



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4998

Introduced 1/23/2006, 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 January 1, 2006, is serving on the Illinois Gaming Board to continue to receive benefits despite that service. Effective immediately.

LRB094 19120 AMC 54640 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 Except as provided in subsection (c), these investigators have
8 and may exercise all the powers of peace officers solely for
9 the purpose of enforcing taxing measures administered by the
10 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) The Department may enter into agreements with the
19 Illinois Gaming Board providing that investigators appointed
20 under this Section shall exercise the peace officer powers set
21 forth in paragraph (20.6) of subsection (c) of Section 5 of the
22 Riverboat Gambling Act. ~~Investigators appointed under this~~
23 ~~Section who are assigned to the Illinois Gaming Board have and~~
24 ~~may exercise all the rights and powers of peace officers,~~
25 ~~provided that these powers shall be limited to offenses or~~
26 ~~violations occurring or committed on a riverboat or dock, as~~
27 ~~defined in subsections (d) and (f) of Section 4 of the~~
28 ~~Riverboat Gambling Act.~~

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

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

33 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

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

2 Sec. 14-110. Alternative retirement annuity.

3 (a) Any member who has withdrawn from service with not less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5 age 55, and any member who has withdrawn from service with not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

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

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

29 Such annuity shall be subject to a maximum of 75% of final
30 average compensation if retirement occurs before January 1,
31 2001 or to a maximum of 80% of final average compensation if
32 retirement occurs on or after January 1, 2001.

33 These rates shall not be applicable to any service
34 performed by a member as a covered employee which is not
35 eligible creditable service. Service as a covered employee
36 which is not eligible creditable service shall be subject to

1 the rates and provisions of Section 14-108.

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

5 (1) State policeman;

6 (2) fire fighter in the fire protection service of a
7 department;

8 (3) air pilot;

9 (4) special agent;

10 (5) investigator for the Secretary of State;

11 (6) conservation police officer;

12 (7) investigator for the Department of Revenue or the
13 Illinois Gaming Board;

14 (8) security employee of the Department of Human
15 Services;

16 (9) Central Management Services security police
17 officer;

18 (10) security employee of the Department of
19 Corrections;

20 (11) dangerous drugs investigator;

21 (12) investigator for the Department of State Police;

22 (13) investigator for the Office of the Attorney
23 General;

24 (14) controlled substance inspector;

25 (15) investigator for the Office of the State's
26 Attorneys Appellate Prosecutor;

27 (16) Commerce Commission police officer;

28 (17) arson investigator;

29 (18) State highway maintenance worker.

30 A person employed in one of the positions specified in this
31 subsection is entitled to eligible creditable service for
32 service credit earned under this Article while undergoing the
33 basic police training course approved by the Illinois Law
34 Enforcement Training Standards Board, if completion of that
35 training is required of persons serving in that position. For
36 the purposes of this Code, service during the required basic

1 police training course shall be deemed performance of the
2 duties of the specified position, even though the person is not
3 a sworn peace officer at the time of the training.

4 (c) For the purposes of this Section:

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

8 (2) The term "fire fighter in the fire protection
9 service of a department" includes all officers in such fire
10 protection service including fire chiefs and assistant
11 fire chiefs.

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

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

34 (5) The term "investigator for the Secretary of State"
35 means any person employed by the Office of the Secretary of
36 State and vested with such investigative duties as render

1 him ineligible for coverage under the Social Security Act
2 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
3 218(1)(1) of that Act.

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

13 (6) The term "Conservation Police Officer" means any
14 person employed by the Division of Law Enforcement of the
15 Department of Natural Resources and vested with such law
16 enforcement duties as render him ineligible for coverage
17 under the Social Security Act by reason of Sections
18 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
19 term "Conservation Police Officer" includes the positions
20 of Chief Conservation Police Administrator and Assistant
21 Conservation Police Administrator.

22 (7) The term "investigator for the Department of
23 Revenue" means any person employed by the Department of
24 Revenue and vested with such investigative duties as render
25 him ineligible for coverage under the Social Security Act
26 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
27 218(1)(1) of that Act.

28 The term "investigator for the Illinois Gaming Board"
29 means any person employed as such by the Illinois Gaming
30 Board and vested with such peace officer duties as render
31 the person ineligible for coverage under the Social
32 Security Act by reason of Sections 218(d)(5)(A),
33 218(d)(8)(D), and 218(1)(1) of that Act.

34 (8) The term "security employee of the Department of
35 Human Services" means any person employed by the Department
36 of Human Services who (i) is employed at the Chester Mental

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

24 The changes made to this subdivision (c)(8) by Public
25 Act 92-14 apply to persons who retire on or after January
26 1, 2001, notwithstanding Section 1-103.1.

27 (9) "Central Management Services security police
28 officer" means any person employed by the Department of
29 Central Management Services who is vested with such law
30 enforcement duties as render him ineligible for coverage
31 under the Social Security Act by reason of Sections
32 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

33 (10) For a member who first became an employee under
34 this Article before July 1, 2005, the term "security
35 employee of the Department of Corrections" means any
36 employee of the Department of Corrections or the former

1 Department of Personnel, and any member or employee of the
2 Prisoner Review Board, who has daily contact with inmates
3 by working within a correctional facility or who is a
4 parole officer or an employee who has direct contact with
5 committed persons in the performance of his or her job
6 duties. For a member who first becomes an employee under
7 this Article on or after July 1, 2005, the term means an
8 employee of the Department of Corrections who is any of the
9 following: (i) officially headquartered at a correctional
10 facility, (ii) a parole officer, (iii) a member of the
11 apprehension unit, (iv) a member of the intelligence unit,
12 (v) a member of the sort team, or (vi) an investigator.

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

16 (12) The term "investigator for the Department of State
17 Police" means a person employed by the Department of State
18 Police who is vested under Section 4 of the Narcotic
19 Control Division Abolition Act with such law enforcement
20 powers as render him ineligible for coverage under the
21 Social Security Act by reason of Sections 218(d)(5)(A),
22 218(d)(8)(D) and 218(1)(1) of that Act.

23 (13) "Investigator for the Office of the Attorney
24 General" means any person who is employed as such by the
25 Office of the Attorney General and is vested with such
26 investigative 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. For
29 the period before January 1, 1989, the term includes all
30 persons who were employed as investigators by the Office of
31 the Attorney General, without regard to social security
32 status.

33 (14) "Controlled substance inspector" means any person
34 who is employed as such by the Department of Professional
35 Regulation and is vested with such law enforcement duties
36 as render him ineligible for coverage under the Social

1 Security Act by reason of Sections 218(d)(5)(A),
2 218(d)(8)(D) and 218(1)(1) of that Act. The term
3 "controlled substance inspector" includes the Program
4 Executive of Enforcement and the Assistant Program
5 Executive of Enforcement.

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

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

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

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

35 (i) A person employed on a full-time basis by the
36 Illinois Department of Transportation in the position

1 of highway maintainer, highway maintenance lead
2 worker, highway maintenance lead/lead worker, heavy
3 construction equipment operator, power shovel
4 operator, or bridge mechanic; and whose principal
5 responsibility is to perform, on the roadway, the
6 actual maintenance necessary to keep the highways that
7 form a part of the State highway system in serviceable
8 condition for vehicular traffic.

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

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

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

29 or

30 (ii) beginning January 1, 1987, 25 years of eligible
31 creditable service and age 54, or 24 years of eligible
32 creditable service and age 55; or

33 (iii) beginning January 1, 1988, 25 years of eligible
34 creditable service and age 53, or 23 years of eligible
35 creditable service and age 55; or

36 (iv) beginning January 1, 1989, 25 years of eligible

1 creditable service and age 52, or 22 years of eligible
2 creditable service and age 55; or

3 (v) beginning January 1, 1990, 25 years of eligible
4 creditable service and age 51, or 21 years of eligible
5 creditable service and age 55; or

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

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

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

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

1 (1) from the date of service to the date of payment.

2 For purposes of calculating retirement annuities under
3 this Section, periods of service rendered after December 31,
4 1968 and before January 1, 1982 as a covered employee in the
5 position of investigator for the Department of Revenue shall be
6 deemed to have been service as a noncovered employee, provided
7 that the employee pays to the System prior to retirement an
8 amount equal to (1) the difference between the employee
9 contributions that would have been required for such service as
10 a noncovered employee, and the amount of employee contributions
11 actually paid, plus (2) if payment is made after January 1,
12 1990, regular interest on the amount specified in item (1) from
13 the date of service to the date of payment.

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

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

1 each year, compounded annually, from the date of service to the
2 date of payment.

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

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

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

33 (j) Subject to the limitation in subsection (i), an
34 investigator for the Office of the State's Attorneys Appellate
35 Prosecutor or a controlled substance inspector may elect to
36 establish eligible creditable service for up to 10 years of his

1 service as a policeman under Article 3 or a sheriff's law
2 enforcement employee under Article 7, by filing a written
3 election with the Board, accompanied by payment of an amount to
4 be determined by the Board, equal to (1) the difference between
5 the amount of employee and employer contributions transferred
6 to the System under Section 3-110.6 or 7-139.8, and the amounts
7 that would have been contributed had such contributions been
8 made at the rates applicable to State policemen, plus (2)
9 interest thereon at the effective rate for each year,
10 compounded annually, from the date of service to the date of
11 payment.

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

33 (l) Subject to the limitation in subsection (i), a security
34 employee of the Department of Corrections may elect, not later
35 than July 1, 1998, to establish eligible creditable service for
36 up to 10 years of his or her service as a policeman under

1 Article 3, by filing a written election with the Board,
2 accompanied by payment of an amount to be determined by the
3 Board, equal to (i) the difference between the amount of
4 employee and employer contributions transferred to the System
5 under Section 3-110.5, and the amounts that would have been
6 contributed had such contributions been made at the rates
7 applicable to security employees of the Department of
8 Corrections, plus (ii) interest thereon at the effective rate
9 for each year, compounded annually, from the date of service to
10 the date of payment.

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

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

13 Sec. 14-110. Alternative retirement annuity.

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

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

31 (ii) for periods of eligible creditable service as a
32 covered employee: if retirement occurs on or after January
33 1, 2001, 2.5% of final average compensation for each year
34 of creditable service; if retirement occurs before January
35 1, 2001, 1.67% of final average compensation for each of

1 the first 10 years of such service, 1.90% for each of the
2 next 10 years of such service, 2.10% for each year of such
3 service in excess of 20 but not exceeding 30, and 2.30% for
4 each year in excess of 30.

5 Such annuity shall be subject to a maximum of 75% of final
6 average compensation if retirement occurs before January 1,
7 2001 or to a maximum of 80% of final average compensation if
8 retirement occurs on or after January 1, 2001.

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

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

17 (1) State policeman;

18 (2) fire fighter in the fire protection service of a
19 department;

20 (3) air pilot;

21 (4) special agent;

22 (5) investigator for the Secretary of State;

23 (6) conservation police officer;

24 (7) investigator for the Department of Revenue or the
25 Illinois Gaming Board;

26 (8) security employee of the Department of Human
27 Services;

28 (9) Central Management Services security police
29 officer;

30 (10) security employee of the Department of
31 Corrections or the Department of Juvenile Justice;

32 (11) dangerous drugs investigator;

33 (12) investigator for the Department of State Police;

34 (13) investigator for the Office of the Attorney
35 General;

36 (14) controlled substance inspector;

1 (15) investigator for the Office of the State's
2 Attorneys Appellate Prosecutor;

3 (16) Commerce Commission police officer;

4 (17) arson investigator;

5 (18) State highway maintenance worker.

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

16 (c) For the purposes of this Section:

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

20 (2) The term "fire fighter in the fire protection
21 service of a department" includes all officers in such fire
22 protection service including fire chiefs and assistant
23 fire chiefs.

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

34 (4) The term "special agent" means any person who by
35 reason of employment by the Division of Narcotic Control,
36 the Bureau of Investigation or, after July 1, 1977, the

1 Division of Criminal Investigation, the Division of
2 Internal Investigation, the Division of Operations, or any
3 other Division or organizational entity in the Department
4 of State Police is vested by law with duties to maintain
5 public order, investigate violations of the criminal law of
6 this State, enforce the laws of this State, make arrests
7 and recover property. The term "special agent" includes any
8 title or position in the Department of State Police that is
9 held by an individual employed under the State Police Act.

10 (5) The term "investigator for the Secretary of State"
11 means any person employed by the Office of the Secretary of
12 State and vested with such investigative duties as render
13 him ineligible for coverage under the Social Security Act
14 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
15 218(1)(1) of that Act.

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

25 (6) The term "Conservation Police Officer" means any
26 person employed by the Division of Law Enforcement of the
27 Department of Natural Resources and vested with such law
28 enforcement duties as render him ineligible for coverage
29 under the Social Security Act by reason of Sections
30 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
31 term "Conservation Police Officer" includes the positions
32 of Chief Conservation Police Administrator and Assistant
33 Conservation Police Administrator.

34 (7) The term "investigator for the Department of
35 Revenue" means any person employed by the Department of
36 Revenue and vested with such investigative duties as render

1 him ineligible for coverage under the Social Security Act
2 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
3 218(1)(1) of that Act.

4 The term "investigator for the Illinois Gaming Board"
5 means any person employed as such by the Illinois Gaming
6 Board and vested with such peace officer duties as render
7 the person ineligible for coverage under the Social
8 Security Act by reason of Sections 218(d)(5)(A),
9 218(d)(8)(D), and 218(1)(1) of that Act.

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

36 The changes made to this subdivision (c)(8) by Public

1 Act 92-14 apply to persons who retire on or after January
2 1, 2001, notwithstanding Section 1-103.1.

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

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

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

33 (12) The term "investigator for the Department of State
34 Police" means a person employed by the Department of State
35 Police who is vested under Section 4 of the Narcotic
36 Control Division Abolition Act with such law enforcement

1 powers as render him ineligible for coverage under the
2 Social Security Act by reason of Sections 218(d)(5)(A),
3 218(d)(8)(D) and 218(1)(1) of that Act.

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

14 (14) "Controlled substance inspector" means any person
15 who is employed as such by the Department of Professional
16 Regulation and is vested with such law enforcement duties
17 as render him ineligible for coverage under the Social
18 Security Act by reason of Sections 218(d)(5)(A),
19 218(d)(8)(D) and 218(1)(1) of that Act. The term
20 "controlled substance inspector" includes the Program
21 Executive of Enforcement and the Assistant Program
22 Executive of Enforcement.

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

28 (16) "Commerce Commission police officer" means any
29 person employed by the Illinois Commerce Commission who is
30 vested with such law enforcement duties as render him
31 ineligible for coverage under the Social Security Act by
32 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
33 218(1)(1) of that Act.

34 (17) "Arson investigator" means any person who is
35 employed as such by the Office of the State Fire Marshal
36 and is vested with such law enforcement duties as render

1 the person ineligible for coverage under the Social
2 Security Act by reason of Sections 218(d)(5)(A),
3 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
4 employed as an arson investigator on January 1, 1995 and is
5 no longer in service but not yet receiving a retirement
6 annuity may convert his or her creditable service for
7 employment as an arson investigator into eligible
8 creditable service by paying to the System the difference
9 between the employee contributions actually paid for that
10 service and the amounts that would have been contributed if
11 the applicant were contributing at the rate applicable to
12 persons with the same social security status earning
13 eligible creditable service on the date of application.

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

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

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

1 tollways in serviceable condition for vehicular
2 traffic.

3 (d) A security employee of the Department of Corrections or
4 the Department of Juvenile Justice, and a security employee of
5 the Department of Human Services who is not a mental health
6 police officer, shall not be eligible for the alternative
7 retirement annuity provided by this Section unless he or she
8 meets the following minimum age and service requirements at the
9 time of retirement:

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

11 or

12 (ii) beginning January 1, 1987, 25 years of eligible
13 creditable service and age 54, or 24 years of eligible
14 creditable service and age 55; or

15 (iii) beginning January 1, 1988, 25 years of eligible
16 creditable service and age 53, or 23 years of eligible
17 creditable service and age 55; or

18 (iv) beginning January 1, 1989, 25 years of eligible
19 creditable service and age 52, or 22 years of eligible
20 creditable service and age 55; or

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

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

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

36 (e) If a member enters military service while working in a

1 position in which eligible creditable service may be earned,
2 and returns to State service in the same or another such
3 position, and fulfills in all other respects the conditions
4 prescribed in this Article for credit for military service,
5 such military service shall be credited as eligible creditable
6 service for the purposes of the retirement annuity prescribed
7 in this Section.

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

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

33 (g) A State policeman may elect, not later than January 1,
34 1990, to establish eligible creditable service for up to 10
35 years of his service as a policeman under Article 3, by filing
36 a written election with the Board, accompanied by payment of an

1 amount to be determined by the Board, equal to (i) the
2 difference between the amount of employee and employer
3 contributions transferred to the System under Section 3-110.5,
4 and the amounts that would have been contributed had such
5 contributions been made at the rates applicable to State
6 policemen, plus (ii) interest thereon at the effective rate for
7 each year, compounded annually, from the date of service to the
8 date of payment.

9 Subject to the limitation in subsection (i), a State
10 policeman may elect, not later than July 1, 1993, to establish
11 eligible creditable service for up to 10 years of his service
12 as a member of the County Police Department under Article 9, by
13 filing a written election with the Board, accompanied by
14 payment of an amount to be determined by the Board, equal to
15 (i) the difference between the amount of employee and employer
16 contributions transferred to the System under Section 9-121.10
17 and the amounts that would have been contributed had those
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 (h) Subject to the limitation in subsection (i), a State
23 policeman or investigator for the Secretary of State may elect
24 to establish eligible creditable service for up to 12 years of
25 his service as a policeman under Article 5, by filing a written
26 election with the Board on or before January 31, 1992, and
27 paying to the System by January 31, 1994 an amount to be
28 determined by the Board, equal to (i) the difference between
29 the amount of employee and employer contributions transferred
30 to the System under Section 5-236, and the amounts that would
31 have been contributed had such contributions been made at the
32 rates applicable to State policemen, plus (ii) interest thereon
33 at the effective rate for each year, compounded annually, from
34 the date of service to the date of payment.

35 Subject to the limitation in subsection (i), a State
36 policeman, conservation police officer, or investigator for

1 the Secretary of State may elect to establish eligible
2 creditable service for up to 10 years of service as a sheriff's
3 law enforcement employee under Article 7, by filing a written
4 election with the Board on or before January 31, 1993, and
5 paying to the System by January 31, 1994 an amount to be
6 determined by the Board, equal to (i) the difference between
7 the amount of employee and employer contributions transferred
8 to the System under Section 7-139.7, and the amounts that would
9 have been contributed had such contributions been made at the
10 rates applicable to State policemen, plus (ii) interest thereon
11 at the effective rate for each year, compounded annually, from
12 the date of service to the date of payment.

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

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

31 (k) Subject to the limitation in subsection (i) of this
32 Section, an alternative formula employee may elect to establish
33 eligible creditable service for periods spent as a full-time
34 law enforcement officer or full-time corrections officer
35 employed by the federal government or by a state or local
36 government located outside of Illinois, for which credit is not

1 held in any other public employee pension fund or retirement
2 system. To obtain this credit, the applicant must file a
3 written application with the Board by March 31, 1998,
4 accompanied by evidence of eligibility acceptable to the Board
5 and payment of an amount to be determined by the Board, equal
6 to (1) employee contributions for the credit being established,
7 based upon the applicant's salary on the first day as an
8 alternative formula employee after the employment for which
9 credit is being established and the rates then applicable to
10 alternative formula employees, plus (2) an amount determined by
11 the Board to be the employer's normal cost of the benefits
12 accrued for the credit being established, plus (3) regular
13 interest on the amounts in items (1) and (2) from the first day
14 as an alternative formula employee after the employment for
15 which credit is being established to the date of payment.

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

30 (m) The amendatory changes to this Section made by this
31 amendatory Act of the 94th General Assembly apply only to: (1)
32 security employees of the Department of Juvenile Justice
33 employed by the Department of Corrections before the effective
34 date of this amendatory Act of the 94th General Assembly and
35 transferred to the Department of Juvenile Justice by this
36 amendatory Act of the 94th General Assembly; and (2) persons

1 employed by the Department of Juvenile Justice on or after the
2 effective date of this amendatory Act of the 94th General
3 Assembly who are required by subsection (b) of Section 3-2.5-15
4 of the Unified Code of Corrections to have a bachelor's or
5 advanced degree from an accredited college or university with a
6 specialization in criminal justice, education, psychology,
7 social work, or a closely related social science or, in the
8 case of persons who provide vocational training, who are
9 required to have adequate knowledge in the skill for which they
10 are providing the vocational training.

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

12 (40 ILCS 5/18-127) (from Ch. 108 1/2, par. 18-127)

13 Sec. 18-127. Retirement annuity - suspension on
14 reemployment.

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

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

33 (b) Beginning January 1, 1991, any participant receiving a
34 retirement annuity who accepts temporary employment from an
35 employer other than a county for a period not exceeding 75

1 working days in any calendar year shall not be deemed to be
2 regularly employed for compensation or to have resumed service
3 as a judge for the purposes of this Article. A day shall be
4 considered a working day if the annuitant performs on it any of
5 his duties under the temporary employment agreement.

6 (c) Except as provided in subsection (a), beginning January
7 1, 1993, retirement annuities shall not be subject to
8 suspension upon resumption of employment for an employer, and
9 any retirement annuity that is then so suspended shall be
10 reinstated on that date.

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

15 (e) A participant receiving a retirement annuity under this
16 Article who (i) serves as a part-time employee in any of the
17 following positions: Legislative Inspector General, Special
18 Legislative Inspector General, employee of the Office of the
19 Legislative Inspector General, Executive Director of the
20 Legislative Ethics Commission, or staff of the Legislative
21 Ethics Commission or (ii), on January 1, 2006, is serving on
22 the Illinois Gaming Board, but has not elected to participate
23 in the Article 14 System with respect to that service, shall
24 not be deemed to be regularly employed for compensation by an
25 employer other than a county, nor to have resumed service as a
26 judge, on the basis of that service, and the retirement annuity
27 payments and other benefits of that person under this Code
28 shall not be suspended, diminished, or otherwise impaired
29 solely as a consequence of that service. This subsection (e)
30 applies without regard to whether the person is in service as a
31 judge under this Article on or after the effective date of this
32 amendatory Act of the 93rd General Assembly. In this
33 subsection, a "part-time employee" is a person who is not
34 required to work at least 35 hours per week. The changes made
35 to this subsection (e) by this amendatory Act of the 94th
36 General Assembly apply without regard to whether the person is

1 in service as a judge under this Article on or after the
2 effective date of this amendatory Act of the 94th General
3 Assembly.

4 (f) A participant receiving a retirement annuity under this
5 Article who has made an election under Section 1-123 and who is
6 serving either as legal counsel in the Office of the Governor
7 or as Chief Deputy Attorney General shall not be deemed to be
8 regularly employed for compensation by an employer other than a
9 county, nor to have resumed service as a judge, on the basis of
10 that service, and the retirement annuity payments and other
11 benefits of that person under this Code shall not be suspended,
12 diminished, or otherwise impaired solely as a consequence of
13 that service. This subsection (f) applies without regard to
14 whether the person is in service as a judge under this Article
15 on or after the effective date of this amendatory Act of the
16 93rd General Assembly.

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

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

21 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

24 (b) "Occupational license" means a license issued by the
25 Board to a person or entity to perform an occupation which the
26 Board has identified as requiring a license to engage in
27 riverboat gambling in Illinois.

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

34 (d) "Riverboat" means a self-propelled excursion boat, a

1 permanently moored barge, or permanently moored barges that are
2 permanently fixed together to operate as one vessel, on which
3 lawful gambling is authorized and licensed as provided in this
4 Act.

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

8 (f) "Dock" means the location where a riverboat moors for
9 the purpose of embarking passengers for and disembarking
10 passengers from the riverboat.

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

14 (h) "Adjusted gross receipts" means the gross receipts less
15 winnings paid to wagerers.

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

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

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

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

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

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

30 (230 ILCS 10/5) (from Ch. 120, par. 2405)

31 Sec. 5. Gaming Board.

32 (a) (1) There is hereby established the ~~within the~~
33 ~~Department of Revenue an~~ Illinois Gaming Board, which shall
34 have the powers and duties specified in this Act, and all other
35 powers necessary and proper to fully and effectively execute

1 this Act for the purpose of administering, regulating, and
2 enforcing the system of riverboat gambling established by this
3 Act. Its jurisdiction shall extend under this Act to every
4 person, association, corporation, partnership and trust
5 involved in riverboat gambling operations in the State of
6 Illinois.

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

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

32 (4) The chairman of the Board shall receive an annual
33 salary of \$60,000, or as set by the Compensation Review Board,
34 whichever is higher. Other members of the Board shall receive
35 an annual salary of \$50,000, or as set by the Compensation
36 Review Board, whichever is higher. ~~Each member of the Board~~

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

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

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

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

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

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

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

28 (9) An Administrator shall perform any and all duties that
29 the Board shall assign him. The salary of the Administrator
30 shall be determined by the Board ~~and approved by the Director~~
31 ~~of the Department~~ and, in addition, he shall be reimbursed for
32 all actual and necessary expenses incurred by him in discharge
33 of his official duties. The Administrator shall keep records of
34 all proceedings of the Board and shall preserve all records,
35 books, documents and other papers belonging to the Board or
36 entrusted to its care. The Administrator shall devote his full

1 time to the duties of the office and shall not hold any other
2 office or employment.

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

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

19 (2) To conduct all hearings pertaining to civil
20 violations of this Act or rules and regulations promulgated
21 hereunder;

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

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

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

1 State of Illinois;

2 (6) To be present through its inspectors and agents any
3 time gambling operations are conducted on any riverboat for
4 the purpose of certifying the revenue thereof, receiving
5 complaints from the public, and conducting such other
6 investigations into the conduct of the gambling games and
7 the maintenance of the equipment as from time to time the
8 Board may deem necessary and proper;

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

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

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

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

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

16 (11) (Blank); ~~and~~

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

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

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

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

36 (2) To have jurisdiction and supervision over all

1 riverboat gambling operations in this State and all persons
2 on riverboats where gambling operations are conducted.

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

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

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

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

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

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

1 licensee, and any other information the Board deems
2 necessary in order to effectively administer this Act and
3 all rules, regulations, orders and final decisions
4 promulgated under this Act.

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

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

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

29 (12) To eject or exclude or authorize the ejection or
30 exclusion of, any person from riverboat gambling
31 facilities where such person is in violation of this Act,
32 rules and regulations thereunder, or final orders of the
33 Board, or where such person's conduct or reputation is such
34 that his presence within the riverboat gambling facilities
35 may, in the opinion of the Board, call into question the
36 honesty and integrity of the gambling operations or

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

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

9 (14) (Blank).

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

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

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

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

1 of alcoholic liquor on board a riverboat. This amendatory
2 Act of 1991 is a denial and limitation of home rule powers
3 and functions under subsection (h) of Section 6 of Article
4 VII of the Illinois Constitution.

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

11 (20) To delegate the execution of any of its powers
12 under this Act for the purpose of administering and
13 enforcing this Act and its rules and regulations hereunder.

14 (20.5) To approve any contract entered into on its
15 behalf.

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

28 (21) To take any other action as may be reasonable or
29 appropriate to enforce this Act and rules and regulations
30 hereunder.

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

1 of Section 2605-400 of the Department of State Police Law (20
2 ILCS 2605/2605-400).

3 (e) The Board must authorize to each investigator and to
4 any other employee of the Board exercising the powers of a
5 peace officer a distinct badge that, on its face, (i) clearly
6 states that the badge is authorized by the Board and (ii)
7 contains a unique identifying number. No other badge shall be
8 authorized by the Board.

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

11 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

12 Sec. 5.1. Disclosure of records.

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

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

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

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

1 applicant or licensee shall identify any other
2 corporation, partnership or business entity in which it has
3 an equity interest of 1% ~~5%~~ or more, including, if
4 applicable, the state of incorporation or registration.
5 This information need not be provided by a corporation,
6 partnership or other business entity that has a pending
7 registration statement filed with the Securities and
8 Exchange Commission.

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

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

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

32 (7) Whether an applicant or licensee has filed, or been
33 served with a complaint or other notice filed with any
34 public body, regarding the delinquency in the payment of,
35 or a dispute over the filings concerning the payment of,
36 any tax required under federal, State or local law,

1 including the amount, type of tax, the taxing agency and
2 time periods involved.

3 (8) A statement listing the names and titles of all
4 public officials or officers of any unit of government, and
5 relatives of said public officials or officers who,
6 directly or indirectly, own any financial interest in, have
7 any beneficial interest in, are the creditors of or hold
8 any debt instrument issued by, or hold or have any interest
9 in any contractual or service relationship with, an
10 applicant or licensee.

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

17 (10) The name and business telephone number of the
18 counsel representing an applicant or licensee in matters
19 before the Board.

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

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

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

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

36 (2) Whenever the Board finds an applicant for an

1 owner's license unsuitable for licensing, a copy of the
2 written letter outlining the reasons for the denial.

3 (3) Whenever the Board has refused to grant leave for
4 an applicant to withdraw his application, a copy of the
5 letter outlining the reasons for the refusal.

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

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

9 (2) The statutes, rules, regulations or
10 intergovernmental agreements of any jurisdiction.

11 (d) The Board may assess fees for the copying of
12 information in accordance with Section 6 of the Freedom of
13 Information Act.

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

15 (230 ILCS 10/5.2 new)

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

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

30 (230 ILCS 10/7) (from Ch. 120, par. 2407)

31 Sec. 7. Owners Licenses.

32 (a) The Board shall issue owners licenses to persons, firms
33 or corporations which apply for such licenses upon payment to
34 the Board of the non-refundable license fee set by the Board,

1 upon payment of a \$25,000 license fee for the first year of
2 operation and a \$5,000 license fee for each succeeding year and
3 upon a determination by the Board that the applicant is
4 eligible for an owners license pursuant to this Act and the
5 rules of the Board. A person, firm or corporation is ineligible
6 to receive an owners license if:

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

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

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

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

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

18 (6) the firm or corporation employs a person defined in
19 (1), (2), (3) or (4) who participates in the management or
20 operation of gambling operations authorized under this
21 Act;

22 (7) (blank); or

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

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

28 (1) the character, reputation, experience and
29 financial integrity of the applicants and of any other or
30 separate person that either:

31 (A) controls, directly or indirectly, such
32 applicant, or

33 (B) is controlled, directly or indirectly, by such
34 applicant or by a person which controls, directly or
35 indirectly, such applicant;

36 (2) the facilities or proposed facilities for the

1 conduct of riverboat gambling;

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

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

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

13 (6) whether the applicant has adequate capitalization
14 to provide and maintain, for the duration of a license, a
15 riverboat;

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

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

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

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

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

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

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

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

26 A social investment strategy shall have all of the
27 following elements:

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

33 (2) A community outreach plan that establishes a
34 donation budget to support not-for-profit organizations
35 involved in community assistance and development and
36 encourages employees at all levels of the applicant's

1 enterprise to serve on behalf of these organizations as
2 well as to render service to units of local government and
3 school districts.

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

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

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

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

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

34 In addition to any other revocation powers granted to the
35 Board under this Act, the Board may revoke the owners license
36 of a licensee which fails to begin conducting gambling within

1 15 months of receipt of the Board's approval of the application
2 if the Board determines that license revocation is in the best
3 interests of the State.

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

10 (g) Upon the termination, expiration, or revocation of each
11 of the first 10 licenses, which shall be issued for a 3 year
12 period, all licenses are renewable annually upon payment of the
13 fee and a determination by the Board that the licensee
14 continues to meet all of the requirements of this Act and the
15 Board's rules. However, for licenses renewed on or after May 1,
16 1998, renewal shall be for a period of 4 years, unless the
17 Board sets a shorter period.

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

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

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

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

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

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

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

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

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

27 20% of annual adjusted gross receipts in excess of
28 \$25,000,000 but not exceeding \$50,000,000;

29 25% of annual adjusted gross receipts in excess of
30 \$50,000,000 but not exceeding \$75,000,000;

31 30% of annual adjusted gross receipts in excess of
32 \$75,000,000 but not exceeding \$100,000,000;

33 35% of annual adjusted gross receipts in excess of
34 \$100,000,000.

35 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax

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

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

9 22.5% of annual adjusted gross receipts in excess of
10 \$25,000,000 but not exceeding \$50,000,000;

11 27.5% of annual adjusted gross receipts in excess of
12 \$50,000,000 but not exceeding \$75,000,000;

13 32.5% of annual adjusted gross receipts in excess of
14 \$75,000,000 but not exceeding \$100,000,000;

15 37.5% of annual adjusted gross receipts in excess of
16 \$100,000,000 but not exceeding \$150,000,000;

17 45% of annual adjusted gross receipts in excess of
18 \$150,000,000 but not exceeding \$200,000,000;

19 50% of annual adjusted gross receipts in excess of
20 \$200,000,000.

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

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

30 27.5% of annual adjusted gross receipts in excess of
31 \$25,000,000 but not exceeding \$37,500,000;

32 32.5% of annual adjusted gross receipts in excess of
33 \$37,500,000 but not exceeding \$50,000,000;

34 37.5% of annual adjusted gross receipts in excess of
35 \$50,000,000 but not exceeding \$75,000,000;

36 45% of annual adjusted gross receipts in excess of

1 \$75,000,000 but not exceeding \$100,000,000;
2 50% of annual adjusted gross receipts in excess of
3 \$100,000,000 but not exceeding \$250,000,000;
4 70% of annual adjusted gross receipts in excess of
5 \$250,000,000.

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

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

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

30 15% of annual adjusted gross receipts up to and
31 including \$25,000,000;

32 22.5% of annual adjusted gross receipts in excess of
33 \$25,000,000 but not exceeding \$50,000,000;

34 27.5% of annual adjusted gross receipts in excess of
35 \$50,000,000 but not exceeding \$75,000,000;

36 32.5% of annual adjusted gross receipts in excess of

1 \$75,000,000 but not exceeding \$100,000,000;
2 37.5% of annual adjusted gross receipts in excess of
3 \$100,000,000 but not exceeding \$150,000,000;
4 45% of annual adjusted gross receipts in excess of
5 \$150,000,000 but not exceeding \$200,000,000;
6 50% of annual adjusted gross receipts in excess of
7 \$200,000,000.

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

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

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

1 obligation imposed under this subsection (a-15) by an amount
2 the Board deems reasonable for any of the following reasons:
3 (A) an act or acts of God, (B) an act of bioterrorism or
4 terrorism or a bioterrorism or terrorism threat that was
5 investigated by a law enforcement agency, or (C) a condition
6 beyond the control of the owners licensee that does not result
7 from any act or omission by the owners licensee or any of its
8 agents and that poses a hazardous threat to the health and
9 safety of patrons. If an owners licensee pays an amount in
10 excess of its liability under this Section, the Board shall
11 apply the overpayment to future payments required under this
12 Section.

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

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

18 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (c-15) After the payments required under subsections (b),
34 (c), and (c-5) have been made, an amount equal to 2% of the
35 adjusted gross receipts of (1) an owners licensee that
36 relocates pursuant to Section 11.2, (2) an owners licensee

1 conducting riverboat gambling operations pursuant to an owners
2 license that is initially issued after June 25, 1999, or (3)
3 the first riverboat gambling operations conducted by a licensed
4 manager on behalf of the State under Section 7.3, whichever
5 comes first, shall be paid, subject to appropriation from the
6 General Assembly, from the State Gaming Fund to each home rule
7 county with a population of over 3,000,000 inhabitants for the
8 purpose of enhancing the county's criminal justice system.

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

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

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

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

33 (f) To the extent practicable, the Board shall administer
34 and collect the wagering taxes imposed by this Section in a
35 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
36 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the

1 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
2 Penalty and Interest Act.

3 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,
4 eff. 8-23-05.)

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.