

1                                    AMENDMENT TO SENATE BILL 2290

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2290 by replacing  
3 everything after the enacting clause with the following:

4            "Section 1. Short title. This Act may be cited as the  
5 FY2003 Budget Implementation (Gaming) Act.

6            Section 5. Purpose. It is the purpose of this Act to  
7 make the changes in State programs relating to gaming that  
8 are necessary to implement the State's FY2003 budget.

9            Section 10. The Riverboat Gambling Act is amended by  
10 changing Sections 4, 7, 12, and 13 as follows:

11            (230 ILCS 10/4) (from Ch. 120, par. 2404)

12            Sec. 4. Definitions. As used in this Act:

13            (a) "Board" means the Illinois Gaming Board.

14            (b) "Occupational license" means a license issued by the  
15 Board to a person or entity to perform an occupation which  
16 the Board has identified as requiring a license to engage in  
17 riverboat gambling in Illinois.

18            (c) "Gambling game" includes, but is not limited to,  
19 baccarat, twenty-one, poker, craps, slot machine, video game  
20 of chance, roulette wheel, klondike table, punchboard, faro

1 layout, keno layout, numbers ticket, push card, jar ticket,  
2 or pull tab which is authorized by the Board as a wagering  
3 device under this Act.

4 (d) "Riverboat" means a self-propelled excursion boat,  
5 ~~or~~ a permanently moored barge, or permanently moored barges  
6 that are permanently fixed together on which lawful gambling  
7 is authorized and licensed as provided in this Act.

8 (e) (Blank).

9 (f) "Dock" means the location where a riverboat moors  
10 for the purpose of embarking passengers for and disembarking  
11 passengers from the riverboat.

12 (g) "Gross receipts" means the total amount of money  
13 exchanged for the purchase of chips, tokens or electronic  
14 cards by riverboat patrons.

15 (h) "Adjusted gross receipts" means the gross receipts  
16 less winnings paid to wagerers.

17 (i) "Cheat" means to alter the selection of criteria  
18 which determine the result of a gambling game or the amount  
19 or frequency of payment in a gambling game.

20 (j) "Department" means the Department of Revenue.

21 (k) "Gambling operation" means the conduct of authorized  
22 gambling games upon a riverboat.

23 (Source: P.A. 91-40, eff. 6-25-99.)

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

25 Sec. 7. Owners Licenses.

26 (a) The Board shall issue owners licenses to persons,  
27 firms or corporations which apply for such licenses upon  
28 payment to the Board of the non-refundable license fee set by  
29 the Board, upon payment of a \$25,000 license fee for the  
30 first year of operation and a \$5,000 license fee for each  
31 succeeding year and upon a determination by the Board that  
32 the applicant is eligible for an owners license pursuant to  
33 this Act and the rules of the Board. A person, firm or

1 corporation is ineligible to receive an owners license if:

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

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

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

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

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

14 (6) the firm or corporation employs a person  
15 defined in (1), (2), (3) or (4) who participates in the  
16 management or operation of gambling operations authorized  
17 under this Act;

18 (7) (blank); or

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

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

25 (1) the character, reputation, experience and  
26 financial integrity of the applicants and of any other or  
27 separate person that either:

28 (A) controls, directly or indirectly, such  
29 applicant, or

30 (B) is controlled, directly or indirectly, by  
31 such applicant or by a person which controls,  
32 directly or indirectly, such applicant;

33 (2) the facilities or proposed facilities for the  
34 conduct of riverboat gambling;

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

4           (4) the good faith affirmative action plan of each  
5 applicant to recruit, train and upgrade minorities in all  
6 employment classifications;

7           (5) the financial ability of the applicant to  
8 purchase and maintain adequate liability and casualty  
9 insurance;

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

13          (7) the extent to which the applicant exceeds or  
14 meets other standards for the issuance of an owners  
15 license which the Board may adopt by rule.

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

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

20          (e) The Board may issue up to 10 licenses authorizing  
21 the holders of such licenses to own riverboats. In the  
22 application for an owners license, the applicant shall state  
23 the dock at which the riverboat is based and the water on  
24 which the riverboat will be located. The Board shall issue 5  
25 licenses to become effective not earlier than January 1,  
26 1991. Three of such licenses shall authorize riverboat  
27 gambling on the Mississippi River, or in a municipality that  
28 (1) borders on the Mississippi River or is within 5 miles of  
29 the city limits of a municipality that borders on the  
30 Mississippi River and (2), on the effective date of this  
31 amendatory Act of the 92nd General Assembly, has a riverboat  
32 conducting riverboat gambling operations pursuant to a  
33 license issued under this Act; one of which shall authorize  
34 riverboat gambling from a home dock in the city of East St.

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

12 In granting all licenses, the Board may give favorable  
13 consideration to economically depressed areas of the State,  
14 to applicants presenting plans which provide for significant  
15 economic development over a large geographic area, and to  
16 applicants who currently operate non-gambling riverboats in  
17 Illinois. The Board shall review all applications for owners  
18 licenses, and shall inform each applicant of the Board's  
19 decision.

20 The Board may revoke the owners license of a licensee  
21 which fails to begin conducting gambling within 15 months of  
22 receipt of the Board's approval of the application if the  
23 Board determines that license revocation is in the best  
24 interests of the State.

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

31 (g) Upon the termination, expiration, or revocation of  
32 each of the first 10 licenses, which shall be issued for a 3  
33 year period, all licenses are renewable annually upon payment  
34 of the fee and a determination by the Board that the licensee

1 continues to meet all of the requirements of this Act and the  
2 Board's rules. However, for licenses renewed on or after May  
3 1, 1998, renewal shall be for a period of 4 years, unless the  
4 Board sets a shorter period.

5 (h) An owners license shall entitle the licensee to own  
6 up to 2 riverboats. A licensee shall limit the number of  
7 gambling participants to 1,200 for any such owners license. A  
8 licensee may operate both of its riverboats concurrently,  
9 provided that the total number of gambling participants on  
10 both riverboats does not exceed 1,200. Riverboats licensed to  
11 operate on the Mississippi River and the Illinois River south  
12 of Marshall County shall have an authorized capacity of at  
13 least 500 persons. Any other riverboat licensed under this  
14 Act shall have an authorized capacity of at least 400  
15 persons.

16 (i) A licensed owner is authorized to apply to the Board  
17 for and, if approved therefor, to receive all licenses from  
18 the Board necessary for the operation of a riverboat,  
19 including a liquor license, a license to prepare and serve  
20 food for human consumption, and other necessary licenses.  
21 All use, occupation and excise taxes which apply to the sale  
22 of food and beverages in this State and all taxes imposed on  
23 the sale or use of tangible personal property apply to such  
24 sales aboard the riverboat.

25 (j) The Board may issue a license authorizing a  
26 riverboat to dock in a municipality or approve a relocation  
27 under Section 11.2 only if, prior to the issuance of the  
28 license or approval, the governing body of the municipality  
29 in which the riverboat will dock has by a majority vote  
30 approved the docking of riverboats in the municipality. The  
31 Board may issue a license authorizing a riverboat to dock in  
32 areas of a county outside any municipality or approve a  
33 relocation under Section 11.2 only if, prior to the issuance  
34 of the license or approval, the governing body of the county

1 has by a majority vote approved of the docking of riverboats  
2 within such areas.

3 (Source: P.A. 91-40, eff. 6-25-99.)

4 (230 ILCS 10/12) (from Ch. 120, par. 2412)

5 Sec. 12. Admission tax; fees.

6 (a) A tax is hereby imposed upon admissions authorized  
7 pursuant to this Act. Until July 1, 2002, the rate is at a  
8 rate of \$2 per person admitted. Beginning July 1, 2002, the  
9 rate is \$3 per person admitted. This admission tax is  
10 imposed upon the licensed owner conducting gambling.

11 (1) The admission tax shall be paid for each  
12 admission.

13 (2) (Blank).

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

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

22 (b) From the \$2 tax imposed under subsection (a), a  
23 municipality shall receive from the State \$1 for each person  
24 embarking on a riverboat docked within the municipality, and  
25 a county shall receive \$1 for each person embarking on a  
26 riverboat docked within the county but outside the boundaries  
27 of any municipality. The municipality's or county's share  
28 shall be collected by the Board on behalf of the State and  
29 remitted quarterly by the State, subject to appropriation, to  
30 the treasurer of the unit of local government for deposit in  
31 the general fund.

32 (c) The licensed owner shall pay the entire admission  
33 tax 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  
 4 either the payment or the return within the specified time  
 5 may result in suspension or revocation of the owners 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,  
 9 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of  
 10 the Retailers' Occupation Tax Act and Section 3-7 of the  
 11 Uniform Penalty and Interest Act.

12 (Source: P.A. 91-40, eff. 6-25-99.)

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  
 16 adjusted gross receipts received from gambling games  
 17 authorized under this Act at the rate of 20%.

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

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

26 20% of annual adjusted gross receipts in excess of  
 27 \$25,000,000 but not exceeding \$50,000,000;

28 25% of annual adjusted gross receipts in excess of  
 29 \$50,000,000 but not exceeding \$75,000,000;

30 30% of annual adjusted gross receipts in excess of  
 31 \$75,000,000 but not exceeding \$100,000,000;

32 35% of annual adjusted gross receipts in excess of  
 33 \$100,000,000.



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

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

8 22.5% of annual adjusted gross receipts in excess of  
 9 \$25,000,000 but not exceeding \$50,000,000;

10 27.5% of annual adjusted gross receipts in excess of  
 11 \$50,000,000 but not exceeding \$75,000,000;

12 32.5% of annual adjusted gross receipts in excess of  
 13 \$75,000,000 but not exceeding \$100,000,000;

14 37.5% of annual adjusted gross receipts in excess of  
 15 \$100,000,000 but not exceeding \$150,000,000;

16 45% of annual adjusted gross receipts in excess of  
 17 \$150,000,000 but not exceeding \$200,000,000;

18 50% of annual adjusted gross receipts in excess of  
 19 \$200,000,000.

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

23 (b) Until January 1, 1998, 25% of the tax revenue  
 24 deposited in the State Gaming Fund under this Section shall  
 25 be paid, subject to appropriation by the General Assembly, to  
 26 the unit of local government which is designated as the home  
 27 dock of the riverboat. Beginning January 1, 1998, from the  
 28 tax revenue deposited in the State Gaming Fund under this  
 29 Section, an amount equal to 5% of adjusted gross receipts  
 30 generated by a riverboat shall be paid monthly, subject to  
 31 appropriation by the General Assembly, to the unit of local  
 32 government that is designated as the home dock of the  
 33 riverboat.

34 (c) Appropriations, as approved by the General Assembly,

1 may be made from the State Gaming Fund to the Department of  
2 Revenue and the Department of State Police for the  
3 administration and enforcement of this Act.

4 (c-5) After the payments required under subsections (b)  
5 and (c) have been made, an amount equal to 15% of the  
6 adjusted gross receipts of a riverboat (1) that relocates  
7 pursuant to Section 11.2, or (2) for which an owners license  
8 is initially issued after the effective date of this  
9 amendatory Act of 1999, whichever comes first, shall be paid  
10 from the State Gaming Fund into the Horse Racing Equity Fund.

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

16 (c-15) After the payments required under subsections  
17 (b), (c), and (c-5) have been made, an amount equal to 2% of  
18 the adjusted gross receipts of a riverboat (1) that relocates  
19 pursuant to Section 11.2, or (2) for which an owners license  
20 is initially issued after the effective date of this  
21 amendatory Act of 1999, whichever comes first, shall be paid,  
22 subject to appropriation from the General Assembly, from the  
23 State Gaming Fund to each home rule county with a population  
24 of over 3,000,000 inhabitants for the purpose of enhancing  
25 the county's criminal justice system.

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

31 (c-25) After the payments required under subsections  
32 (b), (c), (c-5) and (c-15) have been made, an amount equal to  
33 2% of the adjusted gross receipts of a riverboat (1) that  
34 relocates pursuant to Section 11.2, or (2) for which an

1 owners license is initially issued after the effective date  
2 of this amendatory Act of 1999, whichever comes first, shall  
3 be paid from the State Gaming Fund into the State  
4 Universities Athletic Capital Improvement Fund.

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

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

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

20 (Source: P.A. 90-548, eff. 12-4-97; 91-40, eff. 6-25-99.)

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