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LRB093 09192 LRD 48855 a

1 AMENDMENT TO HOUSE BILL 2380

2 AMENDMENT NO. _____. Amend House Bill 2380 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.625 as follows:

6 (30 ILCS 105/5.625 new)

7 Sec. 5.625. The Universal Service Surcharge Fund.

8 Section 10. The Public Utilities Act is amended by adding
9 Sections 8-207.5 and 9-222.4 as follows:

10 (220 ILCS 5/8-207.5 new)

11 Sec. 8-207.5. Percentage of Income Payment Plan.

12 (a) An electric or gas public utility that provides service
13 to consumers in Illinois shall participate in the Percentage of
14 Income Payment Plan established under the Energy Assistance Act
15 of 1989.

16 (b) As a part of the percentage of income payment plan, an
17 electric or gas public utility shall establish and implement an
18 arrearage forgiveness program for consumers who are
19 participating in the plan. The arrearage forgiveness program
20 shall provide that one-twelfth of a participant's arrearage
21 shall be forgiven for every 3 months of participation in the
22 plan.

1 (c) Notwithstanding any other provision of this Act, an
2 electric or gas public utility may not disconnect service to
3 any residential customer who is a participant in the Percentage
4 of Income Payment Plan.

5 (220 ILCS 5/9-222.4 new)

6 Sec. 9-222.4. Universal Service Fund Surcharge.

7 (a) The Commission shall establish a surcharge (universal
8 service rider) to be imposed by a public utility upon gas and
9 electricity service provided to consumers in this State. The
10 amount that may be recovered under the universal service rider
11 for a given year shall be limited to the amount by which the
12 cost of gas or electricity provided to consumers participating
13 in the Percentage of Income Payment Plan exceeds the amount
14 paid by those consumers for gas or electricity. The amount of
15 the surcharge shall be adjusted each year to reflect the actual
16 costs incurred during the previous year.

17 (b) Moneys received under the universal service rider shall
18 be paid to the Commission and deposited into the Universal
19 Service Surcharge Fund, a special fund hereby created in the
20 State Treasury. Subject to appropriation, the moneys in the
21 Universal Service Surcharge Fund shall be used to pay providers
22 of gas or electricity the amount by which the cost of gas or
23 electricity provided to consumers participating in the
24 Percentage of Income Payment Plan exceeded the amount paid by
25 those consumers to the provider for that gas or electricity.

26 Section 13. The Riverboat Gambling Act is amended by
27 changing Section 13 as follows:

28 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

30 (a) Until January 1, 1998, a tax is imposed on the adjusted
31 gross receipts received from gambling games authorized under

1 this Act at the rate of 20%.

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

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

9 20% of annual adjusted gross receipts in excess of
10 \$25,000,000 but not exceeding \$50,000,000;

11 25% of annual adjusted gross receipts in excess of
12 \$50,000,000 but not exceeding \$75,000,000;

13 30% of annual adjusted gross receipts in excess of
14 \$75,000,000 but not exceeding \$100,000,000;

15 35% of annual adjusted gross receipts in excess of
16 \$100,000,000.

17 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
18 is imposed on persons engaged in the business of conducting
19 riverboat gambling operations, other than licensed managers
20 conducting riverboat gambling operations on behalf of the
21 State, based on the adjusted gross receipts received by a
22 licensed owner from gambling games authorized under this Act at
23 the following rates:

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

26 22.5% of annual adjusted gross receipts in excess of
27 \$25,000,000 but not exceeding \$50,000,000;

28 27.5% of annual adjusted gross receipts in excess of
29 \$50,000,000 but not exceeding \$75,000,000;

30 32.5% of annual adjusted gross receipts in excess of
31 \$75,000,000 but not exceeding \$100,000,000;

32 37.5% of annual adjusted gross receipts in excess of
33 \$100,000,000 but not exceeding \$150,000,000;

34 45% of annual adjusted gross receipts in excess of

1 \$150,000,000 but not exceeding \$200,000,000;

2 50% of annual adjusted gross receipts in excess of
3 \$200,000,000.

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

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

13 27.5% of annual adjusted gross receipts in excess of
14 \$25,000,000 but not exceeding \$37,500,000;

15 32.5% of annual adjusted gross receipts in excess of
16 \$37,500,000 but not exceeding \$50,000,000;

17 37.5% of annual adjusted gross receipts in excess of
18 \$50,000,000 but not exceeding \$75,000,000;

19 45% of annual adjusted gross receipts in excess of
20 \$75,000,000 but not exceeding \$100,000,000;

21 50% of annual adjusted gross receipts in excess of
22 \$100,000,000 but not exceeding \$250,000,000;

23 70% of annual adjusted gross receipts in excess of
24 \$250,000,000.

25 An amount equal to the amount of wagering taxes collected
26 under this subsection (a-3) that are in addition to the amount
27 of wagering taxes that would have been collected if the
28 wagering tax rates under subsection (a-2) were in effect shall
29 be paid into the Common School Fund.

30 The privilege tax imposed under this subsection (a-3) shall
31 no longer be imposed beginning on the earlier of (i) July 1,
32 2005; (ii) the first date after June 20, 2003 ~~the effective~~
33 ~~date of this amendatory Act of the 93rd General Assembly~~ that
34 riverboat gambling operations are conducted pursuant to a

1 dormant license; or (iii) the first day that riverboat gambling
2 operations are conducted under the authority of an owners
3 license that is in addition to the 10 owners licenses initially
4 authorized under this Act. For the purposes of this subsection
5 (a-3), the term "dormant license" means an owners license that
6 is authorized by this Act under which no riverboat gambling
7 operations are being conducted on June 20, 2003 ~~the effective~~
8 ~~date of this amendatory Act of the 93rd General Assembly.~~

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;

27 45% of annual adjusted gross receipts in excess of
28 \$150,000,000 but not exceeding \$200,000,000;

29 50% of annual adjusted gross receipts in excess of
30 \$200,000,000.

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

34 (a-10) The taxes imposed by this Section shall be paid by

1 the licensed owner to the Board not later than 3:00 o'clock
2 p.m. of the day after the day when the wagers were made.

3 (b) Until January 1, 1998, 25% of the tax revenue deposited
4 in the State Gaming Fund under this Section shall be paid,
5 subject to appropriation by the General Assembly, to the unit
6 of local government which is designated as the home dock of the
7 riverboat. Beginning January 1, 1998, from the tax revenue
8 deposited in the State Gaming Fund under this Section, an
9 amount equal to 5% of adjusted gross receipts generated by a
10 riverboat 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. From the tax
13 revenue deposited in the State Gaming Fund pursuant to
14 riverboat gambling operations conducted by a licensed manager
15 on behalf of the State, an amount equal to 5% of adjusted gross
16 receipts generated pursuant to those riverboat gambling
17 operations shall be paid monthly, subject to appropriation by
18 the General Assembly, to the unit of local government that is
19 designated as the home dock of the riverboat upon which those
20 riverboat gambling operations are conducted.

21 (c) Appropriations, as approved by the General Assembly,
22 may be made from the State Gaming Fund to the Department of
23 Revenue and the Department of State Police for the
24 administration and enforcement of this Act, or to the
25 Department of Human Services for the administration of programs
26 to treat problem gambling.

27 (c-5) After the payments required under subsections (b) and
28 (c) have been made, an amount equal to 15% of the adjusted
29 gross receipts of (1) an owners licensee that relocates
30 pursuant to Section 11.2, (2) an owners licensee ~~license~~
31 conducting riverboat gambling operations pursuant to an owners
32 license that is initially issued after June 25, 1999, or (3)
33 the first riverboat gambling operations conducted by a licensed
34 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever

1 comes first, shall be paid from the State Gaming Fund into the
2 Horse Racing Equity Fund.

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

7 (c-15) After the payments required under subsections (b),
8 (c), and (c-5) have been made, an amount equal to 2% of the
9 adjusted gross receipts of (1) an owners licensee that
10 relocates pursuant to Section 11.2, (2) an owners licensee
11 conducting riverboat gambling operations pursuant to an owners
12 license that is initially issued after June 25, 1999, or (3)
13 the first riverboat gambling operations conducted by a licensed
14 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever
15 comes first, shall be paid, subject to appropriation from the
16 General Assembly, from the State Gaming Fund to each home rule
17 county with a population of over 3,000,000 inhabitants for the
18 purpose of enhancing the county's criminal justice system.

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

24 (c-25) After the payments required under subsections (b),
25 (c), (c-5), and (c-15) have been made, an amount equal to 2% of
26 the adjusted gross receipts of (1) an owners licensee ~~license~~
27 that relocates pursuant to Section 11.2, (2) an owners licensee
28 ~~license~~ conducting riverboat gambling operations pursuant to
29 an owners license that is initially issued after June 25, 1999,
30 or (3) the first riverboat gambling operations conducted by a
31 licensed manager on behalf of the State under Section 7.3 ~~7.2~~,
32 whichever comes first, shall be paid from the State Gaming Fund
33 to Chicago State University.

34 (c-30) After the payments required under subsections (b),

1 (c), (c-5), (c-15), and (c-25) have been made, an amount equal
2 to 1% of the adjusted gross receipts of each riverboat shall be
3 paid from the State Gaming Fund to the Supplemental Low-Income
4 Energy Assistance Fund.

5 (c-35) Each year the General Assembly shall appropriate
6 from the General Revenue Fund to the Education Assistance Fund
7 an amount equal to the amount paid into the Supplemental
8 Low-Income Energy Assistance Fund pursuant to subsection
9 (c-30) in the prior calendar year.

10 (d) From time to time, the Board shall transfer the
11 remainder of the funds generated by this Act into the Education
12 Assistance Fund, created by Public Act 86-0018, of the State of
13 Illinois.

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

19 (f) To the extent practicable, the Board shall administer
20 and collect the wagering taxes imposed by this Section in a
21 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
22 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
23 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
24 Penalty and Interest Act.

25 (Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28,
26 eff. 6-20-03; revised 1-28-04.)

27 Section 15. The Energy Assistance Act of 1989 is amended by
28 adding Section 4.5 as follows:

29 (305 ILCS 20/4.5 new)

30 Sec. 4.5. Percentage of Income Payment Plan.

31 (a) In addition to the energy assistance program
32 established under Section 4, the Department shall institute a

1 Percentage of Income Payment Plan to further ensure the
2 availability of heating and electric service to low income
3 citizens. The Department shall implement the plan by rule. The
4 plan shall be consistent with the objectives of this Section.
5 The Department shall ensure that the plan is in operation by
6 November 1, 2004, and may enter into such contracts and other
7 agreements with local agencies as may be necessary for the
8 purpose of administering the plan.

9 (b) The plan shall be coordinated with the energy
10 assistance program. Application for benefits shall be made
11 jointly for both the Percentage of Income Payment Plan and the
12 energy assistance program. An applicant for the Percentage of
13 Income Payment Plan must also apply for the energy assistance
14 program. In determining benefit distribution under the energy
15 assistance program and the Percentage of Income Payment Plan,
16 the Department shall consider utility prices, household size,
17 income, and geographic location. The amounts distributed under
18 the energy assistance program shall not exceed 40% of energy
19 costs for the lowest income level of eligible households nor
20 15% of energy costs for the highest income level of eligible
21 households.

22 (c) In order to be eligible for the Percentage of Income
23 Payment Plan, an applicant must have a household income that is
24 at or below 150% of the federal poverty level. A resident
25 eligible to participate in the plan shall be required to pay no
26 more than 6% of his or her annual income for gas and electric
27 service. A resident whose household income is at or below 50%
28 of the federal poverty level shall be required to pay no more
29 than 3% of his or her annual income for gas and electric
30 service. For purposes of this subsection, a consumer's annual
31 gas and electric costs shall be determined after deducting any
32 amounts the consumer receives under the energy assistance
33 program and all other energy assistance programs."