

# SB1937



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1937

Introduced 2/20/2009, by Sen. Terry Link - Dave Syverson

#### SYNOPSIS AS INTRODUCED:

230 ILCS 10/12  
230 ILCS 10/13

from Ch. 120, par. 2412  
from Ch. 120, par. 2413

Amends the Riverboat Gambling Act. For a riverboat with annual adjusted gross receipts of less than \$50,000,000, (i) eliminates the admissions tax and (ii) imposes an additional 1% privilege tax, the proceeds of which shall be paid monthly to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted. Effective immediately.

LRB096 09645 AMC 19806 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning gaming.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Riverboat Gambling Act is amended by  
5 changing Sections 12 and 13 as follows:

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

7 Sec. 12. Admission tax; fees.

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

1 the rate is \$3 per person admitted. This admission tax is  
2 imposed upon the licensed owner conducting gambling. Beginning  
3 on the effective date of this amendatory Act of the 96th  
4 General Assembly, no admissions tax is imposed upon admissions  
5 to a riverboat with annual adjusted gross receipts of less than  
6 \$50,000,000.

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

12 (2) (Blank).

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

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

21 (a-5) A fee is hereby imposed upon admissions operated by  
22 licensed managers on behalf of the State pursuant to Section  
23 7.3 at the rates provided in this subsection (a-5). For a  
24 licensee that admitted 1,000,000 persons or fewer in the  
25 previous calendar year, the rate is \$3 per person admitted; for  
26 a licensee that admitted more than 1,000,000 but no more than

1 2,300,000 persons in the previous calendar year, the rate is \$4  
2 per person admitted; and for a licensee that admitted more than  
3 2,300,000 persons in the previous calendar year, the rate is \$5  
4 per person admitted.

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

6 (2) (Blank).

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

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

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

24 (c) The licensed owner shall pay the entire admission tax  
25 to the Board and the licensed manager shall pay the entire  
26 admission fee to the Board. Such payments shall be made daily.

1 Accompanying each payment shall be a return on forms provided  
2 by the Board which shall include other information regarding  
3 admissions as the Board may require. Failure to submit either  
4 the payment or the return within the specified time may result  
5 in suspension or revocation of the owners or managers license.

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

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

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

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

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

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

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

25 20% of annual adjusted gross receipts in excess of

1           \$25,000,000 but not exceeding \$50,000,000;  
2           25% of annual adjusted gross receipts in excess of  
3           \$50,000,000 but not exceeding \$75,000,000;  
4           30% of annual adjusted gross receipts in excess of  
5           \$75,000,000 but not exceeding \$100,000,000;  
6           35% of annual adjusted gross receipts in excess of  
7           \$100,000,000.

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

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

17           22.5% of annual adjusted gross receipts in excess of  
18           \$25,000,000 but not exceeding \$50,000,000;

19           27.5% of annual adjusted gross receipts in excess of  
20           \$50,000,000 but not exceeding \$75,000,000;

21           32.5% of annual adjusted gross receipts in excess of  
22           \$75,000,000 but not exceeding \$100,000,000;

23           37.5% of annual adjusted gross receipts in excess of  
24           \$100,000,000 but not exceeding \$150,000,000;

25           45% of annual adjusted gross receipts in excess of  
26           \$150,000,000 but not exceeding \$200,000,000;

1           50% of annual adjusted gross receipts in excess of  
2           \$200,000,000.

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

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

12           27.5% of annual adjusted gross receipts in excess of  
13 \$25,000,000 but not exceeding \$37,500,000;

14           32.5% of annual adjusted gross receipts in excess of  
15 \$37,500,000 but not exceeding \$50,000,000;

16           37.5% of annual adjusted gross receipts in excess of  
17 \$50,000,000 but not exceeding \$75,000,000;

18           45% of annual adjusted gross receipts in excess of  
19 \$75,000,000 but not exceeding \$100,000,000;

20           50% of annual adjusted gross receipts in excess of  
21 \$100,000,000 but not exceeding \$250,000,000;

22           70% of annual adjusted gross receipts in excess of  
23 \$250,000,000.

24           An amount equal to the amount of wagering taxes collected  
25 under this subsection (a-3) that are in addition to the amount  
26 of wagering taxes that would have been collected if the

1     wagering tax rates under subsection (a-2) were in effect shall  
2     be paid into the Common School Fund.

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

14            (a-4) Beginning on the first day on which the tax imposed  
15    under subsection (a-3) is no longer imposed, a privilege tax is  
16    imposed on persons engaged in the business of conducting  
17    riverboat gambling operations, other than licensed managers  
18    conducting riverboat gambling operations on behalf of the  
19    State, based on the adjusted gross receipts received by a  
20    licensed owner from gambling games authorized under this Act at  
21    the following rates:

22                15% of annual adjusted gross receipts up to and  
23                including \$25,000,000;

24                22.5% of annual adjusted gross receipts in excess of  
25                \$25,000,000 but not exceeding \$50,000,000;

26                27.5% of annual adjusted gross receipts in excess of



1           \$50,000,000 but not exceeding \$75,000,000;  
2           32.5% of annual adjusted gross receipts in excess of  
3           \$75,000,000 but not exceeding \$100,000,000;  
4           37.5% of annual adjusted gross receipts in excess of  
5           \$100,000,000 but not exceeding \$150,000,000;  
6           45% of annual adjusted gross receipts in excess of  
7           \$150,000,000 but not exceeding \$200,000,000;  
8           50% of annual adjusted gross receipts in excess of  
9           \$200,000,000.

10          (a-5) Beginning on the effective date of this amendatory  
11 Act of the 96th General Assembly, in addition to any other tax  
12 imposed under this Section, a privilege tax of 1% of adjusted  
13 gross receipts is imposed on a riverboat with annual adjusted  
14 gross receipts of less than \$50,000,000, the proceeds of which  
15 shall be paid monthly, subject to appropriation by the General  
16 Assembly, to the unit of local government that is designated as  
17 the home dock of the riverboat upon which those riverboat  
18 gambling operations are conducted.

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

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

25          (a-15) If the privilege tax imposed under subsection (a-3)  
26 is no longer imposed pursuant to item (i) of the last paragraph

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

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

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

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

16 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

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

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

1 riverboat gambling operations are conducted.

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

8 (c-5) Before May 26, 2006 (the effective date of Public Act  
9 94-804) and beginning on the effective date of this amendatory  
10 Act of the 95th General Assembly, unless any organization  
11 licensee under the Illinois Horse Racing Act of 1975 begins to  
12 operate a slot machine or video game of chance under the  
13 Illinois Horse Racing Act of 1975 or this Act, after the  
14 payments required under subsections (b) and (c) have been made,  
15 an amount equal to 15% of the adjusted gross receipts of (1) an  
16 owners licensee that relocates pursuant to Section 11.2, (2) an  
17 owners licensee conducting riverboat gambling operations  
18 pursuant to an owners license that is initially issued after  
19 June 25, 1999, or (3) the first riverboat gambling operations  
20 conducted by a licensed manager on behalf of the State under  
21 Section 7.3, whichever comes first, shall be paid from the  
22 State Gaming Fund into the Horse Racing Equity Fund.

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

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

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

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

1 Chicago State University.

2 (d) From time to time, the Board shall transfer the  
3 remainder of the funds generated by this Act into the Education  
4 Assistance Fund, created by Public Act 86-0018, of the State of  
5 Illinois.

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

11 (f) To the extent practicable, the Board shall administer  
12 and collect the wagering taxes imposed by this Section in a  
13 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
14 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the  
15 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
16 Penalty and Interest Act.

17 (Source: P.A. 94-673, eff. 8-23-05; 94-804, eff. 5-26-06;  
18 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-1008, eff.  
19 12-15-08.)

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