



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4282

Introduced 12/19/05, by Rep. Lou Lang

#### SYNOPSIS AS INTRODUCED:

15 ILCS 15/3.1	from Ch. 127, par. 1803.1
20 ILCS 2505/2505-305	was 20 ILCS 2505/39b15.1
40 ILCS 5/14-110	from Ch. 108 1/2, par. 14-110
40 ILCS 5/18-127	from Ch. 108 1/2, par. 18-127
230 ILCS 10/4	from Ch. 120, par. 2404
230 ILCS 10/5	from Ch. 120, par. 2405
230 ILCS 10/5.1	from Ch. 120, par. 2405.1
230 ILCS 10/5.2 new	
230 ILCS 10/7	from Ch. 120, par. 2407
230 ILCS 10/13	from Ch. 120, par. 2413

Amends the Department of Revenue Law of the Civil Administrative Code of Illinois and the Riverboat Gambling Act. Separates the Illinois Gaming Board from the Department of Revenue for the purposes of enforcing and administering the Riverboat Gambling Act. Makes conforming changes. Prohibits members of the Board from holding any other public office (rather than any other public office for which he or she shall receive compensation). Prohibits members of the Board from engaging in any political activity. Provides for an annual salary for Board members. Makes changes regarding disclosure of equity interests of the Board members and their spouses and children. Makes changes in provisions concerning the determining factors in the Board's decision in granting owners licenses. In provisions concerning the powers and duties of the Board, removes language allowing the Director of Revenue to delegate responsibility for the administration and enforcement of certain Acts concerning gaming to the Board and adds language concerning appointing investigators. Makes changes concerning appropriations from the State Gaming Fund. Makes other changes. Amends the Executive Reorganization Implementation Act. Excludes the Illinois Gaming Board from the definition of "agency directly responsible to the Governor". Amends the Illinois Pension Code. In the State Employees Article, adds investigators for the Illinois Gaming Board to provisions concerning the alternative formula. In the Judges Article, allows a participant who, on or after March 1, 2005, serves on the Illinois Gaming Board to continue to receive benefits despite that service. Effective immediately.

LRB094 15387 AMC 50579 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

1 AN ACT concerning gaming.

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

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

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

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

- 19 (1) the State Board of Elections;  
20 (2) the State Board of Education;  
21 (3) the Illinois Commerce Commission;  
22 (4) the Illinois Workers' Compensation Commission;  
23 (5) the Civil Service Commission;  
24 (6) the Fair Employment Practices Commission;  
25 (7) the Pollution Control Board;  
26 (8) the Department of State Police Merit Board;  
27 (9) The Illinois Gaming Board.

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

29 Section 10. The Department of Revenue Law of the Civil  
30 Administrative Code of Illinois is amended by changing Section  
31 2505-305 as follows:

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

2 Sec. 2505-305. Investigators.

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

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

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

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

27 Section 15. The Illinois Pension Code is amended by  
28 changing Section 14-110 and 18-127 as follows:

29 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

30 (Text of Section before amendment by P.A. 94-696)

31 Sec. 14-110. Alternative retirement annuity.

32 (a) Any member who has withdrawn from service with not less  
33 than 20 years of eligible creditable service and has attained

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

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

16 (ii) for periods of eligible creditable service as a  
17 covered employee: if retirement occurs on or after January  
18 1, 2001, 2.5% of final average compensation for each year  
19 of creditable service; if retirement occurs before January  
20 1, 2001, 1.67% of final average compensation for each of  
21 the first 10 years of such service, 1.90% for each of the  
22 next 10 years of such service, 2.10% for each year of such  
23 service in excess of 20 but not exceeding 30, and 2.30% for  
24 each year in excess of 30.

25 Such annuity shall be subject to a maximum of 75% of final  
26 average compensation if retirement occurs before January 1,  
27 2001 or to a maximum of 80% of final average compensation if  
28 retirement occurs on or after January 1, 2001.

29 These rates shall not be applicable to any service  
30 performed by a member as a covered employee which is not  
31 eligible creditable service. Service as a covered employee  
32 which is not eligible creditable service shall be subject to  
33 the rates and provisions of Section 14-108.

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

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

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

36 (c) For the purposes of this Section:

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

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

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

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

30           (5) The term "investigator for the Secretary of State"  
31 means any person employed by the Office of the Secretary of  
32 State and vested with such investigative duties as render  
33 him ineligible for coverage under the Social Security Act  
34 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
35 218(1)(1) of that Act.

36           A person who became employed as an investigator for the

1 Secretary of State between January 1, 1967 and December 31,  
2 1975, and who has served as such until attainment of age  
3 60, either continuously or with a single break in service  
4 of not more than 3 years duration, which break terminated  
5 before January 1, 1976, shall be entitled to have his  
6 retirement annuity calculated in accordance with  
7 subsection (a), notwithstanding that he has less than 20  
8 years of credit for such service.

9 (6) The term "Conservation Police Officer" means any  
10 person employed by the Division of Law Enforcement of the  
11 Department of Natural Resources and vested with such law  
12 enforcement duties as render him ineligible for coverage  
13 under the Social Security Act by reason of Sections  
14 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
15 term "Conservation Police Officer" includes the positions  
16 of Chief Conservation Police Administrator and Assistant  
17 Conservation Police Administrator.

18 (7) The term "investigator for the Department of  
19 Revenue" means any person employed by the Department of  
20 Revenue and vested with such investigative duties as render  
21 him ineligible for coverage under the Social Security Act  
22 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
23 218(1)(1) of that Act.

24 The term "investigator for the Illinois Gaming Board"  
25 means any person employed as such by the Illinois Gaming  
26 Board and vested with such peace officer duties as render  
27 the person ineligible for coverage under the Social  
28 Security Act by reason of Sections 218(d)(5)(A),  
29 218(d)(8)(D), and 218(1)(1) of that Act.

30 (8) The term "security employee of the Department of  
31 Human Services" means any person employed by the Department  
32 of Human Services who (i) is employed at the Chester Mental  
33 Health Center and has daily contact with the residents  
34 thereof, (ii) is employed within a security unit at a  
35 facility operated by the Department and has daily contact  
36 with the residents of the security unit, (iii) is employed

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

20 The changes made to this subdivision (c)(8) by Public  
21 Act 92-14 apply to persons who retire on or after January  
22 1, 2001, notwithstanding Section 1-103.1.

23 (9) "Central Management Services security police  
24 officer" means any person employed by the Department of  
25 Central Management Services who is vested with such law  
26 enforcement duties as render him ineligible for coverage  
27 under the Social Security Act by reason of Sections  
28 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

29 (10) For a member who first became an employee under  
30 this Article before July 1, 2005, the term "security  
31 employee of the Department of Corrections" means any  
32 employee of the Department of Corrections or the former  
33 Department of Personnel, and any member or employee of the  
34 Prisoner Review Board, who has daily contact with inmates  
35 by working within a correctional facility or who is a  
36 parole officer or an employee who has direct contact with



1 committed persons in the performance of his or her job  
2 duties. For a member who first becomes an employee under  
3 this Article on or after July 1, 2005, the term means an  
4 employee of the Department of Corrections who is any of the  
5 following: (i) officially headquartered at a correctional  
6 facility, (ii) a parole officer, (iii) a member of the  
7 apprehension unit, (iv) a member of the intelligence unit,  
8 (v) a member of the sort team, or (vi) an investigator.

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

12 (12) The term "investigator for the Department of State  
13 Police" means a person employed by the Department of State  
14 Police who is vested under Section 4 of the Narcotic  
15 Control Division Abolition Act with such law enforcement  
16 powers as render him ineligible for coverage under the  
17 Social Security Act by reason of Sections 218(d)(5)(A),  
18 218(d)(8)(D) and 218(1)(1) of that Act.

19 (13) "Investigator for the Office of the Attorney  
20 General" means any person who is employed as such by the  
21 Office of the Attorney General and is vested with such  
22 investigative duties as render him ineligible for coverage  
23 under the Social Security Act by reason of Sections  
24 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
25 the period before January 1, 1989, the term includes all  
26 persons who were employed as investigators by the Office of  
27 the Attorney General, without regard to social security  
28 status.

29 (14) "Controlled substance inspector" means any person  
30 who is employed as such by the Department of Professional  
31 Regulation and is vested with such law enforcement duties  
32 as render him ineligible for coverage under the Social  
33 Security Act by reason of Sections 218(d)(5)(A),  
34 218(d)(8)(D) and 218(1)(1) of that Act. The term  
35 "controlled substance inspector" includes the Program  
36 Executive of Enforcement and the Assistant Program

1 Executive of Enforcement.

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

7 (16) "Commerce Commission police officer" means any  
8 person employed by the Illinois Commerce Commission who is  
9 vested with such law enforcement duties as render him  
10 ineligible for coverage under the Social Security Act by  
11 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
12 218(1)(1) of that Act.

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

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

31 (i) A person employed on a full-time basis by the  
32 Illinois Department of Transportation in the position  
33 of highway maintainer, highway maintenance lead  
34 worker, highway maintenance lead/lead worker, heavy  
35 construction equipment operator, power shovel  
36 operator, or bridge mechanic; and whose principal

1 responsibility is to perform, on the roadway, the  
2 actual maintenance necessary to keep the highways that  
3 form a part of the State highway system in serviceable  
4 condition for vehicular traffic.

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

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

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

25 or

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

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

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

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

1           creditable service and age 55; or

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

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

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

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

34          For purposes of calculating retirement annuities under  
35          this Section, periods of service rendered after December 31,  
36          1968 and before January 1, 1982 as a covered employee in the

1 position of investigator for the Department of Revenue shall be  
2 deemed to have been service as a noncovered employee, provided  
3 that the employee pays to the System prior to retirement an  
4 amount equal to (1) the difference between the employee  
5 contributions that would have been required for such service as  
6 a noncovered employee, and the amount of employee contributions  
7 actually paid, plus (2) if payment is made after January 1,  
8 1990, regular interest on the amount specified in item (1) from  
9 the date of service to the date of payment.

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

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

35 (h) Subject to the limitation in subsection (i), a State  
36 policeman or investigator for the Secretary of State may elect

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

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

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

29 (j) Subject to the limitation in subsection (i), an  
30 investigator for the Office of the State's Attorneys Appellate  
31 Prosecutor or a controlled substance inspector may elect to  
32 establish eligible creditable service for up to 10 years of his  
33 service as a policeman under Article 3 or a sheriff's law  
34 enforcement employee under Article 7, by filing a written  
35 election with the Board, accompanied by payment of an amount to  
36 be determined by the Board, equal to (1) the difference between

1 the amount of employee and employer contributions transferred  
2 to the System under Section 3-110.6 or 7-139.8, and the amounts  
3 that would have been contributed had such contributions been  
4 made at the rates applicable to State policemen, plus (2)  
5 interest thereon at the effective rate for each year,  
6 compounded annually, from the date of service to the date of  
7 payment.

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

29 (l) Subject to the limitation in subsection (i), a security  
30 employee of the Department of Corrections may elect, not later  
31 than July 1, 1998, to establish eligible creditable service for  
32 up to 10 years of his or her service as a policeman under  
33 Article 3, by filing a written election with the Board,  
34 accompanied by payment of an amount to be determined by the  
35 Board, equal to (i) the difference between the amount of  
36 employee and employer contributions transferred to the System

1 under Section 3-110.5, and the amounts that would have been  
2 contributed had such contributions been made at the rates  
3 applicable to security employees of the Department of  
4 Corrections, plus (ii) interest thereon at the effective rate  
5 for each year, compounded annually, from the date of service to  
6 the date of payment.

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

8 (Text of Section after amendment by P.A. 94-696)

9 Sec. 14-110. Alternative retirement annuity.

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

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

27 (ii) for periods of eligible creditable service as a  
28 covered employee: if retirement occurs on or after January  
29 1, 2001, 2.5% of final average compensation for each year  
30 of creditable service; if retirement occurs before January  
31 1, 2001, 1.67% of final average compensation for each of  
32 the first 10 years of such service, 1.90% for each of the  
33 next 10 years of such service, 2.10% for each year of such  
34 service in excess of 20 but not exceeding 30, and 2.30% for  
35 each year in excess of 30.



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

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

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

- 13           (1) State policeman;
- 14           (2) fire fighter in the fire protection service of a  
15 department;
- 16           (3) air pilot;
- 17           (4) special agent;
- 18           (5) investigator for the Secretary of State;
- 19           (6) conservation police officer;
- 20           (7) investigator for the Department of Revenue or the  
21 Illinois Gaming Board;
- 22           (8) security employee of the Department of Human  
23 Services;
- 24           (9) Central Management Services security police  
25 officer;
- 26           (10) security employee of the Department of  
27 Corrections or the Department of Juvenile Justice;
- 28           (11) dangerous drugs investigator;
- 29           (12) investigator for the Department of State Police;
- 30           (13) investigator for the Office of the Attorney  
31 General;
- 32           (14) controlled substance inspector;
- 33           (15) investigator for the Office of the State's  
34 Attorneys Appellate Prosecutor;
- 35           (16) Commerce Commission police officer;
- 36           (17) arson investigator;

1 (18) State highway maintenance worker.

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

12 (c) For the purposes of this Section:

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

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

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

30 (4) The term "special agent" means any person who by  
31 reason of employment by the Division of Narcotic Control,  
32 the Bureau of Investigation or, after July 1, 1977, the  
33 Division of Criminal Investigation, the Division of  
34 Internal Investigation, the Division of Operations, or any  
35 other Division or organizational entity in the Department  
36 of State Police is vested by law with duties to maintain

1 public order, investigate violations of the criminal law of  
2 this State, enforce the laws of this State, make arrests  
3 and recover property. The term "special agent" includes any  
4 title or position in the Department of State Police that is  
5 held by an individual employed under the State Police Act.

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

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

21 (6) The term "Conservation Police Officer" means any  
22 person employed by the Division of Law Enforcement of the  
23 Department of Natural Resources and vested with such law  
24 enforcement duties as render him ineligible for coverage  
25 under the Social Security Act by reason of Sections  
26 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
27 term "Conservation Police Officer" includes the positions  
28 of Chief Conservation Police Administrator and Assistant  
29 Conservation Police Administrator.

30 (7) The term "investigator for the Department of  
31 Revenue" means any person employed by the Department of  
32 Revenue and vested with such investigative duties as render  
33 him ineligible for coverage under the Social Security Act  
34 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
35 218(1)(1) of that Act.

36 The term "investigator for the Illinois Gaming Board"

1       means any person employed as such by the Illinois Gaming  
2       Board and vested with such peace officer duties as render  
3       the person ineligible for coverage under the Social  
4       Security Act by reason of Sections 218(d)(5)(A),  
5       218(d)(8)(D), and 218(1)(1) of that Act.

6       (8) The term "security employee of the Department of  
7       Human Services" means any person employed by the Department  
8       of Human Services who (i) is employed at the Chester Mental  
9       Health Center and has daily contact with the residents  
10      thereof, (ii) is employed within a security unit at a  
11      facility operated by the Department and has daily contact  
12      with the residents of the security unit, (iii) is employed  
13      at a facility operated by the Department that includes a  
14      security unit and is regularly scheduled to work at least  
15      50% of his or her working hours within that security unit,  
16      or (iv) is a mental health police officer. "Mental health  
17      police officer" means any person employed by the Department  
18      of Human Services in a position pertaining to the  
19      Department's mental health and developmental disabilities  
20      functions who is vested with such law enforcement duties as  
21      render the person ineligible for coverage under the Social  
22      Security Act by reason of Sections 218(d)(5)(A),  
23      218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
24      means that portion of a facility that is devoted to the  
25      care, containment, and treatment of persons committed to  
26      the Department of Human Services as sexually violent  
27      persons, persons unfit to stand trial, or persons not  
28      guilty by reason of insanity. With respect to past  
29      employment, references to the Department of Human Services  
30      include its predecessor, the Department of Mental Health  
31      and Developmental Disabilities.

32      The changes made to this subdivision (c)(8) by Public  
33      Act 92-14 apply to persons who retire on or after January  
34      1, 2001, notwithstanding Section 1-103.1.

35      (9) "Central Management Services security police  
36      officer" means any person employed by the Department of

1 Central Management Services who is vested with such law  
2 enforcement duties as render him ineligible for coverage  
3 under the Social Security Act by reason of Sections  
4 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

29 (12) The term "investigator for the Department of State  
30 Police" means a person employed by the Department of State  
31 Police who is vested under Section 4 of the Narcotic  
32 Control Division Abolition Act with such law enforcement  
33 powers as render him ineligible for coverage under the  
34 Social Security Act by reason of Sections 218(d)(5)(A),  
35 218(d)(8)(D) and 218(1)(1) of that Act.

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

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

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

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

24           (16) "Commerce Commission police officer" means any  
25           person employed by the Illinois Commerce Commission who is  
26           vested with such law enforcement duties as render him  
27           ineligible for coverage under the Social Security Act by  
28           reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
29           218(1)(1) of that Act.

30           (17) "Arson investigator" means any person who is  
31           employed as such by the Office of the State Fire Marshal  
32           and is vested with such law enforcement duties as render  
33           the person ineligible for coverage under the Social  
34           Security Act by reason of Sections 218(d)(5)(A),  
35           218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
36           employed as an arson investigator on January 1, 1995 and is

1 no longer in service but not yet receiving a retirement  
2 annuity may convert his or her creditable service for  
3 employment as an arson investigator into eligible  
4 creditable service by paying to the System the difference  
5 between the employee contributions actually paid for that  
6 service and the amounts that would have been contributed if  
7 the applicant were contributing at the rate applicable to  
8 persons with the same social security status earning  
9 eligible creditable service on the date of application.

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

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

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

35 (d) A security employee of the Department of Corrections or  
36 the Department of Juvenile Justice, and a security employee of

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

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

7 or

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

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

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

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

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

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

32 (e) If a member enters military service while working in a  
33 position in which eligible creditable service may be earned,  
34 and returns to State service in the same or another such  
35 position, and fulfills in all other respects the conditions  
36 prescribed in this Article for credit for military service,



1 such military service shall be credited as eligible creditable  
2 service for the purposes of the retirement annuity prescribed  
3 in this Section.

4 (f) For purposes of calculating retirement annuities under  
5 this Section, periods of service rendered after December 31,  
6 1968 and before October 1, 1975 as a covered employee in the  
7 position of special agent, conservation police officer, mental  
8 health police officer, or investigator for the Secretary of  
9 State, shall be deemed to have been service as a noncovered  
10 employee, provided that the employee pays to the System prior  
11 to retirement an amount equal to (1) the difference between the  
12 employee contributions that would have been required for such  
13 service as a noncovered employee, and the amount of employee  
14 contributions actually paid, plus (2) if payment is made after  
15 July 31, 1987, regular interest on the amount specified in item  
16 (1) from the date of service to the date of payment.

17 For purposes of calculating retirement annuities under  
18 this Section, periods of service rendered after December 31,  
19 1968 and before January 1, 1982 as a covered employee in the  
20 position of investigator for the Department of Revenue shall be  
21 deemed to have been service as a noncovered employee, provided  
22 that the employee pays to the System prior to retirement an  
23 amount equal to (1) the difference between the employee  
24 contributions that would have been required for such service as  
25 a noncovered employee, and the amount of employee contributions  
26 actually paid, plus (2) if payment is made after January 1,  
27 1990, regular interest on the amount specified in item (1) from  
28 the date of service to the date of payment.

29 (g) A State policeman may elect, not later than January 1,  
30 1990, to establish eligible creditable service for up to 10  
31 years of his service as a policeman under Article 3, by filing  
32 a written election with the Board, accompanied by payment of an  
33 amount to be determined by the Board, equal to (i) the  
34 difference between the amount of employee and employer  
35 contributions transferred to the System under Section 3-110.5,  
36 and the amounts that would have been contributed had such

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

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

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

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

1 paying to the System by January 31, 1994 an amount to be  
2 determined by the Board, equal to (i) the difference between  
3 the amount of employee and employer contributions transferred  
4 to the System under Section 7-139.7, and the amounts that would  
5 have been contributed had such contributions been made at the  
6 rates applicable to State policemen, plus (ii) interest thereon  
7 at the effective rate for each year, compounded annually, from  
8 the date of service to the date of payment.

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

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

27 (k) Subject to the limitation in subsection (i) of this  
28 Section, an alternative formula employee may elect to establish  
29 eligible creditable service for periods spent as a full-time  
30 law enforcement officer or full-time corrections officer  
31 employed by the federal government or by a state or local  
32 government located outside of Illinois, for which credit is not  
33 held in any other public employee pension fund or retirement  
34 system. To obtain this credit, the applicant must file a  
35 written application with the Board by March 31, 1998,  
36 accompanied by evidence of eligibility acceptable to the Board

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

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

26 (m) The amendatory changes to this Section made by this  
27 amendatory Act of the 94th General Assembly apply only to: (1)  
28 security employees of the Department of Juvenile Justice  
29 employed by the Department of Corrections before the effective  
30 date of this amendatory Act of the 94th General Assembly and  
31 transferred to the Department of Juvenile Justice by this  
32 amendatory Act of the 94th General Assembly; and (2) persons  
33 employed by the Department of Juvenile Justice on or after the  
34 effective date of this amendatory Act of the 94th General  
35 Assembly who are required by subsection (b) of Section 3-2.5-15  
36 of the Unified Code of Corrections to have a bachelor's or

1 advanced degree from an accredited college or university with a  
2 specialization in criminal justice, education, psychology,  
3 social work, or a closely related social science or, in the  
4 case of persons who provide vocational training, who are  
5 required to have adequate knowledge in the skill for which they  
6 are providing the vocational training.

7 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06.)

8 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

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

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

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

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

1 his duties under the temporary employment agreement.

2 (c) Except as provided in subsection (a), beginning January  
3 1, 1993, retirement annuities shall not be subject to  
4 suspension upon resumption of employment for an employer, and  
5 any retirement annuity that is then so suspended shall be  
6 reinstated on that date.

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

11 (e) A participant receiving a retirement annuity under this  
12 Article who (i) serves as a part-time employee in any of the  
13 following positions: Legislative Inspector General, Special  
14 Legislative Inspector General, employee of the Office of the  
15 Legislative Inspector General, Executive Director of the  
16 Legislative Ethics Commission, or staff of the Legislative  
17 Ethics Commission or (ii), on or after March 1, 2005, serves on  
18 the Illinois Gaming Board, but has not elected to participate  
19 in the Article 14 System with respect to that service, shall  
20 not be deemed to be regularly employed for compensation by an  
21 employer other than a county, nor to have resumed service as a  
22 judge, on the basis of that service, and the retirement annuity  
23 payments and other benefits of that person under this Code  
24 shall not be suspended, diminished, or otherwise impaired  
25 solely as a consequence of that service. This subsection (e)  
26 applies without regard to whether the person is in service as a  
27 judge under this Article on or after the effective date of this  
28 amendatory Act of the 93rd General Assembly. In this  
29 subsection, a "part-time employee" is a person who is not  
30 required to work at least 35 hours per week. The changes made  
31 to this subsection (e) by this amendatory Act of the 94th  
32 General Assembly apply without regard to whether the person is  
33 in service as a judge under this Article on or after the  
34 effective date of this amendatory Act of the 94th General  
35 Assembly.

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

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

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

14 Section 20. The Riverboat Gambling Act is amended by  
15 changing Sections 4, 5, 5.1, 7, and 13 and by adding Section  
16 5.2 as follows:

17 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

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

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

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

1 (e) "Managers license" means a license issued by the Board  
2 to a person or entity to manage gambling operations conducted  
3 by the State pursuant to Section 7.3 ~~7.2~~.

4 (f) "Dock" means the location where a riverboat moors for  
5 the purpose of embarking passengers for and disembarking  
6 passengers from the riverboat.

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

10 (h) "Adjusted gross receipts" means the gross receipts less  
11 winnings paid to wagerers.

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

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

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

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

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

24 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;  
25 revised 1-28-04.)

26 (230 ILCS 10/5) (from Ch. 120, par. 2405)

27 Sec. 5. Gaming Board.

28 (a) (1) There is hereby established the ~~within the~~  
29 ~~Department of Revenue an~~ Illinois Gaming Board, which shall  
30 have the powers and duties specified in this Act, and all other  
31 powers necessary and proper to fully and effectively execute  
32 this Act for the purpose of administering, regulating, and  
33 enforcing the system of riverboat gambling established by this  
34 Act. Its jurisdiction shall extend under this Act to every  
35 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  
27 and consent of the Senate.

28 (4) The chairman of the Board shall receive an annual  
29 salary of \$60,000, or as set by the Compensation Review Board,  
30 whichever is higher. Other members of the Board shall receive  
31 an annual salary of \$50,000, or as set by the Compensation  
32 Review Board, whichever is higher. ~~Each member of the Board~~  
33 ~~shall receive \$300 for each day the Board meets and for each~~  
34 ~~day the member conducts any hearing pursuant to this Act.~~ Each  
35 member of the Board shall also be reimbursed for all actual and  
36 necessary expenses and disbursements incurred in the execution

1 of official duties.

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

15 (5.5) No member of the Board shall engage in any political  
16 activity. For the purposes of this Section, "political" means  
17 any activity in support of or in connection with any campaign  
18 for elective State office, elective office of any unit of local  
19 government or school district, or any political organization,  
20 but does not include activities (i) relating to the support or  
21 opposition of any executive, legislative, or administrative  
22 action (as those terms are defined in Section 2 of the Lobbyist  
23 Registration Act), (ii) relating to collective bargaining, or  
24 (iii) that are otherwise in furtherance of the person's  
25 official State duties or governmental and public service  
26 functions.

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

30 (7) Before entering upon the discharge of the duties of his  
31 office, each member of the Board shall take an oath that he  
32 will faithfully execute the duties of his office according to  
33 the laws of the State and the rules and regulations adopted  
34 therewith and shall give bond to the State of Illinois,  
35 approved by the Governor, in the sum of \$25,000. Every such  
36 bond, when duly executed and approved, shall be recorded in the

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

13 (8) ~~The~~ Upon the request of the Board, the Department shall  
14 employ such personnel as may be necessary to carry out its ~~the~~  
15 functions and shall determine the salaries of all personnel,  
16 except those personnel whose salaries are determined under the  
17 terms of a collective bargaining agreement ~~of the Board~~. No  
18 person shall be employed to serve the Board who is, or whose  
19 spouse, parent or child is, an official of, or has a financial  
20 interest in or financial relation with, any operator engaged in  
21 gambling operations within this State or any organization  
22 engaged in conducting horse racing within this State. Any  
23 employee violating these prohibitions shall be subject to  
24 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  
27 shall be determined by the Board ~~and approved by the Director~~  
28 ~~of the Department~~ and, in addition, he shall be reimbursed for  
29 all actual and necessary expenses incurred by him in discharge  
30 of his official duties. The Administrator shall keep records of  
31 all proceedings of the Board and shall preserve all records,  
32 books, documents and other papers belonging to the Board or  
33 entrusted to its care. The Administrator shall devote his full  
34 time to the duties of the office and shall not hold any other  
35 office or employment.

36 (b) The Board shall have general responsibility for the

1 implementation of this Act. Its duties include, without  
2 limitation, the following:

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

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

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

24 (4) To provide for the establishment and collection of  
25 all license and registration fees and taxes imposed by this  
26 Act and the rules and regulations issued pursuant hereto.  
27 All such fees and taxes shall be deposited into the State  
28 Gaming Fund;

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

35 (6) To be present through its inspectors and agents any  
36 time gambling operations are conducted on any riverboat for

1 the purpose of certifying the revenue thereof, receiving  
2 complaints from the public, and conducting such other  
3 investigations into the conduct of the gambling games and  
4 the maintenance of the equipment as from time to time the  
5 Board may deem necessary and proper;

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

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

1 constitute the order of the Board in such case;

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

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

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

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

19 (13) To adopt, by rule, a code of conduct governing  
20 Board members and employees that ensure, to the maximum  
21 extent possible, that persons subject to this Code avoid  
22 situations, relationships, or associations that may  
23 represent or lead to a conflict of interest.

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

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

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

36 (3) To promulgate rules and regulations for the purpose

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

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

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

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

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

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

1 promulgated under this Act.

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

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

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

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



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

6           (14) (Blank).

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

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

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

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

1 VII of the Illinois Constitution.

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

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

11 (20.5) To approve any contract entered into on its  
12 behalf.

13 (20.6) To appoint investigators to conduct all  
14 investigations, searches, seizures, arrests, and other  
15 duties imposed under this Act. These investigators have and  
16 may exercise all the rights and powers of peace officers,  
17 provided that these powers shall be limited to offenses or  
18 violations occurring or committed on a riverboat or dock,  
19 as defined in subsections (d) and (f) of Section 4. The  
20 Board must issue to each investigator a distinct badge  
21 that, on its face, (i) clearly states that the badge is  
22 authorized by the Board and (ii) contains a unique  
23 identifying number. No other badge shall be authorized by  
24 the Board.

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

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

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

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

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

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

9 Sec. 5.1. Disclosure of records.

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

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

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

27 (3) An identification of any business, including, if  
28 applicable, the state of incorporation or registration, in  
29 which an applicant or licensee or an applicant's or  
30 licensee's spouse or children has an equity interest of  
31 more than 1% ~~5%~~. If an applicant or licensee is a  
32 corporation, partnership or other business entity, the  
33 applicant or licensee shall identify any other  
34 corporation, partnership or business entity in which it has  
35 an equity interest of 1% ~~5%~~ or more, including, if

1 applicable, the state of incorporation or registration.  
2 This information need not be provided by a corporation,  
3 partnership or other business entity that has a pending  
4 registration statement filed with the Securities and  
5 Exchange Commission.

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

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

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

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

36 (8) A statement listing the names and titles of all

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

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

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

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

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

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

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

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

36 (3) Whenever the Board has refused to grant leave for

1 an applicant to withdraw his application, a copy of the  
2 letter outlining the reasons for the refusal.

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

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

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

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

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

12 (230 ILCS 10/5.2 new)

13 Sec. 5.2. Separation from Department of Revenue. On the  
14 effective date of this amendatory Act of the 94th General  
15 Assembly, all of the powers, duties, assets, liabilities,  
16 employees, contracts, property, records, pending business, and  
17 unexpended appropriations of the Department of Revenue related  
18 to the administration and enforcement of this Act are  
19 transferred to the Illinois Gaming Board.

20 The status and rights of the transferred employees, and the  
21 rights of the State of Illinois and its agencies, under the  
22 Personnel Code and applicable collective bargaining agreements  
23 or under any pension, retirement, or annuity plan are not  
24 affected (except as provided in Sections 14-110 and 18-127 of  
25 the Illinois Pension Code) by that transfer or by any other  
26 provision of this amendatory Act of the 94th General Assembly.

27 (230 ILCS 10/7) (from Ch. 120, par. 2407)

28 Sec. 7. Owners Licenses.

29 (a) The Board shall issue owners licenses to persons, firms  
30 or corporations which apply for such licenses upon payment to  
31 the Board of the non-refundable license fee set by the Board,  
32 upon payment of a \$25,000 license fee for the first year of  
33 operation and a \$5,000 license fee for each succeeding year and  
34 upon a determination by the Board that the applicant is

1 eligible for an owners license pursuant to this Act and the  
2 rules of the Board. A person, firm or corporation is ineligible  
3 to receive an owners license if:

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

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

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

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

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

15 (6) the firm or corporation employs a person defined in  
16 (1), (2), (3) or (4) who participates in the management or  
17 operation of gambling operations authorized under this  
18 Act;

19 (7) (blank); or

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

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

25 (1) the character, reputation, experience and  
26 financial integrity of the applicants and of any other or  
27 separate person that either:

28 (A) controls, directly or indirectly, such  
29 applicant, or

30 (B) is controlled, directly or indirectly, by such  
31 applicant or by a person which controls, directly or  
32 indirectly, such applicant;

33 (2) the facilities or proposed facilities for the  
34 conduct of riverboat gambling;

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

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

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

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

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

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

17 For purposes of this paragraph (b), "minority", "female",  
18 and "person with a disability" shall have the meanings given  
19 them in the Business Enterprise for Minorities, Females, and  
20 Persons with Disabilities Act.

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

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

25 (e) The Board may issue up to 10 licenses authorizing the  
26 holders of such licenses to own riverboats. In the application  
27 for an owners license, the applicant shall state the dock at  
28 which the riverboat is based and the water on which the  
29 riverboat will be located. The Board shall issue 5 licenses to  
30 become effective not earlier than January 1, 1991. Three of  
31 such licenses shall authorize riverboat gambling on the  
32 Mississippi River, or, with approval by the municipality in  
33 which the riverboat was docked on August 7, 2003 and with Board  
34 approval, be authorized to relocate to a new location, in a  
35 municipality that (1) borders on the Mississippi River or is  
36 within 5 miles of the city limits of a municipality that



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

16 In granting all licenses, the Board may give favorable  
17 consideration to economically depressed areas of the State, to  
18 applicants presenting plans which provide for significant  
19 economic development over a large geographic area, ~~and~~ to  
20 applicants who currently operate non-gambling riverboats in  
21 Illinois, and to applicants that have developed a social  
22 investment strategy.

23 A social investment strategy shall have all of the  
24 following elements:

25 (1) In connection with the affirmative action plan  
26 described in item (4) of subsection (b) of Section 7, the  
27 establishment and maintenance of an employee diversity  
28 team comprised of employees from all levels of the  
29 enterprise.

30 (2) A community outreach plan that establishes a  
31 donation budget to support not-for-profit organizations  
32 involved in community assistance and development and  
33 encourages employees at all levels of the applicant's  
34 enterprise to serve on behalf of these organizations as  
35 well as to render service to units of local government and  
36 school districts.

1           (3) An employee volunteer program under which  
2           employees can continue to receive pay and benefits while  
3           performing designated community service.

4           (4) A supplier diversity strategy plan that enables  
5           female owned businesses, minority owned businesses, and  
6           businesses owned by persons with disabilities to  
7           effectively compete for contracts entered into by the  
8           applicant in all aspects of the business. For the purposes  
9           of this paragraph, "female owned business", "minority  
10           owned business", and "business owned by a person with a  
11           disability" shall have the meanings given them in the  
12           Business Enterprise for Minorities, Females, and Persons  
13           with Disabilities Act.

14           (5) A hospitality industry internship opportunities  
15           and career development program that, operating in  
16           partnership with local community colleges, colleges, or  
17           universities, provides students with internships and  
18           career training in the hospitality industry.

19           (6) An employee education plan that provides  
20           opportunities for employees to acquire skills and  
21           education necessary to obtain promotions within the  
22           company, and that includes tuition reimbursement.

23           The Board shall review all applications for owners  
24           licenses, and shall inform each applicant of the Board's  
25           decision. The Board may grant an owners license to an applicant  
26           that has not submitted the highest license bid, but if it does  
27           not select the highest bidder, the Board shall issue a written  
28           decision explaining why another applicant was selected and  
29           identifying the factors set forth in this Section that favored  
30           the winning bidder.

31           In addition to any other revocation powers granted to the  
32           Board under this Act, the Board may revoke the owners license  
33           of a licensee which fails to begin conducting gambling within  
34           15 months of receipt of the Board's approval of the application  
35           if the Board determines that license revocation is in the best  
36           interests of the State.

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

7 (g) Upon the termination, expiration, or revocation of each  
8 of the first 10 licenses, which shall be issued for a 3 year  
9 period, all licenses are renewable annually upon payment of the  
10 fee and a determination by the Board that the licensee  
11 continues to meet all of the requirements of this Act and the  
12 Board's rules. However, for licenses renewed on or after May 1,  
13 1998, renewal shall be for a period of 4 years, unless the  
14 Board sets a shorter period.

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

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

34 (j) The Board may issue or re-issue a license authorizing a  
35 riverboat to dock in a municipality or approve a relocation  
36 under Section 11.2 only if, prior to the issuance or

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

10 (Source: P.A. 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; 94-667,  
11 eff. 8-23-05.)

12 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

22 15% of annual adjusted gross receipts up to and  
23 including \$25,000,000;

24 20% of annual adjusted gross receipts in excess of  
25 \$25,000,000 but not exceeding \$50,000,000;

26 25% of annual adjusted gross receipts in excess of  
27 \$50,000,000 but not exceeding \$75,000,000;

28 30% of annual adjusted gross receipts in excess of  
29 \$75,000,000 but not exceeding \$100,000,000;

30 35% of annual adjusted gross receipts in excess of  
31 \$100,000,000.

32 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax  
33 is imposed on persons engaged in the business of conducting  
34 riverboat gambling operations, other than licensed managers  
35 conducting riverboat gambling operations on behalf of the

1 State, based on the adjusted gross receipts received by a  
2 licensed owner from gambling games authorized under this Act at  
3 the following rates:

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

6 22.5% of annual adjusted gross receipts in excess of  
7 \$25,000,000 but not exceeding \$50,000,000;

8 27.5% of annual adjusted gross receipts in excess of  
9 \$50,000,000 but not exceeding \$75,000,000;

10 32.5% of annual adjusted gross receipts in excess of  
11 \$75,000,000 but not exceeding \$100,000,000;

12 37.5% of annual adjusted gross receipts in excess of  
13 \$100,000,000 but not exceeding \$150,000,000;

14 45% of annual adjusted gross receipts in excess of  
15 \$150,000,000 but not exceeding \$200,000,000;

16 50% of annual adjusted gross receipts in excess of  
17 \$200,000,000.

18 (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
19 persons engaged in the business of conducting riverboat  
20 gambling operations, other than licensed managers conducting  
21 riverboat gambling operations on behalf of the State, based on  
22 the adjusted gross receipts received by a licensed owner from  
23 gambling games authorized under this Act at the following  
24 rates:

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

27 27.5% of annual adjusted gross receipts in excess of  
28 \$25,000,000 but not exceeding \$37,500,000;

29 32.5% of annual adjusted gross receipts in excess of  
30 \$37,500,000 but not exceeding \$50,000,000;

31 37.5% of annual adjusted gross receipts in excess of  
32 \$50,000,000 but not exceeding \$75,000,000;

33 45% of annual adjusted gross receipts in excess of  
34 \$75,000,000 but not exceeding \$100,000,000;

35 50% of annual adjusted gross receipts in excess of  
36 \$100,000,000 but not exceeding \$250,000,000;

1           70% of annual adjusted gross receipts in excess of  
2           \$250,000,000.

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

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

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

27                 15% of annual adjusted gross receipts up to and  
28                 including \$25,000,000;

29                 22.5% of annual adjusted gross receipts in excess of  
30                 \$25,000,000 but not exceeding \$50,000,000;

31                 27.5% of annual adjusted gross receipts in excess of  
32                 \$50,000,000 but not exceeding \$75,000,000;

33                 32.5% of annual adjusted gross receipts in excess of  
34                 \$75,000,000 but not exceeding \$100,000,000;

35                 37.5% of annual adjusted gross receipts in excess of  
36                 \$100,000,000 but not exceeding \$150,000,000;

1           45% of annual adjusted gross receipts in excess of  
2           \$150,000,000 but not exceeding \$200,000,000;

3           50% of annual adjusted gross receipts in excess of  
4           \$200,000,000.

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

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

11          (a-15) If the privilege tax imposed under subsection (a-3)  
12          is no longer imposed pursuant to item (i) of the last paragraph  
13          of subsection (a-3), then by June 15 of each year, each owners  
14          licensee, other than an owners licensee that admitted 1,000,000  
15          persons or fewer in calendar year 2004, must, in addition to  
16          the payment of all amounts otherwise due under this Section,  
17          pay to the Board the amount, if any, by which the base amount  
18          for the licensed owner exceeds the amount of tax paid under  
19          this Section by the licensed owner in the then current State  
20          fiscal year. The obligation imposed by this subsection (a-15)  
21          is binding on any person, firm, corporation, or other entity  
22          that acquires an ownership interest in any such owners license.  
23          The obligation imposed under this subsection (a-15) terminates  
24          on the earliest of: (i) July 1, 2007, (ii) the first day after  
25          the effective date of this amendatory Act of the 94th General  
26          Assembly that riverboat gambling operations are conducted  
27          pursuant to a dormant license, (iii) the first day that  
28          riverboat gambling operations are conducted under the  
29          authority of an owners license that is in addition to the 10  
30          owners licenses initially authorized under this Act, or (iv)  
31          the first day that a licensee under the Illinois Horse Racing  
32          Act of 1975 conducts gaming operations with slot machines or  
33          other electronic gaming devices. The Board must reduce the  
34          obligation imposed under this subsection (a-15) by an amount  
35          the Board deems reasonable for any of the following reasons:  
36          (A) an act or acts of God, (B) an act of bioterrorism or

1 terrorism or a bioterrorism or terrorism threat that was  
2 investigated by a law enforcement agency, or (C) a condition  
3 beyond the control of the owners licensee that does not result  
4 from any act or omission by the owners licensee or any of its  
5 agents and that poses a hazardous threat to the health and  
6 safety of patrons. If an owners licensee pays an amount in  
7 excess of its liability under this Section, the Board shall  
8 apply the overpayment to future payments required under this  
9 Section.

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

11 "Act of God" means an incident caused by the operation of  
12 an extraordinary force that cannot be foreseen, that cannot be  
13 avoided by the exercise of due care, and for which no person  
14 can be held liable.

15 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

26 (b) Until January 1, 1998, 25% of the tax revenue deposited  
27 in the State Gaming Fund under this Section shall be paid,  
28 subject to appropriation by the General Assembly, to the unit  
29 of local government which is designated as the home dock of the  
30 riverboat. Beginning January 1, 1998, from the tax revenue  
31 deposited in the State Gaming Fund under this Section, an  
32 amount equal to 5% of adjusted gross receipts generated by a  
33 riverboat shall be paid monthly, subject to appropriation by  
34 the General Assembly, to the unit of local government that is  
35 designated as the home dock of the riverboat. From the tax  
36 revenue deposited in the State Gaming Fund pursuant to



1 riverboat gambling operations conducted by a licensed manager  
2 on behalf of the State, an amount equal to 5% of adjusted gross  
3 receipts generated pursuant to those riverboat gambling  
4 operations 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 upon which those  
7 riverboat gambling operations are conducted.

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

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

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

30 (c-15) After the payments required under subsections (b),  
31 (c), and (c-5) have been made, an amount equal to 2% of the  
32 adjusted gross receipts of (1) an owners licensee that  
33 relocates pursuant to Section 11.2, (2) an owners licensee  
34 conducting riverboat gambling operations pursuant to an owners  
35 license that is initially issued after June 25, 1999, or (3)  
36 the first riverboat gambling operations conducted by a licensed

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

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

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

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

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

30 (f) To the extent practicable, the Board shall administer  
31 and collect the wagering taxes imposed by this Section in a  
32 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
33 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the  
34 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
35 Penalty and Interest Act.

36 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,

1 eff. 8-23-05.)

2 Section 95. No acceleration or delay. Where this Act makes  
3 changes in a statute that is represented in this Act by text  
4 that is not yet or no longer in effect (for example, a Section  
5 represented by multiple versions), the use of that text does  
6 not accelerate or delay the taking effect of (i) the changes  
7 made by this Act or (ii) provisions derived from any other  
8 Public Act.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.