



Sen. Antonio Muñoz

Filed: 3/3/2011

09700SB1297sam001

LRB097 08401 ASK 51905 a

1 AMENDMENT TO SENATE BILL 1297

2 AMENDMENT NO. _____. Amend Senate Bill 1297 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Bingo License and Tax Act is amended by
5 changing Sections 1.1 and 2 and by adding Section 2.5 as
6 follows:

7 (230 ILCS 25/1.1)

8 Sec. 1.1. Definitions. For purposes of this Act, the
9 following definitions apply:

10 "Bingo" means a game in which each player has a card or
11 board for which a consideration has been paid, containing 5
12 horizontal rows of spaces, with each row except the central one
13 containing 5 figures. The central row has 4 figures with the
14 word "free" marked in the center space. "Bingo" includes games
15 that otherwise qualify under this paragraph, except for the use
16 of cards where the figures are not preprinted but are filled in

1 by the players. A player wins a game of bingo by completing a
2 preannounced combination of spaces or, in the absence of a
3 preannouncement of a combination of spaces, any combination of
4 5 spaces in a row, vertically, horizontally, or diagonally.

5 "Bingo equipment" means any equipment or machinery
6 designed or used for the play of bingo. "Bingo equipment" does
7 not include electronic equipment.

8 "Charitable organization" means an organization or
9 institution organized and operated to benefit an indefinite
10 number of the public.

11 "Department" means the Department of Revenue.

12 "Educational organization" means an organization or
13 institution organized and operated to provide systematic
14 instruction in useful branches of learning by methods common to
15 schools and institutions of learning which compare favorably in
16 their scope and intensity with the course of study presented in
17 tax-supported schools.

18 "Fraternal organization" means an organization of persons
19 having a common interest that is organized and operated
20 exclusively to promote the welfare of its members and to
21 benefit the general public on a continuing and consistent
22 basis, including but not limited to ethnic organizations.

23 "Holiday" means any of the holidays listed in Section 17 of
24 the Promissory Note and Bank Holiday Act.

25 "Labor organization" means an organization composed of
26 labor unions or workers organized with the objectives of

1 betterment of the conditions of those engaged in such pursuit
2 and the development of a higher degree of efficiency in their
3 respective occupations.

4 "Licensed organization" means a qualified organization
5 that has obtained a license to conduct bingo in conformance
6 with the provisions of this Act.

7 "Limited license" means a license issued to an organization
8 that is not a licensed organization, but that is otherwise
9 eligible for a regular license to conduct bingo. A limited
10 license authorizes the conduct of bingo at up to 2 indoor or
11 outdoor festivals during the calendar year for which the
12 license is issued for a maximum of 5 consecutive days on each
13 occasion.

14 "Non-profit organization" means an organization or
15 institution organized and conducted on a not-for-profit basis
16 with no personal profit inuring to anyone as a result of the
17 operation.

18 "Organization" means a corporation, agency, partnership,
19 association, firm, business or other entity consisting of 2 or
20 more persons joined by a common interest or purpose.

21 "Person" means any natural individual, corporation,
22 partnership, limited liability company, organization (as
23 defined in this Section), licensee under this Act, or
24 volunteer.

25 "Provider" means any person or organization, except a city,
26 village, or incorporated town that owns or leases premises to

1 an organization for the conduct of bingo.

2 "Regular license" means a license authorizing its holder to
3 conduct one session of bingo per week on the date and at the
4 time and location stated on the license.

5 "Religious organization" means any church, congregation,
6 society, or organization founded for the purpose of religious
7 worship.

8 "Remote caller bingo game" means a game of bingo in which
9 (1) the numbers or symbols on randomly-drawn plastic balls are
10 announced by a natural person present at the site where the
11 live game is conducted and (2) the organization conducting the
12 game of bingo uses audio and video technology to link any of
13 its in-state facilities for the purpose of transmitting the
14 remote calling of a live bingo game from a single location to
15 multiple locations owned, leased, or rented by that
16 organization.

17 "Senior citizens organization" means an organization or
18 association comprised of members of which substantially all are
19 individuals who are senior citizens, as defined in the Illinois
20 Act on the Aging, the primary purpose of which is to promote
21 the welfare of its members.

22 "Special games" means bingo games that may be designated as
23 such, played a maximum of 5 times during a bingo session and
24 are distinguished from regular games only by the maximum price
25 that may be charged for the bingo cards used.

26 "Special permit" means the ability of a licensee who

1 currently holds a license to be granted a permit to conduct
2 bingo at other premises or on other days not exceeding 5
3 consecutive days.

4 "Supplier" means any person, firm, or corporation that
5 sells, leases, or distributes to any organization licensed to
6 conduct bingo or to any licensed bingo supplier, cards, boards,
7 sheets, markers, pads and any other supplies, devices and
8 equipment designed for use in the play of bingo.

9 "Veterans' organization" means an organization comprised
10 of members of which substantially all are individuals who are
11 veterans or spouses, widows, or widowers of veterans, the
12 primary purpose of which is to promote the welfare of its
13 members and to provide assistance to the general public in such
14 a way as to confer a public benefit.

15 "Volunteer" means a person recruited by an organization who
16 voluntarily performs services at a bingo event, including
17 participation in the management or operation of a game.

18 "Youth athletic organization" means an organization having
19 as its exclusive purpose the promotion and provision of
20 athletic activities for youth aged 18 and under.

21 (Source: P.A. 95-228, eff. 8-16-07.)

22 (230 ILCS 25/2) (from Ch. 120, par. 1102)

23 Sec. 2. The conducting of bingo is subject to the following
24 restrictions:

25 (1) The entire net proceeds from bingo play must be

1 exclusively devoted to the lawful purposes of the
2 organization permitted to conduct that game.

3 (2) (Blank).

4 (2.5) No person except a bona fide member or employee
5 of the sponsoring organization may participate in the
6 management or operation of bingo.

7 (3) No person may receive any remuneration or profit
8 for participating in the management or operation of the
9 game, except that if an organization licensed under this
10 Act is associated with a school or other educational
11 institution, that school or institution may reduce tuition
12 or fees for a designated pupil based on participation in
13 the management or operation of the game by any member of
14 the organization. The extent to which tuition and fees are
15 reduced shall relate proportionately to the amount of time
16 volunteered by the member, as determined by the school or
17 other educational institution.

18 (4) (Blank). ~~The aggregate retail value of all prizes~~
19 ~~or merchandise awarded in any single day of bingo may not~~
20 ~~exceed \$2,250, except that in adjoining counties having~~
21 ~~200,000 to 275,000 inhabitants each, and in counties which~~
22 ~~are adjacent to either of such adjoining counties and are~~
23 ~~adjacent to a total of not more than 2 counties in this~~
24 ~~State, and in any municipality having 2,500 or more~~
25 ~~inhabitants and within one mile of such adjoining and~~
26 ~~adjacent counties having less than 25,000 inhabitants, 2~~

1 ~~additional bingo games may be conducted after the \$2,250~~
2 ~~limit has been reached. The prize awarded for any one game,~~
3 ~~including any game conducted after reaching the \$2,250~~
4 ~~limit as authorized in this paragraph (4), may not exceed~~
5 ~~\$500 cash or its equivalent.~~

6 (5) The number of games, including regular and special
7 games, may not exceed 25 in any one day, except that this
8 restriction on the number of games shall not apply to bingo
9 conducted at the Illinois State Fair or any county fair
10 held in Illinois.

11 ~~(6) The price paid for a single card under the license~~
12 ~~may not exceed \$1 and such card is valid for all regular~~
13 ~~games on that day of bingo. A maximum of 5 special games~~
14 ~~may be held on each bingo day, except that this restriction~~
15 ~~on the number of special games shall not apply to bingo~~
16 ~~conducted at the Illinois State Fair or any county fair~~
17 ~~held in Illinois. The price for a single special game card~~
18 ~~may not exceed 50 cents.~~

19 (7) The number of bingo days conducted by a licensee
20 under this Act is limited to 2 ~~one~~ per week, except as
21 follows:

22 (i) Bingo may be conducted in accordance with the terms
23 of a special operator's permit or limited license
24 issued under subdivision (7) or (8) of Section 1.3.

25 (ii) Bingo may be conducted at the Illinois State Fair
26 or any county fair held in Illinois under subdivision

1 (6) of Section 1.3.

2 (iii) A licensee which cancels a day of bingo because
3 of inclement weather or because the day is a holiday or
4 the eve of a holiday may, after giving notice to the
5 Department, conduct bingo on an additional date which
6 falls on a day of the week other than the day
7 authorized under the license.

8 (8) A licensee may rent a premises on which to conduct
9 bingo only from an organization which is licensed as a
10 provider of premises or exempt from license requirements
11 under this Act. If the organization providing the premises
12 is a metropolitan exposition, auditorium, and office
13 building authority created by State law, a licensee may
14 enter into a rental agreement with the organization
15 authorizing the licensee and the organization to share the
16 gross proceeds of bingo games; however, the organization
17 shall not receive more than 50% of the gross proceeds.

18 (9) No person under the age of 18 years may play or
19 participate in the conducting of bingo. Any person under
20 the age of 18 years may be within the area where bingo is
21 being played only when accompanied by his parent or
22 guardian.

23 (10) The promoter of bingo games must have a
24 proprietary interest in the game promoted.

25 (11) Raffles or other forms of gambling prohibited by
26 law shall not be conducted on the premises where bingo is

1 being conducted, except that pull tabs and jar games
2 conducted under the Illinois Pull Tabs and Jar Games Act
3 may be conducted on the premises where bingo is being
4 conducted. Prizes awarded in pull tabs and jar games shall
5 not be included in the bingo prize limitation.

6 (12) Organizations may be issued a special permit or
7 limited license no more than 2 times in any year. An
8 organization holding a special operator's permit or a
9 limited license may, as one of the occasions allowed by
10 such permit or license, conduct bingo for a maximum of 2
11 consecutive days. If an organization conducts bingo
12 pursuant to a limited license or special permit, then the
13 number of games played during each day may exceed 25, and
14 regular game cards need not be valid for all regular games.
15 If only noncash prizes are awarded during such occasions,
16 the prize limits stated in subdivision (4) of this Section
17 shall not apply, provided that the retail value of noncash
18 prizes for any single game shall not exceed \$150.

19 (Source: P.A. 95-228, eff. 8-16-07.)

20 (230 ILCS 25/2.5 new)

21 Sec. 2.5. Remote caller bingo license; restrictions.

22 (a) No person or organization may conduct a remote caller
23 bingo game without a remote caller bingo license. The remote
24 caller bingo game license must list all of the locations
25 approved by the Department to conduct remote caller bingo games

1 under that license. The Department shall issue qualifications
2 for a remote caller bingo license and set forth an application
3 process.

4 (b) The conducting of a remote caller bingo game is subject
5 to the following restrictions:

6 (1) The drawing of each ball bearing a number or symbol
7 by the natural person calling the game shall be visible to
8 all players as the ball is drawn, including through a
9 simultaneous live video feed at remote locations at which
10 players may participate in the game. The audio or video
11 technology used to link the facilities may include cable,
12 Internet, satellite, broadband, or telephone technology,
13 or any other means of electronic transmission that ensures
14 the secure, accurate, and simultaneous transmission of the
15 announcement of numbers or symbols in the game from the
16 location at which the game is called by a natural person to
17 the remote location or locations at which players may
18 participate in the game.

19 (2) The remote caller bingo licensee or members of its
20 organization shall not receive a profit, wage, or salary
21 from the remote caller bingo game.

22 (3) The remote caller bingo game shall be operated and
23 staffed only by the remote caller bingo licensee or members
24 of its organization with the exception of administrative,
25 managerial, technical, financial, or security personnel
26 who are employed by the remote caller bingo licensee at a

1 location participating in the remote caller bingo game.
2 Notwithstanding any other provision of law, an exclusive
3 agreement or other agreement between the remote caller
4 bingo licensee and other entities or persons to provide
5 services in the administration, management, or conduct of
6 the game shall not be considered a violation of the
7 prohibition against holding a legally cognizable financial
8 interest in the conduct of the remote caller bingo game by
9 persons or entities other than the charitable
10 organization.

11 (4) The remote caller bingo licensee shall not have
12 overhead costs exceeding 25% of gross sales, except that
13 the limitations of this item (4) shall not apply to
14 one-time, non-recurring capital acquisitions. For purposes
15 of this item (4), overhead costs include, but are not
16 limited to, amounts paid for rent and equipment leasing and
17 the reasonable fees authorized to be paid to
18 administrative, managerial, technical, financial, and
19 security personnel employed by the remote caller bingo
20 licensee.

21 For the purpose of keeping its overhead costs below 25%
22 of gross sales, a remote caller bingo licensee may elect to
23 deduct all or a portion of the fees paid to financial
24 institutions for the use and processing of credit card
25 sales from the amount of gross revenues awarded for prizes.
26 These deducted fees for the use and processing of credit

1 card sales shall not be considered overhead costs.
2 Additionally, fees paid to financial institutions for the
3 use and processing of credit card sales shall not be
4 deducted from the proceeds retained by the charitable
5 organization.

6 (5) No person shall be allowed to participate in a
7 remote caller bingo game unless the person is physically
8 present at the time and place where the remote caller bingo
9 game is being conducted. A person shall be deemed to be
10 physically present at the place where the remote caller
11 bingo game is being conducted if he or she is present at
12 any of the locations participating in the remote caller
13 bingo game in accordance with this Section.

14 (6) An organization shall only co-sponsor a remote
15 caller bingo game with one or more other organizations that
16 share the same type of membership category. Unaffiliated
17 organizations shall be limited to a maximum of 10 locations
18 for a remote caller bingo game and a maximum of 2 remote
19 caller bingo games per week.

20 (7) Every remote caller bingo game shall be played
21 until a winner is declared. The declared winner of a remote
22 caller bingo game shall provide his or her identifying
23 information and a mailing address to the onsite manager of
24 the remote caller bingo game. Prizes shall be paid only by
25 check if the prize money exceeds \$999.99. The remote caller
26 bingo licensee may issue a check to the winner at the time

1 of the game or mail a check to the declared winner by
2 certified mail, return receipt requested, within 10 days
3 after the remote caller bingo game.

4 (8) The value of prizes awarded during the conduct of
5 any remote caller bingo game shall not exceed 40% of the
6 gross receipts for that game. If an authorized organization
7 elects to deduct fees paid for the use and processing of
8 credit card sales from the amount of gross revenues for
9 that game awarded for prizes, then the maximum amount of
10 gross revenues that may be awarded for prizes shall not
11 exceed 40% of the gross receipts for that game, less the
12 amount of redirected fees paid for the use and processing
13 of credit card sales.

14 (9) All prize money exceeding State and federal
15 exemption limits on prize money shall be subject to income
16 tax reporting and withholding requirements under
17 applicable State and federal laws and regulations and those
18 reports and withholding shall be forwarded, within 10
19 business days after the remote caller bingo game, to the
20 appropriate State or federal agency on behalf of the
21 winner. A report shall accompany the amount withheld
22 identifying the person on whose behalf the money is being
23 sent. Any game interrupted by a transmission failure,
24 electrical outage, or act of God shall be considered void
25 in the location that was affected and the organizations
26 members, affiliates, and the State shall be held harmless.

1 A refund for a canceled game or games shall be provided to
2 the purchasers.

3 (10) The entire net proceeds, comprised of at least 35%
4 of the gross proceeds, from the remote caller bingo game
5 must be exclusively devoted to the lawful purposes of the
6 organization permitted to conduct that game."