AN ACT in relation to gambling.


#### Abstract

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


Section 5. The Riverboat Gambling Act is amended by changing Sections 6, 7, and 13 and adding Sections 7.1 and 13.2 as follows:
(230 ILCS $10 / 6)$ (from Ch. 120, par. 2406)
Sec. 6. Application for Owners License.
(a) A qualified person may apply to the Board for an owners license to conduct a riverboat gambling operation as provided in this Act. The application shall be made on forms provided by the Board and shall contain such information as the Board prescribes, including but not limited to the identity of the riverboat on which such gambling operation is to be conducted and the exact location where such riverboat will be docked, a certification that the riverboat will be registered under this Act at all times during which gambling operations are conducted on board, detailed information regarding the ownership and management of the applicant, and detailed personal information regarding the applicant. Information provided on the application shall be used as a basis for a thorough background investigation which the Board shall conduct with respect to each applicant. An incomplete application shall be cause for denial of a license by the Board.
(b) Applicants shall submit with their application all documents, resolutions, and letters of support from the governing body that represents the municipality or county wherein the licensee will dock.
(c) Each applicant shall disclose the identity of every person, association, trust or corporation having a greater
than 1\% direct or indirect pecuniary interest in the riverboat gambling operation with respect to which the license is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of all stockholders and directors; if a partnership, the names and addresses of all partners, both general and limited.
(d) An application shall be filed with the Board by January 1 of the year preceding any calendar year for which an applicant seeks an owners license; however, applications for an owners license permitting operations on January 1, 1991 shall be filed by July 1, 1990 and applications for licenses authorized on or after the effective date of this amendatory Act of the $93 r d$ General Assembly shall be filed by deadlines established by the Board. In the case of an owners license to be awarded through the competitive bidding process, the Board shall solicit applications by publishing an advertisement at least 3 times, the first and last of which publications shall be at least 10 days apart, in trade publications, business newspapers such as the Wall street Journal, and the newspapers that are in the top 10 in circulation in Illinois. The advertisement shall state the procedure for applying for an owners license and shall state the deadline for applications. The Board shall also notify all parties who have ever applied for an owners license under this Act. An application fee as set by the Board by rule ef $\$ 5 \theta-\theta \theta \theta$ shall be paid at the time of filing to defray the costs associated with the background investigation conducted by the Board. If the costs of the investigation exceed the fee set by the Board $\$ 5 \theta-\theta \theta \theta$, the applicant shall pay the additional amount to the Board. If the costs of the investigation are less than the fee set by the Board $\$ 5 \theta-\theta \theta \theta$, the applicant shall receive a refund of the remaining amount. In addition to the application fee, the Board shall set an
annual license fee by rule. All information, records, interviews, reports, statements, memoranda or other data supplied to or used by the Board in the course of its review or investigation of an application for a license under this Act shall be privileged, strictly confidential and shall be used only for the purpose of evaluating an applicant. Such information, records, interviews, reports, statements, memoranda or other data shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person, except for any action deemed necessary by the Board.
(e) The Board shall charge each applicant a fee set by the Department of State Police to defray the costs associated with the search and classification of fingerprints obtained by the Board with respect to the applicant's application. These fees shall be paid into the State Police Services Fund.
(f) The licensed owner shall be the person primarily responsible for the boat itself. Only one riverboat gambling operation may be authorized by the Board on any riverboat. The applicant must identify each riverboat it intends to use and certify that the riverboat: (1) has the authorized capacity required in this Act; (2) is accessible to disabled persons; and (3) is fully registered and licensed in accordance with any applicable laws.
(g) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor. (Source: P.A. 91-40, eff. 6-25-99.)
(230 ILCS 10/7) (from Ch. 120, par. 2407)
Sec. 7. Owners Licenses.
(a) The Board shall, upon completion of the investigation required under Section 6, make a determination as to whether each applicant for an owners license is suitable for licensing issue--Өwnexs--łieenses--もө--peæsenst




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this Act and the rules of the Board. A person, firm or
corporation is ineligible to receive an owners license if:
（1）the person has been convicted of a felony under the laws of this State，any other state，or the United States；
（2）the person has been convicted of any violation of Article 28 of the Criminal Code of 1961，or substantially similar laws of any other jurisdiction；
（3）the person has submitted an application for a license under this Act which contains false information；
（4）the person is a member of the Board；
（5）a person defined in（1），（2），（3）or（4）is an officer，director or managerial employee of the firm or corporation；
（6）the firm or corporation employs a person defined in（1），（2），（3）or（4）who participates in the management or operation of gambling operations authorized under this Act；
（7）（blank）；or
（8）a license of the person，firm or corporation issued under this Act，or a license to own or operate gambling facilities in any other jurisdiction，has been revoked．
（b）In determining the suitability of whethexー－もө－－gæant an－－өwnexs－łieense－もe an applicant for an owners license，the Board shall consider：
（1）the character，reputation，experience and financial integrity of the applicants and of any other or
separate person that either:
(A) controls, directly or indirectly, such applicant, or
(B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;
(2) the facilities or proposed facilities for the conduct of riverboat gambling;
(3) the highest prospective total revenue to be derived by the state from the conduct of riverboat gambling;
(4) the good faith affirmative action plan of each applicant to recruit, train and upgrade minorities in all employment classifications;
(5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;
(6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat; and
(7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule.


(d) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints.
(e) The Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located.
(e-5) After the Board makes its determination as to the suitability of applicants for a license, the Board shall
notify each applicant of its determination, and the Board shall notify the applicants found to be suitable that they may bid for the license. Bids shall be expressed as a percentage of adjusted gross receipts to be paid as taxes during the period of the license. Licenses shall be awarded to the highest bidders. The Board shall include time limits and any appropriate bid specifications. Notwithstanding the other provisions of this Section, the Board may reject any bid. The Board shall notify each applicant of its final decision, and shall publicly disclose the amount of the winning bid. The amounts paid by a successful applicant under the terms of its bid shall be paid and distributed in accordance with Section 13.2.

The Board shall adopt rules as needed to implement the provisions of the competitive bidding process under this Section.
(e-10) The Board shall issue a temporary license to any licensee that loses its license under the competitive bidding process established in this Section. The temporary license shall be effective until the winning bidder for that license begins riverboat gambling operations.
(e-15) Each owners license shall specify the place where riverboats shall operate and dock.
(e-20) The Board may not issue a license to an applicant for a license to conduct riverboat gambling unless, in accordance with subsection $(j)$, riverboat gambling has been approved by the governing body of the appropriate unit of local government. The-Beaxd-shałł-issue-5-łieenses-もe-beeeme









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The Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board＇s approval of the application if the Board determines that license revocation is in the best interests of the state．
（f）The first 10 owners licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment thereon for a period of 3 years after the effective date of the license．Holders of the first 10 owners licenses must pay the annual license fee for each of the 3 years
during which they are authorized to own riverboats．
（g）On and after the effective date of this amendatory Act of the 93rd General Assembly，upon the termination， expiration，or revocation of an owners license，the license shall be subject to the competitive bidding process established under subsection（e－5）．A license that is awarded pursuant to the competitive bidding process under subsection（e－5）shall be valid for 4 years．
（g－5）Any agreement or collusion among bidders or prospective bidders for owners licenses in restraint of freedom of competition by agreement to bid a fixed price or by any other method shall render the bids of the bidders void．Each bidder for an owners license shall accompany his or her bid with a sworn statement，or otherwise swear or affirm，that he or she has not been a party to any such agreement or collusion．A bidder found to have participated in a collusive agreement under this Section shall be prevented from ever owning a license to conduct riverboat

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（h）An owners license shall entitle the licensee to own up to 2 riverboats．A licensee shall limit the number of gambling participants to 1,200 for any such owners license．A licensee may operate both of its riverboats concurrently， provided that the total number of gambling participants on both riverboats does not exceed 1，200．Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at
least 500 persons．Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons．
（i）A licensed owner is authorized to apply to the Board for and，if approved therefor，to receive all licenses from the Board necessary for the operation of a riverboat， including a liquor license，a license to prepare and serve food for human consumption，and other necessary licenses． All use，occupation and excise taxes which apply to the sale of food and beverages in this state and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat．
（j）The Board may issue a license authorizing a riverboat to dock in a municipality ө¥ーappæөキe－a－æełөeaもiөf tadex－Seeも̇ө日－¥も－Z only if，prior to the issuance of the license өæー－appæөキał，the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality．The Board may issue a license authorizing a riverboat to dock in areas of a county outside any municipality өモーappæөキe－a
 of the license өæーappæө¥ał，the governing body of the county has by a majority vote approved of the docking of riverboats within such areas．
（Source：P．A．91－40，eff．6－25－99；92－600，eff．6－28－02．）
（230 ILCS 10／7．1 n32）
Sec．7．1．Sale of infrastructure．
The Board shall adopt rules as soon as possible after the effective date of this amendatory Act of the 93 rd General Assembly to authorize a licensee that loses its license to a $\underline{\text { bidder under subsection（e－5）of Section } 7 \text { to sell its }}$ riverboat gambling operation infrastructure including，but not limited to，（1）its riverboats and related structures，

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(2) its dock, and (3) its affiliated lodging, food service,
and hospitality facilities to another licensee or to a
successful bidder. A licensee may not sell its riverboat
gambling operation infrastructure for a price that exceeds
its book value. The financial records of a sale under this
Section shall be public records and shall be open to
inspection by the Board.
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(230 ILCS 10/13) (from Ch. 120, par. 2413)
Sec. 13. Wagering tax; rate; distribution.
(a) Until January 1, 1998, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this Act at the rate of $20 \%$.

From January 1, 1998 until July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:
$15 \%$ of annual adjusted gross receipts up to and including \$25,000,000; $20 \%$ of annual adjusted gross receipts in excess of $\$ 25,000,000$ but not exceeding $\$ 50,000,000 ;$ 25\% of annual adjusted gross receipts in excess of $\$ 50,000,000$ but not exceeding $\$ 75,000,000$; $30 \%$ of annual adjusted gross receipts in excess of $\$ 75,000,000$ but not exceeding $\$ 100,000,000 ;$ 35\% of annual adjusted gross receipts in excess of $\$ 100,000,000$.

Beginning July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:
$15 \%$ of annual adjusted gross receipts up to and
including \$25,000,000;
22.5\% of annual adjusted gross receipts in excess of $\$ 25,000,000$ but not exceeding $\$ 50,000,000 ;$
27.5\% of annual adjusted gross receipts in excess of $\$ 50,000,000$ but not exceeding $\$ 75,000,000 ;$
$32.5 \%$ of annual adjusted gross receipts in excess of \$75,000,000 but not exceeding $\$ 100,000,000 ;$
$37.5 \%$ of annual adjusted gross receipts in excess of $\$ 100,000,000$ but not exceeding $\$ 150,000,000 ;$
$45 \%$ of annual adjusted gross receipts in excess of $\$ 150,000,000$ but not exceeding $\$ 200,000,000$;
$50 \%$ of annual adjusted gross receipts in excess of $\$ 200,000,000$.

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

A licensee that obtains its license on or after the effective date of this amendatory Act of the $93 r d$ General Assembly pursuant to the competitive bidding process shall not be subject to taxation nor be required to make any payment under this Section, but shall instead be subject to taxation pursuant to Section 13.2.
(b) Until January 1, 1998, 25\% of the tax revenue deposited in the State Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home dock of the riverboat. Beginning January 1, 1998, from the tax revenue deposited in the State Gaming Fund under this Section, an amount equal to $5 \%$ of adjusted gross receipts generated by a riverboat shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat.
(c) Appropriations, as approved by the General Assembly,
may be made from the State Gaming Fund to the Department of Revenue and the Department of state Police for the administration and enforcement of this Act．
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（d）From time to time，the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund，created by Public Act 86－0018，of the State of Illinois．
（e）Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue．
（f）To the extent practicable，the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4，5，5a，5b，5c，5d，5e，5f，5g，5i，5j，6，6a，6b， 6c，8，9，and 10 of the Retailers＇Occupation Tax Act and Section 3－7 of the Uniform Penalty and Interest Act．
（g）This Section is repealed upon the expiration， termination，or nonrenewal of all owners licenses in effect on the effective date of this amendatory Act of the $93 r d$ General Assembly．（Source：P．A．91－40，eff．6－25－99；92－595， eff．6－28－02．）
（230 ILCS $10 / 13.2$ new）
Sec 13．2．Competitive bidding tax．
（a）For all licenses issued on or after the effective date of this amendatory Act of the 93rd General Assembly pursuant to the competitive bidding process under subsection （e－5）of Section 7，there is imposed upon each licensee a competitive bidding tax equal to the amount of its bid under
subsection (e-5) of Section 7. The taxes imposed under this Section shall be paid to the Board no later than 3:00 o'clock p.m. of the day after the day when the wagers were made.
(b) Of the tax moneys collected from a licensee under this Section, $25 \%$ of the tax revenue deposited in the state Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the licensee's riverboat.
(c) Appropriations, as approved by the General Assembly, may be made from the State Gaming Fund to the Department of Revenue and the Department of State Police for the administration and enforcement of this Act.
(d) From time to time, the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.
(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat from entering into agreements with other units of local government in this state or in other states to share its portion of the tax revenue.
(f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.
(230 ILCS 10/11.2 rep.)
Section 10. The Riverboat Gambling Act is amended by repealing Section 11.2 .
(230 ILCS 5/54 rep.)

Section 15. The Illinois Horse Racing Act of 1975 is amended by repealing Section 54.

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

