



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5313

Introduced 2/5/2010, by Rep. Angelo Saviano - Dan Reitz

#### SYNOPSIS AS INTRODUCED:

30 ILCS 115/2 from Ch. 85, par. 612  
230 ILCS 40/72 new  
30 ILCS 805/8.34 new

Amends the Video Gaming Act. Provides that, if a municipality or county prohibits video gaming pursuant to the Act, then the Board, with the cooperation of the Department of Revenue, shall impose a monthly surcharge in an amount determined by the Board that the municipality or county would have been contributing under the Act had the municipality or county not prohibited video gaming, which shall be based on the maximum amount of machines that may be located within the municipality or county. Provides that, if a municipality or county fails to remit the surcharge, then the amount of the monthly surcharge shall be deducted from any amounts certified to be allocated to the municipality or county from the Local Government Distributive Fund in the next consecutive monthly allocation. Makes conforming changes in the State Revenue Sharing Act. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 15646 AMC 30882 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 State Revenue Sharing Act is amended by  
5 changing Section 2 as follows:

6 (30 ILCS 115/2) (from Ch. 85, par. 612)

7 Sec. 2. Allocation and Disbursement. As soon as may be  
8 after the first day of each month, the Department of Revenue  
9 shall allocate among the several municipalities and counties of  
10 this State the amount available in the Local Government  
11 Distributive Fund and in the Income Tax Surcharge Local  
12 Government Distributive Fund, determined as provided in  
13 Sections 1 and 1a above. Except as provided in Sections 13 and  
14 13.1 of this Act, the Department shall then certify such  
15 allocations to the State Comptroller, who shall pay over to the  
16 several municipalities and counties the respective amounts  
17 allocated to them; except that any amounts deducted from the  
18 certified amounts as a result of a failure to pay the surcharge  
19 imposed under Section 72 of the Video Gaming Act shall be  
20 transferred to the Capital Projects Fund. The amount of such  
21 Funds allocable to each such municipality and county shall be  
22 in proportion to the number of individual residents of such  
23 municipality or county to the total population of the State,

1 determined in each case on the basis of the latest census of  
2 the State, municipality or county conducted by the Federal  
3 government and certified by the Secretary of State and for  
4 annexations to municipalities, the latest Federal, State or  
5 municipal census of the annexed area which has been certified  
6 by the Department of Revenue. Allocations to the City of  
7 Chicago under this Section are subject to Section 6 of the  
8 Hotel Operators' Occupation Tax Act. For the purpose of this  
9 Section, the number of individual residents of a county shall  
10 be reduced by the number of individuals residing therein in  
11 municipalities, but the number of individual residents of the  
12 State, county and municipality shall reflect the latest census  
13 of any of them. The amounts transferred into the Local  
14 Government Distributive Fund pursuant to Section 9 of the Use  
15 Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the  
16 Service Occupation Tax Act, and Section 3 of the Retailers'  
17 Occupation Tax Act, each as now or hereafter amended, pursuant  
18 to the amendments of such Sections by Public Act 85-1135, shall  
19 be distributed as provided in said Sections.

20 (Source: P.A. 91-51, eff. 6-30-99; 91-935, eff. 6-1-01.)

21 Section 10. The Video Gaming Act is amended by adding  
22 Section 72 as follows:

23 (230 ILCS 40/72 new)

24 Sec. 72. Opt out; surcharge. If a municipality or county

1 prohibits video gaming pursuant to Section 27 or 70 of the  
2 Video Gaming Act, then the Board, with the cooperation of the  
3 Department of Revenue, shall impose a monthly surcharge in an  
4 amount determined by the Board that the municipality or county  
5 would have been contributing under Section 60 of this Act had  
6 the municipality or county not prohibited video gaming, which  
7 shall be based on the maximum amount of machines that may be  
8 located within the municipality or county. If a municipality or  
9 county fails to remit the surcharge under this Section, then  
10 the amount of the monthly surcharge shall be deducted from any  
11 amounts certified to be allocated to the municipality or county  
12 from the Local Government Distributive Fund in the next  
13 consecutive monthly allocation as provided in Section 2 of the  
14 State Revenue Sharing Act.

15 Amounts collected under this Section shall be deposited  
16 into the Capital Projects Fund.

17 Section 90. The State Mandates Act is amended by adding  
18 Section 8.34 as follows:

19 (30 ILCS 805/8.34 new)

20 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8  
21 of this Act, no reimbursement by the State is required for the  
22 implementation of any mandate created by this amendatory Act of  
23 the 96th General Assembly.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.