1

AN ACT in relation to gambling.

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

4 Section 5. The Riverboat Gambling Act is amended by 5 changing Sections 6, 7, and 13 and adding Sections 7.1 and 6 13.2 as follows:

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(230 ILCS 10/6) (from Ch. 120, par. 2406)

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Sec. 6. Application for Owners License.

(a) A qualified person may apply to the Board for an 9 owners license to conduct a riverboat gambling operation as 10 provided in this Act. The application shall be made on forms 11 provided by the Board and shall contain such information as 12 13 the Board prescribes, including but not limited to the identity of the riverboat on which such gambling operation is 14 to be conducted and the exact location where such riverboat 15 16 will be docked, a certification that the riverboat will be registered under this Act at all times during which gambling 17 operations are conducted on board, detailed information 18 regarding the ownership and management of the applicant, and 19 20 detailed personal information regarding the applicant. Information provided on the application shall be used as a 21 22 basis for a thorough background investigation which the Board shall conduct with respect to each applicant. An incomplete 23 application shall be cause for denial of a license by the 24 25 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.

30 (c) Each applicant shall disclose the identity of every31 person, association, trust or corporation having a greater

1 than 1% direct or indirect pecuniary interest in the 2 riverboat gambling operation with respect to which the license is sought. If the disclosed entity is a trust, 3 the 4 application shall disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of 5 6 all stockholders and directors; if a partnership, the names 7 and addresses of all partners, both general and limited.

An application shall be filed with the Board by 8 (d) 9 January 1 of the year preceding any calendar year for which an applicant seeks an owners license; however, applications 10 11 for an owners license permitting operations on January 1, 12 1991 shall be filed by July 1, 1990 and applications for licenses authorized on or after the effective date of this 13 amendatory Act of the 93rd General Assembly shall be filed by 14 deadlines established by the Board. In the case of an owners 15 license to be awarded through the competitive bidding 16 process, the Board shall solicit applications by publishing 17 an advertisement at least 3 times, the first and last of 18 which publications shall be at least 10 days apart, in trade 19 20 publications, business newspapers such as the Wall Street 21 Journal, and the newspapers that are in the top 10 in 22 circulation in Illinois. The advertisement shall state the 23 procedure for applying for an owners license and shall state the deadline for applications. The Board shall also notify 24 25 all parties who have ever applied for an owners license under An application fee as set by the Board by rule of 26 <u>this Act</u>. \$50,000 shall be paid at the time of filing to defray the 27 costs associated with the background investigation conducted 28 by the Board. If the costs of the investigation exceed the 29 30 fee set by the Board \$50,000, the applicant shall pay the additional amount to the Board. If the costs of 31 the investigation are less than the fee set by the Board \$50,000, 32 the applicant shall receive a refund of the remaining amount. 33 34 In addition to the application fee, the Board shall set an

1 annual license fee by rule. All information, records, 2 interviews, reports, statements, memoranda or other data supplied to or used by the Board in the course of its review 3 4 investigation of an application for a license under this or 5 Act shall be privileged, strictly confidential and shall be 6 used only for the purpose of evaluating an applicant. Such 7 information, records, interviews, reports, statements, memoranda or other data shall not be admissible as evidence, 8 9 nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person, except for any 10 11 action deemed necessary by the Board.

(e) The Board shall charge each applicant a fee set by 12 the Department of State Police to defray the costs associated 13 with the search and classification of fingerprints obtained 14 15 by the Board with respect to the applicant's application. 16 These fees shall be paid into the State Police Services Fund.

(f) The licensed owner shall be the person primarily 17 18 responsible for the boat itself. Only one riverboat gambling 19 operation may be authorized by the Board on any riverboat. The applicant must identify each riverboat it intends to use 20 21 and certify that the riverboat: (1) has the authorized capacity required in this Act; (2) is accessible to disabled 22 23 persons; and (3) is fully registered and licensed in accordance with any applicable laws. 24

25 A person who knowingly makes a false statement on an (q) application is guilty of a Class A misdemeanor. 26 (Source: P.A. 91-40, eff. 6-25-99.)

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(230 ILCS 10/7) (from Ch. 120, par. 2407) 28

29 Sec. 7. Owners Licenses.

30 (a) The Board shall, upon completion of the 31 investigation required under Section 6, make a determination as to whether each applicant for an owners license is 32 33 suitable for licensing issue--owners--licenses--to--persons, 1 firms--or--corporations--which--apply--for-such-licenses-upon 2 payment-to-the-Board-of-the-non-refundable-license-fee-set-by the-Board,-upon-payment-of-a--\$25,000--license--fee--for--the 3 4 first--year--of--operation--and-a-\$5,000-license-fee-for-each 5 succeeding-year-and-upon-a-determination-by--the--Board--that the--applicant-is-eligible-for-an-owners--license pursuant to 6 7 this Act and the rules of the Board. A person, firm or corporation is ineligible to receive an owners license if: 8

9 (1) the person has been convicted of a felony under 10 the laws of this State, any other state, or the United 11 States;

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

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

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

18 (5) a person defined in (1), (2), (3) or (4) is an 19 officer, director or managerial employee of the firm or 20 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;

25

17

(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.

30 (b) In determining the suitability of whether--to--grant
 31 an--owners-license-to an applicant for an owners license, the
 32 Board shall consider:

33 (1) the character, reputation, experience and34 financial integrity of the applicants and of any other or

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1 separate person that either:

2 (A) controls, directly or indirectly, such
3 applicant, or

4 (B) is controlled, directly or indirectly, by
5 such applicant or by a person which controls,
6 directly or indirectly, such applicant;

7 (2) the facilities or proposed facilities for the8 conduct of riverboat gambling;

9 (3) the highest prospective total revenue to be 10 derived by the State from the conduct of riverboat 11 gambling;

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

15 (5) the financial ability of the applicant to 16 purchase and maintain adequate liability and casualty 17 insurance;

18 (6) whether the applicant has adequate 19 capitalization to provide and maintain, for the duration 20 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.

24 (c) (Blank). Each-owners-license-shall-specify-the-place
 25 where-riverboats-shall-operate-and-dock.

26 (d) Each applicant shall submit with his application, on
27 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.

33 (e-5) After the Board makes its determination as to the
 34 suitability of applicants for a license, the Board shall

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1 notify each applicant of its determination, and the Board shall notify the applicants found to be suitable that they 2 3 may bid for the license. Bids shall be expressed as a 4 percentage of adjusted gross receipts to be paid as taxes during the period of the license. Licenses shall be awarded 5 to the highest bidders. The Board shall include time limits 6 and any appropriate bid specifications. Notwithstanding the 7 8 other provisions of this Section, the Board may reject any 9 bid. The Board shall notify each applicant of its final 10 decision, and shall publicly disclose the amount of the winning bid. The amounts paid by a successful applicant 11 under the terms of its bid shall be paid and distributed in 12 13 accordance with Section 13.2.

14The Board shall adopt rules as needed to implement the15provisions of the competitive bidding process under this16Section.

17 <u>(e-10) The Board shall issue a temporary license to any</u> 18 <u>licensee that loses its license under the competitive bidding</u> 19 <u>process established in this Section. The temporary license</u> 20 <u>shall be effective until the winning bidder for that license</u> 21 <u>begins riverboat gambling operations.</u>

22 (e-15) Each owners license shall specify the place where
 23 riverboats shall operate and dock.

24 (e-20) The Board may not issue a license to an applicant for a license to conduct riverboat gambling unless, in 25 accordance with subsection (j), riverboat gambling has been 26 approved by the governing body of the appropriate unit of 27 local government. The-Board-shall-issue-5-licenses-to-become 28 29 effective--not--earlier--than-January-1,-1991.--Three-of-such 30 licenses--shall---authorize---riverboat---gambling---on---the 31 Mississippi--River,--one--of--which-shall-authorize-riverboat gambling-from-a-home-dock-in-the-city-of-East-St--Louis---and 32 33 one--of--which--shall--authorize--riverboat--gambling--on-the 34 Mississippi-River-or-in-a-municipality-that--(1)--borders--on

1 the-Mississippi-River-or-is-within-5-miles-of-the-city-limits 2 of--a--municipality-that-borders-on-the-Mississippi-River-and 3 (2)-on-the-effective-date-of-this-amendatory-Act-of-the--92nd 4 General---Assembly---has--a--riverboat--conducting--riverboat 5 gambling-operations-pursuant-to-a-license-issued--under--this Act---One-other-license-shall-authorize-riverboat-gambling-on 6 7 the-Illinois-River-south-of-Marshall-County---The-Board-shall 8 issue--one-additional-license-to-become-effective-not-earlier 9 than-March-1,-1992,-which-shall-authorize-riverboat--gambling 10 on-the-Des-Plaines-River-in-Will-County---The-Board-may-issue 11 4--additional--licenses--to-become-effective-not-earlier-than 12 March--1,--1992.---In--determining--the--water---upon---which 13 riverboats---will--operate,--the--Board--shall--consider--the 14 economic-benefit-which--riverboat--gambling--confers--on--the 15 State,-and-shall-seek-to-assure-that-all-regions-of-the-State 16 share-in-the-economic-benefits-of-riverboat-gambling.

17 In-granting-all--licenses,-the-Board-may-give-favorable consideration-to-economically-depressed-areas-of--the--State7 18 19 to--applicants-presenting-plans-which-provide-for-significant 20 economic-development-over-a-large--geographic--area,--and--to 21 applicants--who--currently-operate-non-gambling-riverboats-in 22 Illinois.--The-Board-shall-review-all-applications-for-owners 23 licenses,-and-shall-inform--each--applicant--of--the--Board's 24 decision.

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.

30 (f) The first 10 owners licenses issued under this Act 31 shall permit the holder to own up to 2 riverboats and 32 equipment thereon for a period of 3 years after the effective 33 date of the license. Holders of the first 10 owners licenses 34 must pay the annual license fee for each of the 3 years 1

during which they are authorized to own riverboats.

(g) <u>On and after the effective date of this amendatory</u>
<u>Act of the 93rd General Assembly</u>, upon the termination,
expiration, or revocation <u>of an owners license</u>, the license
<u>shall be subject to the competitive bidding process</u>
<u>established under subsection (e-5)</u>. <u>A license that is</u>
<u>awarded pursuant to the competitive bidding process under</u>
<u>subsection (e-5) shall be valid for 4 years</u>.

9 (g-5) Any agreement or collusion among bidders or 10 prospective bidders for owners licenses in restraint of 11 freedom of competition by agreement to bid a fixed price or by any other method shall render the bids of the bidders 12 13 void. Each bidder for an owners license shall accompany his or her bid with a sworn statement, or otherwise swear or 14 affirm, that he or she has not been a party to any such 15 agreement or collusion. A bidder found to have participated 16 17 in a collusive agreement under this Section shall be prevented from ever owning a license to conduct riverboat 18 19 gambling. of-each-of-the-first-10-licenses,--which--shall--be 20 issued--for--a--3--year--period,--all--licenses-are-renewable 21 annually-upon-payment-of-the-fee-and-a-determination--by--the 22 Board--that--the--licensee--continues--to--meet--all--of--the 23 requirements-of-this-Act-and-the-Board's-rules---However,-for licenses--renewed--on--or-after-May-1,-1998,-renewal-shall-be 24 25 for-a-period-of-4-years,-unless--the--Board--sets--a--shorter 26 period.

An owners license shall entitle the licensee to own 27 (h) up to 2 riverboats. A licensee shall limit the number of 28 29 gambling participants to 1,200 for any such owners license. A 30 licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on 31 both riverboats does not exceed 1,200. Riverboats licensed to 32 operate on the Mississippi River and the Illinois River south 33 34 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.

4 (i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from 5 the Board necessary for the operation of a riverboat, 6 7 including a liquor license, a license to prepare and serve 8 food for human consumption, and other necessary licenses. 9 All use, occupation and excise taxes which apply to the sale of food and beverages in this State and all taxes imposed on 10 11 the sale or use of tangible personal property apply to such sales aboard the riverboat. 12

13 (j) The Board may issue a license authorizing а riverboat to dock in a municipality or-approve-a-relocation 14 under-Section-11-2 only if, prior to the issuance of the 15 16 license er-appreval, the governing body of the municipality in which the riverboat will dock has by a majority vote 17 approved the docking of riverboats in the municipality. The 18 Board may issue a license authorizing a riverboat to dock in 19 20 areas of a county outside any municipality or-approve-a 21 relocation-under-Section-11-2 only if, prior to the issuance 22 of the license or-approval, the governing body of the county 23 has by a majority vote approved of the docking of riverboats within such areas. 24

25 (Source: P.A. 91-40, eff. 6-25-99; 92-600, eff. 6-28-02.)

26 (230 ILCS 10/7.1 n32)

27 <u>Sec. 7.1. Sale of infrastructure.</u>

The Board shall adopt rules as soon as possible after the effective date of this amendatory Act of the 93rd General Assembly to authorize a licensee that loses its license to a bidder under subsection (e-5) of Section 7 to sell its riverboat gambling operation infrastructure including, but not limited to, (1) its riverboats and related structures, -10- LRB093 06663 LRD 06796 b

1 (2) its dock, and (3) its affiliated lodging, food service, 2 and hospitality facilities to another licensee or to a 3 successful bidder. A licensee may not sell its riverboat 4 gambling operation infrastructure for a price that exceeds 5 its book value. The financial records of a sale under this 6 Section shall be public records and shall be open to 7 inspection by the Board.

8

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

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

10 (a) Until January 1, 1998, a tax is imposed on the 11 adjusted gross receipts received from gambling games 12 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:

18 15% of annual adjusted gross receipts up to and 19 including \$25,000,000;

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

22 25% of annual adjusted gross receipts in excess of
23 \$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:

33 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

2 22.5% of annual adjusted gross receipts in excess of
3 \$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;

8 37.5% of annual adjusted gross receipts in excess of
9 \$100,000,000 but not exceeding \$150,000,000;

10 45% of annual adjusted gross receipts in excess of 11 \$150,000,000 but not exceeding \$200,000,000;

12 50% of annual adjusted gross receipts in excess of13 \$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 93rd 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 23 the tax revenue deposited in the State Gaming Fund under this Section shall 24 25 be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home 26 dock of the riverboat. Beginning January 1, 1998, from the 27 tax revenue deposited in the State Gaming Fund under this 28 29 Section, an amount equal to 5% of adjusted gross receipts 30 generated by a riverboat shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local 31 32 government that is designated as the home dock of the 33 riverboat.

34

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

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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) (Blank). After---the---payments--required--under 5 subsections-(b)-and-(c)-have-been-made,-an--amount--equal--to 15%--of--the--adjusted-gross-receipts-of-a-riverboat-(1)-that 6 7 relocates-pursuant-to-Section--11-27--or--(2)--for--which--an 8 owners--license--is-initially-issued-after-the-effective-date 9 of-this-amendatory-Act-of-1999,-whichever-comes-first,--shall 10 be--paid--from--the--State--Gaming-Fund-into-the-Horse-Racing 11 Equity-Fund.

12 (c-10) <u>(Blank)</u>. Each-year--the--General--Assembly--shall 13 appropriate--from--the--General-Revenue-Fund-to-the-Education 14 Assistance-Fund-an-amount-equal-to-the-amount-paid--into--the 15 Horse--Racing-Equity-Fund-pursuant-to-subsection-(c-5)-in-the 16 prior-calendar-year.

17 (c-15) (Blank). After--the--payments---required---under subsections--(b),--(c),-and--(c-5)-have-been-made,-an-amount 18 19 equal-to-2%-of-the-adjusted-gross-receipts-of-a-riverboat-(1) 20 that-relocates-pursuant-to-Section-11-2,-or-(2)-for-which--an 21 owners--license--is-initially-issued-after-the-effective-date 22 of-this-amendatory-Act-of-1999,-whichever-comes-first,--shall 23 be--paid,-subject-to-appropriation-from-the-General-Assembly, 24 from-the-State-Gaming-Fund-to-each-home-rule--county--with--a 25 population--of--over-3,000,000-inhabitants-for-the-purpose-of 26 enhancing-the-county's-criminal-justice-system.

27 (c-20) (Blank). Each-year--the--General--Assembly--shall 28 appropriate--from--the--General-Revenue-Fund-to-the-Education 29 Assistance-Fund-an-amount-equal-to-the-amount--paid--to--each 30 home---rule--county--with--a--population--of--over--3,000,000 31 inhabitants--pursuant--to--subsection--(c-15)--in--the--prior 32 calendar-year.

33 (c-25) (Blank). After--the--payments---required---under 34 subsections--(b),--(c),--(c-5)--and-(c-15)-have-been-made,-an 1 amount-equal-to-2%--of--the--adjusted--gross--receipts--of--a
2 riverboat-(1)-that-relocates-pursuant-to-Section-11.2,-or-(2)
3 for--which--an--owners--license-is-initially-issued-after-the
4 effective-date-of-this--amendatory--Act--of--1999,--whichever
5 comes--first,--shall--be-paid-from-the-State-Gaming-Fund-into
6 the-State-Universities-Athletic-Capital-Improvement-Fund.

7 (d) From time to time, the Board shall transfer the 8 remainder of the funds generated by this Act into the 9 Education Assistance Fund, created by Public Act 86-0018, of 10 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.

16 (f) To the extent practicable, the Board shall 17 administer and collect the wagering taxes imposed by this 18 Section in a manner consistent with the provisions of 19 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 20 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and 21 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 93rd General Assembly. (Source: P.A. 91-40, eff. 6-25-99; 92-595, eff. 6-28-02.)

27

(230 ILCS 10/13.2 new)

28

<u>Sec 13.2. Competitive bidding tax.</u>

29 (a) For all licenses issued on or after the effective 30 date of this amendatory Act of the 93rd General Assembly 31 pursuant to the competitive bidding process under subsection 32 (e-5) of Section 7, there is imposed upon each licensee a 33 competitive bidding tax equal to the amount of its bid under -14-LRB093 06663 LRD 06796 b

subsection (e-5) of Section 7. The taxes imposed under this 1 2 Section shall be paid to the Board no later than 3:00 o'clock 3 p.m. of the day after the day when the wagers were made.

4 (b) Of the tax moneys collected from a licensee under this Section, 25% of the tax revenue deposited in the State 5 Gaming Fund under this Section shall be paid, subject to 6 7 appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the 8 9 licensee's riverboat.

10 (c) Appropriations, as approved by the General Assembly, 11 may be made from the State Gaming Fund to the Department of Revenue and the Department of State Police for the 12 administration and enforcement of this Act. 13

(d) From time to time, the Board shall transfer the 14 remainder of the funds generated by this Act into the 15 16 Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois. 17

(e) Nothing in this Act shall prohibit the unit of local 18 government designated as the home dock of the riverboat from 19 20 entering into agreements with other units of local government 21 in this State or in other states to share its portion of the 22 tax revenue.

23 (f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this 24 25 Section in a manner consistent with the provisions of <u>Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b,</u> 26 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and 27 Section 3-7 of the Uniform Penalty and Interest Act. 28

29

(230 ILCS 10/11.2 rep.)

Section 10. The Riverboat Gambling Act is amended by 30 repealing Section 11.2. 31

32 (230 ILCS 5/54 rep.)

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

3 Section 99. Effective date. This Act takes effect upon4 becoming law.