

1 AN ACT concerning gaming.

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

4 Section 5. The Executive Reorganization Implementation Act  
5 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;

- 1 (6) the Fair Employment Practices Commission;  
2 (7) the Pollution Control Board;  
3 (8) the Department of State Police Merit Board;  
4 (9) The Illinois Gaming Board.

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

6 Section 10. The Department of Revenue Law of the Civil  
7 Administrative Code of Illinois is amended by changing Section  
8 2505-305 as follows:

9 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

10 Sec. 2505-305. Investigators.

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

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

1 Department.

2 (c) The Department may enter into agreements with the  
3 Illinois Gaming Board providing that investigators appointed  
4 under this Section shall exercise the peace officer powers set  
5 forth in paragraph (20.6) of subsection (c) of Section 5 of the  
6 Riverboat Gambling Act. ~~Investigators appointed under this~~  
7 ~~Section who are assigned to the Illinois Gaming Board have and~~  
8 ~~may exercise all the rights and powers of peace officers,~~  
9 ~~provided that these powers shall be limited to offenses or~~  
10 ~~violations occurring or committed on a riverboat or dock, as~~  
11 ~~defined in subsections (d) and (f) of Section 4 of the~~  
12 ~~Riverboat Gambling Act.~~

13 (Source: P.A. 91-239, eff. 1-1-00; 91-883, eff. 1-1-01; 92-493,  
14 eff. 1-1-02.)

15 Section 15. The State Finance Act is amended by adding  
16 Section 5.719 as follows:

17 (30 ILCS 105/5.719 new)

18 Sec. 5.719. The Gaming Administration and Enforcement  
19 Fund.

20 Section 20. The Illinois Pension Code is amended by  
21 changing Sections 14-110, 14-152.1, 18-127, and 18-169 as  
22 follows:

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

2 Sec. 14-110. Alternative retirement annuity.

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

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

20 (ii) for periods of eligible creditable service as a  
21 covered employee: if retirement occurs on or after January  
22 1, 2001, 2.5% of final average compensation for each year  
23 of creditable service; if retirement occurs before January  
24 1, 2001, 1.67% of final average compensation for each of  
25 the first 10 years of such service, 1.90% for each of the  
26 next 10 years of such service, 2.10% for each year of such

1 service in excess of 20 but not exceeding 30, and 2.30% for  
2 each year in excess of 30.

3 Such annuity shall be subject to a maximum of 75% of final  
4 average compensation if retirement occurs before January 1,  
5 2001 or to a maximum of 80% of final average compensation if  
6 retirement occurs on or after January 1, 2001.

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

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

15 (1) State policeman;

16 (2) fire fighter in the fire protection service of a  
17 department;

18 (3) air pilot;

19 (4) special agent;

20 (5) investigator for the Secretary of State;

21 (6) conservation police officer;

22 (7) investigator for the Department of Revenue or the  
23 Illinois Gaming Board;

24 (8) security employee of the Department of Human  
25 Services;

26 (9) Central Management Services security police

1 officer;

2 (10) security employee of the Department of  
3 Corrections or the Department of Juvenile Justice;

4 (11) dangerous drugs investigator;

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

6 (13) investigator for the Office of the Attorney  
7 General;

8 (14) controlled substance inspector;

9 (15) investigator for the Office of the State's  
10 Attorneys Appellate Prosecutor;

11 (16) Commerce Commission police officer;

12 (17) arson investigator;

13 (18) State highway maintenance worker.

14 A person employed in one of the positions specified in this  
15 subsection is entitled to eligible creditable service for  
16 service credit earned under this Article while undergoing the  
17 basic police training course approved by the Illinois Law  
18 Enforcement Training Standards Board, if completion of that  
19 training is required of persons serving in that position. For  
20 the purposes of this Code, service during the required basic  
21 police training course shall be deemed performance of the  
22 duties of the specified position, even though the person is not  
23 a sworn peace officer at the time of the training.

24 (c) For the purposes of this Section:

25 (1) The term "state policeman" includes any title or  
26 position in the Department of State Police that is held by

1 an individual employed under the State Police Act.

2 (2) The term "fire fighter in the fire protection  
3 service of a department" includes all officers in such fire  
4 protection service including fire chiefs and assistant  
5 fire chiefs.

6 (3) The term "air pilot" includes any employee whose  
7 official job description on file in the Department of  
8 Central Management Services, or in the department by which  
9 he is employed if that department is not covered by the  
10 Personnel Code, states that his principal duty is the  
11 operation of aircraft, and who possesses a pilot's license;  
12 however, the change in this definition made by this  
13 amendatory Act of 1983 shall not operate to exclude any  
14 noncovered employee who was an "air pilot" for the purposes  
15 of this Section on January 1, 1984.

16 (4) The term "special agent" means any person who by  
17 reason of employment by the Division of Narcotic Control,  
18 the Bureau of Investigation or, after July 1, 1977, the  
19 Division of Criminal Investigation, the Division of  
20 Internal Investigation, the Division of Operations, or any  
21 other Division or organizational entity in the Department  
22 of State Police is vested by law with duties to maintain  
23 public order, investigate violations of the criminal law of  
24 this State, enforce the laws of this State, make arrests  
25 and recover property. The term "special agent" includes any  
26 title or position in the Department of State Police that is

1 held by an individual employed under the State Police Act.

2 (5) The term "investigator for the Secretary of State"  
3 means any person employed by the Office of the Secretary of  
4 State and vested with such investigative duties as render  
5 him ineligible for coverage under the Social Security Act  
6 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
7 218(1)(1) of that Act.

8 A person who became employed as an investigator for the  
9 Secretary of State between January 1, 1967 and December 31,  
10 1975, and who has served as such until attainment of age  
11 60, either continuously or with a single break in service  
12 of not more than 3 years duration, which break terminated  
13 before January 1, 1976, shall be entitled to have his  
14 retirement annuity calculated in accordance with  
15 subsection (a), notwithstanding that he has less than 20  
16 years of credit for such service.

17 (6) The term "Conservation Police Officer" means any  
18 person employed by the Division of Law Enforcement of the  
19 Department of Natural Resources and vested with such law  
20 enforcement duties as render him ineligible for coverage  
21 under the Social Security Act by reason of Sections  
22 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
23 term "Conservation Police Officer" includes the positions  
24 of Chief Conservation Police Administrator and Assistant  
25 Conservation Police Administrator.

26 (7) The term "investigator for the Department of



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

6 The term "investigator for the Illinois Gaming Board"  
7 means any person employed as such by the Illinois Gaming  
8 Board and vested with such peace officer duties as render  
9 the person 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.

12 (8) The term "security employee of the Department of  
13 Human Services" means any person employed by the Department  
14 of Human Services who (i) is employed at the Chester Mental  
15 Health Center and has daily contact with the residents  
16 thereof, (ii) is employed within a security unit at a  
17 facility operated by the Department and has daily contact  
18 with the residents of the security unit, (iii) is employed  
19 at a facility operated by the Department that includes a  
20 security unit and is regularly scheduled to work at least  
21 50% of his or her working hours within that security unit,  
22 or (iv) is a mental health police officer. "Mental health  
23 police officer" means any person employed by the Department  
24 of Human Services in a position pertaining to the  
25 Department's mental health and developmental disabilities  
26 functions who is vested with such law enforcement duties as

1 render the person ineligible for coverage under the Social  
2 Security Act by reason of Sections 218(d)(5)(A),  
3 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
4 means that portion of a facility that is devoted to the  
5 care, containment, and treatment of persons committed to  
6 the Department of Human Services as sexually violent  
7 persons, persons unfit to stand trial, or persons not  
8 guilty by reason of insanity. With respect to past  
9 employment, references to the Department of Human Services  
10 include its predecessor, the Department of Mental Health  
11 and Developmental Disabilities.

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

15 (9) "Central Management Services security police  
16 officer" means any person employed by the Department of  
17 Central Management Services who is vested with such law  
18 enforcement duties as render him ineligible for coverage  
19 under the Social Security Act by reason of Sections  
20 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

21 (10) For a member who first became an employee under  
22 this Article before July 1, 2005, the term "security  
23 employee of the Department of Corrections or the Department  
24 of Juvenile Justice" means any employee of the Department  
25 of Corrections or the Department of Juvenile Justice or the  
26 former Department of Personnel, and any member or employee

1 of the Prisoner Review Board, who has daily contact with  
2 inmates or youth by working within a correctional facility  
3 or Juvenile facility operated by the Department of Juvenile  
4 Justice or who is a parole officer or an employee who has  
5 direct contact with committed persons in the performance of  
6 his or her job duties. For a member who first becomes an  
7 employee under this Article on or after July 1, 2005, the  
8 term means an employee of the Department of Corrections or  
9 the Department of Juvenile Justice who is any of the  
10 following: (i) officially headquartered at a correctional  
11 facility or Juvenile facility operated by the Department of  
12 Juvenile Justice, (ii) a parole officer, (iii) a member of  
13 the apprehension unit, (iv) a member of the intelligence  
14 unit, (v) a member of the sort team, or (vi) an  
15 investigator.

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

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

26 (13) "Investigator for the Office of the Attorney

1           General" means any person who is employed as such by the  
2           Office of the Attorney General and is vested with such  
3           investigative duties as render him ineligible for coverage  
4           under the Social Security Act by reason of Sections  
5           218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
6           the period before January 1, 1989, the term includes all  
7           persons who were employed as investigators by the Office of  
8           the Attorney General, without regard to social security  
9           status.

10           (14) "Controlled substance inspector" means any person  
11           who is employed as such by the Department of Professional  
12           Regulation and is vested with such law enforcement duties  
13           as render him ineligible for coverage under the Social  
14           Security Act by reason of Sections 218(d)(5)(A),  
15           218(d)(8)(D) and 218(1)(1) of that Act. The term  
16           "controlled substance inspector" includes the Program  
17           Executive of Enforcement and the Assistant Program  
18           Executive of Enforcement.

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

24           (16) "Commerce Commission police officer" means any  
25           person employed by the Illinois Commerce Commission who is  
26           vested with such law enforcement duties as render him

1 ineligible for coverage under the Social Security Act by  
2 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
3 218(1)(1) of that Act.

4 (17) "Arson investigator" means any person who is  
5 employed as such by the Office of the State Fire Marshal  
6 and is vested with such law enforcement duties as render  
7 the person ineligible for coverage under the Social  
8 Security Act by reason of Sections 218(d)(5)(A),  
9 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
10 employed as an arson investigator on January 1, 1995 and is  
11 no longer in service but not yet receiving a retirement  
12 annuity may convert his or her creditable service for  
13 employment as an arson investigator into eligible  
14 creditable service by paying to the System the difference  
15 between the employee contributions actually paid for that  
16 service and the amounts that would have been contributed if  
17 the applicant were contributing at the rate applicable to  
18 persons with the same social security status earning  
19 eligible creditable service on the date of application.

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

22 (i) A person employed on a full-time basis by the  
23 Illinois Department of Transportation in the position  
24 of highway maintainer, highway maintenance lead  
25 worker, highway maintenance lead/lead worker, heavy  
26 construction equipment operator, power shovel

1 operator, or bridge mechanic; and whose principal  
2 responsibility is to perform, on the roadway, the  
3 actual maintenance necessary to keep the highways that  
4 form a part of the State highway system in serviceable  
5 condition for vehicular traffic.

6 (ii) A person employed on a full-time basis by the  
7 Illinois State Toll Highway Authority in the position  
8 of equipment operator/laborer H-4, equipment  
9 operator/laborer H-6, welder H-4, welder H-6,  
10 mechanical/electrical H-4, mechanical/electrical H-6,  
11 water/sewer H-4, water/sewer H-6, sign maker/hanger  
12 H-4, sign maker/hanger H-6, roadway lighting H-4,  
13 roadway lighting H-6, structural H-4, structural H-6,  
14 painter H-4, or painter H-6; and whose principal  
15 responsibility is to perform, on the roadway, the  
16 actual maintenance necessary to keep the Authority's  
17 tollways in serviceable condition for vehicular  
18 traffic.

19 (d) A security employee of the Department of Corrections or  
20 the Department of Juvenile Justice, and a security employee of  
21 the Department of Human Services who is not a mental health  
22 police officer, shall not be eligible for the alternative  
23 retirement annuity provided by this Section unless he or she  
24 meets the following minimum age and service requirements at the  
25 time of retirement:

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

1 or

2 (ii) beginning January 1, 1987, 25 years of eligible  
3 creditable service and age 54, or 24 years of eligible  
4 creditable service and age 55; or

5 (iii) beginning January 1, 1988, 25 years of eligible  
6 creditable service and age 53, or 23 years of eligible  
7 creditable service and age 55; or

8 (iv) beginning January 1, 1989, 25 years of eligible  
9 creditable service and age 52, or 22 years of eligible  
10 creditable service and age 55; or

11 (v) beginning January 1, 1990, 25 years of eligible  
12 creditable service and age 51, or 21 years of eligible  
13 creditable service and age 55; or

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

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

26 (e) If a member enters military service while working in a

1 position in which eligible creditable service may be earned,  
2 and returns to State service in the same or another such  
3 position, and fulfills in all other respects the conditions  
4 prescribed in this Article for credit for military service,  
5 such military service shall be credited as eligible creditable  
6 service for the purposes of the retirement annuity prescribed  
7 in this Section.

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

21 For purposes of calculating retirement annuities under  
22 this Section, periods of service rendered after December 31,  
23 1968 and before January 1, 1982 as a covered employee in the  
24 position of investigator for the Department of Revenue shall be  
25 deemed to have been service as a noncovered employee, provided  
26 that the employee pays to the System prior to retirement an



1 amount equal to (1) the difference between the employee  
2 contributions that would have been required for such service as  
3 a noncovered employee, and the amount of employee contributions  
4 actually paid, plus (2) if payment is made after January 1,  
5 1990, regular interest on the amount specified in item (1) from  
6 the date of service to the date of payment.

7 (g) A State policeman may elect, not later than January 1,  
8 1990, to establish eligible creditable service for up to 10  
9 years of his service as a policeman under Article 3, by filing  
10 a written election with the Board, accompanied by payment of an  
11 amount to be determined by the Board, equal to (i) the  
12 difference between the amount of employee and employer  
13 contributions transferred to the System under Section 3-110.5,  
14 and the amounts that would have been contributed had such  
15 contributions been made at the rates applicable to State  
16 policemen, plus (ii) interest thereon at the effective rate for  
17 each year, compounded annually, from the date of service to the  
18 date of payment.

19 Subject to the limitation in subsection (i), a State  
20 policeman may elect, not later than July 1, 1993, to establish  
21 eligible creditable service for up to 10 years of his service  
22 as a member of the County Police Department under Article 9, by  
23 filing a written election with the Board, accompanied by  
24 payment of an amount to be determined by the Board, equal to  
25 (i) the difference between the amount of employee and employer  
26 contributions transferred to the System under Section 9-121.10

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

6 (h) Subject to the limitation in subsection (i), a State  
7 policeman or investigator for the Secretary of State may elect  
8 to establish eligible creditable service for up to 12 years of  
9 his service as a policeman under Article 5, by filing a written  
10 election with the Board on or before January 31, 1992, and  
11 paying to the System by January 31, 1994 an amount to be  
12 determined by the Board, equal to (i) the difference between  
13 the amount of employee and employer contributions transferred  
14 to the System under Section 5-236, and the amounts that would  
15 have been contributed had such contributions been made at the  
16 rates applicable to State policemen, plus (ii) interest thereon  
17 at the effective rate for each year, compounded annually, from  
18 the date of service to the date of payment.

19 Subject to the limitation in subsection (i), a State  
20 policeman, conservation police officer, or investigator for  
21 the Secretary of State may elect to establish eligible  
22 creditable service for up to 10 years of service as a sheriff's  
23 law enforcement employee under Article 7, by filing a written  
24 election with the Board on or before January 31, 1993, 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

1 the amount of employee and employer contributions transferred  
2 to the System under Section 7-139.7, and the amounts that would  
3 have been contributed had such contributions been made at the  
4 rates applicable to State policemen, plus (ii) interest thereon  
5 at the effective rate for each year, compounded annually, from  
6 the date of service to the date of payment.

7 Subject to the limitation in subsection (i), a State  
8 policeman, conservation police officer, or investigator for  
9 the Secretary of State may elect to establish eligible  
10 creditable service for up to 5 years of service as a police  
11 officer under Article 3, a policeman under Article 5, a  
12 sheriff's law enforcement employee under Article 7, a member of  
13 the county police department under Article 9, or a police  
14 officer under Article 15 by filing a written election with the  
15 Board and paying to the System an amount to be determined by  
16 the Board, equal to (i) the difference between the amount of  
17 employee and employer contributions transferred to the System  
18 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4  
19 and the amounts that would have been contributed had such  
20 contributions been made at the rates applicable to State  
21 policemen, plus (ii) interest thereon at the effective rate for  
22 each year, compounded annually, from the date of service to the  
23 date of payment.

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

1           (j) Subject to the limitation in subsection (i), an  
2 investigator for the Office of the State's Attorneys Appellate  
3 Prosecutor or a controlled substance inspector may elect to  
4 establish eligible creditable service for up to 10 years of his  
5 service as a policeman under Article 3 or a sheriff's law  
6 enforcement employee under Article 7, by filing a written  
7 election with the Board, accompanied by payment of an amount to  
8 be determined by the Board, equal to (1) the difference between  
9 the amount of employee and employer contributions transferred  
10 to the System under Section 3-110.6 or 7-139.8, and the amounts  
11 that would have been contributed had such contributions been  
12 made at the rates applicable to State policemen, plus (2)  
13 interest thereon at the effective rate for each year,  
14 compounded annually, from the date of service to the date of  
15 payment.

16           (k) Subject to the limitation in subsection (i) of this  
17 Section, an alternative formula employee may elect to establish  
18 eligible creditable service for periods spent as a full-time  
19 law enforcement officer or full-time corrections officer  
20 employed by the federal government or by a state or local  
21 government located outside of Illinois, for which credit is not  
22 held in any other public employee pension fund or retirement  
23 system. To obtain this credit, the applicant must file a  
24 written application with the Board by March 31, 1998,  
25 accompanied by evidence of eligibility acceptable to the Board  
26 and payment of an amount to be determined by the Board, equal

1 to (1) employee contributions for the credit being established,  
2 based upon the applicant's salary on the first day as an  
3 alternative formula employee after the employment for which  
4 credit is being established and the rates then applicable to  
5 alternative formula employees, plus (2) an amount determined by  
6 the Board to be the employer's normal cost of the benefits  
7 accrued for the credit being established, plus (3) regular  
8 interest on the amounts in items (1) and (2) from the first day  
9 as an alternative formula employee after the employment for  
10 which credit is being established to the date of payment.

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

25 (m) The amendatory changes to this Section made by this  
26 amendatory Act of the 94th General Assembly apply only to: (1)

1 security employees of the Department of Juvenile Justice  
2 employed by the Department of Corrections before the effective  
3 date of this amendatory Act of the 94th General Assembly and  
4 transferred to the Department of Juvenile Justice by this  
5 amendatory Act of the 94th General Assembly; and (2) persons  
6 employed by the Department of Juvenile Justice on or after the  
7 effective date of this amendatory Act of the 94th General  
8 Assembly who are required by subsection (b) of Section 3-2.5-15  
9 of the Unified Code of Corrections to have a bachelor's or  
10 advanced degree from an accredited college or university with a  
11 specialization in criminal justice, education, psychology,  
12 social work, or a closely related social science or, in the  
13 case of persons who provide vocational training, who are  
14 required to have adequate knowledge in the skill for which they  
15 are providing the vocational training.

16 (n) A person employed in a position under subsection (b) of  
17 this Section who has purchased service credit under subsection  
18 (j) of Section 14-104 or subsection (b) of Section 14-105 in  
19 any other capacity under this Article may convert up to 5 years  
20 of that service credit into service credit covered under this  
21 Section by paying to the Fund an amount equal to (1) the  
22 additional employee contribution required under Section  
23 14-133, plus (2) the additional employer contribution required  
24 under Section 14-131, plus (3) interest on items (1) and (2) at  
25 the actuarially assumed rate from the date of the service to  
26 the date of payment.

1 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06; 95-530,  
2 eff. 8-28-07; 95-1036, eff. 2-17-09.)

3 (40 ILCS 5/14-152.1)

4 Sec. 14-152.1. Application and expiration of new benefit  
5 increases.

6 (a) As used in this Section, "new benefit increase" means  
7 an increase in the amount of any benefit provided under this  
8 Article, or an expansion of the conditions of eligibility for  
9 any benefit under this Article, that results from an amendment  
10 to this Code that takes effect after June 1, 2005 (the  
11 effective date of Public Act 94-4) ~~this amendatory Act of the~~  
12 ~~94th General Assembly~~. "New benefit increase", however, does  
13 not include any benefit increase resulting from the changes  
14 made to this Article by this amendatory Act of the 96th General  
15 Assembly.

16 (b) Notwithstanding any other provision of this Code or any  
17 subsequent amendment to this Code, every new benefit increase  
18 is subject to this Section and shall be deemed to be granted  
19 only in conformance with and contingent upon compliance with  
20 the provisions of this Section.

21 (c) The Public Act enacting a new benefit increase must  
22 identify and provide for payment to the System of additional  
23 funding at least sufficient to fund the resulting annual  
24 increase in cost to the System as it accrues.

25 Every new benefit increase is contingent upon the General

1 Assembly providing the additional funding required under this  
2 subsection. The Commission on Government Forecasting and  
3 Accountability shall analyze whether adequate additional  
4 funding has been provided for the new benefit increase and  
5 shall report its analysis to the Public Pension Division of the  
6 Department of Financial and Professional Regulation. A new  
7 benefit increase created by a Public Act that does not include  
8 the additional funding required under this subsection is null  
9 and void. If the Public Pension Division determines that the  
10 additional funding provided for a new benefit increase under  
11 this subsection is or has become inadequate, it may so certify  
12 to the Governor and the State Comptroller and, in the absence  
13 of corrective action by the General Assembly, the new benefit  
14 increase shall expire at the end of the fiscal year in which  
15 the certification is made.

16 (d) Every new benefit increase shall expire 5 years after  
17 its effective date or on such earlier date as may be specified  
18 in the language enacting the new benefit increase or provided  
19 under subsection (c). This does not prevent the General  
20 Assembly from extending or re-creating a new benefit increase  
21 by law.

22 (e) Except as otherwise provided in the language creating  
23 the new benefit increase, a new benefit increase that expires  
24 under this Section continues to apply to persons who applied  
25 and qualified for the affected benefit while the new benefit  
26 increase was in effect and to the affected beneficiaries and



1 alternate payees of such persons, but does not apply to any  
2 other person, including without limitation a person who  
3 continues in service after the expiration date and did not  
4 apply and qualify for the affected benefit while the new  
5 benefit increase was in effect.

6 (Source: P.A. 94-4, eff. 6-1-05.)

7 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

8 Sec. 18-127. Retirement annuity - suspension on  
9 reemployment.

10 (a) A participant receiving a retirement annuity who is  
11 regularly employed for compensation by an employer other than a  
12 county, in any capacity, shall have his or her retirement  
13 annuity payments suspended during such employment. Upon  
14 termination of such employment, retirement annuity payments at  
15 the previous rate shall be resumed.

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

1 case, contributions shall not be required during the period of  
2 re-employment. Any such election shall be irrevocable.

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

11 (c) Except as provided in subsection (a), beginning January  
12 1, 1993, retirement annuities shall not be subject to  
13 suspension upon resumption of employment for an employer, and  
14 any retirement annuity that is then so suspended shall be  
15 reinstated on that date.

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

20 (e) A participant receiving a retirement annuity under this  
21 Article who (i) serves as a part-time employee in any of the  
22 following positions: Legislative Inspector General, Special  
23 Legislative Inspector General, employee of the Office of the  
24 Legislative Inspector General, Executive Director of the  
25 Legislative Ethics Commission, or staff of the Legislative  
26 Ethics Commission or (ii), on January 1, 2007, is serving on

1 the Illinois Gaming Board, but has not elected to participate  
2 in the Article 14 System with respect to that service, shall  
3 not be deemed to be regularly employed for compensation by an  
4 employer other than a county, nor to have resumed service as a  
5 judge, on the basis of that service, and the retirement annuity  
6 payments and other benefits of that person under this Code  
7 shall not be suspended, diminished, or otherwise impaired  
8 solely as a consequence of that service. This subsection (e)  
9 applies without regard to whether the person is in service as a  
10 judge under this Article on or after the effective date of this  
11 amendatory Act of the 93rd General Assembly. In this  
12 subsection, a "part-time employee" is a person who is not  
13 required to work at least 35 hours per week. The changes made  
14 to this subsection (e) by this amendatory Act of the 96th  
15 General Assembly apply without regard to whether the person is  
16 in service as a judge under this Article on or after the  
17 effective date of this amendatory Act of the 96th General  
18 Assembly.

19 (f) A participant receiving a retirement annuity under this  
20 Article who has made an election under Section 1-123 and who is  
21 serving either as legal counsel in the Office of the Governor  
22 or as Chief Deputy Attorney General shall not be deemed to be  
23 regularly employed for compensation by an employer other than a  
24 county, nor to have resumed service as a judge, on the basis of  
25 that service, and the retirement annuity payments and other  
26 benefits of that person under this Code shall not be suspended,

1 diminished, or otherwise impaired solely as a consequence of  
2 that service. This subsection (f) applies without regard to  
3 whether the person is in service as a judge under this Article  
4 on or after the effective date of this amendatory Act of the  
5 93rd General Assembly.

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

7 (40 ILCS 5/18-169)

8 Sec. 18-169. Application and expiration of new benefit  
9 increases.

10 (a) As used in this Section, "new benefit increase" means  
11 an increase in the amount of any benefit provided under this  
12 Article, or an expansion of the conditions of eligibility for  
13 any benefit under this Article, that results from an amendment  
14 to this Code that takes effect after June 1, 2005 (the  
15 effective date Public Act 94-4) ~~of this amendatory Act of the~~  
16 ~~94th General Assembly.~~ "New benefit increase", however, does  
17 not include any benefit increase resulting from the changes  
18 made to this Article by this amendatory Act of the 96th General  
19 Assembly.

20 (b) Notwithstanding any other provision of this Code or any  
21 subsequent amendment to this Code, every new benefit increase  
22 is subject to this Section and shall be deemed to be granted  
23 only in conformance with and contingent upon compliance with  
24 the provisions of this Section.

25 (c) The Public Act enacting a new benefit increase must

1 identify and provide for payment to the System of additional  
2 funding at least sufficient to fund the resulting annual  
3 increase in cost to the System as it accrues.

4 Every new benefit increase is contingent upon the General  
5 Assembly providing the additional funding required under this  
6 subsection. The Commission on Government Forecasting and  
7 Accountability shall analyze whether adequate additional  
8 funding has been provided for the new benefit increase and  
9 shall report its analysis to the Public Pension Division of the  
10 Department of Financial and Professional Regulation. A new  
11 benefit increase created by a Public Act that does not include  
12 the additional funding required under this subsection is null  
13 and void. If the Public Pension Division determines that the  
14 additional funding provided for a new benefit increase under  
15 this subsection is or has become inadequate, it may so certify  
16 to the Governor and the State Comptroller and, in the absence  
17 of corrective action by the General Assembly, the new benefit  
18 increase shall expire at the end of the fiscal year in which  
19 the certification is made.

20 (d) Every new benefit increase shall expire 5 years after  
21 its effective date or on such earlier date as may be specified  
22 in the language enacting the new benefit increase or provided  
23 under subsection (c). This does not prevent the General  
24 Assembly from extending or re-creating a new benefit increase  
25 by law.

26 (e) Except as otherwise provided in the language creating

1 the new benefit increase, a new benefit increase that expires  
2 under this Section continues to apply to persons who applied  
3 and qualified for the affected benefit while the new benefit  
4 increase was in effect and to the affected beneficiaries and  
5 alternate payees of such persons, but does not apply to any  
6 other person, including without limitation a person who  
7 continues in service after the expiration date and did not  
8 apply and qualify for the affected benefit while the new  
9 benefit increase was in effect.

10 (Source: P.A. 94-4, eff. 6-1-05.)

11 Section 25. The Riverboat Gambling Act is amended by  
12 changing Sections 4, 5, 5.1, 6, 7, 9, 11, 12, 13, 15, and 18 and  
13 by adding Section 5.2 as follows:

14 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

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

21 (c) "Gambling game" includes, but is not limited to,  
22 baccarat, twenty-one, poker, craps, slot machine, video game of  
23 chance, roulette wheel, klondike table, punchboard, faro  
24 layout, keno layout, numbers ticket, push card, jar ticket, or

1 pull tab which is authorized by the Board as a wagering device  
2 under this Act.

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

8 (e) "Managers license" means a license issued by the Board  
9 to a person or entity to manage gambling operations conducted  
10 by the State pursuant to Section 7.3.

11 (f) "Dock" means the location where a riverboat moors for  
12 the purpose of embarking passengers for and disembarking  
13 passengers from the riverboat.

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

17 (h) "Adjusted gross receipts" means the gross receipts less  
18 winnings paid to wagerers.

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

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

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

25 (l) "License bid" means the lump sum amount of money that  
26 an applicant bids and agrees to pay the State in return for an

1 owners license that is re-issued on or after July 1, 2003.

2 (m) The terms "minority person", ~~and~~ "female", and "person  
3 with a disability" shall have the same meaning as defined in  
4 Section 2 of the Business Enterprise for Minorities, Females,  
5 and Persons with Disabilities Act.

6 (Source: P.A. 95-331, eff. 8-21-07.)

7 (230 ILCS 10/5) (from Ch. 120, par. 2405)

8 Sec. 5. Gaming Board.

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

19 (2) The Board shall consist of 5 members to be appointed by  
20 the Governor with the advice and consent of the Senate, one of  
21 whom shall be designated by the Governor to be chairman. Each  
22 member shall have a reasonable knowledge of the practice,  
23 procedure and principles of gambling operations. Each member  
24 shall either be a resident of Illinois or shall certify that he  
25 will become a resident of Illinois before taking office. At



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

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

19 (4) The chairman of the Board shall receive an annual  
20 salary of \$80,000, or as set by the Compensation Review Board,  
21 whichever is higher. Other members of the Board shall receive  
22 an annual salary of \$55,000, or as set by the Compensation  
23 Review Board, whichever is higher. ~~Each member of the Board~~  
24 ~~shall receive \$300 for each day the Board meets and for each~~  
25 ~~day the member conducts any hearing pursuant to this Act.~~ Each  
26 member of the Board shall also be reimbursed for all actual and

1 necessary expenses and disbursements incurred in the execution  
2 of official duties.

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

16 (5.5) No member of the Board shall engage in any political  
17 activity. For the purposes of this Section, "political" means  
18 any activity in support of or in connection with any campaign  
19 for federal, State, or local elective office or any political  
20 organization, but does not include activities (i) relating to  
21 the support or opposition of any executive, legislative, or  
22 administrative action (as those terms are defined in Section 2  
23 of the Lobbyist Registration Act), (ii) relating to collective  
24 bargaining, or (iii) that are otherwise in furtherance of the  
25 person's official State duties or governmental and public  
26 service functions.

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

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

23           (8) ~~The~~ ~~Upon the request of the Board, the Department~~ shall  
24 employ such personnel as may be necessary to carry out its ~~the~~  
25 functions and shall determine the salaries of all personnel,  
26 except those personnel whose salaries are determined under the

1 terms of a collective bargaining agreement ~~of the Board~~. No  
2 person shall be employed to serve the Board who is, or whose  
3 spouse, parent or child is, an official of, or has a financial  
4 interest in or financial relation with, any operator engaged in  
5 gambling operations within this State or any organization  
6 engaged in conducting horse racing within this State. Any  
7 employee violating these prohibitions shall be subject to  
8 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

1 the Board. A request for a hearing must be made to the  
2 Board in writing within 5 days after service of notice of  
3 the action of the Board. Notice of the action of the Board  
4 shall be served either by personal delivery or by certified  
5 mail, postage prepaid, to the aggrieved party. Notice  
6 served by certified mail shall be deemed complete on the  
7 business day following the date of such mailing. The Board  
8 shall conduct all requested hearings promptly and in  
9 reasonable order;

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

13 (3) To promulgate such rules and regulations as in its  
14 judgment may be necessary to protect or enhance the  
15 credibility and integrity of gambling operations  
16 authorized by this Act and the regulatory process  
17 hereunder;

18 (4) To provide for the establishment and collection of  
19 all license and registration fees and taxes imposed by this  
20 Act and the rules and regulations issued pursuant hereto.  
21 All such fees and taxes shall be deposited into the State  
22 Gaming Fund;

23 (5) To provide for the levy and collection of penalties  
24 and fines for the violation of provisions of this Act and  
25 the rules and regulations promulgated hereunder. All such  
26 fines and penalties shall be deposited into the Education

1 Assistance Fund, created by Public Act 86-0018, of the  
2 State of Illinois;

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

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

19 (8) To hold at least one meeting each quarter of the  
20 fiscal year. In addition, special meetings may be called by  
21 the Chairman or any 2 Board members upon 72 hours written  
22 notice to each member. All Board meetings shall be subject  
23 to the Open Meetings Act. Three members of the Board shall  
24 constitute a quorum, and 3 votes shall be required for any  
25 final determination by the Board. The Board shall keep a  
26 complete and accurate record of all its meetings. A

1 majority of the members of the Board shall constitute a  
2 quorum for the transaction of any business, for the  
3 performance of any duty, or for the exercise of any power  
4 which this Act requires the Board members to transact,  
5 perform or exercise en banc, except that, upon order of the  
6 Board, one of the Board members or an administrative law  
7 judge designated by the Board may conduct any hearing  
8 provided for under this Act or by Board rule and may  
9 recommend findings and decisions to the Board. The Board  
10 member or administrative law judge conducting such hearing  
11 shall have all powers and rights granted to the Board in  
12 this Act. The record made at the time of the hearing shall  
13 be reviewed by the Board, or a majority thereof, and the  
14 findings and decision of the majority of the Board shall  
15 constitute the order of the Board in such case;

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

20 (10) To file a written annual report with the Governor  
21 on or before March 1 each year and such additional reports  
22 as the Governor may request. The annual report shall  
23 include a statement of receipts and disbursements by the  
24 Board, actions taken by the Board, and any additional  
25 information and recommendations which the Board may deem  
26 valuable or which the Governor may request;

1 (11) (Blank); ~~and~~

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

7 (13) To adopt, by rule, a code of conduct governing  
8 Board members and employees that ensure, to the maximum  
9 extent possible, that persons subject to this Code avoid  
10 situations, relationships, or associations that may  
11 represent or lead to a conflict of interest.

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

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

21 (2) To have jurisdiction and supervision over all  
22 riverboat gambling operations in this State and all persons  
23 on riverboats where gambling operations are conducted.

24 (3) To promulgate rules and regulations for the purpose  
25 of administering the provisions of this Act and to  
26 prescribe rules, regulations and conditions under which



1 all riverboat gambling in the State shall be conducted.  
2 Such rules and regulations are to provide for the  
3 prevention of practices detrimental to the public interest  
4 and for the best interests of riverboat gambling, including  
5 rules and regulations regarding the inspection of such  
6 riverboats and the review of any permits or licenses  
7 necessary to operate a riverboat under any laws or  
8 regulations applicable to riverboats, and to impose  
9 penalties for violations thereof.

10 (4) To enter the office, riverboats, facilities, or  
11 other places of business of a licensee, where evidence of  
12 the compliance or noncompliance with the provisions of this  
13 Act is likely to be found.

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

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

22 (7) To adopt appropriate standards for all riverboats  
23 and facilities.

24 (8) To require that the records, including financial or  
25 other statements of any licensee under this Act, shall be  
26 kept in such manner as prescribed by the Board and that any

1       such licensee involved in the ownership or management of  
2       gambling operations submit to the Board an annual balance  
3       sheet and profit and loss statement, list of the  
4       stockholders or other persons having a 1% or greater  
5       beneficial interest in the gambling activities of each  
6       licensee, and any other information the Board deems  
7       necessary in order to effectively administer this Act and  
8       all rules, regulations, orders and final decisions  
9       promulgated under this Act.

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

18       (10) To prescribe a form to be used by any licensee  
19       involved in the ownership or management of gambling  
20       operations as an application for employment for their  
21       employees.

22       (11) To revoke or suspend licenses, as the Board may  
23       see fit and in compliance with applicable laws of the State  
24       regarding administrative procedures, and to review  
25       applications for the renewal of licenses. The Board may  
26       suspend an owners license, without notice or hearing upon a

1 determination that the safety or health of patrons or  
2 employees is jeopardized by continuing a riverboat's  
3 operation. The suspension may remain in effect until the  
4 Board determines that the cause for suspension has been  
5 abated. The Board may revoke the owners license upon a  
6 determination that the owner has not made satisfactory  
7 progress toward abating the hazard.

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

19 (13) To require all licensees of gambling operations to  
20 utilize a cashless wagering system whereby all players'  
21 money is converted to tokens, electronic cards, or chips  
22 which shall be used only for wagering in the gambling  
23 establishment.

24 (14) (Blank).

25 (15) To suspend, revoke or restrict licenses, to  
26 require the removal of a licensee or an employee of a

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

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

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

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

1 Act of 1991 is a denial and limitation of home rule powers  
2 and functions under subsection (h) of Section 6 of Article  
3 VII of the Illinois Constitution.

4 (19) After consultation with the U.S. Army Corps of  
5 Engineers, to establish binding emergency orders upon the  
6 concurrence of a majority of the members of the Board  
7 regarding the navigability of water, relative to  
8 excursions, in the event of extreme weather conditions,  
9 acts of God or other extreme circumstances.

10 (20) To delegate the execution of any of its powers  
11 under this Act for the purpose of administering and  
12 enforcing this Act and its rules and regulations hereunder.

13 (20.5) To approve any contract entered into on its  
14 behalf.

15 (20.6) To appoint investigators to conduct  
16 investigations, searches, seizures, arrests, and other  
17 duties imposed under this Act, as deemed necessary by the  
18 Board. These investigators have and may exercise all of the  
19 rights and powers of peace officers, provided that these  
20 powers shall be limited to offenses or violations occurring  
21 or committed on a riverboat or dock, as defined in  
22 subsections (d) and (f) of Section 4, or as otherwise  
23 provided by this Act or any other law.

24 (20.7) To contract with the Department of State Police  
25 for the use of trained and qualified State police officers  
26 and with the Department of Revenue for the use of trained

1 and qualified Department of Revenue investigators to  
2 conduct investigations, searches, seizures, arrests, and  
3 other duties imposed under this Act and to exercise all of  
4 the rights and powers of peace officers, provided that the  
5 powers of Department of Revenue investigators under this  
6 subdivision (20.7) shall be limited to offenses or  
7 violations occurring or committed on a riverboat or dock,  
8 as defined in subsections (d) and (f) of Section 4, or as  
9 otherwise provided by this Act or any other law. In the  
10 event the Department of State Police or the Department of  
11 Revenue is unable to fill contracted police or  
12 investigative positions, the Board may appoint  
13 investigators to fill those positions pursuant to  
14 subdivision (20.6).

15 (21) To take any other action as may be reasonable or  
16 appropriate to enforce this Act and rules and regulations  
17 hereunder.

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

26 (e) The Board must authorize to each investigator and to

1 any other employee of the Board exercising the powers of a  
2 peace officer a distinct badge that, on its face, (i) clearly  
3 states that the badge is authorized by the Board and (ii)  
4 contains a unique identifying number. No other badge shall be  
5 authorized by the Board.

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

8 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

9 Sec. 5.1. Disclosure of records.

10 (a) Notwithstanding any applicable statutory provision to  
11 the contrary, the Board shall, on written request from any  
12 person, provide information furnished by an applicant or  
13 licensee concerning the applicant or licensee, his products,  
14 services or gambling enterprises and his business holdings, as  
15 follows:

16 (1) The name, business address and business telephone  
17 number of any applicant or licensee.

18 (2) An identification of any applicant or licensee  
19 including, if an applicant or licensee is not an  
20 individual, the state of incorporation or registration,  
21 the corporate officers, and the identity of all  
22 shareholders or participants. If an applicant or licensee  
23 has a pending registration statement filed with the  
24 Securities and Exchange Commission, only the names of those  
25 persons or entities holding interest of 5% or more must be

1 provided.

2 (3) An identification of any business, including, if  
3 applicable, the state of incorporation or registration, in  
4 which an applicant or licensee or an applicant's or  
5 licensee's spouse or children has an equity interest of  
6 more than 1% ~~5%~~. If an applicant or licensee is a  
7 corporation, partnership or other business entity, the  
8 applicant or licensee shall identify any other  
9 corporation, partnership or business entity in which it has  
10 an equity interest of 1% ~~5%~~ or more, including, if  
11 applicable, the state of incorporation or registration.  
12 This information need not be provided by a corporation,  
13 partnership or other business entity that has a pending  
14 registration statement filed with the Securities and  
15 Exchange Commission.

16 (4) Whether an applicant or licensee has been indicted,  
17 convicted, pleaded guilty or nolo contendere, or forfeited  
18 bail concerning any criminal offense under the laws of any  
19 jurisdiction, either felony or misdemeanor (except for  
20 traffic violations), including the date, the name and  
21 location of the court, arresting agency and prosecuting  
22 agency, the case number, the offense, the disposition and  
23 the location and length of incarceration.

24 (5) Whether an applicant or licensee has had any  
25 license or certificate issued by a licensing authority in  
26 Illinois or any other jurisdiction denied, restricted,



1 suspended, revoked or not renewed and a statement  
2 describing the facts and circumstances concerning the  
3 denial, restriction, suspension, revocation or  
4 non-renewal, including the licensing authority, the date  
5 each such action was taken, and the reason for each such  
6 action.

7 (6) Whether an applicant or licensee has ever filed or  
8 had filed against it a proceeding in bankruptcy or has ever  
9 been involved in any formal process to adjust, defer,  
10 suspend or otherwise work out the payment of any debt  
11 including the date of filing, the name and location of the  
12 court, the case and number of the disposition.

13 (7) Whether an applicant or licensee has filed, or been  
14 served with a complaint or other notice filed with any  
15 public body, regarding the delinquency in the payment of,  
16 or a dispute over the filings concerning the payment of,  
17 any tax required under federal, State or local law,  
18 including the amount, type of tax, the taxing agency and  
19 time periods involved.

20 (8) A statement listing the names and titles of all  
21 public officials or officers of any unit of government, and  
22 relatives of said public officials or officers who,  
23 directly or indirectly, own any financial interest in, have  
24 any beneficial interest in, are the creditors of or hold  
25 any debt instrument issued by, or hold or have any interest  
26 in any contractual or service relationship with, an

1 applicant or licensee.

2 (9) Whether an applicant or licensee has made, directly  
3 or indirectly, any political contribution, or any loans,  
4 donations or other payments, to any candidate or office  
5 holder, within 5 years from the date of filing the  
6 application, including the amount and the method of  
7 payment.

8 (10) The name and business telephone number of the  
9 counsel representing an applicant or licensee in matters  
10 before the Board.

11 (11) A description of any proposed or approved  
12 riverboat gaming operation, including the type of boat,  
13 home dock location, expected economic benefit to the  
14 community, anticipated or actual number of employees, any  
15 statement from an applicant or licensee regarding  
16 compliance with federal and State affirmative action  
17 guidelines, projected or actual admissions and projected  
18 or actual adjusted gross gaming receipts.

19 (12) A description of the product or service to be  
20 supplied by an applicant for a supplier's license.

21 (b) Notwithstanding any applicable statutory provision to  
22 the contrary, the Board shall, on written request from any  
23 person, also provide the following information:

24 (1) The amount of the wagering tax and admission tax  
25 paid daily to the State of Illinois by the holder of an  
26 owner's license.

1           (2) Whenever the Board finds an applicant for an  
2 owner's license unsuitable for licensing, a copy of the  
3 written letter outlining the reasons for the denial.

4           (3) Whenever the Board has refused to grant leave for  
5 an applicant to withdraw his application, a copy of the  
6 letter outlining the reasons for the refusal.

7           (c) Subject to the above provisions, the Board shall not  
8 disclose any information which would be barred by:

9           (1) Section 7 of the Freedom of Information Act; or

10           (2) The statutes, rules, regulations or  
11 intergovernmental agreements of any jurisdiction.

12           (d) The Board may assess fees for the copying of  
13 information in accordance with Section 6 of the Freedom of  
14 Information Act.

15           (Source: P.A. 87-826.)

16           (230 ILCS 10/5.2 new)

17           Sec. 5.2. Separation from Department of Revenue. On the  
18 effective date of this amendatory Act of the 96th General  
19 Assembly, all of the powers, duties, assets, liabilities,  
20 employees, contracts, property, records, pending business, and  
21 unexpended appropriations of the Department of Revenue related  
22 to the administration and enforcement of this Act are  
23 transferred to the Illinois Gaming Board.

24           The status and rights of the transferred employees, and the  
25 rights of the State of Illinois and its agencies, under the

1 Personnel Code and applicable collective bargaining agreements  
2 or under any pension, retirement, or annuity plan are not  
3 affected (except as provided in Sections 14-110 and 18-127 of  
4 the Illinois Pension Code) by that transfer or by any other  
5 provision of this amendatory Act of the 96th General Assembly.

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

7 Sec. 6. Application for Owners License.

8 (a) A qualified person may apply to the Board for an owners  
9 license to conduct a riverboat gambling operation as provided  
10 in this Act. The application shall be made on forms provided by  
11 the Board and shall contain such information as the Board  
12 prescribes, including but not limited to the identity of the  
13 riverboat on which such gambling operation is to be conducted  
14 and the exact location where such riverboat will be docked, a  
15 certification that the riverboat will be registered under this  
16 Act at all times during which gambling operations are conducted  
17 on board, detailed information regarding the ownership and  
18 management of the applicant, and detailed personal information  
19 regarding the applicant. Any application for an owners license  
20 to be re-issued on or after June 1, 2003 shall also include the  
21 applicant's license bid in a form prescribed by the Board.  
22 Information provided on the application shall be used as a  
23 basis for a thorough background investigation which the Board  
24 shall conduct with respect to each applicant. An incomplete  
25 application shall be cause for denial of a license by the

1 Board.

2 (b) Applicants shall submit with their application all  
3 documents, resolutions, and letters of support from the  
4 governing body that represents the municipality or county  
5 wherein the licensee will dock.

6 (c) Each applicant shall disclose the identity of every  
7 person, association, trust or corporation having a greater than  
8 1% direct or indirect pecuniary interest in the riverboat  
9 gambling operation with respect to which the license is sought.  
10 If the disclosed entity is a trust, the application shall  
11 disclose the names and addresses of the beneficiaries; if a  
12 corporation, the names and addresses of all stockholders and  
13 directors; if a partnership, the names and addresses of all  
14 partners, both general and limited.

15 (d) An application shall be filed and considered in  
16 accordance with the rules of the Board ~~with the Board by~~  
17 ~~January 1 of the year preceding any calendar year for which an~~  
18 ~~applicant seeks an owners license; however, applications for an~~  
19 ~~owners license permitting operations on January 1, 1991 shall~~  
20 ~~be filed by July 1, 1990.~~ An application fee of \$50,000 shall  
21 be paid at the time of filing to defray the costs associated  
22 with the background investigation conducted by the Board. If  
23 the costs of the investigation exceed \$50,000, the applicant  
24 shall pay the additional amount to the Board. If the costs of  
25 the investigation are less than \$50,000, the applicant shall  
26 receive a refund of the remaining amount. All information,

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

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

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

24 (g) A person who knowingly makes a false statement on an  
25 application is guilty of a Class A misdemeanor.

26 (Source: P.A. 93-28, eff. 6-20-03.)

1 (230 ILCS 10/7) (from Ch. 120, par. 2407)

2 Sec. 7. Owners Licenses.

3 (a) The Board shall issue owners licenses to persons, firms  
4 or corporations which apply for such licenses upon payment to  
5 the Board of the non-refundable license fee set by the Board,  
6 upon payment of a \$25,000 license fee for the first year of  
7 operation and a \$5,000 license fee for each succeeding year and  
8 upon a determination by the Board that the applicant is  
9 eligible for an owners license pursuant to this Act and the  
10 rules of the Board. From the effective date of this amendatory  
11 Act of the 95th General Assembly until (i) 3 years after the  
12 effective date of this amendatory Act of the 95th General  
13 Assembly, (ii) the date any organization licensee begins to  
14 operate a slot machine or video game of chance under the  
15 Illinois Horse Racing Act of 1975 or this Act, (iii) the date  
16 that payments begin under subsection (c-5) of Section 13 of the  
17 Act, or (iv) the wagering tax imposed under Section 13 of this  
18 Act is increased by law to reflect a tax rate that is at least  
19 as stringent or more stringent than the tax rate contained in  
20 subsection (a-3) of Section 13, whichever occurs first, as a  
21 condition of licensure and as an alternative source of payment  
22 for those funds payable under subsection (c-5) of Section 13 of  
23 the Riverboat Gambling Act, any owners licensee that holds or  
24 receives its owners license on or after the effective date of  
25 this amendatory Act of the 94th General Assembly, other than an

1 owners licensee operating a riverboat with adjusted gross  
2 receipts in calendar year 2004 of less than \$200,000,000, must  
3 pay into the Horse Racing Equity Trust Fund, in addition to any  
4 other payments required under this Act, an amount equal to 3%  
5 of the adjusted gross receipts received by the owners licensee.  
6 The payments required under this Section shall be made by the  
7 owners licensee to the State Treasurer no later than 3:00  
8 o'clock p.m. of the day after the day when the adjusted gross  
9 receipts were received by the owners licensee. A person, firm  
10 or corporation is ineligible to receive an owners license if:

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

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

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

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

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

22 (6) the firm or corporation employs a person defined in  
23 (1), (2), (3) or (4) who participates in the management or  
24 operation of gambling operations authorized under this  
25 Act;

26 (7) (blank); or



1           (8) a license of the person, firm or corporation issued  
2           under this Act, or a license to own or operate gambling  
3           facilities in any other jurisdiction, has been revoked.

4           The Board is expressly prohibited from making changes to  
5           the requirement that licensees make payment into the Horse  
6           Racing Equity Trust Fund without the express authority of the  
7           Illinois General Assembly and making any other rule to  
8           implement or interpret this amendatory Act of the 95th General  
9           Assembly. For the purposes of this paragraph, "rules" is given  
10          the meaning given to that term in Section 1-70 of the Illinois  
11          Administrative Procedure Act.

12          (b) In determining whether to grant an owners license to an  
13          applicant, the Board shall consider:

14               (1) the character, reputation, experience and  
15               financial integrity of the applicants and of any other or  
16               separate person that either:

17                       (A) controls, directly or indirectly, such  
18                       applicant, or

19                       (B) is controlled, directly or indirectly, by such  
20                       applicant or by a person which controls, directly or  
21                       indirectly, such applicant;

22               (2) the facilities or proposed facilities for the  
23               conduct of riverboat gambling;

24               (3) the highest prospective total revenue to be derived  
25               by the State from the conduct of riverboat gambling;

26               (4) the extent to which the ownership of the applicant

1 reflects the diversity of the State by including minority  
2 persons, ~~and~~ females, and persons with a disability and the  
3 good faith affirmative action plan of each applicant to  
4 recruit, train and upgrade minority persons, ~~and~~ females, ~~and~~  
5 and persons with a disability in all employment  
6 classifications;

7 (5) the financial ability of the applicant to purchase  
8 and maintain adequate liability and casualty insurance;

9 (6) whether the applicant has adequate capitalization  
10 to provide and maintain, for the duration of a license, a  
11 riverboat;

12 (7) the extent to which the applicant exceeds or meets  
13 other standards for the issuance of an owners license which  
14 the Board may adopt by rule; and

15 (8) The amount of the applicant's license bid.

16 (c) Each owners license shall specify the place where  
17 riverboats shall operate and dock.

18 (d) Each applicant shall submit with his application, on  
19 forms provided by the Board, 2 sets of his fingerprints.

20 (e) The Board may issue up to 10 licenses authorizing the  
21 holders of such licenses to own riverboats. In the application  
22 for an owners license, the applicant shall state the dock at  
23 which the riverboat is based and the water on which the  
24 riverboat will be located. The Board shall issue 5 licenses to  
25 become effective not earlier than January 1, 1991. Three of  
26 such licenses shall authorize riverboat gambling on the

1 Mississippi River, or, with approval by the municipality in  
2 which the riverboat was docked on August 7, 2003 and with Board  
3 approval, be authorized to relocate to a new location, in a  
4 municipality that (1) borders on the Mississippi River or is  
5 within 5 miles of the city limits of a municipality that  
6 borders on the Mississippi River and (2), on August 7, 2003,  
7 had a riverboat conducting riverboat gambling operations  
8 pursuant to a license issued under this Act; one of which shall  
9 authorize riverboat gambling from a home dock in the city of  
10 East St. Louis. One other license shall authorize riverboat  
11 gambling on the Illinois River south of Marshall County. The  
12 Board shall issue one additional license to become effective  
13 not earlier than March 1, 1992, which shall authorize riverboat  
14 gambling on the Des Plaines River in Will County. The Board may  
15 issue 4 additional licenses to become effective not earlier  
16 than March 1, 1992. In determining the water upon which  
17 riverboats will operate, the Board shall consider the economic  
18 benefit which riverboat gambling confers on the State, and  
19 shall seek to assure that all regions of the State share in the  
20 economic benefits of riverboat gambling.

21 In granting all licenses, the Board may give favorable  
22 consideration to economically depressed areas of the State, to  
23 applicants presenting plans which provide for significant  
24 economic development over a large geographic area, and to  
25 applicants who currently operate non-gambling riverboats in  
26 Illinois. The Board shall review all applications for owners

1 licenses, and shall inform each applicant of the Board's  
2 decision. The Board may grant an owners license to an applicant  
3 that has not submitted the highest license bid, but if it does  
4 not select the highest bidder, the Board shall issue a written  
5 decision explaining why another applicant was selected and  
6 identifying the factors set forth in this Section that favored  
7 the winning bidder.

8 In addition to any other revocation powers granted to the  
9 Board under this Act, the Board may revoke the owners license  
10 of a licensee which fails to begin conducting gambling within  
11 15 months of receipt of the Board's approval of the application  
12 if the Board determines that license revocation is in the best  
13 interests of the State.

14 (f) The first 10 owners licenses issued under this Act  
15 shall permit the holder to own up to 2 riverboats and equipment  
16 thereon for a period of 3 years after the effective date of the  
17 license. Holders of the first 10 owners licenses must pay the  
18 annual license fee for each of the 3 years during which they  
19 are authorized to own riverboats.

20 (g) Upon the termination, expiration, or revocation of each  
21 of the first 10 licenses, which shall be issued for a 3 year  
22 period, all licenses are renewable annually upon payment of the  
23 fee and a determination by the Board that the licensee  
24 continues to meet all of the requirements of this Act and the  
25 Board's rules. However, for licenses renewed on or after May 1,  
26 1998, renewal shall be for a period of 4 years, unless the

1 Board sets a shorter period.

2 (h) An owners license shall entitle the licensee to own up  
3 to 2 riverboats. A licensee shall limit the number of gambling  
4 participants to 1,200 for any such owners license. A licensee  
5 may operate both of its riverboats concurrently, provided that  
6 the total number of gambling participants on both riverboats  
7 does not exceed 1,200. Riverboats licensed to operate on the  
8 Mississippi River and the Illinois River south of Marshall  
9 County shall have an authorized capacity of at least 500  
10 persons. Any other riverboat licensed under this Act shall have  
11 an authorized capacity of at least 400 persons.

12 (i) A licensed owner is authorized to apply to the Board  
13 for and, if approved therefor, to receive all licenses from the  
14 Board necessary for the operation of a riverboat, including a  
15 liquor license, a license to prepare and serve food for human  
16 consumption, and other necessary licenses. All use, occupation  
17 and excise taxes which apply to the sale of food and beverages  
18 in this State and all taxes imposed on the sale or use of  
19 tangible personal property apply to such sales aboard the  
20 riverboat.

21 (j) The Board may issue or re-issue a license authorizing a  
22 riverboat to dock in a municipality or approve a relocation  
23 under Section 11.2 only if, prior to the issuance or  
24 re-issuance of the license or approval, the governing body of  
25 the municipality in which the riverboat will dock has by a  
26 majority vote approved the docking of riverboats in the

1 municipality. The Board may issue or re-issue a license  
2 authorizing a riverboat to dock in areas of a county outside  
3 any municipality or approve a relocation under Section 11.2  
4 only if, prior to the issuance or re-issuance of the license or  
5 approval, the governing body of the county has by a majority  
6 vote approved of the docking of riverboats within such areas.

7 (Source: P.A. 94-667, eff. 8-23-05; 94-804, eff. 5-26-06;  
8 95-1008, eff. 12-15-08.)

9 (230 ILCS 10/9) (from Ch. 120, par. 2409)

10 Sec. 9. Occupational licenses.

11 (a) The Board may issue an occupational license to an  
12 applicant upon the payment of a non-refundable fee set by the  
13 Board, upon a determination by the Board that the applicant is  
14 eligible for an occupational license and upon payment of an  
15 annual license fee in an amount to be established. To be  
16 eligible for an occupational license, an applicant must:

17 (1) be at least 21 years of age if the applicant will  
18 perform any function involved in gaming by patrons. Any  
19 applicant seeking an occupational license for a non-gaming  
20 function shall be at least 18 years of age;

21 (2) not have been convicted of a felony offense, a  
22 violation of Article 28 of the Criminal Code of 1961, or a  
23 similar statute of any other jurisdiction, ~~or a crime~~  
24 ~~involving dishonesty or moral turpitude;~~

25 (2.5) not have been convicted of a crime, other than a

1 crime described in item (2) of this subsection (a),  
2 involving dishonesty or moral turpitude, except that the  
3 Board may, in its discretion, issue an occupational license  
4 to a person who has been convicted of a crime described in  
5 this item (2.5) more than 10 years prior to his or her  
6 application and has not subsequently been convicted of any  
7 other crime;

8 (3) have demonstrated a level of skill or knowledge  
9 which the Board determines to be necessary in order to  
10 operate gambling aboard a riverboat; and

11 (4) have met standards for the holding of an  
12 occupational license as adopted by rules of the Board. Such  
13 rules shall provide that any person or entity seeking an  
14 occupational license to manage gambling operations  
15 hereunder shall be subject to background inquiries and  
16 further requirements similar to those required of  
17 applicants for an owners license. Furthermore, such rules  
18 shall provide that each such entity shall be permitted to  
19 manage gambling operations for only one licensed owner.

20 (b) Each application for an occupational license shall be  
21 on forms prescribed by the Board and shall contain all  
22 information required by the Board. The applicant shall set  
23 forth in the application: whether he has been issued prior  
24 gambling related licenses; whether he has been licensed in any  
25 other state under any other name, and, if so, such name and his  
26 age; and whether or not a permit or license issued to him in

1 any other state has been suspended, restricted or revoked, and,  
2 if so, for what period of time.

3 (c) Each applicant shall submit with his application, on  
4 forms provided by the Board, 2 sets of his fingerprints. The  
5 Board shall charge each applicant a fee set by the Department  
6 of State Police to defray the costs associated with the search  
7 and classification of fingerprints obtained by the Board with  
8 respect to the applicant's application. These fees shall be  
9 paid into the State Police Services Fund.

10 (d) The Board may in its discretion refuse an occupational  
11 license to any person: (1) who is unqualified to perform the  
12 duties required of such applicant; (2) who fails to disclose or  
13 states falsely any information called for in the application;  
14 (3) who has been found guilty of a violation of this Act or  
15 whose prior gambling related license or application therefor  
16 has been suspended, restricted, revoked or denied for just  
17 cause in any other state; or (4) for any other just cause.

18 (e) The Board may suspend, revoke or restrict any  
19 occupational licensee: (1) for violation of any provision of  
20 this Act; (2) for violation of any of the rules and regulations  
21 of the Board; (3) for any cause which, if known to the Board,  
22 would have disqualified the applicant from receiving such  
23 license; or (4) for default in the payment of any obligation or  
24 debt due to the State of Illinois; or (5) for any other just  
25 cause.

26 (f) A person who knowingly makes a false statement on an



1 application is guilty of a Class A misdemeanor.

2 (g) Any license issued pursuant to this Section shall be  
3 valid for a period of one year from the date of issuance.

4 (h) Nothing in this Act shall be interpreted to prohibit a  
5 licensed owner from entering into an agreement with a public  
6 community college or a school approved under the Private  
7 Business and Vocational Schools Act for the training of any  
8 occupational licensee. Any training offered by such a school  
9 shall be in accordance with a written agreement between the  
10 licensed owner and the school.

11 (i) Any training provided for occupational licensees may be  
12 conducted either on the riverboat or at a school with which a  
13 licensed owner has entered into an agreement pursuant to  
14 subsection (h).

15 (Source: P.A. 86-1029; 87-826.)

16 (230 ILCS 10/11) (from Ch. 120, par. 2411)

17 Sec. 11. Conduct of gambling. Gambling may be conducted by  
18 licensed owners or licensed managers on behalf of the State  
19 aboard riverboats, subject to the following standards:

20 (1) A licensee may conduct riverboat gambling  
21 authorized under this Act regardless of whether it conducts  
22 excursion cruises. A licensee may permit the continuous  
23 ingress and egress of passengers on a riverboat not used  
24 for excursion cruises for the purpose of gambling.  
25 Excursion cruises shall not exceed 4 hours for a round

1        trip. However, the Board may grant express approval for an  
2        extended cruise on a case-by-case basis.

3            (2) (Blank).

4            (3) Minimum and maximum wagers on games shall be set by  
5        the licensee.

6            (4) Agents of the Board and the Department of State  
7        Police may board and inspect any riverboat at any time for  
8        the purpose of determining whether this Act is being  
9        complied with. Every riverboat, if under way and being  
10       hailed by a law enforcement officer or agent of the Board,  
11       must stop immediately and lay to.

12           (5) Employees of the Board shall have the right to be  
13       present on the riverboat or on adjacent facilities under  
14       the control of the licensee.

15           (6) Gambling equipment and supplies customarily used  
16       in conducting riverboat gambling must be purchased or  
17       leased only from suppliers licensed for such purpose under  
18       this Act. The Board may approve the transfer, sale, or  
19       lease of gambling equipment and supplies by a licensed  
20       owner from or to an affiliate of the licensed owner as long  
21       as the gambling equipment and supplies were initially  
22       acquired from a supplier licensed in Illinois.

23           (7) Persons licensed under this Act shall permit no  
24       form of wagering on gambling games except as permitted by  
25       this Act.

26           (8) Wagers may be received only from a person present

1 on a licensed riverboat. No person present on a licensed  
2 riverboat shall place or attempt to place a wager on behalf  
3 of another person who is not present on the riverboat.

4 (9) Wagering shall not be conducted with money or other  
5 negotiable currency.

6 (10) A person under age 21 shall not be permitted on an  
7 area of a riverboat where gambling is being conducted,  
8 except for a person at least 18 years of age who is an  
9 employee of the riverboat gambling operation. No employee  
10 under age 21 shall perform any function involved in  
11 gambling by the patrons. No person under age 21 shall be  
12 permitted to make a wager under this Act, and any winnings  
13 that are a result of a wager by a person under age 21,  
14 whether or not paid by a licensee, shall be treated as  
15 winnings for the privilege tax purposes, confiscated, and  
16 forfeited to the State and deposited into the Education  
17 Assistance Fund.

18 (11) Gambling excursion cruises are permitted only  
19 when the waterway for which the riverboat is licensed is  
20 navigable, as determined by the Board in consultation with  
21 the U.S. Army Corps of Engineers. This paragraph (11) does  
22 not limit the ability of a licensee to conduct gambling  
23 authorized under this Act when gambling excursion cruises  
24 are not permitted.

25 (12) All tokens, chips or electronic cards used to make  
26 wagers must be purchased from a licensed owner or manager

1           either aboard a riverboat or at an onshore facility which  
2           has been approved by the Board and which is located where  
3           the riverboat docks. The tokens, chips or electronic cards  
4           may be purchased by means of an agreement under which the  
5           owner or manager extends credit to the patron. Such tokens,  
6           chips or electronic cards may be used while aboard the  
7           riverboat only for the purpose of making wagers on gambling  
8           games.

9           (13) Notwithstanding any other Section of this Act, in  
10          addition to the other licenses authorized under this Act,  
11          the Board may issue special event licenses allowing persons  
12          who are not otherwise licensed to conduct riverboat  
13          gambling to conduct such gambling on a specified date or  
14          series of dates. Riverboat gambling under such a license  
15          may take place on a riverboat not normally used for  
16          riverboat gambling. The Board shall establish standards,  
17          fees and fines for, and limitations upon, such licenses,  
18          which may differ from the standards, fees, fines and  
19          limitations otherwise applicable under this Act. All such  
20          fees shall be deposited into the State Gaming Fund. All  
21          such fines shall be deposited into the Education Assistance  
22          Fund, created by Public Act 86-0018, of the State of  
23          Illinois.

24          (14) In addition to the above, gambling must be  
25          conducted in accordance with all rules adopted by the  
26          Board.

1 (Source: P.A. 93-28, eff. 6-20-03.)

2 (230 ILCS 10/12) (from Ch. 120, par. 2412)

3 Sec. 12. Admission tax; fees.

4 (a) A tax is hereby imposed upon admissions to riverboats  
5 operated by licensed owners authorized pursuant to this Act.  
6 Until July 1, 2002, the rate is \$2 per person admitted. From  
7 July 1, 2002 until July 1, 2003, the rate is \$3 per person  
8 admitted. From July 1, 2003 until August 23, 2005 (the  
9 effective date of Public Act 94-673) ~~this amendatory Act of the~~  
10 ~~94th General Assembly~~, for a licensee that admitted 1,000,000  
11 persons or fewer in the previous calendar year, the rate is \$3  
12 per person admitted; for a licensee that admitted more than  
13 1,000,000 but no more than 2,300,000 persons in the previous  
14 calendar year, the rate is \$4 per person admitted; and for a  
15 licensee that admitted more than 2,300,000 persons in the  
16 previous calendar year, the rate is \$5 per person admitted.  
17 Beginning on August 23, 2005 (the effective date of Public Act  
18 94-673) ~~this amendatory Act of the 94th General Assembly~~, for a  
19 licensee that admitted 1,000,000 persons or fewer in calendar  
20 year 2004, the rate is \$2 per person admitted, and for all  
21 other licensees, including licensees that were not conducting  
22 gambling operations in 2004, the rate is \$3 per person  
23 admitted. This admission tax is imposed upon the licensed owner  
24 conducting gambling.

25 (1) The admission tax shall be paid for each admission,

1           except that a person who exits a riverboat gambling  
2           facility and reenters that riverboat gambling facility  
3           within the same gaming day shall be subject only to the  
4           initial admission tax.

5           (2) (Blank).

6           (3) The riverboat licensee may issue tax-free passes to  
7           actual and necessary officials and employees of the  
8           licensee or other persons actually working on the  
9           riverboat.

10          (4) The number and issuance of tax-free passes is  
11          subject to the rules of the Board, and a list of all  
12          persons to whom the tax-free passes are issued shall be  
13          filed with the Board.

14          (a-5) A fee is hereby imposed upon admissions operated by  
15          licensed managers on behalf of the State pursuant to Section  
16          7.3 at the rates provided in this subsection (a-5). For a  
17          licensee that admitted 1,000,000 persons or fewer in the  
18          previous calendar year, the rate is \$3 per person admitted; for  
19          a licensee that admitted more than 1,000,000 but no more than  
20          2,300,000 persons in the previous calendar year, the rate is \$4  
21          per person admitted; and for a licensee that admitted more than  
22          2,300,000 persons in the previous calendar year, the rate is \$5  
23          per person admitted.

24          (1) The admission fee shall be paid for each admission.

25          (2) (Blank).

26          (3) The licensed manager may issue fee-free passes to

1 actual and necessary officials and employees of the manager  
2 or other persons actually working on the riverboat.

3 (4) The number and issuance of fee-free passes is  
4 subject to the rules of the Board, and a list of all  
5 persons to whom the fee-free passes are issued shall be  
6 filed with the Board.

7 (b) From the tax imposed under subsection (a) and the fee  
8 imposed under subsection (a-5), a municipality shall receive  
9 from the State \$1 for each person embarking on a riverboat  
10 docked within the municipality, and a county shall receive \$1  
11 for each person embarking on a riverboat docked within the  
12 county but outside the boundaries of any municipality. The  
13 municipality's or county's share shall be collected by the  
14 Board on behalf of the State and remitted quarterly by the  
15 State, subject to appropriation, to the treasurer of the unit  
16 of local government for deposit in the general fund.

17 (c) The licensed owner shall pay the entire admission tax  
18 to the Board and the licensed manager shall pay the entire  
19 admission fee to the Board. Such payments shall be made daily.  
20 Accompanying each payment shall be a return on forms provided  
21 by the Board which shall include other information regarding  
22 admissions as the Board may require. Failure to submit either  
23 the payment or the return within the specified time may result  
24 in suspension or revocation of the owners or managers license.

25 (d) The Board shall administer and collect the admission  
26 tax imposed by this Section, to the extent practicable, in a

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

5 (Source: P.A. 94-673, eff. 8-23-05; 95-663, eff. 10-11-07.)

6 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

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

18 20% of annual adjusted gross receipts in excess of  
19 \$25,000,000 but not exceeding \$50,000,000;

20 25% of annual adjusted gross receipts in excess of  
21 \$50,000,000 but not exceeding \$75,000,000;

22 30% of annual adjusted gross receipts in excess of  
23 \$75,000,000 but not exceeding \$100,000,000;

24 35% of annual adjusted gross receipts in excess of  
25 \$100,000,000.



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

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

10 22.5% of annual adjusted gross receipts in excess of  
11 \$25,000,000 but not exceeding \$50,000,000;

12 27.5% of annual adjusted gross receipts in excess of  
13 \$50,000,000 but not exceeding \$75,000,000;

14 32.5% of annual adjusted gross receipts in excess of  
15 \$75,000,000 but not exceeding \$100,000,000;

16 37.5% of annual adjusted gross receipts in excess of  
17 \$100,000,000 but not exceeding \$150,000,000;

18 45% of annual adjusted gross receipts in excess of  
19 \$150,000,000 but not exceeding \$200,000,000;

20 50% of annual adjusted gross receipts in excess of  
21 \$200,000,000.

22 (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
23 persons engaged in the business of conducting riverboat  
24 gambling operations, other than licensed managers conducting  
25 riverboat gambling operations on behalf of the State, based on  
26 the adjusted gross receipts received by a licensed owner from

1 gambling games authorized under this Act at the following  
2 rates:

3 15% of annual adjusted gross receipts up to and  
4 including \$25,000,000;

5 27.5% of annual adjusted gross receipts in excess of  
6 \$25,000,000 but not exceeding \$37,500,000;

7 32.5% of annual adjusted gross receipts in excess of  
8 \$37,500,000 but not exceeding \$50,000,000;

9 37.5% of annual adjusted gross receipts in excess of  
10 \$50,000,000 but not exceeding \$75,000,000;

11 45% of annual adjusted gross receipts in excess of  
12 \$75,000,000 but not exceeding \$100,000,000;

13 50% of annual adjusted gross receipts in excess of  
14 \$100,000,000 but not exceeding \$250,000,000;

15 70% of annual adjusted gross receipts in excess of  
16 \$250,000,000.

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

22 The privilege tax imposed under this subsection (a-3) shall  
23 no longer be imposed beginning on the earlier of (i) July 1,  
24 2005; (ii) the first date after June 20, 2003 that riverboat  
25 gambling operations are conducted pursuant to a dormant  
26 license; or (iii) the first day that riverboat gambling

1 operations are conducted under the authority of an owners  
2 license that is in addition to the 10 owners licenses initially  
3 authorized under this Act. For the purposes of this subsection  
4 (a-3), the term "dormant license" means an owners license that  
5 is authorized by this Act under which no riverboat gambling  
6 operations are being conducted on June 20, 2003.

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

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

17 22.5% of annual adjusted gross receipts in excess of  
18 \$25,000,000 but not exceeding \$50,000,000;

19 27.5% of annual adjusted gross receipts in excess of  
20 \$50,000,000 but not exceeding \$75,000,000;

21 32.5% of annual adjusted gross receipts in excess of  
22 \$75,000,000 but not exceeding \$100,000,000;

23 37.5% of annual adjusted gross receipts in excess of  
24 \$100,000,000 but not exceeding \$150,000,000;

25 45% of annual adjusted gross receipts in excess of  
26 \$150,000,000 but not exceeding \$200,000,000;

1           50% of annual adjusted gross receipts in excess of  
2           \$200,000,000.

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

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

10          (a-15) If the privilege tax imposed under subsection (a-3)  
11          is no longer imposed pursuant to item (i) of the last paragraph  
12          of subsection (a-3), then by June 15 of each year, each owners  
13          licensee, other than an owners licensee that admitted 1,000,000  
14          persons or fewer in calendar year 2004, must, in addition to  
15          the payment of all amounts otherwise due under this Section,  
16          pay to the Board a reconciliation payment in the amount, if  
17          any, by which the licensed owner's base amount exceeds the  
18          amount of net privilege tax paid by the licensed owner to the  
19          Board in the then current State fiscal year. A licensed owner's  
20          net privilege tax obligation due for the balance of the State  
21          fiscal year shall be reduced up to the total of the amount paid  
22          by the licensed owner in its June 15 reconciliation payment.  
23          The obligation imposed by this subsection (a-15) is binding on  
24          any person, firm, corporation, or other entity that acquires an  
25          ownership interest in any such owners license. The obligation  
26          imposed under this subsection (a-15) terminates on the earliest

1 of: (i) July 1, 2007, (ii) the first day after the effective  
2 date of this amendatory Act of the 94th General Assembly that  
3 riverboat gambling operations are conducted pursuant to a  
4 dormant license, (iii) the first day that riverboat gambling  
5 operations are conducted under the authority of an owners  
6 license that is in addition to the 10 owners licenses initially  
7 authorized under this Act, or (iv) the first day that a  
8 licensee under the Illinois Horse Racing Act of 1975 conducts  
9 gaming operations with slot machines or other electronic gaming  
10 devices. The Board must reduce the obligation imposed under  
11 this subsection (a-15) by an amount the Board deems reasonable  
12 for any of the following reasons: (A) an act or acts of God,  
13 (B) an act of bioterrorism or terrorism or a bioterrorism or  
14 terrorism threat that was investigated by a law enforcement  
15 agency, or (C) a condition beyond the control of the owners  
16 licensee that does not result from any act or omission by the  
17 owners licensee or any of its agents and that poses a hazardous  
18 threat to the health and safety of patrons. If an owners  
19 licensee pays an amount in excess of its liability under this  
20 Section, the Board shall apply the overpayment to future  
21 payments required under this Section.

22 For purposes of this subsection (a-15):

23 "Act of God" means an incident caused by the operation of  
24 an extraordinary force that cannot be foreseen, that cannot be  
25 avoided by the exercise of due care, and for which no person  
26 can be held liable.

1 "Base amount" means the following:

2 For a riverboat in Alton, \$31,000,000.

3 For a riverboat in East Peoria, \$43,000,000.

4 For the Empress riverboat in Joliet, \$86,000,000.

5 For a riverboat in Metropolis, \$45,000,000.

6 For the Harrah's riverboat in Joliet, \$114,000,000.

7 For a riverboat in Aurora, \$86,000,000.

8 For a riverboat in East St. Louis, \$48,500,000.

9 For a riverboat in Elgin, \$198,000,000.

10 "Dormant license" has the meaning ascribed to it in  
11 subsection (a-3).

12 "Net privilege tax" means all privilege taxes paid by a  
13 licensed owner to the Board under this Section, less all  
14 payments made from the State Gaming Fund pursuant to subsection  
15 (b) of this Section.

16 The changes made to this subsection (a-15) by Public Act  
17 94-839 are intended to restate and clarify the intent of Public  
18 Act 94-673 with respect to the amount of the payments required  
19 to be made under this subsection by an owners licensee to the  
20 Board.

21 (b) Until January 1, 1998, 25% of the tax revenue deposited  
22 in the State Gaming Fund under this Section shall be paid,  
23 subject to appropriation by the General Assembly, to the unit  
24 of local government which is designated as the home dock of the  
25 riverboat. Beginning January 1, 1998, from the tax revenue  
26 deposited in the State Gaming Fund under this Section, an

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

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

21 (c-5) Before May 26, 2006 (the effective date of Public Act  
22 94-804) and beginning on the effective date of this amendatory  
23 Act of the 95th General Assembly, unless any organization  
24 licensee under the Illinois Horse Racing Act of 1975 begins to  
25 operate a slot machine or video game of chance under the  
26 Illinois Horse Racing Act of 1975 or this Act, after the

1 payments required under subsections (b) and (c) have been made,  
2 an amount equal to 15% of the adjusted gross receipts of (1) an  
3 owners licensee that relocates pursuant to Section 11.2, (2) an  
4 owners licensee conducting riverboat gambling operations  
5 pursuant to an owners license that is initially issued after  
6 June 25, 1999, or (3) the first riverboat gambling operations  
7 conducted by a licensed manager on behalf of the State under  
8 Section 7.3, whichever comes first, shall be paid from the  
9 State Gaming Fund into the Horse Racing Equity Fund.

10 (c-10) 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 into the Horse Racing Equity  
13 Fund pursuant to subsection (c-5) in the prior calendar year.

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

26 (c-20) Each year the General Assembly shall appropriate



1 from the General Revenue Fund to the Education Assistance Fund  
2 an amount equal to the amount paid to each home rule county  
3 with a population of over 3,000,000 inhabitants pursuant to  
4 subsection (c-15) in the prior calendar year.

5 (c-25) After the payments required under subsections (b),  
6 (c), (c-5) and (c-15) have been made, an amount equal to 2% of  
7 the adjusted gross receipts of (1) an owners licensee that  
8 relocates pursuant to Section 11.2, (2) an owners licensee  
9 conducting riverboat gambling operations pursuant to an owners  
10 license that is initially issued after June 25, 1999, or (3)  
11 the first riverboat gambling operations conducted by a licensed  
12 manager on behalf of the State under Section 7.3, whichever  
13 comes first, shall be paid from the State Gaming Fund to  
14 Chicago State University.

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

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

24 (f) To the extent practicable, the Board shall administer  
25 and collect the wagering taxes imposed by this Section in a  
26 manner consistent with the provisions of Sections 4, 5, 5a, 5b,

1 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the  
2 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
3 Penalty and Interest Act.

4 (Source: P.A. 94-673, eff. 8-23-05; 94-804, eff. 5-26-06;  
5 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-1008, eff.  
6 12-15-08.)

7 (230 ILCS 10/15) (from Ch. 120, par. 2415)

8 Sec. 15. Audit of Licensee Operations. ~~Annually Within 90~~  
9 ~~days after the end of each quarter of each fiscal year,~~ the  
10 licensed owner or manager shall transmit to the Board an audit  
11 of the financial transactions and condition of the licensee's  
12 total operations. Additionally, within 90 days after the end of  
13 each quarter of each fiscal year, the licensed owner or manager  
14 shall transmit to the Board a compliance report on engagement  
15 procedures determined by the Board. All audits and compliance  
16 engagements shall be conducted by certified public accountants  
17 selected by the Board. Each certified public accountant must be  
18 registered in the State of Illinois under the Illinois Public  
19 Accounting Act. The compensation for each certified public  
20 accountant shall be paid directly by the licensed owner or  
21 manager to the certified public accountant.

22 (Source: P.A. 93-28, eff. 6-20-03.)

23 (230 ILCS 10/18) (from Ch. 120, par. 2418)

24 Sec. 18. Prohibited Activities - Penalty.

1 (a) A person is guilty of a Class A misdemeanor for doing  
2 any of the following:

3 (1) Conducting gambling where wagering is used or to be  
4 used without a license issued by the Board.

5 (2) Conducting gambling where wagering is permitted  
6 other than in the manner specified by Section 11.

7 (b) A person is guilty of a Class B misdemeanor for doing  
8 any of the following:

9 (1) permitting a person under 21 years to make a wager;

10 or

11 (2) violating paragraph (12) of subsection (a) of  
12 Section 11 of this Act.

13 (c) A person wagering or accepting a wager at any location  
14 outside the riverboat is subject to the penalties in paragraphs  
15 (1) or (2) of subsection (a) of Section 28-1 of the Criminal  
16 Code of 1961.

17 (d) A person commits a Class 4 felony and, in addition,  
18 shall be barred for life from riverboats under the jurisdiction  
19 of the Board, if the person does any of the following:

20 (1) Offers, promises, or gives anything of value or  
21 benefit to a person who is connected with a riverboat owner  
22 including, but not limited to, an officer or employee of a  
23 licensed owner or holder of an occupational license  
24 pursuant to an agreement or arrangement or with the intent  
25 that the promise or thing of value or benefit will  
26 influence the actions of the person to whom the offer,

1           promise, or gift was made in order to affect or attempt to  
2           affect the outcome of a gambling game, or to influence  
3           official action of a member of the Board.

4           (2) Solicits or knowingly accepts or receives a promise  
5           of anything of value or benefit while the person is  
6           connected with a riverboat including, but not limited to,  
7           an officer or employee of a licensed owner, or holder of an  
8           occupational license, pursuant to an understanding or  
9           arrangement or with the intent that the promise or thing of  
10          value or benefit will influence the actions of the person  
11          to affect or attempt to affect the outcome of a gambling  
12          game, or to influence official action of a member of the  
13          Board.

14          (3) Uses or possesses with the intent to use a device  
15          to assist:

16                  (i) In projecting the outcome of the game.

17                  (ii) In keeping track of the cards played.

18                  (iii) In analyzing the probability of the  
19          occurrence of an event relating to the gambling game.

20                  (iv) In analyzing the strategy for playing or  
21          betting to be used in the game except as permitted by  
22          the Board.

23          (4) Cheats at a gambling game.

24          (5) Manufactures, sells, or distributes any cards,  
25          chips, dice, game or device which is intended to be used to  
26          violate any provision of this Act.

1           (6) Alters or misrepresents the outcome of a gambling  
2 game on which wagers have been made after the outcome is  
3 made sure but before it is revealed to the players.

4           (7) Places a bet after acquiring knowledge, not  
5 available to all players, of the outcome of the gambling  
6 game which is subject of the bet or to aid a person in  
7 acquiring the knowledge for the purpose of placing a bet  
8 contingent on that outcome.

9           (8) Claims, collects, or takes, or attempts to claim,  
10 collect, or take, money or anything of value in or from the  
11 gambling games, with intent to defraud, without having made  
12 a wager contingent on winning a gambling game, or claims,  
13 collects, or takes an amount of money or thing of value of  
14 greater value than the amount won.

15           (9) Uses counterfeit chips or tokens in a gambling  
16 game.

17           (10) Possesses any key or device designed for the  
18 purpose of opening, entering, or affecting the operation of  
19 a gambling game, drop box, or an electronic or mechanical  
20 device connected with the gambling game or for removing  
21 coins, tokens, chips or other contents of a gambling game.  
22 This paragraph (10) does not apply to a gambling licensee  
23 or employee of a gambling licensee acting in furtherance of  
24 the employee's employment.

25           (e) The possession of more than one of the devices  
26 described in subsection (d), paragraphs (3), (5),    or (10)

1 permits a rebuttable presumption that the possessor intended to  
2 use the devices for cheating.

3 (f) A person under the age of 21 who, except as authorized  
4 under paragraph (10) of Section 11, enters upon a riverboat  
5 commits a petty offense and is subject to a fine of not less  
6 than \$100 or more than \$250 for a first offense and of not less  
7 than \$200 or more than \$500 for a second or subsequent offense.

8 An action to prosecute any crime occurring on a riverboat  
9 shall be tried in the county of the dock at which the riverboat  
10 is based.

11 (Source: P.A. 91-40, eff. 6-25-99.)

12 Section 99. Effective date. This Act takes effect July 1,  
13 2009.