

SB3371



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3371

Introduced 2/10/2010, by Sen. Donne E. Trotter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Horse Racing Act of 1975 and the Riverboat Gambling Act to authorize slot machine gambling at race tracks (and makes conforming changes in various Acts). Effective immediately.

LRB096 20307 AMC 35932 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning gaming.

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

4 Section 5. The Illinois Horse Racing Act of 1975 is
5 amended by changing Sections 20, 26, 26.1, 27, 31, 36, and 42
6 and adding Sections 3.24, 3.25, 3.26, 3.27, and 56 as follows:

7 (230 ILCS 5/3.24 new)

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

11 (230 ILCS 5/3.25 new)

12 Sec. 3.25. Electronic gaming. "Electronic gaming" means
13 slot machine gambling, video games of chance, and electronic
14 gambling games that are conducted at a race track licensed
15 under this Act pursuant to an electronic gaming license.

16 (230 ILCS 5/3.26 new)

17 Sec. 3.26. Electronic gaming license. "Electronic gaming
18 license" means a license to conduct electronic gaming issued
19 under Section 56 of this Act.

20 (230 ILCS 5/3.27 new)

1 Sec. 3.27. Electronic gaming facility. "Electronic gaming
2 facility" means that portion of an organization licensee's race
3 track facility at which electronic gaming is conducted.

4 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

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

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

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

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

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

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

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

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

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

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

15 (e-1) In awarding standardbred racing dates for calendar
16 year 2011 and thereafter, the Board shall award at least 310
17 racing days. The Board shall have the discretion to allocate
18 those racing days among organization licensees requesting
19 standardbred race dates. Once awarded by the Board,
20 organization licensees awarded standardbred dates shall run at
21 least 3,500 races in total during that calendar year. Should an
22 organization licensee fail to race all dates awarded by the
23 Board, the organization licensee shall pay to the standardbred
24 purse account at that racing facility an amount equal to the
25 organization licensee's share of revenue from electronic
26 gaming for the day not raced. The Board may waive the payment

1 to purses required under of subsection only if a lesser
2 schedule is appropriate due to (1) weather or unsafe track
3 conditions due to acts of God, (2) an agreement between the
4 organization licensee and the association representing
5 standardbred horsemen racing at the organization licensee's
6 race meeting, or (3) lack of sufficient numbers of horses to
7 conduct racing.

8 (e-5) In reviewing an application for the purpose of
9 granting an organization license consistent with the best
10 interests of the public and the sport of horse racing, the
11 Board shall consider:

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

15 (i) controls the applicant, directly or
16 indirectly, or

17 (ii) is controlled, directly or indirectly, by
18 that applicant or by a person who controls, directly or
19 indirectly, that applicant;

20 (2) the applicant's facilities or proposed facilities
21 for conducting horse racing;

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

25 (4) the applicant's good faith affirmative action plan
26 to recruit, train, and upgrade minorities in all employment

1 classifications;

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

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

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

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

13 In granting organization licenses and allocating dates for
14 horse race meetings, the Board shall have discretion to
15 determine an overall schedule, including required simulcasts
16 of Illinois races by host tracks that will, in its judgment, be
17 conducive to the best interests of the public and the sport of
18 horse racing.

19 (e-10) The Illinois Administrative Procedure Act shall
20 apply to administrative procedures of the Board under this Act
21 for the granting of an organization license, except that (1)
22 notwithstanding the provisions of subsection (b) of Section
23 10-40 of the Illinois Administrative Procedure Act regarding
24 cross-examination, the Board may prescribe rules limiting the
25 right of an applicant or participant in any proceeding to award
26 an organization license to conduct cross-examination of

1 witnesses at that proceeding where that cross-examination
2 would unduly obstruct the timely award of an organization
3 license under subsection (e) of Section 20 of this Act; (2) the
4 provisions of Section 10-45 of the Illinois Administrative
5 Procedure Act regarding proposals for decision are excluded
6 under this Act; (3) notwithstanding the provisions of
7 subsection (a) of Section 10-60 of the Illinois Administrative
8 Procedure Act regarding ex parte communications, the Board may
9 prescribe rules allowing ex parte communications with
10 applicants or participants in a proceeding to award an
11 organization license where conducting those communications
12 would be in the best interest of racing, provided all those
13 communications are made part of the record of that proceeding
14 pursuant to subsection (c) of Section 10-60 of the Illinois
15 Administrative Procedure Act; (4) the provisions of Section 14a
16 of this Act and the rules of the Board promulgated under that
17 Section shall apply instead of the provisions of Article 10 of
18 the Illinois Administrative Procedure Act regarding
19 administrative law judges; and (5) the provisions of subsection
20 (d) of Section 10-65 of the Illinois Administrative Procedure
21 Act that prevent summary suspension of a license pending
22 revocation or other action shall not apply.

23 (f) The Board may allot racing dates to an organization
24 licensee for more than one calendar year but for no more than 3
25 successive calendar years in advance, provided that the Board
26 shall review such allotment for more than one calendar year

1 prior to each year for which such allotment has been made. The
2 granting of an organization license to a person constitutes a
3 privilege to conduct a horse race meeting under the provisions
4 of this Act, and no person granted an organization license
5 shall be deemed to have a vested interest, property right, or
6 future expectation to receive an organization license in any
7 subsequent year as a result of the granting of an organization
8 license. Organization licenses shall be subject to revocation
9 if the organization licensee has violated any provision of this
10 Act or the rules and regulations promulgated under this Act or
11 has been convicted of a crime or has failed to disclose or has
12 stated falsely any information called for in the application
13 for an organization license. Any organization license
14 revocation proceeding shall be in accordance with Section 16
15 regarding suspension and revocation of occupation licenses.

16 (f-5) If, (i) an applicant does not file an acceptance of
17 the racing dates awarded by the Board as required under part
18 (1) of subsection (h) of this Section 20, or (ii) an
19 organization licensee has its license suspended or revoked
20 under this Act, the Board, upon conducting an emergency hearing
21 as provided for in this Act, may reaward on an emergency basis
22 pursuant to rules established by the Board, racing dates not
23 accepted or the racing dates associated with any suspension or
24 revocation period to one or more organization licensees, new
25 applicants, or any combination thereof, upon terms and
26 conditions that the Board determines are in the best interest

1 of racing, provided, the organization licensees or new
2 applicants receiving the awarded racing dates file an
3 acceptance of those reawarded racing dates as required under
4 paragraph (1) of subsection (h) of this Section 20 and comply
5 with the other provisions of this Act. The Illinois
6 Administrative Procedures Act shall not apply to the
7 administrative procedures of the Board in conducting the
8 emergency hearing and the reallocation of racing dates on an
9 emergency basis.

10 (g) (Blank).

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

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

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

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

22 (3) file with the Board the bonds required in Sections
23 21 and 25 at least 20 days prior to the first day of each
24 race meeting.

25 Upon compliance with the provisions of paragraphs (1), (2), and
26 (3) of this subsection (h), the applicant shall be issued an

1 organization license.

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

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

6 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

7 Sec. 26. Wagering.

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

22 (b) Except as otherwise provided in Section 56, no ~~no~~ other
23 method of betting, pool making, wagering or gambling shall be
24 used or permitted by the licensee. Each licensee may retain,
25 subject to the payment of all applicable taxes and purses, an

1 amount not to exceed 17% of all money wagered under subsection
2 (a) of this Section, except as may otherwise be permitted under
3 this Act.

4 (b-5) An individual may place a wager under the pari-mutuel
5 system from any licensed location authorized under this Act
6 provided that wager is electronically recorded in the manner
7 described in Section 3.12 of this Act. Any wager made
8 electronically by an individual while physically on the
9 premises of a licensee shall be deemed to have been made at the
10 premises of that licensee.

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

21 (c-5) Beginning January 1, 2000, the sum held by any
22 licensee for payment of outstanding pari-mutuel tickets, if
23 unclaimed prior to December 31 of the next year, shall be
24 retained by the licensee for payment of such tickets until that
25 date. Within 10 days thereafter, the balance of such sum
26 remaining unclaimed, less any uncashed supplements contributed

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

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

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

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

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

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

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

1 signal of live racing of all organization licensees. All
2 non-host licensees and advance deposit wagering licensees
3 shall carry the signal of and accept wagers on live racing of
4 all organization licensees. Advance deposit wagering licensees
5 shall not be permitted to accept out-of-state wagers on any
6 Illinois signal provided pursuant to this Section without the
7 approval and consent of the organization licensee providing the
8 signal. Non-host licensees may carry the host track simulcast
9 program and shall accept wagers on all races included as part
10 of the simulcast program upon which wagering is permitted. All
11 organization licensees shall provide their live signal to all
12 advance deposit wagering licensees for a simulcast commission
13 fee not to exceed 6% of the advance deposit wagering licensee's
14 Illinois handle on the organization licensee's signal without
15 prior approval by the Board. The Board may adopt rules under
16 which it may permit simulcast commission fees in excess of 6%.
17 The Board shall adopt rules limiting the interstate commission
18 fees charged to an advance deposit wagering licensee. The Board
19 shall adopt rules regarding advance deposit wagering on
20 interstate simulcast races that shall reflect, among other
21 things, the General Assembly's desire to maximize revenues to
22 the State, horsemen purses, and organizational licensees.
23 However, organization licensees providing live signals
24 pursuant to the requirements of this subsection (g) may
25 petition the Board to withhold their live signals from an
26 advance deposit wagering licensee if the organization licensee

1 discovers and the Board finds reputable or credible information
2 that the advance deposit wagering licensee is under
3 investigation by another state or federal governmental agency,
4 the advance deposit wagering licensee's license has been
5 suspended in another state, or the advance deposit wagering
6 licensee's license is in revocation proceedings in another
7 state. The organization licensee's provision of their live
8 signal to an advance deposit wagering licensee under this
9 subsection (g) pertains to wagers placed from within Illinois.
10 Advance deposit wagering licensees may place advance deposit
11 wagering terminals at wagering facilities as a convenience to
12 customers. The advance deposit wagering licensee shall not
13 charge or collect any fee from purses for the placement of the
14 advance deposit wagering terminals. The costs and expenses of
15 the host track and non-host licensees associated with
16 interstate simulcast wagering, other than the interstate
17 commission fee, shall be borne by the host track and all
18 non-host licensees incurring these costs. The interstate
19 commission fee shall not exceed 5% of Illinois handle on the
20 interstate simulcast race or races without prior approval of
21 the Board. The Board shall promulgate rules under which it may
22 permit interstate commission fees in excess of 5%. The
23 interstate commission fee and other fees charged by the sending
24 racetrack, including, but not limited to, satellite decoder
25 fees, shall be uniformly applied to the host track and all
26 non-host licensees.

1 Notwithstanding any other provision of this Act, for a
2 period of 3 years after the effective date of this amendatory
3 Act of the 96th General Assembly, an organization licensee may
4 maintain a system whereby advance deposit wagering may take
5 place or an organization licensee, with the consent of the
6 horsemen association representing the largest number of
7 owners, trainers, jockeys, or standardbred drivers who race
8 horses at that organization licensee's racing meeting, may
9 contract with another person to carry out a system of advance
10 deposit wagering. Such consent may not be unreasonably
11 withheld. All advance deposit wagers placed from within
12 Illinois must be placed through a Board-approved advance
13 deposit wagering licensee; no other entity may accept an
14 advance deposit wager from a person within Illinois. All
15 advance deposit wagering is subject to any rules adopted by the
16 Board. The Board may adopt rules necessary to regulate advance
17 deposit wagering through the use of emergency rulemaking in
18 accordance with Section 5-45 of the Illinois Administrative
19 Procedure Act. The General Assembly finds that the adoption of
20 rules to regulate advance deposit wagering is deemed an
21 emergency and necessary for the public interest, safety, and
22 welfare. An advance deposit wagering licensee may retain all
23 moneys as agreed to by contract with an organization licensee.
24 Any moneys retained by the organization licensee from advance
25 deposit wagering, not including moneys retained by the advance
26 deposit wagering licensee, shall be paid 50% to the

1 organization licensee's purse account and 50% to the
2 organization licensee. If more than one breed races at the same
3 race track facility, then the 50% of the moneys to be paid to
4 an organization licensee's purse account shall be allocated
5 among all organization licensees' purse accounts operating at
6 that race track facility proportionately based on the actual
7 number of host days that the Board grants to that breed at that
8 race track facility in the current calendar year. To the extent
9 any fees from advance deposit wagering conducted in Illinois
10 for wagers in Illinois or other states have been placed in
11 escrow or otherwise withheld from wagers pending a
12 determination of the legality of advance deposit wagering, no
13 action shall be brought to declare such wagers or the
14 disbursement of any fees previously escrowed illegal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 wagering location license.

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

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

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

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

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

21 (9) (Blank).

22 (10) (Blank).

23 (11) (Blank).

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

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

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

1 anticipated to be available in the purse account of the
2 race track affiliated with the wagering facility for purses
3 during the succeeding year; and (iii) the need to ensure
4 reasonable purse levels during the payment period. The
5 Board's certification shall be provided no later than
6 January 31 of the succeeding year. In the event a wagering
7 facility entitled to a payment under this paragraph (13) is
8 affiliated with a race track that maintains purse accounts
9 for both standardbred and thoroughbred racing, the amount
10 to be paid to the wagering facility shall be divided
11 between each purse account pro rata, based on the amount of
12 Illinois handle on Illinois standardbred and thoroughbred
13 racing respectively at the wagering facility during the
14 previous calendar year. Annually, the General Assembly
15 shall appropriate sufficient funds from the General
16 Revenue Fund to the Department of Agriculture for payment
17 into the thoroughbred and standardbred horse racing purse
18 accounts at Illinois pari-mutuel tracks. The amount paid to
19 each purse account shall be the amount certified by the
20 Illinois Racing Board in January to be transferred from
21 each account to each eligible racing facility in accordance
22 with the provisions of this Section.

23 For the calendar year in which any organization
24 licensee that is eligible to receive payment under this
25 paragraph (13) begins to receive funds from electronic
26 gaming, the amount of the payment due to all wagering

1 facilities under this paragraph (13) shall be reduced by a
2 percentage equal to the percentage of the year remaining
3 after the earliest date that any electronic gaming facility
4 begins conducting electronic gaming pursuant to an
5 electronic gaming license. No wagering facilities shall be
6 able to receive payments under this paragraph (13)
7 beginning on the January 1 first occurring after the
8 earliest date that any organization licensee begins
9 receiving funds from electronic gaming.

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

14 (1) Any person licensed to conduct a race meeting (i)
15 at a track where 60 or more days of racing were conducted
16 during the immediately preceding calendar year or where
17 over the 5 immediately preceding calendar years an average
18 of 30 or more days of racing were conducted annually may be
19 issued an inter-track wagering license; (ii) at a track
20 located in a county that is bounded by the Mississippi
21 River, which has a population of less than 150,000
22 according to the 1990 decennial census, and an average of
23 at least 60 days of racing per year between 1985 and 1993
24 may be issued an inter-track wagering license; or (iii) at
25 a track located in Madison County that conducted at least
26 100 days of live racing during the immediately preceding

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

1 the Board in connection therewith.

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

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

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

26 (5) Each license to conduct inter-track wagering and

1 simulcast wagering shall specify the person to whom it is
2 issued, the dates on which such wagering is permitted, and
3 the track or location where the wagering is to be
4 conducted.

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

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

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

16 (8.1) Inter-track wagering location licensees who
17 derive their licenses from a particular organization
18 licensee shall conduct inter-track wagering and simulcast
19 wagering only at locations which are either within 90 miles
20 of that race track where the particular organization
21 licensee is licensed to conduct racing, or within 135 miles
22 of that race track where the particular organization
23 licensee is licensed to conduct racing in the case of race
24 tracks in counties of less than 400,000 that were operating
25 on or before June 1, 1986. However, inter-track wagering
26 and simulcast wagering shall not be conducted by those

1 licenses at any location within 5 miles of any race track
2 at which a horse race meeting has been licensed in the
3 current year, unless the person having operating control of
4 such race track has given its written consent to such
5 inter-track wagering location licensees, which consent
6 must be filed with the Board at or prior to the time
7 application is made.

8 (8.2) Inter-track wagering or simulcast wagering shall
9 not be conducted by an inter-track wagering location
10 licensee at any location within 500 feet of an existing
11 church or existing school, nor within 500 feet of the
12 residences of more than 50 registered voters without
13 receiving written permission from a majority of the
14 registered voters at such residences. Such written
15 permission statements shall be filed with the Board. The
16 distance of 500 feet shall be measured to the nearest part
17 of any building used for worship services, education
18 programs, residential purposes, or conducting inter-track
19 wagering by an inter-track wagering location licensee, and
20 not to property boundaries. However, inter-track wagering
21 or simulcast wagering may be conducted at a site within 500
22 feet of a church, school or residences of 50 or more
23 registered voters if such church, school or residences have
24 been erected or established, or such voters have been
25 registered, after the Board issues the original
26 inter-track wagering location license at the site in

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

16 (9) (Blank).

17 (10) An inter-track wagering licensee or an
18 inter-track wagering location licensee may retain, subject
19 to the payment of the privilege taxes and the purses, an
20 amount not to exceed 17% of all money wagered. Each program
21 of racing conducted by each inter-track wagering licensee
22 or inter-track wagering location licensee shall be
23 considered a separate racing day for the purpose of
24 determining the daily handle and computing the privilege
25 tax or pari-mutuel tax on such daily handle as provided in
26 Section 27.

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

11 (10.2) Notwithstanding any other provision of this
12 Act, with respect to intertrack wagering at a race track
13 located in a county that has a population of more than
14 230,000 and that is bounded by the Mississippi River ("the
15 first race track"), or at a facility operated by an
16 inter-track wagering licensee or inter-track wagering
17 location licensee that derives its license from the
18 organization licensee that operates the first race track,
19 on races conducted at the first race track or on races
20 conducted at another Illinois race track and
21 simultaneously televised to the first race track or to a
22 facility operated by an inter-track wagering licensee or
23 inter-track wagering location licensee that derives its
24 license from the organization licensee that operates the
25 first race track, those moneys shall be allocated as
26 follows:

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

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

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

1 divide any remaining retention with that organization
2 licensee.

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

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

1 organization licensee to be divided between standardbred
2 purses and thoroughbred purses based on the amounts
3 otherwise allocated to purses at that organization
4 licensee during the calendar year in question; and (iv) 8%
5 of the pari-mutuel handle on inter-track wagering wagered
6 at such location to satisfy all costs and expenses of
7 conducting its wagering. The remainder of the monies
8 retained by the inter-track wagering location licensee
9 shall be allocated 40% to the location licensee and 60% to
10 the organization licensee which provides the Illinois
11 races to the location, except that an intertrack wagering
12 location licensee that derives its license from a track
13 located in a county with a population in excess of 230,000
14 and that borders the Mississippi River shall not divide any
15 remaining retention with the organization licensee that
16 provides the race or races and an intertrack wagering
17 location licensee that accepts wagers on races conducted by
18 an organization licensee that conducts a race meet in a
19 county with a population in excess of 230,000 and that
20 borders the Mississippi River shall not divide any
21 remaining retention with the organization licensee.
22 Notwithstanding the provisions of clauses (ii) and (iv) of
23 this paragraph, in the case of the additional inter-track
24 wagering location licenses authorized under paragraph (1)
25 of this subsection (h) by this amendatory Act of 1991,
26 those licensees shall pay the following amounts as purses:

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

25 (C) There is hereby created the Horse Racing Tax
26 Allocation Fund which shall remain in existence until

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

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

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

25 Four-sevenths to park districts or municipalities
26 that do not have a park district of 500,000 population

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

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

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

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

26 Two-sevenths to the Department of Agriculture.

1 Fifty percent of this two-sevenths shall be used to
2 promote the Illinois horse racing and breeding
3 industry, and shall be distributed by the Department of
4 Agriculture upon the advice of a 9-member committee
5 appointed by the Governor consisting of the following
6 members: the Director of Agriculture, who shall serve
7 as chairman; 2 representatives of organization
8 licensees conducting thoroughbred race meetings in
9 this State, recommended by those licensees; 2
10 representatives of organization licensees conducting
11 standardbred race meetings in this State, recommended
12 by those licensees; a representative of the Illinois
13 Thoroughbred Breeders and Owners Foundation,
14 recommended by that Foundation; a representative of
15 the Illinois Standardbred Owners and Breeders
16 Association, recommended by that Association; a
17 representative of the Horsemen's Benevolent and
18 Protective Association or any successor organization
19 thereto established in Illinois comprised of the
20 largest number of owners and trainers, recommended by
21 that Association or that successor organization; and a
22 representative of the Illinois Harness Horsemen's
23 Association, recommended by that Association.
24 Committee members shall serve for terms of 2 years,
25 commencing January 1 of each even-numbered year. If a
26 representative of any of the above-named entities has

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

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

17 One-seventh to the Agricultural Premium Fund to be
18 used for distribution to agricultural home economics
19 extension councils in accordance with "An Act in
20 relation to additional support and finances for the
21 Agricultural and Home Economic Extension Councils in
22 the several counties of this State and making an
23 appropriation therefor", approved July 24, 1967. This
24 subparagraph (C) shall be inoperative and of no force
25 and effect on and after January 1, 2000.

26 (D) Except as provided in paragraph (11) of this

1 subsection (h), with respect to purse allocation from
2 intertrack wagering, the monies so retained shall be
3 divided as follows:

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

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

24 (iii) If the inter-track wagering is being
25 conducted by an inter-track wagering location
26 licensee, except an intertrack wagering location

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

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

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

22 (B) The Board, and any person or persons to whom it
23 delegates this power, is vested with the power to enter
24 the facilities of any licensee to determine whether
25 there has been compliance with the provisions of this
26 Act and the rules and regulations relating to the

1 conduct of such wagering.

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

12 (D) (Blank).

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

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

26 (G) The Board is vested with the power to impose

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

8 (13) The Department of Agriculture may enter into
9 agreements with licensees authorizing such licensees to
10 conduct inter-track wagering on races to be held at the
11 licensed race meetings conducted by the Department of
12 Agriculture. Such agreement shall specify the races of the
13 Department of Agriculture's licensed race meeting upon
14 which the licensees will conduct wagering. In the event
15 that a licensee conducts inter-track pari-mutuel wagering
16 on races from the Illinois State Fair or DuQuoin State Fair
17 which are in addition to the licensee's previously approved
18 racing program, those races shall be considered a separate
19 racing day for the purpose of determining the daily handle
20 and computing the privilege or pari-mutuel tax on that
21 daily handle as provided in Sections 27 and 27.1. Such
22 agreements shall be approved by the Board before such
23 wagering may be conducted. In determining whether to grant
24 approval, the Board shall give due consideration to the
25 best interests of the public and of horse racing. The
26 provisions of paragraphs (1), (8), (8.1), and (8.2) of

1 subsection (h) of this Section which are not specified in
2 this paragraph (13) shall not apply to licensed race
3 meetings conducted by the Department of Agriculture at the
4 Illinois State Fair in Sangamon County or the DuQuoin State
5 Fair in Perry County, or to any wagering conducted on those
6 race meetings.

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

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

12 (230 ILCS 5/26.1) (from Ch. 8, par. 37-26.1)

13 Sec. 26.1. For all pari-mutuel wagering conducted pursuant
14 to this Act, breakage shall be at all times computed on the
15 basis of not to exceed 10¢ on the dollar. If there is a minus
16 pool, the breakage shall be computed on the basis of not to
17 exceed 5¢ on the dollar. Breakage shall be calculated only
18 after the amounts retained by licensees pursuant to Sections 26
19 and 26.2 of this Act, and all applicable surcharges, are taken
20 out of winning wagers and winnings from wagers. ~~From Beginning~~
21 January 1, 2000 until July 1, 2010, all breakage shall be
22 retained by licensees, with 50% of breakage to be used by
23 licensees for racetrack improvements at the racetrack from
24 which the wagering facility derives its license. The remaining
25 50% is to be allocated 50% to the purse account for the

1 licensee from which the wagering facility derives its license
2 and 50% to the licensee. Beginning July 1, 2010, all breakage
3 shall be retained by licensees, with 50% of breakage to be used
4 by licensees for racetrack improvements at the racetrack from
5 which the wagering facility derives its license. The remaining
6 50% is to be allocated to the purse account for the licensee
7 from which the wagering facility derives its license.

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

9 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

10 Sec. 27. (a) In addition to the organization license fee
11 provided by this Act, until January 1, 2000, a graduated
12 privilege tax is hereby imposed for conducting the pari-mutuel
13 system of wagering permitted under this Act. Until January 1,
14 2000, except as provided in subsection (g) of Section 27 of
15 this Act, all of the breakage of each racing day held by any
16 licensee in the State shall be paid to the State. Until January
17 1, 2000, such daily graduated privilege tax shall be paid by
18 the licensee from the amount permitted to be retained under
19 this Act. Until January 1, 2000, each day's graduated privilege
20 tax, breakage, and Horse Racing Tax Allocation funds shall be
21 remitted to the Department of Revenue within 48 hours after the
22 close of the racing day upon which it is assessed or within
23 such other time as the Board prescribes. The privilege tax
24 hereby imposed, until January 1, 2000, shall be a flat tax at
25 the rate of 2% of the daily pari-mutuel handle except as

1 provided in Section 27.1.

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

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

15 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
16 at the rate of 1.5% of the daily pari-mutuel handle is imposed
17 at all pari-mutuel wagering facilities and on advance deposit
18 wagering from a location other than a wagering facility, except
19 as otherwise provided for in this subsection (a-5). In addition
20 to the pari-mutuel tax imposed on advance deposit wagering
21 pursuant to this subsection (a-5), an additional pari-mutuel
22 tax at the rate of 0.25% shall be imposed on advance deposit
23 wagering, the amount of which shall not exceed \$250,000 in each
24 calendar year. The additional 0.25% pari-mutuel tax imposed on
25 advance deposit wagering by this amendatory Act of the 96th
26 General Assembly shall be deposited into the Quarter Horse

1 Purse Fund, which shall be created as a non-appropriated trust
2 fund administered by the Board for grants to thoroughbred
3 organization licensees for payment of purses for quarter horse
4 races conducted by the organization licensee. Thoroughbred
5 organization licensees may petition the Board to conduct
6 quarter horse racing and receive purse grants from the Quarter
7 Horse Purse Fund. The Board shall have complete discretion in
8 distributing the Quarter Horse Purse Fund to the petitioning
9 organization licensees. Beginning on the effective date of this
10 amendatory Act of the 94th General Assembly and until moneys
11 deposited pursuant to Section 54 are distributed and received,
12 a pari-mutuel tax at the rate of 0.25% of the daily pari-mutuel
13 handle is imposed at a pari-mutuel facility whose license is
14 derived from a track located in a county that borders the
15 Mississippi River and conducted live racing in the previous
16 year. After moneys deposited pursuant to Section 54 are
17 distributed and received, a pari-mutuel tax at the rate of 1.5%
18 of the daily pari-mutuel handle is imposed at a pari-mutuel
19 facility whose license is derived from a track located in a
20 county that borders the Mississippi River and conducted live
21 racing in the previous year. The pari-mutuel tax imposed by
22 this subsection (a-5) shall be remitted to the Department of
23 Revenue within 48 hours after the close of the racing day upon
24 which it is assessed or within such other time as the Board
25 prescribes.

26 (b) On or before December 31, 1999, in the event that any

1 organization licensee conducts 2 separate programs of races on
2 any day, each such program shall be considered a separate
3 racing day for purposes of determining the daily handle and
4 computing the privilege tax on such daily handle as provided in
5 subsection (a) of this Section.

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

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

26 (e) No other license fee, privilege tax, excise tax, or

1 racing fee, except as provided in this Act, shall be assessed
2 or collected from any such licensee by the State.

3 (f) No other license fee, privilege tax, excise tax or
4 racing fee shall be assessed or collected from any such
5 licensee by units of local government except as provided in
6 paragraph 10.1 of subsection (h) and subsection (f) of Section
7 26 of this Act. However, any municipality that has a Board
8 licensed horse race meeting at a race track wholly within its
9 corporate boundaries or a township that has a Board licensed
10 horse race meeting at a race track wholly within the
11 unincorporated area of the township may charge a local
12 amusement tax not to exceed 10¢ per admission to such horse
13 race meeting by the enactment of an ordinance. However, any
14 municipality or county that has a Board licensed inter-track
15 wagering location facility wholly within its corporate
16 boundaries may each impose an admission fee not to exceed \$1.00
17 per admission to such inter-track wagering location facility,
18 so that a total of not more than \$2.00 per admission may be
19 imposed. Except as provided in subparagraph (g) of Section 27
20 of this Act, the inter-track wagering location licensee shall
21 collect any and all such fees and within 48 hours remit the
22 fees to the Board, which shall, pursuant to rule, cause the
23 fees to be distributed to the county or municipality.

24 (g) Notwithstanding any provision in this Act to the
25 contrary, if in any calendar year the total taxes and fees from
26 wagering on live racing and from inter-track wagering required

1 to be collected from licensees and distributed under this Act
2 to all State and local governmental authorities exceeds the
3 amount of such taxes and fees distributed to each State and
4 local governmental authority to which each State and local
5 governmental authority was entitled under this Act for calendar
6 year 1994, then the first \$11 million of that excess amount
7 shall be allocated at the earliest possible date for
8 distribution as purse money for the succeeding calendar year.
9 Upon reaching the 1994 level, and until the excess amount of
10 taxes and fees exceeds \$11 million, the Board shall direct all
11 licensees to cease paying the subject taxes and fees and the
12 Board shall direct all licensees to allocate any such excess
13 amount for purses as follows:

14 (i) the excess amount shall be initially divided
15 between thoroughbred and standardbred purses based on the
16 thoroughbred's and standardbred's respective percentages
17 of total Illinois live wagering in calendar year 1994;

18 (ii) each thoroughbred and standardbred organization
19 licensee issued an organization licensee in that
20 succeeding allocation year shall be allocated an amount
21 equal to the product of its percentage of total Illinois
22 live thoroughbred or standardbred wagering in calendar
23 year 1994 (the total to be determined based on the sum of
24 1994 on-track wagering for all organization licensees
25 issued organization licenses in both the allocation year
26 and the preceding year) multiplied by the total amount

1 allocated for standardbred or thoroughbred purses,
2 provided that the first \$1,500,000 of the amount allocated
3 to standardbred purses under item (i) shall be allocated to
4 the Department of Agriculture to be expended with the
5 assistance and advice of the Illinois Standardbred
6 Breeders Funds Advisory Board for the purposes listed in
7 subsection (g) of Section 31 of this Act, before the amount
8 allocated to standardbred purses under item (i) is
9 allocated to standardbred organization licensees in the
10 succeeding allocation year.

11 To the extent the excess amount of taxes and fees to be
12 collected and distributed to State and local governmental
13 authorities exceeds \$11 million, that excess amount shall be
14 collected and distributed to State and local authorities as
15 provided for under this Act.

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

17 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

18 Sec. 31. (a) The General Assembly declares that it is the
19 policy of this State to encourage the breeding of standardbred
20 horses in this State and the ownership of such horses by
21 residents of this State in order to provide for: sufficient
22 numbers of high quality standardbred horses to participate in
23 harness racing meetings in this State, and to establish and
24 preserve the agricultural and commercial benefits of such
25 breeding and racing industries to the State of Illinois. It is

1 the intent of the General Assembly to further this policy by
2 the provisions of this Section of this Act.

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

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

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.

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

1 (d) There is hereby created a special fund of the State
2 Treasury to be known as the Illinois Standardbred Breeders
3 Fund. Beginning on the effective date of this amendatory Act of
4 the 96th General Assembly, the Illinois Standardbred Breeders
5 Fund shall become a non-appropriated trust fund held separate
6 and apart from State moneys. Expenditures from this fund are no
7 longer be subject to appropriation.

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

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

17 (f) The Illinois Standardbred Breeders Fund Advisory Board
18 is hereby created. The Advisory Board shall consist of the
19 Director of the Department of Agriculture, who shall serve as
20 Chairman; the Superintendent of the Illinois State Fair; a
21 member of the Illinois Racing Board, designated by it; a
22 representative of the Illinois Standardbred Owners and
23 Breeders Association, recommended by it; a representative of
24 the Illinois Association of Agricultural Fairs, recommended by
25 it, such representative to be from a fair at which Illinois
26 conceived and foaled racing is conducted; a representative of

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

17 (g) ~~No monies shall be expended from the Illinois~~
18 ~~Standardbred Breeders Fund except as appropriated by the~~
19 ~~General Assembly.~~ Monies expended appropriated from the
20 Illinois Standardbred Breeders Fund shall be expended by the
21 Department of Agriculture, with the assistance and advice of
22 the Illinois Standardbred Breeders Fund Advisory Board for the
23 following purposes only:

24 1. To provide purses for races limited to Illinois
25 conceived and foaled horses at the State Fair and the
26 DuQuoin State Fair.

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

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

6 4. No less than 90% ~~75%~~ of all monies in the Illinois
7 Standardbred Breeders Fund shall be expended for purses in
8 1, 2 and 3 as shown above.

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

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

22 7. To pay the expenses incurred in the administration
23 of the Illinois Standardbred Breeders Fund.

24 8. To promote the sport of harness racing, including
25 grants up to a maximum of \$7,500 per fair per year for the
26 cost of a totalizer system to be used for conducting

1 pari-mutuel wagering during the advertised dates of a
2 county fair.

3 9. To pay up to \$150,000 annually for the Department of
4 Agriculture to conduct drug testing at county fairs racing
5 standardbred horses.

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

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

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

26 1. Qualify stallions for Illinois Standardbred Breeders

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

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

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

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

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

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

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

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

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

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

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

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

21 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

22 Sec. 36. (a) Whoever administers or conspires to administer
23 to any horse a hypnotic, narcotic, stimulant, depressant or any
24 chemical substance which may affect the speed of a horse at any
25 time in any race where the purse or any part of the purse is

1 made of money authorized by any Section of this Act, except
2 those chemical substances permitted by ruling of the Board,
3 internally, externally or by hypodermic method in a race or
4 prior thereto, or whoever knowingly enters a horse in any race
5 within a period of 24 hours after any hypnotic, narcotic,
6 stimulant, depressant or any other chemical substance which may
7 affect the speed of a horse at any time, except those chemical
8 substances permitted by ruling of the Board, has been
9 administered to such horse either internally or externally or
10 by hypodermic method for the purpose of increasing or retarding
11 the speed of such horse shall be guilty of a Class 4 felony.
12 The Board shall suspend or revoke such violator's license.

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

15 (c) The term "narcotic" as used in this Section includes
16 opium and all its alkaloids, salts, preparations and
17 derivatives, cocaine and all its salts, preparations and
18 derivatives and substitutes.

19 (d) The provisions of this Section 36 and the treatment
20 authorized herein apply to horses entered in and competing in
21 race meetings as defined in Section 3.47 of this Act and to
22 horses entered in and competing at any county fair.

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

24 (230 ILCS 5/42) (from Ch. 8, par. 37-42)

25 Sec. 42. (a) Except as to the distribution of monies

1 provided for by Sections 28, 29, 30, and 31 and the treating of
2 horses as provided in Section 36, nothing whatsoever in this
3 Act shall be held or taken to apply to county fairs and State
4 Fairs or to agricultural and livestock exhibitions where the
5 pari-mutuel system of wagering upon the result of horses is not
6 permitted or conducted.

7 (b) Nothing herein shall be construed to permit the
8 pari-mutuel method of wagering upon any race track unless such
9 race track is licensed under this Act. It is hereby declared to
10 be unlawful for any person to permit, conduct or supervise upon
11 any race track ground the pari-mutuel method of wagering except
12 in accordance with the provisions of this Act.

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

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

16 (230 ILCS 5/56 new)

17 Sec. 56. Electronic gaming.

18 (a) An organization licensee may apply to the Gaming Board
19 for an electronic gaming license. An electronic gaming license
20 shall authorize its holder to conduct electronic gaming on the
21 grounds of the licensee's race track. Each license shall
22 specify the number of slot machines that its holder may
23 operate. An electronic gaming licensee may not permit persons
24 under 21 years of age to be present in its electronic gaming
25 facility, but the licensee may accept wagers on live racing and

1 inter-track wagers at its electronic gaming facility.

2 (b) Wagering taxes on adjusted gross receipts received by
3 an electronic gaming licensee shall be calculated using the
4 same graduated scale contained in Section 13 of the Riverboat
5 Gambling Act.

6 (c) The purse equity account of an organization licensee
7 holding an electronic gaming license shall be funded for the
8 first 10 years of electronic gaming as follows:

9 For an electronic gaming licensee that expends in
10 excess of \$100 million building a new electronic gaming
11 facility, purse equity accounts shall be paid at the
12 following rates:

13 12% of annual adjusted gross receipts up to and
14 including \$50,000,000;

15 15% of annual adjusted gross receipts in excess of
16 \$50,000,000 but not exceeding \$100,000,000;

17 18% of annual adjusted gross receipts in excess of
18 \$100,000,000 but not exceeding \$150,000,000; and

19 21% of annual adjusted gross receipts in excess of
20 \$150,000,000.

21 For an electronic gaming licensee that expends \$100
22 million or less building a new electronic gaming facility
23 or retrofitting their existing racetrack facility for
24 electronic gaming, purse equity accounts shall be paid at
25 the following rates:

26 18% of annual adjusted gross receipts up to and

1 including \$50,000,000;
2 21% of annual adjusted gross receipts in excess of
3 \$50,000,000 but not exceeding \$100,000,000;
4 24% of annual adjusted gross receipts in excess of
5 \$100,000,000 but not exceeding \$150,000,000; and
6 27% of annual adjusted gross receipts in excess of
7 \$150,000,000.

8 (d) After 10 years of electronic gaming, the purse equity
9 account of an organization licensee holding an electronic
10 gaming license shall be funded as follows:

11 18% of annual adjusted gross receipts up to and
12 including \$50,000,000;
13 21% of annual adjusted gross receipts in excess of
14 \$50,000,000 but not exceeding \$100,000,000;
15 24% of annual adjusted gross receipts in excess of
16 \$100,000,000 but not exceeding \$150,000,000; and
17 27% of annual adjusted gross receipts in excess of
18 \$150,000,000.

19 (e) The adjusted gross receipts remaining after the payment
20 of taxes and purses may be retained by the electronic gaming
21 licensee and shall be used solely for the purpose of improving
22 horse racing in this State. The Illinois Racing Board shall
23 issue rules outlining acceptable expenditures for improving
24 racing.

25 (f) Annually, from the purse equity account of an
26 organization licensee racing thoroughbred horses, an amount

1 equal to 12.5% of the electronic gaming receipts placed into
2 that purse account shall be paid to the Illinois Thoroughbred
3 Breeders Fund.

4 (g) Annually, from the purse equity account of an
5 organization licensee racing standardbred horses, an amount
6 equal to 12.5% of the electronic gaming receipts placed into
7 that purse account shall be paid to the Illinois Standardbred
8 Breeders Fund.

9 (h) Should an organization licensee race both thoroughbred
10 and standardbred horses at their racing facility, the amount
11 distributed to the respective breeder fund accounts will paid
12 pro rata based on the number of racing days each breed raced at
13 the facility in the preceding calendar year.

14 (i) Annually, from the purse equity account of an
15 organization licensee, an amount equal to 0.5% of the
16 electronic gaming receipts placed into that purse account shall
17 be paid to Illinois universities offering race horse breeding
18 programs. Should no such programs exist, funds from this
19 subsection (i) shall be added to the payments described in
20 subsection (j) of this Section.

21 (j) Annually, from the purse equity account of an
22 organization licensee, an amount equal to 2% of the electronic
23 gaming receipts placed into that purse account shall be used to
24 subsidize healthcare insurance premiums and healthcare
25 services for racing industry workers.

1 Section 10. The Riverboat Gambling Act is amended by
2 changing Sections 3, 4, 5, 8, 9, 11, 11.1, 13, 14, 18, 19, and
3 20 and by adding Section 7.6 as follows:

4 (230 ILCS 10/3) (from Ch. 120, par. 2403)

5 Sec. 3. ~~Riverboat~~ Gambling Authorized.

6 (a) Riverboat gambling operations and electronic gaming
7 operations ~~and the system of wagering incorporated therein~~, as
8 defined in this Act, are hereby authorized to the extent that
9 they are carried out in accordance with the provisions of this
10 Act.

11 (b) This Act does not apply to the pari-mutuel system of
12 wagering used or intended to be used in connection with the
13 horse-race meetings as authorized under the Illinois Horse
14 Racing Act of 1975, lottery games authorized under the Illinois
15 Lottery Law, bingo authorized under the Bingo License and Tax
16 Act, charitable games authorized under the Charitable Games Act
17 or pull tabs and jar games conducted under the Illinois Pull
18 Tabs and Jar Games Act. This Act does apply to electronic
19 gaming authorized under the Illinois Horse Racing Act of 1975
20 to the extent provided in that Act and in this Act.

21 (c) Riverboat gambling conducted pursuant to this Act may
22 be authorized upon any water within the State of Illinois or
23 any water other than Lake Michigan which constitutes a boundary
24 of the State of Illinois. A licensee may conduct riverboat
25 gambling authorized under this Act regardless of whether it

1 conducts excursion cruises. A licensee may permit the
2 continuous ingress and egress of passengers for the purpose of
3 gambling.

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

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

8 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

11 ~~(b)~~ "Occupational license" means a license issued by the
12 Board to a person or entity to perform an occupation which the
13 Board has identified as requiring a license to engage in
14 riverboat gambling in Illinois.

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

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

1 ~~(e)~~ "Managers license" means a license issued by the Board
2 to a person or entity to manage gambling operations conducted
3 by the State pursuant to Section 7.3.

4 ~~(f)~~ "Dock" means the location where a riverboat moors for
5 the purpose of embarking passengers for and disembarking
6 passengers from the riverboat.

7 ~~(g)~~ "Gross receipts" means the total amount of money
8 exchanged for the purchase of chips, tokens or electronic cards
9 by riverboat patrons or electronic gaming operation patrons.

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

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

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

16 ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~
17 gambling games authorized under this Act on ~~upon~~ a riverboat or
18 authorized under this Act and the Illinois Horse Racing Act of
19 1975 at an electronic gaming facility.

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

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

26 "Owners license" means a license to conduct riverboat

1 gambling operations, but does not include an electronic gaming
2 license.

3 "Licensed owner" means a person who holds an owners
4 license.

5 "Electronic gaming license" means a license issued by the
6 Board under Section 7.4 of this Act authorizing electronic
7 gaming at an electronic gaming facility.

8 "Electronic gaming" means the conduct of gambling using
9 slot machines at a race track licensed under the Illinois Horse
10 Racing Act of 1975 pursuant to the Illinois Horse Racing Act of
11 1975 and this Act.

12 "Electronic gaming facility" means the area where the Board
13 has authorized limited gaming at a race track of an
14 organization licensee under the Illinois Horse Racing Act of
15 1975 that holds an electronic gaming license.

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

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

20 (230 ILCS 10/5) (from Ch. 120, par. 2405)

21 Sec. 5. Gaming Board.

22 (a) (1) There is hereby established within the Department
23 of Revenue an Illinois Gaming Board which shall have the powers
24 and duties specified in this Act, and all other powers
25 necessary and proper to fully and effectively execute this Act

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

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

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

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

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

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

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

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

20 (8) Upon the request of the Board, the Department shall
21 employ such personnel as may be necessary to carry out the
22 functions of the Board. No person shall be employed to serve
23 the Board who is, or whose spouse, parent or child is, an
24 official of, or has a financial interest in or financial
25 relation with, any operator engaged in gambling operations
26 within this State or any organization engaged in conducting

1 horse racing within this State. Any employee violating these
2 prohibitions shall be subject to termination of employment.

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

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

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

1 business day following the date of such mailing. The Board
2 shall conduct all requested hearings promptly and in
3 reasonable order;

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

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

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

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

23 (6) To be present through its inspectors and agents any
24 time gambling operations are conducted on any riverboat or
25 at any electronic gaming facility for the purpose of
26 certifying the revenue thereof, receiving complaints from

1 the public, and conducting such other investigations into
2 the conduct of the gambling games and the maintenance of
3 the equipment as from time to time the Board may deem
4 necessary and proper;

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

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

1 Board, one of the Board members or an administrative law
2 judge designated by the Board may conduct any hearing
3 provided for under this Act or by Board rule and may
4 recommend findings and decisions to the Board. The Board
5 member or administrative law judge conducting such hearing
6 shall have all powers and rights granted to the Board in
7 this Act. The record made at the time of the hearing shall
8 be reviewed by the Board, or a majority thereof, and the
9 findings and decision of the majority of the Board shall
10 constitute the order of the Board in such case;

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

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

22 (11) (Blank);

23 (12) To assume responsibility for the administration
24 and enforcement of the Bingo License and Tax Act, the
25 Charitable Games Act, and the Pull Tabs and Jar Games Act
26 if such responsibility is delegated to it by the Director

1 of Revenue; ~~and~~

2 (13) To assume responsibility for administration and
3 enforcement of the Video Gaming Act; ~~and~~

4 (14) To assume responsibility for the administration
5 and enforcement of operations at electronic gaming
6 facilities pursuant to this Act and the Illinois Horse
7 Racing Act of 1975.

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

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

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

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

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

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

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

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

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

25 (8) To require that the records, including financial or
26 other statements of any licensee under this Act, shall be

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

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

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

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

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

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

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

1 (14) (Blank).

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

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

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

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

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

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

13 (20) To delegate the execution of any of its powers
14 under this Act for the purpose of administering and
15 enforcing this Act and its rules and regulations hereunder.

16 (20.6) To appoint investigators to conduct
17 investigations, searches, seizures, arrests, and other
18 duties imposed under this Act, as deemed necessary by the
19 Board. These investigators have and may exercise all of the
20 rights and powers of peace officers, provided that these
21 powers shall be limited to offenses or violations occurring
22 or committed on a riverboat or dock, as defined in
23 subsections (d) and (f) of Section 4, or as otherwise
24 provided by this Act or any other law.

25 (20.7) To contract with the Department of State Police
26 for the use of trained and qualified State police officers

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

16 (21) To make rules concerning the conduct of electronic
17 gaming.

18 (22) ~~(21)~~ To take any other action as may be reasonable
19 or appropriate to enforce this Act and rules and
20 regulations hereunder.

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

1 of Section 2605-400 of the Department of State Police Law (20
2 ILCS 2605/2605-400).

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

9 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; revised
10 8-20-09.)

11 (230 ILCS 10/7.6 new)

12 Sec. 7.6. Electronic gaming.

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

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

25 The General Assembly finds that in order to promote live

1 horse racing as a spectator sport in Illinois and the
2 agricultural economy of this State, it is necessary to allow
3 electronic gaming at Illinois race tracks, and that moneys
4 generated from electronic gaming shall be used solely for the
5 purposes of improving horseracing in this State and for
6 increasing revenues to this State.

7 (b) Because organization licensees are already licensed to
8 conduct gambling operations in this State, the Illinois Gaming
9 Board shall award one electronic gaming license on a temporary
10 basis, effective upon this Section becoming law, to each
11 organization licensee under the Illinois Horse Racing Act of
12 1975. The electronic gaming license shall authorize its holder
13 to conduct electronic gaming at its electronic gaming facility
14 until such time that the Illinois Gaming Board can complete the
15 licensing procedures contained in this Act.

16 (c) To be eligible to conduct electronic gaming, an
17 organization licensee must (i) obtain an electronic gaming
18 license, (ii) hold an organization license under the Illinois
19 Horse Racing Act of 1975, (iii) have conducted at least 100
20 days of live racing in the preceding 2 calendar years prior to
21 licensure, and conduct at least 100 days of live horse racing
22 annually after licensure; (iv) pay an initial license fee of
23 \$10,000 for racetracks in Cook County and \$5,000 for racetracks
24 outside Cook County for each gaming position awarded for
25 electronic gaming, and pay an additional fee of \$30,000 for
26 racetracks in Cook County and \$15,000 for racetracks outside

1 Cook County for each gaming position within 48 months after the
2 authorization to conduct electronic gaming; (v) submit
3 quarterly, detailed profit and loss statements to the Board and
4 the Illinois Racing Board, which shall be made available to the
5 public, for both their electronic gaming operations as well as
6 their racing operations; and (vi) meet all other requirements
7 of this Act that apply to owners licensees.

8 (d) Each organization licensee granted an electronic
9 gaming license by the Board may operate up to 1,200 gaming
10 positions at their electronic gaming facility, for up to 22
11 hours per day. Should the Board find any organization licensee
12 unfit to retain an electronic gaming license, the electronic
13 gaming facility of that organization licensee may be operated
14 by the State, or by another organization licensee with an
15 electronic gaming license, until such time that the
16 organization licensee satisfies the requirements of the Board
17 to return to the conduct of electronic gaming.

18 (e) Organization licensees awarded electronic gaming
19 licenses who have more than 50% common ownership are prohibited
20 from transferring electronic gaming devices between their
21 commonly owned electronic gaming facilities, unless that
22 transfer would result in increased revenues to the State. In no
23 event will the transfer of more than 75% of the gaming devices
24 be permitted.

25 (f) An electronic gaming licensee may conduct electronic
26 gaming at a temporary facility pending the construction of a

1 permanent facility or the remodeling of an existing facility to
2 accommodate electronic gaming participants for up to 12 months
3 after receiving an electronic gaming license. The Board shall
4 make rules concerning the conduct of electronic gaming from
5 temporary facilities.

6 (230 ILCS 10/8) (from Ch. 120, par. 2408)

7 Sec. 8. Suppliers licenses.

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

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

18 (c) Gambling supplies and equipment may not be distributed
19 unless supplies and equipment conform to standards adopted by
20 rules of the Board.

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

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

25 (2) the person has been convicted of any violation of

1 Article 28 of the Criminal Code of 1961, or substantially
2 similar laws of any other jurisdiction;

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

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

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

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

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

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

1 permanently affix its name to all its equipment, devices, and
2 supplies for gambling operations. Any supplier's equipment,
3 devices or supplies which are used by any person in an
4 unauthorized gambling operation shall be forfeited to the
5 State. A holder of an owners license or an electronic gaming
6 license ~~licensed owner~~ may own its own equipment, devices and
7 supplies. Each holder of an owners license or an electronic
8 gaming license under the Act shall file an annual report
9 listing its inventories of gambling equipment, devices and
10 supplies.

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

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

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

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

21 Sec. 9. Occupational licenses.

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

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

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

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

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

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

24 (b) Each application for an occupational license shall be
25 on forms prescribed by the Board and shall contain all
26 information required by the Board. The applicant shall set

1 forth in the application: whether he has been issued prior
2 gambling related licenses; whether he has been licensed in any
3 other state under any other name, and, if so, such name and his
4 age; and whether or not a permit or license issued to him in
5 any other state has been suspended, restricted or revoked, and,
6 if so, for what period of time.

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

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

22 (e) The Board may suspend, revoke or restrict any
23 occupational licensee: (1) for violation of any provision of
24 this Act; (2) for violation of any of the rules and regulations
25 of the Board; (3) for any cause which, if known to the Board,
26 would have disqualified the applicant from receiving such

1 license; or (4) for default in the payment of any obligation or
2 debt due to the State of Illinois; or (5) for any other just
3 cause.

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

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

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

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

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

21 (230 ILCS 10/11) (from Ch. 120, par. 2411)

22 Sec. 11. Conduct of gambling. Gambling may be conducted by
23 licensed owners or licensed managers on behalf of the State
24 aboard riverboats. Gambling may be conducted by electronic
25 gaming licensees at limited gaming facilities. Gambling

1 authorized under this Section shall be subject to the
2 following standards:

3 (1) A licensee may conduct riverboat gambling
4 authorized under this Act regardless of whether it conducts
5 excursion cruises. A licensee may permit the continuous
6 ingress and egress of passengers for the purpose of
7 gambling.

8 (2) (Blank).

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

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

19 (5) Employees of the Board shall have the right to be
20 present on the riverboat or on adjacent facilities under
21 the control of the licensee and at the electronic gaming
22 facility under the control of the electronic gaming
23 licensee.

24 (6) Gambling equipment and supplies customarily used
25 in conducting riverboat gambling or electronic gaming must
26 be purchased or leased only from suppliers licensed for

1 such purpose under this Act.

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

5 (8) Wagers may be received only from a person present
6 on a licensed riverboat or at an electronic gaming
7 facility. No person present on a licensed riverboat or at
8 an electronic gaming facility shall place or attempt to
9 place a wager on behalf of another person who is not
10 present on the riverboat or at the electronic gaming
11 facility.

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

14 (10) A person under age 21 shall not be permitted on an
15 area of a riverboat where gambling is being conducted or at
16 an electronic gaming facility where gambling is conducted,
17 except for a person at least 18 years of age who is an
18 employee of the riverboat gambling operation or electronic
19 gaming operation. No employee under age 21 shall perform
20 any function involved in gambling by the patrons. No person
21 under age 21 shall be permitted to make a wager under this
22 Act.

23 (11) Gambling excursion cruises are permitted only
24 when the waterway for which the riverboat is licensed is
25 navigable, as determined by the Board in consultation with
26 the U.S. Army Corps of Engineers. This paragraph (11) does

1 not limit the ability of a licensee to conduct gambling
2 authorized under this Act when gambling excursion cruises
3 are not permitted.

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

17 (13) Notwithstanding any other Section of this Act, in
18 addition to the other licenses authorized under this Act,
19 the Board may issue special event licenses allowing persons
20 who are not otherwise licensed to conduct riverboat
21 gambling to conduct such gambling on a specified date or
22 series of dates. Riverboat gambling under such a license
23 may take place on a riverboat not normally used for
24 riverboat gambling. The Board shall establish standards,
25 fees and fines for, and limitations upon, such licenses,
26 which may differ from the standards, fees, fines and

1 limitations otherwise applicable under this Act. All such
2 fees shall be deposited into the State Gaming Fund. All
3 such fines shall be deposited into the Education Assistance
4 Fund, created by Public Act 86-0018, of the State of
5 Illinois.

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

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

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

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

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

21 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

23 (a) Until January 1, 1998, a tax is imposed on the adjusted
24 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) ~~From Beginning on~~ the first day on which the tax
24 imposed under subsection (a-3) is no longer imposed until the
25 effective date of this amendatory Act of the 96th General
26 Assembly, a privilege tax is imposed on persons engaged in the

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

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

8 22.5% of annual adjusted gross receipts in excess of
9 \$25,000,000 but not exceeding \$50,000,000;

10 27.5% of annual adjusted gross receipts in excess of
11 \$50,000,000 but not exceeding \$75,000,000;

12 32.5% of annual adjusted gross receipts in excess of
13 \$75,000,000 but not exceeding \$100,000,000;

14 37.5% of annual adjusted gross receipts in excess of
15 \$100,000,000 but not exceeding \$150,000,000;

16 45% of annual adjusted gross receipts in excess of
17 \$150,000,000 but not exceeding \$200,000,000;

18 50% of annual adjusted gross receipts in excess of
19 \$200,000,000.

20 (a-5) Beginning on the effective date of this amendatory
21 Act of the 96th General Assembly, a privilege tax is imposed on
22 persons engaged in the business of conducting riverboat
23 gambling operations, based on the adjusted gross receipts
24 received by a licensed owner from gambling games authorized
25 under this Act, and on persons conducting electronic gaming,
26 based on the adjusted gross receipts received by an electronic

1 gaming licensee from electronic gambling, at the following
2 rates:

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

5 20% of annual adjusted gross receipts in excess of
6 \$25,000,000 but not exceeding \$50,000,000;

7 25% of annual adjusted gross receipts in excess of
8 \$50,000,000 but not exceeding \$75,000,000;

9 30% of annual adjusted gross receipts in excess of
10 \$75,000,000 but not exceeding \$100,000,000;

11 35% of annual adjusted gross receipts in excess of
12 \$100,000,000 but not exceeding \$400,000,000;

13 40% of annual adjusted gross receipts in excess of
14 \$400,000,000 but not exceeding \$450,000,000;

15 45% of annual adjusted gross receipts in excess of
16 \$450,000,000 but not exceeding \$500,000,000;

17 50% of annual adjusted gross receipts in excess of
18 \$500,000,000.

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

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

26 (a-15) If the privilege tax imposed under subsection (a-3)

1 is no longer imposed pursuant to item (i) of the last paragraph
2 of subsection (a-3), then by June 15 of each year, each owners
3 licensee, other than an owners licensee that admitted 1,000,000
4 persons or fewer in calendar year 2004, must, in addition to
5 the payment of all amounts otherwise due under this Section,
6 pay to the Board a reconciliation payment in the amount, if
7 any, by which the licensed owner's base amount exceeds the
8 amount of net privilege tax paid by the licensed owner to the
9 Board in the then current State fiscal year. A licensed owner's
10 net privilege tax obligation due for the balance of the State
11 fiscal year shall be reduced up to the total of the amount paid
12 by the licensed owner in its June 15 reconciliation payment.
13 The obligation imposed by this subsection (a-15) is binding on
14 any person, firm, corporation, or other entity that acquires an
15 ownership interest in any such owners license. The obligation
16 imposed under this subsection (a-15) terminates on the earliest
17 of: (i) July 1, 2007, (ii) the first day after the effective
18 date of this amendatory Act of the 94th General Assembly that
19 riverboat gambling operations are conducted pursuant to a
20 dormant license, (iii) the first day that riverboat gambling
21 operations are conducted under the authority of an owners
22 license that is in addition to the 10 owners licenses initially
23 authorized under this Act, or (iv) the first day that a
24 licensee under the Illinois Horse Racing Act of 1975 conducts
25 gaming operations with slot machines or other electronic gaming
26 devices. The Board must reduce the obligation imposed under

1 this subsection (a-15) by an amount the Board deems reasonable
2 for any of the following reasons: (A) an act or acts of God,
3 (B) an act of bioterrorism or terrorism or a bioterrorism or
4 terrorism threat that was investigated by a law enforcement
5 agency, or (C) a condition beyond the control of the owners
6 licensee that does not result from any act or omission by the
7 owners licensee or any of its agents and that poses a hazardous
8 threat to the health and safety of patrons. If an owners
9 licensee pays an amount in excess of its liability under this
10 Section, the Board shall apply the overpayment to future
11 payments required under this Section.

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

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

17 "Base amount" means the following:

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

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

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

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

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

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

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

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

26 "Dormant license" has the meaning ascribed to it in

1 subsection (a-3).

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

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

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

1 designated as the home dock of the riverboat upon which those
2 riverboat gambling operations are conducted.

3 (c) Appropriations, as approved by the General Assembly,
4 may be made from the State Gaming Fund to the Department of
5 Revenue and the Department of State Police for the
6 administration and enforcement of this Act and the Video Gaming
7 Act, or to the Department of Human Services for the
8 administration of programs to treat problem gambling.

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

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

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

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

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

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

1 comes first, shall be paid from the State Gaming Fund to
2 Chicago State University.

3 (d) From time to time, the Board shall transfer the
4 remainder of the funds generated by this Act into the Education
5 Assistance Fund, created by Public Act 86-0018, of the State of
6 Illinois.

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

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

18 (Source: P.A. 95-331, eff. 8-21-07; 95-1008, eff. 12-15-08;
19 96-37, eff. 7-13-09.)

20 (230 ILCS 10/14) (from Ch. 120, par. 2414)

21 Sec. 14. Licensees - Records - Reports - Supervision.

22 (a) ~~A~~ Licensed owners and electronic gaming licensees ~~owner~~
23 shall keep their ~~his~~ books and records so as to clearly show
24 the following:

25 (1) The amount received daily from admission fees.

1 (2) The total amount of gross receipts.

2 (3) The total amount of the adjusted gross receipts.

3 (b) ~~The~~ Licensed owners and electronic gaming licensees
4 ~~owner~~ shall furnish to the Board reports and information as the
5 Board may require with respect to its activities on forms
6 designed and supplied for such purpose by the Board.

7 (c) The books and records kept by a licensed owner or
8 electronic gaming licensee as provided by this Section are
9 public records and the examination, publication, and
10 dissemination of the books and records are governed by the
11 provisions of The Freedom of Information Act.

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

13 (230 ILCS 10/18) (from Ch. 120, par. 2418)

14 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

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

24 or

25 (2) violating paragraph (12) of subsection (a) of

1 Section 11 of this Act.

2 (c) A person wagering or accepting a wager at any location
3 outside the riverboat electronic gaming facility in violation
4 of paragraph ~~is subject to the penalties in paragraphs~~ (1) or
5 (2) of subsection (a) of Section 28-1 of the Criminal Code of
6 1961 is subject to the penalties provided in that Section.

7 (d) A person commits a Class 4 felony and, in addition,
8 shall be barred for life from gambling operations ~~riverboats~~
9 under the jurisdiction of the Board, if the person does any of
10 the following:

11 (1) Offers, promises, or gives anything of value or
12 benefit to a person who is connected with a riverboat owner
13 or electronic gaming licensee including, but not limited
14 to, an officer or employee of a licensed owner or
15 electronic gaming licensee or holder of an occupational
16 license pursuant to an agreement or arrangement or with the
17 intent that the promise or thing of value or benefit will
18 influence the actions of the person to whom the offer,
19 promise, or gift was made in order to affect or attempt to
20 affect the outcome of a gambling game, or to influence
21 official action of a member of the Board.

22 (2) Solicits or knowingly accepts or receives a promise
23 of anything of value or benefit while the person is
24 connected with a riverboat or electronic gaming facility,
25 including, but not limited to, an officer or employee of a
26 licensed owner or electronic gaming licensee, or the holder

1 of an occupational license, pursuant to an understanding or
2 arrangement or with the intent that the promise or thing of
3 value or benefit will influence the actions of the person
4 to affect or attempt to affect the outcome of a gambling
5 game, or to influence official action of a member of the
6 Board.

7 (3) Uses or possesses with the intent to use a device
8 to assist:

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

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

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

13 (iv) In analyzing the strategy for playing or
14 betting to be used in the game except as permitted by
15 the Board.

16 (4) Cheats at a gambling game.

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

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

23 (7) Places a bet after acquiring knowledge, not
24 available to all players, of the outcome of the gambling
25 game which is subject of the bet or to aid a person in
26 acquiring the knowledge for the purpose of placing a bet

1 contingent on that outcome.

2 (8) Claims, collects, or takes, or attempts to claim,
3 collect, or take, money or anything of value in or from the
4 gambling games, with intent to defraud, without having made
5 a wager contingent on winning a gambling game, or claims,
6 collects, or takes an amount of money or thing of value of
7 greater value than the amount won.

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

10 (10) Possesses any key or device designed for the
11 purpose of opening, entering, or affecting the operation of
12 a gambling game, drop box, or an electronic or mechanical
13 device connected with the gambling game or for removing
14 coins, tokens, chips or other contents of a gambling game.
15 This paragraph (10) does not apply to a gambling licensee
16 or employee of a gambling licensee acting in furtherance of
17 the employee's employment.

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

22 An action to prosecute any crime occurring on a riverboat
23 shall be tried in the county of the dock at which the riverboat
24 is based.

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

1 (230 ILCS 10/19) (from Ch. 120, par. 2419)

2 Sec. 19. Forfeiture of property.

3 (a) Except as provided in subsection (b), any riverboat or
4 electronic gaming facility used for the conduct of gambling
5 games in violation of this Act shall be considered a gambling
6 place in violation of Section 28-3 of the Criminal Code of
7 1961, as now or hereafter amended. Every gambling device found
8 on a riverboat or at an electronic gaming facility operating
9 gambling games in violation of this Act and every slot machine
10 found at an electronic gaming facility operating gambling games
11 in violation of this Act shall be subject to seizure,
12 confiscation and destruction as provided in Section 28-5 of the
13 Criminal Code of 1961, as now or hereafter amended.

14 (b) It is not a violation of this Act for a riverboat or
15 other watercraft which is licensed for gaming by a contiguous
16 state to dock on the shores of this State if the municipality
17 having jurisdiction of the shores, or the county in the case of
18 unincorporated areas, has granted permission for docking and no
19 gaming is conducted on the riverboat or other watercraft while
20 it is docked on the shores of this State. No gambling device
21 shall be subject to seizure, confiscation or destruction if the
22 gambling device is located on a riverboat or other watercraft
23 which is licensed for gaming by a contiguous state and which is
24 docked on the shores of this State if the municipality having
25 jurisdiction of the shores, or the county in the case of
26 unincorporated areas, has granted permission for docking and no

1 gaming is conducted on the riverboat or other watercraft while
2 it is docked on the shores of this State.

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

4 (230 ILCS 10/20) (from Ch. 120, par. 2420)

5 Sec. 20. Prohibited activities - civil penalties. Any
6 person who conducts a gambling operation without first
7 obtaining a license to do so, or who continues to conduct such
8 games after revocation of his license, or any licensee who
9 conducts or allows to be conducted any unauthorized gambling
10 games on a riverboat or at an electronic gaming facility where
11 it is authorized to conduct its ~~riverboat~~ gambling operation,
12 in addition to other penalties provided, shall be subject to a
13 civil penalty equal to the amount of gross receipts derived
14 from wagering on the gambling games, whether unauthorized or
15 authorized, conducted on that day as well as confiscation and
16 forfeiture of all gambling game equipment used in the conduct
17 of unauthorized gambling games.

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

19 Section 15. The Criminal Code of 1961 is amended by
20 changing Sections 28-1, 28-1.1, 28-5, and 28-7 as follows:

21 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

22 Sec. 28-1. Gambling.

23 (a) A person commits gambling when he:

1 (1) Plays a game of chance or skill for money or other
2 thing of value, unless excepted in subsection (b) of this
3 Section; or

4 (2) Makes a wager upon the result of any game, contest,
5 or any political nomination, appointment or election; or

6 (3) Operates, keeps, owns, uses, purchases, exhibits,
7 rents, sells, bargains for the sale or lease of,
8 manufactures or distributes any gambling device; or

9 (4) Contracts to have or give himself or another the
10 option to buy or sell, or contracts to buy or sell, at a
11 future time, any grain or other commodity whatsoever, or
12 any stock or security of any company, where it is at the
13 time of making such contract intended by both parties
14 thereto that the contract to buy or sell, or the option,
15 whenever exercised, or the contract resulting therefrom,
16 shall be settled, not by the receipt or delivery of such
17 property, but by the payment only of differences in prices
18 thereof; however, the issuance, purchase, sale, exercise,
19 endorsement or guarantee, by or through a person registered
20 with the Secretary of State pursuant to Section 8 of the
21 Illinois Securities Law of 1953, or by or through a person
22 exempt from such registration under said Section 8, of a
23 put, call, or other option to buy or sell securities which
24 have been registered with the Secretary of State or which
25 are exempt from such registration under Section 3 of the
26 Illinois Securities Law of 1953 is not gambling within the

1 meaning of this paragraph (4); or

2 (5) Knowingly owns or possesses any book, instrument or
3 apparatus by means of which bets or wagers have been, or
4 are, recorded or registered, or knowingly possesses any
5 money which he has received in the course of a bet or
6 wager; or

7 (6) Sells pools upon the result of any game or contest
8 of skill or chance, political nomination, appointment or
9 election; or

10 (7) Sets up or promotes any lottery or sells, offers to
11 sell or transfers any ticket or share for any lottery; or

12 (8) Sets up or promotes any policy game or sells,
13 offers to sell or knowingly possesses or transfers any
14 policy ticket, slip, record, document or other similar
15 device; or

16 (9) Knowingly drafts, prints or publishes any lottery
17 ticket or share, or any policy ticket, slip, record,
18 document or similar device, except for such activity
19 related to lotteries, bingo games and raffles authorized by
20 and conducted in accordance with the laws of Illinois or
21 any other state or foreign government; or

22 (10) Knowingly advertises any lottery or policy game,
23 except for such activity related to lotteries, bingo games
24 and raffles authorized by and conducted in accordance with
25 the laws of Illinois or any other state; or

26 (11) Knowingly transmits information as to wagers,

1 betting odds, or changes in betting odds by telephone,
2 telegraph, radio, semaphore or similar means; or knowingly
3 installs or maintains equipment for the transmission or
4 receipt of such information; except that nothing in this
5 subdivision (11) prohibits transmission or receipt of such
6 information for use in news reporting of sporting events or
7 contests; or

8 (12) Knowingly establishes, maintains, or operates an
9 Internet site that permits a person to play a game of
10 chance or skill for money or other thing of value by means
11 of the Internet or to make a wager upon the result of any
12 game, contest, political nomination, appointment, or
13 election by means of the Internet. This item (12) does not
14 apply to activities referenced in items (6) and (6.1) of
15 subsection (b) of this Section.

16 (b) Participants in any of the following activities shall
17 not be convicted of gambling therefor:

18 (1) Agreements to compensate for loss caused by the
19 happening of chance including without limitation contracts
20 of indemnity or guaranty and life or health or accident
21 insurance.

22 (2) Offers of prizes, award or compensation to the
23 actual contestants in any bona fide contest for the
24 determination of skill, speed, strength or endurance or to
25 the owners of animals or vehicles entered in such contest.

26 (3) Pari-mutuel betting as authorized by the law of

1 this State.

2 (4) Manufacture of gambling devices, including the
3 acquisition of essential parts therefor and the assembly
4 thereof, for transportation in interstate or foreign
5 commerce to any place outside this State when such
6 transportation is not prohibited by any applicable Federal
7 law; or the manufacture, distribution, or possession of
8 video gaming terminals, as defined in the Video Gaming Act,
9 by manufacturers, distributors, and terminal operators
10 licensed to do so under the Video Gaming Act.

11 (5) The game commonly known as "bingo", when conducted
12 in accordance with the Bingo License and Tax Act.

13 (6) Lotteries when conducted by the State of Illinois
14 in accordance with the Illinois Lottery Law. This exemption
15 includes any activity conducted by the Department of
16 Revenue to sell lottery tickets pursuant to the provisions
17 of the Illinois Lottery Law and its rules.

18 (6.1) The purchase of lottery tickets through the
19 Internet for a lottery conducted by the State of Illinois
20 under the program established in Section 7.12 of the
21 Illinois Lottery Law.

22 (7) Possession of an antique slot machine that is
23 neither used nor intended to be used in the operation or
24 promotion of any unlawful gambling activity or enterprise.
25 For the purpose of this subparagraph (b)(7), an antique
26 slot machine is one manufactured 25 years ago or earlier.

1 (8) Raffles when conducted in accordance with the
2 Raffles Act.

3 (9) Charitable games when conducted in accordance with
4 the Charitable Games Act.

5 (10) Pull tabs and jar games when conducted under the
6 Illinois Pull Tabs and Jar Games Act.

7 (11) Gambling games ~~conducted on riverboats~~ when
8 authorized by the Riverboat Gambling Act.

9 (12) Video gaming terminal games at a licensed
10 establishment, licensed truck stop establishment, licensed
11 fraternal establishment, or licensed veterans
12 establishment when conducted in accordance with the Video
13 Gaming Act.

14 (c) Sentence.

15 Gambling under subsection (a)(1) or (a)(2) of this Section
16 is a Class A misdemeanor. Gambling under any of subsections
17 (a)(3) through (a)(11) of this Section is a Class A
18 misdemeanor. A second or subsequent conviction under any of
19 subsections (a)(3) through (a)(11), is a Class 4 felony.
20 Gambling under subsection (a)(12) of this Section is a Class A
21 misdemeanor. A second or subsequent conviction under
22 subsection (a)(12) is a Class 4 felony.

23 (d) Circumstantial evidence.

24 In prosecutions under subsection (a)(1) through (a)(12) of
25 this Section circumstantial evidence shall have the same
26 validity and weight as in any criminal prosecution.

1 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09.)

2 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

3 Sec. 28-1.1. Syndicated gambling.

4 (a) Declaration of Purpose. Recognizing the close
5 relationship between professional gambling and other organized
6 crime, it is declared to be the policy of the legislature to
7 restrain persons from engaging in the business of gambling for
8 profit in this State. This Section shall be liberally construed
9 and administered with a view to carrying out this policy.

10 (b) A person commits syndicated gambling when he operates a
11 "policy game" or engages in the business of bookmaking.

12 (c) A person "operates a policy game" when he knowingly
13 uses any premises or property for the purpose of receiving or
14 knowingly does receive from what is commonly called "policy":

15 (1) money from a person other than the better or player
16 whose bets or plays are represented by such money; or

17 (2) written "policy game" records, made or used over
18 any period of time, from a person other than the better or
19 player whose bets or plays are represented by such written
20 record.

21 (d) A person engages in bookmaking when he receives or
22 accepts more than five bets or wagers upon the result of any
23 trials or contests of skill, speed or power of endurance or
24 upon any lot, chance, casualty, unknown or contingent event
25 whatsoever, which bets or wagers shall be of such size that the

1 total of the amounts of money paid or promised to be paid to
2 such bookmaker on account thereof shall exceed \$2,000.
3 Bookmaking is the receiving or accepting of such bets or wagers
4 regardless of the form or manner in which the bookmaker records
5 them.

6 (e) Participants in any of the following activities shall
7 not be convicted of syndicated gambling:

8 (1) Agreements to compensate for loss caused by the
9 happening of chance including without limitation contracts
10 of indemnity or guaranty and life or health or accident
11 insurance; and

12 (2) Offers of prizes, award or compensation to the
13 actual contestants in any bona fide contest for the
14 determination of skill, speed, strength or endurance or to
15 the owners of animals or vehicles entered in such contest;
16 and

17 (3) Pari-mutuel betting as authorized by law of this
18 State; and

19 (4) Manufacture of gambling devices, including the
20 acquisition of essential parts therefor and the assembly
21 thereof, for transportation in interstate or foreign
22 commerce to any place outside this State when such
23 transportation is not prohibited by any applicable Federal
24 law; and

25 (5) Raffles when conducted in accordance with the
26 Raffles Act; and

1 (6) Gambling games conducted on riverboats at
2 electronic gaming facilities when authorized by the
3 Riverboat Gambling Act; and

4 (7) Video gaming terminal games at a licensed
5 establishment, licensed truck stop establishment, licensed
6 fraternal establishment, or licensed veterans
7 establishment when conducted in accordance with the Video
8 Gaming Act.

9 (f) Sentence. Syndicated gambling is a Class 3 felony.

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

11 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

12 Sec. 28-5. Seizure of gambling devices and gambling funds.

13 (a) Every device designed for gambling which is incapable
14 of lawful use or every device used unlawfully for gambling
15 shall be considered a "gambling device", and shall be subject
16 to seizure, confiscation and destruction by the Department of
17 State Police or by any municipal, or other local authority,
18 within whose jurisdiction the same may be found. As used in
19 this Section, a "gambling device" includes any slot machine,
20 and includes any machine or device constructed for the
21 reception of money or other thing of value and so constructed
22 as to return, or to cause someone to return, on chance to the
23 player thereof money, property or a right to receive money or
24 property. With the exception of any device designed for
25 gambling which is incapable of lawful use, no gambling device

1 shall be forfeited or destroyed unless an individual with a
2 property interest in said device knows of the unlawful use of
3 the device.

4 (b) Every gambling device shall be seized and forfeited to
5 the county wherein such seizure occurs. Any money or other
6 thing of value integrally related to acts of gambling shall be
7 seized and forfeited to the county wherein such seizure occurs.

8 (c) If, within 60 days after any seizure pursuant to
9 subparagraph (b) of this Section, a person having any property
10 interest in the seized property is charged with an offense, the
11 court which renders judgment upon such charge shall, within 30
12 days after such judgment, conduct a forfeiture hearing to
13 determine whether such property was a gambling device at the
14 time of seizure. Such hearing shall be commenced by a written
15 petition by the State, including material allegations of fact,
16 the name and address of every person determined by the State to
17 have any property interest in the seized property, a
18 representation that written notice of the date, time and place
19 of such hearing has been mailed to every such person by
20 certified mail at least 10 days before such date, and a request
21 for forfeiture. Every such person may appear as a party and
22 present evidence at such hearing. The quantum of proof required
23 shall be a preponderance of the evidence, and the burden of
24 proof shall be on the State. If the court determines that the
25 seized property was a gambling device at the time of seizure,
26 an order of forfeiture and disposition of the seized property

1 shall be entered: a gambling device shall be received by the
2 State's Attorney, who shall effect its destruction, except that
3 valuable parts thereof may be liquidated and the resultant
4 money shall be deposited in the general fund of the county
5 wherein such seizure occurred; money and other things of value
6 shall be received by the State's Attorney and, upon
7 liquidation, shall be deposited in the general fund of the
8 county wherein such seizure occurred. However, in the event
9 that a defendant raises the defense that the seized slot
10 machine is an antique slot machine described in subparagraph
11 (b) (7) of Section 28-1 of this Code and therefore he is exempt
12 from the charge of a gambling activity participant, the seized
13 antique slot machine shall not be destroyed or otherwise
14 altered until a final determination is made by the Court as to
15 whether it is such an antique slot machine. Upon a final
16 determination by the Court of this question in favor of the
17 defendant, such slot machine shall be immediately returned to
18 the defendant. Such order of forfeiture and disposition shall,
19 for the purposes of appeal, be a final order and judgment in a
20 civil proceeding.

21 (d) If a seizure pursuant to subparagraph (b) of this
22 Section is not followed by a charge pursuant to subparagraph
23 (c) of this Section, or if the prosecution of such charge is
24 permanently terminated or indefinitely discontinued without
25 any judgment of conviction or acquittal (1) the State's
26 Attorney shall commence an in rem proceeding for the forfeiture

1 and destruction of a gambling device, or for the forfeiture and
2 deposit in the general fund of the county of any seized money
3 or other things of value, or both, in the circuit court and (2)
4 any person having any property interest in such seized gambling
5 device, money or other thing of value may commence separate
6 civil proceedings in the manner provided by law.

7 (e) Any gambling device displayed for sale to a riverboat
8 gambling operation or electronic gaming facility or used to
9 train occupational licensees of a riverboat gambling operation
10 or electronic gaming facility as authorized under the Riverboat
11 Gambling Act is exempt from seizure under this Section.

12 (f) Any gambling equipment, devices and supplies provided
13 by a licensed supplier in accordance with the Riverboat
14 Gambling Act which are removed from a ~~the~~ riverboat or
15 electronic gaming facility for repair are exempt from seizure
16 under this Section.

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

18 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

19 Sec. 28-7. Gambling contracts void.

20 (a) All promises, notes, bills, bonds, covenants,
21 contracts, agreements, judgments, mortgages, or other
22 securities or conveyances made, given, granted, drawn, or
23 entered into, or executed by any person whatsoever, where the
24 whole or any part of the consideration thereof is for any money
25 or thing of value, won or obtained in violation of any Section

1 of this Article are null and void.

2 (b) Any obligation void under this Section may be set aside
3 and vacated by any court of competent jurisdiction, upon a
4 complaint filed for that purpose, by the person so granting,
5 giving, entering into, or executing the same, or by his
6 executors or administrators, or by any creditor, heir, legatee,
7 purchaser or other person interested therein; or if a judgment,
8 the same may be set aside on motion of any person stated above,
9 on due notice thereof given.

10 (c) No assignment of any obligation void under this Section
11 may in any manner affect the defense of the person giving,
12 granting, drawing, entering into or executing such obligation,
13 or the remedies of any person interested therein.

14 (d) This Section shall not prevent a licensed owner of a
15 riverboat gambling operation or an electronic gaming licensee
16 under the Riverboat Gambling Act and the Illinois Horse Racing
17 Act of 1975 from instituting a cause of action to collect any
18 amount due and owing under an extension of credit to a
19 ~~riverboat~~ gambling patron as authorized under Section 11.1 of
20 the Riverboat Gambling Act.

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.

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4	230 ILCS 5/3.25 new	
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6	230 ILCS 5/3.27 new	
7	230 ILCS 5/20	from Ch. 8, par. 37-20
8	230 ILCS 5/26	from Ch. 8, par. 37-26
9	230 ILCS 5/26.1	from Ch. 8, par. 37-26.1
10	230 ILCS 5/27	from Ch. 8, par. 37-27
11	230 ILCS 5/31	from Ch. 8, par. 37-31
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21	230 ILCS 10/11	from Ch. 120, par. 2411
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- 1 230 ILCS 10/19 from Ch. 120, par. 2419
- 2 230 ILCS 10/20 from Ch. 120, par. 2420
- 3 720 ILCS 5/28-1 from Ch. 38, par. 28-1
- 4 720 ILCS 5/28-1.1 from Ch. 38, par. 28-1.1
- 5 720 ILCS 5/28-5 from Ch. 38, par. 28-5
- 6 720 ILCS 5/28-7 from Ch. 38, par. 28-7