



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1443

Introduced 2/20/2015, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

235 ILCS 5/3-20 new

Amends the Liquor Control Act of 1934. Provides that Executive Order No. 2003-9 is superseded to the extent that it transferred clerks, management and staff support, employees, and other resources to the Department of Revenue from the Illinois Liquor Control Commission. Provides that the personnel that was transferred from the State Commission to the Department by Executive Order No. 2003-9 shall be transferred to the State Commission. Provides that any unexpended appropriations and balances and other funds that were available for use by the Department to operate the State Commission shall be transferred from the Department to the State Commission. Provides that the powers, duties, rights, and responsibilities transferred from the Department by the amendatory Act shall be vested in and shall be exercised by the State Commission. Provides that any rules adopted by the Department that pertain to the functions transferred to the Department by Executive Order No. 2003-9 shall become the rules of the State Commission. Makes other changes. Effective immediately.

LRB099 07820 RPS 27955 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 adding Section 3-20 as follows:

6 (235 ILCS 5/3-20 new)

7 Sec. 3-20. State Commission; separation from the
8 Department of Revenue.

9 (a) Executive Order No. 2003-9 is hereby superseded by this
10 amendatory Act of the 99th General Assembly to the extent that
11 Executive Order No. 2003-9 transferred clerks, management and
12 staff support, employees, and other resources from the State
13 Commission to the Department of Revenue.

14 (b) To the extent that Executive Order No. 2003-9
15 transferred personnel to the Department of Revenue from the
16 State Commission, those personnel shall be transferred to the
17 State Commission. The status and rights of such employees under
18 the Personnel Code shall not be affected by the transfer. The
19 rights of the employees and the State of Illinois and its
20 agencies under the Personnel Code and applicable collective
21 bargaining agreements or under any pension, retirement, or
22 annuity plan shall not be affected by this amendatory Act of
23 the 99th General Assembly. To the extent that an employee

1 performs duties for the State Commission and the Department of
2 Revenue itself or any other division or agency within the
3 Department of Revenue, that employee shall be transferred at
4 the Governor's discretion.

5 (c) All books, records, papers, documents, property (real
6 and personal), contracts, causes of action, and pending
7 business pertaining to the powers, duties, rights, and
8 responsibilities transferred by this amendatory Act of the 99th
9 General Assembly from the Department of Revenue to the State
10 Commission, including, but not limited to, material in
11 electronic or magnetic format and necessary computer hardware
12 and software, shall be transferred to the State Commission.

13 (d) All unexpended appropriations and balances and other
14 funds available for use by the Department of Revenue to operate
15 the State Commission shall be transferred for use by the State
16 Commission. Unexpended balances so transferred shall be
17 expended only for the purpose for which the appropriations were
18 originally made.

19 (e) The powers, duties, rights, and responsibilities
20 transferred from the Department of Revenue by this amendatory
21 Act of the 99th General Assembly shall be vested in and shall
22 be exercised by the State Commission.

23 (f) Whenever reports or notices are now required to be made
24 or given or papers or documents furnished or served by any
25 person to or upon the Department of Revenue in connection with
26 any of the powers, duties, rights, and responsibilities

1 transferred by this amendatory Act of the 99th General
2 Assembly, the same shall be made, given, furnished, or served
3 in the same manner to or upon the State Commission.

4 (g) Any rules of the Department of Revenue that relate to
5 the functions transferred from the State Commission to the
6 Department of Revenue by Executive Order No. 2003-9 that are in
7 full force on the effective date of this amendatory Act of the
8 99th General Assembly shall become the rules of the State
9 Commission. This amendatory Act of the 99th General Assembly
10 does not affect the legality of any such rules in the Illinois
11 Administrative Code.

12 Any proposed rules filed with the Secretary of State by the
13 Department of Revenue that are pending in the rulemaking
14 process on the effective date of this amendatory Act of the
15 99th General Assembly and pertain to the functions transferred
16 from the State Commission to the Department of Revenue by
17 Executive Order No. 2003-9 shall be deemed to have been filed
18 by the State Commission. As soon as practicable hereafter, the
19 State Commission shall revise and clarify the rules transferred
20 to it under this amendatory Act of the 99th General Assembly to
21 reflect the reorganization of powers, duties, rights, and
22 responsibilities affected by this amendatory Act of the 99th
23 General Assembly, using the procedures for recodification of
24 rules available under the Illinois Administrative Procedure
25 Act, except that existing title, part, and section numbering
26 for the affected rules may be retained.

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