



Rep. Michael J. Madigan

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1 AMENDMENT TO SENATE BILL 1333

2 AMENDMENT NO. _____. Amend Senate Bill 1333 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 5.

5 Section 5-1. Short title. This Article may be cited as the
6 Officials and Employees Termination Act of 2009.

7 Section 5-5. In this Article:

8 "Designated official" means (i) each head, assistant head,
9 and deputy head of an executive State agency who was nominated
10 by the Governor between January 11, 1999 and January 29, 2009
11 for a position that requires the advice and consent of the
12 Senate, (ii) each member of an executive board or commission
13 who was nominated by the Governor between January 11, 1999 and
14 January 29, 2009 for a position that requires the advice and
15 consent of the Senate, and (iii) any other person who was

1 nominated by the Governor between January 11, 1999 and January
2 29, 2009 for a position that requires the advice and consent of
3 the Senate.

4 "Designated employee" means:

5 (a) each employee of an executive State agency or
6 executive board or commission:

7 (1) who occupies a *Rutan* exempt position; and

8 (2) who occupies a position that is also partially
9 exempted from the Personnel Code pursuant to:

10 (A) Section 4(d)(1) (20 ILCS 415/4(d)(1)); or

11 (B) Section 4(d)(3) (20 ILCS 415/4(d)(3)); and

12 (3) whose employment in that position began
13 between January 11, 1999 and January 29, 2009; or

14 (b) each employee of an executive State agency or
15 executive board or commission:

16 (1) who occupies a *Rutan* exempt position; and

17 (2) who occupies a non-Personnel Code position;

18 and

19 (3) who is an at-will employee, not subject to any
20 merit or fitness protections; and

21 (4) whose employment in that position began
22 between January 11, 1999 and January 29, 2009.

23 Specifically excluded from this definition is any employee
24 covered by a collective bargaining agreement.

25 "Executive board or commission" means each executive
26 branch board or commission created by law that is not under the

1 jurisdiction and control of the Lieutenant Governor, Attorney
2 General, Secretary of State, Treasurer, or Comptroller, but
3 does not include the State Board of Elections.

4 "Executive State agency" means each executive branch
5 department, agency, institution, authority, public institution
6 of higher learning, and body politic and corporate of the State
7 created by law that is not under the jurisdiction of the
8 Lieutenant Governor, Attorney General, Secretary of State,
9 Treasurer, or Comptroller, but does not include the State Board
10 of Elections.

11 "*Rutan*" means the opinion of the United States Supreme
12 Court in *Rutan v. Republican Party of Illinois*, 497 U.S. 62
13 (1990).

14 Section 5-10. Termination.

15 (a) Each designated official is terminated in office or
16 employment, by operation of law, on the date that is 90 days
17 after the effective date of this Article, and a vacancy then
18 exists unless, within that 90-day period, the Governor files
19 with the Secretary of State a written certification naming each
20 designated official who is retained in his or her position.
21 Retainage in a position by the Governor under this subsection
22 does not constitute an appointment or reappointment and does
23 not require the advice and consent of the Senate.

24 (b) The employment of each designated employee is
25 terminated, by operation of law, on the date that is 90 days

1 after the effective date of this Article unless, within that
2 90-day period, the Governor or the employing or appointing
3 authority files with the Secretary of State a written
4 certification naming each designated employee who is retained
5 in employment.

6 (c) Nothing in this Article (i) prevents the Governor from
7 subsequently making a temporary appointment or from
8 subsequently nominating or employing a person terminated under
9 subsection (a) or (b) or (ii) prevents an employing or
10 appointing authority from subsequently employing or appointing
11 a person terminated under subsection (a) or (b).

12 (d) The Executive Director of the Illinois Finance
13 Authority, holding that position on May 1, 2009, is terminated,
14 by operation of law, 30 days after the effective date of this
15 Article and shall thereafter no longer hold that position or
16 any other employment position with the Illinois Finance
17 Authority.

18 (e) The Governor and all other responsible government
19 entities are directed to take whatever action is necessary to
20 effectuate these terminations.

21 Section 5-15. Finding. The General Assembly hereby finds
22 and declares that the determination of employment status for
23 positions within the executive branch is a prerogative of the
24 Governor or other constitutional officer of the executive
25 branch, as the case may be. The changes contained in this Act

1 reflect the demands of a unique and unprecedented circumstance;
2 accordingly, this Act shall in no way be construed as impairing
3 or derogating in any way the Governor's supreme executive
4 authority under Article V of the Illinois Constitution or the
5 Governor's powers under the laws of the State of Illinois.

6 Section 5-20. Article controls. The provisions of this
7 Article control over inconsistent provisions of any other law
8 except Public Act 96-6.

9 ARTICLE 10.

10 Section 10-1. Short title. This Article may be cited as the
11 Illinois Task Force on Personnel and Patronage Reform Law.

12 Section 10-5. Purpose. The mission of the Illinois Task
13 Force on Personnel and Patronage Reform (the "Task Force") is
14 to recommend to the Governor and the General Assembly a reform
15 proposal for the Personnel Code that is guided by the following
16 principles:

17 (1) providing effective public service by qualified
18 public servants, rather than rewarding well-connected or
19 politically subservient persons with employment in
20 fabricated or otherwise unnecessary positions; and

21 (2) establishing and maintaining an independent and
22 professional personnel system.

1 Section 10-10. Personnel Code and Patronage Abuses. The
2 Task Force shall conduct an examination of the Personnel Code
3 (the "Code") and hiring practices within the executive branch
4 that, at a minimum, includes an examination of the following:

5 (1) the number and scope of positions deemed to be
6 *Rutan* exempt or totally or partially exempt from the Code;

7 (2) the hiring of contractual employees, interns, and
8 other temporary employees that are either totally exempt or
9 partially exempt from the Code and whether these positions
10 should remain totally or partially exempt from the Code;

11 (3) the current criteria or method for determining
12 whether an employee is *Rutan* exempt or totally or partially
13 exempt under the Code;

14 (4) the manner in which job descriptions are changed,
15 the manner in which new positions are created, and whether
16 these practices are susceptible to patronage abuses;

17 (5) the practice and propriety of employees who are
18 exempt from *Rutan* or the Personnel Code becoming parties to
19 a collective bargaining agreement; and

20 (6) ways to increase uniformity and promote fairness
21 and political neutrality in the State's hiring process.

22 Section 10-20. Task Force members. The Task Force shall
23 consist of the Chairman of the Illinois Civil Service
24 Commission, or his or her designee, and the following appointed

1 members:

2 (1) One member appointed by the Governor, who shall be
3 an attorney with a background in personnel law and one of
4 whom shall serve as chair of the Task Force.

5 (2) One member appointed by the Speaker of the House.

6 (3) One member appointed by the Senate President.

7 (4) One member appointed by the House Minority Leader.

8 (5) One member appointed by the Senate Minority Leader.

9 (6) One member, who must be a member of the Executive
10 Ethics Commission, appointed by the Chairman of the
11 Executive Ethics Commission.

12 Appointments to the Task Force shall be made within 30 days
13 after the effective date of this Article. A quorum must be
14 present to conduct all meetings and must consist of 4 members.

15 Section 10-25. Report. The Task Force shall submit a report
16 to the Governor and the General Assembly with specific
17 recommendations for reform no later than one year after the
18 effective date of this Article.

19 Section 10-30. Meetings. The Task Force shall convene
20 meetings in a frequency the members determine, but at a minimum
21 shall meet quarterly. The Task Force shall adhere to the Open
22 Meetings Act and the Freedom of Information Act.

23 Section 10-35. Costs. The Department of Central Management

1 Services shall provide technical and administrative support to
2 the Task Force. All members of the Task Force shall serve
3 without compensation, except that expenses related to travel
4 shall be provided for by the Department of Central Management
5 Services.

6 ARTICLE 15.

7 Section 1000. The State Officials and Employees Ethics Act
8 is amended by changing Sections 20-5 and 20-15 as follows:

9 (5 ILCS 430/20-5)

10 Sec. 20-5. Executive Ethics Commission.

11 (a) The Executive Ethics Commission is created.

12 (b) The Executive Ethics Commission shall consist of 9
13 commissioners. The Governor shall appoint 5 commissioners, and
14 the Attorney General, Secretary of State, Comptroller, and
15 Treasurer shall each appoint one commissioner. Appointments
16 shall be made by and with the advice and consent of the Senate
17 by three-fifths of the elected members concurring by record
18 vote. Any nomination not acted upon by the Senate within 60
19 session days of the receipt thereof shall be deemed to have
20 received the advice and consent of the Senate. If, during a
21 recess of the Senate, there is a vacancy in an office of
22 commissioner, the appointing authority shall make a temporary
23 appointment until the next meeting of the Senate when the

1 appointing authority shall make a nomination to fill that
2 office. No person rejected for an office of commissioner shall,
3 except by the Senate's request, be nominated again for that
4 office at the same session of the Senate or be appointed to
5 that office during a recess of that Senate. No more than 5
6 commissioners may be of the same political party.

7 ~~The terms of the initial commissioners shall commence upon~~
8 ~~qualification. Four initial appointees of the Governor, as~~
9 ~~designated by the Governor, shall serve terms running through~~
10 ~~June 30, 2007. One initial appointee of the Governor, as~~
11 ~~designated by the Governor, and the initial appointees of the~~
12 Attorney General, Secretary of State, Comptroller, and
13 Treasurer shall serve terms running through June 30, 2008. ~~The~~
14 ~~initial appointments shall be made within 60 days after the~~
15 ~~effective date of this Act.~~

16 After the initial terms, commissioners appointed by the
17 Attorney General, Secretary of State, Comptroller, and
18 Treasurer shall serve for 4-year terms commencing on July 1 of
19 the year of appointment and running through June 30 of the
20 fourth following year.

21 Notwithstanding the Officials and Employees Termination
22 Act of 2009, the terms of all commissioners appointed by the
23 Governor end on the effective date of this amendatory Act of
24 the 96th General Assembly, and those commissioners may not hold
25 over in office for more than 90 days after the effective date
26 of this amendatory Act of the 96th General Assembly. The

1 initial appointees of the Governor on or after the effective
2 date of this amendatory Act of the 96th General Assembly shall
3 serve terms as follows as designated by the Governor: one
4 running through June 30, 2010; one running through June 30,
5 2011; one running through June 30, 2012; one running through
6 June 30, 2013; and one running through June 30, 2014. After the
7 initial terms, commissioners appointed by the Governor shall
8 serve 5-year terms commencing on July 1 of the year of
9 appointment and running through June 30 of the fifth following
10 year. Nothing in this amendatory Act of the 96th General
11 Assembly prevents the Governor from making a temporary
12 appointment.

13 Commissioners may be reappointed to one or more subsequent
14 terms.

15 Vacancies occurring other than at the end of a term shall
16 be filled by the appointing authority only for the balance of
17 the term of the commissioner whose office is vacant.

18 Terms shall run regardless of whether the position is
19 filled.

20 (c) The appointing authorities shall appoint commissioners
21 who have experience holding governmental office or employment
22 and shall appoint commissioners from the general public. A
23 person is not eligible to serve as a commissioner if that
24 person (i) has been convicted of a felony or a crime of
25 dishonesty or moral turpitude, (ii) is, or was within the
26 preceding 12 months, engaged in activities that require

1 registration under the Lobbyist Registration Act, (iii) is
2 related to the appointing authority, or (iv) is a State officer
3 or employee.

4 (d) The Executive Ethics Commission shall have
5 jurisdiction over all officers and employees of State agencies
6 other than the General Assembly, the Senate, the House of
7 Representatives, the President and Minority Leader of the
8 Senate, the Speaker and Minority Leader of the House of
9 Representatives, the Senate Operations Commission, the
10 legislative support services agencies, and the Office of the
11 Auditor General. The jurisdiction of the Commission is limited
12 to matters arising under this Act.

13 (e) The Executive Ethics Commission must meet, either in
14 person or by other technological means, at least monthly and as
15 often as necessary. At the first meeting of the Executive
16 Ethics Commission, the commissioners shall choose from their
17 number a chairperson and other officers that they deem
18 appropriate. The terms of officers shall be for 2 years
19 commencing July 1 and running through June 30 of the second
20 following year. Meetings shall be held at the call of the
21 chairperson or any 3 commissioners. Official action by the
22 Commission shall require the affirmative vote of 5
23 commissioners, and a quorum shall consist of 5 commissioners.
24 Commissioners shall receive compensation in an amount equal to
25 the compensation of members of the State Board of Elections and
26 may be reimbursed for their reasonable expenses actually

1 incurred in the performance of their duties.

2 (f) No commissioner or employee of the Executive Ethics
3 Commission may during his or her term of appointment or
4 employment:

5 (1) become a candidate for any elective office;

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

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

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

14 (g) An appointing authority may remove a commissioner only
15 for cause.

16 (h) The Executive Ethics Commission shall appoint an
17 Executive Director. The compensation of the Executive Director
18 shall be as determined by the Commission or by the Compensation
19 Review Board, whichever amount is higher. The Executive
20 Director of the Executive Ethics Commission may employ and
21 determine the compensation of staff, as appropriations permit.

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

23 (5 ILCS 430/20-15)

24 Sec. 20-15. Duties of the Executive Ethics Commission. In
25 addition to duties otherwise assigned by law, the Executive

1 Ethics Commission shall have the following duties:

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

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

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

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

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

26 (6) To the extent authorized by this Act, to make

1 rulings, issue recommendations, and impose administrative
2 fines, if appropriate, in connection with the
3 implementation and interpretation of this Act. The powers
4 and duties of the Commission are limited to matters clearly
5 within the purview of this Act.

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

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

14 (9) To require State agencies under its jurisdiction to
15 make available to the public for inspection and copying
16 during normal business hours and post on its website a list
17 of the name and position of all employees of the agency who
18 are *Rutan* exempt and to indicate on that list which of
19 those employees are also totally or partially exempt from
20 the Personnel Code.

21 (10) To require State agencies under its jurisdiction
22 to explain, in a written document, any deviation from
23 established job qualifications in making a hiring
24 decision, to identify by name the person responsible for
25 the deviation, to place a copy of that document in each
26 applicant's file, and to deliver a copy of that document to

1 the Executive Ethics Commission.

2 (11) To require State agencies under its jurisdiction
3 to explain, in a written document, any change in a job
4 description and to deliver a copy of that document to the
5 Executive Ethics Commission.

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

7 Section 1012. The Civil Administrative Code of Illinois is
8 amended by changing Section 5-175 as follows:

9 (20 ILCS 5/5-175) (was 20 ILCS 5/5.12)

10 Sec. 5-175. In the Department of Revenue. Assistant
11 Director of Revenue, ~~and State Lottery Superintendent.~~

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

13 Section 1015. The Department of Commerce and Economic
14 Opportunity Law of the Civil Administrative Code of Illinois is
15 amended by changing Section 605-707 as follows:

16 (20 ILCS 605/605-707) (was 20 ILCS 605/46.6d)

17 Sec. 605-707. International Tourism Program.

18 (a) The Department of Commerce and Economic Opportunity
19 must establish a program for international tourism. The
20 Department shall develop and implement the program on January
21 1, 2000 by rule. As part of the program, the Department may
22 work in cooperation with local convention and tourism bureaus

1 in Illinois in the coordination of international tourism
2 efforts at the State and local level. The Department may (i)
3 work in cooperation with local convention and tourism bureaus
4 for efficient use of their international tourism marketing
5 resources, (ii) promote Illinois in international meetings and
6 tourism markets, (iii) work with convention and tourism bureaus
7 throughout the State to increase the number of international
8 tourists to Illinois, (iv) provide training, research,
9 technical support, and grants to certified convention and
10 tourism bureaus, (v) provide staff, administration, and
11 related support required to manage the programs under this
12 Section, and (vi) provide grants for the development of or the
13 enhancement of international tourism attractions.

14 (b) The Department shall make grants for expenses related
15 to international tourism and pay for the staffing,
16 administration, and related support from the International
17 Tourism Fund, a special fund created in the State Treasury. Of
18 the amounts deposited into the Fund in fiscal year 2000 after
19 January 1, 2000, 55% shall be used for grants to convention and
20 tourism bureaus in Chicago (other than the City of Chicago's
21 Office of Tourism) and 45% shall be used for development of
22 international tourism in areas outside of Chicago. Of the
23 amounts deposited into the Fund in fiscal year 2001 and
24 thereafter, 55% shall be used for grants to convention and
25 tourism bureaus in Chicago, and of that amount not less than
26 27.5% shall be used for grants to convention and tourism

1 bureaus in Chicago other than the City of Chicago's Office of
2 Tourism, and 45% shall be used for administrative expenses and
3 grants authorized under this Section and development of
4 international tourism in areas outside of Chicago, of which not
5 less than \$1,000,000 shall be used annually to make grants to
6 convention and tourism bureaus in cities other than Chicago
7 that demonstrate their international tourism appeal and
8 request to develop or expand their international tourism
9 marketing program, and may also be used to provide grants under
10 item (vi) of subsection (a) of this Section. Amounts
11 appropriated to the State Comptroller for administrative
12 expenses ~~and grants authorized by the Illinois Global~~
13 ~~Partnership Act~~ are payable from the International Tourism
14 Fund.

15 (c) A convention and tourism bureau is eligible to receive
16 grant moneys under this Section if the bureau is certified to
17 receive funds under Title 14 of the Illinois Administrative
18 Code, Section 550.35. To be eligible for a grant, a convention
19 and tourism bureau must provide matching funds equal to the
20 grant amount. In certain circumstances as determined by the
21 Director of Commerce and Economic Opportunity, however, the
22 City of Chicago's Office of Tourism or any other convention and
23 tourism bureau may provide matching funds equal to no less than
24 50% of the grant amount to be eligible to receive the grant.
25 One-half of this 50% may be provided through in-kind
26 contributions. Grants received by the City of Chicago's Office

1 of Tourism and by convention and tourism bureaus in Chicago may
2 be expended for the general purposes of promoting conventions
3 and tourism.

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

5 Section 1020. The Illinois Lottery Law is amended by
6 changing Sections 3, 4, 5, 7.1, 7.6, 7.11, 9, 10, 10.1, 10.1a,
7 10.2, 10.6, 10.7, 12, 13, 14, 14.3, 19, and 21 and by adding
8 Section 4.5 as follows:

9 (20 ILCS 1605/3) (from Ch. 120, par. 1153)

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

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

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

15 c. "Department" means the Department of the Lottery
16 ~~Revenue~~.

17 d. "Director" means the Director of the Lottery ~~Revenue~~.

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

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

1 g. (Blank). ~~"Division" means the Division of the State~~
2 ~~Lottery of the Department of Revenue.~~

3 h. (Blank). ~~"Superintendent" means the Superintendent of~~
4 ~~the Division of the State Lottery of the Department of Revenue.~~

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

6 (20 ILCS 1605/4) (from Ch. 120, par. 1154)

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

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

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

16 (20 ILCS 1605/4.5 new)

17 Sec. 4.5. Separation from Department of Revenue. On the
18 effective date of this amendatory Act of the 96th General
19 Assembly, all of the powers, duties, assets, liabilities,
20 employees, contracts, property, records, pending business, and
21 unexpended appropriations of the Department of Revenue related
22 to the administration and enforcement of this Act are
23 transferred to the Department of the Lottery, except as
24 specifically provided in this Act.

1 The status and rights of the transferred employees, and the
2 rights of the State of Illinois and its agencies, under the
3 Personnel Code and applicable collective bargaining agreements
4 or under any pension, retirement, or annuity plan are not
5 affected by that transfer or by any other provision of this
6 amendatory Act of the 96th General Assembly.

7 This amendatory Act of the 96th General Assembly supersedes
8 Executive Order 9 (2003).

9 (20 ILCS 1605/5) (from Ch. 120, par. 1155)

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

19 Any vacancy occurring in the office of the Director
20 ~~Superintendent~~ shall be filled in the same manner as the
21 original appointment.

22 The Director ~~Superintendent~~ shall devote his or her entire
23 time and attention to the duties of the office and shall not be
24 engaged in any other profession or occupation. The Director
25 ~~Superintendent~~ shall receive such salary as shall be provided

1 by law.

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

3 (20 ILCS 1605/7.1) (from Ch. 120, par. 1157.1)

4 Sec. 7.1. The Department shall promulgate such rules and
5 regulations governing the establishment and operation of a
6 State lottery as it deems necessary to carry out the purposes
7 of this Act. Such rules and regulations shall be subject to the
8 provisions of The Illinois Administrative Procedure Act. The
9 Department ~~Division~~ shall issue written game rules, play
10 instructions, directives, operations manuals, brochures, or
11 any other publications necessary to conduct specific games, as
12 authorized by rule by the Department. Any written game rules,
13 play instructions, directives, operations manuals, brochures,
14 or other game publications issued by the Department ~~Division~~
15 that relate to a specific lottery game shall be maintained as a
16 public record in the Department's ~~Division's~~ principal office,
17 and made available for public inspection and copying but shall
18 be exempt from the rulemaking procedures of the Illinois
19 Administrative Procedure Act. However, when such written
20 materials contain any policy of general applicability, the
21 Department ~~Division~~ shall formulate and adopt such policy as a
22 rule in accordance with the provisions of the Illinois
23 Administrative Procedure Act. In addition, the Department
24 ~~Division~~ shall publish each January in the Illinois Register a
25 list of all game-specific rules, play instructions,

1 directives, operations manuals, brochures, or other
2 game-specific publications issued by the Department ~~Division~~
3 during the previous year and instructions concerning how the
4 public may obtain copies of these materials from the Division.

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

6 (20 ILCS 1605/7.6) (from Ch. 120, par. 1157.6)

7 Sec. 7.6. The Board shall advise and make recommendations
8 to ~~the Superintendent or~~ the Director regarding the functions
9 and operations of the State Lottery. A copy of all such
10 recommendations shall also be forwarded to the Governor, the
11 Attorney General, the Speaker of the House, the President of
12 the Senate and the minority leaders of both houses.

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

14 (20 ILCS 1605/7.11) (from Ch. 120, par. 1157.11)

15 Sec. 7.11. The Department ~~Division~~ may establish and
16 collect nominal charges for promotional products ("premiums")
17 and other promotional materials produced or acquired by the
18 Department ~~Division~~ as part of its advertising and promotion
19 activities. Such premiums or other promotional materials may be
20 sold to individuals, government agencies and not-for-profit
21 organizations, but not to for-profit enterprises for the
22 purpose of resale. Other State agencies shall be charged no
23 more than the cost to the Department ~~Division~~ of the premium or
24 promotional material. All proceeds from the sale of premiums or

1 promotional materials shall be deposited in the State Lottery
2 Fund in the State Treasury.

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

4 (20 ILCS 1605/9) (from Ch. 120, par. 1159)

5 Sec. 9. The Director Superintendent, as administrative
6 head of the Department Division, shall direct and supervise all
7 its administrative and technical activities ~~and shall report to~~
8 ~~the Director~~. In addition to the duties imposed upon him
9 elsewhere in this Act, it shall be the Director's
10 ~~Superintendent's~~ duty:

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

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

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

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

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

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

23 g. To enter into contracts for the operation of the
24 lottery, or any part thereof, and into contracts for the
25 promotion of the lottery on behalf of the Department with any
26 person, firm or corporation, to perform any of the functions

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

6 h. To enter into an agreement or agreements with the
7 management of state lotteries operated pursuant to the laws of
8 other states for the purpose of creating and operating a
9 multi-state lottery game wherein a separate and distinct prize
10 pool would be combined to award larger prizes to the public
11 than could be offered by the several state lotteries,
12 individually. No tickets or shares offered in connection with a
13 multi-state lottery game shall be sold within the State of
14 Illinois, except those offered by and through the Department.
15 No such agreement shall purport to pledge the full faith and
16 credit of the State of Illinois, nor shall the Department
17 expend State funds on a contractual basis in connection with
18 any such game unless such expenditures are expressly authorized
19 by the General Assembly, provided, however, that in the event
20 of error or omission by the Illinois State Lottery in the
21 conduct of the game, as determined by the multi-state game
22 directors, the Department shall be authorized to pay a prize
23 winner or winners the lesser of a disputed prize or \$1,000,000,
24 any such payment to be made solely from funds appropriated for
25 game prize purposes. The Department shall be authorized to
26 share in the ordinary operating expenses of any such

1 multi-state lottery game, from funds appropriated by the
2 General Assembly, and in the event the multi-state game control
3 offices are physically located within the State of Illinois,
4 the Department is authorized to advance start-up operating
5 costs not to exceed \$150,000, subject to proportionate
6 reimbursement of such costs by the other participating state
7 lotteries. The Department shall be authorized to share
8 proportionately in the costs of establishing a liability
9 reserve fund from funds appropriated by the General Assembly.
10 The Department is authorized to transfer prize award funds
11 attributable to Illinois sales of multi-state lottery game
12 tickets to the multi-state control office, or its designated
13 depository, for deposit to such game pool account or accounts
14 as may be established by the multi-state game directors, the
15 records of which account or accounts shall be available at all
16 times for inspection in an audit by the Auditor General of
17 Illinois and any other auditors pursuant to the laws of the
18 State of Illinois. No multi-state game prize awarded to a
19 nonresident of Illinois, with respect to a ticket or share
20 purchased in a state other than the State of Illinois, shall be
21 deemed to be a prize awarded under this Act for the purpose of
22 taxation under the Illinois Income Tax Act. All of the net
23 revenues accruing from the sale of multi-state lottery tickets
24 or shares shall be transferred into the Common School Fund
25 pursuant to Section 7.2. The Department shall promulgate such
26 rules as may be appropriate to implement the provisions of this

1 Section.

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

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

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

24 (20 ILCS 1605/10) (from Ch. 120, par. 1160)

25 Sec. 10. The Department ~~Division~~, upon application

1 therefor on forms prescribed by the Department ~~Division~~, and
2 upon a determination by the Department ~~Division~~ that the
3 applicant meets all of the qualifications specified in this
4 Act, shall issue a license as an agent to sell lottery tickets
5 or shares. No license as an agent to sell lottery tickets or
6 shares shall be issued to any person to engage in business
7 exclusively as a lottery sales agent.

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

15 Until September 1, 1987, the provisions of Sections 2a, 4,
16 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8, 9,
17 10, 12 and 13.5 of the Retailers' Occupation Tax Act which are
18 not inconsistent with this Act shall apply to the subject
19 matter of this Act to the same extent as if such provisions
20 were included in this Act. For purposes of this Act, references
21 in such incorporated Sections of the Retailers' Occupation Tax
22 Act to retailers, sellers or persons engaged in the business of
23 selling tangible personal property mean persons engaged in
24 selling lottery tickets or shares; references in such
25 incorporated Sections to sales of tangible personal property
26 mean the selling of lottery tickets or shares; and references

1 in such incorporated Sections to certificates of registration
2 mean licenses issued under this Act. The provisions of the
3 Retailers' Occupation Tax Act as heretofore applied to the
4 subject matter of this Act shall not apply with respect to
5 tickets sold by or delivered to lottery sales agents on and
6 after September 1, 1987, but such provisions shall continue to
7 apply with respect to transactions involving the sale and
8 delivery of tickets prior to September 1, 1987.

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

17 For purposes of this Section, the term "person" shall be
18 construed to mean and include an individual, association,
19 partnership, corporation, club, trust, estate, society,
20 company, joint stock company, receiver, trustee, referee, any
21 other person acting in a fiduciary or representative capacity
22 who is appointed by a court, or any combination of individuals.
23 "Person" includes any department, commission, agency or
24 instrumentality of the State, including any county, city,
25 village, or township and any agency or instrumentality thereof.
26 (Source: P.A. 94-776, eff. 5-19-06.)

1 (20 ILCS 1605/10.1) (from Ch. 120, par. 1160.1)

2 Sec. 10.1. The following are ineligible for any license
3 under this Act:

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

5 (b) any person who is or has been a professional gambler or
6 gambling promoter;

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

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

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

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

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

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

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

25 1) at least 10 years have elapsed since the date when the

1 sentence for the most recent such conviction was satisfactorily
2 completed;

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

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

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

12 The Department ~~Division~~ may revoke, without notice or a
13 hearing, the license of any agent who violates this Act or any
14 rule or regulation promulgated pursuant to this Act. However,
15 if the Department ~~Division~~ does revoke a license without notice
16 and an opportunity for a hearing, the Department ~~Division~~
17 shall, by appropriate notice, afford the person whose license
18 has been revoked an opportunity for a hearing within 30 days
19 after the revocation order has been issued. As a result of any
20 such hearing, the Department ~~Division~~ may confirm its action in
21 revoking the license, or it may order the restoration of such
22 license.

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

24 (20 ILCS 1605/10.1a) (from Ch. 120, par. 1160.1a)

25 Sec. 10.1a. In addition to other grounds specified in this

1 Act, the Department ~~Division~~ shall refuse to issue and shall
2 suspend the license of any lottery sales agency who fails to
3 file a return, or to pay the tax, penalty or interest shown in
4 a filed return, or to pay any final assessment of tax, penalty
5 or interest, as required by any tax Act administered by the
6 Department, until such time as the requirements of any such tax
7 Act are satisfied, unless the agency is contesting, in
8 accordance with the procedures established by the appropriate
9 revenue Act, its liability for the tax or the amount of tax.
10 The Department ~~Division~~ shall affirmatively verify the tax
11 status of every sales agency before issuing or renewing a
12 license. For purposes of this Section, a sales agency shall not
13 be considered delinquent in the payment of a tax if the agency
14 (a) has entered into an agreement with the Department for the
15 payment of all such taxes that are due and (b) is in compliance
16 with the agreement.

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

18 (20 ILCS 1605/10.2) (from Ch. 120, par. 1160.2)

19 Sec. 10.2. Application and other fees. Each application
20 for a new lottery license must be accompanied by a one-time
21 application fee of \$50; the Department ~~Division~~, however, may
22 waive the fee for licenses of limited duration as provided by
23 Department rule. Each application for renewal of a lottery
24 license must be accompanied by a renewal fee of \$25. Each
25 lottery licensee granted on-line status pursuant to the

1 Department's rules must pay a fee of \$10 per week as partial
2 reimbursement for telecommunications charges incurred by the
3 Department in providing access to the lottery's on-line gaming
4 system. The Department, by rule, may increase or decrease the
5 amount of these fees.

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

7 (20 ILCS 1605/10.6) (from Ch. 120, par. 1160.6)

8 Sec. 10.6. The Department ~~Division~~ shall make an effort to
9 more directly inform players of the odds of winning prizes.
10 This effort shall include, at a minimum, that the Department
11 ~~Division~~ require all ticket agents to display a placard stating
12 the odds of winning for each game offered by that agent.

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

14 (20 ILCS 1605/10.7)

15 Sec. 10.7. Compulsive gambling.

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

1 Department of Human Services.

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

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

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

14 (20 ILCS 1605/12) (from Ch. 120, par. 1162)

15 Sec. 12. The public inspection and copying of the records
16 and data of the Department ~~Division~~ and the Board shall be
17 generally governed by the provisions of the Freedom of
18 Information Act except that the following shall additionally be
19 exempt from inspection and copying:

20 (i) information privileged against introduction in
21 judicial proceedings;

22 (ii) internal communications of the several agencies;

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

1 (iv) any creative proposals, scripts, storyboards or
2 other materials prepared by or for the Department ~~Division~~,
3 prior to the placement of the materials in the media, if
4 the prior release of the materials would compromise the
5 effectiveness of an advertising campaign.

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

7 (20 ILCS 1605/13) (from Ch. 120, par. 1163)

8 Sec. 13. Except as otherwise provided in Section 13.1, no
9 prize, nor any portion of a prize, nor any right of any person
10 to a prize awarded shall be assignable. Any prize, or portion
11 thereof remaining unpaid at the death of a prize winner, may be
12 paid to the estate of such deceased prize winner, or to the
13 trustee under a revocable living trust established by the
14 deceased prize winner as settlor, provided that a copy of such
15 a trust has been filed with the Department along with a
16 notarized letter of direction from the settlor and no written
17 notice of revocation has been received by the Department
18 ~~Division~~ prior to the settlor's death. Following such a
19 settlor's death and prior to any payment to such a successor
20 trustee, the Director ~~Superintendent~~ shall obtain from the
21 trustee a written agreement to indemnify and hold the
22 Department ~~and the Division~~ harmless with respect to any claims
23 that may be asserted against the Department ~~or the Division~~
24 arising from payment to or through the trust. Notwithstanding
25 any other provision of this Section, any person pursuant to an

1 appropriate judicial order may be paid the prize to which a
2 winner is entitled, and all or part of any prize otherwise
3 payable by State warrant under this Section shall be withheld
4 upon certification to the State Comptroller from the Department
5 of Healthcare and Family Services as provided in Section
6 10-17.5 of The Illinois Public Aid Code. The Director ~~and the~~
7 ~~Superintendent~~ shall be discharged of all further liability
8 upon payment of a prize pursuant to this Section.

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

10 (20 ILCS 1605/14) (from Ch. 120, par. 1164)

11 Sec. 14. No person shall sell a ticket or share at a price
12 greater than that fixed by rule or regulation of the Department
13 ~~or the Division~~. No person other than a licensed lottery sales
14 agent or distributor shall sell or resell lottery tickets or
15 shares. No person shall charge a fee to redeem a winning ticket
16 or share.

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

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

22 (20 ILCS 1605/14.3)

23 Sec. 14.3. Misuse of proprietary material prohibited.
24 Except as may be provided in Section 7.11, or by bona fide sale

1 or by prior authorization from the Department ~~or the Division~~,
2 or otherwise by law, all premiums, promotional and other
3 proprietary material produced or acquired by the Department
4 ~~Division~~ as part of its advertising and promotional activities
5 shall remain the property of the Department. Nothing herein
6 shall be construed to affect the rights or obligations of the
7 Department or any other person under federal or State trademark
8 or copyright laws.

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

10 (20 ILCS 1605/19) (from Ch. 120, par. 1169)

11 Sec. 19. The Department ~~Division~~ shall establish an
12 appropriate period for the claiming of prizes for each lottery
13 game offered. Each claim period shall be stated in game rules
14 and written play instructions issued by the Director
15 ~~Superintendent~~ in accordance with Section 7.1 of this Act.
16 Written play instructions shall be made available to all
17 players through sales agents licensed to sell game tickets or
18 shares. Prizes for lottery games which involve the purchase of
19 a physical lottery ticket may be claimed only by presentation
20 of a valid winning lottery ticket that matches validation
21 records on file with the Lottery; no claim may be honored which
22 is based on the assertion that the ticket was lost or stolen.
23 No lottery ticket which has been altered, mutilated, or fails
24 to pass validation tests shall be deemed to be a winning
25 ticket.

1 If no claim is made for the money within the established
2 claim period, the prize may be included in the prize pool of
3 such special drawing or drawings as the Department ~~Division~~
4 may, from time to time, designate. Unclaimed multi-state game
5 prize money may be included in the multi-state prize pool for
6 such special drawing or drawings as the multi-state game
7 directors may, from time to time, designate. Any bonuses
8 offered by the Department to sales agents who sell winning
9 tickets or shares shall be payable to such agents regardless of
10 whether or not the prize money on the ticket or share is
11 claimed, provided that the agent can be identified as the
12 vendor of the winning ticket or share, and that the winning
13 ticket or share was sold on or after January 1, 1984. All
14 unclaimed prize money not included in the prize pool of a
15 special drawing shall be transferred to the Common School Fund.
16 (Source: P.A. 94-776, eff. 5-19-06.)

17 (20 ILCS 1605/21) (from Ch. 120, par. 1171)

18 Sec. 21. All lottery sales agents or distributors shall be
19 liable to the Lottery for any and all tickets accepted or
20 generated by any employee or representative of that agent or
21 distributor, and such tickets shall be deemed to have been
22 purchased by the agent or distributor unless returned to the
23 Lottery within the time and in the manner prescribed by the
24 Director ~~Superintendent~~. All moneys received by such agents or
25 distributors from the sale of lottery tickets or shares, less

1 the amount retained as compensation for the sale of the tickets
2 or shares and the amount paid out as prizes, shall be paid over
3 to a lottery representative or deposited in a bank or savings
4 and loan association approved by the State Treasurer, as
5 prescribed by the Director ~~Superintendent~~.

6 No bank or savings and loan association shall receive
7 public funds as permitted by this Section, unless it has
8 complied with the requirements established pursuant to Section
9 6 of the Public Funds Investment Act.

10 Each payment or deposit shall be accompanied by a report of
11 the agent's receipts and transactions in the sale of lottery
12 tickets in such form and containing such information as the
13 Director ~~Superintendent~~ may require. Any discrepancies in such
14 receipts and transactions may be resolved as provided by the
15 rules and regulations of the Department.

16 If any money due the Lottery by a sales agent or
17 distributor is not paid when due or demanded, it shall
18 immediately become delinquent and be billed on a subsequent
19 monthly statement. If on the closing date for any monthly
20 statement a delinquent amount previously billed of more than
21 \$50 remains unpaid, interest in such amount shall be accrued at
22 the rate of 2% per month or fraction thereof from the date when
23 such delinquent amount becomes past due until such delinquent
24 amount, including interest, penalty and other costs and charges
25 that the Department may incur in collecting such amounts, is
26 paid. In case any agent or distributor fails to pay any moneys

1 due the Lottery within 30 days after a second bill or statement
2 is rendered to the agent or distributor, such amount shall be
3 deemed seriously delinquent and may be referred by the
4 Department to a collection agency or credit bureau for
5 collection. Any contract entered into by the Department for the
6 collection of seriously delinquent accounts with a collection
7 agency or credit bureau may be satisfied by a commercially
8 reasonable percentage of the delinquent account recouped,
9 which shall be negotiated by the Department in accordance with
10 commercially accepted standards. Any costs incurred by the
11 Department or others authorized to act in its behalf in
12 collecting such delinquencies may be assessed against the agent
13 or distributor and included as a part of the delinquent
14 account.

15 In case of failure of an agent or distributor to pay a
16 seriously delinquent amount, or any portion thereof, including
17 interest, penalty and costs, the Department ~~Division~~ may issue
18 a Notice of Assessment. In determining amounts shown on the
19 Notice of Assessment, the Department ~~Division~~ shall utilize the
20 financial information available from its records. Such Notice
21 of Assessment shall be prima facie correct and shall be prima
22 facie evidence of delinquent sums due under this Section at any
23 hearing before the Board, or its Hearing Officers, or at any
24 other legal proceeding. Reproduced copies of the Department's
25 ~~Division's~~ records relating to a delinquent account or a Notice
26 of Assessment offered in the name of the Department, under the

1 Certificate of the Director or any officer or employee of the
2 Department designated in writing by the Director shall, without
3 further proof, be admitted into evidence in any such hearing or
4 any legal proceeding and shall be prima facie proof of the
5 delinquency, including principal and any interest, penalties
6 and costs, as shown thereon. The Attorney General may bring
7 suit on behalf of the Department to collect all such delinquent
8 amounts, or any portion thereof, including interest, penalty
9 and costs, due the Lottery.

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

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

1 activities and services of such person(s), banks, savings and
2 loan associations or distributors.

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

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

12 Section 1025. The Department of Public Health Powers and
13 Duties Law of the Civil Administrative Code of Illinois is
14 amended by changing Sections 2310-347 and 2310-348 as follows:

15 (20 ILCS 2310/2310-347)

16 Sec. 2310-347. The Ticket For The Cure Board.

17 (a) The Ticket For The Cure Board is created as an advisory
18 board within the Department. The Board shall consist of 10
19 members as follows: 2 members appointed by the President of the
20 Senate; 2 members appointed by the Minority Leader of the
21 Senate; 2 members appointed by the Speaker of the House of
22 Representatives; 2 members appointed by the Minority Leader of
23 the House of Representatives; and 2 members appointed by the
24 Governor with the advice and consent of the Senate, one of whom

1 shall be designated as chair of the Board at the time of
2 appointment.

3 If a vacancy occurs in the Board membership, the vacancy
4 shall be filled in the same manner as the initial appointment.

5 (b) Board members shall serve without compensation but may
6 be reimbursed for their reasonable travel expenses from funds
7 available for that purpose. The Department shall provide staff
8 and administrative support services to the Board.

9 (c) The Board must:

10 (i) consult with the Department of the Lottery Revenue
11 in designing and promoting the Ticket For The Cure special
12 instant scratch-off lottery game; and

13 (ii) review grant applications, make recommendations
14 and comments, and consult with the Department of Public
15 Health in making grants, from amounts appropriated from the
16 Ticket For The Cure Fund, to public or private entities in
17 Illinois for the purpose of funding research concerning
18 breast cancer and for funding services for breast cancer
19 victims in accordance with Section 21.5 of the Illinois
20 Lottery Law.

21 (d) The Board is discontinued on June 30, 2012.

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

23 (20 ILCS 2310/2310-348)

24 Sec. 2310-348. The Quality of Life Board.

25 (a) The Quality of Life Board is created as an advisory

1 board within the Department. The Board shall consist of 11
2 members as follows: 2 members appointed by the President of the
3 Senate; one member appointed by the Minority Leader of the
4 Senate; 2 members appointed by the Speaker of the House of
5 Representatives; one member appointed by the Minority Leader of
6 the House of Representatives; 2 members appointed by the
7 Governor, one of whom shall be designated as chair of the Board
8 at the time of appointment; and 3 members appointed by the
9 Director who represent organizations that advocate for the
10 healthcare needs of the first and second highest HIV/AIDS risk
11 groups, one each from the northern Illinois region, the central
12 Illinois region, and the southern Illinois region.

13 The Board members shall serve one 2-year term. If a vacancy
14 occurs in the Board membership, the vacancy shall be filled in
15 the same manner as the initial appointment.

16 (b) Board members shall serve without compensation but may
17 be reimbursed for their reasonable travel expenses from funds
18 appropriated for that purpose. The Department shall provide
19 staff and administrative support services to the Board.

20 (c) The Board must:

21 (i) consult with the Department of the Lottery Revenue
22 in designing and promoting the Quality of Life special
23 instant scratch-off lottery game; and

24 (ii) review grant applications, make recommendations
25 and comments, and consult with the Department of Public
26 Health in making grants, from amounts appropriated from the

1 Quality of Life Endowment Fund, to public or private
2 entities in Illinois for the purpose of
3 HIV/AIDS-prevention education and for making grants to
4 public or private entities in Illinois for the purpose of
5 funding organizations that serve the highest at-risk
6 categories for contracting HIV or developing AIDS in
7 accordance with Section 21.7 of the Illinois Lottery Law.

8 (d) The Board is discontinued on June 30, 2013.

9 (Source: P.A. 95-674, eff. 10-11-07.)

10 (20 ILCS 3948/Act rep.)

11 Section 1035. On July 1, 2009, the Illinois Global
12 Partnership Act is repealed.

13 Section 1036. The Illinois Municipal Code is amended by
14 changing Section 8-12-12 as follows:

15 (65 ILCS 5/8-12-12) (from Ch. 24, par. 8-12-12)

16 Sec. 8-12-12. (a) The Governor shall call the first meeting
17 of the Authority. Thereafter, the Directors shall prescribe the
18 times and places for their meetings and the manner in which
19 regular and special meetings may be called. The Directors shall
20 comply in all respects with the Open Meetings Act. The
21 Authority shall be a public body to which The Freedom of
22 Information Act applies.

23 (b) Three ~~A majority of the~~ Directors ~~holding office~~ shall

1 constitute a quorum for the conduct of business. The
2 affirmative votes of at least 3 Directors shall be necessary
3 for adopting any rule or regulation, and for any other action
4 required by this Division to be taken by resolution, directive
5 or ordinance.

6 (Source: P.A. 86-1211.)

7 Section 1045. The School Code is amended by changing
8 Sections 1A-1, 1A-2, and 1A-4 as follows:

9 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

10 Sec. 1A-1. Members and terms.

11 (a) (Blank).

12 (b) The State Board of Education shall consist of 8 members
13 and a chairperson, who shall be appointed by the Governor with
14 the advice and consent of the Senate from a pattern of regional
15 representation as follows: 2 appointees shall be selected from
16 among those counties of the State other than Cook County and
17 the 5 counties contiguous to Cook County; 2 appointees shall be
18 selected from Cook County, one of whom shall be a resident of
19 the City of Chicago and one of whom shall be a resident of that
20 part of Cook County which lies outside the city limits of
21 Chicago; 2 appointees shall be selected from among the 5
22 counties of the State that are contiguous to Cook County; and 3
23 members shall be selected as members-at-large (one of which
24 shall be the chairperson). ~~The Governor who takes office on the~~

1 ~~second Monday of January after his or her election shall be the~~
2 ~~person who nominates members to fill vacancies whose terms~~
3 ~~begin after that date and before the term of the next Governor~~
4 ~~begins.~~

5 Notwithstanding the Officials and Employees Termination
6 Act of 2009, the terms of all members appointed by the Governor
7 end on the effective date of this amendatory Act of the 96th
8 General Assembly, and those members may not hold over in office
9 for more than 90 days after the effective date of this
10 amendatory Act of the 96th General Assembly. The initial
11 appointees of the Governor on or after the effective date of
12 this amendatory Act of the 96th General Assembly shall serve
13 terms as follows:

14 (1) One of the members who is selected as a
15 member-at-large and who is not the chairperson and one of
16 the members who is selected from among the 5 counties of
17 the State that are contiguous to Cook County shall serve
18 until June 30, 2010 and until their respective successors
19 are appointed and have qualified.

20 (2) The member who is selected from Cook County and who
21 is a resident of the City of Chicago and the member who is
22 selected from among those counties of the State other than
23 Cook County and the 5 counties contiguous to Cook County
24 shall serve until June 30, 2011 and until their respective
25 successors are appointed and have qualified.

26 (3) The other member who is selected as a

1 member-at-large and who is not the chairperson and the
2 other member who is selected from among the 5 counties of
3 the State that are contiguous to Cook County shall serve
4 until June 30, 2012 and until their respective successors
5 are appointed and have qualified.

6 (4) The member who is selected from Cook County and who
7 is a resident of that part of Cook County that lies outside
8 the city limits of Chicago and the other member who is
9 selected from among those counties of the State other than
10 Cook County and the 5 counties contiguous to Cook County
11 shall serve until June 30, 2013 and until their respective
12 successors are appointed and have qualified.

13 (5) The member who is selected as a member-at-large and
14 who is the chairperson shall serve until June 30, 2014.
15 Nothing in this amendatory Act of the 96th General Assembly
16 prevents the Governor from making a temporary appointment.
17 After the initial terms, members appointed by the Governor
18 shall serve 5-year terms commencing on July 1 of the year of
19 appointment and running through June 30 of the fifth following
20 year and until their respective successors are appointed and
21 have qualified. Nothing in this amendatory Act of the 96th
22 General Assembly prevents the Governor from making a temporary
23 appointment.

24 ~~The term of each member of the State Board of Education~~
25 ~~whose term expires on January 12, 2005 shall instead terminate~~
26 ~~on the effective date of this amendatory Act of the 93rd~~

1 ~~General Assembly. Of these 3 seats, (i) the member initially~~
2 ~~appointed pursuant to this amendatory Act of the 93rd General~~
3 ~~Assembly whose seat was vacant on April 27, 2004 shall serve~~
4 ~~until the second Wednesday of January, 2009 and (ii) the other~~
5 ~~2 members initially appointed pursuant to this amendatory Act~~
6 ~~of the 93rd General Assembly shall serve until the second~~
7 ~~Wednesday of January, 2007.~~

8 ~~The term of the member of the State Board of Education~~
9 ~~whose seat was vacant on April 27, 2004 and whose term expires~~
10 ~~on January 10, 2007 shall instead terminate on the effective~~
11 ~~date of this amendatory Act of the 93rd General Assembly. The~~
12 ~~member initially appointed pursuant to this amendatory Act of~~
13 ~~the 93rd General Assembly to fill this seat shall be the~~
14 ~~chairperson and shall serve until the second Wednesday of~~
15 ~~January, 2007.~~

16 ~~The term of the member of the State Board of Education~~
17 ~~whose seat was vacant on May 28, 2004 but after April 27, 2004~~
18 ~~and whose term expires on January 10, 2007 shall instead~~
19 ~~terminate on the effective date of this amendatory Act of the~~
20 ~~93rd General Assembly. The member initially appointed pursuant~~
21 ~~to this amendatory Act of the 93rd General Assembly to fill~~
22 ~~this seat shall serve until the second Wednesday of January,~~
23 ~~2007.~~

24 ~~The term of the other member of the State Board of~~
25 ~~Education whose term expires on January 10, 2007 shall instead~~
26 ~~terminate on the effective date of this amendatory Act of the~~

1 ~~93rd General Assembly. The member initially appointed pursuant~~
2 ~~to this amendatory Act of the 93rd General Assembly to fill~~
3 ~~this seat shall serve until the second Wednesday of January,~~
4 ~~2007.~~

5 ~~The term of the member of the State Board of Education~~
6 ~~whose term expires on January 14, 2009 and who was selected~~
7 ~~from among the 5 counties of the State that are contiguous to~~
8 ~~Cook County and is a resident of Lake County shall instead~~
9 ~~terminate on the effective date of this amendatory Act of the~~
10 ~~93rd General Assembly. The member initially appointed pursuant~~
11 ~~to this amendatory Act of the 93rd General Assembly to fill~~
12 ~~this seat shall serve until the second Wednesday of January,~~
13 ~~2009.~~

14 ~~Upon expiration of the terms of the members initially~~
15 ~~appointed under this amendatory Act of the 93rd General~~
16 ~~Assembly and members whose terms were not terminated by this~~
17 ~~amendatory Act of the 93rd General Assembly, their respective~~
18 ~~successors shall be appointed for terms of 4 years, from the~~
19 ~~second Wednesday in January of each odd numbered year and until~~
20 ~~their respective successors are appointed and qualified.~~

21 ~~(c) At Of the 4 members, excluding the chairperson, whose~~
22 ~~terms expire on the second Wednesday of January, 2007 and every~~
23 ~~4 years thereafter, one of those members must be an at-large~~
24 ~~member and at no time may more than 5 ~~2~~ of those members be from~~
25 ~~one political party. Of the 4 members whose terms expire on the~~
26 ~~second Wednesday of January, 2009 and every 4 years thereafter,~~

1 ~~one of those members must be an at-large member and at no time~~
2 ~~may more than 2 of those members be from one political party.~~

3 Party membership is defined as having voted in the primary of
4 the party in the last primary before appointment.

5 (d) Vacancies in terms shall be filled by appointment by
6 the Governor with the advice and consent of the Senate for the
7 extent of the unexpired term. If a vacancy in membership occurs
8 at a time when the Senate is not in session, the Governor shall
9 make a temporary appointment until the next meeting of the
10 Senate, when the Governor shall appoint a person to fill that
11 membership for the remainder of its term. If the Senate is not
12 in session when appointments for a full term are made, the
13 appointments shall be made as in the case of vacancies.

14 (Source: P.A. 93-1036, eff. 9-14-04.)

15 (105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

16 Sec. 1A-2. Qualifications. The members of the State Board
17 of Education shall be citizens of the United States and
18 residents of the State of Illinois and shall be selected as far
19 as may be practicable on the basis of their knowledge of, or
20 interest and experience in, problems of public education. No
21 member of the State Board of Education shall be gainfully
22 employed or administratively connected with any school system,
23 nor have any interest in or benefit from funds provided by the
24 State Board of Education to an institution of higher learning,
25 public or private, within Illinois, nor shall they be members

1 of a school board or board of school trustees of a public or
2 nonpublic school, college, university or technical institution
3 within Illinois. No member shall be appointed to more than 2
4 full ~~six-year~~ terms. Members shall be reimbursed for all
5 ordinary and necessary expenses incurred in performing their
6 duties as members of the Board. Expenses shall be approved by
7 the Board and be consistent with the laws, policies, and
8 requirements of the State of Illinois regarding such
9 expenditures, plus any member may include in his claim for
10 expenses \$50 per day for meeting days.

11 (Source: P.A. 90-548, eff. 1-1-98; revised 10-23-08.)

12 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

13 Sec. 1A-4. Powers and duties of the Board.

14 A. (Blank).

15 B. The Board shall determine the qualifications of and
16 appoint a chief education officer, to be known as the State
17 Superintendent of Education, who may be proposed by the
18 Governor and who shall serve at the pleasure of the Board and
19 pursuant to a performance-based contract linked to statewide
20 student performance and academic improvement within Illinois
21 schools. Upon expiration or buyout of the contract of the State
22 Superintendent of Education in office on the effective date of
23 this amendatory Act of the 93rd General Assembly, a State
24 Superintendent of Education shall be appointed by a State Board
25 of Education that includes the 7 new Board members who were

1 appointed to fill seats of members whose terms were terminated
2 on the effective date of this amendatory Act of the 93rd
3 General Assembly. Thereafter, a State Superintendent of
4 Education must, at a minimum, be appointed at the beginning of
5 each term of a Governor after that Governor has made
6 appointments to the Board. A performance-based contract issued
7 for the employment of a State Superintendent of Education
8 entered into on or after the effective date of this amendatory
9 Act of the 93rd General Assembly must expire no later than
10 February 1, 2007, and subsequent contracts must expire no later
11 than February 1 each 4 years thereafter. No contract shall be
12 extended or renewed beyond February 1, 2007 and February 1 each
13 4 years thereafter, but a State Superintendent of Education
14 shall serve until his or her successor is appointed. Any such
15 contract entered into during the last 9 months of a Governor's
16 term of office must expire no later than at the end of that
17 term of office. Each contract entered into on or before January
18 8, 2007 with a State Superintendent of Education must provide
19 that the State Board of Education may terminate the contract
20 for cause, and the State Board of Education shall not
21 thereafter be liable for further payments under the contract.
22 With regard to this amendatory Act of the 93rd General
23 Assembly, it is the intent of the General Assembly that,
24 beginning with the Governor who takes office on the second
25 Monday of January, 2007, a State Superintendent of Education be
26 appointed at the beginning of each term of a Governor after

1 that Governor has made appointments to the Board. The State
2 Superintendent of Education shall not serve as a member of the
3 State Board of Education. The Board shall set the compensation
4 of the State Superintendent of Education who shall serve as the
5 Board's chief executive officer. The Board shall also establish
6 the duties, powers and responsibilities of the State
7 Superintendent, which shall be included in the State
8 Superintendent's performance-based contract along with the
9 goals and indicators of student performance and academic
10 improvement used to measure the performance and effectiveness
11 of the State Superintendent. The State Board of Education may
12 delegate to the State Superintendent of Education the authority
13 to act on the Board's behalf, provided such delegation is made
14 pursuant to adopted board policy or the powers delegated are
15 ministerial in nature. The State Board may not delegate
16 authority under this Section to the State Superintendent to (1)
17 nonrecognize school districts, (2) withhold State payments as a
18 penalty, or (3) make final decisions under the contested case
19 provisions of the Illinois Administrative Procedure Act unless
20 otherwise provided by law.

21 C. The powers and duties of the State Board of Education
22 shall encompass all duties delegated to the Office of
23 Superintendent of Public Instruction on January 12, 1975,
24 except as the law providing for such powers and duties is
25 thereafter amended, and such other powers and duties as the
26 General Assembly shall designate. The Board shall be

1 responsible for the educational policies and guidelines for
2 public schools, pre-school through grade 12 and Vocational
3 Education in the State of Illinois. The Board shall analyze the
4 present and future aims, needs, and requirements of education
5 in the State of Illinois and recommend to the General Assembly
6 the powers which should be exercised by the Board. The Board
7 shall recommend the passage and the legislation necessary to
8 determine the appropriate relationship between the Board and
9 local boards of education and the various State agencies and
10 shall recommend desirable modifications in the laws which
11 affect schools.

12 D. Two members of the Board shall be appointed by the
13 chairperson to serve on a standing joint Education Committee, 2
14 others shall be appointed from the Board of Higher Education, 2
15 others shall be appointed by the chairperson of the Illinois
16 Community College Board, and 2 others shall be appointed by the
17 chairperson of the Human Resource Investment Council. The
18 Committee shall be responsible for making recommendations
19 concerning the submission of any workforce development plan or
20 workforce training program required by federal law or under any
21 block grant authority. The Committee will be responsible for
22 developing policy on matters of mutual concern to elementary,
23 secondary and higher education such as Occupational and Career
24 Education, Teacher Preparation and Certification, Educational
25 Finance, Articulation between Elementary, Secondary and Higher
26 Education and Research and Planning. The joint Education

1 Committee shall meet at least quarterly and submit an annual
2 report of its findings, conclusions, and recommendations to the
3 State Board of Education, the Board of Higher Education, the
4 Illinois Community College Board, the Human Resource
5 Investment Council, the Governor, and the General Assembly. All
6 meetings of this Committee shall be official meetings for
7 reimbursement under this Act. On the effective date of this
8 amendatory Act of the 95th General Assembly, the Joint
9 Education Committee is abolished.

10 E. Five members of the Board shall constitute a quorum. A
11 majority vote of the members appointed, confirmed and serving
12 on the Board is required to approve any action, except that the
13 7 new Board members who were appointed to fill seats of members
14 whose terms were terminated on the effective date of this
15 amendatory act of the 93rd General Assembly may vote to approve
16 actions when appointed and serving.

17 Using the most recently available data, the Board shall
18 prepare and submit to the General Assembly and the Governor on
19 or before January 14, 1976 and annually thereafter a report or
20 reports of its findings and recommendations. Such annual report
21 shall contain a separate section which provides a critique and
22 analysis of the status of education in Illinois and which
23 identifies its specific problems and recommends express
24 solutions therefor. Such annual report also shall contain the
25 following information for the preceding year ending on June 30:
26 each act or omission of a school district of which the State

1 Board of Education has knowledge as a consequence of scheduled,
2 approved visits and which constituted a failure by the district
3 to comply with applicable State or federal laws or regulations
4 relating to public education, the name of such district, the
5 date or dates on which the State Board of Education notified
6 the school district of such act or omission, and what action,
7 if any, the school district took with respect thereto after
8 being notified thereof by the State Board of Education. The
9 report shall also include the statewide high school dropout
10 rate by grade level, sex and race and the annual student
11 dropout rate of and the number of students who graduate from,
12 transfer from or otherwise leave bilingual programs. The
13 Auditor General shall annually perform a compliance audit of
14 the State Board of Education's performance of the reporting
15 duty imposed by this amendatory Act of 1986. A regular system
16 of communication with other directly related State agencies
17 shall be implemented.

18 The requirement for reporting to the General Assembly shall
19 be satisfied by filing copies of the report with the Speaker,
20 the Minority Leader and the Clerk of the House of
21 Representatives and the President, the Minority Leader and the
22 Secretary of the Senate and the Legislative Council, as
23 required by Section 3.1 of the General Assembly Organization
24 Act, and filing such additional copies with the State
25 Government Report Distribution Center for the General Assembly
26 as is required under paragraph (t) of Section 7 of the State

1 Library Act.

2 F. Upon appointment of the 7 new Board members who were
3 appointed to fill seats of members whose terms were terminated
4 on the effective date of this amendatory Act of the 93rd
5 General Assembly, the Board shall review all of its current
6 rules in an effort to streamline procedures, improve
7 efficiency, and eliminate unnecessary forms and paperwork.

8 (Source: P.A. 95-626, eff. 6-1-08; 95-793, eff. 1-1-09.)

9 Section 1060. The Acupuncture Practice Act is amended by
10 changing Section 35 as follows:

11 (225 ILCS 2/35)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 35. Board of Acupuncture. The Secretary shall appoint
14 a Board of Acupuncture to consist of 7 persons who shall be
15 appointed by and shall serve in an advisory capacity to the
16 Secretary. Four members must hold an active license to engage
17 in the practice of acupuncture in this State, one member shall
18 be a chiropractic physician licensed under the Medical Practice
19 Act of 1987 who is actively engaged in the practice of
20 acupuncture, one member shall be a physician licensed to
21 practice medicine in all of its branches in Illinois, and one
22 member must be a member of the public who is not licensed under
23 this Act or a similar Act of another jurisdiction and who has
24 no connection with the profession.

1 Members shall serve 4-year terms and until their successors
2 are appointed and qualified. No member shall be reappointed to
3 the Board for a term that would cause his or her continuous
4 service on the Board to be longer than 8 consecutive years.
5 Appointments to fill vacancies shall be made in the same manner
6 as original appointments for the unexpired portion of the
7 vacated term. Initial terms shall begin upon the effective date
8 of this amendatory Act of 1997.

9 The Board may annually elect a chairperson and a
10 vice-chairperson who shall preside in the absence of the
11 chairperson. The membership of the Board should reasonably
12 reflect representation from the geographic areas in this State.
13 The Secretary may terminate the appointment of any member for
14 cause. The Secretary may give due consideration to all
15 recommendations of the Board. Four members of the Board ~~A~~
16 ~~majority of the Board members currently appointed~~ shall
17 constitute a quorum. The affirmative vote of at least 4 members
18 is required for Board decisions. A vacancy in the membership of
19 the Board shall not impair the right of a quorum to exercise
20 the right and perform all the duties of the Board. Members of
21 the Board shall have no liability in any action based upon any
22 disciplinary proceeding or other activity performed in good
23 faith as a member of the Board.

24 (Source: P.A. 95-450, eff. 8-27-07.)

25 Section 1070. The Clinical Psychologist Licensing Act is

1 amended by changing Section 7 as follows:

2 (225 ILCS 15/7) (from Ch. 111, par. 5357)

3 (Section scheduled to be repealed on January 1, 2017)

4 Sec. 7. Board. The Secretary shall appoint a Board that
5 shall serve in an advisory capacity to the Secretary.

6 The Board shall consist of 7 persons, 4 of whom are
7 licensed clinical psychologists, and actively engaged in the
8 practice of clinical psychology, 2 of whom are licensed
9 clinical psychologists and are full time faculty members of
10 accredited colleges or universities who are engaged in training
11 clinical psychologists, and one of whom is a public member who
12 is not a licensed health care provider. In appointing members
13 of the Board, the Secretary shall give due consideration to the
14 adequate representation of the various fields of health care
15 psychology such as clinical psychology, school psychology and
16 counseling psychology. In appointing members of the Board, the
17 Secretary shall give due consideration to recommendations by
18 members of the profession of clinical psychology and by the
19 State-wide organizations representing the interests of
20 clinical psychologists and organizations representing the
21 interests of academic programs as well as recommendations by
22 approved doctoral level psychology programs in the State of
23 Illinois. The members shall be appointed for a term of 4 years.
24 No member shall be eligible to serve for more than 2 full
25 terms. Any appointment to fill a vacancy shall be for the

1 unexpired portion of the term. A member appointed to fill a
2 vacancy for an unexpired term for a duration of 2 years or more
3 may be reappointed for a maximum of one term and a member
4 appointed to fill a vacancy for an unexpired term for a
5 duration of less than 2 years may be reappointed for a maximum
6 of 2 terms. The Secretary may remove any member for cause at
7 any time prior to the expiration of his or her term.

8 The Board shall annually elect one of its members as
9 chairperson and vice chairperson.

10 The members of the Board shall be reimbursed for all
11 authorized legitimate and necessary expenses incurred in
12 attending the meetings of the Board.

13 The Secretary shall give due consideration to all
14 recommendations of the Board. In the event the Secretary
15 disagrees with or takes action contrary to the recommendation
16 of the Board, he or she shall provide the Board with a written
17 and specific explanation of his or her actions.

18 Four members of the Board ~~A majority of the Board members~~
19 ~~currently appointed~~ shall constitute a quorum. The affirmative
20 vote of at least 4 members is required for Board decisions. A
21 vacancy in the membership of the Board shall not impair the
22 right of a quorum to perform all of the duties of the Board.

23 Members of the Board shall have no liability in any action
24 based upon any disciplinary proceeding or other activity
25 performed in good faith as a member of the Board.

26 The Secretary may terminate the appointment of any member

1 for cause which in the opinion of the Secretary reasonably
2 justifies such termination.

3 (Source: P.A. 93-745, eff. 7-15-04; 94-870, eff. 6-16-06.)

4 Section 1080. The Clinical Social Work and Social Work
5 Practice Act is amended by changing Section 6 as follows:

6 (225 ILCS 20/6) (from Ch. 111, par. 6356)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 6. Social Work Examining and Disciplinary Board.

9 (1) The Secretary shall appoint a Social Work Examining and
10 Disciplinary Board consisting of 9 persons who shall serve in
11 an advisory capacity to the Secretary. The Board shall be
12 composed of 6 licensed clinical social workers, one of whom
13 shall be employed in a public human service agency, one of whom
14 shall be a certified school social worker, one of whom shall be
15 employed in the private not-for-profit sector and one of whom
16 shall serve as the chairperson, two licensed social workers,
17 and one member of the public who is not regulated under this
18 Act or a similar Act and who clearly represents consumer
19 interests.

20 (2) Members shall serve for a term of 4 years and until
21 their successors are appointed and qualified. No member shall
22 be reappointed if such reappointment would cause that person's
23 service on the Board to be longer than 8 successive years.
24 Appointments to fill vacancies for the unexpired portion of a

1 vacated term shall be made in the same manner as original
2 appointments.

3 (3) The membership of the Board should represent racial and
4 cultural diversity and reasonably reflect representation from
5 different geographic areas of Illinois.

6 (4) The Secretary may terminate the appointment of any
7 member for cause.

8 (5) The Secretary shall consider the recommendation of the
9 Board on all matters and questions relating to this Act.

10 (6) The Board is charged with the duties and
11 responsibilities of recommending to the Secretary the adoption
12 of all policies, procedures and rules which may be required or
13 deemed advisable in order to perform the duties and functions
14 conferred on the Board, the Secretary and the Department to
15 carry out the provisions of this Act.

16 (7) The Board may make recommendations on all matters
17 relating to continuing education including the number of hours
18 necessary for license renewal, waivers for those unable to meet
19 such requirements and acceptable course content. Such
20 recommendations shall not impose an undue burden on the
21 Department or an unreasonable restriction on those seeking
22 license renewal.

23 (8) The Board shall annually elect one of its members as
24 chairperson and one as vice chairperson.

25 (9) Members of the Board shall be reimbursed for all
26 authorized legitimate and necessary expenses incurred in

1 attending the meetings of the Board.

2 (10) Five members of the Board ~~A majority of the Board~~
3 ~~members currently appointed~~ shall constitute a quorum. The
4 affirmative vote of at least 5 members is required for Board
5 decisions. A vacancy in the membership of the Board shall not
6 impair the right of a quorum to perform all of the duties of
7 the Board.

8 (11) Members of the Board shall have no liability in an
9 action based upon a disciplinary proceeding or other activity
10 performed in good faith as a member of the Board.

11 (Source: P.A. 95-687, eff. 10-23-07.)

12 Section 1090. The Home Medical Equipment and Services
13 Provider License Act is amended by changing Section 25 as
14 follows:

15 (225 ILCS 51/25)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 25. Home Medical Equipment and Services Board. The
18 Secretary shall appoint a Home Medical Equipment and Services
19 Board, in consultation with a state association representing
20 the home medical equipment and services industry, to serve in
21 an advisory capacity to the Secretary. The Board shall consist
22 of 7 members. Four members shall be home medical equipment and
23 services provider representatives, at least one of whom shall
24 be a pharmacy-based provider. The 3 remaining members shall

1 include one home care clinical specialist, one respiratory care
2 practitioner, and one public member.

3 Members shall serve 4 year terms and until their successors
4 are appointed and qualified. No member shall be reappointed to
5 the Board for a term that would cause continuous service on the
6 Board to exceed 8 years. Appointments to fill vacancies shall
7 be made in the same manner as original appointments, for the
8 unexpired portion of the vacated term.

9 The home medical equipment and services provider
10 representatives appointed to the Board shall have engaged in
11 the provision of home medical equipment and services or related
12 home care services for at least 3 years prior to their
13 appointment, shall be currently engaged in providing home
14 medical equipment and services in the State of Illinois, and
15 must have no record of convictions related to fraud or abuse
16 under either State or federal law.

17 The membership of the Board should reasonably reflect
18 representation from the geographic areas in this State.

19 The Board shall annually elect one of its members as
20 chairperson and vice chairperson.

21 Members of the Board shall receive as compensation a
22 reasonable sum as determined by the Secretary for each day
23 actually engaged in the duties of the office, and shall be
24 reimbursed for authorized expenses incurred in performing the
25 duties of the office.

26 The Secretary may terminate the appointment of any member

1 for cause which in the opinion of the Secretary reasonably
2 justifies the termination.

3 Members of the Board shall be immune from suit in an action
4 based upon any disciplinary proceedings or other activities
5 performed in good faith as members of the Board.

6 Four members of the Board ~~A majority of Board members~~
7 ~~currently appointed~~ shall constitute a quorum. The affirmative
8 vote of at least 4 members is required for Board decisions. A
9 vacancy in the membership of the Board shall not impair the
10 rights of a quorum to exercise the rights and perform all of
11 the duties of the Board.

12 (Source: P.A. 95-703, eff. 12-31-07.)

13 Section 1100. The Marriage and Family Therapy Licensing Act
14 is amended by changing Section 25 as follows:

15 (225 ILCS 55/25) (from Ch. 111, par. 8351-25)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 25. Marriage and Family Therapy Licensing and
18 Disciplinary Board.

19 (a) There is established within the Department the Marriage
20 and Family Therapy Licensing and Disciplinary Board to be
21 appointed by the Secretary. The Board shall be composed of 7
22 persons who shall serve in an advisory capacity to the
23 Secretary. The Board shall elect a chairperson and a vice
24 chairperson.

1 (b) In appointing members of the Board, the Secretary shall
2 give due consideration to recommendations by members of the
3 profession of marriage and family therapy and by the statewide
4 organizations solely representing the interests of marriage
5 and family therapists.

6 (c) Five members of the Board shall be marriage and family
7 therapists who have been in active practice for at least 5
8 years immediately preceding their appointment, or engaged in
9 the education and training of masters, doctoral, or
10 post-doctoral students of marriage and family therapy, or
11 engaged in marriage and family therapy research. Each marriage
12 or family therapy teacher or researcher shall have spent the
13 majority of the time devoted to the study or research of
14 marriage and family therapy during the 2 years immediately
15 preceding his or her appointment to the Board. The appointees
16 shall be licensed under this Act.

17 (d) Two members shall be representatives of the general
18 public who have no direct affiliation or work experience with
19 the practice of marriage and family therapy and who clearly
20 represent consumer interests.

21 (e) Board members shall be appointed for terms of 4 years
22 each, except that any person chosen to fill a vacancy shall be
23 appointed only for the unexpired term of the Board member whom
24 he or she shall succeed. Upon the expiration of this term of
25 office, a Board member shall continue to serve until a
26 successor is appointed and qualified. No member shall be

1 reappointed to the Board for a term that would cause continuous
2 service on the Board to be longer than 8 years.

3 (f) The membership of the Board shall reasonably reflect
4 representation from the various geographic areas of the State.

5 (g) Members of the Board shall be immune from suit in any
6 action based upon any disciplinary proceedings or other
7 activities performed in good faith as members of the Board.

8 (h) The Secretary may remove any member of the Board for
9 any cause that, in the opinion of the Secretary, reasonably
10 justifies termination.

11 (i) The Secretary may consider the recommendations of the
12 Board on questions of standards of professional conduct,
13 discipline, and qualification of candidates or licensees under
14 this Act.

15 (j) The members of the Board shall be reimbursed for all
16 legitimate, necessary, and authorized expenses.

17 (k) Four members of the Board ~~A majority of the Board~~
18 ~~members currently appointed~~ shall constitute a quorum. The
19 affirmative vote of at least 4 members is required for Board
20 decisions. A vacancy in the membership of the Board shall not
21 impair the right of a quorum to exercise all the rights and
22 perform all the duties of the Board.

23 (Source: P.A. 95-703, eff. 12-31-07.)

24 Section 1110. The Nurse Practice Act is amended by changing
25 Section 75-15 as follows:

1 (225 ILCS 65/75-15) (was 225 ILCS 65/17-15)
2 (Section scheduled to be repealed on January 1, 2018)
3 Sec. 75-15. Center for Nursing Advisory Board.

4 (a) There is created the Center for Nursing Advisory Board,
5 which shall consist of 11 members appointed by the Governor,
6 with 6 members of the Advisory Board being nurses
7 representative of various nursing specialty areas. The other 5
8 members may include representatives of associations, health
9 care providers, nursing educators, and consumers. The Advisory
10 Board shall be chaired by the Nursing Act Coordinator, who
11 shall be a voting member of the Advisory Board.

12 (b) The membership of the Advisory Board shall reasonably
13 reflect representation from the geographic areas in this State.

14 (c) Members of the Advisory Board appointed by the Governor
15 shall serve for terms of 4 years, with no member serving more
16 than 10 successive years, except that, initially, 4 members
17 shall be appointed to the Advisory Board for terms that expire
18 on June 30, 2009, 4 members shall be appointed to the Advisory
19 Board for terms that expire on June 30, 2008, and 3 members
20 shall be appointed to the Advisory Board for terms that expire
21 on June 30, 2007. A member shall serve until his or her
22 successor is appointed and has qualified. Vacancies shall be
23 filled in the same manner as original appointments, and any
24 member so appointed shall serve during the remainder of the
25 term for which the vacancy occurred.

1 (d) A quorum of the Advisory Board shall consist of 6
2 members ~~a majority of Advisory Board members currently serving.~~
3 The affirmative vote of at least 6 members is required for
4 Advisory Board decisions. ~~A majority vote of the quorum is~~
5 ~~required for Advisory Board decisions.~~ A vacancy in the
6 membership of the Advisory Board shall not impair the right of
7 a quorum to exercise all of the rights and perform all of the
8 duties of the Advisory Board.

9 (e) The Governor may remove any appointed member of the
10 Advisory Board for misconduct, incapacity, or neglect of duty
11 and shall be the sole judge of the sufficiency of the cause for
12 removal.

13 (f) Members of the Advisory Board are immune from suit in
14 any action based upon any activities performed in good faith as
15 members of the Advisory Board.

16 (e) Members of the Advisory Board shall not receive
17 compensation, but shall be reimbursed for actual traveling,
18 incidentals, and expenses necessarily incurred in carrying out
19 their duties as members of the Advisory Board, as approved by
20 the Department.

21 (Source: P.A. 94-1020, eff. 7-11-06; 95-639, eff. 10-5-07.)

22 Section 1120. The Nursing Home Administrators Licensing
23 and Disciplinary Act is amended by changing Section 5 as
24 follows:

1 (225 ILCS 70/5) (from Ch. 111, par. 3655)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 5. Board.

4 (a) There is hereby created the Nursing Home Administrators
5 Licensing and Disciplinary Board. The Board shall consist of 7
6 members appointed by the Governor. All shall be residents of
7 the State of Illinois. Two members shall be representatives of
8 the general public. Five members shall be nursing home
9 administrators who for at least 5 years prior to their
10 appointments were licensed under this Act. The public members
11 shall have no responsibility for management or formation of
12 policy of, nor any financial interest in, nursing homes as
13 defined in this Act, nor any other connection with the
14 profession. In appointing licensed nursing home
15 administrators, the Governor shall take into consideration the
16 recommendations of the nursing home professional associations.

17 (b) Members shall be appointed for a term of 4 years by the
18 Governor. The Governor shall fill any vacancy for the remainder
19 of the unexpired term. Any member of the Board may be removed
20 by the Governor for cause. Each member shall serve on the Board
21 until his or her successor is appointed and qualified. No
22 member of the Board shall serve more than 2 consecutive 4 year
23 terms.

24 In making appointments the Governor shall attempt to insure
25 that the various geographic regions of the State of Illinois
26 are properly represented.

1 (c) The Board shall annually elect one of its members as
2 chairperson and one as vice chairperson. No officer shall be
3 elected more than twice in succession to the same office. Each
4 officer shall serve until his or her successor has been elected
5 and qualified.

6 (d) Four members of the Board ~~A majority of the Board~~
7 ~~members currently appointed~~ shall constitute a quorum. The
8 affirmative vote of at least 4 members is required for Board
9 decisions. A vacancy in the membership of the Board shall not
10 impair the right of a quorum to exercise all the rights and
11 perform all the duties of the Board.

12 (e) Each member and member-officer of the Board may receive
13 a per diem stipend as the Secretary shall determine. Each
14 member shall be paid their necessary expenses while engaged in
15 the performance of his or her duties.

16 (f) (Blank).

17 (g) (Blank).

18 (h) Members of the Board shall be immune from suit in any
19 action based upon any disciplinary proceedings or other acts
20 performed in good faith as members of the Board.

21 (i) (Blank).

22 (j) The Secretary shall give due consideration to all
23 recommendations of the Board. If the Secretary disagrees with
24 or takes action contrary to the recommendation of the Board, he
25 or she shall provide the Board with a written and specific
26 explanation of his or her action.

1 (Source: P.A. 95-703, eff. 12-31-07.)

2 Section 1130. The Illinois Optometric Practice Act of 1987
3 is amended by changing Section 11 as follows:

4 (225 ILCS 80/11) (from Ch. 111, par. 3911)

5 (Section scheduled to be repealed on January 1, 2017)

6 Sec. 11. Optometric Licensing and Disciplinary Board. The
7 Secretary shall appoint an Illinois Optometric Licensing and
8 Disciplinary Board as follows: Seven persons who shall be
9 appointed by and shall serve in an advisory capacity to the
10 Secretary. Five members must be lawfully and actively engaged
11 in the practice of optometry in this State, one member shall be
12 a licensed optometrist, with a full-time faculty appointment
13 with the Illinois College of Optometry, and one member must be
14 a member of the public who shall be a voting member and is not
15 licensed under this Act, or a similar Act of another
16 jurisdiction, or have any connection with the profession.
17 Neither the public member nor the faculty member shall
18 participate in the preparation or administration of the
19 examination of applicants for licensure or certification.

20 Members shall serve 4-year terms and until their successors
21 are appointed and qualified. No member shall be appointed to
22 the Board for more than 2 successive 4-year terms, not counting
23 any partial terms when appointed to fill the unexpired portion
24 of a vacated term. Appointments to fill vacancies shall be made

1 in the same manner as original appointments, for the unexpired
2 portion of the vacated term.

3 The Board shall annually elect a chairperson and a
4 vice-chairperson, both of whom shall be licensed optometrists.

5 The membership of the Board should reasonably reflect
6 representation from the geographic areas in this State.

7 Four members of the Board ~~A majority of the Board members~~
8 ~~currently appointed~~ shall constitute a quorum. The affirmative
9 vote of at least 4 members is required for Board decisions. A
10 vacancy in the membership of the Board shall not impair the
11 right of a quorum to perform all of the duties of the Board.

12 The Secretary may terminate the appointment of any member
13 for cause.

14 The Secretary shall give due consideration to all
15 recommendations of the Board, and in the event that the
16 Secretary disagrees with or takes action contrary to the
17 recommendation of the Board, he or she shall provide the Board
18 with a written and specific explanation of this action. None of
19 the functions, powers or duties of the Department with respect
20 to policy matters relating to licensure, discipline, and
21 examination, including the promulgation of such rules as may be
22 necessary for the administration of this Act, shall be
23 exercised by the Department except upon review of the Board.

24 Without, in any manner, limiting the power of the
25 Department to conduct investigations, the Board may recommend
26 to the Secretary that one or more licensed optometrists be

1 selected by the Secretary to conduct or assist in any
2 investigation pursuant to this Act. Such licensed optometrist
3 may receive remuneration as determined by the Secretary.

4 (Source: P.A. 94-787, eff. 5-19-06.)

5 Section 1140. The Pharmacy Practice Act is amended by
6 changing Section 10 as follows:

7 (225 ILCS 85/10) (from Ch. 111, par. 4130)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 10. State Board of Pharmacy. There is created in the
10 Department the State Board of Pharmacy. It shall consist of 9
11 members, 7 of whom shall be licensed pharmacists. Each of those
12 7 members must be a licensed pharmacist in good standing in
13 this State, a graduate of an accredited college of pharmacy or
14 hold a Bachelor of Science degree in Pharmacy and have at least
15 5 years' practical experience in the practice of pharmacy
16 subsequent to the date of his licensure as a licensed
17 pharmacist in the State of Illinois. There shall be 2 public
18 members, who shall be voting members, who shall not be licensed
19 pharmacists in this State or any other state.

20 Each member shall be appointed by the Governor.

21 Members shall be appointed to 5 year terms. The Governor
22 shall fill any vacancy for the remainder of the unexpired term.
23 Partial terms over 3 years in length shall be considered full
24 terms. A member may be reappointed for a successive term, but

1 no member shall serve more than 2 full terms in his or her
2 lifetime.

3 In making the appointment of members on the Board, the
4 Governor shall give due consideration to recommendations by the
5 members of the profession of pharmacy and by pharmacy
6 organizations therein. The Governor shall notify the pharmacy
7 organizations promptly of any vacancy of members on the Board
8 and in appointing members shall give consideration to
9 individuals engaged in all types and settings of pharmacy
10 practice.

11 The Governor may remove any member of the Board for
12 misconduct, incapacity or neglect of duty and he shall be the
13 sole judge of the sufficiency of the cause for removal.

14 Each member of the Board shall be reimbursed for such
15 actual and legitimate expenses as he may incur in going to and
16 from the place of meeting and remaining thereat during sessions
17 of the Board. In addition, each member of the Board may receive
18 a per diem payment in an amount determined from time to time by
19 the Director for attendance at meetings of the Board and
20 conducting other official business of the Board.

21 The Board shall hold quarterly meetings at such times and
22 places and upon notice as the Department may determine and as
23 its business may require. Five members of the Board ~~A majority~~
24 ~~of the Board members currently appointed~~ shall constitute a
25 quorum. The affirmative vote of at least 5 members is required
26 for Board decisions. A vacancy in the membership of the Board

1 shall not impair the right of a quorum to exercise all the
2 rights and perform all the duties of the Board.

3 The Board shall exercise the rights, powers and duties
4 which have been vested in the Board under this Act, and any
5 other duties conferred upon the Board by law.

6 (Source: P.A. 95-689, eff. 10-29-07.)

7 Section 1150. The Podiatric Medical Practice Act of 1987 is
8 amended by changing Section 7 as follows:

9 (225 ILCS 100/7) (from Ch. 111, par. 4807)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 7. Creation of the Board. The Secretary shall appoint
12 a Podiatric Medical Licensing Board as follows: 5 members must
13 be actively engaged in the practice of podiatric medicine in
14 this State for a minimum of 3 years and one member must be a
15 member of the general public who is not licensed under this Act
16 or a similar Act of another jurisdiction.

17 Members shall serve 3 year terms and serve until their
18 successors are appointed and qualified. No member shall be
19 reappointed to the Board for a term that would cause his or her
20 continuous service on the Board to be longer than 8 successive
21 years.

22 Four members of the Board ~~A majority of Board members~~
23 ~~currently appointed~~ shall constitute a quorum. The affirmative
24 vote of at least 4 members is required for Board decisions. A

1 vacancy in the membership of the Board shall not impair the
2 right of a quorum to exercise the rights and perform all of the
3 duties of the Board.

4 In making appointments to the Board the Secretary shall
5 give due consideration to recommendations by the Illinois
6 Podiatric Medical Association and shall promptly give due
7 notice to the Illinois Podiatric Medical Association of any
8 vacancy in the membership of the Board.

9 Appointments to fill vacancies shall be made in the same
10 manner as original appointments, for the unexpired portion of
11 the vacated term.

12 The Board shall annually elect a chairperson and
13 vice-chairperson.

14 The membership of the Board should reasonably reflect
15 representation from the geographic areas in this State.

16 Members of the Board shall be immune from suit in any
17 action based upon any disciplinary proceedings or other
18 activities performed in good faith as members of the Board.

19 The members of the Board may receive as compensation a
20 reasonable sum as determined by the Secretary for each day
21 actually engaged in the duties of the office, and all
22 legitimate and necessary expenses incurred in attending the
23 meetings of the Board.

24 The Secretary may terminate the appointment of any member
25 for cause that in the opinion of the Secretary reasonably
26 justifies such termination.

1 The Secretary shall consider the recommendations of the
2 Board on questions involving standards of professional
3 conduct, discipline, and qualifications of candidates and
4 licensees under this Act.

5 Notice of proposed rulemaking shall be transmitted to the
6 Board and the Department shall review the response of the Board
7 and any recommendations made in the response. The Department
8 may, at any time, seek the expert advice and knowledge of the
9 Board on any matter relating to the administration or
10 enforcement of this Act.

11 (Source: P.A. 95-235, eff. 8-17-07.)

12 Section 1160. The Professional Boxing Act is amended by
13 changing Section 2 as follows:

14 (225 ILCS 105/2) (from Ch. 111, par. 5002)

15 (Section scheduled to be repealed on January 1, 2012)

16 Sec. 2. State Professional Boxing Board. There is created
17 the State Professional Boxing Board consisting of 6 persons who
18 shall be appointed by and shall serve in an advisory capacity
19 to the Director. One shall be a physician licensed to practice
20 medicine in all of its branches. The Director shall appoint
21 each member to serve for a term of 3 years and until his or her
22 successor is appointed and qualified. One member of the board
23 shall be designated as the Chairperson and one member shall be
24 designated as the Vice-chairperson. No member shall be

1 appointed to the Board for a term which would cause continuous
2 service to be more than 9 years. Service prior to January 1,
3 2000 shall not be considered in calculating length of service
4 on the Board. Each member of the board shall receive
5 compensation for each day he or she is engaged in transacting
6 the business of the board and, in addition, shall be reimbursed
7 for his or her authorized and approved expenses necessarily
8 incurred in relation to such service in accordance with the
9 travel regulations applicable to the Department at the time the
10 expenses are incurred.

11 Four members of the Board ~~A majority of the current members~~
12 ~~appointed~~ shall constitute a quorum. The affirmative vote of at
13 least 4 members is required for Board decisions.

14 The members of the Board shall be immune from suit in any
15 action based upon any disciplinary proceedings or other acts
16 performed in good faith as members of the Board.

17 The Director may remove any member of the Board for
18 misconduct, incapacity, or neglect of duty. The Director shall
19 reduce to writing any causes for removal.

20 (Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

21 Section 1170. The Professional Counselor and Clinical
22 Professional Counselor Licensing Act is amended by changing
23 Section 30 as follows:

24 (225 ILCS 107/30) (from Ch. 111, par. 8451-30)

1 (Section scheduled to be repealed on January 1, 2013)

2 Sec. 30. Professional Counselor Examining and Disciplinary
3 Board.

4 (a) The Director shall appoint a Board which shall serve in
5 an advisory capacity to the Director. The Board shall consist
6 of 7 persons, 2 of whom are licensed solely as professional
7 counselors, 3 of whom are licensed solely as clinical
8 professional counselors, one full-time faculty member of an
9 accredited college or university that is engaged in training
10 professional counselors or clinical professional counselors
11 who possesses the qualifications substantially equivalent to
12 the education and experience requirements for a professional
13 counselor or clinical professional counselor, and one member of
14 the public who is not a licensed health care provider. In
15 appointing members of the Board, the Director shall give due
16 consideration to the adequate representation of the various
17 fields of counseling. In appointing members of the Board, the
18 Director shall give due consideration to recommendations by
19 members of the professions of professional counseling and
20 clinical professional counseling, the Statewide organizations
21 representing the interests of professional counselors and
22 clinical professional counselors, organizations representing
23 the interests of academic programs, rehabilitation counseling
24 programs, and approved counseling programs in the State of
25 Illinois.

26 (b) Members shall be appointed for and shall serve 4 year

1 terms and until their successors are appointed and qualified,
2 except that of the initial appointments 2 members shall be
3 appointed to serve for 2 years, 2 shall be appointed to serve
4 for 3 years, and the remaining shall be appointed to serve for
5 4 years and until their successors are appointed and qualified.
6 No member shall be reappointed to the Board for a term that
7 would cause continuous service on the Board to be longer than 8
8 years. Any appointment to fill a vacancy shall be for the
9 unexpired portion of the term.

10 (c) The membership of the Board should reasonably reflect
11 representation from different geographic areas of Illinois.

12 (d) Any member appointed to fill a vacancy shall be
13 eligible for reappointment to only one full term.

14 (e) The Director may remove any member for cause at any
15 time prior to the expiration of his or her term.

16 (f) The Board shall annually elect one of its members as
17 chairperson.

18 (g) The members of the Board shall be reimbursed for all
19 legitimate, necessary, and authorized expenses incurred in
20 attending the meetings of the Board.

21 (h) The Board may make recommendations on matters relating
22 to approving graduate counseling, rehabilitation counseling,
23 psychology, and related programs.

24 (i) The Board may make recommendations on matters relating
25 to continuing education including the number of hours necessary
26 for license renewal, waivers for those unable to meet such

1 requirements, and acceptable course content. These
2 recommendations shall not impose an undue burden on the
3 Department or an unreasonable restriction on those seeking
4 license renewal.

5 (j) The Director shall give due consideration to all
6 recommendations of the Board.

7 (k) Four members of the Board ~~A majority of the Board~~
8 ~~members currently appointed~~ shall constitute a quorum. The
9 affirmative vote of at least 4 members is required for Board
10 decisions. A vacancy in the membership of the Board shall not
11 impair the right of a quorum to perform all of the duties of
12 the Board.

13 (l) Members of the Board shall have no criminal, civil, or
14 professional liability in an action based upon a disciplinary
15 proceeding or other activity performed in good faith as a
16 member of the Board, except for willful or wanton misconduct.

17 (Source: P.A. 92-719, eff. 7-25-02.)

18 Section 1180. The Illinois Speech-Language Pathology and
19 Audiology Practice Act is amended by changing Section 5 as
20 follows:

21 (225 ILCS 110/5) (from Ch. 111, par. 7905)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 5. Board of Speech-Language Pathology and Audiology.
24 There is created a Board of Speech-Language Pathology and

1 Audiology to be composed of persons designated from time to
2 time by the Secretary, as follows:

3 (a) Five persons, 2 of whom have been licensed
4 speech-language pathologists for a period of 5 years or
5 more, 2 of whom have been licensed audiologists for a
6 period of 5 years or more, and one public member. The board
7 shall annually elect a chairperson and a vice-chairperson.

8 (b) Terms for all members shall be for 3 years. A
9 member shall serve until his or her successor is appointed
10 and qualified. Partial terms over 2 years in length shall
11 be considered as full terms. A member may be reappointed
12 for a successive term, but no member shall serve more than
13 2 full terms.

14 (c) The membership of the Board should reasonably
15 reflect representation from the various geographic areas
16 of the State.

17 (d) In making appointments to the Board, the Secretary
18 shall give due consideration to recommendations by
19 organizations of the speech-language pathology and
20 audiology professions in Illinois, including the Illinois
21 Speech-Language-Hearing Association and the Illinois
22 Academy of Audiology, and shall promptly give due notice to
23 such organizations of any vacancy in the membership of the
24 Board. The Secretary may terminate the appointment of any
25 member for any cause, which in the opinion of the
26 Secretary, reasonably justifies such termination.

1 (e) Three members of the Board ~~A majority of the Board~~
2 ~~members currently appointed~~ shall constitute a quorum. A
3 vacancy in the membership of the Board shall not impair the
4 right of a quorum to exercise all the rights and perform
5 all the duties of the Board. The affirmative vote of at
6 least 3 members is required for Board decisions.

7 (f) The members of the Board may each receive as
8 compensation a reasonable sum as determined by the
9 Secretary for each day actually engaged in the duties of
10 the office, and all legitimate and necessary expenses
11 incurred in attending the meetings of the Board.

12 (g) Members of the Board shall be immune from suit in
13 any action based upon any disciplinary proceedings or other
14 activities performed in good faith as members of the Board.

15 (h) The Secretary may consider the recommendations of
16 the Board in establishing guidelines for professional
17 conduct, the conduct of formal disciplinary proceedings
18 brought under this Act, and qualifications of applicants.
19 Notice of proposed rulemaking shall be transmitted to the
20 Board and the Department shall review the response of the
21 Board and any recommendations made in the response. The
22 Department, at any time, may seek the expert advice and
23 knowledge of the Board on any matter relating to the
24 administration or enforcement of this Act.

25 (i) Whenever the Secretary is satisfied that
26 substantial justice has not been done either in an

1 examination or in the revocation, suspension, or refusal of
2 a license, or other disciplinary action relating to a
3 license, the Secretary may order a reexamination or
4 rehearing.

5 (Source: P.A. 94-528, eff. 8-10-05; 95-465, eff. 8-27-07.)

6 Section 1181. The Fire Equipment Distributor and Employee
7 Regulation Act of 2000 is amended by changing Section 25 as
8 follows:

9 (225 ILCS 216/25)

10 (Section scheduled to be repealed on January 1, 2011)

11 Sec. 25. Fire Equipment Distributor and Employee Advisory
12 Board. There is created the Fire Equipment Distributor and
13 Employee Advisory Board consisting of 9 members to be appointed
14 by the State Fire Marshal as soon as practicable after the
15 effective date of this Act. Two of the members shall possess at
16 least a Class A Fire Distributor License, 2 shall possess at
17 least a Class B Fire Distributor License, 2 shall possess at
18 least a Class C Fire Distributor License, 2 shall be
19 representatives of the active fire prevention services who are
20 not licensed under this Act, and one shall be a public member
21 who is not licensed under this Act or a similar Act of another
22 jurisdiction and who has no connection with any business
23 licensed under this Act. The State Fire Marshal shall be an ex
24 officio member of the Board. Each member shall be a resident of

1 Illinois. Each appointment to the Board shall have a minimum of
2 5 years experience as a licensee in the field in which the
3 person is licensed, be an officer in a licensed fire equipment
4 distributor company, and be actively engaged in the fire
5 equipment business. In making Board appointments, the State
6 Fire Marshal shall give consideration to the recommendations by
7 members of the profession and by organizations therein. The
8 membership shall reasonably reflect representation from
9 geographic areas in this State.

10 Each Board member shall serve for a term of 4 years and
11 until his or her successor is appointed and qualified. However,
12 in making initial appointments, one member shall be appointed
13 to serve for one year, 2 shall be appointed to serve for 2
14 years, 2 shall be appointed to serve for 3 years, and the
15 remaining members, one of whom shall be the public member,
16 shall be appointed to serve for 4 years. Appointments to fill
17 vacancies shall be made in the same manner as original
18 appointments for the unexpired portion of the vacated term.
19 Initial terms shall begin upon the effective date of this Act.

20 A member of the Board may be removed from office for just
21 cause. A member subject to formal disciplinary proceedings
22 shall disqualify himself or herself from Board business until
23 the charge is resolved. A member also shall disqualify himself
24 or herself from any matter on which the member may not
25 objectively make a decision.

26 Board members shall receive no compensation but shall be

1 reimbursed for expenses incurred in connection with their
2 duties as board members.

3 Five members of the Board ~~A majority of Board members then~~
4 ~~appointed~~ shall constitute a quorum. The affirmative vote of at
5 least 5 members is required for Board decisions. ~~A majority~~
6 ~~vote of the quorum is required for a Board decision.~~

7 The Board shall elect from its membership a chairman and
8 other officers as it may deem necessary.

9 Board members shall not be liable for any of their acts,
10 omissions, decisions, or any other conduct in connection with
11 their duties on the Board, except those involving willful,
12 wanton, or intentional misconduct.

13 The Board may have such powers as may be granted by the
14 State Fire Marshal to carry out the provisions of this Act.

15 (Source: P.A. 91-835, eff. 6-16-00.)

16 Section 1182. The Illinois Roofing Industry Licensing Act
17 is amended by changing Section 11.5 as follows:

18 (225 ILCS 335/11.5)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 11.5. The Roofing Advisory Board is created and shall
21 consist of 8 persons, one of whom is a knowledgeable public
22 member and 7 of whom have been issued licenses as roofing
23 contractors by the Department. One of the 7 licensed roofing
24 contractors on the Board shall represent a statewide

1 association representing home builders and another of the 7
2 licensed roofing contractors shall represent an association
3 predominately representing retailers. The public member shall
4 not be licensed under this Act or any other Act the Department
5 administers. Each member shall be appointed by the Director.
6 Members shall be appointed who reasonably represent the
7 different geographic areas of the State. Five members of the
8 Board shall constitute a quorum. The affirmative vote of at
9 least 5 members is required for Board decisions. ~~A quorum of~~
10 ~~the Board shall consist of the majority of Board members~~
11 ~~appointed.~~

12 Members of the Roofing Advisory Board shall be immune from
13 suit in any action based upon any disciplinary proceedings or
14 other acts performed in good faith as members of the Roofing
15 Advisory Board, unless the conduct that gave rise to the suit
16 was willful and wanton misconduct.

17 The persons appointed shall hold office for 4 years and
18 until a successor is appointed and qualified. The initial terms
19 shall begin July 1, 1997. Of the members of the Board first
20 appointed, 2 shall be appointed to serve for 2 years, 2 shall
21 be appointed to serve for 3 years, and 3 shall be appointed to
22 serve for 4 years. No member shall serve more than 2 complete 4
23 year terms.

24 Within 90 days of a vacancy occurring, the Director shall
25 fill the vacancy for the unexpired portion of the term with an
26 appointee who meets the same qualifications as the person whose

1 position has become vacant. The Board shall meet annually to
2 elect one member as chairman and one member as vice-chairman.
3 No officer shall be elected more than twice in succession to
4 the same office. The members of the Board shall receive
5 reimbursement for actual, necessary, and authorized expenses
6 incurred in attending the meetings of the Board.

7 (Source: P.A. 94-254, eff. 7-19-05.)

8 Section 1183. The Barber, Cosmetology, Esthetics, and Nail
9 Technology Act of 1985 is amended by changing Section 4-2 as
10 follows:

11 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 4-2. The Barber, Cosmetology, Esthetics, and Nail
14 Technology Board. There is established within the Department
15 the Barber, Cosmetology, Esthetics, and Nail Technology Board,
16 composed of 11 persons, which shall serve in an advisory
17 capacity to the Director in all matters related to the practice
18 of barbering, cosmetology, esthetics, and nail technology.

19 The 11 members of the Board shall be appointed as follows:
20 6 licensed cosmetologists, all of whom hold a current license
21 as a cosmetologist or cosmetology teacher and, for appointments
22 made after the effective date of this amendatory Act of 1996,
23 at least 2 of whom shall be an owner of or a major stockholder
24 in a school of cosmetology, 2 of whom shall be representatives

1 of either a franchiser or an owner operating salons in 2 or
2 more locations within the State, one of whom shall be an
3 independent salon owner, and no one of the cosmetologist
4 members shall be a manufacturer, jobber, or stockholder in a
5 factory of cosmetology articles or an immediate family member
6 of any of the above; 2 of whom shall be barbers holding a
7 current license; one member who shall be a licensed esthetician
8 or esthetics teacher; one member who shall be a licensed nail
9 technician or nail technology teacher; and one public member
10 who holds no licenses issued by the Department. The Director
11 shall give due consideration for membership to recommendations
12 by members of the professions and by their professional
13 organizations. Members shall serve 4 year terms and until their
14 successors are appointed and qualified. No member shall be
15 reappointed to the Board for more than 2 terms. Appointments to
16 fill vacancies shall be made in the same manner as original
17 appointments for the unexpired portion of the vacated term.
18 Members of the Board in office on the effective date of this
19 amendatory Act of 1996 shall continue to serve for the duration
20 of the terms to which they have been appointed, but beginning
21 on that effective date all appointments of licensed
22 cosmetologists and barbers to serve as members of the Board
23 shall be made in a manner that will effect at the earliest
24 possible date the changes made by this amendatory Act of 1996
25 in the representative composition of the Board.

26 Six members of the Board ~~A majority of Board members then~~

1 ~~appointed~~ constitutes a quorum. The affirmative vote of at
2 least 6 members is required for Board decisions. ~~A majority of~~
3 ~~the quorum is required for a Board decision.~~

4 Whenever the Director is satisfied that substantial
5 justice has not been done in an examination, the Director may
6 order a reexamination by the same or other examiners.

7 (Source: P.A. 93-253, eff. 7-22-03; 94-451, eff. 12-31-05.)

8 Section 1184. The Home Inspector License Act is amended by
9 changing Section 25-10 as follows:

10 (225 ILCS 441/25-10)

11 (Section scheduled to be repealed on January 1, 2012)

12 Sec. 25-10. Home Inspector Advisory Board.

13 (a) There is hereby created the Home Inspector Advisory
14 Board. The Board shall be composed of 7 voting members
15 appointed by the Commissioner, plus the liaison under Section
16 25-15, who shall serve ex officio and without vote. Members
17 shall be appointed to the Board subject to the following
18 conditions:

19 (1) All appointed members shall have been residents and
20 citizens of this State for at least 5 years prior to the
21 date of appointment.

22 (2) The appointed membership of the Board should
23 reasonably reflect the geographic distribution of the
24 population of the State.

1 (3) Five appointed members shall be actively engaged
2 and currently licensed as home inspectors, except that the
3 initial appointees may be persons without a license who
4 have been actively engaged as home inspectors for a period
5 of 5 years immediately before the effective date of this
6 Act. Failure of an initial appointee under this item (3) to
7 obtain a license by January 1, 2003 shall constitute
8 resignation from the Board.

9 (4) One appointed member shall hold a valid license as
10 a real estate broker and shall have been actively engaged
11 as a real estate broker for a period of not less than 5
12 years.

13 (5) One appointed member shall represent the interests
14 of the general public. This member and the member's spouse
15 shall not be licensed under this Act, nor be employed by
16 nor have any interest in a home inspection business or a
17 real estate brokerage business.

18 In making appointments to the Board, the Commissioner shall
19 give due consideration to recommendations by members and
20 organizations representing the home inspection and real estate
21 industries.

22 (b) The term for members of the Board shall be 4 years,
23 except for the initial appointees. Of the initial appointees, 4
24 members shall be appointed for terms ending January 1, 2007 and
25 3 members shall be appointed for terms ending January 1, 2006.
26 No member shall serve more than 10 years in a lifetime.

1 (c) The Commissioner may terminate the appointment of any
2 member for cause that, in the opinion of the Commissioner,
3 reasonably justifies the termination. Cause for termination
4 may include, without limitation, misconduct, incapacity,
5 neglect of duty, or missing 4 Board meetings during any one
6 calendar year.

7 (d) Four members of the Board ~~A majority of the voting~~
8 ~~members currently appointed~~ shall constitute a quorum. The
9 affirmative vote of at least 4 members is required for Board
10 decisions. A vacancy in the membership of the Board shall not
11 impair the right of a quorum to exercise all of the rights and
12 perform all of the duties of the Board.

13 (e) The Board shall meet at least quarterly and may be
14 convened by the Chairperson or 3 members of the Board upon 10
15 days' written notice.

16 (g) The liaison appointed pursuant to Section 25-15 of this
17 Act shall serve, ex officio, as Chairperson of the Board,
18 without vote.

19 (h) The Board shall advise OBRE on matters of licensing and
20 education and shall make recommendations to OBRE on those
21 matters. OBRE shall give due consideration to all
22 recommendations presented by the Board.

23 (i) The Board shall hear and make recommendations to the
24 Commissioner on disciplinary matters that require a formal
25 evidentiary hearing. The Commissioner shall give due
26 consideration to the recommendations of the Board involving

1 discipline and questions about the standards of professional
2 conduct of licensees.

3 (j) The Board may make recommendations to OBRE concerning
4 the consistency of the rules with the provisions of this Act
5 and the administration and enforcement of the rules. OBRE shall
6 give due consideration to the recommendations of the Board
7 prior to promulgating rules.

8 (k) The Board shall make recommendations to OBRE on the
9 approval of courses submitted to OBRE pursuant to this Act and
10 rules. OBRE shall give due consideration to the recommendations
11 of the Board prior to approving courses.

12 (l) Each voting member of the Board shall receive a per
13 diem stipend in an amount to be determined by the Commissioner.
14 Each voting member shall be paid his or her necessary expenses
15 while engaged in the performance of his or her duties.

16 (m) Members of the Board shall be immune from suit in an
17 action based upon any disciplinary proceedings or other acts
18 performed in good faith as members of the Board.

19 (Source: P.A. 92-239, eff. 8-3-01.)

20 Section 1185. The Interpreter for the Deaf Licensure Act of
21 2007 is amended by changing Section 65 as follows:

22 (225 ILCS 443/65)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 65. Illinois Board of Interpreters.

1 (a) The Director shall appoint an Illinois Board of
2 Interpreters for the Deaf consisting of 7 voting members who
3 shall serve in an advisory capacity to the Commission and to
4 the Department. The Director shall consider recommendations by
5 consumer and professional groups related to the interpreting
6 profession and deaf and hard of hearing community. The Board
7 shall be composed of 4 licensed interpreters for the deaf, 3
8 deaf or hard of hearing consumers, and the Interpreter
9 Coordinator who shall serve as a non-voting member.

10 (b) The initial Board shall be appointed no later than
11 January 31, 2008.

12 (c) The Board shall meet no less than 2 times per year and
13 may hold additional meetings as required in the performance of
14 its duties.

15 (d) The members shall be appointed to serve 4-year terms
16 and shall serve until successors are appointed and qualified,
17 except that initial appointments shall be staggered with one
18 member appointed to serve for one year, 2 members appointed to
19 serve for 2 years, 2 members appointed to serve for 3 years,
20 and 2 members appointed to serve for 4 years. No member shall
21 be eligible to serve more than 2 consecutive terms. A vacancy
22 in the Board shall be filled by appointment by the Director for
23 the remainder of the unexpired term. Those interpreter members
24 appointed initially must qualify for and obtain licensure under
25 this Act on or before July 1, 2009.

26 (e) In making appointments, the Director shall attempt to

1 ensure that various ethnic and geographic regions of the State
2 are properly represented.

3 (f) The membership of the Board shall reflect the
4 differences in certification, experience, education, and
5 background and knowledge of interpreting for the deaf and
6 evaluation.

7 (g) The Director may terminate the appointment of any
8 member for misconduct, inefficiency, incompetence, or neglect
9 of his or her official duties.

10 (h) The Board shall make recommendations to the Director in
11 establishing guidelines for policies and procedures under this
12 Act. Notice of proposed rulemaking shall be transmitted to the
13 Board and the Director shall review the response, with the
14 exception of the need for emergency rulemaking.

15 (i) The Director shall consider the recommendation of the
16 Board on all matters and questions relating to this Act.

17 (j) The Board shall annually elect from its membership a
18 chairperson, vice chairperson, and a secretary.

19 (k) Members of the Board shall be reimbursed for all
20 authorized legitimate and necessary expenses incurred in
21 attending the meetings of the Board.

22 (l) Four members of the Board ~~A majority of the Board~~
23 ~~members currently appointed~~ shall constitute a quorum. The
24 affirmative vote of at least 4 members is required for Board
25 decisions. A vacancy in the membership of the Board shall not
26 impair the right of a quorum to perform all of the duties of

1 the Board.

2 (m) Except in cases of willful and wanton misconduct,
3 members shall be immune from suit in any action based upon any
4 disciplinary proceedings or other acts performed in good faith
5 as members of the Board.

6 (Source: P.A. 95-617, eff. 9-12-07.)

7 Section 1186. The Real Estate Appraiser Licensing Act of
8 2002 is amended by changing Section 25-10 as follows:

9 (225 ILCS 458/25-10)

10 (Section scheduled to be repealed on January 1, 2012)

11 Sec. 25-10. Real Estate Appraisal Board; appointment.

12 (a) There is hereby created the Real Estate Appraisal
13 Board. The Board shall be composed of 10 persons appointed by
14 the Governor, plus the Director of the Real Estate Appraisal
15 Division. Members shall be appointed to the Board subject to
16 the following conditions:

17 (1) All appointed members shall have been residents and
18 citizens of this State for at least 5 years prior to the
19 date of appointment.

20 (2) The appointed membership of the Board should
21 reasonably reflect the geographic distribution of the
22 population of the State.

23 (3) Four appointed members shall have been actively
24 engaged and currently licensed as State certified general

1 real estate appraisers for a period of not less than 5
2 years.

3 (4) Two appointed members shall have been actively
4 engaged and currently licensed as State certified
5 residential real estate appraisers for a period of not less
6 than 5 years.

7 (5) Two appointed members shall hold a valid license as
8 a real estate broker for at least 10 years prior to the
9 date of the appointment and shall hold a valid appraiser
10 license issued under this Act or a predecessor Act for a
11 period of at least 5 years prior to the appointment.

12 (6) One appointed member shall be a representative of a
13 financial institution, as evidenced by his or her
14 employment with a financial institution.

15 (7) One appointed member shall represent the interests
16 of the general public. This member or his or her spouse
17 shall not be licensed under this Act nor be employed by or
18 have any interest in an appraisal business, real estate
19 brokerage business, or a financial institution.

20 In making appointments as provided in paragraphs (3) and
21 (4) of this subsection, the Governor shall give due
22 consideration to recommendations by members and organizations
23 representing the real estate appraisal industry.

24 In making the appointments as provided in paragraph (5) of
25 this subsection, the Governor shall give due consideration to
26 the recommendations by members and organizations representing

1 the real estate industry.

2 In making the appointment as provided in paragraph (6) of
3 this subsection, the Governor shall give due consideration to
4 the recommendations by members and organizations representing
5 financial institutions.

6 (b) The term for members of the Board shall be 4 years,
7 except for the initial appointees. Of the initial appointments,
8 4 members shall be appointed for terms ending June 30, 2006, 3
9 members shall be appointed for terms ending June 30, 2005, and
10 3 members shall be appointed for terms ending June 30, 2004. No
11 member shall serve more than 10 years in a lifetime. Those
12 persons serving on the Board pursuant to the Real Estate
13 Appraiser Licensing Act shall become members of the new Board
14 on July 1, 2002 and shall serve until the Governor has made the
15 new appointments pursuant to this Act.

16 (c) The Governor may terminate the appointment of a member
17 for cause that, in the opinion of the Governor, reasonably
18 justifies the termination. Cause for termination may include,
19 without limitation, misconduct, incapacity, neglect of duty,
20 or missing 4 Board meetings during any one calendar year.

21 (d) Six members of the Board ~~A majority of the Board~~
22 ~~members currently appointed~~ shall constitute a quorum. The
23 affirmative vote of at least 6 members is required for Board
24 decisions. A vacancy in the membership of the Board shall not
25 impair the right of a quorum to exercise all of the rights and
26 perform all of the duties of the Board.

1 (e) The Board shall meet at least quarterly and may be
2 convened by the Chairperson, Co-Chairperson, or 3 members of
3 the Board upon 10 days written notice.

4 (f) The Board shall, annually at the first meeting of the
5 fiscal year, elect a Chairperson and Vice-Chairperson from its
6 members. The Chairperson shall preside over the meetings and
7 shall coordinate with the Director in developing and
8 distributing an agenda for each meeting. In the absence of the
9 Chairperson, the Co-Chairperson shall preside over the
10 meeting.

11 (g) The Director of the Real Estate Appraisal Division
12 shall serve as a member of the Board without vote.

13 (h) The Board shall advise and make recommendations to OBRE
14 on matters of licensing and education. OBRE shall give due
15 consideration to all recommendations presented by the Board.

16 (i) The Board shall hear and make recommendations to the
17 Commissioner on disciplinary matters that require a formal
18 evidentiary hearing. The Commissioner shall give due
19 consideration to the recommendations of the Board involving
20 discipline and questions involving standards of professional
21 conduct of licensees.

22 (j) The Board may make recommendations to OBRE consistent
23 with the provisions of this Act and for the administration and
24 enforcement of the rules adopted pursuant to this Act. OBRE
25 shall give due consideration to the recommendations of the
26 Board prior to adopting rules.

1 (k) The Board shall make recommendations to OBRE on the
2 approval of courses submitted to OBRE pursuant to this Act and
3 the rules adopted pursuant to this Act. OBRE shall give due
4 consideration to the recommendations of the Board prior to
5 approving and licensing courses.

6 (l) Each voting member of the Board shall receive a per
7 diem stipend in an amount to be determined by the Commissioner.
8 Each member shall be paid his or her necessary expenses while
9 engaged in the performance of his or her duties.

10 (m) Members of the Board shall be immune from suit in an
11 action based upon any disciplinary proceedings or other acts
12 performed in good faith as members of the Board.

13 (Source: P.A. 92-180, eff. 7-1-02.)

14 Section 1190. The Illinois Horse Racing Act of 1975 is
15 amended by adding Section 2.5 and by changing Sections 28 and
16 30 as follows:

17 (230 ILCS 5/2.5 new)

18 Sec. 2.5. Separation from Department of Revenue. On the
19 effective date of this amendatory Act of the 96th General
20 Assembly, all of the powers, duties, assets, liabilities,
21 employees, contracts, property, records, pending business, and
22 unexpended appropriations of the Department of Revenue related
23 to the administration and enforcement of this Act are
24 transferred to the Illinois Racing Board, except as

1 specifically provided in this Act.

2 The status and rights of the transferred employees, and the
3 rights of the State of Illinois and its agencies, under the
4 Personnel Code and applicable collective bargaining agreements
5 or under any pension, retirement, or annuity plan are not
6 affected by that transfer or by any other provision of this
7 amendatory Act of the 96th General Assembly.

8 This amendatory Act of the 96th General Assembly supersedes
9 Executive Order 9 (2003) and Executive Order 09-05, filed April
10 1, 2009.

11 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

12 Sec. 28. Except as provided in subsection (g) of Section 27
13 of this Act, moneys collected shall be distributed according to
14 the provisions of this Section 28.

15 (a) Thirty per cent of the total of all monies received by
16 the State as privilege taxes shall be paid into the
17 Metropolitan Exposition Auditorium and Office Building Fund in
18 the State Treasury.

19 (b) In addition, 4.5% of the total of all monies received
20 by the State as privilege taxes shall be paid into the State
21 treasury into a special Fund to be known as the Metropolitan
22 Exposition, Auditorium, and Office Building Fund.

23 (c) Fifty per cent of the total of all monies received by
24 the State as privilege taxes under the provisions of this Act
25 shall be paid into the Agricultural Premium Fund.

1 (d) Seven per cent of the total of all monies received by
2 the State as privilege taxes shall be paid into the Fair and
3 Exposition Fund in the State treasury; provided, however, that
4 when all bonds issued prior to July 1, 1984 by the Metropolitan
5 Fair and Exposition Authority shall have been paid or payment
6 shall have been provided for upon a refunding of those bonds,
7 thereafter 1/12 of \$1,665,662 of such monies shall be paid each
8 month into the Build Illinois Fund, and the remainder into the
9 Fair and Exposition Fund. All excess monies shall be allocated
10 to the Department of Agriculture for distribution to county
11 fairs for premiums and rehabilitation as set forth in the
12 Agricultural Fair Act.

13 (e) The monies provided for in Section 30 shall be paid
14 into the Illinois Thoroughbred Breeders Fund.

15 (f) The monies provided for in Section 31 shall be paid
16 into the Illinois Standardbred Breeders Fund.

17 (g) Until January 1, 2000, that part representing 1/2 of
18 the total breakage in Thoroughbred, Harness, Appaloosa,
19 Arabian, and Quarter Horse racing in the State shall be paid
20 into the Illinois Race Track Improvement Fund as established in
21 Section 32.

22 (h) All other monies received by the Board under this Act
23 shall be paid into the General Revenue Fund of the State.

24 (i) The salaries of the Board members, secretary, stewards,
25 directors of mutuels, veterinarians, representatives,
26 accountants, clerks, stenographers, inspectors and other

1 employees of the Board, and all expenses of the Board incident
2 to the administration of this Act, including, but not limited
3 to, all expenses and salaries incident to the taking of saliva
4 and urine samples in accordance with the rules and regulations
5 of the Board shall be paid out of the Agricultural Premium
6 Fund.

7 (j) The Agricultural Premium Fund shall also be used:

8 (1) for the expenses of operating the Illinois State
9 Fair and the DuQuoin State Fair, including the payment of
10 prize money or premiums;

11 (2) for the distribution to county fairs, vocational
12 agriculture section fairs, agricultural societies, and
13 agricultural extension clubs in accordance with the
14 Agricultural Fair Act, as amended;

15 (3) for payment of prize monies and premiums awarded
16 and for expenses incurred in connection with the
17 International Livestock Exposition and the Mid-Continent
18 Livestock Exposition held in Illinois, which premiums, and
19 awards must be approved, and paid by the Illinois
20 Department of Agriculture;

21 (4) for personal service of county agricultural
22 advisors and county home advisors;

23 (5) for distribution to agricultural home economic
24 extension councils in accordance with "An Act in relation
25 to additional support and finance for the Agricultural and
26 Home Economic Extension Councils in the several counties in

1 this State and making an appropriation therefor", approved
2 July 24, 1967, as amended;

3 (6) for research on equine disease, including a
4 development center therefor;

5 (7) for training scholarships for study on equine
6 diseases to students at the University of Illinois College
7 of Veterinary Medicine;

8 (8) for the rehabilitation, repair and maintenance of
9 the Illinois and DuQuoin State Fair Grounds and the
10 structures and facilities thereon and the construction of
11 permanent improvements on such Fair Grounds, including
12 such structures, facilities and property located on such
13 State Fair Grounds which are under the custody and control
14 of the Department of Agriculture;

15 (9) for the expenses of the Department of Agriculture
16 under Section 5-530 of the Departments of State Government
17 Law (20 ILCS 5/5-530);

18 (10) for the expenses of the Department of Commerce and
19 Economic Opportunity under Sections 605-620, 605-625, and
20 605-630 of the Department of Commerce and Economic
21 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and
22 605/605-630);

23 (11) for remodeling, expanding, and reconstructing
24 facilities destroyed by fire of any Fair and Exposition
25 Authority in counties with a population of 1,000,000 or
26 more inhabitants;

1 (12) for the purpose of assisting in the care and
2 general rehabilitation of disabled veterans of any war and
3 their surviving spouses and orphans;

4 (13) for expenses of the Department of State Police for
5 duties performed under this Act;

6 (14) for the Department of Agriculture for soil surveys
7 and soil and water conservation purposes;

8 (15) for the Department of Agriculture for grants to
9 the City of Chicago for conducting the Chicagofest. +

10 ~~(16) for the State Comptroller for grants and operating~~
11 ~~expenses authorized by the Illinois Global Partnership~~
12 ~~Act.~~

13 (k) To the extent that monies paid by the Board to the
14 Agricultural Premium Fund are in the opinion of the Governor in
15 excess of the amount necessary for the purposes herein stated,
16 the Governor shall notify the Comptroller and the State
17 Treasurer of such fact, who, upon receipt of such notification,
18 shall transfer such excess monies from the Agricultural Premium
19 Fund to the General Revenue Fund.

20 (Source: P.A. 94-91, Sections 55-135 and 90-10, eff. 7-1-05.)

21 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

22 Sec. 30. (a) The General Assembly declares that it is the
23 policy of this State to encourage the breeding of thoroughbred
24 horses in this State and the ownership of such horses by
25 residents of this State in order to provide for: sufficient

1 numbers of high quality thoroughbred horses to participate in
2 thoroughbred racing meetings in this State, and to establish
3 and preserve the agricultural and commercial benefits of such
4 breeding and racing industries to the State of Illinois. It is
5 the intent of the General Assembly to further this policy by
6 the provisions of this Act.

7 (b) Each organization licensee conducting a thoroughbred
8 racing meeting pursuant to this Act shall provide at least two
9 races each day limited to Illinois conceived and foaled horses
10 or Illinois foaled horses or both. A minimum of 6 races shall
11 be conducted each week limited to Illinois conceived and foaled
12 or Illinois foaled horses or both. No horses shall be permitted
13 to start in such races unless duly registered under the rules
14 of the Department of Agriculture.

15 (c) Conditions of races under subsection (b) shall be
16 commensurate with past performance, quality, and class of
17 Illinois conceived and foaled and Illinois foaled horses
18 available. If, however, sufficient competition cannot be had
19 among horses of that class on any day, the races may, with
20 consent of the Board, be eliminated for that day and substitute
21 races provided.

22 (d) There is hereby created a special fund of the State
23 Treasury to be known as the Illinois Thoroughbred Breeders
24 Fund.

25 Except as provided in subsection (g) of Section 27 of this
26 Act, 8.5% of all the monies received by the State as privilege

1 taxes on Thoroughbred racing meetings shall be paid into the
2 Illinois Thoroughbred Breeders Fund.

3 (e) The Illinois Thoroughbred Breeders Fund shall be
4 administered by the Department of Agriculture with the advice
5 and assistance of the Advisory Board created in subsection (f)
6 of this Section.

7 (f) The Illinois Thoroughbred Breeders Fund Advisory Board
8 shall consist of the Director of the Department of Agriculture,
9 who shall serve as Chairman; a member of the Illinois Racing
10 Board, designated by it; 2 representatives of the organization
11 licensees conducting thoroughbred racing meetings, recommended
12 by them; 2 representatives of the Illinois Thoroughbred
13 Breeders and Owners Foundation, recommended by it; and 2
14 representatives of the Horsemen's Benevolent Protective
15 Association or any successor organization established in
16 Illinois comprised of the largest number of owners and
17 trainers, recommended by it, with one representative of the
18 Horsemen's Benevolent and Protective Association to come from
19 its Illinois Division, and one from its Chicago Division.
20 Advisory Board members shall serve for 2 years commencing
21 January 1 of each odd numbered year. If representatives of the
22 organization licensees conducting thoroughbred racing
23 meetings, the Illinois Thoroughbred Breeders and Owners
24 Foundation, and the Horsemen's Benevolent Protection
25 Association have not been recommended by January 1, of each odd
26 numbered year, the Director of the Department of Agriculture

1 shall make an appointment for the organization failing to so
2 recommend a member of the Advisory Board. Advisory Board
3 members shall receive no compensation for their services as
4 members but shall be reimbursed for all actual and necessary
5 expenses and disbursements incurred in the execution of their
6 official duties.

7 (g) No monies shall be expended from the Illinois
8 Thoroughbred Breeders Fund except as appropriated by the
9 General Assembly. Monies appropriated from the Illinois
10 Thoroughbred Breeders Fund shall be expended by the Department
11 of Agriculture, with the advice and assistance of the Illinois
12 Thoroughbred Breeders Fund Advisory Board, for the following
13 purposes only:

14 (1) To provide purse supplements to owners of horses
15 participating in races limited to Illinois conceived and
16 foaled and Illinois foaled horses. Any such purse
17 supplements shall not be included in and shall be paid in
18 addition to any purses, stakes, or breeders' awards offered
19 by each organization licensee as determined by agreement
20 between such organization licensee and an organization
21 representing the horsemen. No monies from the Illinois
22 Thoroughbred Breeders Fund shall be used to provide purse
23 supplements for claiming races in which the minimum
24 claiming price is less than \$7,500.

25 (2) To provide stakes and awards to be paid to the
26 owners of the winning horses in certain races limited to

1 Illinois conceived and foaled and Illinois foaled horses
2 designated as stakes races.

3 (2.5) To provide an award to the owner or owners of an
4 Illinois conceived and foaled or Illinois foaled horse that
5 wins a maiden special weight, an allowance, overnight
6 handicap race, or claiming race with claiming price of
7 \$10,000 or more providing the race is not restricted to
8 Illinois conceived and foaled or Illinois foaled horses.
9 Awards shall also be provided to the owner or owners of
10 Illinois conceived and foaled and Illinois foaled horses
11 that place second or third in those races. To the extent
12 that additional moneys are required to pay the minimum
13 additional awards of 40% of the purse the horse earns for
14 placing first, second or third in those races for Illinois
15 foaled horses and of 60% of the purse the horse earns for
16 placing first, second or third in those races for Illinois
17 conceived and foaled horses, those moneys shall be provided
18 from the purse account at the track where earned.

19 (3) To provide stallion awards to the owner or owners
20 of any stallion that is duly registered with the Illinois
21 Thoroughbred Breeders Fund Program prior to the effective
22 date of this amendatory Act of 1995 whose duly registered
23 Illinois conceived and foaled offspring wins a race
24 conducted at an Illinois thoroughbred racing meeting other
25 than a claiming race. Such award shall not be paid to the
26 owner or owners of an Illinois stallion that served outside

1 this State at any time during the calendar year in which
2 such race was conducted.

3 (4) To provide \$75,000 annually for purses to be
4 distributed to county fairs that provide for the running of
5 races during each county fair exclusively for the
6 thoroughbreds conceived and foaled in Illinois. The
7 conditions of the races shall be developed by the county
8 fair association and reviewed by the Board ~~Department~~ with
9 the advice and assistance of the Illinois Thoroughbred
10 Breeders Fund Advisory Board. There shall be no wagering of
11 any kind on the running of Illinois conceived and foaled
12 races at county fairs.

13 (4.1) To provide purse money for an Illinois stallion
14 stakes program.

15 (5) No less than 80% of all monies appropriated from
16 the Illinois Thoroughbred Breeders Fund shall be expended
17 for the purposes in (1), (2), (2.5), (3), (4), (4.1), and
18 (5) as shown above.

19 (6) To provide for educational programs regarding the
20 thoroughbred breeding industry.

21 (7) To provide for research programs concerning the
22 health, development and care of the thoroughbred horse.

23 (8) To provide for a scholarship and training program
24 for students of equine veterinary medicine.

25 (9) To provide for dissemination of public information
26 designed to promote the breeding of thoroughbred horses in

1 Illinois.

2 (10) To provide for all expenses incurred in the
3 administration of the Illinois Thoroughbred Breeders Fund.

4 (h) Whenever the Governor finds that the amount in the
5 Illinois Thoroughbred Breeders Fund is more than the total of
6 the outstanding appropriations from such fund, the Governor
7 shall notify the State Comptroller and the State Treasurer of
8 such fact. The Comptroller and the State Treasurer, upon
9 receipt of such notification, shall transfer such excess amount
10 from the Illinois Thoroughbred Breeders Fund to the General
11 Revenue Fund.

12 (i) A sum equal to 12 1/2% of the first prize money of
13 every purse won by an Illinois foaled or an Illinois conceived
14 and foaled horse in races not limited to Illinois foaled horses
15 or Illinois conceived and foaled horses, or both, shall be paid
16 by the organization licensee conducting the horse race meeting.
17 Such sum shall be paid from the organization licensee's share
18 of the money wagered as follows: 11 1/2% to the breeder of the
19 winning horse and 1% to the organization representing
20 thoroughbred breeders and owners whose representative serves
21 on the Illinois Thoroughbred Breeders Fund Advisory Board for
22 verifying the amounts of breeders' awards earned, assuring
23 their distribution in accordance with this Act, and servicing
24 and promoting the Illinois thoroughbred horse racing industry.
25 The organization representing thoroughbred breeders and owners
26 shall cause all expenditures of monies received under this

1 subsection (i) to be audited at least annually by a registered
2 public accountant. The organization shall file copies of each
3 annual audit with the Racing Board, the Clerk of the House of
4 Representatives and the Secretary of the Senate, and shall make
5 copies of each annual audit available to the public upon
6 request and upon payment of the reasonable cost of photocopying
7 the requested number of copies. Such payments shall not reduce
8 any award to the owner of the horse or reduce the taxes payable
9 under this Act. Upon completion of its racing meet, each
10 organization licensee shall deliver to the organization
11 representing thoroughbred breeders and owners whose
12 representative serves on the Illinois Thoroughbred Breeders
13 Fund Advisory Board a listing of all the Illinois foaled and
14 the Illinois conceived and foaled horses which won breeders'
15 awards and the amount of such breeders' awards under this
16 subsection to verify accuracy of payments and assure proper
17 distribution of breeders' awards in accordance with the
18 provisions of this Act. Such payments shall be delivered by the
19 organization licensee within 30 days of the end of each race
20 meeting.

21 (j) A sum equal to 12 1/2% of the first prize money won in
22 each race limited to Illinois foaled horses or Illinois
23 conceived and foaled horses, or both, shall be paid in the
24 following manner by the organization licensee conducting the
25 horse race meeting, from the organization licensee's share of
26 the money wagered: 11 1/2% to the breeders of the horses in

1 each such race which are the official first, second, third and
2 fourth finishers and 1% to the organization representing
3 thoroughbred breeders and owners whose representative serves
4 on the Illinois Thoroughbred Breeders Fund Advisory Board for
5 verifying the amounts of breeders' awards earned, assuring
6 their proper distribution in accordance with this Act, and
7 servicing and promoting the Illinois thoroughbred horse racing
8 industry. The organization representing thoroughbred breeders
9 and owners shall cause all expenditures of monies received
10 under this subsection (j) to be audited at least annually by a
11 registered public accountant. The organization shall file
12 copies of each annual audit with the Racing Board, the Clerk of
13 the House of Representatives and the Secretary of the Senate,
14 and shall make copies of each annual audit available to the
15 public upon request and upon payment of the reasonable cost of
16 photocopying the requested number of copies.

17 The 11 1/2% paid to the breeders in accordance with this
18 subsection shall be distributed as follows:

19 (1) 60% of such sum shall be paid to the breeder of the
20 horse which finishes in the official first position;

21 (2) 20% of such sum shall be paid to the breeder of the
22 horse which finishes in the official second position;

23 (3) 15% of such sum shall be paid to the breeder of the
24 horse which finishes in the official third position; and

25 (4) 5% of such sum shall be paid to the breeder of the
26 horse which finishes in the official fourth position.

1 Such payments shall not reduce any award to the owners of a
2 horse or reduce the taxes payable under this Act. Upon
3 completion of its racing meet, each organization licensee shall
4 deliver to the organization representing thoroughbred breeders
5 and owners whose representative serves on the Illinois
6 Thoroughbred Breeders Fund Advisory Board a listing of all the
7 Illinois foaled and the Illinois conceived and foaled horses
8 which won breeders' awards and the amount of such breeders'
9 awards in accordance with the provisions of this Act. Such
10 payments shall be delivered by the organization licensee within
11 30 days of the end of each race meeting.

12 (k) The term "breeder", as used herein, means the owner of
13 the mare at the time the foal is dropped. An "Illinois foaled
14 horse" is a foal dropped by a mare which enters this State on
15 or before December 1, in the year in which the horse is bred,
16 provided the mare remains continuously in this State until its
17 foal is born. An "Illinois foaled horse" also means a foal born
18 of a mare in the same year as the mare enters this State on or
19 before March 1, and remains in this State at least 30 days
20 after foaling, is bred back during the season of the foaling to
21 an Illinois Registered Stallion (unless a veterinarian
22 certifies that the mare should not be bred for health reasons),
23 and is not bred to a stallion standing in any other state
24 during the season of foaling. An "Illinois foaled horse" also
25 means a foal born in Illinois of a mare purchased at public
26 auction subsequent to the mare entering this State prior to

1 February 1 of the foaling year providing the mare is owned
2 solely by one or more Illinois residents or an Illinois entity
3 that is entirely owned by one or more Illinois residents.

4 (1) The Department of Agriculture shall, by rule, with the
5 advice and assistance of the Illinois Thoroughbred Breeders
6 Fund Advisory Board:

7 (1) Qualify stallions for Illinois breeding; such
8 stallions to stand for service within the State of Illinois
9 at the time of a foal's conception. Such stallion must not
10 stand for service at any place outside the State of
11 Illinois during the calendar year in which the foal is
12 conceived. The Department of Agriculture may assess and
13 collect application fees for the registration of
14 Illinois-eligible stallions. All fees collected are to be
15 paid into the Illinois Thoroughbred Breeders Fund.

16 (2) Provide for the registration of Illinois conceived
17 and foaled horses and Illinois foaled horses. No such horse
18 shall compete in the races limited to Illinois conceived
19 and foaled horses or Illinois foaled horses or both unless
20 registered with the Department of Agriculture. The
21 Department of Agriculture may prescribe such forms as are
22 necessary to determine the eligibility of such horses. The
23 Department of Agriculture may assess and collect
24 application fees for the registration of Illinois-eligible
25 foals. All fees collected are to be paid into the Illinois
26 Thoroughbred Breeders Fund. No person shall knowingly

1 prepare or cause preparation of an application for
2 registration of such foals containing false information.

3 (m) The Department of Agriculture, with the advice and
4 assistance of the Illinois Thoroughbred Breeders Fund Advisory
5 Board, shall provide that certain races limited to Illinois
6 conceived and foaled and Illinois foaled horses be stakes races
7 and determine the total amount of stakes and awards to be paid
8 to the owners of the winning horses in such races.

9 In determining the stakes races and the amount of awards
10 for such races, the Department of Agriculture shall consider
11 factors, including but not limited to, the amount of money
12 appropriated for the Illinois Thoroughbred Breeders Fund
13 program, organization licensees' contributions, availability
14 of stakes caliber horses as demonstrated by past performances,
15 whether the race can be coordinated into the proposed racing
16 dates within organization licensees' racing dates, opportunity
17 for colts and fillies and various age groups to race, public
18 wagering on such races, and the previous racing schedule.

19 (n) The Board and the organizational licensee shall notify
20 the Department of the conditions and minimum purses for races
21 limited to Illinois conceived and foaled and Illinois foaled
22 horses conducted for each organizational licensee conducting a
23 thoroughbred racing meeting. The Department of Agriculture
24 with the advice and assistance of the Illinois Thoroughbred
25 Breeders Fund Advisory Board may allocate monies for purse
26 supplements for such races. In determining whether to allocate

1 money and the amount, the Department of Agriculture shall
2 consider factors, including but not limited to, the amount of
3 money appropriated for the Illinois Thoroughbred Breeders Fund
4 program, the number of races that may occur, and the
5 organizational licensee's purse structure.

6 (o) In order to improve the breeding quality of
7 thoroughbred horses in the State, the General Assembly
8 recognizes that existing provisions of this Section to
9 encourage such quality breeding need to be revised and
10 strengthened. As such, a Thoroughbred Breeder's Program Task
11 Force is to be appointed by the Governor by September 1, 1999
12 to make recommendations to the General Assembly by no later
13 than March 1, 2000. This task force is to be composed of 2
14 representatives from the Illinois Thoroughbred Breeders and
15 Owners Foundation, 2 from the Illinois Thoroughbred Horsemen's
16 Association, 3 from Illinois race tracks operating
17 thoroughbred race meets for an average of at least 30 days in
18 the past 3 years, the Director of Agriculture, the Executive
19 Director of the Racing Board, who shall serve as Chairman.

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

21 Section 1200. The Riverboat Gambling Act is amended by
22 changing Sections 4, 5, and 13 and by adding Section 5.5 as
23 follows:

24 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

3 (b) "Occupational license" means a license issued by the
4 Board to a person or entity to perform an occupation which the
5 Board has identified as requiring a license to engage in
6 riverboat gambling in Illinois.

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

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

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

21 (f) "Dock" means the location where a riverboat moors for
22 the purpose of embarking passengers for and disembarking
23 passengers from the riverboat.

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

1 (h) "Adjusted gross receipts" means the gross receipts less
2 winnings paid to wagerers.

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

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

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

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

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

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

16 (230 ILCS 10/5) (from Ch. 120, par. 2405)

17 Sec. 5. Gaming Board.

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

1 involved in riverboat gambling operations in the State of
2 Illinois.

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

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

1 and consent of the Senate.

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

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

20 (6) Any member of the Board may be removed by the Governor
21 for neglect of duty, misfeasance, malfeasance, or nonfeasance
22 in office.

23 (7) Before entering upon the discharge of the duties of his
24 office, each member of the Board shall take an oath that he
25 will faithfully execute the duties of his office according to
26 the laws of the State and the rules and regulations adopted

1 therewith and shall give bond to the State of Illinois,
2 approved by the Governor, in the sum of \$25,000. Every such
3 bond, when duly executed and approved, shall be recorded in the
4 office of the Secretary of State. Whenever the Governor
5 determines that the bond of any member of the Board has become
6 or is likely to become invalid or insufficient, he shall
7 require such member forthwith to renew his bond, which is to be
8 approved by the Governor. Any member of the Board who fails to
9 take oath and give bond within 30 days from the date of his
10 appointment, or who fails to renew his bond within 30 days
11 after it is demanded by the Governor, shall be guilty of
12 neglect of duty and may be removed by the Governor. The cost of
13 any bond given by any member of the Board under this Section
14 shall be taken to be a part of the necessary expenses of the
15 Board.

16 (8) ~~The~~ ~~Upon the request of the Board, the Department~~ shall
17 employ such personnel as may be necessary to carry out the
18 functions of the Board. No person shall be employed to serve
19 the Board who is, or whose spouse, parent or child is, an
20 official of, or has a financial interest in or financial
21 relation with, any operator engaged in gambling operations
22 within this State or any organization engaged in conducting
23 horse racing within this State. Any employee violating these
24 prohibitions shall be subject to termination of employment.

25 (9) An Administrator shall perform any and all duties that
26 the Board shall assign him. The salary of the Administrator

1 shall be determined by the Board ~~and approved by the Director~~
2 ~~of the Department~~ and, in addition, he shall be reimbursed for
3 all actual and necessary expenses incurred by him in discharge
4 of his official duties. The Administrator shall keep records of
5 all proceedings of the Board and shall preserve all records,
6 books, documents and other papers belonging to the Board or
7 entrusted to its care. The Administrator shall devote his full
8 time to the duties of the office and shall not hold any other
9 office or employment.

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

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

26 (2) To conduct all hearings pertaining to civil

1 violations of this Act or rules and regulations promulgated
2 hereunder;

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

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

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

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

26 (7) To review and rule upon any complaint by a licensee

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

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

1 shall have all powers and rights granted to the Board in
2 this Act. The record made at the time of the hearing shall
3 be reviewed by the Board, or a majority thereof, and the
4 findings and decision of the majority of the Board shall
5 constitute the order of the Board in such case;

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

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

17 (11) (Blank); and

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

23 (c) The Board shall have jurisdiction over and shall
24 supervise all gambling operations governed by this Act. The
25 Board shall have all powers necessary and proper to fully and
26 effectively execute the provisions of this Act, including, but

1 not limited to, the following:

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

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

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

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

25 (5) To investigate alleged violations of this Act or
26 the rules of the Board and to take appropriate disciplinary

1 action against a licensee or a holder of an occupational
2 license for a violation, or institute appropriate legal
3 action for enforcement, or both.

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

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

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

21 (9) To conduct hearings, issue subpoenas for the
22 attendance of witnesses and subpoenas duces tecum for the
23 production of books, records and other pertinent documents
24 in accordance with the Illinois Administrative Procedure
25 Act, and to administer oaths and affirmations to the
26 witnesses, when, in the judgment of the Board, it is

1 necessary to administer or enforce this Act or the Board
2 rules.

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

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

19 (12) To eject or exclude or authorize the ejection or
20 exclusion of, any person from riverboat gambling
21 facilities where such person is in violation of this Act,
22 rules and regulations thereunder, or final orders of the
23 Board, or where such person's conduct or reputation is such
24 that his presence within the riverboat gambling facilities
25 may, in the opinion of the Board, call into question the
26 honesty and integrity of the gambling operations or

1 interfere with orderly conduct thereof; provided that the
2 propriety of such ejection or exclusion is subject to
3 subsequent hearing by the Board.

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

9 (14) (Blank).

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

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

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

26 (18) To authorize a licensee to sell or serve alcoholic

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

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

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

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

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

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

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

17 (230 ILCS 10/5.5 new)

18 Sec. 5.5. Separation from Department of Revenue. On the
19 effective date of this amendatory Act of the 96th General
20 Assembly, all of the powers, duties, assets, liabilities,
21 employees, contracts, property, records, pending business, and
22 unexpended appropriations of the Department of Revenue related
23 to the administration and enforcement of this Act are
24 transferred to the Illinois Gaming Board, except as
25 specifically provided in this Act.

1 The status and rights of the transferred employees, and the
2 rights of the State of Illinois and its agencies, under the
3 Personnel Code and applicable collective bargaining agreements
4 or under any pension, retirement, or annuity plan are not
5 affected by that transfer or by any other provision of this
6 amendatory Act of the 96th General Assembly.

7 This amendatory Act of the 96th General Assembly supersedes
8 Executive Order 09-05, filed April 1, 2009.

9 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

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

21 20% of annual adjusted gross receipts in excess of
22 \$25,000,000 but not exceeding \$50,000,000;

23 25% of annual adjusted gross receipts in excess of
24 \$50,000,000 but not exceeding \$75,000,000;

25 30% of annual adjusted gross receipts in excess of

1 \$75,000,000 but not exceeding \$100,000,000;

2 35% of annual adjusted gross receipts in excess of
3 \$100,000,000.

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

11 15% of annual adjusted gross receipts up to and
12 including \$25,000,000;

13 22.5% of annual adjusted gross receipts in excess of
14 \$25,000,000 but not exceeding \$50,000,000;

15 27.5% of annual adjusted gross receipts in excess of
16 \$50,000,000 but not exceeding \$75,000,000;

17 32.5% of annual adjusted gross receipts in excess of
18 \$75,000,000 but not exceeding \$100,000,000;

19 37.5% of annual adjusted gross receipts in excess of
20 \$100,000,000 but not exceeding \$150,000,000;

21 45% of annual adjusted gross receipts in excess of
22 \$150,000,000 but not exceeding \$200,000,000;

23 50% of annual adjusted gross receipts in excess of
24 \$200,000,000.

25 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
26 persons engaged in the business of conducting riverboat

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

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

8 27.5% of annual adjusted gross receipts in excess of
9 \$25,000,000 but not exceeding \$37,500,000;

10 32.5% of annual adjusted gross receipts in excess of
11 \$37,500,000 but not exceeding \$50,000,000;

12 37.5% of annual adjusted gross receipts in excess of
13 \$50,000,000 but not exceeding \$75,000,000;

14 45% of annual adjusted gross receipts in excess of
15 \$75,000,000 but not exceeding \$100,000,000;

16 50% of annual adjusted gross receipts in excess of
17 \$100,000,000 but not exceeding \$250,000,000;

18 70% of annual adjusted gross receipts in excess of
19 \$250,000,000.

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

25 The privilege tax imposed under this subsection (a-3) shall
26 no longer be imposed beginning on the earlier of (i) July 1,

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

10 (a-4) Beginning on the first day on which the tax imposed
11 under subsection (a-3) is no longer imposed, a privilege tax is
12 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-8) Riverboat gambling operations conducted by a
7 licensed manager on behalf of the State are not subject to the
8 tax imposed under this Section.

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

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

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

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

25 "Act of God" means an incident caused by the operation of
26 an extraordinary force that cannot be foreseen, that cannot be

1 avoided by the exercise of due care, and for which no person
2 can be held liable.

3 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 Section 1210. The Liquor Control Act of 1934 is amended by
8 changing Sections 3-12, 5-1, 6-8, 6-29.1, 7A-2, 7A-3, 7A-4,
9 7A-5, and 7A-6 and by adding Section 3-15 as follows:

10 (235 ILCS 5/3-12) (from Ch. 43, par. 108)

11 Sec. 3-12. Powers and duties of State Commission.

12 (a) The State commission shall have the following powers,
13 functions and duties:

14 (1) To receive applications and to issue licenses to
15 manufacturers, foreign importers, importing distributors,
16 distributors, non-resident dealers, on premise consumption
17 retailers, off premise sale retailers, special event
18 retailer licensees, special use permit licenses, auction
19 liquor licenses, brew pubs, caterer retailers,
20 non-beverage users, railroads, including owners and
21 lessees of sleeping, dining and cafe cars, airplanes,
22 boats, brokers, and wine maker's premises licensees in
23 accordance with the provisions of this Act, and to suspend
24 or revoke such licenses upon the State commission's

1 determination, upon notice after hearing, that a licensee
2 has violated any provision of this Act or any rule or
3 regulation issued pursuant thereto and in effect for 30
4 days prior to such violation. Except in the case of an
5 action taken pursuant to a violation of Section 6-3, 6-5,
6 or 6-9, any action by the State Commission to suspend or
7 revoke a licensee's license may be limited to the license
8 for the specific premises where the violation occurred.

9 In lieu of suspending or revoking a license, the
10 commission may impose a fine, upon the State commission's
11 determination and notice after hearing, that a licensee has
12 violated any provision of this Act or any rule or
13 regulation issued pursuant thereto and in effect for 30
14 days prior to such violation. The fine imposed under this
15 paragraph may not exceed \$500 for each violation. Each day
16 that the activity, which gave rise to the original fine,
17 continues is a separate violation. The maximum fine that
18 may be levied against any licensee, for the period of the
19 license, shall not exceed \$20,000. The maximum penalty that
20 may be imposed on a licensee for selling a bottle of
21 alcoholic liquor with a foreign object in it or serving
22 from a bottle of alcoholic liquor with a foreign object in
23 it shall be the destruction of that bottle of alcoholic
24 liquor for the first 10 bottles so sold or served from by
25 the licensee. For the eleventh bottle of alcoholic liquor
26 and for each third bottle thereafter sold or served from by

1 the licensee with a foreign object in it, the maximum
2 penalty that may be imposed on the licensee is the
3 destruction of the bottle of alcoholic liquor and a fine of
4 up to \$50.

5 (2) To adopt such rules and regulations consistent with
6 the provisions of this Act which shall be necessary to
7 carry on its functions and duties to the end that the
8 health, safety and welfare of the People of the State of
9 Illinois shall be protected and temperance in the
10 consumption of alcoholic liquors shall be fostered and
11 promoted and to distribute copies of such rules and
12 regulations to all licensees affected thereby.

13 (3) To call upon other administrative departments of
14 the State, county and municipal governments, county and
15 city police departments and upon prosecuting officers for
16 such information and assistance as it deems necessary in
17 the performance of its duties.

18 (4) To recommend to local commissioners rules and
19 regulations, not inconsistent with the law, for the
20 distribution and sale of alcoholic liquors throughout the
21 State.

22 (5) To inspect, or cause to be inspected, any premises
23 in this State where alcoholic liquors are manufactured,
24 distributed, warehoused, or sold.

25 (5.1) Upon receipt of a complaint or upon having
26 knowledge that any person is engaged in business as a

1 manufacturer, importing distributor, distributor, or
2 retailer without a license or valid license, to notify the
3 local liquor authority, file a complaint with the State's
4 Attorney's Office of the county where the incident
5 occurred, or initiate an investigation with the
6 appropriate law enforcement officials.

7 (5.2) To issue a cease and desist notice to persons
8 shipping alcoholic liquor into this State from a point
9 outside of this State if the shipment is in violation of
10 this Act.

11 (5.3) To receive complaints from licensees, local
12 officials, law enforcement agencies, organizations, and
13 persons stating that any licensee has been or is violating
14 any provision of this Act or the rules and regulations
15 issued pursuant to this Act. Such complaints shall be in
16 writing, signed and sworn to by the person making the
17 complaint, and shall state with specificity the facts in
18 relation to the alleged violation. If the Commission has
19 reasonable grounds to believe that the complaint
20 substantially alleges a violation of this Act or rules and
21 regulations adopted pursuant to this Act, it shall conduct
22 an investigation. If, after conducting an investigation,
23 the Commission is satisfied that the alleged violation did
24 occur, it shall proceed with disciplinary action against
25 the licensee as provided in this Act.

26 (6) To hear and determine appeals from orders of a

1 local commission in accordance with the provisions of this
2 Act, as hereinafter set forth. Hearings under this
3 subsection shall be held in Springfield or Chicago, at
4 whichever location is the more convenient for the majority
5 of persons who are parties to the hearing.

6 (7) The commission shall establish uniform systems of
7 accounts to be kept by all retail licensees having more
8 than 4 employees, and for this purpose the commission may
9 classify all retail licensees having more than 4 employees
10 and establish a uniform system of accounts for each class
11 and prescribe the manner in which such accounts shall be
12 kept. The commission may also prescribe the forms of
13 accounts to be kept by all retail licensees having more
14 than 4 employees, including but not limited to accounts of
15 earnings and expenses and any distribution, payment, or
16 other distribution of earnings or assets, and any other
17 forms, records and memoranda which in the judgment of the
18 commission may be necessary or appropriate to carry out any
19 of the provisions of this Act, including but not limited to
20 such forms, records and memoranda as will readily and
21 accurately disclose at all times the beneficial ownership
22 of such retail licensed business. The accounts, forms,
23 records and memoranda shall be available at all reasonable
24 times for inspection by authorized representatives of the
25 State commission or by any local liquor control
26 commissioner or his or her authorized representative. The

1 commission, may, from time to time, alter, amend or repeal,
2 in whole or in part, any uniform system of accounts, or the
3 form and manner of keeping accounts.

4 (8) In the conduct of any hearing authorized to be held
5 by the commission, to appoint, at the commission's
6 discretion, hearing officers to conduct hearings involving
7 complex issues or issues that will require a protracted
8 period of time to resolve, to examine, or cause to be
9 examined, under oath, any licensee, and to examine or cause
10 to be examined the books and records of such licensee; to
11 hear testimony and take proof material for its information
12 in the discharge of its duties hereunder; to administer or
13 cause to be administered oaths; for any such purpose to
14 issue subpoena or subpoenas to require the attendance of
15 witnesses and the production of books, which shall be
16 effective in any part of this State, and to adopt rules to
17 implement its powers under this paragraph (8).

18 Any Circuit Court may by order duly entered, require
19 the attendance of witnesses and the production of relevant
20 books subpoenaed by the State commission and the court may
21 compel obedience to its order by proceedings for contempt.

22 (9) To investigate the administration of laws in
23 relation to alcoholic liquors in this and other states and
24 any foreign countries, and to recommend from time to time
25 to the Governor and through him or her to the legislature
26 of this State, such amendments to this Act, if any, as it

1 may think desirable and as will serve to further the
2 general broad purposes contained in Section 1-2 hereof.

3 (10) To adopt such rules and regulations consistent
4 with the provisions of this Act which shall be necessary
5 for the control, sale or disposition of alcoholic liquor
6 damaged as a result of an accident, wreck, flood, fire or
7 other similar occurrence.

8 (11) To develop industry educational programs related
9 to responsible serving and selling, particularly in the
10 areas of overserving consumers and illegal underage
11 purchasing and consumption of alcoholic beverages.

12 (11.1) To license persons providing education and
13 training to alcohol beverage sellers and servers under the
14 Beverage Alcohol Sellers and Servers Education and
15 Training (BASSET) programs and to develop and administer a
16 public awareness program in Illinois to reduce or eliminate
17 the illegal purchase and consumption of alcoholic beverage
18 products by persons under the age of 21. Application for a
19 license shall be made on forms provided by the State
20 Commission.

21 (12) To develop and maintain a repository of license
22 and regulatory information.

23 (13) On or before January 15, 1994, the Commission
24 shall issue a written report to the Governor and General
25 Assembly that is to be based on a comprehensive study of
26 the impact on and implications for the State of Illinois of

1 Section 1926 of the Federal ADAMHA Reorganization Act of
2 1992 (Public Law 102-321). This study shall address the
3 extent to which Illinois currently complies with the
4 provisions of P.L. 102-321 and the rules promulgated
5 pursuant thereto.

6 As part of its report, the Commission shall provide the
7 following essential information:

8 (i) the number of retail distributors of tobacco
9 products, by type and geographic area, in the State;

10 (ii) the number of reported citations and
11 successful convictions, categorized by type and
12 location of retail distributor, for violation of the
13 Sale of Tobacco to Minors Act and the Smokeless Tobacco
14 Limitation Act;

15 (iii) the extent and nature of organized
16 educational and governmental activities that are
17 intended to promote, encourage or otherwise secure
18 compliance with any Illinois laws that prohibit the
19 sale or distribution of tobacco products to minors; and

20 (iv) the level of access and availability of
21 tobacco products to individuals under the age of 18.

22 To obtain the data necessary to comply with the
23 provisions of P.L. 102-321 and the requirements of this
24 report, the Commission shall conduct random, unannounced
25 inspections of a geographically and scientifically
26 representative sample of the State's retail tobacco

1 distributors.

2 The Commission shall consult with the Department of
3 Public Health, the Department of Human Services, the
4 Illinois State Police and any other executive branch
5 agency, and private organizations that may have
6 information relevant to this report.

7 The Commission may contract with the Food and Drug
8 Administration of the U.S. Department of Health and Human
9 Services to conduct unannounced investigations of Illinois
10 tobacco vendors to determine compliance with federal laws
11 relating to the illegal sale of cigarettes and smokeless
12 tobacco products to persons under the age of 18.

13 (14) On or before April 30, 2008 and every 2 years
14 thereafter, the Commission shall present a written report
15 to the Governor and the General Assembly that shall be
16 based on a study of the impact of this amendatory Act of
17 the 95th General Assembly on the business of soliciting,
18 selling, and shipping wine from inside and outside of this
19 State directly to residents of this State. As part of its
20 report, the Commission shall provide all of the following
21 information:

22 (A) The amount of State excise and sales tax
23 revenues generated.

24 (B) The amount of licensing fees received.

25 (C) The number of cases of wine shipped from inside
26 and outside of this State directly to residents of this

1 State.

2 (D) The number of alcohol compliance operations
3 conducted.

4 (E) The number of winery shipper's licenses
5 issued.

6 (F) The number of each of the following: reported
7 violations; cease and desist notices issued by the
8 Commission; notices of violations issued by the
9 Commission ~~and to the Department of Revenue;~~ and
10 notices and complaints of violations to law
11 enforcement officials, including, without limitation,
12 the Illinois Attorney General and the U.S. Department
13 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

14 (15) As a means to reduce the underage consumption of
15 alcoholic liquors, the Commission shall conduct alcohol
16 compliance operations to investigate whether businesses
17 that are soliciting, selling, and shipping wine from inside
18 or outside of this State directly to residents of this
19 State are licensed by this State or are selling or
20 attempting to sell wine to persons under 21 years of age in
21 violation of this Act.

22 (16) The Commission shall, in addition to notifying any
23 appropriate law enforcement agency, submit notices of
24 complaints or violations of Sections 6-29 and 6-29.1 by
25 persons who do not hold a winery shipper's license under
26 this amendatory Act to the Illinois Attorney General and to

1 the U.S. Department of Treasury's Alcohol and Tobacco Tax
2 and Trade Bureau.

3 (17) (A) A person licensed to make wine under the laws
4 of another state who has a winery shipper's license under
5 this amendatory Act and annually produces less than 25,000
6 gallons of wine or a person who has a first-class or
7 second-class wine manufacturer's license, a first-class or
8 second-class wine-maker's license, or a limited wine
9 manufacturer's license under this Act and annually
10 produces less than 25,000 gallons of wine may make
11 application to the Commission for a self-distribution
12 exemption to allow the sale of not more than 5,000 gallons
13 of the exemption holder's wine to retail licensees per
14 year.

15 (B) In the application, which shall be sworn under
16 penalty of perjury, such person shall state (1) the
17 date it was established; (2) its volume of production
18 and sales for each year since its establishment; (3)
19 its efforts to establish distributor relationships;
20 (4) that a self-distribution exemption is necessary to
21 facilitate the marketing of its wine; and (5) that it
22 will comply with the liquor and revenue laws of the
23 United States, this State, and any other state where it
24 is licensed.

25 (C) The Commission shall approve the application
26 for a self-distribution exemption if such person: (1)

1 is in compliance with State revenue and liquor laws;
2 (2) is not a member of any affiliated group that
3 produces more than 25,000 gallons of wine per annum or
4 produces any other alcoholic liquor; (3) will not
5 annually produce for sale more than 25,000 gallons of
6 wine; and (4) will not annually sell more than 5,000
7 gallons of its wine to retail licensees.

8 (D) A self-distribution exemption holder shall
9 annually certify to the Commission its production of
10 wine in the previous 12 months and its anticipated
11 production and sales for the next 12 months. The
12 Commission may fine, suspend, or revoke a
13 self-distribution exemption after a hearing if it
14 finds that the exemption holder has made a material
15 misrepresentation in its application, violated a
16 revenue or liquor law of Illinois, exceeded production
17 of 25,000 gallons of wine in any calendar year, or
18 become part of an affiliated group producing more than
19 25,000 gallons of wine or any other alcoholic liquor.

20 (E) Except in hearings for violations of this Act
21 or amendatory Act or a bona fide investigation by duly
22 sworn law enforcement officials, the Commission, or
23 its agents, the Commission shall maintain the
24 production and sales information of a
25 self-distribution exemption holder as confidential and
26 shall not release such information to any person.

1 (F) The Commission shall issue regulations
2 governing self-distribution exemptions consistent with
3 this Section and this Act.

4 (G) Nothing in this subsection (17) shall prohibit
5 a self-distribution exemption holder from entering
6 into or simultaneously having a distribution agreement
7 with a licensed Illinois distributor.

8 (H) It is the intent of this subsection (17) to
9 promote and continue orderly markets. The General
10 Assembly finds that in order to preserve Illinois'
11 regulatory distribution system it is necessary to
12 create an exception for smaller makers of wine as their
13 wines are frequently adjusted in varietals, mixes,
14 vintages, and taste to find and create market niches
15 sometimes too small for distributor or importing
16 distributor business strategies. Limited
17 self-distribution rights will afford and allow smaller
18 makers of wine access to the marketplace in order to
19 develop a customer base without impairing the
20 integrity of the 3-tier system.

21 (b) On or before April 30, 1999, the Commission shall
22 present a written report to the Governor and the General
23 Assembly that shall be based on a study of the impact of this
24 amendatory Act of 1998 on the business of soliciting, selling,
25 and shipping alcoholic liquor from outside of this State
26 directly to residents of this State.

1 As part of its report, the Commission shall provide the
2 following information:

3 (i) the amount of State excise and sales tax revenues
4 generated as a result of this amendatory Act of 1998;

5 (ii) the amount of licensing fees received as a result
6 of this amendatory Act of 1998;

7 (iii) the number of reported violations, the number of
8 cease and desist notices issued by the Commission, the
9 number of notices of violations issued to the Commission
10 ~~Department of Revenue~~, and the number of notices and
11 complaints of violations to law enforcement officials.

12 (Source: P.A. 95-634, eff. 6-1-08.)

13 (235 ILCS 5/3-15 new)

14 Sec. 3-15. Separation from Department of Revenue. On the
15 effective date of this amendatory Act of the 96th General
16 Assembly, all of the powers, duties, assets, liabilities,
17 employees, contracts, property, records, pending business, and
18 unexpended appropriations of the Department of Revenue related
19 to the administration and enforcement of this Act are
20 transferred to the Illinois Liquor Control Commission, except
21 as specifically provided in this Act.

22 The status and rights of the transferred employees, and the
23 rights of the State of Illinois and its agencies, under the
24 Personnel Code and applicable collective bargaining agreements
25 or under any pension, retirement, or annuity plan are not

1 affected by that transfer or by any other provision of this
2 amendatory Act of the 96th General Assembly.

3 This amendatory Act of the 96th General Assembly supersedes
4 Executive Order 9 (2003).

5 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

6 Sec. 5-1. Licenses issued by the Illinois Liquor Control
7 Commission shall be of the following classes:

8 (a) Manufacturer's license - Class 1. Distiller, Class 2.
9 Rectifier, Class 3. Brewer, Class 4. First Class Wine
10 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
11 First Class Winemaker, Class 7. Second Class Winemaker, Class
12 8. Limited Wine Manufacturer,

13 (b) Distributor's license,

14 (c) Importing Distributor's license,

15 (d) Retailer's license,

16 (e) Special Event Retailer's license (not-for-profit),

17 (f) Railroad license,

18 (g) Boat license,

19 (h) Non-Beverage User's license,

20 (i) Wine-maker's premises license,

21 (j) Airplane license,

22 (k) Foreign importer's license,

23 (l) Broker's license,

24 (m) Non-resident dealer's license,

25 (n) Brew Pub license,

- 1 (o) Auction liquor license,
2 (p) Caterer retailer license,
3 (q) Special use permit license,
4 (r) Winery shipper's license.

5 No person, firm, partnership, corporation, or other legal
6 business entity that is engaged in the manufacturing of wine
7 may concurrently obtain and hold a wine-maker's license and a
8 wine manufacturer's license.

9 (a) A manufacturer's license shall allow the manufacture,
10 importation in bulk, storage, distribution and sale of
11 alcoholic liquor to persons without the State, as may be
12 permitted by law and to licensees in this State as follows:

13 Class 1. A Distiller may make sales and deliveries of
14 alcoholic liquor to distillers, rectifiers, importing
15 distributors, distributors and non-beverage users and to no
16 other licensees.

17 Class 2. A Rectifier, who is not a distiller, as defined
18 herein, may make sales and deliveries of alcoholic liquor to
19 rectifiers, importing distributors, distributors, retailers
20 and non-beverage users and to no other licensees.

21 Class 3. A Brewer may make sales and deliveries of beer to
22 importing distributors, distributors, and to non-licensees,
23 and to retailers provided the brewer obtains an importing
24 distributor's license or distributor's license in accordance
25 with the provisions of this Act.

26 Class 4. A first class wine-manufacturer may make sales and

1 deliveries of up to 50,000 gallons of wine to manufacturers,
2 importing distributors and distributors, and to no other
3 licensees.

4 Class 5. A second class Wine manufacturer may make sales
5 and deliveries of more than 50,000 gallons of wine to
6 manufacturers, importing distributors and distributors and to
7 no other licensees.

8 Class 6. A first-class wine-maker's license shall allow the
9 manufacture of up to 50,000 gallons of wine per year, and the
10 storage and sale of such wine to distributors in the State and
11 to persons without the State, as may be permitted by law. A
12 person who, prior to the effective date of this amendatory Act
13 of the 95th General Assembly, is a holder of a first-class
14 wine-maker's license and annually produces more than 25,000
15 gallons of its own wine and who distributes its wine to
16 licensed retailers shall cease this practice on or before July
17 1, 2008 in compliance with this amendatory Act of the 95th
18 General Assembly.

19 Class 7. A second-class wine-maker's license shall allow
20 the manufacture of between 50,000 and 150,000 gallons of wine
21 per year, and the storage and sale of such wine to distributors
22 in this State and to persons without the State, as may be
23 permitted by law. A person who, prior to the effective date of
24 this amendatory Act of the 95th General Assembly, is a holder
25 of a second-class wine-maker's license and annually produces
26 more than 25,000 gallons of its own wine and who distributes

1 its wine to licensed retailers shall cease this practice on or
2 before July 1, 2008 in compliance with this amendatory Act of
3 the 95th General Assembly.

4 Class 8. A limited wine-manufacturer may make sales and
5 deliveries not to exceed 40,000 gallons of wine per year to
6 distributors, and to non-licensees in accordance with the
7 provisions of this Act.

8 (a-1) A manufacturer which is licensed in this State to
9 make sales or deliveries of alcoholic liquor and which enlists
10 agents, representatives, or individuals acting on its behalf
11 who contact licensed retailers on a regular and continual basis
12 in this State must register those agents, representatives, or
13 persons acting on its behalf with the State Commission.

14 Registration of agents, representatives, or persons acting
15 on behalf of a manufacturer is fulfilled by submitting a form
16 to the Commission. The form shall be developed by the
17 Commission and shall include the name and address of the
18 applicant, the name and address of the manufacturer he or she
19 represents, the territory or areas assigned to sell to or
20 discuss pricing terms of alcoholic liquor, and any other
21 questions deemed appropriate and necessary. All statements in
22 the forms required to be made by law or by rule shall be deemed
23 material, and any person who knowingly misstates any material
24 fact under oath in an application is guilty of a Class B
25 misdemeanor. Fraud, misrepresentation, false statements,
26 misleading statements, evasions, or suppression of material

1 facts in the securing of a registration are grounds for
2 suspension or revocation of the registration.

3 (b) A distributor's license shall allow the wholesale
4 purchase and storage of alcoholic liquors and sale of alcoholic
5 liquors to licensees in this State and to persons without the
6 State, as may be permitted by law.

7 (c) An importing distributor's license may be issued to and
8 held by those only who are duly licensed distributors, upon the
9 filing of an application by a duly licensed distributor, with
10 the Commission and the Commission shall, without the payment of
11 any fee, immediately issue such importing distributor's
12 license to the applicant, which shall allow the importation of
13 alcoholic liquor by the licensee into this State from any point
14 in the United States outside this State, and the purchase of
15 alcoholic liquor in barrels, casks or other bulk containers and
16 the bottling of such alcoholic liquors before resale thereof,
17 but all bottles or containers so filled shall be sealed,
18 labeled, stamped and otherwise made to comply with all
19 provisions, rules and regulations governing manufacturers in
20 the preparation and bottling of alcoholic liquors. The
21 importing distributor's license shall permit such licensee to
22 purchase alcoholic liquor from Illinois licensed non-resident
23 dealers and foreign importers only.

24 (d) A retailer's license shall allow the licensee to sell
25 and offer for sale at retail, only in the premises specified in
26 the license, alcoholic liquor for use or consumption, but not

1 for resale in any form. Nothing in this amendatory Act of the
2 95th General Assembly shall deny, limit, remove, or restrict
3 the ability of a holder of a retailer's license to transfer,
4 deliver, or ship alcoholic liquor to the purchaser for use or
5 consumption subject to any applicable local law or ordinance.
6 Any retail license issued to a manufacturer shall only permit
7 the manufacturer to sell beer at retail on the premises
8 actually occupied by the manufacturer. For the purpose of
9 further describing the type of business conducted at a retail
10 licensed premises, a retailer's licensee may be designated by
11 the State Commission as (i) an on premise consumption retailer,
12 (ii) an off premise sale retailer, or (iii) a combined on
13 premise consumption and off premise sale retailer.

14 Notwithstanding any other provision of this subsection
15 (d), a retail licensee may sell alcoholic liquors to a special
16 event retailer licensee for resale to the extent permitted
17 under subsection (e).

18 (e) A special event retailer's license (not-for-profit)
19 shall permit the licensee to purchase alcoholic liquors from an
20 Illinois licensed distributor (unless the licensee purchases
21 less than \$500 of alcoholic liquors for the special event, in
22 which case the licensee may purchase the alcoholic liquors from
23 a licensed retailer) and shall allow the licensee to sell and
24 offer for sale, at retail, alcoholic liquors for use or
25 consumption, but not for resale in any form and only at the
26 location and on the specific dates designated for the special

1 event in the license. An applicant for a special event retailer
2 license must (i) furnish with the application: (A) a resale
3 number issued under Section 2c of the Retailers' Occupation Tax
4 Act or evidence that the applicant is registered under Section
5 2a of the Retailers' Occupation Tax Act, (B) a current, valid
6 exemption identification number issued under Section 1g of the
7 Retailers' Occupation Tax Act, and a certification to the
8 Commission that the purchase of alcoholic liquors will be a
9 tax-exempt purchase, or (C) a statement that the applicant is
10 not registered under Section 2a of the Retailers' Occupation
11 Tax Act, does not hold a resale number under Section 2c of the
12 Retailers' Occupation Tax Act, and does not hold an exemption
13 number under Section 1g of the Retailers' Occupation Tax Act,
14 in which event the Commission shall set forth on the special
15 event retailer's license a statement to that effect; (ii)
16 submit with the application proof satisfactory to the State
17 Commission that the applicant will provide dram shop liability
18 insurance in the maximum limits; and (iii) show proof
19 satisfactory to the State Commission that the applicant has
20 obtained local authority approval.

21 (f) A railroad license shall permit the licensee to import
22 alcoholic liquors into this State from any point in the United
23 States outside this State and to store such alcoholic liquors
24 in this State; to make wholesale purchases of alcoholic liquors
25 directly from manufacturers, foreign importers, distributors
26 and importing distributors from within or outside this State;

1 and to store such alcoholic liquors in this State; provided
2 that the above powers may be exercised only in connection with
3 the importation, purchase or storage of alcoholic liquors to be
4 sold or dispensed on a club, buffet, lounge or dining car
5 operated on an electric, gas or steam railway in this State;
6 and provided further, that railroad licensees exercising the
7 above powers shall be subject to all provisions of Article VIII
8 of this Act as applied to importing distributors. A railroad
9 license shall also permit the licensee to sell or dispense
10 alcoholic liquors on any club, buffet, lounge or dining car
11 operated on an electric, gas or steam railway regularly
12 operated by a common carrier in this State, but shall not
13 permit the sale for resale of any alcoholic liquors to any
14 licensee within this State. A license shall be obtained for
15 each car in which such sales are made.

16 (g) A boat license shall allow the sale of alcoholic liquor
17 in individual drinks, on any passenger boat regularly operated
18 as a common carrier on navigable waters in this State or on any
19 riverboat operated under the Riverboat Gambling Act, which boat
20 or riverboat maintains a public dining room or restaurant
21 thereon.

22 (h) A non-beverage user's license shall allow the licensee
23 to purchase alcoholic liquor from a licensed manufacturer or
24 importing distributor, without the imposition of any tax upon
25 the business of such licensed manufacturer or importing
26 distributor as to such alcoholic liquor to be used by such

1 licensee solely for the non-beverage purposes set forth in
 2 subsection (a) of Section 8-1 of this Act, and such licenses
 3 shall be divided and classified and shall permit the purchase,
 4 possession and use of limited and stated quantities of
 5 alcoholic liquor as follows:

- 6 Class 1, not to exceed 500 gallons
- 7 Class 2, not to exceed 1,000 gallons
- 8 Class 3, not to exceed 5,000 gallons
- 9 Class 4, not to exceed 10,000 gallons
- 10 Class 5, not to exceed 50,000 gallons

11 (i) A wine-maker's premises license shall allow a licensee
 12 that concurrently holds a first-class wine-maker's license to
 13 sell and offer for sale at retail in the premises specified in
 14 such license not more than 50,000 gallons of the first-class
 15 wine-maker's wine that is made at the first-class wine-maker's
 16 licensed premises per year for use or consumption, but not for
 17 resale in any form. A wine-maker's premises license shall allow
 18 a licensee who concurrently holds a second-class wine-maker's
 19 license to sell and offer for sale at retail in the premises
 20 specified in such license up to 100,000 gallons of the
 21 second-class wine-maker's wine that is made at the second-class
 22 wine-maker's licensed premises per year for use or consumption
 23 but not for resale in any form. A wine-maker's premises license
 24 shall allow a licensee that concurrently holds a first-class
 25 wine-maker's license or a second-class wine-maker's license to
 26 sell and offer for sale at retail at the premises specified in

1 the wine-maker's premises license, for use or consumption but
2 not for resale in any form, any beer, wine, and spirits
3 purchased from a licensed distributor. Upon approval from the
4 State Commission, a wine-maker's premises license shall allow
5 the licensee to sell and offer for sale at (i) the wine-maker's
6 licensed premises and (ii) at up to 2 additional locations for
7 use and consumption and not for resale. Each location shall
8 require additional licensing per location as specified in
9 Section 5-3 of this Act. A wine-maker's premises licensee shall
10 secure liquor liability insurance coverage in an amount at
11 least equal to the maximum liability amounts set forth in
12 subsection (a) of Section 6-21 of this Act.

13 (j) An airplane license shall permit the licensee to import
14 alcoholic liquors into this State from any point in the United
15 States outside this State and to store such alcoholic liquors
16 in this State; to make wholesale purchases of alcoholic liquors
17 directly from manufacturers, foreign importers, distributors
18 and importing distributors from within or outside this State;
19 and to store such alcoholic liquors in this State; provided
20 that the above powers may be exercised only in connection with
21 the importation, purchase or storage of alcoholic liquors to be
22 sold or dispensed on an airplane; and provided further, that
23 airplane licensees exercising the above powers shall be subject
24 to all provisions of Article VIII of this Act as applied to
25 importing distributors. An airplane licensee shall also permit
26 the sale or dispensing of alcoholic liquors on any passenger

1 airplane regularly operated by a common carrier in this State,
2 but shall not permit the sale for resale of any alcoholic
3 liquors to any licensee within this State. A single airplane
4 license shall be required of an airline company if liquor
5 service is provided on board aircraft in this State. The annual
6 fee for such license shall be as determined in Section 5-3.

7 (k) A foreign importer's license shall permit such licensee
8 to purchase alcoholic liquor from Illinois licensed
9 non-resident dealers only, and to import alcoholic liquor other
10 than in bulk from any point outside the United States and to
11 sell such alcoholic liquor to Illinois licensed importing
12 distributors and to no one else in Illinois; provided that (i)
13 the foreign importer registers with the State Commission every
14 brand of alcoholic liquor that it proposes to sell to Illinois
15 licensees during the license period, (ii) the foreign importer
16 complies with all of the provisions of Section 6-9 of this Act
17 with respect to registration of such Illinois licensees as may
18 be granted the right to sell such brands at wholesale, and
19 (iii) the foreign importer complies with the provisions of
20 Sections 6-5 and 6-6 of this Act to the same extent that these
21 provisions apply to manufacturers.

22 (l) (i) A broker's license shall be required of all persons
23 who solicit orders for, offer to sell or offer to supply
24 alcoholic liquor to retailers in the State of Illinois, or who
25 offer to retailers to ship or cause to be shipped or to make
26 contact with distillers, rectifiers, brewers or manufacturers

1 or any other party within or without the State of Illinois in
2 order that alcoholic liquors be shipped to a distributor,
3 importing distributor or foreign importer, whether such
4 solicitation or offer is consummated within or without the
5 State of Illinois.

6 No holder of a retailer's license issued by the Illinois
7 Liquor Control Commission shall purchase or receive any
8 alcoholic liquor, the order for which was solicited or offered
9 for sale to such retailer by a broker unless the broker is the
10 holder of a valid broker's license.

11 The broker shall, upon the acceptance by a retailer of the
12 broker's solicitation of an order or offer to sell or supply or
13 deliver or have delivered alcoholic liquors, promptly forward
14 to the Illinois Liquor Control Commission a notification of
15 said transaction in such form as the Commission may by
16 regulations prescribe.

17 (ii) A broker's license shall be required of a person
18 within this State, other than a retail licensee, who, for a fee
19 or commission, promotes, solicits, or accepts orders for
20 alcoholic liquor, for use or consumption and not for resale, to
21 be shipped from this State and delivered to residents outside
22 of this State by an express company, common carrier, or
23 contract carrier. This Section does not apply to any person who
24 promotes, solicits, or accepts orders for wine as specifically
25 authorized in Section 6-29 of this Act.

26 A broker's license under this subsection (1) shall not

1 entitle the holder to buy or sell any alcoholic liquors for his
2 own account or to take or deliver title to such alcoholic
3 liquors.

4 This subsection (1) shall not apply to distributors,
5 employees of distributors, or employees of a manufacturer who
6 has registered the trademark, brand or name of the alcoholic
7 liquor pursuant to Section 6-9 of this Act, and who regularly
8 sells such alcoholic liquor in the State of Illinois only to
9 its registrants thereunder.

10 Any agent, representative, or person subject to
11 registration pursuant to subsection (a-1) of this Section shall
12 not be eligible to receive a broker's license.

13 (m) A non-resident dealer's license shall permit such
14 licensee to ship into and warehouse alcoholic liquor into this
15 State from any point outside of this State, and to sell such
16 alcoholic liquor to Illinois licensed foreign importers and
17 importing distributors and to no one else in this State;
18 provided that (i) said non-resident dealer shall register with
19 the Illinois Liquor Control Commission each and every brand of
20 alcoholic liquor which it proposes to sell to Illinois
21 licensees during the license period, (ii) it shall comply with
22 all of the provisions of Section 6-9 hereof with respect to
23 registration of such Illinois licensees as may be granted the
24 right to sell such brands at wholesale, and (iii) the
25 non-resident dealer shall comply with the provisions of
26 Sections 6-5 and 6-6 of this Act to the same extent that these

1 provisions apply to manufacturers.

2 (n) A brew pub license shall allow the licensee to
3 manufacture beer only on the premises specified in the license,
4 to make sales of the beer manufactured on the premises to
5 importing distributors, distributors, and to non-licensees for
6 use and consumption, to store the beer upon the premises, and
7 to sell and offer for sale at retail from the licensed
8 premises, provided that a brew pub licensee shall not sell for
9 off-premises consumption more than 50,000 gallons per year.

10 (o) A caterer retailer license shall allow the holder to
11 serve alcoholic liquors as an incidental part of a food service
12 that serves prepared meals which excludes the serving of snacks
13 as the primary meal, either on or off-site whether licensed or
14 unlicensed.

15 (p) An auction liquor license shall allow the licensee to
16 sell and offer for sale at auction wine and spirits for use or
17 consumption, or for resale by an Illinois liquor licensee in
18 accordance with provisions of this Act. An auction liquor
19 license will be issued to a person and it will permit the
20 auction liquor licensee to hold the auction anywhere in the
21 State. An auction liquor license must be obtained for each
22 auction at least 14 days in advance of the auction date.

23 (q) A special use permit license shall allow an Illinois
24 licensed retailer to transfer a portion of its alcoholic liquor
25 inventory from its retail licensed premises to the premises
26 specified in the license hereby created, and to sell or offer

1 for sale at retail, only in the premises specified in the
2 license hereby created, the transferred alcoholic liquor for
3 use or consumption, but not for resale in any form. A special
4 use permit license may be granted for the following time
5 periods: one day or less; 2 or more days to a maximum of 15 days
6 per location in any 12 month period. An applicant for the
7 special use permit license must also submit with the
8 application proof satisfactory to the State Commission that the
9 applicant will provide dram shop liability insurance to the
10 maximum limits and have local authority approval.

11 (r) A winery shipper's license shall allow a person with a
12 first-class or second-class wine manufacturer's license, a
13 first-class or second-class wine-maker's license, or a limited
14 wine manufacturer's license or who is licensed to make wine
15 under the laws of another state to ship wine made by that
16 licensee directly to a resident of this State who is 21 years
17 of age or older for that resident's personal use and not for
18 resale. Prior to receiving a winery shipper's license, an
19 applicant for the license must provide the Commission with a
20 true copy of its current license in any state in which it is
21 licensed as a manufacturer of wine. An applicant for a winery
22 shipper's license must also complete an application form that
23 provides any other information the Commission deems necessary.
24 The application form shall include an acknowledgement
25 consenting to the jurisdiction of the Commission, ~~the Illinois~~
26 ~~Department of Revenue,~~ and the courts of this State concerning

1 the enforcement of this Act and any related laws, rules, and
2 regulations, including authorizing ~~the Department of Revenue~~
3 ~~and~~ the Commission to conduct audits for the purpose of
4 ensuring compliance with this amendatory Act.

5 A winery shipper licensee must pay to the Department of
6 Revenue the State liquor gallonage tax under Section 8-1 for
7 all wine that is sold by the licensee and shipped to a person
8 in this State. For the purposes of Section 8-1, a winery
9 shipper licensee shall be taxed in the same manner as a
10 manufacturer of wine. A licensee who is not otherwise required
11 to register under the Retailers' Occupation Tax Act must
12 register under the Use Tax Act to collect and remit use tax to
13 the Department of Revenue for all gallons of wine that are sold
14 by the licensee and shipped to persons in this State. If a
15 licensee fails to remit the tax imposed under this Act in
16 accordance with the provisions of Article VIII of this Act, the
17 winery shipper's license shall be revoked in accordance with
18 the provisions of Article VII of this Act. If a licensee fails
19 to properly register and remit tax under the Use Tax Act or the
20 Retailers' Occupation Tax Act for all wine that is sold by the
21 winery shipper and shipped to persons in this State, the winery
22 shipper's license shall be revoked in accordance with the
23 provisions of Article VII of this Act.

24 A winery shipper licensee must collect, maintain, and
25 submit to the Commission on a semi-annual basis the total
26 number of cases per resident of wine shipped to residents of

1 this State. A winery shipper licensed under this subsection (r)
2 must comply with the requirements of Section 6-29 of this
3 amendatory Act.

4 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08;
5 95-769, eff. 7-29-08.)

6 (235 ILCS 5/6-29.1)

7 Sec. 6-29.1. Direct shipments of alcoholic liquor.

8 (a) The General Assembly makes the following findings:

9 (1) The General Assembly of Illinois, having reviewed
10 this Act in light of the United States Supreme Court's 2005
11 decision in *Granholm v. Heald*, has determined to conform
12 that law to the constitutional principles enunciated by the
13 Court in a manner that best preserves the temperance,
14 revenue, and orderly distribution values of this Act.

15 (2) Minimizing automobile accidents and fatalities,
16 domestic violence, health problems, loss of productivity,
17 unemployment, and other social problems associated with
18 dependency and improvident use of alcoholic beverages
19 remains the policy of Illinois.

20 (3) To the maximum extent constitutionally feasible,
21 Illinois desires to collect sufficient revenue from excise
22 and use taxes on alcoholic beverages for the purpose of
23 responding to such social problems.

24 (4) Combined with family education and individual
25 discipline, retail validation of age, and assessment of the

1 capacity of the consumer remains the best pre-sale social
2 protection against the problems associated with the abuse
3 of alcoholic liquor.

4 (5) Therefore, the paramount purpose of this
5 amendatory Act is to continue to carefully limit direct
6 shipment sales of wine produced by makers of wine and to
7 continue to prohibit such direct shipment sales for spirits
8 and beer.

9 For these reasons, the Commission shall establish a system
10 to notify the out-of-state trade of this prohibition and to
11 detect violations. The Commission shall request the Attorney
12 General to extradite any offender.

13 (b) Pursuant to the Twenty-First Amendment of the United
14 States Constitution allowing states to regulate the
15 distribution and sale of alcoholic liquor and pursuant to the
16 federal Webb-Kenyon Act declaring that alcoholic liquor
17 shipped in interstate commerce must comply with state laws, the
18 General Assembly hereby finds and declares that selling
19 alcoholic liquor from a point outside this State through
20 various direct marketing means, such as catalogs, newspapers,
21 mailers, and the Internet, directly to residents of this State
22 poses a serious threat to the State's efforts to prevent youths
23 from accessing alcoholic liquor; to State revenue collections;
24 and to the economy of this State.

25 Any person manufacturing, distributing, or selling
26 alcoholic liquor who knowingly ships or transports or causes

1 the shipping or transportation of any alcoholic liquor from a
2 point outside this State to a person in this State who does not
3 hold a manufacturer's, distributor's, importing distributor's,
4 or non-resident dealer's license issued by the Liquor Control
5 Commission, other than a shipment of sacramental wine to a bona
6 fide religious organization, a shipment authorized by Section
7 6-29, subparagraph (17) of Section 3-12, or any other shipment
8 authorized by this Act, is in violation of this Act.

9 The Commission, upon determining, after investigation,
10 that a person has violated this Section, shall give notice to
11 the person by certified mail to cease and desist all shipments
12 of alcoholic liquor into this State and to withdraw from this
13 State within 5 working days after receipt of the notice all
14 shipments of alcoholic liquor then in transit.

15 Whenever the Commission has reason to believe that a person
16 has failed to comply with the Commission notice under this
17 Section, it shall ~~notify the Department of Revenue and~~ file a
18 complaint with the State's Attorney of the county where the
19 alcoholic liquor was delivered or with appropriate law
20 enforcement officials.

21 Failure to comply with the notice issued by the Commission
22 under this Section constitutes a business offense for which the
23 person shall be fined not more than \$1,000 for a first offense,
24 not more than \$5,000 for a second offense, and not more than
25 \$10,000 for a third or subsequent offense. Each shipment of
26 alcoholic liquor delivered in violation of the cease and desist

1 notice shall constitute a separate offense.

2 (Source: P.A. 95-634, eff. 6-1-08.)

3 (235 ILCS 5/7A-2) (from Ch. 43, par. 157b)

4 Sec. 7A-2. On and after August 1, 1937, it shall be
5 unlawful for any warehouseman to receive, hold, store or
6 deliver any alcoholic liquors without a certificate of
7 registration from the Commission ~~Department~~. Application for a
8 certificate of registration shall be made to the Commission
9 ~~Department~~ and shall state: (1) The name of the applicant; (2)
10 the address of his warehouse (if he operates more than one such
11 warehouse, he shall state the address of each such warehouse).
12 Upon the receipt of the application in proper form, the
13 Commission ~~Department~~ shall issue to such applicant a
14 certificate of registration bearing a distinctive number which
15 he shall conspicuously display on the premises for which it is
16 issued. The applications shall be made on forms prepared and
17 furnished by the Commission ~~Department~~ and shall contain such
18 other information as the Commission ~~Department~~ may reasonably
19 require to carry out the provisions of this Act.

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

21 (235 ILCS 5/7A-3) (from Ch. 43, par. 157c)

22 Sec. 7A-3. It shall be unlawful for any person to store any
23 alcoholic liquors with or deliver any alcoholic liquors to any
24 warehouseman who has not received a certificate of registration

1 from the Commission ~~Department~~.

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

3 (235 ILCS 5/7A-4) (from Ch. 43, par. 157d)

4 Sec. 7A-4. On or before the fifteenth day of each calendar
5 month, every warehouseman holding a certificate of
6 registration under this Article shall file a return with the
7 Commission ~~Department~~ covering the preceding calendar month
8 stating:

9 1. The name of the warehouseman and the number of his
10 certificate of registration;

11 2. The address of the warehouse;

12 3. The name and address of each person from whom any
13 alcoholic liquors were actually or constructively received by
14 him as a warehouseman, the date on which same were so received,
15 the number and size of the containers in which any alcoholic
16 liquors were so received, and the number and size of the
17 containers to the credit of each such person at the end of the
18 preceding calendar month; and

19 4. The name and address of each person to whom any
20 alcoholic liquors were actually or constructively delivered by
21 him as a warehouseman, the date on which same were so
22 delivered, the number and size of the containers in which any
23 alcoholic liquors were so delivered and from whom any alcoholic
24 liquors so delivered were actually or constructively received.

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

1 (235 ILCS 5/7A-5) (from Ch. 43, par. 157e)

2 Sec. 7A-5. Each warehouseman included in this Article shall
3 keep or cause to be kept, at his registered address, a record
4 showing all alcoholic liquors actually or constructively
5 received by him as a warehouseman, held, stored or actually or
6 constructively delivered by him as a warehouseman, the name and
7 address of the person depositing same, the name and address of
8 the person to whom delivered and any other information
9 necessary to the proper conduct of such warehouse. Such records
10 shall, at all times during business hours of the day, be
11 subject to inspection by the Commission ~~Department~~ or its duly
12 authorized agents and employees. Such records shall be
13 preserved for a period of two (2) years, unless the Commission
14 ~~Department~~, in writing, authorizes their destruction or
15 disposal at an earlier date. Such records, reflecting business
16 done at any time after July 1, 1945, shall be preserved for a
17 period of three (3) years, unless the Commission ~~Department~~, in
18 writing, authorizes their destruction or disposal at an earlier
19 date.

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

21 (235 ILCS 5/7A-6) (from Ch. 43, par. 157f)

22 Sec. 7A-6. Any person who violates any of the provisions of
23 this Article or any of the rules and regulations of the
24 Commission ~~Department~~ for the administration and enforcement

1 of the provisions of this Article is guilty of a Class B
2 misdemeanor. In case of a continuing violation each day's
3 continuance thereof shall be a separate and distinct offense.
4 (Source: P.A. 82-783.)

5 Section 1220. The Environmental Protection Act is amended
6 by changing Section 5 as follows:

7 (415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

8 Sec. 5. Pollution Control Board.

9 (a) There is hereby created an independent board to be
10 known as the Pollution Control Board.

11 Until July 1, 2003 or when all of the new members to be
12 initially appointed under this amendatory Act of the 93rd
13 General Assembly have been appointed by the Governor, whichever
14 occurs later, the Board shall consist of 7 technically
15 qualified members, no more than 4 of whom may be of the same
16 political party, to be appointed by the Governor with the
17 advice and consent of the Senate.

18 The term of each appointed member of the Board who is in
19 office on June 30, 2003 shall terminate at the close of
20 business on that date or when all of the new members to be
21 initially appointed under this amendatory Act of the 93rd
22 General Assembly have been appointed by the Governor, whichever
23 occurs later.

24 Beginning on July 1, 2003 or when all of the new members to

1 be initially appointed under this amendatory Act of the 93rd
2 General Assembly have been appointed by the Governor, whichever
3 occurs later, the Board shall consist of 5 technically
4 qualified members, no more than 3 of whom may be of the same
5 political party, to be appointed by the Governor with the
6 advice and consent of the Senate. Members shall have verifiable
7 technical, academic, or actual experience in the field of
8 pollution control or environmental law and regulation.

9 Of the members initially appointed pursuant to this
10 amendatory Act of the 93rd General Assembly, one shall be
11 appointed for a term ending July 1, 2004, 2 shall be appointed
12 for terms ending July 1, 2005, and 2 shall be appointed for
13 terms ending July 1, 2006. Thereafter, all members shall hold
14 office for 3 years from the first day of July in the year in
15 which they were appointed, except in case of an appointment to
16 fill a vacancy. In case of a vacancy in the office when the
17 Senate is not in session, the Governor may make a temporary
18 appointment until the next meeting of the Senate, when he or
19 she shall nominate some person to fill such office; and any
20 person so nominated, who is confirmed by the Senate, shall hold
21 the office during the remainder of the term.

22 Members of the Board shall hold office until their
23 respective successors have been appointed and qualified. Any
24 member may resign from office, such resignation to take effect
25 when a successor has been appointed and has qualified.

26 Board members shall be paid \$37,000 per year or an amount

1 set by the Compensation Review Board, whichever is greater, and
2 the Chairman shall be paid \$43,000 per year or an amount set by
3 the Compensation Review Board, whichever is greater. Each
4 member shall devote his or her entire time to the duties of the
5 office, and shall hold no other office or position of profit,
6 nor engage in any other business, employment, or vocation. Each
7 member shall be reimbursed for expenses necessarily incurred
8 and shall make a financial disclosure upon appointment.

9 Each Board member may employ one secretary and one
10 assistant, and the Chairman one secretary and 2 assistants. The
11 Board also may employ and compensate hearing officers to
12 preside at hearings under this Act, and such other personnel as
13 may be necessary. Hearing officers shall be attorneys licensed
14 to practice law in Illinois.

15 The Board may have an Executive Director; if so, the
16 Executive Director shall be appointed by the Governor with the
17 advice and consent of the Senate. The salary and duties of the
18 Executive Director shall be fixed by the Board.

19 The Governor shall designate one Board member to be
20 Chairman, who shall serve at the pleasure of the Governor.

21 The Board shall hold at least one meeting each month and
22 such additional meetings as may be prescribed by Board rules.
23 In addition, special meetings may be called by the Chairman or
24 by any 2 Board members, upon delivery of 24 hours written
25 notice to the office of each member. All Board meetings shall
26 be open to the public, and public notice of all meetings shall

1 be given at least 24 hours in advance of each meeting. In
2 emergency situations in which a majority of the Board certifies
3 that exigencies of time require the requirements of public
4 notice and of 24 hour written notice to members may be
5 dispensed with, and Board members shall receive such notice as
6 is reasonable under the circumstances.

7 Four ~~If there is no vacancy on the Board, 4~~ members of the
8 Board shall constitute a quorum to transact business. The
9 affirmative vote of at least 4 members is required for Board
10 decisions. No ; otherwise, a majority of the Board shall
11 ~~constitute a quorum to transact business, and no~~ vacancy shall
12 impair the right of the remaining members to exercise all of
13 the powers of the Board. Every action approved by a majority of
14 the members of the Board shall be deemed to be the action of
15 the Board. The Board shall keep a complete and accurate record
16 of all its meetings.

17 (b) The Board shall determine, define and implement the
18 environmental control standards applicable in the State of
19 Illinois and may adopt rules and regulations in accordance with
20 Title VII of this Act.

21 (c) The Board shall have authority to act for the State in
22 regard to the adoption of standards for submission to the
23 United States under any federal law respecting environmental
24 protection. Such standards shall be adopted in accordance with
25 Title VII of the Act and upon adoption shall be forwarded to
26 the Environmental Protection Agency for submission to the

1 United States pursuant to subsections (l) and (m) of Section 4
2 of this Act. Nothing in this paragraph shall limit the
3 discretion of the Governor to delegate authority granted to the
4 Governor under any federal law.

5 (d) The Board shall have authority to conduct proceedings
6 upon complaints charging violations of this Act, any rule or
7 regulation adopted under this Act, any permit or term or
8 condition of a permit, or any Board order; upon administrative
9 citations; upon petitions for variances or adjusted standards;
10 upon petitions for review of the Agency's final determinations
11 on permit applications in accordance with Title X of this Act;
12 upon petitions to remove seals under Section 34 of this Act;
13 and upon other petitions for review of final determinations
14 which are made pursuant to this Act or Board rule and which
15 involve a subject which the Board is authorized to regulate.
16 The Board may also conduct other proceedings as may be provided
17 by this Act or any other statute or rule.

18 (e) In connection with any proceeding pursuant to
19 subsection (b) or (d) of this Section, the Board may subpoena
20 and compel the attendance of witnesses and the production of
21 evidence reasonably necessary to resolution of the matter under
22 consideration. The Board shall issue such subpoenas upon the
23 request of any party to a proceeding under subsection (d) of
24 this Section or upon its own motion.

25 (f) The Board may prescribe reasonable fees for permits
26 required pursuant to this Act. Such fees in the aggregate may

1 not exceed the total cost to the Agency for its inspection and
2 permit systems. The Board may not prescribe any permit fees
3 which are different in amount from those established by this
4 Act.

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

6 Section 1230. The Hazardous Materials Emergency Act is
7 amended by changing Section 4 as follows:

8 (430 ILCS 50/4) (from Ch. 127, par. 1254)

9 Sec. 4. There is hereby created a Hazardous Materials
10 Advisory Board, composed of 21 members as follows: the Director
11 of the Illinois Emergency Management Agency, or his designee;
12 the Director of Agriculture or his designee; the Chairman of
13 the Illinois Commerce Commission or his designee; the Director
14 of Public Health or his designee; the Director of the
15 Environmental Protection Agency or his designee; the Secretary
16 of Transportation or his designee; the State Fire Marshal or
17 his designee; the Director of State Police or his designee; the
18 Director of Natural Resources or his designee; the Illinois
19 Attorney General or his designee; the Director of Nuclear
20 Safety or his designee; the Executive Director of the Illinois
21 Law Enforcement Training Standards Board or his designee; the
22 Director of the Illinois Fire Service Institute, University of
23 Illinois, or his designee; and a representative from the
24 Illinois Association of Chiefs of Police; the Illinois Fire

1 Chief's Association; the Illinois Sheriff's Association; the
2 Illinois Emergency Services Management Association; and 4
3 members appointed by the Governor, one of whom shall represent
4 volunteer firefighters, one of whom shall represent the local
5 emergency response service and two shall represent the business
6 community. The Chairman shall be selected by the membership
7 from those members not representing a State agency.

8 The Board shall meet within 90 days of the effective date
9 of this amendatory Act of 1984 to select a chairman, other
10 officers and establish an organization structure as the members
11 deem necessary and thereafter at the call of the chair or any
12 11 members. A person who has been designated by the Director of
13 his department to represent the Director on the Board shall be
14 entitled to vote on all questions before the Board. Eleven
15 members of the Board constitute a quorum, ~~except that where~~
16 ~~members have not been appointed or designated to the Board, a~~
17 ~~quorum shall be constituted by a simple majority of the~~
18 ~~appointed or designated membership.~~ The affirmative vote of at
19 least 11 members is required for Board decisions.

20 The Board shall advise and make recommendations to the
21 Agency regarding the reporting of an accident involving
22 hazardous materials and to the Department regarding the
23 placarding of transportation of hazardous materials. The Board
24 shall design a program and develop a Statewide plan providing
25 for a coordinating system among State agencies and departments
26 and units of local government, for response to accidents

1 involving hazardous materials. Every attempt shall be made to
2 avoid requiring any person to report an accident involving
3 hazardous materials to more than one State agency. If at all
4 possible, the primary agency receiving the reports shall be the
5 Illinois Emergency Management Agency, and that agency shall
6 relay reports to other State and local agencies.

7 The Board shall form from among its members, an Emergency
8 Response Training and Standards Committee. The Secretary of
9 Transportation or his designee, the State Fire Marshal or his
10 designee, and the representatives from the Chiefs of Police,
11 Fire Chiefs and Sheriff's Association shall also serve on the
12 Committee. It shall be the duty of this Committee, with final
13 approval of the Board, to recommend standardized training
14 courses for firefighters, police officers, and other hazardous
15 material emergency response personnel of the State and local
16 governments; to recommend standards for hazardous material
17 emergency response equipment; and recommend standards for
18 achievement levels for the various hazardous material
19 emergency response personnel. The standardized courses shall
20 include training for firefighters, police officers, and other
21 hazardous material emergency response personnel described in
22 the federal regulations relating to the placarding system that
23 has been promulgated under the Hazardous Materials
24 Transportation Act (P.L. 93-633).

25 The Board shall review and recommend the material to be
26 provided under Sections 5.04, 5.05, and 5.06 of this Act and

1 assure the development of a plan for those activities in
2 Section 5.07 of this Act.

3 The Board shall have the duty to study and recommend to the
4 various State agencies, local governments and the General
5 Assembly any aspect of placarding in transportation, hazard
6 signage systems, the training of hazardous material emergency
7 response personnel, the equipment used in hazardous material
8 emergency response, the planning for hazardous material
9 emergency response, and the dissemination of information
10 concerning these areas.

11 The Department of Transportation and the Illinois
12 Emergency Management Agency shall furnish meeting facilities,
13 staff, and other administrative needs of the Board. The Agency
14 or the Department shall inform the Board whenever the Agency or
15 the Department is considering the adoption of any regulations
16 under this Act. The Agency or the Department shall send a copy
17 of all proposed regulations to each member of the Board; the
18 Board shall be represented at all public hearings regarding
19 proposals for and changes in Agency or the Department
20 regulations. The Board may, at its discretion, present the
21 Agency or the Department with its written evaluation of the
22 proposed regulations or changes.

23 Before the Department exempts any hazardous material from
24 the placarding regulations, under Section 3 of this Act, the
25 Board must approve the regulations providing for the exemption.
26 (Source: P.A. 89-445, eff. 2-7-96; 90-449, eff. 8-16-97.)

1 Section 1240. The Unified Code of Corrections is amended by
2 changing Section 3-3-2 as follows:

3 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

4 Sec. 3-3-2. Powers and Duties.

5 (a) The Parole and Pardon Board is abolished and the term
6 "Parole and Pardon Board" as used in any law of Illinois, shall
7 read "Prisoner Review Board." After the effective date of this
8 amendatory Act of 1977, the Prisoner Review Board shall provide
9 by rule for the orderly transition of all files, records, and
10 documents of the Parole and Pardon Board and for such other
11 steps as may be necessary to effect an orderly transition and
12 shall:

13 (1) hear by at least one member and through a panel of
14 at least 3 members decide, cases of prisoners who were
15 sentenced under the law in effect prior to the effective
16 date of this amendatory Act of 1977, and who are eligible
17 for parole;

18 (2) hear by at least one member and through a panel of
19 at least 3 members decide, the conditions of parole and the
20 time of discharge from parole, impose sanctions for
21 violations of parole, and revoke parole for those sentenced
22 under the law in effect prior to this amendatory Act of
23 1977; provided that the decision to parole and the
24 conditions of parole for all prisoners who were sentenced

1 for first degree murder or who received a minimum sentence
2 of 20 years or more under the law in effect prior to
3 February 1, 1978 shall be determined by a majority vote of
4 the Prisoner Review Board;

5 (3) hear by at least one member and through a panel of
6 at least 3 members decide, the conditions of mandatory
7 supervised release and the time of discharge from mandatory
8 supervised release, impose sanctions for violations of
9 mandatory supervised release, and revoke mandatory
10 supervised release for those sentenced under the law in
11 effect after the effective date of this amendatory Act of
12 1977;

13 (3.5) hear by at least one member and through a panel
14 of at least 3 members decide, the conditions of mandatory
15 supervised release and the time of discharge from mandatory
16 supervised release, to impose sanctions for violations of
17 mandatory supervised release and revoke mandatory
18 supervised release for those serving extended supervised
19 release terms pursuant to paragraph (4) of subsection (d)
20 of Section 5-8-1;

21 (4) hear by at least 1 member and through a panel of at
22 least 3 members, decide cases brought by the Department of
23 Corrections against a prisoner in the custody of the
24 Department for alleged violation of Department rules with
25 respect to good conduct credits pursuant to Section 3-6-3
26 of this Code in which the Department seeks to revoke good

1 conduct credits, if the amount of time at issue exceeds 30
2 days or when, during any 12 month period, the cumulative
3 amount of credit revoked exceeds 30 days except where the
4 infraction is committed or discovered within 60 days of
5 scheduled release. In such cases, the Department of
6 Corrections may revoke up to 30 days of good conduct
7 credit. The Board may subsequently approve the revocation
8 of additional good conduct credit, if the Department seeks
9 to revoke good conduct credit in excess of thirty days.
10 However, the Board shall not be empowered to review the
11 Department's decision with respect to the loss of 30 days
12 of good conduct credit for any prisoner or to increase any
13 penalty beyond the length requested by the Department;

14 (5) hear by at least one member and through a panel of
15 at least 3 members decide, the release dates for certain
16 prisoners sentenced under the law in existence prior to the
17 effective date of this amendatory Act of 1977, in
18 accordance with Section 3-3-2.1 of this Code;

19 (6) hear by at least one member and through a panel of
20 at least 3 members decide, all requests for pardon,
21 reprieve or commutation, and make confidential
22 recommendations to the Governor;

23 (7) comply with the requirements of the Open Parole
24 Hearings Act;

25 (8) hear by at least one member and, through a panel of
26 at least 3 members, decide cases brought by the Department

1 of Corrections against a prisoner in the custody of the
2 Department for court dismissal of a frivolous lawsuit
3 pursuant to Section 3-6-3(d) of this Code in which the
4 Department seeks to revoke up to 180 days of good conduct
5 credit, and if the prisoner has not accumulated 180 days of
6 good conduct credit at the time of the dismissal, then all
7 good conduct credit accumulated by the prisoner shall be
8 revoked; and

9 (9) hear by at least 3 members, and, through a panel of
10 at least 3 members, decide whether to grant certificates of
11 relief from disabilities or certificates of good conduct as
12 provided in Article 5.5 of Chapter V.

13 (a-5) The Prisoner Review Board, with the cooperation of
14 and in coordination with the Department of Corrections and the
15 Department of Central Management Services, shall implement a
16 pilot project in 3 correctional institutions providing for the
17 conduct of hearings under paragraphs (1) and (4) of subsection
18 (a) of this Section through interactive video conferences. The
19 project shall be implemented within 6 months after the
20 effective date of this amendatory Act of 1996. Within 6 months
21 after the implementation of the pilot project, the Prisoner
22 Review Board, with the cooperation of and in coordination with
23 the Department of Corrections and the Department of Central
24 Management Services, shall report to the Governor and the
25 General Assembly regarding the use, costs, effectiveness, and
26 future viability of interactive video conferences for Prisoner

1 Review Board hearings.

2 (b) Upon recommendation of the Department the Board may
3 restore good conduct credit previously revoked.

4 (c) The Board shall cooperate with the Department in
5 promoting an effective system of parole and mandatory
6 supervised release.

7 (d) The Board shall promulgate rules for the conduct of its
8 work, and the Chairman shall file a copy of such rules and any
9 amendments thereto with the Director and with the Secretary of
10 State.

11 (e) The Board shall keep records of all of its official
12 actions and shall make them accessible in accordance with law
13 and the rules of the Board.

14 (f) The Board or one who has allegedly violated the
15 conditions of his parole or mandatory supervised release may
16 require by subpoena the attendance and testimony of witnesses
17 and the production of documentary evidence relating to any
18 matter under investigation or hearing. The Chairman of the
19 Board may sign subpoenas which shall be served by any agent or
20 public official authorized by the Chairman of the Board, or by
21 any person lawfully authorized to serve a subpoena under the
22 laws of the State of Illinois. The attendance of witnesses, and
23 the production of documentary evidence, may be required from
24 any place in the State to a hearing location in the State
25 before the Chairman of the Board or his designated agent or
26 agents or any duly constituted Committee or Subcommittee of the

1 Board. Witnesses so summoned shall be paid the same fees and
2 mileage that are paid witnesses in the circuit courts of the
3 State, and witnesses whose depositions are taken and the
4 persons taking those depositions are each entitled to the same
5 fees as are paid for like services in actions in the circuit
6 courts of the State. Fees and mileage shall be vouchered for
7 payment when the witness is discharged from further attendance.

8 In case of disobedience to a subpoena, the Board may
9 petition any circuit court of the State for an order requiring
10 the attendance and testimony of witnesses or the production of
11 documentary evidence or both. A copy of such petition shall be
12 served by personal service or by registered or certified mail
13 upon the person who has failed to obey the subpoena, and such
14 person shall be advised in writing that a hearing upon the
15 petition will be requested in a court room to be designated in
16 such notice before the judge hearing motions or extraordinary
17 remedies at a specified time, on a specified date, not less
18 than 10 nor more than 15 days after the deposit of the copy of
19 the written notice and petition in the U.S. mails addressed to
20 the person at his last known address or after the personal
21 service of the copy of the notice and petition upon such
22 person. The court upon the filing of such a petition, may order
23 the person refusing to obey the subpoena to appear at an
24 investigation or hearing, or to there produce documentary
25 evidence, if so ordered, or to give evidence relative to the
26 subject matter of that investigation or hearing. Any failure to

1 obey such order of the circuit court may be punished by that
2 court as a contempt of court.

3 Each member of the Board and any hearing officer designated
4 by the Board shall have the power to administer oaths and to
5 take the testimony of persons under oath.

6 (g) Except under subsection (a) of this Section, 8 a
7 ~~majority of the~~ members of ~~then appointed to~~ the Prisoner
8 Review Board shall constitute a quorum for the transaction of
9 all business of the Board and the affirmative vote of at least
10 8 members is required for Board decisions.

11 (h) The Prisoner Review Board shall annually transmit to
12 the Director a detailed report of its work for the preceding
13 calendar year. The annual report shall also be transmitted to
14 the Governor for submission to the Legislature.

15 (Source: P.A. 93-207, eff. 1-1-04; 94-165, eff. 7-11-05.)

16 Section 1250. The Illinois Human Rights Act is amended by
17 changing Section 8-101 as follows:

18 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

19 Sec. 8-101. Illinois Human Rights Commission) (A)
20 Creation; Appointments. The Human Rights Commission is created
21 to consist of 13 members appointed by the Governor with the
22 advice and consent of the Senate. No more than 7 members shall
23 be of the same political party. The Governor shall designate
24 one member as chairperson. All appointments shall be in writing

1 and filed with the Secretary of State as a public record.

2 (B) Terms. Of the members first appointed, 4 shall be
3 appointed for a term to expire on the third Monday of January,
4 1981, and 5 (including the Chairperson) shall be appointed for
5 a term to expire on the third Monday of January, 1983.

6 Notwithstanding any provision of this Section to the
7 contrary, the term of office of each member of the Illinois
8 Human Rights Commission is abolished on July 29, 1985, but the
9 incumbent members shall continue to exercise all of the powers
10 and be subject to all of the duties of members of the
11 Commission until their respective successors are appointed and
12 qualified. Subject to the provisions of subsection (A), of the
13 9 members appointed under Public Act 84-115, effective July 29,
14 1985, 5 members shall be appointed for terms to expire on the
15 third Monday of January, 1987, and 4 members shall be appointed
16 for terms to expire on the third Monday of January, 1989; and
17 of the 4 additional members appointed under Public Act 84-1084,
18 effective December 2, 1985, two shall be appointed for a term
19 to expire on the third Monday of January, 1987, and two members
20 shall be appointed for a term to expire on the third Monday of
21 January, 1989.

22 Thereafter, each member shall serve for a term of 4 years
23 and until his or her successor is appointed and qualified;
24 except that any member chosen to fill a vacancy occurring
25 otherwise than by expiration of a term shall be appointed only
26 for the unexpired term of the member whom he or she shall

1 succeed and until his or her successor is appointed and
2 qualified.

3 (C) Vacancies. (1) In the case of vacancies on the
4 Commission during a recess of the Senate, the Governor shall
5 make a temporary appointment until the next meeting of the
6 Senate when he or she shall appoint a person to fill the
7 vacancy. Any person so nominated and confirmed by the Senate
8 shall hold office for the remainder of the term and until his
9 or her successor is appointed and qualified.

10 (2) If the Senate is not in session at the time this Act
11 takes effect, the Governor shall make temporary appointments to
12 the Commission as in the case of vacancies.

13 (3) Vacancies in the Commission shall not impair the right
14 of the remaining members to exercise all the powers of the
15 Commission. Except when authorized by this Act to proceed
16 through a 3 member panel, 7 ~~a majority of the~~ members of the
17 Commission ~~then in office~~ shall constitute a quorum. The
18 affirmative vote of at least 7 members is required for Board
19 decisions.

20 (D) Compensation. The Chairperson of the Commission shall
21 be compensated at the rate of \$22,500 per year, or as set by
22 the Compensation Review Board, whichever is greater, during his
23 or her service as Chairperson, and each other member shall be
24 compensated at the rate of \$20,000 per year, or as set by the
25 Compensation Review Board, whichever is greater. In addition,
26 all members of the Commission shall be reimbursed for expenses

1 actually and necessarily incurred by them in the performance of
2 their duties.

3 (Source: P.A. 84-1308.)

4 Section 9990. Severability. The provisions of this Act are
5 severable under Section 1.31 of the Statute on Statutes.

6 Section 9999. Effective date. This Act takes effect upon
7 becoming law.".