



Executive Committee

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1 AMENDMENT TO HOUSE BILL 261

2 AMENDMENT NO. _____. Amend House Bill 261 by replacing
3 everything after the enacting clause with the following:

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

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

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

1 with the primary responsibility of exercising regulatory or
2 adjudicatory functions independently of the Governor:

3 (1) the State Board of Elections;

4 (2) the State Board of Education;

5 (3) the Illinois Commerce Commission;

6 (4) the Illinois Workers' Compensation Commission;

7 (5) the Civil Service Commission;

8 (6) the Fair Employment Practices Commission;

9 (7) the Pollution Control Board;

10 (8) the Department of State Police Merit Board;

11 (9) The Illinois Gaming Board.

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

13 Section 10. The Department of Revenue Law of the Civil
14 Administrative Code of Illinois is amended by changing Section
15 2505-305 as follows:

16 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

17 Sec. 2505-305. Investigators.

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

1 Department ~~or the Illinois Gaming Board.~~

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

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

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

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

24 (30 ILCS 105/5.719 new)

1 Sec. 5.719. The Gaming Administration and Enforcement
2 Fund.

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

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

7 Sec. 14-110. Alternative retirement annuity.

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

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

1 (ii) for periods of eligible creditable service as a
2 covered employee: if retirement occurs on or after January
3 1, 2001, 2.5% of final average compensation for each year
4 of creditable service; if retirement occurs before January
5 1, 2001, 1.67% of final average compensation for each of
6 the first 10 years of such service, 1.90% for each of the
7 next 10 years of such service, 2.10% for each year of such
8 service in excess of 20 but not exceeding 30, and 2.30% for
9 each year in excess of 30.

10 Such annuity shall be subject to a maximum of 75% of final
11 average compensation if retirement occurs before January 1,
12 2001 or to a maximum of 80% of final average compensation if
13 retirement occurs on or after January 1, 2001.

14 These rates shall not be applicable to any service
15 performed by a member as a covered employee which is not
16 eligible creditable service. Service as a covered employee
17 which is not eligible creditable service shall be subject to
18 the rates and provisions of Section 14-108.

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

22 (1) State policeman;

23 (2) fire fighter in the fire protection service of a
24 department;

25 (3) air pilot;

26 (4) special agent;

- 1 (5) investigator for the Secretary of State;
- 2 (6) conservation police officer;
- 3 (7) investigator for the Department of Revenue or the
- 4 Illinois Gaming Board;
- 5 (8) security employee of the Department of Human
- 6 Services;
- 7 (9) Central Management Services security police
- 8 officer;
- 9 (10) security employee of the Department of
- 10 Corrections or the Department of Juvenile Justice;
- 11 (11) dangerous drugs investigator;
- 12 (12) investigator for the Department of State Police;
- 13 (13) investigator for the Office of the Attorney
- 14 General;
- 15 (14) controlled substance inspector;
- 16 (15) investigator for the Office of the State's
- 17 Attorneys Appellate Prosecutor;
- 18 (16) Commerce Commission police officer;
- 19 (17) arson investigator;
- 20 (18) State highway maintenance worker.

21 A person employed in one of the positions specified in this
22 subsection is entitled to eligible creditable service for
23 service credit earned under this Article while undergoing the
24 basic police training course approved by the Illinois Law
25 Enforcement Training Standards Board, if completion of that
26 training is required of persons serving in that position. For

1 the purposes of this Code, service during the required basic
2 police training course shall be deemed performance of the
3 duties of the specified position, even though the person is not
4 a sworn peace officer at the time of the training.

5 (c) For the purposes of this Section:

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

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

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

23 (4) The term "special agent" means any person who by
24 reason of employment by the Division of Narcotic Control,
25 the Bureau of Investigation or, after July 1, 1977, the
26 Division of Criminal Investigation, the Division of

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

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

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

24 (6) The term "Conservation Police Officer" means any
25 person employed by the Division of Law Enforcement of the
26 Department of Natural Resources and vested with such law

1 enforcement duties as render him ineligible for coverage
2 under the Social Security Act by reason of Sections
3 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
4 term "Conservation Police Officer" includes the positions
5 of Chief Conservation Police Administrator and Assistant
6 Conservation Police Administrator.

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

13 The term "investigator for the Illinois Gaming Board"
14 means any person employed as such by the Illinois Gaming
15 Board and vested with such peace officer duties as render
16 the person ineligible for coverage under the Social
17 Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D), and 218(1)(1) of that Act.

19 (8) The term "security employee of the Department of
20 Human Services" means any person employed by the Department
21 of Human Services who (i) is employed at the Chester Mental
22 Health Center and has daily contact with the residents
23 thereof, (ii) is employed within a security unit at a
24 facility operated by the Department and has daily contact
25 with the residents of the security unit, (iii) is employed
26 at a facility operated by the Department that includes a

1 security unit and is regularly scheduled to work at least
2 50% of his or her working hours within that security unit,
3 or (iv) is a mental health police officer. "Mental health
4 police officer" means any person employed by the Department
5 of Human Services in a position pertaining to the
6 Department's mental health and developmental disabilities
7 functions who is vested with such law enforcement duties as
8 render the person ineligible for coverage under the Social
9 Security Act by reason of Sections 218(d)(5)(A),
10 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
11 means that portion of a facility that is devoted to the
12 care, containment, and treatment of persons committed to
13 the Department of Human Services as sexually violent
14 persons, persons unfit to stand trial, or persons not
15 guilty by reason of insanity. With respect to past
16 employment, references to the Department of Human Services
17 include its predecessor, the Department of Mental Health
18 and Developmental Disabilities.

19 The changes made to this subdivision (c)(8) by Public
20 Act 92-14 apply to persons who retire on or after January
21 1, 2001, notwithstanding Section 1-103.1.

22 (9) "Central Management Services security police
23 officer" means any person employed by the Department of
24 Central Management Services who is vested with such law
25 enforcement duties as render him ineligible for coverage
26 under the Social Security Act by reason of Sections

1 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

26 (12) The term "investigator for the Department of State

1 Police" means a person employed by the Department of State
2 Police who is vested under Section 4 of the Narcotic
3 Control Division Abolition Act with such law enforcement
4 powers as render him ineligible for coverage under the
5 Social Security Act by reason of Sections 218(d)(5)(A),
6 218(d)(8)(D) and 218(1)(1) of that Act.

7 (13) "Investigator for the Office of the Attorney
8 General" means any person who is employed as such by the
9 Office of the Attorney General and is vested with such
10 investigative duties as render him ineligible for coverage
11 under the Social Security Act by reason of Sections
12 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
13 the period before January 1, 1989, the term includes all
14 persons who were employed as investigators by the Office of
15 the Attorney General, without regard to social security
16 status.

17 (14) "Controlled substance inspector" means any person
18 who is employed as such by the Department of Professional
19 Regulation and is vested with such law enforcement duties
20 as render him ineligible for coverage under the Social
21 Security Act by reason of Sections 218(d)(5)(A),
22 218(d)(8)(D) and 218(1)(1) of that Act. The term
23 "controlled substance inspector" includes the Program
24 Executive of Enforcement and the Assistant Program
25 Executive of Enforcement.

26 (15) The term "investigator for the Office of the

1 State's Attorneys Appellate Prosecutor" means a person
2 employed in that capacity on a full time basis under the
3 authority of Section 7.06 of the State's Attorneys
4 Appellate Prosecutor's Act.

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

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

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

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

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

26 (d) A security employee of the Department of Corrections or

1 the Department of Juvenile Justice, and a security employee of
2 the Department of Human Services who is not a mental health
3 police officer, shall not be eligible for the alternative
4 retirement annuity provided by this Section unless he or she
5 meets the following minimum age and service requirements at the
6 time of retirement:

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

8 or

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

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

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

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

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

24 Persons who have service credit under Article 16 of this
25 Code for service as a security employee of the Department of
26 Corrections or the Department of Juvenile Justice, or the

1 Department of Human Services in a position requiring
2 certification as a teacher may count such service toward
3 establishing their eligibility under the service requirements
4 of this Section; but such service may be used only for
5 establishing such eligibility, and not for the purpose of
6 increasing or calculating any benefit.

7 (e) If a member enters military service while working in a
8 position in which eligible creditable service may be earned,
9 and returns to State service in the same or another such
10 position, and fulfills in all other respects the conditions
11 prescribed in this Article for credit for military service,
12 such military service shall be credited as eligible creditable
13 service for the purposes of the retirement annuity prescribed
14 in this Section.

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

1 (1) from the date of service to the date of payment.

2 For purposes of calculating retirement annuities under
3 this Section, periods of service rendered after December 31,
4 1968 and before January 1, 1982 as a covered employee in the
5 position of investigator for the Department of Revenue shall be
6 deemed to have been service as a noncovered employee, provided
7 that the employee pays to the System prior to retirement an
8 amount equal to (1) the difference between the employee
9 contributions that would have been required for such service as
10 a noncovered employee, and the amount of employee contributions
11 actually paid, plus (2) if payment is made after January 1,
12 1990, regular interest on the amount specified in item (1) from
13 the date of service to the date of payment.

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

26 Subject to the limitation in subsection (i), a State

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

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

26 Subject to the limitation in subsection (i), a State

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

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

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

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

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

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

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

18 (1) Subject to the limitation in subsection (i), a security
19 employee of the Department of Corrections may elect, not later
20 than July 1, 1998, to establish eligible creditable service for
21 up to 10 years of his or her service as a policeman under
22 Article 3, by filing a written election with the Board,
23 accompanied by payment of an amount to be determined by the
24 Board, equal to (i) the difference between the amount of
25 employee and employer contributions transferred to the System
26 under Section 3-110.5, and the amounts that would have been

1 contributed had such contributions been made at the rates
2 applicable to security employees of the Department of
3 Corrections, plus (ii) interest thereon at the effective rate
4 for each year, compounded annually, from the date of service to
5 the date of payment.

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

23 (n) A person employed in a position under subsection (b) of
24 this Section who has purchased service credit under subsection
25 (j) of Section 14-104 or subsection (b) of Section 14-105 in
26 any other capacity under this Article may convert up to 5 years

1 of that service credit into service credit covered under this
2 Section by paying to the Fund an amount equal to (1) the
3 additional employee contribution required under Section
4 14-133, plus (2) the additional employer contribution required
5 under Section 14-131, plus (3) interest on items (1) and (2) at
6 the actuarially assumed rate from the date of the service to
7 the date of payment.

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

10 (40 ILCS 5/14-152.1)

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

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

23 (b) Notwithstanding any other provision of this Code or any
24 subsequent amendment to this Code, every new benefit increase
25 is subject to this Section and shall be deemed to be granted

1 only in conformance with and contingent upon compliance with
2 the provisions of this Section.

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

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

23 (d) Every new benefit increase shall expire 5 years after
24 its effective date or on such earlier date as may be specified
25 in the language enacting the new benefit increase or provided
26 under subsection (c). This does not prevent the General

1 Assembly from extending or re-creating a new benefit increase
2 by law.

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

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

14 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

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

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

23 If such a participant resumes service as a judge, he or she
24 shall receive credit for any additional service. Upon
25 subsequent retirement, his or her retirement annuity shall be

1 the amount previously granted, plus the amount earned by the
2 additional judicial service under the provisions in effect
3 during the period of such additional service. However, if the
4 participant was receiving the maximum rate of annuity at the
5 time of re-employment, he or she may elect, in a written
6 direction filed with the board, not to receive any additional
7 service credit during the period of re-employment. In such
8 case, contributions shall not be required during the period of
9 re-employment. Any such election shall be irrevocable.

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

18 (c) Except as provided in subsection (a), beginning January
19 1, 1993, retirement annuities shall not be subject to
20 suspension upon resumption of employment for an employer, and
21 any retirement annuity that is then so suspended shall be
22 reinstated on that date.

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

1 (e) A participant receiving a retirement annuity under this
2 Article who (i) serves as a part-time employee in any of the
3 following positions: Legislative Inspector General, Special
4 Legislative Inspector General, employee of the Office of the
5 Legislative Inspector General, Executive Director of the
6 Legislative Ethics Commission, or staff of the Legislative
7 Ethics Commission or (ii), on January 1, 2007, is serving on
8 the Illinois Gaming Board, but has not elected to participate
9 in the Article 14 System with respect to that service, shall
10 not be deemed to be regularly employed for compensation by an
11 employer other than a county, nor to have resumed service as a
12 judge, on the basis of that service, and the retirement annuity
13 payments and other benefits of that person under this Code
14 shall not be suspended, diminished, or otherwise impaired
15 solely as a consequence of that service. This subsection (e)
16 applies without regard to whether the person is in service as a
17 judge under this Article on or after the effective date of this
18 amendatory Act of the 93rd General Assembly. In this
19 subsection, a "part-time employee" is a person who is not
20 required to work at least 35 hours per week. The changes made
21 to this subsection (e) by this amendatory Act of the 96th
22 General Assembly apply without regard to whether the person is
23 in service as a judge under this Article on or after the
24 effective date of this amendatory Act of the 96th General
25 Assembly.

26 (f) A participant receiving a retirement annuity under this

1 Article who has made an election under Section 1-123 and who is
2 serving either as legal counsel in the Office of the Governor
3 or as Chief Deputy Attorney General shall not be deemed to be
4 regularly employed for compensation by an employer other than a
5 county, nor to have resumed service as a judge, on the basis of
6 that service, and the retirement annuity payments and other
7 benefits of that person under this Code shall not be suspended,
8 diminished, or otherwise impaired solely as a consequence of
9 that service. This subsection (f) applies without regard to
10 whether the person is in service as a judge under this Article
11 on or after the effective date of this amendatory Act of the
12 93rd General Assembly.

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

14 (40 ILCS 5/18-169)

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

17 (a) As used in this Section, "new benefit increase" means
18 an increase in the amount of any benefit provided under this
19 Article, or an expansion of the conditions of eligibility for
20 any benefit under this Article, that results from an amendment
21 to this Code that takes effect after June 1, 2005 (the
22 effective date Public Act 94-4) ~~of this amendatory Act of the~~
23 ~~94th General Assembly~~. "New benefit increase", however, does
24 not include any benefit increase resulting from the changes
25 made to this Article by this amendatory Act of the 96th General

1 Assembly.

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

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

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

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

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

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

18 Section 25. The Riverboat Gambling Act is amended by
19 changing Sections 4, 5, 5.1, 6, 7, 9, 11, 12, 13, 15, and 18 and
20 by adding Sections 5.2 and 12.1 as follows:

21 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

24 (b) "Occupational license" means a license issued by the

1 Board to a person or entity to perform an occupation which the
2 Board has identified as requiring a license to engage in
3 riverboat gambling in Illinois.

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

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

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

18 (f) "Dock" means the location where a riverboat moors for
19 the purpose of embarking passengers for and disembarking
20 passengers from the riverboat.

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

24 (h) "Adjusted gross receipts" means the gross receipts less
25 winnings paid to wagerers.

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

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

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

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

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

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

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

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

15 Sec. 5. Gaming Board.

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

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

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

26 (4) The chairman of the Board shall receive an annual

1 salary of \$80,000, or as set by the Compensation Review Board,
2 whichever is higher. Other members of the Board shall receive
3 an annual salary of \$55,000, or as set by the Compensation
4 Review Board, whichever is higher. ~~Each member of the Board~~
5 ~~shall receive \$300 for each day the Board meets and for each~~
6 ~~day the member conducts any hearing pursuant to this Act. Each~~
7 member of the Board shall also be reimbursed for all actual and
8 necessary expenses and disbursements incurred in the execution
9 of official duties.

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

23 (5.5) No member of the Board shall engage in any political
24 activity. For the purposes of this Section, "political" means
25 any activity in support of or in connection with any campaign
26 for federal, State, or local elective office or any political

1 organization, but does not include activities (i) relating to
2 the support or opposition of any executive, legislative, or
3 administrative action (as those terms are defined in Section 2
4 of the Lobbyist Registration Act), (ii) relating to collective
5 bargaining, or (iii) that are otherwise in furtherance of the
6 person's official State duties or governmental and public
7 service functions.

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

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

1 any bond given by any member of the Board under this Section
2 shall be taken to be a part of the necessary expenses of the
3 Board.

4 (8) ~~The~~ Upon the request of the Board, the Department shall
5 employ such personnel as may be necessary to carry out its the
6 functions and shall determine the salaries of all personnel,
7 except those personnel whose salaries are determined under the
8 terms of a collective bargaining agreement of the Board. No
9 person shall be employed to serve the Board who is, or whose
10 spouse, parent or child is, an official of, or has a financial
11 interest in or financial relation with, any operator engaged in
12 gambling operations within this State or any organization
13 engaged in conducting horse racing within this State. Any
14 employee violating these prohibitions shall be subject to
15 termination of employment.

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

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

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

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

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

25 (4) To provide for the establishment and collection of
26 all license and registration fees and taxes imposed by this

1 Act and the rules and regulations issued pursuant hereto.
2 All such fees and taxes shall be deposited into the State
3 Gaming Fund;

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

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

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

26 (8) To hold at least one meeting each quarter of the

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

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

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

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

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

14 (13) To adopt, by rule, a code of conduct governing
15 Board members and employees that ensure, to the maximum
16 extent possible, that persons subject to this Code avoid
17 situations, relationships, or associations that may
18 represent or lead to a conflict of interest.

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

24 (1) To investigate applicants and determine the
25 eligibility of applicants for licenses and to select among
26 competing applicants the applicants which best serve the

1 interests of the citizens of Illinois.

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

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

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

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

26 (6) To adopt standards for the licensing of all persons

1 under this Act, as well as for electronic or mechanical
2 gambling games, and to establish fees for such licenses.

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

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

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

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

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

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

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

26 (13) To require all licensees of gambling operations to

1 utilize a cashless wagering system whereby all players'
2 money is converted to tokens, electronic cards, or chips
3 which shall be used only for wagering in the gambling
4 establishment.

5 (14) (Blank).

6 (15) To suspend, revoke or restrict licenses, to
7 require the removal of a licensee or an employee of a
8 licensee for a violation of this Act or a Board rule or for
9 engaging in a fraudulent practice, and to impose civil
10 penalties of up to \$5,000 against individuals and up to
11 \$10,000 or an amount equal to the daily gross receipts,
12 whichever is larger, against licensees for each violation
13 of any provision of the Act, any rules adopted by the
14 Board, any order of the Board or any other action which, in
15 the Board's discretion, is a detriment or impediment to
16 riverboat gambling operations.

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

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

22 (18) To authorize a licensee to sell or serve alcoholic
23 liquors, wine or beer as defined in the Liquor Control Act
24 of 1934 on board a riverboat and to have exclusive
25 authority to establish the hours for sale and consumption
26 of alcoholic liquor on board a riverboat, notwithstanding

1 any provision of the Liquor Control Act of 1934 or any
2 local ordinance, and regardless of whether the riverboat
3 makes excursions. The establishment of the hours for sale
4 and consumption of alcoholic liquor on board a riverboat is
5 an exclusive power and function of the State. A home rule
6 unit may not establish the hours for sale and consumption
7 of alcoholic liquor on board a riverboat. This amendatory
8 Act of 1991 is a denial and limitation of home rule powers
9 and functions under subsection (h) of Section 6 of Article
10 VII of the Illinois Constitution.

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

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

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

22 (20.6) To appoint investigators to conduct
23 investigations, searches, seizures, arrests, and other
24 duties imposed under this Act, as deemed necessary by the
25 Board. These investigators have and may exercise all of the
26 rights and powers of peace officers, provided that these

1 powers shall be limited to offenses or violations occurring
2 or committed on a riverboat or dock, as defined in
3 subsections (d) and (f) of Section 4, or as otherwise
4 provided by this Act or any other law.

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

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

25 (d) The Board may seek and shall receive the cooperation of
26 the Department of State Police in conducting background

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

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

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

15 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

16 Sec. 5.1. Disclosure of records.

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

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

25 (2) An identification of any applicant or licensee

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

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

23 (4) Whether an applicant or licensee has been indicted,
24 convicted, pleaded guilty or nolo contendere, or forfeited
25 bail concerning any criminal offense under the laws of any
26 jurisdiction, either felony or misdemeanor (except for

1 traffic violations), including the date, the name and
2 location of the court, arresting agency and prosecuting
3 agency, the case number, the offense, the disposition and
4 the location and length of incarceration.

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

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

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

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

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

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

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

26 (12) A description of the product or service to be

1 supplied by an applicant for a supplier's license.

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

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

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

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

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

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

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

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

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

23 (230 ILCS 10/5.2 new)

24 Sec. 5.2. Separation from Department of Revenue. On the
25 effective date of this amendatory Act of the 96th General

1 Assembly, all of the powers, duties, assets, liabilities,
2 employees, contracts, property, records, pending business, and
3 unexpended appropriations of the Department of Revenue related
4 to the administration and enforcement of this Act are
5 transferred to the Illinois Gaming Board.

6 The status and rights of the transferred employees, and the
7 rights of the State of Illinois and its agencies, under the
8 Personnel Code and applicable collective bargaining agreements
9 or under any pension, retirement, or annuity plan are not
10 affected (except as provided in Sections 14-110 and 18-127 of
11 the Illinois Pension Code) by that transfer or by any other
12 provision of this amendatory Act of the 96th General Assembly.

13 (230 ILCS 10/6) (from Ch. 120, par. 2406)

14 Sec. 6. Application for Owners License.

15 (a) A qualified person may apply to the Board for an owners
16 license to conduct a riverboat gambling operation as provided
17 in this Act. The application shall be made on forms provided by
18 the Board and shall contain such information as the Board
19 prescribes, including but not limited to the identity of the
20 riverboat on which such gambling operation is to be conducted
21 and the exact location where such riverboat will be docked, a
22 certification that the riverboat will be registered under this
23 Act at all times during which gambling operations are conducted
24 on board, detailed information regarding the ownership and
25 management of the applicant, and detailed personal information

1 regarding the applicant. Any application for an owners license
2 to be re-issued on or after June 1, 2003 shall also include the
3 applicant's license bid in a form prescribed by the Board.
4 Information provided on the application shall be used as a
5 basis for a thorough background investigation which the Board
6 shall conduct with respect to each applicant. An incomplete
7 application shall be cause for denial of a license by the
8 Board.

9 (b) Applicants shall submit with their application all
10 documents, resolutions, and letters of support from the
11 governing body that represents the municipality or county
12 wherein the licensee will dock.

13 (c) Each applicant shall disclose the identity of every
14 person, association, trust or corporation having a greater than
15 1% direct or indirect pecuniary interest in the riverboat
16 gambling operation with respect to which the license is sought.
17 If the disclosed entity is a trust, the application shall
18 disclose the names and addresses of the beneficiaries; if a
19 corporation, the names and addresses of all stockholders and
20 directors; if a partnership, the names and addresses of all
21 partners, both general and limited.

22 (d) An application shall be filed and considered in
23 accordance with the rules of the Board ~~with the Board by~~
24 ~~January 1 of the year preceding any calendar year for which an~~
25 ~~applicant seeks an owners license; however, applications for an~~
26 ~~owners license permitting operations on January 1, 1991 shall~~

1 ~~be filed by July 1, 1990.~~ An application fee of \$50,000 shall
2 be paid at the time of filing to defray the costs associated
3 with the background investigation conducted by the Board. If
4 the costs of the investigation exceed \$50,000, the applicant
5 shall pay the additional amount to the Board. If the costs of
6 the investigation are less than \$50,000, the applicant shall
7 receive a refund of the remaining amount. All information,
8 records, interviews, reports, statements, memoranda or other
9 data supplied to or used by the Board in the course of its
10 review or investigation of an application for a license under
11 this Act shall be privileged, strictly confidential and shall
12 be used only for the purpose of evaluating an applicant. Such
13 information, records, interviews, reports, statements,
14 memoranda or other data shall not be admissible as evidence,
15 nor discoverable in any action of any kind in any court or
16 before any tribunal, board, agency or person, except for any
17 action deemed necessary by the Board.

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

23 (f) The licensed owner shall be the person primarily
24 responsible for the boat itself. Only one riverboat gambling
25 operation may be authorized by the Board on any riverboat. The
26 applicant must identify each riverboat it intends to use and

1 certify that the riverboat: (1) has the authorized capacity
2 required in this Act; (2) is accessible to disabled persons;
3 and (3) is fully registered and licensed in accordance with any
4 applicable laws.

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

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

8 (230 ILCS 10/7) (from Ch. 120, par. 2407)

9 Sec. 7. Owners Licenses.

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

1 as stringent or more stringent than the tax rate contained in
2 subsection (a-3) of Section 13, whichever occurs first, as a
3 condition of licensure and as an alternative source of payment
4 for those funds payable under subsection (c-5) of Section 13 of
5 the Riverboat Gambling Act, any owners licensee that holds or
6 receives its owners license on or after the effective date of
7 this amendatory Act of the 94th General Assembly, other than an
8 owners licensee operating a riverboat with adjusted gross
9 receipts in calendar year 2004 of less than \$200,000,000, must
10 pay into the Horse Racing Equity Trust Fund, in addition to any
11 other payments required under this Act, an amount equal to 3%
12 of the adjusted gross receipts received by the owners licensee.
13 The payments required under this Section shall be made by the
14 owners licensee to the State Treasurer no later than 3:00
15 o'clock p.m. of the day after the day when the adjusted gross
16 receipts were received by the owners licensee. A person, firm
17 or corporation is ineligible to receive an owners license if:

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

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

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

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

26 (5) a person defined in (1), (2), (3) or (4) is an

1 officer, director or managerial employee of the firm or
2 corporation;

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

7 (7) (blank); or

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

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

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

21 (1) the character, reputation, experience and
22 financial integrity of the applicants and of any other or
23 separate person that either:

24 (A) controls, directly or indirectly, such
25 applicant, or

26 (B) is controlled, directly or indirectly, by such

1 applicant or by a person which controls, directly or
2 indirectly, such applicant;

3 (2) the facilities or proposed facilities for the
4 conduct of riverboat gambling;

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

7 (4) the extent to which the ownership of the applicant
8 reflects the diversity of the State by including minority
9 persons, ~~and~~ females, and persons with a disability and the
10 good faith affirmative action plan of each applicant to
11 recruit, train and upgrade minority persons, ~~and~~ females,
12 and persons with a disability in all employment
13 classifications;

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

16 (6) whether the applicant has adequate capitalization
17 to provide and maintain, for the duration of a license, a
18 riverboat;

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

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

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

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

1 (e) The Board may issue up to 10 licenses authorizing the
2 holders of such licenses to own riverboats. In the application
3 for an owners license, the applicant shall state the dock at
4 which the riverboat is based and the water on which the
5 riverboat will be located. The Board shall issue 5 licenses to
6 become effective not earlier than January 1, 1991. Three of
7 such licenses shall authorize riverboat gambling on the
8 Mississippi River, or, with approval by the municipality in
9 which the riverboat was docked on August 7, 2003 and with Board
10 approval, be authorized to relocate to a new location, in a
11 municipality that (1) borders on the Mississippi River or is
12 within 5 miles of the city limits of a municipality that
13 borders on the Mississippi River and (2), on August 7, 2003,
14 had a riverboat conducting riverboat gambling operations
15 pursuant to a license issued under this Act; one of which shall
16 authorize riverboat gambling from a home dock in the city of
17 East St. Louis. One other license shall authorize riverboat
18 gambling on the Illinois River south of Marshall County. The
19 Board shall issue one additional license to become effective
20 not earlier than March 1, 1992, which shall authorize riverboat
21 gambling on the Des Plaines River in Will County. The Board may
22 issue 4 additional licenses to become effective not earlier
23 than March 1, 1992. In determining the water upon which
24 riverboats will operate, the Board shall consider the economic
25 benefit which riverboat gambling confers on the State, and
26 shall seek to assure that all regions of the State share in the

1 economic benefits of riverboat gambling.

2 In granting all licenses, the Board may give favorable
3 consideration to economically depressed areas of the State, to
4 applicants presenting plans which provide for significant
5 economic development over a large geographic area, and to
6 applicants who currently operate non-gambling riverboats in
7 Illinois. The Board shall review all applications for owners
8 licenses, and shall inform each applicant of the Board's
9 decision. The Board may grant an owners license to an applicant
10 that has not submitted the highest license bid, but if it does
11 not select the highest bidder, the Board shall issue a written
12 decision explaining why another applicant was selected and
13 identifying the factors set forth in this Section that favored
14 the winning bidder.

15 In addition to any other revocation powers granted to the
16 Board under this Act, the Board may revoke the owners license
17 of a licensee which fails to begin conducting gambling within
18 15 months of receipt of the Board's approval of the application
19 if the Board determines that license revocation is in the best
20 interests of the State.

21 (f) The first 10 owners licenses issued under this Act
22 shall permit the holder to own up to 2 riverboats and equipment
23 thereon for a period of 3 years after the effective date of the
24 license. Holders of the first 10 owners licenses must pay the
25 annual license fee for each of the 3 years during which they
26 are authorized to own riverboats.

1 (g) Upon the termination, expiration, or revocation of each
2 of the first 10 licenses, which shall be issued for a 3 year
3 period, all licenses are renewable annually upon payment of the
4 fee and a determination by the Board that the licensee
5 continues to meet all of the requirements of this Act and the
6 Board's rules. However, for licenses renewed on or after May 1,
7 1998, renewal shall be for a period of 4 years, unless the
8 Board sets a shorter period.

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

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

1 riverboat.

2 (j) The Board may issue or re-issue a license authorizing a
3 riverboat to dock in a municipality or approve a relocation
4 under Section 11.2 only if, prior to the issuance or
5 re-issuance of the license or approval, the governing body of
6 the municipality in which the riverboat will dock has by a
7 majority vote approved the docking of riverboats in the
8 municipality. The Board may issue or re-issue a license
9 authorizing a riverboat to dock in areas of a county outside
10 any municipality or approve a relocation under Section 11.2
11 only if, prior to the issuance or re-issuance of the license or
12 approval, the governing body of the county has by a majority
13 vote approved of the docking of riverboats within such areas.
14 (Source: P.A. 94-667, eff. 8-23-05; 94-804, eff. 5-26-06;
15 95-1008, eff. 12-15-08.)

16 (230 ILCS 10/9) (from Ch. 120, par. 2409)

17 Sec. 9. Occupational licenses.

18 (a) The Board may issue an occupational license to an
19 applicant upon the payment of a non-refundable fee set by the
20 Board, upon a determination by the Board that the applicant is
21 eligible for an occupational license and upon payment of an
22 annual license fee in an amount to be established. To be
23 eligible for an occupational license, an applicant must:

24 (1) be at least 21 years of age if the applicant will
25 perform any function involved in gaming by patrons. Any

1 applicant seeking an occupational license for a non-gaming
2 function shall be at least 18 years of age;

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

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

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

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

1 (b) Each application for an occupational license shall be
2 on forms prescribed by the Board and shall contain all
3 information required by the Board. The applicant shall set
4 forth in the application: whether he has been issued prior
5 gambling related licenses; whether he has been licensed in any
6 other state under any other name, and, if so, such name and his
7 age; and whether or not a permit or license issued to him in
8 any other state has been suspended, restricted or revoked, and,
9 if so, for what period of time.

10 (c) Each applicant shall submit with his application, on
11 forms provided by the Board, 2 sets of his fingerprints. The
12 Board shall charge each applicant a fee set by the Department
13 of State Police to defray the costs associated with the search
14 and classification of fingerprints obtained by the Board with
15 respect to the applicant's application. These fees shall be
16 paid into the State Police Services Fund.

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

25 (e) The Board may suspend, revoke or restrict any
26 occupational licensee: (1) for violation of any provision of

1 this Act; (2) for violation of any of the rules and regulations
2 of the Board; (3) for any cause which, if known to the Board,
3 would have disqualified the applicant from receiving such
4 license; or (4) for default in the payment of any obligation or
5 debt due to the State of Illinois; or (5) for any other just
6 cause.

7 (f) A person who knowingly makes a false statement on an
8 application is guilty of a Class A misdemeanor.

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

11 (h) Nothing in this Act shall be interpreted to prohibit a
12 licensed owner from entering into an agreement with a public
13 community college or a school approved under the Private
14 Business and Vocational Schools Act for the training of any
15 occupational licensee. Any training offered by such a school
16 shall be in accordance with a written agreement between the
17 licensed owner and the school.

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

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

23 (230 ILCS 10/11) (from Ch. 120, par. 2411)

24 Sec. 11. Conduct of gambling. Gambling may be conducted by
25 licensed owners or licensed managers on behalf of the State

1 aboard riverboats, subject to the following standards:

2 (1) A licensee may conduct riverboat gambling
3 authorized under this Act regardless of whether it conducts
4 excursion cruises. A licensee may permit the continuous
5 ingress and egress of passengers on a riverboat not used
6 for excursion cruises for the purpose of gambling.
7 Excursion cruises shall not exceed 4 hours for a round
8 trip. However, the Board may grant express approval for an
9 extended cruise on a case-by-case basis.

10 (2) (Blank).

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

13 (4) Agents of the Board and the Department of State
14 Police may board and inspect any riverboat at any time for
15 the purpose of determining whether this Act is being
16 complied with. Every riverboat, if under way and being
17 hailed by a law enforcement officer or agent of the Board,
18 must stop immediately and lay to.

19 (5) Employees of the Board shall have the right to be
20 present on the riverboat or on adjacent facilities under
21 the control of the licensee.

22 (6) Gambling equipment and supplies customarily used
23 in conducting riverboat gambling must be purchased or
24 leased only from suppliers licensed for such purpose under
25 this Act. The Board may approve the transfer, sale, or
26 lease of gambling equipment and supplies by a licensed

1 owner from or to an affiliate of the licensed owner as long
2 as the gambling equipment and supplies were initially
3 acquired from a supplier licensed in Illinois.

4 (7) Persons licensed under this Act shall permit no
5 form of wagering on gambling games except as permitted by
6 this Act.

7 (8) Wagers may be received only from a person present
8 on a licensed riverboat. No person present on a licensed
9 riverboat shall place or attempt to place a wager on behalf
10 of another person who is not present on the riverboat.

11 (9) Wagering shall not be conducted with money or other
12 negotiable currency.

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

25 (11) Gambling excursion cruises are permitted only
26 when the waterway for which the riverboat is licensed is

1 navigable, as determined by the Board in consultation with
2 the U.S. Army Corps of Engineers. This paragraph (11) does
3 not limit the ability of a licensee to conduct gambling
4 authorized under this Act when gambling excursion cruises
5 are not permitted.

6 (12) All tokens, chips or electronic cards used to make
7 wagers must be purchased from a licensed owner or manager
8 either aboard a riverboat or at an onshore facility which
9 has been approved by the Board and which is located where
10 the riverboat docks. The tokens, chips or electronic cards
11 may be purchased by means of an agreement under which the
12 owner or manager extends credit to the patron. Such tokens,
13 chips or electronic cards may be used while aboard the
14 riverboat only for the purpose of making wagers on gambling
15 games.

16 (13) Notwithstanding any other Section of this Act, in
17 addition to the other licenses authorized under this Act,
18 the Board may issue special event licenses allowing persons
19 who are not otherwise licensed to conduct riverboat
20 gambling to conduct such gambling on a specified date or
21 series of dates. Riverboat gambling under such a license
22 may take place on a riverboat not normally used for
23 riverboat gambling. The Board shall establish standards,
24 fees and fines for, and limitations upon, such licenses,
25 which may differ from the standards, fees, fines and
26 limitations otherwise applicable under this Act. All such

1 fees shall be deposited into the State Gaming Fund. All
2 such fines shall be deposited into the Education Assistance
3 Fund, created by Public Act 86-0018, of the State of
4 Illinois.

5 (14) In addition to the above, gambling must be
6 conducted in accordance with all rules adopted by the
7 Board.

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

9 (230 ILCS 10/12) (from Ch. 120, par. 2412)

10 Sec. 12. Admission tax; fees.

11 (a) A tax is hereby imposed upon admissions to riverboats
12 operated by licensed owners authorized pursuant to this Act.
13 Until July 1, 2002, the rate is \$2 per person admitted. From
14 July 1, 2002 until July 1, 2003, the rate is \$3 per person
15 admitted. From July 1, 2003 until August 23, 2005 (the
16 effective date of Public Act 94-673) ~~this amendatory Act of the~~
17 ~~94th General Assembly~~, for a licensee that admitted 1,000,000
18 persons or fewer in the previous calendar year, the rate is \$3
19 per person admitted; for a licensee that admitted more than
20 1,000,000 but no more than 2,300,000 persons in the previous
21 calendar year, the rate is \$4 per person admitted; and for a
22 licensee that admitted more than 2,300,000 persons in the
23 previous calendar year, the rate is \$5 per person admitted.
24 From August 23, 2005 (~~Beginning on~~ the effective date of Public
25 Act 94-673) until the effective date of this amendatory Act of

1 ~~the 96th General Assembly this amendatory Act of the 94th~~
2 ~~General Assembly,~~ for a licensee that admitted 1,000,000
3 persons or fewer in calendar year 2004, the rate is \$2 per
4 person admitted, and for all other licensees the rate is \$3 per
5 person admitted. Beginning on the effective date of this
6 amendatory Act of the 96th General Assembly, the rate is \$3 per
7 person admitted for all owners licensees. This admission tax is
8 imposed upon the licensed owner conducting gambling.

9 (1) The admission tax shall be paid for each admission,
10 except that a person who exits a riverboat gambling
11 facility and reenters that riverboat gambling facility
12 within the same gaming day shall be subject only to the
13 initial admission tax.

14 (2) (Blank).

15 (3) The riverboat licensee may issue tax-free passes to
16 actual and necessary officials and employees of the
17 licensee or other persons actually working on the
18 riverboat.

19 (4) The number and issuance of tax-free passes is
20 subject to the rules of the Board, and a list of all
21 persons to whom the tax-free passes are issued shall be
22 filed with the Board.

23 (a-5) A fee is hereby imposed upon admissions operated by
24 licensed managers on behalf of the State pursuant to Section
25 7.3 at the rates provided in this subsection (a-5). For a
26 licensee that admitted 1,000,000 persons or fewer in the

1 previous calendar year, the rate is \$3 per person admitted; for
2 a licensee that admitted more than 1,000,000 but no more than
3 2,300,000 persons in the previous calendar year, the rate is \$4
4 per person admitted; and for a licensee that admitted more than
5 2,300,000 persons in the previous calendar year, the rate is \$5
6 per person admitted.

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

8 (2) (Blank).

9 (3) The licensed manager may issue fee-free passes to
10 actual and necessary officials and employees of the manager
11 or other persons actually working on the riverboat.

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

16 (b) From the tax imposed under subsection (a) and the fee
17 imposed under subsection (a-5), a municipality shall receive
18 from the State \$1 for each person embarking on a riverboat
19 docked within the municipality, and a county shall receive \$1
20 for each person embarking on a riverboat docked within the
21 county but outside the boundaries of any municipality. The
22 municipality's or county's share shall be collected by the
23 Board on behalf of the State and remitted quarterly by the
24 State, subject to appropriation, to the treasurer of the unit
25 of local government for deposit in the general fund.

26 (c) The licensed owner shall pay the entire admission tax

1 to the Board and the licensed manager shall pay the entire
2 admission fee to the Board. Such payments shall be made daily.
3 Accompanying each payment shall be a return on forms provided
4 by the Board which shall include other information regarding
5 admissions as the Board may require. Failure to submit either
6 the payment or the return within the specified time may result
7 in suspension or revocation of the owners or managers license.

8 (d) The Board shall administer and collect the admission
9 tax imposed by this Section, to the extent practicable, in a
10 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
11 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the
12 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
13 Penalty and Interest Act.

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

15 (230 ILCS 10/12.1 new)

16 Sec. 12.1. Assessments for administration and enforcement.
17 Not later than March 31 of each year, the Board shall compute
18 its total estimated costs for the forthcoming State fiscal
19 year. As used in this Section, "total estimated costs" includes
20 all costs incurred by the Board for administration and
21 enforcement of the Act, except that "total estimated costs"
22 shall not include costs incurred by the Board in connection
23 with either of the following: (1) application for a new or
24 re-issued owner license or (2) regulation of an owner licensee
25 that has not conducted gaming operations during the entire

1 calendar year preceding the date of the Board's computation of
2 total estimated costs. Owner licensees shall be liable for
3 assessments that, in the aggregate, fully cover the Board's
4 total estimated costs for the forthcoming State fiscal year.
5 The assessment for each riverboat shall be prorated according
6 to the adjusted gross receipts of the riverboat during the
7 calendar year preceding the date of the Board's computation of
8 total estimated costs. A riverboat that has not conducted
9 gaming operations during the entire calendar year preceding the
10 date of the Board's computation of total estimated costs shall
11 not be liable for an assessment. If the Board determines that
12 there will be a shortfall in monies available to the Board to
13 cover its total estimated costs, the Board shall collect the
14 estimated shortfall amount from the owner licensees liable for
15 assessments, prorating the amount collected from each owner
16 licensee according to the adjusted gross receipts of the owner
17 licensee during the calendar year preceding the date of the
18 Board's computation of total estimated costs. All assessments
19 under this Section shall be deposited into a special fund in
20 the State Treasury to be known as the Gaming Administration and
21 Enforcement Fund. Moneys in this Fund shall be appropriated
22 solely for the administration and enforcement of this Act.
23 Moneys remaining in the Gaming Administration and Enforcement
24 Fund at the end of a State fiscal year shall be credited in
25 full to the next assessment paid by the owner licensees,
26 prorating the amount of the credit to which each owner licensee

1 is entitled according to the licensee's adjusted gross receipts
2 during the calendar year preceding the end of that State fiscal
3 year. Costs incurred by the Board for the administration and
4 enforcement of the Act that are not part of the Board's total
5 estimated costs shall be paid out of moneys appropriated to the
6 Board from the State Gaming Fund. The Board shall compute total
7 estimated costs according to a methodology developed and
8 codified into rule by the Board. The Board shall adopt
9 schedules of payments due under this Section by rule.

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

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

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

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

20 15% of annual adjusted gross receipts up to and
21 including \$25,000,000;

22 20% of annual adjusted gross receipts in excess of
23 \$25,000,000 but not exceeding \$50,000,000;

24 25% of annual adjusted gross receipts in excess of
25 \$50,000,000 but not exceeding \$75,000,000;

1 30% of annual adjusted gross receipts in excess of
2 \$75,000,000 but not exceeding \$100,000,000;

3 35% of annual adjusted gross receipts in excess of
4 \$100,000,000.

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

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

14 22.5% of annual adjusted gross receipts in excess of
15 \$25,000,000 but not exceeding \$50,000,000;

16 27.5% of annual adjusted gross receipts in excess of
17 \$50,000,000 but not exceeding \$75,000,000;

18 32.5% of annual adjusted gross receipts in excess of
19 \$75,000,000 but not exceeding \$100,000,000;

20 37.5% of annual adjusted gross receipts in excess of
21 \$100,000,000 but not exceeding \$150,000,000;

22 45% of annual adjusted gross receipts in excess of
23 \$150,000,000 but not exceeding \$200,000,000;

24 50% of annual adjusted gross receipts in excess of
25 \$200,000,000.

26 (a-3) Beginning July 1, 2003, a privilege tax is imposed on

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

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

9 27.5% of annual adjusted gross receipts in excess of
10 \$25,000,000 but not exceeding \$37,500,000;

11 32.5% of annual adjusted gross receipts in excess of
12 \$37,500,000 but not exceeding \$50,000,000;

13 37.5% of annual adjusted gross receipts in excess of
14 \$50,000,000 but not exceeding \$75,000,000;

15 45% of annual adjusted gross receipts in excess of
16 \$75,000,000 but not exceeding \$100,000,000;

17 50% of annual adjusted gross receipts in excess of
18 \$100,000,000 but not exceeding \$250,000,000;

19 70% of annual adjusted gross receipts in excess of
20 \$250,000,000.

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

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

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

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

19 15% of annual adjusted gross receipts up to and
20 including \$25,000,000;

21 22.5% of annual adjusted gross receipts in excess of
22 \$25,000,000 but not exceeding \$50,000,000;

23 27.5% of annual adjusted gross receipts in excess of
24 \$50,000,000 but not exceeding \$75,000,000;

25 32.5% of annual adjusted gross receipts in excess of
26 \$75,000,000 but not exceeding \$100,000,000;

1 37.5% of annual adjusted gross receipts in excess of
2 \$100,000,000 but not exceeding \$150,000,000;

3 45% of annual adjusted gross receipts in excess of
4 \$150,000,000 but not exceeding \$200,000,000;

5 50% of annual adjusted gross receipts in excess of
6 \$200,000,000.

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

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

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

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

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

1 "Act of God" means an incident caused by the operation of
2 an extraordinary force that cannot be foreseen, that cannot be
3 avoided by the exercise of due care, and for which no person
4 can be held liable.

5 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

20 The changes made to this subsection (a-15) by Public Act
21 94-839 are intended to restate and clarify the intent of Public
22 Act 94-673 with respect to the amount of the payments required
23 to be made under this subsection by an owners licensee to the
24 Board.

25 (b) Until January 1, 1998, 25% of the tax revenue deposited
26 in the State Gaming Fund under this Section shall be paid,

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

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

25 (c-5) Before May 26, 2006 (the effective date of Public Act
26 94-804) and beginning on the effective date of this amendatory

1 Act of the 95th General Assembly, unless any organization
2 licensee under the Illinois Horse Racing Act of 1975 begins to
3 operate a slot machine or video game of chance under the
4 Illinois Horse Racing Act of 1975 or this Act, after the
5 payments required under subsections (b) and (c) have been made,
6 an amount equal to 15% of the adjusted gross receipts of (1) an
7 owners licensee that relocates pursuant to Section 11.2, (2) an
8 owners licensee conducting riverboat gambling operations
9 pursuant to an owners license that is initially issued after
10 June 25, 1999, or (3) the first riverboat gambling operations
11 conducted by a licensed manager on behalf of the State under
12 Section 7.3, whichever comes first, shall be paid from the
13 State Gaming Fund into the Horse Racing Equity Fund.

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

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

1 General Assembly, from the State Gaming Fund to each home rule
2 county with a population of over 3,000,000 inhabitants for the
3 purpose of enhancing the county's criminal justice system.

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

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

19 (d) From time to time, the Board shall transfer the
20 remainder of the funds generated by this Act into the Education
21 Assistance Fund, created by Public Act 86-0018, of the State of
22 Illinois.

23 (e) Nothing in this Act shall prohibit the unit of local
24 government designated as the home dock of the riverboat from
25 entering into agreements with other units of local government
26 in this State or in other states to share its portion of the

1 tax revenue.

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

8 (Source: P.A. 94-673, eff. 8-23-05; 94-804, eff. 5-26-06;
9 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-1008, eff.
10 12-15-08.)

11 (230 ILCS 10/15) (from Ch. 120, par. 2415)

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

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

2 (230 ILCS 10/18) (from Ch. 120, par. 2418)

3 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

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

13 or

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

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

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

23 (1) Offers, promises, or gives anything of value or
24 benefit to a person who is connected with a riverboat owner
25 including, but not limited to, an officer or employee of a

1 licensed owner or holder of an occupational license
2 pursuant to an agreement or arrangement or with the intent
3 that the promise or thing of value or benefit will
4 influence the actions of the person to whom the offer,
5 promise, or gift was made in order to affect or attempt to
6 affect the outcome of a gambling game, or to influence
7 official action of a member of the Board.

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

18 (3) Uses or possesses with the intent to use a device
19 to assist:

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

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

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

24 (iv) In analyzing the strategy for playing or
25 betting to be used in the game except as permitted by
26 the Board.

1 (4) Cheats at a gambling game.

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

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

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

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

19 (9) Uses counterfeit chips or tokens in a gambling
20 game.

21 (10) Possesses any key or device designed for the
22 purpose of opening, entering, or affecting the operation of
23 a gambling game, drop box, or an electronic or mechanical
24 device connected with the gambling game or for removing
25 coins, tokens, chips or other contents of a gambling game.
26 This paragraph (10) does not apply to a gambling licensee

1 or employee of a gambling licensee acting in furtherance of
2 the employee's employment.

3 (e) The possession of more than one of the devices
4 described in subsection (d), paragraphs (3), (5), or (10)
5 permits a rebuttable presumption that the possessor intended to
6 use the devices for cheating.

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

12 An action to prosecute any crime occurring on a riverboat
13 shall be tried in the county of the dock at which the riverboat
14 is based.

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

16 Section 99. Effective date. This Act takes effect July 1,
17 2009.".