

1 AN ACT concerning government.

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

4 Article 1.

5 Section 1-1. Short Title. This Act may be cited as the
6 FY2010 Budget Implementation (Capital) Act.

7 Section 1-3. Purpose. It is the purpose of this Act to make
8 changes in state programs that are necessary to implement the
9 Governor's Fiscal Year 2010 budget recommendations concerning
10 capital.

11 Article 5.

12 Section 5-5. The Department of Public Health Powers and
13 Duties Law of the Civil Administrative Code of Illinois is
14 amended by adding Section 2310-640 as follows:

15 (20 ILCS 2310/2310-640 new)

16 Sec. 2310-640. Hospital Capital Investment Program.

17 (a) Subject to appropriation, the Department shall
18 establish and administer a program to award capital grants to
19 Illinois hospitals licensed under the Hospital Licensing Act.

1 Grants awarded under this program shall only be used to fund
2 capital projects to improve or renovate the hospital's facility
3 or to improve, replace or acquire the hospital's equipment or
4 technology. Such projects may include, but are not limited to,
5 projects to satisfy any building code, safety standard or life
6 safety code; projects to maintain, improve, renovate, expand or
7 construct buildings or structures; projects to maintain,
8 establish or improve health information technology; or
9 projects to maintain or improve patient safety, quality of care
10 or access to care.

11 The Department shall establish rules necessary to
12 implement the Hospital Capital Investment Program, including
13 application standards, requirements for the distribution and
14 obligation of grant funds, accounting for the use of the funds,
15 reporting the status of funded projects, and standards for
16 monitoring compliance with standards. In awarding grants under
17 this Section, the Department shall consider criteria that
18 include but are not limited to: the financial requirements of
19 the project and the extent to which the grant makes it possible
20 to implement the project; the proposed project's likely benefit
21 in terms of patient safety or quality of care; and the proposed
22 project's likely benefit in terms of maintaining or improving
23 access to care.

24 The Department shall approve a hospital's eligibility for a
25 hospital capital investment grant pursuant to the standards
26 established by this Section. The Department shall determine

1 eligible project costs, including but not limited to the use of
2 funds for the acquisition, development, construction,
3 reconstruction, rehabilitation, improvement, architectural
4 planning, engineering, and installation of capital facilities
5 consisting of buildings, structures, technology and durable
6 equipment for hospital purposes. No portion of a hospital
7 capital investment grant awarded by the Department may be used
8 by a hospital to pay for any on-going operational costs, pay
9 outstanding debt, or be allocated to an endowment or other
10 invested fund.

11 Nothing in this Section shall exempt nor relieve any
12 hospital receiving a grant under this Section from any
13 requirement of the Illinois Health Facilities Planning Act.

14 (b) Safety Net Hospital Grants. The Department shall make
15 capital grants to hospitals eligible for safety net hospital
16 grants under this subsection. The total amount of grants to any
17 individual hospital shall be no less than \$2,500,000 and no
18 more than \$7,000,000. The total amount of grants to hospitals
19 under this subsection shall not exceed \$100,000,000. Hospitals
20 that satisfy one of the following criteria shall be eligible to
21 apply for safety net hospital grants:

22 (1) Any general acute care hospital located in a county
23 of over 3,000,000 inhabitants that has a Medicaid inpatient
24 utilization rate for the rate year beginning on October 1,
25 2008 greater than 43%, that is not affiliated with a
26 hospital system that owns or operates more than 3

1 hospitals, and that has more than 13,500 Medicaid inpatient
2 days.

3 (2) Any general acute care hospital that is located in
4 a county of more than 3,000,000 inhabitants and has a
5 Medicaid inpatient utilization rate for the rate year
6 beginning on October 1, 2008 greater than 55% and has
7 authorized beds for the obstetric-gynecology category of
8 service as reported in the 2008 Annual Hospital Bed Report,
9 issued by the Illinois Department of Public Health.

10 (3) Any hospital that is defined in 89 Illinois
11 Administrative Code Section 149.50(c)(3)(A) and that has
12 less than 20,000 Medicaid inpatient days.

13 (4) Any general acute care hospital that is located in
14 a county of less than 3,000,000 inhabitants and has a
15 Medicaid inpatient utilization rate for the rate year
16 beginning on October 1, 2008 greater than 64%.

17 (5) Any general acute care hospital that is located in
18 a county of over 3,000,000 inhabitants and a city of less
19 than 1,000,000 inhabitants, that has a Medicaid inpatient
20 utilization rate for the rate year beginning on October 1,
21 2008 greater than 22%, that has more than 12,000 Medicaid
22 inpatient days, and that has a case mix index greater than
23 0.71.

24 (c) Community Hospital Grants. The Department shall make a
25 one-time capital grant to any public or not-for-profit
26 hospitals located in counties of less than 3,000,000

1 inhabitants that are not otherwise eligible for a grant under
2 subsection (b) of this Section and that have a Medicaid
3 inpatient utilization rate for the rate year beginning on
4 October 1, 2008 of at least 10%. The total amount of grants
5 under this subsection shall not exceed \$50,000,000. This grant
6 shall be the sum of the following payments:

7 (1) For each acute care hospital, a base payment of:

8 (i) \$170,000 if it is located in an urban area; or

9 (ii) \$340,000 if it is located in a rural area.

10 (2) A payment equal to the product of \$45 multiplied by
11 total Medicaid inpatient days for each hospital.

12 (d) Annual report. The Department of Public Health shall
13 prepare and submit to the Governor and the General Assembly an
14 annual report by January 1 of each year regarding its
15 administration of the Hospital Capital Investment Program,
16 including an overview of the program and information about the
17 specific purpose and amount of each grant and the status of
18 funded projects. The report shall include information as to
19 whether each project is subject to and authorized under the
20 Illinois Health Facilities Planning Act, if applicable.

21 (e) Definitions. As used in this Section, the following
22 terms shall be defined as follows:

23 "General acute care hospital" shall have the same meaning
24 as general acute care hospital in Section 5A-12.2 of the
25 Illinois Public Aid Code.

26 "Hospital" shall have the same meaning as defined in

1 Section 3 of the Hospital Licensing Act, but in no event shall
2 it include a hospital owned or operated by a State agency, a
3 State university, or a county with a population of 3,000,000 or
4 more.

5 "Medicaid inpatient day" shall have the same meaning as
6 defined in Section 5A-12.2(n) of the Illinois Public Aid Code.

7 "Medicaid inpatient utilization rate" shall have the same
8 meaning as provided in Title 89, Chapter I, subchapter d, Part
9 148, Section 148.120 of the Illinois Administrative Code.

10 "Rural" shall have the same meaning as provided in Title
11 89, Chapter I, subchapter d, Part 148, Section 148.25(g) (3) of
12 the Illinois Administrative Code.

13 "Urban" shall have the same meaning as provided in Title
14 89, Chapter I, subchapter d, Part 148, Section 148.25(g) (4) of
15 the Illinois Administrative Code.

16 Article 10.

17 Section 10-1. Short title. This Article may be cited as the
18 Community Health Center Construction Act, and references in
19 this Article to "this Act" mean this Article.

20 Section 10-5. Definitions. In this Act:

21 "Board" means the Illinois Capital Development Board.

22 "Community health center site" means a new physical site
23 where a community health center will provide primary health

1 care services either to a medically underserved population or
2 area or to the uninsured population of this State.

3 "Community provider" means a Federally Qualified Health
4 Center (FQHC) or FQHC Look-Alike (Community Health Center or
5 health center), designated as such by the Secretary of the
6 United States Department of Health and Human Services, that
7 operates at least one federally designated primary health care
8 delivery site in the State of Illinois.

9 "Department" means the Illinois Department of Public
10 Health.

11 "Medically underserved area" means an urban or rural area
12 designated by the Secretary of the United States Department of
13 Health and Human Services as an area with a shortage of
14 personal health services.

15 "Medically underserved population" means (i) the
16 population of an urban or rural area designated by the
17 Secretary of the United States Department of Health and Human
18 Services as an area with a shortage of personal health services
19 or (ii) a population group designated by the Secretary as
20 having a shortage of those services.

21 "Primary health care services" means the following:

22 (1) Basic health services consisting of the following:

23 (A) Health services related to family medicine,
24 internal medicine, pediatrics, obstetrics, or
25 gynecology that are furnished by physicians and, if
26 appropriate, physician assistants, nurse

1 practitioners, and nurse midwives.

2 (B) Diagnostic laboratory and radiologic services.

3 (C) Preventive health services, including the
4 following:

5 (i) Prenatal and perinatal services.

6 (ii) Screenings for breast, ovarian, and
7 cervical cancer.

8 (iii) Well-child services.

9 (iv) Immunizations against vaccine-preventable
10 diseases.

11 (v) Screenings for elevated blood lead levels,
12 communicable diseases, and cholesterol.

13 (vi) Pediatric eye, ear, and dental screenings
14 to determine the need for vision and hearing
15 correction and dental care.

16 (vii) Voluntary family planning services.

17 (viii) Preventive dental services.

18 (D) Emergency medical services.

19 (E) Pharmaceutical services as appropriate for
20 particular health centers.

21 (2) Referrals to providers of medical services and
22 other health-related services (including substance abuse
23 and mental health services).

24 (3) Patient case management services (including
25 counseling, referral, and follow-up services) and other
26 services designed to assist health center patients in

1 establishing eligibility for and gaining access to
2 federal, State, and local programs that provide or
3 financially support the provision of medical, social,
4 educational, or other related services.

5 (4) Services that enable individuals to use the
6 services of the health center (including outreach and
7 transportation services and, if a substantial number of the
8 individuals in the population are of limited
9 English-speaking ability, the services of appropriate
10 personnel fluent in the language spoken by a predominant
11 number of those individuals).

12 (5) Education of patients and the general population
13 served by the health center regarding the availability and
14 proper use of health services.

15 (6) Additional health services consisting of services
16 that are appropriate to meet the health needs of the
17 population served by the health center involved and that
18 may include the following:

19 (A) Environmental health services, including the
20 following:

21 (i) Detection and alleviation of unhealthful
22 conditions associated with water supply.

23 (ii) Sewage treatment.

24 (iii) Solid waste disposal.

25 (iv) Detection and alleviation of rodent and
26 parasite infestation.

1 (v) Field sanitation.

2 (vi) Housing.

3 (vii) Other environmental factors related to
4 health.

5 (B) Special occupation-related health services for
6 migratory and seasonal agricultural workers, including
7 the following:

8 (i) Screening for and control of infectious
9 diseases, including parasitic diseases.

10 (ii) Injury prevention programs, which may
11 include prevention of exposure to unsafe levels of
12 agricultural chemicals, including pesticides.

13 "Uninsured population" means persons who do not own private
14 health care insurance, are not part of a group insurance plan,
15 and are not eligible for any State or federal
16 government-sponsored health care program.

17 Section 10-10. Operation of the grant program.

18 (a) The Board, in consultation with the Department, shall
19 establish the Community Health Center Construction Grant
20 Program and may make grants to eligible community providers
21 subject to appropriations out of funds reserved for capital
22 improvements or expenditures as provided for in this Act. The
23 Program shall operate in a manner so that the estimated cost of
24 the Program during the fiscal year will not exceed the total
25 appropriation for the Program. The grants shall be for the

1 purpose of constructing or renovating new community health
2 center sites, renovating existing community health center
3 sites, and purchasing equipment to provide primary health care
4 services to medically underserved populations or areas as
5 defined in Section 10-5 of this Act or providing primary health
6 care services to the uninsured population of Illinois.

7 (b) A recipient of a grant to establish a new community
8 health center site must add each such site to the recipient's
9 established service area for the purpose of extending federal
10 FQHC or FQHC Look-Alike status to the new site in accordance
11 with federal regulations.

12 Section 10-15. Eligibility for grant. To be eligible for a
13 grant under this Act, a recipient must be a community provider
14 as defined in Section 10-5 of this Act.

15 Section 10-20. Use of grant moneys. A recipient of a grant
16 under this Act may use the grant moneys to do any one or more of
17 the following:

18 (1) Purchase equipment.

19 (2) Acquire a new physical location for the purpose of
20 delivering primary health care services.

21 (3) Construct or renovate new or existing community
22 health center sites.

23 Section 10-25. Reporting. Within 60 days after the first

1 year of a grant under this Act, the grant recipient must submit
2 a progress report to the Department. The Department may assist
3 each grant recipient in meeting the goals and objectives stated
4 in the original grant proposal submitted by the recipient, that
5 grant moneys are being used for appropriate purposes, and that
6 residents of the community are being served by the new
7 community health center sites established with grant moneys.

8 Article 15.

9 Section 15-1. Short title. This Article may be cited as the
10 Public Library Construction Act, and references in this Article
11 to "this Act" mean this Article.

12 Section 15-5. Definitions. As used in this Act:

13 "Grant index" means a figure for each public library equal
14 to one minus the ratio of the public library's equalized
15 assessed valuation per capita to the equalized assessed
16 valuation per capita of the public library located at the 90th
17 percentile for all public libraries in the State. The grant
18 index shall be no less than 0.35 and no greater than 0.75 for
19 each public library; provided that the grant index for public
20 libraries whose equalized assessed valuation per capita is at
21 the 99th percentile and above for all public libraries in the
22 State shall be 0.00.

23 "Public library" means the governmental unit of any free

1 and public library (i) established under the Illinois Local
2 Library Act, the Public Library District Act of 1991, the
3 Illinois Library System Act, or the Village Library Act or (ii)
4 maintained and operated by a unit of local government. "Public
5 library" does not include any private library.

6 "Public library construction project" means the
7 acquisition, development, construction, reconstruction,
8 rehabilitation, improvement, architectural planning,
9 installation, maintenance, and upkeep of capital facilities
10 consisting of buildings, structures, durable equipment, and
11 land for public library purposes.

12 Section 15-10. Grant awards. The Secretary of State is
13 authorized to make grants to public libraries for public
14 library construction projects with funds appropriated for that
15 purpose from the Build Illinois Bond Fund.

16 Section 15-15. Grants. The Secretary of State is authorized
17 to determine grant eligibility for public library construction
18 projects and shall determine the priority order for public
19 library construction project grants to be made by the Secretary
20 of State. When a grant eligibility has been determined for a
21 public library construction project, the Secretary of State
22 shall notify the public library of the dollar amount of the
23 public library construction project's cost that the public
24 library will be required to finance with non-grant funds in

1 order to qualify to receive a public library construction
2 project grant under this Act from the Secretary of State. The
3 Secretary of State shall thereafter determine whether a grant
4 shall be made.

5 Section 15-20. Grant application; public library
6 facilities plan. Public libraries shall apply to the Secretary
7 of State for public library construction project grants. Public
8 libraries filing grant applications shall submit to the
9 Secretary of State a public library facilities plan that shall
10 include, but not be limited to, an assessment of present and
11 future public library facility needs as required by present and
12 anticipated public library programming, the availability of
13 local financial resources including current revenues, fund
14 balances, and unused bonding capacity, a fiscal plan for
15 meeting present and anticipated debt service obligations, and a
16 maintenance plan and schedule that contain necessary
17 assurances that new, renovated, and existing facilities are
18 being or will be properly maintained. The Secretary of State
19 shall review and approve public library facilities plans prior
20 to determining eligibility and authorizing grants. Each public
21 library that is determined to be eligible shall annually update
22 its public library facilities plan and submit the revised plan
23 to the Secretary of State for approval.

24 Section 15-25. Eligibility and project standards.

1 (a) The Secretary of State shall establish eligibility
2 standards for public library construction project grants and
3 approve a public library's eligibility for a public library
4 construction project grant pursuant to the established
5 standards. These standards shall include minimum service
6 population requirements for construction project grants.

7 (b) The Secretary of State shall establish project
8 standards for all public library construction project grants
9 provided pursuant to this Act. These standards shall include
10 the determination of recognized project costs that shall be
11 eligible for State financial assistance and enrichment costs
12 that shall not be eligible for State financial assistance.

13 Section 15-30. Priority of public library construction
14 projects. The Secretary of State shall develop standards for
15 the determination of priority needs concerning public library
16 construction projects based upon approved public library
17 facilities plans. These standards shall call for
18 prioritization based on the degree of need and project type in
19 the following order:

20 (1) Replacement or reconstruction of public library
21 facilities destroyed or damaged by flood, tornado, fire,
22 earthquake, or other disasters, either man-made or
23 produced by nature;

24 (2) Projects designed to address population growth or
25 to replace aging public library facilities;

1 (3) Replacement or reconstruction of public library
2 facilities determined to be severe and continuing health or
3 life safety hazards;

4 (4) Alterations necessary to provide accessibility for
5 qualified individuals with disabilities; and

6 (5) Other unique solutions to facility needs.

7 Section 15-35. Public library construction project grant
8 amounts; permitted use; prohibited use.

9 (a) The product of the public library's grant index and the
10 recognized project cost, as determined by the Secretary of
11 State, for an approved public library construction project
12 shall equal the amount of the grant the Secretary of State
13 shall provide to the eligible public library. The grant index
14 shall not be used in cases where the General Assembly and the
15 Governor approve appropriations designated for specifically
16 identified public library construction projects.

17 (b) In each fiscal year in which public library
18 construction project grants are awarded, of the total amount
19 awarded statewide, 20% shall be awarded to the Chicago Public
20 Library System, provided that the Chicago Public Library System
21 complies with the provisions of this Act, and 80% shall be
22 awarded to public libraries outside of the City of Chicago.

23 (c) No portion of a public library construction project
24 grant awarded by the Secretary of State shall be used by a
25 public library for any on-going operational costs.

1 Section 15-37. Carry over projects. If a public library has
2 been determined eligible for a public library construction
3 project, has arranged and approved all local financing, and is
4 eligible to receive a public library construction project grant
5 award in any fiscal year, but does not receive such award in
6 that year due to lack of adequate appropriations, those public
7 library construction projects shall continue to be considered
8 for grant awards for the following fiscal year.

9 Section 15-40. Supervision of public library construction
10 projects. The Secretary of State shall exercise general
11 supervision over public library construction projects financed
12 pursuant to this Act. Public libraries, however, must be
13 allowed to choose the architect and engineer for their public
14 library construction projects, and no project may be
15 disapproved by the Secretary of State solely due to a public
16 library's selection of an architect or engineer.

17 Section 15-50. Referendum requirements. After the
18 Secretary of State has approved all or part of a public
19 library's application and made a determination of eligibility
20 for a public library construction project grant, the governing
21 body of the public library shall submit the project or the
22 financing of the project to a referendum when the referendum is
23 required by law.

1 in the State. The grant index shall be no less than 0.35 and no
2 greater than 0.75 for each park or recreation unit; provided
3 that the grant index for park or recreation units whose
4 equalized assessed valuation per capita is at the 99th
5 percentile and above for all park or recreation units in the
6 State shall be 0.00.

7 "Park or recreation unit" means the governmental unit of
8 any public park, park district, park and recreation district,
9 recreational facility, or recreation system established under
10 the Park District Code, the Chicago Park District Act, the
11 Metro-East Park and Recreation District Act, or the Illinois
12 Municipal Code.

13 "Park or recreation unit construction project" means the
14 acquisition, development, construction, reconstruction,
15 rehabilitation, improvement, architectural planning,
16 installation, maintenance, and upkeep of (i) capital
17 facilities consisting of buildings, structures, durable
18 equipment, and land for park or recreation purposes and (ii)
19 open spaces and natural areas, as those terms are defined in
20 Section 10 of the Illinois Open Land Trust Act.

21 Section 20-10. Grant awards. The Department is authorized
22 to make grants to park or recreation units for park or
23 recreation unit construction projects with funds appropriated
24 for that purpose from the Build Illinois Bond Fund.

1 Section 20-15. Grants. The Department is authorized to
2 determine grant eligibility for park or recreation unit
3 construction projects and shall determine the priority order
4 for park or recreation unit construction project grants to be
5 made by the Department. When grant eligibility has been
6 determined for a park or recreation unit construction project,
7 the Department shall notify the park or recreation unit of the
8 dollar amount of the park or recreation unit construction
9 project's cost that the park or recreation unit will be
10 required to finance with non-grant funds in order to qualify to
11 receive a park or recreation unit construction project grant
12 under this Act from the Department. The Department shall
13 thereafter determine whether a grant shall be made.

14 Section 20-20. Grant application; facilities plan. Park or
15 recreation units shall apply to the Department for park or
16 recreation unit construction project grants. Park or
17 recreation units filing grant applications shall submit to the
18 Department a facilities plan that shall include, but not be
19 limited to, an assessment of present and future park or
20 recreation facility needs as required by present and
21 anticipated park or recreational programming, the availability
22 of local financial resources including current revenues, fund
23 balances, and unused bonding capacity, a fiscal plan for
24 meeting present and anticipated debt service obligations, and a
25 maintenance plan and schedule that contain necessary

1 assurances that new, renovated, and existing facilities are
2 being or will be properly maintained. The Department shall
3 review and approve park or recreation unit facilities plans
4 prior to determining eligibility and authorizing grants. Each
5 park or recreation unit that is determined to be eligible shall
6 annually update its facilities plan and submit the revised plan
7 to the Department for approval.

8 Section 20-25. Eligibility and project standards.

9 (a) The Department shall establish eligibility standards
10 for park or recreation unit construction project grants and
11 approve a park or recreation unit's eligibility for a park or
12 recreation unit construction project grant pursuant to the
13 established standards. These standards shall include minimum
14 service population requirements for park or recreation unit
15 construction project grants.

16 (b) The Department shall establish project standards for
17 all park or recreation unit construction project grants
18 provided pursuant to this Act. These standards shall include
19 the determination of recognized project costs that shall be
20 eligible for State financial assistance and enrichment costs
21 that shall not be eligible for State financial assistance.

22 Section 20-30. Priority of construction projects. The
23 Department shall develop standards for the determination of
24 priority needs concerning park or recreation unit construction

1 projects based upon approved facilities plans. These standards
2 shall call for prioritization based on the degree of need and
3 project type in the following order:

4 (1) Replacement or reconstruction of park or
5 recreation unit facilities destroyed or damaged by flood,
6 tornado, fire, earthquake, or other disasters, either
7 man-made or produced by nature;

8 (2) Projects designed to address population growth or
9 to replace aging park or recreation unit facilities;

10 (3) Replacement or reconstruction of park or
11 recreation unit facilities determined to be severe and
12 continuing health or life safety hazards;

13 (4) Alterations necessary to provide accessibility for
14 qualified individuals with disabilities; and

15 (5) Other unique solutions to facility needs.

16 Section 20-35. Grant amounts; permitted use; prohibited
17 use.

18 (a) The product of the park or recreation unit's grant
19 index and the recognized project cost, as determined by the
20 Department, for an approved park or recreation unit
21 construction project shall equal the amount of the grant the
22 Department shall provide to the eligible park or recreation
23 unit. The grant index shall not be used in cases where the
24 General Assembly and the Governor approve appropriations
25 designated for specifically identified park or recreation unit

1 construction projects.

2 (b) In each fiscal year in which park or recreation unit
3 construction project grants are awarded, of the total amount
4 awarded statewide, 20% shall be awarded to the Chicago Park
5 District, provided that the Chicago Park District complies with
6 the provisions of this Act, and 80% shall be awarded to park or
7 recreation units outside of the City of Chicago.

8 (c) No portion of a park or recreation unit construction
9 project grant awarded by the Department shall be used by a park
10 or recreation unit for any on-going operational costs.

11 Section 20-37. Carry over projects. If a park or recreation
12 unit has been determined eligible for a park or recreation unit
13 construction project, has arranged and approved all local
14 financing, and is eligible to receive a park or recreation unit
15 construction project grant award in any fiscal year, but does
16 not receive such award in that year due to lack of adequate
17 appropriations, those park or recreation unit construction
18 projects shall continue to be considered for grant awards for
19 the following fiscal year.

20 Section 20-40. Supervision of park or recreation unit
21 construction projects. The Department shall exercise general
22 supervision over park or recreation unit construction projects
23 financed pursuant to this Act. Park or recreation units,
24 however, must be allowed to choose the architect and engineer

1 for their park or recreation unit construction projects, and no
2 project may be disapproved by the Department solely due to a
3 park or recreation unit's selection of an architect or
4 engineer.

5 Section 20-50. Referendum requirements. After the
6 Department has approved all or part of a park or recreation
7 unit's application and made a determination of eligibility for
8 a park or recreation unit construction project grant, the park
9 or recreation unit shall submit the project or the financing of
10 the project to a referendum when the referendum is required by
11 law.

12 Section 20-55. Rules. The Department shall promulgate such
13 rules as it deems necessary for carrying out its
14 responsibilities under the provisions of this Act.

15 Section 20-60. Capital needs assessment. The Department
16 shall file with the General Assembly a comprehensive assessment
17 report of the capital needs of all park or recreation units in
18 this State before January 1, 2010 and every 2 years thereafter.
19 This assessment shall include, without limitation, an analysis
20 of the 5 categories of capital needs prioritized in Section
21 20-30 of this Act.

22

Article 25.

1 Section 25-1. Short title. This Article may be cited as the
2 Private Colleges and Universities Capital Distribution Formula
3 Act, and references in this Article to "this Act" mean this
4 Article.

5 Section 25-5. Definitions. In this Act:

6 "Independent colleges" means non-public, non-profit
7 colleges and universities based in Illinois. The term does not
8 include any institution that primarily or exclusively provided
9 online education services as of the fall 2008 term.

10 "FTE" means full-time equivalent enrollment based on Fall
11 2008 Final full-time equivalent enrollment according to the
12 Illinois Board of Higher Education.

13 Section 25-10. Distribution. This Act creates a
14 distribution formula for funds appropriated from the Build
15 Illinois Bond Fund to the Capital Development Board for the
16 Illinois Board of Higher Education for grants to various
17 private colleges and universities.

18 Funds appropriated for this purpose shall be distributed by
19 the Illinois Board of Higher Education through a formula to
20 independent colleges that have been given operational approval
21 by the Illinois Board of Higher Education as of the Fall 2008
22 term. The distribution formula shall have 2 components: a base
23 grant portion of the appropriation and an FTE grant portion of

1 the appropriation. Each independent college shall be awarded
2 both a base grant portion of the appropriation and an FTE grant
3 portion of the appropriation.

4 The Illinois Board of Higher Education shall distribute
5 moneys appropriated for this purpose to independent colleges
6 based on the following base grant criteria: for each
7 independent college reporting between 1 and 200 FTE a base
8 grant of \$200,000 shall be awarded; for each independent
9 college reporting between 201 and 500 FTE a base grant of
10 \$1,000,000 shall be awarded; for each independent college
11 reporting between 501 and 4,000 FTE a base grant of \$2,000,000
12 shall be awarded; and for each independent college reporting
13 4,001 or more FTE a base grant of \$5,000,000 shall be awarded.

14 The remainder of the moneys appropriated for this purpose
15 shall be distributed by the Illinois Board of Higher Education
16 to each independent college on a per capita basis as determined
17 by the independent college's FTE as reported by the Illinois
18 Board of Higher Education's most recent fall FTE report.

19 Each independent college shall have up to 5 years from the
20 date of appropriation to access and utilize its awarded
21 amounts. If any independent college does not utilize its full
22 award or a portion thereof after 5 years, the remaining funds
23 shall be re-distributed to other independent colleges on an FTE
24 basis.

25

Article 30.

1 Section 30-5. The Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of Illinois is
3 amended by changing Section 605-400 as follows:

4 (20 ILCS 605/605-400) (was 20 ILCS 605/46.19c)

5 Sec. 605-400. Office of Urban Assistance. The Department
6 shall provide for, staff, and administer an Office of Urban
7 Assistance, which shall plan and coordinate existing State
8 programs designed to aid and stimulate the economic growth of
9 depressed urban areas. Among other duties assigned by the
10 Department, the Office shall have the following duties:

11 (1) To coordinate the activities of the following units
12 and programs of the Department and all other present and
13 future units and programs of the Department that impact
14 depressed urban areas to the extent that they impact upon
15 or concern urban economics:

16 (A) Enterprise Zone Program.

17 (B) Small Business Development Center Program.

18 (C) Programs that assist in the development of
19 community infrastructure.

20 (D) Illinois House Energy Assistance Program.

21 (E) Illinois Home Weatherization Assistance Program.

22 (F) Programs financed with Community Services Block
23 Grant funds.

24 (G) Industrial Training Program.

1 (H) Technology Transfer and Innovation Program.

2 (I) Rental Rehabilitation Program.

3 (J) Displaced Homemaker Program.

4 (K) Programs under the federal Job Training
5 Partnership Act.

6 The Office shall convene quarterly meetings of
7 representatives who are designated by the Department to
8 represent the units and programs listed in items (A) through
9 (K).

10 (2) To gather information concerning any State or federal
11 program that is designed to revitalize or assist depressed
12 urban areas in the State and to provide this information to
13 public and private entities upon request.

14 (3) To promote and assist in developing urban inner city
15 industrial parks.

16 (4) To promote economic parity and the autonomy of citizens
17 of this State through promoting and assisting the development
18 of urban inner city small business development centers, urban
19 youth unemployment projects, small business incubators, family
20 resource centers, urban developments banks, self managed urban
21 businesses, and plans for urban infrastructure projects over
22 the next 25 years.

23 (5) To recommend to the General Assembly and the Governor
24 economic policies for urban areas and planning models that will
25 result in the reconstruction of the economy of urban areas,
26 especially those urban areas where economically and socially

1 disadvantaged people live.

2 (6) To make recommendations to the General Assembly and the
3 Governor on the establishment of urban economic policy in the
4 areas of (i) housing, (ii) scientific research, (iii) urban
5 youth unemployment, (iv) business incubators and family
6 resource centers in urban inner cities, and (v) alternative
7 energy resource development, and the need thereof, in urban
8 areas as part of the department's 5-year plan for economic
9 development.

10 (7) To make any rules and regulations necessary to carry
11 out its responsibilities under the Civil Administrative Code of
12 Illinois.

13 (8) To encourage new industrial enterprises to locate in
14 urban areas (i) through educational promotions that point out
15 the opportunities of any such area as a commercial and
16 industrial field of opportunity and (ii) by the solicitation of
17 industrial enterprises; and to do other acts that, in the
18 judgment of the Office, are necessary and proper in fostering
19 and promoting the industrial development and economic welfare
20 of any urban area. The Office, however, shall have no power to
21 require reports from or to regulate any business.

22 (9) To accept grants, loans, or appropriations from the
23 federal government or the State, or any agency or
24 instrumentality thereof, to be used for the operating expenses
25 of the Office or for any purposes of the Office, including the
26 making of direct loans or grants of those funds for public,

1 private, experimental, or cooperative housing, scientific
2 research, urban inner city industrial parks, urban youth
3 employment projects, business incubators, urban infrastructure
4 development, alternative energy resource development, food
5 deserts and community food plots, community facilities needed
6 in urban areas, and any other purpose related to the
7 revitalization of urban areas.

8 (Source: P.A. 91-239, eff. 1-1-00.)

9 Section 30-10. The General Obligation Bond Act is amended
10 by changing Sections 3 and 9 as follows:

11 (30 ILCS 330/3) (from Ch. 127, par. 653)

12 Sec. 3. Capital Facilities. The amount of \$7,320,235,369 is
13 authorized to be used for the acquisition, development,
14 construction, reconstruction, improvement, financing,
15 architectural planning and installation of capital facilities
16 within the State, consisting of buildings, structures, durable
17 equipment, land, ~~and~~ interests in land, and the costs
18 associated with the purchase and implementation of information
19 technology, including but not limited to the purchase of
20 hardware and software, for the following specific purposes:

21 (a) \$2,211,228,000 for educational purposes by State
22 universities and colleges, the Illinois Community College
23 Board created by the Public Community College Act and for
24 grants to public community colleges as authorized by

1 Sections 5-11 and 5-12 of the Public Community College Act;

2 (b) \$1,607,420,000 for correctional purposes at State
3 prison and correctional centers;

4 (c) \$531,175,000 for open spaces, recreational and
5 conservation purposes and the protection of land;

6 (d) \$589,917,000 for child care facilities, mental and
7 public health facilities, and facilities for the care of
8 disabled veterans and their spouses;

9 (e) \$1,455,990,000 for use by the State, its
10 departments, authorities, public corporations, commissions
11 and agencies;

12 (f) \$818,100 for cargo handling facilities at port
13 districts and for breakwaters, including harbor entrances,
14 at port districts in conjunction with facilities for small
15 boats and pleasure crafts;

16 (g) \$204,657,000 for water resource management
17 projects;

18 (h) \$16,940,269 for the provision of facilities for
19 food production research and related instructional and
20 public service activities at the State universities and
21 public community colleges;

22 (i) \$36,000,000 for grants by the Secretary of State,
23 as State Librarian, for central library facilities
24 authorized by Section 8 of the Illinois Library System Act
25 and for grants by the Capital Development Board to units of
26 local government for public library facilities;

1 (j) \$25,000,000 for the acquisition, development,
2 construction, reconstruction, improvement, financing,
3 architectural planning and installation of capital
4 facilities consisting of buildings, structures, durable
5 equipment and land for grants to counties, municipalities
6 or public building commissions with correctional
7 facilities that do not comply with the minimum standards of
8 the Department of Corrections under Section 3-15-2 of the
9 Unified Code of Corrections;

10 (k) \$5,000,000 for grants in fiscal year 1988 by the
11 Department of Conservation for improvement or expansion of
12 aquarium facilities located on property owned by a park
13 district;

14 (l) \$432,590,000 to State agencies for grants to local
15 governments for the acquisition, financing, architectural
16 planning, development, alteration, installation, and
17 construction of capital facilities consisting of
18 buildings, structures, durable equipment, and land; and

19 (m) \$203,500,000 for the Illinois Open Land Trust
20 Program as defined by the Illinois Open Land Trust Act.

21 The amounts authorized above for capital facilities may be
22 used for the acquisition, installation, alteration,
23 construction, or reconstruction of capital facilities and for
24 the purchase of equipment for the purpose of major capital
25 improvements which will reduce energy consumption in State
26 buildings or facilities.

1 (Source: P.A. 91-39, 6-15-99; 91-53, eff. 6-30-99; 91-710, eff.
2 5-17-00; 92-13, eff. 6-22-01; 92-598, eff. 6-28-02.)

3 (30 ILCS 330/9) (from Ch. 127, par. 659)

4 Sec. 9. Conditions for Issuance and Sale of Bonds -
5 Requirements for Bonds.

6 (a) Except as otherwise provided in this subsection, Bonds
7 shall be issued and sold from time to time, in one or more
8 series, in such amounts and at such prices as may be directed
9 by the Governor, upon recommendation by the Director of the
10 Governor's Office of Management and Budget. Bonds shall be in
11 such form (either coupon, registered or book entry), in such
12 denominations, payable within 25 years from their date, subject
13 to such terms of redemption with or without premium, bear
14 interest payable at such times and at such fixed or variable
15 rate or rates, and be dated as shall be fixed and determined by
16 the Director of the Governor's Office of Management and Budget
17 in the order authorizing the issuance and sale of any series of
18 Bonds, which order shall be approved by the Governor and is
19 herein called a "Bond Sale Order"; provided however, that
20 interest payable at fixed or variable rates shall not exceed
21 that permitted in the Bond Authorization Act, as now or
22 hereafter amended. Bonds shall be payable at such place or
23 places, within or without the State of Illinois, and may be
24 made registrable as to either principal or as to both principal
25 and interest, as shall be specified in the Bond Sale Order.

1 Bonds may be callable or subject to purchase and retirement or
2 tender and remarketing as fixed and determined in the Bond Sale
3 Order. Bonds, other than Bonds issued under Section 3 of this
4 Act for the costs associated with the purchase and
5 implementation of information technology, must be issued with
6 principal or mandatory redemption amounts in equal amounts,
7 with the first maturity issued occurring within the fiscal year
8 in which the Bonds are issued or within the next succeeding
9 fiscal year, with Bonds issued maturing or subject to mandatory
10 redemption each fiscal year thereafter up to 25 years. Bonds
11 issued under Section 3 of this Act for the costs associated
12 with the purchase and implementation of information technology
13 must be issued with principal or mandatory redemption amounts
14 in equal amounts, with the first maturity issued occurring with
15 the fiscal year in which the respective bonds are issued or
16 with the next succeeding fiscal year, with the respective bonds
17 issued maturing or subject to mandatory redemption each fiscal
18 year thereafter up to 10 years.

19 In the case of any series of Bonds bearing interest at a
20 variable interest rate ("Variable Rate Bonds"), in lieu of
21 determining the rate or rates at which such series of Variable
22 Rate Bonds shall bear interest and the price or prices at which
23 such Variable Rate Bonds shall be initially sold or remarketed
24 (in the event of purchase and subsequent resale), the Bond Sale
25 Order may provide that such interest rates and prices may vary
26 from time to time depending on criteria established in such

1 Bond Sale Order, which criteria may include, without
2 limitation, references to indices or variations in interest
3 rates as may, in the judgment of a remarketing agent, be
4 necessary to cause Variable Rate Bonds of such series to be
5 remarketable from time to time at a price equal to their
6 principal amount, and may provide for appointment of a bank,
7 trust company, investment bank, or other financial institution
8 to serve as remarketing agent in that connection. The Bond Sale
9 Order may provide that alternative interest rates or provisions
10 for establishing alternative interest rates, different
11 security or claim priorities, or different call or amortization
12 provisions will apply during such times as Variable Rate Bonds
13 of any series are held by a person providing credit or
14 liquidity enhancement arrangements for such Bonds as
15 authorized in subsection (b) of this Section. The Bond Sale
16 Order may also provide for such variable interest rates to be
17 established pursuant to a process generally known as an auction
18 rate process and may provide for appointment of one or more
19 financial institutions to serve as auction agents and
20 broker-dealers in connection with the establishment of such
21 interest rates and the sale and remarketing of such Bonds.

22 (b) In connection with the issuance of any series of Bonds,
23 the State may enter into arrangements to provide additional
24 security and liquidity for such Bonds, including, without
25 limitation, bond or interest rate insurance or letters of
26 credit, lines of credit, bond purchase contracts, or other

1 arrangements whereby funds are made available to retire or
2 purchase Bonds, thereby assuring the ability of owners of the
3 Bonds to sell or redeem their Bonds. The State may enter into
4 contracts and may agree to pay fees to persons providing such
5 arrangements, but only under circumstances where the Director
6 of the Governor's Office of Management and Budget certifies
7 that he or she reasonably expects the total interest paid or to
8 be paid on the Bonds, together with the fees for the
9 arrangements (being treated as if interest), would not, taken
10 together, cause the Bonds to bear interest, calculated to their
11 stated maturity, at a rate in excess of the rate that the Bonds
12 would bear in the absence of such arrangements.

13 The State may, with respect to Bonds issued or anticipated
14 to be issued, participate in and enter into arrangements with
15 respect to interest rate protection or exchange agreements,
16 guarantees, or financial futures contracts for the purpose of
17 limiting, reducing, or managing interest rate exposure. The
18 authority granted under this paragraph, however, shall not
19 increase the principal amount of Bonds authorized to be issued
20 by law. The arrangements may be executed and delivered by the
21 Director of the Governor's Office of Management and Budget on
22 behalf of the State. Net payments for such arrangements shall
23 constitute interest on the Bonds and shall be paid from the
24 General Obligation Bond Retirement and Interest Fund. The
25 Director of the Governor's Office of Management and Budget
26 shall at least annually certify to the Governor and the State

1 Comptroller his or her estimate of the amounts of such net
2 payments to be included in the calculation of interest required
3 to be paid by the State.

4 (c) Prior to the issuance of any Variable Rate Bonds
5 pursuant to subsection (a), the Director of the Governor's
6 Office of Management and Budget shall adopt an interest rate
7 risk management policy providing that the amount of the State's
8 variable rate exposure with respect to Bonds shall not exceed
9 20%. This policy shall remain in effect while any Bonds are
10 outstanding and the issuance of Bonds shall be subject to the
11 terms of such policy. The terms of this policy may be amended
12 from time to time by the Director of the Governor's Office of
13 Management and Budget but in no event shall any amendment cause
14 the permitted level of the State's variable rate exposure with
15 respect to Bonds to exceed 20%.

16 (Source: P.A. 92-16, eff. 6-28-01; 93-9, eff. 6-3-03; 93-666,
17 eff. 3-5-04; 93-839, eff. 7-30-04.)

18 Section 30-11. If and only if the provisions of House Bill
19 2400 of the 96th General Assembly that are changed by this
20 amendatory Act of the 96th General Assembly become law, then
21 the General Obligation Bond Act is amended by changing Section
22 4 as follows:

23 (30 ILCS 330/4) (from Ch. 127, par. 654)

24 Sec. 4. Transportation. The amount of \$9,948,799,000 is

1 authorized for use by the Department of Transportation for the
2 specific purpose of promoting and assuring rapid, efficient,
3 and safe highway, air and mass transportation for the
4 inhabitants of the State by providing monies, including the
5 making of grants and loans, for the acquisition, construction,
6 reconstruction, extension and improvement of the following
7 transportation facilities and equipment, and for the
8 acquisition of real property and interests in real property
9 required or expected to be required in connection therewith as
10 follows:

11 (a) \$5,432,129,000 for State highways, arterial highways,
12 freeways, roads, bridges, structures separating highways and
13 railroads and roads, and bridges on roads maintained by
14 counties, municipalities, townships or road districts for the
15 following specific purposes:

16 (1) \$3,330,000,000 for use statewide,

17 (2) \$3,677,000 for use outside the Chicago urbanized
18 area,

19 (3) \$7,543,000 for use within the Chicago urbanized
20 area,

21 (4) \$13,060,600 for use within the City of Chicago,

22 (5) \$58,987,500 for use within the counties of Cook,
23 DuPage, Kane, Lake, McHenry and Will,

24 (6) \$18,860,900 for use outside the counties of Cook,
25 DuPage, Kane, Lake, McHenry and Will, and

26 (7) \$2,000,000,000 for use on projects included in

1 either (i) the FY09-14 Proposed Highway Improvement
2 Program as published by the Illinois Department of
3 Transportation in May 2008 or (ii) the FY10-15 Proposed
4 Highway Improvement Program to be published by the Illinois
5 Department of Transportation in the spring of 2009; except
6 that all projects must be maintenance projects for the
7 existing State system with the goal of reaching 90%
8 acceptable condition in the system statewide and further
9 except that all projects must reflect the generally
10 accepted historical distribution of projects throughout
11 the State.

12 (b) \$3,130,070,000 for rail facilities and for mass transit
13 facilities, as defined in Section 2705-305 of the Department of
14 Transportation Law (20 ILCS 2705/2705-305), including rapid
15 transit, rail, bus and other equipment used in connection
16 therewith by the State or any unit of local government, special
17 transportation district, municipal corporation or other
18 corporation or public authority authorized to provide and
19 promote public transportation within the State or two or more
20 of the foregoing jointly, for the following specific purposes:

21 (1) \$2,034,270,000 statewide,

22 (2) \$83,350,000 for use within the counties of Cook,
23 DuPage, Kane, Lake, McHenry and Will,

24 (3) \$12,450,000 for use outside the counties of Cook,
25 DuPage, Kane, Lake, McHenry and Will, and

26 (4) \$1,000,000,000 for use on projects that shall

1 reflect the generally accepted historical distribution of
2 projects throughout the State.

3 (c) \$371,600,000 for airport or aviation facilities and any
4 equipment used in connection therewith, including engineering
5 and land acquisition costs, by the State or any unit of local
6 government, special transportation district, municipal
7 corporation or other corporation or public authority
8 authorized to provide public transportation within the State,
9 or two or more of the foregoing acting jointly, and for the
10 making of deposits into the Airport Land Loan Revolving Fund
11 for loans to public airport owners pursuant to the Illinois
12 Aeronautics Act.

13 (d) \$1,015,000,000 for use statewide for State or local
14 highways, arterial highways, freeways, roads, bridges, and
15 structures separating highways and railroads and roads, and for
16 grants to bridges on roads maintained by counties,
17 municipalities, townships, or road districts for planning,
18 engineering, acquisition, construction, reconstruction,
19 development, improvement, extension, and all
20 construction-related expenses of the public infrastructure and
21 other transportation improvement projects which are related to
22 economic development in the State of Illinois.

23 (Source: 96HB2400 enrolled.)

24 Section 30-20. The School Construction Law is amended by
25 changing Section 5-40 and by adding Sections 5-200, 5-300, and

1 5-400 as follows:

2 (105 ILCS 230/5-40)

3 Sec. 5-40. Supervision of school construction projects;
4 green projects. The Capital Development Board shall exercise
5 general supervision over school construction projects financed
6 pursuant to this Article. School districts, however, must be
7 allowed to choose the architect and engineer for their school
8 construction projects, and no project may be disapproved by the
9 State Board of Education or the Capital Development Board
10 solely due to a school district's selection of an architect or
11 engineer.

12 With respect to those school construction projects for
13 which a school district first applies for a grant on or after
14 July 1, 2007, the school construction project must receive
15 certification from the United States Green Building Council's
16 Leadership in Energy and Environmental Design Green Building
17 Rating System or the Green Building Initiative's Green Globes
18 Green Building Rating System or must meet green building
19 standards of the Capital Development Board and its Green
20 Building Advisory Committee. With respect to those school
21 construction projects for which a school district applies for a
22 grant on or after July 1, 2009, the school construction project
23 must receive silver certification from the United States Green
24 Building Council's Leadership in Energy and Environmental
25 Design Green Building Rating System.

1 (Source: P.A. 95-416, eff. 8-24-07.)

2 (105 ILCS 230/5-200 new)

3 Sec. 5-200. School energy efficiency grants.

4 (a) The State Board of Education is authorized to make
5 grants to school districts, without regard to enrollment, for
6 school energy efficiency projects. These grants shall be paid
7 out of moneys appropriated for that purpose from the School
8 Infrastructure Fund. No grant under this Section for one fiscal
9 year shall exceed \$250,000, but a school district may receive
10 grants for more than one project during one fiscal year. A
11 school district must provide local matching funds in an amount
12 equal to the amount of the grant under this Section. A school
13 district has no entitlement to a grant under this Section.

14 (b) The State Board of Education shall adopt rules to
15 implement this Section. These rules need not be the same as the
16 rules for school construction project grants or school
17 maintenance project grants. The rules may specify:

18 (1) the manner of applying for grants;

19 (2) project eligibility requirements;

20 (3) restrictions on the use of grant moneys;

21 (4) the manner in which school districts must account
22 for the use of grant moneys; and

23 (5) any other provision that the State Board determines
24 to be necessary or useful for the administration of this
25 Section.

1 (c) In each school year in which school energy efficiency
2 project grants are awarded, 20% of the total amount awarded
3 shall be awarded to a school district with a population of more
4 than 500,000, provided that the school district complies with
5 the requirements of this Section and the rules adopted under
6 this Section.

7 (105 ILCS 230/5-300 new)

8 Sec. 5-300. Early childhood construction grants.

9 (a) The Capital Development Board is authorized to make
10 grants to public school districts and not-for-profit entities
11 for early childhood construction projects. These grants shall
12 be paid out of moneys appropriated for that purpose from the
13 School Construction Fund. No grants may be awarded to entities
14 providing services within private residences. A public school
15 district or other eligible entity must provide local matching
16 funds in an amount equal to the amount of the grant under this
17 Section. A public school district or other eligible entity has
18 no entitlement to a grant under this Section.

19 (b) The Capital Development Board shall adopt rules to
20 implement this Section. These rules need not be the same as the
21 rules for school construction project grants or school
22 maintenance project grants. The rules may specify:

23 (1) the manner of applying for grants;

24 (2) project eligibility requirements;

25 (3) restrictions on the use of grant moneys;

1 (4) the manner in which school districts and other
2 eligible entities must account for the use of grant moneys;
3 and

4 (5) any other provision that the Capital Development
5 Board determines to be necessary or useful for the
6 administration of this Section.

7 (c) The Capital Development Board, in consultation with the
8 State Board of Education, shall establish standards for the
9 determination of priority needs concerning early childhood
10 projects based on projects located in communities in the State
11 with the greatest underserved population of young children,
12 utilizing Census data and other reliable local early childhood
13 service data.

14 (d) In each school year in which early childhood
15 construction project grants are awarded, 20% of the total
16 amount awarded shall be awarded to a school district with a
17 population of more than 500,000, provided that the school
18 district complies with the requirements of this Section and the
19 rules adopted under this Section.

20 (105 ILCS 230/5-400 new)

21 Sec. 5-400. Charter school construction grants.

22 (a) The Capital Development Board is authorized to make
23 grants to charter schools, as authorized by Article 27A of the
24 School Code, 105 ILCS 5/Art. 27A, for construction projects.
25 The grants shall be paid out of moneys appropriated for that

1 purpose from the Build Illinois Bond Fund. A charter school and
2 other eligible entities have no entitlement to a grant under
3 this Section.

4 (b) The Capital Development Board shall adopt rules to
5 implement this Section. These rules need not be the same as the
6 rules for school construction project grants or school
7 maintenance project grants. The rules may specify:

8 (1) the manner of applying for grants;

9 (2) project eligibility requirements;

10 (3) restrictions on the use of grant moneys;

11 (4) the manner in which school districts must account
12 for the use of grant moneys; and

13 (5) any other provision that the Capital Development
14 Board determines to be necessary or useful for the
15 administration of this Section.

16 With respect to those school construction projects for
17 which a charter school applies for a grant on or after July 1,
18 2009, the school construction project must receive silver
19 certification from the United States Green Building Council's
20 Leadership in Energy and Environmental Design Green Building
21 Rating System.

22 Article 35.

23 Section 35-1. Short title. This Article may be cited as the
24 State Construction Minority and Female Building Trades Act.

1 Section 35-5. Definitions. For the purposes of this
2 Article:

3 "Under-represented minority" means African-American,
4 Hispanic, and Asian-American as those terms are defined in the
5 Business Enterprise for Minorities, Females, and Persons with
6 Disabilities Act.

7 "Construction" means any constructing, altering,
8 reconstructing, repairing, rehabilitating, refinishing,
9 refurbishing, remodeling, remediating, renovating, custom
10 fabricating, maintenance, landscaping, improving, wrecking,
11 painting, decorating, demolishing, and adding to or
12 subtracting from any building, structure, highway, roadway,
13 street, bridge, alley, sewer, ditch, sewage disposal plant,
14 water works, parking facility, railroad, excavation or other
15 structure, project, development, real property or improvement,
16 or to do any part thereof, whether or not the performance of
17 the work herein described involves the addition to, or
18 fabrication into, any structure, project, development, real
19 property or improvement herein described of any material or
20 article of merchandise. Construction shall also include moving
21 construction related materials on the job site to or from the
22 job site.

23 Section 35-10. Apprenticeship reports. Each labor
24 organization and other entity in Illinois with one or more

1 apprenticeship programs for construction trades, whether or
2 not recognized and certified by the United States Department of
3 Labor, Bureau of Apprenticeship and Training, must report to
4 the Illinois Department of Labor the information required to be
5 reported to the Bureau of Apprenticeship and Training by labor
6 organizations with recognized and certified apprenticeship
7 programs that lists the race, gender, ethnicity, and national
8 origin of apprentices in that labor organization or entity. The
9 information must be submitted to the Illinois Department of
10 Labor as provided by rules adopted by the Department. For labor
11 organizations with recognized and certified apprentice
12 programs, the reporting requirement of this Section may be met
13 by providing the Illinois Department of Labor, on a schedule
14 adopted by the Department by rule, copies of the reports
15 submitted to the Bureau of Apprenticeship and Training.

16 Section 35-15. Compilation of building trade data. By March
17 1 of each year, the Illinois Department of Labor shall publish
18 and make available on its official website a report compiling
19 and summarizing demographic trends in the State's building
20 trades apprenticeship programs, with particular attention to
21 race, gender, ethnicity, and national origin of apprentices in
22 labor organizations and other entities in Illinois based on the
23 information submitted to the Department under Section 35-10.

24 Section 35-20. Construction employment initiative.

1 (a) Each fiscal year, the Department of Commerce and
2 Economic Opportunity shall identify construction projects that
3 are:

4 (1) funded by the State or the American Recovery and
5 Reinvestment Act or funded in part by the State and in part
6 by the American Recovery and Reinvestment Act;

7 (2) equal to or greater than \$5,000,000 in total value;
8 and

9 (3) located in or within 5 miles of Cook County,
10 Aurora, Elgin, Joliet, Kankakee, Peoria, Decatur,
11 Champaign-Urbana, Springfield, East St. Louis, Rockford,
12 Waukegan, or Cairo.

13 In addition, the Director of Commerce and Economic
14 Opportunity may designate any other construction project as a
15 construction employment initiative project if the local
16 available workforce is sufficient to meet the goals of this
17 Section.

18 (b) Not less than 20% of the total apprenticeship hours
19 performed on projects identified pursuant to subsection (a) is
20 established as a goal of those projects to be completed by
21 members of minority groups currently under-represented in
22 skilled building trades.

23 (c) Not less than 10% of the total apprenticeship hours
24 performed on projects identified pursuant to subsection (a) is
25 established as a goal of those projects to be performed by
26 women. A woman who is also a member of a minority group shall

1 be designated to one category or the other by the Department of
2 Commerce and Economic Opportunity for purposes of this
3 subsection and subsection (b).

4 (d) An advisory committee for the purposes of this Section
5 is established as follows:

6 (1) Eight members appointed 2 each by the President and
7 Minority Leader of the Senate and the Speaker and Minority
8 Leader of the House of Representatives.

9 (2) The Director of Commerce and Economic Opportunity,
10 or his or her designee.

11 (3) The Illinois Secretary of Transportation, or his or
12 her designee.

13 (4) The executive director of the Capital Development
14 Board, or his or her designee.

15 (5) Three members representing building trades labor
16 organizations, appointed by the Governor.

17 (6) One member representing vertical construction,
18 appointed by the Governor.

19 (7) One member representing road builders, appointed
20 by the Governor.

21 (8) One member representing an association of
22 African-American owned construction companies, appointed
23 by the Governor.

24 (9) One member representing an association of Latino
25 owned construction companies, appointed by the Governor.

26 (10) One member representing an association of women in

1 the building trades, appointed by the Governor.

2 (11) One member representing an association of
3 female-owned construction companies, appointed by the
4 Governor.

5 The Department of Commerce and Economic Opportunity shall
6 provide administrative support staff for the advisory
7 committee.

8 Article 40.

9 Section 40-1. Short title. This Article may be cited as the
10 Urban Weatherization Initiative Act.

11 Section 40-5. Definitions. As used in this Article:

12 "Board" means the Weatherization Initiative Board.

13 "Department" means the Department of Commerce and Economic
14 Opportunity.

15 "Initiative" means the Urban Weatherization Initiative.

16 "Urban metropolitan area" means a municipality with a
17 population of 5,000 or more or a township with a population of
18 5,000 or more.

19 Section 40-10. Urban Weatherization Initiative
20 established; purpose.

21 (a) The Urban Weatherization Initiative is created. The
22 Initiative shall be administered by the Department of Commerce

1 and Economic Opportunity in consultation with other
2 appropriate State agencies and overseen by the Weatherization
3 Initiative Board.

4 (b) The purpose of the Urban Weatherization Initiative is
5 to promote the State's interest in reducing the impact of high
6 energy costs on low-income households. The Initiative seeks to
7 increase employment and entrepreneurship opportunities through
8 the installation and manufacturing of low-cost weatherization
9 materials. In particular, the Initiative is intended to
10 weatherize owner-occupied, single family homes and
11 multi-family (6 units or fewer) housing in census tracts with
12 high rates of unemployment, underemployment, and poverty and to
13 ensure that residents of those communities are able to access
14 the work as a local employment engine. The Initiative also
15 seeks to implement outreach strategies to increase awareness of
16 cost savings and job training services associated with the
17 program.

18 Section 40-15. Grants. The Department is authorized to make
19 payments for grants awarded pursuant to this Article. These
20 grants shall be paid out of moneys appropriated for that
21 purpose from the Build Illinois Bond Fund.

22 Section 40-20. Award of grants.

23 (a) The Department shall award grants under this Article
24 using a competitive request-for-proposal process administered

1 by the Department and overseen by the Board. No more than 2% of
2 funds used for grants may be retained by the Department for
3 administrative costs, program evaluation, and technical
4 assistance activities.

5 (b) The Department must award grants competitively in
6 accordance with the priorities described in this Article.
7 Grants must be awarded in support of the implementation,
8 expansion, or implementation and expansion of weatherization
9 and job training programs consistent with the priorities
10 described in this Article. Strategies for grant use include,
11 but are not limited to, the following:

12 (1) Repair or replacement of inefficient heating and
13 cooling units.

14 (2) Addressing of air infiltration with weather
15 stripping, caulking, thresholds, minor repairs to walls,
16 roofs, ceilings, and floors, and window and door
17 replacement.

18 (3) Repair or replacement of water heaters.

19 (4) Pipe, duct, or pipe and duct insulation.

20 (c) Portions of grant funds may be used for:

21 (1) Work-aligned training in weatherization skill
22 sets, including skills necessary for career advancement in
23 the energy efficiency field.

24 (2) Basic skills training, including soft-skill
25 training, and other workforce development services,
26 including mentoring, job development, support services,

1 transportation assistance, and wage subsidies tied to
2 training and employment in weatherization.

3 (d) All grant applicants must include a comprehensive plan
4 for local community engagement. Grant recipients may devote a
5 portion of awarded funds to conduct outreach activities
6 designed to assure that eligible households and relevant
7 workforce populations are made aware of the opportunities
8 available under this Article. A portion of outreach activities
9 must occur in convenient, local intake centers, including but
10 not limited to churches, local schools, and community centers.

11 (e) Any private, public, and non-profit entities that
12 provide, or demonstrate desire and ability to provide,
13 weatherization services that act to decrease the impact of
14 energy costs on low-income areas and incorporate an effective
15 local employment strategy are eligible grant applicants.

16 (f) For grant recipients, maximum per unit expenditure
17 shall not exceed \$6,500.

18 (g) A grant recipient may not be awarded grants totaling
19 more than \$500,000 per fiscal year.

20 (h) A grant recipient may not use more than 15% of its
21 total grant amount for administrative expenses.

22 Section 40-25. Targets. The Department shall award grants
23 under this Article using the following target areas and
24 populations, and the Board shall monitor the application of
25 these targets to the awarding of grants:

1 (1) Census tracts in urban metropolitan areas where 20%
2 or more of the population is living in poverty and that
3 suffer from disproportionately high rates of unemployment,
4 underemployment, and poverty as defined by the 2000 Census.

5 (2) Areas with high concentrations of families with
6 income equal to or less than 60% of the Area Median Income.

7 (3) Areas with the highest energy costs in relation to
8 income.

9 Section 40-30. Priority grants. In awarding grants, the
10 Department must give priority to grant applications that
11 demonstrate collaboration among local weatherization agencies,
12 educational institutions, workforce stakeholders, and
13 community organizations, especially those located in
14 communities with high rates of unemployment, underemployment,
15 and poverty.

16 Section 40-35. Quarterly reports. Grant recipients must
17 submit quarterly reports of their grant activities to the
18 Department in accordance with rules adopted under this Article.

19 Section 40-40. Weatherization Initiative Board.

20 (a) The Weatherization Initiative Board is created within
21 the Department. The Board must approve or deny all grants from
22 the Fund.

23 (a-5) Notwithstanding any other provision of this Article,

1 the Board has the authority to direct the Department to
2 authorize the awarding of grants to applicants serving areas or
3 populations not included in the target areas and populations
4 set forth in Section 40-25 if the Board determines that there
5 are special circumstances involving the areas or populations
6 served by the applicant.

7 (b) The Board shall consist of 5 voting members appointed
8 by the Governor with the advice and consent of the Senate. The
9 initial members shall have terms as follows as designated by
10 the Governor: one for one year, one for 2 years, one for 3
11 years, one for 4 years, and one for 5 years, or until a
12 successor is appointed and qualified. Thereafter, members
13 shall serve 5-year terms or until a successor is appointed and
14 qualified. The voting members shall elect a voting member to
15 serve as chair for a one-year term. Vacancies shall be filled
16 in the same manner for the balance of a term.

17 (c) The Board shall also have 4 non-voting ex officio
18 members appointed as follows: one Representative appointed by
19 the Speaker of the House, one Representative appointed by the
20 House Minority Leader, one Senator appointed by the President
21 of the Senate, and one Senator appointed by the Senate Minority
22 Leader, each to serve at the pleasure of the appointing
23 authority.

24 (d) Members shall receive no compensation, but may be
25 reimbursed for necessary expenses from appropriations to the
26 Department available for that purpose.

1 (e) The Board may adopt rules under the Illinois
2 Administrative Procedure Act.

3 (f) A quorum of the Board is at least 3 voting members, and
4 the affirmative vote of at least 3 voting members is required
5 for Board decisions and adoption of rules.

6 (g) The Department shall provide staff and administrative
7 assistance to the Board.

8 (h) By December 31 of each year, the Board shall file an
9 annual report with the Governor and the General Assembly
10 concerning the Initiative, grants awarded, and grantees and
11 making recommendations for any changes needed to enhance the
12 effectiveness of the Initiative.

13 Section 40-45. Emergency rules. The Department and the
14 Board shall exercise emergency rulemaking authority under the
15 Illinois Administrative Procedure Act to adopt necessary
16 emergency rules for the implementation of this Article.

17 Article 45.

18 Section 45-5. The Illinois Vehicle Code is amended by
19 adding Section 6-305.3 as follows:

20 (625 ILCS 5/6-305.3 new)

21 Sec. 6-305.3. Vehicle license cost recovery fee.

22 (a) As used in this Section:

1 "Automobile rental company" means a person or entity whose
2 primary business is renting private passenger vehicles to the
3 public for 30 days or less.

4 "Inspect" or "inspection" means a vehicle emissions
5 inspection under Chapter 13C of this Code.

6 "Rental agreement" means an agreement for 30 days or less
7 setting forth the terms and conditions governing the use of a
8 private passenger vehicle provided by a rental company.

9 "Motor vehicle" means passenger vehicles of the first
10 division and motor vehicles of the second division weighing not
11 more than 8,000 pounds.

12 "Vehicle license cost recovery fee" or "VLCRF" means a
13 charge that may be separately stated and charged on a rental
14 agreement in a vehicle rental transaction originating in
15 Illinois to recover costs incurred by an automobile rental
16 company to license, title, register, and inspect motor
17 vehicles.

18 (b) Automobile rental companies may include a separately
19 stated mandatory surcharge or fee in a rental agreement for
20 vehicle license cost recovery fees (VLCRF) and all applicable
21 taxes.

22 (c) If an automobile rental company includes a VLCRF as
23 separately stated charge in a rental agreement, the amount of
24 the fee must represent the automobile rental company's
25 good-faith estimate of the automobile rental company's daily
26 charge as calculated by the automobile rental company to

1 recover its actual total annual motor vehicle titling,
2 registration, and inspection costs.

3 (d) If the total amount of the VLCRF collected by a
4 automobile rental company under this Section in any calendar
5 year exceeds the automobile rental company's actual costs to
6 license, title, register, and inspect for that calendar year,
7 the automobile rental company shall do both of the following:

8 (1) Retain the excess amount; and

9 (2) Adjust the estimated average per vehicle titling,
10 licensing, inspection, and registration charge for the
11 following calendar year by a corresponding amount.

12 (e) Nothing in subsection (d) of this Section shall prevent
13 a automobile rental company from making adjustments to the
14 VLCRF during the calendar year.

15 Article 50.

16 Section 50-5. The State Finance Act is amended by changing
17 Section 13.2 as follows:

18 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

19 Sec. 13.2. Transfers among line item appropriations.

20 (a) Transfers among line item appropriations from the same
21 treasury fund for the objects specified in this Section may be
22 made in the manner provided in this Section when the balance
23 remaining in one or more such line item appropriations is

1 insufficient for the purpose for which the appropriation was
2 made.

3 (a-1) No transfers may be made from one agency to another
4 agency, nor may transfers be made from one institution of
5 higher education to another institution of higher education.

6 (a-2) Except as otherwise provided in this Section,
7 transfers may be made only among the objects of expenditure
8 enumerated in this Section, except that no funds may be
9 transferred from any appropriation for personal services, from
10 any appropriation for State contributions to the State
11 Employees' Retirement System, from any separate appropriation
12 for employee retirement contributions paid by the employer, nor
13 from any appropriation for State contribution for employee
14 group insurance. During State fiscal year 2005, an agency may
15 transfer amounts among its appropriations within the same
16 treasury fund for personal services, employee retirement
17 contributions paid by employer, and State Contributions to
18 retirement systems; notwithstanding and in addition to the
19 transfers authorized in subsection (c) of this Section, the
20 fiscal year 2005 transfers authorized in this sentence may be
21 made in an amount not to exceed 2% of the aggregate amount
22 appropriated to an agency within the same treasury fund. During
23 State fiscal year 2007, the Departments of Children and Family
24 Services, Corrections, Human Services, and Juvenile Justice
25 may transfer amounts among their respective appropriations
26 within the same treasury fund for personal services, employee

1 retirement contributions paid by employer, and State
2 contributions to retirement systems. During State fiscal year
3 2010, the Department of Transportation may transfer amounts
4 among their respective appropriations within the same treasury
5 fund for personal services, employee retirement contributions
6 paid by employer, and State contributions to retirement
7 systems. Notwithstanding, and in addition to, the transfers
8 authorized in subsection (c) of this Section, these transfers
9 may be made in an amount not to exceed 2% of the aggregate
10 amount appropriated to an agency within the same treasury fund.

11 (a-3) Further, if an agency receives a separate
12 appropriation for employee retirement contributions paid by
13 the employer, any transfer by that agency into an appropriation
14 for personal services must be accompanied by a corresponding
15 transfer into the appropriation for employee retirement
16 contributions paid by the employer, in an amount sufficient to
17 meet the employer share of the employee contributions required
18 to be remitted to the retirement system.

19 (b) In addition to the general transfer authority provided
20 under subsection (c), the following agencies have the specific
21 transfer authority granted in this subsection:

22 The Department of Healthcare and Family Services is
23 authorized to make transfers representing savings attributable
24 to not increasing grants due to the births of additional
25 children from line items for payments of cash grants to line
26 items for payments for employment and social services for the

1 purposes outlined in subsection (f) of Section 4-2 of the
2 Illinois Public Aid Code.

3 The Department of Children and Family Services is
4 authorized to make transfers not exceeding 2% of the aggregate
5 amount appropriated to it within the same treasury fund for the
6 following line items among these same line items: Foster Home
7 and Specialized Foster Care and Prevention, Institutions and
8 Group Homes and Prevention, and Purchase of Adoption and
9 Guardianship Services.

10 The Department on Aging is authorized to make transfers not
11 exceeding 2% of the aggregate amount appropriated to it within
12 the same treasury fund for the following Community Care Program
13 line items among these same line items: Homemaker and Senior
14 Companion Services, Alternative Senior Services, Case
15 Coordination Units, and Adult Day Care Services.

16 The State Treasurer is authorized to make transfers among
17 line item appropriations from the Capital Litigation Trust
18 Fund, with respect to costs incurred in fiscal years 2002 and
19 2003 only, when the balance remaining in one or more such line
20 item appropriations is insufficient for the purpose for which
21 the appropriation was made, provided that no such transfer may
22 be made unless the amount transferred is no longer required for
23 the purpose for which that appropriation was made.

24 The State Board of Education is authorized to make
25 transfers from line item appropriations within the same
26 treasury fund for General State Aid and General State Aid -

1 Hold Harmless, provided that no such transfer may be made
2 unless the amount transferred is no longer required for the
3 purpose for which that appropriation was made, to the line item
4 appropriation for Transitional Assistance when the balance
5 remaining in such line item appropriation is insufficient for
6 the purpose for which the appropriation was made.

7 The State Board of Education is authorized to make
8 transfers between the following line item appropriations
9 within the same treasury fund: Disabled Student
10 Services/Materials (Section 14-13.01 of the School Code),
11 Disabled Student Transportation Reimbursement (Section
12 14-13.01 of the School Code), Disabled Student Tuition -
13 Private Tuition (Section 14-7.02 of the School Code),
14 Extraordinary Special Education (Section 14-7.02b of the
15 School Code), Reimbursement for Free Lunch/Breakfast Program,
16 Summer School Payments (Section 18-4.3 of the School Code), and
17 Transportation - Regular/Vocational Reimbursement (Section
18 29-5 of the School Code). Such transfers shall be made only
19 when the balance remaining in one or more such line item
20 appropriations is insufficient for the purpose for which the
21 appropriation was made and provided that no such transfer may
22 be made unless the amount transferred is no longer required for
23 the purpose for which that appropriation was made.

24 (c) The sum of such transfers for an agency in a fiscal
25 year shall not exceed 2% of the aggregate amount appropriated
26 to it within the same treasury fund for the following objects:

1 Personal Services; Extra Help; Student and Inmate
2 Compensation; State Contributions to Retirement Systems; State
3 Contributions to Social Security; State Contribution for
4 Employee Group Insurance; Contractual Services; Travel;
5 Commodities; Printing; Equipment; Electronic Data Processing;
6 Operation of Automotive Equipment; Telecommunications
7 Services; Travel and Allowance for Committed, Paroled and
8 Discharged Prisoners; Library Books; Federal Matching Grants
9 for Student Loans; Refunds; Workers' Compensation,
10 Occupational Disease, and Tort Claims; and, in appropriations
11 to institutions of higher education, Awards and Grants.
12 Notwithstanding the above, any amounts appropriated for
13 payment of workers' compensation claims to an agency to which
14 the authority to evaluate, administer and pay such claims has
15 been delegated by the Department of Central Management Services
16 may be transferred to any other expenditure object where such
17 amounts exceed the amount necessary for the payment of such
18 claims.

19 (c-1) Special provisions for State fiscal year 2003.
20 Notwithstanding any other provision of this Section to the
21 contrary, for State fiscal year 2003 only, transfers among line
22 item appropriations to an agency from the same treasury fund
23 may be made provided that the sum of such transfers for an
24 agency in State fiscal year 2003 shall not exceed 3% of the
25 aggregate amount appropriated to that State agency for State
26 fiscal year 2003 for the following objects: personal services,

1 except that no transfer may be approved which reduces the
2 aggregate appropriations for personal services within an
3 agency; extra help; student and inmate compensation; State
4 contributions to retirement systems; State contributions to
5 social security; State contributions for employee group
6 insurance; contractual services; travel; commodities;
7 printing; equipment; electronic data processing; operation of
8 automotive equipment; telecommunications services; travel and
9 allowance for committed, paroled, and discharged prisoners;
10 library books; federal matching grants for student loans;
11 refunds; workers' compensation, occupational disease, and tort
12 claims; and, in appropriations to institutions of higher
13 education, awards and grants.

14 (c-2) Special provisions for State fiscal year 2005.
15 Notwithstanding subsections (a), (a-2), and (c), for State
16 fiscal year 2005 only, transfers may be made among any line
17 item appropriations from the same or any other treasury fund
18 for any objects or purposes, without limitation, when the
19 balance remaining in one or more such line item appropriations
20 is insufficient for the purpose for which the appropriation was
21 made, provided that the sum of those transfers by a State
22 agency shall not exceed 4% of the aggregate amount appropriated
23 to that State agency for fiscal year 2005.

24 (d) Transfers among appropriations made to agencies of the
25 Legislative and Judicial departments and to the
26 constitutionally elected officers in the Executive branch

1 require the approval of the officer authorized in Section 10 of
2 this Act to approve and certify vouchers. Transfers among
3 appropriations made to the University of Illinois, Southern
4 Illinois University, Chicago State University, Eastern
5 Illinois University, Governors State University, Illinois
6 State University, Northeastern Illinois University, Northern
7 Illinois University, Western Illinois University, the Illinois
8 Mathematics and Science Academy and the Board of Higher
9 Education require the approval of the Board of Higher Education
10 and the Governor. Transfers among appropriations to all other
11 agencies require the approval of the Governor.

12 The officer responsible for approval shall certify that the
13 transfer is necessary to carry out the programs and purposes
14 for which the appropriations were made by the General Assembly
15 and shall transmit to the State Comptroller a certified copy of
16 the approval which shall set forth the specific amounts
17 transferred so that the Comptroller may change his records
18 accordingly. The Comptroller shall furnish the Governor with
19 information copies of all transfers approved for agencies of
20 the Legislative and Judicial departments and transfers
21 approved by the constitutionally elected officials of the
22 Executive branch other than the Governor, showing the amounts
23 transferred and indicating the dates such changes were entered
24 on the Comptroller's records.

25 (e) The State Board of Education, in consultation with the
26 State Comptroller, may transfer line item appropriations for

1 General State Aid from the Common School Fund to the Education
2 Assistance Fund.

3 (Source: P.A. 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

4 Article 55.

5 Section 55-5. The Department of Transportation Law of the
6 Civil Administrative Code of Illinois is amended by changing
7 Section 2705-245 as follows:

8 (20 ILCS 2705/2705-245) (was 20 ILCS 2705/49.20)

9 Sec. 2705-245. Inspection of property and records of
10 applicants for and recipients of assistance. The Department at
11 reasonable times may inspect the property and examine the
12 books, records, and other information relating to the nature or
13 adequacy of services, facilities, or equipment of any
14 municipality, district, or carrier that is receiving or has
15 applied for assistance under this Law. It may conduct
16 investigations and hold hearings within or without the State.
17 This Section shall not affect the regulatory power of any other
18 State or local agency with respect to transportation rates and
19 services. Annual statements of assets, revenues, and expenses
20 and annual audit reports shall be submitted to the Department
21 by any ~~each~~ municipality, district, or carrier receiving or
22 applying for capital assistance from the State when requested
23 by the Department as part of an inspection under this Section.

1 (Source: P.A. 91-239, eff. 1-1-00.)

2 Section 55-10. The Architectural, Engineering, and Land
3 Surveying Qualifications Based Selection Act is amended by
4 changing Section 30 as follows:

5 (30 ILCS 535/30) (from Ch. 127, par. 4151-30)

6 Sec. 30. Evaluation procedure. A State agency shall
7 evaluate the firms submitting letters of interest and other
8 prequalified firms, taking into account qualifications; and
9 the State agency may consider, but shall not be limited to
10 considering, ability of professional personnel, past record
11 and experience, performance data on file, willingness to meet
12 time requirements, location, workload of the firm and any other
13 qualifications based factors as the State agency may determine
14 in writing are applicable. The State agency may conduct
15 discussions with and require public presentations by firms
16 deemed to be the most qualified regarding their qualifications,
17 approach to the project and ability to furnish the required
18 services.

19 A State agency shall establish a committee to select firms
20 to provide architectural, engineering, and land surveying
21 services. A selection committee may include at least one public
22 member nominated by a statewide association of the profession
23 affected. The public member may not be employed or associated
24 with any firm holding a contract with the State agency nor may

1 the public member's firm be considered for a contract with that
2 State agency while he or she is serving as a public member of
3 the committee.

4 In addition, the Department of Transportation may appoint
5 public members to selection committees that represent the
6 geographic, ethnic, and cultural diversity of the population of
7 the State, including persons nominated by associations
8 representing minority and female-owned business associations.
9 Public members shall be licensed in the profession affected and
10 shall not be employed by, associated with, or have an ownership
11 interest in any firm holding or seeking to hold a contract
12 while serving as a public member of the committee.

13 In no case shall a State agency, prior to selecting a firm
14 for negotiation under Section 40, seek formal or informal
15 submission of verbal or written estimates of costs or proposals
16 in terms of dollars, hours required, percentage of construction
17 cost, or any other measure of compensation.

18 (Source: P.A. 91-357, eff. 7-29-99.)

19 Section 55-15. The Motor Fuel Tax Law is amended by
20 changing Section 19 as follows:

21 (35 ILCS 505/19) (from Ch. 120, par. 433.2)

22 Sec. 19. A committee is hereby established to advise the
23 Governor on the administration of the Department's
24 Disadvantaged Business Enterprise Program, and on the

1 Department's compliance with workforce equal opportunity
2 goals. The committee shall have 8 ~~9~~ members appointed by the
3 Governor with the concurrence of the Senate, as follows: one
4 member shall be chosen from a civic organization whose purpose
5 is to assure equal opportunity in the workforce; and 7 members
6 shall be chosen from industry, 5 of whom shall be owners of
7 certified disadvantaged business enterprises; ~~and one member~~
8 ~~shall be an employee of the Illinois Department of~~
9 ~~Transportation.~~

10 The committee shall report to the Governor semi-annually,
11 and shall advise the General Assembly annually of the status of
12 the Department's administration of the Disadvantaged Business
13 Enterprise Program and on the Department's compliance with
14 workforce equal opportunity goals.

15 The activities of the committee shall encompass the review
16 of issues, concerns, questions, policies and procedures
17 pertaining to the administration of the Disadvantaged Business
18 Enterprise Program and the Department's compliance with
19 workforce equal opportunity goals.

20 Members' expenses associated with committee activities
21 shall be reimbursed at the State rate.

22 (Source: P.A. 86-16.)

23 Section 55-20. The Permanent Noise Monitoring Act is
24 amended by changing Sections 5, 10, and 15 as follows:

1 (620 ILCS 35/5) (from Ch. 15 1/2, par. 755)

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

3 (a) "Airport" means an airport, as defined in Section 6 of
4 the Illinois Aeronautics Act, that has more than 500,000
5 aircraft operations (take-offs and landings) per year.

6 (a-1) "Airport sponsor" means any municipality, as defined
7 in Section 20 of the Illinois Aeronautics Act, that can own and
8 operate an airport.

9 (b) "Permanent noise monitoring system" or "system" means a
10 system that includes at least:

11 (1) automated noise monitors capable of recording
12 noise levels 24 hours per day 365 days per year; and

13 (2) computer equipment sufficient to process the data
14 from each noise monitor so that permanent noise monitoring
15 reports in accordance with Section 15 of this Act can be
16 generated.

17 (c) "Division" means the Division of Aeronautics of the
18 Illinois Department of Transportation.

19 (d) "Ldn" means day-night average sound level. "Day-night
20 average sound level" has the meaning ascribed to it in Section
21 150.7 of Part 150 of Title 14 of the Code of Federal
22 Regulations.

23 (Source: P.A. 87-808.)

24 (620 ILCS 35/10) (from Ch. 15 1/2, par. 760)

25 Sec. 10. Establishment of permanent noise monitoring

1 systems. No later than December 31, 2008 ~~1992~~, each airport
2 shall have an operable permanent noise monitoring system. The
3 system shall be ~~designed, constructed, and~~ operated by the
4 airport sponsor ~~Division~~. The airport sponsor shall be
5 responsible for the construction or the design and construction
6 of any system not constructed or designed and constructed as of
7 the effective date of this amendatory Act of the 96th General
8 Assembly. The cost of the systems and of the permanent noise
9 monitoring reports under Section 15 of this Act shall be borne
10 by the airport sponsor ~~State of Illinois~~.

11 (Source: P.A. 87-808.)

12 (620 ILCS 35/15) (from Ch. 15 1/2, par. 765)

13 Sec. 15. Permanent noise monitoring reports. Beginning in
14 1993 and through 2008, the Division shall, on June 30th and
15 December 31st of each year, prepare a permanent noise
16 monitoring report and make the report available to the public.
17 Beginning in 2009, the airport sponsor shall, on June 30th and
18 December 31st of each year, prepare a permanent noise
19 monitoring report and make the report available to the public.
20 Copies of the report shall be submitted to: the Office of the
21 Governor; the Office of the President of the Senate; the Office
22 of the Senate Minority Leader; the Office of the Speaker of the
23 House; the Office of the House Minority Leader; the United
24 States Environmental Protection Agency, Region V; and the
25 Illinois Environmental Protection Agency. Beginning in 2009, a

1 copy of the report shall also be submitted to the division. The
2 permanent noise monitoring report shall contain all of the
3 following:

4 (a) Copies of the actual data collected by each permanent
5 noise monitor in the system.

6 (b) A summary of the data collected by each permanent noise
7 monitor in the system, showing the data organized by:

8 (1) day of the week;

9 (2) time of day;

10 (3) week of the year;

11 (4) type of aircraft; and

12 (5) the single highest noise event recorded at each
13 monitor.

14 (c) Noise contour maps showing the 65 Ldn, 70 Ldn and 75
15 Ldn zones around the airport.

16 (d) Noise contour maps showing the 65 decibel (dBA), 70
17 dBA, and 75 dBA zones around the airport for:

18 (1) 7:00 a.m. to 10:00 p.m.;

19 (2) 10:00 p.m. to 7:00 a.m.; and

20 (3) types of aircraft.

21 (e) The noise contour maps produced under subsections (c)
22 and (d) shall also indicate:

23 (1) residential areas (single and multi-family);

24 (2) schools;

25 (3) hospitals and nursing homes;

26 (4) recreational areas, including but not limited to

- 1 parks and forest preserves;
- 2 (5) commercial areas;
- 3 (6) industrial areas;
- 4 (7) the boundary of the airport;
- 5 (8) the number of residences (single and multi-family)
- 6 within each contour;
- 7 (9) the number of residents within each contour;
- 8 (10) the number of schools within each contour; and
- 9 (11) the number of school students within each contour.

10 (f) Through 2008, a ~~A~~ certification by the Division that

11 the system was in proper working order during the period or, if

12 it was not, a specific description of any and all problems with

13 the System during the period.

14 (g) Beginning in 2009, a certification by the airport

15 sponsor that the system was in proper working order during the

16 period or, if it was not, a specific description of any and all

17 problems with the system during the period.

18 (Source: P.A. 87-808.)

19 Article 60.

20 Section 60-5. If and only if House Bill 255 of the 96th

21 General Assembly becomes law, the Video Gaming Act is amended

22 by changing Sections 5, 15, 25, 35, 45, 50, 58, and 60 and by

23 adding Sections 80 and 85 as follows:

1 (09600HB0255enr. Sec. 5)

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

3 "Board" means the Illinois Gaming Board.

4 "Credit" means 5, 10, or 25 cents either won or purchased
5 by a player.

6 "Distributor" means an individual, partnership, or
7 corporation licensed under this Act to buy, sell, lease, or
8 distribute video gaming terminals or major components or parts
9 of video gaming terminals to or from terminal operators.

10 "Terminal operator" means an individual, partnership or
11 corporation that is licensed under this Act and that owns,
12 services, and maintains video gaming terminals for placement in
13 licensed establishments, licensed fraternal establishments, or
14 licensed veterans establishments.

15 "Licensed technician" means an individual who is licensed
16 under this Act to repair, service, and maintain video gaming
17 terminals.

18 "Licensed terminal handler" means a person, including but
19 not limited to an employee or independent contractor working
20 for a manufacturer, distributor, supplier, technician, or
21 terminal operator, who is licensed under this Act to possess or
22 control a video gaming terminal or to have access to the inner
23 workings of a video gaming terminal. A licensed terminal
24 handler does not include an individual, partnership, or
25 corporation defined as a manufacturer, distributor, supplier,
26 technician, or terminal operator under this Act.

1 "Manufacturer" means an individual, partnership, or
2 corporation that is licensed under this Act and that
3 manufactures or assembles video gaming terminals.

4 "Supplier" means an individual, partnership, or
5 corporation that is licensed under this Act to supply major
6 components or parts to video gaming terminals to licensed
7 terminal operators.

8 "Net terminal income" means money put into a video gaming
9 terminal minus credits paid out to players.

10 "Video gaming terminal" means any electronic video game
11 machine that, upon insertion of cash, is available to play or
12 simulate the play of a video game, including but not limited to
13 video poker, line up, and blackjack, as authorized by the Board
14 utilizing a video display and microprocessors in which the
15 player may receive free games or credits that can be redeemed
16 for cash. The term does not include a machine that directly
17 dispenses coins, cash, or tokens or is for amusement purposes
18 only.

19 "Licensed establishment" means any licensed retail
20 establishment where alcoholic liquor is drawn, poured, mixed,
21 or otherwise served for consumption on the premises. "Licensed
22 establishment" does not include a facility operated by an
23 organization licensee, an intertrack wagering licensee, or an
24 intertrack wagering location licensee licensed under the
25 Illinois Horse Racing Act of 1975 or a riverboat licensed under
26 the Riverboat Gambling Act.

1 "Licensed fraternal establishment" means the location
2 where a qualified fraternal organization that derives its
3 charter from a national fraternal organization regularly
4 meets.

5 "Licensed veterans establishment" means the location where
6 a qualified veterans organization that derives its charter from
7 a national veterans organization regularly meets.

8 "Licensed truck stop establishment" means a facility that
9 is at least a 3-acre facility with a convenience store and with
10 separate diesel islands for fueling commercial motor vehicles
11 and parking spaces for commercial motor vehicles as defined in
12 Section 18b-101 of the Illinois Vehicle Code.

13 (Source: 09600HB0255enr.)

14 (09600HB0255enr. Sec. 15)

15 Sec. 15. Minimum requirements for licensing and
16 registration. Every video gaming terminal offered for play
17 shall first be tested and approved pursuant to the rules of the
18 Board, and each video gaming terminal offered in this State for
19 play shall conform to an approved model. The Board may utilize
20 the services of an independent outside testing laboratory for
21 the examination of video gaming machines and associated
22 equipment as required by this Section. Every video gaming
23 terminal offered in this State for play must meet minimum
24 standards set by an independent outside testing laboratory
25 approved by the Board. Each approved model shall, at a minimum,

1 meet the following criteria:

2 (1) It must conform to all requirements of federal law
3 and regulations, including FCC Class A Emissions
4 Standards.

5 (2) It must theoretically pay out a mathematically
6 demonstrable percentage during the expected lifetime of
7 the machine of all amounts played, which must not be less
8 than 80%. Video gaming terminals that may be affected by
9 skill must meet this standard when using a method of play
10 that will provide the greatest return to the player over a
11 period of continuous play.

12 (3) It must use a random selection process to determine
13 the outcome of each play of a game. The random selection
14 process must meet 99% confidence limits using a standard
15 chi-squared test for (randomness) goodness of fit.

16 (4) It must display an accurate representation of the
17 game outcome.

18 (5) It must not automatically alter pay tables or any
19 function of the video gaming terminal based on internal
20 computation of hold percentage or have any means of
21 manipulation that affects the random selection process or
22 probabilities of winning a game.

23 (6) It must not be adversely affected by static
24 discharge or other electromagnetic interference.

25 (7) It must be capable of detecting and displaying the
26 following conditions during idle states or on demand: power

1 reset; door open; and door just closed.

2 (8) It must have the capacity to display complete play
3 history (outcome, intermediate play steps, credits
4 available, bets placed, credits paid, and credits cashed
5 out) for the most recent game played and 10 games prior
6 thereto.

7 (9) The theoretical payback percentage of a video
8 gaming terminal must not be capable of being changed
9 without making a hardware or software change in the video
10 gaming terminal.

11 (10) Video gaming terminals must be designed so that
12 replacement of parts or modules required for normal
13 maintenance does not necessitate replacement of the
14 electromechanical meters.

15 (11) It must have nonresettable meters housed in a
16 locked area of the terminal that keep a permanent record of
17 all cash inserted into the machine, all winnings made by
18 the terminal printer, credits played in for video gaming
19 terminals, and credits won by video gaming players. The
20 video gaming terminal must provide the means for on-demand
21 display of stored information as determined by the Board.

22 (12) Electronically stored meter information required
23 by this Section must be preserved for a minimum of 180 days
24 after a power loss to the service.

25 (13) It must have one or more mechanisms that accept
26 cash in the form of bills. The mechanisms shall be designed

1 to prevent obtaining credits without paying by stringing,
2 slamming, drilling, or other means. If such attempts at
3 physical tampering are made, the video gaming terminal
4 shall suspend itself from operating until reset.

5 (14) It shall have accounting software that keeps an
6 electronic record which includes, but is not limited to,
7 the following: total cash inserted into the video gaming
8 terminal; the value of winning tickets claimed by players;
9 the total credits played; ~~and~~ the total credits awarded by
10 a video gaming terminal; and pay back percentage credited
11 to players of each video game.

12 (15) It shall be linked by a central communications
13 system to provide auditing program information as approved
14 by the Board. The central communications system shall use a
15 standard industry protocol, as defined by the Gaming
16 Standards Association, and shall have the functionality to
17 enable the Board or its designee to activate or deactivate
18 individual gaming devices from the central communications
19 system. In no event may the communications system approved
20 by the Board limit participation to only one manufacturer
21 of video gaming terminals by either the cost in
22 implementing the necessary program modifications to
23 communicate or the inability to communicate with the
24 central communications system.

25 (16) The Board, in its discretion, may require video
26 gaming terminals to display Amber Alert messages if the

1 Board makes a finding that it would be economically and
2 technically feasible and pose no risk to the integrity and
3 security of the central communications system and video
4 gaming terminals. ~~It shall be able to receive and broadcast~~
5 ~~amber alert messages.~~

6 The Board may adopt rules to establish additional criteria
7 to preserve the integrity and security of video gaming in this
8 State.

9 (Source: 09600HB0255enr.)

10 (09600HB0255enr. Sec. 25)

11 Sec. 25. Restriction of licensees.

12 (a) Manufacturer. A person may not be licensed as a
13 manufacturer of a video gaming terminal in Illinois unless the
14 person has a valid manufacturer's license issued under this
15 Act. A manufacturer may only sell video gaming terminals for
16 use in Illinois to persons having a valid distributor's
17 license.

18 (b) Distributor. A person may not sell, distribute, or
19 lease or market a video gaming terminal in Illinois unless the
20 person has a valid distributor's license issued under this Act.
21 A distributor may only sell video gaming terminals for use in
22 Illinois to persons having a valid distributor's or terminal
23 operator's license.

24 (c) Terminal operator. A person may not own, maintain, or
25 place a video gaming terminal unless he has a valid terminal

1 operator's license issued under this Act. A terminal operator
2 may only place video gaming terminals for use in Illinois in
3 licensed establishments, licensed truck stop establishments,
4 licensed fraternal establishments, and licensed veterans
5 establishments. No terminal operator may give anything of
6 value, including but not limited to a loan or financing
7 arrangement, to a licensed establishment, licensed truck stop
8 establishment, licensed fraternal establishment, or licensed
9 veterans establishment as any incentive or inducement to locate
10 video terminals in that establishment. Of the after-tax profits
11 from a video gaming terminal, 50% shall be paid to the terminal
12 operator and 50% shall be paid to the licensed establishment,
13 licensed truck stop establishment, licensed fraternal
14 establishment, or licensed veterans establishment. No terminal
15 operator may own or have a substantial interest in more than 5%
16 of the video gaming terminals licensed in this State. A video
17 terminal operator that violates one or more requirements of
18 this subsection is guilty of a Class 4 felony and is subject to
19 termination of his or her license by the Board.

20 (d) Licensed technician. A person may not service,
21 maintain, or repair a video gaming terminal in this State
22 unless he or she (1) has a valid technician's license issued
23 under this Act, (2) is a terminal operator, or (3) is employed
24 by a terminal operator, distributor, or manufacturer.

25 (d-5) Licensed terminal handler. No person, including but
26 not limited to an employee or independent contractor working

1 for a manufacturer, distributor, supplier, technician, or
2 terminal operator licensed pursuant to this Act, shall have
3 possession or control of a video gaming terminal, or access to
4 the inner workings of a video gaming terminal, unless that
5 person possesses a valid terminal handler's license issued
6 under this Act.

7 (e) Licensed establishment. No video gaming terminal may be
8 placed in any licensed establishment, licensed veterans
9 establishment, licensed truck stop establishment, or licensed
10 fraternal establishment unless the owner or agent of the owner
11 of the licensed establishment, licensed veterans
12 establishment, licensed truck stop establishment, or licensed
13 fraternal establishment has entered into a written use
14 agreement with the terminal operator for placement of the
15 terminals. A copy of the use agreement shall be on file in the
16 terminal operator's place of business and available for
17 inspection by individuals authorized by the Board. A licensed
18 establishment, licensed truck stop establishment, licensed
19 veterans establishment, or licensed fraternal establishment
20 may operate up to 5 video gaming terminals on its premises at
21 any time, ~~unless the Board authorizes a greater number.~~

22 (f) Residency requirement. Each licensed distributor and
23 terminal operator must be an Illinois resident. However, if an
24 out of state distributor or terminal operator has performed its
25 respective business within Illinois for at least 48 months
26 prior to the effective date of this Act, the out of state

1 person may be eligible for licensing under this Act, upon
2 application to and approval of the Board.

3 (g) Financial interest restrictions. As used in this Act,
4 "substantial interest" in a partnership, a corporation, an
5 organization, an association, or a business means:

6 (A) When, with respect to a sole proprietorship, an
7 individual or his or her spouse owns, operates,
8 manages, or conducts, directly or indirectly, the
9 organization, association, or business, or any part
10 thereof; or

11 (B) When, with respect to a partnership, the
12 individual or his or her spouse shares in any of the
13 profits, or potential profits, of the partnership
14 activities; or

15 (C) When, with respect to a corporation, an
16 individual or his or her spouse is an officer or
17 director, or the individual or his or her spouse is a
18 holder, directly or beneficially, of 5% or more of any
19 class of stock of the corporation; or

20 (D) When, with respect to an organization not
21 covered in (A), (B) or (C) above, an individual or his
22 or her spouse is an officer or manages the business
23 affairs, or the individual or his or her spouse is the
24 owner of or otherwise controls 10% or more of the
25 assets of the organization; or

26 (E) When an individual or his or her spouse

1 furnishes 5% or more of the capital, whether in cash,
2 goods, or services, for the operation of any business,
3 association, or organization during any calendar year.

4 (h) Location restriction. A licensed establishment,
5 licensed truck stop establishment, licensed fraternal
6 establishment, or licensed veterans establishment that is (i)
7 located within 1,000 feet of a facility operated by an
8 organizational licensee, an intertrack wagering licensee, ~~or~~
9 an intertrack wagering location licensee licensed under the
10 Illinois Horse Racing Act of 1975, or the home dock of a
11 riverboat licensed under the Riverboat Gambling Act or (ii)
12 located within 100 feet of ~~τ~~ a school~~τ~~ or a place of worship
13 under the Religious Corporation Act, is ineligible to operate a
14 video gaming terminal.

15 (i) The provisions of the Illinois Antitrust Act are fully
16 and equally applicable to the activities of any licensee under
17 this Act.

18 (Source: 09600HB0255enr.)

19 (09600HB0255enr. Sec. 35)

20 Sec. 35. Display of license; confiscation; violation as
21 felony.

22 (a) Each video gaming terminal shall be licensed by the
23 Board before placement or operation on the premises of a
24 licensed establishment, licensed truck stop establishment,
25 licensed fraternal establishment, or licensed veterans

1 establishment. The license of each video gaming terminal shall
2 be maintained at the location where the video gaming terminal
3 is operated. Failure to do so is a petty offense with a fine
4 not to exceed \$100. Any licensed establishment, licensed truck
5 stop establishment, licensed fraternal establishment, or
6 licensed veterans establishment used for the conduct of
7 gambling games in violation of this Act shall be considered a
8 gambling place in violation of Section 28-3 of the Criminal
9 Code of 1961. Every gambling device found in a licensed
10 establishment, licensed truck stop establishment, licensed
11 fraternal establishment, or licensed veterans establishment
12 operating gambling games in violation of this Act shall be
13 subject to seizure, confiscation, and destruction as provided
14 in Section 28-5 of the Criminal Code of 1961. Any license
15 issued under the Liquor Control Act of 1934 to any owner or
16 operator of a licensed establishment, licensed truck stop
17 establishment, licensed fraternal establishment, or licensed
18 veterans establishment that operates or permits the operation
19 of a video gaming terminal within its establishment in
20 violation of this Act shall be immediately revoked. No person
21 may own, operate, have in his or her possession or custody or
22 under his or her control, or permit to be kept in any place
23 under his or her possession or control, any device that awards
24 credits and contains a circuit, meter, or switch capable of
25 removing and recording the removal of credits when the award of
26 credits is dependent upon chance. A violation of this Section

1 is a Class 4 felony. All devices that are owned, operated, or
2 possessed in violation of this Section are hereby declared to
3 be public nuisances and shall be subject to seizure,
4 confiscation, and destruction as provided in Section 28-5 of
5 the Criminal Code of 1961. The provisions of this Section do
6 not apply to devices or electronic video game terminals
7 licensed pursuant to this Act. A video gaming terminal operated
8 for amusement only and bearing a valid amusement tax sticker
9 issued prior to the effective date of this amendatory Act of
10 the 96th General Assembly shall not be subject to this Section
11 until the sooner of (i) the expiration of the amusement tax
12 sticker or (ii) 30 days after the Board establishes that the
13 central communications system is functional.

14 (b) (1) The odds of winning each video game shall be posted
15 on or near each video gaming terminal. The manner in which the
16 odds are calculated and how they are posted shall be determined
17 by the Board by rule.

18 (2) No video gaming terminal licensed under this Act may be
19 played except during the legal hours of operation allowed for
20 the consumption of alcoholic beverages at the licensed
21 establishment, licensed fraternal establishment, or licensed
22 veterans establishment. A licensed establishment, licensed
23 fraternal establishment, or licensed veterans establishment
24 that violates this subsection is subject to termination of its
25 license by the Board.

26 (Source: 09600HB0255enr.)

1 (09600HB0255enr. Sec. 45)

2 Sec. 45. Issuance of license.

3 (a) The burden is upon each applicant to demonstrate his
4 suitability for licensure. Each video gaming terminal
5 manufacturer, distributor, supplier, operator, handler,
6 licensed establishment, licensed truck stop establishment,
7 licensed fraternal establishment, and licensed veterans
8 establishment shall be licensed by the Board. The Board may
9 issue or deny a license under this Act to any person pursuant
10 to the same criteria set forth in Section 9 of the Riverboat
11 Gambling Act.

12 (b) Each person seeking and possessing a license as a video
13 gaming terminal manufacturer, distributor, supplier, operator,
14 handler, licensed establishment, licensed truck stop
15 establishment, licensed fraternal establishment, or licensed
16 veterans establishment shall submit to a background
17 investigation conducted by the Board with the assistance of the
18 State Police or other law enforcement. The background
19 investigation shall include each beneficiary of a trust, each
20 partner of a partnership, and each director and officer and all
21 stockholders of 5% or more in a parent or subsidiary
22 corporation of a video gaming terminal manufacturer,
23 distributor, supplier, operator, or licensed establishment,
24 licensed truck stop establishment, licensed fraternal
25 establishment, or licensed veterans establishment.

1 (c) Each person seeking and possessing a license as a video
2 gaming terminal manufacturer, distributor, supplier, operator,
3 handler, licensed establishment, licensed truck stop
4 establishment, licensed fraternal establishment, or licensed
5 veterans establishment shall disclose the identity of every
6 person, association, trust, or corporation having a greater
7 than 1% direct or indirect pecuniary interest in the video
8 gaming terminal operation to which the license is sought. If
9 the disclosed entity is a trust, the application shall disclose
10 the names and addresses of the beneficiaries; if a corporation,
11 the names and addresses of all stockholders and directors; if a
12 partnership, the names and addresses of all partners, both
13 general and limited.

14 (d) No person may be licensed as a video gaming terminal
15 manufacturer, distributor, supplier, operator, handler,
16 licensed establishment, licensed truck stop establishment,
17 licensed fraternal establishment, or licensed veterans
18 establishment if that person has been found by the Board to:

19 (1) have a background, including a criminal record,
20 reputation, habits, social or business associations, or
21 prior activities that pose a threat to the public interests
22 of the State or to the security and integrity of video
23 gaming;

24 (2) create or enhance the dangers of unsuitable,
25 unfair, or illegal practices, methods, and activities in
26 the conduct of video gaming; or

1 (3) present questionable business practices and
2 financial arrangements incidental to the conduct of video
3 gaming activities.

4 (e) Any applicant for any license under this Act has the
5 burden of proving his or her qualifications to the satisfaction
6 of the Board. The Board may adopt rules to establish additional
7 qualifications and requirements to preserve the integrity and
8 security of video gaming in this State.

9 (f) ~~(b)~~ A non-refundable application fee shall be paid at
10 the time an application for a license is filed with the Board
11 in the following amounts:

- 12 (1) Manufacturer \$5,000
- 13 (2) Distributor..... \$5,000
- 14 (3) Terminal operator..... \$5,000
- 15 (4) Supplier \$2,500
- 16 (5) Technician \$100
- 17 (6) Terminal Handler \$50

18 ~~(c) (Blank).~~

19 (g) ~~(d)~~ Each licensed distributor, terminal operator, or
20 person with a substantial interest in a distributor or terminal
21 operator must have resided in Illinois for at least 24 months
22 prior to application unless he or she has performed his or her
23 respective business in Illinois for at least 48 months prior to
24 the effective date of this Act.

25 The Board shall establish an annual fee for each license
26 not to exceed the following:

1	(1) Manufacturer	\$10,000
2	(2) Distributor.....	\$10,000
3	(3) Terminal operator.....	\$5,000
4	(4) Supplier	\$2,000
5	(5) Technician	\$100
6	(6) Licensed establishment, licensed truck stop	
7	establishment, licensed fraternal establishment,	
8	or licensed veterans establishment	\$100
9	(7) Video gaming terminal.....	\$100
10	<u>(8) Terminal Handler</u>	<u>\$50</u>

11 (Source: 09600HB0255enr.)

12 (09600HB0255enr. Sec. 50)

13 Sec. 50. Distribution of license fees.

14 (a) All fees collected under Section 45 shall be deposited
15 into the State Gaming Fund.

16 (b) Fees collected under Section 45 shall be used as
17 follows:

18 (1) Twenty-five percent shall be paid, subject to
19 appropriation by the General Assembly, to the Department of
20 Human Services for administration of ~~to~~ programs for the
21 treatment of compulsive gambling.

22 (2) Seventy-five percent shall be used for the
23 administration of this Act.

24 (c) All licenses issued by the Board under this Act are
25 renewable annually unless sooner cancelled or terminated. No

1 license issued under this Act is transferable or assignable.

2 (Source: 09600HB0255enr.)

3 (09600HB0255enr. Sec. 58)

4 Sec. 58. Location of terminals. Video gaming terminals
5 must be located in an area restricted to persons over 21 years
6 of age the entrance to which is within the view of at least one
7 employee, who is over 21 years of age, of the establishment in
8 which they are located. The placement of video gaming terminals
9 in licensed establishments, licensed truck stop
10 establishments, licensed fraternal establishments, and
11 licensed veterans establishments shall be subject to the rules
12 promulgated by the Board pursuant to the Illinois
13 Administrative Procedure Act.

14 (Source: 09600HB0255enr.)

15 (09600HB0255enr. Sec. 60)

16 Sec. 60. Imposition and distribution of tax.

17 (a) A tax of 30% is imposed on net terminal income and
18 shall be collected by the Board.

19 (b) Of the tax collected under this Section, five-sixths
20 shall be deposited into the Capital Projects Fund and one-sixth
21 shall be deposited into the Local Government Video Gaming
22 Distributive Fund.

23 (c) Revenues generated from the play of video gaming
24 terminals shall be deposited by the terminal operator, who is

1 responsible for tax payments, in a specially created, separate
2 bank account maintained by the video gaming terminal operator
3 to allow for electronic fund transfers of moneys for tax
4 payment.

5 (d) Each licensed establishment, licensed truck stop
6 establishment, licensed fraternal establishment, and licensed
7 veterans establishment shall maintain an adequate video gaming
8 fund, with the amount to be determined by the Board.

9 (e) The State's percentage of net terminal income shall be
10 reported and remitted to the Board within 15 days after the
11 15th day of each month and within 15 days after the end of each
12 month by the video terminal operator. A video terminal operator
13 who falsely reports or fails to report the amount due required
14 by this Section is guilty of a Class 4 felony and is subject to
15 termination of his or her license by the Board. Each video
16 terminal operator shall keep a record of net terminal income in
17 such form as the Board may require. All payments not remitted
18 when due shall be paid together with a penalty assessment on
19 the unpaid balance at a rate of 1.5% per month.

20 (Source: 09600HB0255enr.)

21 (09600HB0255enr. Sec. 80 new)

22 Sec. 80. Applicability of Illinois Riverboat Gambling Act.
23 The provisions of the Illinois Riverboat Gambling Act, and all
24 rules promulgated thereunder, shall apply to the Video Gaming
25 Act, except where there is a conflict between the 2 Acts. All

1 provisions of the Uniform Penalty and Interest Act shall apply,
2 as far as practicable, to the subject matter of this Act to the
3 same extent as if such provisions were included herein.

4 (09600HB0255enr. Sec. 85 new)

5 Sec. 85. Severability. The provisions of the Video Gaming
6 Act are severable pursuant to Section 1.31 of the Statute on
7 Statutes.

8 Section 60-10. If and only if House Bill 255 of the 96th
9 General Assembly becomes law, the Illinois Lottery Law is
10 amended by changing Sections 3, 7.12, 7.17, 9, and 9.1 as
11 follows:

12 (20 ILCS 1605/3) (from Ch. 120, par. 1153)

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

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

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

18 c. "Department" means the Department of Revenue.

19 d. "Director" means the Director of Revenue.

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

22 f. "Multi-state game directors" means such persons,
23 including the Superintendent, as may be designated by an

1 agreement between the Division and one or more additional
2 lotteries operated under the laws of another state or states.

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

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

7 i. "Management agreement" means an agreement or contract
8 between the Department on behalf of the State with a private
9 manager, as an independent contractor, whereby the private
10 manager provides management services to the Lottery in exchange
11 for the receipt of no more than 5% of Lottery profits ~~ticket~~
12 ~~and share sales and related proceeds~~ so long as the Department
13 continues to exercise actual control over all significant
14 business decisions made by the private manager as set forth in
15 Section 9.1.

16 j. "Person" means any individual, firm, association, joint
17 venture, partnership, estate, trust, syndicate, fiduciary,
18 corporation, or other legal entity, group, or combination.

19 k. "Private manager" means a person that provides
20 management services to the Lottery on behalf of the Department
21 under a management agreement.

22 l. "Profits" means total revenues accruing from the sale of
23 lottery tickets or shares and related proceeds minus (1) the
24 payment of prizes and retailer bonuses and (2) the payment of
25 costs incurred in the operation and administration of the
26 lottery, excluding costs of services directly rendered by a

1 private manager.

2 (Source: P.A. 94-776, eff. 5-19-06; 09600HB0255enr.)

3 (20 ILCS 1605/7.12)

4 Sec. 7.12. Internet pilot program. The General Assembly
5 finds that:

6 (1) the consumer market in Illinois has changed since
7 the creation of the Illinois State Lottery in 1974;

8 (2) the Internet has become an integral part of
9 everyday life for a significant number of Illinois
10 residents not only in regards to their professional life,
11 but also in regards to personal business and communication;
12 and

13 (3) the current practices of selling lottery tickets
14 does not appeal to the new form of market participants who
15 prefer to make purchases on the internet at their own
16 convenience.

17 It is the intent of the General Assembly to create an
18 Internet pilot program for the sale of lottery tickets to
19 capture this new form of market participant.

20 The Department shall create a pilot program that allows an
21 individual to purchase lottery tickets or shares on the
22 Internet without using a Lottery retailer with on-line status,
23 as those terms are defined by rule. The Department shall adopt
24 rules necessary for the administration of this program. These
25 rules shall include requirements for marketing of the Lottery

1 to infrequent players. The provisions of this Act and the rules
2 adopted under this Act shall apply to the sale of lottery
3 tickets or shares under this program.

4 Before beginning the pilot program, the Department of
5 Revenue must seek a clarifying memorandum from the federal
6 Department of Justice that it is legal for Illinois residents
7 and non-Illinois residents to purchase and the private company
8 to sell lottery tickets on the Internet on behalf of the State
9 of Illinois under the federal Unlawful Internet Gambling
10 Enforcement Act of 2006.

11 The Department shall limit the individuals authorized to
12 purchase lottery tickets on the Internet to individuals who are
13 18 years of age or older and Illinois residents, unless the
14 clarifying memorandum from the federal Department of Justice
15 indicates that it is legal for non-Illinois residents to
16 purchase lottery tickets on the Internet, and shall set a
17 limitation on the monthly purchases that may be made through
18 any one individual's lottery account. The Department is
19 obligated to implement the pilot program set forth in this
20 Section and Sections 7.15, 7.16, and 7.17 only at such time,
21 and to such extent, that the Department of Justice issues a
22 clarifying memorandum finding such program to be permitted
23 under federal law ~~to the extent permitted by the federal~~
24 ~~Department of Justice in its clarifying memorandum.~~ Only Lotto
25 and Mega Million games offered by the Illinois Lottery may be
26 offered through the pilot program.

1 The pilot program must be conducted pursuant to a contract
2 with a private vendor that has the expertise, technical
3 capability, and knowledge of the Illinois lottery marketplace
4 to conduct the program. The Department of the Lottery must seek
5 ~~ensure~~ cooperation from existing vendors for the program.

6 The pilot program shall last for not less than 36 months,
7 but not more than 48 months.

8 (Source: 09600HB0255sam001.)

9 (20 ILCS 1605/7.17)

10 Sec. 7.17. Contracts. The contract with a private vendor
11 to fulfill the pilot program requirements of Sections 7.12,
12 7.15, and 7.16 of this Act must be separate from lottery
13 contracts existing on the effective date of this Section. To
14 the extent feasible based upon the receipt of the clarifying
15 memorandum permitting the program to proceed, the ~~The~~
16 Department shall enter into a contract with a private vendor no
17 later than December 1, 2009 and the private vendor must begin
18 performance on the contract no later than January 1, 2010. The
19 Department must ensure cooperation from all existing
20 contractors supporting the Lottery and any private manager
21 selected under Section 9.1 of the Act.

22 All contracts entered into (i) with a private vendor to
23 fulfill the requirements for the pilot program under Section
24 7.12 or (ii) for the development and provision of technology
25 and controls under this Section shall be awarded pursuant to

1 Section 20-35 of the Illinois Procurement Code.

2 The Department shall award contracts for the development
3 and provision of technology and controls to ensure compliance
4 with the age and residency requirements for the purchase of
5 lottery tickets on the Internet pursuant to competitive bidding
6 processes. The technology and controls must include
7 appropriate data security standards to prevent unauthorized
8 access to Internet lottery accounts.

9 (Source: 09600HB0255sam001.)

10 (20 ILCS 1605/9) (from Ch. 120, par. 1159)

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

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

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

21 c. To employ and direct such personnel in accord with the
22 Personnel Code, as may be necessary to carry out the purposes
23 of this Act. The Superintendent may, subject to the approval of
24 the Director, use the services, personnel, or facilities of the
25 Department. In addition, the Superintendent may by agreement

1 secure such services as he or she may deem necessary from any
2 other department, agency, or unit of the State government, and
3 may employ and compensate such consultants and technical
4 assistants as may be required and is otherwise permitted by
5 law.

6 d. To license, in accordance with the provisions of
7 Sections 10 and 10.1 of this Act and the rules and regulations
8 of the Department adopted thereunder, as agents to sell lottery
9 tickets such persons as in his opinion will best serve the
10 public convenience and promote the sale of tickets or shares.
11 The Superintendent may require a bond from every licensed
12 agent, in such amount as provided in the rules and regulations
13 of the Department. Every licensed agent shall prominently
14 display his license, or a copy thereof, as provided in the
15 rules and regulations of the Department.

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

19 f. To confer regularly as necessary or desirable and not
20 less than once every month with the Lottery Control Board on
21 the operation and administration of the Lottery; to make
22 available for inspection by the Board or any member of the
23 Board, upon request, all books, records, files, and other
24 information and documents of his office; to advise the Board
25 and recommend such rules and regulations and such other matters
26 as he deems necessary and advisable to improve the operation

1 and administration of the lottery.

2 g. To enter into contracts for the operation of the
3 lottery, or any part thereof, and into contracts for the
4 promotion of the lottery on behalf of the Department with any
5 person, firm or corporation, to perform any of the functions
6 provided for in this Act or the rules and regulations
7 promulgated thereunder. The Department shall not expend State
8 funds on a contractual basis for such functions unless those
9 functions and expenditures are expressly authorized by the
10 General Assembly.

11 h. To enter into an agreement or agreements with the
12 management of state lotteries operated pursuant to the laws of
13 other states for the purpose of creating and operating a
14 multi-state lottery game wherein a separate and distinct prize
15 pool would be combined to award larger prizes to the public
16 than could be offered by the several state lotteries,
17 individually. No tickets or shares offered in connection with a
18 multi-state lottery game shall be sold within the State of
19 Illinois, except those offered by and through the Department.
20 No such agreement shall purport to pledge the full faith and
21 credit of the State of Illinois, nor shall the Department
22 expend State funds on a contractual basis in connection with
23 any such game unless such expenditures are expressly authorized
24 by the General Assembly, provided, however, that in the event
25 of error or omission by the Illinois State Lottery in the
26 conduct of the game, as determined by the multi-state game

1 directors, the Department shall be authorized to pay a prize
2 winner or winners the lesser of a disputed prize or \$1,000,000,
3 any such payment to be made solely from funds appropriated for
4 game prize purposes. The Department shall be authorized to
5 share in the ordinary operating expenses of any such
6 multi-state lottery game, from funds appropriated by the
7 General Assembly, and in the event the multi-state game control
8 offices are physically located within the State of Illinois,
9 the Department is authorized to advance start-up operating
10 costs not to exceed \$150,000, subject to proportionate
11 reimbursement of such costs by the other participating state
12 lotteries. The Department shall be authorized to share
13 proportionately in the costs of establishing a liability
14 reserve fund from funds appropriated by the General Assembly.
15 The Department is authorized to transfer prize award funds
16 attributable to Illinois sales of multi-state lottery game
17 tickets to the multi-state control office, or its designated
18 depository, for deposit to such game pool account or accounts
19 as may be established by the multi-state game directors, the
20 records of which account or accounts shall be available at all
21 times for inspection in an audit by the Auditor General of
22 Illinois and any other auditors pursuant to the laws of the
23 State of Illinois. No multi-state game prize awarded to a
24 nonresident of Illinois, with respect to a ticket or share
25 purchased in a state other than the State of Illinois, shall be
26 deemed to be a prize awarded under this Act for the purpose of

1 taxation under the Illinois Income Tax Act. ~~All of the net~~
2 ~~revenues accruing from the sale of multi-state lottery tickets~~
3 ~~or shares shall be transferred into the Common School Fund~~
4 ~~pursuant to Section 7.2.~~ The Department shall promulgate such
5 rules as may be appropriate to implement the provisions of this
6 Section.

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

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

1 Senate, and the minority leaders of both houses.

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

3 (20 ILCS 1605/9.1)

4 Sec. 9.1. Private manager and management agreement.

5 (a) As used in this Section:

6 "Offeror" means a person or group of persons that responds
7 to a request for qualifications under this Section.

8 "Request for qualifications" means all materials and
9 documents prepared by the Department to solicit the following
10 from offerors:

11 (1) Statements of qualifications.

12 (2) Proposals to enter into a management agreement.

13 "Final offeror" means the offeror ultimately selected by
14 the Governor to be the private manager for the Lottery under
15 subsection (h) of this Section.

16 (b) By March 1, 2010, the Department shall enter into a
17 management agreement with a private manager for the total
18 management of the Lottery with integrated functions, such as
19 lottery game design, supply of goods and services, and
20 advertising and as specified in this Section.

21 (c) Pursuant to the terms of this subsection ~~In connection~~
22 ~~with the selection of the private manager~~, the Department shall
23 endeavor to expeditiously terminate the existing contracts in
24 support of the Lottery in effect on the effective date of this
25 amendatory Act of the 96th General Assembly in connection with

1 the selection of the private manager. As part of its obligation
2 to terminate these contracts and select the private manager,
3 the Department shall establish a mutually agreeable timetable
4 to transfer the functions of existing contractors to the
5 private manager so that existing Lottery operations are not
6 materially diminished or impaired during the transition. To
7 that end, the Department shall do the following ~~as follows~~:

8 (1) where such contracts contain a provision
9 authorizing termination upon notice, the Department shall
10 provide notice of termination to occur upon the mutually
11 agreed timetable for transfer of functions ~~the effective~~
12 ~~date of the management agreement with the private manager;~~

13 (2) upon the expiration of any initial term or renewal
14 term of the current Lottery contracts, the Department shall
15 not renew such contract for a term extending beyond the
16 mutually agreed timetable for transfer of functions
17 ~~effective date of the management agreement with the private~~
18 ~~manager; or~~

19 (3) in the event any current contract provides for
20 termination of that contract upon the implementation of a
21 contract with the private manager, the Department shall
22 perform all necessary actions to terminate the contract on
23 the date that coincides with the mutually agreed timetable
24 for transfer of functions.

25 If the contracts to support the current operation of the
26 Lottery in effect on the effective date of this amendatory Act

1 of the 96th General Assembly are not subject to termination as
2 provided for in this subsection (c), then the Department may
3 include a provision in the contract with the private manager
4 specifying a mutually agreeable methodology for incorporation.

5 (c-5) The Department shall include provisions in the
6 management agreement whereby the private manager shall, for a
7 fee, and pursuant to a contract negotiated with the Department
8 (the "Employee Use Contract"), utilize the services of current
9 Department employees to assist in the administration and
10 operation of the Lottery. The Department shall be the employer
11 of all such bargaining unit employees assigned to perform such
12 work for the private manager, and such employees shall be State
13 employees, as defined by the Personnel Code. Department
14 employees shall operate under the same employment policies,
15 rules, regulations, and procedures, as other employees of the
16 Department. In addition, neither historical representation
17 rights under the Illinois Public Labor Relations Act, nor
18 existing collective bargaining agreements, shall be disturbed
19 by the management agreement with the private manager for the
20 management of the Lottery.

21 (d) The management agreement with the private manager shall
22 include all of the following:

23 (1) A term not to exceed 10 years, including any
24 renewals.

25 (2) A provision specifying that the Department:

26 (A) shall exercise actual control over all

1 significant business decisions;

2 (A-5) ~~(A)~~ has the authority to direct or
3 countermand operating decisions by the private manager
4 at any time;

5 (B) has ready access at any time to information
6 regarding Lottery operations;

7 (C) has the right to demand and receive information
8 from the private manager concerning any aspect of the
9 Lottery operations at any time; and

10 (D) retains ownership of all trade names,
11 trademarks, and intellectual property associated with
12 the Lottery.

13 (3) A provision imposing an affirmative duty on the
14 private manager to provide the Department with material
15 information and with any information the private manager
16 reasonably believes the Department would want to know to
17 enable the Department to conduct the Lottery.

18 (4) A provision requiring the private manager to
19 provide the Department with advance notice of any operating
20 decision that bears significantly on the public interest,
21 including, but not limited to, decisions on the kinds of
22 games to be offered to the public and decisions affecting
23 the relative risk and reward of the games being offered, so
24 the Department has a reasonable opportunity to evaluate and
25 countermand that decision.

26 (5) A provision providing the private manager with a

1 percentage, not to exceed 5%, of Lottery profits ~~ticket or~~
2 ~~share sales or related proceeds~~ in consideration for
3 managing the Lottery, including terms that may provide the
4 private manager with an increase in compensation if Lottery
5 revenues grow by a specified percentage in a given year.

6 (6) (Blank).

7 (7) A provision requiring the deposit of all Lottery
8 proceeds to be deposited into the State Lottery Fund.

9 (8) A provision requiring the private manager to locate
10 its principal office within the State.

11 (8-5) A provision encouraging that at least 20% of the
12 cost of contracts entered into for goods and services by
13 the private manager in connection with its management of
14 the Lottery, other than contracts with sales agents or
15 technical advisors, be awarded to businesses that are a
16 minority owned business, a female owned business, or a
17 business owned by a person with disability, as those terms
18 are defined in the Business Enterprise for Minorities,
19 Females, and Persons with Disabilities Act.

20 (9) A requirement that so long as the private manager
21 complies with all the conditions of the agreement under the
22 oversight of the Department, the private manager shall have
23 the following duties and obligations with respect to the
24 management of the Lottery:

25 (A) The right to use equipment and other assets
26 used in the operation of the Lottery.

1 (B) The rights and obligations under contracts
2 ~~with retailers~~ with retailers and vendors.

3 (C) The implementation of a comprehensive security
4 program by the private manager.

5 (D) The implementation of a comprehensive system
6 of internal audits.

7 (E) The implementation of a program by the private
8 manager to curb compulsive gambling by persons playing
9 the Lottery.

10 (F) A system for determining (i) the type of
11 Lottery games, (ii) the method of selecting winning
12 tickets, (iii) the manner of payment of prizes to
13 holders of winning tickets, (iv) the frequency of
14 drawings of winning tickets, (v) the method to be used
15 in selling tickets, (vi) a system for verifying the
16 validity of tickets claimed to be winning tickets,
17 (vii) the basis upon which retailer commissions are
18 established by the manager, and (viii) minimum
19 payouts.

20 (10) A requirement that advertising and promotion must
21 be consistent with Section 7.8a of this Act.

22 (11) A requirement that the private manager market the
23 Lottery to those residents who are new, infrequent, or
24 lapsed players of the Lottery, especially those who are
25 most likely to make regular purchases on the Internet as
26 permitted by law.

1 (12) A code of ethics for the private manager's
2 officers and employees.

3 (13) A requirement that the Department monitor and
4 oversee the private manager's practices and take action
5 that the Department considers appropriate to ensure that
6 the private manager is in compliance with the terms of the
7 management agreement, while allowing the manager, unless
8 specifically prohibited by law or the management
9 agreement, to negotiate and sign its own contracts with
10 vendors.

11 (14) A provision requiring the private manager to
12 periodically file, at least on an annual basis, appropriate
13 financial statements in a form and manner acceptable to the
14 Department.

15 (15) Cash reserves requirements.

16 (16) Procedural requirements for obtaining the prior
17 approval of the Department when a management agreement or
18 an interest in a management agreement is sold, assigned,
19 transferred, or pledged as collateral to secure financing.

20 (17) Grounds for the termination of the management
21 agreement by the Department or the private manager.

22 (18) Procedures for amendment of the agreement.

23 (19) (Blank) ~~A provision prohibiting the Department~~
24 ~~from entering into another management agreement under this~~
25 ~~section as long as the original management agreement has~~
26 ~~not been terminated.~~

1 (20) The transition of rights and obligations,
2 including any associated equipment or other assets used in
3 the operation of the Lottery, from the manager to any
4 successor manager of the lottery, including the
5 Department, following the termination of or foreclosure
6 upon the management agreement.

7 (21) Right of use of copyrights, trademarks, and
8 service marks held by the Department in the name of the
9 State. The agreement must provide that any use of them by
10 the manager shall only be for the purpose of fulfilling its
11 obligations under the management agreement during the term
12 of the agreement.

13 (e) Notwithstanding any other law to the contrary, the
14 Department shall select a private manager through a competitive
15 request for qualifications process consistent with Section
16 20-35 of the Illinois Procurement Code, which shall take into
17 account:

18 (1) the offeror's ability to market the Lottery to
19 those residents who are new, infrequent, or lapsed players
20 of the Lottery, especially those who are most likely to
21 make regular purchases on the Internet;

22 (2) the offeror's ability to address the State's
23 concern with the social effects of gambling on those who
24 can least afford to do so;

25 (3) the offeror's ability to provide the most
26 successful management of the Lottery for the benefit of the

1 people of the State based on current and past business
2 practices or plans of the offeror; and

3 (4) the offeror's poor or inadequate past performance
4 in servicing, equipping, operating or managing a lottery on
5 behalf of Illinois, another State or foreign government and
6 attracting persons who are not currently regular players of
7 a lottery.

8 (f) The Department may ~~shall~~ retain the services of an
9 advisor or advisors with significant experience in the
10 management, operation, and procurement of goods, services, and
11 equipment for a government-run lottery to assist in the
12 preparation of the terms of the request for qualifications. No
13 advisor or advisors retained may ~~be affiliated with an offeror~~
14 ~~or~~ have any prior or present affiliation with any potential
15 offeror, or with a contractor or subcontractor presently
16 providing goods, services or equipment to the Department to
17 support the Lottery. The Department shall not include terms in
18 the request for qualifications that provides an advantage
19 whether directly or indirectly to any contractor or
20 subcontractor presently ~~presenting~~ providing goods, services
21 or equipment to the Department to support the Lottery,
22 including terms contained in a contractor or subcontractor's
23 responses to requests for proposals or qualifications
24 submitted to Illinois, another State or foreign government. The
25 request for proposals offered by the Department on December 22,
26 2008 as "LOT08GAMESYS" and reference number "22016176" is

1 declared void.

2 ~~The Department shall issue the request for qualifications~~
3 ~~no later than 30 calendar days after the effective date of this~~
4 ~~amendatory Act of the 96th General Assembly. The deadline for~~
5 ~~the submission of responsive qualifications proposals shall be~~
6 ~~30 calendar days after the date the request for qualifications~~
7 ~~is issued.~~

8 (g) The Department shall select at least 2 offerors as
9 finalists to potentially serve as the private manager no later
10 than February 1, 2010. Upon making preliminary selections, the
11 Department shall schedule a public hearing on the finalists'
12 proposals and provide public notice of the hearing at least 7
13 calendar days before the hearing. The notice must include all
14 of the following:

15 (1) The date, time, and place of the hearing.

16 (2) The subject matter of the hearing.

17 (3) A brief description of the management agreement to
18 be awarded.

19 (4) The identity of the offerors that have been
20 selected as finalists to serve as the private manager.

21 (5) The address and telephone number of the Department.

22 (h) At the public hearing, the Department shall (i) provide
23 sufficient time for each finalist to present and explain its
24 proposal to the Department and the Governor or the Governor's
25 designee, including an opportunity to respond to questions
26 posed by the Department, Governor, or designee and (ii) allow

1 the public and non-selected offerors to comment on the
2 presentations. The Governor or a designee shall attend the
3 public hearing. After the public hearing, the Department shall
4 have 14 calendar days to recommend to the Governor whether a
5 management agreement should be entered into with a particular
6 finalist. After reviewing the Department's recommendation, the
7 Governor may accept or reject the Department's recommendation,
8 and shall select a final offeror as the private manager by
9 publication of a notice in the Illinois Procurement Bulletin.
10 The Governor shall include in the notice a detailed explanation
11 and the reasons why the final offeror is superior to other
12 offerors and will provide management services in a manner that
13 best achieves the objectives of this Section. The Governor
14 shall designate a final offeror as the private manager with
15 sufficient time for the Department to enter into a management
16 agreement on or before March 1, 2010. The Governor shall also
17 sign the management agreement with the private manager.

18 (i) Any action to contest the validity of a management
19 agreement entered into under this Section must be brought
20 within 14 calendar days after the publication of the notice of
21 the designation of the private manager as provided in
22 subsection (h) of this Section.

23 (j) The Lottery shall remain, for so long as a private
24 manager manages the Lottery in accordance with provisions of
25 this Act, a Lottery conducted by the State, and the State shall
26 not be authorized to sell or transfer the Lottery to a third

1 party.

2 (k) Any tangible personal property used exclusively in
3 connection with the lottery that is owned by the Department and
4 leased to the private manager shall be owned by the Department
5 in the name of the State and shall be considered to be public
6 property devoted to an essential public and governmental
7 function.

8 (l) The Department may exercise any of its powers under
9 this Section or any other law as necessary or desirable for the
10 execution of the Department's powers under this Section.

11 (m) Neither this Section nor any management agreement
12 entered into under this Section prohibits the General Assembly
13 from authorizing forms of gambling that are not in direct
14 competition with the Lottery.

15 (n) The private manager shall be subject to a complete
16 investigation in the third, seventh, and tenth years of the
17 agreement (if the agreement is for a 10-year term) by the
18 Department in cooperation with the Auditor General to determine
19 whether the private manager has complied with this Section and
20 the management agreement. The private manager shall bear the
21 cost of an investigation or reinvestigation of the private
22 manager under this subsection.

23 (o) The powers conferred by this Section are in addition
24 and supplemental to the powers conferred by any other law. If
25 any other law or rule is inconsistent with this Section, this
26 Section controls as to any management agreement entered into

1 under this Section. This Section and any rules adopted under
2 this Section contain full and complete authority for a
3 management agreement between the Department and a manager. No
4 law, procedure, proceeding, publication, notice, consent,
5 approval, order, or act by the Department or any other officer,
6 Department, agency, or instrumentality of the State or any
7 political subdivision is required for the Department to enter
8 into a management agreement under this Section. This Section
9 contains full and complete authority for the Department to
10 approve any subcontracts entered into by a private manager
11 under the terms of a management agreement.

12 Except as provided in Sections 21.2, 21.5, 21.6, 21.7, and
13 21.8 ~~Notwithstanding any other State law to the contrary,~~ the
14 Department shall distribute all proceeds of lottery tickets and
15 shares sold in the following priority and manner:

16 (1) The payment of prizes and retailer bonuses. ~~Provide~~
17 ~~the sums due to the private manager under the management~~
18 ~~agreement with the Department.~~

19 (2) The payment of costs incurred in the operation and
20 administration of the Lottery, including the payment of
21 sums due to the private manager under the management
22 agreement with the Department and payment of ~~Provide the~~
23 sums due to the private vendor for lottery tickets and
24 shares sold on the Internet via the pilot program as
25 compensation under its contract with the Department.

26 (3) On the last day of each month or as soon thereafter

1 as possible, the State Comptroller shall direct and the
2 State Treasurer shall transfer from the Lottery Fund to the
3 Common School Fund an amount that is equal to the proceeds
4 transferred in the corresponding month of fiscal year 2009,
5 as adjusted for inflation, to the Common School Fund.

6 (4) On or before the last day of each fiscal year,
7 deposit any remaining proceeds, subject to payments under
8 items (1), (2), and (3) into the Capital Projects Fund each
9 fiscal year.

10 (Source: 09600HB0255enr.)

11 Section 60-15. If and only if House Bill 255 of the 96th
12 General Assembly becomes law, the Use Tax Act is amended by
13 changing Section 3-10 as follows:

14 (35 ILCS 105/3-10) (from Ch. 120, par. 439.3-10)

15 Sec. 3-10. Rate of tax. Unless otherwise provided in this
16 Section, the tax imposed by this Act is at the rate of 6.25% of
17 either the selling price or the fair market value, if any, of
18 the tangible personal property. In all cases where property
19 functionally used or consumed is the same as the property that
20 was purchased at retail, then the tax is imposed on the selling
21 price of the property. In all cases where property functionally
22 used or consumed is a by-product or waste product that has been
23 refined, manufactured, or produced from property purchased at
24 retail, then the tax is imposed on the lower of the fair market

1 value, if any, of the specific property so used in this State
2 or on the selling price of the property purchased at retail.
3 For purposes of this Section "fair market value" means the
4 price at which property would change hands between a willing
5 buyer and a willing seller, neither being under any compulsion
6 to buy or sell and both having reasonable knowledge of the
7 relevant facts. The fair market value shall be established by
8 Illinois sales by the taxpayer of the same property as that
9 functionally used or consumed, or if there are no such sales by
10 the taxpayer, then comparable sales or purchases of property of
11 like kind and character in Illinois.

12 Beginning on July 1, 2000 and through December 31, 2000,
13 with respect to motor fuel, as defined in Section 1.1 of the
14 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
15 the Use Tax Act, the tax is imposed at the rate of 1.25%.

16 With respect to gasohol, the tax imposed by this Act
17 applies to (i) 70% of the proceeds of sales made on or after
18 January 1, 1990, and before July 1, 2003, (ii) 80% of the
19 proceeds of sales made on or after July 1, 2003 and on or
20 before December 31, 2013, and (iii) 100% of the proceeds of
21 sales made thereafter. If, at any time, however, the tax under
22 this Act on sales of gasohol is imposed at the rate of 1.25%,
23 then the tax imposed by this Act applies to 100% of the
24 proceeds of sales of gasohol made during that time.

25 With respect to majority blended ethanol fuel, the tax
26 imposed by this Act does not apply to the proceeds of sales

1 made on or after July 1, 2003 and on or before December 31,
2 2013 but applies to 100% of the proceeds of sales made
3 thereafter.

4 With respect to biodiesel blends with no less than 1% and
5 no more than 10% biodiesel, the tax imposed by this Act applies
6 to (i) 80% of the proceeds of sales made on or after July 1,
7 2003 and on or before December 31, 2013 and (ii) 100% of the
8 proceeds of sales made thereafter. If, at any time, however,
9 the tax under this Act on sales of biodiesel blends with no
10 less than 1% and no more than 10% biodiesel is imposed at the
11 rate of 1.25%, then the tax imposed by this Act applies to 100%
12 of the proceeds of sales of biodiesel blends with no less than
13 1% and no more than 10% biodiesel made during that time.

14 With respect to 100% biodiesel and biodiesel blends with
15 more than 10% but no more than 99% biodiesel, the tax imposed
16 by this Act does not apply to the proceeds of sales made on or
17 after July 1, 2003 and on or before December 31, 2013 but
18 applies to 100% of the proceeds of sales made thereafter.

19 With respect to food for human consumption that is to be
20 consumed off the premises where it is sold (other than
21 alcoholic beverages, soft drinks, and food that has been
22 prepared for immediate consumption) and prescription and
23 nonprescription medicines, drugs, medical appliances,
24 modifications to a motor vehicle for the purpose of rendering
25 it usable by a disabled person, and insulin, urine testing
26 materials, syringes, and needles used by diabetics, for human

1 use, the tax is imposed at the rate of 1%. For the purposes of
2 this Section, until August 1, 2009: the term "soft drinks"
3 means any complete, finished, ready-to-use, non-alcoholic
4 drink, whether carbonated or not, including but not limited to
5 soda water, cola, fruit juice, vegetable juice, carbonated
6 water, and all other preparations commonly known as soft drinks
7 of whatever kind or description that are contained in any
8 closed or sealed bottle, can, carton, or container, regardless
9 of size; but "soft drinks" does not include coffee, tea,
10 non-carbonated water, infant formula, milk or milk products as
11 defined in the Grade A Pasteurized Milk and Milk Products Act,
12 or drinks containing 50% or more natural fruit or vegetable
13 juice.

14 Notwithstanding any other provisions of this Act,
15 beginning August 1, 2009, "soft drinks" means ~~mean~~
16 non-alcoholic beverages that contain natural or artificial
17 sweeteners. "Soft drinks" do not include beverages that contain
18 milk or milk products, soy, rice or similar milk substitutes,
19 or greater than 50% of vegetable or fruit juice by volume.

20 Until August 1, 2009, and notwithstanding ~~Notwithstanding~~
21 any other provisions of this Act, "food for human consumption
22 that is to be consumed off the premises where it is sold"
23 includes all food sold through a vending machine, except soft
24 drinks, ~~candy,~~ and food products that are dispensed hot from a
25 vending machine, regardless of the location of the vending
26 machine. Beginning August 1, 2009, and notwithstanding any

1 other provisions of this Act, "food for human consumption that
2 is to be consumed off the premises where it is sold" includes
3 all food sold through a vending machine, except soft drinks,
4 candy, and food products that are dispensed hot from a vending
5 machine, regardless of the location of the vending machine.

6 Notwithstanding any other provisions of this Act,
7 beginning August 1, 2009, "food for human consumption that is
8 to be consumed off the premises where it is sold" does not
9 include candy. For purposes of this Section, "candy" means a
10 preparation of sugar, honey, or other natural or artificial
11 sweeteners in combination with chocolate, fruits, nuts or other
12 ingredients or flavorings in the form of bars, drops, or
13 pieces. "Candy" does not include any preparation that contains
14 flour or requires refrigeration.

15 Notwithstanding any other provisions of this Act,
16 beginning August 1, 2009, "nonprescription medicines and
17 drugs" does not include grooming and hygiene products. For
18 purposes of this Section, "grooming and hygiene products"
19 includes, but is not limited to, soaps and cleaning solutions,
20 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
21 lotions and screens, unless those products are available by
22 prescription only, regardless of whether the products meet the
23 definition of "over-the-counter-drugs". For the purposes of
24 this paragraph, "over-the-counter-drug" means a drug for human
25 use that contains a label that identifies the product as a drug
26 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"

1 label includes:

2 (A) A "Drug Facts" panel; or

3 (B) A statement of the "active ingredient(s)" with a
4 list of those ingredients contained in the compound,
5 substance or preparation.

6 If the property that is purchased at retail from a retailer
7 is acquired outside Illinois and used outside Illinois before
8 being brought to Illinois for use here and is taxable under
9 this Act, the "selling price" on which the tax is computed
10 shall be reduced by an amount that represents a reasonable
11 allowance for depreciation for the period of prior out-of-state
12 use.

13 (Source: P.A. 93-17, eff. 6-11-03; 09600HB0255enr.)

14 Section 60-20. If and only if House Bill 255 of the 96th
15 General Assembly becomes law, the Service Use Tax Act is
16 amended by changing Section 3-10 as follows:

17 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

18 Sec. 3-10. Rate of tax. Unless otherwise provided in this
19 Section, the tax imposed by this Act is at the rate of 6.25% of
20 the selling price of tangible personal property transferred as
21 an incident to the sale of service, but, for the purpose of
22 computing this tax, in no event shall the selling price be less
23 than the cost price of the property to the serviceman.

24 Beginning on July 1, 2000 and through December 31, 2000,

1 with respect to motor fuel, as defined in Section 1.1 of the
2 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
3 the Use Tax Act, the tax is imposed at the rate of 1.25%.

4 With respect to gasohol, as defined in the Use Tax Act, the
5 tax imposed by this Act applies to (i) 70% of the selling price
6 of property transferred as an incident to the sale of service
7 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
8 of the selling price of property transferred as an incident to
9 the sale of service on or after July 1, 2003 and on or before
10 December 31, 2013, and (iii) 100% of the selling price
11 thereafter. If, at any time, however, the tax under this Act on
12 sales of gasohol, as defined in the Use Tax Act, is imposed at
13 the rate of 1.25%, then the tax imposed by this Act applies to
14 100% of the proceeds of sales of gasohol made during that time.

15 With respect to majority blended ethanol fuel, as defined
16 in the Use Tax Act, the tax imposed by this Act does not apply
17 to the selling price of property transferred as an incident to
18 the sale of service on or after July 1, 2003 and on or before
19 December 31, 2013 but applies to 100% of the selling price
20 thereafter.

21 With respect to biodiesel blends, as defined in the Use Tax
22 Act, with no less than 1% and no more than 10% biodiesel, the
23 tax imposed by this Act applies to (i) 80% of the selling price
24 of property transferred as an incident to the sale of service
25 on or after July 1, 2003 and on or before December 31, 2013 and
26 (ii) 100% of the proceeds of the selling price thereafter. If,

1 at any time, however, the tax under this Act on sales of
2 biodiesel blends, as defined in the Use Tax Act, with no less
3 than 1% and no more than 10% biodiesel is imposed at the rate
4 of 1.25%, then the tax imposed by this Act applies to 100% of
5 the proceeds of sales of biodiesel blends with no less than 1%
6 and no more than 10% biodiesel made during that time.

7 With respect to 100% biodiesel, as defined in the Use Tax
8 Act, and biodiesel blends, as defined in the Use Tax Act, with
9 more than 10% but no more than 99% biodiesel, the tax imposed
10 by this Act does not apply to the proceeds of the selling price
11 of property transferred as an incident to the sale of service
12 on or after July 1, 2003 and on or before December 31, 2013 but
13 applies to 100% of the selling price thereafter.

14 At the election of any registered serviceman made for each
15 fiscal year, sales of service in which the aggregate annual
16 cost price of tangible personal property transferred as an
17 incident to the sales of service is less than 35%, or 75% in
18 the case of servicemen transferring prescription drugs or
19 servicemen engaged in graphic arts production, of the aggregate
20 annual total gross receipts from all sales of service, the tax
21 imposed by this Act shall be based on the serviceman's cost
22 price of the tangible personal property transferred as an
23 incident to the sale of those services.

24 The tax shall be imposed at the rate of 1% on food prepared
25 for immediate consumption and transferred incident to a sale of
26 service subject to this Act or the Service Occupation Tax Act

1 by an entity licensed under the Hospital Licensing Act, the
2 Nursing Home Care Act, or the Child Care Act of 1969. The tax
3 shall also be imposed at the rate of 1% on food for human
4 consumption that is to be consumed off the premises where it is
5 sold (other than alcoholic beverages, soft drinks, and food
6 that has been prepared for immediate consumption and is not
7 otherwise included in this paragraph) and prescription and
8 nonprescription medicines, drugs, medical appliances,
9 modifications to a motor vehicle for the purpose of rendering
10 it usable by a disabled person, and insulin, urine testing
11 materials, syringes, and needles used by diabetics, for human
12 use. For the purposes of this Section, until August 1, 2009:
13 the term "soft drinks" means any complete, finished,
14 ready-to-use, non-alcoholic drink, whether carbonated or not,
15 including but not limited to soda water, cola, fruit juice,
16 vegetable juice, carbonated water, and all other preparations
17 commonly known as soft drinks of whatever kind or description
18 that are contained in any closed or sealed bottle, can, carton,
19 or container, regardless of size; but "soft drinks" does not
20 include coffee, tea, non-carbonated water, infant formula,
21 milk or milk products as defined in the Grade A Pasteurized
22 Milk and Milk Products Act, or drinks containing 50% or more
23 natural fruit or vegetable juice.

24 Notwithstanding any other provisions of this Act,
25 beginning August 1, 2009, "soft drinks" means ~~mean~~
26 non-alcoholic beverages that contain natural or artificial

1 sweeteners. "Soft drinks" do not include beverages that contain
2 milk or milk products, soy, rice or similar milk substitutes,
3 or greater than 50% of vegetable or fruit juice by volume.

4 Until August 1, 2009, and notwithstanding ~~Notwithstanding~~
5 any other provisions of this Act, "food for human consumption
6 that is to be consumed off the premises where it is sold"
7 includes all food sold through a vending machine, except soft
8 drinks, ~~candy,~~ and food products that are dispensed hot from a
9 vending machine, regardless of the location of the vending
10 machine. Beginning August 1, 2009, and notwithstanding any
11 other provisions of this Act, "food for human consumption that
12 is to be consumed off the premises where it is sold" includes
13 all food sold through a vending machine, except soft drinks,
14 candy, and food products that are dispensed hot from a vending
15 machine, regardless of the location of the vending machine.

16 Notwithstanding any other provisions of this Act,
17 beginning August 1, 2009, "food for human consumption that is
18 to be consumed off the premises where it is sold" does not
19 include candy. For purposes of this Section, "candy" means a
20 preparation of sugar, honey, or other natural or artificial
21 sweeteners in combination with chocolate, fruits, nuts or other
22 ingredients or flavorings in the form of bars, drops, or
23 pieces. "Candy" does not include any preparation that contains
24 flour or requires refrigeration.

25 Notwithstanding any other provisions of this Act,
26 beginning August 1, 2009, "nonprescription medicines and

1 drugs" does not include grooming and hygiene products. For
2 purposes of this Section, "grooming and hygiene products"
3 includes, but is not limited to, soaps and cleaning solutions,
4 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
5 lotions and screens, unless those products are available by
6 prescription only, regardless of whether the products meet the
7 definition of "over-the-counter-drugs". For the purposes of
8 this paragraph, "over-the-counter-drug" means a drug for human
9 use that contains a label that identifies the product as a drug
10 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
11 label includes:

12 (A) A "Drug Facts" panel; or

13 (B) A statement of the "active ingredient(s)" with a
14 list of those ingredients contained in the compound,
15 substance or preparation.

16 If the property that is acquired from a serviceman is
17 acquired outside Illinois and used outside Illinois before
18 being brought to Illinois for use here and is taxable under
19 this Act, the "selling price" on which the tax is computed
20 shall be reduced by an amount that represents a reasonable
21 allowance for depreciation for the period of prior out-of-state
22 use.

23 (Source: P.A. 93-17, eff. 6-11-03; 09600HB0255enr.)

24 Section 60-25. If and only if House Bill 255 of the 96th
25 General Assembly becomes law, the Service Occupation Tax Act is

1 amended by changing Section 3-10 as follows:

2 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

3 Sec. 3-10. Rate of tax. Unless otherwise provided in this
4 Section, the tax imposed by this Act is at the rate of 6.25% of
5 the "selling price", as defined in Section 2 of the Service Use
6 Tax Act, of the tangible personal property. For the purpose of
7 computing this tax, in no event shall the "selling price" be
8 less than the cost price to the serviceman of the tangible
9 personal property transferred. The selling price of each item
10 of tangible personal property transferred as an incident of a
11 sale of service may be shown as a distinct and separate item on
12 the serviceman's billing to the service customer. If the
13 selling price is not so shown, the selling price of the
14 tangible personal property is deemed to be 50% of the
15 serviceman's entire billing to the service customer. When,
16 however, a serviceman contracts to design, develop, and produce
17 special order machinery or equipment, the tax imposed by this
18 Act shall be based on the serviceman's cost price of the
19 tangible personal property transferred incident to the
20 completion of the contract.

21 Beginning on July 1, 2000 and through December 31, 2000,
22 with respect to motor fuel, as defined in Section 1.1 of the
23 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
24 the Use Tax Act, the tax is imposed at the rate of 1.25%.

25 With respect to gasohol, as defined in the Use Tax Act, the

1 tax imposed by this Act shall apply to (i) 70% of the cost
2 price of property transferred as an incident to the sale of
3 service on or after January 1, 1990, and before July 1, 2003,
4 (ii) 80% of the selling price of property transferred as an
5 incident to the sale of service on or after July 1, 2003 and on
6 or before December 31, 2013, and (iii) 100% of the cost price
7 thereafter. If, at any time, however, the tax under this Act on
8 sales of gasohol, as defined in the Use Tax Act, is imposed at
9 the rate of 1.25%, then the tax imposed by this Act applies to
10 100% of the proceeds of sales of gasohol made during that time.

11 With respect to majority blended ethanol fuel, as defined
12 in the Use Tax Act, the tax imposed by this Act does not apply
13 to the selling price of property transferred as an incident to
14 the sale of service on or after July 1, 2003 and on or before
15 December 31, 2013 but applies to 100% of the selling price
16 thereafter.

17 With respect to biodiesel blends, as defined in the Use Tax
18 Act, with no less than 1% and no more than 10% biodiesel, the
19 tax imposed by this Act applies to (i) 80% of the selling price
20 of property transferred as an incident to the sale of service
21 on or after July 1, 2003 and on or before December 31, 2013 and
22 (ii) 100% of the proceeds of the selling price thereafter. If,
23 at any time, however, the tax under this Act on sales of
24 biodiesel blends, as defined in the Use Tax Act, with no less
25 than 1% and no more than 10% biodiesel is imposed at the rate
26 of 1.25%, then the tax imposed by this Act applies to 100% of

1 the proceeds of sales of biodiesel blends with no less than 1%
2 and no more than 10% biodiesel made during that time.

3 With respect to 100% biodiesel, as defined in the Use Tax
4 Act, and biodiesel blends, as defined in the Use Tax Act, with
5 more than 10% but no more than 99% biodiesel material, the tax
6 imposed by this Act does not apply to the proceeds of the
7 selling price of property transferred as an incident to the
8 sale of service on or after July 1, 2003 and on or before
9 December 31, 2013 but applies to 100% of the selling price
10 thereafter.

11 At the election of any registered serviceman made for each
12 fiscal year, sales of service in which the aggregate annual
13 cost price of tangible personal property transferred as an
14 incident to the sales of service is less than 35%, or 75% in
15 the case of servicemen transferring prescription drugs or
16 servicemen engaged in graphic arts production, of the aggregate
17 annual total gross receipts from all sales of service, the tax
18 imposed by this Act shall be based on the serviceman's cost
19 price of the tangible personal property transferred incident to
20 the sale of those services.

21 The tax shall be imposed at the rate of 1% on food prepared
22 for immediate consumption and transferred incident to a sale of
23 service subject to this Act or the Service Occupation Tax Act
24 by an entity licensed under the Hospital Licensing Act, the
25 Nursing Home Care Act, or the Child Care Act of 1969. The tax
26 shall also be imposed at the rate of 1% on food for human

1 consumption that is to be consumed off the premises where it is
2 sold (other than alcoholic beverages, soft drinks, and food
3 that has been prepared for immediate consumption and is not
4 otherwise included in this paragraph) and prescription and
5 nonprescription medicines, drugs, medical appliances,
6 modifications to a motor vehicle for the purpose of rendering
7 it usable by a disabled person, and insulin, urine testing
8 materials, syringes, and needles used by diabetics, for human
9 use. For the purposes of this Section, until August 1, 2009:
10 the term "soft drinks" means any complete, finished,
11 ready-to-use, non-alcoholic drink, whether carbonated or not,
12 including but not limited to soda water, cola, fruit juice,
13 vegetable juice, carbonated water, and all other preparations
14 commonly known as soft drinks of whatever kind or description
15 that are contained in any closed or sealed can, carton, or
16 container, regardless of size; but "soft drinks" does not
17 include coffee, tea, non-carbonated water, infant formula,
18 milk or milk products as defined in the Grade A Pasteurized
19 Milk and Milk Products Act, or drinks containing 50% or more
20 natural fruit or vegetable juice.

21 Notwithstanding any other provisions of this Act,
22 beginning August 1, 2009, "soft drinks" means ~~mean~~
23 non-alcoholic beverages that contain natural or artificial
24 sweeteners. "Soft drinks" do not include beverages that contain
25 milk or milk products, soy, rice or similar milk substitutes,
26 or greater than 50% of vegetable or fruit juice by volume.

1 Until August 1, 2009, and notwithstanding ~~Notwithstanding~~
2 any other provisions of this Act, "food for human consumption
3 that is to be consumed off the premises where it is sold"
4 includes all food sold through a vending machine, except soft
5 drinks, ~~candy~~, and food products that are dispensed hot from a
6 vending machine, regardless of the location of the vending
7 machine. Beginning August 1, 2009, and notwithstanding any
8 other provisions of this Act, "food for human consumption that
9 is to be consumed off the premises where it is sold" includes
10 all food sold through a vending machine, except soft drinks,
11 candy, and food products that are dispensed hot from a vending
12 machine, regardless of the location of the vending machine.

13 Notwithstanding any other provisions of this Act,
14 beginning August 1, 2009, "food for human consumption that is
15 to be consumed off the premises where it is sold" does not
16 include candy. For purposes of this Section, "candy" means a
17 preparation of sugar, honey, or other natural or artificial
18 sweeteners in combination with chocolate, fruits, nuts or other
19 ingredients or flavorings in the form of bars, drops, or
20 pieces. "Candy" does not include any preparation that contains
21 flour or requires refrigeration.

22 Notwithstanding any other provisions of this Act,
23 beginning August 1, 2009, "nonprescription medicines and
24 drugs" does not include grooming and hygiene products. For
25 purposes of this Section, "grooming and hygiene products"
26 includes, but is not limited to, soaps and cleaning solutions,

1 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
2 lotions and screens, unless those products are available by
3 prescription only, regardless of whether the products meet the
4 definition of "over-the-counter-drugs". For the purposes of
5 this paragraph, "over-the-counter-drug" means a drug for human
6 use that contains a label that identifies the product as a drug
7 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
8 label includes:

9 (A) A "Drug Facts" panel; or

10 (B) A statement of the "active ingredient(s)" with a
11 list of those ingredients contained in the compound,
12 substance or preparation.

13 (Source: P.A. 93-17, eff. 6-11-03; 09600HB0255enr.)

14 Section 60-30. If and only if House Bill 255 of the 96th
15 General Assembly becomes law, the Retailers' Occupation Tax Act
16 is amended by changing Section 2-10 as follows:

17 (35 ILCS 120/2-10) (from Ch. 120, par. 441-10)

18 Sec. 2-10. Rate of tax. Unless otherwise provided in this
19 Section, the tax imposed by this Act is at the rate of 6.25% of
20 gross receipts from sales of tangible personal property made in
21 the course of business.

22 Beginning on July 1, 2000 and through December 31, 2000,
23 with respect to motor fuel, as defined in Section 1.1 of the
24 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of

1 the Use Tax Act, the tax is imposed at the rate of 1.25%.

2 Within 14 days after the effective date of this amendatory
3 Act of the 91st General Assembly, each retailer of motor fuel
4 and gasohol shall cause the following notice to be posted in a
5 prominently visible place on each retail dispensing device that
6 is used to dispense motor fuel or gasohol in the State of
7 Illinois: "As of July 1, 2000, the State of Illinois has
8 eliminated the State's share of sales tax on motor fuel and
9 gasohol through December 31, 2000. The price on this pump
10 should reflect the elimination of the tax." The notice shall be
11 printed in bold print on a sign that is no smaller than 4
12 inches by 8 inches. The sign shall be clearly visible to
13 customers. Any retailer who fails to post or maintain a
14 required sign through December 31, 2000 is guilty of a petty
15 offense for which the fine shall be \$500 per day per each
16 retail premises where a violation occurs.

17 With respect to gasohol, as defined in the Use Tax Act, the
18 tax imposed by this Act applies to (i) 70% of the proceeds of
19 sales made on or after January 1, 1990, and before July 1,
20 2003, (ii) 80% of the proceeds of sales made on or after July
21 1, 2003 and on or before December 31, 2013, and (iii) 100% of
22 the proceeds of sales made thereafter. If, at any time,
23 however, the tax under this Act on sales of gasohol, as defined
24 in the Use Tax Act, is imposed at the rate of 1.25%, then the
25 tax imposed by this Act applies to 100% of the proceeds of
26 sales of gasohol made during that time.

1 With respect to majority blended ethanol fuel, as defined
2 in the Use Tax Act, the tax imposed by this Act does not apply
3 to the proceeds of sales made on or after July 1, 2003 and on or
4 before December 31, 2013 but applies to 100% of the proceeds of
5 sales made thereafter.

6 With respect to biodiesel blends, as defined in the Use Tax
7 Act, with no less than 1% and no more than 10% biodiesel, the
8 tax imposed by this Act applies to (i) 80% of the proceeds of
9 sales made on or after July 1, 2003 and on or before December
10 31, 2013 and (ii) 100% of the proceeds of sales made
11 thereafter. If, at any time, however, the tax under this Act on
12 sales of biodiesel blends, as defined in the Use Tax Act, with
13 no less than 1% and no more than 10% biodiesel is imposed at
14 the rate of 1.25%, then the tax imposed by this Act applies to
15 100% of the proceeds of sales of biodiesel blends with no less
16 than 1% and no more than 10% biodiesel made during that time.

17 With respect to 100% biodiesel, as defined in the Use Tax
18 Act, and biodiesel blends, as defined in the Use Tax Act, with
19 more than 10% but no more than 99% biodiesel, the tax imposed
20 by this Act does not apply to the proceeds of sales made on or
21 after July 1, 2003 and on or before December 31, 2013 but
22 applies to 100% of the proceeds of sales made thereafter.

23 With respect to food for human consumption that is to be
24 consumed off the premises where it is sold (other than
25 alcoholic beverages, soft drinks, and food that has been
26 prepared for immediate consumption) and prescription and

1 nonprescription medicines, drugs, medical appliances,
2 modifications to a motor vehicle for the purpose of rendering
3 it usable by a disabled person, and insulin, urine testing
4 materials, syringes, and needles used by diabetics, for human
5 use, the tax is imposed at the rate of 1%. For the purposes of
6 this Section, until August 1, 2009: the term "soft drinks"
7 means any complete, finished, ready-to-use, non-alcoholic
8 drink, whether carbonated or not, including but not limited to
9 soda water, cola, fruit juice, vegetable juice, carbonated
10 water, and all other preparations commonly known as soft drinks
11 of whatever kind or description that are contained in any
12 closed or sealed bottle, can, carton, or container, regardless
13 of size; but "soft drinks" does not include coffee, tea,
14 non-carbonated water, infant formula, milk or milk products as
15 defined in the Grade A Pasteurized Milk and Milk Products Act,
16 or drinks containing 50% or more natural fruit or vegetable
17 juice.

18 Notwithstanding any other provisions of this Act,
19 beginning August 1, 2009, "soft drinks" means ~~mean~~
20 non-alcoholic beverages that contain natural or artificial
21 sweeteners. "Soft drinks" do not include beverages that contain
22 milk or milk products, soy, rice or similar milk substitutes,
23 or greater than 50% of vegetable or fruit juice by volume.

24 Until August 1, 2009, and notwithstanding ~~Notwithstanding~~
25 any other provisions of this Act, "food for human consumption
26 that is to be consumed off the premises where it is sold"

1 includes all food sold through a vending machine, except soft
2 drinks, ~~candy~~, and food products that are dispensed hot from a
3 vending machine, regardless of the location of the vending
4 machine. Beginning August 1, 2009, and notwithstanding any
5 other provisions of this Act, "food for human consumption that
6 is to be consumed off the premises where it is sold" includes
7 all food sold through a vending machine, except soft drinks,
8 candy, and food products that are dispensed hot from a vending
9 machine, regardless of the location of the vending machine.

10 Notwithstanding any other provisions of this Act,
11 beginning August 1, 2009, "food for human consumption that is
12 to be consumed off the premises where it is sold" does not
13 include candy. For purposes of this Section, "candy" means a
14 preparation of sugar, honey, or other natural or artificial
15 sweeteners in combination with chocolate, fruits, nuts or other
16 ingredients or flavorings in the form of bars, drops, or
17 pieces. "Candy" does not include any preparation that contains
18 flour or requires refrigeration.

19 Notwithstanding any other provisions of this Act,
20 beginning August 1, 2009, "nonprescription medicines and
21 drugs" does not include grooming and hygiene products. For
22 purposes of this Section, "grooming and hygiene products"
23 includes, but is not limited to, soaps and cleaning solutions,
24 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
25 lotions and screens, unless those products are available by
26 prescription only, regardless of whether the products meet the

1 definition of "over-the-counter-drugs". For the purposes of
2 this paragraph, "over-the-counter-drug" means a drug for human
3 use that contains a label that identifies the product as a drug
4 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
5 label includes:

6 (A) A "Drug Facts" panel; or

7 (B) A statement of the "active ingredient(s)" with a
8 list of those ingredients contained in the compound,
9 substance or preparation.

10 (Source: P.A. 93-17, eff. 6-11-03; 09600HB0255enr.)

11 Section 60-32. If and only if House Bill 255 of the 96th
12 General Assembly becomes law, the Riverboat Gambling Act is
13 amended by changing Section 13 and adding Section 24 as
14 follows:

15 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

1 15% of annual adjusted gross receipts up to and
2 including \$25,000,000;

3 20% of annual adjusted gross receipts in excess of
4 \$25,000,000 but not exceeding \$50,000,000;

5 25% of annual adjusted gross receipts in excess of
6 \$50,000,000 but not exceeding \$75,000,000;

7 30% of annual adjusted gross receipts in excess of
8 \$75,000,000 but not exceeding \$100,000,000;

9 35% of annual adjusted gross receipts in excess of
10 \$100,000,000.

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

18 15% of annual adjusted gross receipts up to and
19 including \$25,000,000;

20 22.5% of annual adjusted gross receipts in excess of
21 \$25,000,000 but not exceeding \$50,000,000;

22 27.5% of annual adjusted gross receipts in excess of
23 \$50,000,000 but not exceeding \$75,000,000;

24 32.5% of annual adjusted gross receipts in excess of
25 \$75,000,000 but not exceeding \$100,000,000;

26 37.5% of annual adjusted gross receipts in excess of

1 \$100,000,000 but not exceeding \$150,000,000;
2 45% of annual adjusted gross receipts in excess of
3 \$150,000,000 but not exceeding \$200,000,000;
4 50% of annual adjusted gross receipts in excess of
5 \$200,000,000.

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

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

15 27.5% of annual adjusted gross receipts in excess of
16 \$25,000,000 but not exceeding \$37,500,000;

17 32.5% of annual adjusted gross receipts in excess of
18 \$37,500,000 but not exceeding \$50,000,000;

19 37.5% of annual adjusted gross receipts in excess of
20 \$50,000,000 but not exceeding \$75,000,000;

21 45% of annual adjusted gross receipts in excess of
22 \$75,000,000 but not exceeding \$100,000,000;

23 50% of annual adjusted gross receipts in excess of
24 \$100,000,000 but not exceeding \$250,000,000;

25 70% of annual adjusted gross receipts in excess of
26 \$250,000,000.

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

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

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

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

1 22.5% of annual adjusted gross receipts in excess of
2 \$25,000,000 but not exceeding \$50,000,000;

3 27.5% of annual adjusted gross receipts in excess of
4 \$50,000,000 but not exceeding \$75,000,000;

5 32.5% of annual adjusted gross receipts in excess of
6 \$75,000,000 but not exceeding \$100,000,000;

7 37.5% of annual adjusted gross receipts in excess of
8 \$100,000,000 but not exceeding \$150,000,000;

9 45% of annual adjusted gross receipts in excess of
10 \$150,000,000 but not exceeding \$200,000,000;

11 50% of annual adjusted gross receipts in excess of
12 \$200,000,000.

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

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

19 (a-15) If the privilege tax imposed under subsection (a-3)
20 is no longer imposed pursuant to item (i) of the last paragraph
21 of subsection (a-3), then by June 15 of each year, each owners
22 licensee, other than an owners licensee that admitted 1,000,000
23 persons or fewer in calendar year 2004, must, in addition to
24 the payment of all amounts otherwise due under this Section,
25 pay to the Board a reconciliation payment in the amount, if
26 any, by which the licensed owner's base amount exceeds the

1 amount of net privilege tax paid by the licensed owner to the
2 Board in the then current State fiscal year. A licensed owner's
3 net privilege tax obligation due for the balance of the State
4 fiscal year shall be reduced up to the total of the amount paid
5 by the licensed owner in its June 15 reconciliation payment.
6 The obligation imposed by this subsection (a-15) is binding on
7 any person, firm, corporation, or other entity that acquires an
8 ownership interest in any such owners license. The obligation
9 imposed under this subsection (a-15) terminates on the earliest
10 of: (i) July 1, 2007, (ii) the first day after the effective
11 date of this amendatory Act of the 94th General Assembly that
12 riverboat gambling operations are conducted pursuant to a
13 dormant license, (iii) the first day that riverboat gambling
14 operations are conducted under the authority of an owners
15 license that is in addition to the 10 owners licenses initially
16 authorized under this Act, or (iv) the first day that a
17 licensee under the Illinois Horse Racing Act of 1975 conducts
18 gaming operations with slot machines or other electronic gaming
19 devices. The Board must reduce the obligation imposed under
20 this subsection (a-15) by an amount the Board deems reasonable
21 for any of the following reasons: (A) an act or acts of God,
22 (B) an act of bioterrorism or terrorism or a bioterrorism or
23 terrorism threat that was investigated by a law enforcement
24 agency, or (C) a condition beyond the control of the owners
25 licensee that does not result from any act or omission by the
26 owners licensee or any of its agents and that poses a hazardous

1 threat to the health and safety of patrons. If an owners
2 licensee pays an amount in excess of its liability under this
3 Section, the Board shall apply the overpayment to future
4 payments required under this Section.

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

6 "Act of God" means an incident caused by the operation of
7 an extraordinary force that cannot be foreseen, that cannot be
8 avoided by the exercise of due care, and for which no person
9 can be held liable.

10 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

25 The changes made to this subsection (a-15) by Public Act
26 94-839 are intended to restate and clarify the intent of Public

1 Act 94-673 with respect to the amount of the payments required
2 to be made under this subsection by an owners licensee to the
3 Board.

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

22 (c) Appropriations, as approved by the General Assembly,
23 may be made from the State Gaming Fund to the Department of
24 Revenue and the Department of State Police for the
25 administration and enforcement of this Act and the Video Gaming
26 Act, or to the Department of Human Services for the

1 administration of programs to treat problem gambling.

2 (c-5) Before May 26, 2006 (the effective date of Public Act
3 94-804) and beginning on the effective date of this amendatory
4 Act of the 95th General Assembly, unless any organization
5 licensee under the Illinois Horse Racing Act of 1975 begins to
6 operate a slot machine or video game of chance under the
7 Illinois Horse Racing Act of 1975 or this Act, after the
8 payments required under subsections (b) and (c) have been made,
9 an amount equal to 15% of the adjusted gross receipts of (1) an
10 owners licensee that relocates pursuant to Section 11.2, (2) an
11 owners licensee conducting riverboat gambling operations
12 pursuant to an owners license that is initially issued after
13 June 25, 1999, or (3) the first riverboat gambling operations
14 conducted by a licensed manager on behalf of the State under
15 Section 7.3, whichever comes first, shall be paid from the
16 State Gaming Fund into the Horse Racing Equity Fund.

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

21 (c-15) After the payments required under subsections (b),
22 (c), and (c-5) have been made, an amount equal to 2% of the
23 adjusted gross receipts of (1) an owners licensee that
24 relocates pursuant to Section 11.2, (2) an owners licensee
25 conducting riverboat gambling operations pursuant to an owners
26 license that is initially issued after June 25, 1999, or (3)

1 the first riverboat gambling operations conducted by a licensed
2 manager on behalf of the State under Section 7.3, whichever
3 comes first, shall be paid, subject to appropriation from the
4 General Assembly, from the State Gaming Fund to each home rule
5 county with a population of over 3,000,000 inhabitants for the
6 purpose of enhancing the county's criminal justice system.

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

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

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

26 (e) Nothing in this Act shall prohibit the unit of local

1 government designated as the home dock of the riverboat from
2 entering into agreements with other units of local government
3 in this State or in other states to share its portion of the
4 tax revenue.

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

11 (Source: P.A. 94-673, eff. 8-23-05; 94-804, eff. 5-26-06;
12 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-1008, eff.
13 12-15-08.)

14 (230 ILCS 10/24 new)

15 Sec. 24. Applicability of Illinois Riverboat Gambling Act.
16 The provisions of the Illinois Riverboat Gambling Act, and all
17 rules promulgated thereunder, shall apply to the Video Gaming
18 Act, except where there is a conflict between the 2 Acts.

19 Section 60-35. If and only if House Bill 255 of the 96th
20 General Assembly becomes law, the Liquor Control Act of 1934 is
21 amended by changing Section 8-1 as follows:

22 (235 ILCS 5/8-1) (from Ch. 43, par. 158)

23 Sec. 8-1. A tax is imposed upon the privilege of engaging

1 in business as a manufacturer or as an importing distributor of
2 alcoholic liquor other than beer at the rate of \$0.185 per
3 gallon for cider containing not less than 0.5% alcohol by
4 volume nor more than 7% alcohol by volume, \$0.73 per gallon
5 until August 1, 2009 and \$1.39 per gallon beginning August 1,
6 2009 for wine other than cider containing less than 7% alcohol
7 by volume, and \$4.50 per gallon until August 1, 2009 and \$8.55
8 per gallon beginning August 1, 2009 on alcohol and spirits
9 manufactured and sold or used by such manufacturer, or as agent
10 for any other person, or sold or used by such importing
11 distributor, or as agent for any other person. A tax is imposed
12 upon the privilege of engaging in business as a manufacturer of
13 beer or as an importing distributor of beer at the rate of
14 \$0.185 per gallon until August 1, 2009 and \$0.231 per gallon
15 beginning August 1, 2009 on all beer manufactured and sold or
16 used by such manufacturer, or as agent for any other person, or
17 sold or used by such importing distributor, or as agent for any
18 other person. Any brewer manufacturing beer in this State shall
19 be entitled to and given a credit or refund of 75% of the tax
20 imposed on each gallon of beer up to 4.9 million gallons per
21 year in any given calendar year for tax paid or payable on beer
22 produced and sold in the State of Illinois.

23 For the purpose of this Section, "cider" means any
24 alcoholic beverage obtained by the alcohol fermentation of the
25 juice of apples or pears including, but not limited to,
26 flavored, sparkling, or carbonated cider.

1 The credit or refund created by this Act shall apply to all
2 beer taxes in the calendar years 1982 through 1986.

3 The increases made by this amendatory Act of the 91st
4 General Assembly in the rates of taxes imposed under this
5 Section shall apply beginning on July 1, 1999.

6 A tax at the rate of 1¢ per gallon on beer and 48¢ per
7 gallon on alcohol and spirits is also imposed upon the
8 privilege of engaging in business as a retailer or as a
9 distributor who is not also an importing distributor with
10 respect to all beer and all alcohol and spirits owned or
11 possessed by such retailer or distributor when this amendatory
12 Act of 1969 becomes effective, and with respect to which the
13 additional tax imposed by this amendatory Act upon
14 manufacturers and importing distributors does not apply.
15 Retailers and distributors who are subject to the additional
16 tax imposed by this paragraph of this Section shall be required
17 to inventory such alcoholic liquor and to pay this additional
18 tax in a manner prescribed by the Department.

19 The provisions of this Section shall be construed to apply
20 to any importing distributor engaging in business in this
21 State, whether licensed or not.

22 However, such tax is not imposed upon any such business as
23 to any alcoholic liquor shipped outside Illinois by an Illinois
24 licensed manufacturer or importing distributor, nor as to any
25 alcoholic liquor delivered in Illinois by an Illinois licensed
26 manufacturer or importing distributor to a purchaser for

1 immediate transportation by the purchaser to another state into
2 which the purchaser has a legal right, under the laws of such
3 state, to import such alcoholic liquor, nor as to any alcoholic
4 liquor other than beer sold by one Illinois licensed
5 manufacturer or importing distributor to another Illinois
6 licensed manufacturer or importing distributor to the extent to
7 which the sale of alcoholic liquor other than beer by one
8 Illinois licensed manufacturer or importing distributor to
9 another Illinois licensed manufacturer or importing
10 distributor is authorized by the licensing provisions of this
11 Act, nor to alcoholic liquor whether manufactured in or
12 imported into this State when sold to a "non-beverage user"
13 licensed by the State for use in the manufacture of any of the
14 following when they are unfit for beverage purposes:

15 Patent and proprietary medicines and medicinal,
16 antiseptic, culinary and toilet preparations;

17 Flavoring extracts and syrups and food products;

18 Scientific, industrial and chemical products, excepting
19 denatured alcohol;

20 Or for scientific, chemical, experimental or mechanical
21 purposes;

22 Nor is the tax imposed upon the privilege of engaging in
23 any business in interstate commerce or otherwise, which
24 business may not, under the Constitution and Statutes of the
25 United States, be made the subject of taxation by this State.

26 The tax herein imposed shall be in addition to all other

1 occupation or privilege taxes imposed by the State of Illinois
2 or political subdivision thereof.

3 If any alcoholic liquor manufactured in or imported into
4 this State is sold to a licensed manufacturer or importing
5 distributor by a licensed manufacturer or importing
6 distributor to be used solely as an ingredient in the
7 manufacture of any beverage for human consumption, the tax
8 imposed upon such purchasing manufacturer or importing
9 distributor shall be reduced by the amount of the taxes which
10 have been paid by the selling manufacturer or importing
11 distributor under this Act as to such alcoholic liquor so used
12 to the Department of Revenue.

13 If any person received any alcoholic liquors from a
14 manufacturer or importing distributor, with respect to which
15 alcoholic liquors no tax is imposed under this Article, and
16 such alcoholic liquor shall thereafter be disposed of in such
17 manner or under such circumstances as may cause the same to
18 become the base for the tax imposed by this Article, such
19 person shall make the same reports and returns, pay the same
20 taxes and be subject to all other provisions of this Article
21 relating to manufacturers and importing distributors.

22 Nothing in this Article shall be construed to require the
23 payment to the Department of the taxes imposed by this Article
24 more than once with respect to any quantity of alcoholic liquor
25 sold or used within this State.

26 No tax is imposed by this Act on sales of alcoholic liquor

1 by Illinois licensed foreign importers to Illinois licensed
2 importing distributors.

3 All of the proceeds of the additional tax imposed by this
4 amendatory Act of the 96th General Assembly shall be deposited
5 by the Department into the Capital Projects Fund. The remainder
6 of the tax imposed by this Act shall be deposited by the
7 Department into the General Revenue Fund.

8 The provisions of this Section 8-1 are severable under
9 Section 1.31 of the Statute on Statutes.

10 (Source: P.A. 90-625, eff. 7-10-98; 91-38, eff. 6-15-99;
11 09600HB0255enr.)

12 Section 60-40. If and only if House Bill 255 of the 96th
13 General Assembly becomes law, the Illinois Vehicle Code is
14 amended by changing Sections 15-102, 15-107, and 15-111 as
15 follows:

16 (625 ILCS 5/15-102) (from Ch. 95 1/2, par. 15-102)

17 Sec. 15-102. Width of Vehicles.

18 (a) On Class III and non-designated State and local
19 highways, the total outside width of any vehicle or load
20 thereon shall not exceed 8 feet.

21 (b) Except during those times when, due to insufficient
22 light or unfavorable atmospheric conditions, persons and
23 vehicles on the highway are not clearly discernible at a
24 distance of 1000 feet, the following vehicles may exceed the 8

1 feet limitation during the period from a half hour before
2 sunrise to a half hour after sunset:

3 (1) Loads of hay, straw or other similar farm products
4 provided that the load is not more than 12 feet wide.

5 (2) Implements of husbandry being transported on
6 another vehicle and the transporting vehicle while loaded.

7 The following requirements apply to the transportation
8 on another vehicle of an implement of husbandry wider than
9 8 feet 6 inches on the National System of Interstate and
10 Defense Highways or other highways in the system of State
11 highways:

12 (A) The driver of a vehicle transporting an
13 implement of husbandry that exceeds 8 feet 6 inches in
14 width shall obey all traffic laws and shall check the
15 roadways prior to making a movement in order to ensure
16 that adequate clearance is available for the movement.
17 It is prima facie evidence that the driver of a vehicle
18 transporting an implement of husbandry has failed to
19 check the roadway prior to making a movement if the
20 vehicle is involved in a collision with a bridge,
21 overpass, fixed structure, or properly placed traffic
22 control device or if the vehicle blocks traffic due to
23 its inability to proceed because of a bridge, overpass,
24 fixed structure, or properly placed traffic control
25 device.

26 (B) Flags shall be displayed so as to wave freely

1 at the extremities of overwidth objects and at the
2 extreme ends of all protrusions, projections, and
3 overhangs. All flags shall be clean, bright red flags
4 with no advertising, wording, emblem, or insignia
5 inscribed upon them and at least 18 inches square.

6 (C) "OVERSIZE LOAD" signs are mandatory on the
7 front and rear of all vehicles with loads over 10 feet
8 wide. These signs must have 12-inch high black letters
9 with a 2-inch stroke on a yellow sign that is 7 feet
10 wide by 18 inches high.

11 (D) One civilian escort vehicle is required for a
12 load that exceeds 14 feet 6 inches in width and 2
13 civilian escort vehicles are required for a load that
14 exceeds 16 feet in width on the National System of
15 Interstate and Defense Highways or other highways in
16 the system of State highways.

17 (E) The requirements for a civilian escort vehicle
18 and driver are as follows:

19 (1) The civilian escort vehicle shall be a
20 passenger car or a second division vehicle not
21 exceeding a gross vehicle weight of 8,000 pounds
22 that is designed to afford clear and unobstructed
23 vision to both front and rear.

24 (2) The escort vehicle driver must be properly
25 licensed to operate the vehicle.

26 (3) While in use, the escort vehicle must be

1 equipped with illuminated rotating, oscillating,
2 or flashing amber lights or flashing amber strobe
3 lights mounted on top that are of sufficient
4 intensity to be visible at 500 feet in normal
5 sunlight.

6 (4) "OVERSIZE LOAD" signs are mandatory on all
7 escort vehicles. The sign on an escort vehicle
8 shall have 8-inch high black letters on a yellow
9 sign that is 5 feet wide by 12 inches high.

10 (5) When only one escort vehicle is required
11 and it is operating on a two-lane highway, the
12 escort vehicle shall travel approximately 300 feet
13 ahead of the load. The rotating, oscillating, or
14 flashing lights or flashing amber strobe lights
15 and an "OVERSIZE LOAD" sign shall be displayed on
16 the escort vehicle and shall be visible from the
17 front. When only one escort vehicle is required and
18 it is operating on a multilane divided highway, the
19 escort vehicle shall travel approximately 300 feet
20 behind the load and the sign and lights shall be
21 visible from the rear.

22 (6) When 2 escort vehicles are required, one
23 escort shall travel approximately 300 feet ahead
24 of the load and the second escort shall travel
25 approximately 300 feet behind the load. The
26 rotating, oscillating, or flashing lights or

1 flashing amber strobe lights and an "OVERSIZE
2 LOAD" sign shall be displayed on the escort
3 vehicles and shall be visible from the front on the
4 lead escort and from the rear on the trailing
5 escort.

6 (7) When traveling within the corporate limits
7 of a municipality, the escort vehicle shall
8 maintain a reasonable and proper distance from the
9 oversize load, consistent with existing traffic
10 conditions.

11 (8) A separate escort shall be provided for
12 each load hauled.

13 (9) The driver of an escort vehicle shall obey
14 all traffic laws.

15 (10) The escort vehicle must be in safe
16 operational condition.

17 (11) The driver of the escort vehicle must be
18 in radio contact with the driver of the vehicle
19 carrying the oversize load.

20 (F) A transport vehicle while under load of more
21 than 8 feet 6 inches in width must be equipped with an
22 illuminated rotating, oscillating, or flashing amber
23 light or lights or a flashing amber strobe light or
24 lights mounted on the top of the cab that are of
25 sufficient intensity to be visible at 500 feet in
26 normal sunlight. If the load on the transport vehicle

1 blocks the visibility of the amber lighting from the
2 rear of the vehicle, the vehicle must also be equipped
3 with an illuminated rotating, oscillating, or flashing
4 amber light or lights or a flashing amber strobe light
5 or lights mounted on the rear of the load that are of
6 sufficient intensity to be visible at 500 feet in
7 normal sunlight.

8 (G) When a flashing amber light is required on the
9 transport vehicle under load and it is operating on a
10 two-lane highway, the transport vehicle shall display
11 to the rear at least one rotating, oscillating, or
12 flashing light or a flashing amber strobe light and an
13 "OVERSIZE LOAD" sign. When a flashing amber light is
14 required on the transport vehicle under load and it is
15 operating on a multilane divided highway, the sign and
16 light shall be visible from the rear.

17 (H) Maximum speed shall be 45 miles per hour on all
18 such moves or 5 miles per hour above the posted minimum
19 speed limit, whichever is greater, but the vehicle
20 shall not at any time exceed the posted maximum speed
21 limit.

22 (3) Portable buildings designed and used for
23 agricultural and livestock raising operations that are not
24 more than 14 feet wide and with not more than a 1 foot
25 overhang along the left side of the hauling vehicle.
26 However, the buildings shall not be transported more than

1 10 miles and not on any route that is part of the National
2 System of Interstate and Defense Highways.

3 All buildings when being transported shall display at least
4 2 red cloth flags, not less than 12 inches square, mounted as
5 high as practicable on the left and right side of the building.

6 A State Police escort shall be required if it is necessary
7 for this load to use part of the left lane when crossing any 2
8 laned State highway bridge.

9 (c) Vehicles propelled by electric power obtained from
10 overhead trolley wires operated wholly within the corporate
11 limits of a municipality are also exempt from the width
12 limitation.

13 (d) Exemptions are also granted to vehicles designed for
14 the carrying of more than 10 persons under the following
15 conditions:

16 (1) (Blank);

17 (2) When operated within any public transportation
18 service with the approval of local authorities or an
19 appropriate public body authorized by law to provide public
20 transportation. Any vehicle so operated may be 8 feet 6
21 inches in width; or

22 (3) When a county engineer or superintendent of
23 highways, after giving due consideration to the mass
24 transportation needs of the area and to the width and
25 condition of the road, has determined that the operation of
26 buses wider than 8 feet will not pose an undue safety

1 hazard on a particular county or township road segment, he
2 or she may authorize buses not to exceed 8 feet 6 inches in
3 width on any highway under that engineer's or
4 superintendent's jurisdiction.

5 (d-1) A recreational vehicle, as defined in Section 1-169,
6 may exceed 8 feet 6 inches in width if:

7 (1) the excess width is attributable to appurtenances
8 that extend 6 inches or less beyond either side of the body
9 of the vehicle; and

10 (2) the roadway on which the vehicle is traveling has
11 marked lanes for vehicular traffic that are at least 11
12 feet in width.

13 As used in this subsection (d-1) and in subsection (d-2),
14 the term appurtenance includes (i) a retracted awning and its
15 support hardware and (ii) any appendage that is intended to be
16 an integral part of a recreation vehicle.

17 (d-2) A recreational vehicle that exceeds 8 feet 6 inches
18 in width as provided in subsection (d-1) may travel any roadway
19 of the State if the vehicle is being operated between a roadway
20 permitted under subsection (d-1) and:

21 (1) the location where the recreation vehicle is
22 garaged;

23 (2) the destination of the recreation vehicle; or

24 (3) a facility for food, fuel, repair, services, or
25 rest.

26 (e) A vehicle and load traveling upon the National System

1 of Interstate and Defense Highways or any other highway in the
2 system of State highways that has been designated as a Class I
3 or Class II highway by the Department, or any street or highway
4 designated by local authorities, may have a total outside width
5 of 8 feet 6 inches, provided that certain safety devices that
6 the Department determines as necessary for the safe and
7 efficient operation of motor vehicles shall not be included in
8 the calculation of width.

9 ~~(e 1) A vehicle and load more than 8 feet wide but not~~
10 ~~exceeding 8 feet 6 inches in width is allowed access according~~
11 ~~to the following:~~

12 ~~(1) A vehicle and load not exceeding 80,000 pounds in~~
13 ~~weight is allowed access from any State designated highway~~
14 ~~onto any county, township, or municipal highway for a~~
15 ~~distance of 5 highway miles for the purpose of loading and~~
16 ~~unloading, provided:~~

17 ~~(A) The vehicle and load does not exceed 65 feet~~
18 ~~overall length.~~

19 ~~(B) There is no sign prohibiting that access.~~

20 ~~(C) The route is not being used as a thoroughfare~~
21 ~~between State designated highways.~~

22 ~~(2) A vehicle and load not exceeding 80,000 pounds in~~
23 ~~weight is allowed access from any State designated highway~~
24 ~~onto any county or township highway for a distance of 5~~
25 ~~highway miles or onto any municipal highway for a distance~~
26 ~~of one highway mile for the purpose of food, fuel, repairs,~~

1 ~~and rest, provided:~~

2 ~~(A) The vehicle and load does not exceed 65 feet~~
3 ~~overall length.~~

4 ~~(B) There is no sign prohibiting that access.~~

5 ~~(C) The route is not being used as a thoroughfare~~
6 ~~between State designated highways.~~

7 ~~(3) A vehicle and load not exceeding 80,000 pounds in~~
8 ~~weight is allowed access from a Class I highway onto any~~
9 ~~street or highway for a distance of one highway mile for~~
10 ~~the purpose of loading, unloading, food, fuel, repairs, and~~
11 ~~rest, provided there is no sign prohibiting that access.~~

12 ~~(4) A vehicle and load not exceeding 80,000 pounds in~~
13 ~~weight is allowed access from a Class I or Class II highway~~
14 ~~onto any State highway or any locally designated highway~~
15 ~~for a distance of 5 highway miles for the purpose of~~
16 ~~loading, unloading, food, fuel, repairs, and rest.~~

17 ~~(5) A trailer or semi trailer not exceeding 28 feet 6~~
18 ~~inches in length, that was originally in combination with a~~
19 ~~truck tractor, shall have unlimited access to points of~~
20 ~~loading and unloading.~~

21 ~~(6) All household goods carriers shall have unlimited~~
22 ~~access to points of loading and unloading.~~

23 Section 5-35 of the Illinois Administrative Procedure Act
24 relating to procedures for rulemaking shall not apply to the
25 designation of highways under this paragraph (e).

26 (f) Mirrors required by Section 12-502 of this Code and

1 other safety devices identified by the Department may project
2 up to 14 inches beyond each side of a bus and up to 6 inches
3 beyond each side of any other vehicle, and that projection
4 shall not be deemed a violation of the width restrictions of
5 this Section.

6 (g) Any person who is convicted of violating this Section
7 is subject to the penalty as provided in paragraph (b) of
8 Section 15-113.

9 (Source: P.A. 93-177, eff. 7-11-03; 94-949, eff. 1-1-07;
10 09600HB0255enr.)

11 (625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)
12 Sec. 15-107. Length of vehicles.

13 (a) The maximum length of a single vehicle on any highway
14 of this State may not exceed 42 feet except the following:

15 (1) Semitrailers.

16 (2) Charter or regulated route buses may be up to 45
17 feet in length, not including energy absorbing bumpers.

18 (a-1) A motor home as defined in Section 1-145.01 may be up
19 to 45 feet in length, not including energy absorbing bumpers.
20 The length limitations described in this subsection (a-1) shall
21 be exclusive of energy-absorbing bumpers and rear view mirrors.

22 (b) On all non-State highways, the maximum length of
23 vehicles in combinations is as follows:

24 (1) A truck tractor in combination with a semitrailer
25 may not exceed 55 feet overall dimension.

1 (2) A truck tractor-semitrailer-trailer may not exceed
2 60 feet overall dimension.

3 (3) Combinations specially designed to transport motor
4 vehicles or boats may not exceed 60 feet overall dimension.

5 Vehicles operating during daylight hours when transporting
6 poles, pipes, machinery, or other objects of a structural
7 nature that cannot readily be dismembered are exempt from
8 length limitations, provided that no object may exceed 80 feet
9 in length and the overall dimension of the vehicle including
10 the load may not exceed 100 feet. This exemption does not apply
11 to operation on a Saturday, Sunday, or legal holiday. Legal
12 holidays referred to in this Section are the days on which the
13 following traditional holidays are celebrated: New Year's Day;
14 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;
15 and Christmas Day.

16 Vehicles and loads operated by a public utility while en
17 route to make emergency repairs to public service facilities or
18 properties are exempt from length limitations, provided that
19 during night operations every vehicle and its load must be
20 equipped with a sufficient number of clearance lamps on both
21 sides and marker lamps on the extreme ends of any projecting
22 load to clearly mark the dimensions of the load.

23 A tow truck in combination with a disabled vehicle or
24 combination of disabled vehicles, as provided in paragraph (6)
25 of subsection (c) of this Section, is exempt from length
26 limitations.

1 All other combinations not listed in this subsection (b)
2 may not exceed 60 feet overall dimension.

3 (c) Except as provided in subsections (c-1) and (c-2),
4 combinations of vehicles may not exceed a total of 2 vehicles
5 except the following:

6 (1) A truck tractor semitrailer may draw one trailer.

7 (2) A truck tractor semitrailer may draw one converter
8 dolly.

9 (3) A truck tractor semitrailer may draw one vehicle
10 that is defined in Chapter 1 as special mobile equipment,
11 provided the overall dimension does not exceed 60 feet.

12 (4) A truck in transit may draw 3 trucks in transit
13 coupled together by the triple saddlemount method.

14 (5) Recreational vehicles consisting of 3 vehicles,
15 provided the following:

16 (A) The total overall dimension does not exceed 60
17 feet.

18 (B) The towing vehicle is a properly registered
19 vehicle capable of towing another vehicle using a
20 fifth-wheel type assembly.

21 (C) The second vehicle in the combination of
22 vehicles is a recreational vehicle that is towed by a
23 fifth-wheel assembly. This vehicle must be properly
24 registered and must be equipped with brakes,
25 regardless of weight.

26 (D) The third vehicle must be the lightest of the 3

1 vehicles and be a trailer or semitrailer designed or
2 used for transporting a boat, all-terrain vehicle,
3 personal watercraft, or motorcycle.

4 (E) The towed vehicles may be only for the use of
5 the operator of the towing vehicle.

6 (F) All vehicles must be properly equipped with
7 operating brakes and safety equipment required by this
8 Code, except the additional brake requirement in
9 subdivision (C) of this subparagraph (5).

10 (6) A tow truck in combination with a disabled vehicle
11 or combination of disabled vehicles, provided the towing
12 vehicle:

13 (A) Is specifically designed as a tow truck having
14 a gross vehicle weight rating of at least 18,000 pounds
15 and equipped with air brakes, provided that air brakes
16 are required only if the towing vehicle is towing a
17 vehicle, semitrailer, or tractor-trailer combination
18 that is equipped with air brakes. For the purpose of
19 this subsection, gross vehicle weight rating, or GVWR,
20 means the value specified by the manufacturer as the
21 loaded weight of the tow truck.

22 (B) Is equipped with flashing, rotating, or
23 oscillating amber lights, visible for at least 500 feet
24 in all directions.

25 (C) Is capable of utilizing the lighting and
26 braking systems of the disabled vehicle or combination

1 of vehicles.

2 (D) Does not engage a tow exceeding 50 highway
3 miles from the initial point of wreck or disablement to
4 a place of repair. Any additional movement of the
5 vehicles may occur only upon issuance of authorization
6 for that movement under the provisions of Sections
7 15-301 through 15-319 of this Code.

8 The Department may by rule or regulation prescribe
9 additional requirements regarding length limitations for a
10 tow truck towing another vehicle.

11 For purposes of this Section, a tow-dolly that merely
12 serves as substitute wheels for another legally licensed
13 vehicle is considered part of the licensed vehicle and not
14 a separate vehicle.

15 (7) Commercial vehicles consisting of 3 vehicles,
16 provided the following:

17 (A) The total overall dimension does not exceed 65
18 feet.

19 (B) The towing vehicle is a properly registered
20 vehicle capable of towing another vehicle using a
21 fifth-wheel type assembly or a goose-neck hitch ball.

22 (C) The third vehicle must be the lightest of the 3
23 vehicles and be a trailer or semitrailer.

24 (D) All vehicles must be properly equipped with
25 operating brakes and safety equipment required by this
26 Code.

1 (E) The combination of vehicles must be operated by
2 a person who holds a commercial driver's license (CDL).

3 (F) The combination of vehicles must be en route to
4 a location where new or used trailers are sold by an
5 Illinois or out-of-state licensed new or used trailer
6 dealer.

7 (c-1) A combination of 3 vehicles is allowed access to any
8 State designated highway if:

9 (1) the length of neither towed vehicle exceeds 28.5
10 feet;

11 (2) the overall wheel base of the combination of
12 vehicles does not exceed 62 feet; and

13 (3) the combination of vehicles is en route to a
14 location where new or used trailers are sold by an Illinois
15 or out-of-state licensed new or used trailer dealer.

16 (c-2) A combination of 3 vehicles is allowed access from
17 any State designated highway onto any county, township, or
18 municipal highway for a distance of 5 highway miles for the
19 purpose of delivery or collection of one or both of the towed
20 vehicles if:

21 (1) the length of neither towed vehicle exceeds 28.5
22 feet;

23 (2) the combination of vehicles does not exceed 40,000
24 pounds in gross weight and 8 feet 6 inches in width;

25 (3) there is no sign prohibiting that access;

26 (4) the route is not being used as a thoroughfare

1 between State designated highways; and

2 (5) the combination of vehicles is en route to a
3 location where new or used trailers are sold by an Illinois
4 or out-of-state licensed new or used trailer dealer.

5 (d) On Class I highways there are no overall length
6 limitations on motor vehicles operating in combinations
7 provided:

8 (1) The length of a semitrailer, unladen or with load,
9 in combination with a truck tractor may not exceed 53 feet.

10 (2) The distance between the kingpin and the center of
11 the rear axle of a semitrailer longer than 48 feet, in
12 combination with a truck tractor, may not exceed 45 feet 6
13 inches.

14 (3) The length of a semitrailer or trailer, unladen or
15 with load, operated in a truck tractor-semitrailer-trailer
16 combination, may not exceed 28 feet 6 inches.

17 (4) Maxi-cube combinations, as defined in Chapter 1,
18 may not exceed 65 feet overall dimension.

19 (5) Combinations of vehicles specifically designed to
20 transport motor vehicles or boats may not exceed 65 feet
21 overall dimension. The length limitation is inclusive of
22 front and rear bumpers but exclusive of the overhang of the
23 transported vehicles, as provided in paragraph (i) of this
24 Section.

25 (6) Stinger steered semitrailer vehicles as defined in
26 Chapter 1, specifically designed to transport motor

1 vehicles or boats, may not exceed 75 feet overall
2 dimension. The length limitation is inclusive of front and
3 rear bumpers but exclusive of the overhang of the
4 transported vehicles, as provided in paragraph (i) of this
5 Section.

6 (7) A truck in transit transporting 3 trucks coupled
7 together by the triple saddlemount method may not exceed 75
8 feet overall dimension.

9 Vehicles operating during daylight hours when transporting
10 poles, pipes, machinery, or other objects of a structural
11 nature that cannot readily be dismembered are exempt from
12 length limitations, provided that no object may exceed 80 feet
13 in length and the overall dimension of the vehicle including
14 the load may not exceed 100 feet. This exemption does not apply
15 to operation on a Saturday, Sunday, or legal holiday. Legal
16 holidays referred to in this Section are the days on which the
17 following traditional holidays are celebrated: New Year's Day;
18 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;
19 and Christmas Day.

20 Vehicles and loads operated by a public utility while en
21 route to make emergency repairs to public service facilities or
22 properties are exempt from length limitations, provided that
23 during night operations every vehicle and its load must be
24 equipped with a sufficient number of clearance lamps on both
25 sides and marker lamps on the extreme ends of any projecting
26 load to clearly mark the dimensions of the load.

1 A tow truck in combination with a disabled vehicle or
2 combination of disabled vehicles, as provided in paragraph (6)
3 of subsection (c) of this Section, is exempt from length
4 limitations.

5 The length limitations described in this paragraph (d)
6 shall be exclusive of safety and energy conservation devices,
7 such as bumpers, refrigeration units or air compressors and
8 other devices, that the Department may interpret as necessary
9 for safe and efficient operation; except that no device
10 excluded under this paragraph shall have by its design or use
11 the capability to carry cargo.

12 Section 5-35 of the Illinois Administrative Procedure Act
13 relating to procedures for rulemaking shall not apply to the
14 designation of highways under this paragraph (d).

15 (e) On Class II highways there are no overall length
16 limitations on motor vehicles operating in combinations,
17 provided:

18 (1) The length of a semitrailer, unladen or with load,
19 in combination with a truck tractor, may not exceed 53 feet
20 overall dimension.

21 (2) The distance between the kingpin and the center of
22 the rear axle of a semitrailer longer than 48 feet, in
23 combination with a truck tractor, may not exceed 45 feet 6
24 inches.

25 (3) A truck tractor-semitrailer-trailer combination
26 may not exceed 65 feet in dimension from front axle to rear

1 axle.

2 (4) The length of a semitrailer or trailer, unladen or
3 with load, operated in a truck tractor-semitrailer-trailer
4 combination, may not exceed 28 feet 6 inches.

5 (5) Maxi-cube combinations, as defined in Chapter 1,
6 may not exceed 65 feet overall dimension.

7 (6) A combination of vehicles, specifically designed
8 to transport motor vehicles or boats, may not exceed 65
9 feet overall dimension. The length limitation is inclusive
10 of front and rear bumpers but exclusive of the overhang of
11 the transported vehicles, as provided in paragraph (i) of
12 this Section.

13 (7) Stinger steered semitrailer vehicles, as defined
14 in Chapter 1, specifically designed to transport motor
15 vehicles or boats, may not exceed 75 feet overall
16 dimension. The length limitation is inclusive of front and
17 rear bumpers but exclusive of the overhang of the
18 transported vehicles, as provided in paragraph (i) of this
19 Section.

20 (8) A truck in transit transporting 3 trucks coupled
21 together by the triple saddlemount method may not exceed 75
22 feet overall dimension.

23 Vehicles operating during daylight hours when transporting
24 poles, pipes, machinery, or other objects of a structural
25 nature that cannot readily be dismembered are exempt from
26 length limitations, provided that no object may exceed 80 feet

1 in length and the overall dimension of the vehicle including
2 the load may not exceed 100 feet. This exemption does not apply
3 to operation on a Saturday, Sunday, or legal holiday. Legal
4 holidays referred to in this Section are the days on which the
5 following traditional holidays are celebrated: New Year's Day;
6 Memorial Day; Independence Day; Labor Day; Thanksgiving Day;
7 and Christmas Day.

8 Vehicles and loads operated by a public utility while en
9 route to make emergency repairs to public service facilities or
10 properties are exempt from length limitations, provided that
11 during night operations every vehicle and its load must be
12 equipped with a sufficient number of clearance lamps on both
13 sides and marker lamps on the extreme ends of any projecting
14 load to clearly mark the dimensions of the load.

15 A tow truck in combination with a disabled vehicle or
16 combination of disabled vehicles, as provided in paragraph (6)
17 of subsection (c) of this Section, is exempt from length
18 limitations.

19 Local authorities, with respect to streets and highways
20 under their jurisdiction, may also by ordinance or resolution
21 allow length limitations of this subsection (e).

22 The length limitations described in this paragraph (e)
23 shall be exclusive of safety and energy conservation devices,
24 such as bumpers, refrigeration units or air compressors and
25 other devices, that the Department may interpret as necessary
26 for safe and efficient operation; except that no device

1 excluded under this paragraph shall have by its design or use
2 the capability to carry cargo.

3 ~~(c-1) Combinations of vehicles not exceeding 65 feet~~
4 ~~overall length are allowed access as follows:~~

5 ~~(1) From any State designated highway onto any county,~~
6 ~~township, or municipal highway for a distance of 5 highway~~
7 ~~miles for the purpose of loading and unloading, provided:~~

8 ~~(A) The vehicle does not exceed 80,000 pounds in~~
9 ~~gross weight and 8 feet 6 inches in width.~~

10 ~~(B) There is no sign prohibiting that access.~~

11 ~~(C) The route is not being used as a thoroughfare~~
12 ~~between State designated highways.~~

13 ~~(2) From any State designated highway onto any county~~
14 ~~or township highway for a distance of 5 highway miles or~~
15 ~~onto any municipal highway for a distance of one highway~~
16 ~~mile for the purpose of food, fuel, repairs, and rest,~~
17 ~~provided:~~

18 ~~(A) The vehicle does not exceed 80,000 pounds in~~
19 ~~gross weight and 8 feet 6 inches in width.~~

20 ~~(B) There is no sign prohibiting that access.~~

21 ~~(C) The route is not being used as a thoroughfare~~
22 ~~between State designated highways.~~

23 ~~(c-2) Except as provided in subsection (c-3), combinations~~
24 ~~of vehicles over 65 feet in length, with no overall length~~
25 ~~limitation except as provided in subsections (d) and (e) of~~
26 ~~this Section, are allowed access as follows:~~

1 ~~(1) From a Class I highway onto any street or highway~~
2 ~~for a distance of one highway mile for the purpose of~~
3 ~~loading, unloading, food, fuel, repairs, and rest,~~
4 ~~provided there is no sign prohibiting that access.~~

5 ~~(2) From a Class I or Class II highway onto any State~~
6 ~~highway or any locally designated highway for a distance of~~
7 ~~5 highway miles for the purpose of loading, unloading,~~
8 ~~food, fuel, repairs, and rest.~~

9 ~~(e 3) Combinations of vehicles over 65 feet in length~~
10 ~~operated by household goods carriers, with no overall length~~
11 ~~limitations except as provided in subsections (d) and (e) of~~
12 ~~this Section, have unlimited access to points of loading and~~
13 ~~unloading.~~

14 Section 5-35 of the Illinois Administrative Procedure Act
15 relating to procedures for rulemaking shall not apply to the
16 designation of highways under this paragraph (e).

17 (f) On Class III and other non-designated State highways,
18 the length limitations for vehicles in combination are as
19 follows:

20 (1) Truck tractor-semitrailer combinations, must
21 comply with either a maximum 55 feet overall wheel base or
22 a maximum 65 feet extreme overall dimension.

23 (2) Semitrailers, unladen or with load, may not exceed
24 53 feet overall dimension.

25 (3) No truck tractor-semitrailer-trailer combination
26 may exceed 60 feet extreme overall dimension.

1 (4) The distance between the kingpin and the center
2 axle of a semitrailer longer than 48 feet, in combination
3 with a truck tractor, may not exceed 42 feet 6 inches.

4 (g) Length limitations in the preceding subsections of this
5 Section 15-107 do not apply to the following:

6 (1) Vehicles operated in the daytime, except on
7 Saturdays, Sundays, or legal holidays, when transporting
8 poles, pipe, machinery, or other objects of a structural
9 nature that cannot readily be dismembered, provided the
10 overall length of vehicle and load may not exceed 100 feet
11 and no object exceeding 80 feet in length may be
12 transported unless a permit has been obtained as authorized
13 in Section 15-301.

14 (2) Vehicles and loads operated by a public utility
15 while en route to make emergency repairs to public service
16 facilities or properties, but during night operation every
17 vehicle and its load must be equipped with a sufficient
18 number of clearance lamps on both sides and marker lamps
19 upon the extreme ends of any projecting load to clearly
20 mark the dimensions of the load.

21 (3) A tow truck in combination with a disabled vehicle
22 or combination of disabled vehicles, provided the towing
23 vehicle meets the following conditions:

24 (A) It is specifically designed as a tow truck
25 having a gross vehicle weight rating of at least 18,000
26 pounds and equipped with air brakes, provided that air

1 brakes are required only if the towing vehicle is
2 towing a vehicle, semitrailer, or tractor-trailer
3 combination that is equipped with air brakes.

4 (B) It is equipped with flashing, rotating, or
5 oscillating amber lights, visible for at least 500 feet
6 in all directions.

7 (C) It is capable of utilizing the lighting and
8 braking systems of the disabled vehicle or combination
9 of vehicles.

10 (D) It does not engage in a tow exceeding 50 miles
11 from the initial point of wreck or disablement.

12 The Department may by rule or regulation prescribe
13 additional requirements regarding length limitations for a tow
14 truck towing another vehicle. The towing vehicle, however, may
15 tow any disabled vehicle from the initial point of wreck or
16 disablement to a point where repairs are actually to occur.
17 This movement shall be valid only on State routes. The tower
18 must abide by posted bridge weight limits.

19 For the purpose of this subsection, gross vehicle weight
20 rating, or GVWR, shall mean the value specified by the
21 manufacturer as the loaded weight of the tow truck. Legal
22 holidays referred to in this Section shall be specified as the
23 day on which the following traditional holidays are celebrated:

24 New Year's Day;

25 Memorial Day;

26 Independence Day;

1 Labor Day;
2 Thanksgiving Day; and
3 Christmas Day.

4 (h) The load upon any vehicle operated alone, or the load
5 upon the front vehicle of a combination of vehicles, shall not
6 extend more than 3 feet beyond the front wheels of the vehicle
7 or the front bumper of the vehicle if it is equipped with a
8 front bumper. The provisions of this subsection (h) shall not
9 apply to any vehicle or combination of vehicles specifically
10 designed for the collection and transportation of waste,
11 garbage, or recyclable materials during the vehicle's
12 operation in the course of collecting garbage, waste, or
13 recyclable materials if the vehicle is traveling at a speed not
14 in excess of 15 miles per hour during the vehicle's operation
15 and in the course of collecting garbage, waste, or recyclable
16 materials. However, in no instance shall the load extend more
17 than 7 feet beyond the front wheels of the vehicle or the front
18 bumper of the vehicle if it is equipped with a front bumper.

19 (i) The load upon the front vehicle of a combination of
20 vehicles specifically designed to transport motor vehicles
21 shall not extend more than 3 feet beyond the foremost part of
22 the transporting vehicle and the load upon the rear
23 transporting vehicle shall not extend more than 4 feet beyond
24 the rear of the bed or body of the vehicle. This paragraph
25 shall only be applicable upon highways designated in paragraphs
26 (d) and (e) of this Section.

1 (j) Articulated vehicles comprised of 2 sections, neither
2 of which exceeds a length of 42 feet, designed for the carrying
3 of more than 10 persons, may be up to 60 feet in length, not
4 including energy absorbing bumpers, provided that the vehicles
5 are:

6 1. operated by or for any public body or motor carrier
7 authorized by law to provide public transportation
8 services; or

9 2. operated in local public transportation service by
10 any other person and the municipality in which the service
11 is to be provided approved the operation of the vehicle.

12 (j-1) (Blank).

13 (k) Any person who is convicted of violating this Section
14 is subject to the penalty as provided in paragraph (b) of
15 Section 15-113.

16 (l) (Blank).

17 (Source: P.A. 93-177, eff. 7-11-03; 93-1023, eff. 8-25-04;
18 94-713, eff. 6-1-06; 09600HB0255enr.)

19 (625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)

20 Sec. 15-111. Wheel and axle loads and gross weights.

21 (a) On non-designated highways, no vehicle or combination
22 of vehicles equipped with pneumatic tires may be operated,
23 unladen or with load, when the total weight transmitted to the
24 road surface exceeds 20,000 pounds on a single axle or 34,000
25 pounds on a tandem axle with no axle within the tandem

1 exceeding 20,000 pounds except:

2 (1) when a different limit is established and posted in
3 accordance with Section 15-316 of this Code;

4 (2) vehicles for which the Department of
5 Transportation and local authorities issue overweight
6 permits under authority of Section 15-301 of this Code;

7 (3) tow trucks subject to the conditions provided in
8 subsection (d) may not exceed 24,000 pounds on a single
9 rear axle or 44,000 pounds on a tandem rear axle;

10 (4) any single axle of a 2-axle truck weighing 36,000
11 pounds or less and not a part of a combination of vehicles,
12 shall not exceed 20,000 pounds;

13 (5) any single axle of a 2-axle truck equipped with a
14 personnel lift or digger derrick, weighing 36,000 pounds or
15 less, owned and operated by a public utility, shall not
16 exceed 20,000 pounds;

17 (6) any single axle of a 2-axle truck specially
18 equipped with a front loading compactor used exclusively
19 for garbage, refuse, or recycling may not exceed 20,000
20 pounds per axle, provided that the gross weight of the
21 vehicle does not exceed 40,000 pounds;

22 (7) a truck, not in combination and specially equipped
23 with a selfcompactor or an industrial roll-off hoist and
24 roll-off container, used exclusively for garbage or refuse
25 operations may, when laden, transmit upon the road surface
26 the following maximum weights: 22,000 pounds on a single

1 axle; 40,000 pounds on a tandem axle;

2 (8) a truck, not in combination and used exclusively
3 for the collection of rendering materials, may, when laden,
4 transmit upon the road surface the following maximum
5 weights: 22,000 pounds on a single axle; 40,000 pounds on a
6 tandem axle;

7 (9) tandem axles on a 3-axle truck registered as a
8 Special Hauling Vehicle, manufactured prior to or in the
9 model year of 2014 and first registered in Illinois prior
10 to January 1, 2015, with a distance greater than 72 inches
11 but not more than 96 inches between any series of 2 axles,
12 is allowed a combined weight on the series not to exceed
13 36,000 pounds and neither axle of the series may exceed
14 20,000 pounds. Any vehicle of this type manufactured after
15 the model year of 2014 or first registered in Illinois
16 after December 31, 2014 may not exceed a combined weight of
17 34,000 pounds through the series of 2 axles and neither
18 axle of the series may exceed 20,000 pounds;

19 (10) a 4-axle truck mixer registered as a Special
20 Hauling Vehicle, used exclusively for the mixing and
21 transportation of concrete in the plastic state and
22 manufactured prior to or in the model year of 2014 and
23 first registered in Illinois prior to January 1, 2015, is
24 allowed the following maximum weights: 20,000 pounds on any
25 single axle; 36,000 pounds on any series of 2 axles greater
26 than 72 inches but not more than 96 inches; and 34,000

1 pounds on any series of 2 axles greater than 40 inches but
2 not more than 72 inches;

3 (11) 4-axle vehicles or a 5 or more axle combination of
4 vehicles: The weight transmitted upon the road surface
5 through any series of 3 axles whose centers are more than
6 96 inches apart, measured between extreme axles in the
7 series, may not exceed those allowed in the table contained
8 in subsection (f) of this Section. No axle or tandem axle
9 of the series may exceed the maximum weight permitted under
10 this Section for a single or tandem axle.

11 No vehicle or combination of vehicles equipped with other
12 than pneumatic tires may be operated, unladen or with load,
13 upon the highways of this State when the gross weight on the
14 road surface through any wheel exceeds 800 pounds per inch
15 width of tire tread or when the gross weight on the road
16 surface through any axle exceeds 16,000 pounds.

17 (b) On non-designated highways, the gross weight of
18 vehicles and combination of vehicles including the weight of
19 the vehicle or combination and its maximum load shall be
20 subject to the federal bridge formula provided in subsection
21 (f) of this Section.

22 VEHICLES OPERATING ON CRAWLER TYPE TRACKS 40,000 pounds

23 TRUCKS EQUIPPED WITH SELFCOMPACTORS

24 OR ROLL-OFF HOISTS AND ROLL-OFF CONTAINERS FOR GARBAGE,

1 REFUSE, OR RECYCLING HAULS ONLY AND TRUCKS USED FOR
 2 THE COLLECTION OF RENDERING MATERIALS
 3 On Highway Not Part of National System
 4 of Interstate and Defense Highways
 5 with 2 axles 36,000 pounds
 6 with 3 axles 54,000 pounds

7 TWO AXLE TRUCKS EQUIPPED WITH
 8 A FRONT LOADING COMPACTOR USED EXCLUSIVELY
 9 FOR THE COLLECTION OF GARBAGE, REFUSE, OR RECYCLING
 10 with 2 axles 40,000 pounds

11 A 4-axle truck mixer registered as a Special Hauling
 12 Vehicle, used exclusively for mixing and transportation of
 13 concrete in the plastic state, manufactured before or in the
 14 model year of 2014, and first registered in Illinois before
 15 January 1, 2015, is allowed a maximum gross weight listed in
 16 the table of subsection (f) of this Section for 4 axles. This
 17 vehicle, while loaded with concrete in the plastic state, is
 18 not subject to the series of 3 axles requirement provided for
 19 in subdivision (a)(11) of this Section, but no axle or tandem
 20 axle of the series may exceed the maximum weight permitted
 21 under subdivision (a)(10) of this Section.

22 (b-1) As used in this Section, a "recycling haul" or
 23 "recycling operation" means the hauling of segregated,
 24 non-hazardous, non-special, homogeneous non-putrescible

1 materials, such as paper, glass, cans, or plastic, for
2 subsequent use in the secondary materials market.

3 (c) Cities having a population of more than 50,000 may
4 permit by ordinance axle loads on 2 axle motor vehicles 33 1/2%
5 above those provided for herein, but the increase shall not
6 become effective until the city has officially notified the
7 Department of the passage of the ordinance and shall not apply
8 to those vehicles when outside of the limits of the city, nor
9 shall the gross weight of any 2 axle motor vehicle operating
10 over any street of the city exceed 40,000 pounds.

11 (d) Weight limitations shall not apply to vehicles
12 (including loads) operated by a public utility when
13 transporting equipment required for emergency repair of public
14 utility facilities or properties or water wells.

15 A combination of vehicles, including a tow truck and a
16 disabled vehicle or disabled combination of vehicles, that
17 exceeds the weight restriction imposed by this Code, may be
18 operated on a public highway in this State provided that
19 neither the disabled vehicle nor any vehicle being towed nor
20 the tow truck itself shall exceed the weight limitations
21 permitted under this Chapter. During the towing operation,
22 neither the tow truck nor the vehicle combination shall exceed
23 24,000 pounds on a single rear axle and 44,000 pounds on a
24 tandem rear axle, provided the towing vehicle:

25 (1) is specifically designed as a tow truck having a
26 gross vehicle weight rating of at least 18,000 pounds and

1 is equipped with air brakes, provided that air brakes are
2 required only if the towing vehicle is towing a vehicle,
3 semitrailer, or tractor-trailer combination that is
4 equipped with air brakes;

5 (2) is equipped with flashing, rotating, or
6 oscillating amber lights, visible for at least 500 feet in
7 all directions;

8 (3) is capable of utilizing the lighting and braking
9 systems of the disabled vehicle or combination of vehicles;
10 and

11 (4) does not engage in a tow exceeding 20 miles from
12 the initial point of wreck or disablement. Any additional
13 movement of the vehicles may occur only upon issuance of
14 authorization for that movement under the provisions of
15 Sections 15-301 through 15-319 of this Code. The towing
16 vehicle, however, may tow any disabled vehicle from the
17 initial point of wreck or disablement to a point where
18 repairs are actually to occur. This movement shall be valid
19 only on State routes. The tower must abide by posted bridge
20 weight limits.

21 Gross weight limits shall not apply to the combination of
22 the tow truck and vehicles being towed. The tow truck license
23 plate must cover the operating empty weight of the tow truck
24 only. The weight of each vehicle being towed shall be covered
25 by a valid license plate issued to the owner or operator of the
26 vehicle being towed and displayed on that vehicle. If no valid

1 plate issued to the owner or operator of that vehicle is
2 displayed on that vehicle, or the plate displayed on that
3 vehicle does not cover the weight of the vehicle, the weight of
4 the vehicle shall be covered by the third tow truck plate
5 issued to the owner or operator of the tow truck and
6 temporarily affixed to the vehicle being towed. If a roll-back
7 carrier is registered and being used as a tow truck, however,
8 the license plate or plates for the tow truck must cover the
9 gross vehicle weight, including any load carried on the bed of
10 the roll-back carrier.

11 The Department may by rule or regulation prescribe
12 additional requirements. However, nothing in this Code shall
13 prohibit a tow truck under instructions of a police officer
14 from legally clearing a disabled vehicle, that may be in
15 violation of weight limitations of this Chapter, from the
16 roadway to the berm or shoulder of the highway. If in the
17 opinion of the police officer that location is unsafe, the
18 officer is authorized to have the disabled vehicle towed to the
19 nearest place of safety.

20 For the purpose of this subsection, gross vehicle weight
21 rating, or GVWR, shall mean the value specified by the
22 manufacturer as the loaded weight of the tow truck.

23 (e) No vehicle or combination of vehicles equipped with
24 pneumatic tires shall be operated, unladen or with load, upon
25 the highways of this State in violation of the provisions of
26 any permit issued under the provisions of Sections 15-301

1 through 15-319 of this Chapter.

2 (f) No vehicle or combination of vehicles with pneumatic
3 tires may be operated, unladen or with load, when the total
4 weight on the road surface exceeds the following: 20,000 pounds
5 on a single axle; 34,000 pounds on a tandem axle with no axle
6 within the tandem exceeding 20,000 pounds; 80,000 pounds gross
7 weight for vehicle combinations of 5 or more axles; or a total
8 weight on a group of 2 or more consecutive axles in excess of
9 that weight produced by the application of the following
10 formula: $W = 500 \text{ times the sum of } (LN \text{ divided by } N-1) + 12N +$
11 36 , where "W" equals overall total weight on any group of 2 or
12 more consecutive axles to the nearest 500 pounds, "L" equals
13 the distance measured to the nearest foot between extremes of
14 any group of 2 or more consecutive axles, and "N" equals the
15 number of axles in the group under consideration.

16 The above formula when expressed in tabular form results in
17 allowable loads as follows:

18	Distance measured				
19	to the nearest				
20	foot between the				
21	extremes of any	Maximum weight in pounds			
22	group of 2 or	of any group of			
23	more consecutive	2 or more consecutive axles			
24	axles				
25	feet	2 axles	3 axles	4 axles	5 axles 6 axles

1	4	34,000				
2	5	34,000				
3	6	34,000				
4	7	34,000				
5	8	38,000*	42,000			
6	9	39,000	42,500			
7	10	40,000	43,500			
8	11		44,000			
9	12		45,000	50,000		
10	13		45,500	50,500		
11	14		46,500	51,500		
12	15		47,000	52,000		
13	16		48,000	52,500	58,000	
14	17		48,500	53,500	58,500	
15	18		49,500	54,000	59,000	
16	19		50,000	54,500	60,000	
17	20		51,000	55,500	60,500	66,000
18	21		51,500	56,000	61,000	66,500
19	22		52,500	56,500	61,500	67,000
20	23		53,000	57,500	62,500	68,000
21	24		54,000	58,000	63,000	68,500
22	25		54,500	58,500	63,500	69,000
23	26		55,500	59,500	64,000	69,500
24	27		56,000	60,000	65,000	70,000
25	28		57,000	60,500	65,500	71,000
26	29		57,500	61,500	66,000	71,500

1	30	58,500	62,000	66,500	72,000
2	31	59,000	62,500	67,500	72,500
3	32	60,000	63,500	68,000	73,000
4	33		64,000	68,500	74,000
5	34		64,500	69,000	74,500
6	35		65,500	70,000	75,000
7	36		66,000	70,500	75,500
8	37		66,500	71,000	76,000
9	38		67,500	72,000	77,000
10	39		68,000	72,500	77,500
11	40		68,500	73,000	78,000
12	41		69,500	73,500	78,500
13	42		70,000	74,000	79,000
14	43		70,500	75,000	80,000
15	44		71,500	75,500	
16	45		72,000	76,000	
17	46		72,500	76,500	
18	47		73,500	77,500	
19	48		74,000	78,000	
20	49		74,500	78,500	
21	50		75,500	79,000	
22	51		76,000	80,000	
23	52		76,500		
24	53		77,500		
25	54		78,000		
26	55		78,500		

1 56 79,500

2 57 80,000

3 *If the distance between 2 axles is 96 inches or less, the 2
4 axles are tandem axles and the maximum total weight may not
5 exceed 34,000 pounds, notwithstanding the higher limit
6 resulting from the application of the formula.

7 Vehicles not in a combination having more than 4 axles may
8 not exceed the weight in the table in this subsection (f) for 4
9 axles measured between the extreme axles of the vehicle.

10 Vehicles in a combination having more than 6 axles may not
11 exceed the weight in the table in this subsection (f) for 6
12 axles measured between the extreme axles of the combination.

13 Local authorities, with respect to streets and highways
14 under their jurisdiction, without additional fees, may also by
15 ordinance or resolution allow the weight limitations of this
16 subsection, provided the maximum gross weight on any one axle
17 shall not exceed 20,000 pounds and the maximum total weight on
18 any tandem axle shall not exceed 34,000 pounds, on designated
19 highways when appropriate regulatory signs giving notice are
20 erected upon the street or highway or portion of any street or
21 highway affected by the ordinance or resolution.

22 The following are exceptions to the above formula:

23 (1) Two consecutive sets of tandem axles may carry a
24 total weight of 34,000 pounds each if the overall distance
25 between the first and last axles of the consecutive sets of
26 tandem axles is 36 feet or more.

1 (2) Vehicles for which a different limit is established
2 and posted in accordance with Section 15-316 of this Code.

3 (3) Vehicles for which the Department of
4 Transportation and local authorities issue overweight
5 permits under authority of Section 15-301 of this Code.
6 These vehicles are not subject to the bridge formula.

7 (4) Tow trucks subject to the conditions provided in
8 subsection (d) may not exceed 24,000 pounds on a single
9 rear axle or 44,000 pounds on a tandem rear axle.

10 (5) A tandem axle on a 3-axle truck registered as a
11 Special Hauling Vehicle, manufactured prior to or in the
12 model year of 2014, and registered in Illinois prior to
13 January 1, 2015, with a distance between 2 axles in a
14 series greater than 72 inches but not more than 96 inches
15 may not exceed a total weight of 36,000 pounds and neither
16 axle of the series may exceed 20,000 ~~18,000~~ pounds.

17 (6) A truck not in combination, equipped with a self
18 compactor or an industrial roll-off hoist and roll-off
19 container, used exclusively for garbage, refuse, or
20 recycling operations, may, when laden, transmit upon the
21 road surface, except when on part of the National System of
22 Interstate and Defense Highways, the following maximum
23 weights: 22,000 pounds on a single axle; 40,000 pounds on a
24 tandem axle; 36,000 pounds gross weight on a 2-axle
25 vehicle; 54,000 pounds gross weight on a 3-axle vehicle.
26 This vehicle is not subject to the bridge formula.

1 (7) Combinations of vehicles, registered as Special
2 Hauling Vehicles that include a semitrailer manufactured
3 prior to or in the model year of 2014, and registered in
4 Illinois prior to January 1, 2015, having 5 axles with a
5 distance of 42 feet or less between extreme axles, may not
6 exceed the following maximum weights: 20,000 ~~18,000~~ pounds
7 on a single axle; 34,000 ~~32,000~~ pounds on a tandem axle;
8 and 72,000 pounds gross weight. This combination of
9 vehicles is not subject to the bridge formula. For all
10 those combinations of vehicles that include a semitrailer
11 manufactured after the effective date of this amendatory
12 Act of the 92nd General Assembly, the overall distance
13 between the first and last axles of the 2 sets of tandems
14 must be 18 feet 6 inches or more. Any combination of
15 vehicles that has had its cargo container replaced in its
16 entirety after December 31, 2014 may not exceed the weights
17 allowed by the bridge formula.

18 (8) A 4-axle truck mixer registered as a Special
19 Hauling Vehicle, used exclusively for the mixing and
20 transportation of concrete in the plastic state,
21 manufactured before or in the model year of 2014, first
22 registered in Illinois before January 1, 2015, and not
23 operated on a highway that is part of the National System
24 of Interstate Highways, is allowed the following maximum
25 weights: 20,000 pounds on any single axle; 36,000 pounds on
26 a series of axles greater than 72 inches but not more than

1 96 inches; and 34,000 pounds on any series of 2 axles
2 greater than 40 inches but not more than 72 inches. The
3 gross weight of this vehicle may not exceed the weights
4 allowed by the bridge formula for 4 axles. The bridge
5 formula does not apply to any series of 3 axles while the
6 vehicle is transporting concrete in the plastic state, but
7 no axle or tandem axle of the series may exceed the maximum
8 weight permitted under this subsection (f).

9 No vehicle or combination of vehicles equipped with other
10 than pneumatic tires may be operated, unladen or with load,
11 upon the highways of this State when the gross weight on the
12 road surface through any wheel exceeds 800 pounds per inch
13 width of tire tread or when the gross weight on the road
14 surface through any axle exceeds 16,000 pounds.

15 (f-1) A vehicle and load not exceeding 80,000 pounds is
16 allowed travel on non-designated highways so long as there is
17 no sign prohibiting that access.

18 (g) No person shall operate a vehicle or combination of
19 vehicles over a bridge or other elevated structure constituting
20 part of a highway with a gross weight that is greater than the
21 maximum weight permitted by the Department, when the structure
22 is sign posted as provided in this Section.

23 (h) The Department upon request from any local authority
24 shall, or upon its own initiative may, conduct an investigation
25 of any bridge or other elevated structure constituting a part
26 of a highway, and if it finds that the structure cannot with

1 safety to itself withstand the weight of vehicles otherwise
2 permissible under this Code the Department shall determine and
3 declare the maximum weight of vehicles that the structures can
4 withstand, and shall cause or permit suitable signs stating
5 maximum weight to be erected and maintained before each end of
6 the structure. No person shall operate a vehicle or combination
7 of vehicles over any structure with a gross weight that is
8 greater than the posted maximum weight.

9 (i) Upon the trial of any person charged with a violation
10 of subsections (g) or (h) of this Section, proof of the
11 determination of the maximum allowable weight by the Department
12 and the existence of the signs, constitutes conclusive evidence
13 of the maximum weight that can be maintained with safety to the
14 bridge or structure.

15 (Source: P.A. 94-464, eff. 1-1-06; 94-926, eff. 1-1-07; 95-51,
16 eff. 1-1-08; 09600HB0255enr.)

17 Section 60-45. If and only if House Bill 255 of the 96th
18 General Assembly becomes law, the Criminal Code of 1961 is
19 amended by changing Section 28-1 as follows:

20 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

21 Sec. 28-1. Gambling.

22 (a) A person commits gambling when he:

23 (1) Plays a game of chance or skill for money or other
24 thing of value, unless excepted in subsection (b) of this

1 Section; or

2 (2) Makes a wager upon the result of any game, contest,
3 or any political nomination, appointment or election; or

4 (3) Operates, keeps, owns, uses, purchases, exhibits,
5 rents, sells, bargains for the sale or lease of,
6 manufactures or distributes any gambling device; or

7 (4) Contracts to have or give himself or another the
8 option to buy or sell, or contracts to buy or sell, at a
9 future time, any grain or other commodity whatsoever, or
10 any stock or security of any company, where it is at the
11 time of making such contract intended by both parties
12 thereto that the contract to buy or sell, or the option,
13 whenever exercised, or the contract resulting therefrom,
14 shall be settled, not by the receipt or delivery of such
15 property, but by the payment only of differences in prices
16 thereof; however, the issuance, purchase, sale, exercise,
17 endorsement or guarantee, by or through a person registered
18 with the Secretary of State pursuant to Section 8 of the
19 Illinois Securities Law of 1953, or by or through a person
20 exempt from such registration under said Section 8, of a
21 put, call, or other option to buy or sell securities which
22 have been registered with the Secretary of State or which
23 are exempt from such registration under Section 3 of the
24 Illinois Securities Law of 1953 is not gambling within the
25 meaning of this paragraph (4); or

26 (5) Knowingly owns or possesses any book, instrument or

1 apparatus by means of which bets or wagers have been, or
2 are, recorded or registered, or knowingly possesses any
3 money which he has received in the course of a bet or
4 wager; or

5 (6) Sells pools upon the result of any game or contest
6 of skill or chance, political nomination, appointment or
7 election; or

8 (7) Sets up or promotes any lottery or sells, offers to
9 sell or transfers any ticket or share for any lottery; or

10 (8) Sets up or promotes any policy game or sells,
11 offers to sell or knowingly possesses or transfers any
12 policy ticket, slip, record, document or other similar
13 device; or

14 (9) Knowingly drafts, prints or publishes any lottery
15 ticket or share, or any policy ticket, slip, record,
16 document or similar device, except for such activity
17 related to lotteries, bingo games and raffles authorized by
18 and conducted in accordance with the laws of Illinois or
19 any other state or foreign government; or

20 (10) Knowingly advertises any lottery or policy game,
21 except for such activity related to lotteries, bingo games
22 and raffles authorized by and conducted in accordance with
23 the laws of Illinois or any other state; or

24 (11) Knowingly transmits information as to wagers,
25 betting odds, or changes in betting odds by telephone,
26 telegraph, radio, semaphore or similar means; or knowingly

1 installs or maintains equipment for the transmission or
2 receipt of such information; except that nothing in this
3 subdivision (11) prohibits transmission or receipt of such
4 information for use in news reporting of sporting events or
5 contests; or

6 (12) Knowingly establishes, maintains, or operates an
7 Internet site that permits a person to play a game of
8 chance or skill for money or other thing of value by means
9 of the Internet or to make a wager upon the result of any
10 game, contest, political nomination, appointment, or
11 election by means of the Internet. This item (12) does not
12 apply to activities referenced in items (6) and (6.1) of
13 subsection (b) of this Section.

14 (b) Participants in any of the following activities shall
15 not be convicted of gambling therefor:

16 (1) Agreements to compensate for loss caused by the
17 happening of chance including without limitation contracts
18 of indemnity or guaranty and life or health or accident
19 insurance.

20 (2) Offers of prizes, award or compensation to the
21 actual contestants in any bona fide contest for the
22 determination of skill, speed, strength or endurance or to
23 the owners of animals or vehicles entered in such contest.

24 (3) Pari-mutuel betting as authorized by the law of
25 this State.

26 (4) Manufacture of gambling devices, including the

1 acquisition of essential parts therefor and the assembly
2 thereof, for transportation in interstate or foreign
3 commerce to any place outside this State when such
4 transportation is not prohibited by any applicable Federal
5 law; or the manufacture, distribution, or possession of
6 video gaming terminals, as defined in the Video Gaming Act,
7 by manufacturers, distributors, and terminal operators
8 licensed to do so under the Video Gaming Act.

9 (5) The game commonly known as "bingo", when conducted
10 in accordance with the Bingo License and Tax Act.

11 (6) Lotteries when conducted by the State of Illinois
12 ~~or a third party pursuant to a Management Agreement with~~
13 ~~the State of Illinois~~ in accordance with the Illinois
14 Lottery Law. This exemption includes any activity
15 conducted by the Department of Revenue to sell lottery
16 tickets pursuant to the provisions of the Illinois Lottery
17 Law and its rules.

18 (6.1) The purchase of lottery tickets through the
19 Internet for a lottery conducted by the State of Illinois
20 under the program established in Section 7.12 of the
21 Illinois Lottery Law.

22 (7) Possession of an antique slot machine that is
23 neither used nor intended to be used in the operation or
24 promotion of any unlawful gambling activity or enterprise.
25 For the purpose of this subparagraph (b)(7), an antique
26 slot machine is one manufactured 25 years ago or earlier.

1 (8) Raffles when conducted in accordance with the
2 Raffles Act.

3 (9) Charitable games when conducted in accordance with
4 the Charitable Games Act.

5 (10) Pull tabs and jar games when conducted under the
6 Illinois Pull Tabs and Jar Games Act.

7 (11) Gambling games conducted on riverboats when
8 authorized by the Riverboat Gambling Act.

9 (12) Video gaming terminal games at a licensed
10 establishment, licensed truck stop establishment, licensed
11 fraternal establishment, or licensed veterans
12 establishment when conducted in accordance with the Video
13 Gaming Act.

14 (c) Sentence.

15 Gambling under subsection (a) (1) or (a) (2) of this Section
16 is a Class A misdemeanor. Gambling under any of subsections
17 (a) (3) through (a) (11) of this Section is a Class A
18 misdemeanor. A second or subsequent conviction under any of
19 subsections (a) (3) through (a) (11), is a Class 4 felony.
20 Gambling under subsection (a) (12) of this Section is a Class A
21 misdemeanor. A second or subsequent conviction under
22 subsection (a) (12) is a Class 4 felony.

23 (d) Circumstantial evidence.

24 In prosecutions under subsection (a) (1) through (a) (12) of
25 this Section circumstantial evidence shall have the same
26 validity and weight as in any criminal prosecution.

1 (Source: P.A. 91-257, eff. 1-1-00; 09600HB0255enr.)

2 Section 60-50. If and only if House Bill 255 of the 96th
3 General Assembly becomes law, Section 9999 is amended as
4 follows:

5 (09600HB0255enr. Sec. 9999)

6 Sec. 9999. Effective date. This Act takes effect July 1,
7 2009, except that the changes to Sections 15-102, 15-107,
8 15-111, 15-112, 15-113, 15-306, 15-307, and 16-105 of the
9 Illinois Vehicle Code take effect January 1, 2010; but this Act
10 does not take effect at all unless House Bill 312 of the 96th
11 General Assembly, as amended, becomes law.

12 (Source: 09600HB0255enr.)

13 Section 60-95. No acceleration or delay. Where this Act
14 makes changes in a statute that is represented in this Act by
15 text that is not yet or no longer in effect (for example, a
16 Section represented by multiple versions), the use of that text
17 does not accelerate or delay the taking effect of (i) the
18 changes made by this Act or (ii) provisions derived from any
19 other Public Act.

20 Article 65.

21 Section 65-5. The River Edge Redevelopment Zone Act is

1 amended by changing Section 10-5.3 as follows:

2 (65 ILCS 115/10-5.3)

3 Sec. 10-5.3. Certification of River Edge Redevelopment
4 Zones.

5 (a) Approval of designated River Edge Redevelopment Zones
6 shall be made by the Department by certification of the
7 designating ordinance. The Department shall promptly issue a
8 certificate for each zone upon its approval. The certificate
9 shall be signed by the Director of the Department, shall make
10 specific reference to the designating ordinance, which shall be
11 attached thereto, and shall be filed in the office of the
12 Secretary of State. A certified copy of the River Edge
13 Redevelopment Zone Certificate, or a duplicate original
14 thereof, shall be recorded in the office of the recorder of
15 deeds of the county in which the River Edge Redevelopment Zone
16 lies.

17 (b) A River Edge Redevelopment Zone shall be effective upon
18 its certification. The Department shall transmit a copy of the
19 certification to the Department of Revenue, and to the
20 designating municipality. Upon certification of a River Edge
21 Redevelopment Zone, the terms and provisions of the designating
22 ordinance shall be in effect, and may not be amended or
23 repealed except in accordance with Section 10-5.4.

24 (c) A River Edge Redevelopment Zone shall be in effect for
25 the period stated in the certificate, which shall in no event

1 exceed 30 calendar years. Zones shall terminate at midnight of
2 December 31 of the final calendar year of the certified term,
3 except as provided in Section 10-5.4.

4 (d) In calendar years 2006 and 2007, the Department may
5 certify one pilot River Edge Redevelopment Zone in the City of
6 East St. Louis, one pilot River Edge Redevelopment Zone in the
7 City of Rockford, and one pilot River Edge Redevelopment Zone
8 in the City of Aurora.

9 In calendar year 2009, the Department may certify one pilot
10 River Edge Redevelopment Zone in the City of Elgin.

11 Thereafter the Department may not certify any additional
12 River Edge Redevelopment Zones, but may amend and rescind
13 certifications of existing River Edge Redevelopment Zones in
14 accordance with Section 10-5.4.

15 (e) A municipality in which a River Edge Redevelopment Zone
16 has been certified must submit to the Department, within 60
17 days after the certification, a plan for encouraging the
18 participation by minority persons, females, persons with
19 disabilities, and veterans in the zone. The Department may
20 assist the municipality in developing and implementing the
21 plan. The terms "minority person", "female", and "person with a
22 disability" have the meanings set forth under Section 2 of the
23 Business Enterprise for Minorities, Females, and Persons with
24 Disabilities Act. "Veteran" means an Illinois resident who is a
25 veteran as defined in subsection (h) of Section 1491 of Title
26 10 of the United States Code.

1 (Source: P.A. 94-1021, eff. 7-12-06; 94-1022, eff. 7-12-06.)

2 Article 70.

3 Section 70-5. Findings. The General Assembly finds that
4 parts of Illinois lack access to high-speed information and
5 communication (broadband) networks. Such networks impact
6 access to jobs, education, health care, public safety and
7 quality of life in Illinois. The 2009 American Recovery and
8 Reinvestment Act (ARRA) represents an unprecedented federal
9 investment in core infrastructure, including over \$7 billion in
10 competitive grants and loans available through the United
11 States Departments of Agriculture and Commerce for core
12 broadband infrastructure. It is the policy of Illinois to
13 secure every viable stimulus project from undue delays,
14 especially those awarded competitively, tied to deadlines, and
15 connected to core infrastructure. Encouraging network
16 development will help Illinois' public and private entities
17 compete for and manage broadband infrastructure projects.

18 Section 70-7. The Secretary of State Act is amended by
19 changing Section 5 as follows:

20 (15 ILCS 305/5) (from Ch. 124, par. 5)

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

22 1. To countersign and affix the seal of state to all

1 commissions required by law to be issued by the Governor.

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

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

9 3-a. To review all rules of all State agencies adopted in
10 compliance with the codification system prescribed by the
11 Secretary. The review shall be for the purposes and include all
12 the powers and duties provided in the Illinois Administrative
13 Procedure Act. The Secretary of State shall cooperate with the
14 Legislative Information System to insure the accuracy of the
15 text of the rules maintained under the Legislative Information
16 System Act.

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

21 5. To take charge of and preserve from waste, and keep in
22 repair, the houses, lots, grounds and appurtenances, situated
23 in the City of Springfield, and belonging to or occupied by the
24 State, the care of which is not otherwise provided for by law,
25 and to take charge of and preserve from waste, and keep in
26 repair, the houses, lots, grounds and appurtenances, situated

1 in the State outside the City of Springfield where such houses,
2 lots, grounds and appurtenances are occupied by the Secretary
3 of State and no other State officer or agency.

4 6. To supervise the distribution of the laws.

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

10 8. In addition to all other authority granted to the
11 Secretary by law, subject to appropriation, to make grants or
12 otherwise provide assistance to, among others without
13 limitation, units of local government, school districts,
14 educational institutions, private agencies, not-for-profit
15 organizations, and for-profit entities for the health, safety,
16 and welfare of Illinois residents for purposes related to
17 education, transportation, construction, capital improvements,
18 social services, and any other lawful public purpose. Upon
19 request of the Secretary, all State agencies are mandated to
20 provide the Secretary with assistance in administering the
21 grants.

22 (Source: P.A. 91-357, eff. 7-29-99.)

23 Section 70-10. The Public Utilities Act is amended by
24 adding Section 8-511 as follows:

1 (220 ILCS 5/8-511 new)

2 Sec. 8-511. Network equipment attachment agreements;
3 Stimulus-funded broadband network providers.

4 (a) For purposes of this Section:

5 "Stimulus-funded broadband network provider" or "SBNP"
6 means an Illinois-based recipient of grant or loan funding
7 authorized by the ARRA and awarded through the United States
8 Department of Agriculture's Rural Utilities Service (RUS) or
9 the United States Department of Commerce's National
10 Telecommunications and Information Administration (NTIA).

11 (b) Access to government and public utility assets,
12 including towers, water towers, buildings, street lights,
13 traffic poles, and pole arms for Stimulus-funded broadband
14 network providers (SBNPs) must be provided at rates and under
15 conditions that are just and reasonable.

16 (c) SBNPs whose federally-approved plans include the
17 attachments listed in subsection (b) of this Section are
18 required to enter into agreements with the asset owners. The
19 agreements shall:

20 (1) contain rates, terms, conditions, and timetables;

21 and

22 (2) be for the purpose of attaching any equipment
23 necessary for the provision of broadband network services,
24 including antennas, base stations, routers, and switching,
25 processing, transmission, and distribution equipment with
26 consideration for the safety of those installing and

1 maintaining the pole attachments.

2 The SBNP shall adhere to all applicable National Electrical
3 Safety Code Guidelines and shall not place ancillary equipment
4 such as power supplies, equipment cabinets, and multiplexers in
5 the climbing space of a pole, unless expressly authorized to do
6 so by the pole owner. If relevant assets are co-owned by 2 or
7 more entities, then an agreement for access shall only be
8 necessary with the majority owner. If the SBNP and the asset
9 owner are unable to reach an agreement on rates, terms,
10 conditions, or timetables, then either party may, in its
11 discretion, pursue procedures under subsection (d) of this
12 Section.

13 (d) The Commission shall adopt rules concerning access
14 rates, terms, conditions, and timetables for agreements
15 required under this Section and any necessary additional
16 procedures for hearing and resolving contested cases. For
17 purposes of enforcing any determinations resulting from
18 contested cases originating under this Section, the Commission
19 shall take action as it deems appropriate.

20 (e) If the Commission finds that an asset owner violated
21 any provision of this Section or any Commission order under
22 this Section, then it shall order the asset owner:

23 (1) to grant access to the SBNP; and

24 (2) to cease and desist from violating the provisions
25 of this Section.

26 Orders issued by the Commission shall be enforceable as in

1 any other matter before the Commission.

2 (f) This Section applies to any attachment agreement that
3 is entered into by parties after the effective date of this
4 amendatory Act of the 96th General Assembly.

5 (g) Any stimulus-funded broadband network provider using
6 existing above ground right-of-ways and underground utilities
7 shall provide reasonable public notice to easement owners of
8 their proposed fiber optic cable route. If no easement owner
9 along the proposed route files a written objection within 30
10 days with the Commission, then the SBNP is authorized to
11 commence network deployment. Easement owners that formally
12 object must enter into a dispute resolution process with the
13 SBNP that is authorized by the Commission.

14 (h) If, in the process of installing broadband
15 infrastructure along existing right of way, farm drainage is
16 damaged, then the easement or landowner shall be reimbursed by
17 the SBNP for any repair costs they incur.

18 Section 70-15. The Illinois Highway Code is amended by
19 adding Section 9-131 as follows:

20 (605 ILCS 5/9-131 new)

21 Sec. 9-131. Installation of fiber-optic network conduit.

22 (a) For purposes of this Section:

23 "Fiber-optic network conduit" means a pipe or duct used to
24 enclose fiber-optic cable facilities buried alongside the

1 roadway or surface mounted on bridges, overpasses, and other
2 facilities where below ground placement is impossible or
3 impractical.

4 (b) In order to ensure affordable high-speed, world-class
5 core information and communication networks are available
6 throughout Illinois, the Illinois Department of Transportation
7 and the Department of Central Management Services shall
8 collaborate to install fiber-optic network conduit where it
9 does not already exist in every new State-funded construction
10 project that opens, bores, or trenches alongside a State-owned
11 infrastructure, including, but not limited to, roadways and
12 bridges. The Department of Central Management Services or the
13 Department of Transportation may permit a third party to manage
14 the fiber and conduit leasing. The Department of Central
15 Management Services and the Department of Transportation shall
16 take reasonable steps to ensure market-based,
17 non-discriminatory pricing. Public bidding notices for such
18 projects must describe the need for fiber-optic conduit or
19 cable. The Department of Transportation shall report annually
20 to the Governor and the General Assembly on the progress and
21 any associated costs incurred by this Section. This Section
22 does not prohibit the State from purchasing or installing
23 fiber-optic cable within the fiber-optic network conduit.

1 Section 75-5. The School Construction Law is amended by
2 changing Sections 5-25, 5-30, and 5-57 as follows:

3 (105 ILCS 230/5-25)

4 Sec. 5-25. Eligibility and project standards.

5 (a) The State Board of Education shall establish
6 eligibility standards for school construction project grants
7 and debt service grants. These standards shall include minimum
8 enrollment requirements for eligibility for school
9 construction project grants of 200 students for elementary
10 districts, 200 students for high school districts, and 400
11 students for unit districts. The State Board of Education shall
12 approve a district's eligibility for a school construction
13 project grant or a debt service grant pursuant to the
14 established standards.

15 (b) The Capital Development Board shall establish project
16 standards for all school construction project grants provided
17 pursuant to this Article. These standards shall include space
18 and capacity standards as well as the determination of
19 recognized project costs that shall be eligible for State
20 financial assistance and enrichment costs that shall not be
21 eligible for State financial assistance.

22 (c) The State Board of Education and the Capital
23 Development Board shall not establish standards that
24 disapprove or otherwise establish limitations that restrict
25 the eligibility of (i) a school district with a population

1 exceeding 500,000 for a school construction project grant based
2 on the fact that any or all of the school construction project
3 grant will be used to pay debt service or to make lease
4 payments, as authorized by subsection (b) of Section 5-35 of
5 this Law, or (ii) a school district located in whole or in part
6 in a county that imposes a tax for school facility purposes
7 pursuant to Section 5-1006.7 of the Counties Code.

8 (Source: P.A. 90-548, eff. 1-1-98; 91-38, eff. 6-15-99.)

9 (105 ILCS 230/5-30)

10 Sec. 5-30. Priority of school construction projects. The
11 State Board of Education shall develop standards for the
12 determination of priority needs concerning school construction
13 projects based upon approved district facilities plans. Such
14 standards shall call for prioritization based on the degree of
15 need and project type in the following order:

16 (1) Replacement or reconstruction of school buildings
17 destroyed or damaged by flood, tornado, fire, earthquake,
18 or other disasters, either man-made or produced by nature;

19 (2) Projects designed to alleviate a shortage of
20 classrooms due to population growth or to replace aging
21 school buildings;

22 (3) Projects resulting from interdistrict
23 reorganization of school districts contingent on local
24 referenda;

25 (4) Replacement or reconstruction of school facilities

1 determined to be severe and continuing health or life
2 safety hazards;

3 (5) Alterations necessary to provide accessibility for
4 qualified individuals with disabilities; and

5 (6) Other unique solutions to facility needs.

6 Except for those changes absolutely necessary to comply with
7 the changes made to subsection (c) of Section 5-25 of this Law
8 by this amendatory Act of the 96th General Assembly, the ~~The~~
9 State Board of Education may not make any material changes to
10 the standards in effect on May 18, 2004, unless the State Board
11 of Education is specifically authorized by law.

12 (Source: P.A. 93-679, eff. 6-30-04.)

13 (105 ILCS 230/5-57)

14 Sec. 5-57. Administration of powers; no changes.
15 Notwithstanding any other law to the contrary and except for
16 those changes absolutely necessary to comply with the changes
17 made to subsection (c) of Section 5-25 of this Law by this
18 amendatory Act of the 96th General Assembly, the Capital
19 Development Board may not make any material changes in the
20 administration of its powers granted under this Law from how it
21 administered those powers on May 18, 2004, unless specifically
22 authorized by law.

23 (Source: P.A. 93-679, eff. 6-30-04.)

24 Article 80.

1 Section 80-5. The Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of Illinois is
3 amended by adding Section 605-390 as follows:

4 (20 ILCS 605/605-390 new)

5 Sec. 605-390. Use of Illinois resident labor. To the extent
6 permitted by any applicable federal law or regulation, for all
7 work performed for State construction projects which are funded
8 in whole or in part by a capital infrastructure bill enacted by
9 the 96th General Assembly by sums appropriated to the Illinois
10 Department of Commerce and Economic Opportunity, at least 50%
11 of the total labor hours must be performed by actual residents
12 of the State of Illinois. For purposes of this Section, "actual
13 residents of the State of Illinois" means persons domiciled in
14 the State of Illinois. The Department of Labor shall promulgate
15 rules providing for the enforcement of this Section.

16 Section 80-10. The Department of Natural Resources
17 (Conservation) Law of the Civil Administrative Code of Illinois
18 is amended by adding Section 805-350 as follows:

19 (20 ILCS 805/805-350 new)

20 Sec. 805-350. Use of Illinois resident labor. To the extent
21 permitted by any applicable federal law or regulation, for all
22 work performed for State construction projects which are funded

1 in whole or in part by a capital infrastructure bill enacted by
2 the 96th General Assembly by sums appropriated to the Illinois
3 Department of Natural Resources, at least 50% of the total
4 labor hours must be performed by actual residents of the State
5 of Illinois. For purposes of this Section, "actual residents of
6 the State of Illinois" means persons domiciled in the State of
7 Illinois. The Department of Labor shall promulgate rules
8 providing for the enforcement of this Section.

9 Section 80-15. The Department of Natural Resources (Mines
10 and Minerals) Law of the Civil Administrative Code of Illinois
11 is amended by adding Section 1905-12 as follows:

12 (20 ILCS 1905/1905-12 new)

13 Sec. 1905-12. Use of Illinois resident labor. To the extent
14 permitted by any applicable federal law or regulation, for all
15 work performed for State construction projects which are funded
16 in whole or in part by a capital infrastructure bill enacted by
17 the 96th General Assembly by sums appropriated to the Illinois
18 Department of Natural Resources, at least 50% of the total
19 labor hours must be performed by actual residents of the State
20 of Illinois. For purposes of this Section, "actual residents of
21 the State of Illinois" means persons domiciled in the State of
22 Illinois. The Department of Labor shall promulgate rules
23 providing for the enforcement of this Section.

1 Section 80-20. The Department of Transportation Law of the
2 Civil Administrative Code of Illinois is amended by adding
3 Section 2705-260 as follows:

4 (20 ILCS 2705/2705-260 new)

5 Sec. 2705-260. Use of Illinois resident labor. To the
6 extent permitted by any applicable federal law or regulation,
7 for all work performed for State construction projects which
8 are funded in whole or in part by a capital infrastructure bill
9 enacted by the 96th General Assembly by sums appropriated to
10 the Illinois Department of Transportation, at least 50% of the
11 total labor hours must be performed by actual residents of the
12 State of Illinois. For purposes of this Section, "actual
13 residents of the State of Illinois" means persons domiciled in
14 the State of Illinois. The Department of Labor shall promulgate
15 rules providing for the enforcement of this Section.

16 Section 80-25. The Capital Development Board Act is amended
17 by adding Section 10.17 as follows:

18 (20 ILCS 3105/10.17 new)

19 Sec. 10.17. Use of Illinois resident labor. To the extent
20 permitted by any applicable federal law or regulation, for all
21 work performed for State construction projects which are funded
22 in whole or in part by a capital infrastructure bill enacted by
23 the 96th General Assembly by sums appropriated to the Capital

1 Development Board, at least 50% of the total labor hours must
2 be performed by actual residents of the State of Illinois. For
3 purposes of this Section, "actual residents of the State of
4 Illinois" means persons domiciled in the State of Illinois. The
5 Department of Labor shall promulgate rules providing for the
6 enforcement of this Section.

7 Section 80-30. The Environmental Protection Act is amended
8 by changing Section 4 as follows:

9 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

10 Sec. 4. Environmental Protection Agency; establishment;
11 duties.

12 (a) There is established in the Executive Branch of the
13 State Government an agency to be known as the Environmental
14 Protection Agency. This Agency shall be under the supervision
15 and direction of a Director who shall be appointed by the
16 Governor with the advice and consent of the Senate. The term of
17 office of the Director shall expire on the third Monday of
18 January in odd numbered years, provided that he or she shall
19 hold office until a successor is appointed and has qualified.
20 The Director shall receive an annual salary as set by the
21 Governor from time to time or as set by the Compensation Review
22 Board, whichever is greater. If set by the Governor, the
23 Director's annual salary may not exceed 85% of the Governor's
24 annual salary. The Director, in accord with the Personnel Code,

1 shall employ and direct such personnel, and shall provide for
2 such laboratory and other facilities, as may be necessary to
3 carry out the purposes of this Act. In addition, the Director
4 may by agreement secure such services as he or she may deem
5 necessary from any other department, agency, or unit of the
6 State Government, and may employ and compensate such
7 consultants and technical assistants as may be required.

8 (b) The Agency shall have the duty to collect and
9 disseminate such information, acquire such technical data, and
10 conduct such experiments as may be required to carry out the
11 purposes of this Act, including ascertainment of the quantity
12 and nature of discharges from any contaminant source and data
13 on those sources, and to operate and arrange for the operation
14 of devices for the monitoring of environmental quality.

15 (c) The Agency shall have authority to conduct a program of
16 continuing surveillance and of regular or periodic inspection
17 of actual or potential contaminant or noise sources, of public
18 water supplies, and of refuse disposal sites.

19 (d) In accordance with constitutional limitations, the
20 Agency shall have authority to enter at all reasonable times
21 upon any private or public property for the purpose of:

22 (1) Inspecting and investigating to ascertain possible
23 violations of this Act, any rule or regulation adopted
24 under this Act, any permit or term or condition of a
25 permit, or any Board order; or

26 (2) In accordance with the provisions of this Act,

1 taking whatever preventive or corrective action, including
2 but not limited to removal or remedial action, that is
3 necessary or appropriate whenever there is a release or a
4 substantial threat of a release of (A) a hazardous
5 substance or pesticide or (B) petroleum from an underground
6 storage tank.

7 (e) The Agency shall have the duty to investigate
8 violations of this Act, any rule or regulation adopted under
9 this Act, any permit or term or condition of a permit, or any
10 Board order; to issue administrative citations as provided in
11 Section 31.1 of this Act; and to take such summary enforcement
12 action as is provided for by Section 34 of this Act.

13 (f) The Agency shall appear before the Board in any hearing
14 upon a petition for variance, the denial of a permit, or the
15 validity or effect of a rule or regulation of the Board, and
16 shall have the authority to appear before the Board in any
17 hearing under the Act.

18 (g) The Agency shall have the duty to administer, in accord
19 with Title X of this Act, such permit and certification systems
20 as may be established by this Act or by regulations adopted
21 thereunder. The Agency may enter into written delegation
22 agreements with any department, agency, or unit of State or
23 local government under which all or portions of this duty may
24 be delegated for public water supply storage and transport
25 systems, sewage collection and transport systems, air
26 pollution control sources with uncontrolled emissions of 100

1 tons per year or less and application of algicides to waters of
2 the State. Such delegation agreements will require that the
3 work to be performed thereunder will be in accordance with
4 Agency criteria, subject to Agency review, and shall include
5 such financial and program auditing by the Agency as may be
6 required.

7 (h) The Agency shall have authority to require the
8 submission of complete plans and specifications from any
9 applicant for a permit required by this Act or by regulations
10 thereunder, and to require the submission of such reports
11 regarding actual or potential violations of this Act, any rule
12 or regulation adopted under this Act, any permit or term or
13 condition of a permit, or any Board order, as may be necessary
14 for the purposes of this Act.

15 (i) The Agency shall have authority to make recommendations
16 to the Board for the adoption of regulations under Title VII of
17 the Act.

18 (j) The Agency shall have the duty to represent the State
19 of Illinois in any and all matters pertaining to plans,
20 procedures, or negotiations for interstate compacts or other
21 governmental arrangements relating to environmental
22 protection.

23 (k) The Agency shall have the authority to accept, receive,
24 and administer on behalf of the State any grants, gifts, loans,
25 indirect cost reimbursements, or other funds made available to
26 the State from any source for purposes of this Act or for air

1 or water pollution control, public water supply, solid waste
2 disposal, noise abatement, or other environmental protection
3 activities, surveys, or programs. Any federal funds received by
4 the Agency pursuant to this subsection shall be deposited in a
5 trust fund with the State Treasurer and held and disbursed by
6 him in accordance with Treasurer as Custodian of Funds Act,
7 provided that such monies shall be used only for the purposes
8 for which they are contributed and any balance remaining shall
9 be returned to the contributor.

10 The Agency is authorized to promulgate such regulations and
11 enter into such contracts as it may deem necessary for carrying
12 out the provisions of this subsection.

13 (1) The Agency is hereby designated as water pollution
14 agency for the state for all purposes of the Federal Water
15 Pollution Control Act, as amended; as implementing agency for
16 the State for all purposes of the Safe Drinking Water Act,
17 Public Law 93-523, as now or hereafter amended, except Section
18 1425 of that Act; as air pollution agency for the state for all
19 purposes of the Clean Air Act of 1970, Public Law 91-604,
20 approved December 31, 1970, as amended; and as solid waste
21 agency for the state for all purposes of the Solid Waste
22 Disposal Act, Public Law 89-272, approved October 20, 1965, and
23 amended by the Resource Recovery Act of 1970, Public Law
24 91-512, approved October 26, 1970, as amended, and amended by
25 the Resource Conservation and Recovery Act of 1976, (P.L.
26 94-580) approved October 21, 1976, as amended; as noise control

1 agency for the state for all purposes of the Noise Control Act
2 of 1972, Public Law 92-574, approved October 27, 1972, as
3 amended; and as implementing agency for the State for all
4 purposes of the Comprehensive Environmental Response,
5 Compensation, and Liability Act of 1980 (P.L. 96-510), as
6 amended; and otherwise as pollution control agency for the
7 State pursuant to federal laws integrated with the foregoing
8 laws, for financing purposes or otherwise. The Agency is hereby
9 authorized to take all action necessary or appropriate to
10 secure to the State the benefits of such federal Acts, provided
11 that the Agency shall transmit to the United States without
12 change any standards adopted by the Pollution Control Board
13 pursuant to Section 5(c) of this Act. This subsection (l) of
14 Section 4 shall not be construed to bar or prohibit the
15 Environmental Protection Trust Fund Commission from accepting,
16 receiving, and administering on behalf of the State any grants,
17 gifts, loans or other funds for which the Commission is
18 eligible pursuant to the Environmental Protection Trust Fund
19 Act. The Agency is hereby designated as the State agency for
20 all purposes of administering the requirements of Section 313
21 of the federal Emergency Planning and Community Right-to-Know
22 Act of 1986.

23 Any municipality, sanitary district, or other political
24 subdivision, or any Agency of the State or interstate Agency,
25 which makes application for loans or grants under such federal
26 Acts shall notify the Agency of such application; the Agency

1 may participate in proceedings under such federal Acts.

2 (m) The Agency shall have authority, consistent with
3 Section 5(c) and other provisions of this Act, and for purposes
4 of Section 303(e) of the Federal Water Pollution Control Act,
5 as now or hereafter amended, to engage in planning processes
6 and activities and to develop plans in cooperation with units
7 of local government, state agencies and officers, and other
8 appropriate persons in connection with the jurisdiction or
9 duties of each such unit, agency, officer or person. Public
10 hearings shall be held on the planning process, at which any
11 person shall be permitted to appear and be heard, pursuant to
12 procedural regulations promulgated by the Agency.

13 (n) In accordance with the powers conferred upon the Agency
14 by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the
15 Agency shall have authority to establish and enforce minimum
16 standards for the operation of laboratories relating to
17 analyses and laboratory tests for air pollution, water
18 pollution, noise emissions, contaminant discharges onto land
19 and sanitary, chemical, and mineral quality of water
20 distributed by a public water supply. The Agency may enter into
21 formal working agreements with other departments or agencies of
22 state government under which all or portions of this authority
23 may be delegated to the cooperating department or agency.

24 (o) The Agency shall have the authority to issue
25 certificates of competency to persons and laboratories meeting
26 the minimum standards established by the Agency in accordance

1 with Section 4(n) of this Act and to promulgate and enforce
2 regulations relevant to the issuance and use of such
3 certificates. The Agency may enter into formal working
4 agreements with other departments or agencies of state
5 government under which all or portions of this authority may be
6 delegated to the cooperating department or agency.

7 (p) Except as provided in Section 17.7, the Agency shall
8 have the duty to analyze samples as required from each public
9 water supply to determine compliance with the contaminant
10 levels specified by the Pollution Control Board. The maximum
11 number of samples which the Agency shall be required to analyze
12 for microbiological quality shall be 6 per month, but the
13 Agency may, at its option, analyze a larger number each month
14 for any supply. Results of sample analyses for additional
15 required bacteriological testing, turbidity, residual chlorine
16 and radionuclides are to be provided to the Agency in
17 accordance with Section 19. Owners of water supplies may enter
18 into agreements with the Agency to provide for reduced Agency
19 participation in sample analyses.

20 (q) The Agency shall have the authority to provide notice
21 to any person who may be liable pursuant to Section 22.2(f) of
22 this Act for a release or a substantial threat of a release of
23 a hazardous substance or pesticide. Such notice shall include
24 the identified response action and an opportunity for such
25 person to perform the response action.

26 (r) The Agency may enter into written delegation agreements

1 with any unit of local government under which it may delegate
2 all or portions of its inspecting, investigating and
3 enforcement functions. Such delegation agreements shall
4 require that work performed thereunder be in accordance with
5 Agency criteria and subject to Agency review. Notwithstanding
6 any other provision of law to the contrary, no unit of local
7 government shall be liable for any injury resulting from the
8 exercise of its authority pursuant to such a delegation
9 agreement unless the injury is proximately caused by the
10 willful and wanton negligence of an agent or employee of the
11 unit of local government, and any policy of insurance coverage
12 issued to a unit of local government may provide for the denial
13 of liability and the nonpayment of claims based upon injuries
14 for which the unit of local government is not liable pursuant
15 to this subsection (r).

16 (s) The Agency shall have authority to take whatever
17 preventive or corrective action is necessary or appropriate,
18 including but not limited to expenditure of monies appropriated
19 from the Build Illinois Bond Fund and the Build Illinois
20 Purposes Fund for removal or remedial action, whenever any
21 hazardous substance or pesticide is released or there is a
22 substantial threat of such a release into the environment. The
23 State, the Director, and any State employee shall be
24 indemnified for any damages or injury arising out of or
25 resulting from any action taken under this subsection. The
26 Director of the Agency is authorized to enter into such

1 contracts and agreements as are necessary to carry out the
2 Agency's duties under this subsection.

3 (t) The Agency shall have authority to distribute grants,
4 subject to appropriation by the General Assembly, for financing
5 and construction of municipal wastewater facilities. With
6 respect to all monies appropriated from the Build Illinois Bond
7 Fund and the Build Illinois Purposes Fund for wastewater
8 facility grants, the Agency shall make distributions in
9 conformity with the rules and regulations established pursuant
10 to the Anti-Pollution Bond Act, as now or hereafter amended.

11 (u) Pursuant to the Illinois Administrative Procedure Act,
12 the Agency shall have the authority to adopt such rules as are
13 necessary or appropriate for the Agency to implement Section
14 31.1 of this Act.

15 (v) (Blank.)

16 (w) Neither the State, nor the Director, nor the Board, nor
17 any State employee shall be liable for any damages or injury
18 arising out of or resulting from any action taken under
19 subsection (s).

20 (x)(1) The Agency shall have authority to distribute
21 grants, subject to appropriation by the General Assembly,
22 to units of local government for financing and construction
23 of public water supply facilities. With respect to all
24 monies appropriated from the Build Illinois Bond Fund or
25 the Build Illinois Purposes Fund for public water supply
26 grants, such grants shall be made in accordance with rules

1 promulgated by the Agency. Such rules shall include a
2 requirement for a local match of 30% of the total project
3 cost for projects funded through such grants.

4 (2) The Agency shall not terminate a grant to a unit of
5 local government for the financing and construction of
6 public water supply facilities unless and until the Agency
7 adopts rules that set forth precise and complete standards,
8 pursuant to Section 5-20 of the Illinois Administrative
9 Procedure Act, for the termination of such grants. The
10 Agency shall not make determinations on whether specific
11 grant conditions are necessary to ensure the integrity of a
12 project or on whether subagreements shall be awarded, with
13 respect to grants for the financing and construction of
14 public water supply facilities, unless and until the Agency
15 adopts rules that set forth precise and complete standards,
16 pursuant to Section 5-20 of the Illinois Administrative
17 Procedure Act, for making such determinations. The Agency
18 shall not issue a stop-work order in relation to such
19 grants unless and until the Agency adopts precise and
20 complete standards, pursuant to Section 5-20 of the
21 Illinois Administrative Procedure Act, for determining
22 whether to issue a stop-work order.

23 (y) The Agency shall have authority to release any person
24 from further responsibility for preventive or corrective
25 action under this Act following successful completion of
26 preventive or corrective action undertaken by such person upon

1 written request by the person.

2 (z) To the extent permitted by any applicable federal law
3 or regulation, for all work performed for State construction
4 projects which are funded in whole or in part by a capital
5 infrastructure bill enacted by the 96th General Assembly by
6 sums appropriated to the Environmental Protection Agency, at
7 least 50% of the total labor hours must be performed by actual
8 residents of the State of Illinois. For purposes of this
9 subsection, "actual residents of the State of Illinois" means
10 persons domiciled in the State of Illinois. The Department of
11 Labor shall promulgate rules providing for the enforcement of
12 this subsection.

13 (Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03.)

14 Section 80-90. Severability. The provisions of this
15 Article 80 are severable under Section 1.31 of the Statute on
16 Statutes.

17 Article 85.

18 Section 85-5. The Department of Revenue Law of the Civil
19 Administrative Code of Illinois is amended by changing Section
20 2505-305 as follows:

21 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

22 Sec. 2505-305. Investigators.

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

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

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

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

3 Section 85-20. The Illinois Pension Code is amended by
4 changing Sections 14-110 and 14-152.1 as follows:

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

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

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

24 (ii) for periods of eligible creditable service as a

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

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

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

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

21 (1) State policeman;

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

24 (3) air pilot;

25 (4) special agent;

26 (5) investigator for the Secretary of State;

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

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

1 police training course shall be deemed performance of the
2 duties of the specified position, even though the person is not
3 a sworn peace officer at the time of the training.

4 (c) For the purposes of this Section:

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

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

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

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

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

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

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

23 (6) The term "Conservation Police Officer" means any
24 person employed by the Division of Law Enforcement of the
25 Department of Natural Resources and vested with such law
26 enforcement duties as render him ineligible for coverage

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

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

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

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

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

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

21 (9) "Central Management Services security police
22 officer" means any person employed by the Department of
23 Central Management Services who is vested with such law
24 enforcement duties as render him ineligible for coverage
25 under the Social Security Act by reason of Sections
26 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

25 (12) The term "investigator for the Department of State
26 Police" means a person employed by the Department of State

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

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

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

25 (15) The term "investigator for the Office of the
26 State's Attorneys Appellate Prosecutor" means a person

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

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

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

26 (18) The term "State highway maintenance worker" means

1 a person who is either of the following:

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

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

25 (d) A security employee of the Department of Corrections or
26 the Department of Juvenile Justice, and a security employee of

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

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

7 or

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

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

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

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

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

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

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

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

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

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

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

25 Subject to the limitation in subsection (i), a State
26 policeman may elect, not later than July 1, 1993, to establish

1 eligible creditable service for up to 10 years of his service
2 as a member of the County Police Department under Article 9, by
3 filing a written election with the Board, accompanied by
4 payment of an amount to be determined by the Board, equal to
5 (i) the difference between the amount of employee and employer
6 contributions transferred to the System under Section 9-121.10
7 and the amounts that would have been contributed had those
8 contributions been made at the rates applicable to State
9 policemen, plus (ii) interest thereon at the effective rate for
10 each year, compounded annually, from the date of service to the
11 date of payment.

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

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

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

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

1 policemen, plus (ii) interest thereon at the effective rate for
2 each year, compounded annually, from the date of service to the
3 date of payment.

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

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

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

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

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

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

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

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

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

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

9 (40 ILCS 5/14-152.1)

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

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

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

1 the provisions of this Section.

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

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

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

1 by law.

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

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

13 Section 85-25. The Riverboat Gambling Act is amended by
14 changing Section 5 as follows:

15 (230 ILCS 10/5) (from Ch. 120, par. 2405)

16 Sec. 5. Gaming Board.

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

1 riverboat gambling operations in the State of Illinois.

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

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

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

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

19 (6) Any member of the Board may be removed by the Governor
20 for neglect of duty, misfeasance, malfeasance, or nonfeasance
21 in office.

22 (7) Before entering upon the discharge of the duties of his
23 office, each member of the Board shall take an oath that he
24 will faithfully execute the duties of his office according to
25 the laws of the State and the rules and regulations adopted
26 therewith and shall give bond to the State of Illinois,

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

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

24 (9) An Administrator shall perform any and all duties that
25 the Board shall assign him. The salary of the Administrator
26 shall be determined by the Board and approved by the Director

1 of the Department and, in addition, he shall be reimbursed for
2 all actual and necessary expenses incurred by him in discharge
3 of his official duties. The Administrator shall keep records of
4 all proceedings of the Board and shall preserve all records,
5 books, documents and other papers belonging to the Board or
6 entrusted to its care. The Administrator shall devote his full
7 time to the duties of the office and shall not hold any other
8 office or employment.

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

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

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

1 hereunder;

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

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

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

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

25 (7) To review and rule upon any complaint by a licensee
26 regarding any investigative procedures of the State which

1 are unnecessarily disruptive of gambling operations. The
2 need to inspect and investigate shall be presumed at all
3 times. The disruption of a licensee's operations shall be
4 proved by clear and convincing evidence, and establish
5 that: (A) the procedures had no reasonable law enforcement
6 purposes, and (B) the procedures were so disruptive as to
7 unreasonably inhibit gambling operations;

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

1 this Act. The record made at the time of the hearing shall
2 be reviewed by the Board, or a majority thereof, and the
3 findings and decision of the majority of the Board shall
4 constitute the order of the Board in such case;

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

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

16 (11) (Blank); and

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

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

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

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

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

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

24 (5) To investigate alleged violations of this Act or
25 the rules of the Board and to take appropriate disciplinary
26 action against a licensee or a holder of an occupational

1 license for a violation, or institute appropriate legal
2 action for enforcement, or both.

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

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

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

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

1 rules.

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

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

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

1 propriety of such ejection or exclusion is subject to
2 subsequent hearing by the Board.

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

8 (14) (Blank).

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

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

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

25 (18) To authorize a licensee to sell or serve alcoholic
26 liquors, wine or beer as defined in the Liquor Control Act

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

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

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

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

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

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

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

26 (d) The Board may seek and shall receive the cooperation of

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

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

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

16 Article 99.

17 Section 99-99. Effective date. This Act takes effect upon
18 becoming law.