

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 Illinois Horse Racing Act of 1975 is amended  
5 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7 (Section scheduled to be repealed on May 26, 2008)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).

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

20 (1) Sixty percent of all moneys distributed under this  
21 subsection shall be distributed to organization licensees  
22 to be distributed at their race meetings as purses.  
23 Fifty-seven percent of the amount distributed under this

1 paragraph (1) shall be distributed for thoroughbred race  
2 meetings and 43% shall be distributed for standardbred race  
3 meetings. Within each breed, moneys shall be allocated to  
4 each organization licensee's purse fund in accordance with  
5 the ratio between the purses generated for that breed by  
6 that licensee during the prior calendar year and the total  
7 purses generated throughout the State for that breed during  
8 the prior calendar year by licensees in the current  
9 calendar year.

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

12 (A) 11% shall be distributed to any person (or its  
13 successors or assigns) who had operating control of a  
14 racetrack that conducted live racing in 2002 at a  
15 racetrack in a county with at least 230,000 inhabitants  
16 that borders the Mississippi River and is a licensee in  
17 the current year; and

18 (B) the remaining 89% shall be distributed pro rata  
19 according to the aggregate proportion of total handle  
20 from wagering on live races conducted in Illinois  
21 (irrespective of where the wagers are placed) for  
22 calendar years 2004 and 2005 to any person (or its  
23 successors or assigns) who (i) had majority operating  
24 control of a racing facility at which live racing was  
25 conducted in calendar year 2002, (ii) is a licensee in  
26 the current year, and (iii) is not eligible to receive

1 moneys under subparagraph (A) of this paragraph (2).

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

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

16 (c) The Board shall monitor organization licensees to  
17 ensure that moneys paid to organization licensees under this  
18 Section are distributed by the organization licensees as  
19 provided in subsection (b).

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

23 (e) Notwithstanding any other rulemaking authority that  
24 may exist, neither the Governor nor any agency or agency head  
25 under the jurisdiction of the Governor has any authority to  
26 make or promulgate rules to implement or enforce the provisions

1 of this amendatory Act of the 95th General Assembly. If,  
2 however, the Governor believes that rules are necessary to  
3 implement or enforce the provisions of this amendatory Act of  
4 the 95th General Assembly, the Governor may suggest rules to  
5 the General Assembly by filing them with the Clerk of the House  
6 and the Secretary of the Senate and by requesting that the  
7 General Assembly authorize such rulemaking by law, enact those  
8 suggested rules into law, or take any other appropriate action  
9 in the General Assembly's discretion. Nothing contained in this  
10 amendatory Act of the 95th General Assembly shall be  
11 interpreted to grant rulemaking authority under any other  
12 Illinois statute where such authority is not otherwise  
13 explicitly given. For the purposes of this amendatory Act of  
14 the 95th General Assembly, "rules" is given the meaning  
15 contained in Section 1-70 of the Illinois Administrative  
16 Procedure Act, and "agency" and "agency head" are given the  
17 meanings contained in Sections 1-20 and 1-25 of the Illinois  
18 Administrative Procedure Act to the extent that such  
19 definitions apply to agencies or agency heads under the  
20 jurisdiction of the Governor.

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

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

24 (230 ILCS 10/7) (from Ch. 120, par. 2407)

1           Sec. 7. Owners Licenses.

2           (a) The Board shall issue owners licenses to persons, firms  
3 or corporations which apply for such licenses upon payment to  
4 the Board of the non-refundable license fee set by the Board,  
5 upon payment of a \$25,000 license fee for the first year of  
6 operation and a \$5,000 license fee for each succeeding year and  
7 upon a determination by the Board that the applicant is  
8 eligible for an owners license pursuant to this Act and the  
9 rules of the Board. From May 26, 2006 until (i) June 30, 2011,  
10 (ii) the date any organization licensee begins to operate a  
11 slot machine or video game of chance under the Illinois Horse  
12 Racing Act of 1975 or this Act, or (iii) the wagering tax  
13 imposed under Section 13 of this Act is increased by law to  
14 reflect a tax rate that is at least as stringent or more  
15 stringent than the tax rate contained in subsection (a-3) of  
16 Section 13, whichever occurs first ~~For a period of 2 years~~  
17 ~~beginning on the effective date of this amendatory Act of the~~  
18 ~~94th General Assembly,~~ as a condition of licensure and as an  
19 alternative source of payment for those funds payable under  
20 subsection (c-5) of Section 13 of the Riverboat Gambling Act,  
21 any owners licensee that holds or receives its owners license  
22 on or after the effective date of this amendatory Act of the  
23 94th General Assembly, other than an owners licensee operating  
24 a riverboat with adjusted gross receipts in calendar year 2004  
25 of less than \$200,000,000, must pay into the Horse Racing  
26 Equity Trust Fund, in addition to any other payments required

1 under this Act, an amount equal to 3% of the adjusted gross  
2 receipts received by the owners licensee. The payments required  
3 under this Section shall be made by the owners licensee to the  
4 State Treasurer no later than 3:00 o'clock p.m. of the day  
5 after the day when the adjusted gross receipts were received by  
6 the owners licensee. A person, firm or corporation is  
7 ineligible to receive an owners license if:

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

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

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

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

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

19 (6) the firm or corporation employs a person defined in  
20 (1), (2), (3) or (4) who participates in the management or  
21 operation of gambling operations authorized under this  
22 Act;

23 (7) (blank); or

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

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

3 (1) the character, reputation, experience and  
4 financial integrity of the applicants and of any other or  
5 separate person that either:

6 (A) controls, directly or indirectly, such  
7 applicant, or

8 (B) is controlled, directly or indirectly, by such  
9 applicant or by a person which controls, directly or  
10 indirectly, such applicant;

11 (2) the facilities or proposed facilities for the  
12 conduct of riverboat gambling;

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

15 (4) the extent to which the ownership of the applicant  
16 reflects the diversity of the State by including minority  
17 persons and females and the good faith affirmative action  
18 plan of each applicant to recruit, train and upgrade  
19 minority persons and females in all employment  
20 classifications;

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

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

26 (7) the extent to which the applicant exceeds or meets

1 other standards for the issuance of an owners license which  
2 the Board may adopt by rule; and

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

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

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

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



1 not earlier than March 1, 1992, which shall authorize riverboat  
2 gambling on the Des Plaines River in Will County. The Board may  
3 issue 4 additional licenses to become effective not earlier  
4 than March 1, 1992. In determining the water upon which  
5 riverboats will operate, the Board shall consider the economic  
6 benefit which riverboat gambling confers on the State, and  
7 shall seek to assure that all regions of the State share in the  
8 economic benefits of riverboat gambling.

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

22 In addition to any other revocation powers granted to the  
23 Board under this Act, the Board may revoke the owners license  
24 of a licensee which fails to begin conducting gambling within  
25 15 months of receipt of the Board's approval of the application  
26 if the Board determines that license revocation is in the best

1 interests of the State.

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

8 (g) Upon the termination, expiration, or revocation of each  
9 of the first 10 licenses, which shall be issued for a 3 year  
10 period, all licenses are renewable annually upon payment of the  
11 fee and a determination by the Board that the licensee  
12 continues to meet all of the requirements of this Act and the  
13 Board's rules. However, for licenses renewed on or after May 1,  
14 1998, renewal shall be for a period of 4 years, unless the  
15 Board sets a shorter period.

16 (h) An owners license shall entitle the licensee to own up  
17 to 2 riverboats. A licensee shall limit the number of gambling  
18 participants to 1,200 for any such owners license. A licensee  
19 may operate both of its riverboats concurrently, provided that  
20 the total number of gambling participants on both riverboats  
21 does not exceed 1,200. Riverboats licensed to operate on the  
22 Mississippi River and the Illinois River south of Marshall  
23 County shall have an authorized capacity of at least 500  
24 persons. Any other riverboat licensed under this Act shall have  
25 an authorized capacity of at least 400 persons.

26 (i) A licensed owner is authorized to apply to the Board

1 for and, if approved therefor, to receive all licenses from the  
2 Board necessary for the operation of a riverboat, including a  
3 liquor license, a license to prepare and serve food for human  
4 consumption, and other necessary licenses. All use, occupation  
5 and excise taxes which apply to the sale of food and beverages  
6 in this State and all taxes imposed on the sale or use of  
7 tangible personal property apply to such sales aboard the  
8 riverboat.

9 (j) The Board may issue or re-issue a license authorizing a  
10 riverboat to dock in a municipality or approve a relocation  
11 under Section 11.2 only if, prior to the issuance or  
12 re-issuance of the license or approval, the governing body of  
13 the municipality in which the riverboat will dock has by a  
14 majority vote approved the docking of riverboats in the  
15 municipality. The Board may issue or re-issue a license  
16 authorizing a riverboat to dock in areas of a county outside  
17 any municipality or approve a relocation under Section 11.2  
18 only if, prior to the issuance or re-issuance of the license or  
19 approval, the governing body of the county has by a majority  
20 vote approved of the docking of riverboats within such areas.

21 (k) Notwithstanding any other rulemaking authority that  
22 may exist, neither the Governor nor any agency or agency head  
23 under the jurisdiction of the Governor has any authority to  
24 make or promulgate rules to implement or enforce the provisions  
25 of this amendatory Act of the 95th General Assembly. If,  
26 however, the Governor believes that rules are necessary to

1 implement or enforce the provisions of this amendatory Act of  
2 the 95th General Assembly, the Governor may suggest rules to  
3 the General Assembly by filing them with the Clerk of the House  
4 and the Secretary of the Senate and by requesting that the  
5 General Assembly authorize such rulemaking by law, enact those  
6 suggested rules into law, or take any other appropriate action  
7 in the General Assembly's discretion. Nothing contained in this  
8 amendatory Act of the 95th General Assembly shall be  
9 interpreted to grant rulemaking authority under any other  
10 Illinois statute where such authority is not otherwise  
11 explicitly given. For the purposes of this amendatory Act of  
12 the 95th General Assembly, "rules" is given the meaning  
13 contained in Section 1-70 of the Illinois Administrative  
14 Procedure Act, and "agency" and "agency head" are given the  
15 meanings contained in Sections 1-20 and 1-25 of the Illinois  
16 Administrative Procedure Act to the extent that such  
17 definitions apply to agencies or agency heads under the  
18 jurisdiction of the Governor.

19 (Source: P.A. 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; 94-667,  
20 eff. 8-23-05; 94-804, eff. 5-26-06.)

21 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

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

8 20% of annual adjusted gross receipts in excess of  
9 \$25,000,000 but not exceeding \$50,000,000;

10 25% of annual adjusted gross receipts in excess of  
11 \$50,000,000 but not exceeding \$75,000,000;

12 30% of annual adjusted gross receipts in excess of  
13 \$75,000,000 but not exceeding \$100,000,000;

14 35% of annual adjusted gross receipts in excess of  
15 \$100,000,000.

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

23 15% of annual adjusted gross receipts up to and  
24 including \$25,000,000;

25 22.5% of annual adjusted gross receipts in excess of  
26 \$25,000,000 but not exceeding \$50,000,000;

1           27.5% of annual adjusted gross receipts in excess of  
2           \$50,000,000 but not exceeding \$75,000,000;

3           32.5% of annual adjusted gross receipts in excess of  
4           \$75,000,000 but not exceeding \$100,000,000;

5           37.5% of annual adjusted gross receipts in excess of  
6           \$100,000,000 but not exceeding \$150,000,000;

7           45% of annual adjusted gross receipts in excess of  
8           \$150,000,000 but not exceeding \$200,000,000;

9           50% of annual adjusted gross receipts in excess of  
10          \$200,000,000.

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

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

20           27.5% of annual adjusted gross receipts in excess of  
21           \$25,000,000 but not exceeding \$37,500,000;

22           32.5% of annual adjusted gross receipts in excess of  
23           \$37,500,000 but not exceeding \$50,000,000;

24           37.5% of annual adjusted gross receipts in excess of  
25           \$50,000,000 but not exceeding \$75,000,000;

26           45% of annual adjusted gross receipts in excess of

1           \$75,000,000 but not exceeding \$100,000,000;  
2           50% of annual adjusted gross receipts in excess of  
3           \$100,000,000 but not exceeding \$250,000,000;  
4           70% of annual adjusted gross receipts in excess of  
5           \$250,000,000.

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

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

22          (a-4) Beginning on the first day on which the tax imposed  
23          under subsection (a-3) is no longer imposed, a privilege tax is  
24          imposed on persons engaged in the business of conducting  
25          riverboat gambling operations, other than licensed managers  
26          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-8) Riverboat gambling operations conducted by a  
19 licensed manager on behalf of the State are not subject to the  
20 tax imposed under this Section.

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

24 (a-15) If the privilege tax imposed under subsection (a-3)  
25 is no longer imposed pursuant to item (i) of the last paragraph  
26 of subsection (a-3), then by June 15 of each year, each owners



1 licensee, other than an owners licensee that admitted 1,000,000  
2 persons or fewer in calendar year 2004, must, in addition to  
3 the payment of all amounts otherwise due under this Section,  
4 pay to the Board a reconciliation payment in the amount, if  
5 any, by which the licensed owner's base amount exceeds the  
6 amount of net privilege tax paid by the licensed owner to the  
7 Board in the then current State fiscal year. A licensed owner's  
8 net privilege tax obligation due for the balance of the State  
9 fiscal year shall be reduced up to the total of the amount paid  
10 by the licensed owner in its June 15 reconciliation payment.  
11 The obligation imposed by this subsection (a-15) is binding on  
12 any person, firm, corporation, or other entity that acquires an  
13 ownership interest in any such owners license. The obligation  
14 imposed under this subsection (a-15) terminates on the earliest  
15 of: (i) July 1, 2007, (ii) the first day after the effective  
16 date of this amendatory Act of the 94th General Assembly that  
17 riverboat gambling operations are conducted pursuant to a  
18 dormant license, (iii) the first day that riverboat gambling  
19 operations are conducted under the authority of an owners  
20 license that is in addition to the 10 owners licenses initially  
21 authorized under this Act, or (iv) the first day that a  
22 licensee under the Illinois Horse Racing Act of 1975 conducts  
23 gaming operations with slot machines or other electronic gaming  
24 devices. The Board must reduce the obligation imposed under  
25 this subsection (a-15) by an amount the Board deems reasonable  
26 for any of the following reasons: (A) an act or acts of God,

1 (B) an act of bioterrorism or terrorism or a bioterrorism or  
2 terrorism threat that was investigated by a law enforcement  
3 agency, or (C) a condition beyond the control of the owners  
4 licensee that does not result from any act or omission by the  
5 owners licensee or any of its agents and that poses a hazardous  
6 threat to the health and safety of patrons. If an owners  
7 licensee pays an amount in excess of its liability under this  
8 Section, the Board shall apply the overpayment to future  
9 payments required under this Section.

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

11 "Act of God" means an incident caused by the operation of  
12 an extraordinary force that cannot be foreseen, that cannot be  
13 avoided by the exercise of due care, and for which no person  
14 can be held liable.

15 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

26 "Net privilege tax" means all privilege taxes paid by a

1 licensed owner to the Board under this Section, less all  
2 payments made from the State Gaming Fund pursuant to subsection  
3 (b) of this Section.

4 The changes made to this subsection (a-15) by Public Act  
5 94-839 are intended to restate and clarify the intent of Public  
6 Act 94-673 with respect to the amount of the payments required  
7 to be made under this subsection by an owners licensee to the  
8 Board.

9 (b) Until January 1, 1998, 25% of the tax revenue deposited  
10 in the State Gaming Fund under this Section shall be paid,  
11 subject to appropriation by the General Assembly, to the unit  
12 of local government which is designated as the home dock of the  
13 riverboat. Beginning January 1, 1998, from the tax revenue  
14 deposited in the State Gaming Fund under this Section, an  
15 amount equal to 5% of adjusted gross receipts generated by a  
16 riverboat shall be paid monthly, subject to appropriation by  
17 the General Assembly, to the unit of local government that is  
18 designated as the home dock of the riverboat. From the tax  
19 revenue deposited in the State Gaming Fund pursuant to  
20 riverboat gambling operations conducted by a licensed manager  
21 on behalf of the State, an amount equal to 5% of adjusted gross  
22 receipts generated pursuant to those riverboat gambling  
23 operations 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 upon which those  
26 riverboat gambling operations are conducted.

1 (c) Appropriations, as approved by the General Assembly,  
2 may be made from the State Gaming Fund to the Department of  
3 Revenue and the Department of State Police for the  
4 administration and enforcement of this Act, or to the  
5 Department of Human Services for the administration of programs  
6 to treat problem gambling.

7 (c-5) Before May 26, 2006 (the effective date of Public Act  
8 94-804) and beginning June 30, 2011, unless any organization  
9 licensee under the Illinois Horse Racing Act of 1975 begins to  
10 operate a slot machine or video game of chance under the  
11 Illinois Horse Racing Act of 1975 or this Act 2 years after May  
12 26, 2006 (the effective date of Public Act 94-804), after the  
13 payments required under subsections (b) and (c) have been made,  
14 an amount equal to 15% of the adjusted gross receipts of (1) an  
15 owners licensee that relocates pursuant to Section 11.2, (2) an  
16 owners licensee conducting riverboat gambling operations  
17 pursuant to an owners license that is initially issued after  
18 June 25, 1999, or (3) the first riverboat gambling operations  
19 conducted by a licensed manager on behalf of the State under  
20 Section 7.3, whichever comes first, shall be paid from the  
21 State Gaming Fund into the Horse Racing Equity Fund.

22 Notwithstanding any other rulemaking authority that may  
23 exist, neither the Governor nor any agency or agency head under  
24 the jurisdiction of the Governor has any authority to make or  
25 promulgate rules to implement or enforce the provisions of this  
26 amendatory Act of the 95th General Assembly. If, however, the

1 Governor believes that rules are necessary to implement or  
2 enforce the provisions of this amendatory Act of the 95th  
3 General Assembly, the Governor may suggest rules to the General  
4 Assembly by filing them with the Clerk of the House and the  
5 Secretary of the Senate and by requesting that the General  
6 Assembly authorize such rulemaking by law, enact those  
7 suggested rules into law, or take any other appropriate action  
8 in the General Assembly's discretion. Nothing contained in this  
9 amendatory Act of the 95th General Assembly shall be  
10 interpreted to grant rulemaking authority under any other  
11 Illinois statute where such authority is not otherwise  
12 explicitly given. For the purposes of this amendatory Act of  
13 the 95th General Assembly, "rules" is given the meaning  
14 contained in Section 1-70 of the Illinois Administrative  
15 Procedure Act, and "agency" and "agency head" are given the  
16 meanings contained in Sections 1-20 and 1-25 of the Illinois  
17 Administrative Procedure Act to the extent that such  
18 definitions apply to agencies or agency heads under the  
19 jurisdiction of the Governor.

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

1 relocates pursuant to Section 11.2, (2) an owners licensee  
2 conducting riverboat gambling operations pursuant to an owners  
3 license that is initially issued after June 25, 1999, or (3)  
4 the first riverboat gambling operations conducted by a licensed  
5 manager on behalf of the State under Section 7.3, whichever  
6 comes first, shall be paid, subject to appropriation from the  
7 General Assembly, from the State Gaming Fund to each home rule  
8 county with a population of over 3,000,000 inhabitants for the  
9 purpose of enhancing the county's criminal justice system.

10 (c-20) 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 to each home rule county  
13 with a population of over 3,000,000 inhabitants pursuant to  
14 subsection (c-15) in the prior calendar year.

15 (c-25) After the payments required under subsections (b),  
16 (c), (c-5) and (c-15) have been made, an amount equal to 2% of  
17 the adjusted gross receipts of (1) an owners licensee that  
18 relocates pursuant to Section 11.2, (2) an owners licensee  
19 conducting riverboat gambling operations pursuant to an owners  
20 license that is initially issued after June 25, 1999, or (3)  
21 the first riverboat gambling operations conducted by a licensed  
22 manager on behalf of the State under Section 7.3, whichever  
23 comes first, shall be paid from the State Gaming Fund to  
24 Chicago State University.

25 (d) From time to time, the Board shall transfer the  
26 remainder of the funds generated by this Act into the Education

1 Assistance Fund, created by Public Act 86-0018, of the State of  
2 Illinois.

3 (e) Nothing in this Act shall prohibit the unit of local  
4 government designated as the home dock of the riverboat from  
5 entering into agreements with other units of local government  
6 in this State or in other states to share its portion of the  
7 tax revenue.

8 (f) To the extent practicable, the Board shall administer  
9 and collect the wagering taxes imposed by this Section 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; 94-804, eff. 5-26-06;  
15 94-839, eff. 6-6-06; 95-331, eff. 8-21-07.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.