



Rep. Jay C. Hoffman

Filed: 5/31/2005

09400SB0316ham002

LRB094 05315 AMC 47472 a

1 AMENDMENT TO SENATE BILL 316

2 AMENDMENT NO. _____. Amend Senate Bill 316, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Riverboat Gambling Act is amended by
6 changing Sections 12 and 13 as follows:

7 (230 ILCS 10/12) (from Ch. 120, par. 2412)

8 Sec. 12. Admission tax; fees.

9 (a) A tax is hereby imposed upon admissions to riverboats
10 operated by licensed owners authorized pursuant to this Act.
11 Until July 1, 2002, the rate is \$2 per person admitted. From
12 July 1, 2002 ~~and~~ until July 1, 2003, the rate is \$3 per person
13 admitted. From Beginning July 1, 2003 until the effective date
14 of this amendatory Act of the 94th General Assembly, for a
15 licensee that admitted 1,000,000 persons or fewer in the
16 previous calendar year, the rate is \$3 per person admitted; for
17 a licensee that admitted more than 1,000,000 but no more than
18 2,300,000 persons in the previous calendar year, the rate is \$4
19 per person admitted; and for a licensee that admitted more than
20 2,300,000 persons in the previous calendar year, the rate is \$5
21 per person admitted. Beginning on the effective date of this
22 amendatory Act of the 94th General Assembly, for a licensee
23 that admitted 1,000,000 persons or fewer in calendar year 2004,
24 the rate is \$2 per person admitted, and for all other licensees

1 ~~the rate is \$3 per person admitted. Beginning July 1, 2003, for~~
2 ~~a licensee that admitted 2,300,000 persons or fewer in the~~
3 ~~previous calendar year, the rate is \$4 per person admitted and~~
4 ~~for a licensee that admitted more than 2,300,000 persons in the~~
5 ~~previous calendar year, the rate is \$5 per person admitted.~~
6 This admission tax is imposed upon the licensed owner
7 conducting gambling.

8 (1) The admission tax shall be paid for each admission.

9 (2) (Blank).

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

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

18 (a-5) A fee is hereby imposed upon admissions operated by
19 licensed managers on behalf of the State pursuant to Section
20 7.3 at the rates provided in this subsection (a-5). For a
21 licensee that admitted 1,000,000 persons or fewer in the
22 previous calendar year, the rate is \$3 per person admitted; for
23 a licensee that admitted more than 1,000,000 but no more than
24 2,300,000 persons in the previous calendar year, the rate is \$4
25 per person admitted; and for a licensee that admitted more than
26 2,300,000 persons in the previous calendar year, the rate is \$5
27 per person admitted.

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

29 (2) (Blank).

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

33 (4) The number and issuance of fee-free passes is
34 subject to the rules of the Board, and a list of all

1 persons to whom the fee-free passes are issued shall be
2 filed with the Board.

3 (b) From the tax imposed under subsection (a) and the fee
4 imposed under subsection (a-5), a municipality shall receive
5 from the State \$1 for each person embarking on a riverboat
6 docked within the municipality, and a county shall receive \$1
7 for each person embarking on a riverboat docked within the
8 county but outside the boundaries of any municipality. The
9 municipality's or county's share shall be collected by the
10 Board on behalf of the State and remitted quarterly by the
11 State, subject to appropriation, to the treasurer of the unit
12 of local government for deposit in the general fund.

13 (c) The licensed owner shall pay the entire admission tax
14 to the Board and the licensed manager shall pay the entire
15 admission fee to the Board. Such payments shall be made daily.
16 Accompanying each payment shall be a return on forms provided
17 by the Board which shall include other information regarding
18 admissions as the Board may require. Failure to submit either
19 the payment or the return within the specified time may result
20 in suspension or revocation of the owners or managers license.

21 (d) The Board shall administer and collect the admission
22 tax imposed by this Section, to the extent practicable, in a
23 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
24 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the
25 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
26 Penalty and Interest Act.

27 (Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28,
28 eff. 6-20-03; revised 8-1-03.)

29 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

1 (a-1) From January 1, 1998 until July 1, 2002, a privilege
2 tax is imposed on persons engaged in the business of conducting
3 riverboat gambling operations, 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 20% of annual adjusted gross receipts in excess of
9 \$25,000,000 but not exceeding \$50,000,000;

10 25% of annual adjusted gross receipts in excess of
11 \$50,000,000 but not exceeding \$75,000,000;

12 30% of annual adjusted gross receipts in excess of
13 \$75,000,000 but not exceeding \$100,000,000;

14 35% of annual adjusted gross receipts in excess of
15 \$100,000,000.

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

23 15% of annual adjusted gross receipts up to and
24 including \$25,000,000;

25 22.5% of annual adjusted gross receipts in excess of
26 \$25,000,000 but not exceeding \$50,000,000;

27 27.5% of annual adjusted gross receipts in excess of
28 \$50,000,000 but not exceeding \$75,000,000;

29 32.5% of annual adjusted gross receipts in excess of
30 \$75,000,000 but not exceeding \$100,000,000;

31 37.5% of annual adjusted gross receipts in excess of
32 \$100,000,000 but not exceeding \$150,000,000;

33 45% of annual adjusted gross receipts in excess of
34 \$150,000,000 but not exceeding \$200,000,000;

1 50% of annual adjusted gross receipts in excess of
2 \$200,000,000.

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

10 15% of annual adjusted gross receipts up to and
11 including \$25,000,000;

12 27.5% of annual adjusted gross receipts in excess of
13 \$25,000,000 but not exceeding \$37,500,000;

14 32.5% of annual adjusted gross receipts in excess of
15 \$37,500,000 but not exceeding \$50,000,000;

16 37.5% of annual adjusted gross receipts in excess of
17 \$50,000,000 but not exceeding \$75,000,000;

18 45% of annual adjusted gross receipts in excess of
19 \$75,000,000 but not exceeding \$100,000,000;

20 50% of annual adjusted gross receipts in excess of
21 \$100,000,000 but not exceeding \$250,000,000;

22 70% of annual adjusted gross receipts in excess of
23 \$250,000,000.

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

29 The privilege tax imposed under this subsection (a-3) shall
30 no longer be imposed beginning on the earlier of (i) July 1,
31 2005; (ii) the first date after June 20, 2003 ~~the effective~~
32 ~~date of this amendatory Act of the 93rd General Assembly~~ that
33 riverboat gambling operations are conducted pursuant to a
34 dormant license; or (iii) the first day that riverboat gambling

1 operations are conducted under the authority of an owners
2 license that is in addition to the 10 owners licenses initially
3 authorized under this Act. For the purposes of this subsection
4 (a-3), the term "dormant license" means an owners license that
5 is authorized by this Act under which no riverboat gambling
6 operations are being conducted on June 20, 2003 ~~the effective~~
7 ~~date of this amendatory Act of the 93rd General Assembly.~~

8 (a-4) Beginning on the first day on which the tax imposed
9 under subsection (a-3) is no longer imposed, a privilege tax is
10 imposed on persons engaged in the business of conducting
11 riverboat gambling operations, other than licensed managers
12 conducting riverboat gambling operations on behalf of the
13 State, based on the adjusted gross receipts received by a
14 licensed owner from gambling games authorized under this Act at
15 the following rates:

16 15% of annual adjusted gross receipts up to and
17 including \$25,000,000;

18 22.5% of annual adjusted gross receipts in excess of
19 \$25,000,000 but not exceeding \$50,000,000;

20 27.5% of annual adjusted gross receipts in excess of
21 \$50,000,000 but not exceeding \$75,000,000;

22 32.5% of annual adjusted gross receipts in excess of
23 \$75,000,000 but not exceeding \$100,000,000;

24 37.5% of annual adjusted gross receipts in excess of
25 \$100,000,000 but not exceeding \$150,000,000;

26 45% of annual adjusted gross receipts in excess of
27 \$150,000,000 but not exceeding \$200,000,000;

28 50% of annual adjusted gross receipts in excess of
29 \$200,000,000.

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

33 (a-10) The taxes imposed by this Section shall be paid by
34 the licensed owner to the Board not later than 3:00 o'clock

1 p.m. of the day after the day when the wagers were made.

2 (a-15) If the privilege tax imposed under subsection (a-3)
3 is no longer imposed pursuant to item (i) of the last paragraph
4 of subsection (a-3), then by June 15 of each year, each owners
5 licensee, other than an owners licensee that admitted 1,000,000
6 persons or fewer in calendar year 2004, must, in addition to
7 the payment of all amounts otherwise due under this Section,
8 pay to the Board the amount, if any, by which the base amount
9 for the licensed owner exceeds the amount of tax paid under
10 this Section by the licensed owner in the then current State
11 fiscal year. The obligation imposed by this subsection (a-15)
12 is binding on any person, firm, corporation, or other entity
13 that acquires an ownership interest in any such owners license.
14 The obligation imposed under this subsection (a-15) terminates
15 on the earliest of: (i) July 1, 2007, (ii) the first day after
16 the effective date of this amendatory Act of the 94th General
17 Assembly that riverboat gambling operations are conducted
18 pursuant to a dormant license, (iii) the first day that
19 riverboat gambling operations are conducted under the
20 authority of an owners license that is in addition to the 10
21 owners licenses initially authorized under this Act, or (iv)
22 the first day that a licensee under the Illinois Horse Racing
23 Act of 1975 conducts gaming operations with slot machines or
24 other electronic gaming devices. The Board must reduce the
25 obligation imposed under this subsection (a-15) by an amount
26 the Board deems reasonable for any of the following reasons:
27 (A) an act or acts of God, (B) an act of bioterrorism or
28 terrorism or a bioterrorism or terrorism threat that was
29 investigated by a law enforcement agency, or (C) a condition
30 beyond the control of the owners licensee that does not result
31 from any act or omission by the owners licensee or any of its
32 agents and that poses a hazardous threat to the health and
33 safety of patrons. If an owners licensee pays an amount in
34 excess of its liability under this Section, the Board shall

1 apply the overpayment to future payments required under this
2 Section.

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

4 "Act of God" means an incident caused by the operation of
5 an extraordinary force that cannot be foreseen, that cannot be
6 avoided by the exercise of due care, and for which no person
7 can be held liable.

8 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

19 (b) Until January 1, 1998, 25% of the tax revenue deposited
20 in the State Gaming Fund under this Section shall be paid,
21 subject to appropriation by the General Assembly, to the unit
22 of local government which is designated as the home dock of the
23 riverboat. Beginning January 1, 1998, from the tax revenue
24 deposited in the State Gaming Fund under this Section, an
25 amount equal to 5% of adjusted gross receipts generated by a
26 riverboat shall be paid monthly, subject to appropriation by
27 the General Assembly, to the unit of local government that is
28 designated as the home dock of the riverboat. From the tax
29 revenue deposited in the State Gaming Fund pursuant to
30 riverboat gambling operations conducted by a licensed manager
31 on behalf of the State, an amount equal to 5% of adjusted gross
32 receipts generated pursuant to those riverboat gambling
33 operations shall be paid monthly, subject to appropriation by
34 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, or to the
7 Department of Human Services for the administration of programs
8 to treat problem gambling.

9 (c-5) After the payments required under subsections (b) and
10 (c) have been made, an amount equal to 15% of the adjusted
11 gross receipts of (1) an owners licensee that relocates
12 pursuant to Section 11.2, (2) an owners licensee ~~license~~
13 conducting riverboat gambling operations pursuant to an owners
14 license that is initially issued after June 25, 1999, or (3)
15 the first riverboat gambling operations conducted by a licensed
16 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever
17 comes first, shall be paid from the State Gaming Fund into the
18 Horse Racing Equity Fund.

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

23 (c-15) After the payments required under subsections (b),
24 (c), and (c-5) have been made, an amount equal to 2% of the
25 adjusted gross receipts of (1) an owners licensee that
26 relocates pursuant to Section 11.2, (2) an owners licensee
27 conducting riverboat gambling operations pursuant to an owners
28 license that is initially issued after June 25, 1999, or (3)
29 the first riverboat gambling operations conducted by a licensed
30 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever
31 comes first, shall be paid, subject to appropriation from the
32 General Assembly, from the State Gaming Fund to each home rule
33 county with a population of over 3,000,000 inhabitants for the
34 purpose of enhancing the county's criminal justice system.

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

6 (c-25) After the payments required under subsections (b),
7 (c), (c-5) and (c-15) have been made, an amount equal to 2% of
8 the adjusted gross receipts of (1) an owners licensee ~~license~~
9 that relocates pursuant to Section 11.2, (2) an owners licensee
10 ~~license~~ conducting riverboat gambling operations pursuant to
11 an owners license that is initially issued after June 25, 1999,
12 or (3) the first riverboat gambling operations conducted by a
13 licensed manager on behalf of the State under Section 7.3 ~~7.2~~,
14 whichever comes first, shall be paid from the State Gaming Fund
15 to Chicago State University.

16 (d) From time to time, the Board shall transfer the
17 remainder of the funds generated by this Act into the Education
18 Assistance Fund, created by Public Act 86-0018, of the State of
19 Illinois.

20 (e) Nothing in this Act shall prohibit the unit of local
21 government designated as the home dock of the riverboat from
22 entering into agreements with other units of local government
23 in this State or in other states to share its portion of the
24 tax revenue.

25 (f) To the extent practicable, the Board shall administer
26 and collect the wagering taxes imposed by this Section in a
27 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
28 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
29 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
30 Penalty and Interest Act.

31 (Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28,
32 eff. 6-20-03; revised 1-28-04.)

33 Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.

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