



Rep. Robert S. Molaro

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09400HB1917ham002

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1 AMENDMENT TO HOUSE BILL 1917

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1917 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Findings. The legislature makes all of the  
5 following findings:

6 (1) That riverboat gaming has had a negative impact on  
7 horse racing. From 1992, the first full year of riverboat  
8 operations, through 2005, Illinois on-track wagering has  
9 decreased by 42% from \$835 million to \$482 million.

10 (2) That this decrease in wagering has negatively  
11 impacted purses for Illinois racing, which has hurt the  
12 State's breeding industry. Between 1991 and 2004 the number  
13 of foals registered with the Department of Agriculture has  
14 decreased by more than 46% from 3,529 to 1,891.

15 (3) That the decline of the Illinois horseracing and  
16 breeding program, a \$2.5 billion industry, would be  
17 reversed if this amendatory Act of the 94th General  
18 Assembly was enacted. By requiring that riverboats agree to  
19 pay 3% of their gross revenue into the Horse Racing Equity  
20 Trust Fund, total purses in the State may increase by 50%,  
21 helping Illinois tracks to better compete with those in  
22 other states. Illinois currently ranks thirteenth  
23 nationally in terms of its purse size; the change would  
24 propel the State to second or third.

25 (4) That Illinois agriculture and other businesses

1 that support and supply the horse racing industry, already  
2 a sector that employees over 37,000 Illinoisans, also stand  
3 to substantially benefit and would be much more likely to  
4 create additional jobs should Illinois horse racing once  
5 again become competitive with other states.

6 (5) That the 3% of gross revenues this amendatory Act  
7 of the 94th General Assembly will contribute to the horse  
8 racing industry will benefit that important industry for  
9 Illinois farmers, breeders, and fans of horseracing and  
10 will begin to address the negative impact riverboat gaming  
11 has had on Illinois horseracing.

12 Section 5. The State Finance Act is amended by changing  
13 Section 8h as follows:

14 (30 ILCS 105/8h)

15 Sec. 8h. Transfers to General Revenue Fund.

16 (a) Except as provided in subsection (b), notwithstanding  
17 any other State law to the contrary, the Governor may, through  
18 June 30, 2007, from time to time direct the State Treasurer and  
19 Comptroller to transfer a specified sum from any fund held by  
20 the State Treasurer to the General Revenue Fund in order to  
21 help defray the State's operating costs for the fiscal year.  
22 The total transfer under this Section from any fund in any  
23 fiscal year shall not exceed the lesser of (i) 8% of the  
24 revenues to be deposited into the fund during that fiscal year  
25 or (ii) an amount that leaves a remaining fund balance of 25%  
26 of the July 1 fund balance of that fiscal year. In fiscal year  
27 2005 only, prior to calculating the July 1, 2004 final  
28 balances, the Governor may calculate and direct the State  
29 Treasurer with the Comptroller to transfer additional amounts  
30 determined by applying the formula authorized in Public Act  
31 93-839 to the funds balances on July 1, 2003. No transfer may  
32 be made from a fund under this Section that would have the

1 effect of reducing the available balance in the fund to an  
2 amount less than the amount remaining unexpended and unreserved  
3 from the total appropriation from that fund estimated to be  
4 expended for that fiscal year. This Section does not apply to  
5 any funds that are restricted by federal law to a specific use,  
6 to any funds in the Motor Fuel Tax Fund, the Intercity  
7 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid  
8 Provider Relief Fund, the Teacher Health Insurance Security  
9 Fund, the Reviewing Court Alternative Dispute Resolution Fund,  
10 ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter  
11 Fund, the Lawyers' Assistance Program Fund, the Supreme Court  
12 Federal Projects Fund, the Supreme Court Special State Projects  
13 Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development  
14 and Operation Fund, the Horse Racing Equity Trust Fund, or the  
15 Hospital Basic Services Preservation Fund, or to any funds to  
16 which subsection (f) of Section 20-40 of the Nursing and  
17 Advanced Practice Nursing Act applies. No transfers may be made  
18 under this Section from the Pet Population Control Fund.  
19 Notwithstanding any other provision of this Section, for fiscal  
20 year 2004, the total transfer under this Section from the Road  
21 Fund or the State Construction Account Fund shall not exceed  
22 the lesser of (i) 5% of the revenues to be deposited into the  
23 fund during that fiscal year or (ii) 25% of the beginning  
24 balance in the fund. For fiscal year 2005 through fiscal year  
25 2007, no amounts may be transferred under this Section from the  
26 Road Fund, the State Construction Account Fund, the Criminal  
27 Justice Information Systems Trust Fund, the Wireless Service  
28 Emergency Fund, or the Mandatory Arbitration Fund.

29 In determining the available balance in a fund, the  
30 Governor may include receipts, transfers into the fund, and  
31 other resources anticipated to be available in the fund in that  
32 fiscal year.

33 The State Treasurer and Comptroller shall transfer the  
34 amounts designated under this Section as soon as may be

1 practicable after receiving the direction to transfer from the  
2 Governor.

3 (b) This Section does not apply to: (i) the Ticket For The  
4 Cure Fund; (ii) ~~or to~~ any fund established under the Community  
5 Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after  
6 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~  
7 ~~amendatory Act of the 94th General Assembly~~, the Child Labor  
8 and Day and Temporary Labor Enforcement Fund.

9 (c) This Section does not apply to the Demutualization  
10 Trust Fund established under the Uniform Disposition of  
11 Unclaimed Property Act.

12 (d) ~~(e)~~ This Section does not apply to moneys set aside in  
13 the Illinois State Podiatric Disciplinary Fund for podiatric  
14 scholarships and residency programs under the Podiatric  
15 Scholarship and Residency Act.

16 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
17 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
18 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
19 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.  
20 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,  
21 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;  
22 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)

23 Section 10. The Illinois Horse Racing Act of 1975 is  
24 amended by changing Section 54 as follows:

25 (230 ILCS 5/54)

26 Sec. 54. Horse Racing Equity Trust Fund.

27 (a) There is created ~~in the State Treasury~~ a Fund to be  
28 known as the Horse Racing Equity Trust Fund, which is a  
29 non-appropriated trust fund held separate and apart from State  
30 moneys. The Fund shall consist of moneys paid into it by owners  
31 licensees under ~~pursuant to subsection (c-5) of Section 13 of~~  
32 the Riverboat Gambling Act for the purposes described in this

1 Section. The Fund shall be administered by the Board. Moneys in  
2 the Fund shall be distributed as directed and certified by the  
3 Board in accordance with the provisions of subsection (b) ~~the~~  
4 Racing Board.

5 (b) The moneys deposited into the Fund, plus any accrued  
6 interest on those moneys, shall be distributed ~~by the State~~  
7 ~~Treasurer~~ within 10 days after those moneys are deposited into  
8 the Fund as follows:

9 (1) Fifty percent of all moneys distributed under this  
10 subsection shall be distributed to organization licensees  
11 to be distributed at their race meetings as purses.  
12 Fifty-seven percent of the amount distributed under this  
13 paragraph (1) shall be distributed for thoroughbred race  
14 meetings and 43% shall be distributed for standardbred race  
15 meetings. Within each breed, moneys shall be allocated to  
16 each organization licensee's purse fund in accordance with  
17 the ratio between the purses generated for that breed by  
18 that licensee during the prior calendar year and the total  
19 purses generated throughout the State for that breed during  
20 the prior calendar year by licensees in the current  
21 calendar year.

22 (2) The remaining 50% of the moneys distributed under  
23 this subsection (b) shall be distributed as follows:

24 (A) 11% shall be distributed to any person (or its  
25 successors or assigns) who had operating control of a  
26 racetrack that conducted live racing in 2002 at a  
27 racetrack in a county with at least 230,000 inhabitants  
28 that borders the Mississippi River and is a licensee in  
29 the current year; and

30 (B) the remaining 89% shall be distributed pro rata  
31 according to the aggregate proportion of total  
32 ~~state-wide~~ handle from wagering on live races  
33 conducted in Illinois (irrespective of where the  
34 wagers are placed) for calendar years 2004 and 2005 ~~at~~

1 ~~the racetrack, inter track, and inter track wagering~~  
2 ~~locations that derive their licenses from a racetrack~~  
3 ~~identified in this paragraph (2) for calendar years~~  
4 ~~1994, 1996, and 1997 to (i) any person (or its~~  
5 ~~successors or assigns) who (i) had majority operating~~  
6 ~~control of a racing facility at which live racing was~~  
7 ~~conducted in calendar year 2002, (ii) 1997 and who has~~  
8 ~~operating control of an organization licensee that~~  
9 ~~conducted racing in calendar year 1997 and is a~~  
10 ~~licensee in the current year, and (iii) is not eligible~~  
11 ~~to receive moneys under subparagraph (A) of this~~  
12 ~~paragraph (2). , or (ii) any person (or its successors~~  
13 ~~or assigns) who has operating control of a racing~~  
14 ~~facility located in a county that is bounded by the~~  
15 ~~Mississippi River that has a population of less than~~  
16 ~~150,000 according to the 1990 decennial census and~~  
17 ~~conducted an average of 60 days of racing per year~~  
18 ~~between 1985 and 1993 and has been awarded an~~  
19 ~~inter track wagering license in the current year.~~

20 If any person identified in this paragraph (2) becomes  
21 ineligible to receive moneys from the Fund, such amount  
22 shall be redistributed among the remaining persons in  
23 proportion to their percentages otherwise calculated.

24 (c) The Board shall monitor organization licensees to  
25 ensure that moneys paid to organization licensees under this  
26 Section are distributed by the organization licensees as  
27 provided in subsection (b).

28 (Source: P.A. 91-40, eff. 6-25-99.)

29 Section 15. The Riverboat Gambling Act is amended by  
30 changing Sections 7, 13, and 23 as follows:

31 (230 ILCS 10/7) (from Ch. 120, par. 2407)

32 Sec. 7. Owners Licenses.

1 (a) The Board shall issue owners licenses to persons, firms  
2 or corporations which apply for such licenses upon payment to  
3 the Board of the non-refundable license fee set by the Board,  
4 upon payment of a \$25,000 license fee for the first year of  
5 operation and a \$5,000 license fee for each succeeding year and  
6 upon a determination by the Board that the applicant is  
7 eligible for an owners license pursuant to this Act and the  
8 rules of the Board. As a condition of licensure and as a  
9 successor source of payment for those funds previously payable  
10 under subsection (c-5) of Section 13 of the Riverboat Gambling  
11 Act, any owners licensee that holds or receives its owners  
12 license on or after the effective date of this amendatory Act  
13 of the 94th General Assembly must pay into the Horse Racing  
14 Equity Trust Fund, in addition to any other payments required  
15 under this Act, an amount equal to 3% of the adjusted gross  
16 receipts received by the owners licensee. The payments required  
17 under this Section shall be made by the owners licensee to the  
18 State Treasurer no later than 3:00 o'clock p.m. of the day  
19 after the day when the adjusted gross receipts were received by  
20 the owners licensee. A person, firm or corporation is  
21 ineligible to receive an owners license if:

22 (1) the person has been convicted of a felony under the  
23 laws of this State, any other state, or the United States;

24 (2) the person has been convicted of any violation of  
25 Article 28 of the Criminal Code of 1961, or substantially  
26 similar laws of any other jurisdiction;

27 (3) the person has submitted an application for a  
28 license under this Act which contains false information;

29 (4) the person is a member of the Board;

30 (5) a person defined in (1), (2), (3) or (4) is an  
31 officer, director or managerial employee of the firm or  
32 corporation;

33 (6) the firm or corporation employs a person defined in  
34 (1), (2), (3) or (4) who participates in the management or

1 operation of gambling operations authorized under this  
2 Act;

3 (7) (blank); or

4 (8) a license of the person, firm or corporation issued  
5 under this Act, or a license to own or operate gambling  
6 facilities in any other jurisdiction, has been revoked.

7 (b) In determining whether to grant an owners license to an  
8 applicant, the Board shall consider:

9 (1) the character, reputation, experience and  
10 financial integrity of the applicants and of any other or  
11 separate person that either:

12 (A) controls, directly or indirectly, such  
13 applicant, or

14 (B) is controlled, directly or indirectly, by such  
15 applicant or by a person which controls, directly or  
16 indirectly, such applicant;

17 (2) the facilities or proposed facilities for the  
18 conduct of riverboat gambling;

19 (3) the highest prospective total revenue to be derived  
20 by the State from the conduct of riverboat gambling;

21 (4) the extent to which the ownership of the applicant  
22 reflects the diversity of the State by including minority  
23 persons and females and the good faith affirmative action  
24 plan of each applicant to recruit, train and upgrade  
25 minority persons and females in all employment  
26 classifications;

27 (5) the financial ability of the applicant to purchase  
28 and maintain adequate liability and casualty insurance;

29 (6) whether the applicant has adequate capitalization  
30 to provide and maintain, for the duration of a license, a  
31 riverboat;

32 (7) the extent to which the applicant exceeds or meets  
33 other standards for the issuance of an owners license which  
34 the Board may adopt by rule; and



1 (8) The amount of the applicant's license bid.

2 (c) Each owners license shall specify the place where  
3 riverboats shall operate and dock.

4 (d) Each applicant shall submit with his application, on  
5 forms provided by the Board, 2 sets of his fingerprints.

6 (e) The Board may issue up to 10 licenses authorizing the  
7 holders of such licenses to own riverboats. In the application  
8 for an owners license, the applicant shall state the dock at  
9 which the riverboat is based and the water on which the  
10 riverboat will be located. The Board shall issue 5 licenses to  
11 become effective not earlier than January 1, 1991. Three of  
12 such licenses shall authorize riverboat gambling on the  
13 Mississippi River, or, with approval by the municipality in  
14 which the riverboat was docked on August 7, 2003 and with Board  
15 approval, be authorized to relocate to a new location, in a  
16 municipality that (1) borders on the Mississippi River or is  
17 within 5 miles of the city limits of a municipality that  
18 borders on the Mississippi River and (2), on August 7, 2003,  
19 had a riverboat conducting riverboat gambling operations  
20 pursuant to a license issued under this Act; one of which shall  
21 authorize riverboat gambling from a home dock in the city of  
22 East St. Louis. One other license shall authorize riverboat  
23 gambling on the Illinois River south of Marshall County. The  
24 Board shall issue one additional license to become effective  
25 not earlier than March 1, 1992, which shall authorize riverboat  
26 gambling on the Des Plaines River in Will County. The Board may  
27 issue 4 additional licenses to become effective not earlier  
28 than March 1, 1992. In determining the water upon which  
29 riverboats will operate, the Board shall consider the economic  
30 benefit which riverboat gambling confers on the State, and  
31 shall seek to assure that all regions of the State share in the  
32 economic benefits of riverboat gambling.

33 In granting all licenses, the Board may give favorable  
34 consideration to economically depressed areas of the State, to

1 applicants presenting plans which provide for significant  
2 economic development over a large geographic area, and to  
3 applicants who currently operate non-gambling riverboats in  
4 Illinois. The Board shall review all applications for owners  
5 licenses, and shall inform each applicant of the Board's  
6 decision. The Board may grant an owners license to an applicant  
7 that has not submitted the highest license bid, but if it does  
8 not select the highest bidder, the Board shall issue a written  
9 decision explaining why another applicant was selected and  
10 identifying the factors set forth in this Section that favored  
11 the winning bidder.

12 In addition to any other revocation powers granted to the  
13 Board under this Act, the Board may revoke the owners license  
14 of a licensee which fails to begin conducting gambling within  
15 15 months of receipt of the Board's approval of the application  
16 if the Board determines that license revocation is in the best  
17 interests of the State.

18 (f) The first 10 owners licenses issued under this Act  
19 shall permit the holder to own up to 2 riverboats and equipment  
20 thereon for a period of 3 years after the effective date of the  
21 license. Holders of the first 10 owners licenses must pay the  
22 annual license fee for each of the 3 years during which they  
23 are authorized to own riverboats.

24 (g) Upon the termination, expiration, or revocation of each  
25 of the first 10 licenses, which shall be issued for a 3 year  
26 period, all licenses are renewable annually upon payment of the  
27 fee and a determination by the Board that the licensee  
28 continues to meet all of the requirements of this Act and the  
29 Board's rules. However, for licenses renewed on or after May 1,  
30 1998, renewal shall be for a period of 4 years, unless the  
31 Board sets a shorter period.

32 (h) An owners license shall entitle the licensee to own up  
33 to 2 riverboats. A licensee shall limit the number of gambling  
34 participants to 1,200 for any such owners license. A licensee

1 may operate both of its riverboats concurrently, provided that  
2 the total number of gambling participants on both riverboats  
3 does not exceed 1,200. Riverboats licensed to operate on the  
4 Mississippi River and the Illinois River south of Marshall  
5 County shall have an authorized capacity of at least 500  
6 persons. Any other riverboat licensed under this Act shall have  
7 an authorized capacity of at least 400 persons.

8 (i) A licensed owner is authorized to apply to the Board  
9 for and, if approved therefor, to receive all licenses from the  
10 Board necessary for the operation of a riverboat, including a  
11 liquor license, a license to prepare and serve food for human  
12 consumption, and other necessary licenses. All use, occupation  
13 and excise taxes which apply to the sale of food and beverages  
14 in this State and all taxes imposed on the sale or use of  
15 tangible personal property apply to such sales aboard the  
16 riverboat.

17 (j) The Board may issue or re-issue a license authorizing a  
18 riverboat to dock in a municipality or approve a relocation  
19 under Section 11.2 only if, prior to the issuance or  
20 re-issuance of the license or approval, the governing body of  
21 the municipality in which the riverboat will dock has by a  
22 majority vote approved the docking of riverboats in the  
23 municipality. The Board may issue or re-issue a license  
24 authorizing a riverboat to dock in areas of a county outside  
25 any municipality or approve a relocation under Section 11.2  
26 only if, prior to the issuance or re-issuance of the license or  
27 approval, the governing body of the county has by a majority  
28 vote approved of the docking of riverboats within such areas.

29 (Source: P.A. 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; 94-667,  
30 eff. 8-23-05.)

31 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

33 (a) Until January 1, 1998, a tax is imposed on the adjusted

1 gross receipts received from gambling games authorized under  
2 this Act at the rate of 20%.

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

8 15% of annual adjusted gross receipts up to and  
9 including \$25,000,000;

10 20% of annual adjusted gross receipts in excess of  
11 \$25,000,000 but not exceeding \$50,000,000;

12 25% of annual adjusted gross receipts in excess of  
13 \$50,000,000 but not exceeding \$75,000,000;

14 30% of annual adjusted gross receipts in excess of  
15 \$75,000,000 but not exceeding \$100,000,000;

16 35% of annual adjusted gross receipts in excess of  
17 \$100,000,000.

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

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

27 22.5% of annual adjusted gross receipts in excess of  
28 \$25,000,000 but not exceeding \$50,000,000;

29 27.5% of annual adjusted gross receipts in excess of  
30 \$50,000,000 but not exceeding \$75,000,000;

31 32.5% of annual adjusted gross receipts in excess of  
32 \$75,000,000 but not exceeding \$100,000,000;

33 37.5% of annual adjusted gross receipts in excess of  
34 \$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  
27 under this subsection (a-3) that are in addition to the amount  
28 of wagering taxes that would have been collected if the  
29 wagering tax rates under subsection (a-2) were in effect shall  
30 be paid into the Common School Fund.

31           The privilege tax imposed under this subsection (a-3) shall  
32 no longer be imposed beginning on the earlier of (i) July 1,  
33 2005; (ii) the first date after June 20, 2003 that riverboat  
34 gambling operations are conducted pursuant to a dormant

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

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) (Blank). ~~After the payments required under~~  
10 ~~subsections (b) and (c) have been made, an amount equal to 15%~~  
11 ~~of the adjusted gross receipts of (1) an owners licensee that~~  
12 ~~relocates pursuant to Section 11.2, (2) an owners licensee~~  
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, whichever~~  
17 ~~comes first, shall be paid from the State Gaming Fund into the~~  
18 ~~Horse Racing Equity Fund.~~

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

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

1 purpose of enhancing the county's criminal justice system.

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

7 (c-25) After the payments required under subsections (b),  
8 (c), (c-5) and (c-15) have been made, an amount equal to 2% of  
9 the adjusted gross receipts of (1) an owners licensee that  
10 relocates pursuant to Section 11.2, (2) an owners licensee  
11 conducting riverboat gambling operations pursuant to an owners  
12 license that is initially issued after June 25, 1999, or (3)  
13 the first riverboat gambling operations conducted by a licensed  
14 manager on behalf of the State under Section 7.3, whichever  
15 comes first, shall be paid from the State Gaming Fund to  
16 Chicago State 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  
27 and collect the wagering taxes imposed by this Section in a  
28 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
29 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the  
30 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
31 Penalty and Interest Act.

32 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,  
33 eff. 8-23-05.)

1 (230 ILCS 10/23) (from Ch. 120, par. 2423)

2 Sec. 23. The State Gaming Fund. On or after the effective  
3 date of this Act, except as provided for payments into the  
4 Horse Racing Equity Trust Fund under subsection (a) of Section  
5 7, all of the fees and taxes collected pursuant to ~~subsections~~  
6 ~~of~~ this Act shall be deposited into the State Gaming Fund, a  
7 special fund in the State Treasury, which is hereby created.  
8 The adjusted gross receipts of any riverboat gambling  
9 operations conducted by a licensed manager on behalf of the  
10 State remaining after the payment of the fees and expenses of  
11 the licensed manager shall be deposited into the State Gaming  
12 Fund. Fines and penalties collected pursuant to this Act shall  
13 be deposited into the Education Assistance Fund, created by  
14 Public Act 86-0018, of the State of Illinois.

15 (Source: P.A. 93-28, eff. 6-20-03.)

16 (30 ILCS 105/5.490 rep.)

17 Section 20. The State Finance Act is amended by repealing  
18 Section 5.490.

19 Section 97. Severability. The provisions of this Act are  
20 severable under Section 1.31 of the Statute on Statutes.

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