

SB3643



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3643

Introduced 2/9/2024, by Sen. Willie Preston

SYNOPSIS AS INTRODUCED:

230 ILCS 40/60
230 ILCS 40/75
30 ILCS 105/5.1015 new

Amends the Video Gaming Act. Provides that the tax collected under the Act from terminal income generated in municipalities with a population greater than or equal to 2,000,000 shall be deposited into the Capital Projects Fund and into the Local Government with Greater than 2,000,000 Residents Video Gaming Distributive Fund (rather than deposited into the Capital Projects Fund and into the Local Government Video Gaming Distributive Fund). Makes conforming changes. Amends the State Finance Act to create the Local Government with Greater than 2,000,000 Residents Video Gaming Distributive Fund. Effective immediately.

LRB103 37929 AWJ 68061 b

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 Video Gaming Act is amended by changing
5 Sections 60 and 75 as follows:

6 (230 ILCS 40/60)

7 Sec. 60. Imposition and distribution of tax.

8 (a) A tax of 30% is imposed on net terminal income and
9 shall be collected by the Board.

10 (a-5) Of the tax collected under ~~this~~ subsection (a) from
11 terminal income generated in municipalities with a population
12 less than 2,000,000 and counties, five-sixths shall be
13 deposited into the Capital Projects Fund and one-sixth shall
14 be deposited into the Local Government Video Gaming
15 Distributive Fund.

16 (a-10) Of the tax collected under subsection (a) from
17 terminal income generated in municipalities with a population
18 greater than or equal to 2,000,000, eleven-fifteenths shall be
19 deposited into the Capital Projects Fund and four-fifteenths
20 shall be deposited into the Local Government with Greater than
21 2,000,000 Residents Video Gaming Distributive Fund.

22 (b) Beginning on July 1, 2019, an additional tax of 3% is
23 imposed on net terminal income and shall be collected by the

1 Board.

2 Beginning on July 1, 2020, an additional tax of 1% is
3 imposed on net terminal income and shall be collected by the
4 Board.

5 The tax collected under this subsection (b) shall be
6 deposited into the Capital Projects Fund.

7 (c) Revenues generated from the play of video gaming
8 terminals shall be deposited by the terminal operator, who is
9 responsible for tax payments, in a specially created, separate
10 bank account maintained by the video gaming terminal operator
11 to allow for electronic fund transfers of moneys for tax
12 payment.

13 (d) Each licensed establishment, licensed truck stop
14 establishment, licensed large truck stop establishment,
15 licensed fraternal establishment, and licensed veterans
16 establishment shall maintain an adequate video gaming fund,
17 with the amount to be determined by the Board.

18 (e) The State's percentage of net terminal income shall be
19 reported and remitted to the Board within 15 days after the
20 15th day of each month and within 15 days after the end of each
21 month by the video terminal operator. A video terminal
22 operator who falsely reports or fails to report the amount due
23 required by this Section is guilty of a Class 4 felony and is
24 subject to termination of his or her license by the Board. Each
25 video terminal operator shall keep a record of net terminal
26 income in such form as the Board may require. All payments not

1 remitted when due shall be paid together with a penalty
2 assessment on the unpaid balance at a rate of 1.5% per month.

3 (Source: P.A. 101-31, eff. 6-28-19.)

4 (230 ILCS 40/75)

5 Sec. 75. Revenue sharing; ~~Local Government Video Gaming~~
6 ~~Distributive Fund.~~

7 (a) As soon as may be after the first day of each month,
8 the Department of Revenue shall allocate among those
9 municipalities with a population less than 2,000,000 and
10 counties of this State that have not prohibited video gaming
11 pursuant to Section 27 or Section 70 the amount available in
12 the Local Government Video Gaming Distributive Fund, a special
13 fund in the State Treasury, as provided in Section 60. The
14 Department shall then certify such allocations to the State
15 Comptroller, who shall pay over to those eligible
16 municipalities and counties the respective amounts allocated
17 to them. The amount of such funds allocable to each such
18 municipality and county shall be in proportion to the tax
19 revenue generated from video gaming within the eligible
20 municipality or county compared to the tax revenue generated
21 from video gaming Statewide.

22 (a-5) As soon as may be after the first day of each month,
23 the Department of Revenue shall allocate among those
24 municipalities of this State with a population greater than or
25 equal to 2,000,000 that have not prohibited video gaming

1 pursuant to Section 27 or 70 the amount available in the Local
2 Government with Greater than 2,000,000 Residents Video Gaming
3 Distributive Fund, a special fund that is created in the State
4 treasury, as provided in Section 60. The Department shall then
5 certify such allocations to the State Comptroller, who shall
6 pay over to those eligible municipalities the respective
7 amount allocated.

8 (b) The amounts allocated and paid to a municipality or
9 county of this State pursuant to the provisions of this
10 Section may be used for any general corporate purpose
11 authorized for that municipality or county.

12 (c) Upon determination by the Department that an amount
13 has been paid pursuant to this Section in excess of the amount
14 to which the county or municipality receiving such payment was
15 entitled, the county or municipality shall, upon demand by the
16 Department, repay such amount. If such repayment is not made
17 within a reasonable time, the Department shall withhold from
18 future payments an amount equal to such overpayment. The
19 Department shall redistribute the amount of such payment to
20 the county or municipality entitled thereto.

21 (Source: P.A. 96-34, eff. 7-13-09.)

22 Section 10. The State Finance Act is amended by adding
23 Section 5.1015 as follows:

24 (30 ILCS 105/5.1015 new)

1 Sec. 5.1015. The Local Government with Greater than
2 2,000,000 Residents Video Gaming Distributive Fund.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.