



Rep. Robert S. Molaro

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LRB095 01228 AMC 51103 a

1 AMENDMENT TO HOUSE BILL 2651

2 AMENDMENT NO. _____. Amend House Bill 2651 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Horse Racing Act of 1975 is
5 amended by changing Section 54.5 as follows:

6 (230 ILCS 5/54.5)

7 (Section scheduled to be repealed on May 26, 2008)

8 Sec. 54.5. Horse Racing Equity Trust Fund.

9 (a) There is created a Fund to be known as the Horse Racing
10 Equity Trust Fund, which is a non-appropriated trust fund held
11 separate and apart from State moneys. The Fund shall consist of
12 moneys paid into it by owners licensees under the Riverboat
13 Gambling Act for the purposes described in this Section. The
14 Fund shall be administered by the Board. Moneys in the Fund
15 shall be distributed as directed and certified by the Board in
16 accordance with the provisions of subsection (b).

1 (b) The moneys deposited into the Fund, plus any accrued
2 interest on those moneys, shall be distributed within 10 days
3 after those moneys are deposited into the Fund as follows:

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

17 (2) The remaining 40% of the moneys distributed under
18 this subsection (b) shall be distributed as follows:

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

25 (B) the remaining 89% shall be distributed pro rata
26 according to the aggregate proportion of total handle

1 from wagering on live races conducted in Illinois
2 (irrespective of where the wagers are placed) for
3 calendar years 2004 and 2005 to any person (or its
4 successors or assigns) who (i) had majority operating
5 control of a racing facility at which live racing was
6 conducted in calendar year 2002, (ii) is a licensee in
7 the current year, and (iii) is not eligible to receive
8 moneys under subparagraph (A) of this paragraph (2).

9 The moneys received by an organization licensee
10 under this paragraph (2) shall be used by each
11 organization licensee to improve, maintain, market,
12 and otherwise operate its racing facilities to conduct
13 live racing, which shall include backstretch services
14 and capital improvements related to live racing and the
15 backstretch. Any organization licensees sharing common
16 ownership may pool the moneys received and spent at all
17 racing facilities commonly owned in order to meet these
18 requirements.

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

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

1 (d) This Section is repealed on July 1, 2011 ~~2 years after~~
2 ~~the effective date of this amendatory Act of the 94th General~~
3 ~~Assembly.~~

4 (e) Notwithstanding any other rulemaking authority that
5 may exist, neither the Governor nor any agency or agency head
6 under the jurisdiction of the Governor has any authority to
7 make or promulgate rules to implement or enforce the provisions
8 of this amendatory Act of the 95th General Assembly. If,
9 however, the Governor believes that rules are necessary to
10 implement or enforce the provisions of this amendatory Act of
11 the 95th General Assembly, the Governor may suggest rules to
12 the General Assembly by filing them with the Clerk of the House
13 and the Secretary of the Senate and by requesting that the
14 General Assembly authorize such rulemaking by law, enact those
15 suggested rules into law, or take any other appropriate action
16 in the General Assembly's discretion. Nothing contained in this
17 amendatory Act of the 95th General Assembly shall be
18 interpreted to grant rulemaking authority under any other
19 Illinois statute where such authority is not otherwise
20 explicitly given. For the purposes of this amendatory Act of
21 the 95th General Assembly, "rules" is given the meaning
22 contained in Section 1-70 of the Illinois Administrative
23 Procedure Act, and "agency" and "agency head" are given the
24 meanings contained in Sections 1-20 and 1-25 of the Illinois
25 Administrative Procedure Act to the extent that such
26 definitions apply to agencies or agency heads under the

1 jurisdiction of the Governor.

2 (Source: P.A. 94-804, eff. 5-26-06.)

3 Section 10. The Riverboat Gambling Act is amended by
4 changing Sections 7 and 13 as follows:

5 (230 ILCS 10/7) (from Ch. 120, par. 2407)

6 Sec. 7. Owners Licenses.

7 (a) The Board shall issue owners licenses to persons, firms
8 or corporations which apply for such licenses upon payment to
9 the Board of the non-refundable license fee set by the Board,
10 upon payment of a \$25,000 license fee for the first year of
11 operation and a \$5,000 license fee for each succeeding year and
12 upon a determination by the Board that the applicant is
13 eligible for an owners license pursuant to this Act and the
14 rules of the Board. From May 26, 2006 until (i) June 30, 2011,
15 (ii) the date any organization licensee begins to operate a
16 slot machine or video game of chance under the Illinois Horse
17 Racing Act of 1975 or this Act, or (iii) the wagering tax
18 imposed under Section 13 of this Act is increased by law to
19 reflect a tax rate that is at least as stringent or more
20 stringent than the tax rate contained in subsection (a-3) of
21 Section 13, whichever occurs first ~~For a period of 2 years~~
22 ~~beginning on the effective date of this amendatory Act of the~~
23 ~~94th General Assembly,~~ as a condition of licensure and as an
24 alternative source of payment for those funds payable under

1 subsection (c-5) of Section 13 of the Riverboat Gambling Act,
2 any owners licensee that holds or receives its owners license
3 on or after the effective date of this amendatory Act of the
4 94th General Assembly, other than an owners licensee operating
5 a riverboat with adjusted gross receipts in calendar year 2004
6 of less than \$200,000,000, must pay into the Horse Racing
7 Equity Trust Fund, in addition to any other payments required
8 under this Act, an amount equal to 3% of the adjusted gross
9 receipts received by the owners licensee. The payments required
10 under this Section shall be made by the owners licensee to the
11 State Treasurer no later than 3:00 o'clock p.m. of the day
12 after the day when the adjusted gross receipts were received by
13 the owners licensee. A person, firm or corporation is
14 ineligible to receive an owners license if:

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

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

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

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

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

26 (6) the firm or corporation employs a person defined in

1 (1), (2), (3) or (4) who participates in the management or
2 operation of gambling operations authorized under this
3 Act;

4 (7) (blank); or

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

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

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

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

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

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

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

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

1 classifications;

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

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

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

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

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

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

15 (e) The Board may issue up to 10 licenses authorizing the
16 holders of such licenses to own riverboats. In the application
17 for an owners license, the applicant shall state the dock at
18 which the riverboat is based and the water on which the
19 riverboat will be located. The Board shall issue 5 licenses to
20 become effective not earlier than January 1, 1991. Three of
21 such licenses shall authorize riverboat gambling on the
22 Mississippi River, or, with approval by the municipality in
23 which the riverboat was docked on August 7, 2003 and with Board
24 approval, be authorized to relocate to a new location, in a
25 municipality that (1) borders on the Mississippi River or is
26 within 5 miles of the city limits of a municipality that

1 borders on the Mississippi River and (2), on August 7, 2003,
2 had a riverboat conducting riverboat gambling operations
3 pursuant to a license issued under this Act; one of which shall
4 authorize riverboat gambling from a home dock in the city of
5 East St. Louis. One other license shall authorize riverboat
6 gambling on the Illinois River south of Marshall County. The
7 Board shall issue one additional license to become effective
8 not earlier than March 1, 1992, which shall authorize riverboat
9 gambling on the Des Plaines River in Will County. The Board may
10 issue 4 additional licenses to become effective not earlier
11 than March 1, 1992. In determining the water upon which
12 riverboats will operate, the Board shall consider the economic
13 benefit which riverboat gambling confers on the State, and
14 shall seek to assure that all regions of the State share in the
15 economic benefits of riverboat gambling.

16 In granting all licenses, the Board may give favorable
17 consideration to economically depressed areas of the State, to
18 applicants presenting plans which provide for significant
19 economic development over a large geographic area, and to
20 applicants who currently operate non-gambling riverboats in
21 Illinois. The Board shall review all applications for owners
22 licenses, and shall inform each applicant of the Board's
23 decision. The Board may grant an owners license to an applicant
24 that has not submitted the highest license bid, but if it does
25 not select the highest bidder, the Board shall issue a written
26 decision explaining why another applicant was selected and

1 identifying the factors set forth in this Section that favored
2 the winning bidder.

3 In addition to any other revocation powers granted to the
4 Board under this Act, the Board may revoke the owners license
5 of a licensee which fails to begin conducting gambling within
6 15 months of receipt of the Board's approval of the application
7 if the Board determines that license revocation is in the best
8 interests of the State.

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

15 (g) Upon the termination, expiration, or revocation of each
16 of the first 10 licenses, which shall be issued for a 3 year
17 period, all licenses are renewable annually upon payment of the
18 fee and a determination by the Board that the licensee
19 continues to meet all of the requirements of this Act and the
20 Board's rules. However, for licenses renewed on or after May 1,
21 1998, renewal shall be for a period of 4 years, unless the
22 Board sets a shorter period.

23 (h) An owners license shall entitle the licensee to own up
24 to 2 riverboats. A licensee shall limit the number of gambling
25 participants to 1,200 for any such owners license. A licensee
26 may operate both of its riverboats concurrently, provided that

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

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

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

1 vote approved of the docking of riverboats within such areas.

2 (k) Notwithstanding any other rulemaking authority that
3 may exist, neither the Governor nor any agency or agency head
4 under the jurisdiction of the Governor has any authority to
5 make or promulgate rules to implement or enforce the provisions
6 of this amendatory Act of the 95th General Assembly. If,
7 however, the Governor believes that rules are necessary to
8 implement or enforce the provisions of this amendatory Act of
9 the 95th General Assembly, the Governor may suggest rules to
10 the General Assembly by filing them with the Clerk of the House
11 and the Secretary of the Senate and by requesting that the
12 General Assembly authorize such rulemaking by law, enact those
13 suggested rules into law, or take any other appropriate action
14 in the General Assembly's discretion. Nothing contained in this
15 amendatory Act of the 95th General Assembly shall be
16 interpreted to grant rulemaking authority under any other
17 Illinois statute where such authority is not otherwise
18 explicitly given. For the purposes of this amendatory Act of
19 the 95th General Assembly, "rules" is given the meaning
20 contained in Section 1-70 of the Illinois Administrative
21 Procedure Act, and "agency" and "agency head" are given the
22 meanings contained in Sections 1-20 and 1-25 of the Illinois
23 Administrative Procedure Act to the extent that such
24 definitions apply to agencies or agency heads under the
25 jurisdiction of the Governor.

26 (Source: P.A. 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; 94-667,

1 eff. 8-23-05; 94-804, eff. 5-26-06.)

2 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

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

14 20% of annual adjusted gross receipts in excess of
15 \$25,000,000 but not exceeding \$50,000,000;

16 25% of annual adjusted gross receipts in excess of
17 \$50,000,000 but not exceeding \$75,000,000;

18 30% of annual adjusted gross receipts in excess of
19 \$75,000,000 but not exceeding \$100,000,000;

20 35% of annual adjusted gross receipts in excess of
21 \$100,000,000.

22 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
23 is imposed on persons engaged in the business of conducting
24 riverboat gambling operations, other than licensed managers
25 conducting riverboat gambling operations on behalf of the

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

4 15% of annual adjusted gross receipts up to and
5 including \$25,000,000;

6 22.5% of annual adjusted gross receipts in excess of
7 \$25,000,000 but not exceeding \$50,000,000;

8 27.5% of annual adjusted gross receipts in excess of
9 \$50,000,000 but not exceeding \$75,000,000;

10 32.5% of annual adjusted gross receipts in excess of
11 \$75,000,000 but not exceeding \$100,000,000;

12 37.5% of annual adjusted gross receipts in excess of
13 \$100,000,000 but not exceeding \$150,000,000;

14 45% of annual adjusted gross receipts in excess of
15 \$150,000,000 but not exceeding \$200,000,000;

16 50% of annual adjusted gross receipts in excess of
17 \$200,000,000.

18 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
19 persons engaged in the business of conducting riverboat
20 gambling operations, other than licensed managers conducting
21 riverboat gambling operations on behalf of the State, based on
22 the adjusted gross receipts received by a licensed owner from
23 gambling games authorized under this Act at the following
24 rates:

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

1 27.5% of annual adjusted gross receipts in excess of
2 \$25,000,000 but not exceeding \$37,500,000;

3 32.5% of annual adjusted gross receipts in excess of
4 \$37,500,000 but not exceeding \$50,000,000;

5 37.5% of annual adjusted gross receipts in excess of
6 \$50,000,000 but not exceeding \$75,000,000;

7 45% of annual adjusted gross receipts in excess of
8 \$75,000,000 but not exceeding \$100,000,000;

9 50% of annual adjusted gross receipts in excess of
10 \$100,000,000 but not exceeding \$250,000,000;

11 70% of annual adjusted gross receipts in excess of
12 \$250,000,000.

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

18 The privilege tax imposed under this subsection (a-3) shall
19 no longer be imposed beginning on the earlier of (i) July 1,
20 2005; (ii) the first date after June 20, 2003 that riverboat
21 gambling operations are conducted pursuant to a dormant
22 license; or (iii) the first day that riverboat gambling
23 operations are conducted under the authority of an owners
24 license that is in addition to the 10 owners licenses initially
25 authorized under this Act. For the purposes of this subsection
26 (a-3), the term "dormant license" means an owners license that

1 is authorized by this Act under which no riverboat gambling
2 operations are being conducted on June 20, 2003.

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

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

13 22.5% of annual adjusted gross receipts in excess of
14 \$25,000,000 but not exceeding \$50,000,000;

15 27.5% of annual adjusted gross receipts in excess of
16 \$50,000,000 but not exceeding \$75,000,000;

17 32.5% of annual adjusted gross receipts in excess of
18 \$75,000,000 but not exceeding \$100,000,000;

19 37.5% of annual adjusted gross receipts in excess of
20 \$100,000,000 but not exceeding \$150,000,000;

21 45% of annual adjusted gross receipts in excess of
22 \$150,000,000 but not exceeding \$200,000,000;

23 50% of annual adjusted gross receipts in excess of
24 \$200,000,000.

25 (a-8) Riverboat gambling operations conducted by a
26 licensed manager on behalf of the State are not subject to the

1 tax imposed under this Section.

2 (a-10) The taxes imposed by this Section shall be paid by
3 the licensed owner to the Board not later than 3:00 o'clock
4 p.m. of the day after the day when the wagers were made.

5 (a-15) If the privilege tax imposed under subsection (a-3)
6 is no longer imposed pursuant to item (i) of the last paragraph
7 of subsection (a-3), then by June 15 of each year, each owners
8 licensee, other than an owners licensee that admitted 1,000,000
9 persons or fewer in calendar year 2004, must, in addition to
10 the payment of all amounts otherwise due under this Section,
11 pay to the Board a reconciliation payment in the amount, if
12 any, by which the licensed owner's base amount exceeds the
13 amount of net privilege tax paid by the licensed owner to the
14 Board in the then current State fiscal year. A licensed owner's
15 net privilege tax obligation due for the balance of the State
16 fiscal year shall be reduced up to the total of the amount paid
17 by the licensed owner in its June 15 reconciliation payment.
18 The obligation imposed by this subsection (a-15) is binding on
19 any person, firm, corporation, or other entity that acquires an
20 ownership interest in any such owners license. The obligation
21 imposed under this subsection (a-15) terminates on the earliest
22 of: (i) July 1, 2007, (ii) the first day after the effective
23 date of this amendatory Act of the 94th General Assembly that
24 riverboat gambling operations are conducted pursuant to a
25 dormant license, (iii) the first day that riverboat gambling
26 operations are conducted under the authority of an owners

1 license that is in addition to the 10 owners licenses initially
2 authorized under this Act, or (iv) the first day that a
3 licensee under the Illinois Horse Racing Act of 1975 conducts
4 gaming operations with slot machines or other electronic gaming
5 devices. The Board must reduce the obligation imposed under
6 this subsection (a-15) by an amount the Board deems reasonable
7 for any of the following reasons: (A) an act or acts of God,
8 (B) an act of bioterrorism or terrorism or a bioterrorism or
9 terrorism threat that was investigated by a law enforcement
10 agency, or (C) a condition beyond the control of the owners
11 licensee that does not result from any act or omission by the
12 owners licensee or any of its agents and that poses a hazardous
13 threat to the health and safety of patrons. If an owners
14 licensee pays an amount in excess of its liability under this
15 Section, the Board shall apply the overpayment to future
16 payments required under this Section.

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

18 "Act of God" means an incident caused by the operation of
19 an extraordinary force that cannot be foreseen, that cannot be
20 avoided by the exercise of due care, and for which no person
21 can be held liable.

22 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

11 The changes made to this subsection (a-15) by Public Act
12 94-839 are intended to restate and clarify the intent of Public
13 Act 94-673 with respect to the amount of the payments required
14 to be made under this subsection by an owners licensee to the
15 Board.

16 (b) Until January 1, 1998, 25% of the tax revenue deposited
17 in the State Gaming Fund under this Section shall be paid,
18 subject to appropriation by the General Assembly, to the unit
19 of local government which is designated as the home dock of the
20 riverboat. Beginning January 1, 1998, from the tax revenue
21 deposited in the State Gaming Fund under this Section, an
22 amount equal to 5% of adjusted gross receipts generated by a
23 riverboat shall be paid monthly, subject to appropriation by
24 the General Assembly, to the unit of local government that is
25 designated as the home dock of the riverboat. From the tax
26 revenue deposited in the State Gaming Fund pursuant to

1 riverboat gambling operations conducted by a licensed manager
2 on behalf of the State, an amount equal to 5% of adjusted gross
3 receipts generated pursuant to those riverboat gambling
4 operations shall be paid monthly, subject to appropriation by
5 the General Assembly, to the unit of local government that is
6 designated as the home dock of the riverboat upon which those
7 riverboat gambling operations are conducted.

8 (c) Appropriations, as approved by the General Assembly,
9 may be made from the State Gaming Fund to the Department of
10 Revenue and the Department of State Police for the
11 administration and enforcement of this Act, or to the
12 Department of Human Services for the administration of programs
13 to treat problem gambling.

14 (c-5) Before May 26, 2006 (the effective date of Public Act
15 94-804) and beginning June 30, 2011, unless any organization
16 licensee under the Illinois Horse Racing Act of 1975 begins to
17 operate a slot machine or video game of chance under the
18 Illinois Horse Racing Act of 1975 or this Act 2 years after May
19 26, 2006 (the effective date of Public Act 94-804), after the
20 payments required under subsections (b) and (c) have been made,
21 an amount equal to 15% of the adjusted gross receipts of (1) an
22 owners licensee that relocates pursuant to Section 11.2, (2) an
23 owners licensee conducting riverboat gambling operations
24 pursuant to an owners license that is initially issued after
25 June 25, 1999, or (3) the first riverboat gambling operations
26 conducted by a licensed manager on behalf of the State under

1 Section 7.3, whichever comes first, shall be paid from the
2 State Gaming Fund into the Horse Racing Equity Fund.

3 Notwithstanding any other rulemaking authority that may
4 exist, neither the Governor nor any agency or agency head under
5 the jurisdiction of the Governor has any authority to make or
6 promulgate rules to implement or enforce the provisions of this
7 amendatory Act of the 95th General Assembly. If, however, the
8 Governor believes that rules are necessary to implement or
9 enforce the provisions of this amendatory Act of the 95th
10 General Assembly, the Governor may suggest rules to the General
11 Assembly by filing them with the Clerk of the House and the
12 Secretary of the Senate and by requesting that the General
13 Assembly authorize such rulemaking by law, enact those
14 suggested rules into law, or take any other appropriate action
15 in the General Assembly's discretion. Nothing contained in this
16 amendatory Act of the 95th General Assembly shall be
17 interpreted to grant rulemaking authority under any other
18 Illinois statute where such authority is not otherwise
19 explicitly given. For the purposes of this amendatory Act of
20 the 95th General Assembly, "rules" is given the meaning
21 contained in Section 1-70 of the Illinois Administrative
22 Procedure Act, and "agency" and "agency head" are given the
23 meanings contained in Sections 1-20 and 1-25 of the Illinois
24 Administrative Procedure Act to the extent that such
25 definitions apply to agencies or agency heads under the
26 jurisdiction of the Governor.

1 (c-10) 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 into the Horse Racing Equity
4 Fund pursuant to subsection (c-5) in the prior calendar year.

5 (c-15) After the payments required under subsections (b),
6 (c), and (c-5) have been made, an amount equal to 2% of the
7 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 paid, subject to appropriation from the
14 General Assembly, from the State Gaming Fund to each home rule
15 county with a population of over 3,000,000 inhabitants for the
16 purpose of enhancing the county's criminal justice system.

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

22 (c-25) After the payments required under subsections (b),
23 (c), (c-5) and (c-15) have been made, an amount equal to 2% of
24 the adjusted gross receipts of (1) an owners licensee that
25 relocates pursuant to Section 11.2, (2) an owners licensee
26 conducting riverboat gambling operations pursuant to an owners

1 license that is initially issued after June 25, 1999, or (3)
2 the first riverboat gambling operations conducted by a licensed
3 manager on behalf of the State under Section 7.3, whichever
4 comes first, shall be paid from the State Gaming Fund to
5 Chicago State University.

6 (d) From time to time, the Board shall transfer the
7 remainder of the funds generated by this Act into the Education
8 Assistance Fund, created by Public Act 86-0018, of the State of
9 Illinois.

10 (e) Nothing in this Act shall prohibit the unit of local
11 government designated as the home dock of the riverboat from
12 entering into agreements with other units of local government
13 in this State or in other states to share its portion of the
14 tax revenue.

15 (f) To the extent practicable, the Board shall administer
16 and collect the wagering taxes imposed by this Section in a
17 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
18 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
19 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
20 Penalty and Interest Act.

21 (Source: P.A. 94-673, eff. 8-23-05; 94-804, eff. 5-26-06;
22 94-839, eff. 6-6-06; 95-331, eff. 8-21-07.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."