

SB3542



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3542

Introduced 2/8/2012, by Sen. Darin M. LaHood

SYNOPSIS AS INTRODUCED:

230 ILCS 10/13

from Ch. 120, par. 2413

Amends the Riverboat Gambling Act. Provides that revenues from riverboat gambling that were paid to Chicago State University shall instead be transferred from the State Gaming Fund to the General Revenue Fund and shall be used to reduce the backlog of unpaid State obligations. Effective immediately.

LRB097 19374 AMC 65352 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 Section 13 as follows:

6 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

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

18 20% of annual adjusted gross receipts in excess of
19 \$25,000,000 but not exceeding \$50,000,000;

20 25% of annual adjusted gross receipts in excess of
21 \$50,000,000 but not exceeding \$75,000,000;

22 30% of annual adjusted gross receipts in excess of
23 \$75,000,000 but not exceeding \$100,000,000;

1 35% of annual adjusted gross receipts in excess of
2 \$100,000,000.

3 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
4 is imposed on persons engaged in the business of conducting
5 riverboat gambling operations, other than licensed managers
6 conducting riverboat gambling operations on behalf of the
7 State, based on the adjusted gross receipts received by a
8 licensed owner from gambling games authorized under this Act at
9 the following rates:

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

12 22.5% of annual adjusted gross receipts in excess of
13 \$25,000,000 but not exceeding \$50,000,000;

14 27.5% of annual adjusted gross receipts in excess of
15 \$50,000,000 but not exceeding \$75,000,000;

16 32.5% of annual adjusted gross receipts in excess of
17 \$75,000,000 but not exceeding \$100,000,000;

18 37.5% of annual adjusted gross receipts in excess of
19 \$100,000,000 but not exceeding \$150,000,000;

20 45% of annual adjusted gross receipts in excess of
21 \$150,000,000 but not exceeding \$200,000,000;

22 50% of annual adjusted gross receipts in excess of
23 \$200,000,000.

24 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
25 persons engaged in the business of conducting riverboat
26 gambling operations, other than licensed managers conducting

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

5 15% of annual adjusted gross receipts up to and
6 including \$25,000,000;

7 27.5% of annual adjusted gross receipts in excess of
8 \$25,000,000 but not exceeding \$37,500,000;

9 32.5% of annual adjusted gross receipts in excess of
10 \$37,500,000 but not exceeding \$50,000,000;

11 37.5% of annual adjusted gross receipts in excess of
12 \$50,000,000 but not exceeding \$75,000,000;

13 45% of annual adjusted gross receipts in excess of
14 \$75,000,000 but not exceeding \$100,000,000;

15 50% of annual adjusted gross receipts in excess of
16 \$100,000,000 but not exceeding \$250,000,000;

17 70% of annual adjusted gross receipts in excess of
18 \$250,000,000.

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

24 The privilege tax imposed under this subsection (a-3) shall
25 no longer be imposed beginning on the earlier of (i) July 1,
26 2005; (ii) the first date after June 20, 2003 that riverboat

1 gambling operations are conducted pursuant to a dormant
2 license; or (iii) the first day that riverboat gambling
3 operations are conducted under the authority of an owners
4 license that is in addition to the 10 owners licenses initially
5 authorized under this Act. For the purposes of this subsection
6 (a-3), the term "dormant license" means an owners license that
7 is authorized by this Act under which no riverboat gambling
8 operations are being conducted on June 20, 2003.

9 (a-4) Beginning on the first day on which the tax imposed
10 under subsection (a-3) is no longer imposed, a privilege tax is
11 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-8) Riverboat gambling operations conducted by a
6 licensed manager on behalf of the State are not subject to the
7 tax imposed under this Section.

8 (a-10) The taxes imposed by this Section shall be paid by
9 the licensed owner to the Board not later than 5:00 o'clock
10 p.m. of the day after the day when the wagers were made.

11 (a-15) If the privilege tax imposed under subsection (a-3)
12 is no longer imposed pursuant to item (i) of the last paragraph
13 of subsection (a-3), then by June 15 of each year, each owners
14 licensee, other than an owners licensee that admitted 1,000,000
15 persons or fewer in calendar year 2004, must, in addition to
16 the payment of all amounts otherwise due under this Section,
17 pay to the Board a reconciliation payment in the amount, if
18 any, by which the licensed owner's base amount exceeds the
19 amount of net privilege tax paid by the licensed owner to the
20 Board in the then current State fiscal year. A licensed owner's
21 net privilege tax obligation due for the balance of the State
22 fiscal year shall be reduced up to the total of the amount paid
23 by the licensed owner in its June 15 reconciliation payment.
24 The obligation imposed by this subsection (a-15) is binding on
25 any person, firm, corporation, or other entity that acquires an
26 ownership interest in any such owners license. The obligation

1 imposed under this subsection (a-15) terminates on the earliest
2 of: (i) July 1, 2007, (ii) the first day after the effective
3 date of this amendatory Act of the 94th General Assembly that
4 riverboat gambling operations are conducted pursuant to a
5 dormant license, (iii) the first day that riverboat gambling
6 operations are conducted under the authority of an owners
7 license that is in addition to the 10 owners licenses initially
8 authorized under this Act, or (iv) the first day that a
9 licensee under the Illinois Horse Racing Act of 1975 conducts
10 gaming operations with slot machines or other electronic gaming
11 devices. The Board must reduce the obligation imposed under
12 this subsection (a-15) by an amount the Board deems reasonable
13 for any of the following reasons: (A) an act or acts of God,
14 (B) an act of bioterrorism or terrorism or a bioterrorism or
15 terrorism threat that was investigated by a law enforcement
16 agency, or (C) a condition beyond the control of the owners
17 licensee that does not result from any act or omission by the
18 owners licensee or any of its agents and that poses a hazardous
19 threat to the health and safety of patrons. If an owners
20 licensee pays an amount in excess of its liability under this
21 Section, the Board shall apply the overpayment to future
22 payments required under this Section.

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

24 "Act of God" means an incident caused by the operation of
25 an extraordinary force that cannot be foreseen, that cannot be
26 avoided by the exercise of due care, and for which no person

1 can be held liable.

2 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

17 The changes made to this subsection (a-15) by Public Act
18 94-839 are intended to restate and clarify the intent of Public
19 Act 94-673 with respect to the amount of the payments required
20 to be made under this subsection by an owners licensee to the
21 Board.

22 (b) Until January 1, 1998, 25% of the tax revenue deposited
23 in the State Gaming Fund under this Section shall be paid,
24 subject to appropriation by the General Assembly, to the unit
25 of local government which is designated as the home dock of the
26 riverboat. Beginning January 1, 1998, from the tax revenue

1 deposited in the State Gaming Fund under this Section, an
2 amount equal to 5% of adjusted gross receipts generated by a
3 riverboat shall be paid monthly, subject to appropriation by
4 the General Assembly, to the unit of local government that is
5 designated as the home dock of the riverboat. From the tax
6 revenue deposited in the State Gaming Fund pursuant to
7 riverboat gambling operations conducted by a licensed manager
8 on behalf of the State, an amount equal to 5% of adjusted gross
9 receipts generated pursuant to those riverboat gambling
10 operations shall be paid monthly, subject to appropriation by
11 the General Assembly, to the unit of local government that is
12 designated as the home dock of the riverboat upon which those
13 riverboat gambling operations are conducted.

14 (c) Appropriations, as approved by the General Assembly,
15 may be made from the State Gaming Fund to the Board (i) for the
16 administration and enforcement of this Act and the Video Gaming
17 Act, (ii) for distribution to the Department of State Police
18 and to the Department of Revenue for the enforcement of this
19 Act, and (iii) to the Department of Human Services for the
20 administration of programs to treat problem gambling.

21 (c-5) Before May 26, 2006 (the effective date of Public Act
22 94-804) and beginning on the effective date of this amendatory
23 Act of the 95th General Assembly, unless any organization
24 licensee under the Illinois Horse Racing Act of 1975 begins to
25 operate a slot machine or video game of chance under the
26 Illinois Horse Racing Act of 1975 or this Act, after the

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

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

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

26 (c-20) Each year the General Assembly shall appropriate

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

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

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

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

26 (f) To the extent practicable, the Board shall administer

1 and collect the wagering taxes imposed by this Section in a
2 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
3 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
4 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
5 Penalty and Interest Act.

6 (Source: P.A. 95-331, eff. 8-21-07; 95-1008, eff. 12-15-08;
7 96-37, eff. 7-13-09; 96-1392, eff. 1-1-11.)

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