STATE OF ILLINOIS

HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FIFTH GENERAL ASSEMBLY

285TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

WEDNESDAY, SEPTEMBER 10, 2008

11:26 O'CLOCK A.M.

NO. 285

HOUSE OF REPRESENTATIVES
Daily Journal Index
285th Legislative Day

Action	Page(s)
Adjournment	148
Agreed Resolutions	9
Correctional Note Supplied	8
Fiscal Note Supplied	8
Home Rule Note Supplied	8
Introduction and First Reading – HB 6699-6710	177
Land Conveyance Appraisal Note Supplied	8
Legislative Measures Approved for Floor Consideration	5, 6
Perfunctory Adjournment	178
Perfunctory Session	173
Recess	12
Reports From Standing Committees	7
Resolution	8
Resolutions	173
State Mandates Fiscal Note Supplied	8
Temporary Committee Assignments	5

Bill Number	Legislative Action	Page(s)
HB 0230	Total Veto	147
HB 0824	Amendatory Veto	13
HB 0953	Amendatory Veto	13
HB 1432	Amendatory Veto	136
HB 1533	Amendatory Veto	13
HB 3106	Total Veto	147
HB 3286	Amendatory Veto	13
HB 4450	Amendatory Veto	146
HB 4527	Amendatory Veto	146
HB 4548	Total Veto	147
HB 4602	Amendatory Veto	146
HB 4653	Amendatory Veto	146
HB 4668	Total Veto	147
HB 4888	Committee Report – Floor Amendment/s	7
HB 4956	Total Veto	147
HB 5022	Total Veto	148
HB 5318	Amendatory Veto	146
HB 6350	Committee Report – Floor Amendment/s	7
HB 6350	Second Reading – amendments	143
HB 6350	Third Reading	145
HJR 0141	Resolution	177
HJR 0142	Adoption	145
HR 1443	Resolution	173
HR 1447	Resolution	173
HR 1465	Resolution	174
HR 1466	Resolution	174
HR 1474	Resolution	9
HR 1474	Adoption	148
HR 1475	Resolution	9
HR 1475	Adoption	148
HR 1476	Resolution	175
HR 1477	Resolution	9

HR 1477 Adoption 148
HR 1478 Resolution 9
HR 1478 Adoption 148
HR 1479 Resolution 9
HR 1479 Adoption 148
HR 1480 Resolution 176
HR 1481 Resolution 9
HR 1481 Adoption 148
HR 1482 Resolution 10
HR 1482 Adoption 148
HR 1483 Resolution 10
HR 1483 Adoption 148
HR 1484 Resolution 10
HR 1484 Adoption 148
HR 1485 Resolution 10
HR 1485 Adoption 148
HR 1486 Resolution 10
HR 1486 Adoption 148
HR 1487 Resolution 10
HR 1487 Adoption 148
HR 1488 Resolution 10
HR 1488 Adoption 148
HR 1489 Resolution 10
HR 1489 Adoption 148
HR 1490 Resolution 10
HR 1490 Adoption 148
HR 1491 Resolution 10
HR 1491 Adoption 148
HR 1492 Resolution 11
HR 1492 Adoption 148
HR 1493 Resolution 11
HR 1493 Adoption 148
HR 1494 Resolution 11
HR 1494 Adoption 148
HR 1495 Resolution 11
HR 1495 Adoption 148
HR 1496 Resolution 11
HR 1496 Adoption 148
HR 1497 Resolution 11
HR 1497 Adoption 148
HR 1498 Resolution 11
HR 1498 Adoption 148
HR 1499 Resolution 176
HR 1500 Resolution 11
HR 1500 Adoption 148
HR 1501 Resolution 11
HR 1501 Adoption 148
HR 1502 Resolution 11
HR 1502 Adoption 148
HR 1503 Resolution 12
HR 1503 Adoption 148
HR 1504 Resolution 12
HR 1504 Adoption 148
HR 1505 Resolution 12
HR 1505 Adoption 148
HR 1506 Resolution 12
HR 1506 Adoption 148

HR 1507 Resolution 12
HR 1507 Adoption 148
HR 1508 Resolution 12
HR 1508 Adoption 148
HR 1515 Resolution 12
HR 1515 Adoption 148
HR 1516 Resolution 12
HR 1516 Adoption 148
HR 1517 Committee Report 6
HR 1517 Resolution 8
HR 1517 Adoption 135

SB 0790 Committee Report – Floor Amendment/s 5, 6, 7
SB 0790 Second Reading – Amendment/s 130
SB 0790 Third Reading 134
SB 1103 Committee Report – Floor Amendment/s 5, 6, 7
SB 1103 Second Reading – Amendment/s 136
SB 1103 Third Reading 143
SB 2536 Committee Report – Floor Amendment/s 7
SB 2536 Recall 134
SB 2536 Second Reading – Amendment/s 135
SB 2536 Third Reading 135
SB 2595 Committee Report – Floor Amendment/s 5, 7
SB 2595 Recall 14
SB 2595 Second Reading – Amendment/s 14
SB 2595 Third Reading 129

The House met pursuant to a notice from the Speaker.

Speaker of the House Madigan in the chair.

Representative Currie asked for leave to use the Quorum Roll Call from the Twenty-Fourth Special Session to convene the Regular Session.

Leave was granted.

At the hour of 3:53 o'clock p.m., by unanimous consent, Representative Saviano was excused from attendance for the remainder of the day.

REQUEST TO BE SHOWN ON QUORUM

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Schock, should be recorded as present at the hour of 11:30 o'clock a.m.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Meyer replaced Representative Hassert in the Committee on Rules (A, C) on September 10, 2008.

Representative Lyons replaced Representative Currie in the Committee on Rules (A) on September 10, 2008.

Representative Lyons replaced Representative Hannig in the Committee on Rules (B) on September 10, 2008.

Representative Miller replaced Representative John Bradley in the Committee on Judiciary I - Civil Law on September 10, 2008.

Representative Lyons replaced Representative Hannig in the Committee on Revenue on September 10, 2008.

Representative Lindner replaced Representative Hassert in the Committee on Revenue on September 10, 2008.

Representative Moffitt replaced Representative Munson in the Committee on Appropriations-Human Services on September 10, 2008.

REPORTS FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on September, 10, 2008, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 5 to SENATE BILL 790.
Amendment No. 6 to SENATE BILL 1103.
Amendment No. 4 to SENATE BILL 2595.

The committee roll call vote on the foregoing Legislative Measures is as follows:
4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson

A Black(R), Republican Spokesperson

Y Hannig(D)
Y Turner(D)
Y Meyer(R) (replacing Hassert)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on September, 10, 2008, (A)reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 9 to SENATE BILL 790.

The committee roll call vote on the foregoing Legislative Measure is as follows:
5, Yeas; 0, Nays; 0, Answering Present.

Y Lyons(D) (replacing Currie)
Y Hannig(D)
Y Turner(D)
Y Black(R), Republican Spokesperson
Y Meyer(R) (replacing Hassert)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on September, 10, 2008, (B) reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 1517.

The committee roll call vote on the foregoing Legislative Measure is as follows:
4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson
Y Lyons(D) (replacing Hannig)
Y Turner(D)
Y Black(R), Republican Spokesperson
A Hassert(R)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on September, 10, 2008, (C) reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 7 to SENATE BILL 1103.

The committee roll call vote on the foregoing Legislative Measure is as follows:
4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson
Y Hannig(D)
Y Turner(D)
A Black(R), Republican Spokesperson
Y Meyer(R) (replacing Hassert)

REPORTS FROM STANDING COMMITTEES

Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken on September 10, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to SENATE BILL 2536.

The committee roll call vote on Amendment No. 1 to Senate Bill 2536 is as follows:

11, Yeas; 1, Nay; 0, Answering Present.

Y Fritchey(D), Chairperson
Y Rose(R), Republican Spokesperson
A Coladipietro(R)
Y Gordon(D)
Y Hoffman(D)
Y Mathias(R)
Y Osmond(R)
Y Miller(D) (replacing Bradley, J)
Y Brosnahan(D)
Y Dunn(R)
A Hamos(D)
Y Lang(D)
Y Nekritz(D)
N Wait(R)

Representative Rita, Chairperson, from the Committee on Tollway Oversight to which the following were referred, action taken on September 10, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 4888.

The committee roll call vote on Amendment No. 2 to House Bill 4888 is as follows:

6, Yeas; 2, Nays; 0, Answering Present.

Y Rita(D), Chairperson
Y Dunn(R), Republican Spokesperson
Y Jefferson(D)
N Munson(R)
Y Yarbrough(D)
Y Molaro(D), Vice-Chairperson
A Biggins(R)
Y McCarthy(D)
N Reboletti(R)

Representative John Bradley, Chairperson, from the Committee on Revenue to which the following were referred, action taken on September 10, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to SENATE BILL 2595.

The committee roll call vote on Amendment No. 2 to Senate Bill 2595 is as follows:

9, Yeas; 1, Nay; 0, Answering Present.

Y Bradley, John(D), Chairperson
N Biggins(R), Republican Spokesperson
Y Beaubien(R)
Y Lyons(D) (replacing Hannig)
Y Holbrook(D)
Y Sullivan(R)
Y Mautino(D), Vice-Chairperson
A Bassi(R)
Y Currie(D)
Y Lindner(R) (replacing Hassert)
Y McGuire(D)
A Turner(D)

Representative Feigenholtz, Chairperson, from the Committee on Appropriations-Human Services to which the following were referred, action taken on September 10, 2008, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 6350.
Amendment No. 2 to SENATE BILL 790.
Amendment No. 3 to SENATE BILL 1103.

The committee roll call vote on Amendment No. 1 to House Bill 6350 and Amendment No. 3 to Senate Bill 1103 is as follows:

13, Yeas; 0, Nays; 0, Answering Present.

Y Feigenholtz(D), Chairperson
Y Mulligan(R), Republican Spokesperson
Y Coulson(R)
Y Leitch(R)
Y Patterson(D)
Y Schock(R)
Y Washington(D)
Y Osterman(D), Vice-Chairperson
Y Bellock(R)
Y Graham(D)
Y Moffitt(R) (replacing Munson)
Y Riley(D)
Y Verschoore(D)

The committee roll call vote on Amendment No. 2 to Senate Bill 790 is as follows:

8, Yeas; 5, Nays; 0, Answering Present.

Y Feigenholtz(D), Chairperson
Y Mulligan(R), Republican Spokesperson
Y Coulson(R)
N Leitch(R)
N Patterson(D)
N Schock(R)
Y Washington(D)
Y Osterman(D), Vice-Chairperson
N Bellock(R)
Y Graham(D)
N Moffitt(R) (replacing Munson)
Y Riley(D)
Y Verschoore(D)

FISCAL NOTE SUPPLIED

Fiscal Notes have been supplied for HOUSE BILL 2746, as amended and SENATE BILL 2595, as amended.

CORRECTIONAL NOTE SUPPLIED

A Correctional Note has been supplied for HOUSE BILL 2746, as amended.

LAND CONVEYANCE APPRAISAL NOTE SUPPLIED

A Land Conveyance Appraisal Note has been supplied for SENATE BILL 2595, as amended.

HOME RULE NOTE SUPPLIED

A Home Rule Note has been supplied for SENATE BILL 2595 as amended.

STATE MANDATES FISCAL NOTE SUPPLIED

A State Mandates Fiscal Note has been supplied for SENATE BILL 2595 as amended.

HOUSE RESOLUTION

The following resolution was offered and placed in the Committee on Rules.

HOUSE RESOLUTION 1517

Offered by Representative Lang:

WHEREAS, The Illinois Family-Law Study Committee has been established pursuant to House Resolution 1101 of the 95th General Assembly; and

WHEREAS, The composition of the Illinois Family-Law Study Committee should be modified; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Family-Law Study Committee established pursuant to House Resolution 1101 of the 95th General Assembly shall consist of the following members:

(1) Seven members appointed by the Speaker of the House of Representatives, one of whom shall be designated by the Speaker to serve as the chairperson of the Committee;

(2) Seven members appointed by the Minority Leader of the House of Representatives;

(3) Two members appointed by the Supreme Court of Illinois, one each from (1) an Illinois statewide bar association and (2) a metropolitan bar association; and

(4) Two members appointed by the Illinois Child Support Advisory Committee, one of whom is (1) its chairperson or designee and (2) a member of a statewide organization whose membership is exclusively comprised of matrimonial lawyers; and be it further

RESOLVED, That House Resolution 1101 of the 95th General Assembly shall otherwise remain in full force and effect; and be it further

RESOLVED, That this Resolution supersedes House Resolution 1428 of the 95th General Assembly, which previously modified the composition of the Illinois Family-Law Study Committee.

AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

HOUSE RESOLUTION 1474

Offered by Representative Coulson:

Congratulates Manny Shellist for the successful creation and touring of his Gettysburg Address wood carving.

HOUSE RESOLUTION 1475

Offered by Representative Ramey:

Congratulates the people of Hanover Park as they celebrate the 50th anniversary of incorporation, August 14, 2008.

HOUSE RESOLUTION 1477

Offered by Representative Yarbrough:

Recognizes the 100th anniversary of the Springfield Race Riots.

HOUSE RESOLUTION 1478

Offered by Representative Rita:

Mourns the death of Nancy Anne Harmening of Evergreen Park.

HOUSE RESOLUTION 1479

Offered by Representative Rita:

Mourns the death of Dr. William D. Towne of Palos Park.

HOUSE RESOLUTION 1481

Offered by Representative Hoffman:

Congratulates the men and women who have worked to open the Easter Seals Center for Autism in Maryville.

HOUSE RESOLUTION 1482

Offered by Representative Coulson:
Congratulates the staff of the Gertrude B. Nielsen Child Care and Learning Center in Northbrook on the 20th anniversary of the facility.

HOUSE RESOLUTION 1483

Offered by Representative Colvin:
Congratulates the Board of Directors, staff, and volunteers of South Central Community Services, Inc. on the occasion of their 14th Annual "Promises Fulfilled" Gala Awards Dinner Dance and extends our best wishes for the success of the event.

HOUSE RESOLUTION 1484

Offered by Representative Currie:
Congratulates the pastor and congregation of the First Presbyterian Church of Chicago on the occasion of the 175th anniversary of the organization of the church.

HOUSE RESOLUTION 1485

Offered by Representative Dunn:
Mourns the death of U.S. Marine Corps Lance Corporal Tony Mihalo.

HOUSE RESOLUTION 1486

Offered by Representative Dunn:
Mourns the death of United States Army Corporal James M. Hale.

HOUSE RESOLUTION 1487

Offered by Representative John Bradley:
Mourns the death of James "Jim" Bernhard of West Frankfort.

HOUSE RESOLUTION 1488

Offered by Representative Madigan:
Congratulates Dick "Red" Carparelli of Beverly on his 91st birthday.

HOUSE RESOLUTION 1489

Offered by Representative Howard:
Mourns the death of Ronald Burton Watkins.

HOUSE RESOLUTION 1490

Offered by Representative Bellock:
Congratulates the owners and employees of David A. Noyes & Company on the occasion of the organization's 100th anniversary.

HOUSE RESOLUTION 1491

Offered by Representative Granberg:
Wishes Erma Schanafelt of Marion County a happy 98th birthday.

HOUSE RESOLUTION 1492

Offered by Representative Turner:
Mourns the death of Mother Della Louis of North Lawndale.

HOUSE RESOLUTION 1493

Offered by Representative Chapa LaVia:
Mourns the death of Marjorie A. Nelson of Montgomery.

HOUSE RESOLUTION 1494

Offered by Representative Chapa LaVia:
Mourns the death of Eugene A. (Gene) Bonk of Bristol.

HOUSE RESOLUTION 1495

Offered by Representative Flider:
Congratulates Jan Kelsheimer on her retirement as President of Easter Seals Central Illinois.

HOUSE RESOLUTION 1496

Offered by Representative Hoffman:
Congratulates the members of the Caseyville Memorial V.F.W. Post No. 1117 and Ladies Auxiliary Caseyville Post 1117 on the anniversary of the Post.

HOUSE RESOLUTION 1497

Offered by Representative Coulson:
Congratulates the administration, staff, and residents of the Glenview Senior Center on the occasion of the center's 50th anniversary.

HOUSE RESOLUTION 1498

Offered by Representative Ryg:
Mourns the death of Robert Molitor, Jr.

HOUSE RESOLUTION 1500

Offered by Representative Chapa LaVia:
Mourns the death of Gary Sheldon of Aurora.

HOUSE RESOLUTION 1501

Offered by Representative Howard:
Congratulates Dr. Gloria Jackson Bacon for her hard work as founder of TCA Health, Incorporated.

HOUSE RESOLUTION 1502

Offered by Representative Chapa LaVia:
Honors Bishop William H. Bonner of The Greater Mount Olive Church of God in Christ in Aurora on his 87th birthday.

HOUSE RESOLUTION 1503

Offered by Representative Colvin:
Honors the administration and staff of the "A Place for Me" not-for-profit foundation for their work in providing services to families and support for children affected by autism.

HOUSE RESOLUTION 1504

Offered by Representative Holbrook:
Mourns the death of John Younker Simon.

HOUSE RESOLUTION 1505

Offered by Representative Bellock:
Congratulates Marta Cullen on the occasion of being named Citizen of the Year by the Downers Grove Area Chamber of Commerce & Industry.

HOUSE RESOLUTION 1506

Offered by Representative Granberg:
Congratulates Sherry Meadows of Mt. Vernon on the occasion of receiving the Governor's People Are Today's Heroes (PATH) Award in recognition of her work with and commitment to the Alzheimer's Association.

HOUSE RESOLUTION 1507

Offered by Representative Crespo:
Congratulates Arielle Christopher of Streamwood, Little Miss Strawberry Princess, on her success with the Good Deeds Toy Drive.

HOUSE RESOLUTION 1508

Offered by Representative Mautino:
Congratulates Joseph Nimee of Spring Valley on the occasion of being named a Chevalier of the Legion of Honor by the President of the French Republic.

HOUSE RESOLUTION 1515

Offered by Representative Munson:
Congratulates the City of Elgin on the occasion of the 100th anniversary of the Wing Park Golf Course.

HOUSE RESOLUTION 1516

Offered by Representative Dugan:
Honors Phyllis Wilken of Kankakee on her 95th birthday.

RECESS

At the hour of 11:30 o'clock a.m., Speaker of the House Madigan moved that the House do now take a recess until the call of the Chair.
The motion prevailed.
At the hour of 3:45 o'clock p.m., the House resumed its session.
Speaker of the House Madigan in the Chair.

ACTION ON VETO MOTIONS

Pursuant to the Motion submitted previously, Representative Fritchey moved that HOUSE BILL 824 do pass, the Governor's Specific Recommendations for Change notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

110, Yeas; 3, Nays; 0, Answering Present.

(ROLL CALL 2)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the Governor's Specific Recommendations for Change notwithstanding.

Ordered that the Clerk inform the Senate and ask their concurrence.

Pursuant to the Motion submitted previously, Representative Lang moved that HOUSE BILL 953 do pass, the Governor's Specific Recommendations for Change notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

84, Yeas; 29, Nays; 0, Answering Present.

(ROLL CALL 3)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the Governor's Specific Recommendations for Change notwithstanding.

Ordered that the Clerk inform the Senate and ask their concurrence.

Pursuant to the Motion submitted previously, Representative Mulligan moved to accept the Governor's Specific Recommendations for Change to HOUSE BILL 1533, by adoption of the following amendment:

I move to accept the specific recommendations of the Governor as to House Bill 1533 in manner and form as follows:

MOTION 1 TO HOUSE BILL 1533
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1533 as follows:
on page 1, by replacing line 16 with the following:
"The Department shall annually publish electronically on a State website and in no less than 2 newspapers in".

And on that motion, a vote was taken resulting as follows:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 4)

This Motion, having received the votes of a constitutional majority of the Members elected, prevailed.

Ordered that the Clerk inform the Senate and ask their concurrence in the Governor's Specific Recommendations for Change.

Pursuant to the Motion submitted previously, Representative Coulson moved to accept the Governor's Specific Recommendations for Change to HOUSE BILL 3286, by adoption of the following amendment:

I move to accept the specific recommendations of the Governor as to House Bill 3286 in manner and form as follows:

MOTION 1 TO HOUSE BILL 3286
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 3286 as follows:
on page 2, line 6, by replacing "may" with "shall"; and
on page 2, line 7, by replacing "other" with "all other"; and
on page 3, line 11, by replacing "9" with "13"; and
on page 3, below line 25, by inserting the following:

"(4) The Director of the Department of Human Services, or his designee.
(5) The Director of the Department of Healthcare and Family Services, or his designee.
(6) The Director of the Department of Public Health, or his designee.
(7) One additional member, appointed by the Governor."; and
on page 4, below line 3, by inserting the following:
"(c) The Illinois Health Policy Center shall submit a report each calendar year to the Governor and the General Assembly. The report shall contain:
(1) An itemized list of the source and amount of funds of the Illinois Health Policy Center.
(2) An itemized list of expenditures made by the Illinois Health Policy Center.
(3) A summary of research activities undertaken since the submission of the preceding report.
(4) A description of advocacy activities undertaken since the submission of the preceding report.".

And on that motion, a vote was taken resulting as follows:
113, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 5)
This Motion, having received the votes of a constitutional majority of the Members elected, prevailed.
Ordered that the Clerk inform the Senate and ask their concurrence in the Governor's Specific Recommendations for Change.

RECALL

At the request of the principal sponsor, Representative Currie, SENATE BILL 2595 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

SENATE BILLS ON SECOND READING

SENATE BILL 2595. Having been recalled on September 10, 2008, and held on the order of Second Reading, the same was again taken up.
Representative Currie offered the following amendment and moved its adoption.

AMENDMENT NO. 2 . Amend Senate Bill 2595, AS AMENDED, by replacing everything after the enacting clause with the following:

"ARTICLE 1

Section 1-3. The State Officials and Employees Ethics Act is amended by changing Sections 5-50, 20-10, and 20-15 as follows:
(5 ILCS 430/5-50)
Sec. 5-50. Ex parte communications; special government agents.
(a) This Section applies to ex parte communications made to any agency listed in subsection (e).
(b) "Ex parte communication" means any written or oral communication by any person that imparts or requests material information or makes a material argument regarding potential action concerning regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by the agency. "Ex parte communication" does not include the following: (i) statements by a person publicly made in a public forum; (ii) statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter; and (iii) statements made by a State employee of the agency to the agency head or other employees of that agency.
(b-5) An ex parte communication received by an agency, agency head, or other agency employee from an interested party or his or her official representative or attorney shall promptly be memorialized and made a part of the record.
(c) An ex parte communication received by any agency, agency head, or other agency employee, other than an ex parte communication described in subsection (b-5), shall immediately be reported to that agency's ethics officer by the recipient of the communication and by any other employee of that agency who responds to the communication. The ethics officer shall require that the ex parte communication be

promptly made a part of the record. The ethics officer shall promptly file the ex parte communication with the Executive Ethics Commission, including all written communications, all written responses to the communications, and a memorandum prepared by the ethics officer stating the nature and substance of all oral communications, the identity and job title of the person to whom each communication was made, all responses made, the identity and job title of the person making each response, the identity of each person from whom the written or oral ex parte communication was received, the individual or entity represented by that person, any action the person requested or recommended, and any other pertinent information. The disclosure shall also contain the date of any ex parte communication.

(d) "Interested party" means a person or entity whose rights, privileges, or interests are the subject of or are directly affected by a regulatory, quasi-adjudicatory, investment, or licensing matter.

(e) This Section applies to the following agencies:

Executive Ethics Commission
Illinois Commerce Commission
Educational Labor Relations Board
State Board of Elections
~~Illinois Gaming Board~~
Health Facilities Planning Board
Illinois Workers' Compensation Commission
Illinois Labor Relations Board
Illinois Liquor Control Commission
Pollution Control Board
Property Tax Appeal Board
Illinois Racing Board
Illinois Purchased Care Review Board
Department of State Police Merit Board
Motor Vehicle Review Board
Prisoner Review Board
Civil Service Commission
Personnel Review Board for the Treasurer
Merit Commission for the Secretary of State
Merit Commission for the Office of the Comptroller
Court of Claims
Board of Review of the Department of Employment Security
Department of Insurance
Department of Professional Regulation and licensing boards under the Department
Department of Public Health and licensing boards under the Department
Office of Banks and Real Estate and licensing boards under the Office
State Employees Retirement System Board of Trustees
Judges Retirement System Board of Trustees
General Assembly Retirement System Board of Trustees
Illinois Board of Investment
State Universities Retirement System Board of Trustees
Teachers Retirement System Officers Board of Trustees

(f) Any person who fails to (i) report an ex parte communication to an ethics officer, (ii) make information part of the record, or (iii) make a filing with the Executive Ethics Commission as required by this Section or as required by Section 5-165 of the Illinois Administrative Procedure Act violates this Act.

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

(5 ILCS 430/20-10)

Sec. 20-10. Offices of Executive Inspectors General.

(a) Six ~~Five~~ independent Offices of the Executive Inspector General are created, one each for the Governor, the Attorney General, the Secretary of State, the Comptroller, and the Treasurer and one for gaming activities. Each Office shall be under the direction and supervision of an Executive Inspector General and shall be a fully independent office with separate appropriations.

(b) The Governor, Attorney General, Secretary of State, Comptroller, and Treasurer shall each appoint

an Executive Inspector General, and the Director of Gaming Enforcement shall appoint an Executive Inspector General for gaming activities. Each appointment must be made without regard to political affiliation and solely on the basis of integrity and demonstrated ability. Appointments shall be made by and with the advice and consent of the Senate by three-fifths of the elected members concurring by record vote. Any nomination not acted upon by the Senate within 60 session days of the receipt thereof shall be deemed to have received the advice and consent of the Senate. If, during a recess of the Senate, there is a vacancy in an office of Executive Inspector General, the appointing authority shall make a temporary appointment until the next meeting of the Senate when the appointing authority shall make a nomination to fill that office. No person rejected for an office of Executive Inspector General shall, except by the Senate's request, be nominated again for that office at the same session of the Senate or be appointed to that office during a recess of that Senate.

Nothing in this Article precludes the appointment by the Governor, Attorney General, Secretary of State, Comptroller, or Treasurer of any other inspector general required or permitted by law. The Governor, Attorney General, Secretary of State, Comptroller, and Treasurer each may appoint an existing inspector general as the Executive Inspector General required by this Article, provided that such an inspector general is not prohibited by law, rule, jurisdiction, qualification, or interest from serving as the Executive Inspector General required by this Article. An appointing authority may not appoint a relative as an Executive Inspector General.

Each Executive Inspector General shall have the following qualifications:

(1) has not been convicted of any felony under the laws of this State, another State, or the United States;

(2) has earned a baccalaureate degree from an institution of higher education; and

(3) has 5 or more years of cumulative service (A) with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) as a federal, State, or local prosecutor; (C) as a senior manager or executive of a federal, State, or local agency; (D) as a member, an officer, or a State or federal judge; or (E) representing any combination of (A) through (D).

The term of each initial Executive Inspector General shall commence upon qualification and shall run through June 30, 2008. The initial appointments shall be made within 60 days after the effective date of this Act.

After the initial term, each Executive Inspector General shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. An Executive Inspector General may be reappointed to one or more subsequent terms.

A vacancy occurring other than at the end of a term shall be filled by the appointing authority only for the balance of the term of the Executive Inspector General whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The Executive Inspector General appointed by the Attorney General shall have jurisdiction over the Attorney General and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Attorney General. The Executive Inspector General appointed by the Secretary of State shall have jurisdiction over the Secretary of State and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Secretary of State. The Executive Inspector General appointed by the Comptroller shall have jurisdiction over the Comptroller and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Comptroller. The Executive Inspector General appointed by the Treasurer shall have jurisdiction over the Treasurer and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Treasurer. The Executive Inspector General appointed by the Governor shall have jurisdiction over the Governor, the Lieutenant Governor, and all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, ~~or~~ the Treasurer , or the Executive Inspector General for gaming activities. The Executive Inspector General for gaming activities appointed by the Director of Gaming Enforcement has jurisdiction over the Illinois Gaming Board and the Office of Gaming Enforcement, and all officers and employees of those agencies.

The jurisdiction of each Executive Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act or violations of other related laws and rules.

(d) The minimum compensation for each Executive Inspector General shall be determined by the

Executive Ethics Commission. The actual compensation for each Executive Inspector General shall be determined by the appointing ~~executive branch constitutional~~ officer and must be at or above the minimum compensation level set by the Executive Ethics Commission. Subject to Section 20-45 of this Act, each Executive Inspector General has full authority to organize his or her Office of the Executive Inspector General, including the employment and determination of the compensation of staff, such as deputies, assistants, and other employees, as appropriations permit. A separate appropriation shall be made for each Office of Executive Inspector General.

(e) No Executive Inspector General or employee of the Office of the Executive Inspector General may, during his or her term of appointment or employment:

(1) become a candidate for any elective office;

(2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;

(3) be actively involved in the affairs of any political party or political organization; or

(4) actively participate in any campaign for any elective office.

In this subsection an appointed public office means a position authorized by law that is filled by an appointing authority as provided by law and does not include employment by hiring in the ordinary course of business.

(e-1) No Executive Inspector General or employee of the Office of the Executive Inspector General may, for one year after the termination of his or her appointment or employment:

(1) become a candidate for any elective office;

(2) hold any elected public office; or

(3) hold any appointed State, county, or local judicial office.

(e-2) The requirements of item (3) of subsection (e-1) may be waived by the Executive Ethics Commission.

(f) An Executive Inspector General may be removed only for cause and may be removed only by the appointing ~~constitutional~~ officer. At the time of the removal, the appointing ~~constitutional~~ officer must report to the Executive Ethics Commission the justification for the removal.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/20-15)

Sec. 20-15. Duties of the Executive Ethics Commission. In addition to duties otherwise assigned by law, the Executive Ethics Commission shall have the following duties:

(1) To promulgate rules governing the performance of its duties and the exercise of its powers and governing the investigations of the Executive Inspectors General. It is declared to be in the public interest, safety, and welfare that the Commission adopt emergency rules under the Illinois Administrative Procedure Act to initially perform its duties under this subsection.

(2) To conduct administrative hearings and rule on matters brought before the Commission only upon the receipt of pleadings filed by an Executive Inspector General and not upon its own prerogative, but may appoint special Executive Inspectors General as provided in Section 20-21. Any other allegations of misconduct received by the Commission from a person other than an Executive Inspector General shall be referred to the Office of the appropriate Executive Inspector General.

(3) To prepare and publish manuals and guides and, working with the Office of the Attorney General, oversee training of employees under its jurisdiction that explains their duties.

(4) To prepare public information materials to facilitate compliance, implementation, and enforcement of this Act.

(5) To submit reports as required by this Act.

(6) To the extent authorized by this Act, to make rulings, issue recommendations, and impose administrative fines, if appropriate, in connection with the implementation and interpretation of this Act. The powers and duties of the Commission are limited to matters clearly within the purview of this Act.

(7) To issue subpoenas with respect to matters pending before the Commission, subject to the provisions of this Article and in the discretion of the Commission, to compel the attendance of witnesses for purposes of testimony and the production of documents and other items for inspection and copying.

(8) To appoint special Executive Inspectors General as provided in Section 20-21.

<u>(9) To review applications and appoint members to the Nomination Panel established under the Riverboat Gambling Act.</u>

(Source: P.A. 93-617, eff. 12-9-03.)

Section 1-5. The Election Code is amended by adding Section 9-35 as follows:

(10 ILCS 5/9-35 new)

Sec. 9-35. Registration of business entities.

(a) This Section governs the procedures for the registration required under Section 20-160 of the Illinois Procurement Code.

For the purposes of this Section, the terms "officeholder", "State contract", "business entity", "State agency", "affiliated entity", and "affiliated person" have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code.

(b) Registration under Section 20-160 of the Illinois Procurement Code, and any changes to that registration, must be made electronically. The State Board of Elections by rule shall provide for electronic registration, which must contain substantially the following:

(1) The name and address of the business entity.

(2) The name and address of any affiliated entity of the business entity, including a description of the affiliation.

(3) The name and address of any affiliated person of the business entity, including a description of the affiliation.

(c) The Board shall provide a certificate of registration to the business entity. The certificate shall be electronic and accessible to the business entity through the State Board of Elections' website and protected by a password.

(d) Any business entity required to register under Section 20-160 of the Illinois Procurement Code shall provide a copy of the registration certificate, by first class mail or hand delivery within 10 days after registration, to each affiliated entity or affiliated person whose identity is required to be disclosed. Failure to provide notice to an affiliated entity or affiliated person is a business offense for which the business entity is subject to a fine not to exceed $1,001.

(e) In addition to any penalty under Section 20-160 of the Illinois Procurement Code, intentional, willful, or material failure to disclose information required for registration is subject to a civil penalty imposed by the State Board of Elections. The State Board shall impose a civil penalty of $1,000 per business day for failure to update a registration.

(f) Any business entity required to register under Section 20-160 of the Illinois Procurement Code shall notify any political committee to which it makes a contribution, at the time of the contribution, that the business entity is registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code. Any affiliated entity or affiliated person of a business entity required to register under Section 20-160 of the Illinois Procurement Code shall notify any political committee to which it makes a contribution that it is affiliated with a business entity registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code.

(g) The State Board of Elections on its official website shall have a searchable database containing (i) all information required to be submitted to the Board under Section 20-160 of the Illinois Procurement Code and (ii) all reports filed under this Article with the State Board of Elections by all political committees. For the purposes of databases maintained by the State Board of Elections, "searchable" means able to search by "political committee", as defined in this Article, and by "officeholder", "State agency", "business entity", "affiliated entity", and "affiliated person". The Board shall not place the name of a minor child on the website. However, the Board shall provide a link to all contributions made by anyone reporting the same residential address as any affiliated person. In addition, the State Board of Elections on its official website shall provide an electronic connection to any searchable database of State contracts maintained by the Comptroller, searchable by business entity.

(h) The State Board of Elections shall have rulemaking authority to implement this Section.

Section 1-7. The Executive Reorganization Implementation Act is amended by changing Section 3.1 as follows:

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

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

(1) the State Board of Elections;
(2) the State Board of Education;
(3) the Illinois Commerce Commission;
(4) the Illinois Workers' Compensation Commission;
(5) the Civil Service Commission;
(6) the Fair Employment Practices Commission;
(7) the Pollution Control Board;
(8) the Department of State Police Merit Board;
(9) the Illinois Gaming Board; and
(10) the Office of Gaming Enforcement.
(Source: P.A. 93-721, eff. 1-1-05.)

Section 1-10. The Secretary of State Act is amended by changing Section 5 as follows:

(15 ILCS 305/5) (from Ch. 124, par. 5)

Sec. 5. It shall be the duty of the Secretary of State:

1. To countersign and affix the seal of state to all commissions required by law to be issued by the Governor.

2. To make a register of all appointments by the Governor, specifying the person appointed, the office conferred, the date of the appointment, the date when bond or oath is taken and the date filed. If Senate confirmation is required, the date of the confirmation shall be included in the register.

3. To make proper indexes to public acts, resolutions, papers and documents in his office.

3-a. To review all rules of all State agencies adopted in compliance with the codification system prescribed by the Secretary. The review shall be for the purposes and include all the powers and duties provided in the Illinois Administrative Procedure Act. The Secretary of State shall cooperate with the Legislative Information System to insure the accuracy of the text of the rules maintained under the Legislative Information System Act.

4. To give any person requiring the same paying the lawful fees therefor, a copy of any law, act, resolution, record or paper in his office, and attach thereto his certificate, under the seal of the state.

5. To take charge of and preserve from waste, and keep in repair, the houses, lots, grounds and appurtenances, situated in the City of Springfield, and belonging to or occupied by the State, the care of which is not otherwise provided for by law, and to take charge of and preserve from waste, and keep in repair, the houses, lots, grounds and appurtenances, situated in the State outside the City of Springfield where such houses, lots, grounds and appurtenances are occupied by the Secretary of State and no other State officer or agency.

6. To supervise the distribution of the laws.

7. To perform such other duties as may be required by law. The Secretary of State may, within appropriations authorized by the General Assembly, maintain offices in the State Capital and in such other places in the State as he may deem necessary to properly carry out the powers and duties vested in him by law.

8. In addition to all other authority granted to the Secretary by law, subject to appropriation, to make grants or otherwise provide assistance to, among others without limitation, units of local government, school districts, educational institutions, private agencies, not-for-profit organizations, and for-profit entities for the health, safety, and welfare of Illinois residents for purposes related to education, transportation, construction, capital improvements, social services, and any other lawful public purpose. Upon request of the Secretary, all State agencies are mandated to provide the Secretary with assistance in administering the grants.
(Source: P.A. 91-357, eff. 7-29-99.)

Section 1-15. The Illinois Lottery Law is amended by changing Sections 2, 3, 4, 5, 6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.8, 7.8a, 7.11, 8.1, 9, 10, 10.1, 10.1a, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 11, 12, 13, 14, 14.2, 14.3, 15, 16, 17, 19, 20, 21, 21.2, 21.3, 21.5, 24, 25, 26, 27, and 28 and by adding Sections 2.1, 2.2, 2.3, 2.4, 2.5, 6.1, 20.2, and 21.9 as follows:

(20 ILCS 1605/2) (from Ch. 120, par. 1152)

Sec. 2. This Act is enacted to implement and establish within the State a lottery to be conducted ~~operated~~ by the State, whether that lottery is operated and managed by the State or by a third party pursuant to a Management and Concession Agreement. The operations of a lottery are unique activities for State government, and private management will best enable the lottery to be operated in an entrepreneurial and business-like manner, thereby maximizing value for and benefit to the citizens of the State. Any such private manager shall be accountable to the State through a comprehensive system of State regulation and

enduring operational oversight. The State's ongoing conduct of the Lottery throughout the term of a Concession shall act to promote and ensure the integrity, security, honesty, and fairness of the Lottery's operation and administration. Unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, the entire net proceeds are to be deposited into the Common School Fund, except as provided in Sections 21.5, 21.6, 21.7 (added by P.A. 95-673), and 21.7 (added by P.A. 95-674). ~~the entire net proceeds of which are to be used for the support of the State's Common School Fund, except as provided in Sections 21.2, 21.5, 21.6, and 21.7, and 21.7.~~

(Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05; 95-331, eff. 8-21-07; 95-673, eff. 10-11-07; 95-674, eff. 10-11-07; revised 12-5-07.)

(20 ILCS 1605/2.1 new)

Sec. 2.1. Management and Concession Agreement authorized; sale of Lottery prohibited. Notwithstanding any provision of this Act or other applicable law to the contrary, the State may, pursuant to a competitive process that complies with the Illinois Procurement Code and rules adopted under that Code, enter into a Management and Concession Agreement with a third party pursuant to which that party may be authorized to manage or operate the Lottery on behalf of the State, and further pursuant to which that party may receive certain Lottery revenues in consideration of the payment of a fee or fees to the State for that right, provided that the Concession is managed and operated in accordance with the provisions of this Act and that the State at all times retains control of the Lottery and exercises supervisory authority over the Concession sufficient to implement the terms of the Management and Concession Agreement and to effect the purposes of this Act. Pursuant to Section 2.3 of this Act, no Management and Concession Agreement may be binding and enforceable without the written consent of the Governor, Comptroller, and Treasurer. The Lottery shall remain, for so long as a Concessionaire manages and operates the Concession in accordance with provisions of this Act, a Lottery conducted by the State, and the State shall not be authorized to sell or transfer the Lottery to a third party.

(20 ILCS 1605/2.2 new)

Sec. 2.2. Terms of a Management and Concession Agreement. The terms of a Management and Concession Agreement shall include, without limitation, all of the following:

(a) The term of the Concession shall be no less than 50 years and shall not exceed 60 years, with extensions of up to 5 additional years. No extension to the term of the Concession may be binding and enforceable without the written consent of the Illinois Gaming Board. The Illinois Gaming Board must verify that all provisions of the extension conform to the provisions of the Illinois Procurement Code and the State Officials and Employees Ethics Act.

(b) The consideration paid to the State for a Concessionaire's right to manage and operate the Concession shall have a value not less than $10,000,000,000, with no less than $6,000,000,000 delivered on the date the Management and Concession Agreement becomes effective and the remaining amounts delivered within 2 years thereafter.

(c) At least 37% of the value of all contracts and agreements entered into by the Concessionaire for goods and services in connection with its management and operation of the Lottery, other than contracts or agreements with sales agents or technical operators, must be awarded as follows: at least 25% to businesses that are a "minority owned business", at least 10% to businesses that are a "female owned business", and at least 2% to businesses that are a business owned by a person with a disability, as those terms are defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. For purposes of this item (c), all contracts entered into by a technical operator shall be deemed to be contracts entered by the Concessionaire. A contract by which the Concessionaire retains a technical operator shall be exempt from the requirements of this item (c).

(d) The State shall at all times during which a Management and Concession Agreement is in effect receive an amount equal to 20% of Lottery gross revenues, after prize payouts.

(e) The minimum payout ratios with respect to instant Lottery games and online Lottery games, as defined in the Management and Concession Agreement, shall be in the aggregate at least 55% of all ticket revenues attributable to such instant Lottery games and online Lottery games.

(f) In any zip code where the poverty rate, as determined by using the most recent decennial census released by the United States Census Bureau, is at least 3% higher than the State poverty rate as determined using the most recent decennial census released by the United States Census Bureau, neither the Concessionaire nor a technical operator shall increase the number of licensed Lottery ticket vendors by greater than 10% from the number of vendors then licensed in the zip code at the time of the most recent release of decennial census by the United States Census Bureau.

(g) The State may cancel a Management and Concession Agreement if (i) the Concessionaire, or any

executive employee of the Concessionaire, is found guilty of any criminal offense related to the conduct of its business or the regulation thereof in any jurisdiction or (ii) a technical operator, or any executive employee of a technical operator, is found guilty of any criminal offense related to the conduct of its business or the regulation thereof in any jurisdiction and the Concessionaire does not terminate its agreement with the technical operator no later than 30 days after the final judgement of conviction. An executive employee shall be defined as the President, Chairman, Chief Executive Officer, or other employee with executive decision-making authority over the long-term and day-to-day affairs of the Concessionaire or technical operator, or an employee whose compensation is determined directly, in whole or in part, by the award of or payment pursuant to the Management and Concession Agreement.

(20 ILCS 1605/2.3 new)

Sec. 2.3. Authorization for a Management and Concession Agreement. The Director is authorized to enter into a Management and Concession Agreement on behalf of the State on the foregoing terms and such other terms as the Director shall determine, consistent with this amendatory Act of the 95th General Assembly. No Management and Concession Agreement may be binding and enforceable without the written consent of the Governor, Comptroller, and Treasurer. The Governor, Comptroller, and Treasurer must verify that all provisions of the agreement conform to the provisions of the Illinois Procurement Code, the State Officials and Employees Ethics Act, and this Act. The Director must provide all transaction documents to the Governor, Comptroller, and Treasurer upon request and prior to their execution.

The Director, and such State officers as may be designated by the Director, are authorized to execute and deliver on behalf of the State any and all documents as the executing State officer shall deem appropriate in connection with the State entering into or performing its obligations under the Transaction Documents and to do all such other acts and things as may be necessary, advisable, or appropriate to carry out, and perform the State's obligations under the Transaction Documents.

The Department of Revenue is authorized and empowered to enter into a public/private partnership agreement with any lessor of the State Lottery (the "Concessionaire"), whereby the Department of Revenue employees may provide services for a fee to the Concessionaire to assist the Concessionaire in the administration and operation of the State Lottery. The Concessionaire shall contract with the Department of Revenue under a public/private partnership agreement for all work that, if performed by employees of the State, would be performed by employees, as defined by the Illinois Public Labor Relations Act (IPLRA, 5 ILCS 315/). The State of Illinois shall be the employer of all non-managerial, non-supervisory, and non-confidential employees, as defined by the IPLRA, assigned to perform such work for the Concessionaire pursuant to the public/private partnership agreement, and such employees shall be State employees, as defined by the Personnel Code, 20 ILCS 415/. As employees of the State of Illinois, such employees shall have the same employment rights and duties, and be subject to the same employment policies, rules, regulations, and procedures, as other employees of the Department of Revenue. Neither historical representation rights under the IPLRA nor existing collective bargaining agreements shall be disturbed by the lease of the State Lottery. Upon expiration of the applicable collective bargaining agreement on or after June 30, 2012, the Concessionaire shall retain the employees performing such work on the expiration date and shall recognize the bargaining agent or agents and honor any existing agreement in conformity with applicable law. During the pendency of a collective bargaining agreement expiring on or after June 30, 2012, any employee assigned by the State to perform work for the Concessionaire shall, upon written request to the Director of Central Management Services, be offered employment, without loss of pay or benefits with the State of Illinois, in the same county in which the employee was assigned to perform such work.

(20 ILCS 1605/2.4 new)

Sec. 2.4. Proceeds of concession transaction and future proceeds payable to the State under a Management and Concession Agreement; payment of transaction costs; deposit of proceeds into Funds.

(a) All fees paid directly by the State for professional services relating to the lease of the lottery, including but not limited to fees for legal, accounting, project management, investment banking, and consultation services, shall not exceed an aggregate total of $10,000,000. No money shall be expended by the State for professional services relating to the lease of the lottery in excess of this limitation without the unanimous and written consent of the Governor, Comptroller, and Treasurer.

(b) After the payment of all transaction-related costs, in one or a series of transactions: (i) the first $3,000,000,000 received from the Concession transaction or transactions authorized pursuant to this amendatory Act of the 95th General Assembly shall be deposited into the Illinois Education Trust Fund, (ii) all proceeds of the Concession transaction or transactions authorized pursuant to this amendatory Act of the 95th General Assembly in excess of $3,000,000,000 but not greater than $10,000,000,000 shall be

deposited into the GROW Illinois Fund, (iii) all proceeds of the Concession transaction or transactions authorized pursuant to this amendatory Act of the 95th General Assembly in excess of $10,000,000,000 but not greater than $11,000,000,000 shall be deposited into the Illinois Education Trust Fund, and (iv) all proceeds of the Concession transaction or transactions authorized pursuant to this amendatory Act of the 95th General Assembly in excess of $11,000,000,000 shall be deposited into the Pension Stabilization Fund.

(20 ILCS 1605/2.5 new)

Sec. 2.5. Creation of the Illinois Education Trust Fund; State Treasurer's investment of moneys. There is created in the State Treasury the Illinois Education Trust Fund. Notwithstanding any other statute to the contrary, the State Treasurer is hereby authorized to and shall invest all moneys deposited into the Illinois Education Trust Fund pursuant to this amendatory Act of the 95th General Assembly. Permissible investments of the Illinois Education Trust Fund shall be identical to the investment authority granted to the Illinois State Board of Investments pursuant to 40 ILCS 5/22A-112, subject to the requirements and restrictions set forth in Sections 1-109, 1-109.1, 1-109.2, 1-110, 1-111, 1-114, and 1-115 of the Illinois Pension Code. Notwithstanding the foregoing, the following shall not be considered permissible investments of the Illinois Education Trust Fund; (i) investments in venture capital, (ii) investments in hedge funds, and (iii) investments in real estate.

Notwithstanding any other State law to the contrary, on or before the last day of each fiscal year the State Comptroller shall direct and the State Treasurer shall transfer from the Illinois Education Trust Fund to the State Lottery Fund the amount necessary to provide for the transfer of $600,000,000 in that fiscal year from the State Lottery Fund to the Common School Fund in accordance with the provisions of Section 20.2 of this Act.

(20 ILCS 1605/3) (from Ch. 120, par. 1153)

Sec. 3. Definitions. For the purposes of this Act:

a. "Lottery" or "State Lottery" means the lottery or lotteries established and operated pursuant to this Act.

b. "Board" means the Lottery Control Board created by this Act.

c. "Department" means the Department of Revenue.

d. "Director" means the Director of Revenue.

e. "Chairman" means the Chairman of the Lottery Control Board.

f. "Multi-state game directors" means such persons, including the Superintendent, as may be designated by an agreement between the Division and one or more additional lotteries operated under the laws of another state or states.

g. "Division" means the Division of the State Lottery of the Department of Revenue.

h. "Superintendent" means the Superintendent of the Division of the State Lottery of the Department of Revenue.

i. "Concession" means the right of a Concessionaire to manage or operate the Lottery pursuant to the terms of a Management and Concession Agreement and this Act.

j. "Management and Concession Agreement" means that agreement and all schedules, exhibits, and attachments thereto, entered into pursuant to a competitive process and pursuant to which the State may grant a license or other contractual right to manage or operate the Lottery to a Concessionaire, and further pursuant to which a Concessionaire may receive certain Lottery ticket or share sales and related proceeds in consideration of the payment of a fee or fees to the State.

k. "Concessionaire" means a third party that manages or operates the Lottery pursuant to a Management and Concession Agreement then in effect.

l. "Conducted by the State" means the management and operation of the Lottery pursuant to the terms of this Act, whether directly by the State or by a Concessionaire pursuant to the terms of a Management and Concession Agreement as provided for in this amendatory Act of the 95th General Assembly. The Concessionaire shall at all times remain accountable to the State and the people of the State through a comprehensive system of State regulation and enduring operational oversight, which shall include, without limitation, the Concessionaire's regular provision and the State's ongoing review and analysis of audits, reports, and financial disclosures as required by this amendatory Act of the 95th General Assembly.

m. "Transaction Documents" means all documents drafted, prepared, or composed in connection with the Management and Concession Agreement, including but not limited to all documents reflecting or relating to any solicitation or presolicitation activities the State may have undertaken regarding a possible Concession.

n. "Technical operator" means an entity that, pursuant to the terms of this amendatory Act of the 95th General Assembly and the Concession Agreement, is substantially involved in the day-to-day operations of

the Lottery in a manner that includes (i) the design and production of lottery games or lottery game equipment, (ii) the provision and maintenance of lottery equipment, (iii) the operation and monitoring of lottery games or other regulated gaming activities, (iv) the development and maintenance of a distribution network, or (v) the verification of game outcomes, or an entity responsible for other significant regulated gaming activities.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/4) (from Ch. 120, par. 1154)

Sec. 4. Department established. The Department of the Lottery is established to implement and regulate the State Lottery in the manner provided in this Act.

In accordance with Executive Order No. 9 (2003), the Division of the State Lottery is established within the Department of Revenue. Unless otherwise provided by law, the Division of the State Lottery shall be subject to and governed by all of the laws and rules applicable to the Department.

If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Division of the State Lottery is abolished on the effective date of that Agreement, and the Illinois Gaming Board and the Office of Gaming Enforcement shall, as set forth in this amendatory Act of the 95th General Assembly, assume jurisdiction and oversight of Lottery and Concession operations.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/5) (from Ch. 120, par. 1155)

Sec. 5. Superintendent. The Division shall be under the supervision and direction of a Superintendent, who shall be a person qualified by training and experience to perform the duties required by this Act. The Superintendent shall be appointed by the Governor, by and with the advice and consent of the Senate. The term of office of the Superintendent shall expire on the third Monday of January in odd numbered years provided that he or she shall hold office until a successor is appointed and qualified.

Any vacancy occurring in the office of the Superintendent shall be filled in the same manner as the original appointment.

The Superintendent shall devote his or her entire time and attention to the duties of the office and shall not be engaged in any other profession or occupation. The Superintendent shall receive such salary as shall be provided by law.

If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the position of the Superintendent is abolished on the effective date of that Agreement, and the powers and duties of that position are transferred, to the extent they are applicable, to the Illinois Gaming Board and the Office of Gaming Enforcement.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/6) (from Ch. 120, par. 1156)

Sec. 6. Lottery Control Board; creation; appointment; chairman; terms; vacancies; removal; compensation; meetings; quorum. There is hereby created an independent board to be known as the Lottery Control Board, consisting of 5 members, all of whom shall be citizens of the United States and residents of this State and shall be appointed by the Governor with the advice and consent of the Senate. No more than 3 of the 5 members shall be members of the same political party. A chairman of the Board shall be chosen annually from the membership of the Board by a majority of the members of the Board at the first meeting of the Board each fiscal year.

Initial members shall be appointed to the Board by the Governor as follows: one member to serve until July 1, 1974, and until his successor is appointed and qualified; 2 members to serve until July 1, 1975, and until their successors are appointed and qualified; 2 members to serve until July 1, 1976, and until their successors are appointed and qualified. As terms of members so appointed expire, their successors shall be appointed for terms to expire the first day in July 3 years thereafter, and until their successors are appointed and qualified.

Any vacancy in the Board occurring for any reason other than expiration of term, shall be filled for the unexpired term in the same manner as the original appointment.

Any member of the Board may be removed by the Governor for neglect of duty, misfeasance, malfeasance, or nonfeasance in office.

Board members shall receive as compensation for their services $100 for each day they are in attendance at any official board meeting, but in no event shall members receive more than $1,200 per year. They shall receive no other compensation for their services, but shall be reimbursed for necessary traveling and other reasonable expenses incurred in the performance of their official duties. Each member shall make a full financial disclosure upon appointment.

The Board shall hold at least one meeting each quarter of the fiscal year. In addition, special meetings may be called by the Chairman, any 2 Board members, or the Director of the Department, upon delivery of 72 hours' written notice to the office of each member. All Board meetings shall be open to the public pursuant to the Open Meetings Act.

Three members of the Board shall constitute a quorum, and 3 votes shall be required for any final determination by the Board. The Board shall keep a complete and accurate record of all its meetings.

If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the terms of the members of the Board shall terminate on the effective date of that Agreement and the Board is thereupon abolished. The Illinois Gaming Board and the Office of Gaming Enforcement shall, as set forth in this amendatory Act of the 95th General Assembly, assume jurisdiction and oversight of Lottery and Concession operations.

(Source: P.A. 84-1128.)

(20 ILCS 1605/6.1 new)

Sec. 6.1. Illinois Gaming Board and Office of Gaming Enforcement Authorization to Implement the Act and Oversee the Concession.

(a) If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Illinois Gaming Board and the Office of Gaming Enforcement shall jointly have general responsibility for the implementation of this Act and the oversight and implementation of any Management and Concession Agreement.

(b) The Illinois Gaming Board shall have regulatory jurisdiction and oversight over all Lottery and Concession operations governed by this Act and shall have all powers necessary and proper to fully and effectively execute the provisions of this Act. Its powers and duties include, without limitation, the following:

(1) to conduct hearings pertaining to rules and regulations promulgated under this Act;

(2) acting jointly with the Office of Gaming Enforcement, to implement and administer the Concession and Management Agreement, including, without limitation, the supervision and administration of the operation of the Lottery in accordance with this Act, the rules and regulations of the Illinois Gaming Board and Office of Gaming Enforcement adopted hereunder, and the terms of the Management and Concession Agreement;

(3) beginning when members of the Illinois Gaming Board have been appointed pursuant to this amendatory Act of the 95th General Assembly, to review all contracts entered into by the Concessionaire or technical operator, directly or indirectly, for the purpose of implementing and executing the Management and Concession Agreement; and to review and approve all contracts entered into by the Concessionaire or technical operator, directly or indirectly, for the purpose of implementing and executing the Management and Concession Agreement, with an aggregate amount of $50,000 or more or for a term to exceed 365 days; beginning on the effective date of this amendatory Act of the 95th General Assembly and until members of the Illinois Gaming Board have been appointed pursuant to this amendatory Act of the 95th General Assembly, this duty shall be performed jointly by the Governor, Comptroller, and Treasurer, and all contracts with an aggregate amount of $50,000 or more or for a term to exceed 365 days must be approved unanimously by all 3 officers;

(4) to promulgate rules and regulations for the purpose of administering the provisions of this Act and the Management and Concession Agreement and to prescribe rules, regulations, and conditions under which the Lottery shall be conducted; those rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of citizens of the State, including rules and regulations regarding inspection;

(5) to review and rule upon any complaint brought by the Office of Gaming Enforcement and, if deemed necessary, to take appropriate disciplinary action against a Concessionaire or technical operator and its contractors and licensees for violations of this Act or the rules of the Illinois Gaming Board or the Office of Gaming Enforcement;

(6) to conduct all hearings, issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents in accordance with the Illinois Administrative Procedure Act, and to administer oaths and affirmations to the witnesses, when, in the judgment of the Illinois Gaming Board or the Office of Gaming Enforcement, it is necessary to administer or enforce this Act or the Illinois Gaming Board or Office of Gaming Enforcement rules;

(7) to ensure that any Concessionaire or technical operator maintains appropriate standards for Lottery ticket vendors;

(8) to require that records, including financial or other statements of any Concessionaire or technical

operator under this Act, shall be kept in such manner as prescribed by the Illinois Gaming Board or the Office of Gaming Enforcement and that any such Concessionaire or technical operator regularly submit to the Illinois Gaming Board and the Office of Gaming Enforcement a balance sheet and profit and loss statement, list of the stockholders or other persons having a beneficial interest in such amounts as may be determined by the Illinois Gaming Board or the Office of Gaming Enforcement, and any other information the Illinois Gaming Board or the Office of Gaming Enforcement deems necessary in order to effectively administer this Act and all rules, regulations, orders, and final decisions promulgated under this Act;

(9) to hire employees to gather information and carry out any other tasks contemplated under this Act;

(10) to seek and receive the cooperation of the Office of Gaming Enforcement in conducting any background investigations of parties and in fulfilling its responsibilities under this Act; and

(11) to take any other action as may be reasonable or appropriate to enforce this Act and its rules and regulations.

(c) The Office of Gaming Enforcement shall have enforcement jurisdiction and oversight over all Lottery and Concession operations governed by this Act and shall have all powers necessary and proper to fully and effectively execute the provisions of this Act. Its powers and duties include, without limitation, the following:

(1) to promulgate such rules and regulations as in its judgment may be necessary to protect or enhance the credibility and integrity of the Lottery and enforce the provisions of the Management and Concession Agreement authorized by this Act and the regulatory process under this Act;

(2) to be present through its inspectors and agents any time Lottery operations are conducted pursuant to this Act or the Management and Concession Agreement for the purpose of determining compliance therewith, receiving complaints from the public, and conducting such other investigations into the conduct of Lottery games and operations and the maintenance of all Lottery equipment as from time to time the Board may deem necessary and proper;

(3) acting jointly with the Illinois Gaming Board, to implement and administer the Concession and Management Agreement, including, without limitation, the supervision of the operation of the Lottery in accordance with this Act, the rules and regulations of the Illinois Gaming Board and Office of Gaming Enforcement adopted hereunder, and the terms of the Management and Concession Agreement;

(4) to investigate parties providing Concession and Lottery-related services;

(5) to enter the office, facilities, or other places of business of a Concessionaire or technical operator, where evidence of the compliance or noncompliance with the provisions of this Act or the Management and Concession Agreement is likely to be found;

(6) to investigate alleged violations of this Act or the rules of the Illinois Gaming Board or the Office of Gaming Enforcement on its own initiative or as requested by the Illinois Gaming Board and if it deems appropriate, to file complaints with the Illinois Gaming Board against a Concessionaire or a technical operator and its contractors and licensees;

(7) to ensure that any Concessionaire or technical operator maintains appropriate standards for Lottery ticket vendors;

(8) to hire employees to gather information, conduct investigations, and carry out any other tasks contemplated under this Act;

(9) to exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation, to the extent possible, and the Department of State Police for use in considering applicants for any license; and

(10) to take any other action as may be reasonable or appropriate to enforce this Act and its rules and regulations.

In the event that the State shall enter into a Management and Concession Agreement, the Illinois Gaming Board may, on behalf of the Concessionaire or technical operator, enter into an agreement or agreements with the management of state lotteries operated pursuant to the laws of other states for the purpose of creating and operating a multi-state lottery game wherein a separate and distinct prize pool would be combined to award larger prizes to the public than could be offered by the several state lotteries individually. In the event that the State shall enter into a Management and Concession Agreement, no tickets or shares offered in connection with a multi-state lottery game shall be sold within the State, except those offered by the Concessionaire or technical operator pursuant to the terms of the Management and Concession Agreement and this amendatory Act of the 95th General Assembly. No such agreement shall purport to pledge the full faith and credit of the State of Illinois or to waive the sovereign immunity of the State of Illinois. No multi-state game prize awarded to a nonresident of Illinois, with respect to a ticket or share purchased in a state other than the State of Illinois, shall be deemed to be a prize awarded under this

Act for the purpose of taxation under the Illinois Income Tax Act.

(20 ILCS 1605/7.1) (from Ch. 120, par. 1157.1)

Sec. 7.1. Rules and Regulations.

(a) The Department shall promulgate such rules and regulations governing the establishment and operation of a State lottery as it deems necessary to carry out the purposes of this Act. Such rules and regulations shall be subject to the provisions of The Illinois Administrative Procedure Act. The Division shall issue written game rules, play instructions, directives, operations manuals, brochures, or any other publications necessary to conduct specific games, as authorized by rule by the Department. Any written game rules, play instructions, directives, operations manuals, brochures, or other game publications issued by the Division that relate to a specific lottery game shall be maintained as a public record in the Division's principal office, and made available for public inspection and copying but shall be exempt from the rulemaking procedures of the Illinois Administrative Procedure Act. However, when such written materials contain any policy of general applicability, the Division shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act. In addition, the Division shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Division during the previous year and instructions concerning how the public may obtain copies of these materials from the Division.

(b) If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Illinois Gaming Board shall assume the Department's duties under this Section and Section 7.2 of this Act. The Concessionaire or technical operator shall be permitted to immediately offer any lottery games in operation on September 1, 2008. The Concessionaire or technical operator may offer any additional lottery games, provided that those lottery games are not substantially different from the lottery games in operation on the effective date of this amendatory Act of the 95th General Assembly and provided that those lottery games are authorized by the Illinois Gaming Board. Lottery games that are substantially different from those lottery games in operation on the effective date of this amendatory Act of the 95th General Assembly include, but are not limited to, the following: (i) games authorized, on the effective date of this amendatory Act of the 95th General Assembly, pursuant to the Illinois Horse Racing Act of 1975, the Riverboat Gambling Act, the Raffles Act, the Illinois Pull Tabs and Jar Games Act, and the Bingo License and Tax Act, (ii) electronic poker, and (iii) any game conducted over the Internet.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/7.2) (from Ch. 120, par. 1157.2)

Sec. 7.2. Matters included in rules and regulations. The rules and regulations of the Department or, if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the lottery, the Illinois Gaming Board may include, but shall not be limited to, the following:

(1) The types of lotteries to be conducted, subject to the provisions of subsection (b) of Section 7.1. ~~;~~

(2) The price, or prices, of tickets or shares in the lottery. ~~;~~

(3) The numbers and sizes of the prizes on the winning tickets or shares. ~~;~~

(4) The manner of selecting the winning tickets or shares, including the length of the claim period. ~~;~~

(5) The manner of payment of prizes to the holders of winning tickets or shares. ~~;~~

(6) The frequency of the drawing or selections of winning tickets or shares, without limitation. ~~;~~

(7) Without limit to number, the type or types of locations at which tickets or shares may be sold. ~~;~~

(8) The method to be used in selling tickets or shares. ~~;~~

(9) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public. ~~;~~

(10) Unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, all ~~The~~ apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among (i) the payment of prizes to the holders of winning tickets or shares, (ii) the payment of costs incurred in the operation and administration of the lottery, including the expenses of the Department and the costs resulting from any contract or contracts entered into for promotional, advertising or operational services or for the purchase or lease of lottery equipment and materials, and (iii) for monthly transfers to the Common School Fund. The net revenues accruing from the sale of lottery tickets shall be determined by deducting from total revenues the payments required by paragraphs (i) and (ii) of this subsection.

(11) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery or for the implementation and oversight of any Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

~~Any rules and regulations of the Department with respect to monthly transfers to the Common School Fund are subject to Section 21.2.~~

(Source: P.A. 84-1128.)

(20 ILCS 1605/7.3) (from Ch. 120, par. 1157.3)

Sec. 7.3. Hearings on violations; other hearings. The Board shall designate Hearing Officers who shall conduct hearings upon complaints charging violations of this Act or of regulations thereunder, and such other hearings as may be provided by Department rule. The Board may hear appeals from the recommended decisions of its Hearing Officers in accordance with procedures established by Department rule. Whenever the Department issues a Notice of Assessment under Section 21 of this Act, the lottery sales agent may protest such Notice by filing a request for hearing within 20 days of the date of such Notice.

(Source: P.A. 85-1224; 86-1475.)

(20 ILCS 1605/7.4) (from Ch. 120, par. 1157.4)

Sec. 7.4. Studies and investigations of lottery. The Department or, if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Illinois Gaming Board shall carry on a continuous study and investigation of the lottery throughout the State (1) for the purpose of ascertaining any defects in this Act or in the rules and regulations issued under this Act whereby any abuses in the administration and operation of the lottery or any evasion of this Act or the rules and regulations may arise or be practiced, (2) for the purpose of formulating recommendations for changes in this Act and the rules and regulations promulgated hereunder to prevent such abuses and evasions, (3) to guard against the use of this Act and the rules and regulations issued hereunder as a cloak for the carrying on of organized gambling and crime, and (4) to insure that the law and rules and regulations shall be in such form and be so administered as to serve the true purposes of this Act.

(Source: P.A. 84-1128.)

(20 ILCS 1605/7.5) (from Ch. 120, par. 1157.5)

Sec. 7.5. Reports on matters requiring changes in law. The Board or, if the State enters into a Management and Concessionaire Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Illinois Gaming Board shall report to the Governor, the Attorney General, the Speaker of the House, the President of the Senate, the minority leaders of both houses, and such other State officers as from time to time it deems appropriate, any matters which it deems to require an immediate change in the laws of this State in order to prevent abuses and evasions of this Act or rules and regulations promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

(Source: P.A. 84-1128.)

(20 ILCS 1605/7.8) (from Ch. 120, par. 1157.8)

Sec. 7.8. Annual report; report as public report. The Department, or, if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Illinois Gaming Board shall make an annual report regarding the work of the Board to the Governor, the Speaker of the House, the President of the Senate, and the minority leaders of both houses, such report to be a public report.

(Source: P.A. 84-1128.)

(20 ILCS 1605/7.8a) (from Ch. 120, par. 1157.8a)

Sec. 7.8a. Advertising policy. The Board shall establish advertising policy to ensure that advertising content and practices do not target with the intent to exploit specific groups or economic classes of people, and that its content is accurate and not misleading. The Board shall review, at least quarterly, all past advertising and proposed concepts for major media campaigns to ensure that they do not target with the intent to exploit specific groups or economic classes of people, and that their content is accurate and not misleading. If the Board finds that advertising conflicts with such policy, it shall have the authority to direct the Department to cease that advertising. If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery and the Concessionaire or a technical operator has the right to undertake marketing and advertising activities, neither the Concessionaire nor a technical operator, its contractors or licensees, shall engage in advertising practices that target with the intent to exploit specific groups or economic classes of people, or that is inaccurate or

misleading. The Illinois Gaming Board may promulgate rules to implement this provision. The Concessionaire or technical operator shall submit, for the Illinois Gaming Board's review of content and determination of compliance with this Section, all marketing and advertising materials prior to their use. If the Illinois Gaming Board finds that action proposed or taken by the Concessionaire or technical operator, its contractors and licensees, conflicts with those rules or policies, the Illinois Gaming Board shall have the authority to direct the Concessionaire or technical operator, its contractors and licensees, to cease or refrain from taking that action or impose any other disciplinary action provided by law. In addition to the provisions of this Section, the Concessionaire or technical operator and its contractors and licensees shall be subject to the provisions of the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 85-183.)

(20 ILCS 1605/7.11) (from Ch. 120, par. 1157.11)

Sec. 7.11. Unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, the ~~The~~ Division may establish and collect nominal charges for promotional products ("premiums") and other promotional materials produced or acquired by the Division as part of its advertising and promotion activities. Such premiums or other promotional materials may be sold to individuals, government agencies and not-for-profit organizations, but not to for-profit enterprises for the purpose of resale. Other State agencies shall be charged no more than the cost to the Division of the premium or promotional material. All proceeds from the sale of premiums or promotional materials shall be deposited in the State Lottery Fund in the State Treasury.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/8.1) (from Ch. 120, par. 1158.1)

Sec. 8.1. Contracts; competitive negotiation. Contracts for State Lottery tickets or shares or for other State Lottery game related services shall be obtained through the utilization of competitive negotiation procedures whenever practicable.

(Source: P.A. 84-268.)

(20 ILCS 1605/9) (from Ch. 120, par. 1159)

Sec. 9. Duties of Superintendent. The Superintendent, as administrative head of the Division, shall direct and supervise all its administrative and technical activities and shall report to the Director. In addition to the duties imposed upon him or her elsewhere in this Act, it shall be the Superintendent's duty:

a. To supervise and administer the operation of the lottery in accordance with the provisions of this Act or such rules and regulations of the Department adopted thereunder.

b. To attend meetings of the Board or to appoint a designee to attend in his stead.

c. To employ and direct such personnel in accord with the Personnel Code, as may be necessary to carry out the purposes of this Act. The Superintendent may, subject to the approval of the Director, use the services, personnel, or facilities of the Department. In addition, the Superintendent may by agreement secure such services as he or she may deem necessary from any other department, agency, or unit of the State government, and may employ and compensate such consultants and technical assistants as may be required and is otherwise permitted by law.

d. To license, in accordance with the provisions of Sections 10 and 10.1 of this Act and the rules and regulations of the Department adopted thereunder, or to ensure the retention, pursuant to the terms of a Management and Concession Agreement, as agents to sell lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. Unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, the ~~The~~ Superintendent may require a bond from every licensed agent, in such amount as provided in the rules and regulations of the Department. Every licensed agent shall prominently display his or her license, or a copy thereof, as provided in the rules and regulations of the Department.

e. To suspend or revoke any license issued pursuant to this Act or the rules and regulations promulgated by the Department thereunder.

f. To confer regularly as necessary or desirable and not less than once every month with the Lottery Control Board on the operation and administration of the Lottery; to make available for inspection by the Board or any member of the Board, upon request, all books, records, files, and other information and documents of his office; to advise the Board and recommend such rules and regulations and such other matters as he deems necessary and advisable to improve the operation and administration of the lottery or the implementation and oversight of a Management and Concession Agreement.

g. To enter into contracts for the operation of the lottery, or any part thereof, and, unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, to enter into contracts for the promotion of the lottery on behalf of the Department, with any person, firm or corporation, to perform any

of the functions provided for in this Act or the rules and regulations promulgated thereunder. The Department shall not expend State funds on a contractual basis for such functions unless those functions and expenditures are expressly authorized by the General Assembly.

h. Unless the State has entered into a Management and Concession Agreement, to ~~To~~ enter into an agreement or agreements with the management of state lotteries operated pursuant to the laws of other states for the purpose of creating and operating a multi-state lottery game wherein a separate and distinct prize pool would be combined to award larger prizes to the public than could be offered by the several state lotteries, individually. No tickets or shares offered in connection with a multi-state lottery game shall be sold within the State of Illinois, except those offered by and through the Department. No such agreement shall purport to pledge the full faith and credit of the State of Illinois, nor shall the Department expend State funds on a contractual basis in connection with any such game unless such expenditures are expressly authorized by the General Assembly, provided, however, that in the event of error or omission by the Illinois State Lottery in the conduct of the game, as determined by the multi-state game directors, the Department shall be authorized to pay a prize winner or winners the lesser of a disputed prize or $1,000,000, any such payment to be made solely from funds appropriated for game prize purposes. The Department shall be authorized to share in the ordinary operating expenses of any such multi-state lottery game, from funds appropriated by the General Assembly, and in the event the multi-state game control offices are physically located within the State of Illinois, the Department is authorized to advance start-up operating costs not to exceed $150,000, subject to proportionate reimbursement of such costs by the other participating state lotteries. The Department shall be authorized to share proportionately in the costs of establishing a liability reserve fund from funds appropriated by the General Assembly. The Department is authorized to transfer prize award funds attributable to Illinois sales of multi-state lottery game tickets to the multi-state control office, or its designated depository, for deposit to such game pool account or accounts as may be established by the multi-state game directors, the records of which account or accounts shall be available at all times for inspection in an audit by the Auditor General of Illinois and any other auditors pursuant to the laws of the State of Illinois. No multi-state game prize awarded to a nonresident of Illinois, with respect to a ticket or share purchased in a state other than the State of Illinois, shall be deemed to be a prize awarded under this Act for the purpose of taxation under the Illinois Income Tax Act. All of the net revenues accruing from the sale of multi-state lottery tickets or shares shall be transferred into the Common School Fund pursuant to Section 7.2. The Department shall promulgate such rules as may be appropriate to implement the provisions of this Section.

(h-1) In the event that the State enters into a Management and Concession Agreement, to authorize a Concessionaire to enter into an agreement or agreements with the management of state lotteries operated pursuant to the laws of other states for the purpose of creating and operating a multi-state lottery game wherein a separate and distinct prize pool would be combined to award larger prizes to the public than could be offered by the several state lotteries individually. The Superintendent shall not authorize the Concessionaire to take such action unless the Illinois Gaming Board verifies that the authorization derived from the agreement conforms to the provisions of the Illinois Procurement Code and the State Officials and Employees Ethics Act. No tickets or shares offered in connection with a multi-state lottery game shall be sold within the State of Illinois, except those offered by and through the Concessionaire or technical operator pursuant to the terms of the Management and Concession Agreement and this amendatory Act of the 95th General Assembly. No such agreement shall purport to pledge the full faith and credit of the State of Illinois or to waive the sovereign immunity of the State of Illinois, nor shall the Department expend State funds on a contractual basis in connection with any such game unless such expenditures are expressly authorized by the General Assembly. To the extent authorized pursuant to the terms of a Management and Concession Agreement, the Concessionaire shall be authorized to share in the ordinary operating expenses of any such multi-state lottery game, and in the event the multi-state game control offices are physically located within the State of Illinois, the Concessionaire is authorized to advance start-up operating costs, subject to proportionate reimbursement of such costs by the other participating state lotteries. The Concessionaire shall be authorized to share proportionately in the costs of establishing a liability reserve fund. The Concessionaire is authorized to transfer prize award funds attributable to Illinois sales of multi-state lottery game tickets to the multi-state control office, or its designated depository, for deposit to such game pool account or accounts as may be established by the multi-state game directors, the records of which account or accounts shall be available at all times for inspection in an audit by the Illinois Gaming Board and any auditors pursuant to the laws of the State of Illinois. No multi-state game prize awarded to a nonresident of Illinois, with respect to a ticket or share purchased in a state other than the State of Illinois, shall be deemed to be a prize awarded under this Act for the purpose of taxation under the Illinois Income

Tax Act. The Illinois Gaming Board and the Department shall promulgate such rules as may be appropriate to implement the provisions of this Section.

i. To make a continuous study and investigation of (1) the operation and the administration of similar laws which may be in effect in other states or countries, (2) any literature on the subject which from time to time may be published or available, (3) any Federal laws which may affect the operation of the lottery, and (4) the reaction of Illinois citizens to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this Act.

j. To report monthly to the State Treasurer and the Lottery Control Board a full and complete statement of lottery revenues, prize disbursements and other expenses for each month and the amounts to be transferred to the Common School Fund pursuant to Section 7.2 or such other funds as are otherwise authorized by Section 21.2 of this Act, and to make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, to the Governor and the Board. All reports required by this subsection shall be public and copies of all such reports shall be sent to the Speaker of the House, the President of the Senate, and the minority leaders of both houses.

k. If the State enters into a Management and Concession Agreement, the Illinois Gaming Board shall assume the powers and duties in this Section 9 to the extent they are applicable.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/10) (from Ch. 120, par. 1160)

Sec. 10. Licensing of agents to sell lottery tickets or shares. The Division, upon application therefor on forms prescribed by the Division, and upon a determination by the Division that the applicant meets all of the qualifications specified in this Act, shall issue a license as an agent to sell lottery tickets or shares. No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business exclusively as a lottery sales agent.

Before issuing such license the Superintendent shall consider (a) the financial responsibility and security of the person and his business or activity, (b) the accessibility of his place of business or activity to the public, (c) the sufficiency of existing licenses to serve the public convenience, (d) the volume of expected sales, and (e) such other factors as he or she may deem appropriate.

Until September 1, 1987, the provisions of Sections 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 12 and 13.5 of the Retailers' Occupation Tax Act which are not inconsistent with this Act shall apply to the subject matter of this Act to the same extent as if such provisions were included in this Act. For purposes of this Act, references in such incorporated Sections of the Retailers' Occupation Tax Act to retailers, sellers or persons engaged in the business of selling tangible personal property mean persons engaged in selling lottery tickets or shares; references in such incorporated Sections to sales of tangible personal property mean the selling of lottery tickets or shares; and references in such incorporated Sections to certificates of registration mean licenses issued under this Act. The provisions of the Retailers' Occupation Tax Act as heretofore applied to the subject matter of this Act shall not apply with respect to tickets sold by or delivered to lottery sales agents on and after September 1, 1987, but such provisions shall continue to apply with respect to transactions involving the sale and delivery of tickets prior to September 1, 1987.

All licenses issued by the Division under this Act shall be valid for a period not to exceed 2 years after issuance unless sooner revoked, canceled or suspended as in this Act provided. No license issued under this Act shall be transferable or assignable. Such license shall be conspicuously displayed in the place of business conducted by the licensee in Illinois where lottery tickets or shares are to be sold under such license.

For purposes of this Section, the term "person" shall be construed to mean and include an individual, association, partnership, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, referee, any other person acting in a fiduciary or representative capacity who is appointed by a court, or any combination of individuals. "Person" includes any department, commission, agency or instrumentality of the State, including any county, city, village, or township and any agency or instrumentality thereof.

If the State enters into a Management and Concession Agreement pursuant to which the State authorizes a Concessionaire or technical operator to retain agents to distribute lottery tickets, the Division shall cease issuing licenses to agents to sell lottery tickets or shares during the term of the Management and Concession Agreement. In retaining such agents, the Concessionaire or technical operator shall apply appropriate criteria in determining suitability of those agents, including without limitation, criteria establishing the ineligibility for a license as set forth in Section 10.1 of this Act. Further, the Concessionaire or technical operator shall provide to the Department and the Illinois Gaming Board, not

less than monthly, a list of all agents the Concessionaire or technical operator has engaged to distribute lottery tickets or shares, which statement shall include a certification that all such agents comply with the eligibility standards set forth in this Act.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/10.1) (from Ch. 120, par. 1160.1)

Sec. 10.1. Persons ineligible for licenses. The following are ineligible for any license under this Act:

(a) any person who has been convicted of a felony;

(b) any person who is or has been a professional gambler or gambling promoter, except when the person acted in such a capacity pursuant to and in compliance with all applicable law;

(c) any person who has engaged in bookmaking or other forms of illegal gambling;

(d) any person who is not of good character and reputation in the community in which he resides;

(e) any person who has been found guilty of any fraud or misrepresentation in any connection;

(f) any firm or corporation in which a person defined in (a), (b), (c), (d) or (e) has a proprietary, equitable or credit interest of 5% or more.

(g) any organization in which a person defined in (a), (b), (c), (d) or (e) is an officer, director, or managing agent, whether compensated or not;

(h) any organization in which a person defined in (a), (b), (c), (d), or (e) is to participate in the management or sales of lottery tickets or shares.

However, with respect to persons defined in (a), the Department may grant any such person a license under this Act when:

1) at least 10 years have elapsed since the date when the sentence for the most recent such conviction was satisfactorily completed;

2) the applicant has no history of criminal activity subsequent to such conviction;

3) the applicant has complied with all conditions of probation, conditional discharge, supervision, parole or mandatory supervised release; and

4) the applicant presents at least 3 letters of recommendation from responsible citizens in his community who personally can attest that the character and attitude of the applicant indicate that he is unlikely to commit another crime.

The Division may revoke, without notice or a hearing, the license of any agent who violates this Act or any rule or regulation promulgated pursuant to this Act. If the State enters into a Management and Concession Agreement pursuant to which the State authorizes a Concessionaire or technical operator to engage any sales agent, the Illinois Gaming Board shall have the power to revoke any such agency pursuant to the provisions of this Act. However, if the Division does revoke a license without notice and an opportunity for a hearing, the Division shall, by appropriate notice, afford the person whose license has been revoked an opportunity for a hearing within 30 days after the revocation order has been issued. As a result of any such hearing, the Division may confirm its action in revoking the license, or it may order the restoration of such license.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/10.1a) (from Ch. 120, par. 1160.1a)

Sec. 10.1a. Failure to satisfy tax Act requirements. In addition to other grounds specified in this Act, the Division shall refuse to issue and shall suspend the license of any lottery sales agency who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Department, until such time as the requirements of any such tax Act are satisfied, unless the agency is contesting, in accordance with the procedures established by the appropriate revenue Act, its liability for the tax or the amount of tax. If the State enters into a Management and Concession Agreement pursuant to which the State authorizes a Concessionaire or technical operator to engage any sales agent, the Illinois Gaming Board may direct the Concessionaire or technical operator to refrain from engaging or to suspend the engagement of any party acting or seeking to act as a sales agent, based on the grounds specified in this Section. The Division shall affirmatively verify the tax status of every sales agency before issuing or renewing a license, except that, if the State enters into a Management and Concession Agreement pursuant to which the State authorizes a Concessionaire to engage any sales agent, the Department shall verify the tax status of each agent from the list of agents provided by the Concessionaire pursuant to Section 10 of this Act and provide that information to the Illinois Gaming Board. For purposes of this Section, a sales agency shall not be considered delinquent in the payment of a tax if the agency (a) has entered into an agreement with the Department for the payment of all such taxes that are due and (b) is in compliance with the agreement.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/10.2) (from Ch. 120, par. 1160.2)

Sec. 10.2. Application and other fees. Each application for a new lottery license must be accompanied by a one-time application fee of $50; the Division, however, may waive the fee for licenses of limited duration as provided by Department rule. Each application for renewal of a lottery license must be accompanied by a renewal fee of $25. Each lottery licensee granted on-line status pursuant to the Department's rules must pay a fee of $10 per week as partial reimbursement for telecommunications charges incurred by the Department in providing access to the lottery's on-line gaming system. The Department, by rule, may increase or decrease the amount of these fees. No Concessionaire or technical operator that may retain sales agents for the Lottery pursuant to the terms of a Management and Concession Agreement may assess any fee pursuant this Section.

(Source: P.A. 93-840, eff. 7-30-04; 94-776, eff. 5-19-06.)

(20 ILCS 1605/10.3) (from Ch. 120, par. 1160.3)

Sec. 10.3. Proceeds received by sales agent. All proceeds from the sale of lottery tickets or shares received by a person in the capacity of a sales agent shall constitute a trust fund until paid to the Department either directly, or through the Department's authorized collection representative. Proceeds shall include unsold instant tickets received by a sales agent and cash proceeds of sale of any lottery products, net of allowable sales commissions and credit for lottery prizes paid to winners by sales agents. Sales proceeds and unsold instant tickets shall be delivered to the Department or its authorized collection representative upon demand. Sales agents shall be personally liable for all proceeds which shall be kept separate and apart from all other funds and assets and shall not be commingled with any other funds or assets. In the case of a sales agent who is not an individual, personal liability shall attach to the owners and officers of the sales agent. The Department shall have a right to file a lien upon all real and personal property of any person who is personally liable under this Section for any unpaid proceeds, which were to be segregated as a trust fund under this Section, at any time after such payment was to have been made. Such lien shall include any interest and penalty provided for by this Act and shall be deemed equivalent to, and have the same effect as, the State tax lien under the Retailers' Occupation Tax Act. The term "person" as used in this Section, and in Section 10.4 of this Act, shall have the same meaning as provided in Section 10 of this Act. This Section, and Sections 10.4 and 10.5 of this Act shall apply with respect to all lottery tickets or shares generated by computer terminal, other electronic device, and any other tickets delivered to sales agents on and after September 1, 1987. If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery: (i) the Concessionaire may be the Department's authorized collection representative; and (ii) no such arrangement shall diminish the Department's rights pursuant to this Section. For purposes of this Section, "sales agent" includes any sales agent engaged by a Concessionaire pursuant to the terms of a Management and Concession Agreement.

(Source: P.A. 86-905.)

(20 ILCS 1605/10.4) (from Ch. 120, par. 1160.4)

Sec. 10.4. Proceeds received by sales agent; violations. Every person who shall violate the provisions of Section 10.3, or who does not segregate and keep separate and apart from all other funds and assets, all proceeds from the sale of lottery tickets received by a person in the capacity of a sales agent, shall upon conviction thereof be guilty of a Class 4 felony. The provisions of this Section shall be enforced by the Illinois Department of State Police and prosecuted by the Attorney General.

(Source: P.A. 85-183; 86-1475.)

(20 ILCS 1605/10.5) (from Ch. 120, par. 1160.5)

Sec. 10.5. Sales agent; insolvency. Whenever any person who receives proceeds from the sale of lottery tickets in the capacity of sales agent becomes insolvent, or dies insolvent, the proceeds due the Department from such person or his estate shall have preference over all debts or demands, except as follows:

(a) Amounts due for necessary funeral expenses;

(b) Amounts due for medical care and medicine during his most recent illness preceding death;

(c) Debts due to the United States;

(d) Debts due to the State of Illinois and all State and local taxes; and

(e) Wages for labor performed within the 6 months immediately preceding the death of such deceased person, not exceeding $1,000 due to another person and provided further that such proceeds shall be nondischargeable in insolvency proceedings instituted pursuant to Chapter 7, Chapter 11, or Chapter 13 of the Federal Bankruptcy Act.

(Source: P.A. 85-183.)

(20 ILCS 1605/10.6) (from Ch. 120, par. 1160.6)

Sec. 10.6. Odds of winning. The Division shall make an effort to more directly inform players of the odds of winning prizes. This effort shall include, at a minimum, that the Division require all ticket agents to display a placard stating the odds of winning for each game offered by that agent. In the event that the State shall enter into a Management and Concession Agreement, the Concessionaire shall be obligated to comply with the requirements of this Section 10.6.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/10.7)

Sec. 10.7. Compulsive gambling.

(a) Each lottery sales agent shall post a statement regarding obtaining assistance with gambling problems and including a toll-free "800" telephone number providing crisis counseling and referral services to families experiencing difficulty as a result of problem or compulsive gambling. The text of the statement shall be determined by rule by the Department of Human Services, shall be no more than one sentence in length, and shall be posted on the placard required under Section 10.6. The signs shall be provided by the Department of Human Services.

(b) The Division shall print a statement regarding obtaining assistance with gambling problems, the text of which shall be determined by rule by the Department of Human Services, on all paper stock it provides to the general public.

(c) The Division shall print a statement of no more than one sentence in length regarding obtaining assistance with gambling problems and including a toll-free "800" number providing crisis counseling and referral services to families experiencing difficulty as a result of problem or compulsive gambling on the back of all lottery tickets.

(d) If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Concessionaire shall assume and discharge all duties of the Division under subsections (a), (b), and (c) of this Section.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/11) (from Ch. 120, par. 1161)

Sec. 11. Officers and employees; civil or criminal penalties; devolution of powers or duties. Every officer and employee shall for any offense be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employee whose powers or duties devolve upon him under this Act.

(Source: P.A. 78-3rd S.S.-20.)

(20 ILCS 1605/12) (from Ch. 120, par. 1162)

Sec. 12. Public inspection and copying of records and data; exceptions. The public inspection and copying of the records and data of the Division and the Board shall be generally governed by the provisions of the Freedom of Information Act except that the following shall additionally be exempt from inspection and copying:

(i) information privileged against introduction in judicial proceedings;

(ii) internal communications of the several agencies;

(iii) information concerning secret manufacturing processes or confidential data submitted by any person under this Act;

(iv) any creative proposals, scripts, storyboards or other materials prepared by or for the Division or a Concessionaire under a Management and Concession Agreement, prior to the placement of the materials in the media, if the prior release of the materials would compromise the effectiveness of an advertising campaign.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/13) (from Ch. 120, par. 1163)

Sec. 13. Right to prize; payment. Except as otherwise provided in Section 13.1, no prize, nor any portion of a prize, nor any right of any person to a prize awarded shall be assignable. Any prize, or portion thereof remaining unpaid at the death of a prize winner, may be paid to the estate of such deceased prize winner, or to the trustee under a revocable living trust established by the deceased prize winner as settlor, provided that a copy of such a trust has been filed with the Department along with a notarized letter of direction from the settlor and no written notice of revocation has been received by the Division prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the Superintendent shall obtain from the trustee a written agreement to indemnify and hold the Department and the Division harmless with respect to any claims that may be asserted against the Department or the Division arising from payment to or through the trust. Notwithstanding any other provision of this Section, any person pursuant to an appropriate judicial order may be paid the prize to which a winner is entitled, and all or part

of any prize otherwise payable by State warrant under this Section shall be withheld upon certification to the State Comptroller from the Department of Healthcare and Family Services as provided in Section 10-17.5 of The Illinois Public Aid Code. The Director and the Superintendent shall be discharged of all further liability upon payment of a prize pursuant to this Section.

If the State enters into a Management and Concession Agreement pursuant to which a payor other than the State, or a department, division, agency, or other unit of the State shall have the obligation to pay a prize, except as otherwise provided in Section 13.1, neither a prize, nor any portion of a prize, nor any right of any person to a prize awarded shall be assignable. Any prize, or portion thereof remaining unpaid at the death of a prize winner, may be paid to the estate of that deceased prize winner, or to the trustee under a revocable living trust established by the deceased prize winner as settlor, provided that a copy of that trust has been delivered to the third party prize payor along with a notarized letter of direction from the settlor and no written notice of revocation has been received by the third party prize payor prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the third party prize payor shall obtain from the trustee a written agreement to indemnify and hold the third party prize payor and the State harmless with respect to any claims that may be asserted against such third party prize payor or the State arising from the payment of the prize to or through the trust. The Director shall be discharged of all further liability upon payment of a prize pursuant to this Section and shall in no event be liable for any failure of a Concessionaire to pay any prize.

(Source: P.A. 94-776, eff. 5-19-06; 95-331, eff. 8-21-07.)

(20 ILCS 1605/14) (from Ch. 120, par. 1164)

Sec. 14. Sale of ticket or share at greater than fixed price; sale or resale of tickets or shares; charging a fee to redeem winning ticket or share; punishment. No person shall sell a ticket or share at a price greater than that fixed by rule or regulation of the Department or the Division or, if the Lottery is managed or operated pursuant to a Management and Concession Agreement, the Illinois Gaming Board. No person other than a licensed lottery sales agent or distributor or a Concessionaire or a technical operator, its contractors or licensees, or a sales agent engaged by a Concessionaire pursuant to the terms of a Management and Concession Agreement shall sell or resell lottery tickets or shares. No person shall charge a fee to redeem a winning ticket or share.

Any person convicted of violating this Section shall be guilty of a Class B misdemeanor; provided, that if any offense under this Section is a subsequent offense, the offender shall be guilty of a Class 4 felony.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/14.2) (from Ch. 120, par. 1164.2)

Sec. 14.2. Lottery ticket fraud; prima facie evidence. Any person who, with intent to defraud, shall falsely make, alter, forge, utter, pass or counterfeit a lottery ticket or share issued by the State of Illinois under this Act shall be guilty of a Class 4 felony.

It shall be prima facie evidence of intent to defraud for a person to possess a lottery ticket or share issued by the State under this Act if he or she knows that ticket or share was falsely made, altered, forged, uttered, passed, or counterfeited.

(Source: P.A. 89-466, eff. 6-13-96.)

(20 ILCS 1605/14.3)

Sec. 14.3. Misuse of proprietary material prohibited. Except as may be provided in Section 7.11, or by bona fide sale or by prior authorization from the Department or the Division, or otherwise by law, all premiums, promotional and other proprietary material produced or acquired by the Division as part of its advertising and promotional activities shall remain the property of the Department. Nothing herein shall be construed to affect the rights or obligations of the Department or any other person under federal or State trademark or copyright laws, nor shall anything herein be construed to prevent the Department from assigning its rights in such property to a Concessionaire pursuant to a Management and Concession Agreement.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/15) (from Ch. 120, par. 1165)

Sec. 15. Prohibition against minors under 18 years of age and certain other persons purchasing or being furnished lottery tickets or shares. No minor under 18 years of age shall buy a lottery ticket or share. No person shall sell, distribute samples of, or furnish a lottery ticket or share to any minor under 18 years of age, buy a lottery ticket or share for any minor under 18 years of age, or aid and abet in the purchase of lottery tickets or shares by a minor under 18 years of age.

No ticket or share shall be purchased by, and no prize shall be paid to any of the following persons: any member of the Board or any officer or other person employed by the Board or by the Department or by the

Concessionaire or any party with which the Concessionaire may contract to operate the Lottery; any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of abode of any such persons; or any minor under 18 years of age.

Any violation of this Section by a person other than the purchasing minor shall be a Class B misdemeanor; provided, that if any violation of this Section is a subsequent violation, the offender shall be guilty of a Class 4 felony. Notwithstanding any provision to the contrary, a violation of this Section by a minor under 18 years of age shall be a petty offense.

(Source: P.A. 90-346, eff. 8-8-97.)

(20 ILCS 1605/16) (from Ch. 120, par. 1166)

Sec. 16. Violations of Act, rules, or regulations; punishment; enforcement. It shall be a Class B misdemeanor to violate this Act or any rule or regulation promulgated thereunder, or knowingly to submit any false information under this Act or rules or regulations adopted thereunder; except that, if any person engages in such offense after one or more prior convictions under this Act, or any law of the United States or of any State relating to gambling or State operated lotteries, he shall be guilty of a Class 4 felony. It shall be the duty of all State and local law enforcement officers to enforce such Act and regulations.

(Source: P.A. 78-3rd S.S.-20.)

(20 ILCS 1605/17) (from Ch. 120, par. 1167)

Sec. 17. Other laws providing penalty or disability for sale of lottery tickets or shares inapplicable. No other law providing any penalty or disability for the sale of lottery tickets or shares or any acts done in connection with the lottery established under this Act shall apply to the sale of tickets or shares performed pursuant to this Act.

(Source: P.A. 81-477.)

(20 ILCS 1605/19) (from Ch. 120, par. 1169)

Sec. 19. Claiming prizes. The Division shall establish an appropriate period for the claiming of prizes for each lottery game offered. Each claim period shall be stated in game rules and written play instructions issued by the Superintendent in accordance with Section 7.1 of this Act or, if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire shall manage or operate the Lottery, such rules and written play instructions as may be issued in accordance with the terms of the Management and Concession Agreement, but subject to change by rule of the Illinois Gaming Board. Written play instructions shall be made available to all players through sales agents licensed to sell game tickets or shares. Prizes for lottery games which involve the purchase of a physical lottery ticket may be claimed only by presentation of a valid winning lottery ticket that matches validation records on file with the Lottery or, if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire manages or operates the Lottery, the records on file with that Concessionaire or technical operator, its contractors and licensees; no claim may be honored which is based on the assertion that the ticket was lost or stolen. No lottery ticket which has been altered, mutilated, or fails to pass validation tests shall be deemed to be a winning ticket.

If no claim is made for the money within the established claim period, the prize may be included in the prize pool of such special drawing or drawings as the Division may, from time to time, designate, except, in the event the Lottery is operated pursuant to the terms of a Management and Concession Agreement, then the unclaimed prize money shall be transferred to the Common School Fund. Unclaimed multi-state game prize money may be included in the multi-state prize pool for such special drawing or drawings as the multi-state game directors may, from time to time, designate, unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, in which case all unclaimed prize money not included in the prize pool of a special drawing shall be transferred to the Common School Fund. Unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, any ~~. Any~~ bonuses offered by the Department to sales agents who sell winning tickets or shares shall be payable to such agents regardless of whether or not the prize money on the ticket or share is claimed, provided that the agent can be identified as the vendor of the winning ticket or share, and that the winning ticket or share was sold on or after January 1, 1984. ~~All unclaimed prize money not included in the prize pool of a special drawing shall be transferred to the Common School Fund.~~

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/20) (from Ch. 120, par. 1170)

Sec. 20. State Lottery Fund.

(a) There is created in the State Treasury a special fund to be known as the "State Lottery Fund". Such fund shall consist of all revenues received from (1) the sale of lottery tickets or shares, (net of commissions, fees representing those expenses that are directly proportionate to the sale of tickets or shares at the agent

location, and prizes of less than $600 which have been validly paid at the agent level), (2) application fees, and (3) all other sources including moneys credited or transferred thereto from any other fund or source pursuant to law and, if the State enters into a Management and Concession Agreement, any moneys accruing to the State pursuant to the terms of that Agreement. Interest earnings of the State Lottery Fund shall be credited to the Common School Fund.

(b) The receipt and distribution of moneys under Section 21.5 of this Act shall be in accordance with Section 21.5.

(c) The receipt and distribution of moneys under Section 21.6 of this Act shall be in accordance with Section 21.6.

(d) The receipt and distribution of moneys under Section 21.7 of this Act shall be in accordance with Section 21.7.

(e) ~~(d)~~ The receipt and distribution of moneys under Section 21.8 ~~21.7~~ of this Act shall be in accordance with Section 21.8 ~~21.7~~.

(Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05; 95-331, eff. 8-21-07; 95-673, eff. 10-11-07; 95-674, eff. 10-11-07; revised 12-5-07.)

(20 ILCS 1605/20.2 new)

Sec. 20.2. Transfer of moneys from State Lottery Fund to Common School Fund. Notwithstanding any provision set forth in this Act or State law to the contrary, on or before the last day of each fiscal year the State Comptroller shall direct and the State Treasurer shall transfer moneys in and revenues received by the State Lottery Fund to the Common School Fund.

(20 ILCS 1605/21) (from Ch. 120, par. 1171)

Sec. 21. Payments or deposits of moneys and income. All lottery sales agents or distributors shall be liable to the Lottery for any and all tickets accepted or generated by any employee or representative of that agent or distributor, and such tickets shall be deemed to have been purchased by the agent or distributor unless returned to the Lottery within the time and in the manner prescribed by the Superintendent, or if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire or technical operator engages sales agents or distributors, to such Concessionaire as may be allowed according to the terms of the Management and Concession Agreement within the time and in the manner prescribed by the Illinois Gaming Board ~~Superintendent~~. All moneys received by such agents or distributors from the sale of lottery tickets or shares, less the amount retained as compensation for the sale of the tickets or shares and the amount paid out as prizes, shall be paid over to a lottery representative or deposited in a bank or savings and loan association approved by the State Treasurer, as prescribed by the Superintendent or, if the State enters into a Management and Concession Agreement pursuant to which those moneys are to be held by a trustee, to that trustee and in accordance with such terms as may be set forth in the Management and Concession Agreement.

No bank or savings and loan association shall receive any ~~public~~ funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of the Public Funds Investment Act.

Each payment or deposit shall be accompanied by a report of the agent's receipts and transactions in the sale of lottery tickets in such form and containing such information as the Superintendent, or if the State enters into a Management and Concession Agreement, as the Concessionaire may require. Any discrepancies in such receipts and transactions may be resolved as provided by the rules and regulations of the Department.

If any money due the Lottery by a sales agent or distributor is not paid when due or demanded, it shall immediately become delinquent and be billed on a subsequent monthly statement. If on the closing date for any monthly statement a delinquent amount previously billed of more than $50 remains unpaid, interest in such amount shall be accrued at the rate of 2% per month or fraction thereof from the date when such delinquent amount becomes past due until such delinquent amount, including interest, penalty and other costs and charges that the Department may incur in collecting such amounts, is paid. In case any agent or distributor fails to pay any moneys due the Lottery within 30 days after a second bill or statement is rendered to the agent or distributor, such amount shall be deemed seriously delinquent and may be referred by the Department to a collection agency or credit bureau for collection. Any contract entered into by the Department for the collection of seriously delinquent accounts with a collection agency or credit bureau may be satisfied by a commercially reasonable percentage of the delinquent account recouped, which shall be negotiated by the Department in accordance with commercially accepted standards. Any costs incurred by the Department or others authorized to act in its behalf in collecting such delinquencies may be assessed against the agent or distributor and included as a part of the delinquent account.

In case of failure of an agent or distributor to pay a seriously delinquent amount, or any portion thereof to the State, including interest, penalty and costs, the Division may issue a Notice of Assessment. In determining amounts shown on the Notice of Assessment, the Division shall utilize the financial information available from its records. Such Notice of Assessment shall be prima facie correct and shall be prima facie evidence of delinquent sums due under this Section at any hearing before the Board, or its Hearing Officers, or at any other legal proceeding. Reproduced copies of the Division's records relating to a delinquent account or a Notice of Assessment offered in the name of the Department, under the Certificate of the Director or any officer or employee of the Department designated in writing by the Director shall, without further proof, be admitted into evidence in any such hearing or any legal proceeding and shall be prima facie proof of the delinquency, including principal and any interest, penalties and costs, as shown thereon. The Attorney General may bring suit on behalf of the Department to collect all such delinquent amounts, or any portion thereof, including interest, penalty and costs, due the Lottery.

Any person who accepts money that is due to the Department from the sale of lottery tickets or shares under this Act, but who wilfully fails to remit such payment to the Department when due or who purports to make such payment but wilfully fails to do so because such ~~his check or other~~ remittance fails to clear the financial institution ~~bank or savings and loan association~~ against which it is drawn, in addition to the amount due and in addition to any other penalty provided by law, shall be assessed, and shall pay, a penalty equal to 5% of the deficiency plus any costs or charges incurred by the Department in collecting such amount.

The Director may make such arrangements for any person(s), financial institution, ~~banks, savings and loan associations~~ or distributors, to perform such functions, activities or services in connection with the operation of the lottery as he deems advisable pursuant to this Act, the State Comptroller Act, or the rules and regulations of the Department, and such functions, activities or services shall constitute lawful functions, activities and services of such person(s), banks, savings and loan associations or distributors.

All income arising out of any activity or purpose of the Division shall, pursuant to the State Finance Act, be paid into the State Treasury except as otherwise provided by the rules and regulations of the Department and shall be covered into a special fund to be known as the State Lottery Fund. Banks and savings and loan associations may be compensated for services rendered based upon the activity and amount of funds on deposit.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/21.2) (from Ch. 120, par. 1171.2)

Sec. 21.2. (Repealed). ~~There is created a special fund in the State Treasury known as the Illinois Land Grant Collegiate Athletics Fund. The Department shall designate a special lottery game of its choosing which it shall prepare and offer for sale to the public, the net proceeds from which shall be transferred to such fund for distribution to the University of Illinois Athletic Association as otherwise authorized by law.~~

(Source: P.A. 84-1128.)

(20 ILCS 1605/21.3) (from Ch. 120, par. 1171.3)

Sec. 21.3. Officer of corporation; personal liability. Any officer of any corporation licensed as an agent for the sale of Lottery tickets and products shall be personally liable for the total amount of Lottery receipts due the Department which are unpaid by the corporation, together with any interest and penalties thereon assessed in accordance with the provision of Section 21 of the Act.

The personal liability of a corporate officer as provided herein shall survive the dissolution of the corporation. No action to enforce such personal liability shall be commenced unless a notice of the delinquent account has been sent to such corporate officer at the address shown on the Lottery records or otherwise known to Department officials, and no such action shall be commenced after the expiration of 3 years from the date of the Department's notice of delinquent account or the termination of any court proceedings with respect to the issue of the delinquency of a corporation.

Procedures for protest and review of a notice of the Department's intention to enforce personal liability against a corporate officer shall be the same as those prescribed for protest and review of the Notice of Assessment as set forth in Section 7.3 of this Act.

(Source: P.A. 88-522.)

(20 ILCS 1605/21.5)

Sec. 21.5. Superintendent Carolyn Adams Ticket For The Cure.

(a) The Department shall offer a special instant scratch-off game with the title of "Carolyn Adams Ticket For The Cure". The game shall commence on January 1, 2006 or as soon thereafter, in the discretion of the Director, as is reasonably practical, and shall be discontinued on December 31, 2011. The operation of the game shall be governed by this Act and any rules adopted by the Department. The Department must consult

with the Ticket For The Cure Board, which is established under Section 2310-347 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, regarding the design and promotion of the game. If any provision of this Section is inconsistent with any other provision of this Act, then this Section governs.

(b) The Ticket For The Cure Fund is created as a special fund in the State treasury. The net revenue from the Carolyn Adams Ticket For The Cure special instant scratch-off game shall be deposited into the Fund for appropriation by the General Assembly solely to the Department of Public Health for the purpose of making grants to public or private entities in Illinois for the purpose of funding research concerning breast cancer and for funding services for breast cancer victims. The Department must, before grants are awarded, provide copies of all grant applications to the Ticket For The Cure Board, receive and review the Board's recommendations and comments, and consult with the Board regarding the grants. For purposes of this Section, the term "research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of breast cancer and may include clinical trials. The grant funds may not be used for institutional, organizational, or community-based overhead costs, indirect costs, or levies.

Moneys received for the purposes of this Section, including, without limitation, net revenue from the special instant scratch-off game and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

For purposes of this subsection, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in prizes and the actual administrative expenses of the Department solely related to the Carolyn Adams Ticket For The Cure game.

(c) During the time that tickets are sold for the Carolyn Adams Ticket For The Cure game, the Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game.

(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section.

(Source: P.A. 94-120, eff. 7-6-05.)

(20 ILCS 1605/21.9 new)

Sec. 21.9. Right to direct offer of special cause games. If the State enters into a Management and Concession Agreement, the State shall retain the right to direct the Concessionaire or technical operator to offer special cause games as the General Assembly may determine appropriate from time to time. The General Assembly may in its discretion direct the deposit and use of net revenues from any such special cause games. The operation of any such special cause games shall be governed by this Act and any rules necessary to implement and administer the provisions of this Section as adopted by the Illinois Gaming Board. For purposes of this Section, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in the prizes and the costs and expenses related to the game.

(20 ILCS 1605/24) (from Ch. 120, par. 1174)

Sec. 24. Preaudit of accounts and transactions by State Comptroller; post-audits by Auditor General. The State Comptroller shall conduct a preaudit of all accounts and transactions of the Department in connection with the operation of the State Lottery under the State Comptroller Act, excluding payments issued by the Department for prizes of $25,000 or less.

The Auditor General or a certified public accountant firm appointed by him shall conduct an annual post-audit of all accounts and transactions of the Department in connection with the operation of the State Lottery and other special post audits as the Auditor General, the Legislative Audit Commission, or the General Assembly deems necessary. The annual post-audits shall include payments made by lottery sales agents of prizes of less than $600 authorized under Section 20, and payments made by the Department of prizes up to $25,000 authorized under Section 20.1. The Auditor General or his agent conducting an audit under this Act shall have access and authority to examine any and all records of the Department or the Board, its distributing agents and its licensees.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/25) (from Ch. 120, par. 1175)

Sec. 25. Review under Administrative Review Law. Any party adversely affected by a final order or determination of the Board or the Department may obtain judicial review, by filing a petition for review within 35 days after the entry of the order or other final action complained of, pursuant to the provisions of the Administrative Review Law, as amended and the rules adopted pursuant thereto.

(Source: P.A. 82-783.)

(20 ILCS 1605/26) (from Ch. 120, par. 1176)

Sec. 26. Severability of invalid provisions or applications. If any clause, sentence, paragraph, subdivision, Section, provision or other portion of this Act or the application thereof to any person or circumstances is held to be invalid, such holding shall not affect, impair or invalidate the remainder of this Act or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, provision or other portion thereof directly involved in such holding or to the person and circumstances therein involved.
(Source: P.A. 78-3rd S.S.-20.)

(20 ILCS 1605/27) (from Ch. 120, par. 1177)

Sec. 27. Contracts; investments; proceeds; Deferred Lottery Prize Winners Trust Fund; disbursements; State Lottery Fund; Lottery Concession Fund; Lottery Escrow Account.

(a) The State Treasurer may, with the consent of the Director, contract with any person or corporation, including, without limitation, a bank, banking house, trust company or investment banking firm, to perform such financial functions, activities or services in connection with operation of the lottery as the State Treasurer and the Director may prescribe.

(b) All proceeds from investments made pursuant to contracts executed by the State Treasurer, with the consent of the Director, to perform financial functions, activities or services in connection with operation of the lottery, shall be deposited and held by the State Treasurer as ex-officio custodian thereof, separate and apart from all public money or funds of this State in a special trust fund outside the State treasury. Such trust fund shall be known as the "Deferred Lottery Prize Winners Trust Fund", and shall be administered by the Director.

The Director shall, at such times and in such amounts as shall be necessary, prepare and send to the State Comptroller vouchers requesting payment from the Deferred Lottery Prize Winners Trust Fund to deferred prize winners, in a manner that will insure the timely payment of such amounts owed.

This Act shall constitute an irrevocable appropriation of all amounts necessary for that purpose, and the irrevocable and continuing authority for and direction to the Director and the State Treasurer to make the necessary payments out of such trust fund for that purpose. In the event that the State shall enter into a Management and Concession Agreement, this Section 27(b) shall not apply to any prizes awarded after the closing date of the Management and Concession Agreement.

(c) Moneys invested pursuant to subsection (a) of this Section may be invested only in bonds, notes, certificates of indebtedness, treasury bills, or other securities constituting direct obligations of the United States of America and all securities or obligations the prompt payment of principal and interest of which is guaranteed by a pledge of the full faith and credit of the United States of America. Interest earnings on moneys in the Deferred Lottery Prize Winners Trust Fund shall remain in such fund and be used to pay the winners of lottery prizes deferred as to payment until such obligations are discharged. Proceeds from bonds purchased and interest accumulated as a result of a grand prize multi-state game ticket that goes unclaimed will be transferred after the termination of the relevant claim period directly from the lottery's Deferred Lottery Prize Winners Trust Fund to each respective multi-state partner state according to its contribution ratio. All moneys invested pursuant to the terms of any Management and Concession Agreement into which the State may enter shall be subject to the provisions of this subsection.

(c-5) If a deferred lottery prize is not claimed within the claim period established by game rule, then the securities or other instruments purchased to fund the prize shall be liquidated and the liquidated amount shall be transferred to the State Lottery Fund for disposition pursuant to Section 19 of this Act. In the event that the State shall enter into a Management and Concession Agreement, this Section 27(c-5) shall not apply to any prizes awarded after the closing date of the Management and Concession Agreement.

(c-10) The Director may use a portion of the moneys in the Deferred Lottery Prize Winners Trust Fund to purchase bonds to pay a lifetime prize if the prize duration exceeds the length of available securities. If the winner of a lifetime prize exceeds his or her life expectancy as determined using actuarial assumptions and the securities or moneys set aside to pay the prize have been exhausted, moneys in the State Lottery Fund shall be used to make payments to the winner for the duration of the winner's life. In the event that the State shall enter into a Management and Concession Agreement, this Section 27(c-10) shall not apply to any prizes awarded after the closing date of the Management and Concession Agreement.

(c-15) From time to time, the Director may request that the State Comptroller transfer any excess moneys in the Deferred Lottery Prize Winners Trust Fund to the Lottery Fund. In the event that the State shall enter into a Management and Concession Agreement, this Section 27(c-15) shall not apply to any prizes awarded after the closing date of the Management and Concession Agreement.

(c-20) In the event that the State shall enter into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, there shall be created a fund to be

known as the Lottery Concession Trust Fund, which shall be a special non-appropriated trust fund held outside of the State Treasury and separate and apart from all public money and funds of this State for the purpose of holding Concession revenues for the purpose of transferring to the State its 20% share of gross revenues after prize payouts. All proceeds from the sale of Lottery tickets or shares and all other revenue from the State's conduct of the Lottery as authorized under this amendatory Act of the 95th General Assembly, including Lottery revenues a Concessionaire may be eligible to receive under a Management and Concession Agreement, with the exception of the initial consideration distributed pursuant to Section 2.4, shall be paid into the Fund. Within the Lottery Concession Trust Fund, there shall be created sub-trusts for the purpose of holding moneys for the exclusive benefit of the State and recipients of Prize Claims.

The Fund shall begin to receive lottery proceeds and revenues on the date that a Management and Concession Agreement first becomes effective, and moneys in the Fund shall not at any time during the term of such an agreement be appropriated or diverted to any other use or purpose. The Fund shall be held by an Illinois trustee designated pursuant to the Concession and Management Agreement. All interest or other earnings accruing or received on amounts in the Fund shall be credited to and retained by the Fund. The Fund shall be held, administered, invested, and disbursed in accordance with the trust agreement and the Management and Concession Agreement.

The Illinois Gaming Board shall report quarterly to the State Treasurer and the Governor a full and complete statement of revenues into and expenses from the Lottery Concession Trust Fund, which may be included in the reports required pursuant to subsection (j-1) of Section 9 of this Act. The statement shall be public and copies shall be sent to the Speaker of the House, the President of the Senate, and the Minority Leaders of both houses.

(d) This amendatory Act of 1985 shall be construed liberally to effect the purposes of the Illinois Lottery Law.

(Source: P.A. 89-466, eff. 6-13-96; 90-346, eff. 8-8-97.)

Section 1-20. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-305 as follows:

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

Sec. 2505-305. Investigators.

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

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

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

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

Section 1-90. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-200 as follows:

(20 ILCS 2705/2705-200) (was 20 ILCS 2705/49.16)

Sec. 2705-200. Master plan; reporting requirements.

(a) The Department has the power to develop and maintain a continuing, comprehensive, and integrated planning process that shall develop and periodically revise a statewide master plan for transportation to guide program development and to foster efficient and economical transportation services in ground, air, water, and all other modes of transportation throughout the State. The Department shall coordinate its transportation planning activities with those of other State agencies and authorities and shall supervise and review any transportation planning performed by other Executive agencies under the direction of the Governor. The Department shall cooperate and participate with federal, regional, interstate, State, and local agencies, in accordance with Sections 5-301 and 7-301 of the Illinois Highway Code, and with interested private individuals and organizations in the coordination of plans and policies for development of the state's transportation system.

To meet the provisions of this Section, the Department shall publish and deliver to the Governor and

General Assembly by January 1, 1982 and every 2 years thereafter, its master plan for highway, waterway, aeronautic, mass transportation, and railroad systems. The plan shall identify priority subsystems or components of each system that are critical to the economic and general welfare of this State regardless of public jurisdictional responsibility or private ownership.

The master plan shall provide particular emphasis and detail of at least the 5-year period in the immediate future.

Annual and 5-year, or longer, project programs for each State system in this Section shall be published and furnished the General Assembly on the first Wednesday in April of each year.

Identified needs included in the project programs shall be listed and mapped in a distinctive fashion to clearly identify the priority status of the projects: (1) projects to be committed for execution; (2) tentative projects that are dependent upon funding or other constraints; and (3) needed projects that are not programmed due to lack of funding or other constraints.

All projects shall be related to the priority systems of the master plan, and the priority criteria identified. Cost and estimated completion dates shall be included for work required to complete a useable segment or component beyond the period of the program.

(b) The Department shall publish and deliver to the Governor and General Assembly on the first Wednesday in April of each year a 5-year, or longer, Highway Improvement Program reporting the number of fiscal years each project has been on previous plans submitted by the Department. It is a goal of the Highway Improvement Program that the percentage of State-jurisdiction mileage and bridges in acceptable condition be comparable throughout the State and that the percentage of State-jurisdiction miles and bridges in acceptable condition in each of the Department's highway districts, as those districts were organized on January 1, 2008, be no lower than 5 percentage points below the statewide average percentage in acceptable condition.

Funding in the Highway Improvement Program shall be allocated as follows: 45% for projects in highway district 1 and 55% for projects in highway districts 2 through 9, as those districts were organized on January 1, 2008. For Fiscal Year 2009, a minimum of two-thirds of the funds allocated for highway districts 2 through 9 shall be allocated as follows: 13.63% for projects in district 2; 12.44% for projects in district 3; 11.66% for projects in district 4; 9.89% for projects in district 5; 13.88% for projects in district 6; 10.56% for projects in district 7; 17.67% for projects in district 8; and 10.27% for projects in district 9. Starting in Fiscal Year 2010, a minimum of two-thirds of the funds allocated for highway districts 2 through 9 shall be allocated as follows: one-third in the ratio that the total lane miles of State-jurisdiction roads in each of the highway districts bears to the total lane miles of State-jurisdiction roads in highway districts 2 through 9; one-third in the ratio that the total square footage of State-jurisdiction bridges in each of the highway districts bears to the total square footage of State-jurisdiction bridges in highway districts 2 through 9; and one-third in the ratio that the miles of daily travel on State-jurisdiction roads in each of the highway districts bears to the total miles of daily travel on State-jurisdiction roads in highway districts 2 through 9. If in any year a catastrophic road or bridge failure makes impracticable the funding allocation for highway districts 2 through 9, the Secretary may declare an emergency and reallocate the funding as needed to address the catastrophic road or bridge failure. The remaining funds shall be allocated by the Department for projects in highway districts 2 through 9.

The Highway Improvement Program shall include the following information statewide and for each of the Department's highway districts:

(1) Overall funding proposed for the first year of the Highway Improvement Program.

(2) For roads and bridges under State jurisdiction, the current percentage of miles and bridges in acceptable condition.

(3) For roads and bridges under State jurisdiction, the projected percentage of miles and bridges in acceptable condition at the end of the Highway Improvement Program.

(b-5) The Department shall publish and deliver to the Governor and General Assembly an Annual Highway Improvement Program within 60 days after the start of each fiscal year or of the enactment of the Department's highway construction appropriation for that fiscal year, whichever is later. Funding in the Annual Highway Improvement Program shall be allocated as follows: 45% for projects in highway district 1 and 55% for projects in highway districts 2 through 9, as those districts were organized on January 1, 2008. For Fiscal Year 2009, a minimum of two-thirds of the funds allocated for highway districts 2 through 9 shall be allocated as follows: 13.63% for projects in district 2; 12.44% for projects in district 3; 11.66% for projects in district 4; 9.89% for projects in district 5; 13.88% for projects in district 6; 10.56% for projects in district 7; 17.67% for projects in district 8; and 10.27% for projects in district 9. Starting in Fiscal Year 2010, a minimum of two-thirds of the funds allocated for highway districts 2 through 9 shall be

allocated as follows: one-third in the ratio that the total lane miles of State-jurisdiction roads in each of the highway districts bears to the total lane miles of State-jurisdiction roads in highway districts 2 through 9; one-third in the ratio that the total square footage of State-jurisdiction bridges in each of the highway districts bears to the total square footage of State-jurisdiction bridges in highway districts 2 through 9; and one-third in the ratio that the miles of daily travel on State-jurisdiction roads in each of the highway districts bears to the total miles of daily travel on State-jurisdiction roads in highway districts 2 through 9. The remaining funds shall be allocated by the Department for projects in highway districts 2 through 9. If in any year a catastrophic road or bridge failure makes impracticable the funding allocation for highway districts 2 through 9, the Secretary may declare an emergency and reallocate the funding as needed to address the catastrophic road or bridge failure.

The Annual Highway Improvement Program shall include the following information statewide and for each of the Department's highway districts:

(1) Total proposed funding, total number of miles to be improved, and total number of bridges to be improved.

(2) For roads and bridges under State jurisdiction, the current percentage of miles and bridges in acceptable condition.

(3) For roads and bridges under State jurisdiction, the projected percentage of miles and bridges in acceptable condition at the end of the Annual Highway Improvement Program.

(c) The Department shall publish and deliver to the Governor and the General Assembly by November 1 of each year a For the Record report that shall include the following:

(1) All the projects accomplished in the previous fiscal year listed by each Illinois Department of Transportation District.

(2) The award cost and the beginning dates of each listed project.

(3) Statewide and for each of the Department's highway districts, the total of program accomplishments in dollars, number of miles, and number of bridges.

(4) For roads and bridges under State jurisdiction, the current percentage of miles and bridges in acceptable condition.

(5) For any highway district whose percentage of miles, bridges, or both that are in acceptable condition is more than 5 percentage points below the statewide average percentage in acceptable condition, a description of remedial actions that will be taken in the next Highway Improvement Program for raising that district's percentage of roads, bridges, or both that are in acceptable condition.

(d) Following publication of each of the documents required by subsections (b), (b-5), and (c), the Commission on Government Forecasting and Accountability shall review the documents and certify to the Governor, Senate President, and Speaker of the House whether the requirements contained in subsections (b), (b-5), and (c) regarding each highway district's percentage funding allocation and each highway district's road and bridge conditions are being met.

(e) Every 2 years, the Auditor General shall review the performance of the Department to assure the Department is meeting the requirements of subsections (b), (b-5), and (c).

(Source: P.A. 94-91, eff. 7-1-05.)

Section 1-95. The State Finance Act is amended by adding Sections 5.715, 5.716, 5.717, 6z-76, and 6z-77 as follows:

(30 ILCS 105/5.715 new)

Sec. 5.715. The Illinois Education Trust Fund.

(30 ILCS 105/5.716 new)

Sec. 5.716. The GROW Illinois Fund.

(30 ILCS 105/5.717 new)

Sec. 5.717. The Capital Workforce Development Fund.

(30 ILCS 105/6z-76 new)

Sec. 6z-76. The GROW Illinois Fund.

(a) There is created the GROW Illinois Fund, a special fund in the State treasury. GROW is an acronym for "Growing and Revitalizing Our Workforce". The fund shall receive revenue pursuant to Section 2.4 of the Illinois Lottery Law.

(b) Expenditures and transfers may be made from the GROW Illinois Fund only as appropriated or directed by the General Assembly by law.

(c) Investment income that is attributable to the investment of moneys in the GROW Illinois Fund shall be retained in that fund for the uses specified in this Section.

(d) Notwithstanding subsection (b) of this Section, 1% of all moneys deposited into the Fund shall be

transferred to the Capital Workforce Development Fund.

(30 ILCS 105/6z-77 new)

Sec. 6z-77. The Capital Workforce Development Fund.

(a) There is created the Capital Workforce Development Fund, a special fund in the State treasury. The Fund shall receive revenue pursuant to Section 6z-76 of this of this Act.

(b) Expenditures and transfers may be made from the Capital Workforce Development Fund only as appropriated or directed by the General Assembly by law.

(c) Investment income that is attributable to the investment of moneys in the Capital Workforce Development Fund shall be retained in that Fund for the uses specified in this Section.

Section 1-100. The Illinois Procurement Code is amended by adding Sections 20-160 and 50-37 as follows:

(30 ILCS 500/20-160 new)

Sec. 20-160. Business entities; certification; registration with the State Board of Elections.

(a) For purposes of this Section, the terms "business entity", "contract", "State contract", "contract with a State agency", "State agency", "affiliated entity", and "affiliated person" have the meanings ascribed to those terms in Section 50-37.

(b) Every bid submitted to and every contract executed by the State on or after the effective date of this amendatory Act of the 95th General Assembly shall contain (1) a certification by the bidder or contractor that either (i) the bidder or contractor is not required to register as a business entity with the State Board of Elections pursuant to this Section or (ii) the bidder or contractor has registered as a business entity with the State Board of Elections and acknowledges a continuing duty to update the registration and (2) a statement that the contract is voidable under Section 50-60 for the bidder's or contractor's failure to comply with this Section.

(c) Within 30 days after the effective date of this amendatory Act of the 95th General Assembly, each business entity (i) whose aggregate bids and proposals on State contracts annually total more than $50,000, (ii) whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, or (iii) whose contracts with State agencies, in the aggregate, annually total more than $50,000 shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code. A business entity required to register under this subsection shall submit a copy of the certificate of registration to the applicable chief procurement officer within 90 days after the effective date of this amendatory Act of the 95th General Assembly. A business entity required to register under this subsection due to item (i) or (ii) has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded; any change in information must be reported to the State Board of Elections within 2 business days following such change. A business entity required to register under this subsection due to item (iii) has a continuing duty to ensure that the registration is accurate in accordance with subsection (f).

(d) Any business entity, not required under subsection (c) to register within 30 days after the effective date of this amendatory Act of the 95th General Assembly, whose aggregate bids and proposals on State contracts annually total more than $50,000, or whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code prior to submitting to a State agency the bid or proposal whose value causes the business entity to fall within the monetary description of this subsection. A business entity required to register under this subsection has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded. Any change in information must be reported to the State Board of Elections within 2 business days following such change.

(e) A business entity whose contracts with State agencies, in the aggregate, annually total more than $50,000 must maintain its registration under this Section and has a continuing duty to ensure that the registration is accurate for the duration of the term of office of the incumbent officeholder awarding the contracts or for a period of 2 years following the expiration or termination of the contracts, whichever is longer. Any change in information shall be reported to the State Board of Elections within 10 days following such change; however, if a business entity required to register under this subsection has a pending bid or proposal, any change in information shall be reported to the State Board of Elections within 2 business days.

(f) A business entity's continuing duty under this Section to ensure the accuracy of its registration includes the requirement that the business entity notify the State Board of Elections of any change in information, including but not limited to changes of affiliated entities or affiliated persons.

(g) A copy of a certificate of registration must accompany any bid or proposal for a contract with a State agency by a business entity required to register under this Section. A chief procurement officer shall not accept a bid or proposal unless the certificate is submitted to the agency with the bid or proposal.

(h) A registration, and any changes to a registration, must include the business entity's verification of accuracy and subjects the business entity to the penalties of the laws of this State for perjury.

In addition to any penalty under Section 9-35 of the Election Code, intentional, willful, or material failure to disclose information required for registration shall render the contract, bid, proposal, or other procurement relationship voidable by the chief procurement officer if he or she deems it to be in the best interest of the State of Illinois.

(i) This Section applies regardless of the method of source selection used in awarding the contract.

(30 ILCS 500/50-37 new)

Sec. 50-37. Prohibition of political contributions.

(a) As used in this Section:

The terms "contract", "State contract", and "contract with a State agency" each mean any contract, as defined in this Code, between a business entity and a State agency let or awarded pursuant to this Code. The terms "contract", "State contract", and "contract with a State agency" do not include cost reimbursement contracts; purchase of care agreements as defined in Section 1-15.68 of this Code; grants, including but are not limited to grants for job training or transportation; and grants, loans, or tax credit agreements for economic development purposes.

"Contribution" means a contribution as defined in Section 9-1.4 of the Election Code.

"Declared candidate" means a person who has filed a statement of candidacy and petition for nomination or election in the principal office of the State Board of Elections.

"State agency" means and includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the Illinois Constitution or State statute, of the executive branch of State government and does include colleges, universities, public employee retirement systems, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Illinois Board of Higher Education.

"Officeholder" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer. The Governor shall be considered the officeholder responsible for awarding all contracts by all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer.

"Sponsoring entity" means a sponsoring entity as defined in Section 9-3 of the Election Code.

"Affiliated person" means (i) any person with any ownership interest or distributive share of the bidding or contracting business entity in excess of 7.5%, (ii) executive employees of the bidding or contracting business entity, and (iii) the spouse and minor children of any such persons.

"Affiliated entity" means (i) any subsidiary of the bidding or contracting business entity, (ii) any member of the same unitary business group, (iii) any organization recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) established by the bidding or contracting business entity, any affiliated entity of that business entity, or any affiliated person of that business entity, or (iv) any political committee for which the bidding or contracting business entity, any affiliated person, or any entity described in items (i) through (iii) related to that business entity, is the sponsoring entity.

"Business entity" means any entity doing business for profit, whether organized as a corporation, partnership, sole proprietorship, limited liability company or partnership, or otherwise.

"Executive employee" means the President, Chairman, Chief Executive Officer, or other employee with executive decision-making authority over the long-term and day-to-day affairs of the entity employing the employee, or an employee whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee.

(b) Any business entity whose contracts with State agencies, in the aggregate, annually total more than $50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committees established to promote the candidacy of (i) the officeholder responsible for awarding the contracts or (ii) any other declared candidate for that office. This prohibition shall be effective for the duration of the term of office of the incumbent officeholder awarding the contracts or for a period of 2 years following the expiration or termination of the contracts, whichever is longer.

(c) Any business entity whose aggregate pending bids and proposals on State contracts total more than $50,000, or whose aggregate pending bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committee established to promote the candidacy of the officeholder responsible for awarding the contract on which the business entity has submitted a bid or proposal during the period beginning on the date the invitation for bids or request for proposals is issued and ending on the day after the date the contract is awarded.

(d) All contracts between State agencies and a business entity that violate subsection (b) or (c) shall be voidable under Section 50-60. If a business entity violates subsection (b) 3 or more times within a 36-month period, then all contracts between State agencies and that business entity shall be void, and that business entity shall not bid or respond to any invitation to bid or request for proposals from any State agency or otherwise enter into any contract with any State agency for 3 years from the date of the last violation. A notice of each violation and the penalty imposed shall be published in both the Procurement Bulletin and the Illinois Register.

(e) Any political committee that has received a contribution in violation of subsection (b) or (c) shall pay an amount equal to the value of the contribution to the State no more than 30 days after notice of the violation concerning the contribution appears in the Illinois Register. Payments received by the State pursuant to this subsection shall be deposited into the general revenue fund.

Section 1-101. The Illinois Procurement Code is amended by changing Section 50-70 as follows:

(30 ILCS 500/50-70)

Sec. 50-70. Additional provisions. This Code is subject to applicable provisions of the following Acts:

(1) Article 33E of the Criminal Code of 1961;

(2) the Illinois Human Rights Act;

(3) the Discriminatory Club Act;

(4) the Illinois Governmental Ethics Act;

(5) the State Prompt Payment Act;

(6) the Public Officer Prohibited Activities Act;

(7) the Drug Free Workplace Act; ~~and~~

(8) the Illinois Power Agency Act; ~~.~~

(9) ~~(8)~~ the Employee Classification Act ; and ~~.~~

(10) The Illinois Lottery Law.

(Source: P.A. 95-26, eff. 1-1-08; 95-481, eff. 8-28-07; revised 11-2-07.)

Section 1-102. The Illinois Pension Code is amended by changing Sections 14-110, 14-111, 14-152.1, 18-127, and 18-169 as follows:

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

Sec. 14-110. Alternative retirement annuity.

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

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

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

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

These rates shall not be applicable to any service performed by a member as a covered employee which is not eligible creditable service. Service as a covered employee which is not eligible creditable service

shall be subject to the rates and provisions of Section 14-108.

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

(1) State policeman;
(2) fire fighter in the fire protection service of a department;
(3) air pilot;
(4) special agent;
(5) investigator for the Secretary of State;
(6) conservation police officer;
(7) investigator for the Department of Revenue;
(7.5) investigator for the Office of Gaming Enforcement;
(8) security employee of the Department of Human Services;
(9) Central Management Services security police officer;
(10) security employee of the Department of Corrections or the Department of Juvenile Justice;
(11) dangerous drugs investigator;
(12) investigator for the Department of State Police;
(13) investigator for the Office of the Attorney General;
(14) controlled substance inspector;
(15) investigator for the Office of the State's Attorneys Appellate Prosecutor;
(16) Commerce Commission police officer;
(17) arson investigator;
(18) State highway maintenance worker.

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

(c) For the purposes of this Section:

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

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

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

(4) The term "special agent" means any person who by reason of employment by the Division of Narcotic Control, the Bureau of Investigation or, after July 1, 1977, the Division of Criminal Investigation, the Division of Internal Investigation, the Division of Operations, or any other Division or organizational entity in the Department of State Police is vested by law with duties to maintain public order, investigate violations of the criminal law of this State, enforce the laws of this State, make arrests and recover property. The term "special agent" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

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

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

(6) The term "Conservation Police Officer" means any person employed by the Division of

Law Enforcement of the Department of Natural Resources and vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. The term "Conservation Police Officer" includes the positions of Chief Conservation Police Administrator and Assistant Conservation Police Administrator.

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

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

(8) The term "security employee of the Department of Human Services" means any person employed by the Department of Human Services who (i) is employed at the Chester Mental Health Center and has daily contact with the residents thereof, (ii) is employed within a security unit at a facility operated by the Department and has daily contact with the residents of the security unit, (iii) is employed at a facility operated by the Department that includes a security unit and is regularly scheduled to work at least 50% of his or her working hours within that security unit, or (iv) is a mental health police officer. "Mental health police officer" means any person employed by the Department of Human Services in a position pertaining to the Department's mental health and developmental disabilities functions who is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. "Security unit" means that portion of a facility that is devoted to the care, containment, and treatment of persons committed to the Department of Human Services as sexually violent persons, persons unfit to stand trial, or persons not guilty by reason of insanity. With respect to past employment, references to the Department of Human Services include its predecessor, the Department of Mental Health and Developmental Disabilities.

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

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

(10) For a member who first became an employee under this Article before July 1, 2005, the term "security employee of the Department of Corrections or the Department of Juvenile Justice" means any employee of the Department of Corrections or the Department of Juvenile Justice or the former Department of Personnel, and any member or employee of the Prisoner Review Board, who has daily contact with inmates or youth by working within a correctional facility or Juvenile facility operated by the Department of Juvenile Justice or who is a parole officer or an employee who has direct contact with committed persons in the performance of his or her job duties. For a member who first becomes an employee under this Article on or after July 1, 2005, the term means an employee of the Department of Corrections or the Department of Juvenile Justice who is any of the following: (i) officially headquartered at a correctional facility or Juvenile facility operated by the Department of Juvenile Justice, (ii) a parole officer, (iii) a member of the apprehension unit, (iv) a member of the intelligence unit, (v) a member of the sort team, or (vi) an investigator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) If a member enters military service while working in a position in which eligible creditable service

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

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

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

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

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

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

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

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 5 years of service as a police officer under Article 3, a policeman under Article 5, a sheriff's law enforcement employee under Article 7, a member of the county police department under Article 9, or a police officer under Article 15 by filing a written election with the Board and paying to the System an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4 and the amounts that would have

been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

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

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

(k) Subject to the limitation in subsection (i) of this Section, an alternative formula employee may elect to establish eligible creditable service for periods spent as a full-time law enforcement officer or full-time corrections officer employed by the federal government or by a state or local government located outside of Illinois, for which credit is not held in any other public employee pension fund or retirement system. To obtain this credit, the applicant must file a written application with the Board by March 31, 1998, accompanied by evidence of eligibility acceptable to the Board and payment of an amount to be determined by the Board, equal to (1) employee contributions for the credit being established, based upon the applicant's salary on the first day as an alternative formula employee after the employment for which credit is being established and the rates then applicable to alternative formula employees, plus (2) an amount determined by the Board to be the employer's normal cost of the benefits accrued for the credit being established, plus (3) regular interest on the amounts in items (1) and (2) from the first day as an alternative formula employee after the employment for which credit is being established to the date of payment.

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

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

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

(40 ILCS 5/14-111) (from Ch. 108 1/2, par. 14-111)

Sec. 14-111. Re-entry After retirement.

(a) An annuitant who re-enters the service of a department and receives compensation on a regular payroll shall receive no payments of the retirement annuity during the time he is so employed, with the following exceptions:

(1) An annuitant who is employed by a department while he or she is a continuing participant in the General Assembly Retirement System under Sections 2-117.1 and 14-105.4 will not be considered to have made a re-entry after retirement within the meaning of this Section for the duration of such continuing participation. Any person who is a continuing participant under Sections 2-117.1 and 14-105.4 on the effective date of this amendatory Act of 1991 and whose retirement annuity has been suspended under this Section shall be entitled to receive from the System a sum equal to the annuity payments that have been withheld under this Section, and shall receive the benefit of this amendment

without regard to Section 1-103.1.

(2) An annuitant who accepts temporary employment from such a department for a period not exceeding 75 working days in any calendar year is not considered to make a re-entry after retirement within the meaning of this Section. Any part of a day on temporary employment is considered a full day of employment.

(3) An annuitant who is a member of the Illinois Gaming Board or who accepts employment as a member of the Illinois Gaming Board or as the Director of Gaming Enforcement on or after the effective date of this amendatory Act of the 95th General Assembly may elect to not participate in this System with respect to that service. An annuitant who elects to not participate in this System with respect to that service is not considered to make a re-entry after retirement within the meaning of this Section.

(b) If such person re-enters the service of a department, not as a temporary employee, contributions to the system shall begin as of the date of re-employment and additional creditable service shall begin to accrue. He shall assume the status of a member entitled to all rights and privileges in the system, including death and disability benefits, excluding a refund of contributions.

Upon subsequent retirement, his retirement annuity shall consist of:

(1) the amounts of the annuities terminated by re-entry into service; and

(2) the amount of the additional retirement annuity earned by the member during the period of additional membership service which shall not be subject to reversionary annuity if any.

The total retirement annuity shall not, however, exceed the maximum applicable to the member at the time of original retirement. In the computation of any such retirement annuity, the time that the member was on retirement shall not interrupt the continuity of service for the computation of final average compensation and the additional membership service shall be considered, together with service rendered before the previous retirement, in establishing final average compensation.

A person who re-enters the service of a department within 3 years after retiring may qualify to have the retirement annuity computed as though the member had not previously retired by paying to the System, within 5 years after re-entry and prior to subsequent retirement, in a lump sum or in installment payments in accordance with such rules as may be adopted by the Board, an amount equal to all retirement payments received, including any payments received in accordance with subsection (c) or (d) of Section 14-130, plus regular interest from the date retirement payments were suspended to the date of repayment.

(Source: P.A. 86-1488; 87-794.)

(40 ILCS 5/14-152.1)

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

(a) As used in this Section, "new benefit increase" means an increase in the amount of any benefit provided under this Article, or an expansion of the conditions of eligibility for any benefit under this Article, that results from an amendment to this Code that takes effect after June 1, 2005 (the effective date of Public Act 94-4) ~~this amendatory Act of the 94th General Assembly~~. "New benefit increase", however, does not include any benefit increase resulting from the changes made to this Article by this amendatory Act of the 95th General Assembly.

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

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

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

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

(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including without limitation a person who continues in service after the expiration date and did not apply and qualify for the affected benefit while the new benefit increase was in effect.

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

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

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

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

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

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

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

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

(e) A participant receiving a retirement annuity under this Article who <u>(i)</u> serves as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission <u>or (ii) serves on the Illinois Gaming Board or as the Director of Gaming Enforcement</u>, but has not elected to participate in the Article 14 System with respect to that service, shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (e) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 93rd General Assembly. In this subsection, a "part-time employee" is a person who is not required to work at least 35 hours per week. <u>The changes made to this subsection (e) by this amendatory Act of the 95th General Assembly apply without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 95th General Assembly.</u>

(f) A participant receiving a retirement annuity under this Article who has made an election under Section 1-123 and who is serving either as legal counsel in the Office of the Governor or as Chief Deputy Attorney General shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (f) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 93rd General Assembly.

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

(40 ILCS 5/18-169)

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

(a) As used in this Section, "new benefit increase" means an increase in the amount of any benefit provided under this Article, or an expansion of the conditions of eligibility for any benefit under this

Article, that results from an amendment to this Code that takes effect after June 1, 2005 (the effective date Public Act 94-4) ~~of this amendatory Act of the 94th General Assembly~~. "New benefit increase", however, does not include any benefit increase resulting from the changes made to this Article by this amendatory Act of the 95th General Assembly.

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

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

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

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

(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including without limitation a person who continues in service after the expiration date and did not apply and qualify for the affected benefit while the new benefit increase was in effect.

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

Section 1-103. The Illinois Municipal Code is amended by adding Section 9-1-15 as follows:

(65 ILCS 5/9-1-15 new)

Sec. 9-1-15. The Chicago Infrastructure Fund. The City of Chicago may establish a Chicago Infrastructure Fund. The City shall deposit into the Fund all amounts from appropriations, transfers, gifts, grants, donations, and any other legal source designated for deposit into the Fund. Until needed for expenditure, the City shall invest the amounts held in the Fund in investments permitted under the Public Funds Investment Act. Amounts on deposit in the Fund and interest and other investment earnings on those amounts shall be expended by the City solely for costs of making transportation-related capital improvements. Upon appropriation by law of amounts to the City of Chicago for deposit into the Chicago Infrastructure Fund, the Comptroller shall order paid and the Treasurer shall pay to the City the appropriated amounts.

Section 1-104. The Regional Transportation Authority Act is amended by adding Section 4.03.4 as follows:

(70 ILCS 3615/4.03.4 new)

Sec. 4.03.4. The Regional Transportation Authority Infrastructure Fund. The Authority shall establish the Regional Transportation Authority Infrastructure Fund. The Authority shall deposit into the Fund all amounts from appropriations, transfers, gifts, grants, donations, and any other legal source designated for deposit into the Fund. Until needed for expenditure, the Authority shall invest the amounts held in the Fund in investments permitted under the Public Funds Investment Act. Amounts on deposit in the Fund, and interest and other investment earnings on those amounts, shall be expended by the Authority solely for costs of making capital improvements that have been included in a Five-Year Capital Program adopted by the Authority. Upon appropriation by law of amounts to the Authority for deposit into the Regional Transportation Authority Infrastructure Fund, the Comptroller shall order paid and the Treasurer shall pay to the Authority the appropriated amounts. The Auditor General shall audit or cause to be audited the income and expenditures of the Fund.

Section 1-105. The Riverboat Gambling Act is amended by changing Sections 5, 5.1, 6, 13, and 17 and by adding Sections 5.2, 5.3, 5.4, 5.5, 5.7, and 14.5 as follows:

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

Sec. 5. Gaming Board.

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

(2) The Board shall consist of 5 members to be appointed by the Governor with the advice and consent of the Senate, one of whom shall be designated by the Governor to be chairperson ~~chairman~~. Each member shall have a reasonable knowledge of the practice, procedure and principles of gambling operations. Each member shall either be a resident of Illinois or shall certify that he or she will become a resident of Illinois before taking office. Notwithstanding any provision of this Section to the contrary, the term of office of each member of the Board serving on the effective date of this amendatory Act of the 95th General Assembly ends and those members shall hold office only until their successors are appointed and qualified pursuant to this amendatory Act of the 95th General Assembly. Members appointed pursuant to this amendatory Act of the 95th General Assembly and their successors shall serve on a full-time basis and may not hold any other employment for which they are compensated.

Beginning on the effective date of this amendatory Act of the 95th General Assembly, the Board shall consist of 5 members appointed by the Governor from nominations presented to the Governor by the Nomination Panel and with the advice and consent of the Senate by a record vote of at least two-thirds of the members elected. The Board must include the following:

(1) One member must have, at a minimum, a bachelor's degree from an accredited school and at least 10 years of verifiable training and experience in the fields of investigation and law enforcement.

(2) One member must be a certified public accountant with experience in auditing and with knowledge of complex corporate structures and transactions.

(3) One member must have 5 years' experience as a principal, senior officer, or director of a company or business with either material responsibility for the daily operations and management of the overall company or business or material responsibility for the policy making of the company or business.

(4) Two members must be former judges elected or appointed to judicial office in Illinois or former federal judges appointed to serve in Illinois.

No more than 3 members of the Board may be from the same political party. At least one member must reside outside of Cook, Will, Lake, DuPage, and Kane counties. The Board should reflect the ethnic, cultural, and geographic diversity of the State. Each member shall have a reasonable knowledge of the practice, procedures, and principles of gambling operations. No Board member, within a period of 2 years immediately preceding nomination, shall have been employed or received compensation or fees for services from a person or entity, or its parent or affiliate, that has engaged in business with the Board or a licensee. Each member shall either be a resident of Illinois or shall certify that he or she will become a resident of Illinois before taking office. ~~At least one member shall be experienced in law enforcement and criminal investigation, at least one member shall be a certified public accountant experienced in accounting and auditing, and at least one member shall be a lawyer licensed to practice law in Illinois.~~

(3) The terms of office of the Board members shall be 4 ~~3~~ years, except that the terms of office of the initial Board members appointed pursuant to this amendatory Act of the 95th General Assembly ~~Act~~ will commence from the effective date of this amendatory Act and run as follows, to be determined by lot: one for a term ending July 1 of the year following confirmation ~~, 1991~~, one ~~2~~ for a term ending July 1 two years following confirmation ~~, 1992~~, one ~~and 2~~ for a term ending July 1 three years following confirmation, and 2 for a term ending July 1 four years following confirmation ~~1993~~. Upon the expiration of the foregoing terms, the successors of such members shall serve a term for 4 ~~3~~ years and until their successors are appointed and qualified for like terms. Vacancies in the Board shall be filled for the unexpired term in like manner as original appointments. Each member of the Board shall be eligible for reappointment , subject to the nomination process of the Nomination Panel, by ~~at the discretion of~~ the Governor with the advice and consent of the Senate by a record vote of at least two-thirds of the members elected.

(4) For members appointed pursuant to this amendatory Act of the 95th General Assembly and their successors, the chairman of the Board shall receive an annual salary equal to the annual salary of a State appellate court judge, and other members of the Board shall receive an annual salary equal to the annual salary of a State circuit court judge. ~~Each member of the Board shall receive $300 for each day the Board meets and for each day the member conducts any hearing pursuant to this Act.~~ Each member of the Board

shall also be reimbursed for all actual and necessary expenses and disbursements incurred in the execution of official duties.

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

(6) Any member of the Board may be removed by the Governor for neglect of duty, misfeasance, malfeasance, or nonfeasance in office or for engaging in any political activity as defined in subsection (g) of Section 5.5.

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

(8) The ~~Upon the request of the~~ Board~~, the Department~~ shall employ such personnel as may be necessary to carry out its ~~the~~ functions and shall determine the salaries of all personnel, except those personnel whose salaries are determined under the terms of a collective bargaining agreement. An employee or the employee's spouse, parent, or child may not for 2 years immediately preceding employment, during employment and for 5 years after employment have a financial interest in or financial relationship with any person or entity, or its parent or affiliate that is engaged or has engaged in business with the Board or a licensee ~~of the Board~~. ~~No person shall be employed to serve the Board who is, or whose spouse, parent or child is, an official of, or has a financial interest in or financial relation with, any operator engaged in gambling operations within this State or any organization engaged in conducting horse racing within this State.~~ Any employee violating these prohibitions shall be subject to termination of employment.

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

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

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

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

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

(4) To provide for the establishment and collection of all license and registration fees and taxes imposed by this Act and the rules and regulations issued pursuant hereto. All such fees

and taxes shall be deposited into the State Gaming Fund, unless otherwise provided for;

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

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

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

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

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

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

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

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

(13) To exercise powers and perform the duties provided for pursuant to the Illinois Lottery Law.

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

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

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

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

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

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

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

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

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

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

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

(11) To revoke or suspend licenses, as the Board may see fit and in compliance with applicable laws of the State regarding administrative procedures, and to review applications for the renewal of licenses.

The Board may suspend an owners license, without notice or hearing upon a determination that the safety or health of patrons or employees is jeopardized by continuing a riverboat's operation. The suspension may remain in effect until the Board determines that the cause for suspension has been abated. The Board may revoke a the owners license upon a determination that the owner has not made satisfactory progress toward abating the hazard.

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

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

(14) (Blank).

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

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

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

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

(19) After consultation with the U.S. Army Corps of Engineers, to establish binding emergency orders upon the concurrence of a majority of the members of the Board regarding the

navigability of water, relative to excursions, in the event of extreme weather conditions, acts of God or other extreme circumstances.

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

(21) To review all contracts entered into by owners licensees authorized under this Act. Beginning when the Board has been appointed and confirmed as provided for in this amendatory Act of the 95th General Assembly, the Board must review and approve all contracts entered into by an owners licensee for an aggregate amount of $50,000 or more or for a term to exceed 365 days. If a contract has been entered into prior to Board authorization of a requested action, then the contract is not valid until the Board approves both the requested action and the contract itself.

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

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

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

(f) Except as provided in subsection (h) of Section 5.4, all Board meetings are subject to the Open Meetings Act. Three members of the Board constitute a quorum, and 3 votes are required for any final determination by the Board. The Board shall keep a complete and accurate record of all its meetings. A majority of the members of the Board constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power that this Act requires the Board members to transact, perform, or exercise en banc, except that, upon order of the Board, one of the Board members or an administrative law judge designated by the Board may conduct any hearing provided for under this Act or by Board rule and may recommend findings and decisions to the Board. The Board member or administrative law judge conducting such hearing has all powers and rights granted to the Board in this Act. The record made at the time of the hearing shall be reviewed by the Board, or a majority thereof, and the findings and decision of the majority of the Board constitutes the order of the Board in such case.

(g) The Board shall carry on a continuous study of the operation and administration of gaming laws that may be in effect in other jurisdictions, literature on this subject that may from time to time become available, federal laws that may affect the operation of gaming in this State, and the reaction of Illinois citizens to existing and potential features of gaming under this Act. The Board is responsible for ascertaining any defects in this Act or in the rules adopted thereunder, formulating recommendations for changes in this Act to prevent abuses thereof, guarding against the use of this Act as a cloak for the carrying on of illegal gambling or other criminal activities, and insuring that this Act and the rules are in such form and so administered as to serve the true purposes of this Act.

(h) The Board shall file with the Governor and the General Assembly an annual report of (i) all revenues, expenses, and disbursements, (ii) actions taken by the Board, and (iii) any recommendations for changes in this Act as the Board deems necessary or desirable. The Board shall also report recommendations that promote more efficient operations of the Board.

(i) The Board shall report immediately to the Governor and the General Assembly any matters that in its judgment require immediate changes in the laws of this State in order to prevent abuses and evasions of this Act or of its rules or to rectify undesirable conditions in connection with the operation and regulation of gambling operations.

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

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

Sec. 5.1. Disclosure of records.

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

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

(2) An identification of any applicant or licensee including, if an applicant or

licensee is not an individual, the state of incorporation or registration, the corporate officers, and the identity of all shareholders or participants. If an applicant or licensee has a pending registration statement filed with the Securities and Exchange Commission, only the names of those persons or entities holding interest of 1% ~~5%~~ or more must be provided.

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

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

(5) Whether an applicant or licensee has had any license or certificate issued by a licensing authority in Illinois or any other jurisdiction denied, restricted, suspended, revoked or not renewed and a statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation or non-renewal, including the licensing authority, the date each such action was taken, and the reason for each such action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Source: P.A. 87-826.)

(230 ILCS 10/5.2 new)

Sec. 5.2. Separation from Department of Revenue. On the effective date of this amendatory Act of the 95th General Assembly, all of the powers, duties, assets, liabilities, employees, contracts, property, records, pending business, and unexpended appropriations of the Department of Revenue related to the administration and enforcement of this Act are transferred to the Illinois Gaming Board and the Office of Gaming Enforcement.

The status and rights of the transferred employees, and the rights of the State of Illinois and its agencies, under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan are not affected (except as provided in the Illinois Pension Code) by that transfer or by any other provision of this amendatory Act of the 95th General Assembly.

(230 ILCS 10/5.3 new)

Sec. 5.3. Nomination Panel.

(a) The Nomination Panel is established to provide a list of candidates to the Governor for appointment to the Illinois Gaming Board and the position of Director of Gaming Enforcement. Members of the Nomination Panel shall be appointed by a majority vote of the following appointing authorities: (1) the Executive Ethics Commissioner appointed by the Secretary of State; (2) the Executive Ethics Commissioner appointed by the Treasurer; (3) the Executive Ethics Commissioner appointed by the Comptroller; (4) the Executive Ethics Commissioner appointed by the Attorney General; and (5) the Executive Ethics Commissioner appointed to serve as the first Chairman of the Executive Ethics Commission, or, upon his disqualification, refusal to serve, or resignation, the longest-serving Executive Ethics Commissioner appointed by the Governor. However, the appointing authorities as of the effective date of this amendatory Act of the 95th General Assembly shall remain empowered to fill vacancies on the Nomination Panel until all members of the new Gaming Board and the Director of Gaming Enforcement have been appointed and qualified, regardless of whether such appointing authorities remain members of the Executive Ethics Commission. In the event of such appointing authority's disqualification, resignation, or refusal to serve as an appointing authority, the Constitutional officer that appointed the Executive Ethics Commissioner may name a designee to serve as an appointing authority for the Nomination Panel. The appointing authorities may hold so many public or non-public meetings as is required to fulfill their duties, and may utilize the staff and budget of the Executive Ethics Commission in carrying out their duties; provided, however, that a final vote on appointees to the Nomination Panel shall take place in a meeting governed by the Open Meetings Act. Any ex parte communications regarding the Nomination Panel must be made a part of the record at the next public meeting and part of a written record. The appointing authorities shall file a list of members of the Nomination Panel with the Secretary of State within 60 days after the effective date of this amendatory Act of the 95th General Assembly. A vacancy on the Nomination Panel due to disqualification or resignation must be filled within 60 days of a vacancy and the appointing authorities must file the name of the new appointee with the Secretary of State.

(b) The Nomination Panel shall consist of the following members: (i) 2 members shall be former federal or State judges from Illinois, (ii) 2 members shall be former federal prosecutors from Illinois, (iii) one member shall be a former sworn federal officer with investigatory experience with a federal agency, including but not limited to the Federal Bureau of Investigation, the Internal Revenue Service, the Securities and Exchange Commission, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any other federal agency, (iv) 2 members shall be former members of federal agencies with experience in regulatory oversight, and (v) 2 members shall have at least 5 years of experience with nonprofit agencies in Illinois committed to public-interest advocacy for which the appointing authorities shall solicit recommendations from the Campaign for Political Reform, the Better Government Association, the Chicago Crime Commission, the League of Women Voters, the Urban League, the Mexican American Legal Defense and Educational Fund, and any other source deemed appropriate. Members shall submit statements of economic interest to the Secretary of State. Each member of the Nomination Panel shall receive $300 for each day the Nomination Panel meets. The Executive Ethics Commission shall provide staff and support to the Nomination Panel pursuant to appropriations available for those purposes.

(c) Candidates for nomination to the Illinois Gaming Board or the position of Director of Gaming Enforcement may apply or be nominated. All candidates must fill out a written application and submit to a background investigation to be eligible for consideration. The written application must include, at a minimum, a sworn statement disclosing any communications that the applicant has engaged in with a constitutional officer, a member of the General Assembly, a special government agent (as that term is defined in Section 4A-101 of the Illinois Governmental Ethics Act), a member of the Illinois Gaming Board or the Nomination Panel, a director, secretary, or other employee of the executive branch of the State, or an employee of the legislative branch of the State related to the regulation of gaming within the last year.

A person who knowingly provides false or misleading information on the application or knowingly fails to disclose a communication required to be disclosed in the sworn statement under this Section is guilty of a Class 4 felony.

(d) Once an application is submitted to the Nomination Panel and until (1) the nominee is rejected by the Nomination Panel, (2) the nominee is rejected by the Governor, (3) the candidate is rejected by the Senate, or (4) the candidate is confirmed by the Senate, whichever is applicable, a candidate may not engage in ex parte communications, as that term is defined in Section 5.7 of this Act.

(e) The Nomination Panel shall conduct a background investigation on candidates eligible for nomination to the Illinois Gaming Board or the position of Director of Gaming Enforcement. For the purpose of making the initial nominations after the effective date of this amendatory Act of the 95th General Assembly, the Nomination Panel shall request the assistance of the Federal Bureau of Investigation to conduct background investigations. If the Federal Bureau of Investigation does not agree to conduct background investigations, or the Federal Bureau of Investigations cannot conduct the background investigations within 120 days after the request is made, the Nomination Panel may contract with an independent agency that specializes in conducting personal investigations. After the Office of Gaming Enforcement is operational, the Nomination Panel must use the Office of Gaming Enforcement's investigatory staff. The Office of Gaming Enforcement may seek the assistance of the Federal Bureau of Investigation or an independent agency that specializes in conducting background investigations. The Nomination Panel and the Office of Gaming Enforcement may not engage the services or enter into any contract with State or local law enforcement agencies for the conduct of background investigations.

(f) The Nomination Panel must review written applications, determine eligibility for oral interviews, confirm satisfactory background investigations, and hold public hearings on qualifications of candidates. Initial interviews of candidates need not be held in meetings subject to the Open Meetings Act; members or staff may arrange for informal interviews. Prior to recommendation, however, the Nomination Panel must question candidates in a meeting subject to the Open Meetings Act under oath.

(g) The Nomination Panel must recommend candidates for nomination to the Illinois Gaming Board and the position of Director of Gaming Enforcement. The Nomination Panel shall recommend 3 candidates for every open position and prepare a memorandum detailing the candidates' qualifications. The names and the memorandum must be delivered to the Governor and filed with the Secretary of State. The Governor may choose only from the recommendations of the Nomination Panel and must nominate a candidate for every open position within 30 days of receiving the recommendations. The Governor shall file the names of his nominees with the Secretary of the Senate and the Secretary of State. If the Governor does not name a nominee for every open position, then the Nomination Panel may select the remaining nominees for the Illinois Gaming Board or the position of Director of Gaming Enforcement. For the purpose of making the initial recommendations after the effective date of this amendatory Act of the 95th General Assembly, the Nomination Panel shall make recommendations to the Governor no later than 150 days after appointment of all members of the Nomination Panel. For the purpose of filling subsequent vacancies, the Nomination Panel shall make recommendations to the Governor within 90 days of a vacancy in office.

(h) Selections by the Governor must receive the advice and consent of the Senate by record vote of at least two-thirds of the members elected.

(230 ILCS 10/5.4 new)

Sec. 5.4. Office of Gaming Enforcement.

(a) There is established the Office of Gaming Enforcement (the "Office"), which shall have the powers and duties specified in this Act and the Illinois Lottery Law. Its jurisdiction shall extend under this Act and the Illinois Lottery Law to every licensee, person, association, corporation, partnership and trust involved in gambling and lottery operations in the State of Illinois.

(b) The Office shall have an officer as its head who shall be known as the Director and who shall execute the powers and discharge the duties given to the Office by this Act and the Illinois Lottery Law. The

Director must have at least 10 years experience in law enforcement and investigatory methods at the federal or state level, but not necessarily in Illinois, with a preference given for experience in regulation or investigation in the gaming industry. Nominations for the position of Director must be made by the Nomination Panel as provided in Section 5.3. The Director of the Office may be removed by the Governor for neglect of duty, misfeasance, malfeasance, or nonfeasance in office or for engaging in political activity as defined in subsection (g) of Section 5.5. The Director shall receive an annual salary equal to the annual salary of a State appellate court judge and shall hold no other employment for which he or she receives compensation. The Director may not hold a local, state, or federal elective or appointive office or be employed by a local, state, or federal governmental entity while in office.

(c) The Director shall employ such personnel as may be necessary to carry out the functions of the Office and shall determine the salaries of all personnel, except those personnel whose salaries are determined under the terms of a collective bargaining agreement. An employee or the employee's spouse, parent, or child, may not for 2 years immediately preceding employment, during employment, and for 5 years after employment have a financial interest in or financial relationship with any person or entity, or its parent or affiliate that is engaged or has engaged in business with the Board or a licensee. Any employee violating these prohibitions is subject to termination of employment.

(d) In addition to its powers and duties specified in the Illinois Lottery Law, the Office shall have general responsibility for the investigation and enforcement of this Act. Its powers and duties include without limitation the following:

(1) To be present through its inspectors and agents any time gambling operations are conducted for the purpose of certifying the revenue thereof, receiving complaints from the public, and conducting such other investigations into the conduct of the gambling games and the maintenance of the equipment as from time to time the Office may deem necessary and proper.

(2) To supervise all gambling operations authorized under this Act and all persons in places where riverboat gambling operations are conducted.

(3) To promulgate rules regarding the inspection of riverboats.

(4) To enter the facility or other places of business of a licensee under this Act where evidence of the compliance or noncompliance with the provisions of those Acts are likely to be found.

(5) To exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation, to the extent possible, and the Department of State Police for use in considering applicants for any license.

(6) To eject or exclude or authorize the ejection or exclusion of any person from a riverboat where the person is in violation of this Act, rules thereunder, or final orders of the Board, or where such person's conduct or reputation is such that his or her presence within the riverboat may call into question the honesty and integrity of the gambling operations or interfere with the orderly conduct thereof; provided that the propriety of such ejection or exclusion is subject to subsequent hearing.

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

(8) To conduct investigations on its own initiative or as requested by the Illinois Gaming Board or the Nomination Panel, including without limitation investigations for suspected violations of this Act and investigations for issuance or renewal of a license.

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

(f) The Office is a law enforcement agency, and its employees and agents shall have such law enforcement powers as may be delegated to them by the Attorney General to effectuate the purposes of this Act.

(g) Whenever the Office has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to an investigation, the Office may, before commencing a civil proceeding under this Act, issue in writing and cause to be served upon such person, a subpoena requiring such person: (A) to produce such documentary material for inspection and copying, (B) to answer, in writing, written interrogatories with respect to such documentary material or information, (C) to give oral testimony concerning such documentary material or information, or (D) to furnish any combination of such material, answers, or testimony.

(h) The Office may order any person to answer a question or questions or produce evidence of any kind and confer immunity as provided in this subsection. If, in the course of any investigation or hearing conducted under this Act, a person refuses to answer a question or produce evidence on the ground that he

or she will be exposed to criminal prosecution thereby, then in addition to any other remedies or sanctions provided for by this Act, the Office may, by resolution of the Board and after the written approval of the Attorney General, issue an order to answer or to produce evidence with immunity. Hearings, documents, and other communications regarding the granting of immunity are not subject to the Freedom of Information Act or the Open Meetings Act. If, upon issuance of such an order, the person complies therewith, he or she shall be immune from having such responsive answer given by him or her or such responsive evidence produced by him or her, or evidence derived therefrom, used to expose him or her to criminal prosecution, except that such person may nevertheless be prosecuted for any perjury committed in such answer or in producing such evidence, or for contempt for failing to give an answer or produce evidence in accordance with the order of the Office; provided, however, that no period of incarceration for contempt shall exceed 18 months in duration. Any such answer given or evidence produced shall be admissible against him or her upon any criminal investigation, proceeding, or trial against him or her for such perjury; upon any investigation, proceeding or trial against him or her for such contempt; or in any manner consistent with State and constitutional provisions.

(i) When the Office or any entity authorized under this Act is authorized or required by law to conduct a background investigation, the Office shall:

(1) conduct a criminal history record check investigation to obtain any information currently or subsequently contained in the files of the State Police and, if possible, the Federal Bureau of Investigation, regarding possible criminal behavior, including misdemeanor and felony convictions;

(2) conduct a civil action record check investigation to obtain information regarding any civil matters to which the person was a party, witness, or in any way substantially participated in the matter;

(3) conduct investigation of personal and professional references and acquaintances, including, but not limited to, current and former employers or employees; or

(4) conduct investigation of financial history.

(230 ILCS 10/5.5 new)

Sec. 5.5. Ethics provisions.

(a) Conflict of interest. Board members, members of the Nomination Panel, the Director of Gaming Enforcement, and employees may not engage in communications or any activity that may cause or have the appearance of causing a conflict of interest. A conflict of interest exists if a situation influences or creates the appearance that it may influence judgment or performance of regulatory duties and responsibilities. This prohibition shall extend to any act identified by the Director of Gaming Enforcement's or Board's action that, in the judgment of the Director or Board, could represent the potential for or the appearance of a conflict of interest.

(b) Financial interest. Constitutional officers, members of the General Assembly, members of the Executive Ethics Commission, Board members, members of the Nomination Panel, the Director of Gaming Enforcement, and employees may not have a financial interest, directly or indirectly, in his or her own name or in the name of any other person, partnership, association, trust, corporation, or other entity, in any contract or subcontract for the performance of any work for the Board or for any licensee under this Act. This prohibition shall extend to the holding or acquisition of an interest in any entity identified by Board action that, in the judgment of the Board, could represent the potential for or the appearance of a financial interest. The holding or acquisition of an interest in such entities through an indirect means, such as through a mutual fund, shall not be prohibited, except that Board may identify specific investments or funds that, in its judgment, are so influenced by gaming holdings as to represent the potential for or the appearance of a conflict of interest.

(c) Gambling. Except as may be required in the conduct of official duties, Board members and employees and the Director of Gaming Enforcement shall not engage in gambling on any riverboat or engage in legalized gambling in any establishment identified by Board action that, in the judgment of the Board, could represent a potential for a conflict of interest.

(d) Outside employment. A Board member, the Director of Gaming Enforcement, or an employee of the Board or the Office of Gaming Enforcement may not, within a period of 5 years immediately after termination of employment, knowingly accept employment or receive compensation or fees for services from a person or entity, or its parent or affiliate, that has engaged in business with the Board that resulted in contracts with an aggregate value of at least $25,000 or if that Board member, employee, or the Director has made a decision that directly applied to the person or entity, or its parent or affiliate. A Board member, employee, or the Director shall not hold or pursue employment, office, position, business, or occupation that conflict with his or her official duties. Board members and the Director shall not engage in other employment. Employees may engage in other gainful employment so long as that employment does not

interfere or conflict with their duties and such employment is approved by the Board.

(e) Gift ban. Board members, the Director of Gaming Enforcement, members of the Nomination Panel, and employees may not accept any gift, gratuity, service, compensation, travel, lodging, or thing of value, with the exception of unsolicited items of an incidental nature, from any person, corporation or entity doing business with the Board.

(f) Abuse of Position. A Board member, member of the Nomination Panel, Director of Gaming Enforcement, or employee shall not use or attempt to use his or her official position to secure, or attempt to secure, any privilege, advantage, favor, or influence for himself or herself or others.

(g) Political activity. No member of the Board, employee, or the Director of Gaming Enforcement shall engage in any political activity. For the purposes of this subsection, "political activity" means any activity in support of or in connection with any campaign for State or local elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties or governmental and public service functions.

(h) A spouse, child, or parent of a Board member, member of the Nomination Panel, the Director of Gaming Enforcement, or an employee may not:

(1) Have a financial interest, directly or indirectly, in his or her own name or in the name of any other person, partnership, association, trust, corporation, or other entity, in any contract or subcontract for the performance of any work for the Board or any licensee. This prohibition shall extend to the holding or acquisition of an interest in any entity identified by Board action that, in the judgment of the Board, could represent the potential for or the appearance of a conflict of interest. The holding or acquisition of an interest in such entities through an indirect means, such as through a mutual fund, shall not be prohibited, expect that the Board may identify specific investments or funds that, in its judgment, are so influenced by gaming holdings as to represent the potential for or the appearance of a conflict of interest.

(2) Accept any gift, gratuity, service, compensation, travel, lodging, or thing of value, with the exception of unsolicited items of an incidental nature, from any person, corporation or entity doing business with the Board.

(3) Within a period of 2 years immediately after termination of employment, knowingly accept employment or receive compensation or fees for services from a person or entity, or its parent or affiliate, that has engaged in business with the Board or the Office of Gaming Enforcement that resulted in contracts with an aggregate value of at least $25,000 or if the Board or Office has made a decision that directly applies to the person or entity, or its parent or affiliate.

(i) Any Board member, member of the Nomination Panel, Director of Gaming Enforcement, or employee or spouse, child, or parent of a Board member, member of the Nomination Panel, Director of Gaming Enforcement, or employee who knowingly violates any provision of this Section is guilty of a Class 4 felony.

(230 ILCS 10/5.7 new)

Sec. 5.7. Ex parte communications.

(a) For the purpose of this Section:

"Ex parte communication" means any written or oral communication by any person that imparts or requests material information or makes a material argument regarding potential action concerning regulatory, quasi regulatory, investment, or licensing matters pending before or under consideration by the Illinois Gaming Board. "Ex parte communication" does not include the following: (i) statements by a person publicly made in a public forum; (ii) statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter; (iii) statements regarding recommendation for pending or approved legislation; (iv) statements made by a State employee of the agency to the agency head or other employees of that agency.

"Interested party" means a person or entity whose rights, privileges, or interests are the subject of or are directly affected by a regulatory, quasi-adjudicatory, investment, or licensing matter of the Board.

(b) A constitutional officer, a member of the General Assembly, a special government agent as that term is defined in Section 4A-101 of the Illinois Governmental Ethics Act, a director, secretary, or other employee of the executive branch of the State, an employee of the legislative branch of the State, or an interested party may not engage in any ex parte communication with a member of the Board or an employee. A member of the Board or an employee must immediately report any ex parte communication to the Inspector General for gaming activities. A knowing violation of this subsection (b) is a Class 4 felony.

(c) A constitutional officer, a member of the General Assembly, a special government agent as that term

is defined in Section 4A-101 of the Illinois Governmental Ethics Act, a director, secretary, or other employee of the executive branch of the State, an employee of the legislative branch of the State, or an interested party may not engage in any ex parte communication with a candidate or nominee for the Board or a candidate or nominee for the Director of Gaming Enforcement. A person is deemed a candidate once they have submitted information to the Nomination Panel and a nominee once the Governor nominates the person to fill a position on the Board or as Director. A candidate or nominee must immediately report any ex parte communication to the Inspector General for gaming activities. A knowing violation of this subsection (c) is a Class 4 felony.

(d) Any ex parte communication from a constitutional officer, a member of the General Assembly, a special government agent as that term is defined in Section 4A-101 of the Illinois Governmental Ethics Act, a director, secretary, or other employee of the executive branch of the State, an employee of the legislative branch of the State, or an interested party received by a member of the Nomination Panel or employee assisting the Nomination Panel must be immediately memorialized and made a part of the record at the next meeting. Report of the communication shall include all written communications along with a statement describing the nature and substance of all oral communications, any action the person requested or recommended, the identity and job title of the person to whom each communication was made, and all responses made by the member. A knowing violation of this subsection (d) is a Class A misdemeanor.

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

Sec. 6. Application for Owners License.

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

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

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

(d) An application shall be filed with the Board by January 1 of the year preceding any calendar year for which an applicant seeks an owners license; however, applications for an owners license permitting operations on January 1, 1991 shall be filed by July 1, 1990. An application fee of $50,000 shall be paid at the time of filing to defray the costs associated with the background investigation conducted by the Board. If the costs of the investigation exceed $50,000, the applicant shall pay the additional amount to the Board. If the costs of the investigation are less than $50,000, the applicant shall receive a refund of the remaining amount. All information, records, interviews, reports, statements, memoranda or other data supplied to or used by the Board in the course of its review or investigation of an application for a license under this Act shall be privileged, strictly confidential and shall be used only for the purpose of evaluating an applicant. Such information, records, interviews, reports, statements, memoranda or other data shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person, except for any action deemed necessary by the Board.

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

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

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

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

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

Sec. 13. Wagering tax; rate; distribution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The privilege tax imposed under this subsection (a-3) shall no longer be imposed beginning on the earlier of (i) July 1, 2005; (ii) the first date after June 20, 2003 that riverboat gambling operations are conducted pursuant to a dormant license; or (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this

Act. For the purposes of this subsection (a-3), the term "dormant license" means an owners license that is authorized by this Act under which no riverboat gambling operations are being conducted on June 20, 2003.

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

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

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

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

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

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

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

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

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

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

(a-15) If the privilege tax imposed under subsection (a-3) is no longer imposed pursuant to item (i) of the last paragraph of subsection (a-3), then by June 15 of each year, each owners licensee, other than an owners licensee that admitted 1,000,000 persons or fewer in calendar year 2004, must, in addition to the payment of all amounts otherwise due under this Section, pay to the Board a reconciliation payment in the amount, if any, by which the licensed owner's base amount exceeds the amount of net privilege tax paid by the licensed owner to the Board in the then current State fiscal year. A licensed owner's net privilege tax obligation due for the balance of the State fiscal year shall be reduced up to the total of the amount paid by the licensed owner in its June 15 reconciliation payment. The obligation imposed by this subsection (a-15) is binding on any person, firm, corporation, or other entity that acquires an ownership interest in any such owners license. The obligation imposed under this subsection (a-15) terminates on the earliest of: (i) July 1, 2007, (ii) the first day after the effective date of this amendatory Act of the 94th General Assembly that riverboat gambling operations are conducted pursuant to a dormant license, (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act, or (iv) the first day that a licensee under the Illinois Horse Racing Act of 1975 conducts gaming operations with slot machines or other electronic gaming devices. The Board must reduce the obligation imposed under this subsection (a-15) by an amount the Board deems reasonable for any of the following reasons: (A) an act or acts of God, (B) an act of bioterrorism or terrorism or a bioterrorism or terrorism threat that was investigated by a law enforcement agency, or (C) a condition beyond the control of the owners licensee that does not result from any act or omission by the owners licensee or any of its agents and that poses a hazardous threat to the health and safety of patrons. If an owners licensee pays an amount in excess of its liability under this Section, the Board shall apply the overpayment to future payments required under this Section.

For purposes of this subsection (a-15):

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

"Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(c-5) Before May 26, 2006 (the effective date of Public Act 94-804) and beginning 2 years after May 26, 2006 (the effective date of Public Act 94-804), after the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Fund.

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

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

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

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

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

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

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

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

(230 ILCS 10/14.5 new)

Sec. 14.5. Collection of delinquent amounts. At any time within 5 years after any amount of fees, interest, penalties, or tax required to be collected pursuant to the provisions of this Act shall become due and payable, the Office of Gaming Enforcement may bring a civil action in the courts of this State or any other state or of the United States, in the name of the State of Illinois, to collect the amount delinquent, together with penalties and interest. An action may be brought whether or not the person owing the amount is at such time an applicant or licensee under this Act. In all actions in this State, the records of the Board and the Office shall be prima facie evidence of the determination of the fee or tax or the amount of the delinquency.

(230 ILCS 10/17) (from Ch. 120, par. 2417)

Sec. 17. Administrative Procedures. The Illinois Administrative Procedure Act shall apply to all administrative rules and procedures of the Board and the Office of Gaming Enforcement under this Act, except that: (1) subsection (b) of Section 5-10 of the Illinois Administrative Procedure Act does not apply to final orders, decisions and opinions of the Board; (2) subsection (a) of Section 5-10 of the Illinois Administrative Procedure Act does not apply to forms established by the Board for use under this Act; (3) the provisions of Section 10-45 of the Illinois Administrative Procedure Act regarding proposals for decision are excluded under this Act; and (4) the provisions of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act do not apply so as to prevent summary suspension of any license pending revocation or other action, which suspension shall remain in effect unless modified by the Board or unless the Board's decision is reversed on the merits upon judicial review.

(Source: P.A. 88-45; 89-626, eff. 8-9-96.)

Section 1-110. The Illinois Vehicle Code is amended by changing Section 2-104 as follows:

(625 ILCS 5/2-104) (from Ch. 95 1/2, par. 2-104)

Sec. 2-104. Powers and duties of the Secretary of State. (a) The administration of Chapters 2, 3, 4, 5, 6, 7, 8 and 9 of this Act is vested in the Secretary of State, who is charged with the duty of observing, administering and enforcing the provisions of this Act.

(b) The Secretary may from time to time make, amend, and rescind such rules and regulations as may be necessary in the public interest to carry out the provisions of this Act, including rules and regulations governing procedures for the filing of applications and the issuance of licenses or registrations thereunder. The rules and regulations adopted by the Secretary of State under this Act shall be effective in the manner provided for in "The Illinois Administrative Procedure Act", approved September 22, 1975, as amended.

(c) Subject to appropriation, the Secretary is authorized to make grants or otherwise provide assistance to (i) units of local government, school districts, educational institutions, and not-for-profit organizations for transportation to and from after school and weekend programs and (ii) units of local government for transportation infrastructure.

(Source: P.A. 83-333.)

Article 5

Section 5-1. Short title. This Article may be cited as the Capital Workforce Development Law.

Section 5-5. Purpose. The purpose of this Article is to promote the State's interest in the creation and maintenance of a diverse workforce, particularly in the skilled trades of the construction industry. To this end, it is the intent of this Article that every project that receives funding in whole or in part with moneys from the GROW Illinois Fund shall hire and retain minority, women, and low-income employees in every building trade and every skill level within each trade, from first-year apprentice through journey-level status.

Section 5-10. Definitions.

"Agency" means each officer, board, commission, and agency created by the Constitution, whether in the executive, legislative, or judicial branch of State government; the State and each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the State including units of local government and school districts; each administrative unit or corporate outgrowth of State government that is created by or pursuant to statute; and each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor.

"Agreement" means one or more legally enforceable contracts executed by and between an agency and a contracting party for the provision of services related to a project.

"Board" means the Capital Workforce Development Oversight Board created in Section 5-25.

"Community benefits agreement" means a legally enforceable contract that is negotiated and executed by and between one or more contracting parties, labor organizations, job training providers, and

community-based organizations, and, at a minimum, contains provisions establishing employment goals, apprenticeship requirements, plans for recruiting and retaining a diverse workforce, and any information relevant to the use of project assistance grants under Section 5-20.

"Contracting party" means any individual, corporation, partnership, company, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated association, body politic, authority, or any other entity that enters into an agreement for a project. For purposes of this Article, an entity and any subsidiary or affiliate of the entity is a single contracting party.

"Department" means the Illinois Department of Transportation.

"Employee" means an individual who performs a service or function for consideration or who renders any other standard of service generally accepted by industry custom and practice as work for consideration.

"Employment goal" means the percentage of labor hours to be performed by minority, women, and low-income employees on a project.

"Federal poverty income guidelines" means the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under authority of 42 U.S.C. 9902(2).

"Labor organization" is given the meaning ascribed to it in the Illinois Public Labor Relations Act.

"Low-income community" means a census tract in which more than 50% of households have annual family incomes of not more than 200% of the federal poverty income guidelines.

"Low-income employee" means an employee on a project who resides in a low-income community and has a family income of not more than 200% of the federal poverty income guidelines.

"Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(1) African American, meaning a person whose origins are in any of the Black racial groups of Africa, and who has historically and consistently identified himself or herself as being such a person;

(2) Hispanic American or Latino American, meaning a person whose origins are in Mexico, Central or South America, or any of the Spanish speaking islands of the Caribbean (for example Cuba and Puerto Rico), regardless of race, and who has historically and consistently identified himself or herself as being such a person;

(3) Asian or Pacific Islander American, meaning a person whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent, and who has historically and consistently identified himself or herself as being such a person; or

(4) Native American, meaning a person having origins in any of the original peoples of North America, and who maintain tribal affiliation or demonstrate at least one-quarter descent from such groups, and who has historically and consistently identified himself or herself as being such a person.

"Project" means any construction, reconstruction, improvement, rehabilitation, or resurfacing project that is funded in whole or in part with moneys from the GROW Illinois Fund.

"Secretary" means the Secretary of the Department.

Section 5-15. Community Benefits Agreements.

(a) No agency shall enter into one or more agreements on any project with a value equal to or in excess of $10,000,000, the payment for which will come in whole or in part with moneys from the GROW Illinois Fund, with a contracting party unless the Board certifies that each contracting party has entered into a Community Benefits Agreement that contains a 30% employment goal and that otherwise complies with the provisions of this Article. This subsection (a) shall apply to all projects with a value equal to or in excess of $10,000,000 and every agreement related to that project, regardless of the value of the individual agreements.

(b) To ensure compliance with the 30% employment goal, the agency shall withhold at least 25% of the total payment to be made under an agreement until such time as the Board certifies to the agency that the contracting party has met the 30% employment goal.

(c) For purposes of this Section, a "30% employment goal" means that at least 30% of the total labor hours on the project are to be performed by minority, women, and low-income employees.

Section 5-20. Grants from Capital Workforce Development Fund.

(a) Starting in State fiscal year 2009, all moneys in the Capital Workforce Development Fund, held solely for the benefit of eligible contracting parties, shall be appropriated to the Department to make project assistance grants to eligible contracting parties. No less than two-thirds of the funds may be used for grants and other payments for training and non-profit support services, and no more than one-third of the funds may be used for wage subsidies and retention incentives. The Secretary may provide a project assistance

grant to a contracting party, upon application to the Secretary on such terms as the Secretary may establish, provided that the Board certifies that the contracting party has entered into a Community Benefits Agreement that contains a 30% employment goal and that otherwise complies with the provisions of this Article. Contracting parties are eligible for grants under this Section 5-20 regardless of the value of the project. For purposes of this Section, a "30% employment goal" means that at least 30% of the total labor hours on the project are to be performed by minority, women, and low-income employees.

(b) Allowable uses of the project assistance grants include but are not limited to:

(1) Pre-employment services.

(2) Pre-apprenticeship training.

(3) Apprenticeship training.

(4) Skills training.

(5) Wage subsidies.

(6) Wage stipends.

(7) Retention incentives.

(8) Support services such as child care and transportation services to and from the worksite.

Section 5-25. Capital Workforce Development Oversight Board.

(a) There is created the Capital Workforce Development Oversight Board in the Department.

(b) The Board shall consist of the following members:

(1) The Secretary or his or her designee.

(2) The Director of Labor or his or her designee.

(3) The Director of Commerce and Economic Opportunity or his or her designee.

(4) The Director of the Illinois Community College Board or his or her designee.

(c) The following members shall be appointed by the Governor with the advice and consent of the Senate:

(1) A representative of a non-profit organization that has demonstrated expertise in the building trades, providing services to women, and preparing workers for employment in the building trades, appointed by the Governor.

(2) A representative of a non-profit organization that has demonstrated expertise in providing services to minority groups that are underrepresented in skilled occupations in the building trades industries; knowledge of the building trades industries; and expertise in preparing workers for employment in the building trades.

(3) A representative of a non-profit organization that has demonstrated expertise in providing services to low-income and chronically unemployed individuals; knowledge of the building trades industries; and expertise in preparing workers for employment in the building trades.

(4) A representative of a labor organization whose members work in the building trades, or a representative of an organization who represents multiple union interests in the building trades.

(5) A state contractor.

(6) A representative of a congregation-based community organization from outside of the Chicago metropolitan area who has experience in negotiating and executing community benefits agreements.

(7) A representative of a congregation-based community organization from the Chicago metropolitan area who has experience in negotiating and executing community benefits agreements.

Of the initial appointments, members shall serve staggered terms determined by lot. Four members shall be appointed for a term of one year, 4 members shall be appointed for a term of 2 years, and 3 members shall be appointed for a term of 3 years. Upon the expiration of each member's term, a successor shall be appointed for a term of 3 years. Vacancies on the Board shall be filled in the same manner as original appointments, and any members so appointed shall serve during the remainder of the term for which the vacancy occurred.

The appointments shall be made within 90 days after the effective date of this Article.

(d) Seven members shall constitute a quorum.

The Board shall elect a Chairperson from amongst its members by simple majority vote.

Members shall serve without compensation but may be reimbursed for expenses incurred in the performance of their duties under this Article.

(e) The Board shall be funded through specific appropriations made to the Department for its purposes. The Department shall provide administrative support to the Board.

(f) Accurate minutes shall be kept of all meetings of the Board.

(g) The Board shall be called at the discretion of the Chair or any 4 members of the Board.

(h) The Board shall have the following powers and perform the following duties:

(1) Approve all project assistance grants.

(2) Monitor the effectiveness of the project assistance grants program.

(3) Approve the Community Benefits Agreements and certify that approval to the Secretary or relevant agency.

(4) Determine contracting parties' compliance with the 30% employment goal pursuant to Section 5-15 and certify that compliance to the relevant agency.

ARTICLE 999

Section 999-5. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999-99. Effective date. This Act takes effect upon becoming law, except that Sections 1-5 and 1-100 take effect January 1, 2009.".

The foregoing motion prevailed and the amendment was adopted.

Floor Amendment No. 3 remained in the Committee on Rules.

Representative Currie offered the following amendment and moved its adoption.

AMENDMENT NO. _4_. Amend Senate Bill 2595, AS AMENDED, by replacing everything after the enacting clause with the following:

"ARTICLE 1

Section 1-3. The State Officials and Employees Ethics Act is amended by changing Sections 5-50, 20-10, and 20-15 as follows:

(5 ILCS 430/5-50)

Sec. 5-50. Ex parte communications; special government agents.

(a) This Section applies to ex parte communications made to any agency listed in subsection (e).

(b) "Ex parte communication" means any written or oral communication by any person that imparts or requests material information or makes a material argument regarding potential action concerning regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by the agency. "Ex parte communication" does not include the following: (i) statements by a person publicly made in a public forum; (ii) statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter; and (iii) statements made by a State employee of the agency to the agency head or other employees of that agency.

(b-5) An ex parte communication received by an agency, agency head, or other agency employee from an interested party or his or her official representative or attorney shall promptly be memorialized and made a part of the record.

(c) An ex parte communication received by any agency, agency head, or other agency employee, other than an ex parte communication described in subsection (b-5), shall immediately be reported to that agency's ethics officer by the recipient of the communication and by any other employee of that agency who responds to the communication. The ethics officer shall require that the ex parte communication be promptly made a part of the record. The ethics officer shall promptly file the ex parte communication with the Executive Ethics Commission, including all written communications, all written responses to the communications, and a memorandum prepared by the ethics officer stating the nature and substance of all oral communications, the identity and job title of the person to whom each communication was made, all responses made, the identity and job title of the person making each response, the identity of each person from whom the written or oral ex parte communication was received, the individual or entity represented by that person, any action the person requested or recommended, and any other pertinent information. The disclosure shall also contain the date of any ex parte communication.

(d) "Interested party" means a person or entity whose rights, privileges, or interests are the subject of or are directly affected by a regulatory, quasi-adjudicatory, investment, or licensing matter.

(e) This Section applies to the following agencies:

Executive Ethics Commission
Illinois Commerce Commission
Educational Labor Relations Board
State Board of Elections

~~Illinois Gaming Board~~
Health Facilities Planning Board
Illinois Workers' Compensation Commission
Illinois Labor Relations Board
Illinois Liquor Control Commission
Pollution Control Board
Property Tax Appeal Board
Illinois Racing Board
Illinois Purchased Care Review Board
Department of State Police Merit Board
Motor Vehicle Review Board
Prisoner Review Board
Civil Service Commission
Personnel Review Board for the Treasurer
Merit Commission for the Secretary of State
Merit Commission for the Office of the Comptroller
Court of Claims
Board of Review of the Department of Employment Security
Department of Insurance
Department of Professional Regulation and licensing boards under the Department
Department of Public Health and licensing boards under the Department
Office of Banks and Real Estate and licensing boards under the Office
State Employees Retirement System Board of Trustees
Judges Retirement System Board of Trustees
General Assembly Retirement System Board of Trustees
Illinois Board of Investment
State Universities Retirement System Board of Trustees
Teachers Retirement System Officers Board of Trustees

(f) Any person who fails to (i) report an ex parte communication to an ethics officer, (ii) make information part of the record, or (iii) make a filing with the Executive Ethics Commission as required by this Section or as required by Section 5-165 of the Illinois Administrative Procedure Act violates this Act.
(Source: P.A. 95-331, eff. 8-21-07.)

(5 ILCS 430/20-10)

Sec. 20-10. Offices of Executive Inspectors General.

(a) Six ~~Five~~ independent Offices of the Executive Inspector General are created, one each for the Governor, the Attorney General, the Secretary of State, the Comptroller, and the Treasurer and one for gaming activities. Each Office shall be under the direction and supervision of an Executive Inspector General and shall be a fully independent office with separate appropriations.

(b) The Governor, Attorney General, Secretary of State, Comptroller, and Treasurer shall each appoint an Executive Inspector General, and the Director of Gaming Enforcement shall appoint an Executive Inspector General for gaming activities. Each appointment must be made without regard to political affiliation and solely on the basis of integrity and demonstrated ability. Appointments shall be made by and with the advice and consent of the Senate by three-fifths of the elected members concurring by record vote. Any nomination not acted upon by the Senate within 60 session days of the receipt thereof shall be deemed to have received the advice and consent of the Senate. If, during a recess of the Senate, there is a vacancy in an office of Executive Inspector General, the appointing authority shall make a temporary appointment until the next meeting of the Senate when the appointing authority shall make a nomination to fill that office. No person rejected for an office of Executive Inspector General shall, except by the Senate's request, be nominated again for that office at the same session of the Senate or be appointed to that office during a recess of that Senate.

Nothing in this Article precludes the appointment by the Governor, Attorney General, Secretary of State, Comptroller, or Treasurer of any other inspector general required or permitted by law. The Governor, Attorney General, Secretary of State, Comptroller, and Treasurer each may appoint an existing inspector general as the Executive Inspector General required by this Article, provided that such an inspector general

is not prohibited by law, rule, jurisdiction, qualification, or interest from serving as the Executive Inspector General required by this Article. An appointing authority may not appoint a relative as an Executive Inspector General.

Each Executive Inspector General shall have the following qualifications:

(1) has not been convicted of any felony under the laws of this State, another State, or the United States;

(2) has earned a baccalaureate degree from an institution of higher education; and

(3) has 5 or more years of cumulative service (A) with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) as a federal, State, or local prosecutor; (C) as a senior manager or executive of a federal, State, or local agency; (D) as a member, an officer, or a State or federal judge; or (E) representing any combination of (A) through (D).

The term of each initial Executive Inspector General shall commence upon qualification and shall run through June 30, 2008. The initial appointments shall be made within 60 days after the effective date of this Act.

After the initial term, each Executive Inspector General shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. An Executive Inspector General may be reappointed to one or more subsequent terms.

A vacancy occurring other than at the end of a term shall be filled by the appointing authority only for the balance of the term of the Executive Inspector General whose office is vacant.

Terms shall run regardless of whether the position is filled.

(c) The Executive Inspector General appointed by the Attorney General shall have jurisdiction over the Attorney General and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Attorney General. The Executive Inspector General appointed by the Secretary of State shall have jurisdiction over the Secretary of State and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Secretary of State. The Executive Inspector General appointed by the Comptroller shall have jurisdiction over the Comptroller and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Comptroller. The Executive Inspector General appointed by the Treasurer shall have jurisdiction over the Treasurer and all officers and employees of, and vendors and others doing business with, State agencies within the jurisdiction of the Treasurer. The Executive Inspector General appointed by the Governor shall have jurisdiction over the Governor, the Lieutenant Governor, and all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, ~~or~~ the Treasurer , or the Executive Inspector General for gaming activities. The Executive Inspector General for gaming activities appointed by the Director of Gaming Enforcement has jurisdiction over the Illinois Gaming Board and the Office of Gaming Enforcement, and all officers and employees of those agencies.

The jurisdiction of each Executive Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act or violations of other related laws and rules.

(d) The minimum compensation for each Executive Inspector General shall be determined by the Executive Ethics Commission. The actual compensation for each Executive Inspector General shall be determined by the appointing ~~executive branch constitutional~~ officer and must be at or above the minimum compensation level set by the Executive Ethics Commission. Subject to Section 20-45 of this Act, each Executive Inspector General has full authority to organize his or her Office of the Executive Inspector General, including the employment and determination of the compensation of staff, such as deputies, assistants, and other employees, as appropriations permit. A separate appropriation shall be made for each Office of Executive Inspector General.

(e) No Executive Inspector General or employee of the Office of the Executive Inspector General may, during his or her term of appointment or employment:

(1) become a candidate for any elective office;

(2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;

(3) be actively involved in the affairs of any political party or political organization; or

(4) actively participate in any campaign for any elective office.

In this subsection an appointed public office means a position authorized by law that is filled by an appointing authority as provided by law and does not include employment by hiring in the ordinary course of business.

(e-1) No Executive Inspector General or employee of the Office of the Executive Inspector General may, for one year after the termination of his or her appointment or employment:

(1) become a candidate for any elective office;

(2) hold any elected public office; or

(3) hold any appointed State, county, or local judicial office.

(e-2) The requirements of item (3) of subsection (e-1) may be waived by the Executive Ethics Commission.

(f) An Executive Inspector General may be removed only for cause and may be removed only by the appointing ~~constitutional~~ officer. At the time of the removal, the appointing ~~constitutional~~ officer must report to the Executive Ethics Commission the justification for the removal.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/20-15)

Sec. 20-15. Duties of the Executive Ethics Commission. In addition to duties otherwise assigned by law, the Executive Ethics Commission shall have the following duties:

(1) To promulgate rules governing the performance of its duties and the exercise of its powers and governing the investigations of the Executive Inspectors General. It is declared to be in the public interest, safety, and welfare that the Commission adopt emergency rules under the Illinois Administrative Procedure Act to initially perform its duties under this subsection.

(2) To conduct administrative hearings and rule on matters brought before the Commission only upon the receipt of pleadings filed by an Executive Inspector General and not upon its own prerogative, but may appoint special Executive Inspectors General as provided in Section 20-21. Any other allegations of misconduct received by the Commission from a person other than an Executive Inspector General shall be referred to the Office of the appropriate Executive Inspector General.

(3) To prepare and publish manuals and guides and, working with the Office of the Attorney General, oversee training of employees under its jurisdiction that explains their duties.

(4) To prepare public information materials to facilitate compliance, implementation, and enforcement of this Act.

(5) To submit reports as required by this Act.

(6) To the extent authorized by this Act, to make rulings, issue recommendations, and impose administrative fines, if appropriate, in connection with the implementation and interpretation of this Act. The powers and duties of the Commission are limited to matters clearly within the purview of this Act.

(7) To issue subpoenas with respect to matters pending before the Commission, subject to the provisions of this Article and in the discretion of the Commission, to compel the attendance of witnesses for purposes of testimony and the production of documents and other items for inspection and copying.

(8) To appoint special Executive Inspectors General as provided in Section 20-21.

(9) To review applications and appoint members to the Nomination Panel established under the Riverboat Gambling Act.

(Source: P.A. 93-617, eff. 12-9-03.)

Section 1-5. The Election Code is amended by adding Section 9-35 as follows:

(10 ILCS 5/9-35 new)

Sec. 9-35. Registration of business entities.

(a) This Section governs the procedures for the registration required under Section 20-160 of the Illinois Procurement Code.

For the purposes of this Section, the terms "officeholder", "State contract", "business entity", "State agency", "affiliated entity", and "affiliated person" have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code.

(b) Registration under Section 20-160 of the Illinois Procurement Code, and any changes to that registration, must be made electronically. The State Board of Elections by rule shall provide for electronic registration, which must contain substantially the following:

(1) The name and address of the business entity.

(2) The name and address of any affiliated entity of the business entity, including a description of the affiliation.

(3) The name and address of any affiliated person of the business entity, including a description of the affiliation.

(c) The Board shall provide a certificate of registration to the business entity. The certificate shall be electronic and accessible to the business entity through the State Board of Elections' website and protected by a password.

(d) Any business entity required to register under Section 20-160 of the Illinois Procurement Code shall provide a copy of the registration certificate, by first class mail or hand delivery within 10 days after registration, to each affiliated entity or affiliated person whose identity is required to be disclosed. Failure to provide notice to an affiliated entity or affiliated person is a business offense for which the business entity is subject to a fine not to exceed $1,001.

(e) In addition to any penalty under Section 20-160 of the Illinois Procurement Code, intentional, willful, or material failure to disclose information required for registration is subject to a civil penalty imposed by the State Board of Elections. The State Board shall impose a civil penalty of $1,000 per business day for failure to update a registration.

(f) Any business entity required to register under Section 20-160 of the Illinois Procurement Code shall notify any political committee to which it makes a contribution, at the time of the contribution, that the business entity is registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code. Any affiliated entity or affiliated person of a business entity required to register under Section 20-160 of the Illinois Procurement Code shall notify any political committee to which it makes a contribution that it is affiliated with a business entity registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code.

(g) The State Board of Elections on its official website shall have a searchable database containing (i) all information required to be submitted to the Board under Section 20-160 of the Illinois Procurement Code and (ii) all reports filed under this Article with the State Board of Elections by all political committees. For the purposes of databases maintained by the State Board of Elections, "searchable" means able to search by "political committee", as defined in this Article, and by "officeholder", "State agency", "business entity", "affiliated entity", and "affiliated person". The Board shall not place the name of a minor child on the website. However, the Board shall provide a link to all contributions made by anyone reporting the same residential address as any affiliated person. In addition, the State Board of Elections on its official website shall provide an electronic connection to any searchable database of State contracts maintained by the Comptroller, searchable by business entity.

(h) The State Board of Elections shall have rulemaking authority to implement this Section.

Section 1-7. The Executive Reorganization Implementation Act is amended by changing Section 3.1 as follows:

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

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

(1) the State Board of Elections;

(2) the State Board of Education;

(3) the Illinois Commerce Commission;

(4) the Illinois Workers' Compensation Commission;

(5) the Civil Service Commission;

(6) the Fair Employment Practices Commission;

(7) the Pollution Control Board;

(8) the Department of State Police Merit Board;

(9) the Illinois Gaming Board; and

(10) the Office of Gaming Enforcement.

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

Section 1-10. The Secretary of State Act is amended by changing Section 5 as follows:

(15 ILCS 305/5) (from Ch. 124, par. 5)

Sec. 5. It shall be the duty of the Secretary of State:

1. To countersign and affix the seal of state to all commissions required by law to be issued by the

Governor.

2. To make a register of all appointments by the Governor, specifying the person appointed, the office conferred, the date of the appointment, the date when bond or oath is taken and the date filed. If Senate confirmation is required, the date of the confirmation shall be included in the register.

3. To make proper indexes to public acts, resolutions, papers and documents in his office.

3-a. To review all rules of all State agencies adopted in compliance with the codification system prescribed by the Secretary. The review shall be for the purposes and include all the powers and duties provided in the Illinois Administrative Procedure Act. The Secretary of State shall cooperate with the Legislative Information System to insure the accuracy of the text of the rules maintained under the Legislative Information System Act.

4. To give any person requiring the same paying the lawful fees therefor, a copy of any law, act, resolution, record or paper in his office, and attach thereto his certificate, under the seal of the state.

5. To take charge of and preserve from waste, and keep in repair, the houses, lots, grounds and appurtenances, situated in the City of Springfield, and belonging to or occupied by the State, the care of which is not otherwise provided for by law, and to take charge of and preserve from waste, and keep in repair, the houses, lots, grounds and appurtenances, situated in the State outside the City of Springfield where such houses, lots, grounds and appurtenances are occupied by the Secretary of State and no other State officer or agency.

6. To supervise the distribution of the laws.

7. To perform such other duties as may be required by law. The Secretary of State may, within appropriations authorized by the General Assembly, maintain offices in the State Capital and in such other places in the State as he may deem necessary to properly carry out the powers and duties vested in him by law.

8. In addition to all other authority granted to the Secretary by law, subject to appropriation, to make grants or otherwise provide assistance to, among others without limitation, units of local government, school districts, educational institutions, private agencies, not-for-profit organizations, and for-profit entities for the health, safety, and welfare of Illinois residents for purposes related to education, transportation, construction, capital improvements, social services, and any other lawful public purpose. Upon request of the Secretary, all State agencies are mandated to provide the Secretary with assistance in administering the grants.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 1-15. The Illinois Lottery Law is amended by changing Sections 2, 3, 4, 5, 6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.8, 7.8a, 7.11, 8.1, 9, 10, 10.1, 10.1a, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 11, 12, 13, 14, 14.2, 14.3, 15, 16, 17, 19, 20, 21, 21.2, 21.3, 21.5, 24, 25, 26, 27, and 28 and by adding Sections 2.1, 2.2, 2.3, 2.4, 2.5, 6.1, 20.2, and 21.9 as follows:

(20 ILCS 1605/2) (from Ch. 120, par. 1152)

Sec. 2. This Act is enacted to implement and establish within the State a lottery to be conducted ~~operated~~ by the State, whether that lottery is operated and managed by the State or by a third party pursuant to a Management and Concession Agreement. The operations of a lottery are unique activities for State government, and private management will best enable the lottery to be operated in an entrepreneurial and business-like manner, thereby maximizing value for and benefit to the citizens of the State. Any such private manager shall be accountable to the State through a comprehensive system of State regulation and enduring operational oversight. The State's ongoing conduct of the Lottery throughout the term of a Concession shall act to promote and ensure the integrity, security, honesty, and fairness of the Lottery's operation and administration. Unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, the entire net proceeds are to be deposited into the Common School Fund, except as provided in Sections 21.5, 21.6, 21.7 (added by P.A. 95-673), and 21.7 (added by P.A. 95-674). ~~the entire net proceeds of which are to be used for the support of the State's Common School Fund, except as provided in Sections 21.2, 21.5, 21.6, and 21.7, and 21.7.~~

(Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05; 95-331, eff. 8-21-07; 95-673, eff. 10-11-07; 95-674, eff. 10-11-07; revised 12-5-07.)

(20 ILCS 1605/2.1 new)

Sec. 2.1. Management and Concession Agreement authorized; sale of Lottery prohibited. Notwithstanding any provision of this Act or other applicable law to the contrary, the State may, pursuant to a competitive process that complies with the Illinois Procurement Code and rules adopted under that Code, enter into a Management and Concession Agreement with a third party pursuant to which that party may be authorized to manage or operate the Lottery on behalf of the State, and further pursuant to which

that party may receive certain Lottery revenues in consideration of the payment of a fee or fees to the State for that right, provided that the Concession is managed and operated in accordance with the provisions of this Act and that the State at all times retains control of the Lottery and exercises supervisory authority over the Concession sufficient to implement the terms of the Management and Concession Agreement and to effect the purposes of this Act. Pursuant to Section 2.3 of this Act, no Management and Concession Agreement may be binding and enforceable without the written consent of the Governor, Comptroller, and Treasurer. The Lottery shall remain, for so long as a Concessionaire manages and operates the Concession in accordance with provisions of this Act, a Lottery conducted by the State, and the State shall not be authorized to sell or transfer the Lottery to a third party.

(20 ILCS 1605/2.2 new)

Sec. 2.2. Terms of a Management and Concession Agreement. The terms of a Management and Concession Agreement shall include, without limitation, all of the following:

(a) The term of the Concession shall be no less than 50 years and shall not exceed 60 years. The term of a Concession may be extended, but only if the extension and the consideration for the extension are specifically established by the General Assembly by law. The Illinois Gaming Board must verify that all provisions of the extension conform to the provisions of the Illinois Procurement Code and the State Officials and Employees Ethics Act.

(b) The consideration paid to the State for a Concessionaire's right to manage and operate the Concession shall have a value not less than $10,000,000,000, with no less than $6,000,000,000 delivered on the date the Management and Concession Agreement becomes effective and the remaining amounts delivered within 2 years thereafter.

(c) At least 37% of the value of all contracts and agreements entered into by the Concessionaire for goods and services in connection with its management and operation of the Lottery, other than contracts or agreements with sales agents or technical operators, must be awarded as follows: at least 25% to businesses that are a "minority owned business", at least 10% to businesses that are a "female owned business", and at least 2% to businesses that are a business owned by a person with a disability, as those terms are defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. For purposes of this item (c), all contracts entered into by a technical operator shall be deemed to be contracts entered by the Concessionaire. A contract by which the Concessionaire retains a technical operator shall be exempt from the requirements of this item (c).

(d) The State shall at all times during which a Management and Concession Agreement is in effect receive an amount equal to 20% of Lottery gross revenues, after prize payouts.

(e) The minimum payout ratios with respect to instant Lottery games and online Lottery games, as defined in the Management and Concession Agreement, shall be in the aggregate at least 55% of all ticket revenues attributable to such instant Lottery games and online Lottery games.

(f) In any zip code where the poverty rate, as determined by using the most recent decennial census released by the United States Census Bureau, is at least 3% higher than the State poverty rate as determined using the most recent decennial census released by the United States Census Bureau, neither the Concessionaire nor a technical operator shall increase the number of licensed Lottery ticket vendors by greater than 10% from the number of vendors then licensed in the zip code at the time of the most recent release of decennial census by the United States Census Bureau.

(g) The State may cancel a Management and Concession Agreement if (i) the Concessionaire, or any executive employee of the Concessionaire, is found guilty of any criminal offense related to the conduct of its business or the regulation thereof in any jurisdiction or (ii) a technical operator, or any executive employee of a technical operator, is found guilty of any criminal offense related to the conduct of its business or the regulation thereof in any jurisdiction and the Concessionaire does not terminate its agreement with the technical operator no later than 30 days after the final judgement of conviction. An executive employee shall be defined as the President, Chairman, Chief Executive Officer, or other employee with executive decision-making authority over the long-term and day-to-day affairs of the Concessionaire or technical operator, or an employee whose compensation is determined directly, in whole or in part, by the award of or payment pursuant to the Management and Concession Agreement.

(20 ILCS 1605/2.3 new)

Sec. 2.3. Authorization for a Management and Concession Agreement. The Director is authorized to enter into a Management and Concession Agreement on behalf of the State on the foregoing terms and such other terms as the Director shall determine, consistent with this amendatory Act of the 95th General Assembly. No Management and Concession Agreement may be binding and enforceable without the written consent of the Governor, Comptroller, and Treasurer. The Governor, Comptroller, and Treasurer

must verify that all provisions of the agreement conform to the provisions of the Illinois Procurement Code, the State Officials and Employees Ethics Act, and this Act. The Director must provide all transaction documents to the Governor, Comptroller, and Treasurer upon request and prior to their execution.

The Director, and such State officers as may be designated by the Director, are authorized to execute and deliver on behalf of the State any and all documents as the executing State officer shall deem appropriate in connection with the State entering into or performing its obligations under the Transaction Documents and to do all such other acts and things as may be necessary, advisable, or appropriate to carry out, and perform the State's obligations under the Transaction Documents.

The Department of Revenue is authorized and empowered to enter into a public/private partnership agreement with any lessor of the State Lottery (the "Concessionaire"), whereby the Department of Revenue employees may provide services for a fee to the Concessionaire to assist the Concessionaire in the administration and operation of the State Lottery. The Concessionaire shall contract with the Department of Revenue under a public/private partnership agreement for all work that, if performed by employees of the State, would be performed by employees, as defined by the Illinois Public Labor Relations Act (IPLRA, 5 ILCS 315/). The State of Illinois shall be the employer of all non-managerial, non-supervisory, and non-confidential employees, as defined by the IPLRA, assigned to perform such work for the Concessionaire pursuant to the public/private partnership agreement, and such employees shall be State employees, as defined by the Personnel Code, 20 ILCS 415/. As employees of the State of Illinois, such employees shall have the same employment rights and duties, and be subject to the same employment policies, rules, regulations, and procedures, as other employees of the Department of Revenue. Neither historical representation rights under the IPLRA nor existing collective bargaining agreements shall be disturbed by the lease of the State Lottery. Upon expiration of the applicable collective bargaining agreement on or after June 30, 2012, the Concessionaire shall retain the employees performing such work on the expiration date and shall recognize the bargaining agent or agents and honor any existing agreement in conformity with applicable law. During the pendency of a collective bargaining agreement expiring on or after June 30, 2012, any employee assigned by the State to perform work for the Concessionaire shall, upon written request to the Director of Central Management Services, be offered employment, without loss of pay or benefits with the State of Illinois, in the same county in which the employee was assigned to perform such work.

(20 ILCS 1605/2.4 new)

Sec. 2.4. Proceeds of concession transaction and future proceeds payable to the State under a Management and Concession Agreement; payment of transaction costs; deposit of proceeds into Funds.

(a) All fees paid directly by the State for professional services relating to the lease of the lottery, including but not limited to fees for legal, accounting, project management, investment banking, and consultation services, shall not exceed an aggregate total of $10,000,000. No money shall be expended by the State for professional services relating to the lease of the lottery in excess of this limitation without the unanimous and written consent of the Governor, Comptroller, and Treasurer.

(b) After the payment of all transaction-related costs, in one or a series of transactions: (i) the first $3,000,000,000 received from the Concession transaction or transactions authorized pursuant to this amendatory Act of the 95th General Assembly shall be deposited into the Illinois Education Trust Fund, (ii) all proceeds of the Concession transaction or transactions authorized pursuant to this amendatory Act of the 95th General Assembly in excess of $3,000,000,000 but not greater than $10,000,000,000 shall be deposited into the GROW Illinois Fund, (iii) all proceeds of the Concession transaction or transactions authorized pursuant to this amendatory Act of the 95th General Assembly in excess of $10,000,000,000 but not greater than $11,000,000,000 shall be deposited into the Illinois Education Trust Fund, and (iv) all proceeds of the Concession transaction or transactions authorized pursuant to this amendatory Act of the 95th General Assembly in excess of $11,000,000,000 shall be deposited into the Pension Stabilization Fund.

(20 ILCS 1605/2.5 new)

Sec. 2.5. Creation of the Illinois Education Trust Fund; State Treasurer's investment of moneys. There is created in the State Treasury the Illinois Education Trust Fund. Notwithstanding any other statute to the contrary, the State Treasurer is hereby authorized to and shall invest all moneys deposited into the Illinois Education Trust Fund pursuant to this amendatory Act of the 95th General Assembly. Permissible investments of the Illinois Education Trust Fund shall be identical to the investment authority granted to the Illinois State Board of Investments pursuant to 40 ILCS 5/22A-112, subject to the requirements and restrictions set forth in Sections 1-109, 1-109.1, 1-109.2, 1-110, 1-111, 1-114, and 1-115 of the Illinois Pension Code. Notwithstanding the foregoing, the following shall not be considered permissible

investments of the Illinois Education Trust Fund; (i) investments in venture capital, (ii) investments in hedge funds, and (iii) investments in real estate.

Notwithstanding any other State law to the contrary, on or before the last day of each fiscal year the State Comptroller shall direct and the State Treasurer shall transfer from the Illinois Education Trust Fund to the State Lottery Fund the amount necessary to provide for the transfer of $600,000,000 in that fiscal year from the State Lottery Fund to the Common School Fund in accordance with the provisions of Section 20.2 of this Act.

(20 ILCS 1605/3) (from Ch. 120, par. 1153)

Sec. 3. Definitions. For the purposes of this Act:

a. "Lottery" or "State Lottery" means the lottery or lotteries established and operated pursuant to this Act.

b. "Board" means the Lottery Control Board created by this Act.

c. "Department" means the Department of Revenue.

d. "Director" means the Director of Revenue.

e. "Chairman" means the Chairman of the Lottery Control Board.

f. "Multi-state game directors" means such persons, including the Superintendent, as may be designated by an agreement between the Division and one or more additional lotteries operated under the laws of another state or states.

g. "Division" means the Division of the State Lottery of the Department of Revenue.

h. "Superintendent" means the Superintendent of the Division of the State Lottery of the Department of Revenue.

i. "Concession" means the right of a Concessionaire to manage or operate the Lottery pursuant to the terms of a Management and Concession Agreement and this Act.

j. "Management and Concession Agreement" means that agreement and all schedules, exhibits, and attachments thereto, entered into pursuant to a competitive process and pursuant to which the State may grant a license or other contractual right to manage or operate the Lottery to a Concessionaire, and further pursuant to which a Concessionaire may receive certain Lottery ticket or share sales and related proceeds in consideration of the payment of a fee or fees to the State.

k. "Concessionaire" means a third party that manages or operates the Lottery pursuant to a Management and Concession Agreement then in effect.

l. "Conducted by the State" means the management and operation of the Lottery pursuant to the terms of this Act, whether directly by the State or by a Concessionaire pursuant to the terms of a Management and Concession Agreement as provided for in this amendatory Act of the 95th General Assembly. The Concessionaire shall at all times remain accountable to the State and the people of the State through a comprehensive system of State regulation and enduring operational oversight, which shall include, without limitation, the Concessionaire's regular provision and the State's ongoing review and analysis of audits, reports, and financial disclosures as required by this amendatory Act of the 95th General Assembly.

m. "Transaction Documents" means all documents drafted, prepared, or composed in connection with the Management and Concession Agreement, including but not limited to all documents reflecting or relating to any solicitation or presolicitation activities the State may have undertaken regarding a possible Concession.

n. "Technical operator" means an entity that, pursuant to the terms of this amendatory Act of the 95th General Assembly and the Concession Agreement, is substantially involved in the day-to-day operations of the Lottery in a manner that includes (i) the design and production of lottery games or lottery game equipment, (ii) the provision and maintenance of lottery equipment, (iii) the operation and monitoring of lottery games or other regulated gaming activities, (iv) the development and maintenance of a distribution network, or (v) the verification of game outcomes, or an entity responsible for other significant regulated gaming activities.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/4) (from Ch. 120, par. 1154)

Sec. 4. Department established. The Department of the Lottery is established to implement and regulate the State Lottery in the manner provided in this Act.

In accordance with Executive Order No. 9 (2003), the Division of the State Lottery is established within the Department of Revenue. Unless otherwise provided by law, the Division of the State Lottery shall be subject to and governed by all of the laws and rules applicable to the Department.

If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Division of the State Lottery is abolished on the effective date of that Agreement, and the Illinois Gaming Board and the Office of Gaming Enforcement shall, as set

forth in this amendatory Act of the 95th General Assembly, assume jurisdiction and oversight of Lottery and Concession operations.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/5) (from Ch. 120, par. 1155)

Sec. 5. Superintendent. The Division shall be under the supervision and direction of a Superintendent, who shall be a person qualified by training and experience to perform the duties required by this Act. The Superintendent shall be appointed by the Governor, by and with the advice and consent of the Senate. The term of office of the Superintendent shall expire on the third Monday of January in odd numbered years provided that he or she shall hold office until a successor is appointed and qualified.

Any vacancy occurring in the office of the Superintendent shall be filled in the same manner as the original appointment.

The Superintendent shall devote his or her entire time and attention to the duties of the office and shall not be engaged in any other profession or occupation. The Superintendent shall receive such salary as shall be provided by law.

If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the position of the Superintendent is abolished on the effective date of that Agreement, and the powers and duties of that position are transferred, to the extent they are applicable, to the Illinois Gaming Board and the Office of Gaming Enforcement.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/6) (from Ch. 120, par. 1156)

Sec. 6. Lottery Control Board; creation; appointment; chairman; terms; vacancies; removal; compensation; meetings; quorum. There is hereby created an independent board to be known as the Lottery Control Board, consisting of 5 members, all of whom shall be citizens of the United States and residents of this State and shall be appointed by the Governor with the advice and consent of the Senate. No more than 3 of the 5 members shall be members of the same political party. A chairman of the Board shall be chosen annually from the membership of the Board by a majority of the members of the Board at the first meeting of the Board each fiscal year.

Initial members shall be appointed to the Board by the Governor as follows: one member to serve until July 1, 1974, and until his successor is appointed and qualified; 2 members to serve until July 1, 1975, and until their successors are appointed and qualified; 2 members to serve until July 1, 1976, and until their successors are appointed and qualified. As terms of members so appointed expire, their successors shall be appointed for terms to expire the first day in July 3 years thereafter, and until their successors are appointed and qualified.

Any vacancy in the Board occurring for any reason other than expiration of term, shall be filled for the unexpired term in the same manner as the original appointment.

Any member of the Board may be removed by the Governor for neglect of duty, misfeasance, malfeasance, or nonfeasance in office.

Board members shall receive as compensation for their services $100 for each day they are in attendance at any official board meeting, but in no event shall members receive more than $1,200 per year. They shall receive no other compensation for their services, but shall be reimbursed for necessary traveling and other reasonable expenses incurred in the performance of their official duties. Each member shall make a full financial disclosure upon appointment.

The Board shall hold at least one meeting each quarter of the fiscal year. In addition, special meetings may be called by the Chairman, any 2 Board members, or the Director of the Department, upon delivery of 72 hours' written notice to the office of each member. All Board meetings shall be open to the public pursuant to the Open Meetings Act.

Three members of the Board shall constitute a quorum, and 3 votes shall be required for any final determination by the Board. The Board shall keep a complete and accurate record of all its meetings.

If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the terms of the members of the Board shall terminate on the effective date of that Agreement and the Board is thereupon abolished. The Illinois Gaming Board and the Office of Gaming Enforcement shall, as set forth in this amendatory Act of the 95th General Assembly, assume jurisdiction and oversight of Lottery and Concession operations.

(Source: P.A. 84-1128.)

(20 ILCS 1605/6.1 new)

Sec. 6.1. Illinois Gaming Board and Office of Gaming Enforcement Authorization to Implement the Act and Oversee the Concession.

(a) If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Illinois Gaming Board and the Office of Gaming Enforcement shall jointly have general responsibility for the implementation of this Act and the oversight and implementation of any Management and Concession Agreement.

(b) The Illinois Gaming Board shall have regulatory jurisdiction and oversight over all Lottery and Concession operations governed by this Act and shall have all powers necessary and proper to fully and effectively execute the provisions of this Act. Its powers and duties include, without limitation, the following:

(1) to conduct hearings pertaining to rules and regulations promulgated under this Act;

(2) acting jointly with the Office of Gaming Enforcement, to implement and administer the Concession and Management Agreement, including, without limitation, the supervision and administration of the operation of the Lottery in accordance with this Act, the rules and regulations of the Illinois Gaming Board and Office of Gaming Enforcement adopted hereunder, and the terms of the Management and Concession Agreement;

(3) beginning when members of the Illinois Gaming Board have been appointed pursuant to this amendatory Act of the 95th General Assembly, to review all contracts entered into by the Concessionaire or technical operator, directly or indirectly, for the purpose of implementing and executing the Management and Concession Agreement; and to review and approve all contracts entered into by the Concessionaire or technical operator, directly or indirectly, for the purpose of implementing and executing the Management and Concession Agreement, with an aggregate amount of $50,000 or more or for a term to exceed 365 days; beginning on the effective date of this amendatory Act of the 95th General Assembly and until members of the Illinois Gaming Board have been appointed pursuant to this amendatory Act of the 95th General Assembly, this duty shall be performed jointly by the Governor, Comptroller, and Treasurer, and all contracts with an aggregate amount of $50,000 or more or for a term to exceed 365 days must be approved unanimously by all 3 officers;

(4) to promulgate rules and regulations for the purpose of administering the provisions of this Act and the Management and Concession Agreement and to prescribe rules, regulations, and conditions under which the Lottery shall be conducted; those rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of citizens of the State, including rules and regulations regarding inspection;

(5) to review and rule upon any complaint brought by the Office of Gaming Enforcement and, if deemed necessary, to take appropriate disciplinary action against a Concessionaire or technical operator and its contractors and licensees for violations of this Act or the rules of the Illinois Gaming Board or the Office of Gaming Enforcement;

(6) to conduct all hearings, issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents in accordance with the Illinois Administrative Procedure Act, and to administer oaths and affirmations to the witnesses, when, in the judgment of the Illinois Gaming Board or the Office of Gaming Enforcement, it is necessary to administer or enforce this Act or the Illinois Gaming Board or Office of Gaming Enforcement rules;

(7) to ensure that any Concessionaire or technical operator maintains appropriate standards for Lottery ticket vendors;

(8) to require that records, including financial or other statements of any Concessionaire or technical operator under this Act, shall be kept in such manner as prescribed by the Illinois Gaming Board or the Office of Gaming Enforcement and that any such Concessionaire or technical operator regularly submit to the Illinois Gaming Board and the Office of Gaming Enforcement a balance sheet and profit and loss statement, list of the stockholders or other persons having a beneficial interest in such amounts as may be determined by the Illinois Gaming Board or the Office of Gaming Enforcement, and any other information the Illinois Gaming Board or the Office of Gaming Enforcement deems necessary in order to effectively administer this Act and all rules, regulations, orders, and final decisions promulgated under this Act;

(9) to hire employees to gather information and carry out any other tasks contemplated under this Act;

(10) to seek and receive the cooperation of the Office of Gaming Enforcement in conducting any background investigations of parties and in fulfilling its responsibilities under this Act; and

(11) to take any other action as may be reasonable or appropriate to enforce this Act and its rules and regulations.

(c) The Office of Gaming Enforcement shall have enforcement jurisdiction and oversight over all Lottery and Concession operations governed by this Act and shall have all powers necessary and proper to fully and effectively execute the provisions of this Act. Its powers and duties include, without limitation, the

following:

(1) to promulgate such rules and regulations as in its judgment may be necessary to protect or enhance the credibility and integrity of the Lottery and enforce the provisions of the Management and Concession Agreement authorized by this Act and the regulatory process under this Act;

(2) to be present through its inspectors and agents any time Lottery operations are conducted pursuant to this Act or the Management and Concession Agreement for the purpose of determining compliance therewith, receiving complaints from the public, and conducting such other investigations into the conduct of Lottery games and operations and the maintenance of all Lottery equipment as from time to time the Board may deem necessary and proper;

(3) acting jointly with the Illinois Gaming Board, to implement and administer the Concession and Management Agreement, including, without limitation, the supervision of the operation of the Lottery in accordance with this Act, the rules and regulations of the Illinois Gaming Board and Office of Gaming Enforcement adopted hereunder, and the terms of the Management and Concession Agreement;

(4) to investigate parties providing Concession and Lottery-related services;

(5) to enter the office, facilities, or other places of business of a Concessionaire or technical operator, where evidence of the compliance or noncompliance with the provisions of this Act or the Management and Concession Agreement is likely to be found;

(6) to investigate alleged violations of this Act or the rules of the Illinois Gaming Board or the Office of Gaming Enforcement on its own initiative or as requested by the Illinois Gaming Board and if it deems appropriate, to file complaints with the Illinois Gaming Board against a Concessionaire or a technical operator and its contractors and licensees;

(7) to ensure that any Concessionaire or technical operator maintains appropriate standards for Lottery ticket vendors;

(8) to hire employees to gather information, conduct investigations, and carry out any other tasks contemplated under this Act;

(9) to exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation, to the extent possible, and the Department of State Police for use in considering applicants for any license; and

(10) to take any other action as may be reasonable or appropriate to enforce this Act and its rules and regulations.

In the event that the State shall enter into a Management and Concession Agreement, the Illinois Gaming Board may, on behalf of the Concessionaire or technical operator, enter into an agreement or agreements with the management of state lotteries operated pursuant to the laws of other states for the purpose of creating and operating a multi-state lottery game wherein a separate and distinct prize pool would be combined to award larger prizes to the public than could be offered by the several state lotteries individually. In the event that the State shall enter into a Management and Concession Agreement, no tickets or shares offered in connection with a multi-state lottery game shall be sold within the State, except those offered by the Concessionaire or technical operator pursuant to the terms of the Management and Concession Agreement and this amendatory Act of the 95th General Assembly. No such agreement shall purport to pledge the full faith and credit of the State of Illinois or to waive the sovereign immunity of the State of Illinois. No multi-state game prize awarded to a nonresident of Illinois, with respect to a ticket or share purchased in a state other than the State of Illinois, shall be deemed to be a prize awarded under this Act for the purpose of taxation under the Illinois Income Tax Act.

(20 ILCS 1605/7.1) (from Ch. 120, par. 1157.1)

Sec. 7.1. Rules and Regulations.

(a) The Department shall promulgate such rules and regulations governing the establishment and operation of a State lottery as it deems necessary to carry out the purposes of this Act. Such rules and regulations shall be subject to the provisions of The Illinois Administrative Procedure Act. The Division shall issue written game rules, play instructions, directives, operations manuals, brochures, or any other publications necessary to conduct specific games, as authorized by rule by the Department. Any written game rules, play instructions, directives, operations manuals, brochures, or other game publications issued by the Division that relate to a specific lottery game shall be maintained as a public record in the Division's principal office, and made available for public inspection and copying but shall be exempt from the rulemaking procedures of the Illinois Administrative Procedure Act. However, when such written materials contain any policy of general applicability, the Division shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act. In addition, the Division shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives,

operations manuals, brochures, or other game-specific publications issued by the Division during the previous year and instructions concerning how the public may obtain copies of these materials from the Division.

(b) If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Illinois Gaming Board shall assume the Department's duties under this Section and Section 7.2 of this Act. The Concessionaire or technical operator shall be permitted to immediately offer any lottery games in operation on September 1, 2008. The Concessionaire or technical operator may offer any additional lottery games, provided that those lottery games are not substantially different from the lottery games in operation on September 1, 2008, and provided that those lottery games are authorized by the Illinois Gaming Board. Lottery games that are substantially different from those lottery games in operation on the effective date of this amendatory Act of the 95th General Assembly include, but are not limited to, the following: (i) games authorized, on the effective date of this amendatory Act of the 95th General Assembly, pursuant to the Illinois Horse Racing Act of 1975, the Riverboat Gambling Act, the Raffles Act, the Illinois Pull Tabs and Jar Games Act, and the Bingo License and Tax Act, (ii) electronic poker, and (iii) any game conducted over the Internet.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/7.2) (from Ch. 120, par. 1157.2)

Sec. 7.2. Matters included in rules and regulations. The rules and regulations of the Department or, if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the lottery, the Illinois Gaming Board may include, but shall not be limited to, the following:

(1) The types of lotteries to be conducted, subject to the provisions of subsection (b) of Section 7.1. ~~;~~

(2) The price, or prices, of tickets or shares in the lottery. ~~;~~

(3) The numbers and sizes of the prizes on the winning tickets or shares. ~~;~~

(4) The manner of selecting the winning tickets or shares, including the length of the claim period. ~~;~~

(5) The manner of payment of prizes to the holders of winning tickets or shares. ~~;~~

(6) The frequency of the drawing or selections of winning tickets or shares, without limitation. ~~;~~

(7) Without limit to number, the type or types of locations at which tickets or shares may be sold. ~~;~~

(8) The method to be used in selling tickets or shares. ~~;~~

(9) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public. ~~;~~

(10) Unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, all ~~The~~ apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among (i) the payment of prizes to the holders of winning tickets or shares, (ii) the payment of costs incurred in the operation and administration of the lottery, including the expenses of the Department and the costs resulting from any contract or contracts entered into for promotional, advertising or operational services or for the purchase or lease of lottery equipment and materials, and (iii) for monthly transfers to the Common School Fund. The net revenues accruing from the sale of lottery tickets shall be determined by deducting from total revenues the payments required by paragraphs (i) and (ii) of this subsection.

(11) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery or for the implementation and oversight of any Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

~~Any rules and regulations of the Department with respect to monthly transfers to the Common School Fund are subject to Section 21.2.~~

(Source: P.A. 84-1128.)

(20 ILCS 1605/7.3) (from Ch. 120, par. 1157.3)

Sec. 7.3. Hearings on violations; other hearings. The Board shall designate Hearing Officers who shall conduct hearings upon complaints charging violations of this Act or of regulations thereunder, and such other hearings as may be provided by Department rule. The Board may hear appeals from the recommended decisions of its Hearing Officers in accordance with procedures established by Department rule. Whenever the Department issues a Notice of Assessment under Section 21 of this Act, the lottery sales agent may protest such Notice by filing a request for hearing within 20 days of the date of such Notice.

(Source: P.A. 85-1224; 86-1475.)

(20 ILCS 1605/7.4) (from Ch. 120, par. 1157.4)

Sec. 7.4. Studies and investigations of lottery. The Department or, if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Illinois Gaming Board shall carry on a continuous study and investigation of the lottery throughout the State (1) for the purpose of ascertaining any defects in this Act or in the rules and regulations issued under this Act whereby any abuses in the administration and operation of the lottery or any evasion of this Act or the rules and regulations may arise or be practiced, (2) for the purpose of formulating recommendations for changes in this Act and the rules and regulations promulgated hereunder to prevent such abuses and evasions, (3) to guard against the use of this Act and the rules and regulations issued hereunder as a cloak for the carrying on of organized gambling and crime, and (4) to insure that the law and rules and regulations shall be in such form and be so administered as to serve the true purposes of this Act.

(Source: P.A. 84-1128.)

(20 ILCS 1605/7.5) (from Ch. 120, par. 1157.5)

Sec. 7.5. Reports on matters requiring changes in law. The Board or, if the State enters into a Management and Concessionaire Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Illinois Gaming Board shall report to the Governor, the Attorney General, the Speaker of the House, the President of the Senate, the minority leaders of both houses, and such other State officers as from time to time it deems appropriate, any matters which it deems to require an immediate change in the laws of this State in order to prevent abuses and evasions of this Act or rules and regulations promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

(Source: P.A. 84-1128.)

(20 ILCS 1605/7.8) (from Ch. 120, par. 1157.8)

Sec. 7.8. Annual report; report as public report. The Department, or, if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Illinois Gaming Board shall make an annual report regarding the work of the Board to the Governor, the Speaker of the House, the President of the Senate, and the minority leaders of both houses, such report to be a public report.

(Source: P.A. 84-1128.)

(20 ILCS 1605/7.8a) (from Ch. 120, par. 1157.8a)

Sec. 7.8a. Advertising policy. The Board shall establish advertising policy to ensure that advertising content and practices do not target with the intent to exploit specific groups or economic classes of people, and that its content is accurate and not misleading. The Board shall review, at least quarterly, all past advertising and proposed concepts for major media campaigns to ensure that they do not target with the intent to exploit specific groups or economic classes of people, and that their content is accurate and not misleading. If the Board finds that advertising conflicts with such policy, it shall have the authority to direct the Department to cease that advertising. If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery and the Concessionaire or a technical operator has the right to undertake marketing and advertising activities, neither the Concessionaire nor a technical operator, its contractors or licensees, shall engage in advertising practices that target with the intent to exploit specific groups or economic classes of people, or that is inaccurate or misleading. The Illinois Gaming Board may promulgate rules to implement this provision. The Concessionaire or technical operator shall submit, for the Illinois Gaming Board's review of content and determination of compliance with this Section, all marketing and advertising materials prior to their use. If the Illinois Gaming Board finds that action proposed or taken by the Concessionaire or technical operator, its contractors and licensees, conflicts with those rules or policies, the Illinois Gaming Board shall have the authority to direct the Concessionaire or technical operator, its contractors and licensees, to cease or refrain from taking that action or impose any other disciplinary action provided by law. In addition to the provisions of this Section, the Concessionaire or technical operator and its contractors and licensees shall be subject to the provisions of the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 85-183.)

(20 ILCS 1605/7.11) (from Ch. 120, par. 1157.11)

Sec. 7.11. Unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, the ~~The~~ Division may establish and collect nominal charges for promotional products ("premiums") and other promotional materials produced or acquired by the Division as part of its advertising and promotion activities. Such premiums or other promotional materials may be sold to individuals, government agencies and not-for-profit organizations, but not to for-profit enterprises for the

purpose of resale. Other State agencies shall be charged no more than the cost to the Division of the premium or promotional material. All proceeds from the sale of premiums or promotional materials shall be deposited in the State Lottery Fund in the State Treasury.
(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/8.1) (from Ch. 120, par. 1158.1)

Sec. 8.1. Contracts; competitive negotiation. Contracts for State Lottery tickets or shares or for other State Lottery game related services shall be obtained through the utilization of competitive negotiation procedures whenever practicable.
(Source: P.A. 84-268.)

(20 ILCS 1605/9) (from Ch. 120, par. 1159)

Sec. 9. Duties of Superintendent. The Superintendent, as administrative head of the Division, shall direct and supervise all its administrative and technical activities and shall report to the Director. In addition to the duties imposed upon him or her elsewhere in this Act, it shall be the Superintendent's duty:

a. To supervise and administer the operation of the lottery in accordance with the provisions of this Act or such rules and regulations of the Department adopted thereunder.

b. To attend meetings of the Board or to appoint a designee to attend in his stead.

c. To employ and direct such personnel in accord with the Personnel Code, as may be necessary to carry out the purposes of this Act. The Superintendent may, subject to the approval of the Director, use the services, personnel, or facilities of the Department. In addition, the Superintendent may by agreement secure such services as he or she may deem necessary from any other department, agency, or unit of the State government, and may employ and compensate such consultants and technical assistants as may be required and is otherwise permitted by law.

d. To license, in accordance with the provisions of Sections 10 and 10.1 of this Act and the rules and regulations of the Department adopted thereunder, or to ensure the retention, pursuant to the terms of a Management and Concession Agreement, as agents to sell lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. Unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, the ~~The~~ Superintendent may require a bond from every licensed agent, in such amount as provided in the rules and regulations of the Department. Every licensed agent shall prominently display his or her license, or a copy thereof, as provided in the rules and regulations of the Department.

e. To suspend or revoke any license issued pursuant to this Act or the rules and regulations promulgated by the Department thereunder.

f. To confer regularly as necessary or desirable and not less than once every month with the Lottery Control Board on the operation and administration of the Lottery; to make available for inspection by the Board or any member of the Board, upon request, all books, records, files, and other information and documents of his office; to advise the Board and recommend such rules and regulations and such other matters as he deems necessary and advisable to improve the operation and administration of the lottery or the implementation and oversight of a Management and Concession Agreement.

g. To enter into contracts for the operation of the lottery, or any part thereof, and, unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, to enter into contracts for the promotion of the lottery on behalf of the Department, with any person, firm or corporation, to perform any of the functions provided for in this Act or the rules and regulations promulgated thereunder. The Department shall not expend State funds on a contractual basis for such functions unless those functions and expenditures are expressly authorized by the General Assembly.

h. Unless the State has entered into a Management and Concession Agreement, to ~~To~~ enter into an agreement or agreements with the management of state lotteries operated pursuant to the laws of other states for the purpose of creating and operating a multi-state lottery game wherein a separate and distinct prize pool would be combined to award larger prizes to the public than could be offered by the several state lotteries, individually. No tickets or shares offered in connection with a multi-state lottery game shall be sold within the State of Illinois, except those offered by and through the Department. No such agreement shall purport to pledge the full faith and credit of the State of Illinois, nor shall the Department expend State funds on a contractual basis in connection with any such game unless such expenditures are expressly authorized by the General Assembly, provided, however, that in the event of error or omission by the Illinois State Lottery in the conduct of the game, as determined by the multi-state game directors, the Department shall be authorized to pay a prize winner or winners the lesser of a disputed prize or $1,000,000, any such payment to be made solely from funds appropriated for game prize purposes. The Department shall be authorized to share in the ordinary operating expenses of any such multi-state lottery

game, from funds appropriated by the General Assembly, and in the event the multi-state game control offices are physically located within the State of Illinois, the Department is authorized to advance start-up operating costs not to exceed $150,000, subject to proportionate reimbursement of such costs by the other participating state lotteries. The Department shall be authorized to share proportionately in the costs of establishing a liability reserve fund from funds appropriated by the General Assembly. The Department is authorized to transfer prize award funds attributable to Illinois sales of multi-state lottery game tickets to the multi-state control office, or its designated depository, for deposit to such game pool account or accounts as may be established by the multi-state game directors, the records of which account or accounts shall be available at all times for inspection in an audit by the Auditor General of Illinois and any other auditors pursuant to the laws of the State of Illinois. No multi-state game prize awarded to a nonresident of Illinois, with respect to a ticket or share purchased in a state other than the State of Illinois, shall be deemed to be a prize awarded under this Act for the purpose of taxation under the Illinois Income Tax Act. All of the net revenues accruing from the sale of multi-state lottery tickets or shares shall be transferred into the Common School Fund pursuant to Section 7.2. The Department shall promulgate such rules as may be appropriate to implement the provisions of this Section.

(h-1) In the event that the State enters into a Management and Concession Agreement, to authorize a Concessionaire to enter into an agreement or agreements with the management of state lotteries operated pursuant to the laws of other states for the purpose of creating and operating a multi-state lottery game wherein a separate and distinct prize pool would be combined to award larger prizes to the public than could be offered by the several state lotteries individually. The Superintendent shall not authorize the Concessionaire to take such action unless the Illinois Gaming Board verifies that the authorization derived from the agreement conforms to the provisions of the Illinois Procurement Code and the State Officials and Employees Ethics Act. No tickets or shares offered in connection with a multi-state lottery game shall be sold within the State of Illinois, except those offered by and through the Concessionaire or technical operator pursuant to the terms of the Management and Concession Agreement and this amendatory Act of the 95th General Assembly. No such agreement shall purport to pledge the full faith and credit of the State of Illinois or to waive the sovereign immunity of the State of Illinois, nor shall the Department expend State funds on a contractual basis in connection with any such game unless such expenditures are expressly authorized by the General Assembly. To the extent authorized pursuant to the terms of a Management and Concession Agreement, the Concessionaire shall be authorized to share in the ordinary operating expenses of any such multi-state lottery game, and in the event the multi-state game control offices are physically located within the State of Illinois, the Concessionaire is authorized to advance start-up operating costs, subject to proportionate reimbursement of such costs by the other participating state lotteries. The Concessionaire shall be authorized to share proportionately in the costs of establishing a liability reserve fund. The Concessionaire is authorized to transfer prize award funds attributable to Illinois sales of multi-state lottery game tickets to the multi-state control office, or its designated depository, for deposit to such game pool account or accounts as may be established by the multi-state game directors, the records of which account or accounts shall be available at all times for inspection in an audit by the Illinois Gaming Board and any auditors pursuant to the laws of the State of Illinois. No multi-state game prize awarded to a nonresident of Illinois, with respect to a ticket or share purchased in a state other than the State of Illinois, shall be deemed to be a prize awarded under this Act for the purpose of taxation under the Illinois Income Tax Act. The Illinois Gaming Board and the Department shall promulgate such rules as may be appropriate to implement the provisions of this Section.

i. To make a continuous study and investigation of (1) the operation and the administration of similar laws which may be in effect in other states or countries, (2) any literature on the subject which from time to time may be published or available, (3) any Federal laws which may affect the operation of the lottery, and (4) the reaction of Illinois citizens to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this Act.

j. To report monthly to the State Treasurer and the Lottery Control Board a full and complete statement of lottery revenues, prize disbursements and other expenses for each month and the amounts to be transferred to the Common School Fund pursuant to Section 7.2 or such other funds as are otherwise authorized by Section 21.2 of this Act, and to make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, to the Governor and the Board. All reports required by this subsection shall be public and copies of all such reports shall be sent to the Speaker of the House, the President of the Senate, and the minority leaders of both houses.

k. If the State enters into a Management and Concession Agreement, the Illinois Gaming Board shall assume the powers and duties in this Section 9 to the extent they are applicable.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/10) (from Ch. 120, par. 1160)

Sec. 10. Licensing of agents to sell lottery tickets or shares. The Division, upon application therefor on forms prescribed by the Division, and upon a determination by the Division that the applicant meets all of the qualifications specified in this Act, shall issue a license as an agent to sell lottery tickets or shares. No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business exclusively as a lottery sales agent.

Before issuing such license the Superintendent shall consider (a) the financial responsibility and security of the person and his business or activity, (b) the accessibility of his place of business or activity to the public, (c) the sufficiency of existing licenses to serve the public convenience, (d) the volume of expected sales, and (e) such other factors as he or she may deem appropriate.

Until September 1, 1987, the provisions of Sections 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 12 and 13.5 of the Retailers' Occupation Tax Act which are not inconsistent with this Act shall apply to the subject matter of this Act to the same extent as if such provisions were included in this Act. For purposes of this Act, references in such incorporated Sections of the Retailers' Occupation Tax Act to retailers, sellers or persons engaged in the business of selling tangible personal property mean persons engaged in selling lottery tickets or shares; references in such incorporated Sections to sales of tangible personal property mean the selling of lottery tickets or shares; and references in such incorporated Sections to certificates of registration mean licenses issued under this Act. The provisions of the Retailers' Occupation Tax Act as heretofore applied to the subject matter of this Act shall not apply with respect to tickets sold by or delivered to lottery sales agents on and after September 1, 1987, but such provisions shall continue to apply with respect to transactions involving the sale and delivery of tickets prior to September 1, 1987.

All licenses issued by the Division under this Act shall be valid for a period not to exceed 2 years after issuance unless sooner revoked, canceled or suspended as in this Act provided. No license issued under this Act shall be transferable or assignable. Such license shall be conspicuously displayed in the place of business conducted by the licensee in Illinois where lottery tickets or shares are to be sold under such license.

For purposes of this Section, the term "person" shall be construed to mean and include an individual, association, partnership, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, referee, any other person acting in a fiduciary or representative capacity who is appointed by a court, or any combination of individuals. "Person" includes any department, commission, agency or instrumentality of the State, including any county, city, village, or township and any agency or instrumentality thereof.

If the State enters into a Management and Concession Agreement pursuant to which the State authorizes a Concessionaire or technical operator to retain agents to distribute lottery tickets, the Division shall cease issuing licenses to agents to sell lottery tickets or shares during the term of the Management and Concession Agreement. In retaining such agents, the Concessionaire or technical operator shall apply appropriate criteria in determining suitability of those agents, including without limitation, criteria establishing the ineligibility for a license as set forth in Section 10.1 of this Act. Further, the Concessionaire or technical operator shall provide to the Department and the Illinois Gaming Board, not less than monthly, a list of all agents the Concessionaire or technical operator has engaged to distribute lottery tickets or shares, which statement shall include a certification that all such agents comply with the eligibility standards set forth in this Act.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/10.1) (from Ch. 120, par. 1160.1)

Sec. 10.1. Persons ineligible for licenses. The following are ineligible for any license under this Act:

(a) any person who has been convicted of a felony;

(b) any person who is or has been a professional gambler or gambling promoter, except when the person acted in such a capacity pursuant to and in compliance with all applicable law;

(c) any person who has engaged in bookmaking or other forms of illegal gambling;

(d) any person who is not of good character and reputation in the community in which he resides;

(e) any person who has been found guilty of any fraud or misrepresentation in any connection;

(f) any firm or corporation in which a person defined in (a), (b), (c), (d) or (e) has a proprietary, equitable or credit interest of 5% or more.

(g) any organization in which a person defined in (a), (b), (c), (d) or (e) is an officer, director, or managing agent, whether compensated or not;

(h) any organization in which a person defined in (a), (b), (c), (d), or (e) is to participate in the management or sales of lottery tickets or shares.

However, with respect to persons defined in (a), the Department may grant any such person a license under this Act when:

1) at least 10 years have elapsed since the date when the sentence for the most recent such conviction was satisfactorily completed;

2) the applicant has no history of criminal activity subsequent to such conviction;

3) the applicant has complied with all conditions of probation, conditional discharge, supervision, parole or mandatory supervised release; and

4) the applicant presents at least 3 letters of recommendation from responsible citizens in his community who personally can attest that the character and attitude of the applicant indicate that he is unlikely to commit another crime.

The Division may revoke, without notice or a hearing, the license of any agent who violates this Act or any rule or regulation promulgated pursuant to this Act. If the State enters into a Management and Concession Agreement pursuant to which the State authorizes a Concessionaire or technical operator to engage any sales agent, the Illinois Gaming Board shall have the power to revoke any such agency pursuant to the provisions of this Act. However, if the Division does revoke a license without notice and an opportunity for a hearing, the Division shall, by appropriate notice, afford the person whose license has been revoked an opportunity for a hearing within 30 days after the revocation order has been issued. As a result of any such hearing, the Division may confirm its action in revoking the license, or it may order the restoration of such license.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/10.1a) (from Ch. 120, par. 1160.1a)

Sec. 10.1a. Failure to satisfy tax Act requirements. In addition to other grounds specified in this Act, the Division shall refuse to issue and shall suspend the license of any lottery sales agency who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Department, until such time as the requirements of any such tax Act are satisfied, unless the agency is contesting, in accordance with the procedures established by the appropriate revenue Act, its liability for the tax or the amount of tax. If the State enters into a Management and Concession Agreement pursuant to which the State authorizes a Concessionaire or technical operator to engage any sales agent, the Illinois Gaming Board may direct the Concessionaire or technical operator to refrain from engaging or to suspend the engagement of any party acting or seeking to act as a sales agent, based on the grounds specified in this Section. The Division shall affirmatively verify the tax status of every sales agency before issuing or renewing a license, except that, if the State enters into a Management and Concession Agreement pursuant to which the State authorizes a Concessionaire to engage any sales agent, the Department shall verify the tax status of each agent from the list of agents provided by the Concessionaire pursuant to Section 10 of this Act and provide that information to the Illinois Gaming Board. For purposes of this Section, a sales agency shall not be considered delinquent in the payment of a tax if the agency (a) has entered into an agreement with the Department for the payment of all such taxes that are due and (b) is in compliance with the agreement.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/10.2) (from Ch. 120, par. 1160.2)

Sec. 10.2. Application and other fees. Each application for a new lottery license must be accompanied by a one-time application fee of $50; the Division, however, may waive the fee for licenses of limited duration as provided by Department rule. Each application for renewal of a lottery license must be accompanied by a renewal fee of $25. Each lottery licensee granted on-line status pursuant to the Department's rules must pay a fee of $10 per week as partial reimbursement for telecommunications charges incurred by the Department in providing access to the lottery's on-line gaming system. The Department, by rule, may increase or decrease the amount of these fees. No Concessionaire or technical operator that may retain sales agents for the Lottery pursuant to the terms of a Management and Concession Agreement may assess any fee pursuant this Section.

(Source: P.A. 93-840, eff. 7-30-04; 94-776, eff. 5-19-06.)

(20 ILCS 1605/10.3) (from Ch. 120, par. 1160.3)

Sec. 10.3. Proceeds received by sales agent. All proceeds from the sale of lottery tickets or shares received by a person in the capacity of a sales agent shall constitute a trust fund until paid to the Department either directly, or through the Department's authorized collection representative. Proceeds shall include unsold instant tickets received by a sales agent and cash proceeds of sale of any lottery products,

net of allowable sales commissions and credit for lottery prizes paid to winners by sales agents. Sales proceeds and unsold instant tickets shall be delivered to the Department or its authorized collection representative upon demand. Sales agents shall be personally liable for all proceeds which shall be kept separate and apart from all other funds and assets and shall not be commingled with any other funds or assets. In the case of a sales agent who is not an individual, personal liability shall attach to the owners and officers of the sales agent. The Department shall have a right to file a lien upon all real and personal property of any person who is personally liable under this Section for any unpaid proceeds, which were to be segregated as a trust fund under this Section, at any time after such payment was to have been made. Such lien shall include any interest and penalty provided for by this Act and shall be deemed equivalent to, and have the same effect as, the State tax lien under the Retailers' Occupation Tax Act. The term "person" as used in this Section, and in Section 10.4 of this Act, shall have the same meaning as provided in Section 10 of this Act. This Section, and Sections 10.4 and 10.5 of this Act shall apply with respect to all lottery tickets or shares generated by computer terminal, other electronic device, and any other tickets delivered to sales agents on and after September 1, 1987. If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery: (i) the Concessionaire may be the Department's authorized collection representative; and (ii) no such arrangement shall diminish the Department's rights pursuant to this Section. For purposes of this Section, "sales agent" includes any sales agent engaged by a Concessionaire pursuant to the terms of a Management and Concession Agreement.

(Source: P.A. 86-905.)

(20 ILCS 1605/10.4) (from Ch. 120, par. 1160.4)

Sec. 10.4. Proceeds received by sales agent; violations. Every person who shall violate the provisions of Section 10.3, or who does not segregate and keep separate and apart from all other funds and assets, all proceeds from the sale of lottery tickets received by a person in the capacity of a sales agent, shall upon conviction thereof be guilty of a Class 4 felony. The provisions of this Section shall be enforced by the Illinois Department of State Police and prosecuted by the Attorney General.

(Source: P.A. 85-183; 86-1475.)

(20 ILCS 1605/10.5) (from Ch. 120, par. 1160.5)

Sec. 10.5. Sales agent; insolvency. Whenever any person who receives proceeds from the sale of lottery tickets in the capacity of sales agent becomes insolvent, or dies insolvent, the proceeds due the Department from such person or his estate shall have preference over all debts or demands, except as follows:

(a) Amounts due for necessary funeral expenses;

(b) Amounts due for medical care and medicine during his most recent illness preceding death;

(c) Debts due to the United States;

(d) Debts due to the State of Illinois and all State and local taxes; and

(e) Wages for labor performed within the 6 months immediately preceding the death of such deceased person, not exceeding $1,000 due to another person and provided further that such proceeds shall be nondischargeable in insolvency proceedings instituted pursuant to Chapter 7, Chapter 11, or Chapter 13 of the Federal Bankruptcy Act.

(Source: P.A. 85-183.)

(20 ILCS 1605/10.6) (from Ch. 120, par. 1160.6)

Sec. 10.6. Odds of winning. The Division shall make an effort to more directly inform players of the odds of winning prizes. This effort shall include, at a minimum, that the Division require all ticket agents to display a placard stating the odds of winning for each game offered by that agent. In the event that the State shall enter into a Management and Concession Agreement, the Concessionaire shall be obligated to comply with the requirements of this Section 10.6.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/10.7)

Sec. 10.7. Compulsive gambling.

(a) Each lottery sales agent shall post a statement regarding obtaining assistance with gambling problems and including a toll-free "800" telephone number providing crisis counseling and referral services to families experiencing difficulty as a result of problem or compulsive gambling. The text of the statement shall be determined by rule by the Department of Human Services, shall be no more than one sentence in length, and shall be posted on the placard required under Section 10.6. The signs shall be provided by the Department of Human Services.

(b) The Division shall print a statement regarding obtaining assistance with gambling problems, the text of which shall be determined by rule by the Department of Human Services, on all paper stock it provides

to the general public.

(c) The Division shall print a statement of no more than one sentence in length regarding obtaining assistance with gambling problems and including a toll-free "800" number providing crisis counseling and referral services to families experiencing difficulty as a result of problem or compulsive gambling on the back of all lottery tickets.

(d) If the State enters into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, the Concessionaire shall assume and discharge all duties of the Division under subsections (a), (b), and (c) of this Section.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/11) (from Ch. 120, par. 1161)

Sec. 11. Officers and employees; civil or criminal penalties; devolution of powers or duties. Every officer and employee shall for any offense be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employee whose powers or duties devolve upon him under this Act.

(Source: P.A. 78-3rd S.S.-20.)

(20 ILCS 1605/12) (from Ch. 120, par. 1162)

Sec. 12. Public inspection and copying of records and data; exceptions. The public inspection and copying of the records and data of the Division and the Board shall be generally governed by the provisions of the Freedom of Information Act except that the following shall additionally be exempt from inspection and copying:

(i) information privileged against introduction in judicial proceedings;

(ii) internal communications of the several agencies;

(iii) information concerning secret manufacturing processes or confidential data submitted by any person under this Act;

(iv) any creative proposals, scripts, storyboards or other materials prepared by or for the Division or a Concessionaire under a Management and Concession Agreement, prior to the placement of the materials in the media, if the prior release of the materials would compromise the effectiveness of an advertising campaign.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/13) (from Ch. 120, par. 1163)

Sec. 13. Right to prize; payment. Except as otherwise provided in Section 13.1, no prize, nor any portion of a prize, nor any right of any person to a prize awarded shall be assignable. Any prize, or portion thereof remaining unpaid at the death of a prize winner, may be paid to the estate of such deceased prize winner, or to the trustee under a revocable living trust established by the deceased prize winner as settlor, provided that a copy of such a trust has been filed with the Department along with a notarized letter of direction from the settlor and no written notice of revocation has been received by the Division prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the Superintendent shall obtain from the trustee a written agreement to indemnify and hold the Department and the Division harmless with respect to any claims that may be asserted against the Department or the Division arising from payment to or through the trust. Notwithstanding any other provision of this Section, any person pursuant to an appropriate judicial order may be paid the prize to which a winner is entitled, and all or part of any prize otherwise payable by State warrant under this Section shall be withheld upon certification to the State Comptroller from the Department of Healthcare and Family Services as provided in Section 10-17.5 of The Illinois Public Aid Code. The Director and the Superintendent shall be discharged of all further liability upon payment of a prize pursuant to this Section.

If the State enters into a Management and Concession Agreement pursuant to which a payor other than the State, or a department, division, agency, or other unit of the State shall have the obligation to pay a prize, except as otherwise provided in Section 13.1, neither a prize, nor any portion of a prize, nor any right of any person to a prize awarded shall be assignable. Any prize, or portion thereof remaining unpaid at the death of a prize winner, may be paid to the estate of that deceased prize winner, or to the trustee under a revocable living trust established by the deceased prize winner as settlor, provided that a copy of that trust has been delivered to the third party prize payor along with a notarized letter of direction from the settlor and no written notice of revocation has been received by the third party prize payor prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the third party prize payor shall obtain from the trustee a written agreement to indemnify and hold the third party prize payor and the State harmless with respect to any claims that may be asserted against such third party prize payor or the State arising from the payment of the prize to or through the trust. The Director shall be

discharged of all further liability upon payment of a prize pursuant to this Section and shall in no event be liable for any failure of a Concessionaire to pay any prize.
(Source: P.A. 94-776, eff. 5-19-06; 95-331, eff. 8-21-07.)

(20 ILCS 1605/14) (from Ch. 120, par. 1164)

Sec. 14. Sale of ticket or share at greater than fixed price; sale or resale of tickets or shares; charging a fee to redeem winning ticket or share; punishment. No person shall sell a ticket or share at a price greater than that fixed by rule or regulation of the Department or the Division or, if the Lottery is managed or operated pursuant to a Management and Concession Agreement, the Illinois Gaming Board. No person other than a licensed lottery sales agent or distributor or a Concessionaire or a technical operator, its contractors or licensees, or a sales agent engaged by a Concessionaire pursuant to the terms of a Management and Concession Agreement shall sell or resell lottery tickets or shares. No person shall charge a fee to redeem a winning ticket or share.

Any person convicted of violating this Section shall be guilty of a Class B misdemeanor; provided, that if any offense under this Section is a subsequent offense, the offender shall be guilty of a Class 4 felony.
(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/14.2) (from Ch. 120, par. 1164.2)

Sec. 14.2. Lottery ticket fraud; prima facie evidence. Any person who, with intent to defraud, shall falsely make, alter, forge, utter, pass or counterfeit a lottery ticket or share issued by the State of Illinois under this Act shall be guilty of a Class 4 felony.

It shall be prima facie evidence of intent to defraud for a person to possess a lottery ticket or share issued by the State under this Act if he or she knows that ticket or share was falsely made, altered, forged, uttered, passed, or counterfeited.
(Source: P.A. 89-466, eff. 6-13-96.)

(20 ILCS 1605/14.3)

Sec. 14.3. Misuse of proprietary material prohibited. Except as may be provided in Section 7.11, or by bona fide sale or by prior authorization from the Department or the Division, or otherwise by law, all premiums, promotional and other proprietary material produced or acquired by the Division as part of its advertising and promotional activities shall remain the property of the Department. Nothing herein shall be construed to affect the rights or obligations of the Department or any other person under federal or State trademark or copyright laws, nor shall anything herein be construed to prevent the Department from assigning its rights in such property to a Concessionaire pursuant to a Management and Concession Agreement.
(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/15) (from Ch. 120, par. 1165)

Sec. 15. Prohibition against minors under 18 years of age and certain other persons purchasing or being furnished lottery tickets or shares. No minor under 18 years of age shall buy a lottery ticket or share. No person shall sell, distribute samples of, or furnish a lottery ticket or share to any minor under 18 years of age, buy a lottery ticket or share for any minor under 18 years of age, or aid and abet in the purchase of lottery tickets or shares by a minor under 18 years of age.

No ticket or share shall be purchased by, and no prize shall be paid to any of the following persons: any member of the Board or any officer or other person employed by the Board or by the Department or by the Concessionaire or any party with which the Concessionaire may contract to operate the Lottery; any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of abode of any such persons; or any minor under 18 years of age.

Any violation of this Section by a person other than the purchasing minor shall be a Class B misdemeanor; provided, that if any violation of this Section is a subsequent violation, the offender shall be guilty of a Class 4 felony. Notwithstanding any provision to the contrary, a violation of this Section by a minor under 18 years of age shall be a petty offense.
(Source: P.A. 90-346, eff. 8-8-97.)

(20 ILCS 1605/16) (from Ch. 120, par. 1166)

Sec. 16. Violations of Act, rules, or regulations; punishment; enforcement. It shall be a Class B misdemeanor to violate this Act or any rule or regulation promulgated thereunder, or knowingly to submit any false information under this Act or rules or regulations adopted thereunder; except that, if any person engages in such offense after one or more prior convictions under this Act, or any law of the United States or of any State relating to gambling or State operated lotteries, he shall be guilty of a Class 4 felony. It shall be the duty of all State and local law enforcement officers to enforce such Act and regulations.
(Source: P.A. 78-3rd S.S.-20.)

(20 ILCS 1605/17) (from Ch. 120, par. 1167)

Sec. 17. Other laws providing penalty or disability for sale of lottery tickets or shares inapplicable. No other law providing any penalty or disability for the sale of lottery tickets or shares or any acts done in connection with the lottery established under this Act shall apply to the sale of tickets or shares performed pursuant to this Act.

(Source: P.A. 81-477.)

(20 ILCS 1605/19) (from Ch. 120, par. 1169)

Sec. 19. Claiming prizes. The Division shall establish an appropriate period for the claiming of prizes for each lottery game offered. Each claim period shall be stated in game rules and written play instructions issued by the Superintendent in accordance with Section 7.1 of this Act or, if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire shall manage or operate the Lottery, such rules and written play instructions as may be issued in accordance with the terms of the Management and Concession Agreement, but subject to change by rule of the Illinois Gaming Board. Written play instructions shall be made available to all players through sales agents licensed to sell game tickets or shares. Prizes for lottery games which involve the purchase of a physical lottery ticket may be claimed only by presentation of a valid winning lottery ticket that matches validation records on file with the Lottery or, if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire manages or operates the Lottery, the records on file with that Concessionaire or technical operator, its contractors and licensees; no claim may be honored which is based on the assertion that the ticket was lost or stolen. No lottery ticket which has been altered, mutilated, or fails to pass validation tests shall be deemed to be a winning ticket.

If no claim is made for the money within the established claim period, the prize may be included in the prize pool of such special drawing or drawings as the Division may, from time to time, designate, except, in the event the Lottery is operated pursuant to the terms of a Management and Concession Agreement, then the unclaimed prize money shall be transferred to the Common School Fund. Unclaimed multi-state game prize money may be included in the multi-state prize pool for such special drawing or drawings as the multi-state game directors may, from time to time, designate, unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, in which case all unclaimed prize money not included in the prize pool of a special drawing shall be transferred to the Common School Fund. Unless the lottery is operated pursuant to the terms of a Management and Concession Agreement, any ~~. Any~~ bonuses offered by the Department to sales agents who sell winning tickets or shares shall be payable to such agents regardless of whether or not the prize money on the ticket or share is claimed, provided that the agent can be identified as the vendor of the winning ticket or share, and that the winning ticket or share was sold on or after January 1, 1984. ~~All unclaimed prize money not included in the prize pool of a special drawing shall be transferred to the Common School Fund.~~

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/20) (from Ch. 120, par. 1170)

Sec. 20. State Lottery Fund.

(a) There is created in the State Treasury a special fund to be known as the "State Lottery Fund". Such fund shall consist of all revenues received from (1) the sale of lottery tickets or shares, (net of commissions, fees representing those expenses that are directly proportionate to the sale of tickets or shares at the agent location, and prizes of less than $600 which have been validly paid at the agent level), (2) application fees, and (3) all other sources including moneys credited or transferred thereto from any other fund or source pursuant to law and, if the State enters into a Management and Concession Agreement, any moneys accruing to the State pursuant to the terms of that Agreement. Interest earnings of the State Lottery Fund shall be credited to the Common School Fund.

(b) The receipt and distribution of moneys under Section 21.5 of this Act shall be in accordance with Section 21.5.

(c) The receipt and distribution of moneys under Section 21.6 of this Act shall be in accordance with Section 21.6.

(d) The receipt and distribution of moneys under Section 21.7 of this Act shall be in accordance with Section 21.7.

(e) ~~(d)~~ The receipt and distribution of moneys under Section 21.8 ~~21.7~~ of this Act shall be in accordance with Section 21.8 ~~21.7~~.

(Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05; 95-331, eff. 8-21-07; 95-673, eff. 10-11-07; 95-674, eff. 10-11-07; revised 12-5-07.)

(20 ILCS 1605/20.2 new)

Sec. 20.2. Transfer of moneys from State Lottery Fund to Common School Fund. Notwithstanding any provision set forth in this Act or State law to the contrary, on or before the last day of each fiscal year the State Comptroller shall direct and the State Treasurer shall transfer moneys in and revenues received by the State Lottery Fund to the Common School Fund.

(20 ILCS 1605/21) (from Ch. 120, par. 1171)

Sec. 21. Payments or deposits of moneys and income. All lottery sales agents or distributors shall be liable to the Lottery for any and all tickets accepted or generated by any employee or representative of that agent or distributor, and such tickets shall be deemed to have been purchased by the agent or distributor unless returned to the Lottery within the time and in the manner prescribed by the Superintendent, or if the State enters into a Management and Concession Agreement pursuant to which a Concessionaire or technical operator engages sales agents or distributors, to such Concessionaire as may be allowed according to the terms of the Management and Concession Agreement within the time and in the manner prescribed by the Illinois Gaming Board ~~Superintendent~~. All moneys received by such agents or distributors from the sale of lottery tickets or shares, less the amount retained as compensation for the sale of the tickets or shares and the amount paid out as prizes, shall be paid over to a lottery representative or deposited in a bank or savings and loan association approved by the State Treasurer, as prescribed by the Superintendent or, if the State enters into a Management and Concession Agreement pursuant to which those moneys are to be held by a trustee, to that trustee and in accordance with such terms as may be set forth in the Management and Concession Agreement.

No bank or savings and loan association shall receive any ~~public~~ funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of the Public Funds Investment Act.

Each payment or deposit shall be accompanied by a report of the agent's receipts and transactions in the sale of lottery tickets in such form and containing such information as the Superintendent, or if the State enters into a Management and Concession Agreement, as the Concessionaire may require. Any discrepancies in such receipts and transactions may be resolved as provided by the rules and regulations of the Department.

If any money due the Lottery by a sales agent or distributor is not paid when due or demanded, it shall immediately become delinquent and be billed on a subsequent monthly statement. If on the closing date for any monthly statement a delinquent amount previously billed of more than $50 remains unpaid, interest in such amount shall be accrued at the rate of 2% per month or fraction thereof from the date when such delinquent amount becomes past due until such delinquent amount, including interest, penalty and other costs and charges that the Department may incur in collecting such amounts, is paid. In case any agent or distributor fails to pay any moneys due the Lottery within 30 days after a second bill or statement is rendered to the agent or distributor, such amount shall be deemed seriously delinquent and may be referred by the Department to a collection agency or credit bureau for collection. Any contract entered into by the Department for the collection of seriously delinquent accounts with a collection agency or credit bureau may be satisfied by a commercially reasonable percentage of the delinquent account recouped, which shall be negotiated by the Department in accordance with commercially accepted standards. Any costs incurred by the Department or others authorized to act in its behalf in collecting such delinquencies may be assessed against the agent or distributor and included as a part of the delinquent account.

In case of failure of an agent or distributor to pay a seriously delinquent amount, or any portion thereof to the State, including interest, penalty and costs, the Division may issue a Notice of Assessment. In determining amounts shown on the Notice of Assessment, the Division shall utilize the financial information available from its records. Such Notice of Assessment shall be prima facie correct and shall be prima facie evidence of delinquent sums due under this Section at any hearing before the Board, or its Hearing Officers, or at any other legal proceeding. Reproduced copies of the Division's records relating to a delinquent account or a Notice of Assessment offered in the name of the Department, under the Certificate of the Director or any officer or employee of the Department designated in writing by the Director shall, without further proof, be admitted into evidence in any such hearing or any legal proceeding and shall be prima facie proof of the delinquency, including principal and any interest, penalties and costs, as shown thereon. The Attorney General may bring suit on behalf of the Department to collect all such delinquent amounts, or any portion thereof, including interest, penalty and costs, due the Lottery.

Any person who accepts money that is due to the Department from the sale of lottery tickets or shares under this Act, but who wilfully fails to remit such payment to the Department when due or who purports to make such payment but wilfully fails to do so because such ~~his check or other~~ remittance fails to clear the financial institution ~~bank or savings and loan association~~ against which it is drawn, in addition to the

amount due and in addition to any other penalty provided by law, shall be assessed, and shall pay, a penalty equal to 5% of the deficiency plus any costs or charges incurred by the Department in collecting such amount.

The Director may make such arrangements for any person(s), financial institution, ~~banks, savings and loan associations~~ or distributors, to perform such functions, activities or services in connection with the operation of the lottery as he deems advisable pursuant to this Act, the State Comptroller Act, or the rules and regulations of the Department, and such functions, activities or services shall constitute lawful functions, activities and services of such person(s), banks, savings and loan associations or distributors.

All income arising out of any activity or purpose of the Division shall, pursuant to the State Finance Act, be paid into the State Treasury except as otherwise provided by the rules and regulations of the Department and shall be covered into a special fund to be known as the State Lottery Fund. Banks and savings and loan associations may be compensated for services rendered based upon the activity and amount of funds on deposit.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/21.2) (from Ch. 120, par. 1171.2)

Sec. 21.2. (Repealed). ~~There is created a special fund in the State Treasury known as the Illinois Land Grant Collegiate Athletics Fund. The Department shall designate a special lottery game of its choosing which it shall prepare and offer for sale to the public, the net proceeds from which shall be transferred to such fund for distribution to the University of Illinois Athletic Association as otherwise authorized by law.~~

(Source: P.A. 84-1128.)

(20 ILCS 1605/21.3) (from Ch. 120, par. 1171.3)

Sec. 21.3. Officer of corporation; personal liability. Any officer of any corporation licensed as an agent for the sale of Lottery tickets and products shall be personally liable for the total amount of Lottery receipts due the Department which are unpaid by the corporation, together with any interest and penalties thereon assessed in accordance with the provision of Section 21 of the Act.

The personal liability of a corporate officer as provided herein shall survive the dissolution of the corporation. No action to enforce such personal liability shall be commenced unless a notice of the delinquent account has been sent to such corporate officer at the address shown on the Lottery records or otherwise known to Department officials, and no such action shall be commenced after the expiration of 3 years from the date of the Department's notice of delinquent account or the termination of any court proceedings with respect to the issue of the delinquency of a corporation.

Procedures for protest and review of a notice of the Department's intention to enforce personal liability against a corporate officer shall be the same as those prescribed for protest and review of the Notice of Assessment as set forth in Section 7.3 of this Act.

(Source: P.A. 88-522.)

(20 ILCS 1605/21.5)

Sec. 21.5. Superintendent Carolyn Adams Ticket For The Cure.

(a) The Department shall offer a special instant scratch-off game with the title of "Carolyn Adams Ticket For The Cure". The game shall commence on January 1, 2006 or as soon thereafter, in the discretion of the Director, as is reasonably practical, and shall be discontinued on December 31, 2011. The operation of the game shall be governed by this Act and any rules adopted by the Department. The Department must consult with the Ticket For The Cure Board, which is established under Section 2310-347 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, regarding the design and promotion of the game. If any provision of this Section is inconsistent with any other provision of this Act, then this Section governs.

(b) The Ticket For The Cure Fund is created as a special fund in the State treasury. The net revenue from the Carolyn Adams Ticket For The Cure special instant scratch-off game shall be deposited into the Fund for appropriation by the General Assembly solely to the Department of Public Health for the purpose of making grants to public or private entities in Illinois for the purpose of funding research concerning breast cancer and for funding services for breast cancer victims. The Department must, before grants are awarded, provide copies of all grant applications to the Ticket For The Cure Board, receive and review the Board's recommendations and comments, and consult with the Board regarding the grants. For purposes of this Section, the term "research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, and treatment of breast cancer and may include clinical trials. The grant funds may not be used for institutional, organizational, or community-based overhead costs, indirect costs, or levies.

Moneys received for the purposes of this Section, including, without limitation, net revenue from the

special instant scratch-off game and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

For purposes of this subsection, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in prizes and the actual administrative expenses of the Department solely related to the Carolyn Adams Ticket For The Cure game.

(c) During the time that tickets are sold for the Carolyn Adams Ticket For The Cure game, the Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game.

(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section.

(Source: P.A. 94-120, eff. 7-6-05.)

(20 ILCS 1605/21.9 new)

Sec. 21.9. Right to direct offer of special cause games. If the State enters into a Management and Concession Agreement, the State shall retain the right to direct the Concessionaire or technical operator to offer special cause games as the General Assembly may determine appropriate from time to time. The General Assembly may in its discretion direct the deposit and use of net revenues from any such special cause games. The operation of any such special cause games shall be governed by this Act and any rules necessary to implement and administer the provisions of this Section as adopted by the Illinois Gaming Board. For purposes of this Section, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in the prizes and the costs and expenses related to the game.

(20 ILCS 1605/24) (from Ch. 120, par. 1174)

Sec. 24. Preaudit of accounts and transactions by State Comptroller; post-audits by Auditor General. The State Comptroller shall conduct a preaudit of all accounts and transactions of the Department in connection with the operation of the State Lottery under the State Comptroller Act, excluding payments issued by the Department for prizes of $25,000 or less.

The Auditor General or a certified public accountant firm appointed by him shall conduct an annual post-audit of all accounts and transactions of the Department in connection with the operation of the State Lottery and other special post audits as the Auditor General, the Legislative Audit Commission, or the General Assembly deems necessary. The annual post-audits shall include payments made by lottery sales agents of prizes of less than $600 authorized under Section 20, and payments made by the Department of prizes up to $25,000 authorized under Section 20.1. The Auditor General or his agent conducting an audit under this Act shall have access and authority to examine any and all records of the Department or the Board, its distributing agents and its licensees.

(Source: P.A. 94-776, eff. 5-19-06.)

(20 ILCS 1605/25) (from Ch. 120, par. 1175)

Sec. 25. Review under Administrative Review Law. Any party adversely affected by a final order or determination of the Board or the Department may obtain judicial review, by filing a petition for review within 35 days after the entry of the order or other final action complained of, pursuant to the provisions of the Administrative Review Law, as amended and the rules adopted pursuant thereto.

(Source: P.A. 82-783.)

(20 ILCS 1605/26) (from Ch. 120, par. 1176)

Sec. 26. Severability of invalid provisions or applications. If any clause, sentence, paragraph, subdivision, Section, provision or other portion of this Act or the application thereof to any person or circumstances is held to be invalid, such holding shall not affect, impair or invalidate the remainder of this Act or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, provision or other portion thereof directly involved in such holding or to the person and circumstances therein involved.

(Source: P.A. 78-3rd S.S.-20.)

(20 ILCS 1605/27) (from Ch. 120, par. 1177)

Sec. 27. Contracts; investments; proceeds; Deferred Lottery Prize Winners Trust Fund; disbursements; State Lottery Fund; Lottery Concession Fund; Lottery Escrow Account.

(a) The State Treasurer may, with the consent of the Director, contract with any person or corporation, including, without limitation, a bank, banking house, trust company or investment banking firm, to perform such financial functions, activities or services in connection with operation of the lottery as the State Treasurer and the Director may prescribe.

(b) All proceeds from investments made pursuant to contracts executed by the State Treasurer, with the consent of the Director, to perform financial functions, activities or services in connection with operation of

the lottery, shall be deposited and held by the State Treasurer as ex-officio custodian thereof, separate and apart from all public money or funds of this State in a special trust fund outside the State treasury. Such trust fund shall be known as the "Deferred Lottery Prize Winners Trust Fund", and shall be administered by the Director.

The Director shall, at such times and in such amounts as shall be necessary, prepare and send to the State Comptroller vouchers requesting payment from the Deferred Lottery Prize Winners Trust Fund to deferred prize winners, in a manner that will insure the timely payment of such amounts owed.

This Act shall constitute an irrevocable appropriation of all amounts necessary for that purpose, and the irrevocable and continuing authority for and direction to the Director and the State Treasurer to make the necessary payments out of such trust fund for that purpose. In the event that the State shall enter into a Management and Concession Agreement, this Section 27(b) shall not apply to any prizes awarded after the closing date of the Management and Concession Agreement.

(c) Moneys invested pursuant to subsection (a) of this Section may be invested only in bonds, notes, certificates of indebtedness, treasury bills, or other securities constituting direct obligations of the United States of America and all securities or obligations the prompt payment of principal and interest of which is guaranteed by a pledge of the full faith and credit of the United States of America. Interest earnings on moneys in the Deferred Lottery Prize Winners Trust Fund shall remain in such fund and be used to pay the winners of lottery prizes deferred as to payment until such obligations are discharged. Proceeds from bonds purchased and interest accumulated as a result of a grand prize multi-state game ticket that goes unclaimed will be transferred after the termination of the relevant claim period directly from the lottery's Deferred Lottery Prize Winners Trust Fund to each respective multi-state partner state according to its contribution ratio. All moneys invested pursuant to the terms of any Management and Concession Agreement into which the State may enter shall be subject to the provisions of this subsection.

(c-5) If a deferred lottery prize is not claimed within the claim period established by game rule, then the securities or other instruments purchased to fund the prize shall be liquidated and the liquidated amount shall be transferred to the State Lottery Fund for disposition pursuant to Section 19 of this Act. In the event that the State shall enter into a Management and Concession Agreement, this Section 27(c-5) shall not apply to any prizes awarded after the closing date of the Management and Concession Agreement.

(c-10) The Director may use a portion of the moneys in the Deferred Lottery Prize Winners Trust Fund to purchase bonds to pay a lifetime prize if the prize duration exceeds the length of available securities. If the winner of a lifetime prize exceeds his or her life expectancy as determined using actuarial assumptions and the securities or moneys set aside to pay the prize have been exhausted, moneys in the State Lottery Fund shall be used to make payments to the winner for the duration of the winner's life. In the event that the State shall enter into a Management and Concession Agreement, this Section 27(c-10) shall not apply to any prizes awarded after the closing date of the Management and Concession Agreement.

(c-15) From time to time, the Director may request that the State Comptroller transfer any excess moneys in the Deferred Lottery Prize Winners Trust Fund to the Lottery Fund. In the event that the State shall enter into a Management and Concession Agreement, this Section 27(c-15) shall not apply to any prizes awarded after the closing date of the Management and Concession Agreement.

(c-20) In the event that the State shall enter into a Management and Concession Agreement pursuant to which a Concessionaire is authorized to manage or operate the Lottery, there shall be created a fund to be known as the Lottery Concession Trust Fund, which shall be a special non-appropriated trust fund held outside of the State Treasury and separate and apart from all public money and funds of this State for the purpose of holding Concession revenues for the purpose of transferring to the State its 20% share of gross revenues after prize payouts. All proceeds from the sale of Lottery tickets or shares and all other revenue from the State's conduct of the Lottery as authorized under this amendatory Act of the 95th General Assembly, including Lottery revenues a Concessionaire may be eligible to receive under a Management and Concession Agreement, with the exception of the initial consideration distributed pursuant to Section 2.4, shall be paid into the Fund. Within the Lottery Concession Trust Fund, there shall be created sub-trusts for the purpose of holding moneys for the exclusive benefit of the State and recipients of Prize Claims.

The Fund shall begin to receive lottery proceeds and revenues on the date that a Management and Concession Agreement first becomes effective, and moneys in the Fund shall not at any time during the term of such an agreement be appropriated or diverted to any other use or purpose. The Fund shall be held by an Illinois trustee designated pursuant to the Concession and Management Agreement. All interest or other earnings accruing or received on amounts in the Fund shall be credited to and retained by the Fund. The Fund shall be held, administered, invested, and disbursed in accordance with the trust agreement and the Management and Concession Agreement.

The Illinois Gaming Board shall report quarterly to the State Treasurer and the Governor a full and complete statement of revenues into and expenses from the Lottery Concession Trust Fund, which may be included in the reports required pursuant to subsection (j-1) of Section 9 of this Act. The statement shall be public and copies shall be sent to the Speaker of the House, the President of the Senate, and the Minority Leaders of both houses.

(d) This amendatory Act of 1985 shall be construed liberally to effect the purposes of the Illinois Lottery Law.

(Source: P.A. 89-466, eff. 6-13-96; 90-346, eff. 8-8-97.)

Section 1-20. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-305 as follows:

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

Sec. 2505-305. Investigators.

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

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

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

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

Section 1-90. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-200 as follows:

(20 ILCS 2705/2705-200) (was 20 ILCS 2705/49.16)

Sec. 2705-200. Master plan; reporting requirements.

(a) The Department has the power to develop and maintain a continuing, comprehensive, and integrated planning process that shall develop and periodically revise a statewide master plan for transportation to guide program development and to foster efficient and economical transportation services in ground, air, water, and all other modes of transportation throughout the State. The Department shall coordinate its transportation planning activities with those of other State agencies and authorities and shall supervise and review any transportation planning performed by other Executive agencies under the direction of the Governor. The Department shall cooperate and participate with federal, regional, interstate, State, and local agencies, in accordance with Sections 5-301 and 7-301 of the Illinois Highway Code, and with interested private individuals and organizations in the coordination of plans and policies for development of the state's transportation system.

To meet the provisions of this Section, the Department shall publish and deliver to the Governor and General Assembly by January 1, 1982 and every 2 years thereafter, its master plan for highway, waterway, aeronautic, mass transportation, and railroad systems. The plan shall identify priority subsystems or components of each system that are critical to the economic and general welfare of this State regardless of public jurisdictional responsibility or private ownership.

The master plan shall provide particular emphasis and detail of at least the 5-year period in the immediate future.

Annual and 5-year, or longer, project programs for each State system in this Section shall be published and furnished the General Assembly on the first Wednesday in April of each year.

Identified needs included in the project programs shall be listed and mapped in a distinctive fashion to clearly identify the priority status of the projects: (1) projects to be committed for execution; (2) tentative projects that are dependent upon funding or other constraints; and (3) needed projects that are not programmed due to lack of funding or other constraints.

All projects shall be related to the priority systems of the master plan, and the priority criteria identified. Cost and estimated completion dates shall be included for work required to complete a useable segment or component beyond the period of the program.

(b) The Department shall publish and deliver to the Governor and General Assembly on the first

Wednesday in April of each year a 5-year, or longer, Highway Improvement Program reporting the number of fiscal years each project has been on previous plans submitted by the Department. It is a goal of the Highway Improvement Program that the percentage of State-jurisdiction mileage and bridges in acceptable condition be comparable throughout the State and that the percentage of State-jurisdiction miles and bridges in acceptable condition in each of the Department's highway districts, as those districts were organized on January 1, 2008, be no lower than 5 percentage points below the statewide average percentage in acceptable condition.

Funding in the Highway Improvement Program shall be allocated as follows: 45% for projects in highway district 1 and 55% for projects in highway districts 2 through 9, as those districts were organized on January 1, 2008. For Fiscal Year 2009, a minimum of two-thirds of the funds allocated for highway districts 2 through 9 shall be allocated as follows: 13.63% for projects in district 2; 12.44% for projects in district 3; 11.66% for projects in district 4; 9.89% for projects in district 5; 13.88% for projects in district 6; 10.56% for projects in district 7; 17.67% for projects in district 8; and 10.27% for projects in district 9. Starting in Fiscal Year 2010, a minimum of two-thirds of the funds allocated for highway districts 2 through 9 shall be allocated as follows: one-third in the ratio that the total lane miles of State-jurisdiction roads in each of the highway districts bears to the total lane miles of State-jurisdiction roads in highway districts 2 through 9; one-third in the ratio that the total square footage of State-jurisdiction bridges in each of the highway districts bears to the total square footage of State-jurisdiction bridges in highway districts 2 through 9; and one-third in the ratio that the miles of daily travel on State-jurisdiction roads in each of the highway districts bears to the total miles of daily travel on State-jurisdiction roads in highway districts 2 through 9. If in any year a catastrophic road or bridge failure makes impracticable the funding allocation for highway districts 2 through 9, the Secretary may declare an emergency and reallocate the funding as needed to address the catastrophic road or bridge failure. The remaining funds shall be allocated by the Department for projects in highway districts 2 through 9.

The Highway Improvement Program shall include the following information statewide and for each of the Department's highway districts:

(1) Overall funding proposed for the first year of the Highway Improvement Program.

(2) For roads and bridges under State jurisdiction, the current percentage of miles and bridges in acceptable condition.

(3) For roads and bridges under State jurisdiction, the projected percentage of miles and bridges in acceptable condition at the end of the Highway Improvement Program.

(b-5) The Department shall publish and deliver to the Governor and General Assembly an Annual Highway Improvement Program within 60 days after the start of each fiscal year or of the enactment of the Department's highway construction appropriation for that fiscal year, whichever is later. Funding in the Annual Highway Improvement Program shall be allocated as follows: 45% for projects in highway district 1 and 55% for projects in highway districts 2 through 9, as those districts were organized on January 1, 2008. For Fiscal Year 2009, a minimum of two-thirds of the funds allocated for highway districts 2 through 9 shall be allocated as follows: 13.63% for projects in district 2; 12.44% for projects in district 3; 11.66% for projects in district 4; 9.89% for projects in district 5; 13.88% for projects in district 6; 10.56% for projects in district 7; 17.67% for projects in district 8; and 10.27% for projects in district 9. Starting in Fiscal Year 2010, a minimum of two-thirds of the funds allocated for highway districts 2 through 9 shall be allocated as follows: one-third in the ratio that the total lane miles of State-jurisdiction roads in each of the highway districts bears to the total lane miles of State-jurisdiction roads in highway districts 2 through 9; one-third in the ratio that the total square footage of State-jurisdiction bridges in each of the highway districts bears to the total square footage of State-jurisdiction bridges in highway districts 2 through 9; and one-third in the ratio that the miles of daily travel on State-jurisdiction roads in each of the highway districts bears to the total miles of daily travel on State-jurisdiction roads in highway districts 2 through 9. The remaining funds shall be allocated by the Department for projects in highway districts 2 through 9. If in any year a catastrophic road or bridge failure makes impracticable the funding allocation for highway districts 2 through 9, the Secretary may declare an emergency and reallocate the funding as needed to address the catastrophic road or bridge failure.

The Annual Highway Improvement Program shall include the following information statewide and for each of the Department's highway districts:

(1) Total proposed funding, total number of miles to be improved, and total number of bridges to be improved.

(2) For roads and bridges under State jurisdiction, the current percentage of miles and bridges in acceptable condition.

(3) For roads and bridges under State jurisdiction, the projected percentage of miles and bridges in acceptable condition at the end of the Annual Highway Improvement Program.

(c) The Department shall publish and deliver to the Governor and the General Assembly by November 1 of each year a For the Record report that shall include the following:

(1) All the projects accomplished in the previous fiscal year listed by each Illinois Department of Transportation District.

(2) The award cost and the beginning dates of each listed project.

(3) Statewide and for each of the Department's highway districts, the total of program accomplishments in dollars, number of miles, and number of bridges.

(4) For roads and bridges under State jurisdiction, the current percentage of miles and bridges in acceptable condition.

(5) For any highway district whose percentage of miles, bridges, or both that are in acceptable condition is more than 5 percentage points below the statewide average percentage in acceptable condition, a description of remedial actions that will be taken in the next Highway Improvement Program for raising that district's percentage of roads, bridges, or both that are in acceptable condition.

(d) Following publication of each of the documents required by subsections (b), (b-5), and (c), the Commission on Government Forecasting and Accountability shall review the documents and certify to the Governor, Senate President, and Speaker of the House whether the requirements contained in subsections (b), (b-5), and (c) regarding each highway district's percentage funding allocation and each highway district's road and bridge conditions are being met.

(e) Every 2 years, the Auditor General shall review the performance of the Department to assure the Department is meeting the requirements of subsections (b), (b-5), and (c).

(Source: P.A. 94-91, eff. 7-1-05.)

Section 1-95. The State Finance Act is amended by adding Sections 5.715, 5.716, 5.717, 6z-76, and 6z-77 as follows:

(30 ILCS 105/5.715 new)

Sec. 5.715. The Illinois Education Trust Fund.

(30 ILCS 105/5.716 new)

Sec. 5.716. The GROW Illinois Fund.

(30 ILCS 105/5.717 new)

Sec. 5.717. The Capital Workforce Development Fund.

(30 ILCS 105/6z-76 new)

Sec. 6z-76. The GROW Illinois Fund.

(a) There is created the GROW Illinois Fund, a special fund in the State treasury. GROW is an acronym for "Growing and Revitalizing Our Workforce". The fund shall receive revenue pursuant to Section 2.4 of the Illinois Lottery Law.

(b) Expenditures and transfers may be made from the GROW Illinois Fund only as appropriated or directed by the General Assembly by law.

(c) Investment income that is attributable to the investment of moneys in the GROW Illinois Fund shall be retained in that fund for the uses specified in this Section.

(d) Notwithstanding subsection (b) of this Section, 1% of all moneys deposited into the Fund shall be transferred to the Capital Workforce Development Fund.

(30 ILCS 105/6z-77 new)

Sec. 6z-77. The Capital Workforce Development Fund.

(a) There is created the Capital Workforce Development Fund, a special fund in the State treasury. The Fund shall receive revenue pursuant to Section 6z-76 of this of this Act.

(b) Expenditures and transfers may be made from the Capital Workforce Development Fund only as appropriated or directed by the General Assembly by law.

(c) Investment income that is attributable to the investment of moneys in the Capital Workforce Development Fund shall be retained in that Fund for the uses specified in this Section.

Section 1-100. The Illinois Procurement Code is amended by adding Sections 20-160 and 50-37 as follows:

(30 ILCS 500/20-160 new)

Sec. 20-160. Business entities; certification; registration with the State Board of Elections.

(a) For purposes of this Section, the terms "business entity", "contract", "State contract", "contract with a State agency", "State agency", "affiliated entity", and "affiliated person" have the meanings ascribed to those terms in Section 50-37.

(b) Every bid submitted to and every contract executed by the State on or after the effective date of this amendatory Act of the 95th General Assembly shall contain (1) a certification by the bidder or contractor that either (i) the bidder or contractor is not required to register as a business entity with the State Board of Elections pursuant to this Section or (ii) the bidder or contractor has registered as a business entity with the State Board of Elections and acknowledges a continuing duty to update the registration and (2) a statement that the contract is voidable under Section 50-60 for the bidder's or contractor's failure to comply with this Section.

(c) Within 30 days after the effective date of this amendatory Act of the 95th General Assembly, each business entity (i) whose aggregate bids and proposals on State contracts annually total more than $50,000, (ii) whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, or (iii) whose contracts with State agencies, in the aggregate, annually total more than $50,000 shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code. A business entity required to register under this subsection shall submit a copy of the certificate of registration to the applicable chief procurement officer within 90 days after the effective date of this amendatory Act of the 95th General Assembly. A business entity required to register under this subsection due to item (i) or (ii) has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded; any change in information must be reported to the State Board of Elections within 2 business days following such change. A business entity required to register under this subsection due to item (iii) has a continuing duty to ensure that the registration is accurate in accordance with subsection (f).

(d) Any business entity, not required under subsection (c) to register within 30 days after the effective date of this amendatory Act of the 95th General Assembly, whose aggregate bids and proposals on State contracts annually total more than $50,000, or whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code prior to submitting to a State agency the bid or proposal whose value causes the business entity to fall within the monetary description of this subsection. A business entity required to register under this subsection has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded. Any change in information must be reported to the State Board of Elections within 2 business days following such change.

(e) A business entity whose contracts with State agencies, in the aggregate, annually total more than $50,000 must maintain its registration under this Section and has a continuing duty to ensure that the registration is accurate for the duration of the term of office of the incumbent officeholder awarding the contracts or for a period of 2 years following the expiration or termination of the contracts, whichever is longer. Any change in information shall be reported to the State Board of Elections within 10 days following such change; however, if a business entity required to register under this subsection has a pending bid or proposal, any change in information shall be reported to the State Board of Elections within 2 business days.

(f) A business entity's continuing duty under this Section to ensure the accuracy of its registration includes the requirement that the business entity notify the State Board of Elections of any change in information, including but not limited to changes of affiliated entities or affiliated persons.

(g) A copy of a certificate of registration must accompany any bid or proposal for a contract with a State agency by a business entity required to register under this Section. A chief procurement officer shall not accept a bid or proposal unless the certificate is submitted to the agency with the bid or proposal.

(h) A registration, and any changes to a registration, must include the business entity's verification of accuracy and subjects the business entity to the penalties of the laws of this State for perjury.

In addition to any penalty under Section 9-35 of the Election Code, intentional, willful, or material failure to disclose information required for registration shall render the contract, bid, proposal, or other procurement relationship voidable by the chief procurement officer if he or she deems it to be in the best interest of the State of Illinois.

(i) This Section applies regardless of the method of source selection used in awarding the contract.

(30 ILCS 500/50-37 new)

Sec. 50-37. Prohibition of political contributions.

(a) As used in this Section:

The terms "contract", "State contract", and "contract with a State agency" each mean any contract, as defined in this Code, between a business entity and a State agency let or awarded pursuant to this Code. The terms "contract", "State contract", and "contract with a State agency" do not include cost

reimbursement contracts; purchase of care agreements as defined in Section 1-15.68 of this Code; grants, including but are not limited to grants for job training or transportation; and grants, loans, or tax credit agreements for economic development purposes.

"Contribution" means a contribution as defined in Section 9-1.4 of the Election Code.

"Declared candidate" means a person who has filed a statement of candidacy and petition for nomination or election in the principal office of the State Board of Elections.

"State agency" means and includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the Illinois Constitution or State statute, of the executive branch of State government and does include colleges, universities, public employee retirement systems, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Illinois Board of Higher Education.

"Officeholder" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer. The Governor shall be considered the officeholder responsible for awarding all contracts by all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer.

"Sponsoring entity" means a sponsoring entity as defined in Section 9-3 of the Election Code.

"Affiliated person" means (i) any person with any ownership interest or distributive share of the bidding or contracting business entity in excess of 7.5%, (ii) executive employees of the bidding or contracting business entity, and (iii) the spouse and minor children of any such persons.

"Affiliated entity" means (i) any subsidiary of the bidding or contracting business entity, (ii) any member of the same unitary business group, (iii) any organization recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) established by the bidding or contracting business entity, any affiliated entity of that business entity, or any affiliated person of that business entity, or (iv) any political committee for which the bidding or contracting business entity, any affiliated person, or any entity described in items (i) through (iii) related to that business entity, is the sponsoring entity.

"Business entity" means any entity doing business for profit, whether organized as a corporation, partnership, sole proprietorship, limited liability company or partnership, or otherwise.

"Executive employee" means the President, Chairman, Chief Executive Officer, or other employee with executive decision-making authority over the long-term and day-to-day affairs of the entity employing the employee, or an employee whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee.

(b) Any business entity whose contracts with State agencies, in the aggregate, annually total more than $50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committees established to promote the candidacy of (i) the officeholder responsible for awarding the contracts or (ii) any other declared candidate for that office. This prohibition shall be effective for the duration of the term of office of the incumbent officeholder awarding the contracts or for a period of 2 years following the expiration or termination of the contracts, whichever is longer.

(c) Any business entity whose aggregate pending bids and proposals on State contracts total more than $50,000, or whose aggregate pending bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committee established to promote the candidacy of the officeholder responsible for awarding the contract on which the business entity has submitted a bid or proposal during the period beginning on the date the invitation for bids or request for proposals is issued and ending on the day after the date the contract is awarded.

(d) All contracts between State agencies and a business entity that violate subsection (b) or (c) shall be voidable under Section 50-60. If a business entity violates subsection (b) 3 or more times within a 36-month period, then all contracts between State agencies and that business entity shall be void, and that business entity shall not bid or respond to any invitation to bid or request for proposals from any State agency or otherwise enter into any contract with any State agency for 3 years from the date of the last violation. A notice of each violation and the penalty imposed shall be published in both the Procurement Bulletin and the Illinois Register.

(e) Any political committee that has received a contribution in violation of subsection (b) or (c) shall pay

an amount equal to the value of the contribution to the State no more than 30 days after notice of the violation concerning the contribution appears in the Illinois Register. Payments received by the State pursuant to this subsection shall be deposited into the general revenue fund.

Section 1-101. The Illinois Procurement Code is amended by changing Section 50-70 as follows:

(30 ILCS 500/50-70)

Sec. 50-70. Additional provisions. This Code is subject to applicable provisions of the following Acts:

(1) Article 33E of the Criminal Code of 1961;

(2) the Illinois Human Rights Act;

(3) the Discriminatory Club Act;

(4) the Illinois Governmental Ethics Act;

(5) the State Prompt Payment Act;

(6) the Public Officer Prohibited Activities Act;

(7) the Drug Free Workplace Act; ~~and~~

(8) the Illinois Power Agency Act; ~~.~~

(9) ~~(8)~~ the Employee Classification Act ; and ~~.~~

(10) The Illinois Lottery Law.

(Source: P.A. 95-26, eff. 1-1-08; 95-481, eff. 8-28-07; revised 11-2-07.)

Section 1-102. The Illinois Pension Code is amended by changing Sections 14-110, 14-111, 14-152.1, 18-127, and 18-169 as follows:

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

Sec. 14-110. Alternative retirement annuity.

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

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

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

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

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

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

(1) State policeman;

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

(3) air pilot;

(4) special agent;

(5) investigator for the Secretary of State;

(6) conservation police officer;

(7) investigator for the Department of Revenue;

(7.5) investigator for the Office of Gaming Enforcement;

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

(9) Central Management Services security police officer;

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

(11) dangerous drugs investigator;

(12) investigator for the Department of State Police;
(13) investigator for the Office of the Attorney General;
(14) controlled substance inspector;
(15) investigator for the Office of the State's Attorneys Appellate Prosecutor;
(16) Commerce Commission police officer;
(17) arson investigator;
(18) State highway maintenance worker.

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

(c) For the purposes of this Section:

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

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

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

(4) The term "special agent" means any person who by reason of employment by the Division of Narcotic Control, the Bureau of Investigation or, after July 1, 1977, the Division of Criminal Investigation, the Division of Internal Investigation, the Division of Operations, or any other Division or organizational entity in the Department of State Police is vested by law with duties to maintain public order, investigate violations of the criminal law of this State, enforce the laws of this State, make arrests and recover property. The term "special agent" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

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

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

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

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

<u>(7.5) The term "investigator for the Office of Gaming Enforcement" means any person employed as such by the Office of Gaming Enforcement and vested with such peace officer duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act.</u>

(8) The term "security employee of the Department of Human Services" means any person employed by the Department of Human Services who (i) is employed at the Chester Mental Health Center and has daily contact with the residents thereof, (ii) is employed within a security unit at a facility operated by the Department and has daily contact with the residents of the security unit, (iii) is employed

at a facility operated by the Department that includes a security unit and is regularly scheduled to work at least 50% of his or her working hours within that security unit, or (iv) is a mental health police officer. "Mental health police officer" means any person employed by the Department of Human Services in a position pertaining to the Department's mental health and developmental disabilities functions who is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. "Security unit" means that portion of a facility that is devoted to the care, containment, and treatment of persons committed to the Department of Human Services as sexually violent persons, persons unfit to stand trial, or persons not guilty by reason of insanity. With respect to past employment, references to the Department of Human Services include its predecessor, the Department of Mental Health and Developmental Disabilities.

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

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

(10) For a member who first became an employee under this Article before July 1, 2005, the term "security employee of the Department of Corrections or the Department of Juvenile Justice" means any employee of the Department of Corrections or the Department of Juvenile Justice or the former Department of Personnel, and any member or employee of the Prisoner Review Board, who has daily contact with inmates or youth by working within a correctional facility or Juvenile facility operated by the Department of Juvenile Justice or who is a parole officer or an employee who has direct contact with committed persons in the performance of his or her job duties. For a member who first becomes an employee under this Article on or after July 1, 2005, the term means an employee of the Department of Corrections or the Department of Juvenile Justice who is any of the following: (i) officially headquartered at a correctional facility or Juvenile facility operated by the Department of Juvenile Justice, (ii) a parole officer, (iii) a member of the apprehension unit, (iv) a member of the intelligence unit, (v) a member of the sort team, or (vi) an investigator.

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

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

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

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

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

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

(17) "Arson investigator" means any person who is employed as such by the Office of the State Fire Marshal and is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. A person who was employed as an arson investigator on January 1, 1995 and is no longer in

service but not yet receiving a retirement annuity may convert his or her creditable service for employment as an arson investigator into eligible creditable service by paying to the System the difference between the employee contributions actually paid for that service and the amounts that would have been contributed if the applicant were contributing at the rate applicable to persons with the same social security status earning eligible creditable service on the date of application.

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

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

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

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

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

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

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

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

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

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

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

(e) If a member enters military service while working in a position in which eligible creditable service may be earned, and returns to State service in the same or another such position, and fulfills in all other respects the conditions prescribed in this Article for credit for military service, such military service shall be credited as eligible creditable service for the purposes of the retirement annuity prescribed in this Section.

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

For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before January 1, 1982 as a covered employee in the position of investigator for the Department of Revenue shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the

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

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

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

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

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

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

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

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

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

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

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

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

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

(40 ILCS 5/14-111) (from Ch. 108 1/2, par. 14-111)

Sec. 14-111. Re-entry After retirement.

(a) An annuitant who re-enters the service of a department and receives compensation on a regular payroll shall receive no payments of the retirement annuity during the time he is so employed, with the following exceptions:

(1) An annuitant who is employed by a department while he or she is a continuing participant in the General Assembly Retirement System under Sections 2-117.1 and 14-105.4 will not be considered to have made a re-entry after retirement within the meaning of this Section for the duration of such continuing participation. Any person who is a continuing participant under Sections 2-117.1 and 14-105.4 on the effective date of this amendatory Act of 1991 and whose retirement annuity has been suspended under this Section shall be entitled to receive from the System a sum equal to the annuity payments that have been withheld under this Section, and shall receive the benefit of this amendment without regard to Section 1-103.1.

(2) An annuitant who accepts temporary employment from such a department for a period not exceeding 75 working days in any calendar year is not considered to make a re-entry after retirement within the meaning of this Section. Any part of a day on temporary employment is considered a full day of employment.

<u>(3) An annuitant who is a member of the Illinois Gaming Board or who accepts employment as a member of the Illinois Gaming Board or as the Director of Gaming Enforcement on or after the effective date of this amendatory Act of the 95th General Assembly may elect to not participate in this System with respect to that service. An annuitant who elects to not participate in this System with respect to that service is not considered to make a re-entry after retirement within the meaning of this Section.</u>

(b) If such person re-enters the service of a department, not as a temporary employee, contributions to the system shall begin as of the date of re-employment and additional creditable service shall begin to accrue. He shall assume the status of a member entitled to all rights and privileges in the system, including death and disability benefits, excluding a refund of contributions.

Upon subsequent retirement, his retirement annuity shall consist of:

(1) the amounts of the annuities terminated by re-entry into service; and

(2) the amount of the additional retirement annuity earned by the member during the period of additional membership service which shall not be subject to reversionary annuity if any.

The total retirement annuity shall not, however, exceed the maximum applicable to the member at the time of original retirement. In the computation of any such retirement annuity, the time that the member was on retirement shall not interrupt the continuity of service for the computation of final average compensation and the additional membership service shall be considered, together with service rendered before the previous retirement, in establishing final average compensation.

A person who re-enters the service of a department within 3 years after retiring may qualify to have the retirement annuity computed as though the member had not previously retired by paying to the System, within 5 years after re-entry and prior to subsequent retirement, in a lump sum or in installment payments in accordance with such rules as may be adopted by the Board, an amount equal to all retirement payments received, including any payments received in accordance with subsection (c) or (d) of Section 14-130, plus regular interest from the date retirement payments were suspended to the date of repayment.

(Source: P.A. 86-1488; 87-794.)

(40 ILCS 5/14-152.1)

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

(a) As used in this Section, "new benefit increase" means an increase in the amount of any benefit provided under this Article, or an expansion of the conditions of eligibility for any benefit under this Article, that results from an amendment to this Code that takes effect after June 1, 2005 (the effective date of Public Act 94-4) ~~this amendatory Act of the 94th General Assembly~~. "New benefit increase", however, does not include any benefit increase resulting from the changes made to this Article by this amendatory Act of the 95th General Assembly.

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

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

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

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

(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including without limitation a person who continues in service after the expiration date and did not apply and qualify for the affected benefit while the new benefit increase was in effect.

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

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

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

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

If such a participant resumes service as a judge, he or she shall receive credit for any additional service. Upon subsequent retirement, his or her retirement annuity shall be the amount previously granted, plus the amount earned by the additional judicial service under the provisions in effect during the period of such

additional service. However, if the participant was receiving the maximum rate of annuity at the time of re-employment, he or she may elect, in a written direction filed with the board, not to receive any additional service credit during the period of re-employment. In such case, contributions shall not be required during the period of re-employment. Any such election shall be irrevocable.

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

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

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

(e) A participant receiving a retirement annuity under this Article who (i) serves as a part-time employee in any of the following positions: Legislative Inspector General, Special Legislative Inspector General, employee of the Office of the Legislative Inspector General, Executive Director of the Legislative Ethics Commission, or staff of the Legislative Ethics Commission or (ii) serves on the Illinois Gaming Board or as the Director of Gaming Enforcement, but has not elected to participate in the Article 14 System with respect to that service, shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (e) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 93rd General Assembly. In this subsection, a "part-time employee" is a person who is not required to work at least 35 hours per week. The changes made to this subsection (e) by this amendatory Act of the 95th General Assembly apply without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 95th General Assembly.

(f) A participant receiving a retirement annuity under this Article who has made an election under Section 1-123 and who is serving either as legal counsel in the Office of the Governor or as Chief Deputy Attorney General shall not be deemed to be regularly employed for compensation by an employer other than a county, nor to have resumed service as a judge, on the basis of that service, and the retirement annuity payments and other benefits of that person under this Code shall not be suspended, diminished, or otherwise impaired solely as a consequence of that service. This subsection (f) applies without regard to whether the person is in service as a judge under this Article on or after the effective date of this amendatory Act of the 93rd General Assembly.

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

(40 ILCS 5/18-169)

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

(a) As used in this Section, "new benefit increase" means an increase in the amount of any benefit provided under this Article, or an expansion of the conditions of eligibility for any benefit under this Article, that results from an amendment to this Code that takes effect after June 1, 2005 (the effective date Public Act 94-4) ~~of this amendatory Act of the 94th General Assembly~~. "New benefit increase", however, does not include any benefit increase resulting from the changes made to this Article by this amendatory Act of the 95th General Assembly.

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

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

Every new benefit increase is contingent upon the General Assembly providing the additional funding required under this subsection. The Commission on Government Forecasting and Accountability shall analyze whether adequate additional funding has been provided for the new benefit increase and shall report its analysis to the Public Pension Division of the Department of Financial and Professional Regulation. A new benefit increase created by a Public Act that does not include the additional funding required under this subsection is null and void. If the Public Pension Division determines that the additional

funding provided for a new benefit increase under this subsection is or has become inadequate, it may so certify to the Governor and the State Comptroller and, in the absence of corrective action by the General Assembly, the new benefit increase shall expire at the end of the fiscal year in which the certification is made.

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

(e) Except as otherwise provided in the language creating the new benefit increase, a new benefit increase that expires under this Section continues to apply to persons who applied and qualified for the affected benefit while the new benefit increase was in effect and to the affected beneficiaries and alternate payees of such persons, but does not apply to any other person, including without limitation a person who continues in service after the expiration date and did not apply and qualify for the affected benefit while the new benefit increase was in effect.

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

Section 1-103. The Illinois Municipal Code is amended by adding Section 9-1-15 as follows:

(65 ILCS 5/9-1-15 new)

Sec. 9-1-15. The Chicago Infrastructure Fund. The City of Chicago may establish a Chicago Infrastructure Fund. The City shall deposit into the Fund all amounts from appropriations, transfers, gifts, grants, donations, and any other legal source designated for deposit into the Fund. Until needed for expenditure, the City shall invest the amounts held in the Fund in investments permitted under the Public Funds Investment Act. Amounts on deposit in the Fund and interest and other investment earnings on those amounts shall be expended by the City solely for costs of making transportation-related capital improvements. Upon appropriation by law of amounts to the City of Chicago for deposit into the Chicago Infrastructure Fund, the Comptroller shall order paid and the Treasurer shall pay to the City the appropriated amounts.

Section 1-104. The Regional Transportation Authority Act is amended by adding Section 4.03.4 as follows:

(70 ILCS 3615/4.03.4 new)

Sec. 4.03.4. The Regional Transportation Authority Infrastructure Fund. The Authority shall establish the Regional Transportation Authority Infrastructure Fund. The Authority shall deposit into the Fund all amounts designated for deposit into the Fund from appropriations, transfers, gifts, grants, donations, and any other legal source. Until needed for expenditure, the Authority shall invest the amounts held in the Fund in investments permitted under the Public Funds Investment Act. Amounts on deposit in the Fund, and interest and other investment earnings on those amounts, shall be expended by the Authority solely for costs of making capital improvements. Upon appropriation by law of amounts to the Authority for deposit into the Regional Transportation Authority Infrastructure Fund, the Comptroller shall order paid and the Treasurer shall pay to the Authority the appropriated amounts. The Auditor General may audit or cause to be audited the income and expenditures of the Fund.

Section 1-105. The Riverboat Gambling Act is amended by changing Sections 5, 5.1, 6, 13, and 17 and by adding Sections 5.2, 5.3, 5.4, 5.5, 5.7, and 14.5 as follows:

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

Sec. 5. Gaming Board.

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

(2) The Board shall consist of 5 members to be appointed by the Governor with the advice and consent of the Senate, one of whom shall be designated by the Governor to be chairperson ~~chairman~~. Each member shall have a reasonable knowledge of the practice, procedure and principles of gambling operations. Each member shall either be a resident of Illinois or shall certify that he or she will become a resident of Illinois before taking office. Notwithstanding any provision of this Section to the contrary, the term of office of each member of the Board serving on the effective date of this amendatory Act of the 95th General Assembly ends and those members shall hold office only until their successors are appointed and qualified pursuant to this amendatory Act of the 95th General Assembly. Members appointed pursuant to this amendatory Act of the 95th General Assembly and their successors shall serve on a full-time basis and may

not hold any other employment for which they are compensated.

Beginning on the effective date of this amendatory Act of the 95th General Assembly, the Board shall consist of 5 members appointed by the Governor from nominations presented to the Governor by the Nomination Panel and with the advice and consent of the Senate by a record vote of at least two-thirds of the members elected. The Board must include the following:

(1) One member must have, at a minimum, a bachelor's degree from an accredited school and at least 10 years of verifiable training and experience in the fields of investigation and law enforcement.

(2) One member must be a certified public accountant with experience in auditing and with knowledge of complex corporate structures and transactions.

(3) One member must have 5 years' experience as a principal, senior officer, or director of a company or business with either material responsibility for the daily operations and management of the overall company or business or material responsibility for the policy making of the company or business.

(4) Two members must be former judges elected or appointed to judicial office in Illinois or former federal judges appointed to serve in Illinois.

No more than 3 members of the Board may be from the same political party. At least one member must reside outside of Cook, Will, Lake, DuPage, and Kane counties. The Board should reflect the ethnic, cultural, and geographic diversity of the State. Each member shall have a reasonable knowledge of the practice, procedures, and principles of gambling operations. No Board member, within a period of 2 years immediately preceding nomination, shall have been employed or received compensation or fees for services from a person or entity, or its parent or affiliate, that has engaged in business with the Board or a licensee. Each member shall either be a resident of Illinois or shall certify that he or she will become a resident of Illinois before taking office. ~~At least one member shall be experienced in law enforcement and criminal investigation, at least one member shall be a certified public accountant experienced in accounting and auditing, and at least one member shall be a lawyer licensed to practice law in Illinois.~~

(3) The terms of office of the Board members shall be 4 ~~3~~ years, except that the terms of office of the initial Board members appointed pursuant to this amendatory Act of the 95th General Assembly ~~Act~~ will commence from the effective date of this amendatory Act and run as follows, to be determined by lot: one for a term ending July 1 of the year following confirmation ~~, 1991~~, one ~~2~~ for a term ending July 1 two years following confirmation ~~, 1992~~, one ~~and 2~~ for a term ending July 1 three years following confirmation, and 2 for a term ending July 1 four years following confirmation ~~1993~~. Upon the expiration of the foregoing terms, the successors of such members shall serve a term for 4 ~~3~~ years and until their successors are appointed and qualified for like terms. Vacancies in the Board shall be filled for the unexpired term in like manner as original appointments. Each member of the Board shall be eligible for reappointment , subject to the nomination process of the Nomination Panel, by ~~at the discretion of~~ the Governor with the advice and consent of the Senate by a record vote of at least two-thirds of the members elected.

(4) For members appointed pursuant to this amendatory Act of the 95th General Assembly and their successors, the chairman of the Board shall receive an annual salary equal to the annual salary of a State appellate court judge, and other members of the Board shall receive an annual salary equal to the annual salary of a State circuit court judge. ~~Each member of the Board shall receive $300 for each day the Board meets and for each day the member conducts any hearing pursuant to this Act.~~ Each member of the Board shall also be reimbursed for all actual and necessary expenses and disbursements incurred in the execution of official duties.

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

(6) Any member of the Board may be removed by the Governor for neglect of duty, misfeasance, malfeasance, or nonfeasance in office or for engaging in any political activity as defined in subsection (g) of Section 5.5.

(7) Before entering upon the discharge of the duties of his office, each member of the Board shall take an oath that he will faithfully execute the duties of his office according to the laws of the State and the rules and regulations adopted therewith and shall give bond to the State of Illinois, approved by the Governor, in the sum of $25,000. Every such bond, when duly executed and approved, shall be recorded in the office of

the Secretary of State. Whenever the Governor determines that the bond of any member of the Board has become or is likely to become invalid or insufficient, he shall require such member forthwith to renew his bond, which is to be approved by the Governor. Any member of the Board who fails to take oath and give bond within 30 days from the date of his appointment, or who fails to renew his bond within 30 days after it is demanded by the Governor, shall be guilty of neglect of duty and may be removed by the Governor. The cost of any bond given by any member of the Board under this Section shall be taken to be a part of the necessary expenses of the Board.

(8) The ~~Upon the request of the~~ Board~~, the Department~~ shall employ such personnel as may be necessary to carry out its ~~the~~ functions and shall determine the salaries of all personnel, except those personnel whose salaries are determined under the terms of a collective bargaining agreement. An employee or the employee's spouse, parent, or child may not for 2 years immediately preceding employment, during employment and for 5 years after employment have a financial interest in or financial relationship with any person or entity, or its parent or affiliate that is engaged or has engaged in business with the Board or a licensee ~~of the Board~~. ~~No person shall be employed to serve the Board who is, or whose spouse, parent or child is, an official of, or has a financial interest in or financial relation with, any operator engaged in gambling operations within this State or any organization engaged in conducting horse racing within this State.~~ Any employee violating these prohibitions shall be subject to termination of employment.

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

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

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

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

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

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

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

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

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

(8) (Blank) ~~To hold at least one meeting each quarter of the fiscal year. In addition, special meetings may be called by the Chairman or any 2 Board members upon 72 hours written notice to each member. All~~

~~Board meetings shall be subject to the Open Meetings Act. Three members of the Board shall constitute a quorum, and 3 votes shall be required for any final determination by the Board. The Board shall keep a complete and accurate record of all its meetings. A majority of the members of the Board shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power which this Act requires the Board members to transact, perform or exercise en banc, except that, upon order of the Board, one of the Board members or an administrative law judge designated by the Board may conduct any hearing provided for under this Act or by Board rule and may recommend findings and decisions to the Board. The Board member or administrative law judge conducting such hearing shall have all powers and rights granted to the Board in this Act. The record made at the time of the hearing shall be reviewed by the Board, or a majority thereof, and the findings and decision of the majority of the Board shall constitute the order of the Board in such case~~;

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

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

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

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

(13) To exercise powers and perform the duties provided for pursuant to the Illinois Lottery Law.

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

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

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

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

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

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

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

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

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

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

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

(11) To revoke or suspend licenses, as the Board may see fit and in compliance with applicable laws of the State regarding administrative procedures, and to review applications for the renewal of licenses.

The Board may suspend an owners license, without notice or hearing upon a determination that the safety or health of patrons or employees is jeopardized by continuing a riverboat's operation. The suspension may remain in effect until the Board determines that the cause for suspension has been abated. The Board may revoke a the owners license upon a determination that the owner has not made satisfactory progress toward abating the hazard.

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

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

(14) (Blank).

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

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

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

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

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

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

(21) To review all contracts entered into by owners licensees authorized under this Act. Beginning when the Board has been appointed and confirmed as provided for in this amendatory Act of the 95th General Assembly, the Board must review and approve all contracts entered into by an owners licensee for an aggregate amount of $50,000 or more or for a term to exceed 365 days. If a contract has been entered into prior to Board authorization of a requested action, then the contract is not valid until the Board approves both the requested action and the contract itself.

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

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

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

(f) Except as provided in subsection (h) of Section 5.4, all Board meetings are subject to the Open Meetings Act. Three members of the Board constitute a quorum, and 3 votes are required for any final determination by the Board. The Board shall keep a complete and accurate record of all its meetings. A majority of the members of the Board constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power that this Act requires the Board members to transact, perform, or exercise en banc, except that, upon order of the Board, one of the Board members or an administrative law judge designated by the Board may conduct any hearing provided for under this Act or by Board rule and may recommend findings and decisions to the Board. The Board member or administrative law judge conducting such hearing has all powers and rights granted to the Board in this Act. The record made at the time of the hearing shall be reviewed by the Board, or a majority thereof, and the findings and decision of the majority of the Board constitutes the order of the Board in such case.

(g) The Board shall carry on a continuous study of the operation and administration of gaming laws that may be in effect in other jurisdictions, literature on this subject that may from time to time become available, federal laws that may affect the operation of gaming in this State, and the reaction of Illinois citizens to existing and potential features of gaming under this Act. The Board is responsible for ascertaining any defects in this Act or in the rules adopted thereunder, formulating recommendations for changes in this Act to prevent abuses thereof, guarding against the use of this Act as a cloak for the carrying on of illegal gambling or other criminal activities, and insuring that this Act and the rules are in such form and so administered as to serve the true purposes of this Act.

(h) The Board shall file with the Governor and the General Assembly an annual report of (i) all revenues, expenses, and disbursements, (ii) actions taken by the Board, and (iii) any recommendations for changes in this Act as the Board deems necessary or desirable. The Board shall also report recommendations that promote more efficient operations of the Board.

(i) The Board shall report immediately to the Governor and the General Assembly any matters that in its judgment require immediate changes in the laws of this State in order to prevent abuses and evasions of this Act or of its rules or to rectify undesirable conditions in connection with the operation and regulation of gambling operations.

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

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

Sec. 5.1. Disclosure of records.

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

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

(2) An identification of any applicant or licensee including, if an applicant or licensee is not an individual, the state of incorporation or registration, the corporate officers, and the identity of all shareholders or participants. If an applicant or licensee has a pending registration statement filed with the Securities and Exchange Commission, only the names of those persons or entities holding interest of 1% ~~5%~~ or more must be provided.

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

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

(5) Whether an applicant or licensee has had any license or certificate issued by a licensing authority in Illinois or any other jurisdiction denied, restricted, suspended, revoked or not renewed and a statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation or non-renewal, including the licensing authority, the date each such action was taken, and the reason for each such action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Source: P.A. 87-826.)

(230 ILCS 10/5.2 new)

Sec. 5.2. Separation from Department of Revenue. On the effective date of this amendatory Act of the 95th General Assembly, all of the powers, duties, assets, liabilities, employees, contracts, property, records, pending business, and unexpended appropriations of the Department of Revenue related to the administration and enforcement of this Act are transferred to the Illinois Gaming Board and the Office of Gaming Enforcement.

The status and rights of the transferred employees, and the rights of the State of Illinois and its agencies, under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan are not affected (except as provided in the Illinois Pension Code) by that transfer or by any other provision of this amendatory Act of the 95th General Assembly.

(230 ILCS 10/5.3 new)

Sec. 5.3. Nomination Panel.

(a) The Nomination Panel is established to provide a list of candidates to the Governor for appointment to the Illinois Gaming Board and the position of Director of Gaming Enforcement. Members of the Nomination Panel shall be appointed by a majority vote of the following appointing authorities: (1) the Executive Ethics Commissioner appointed by the Secretary of State; (2) the Executive Ethics Commissioner appointed by the Treasurer; (3) the Executive Ethics Commissioner appointed by the Comptroller; (4) the Executive Ethics Commissioner appointed by the Attorney General; and (5) the Executive Ethics Commissioner appointed to serve as the first Chairman of the Executive Ethics Commission, or, upon his disqualification, refusal to serve, or resignation, the longest-serving Executive Ethics Commissioner appointed by the Governor. However, the appointing authorities as of the effective date of this amendatory Act of the 95th General Assembly shall remain empowered to fill vacancies on the Nomination Panel until all members of the new Gaming Board and the Director of Gaming Enforcement have been appointed and qualified, regardless of whether such appointing authorities remain members of the Executive Ethics Commission. In the event of such appointing authority's disqualification, resignation, or refusal to serve as an appointing authority, the Constitutional officer that appointed the Executive Ethics Commissioner may name a designee to serve as an appointing authority for the Nomination Panel. The appointing authorities may hold so many public or non-public meetings as is required to fulfill their duties, and may utilize the staff and budget of the Executive Ethics Commission in carrying out their duties; provided, however, that a final vote on appointees to the Nomination Panel shall take place in a meeting governed by the Open Meetings Act. Any ex parte communications regarding the Nomination Panel must be made a part of the record at the next public meeting and part of a written record. The appointing authorities shall file a list of members of the Nomination Panel with the Secretary of State within 60 days after the effective date of this amendatory Act of the 95th General Assembly. A vacancy on the Nomination Panel due to disqualification or resignation must be filled within 60 days of a vacancy and the appointing authorities must file the name of the new appointee with the Secretary of State.

(b) The Nomination Panel shall consist of the following members: (i) 2 members shall be former federal or State judges from Illinois, (ii) 2 members shall be former federal prosecutors from Illinois, (iii) one member shall be a former sworn federal officer with investigatory experience with a federal agency, including but not limited to the Federal Bureau of Investigation, the Internal Revenue Service, the Securities and Exchange Commission, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any other federal agency, (iv) 2 members shall be former members of federal agencies with experience in regulatory oversight, and (v) 2 members shall have at least 5 years of experience with nonprofit agencies in Illinois committed to public-interest advocacy for which the appointing authorities shall solicit recommendations from the Campaign for Political Reform, the Better Government Association, the Chicago Crime Commission, the League of Women Voters, the Urban League, the Mexican American Legal Defense and Educational Fund, and any other source deemed appropriate. Members shall submit statements of economic interest to the Secretary of State. Each member of the Nomination Panel shall receive $300 for each day the Nomination Panel meets. The Executive Ethics Commission shall provide staff and support to the Nomination Panel pursuant to appropriations available for those purposes.

(c) Candidates for nomination to the Illinois Gaming Board or the position of Director of Gaming Enforcement may apply or be nominated. All candidates must fill out a written application and submit to a background investigation to be eligible for consideration. The written application must include, at a minimum, a sworn statement disclosing any communications that the applicant has engaged in with a constitutional officer, a member of the General Assembly, a special government agent (as that term is defined in Section 4A-101 of the Illinois Governmental Ethics Act), a member of the Illinois Gaming Board or the Nomination Panel, a director, secretary, or other employee of the executive branch of the State, or an employee of the legislative branch of the State related to the regulation of gaming within the last year.

A person who knowingly provides false or misleading information on the application or knowingly fails to disclose a communication required to be disclosed in the sworn statement under this Section is guilty of a Class 4 felony.

(d) Once an application is submitted to the Nomination Panel and until (1) the nominee is rejected by the Nomination Panel, (2) the nominee is rejected by the Governor, (3) the candidate is rejected by the Senate, or (4) the candidate is confirmed by the Senate, whichever is applicable, a candidate may not engage in ex parte communications, as that term is defined in Section 5.7 of this Act.

(e) The Nomination Panel shall conduct a background investigation on candidates eligible for

nomination to the Illinois Gaming Board or the position of Director of Gaming Enforcement. For the purpose of making the initial nominations after the effective date of this amendatory Act of the 95th General Assembly, the Nomination Panel shall request the assistance of the Federal Bureau of Investigation to conduct background investigations. If the Federal Bureau of Investigation does not agree to conduct background investigations, or the Federal Bureau of Investigations cannot conduct the background investigations within 120 days after the request is made, the Nomination Panel may contract with an independent agency that specializes in conducting personal investigations. After the Office of Gaming Enforcement is operational, the Nomination Panel must use the Office of Gaming Enforcement's investigatory staff. The Office of Gaming Enforcement may seek the assistance of the Federal Bureau of Investigation or an independent agency that specializes in conducting background investigations. The Nomination Panel and the Office of Gaming Enforcement may not engage the services or enter into any contract with State or local law enforcement agencies for the conduct of background investigations.

(f) The Nomination Panel must review written applications, determine eligibility for oral interviews, confirm satisfactory background investigations, and hold public hearings on qualifications of candidates. Initial interviews of candidates need not be held in meetings subject to the Open Meetings Act; members or staff may arrange for informal interviews. Prior to recommendation, however, the Nomination Panel must question candidates in a meeting subject to the Open Meetings Act under oath.

(g) The Nomination Panel must recommend candidates for nomination to the Illinois Gaming Board and the position of Director of Gaming Enforcement. The Nomination Panel shall recommend 3 candidates for every open position and prepare a memorandum detailing the candidates' qualifications. The names and the memorandum must be delivered to the Governor and filed with the Secretary of State. The Governor may choose only from the recommendations of the Nomination Panel and must nominate a candidate for every open position within 30 days of receiving the recommendations. The Governor shall file the names of his nominees with the Secretary of the Senate and the Secretary of State. If the Governor does not name a nominee for every open position, then the Nomination Panel may select the remaining nominees for the Illinois Gaming Board or the position of Director of Gaming Enforcement. For the purpose of making the initial recommendations after the effective date of this amendatory Act of the 95th General Assembly, the Nomination Panel shall make recommendations to the Governor no later than 150 days after appointment of all members of the Nomination Panel. For the purpose of filling subsequent vacancies, the Nomination Panel shall make recommendations to the Governor within 90 days of a vacancy in office.

(h) Selections by the Governor must receive the advice and consent of the Senate by record vote of at least two-thirds of the members elected.

(230 ILCS 10/5.4 new)

Sec. 5.4. Office of Gaming Enforcement.

(a) There is established the Office of Gaming Enforcement (the "Office"), which shall have the powers and duties specified in this Act and the Illinois Lottery Law. Its jurisdiction shall extend under this Act and the Illinois Lottery Law to every licensee, person, association, corporation, partnership and trust involved in gambling and lottery operations in the State of Illinois.

(b) The Office shall have an officer as its head who shall be known as the Director and who shall execute the powers and discharge the duties given to the Office by this Act and the Illinois Lottery Law. The Director must have at least 10 years experience in law enforcement and investigatory methods at the federal or state level, but not necessarily in Illinois, with a preference given for experience in regulation or investigation in the gaming industry. Nominations for the position of Director must be made by the Nomination Panel as provided in Section 5.3. The Director of the Office may be removed by the Governor for neglect of duty, misfeasance, malfeasance, or nonfeasance in office or for engaging in political activity as defined in subsection (g) of Section 5.5. The Director shall receive an annual salary equal to the annual salary of a State appellate court judge and shall hold no other employment for which he or she receives compensation. The Director may not hold a local, state, or federal elective or appointive office or be employed by a local, state, or federal governmental entity while in office.

(c) The Director shall employ such personnel as may be necessary to carry out the functions of the Office and shall determine the salaries of all personnel, except those personnel whose salaries are determined under the terms of a collective bargaining agreement. An employee or the employee's spouse, parent, or child, may not for 2 years immediately preceding employment, during employment, and for 5 years after employment have a financial interest in or financial relationship with any person or entity, or its parent or affiliate that is engaged or has engaged in business with the Board or a licensee. Any employee violating these prohibitions is subject to termination of employment.

(d) In addition to its powers and duties specified in the Illinois Lottery Law, the Office shall have general

responsibility for the investigation and enforcement of this Act. Its powers and duties include without limitation the following:

(1) To be present through its inspectors and agents any time gambling operations are conducted for the purpose of certifying the revenue thereof, receiving complaints from the public, and conducting such other investigations into the conduct of the gambling games and the maintenance of the equipment as from time to time the Office may deem necessary and proper.

(2) To supervise all gambling operations authorized under this Act and all persons in places where riverboat gambling operations are conducted.

(3) To promulgate rules regarding the inspection of riverboats.

(4) To enter the facility or other places of business of a licensee under this Act where evidence of the compliance or noncompliance with the provisions of those Acts are likely to be found.

(5) To exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation, to the extent possible, and the Department of State Police for use in considering applicants for any license.

(6) To eject or exclude or authorize the ejection or exclusion of any person from a riverboat where the person is in violation of this Act, rules thereunder, or final orders of the Board, or where such person's conduct or reputation is such that his or her presence within the riverboat may call into question the honesty and integrity of the gambling operations or interfere with the orderly conduct thereof; provided that the propriety of such ejection or exclusion is subject to subsequent hearing.

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

(8) To conduct investigations on its own initiative or as requested by the Illinois Gaming Board or the Nomination Panel, including without limitation investigations for suspected violations of this Act and investigations for issuance or renewal of a license.

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

(f) The Office is a law enforcement agency, and its employees and agents shall have such law enforcement powers as may be delegated to them by the Attorney General to effectuate the purposes of this Act.

(g) Whenever the Office has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to an investigation, the Office may, before commencing a civil proceeding under this Act, issue in writing and cause to be served upon such person, a subpoena requiring such person: (A) to produce such documentary material for inspection and copying, (B) to answer, in writing, written interrogatories with respect to such documentary material or information, (C) to give oral testimony concerning such documentary material or information, or (D) to furnish any combination of such material, answers, or testimony.

(h) The Office may order any person to answer a question or questions or produce evidence of any kind and confer immunity as provided in this subsection. If, in the course of any investigation or hearing conducted under this Act, a person refuses to answer a question or produce evidence on the ground that he or she will be exposed to criminal prosecution thereby, then in addition to any other remedies or sanctions provided for by this Act, the Office may, by resolution of the Board and after the written approval of the Attorney General, issue an order to answer or to produce evidence with immunity. Hearings, documents, and other communications regarding the granting of immunity are not subject to the Freedom of Information Act or the Open Meetings Act. If, upon issuance of such an order, the person complies therewith, he or she shall be immune from having such responsive answer given by him or her or such responsive evidence produced by him or her, or evidence derived therefrom, used to expose him or her to criminal prosecution, except that such person may nevertheless be prosecuted for any perjury committed in such answer or in producing such evidence, or for contempt for failing to give an answer or produce evidence in accordance with the order of the Office; provided, however, that no period of incarceration for contempt shall exceed 18 months in duration. Any such answer given or evidence produced shall be admissible against him or her upon any criminal investigation, proceeding, or trial against him or her for such perjury; upon any investigation, proceeding or trial against him or her for such contempt; or in any manner consistent with State and constitutional provisions.

(i) When the Office or any entity authorized under this Act is authorized or required by law to conduct a background investigation, the Office shall:

(1) conduct a criminal history record check investigation to obtain any information currently or

subsequently contained in the files of the State Police and, if possible, the Federal Bureau of Investigation, regarding possible criminal behavior, including misdemeanor and felony convictions;

(2) conduct a civil action record check investigation to obtain information regarding any civil matters to which the person was a party, witness, or in any way substantially participated in the matter;

(3) conduct investigation of personal and professional references and acquaintances, including, but not limited to, current and former employers or employees; or

(4) conduct investigation of financial history.

(230 ILCS 10/5.5 new)

Sec. 5.5. Ethics provisions.

(a) Conflict of interest. Board members, members of the Nomination Panel, the Director of Gaming Enforcement, and employees may not engage in communications or any activity that may cause or have the appearance of causing a conflict of interest. A conflict of interest exists if a situation influences or creates the appearance that it may influence judgment or performance of regulatory duties and responsibilities. This prohibition shall extend to any act identified by the Director of Gaming Enforcement's or Board's action that, in the judgment of the Director or Board, could represent the potential for or the appearance of a conflict of interest.

(b) Financial interest. Constitutional officers, members of the General Assembly, members of the Executive Ethics Commission, Board members, members of the Nomination Panel, the Director of Gaming Enforcement, and employees may not have a financial interest, directly or indirectly, in his or her own name or in the name of any other person, partnership, association, trust, corporation, or other entity, in any contract or subcontract for the performance of any work for the Board or for any licensee under this Act. This prohibition shall extend to the holding or acquisition of an interest in any entity identified by Board action that, in the judgment of the Board, could represent the potential for or the appearance of a financial interest. The holding or acquisition of an interest in such entities through an indirect means, such as through a mutual fund, shall not be prohibited, except that Board may identify specific investments or funds that, in its judgment, are so influenced by gaming holdings as to represent the potential for or the appearance of a conflict of interest.

(c) Gambling. Except as may be required in the conduct of official duties, Board members and employees and the Director of Gaming Enforcement shall not engage in gambling on any riverboat or engage in legalized gambling in any establishment identified by Board action that, in the judgment of the Board, could represent a potential for a conflict of interest.

(d) Outside employment. A Board member, the Director of Gaming Enforcement, or an employee of the Board or the Office of Gaming Enforcement may not, within a period of 5 years immediately after termination of employment, knowingly accept employment or receive compensation or fees for services from a person or entity, or its parent or affiliate, that has engaged in business with the Board that resulted in contracts with an aggregate value of at least $25,000 or if that Board member, employee, or the Director has made a decision that directly applied to the person or entity, or its parent or affiliate. A Board member, employee, or the Director shall not hold or pursue employment, office, position, business, or occupation that conflict with his or her official duties. Board members and the Director shall not engage in other employment. Employees may engage in other gainful employment so long as that employment does not interfere or conflict with their duties and such employment is approved by the Board.

(e) Gift ban. Board members, the Director of Gaming Enforcement, members of the Nomination Panel, and employees may not accept any gift, gratuity, service, compensation, travel, lodging, or thing of value, with the exception of unsolicited items of an incidental nature, from any person, corporation or entity doing business with the Board.

(f) Abuse of Position. A Board member, member of the Nomination Panel, Director of Gaming Enforcement, or employee shall not use or attempt to use his or her official position to secure, or attempt to secure, any privilege, advantage, favor, or influence for himself or herself or others.

(g) Political activity. No member of the Board, employee, or the Director of Gaming Enforcement shall engage in any political activity. For the purposes of this subsection, "political activity" means any activity in support of or in connection with any campaign for State or local elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties or governmental and public service functions.

(h) A spouse, child, or parent of a Board member, member of the Nomination Panel, the Director of Gaming Enforcement, or an employee may not:

(1) Have a financial interest, directly or indirectly, in his or her own name or in the name of any other person, partnership, association, trust, corporation, or other entity, in any contract or subcontract for the performance of any work for the Board or any licensee. This prohibition shall extend to the holding or acquisition of an interest in any entity identified by Board action that, in the judgment of the Board, could represent the potential for or the appearance of a conflict of interest. The holding or acquisition of an interest in such entities through an indirect means, such as through a mutual fund, shall not be prohibited, expect that the Board may identify specific investments or funds that, in its judgment, are so influenced by gaming holdings as to represent the potential for or the appearance of a conflict of interest.

(2) Accept any gift, gratuity, service, compensation, travel, lodging, or thing of value, with the exception of unsolicited items of an incidental nature, from any person, corporation or entity doing business with the Board.

(3) Within a period of 2 years immediately after termination of employment, knowingly accept employment or receive compensation or fees for services from a person or entity, or its parent or affiliate, that has engaged in business with the Board or the Office of Gaming Enforcement that resulted in contracts with an aggregate value of at least $25,000 or if the Board or Office has made a decision that directly applies to the person or entity, or its parent or affiliate.

(i) Any Board member, member of the Nomination Panel, Director of Gaming Enforcement, or employee or spouse, child, or parent of a Board member, member of the Nomination Panel, Director of Gaming Enforcement, or employee who knowingly violates any provision of this Section is guilty of a Class 4 felony.

(230 ILCS 10/5.7 new)

Sec. 5.7. Ex parte communications.

(a) For the purpose of this Section:

"Ex parte communication" means any written or oral communication by any person that imparts or requests material information or makes a material argument regarding potential action concerning regulatory, quasi regulatory, investment, or licensing matters pending before or under consideration by the Illinois Gaming Board. "Ex parte communication" does not include the following: (i) statements by a person publicly made in a public forum; (ii) statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter; (iii) statements regarding recommendation for pending or approved legislation; (iv) statements made by a State employee of the agency to the agency head or other employees of that agency.

"Interested party" means a person or entity whose rights, privileges, or interests are the subject of or are directly affected by a regulatory, quasi-adjudicatory, investment, or licensing matter of the Board.

(b) A constitutional officer, a member of the General Assembly, a special government agent as that term is defined in Section 4A-101 of the Illinois Governmental Ethics Act, a director, secretary, or other employee of the executive branch of the State, an employee of the legislative branch of the State, or an interested party may not engage in any ex parte communication with a member of the Board or an employee. A member of the Board or an employee must immediately report any ex parte communication to the Inspector General for gaming activities. A knowing violation of this subsection (b) is a Class 4 felony.

(c) A constitutional officer, a member of the General Assembly, a special government agent as that term is defined in Section 4A-101 of the Illinois Governmental Ethics Act, a director, secretary, or other employee of the executive branch of the State, an employee of the legislative branch of the State, or an interested party may not engage in any ex parte communication with a candidate or nominee for the Board or a candidate or nominee for the Director of Gaming Enforcement. A person is deemed a candidate once they have submitted information to the Nomination Panel and a nominee once the Governor nominates the person to fill a position on the Board or as Director. A candidate or nominee must immediately report any ex parte communication to the Inspector General for gaming activities. A knowing violation of this subsection (c) is a Class 4 felony.

(d) Any ex parte communication from a constitutional officer, a member of the General Assembly, a special government agent as that term is defined in Section 4A-101 of the Illinois Governmental Ethics Act, a director, secretary, or other employee of the executive branch of the State, an employee of the legislative branch of the State, or an interested party received by a member of the Nomination Panel or employee assisting the Nomination Panel must be immediately memorialized and made a part of the record at the next meeting. Report of the communication shall include all written communications along with a statement describing the nature and substance of all oral communications, any action the person requested or recommended, the identity and job title of the person to whom each communication was made, and all responses made by the member. A knowing violation of this subsection (d) is a Class A misdemeanor.

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

Sec. 6. Application for Owners License.

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

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

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

(d) An application shall be filed with the Board by January 1 of the year preceding any calendar year for which an applicant seeks an owners license; however, applications for an owners license permitting operations on January 1, 1991 shall be filed by July 1, 1990. An application fee of $50,000 shall be paid at the time of filing to defray the costs associated with the background investigation conducted by the Board. If the costs of the investigation exceed $50,000, the applicant shall pay the additional amount to the Board. If the costs of the investigation are less than $50,000, the applicant shall receive a refund of the remaining amount. All information, records, interviews, reports, statements, memoranda or other data supplied to or used by the Board in the course of its review or investigation of an application for a license under this Act shall be privileged, strictly confidential and shall be used only for the purpose of evaluating an applicant. Such information, records, interviews, reports, statements, memoranda or other data shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person, except for any action deemed necessary by the Board.

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

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

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

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

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

Sec. 13. Wagering tax; rate; distribution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The privilege tax imposed under this subsection (a-3) shall no longer be imposed beginning on the earlier of (i) July 1, 2005; (ii) the first date after June 20, 2003 that riverboat gambling operations are conducted pursuant to a dormant license; or (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act. For the purposes of this subsection (a-3), the term "dormant license" means an owners license that is authorized by this Act under which no riverboat gambling operations are being conducted on June 20, 2003.

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

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

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

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

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

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

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

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

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

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

(a-15) If the privilege tax imposed under subsection (a-3) is no longer imposed pursuant to item (i) of the last paragraph of subsection (a-3), then by June 15 of each year, each owners licensee, other than an owners licensee that admitted 1,000,000 persons or fewer in calendar year 2004, must, in addition to the payment of all amounts otherwise due under this Section, pay to the Board a reconciliation payment in the amount, if any, by which the licensed owner's base amount exceeds the amount of net privilege tax paid by the licensed owner to the Board in the then current State fiscal year. A licensed owner's net privilege tax obligation due for the balance of the State fiscal year shall be reduced up to the total of the amount paid by the licensed owner in its June 15 reconciliation payment. The obligation imposed by this subsection (a-15) is binding on any person, firm, corporation, or other entity that acquires an ownership interest in any such owners license. The obligation imposed under this subsection (a-15) terminates on the earliest of: (i) July 1, 2007, (ii) the first day after the effective date of this amendatory Act of the 94th General Assembly that riverboat gambling operations are conducted pursuant to a dormant license, (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act, or (iv) the first day that a licensee under the Illinois Horse Racing Act of 1975 conducts gaming operations with slot machines or other electronic gaming devices. The Board must reduce the obligation imposed under this subsection (a-15) by an amount the Board deems reasonable for any of the following reasons: (A) an act or acts of God, (B) an act of bioterrorism or terrorism or a bioterrorism or terrorism threat that was investigated by a law enforcement agency, or (C) a condition beyond the control of the owners licensee that does not result from any act or omission by the owners licensee or any of its agents and that poses a hazardous threat to the health and safety of patrons. If an owners licensee pays an amount in excess of its liability under this Section, the Board shall apply the overpayment to future payments required under this Section.

For purposes of this subsection (a-15):

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

"Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

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

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

operations are conducted.

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

(c-5) Before May 26, 2006 (the effective date of Public Act 94-804) and beginning 2 years after May 26, 2006 (the effective date of Public Act 94-804), after the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Fund.

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

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

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

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

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

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

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

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

(230 ILCS 10/14.5 new)

Sec. 14.5. Collection of delinquent amounts. At any time within 5 years after any amount of fees, interest, penalties, or tax required to be collected pursuant to the provisions of this Act shall become due and payable, the Office of Gaming Enforcement may bring a civil action in the courts of this State or any other state or of the United States, in the name of the State of Illinois, to collect the amount delinquent, together with penalties and interest. An action may be brought whether or not the person owing the amount is at such time an applicant or licensee under this Act. In all actions in this State, the records of the Board and the Office shall be prima facie evidence of the determination of the fee or tax or the amount of the delinquency.

(230 ILCS 10/17) (from Ch. 120, par. 2417)

Sec. 17. Administrative Procedures. The Illinois Administrative Procedure Act shall apply to all administrative rules and procedures of the Board and the Office of Gaming Enforcement under this Act, except that: (1) subsection (b) of Section 5-10 of the Illinois Administrative Procedure Act does not apply to final orders, decisions and opinions of the Board; (2) subsection (a) of Section 5-10 of the Illinois Administrative Procedure Act does not apply to forms established by the Board for use under this Act; (3) the provisions of Section 10-45 of the Illinois Administrative Procedure Act regarding proposals for

decision are excluded under this Act; and (4) the provisions of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act do not apply so as to prevent summary suspension of any license pending revocation or other action, which suspension shall remain in effect unless modified by the Board or unless the Board's decision is reversed on the merits upon judicial review.
(Source: P.A. 88-45; 89-626, eff. 8-9-96.)

Section 1-110. The Illinois Vehicle Code is amended by changing Section 2-104 as follows:

(625 ILCS 5/2-104) (from Ch. 95 1/2, par. 2-104)

Sec. 2-104. Powers and duties of the Secretary of State. (a) The administration of Chapters 2, 3, 4, 5, 6, 7, 8 and 9 of this Act is vested in the Secretary of State, who is charged with the duty of observing, administering and enforcing the provisions of this Act.

(b) The Secretary may from time to time make, amend, and rescind such rules and regulations as may be necessary in the public interest to carry out the provisions of this Act, including rules and regulations governing procedures for the filing of applications and the issuance of licenses or registrations thereunder. The rules and regulations adopted by the Secretary of State under this Act shall be effective in the manner provided for in "The Illinois Administrative Procedure Act", approved September 22, 1975, as amended.

(c) Subject to appropriation, the Secretary is authorized to make grants or otherwise provide assistance to (i) units of local government, school districts, educational institutions, and not-for-profit organizations for transportation to and from after school and weekend programs and (ii) units of local government for transportation infrastructure.
(Source: P.A. 83-333.)

Article 5

Section 5-1. Short title. This Article may be cited as the Capital Workforce Development Law.

Section 5-5. Purpose. The purpose of this Article is to promote the State's interest in the creation and maintenance of a diverse workforce, particularly in the skilled trades of the construction industry. To this end, it is the intent of this Article that every project that receives grants from the Capital Workforce Development Fund shall hire and retain minority, women, and low-income employees in every building trade and every skill level within each trade, from first-year apprentice through journey-level status, as set forth in this Article.

Section 5-10. Definitions.

"Agreement" means one or more legally enforceable contracts executed by and between an agency and a contracting party for the provision of services related to a project.

"Board" means the Capital Workforce Development Oversight Board created in Section 5-25.

"Community Benefits Agreement" means a legally enforceable contract that is negotiated and executed by and between (i) one or more contracting parties, labor organizations, job training providers, and community-based organizations, and (ii) each community college district whose territory overlaps in whole or in part or lies within 5 miles of the boundary lines of a proposed or existing project site, and, at a minimum, contains provisions establishing employment goals, apprenticeship requirements, plans for recruiting and retaining a diverse workforce, and any information relevant to the use of capital workforce development grants under Section 5-20.

"Contracting party" means any individual, corporation, partnership, company, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated association, body politic, authority, or any other entity that enters into an agreement for a project.

"Department" means the Illinois Department of Transportation.

"Employee" means an individual who performs a service or function for consideration or who renders any other standard of service generally accepted by industry custom and practice as work for consideration.

"Employment goal" means the percentage of labor hours to be performed by minority, women, and low-income employees on a project.

"Federal poverty income guidelines" means the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under authority of 42 U.S.C. 9902(2).

"Labor organization" is given the meaning ascribed to it in the Illinois Public Labor Relations Act.

"Low-income community" means a census tract in which more than 50% of households have annual family incomes of not more than 200% of the federal poverty income guidelines.

"Low-income employee" means an employee on a project who resides in a low-income community and has a family income of not more than 200% of the federal poverty income guidelines.

"Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(1) African American, meaning a person whose origins are in any of the Black racial

groups of Africa, and who has historically and consistently identified himself or herself as being such a person;

(2) Hispanic American or Latino American, meaning a person whose origins are in Mexico, Central or South America, or any of the Spanish speaking islands of the Caribbean (for example Cuba and Puerto Rico), regardless of race, and who has historically and consistently identified himself or herself as being such a person;

(3) Asian or Pacific Islander American, meaning a person whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent, and who has historically and consistently identified himself or herself as being such a person; or

(4) Native American, meaning a person having origins in any of the original peoples of North America, and who maintain tribal affiliation or demonstrate at least one-quarter descent from such groups, and who has historically and consistently identified himself or herself as being such a person.

"Project" means any construction, reconstruction, improvement, rehabilitation, or resurfacing project that is funded in whole or in part with moneys from the GROW Illinois Fund.

"Secretary" means the Secretary of the Department.

Section 5-20. Capital Workforce Development Grants Program.

(a) Starting in State fiscal year 2009, all moneys in the Capital Workforce Development Fund, held solely for the benefit of eligible contracting parties, shall be appropriated to the Department to make capital workforce development grants to eligible contracting parties. No less than two-thirds of the funds may be used for grants and other payments for training and non-profit support services, and no more than one-third of the funds may be used for wage subsidies and retention incentives. The Secretary may provide a capital workforce development grant to a contracting party, upon application to the Secretary on such terms as the Secretary may establish, provided that the Board certifies that the contracting party has entered into a Community Benefits Agreement that contains a 30% employment goal and that otherwise complies with the provisions of this Article. No grant shall be made under this Section unless the Board expressly approves the grant pursuant to Section 5-25. The Board shall not approve the grant if the Community Benefits Agreement does not contain the signatures of the representatives of the community college districts described in Section 5-10. Contracting parties are eligible for grants under this Section 5-20 regardless of the value of the project. For purposes of this Section, a "30% employment goal" means that at least 30% of the total labor hours on the project are to be performed by minority, women, and low-income employees.

(b) Allowable uses of the capital workforce development grants include but are not limited to:

(1) Pre-employment services.

(2) Pre-apprenticeship training.

(3) Apprenticeship training.

(4) Skills training.

(5) Wage subsidies.

(6) Wage stipends.

(7) Retention incentives.

(8) Support services such as child care and transportation services to and from the worksite.

Section 5-25. Capital Workforce Development Oversight Board.

(a) There is created the Capital Workforce Development Oversight Board in the Department.

(b) The Board shall consist of the following members:

(1) The Secretary or his or her designee.

(2) The Director of Labor or his or her designee.

(3) The Director of Commerce and Economic Opportunity or his or her designee.

(4) The Director of the Illinois Community College Board or his or her designee.

(c) The following members shall be appointed by the Governor with the advice and consent of the Senate:

(1) A representative of a non-profit organization that has demonstrated expertise in providing services to women, knowledge of the building trades industries, and expertise in preparing workers for employment in the building trades.

(2) A representative of a non-profit organization that has demonstrated expertise in providing services to minority groups that are underrepresented in skilled occupations in the building trades industries; knowledge of the building trades industries; and expertise in preparing workers for

employment in the building trades.

(3) A representative of a non-profit organization that has demonstrated expertise in providing services to low-income and chronically unemployed individuals; knowledge of the building trades industries; and expertise in preparing workers for employment in the building trades.

(4) A representative of a labor organization whose members work in the building trades, or a representative of an organization who represents multiple union interests in the building trades.

(5) A state contractor.

(6) A representative of a congregation-based community organization from outside of the Chicago metropolitan area who has experience in negotiating and executing community benefits agreements.

(7) A representative of a congregation-based community organization from the Chicago metropolitan area who has experience in negotiating and executing community benefits agreements.

Of the initial appointments by the Governor under this subsection, members shall serve staggered terms determined by lot. Two members shall be appointed for a term of one year, 2 members shall be appointed for a term of 2 years, and 3 members shall be appointed for a term of 3 years. Upon the expiration of each member's term, a successor shall be appointed for a term of 3 years. Vacancies on the Board shall be filled in the same manner as original appointments, and any members so appointed shall serve during the remainder of the term for which the vacancy occurred.

The appointments shall be made within 90 days after the effective date of this Article.

(d) Six members shall constitute a quorum.

The Board shall elect a Chairperson from amongst its members by simple majority vote.

Members shall serve without compensation but may be reimbursed for expenses incurred in the performance of their duties under this Article.

(e) The Board shall be funded through specific appropriations made to the Department for its purposes. The Department shall provide administrative support to the Board.

(f) Accurate minutes shall be kept of all meetings of the Board.

(g) The Board shall be called at the discretion of the Chair or any 4 members of the Board.

(h) The Board shall have the following powers and perform the following duties:

(1) Approve all capital workforce development grants.

(2) Monitor the effectiveness of the Capital Workforce Development Grants Program.

(3) Certify that the Community Benefits Agreement for a project contains a 30% employment goal and otherwise complies with the provisions of this Article prior to the approval of a capital workforce development grant.

ARTICLE 999

Section 999-5. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999-99. Effective date. This Act takes effect upon becoming law, except that Sections 1-5 and 1-100 take effect January 1, 2009.".

The foregoing motion prevailed and the amendment was adopted.

Floor Amendments numbered 5 and 6 remained in the Committee on Rules.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Currie, SENATE BILL 2595 was taken up and read by title a third time. A three-fifths vote is required.

Pending discussion, Representative Joyce moved the previous question.

And the question being, “Shall the main question be now put?” it was decided in the affirmative.

The question then being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

75, Yeas; 38, Nays; 0, Answering Present.

(ROLL CALL 6)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

SENATE BILL ON SECOND READING

SENATE BILL 790. Having been read by title a second time on July 9, 2008, and held on the order of Second Reading, the same was again taken up.

Representative Hannig offered and withdrew Amendment No. 2.

Floor Amendments numbered 3 and 4 remained in the Committee on Rules.

Representative Hannig offered the following amendment and moved its adoption.

AMENDMENT NO. 5 . Amend Senate Bill 790, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 11 as follows:

(5 ILCS 375/11) (from Ch. 127, par. 531)

Sec. 11. The amount of contribution in any fiscal year from funds other than the General Revenue Fund or the Road Fund shall be at the same contribution rate as the General Revenue Fund or the Road Fund, except that in State Fiscal Year 2009 no contributions shall be required from the FY09 Budget Relief Fund. Contributions and payments for life insurance shall be deposited in the Group Insurance Premium Fund. Contributions and payments for health coverages and other benefits shall be deposited in the Health Insurance Reserve Fund. Federal funds which are available for cooperative extension purposes shall also be charged for the contributions which are made for retired employees formerly employed in the Cooperative Extension Service. In the case of departments or any division thereof receiving a fraction of its requirements for administration from the Federal Government, the contributions hereunder shall be such fraction of the amount determined under the provisions hereof and the remainder shall be contributed by the State.

Every department which has members paid from funds other than the General Revenue Fund, or other than the FY09 Budget Relief Fund in State Fiscal Year 2009, shall cooperate with the Department of Central Management Services and the Governor's Office of Management and Budget in order to assure that the specified proportion of the State's cost for group life insurance, the program of health benefits and other employee benefits is paid by such funds; except that contributions under this Act need not be paid from any other fund where both the Director of Central Management Services and the Director of the Governor's Office of Management and Budget have designated in writing that the necessary contributions are included in the General Revenue Fund contribution amount.

Universities having employees who are totally compensated out of the following funds:

(1) Income Funds;

(2) Local auxiliary funds; and

(3) the Agricultural Premium Fund

shall not be required to submit such contribution for such employees.

For each person covered under this Act whose eligibility for such coverage is based upon the person's status as the recipient of a benefit under the Illinois Pension Code, which benefit is based in whole or in part upon service with the Toll Highway Authority, the Authority shall annually contribute a pro rata share of the State's cost for the benefits of that person.

(Source: P.A. 94-793, eff. 5-19-06.)

Section 10. The State Finance Act is amended by adding Sections 5.710 and 8.46 as follows:

(30 ILCS 105/5.710 new)

Sec. 5.710. The FY09 Budget Relief Fund.

(30 ILCS 105/8.46 new)

Sec. 8.46. Transfers to the FY09 Budget Relief Fund.

(a) The FY09 Budget Relief Fund is created as a special fund in the State Treasury. Amounts may be expended from the Fund only pursuant to specific authorization by appropriation.

(b) Notwithstanding any other State law to the contrary, the State Treasurer and State Comptroller are directed to transfer to the FY09 Budget Relief Fund the following amounts from the funds specified, in equal quarterly installments with the first made on the effective date of this amendatory Act of the 95th General Assembly, or as soon thereafter as practical, and with the remaining transfers to be made on October 1, 2008, January 1, 2009, and April 1, 2009, or as soon thereafter as practical:

FUND NAME AND NUMBER	AMOUNT
Alternate Fuels Fund (0422)	2,000,000
Alternative Compliance Market Account Fund (0738)	200,000
Appraisal Administration Fund (0386)	250,000
Asbestos Abatement Fund (0224)	2,000,000
Assisted Living and Shared Housing Regulatory Fund (0702)	100,000
Whistleblower Reward and Protection Fund (0600)	8,250,000
Auction Recovery Fund (0643)	200,000
Auction Regulation Administration Fund (0641)	500,000
Audit Expense Fund (0342)	3,250,000
Build Illinois Capital Revolving Loan Fund (0973)	2,000,000
Capital Development Board Revolving Fund (0215)	250,000
Care Provider Fund for Persons with a Developmental Disability Fund (0344)	1,000,000
Child Labor and Day and Temporary Labor Services Enforcement Fund (0357)	500,000
Child Support Administrative Fund (0757)	1,000,000
Community Water Supply Laboratory Fund (0288)	200,000
Conservation 2000 Fund (0608)	3,000,000
Corporate Franchise Tax Refund Fund (0380)	200,000
Death Certificate Surcharge Fund (0635)	500,000
Department of Corrections Reimbursement and Education Fund (0523)	1,500,000
Dram Shop Fund (0821)	500,000
Drivers Education Fund (0031)	1,000,000
Drug Rebate Fund (0728)	3,000,000
Drycleaner Environmental Response Trust Fund (0548)	2,000,000
Energy Efficiency Trust Fund (0571)	1,000,000
Environmental Protection Permit and Inspection Fund (0944)	1,500,000
Fair and Exposition Fund (0245)	500,000
Federal Asset Forfeiture Fund (0520)	500,000
Feed Control Fund (0369)	250,000
Fertilizer Control Fund (0290)	250,000
Financial Institution Fund (0021)	2,000,000
Fish and Wildlife Endowment Fund (0260)	500,000
Food and Drug Safety Fund (0014)	250,000
Fund for Illinois' Future Fund (0611)	10,000,000
General Professions Dedicated Fund (0022)	5,000,000
Group Workers' Compensation Pool Insolvency Fund (0739)	250,000
Hazardous Waste Fund (0828)	1,000,000
Health and Human Services Medicaid Trust Fund (0365)	5,000,000
Health Facility Plan Review Fund (0524)	500,000
Health Insurance Reserve Fund (0907)	5,000,000
Home Inspector Administration Fund (0746)	500,000
Horse Racing Fund (0632)	250,000
Illinois Affordable Housing Trust Fund (0286)	2,000,000

Illinois Charity Bureau Fund (0549).....200,000
Illinois Clean Water Fund (0731).....5,000,000
Illinois Community College Board Contracts
and Grants Fund (0339).....250,000
Illinois Forestry Development Fund (0905).....500,000
Illinois Habitat Fund (0391).....1,000,000
Illinois Health Facilities Planning Fund (0238).....1,000,000
Illinois Historic Sites Fund (0538).....250,000
Illinois State Dental Disciplinary Fund (0823).....1,000,000
Illinois State Medical Disciplinary Fund (0093).....5,000,000
Illinois State Pharmacy Disciplinary Fund (0057).....250,000
Illinois State Podiatric Disciplinary Fund (0954).....200,000
Illinois Tax Increment Fund (0281).....250,000
Innovations in Long-term Care Quality
Demonstration Grants Fund (0371).....1,000,000
Insurance Financial Regulation Fund (0997).....5,000,000
Insurance Producer Administration Fund (0922).....3,000,000
International Tourism Fund (0621).....5,000,000
Large Business Attraction Fund (0975).....500,000
Law Enforcement Camera Grant Fund (0356).....800,000
Lead Poisoning, Screening, Prevention,
and Abatement Fund (0360).....250,000
Local Tourism Fund (0969).....5,000,000
Long Term Care Monitor/Receiver Fund (0285).....1,000,000
Low-Level Radioactive Waste Facility
Development and Operation Fund (0942).....250,000
Medicaid Buy-In Program Revolving Fund (0740).....500,000
Medical Special Purpose Trust Fund (0808).....500,000
Mental Health Fund (0050).....5,000,000
Metabolic Screening and Treatment Fund (0920).....500,000
Nuclear Safety Emergency Preparedness Fund (0796).....3,000,000
Nursing Dedicated and Professional Fund (0258).....2,000,000
Off-Highway Vehicle Trails Fund (0574).....250,000
Optometric Licensing and Disciplinary
Board Fund (0259).....200,000
Park and Conservation Fund (0962).....2,000,000
Pesticide Control Fund (0576).....500,000
Pet Population Control Fund (0764).....250,000
Plumbing Licensure and Program Fund (0372).....750,000
Presidential Library and Museum Operating Fund (0776).....500,000
Professions Indirect Cost Fund (0218).....2,000,000
Provider Inquiry Trust Fund (0341).....250,000
Public Health Laboratory Services
Revolving Fund (0340).....500,000
Public Infrastructure Construction
Loan Revolving Fund (0993).....1,000,000
Public Pension Regulation Fund (0546).....250,000
Public Utility Fund (0059).....5,000,000
Rail Freight Loan Repayment Fund (0936).....1,000,000
Real Estate License Administration Fund (0850).....5,000,000
Registered Certified Public Accountants'
Administration and Disciplinary Fund (0151).....500,000
Renewable Energy Resources Trust Fund (0564).....5,000,000
School Technology Revolving Loan Fund (0569).....500,000
Solid Waste Management Fund (0078).....2,000,000
State Asset Forfeiture Fund (0514).....1,000,000
State Boating Act Fund (0039).....500,000

State Migratory Waterfowl Stamp Fund (0953).....500,000
State Offender DNA Identification System Fund (0537).....250,000
State Parks Fund (0040).....250,000
State Pensions Fund (0054).....5,000,000
State Pheasant Fund (0353).....250,000
State Police DUI Fund (0222).....250,000
State Police Services Fund (0906).....6,000,000
State Police Whistleblower Reward
and Protection Fund (0705).....2,000,000
State Police Wireless Service Emergency Fund (0637).....1,000,000
State Rail Freight Loan Repayment Fund (0265).....2,000,000
Subtitle D Management Fund (0089).....250,000
Tax Compliance and Administration Fund (0384).....250,000
Tax Recovery Fund (0310).....250,000
Teacher Certificate Fee Revolving Fund (0016).....250,000
Tobacco Settlement Recovery Fund (0733).....3,000,000
Tourism Promotion Fund (0763).....5,000,000
Traffic and Criminal Conviction
Surcharge Fund (0879).....1,000,000
Transportation Regulatory Fund (0018).....500,000
Trauma Center Fund (0397).....2,000,000
Underground Resources Conservation
Enforcement Trust Fund (0261).....200,000
Used Tire Management Fund (0294).....1,000,000
Weights and Measures Fund (0163).....1,000,000
Wildlife and Fish Fund (0041).....5,000,000
Wireless Carrier Reimbursement Fund (0613).....5,000,000
Petroleum Violation Fund (0900).....1,000,000
Communications Revolving Fund (0312).....1,000,000
Facilities Management Revolving Fund (0314).....1,000,000
Professional Services Fund (0317).....2,000,000
State Garage Revolving Fund (0303).....1,000,000
Statistical Services Revolving Fund (0304).....2,000,000
Workers' Compensation Revolving Fund (0332).....1,000,000
Working Capital Revolving Fund (0301).....500,000
Abandoned Mined Lands Reclamation
Set Aside Fund (0257).....5,000,000
DHS Private Resources Fund (0690).....500,000
DHS Recoveries Trust Fund (0921).....1,000,000
DNR Special Projects Fund (0884).....500,000
Early Intervention Services Revolving Fund (0502).....1,000,000
EPA Special State Projects Trust Fund (0074).....1,000,000
Environmental Protection Trust Fund (0845).....250,000
Land Reclamation Fund (0858).....250,000
Local Government Health Insurance
Reserve Fund (0193).....1,000,000
Narcotics Profit Forfeiture Fund (0951).....250,000
Public Aid Recoveries Trust Fund (0421).....3,000,000
Public Health Special State Projects Fund (0896).....3,000,000
CDB Contributory Trust Fund (0617).....2,000,000
Department of Labor Special State Trust Fund (0251).....250,000
IPTIP Administrative Trust Fund (0195).....250,000
Illinois Agricultural Loan Guarantee Fund (0994).....2,000,000
Illinois Farmer and Agri-Business
Loan Guarantee Fund (0205).....1,000,000
Illinois Habitat Endowment Trust Fund (0390).....2,000,000
Illinois Tourism Tax Fund (0452).....250,000

Injured Workers' Benefit Fund (0179).....500,000
Natural Heritage Endowment Trust Fund (0069).....250,000
Pollution Control Board State Trust Fund (0207).....250,000
Real Estate Recovery Fund (0629).....250,000
TOTAL 224,250,000

(c) On and after the effective date of this amendatory Act of the 95th General Assembly through June 30, 2009, when any of the funds listed in subsection (b) have insufficient cash from which the State Comptroller may make expenditures properly supported by appropriations from the fund, then the State Treasurer and State Comptroller shall transfer from the FY09 Budget Relief Fund to the fund only such amount as is immediately necessary to satisfy outstanding expenditure obligations on a timely basis, subject to the provisions of the State Prompt Payment Act. All or a portion of the amounts transferred from the FY09 Budget Relief Fund to a fund pursuant to this subsection (c) from time to time may be re-transferred by the State Comptroller and the State Treasurer from the receiving fund into the FY09 Budget Relief Fund as soon as and to the extent that deposits are made into or receipts are collected by the receiving fund.

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

The foregoing motion prevailed and the amendment was adopted.

Floor Amendments numbered 6, 7 and 8 remained in the Committee on Rules.

Representative Hannig offered the following amendment and moved its adoption.

AMENDMENT NO. 9. Amend Senate Bill 790, AS AMENDED, with reference to page and line numbers of House Amendment No. 5, as follows:
on page 4, by deleting line 26; and
on page 10, line 18, by replacing "224,250,000" with "221,250,000".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Hannig, SENATE BILL 790 was taken up and read by title a third time. A three-fifths vote is required.

Pending discussion, Representative McCarthy moved the previous question.

And the question being, “Shall the main question be now put?” it was decided in the affirmative.

The question then being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

97, Yeas; 16, Nays; 0, Answering Present.

(ROLL CALL 7)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

RECALL

At the request of the principal sponsor, Representative Brosnahan, SENATE BILL 2536 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

SENATE BILLS ON SECOND READING

SENATE BILL 2536. Having been recalled on September 10, 2008, and held on the order of Second Reading, the same was again taken up.

Representative Brosnahan offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 2536 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 3-9006 as follows:

(55 ILCS 5/3-9006) (from Ch. 34, par. 3-9006)

Sec. 3-9006. Internal operations of office; simultaneous county board tenure.

(a) Internal operations of the office. The State's Attorney ~~attorney~~ shall control the internal operations of his or her office and procure the necessary equipment, materials, and services to perform the duties of that ~~his~~ office.

(b) Simultaneous county board tenure. A duly appointed Assistant State's Attorney may serve as an Assistant State's Attorney and, simultaneously, serve as a county board member for a county located outside of the jurisdiction of the State's Attorney Office that he or she serves. An Assistant State's Attorney serving as a county board member is subject to any internal mechanisms established by the State's Attorney to avoid conflicts of interest in the performance of his or her duties as an Assistant State's Attorney.

(Source: P.A. 86-962.)

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

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Brosnahan, SENATE BILL 2536 was taken up and read by title a third time. A three-fifths vote is required.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

105, Yeas; 8, Nays; 0, Answering Present.

(ROLL CALL 8)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

RESOLUTION

Having been reported out of the Committee on Rules on September 10, 2008, HOUSE RESOLUTION 1517 was taken up for consideration.

Representative Lang moved the adoption of the resolution.

And on that motion, a vote was taken resulting as follows:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 9)

The motion prevailed and the Resolution was adopted.

ACTION ON VETO MOTION

Pursuant to the Motion submitted previously, Representative Crespo moved that HOUSE BILL 1432 do pass, the Governor's Specific Recommendations for Change notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

77, Yeas; 36, Nays; 0, Answering Present.

(ROLL CALL 10)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the Governor's Specific Recommendations for Change notwithstanding.

Ordered that the Clerk inform the Senate and ask their concurrence.

SENATE BILL ON SECOND READING

SENATE BILL 1103. Having been read by title a second time on May 28, 2008, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 2 remained in the Committee on Rules.

Representative Hannig offered and withdrew Amendment No. 3.

Floor Amendments numbered 4 and 5 remained in the Committee on Rules.

Representative Hannig offered and withdrew Amendment No. 6.

Representative Hannig offered the following amendments and moved their adoption.

AMENDMENT NO. 7. Amend Senate Bill 1103, by replacing everything after the enacting clause with the following:

"ARTICLE 1

Section 10. All of the appropriations in this article are for State Fiscal Year 2009 and are in addition to any other appropriations in State Fiscal Year 2009 for these purposes.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds as are made available by the Federal Government for the following purposes:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from the FY 09 Budget Relief Fund:
For Funeral and Burial Expenses under
Articles III, IV, and V, including
prior year costs 1,016,800

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT
GRANTS-IN-AID AND PURCHASED CARE

For Supportive MI Housing:
Payable from the FY 09 Budget Relief Fund 285,000
Payable from the Health and Human Services
Medicaid Trust Fund 4,000,000
Payable from the FY 09 Budget Relief Fund:
For Community Service Grant Programs for
Persons with Mental Illness 2,660,700

For all costs associated with Mental Health Transportation 24,000
For Purchase of Care for Children and Adolescents with Mental Illness approved through the Individual Care Grant Program 562,300
For the Children's Mental Health Partnership 60,000
For Costs Associated with the Purchase and Disbursement of Psychotropic Medications for Mentally Ill Clients in the Community 60,000
For Costs Associated with Children and Adolescent Mental Health Programs 739,500
For costs associated with Mental Health Community Transitions or State Operated Facilities 459,700
Total $8,851,200

Section 40. The following named amounts, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM SUPPORT
GRANTS-IN-AID AND PURCHASED CARE

Payable from the FY 09 Budget Relief Fund:
For a grant to the Autism Program for an Autism Diagnosis Education Program For Young Children 100,000
For costs associated with the provision of Specialized Services to Persons with Developmental Disabilities 584,300
For Developmental Disability Quality Assurance Waiver 10,200
For a grant to the ARC of Illinois For the Life Span Project 270,000
For costs associated with young adults Transitioning from the Department of Children and Family Services to the Developmental Disability Service System 130,300
Total $1,094,800

Section 50. The amount of $28,100,000, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Department of Human Services, Division of Developmental Disabilities, for the sole purpose of preventing rate reductions in Intermediate Care Facilities for the Mentally Retarded programs, rate and service reductions in fee-for-service programs, and funding cuts in grant funded programs.

Section 60. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION TREATMENT
GRANTS-IN-AID

Payable from the FY 09 Budget Relief Fund:
For Costs Associated with Community Based Addiction Treatment Services 43,299,900
For Grants and Administrative Expenses Related to the Welfare Reform Pilot Project 2,787,200
For Costs Associated with Addiction Treatment Services for Special Populations 9,057,400

Total.....$55,144,500

Section 70. The following named amounts, or so much thereof as may be necessary, respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for Human Capital Development and related distributive purposes, including such Federal funds as are made available by the Federal government for the following purposes:

HUMAN CAPITAL DEVELOPMENT

GRANTS-IN-AID

Payable from the FY 09 Budget Relief Fund:

For Grants Associated with the Great Start Program, including Operation and Administration Costs 1,891,400

Section 80. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services for the objects and purposes hereinafter named:

COMMUNITY HEALTH

GRANTS-IN-AID

Payable from the FY 09 Budget Relief Fund:

Infant Mortality and to Provide Case Management and Outreach Services 912,800

For Grants for After School Youth Support Programs 382,300

For Grants for the Intensive Prenatal Performance Project.....103,000

For Grants to Family Planning Programs For Contraceptive Services 19,700

For Costs Associated with the Domestic Violence Shelters and Services Program 236,600

For Costs Associated with Teen Parent Services.....143,300

Total.....$1,797,700

Section 90. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Services:

COMMUNITY YOUTH SERVICES

GRANTS-IN-AID

Payable from the FY 09 Budget Relief Fund:

For Community Services..... 139,900

For Youth Services Grants Associated with Juvenile Justice Reform 75,400

For Comprehensive Community-Based Service to Youth 260,300

For Unified Delinquency Intervention Services.....61,600

For Delinquency Prevention.....31,600

For Homeless Youth Services 95,000

Total.....$663,800

Section 100. The amount of $3,490,800, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Department of Human Services for the sole purpose of funding personal services and related lines to prevent the layoff of frontline staff.

Section 110. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS

OPERATIONS

Payable from the FY 09 Budget Relief Fund:

For Expenses of the Provisions of
the Elder Abuse and Neglect Act.....1,000,000

Section 120. The following named amounts, or so much thereof as may be necessary, respectively, for payments for care of children served by the Department of Children and Family Services:

GRANTS-IN-AID
REGIONAL OFFICES

Payable from the FY 09 Budget Relief Fund:
For Foster Homes and Specialized
Foster Care and Prevention.....14,871,200
For Pre Admission/Post Discharge
Psychiatric Screening.....5,446,800
Total.....$20,318,000

Section 130. The amount of $8,100,000, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Department of Children and Family Services for the sole purpose of funding personal services and related lines to prevent the layoff of frontline staff.

Section 140. The amount of $275,000, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Department of Public Health for distribution of medical education scholarships authorized by An Act to provide grants for family practice residency programs and medical student scholarships through the Illinois Department of Public Health.

Section 150. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the FY 09 Budget Relief Fund:
For a grant to the Amyotrophic Lateral
Sclerosis (ALS) Association Greater Chicago
Chapter for Research in discovering the
Cause and cure for ALS.....1,000,000
For a grant to the Alzheimer's Association
of Illinois for Alzheimer's treatment 1,000,000
Total.....$2,000,000

Section 160. The amount of $200,000, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Department of Public Health for a grant to HRDI for the purpose of AIDS Prevention.

Section 170. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

Payable from the FY 09 Budget Relief Fund:
For Deposit into the Independent Academic
Medical Center Fund.....1,000,000
Total.....$1,000,000

Section 180. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

FOR THE PURPOSES ENUMERATED IN THE
EXCELLENCE IN ACADEMIC MEDICINE ACT

Payable from:
Independent Academic Medical
Center Fund.....2,000,000
Total.....$2,000,000

Section 190. The following named amounts, or so much thereof as may be necessary,

respectively, are appropriated from the FY 09 Budget Relief Fund to the Attorney General to meet the ordinary and contingent expenses of the following division of the Office of the Attorney General:

GENERAL OFFICE

For Personal Services	4,986,700
For State Contribution to State Employees' Retirement System	811,400
For State Contribution to Social Security	362,100
For Contractual Services	107,500
For Travel	75,000
For Commodities	30,000
For Printing	35,000
For Equipment	30,000
For Electronic Data Processing	280,000
For Telecommunications	55,000
For Operation of Auto Equipment	15,000
For Operational Expenses, Office of the Inspector General	25,000
Total	$6,812,700

Section 200. The amount of $350,000, or so much thereof as is available for use by the Attorney General, is appropriated to the Attorney General from the Illinois Gaming Law Enforcement Fund for State law enforcement purposes.

Section 210. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Asbestos Abatement Fund to the Attorney General to meet the ordinary and contingent expenses of the Environmental Enforcement-Asbestos Litigation Division:

ENVIRONMENTAL ENFORCEMENT-
ASBESTOS LITIGATION DIVISION

For Personal Services	40,100
For State Contribution to State Employees' Retirement System	5,900
For State Contribution to Social Security	3,100
For Group Insurance	24,200
For Contractual Services	70,000
Total	$143,300

Section 220. The amount of $1,750,000, or so much thereof as may be necessary, is appropriated from the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund to the Office of the Attorney General for use, subject to pertinent court order or agreement, in the performance of any function pertaining to the exercise of the duties of the Attorney General, including State law enforcement and public education.

Section 230. The amount of $400,000, or so much thereof as may be necessary, is appropriated from the Illinois Charity Bureau Fund to the Office of the Attorney General to enforce the provisions of the Solicitation for Charity Act and to gather and disseminate information about charitable trustees and organizations to the public.

Section 240. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the Attorney General Whistleblower Reward and Protection Fund to the Office of the Attorney General for State law enforcement purposes.

Section 250. The amount of $95,000, or so much thereof as may be necessary, is appropriated from the Tobacco Settlement Recovery Fund to the Attorney General for the funding of a unit responsible for oversight, enforcement, and implementation of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96L13146), for enforcement of the Tobacco Product Manufacturers' Escrow Act, and for handling remaining tobacco-related litigation.

Section 260. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes named in this Section, are appropriated to the Attorney General to meet the ordinary and contingent expenses of the Attorney General:

OPERATIONS

Payable from the Violent Crime Victims Assistance Fund:

For Personal Services	167,300
For State Contribution to State Employees' Retirement System	27,200
For State Contribution to Social Security	12,800
For Group Insurance	66,400
For Operational Expenses, Crime Victims Services Division	40,000
Total	$313,700

Section 270. The amount of $30,000, or so much thereof as may be necessary, is appropriated from the Child Support Administrative Fund to the Office of the Attorney General for child support enforcement purposes.

Section 280. The amount of $1,500,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Office of the Attorney General for disbursement to the Illinois Equal Justice Foundation in accordance with the terms of Section 25 of the Illinois Equal Justice Act.

Section 290. The amount of $2,800,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Board of Higher Education for the administration and distribution of grants authorized by the Diversifying Higher Education Faculty in Illinois Program.

Section 300. The amount of $300,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Board of Higher Education for the International Center on Deafness and the Arts (ICODA) program.

Section 310. The amount of $450,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Board of Trustees at Chicago State University for costs associated with the Financial Assistance Outreach Center.

Section 320. The amount of $2,400,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Historic Preservation Agency for the sole purpose of funding personal services and related lines to prevent the layoff of frontline staff and closure of historic sites.

Section 330. The amount of $2,100,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Illinois Department of Natural Resources for the sole purpose of funding personal services and related lines to prevent the layoff of frontline staff and closure of state parks.

Section 340. The amount of $835,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the State's Attorneys Appellate Prosecutor for a grant to the Cook County States' Attorney for expenses incurred in filing appeals in Cook County.

Section 350. The following named amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated from the FY 09 Budget Relief Fund to meet the ordinary and contingent expenses of the Office of the State Appellate Defender:

For Personal Services	1,108,605
For State Contribution to State Employees' Retirement System	183,322
For State Contributions to Social Security	35,695
For Contractual Services	151,839
For Commodities	1,100
For EDP	61,562
Total	$1,542,123

Section 360. The following named amounts, or so much of those amounts as may be necessary, respectively, are appropriated from the FY 09 Budget Relief Fund to the Office of the State Appellate Defender for the ordinary and contingent expenses of the Post Conviction Unit:

For Personal Services	12,472
For State Contribution to State Employees' Retirement System	2,066
For State Contributions to Social Security	954
For Contractual Services	38,244
For Equipment	4,000
For EDP	2,250

Total.....$59,986

Section 370. The amount of $37,318,100, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Regional Transportation Authority for the purpose of reimbursing the Service Boards for providing reduced or free fares for mass transportation services to students, handicapped persons, and the elderly.

Section 380. The amount of $425,680, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the State Board of Elections for the sole purpose of preventing layoffs and maintaining basic operations.

Section 390**.** The amount of $372,175, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Commission on Government Forecasting and Accountability for the purposes supplementing their ordinary and contingent expenses.

Section 400. The amount of $294,000, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Legislative Information System for the purposes of supplementing their ordinary and contingent expenses.

Section 410. The amount of $16,850, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Legislative Audit Commission for the purposes of supplementing their ordinary and contingent expenses.

Section 420. The amount of $125,200, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Legislative Printing Unit for the purposes of supplementing their ordinary and contingent expenses.

Section 430. The amount of $239,400, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Legislative Research Unit for the purposes of supplementing their ordinary and contingent expenses, including the Zeke Giorgi Memorial Intern Program.

Section 440. The amount of $146,350, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Legislative Reference Bureau for the purposes of supplementing their ordinary and contingent expenses.

Section 450. The amount of $81,405, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Office of the Architect of the Capitol for the purposes of supplementing their ordinary and contingent expenses.

Section 460. The amount of $61,870, or so much thereof as may be necessary, respectively, is appropriated from the FY 09 Budget Relief Fund to the Joint Committee on Administrative Rules for the purposes of supplementing their ordinary and contingent expenses.

Section 470. The amount of $621,300, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Department of Labor for Displaced Homemaker Grants.

Section 480. The amount of $460,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Department of Commerce and Economic Opportunity for a grant associated with the Brainerd Development Corp.

Section 490. The amount of $101,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Education Labor Relations Board for the sole purpose of funding personal services and related lines to prevent the layoff of frontline staff.

Section 500. The amount of $20,714,400, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Office of the Secretary of State for the purposes of supplementing their ordinary and contingent expenses.

Section 510. The amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the Monitoring Device Driving Permit Administration Fee Fund to the Office of the Secretary of State for all Secretary of State costs associated with administering Monitoring Device Driving Permits per Public Act 95-0400.

Section 520. The amount of $323,900, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Office of the Lieutenant Governor for the purposes of supplementing their ordinary and contingent expenses.

Section 530. The amount of $1,079,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Office of the State Treasurer for the purposes of supplementing their ordinary and contingent expenses.

Section 540. The amount of $281,400, or so much thereof as may be necessary, is appropriated from the State Pension Fund to the Office of the State Treasurer for the purposes of supplementing their

ordinary and contingent expenses.

Section 550. The amount of $1,370,800, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Office of the Auditor General for the purposes of supplementing their ordinary and contingent expenses.

Section 560. The amount of $2,135,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Department of Agriculture for distribution of institutional agricultural research grants to public universities authorized by the Food and Agriculture Research Act to include administrative costs incurred by the Department of Agriculture pursuant to Section 15 of the Food and Agriculture Research Act (Public Act 89-182).

Section 570. The amount of $3,500,000, or so much thereof as may be necessary, is appropriated from the FY 09 Budget Relief Fund to the Department of Agriculture for grants to Soil and Water Conservation Districts for clerical and other personnel, including benefits, for education and promotional assistance, and for expenses of Water Conservation District Boards and administrative expenses.

ARTICLE 99

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

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Hannig, SENATE BILL 1103 was taken up and read by title a third time. A three-fifths vote is required.

Pending discussion, Representative Joyce moved the previous question.

And the question being, "Shall the main question be now put?" it was decided in the affirmative.

The question then being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 11)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

HOUSE BILLS ON SECOND READING

HOUSE BILL 6350. Having been read by title a second time on May 20, 2008, and held on the order of Second Reading, the same was again taken up.

Representative Hannig offered the following amendments and moved their adoption.

AMENDMENT NO. 1. Amend House Bill 6350, by replacing everything after the enacting clause with the following:

"ARTICLE 1

Section 10. All of the appropriations in this article are for State Fiscal Year 2009 and are in addition to any other appropriations in State Fiscal Year 2009 for these purposes.

Section 20. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for medical assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE,
THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT, AND
THE COVERING ALL KIDS HEALTH INSURANCE ACT

Payable from the General Revenue Fund:
For Hospital In-Patient, Disproportionate Share and Ambulatory Care 350,000,000
For federally defined Institutions for Mental Diseases 5,000,000
For all other Skilled, Intermediate, and Other Related Long Term Care Services 50,000,000
For Hospice Care 2,000,000
For Independent Laboratories 1,000,000
For Home Health Care, Therapy, and Nursing Services 2,000,000
For Appliances 2,000,000
For Transportation 3,000,000
Total $415,000,000

The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance under the Illinois Public Aid Code, the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, and the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act for Prescribed Drugs, including costs associated with the implementation and operation of the Illinois Cares Rx Program, and costs related to the operation of the Health Benefits for Workers with Disabilities Program:

Payable from:
General Revenue Fund 170,000,000
Total $170,000,000

The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:

FOR MEDICAL ASSISTANCE

Payable from the General Revenue Fund:
For a grant to Oak Forest Hospital of Cook County 2,000,000
Total $2,000,000

Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from General Revenue Fund:
For grants and for administrative expenses associated with the purchase of services covered by the Community Care Program, including prior year costs 25,000,000
Total $25,000,000

Section 40. The following named amount, or so much thereof as may be necessary, respectively, is appropriated to the Department of Human Services for the following purposes:

Payable from the General Revenue Fund:
For Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs including prior year costs 20,000,000

Section 50. The amount of $6,621,100, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Department of Human Services for the sole purpose of restoring funding to personal services and related lines to prevent the staff reductions.

Section 60. The amount of $10,380,500, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Department of Children and Family Services for the sole purpose of restoring funding to personal services and related lines to prevent the staff reductions.

Section 70. The amount of $1,353,500, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Historic Preservation Agency for the sole purpose of

restoring funding to personal services and related lines to prevent staff reductions and the closure of historic sites.

Section 80. The amount of $5,536,500, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Illinois Department of Natural Resources for the sole purpose of restoring funding to personal services and related lines to prevent staff reductions and the closure of state parks.

ARTICLE 99

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

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Madigan, HOUSE BILL 6350 was taken up and read by title a third time. A three-fifths vote is required.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

101, Yeas; 12, Nays; 0, Answering Present.

(ROLL CALL 12)

This bill, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

RESOLUTION

Having been reported out of the Committee on Rules on September 9, 2008, HOUSE JOINT RESOLUTION 142 was taken up for consideration.

Representative Hannig offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Joint Resolution 142 on page 4, in line 2 by replacing "2012" with "2013".

The foregoing motion prevailed and Amendment No. 1 was adopted.

Representative Hannig moved the adoption of the resolution, as amended. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 13)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the Resolution was adopted, as amended.

Ordered that the Clerk inform the Senate and ask their concurrence.

ACTION ON VETO MOTIONS

Pursuant to the Motion submitted previously, Representative Fortner moved that HOUSE BILL 4450 do pass, the Governor's Specific Recommendations for Change notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 14)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the Governor's Specific Recommendations for Change notwithstanding.

Ordered that the Clerk inform the Senate and ask their concurrence.

Pursuant to the Motion submitted previously, Representative Lang moved that HOUSE BILL 4527 do pass, the Governor's Specific Recommendations for Change notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 15)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the Governor's Specific Recommendations for Change notwithstanding.

Ordered that the Clerk inform the Senate and ask their concurrence.

Pursuant to the Motion submitted previously, Representative Beiser moved that HOUSE BILL 4602 do pass, the Governor's Specific Recommendations for Change notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

112, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 16)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the Governor's Specific Recommendations for Change notwithstanding.

Ordered that the Clerk inform the Senate and ask their concurrence.

Pursuant to the Motion submitted previously, Representative Leitch moved that HOUSE BILL 4653 do pass, the Governor's Specific Recommendations for Change notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 17)

The motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the Governor's Specific Recommendations for Change notwithstanding.

Ordered that the Clerk inform the Senate and ask their concurrence.

Pursuant to the Motion submitted previously, Representative Joyce moved to accept the Governor's Specific Recommendations for Change to HOUSE BILL 5318, by adoption of the following amendment:

I move to accept the specific recommendations of the Governor as to House Bill 5318 in manner and form as follows:

AMENDMENT TO HOUSE BILL 5318
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 5318
on page 3, by deleting lines 9 through 13.

And on that motion, a vote was taken resulting as follows:
113, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 18)
This Motion, having received the votes of three-fifths of the Members elected, prevailed.
Ordered that the Clerk inform the Senate and ask their concurrence in the Governor's Specific Recommendations for Change.

Pursuant to the Motion submitted previously, Representative Flowers moved that HOUSE BILL 230 do pass, the Veto of the Governor notwithstanding. A three-fifths vote is required.
And on that motion, a vote was taken resulting as follows:
85, Yeas; 27, Nays; 0, Answering Present.
(ROLL CALL 19)
The Motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the veto of the Governor notwithstanding.
Ordered that the Clerk inform the Senate and ask their concurrence.

Pursuant to the Motion submitted previously, Representative Jakobsson moved that HOUSE BILL 3106 do pass, the Veto of the Governor notwithstanding. A three-fifths vote is required.
And on that motion, a vote was taken resulting as follows:
74, Yeas; 38, Nays; 1, Answering Present.
(ROLL CALL 20)
The Motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the veto of the Governor notwithstanding.
Ordered that the Clerk inform the Senate and ask their concurrence.

Pursuant to the Motion submitted previously, Representative Sullivan moved that HOUSE BILL 4548 do pass, the Veto of the Governor notwithstanding. A three-fifths vote is required.
And on that motion, a vote was taken resulting as follows:
108, Yeas; 5, Nays; 0, Answering Present.
(ROLL CALL 21)
The Motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the veto of the Governor notwithstanding.
Ordered that the Clerk inform the Senate and ask their concurrence.

Pursuant to the Motion submitted previously, Representative Davis, Monique moved that HOUSE BILL 4668 do pass, the Veto of the Governor notwithstanding. A three-fifths vote is required.
And on that motion, a vote was taken resulting as follows:
111, Yeas; 1, Nay; 1, Answering Present.
(ROLL CALL 22)
The Motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the veto of the Governor notwithstanding.
Ordered that the Clerk inform the Senate and ask their concurrence.

Pursuant to the Motion submitted previously, Representative Nekritz moved that HOUSE BILL 4956 do pass, the Veto of the Governor notwithstanding. A three-fifths vote is required.
And on that motion, a vote was taken resulting as follows:
72, Yeas; 41, Nays; 0, Answering Present.
(ROLL CALL 23)
The Motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the veto of the Governor notwithstanding.
Ordered that the Clerk inform the Senate and ask their concurrence.

Pursuant to the Motion submitted previously, Representative Rita moved that HOUSE BILL 5022 do pass, the Veto of the Governor notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

73, Yeas; 39, Nays; 0, Answering Present.

(ROLL CALL 24)

The Motion, having received the votes of three-fifths of the Members elected, prevailed and the bill was declared passed, the veto of the Governor notwithstanding.

Ordered that the Clerk inform the Senate and ask their concurrence.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 1474, 1475, 1477, 1478, 1479, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1515 and 1516 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 7:11 o'clock p.m., Representative Currie moved that the House do now adjourn, allowing perfunctory time for the Clerk.

The motion prevailed.

And in accordance therewith and pursuant to SENATE JOINT RESOLUTION 105, the House stood adjourned until Wednesday, November 12, 2008, at 12:00 o'clock noon.

NO. 1

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL FOR CALL ATTENDANCE

September 10, 2008

0 YEAS 0 NAYS 114 PRESENT

P Acevedo	P Dugan	P Krause	P Reboletti
P Arroyo	P Dunkin	P Lang	P Reis
E Bassi	P Dunn	P Leitch	P Reitz
P Beaubien	P Durkin	P Lindner	P Riley
P Beiser	P Eddy	P Lyons	P Rita
P Bellock	P Feigenholtz	P Mathias	P Rose
P Berrios	P Flider	P Mautino	P Ryg
P Biggins	P Flowers	P May	P Sacia
P Black	P Ford	P McAuliffe	P Saviano
P Boland	E Fortner	P McCarthy	P Schmitz
P Bost	P Franks	P McGuire	P Schock (ADDED)
P Bradley, John	P Fritchey	P Mendoza	P Scully
P Bradley, Richard	P Froehlich	P Meyer	P Smith
P Brady	P Golar	P Miller	P Sommer
P Brauer	P Gordon	P Mitchell, Bill	P Soto
P Brosnahan	P Graham	P Mitchell, Jerry	P Stephens
P Burke	P Granberg	P Moffitt	P Sullivan
P Chapa LaVia	P Hamos	P Molaro	P Tracy
P Coladipietro	P Hannig	P Mulligan	P Tryon
P Cole	P Harris	P Munson	P Turner
P Collins	P Hassert	P Myers	P Verschoore
P Colvin	E Hernandez	P Nekritz	P Wait
P Coulson	P Hoffman	P Osmond	P Washington
P Crespo	P Holbrook	P Osterman	P Watson
P Cross	P Howard	P Patterson	P Winters
P Cultra	P Jakobsson	P Phelps	P Yarbrough
P Currie	P Jefferies	E Pihos	P Younge
P D'Amico	P Jefferson	P Poe	P Mr. Speaker
P Davis, Monique	P Joyce	P Pritchard	
P Davis, William	P Kosel	P Ramey	

E - Denotes Excused Absence

NO. 2

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 824
PROCURE-ELEC-BUSINESS CONTRIB
OVERRIDE AMENDATORY VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

110 YEAS 3 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	N Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
N Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	N Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 3

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 953
INS COVER MARRIAGE THERAPISTS
OVERRIDE AMENDATORY VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

84 YEAS 29 NAYS 0 PRESENT

Y Acevedo	Y Dugan	N Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	N Dunn	Y Leitch	Y Reitz
Y Beaubien	N Durkin	N Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	N Ryg
Y Biggins	Y Flowers	N May	Y Sacia
Y Black	Y Ford	N McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	N Schmitz
N Bost	N Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	N Meyer	Y Smith
Y Brady	Y Golar	Y Miller	N Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
N Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	N Granberg	Y Moffitt	N Sullivan
Y Chapa LaVia	N Hamos	Y Molaro	N Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	N Nekritz	Y Wait
N Coulson	N Hoffman	N Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
N Cross	Y Howard	Y Patterson	Y Winters
N Cultra	N Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	N Joyce	Y Pritchard	
Y Davis, William	N Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 4

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1533
ALL KIDS-AUDIT-REPORT-PREMIUMS
ACCEPT AMENDATORY VETO
PREVAILED

September 10, 2008

113 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 5

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3286
HEALTH POLICY CENTER ACT
ACCEPT AMENDATORY VETO
PREVAILED

September 10, 2008

113 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 6

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2595
ST GROUP INS-COMMUNITY COLLEGE
THIRD READING
PASSED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

75 YEAS 38 NAYS 0 PRESENT

Y Acevedo	Y Dugan	N Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	N Durkin	Y Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	Y Sacia
N Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	N Schmitz
Y Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	N Fritchey	N Mendoza	N Scully
Y Bradley, Richard	Y Froehlich	N Meyer	Y Smith
Y Brady	Y Golar	Y Miller	N Sommer
Y Brauer	Y Gordon	N Mitchell, Bill	Y Soto
N Brosnahan	Y Graham	N Mitchell, Jerry	Y Stephens
Y Burke	N Granberg	Y Moffitt	N Sullivan
N Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	N Mulligan	N Tryon
N Cole	Y Harris	N Munson	N Turner
Y Collins	N Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
N Coulson	N Hoffman	N Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	N Watson
Y Cross	Y Howard	Y Patterson	Y Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	N Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
Y Davis, William	Y Kosel	N Ramey	

E - Denotes Excused Absence

NO. 7

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 790
FINANCE-TECH
THIRD READING
PASSED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

97 YEAS 16 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	N McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	N Schmitz
Y Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	N Sommer
Y Brauer	Y Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	N Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	N Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

NO. 8

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2536
RTA-PUBLIC HEARING
THIRD READING
PASSED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

105 YEAS 8 NAYS 0 PRESENT

Y Acevedo	Y Dugan	N Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	N Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 9

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE RESOLUTION 1517
FAMILY-LAW STUDY COMMITTEE
ADOPTED

September 10, 2008

113 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 10

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1432
INS CD-EATING DISORDER TRTMENT
OVERRIDE AMENDATORY VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

77 YEAS 36 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
E Bassi	N Dunn	Y Leitch	Y Reitz
Y Beaubien	N Durkin	N Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	N Schmitz
N Bost	N Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	N Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	N Granberg	Y Moffitt	N Sullivan
N Chapa LaVia	N Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	Y Mulligan	Y Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	N Hoffman	N Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
N Cross	Y Howard	Y Patterson	N Winters
N Cultra	N Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

NO. 11

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1103
$DCFS
THIRD READING
PASSED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

113 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 12

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 6350
$ST BD ED-TECH
THIRD READING
PASSED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

101 YEAS 12 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	N Dunn	Y Leitch	Y Reitz
Y Beaubien	N Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	N McCarthy	N Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	N Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	N Granberg	Y Moffitt	N Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	N Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
N Cross	Y Howard	Y Patterson	N Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	N Ramey	

E - Denotes Excused Absence

NO. 13

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE JOINT RESOLUTION 142
APPOINT LEGISLATIVE INSP GEN
ADOPTED

September 10, 2008

113 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 14

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4450
CIV PRO-SETTLMNT INMATE-VICTIM
OVERRIDE AMENDATORY VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

113 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 15

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4527
LIBRARIES-STATE GRANTS
OVERRIDE AMENDATORY VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

113 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 16

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4602
INS CD-COVERAGE-SHINGLES VACC
OVERRIDE AMENDATORY VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

112 YEAS 1 NAY 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
N Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 17

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4653
DOC LAND TRANSFR-PEORIA COUNTY
OVERRIDE AMENDATORY VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

113 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 18

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5318
HLTHCARE WRKR TASK FORCE-APPT
ACCEPT AMENDATORY VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

113 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 19

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 230
COURT OF CLAIMS-PRISONERS
OVERRIDE TOTAL VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

85 YEAS 27 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
E Bassi	N Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	N McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	N Schmitz
N Bost	NV Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	N Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
Y Brauer	Y Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	Y Moffitt	N Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	Y Mulligan	Y Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	N Wait
Y Coulson	Y Hoffman	N Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	N Watson
N Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

NO. 20

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3106
QUICK-TAKE-ROAD, EASEMENTS
OVERRIDE TOTAL VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

74 YEAS 38 NAYS 1 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	N Dunkin	Y Lang	N Reis
E Bassi	N Dunn	Y Leitch	Y Reitz
Y Beaubien	N Durkin	Y Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	Y Mathias	P Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	N McCarthy	N Schmitz
Y Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	N Froehlich	Y Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
Y Brauer	Y Gordon	N Mitchell, Bill	Y Soto
N Brosnahan	Y Graham	Y Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	Y Moffitt	N Sullivan
N Chapa LaVia	Y Hamos	Y Molaro	N Tracy
N Coladipietro	Y Hannig	N Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	N Osmond	Y Washington
N Crespo	Y Holbrook	Y Osterman	N Watson
Y Cross	Y Howard	Y Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	N Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	N Joyce	N Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

NO. 21

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4548
TIF EXTEND-LIBERTYVILLE
OVERRIDE TOTAL VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

108 YEAS 5 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	N Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	Y Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
N Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
N Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	N Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	N Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 22

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4668
VEH CD-SCRAP, RECYCLABLE METAL
OVERRIDE TOTAL VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

111 YEAS 1 NAY 1 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Lang	Y Reis
E Bassi	Y Dunn	Y Leitch	Y Reitz
Y Beaubien	Y Durkin	Y Lindner	Y Riley
Y Beiser	Y Eddy	Y Lyons	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
Y Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	Y Schmitz
Y Bost	Y Franks	Y McGuire	Y Schock
Y Bradley, John	P Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	Y Meyer	Y Smith
Y Brady	Y Golar	Y Miller	Y Sommer
Y Brauer	Y Gordon	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	Y Stephens
Y Burke	N Granberg	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	Y Mulligan	Y Tryon
Y Cole	Y Harris	Y Munson	Y Turner
Y Collins	Y Hassert	Y Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	Y Wait
Y Coulson	Y Hoffman	Y Osmond	Y Washington
Y Crespo	Y Holbrook	Y Osterman	Y Watson
Y Cross	Y Howard	Y Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

NO. 23

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4956
CT CLK FEE-CHILDREN WAITING RM
OVERRIDE TOTAL VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

72 YEAS 41 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	N Reboletti
Y Arroyo	N Dunkin	Y Lang	N Reis
E Bassi	Y Dunn	N Leitch	Y Reitz
Y Beaubien	N Durkin	Y Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	N Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
N Black	N Ford	N McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	N Schmitz
N Bost	N Franks	Y McGuire	N Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	Y Froehlich	N Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	N Mitchell, Jerry	N Stephens
Y Burke	N Granberg	Y Moffitt	Y Sullivan
N Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
Y Coladipietro	Y Hannig	N Mulligan	N Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	Y Osmond	Y Washington
N Crespo	Y Holbrook	Y Osterman	N Watson
N Cross	Y Howard	Y Patterson	Y Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	N Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

NO. 24

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5022
GRAVEYARDS-TRUSTEE SALARY
OVERRIDE TOTAL VETO
PREVAILED
THREE-FIFTHS VOTE REQUIRED

September 10, 2008

73 YEAS 39 NAYS 0 PRESENT

Y Acevedo	Y Dugan	N Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Lang	N Reis
E Bassi	N Dunn	Y Leitch	Y Reitz
Y Beaubien	N Durkin	Y Lindner	Y Riley
Y Beiser	N Eddy	Y Lyons	Y Rita
N Bellock	Y Feigenholtz	Y Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	N Ryg
Y Biggins	Y Flowers	N May	Y Sacia
NV Black	Y Ford	Y McAuliffe	E Saviano
Y Boland	E Fortner	Y McCarthy	N Schmitz
Y Bost	N Franks	Y McGuire	Y Schock
Y Bradley, John	Y Fritchey	Y Mendoza	Y Scully
Y Bradley, Richard	N Froehlich	Y Meyer	Y Smith
N Brady	Y Golar	Y Miller	N Sommer
N Brauer	Y Gordon	N Mitchell, Bill	Y Soto
Y Brosnahan	Y Graham	Y Mitchell, Jerry	N Stephens
Y Burke	Y Granberg	Y Moffitt	N Sullivan
N Chapa LaVia	Y Hamos	Y Molaro	Y Tracy
N Coladipietro	Y Hannig	N Mulligan	Y Tryon
N Cole	Y Harris	N Munson	Y Turner
Y Collins	N Hassert	N Myers	Y Verschoore
Y Colvin	E Hernandez	Y Nekritz	N Wait
N Coulson	Y Hoffman	N Osmond	N Washington
N Crespo	Y Holbrook	Y Osterman	N Watson
N Cross	Y Howard	Y Patterson	N Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	Y Jefferies	E Pihos	Y Younge
Y D'Amico	N Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

285TH LEGISLATIVE DAY

Perfunctory Session

WEDNESDAY, SEPTEMBER 10, 2008

At the hour of 7:19 o'clock p.m., the House convened perfunctory session.

HOUSE RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

HOUSE RESOLUTION 1443

Offered by Representative Jakobsson:

WHEREAS, The personal prosperity of Illinois citizens and the economic security of our nation will require uniting our workforce development, education, and economic development strategies in a common effort to provide our citizens with higher skills and supply our businesses with qualified workers; and

WHEREAS, The economic security of Illinois citizens will enhance the quality and productivity of people and businesses and provide effective economic development strategies for the workforce needs of the future; and

WHEREAS, The Illinois Local Workforce System and One-Stop Centers must be able to offer more programs and services to a wider customer base; and

WHEREAS, The Illinois Workforce Development System must continue to recognize the value of local decision making, which is key to the success of the future workforce; and

WHEREAS, The local workforce investment boards, which are comprised of a majority of business leaders and who have worked effectively in partnership with chief elected officials, should continue to be the cornerstone of the Workforce Development System; and

WHEREAS, The One-Stop System must have sufficient resources to offer comprehensive services, universal access, and lifelong learning options for both business and individuals; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, That we recognize the importance of workforce development and designate the week of August 24, 2008 as "Workforce Development Week" in the State of Illinois to showcase the Illinois workforce system.

HOUSE RESOLUTION 1447

Offered by Representative Poe:

WHEREAS, According to a 1996 study by the Centers of Disease Control, 16% of over 6,000,000 pregnancies ended in either a miscarriage or stillbirth, which is almost 1,000,000 perinatal losses; and

WHEREAS, Of those over six million pregnancies, 62%, or 3,720,000, ended in live births, and 26,784 of those births ended in deaths of infants 11 months and younger; and

WHEREAS, The availability of information and support is of the utmost importance to the families who suffer from pregnancy and infant loss to better help them cope; and

WHEREAS, A public that is informed and educated about pregnancy and infant loss can better learn how to respond with compassion to affected families; and

WHEREAS, Professionals who come in contact with families who have suffered pregnancy or infant loss, such as physicians, clergy, emergency medical technicians, funeral directors, police officers, public health nurses, and employers, can better serve families if they have special training and better knowledge of pregnancy and infant loss; and

WHEREAS, Pregnancy and Infant Loss Remembrance Day has been established to recognize the grief of families and to remember all of the pregnancies and infants lost; celebrated on October 15 of each year,

this day has helped to heal and comfort families in a time of pain and heartache and to give families hope for the future; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize October 15, 2008 as Pregnancy and Infant Loss Remembrance Day in order to remember all of the pregnancies and infants lost, to help to heal and comfort families in a time of pain and heartache, and to give families hope for the future; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Springfield Share Chapter as an expression of remembrance and hope.

HOUSE RESOLUTION 1465

Offered by Representative Holbrook:

WHEREAS, Home Instead Senior Care and partners from various non-profit agencies and businesses that provide services to senior adults throughout the year combine their efforts every year for the "Be a Santa to a Senior" community service program; and

WHEREAS, The volunteers of the "Be a Santa to a Senior" program make a positive impact on their communities by providing much-needed holiday cheer and giving of gifts to those senior adults who are least likely to receive presents during the holiday season and for those who are lonely or have financial difficulties; and

WHEREAS, The "Be a Santa to a Senior" program and its volunteers donate their valuable time to eliminate the heartbreak of holiday isolation felt by senior adults in this State; nearly 28 percent of the 1,532,373 people over the age of 65 in Illinois live alone, with 441,869 total senior adults at risk of being lonely; these people can benefit from the generous outreach efforts of the "Be a Santa to a Senior" program; and

WHEREAS, Home Instead Senior Care and the partners involved with "Be a Santa to a Senior" share the belief that senior adults should not be alone or forgotten during the holidays and that senior adults are instrumental in defining the communities we live in; and

WHEREAS, The participants in the "Be a Santa to a Senior" program intend to recognize and celebrate our senior adults and the invaluable contributions they continue to make to our cities, this State, and the world at large; and

WHEREAS, The citizens of the State of Illinois recognize that our diverse population is committed to improving the well-being and serenity of our communities, as well as placing a greater focus on our lonely elders through the "Be a Santa to a Senior" program; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate and thank the members of the "Be a Santa to a Senior" program for its contributions to the senior adults of this State; and be it further

RESOLVED, That we designate the month of December 2008 as Be a Santa to a Senior Month in the State of Illinois in recognition of this wonderful program; and be it further

RESOLVED, That a suitable copy of this resolution be presented to a representative of the "Be a Santa to a Senior" program as a symbol of our esteem and respect.

HOUSE RESOLUTION 1466

Offered by Representative Mathias:

WHEREAS, Millions of patriots have served in the Armed Forces of the United States of America during the past century; thousands of these patriots made the supreme sacrifice for our nation during their call to duty, yet many of them have received little honor from this nation for their brave and heroic contributions; and

WHEREAS, The sacrifices of these men and women who have served in the Armed Forces have been vital in preserving the freedoms and way of life enjoyed by the people of this nation today; and

WHEREAS, During times of emergency, these honorable and courageous heroes have stepped forward to serve our country by placing the welfare of the nation before their own lives; these veterans have not only guaranteed liberty and peace for the citizens of the United States, but have sought to establish these

qualities for other nations throughout the world; and

WHEREAS, There has been a decrease in awareness and importance placed on the accomplishments of those who served in the Armed Forces, despite the efforts of the Department of Veterans' Affairs and veterans' service organizations; it is essential that the future leaders of our nation recognize the history of military action, as well as the accompanying contributions and significant sacrifice made by all veterans who have provided dedicated service and protection for this nation and its citizens; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize August 29, 2008 as Veterans' Awareness Day in the State of Illinois and encourage the citizens of this State to reflect upon the service that veterans have given to ensure the well-being of our State and country; and be it further

RESOLVED, That a suitable copy of this resolution be presented to John Monoghan, the organizer of Veterans' Awareness Day, as a symbol of our esteem and respect.

HOUSE RESOLUTION 1476

Offered by Representative Boland:

WHEREAS, The question of whether to call a Constitutional Convention will appear as a referendum on the ballot at the general election on November 4, 2008; and

WHEREAS, If called, a Constitutional Convention could propose either an entirely new Constitution or a series of amendments to the existing Constitution; and

WHEREAS, Because there has been uncertainty as to what the cost of such a Convention would be, the citizens of the State have been subjected to the proliferation of wildly excessive, distorted, and inaccurate cost estimates; and

WHEREAS, Public misinformation constitutes an undue distraction for the electorate during a season in which citizens deserve an opportunity for deliberate and conscientious consideration of the merits of this unique and rare referendum; and

WHEREAS, The Legislative Research Unit of the Illinois General Assembly in April 2008, produced a detailed report illustrating that widely-promulgated Convention cost estimates of $78 million or more are inaccurate because they rely upon a number of dubious assumptions; and

WHEREAS, The Legislative Research Unit's own cost estimates indicate that, under one of the three most likely Convention time-frames conceivable, the costs of the Convention might, in fact, very easily be as low as $14 million dollars; and

WHEREAS, The Legislative Research Unit's cost projections are credible insofar as they rely upon the costs of the 1970 Convention, adjusted for inflation, along with more recent data about current costs of various commodities necessary for the Convention's operations, and omit figures for extraneous, speculative, or unnecessary costs; and

WHEREAS, There is uncertainty as to what the procedures for electing delegates to the Constitutional Convention and for administering the Convention itself would be; and

WHEREAS, If a Constitutional Convention is called, the General Assembly must enact a statute setting forth procedures for electing delegates, and for operating and financing the Convention; and

WHEREAS, The General Assembly of Illinois enacted a statute in 1969, P.A. 76-40, in anticipation of the last Constitutional Convention that provided a judicious, successful, and model framework for establishing a truly thoughtful and deliberative body uniquely oriented toward promoting the common good through such mechanisms as a cost ceiling on the Convention and the non-partisan election of delegates; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that in the event the electors of the State approve the referendum calling for a Constitutional Convention:

(1) In light of the findings of the Legislative Research Unit that an efficiently-administered Constitutional Convention fully in keeping with all applicable constitutional requirements could be held for as little as $14 million dollars, the General Assembly will make all efforts to control and limit the costs of any Constitutional Convention, with a goal of making sure that Convention costs will not exceed an amount equal to approximately one dollar per Illinois citizen, and, in any event, not more than approximately $15,000,000;

(2) Given the Legislative Research Unit's report that under the other two

most-conceivable Convention time-frames, the estimated costs of the Convention itself would be either approximately $17 million or $23 million, the General Assembly is confident that because there are various plausible low-cost options readily available, budgetary concerns alone should not dissuade citizens from supporting a Convention;

(3) The General Assembly should follow the judicious and wise example of the 76th General Assembly by enacting implementation legislation modeled on Public Act 76-40 in 1969;

(4) All Illinois voters ought to be aware that because a Constitutional Convention would not be under any obligation to draft an entirely new Constitution to replace the Illinois Constitution of 1970, the delegates could instead choose to propose amendments to the existing Constitution to the Illinois electorate; and

(5) Any Constitutional Convention should attempt to address endemic problems in Illinois State Government through a set of proposed constitutional amendments addressing topics including, but not limited to:

(A) tax fairness, equity, and progressivity;

(B) equitable financing of public education; and

(C) ethical standards in government.

HOUSE RESOLUTION 1480

Offered by Representative Durkin:

WHEREAS, Illinois currently owes approximately $500 million in unpaid debts to health care providers who have provided essential medical services to eligible residents of Illinois who are members of the Medicaid health care program; and

WHEREAS, This backlog, at one point during the recently concluded fiscal year, totaled more than $1.5 billion and led to some providers having to wait more than 200 days for payments; and

WHEREAS, An audit, released May 13 by the Illinois Auditor General, has uncovered widespread examples of late State payments affecting many facets of Illinois' health care community; and

WHEREAS, Many hospitals, clinics, and nursing homes have been forced to scale back their operations or even close because of financial pressures associated with these late payments; and

WHEREAS, The expense increases and cost hikes associated with the health care industry do not stop during periods when the State of Illinois is not paying its Medicaid bills; and

WHEREAS, The overall health of Illinois citizens and residents depends on the financial security and stability of health care providers; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the House of Representatives of the State of Illinois declares as its statement of budgetary intent that any proceeds to the State from any sale, long-term lease, or transfer of rights over the Illinois State Lottery, or any other revenue-generating sources created for a significant State capital construction program, be applied first to clearing any unpaid debts owed by the State to providers of health care services under the Medicaid program and other State-funded health care programs; and be it further

RESOLVED, That only after these debts have been completely cleared shall the State apply the remaining proceeds from any Illinois State Lottery privatization action to a State capital construction program; and be it further

RESOLVED, That copies of this resolution be delivered to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

HOUSE RESOLUTION 1499

Offered by Representative Pritchard:

WHEREAS, College presidents from more than 100 universities are calling on lawmakers across the nation to lower the drinking age from 21 to 18, citing that current law encourages excessive drinking on campuses; and

WHEREAS, The call to lower the drinking age is being used to spark national debate about the drinking

age; and

WHEREAS, According to Monitoring the Future, an organization which conducts studies on drug and alcohol use by young people, when the 21-year-old drinking age was effectively mandated by Congress in 1984, 45.4% of college students engaged in binge drinking; and

WHEREAS, By 2006, that figure was 40.2%, and the percentage of students who reported drinking every day fell by more than a quarter; and

WHEREAS, A study by the National Institute of Alcohol Abuse and Alcoholism (NIAAA) suggests that, since that time, alcohol-related fatalities have dropped 56%; and

WHEREAS, The most dramatic decline in these deaths was among children age 16-20, where crashes dropped by nearly 60% - from 5,224 in 1982 to 2,121 in 2006; and

WHEREAS, A recent study published in Accident Analysis and Prevention finds that laws making it illegal for anyone under the age of 21 to possess or purchase alcohol have led to an 11% drop in alcohol-related fatal car crashes; and

WHEREAS, The study also purports that states with strong laws against the use of fake IDs report 7% fewer drunk-driving deaths among drivers under the age of 21; and

WHEREAS, Bradley University in Peoria has created a strict Comprehensive Alcohol Action Plan that penalizes repeat offenders and requires them to complete an online counseling program; and

WHEREAS, Many colleges across the country are attempting to come up with alternatives to dissuade students from participating in alcohol-related activities; and

WHEREAS, Combating the cultural stigma of today's society remains the greatest challenge in deterring our young people from using alcohol; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge that the legal drinking age in Illinois remain at 21 years of age; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Illinois Board of Higher Education and all public and private university presidents in Illinois.

HOUSE JOINT RESOLUTION 141

Offered by Representative Stephens:

WHEREAS, The members of the Illinois General Assembly wish to honor those who have served our country with distinction and valor in the armed forces; and

WHEREAS, The State of Illinois and the State of Missouri have made plans to construct an additional bridge at a date yet to be determined on I-70 crossing the Mississippi River; this bridge will relieve traffic congestion between the State of Illinois and the State of Missouri; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the I-70 Mississippi River Bridge connecting Illinois to Missouri to be constructed at a later date be designated, upon approval of the Illinois and Missouri State legislatures, the Veterans Bridge; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Secretary of the U.S. Department of Transportation; the Secretary of the Illinois Department of Transportation; and the Secretary of the Missouri Department of Transportation.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 6699. Introduced by Representative Hoffman, AN ACT concerning State government.

HOUSE BILL 6700. Introduced by Representatives Fritchey - Hoffman - Miller, AN ACT concerning State government.

HOUSE BILL 6701. Introduced by Representatives Fritchey - Hoffman - Miller, AN ACT concerning State government.

HOUSE BILL 6702. Introduced by Representatives Fritchey - Hoffman, AN ACT concerning State government.

HOUSE BILL 6703. Introduced by Representatives Fritchey - Hoffman - Miller, AN ACT concerning State government.

HOUSE BILL 6704. Introduced by Representatives Fritchey - Miller, AN ACT concerning State government.

HOUSE BILL 6705. Introduced by Representative Black, AN ACT concerning transportation.

HOUSE BILL 6706. Introduced by Representative Black, AN ACT concerning public employee benefits.

HOUSE BILL 6707. Introduced by Representative Black, AN ACT concerning State government.

HOUSE BILL 6708. Introduced by Representative Ford, AN ACT concerning civil law.

HOUSE BILL 6709. Introduced by Representative Osmond, AN ACT concerning local government.

HOUSE BILL 6710. Introduced by Representative Lindner, AN ACT concerning local government.

At the hour of 7:20 o'clock p.m., the House Perfunctory Session adjourned.