 total amount of stakes and awards to be paid to the owners of
13 the winning horses in such races.

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

15 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

16 Sec. 31. (a) The General Assembly declares that it is the
17 policy of this State to encourage the breeding of standardbred
18 horses in this State and the ownership of such horses by
19 residents of this State in order to provide for: sufficient
20 numbers of high quality standardbred horses to participate in
21 harness racing meetings in this State, and to establish and
22 preserve the agricultural and commercial benefits of such
23 breeding and racing industries to the State of Illinois. It is
24 the intent of the General Assembly to further this policy by
25 the provisions of this Section of this Act.

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

8 (b-5) Organization licensees, not including the Illinois
9 State Fair or the DuQuoin State Fair, shall provide stake races
10 and early closer races for Illinois conceived and foaled horses
11 so that purses distributed for such races shall be no less than
12 17% of total purses distributed for harness racing in that
13 calendar year in addition to any stakes payments and starting
14 fees contributed by horse owners.

15 (b-10) Each organization licensee conducting a harness
16 racing meeting pursuant to this Act shall provide an owner
17 award to be paid from the purse account equal to 25% of the
18 amount earned by Illinois conceived and foaled horses in races
19 that are not restricted to Illinois conceived and foaled
20 horses. The owner awards shall not be paid on races below the
21 \$10,000 claiming class.

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

1 eliminated for that day and substitute races provided.

2 (d) There is hereby created a special fund of the State
3 Treasury to be known as the Illinois Standardbred Breeders
4 Fund.

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

10 (e) The Illinois Standardbred Breeders Fund shall be
11 administered by the Department of Agriculture with the
12 assistance and advice of the Advisory Board created in
13 subsection (f) of this Section.

14 (f) The Illinois Standardbred Breeders Fund Advisory Board
15 is hereby created. The Advisory Board shall consist of the
16 Director of the Department of Agriculture, who shall serve as
17 Chairman; the Superintendent of the Illinois State Fair; a
18 member of the Illinois Racing Board, designated by it; a
19 representative of the Illinois Standardbred Owners and
20 Breeders Association, recommended by it; a representative of
21 the Illinois Association of Agricultural Fairs, recommended by
22 it, such representative to be from a fair at which Illinois
23 conceived and foaled racing is conducted; a representative of
24 the organization licensees conducting harness racing meetings,
25 recommended by them and a representative of the Illinois
26 Harness Horsemen's Association, recommended by it. Advisory

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

14 (g) No monies shall be expended from the Illinois
15 Standardbred Breeders Fund except as appropriated by the
16 General Assembly. Monies appropriated from the Illinois
17 Standardbred Breeders Fund shall be expended by the Department
18 of Agriculture, with the assistance and advice of the Illinois
19 Standardbred Breeders Fund Advisory Board for the following
20 purposes only:

21 1. To provide purses for races limited to Illinois
22 conceived and foaled horses at the State Fair and the
23 DuQuoin State Fair.

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

26 3. To provide purse supplements for races limited to

1 Illinois conceived and foaled horses conducted by
2 associations conducting harness racing meetings.

3 4. No less than 75% of all monies in the Illinois
4 Standardbred Breeders Fund shall be expended for purses in
5 1, 2 and 3 as shown above.

6 5. In the discretion of the Department of Agriculture
7 to provide awards to harness breeders of Illinois conceived
8 and foaled horses which win races conducted by organization
9 licensees conducting harness racing meetings. A breeder is
10 the owner of a mare at the time of conception. No more than
11 10% of all monies appropriated from the Illinois
12 Standardbred Breeders Fund shall be expended for such
13 harness breeders awards. No more than 25% of the amount
14 expended for harness breeders awards shall be expended for
15 expenses incurred in the administration of such harness
16 breeders awards.

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

19 7. To pay the expenses incurred in the administration
20 of the Illinois Standardbred Breeders Fund.

21 8. To promote the sport of harness racing, including
22 grants up to a maximum of \$7,500 per fair per year for
23 conducting pari-mutuel wagering during the advertised
24 dates of a county fair.

25 9. To pay up to \$50,000 annually for the Department of
26 Agriculture to conduct drug testing at county fairs racing

1 standardbred horses.

2 10. To pay up to \$100,000 annually for distribution to
3 Illinois county fairs to supplement premiums offered in
4 junior classes.

5 11. To pay up to \$100,000 annually for division and
6 equal distribution to each Illinois public university
7 system engaged in equine research and education on or
8 before the effective date of this amendatory Act of the
9 96th General Assembly for equine research and education.

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

18 (i) A sum equal to 13% ~~12 1/2%~~ of the first prize money of
19 the gross ~~every~~ purse won by an Illinois conceived and foaled
20 horse shall be paid 50% by the organization licensee conducting
21 the horse race meeting to the breeder of such winning horse
22 from the organization licensee's account and 50% from the purse
23 account of the licensee ~~share of the money wagered~~. Such
24 payment shall not reduce any award to the owner of the horse or
25 reduce the taxes payable under this Act. Such payment shall be
26 delivered by the organization licensee at the end of each

1 quarter race meeting.

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

5 1. Qualify stallions for Illinois Standardbred
6 Breeders Fund breeding; ~~such stallion shall be owned by a~~
7 ~~resident of the State of Illinois or by an Illinois~~
8 ~~corporation all of whose shareholders, directors, officers~~
9 ~~and incorporators are residents of the State of Illinois.~~

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

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

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

1 old Trot and Pace, and Filly Division of each; (c) an aged
2 Trot and Pace, and Mare Division of each.

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

16 5. Provide for the registration with the Department of
17 Agriculture of Colt Associations or county fairs desiring
18 to sponsor races at county fairs.

19 6. Provide for the promotion of producing standardbred
20 racehorses by providing a bonus award program for owners of
21 2-year-old horses that win multiple major stakes races that
22 are limited to Illinois conceived and foaled horses.

23 (k) The Department of Agriculture, with the advice and
24 assistance of the Illinois Standardbred Breeders Fund Advisory
25 Board, may allocate monies for purse supplements for such
26 races. In determining whether to allocate money and the amount,

1 the Department of Agriculture shall consider factors,
2 including but not limited to, the amount of money appropriated
3 for the Illinois Standardbred Breeders Fund program, the number
4 of races that may occur, and an organizational licensee's purse
5 structure. The organizational licensee shall notify the
6 Department of Agriculture of the conditions and minimum purses
7 for races limited to Illinois conceived and foaled horses to be
8 conducted by each organizational licensee conducting a harness
9 racing meeting for which purse supplements have been
10 negotiated.

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

16 (m) At all standardbred race meetings held or conducted
17 under authority of a license granted by the Board, and at all
18 standardbred races held at county fairs which are approved by
19 the Department of Agriculture or at the Illinois or DuQuoin
20 State Fairs, no one shall jog, train, warm up or drive a
21 standardbred horse unless he or she is wearing a protective
22 safety helmet, with the chin strap fastened and in place, which
23 meets the standards and requirements as set forth in the 1984
24 Standard for Protective Headgear for Use in Harness Racing and
25 Other Equestrian Sports published by the Snell Memorial
26 Foundation, or any standards and requirements for headgear the

1 Illinois Racing Board may approve. Any other standards and
2 requirements so approved by the Board shall equal or exceed
3 those published by the Snell Memorial Foundation. Any
4 equestrian helmet bearing the Snell label shall be deemed to
5 have met those standards and requirements.

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

7 (230 ILCS 5/31.1) (from Ch. 8, par. 37-31.1)

8 Sec. 31.1. (a) Organization licensees collectively shall
9 contribute annually to charity the sum of \$1,000,000 ~~\$750,000~~
10 to non-profit organizations that provide medical and family,
11 counseling, and similar services to persons who reside or work
12 on the backstretch of Illinois racetracks. These contributions
13 shall be collected as follows: (i) no later than July 1st of
14 each year the Board shall assess each organization licensee,
15 except those tracks which are not within 100 miles of each
16 other which tracks shall pay \$40,000 ~~\$30,000~~ annually apiece
17 into the Board charity fund, that amount which equals \$920,000
18 ~~\$690,000~~ multiplied by the amount of pari-mutuel wagering
19 handled by the organization licensee in the year preceding
20 assessment and divided by the total pari-mutuel wagering
21 handled by all Illinois organization licensees, except those
22 tracks which are not within 100 miles of each other, in the
23 year preceding assessment; (ii) notice of the assessed
24 contribution shall be mailed to each organization licensee;
25 (iii) within thirty days of its receipt of such notice, each

1 organization licensee shall remit the assessed contribution to
2 the Board. If an organization licensee wilfully fails to so
3 remit the contribution, the Board may revoke its license to
4 conduct horse racing.

5 (b) No later than October 1st of each year, any qualified
6 charitable organization seeking an allotment of contributed
7 funds shall submit to the Board an application for those funds,
8 using the Board's approved form. No later than December 31st of
9 each year, the Board shall distribute all such amounts
10 collected that year to such charitable organization
11 applicants.

12 (Source: P.A. 87-110.)

13 (230 ILCS 5/32.1)

14 Sec. 32.1. Pari-mutuel tax credit; statewide racetrack
15 real estate equalization.

16 (a) In order to encourage new investment in Illinois
17 racetrack facilities and mitigate differing real estate tax
18 burdens among all racetracks, the licensees affiliated or
19 associated with each racetrack that has been awarded live
20 racing dates in the current year shall receive an immediate
21 pari-mutuel tax credit in an amount equal to the greater of (i)
22 50% of the amount of the real estate taxes paid in the prior
23 year attributable to that racetrack, or (ii) the amount by
24 which the real estate taxes paid in the prior year attributable
25 to that racetrack exceeds 60% of the average real estate taxes

1 paid in the prior year for all racetracks awarded live horse
2 racing meets in the current year.

3 Each year, regardless of whether the organization licensee
4 conducted live racing in the year of certification, the Board
5 shall certify in writing, prior to December 31, the real estate
6 taxes paid in that year for each racetrack and the amount of
7 the pari-mutuel tax credit that each organization licensee,
8 intertrack wagering licensee, and intertrack wagering location
9 licensee that derives its license from such racetrack is
10 entitled in the succeeding calendar year. The real estate taxes
11 considered under this Section for any racetrack shall be those
12 taxes on the real estate parcels and related facilities used to
13 conduct a horse race meeting and inter-track wagering at such
14 racetrack under this Act. In no event shall the amount of the
15 tax credit under this Section exceed the amount of pari-mutuel
16 taxes otherwise calculated under this Act. The amount of the
17 tax credit under this Section shall be retained by each
18 licensee and shall not be subject to any reallocation or
19 further distribution under this Act. The Board may promulgate
20 emergency rules to implement this Section.

21 (b) Beginning on January 1 following the first 12-month
22 period that an organization licensee begins conducting
23 electronic gaming operations pursuant to Section 56 of this
24 Act, an organization licensee shall be ineligible to receive
25 the pari-mutuel tax credit provided in subsection (a).

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

1 (230 ILCS 5/34.3 new)

2 Sec. 34.3. Drug testing. The Illinois Racing Board and the
3 Department of Agriculture shall jointly establish a program for
4 the purpose of conducting drug testing of horses at county
5 fairs and shall adopt any rules necessary for enforcement of
6 the program. The rules shall include appropriate penalties for
7 violations.

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

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

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

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

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

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

12 (230 ILCS 5/40) (from Ch. 8, par. 37-40)

13 Sec. 40. (a) The imposition of any fine or penalty provided
14 in this Act shall not preclude the Board in its rules and
15 regulations from imposing a fine or penalty for any other
16 action which, in the Board's discretion, is a detriment or
17 impediment to horse racing.

18 (b) The Director of Agriculture or his or her authorized
19 representative shall impose the following monetary penalties
20 and hold administrative hearings as required for failure to
21 submit the following applications, lists, or reports within the
22 time period, date or manner required by statute or rule or for
23 removing a foal from Illinois prior to inspection:

24 (1) late filing of a renewal application for offering
25 or standing stallion for service:

1 (A) if an application is submitted no more than 30
2 days late, \$50;

3 (B) if an application is submitted no more than 45
4 days late, \$150; or

5 (C) if an application is submitted more than 45
6 days late, if filing of the application is allowed
7 under an administrative hearing, \$250;

8 (2) late filing of list or report of mares bred:

9 (A) if a list or report is submitted no more than
10 30 days late, \$50;

11 (B) if a list or report is submitted no more than
12 60 days late \$150; or

13 (C) if a list or report is submitted more than 60
14 days late, if filing of the list or report is allowed
15 under an administrative hearing, \$250;

16 (3) filing an Illinois foaled thoroughbred mare status
17 report after the statutory deadline as provided in
18 subsection (k) of Section 30 of this Act ~~December 31~~:

19 (A) if a report is submitted no more than 30 days
20 late, \$50;

21 (B) if a report is submitted no more than 90 days
22 late, \$150;

23 (C) if a report is submitted no more than 150 days
24 late, \$250; or

25 (D) if a report is submitted more than 150 days
26 late, if filing of the report is allowed under an

1 administrative hearing, \$500;

2 (4) late filing of application for foal eligibility
3 certificate:

4 (A) if an application is submitted no more than 30
5 days late, \$50;

6 (B) if an application is submitted no more than 90
7 days late, \$150;

8 (C) if an application is submitted no more than 150
9 days late, \$250; or

10 (D) if an application is submitted more than 150
11 days late, if filing of the application is allowed
12 under an administrative hearing, \$500;

13 (5) failure to report the intent to remove a foal from
14 Illinois prior to inspection, identification and
15 certification by a Department of Agriculture investigator,
16 \$50; and

17 (6) if a list or report of mares bred is incomplete,
18 \$50 per mare not included on the list or report.

19 Any person upon whom monetary penalties are imposed under
20 this Section 3 times within a 5 year period shall have any
21 further monetary penalties imposed at double the amounts set
22 forth above. All monies assessed and collected for violations
23 relating to thoroughbreds shall be paid into the Thoroughbred
24 Breeders Fund. All monies assessed and collected for violations
25 relating to standardbreds shall be paid into the Standardbred
26 Breeders Fund.

1 (Source: P.A. 87-397.)

2 (230 ILCS 5/56 new)

3 Sec. 56. Electronic gaming.

4 (a) A person, firm, or corporation having operating control
5 of a race track may apply to the Gaming Board for an electronic
6 gaming license. An electronic gaming license shall authorize
7 its holder to conduct electronic gaming on the grounds of the
8 race track controlled by the licensee's race track. Only one
9 electronic gaming license may be awarded for any race track.
10 Each license shall specify the number of gaming positions that
11 its holder may operate.

12 An electronic gaming licensee may not permit persons under
13 21 years of age to be present in its electronic gaming
14 facility, but the licensee may accept wagers on live racing and
15 inter-track wagers at its electronic gaming facility.

16 (b) The adjusted gross receipts by an electronic gaming
17 licensee from electronic gaming remaining after the payment of
18 taxes under Section 13 of the Illinois Gambling Act shall be
19 distributed as follows:

20 (1) Amounts shall be paid to the purse account at the
21 track at which the organization licensee is conducting
22 racing equal to the following:

23 12.75% of annual adjusted gross receipts up to and
24 including \$75,000,000;

25 20% of annual adjusted gross receipts in excess of

1 \$75,000,000 but not exceeding \$100,000,000;

2 26.5% of annual adjusted gross receipts in excess
3 of \$100,000,000 but not exceeding \$125,000,000; and

4 20.5% of annual adjusted gross receipts in excess
5 of \$125,000,000.

6 (2) The remainder shall be retained by the electronic
7 gaming licensee.

8 (c) Electronic gaming receipts placed into the purse
9 account of an organization licensee racing thoroughbred horses
10 shall be used for purses, for health care services and worker's
11 compensation for racing industry workers, for equine research,
12 for programs to care for and transition injured and retired
13 thoroughbred horses that race at the race track, or for horse
14 ownership promotion, in accordance with the agreement of the
15 horsemen's association representing the largest number of
16 owners or trainers who race at that organization licensee's
17 race meeting. Annually, from the purse account of an
18 organization licensee racing thoroughbred horses, an amount
19 equal to 12% of the electronic gaming receipts placed into the
20 purse accounts shall be paid to the Illinois Thoroughbred
21 Breeders Fund and shall be used for owner awards; a stallion
22 program pursuant to paragraph (3) of subsection (g) of Section
23 30 of this Act; and Illinois conceived and foaled stakes races
24 pursuant to paragraph (2) of subsection (g) of Section 30 of
25 this Act, as specifically designated by the horsemen's
26 association representing the largest number of owners or

1 trainers who race at the organization licensee's race meeting.
2 Annually, from the purse account of an organization licensee
3 conducting thoroughbred races at a race track in Madison
4 County, an amount equal to 1% of the electronic gaming receipts
5 distributed to purses per subsection (b) of this Section 56
6 shall be paid as follows: 0.33 1/3% to Southern Illinois
7 University Department of Animal Sciences for equine research
8 and education, an amount equal to 0.33 1/3% of the electronic
9 gaming receipts shall be used to operate laundry facilities for
10 backstretch workers at that race track, and an amount equal to
11 0.33 1/3% of the electronic gaming receipts shall be paid to
12 programs to care for injured and unwanted horses that race at
13 that race track.

14 Annually, from the purse account of organization licensees
15 conducting thoroughbred races at race tracks in Cook County,
16 \$100,000 shall be paid for division and equal distribution to
17 each Illinois public university system engaged in equine
18 research and education on or before the effective date of this
19 amendatory Act of the 96th General Assembly for equine research
20 and education.

21 (d) Annually, from the purse account of an organization
22 licensee racing standardbred horses, an amount equal to 15% of
23 the electronic gaming receipts placed into that purse account
24 shall be paid to the Illinois Colt Stakes Purse Distribution
25 Fund. Moneys deposited into the Illinois Colt Stakes Purse
26 Distribution Fund shall be used for standardbred racing as

1 authorized in paragraphs 1, 2, 3, 8, 9, 10, and 11 of
2 subsection (g) of Section 31 of this Act and for bonus awards
3 as authorized under paragraph 6 of subsection (j) of Section 31
4 of this Act.

5 (e) As a requirement for continued eligibility to conduct
6 electronic gaming, each organization licensee must promote
7 live racing and horse ownership through marketing and
8 promotional efforts. To meet this requirement, all
9 organization licensees operating at each race track facility
10 must collectively expend the amount of the pari-mutuel tax
11 credit that was certified by the Illinois Racing Board in the
12 prior calendar year pursuant to Section 32.1 of this Act for
13 that race track facility, in addition to the amount that was
14 expended by each organizational licensee for such efforts in
15 calendar year 2009. Such incremental expenditures must be
16 directed to assure that all marketing expenditures, including
17 those for the organization licensee's electronic gaming
18 facility, advertise, market, and promote horse racing or horse
19 ownership. The amount spent by the organization licensee for
20 such marketing and promotional efforts in 2009 shall be
21 certified by the Board no later than 90 days after the
22 effective date of this Section.

23 Beginning on January 1 following the first 12-month period
24 that an organization licensee begins conducting electronic
25 gaming operations pursuant to Section 56 of this Act, an
26 organization licensee shall not be subject to the provisions of

1 this subsection (e).

2 Section 90-40. The Riverboat Gambling Act is amended by
3 changing Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 7.1, 7.3, 8, 9, 11,
4 11.1, 12, 13, 14, 18, 19, 20, and 23 and by adding Sections
5 7.6, 7.7, 7.8, 7.9, and 7.10 as follows:

6 (230 ILCS 10/1) (from Ch. 120, par. 2401)

7 Sec. 1. Short title. This Act shall be known and may be
8 cited as the Illinois ~~Riverboat~~ Gambling Act.

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

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

11 Sec. 2. Legislative Intent.

12 (a) This Act is intended to benefit the people of the State
13 of Illinois by assisting economic development and promoting
14 Illinois tourism and by increasing the amount of revenues
15 available to the State to assist and support education.

16 (b) While authorization of riverboat and casino gambling
17 will enhance investment, development and tourism in Illinois,
18 it is recognized that it will do so successfully only if public
19 confidence and trust in the credibility and integrity of the
20 gambling operations and the regulatory process is maintained.
21 Therefore, regulatory provisions of this Act are designed to
22 strictly regulate the facilities, persons, associations and
23 practices related to gambling operations pursuant to the police

1 powers of the State, including comprehensive law enforcement
2 supervision.

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

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

8 (230 ILCS 10/3) (from Ch. 120, par. 2403)

9 Sec. 3. ~~Riverboat~~ Gambling Authorized.

10 (a) Riverboat and casino gambling operations and
11 electronic gaming operations ~~and the system of wagering~~
12 ~~incorporated therein~~, as defined in this Act, are hereby
13 authorized to the extent that they are carried out in
14 accordance with the provisions of this Act.

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

25 (c) Riverboat gambling conducted pursuant to this Act may

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

15 (d) Gambling that is conducted in accordance with this Act
16 using slot machines and video games of chance and other
17 electronic gambling games as defined in both the Illinois
18 Gambling Act and the Illinois Horse Racing Act of 1975 is
19 authorized.

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

21 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

24 ~~(b)~~ "Occupational license" means a license issued by the
25 Board to a person or entity to perform an occupation which the

1 Board has identified as requiring a license to engage in
2 riverboat gambling in Illinois.

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

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

14 "Slot machine" means any mechanical, electrical, or other
15 device, contrivance, or machine that is authorized by the Board
16 as a wagering device under this Act which, upon insertion of a
17 coin, currency, token or similar object therein, or upon
18 payment of any consideration whatsoever, is available to play
19 or operate, the play or operation of which may deliver or
20 entitle the person playing or operating the machine to receive
21 cash, premiums, merchandise, tokens, or anything of value
22 whatsoever, whether the payoff is made automatically from the
23 machine or in any other manner whatsoever. A slot machine:

24 (1) May utilize spinning reels or video displays or
25 both.

26 (2) May or may not dispense coins, tickets or tokens to

1 winning patrons.

2 (3) May use an electronic credit system for receiving
3 wagers and making payouts.

4 "Slot machine" does not include table games, including, but
5 not limited to, roulette wheel, craps, baccarat, blackjack,
6 poker, craps, twenty-one, or other similar table games that are
7 authorized by the Board as a wagering device under this Act.

8 ~~(e)~~ "Managers license" means a license issued by the Board
9 to a person or entity to manage gambling operations conducted
10 by the State pursuant to Section 7.3.

11 ~~(f)~~ "Dock" means the location where a riverboat moors for
12 the purpose of embarking passengers for and disembarking
13 passengers from the riverboat.

14 ~~(g)~~ "Gross receipts" means the total amount of money
15 exchanged for the purchase of chips, tokens, or electronic
16 cards by riverboat patrons.

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

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

22 ~~(j) (Blank).~~

23 ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~
24 gambling games authorized under this Act upon a riverboat or in
25 a casino or authorized under this Act and the Illinois Horse
26 Racing Act of 1975 at an electronic gaming facility.

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

4 "Table game" means baccarat, twenty-one, blackjack, poker,
5 craps, roulette wheel, klondike table, punchboard, faro
6 layout, keno layout, numbers ticket, push card, jar ticket,
7 pull tab, or other similar games that are authorized by the
8 Board as a wagering device under this Act. "Table game" does
9 not include slot machines or video games of chance.

10 ~~(m)~~ The terms "minority person", "female", and "person with
11 a disability" shall have the same meaning as defined in Section
12 2 of the Business Enterprise for Minorities, Females, and
13 Persons with Disabilities Act.

14 "Casino" means a facility at which lawful gambling is
15 authorized as provided in this Act.

16 "Owners license" means a license to conduct riverboat
17 gambling operations, but does not include an electronic gaming
18 license.

19 "Licensed owner" means a person who holds an owners
20 license.

21 "Electronic gaming" means slot machine gambling, video
22 game of chance gambling, or gambling with electronic gambling
23 games as defined in the Illinois Gambling Act or defined by the
24 Board that is conducted at a race track pursuant to an
25 electronic gaming license.

26 "Electronic gaming facility" means the area where the Board

1 has authorized electronic gaming at a race track of an
2 organization licensee under the Illinois Horse Racing Act of
3 1975 that holds an electronic gaming license.

4 "Electronic gaming license" means a license issued by the
5 Board under Section 7.6 of this Act authorizing electronic
6 gaming at an electronic gaming facility.

7 "Electronic gaming licensee" means an entity that holds an
8 electronic gaming license.

9 "Organization licensee" means an entity authorized by the
10 Illinois Racing Board to conduct pari-mutuel wagering in
11 accordance with the Illinois Horse Racing Act of 1975. With
12 respect only to electronic gaming, "organization licensee"
13 includes the authorization for electronic gaming created under
14 subsection (a) of Section 56 of the Illinois Horse Racing Act
15 of 1975.

16 "Casino operator license" means the license held by the
17 person or entity selected by the Chicago Casino Development
18 Authority to manage and operate a riverboat or casino within
19 the geographic area of the authorized municipality pursuant to
20 this Act and the Chicago Casino Development Authority Act.

21 (Source: P.A. 95-331, eff. 8-21-07; 96-1392, eff. 1-1-11.)

22 (230 ILCS 10/5) (from Ch. 120, par. 2405)

23 Sec. 5. Gaming Board.

24 (a) (1) There is hereby established the Illinois Gaming
25 Board, which shall have the powers and duties specified in this

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

9 (2) The Board shall consist of 5 members to be appointed by
10 the Governor with the advice and consent of the Senate, one of
11 whom shall be designated by the Governor to be chairperson
12 ~~chairman~~. Each member shall have a reasonable knowledge of the
13 practice, procedure and principles of gambling operations.
14 Each member shall either be a resident of Illinois or shall
15 certify that he or she will become a resident of Illinois
16 before taking office.

17 The Board must include the following:

18 (A) One member who has received, at a minimum, a
19 bachelor's degree from an accredited school and at least 10
20 years of verifiable training and experience in the fields
21 of investigation and law enforcement.

22 (B) One member who is a certified public accountant
23 with experience in auditing and with knowledge of complex
24 corporate structures and transactions.

25 (C) One member who has 5 years' experience as a
26 principal, senior officer, or director of a company or

1 business with either material responsibility for the daily
2 operations and management of the overall company or
3 business or material responsibility for the policy making
4 of the company or business.

5 (D) One member who is a lawyer licensed to practice law
6 in Illinois.

7 No more than 3 members of the Board may be from the same
8 political party. The Board should reflect the ethnic, cultural,
9 and geographic diversity of the State. No Board member shall,
10 within a period of one year immediately preceding nomination,
11 have been employed or received compensation or fees for
12 services from a person or entity, or its parent or affiliate,
13 that has engaged in business with the Board, a licensee, or a
14 licensee under the Horse Racing Act of 1975. Board members must
15 publicly disclose all prior affiliations with gaming
16 interests, including any compensation, fees, bonuses,
17 salaries, and other reimbursement received from a person or
18 entity, or its parent or affiliate, that has engaged in
19 business with the Board, a licensee, or a licensee under the
20 Illinois Horse Racing Act of 1975. This disclosure must be made
21 within 30 days after nomination but prior to confirmation by
22 the Senate and must be made available to the members of the
23 Senate. ~~At least one member shall be experienced in law~~
24 ~~enforcement and criminal investigation, at least one member~~
25 ~~shall be a certified public accountant experienced in~~
26 ~~accounting and auditing, and at least one member shall be a~~

1 ~~lawyer licensed to practice law in Illinois.~~

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

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

20 (5) No person shall be appointed a member of the Board or
21 continue to be a member of the Board who is, or whose spouse,
22 child or parent is, a member of the board of directors of, or a
23 person financially interested in, any gambling operation
24 subject to the jurisdiction of this Board, or any race track,
25 race meeting, racing association or the operations thereof
26 subject to the jurisdiction of the Illinois Racing Board. No

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

6 (5.5) No member of the Board shall engage in any political
7 activity. For the purposes of this Section, "political" means
8 any activity in support of or in connection with any campaign
9 for federal, State, or local elective office or any political
10 organization, but does not include activities (i) relating to
11 the support or opposition of any executive, legislative, or
12 administrative action (as those terms are defined in Section 2
13 of the Lobbyist Registration Act), (ii) relating to collective
14 bargaining, or (iii) that are otherwise in furtherance of the
15 person's official State duties or governmental and public
16 service functions.

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

20 (7) Before entering upon the discharge of the duties of his
21 office, each member of the Board shall take an oath that he
22 will faithfully execute the duties of his office according to
23 the laws of the State and the rules and regulations adopted
24 therewith and shall give bond to the State of Illinois,
25 approved by the Governor, in the sum of \$25,000. Every such
26 bond, when duly executed and approved, shall be recorded in the

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

13 (8) The Board shall employ such personnel as may be
14 necessary to carry out its functions and shall determine the
15 salaries of all personnel, except those personnel whose
16 salaries are determined under the terms of a collective
17 bargaining agreement. No person shall be employed to serve the
18 Board who is, or whose spouse, parent or child is, an official
19 of, or has a financial interest in or financial relation with,
20 any operator engaged in gambling operations within this State
21 or any organization engaged in conducting horse racing within
22 this State. For the one year immediately preceding employment,
23 an employee shall not have been employed or received
24 compensation or fees for services from a person or entity, or
25 its parent or affiliate, that has engaged in business with the
26 Board, a licensee, or a licensee under the Illinois Horse

1 Racing Act of 1975. Any employee violating these prohibitions
2 shall be subject to termination of employment. In addition, no
3 employee shall for one year after separation from the Board be
4 employed or receive compensation or fees from the
5 before-mentioned persons or entities.

6 (9) An Administrator shall be appointed by the Governor
7 with the advice and consent of the Senate. An Administrator
8 shall perform any and all duties that the Board shall assign
9 him. The salary of the Administrator shall be determined by the
10 Board and, in addition, he shall be reimbursed for all actual
11 and necessary expenses incurred by him in discharge of his
12 official duties. The Administrator shall keep records of all
13 proceedings of the Board and shall preserve all records, books,
14 documents and other papers belonging to the Board or entrusted
15 to its care. The Administrator shall devote his full time to
16 the duties of the office and shall not hold any other office or
17 employment. In addition to other prescribed duties, the
18 Administrator shall establish a system by which personnel
19 assisting the Board regarding the issuance of owner's licenses,
20 whether it be relocation, re-issuance, or the initial issuance,
21 shall be assigned specific duties in each instance, thereby
22 preventing a conflict of interest in regards to the
23 decision-making process. A conflict of interest exists if a
24 situation influences or creates the appearance that it may
25 influence judgment or performance of duties or
26 responsibilities.

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

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

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

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

25 (4) To provide for the establishment and collection of
26 all license and registration fees and taxes imposed by this

1 Act and the rules and regulations issued pursuant hereto.
2 All such fees and taxes shall be deposited into the State
3 Gaming Fund;

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

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

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

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

24 (9) To maintain records which are separate and distinct
25 from the records of any other State board or commission.
26 Such records shall be available for public inspection and

1 shall accurately reflect all Board proceedings;

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

9 (11) (Blank);

10 (12) (Blank);

11 (13) To assume responsibility for administration and
12 enforcement of the Video Gaming Act; ~~and~~

13 (13.5) To assume responsibility for the administration
14 and enforcement of operations at electronic gaming
15 facilities pursuant to this Act and the Illinois Horse
16 Racing Act of 1975; and

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

22 Any action by the Board or staff of the Board, including,
23 but not limited to, denying a renewal, approving procedures
24 (including internal controls), levying a fine or penalty,
25 promotions, or other activities by an applicant for licensure
26 or a licensee, may at the discretion of the applicant or

1 licensee be appealed to an administrative law judge in
2 accordance with subsection (b) of Section 17.1.

3 Internal controls and changes submitted by licensees must
4 be reviewed and either approved or denied with cause within 60
5 days after receipt by the Illinois Gaming Board. In the event
6 an internal control submission or change does not meet the
7 standards set by the Board, staff of the Board must provide
8 technical assistance to the licensee to rectify such
9 deficiencies within 60 days after the initial submission and
10 the revised submission must be reviewed and approved or denied
11 with cause within 60 days. For the purposes of this paragraph,
12 "with cause" means that the approval of the submission would
13 jeopardize the integrity of gaming. In the event the Board
14 staff has not acted within the timeframe, the submission shall
15 be deemed approved.

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

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

25 (2) To have jurisdiction and supervision over all
26 ~~riverboat~~ gambling operations authorized under this Act in

1 ~~this State~~ and all persons in places ~~on riverboats~~ where
2 gambling operations are conducted.

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

17 (4) To enter the office, riverboats, casinos,
18 electronic gaming facilities, and other facilities, or
19 other places of business of a licensee, where evidence of
20 the compliance or noncompliance with the provisions of this
21 Act is likely to be found.

22 (5) To investigate alleged violations of this Act or
23 the rules of the Board and to take appropriate disciplinary
24 action against a licensee or a holder of an occupational
25 license for a violation, or institute appropriate legal
26 action for enforcement, or both.

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

4 (7) To adopt appropriate standards for all electronic
5 gaming facilities, riverboats, casinos, and other
6 facilities authorized under this Act.

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

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

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

5 (11) To revoke or suspend licenses, as the Board may
6 see fit and in compliance with applicable laws of the State
7 regarding administrative procedures, and to review
8 applications for the renewal of licenses. The Board may
9 suspend an owners license, electronic gaming license, or
10 casino operator license, without notice or hearing upon a
11 determination that the safety or health of patrons or
12 employees is jeopardized by continuing a gambling
13 operation conducted under that license ~~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, electronic
17 gaming license, or casino operator license upon a
18 determination that the licensee ~~owner~~ has not made
19 satisfactory progress toward abating the hazard.

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

1 question the honesty and integrity of the gambling
2 operations or interfere with the orderly conduct thereof;
3 provided that the propriety of such ejection or exclusion
4 is subject to subsequent hearing by the Board.

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

10 (14) (Blank).

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

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

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

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

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

24 (20) To delegate the execution of any of its powers
25 under this Act for the purpose of administering and
26 enforcing this Act and its rules and regulations hereunder.

1 (20.5) To approve any contract entered into on its
2 behalf.

3 (20.6) To appoint investigators to conduct
4 investigations, searches, seizures, arrests, and other
5 duties imposed under this Act, as deemed necessary by the
6 Board. These investigators have and may exercise all of the
7 rights and powers of peace officers, provided that these
8 powers shall be limited to offenses or violations occurring
9 or committed on a riverboat or dock, as defined in
10 subsections (d) and (f) of Section 4, or as otherwise
11 provided by this Act or any other law.

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

1 investigators to fill those positions pursuant to
2 subdivision (20.6).

3 (21) To make rules concerning the conduct of electronic
4 gaming.

5 (22) ~~(21)~~ To take any other action as may be reasonable
6 or appropriate to enforce this Act and rules and
7 regulations hereunder.

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

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

22 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
23 96-1000, eff. 7-2-10; 96-1392, eff. 1-1-11.)

24 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

25 Sec. 5.1. Disclosure of records.

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

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

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

18 (3) An identification of any business, including, if
19 applicable, the state of incorporation or registration, in
20 which an applicant or licensee or an applicant's or
21 licensee's spouse or children has an equity interest of
22 more than 1%. If an applicant or licensee is a corporation,
23 partnership or other business entity, the applicant or
24 licensee shall identify any other corporation, partnership
25 or business entity in which it has an equity interest of 1%
26 or more, including, if applicable, the state of

1 incorporation or registration. This information need not
2 be provided by a corporation, partnership or other business
3 entity that has a pending registration statement filed with
4 the Securities and Exchange Commission.

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

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

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

1 court, the case and number of the disposition.

2 (7) Whether an applicant or licensee has filed, or been
3 served with a complaint or other notice filed with any
4 public body, regarding the delinquency in the payment of,
5 or a dispute over the filings concerning the payment of,
6 any tax required under federal, State or local law,
7 including the amount, type of tax, the taxing agency and
8 time periods involved.

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

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

23 (10) The name and business telephone number of the
24 counsel representing an applicant or licensee in matters
25 before the Board.

26 (11) A description of any proposed or approved

1 riverboat or casino gaming or electronic gaming operation,
2 including the type of boat, home dock or casino or
3 electronic gaming location, expected economic benefit to
4 the community, anticipated or actual number of employees,
5 any statement from an applicant or licensee regarding
6 compliance with federal and State affirmative action
7 guidelines, projected or actual admissions and projected
8 or actual adjusted gross gaming receipts.

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

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

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

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

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

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

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

26 (2) The statutes, rules, regulations or

1 intergovernmental agreements of any jurisdiction.

2 (d) The Board may assess fees for the copying of
3 information in accordance with Section 6 of the Freedom of
4 Information Act.

5 (Source: P.A. 96-1392, eff. 1-1-11.)

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

7 Sec. 6. Application for Owners License.

8 (a) A qualified person may apply to the Board for an owners
9 license to conduct a riverboat gambling operation as provided
10 in this Act. The application shall be made on forms provided by
11 the Board and shall contain such information as the Board
12 prescribes, including but not limited to the identity of the
13 riverboat on which such gambling operation is to be conducted, if applicable,
14 and the exact location where such riverboat or
15 casino or electronic gaming operation will be located ~~docked~~, a
16 certification that the riverboat will be registered under this
17 Act at all times during which gambling operations are conducted
18 on board, detailed information regarding the ownership and
19 management of the applicant, and detailed personal information
20 regarding the applicant. Any application for an owners license
21 to be re-issued on or after June 1, 2003 shall also include the
22 applicant's license bid in a form prescribed by the Board.
23 Information provided on the application shall be used as a
24 basis for a thorough background investigation which the Board
25 shall conduct with respect to each applicant. An incomplete

1 application shall be cause for denial of a license by the
2 Board.

3 (a-5) In addition to any other information required under
4 this Section, each application for an owners license must
5 include the following information:

6 (1) The history and success of the applicant and each
7 person and entity disclosed under subsection (c) of this
8 Section in developing tourism facilities ancillary to
9 gaming, if applicable.

10 (2) The likelihood that granting a license to the
11 applicant will lead to the creation of quality, living wage
12 jobs and permanent, full-time jobs for residents of the
13 State and residents of the unit of local government that is
14 designated as the home dock of the proposed facility where
15 gambling is to be conducted by the applicant.

16 (3) The projected number of jobs that would be created
17 if the license is granted and the projected number of new
18 employees at the proposed facility where gambling is to be
19 conducted by the applicant.

20 (4) The record of the applicant and its developer in
21 meeting commitments to local agencies, community-based
22 organizations, and employees at other locations where the
23 applicant or its developer has performed similar functions
24 as they would perform if the applicant were granted a
25 license.

26 (5) Identification of adverse effects that might be

1 caused by the proposed facility where gambling is to be
2 conducted by the applicant, including the costs of meeting
3 increased demand for public health care, child care, public
4 transportation, affordable housing, and social services,
5 and a plan to mitigate those adverse effects.

6 (6) The record of the applicant and its developer
7 regarding compliance with:

8 (A) federal, state, and local discrimination, wage
9 and hour, disability, and occupational and
10 environmental health and safety laws; and

11 (B) state and local labor relations and employment
12 laws.

13 (7) The applicant's record in dealing with its
14 employees and their representatives at other locations.

15 (8) A plan concerning the utilization of minority
16 person-owned and female-owned businesses and concerning
17 the hiring of minorities and females.

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

24 (e) The Board shall charge each applicant a fee set by the
25 Department of State Police to defray the costs associated with
26 the search and classification of fingerprints obtained by the

1 Board with respect to the applicant's application. These fees
2 shall be paid into the State Police Services Fund.

3 (f) The licensed owner shall be the person primarily
4 responsible for the boat or casino or electronic gaming
5 operation itself. Only one ~~riverboat~~ gambling operation may be
6 authorized by the Board on any riverboat or in any casino or
7 electronic gaming operation. The applicant must identify the
8 ~~each~~ riverboat or premises it intends to use and certify that
9 the riverboat or premises: (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. 96-1392, eff. 1-1-11.)

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. From the effective date of this amendatory

1 Act of the 95th General Assembly until (i) 3 years after the
2 effective date of this amendatory Act of the 95th General
3 Assembly, (ii) the date any organization licensee begins to
4 operate a slot machine or video game of chance under the
5 Illinois Horse Racing Act of 1975 or this Act, (iii) the date
6 that payments begin under subsection (c-5) of Section 13 of the
7 Act, ~~or~~ (iv) the wagering tax imposed under Section 13 of this
8 Act is increased by law to reflect a tax rate that is at least
9 as stringent or more stringent than the tax rate contained in
10 subsection (a-3) of Section 13, or (v) when the first
11 electronic gaming licensee begins conducting electronic gaming
12 operations, whichever occurs first, as a condition of licensure
13 and as an alternative source of payment for those funds payable
14 under subsection (c-5) of Section 13 of this ~~the Riverboat~~
15 ~~Gambling~~ Act, any owners licensee that holds or receives its
16 owners license on or after the effective date of this
17 amendatory Act of the 94th General Assembly, other than an
18 owners licensee operating a riverboat with adjusted gross
19 receipts in calendar year 2004 of less than \$200,000,000, must
20 pay into the Horse Racing Equity Trust Fund, in addition to any
21 other payments required under this Act, an amount equal to 3%
22 of the adjusted gross receipts received by the owners licensee.
23 The payments required under this Section shall be made by the
24 owners licensee to the State Treasurer no later than 3:00
25 o'clock p.m. of the day after the day when the adjusted gross
26 receipts were received by the owners licensee. A person, firm

1 or corporation is ineligible to receive an owners license if:

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

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

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

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

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

13 (6) the firm or corporation employs a person defined in
14 (1), (2), (3) or (4) who participates in the management or
15 operation of gambling operations authorized under this
16 Act;

17 (7) (blank); or

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

21 The Board is expressly prohibited from making changes to
22 the requirement that licensees make payment into the Horse
23 Racing Equity Trust Fund without the express authority of the
24 Illinois General Assembly and making any other rule to
25 implement or interpret this amendatory Act of the 95th General
26 Assembly. For the purposes of this paragraph, "rules" is given

1 the meaning given to that term in Section 1-70 of the Illinois
2 Administrative Procedure Act.

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

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

8 (A) controls, directly or indirectly, such
9 applicant, or

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

13 (2) the facilities or proposed facilities for the
14 conduct of ~~riverboat~~ gambling;

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

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

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

26 (6) whether the applicant has adequate capitalization

1 to provide and maintain, for the duration of a license, a
2 riverboat or casino;

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

6 (8) the ~~The~~ amount of the applicant's license bid;~~;~~

7 (9) the extent to which the applicant plans to enter
8 into revenue sharing agreements with communities other
9 than the host municipality and the terms of those
10 agreements; and

11 (10) the extent to which a riverboat authorized in item
12 (3) of subsection (e-10) includes the most qualified number
13 of minority persons, females, and persons with a
14 disability.

15 (c) Each owners license shall specify the place where the
16 casino shall operate or the riverboat ~~riverboats~~ shall operate
17 and dock.

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

20 (e) In addition to any licenses authorized under
21 subsections (e-5) and (e-10), the ~~The~~ Board may issue up to 10
22 licenses authorizing the holders of such licenses to own
23 riverboats. In the application for an owners license, the
24 applicant shall state the dock at which the riverboat is based
25 and the water on which the riverboat will be located. The Board
26 shall issue 5 licenses to become effective not earlier than

1 January 1, 1991. Three of such licenses shall authorize
2 riverboat gambling on the Mississippi River, or, with approval
3 by the municipality in which the riverboat was docked on August
4 7, 2003 and with Board approval, be authorized to relocate to a
5 new location, in a municipality that (1) borders on the
6 Mississippi River or is within 5 miles of the city limits of a
7 municipality that borders on the Mississippi River and (2), on
8 August 7, 2003, had a riverboat conducting riverboat gambling
9 operations pursuant to a license issued under this Act; one of
10 which shall authorize riverboat gambling from a home dock in
11 the city of East St. Louis. One other license shall authorize
12 riverboat gambling on the Illinois River in Tazewell County,
13 or, with approval by a municipality in which such riverboat was
14 docked on January 1, 2010 and with Board approval, be
15 authorized to relocate to a new location, in a municipality
16 that (1) borders on the Illinois River or is within 5 miles of
17 the city limits of a municipality that borders on the Illinois
18 River and (2), on January 1, 2010, had a riverboat conducting
19 riverboat gambling operations pursuant to a license issued
20 under this Act ~~south of Marshall County~~. The Board shall issue
21 one additional license to become effective not earlier than
22 March 1, 1992, which shall authorize riverboat gambling on the
23 Des Plaines River in Will County. The Board may issue 4
24 additional licenses to become effective not earlier than March
25 1, 1992. In determining the water upon which riverboats will
26 operate, the Board shall consider the economic benefit which

1 riverboat gambling confers on the State, and shall seek to
2 assure that all regions of the State share in the economic
3 benefits of riverboat gambling.

4 In granting all licenses, the Board may give favorable
5 consideration to economically depressed areas of the State, to
6 applicants presenting plans which provide for significant
7 economic development over a large geographic area, and to
8 applicants who currently operate non-gambling riverboats in
9 Illinois. The Board shall review all applications for owners
10 licenses, and shall inform each applicant of the Board's
11 decision. The Board may grant an 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 this Section that favored
16 the winning bidder.

17 (e-5) In addition to licenses authorized under subsections
18 (e) and (e-10), the Board may issue one owners license
19 authorizing either the conduct of riverboat gambling
20 operations from a home dock located in the City of Chicago or
21 the conduct of gambling operations in a casino located in the
22 City of Chicago.

23 The license authorized under this subsection (e-5) shall be
24 awarded to the Chicago Casino Development Authority for a term
25 of 20 years.

26 The license authorized under this subsection (e-5) may

1 authorize the conduct of riverboat gambling on Lake Michigan or
2 at a land-based facility.

3 The license authorized under this subsection (e-5) shall be
4 issued within 12 months after the effective date of this
5 amendatory Act of the 96th General Assembly. The fee for the
6 issuance or renewal of a license authorized under this
7 subsection (e-5) shall be \$100,000. Additionally, the licensee
8 shall pay an initial fee of \$25,000 per gaming position, which
9 shall be deposited into the Gaming Facilities Fee Revenue Fund.

10 (e-10) In addition to licenses authorized under
11 subsections (e) and (e-5), the Board may issue the following
12 owners licenses:

13 (1) One owners license authorizing the conduct of
14 riverboat gambling located in the City of Park City.

15 (2) One owners license authorizing the conduct of
16 riverboat gambling in the City of Danville.

17 (3) One owners license authorizing the conduct of
18 riverboat gambling in one of one of the following townships
19 located in Cook County: Bloom, Bremen, Calumet, Rich,
20 Thornton, or Worth Township.

21 (4) One owners license authorizing the conduct of
22 riverboat gambling in the City of Rockford.

23 The city council of the municipality in which the home dock
24 of the riverboat is located may make recommendations regarding
25 the location, proposal for ownership, licensee, and any other
26 decisions made in connection with the license issued under this

1 subsection (e-10).

2 The licenses authorized under this subsection (e-10) shall
3 be issued within 12 months after the effective date of this
4 amendatory Act of the 96th General Assembly. The fee for the
5 issuance or renewal of a license issued pursuant to this
6 subsection (e-10) shall be \$100,000. Additionally, a licensee
7 located outside of Cook County shall pay an initial fee of
8 \$12,500 per gaming position, and a licensee located in Cook
9 County shall pay \$25,000 per gaming position. The initial fees
10 payable under this subsection shall be deposited into the
11 Gaming Facilities Fee Revenue Fund.

12 (e-12) Each owners licensee of a license authorized under
13 subsection (e-5) or (e-10) shall make a reconciliation payment
14 4 years after the date the owners licensee begins operating in
15 an amount equal to 75% of the adjusted gross receipts for the
16 most lucrative 12-month period of operations, minus an amount
17 equal to the initial \$12,500 or \$25,000 initial payment per
18 gaming position, whichever was the initial amount paid by the
19 specific licensee. If this calculation results in a negative
20 amount, then the owners licensee is not entitled to any
21 reimbursement of fees previously paid. This reconciliation
22 payment may be made in installments over a period of no more
23 than 5 years, subject to Board approval. Any installment
24 payments shall include an annual market interest rate as
25 determined by the Board. All payments by licensees under this
26 subsection shall be deposited into the Capital Projects Fund.

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 (e-16) The provisions of this subsection (e-16) apply only
8 to an owners licensee of a license issued pursuant to Section
9 7.1 of this Act and issued prior to the effective date of this
10 amendatory Act of the 96th General Assembly. The owners
11 licensee shall pay (i) a \$100,000 fee for the issuance or
12 renewal of its license and (ii) an initial fee of \$25,000 per
13 gaming position. Additionally, the owners licensee shall make a
14 reconciliation payment on July 1, 2016 in an amount equal to
15 75% of the adjusted gross receipts for the most lucrative
16 12-month period of operations beginning on July 1, 2012, minus
17 an amount equal to the \$25,000 initial payment per gaming
18 position. If this calculation results in a negative amount,
19 then the owners licensee is not entitled to any reimbursement
20 of fees previously paid. This reconciliation payment may be
21 made in installments over a period of no more than 5 years,
22 subject to Board approval. Any installment payments shall
23 include an annual market interest rate as determined by the
24 Board. All payments by licensees under this subsection shall be
25 deposited into the Capital Projects Fund. For any payments
26 required under this subsection, the owners licensee shall

1 receive (i) a credit for any amounts that the owners licensee
2 has paid to the State or the Board prior to November 1, 2010
3 for consultants, licensing fees, up-front fees, or other items,
4 not to exceed \$53,000,000 and (ii) a credit for any payments
5 that the local unit of government has pledged to remit to the
6 State, which shall be equal to the present-day value of such
7 payments as determined by the Board but in no event shall the
8 credit exceed \$147,000,000, provided however that the owners
9 licensee shall reimburse the State if the unit of local
10 government fails to make timely payments. An owners licensee
11 subject to this subsection (e) shall only pay the initial fees
12 required pursuant to this subsection and shall not have to pay
13 any initial fees or payments that were ordered by the Board
14 prior to November 1, 2010. However, any payments that have been
15 made by the owners licensee subject to this subsection (e)
16 shall remain with the State and the owners licensee shall
17 receive a credit as specified in this subsection.

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

24 (g) Upon the termination, expiration, or revocation owners
25 license ~~of each of the first 10 licenses~~, which shall be issued
26 for a 3 year period, all licenses are renewable annually upon

1 payment of the fee and a determination by the Board that the
2 licensee continues to meet all of the requirements of this Act
3 and the Board's rules. However, for licenses renewed on or
4 after May 1, 1998, renewal shall be for a period of 4 years,
5 unless the Board sets a shorter period.

6 (h) An owners license, except for an owners license issued
7 under subsection (e-5) or (e-10), shall entitle the licensee to
8 own up to 2 riverboats.

9 An owners licensee that acquired its license under
10 subsection (e-5) shall limit the number of gambling
11 participants to 4,000 for such owners.

12 All other licensees ~~A licensee~~ shall limit the number of
13 gambling participants to 1,600 ~~1,200~~ for any such owners
14 license prior to January 1, 2013. On or after January 1, 2013,
15 a licensee shall limit the number of gambling participants to
16 2,000 for any such owners license. The initial fee for each
17 gaming position obtained on or after the effective date of this
18 amendatory Act of the 96th General Assembly shall be \$12,500
19 for licensees not located in Cook County and \$25,000 for
20 licensees located in Cook County, in addition to the
21 reconciliation payment, as set forth in (e-12), (e-16), or
22 (h-5). A licensee may operate both of its riverboats
23 concurrently, provided that the total number of gambling
24 participants on both riverboats does not exceed 1,600 prior to
25 January 1, 2013 and 2,000 on or after January 1, 2013. ~~1,200.~~
26 Riverboats licensed to operate on the Mississippi River and the

1 Illinois River south of Marshall County shall have an
2 authorized capacity of at least 500 persons. Any other
3 riverboat licensed under this Act shall have an authorized
4 capacity of at least 400 persons.

5 (h-5) An owners licensee who purchases positions under
6 subsection (h) on or after the effective date of this
7 amendatory Act of the 96th General Assembly must pay an initial
8 fee of \$12,500 per gaming position if the licensee is located
9 outside Cook County and an initial fee of \$25,000 per gaming
10 position if the licensee is located in Cook County, as stated
11 in subsection (h). These initial fees shall be deposited into
12 the Gaming Facilities Fee Revenue Fund. Additionally, the
13 owners licensee shall make a reconciliation payment 4 years
14 after any additional gaming positions authorized by subsection
15 (h) begin operating in an amount equal to 75% of the owner
16 licensee's average gross receipts for the most lucrative
17 12-month period of operations minus an amount equal to \$12,500
18 or \$25,000 that the owners licensee paid per additional gaming
19 position. For purposes of this subsection, "average gross
20 receipts" means (i) the adjusted gross receipts for the most
21 lucrative 12-month period of operations, minus (ii) the
22 adjusted gross receipts for 2012 or the first year of
23 operations for the owners licensee, whichever is later, divided
24 (iii) by the number of additional gaming positions that an
25 owners licensee is purchasing pursuant to subsection (h). If
26 this calculation results in a negative amount, then the owners

1 licensee is not entitled to any reimbursement of fees
2 previously paid. This reconciliation payment may be made in
3 installments over a period of no more than 5 years, subject to
4 Board approval. Any installment payments shall include an
5 annual market interest rate as determined by the Board. These
6 reconciliation payments shall be deposited into the Capital
7 Projects Fund.

8 (h-10) Any positions that are not purchased by a licensed
9 owner as of January 1, 2016 shall be forfeited and retained by
10 the Board and shall be offered in equal amounts to licensed
11 owners who have purchased all of the positions that were
12 offered. This process shall continue until all positions have
13 been purchased. All positions obtained pursuant to this process
14 must be in operation within 18 months after they were obtained
15 or the licensed owner forfeits the right to operate all of the
16 positions, but is not entitled to a refund of any fees paid.
17 The Board may, after holding a public hearing, grant extensions
18 so long as a licensed owner is working in good faith to make
19 the positions operational. The extension may be for a period of
20 6 months. If, after the period of the extension, a licensed
21 owner has not made the positions operational, another public
22 hearing must be held by the Board before it may grant another
23 extension.

24 (i) A licensed owner is authorized to apply to the Board
25 for and, if approved therefor, to receive all licenses from the
26 Board necessary for the operation of a riverboat or a casino,

1 including a liquor license, a license to prepare and serve food
2 for human consumption, and other necessary licenses. All use,
3 occupation and excise taxes which apply to the sale of food and
4 beverages in this State and all taxes imposed on the sale or
5 use of tangible personal property apply to such sales aboard
6 the riverboat or in a casino.

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

19 (k) An owners licensee may conduct land-based gambling
20 operations upon approval by the Board.

21 (Source: P.A. 95-1008, eff. 12-15-08; 96-1392, eff. 1-1-11.)

22 (230 ILCS 10/7.1)

23 Sec. 7.1. Issuance or re-issuance ~~Re-issuance of revoked or~~
24 ~~non-renewed~~ owners licenses.

25 (a) If an owners license is newly authorized, or if an

1 owners license terminates or expires without renewal or the
2 Board revokes or determines not to renew an owners license
3 (including, without limitation, an owners license for a
4 licensee that was not conducting riverboat gambling operations
5 on January 1, 1998) and that revocation or determination is
6 final, then the Board may issue or re-issue the ~~such~~ license to
7 a qualified applicant pursuant to an open and competitive
8 bidding process, as set forth in Section 7.5, and subject to
9 the maximum number of authorized licenses set forth in
10 subsections (e), (e-5), and (e-10) of Section 7 ~~Section 7(e)~~.

11 (b) To be a qualified applicant, a person, firm, or
12 corporation cannot be ineligible to receive an owners license
13 under Section 7(a) and must submit an application for an owners
14 license that complies with Section 6. Each such applicant must
15 also submit evidence to the Board that minority persons and
16 females hold ownership interests in the applicant of at least
17 16% and 4% respectively.

18 (c) Notwithstanding anything to the contrary in Section
19 7(e), an applicant may apply to the Board for approval of
20 relocation of a re-issued license to a new home dock location
21 authorized under Section 3(c) upon receipt of the approval from
22 the municipality or county, as the case may be, pursuant to
23 Section 7(j).

24 (d) In determining whether to grant a new or re-issued
25 owners license to an applicant, the Board shall consider all of
26 the factors set forth in Section ~~Sections~~ 7(b) and in Section

1 7(e), (e-5), or (e-10), whichever is applicable, ~~(e)~~ as well as
2 the amount of the applicant's license bid. The Board may grant
3 the new or re-issued owners license to an applicant that has
4 not submitted the highest license bid, but if it does not
5 select the highest bidder, the Board shall issue a written
6 decision explaining why another applicant was selected and
7 identifying the factors set forth in Section ~~Sections~~ 7(b) and
8 in Section 7(e), (e-5), or (e-10), whichever is applicable, ~~(e)~~
9 that favored the winning bidder.

10 (e) Re-issued owners licenses shall be subject to annual
11 license fees as provided for in Section 7(a) and shall be
12 governed by the provisions of Sections 7(f), (g), (h), and (i).

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

14 (230 ILCS 10/7.3)

15 Sec. 7.3. State conduct of gambling operations.

16 (a) If, after reviewing each application for a re-issued
17 license, the Board determines that the highest prospective
18 total revenue to the State would be derived from State conduct
19 of the gambling operation in lieu of re-issuing the license,
20 the Board shall inform each applicant of its decision. The
21 Board shall thereafter have the authority, without obtaining an
22 owners license, to conduct riverboat gambling operations as
23 previously authorized by the terminated, expired, revoked, or
24 nonrenewed license through a licensed manager selected
25 pursuant to an open and competitive bidding process as set

1 forth in Section 7.5 and as provided in Section 7.4.

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

7 (c) The Board shall have jurisdiction over and shall
8 supervise all gambling operations conducted by the State
9 provided for in this Act and shall have all powers necessary
10 and proper to fully and effectively execute the provisions of
11 this Act relating to gambling operations conducted by the
12 State.

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

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

19 (230 ILCS 10/7.6 new)

20 Sec. 7.6. Electronic gaming.

21 (a) The General Assembly finds that the horse racing and
22 riverboat gambling industries share many similarities and
23 collectively comprise the bulk of the State's gaming industry.
24 One feature common to both industries is that each is highly
25 regulated by the State of Illinois. The General Assembly

1 further finds, however, that despite their shared features each
2 industry is distinct from the other in that horse racing is and
3 continues to be intimately tied to Illinois' agricultural
4 economy and is, at its core, a spectator sport. This
5 distinction requires the General Assembly to utilize different
6 methods to regulate and promote the horse racing industry
7 throughout the State. The General Assembly finds that in order
8 to promote live horse racing as a spectator sport in Illinois
9 and the agricultural economy of this State, it is necessary to
10 allow electronic gaming at Illinois race tracks as an ancillary
11 use given the success of other states in increasing live racing
12 purse accounts and improving the quality of horses
13 participating in horse race meetings.

14 (b) The Illinois Gaming Board shall award one electronic
15 gaming license to each person, firm, or corporation having
16 operating control of a race track that applies under Section 56
17 of the Illinois Horse Racing Act of 1975, subject to the
18 application and eligibility requirements of this Section.
19 Within 60 days after the effective date of this amendatory Act
20 of the 96th General Assembly, a person, firm, or corporation
21 having operating control of a race track may submit an
22 application for an electronic gaming license. The application
23 shall specify the number of gaming positions the applicant
24 intends to use and the place where the electronic gaming
25 facility will operate.

26 The Board shall determine within 120 days after receiving

1 an application for an electronic gaming license, whether to
2 grant an electronic gaming license to the applicant. If the
3 Board does not make a determination within 120 days, the Board
4 shall give a written explanation to the applicant as to why it
5 has not reached a determination and when it reasonably expects
6 to make a determination.

7 The electronic gaming licensee shall purchase up to the
8 amount of electronic gaming positions authorized under this Act
9 within 120 days after receiving its electronic gaming license.
10 If an electronic gaming licensee is prepared to purchase the
11 electronic gaming positions, but is temporarily prohibited
12 from doing so by order of a court of competent jurisdiction or
13 the Board, then the 120-day period is tolled until a resolution
14 is reached.

15 An electronic gaming license shall authorize its holder to
16 conduct electronic gaming at its race track at the following
17 times:

18 (1) On days when it conducts live racing at the track
19 where its electronic gaming facility is located, from 8:00
20 a.m. until 3:00 a.m. on the following day.

21 (2) On days when it is scheduled to conduct simulcast
22 wagering on races run in the United States, from 8:00 a.m.
23 until 3:00 a.m. on the following day.

24 Additionally, the Board may extend these days of operation
25 and hours upon request by an organization licensee as the Board
26 sees fit.

1 A license to conduct electronic gaming and any renewal of
2 an electronic gaming license shall authorize electronic gaming
3 for a period of 4 years. The fee for the issuance or renewal of
4 an electronic gaming license shall be \$100,000.

5 (c) To be eligible to conduct electronic gaming, a person,
6 firm, or corporation having operating control of a race track
7 must (i) obtain an electronic gaming license, (ii) hold an
8 organization license under the Illinois Horse Racing Act of
9 1975, (iii) hold an inter-track wagering license, (iv) pay an
10 initial fee of \$25,000 per gaming position from electronic
11 gaming licensees where electronic gaming is conducted in Cook
12 County and \$12,500 for electronic gaming licensees where
13 electronic gaming is located outside of Cook County before
14 beginning to conduct electronic gaming plus make the
15 reconciliation payment required under subsection (i), (v)
16 conduct at least 240 live races per year, (vi) meet the
17 requirements of subsection (a) of Section 56 of the Illinois
18 Horse Racing Act of 1975, (vii) for organization licensees
19 conducting standardbred race meetings that had an open
20 backstretch in 2009, keep backstretch barns and dormitories
21 open and operational year-round unless a lesser schedule is
22 mutually agreed to by the organization licensee and the
23 horsemen's association racing at that organization licensee's
24 race meeting, (viii) for organization licensees conducting
25 thoroughbred race meetings, the organization licensee must
26 maintain accident medical expense liability insurance coverage

1 of \$1,000,000 for jockeys, and (ix) meet all other requirements
2 of this Act that apply to owners licensees. Only those persons,
3 firms, or corporations (or its successors or assigns) that had
4 operating control of a race track and held an inter-track
5 wagering license authorized by the Illinois Racing Board in
6 2009 are eligible.

7 All payments by licensees under this subsection (c) shall
8 be deposited into the Gaming Facilities Fee Revenue Fund,
9 except for the reconciliation payments that are governed by
10 subsection (i) of this Section.

11 (d) The Board may approve electronic gaming positions
12 statewide as provided in this Section. The authority to operate
13 electronic gaming positions under this Section shall be
14 allocated as follows: up to 1,200 gaming positions for any
15 electronic gaming licensee in Cook County and up to 900 gaming
16 positions for any electronic gaming licensee outside of Cook
17 County.

18 (e) Any positions that are not obtained by an organization
19 licensee shall be retained by the Gaming Board and shall be
20 offered in equal amounts to organization licensees who have
21 purchased all of the positions that were offered. This process
22 shall continue until all positions have been purchased. All
23 positions obtained pursuant to this process must be in
24 operation within 18 months after they were obtained or the
25 organization licensee forfeits the right to operate all of the
26 positions, but is not entitled to a refund of any fees paid.

1 The Board may, after holding a public hearing, grant extensions
2 so long as an organization licensee is working in good faith to
3 begin conducting electronic gaming. The extension may be for a
4 period of 6 months. If, after the period of the extension, a
5 licensee has not begun to conduct electronic gaming, another
6 public hearing must be held by the Board before it may grant
7 another extension.

8 (f) Subject to the approval of the Illinois Gaming Board,
9 an electronic gaming licensee may make modification or
10 additions to any existing buildings and structures to comply
11 with the requirements of this Act. The Illinois Gaming Board
12 shall make its decision after consulting with the Illinois
13 Racing Board. In no case, however, shall the Illinois Gaming
14 Board approve any modification or addition that alters the
15 grounds of the organizational licensee such that the act of
16 live racing is an ancillary activity to electronic gaming.
17 Electronic gaming may take place in existing structures where
18 inter-track wagering is conducted at the race track or a
19 facility within 300 yards of the race track in accordance with
20 the provisions of this Act and the Illinois Horse Racing Act of
21 1975.

22 (g) An electronic gaming licensee may conduct electronic
23 gaming at a temporary facility pending the construction of a
24 permanent facility or the remodeling or relocation of an
25 existing facility to accommodate electronic gaming
26 participants for up to 24 months after the temporary facility

1 begins to conduct electronic gaming. Upon request by an
2 electronic gaming licensee and upon a showing of good cause by
3 the electronic gaming licensee, the Board shall extend the
4 period during which the licensee may conduct electronic gaming
5 at a temporary facility by up to 12 months. The Board shall
6 make rules concerning the conduct of electronic gaming from
7 temporary facilities.

8 Electronic gaming may take place in existing structures
9 where inter-track wagering is conducted at the race track or a
10 facility within 300 yards of the race track in accordance with
11 the provisions of this Act and the Illinois Horse Racing Act of
12 1975. Any electronic gaming conducted at a permanent facility
13 within 300 yards of the race track in accordance with this Act
14 and the Illinois Horse Racing Act of 1975 shall have an
15 all-weather egress connecting the electronic gaming facility
16 and the race track facility.

17 (h) The Illinois Gaming Board must adopt emergency rules in
18 accordance with Section 5-45 of the Illinois Administrative
19 Procedure Act as necessary to ensure compliance with the
20 provisions of this amendatory Act of the 96th General Assembly
21 concerning electronic gaming. The adoption of emergency rules
22 authorized by this subsection (h) shall be deemed to be
23 necessary for the public interest, safety, and welfare.

24 (i) Each electronic gaming licensee who obtains electronic
25 gaming positions must make a reconciliation payment 4 years
26 after the date the electronic gaming licensee begins operating

1 the positions in an amount equal to 75% of the amount for which
2 privilege tax was paid under subsection (a-5) of Section 13 of
3 this Act from electronic gaming for the most lucrative 12-month
4 period of operations, minus an amount equal to the initial
5 \$25,000 or \$12,500 per electronic gaming position initial
6 payment. If this calculation results in a negative amount, then
7 the electronic gaming licensee is not entitled to any
8 reimbursement of fees previously paid. This reconciliation
9 payment may be made in installments over a period of no more
10 than 5 years, subject to Board approval. Any installment
11 payments shall include an annual market interest rate as
12 determined by the Board.

13 All payments by licensees under this subsection (i) shall
14 be deposited into the Capital Projects Fund.

15 (j) As soon as practical after a request is made by the
16 Illinois Gaming Board, to minimize duplicate submissions by the
17 applicant, the Illinois Racing Board must provide information
18 on an applicant for an electronic gaming license to the
19 Illinois Gaming Board.

20 (k) Subject to the approval of the Illinois Gaming Board,
21 an organization licensee that (i) receives an electronic gaming
22 license under this Act and (ii) has operating control of a race
23 track facility located in Cook County, may relocate its race
24 track facility within Cook County in conjunction with plans to
25 construct a new structure for purposes of electronic gaming at
26 a location within a 3-mile radius of its existing race track

1 facility. Notwithstanding anything to the contrary in this Act,
2 a race track facility may not be relocated outside of the
3 3-mile radius without the written consent of the geographically
4 closest existing race track facility from that planned
5 relocation. The relocation must include the race track
6 facility, including the race track operations used to conduct
7 live racing and the planned electronic gaming facility in its
8 entirety. For the purposes of this subsection (k), "race track
9 facility" means all operations conducted on the race track
10 property for which it was awarded a license for pari-mutuel
11 wagering and live racing in the year 2010, except for the real
12 estate itself. The Illinois Gaming Board shall make its
13 decision after consulting with the Illinois Racing Board, and
14 any relocation application shall be subject to all of the
15 provisions of this Act and the Illinois Horse Racing Act of
16 1975.

17 (230 ILCS 10/7.7 new)

18 Sec. 7.7. Home rule. The regulation and licensing of
19 electronic gaming and electronic gaming licensees are
20 exclusive powers and functions of the State. A home rule unit
21 may not regulate or license electronic gaming or electronic
22 gaming licensees. This Section is a denial and limitation of
23 home rule powers and functions under subsection (h) of Section
24 6 of Article VII of the Illinois Constitution.

1 (230 ILCS 10/7.8 new)

2 Sec. 7.8. Casino operator license.

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

13 (b) A person, firm, or corporation is ineligible to receive
14 a casino operator license if:

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

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

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

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

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

26 (6) the firm or corporation employs a person defined in

1 (1), (2), (3), or (4) who participates in the management or
2 operation of gambling operations authorized under this
3 Act; or

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

8 (c) In determining whether to grant a casino operator
9 license, the Board shall consider:

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

13 (A) controls, directly or indirectly, such
14 applicant, or

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

18 (2) the facilities or proposed facilities for the
19 conduct of gambling;

20 (3) the preference of the municipality in which the
21 licensee will operate;

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

1 classifications;

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

4 (6) whether the applicant has adequate capitalization
5 to provide and maintain, for the duration of a license, a
6 casino; and

7 (7) the extent to which the applicant exceeds or meets
8 other standards for the issuance of a managers license that
9 the Board may adopt by rule.

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

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

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

18 (g) The casino operator license shall be issued only upon
19 proof that it has entered into a labor peace agreement with
20 each labor organization that is actively engaged in
21 representing and attempting to represent casino and
22 hospitality industry workers in this State. The labor peace
23 agreement must be a valid and enforceable agreement under 29
24 U.S.C. 185 that protects the city's and State's revenues from
25 the operation of the casino facility by prohibiting the labor
26 organization and its members from engaging in any picketing,

1 work stoppages, boycotts, or any other economic interference
2 with the casino facility for at least the first 5 years of the
3 casino license and must cover all operations at the casino
4 facility that are conducted by lessees or tenants or under
5 management agreements.

6 (h) The casino operator license shall be for a term of 4
7 years, shall be renewable at the Board's option, and shall
8 contain such terms and provisions as the Board deems necessary
9 to protect or enhance the credibility and integrity of State
10 gambling operations, achieve the highest prospective total
11 revenue to the State, and otherwise serve the interests of the
12 citizens of Illinois. The Board may revoke the license:

13 (1) for violation of any provision of this Act;

14 (2) for violation of any rules of the Board;

15 (3) for any cause which, if known to the Board, would
16 have disqualified the applicant from receiving the
17 license; or

18 (4) for any other just cause.

19 (230 ILCS 10/7.9 new)

20 Sec. 7.9. Diversity program.

21 (a) Each owners licensee, electronic gaming licensee,
22 casino operator licensee, and suppliers licensee shall
23 establish and maintain a diversity program to ensure
24 non-discrimination in the award and administration of
25 contracts. The programs shall establish goals of awarding not

1 less than 20% of the annual dollar value of all contracts,
2 purchase orders, or other agreements to minority owned
3 businesses and 5% of the annual dollar value of all contracts
4 to female owned businesses.

5 (b) Each owners licensee, electronic gaming licensee,
6 casino operator licensee, and suppliers licensee shall
7 establish and maintain a diversity program designed to promote
8 equal opportunity for employment. The program shall establish
9 hiring goals as the Board and each licensee determines
10 appropriate. The Board shall monitor the progress of the gaming
11 licensee's progress with respect to the program's goals.

12 (c) No later than May 31 of each year each licensee shall
13 report to the Board the number of respective employees and the
14 number of their respective employees who have designated
15 themselves as members of a minority group and gender. In
16 addition, all licensees shall submit a report with respect to
17 the minority owned and female owned businesses program created
18 in this Section to the Board.

19 (230 ILCS 10/7.10 new)

20 Sec. 7.10. Annual report on diversity.

21 (a) Each licensee that receives a license under Sections 7,
22 7.1, and 7.6 shall execute and file a report with the Board no
23 later than December 31 of each year that shall contain, but not
24 be limited to, the following information:

25 (i) a good faith affirmative action plan to recruit,

1 train, and upgrade minority persons, females, and persons
2 with a disability in all employment classifications;

3 (ii) the total dollar amount of contracts that were
4 awarded to businesses owned by minority persons, females,
5 and persons with a disability;

6 (iii) the total number of businesses owned by minority
7 persons, females, and persons with a disability that were
8 utilized by the licensee;

9 (iv) the utilization of businesses owned by minority
10 persons, females, and persons with disabilities during the
11 preceding year; and

12 (v) the outreach efforts used by the licensee to
13 attract investors and businesses consisting of minority
14 persons, females, and persons with a disability.

15 (b) The Board shall forward a copy of each licensee's
16 annual reports to the General Assembly no later than February 1
17 of each year.

18 (230 ILCS 10/8) (from Ch. 120, par. 2408)

19 Sec. 8. Suppliers licenses.

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

1 (b) The holder of a suppliers license is authorized to sell
2 or lease, and to contract to sell or lease, gambling equipment
3 and supplies to any licensee involved in the ownership or
4 management of gambling operations.

5 (c) Gambling supplies and equipment may not be distributed
6 unless supplies and equipment conform to standards adopted by
7 rules of the Board.

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

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

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

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

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

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

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

24 (7) the license of the person, firm or corporation
25 issued under this Act, or a license to own or operate
26 gambling facilities in any other jurisdiction, has been

1 revoked.

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

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

25 (g) Any gambling equipment, devices and supplies provided
26 by any licensed supplier may either be repaired on the

1 riverboat, in the casino, or at the electronic gaming facility
2 or removed from the riverboat, casino, or electronic gaming
3 facility to a an on-shore facility owned by the holder of an
4 owners license or electronic gaming license for repair.

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

6 (230 ILCS 10/9) (from Ch. 120, par. 2409)

7 Sec. 9. Occupational licenses.

8 (a) The Board may issue an occupational license to an
9 applicant upon the payment of a non-refundable fee set by the
10 Board, upon a determination by the Board that the applicant is
11 eligible for an occupational license and upon payment of an
12 annual license fee in an amount to be established. To be
13 eligible for an occupational license, an applicant must:

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

18 (2) not have been convicted of a felony offense, a
19 violation of Article 28 of the Criminal Code of 1961, or a
20 similar statute of any other jurisdiction;

21 (2.5) not have been convicted of a crime, other than a
22 crime described in item (2) of this subsection (a),
23 involving dishonesty or moral turpitude, except that the
24 Board may, in its discretion, issue an occupational license
25 to a person who has been convicted of a crime described in

1 this item (2.5) more than 10 years prior to his or her
2 application and has not subsequently been convicted of any
3 other crime;

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

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

17 (b) Each application for an occupational license shall be
18 on forms prescribed by the Board and shall contain all
19 information required by the Board. The applicant shall set
20 forth in the application: whether he has been issued prior
21 gambling related licenses; whether he has been licensed in any
22 other state under any other name, and, if so, such name and his
23 age; and whether or not a permit or license issued to him in
24 any other state has been suspended, restricted or revoked, and,
25 if so, for what period of time.

26 (c) Each applicant shall submit with his application, on

1 forms provided by the Board, 2 sets of his fingerprints. The
2 Board shall charge each applicant a fee set by the Department
3 of State Police to defray the costs associated with the search
4 and classification of fingerprints obtained by the Board with
5 respect to the applicant's application. These fees shall be
6 paid into the State Police Services Fund.

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

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

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

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

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

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

14 (Source: P.A. 96-1392, eff. 1-1-11.)

15 (230 ILCS 10/11) (from Ch. 120, par. 2411)

16 Sec. 11. Conduct of gambling. Gambling may be conducted by
17 licensed owners or licensed managers on behalf of the State
18 aboard riverboats. Gambling may be conducted by electronic
19 gaming licensees at electronic gaming facilities. Gambling
20 authorized under this Section is~~7~~ subject to the following
21 standards:

22 (1) A licensee may conduct riverboat gambling
23 authorized under this Act regardless of whether it conducts
24 excursion cruises. A licensee may permit the continuous
25 ingress and egress of patrons ~~passengers~~ on a riverboat not

1 used for excursion cruises for the purpose of gambling.
2 Excursion cruises shall not exceed 4 hours for a round
3 trip. However, the Board may grant express approval for an
4 extended cruise on a case-by-case basis.

5 (2) (Blank).

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

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

16 (5) Employees of the Board shall have the right to be
17 present on the riverboat or in the casino or on adjacent
18 facilities under the control of the licensee and at the
19 electronic gaming facility under the control of the
20 electronic gaming licensee.

21 (6) Gambling equipment and supplies customarily used
22 in conducting riverboat or casino gambling or electronic
23 gaming must be purchased or leased only from suppliers
24 licensed for such purpose under this Act. The Board may
25 approve the transfer, sale, or lease of gambling equipment
26 and supplies by a licensed owner from or to an affiliate of

1 the licensed owner as long as the gambling equipment and
2 supplies were initially acquired from a supplier licensed
3 in Illinois.

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

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

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

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

1 winnings for the privilege tax purposes, confiscated, and
2 forfeited to the State and deposited into the Education
3 Assistance Fund.

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

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

25 (13) Notwithstanding any other Section of this Act, in
26 addition to the other licenses authorized under this Act,

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

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

17 (Source: P.A. 96-1392, eff. 1-1-11.)

18 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

19 Sec. 11.1. Collection of amounts owing under credit
20 agreements. Notwithstanding any applicable statutory provision
21 to the contrary, a licensed owner, ~~or~~ manager, or electronic
22 gaming licensee who extends credit to a ~~riverboat~~ gambling
23 patron or an electronic gaming patron pursuant to Section 11
24 (a) (12) of this Act is expressly authorized to institute a
25 cause of action to collect any amounts due and owing under the

1 extension of credit, as well as the owner's or manager's costs,
2 expenses and reasonable attorney's fees incurred in
3 collection.

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

5 (230 ILCS 10/12) (from Ch. 120, par. 2412)

6 Sec. 12. Admission tax; fees.

7 (a) A tax is hereby imposed upon admissions to riverboat
8 and casino gambling facilities ~~riverboats~~ operated by licensed
9 owners authorized pursuant to this Act. Until July 1, 2002, the
10 rate is \$2 per person admitted. From July 1, 2002 until July 1,
11 2003, the rate is \$3 per person admitted. From July 1, 2003
12 until August 23, 2005 (the effective date of Public Act
13 94-673), for a licensee that admitted 1,000,000 persons or
14 fewer in the previous calendar year, the rate is \$3 per person
15 admitted; for a licensee that admitted more than 1,000,000 but
16 no more than 2,300,000 persons in the previous calendar year,
17 the rate is \$4 per person admitted; and for a licensee that
18 admitted more than 2,300,000 persons in the previous calendar
19 year, the rate is \$5 per person admitted. Beginning on August
20 23, 2005 (the effective date of Public Act 94-673), for a
21 licensee that admitted 1,000,000 persons or fewer in calendar
22 year 2004, the rate is \$2 per person admitted, and for all
23 other licensees, including licensees that were not conducting
24 gambling operations in 2004, the rate is \$3 per person
25 admitted. This admission tax is imposed upon the licensed owner

1 conducting gambling.

2 (1) The admission tax shall be paid for each admission,
3 except that a person who exits a riverboat gambling
4 facility and reenters that riverboat gambling facility
5 within the same gaming day shall be subject only to the
6 initial admission tax.

7 (2) (Blank).

8 (3) The riverboat licensee may issue tax-free passes to
9 actual and necessary officials and employees of the
10 licensee or other persons actually working on the
11 riverboat.

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

16 (a-5) A fee is hereby imposed upon admissions operated by
17 licensed managers on behalf of the State pursuant to Section
18 7.3 at the rates provided in this subsection (a-5). For a
19 licensee that admitted 1,000,000 persons or fewer in the
20 previous calendar year, the rate is \$3 per person admitted; for
21 a licensee that admitted more than 1,000,000 but no more than
22 2,300,000 persons in the previous calendar year, the rate is \$4
23 per person admitted; and for a licensee that admitted more than
24 2,300,000 persons in the previous calendar year, the rate is \$5
25 per person admitted.

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

1 (2) (Blank).

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

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

9 (b) From the tax imposed under subsection (a) and the fee
10 imposed under subsection (a-5), a municipality shall receive
11 from the State \$1 for each person embarking on a riverboat
12 docked within the municipality or entering a casino located
13 within the municipality, and a county shall receive \$1 for each
14 person entering a casino or embarking on a riverboat docked
15 within the county but outside the boundaries of any
16 municipality. The municipality's or county's share shall be
17 collected by the Board on behalf of the State and remitted
18 quarterly by the State, subject to appropriation, to the
19 treasurer of the unit of local government for deposit in the
20 general fund.

21 (c) The licensed owner shall pay the entire admission tax
22 to the Board and the licensed manager or the casino operator
23 licensee shall pay the entire admission fee to the Board. Such
24 payments shall be made daily. Accompanying each payment shall
25 be a return on forms provided by the Board which shall include
26 other information regarding admissions as the Board may

1 require. Failure to submit either the payment or the return
2 within the specified time may result in suspension or
3 revocation of the owners or managers license.

4 (c-5) A tax is imposed on admissions to electronic gaming
5 facilities at the rate of \$3 per person admitted by an
6 electronic gaming licensee. The tax is imposed upon the
7 electronic gaming licensee.

8 (1) The admission tax shall be paid for each admission,
9 except that a person who exits an electronic gaming
10 facility and reenters that electronic gaming facility
11 within the same gaming day, as the term "gaming day" is
12 defined by the Board by rule, shall be subject only to the
13 initial admission tax. The Board shall establish, by rule,
14 a procedure to determine whether a person admitted to an
15 electronic gaming facility has paid the admission tax.

16 (2) An electronic gaming licensee may issue tax-free
17 passes to actual and necessary officials and employees of
18 the licensee and other persons associated with electronic
19 gaming operations.

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

24 (4) The electronic gaming licensee shall pay the entire
25 admission tax to the Board.

26 Such payments shall be made daily. Accompanying each

1 payment shall be a return on forms provided by the Board, which
2 shall include other information regarding admission as the
3 Board may require. Failure to submit either the payment or the
4 return within the specified time may result in suspension or
5 revocation of the electronic gaming license.

6 From the tax imposed under this subsection (c-5), a
7 municipality other than the Village of Stickney or the City of
8 Collinsville in which an electronic gaming facility is located,
9 or if the electronic gaming facility is not located within a
10 municipality, then the county in which the electronic gaming
11 facility is located, shall receive, subject to appropriation,
12 \$1 for each person who enters the electronic gaming facility.

13 From the tax imposed under this subsection (c-5) on an
14 electronic gaming facility located in the Village of Stickney,
15 \$1 for each person who enters the electronic gaming facility
16 shall be distributed as follows, subject to appropriation:
17 \$0.25 to the Village of Stickney, \$.50 to the Town of Cicero,
18 and \$0.25 to the Stickney Public Health District. For each
19 admission to the electronic gaming facility in excess of
20 1,500,000 in a year, from the tax imposed under this subsection
21 (c-5), the county in which the electronic gaming facility is
22 located shall receive, subject to appropriation, \$0.30, which
23 shall be in addition to any other moneys paid to the county
24 under this Section.

25 From the tax imposed under this subsection (c-5) on an
26 electronic gaming facility located in the City of Collinsville,

1 \$1 for each person who enters the electronic gaming facility
2 shall be distributed as follows, subject to appropriation:
3 \$0.45 to the City of Alton, \$0.45 to the City of East St.
4 Louis, and \$0.10 to the City of Collinsville.

5 From the tax imposed under this subsection (c-5) on an
6 electronic gaming facility that is located in an unincorporated
7 area of Cook County and has been awarded standardbred racing
8 dates during 2010 by the Illinois Racing Board, \$1 for each
9 person who enters the electronic gaming facility shall be
10 distributed as follows, subject to appropriation: \$0.50 to the
11 Village of Melrose Park and \$0.50 to Cook County.

12 After payments required under this subsection (c-5) have
13 been made, all remaining amounts shall be deposited into the
14 Capital Projects Fund.

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

21 (Source: P.A. 95-663, eff. 10-11-07; 96-1392, eff. 1-1-11.)

22 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

24 (a) Until January 1, 1998, a tax is imposed on the adjusted
25 gross receipts received from gambling games authorized under

1 this Act at the rate of 20%.

2 (a-1) From January 1, 1998 until July 1, 2002, a privilege
3 tax is imposed on persons engaged in the business of conducting
4 riverboat gambling operations, based on the adjusted gross
5 receipts received by a licensed owner from gambling games
6 authorized under this Act at the following rates:

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

9 20% of annual adjusted gross receipts in excess of
10 \$25,000,000 but not exceeding \$50,000,000;

11 25% of annual adjusted gross receipts in excess of
12 \$50,000,000 but not exceeding \$75,000,000;

13 30% of annual adjusted gross receipts in excess of
14 \$75,000,000 but not exceeding \$100,000,000;

15 35% of annual adjusted gross receipts in excess of
16 \$100,000,000.

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

24 15% of annual adjusted gross receipts up to and
25 including \$25,000,000;

26 22.5% of annual adjusted gross receipts in excess of

1 \$25,000,000 but not exceeding \$50,000,000;
2 27.5% of annual adjusted gross receipts in excess of
3 \$50,000,000 but not exceeding \$75,000,000;
4 32.5% of annual adjusted gross receipts in excess of
5 \$75,000,000 but not exceeding \$100,000,000;
6 37.5% of annual adjusted gross receipts in excess of
7 \$100,000,000 but not exceeding \$150,000,000;
8 45% of annual adjusted gross receipts in excess of
9 \$150,000,000 but not exceeding \$200,000,000;
10 50% of annual adjusted gross receipts in excess of
11 \$200,000,000.

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

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

1 45% of annual adjusted gross receipts in excess of
2 \$75,000,000 but not exceeding \$100,000,000;

3 50% of annual adjusted gross receipts in excess of
4 \$100,000,000 but not exceeding \$250,000,000;

5 70% of annual adjusted gross receipts in excess of
6 \$250,000,000.

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

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

23 (a-4) Beginning on the first day on which the tax imposed
24 under subsection (a-3) is no longer imposed, a privilege tax is
25 imposed on persons engaged in the business of conducting
26 riverboat or casino gambling or electronic gaming operations,

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

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

7 22.5% of annual adjusted gross receipts in excess of
8 \$25,000,000 but not exceeding \$50,000,000;

9 27.5% of annual adjusted gross receipts in excess of
10 \$50,000,000 but not exceeding \$75,000,000;

11 32.5% of annual adjusted gross receipts in excess of
12 \$75,000,000 but not exceeding \$100,000,000;

13 37.5% of annual adjusted gross receipts in excess of
14 \$100,000,000 but not exceeding \$150,000,000;

15 45% of annual adjusted gross receipts in excess of
16 \$150,000,000 but not exceeding \$200,000,000;

17 50% of annual adjusted gross receipts in excess of
18 \$200,000,000.

19 (a-5) Beginning on January 1, 2012, a privilege tax is
20 imposed on persons engaged in the business of conducting
21 riverboat or casino gambling or electronic gaming operations,
22 other than licensed managers conducting riverboat gambling
23 operations on behalf of the State, based on the adjusted gross
24 receipts received by a licensed owner from the gambling games
25 authorized under this Act. The privilege tax for all gambling
26 games other than table games, including, but not limited to,

1 slot machines, video game of chance gambling, and electronic
2 gambling games shall be at the following rates:

3 12% of annual adjusted gross receipts up to and
4 including \$25,000,000;

5 19.5% of annual adjusted gross receipts in excess of
6 \$25,000,000 but not exceeding \$50,000,000;

7 24.5% of annual adjusted gross receipts in excess of
8 \$50,000,000 but not exceeding \$75,000,000;

9 29.5% of annual adjusted gross receipts in excess of
10 \$75,000,000 but not exceeding \$100,000,000;

11 34.5% of annual adjusted gross receipts in excess of
12 \$100,000,000 but not exceeding \$150,000,000;

13 39% of annual adjusted gross receipts in excess of
14 \$150,000,000 but not exceeding \$200,000,000;

15 44% of annual adjusted gross receipts in excess of
16 \$200,000,000.

17 The privilege tax for table games shall be at the following
18 rates:

19 12% of annual adjusted gross receipts up to and
20 including \$25,000,000;

21 19.5% of annual adjusted gross receipts in excess of
22 \$25,000,000 but not exceeding \$50,000,000;

23 24.5% of annual adjusted gross receipts in excess of
24 \$50,000,000 but not exceeding \$75,000,000;

25 29.5% of annual adjusted gross receipts in excess of
26 \$75,000,000 but not exceeding \$100,000,000;

1 34.5% of annual adjusted gross receipts in excess of
2 \$100,000,000.

3 For the imposition of the privilege tax in this subsection
4 (a-5), amounts paid pursuant to item (1) of subsection (b) of
5 Section 56 of the Illinois Horse Racing Act of 1975 shall not
6 be included in the determination of adjusted gross receipts.

7 From the effective date of this amendatory Act of the 96th
8 General Assembly until June 30, 2015, an owners licensee that
9 (i) is located within 15 miles of the Missouri border and (ii)
10 has at least 3 riverboats, casinos, or their equivalent within
11 a 45-mile radius, may be authorized to relocate to a new
12 location with the approval of the unit of local government that
13 was designated as the home dock of the riverboat on January 1,
14 2010 and with Board approval and shall receive a
15 dollar-for-dollar credit by the Board for any renovation or
16 construction costs paid by the owners licensee, but in no event
17 shall the credit exceed \$2,000,000.

18 (a-6) Beginning on July 1, 2013, a privilege tax is imposed
19 on persons engaged in the business of conducting riverboat or
20 casino gambling or electronic gaming operations, other than
21 licensed managers conducting riverboat gambling operations on
22 behalf of the State, based on the adjusted gross receipts
23 received by a licensed owner from the gambling games authorized
24 under this Act. The privilege tax for all gambling games other
25 than table games, including, but not limited to, slot machines,
26 video game of chance gambling, and electronic gambling games

1 shall be at the following rates:

2 10% of annual adjusted gross receipts up to and
3 including \$25,000,000;

4 17.5% of annual adjusted gross receipts in excess of
5 \$25,000,000 but not exceeding \$50,000,000;

6 22.5% of annual adjusted gross receipts in excess of
7 \$50,000,000 but not exceeding \$75,000,000;

8 27.5% of annual adjusted gross receipts in excess of
9 \$75,000,000 but not exceeding \$100,000,000;

10 32.5% of annual adjusted gross receipts in excess of
11 \$100,000,000 but not exceeding \$150,000,000;

12 35% of annual adjusted gross receipts in excess of
13 \$150,000,000 but not exceeding \$200,000,000;

14 40% of annual adjusted gross receipts in excess of
15 \$200,000,000.

16 The privilege tax for table games shall be at the following
17 rates:

18 10% of annual adjusted gross receipts up to and
19 including \$25,000,000;

20 17.5% of annual adjusted gross receipts in excess of
21 \$25,000,000 but not exceeding \$50,000,000;

22 22.5% of annual adjusted gross receipts in excess of
23 \$50,000,000 but not exceeding \$75,000,000;

24 27.5% of annual adjusted gross receipts in excess of
25 \$75,000,000 but not exceeding \$100,000,000;

26 32.5% of annual adjusted gross receipts in excess of

1 \$100,000,000.

2 For the imposition of the privilege tax in this subsection
3 (a-6), amounts paid pursuant to item (1) of subsection (b) of
4 Section 56 of the Illinois Horse Racing Act of 1975 shall not
5 be included in the determination of adjusted gross receipts.

6 (a-7) From January 1, 2013 until January 1, 2016, if the
7 total obligation imposed pursuant to either subsection (a-5) or
8 (a-6) will result in an owners licensee receiving less
9 after-tax adjusted gross receipts than it received in calendar
10 year 2012, then the Board must reduce the total amount of
11 privilege taxes that an owners licensee is required to pay for
12 that calendar year pursuant to this subsection by 3%. For
13 purposes of this subsection, "after-tax adjusted gross
14 receipts" means the adjusted gross receipts less privilege
15 taxes paid to the State.

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

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

23 (a-15) If the privilege tax imposed under subsection (a-3)
24 is no longer imposed pursuant to item (i) of the last paragraph
25 of subsection (a-3), then by June 15 of each year, each owners
26 licensee, other than an owners licensee that admitted 1,000,000

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

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

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

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

14 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

25 "Net privilege tax" means all privilege taxes paid by a
26 licensed owner to the Board under this Section, less all

1 payments made from the State Gaming Fund pursuant to subsection
2 (b) of this Section.

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

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

1 casino is located. Units of local government may refund any
2 portion of the payment that they receive pursuant to this
3 subsection (b) to the riverboat or casino.

4 (b-5) Beginning on the effective date of this amendatory
5 Act of the 96th General Assembly, from the tax revenue
6 deposited in the State Gaming Fund under this Section, an
7 amount equal to 3% of adjusted gross receipts generated by each
8 electronic gaming facility located outside Madison County
9 shall be paid monthly, subject to appropriation by the General
10 Assembly, to a municipality outside of Madison County other
11 than the Village of Stickney in which each electronic gaming
12 facility is located or, if the electronic gaming facility is
13 not located within a municipality, to the county in which the
14 electronic gaming facility is located, except as otherwise
15 provided in this Section. From the tax revenue deposited in the
16 State Gaming Fund under this Section, an amount equal to 3% of
17 adjusted gross receipts generated by each electronic gaming
18 facility that is located in an unincorporated area of Cook
19 County and has been awarded standardbred racing dates during
20 2010 by the Illinois Racing Board shall be paid monthly,
21 subject to appropriation by the General Assembly, as follows:
22 50% to the Village of Melrose Park and 50% to Cook County. From
23 the tax revenue deposited in the State Gaming Fund under this
24 Section, an amount equal to 3% of adjusted gross receipts
25 generated by an electronic gaming facility located in the
26 Village of Stickney shall be paid monthly, subject to

1 appropriation by the General Assembly, as follows: 25% to the
2 Village of Stickney, 50% to the Town of Cicero, and 25% to the
3 Stickney Public Health District.

4 From the tax revenue deposited in the State Gaming Fund
5 under this Section, an amount equal to 3% of adjusted gross
6 receipts generated by an electronic gaming facility located in
7 the City of Collinsville shall be paid monthly, subject to
8 appropriation by the General Assembly, as follows: 45% to the
9 City of Alton, 45% to the City of East St. Louis, and 10% to the
10 City of Collinsville.

11 Beginning on the effective date of this amendatory Act of
12 the 96th General Assembly, from the tax revenue deposited in
13 the State Gaming Fund under this Section, an amount equal to
14 (i) 1% of adjusted gross receipts generated by an electronic
15 gaming facility located in Madison County shall be paid
16 monthly, subject to appropriation by the General Assembly, to
17 Madison County for the purposes of infrastructure
18 improvements, and (ii) 1% of adjusted gross receipts generated
19 by an electronic gaming facility located in Madison County
20 shall be paid monthly, subject to appropriation by the General
21 Assembly, to St. Clair County for the purposes of
22 infrastructure improvements.

23 Municipalities and counties may refund any portion of the
24 payment that they receive pursuant to this subsection (b-5) to
25 the electronic gaming facility.

26 (b-6) Beginning on the effective date of this amendatory

1 Act of the 96th General Assembly, from the tax revenue
2 deposited in the State Gaming Fund under this Section, an
3 amount equal to 2% of adjusted gross receipts generated by an
4 electronic gaming facility located outside Madison County
5 shall be paid monthly, subject to appropriation by the General
6 Assembly, to the county in which the electronic gaming facility
7 is located for the purposes of its criminal justice system or
8 health care system.

9 Counties may refund any portion of the payment that they
10 receive pursuant to this subsection (b-6) to the electronic
11 gaming facility.

12 (b-7) The State and County Fair Assistance Fund is created
13 as a special fund in the State treasury. The Fund shall be
14 administered by the Department of Agriculture. Beginning on the
15 effective date of this amendatory Act of the 96th General
16 Assembly, from the tax revenue deposited in the State Gaming
17 Fund under this Section, an amount equal to 2% of adjusted
18 gross receipts, not to exceed \$1,000,000, shall be paid into
19 the State and County Fair Assistance Fund annually. No moneys
20 shall be expended from the State and County Fair Assistance
21 Fund except as appropriated by the General Assembly.

22 The Department of Agriculture is authorized to award grants
23 from moneys appropriated from the State and County Fair
24 Assistance Fund to counties for the development, expansion, or
25 support of county fairs that showcase Illinois agriculture
26 products or byproducts. No grant may exceed \$20,000. Not more

1 than one grant under this Section may be made to any one county
2 except for Sangamon County and Perry County, which shall be
3 entitled to an additional grant for the Illinois State Fair and
4 the DuQuoin State Fair, respectively.

5 (b-8) Beginning on the effective date of this amendatory
6 Act of the 96th General Assembly, from the tax revenue
7 deposited in the State Gaming Fund under this Section, \$250,000
8 shall be deposited annually into the Illinois Racing Quarter
9 Horse Breeders Fund.

10 (b-10) Beginning on the effective date of this amendatory
11 Act of the 96th General Assembly, from the tax revenue
12 deposited in the State Gaming Fund under this Section, an
13 amount equal to 10% of the wagering taxes paid by the
14 riverboats and casino created pursuant to subsections (e-5) and
15 (e-10) of Section 7 shall be paid into the Depressed
16 Communities Economic Development Fund annually.

17 (c) Appropriations, as approved by the General Assembly,
18 may be made from the State Gaming Fund to the Board (i) for the
19 administration and enforcement of this Act and the Video Gaming
20 Act, (ii) for distribution to the Department of State Police
21 and to the Department of Revenue for the enforcement of this
22 Act, and (iii) to the Department of Human Services for the
23 administration of programs to treat problem gambling. From the
24 tax revenue deposited in the State Gaming Fund under this
25 Section, \$10,000,000 shall be paid annually to the Department
26 of Human Services for the administration of programs to treat

1 problem gambling. The Board's annual appropriations request
2 must separately state its funding needs for the regulation of
3 electronic gaming, riverboat gaming, casino gaming within the
4 City of Chicago, and video gaming.

5 (c-3) Appropriations, as approved by the General Assembly,
6 may be made from the tax revenue deposited into the State
7 Gaming Fund from electronic gaming pursuant to this Section for
8 the administration and enforcement of this Act.

9 (c-4) After payments required under subsection (b-5),
10 (b-6), (b-7), (b-8), (c), and (c-3) have been made from the tax
11 revenue from electronic gaming deposited into the State Gaming
12 Fund under this Section, all remaining amounts from electronic
13 gaming shall be deposited into the Capital Projects Fund.

14 (c-5) (Blank). Before May 26, 2006 (the effective date of
15 Public Act 94-804) and beginning on the effective date of this
16 amendatory Act of the 95th General Assembly, unless any
17 organization licensee under the Illinois Horse Racing Act of
18 1975 begins to operate a slot machine or video game of chance
19 under the Illinois Horse Racing Act of 1975 or this Act, after
20 the payments required under subsections (b) and (c) have been
21 made, an amount equal to 15% of the adjusted gross receipts of
22 (1) an owners licensee that relocates pursuant to Section 11.2,
23 (2) an owners licensee conducting riverboat gambling
24 operations pursuant to an owners license that is initially
25 issued after June 25, 1999, or (3) the first riverboat gambling
26 operations conducted by a licensed manager on behalf of the

1 ~~State under Section 7.3, whichever comes first, shall be paid~~
2 ~~from the State Gaming Fund into the Horse Racing Equity Fund.~~

3 (c-10) (Blank). ~~Each year the General Assembly shall~~
4 ~~appropriate from the General Revenue Fund to the Education~~
5 ~~Assistance Fund an amount equal to the amount paid into the~~
6 ~~Horse Racing Equity Fund pursuant to subsection (c-5) in the~~
7 ~~prior calendar year.~~

8 (c-15) After the payments required under subsections (b),
9 (b-5), (b-6), (b-7), (b-8), and (c), and (e-5) have been made,
10 an amount equal to 2% of the adjusted gross receipts of (1) an
11 owners licensee that relocates pursuant to Section 11.2, (2) an
12 owners licensee conducting riverboat gambling operations
13 pursuant to an owners license that is initially issued after
14 June 25, 1999 and before the effective date of this amendatory
15 Act of the 96th General Assembly, or (3) the first riverboat
16 gambling operations conducted by a licensed manager on behalf
17 of the State under Section 7.3, whichever comes first, shall be
18 paid, subject to appropriation from the General Assembly, from
19 the State Gaming Fund to each home rule county with a
20 population of over 3,000,000 inhabitants for the purpose of
21 enhancing the county's criminal justice system.

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

1 (c-25) After the payments required under subsections (b),
2 (b-5), (b-6), (b-7), (b-8), (c), ~~(e-5)~~ and (c-15) have been
3 made, an amount equal to 2% of the adjusted gross receipts of
4 (1) an owners licensee that relocates pursuant to Section 11.2,
5 (2) an owners licensee conducting riverboat gambling
6 operations pursuant to an owners license that is initially
7 issued after June 25, 1999 and before the effective date of
8 this amendatory Act of the 96th General Assembly, or (3) the
9 first riverboat gambling operations conducted by a licensed
10 manager on behalf of the State under Section 7.3, whichever
11 comes first, shall be paid from the State Gaming Fund to
12 Chicago State University.

13 (d) From time to time, the Board shall transfer the
14 remainder of the funds generated by this Act into the Education
15 Assistance Fund, created by Public Act 86-0018, of the State of
16 Illinois.

17 (e) Nothing in this Act shall prohibit the unit of local
18 government designated as the home dock of the riverboat from
19 entering into agreements with other units of local government
20 in this State or in other states to share its portion of the
21 tax revenue.

22 (f) To the extent practicable, the Board shall administer
23 and collect the wagering taxes imposed by this Section in a
24 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
25 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
26 Retailers' Occupation Tax Act and Section 3-7 of the Uniform

1 Penalty and Interest Act.

2 (Source: P.A. 95-331, eff. 8-21-07; 95-1008, eff. 12-15-08;
3 96-37, eff. 7-13-09; 96-1392, eff. 1-1-11.)

4 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

6 (a) Licensed owners and electronic gaming licensees ~~A~~
7 ~~licensed owner~~ shall keep ~~his~~ books and records so as to
8 clearly show the following:

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

10 (2) The total amount of gross receipts.

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

12 (b) Licensed owners and electronic gaming licensees ~~The~~
13 ~~licensed owner~~ shall furnish to the Board reports and
14 information as the Board may require with respect to its
15 activities on forms designed and supplied for such purpose by
16 the Board.

17 (c) The books and records kept by a licensed owner as
18 provided by this Section are public records and the
19 examination, publication, and dissemination of the books and
20 records are governed by the provisions of The Freedom of
21 Information Act.

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

23 (230 ILCS 10/18) (from Ch. 120, par. 2418)

24 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

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

10 or

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

13 (c) A person wagering or accepting a wager at any location
14 outside the riverboat, casino, or electronic gaming facility in
15 violation of paragraph ~~is subject to the penalties in~~
16 ~~paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the
17 Criminal Code of 1961 is subject to the penalties provided in
18 that Section.

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

23 (1) Offers, promises, or gives anything of value or
24 benefit to a person who is connected with a riverboat or
25 casino owner or electronic gaming licensee including, but
26 not limited to, an officer or employee of a licensed owner

1 or electronic gaming licensee or holder of an occupational
2 license pursuant to an agreement or arrangement or with the
3 intent that the promise or thing of value or benefit will
4 influence the actions of the person to whom the offer,
5 promise, or gift was made in order to affect or attempt to
6 affect the outcome of a gambling game, or to influence
7 official action of a member of the Board.

8 (2) Solicits or knowingly accepts or receives a promise
9 of anything of value or benefit while the person is
10 connected with a riverboat, or casino, or electronic gaming
11 facility, including, but not limited to, an officer or
12 employee of a licensed owner or electronic gaming licensee,
13 or the holder of an occupational license, pursuant to an
14 understanding or arrangement or with the intent that the
15 promise or thing of value or benefit will influence the
16 actions of the person to affect or attempt to affect the
17 outcome of a gambling game, or to influence official action
18 of a member of the Board.

19 (3) Uses or possesses with the intent to use a device
20 to assist:

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

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

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

25 (iv) In analyzing the strategy for playing or
26 betting to be used in the game except as permitted by

1 the Board.

2 (4) Cheats at a gambling game.

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

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

9 (7) Places a bet after acquiring knowledge, not
10 available to all players, of the outcome of the gambling
11 game which is subject of the bet or to aid a person in
12 acquiring the knowledge for the purpose of placing a bet
13 contingent on that outcome.

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

20 (9) Uses counterfeit chips or tokens in a gambling
21 game.

22 (10) Possesses any key or device designed for the
23 purpose of opening, entering, or affecting the operation of
24 a gambling game, drop box, or an electronic or mechanical
25 device connected with the gambling game or for removing
26 coins, tokens, chips or other contents of a gambling game.

1 This paragraph (10) does not apply to a gambling licensee
2 or employee of a gambling licensee acting in furtherance of
3 the employee's employment.

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

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

13 An action to prosecute any crime occurring on a riverboat
14 shall be tried in the county of the dock at which the riverboat
15 is based.

16 (Source: P.A. 96-1392, eff. 1-1-11.)

17 (230 ILCS 10/19) (from Ch. 120, par. 2419)

18 Sec. 19. Forfeiture of property. (a) Except as provided in
19 subsection (b), any riverboat, casino, or electronic gaming
20 facility used for the conduct of gambling games in violation of
21 this Act shall be considered a gambling place in violation of
22 Section 28-3 of the Criminal Code of 1961, as now or hereafter
23 amended. Every gambling device found on a riverboat, in a
24 casino, or at an electronic gaming facility operating gambling
25 games in violation of this Act and every slot machine and video

1 game of chance found at an electronic gaming facility operating
2 gambling games in violation of this Act shall be subject to
3 seizure, confiscation and destruction as provided in Section
4 28-5 of the Criminal Code of 1961, as now or hereafter amended.

5 (b) It is not a violation of this Act for a riverboat or
6 other watercraft which is licensed for gaming by a contiguous
7 state to dock on the shores of this State if the municipality
8 having jurisdiction of the shores, or the county in the case of
9 unincorporated areas, has granted permission for docking and no
10 gaming is conducted on the riverboat or other watercraft while
11 it is docked on the shores of this State. No gambling device
12 shall be subject to seizure, confiscation or destruction if the
13 gambling device is located on a riverboat or other watercraft
14 which is licensed for gaming by a contiguous state and which is
15 docked on the shores of this State if the municipality having
16 jurisdiction of the shores, or the county in the case of
17 unincorporated areas, has granted permission for docking and no
18 gaming is conducted on the riverboat or other watercraft while
19 it is docked on the shores of this State.

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

21 (230 ILCS 10/20) (from Ch. 120, par. 2420)

22 Sec. 20. Prohibited activities - civil penalties. Any
23 person who conducts a gambling operation without first
24 obtaining a license to do so, or who continues to conduct such
25 games after revocation of his license, or any licensee who

1 conducts or allows to be conducted any unauthorized gambling
2 games on a riverboat, in a casino, or at an electronic gaming
3 facility where it is authorized to conduct its ~~riverboat~~
4 gambling operation, in addition to other penalties provided,
5 shall be subject to a civil penalty equal to the amount of
6 gross receipts derived from wagering on the gambling games,
7 whether unauthorized or authorized, conducted on that day as
8 well as confiscation and forfeiture of all gambling game
9 equipment used in the conduct of unauthorized gambling games.

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

11 (230 ILCS 10/23) (from Ch. 120, par. 2423)

12 Sec. 23. The State Gaming Fund. On or after the effective
13 date of this Act, except as provided for payments into the
14 Horse Racing Equity Trust Fund under subsection (a) of Section
15 7, all of the fees and taxes collected pursuant to this Act
16 shall be deposited into the State Gaming Fund, a special fund
17 in the State Treasury, which is hereby created. The adjusted
18 gross receipts of any riverboat gambling operations conducted
19 by a licensed manager on behalf of the State remaining after
20 the payment of the fees and expenses of the licensed manager
21 shall be deposited into the State Gaming Fund. Fines and
22 penalties collected pursuant to this Act shall be deposited
23 into the Education Assistance Fund, created by Public Act
24 86-0018, of the State of Illinois.

25 (Source: P.A. 93-28, eff. 6-20-03; 94-804, eff. 5-26-06.)

1 Section 90-45. The Liquor Control Act of 1934 is amended by
2 changing Sections 5-1 and 6-30 as follows:

3 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

4 Sec. 5-1. Licenses issued by the Illinois Liquor Control
5 Commission shall be of the following classes:

6 (a) Manufacturer's license - Class 1. Distiller, Class 2.
7 Rectifier, Class 3. Brewer, Class 4. First Class Wine
8 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
9 First Class Winemaker, Class 7. Second Class Winemaker, Class
10 8. Limited Wine Manufacturer, Class 9. Craft Distiller,

11 (b) Distributor's license,

12 (c) Importing Distributor's license,

13 (d) Retailer's license,

14 (e) Special Event Retailer's license (not-for-profit),

15 (f) Railroad license,

16 (g) Boat license,

17 (h) Non-Beverage User's license,

18 (i) Wine-maker's premises license,

19 (j) Airplane license,

20 (k) Foreign importer's license,

21 (l) Broker's license,

22 (m) Non-resident dealer's license,

23 (n) Brew Pub license,

24 (o) Auction liquor license,

- 1 (p) Caterer retailer license,
2 (q) Special use permit license,
3 (r) Winery shipper's license.

4 No person, firm, partnership, corporation, or other legal
5 business entity that is engaged in the manufacturing of wine
6 may concurrently obtain and hold a wine-maker's license and a
7 wine manufacturer's license.

8 (a) A manufacturer's license shall allow the manufacture,
9 importation in bulk, storage, distribution and sale of
10 alcoholic liquor to persons without the State, as may be
11 permitted by law and to licensees in this State as follows:

12 Class 1. A Distiller may make sales and deliveries of
13 alcoholic liquor to distillers, rectifiers, importing
14 distributors, distributors and non-beverage users and to no
15 other licensees.

16 Class 2. A Rectifier, who is not a distiller, as defined
17 herein, may make sales and deliveries of alcoholic liquor to
18 rectifiers, importing distributors, distributors, retailers
19 and non-beverage users and to no other licensees.

20 Class 3. A Brewer may make sales and deliveries of beer to
21 importing distributors, distributors, and to non-licensees,
22 and to retailers provided the brewer obtains an importing
23 distributor's license or distributor's license in accordance
24 with the provisions of this Act.

25 Class 4. A first class wine-manufacturer may make sales and
26 deliveries of up to 50,000 gallons of wine to manufacturers,

1 importing distributors and distributors, and to no other
2 licensees.

3 Class 5. A second class Wine manufacturer may make sales
4 and deliveries of more than 50,000 gallons of wine to
5 manufacturers, importing distributors and distributors and to
6 no other licensees.

7 Class 6. A first-class wine-maker's license shall allow the
8 manufacture of up to 50,000 gallons of wine per year, and the
9 storage and sale of such wine to distributors in the State and
10 to persons without the State, as may be permitted by law. A
11 person who, prior to the effective date of this amendatory Act
12 of the 95th General Assembly, is a holder of a first-class
13 wine-maker's license and annually produces more than 25,000
14 gallons of its own wine and who distributes its wine to
15 licensed retailers shall cease this practice on or before July
16 1, 2008 in compliance with this amendatory Act of the 95th
17 General Assembly.

18 Class 7. A second-class wine-maker's license shall allow
19 the manufacture of between 50,000 and 150,000 gallons of wine
20 per year, and the storage and sale of such wine to distributors
21 in this State and to persons without the State, as may be
22 permitted by law. A person who, prior to the effective date of
23 this amendatory Act of the 95th General Assembly, is a holder
24 of a second-class wine-maker's license and annually produces
25 more than 25,000 gallons of its own wine and who distributes
26 its wine to licensed retailers shall cease this practice on or

1 before July 1, 2008 in compliance with this amendatory Act of
2 the 95th General Assembly.

3 Class 8. A limited wine-manufacturer may make sales and
4 deliveries not to exceed 40,000 gallons of wine per year to
5 distributors, and to non-licensees in accordance with the
6 provisions of this Act.

7 Class 9. A craft distiller license shall allow the
8 manufacture of up to 5,000 gallons of spirits by distillation
9 per year and the storage of such spirits. If a craft distiller
10 licensee is not affiliated with any other manufacturer, then
11 the craft distiller licensee may sell such spirits to
12 distributors in this State and non-licensees to the extent
13 permitted by any exemption approved by the Commission pursuant
14 to Section 6-4 of this Act.

15 Any craft distiller licensed under this Act who on the
16 effective date of this amendatory Act of the 96th General
17 Assembly was licensed as a distiller and manufactured no more
18 spirits than permitted by this Section shall not be required to
19 pay the initial licensing fee.

20 (a-1) A manufacturer which is licensed in this State to
21 make sales or deliveries of alcoholic liquor and which enlists
22 agents, representatives, or individuals acting on its behalf
23 who contact licensed retailers on a regular and continual basis
24 in this State must register those agents, representatives, or
25 persons acting on its behalf with the State Commission.

26 Registration of agents, representatives, or persons acting

1 on behalf of a manufacturer is fulfilled by submitting a form
2 to the Commission. The form shall be developed by the
3 Commission and shall include the name and address of the
4 applicant, the name and address of the manufacturer he or she
5 represents, the territory or areas assigned to sell to or
6 discuss pricing terms of alcoholic liquor, and any other
7 questions deemed appropriate and necessary. All statements in
8 the forms required to be made by law or by rule shall be deemed
9 material, and any person who knowingly misstates any material
10 fact under oath in an application is guilty of a Class B
11 misdemeanor. Fraud, misrepresentation, false statements,
12 misleading statements, evasions, or suppression of material
13 facts in the securing of a registration are grounds for
14 suspension or revocation of the registration.

15 (b) A distributor's license shall allow the wholesale
16 purchase and storage of alcoholic liquors and sale of alcoholic
17 liquors to licensees in this State and to persons without the
18 State, as may be permitted by law.

19 (c) An importing distributor's license may be issued to and
20 held by those only who are duly licensed distributors, upon the
21 filing of an application by a duly licensed distributor, with
22 the Commission and the Commission shall, without the payment of
23 any fee, immediately issue such importing distributor's
24 license to the applicant, which shall allow the importation of
25 alcoholic liquor by the licensee into this State from any point
26 in the United States outside this State, and the purchase of

1 alcoholic liquor in barrels, casks or other bulk containers and
2 the bottling of such alcoholic liquors before resale thereof,
3 but all bottles or containers so filled shall be sealed,
4 labeled, stamped and otherwise made to comply with all
5 provisions, rules and regulations governing manufacturers in
6 the preparation and bottling of alcoholic liquors. The
7 importing distributor's license shall permit such licensee to
8 purchase alcoholic liquor from Illinois licensed non-resident
9 dealers and foreign importers only.

10 (d) A retailer's license shall allow the licensee to sell
11 and offer for sale at retail, only in the premises specified in
12 the license, alcoholic liquor for use or consumption, but not
13 for resale in any form. Nothing in this amendatory Act of the
14 95th General Assembly shall deny, limit, remove, or restrict
15 the ability of a holder of a retailer's license to transfer,
16 deliver, or ship alcoholic liquor to the purchaser for use or
17 consumption subject to any applicable local law or ordinance.
18 Any retail license issued to a manufacturer shall only permit
19 the manufacturer to sell beer at retail on the premises
20 actually occupied by the manufacturer. For the purpose of
21 further describing the type of business conducted at a retail
22 licensed premises, a retailer's licensee may be designated by
23 the State Commission as (i) an on premise consumption retailer,
24 (ii) an off premise sale retailer, or (iii) a combined on
25 premise consumption and off premise sale retailer.

26 Notwithstanding any other provision of this subsection

1 (d), a retail licensee may sell alcoholic liquors to a special
2 event retailer licensee for resale to the extent permitted
3 under subsection (e).

4 (e) A special event retailer's license (not-for-profit)
5 shall permit the licensee to purchase alcoholic liquors from an
6 Illinois licensed distributor (unless the licensee purchases
7 less than \$500 of alcoholic liquors for the special event, in
8 which case the licensee may purchase the alcoholic liquors from
9 a licensed retailer) and shall allow the licensee to sell and
10 offer for sale, at retail, alcoholic liquors for use or
11 consumption, but not for resale in any form and only at the
12 location and on the specific dates designated for the special
13 event in the license. An applicant for a special event retailer
14 license must (i) furnish with the application: (A) a resale
15 number issued under Section 2c of the Retailers' Occupation Tax
16 Act or evidence that the applicant is registered under Section
17 2a of the Retailers' Occupation Tax Act, (B) a current, valid
18 exemption identification number issued under Section 1g of the
19 Retailers' Occupation Tax Act, and a certification to the
20 Commission that the purchase of alcoholic liquors will be a
21 tax-exempt purchase, or (C) a statement that the applicant is
22 not registered under Section 2a of the Retailers' Occupation
23 Tax Act, does not hold a resale number under Section 2c of the
24 Retailers' Occupation Tax Act, and does not hold an exemption
25 number under Section 1g of the Retailers' Occupation Tax Act,
26 in which event the Commission shall set forth on the special

1 event retailer's license a statement to that effect; (ii)
2 submit with the application proof satisfactory to the State
3 Commission that the applicant will provide dram shop liability
4 insurance in the maximum limits; and (iii) show proof
5 satisfactory to the State Commission that the applicant has
6 obtained local authority approval.

7 (f) A railroad license shall permit the licensee to import
8 alcoholic liquors into this State from any point in the United
9 States outside this State and to store such alcoholic liquors
10 in this State; to make wholesale purchases of alcoholic liquors
11 directly from manufacturers, foreign importers, distributors
12 and importing distributors from within or outside this State;
13 and to store such alcoholic liquors in this State; provided
14 that the above powers may be exercised only in connection with
15 the importation, purchase or storage of alcoholic liquors to be
16 sold or dispensed on a club, buffet, lounge or dining car
17 operated on an electric, gas or steam railway in this State;
18 and provided further, that railroad licensees exercising the
19 above powers shall be subject to all provisions of Article VIII
20 of this Act as applied to importing distributors. A railroad
21 license shall also permit the licensee to sell or dispense
22 alcoholic liquors on any club, buffet, lounge or dining car
23 operated on an electric, gas or steam railway regularly
24 operated by a common carrier in this State, but shall not
25 permit the sale for resale of any alcoholic liquors to any
26 licensee within this State. A license shall be obtained for

1 each car in which such sales are made.

2 (g) A boat license shall allow the sale of alcoholic liquor
3 in individual drinks, on any passenger boat regularly operated
4 as a common carrier on navigable waters in this State or on any
5 riverboat operated under the Illinois ~~Riverboat~~ Gambling Act,
6 which boat or riverboat maintains a public dining room or
7 restaurant thereon.

8 (h) A non-beverage user's license shall allow the licensee
9 to purchase alcoholic liquor from a licensed manufacturer or
10 importing distributor, without the imposition of any tax upon
11 the business of such licensed manufacturer or importing
12 distributor as to such alcoholic liquor to be used by such
13 licensee solely for the non-beverage purposes set forth in
14 subsection (a) of Section 8-1 of this Act, and such licenses
15 shall be divided and classified and shall permit the purchase,
16 possession and use of limited and stated quantities of
17 alcoholic liquor as follows:

- 18 Class 1, not to exceed 500 gallons
- 19 Class 2, not to exceed 1,000 gallons
- 20 Class 3, not to exceed 5,000 gallons
- 21 Class 4, not to exceed 10,000 gallons
- 22 Class 5, not to exceed 50,000 gallons

23 (i) A wine-maker's premises license shall allow a licensee
24 that concurrently holds a first-class wine-maker's license to
25 sell and offer for sale at retail in the premises specified in
26 such license not more than 50,000 gallons of the first-class

1 wine-maker's wine that is made at the first-class wine-maker's
2 licensed premises per year for use or consumption, but not for
3 resale in any form. A wine-maker's premises license shall allow
4 a licensee who concurrently holds a second-class wine-maker's
5 license to sell and offer for sale at retail in the premises
6 specified in such license up to 100,000 gallons of the
7 second-class wine-maker's wine that is made at the second-class
8 wine-maker's licensed premises per year for use or consumption
9 but not for resale in any form. A wine-maker's premises license
10 shall allow a licensee that concurrently holds a first-class
11 wine-maker's license or a second-class wine-maker's license to
12 sell and offer for sale at retail at the premises specified in
13 the wine-maker's premises license, for use or consumption but
14 not for resale in any form, any beer, wine, and spirits
15 purchased from a licensed distributor. Upon approval from the
16 State Commission, a wine-maker's premises license shall allow
17 the licensee to sell and offer for sale at (i) the wine-maker's
18 licensed premises and (ii) at up to 2 additional locations for
19 use and consumption and not for resale. Each location shall
20 require additional licensing per location as specified in
21 Section 5-3 of this Act. A wine-maker's premises licensee shall
22 secure liquor liability insurance coverage in an amount at
23 least equal to the maximum liability amounts set forth in
24 subsection (a) of Section 6-21 of this Act.

25 (j) An airplane license shall permit the licensee to import
26 alcoholic liquors into this State from any point in the United

1 States outside this State and to store such alcoholic liquors
2 in this State; to make wholesale purchases of alcoholic liquors
3 directly from manufacturers, foreign importers, distributors
4 and importing distributors from within or outside this State;
5 and to store such alcoholic liquors in this State; provided
6 that the above powers may be exercised only in connection with
7 the importation, purchase or storage of alcoholic liquors to be
8 sold or dispensed on an airplane; and provided further, that
9 airplane licensees exercising the above powers shall be subject
10 to all provisions of Article VIII of this Act as applied to
11 importing distributors. An airplane licensee shall also permit
12 the sale or dispensing of alcoholic liquors on any passenger
13 airplane regularly operated by a common carrier in this State,
14 but shall not permit the sale for resale of any alcoholic
15 liquors to any licensee within this State. A single airplane
16 license shall be required of an airline company if liquor
17 service is provided on board aircraft in this State. The annual
18 fee for such license shall be as determined in Section 5-3.

19 (k) A foreign importer's license shall permit such licensee
20 to purchase alcoholic liquor from Illinois licensed
21 non-resident dealers only, and to import alcoholic liquor other
22 than in bulk from any point outside the United States and to
23 sell such alcoholic liquor to Illinois licensed importing
24 distributors and to no one else in Illinois; provided that (i)
25 the foreign importer registers with the State Commission every
26 brand of alcoholic liquor that it proposes to sell to Illinois

1 licensees during the license period, (ii) the foreign importer
2 complies with all of the provisions of Section 6-9 of this Act
3 with respect to registration of such Illinois licensees as may
4 be granted the right to sell such brands at wholesale, and
5 (iii) the foreign importer complies with the provisions of
6 Sections 6-5 and 6-6 of this Act to the same extent that these
7 provisions apply to manufacturers.

8 (1) (i) A broker's license shall be required of all persons
9 who solicit orders for, offer to sell or offer to supply
10 alcoholic liquor to retailers in the State of Illinois, or who
11 offer to retailers to ship or cause to be shipped or to make
12 contact with distillers, rectifiers, brewers or manufacturers
13 or any other party within or without the State of Illinois in
14 order that alcoholic liquors be shipped to a distributor,
15 importing distributor or foreign importer, whether such
16 solicitation or offer is consummated within or without the
17 State of Illinois.

18 No holder of a retailer's license issued by the Illinois
19 Liquor Control Commission shall purchase or receive any
20 alcoholic liquor, the order for which was solicited or offered
21 for sale to such retailer by a broker unless the broker is the
22 holder of a valid broker's license.

23 The broker shall, upon the acceptance by a retailer of the
24 broker's solicitation of an order or offer to sell or supply or
25 deliver or have delivered alcoholic liquors, promptly forward
26 to the Illinois Liquor Control Commission a notification of

1 said transaction in such form as the Commission may by
2 regulations prescribe.

3 (ii) A broker's license shall be required of a person
4 within this State, other than a retail licensee, who, for a fee
5 or commission, promotes, solicits, or accepts orders for
6 alcoholic liquor, for use or consumption and not for resale, to
7 be shipped from this State and delivered to residents outside
8 of this State by an express company, common carrier, or
9 contract carrier. This Section does not apply to any person who
10 promotes, solicits, or accepts orders for wine as specifically
11 authorized in Section 6-29 of this Act.

12 A broker's license under this subsection (1) shall not
13 entitle the holder to buy or sell any alcoholic liquors for his
14 own account or to take or deliver title to such alcoholic
15 liquors.

16 This subsection (1) shall not apply to distributors,
17 employees of distributors, or employees of a manufacturer who
18 has registered the trademark, brand or name of the alcoholic
19 liquor pursuant to Section 6-9 of this Act, and who regularly
20 sells such alcoholic liquor in the State of Illinois only to
21 its registrants thereunder.

22 Any agent, representative, or person subject to
23 registration pursuant to subsection (a-1) of this Section shall
24 not be eligible to receive a broker's license.

25 (m) A non-resident dealer's license shall permit such
26 licensee to ship into and warehouse alcoholic liquor into this

1 State from any point outside of this State, and to sell such
2 alcoholic liquor to Illinois licensed foreign importers and
3 importing distributors and to no one else in this State;
4 provided that (i) said non-resident dealer shall register with
5 the Illinois Liquor Control Commission each and every brand of
6 alcoholic liquor which it proposes to sell to Illinois
7 licensees during the license period, (ii) it shall comply with
8 all of the provisions of Section 6-9 hereof with respect to
9 registration of such Illinois licensees as may be granted the
10 right to sell such brands at wholesale, and (iii) the
11 non-resident dealer shall comply with the provisions of
12 Sections 6-5 and 6-6 of this Act to the same extent that these
13 provisions apply to manufacturers.

14 (n) A brew pub license shall allow the licensee to
15 manufacture beer only on the premises specified in the license,
16 to make sales of the beer manufactured on the premises to
17 importing distributors, distributors, and to non-licensees for
18 use and consumption, to store the beer upon the premises, and
19 to sell and offer for sale at retail from the licensed
20 premises, provided that a brew pub licensee shall not sell for
21 off-premises consumption more than 50,000 gallons per year.

22 (o) A caterer retailer license shall allow the holder to
23 serve alcoholic liquors as an incidental part of a food service
24 that serves prepared meals which excludes the serving of snacks
25 as the primary meal, either on or off-site whether licensed or
26 unlicensed.

1 (p) An auction liquor license shall allow the licensee to
2 sell and offer for sale at auction wine and spirits for use or
3 consumption, or for resale by an Illinois liquor licensee in
4 accordance with provisions of this Act. An auction liquor
5 license will be issued to a person and it will permit the
6 auction liquor licensee to hold the auction anywhere in the
7 State. An auction liquor license must be obtained for each
8 auction at least 14 days in advance of the auction date.

9 (q) A special use permit license shall allow an Illinois
10 licensed retailer to transfer a portion of its alcoholic liquor
11 inventory from its retail licensed premises to the premises
12 specified in the license hereby created, and to sell or offer
13 for sale at retail, only in the premises specified in the
14 license hereby created, the transferred alcoholic liquor for
15 use or consumption, but not for resale in any form. A special
16 use permit license may be granted for the following time
17 periods: one day or less; 2 or more days to a maximum of 15 days
18 per location in any 12 month period. An applicant for the
19 special use permit license must also submit with the
20 application proof satisfactory to the State Commission that the
21 applicant will provide dram shop liability insurance to the
22 maximum limits and have local authority approval.

23 (r) A winery shipper's license shall allow a person with a
24 first-class or second-class wine manufacturer's license, a
25 first-class or second-class wine-maker's license, or a limited
26 wine manufacturer's license or who is licensed to make wine

1 under the laws of another state to ship wine made by that
2 licensee directly to a resident of this State who is 21 years
3 of age or older for that resident's personal use and not for
4 resale. Prior to receiving a winery shipper's license, an
5 applicant for the license must provide the Commission with a
6 true copy of its current license in any state in which it is
7 licensed as a manufacturer of wine. An applicant for a winery
8 shipper's license must also complete an application form that
9 provides any other information the Commission deems necessary.
10 The application form shall include an acknowledgement
11 consenting to the jurisdiction of the Commission, the Illinois
12 Department of Revenue, and the courts of this State concerning
13 the enforcement of this Act and any related laws, rules, and
14 regulations, including authorizing the Department of Revenue
15 and the Commission to conduct audits for the purpose of
16 ensuring compliance with this amendatory Act.

17 A winery shipper licensee must pay to the Department of
18 Revenue the State liquor gallonage tax under Section 8-1 for
19 all wine that is sold by the licensee and shipped to a person
20 in this State. For the purposes of Section 8-1, a winery
21 shipper licensee shall be taxed in the same manner as a
22 manufacturer of wine. A licensee who is not otherwise required
23 to register under the Retailers' Occupation Tax Act must
24 register under the Use Tax Act to collect and remit use tax to
25 the Department of Revenue for all gallons of wine that are sold
26 by the licensee and shipped to persons in this State. If a

1 licensee fails to remit the tax imposed under this Act in
2 accordance with the provisions of Article VIII of this Act, the
3 winery shipper's license shall be revoked in accordance with
4 the provisions of Article VII of this Act. If a licensee fails
5 to properly register and remit tax under the Use Tax Act or the
6 Retailers' Occupation Tax Act for all wine that is sold by the
7 winery shipper and shipped to persons in this State, the winery
8 shipper's license shall be revoked in accordance with the
9 provisions of Article VII of this Act.

10 A winery shipper licensee must collect, maintain, and
11 submit to the Commission on a semi-annual basis the total
12 number of cases per resident of wine shipped to residents of
13 this State. A winery shipper licensed under this subsection (r)
14 must comply with the requirements of Section 6-29 of this
15 amendatory Act.

16 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08;
17 95-769, eff. 7-29-08; 96-1367, eff. 7-28-10.)

18 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

19 Sec. 6-30. Notwithstanding any other provision of this Act,
20 the Illinois Gaming Board shall have exclusive authority to
21 establish the hours for sale and consumption of alcoholic
22 liquor on board a riverboat during riverboat gambling
23 excursions and in a casino conducted in accordance with the
24 Illinois Riverboat Gambling Act.

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

1 Section 90-50. The Criminal Code of 1961 is amended by
2 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as
3 follows:

4 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

5 Sec. 28-1. Gambling.

6 (a) A person commits gambling when he:

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

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

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

15 (4) Contracts to have or give himself or another the
16 option to buy or sell, or contracts to buy or sell, at a
17 future time, any grain or other commodity whatsoever, or
18 any stock or security of any company, where it is at the
19 time of making such contract intended by both parties
20 thereto that the contract to buy or sell, or the option,
21 whenever exercised, or the contract resulting therefrom,
22 shall be settled, not by the receipt or delivery of such
23 property, but by the payment only of differences in prices
24 thereof; however, the issuance, purchase, sale, exercise,

1 endorsement or guarantee, by or through a person registered
2 with the Secretary of State pursuant to Section 8 of the
3 Illinois Securities Law of 1953, or by or through a person
4 exempt from such registration under said Section 8, of a
5 put, call, or other option to buy or sell securities which
6 have been registered with the Secretary of State or which
7 are exempt from such registration under Section 3 of the
8 Illinois Securities Law of 1953 is not gambling within the
9 meaning of this paragraph (4); or

10 (5) Knowingly owns or possesses any book, instrument or
11 apparatus by means of which bets or wagers have been, or
12 are, recorded or registered, or knowingly possesses any
13 money which he has received in the course of a bet or
14 wager; or

15 (6) Sells pools upon the result of any game or contest
16 of skill or chance, political nomination, appointment or
17 election; or

18 (7) Sets up or promotes any lottery or sells, offers to
19 sell or transfers any ticket or share for any lottery; or

20 (8) Sets up or promotes any policy game or sells,
21 offers to sell or knowingly possesses or transfers any
22 policy ticket, slip, record, document or other similar
23 device; or

24 (9) Knowingly drafts, prints or publishes any lottery
25 ticket or share, or any policy ticket, slip, record,
26 document or similar device, except for such activity

1 related to lotteries, bingo games and raffles authorized by
2 and conducted in accordance with the laws of Illinois or
3 any other state or foreign government; or

4 (10) Knowingly advertises any lottery or policy game,
5 except for such activity related to lotteries, bingo games
6 and raffles authorized by and conducted in accordance with
7 the laws of Illinois or any other state; or

8 (11) Knowingly transmits information as to wagers,
9 betting odds, or changes in betting odds by telephone,
10 telegraph, radio, semaphore or similar means; or knowingly
11 installs or maintains equipment for the transmission or
12 receipt of such information; except that nothing in this
13 subdivision (11) prohibits transmission or receipt of such
14 information for use in news reporting of sporting events or
15 contests; or

16 (12) Knowingly establishes, maintains, or operates an
17 Internet site that permits a person to play a game of
18 chance or skill for money or other thing of value by means
19 of the Internet or to make a wager upon the result of any
20 game, contest, political nomination, appointment, or
21 election by means of the Internet. This item (12) does not
22 apply to activities referenced in items (6) and (6.1) of
23 subsection (b) of this Section.

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

26 (1) Agreements to compensate for loss caused by the

1 happening of chance including without limitation contracts
2 of indemnity or guaranty and life or health or accident
3 insurance.

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

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

10 (4) Manufacture of gambling devices, including the
11 acquisition of essential parts therefor and the assembly
12 thereof, for transportation in interstate or foreign
13 commerce to any place outside this State when such
14 transportation is not prohibited by any applicable Federal
15 law; or the manufacture, distribution, or possession of
16 video gaming terminals, as defined in the Video Gaming Act,
17 by manufacturers, distributors, and terminal operators
18 licensed to do so under the Video Gaming Act.

19 (5) The game commonly known as "bingo", when conducted
20 in accordance with the Bingo License and Tax Act.

21 (6) Lotteries when conducted by the State of Illinois
22 in accordance with the Illinois Lottery Law. This exemption
23 includes any activity conducted by the Department of
24 Revenue to sell lottery tickets pursuant to the provisions
25 of the Illinois Lottery Law and its rules.

26 (6.1) The purchase of lottery tickets through the

1 Internet for a lottery conducted by the State of Illinois
2 under the program established in Section 7.12 of the
3 Illinois Lottery Law.

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

9 (8) Raffles when conducted in accordance with the
10 Raffles Act.

11 (9) Charitable games when conducted in accordance with
12 the Charitable Games Act.

13 (10) Pull tabs and jar games when conducted under the
14 Illinois Pull Tabs and Jar Games Act.

15 (11) Gambling games ~~conducted on riverboats~~ when
16 authorized by the Illinois ~~Riverboat~~ Gambling Act.

17 (12) Video gaming terminal games at a licensed
18 establishment, licensed truck stop establishment, licensed
19 fraternal establishment, or licensed veterans
20 establishment when conducted in accordance with the Video
21 Gaming Act.

22 (13) Games of skill or chance where money or other
23 things of value can be won but no payment or purchase is
24 required to participate.

25 (c) Sentence.

26 Gambling under subsection (a)(1) or (a)(2) of this Section

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

8 (d) Circumstantial evidence.

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

12 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
13 96-1203, eff. 7-22-10.)

14 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

15 Sec. 28-1.1. Syndicated gambling.

16 (a) Declaration of Purpose. Recognizing the close
17 relationship between professional gambling and other organized
18 crime, it is declared to be the policy of the legislature to
19 restrain persons from engaging in the business of gambling for
20 profit in this State. This Section shall be liberally construed
21 and administered with a view to carrying out this policy.

22 (b) A person commits syndicated gambling when he operates a
23 "policy game" or engages in the business of bookmaking.

24 (c) A person "operates a policy game" when he knowingly
25 uses any premises or property for the purpose of receiving or

1 knowingly does receive from what is commonly called "policy":

2 (1) money from a person other than the better or player
3 whose bets or plays are represented by such money; or

4 (2) written "policy game" records, made or used over
5 any period of time, from a person other than the better or
6 player whose bets or plays are represented by such written
7 record.

8 (d) A person engages in bookmaking when he receives or
9 accepts more than five bets or wagers upon the result of any
10 trials or contests of skill, speed or power of endurance or
11 upon any lot, chance, casualty, unknown or contingent event
12 whatsoever, which bets or wagers shall be of such size that the
13 total of the amounts of money paid or promised to be paid to
14 such bookmaker on account thereof shall exceed \$2,000.
15 Bookmaking is the receiving or accepting of such bets or wagers
16 regardless of the form or manner in which the bookmaker records
17 them.

18 (e) Participants in any of the following activities shall
19 not be convicted of syndicated gambling:

20 (1) Agreements to compensate for loss caused by the
21 happening of chance including without limitation contracts
22 of indemnity or guaranty and life or health or accident
23 insurance; and

24 (2) Offers of prizes, award or compensation to the
25 actual contestants in any bona fide contest for the
26 determination of skill, speed, strength or endurance or to

1 the owners of animals or vehicles entered in such contest;
2 and

3 (3) Pari-mutuel betting as authorized by law of this
4 State; and

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

11 (5) Raffles when conducted in accordance with the
12 Raffles Act; and

13 (6) Gambling games conducted on riverboats, in
14 casinos, or at electronic gaming facilities when
15 authorized by the Illinois Riverboat Gambling Act; and

16 (7) Video gaming terminal games at a licensed
17 establishment, licensed truck stop establishment, licensed
18 fraternal establishment, or licensed veterans
19 establishment when conducted in accordance with the Video
20 Gaming Act.

21 (f) Sentence. Syndicated gambling is a Class 3 felony.

22 (Source: P.A. 96-34, eff. 7-13-09.)

23 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

24 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is
25 any real estate, vehicle, boat or any other property whatsoever

1 used for the purposes of gambling other than gambling conducted
2 in the manner authorized by the Illinois ~~Riverboat~~ Gambling Act
3 or the Video Gaming Act. Any person who knowingly permits any
4 premises or property owned or occupied by him or under his
5 control to be used as a gambling place commits a Class A
6 misdemeanor. Each subsequent offense is a Class 4 felony. When
7 any premises is determined by the circuit court to be a
8 gambling place:

9 (a) Such premises is a public nuisance and may be proceeded
10 against as such, and

11 (b) All licenses, permits or certificates issued by the
12 State of Illinois or any subdivision or public agency thereof
13 authorizing the serving of food or liquor on such premises
14 shall be void; and no license, permit or certificate so
15 cancelled shall be reissued for such premises for a period of
16 60 days thereafter; nor shall any person convicted of keeping a
17 gambling place be reissued such license for one year from his
18 conviction and, after a second conviction of keeping a gambling
19 place, any such person shall not be reissued such license, and

20 (c) Such premises of any person who knowingly permits
21 thereon a violation of any Section of this Article shall be
22 held liable for, and may be sold to pay any unsatisfied
23 judgment that may be recovered and any unsatisfied fine that
24 may be levied under any Section of this Article.

25 (Source: P.A. 96-34, eff. 7-13-09.)

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

2 Sec. 28-5. Seizure of gambling devices and gambling funds.

3 (a) Every device designed for gambling which is incapable
4 of lawful use or every device used unlawfully for gambling
5 shall be considered a "gambling device", and shall be subject
6 to seizure, confiscation and destruction by the Department of
7 State Police or by any municipal, or other local authority,
8 within whose jurisdiction the same may be found. As used in
9 this Section, a "gambling device" includes any slot machine,
10 and includes any machine or device constructed for the
11 reception of money or other thing of value and so constructed
12 as to return, or to cause someone to return, on chance to the
13 player thereof money, property or a right to receive money or
14 property. With the exception of any device designed for
15 gambling which is incapable of lawful use, no gambling device
16 shall be forfeited or destroyed unless an individual with a
17 property interest in said device knows of the unlawful use of
18 the device.

19 (b) Every gambling device shall be seized and forfeited to
20 the county wherein such seizure occurs. Any money or other
21 thing of value integrally related to acts of gambling shall be
22 seized and forfeited to the county wherein such seizure occurs.

23 (c) If, within 60 days after any seizure pursuant to
24 subparagraph (b) of this Section, a person having any property
25 interest in the seized property is charged with an offense, the
26 court which renders judgment upon such charge shall, within 30

1 days after such judgment, conduct a forfeiture hearing to
2 determine whether such property was a gambling device at the
3 time of seizure. Such hearing shall be commenced by a written
4 petition by the State, including material allegations of fact,
5 the name and address of every person determined by the State to
6 have any property interest in the seized property, a
7 representation that written notice of the date, time and place
8 of such hearing has been mailed to every such person by
9 certified mail at least 10 days before such date, and a request
10 for forfeiture. Every such person may appear as a party and
11 present evidence at such hearing. The quantum of proof required
12 shall be a preponderance of the evidence, and the burden of
13 proof shall be on the State. If the court determines that the
14 seized property was a gambling device at the time of seizure,
15 an order of forfeiture and disposition of the seized property
16 shall be entered: a gambling device shall be received by the
17 State's Attorney, who shall effect its destruction, except that
18 valuable parts thereof may be liquidated and the resultant
19 money shall be deposited in the general fund of the county
20 wherein such seizure occurred; money and other things of value
21 shall be received by the State's Attorney and, upon
22 liquidation, shall be deposited in the general fund of the
23 county wherein such seizure occurred. However, in the event
24 that a defendant raises the defense that the seized slot
25 machine is an antique slot machine described in subparagraph
26 (b) (7) of Section 28-1 of this Code and therefore he is exempt

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

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

22 (e) Any gambling device displayed for sale to a riverboat
23 gambling operation, casino gambling operation, or electronic
24 gaming facility or used to train occupational licensees of a
25 riverboat gambling operation, casino gambling operation, or
26 electronic gaming facility as authorized under the Illinois

1 ~~Riverboat~~ Gambling Act is exempt from seizure under this
2 Section.

3 (f) Any gambling equipment, devices and supplies provided
4 by a licensed supplier in accordance with the Illinois
5 ~~Riverboat~~ Gambling Act which are removed from a the riverboat,
6 casino, or electronic gaming facility for repair are exempt
7 from seizure under this Section.

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

9 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

10 Sec. 28-7. Gambling contracts void.

11 (a) All promises, notes, bills, bonds, covenants,
12 contracts, agreements, judgments, mortgages, or other
13 securities or conveyances made, given, granted, drawn, or
14 entered into, or executed by any person whatsoever, where the
15 whole or any part of the consideration thereof is for any money
16 or thing of value, won or obtained in violation of any Section
17 of this Article are null and void.

18 (b) Any obligation void under this Section may be set aside
19 and vacated by any court of competent jurisdiction, upon a
20 complaint filed for that purpose, by the person so granting,
21 giving, entering into, or executing the same, or by his
22 executors or administrators, or by any creditor, heir, legatee,
23 purchaser or other person interested therein; or if a judgment,
24 the same may be set aside on motion of any person stated above,
25 on due notice thereof given.

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

5 (d) This Section shall not prevent a licensed owner of a
6 riverboat gambling operation, casino gambling operation, or an
7 electronic gaming licensee under the Illinois Gambling Act and
8 the Illinois Horse Racing Act of 1975 from instituting a cause
9 of action to collect any amount due and owing under an
10 extension of credit to a ~~riverboat~~ gambling patron as
11 authorized under Section 11.1 of the Illinois Riverboat
12 Gambling Act.

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

14 Section 90-55. The Eminent Domain Act is amended by adding
15 Section 15-5-50 as follows:

16 (735 ILCS 30/15-5-50 new)

17 Sec. 15-5-50. Eminent domain powers in New Acts. The
18 following provisions of law may include express grants of the
19 power to acquire property by condemnation or eminent domain:

20 Chicago Casino Development Authority Act; City of Chicago; for
21 the purposes of the Act.

22 Section 90-60. The Payday Loan Reform Act is amended by

1 changing Section 3-5 as follows:

2 (815 ILCS 122/3-5)

3 (Text of Section before amendment by P.A. 96-936)

4 Sec. 3-5. Licensure.

5 (a) A license to make a payday loan shall state the
6 address, including city and state, at which the business is to
7 be conducted and shall state fully the name of the licensee.
8 The license shall be conspicuously posted in the place of
9 business of the licensee and shall not be transferable or
10 assignable.

11 (b) An application for a license shall be in writing and in
12 a form prescribed by the Secretary. The Secretary may not issue
13 a payday loan license unless and until the following findings
14 are made:

15 (1) that the financial responsibility, experience,
16 character, and general fitness of the applicant are such as
17 to command the confidence of the public and to warrant the
18 belief that the business will be operated lawfully and
19 fairly and within the provisions and purposes of this Act;
20 and

21 (2) that the applicant has submitted such other
22 information as the Secretary may deem necessary.

23 (c) A license shall be issued for no longer than one year,
24 and no renewal of a license may be provided if a licensee has
25 substantially violated this Act and has not cured the violation

1 to the satisfaction of the Department.

2 (d) A licensee shall appoint, in writing, the Secretary as
3 attorney-in-fact upon whom all lawful process against the
4 licensee may be served with the same legal force and validity
5 as if served on the licensee. A copy of the written
6 appointment, duly certified, shall be filed in the office of
7 the Secretary, and a copy thereof certified by the Secretary
8 shall be sufficient evidence to subject a licensee to
9 jurisdiction in a court of law. This appointment shall remain
10 in effect while any liability remains outstanding in this State
11 against the licensee. When summons is served upon the Secretary
12 as attorney-in-fact for a licensee, the Secretary shall
13 immediately notify the licensee by registered mail, enclosing
14 the summons and specifying the hour and day of service.

15 (e) A licensee must pay an annual fee of \$1,000. In
16 addition to the license fee, the reasonable expense of any
17 examination or hearing by the Secretary under any provisions of
18 this Act shall be borne by the licensee. If a licensee fails to
19 renew its license by December 31, its license shall
20 automatically expire; however, the Secretary, in his or her
21 discretion, may reinstate an expired license upon:

22 (1) payment of the annual fee within 30 days of the
23 date of expiration; and

24 (2) proof of good cause for failure to renew.

25 (f) Not more than one place of business shall be maintained
26 under the same license, but the Secretary may issue more than

1 one license to the same licensee upon compliance with all the
2 provisions of this Act governing issuance of a single license.
3 The location, except those locations already in existence as of
4 June 1, 2005, may not be within one mile of a horse race track
5 subject to the Illinois Horse Racing Act of 1975, within one
6 mile of a facility at which gambling is conducted under the
7 Illinois ~~Riverboat~~ Gambling Act, within one mile of the
8 location at which a riverboat subject to the Illinois ~~Riverboat~~
9 Gambling Act docks, or within one mile of any State of Illinois
10 or United States military base or naval installation.

11 (g) No licensee shall conduct the business of making loans
12 under this Act within any office, suite, room, or place of
13 business in which any other business is solicited or engaged in
14 unless the other business is licensed by the Department or, in
15 the opinion of the Secretary, the other business would not be
16 contrary to the best interests of consumers and is authorized
17 by the Secretary in writing.

18 (h) The Secretary shall maintain a list of licensees that
19 shall be available to interested consumers and lenders and the
20 public. The Secretary shall maintain a toll-free number whereby
21 consumers may obtain information about licensees. The
22 Secretary shall also establish a complaint process under which
23 an aggrieved consumer may file a complaint against a licensee
24 or non-licensee who violates any provision of this Act.

25 (Source: P.A. 94-13, eff. 12-6-05.)

1 (Text of Section after amendment by P.A. 96-936)

2 Sec. 3-5. Licensure.

3 (a) A license to make a payday loan shall state the
4 address, including city and state, at which the business is to
5 be conducted and shall state fully the name of the licensee.
6 The license shall be conspicuously posted in the place of
7 business of the licensee and shall not be transferable or
8 assignable.

9 (b) An application for a license shall be in writing and in
10 a form prescribed by the Secretary. The Secretary may not issue
11 a payday loan license unless and until the following findings
12 are made:

13 (1) that the financial responsibility, experience,
14 character, and general fitness of the applicant are such as
15 to command the confidence of the public and to warrant the
16 belief that the business will be operated lawfully and
17 fairly and within the provisions and purposes of this Act;
18 and

19 (2) that the applicant has submitted such other
20 information as the Secretary may deem necessary.

21 (c) A license shall be issued for no longer than one year,
22 and no renewal of a license may be provided if a licensee has
23 substantially violated this Act and has not cured the violation
24 to the satisfaction of the Department.

25 (d) A licensee shall appoint, in writing, the Secretary as
26 attorney-in-fact upon whom all lawful process against the

1 licensee may be served with the same legal force and validity
2 as if served on the licensee. A copy of the written
3 appointment, duly certified, shall be filed in the office of
4 the Secretary, and a copy thereof certified by the Secretary
5 shall be sufficient evidence to subject a licensee to
6 jurisdiction in a court of law. This appointment shall remain
7 in effect while any liability remains outstanding in this State
8 against the licensee. When summons is served upon the Secretary
9 as attorney-in-fact for a licensee, the Secretary shall
10 immediately notify the licensee by registered mail, enclosing
11 the summons and specifying the hour and day of service.

12 (e) A licensee must pay an annual fee of \$1,000. In
13 addition to the license fee, the reasonable expense of any
14 examination or hearing by the Secretary under any provisions of
15 this Act shall be borne by the licensee. If a licensee fails to
16 renew its license by December 31, its license shall
17 automatically expire; however, the Secretary, in his or her
18 discretion, may reinstate an expired license upon:

19 (1) payment of the annual fee within 30 days of the
20 date of expiration; and

21 (2) proof of good cause for failure to renew.

22 (f) Not more than one place of business shall be maintained
23 under the same license, but the Secretary may issue more than
24 one license to the same licensee upon compliance with all the
25 provisions of this Act governing issuance of a single license.
26 The location, except those locations already in existence as of

1 June 1, 2005, may not be within one mile of a horse race track
2 subject to the Illinois Horse Racing Act of 1975, within one
3 mile of a facility at which gambling is conducted under the
4 Illinois ~~Riverboat~~ Gambling Act, within one mile of the
5 location at which a riverboat subject to the Illinois ~~Riverboat~~
6 Gambling Act docks, or within one mile of any State of Illinois
7 or United States military base or naval installation.

8 (g) No licensee shall conduct the business of making loans
9 under this Act within any office, suite, room, or place of
10 business in which (1) any loans are offered or made under the
11 Consumer Installment Loan Act other than title secured loans as
12 defined in subsection (a) of Section 15 of the Consumer
13 Installment Loan Act and governed by Title 38, Section 110.330
14 of the Illinois Administrative Code or (2) any other business
15 is solicited or engaged in unless the other business is
16 licensed by the Department or, in the opinion of the Secretary,
17 the other business would not be contrary to the best interests
18 of consumers and is authorized by the Secretary in writing.

19 (g-5) Notwithstanding subsection (g) of this Section, a
20 licensee may obtain a license under the Consumer Installment
21 Loan Act (CILA) for the exclusive purpose and use of making
22 title secured loans, as defined in subsection (a) of Section 15
23 of CILA and governed by Title 38, Section 110.300 of the
24 Illinois Administrative Code. A licensee may continue to
25 service Consumer Installment Loan Act loans that were
26 outstanding as of the effective date of this amendatory Act of

1 the 96th General Assembly.

2 (h) The Secretary shall maintain a list of licensees that
3 shall be available to interested consumers and lenders and the
4 public. The Secretary shall maintain a toll-free number whereby
5 consumers may obtain information about licensees. The
6 Secretary shall also establish a complaint process under which
7 an aggrieved consumer may file a complaint against a licensee
8 or non-licensee who violates any provision of this Act.

9 (Source: P.A. 96-936, eff. 3-21-11.)

10 Section 90-65. The Travel Promotion Consumer Protection
11 Act is amended by changing Section 2 as follows:

12 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

13 Sec. 2. Definitions.

14 (a) "Travel promoter" means a person, including a tour
15 operator, who sells, provides, furnishes, contracts for,
16 arranges or advertises that he or she will arrange wholesale or
17 retail transportation by air, land, sea or navigable stream,
18 either separately or in conjunction with other services.
19 "Travel promoter" does not include (1) an air carrier; (2) a
20 sea carrier; (3) an officially appointed agent of an air
21 carrier who is a member in good standing of the Airline
22 Reporting Corporation; (4) a travel promoter who has in force
23 \$1,000,000 or more of liability insurance coverage for
24 professional errors and omissions and a surety bond or

1 equivalent surety in the amount of \$100,000 or more for the
2 benefit of consumers in the event of a bankruptcy on the part
3 of the travel promoter; or (5) a riverboat subject to
4 regulation under the Illinois Riverboat Gambling Act.

5 (b) "Advertise" means to make any representation in the
6 solicitation of passengers and includes communication with
7 other members of the same partnership, corporation, joint
8 venture, association, organization, group or other entity.

9 (c) "Passenger" means a person on whose behalf money or
10 other consideration has been given or is to be given to
11 another, including another member of the same partnership,
12 corporation, joint venture, association, organization, group
13 or other entity, for travel.

14 (d) "Ticket or voucher" means a writing or combination of
15 writings which is itself good and sufficient to obtain
16 transportation and other services for which the passenger has
17 contracted.

18 (Source: P.A. 91-357, eff. 7-29-99.)

19 (30 ILCS 105/5.490 rep.)

20 Section 90-70. The State Finance Act is amended by
21 repealing Section 5.490.

22 (230 ILCS 5/54 rep.)

23 Section 90-75. The Illinois Horse Racing Act of 1975 is
24 amended by repealing Section 54.

1

ARTICLE 99.

2

Section 99-97. Severability. The provisions of this Act are

3

severable under Section 1.31 of the Statute on Statutes.