



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 Section 14-110 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 Section 20. The Riverboat Gambling Act is amended by  
2 changing Sections 4, 5, and 13 and by adding Section 5.2 as  
3 follows:

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

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

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

7 (b) "Occupational license" means a license issued by the  
8 Board to a person or entity to perform an occupation which the  
9 Board has identified as requiring a license to engage in  
10 riverboat gambling in Illinois.

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

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

22 (e) "Managers license" means a license issued by the Board  
23 to a person or entity to manage gambling operations conducted  
24 by the State pursuant to Section 7.3 ~~7.2~~.

25 (f) "Dock" means the location where a riverboat moors for  
26 the purpose of embarking passengers for and disembarking  
27 passengers from the riverboat.

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

31 (h) "Adjusted gross receipts" means the gross receipts less  
32 winnings paid to wagerers.

33 (i) "Cheat" means to alter the selection of criteria which



1 determine the result of a gambling game or the amount or  
2 frequency of payment in a gambling game.

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

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

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

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

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

14 (230 ILCS 10/5) (from Ch. 120, par. 2405)

15 Sec. 5. Gaming Board.

16 (a) (1) There is hereby established the ~~within the~~  
17 ~~Department of Revenue an~~ Illinois Gaming Board, which shall  
18 have the powers and duties specified in this Act, and all other  
19 powers necessary and proper to fully and effectively execute  
20 this Act for the purpose of administering, regulating, and  
21 enforcing the system of riverboat gambling established by this  
22 Act. Its jurisdiction shall extend under this Act to every  
23 person, association, corporation, partnership and trust  
24 involved in riverboat gambling operations in the State of  
25 Illinois.

26 (2) The Board shall consist of 5 members to be appointed by  
27 the Governor with the advice and consent of the Senate, one of  
28 whom shall be designated by the Governor to be chairman. Each  
29 member shall have a reasonable knowledge of the practice,  
30 procedure and principles of gambling operations. Each member  
31 shall either be a resident of Illinois or shall certify that he  
32 will become a resident of Illinois before taking office. At  
33 least one member shall be experienced in law enforcement and

1 criminal investigation, at least one member shall be a  
2 certified public accountant experienced in accounting and  
3 auditing, and at least one member shall be a lawyer licensed to  
4 practice law in Illinois.

5 (3) The terms of office of the Board members shall be 3  
6 years, except that the terms of office of the initial Board  
7 members appointed pursuant to this Act will commence from the  
8 effective date of this Act and run as follows: one for a term  
9 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for  
10 a term ending July 1, 1993. Upon the expiration of the  
11 foregoing terms, the successors of such members shall serve a  
12 term for 3 years and until their successors are appointed and  
13 qualified for like terms. Vacancies in the Board shall be  
14 filled for the unexpired term in like manner as original  
15 appointments. Each member of the Board shall be eligible for  
16 reappointment at the discretion of the Governor with the advice  
17 and consent of the Senate.

18 (4) Each member of the Board shall receive \$300 for each  
19 day the Board meets and for each day the member conducts any  
20 hearing pursuant to this Act. Each member of the Board shall  
21 also be reimbursed for all actual and necessary expenses and  
22 disbursements incurred in the execution of official duties.

23 (5) No person shall be appointed a member of the Board or  
24 continue to be a member of the Board who is, or whose spouse,  
25 child or parent is, a member of the board of directors of, or a  
26 person financially interested in, any gambling operation  
27 subject to the jurisdiction of this Board, or any race track,  
28 race meeting, racing association or the operations thereof  
29 subject to the jurisdiction of the Illinois Racing Board. No  
30 Board member shall hold any other public office ~~for which he~~  
31 ~~shall receive compensation other than necessary travel or other~~  
32 ~~incidental expenses~~. No person shall be a member of the Board  
33 who is not of good moral character or who has been convicted  
34 of, or is under indictment for, a felony under the laws of

1 Illinois or any other state, or the United States.

2 (5.5) No member of the Board shall engage in any political  
3 activity. For the purposes of this Section, "political" means  
4 any activity in support of or in connection with any campaign  
5 for elective office or any political organization, but does not  
6 include activities (i) relating to the support or opposition of  
7 any executive, legislative, or administrative action (as those  
8 terms are defined in Section 2 of the Lobbyist Registration  
9 Act), (ii) relating to collective bargaining, or (iii) that are  
10 otherwise in furtherance of the person's official State duties  
11 or governmental and public service functions.

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

15 (7) Before entering upon the discharge of the duties of his  
16 office, each member of the Board shall take an oath that he  
17 will faithfully execute the duties of his office according to  
18 the laws of the State and the rules and regulations adopted  
19 therewith and shall give bond to the State of Illinois,  
20 approved by the Governor, in the sum of \$25,000. Every such  
21 bond, when duly executed and approved, shall be recorded in the  
22 office of the Secretary of State. Whenever the Governor  
23 determines that the bond of any member of the Board has become  
24 or is likely to become invalid or insufficient, he shall  
25 require such member forthwith to renew his bond, which is to be  
26 approved by the Governor. Any member of the Board who fails to  
27 take oath and give bond within 30 days from the date of his  
28 appointment, or who fails to renew his bond within 30 days  
29 after it is demanded by the Governor, shall be guilty of  
30 neglect of duty and may be removed by the Governor. The cost of  
31 any bond given by any member of the Board under this Section  
32 shall be taken to be a part of the necessary expenses of the  
33 Board.

34 (8) ~~The~~ Upon the request of the Board, the Department shall

1 employ such personnel as may be necessary to carry out its ~~the~~  
2 functions ~~of the Board~~. No person shall be employed to serve  
3 the Board who is, or whose spouse, parent or child is, an  
4 official of, or has a financial interest in or financial  
5 relation with, any operator engaged in gambling operations  
6 within this State or any organization engaged in conducting  
7 horse racing within this State. Any employee violating these  
8 prohibitions shall be subject to termination of employment.

9 (9) An Administrator shall perform any and all duties that  
10 the Board shall assign him. The salary of the Administrator  
11 shall be determined by the Board ~~and approved by the Director~~  
12 ~~of the Department~~ and, in addition, he shall be reimbursed for  
13 all actual and necessary expenses incurred by him in discharge  
14 of his official duties. The Administrator shall keep records of  
15 all proceedings of the Board and shall preserve all records,  
16 books, documents and other papers belonging to the Board or  
17 entrusted to its care. The Administrator shall devote his full  
18 time to the duties of the office and shall not hold any other  
19 office or employment.

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

23 (1) To decide promptly and in reasonable order all  
24 license applications. Any party aggrieved by an action of  
25 the Board denying, suspending, revoking, restricting or  
26 refusing to renew a license may request a hearing before  
27 the Board. A request for a hearing must be made to the  
28 Board in writing within 5 days after service of notice of  
29 the action of the Board. Notice of the action of the Board  
30 shall be served either by personal delivery or by certified  
31 mail, postage prepaid, to the aggrieved party. Notice  
32 served by certified mail shall be deemed complete on the  
33 business day following the date of such mailing. The Board  
34 shall conduct all requested hearings promptly and in

1 reasonable order;

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

5 (3) To promulgate such rules and regulations as in its  
6 judgment may be necessary to protect or enhance the  
7 credibility and integrity of gambling operations  
8 authorized by this Act and the regulatory process  
9 hereunder;

10 (4) To provide for the establishment and collection of  
11 all license and registration fees and taxes imposed by this  
12 Act and the rules and regulations issued pursuant hereto.  
13 All such fees and taxes shall be deposited into the State  
14 Gaming Fund;

15 (5) To provide for the levy and collection of penalties  
16 and fines for the violation of provisions of this Act and  
17 the rules and regulations promulgated hereunder. All such  
18 fines and penalties shall be deposited into the Education  
19 Assistance Fund, created by Public Act 86-0018, of the  
20 State of Illinois;

21 (6) To be present through its inspectors and agents any  
22 time gambling operations are conducted on any riverboat for  
23 the purpose of certifying the revenue thereof, receiving  
24 complaints from the public, and conducting such other  
25 investigations into the conduct of the gambling games and  
26 the maintenance of the equipment as from time to time the  
27 Board may deem necessary and proper;

28 (7) To review and rule upon any complaint by a licensee  
29 regarding any investigative procedures of the State which  
30 are unnecessarily disruptive of gambling operations. The  
31 need to inspect and investigate shall be presumed at all  
32 times. The disruption of a licensee's operations shall be  
33 proved by clear and convincing evidence, and establish  
34 that: (A) the procedures had no reasonable law enforcement

1 purposes, and (B) the procedures were so disruptive as to  
2 unreasonably inhibit gambling operations;

3 (8) To hold at least one meeting each quarter of the  
4 fiscal year. In addition, special meetings may be called by  
5 the Chairman or any 2 Board members upon 72 hours written  
6 notice to each member. All Board meetings shall be subject  
7 to the Open Meetings Act. Three members of the Board shall  
8 constitute a quorum, and 3 votes shall be required for any  
9 final determination by the Board. The Board shall keep a  
10 complete and accurate record of all its meetings. A  
11 majority of the members of the Board shall constitute a  
12 quorum for the transaction of any business, for the  
13 performance of any duty, or for the exercise of any power  
14 which this Act requires the Board members to transact,  
15 perform or exercise en banc, except that, upon order of the  
16 Board, one of the Board members or an administrative law  
17 judge designated by the Board may conduct any hearing  
18 provided for under this Act or by Board rule and may  
19 recommend findings and decisions to the Board. The Board  
20 member or administrative law judge conducting such hearing  
21 shall have all powers and rights granted to the Board in  
22 this Act. The record made at the time of the hearing shall  
23 be reviewed by the Board, or a majority thereof, and the  
24 findings and decision of the majority of the Board shall  
25 constitute the order of the Board in such case;

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

30 (10) To file a written annual report with the Governor  
31 on or before March 1 each year and such additional reports  
32 as the Governor may request. The annual report shall  
33 include a statement of receipts and disbursements by the  
34 Board, actions taken by the Board, and any additional

1 information and recommendations which the Board may deem  
2 valuable or which the Governor may request;

3 (11) (Blank); and

4 (12) (Blank). ~~To assume responsibility for the~~  
5 ~~administration and enforcement of the Bingo License and Tax~~  
6 ~~Act, the Charitable Games Act, and the Pull Tabs and Jar~~  
7 ~~Games Act if such responsibility is delegated to it by the~~  
8 ~~Director of Revenue.~~

9 (c) The Board shall have jurisdiction over and shall  
10 supervise all gambling operations governed by this Act. The  
11 Board shall have all powers necessary and proper to fully and  
12 effectively execute the provisions of this Act, including, but  
13 not limited to, the following:

14 (1) To investigate applicants and determine the  
15 eligibility of applicants for licenses and to select among  
16 competing applicants the applicants which best serve the  
17 interests of the citizens of Illinois.

18 (2) To have jurisdiction and supervision over all  
19 riverboat gambling operations in this State and all persons  
20 on riverboats where gambling operations are conducted.

21 (3) To promulgate rules and regulations for the purpose  
22 of administering the provisions of this Act and to  
23 prescribe rules, regulations and conditions under which  
24 all riverboat gambling in the State shall be conducted.  
25 Such rules and regulations are to provide for the  
26 prevention of practices detrimental to the public interest  
27 and for the best interests of riverboat gambling, including  
28 rules and regulations regarding the inspection of such  
29 riverboats and the review of any permits or licenses  
30 necessary to operate a riverboat under any laws or  
31 regulations applicable to riverboats, and to impose  
32 penalties for violations thereof.

33 (4) To enter the office, riverboats, facilities, or  
34 other places of business of a licensee, where evidence of

1 the compliance or noncompliance with the provisions of this  
2 Act is likely to be found.

3 (5) To investigate alleged violations of this Act or  
4 the rules of the Board and to take appropriate disciplinary  
5 action against a licensee or a holder of an occupational  
6 license for a violation, or institute appropriate legal  
7 action for enforcement, or both.

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

11 (7) To adopt appropriate standards for all riverboats  
12 and facilities.

13 (8) To require that the records, including financial or  
14 other statements of any licensee under this Act, shall be  
15 kept in such manner as prescribed by the Board and that any  
16 such licensee involved in the ownership or management of  
17 gambling operations submit to the Board an annual balance  
18 sheet and profit and loss statement, list of the  
19 stockholders or other persons having a 1% or greater  
20 beneficial interest in the gambling activities of each  
21 licensee, and any other information the Board deems  
22 necessary in order to effectively administer this Act and  
23 all rules, regulations, orders and final decisions  
24 promulgated under this Act.

25 (9) To conduct hearings, issue subpoenas for the  
26 attendance of witnesses and subpoenas duces tecum for the  
27 production of books, records and other pertinent documents  
28 in accordance with the Illinois Administrative Procedure  
29 Act, and to administer oaths and affirmations to the  
30 witnesses, when, in the judgment of the Board, it is  
31 necessary to administer or enforce this Act or the Board  
32 rules.

33 (10) To prescribe a form to be used by any licensee  
34 involved in the ownership or management of gambling



1 operations as an application for employment for their  
2 employees.

3 (11) To revoke or suspend licenses, as the Board may  
4 see fit and in compliance with applicable laws of the State  
5 regarding administrative procedures, and to review  
6 applications for the renewal of licenses. The Board may  
7 suspend an owners license, without notice or hearing upon a  
8 determination that the safety or health of patrons or  
9 employees is jeopardized by continuing a riverboat's  
10 operation. The suspension may remain in effect until the  
11 Board determines that the cause for suspension has been  
12 abated. The Board may revoke the owners license upon a  
13 determination that the owner has not made satisfactory  
14 progress toward abating the hazard.

15 (12) To eject or exclude or authorize the ejection or  
16 exclusion of, any person from riverboat gambling  
17 facilities where such person is in violation of this Act,  
18 rules and regulations thereunder, or final orders of the  
19 Board, or where such person's conduct or reputation is such  
20 that his presence within the riverboat gambling facilities  
21 may, in the opinion of the Board, call into question the  
22 honesty and integrity of the gambling operations or  
23 interfere with orderly conduct thereof; provided that the  
24 propriety of such ejection or exclusion is subject to  
25 subsequent hearing by the Board.

26 (13) To require all licensees of gambling operations to  
27 utilize a cashless wagering system whereby all players'  
28 money is converted to tokens, electronic cards, or chips  
29 which shall be used only for wagering in the gambling  
30 establishment.

31 (14) (Blank).

32 (15) To suspend, revoke or restrict licenses, to  
33 require the removal of a licensee or an employee of a  
34 licensee for a violation of this Act or a Board rule or for

1 engaging in a fraudulent practice, and to impose civil  
2 penalties of up to \$5,000 against individuals and up to  
3 \$10,000 or an amount equal to the daily gross receipts,  
4 whichever is larger, against licensees for each violation  
5 of any provision of the Act, any rules adopted by the  
6 Board, any order of the Board or any other action which, in  
7 the Board's discretion, is a detriment or impediment to  
8 riverboat gambling operations.

9 (16) To hire employees to gather information, conduct  
10 investigations and carry out any other tasks contemplated  
11 under this Act.

12 (17) To establish minimum levels of insurance to be  
13 maintained by licensees.

14 (18) To authorize a licensee to sell or serve alcoholic  
15 liquors, wine or beer as defined in the Liquor Control Act  
16 of 1934 on board a riverboat and to have exclusive  
17 authority to establish the hours for sale and consumption  
18 of alcoholic liquor on board a riverboat, notwithstanding  
19 any provision of the Liquor Control Act of 1934 or any  
20 local ordinance, and regardless of whether the riverboat  
21 makes excursions. The establishment of the hours for sale  
22 and consumption of alcoholic liquor on board a riverboat is  
23 an exclusive power and function of the State. A home rule  
24 unit may not establish the hours for sale and consumption  
25 of alcoholic liquor on board a riverboat. This amendatory  
26 Act of 1991 is a denial and limitation of home rule powers  
27 and functions under subsection (h) of Section 6 of Article  
28 VII of the Illinois Constitution.

29 (19) After consultation with the U.S. Army Corps of  
30 Engineers, to establish binding emergency orders upon the  
31 concurrence of a majority of the members of the Board  
32 regarding the navigability of water, relative to  
33 excursions, in the event of extreme weather conditions,  
34 acts of God or other extreme circumstances.

1           (20) To delegate the execution of any of its powers  
2 under this Act for the purpose of administering and  
3 enforcing this Act and its rules and regulations hereunder.

4           (20.5) To approve any contract entered into on its  
5 behalf.

6           (20.6) To appoint investigators to conduct all  
7 investigations, searches, seizures, arrests, and other  
8 duties imposed under this Act. These investigators have and  
9 may exercise all the rights and powers of peace officers,  
10 provided that these powers shall be limited to offenses or  
11 violations occurring or committed on a riverboat or dock,  
12 as defined in subsections (d) and (f) of Section 4. The  
13 Board must issue to each investigator a distinct badge  
14 that, on its face, (i) clearly states that the badge is  
15 authorized by the Board and (ii) contains a unique  
16 identifying number. No other badge shall be authorized by  
17 the Board.

18           (21) To take any other action as may be reasonable or  
19 appropriate to enforce this Act and rules and regulations  
20 hereunder.

21           (d) The Board may seek and shall receive the cooperation of  
22 the Department of State Police in conducting background  
23 investigations of applicants and in fulfilling its  
24 responsibilities under this Section. Costs incurred by the  
25 Department of State Police as a result of such cooperation  
26 shall be paid by the Board in conformance with the requirements  
27 of Section 2605-400 of the Department of State Police Law (20  
28 ILCS 2605/2605-400).

29           (e) The Board must authorize to each investigator and to  
30 any other employee of the Board exercising the powers of a  
31 peace officer a distinct badge that, on its face, (i) clearly  
32 states that the badge is authorized by the Board and (ii)  
33 contains a unique identifying number. No other badge shall be  
34 authorized by the Board.

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

3 (230 ILCS 10/5.2 new)

4 Sec. 5.2. Separation from Department of Revenue. On the  
5 effective date of this amendatory Act of the 94th General  
6 Assembly, all of the powers, duties, assets, liabilities,  
7 employees, contracts, property, records, pending business, and  
8 unexpended appropriations of the Department of Revenue related  
9 to the administration and enforcement of this Act are  
10 transferred to the Illinois Gaming Board.

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

18 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

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

30 20% of annual adjusted gross receipts in excess of  
31 \$25,000,000 but not exceeding \$50,000,000;

32 25% of annual adjusted gross receipts in excess of

1           \$50,000,000 but not exceeding \$75,000,000;

2           30% of annual adjusted gross receipts in excess of  
3           \$75,000,000 but not exceeding \$100,000,000;

4           35% of annual adjusted gross receipts in excess of  
5           \$100,000,000.

6           (a-2) From July 1, 2002 until July 1, 2003, a privilege tax  
7 is imposed on persons engaged in the business of conducting  
8 riverboat gambling operations, other than licensed managers  
9 conducting riverboat gambling operations on behalf of the  
10 State, based on the adjusted gross receipts received by a  
11 licensed owner from gambling games authorized under this Act at  
12 the following rates:

13           15% of annual adjusted gross receipts up to and  
14           including \$25,000,000;

15           22.5% of annual adjusted gross receipts in excess of  
16           \$25,000,000 but not exceeding \$50,000,000;

17           27.5% of annual adjusted gross receipts in excess of  
18           \$50,000,000 but not exceeding \$75,000,000;

19           32.5% of annual adjusted gross receipts in excess of  
20           \$75,000,000 but not exceeding \$100,000,000;

21           37.5% of annual adjusted gross receipts in excess of  
22           \$100,000,000 but not exceeding \$150,000,000;

23           45% of annual adjusted gross receipts in excess of  
24           \$150,000,000 but not exceeding \$200,000,000;

25           50% of annual adjusted gross receipts in excess of  
26           \$200,000,000.

27           (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
28 persons engaged in the business of conducting riverboat  
29 gambling operations, other than licensed managers conducting  
30 riverboat gambling operations on behalf of the State, based on  
31 the adjusted gross receipts received by a licensed owner from  
32 gambling games authorized under this Act at the following  
33 rates:

34           15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

2 27.5% of annual adjusted gross receipts in excess of  
3 \$25,000,000 but not exceeding \$37,500,000;

4 32.5% of annual adjusted gross receipts in excess of  
5 \$37,500,000 but not exceeding \$50,000,000;

6 37.5% of annual adjusted gross receipts in excess of  
7 \$50,000,000 but not exceeding \$75,000,000;

8 45% of annual adjusted gross receipts in excess of  
9 \$75,000,000 but not exceeding \$100,000,000;

10 50% of annual adjusted gross receipts in excess of  
11 \$100,000,000 but not exceeding \$250,000,000;

12 70% of annual adjusted gross receipts in excess of  
13 \$250,000,000.

14 An amount equal to the amount of wagering taxes collected  
15 under this subsection (a-3) that are in addition to the amount  
16 of wagering taxes that would have been collected if the  
17 wagering tax rates under subsection (a-2) were in effect shall  
18 be paid into the Common School Fund.

19 The privilege tax imposed under this subsection (a-3) shall  
20 no longer be imposed beginning on the earlier of (i) July 1,  
21 2005; (ii) the first date after June 20, 2003 ~~the effective~~  
22 ~~date of this amendatory Act of the 93rd General Assembly~~ that  
23 riverboat gambling operations are conducted pursuant to a  
24 dormant license; or (iii) the first day that riverboat gambling  
25 operations are conducted under the authority of an owners  
26 license that is in addition to the 10 owners licenses initially  
27 authorized under this Act. For the purposes of this subsection  
28 (a-3), the term "dormant license" means an owners license that  
29 is authorized by this Act under which no riverboat gambling  
30 operations are being conducted on June 20, 2003 ~~the effective~~  
31 ~~date of this amendatory Act of the 93rd General Assembly~~.

32 (a-4) Beginning on the first day on which the tax imposed  
33 under subsection (a-3) is no longer imposed, a privilege tax is  
34 imposed on persons engaged in the business of conducting

1 riverboat gambling operations, other than licensed managers  
2 conducting riverboat gambling operations on behalf of the  
3 State, based on the adjusted gross receipts received by a  
4 licensed owner from gambling games authorized under this Act at  
5 the following rates:

6 15% of annual adjusted gross receipts up to and  
7 including \$25,000,000;

8 22.5% of annual adjusted gross receipts in excess of  
9 \$25,000,000 but not exceeding \$50,000,000;

10 27.5% of annual adjusted gross receipts in excess of  
11 \$50,000,000 but not exceeding \$75,000,000;

12 32.5% of annual adjusted gross receipts in excess of  
13 \$75,000,000 but not exceeding \$100,000,000;

14 37.5% of annual adjusted gross receipts in excess of  
15 \$100,000,000 but not exceeding \$150,000,000;

16 45% of annual adjusted gross receipts in excess of  
17 \$150,000,000 but not exceeding \$200,000,000;

18 50% of annual adjusted gross receipts in excess of  
19 \$200,000,000.

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

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

26 (b) Until January 1, 1998, 25% of the tax revenue deposited  
27 in the State Gaming Fund under this Section shall be paid,  
28 subject to appropriation by the General Assembly, to the unit  
29 of local government which is designated as the home dock of the  
30 riverboat. Beginning January 1, 1998, from the tax revenue  
31 deposited in the State Gaming Fund under this Section, an  
32 amount equal to 5% of adjusted gross receipts generated by a  
33 riverboat shall be paid monthly, subject to appropriation by  
34 the General Assembly, to the unit of local government that is

1 designated as the home dock of the riverboat. From the tax  
2 revenue deposited in the State Gaming Fund pursuant to  
3 riverboat gambling operations conducted by a licensed manager  
4 on behalf of the State, an amount equal to 5% of adjusted gross  
5 receipts generated pursuant to those riverboat gambling  
6 operations shall be paid monthly, subject to appropriation by  
7 the General Assembly, to the unit of local government that is  
8 designated as the home dock of the riverboat upon which those  
9 riverboat gambling operations are conducted.

10 (c) Appropriations, as approved by the General Assembly,  
11 may be made from the State Gaming Fund to the Board (i)  
12 ~~Department of Revenue and the Department of State Police~~ for  
13 the administration and enforcement of this Act, (ii) for  
14 distribution to the Department of State Police for the  
15 enforcement of this Act, and (iii) for distribution ~~or~~ to the  
16 Department of Human Services for the administration of programs  
17 to treat problem gambling.

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

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

32 (c-15) After the payments required under subsections (b),  
33 (c), and (c-5) have been made, an amount equal to 2% of the  
34 adjusted gross receipts of (1) an owners licensee that



1 relocates pursuant to Section 11.2, (2) an owners licensee  
2 conducting riverboat gambling operations pursuant to an owners  
3 license that is initially issued after June 25, 1999, or (3)  
4 the first riverboat gambling operations conducted by a licensed  
5 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever  
6 comes first, shall be paid, subject to appropriation from the  
7 General Assembly, from the State Gaming Fund to each home rule  
8 county with a population of over 3,000,000 inhabitants for the  
9 purpose of enhancing the county's criminal justice system.

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

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

25 (d) From time to time, the Board shall transfer the  
26 remainder of the funds generated by this Act into the Education  
27 Assistance Fund, created by Public Act 86-0018, of the State of  
28 Illinois.

29 (e) Nothing in this Act shall prohibit the unit of local  
30 government designated as the home dock of the riverboat from  
31 entering into agreements with other units of local government  
32 in this State or in other states to share its portion of the  
33 tax revenue.

34 (f) To the extent practicable, the Board shall administer

1 and collect the wagering taxes imposed by this Section in a  
2 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
3 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the  
4 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
5 Penalty and Interest Act.

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

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