



Rep. Lou Lang

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1 AMENDMENT TO HOUSE BILL 1921

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1921 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Executive Reorganization Implementation  
5 Act is amended by changing Section 3.1 as follows:

6 (15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

7 Sec. 3.1. "Agency directly responsible to the Governor" or  
8 "agency" means any office, officer, division, or part thereof,  
9 and any other office, nonelective officer, department,  
10 division, bureau, board, or commission in the executive branch  
11 of State government, except that it does not apply to any  
12 agency whose primary function is service to the General  
13 Assembly or the Judicial Branch of State government, or to any  
14 agency administered by the Attorney General, Secretary of  
15 State, State Comptroller or State Treasurer. In addition the  
16 term does not apply to the following agencies created by law  
17 with the primary responsibility of exercising regulatory or  
18 adjudicatory functions independently of the Governor:

- 19 (1) the State Board of Elections;
- 20 (2) the State Board of Education;
- 21 (3) the Illinois Commerce Commission;
- 22 (4) the Illinois Workers' Compensation Commission;
- 23 (5) the Civil Service Commission;
- 24 (6) the Fair Employment Practices Commission;

1 (7) the Pollution Control Board;

2 (8) the Department of State Police Merit Board;i

3 (9) The Illinois Gaming Board.

4 (Source: P.A. 93-721, eff. 1-1-05.)

5 Section 10. The Department of Revenue Law of the Civil  
6 Administrative Code of Illinois is amended by changing Section  
7 2505-305 as follows:

8 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

9 Sec. 2505-305. Investigators.

10 (a) The Department has the power to appoint investigators  
11 to conduct all investigations, searches, seizures, arrests,  
12 and other duties imposed under the provisions of any law  
13 administered by the Department ~~or the Illinois Gaming Board.~~  
14 These ~~Except as provided in subsection (c), these~~ investigators  
15 have and may exercise all the powers of peace officers solely  
16 for the purpose of enforcing taxing measures administered by  
17 the Department ~~or the Illinois Gaming Board.~~

18 (b) The Director must authorize to each investigator  
19 employed under this Section and to any other employee of the  
20 Department exercising the powers of a peace officer a distinct  
21 badge that, on its face, (i) clearly states that the badge is  
22 authorized by the Department and (ii) contains a unique  
23 identifying number. No other badge shall be authorized by the  
24 Department.

25 (c) (Blank). ~~Investigators appointed under this Section~~  
26 ~~who are assigned to the Illinois Gaming Board have and may~~  
27 ~~exercise all the rights and powers of peace officers, provided~~  
28 ~~that these powers shall be limited to offenses or violations~~  
29 ~~occurring or committed on a riverboat or dock, as defined in~~  
30 ~~subsections (d) and (f) of Section 4 of the Riverboat Gambling~~  
31 ~~Act.~~

32 (Source: P.A. 91-239, eff. 1-1-00; 91-883, eff. 1-1-01; 92-493,

1 eff. 1-1-02.)

2 Section 15. The Illinois Pension Code is amended by  
3 changing Sections 14-110 and 18-127 as follows:

4 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

5 Sec. 14-110. Alternative retirement annuity.

6 (a) Any member who has withdrawn from service with not less  
7 than 20 years of eligible creditable service and has attained  
8 age 55, and any member who has withdrawn from service with not  
9 less than 25 years of eligible creditable service and has  
10 attained age 50, regardless of whether the attainment of either  
11 of the specified ages occurs while the member is still in  
12 service, shall be entitled to receive at the option of the  
13 member, in lieu of the regular or minimum retirement annuity, a  
14 retirement annuity computed as follows:

15 (i) for periods of service as a noncovered employee: if  
16 retirement occurs on or after January 1, 2001, 3% of final  
17 average compensation for each year of creditable service;  
18 if retirement occurs before January 1, 2001, 2 1/4% of  
19 final average compensation for each of the first 10 years  
20 of creditable service, 2 1/2% for each year above 10 years  
21 to and including 20 years of creditable service, and 2 3/4%  
22 for each year of creditable service above 20 years; and

23 (ii) for periods of eligible creditable service as a  
24 covered employee: if retirement occurs on or after January  
25 1, 2001, 2.5% of final average compensation for each year  
26 of creditable service; if retirement occurs before January  
27 1, 2001, 1.67% of final average compensation for each of  
28 the first 10 years of such service, 1.90% for each of the  
29 next 10 years of such service, 2.10% for each year of such  
30 service in excess of 20 but not exceeding 30, and 2.30% for  
31 each year in excess of 30.

32 Such annuity shall be subject to a maximum of 75% of final

1 average compensation if retirement occurs before January 1,  
2 2001 or to a maximum of 80% of final average compensation if  
3 retirement occurs on or after January 1, 2001.

4 These rates shall not be applicable to any service  
5 performed by a member as a covered employee which is not  
6 eligible creditable service. Service as a covered employee  
7 which is not eligible creditable service shall be subject to  
8 the rates and provisions of Section 14-108.

9 (b) For the purpose of this Section, "eligible creditable  
10 service" means creditable service resulting from service in one  
11 or more of the following positions:

12 (1) State policeman;

13 (2) fire fighter in the fire protection service of a  
14 department;

15 (3) air pilot;

16 (4) special agent;

17 (5) investigator for the Secretary of State;

18 (6) conservation police officer;

19 (7) investigator for the Department of Revenue or the  
20 Illinois Gaming Board;

21 (8) security employee of the Department of Human  
22 Services;

23 (9) Central Management Services security police  
24 officer;

25 (10) security employee of the Department of  
26 Corrections;

27 (11) dangerous drugs investigator;

28 (12) investigator for the Department of State Police;

29 (13) investigator for the Office of the Attorney  
30 General;

31 (14) controlled substance inspector;

32 (15) investigator for the Office of the State's  
33 Attorneys Appellate Prosecutor;

34 (16) Commerce Commission police officer;

1 (17) arson investigator;

2 (18) State highway maintenance worker.

3 A person employed in one of the positions specified in this  
4 subsection is entitled to eligible creditable service for  
5 service credit earned under this Article while undergoing the  
6 basic police training course approved by the Illinois Law  
7 Enforcement Training Standards Board, if completion of that  
8 training is required of persons serving in that position. For  
9 the purposes of this Code, service during the required basic  
10 police training course shall be deemed performance of the  
11 duties of the specified position, even though the person is not  
12 a sworn peace officer at the time of the training.

13 (c) For the purposes of this Section:

14 (1) The term "state policeman" includes any title or  
15 position in the Department of State Police that is held by  
16 an individual employed under the State Police Act.

17 (2) The term "fire fighter in the fire protection  
18 service of a department" includes all officers in such fire  
19 protection service including fire chiefs and assistant  
20 fire chiefs.

21 (3) The term "air pilot" includes any employee whose  
22 official job description on file in the Department of  
23 Central Management Services, or in the department by which  
24 he is employed if that department is not covered by the  
25 Personnel Code, states that his principal duty is the  
26 operation of aircraft, and who possesses a pilot's license;  
27 however, the change in this definition made by this  
28 amendatory Act of 1983 shall not operate to exclude any  
29 noncovered employee who was an "air pilot" for the purposes  
30 of this Section on January 1, 1984.

31 (4) The term "special agent" means any person who by  
32 reason of employment by the Division of Narcotic Control,  
33 the Bureau of Investigation or, after July 1, 1977, the  
34 Division of Criminal Investigation, the Division of

1 Internal Investigation, the Division of Operations, or any  
2 other Division or organizational entity in the Department  
3 of State Police is vested by law with duties to maintain  
4 public order, investigate violations of the criminal law of  
5 this State, enforce the laws of this State, make arrests  
6 and recover property. The term "special agent" includes any  
7 title or position in the Department of State Police that is  
8 held by an individual employed under the State Police Act.

9 (5) The term "investigator for the Secretary of State"  
10 means any person employed by the Office of the Secretary of  
11 State and vested with such investigative duties as render  
12 him ineligible for coverage under the Social Security Act  
13 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
14 218(1)(1) of that Act.

15 A person who became employed as an investigator for the  
16 Secretary of State between January 1, 1967 and December 31,  
17 1975, and who has served as such until attainment of age  
18 60, either continuously or with a single break in service  
19 of not more than 3 years duration, which break terminated  
20 before January 1, 1976, shall be entitled to have his  
21 retirement annuity calculated in accordance with  
22 subsection (a), notwithstanding that he has less than 20  
23 years of credit for such service.

24 (6) The term "Conservation Police Officer" means any  
25 person employed by the Division of Law Enforcement of the  
26 Department of Natural Resources and vested with such law  
27 enforcement duties as render him ineligible for coverage  
28 under the Social Security Act by reason of Sections  
29 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
30 term "Conservation Police Officer" includes the positions  
31 of Chief Conservation Police Administrator and Assistant  
32 Conservation Police Administrator.

33 (7) The term "investigator for the Department of  
34 Revenue" means any person employed by the Department of

1 Revenue and vested with such investigative duties as render  
2 him ineligible for coverage under the Social Security Act  
3 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
4 218(1)(1) of that Act.

5 The term "investigator for the Illinois Gaming Board"  
6 means any person employed as such by the Illinois Gaming  
7 Board and vested with such peace officer duties as render  
8 the person ineligible for coverage under the Social  
9 Security Act by reason of Sections 218(d)(5)(A),  
10 218(d)(8)(D), and 218(1)(1) of that Act.

11 (8) The term "security employee of the Department of  
12 Human Services" means any person employed by the Department  
13 of Human Services who (i) is employed at the Chester Mental  
14 Health Center and has daily contact with the residents  
15 thereof, (ii) is employed within a security unit at a  
16 facility operated by the Department and has daily contact  
17 with the residents of the security unit, (iii) is employed  
18 at a facility operated by the Department that includes a  
19 security unit and is regularly scheduled to work at least  
20 50% of his or her working hours within that security unit,  
21 or (iv) is a mental health police officer. "Mental health  
22 police officer" means any person employed by the Department  
23 of Human Services in a position pertaining to the  
24 Department's mental health and developmental disabilities  
25 functions who is vested with such law enforcement duties as  
26 render the person ineligible for coverage under the Social  
27 Security Act by reason of Sections 218(d)(5)(A),  
28 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
29 means that portion of a facility that is devoted to the  
30 care, containment, and treatment of persons committed to  
31 the Department of Human Services as sexually violent  
32 persons, persons unfit to stand trial, or persons not  
33 guilty by reason of insanity. With respect to past  
34 employment, references to the Department of Human Services

1 include its predecessor, the Department of Mental Health  
2 and Developmental Disabilities.

3 The changes made to this subdivision (c)(8) by Public  
4 Act 92-14 apply to persons who retire on or after January  
5 1, 2001, notwithstanding Section 1-103.1.

6 (9) "Central Management Services security police  
7 officer" means any person employed by the Department of  
8 Central Management Services who is vested with such law  
9 enforcement duties as render him ineligible for coverage  
10 under the Social Security Act by reason of Sections  
11 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

12 (10) The term "security employee of the Department of  
13 Corrections" means any employee of the Department of  
14 Corrections or the former Department of Personnel, and any  
15 member or employee of the Prisoner Review Board, who has  
16 daily contact with inmates by working within a correctional  
17 facility or who is a parole officer or an employee who has  
18 direct contact with committed persons in the performance of  
19 his or her job duties.

20 (11) The term "dangerous drugs investigator" means any  
21 person who is employed as such by the Department of Human  
22 Services.

23 (12) The term "investigator for the Department of State  
24 Police" means a person employed by the Department of State  
25 Police who is vested under Section 4 of the Narcotic  
26 Control Division Abolition Act with such law enforcement  
27 powers as render him ineligible for coverage under the  
28 Social Security Act by reason of Sections 218(d)(5)(A),  
29 218(d)(8)(D) and 218(1)(1) of that Act.

30 (13) "Investigator for the Office of the Attorney  
31 General" means any person who is employed as such by the  
32 Office of the Attorney General and is vested with such  
33 investigative duties as render him ineligible for coverage  
34 under the Social Security Act by reason of Sections



1 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
2 the period before January 1, 1989, the term includes all  
3 persons who were employed as investigators by the Office of  
4 the Attorney General, without regard to social security  
5 status.

6 (14) "Controlled substance inspector" means any person  
7 who is employed as such by the Department of Professional  
8 Regulation and is vested with such law enforcement duties  
9 as render him ineligible for coverage under the Social  
10 Security Act by reason of Sections 218(d)(5)(A),  
11 218(d)(8)(D) and 218(1)(1) of that Act. The term  
12 "controlled substance inspector" includes the Program  
13 Executive of Enforcement and the Assistant Program  
14 Executive of Enforcement.

15 (15) The term "investigator for the Office of the  
16 State's Attorneys Appellate Prosecutor" means a person  
17 employed in that capacity on a full time basis under the  
18 authority of Section 7.06 of the State's Attorneys  
19 Appellate Prosecutor's Act.

20 (16) "Commerce Commission police officer" means any  
21 person employed by the Illinois Commerce Commission who is  
22 vested with such law enforcement duties as render him  
23 ineligible for coverage under the Social Security Act by  
24 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
25 218(1)(1) of that Act.

26 (17) "Arson investigator" means any person who is  
27 employed as such by the Office of the State Fire Marshal  
28 and is vested with such law enforcement duties as render  
29 the person ineligible for coverage under the Social  
30 Security Act by reason of Sections 218(d)(5)(A),  
31 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
32 employed as an arson investigator on January 1, 1995 and is  
33 no longer in service but not yet receiving a retirement  
34 annuity may convert his or her creditable service for

1 employment as an arson investigator into eligible  
2 creditable service by paying to the System the difference  
3 between the employee contributions actually paid for that  
4 service and the amounts that would have been contributed if  
5 the applicant were contributing at the rate applicable to  
6 persons with the same social security status earning  
7 eligible creditable service on the date of application.

8 (18) The term "State highway maintenance worker" means  
9 a person who is either of the following:

10 (i) A person employed on a full-time basis by the  
11 Illinois Department of Transportation in the position  
12 of highway maintainer, highway maintenance lead  
13 worker, highway maintenance lead/lead worker, heavy  
14 construction equipment operator, power shovel  
15 operator, or bridge mechanic; and whose principal  
16 responsibility is to perform, on the roadway, the  
17 actual maintenance necessary to keep the highways that  
18 form a part of the State highway system in serviceable  
19 condition for vehicular traffic.

20 (ii) A person employed on a full-time basis by the  
21 Illinois State Toll Highway Authority in the position  
22 of equipment operator/laborer H-4, equipment  
23 operator/laborer H-6, welder H-4, welder H-6,  
24 mechanical/electrical H-4, mechanical/electrical H-6,  
25 water/sewer H-4, water/sewer H-6, sign maker/hanger  
26 H-4, sign maker/hanger H-6, roadway lighting H-4,  
27 roadway lighting H-6, structural H-4, structural H-6,  
28 painter H-4, or painter H-6; and whose principal  
29 responsibility is to perform, on the roadway, the  
30 actual maintenance necessary to keep the Authority's  
31 tollways in serviceable condition for vehicular  
32 traffic.

33 (d) A security employee of the Department of Corrections,  
34 and a security employee of the Department of Human Services who

1 is not a mental health police officer, shall not be eligible  
2 for the alternative retirement annuity provided by this Section  
3 unless he or she meets the following minimum age and service  
4 requirements at the time of retirement:

5 (i) 25 years of eligible creditable service and age 55;

6 or

7 (ii) beginning January 1, 1987, 25 years of eligible  
8 creditable service and age 54, or 24 years of eligible  
9 creditable service and age 55; or

10 (iii) beginning January 1, 1988, 25 years of eligible  
11 creditable service and age 53, or 23 years of eligible  
12 creditable service and age 55; or

13 (iv) beginning January 1, 1989, 25 years of eligible  
14 creditable service and age 52, or 22 years of eligible  
15 creditable service and age 55; or

16 (v) beginning January 1, 1990, 25 years of eligible  
17 creditable service and age 51, or 21 years of eligible  
18 creditable service and age 55; or

19 (vi) beginning January 1, 1991, 25 years of eligible  
20 creditable service and age 50, or 20 years of eligible  
21 creditable service and age 55.

22 Persons who have service credit under Article 16 of this  
23 Code for service as a security employee of the Department of  
24 Corrections or the Department of Human Services in a position  
25 requiring certification as a teacher may count such service  
26 toward establishing their eligibility under the service  
27 requirements of this Section; but such service may be used only  
28 for establishing such eligibility, and not for the purpose of  
29 increasing or calculating any benefit.

30 (e) If a member enters military service while working in a  
31 position in which eligible creditable service may be earned,  
32 and returns to State service in the same or another such  
33 position, and fulfills in all other respects the conditions  
34 prescribed in this Article for credit for military service,

1 such military service shall be credited as eligible creditable  
2 service for the purposes of the retirement annuity prescribed  
3 in this Section.

4 (f) For purposes of calculating retirement annuities under  
5 this Section, periods of service rendered after December 31,  
6 1968 and before October 1, 1975 as a covered employee in the  
7 position of special agent, conservation police officer, mental  
8 health police officer, or investigator for the Secretary of  
9 State, shall be deemed to have been service as a noncovered  
10 employee, provided that the employee pays to the System prior  
11 to retirement an amount equal to (1) the difference between the  
12 employee contributions that would have been required for such  
13 service as a noncovered employee, and the amount of employee  
14 contributions actually paid, plus (2) if payment is made after  
15 July 31, 1987, regular interest on the amount specified in item  
16 (1) from the date of service to the date of payment.

17 For purposes of calculating retirement annuities under  
18 this Section, periods of service rendered after December 31,  
19 1968 and before January 1, 1982 as a covered employee in the  
20 position of investigator for the Department of Revenue shall be  
21 deemed to have been service as a noncovered employee, provided  
22 that the employee pays to the System prior to retirement an  
23 amount equal to (1) the difference between the employee  
24 contributions that would have been required for such service as  
25 a noncovered employee, and the amount of employee contributions  
26 actually paid, plus (2) if payment is made after January 1,  
27 1990, regular interest on the amount specified in item (1) from  
28 the date of service to the date of payment.

29 (g) A State policeman may elect, not later than January 1,  
30 1990, to establish eligible creditable service for up to 10  
31 years of his service as a policeman under Article 3, by filing  
32 a written election with the Board, accompanied by payment of an  
33 amount to be determined by the Board, equal to (i) the  
34 difference between the amount of employee and employer

1 contributions transferred to the System under Section 3-110.5,  
2 and the amounts that would have been contributed had such  
3 contributions been made at the rates applicable to State  
4 policemen, plus (ii) interest thereon at the effective rate for  
5 each year, compounded annually, from the date of service to the  
6 date of payment.

7 Subject to the limitation in subsection (i), a State  
8 policeman may elect, not later than July 1, 1993, to establish  
9 eligible creditable service for up to 10 years of his service  
10 as a member of the County Police Department under Article 9, by  
11 filing a written election with the Board, accompanied by  
12 payment of an amount to be determined by the Board, equal to  
13 (i) the difference between the amount of employee and employer  
14 contributions transferred to the System under Section 9-121.10  
15 and the amounts that would have been contributed had those  
16 contributions been made at the rates applicable to State  
17 policemen, plus (ii) interest thereon at the effective rate for  
18 each year, compounded annually, from the date of service to the  
19 date of payment.

20 (h) Subject to the limitation in subsection (i), a State  
21 policeman or investigator for the Secretary of State may elect  
22 to establish eligible creditable service for up to 12 years of  
23 his service as a policeman under Article 5, by filing a written  
24 election with the Board on or before January 31, 1992, and  
25 paying to the System by January 31, 1994 an amount to be  
26 determined by the Board, equal to (i) the difference between  
27 the amount of employee and employer contributions transferred  
28 to the System under Section 5-236, and the amounts that would  
29 have been contributed had such contributions been made at the  
30 rates applicable to State policemen, plus (ii) interest thereon  
31 at the effective rate for each year, compounded annually, from  
32 the date of service to the date of payment.

33 Subject to the limitation in subsection (i), a State  
34 policeman, conservation police officer, or investigator for

1 the Secretary of State may elect to establish eligible  
2 creditable service for up to 10 years of service as a sheriff's  
3 law enforcement employee under Article 7, by filing a written  
4 election with the Board on or before January 31, 1993, and  
5 paying to the System by January 31, 1994 an amount to be  
6 determined by the Board, equal to (i) the difference between  
7 the amount of employee and employer contributions transferred  
8 to the System under Section 7-139.7, and the amounts that would  
9 have been contributed had such contributions been made at the  
10 rates applicable to State policemen, plus (ii) interest thereon  
11 at the effective rate for each year, compounded annually, from  
12 the date of service to the date of payment.

13 (i) The total amount of eligible creditable service  
14 established by any person under subsections (g), (h), (j), (k),  
15 and (l) of this Section shall not exceed 12 years.

16 (j) Subject to the limitation in subsection (i), an  
17 investigator for the Office of the State's Attorneys Appellate  
18 Prosecutor or a controlled substance inspector may elect to  
19 establish eligible creditable service for up to 10 years of his  
20 service as a policeman under Article 3 or a sheriff's law  
21 enforcement employee under Article 7, by filing a written  
22 election with the Board, accompanied by payment of an amount to  
23 be determined by the Board, equal to (1) the difference between  
24 the amount of employee and employer contributions transferred  
25 to the System under Section 3-110.6 or 7-139.8, and the amounts  
26 that would have been contributed had such contributions been  
27 made at the rates applicable to State policemen, plus (2)  
28 interest thereon at the effective rate for each year,  
29 compounded annually, from the date of service to the date of  
30 payment.

31 (k) Subject to the limitation in subsection (i) of this  
32 Section, an alternative formula employee may elect to establish  
33 eligible creditable service for periods spent as a full-time  
34 law enforcement officer or full-time corrections officer

1 employed by the federal government or by a state or local  
2 government located outside of Illinois, for which credit is not  
3 held in any other public employee pension fund or retirement  
4 system. To obtain this credit, the applicant must file a  
5 written application with the Board by March 31, 1998,  
6 accompanied by evidence of eligibility acceptable to the Board  
7 and payment of an amount to be determined by the Board, equal  
8 to (1) employee contributions for the credit being established,  
9 based upon the applicant's salary on the first day as an  
10 alternative formula employee after the employment for which  
11 credit is being established and the rates then applicable to  
12 alternative formula employees, plus (2) an amount determined by  
13 the Board to be the employer's normal cost of the benefits  
14 accrued for the credit being established, plus (3) regular  
15 interest on the amounts in items (1) and (2) from the first day  
16 as an alternative formula employee after the employment for  
17 which credit is being established to the date of payment.

18 (1) Subject to the limitation in subsection (i), a security  
19 employee of the Department of Corrections may elect, not later  
20 than July 1, 1998, to establish eligible creditable service for  
21 up to 10 years of his or her service as a policeman under  
22 Article 3, by filing a written election with the Board,  
23 accompanied by payment of an amount to be determined by the  
24 Board, equal to (i) the difference between the amount of  
25 employee and employer contributions transferred to the System  
26 under Section 3-110.5, and the amounts that would have been  
27 contributed had such contributions been made at the rates  
28 applicable to security employees of the Department of  
29 Corrections, plus (ii) interest thereon at the effective rate  
30 for each year, compounded annually, from the date of service to  
31 the date of payment.

32 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01; 92-14,  
33 eff. 6-28-01; 92-257, eff. 8-6-01; 92-651, eff. 7-11-02.)

1 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

2 Sec. 18-127. Retirement annuity - suspension on  
3 reemployment.

4 (a) A participant receiving a retirement annuity who is  
5 regularly employed for compensation by an employer other than a  
6 county, in any capacity, shall have his or her retirement  
7 annuity payments suspended during such employment. Upon  
8 termination of such employment, retirement annuity payments at  
9 the previous rate shall be resumed.

10 If such a participant resumes service as a judge, he or she  
11 shall receive credit for any additional service. Upon  
12 subsequent retirement, his or her retirement annuity shall be  
13 the amount previously granted, plus the amount earned by the  
14 additional judicial service under the provisions in effect  
15 during the period of such additional service. However, if the  
16 participant was receiving the maximum rate of annuity at the  
17 time of re-employment, he or she may elect, in a written  
18 direction filed with the board, not to receive any additional  
19 service credit during the period of re-employment. In such  
20 case, contributions shall not be required during the period of  
21 re-employment. Any such election shall be irrevocable.

22 (b) Beginning January 1, 1991, any participant receiving a  
23 retirement annuity who accepts temporary employment from an  
24 employer other than a county for a period not exceeding 75  
25 working days in any calendar year shall not be deemed to be  
26 regularly employed for compensation or to have resumed service  
27 as a judge for the purposes of this Article. A day shall be  
28 considered a working day if the annuitant performs on it any of  
29 his duties under the temporary employment agreement.

30 (c) Except as provided in subsection (a), beginning January  
31 1, 1993, retirement annuities shall not be subject to  
32 suspension upon resumption of employment for an employer, and  
33 any retirement annuity that is then so suspended shall be  
34 reinstated on that date.



1 (d) The changes made in this Section by this amendatory Act  
2 of 1993 shall apply to judges no longer in service on its  
3 effective date, as well as to judges serving on or after that  
4 date.

5 (e) A participant receiving a retirement annuity under this  
6 Article who (i) serves as a part-time employee in any of the  
7 following positions: Legislative Inspector General, Special  
8 Legislative Inspector General, employee of the Office of the  
9 Legislative Inspector General, Executive Director of the  
10 Legislative Ethics Commission, or staff of the Legislative  
11 Ethics Commission or (ii), on or after March 1, 2005, serves on  
12 the Illinois Gaming Board, but has not elected to participate  
13 in the Article 14 System with respect to that service, shall  
14 not be deemed to be regularly employed for compensation by an  
15 employer other than a county, nor to have resumed service as a  
16 judge, on the basis of that service, and the retirement annuity  
17 payments and other benefits of that person under this Code  
18 shall not be suspended, diminished, or otherwise impaired  
19 solely as a consequence of that service. This subsection (e)  
20 applies without regard to whether the person is in service as a  
21 judge under this Article on or after the effective date of this  
22 amendatory Act of the 93rd General Assembly. In this  
23 subsection, a "part-time employee" is a person who is not  
24 required to work at least 35 hours per week. The changes made  
25 to this subsection (e) by this amendatory Act of the 94th  
26 General Assembly apply without regard to whether the person is  
27 in service as a judge under this Article on or after the  
28 effective date of this amendatory Act of the 94th General  
29 Assembly.

30 (f) A participant receiving a retirement annuity under this  
31 Article who has made an election under Section 1-123 and who is  
32 serving either as legal counsel in the Office of the Governor  
33 or as Chief Deputy Attorney General shall not be deemed to be  
34 regularly employed for compensation by an employer other than a

1 county, nor to have resumed service as a judge, on the basis of  
2 that service, and the retirement annuity payments and other  
3 benefits of that person under this Code shall not be suspended,  
4 diminished, or otherwise impaired solely as a consequence of  
5 that service. This subsection (f) applies without regard to  
6 whether the person is in service as a judge under this Article  
7 on or after the effective date of this amendatory Act of the  
8 93rd General Assembly.

9 (Source: P.A. 93-685, eff. 7-8-04; 93-1069, eff. 1-15-05.)

10 Section 20. The Riverboat Gambling Act is amended by  
11 changing Sections 4, 5, and 13 and by adding Section 5.2 as  
12 follows:

13 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

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

20 (c) "Gambling game" includes, but is not limited to,  
21 baccarat, twenty-one, poker, craps, slot machine, video game of  
22 chance, roulette wheel, klondike table, punchboard, faro  
23 layout, keno layout, numbers ticket, push card, jar ticket, or  
24 pull tab which is authorized by the Board as a wagering device  
25 under this Act.

26 (d) "Riverboat" means a self-propelled excursion boat, a  
27 permanently moored barge, or permanently moored barges that are  
28 permanently fixed together to operate as one vessel, on which  
29 lawful gambling is authorized and licensed as provided in this  
30 Act.

31 (e) "Managers license" means a license issued by the Board  
32 to a person or entity to manage gambling operations conducted

1 by the State pursuant to Section 7.3 ~~7.2~~.

2 (f) "Dock" means the location where a riverboat moors for  
3 the purpose of embarking passengers for and disembarking  
4 passengers from the riverboat.

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

8 (h) "Adjusted gross receipts" means the gross receipts less  
9 winnings paid to wagerers.

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

13 (j) (Blank). ~~"Department" means the Department of Revenue.~~

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

16 (l) "License bid" means the lump sum amount of money that  
17 an applicant bids and agrees to pay the State in return for an  
18 owners license that is re-issued on or after July 1, 2003.

19 (m) The terms "minority person" and "female" shall have the  
20 same meaning as defined in Section 2 of the Business Enterprise  
21 for Minorities, Females, and Persons with Disabilities Act.

22 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;  
23 revisory 1-28-04.)

24 (230 ILCS 10/5) (from Ch. 120, par. 2405)

25 Sec. 5. Gaming Board.

26 (a) (1) There is hereby established the ~~within the~~  
27 ~~Department of Revenue an~~ Illinois Gaming Board, which shall  
28 have the powers and duties specified in this Act, and all other  
29 powers necessary and proper to fully and effectively execute  
30 this Act for the purpose of administering, regulating, and  
31 enforcing the system of riverboat gambling established by this  
32 Act. Its jurisdiction shall extend under this Act to every  
33 person, association, corporation, partnership and trust

1 involved in riverboat gambling operations in the State of  
2 Illinois.

3 (2) The Board shall consist of 5 members to be appointed by  
4 the Governor with the advice and consent of the Senate, one of  
5 whom shall be designated by the Governor to be chairman. Each  
6 member shall have a reasonable knowledge of the practice,  
7 procedure and principles of gambling operations. Each member  
8 shall either be a resident of Illinois or shall certify that he  
9 will become a resident of Illinois before taking office. At  
10 least one member shall be experienced in law enforcement and  
11 criminal investigation, at least one member shall be a  
12 certified public accountant experienced in accounting and  
13 auditing, and at least one member shall be a lawyer licensed to  
14 practice law in Illinois.

15 (3) The terms of office of the Board members shall be 3  
16 years, except that the terms of office of the initial Board  
17 members appointed pursuant to this Act will commence from the  
18 effective date of this Act and run as follows: one for a term  
19 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for  
20 a term ending July 1, 1993. Upon the expiration of the  
21 foregoing terms, the successors of such members shall serve a  
22 term for 3 years and until their successors are appointed and  
23 qualified for like terms. Vacancies in the Board shall be  
24 filled for the unexpired term in like manner as original  
25 appointments. Each member of the Board shall be eligible for  
26 reappointment at the discretion of the Governor with the advice  
27 and consent of the Senate.

28 (4) The chairman of the Board shall receive an annual  
29 salary of \$50,000, or as set by the Compensation Review Board,  
30 whichever is higher. Other members of the Board shall receive  
31 an annual salary of \$35,000, or as set by the Compensation  
32 Review Board, whichever is higher. ~~Each member of the Board~~  
33 ~~shall receive \$300 for each day the Board meets and for each~~  
34 ~~day the member conducts any hearing pursuant to this Act. Each~~

1 member of the Board shall also be reimbursed for all actual and  
2 necessary expenses and disbursements incurred in the execution  
3 of official duties.

4 (5) No person shall be appointed a member of the Board or  
5 continue to be a member of the Board who is, or whose spouse,  
6 child or parent is, a member of the board of directors of, or a  
7 person financially interested in, any gambling operation  
8 subject to the jurisdiction of this Board, or any race track,  
9 race meeting, racing association or the operations thereof  
10 subject to the jurisdiction of the Illinois Racing Board. No  
11 Board member shall hold any other public office ~~for which he~~  
12 ~~shall receive compensation other than necessary travel or other~~  
13 ~~incidental expenses~~. No person shall be a member of the Board  
14 who is not of good moral character or who has been convicted  
15 of, or is under indictment for, a felony under the laws of  
16 Illinois or any other state, or the United States.

17 (5.5) No member of the Board shall engage in any political  
18 activity. For the purposes of this Section, "political" means  
19 any activity in support of or in connection with any campaign  
20 for elective office or any political organization, but does not  
21 include activities (i) relating to the support or opposition of  
22 any executive, legislative, or administrative action (as those  
23 terms are defined in Section 2 of the Lobbyist Registration  
24 Act), (ii) relating to collective bargaining, or (iii) that are  
25 otherwise in furtherance of the person's official State duties  
26 or governmental and public service functions.

27 (6) Any member of the Board may be removed by the Governor  
28 for neglect of duty, misfeasance, malfeasance, or nonfeasance  
29 in office or for engaging in any political activity.

30 (7) Before entering upon the discharge of the duties of his  
31 office, each member of the Board shall take an oath that he  
32 will faithfully execute the duties of his office according to  
33 the laws of the State and the rules and regulations adopted  
34 therewith and shall give bond to the State of Illinois,

1 approved by the Governor, in the sum of \$25,000. Every such  
2 bond, when duly executed and approved, shall be recorded in the  
3 office of the Secretary of State. Whenever the Governor  
4 determines that the bond of any member of the Board has become  
5 or is likely to become invalid or insufficient, he shall  
6 require such member forthwith to renew his bond, which is to be  
7 approved by the Governor. Any member of the Board who fails to  
8 take oath and give bond within 30 days from the date of his  
9 appointment, or who fails to renew his bond within 30 days  
10 after it is demanded by the Governor, shall be guilty of  
11 neglect of duty and may be removed by the Governor. The cost of  
12 any bond given by any member of the Board under this Section  
13 shall be taken to be a part of the necessary expenses of the  
14 Board.

15 (8) ~~The~~ Upon the request of the Board, ~~the Department~~ shall  
16 employ such personnel as may be necessary to carry out its ~~the~~  
17 functions ~~of the Board~~. No person shall be employed to serve  
18 the Board who is, or whose spouse, parent or child is, an  
19 official of, or has a financial interest in or financial  
20 relation with, any operator engaged in gambling operations  
21 within this State or any organization engaged in conducting  
22 horse racing within this State. Any employee violating these  
23 prohibitions shall be subject to termination of employment.

24 (9) An Administrator shall perform any and all duties that  
25 the Board shall assign him. The salary of the Administrator  
26 shall be determined by the Board ~~and approved by the Director~~  
27 ~~of the Department~~ and, in addition, he shall be reimbursed for  
28 all actual and necessary expenses incurred by him in discharge  
29 of his official duties. The Administrator shall keep records of  
30 all proceedings of the Board and shall preserve all records,  
31 books, documents and other papers belonging to the Board or  
32 entrusted to its care. The Administrator shall devote his full  
33 time to the duties of the office and shall not hold any other  
34 office or employment.

1 (b) The Board shall have general responsibility for the  
2 implementation of this Act. Its duties include, without  
3 limitation, the following:

4 (1) To decide promptly and in reasonable order all  
5 license applications. Any party aggrieved by an action of  
6 the Board denying, suspending, revoking, restricting or  
7 refusing to renew a license may request a hearing before  
8 the Board. A request for a hearing must be made to the  
9 Board in writing within 5 days after service of notice of  
10 the action of the Board. Notice of the action of the Board  
11 shall be served either by personal delivery or by certified  
12 mail, postage prepaid, to the aggrieved party. Notice  
13 served by certified mail shall be deemed complete on the  
14 business day following the date of such mailing. The Board  
15 shall conduct all requested hearings promptly and in  
16 reasonable order;

17 (2) To conduct all hearings pertaining to civil  
18 violations of this Act or rules and regulations promulgated  
19 hereunder;

20 (3) To promulgate such rules and regulations as in its  
21 judgment may be necessary to protect or enhance the  
22 credibility and integrity of gambling operations  
23 authorized by this Act and the regulatory process  
24 hereunder;

25 (4) To provide for the establishment and collection of  
26 all license and registration fees and taxes imposed by this  
27 Act and the rules and regulations issued pursuant hereto.  
28 All such fees and taxes shall be deposited into the State  
29 Gaming Fund;

30 (5) To provide for the levy and collection of penalties  
31 and fines for the violation of provisions of this Act and  
32 the rules and regulations promulgated hereunder. All such  
33 fines and penalties shall be deposited into the Education  
34 Assistance Fund, created by Public Act 86-0018, of the

1 State of Illinois;

2 (6) To be present through its inspectors and agents any  
3 time gambling operations are conducted on any riverboat for  
4 the purpose of certifying the revenue thereof, receiving  
5 complaints from the public, and conducting such other  
6 investigations into the conduct of the gambling games and  
7 the maintenance of the equipment as from time to time the  
8 Board may deem necessary and proper;

9 (7) To review and rule upon any complaint by a licensee  
10 regarding any investigative procedures of the State which  
11 are unnecessarily disruptive of gambling operations. The  
12 need to inspect and investigate shall be presumed at all  
13 times. The disruption of a licensee's operations shall be  
14 proved by clear and convincing evidence, and establish  
15 that: (A) the procedures had no reasonable law enforcement  
16 purposes, and (B) the procedures were so disruptive as to  
17 unreasonably inhibit gambling operations;

18 (8) To hold at least one meeting each quarter of the  
19 fiscal year. In addition, special meetings may be called by  
20 the Chairman or any 2 Board members upon 72 hours written  
21 notice to each member. All Board meetings shall be subject  
22 to the Open Meetings Act. Three members of the Board shall  
23 constitute a quorum, and 3 votes shall be required for any  
24 final determination by the Board. The Board shall keep a  
25 complete and accurate record of all its meetings. A  
26 majority of the members of the Board shall constitute a  
27 quorum for the transaction of any business, for the  
28 performance of any duty, or for the exercise of any power  
29 which this Act requires the Board members to transact,  
30 perform or exercise en banc, except that, upon order of the  
31 Board, one of the Board members or an administrative law  
32 judge designated by the Board may conduct any hearing  
33 provided for under this Act or by Board rule and may  
34 recommend findings and decisions to the Board. The Board



1 member or administrative law judge conducting such hearing  
2 shall have all powers and rights granted to the Board in  
3 this Act. The record made at the time of the hearing shall  
4 be reviewed by the Board, or a majority thereof, and the  
5 findings and decision of the majority of the Board shall  
6 constitute the order of the Board in such case;

7 (9) To maintain records which are separate and distinct  
8 from the records of any other State board or commission.  
9 Such records shall be available for public inspection and  
10 shall accurately reflect all Board proceedings;

11 (10) To file a written annual report with the Governor  
12 on or before March 1 each year and such additional reports  
13 as the Governor may request. The annual report shall  
14 include a statement of receipts and disbursements by the  
15 Board, actions taken by the Board, and any additional  
16 information and recommendations which the Board may deem  
17 valuable or which the Governor may request;

18 (11) (Blank); and

19 (12) (Blank). ~~To assume responsibility for the~~  
20 ~~administration and enforcement of the Bingo License and Tax~~  
21 ~~Act, the Charitable Games Act, and the Pull Tabs and Jar~~  
22 ~~Games Act if such responsibility is delegated to it by the~~  
23 ~~Director of Revenue.~~

24 (c) The Board shall have jurisdiction over and shall  
25 supervise all gambling operations governed by this Act. The  
26 Board shall have all powers necessary and proper to fully and  
27 effectively execute the provisions of this Act, including, but  
28 not limited to, the following:

29 (1) To investigate applicants and determine the  
30 eligibility of applicants for licenses and to select among  
31 competing applicants the applicants which best serve the  
32 interests of the citizens of Illinois.

33 (2) To have jurisdiction and supervision over all  
34 riverboat gambling operations in this State and all persons

1 on riverboats where gambling operations are conducted.

2 (3) To promulgate rules and regulations for the purpose  
3 of administering the provisions of this Act and to  
4 prescribe rules, regulations and conditions under which  
5 all riverboat gambling in the State shall be conducted.  
6 Such rules and regulations are to provide for the  
7 prevention of practices detrimental to the public interest  
8 and for the best interests of riverboat gambling, including  
9 rules and regulations regarding the inspection of such  
10 riverboats and the review of any permits or licenses  
11 necessary to operate a riverboat under any laws or  
12 regulations applicable to riverboats, and to impose  
13 penalties for violations thereof.

14 (4) To enter the office, riverboats, facilities, or  
15 other places of business of a licensee, where evidence of  
16 the compliance or noncompliance with the provisions of this  
17 Act is likely to be found.

18 (5) To investigate alleged violations of this Act or  
19 the rules of the Board and to take appropriate disciplinary  
20 action against a licensee or a holder of an occupational  
21 license for a violation, or institute appropriate legal  
22 action for enforcement, or both.

23 (6) To adopt standards for the licensing of all persons  
24 under this Act, as well as for electronic or mechanical  
25 gambling games, and to establish fees for such licenses.

26 (7) To adopt appropriate standards for all riverboats  
27 and facilities.

28 (8) To require that the records, including financial or  
29 other statements of any licensee under this Act, shall be  
30 kept in such manner as prescribed by the Board and that any  
31 such licensee involved in the ownership or management of  
32 gambling operations submit to the Board an annual balance  
33 sheet and profit and loss statement, list of the  
34 stockholders or other persons having a 1% or greater

1           beneficial interest in the gambling activities of each  
2           licensee, and any other information the Board deems  
3           necessary in order to effectively administer this Act and  
4           all rules, regulations, orders and final decisions  
5           promulgated under this Act.

6           (9) To conduct hearings, issue subpoenas for the  
7           attendance of witnesses and subpoenas duces tecum for the  
8           production of books, records and other pertinent documents  
9           in accordance with the Illinois Administrative Procedure  
10          Act, and to administer oaths and affirmations to the  
11          witnesses, when, in the judgment of the Board, it is  
12          necessary to administer or enforce this Act or the Board  
13          rules.

14          (10) To prescribe a form to be used by any licensee  
15          involved in the ownership or management of gambling  
16          operations as an application for employment for their  
17          employees.

18          (11) To revoke or suspend licenses, as the Board may  
19          see fit and in compliance with applicable laws of the State  
20          regarding administrative procedures, and to review  
21          applications for the renewal of licenses. The Board may  
22          suspend an owners license, without notice or hearing upon a  
23          determination that the safety or health of patrons or  
24          employees is jeopardized by continuing a riverboat's  
25          operation. The suspension may remain in effect until the  
26          Board determines that the cause for suspension has been  
27          abated. The Board may revoke the owners license upon a  
28          determination that the owner has not made satisfactory  
29          progress toward abating the hazard.

30          (12) To eject or exclude or authorize the ejection or  
31          exclusion of, any person from riverboat gambling  
32          facilities where such person is in violation of this Act,  
33          rules and regulations thereunder, or final orders of the  
34          Board, or where such person's conduct or reputation is such

1           that his presence within the riverboat gambling facilities  
2           may, in the opinion of the Board, call into question the  
3           honesty and integrity of the gambling operations or  
4           interfere with orderly conduct thereof; provided that the  
5           propriety of such ejection or exclusion is subject to  
6           subsequent hearing by the Board.

7           (13) To require all licensees of gambling operations to  
8           utilize a cashless wagering system whereby all players'  
9           money is converted to tokens, electronic cards, or chips  
10          which shall be used only for wagering in the gambling  
11          establishment.

12          (14) (Blank).

13          (15) To suspend, revoke or restrict licenses, to  
14          require the removal of a licensee or an employee of a  
15          licensee for a violation of this Act or a Board rule or for  
16          engaging in a fraudulent practice, and to impose civil  
17          penalties of up to \$5,000 against individuals and up to  
18          \$10,000 or an amount equal to the daily gross receipts,  
19          whichever is larger, against licensees for each violation  
20          of any provision of the Act, any rules adopted by the  
21          Board, any order of the Board or any other action which, in  
22          the Board's discretion, is a detriment or impediment to  
23          riverboat gambling operations.

24          (16) To hire employees to gather information, conduct  
25          investigations and carry out any other tasks contemplated  
26          under this Act.

27          (17) To establish minimum levels of insurance to be  
28          maintained by licensees.

29          (18) To authorize a licensee to sell or serve alcoholic  
30          liquors, wine or beer as defined in the Liquor Control Act  
31          of 1934 on board a riverboat and to have exclusive  
32          authority to establish the hours for sale and consumption  
33          of alcoholic liquor on board a riverboat, notwithstanding  
34          any provision of the Liquor Control Act of 1934 or any

1 local ordinance, and regardless of whether the riverboat  
2 makes excursions. The establishment of the hours for sale  
3 and consumption of alcoholic liquor on board a riverboat is  
4 an exclusive power and function of the State. A home rule  
5 unit may not establish the hours for sale and consumption  
6 of alcoholic liquor on board a riverboat. This amendatory  
7 Act of 1991 is a denial and limitation of home rule powers  
8 and functions under subsection (h) of Section 6 of Article  
9 VII of the Illinois Constitution.

10 (19) After consultation with the U.S. Army Corps of  
11 Engineers, to establish binding emergency orders upon the  
12 concurrence of a majority of the members of the Board  
13 regarding the navigability of water, relative to  
14 excursions, in the event of extreme weather conditions,  
15 acts of God or other extreme circumstances.

16 (20) To delegate the execution of any of its powers  
17 under this Act for the purpose of administering and  
18 enforcing this Act and its rules and regulations hereunder.

19 (20.5) To approve any contract entered into on its  
20 behalf.

21 (20.6) To appoint investigators to conduct all  
22 investigations, searches, seizures, arrests, and other  
23 duties imposed under this Act. These investigators have and  
24 may exercise all the rights and powers of peace officers,  
25 provided that these powers shall be limited to offenses or  
26 violations occurring or committed on a riverboat or dock,  
27 as defined in subsections (d) and (f) of Section 4. The  
28 Board must issue to each investigator a distinct badge  
29 that, on its face, (i) clearly states that the badge is  
30 authorized by the Board and (ii) contains a unique  
31 identifying number. No other badge shall be authorized by  
32 the Board.

33 (21) To take any other action as may be reasonable or  
34 appropriate to enforce this Act and rules and regulations

1 hereunder.

2 (d) The Board may seek and shall receive the cooperation of  
3 the Department of State Police in conducting background  
4 investigations of applicants and in fulfilling its  
5 responsibilities under this Section. Costs incurred by the  
6 Department of State Police as a result of such cooperation  
7 shall be paid by the Board in conformance with the requirements  
8 of Section 2605-400 of the Department of State Police Law (20  
9 ILCS 2605/2605-400).

10 (e) The Board must authorize to each investigator and to  
11 any other employee of the Board exercising the powers of a  
12 peace officer a distinct badge that, on its face, (i) clearly  
13 states that the badge is authorized by the Board and (ii)  
14 contains a unique identifying number. No other badge shall be  
15 authorized by the Board.

16 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 91-883,  
17 eff. 1-1-01.)

18 (230 ILCS 10/5.2 new)

19 Sec. 5.2. Separation from Department of Revenue. On the  
20 effective date of this amendatory Act of the 94th General  
21 Assembly, all of the powers, duties, assets, liabilities,  
22 employees, contracts, property, records, pending business, and  
23 unexpended appropriations of the Department of Revenue related  
24 to the administration and enforcement of this Act are  
25 transferred to the Illinois Gaming Board.

26 The status and rights of the transferred employees, and the  
27 rights of the State of Illinois and its agencies, under the  
28 Personnel Code and applicable collective bargaining agreements  
29 or under any pension, retirement, or annuity plan are not  
30 affected (except as provided in Sections 14-110 and 18-127 of  
31 the Illinois Pension Code) by that transfer or by any other  
32 provision of this amendatory Act of the 94th General Assembly.

1 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

3 (a) Until January 1, 1998, a tax is imposed on the adjusted  
4 gross receipts received from gambling games authorized under  
5 this Act at the rate of 20%.

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

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

13 20% of annual adjusted gross receipts in excess of  
14 \$25,000,000 but not exceeding \$50,000,000;

15 25% of annual adjusted gross receipts in excess of  
16 \$50,000,000 but not exceeding \$75,000,000;

17 30% of annual adjusted gross receipts in excess of  
18 \$75,000,000 but not exceeding \$100,000,000;

19 35% of annual adjusted gross receipts in excess of  
20 \$100,000,000.

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

28 15% of annual adjusted gross receipts up to and  
29 including \$25,000,000;

30 22.5% of annual adjusted gross receipts in excess of  
31 \$25,000,000 but not exceeding \$50,000,000;

32 27.5% of annual adjusted gross receipts in excess of  
33 \$50,000,000 but not exceeding \$75,000,000;

34 32.5% of annual adjusted gross receipts in excess of

1           \$75,000,000 but not exceeding \$100,000,000;

2           37.5% of annual adjusted gross receipts in excess of  
3           \$100,000,000 but not exceeding \$150,000,000;

4           45% of annual adjusted gross receipts in excess of  
5           \$150,000,000 but not exceeding \$200,000,000;

6           50% of annual adjusted gross receipts in excess of  
7           \$200,000,000.

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

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

17           27.5% of annual adjusted gross receipts in excess of  
18           \$25,000,000 but not exceeding \$37,500,000;

19           32.5% of annual adjusted gross receipts in excess of  
20           \$37,500,000 but not exceeding \$50,000,000;

21           37.5% of annual adjusted gross receipts in excess of  
22           \$50,000,000 but not exceeding \$75,000,000;

23           45% of annual adjusted gross receipts in excess of  
24           \$75,000,000 but not exceeding \$100,000,000;

25           50% of annual adjusted gross receipts in excess of  
26           \$100,000,000 but not exceeding \$250,000,000;

27           70% of annual adjusted gross receipts in excess of  
28           \$250,000,000.

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

34           The privilege tax imposed under this subsection (a-3) shall



1 no longer be imposed beginning on the earlier of (i) July 1,  
2 2005; (ii) the first date after June 20, 2003 ~~the effective~~  
3 ~~date of this amendatory Act of the 93rd General Assembly~~ that  
4 riverboat gambling operations are conducted pursuant to a  
5 dormant license; or (iii) the first day that riverboat gambling  
6 operations are conducted under the authority of an owners  
7 license that is in addition to the 10 owners licenses initially  
8 authorized under this Act. For the purposes of this subsection  
9 (a-3), the term "dormant license" means an owners license that  
10 is authorized by this Act under which no riverboat gambling  
11 operations are being conducted on June 20, 2003 ~~the effective~~  
12 ~~date of this amendatory Act of the 93rd General Assembly~~.

13 (a-4) Beginning on the first day on which the tax imposed  
14 under subsection (a-3) is no longer imposed, a privilege tax is  
15 imposed on persons engaged in the business of conducting  
16 riverboat gambling operations, other than licensed managers  
17 conducting riverboat gambling operations on behalf of the  
18 State, based on the adjusted gross receipts received by a  
19 licensed owner from gambling games authorized under this Act at  
20 the following rates:

21 15% of annual adjusted gross receipts up to and  
22 including \$25,000,000;

23 22.5% of annual adjusted gross receipts in excess of  
24 \$25,000,000 but not exceeding \$50,000,000;

25 27.5% of annual adjusted gross receipts in excess of  
26 \$50,000,000 but not exceeding \$75,000,000;

27 32.5% of annual adjusted gross receipts in excess of  
28 \$75,000,000 but not exceeding \$100,000,000;

29 37.5% of annual adjusted gross receipts in excess of  
30 \$100,000,000 but not exceeding \$150,000,000;

31 45% of annual adjusted gross receipts in excess of  
32 \$150,000,000 but not exceeding \$200,000,000;

33 50% of annual adjusted gross receipts in excess of  
34 \$200,000,000.

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

4        (a-10) The taxes imposed by this Section shall be paid by  
5 the licensed owner to the Board not later than 3:00 o'clock  
6 p.m. of the day after the day when the wagers were made.

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

25        (c) Appropriations, as approved by the General Assembly,  
26 may be made from the State Gaming Fund to the Board (i)  
27 ~~Department of Revenue and the Department of State Police~~ for  
28 the administration and enforcement of this Act, (ii) for  
29 distribution to the Department of State Police for the  
30 enforcement of this Act, and (iii) for distribution ~~or~~ to the  
31 Department of Human Services for the administration of programs  
32 to treat problem gambling.

33        (c-5) After the payments required under subsections (b) and  
34 (c) have been made, an amount equal to 15% of the adjusted

1 gross receipts of (1) an owners licensee that relocates  
2 pursuant to Section 11.2, (2) an owners licensee ~~license~~  
3 conducting riverboat gambling operations pursuant to an owners  
4 license that is initially issued after June 25, 1999, or (3)  
5 the first riverboat gambling operations conducted by a licensed  
6 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever  
7 comes first, shall be paid from the State Gaming Fund into the  
8 Horse Racing Equity Fund.

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

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

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

30 (c-25) After the payments required under subsections (b),  
31 (c), (c-5) and (c-15) have been made, an amount equal to 2% of  
32 the adjusted gross receipts of (1) an owners licensee ~~license~~  
33 that relocates pursuant to Section 11.2, (2) an owners licensee  
34 ~~license~~ conducting riverboat gambling operations pursuant to

1 an owners license that is initially issued after June 25, 1999,  
2 or (3) the first riverboat gambling operations conducted by a  
3 licensed manager on behalf of the State under Section 7.3 ~~7.2~~,  
4 whichever comes first, shall be paid from the State Gaming Fund  
5 to Chicago State University.

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

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

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

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

23 Section 99. Effective date. This Act takes effect July 1,  
24 2005."