



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3574

Introduced 2/10/2010, by Sen. Terry Link - Dave Syverson

#### SYNOPSIS AS INTRODUCED:

230 ILCS 10/12	from Ch. 120, par. 2412
230 ILCS 10/13	from Ch. 120, par. 2413

Amends the Riverboat Gambling Act. For a riverboat in operation on January 1, 2009 that has a capital projects of at least \$45,000,000 that are approved by the Board in calendar years 2006 through 2009 or for which at least \$45,000,000 in expenditures have been made in calendar years 2006 through 2009, (i) eliminates the admissions tax and (ii) imposes an additional 1% privilege tax, the proceeds of which shall be paid monthly to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted. Effective immediately.

LRB096 18636 AMC 34019 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 Riverboat Gambling Act is amended by  
5 changing Sections 12 and 13 as follows:

6 (230 ILCS 10/12) (from Ch. 120, par. 2412)

7 Sec. 12. Admission tax; fees.

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

1 the rate is \$3 per person admitted. This admission tax is  
2 imposed upon the licensed owner conducting gambling. If the  
3 licensed owner of a riverboat in operation on January 1, 2009  
4 has a capital projects of at least \$45,000,000 that are  
5 approved by the Board in calendar years 2006 through 2009 or  
6 for which at least \$45,000,000 in expenditures have been made  
7 in calendar years 2006 through 2009, then no admissions tax is  
8 imposed on admissions to that riverboat.

9 (1) The admission tax shall be paid for each admission,  
10 except that a person who exits a riverboat gambling  
11 facility and reenters that riverboat gambling facility  
12 within the same gaming day shall be subject only to the  
13 initial admission tax.

14 (2) (Blank).

15 (3) The riverboat licensee may issue tax-free passes to  
16 actual and necessary officials and employees of the  
17 licensee or other persons actually working on the  
18 riverboat.

19 (4) The number and issuance of tax-free passes is  
20 subject to the rules of the Board, and a list of all  
21 persons to whom the tax-free passes are issued shall be  
22 filed with the Board.

23 (a-5) A fee is hereby imposed upon admissions operated by  
24 licensed managers on behalf of the State pursuant to Section  
25 7.3 at the rates provided in this subsection (a-5). For a  
26 licensee that admitted 1,000,000 persons or fewer in the

1 previous calendar year, the rate is \$3 per person admitted; for  
2 a licensee that admitted more than 1,000,000 but no more than  
3 2,300,000 persons in the previous calendar year, the rate is \$4  
4 per person admitted; and for a licensee that admitted more than  
5 2,300,000 persons in the previous calendar year, the rate is \$5  
6 per person admitted.

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

8 (2) (Blank).

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

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

16 (b) From the tax imposed under subsection (a) and the fee  
17 imposed under subsection (a-5), a municipality shall receive  
18 from the State \$1 for each person embarking on a riverboat  
19 docked within the municipality, and a county shall receive \$1  
20 for each person embarking on a riverboat docked within the  
21 county but outside the boundaries of any municipality. The  
22 municipality's or county's share shall be collected by the  
23 Board on behalf of the State and remitted quarterly by the  
24 State, subject to appropriation, to the treasurer of the unit  
25 of local government for deposit in the general fund.

26 (c) The licensed owner shall pay the entire admission tax

1 to the Board and the licensed manager shall pay the entire  
2 admission fee to the Board. Such payments shall be made daily.  
3 Accompanying each payment shall be a return on forms provided  
4 by the Board which shall include other information regarding  
5 admissions as the Board may require. Failure to submit either  
6 the payment or the return within the specified time may result  
7 in suspension or revocation of the owners or managers license.

8 (d) The Board shall administer and collect the admission  
9 tax imposed by this Section, to the extent practicable, in a  
10 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
11 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the  
12 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
13 Penalty and Interest Act.

14 (Source: P.A. 94-673, eff. 8-23-05; 95-663, eff. 10-11-07.)

15 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

20 (a-1) From January 1, 1998 until July 1, 2002, a privilege  
21 tax is imposed on persons engaged in the business of conducting  
22 riverboat gambling operations, based on the adjusted gross  
23 receipts received by a licensed owner from gambling games  
24 authorized under this Act at the following rates:

25 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

2 20% of annual adjusted gross receipts in excess of  
3 \$25,000,000 but not exceeding \$50,000,000;

4 25% of annual adjusted gross receipts in excess of  
5 \$50,000,000 but not exceeding \$75,000,000;

6 30% of annual adjusted gross receipts in excess of  
7 \$75,000,000 but not exceeding \$100,000,000;

8 35% of annual adjusted gross receipts in excess of  
9 \$100,000,000.

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

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

19 22.5% of annual adjusted gross receipts in excess of  
20 \$25,000,000 but not exceeding \$50,000,000;

21 27.5% of annual adjusted gross receipts in excess of  
22 \$50,000,000 but not exceeding \$75,000,000;

23 32.5% of annual adjusted gross receipts in excess of  
24 \$75,000,000 but not exceeding \$100,000,000;

25 37.5% of annual adjusted gross receipts in excess of  
26 \$100,000,000 but not exceeding \$150,000,000;

1           45% of annual adjusted gross receipts in excess of  
2           \$150,000,000 but not exceeding \$200,000,000;

3           50% of annual adjusted gross receipts in excess of  
4           \$200,000,000.

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

12           15% of annual adjusted gross receipts up to and  
13 including \$25,000,000;

14           27.5% of annual adjusted gross receipts in excess of  
15 \$25,000,000 but not exceeding \$37,500,000;

16           32.5% of annual adjusted gross receipts in excess of  
17 \$37,500,000 but not exceeding \$50,000,000;

18           37.5% of annual adjusted gross receipts in excess of  
19 \$50,000,000 but not exceeding \$75,000,000;

20           45% of annual adjusted gross receipts in excess of  
21 \$75,000,000 but not exceeding \$100,000,000;

22           50% of annual adjusted gross receipts in excess of  
23 \$100,000,000 but not exceeding \$250,000,000;

24           70% of annual adjusted gross receipts in excess of  
25 \$250,000,000.

26           An amount equal to the amount of wagering taxes collected

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

5 The privilege tax imposed under this subsection (a-3) shall  
6 no longer be imposed beginning on the earlier of (i) July 1,  
7 2005; (ii) the first date after June 20, 2003 that riverboat  
8 gambling operations are conducted pursuant to a dormant  
9 license; or (iii) the first day that riverboat gambling  
10 operations are conducted under the authority of an owners  
11 license that is in addition to the 10 owners licenses initially  
12 authorized under this Act. For the purposes of this subsection  
13 (a-3), the term "dormant license" means an owners license that  
14 is authorized by this Act under which no riverboat gambling  
15 operations are being conducted on June 20, 2003.

16 (a-4) Beginning on the first day on which the tax imposed  
17 under subsection (a-3) is no longer imposed, a privilege tax is  
18 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-5) If no admissions tax is imposed on admissions to a  
13          riverboat under Section 12, then in addition to any other tax  
14          imposed under this Section, a privilege tax of 1% of adjusted  
15          gross receipts is imposed on that riverboat, the proceeds of  
16          which shall be paid monthly, subject to appropriation by the  
17          General Assembly, to the unit of local government that is  
18          designated as the home dock of the riverboat upon which those  
19          riverboat gambling operations are conducted.

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

23          (a-10) The taxes imposed by this Section shall be paid by  
24          the licensed owner to the Board not later than 3:00 o'clock  
25          p.m. of the day after the day when 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 Section 99. Effective date. This Act takes effect upon  
21 becoming law.