



Sen. John J. Cullerton

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LRB097 17765 AMC 69524 a

1 AMENDMENT TO HOUSE BILL 4148

2 AMENDMENT NO. _____. Amend House Bill 4148, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Administrative Procedure Act is
6 amended by changing Section 5-45 as follows:

7 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

8 Sec. 5-45. Emergency rulemaking.

9 (a) "Emergency" means the existence of any situation that
10 any agency finds reasonably constitutes a threat to the public
11 interest, safety, or welfare.

12 (b) If any agency finds that an emergency exists that
13 requires adoption of a rule upon fewer days than is required by
14 Section 5-40 and states in writing its reasons for that
15 finding, the agency may adopt an emergency rule without prior
16 notice or hearing upon filing a notice of emergency rulemaking

1 with the Secretary of State under Section 5-70. The notice
2 shall include the text of the emergency rule and shall be
3 published in the Illinois Register. Consent orders or other
4 court orders adopting settlements negotiated by an agency may
5 be adopted under this Section. Subject to applicable
6 constitutional or statutory provisions, an emergency rule
7 becomes effective immediately upon filing under Section 5-65 or
8 at a stated date less than 10 days thereafter. The agency's
9 finding and a statement of the specific reasons for the finding
10 shall be filed with the rule. The agency shall take reasonable
11 and appropriate measures to make emergency rules known to the
12 persons who may be affected by them.

13 (c) An emergency rule may be effective for a period of not
14 longer than 150 days, but the agency's authority to adopt an
15 identical rule under Section 5-40 is not precluded. No
16 emergency rule may be adopted more than once in any 24 month
17 period, except that this limitation on the number of emergency
18 rules that may be adopted in a 24 month period does not apply
19 to (i) emergency rules that make additions to and deletions
20 from the Drug Manual under Section 5-5.16 of the Illinois
21 Public Aid Code or the generic drug formulary under Section
22 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
23 emergency rules adopted by the Pollution Control Board before
24 July 1, 1997 to implement portions of the Livestock Management
25 Facilities Act, (iii) emergency rules adopted by the Illinois
26 Department of Public Health under subsections (a) through (i)

1 of Section 2 of the Department of Public Health Act when
2 necessary to protect the public's health, (iv) emergency rules
3 adopted pursuant to subsection (n) of this Section, or (v)
4 emergency rules adopted pursuant to subsection (o) of this
5 Section. Two or more emergency rules having substantially the
6 same purpose and effect shall be deemed to be a single rule for
7 purposes of this Section.

8 (d) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 1999 budget,
10 emergency rules to implement any provision of Public Act 90-587
11 or 90-588 or any other budget initiative for fiscal year 1999
12 may be adopted in accordance with this Section by the agency
13 charged with administering that provision or initiative,
14 except that the 24-month limitation on the adoption of
15 emergency rules and the provisions of Sections 5-115 and 5-125
16 do not apply to rules adopted under this subsection (d). The
17 adoption of emergency rules authorized by this subsection (d)
18 shall be deemed to be necessary for the public interest,
19 safety, and welfare.

20 (e) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2000 budget,
22 emergency rules to implement any provision of this amendatory
23 Act of the 91st General Assembly or any other budget initiative
24 for fiscal year 2000 may be adopted in accordance with this
25 Section by the agency charged with administering that provision
26 or initiative, except that the 24-month limitation on the

1 adoption of emergency rules and the provisions of Sections
2 5-115 and 5-125 do not apply to rules adopted under this
3 subsection (e). The adoption of emergency rules authorized by
4 this subsection (e) shall be deemed to be necessary for the
5 public interest, safety, and welfare.

6 (f) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2001 budget,
8 emergency rules to implement any provision of this amendatory
9 Act of the 91st General Assembly or any other budget initiative
10 for fiscal year 2001 may be adopted in accordance with this
11 Section by the agency charged with administering that provision
12 or initiative, except that the 24-month limitation on the
13 adoption of emergency rules and the provisions of Sections
14 5-115 and 5-125 do not apply to rules adopted under this
15 subsection (f). The adoption of emergency rules authorized by
16 this subsection (f) shall be deemed to be necessary for the
17 public interest, safety, and welfare.

18 (g) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2002 budget,
20 emergency rules to implement any provision of this amendatory
21 Act of the 92nd General Assembly or any other budget initiative
22 for fiscal year 2002 may be adopted in accordance with this
23 Section by the agency charged with administering that provision
24 or initiative, except that the 24-month limitation on the
25 adoption of emergency rules and the provisions of Sections
26 5-115 and 5-125 do not apply to rules adopted under this

1 subsection (g). The adoption of emergency rules authorized by
2 this subsection (g) shall be deemed to be necessary for the
3 public interest, safety, and welfare.

4 (h) In order to provide for the expeditious and timely
5 implementation of the State's fiscal year 2003 budget,
6 emergency rules to implement any provision of this amendatory
7 Act of the 92nd General Assembly or any other budget initiative
8 for fiscal year 2003 may be adopted in accordance with this
9 Section by the agency charged with administering that provision
10 or initiative, except that the 24-month limitation on the
11 adoption of emergency rules and the provisions of Sections
12 5-115 and 5-125 do not apply to rules adopted under this
13 subsection (h). The adoption of emergency rules authorized by
14 this subsection (h) shall be deemed to be necessary for the
15 public interest, safety, and welfare.

16 (i) In order to provide for the expeditious and timely
17 implementation of the State's fiscal year 2004 budget,
18 emergency rules to implement any provision of this amendatory
19 Act of the 93rd General Assembly or any other budget initiative
20 for fiscal year 2004 may be adopted in accordance with this
21 Section by the agency charged with administering that provision
22 or initiative, except that the 24-month limitation on the
23 adoption of emergency rules and the provisions of Sections
24 5-115 and 5-125 do not apply to rules adopted under this
25 subsection (i). The adoption of emergency rules authorized by
26 this subsection (i) shall be deemed to be necessary for the

1 public interest, safety, and welfare.

2 (j) In order to provide for the expeditious and timely
3 implementation of the provisions of the State's fiscal year
4 2005 budget as provided under the Fiscal Year 2005 Budget
5 Implementation (Human Services) Act, emergency rules to
6 implement any provision of the Fiscal Year 2005 Budget
7 Implementation (Human Services) Act may be adopted in
8 accordance with this Section by the agency charged with
9 administering that provision, except that the 24-month
10 limitation on the adoption of emergency rules and the
11 provisions of Sections 5-115 and 5-125 do not apply to rules
12 adopted under this subsection (j). The Department of Public Aid
13 may also adopt rules under this subsection (j) necessary to
14 administer the Illinois Public Aid Code and the Children's
15 Health Insurance Program Act. The adoption of emergency rules
16 authorized by this subsection (j) shall be deemed to be
17 necessary for the public interest, safety, and welfare.

18 (k) In order to provide for the expeditious and timely
19 implementation of the provisions of the State's fiscal year
20 2006 budget, emergency rules to implement any provision of this
21 amendatory Act of the 94th General Assembly or any other budget
22 initiative for fiscal year 2006 may be adopted in accordance
23 with this Section by the agency charged with administering that
24 provision or initiative, except that the 24-month limitation on
25 the adoption of emergency rules and the provisions of Sections
26 5-115 and 5-125 do not apply to rules adopted under this

1 subsection (k). The Department of Healthcare and Family
2 Services may also adopt rules under this subsection (k)
3 necessary to administer the Illinois Public Aid Code, the
4 Senior Citizens and Disabled Persons Property Tax Relief and
5 Pharmaceutical Assistance Act, the Senior Citizens and
6 Disabled Persons Prescription Drug Discount Program Act (now
7 the Illinois Prescription Drug Discount Program Act), and the
8 Children's Health Insurance Program Act. The adoption of
9 emergency rules authorized by this subsection (k) shall be
10 deemed to be necessary for the public interest, safety, and
11 welfare.

12 (l) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2007 budget, the Department of Healthcare and Family Services
15 may adopt emergency rules during fiscal year 2007, including
16 rules effective July 1, 2007, in accordance with this
17 subsection to the extent necessary to administer the
18 Department's responsibilities with respect to amendments to
19 the State plans and Illinois waivers approved by the federal
20 Centers for Medicare and Medicaid Services necessitated by the
21 requirements of Title XIX and Title XXI of the federal Social
22 Security Act. The adoption of emergency rules authorized by
23 this subsection (l) shall be deemed to be necessary for the
24 public interest, safety, and welfare.

25 (m) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2008 budget, the Department of Healthcare and Family Services
2 may adopt emergency rules during fiscal year 2008, including
3 rules effective July 1, 2008, in accordance with this
4 subsection to the extent necessary to administer the
5 Department's responsibilities with respect to amendments to
6 the State plans and Illinois waivers approved by the federal
7 Centers for Medicare and Medicaid Services necessitated by the
8 requirements of Title XIX and Title XXI of the federal Social
9 Security Act. The adoption of emergency rules authorized by
10 this subsection (m) shall be deemed to be necessary for the
11 public interest, safety, and welfare.

12 (n) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2010 budget, emergency rules to implement any provision of this
15 amendatory Act of the 96th General Assembly or any other budget
16 initiative authorized by the 96th General Assembly for fiscal
17 year 2010 may be adopted in accordance with this Section by the
18 agency charged with administering that provision or
19 initiative. The adoption of emergency rules authorized by this
20 subsection (n) shall be deemed to be necessary for the public
21 interest, safety, and welfare. The rulemaking authority
22 granted in this subsection (n) shall apply only to rules
23 promulgated during Fiscal Year 2010.

24 (o) In order to provide for the expeditious and timely
25 implementation of the provisions of the State's fiscal year
26 2011 budget, emergency rules to implement any provision of this

1 amendatory Act of the 96th General Assembly or any other budget
2 initiative authorized by the 96th General Assembly for fiscal
3 year 2011 may be adopted in accordance with this Section by the
4 agency charged with administering that provision or
5 initiative. The adoption of emergency rules authorized by this
6 subsection (o) is deemed to be necessary for the public
7 interest, safety, and welfare. The rulemaking authority
8 granted in this subsection (o) applies only to rules
9 promulgated on or after the effective date of this amendatory
10 Act of the 96th General Assembly through June 30, 2011.

11 (p) In order to provide for the expeditious and timely
12 implementation of Internet gaming, the Division of Internet
13 Gaming may adopt emergency rules to implement the provisions of
14 Section 7.18 of the Illinois Lottery Law. The adoption of
15 emergency rules authorized by this subsection (p) shall be
16 deemed to be necessary for the public interest, safety, and
17 welfare.

18 (Source: P.A. 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 96-45,
19 eff. 7-15-09; 96-958, eff. 7-1-10; 96-1500, eff. 1-18-11.)

20 Section 10. The Illinois Public Labor Relations Act is
21 amended by changing Section 3 as follows:

22 (5 ILCS 315/3) (from Ch. 48, par. 1603)

23 Sec. 3. Definitions. As used in this Act, unless the
24 context otherwise requires:

1 (a) "Board" means the Illinois Labor Relations Board or,
2 with respect to a matter over which the jurisdiction of the
3 Board is assigned to the State Panel or the Local Panel under
4 Section 5, the panel having jurisdiction over the matter.

5 (b) "Collective bargaining" means bargaining over terms
6 and conditions of employment, including hours, wages, and other
7 conditions of employment, as detailed in Section 7 and which
8 are not excluded by Section 4.

9 (c) "Confidential employee" means an employee who, in the
10 regular course of his or her duties, assists and acts in a
11 confidential capacity to persons who formulate, determine, and
12 effectuate management policies with regard to labor relations
13 or who, in the regular course of his or her duties, has
14 authorized access to information relating to the effectuation
15 or review of the employer's collective bargaining policies.

16 (d) "Craft employees" means skilled journeymen, crafts
17 persons, and their apprentices and helpers.

18 (e) "Essential services employees" means those public
19 employees performing functions so essential that the
20 interruption or termination of the function will constitute a
21 clear and present danger to the health and safety of the
22 persons in the affected community.

23 (f) "Exclusive representative", except with respect to
24 non-State fire fighters and paramedics employed by fire
25 departments and fire protection districts, non-State peace
26 officers, and peace officers in the Department of State Police,

1 means the labor organization that has been (i) designated by
2 the Board as the representative of a majority of public
3 employees in an appropriate bargaining unit in accordance with
4 the procedures contained in this Act, (ii) historically
5 recognized by the State of Illinois or any political
6 subdivision of the State before July 1, 1984 (the effective
7 date of this Act) as the exclusive representative of the
8 employees in an appropriate bargaining unit, (iii) after July
9 1, 1984 (the effective date of this Act) recognized by an
10 employer upon evidence, acceptable to the Board, that the labor
11 organization has been designated as the exclusive
12 representative by a majority of the employees in an appropriate
13 bargaining unit; (iv) recognized as the exclusive
14 representative of personal care attendants or personal
15 assistants under Executive Order 2003-8 prior to the effective
16 date of this amendatory Act of the 93rd General Assembly, and
17 the organization shall be considered to be the exclusive
18 representative of the personal care attendants or personal
19 assistants as defined in this Section; or (v) recognized as the
20 exclusive representative of child and day care home providers,
21 including licensed and license exempt providers, pursuant to an
22 election held under Executive Order 2005-1 prior to the
23 effective date of this amendatory Act of the 94th General
24 Assembly, and the organization shall be considered to be the
25 exclusive representative of the child and day care home
26 providers as defined in this Section.

1 With respect to non-State fire fighters and paramedics
2 employed by fire departments and fire protection districts,
3 non-State peace officers, and peace officers in the Department
4 of State Police, "exclusive representative" means the labor
5 organization that has been (i) designated by the Board as the
6 representative of a majority of peace officers or fire fighters
7 in an appropriate bargaining unit in accordance with the
8 procedures contained in this Act, (ii) historically recognized
9 by the State of Illinois or any political subdivision of the
10 State before January 1, 1986 (the effective date of this
11 amendatory Act of 1985) as the exclusive representative by a
12 majority of the peace officers or fire fighters in an
13 appropriate bargaining unit, or (iii) after January 1, 1986
14 (the effective date of this amendatory Act of 1985) recognized
15 by an employer upon evidence, acceptable to the Board, that the
16 labor organization has been designated as the exclusive
17 representative by a majority of the peace officers or fire
18 fighters in an appropriate bargaining unit.

19 Where a historical pattern of representation exists for the
20 workers of a water system that was owned by a public utility,
21 as defined in Section 3-105 of the Public Utilities Act, prior
22 to becoming certified employees of a municipality or
23 municipalities once the municipality or municipalities have
24 acquired the water system as authorized in Section 11-124-5 of
25 the Illinois Municipal Code, the Board shall find the labor
26 organization that has historically represented the workers to

1 be the exclusive representative under this Act, and shall find
2 the unit represented by the exclusive representative to be the
3 appropriate unit.

4 (g) "Fair share agreement" means an agreement between the
5 employer and an employee organization under which all or any of
6 the employees in a collective bargaining unit are required to
7 pay their proportionate share of the costs of the collective
8 bargaining process, contract administration, and pursuing
9 matters affecting wages, hours, and other conditions of
10 employment, but not to exceed the amount of dues uniformly
11 required of members. The amount certified by the exclusive
12 representative shall not include any fees for contributions
13 related to the election or support of any candidate for
14 political office. Nothing in this subsection (g) shall preclude
15 an employee from making voluntary political contributions in
16 conjunction with his or her fair share payment.

17 (g-1) "Fire fighter" means, for the purposes of this Act
18 only, any person who has been or is hereafter appointed to a
19 fire department or fire protection district or employed by a
20 state university and sworn or commissioned to perform fire
21 fighter duties or paramedic duties, except that the following
22 persons are not included: part-time fire fighters, auxiliary,
23 reserve or voluntary fire fighters, including paid on-call fire
24 fighters, clerks and dispatchers or other civilian employees of
25 a fire department or fire protection district who are not
26 routinely expected to perform fire fighter duties, or elected

1 officials.

2 (g-2) "General Assembly of the State of Illinois" means the
3 legislative branch of the government of the State of Illinois,
4 as provided for under Article IV of the Constitution of the
5 State of Illinois, and includes but is not limited to the House
6 of Representatives, the Senate, the Speaker of the House of
7 Representatives, the Minority Leader of the House of
8 Representatives, the President of the Senate, the Minority
9 Leader of the Senate, the Joint Committee on Legislative
10 Support Services and any legislative support services agency
11 listed in the Legislative Commission Reorganization Act of
12 1984.

13 (h) "Governing body" means, in the case of the State, the
14 State Panel of the Illinois Labor Relations Board, the Director
15 of the Department of Central Management Services, and the
16 Director of the Department of Labor; the county board in the
17 case of a county; the corporate authorities in the case of a
18 municipality; and the appropriate body authorized to provide
19 for expenditures of its funds in the case of any other unit of
20 government.

21 (i) "Labor organization" means any organization in which
22 public employees participate and that exists for the purpose,
23 in whole or in part, of dealing with a public employer
24 concerning wages, hours, and other terms and conditions of
25 employment, including the settlement of grievances.

26 (j) "Managerial employee" means an individual who is

1 engaged predominantly in executive and management functions
2 and is charged with the responsibility of directing the
3 effectuation of management policies and practices.

4 (k) "Peace officer" means, for the purposes of this Act
5 only, any persons who have been or are hereafter appointed to a
6 police force, department, or agency and sworn or commissioned
7 to perform police duties, except that the following persons are
8 not included: part-time police officers, special police
9 officers, auxiliary police as defined by Section 3.1-30-20 of
10 the Illinois Municipal Code, night watchmen, "merchant
11 police", court security officers as defined by Section 3-6012.1
12 of the Counties Code, temporary employees, traffic guards or
13 wardens, civilian parking meter and parking facilities
14 personnel or other individuals specially appointed to aid or
15 direct traffic at or near schools or public functions or to aid
16 in civil defense or disaster, parking enforcement employees who
17 are not commissioned as peace officers and who are not armed
18 and who are not routinely expected to effect arrests, parking
19 lot attendants, clerks and dispatchers or other civilian
20 employees of a police department who are not routinely expected
21 to effect arrests, or elected officials.

22 (l) "Person" includes one or more individuals, labor
23 organizations, public employees, associations, corporations,
24 legal representatives, trustees, trustees in bankruptcy,
25 receivers, or the State of Illinois or any political
26 subdivision of the State or governing body, but does not

1 include the General Assembly of the State of Illinois or any
2 individual employed by the General Assembly of the State of
3 Illinois.

4 (m) "Professional employee" means any employee engaged in
5 work predominantly intellectual and varied in character rather
6 than routine mental, manual, mechanical or physical work;
7 involving the consistent exercise of discretion and adjustment
8 in its performance; of such a character that the output
9 produced or the result accomplished cannot be standardized in
10 relation to a given period of time; and requiring advanced
11 knowledge in a field of science or learning customarily
12 acquired by a prolonged course of specialized intellectual
13 instruction and study in an institution of higher learning or a
14 hospital, as distinguished from a general academic education or
15 from apprenticeship or from training in the performance of
16 routine mental, manual, or physical processes; or any employee
17 who has completed the courses of specialized intellectual
18 instruction and study prescribed in this subsection (m) and is
19 performing related work under the supervision of a professional
20 person to qualify to become a professional employee as defined
21 in this subsection (m).

22 (n) "Public employee" or "employee", for the purposes of
23 this Act, means any individual employed by a public employer,
24 including (i) interns and residents at public hospitals, (ii)
25 as of the effective date of this amendatory Act of the 93rd
26 General Assembly, but not before, personal care attendants and

1 personal assistants working under the Home Services Program
2 under Section 3 of the Disabled Persons Rehabilitation Act,
3 subject to the limitations set forth in this Act and in the
4 Disabled Persons Rehabilitation Act, and (iii) as of the
5 effective date of this amendatory Act of the 94th General
6 Assembly, but not before, child and day care home providers
7 participating in the child care assistance program under
8 Section 9A-11 of the Illinois Public Aid Code, subject to the
9 limitations set forth in this Act and in Section 9A-11 of the
10 Illinois Public Aid Code, but excluding all of the following:
11 employees of the General Assembly of the State of Illinois;
12 elected officials; executive heads of a department; members of
13 boards or commissions; the Executive Inspectors General; any
14 special Executive Inspectors General; employees of each Office
15 of an Executive Inspector General; commissioners and employees
16 of the Executive Ethics Commission; the Auditor General's
17 Inspector General; employees of the Office of the Auditor
18 General's Inspector General; the Legislative Inspector
19 General; any special Legislative Inspectors General; employees
20 of the Office of the Legislative Inspector General;
21 commissioners and employees of the Legislative Ethics
22 Commission; employees of the Division of Internet Gaming within
23 the Department of the Lottery; employees of any agency, board
24 or commission created by this Act; employees appointed to State
25 positions of a temporary or emergency nature; all employees of
26 school districts and higher education institutions except

1 firefighters and peace officers employed by a state university
2 and except peace officers employed by a school district in its
3 own police department in existence on the effective date of
4 this amendatory Act of the 96th General Assembly; managerial
5 employees; short-term employees; confidential employees;
6 independent contractors; and supervisors except as provided in
7 this Act.

8 Personal care attendants and personal assistants shall not
9 be considered public employees for any purposes not
10 specifically provided for in the amendatory Act of the 93rd
11 General Assembly, including but not limited to, purposes of
12 vicarious liability in tort and purposes of statutory
13 retirement or health insurance benefits. Personal care
14 attendants and personal assistants shall not be covered by the
15 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

16 Child and day care home providers shall not be considered
17 public employees for any purposes not specifically provided for
18 in this amendatory Act of the 94th General Assembly, including
19 but not limited to, purposes of vicarious liability in tort and
20 purposes of statutory retirement or health insurance benefits.
21 Child and day care home providers shall not be covered by the
22 State Employees Group Insurance Act of 1971.

23 Notwithstanding Section 9, subsection (c), or any other
24 provisions of this Act, all peace officers above the rank of
25 captain in municipalities with more than 1,000,000 inhabitants
26 shall be excluded from this Act.

1 (o) Except as otherwise in subsection (o-5), "public
2 employer" or "employer" means the State of Illinois; any
3 political subdivision of the State, unit of local government or
4 school district; authorities including departments, divisions,
5 bureaus, boards, commissions, or other agencies of the
6 foregoing entities; and any person acting within the scope of
7 his or her authority, express or implied, on behalf of those
8 entities in dealing with its employees. As of the effective
9 date of the amendatory Act of the 93rd General Assembly, but
10 not before, the State of Illinois shall be considered the
11 employer of the personal care attendants and personal
12 assistants working under the Home Services Program under
13 Section 3 of the Disabled Persons Rehabilitation Act, subject
14 to the limitations set forth in this Act and in the Disabled
15 Persons Rehabilitation Act. The State shall not be considered
16 to be the employer of personal care attendants and personal
17 assistants for any purposes not specifically provided for in
18 this amendatory Act of the 93rd General Assembly, including but
19 not limited to, purposes of vicarious liability in tort and
20 purposes of statutory retirement or health insurance benefits.
21 Personal care attendants and personal assistants shall not be
22 covered by the State Employees Group Insurance Act of 1971 (5
23 ILCS 375/). As of the effective date of this amendatory Act of
24 the 94th General Assembly but not before, the State of Illinois
25 shall be considered the employer of the day and child care home
26 providers participating in the child care assistance program

1 under Section 9A-11 of the Illinois Public Aid Code, subject to
2 the limitations set forth in this Act and in Section 9A-11 of
3 the Illinois Public Aid Code. The State shall not be considered
4 to be the employer of child and day care home providers for any
5 purposes not specifically provided for in this amendatory Act
6 of the 94th General Assembly, including but not limited to,
7 purposes of vicarious liability in tort and purposes of
8 statutory retirement or health insurance benefits. Child and
9 day care home providers shall not be covered by the State
10 Employees Group Insurance Act of 1971.

11 "Public employer" or "employer" as used in this Act,
12 however, does not mean and shall not include the General
13 Assembly of the State of Illinois, the Executive Ethics
14 Commission, the Offices of the Executive Inspectors General,
15 the Legislative Ethics Commission, the Office of the
16 Legislative Inspector General, the Office of the Auditor
17 General's Inspector General, the Division of Internet Gaming
18 within the Department of the Lottery, and educational employers
19 or employers as defined in the Illinois Educational Labor
20 Relations Act, except with respect to a state university in its
21 employment of firefighters and peace officers and except with
22 respect to a school district in the employment of peace
23 officers in its own police department in existence on the
24 effective date of this amendatory Act of the 96th General
25 Assembly. County boards and county sheriffs shall be designated
26 as joint or co-employers of county peace officers appointed

1 under the authority of a county sheriff. Nothing in this
2 subsection (o) shall be construed to prevent the State Panel or
3 the Local Panel from determining that employers are joint or
4 co-employers.

5 (o-5) With respect to wages, fringe benefits, hours,
6 holidays, vacations, proficiency examinations, sick leave, and
7 other conditions of employment, the public employer of public
8 employees who are court reporters, as defined in the Court
9 Reporters Act, shall be determined as follows:

10 (1) For court reporters employed by the Cook County
11 Judicial Circuit, the chief judge of the Cook County
12 Circuit Court is the public employer and employer
13 representative.

14 (2) For court reporters employed by the 12th, 18th,
15 19th, and, on and after December 4, 2006, the 22nd judicial
16 circuits, a group consisting of the chief judges of those
17 circuits, acting jointly by majority vote, is the public
18 employer and employer representative.

19 (3) For court reporters employed by all other judicial
20 circuits, a group consisting of the chief judges of those
21 circuits, acting jointly by majority vote, is the public
22 employer and employer representative.

23 (p) "Security employee" means an employee who is
24 responsible for the supervision and control of inmates at
25 correctional facilities. The term also includes other
26 non-security employees in bargaining units having the majority

1 of employees being responsible for the supervision and control
2 of inmates at correctional facilities.

3 (q) "Short-term employee" means an employee who is employed
4 for less than 2 consecutive calendar quarters during a calendar
5 year and who does not have a reasonable assurance that he or
6 she will be rehired by the same employer for the same service
7 in a subsequent calendar year.

8 (r) "Supervisor" is an employee whose principal work is
9 substantially different from that of his or her subordinates
10 and who has authority, in the interest of the employer, to
11 hire, transfer, suspend, lay off, recall, promote, discharge,
12 direct, reward, or discipline employees, to adjust their
13 grievances, or to effectively recommend any of those actions,
14 if the exercise of that authority is not of a merely routine or
15 clerical nature, but requires the consistent use of independent
16 judgment. Except with respect to police employment, the term
17 "supervisor" includes only those individuals who devote a
18 preponderance of their employment time to exercising that
19 authority, State supervisors notwithstanding. In addition, in
20 determining supervisory status in police employment, rank
21 shall not be determinative. The Board shall consider, as
22 evidence of bargaining unit inclusion or exclusion, the common
23 law enforcement policies and relationships between police
24 officer ranks and certification under applicable civil service
25 law, ordinances, personnel codes, or Division 2.1 of Article 10
26 of the Illinois Municipal Code, but these factors shall not be

1 the sole or predominant factors considered by the Board in
2 determining police supervisory status.

3 Notwithstanding the provisions of the preceding paragraph,
4 in determining supervisory status in fire fighter employment,
5 no fire fighter shall be excluded as a supervisor who has
6 established representation rights under Section 9 of this Act.
7 Further, in new fire fighter units, employees shall consist of
8 fire fighters of the rank of company officer and below. If a
9 company officer otherwise qualifies as a supervisor under the
10 preceding paragraph, however, he or she shall not be included
11 in the fire fighter unit. If there is no rank between that of
12 chief and the highest company officer, the employer may
13 designate a position on each shift as a Shift Commander, and
14 the persons occupying those positions shall be supervisors. All
15 other ranks above that of company officer shall be supervisors.

16 (s) (1) "Unit" means a class of jobs or positions that are
17 held by employees whose collective interests may suitably be
18 represented by a labor organization for collective bargaining.
19 Except with respect to non-State fire fighters and paramedics
20 employed by fire departments and fire protection districts,
21 non-State peace officers, and peace officers in the Department
22 of State Police, a bargaining unit determined by the Board
23 shall not include both employees and supervisors, or
24 supervisors only, except as provided in paragraph (2) of this
25 subsection (s) and except for bargaining units in existence on
26 July 1, 1984 (the effective date of this Act). With respect to

1 non-State fire fighters and paramedics employed by fire
2 departments and fire protection districts, non-State peace
3 officers, and peace officers in the Department of State Police,
4 a bargaining unit determined by the Board shall not include
5 both supervisors and nonsupervisors, or supervisors only,
6 except as provided in paragraph (2) of this subsection (s) and
7 except for bargaining units in existence on January 1, 1986
8 (the effective date of this amendatory Act of 1985). A
9 bargaining unit determined by the Board to contain peace
10 officers shall contain no employees other than peace officers
11 unless otherwise agreed to by the employer and the labor
12 organization or labor organizations involved. Notwithstanding
13 any other provision of this Act, a bargaining unit, including a
14 historical bargaining unit, containing sworn peace officers of
15 the Department of Natural Resources (formerly designated the
16 Department of Conservation) shall contain no employees other
17 than such sworn peace officers upon the effective date of this
18 amendatory Act of 1990 or upon the expiration date of any
19 collective bargaining agreement in effect upon the effective
20 date of this amendatory Act of 1990 covering both such sworn
21 peace officers and other employees.

22 (2) Notwithstanding the exclusion of supervisors from
23 bargaining units as provided in paragraph (1) of this
24 subsection (s), a public employer may agree to permit its
25 supervisory employees to form bargaining units and may bargain
26 with those units. This Act shall apply if the public employer

1 chooses to bargain under this subsection.

2 (3) Public employees who are court reporters, as defined in
3 the Court Reporters Act, shall be divided into 3 units for
4 collective bargaining purposes. One unit shall be court
5 reporters employed by the Cook County Judicial Circuit; one
6 unit shall be court reporters employed by the 12th, 18th, 19th,
7 and, on and after December 4, 2006, the 22nd judicial circuits;
8 and one unit shall be court reporters employed by all other
9 judicial circuits.

10 (Source: P.A. 96-1257, eff. 7-23-10; 97-586, eff. 8-26-11.)

11 Section 15. The Illinois Lottery Law is amended by changing
12 Section 2 and by adding Section 7.18 as follows:

13 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

14 Sec. 2. (a) This Act is enacted to implement and establish
15 within the State a lottery to be conducted by the State through
16 the Department. The entire net proceeds of the Lottery are to
17 be used for the support of the State's Common School Fund,
18 except as provided in subsection (o) of Section 9.1 and
19 Sections 21.2, 21.5, 21.6, 21.7, and 21.8. The General Assembly
20 finds that it is in the public interest for the Department to
21 conduct the functions of the Lottery with the assistance of a
22 private manager under a management agreement overseen by the
23 Department. The Department shall be accountable to the General
24 Assembly and the people of the State through a comprehensive

1 system of regulation, audits, reports, and enduring
2 operational oversight. The Department's ongoing conduct of the
3 Lottery through a management agreement with a private manager
4 shall act to promote and ensure the integrity, security,
5 honesty, and fairness of the Lottery's operation and
6 administration. It is the intent of the General Assembly that
7 the Department shall conduct the Lottery with the assistance of
8 a private manager under a management agreement at all times in
9 a manner consistent with 18 U.S.C. 1307(a)(1), 1307(b)(1),
10 1953(b)(4).

11 (b) It is further the intent of the General Assembly that
12 the Division of Internet Gaming of the Department shall conduct
13 Internet wagering at all times in a manner consistent with the
14 applicable provisions of State and federal law pursuant to
15 Section 7.18 of this Law.

16 (Source: P.A. 95-331, eff. 8-21-07; 95-673, eff. 10-11-07;
17 95-674, eff. 10-11-07; 95-876, eff. 8-21-08; 96-34, eff.
18 7-13-09.)

19 (20 ILCS 1605/7.18 new)

20 Sec. 7.18. Internet gaming; Division of Internet Gaming;
21 powers.

22 (a) The General Assembly finds that the Internet has become
23 an integral part of everyday life for a significant number of
24 Illinois residents, not only in regards to their professional
25 life, but also in regards to personal business and

1 communication. Internet wagering on games of chance and games
2 of skill is a core form of entertainment for millions of
3 individuals worldwide. In multiple jurisdictions across the
4 world, Internet gaming is legal, regulated, and taxed,
5 generating billions of dollars in revenue for governments.

6 The General Assembly further finds that Illinois residents
7 participate in illegal on-line gambling on unregulated
8 Internet websites operated by offshore operators who are not
9 subject to regulation or taxation in the United States. Neither
10 federal nor Illinois laws provide sufficient consumer
11 protections for Illinois residents who play games of chance or
12 skill on these illegal websites, nor does the State realize any
13 benefits from the revenues generated by illegal on-line gaming.

14 On September 20, 2011, the United States Department of
15 Justice issued an opinion reversing its previous
16 interpretation of the federal Wire Act, 18 U.S.C. 1804,
17 allowing states, subject to certain restrictions, to legalize
18 and regulate Internet gaming and capture the revenue for the
19 benefit of state governments. The Department of Justice's
20 opinion was prompted in part by a request made by the
21 Department pursuant to Public Act 96-34. In order to protect
22 Illinois residents who wager on games of chance and skill
23 through the Internet, and to capture revenues generated from
24 Internet gaming, it is in the best interest of the State and
25 its citizens to regulate this activity by authorizing and
26 establishing a secure, responsible, fair, and legal system of

1 Internet gaming that complies with the United States Department
2 of Justice's September 2011 opinion concerning the federal Wire
3 Act. It is also in the best interest of the State to establish
4 an Internet gaming platform consistent with the provisions of
5 this Section to ensure that Illinois is not precluded from
6 reaping the benefits of Internet gaming as contemplated by
7 proposed federal legislation pending before the United States
8 Senate.

9 The General Assembly additionally finds that pursuant to
10 the federal Unlawful Internet Gambling Enforcement Act of 2006
11 (UIEGA), 31 U.S.C. 5301, the provisions of this Section
12 prescribe a lawful exemption to UIEGA and specifically
13 authorize use of the Internet to place, receive, or otherwise
14 knowingly transmit a bet or wager where Internet wagering
15 complies with this Section and rules adopted pursuant to this
16 Section.

17 (b) As used in this Section:

18 "Internet" means the international computer network of
19 interoperable packet-switched data networks, inclusive of such
20 additional technological platforms as mobile, satellite, and
21 other electronic distribution channels approved by the
22 Division.

23 "Internet game" means any variation or composite of an
24 authorized game that is offered through the Internet so long as
25 such games, or variations or composites, are found suitable for
26 use by the Division after an appropriate test or experimental

1 period. "Internet game" also includes gaming tournaments
2 conducted via the Internet in which players compete against one
3 another in one or more of the games authorized in this
4 definition or by the Division or in approved variations or
5 composites as authorized by the Division.

6 "Internet gaming platform" means an interactive set of
7 related data networks that may be accessed by authorized
8 participants for the purpose of wagering on Internet games.

9 "Internet wagering" means the placing of wagers with the
10 Division using the Division's Internet gaming platform through
11 which the Division may offer Internet games to persons who have
12 established an Internet wagering account with the Division and
13 who are either physically present in Illinois when placing a
14 wager or otherwise permitted to place a wager by law. The
15 intermediate routing of electronic data in connection with
16 Internet wagering shall not determine the location or locations
17 in which a wager is initiated, received, or otherwise made.

18 "Internet wagering account" means an electronic ledger
19 wherein the following types of transactions relative to the
20 Internet wager system are recorded: (i) deposits; (ii)
21 withdrawals; (iii) amounts wagered; (iv) amounts paid on
22 winning wagers; (v) service or other transaction-related
23 charges authorized by the patron; and (vi) adjustments to the
24 account.

25 (c) The Division of Internet Gaming is established within
26 the Department of the Lottery, and is authorized to offer

1 Internet wagering on Internet games on the Division's Internet
2 gaming platform to individuals who are (1) 21 years of age or
3 older and (2) physically located within the State of Illinois
4 or otherwise permitted to place wagers as provided by law. To
5 the extent consistent with the provisions of this Section, the
6 Division shall be subject to and governed by provisions of this
7 Article and all of the laws and rules applicable to the
8 Department. The Division shall not be subject to any private
9 management agreement established pursuant to Section 9.1 of
10 this Act. The Division of Internet Gaming is also authorized to
11 enter into agreements with other state gaming entities for the
12 purpose of offering multistate Internet games to the extent
13 consistent with State and federal laws. The Division shall not
14 offer Internet wagering on any sporting event or contest,
15 unless doing so is consistent with State and federal laws. The
16 Division shall be funded with moneys appropriated to the
17 Department of the Lottery, as well as from the proceeds of
18 Internet gaming pursuant to subsection (j) of this Section.

19 (d) The Division shall have all powers necessary or
20 desirable to effectuate the provisions of this Section,
21 including, but not limited to, the power to:

22 (1) establish an Internet gaming platform for the
23 purpose of offering wagering on Internet games;

24 (2) accept wagers on Internet games offered on the
25 Division's Internet gaming platform;

26 (3) pay prizes to winners of Internet games;

1 (4) enter into contracts with any person, firm, or
2 corporation, including contracts establishing affiliate
3 relationships for the promotion of Internet gaming that are
4 deemed to be in the public interest;

5 (5) acquire or lease real property and make
6 improvements thereon and acquire by lease or by purchase
7 personal property, including, but not limited to:

8 (A) computers;

9 (B) mechanical, electronic, and online equipment
10 and terminals; and

11 (C) intangible property, including, but not
12 limited to, computer programs, software, and systems;
13 and

14 (6) hold copyrights, trademarks, service marks, and
15 other intellectual property; pursuant to Section 7 of the
16 Illinois Freedom of Information Act, such intellectual
17 property shall be exempt from disclosure; and

18 (7) enforce any rights held under paragraph (6) of this
19 subsection.

20 (e) The Division shall adopt such rules governing the
21 administration and conduct of Internet gaming as it deems
22 necessary to carry out the purpose of this Section. These rules
23 shall be subject to the provisions of the Illinois
24 Administrative Procedure Act and may include, but shall not be
25 limited to:

26 (1) the types of Internet games to be offered;

- 1 (2) price points for Internet games;
- 2 (3) percentage of rake for Internet games;
- 3 (4) forms of payment accepted for Internet games;
- 4 (5) the number, type, and amount of prizes for Internet
5 games;
- 6 (6) the method of selecting winners and validating
7 winnings;
- 8 (7) the manner and time for payment of prizes and
9 winnings;
- 10 (8) the frequency of Internet games;
- 11 (9) responsible gaming;
- 12 (10) the Internet gaming platform;
- 13 (11) such other matters necessary or desirable for the
14 efficient and economical operation and administration of
15 Internet gaming and for the convenience of authorized
16 Internet gaming participants.

17 The Division shall also issue written game rules, play
18 instructions, directives, operations manuals, brochures, or
19 any other publications necessary to conduct specific Internet
20 games, as authorized by rule by the Division. Except for
21 materials that the Division deems to be intellectual property,
22 written game rules, instructions, directives, operations
23 manuals, brochures, or other game publications issued by the
24 Division that relate to specific Internet games offered by the
25 Division shall be posted on the Division's Internet website and
26 shall also be maintained as public records in the Division's

1 principal office, and made available for public inspection and
2 copying, but shall be exempt from the rulemaking procedures of
3 the Illinois Administrative Procedure Act.

4 (f) Notwithstanding any law to the contrary, the
5 Superintendent of the Lottery shall hire an Executive Director
6 who shall be responsible to the Superintendent and shall serve
7 subject only to removal by the Superintendent for incompetence,
8 neglect of duty, or malfeasance in office. The Executive
9 Director shall be responsible for the supervision and direction
10 of the Division staff and for the necessary administrative
11 activities of the Division, subject only to the direction and
12 approval of the Superintendent notwithstanding any law to the
13 contrary.

14 Notwithstanding any law to the contrary, the Executive
15 Director shall hire and employ employees as may be necessary to
16 carry out the provisions of this Law or to perform the duties
17 and exercise the powers conferred by law upon the Division. All
18 employees of the Division shall receive the compensation fixed
19 by the Executive Director, subject only to the Superintendent.
20 The Superintendent, Executive Director, and Division employees
21 shall be reimbursed for all actual and necessary traveling and
22 other expenses and disbursements necessarily incurred or made
23 by them in the discharge of their official duties. The
24 Superintendent and Executive Director may also incur necessary
25 expenses for office space, furniture, stationery, printing,
26 operations, and other incidental expenses.

1 The Executive Director shall report monthly to the
2 Superintendent, the State Treasurer, and the Lottery Control
3 Board a full and complete statement of Internet gaming
4 revenues, prize disbursements, and other expenses for each
5 month and the amounts to be transferred to the State Lottery
6 Fund pursuant to this Section. The Executive Director shall
7 also make an annual report, which shall include a full and
8 complete statement of Internet gaming revenues, prize
9 disbursements, and other expenses, to the Superintendent, the
10 Governor, and the Board. All reports required by this
11 subsection shall be public and copies of all such reports shall
12 be sent to the Speaker of the House of Representatives, the
13 President of the Senate, the Minority Leader of the House of
14 Representatives, and the Minority Leader of the Senate.

15 The Executive Director shall make a continuous study and
16 investigation of: (i) the operation and the administration of
17 similar Internet gaming laws that may be in effect in other
18 states or countries; (ii) any literature on Internet gaming
19 that from time to time may be published or available; (iii) any
20 federal laws that may affect the operation of Internet gaming;
21 and (iv) the reaction of Illinois citizens to existing and
22 potential features of Internet gaming with a view to
23 recommending or effecting changes that will tend to serve the
24 purposes of this Section.

25 (g) The Division shall establish a procedure to verify that
26 a participant is 21 years of age or older and that wagering on

1 Internet games is limited to transactions that are initiated
2 and received or otherwise made exclusively within the State of
3 Illinois. A participant must satisfy the verification
4 procedure before he or she may establish an Internet gaming
5 account and wager on Internet games offered by the Division. At
6 such a time that a legally compliant mechanism is established
7 to permit wagering on Internet games by individuals physically
8 located outside of the State, the Division shall adopt rules
9 and procedures to allow and govern wagering by those
10 individuals. By rule, the Division shall establish funding
11 procedures for Internet gaming accounts and shall provide a
12 mechanism to prevent the unauthorized use of Internet gaming
13 accounts. By rule, the Division shall also establish procedures
14 to detect and prevent fraud and collusion in Internet gaming
15 offered by the Division. If any participant in Internet gaming
16 violates any provisions of this Section or rule adopted by the
17 Division, then the participant's winnings shall be forfeited.
18 Any forfeited winnings shall be deposited into the State
19 Lottery Fund.

20 The following persons shall not be authorized to establish
21 Internet gaming accounts or wager on Internet games offered by
22 the Division: (i) any minor under 21 years of age; (ii) any
23 member of the Lottery Control Board; (iii) any officer or other
24 person employed by the Department of the Lottery or the
25 Division of Internet Gaming; (iv) any spouse, child, brother,
26 sister, or parent residing as a member of the same household in

1 the principal place of abode of any persons identified in (ii)
2 or (iii); and (iv) any individual whose name appears in the
3 Division's responsible gaming database.

4 (h) The Division shall develop responsible gaming
5 measures, including a statewide responsible gaming database
6 identifying individuals who shall be prohibited from
7 establishing an Internet gaming account or participating in
8 Internet gaming. The Executive Director may place a person on
9 the responsible gaming database if that person (i) has been
10 convicted in any jurisdiction of a felony, any crime of moral
11 turpitude, or a crime involving gaming; (ii) has violated this
12 Act, the Illinois Horse Racing Act of 1975, the Riverboat
13 Gambling Act, the Raffles Act, the Illinois Pull Tabs and Jar
14 Games Act, the Bingo License and Tax Act, the Charitable Games
15 Act, or the Video Gaming Act; (iii) has performed any act or
16 had a notorious or unsavory reputation that would adversely
17 affect public confidence and trust in gaming; or (iv) has his
18 or her name on any valid and current exclusion list from
19 another jurisdiction in the United States. By rule, the
20 Division shall adopt procedures for the establishment and
21 maintenance of the responsible gaming database. The Illinois
22 Gaming Board, the Illinois Racing Board, and the Department of
23 the Lottery shall, in a format specified by the Division,
24 provide the Division with names of individuals to be included
25 in the responsible gaming database. The Division may impose
26 reasonable fees on persons authorized to access and use the

1 responsible gaming database.

2 The Division's Internet gaming platform shall offer
3 responsible gambling services and technical controls to
4 players, including both temporary and permanent self-exclusion
5 for all games offered; the ability for players to establish
6 their own periodic deposit and wagering limits and maximum
7 playing times; referrals to crisis counseling and referral
8 services for individuals and families experiencing difficulty
9 as a result of problem or compulsive gambling; and other
10 services as the Division reasonably may determine are necessary
11 or appropriate to reduce and prevent problem gambling. Any
12 authorized participant who is allowed to participate in
13 Internet gaming may voluntarily prohibit themselves from
14 establishing an Internet gaming account. The Division shall
15 incorporate the voluntary self-exclusion list for Internet
16 gaming accounts into the responsible gaming database.

17 (i) There is created the Responsible Internet Gaming
18 Advisory Board, consisting of the following members:

19 (1) the Superintendent of the Lottery, who shall be an
20 ex officio member and shall serve as Chairperson;

21 (2) the Executive Director of the Division of Internet
22 Gaming, who shall be an ex officio member;

23 (3) one representative from a national organization
24 dedicated to the study and prevention of problem gambling,
25 appointed by the Superintendent;

26 (4) one member who is an academic professional engaged

1 in the study of problem gambling at a university or other
2 institution of higher learning, appointed by the
3 Superintendent;

4 (5) one member who has professional experience and
5 expertise in the field of technical controls for
6 responsible Internet gaming, appointed by the
7 Superintendent; and

8 (6) one member who is an Illinois citizen and a member
9 of the public, appointed by the Superintendent.

10 Each Advisory Board member shall serve for a term of 4
11 years and until his or her successor is appointed and
12 qualified. However, in making initial appointments, 2 shall be
13 appointed to serve for 2 years and 2 shall be appointed to
14 serve for 4 years. Appointments to fill vacancies shall be made
15 in the same manner as original appointments for the unexpired
16 portion of the vacated term. Initial terms shall begin on the
17 effective date of this amendatory Act of the 97th General
18 Assembly. Each member of the Advisory Board shall be eligible
19 for reappointment at the discretion of the Superintendent. A
20 member of the Advisory Board may be removed from office for
21 just cause. Advisory Board members shall receive no
22 compensation, but shall be reimbursed for expenses incurred in
23 connection with their duties as Advisory Board members.

24 Four members shall constitute a quorum. A majority vote of
25 the Advisory Board is required for an Advisory Board decision.
26 The Advisory Board shall meet no less often than once every 6

1 months and shall meet as often as the Chairperson deems
2 necessary. Advisory Board members shall not be liable for any
3 of their acts, omissions, decisions, or any other conduct in
4 connection with their duties on the Advisory Board, except
5 those involving willful, wanton, or intentional misconduct.

6 The Advisory Board shall make recommendations to the
7 Executive Director regarding the development of rules and
8 procedures to reduce and prevent problem or compulsive gambling
9 and to ensure the conduct of safe, fair, and responsible
10 Internet gaming. The Advisory Board may have such powers as may
11 be granted by the Executive Director to carry out the
12 provisions of this Section regarding responsible Internet
13 gaming.

14 (j) The Division shall distribute all proceeds of Internet
15 gaming in the following priority and manner:

16 (1) the payment of prizes and winnings;

17 (2) the payment of costs incurred in the operation and
18 administration of the Division of Internet Gaming,
19 including the payment of sums due to affiliates pursuant to
20 affiliate agreements; and

21 (3) on or before the last day of each fiscal year, any
22 remaining proceeds, subject to payments under items (1) and
23 (2), shall be deposited into the State Lottery Fund.

24 (k) There is created the Internet Gaming Advisory Committee
25 as an advisory body within the Division of Internet Gaming. The
26 Committee shall consist of the following members:

1 (1) the Superintendent of the Lottery, who shall be an
2 ex officio member and shall serve as Chairman;

3 (2) the Executive Director of the Division of Internet
4 Gaming, who shall serve ex officio;

5 (3) one member appointed by the Governor's Office;

6 (4) one member who represents owners licensees under
7 the Riverboat Gambling Act, appointed by the
8 Superintendent;

9 (5) one member who represents organization licensees
10 under the Illinois Horse Racing Act of 1975, appointed by
11 the Superintendent;

12 (6) one member who represents horsemen, appointed by
13 the Superintendent; and

14 (7) one member who represents licensees under the Video
15 Gaming Act, appointed by the Superintendent.

16 Each Committee member shall serve for a term of 4 years and
17 until his or her successor is appointed and qualified.
18 Appointments to fill vacancies shall be made in the same manner
19 as original appointments for the unexpired portion of the
20 vacated term. Initial terms shall begin upon the effective date
21 of this amendatory Act of the 97th General Assembly. Each
22 member of the Committee shall be eligible for reappointment at
23 the discretion of the Superintendent or the Governor. The
24 Committee shall meet as often as the Chairperson deems
25 necessary. Members of the Committee shall serve without
26 compensation, but shall be reimbursed, within the limits of

1 funds available to the Division, for necessary expenses
2 incurred in the performance of their duties.

3 The Committee shall conduct an ongoing study to determine
4 (i) the impact of Internet gaming on licensees under the
5 Illinois Horse Racing Act of 1975, the Riverboat Gambling Act,
6 and the Video Gaming Act; (ii) the feasibility of a system of
7 licensure for Internet gaming that would allow existing
8 organization licensees, owners licensees, and video gaming
9 licensees to obtain licenses to conduct Internet gaming; (iii)
10 the economic impact such a system of licensure would have on
11 State revenues from Internet gaming; and (iv) the propriety and
12 viability of alternative regulatory models or frameworks for
13 Internet gaming to the extent consistent with the objectives
14 set forth in subsection (a) of this Section. The Committee
15 shall issue annual reports, which shall also include
16 recommendations concerning prospective action on behalf of the
17 General Assembly concerning Internet gaming. The Committee
18 shall issue its first report no later than December 31, 2013.

19
20 Section 20. The Illinois Procurement Code is amended by
21 changing Section 1-10 as follows:

22 (30 ILCS 500/1-10)

23 Sec. 1-10. Application.

24 (a) This Code applies only to procurements for which

1 contractors were first solicited on or after July 1, 1998. This
2 Code shall not be construed to affect or impair any contract,
3 or any provision of a contract, entered into based on a
4 solicitation prior to the implementation date of this Code as
5 described in Article 99, including but not limited to any
6 covenant entered into with respect to any revenue bonds or
7 similar instruments. All procurements for which contracts are
8 solicited between the effective date of Articles 50 and 99 and
9 July 1, 1998 shall be substantially in accordance with this
10 Code and its intent.

11 (b) This Code shall apply regardless of the source of the
12 funds with which the contracts are paid, including federal
13 assistance moneys. This Code shall not apply to:

14 (1) Contracts between the State and its political
15 subdivisions or other governments, or between State
16 governmental bodies except as specifically provided in
17 this Code.

18 (2) Grants, except for the filing requirements of
19 Section 20-80.

20 (3) Purchase of care.

21 (4) Hiring of an individual as employee and not as an
22 independent contractor, whether pursuant to an employment
23 code or policy or by contract directly with that
24 individual.

25 (5) Collective bargaining contracts.

26 (6) Purchase of real estate, except that notice of this

1 type of contract with a value of more than \$25,000 must be
2 published in the Procurement Bulletin within 7 days after
3 the deed is recorded in the county of jurisdiction. The
4 notice shall identify the real estate purchased, the names
5 of all parties to the contract, the value of the contract,
6 and the effective date of the contract.

7 (7) Contracts necessary to prepare for anticipated
8 litigation, enforcement actions, or investigations,
9 provided that the chief legal counsel to the Governor shall
10 give his or her prior approval when the procuring agency is
11 one subject to the jurisdiction of the Governor, and
12 provided that the chief legal counsel of any other
13 procuring entity subject to this Code shall give his or her
14 prior approval when the procuring entity is not one subject
15 to the jurisdiction of the Governor.

16 (8) Contracts for services to Northern Illinois
17 University by a person, acting as an independent
18 contractor, who is qualified by education, experience, and
19 technical ability and is selected by negotiation for the
20 purpose of providing non-credit educational service
21 activities or products by means of specialized programs
22 offered by the university.

23 (9) Procurement expenditures by the Illinois
24 Conservation Foundation when only private funds are used.

25 (10) Procurement expenditures by the Illinois Health
26 Information Exchange Authority involving private funds

1 from the Health Information Exchange Fund. "Private funds"
2 means gifts, donations, and private grants.

3 (11) Public-private agreements entered into according
4 to the procurement requirements of Section 20 of the
5 Public-Private Partnerships for Transportation Act and
6 design-build agreements entered into according to the
7 procurement requirements of Section 25 of the
8 Public-Private Partnerships for Transportation Act.

9 (c) This Code does not apply to the electric power
10 procurement process provided for under Section 1-75 of the
11 Illinois Power Agency Act and Section 16-111.5 of the Public
12 Utilities Act.

13 (d) Except for Section 20-160 and Article 50 of this Code,
14 and as expressly required by Section 9.1 of the Illinois
15 Lottery Law, the provisions of this Code do not apply to the
16 procurement process provided for under Section 9.1 of the
17 Illinois Lottery Law. In addition, except for Section 20-160
18 and Article 50 of this Code, the provisions of this Code also
19 do not apply to contracts and subcontracts awarded pursuant to
20 Section 7.18 of the Illinois Lottery Law.

21 (e) This Code does not apply to the process used by the
22 Capital Development Board to retain a person or entity to
23 assist the Capital Development Board with its duties related to
24 the determination of costs of a clean coal SNG brownfield
25 facility, as defined by Section 1-10 of the Illinois Power
26 Agency Act, as required in subsection (h-3) of Section 9-220 of

1 the Public Utilities Act, including calculating the range of
2 capital costs, the range of operating and maintenance costs, or
3 the sequestration costs or monitoring the construction of clean
4 coal SNG brownfield facility for the full duration of
5 construction.

6 (f) This Code does not apply to the process used by the
7 Illinois Power Agency to retain a mediator to mediate sourcing
8 agreement disputes between gas utilities and the clean coal SNG
9 brownfield facility, as defined in Section 1-10 of the Illinois
10 Power Agency Act, as required under subsection (h-1) of Section
11 9-220 of the Public Utilities Act.

12 (g) ~~(e)~~ This Code does not apply to the processes used by
13 the Illinois Power Agency to retain a mediator to mediate
14 contract disputes between gas utilities and the clean coal SNG
15 facility and to retain an expert to assist in the review of
16 contracts under subsection (h) of Section 9-220 of the Public
17 Utilities Act. This Code does not apply to the process used by
18 the Illinois Commerce Commission to retain an expert to assist
19 in determining the actual incurred costs of the clean coal SNG
20 facility and the reasonableness of those costs as required
21 under subsection (h) of Section 9-220 of the Public Utilities
22 Act.

23 (Source: P.A. 96-840, eff. 12-23-09; 96-1331, eff. 7-27-10;
24 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502, eff. 8-23-11;
25 revised 9-7-11.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".