# 93RD GENERAL ASSEMBLY <br> State of Illinois 2003 and 2004 

HB4601

Introduced 02/04/04, by Lou Lang

## SYNOPSIS AS INTRODUCED:

| 230 ILCS $10 / 7$ | from Ch. 120, par. 2407 |
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| 230 ILCS 10/13 | from Ch. 120, par. 2413 |

30 ILCS 105/5.625 new

Amends the Riverboat Gambling Act. Decreases the wagering tax that is set to take effect beginning on the earliest of (i) July 1, 2005; (ii) the first date after June 20, 2003 that riverboat gambling operations are conducted pursuant to a dormant owners license, or (iii) the first date that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under the Act. Authorizes the issuance of 2 owners licenses that are in addition to the 10 licenses currently authorized under the Act. Provides that one of the new licenses shall authorize riverboat gambling from a home dock in a municipality with a population of at least 500,000 inhabitants and shall be issued to the governing body of that municipality. Provides that the municipality shall conduct an auction and grant the authority to operate riverboat gambling operations to the highest bidder. Provides that the other new licensee shall operate from a home dock in a specified portion of suburban Cook County. Increases the number of participants a licensee may admit from 1,200 to 2,000. Provides that the Gaming Board shall determine the number of persons that may be admitted into the facilities of the licensee authorized to operate from a home dock located in a municipality with at least 500,000 inhabitants, up to a limit of 4,000. Provides for a specialized revenue distribution for the riverboats that dock in suburban Cook County. Deletes provisions that pay moneys from the State Gaming Fund to the Horse Racing Equity Fund. Amends the State Finance Act to create the South Suburban Assistance Fund. Effective immediately.

AN ACT concerning gambling.

## Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Riverboat Gambling Act is amended by changing Sections 7 and 13 as follows:
(230 ILCS 10/7) (from Ch. 120, par. 2407)
Sec. 7. Owners Licenses.
(a) The Board shall issue owners licenses to persons, firms or corporations which apply for such licenses upon payment to the Board of the non-refundable license fee set by the Board, upon payment of a $\$ 25,000$ license fee for the first year of operation and a $\$ 5,000$ license fee for each succeeding year and upon a determination by the Board that the applicant is eligible for an owners license pursuant to this Act and the rules of the Board. A person, firm or corporation is ineligible to receive an owners license if:
(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;
(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or substantially similar laws of any other jurisdiction;
(3) the person has submitted an application for a
license under this Act which contains false information;
(4) the person is a member of the Board;
(5) a person defined in (1), (2), (3) or (4) is an officer, director or managerial employee of the firm or corporation;
(6) the firm or corporation employs a person defined in $(1),(2),(3)$ or (4) who participates in the management or operation of gambling operations authorized under this Act;
(7) (blank); or
(8) a license of the person, firm or corporation issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.
(b) In determining whether to grant an owners license to an applicant, the Board shall consider:
(1) the character, reputation, experience and financial integrity of the applicants and of any other or separate person that either:
(A) controls, directly or indirectly, such applicant, or
(B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;
(2) the facilities or proposed facilities for the conduct of riverboat gambling;
(3) the highest prospective total revenue to be derived by the State from the conduct of riverboat gambling;
(4) the extent to which the ownership of the applicant reflects the diversity of the State by including minority persons and females and the good faith affirmative action plan of each applicant to recruit, train and upgrade minority persons and females in all employment classifications
(5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;
(6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat;
(7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule; and
(8) The amount of the applicant's license bid.
(c) Each owners license shall specify the place where riverboats shall operate and dock.
(d) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints.
(e) In addition to any licenses authorized under subsections (e-5) and (e-10), The Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. The Board shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, or, with approval by the municipality in which the riverboat is docked on August 7, 2003, the effective date of this amendatory Act of the g3xd Asembly in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2), on August 7, 2003, the effective date of this amendatory Aet of the g3xd General Ansemblyr has a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act; $\boldsymbol{r}$ one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis. One other license shall authorize riverboat gambling on the Illinois River south of Marshall County. The Board shall issue one additional license to become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992. In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the state share in the economic benefits of riverboat gambling.

In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners
licenses, and shall inform each applicant of the Board's decision. Except for a license issued under subsection (e-5), The Board may grant an owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in this Section that favored the winning bidder.
(e-5) In addition to licenses authorized under subsections (e) and (e-10), the Board may issue one owners license authorizing the conduct of riverboat gambling operations from a home dock in a municipality with a population of more than 500,000 inhabitants. An owners license issued under this subsection (e-5) shall be issued only to the governing board of the municipality in which its home dock is located. No such license may be awarded to any other person or entity. If a license is issued to the governing board of a municipality pursuant to this subsection (e-5), that governing board shall conduct an auction and grant the opportunity to manage the riverboat gambling operations authorized by that license to the highest qualified bidder.
(e-10) In addition to licenses authorized under subsections (e) and (e-5), the Board may issue one owners license authorizing the conduct of riverboat gambling operations from a home dock located outside of the City of Chicago, but in Cook County and in one of the following townships: Bloom, Thornton, Rich, Orland, Calumet, Worth, Palos, Bremen, or Lemont Township.
(e-15) In addition to any other revocation powers granted to the Board under this Act, the Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board's approval of the application if the Board determines that license revocation is in the best interests of the State.
(f) The licent 10 licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment
thereon for a period of 3 years after the effective date of the license. Holders of the licenses must pay the annual license fee for each of the 3 years during which they are authorized to own riverboats.
(g) Upon the termination, expiration, or revocation of each owners license of the first 10 licenses which shall be issued for a 3 year period, all licenses are renewable annually upon payment of the fee and a determination by the Board that the licensee continues to meet all of the requirements of this Act and the Board's rules. However, for licenses renewed on or after May 1, 1998, renewal shall be for a period of 4 years, unless the Board sets a shorter period.
(h) An owners license shall entitle the licensee to own up to 2 riverboats. A licensee , other than a licensee that receives its owners license under subsection (e-5), shall limit the number of gambling participants to $2,0001,200$ for any such owners license. A licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on both riverboats does not exceed 2,000 1,200. Notwithstanding any provision in this subsection (h) to the contrary, a licensee that receives its owners license under subsection (e-5) shall limit the number of gambling participants to the number set by the Board, which may not exceed 4,000 participants at one time. In setting the number of participants that a licensee that receives its license under subsection (e-5) may admit, the Board shall consider the best interests of the riverboat gambling industry. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons. Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons.
(i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from the Board necessary for the operation of a riverboat, including a liquor license, a license to prepare and serve food for human
consumption, and other necessary licenses. All use, occupation and excise taxes which apply to the sale of food and beverages in this state and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat.
(j) The Board may issue or re-issue a license authorizing a riverboat to dock in a municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality. The Board may issue or re-issue a license authorizing a riverboat to dock in areas of a county outside any municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the county has by a majority vote approved of the docking of riverboats within such areas.
(Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; revised 1-27-04.)
(230 ILCS 10/13) (from Ch. 120, par. 2413)
Sec. 13. Wagering tax; rate; distribution.
(a) Until January 1, 1998, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this Act at the rate of $20 \%$.
(a-1) From January 1, 1998 until July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:
$15 \%$ of annual adjusted gross receipts up to and including \$25,000,000;
$20 \%$ of annual adjusted gross receipts in excess of \$25,000,000 but not exceeding \$50,000,000;
$25 \%$ of annual adjusted gross receipts in excess of \$50,000,000 but not exceeding \$75,000,000;

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

35\% of annual adjusted gross receipts in excess of $\$ 100,000,000$.
(a-2) From July 1, 2002 until July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:
$15 \%$ of annual adjusted gross receipts up to and including \$25,000,000;
22.5\% of annual adjusted gross receipts in excess of \$25,000,000 but not exceeding $\$ 50,000,000 ;$
$27.5 \%$ of annual adjusted gross receipts in excess of \$50,000,000 but not exceeding $\$ 75,000,000 ;$
32.5\% of annual adjusted gross receipts in excess of \$75,000,000 but not exceeding $\$ 100,000,000$;
37.5\% of annual adjusted gross receipts in excess of $\$ 100,000,000$ but not exceeding $\$ 150,000,000 ;$

45\% of annual adjusted gross receipts in excess of $\$ 150,000,000$ but not exceeding $\$ 200,000,000 ;$
$50 \%$ of annual adjusted gross receipts in excess of $\$ 200,000,000$.
(a-3) Beginning July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations,other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:
$15 \%$ of annual adjusted gross receipts up to and including \$25,000,000;
$27.5 \%$ of annual adjusted gross receipts in excess of \$25,000,000 but not exceeding $\$ 37,500,000 ;$
$32.5 \%$ of annual adjusted gross receipts in excess of $\$ 37,500,000$ but not exceeding $\$ 50,000,000$;
$37.5 \%$ of annual adjusted gross receipts in excess of $\$ 50,000,000$ but not exceeding $\$ 75,000,000$;
$45 \%$ of annual adjusted gross receipts in excess of $\$ 75,000,000$ but not exceeding $\$ 100,000,000 ;$
$50 \%$ of annual adjusted gross receipts in excess of $\$ 100,000,000$ but not exceeding $\$ 250,000,000 ;$
$70 \%$ of annual adjusted gross receipts in excess of $\$ 250,000,000$.

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

The privilege tax imposed under this subsection (a-3) shall no longer be imposed beginning on the earlier of (i) July 1, 2005; (ii) the first date after June 20, 2003 (he date of this amendatory Aet of the $93 x$ Genexal Assmbly that riverboat gambling operations are conducted pursuant to a dormant license; or (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act. For the purposes of this subsection (a-3), the term "dormant license" means an owners license that is authorized by this Act under which no riverboat gambling operations are being conducted on June 20, 2003 the date of this amendatory Aet of the 93 racencal Assembly.
(a-4) Beginning on the first day on which the tax imposed under subsection (a-3) is no longer imposed, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations,other than licensed managers conducting riverboat gambling operations on behalf of the State, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

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

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

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

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

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

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

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

15\% of annual adjusted gross receipts up to and including $\$ 25,000,000 ;$
$22.5 \%$ of annual adjusted gross receipts in exeess of $\$ 25,000,000$ but not execeding $\$ 50,000,000 ;$
$27.5 \%$ of annual adjusted gross receipts in exeess of $\$ 50,000,000$ but not exeeding $\$ 75,000,000 ;$
$32.5 \%$ of annual adjusted gross receipts in exeess of $\$ 75,000,000$ but not exeeding $\$ 100,000,000 ;$
37.5\% of annual adjusted gross receipts in exeess of $\$ 100,000,000$ but not exeeding $\$ 150,000,000 ;$

45\% of annul adjusted gross recipts in exeess of $\$ 150,000,000$ nut not exeding $\$ 200,000,000 ;$
$50 \%$ of annual adjusted gross reecipts in exeess of $\$ 200,000,000$.
(a-8) Riverboat gambling operations conducted by a licensed manager on behalf of the State are not subject to the tax imposed under this Section.
(a-10) The taxes imposed by this Section shall be paid by the licensed owner to the Board not later than 3:00 o'clock p.m. of the day after the day when the wagers were made.
(b) Until January 1, 1998, 25\% of the tax revenue deposited in the State Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home dock of the riverboat. Beginning January 1, 1998, from the tax revenue deposited in the State Gaming Fund under this Section, an amount equal to $5 \%$ of adjusted gross receipts generated by a riverboat, other than adjusted gross receipts generated by riverboat gambling operations authorized under subsection (e-10) of Section 7, shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat. From the tax revenue deposited in the State Gaming Fund pursuant to riverboat gambling operations conducted by a licensed manager on behalf of the State, an amount equal to 5\% of adjusted gross receipts generated pursuant to those riverboat gambling operations shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted.
(b-5) From the tax revenue deposited into the State Gaming Fund under this Section, payments shall be made, subject to appropriation by the General Assembly, as provided in this subsection (b-5).

An amount equal to $3 \%$ of the adjusted gross receipts generated by a riverboat authorized under subsection (e-10) of Section 7 shall be paid to the municipality in which the riverboat docks and to any other municipalities or townships that enter into an intergovernmental agreement with the municipality in which the riverboat docks to share that revenue and shall be divided according to the terms of that intergovernmental agreement.

An amount equal to $0.5 \%$ of the adjusted gross receipts generated by a riverboat authorized under subsection (e-10) of Section 7 shall be divided equally and paid to the townships enumerated in subsection (e-10) of Section 7.

> An amount equal to $1 \%$ of the adjusted gross receipts generated by a riverboat authorized under subsection (e-10) of Section 7 shall be divided among the school districts in the townships enumerated in subsection (e-10) of section 7 in inverse proportion to the per-student expenditures of each of those school districts.

An amount equal to $0.5 \%$ of the adjusted gross receipts generated by a riverboat authorized under subsection (e-10) of Section 7 shall be paid into the South Suburban Assistance Fund, which is hereby created in the state Treasury. The South Suburban Assistance Fund shall be administered by the Department of Commerce and Economic Opportunity, and moneys in the Fund shall be used to aid economically distressed communities in the townships enumerated in subsection (e-10) of Section 7.
(c) Appropriations, as approved by the General Assembly, may be made from the state Gaming Fund to the Department of Revenue and the Department of state Police for the administration and enforcement of this Act, or to the Department of Human Services for the administration of programs to treat problem gambling.
$(\mathrm{c}-5)$ (Blank). After the payments required under subsections (b) and (c) have been made, an amount equal to $15 \frac{0}{6}$ ef the adjusted gross receipts of (1) an ownexs licensee that relocates pursuant to section 11.2, (2) an ownexs license eonducting riverboat gambling operations pursuant to an owners İeense that is initially issued after June 25 , 1999, or (3) the first riverboat gambling operations eonducted by a licensed manager on behalf of the State under seetion 7.2, whichever eomes first, shall be paid from the state Gaming Fund into the Horse Racing Fquity Fund.
(c-10) (Blank). Each year the Genexal Assembly shall appropriate from the General Revenue Fund to the Fducation Assistance Fund an amount equal to the amount paid into the Horse Racing Equity Fund pursuant to subsection (e-5) in the priox calendar year.
(c-15) After the payments required under subsections (b), (c), and (c-5) have been made, an amount equal to $2 \%$ of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, other than a licensee that receives an owners license under subsection (e-5) or (e-10) of Section 7, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, other than a licensee that receives an owners license under subsection (e-5) or (e-10) of Section 7, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3 7.Z, other than a licensee that receives an owners license under subsection (e-5) or (e-10) of Section 7, whichever comes first, shall be paid, subject to appropriation from the General Assembly, from the State Gaming Fund to each home rule county with a population of over 3,000,000 inhabitants for the purpose of enhancing the county's criminal justice system.
(c-20) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid to each home rule county with a population of over 3,000,000 inhabitants pursuant to subsection (c-15) in the prior calendar year.
(c-25) After the payments required under subsections (b), (c), (c-5) and (c-15) have been made, an amount equal to $2 \%$ of the adjusted gross receipts of (1) an owners licensee license that relocates pursuant to Section 11.2, other than a licensee that receives an owners license under subsection (e-5) or (e-10) of Section 7, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, other than a licensee that receives an owners license under subsection (e-5) or (e-10) of Section 7, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3 7.2, other than a licensee that receives an owners license under subsection (e-5) or (e-10) of Section 7, whichever comes first, shall be paid from the State

Gaming Fund to Chicago State University.
(d) From time to time, the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.
(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue.
(f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, $5 c, 5 d, 5 e, 5 f, 5 g, 5 i, 5 j, 6,6 a, 6 b, 6 c, 8,9$, and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.
(Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; revised 1-28-04.)

Section 95. The State Finance Act is amended by adding Section 5.625 as follows:
(30 ILCS 105/5.625 new)
Sec. 5.625. The South Suburban Assistance Fund.

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

