

# SB2357



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2357

Introduced 1/28/2016, by Sen. Dave Syverson

### SYNOPSIS AS INTRODUCED:

230 ILCS 10/13

from Ch. 120, par. 2413

Amends the Riverboat Gambling Act. Removes provisions concerning the distribution of certain funds into the Horse Racing Equity Fund.

LRB099 15795 MLM 40104 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 Section 13 as follows:

6 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

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

18 20% of annual adjusted gross receipts in excess of  
19 \$25,000,000 but not exceeding \$50,000,000;

20 25% of annual adjusted gross receipts in excess of  
21 \$50,000,000 but not exceeding \$75,000,000;

22 30% of annual adjusted gross receipts in excess of  
23 \$75,000,000 but not exceeding \$100,000,000;

1           35% of annual adjusted gross receipts in excess of  
2           \$100,000,000.

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

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

12           22.5% of annual adjusted gross receipts in excess of  
13 \$25,000,000 but not exceeding \$50,000,000;

14           27.5% of annual adjusted gross receipts in excess of  
15 \$50,000,000 but not exceeding \$75,000,000;

16           32.5% of annual adjusted gross receipts in excess of  
17 \$75,000,000 but not exceeding \$100,000,000;

18           37.5% of annual adjusted gross receipts in excess of  
19 \$100,000,000 but not exceeding \$150,000,000;

20           45% of annual adjusted gross receipts in excess of  
21 \$150,000,000 but not exceeding \$200,000,000;

22           50% of annual adjusted gross receipts in excess of  
23 \$200,000,000.

24           (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
25 persons engaged in the business of conducting riverboat  
26 gambling operations, other than licensed managers conducting

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

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

7 27.5% of annual adjusted gross receipts in excess of  
8 \$25,000,000 but not exceeding \$37,500,000;

9 32.5% of annual adjusted gross receipts in excess of  
10 \$37,500,000 but not exceeding \$50,000,000;

11 37.5% of annual adjusted gross receipts in excess of  
12 \$50,000,000 but not exceeding \$75,000,000;

13 45% of annual adjusted gross receipts in excess of  
14 \$75,000,000 but not exceeding \$100,000,000;

15 50% of annual adjusted gross receipts in excess of  
16 \$100,000,000 but not exceeding \$250,000,000;

17 70% of annual adjusted gross receipts in excess of  
18 \$250,000,000.

19 An amount equal to the amount of wagering taxes collected  
20 under this subsection (a-3) that are in addition to the amount  
21 of wagering taxes that would have been collected if the  
22 wagering tax rates under subsection (a-2) were in effect shall  
23 be paid into the Common School Fund.

24 The privilege tax imposed under this subsection (a-3) shall  
25 no longer be imposed beginning on the earlier of (i) July 1,  
26 2005; (ii) the first date after June 20, 2003 that riverboat

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

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

17 15% of annual adjusted gross receipts up to and  
18 including \$25,000,000;

19 22.5% of annual adjusted gross receipts in excess of  
20 \$25,000,000 but not exceeding \$50,000,000;

21 27.5% of annual adjusted gross receipts in excess of  
22 \$50,000,000 but not exceeding \$75,000,000;

23 32.5% of annual adjusted gross receipts in excess of  
24 \$75,000,000 but not exceeding \$100,000,000;

25 37.5% of annual adjusted gross receipts in excess of  
26 \$100,000,000 but not exceeding \$150,000,000;

1           45% of annual adjusted gross receipts in excess of  
2           \$150,000,000 but not exceeding \$200,000,000;

3           50% of annual adjusted gross receipts in excess of  
4           \$200,000,000.

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

8           (a-10) The taxes imposed by this Section shall be paid by  
9           the licensed owner to the Board not later than 5:00 o'clock  
10          p.m. of the day after the day when the wagers were made.

11          (a-15) If the privilege tax imposed under subsection (a-3)  
12          is no longer imposed pursuant to item (i) of the last paragraph  
13          of subsection (a-3), then by June 15 of each year, each owners  
14          licensee, other than an owners licensee that admitted 1,000,000  
15          persons or fewer in calendar year 2004, must, in addition to  
16          the payment of all amounts otherwise due under this Section,  
17          pay to the Board a reconciliation payment in the amount, if  
18          any, by which the licensed owner's base amount exceeds the  
19          amount of net privilege tax paid by the licensed owner to the  
20          Board in the then current State fiscal year. A licensed owner's  
21          net privilege tax obligation due for the balance of the State  
22          fiscal year shall be reduced up to the total of the amount paid  
23          by the licensed owner in its June 15 reconciliation payment.  
24          The obligation imposed by this subsection (a-15) is binding on  
25          any person, firm, corporation, or other entity that acquires an  
26          ownership interest in any such owners license. The obligation

1 imposed under this subsection (a-15) terminates on the earliest  
2 of: (i) July 1, 2007, (ii) the first day after the effective  
3 date of this amendatory Act of the 94th General Assembly that  
4 riverboat gambling operations are conducted pursuant to a  
5 dormant license, (iii) the first day that riverboat gambling  
6 operations are conducted under the authority of an owners  
7 license that is in addition to the 10 owners licenses initially  
8 authorized under this Act, or (iv) the first day that a  
9 licensee under the Illinois Horse Racing Act of 1975 conducts  
10 gaming operations with slot machines or other electronic gaming  
11 devices. The Board must reduce the obligation imposed under  
12 this subsection (a-15) by an amount the Board deems reasonable  
13 for any of the following reasons: (A) an act or acts of God,  
14 (B) an act of bioterrorism or terrorism or a bioterrorism or  
15 terrorism threat that was investigated by a law enforcement  
16 agency, or (C) a condition beyond the control of the owners  
17 licensee that does not result from any act or omission by the  
18 owners licensee or any of its agents and that poses a hazardous  
19 threat to the health and safety of patrons. If an owners  
20 licensee pays an amount in excess of its liability under this  
21 Section, the Board shall apply the overpayment to future  
22 payments required under this Section.

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

24 "Act of God" means an incident caused by the operation of  
25 an extraordinary force that cannot be foreseen, that cannot be  
26 avoided by the exercise of due care, and for which no person

1 can be held liable.

2 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

17 The changes made to this subsection (a-15) by Public Act  
18 94-839 are intended to restate and clarify the intent of Public  
19 Act 94-673 with respect to the amount of the payments required  
20 to be made under this subsection by an owners licensee to the  
21 Board.

22 (b) Until January 1, 1998, 25% of the tax revenue deposited  
23 in the State Gaming Fund under this Section shall be paid,  
24 subject to appropriation by the General Assembly, to the unit  
25 of local government which is designated as the home dock of the  
26 riverboat. Beginning January 1, 1998, from the tax revenue



1 deposited in the State Gaming Fund under this Section, an  
2 amount equal to 5% of adjusted gross receipts generated by a  
3 riverboat shall be paid monthly, subject to appropriation by  
4 the General Assembly, to the unit of local government that is  
5 designated as the home dock of the riverboat. From the tax  
6 revenue deposited in the State Gaming Fund pursuant to  
7 riverboat gambling operations conducted by a licensed manager  
8 on behalf of the State, an amount equal to 5% of adjusted gross  
9 receipts generated pursuant to those riverboat gambling  
10 operations shall be paid monthly, subject to appropriation by  
11 the General Assembly, to the unit of local government that is  
12 designated as the home dock of the riverboat upon which those  
13 riverboat gambling operations are conducted.

14 (c) Appropriations, as approved by the General Assembly,  
15 may be made from the State Gaming Fund to the Board (i) for the  
16 administration and enforcement of this Act and the Video Gaming  
17 Act, (ii) for distribution to the Department of State Police  
18 and to the Department of Revenue for the enforcement of this  
19 Act, and (iii) to the Department of Human Services for the  
20 administration of programs to treat problem gambling.

21 (c-5) (Blank). ~~Before May 26, 2006 (the effective date of~~  
22 ~~Public Act 94-804) and beginning on the effective date of this~~  
23 ~~amendatory Act of the 95th General Assembly, unless any~~  
24 ~~organization licensee under the Illinois Horse Racing Act of~~  
25 ~~1975 begins to operate a slot machine or video game of chance~~  
26 ~~under the Illinois Horse Racing Act of 1975 or this Act, after~~

1 ~~the payments required under subsections (b) and (c) have been~~  
2 ~~made, an amount equal to 15% of the adjusted gross receipts of~~  
3 ~~(1) an owners licensee that relocates pursuant to Section 11.2,~~  
4 ~~(2) an owners licensee conducting riverboat gambling~~  
5 ~~operations pursuant to an owners license that is initially~~  
6 ~~issued after June 25, 1999, or (3) the first riverboat gambling~~  
7 ~~operations conducted by a licensed manager on behalf of the~~  
8 ~~State under Section 7.3, whichever comes first, shall be paid~~  
9 ~~from the State Gaming Fund into the Horse Racing Equity Fund.~~

10 (c-10) (Blank). ~~Each year the General Assembly shall~~  
11 ~~appropriate from the General Revenue Fund to the Education~~  
12 ~~Assistance Fund an amount equal to the amount paid into the~~  
13 ~~Horse Racing Equity Fund pursuant to subsection (c-5) in the~~  
14 ~~prior calendar year.~~

15 (c-15) After the payments required under subsections (b)  
16 and, (c), ~~and (c-5)~~ 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, subject to appropriation from the  
24 General Assembly, from the State Gaming Fund to each home rule  
25 county with a population of over 3,000,000 inhabitants for the  
26 purpose of enhancing the county's criminal justice system.

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

6           (c-25) On July 1, 2013 and each July 1 thereafter,  
7 \$1,600,000 shall be transferred from the State Gaming Fund to  
8 the Chicago State University Education Improvement Fund.

9           (c-30) On July 1, 2013 or as soon as possible thereafter,  
10 \$92,000,000 shall be transferred from the State Gaming Fund to  
11 the School Infrastructure Fund and \$23,000,000 shall be  
12 transferred from the State Gaming Fund to the Horse Racing  
13 Equity Fund.

14           (c-35) Beginning on July 1, 2013, in addition to any amount  
15 transferred under subsection (c-30) of this Section,  
16 \$5,530,000 shall be transferred monthly from the State Gaming  
17 Fund to the School Infrastructure Fund.

18           (d) From time to time, the Board shall transfer the  
19 remainder of the funds generated by this Act into the Education  
20 Assistance Fund, created by Public Act 86-0018, of the State of  
21 Illinois.

22           (e) Nothing in this Act shall prohibit the unit of local  
23 government designated as the home dock of the riverboat from  
24 entering into agreements with other units of local government  
25 in this State or in other states to share its portion of the  
26 tax revenue.

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

7           (Source: P.A. 98-18, eff. 6-7-13.)