



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

55TH LEGISLATIVE DAY

FRIDAY, MAY 22, 2009

10:11 O'CLOCK A.M.

SENATE
Daily Journal Index
55th Legislative Day

Action	Page(s)
Committee Meeting Announcements.....	10
Communication from the Minority Leader.....	3, 158
Joint Action Motions Filed.....	3, 81
Legislative Measure(s) Filed.....	3
Message from the Governor.....	7
Message from the President.....	158, 161
Presentation of Senate Joint Resolution No. 69.....	4
Presentation of Senate Joint Resolution No. 70.....	161
Report from Assignments Committee.....	9, 159
Resolutions Consent Calendar.....	160

Bill Number	Legislative Action	Page(s)
SB 0051	Concur in House Amendment(s).....	81
SB 0054	Concur in House Amendment(s).....	82
SB 0744	Consideration Postponed.....	155
SB 0744	Recalled - Amendment(s).....	89
SB 1013	Recalled - Amendment(s).....	83
SB 1013	Third Reading.....	88
SJR 0070	Adopted.....	161
SJRCA 0069	Constitutional Amendment.....	4
SR 0166	Adopted.....	156
HB 2664	Third Reading.....	8
HB 2688	Recalled – Amendment(s).....	155
HB 2688	Third Reading.....	156
HB 3641	Recalled – Amendment(s).....	156
HB 3641	Third Reading.....	157

The Senate met pursuant to adjournment.
Senator Rickey R. Hendon, Chicago, Illinois, presiding.
Prayer by Pastor Ron Burnett, Berean Baptist Church, Bunker Hill, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, May 21, 2009, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 1 to Senate Bill 120
Senate Floor Amendment No. 10 to Senate Bill 1013
Senate Floor Amendment No. 1 to Senate Bill 2183
Senate Floor Amendment No. 1 to Senate Bill 2190

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 1 to House Bill 935
Senate Floor Amendment No. 1 to House Bill 1105
Senate Floor Amendment No. 1 to House Bill 2194
Senate Floor Amendment No. 1 to House Bill 3718

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment 1 to Senate Bill 47
Motion to Concur in House Amendments 1 and 2 to Senate Bill 51
Motion to Concur in House Amendment 1 to Senate Bill 54
Motion to Concur in House Amendment 1 to Senate Bill 574
Motion to Concur in House Amendment 1 to Senate Bill 1508

COMMUNICATIONS FROM MINORITY LEADER

CHRISTINE RADOGNO
STATE REPUBLICAN LEADER · 41ST DISTRICT

May 22, 2009

Ms. Jillayne Rock
Secretary of the Senate
403 State House
Springfield, Illinois 62706

Dear Madam Secretary:

[May 22, 2009]

Pursuant to Rule 3-2(c), I hereby appoint Senator Matt Murphy to temporarily replace Senator Dale Righter as a member of the Senate Criminal Law Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Criminal Law Committee.

Sincerely,
s/Christine Radogno
Senate Republican Leader

cc: Senate President Jon Cullerton
Assistant Secretary of the Senate Scott Kaiser

CHRISTINE RADOGNO
STATE REPUBLICAN LEADER · 41ST DISTRICT

May 22, 2009

Ms. Jillayne Rock
Secretary of the Senate
403 State House
Springfield, Illinois 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Dan Rutherford to temporarily replace Senator Dale Righter as Minority Spokesman of the Senate Executive Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Executive Committee.

Sincerely,
s/Christine Radogno
Senate Republican Leader

cc: Senate President Jon Cullerton
Assistant Secretary of the Senate Scott Kaiser

PRESENTATION OF RESOLUTION

Senator Righter offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 69
CONSTITUTIONAL AMENDMENT

SC0069

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 2 and 3 of Article IV of the Illinois Constitution as follows:

ARTICLE IV
THE LEGISLATURE

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the ~~Senate, by resolution, General Assembly by law~~ shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The

[May 22, 2009]

Legislative Districts in each group shall be distributed substantially equally over the State.

(b) ~~Each Legislative District shall be divided into two Representative Districts.~~ In 2012 ~~1982~~ and every two years thereafter one Representative shall be elected from each Representative District for a term of two years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(Source: Amendment adopted at general election November 4, 1980.)

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, be contiguous, be ~~and~~ substantially equal in population, comply with all applicable federal laws, and minimize the number of districts that cross county or municipal boundaries. Representative Districts shall be compact, be contiguous, be ~~and~~ substantially equal in population, comply with all applicable federal laws, and minimize the number of districts that cross county or municipal boundaries. A Representative District need not be entirely within a single Legislative District. The following shall be excluded from consideration: (1) the residency of incumbents; (2) political affiliation of registered voters; and (3) previous election results.

(b) On the third Tuesday in February in the year following each Federal decennial census year, the President of the Senate, the Minority leader of the Senate, the Speaker of the House, and the Minority Leader of the House shall each appoint a member to the Temporary Redistricting Advisory Committee. A fifth member shall, by the fourth Tuesday in February, be elected by a majority of the members appointed, and that member shall serve as Chair. No member of the Temporary Redistricting Committee should currently hold a partisan political office or political party office or be an immediate family member of a member of the Illinois General Assembly or Congress. As used in this Article IV, Section 3, "immediate family member" is a person with whom the person has a bona fide relationship established through close blood or legal relationship, including parents, siblings, children, in-laws, and first cousins.

The Temporary Redistricting Advisory Committee shall redistrict the Legislative Districts, the Representative Districts, and the Congressional Districts in consultation with a Redistricting Consulting Firm, procured by the Temporary Redistricting Advisory Committee. The Firm must be a non-partisan, independent contractor that employs qualified software technicians. The Committee shall approve any redistricting plans by a four-fifths majority of its members. After approval of the redistricting plans, the Committee shall release the proposed plans to the public, conduct at least 5 public hearings around 5 distinct geographic regions of the State, and submit a report to the Illinois General Assembly summarizing the information.

(c) The Committee shall deliver to the House of Representatives a Representative redistricting plan by the fourth Monday of April. The House shall consider the plan within seven days after its delivery and shall accept or reject the plan through a House Resolution. A resolution to adopt the plan must be supported by two-thirds of the members.

The Committee shall deliver to the Senate a Legislative redistricting plan by the fourth Monday of April. The Senate shall consider the plan within seven days after its delivery and shall accept or reject the plan through a Senate Resolution. A resolution to adopt the plan must be supported by two-thirds of the members.

The Committee shall deliver to the House of Representatives and the Senate a Congressional redistricting plan by the fourth Monday of April. The House and Senate shall consider the plan within seven days after its delivery and shall accept or reject the plan through a Joint Resolution. A resolution

to adopt the plan must be supported by two-thirds of the members of each chamber.

Redistricting plans may not be amended by either chamber. An adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer of the chamber that initiated the resolution. Each chamber shall have until May 10 to file a resolution with the Secretary of State approving the redistricting plan.

(d) If a plan is not adopted by a chamber, the Committee shall provide an alternative redistricting plan no later than May 24, to be approved or rejected in the same manner established by subsection (c) and filed with the Secretary of State not later than June 10.

If a plan is not adopted by a chamber by June 10, the Committee shall provide a third alternative redistricting plan no later than June 17, to be approved or rejected in the same manner established by subsection (c), except that the third redistricting plan is subject to amendment. If a plan is approved, the resolution shall be filed with the Secretary of State upon adoption.

(e) If no plan is approved by July 1, the Committee shall submit its third redistricting plan to the Illinois Supreme Court. If two-thirds of the members of the court find that the plan satisfies statutory and constitutional requirements, it shall be adopted. If a plan fails to obtain approval by two-thirds of the Supreme Court, the Court shall submit its findings to the Committee, which shall amend its plan until it is found to be in compliance and adopted by a two-thirds majority of the Supreme Court. A plan adopted by the Supreme Court shall be filed with the Secretary of State.

(b) In the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts.

If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted not later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party.

The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to the Commission one Senator and one person who is not a member of the General Assembly.

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission.

Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.

Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.

Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

(f) A ~~an~~ approved redistricting resolution or redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

(Source: Amendment adopted at general election November 4, 1980.)

SCHEDULE

The State Board of Elections shall proceed, as soon as all the returns are received but no later than 31 days after the election, to canvass the votes given for and against this Constitutional Amendment, as shown by the abstracts of votes cast. If this Constitutional Amendment is approved by either three-fifths of those voting on the question or a majority of those voting in the election, then the State Board of Elections shall declare the adoption of this Constitutional Amendment and it shall, upon declaration of its adoption, take effect and become a part of the Constitution of this State. This Schedule supersedes and applies notwithstanding any statute to the contrary, and no other requirements, including without limitation proclamation of the results of the vote or notice by publication, are necessary for its effectiveness. This Constitutional Amendment applies to redistricting beginning in 2011 and to the election of members of the General Assembly beginning in 2012.

[May 22, 2009]

MESSAGES FROM THE GOVERNOR

Message for the Governor by Larry O'Brien
Acting Deputy Chief of Staff for Legislative Affairs

February 10, 2009

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To the Honorable
Members of the Senate
Ninety-Sixth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

s/Pat Quinn
GOVERNOR

NATURAL RESOURCES, DEPARTMENT OF

To be Director of the Department of Natural Resources for a term commencing February 6, 2009 and ending January 17, 2011:

Marc Miller of Springfield
Salaried

VETERANS' AFFAIRS, DEPARTMENT OF

To be Director of the Department of Veterans' Affairs for a term commencing February 9, 2009 and ending January 17, 2011:

Daniel William Grant of Chicago
Salaried

Message for the Governor by Sean Vinck
Chief Legislative Counsel to the Governor

May 4, 2009

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

[May 22, 2009]

To the Honorable
Members of the Senate
Ninety-Sixth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

s/Pat Quinn
GOVERNOR

EDUCATION FUNDING ADVISORY BOARD

To be a member and Chairman of the Education Funding Advisory Board for a term commencing May 4, 2009 and ending January 20, 2014:

Sylvia M. Puente
Expenses

EDUCATION FUNDING ADVISORY BOARD

To be a member of the Education Funding Advisory Board for a term commencing May 4, 2009 and ending January 16, 2012:

Edward J. Geppert Jr.
Expenses

EDUCATION FUNDING ADVISORY BOARD

To be a member of the Education Funding Advisory Board for a term commencing May 4, 2009 and ending January 21, 2013:

Dean E. Clark
Expenses

EDUCATION FUNDING ADVISORY BOARD

To be a member of the Education Funding Advisory Board for a term commencing May 4, 2009 and ending January 18, 2010:

Arthur R. Culver
Expenses

EDUCATION FUNDING ADVISORY BOARD

To be a member of the Education Funding Advisory Board for a term commencing May 4, 2009 and ending January 16, 2012:

Kenneth B. Swanson
Expenses

The foregoing Messages from the Governor were referred to the Committee on Executive Appointments.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Hunter, **House Bill No. 2664**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[May 22, 2009]

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 32; NAYS 13.

The following voted in the affirmative:

Bomke	Hendon	Maloney	Sullivan
Clayborne	Holmes	Martinez	Trotter
Collins	Hunter	Meeks	Viverito
DeLeo	Jacobs	Muñoz	Wilhelmi
Delgado	Jones, E.	Noland	Mr. President
Frerichs	Koehler	Pankau	
Garrett	Kotowski	Raoul	
Haine	Lauzen	Silverstein	
Harmon	Link	Steans	

The following voted in the negative:

Bivins	Duffy	Radogno	Syverson
Brady	Luechtefeld	Righter	
Burzynski	McCarter	Risinger	
Dahl	Murphy	Rutherford	

This roll call verified.

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 22, 2009 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Appropriations I: Senate Committee Amendment No. 1 to House Bill 13; Senate Committee Amendment No. 1 to House Bill 83; Senate Committee Amendment No. 1 to House Bill 609; Senate Committee Amendment No. 1 to House Bill 612; Senate Committee Amendment No. 1 to House Bill 859; Senate Committee Amendment No. 1 to House Bill 991; Senate Committee Amendment No. 1 to House Bill 2270; Senate Committee Amendment No. 1 to House Bill 2314; Senate Committee Amendment No. 1 to House Bill 2469; Senate Committee Amendment No. 1 to House Bill 2640; Senate Committee Amendment No. 1 to House Bill 3841.

Appropriations II: Senate Committee Amendment No. 1 to House Bill 84; Senate Committee Amendment No. 1 to House Bill 962.

Criminal Law Subcommittee on Constitutional Review: Senate Floor Amendment No. 1 to Senate Bill 1013; Senate Floor Amendment No. 2 to Senate Bill 1013; Senate Floor Amendment No. 3 to Senate Bill 1013; Senate Floor Amendment No. 4 to Senate Bill 1013; Senate Floor Amendment No. 5 to Senate Bill 1013; Senate Floor Amendment No. 6 to Senate Bill 1013; Senate Floor Amendment No. 7 to Senate Bill 1013; Senate Floor Amendment No. 8 to Senate Bill 1013; Senate Floor Amendment No. 9 to Senate Bill 1013; Senate Floor Amendment No. 10 to Senate Bill 1013.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 22, 2009 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committee of the Senate:

[May 22, 2009]

Executive: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 51**
Motion to Concur in House Amendment 1 to Senate Bill 54

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 22, 2009 meeting, reported that the following Legislative Measures have been approved for consideration:

Senate Floor Amendment No. 2 to House Bill 806
Senate Floor Amendment No. 2 to House Bill 2688
Senate Floor Amendment No. 2 to House Bill 3641

The foregoing floor amendments were placed on the Secretary's Desk.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the Criminal Law Subcommittee on Constitutional Review will meet in Room 212 at 12:00 o'clock noon, and the Executive Committee will meet in Room 212 at 1:00 o'clock p.m.

INQUIRY OF THE CHAIR

Senator Righter had an inquiry of the Chair to ascertain whether or not the full Committee on Criminal Law would meet pending the outcome of the legislation in its subcommittee.

The Chair announced the Committee on Criminal Law will meet following the subcommittee at 12:01 o'clock p.m.

Senator Muñoz asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

Senator Righter asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 10:52 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 3:40 o'clock p.m., the Senate resumed consideration of business.
Senator Hendon, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 1013
Senate Amendment No. 10 to Senate Bill 1013

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

[May 22, 2009]

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends that it be adopted:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 51; Motion to Concur in House Amendment 1 to Senate Bill 54

Under the rules, the foregoing motions are eligible for consideration by the Senate.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 138

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 138

Passed the House, as amended, May 21, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 138

AMENDMENT NO. 1. Amend Senate Bill 138 on page 2, in line 26, by inserting after the comma the following: "qualified by an apprentice program certified by the Bureau of Apprentice Training".

Under the rules, the foregoing **Senate Bill No. 138**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 122

A bill for AN ACT concerning regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 122

Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 122

AMENDMENT NO. 1. Amend Senate Bill 122 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.20 and by adding Section 4.30 as follows:

(5 ILCS 80/4.20)

Sec. 4.20. Acts repealed on January 1, 2010 and December 31, 2010.

(a) The following Acts are repealed on January 1, 2010:

The Auction License Act.

~~The Illinois Architecture Practice Act of 1989.~~

The Illinois Landscape Architecture Act of 1989.

[May 22, 2009]

The Illinois Professional Land Surveyor Act of 1989.
 The Land Sales Registration Act of 1999.
 The Orthotics, Prosthetics, and Pedorthics Practice Act.
 The Perfusionist Practice Act.
 The Professional Engineering Practice Act of 1989.
 The Real Estate License Act of 2000.
~~The Structural Engineering Practice Act of 1989.~~

(b) The following Act is repealed on December 31, 2010:
 The Medical Practice Act of 1987.
 (Source: P.A. 95-1018, eff. 12-18-08.)

(5 ILCS 80/4.30 new)

Sec. 4.30. Act repealed on January 1, 2020. The following Act is repealed on January 1, 2020:

The Illinois Architecture Practice Act of 1989.

The Structural Engineering Practice Act of 1989.

Section 10. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 21, 22, 23.5, 24, 25, 26, 29, 31, 36 and 38 and by adding Sections 4.5 and 17.5 as follows:

(225 ILCS 305/3) (from Ch. 111, par. 1303)

(Section scheduled to be repealed on January 1, 2010)

Sec. 3. Application of Act. Nothing in this Act shall be deemed or construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989, the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989, or the preparation of documents used to prescribe work to be done inside buildings for non-loadbearing interior construction, furnishings, fixtures and equipment, or the offering or preparation of environmental analysis, feasibility studies, programming or construction management services by persons other than those licensed in accordance with this Act, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.

Nothing contained in this Act shall prevent the draftsmen, students, project representatives and other employees of those lawfully practicing as licensed architects under the provisions of this Act, from acting under the ~~responsible direct supervision and~~ control of their employers, or to prevent the employment of project representatives for enlargement or alteration of buildings or any parts thereof, or prevent such project representatives from acting under the ~~responsible direct supervision and~~ control of the licensed architect by whom the construction documents including drawings and specifications of any such building, enlargement or alteration were prepared.

Nothing in this Act or any other Act shall prevent a licensed architect from practicing interior design services. Nothing in this Act shall be construed as requiring the services of an interior designer for the interior designing of a single family residence.

The involvement of a licensed architect is not required for the following:

(A) The building, remodeling or repairing of any building or other structure outside of the corporate limits of any city or village, where such building or structure is to be, or is used for farm purposes, or for the purposes of outbuildings or auxiliary buildings in connection with such farm premises.

(B) The construction, remodeling or repairing of a detached single family residence on a single lot.

(C) The construction, remodeling or repairing of a two-family residence of wood frame construction on a single lot, not more than two stories and basement in height.

(D) Interior design services for buildings which do not involve life safety or structural changes.

However, when an ordinance of a unit of local government requires the involvement of a licensed architect for any buildings included in the preceding paragraphs (A) through (D), the requirements of this Act shall apply. All buildings not included in the preceding paragraphs (A) through (D), including multi-family buildings and buildings previously exempt from the involvement of a licensed architect under those paragraphs but subsequently non-exempt due to a change in occupancy or use, are subject to the requirements of this Act. Interior alterations which result in life safety or structural changes of the building are subject to the requirements of this Act.

(Source: P.A. 92-16, eff. 6-28-01; 93-1009, eff. 1-1-05.)

(225 ILCS 305/4) (from Ch. 111, par. 1304)

(Section scheduled to be repealed on January 1, 2010)

[May 22, 2009]

Sec. 4. Definitions. In this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by directly contacting the Department.

"Architect, Retired" means a person who has been duly licensed as an architect by the Department and who chooses to place on inactive status or not renew his or her license pursuant to Section 17.5 of this Act.

"Architectural intern" means an unlicensed person who has completed the education requirements, is actively participating in the diversified professional training, and maintains in good standing a training record as required for licensure by this Act and may use the title "architectural intern", but may not independently engage in the practice of architecture.

"Board" means the Illinois Architecture Licensing Board appointed by the Secretary.

~~(a) "Department" means the Department of Financial and Professional Regulation.~~

"Design build" and "design build entity" means the project delivery process defined in 68 Ill. Adm. Code 1150.85, and any amendments or changes thereto.

~~(b) "Director" means the Director of Professional Regulation.~~

~~(c) "Board" means the Illinois Architecture Licensing Board appointed by the Director.~~

~~(d) "Public health" as related to the practice of architecture means the state of the well-being of the body or mind of the building user.~~

~~(e) "Public safety" as related to the practice of architecture means the state of being reasonably free from risk of danger, damage, or injury.~~

~~(f) "Public welfare" as related to the practice of architecture means the well-being of the building user resulting from the state of a physical environment that accommodates human activity.~~

"Secretary" means the Secretary of Financial and Professional Regulation.

(Source: P.A. 93-1009, eff. 1-1-05.)

(225 ILCS 305/4.5 new)

Sec. 4.5. References to Department or Director of Professional Regulation. References in this Act (i) to the Department of Professional Regulation are deemed, in appropriate contexts, to be references to the Department of Financial and Professional Regulation and (ii) to the Director of Professional Regulation are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation.

(225 ILCS 305/5) (from Ch. 111, par. 1305)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5. Architect defined; Acts constituting practice.

(a) An architect is a person who is qualified by education, training, experience, and examination, and who is licensed under the laws of this State, to practice architecture.

(b) The practice of architecture within the meaning and intent of this Act includes the offering or furnishing of professional services, such as consultation, environmental analysis, feasibility studies, programming, planning, aesthetic and structural design, technical submissions consisting of drawings and specifications and other documents required in the construction process, administration of construction contracts, project representation, and construction management, in connection with the construction of any private or public building, building structure, building project, or addition to or alteration or restoration thereof.

(c) In the offering or furnishing of professional services set forth in subsection (b) of this Section, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1150.90, and any amendments or changes thereto.

(d) Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the services set forth in subsection (b) of this Section unless such person specifically contracts to provide such services.

(Source: P.A. 92-360, eff. 1-1-02.)

(225 ILCS 305/6) (from Ch. 111, par. 1306)

(Section scheduled to be repealed on January 1, 2010)

Sec. 6. Technical submissions. All technical submissions intended for use in construction in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal building ordinances in such submissions. In recognition that architects are licensed for the protection of the public health, safety and welfare, submissions shall be of such quality and scope, and be so administered, as to conform to professional standards.

Technical submissions are the designs, drawings and specifications which establish the scope of the architecture to be constructed, the standard of quality for materials, workmanship, equipment, and construction systems, and the studies and other technical reports and calculations prepared in the course of the practice of architecture.

No officer, board, commission, or other public entity who receives technical submissions shall accept for filing or approval any technical submissions relating to services requiring the involvement of an architect that do not bear the seal and signature of an architect licensed under this Act.

It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised responsible control of the preparation of such work. An architect who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved in writing by the architect who originally sealed and signed the technical submissions.

(Source: P.A. 92-360, eff. 1-1-02.)

(225 ILCS 305/8) (from Ch. 111, par. 1308)

(Section scheduled to be repealed on January 1, 2010)

Sec. 8. Powers and duties of the Department.

(1) Subject to the provisions of this Act, the Department shall exercise the following functions, powers, and duties:

(a) conduct examinations to ascertain the qualifications and fitness of applicants for licensure as licensed architects, and pass upon the qualifications and fitness of applicants for licensure by endorsement;

(b) prescribe rules for a method of examination of candidates;

(c) prescribe rules defining what constitutes a school, college or university, or department of a university, or other institution, reputable and in good standing, to determine whether or not a school, college or university, or department of a university, or other institution is reputable and in good standing by reference to compliance with such rules, and to terminate the approval of such school, college or university or department of a university or other institution that refuses admittance to applicants solely on the basis of race, color, creed, sex or national origin. The Department may adopt, as its own rules relating to education requirements, those guidelines published from time to time by the National Architectural Accrediting Board;

(d) prescribe rules for diversified professional training;

(e) conduct oral interviews, disciplinary conferences and formal evidentiary hearings on proceedings to impose fines or to suspend, revoke, place on probationary status, reprimand, and refuse to issue or restore any license issued under the provisions of this Act for the reasons set forth in Section 22 of this Act;

(f) issue licenses to those who meet the requirements of this Act;

(g) formulate and publish rules necessary or appropriate to carrying out the provisions of this Act; ~~and~~

(h) maintain membership in the National Council of Architectural Registration Boards and participate in activities of the Council by designation of individuals for the various classifications of membership and the appointment of delegates for attendance at regional and national meetings of the Council. All costs associated with membership and attendance of such delegates to any national meetings may be funded from the Design Professionals Administration and Investigation Fund; ~~and -~~

(i) review such applicant qualifications to sit for the examination or for licensure that the Board designates pursuant to Section 10 of this Act.

(2) Upon the ~~Prior to~~ issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the ~~Secretary~~ Director shall notify the Board ~~in writing~~ with an explanation of the deviation and provide a reasonable time for the Board to submit ~~written~~ comments to the ~~Secretary~~ Director regarding the final decision or order proposed action. ~~In the event that the Board fails or declines to submit written comments within 30 days of the notification, the Director may issue a final decision or order consistent with the Director's original decision.~~ The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

(3) The Department may in its discretion, but shall not be required to, employ or utilize the legal services of outside counsel and the investigative services of outside personnel to assist the Department. However, no attorney employed or used by the Department shall prosecute a matter or provide legal services to the Department or Board with respect to the same matter.

(Source: P.A. 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

[May 22, 2009]

(225 ILCS 305/9) (from Ch. 111, par. 1309)

(Section scheduled to be repealed on January 1, 2010)

Sec. 9. Creation of the Board. The Director shall appoint an Architecture Licensing Board which will consist of 6 members. Five members shall be licensed architects, one of whom shall be a tenured member of the architectural faculty of an Illinois public university accredited by the National Architectural Accrediting Board ~~the University of Illinois~~. The other 4 shall be licensed architects, residing in this State, who have been engaged in the practice of architecture at least 10 years. In addition to the 5 licensed architects, there shall be one public member. The public member shall be a voting member and shall not hold a license as an architect, professional engineer, structural engineer or land surveyor.

Board members shall serve 5 year terms and until their successors are appointed and qualified. In making the designation of persons to the Board, the Director shall give due consideration to recommendations by members and organizations of the profession.

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

No member shall be reappointed to the Board for a term which would cause his or her continuous service on the Board to be longer than 10 successive years. Service prior to the effective date of this Act shall not be considered.

Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act and Board members in office on that date under the predecessor Act may be appointed to specific terms as indicated in this Section.

Persons holding office as members of the Board under the Illinois Architecture Act immediately prior to the effective date of this Act shall continue as members of the Board under this Act until the expiration of the term for which they were appointed and until their successors are appointed and qualified.

~~Four members~~ A quorum of the Board shall constitute a quorum ~~consist of a majority of Board members currently appointed~~. A majority vote of the quorum is required for Board decisions.

The Director may remove any member of the Board for misconduct, incompetence, neglect of duty, or for reasons prescribed by law for removal of State officials.

The Director may remove a member of the Board who does not attend 2 consecutive meetings.

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

Members of the Board are immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(Source: P.A. 91-133, eff. 1-1-00.)

(225 ILCS 305/10) (from Ch. 111, par. 1310)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10. Powers and duties of the Board.

(a) The Board shall hold at least 3 regular meetings each year.

(b) The Board shall annually elect a Chairperson and a Vice Chairperson who shall be licensed architects.

(c) The Board, upon request by the Department, may make a curriculum evaluation to determine if courses conform to the requirements of approved architectural programs.

(d) The Board shall assist the Department in conducting oral interviews, disciplinary conferences and formal evidentiary hearings.

(e) The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

(f) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule in 68 Ill. Adm. Code 1150.95, and any amendments or changes thereto.

(g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable. The Department shall review the Board's recommendations on applicant qualifications. The ~~Secretary~~ Director shall notify the Board ~~in writing~~ with an explanation of any deviation from the Board's recommendation on applicant qualifications. After review of the ~~Secretary's~~ ~~Director's written~~ explanation of his or her reasons for deviation, the Board shall have the

opportunity to comment upon the ~~Secretary's~~ ~~Director's~~ decision.

(h) The Board ~~may~~ ~~shall~~ submit ~~written~~ comments to the ~~Secretary~~ ~~Director~~ within a reasonable time ~~30 days~~ from notification of any final decision or order from the ~~Secretary~~ ~~Director~~ that deviates from any report or recommendation of the Board relating to the qualifications of applicants, unlicensed practice, discipline of licensees or registrants, or promulgation of rules.

(i) The Board may recommend that the Department contract with an individual or a corporation or other business entity to assist in the providing of investigative, legal, prosecutorial, and other services necessary to perform its duties pursuant to subsection (3) of Section 8 of this Act.

(Source: P.A. 91-133, eff. 1-1-00.)

(225 ILCS 305/11) (from Ch. 111, par. 1311)

(Section scheduled to be repealed on January 1, 2010)

Sec. 11. Application for original license. Applications for original licensure shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which is not refundable. Any such application shall require information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant to practice architecture. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by an evaluation service a nationally recognized educational body approved by the Board in accordance with rules prescribed by the Department.

An applicant who has graduated from an architectural program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and a test of spoken English ~~the Test of Spoken English (TSE)~~ as defined by rule.

(Source: P.A. 91-133, eff. 1-1-00.)

(225 ILCS 305/12) (from Ch. 111, par. 1312)

(Section scheduled to be repealed on January 1, 2010)

Sec. 12. Examinations; subjects; failure or refusal to take examination. The Department shall authorize examination of applicants as architects at such times and places as it may determine. The examination shall be in English and shall be written or written and graphic. It shall include at a minimum the following subjects:

- (a) pre-design (environmental analysis, architectural programming, and application of principles of project management and coordination);
- (b) site planning (site analysis, design and development, parking, and application of zoning requirements);
- (c) building planning (conceptual planning of functional and space relationships, building design, interior space layout, barrier-free design, and the application of the life safety code requirements and principles of energy efficient design);
- (d) building technology (application of structural systems, building components, and mechanical and electrical systems);
- (e) general structures (identification, resolution, and incorporation of structural systems and the long span design on the technical aspects of the design of buildings and the process and construction);
- (f) lateral forces (identification and resolution of the effects of lateral forces on the technical aspects of the design of buildings and the process of construction);
- (g) mechanical and electrical systems (as applied to the design of buildings, including plumbing and acoustical systems);
- (h) materials and methods (as related to the design of buildings and the technical aspects of construction); and
- (i) construction documents and services (conduct of architectural practice as it relates to construction documents, bidding, and construction administration and contractual documents from beginning to end of a building project).

It shall be the responsibility of the applicant to be familiar with this Act and its rules.

Examination subject matter headings and bases on which examinations are graded shall be indicated in rules pertaining to this Act. The Department may adopt the examinations and grading procedures of the National Council of Architectural Registration Boards. Content of any particular examination shall not be considered public record under the Freedom of Information Act.

If an applicant neglects without an approved excuse or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing an application, the application shall be denied. The applicant may, however, make a new application for examination

accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of the new application.

An applicant shall have 5 years from the passage of the first examination to successfully complete all examinations required by rule of the Department.

The Department may by rule prescribe additional subjects for examination.

An applicant has one year from the date of notification of successful completion of all the examination requirements to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to again take and pass the examination, unless the Department, upon recommendation of the Board, determines that there is sufficient cause for the delay that is not due to the fault of the applicant.

(Source: P.A. 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

(225 ILCS 305/13) (from Ch. 111, par. 1313)

(Section scheduled to be repealed on January 1, 2010)

Sec. 13. Qualifications of applicants. Any person who is of good moral character may ~~apply take an examination~~ for licensure if he or she is a graduate with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, has completed the examination requirements set forth under Section 12 of this Act, and has completed such diversified professional training, including academic training, as is required by rules of the Department. Until January 1, 2014, in lieu of the requirement of graduation with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, the Department may admit an applicant who is a graduate with a pre-professional 4 year baccalaureate degree accepted for direct entry into a first professional master of architecture degree program, and who has completed such additional diversified professional training, including academic training, as is required by rules of the Department. The Department may adopt, as its own rules relating to diversified professional training, those guidelines published from time to time by the National Council of Architectural Registration Boards.

Good moral character means such character as will enable a person to discharge the fiduciary duties of an architect to that person's client and to the public in a manner which protects health, safety and welfare. Evidence of inability to discharge such duties may include the commission of an offense justifying discipline under Section ~~22~~ 49. In addition, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

(Source: P.A. 93-1009, eff. 1-1-05; 94-543, eff. 8-10-05.)

(225 ILCS 305/17.5 new)

Sec. 17.5. Architect, Retired. Pursuant to Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the Department may grant the title "Architect, Retired" to any person who has been duly licensed as an architect by the Department and who has chosen to place on inactive status or not renew his or her license. Those persons granted the title "Architect, Retired" may request restoration to active status under the applicable provisions of this Act.

The use of the title "Architect, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice architecture as defined in this Act.

Nothing in this Section shall be construed to require the Department to issue any certificate, credential, or other official document indicating that a person has been granted the title "Architect, Retired".

(225 ILCS 305/21) (from Ch. 111, par. 1321)

(Section scheduled to be repealed on January 1, 2010)

Sec. 21. Professional design firm registration; conditions.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, of a corporation to offer the practice of architecture.

Any business, including a Professional Service Corporation, that includes the practice of architecture within its stated purposes, practices architecture, or holds itself out as available to practice architecture shall register with the Department under this Section. Any professional service corporation, sole proprietorship, or professional design firm offering architectural services must have a resident architect in responsible charge of overseeing the architectural practices in each location in which architectural services are provided who shall be designated as a managing agent.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering architectural services to the public. "Illinois licensed design professional" means a person who holds an active license as an architect under this Act, as a structural engineer under the Structural Engineering Practice Act of 1989, or as a professional engineer under the Professional Engineering Practice Act of 1989. Any sole proprietorship owned and operated

by an architect with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by an architect with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm.

(b) Any corporation, including a Professional Service Corporation, partnership, limited liability company, or professional design firm seeking to be registered under this Section shall not be registered unless:

(1) two-thirds of the board of directors, in the case of a corporation, or two-thirds of the general partners, in the case of a partnership, or two-thirds of the members, in the case of a limited liability company, are licensed under the laws of any State to practice architecture, professional engineering, land surveying, or structural engineering; and

(2) ~~a managing agent the person having the architectural practice in this State in his charge~~ is (A) a director in the case of a corporation, a general partner in the case of a partnership, or a member in the case of a limited liability company, and (B) holds a license under this Act.

Any corporation, limited liability company, professional service corporation, or partnership qualifying under this Section and practicing in this State shall file with the Department any information concerning its officers, directors, members, managers, partners or beneficial owners as the Department may, by rule, require.

(c) No business shall offer the practice or hold itself out as available to offer the practice of architecture until it is registered with the Department. Every entity registered as a professional design firm shall display its certificate of registration or a facsimile thereof in a conspicuous place in each office offering architectural services.

(d) Any business seeking to be registered under this Section shall make application on a form provided by the Department and shall provide any information requested by the Department, which shall include but shall not be limited to all of the following:

(1) The name and architect's license number of at least one person designated as the managing agent ~~in responsible charge of the practice of architecture in Illinois~~. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating at least one managing agent. If a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating at least one ~~the~~ managing agent.

(2) The names and architect's, professional engineer's, structural engineer's, or land surveyor's license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership.

(3) A list of all locations at which the professional design firm provides architectural services.

(4) A list of all assumed names of the business. Nothing in this Section shall be construed to exempt a business from compliance with the requirements of the Assumed Business Name Act.

It is the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and professional design firm shall notify the Department of this fact in writing, by certified mail, within 10 business days of termination.

Thereafter, the professional design firm, if it has so informed the Department, has 30 days in which to notify the Department of the name and architect's license number of the architect who is the newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.

If the professional design firm has not notified the Department in writing, by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by certified mail to the ~~last known~~ address of ~~record~~ the business. If the professional design firm continues to operate and offer architectural services after the termination, the Department may seek prosecution under Sections 22, 36, and 36a of this Act for the unlicensed practice of architecture.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this Section, nor shall any individual practicing architecture be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed architect. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

(Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00.)

(225 ILCS 305/22) (from Ch. 111, par. 1322)

(Section scheduled to be repealed on January 1, 2010)

Sec. 22. Refusal, suspension and revocation of licenses; Causes.

(a) The Department may, singularly or in combination, refuse to issue, renew or restore, or may suspend, ~~or~~ ~~revoke~~, ~~place on probation, or take other disciplinary or non-disciplinary action as deemed appropriate, including, but not limited to, the imposition of fines~~ ~~any license or registration, or may place on probation, reprimand, or fine, with a civil penalty not to exceed \$10,000 for each violation, as the Department may deem proper, with regard to a license~~ ~~any person, corporation, or partnership, or professional design firm licensed or registered under this Act for any one or combination of the following causes~~ reasons:

- (1) material misstatement in furnishing information to the Department;
- (2) negligence, incompetence or misconduct in the practice of architecture;
- (3) failure to comply with any of the provisions of this Act or any of the rules;
- (4) making any misrepresentation for the purpose of obtaining licensure;
- (5) purposefully making false statements or signing false statements, certificates or affidavits to induce payment;
- (6) conviction of ~~or plea of guilty or nolo contendere to~~ any crime ~~that is a felony~~ under the laws of the United States ; or any state or territory thereof, ~~which is a felony, whether related to the practice of architecture or that is not; or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty, wanton disregard for the rights of others, or any crime that which is directly related to the practice of the profession of architecture;~~
- (7) aiding or assisting another person in violating any provision of this Act or its rules;
- (8) signing, affixing the ~~licensed~~ architect's seal or permitting the architect's seal to be affixed to any ~~technical submission construction documents~~ not prepared by the architect or under that architect's ~~responsible direct supervision and control;~~
- (9) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;
- (10) ~~habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety~~ ~~habitual intoxication or addiction to the use of drugs;~~
- (11) making a statement of compliance pursuant to the Environmental Barriers Act that ~~technical submissions construction documents~~ prepared by the ~~architect Licensed Architect~~ or prepared under the ~~licensed~~ architect's ~~responsible direct supervision and control~~ for construction or alteration of an occupancy required to be in compliance with the Environmental Barriers Act are in compliance with the Environmental Barriers Act when such ~~technical submissions construction documents~~ are not in compliance;
- (12) a finding by the Board that an applicant or registrant has failed to pay a fine imposed by the Department or a registrant, whose license has been placed on probationary status, has violated the terms of probation;
- (13) discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth herein;
- (14) failure to provide information in response to a written request made by the Department within 30 days after the receipt of such written request;
- (15) physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, ~~mental illness, or disability~~ which results in the inability to practice the profession with reasonable judgment, skill, ~~and~~ ~~or~~ safety , ~~including without limitation deterioration~~

through the aging process, mental illness, or disability.

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a license pursuant to the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license. In enforcing this Section, the Board upon a showing of a possible violation may request that the Department compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department. The Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may recommend that the Department require that person to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the ~~Secretary Director~~ that the licensee be allowed to resume practice.

(c) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with subdivision (a)(5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the

Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(e) The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

~~The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.~~

(f) Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, shall not be liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The attorney general shall defend such persons in any such action or proceeding.

(Source: P.A. 94-543, eff. 8-10-05.)

(225 ILCS 305/23.5)

(Section scheduled to be repealed on January 1, 2010)

Sec. 23.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as an architect without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(a-5) Any entity that advertises architecture services in a telecommunications directory must include its architecture firm registration number or, in the case of a sole proprietor, his or her individual license number. Nothing in this subsection (a-5) requires the publisher of a telecommunications directory to investigate or verify the accuracy of the registration or license number provided by the advertiser of architecture services.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 94-543, eff. 8-10-05.)

(225 ILCS 305/24) (from Ch. 111, par. 1324)

(Section scheduled to be repealed on January 1, 2010)

Sec. 24. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to restore, issue or renew a license or registration, or discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registrant of the nature of the charges and that a hearing will be held on the date designated, and direct the applicant or entity or licensee or registrant to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or entity or licensee or registrant that failure to file an answer will result in default being taken against the applicant or entity or licensee or registrant and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of ~~record with his last notification~~ to the Department. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged

constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board may continue the hearing from time to time.

(Source: P.A. 87-1031; 88-428.)

(225 ILCS 305/25) (from Ch. 111, par. 1325)

(Section scheduled to be repealed on January 1, 2010)

Sec. 25. Stenographer; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to restore, issue or renew a license, or the discipline of a licensee. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Department shall be the record of the proceedings. ~~The Department shall furnish a transcript of the record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).~~

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

(225 ILCS 305/26) (from Ch. 111, par. 1326)

(Section scheduled to be repealed on January 1, 2010)

Sec. 26. Subpoenas; depositions; oaths ~~of witnesses; Oaths~~. The Department has power to subpoena ~~documents, books, records, or other materials and to bring before it any person and to take testimony,~~ either orally or by deposition, or take written interrogatories, or any combination thereof, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State.

~~The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department, and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.~~

~~The Director, and every member of the Board each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.~~

(Source: P.A. 86-702.)

(225 ILCS 305/29) (from Ch. 111, par. 1329)

(Section scheduled to be repealed on January 1, 2010)

Sec. 29. Hearing officer. Notwithstanding the provisions of Section 28 of this Act, the Director has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action under Section 24. The Director shall notify the Board of any such appointment. The hearing officer has full authority to conduct the hearing. The Board has the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board and the Director. The Board has 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the ~~Secretary~~ Director. If the Board fails to present its report within the 60 day period, the ~~Secretary may~~ Director shall issue an order based on the report of the hearing officer. If the ~~Secretary Director~~ disagrees in any regard with the report of the Board or hearing officer, he may issue an order in contravention thereof. The ~~Secretary Director~~ shall ~~notify provide a written explanation to~~ the Board on any such deviation, and shall specify with particularity the reasons for such action in the final order.

(Source: P.A. 86-702.)

(225 ILCS 305/31) (from Ch. 111, par. 1331)

(Section scheduled to be repealed on January 1, 2010)

Sec. 31. ~~Restoration of suspended or revoked~~ ~~issuance or restoration of~~ license. At any time after ~~the successful completion of a term of suspension or revocation of a license, the Department may restore it to the licensee, upon the written recommendation of the Board, unless after an investigation and a hearing the Board determines that restoration is not in the public interest the refusal to issue, or after the suspension or revocation of any license, the Department may issue or restore it to the applicant without examination, upon the written recommendation of the Board.~~

(Source: P.A. 86-702.)

(225 ILCS 305/36) (from Ch. 111, par. 1336)

(Section scheduled to be repealed on January 1, 2010)

Sec. 36. Violations. Each of the following Acts constitutes a Class A misdemeanor for the first offense

and a Class 4 felony for a second or subsequent offense:

- (a) the practice, attempt to practice or offer to practice architecture, or the advertising or putting out of any sign or card or other device which might indicate to the public that the person is entitled to practice architecture, without a license as a licensed architect, or registration as a professional design firm issued by the Department. Each day of practicing architecture or attempting to practice architecture, and each instance of offering to practice architecture, without a license as a licensed architect or registration as a professional design firm constitutes a separate offense;
- (b) the making of any wilfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act;
- (c) the affixing of a licensed architect's seal to any technical submissions ~~construction documents~~ which have not been prepared by that architect or under the architect's responsible direct supervision and control;
- (d) the violation of any provision of this Act or its rules;
- (e) using or attempting to use an expired, inactive, suspended, or revoked license, or the certificate or seal of another, or impersonating another licensee;
- (f) obtaining or attempting to obtain a license or registration by fraud; or
- (g) If any person, sole proprietorship, professional service corporation, limited liability company, corporation or partnership, or other entity practices architecture or advertises or displays any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as an architect or use the title "architect" or any of its derivations unless the person or other entity holds an active license as an architect or registration as a professional design firm in the State; then, in addition to any other penalty provided by law any person or other entity who violates this subsection (g) shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined by the Department of not more than \$10,000 ~~\$5,000~~ for each offense.

An unlicensed person who has completed the education requirements, is actively participating in the diversified professional training, and maintains in good standing a training record as required for licensure by this Act may use the title "architectural intern", but may not independently engage in the practice of architecture.

(Source: P.A. 93-1009, eff. 1-1-05.)

(225 ILCS 305/38) (from Ch. 111, par. 1338)

(Section scheduled to be repealed on January 1, 2010)

Sec. 38. Fund; appropriations; investments; audits. Moneys deposited in the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law (20 ILCS 2105/2105-75) and other expenses related to the administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Financial and Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

All fines and penalties under Sections 22 and 36 shall be deposited in the Design Professionals Administration and Investigation Fund.

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested, with all earnings received from the investments to be deposited in the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited in the Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

Section 15. The Structural Engineering Practice Act of 1989 is amended by changing Sections 4, 5, 6,

[May 22, 2009]

7, 8, 9, 10, 11, 14, 16, 18, 19, 20, 20.5, 21, 22, 23, 24, 26, 27, 28 and 31 and by adding Section 4.5 as follows:

(225 ILCS 340/4) (from Ch. 111, par. 6604)

(Section scheduled to be repealed on January 1, 2010)

Sec. 4. In this Act:

(a) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by directly contacting the Department.

(b) ~~(a)~~ "Department" means the Department of Financial and Professional Regulation.

(c) ~~(b)~~ "Secretary" ~~"Director"~~ means the Secretary ~~Director~~ of the Department of Financial and Professional Regulation.

(d) ~~(c)~~ "Board" means the Structural Engineering Board appointed by the Secretary ~~Director~~.

(e) ~~(d)~~ "Negligence in the practice of structural engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by structural engineers in the practice of structural engineering.

(f) ~~(e)~~ "Structural engineer intern" means a person who is a candidate for licensure as a structural engineer and who has been enrolled as a structural engineer intern.

(g) ~~(f)~~ "Structural engineer" means a person licensed under the laws of the State of Illinois to practice structural engineering.

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

(225 ILCS 340/4.5 new)

Sec. 4.5. References to Department or Director of Professional Regulation. References in this Act (i) to the Department of Professional Regulation are deemed, in appropriate contexts, to be references to the Department of Financial and Professional Regulation and (ii) to the Director of Professional Regulation are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation.

(225 ILCS 340/5) (from Ch. 111, par. 6605)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5. A person shall be regarded as practicing structural engineering within the meaning of this Act who is engaged in the design, analysis, or supervision ~~designing or supervising~~ of the construction, enlargement or alteration of structures, or any part thereof, for others, to be constructed by persons other than himself. Structures within the meaning of this Act are all structures having as essential features foundations, columns, girders, trusses, arches or ~~and~~ beams, with or without other parts, and in which safe design and construction require that loads and stresses must be computed and the size and strength of parts determined by mathematical calculations based upon scientific principles and engineering data. A person shall also be regarded as practicing structural engineering within the meaning of this Act who is engaged as a principal in the design, analysis, or supervision ~~designing and supervision~~ of the construction of structures or of the structural part of edifices designed solely for the generation of electricity; or for the hoisting, cleaning, sizing or storing of coal, cement, sand, grain, gravel or similar materials; elevators; manufacturing plants; docks; bridges; blast furnaces; rolling mills; gas producers and reservoirs; smelters; dams; reservoirs; waterworks; sanitary works as applied to the purification of water; plants for waste and sewage disposal; round houses for locomotives; railroad shops; pumping or power stations for drainage districts; or power houses, even though such structures may come within the definition of "buildings" as defined in any Act in force in this State relating to the regulation of the practice of architecture.

(Source: P.A. 86-711.)

(225 ILCS 340/6) (from Ch. 111, par. 6606)

(Section scheduled to be repealed on January 1, 2010)

Sec. 6. The Department of Financial and Professional Regulation shall exercise the following functions, powers and duties subject to the provisions of this Act:

(1) To conduct ~~Conduct~~ examinations to ascertain the qualifications and fitness of applicants for licensure as licensed structural engineers, and pass upon the qualifications and fitness of applicants for licensure by endorsement.

(2) To prescribe ~~Prescribe~~ rules for a method of examination of candidates.

(3) To prescribe rules to establish what constitutes a structural engineering or related science curriculum, to determine if a specific curriculum qualifies as a structural engineering or related science curriculum, and to terminate the Department's approval of any curriculum as a structural engineering or related science curriculum for non-compliance with such rules. ~~Prescribe rules defining what shall~~

~~constitute a school, college or university or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or other institution reputable and in good standing by reference to a compliance with such rules; provided that no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color, creed, sex, religion, physical or mental handicap unrelated to ability, or national origin shall be considered reputable and in good standing.~~

(3.5) ~~To register~~ Register corporations, partnerships, professional service corporations, limited liability companies, and sole proprietorships for the practice of structural engineering and issue a license to those who qualify.

(4) ~~To investigate~~ Investigate complaints, to conduct oral interviews, disciplinary conferences, and formal

evidentiary hearings on proceedings to refuse to issue, renew or restore, or to suspend or revoke a license, or to place on probation or reprimand a licensee for reasons set forth in Section 20 of this Act.

(5) ~~To formulate~~ Formulate rules necessary to carry out the provisions of this Act.

(6) ~~To maintain~~ Maintain membership in a national organization that provides an acceptable structural

engineering examination and participate in activities of the organization by designation of individuals for the various classifications of membership and the appointment of delegates for attendance at regional and national meetings of the organization. All costs associated with membership and attendance of such delegates to any national meetings may be funded from the Design Professionals Administration and Investigation Fund.

(7) To review such applicant qualifications to sit for the examination or for licensure that the Board designates pursuant to Section 8 of this Act.

Prior to issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the ~~Secretary~~ Director shall notify the Board and the Secretary of State in writing with an explanation of any such deviation and provide a reasonable time for the Board to submit ~~written~~ comments to the ~~Secretary~~ Director regarding the ~~proposed~~ action. In the event that the Board fails or declines to submit such ~~written~~ comments within 30 days of said notification, the ~~Secretary~~ Director may issue a final decision or order consistent with the ~~Secretary's~~ Director's original decision.

~~None of these functions, powers or duties shall be exercised by the Department of Professional Regulation except upon the action and report in writing of the Board.~~

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

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

(225 ILCS 340/7) (from Ch. 111, par. 6607)

(Section scheduled to be repealed on January 1, 2010)

Sec. 7. The ~~Secretary~~ Director shall appoint a Structural Engineering Board, which shall consist of 7 6 members. ~~Six~~ Five members shall be Illinois licensed structural engineers, who have been engaged in the practice of structural engineering for a minimum of 10 years, and one shall be a public member. The public member shall be a voting member and shall not hold a license as an architect, professional engineer, structural engineer or land surveyor.

Members shall serve 5 year terms and until their successors are appointed and qualified.

In making the designation of persons to act, the ~~Secretary~~ Director shall give due consideration to recommendations by members of the profession and by organizations of the structural engineering profession.

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

No member shall be reappointed to the Board for a term which would cause his or her ~~continuous~~ service on the Board to be longer than 15 44 successive years in a lifetime. ~~Service prior to the effective date of this Act shall not be considered in calculating length of service.~~

Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms under this Act shall begin upon the expiration of the terms of Committee members appointed under The Illinois Structural Engineering Act.

Persons holding office as members of the Board under this Act on the effective date of this Act shall serve as members of the Board under this Act until the expiration of the term for which they were appointed and until their successors are appointed and qualified under this Act.

~~Four members~~ A quorum of the Board shall constitute a quorum ~~consist of a majority of Board members appointed.~~ A majority of the quorum is required for Board decisions.

The ~~Secretary Director~~ may terminate the appointment of any member for cause which in the opinion of the ~~Secretary Director~~ reasonably justifies such termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

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

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

~~Each member of the Board may receive compensation as determined by the Secretary. Whenever the Director is not satisfied that substantial justice has been done in an examination, the Director may order a reexamination by the same or other examiners.~~

(Source: P.A. 91-91, eff. 1-1-00; 92-237, eff. 8-3-01.)

(225 ILCS 340/8) (from Ch. 111, par. 6608)

(Section scheduled to be repealed on January 1, 2010)

Sec. 8. The Board has the following powers and duties:

- (a) The Board shall hold at least 3 regular meetings each year;
- (b) The Board shall annually elect a Chairperson and a Vice Chairperson, both of whom shall be Illinois licensed structural engineers;
- (c) The Board, upon request by the Department, may make a curriculum evaluation to determine if courses conform to requirements of approved engineering programs;
- (d) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act;
- (e) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule;
- (f) The Board shall assist the Department in conducting oral interviews, disciplinary conferences, informal conferences, and formal evidentiary hearings;
- (g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable, and the Department shall review the Board's recommendations on applicant qualifications; and
- (h) The Board ~~may shall~~ submit ~~written~~ comments to the ~~Secretary Director~~ within a reasonable time ~~30 days~~ from notification of any final decision or order from the ~~Secretary Director~~ that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, unlicensed practice, or promulgation of rules.

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

(225 ILCS 340/9) (from Ch. 111, par. 6609)

(Section scheduled to be repealed on January 1, 2010)

Sec. 9. Applications for original licenses shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which is not refundable. The application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign county by a nationally recognized evaluation service ~~educational body~~ approved by the ~~Department Board~~ in accordance with rules prescribed by the Department.

An applicant who graduated from a structural engineering program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and a test of spoken English ~~the Test of Spoken English (TSE)~~ as defined by rule.

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

(225 ILCS 340/10) (from Ch. 111, par. 6610)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10. The Department shall authorize examinations of applicants as structural engineers at such times and places as it may determine. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice structural engineering.

Applicants for examination as structural engineers are required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service,

shall result in the forfeiture of the examination fee.

~~If an applicant neglects, fails without an approved excuse or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited to the Department and the application denied.~~ If an applicant fails to pass an examination for a licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualifications for examination in effect at the time of new application. (Source: P.A. 91-91, eff. 1-1-00.)

(225 ILCS 340/11) (from Ch. 111, par. 6611)

(Section scheduled to be repealed on January 1, 2010)

Sec. 11. A person is qualified for enrollment as a structural engineer intern or licensure as a structural engineer if that person has applied in writing in form and substance satisfactory to the Department and:

(a) The applicant is of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

(a-5) The applicant, if a structural engineer intern applicant, has met the minimum standards for enrollment as a structural engineer intern, which are as follows:

(1) is a graduate of an approved structural engineering curriculum of at least 4 years meeting the requirements as set forth by rule and passes a nominal 8-hour written examination in the fundamentals of engineering; or

(2) is a graduate of a related science curriculum of at least 4 years meeting the requirements as set forth by rule and passes a nominal 8-hour written examination in the fundamentals of engineering.

(b) The applicant, if a structural engineer applicant, has met the minimum standards for licensure as a structural engineer, which are as follows:

(1) is a graduate of an approved structural engineering curriculum of at least 4 years meeting the requirements as set forth by rule and submits evidence acceptable to the Department of an additional 4 years or more of experience in structural engineering work of a grade and character which indicates that the individual may be competent to practice structural engineering as set forth by rule; or

(2) is a graduate of an approved related science curriculum of at least 4 years meeting the requirements as set forth by rule who submits evidence acceptable to the Department of an additional 8 years or more of progressive experience in structural engineering work of a grade and character which indicates that the individual may be competent to practice structural engineering as set forth by rule.

(c) The applicant, if a structural engineer applicant, has passed an examination authorized ~~conducted~~ by the Department as determined by rule to determine his or her fitness to receive a license as a structural engineer ~~Structural Engineer~~.

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

(225 ILCS 340/14) (from Ch. 111, par. 6614)

(Section scheduled to be repealed on January 1, 2010)

Sec. 14. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license during the month preceding its expiration date by paying the required fee. ~~Beginning January 1, 1996, the holder of a license may renew the license during the month preceding its expiration by paying the required fee and submitting satisfactory evidence of knowledge in seismic design.~~

A licensed structural engineer who has permitted his license to expire or who placed his license on inactive status may have his license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by submitting evidence of knowledge in seismic design and by paying the required restoration fee.

If the licensed structural engineer has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, that person's fitness to resume active status and may require the licensed structural engineer to complete an examination.

Any licensed structural engineer whose license has been expired for more than 5 years may have his license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the license restored, including sworn evidence certifying to active practice in another jurisdiction and by paying the required restoration fee.

However, any licensed structural engineer whose license has expired while such engineer was engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored or reinstated without paying any lapsed renewal fees, reinstatement fee or restoration fee or passing any examination, if within 2 years after termination of such service, training or education other than by dishonorable discharge such person furnishes the Department with an affidavit to the effect that he has been so engaged and that the service, training or education has been so terminated.

(Source: P.A. 86-711; 87-1237.)

(225 ILCS 340/16) (from Ch. 111, par. 6616)

(Section scheduled to be repealed on January 1, 2010)

Sec. 16. The Department may, in its discretion, license as a structural engineer upon payment of the required fee, an applicant who is a structural engineer licensed under the laws of another state or territory, ~~or of another country~~, if the requirements for licensure in the state ~~or territory or country~~ were, at the date of licensure, substantially equivalent to the requirements in force in this State on that date.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

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

(225 ILCS 340/18) (from Ch. 111, par. 6618)

(Section scheduled to be repealed on January 1, 2010)

Sec. 18. A roster showing the names and addresses of all structural engineers licensed under this Act shall be prepared by the Department ~~each year~~. This roster shall be available upon ~~written~~ request and payment of the required fee.

(Source: P.A. 86-711.)

(225 ILCS 340/19) (from Ch. 111, par. 6619)

(Section scheduled to be repealed on January 1, 2010)

Sec. 19. Professional design firm registration; conditions.

(a) Nothing in this Act prohibits the formation, under the provisions of the Professional Service Corporation Act, as amended, of a corporation to practice structural engineering.

Any business, including a Professional Service Corporation, that includes within its stated purposes, practices, or holds itself out as available to practice, structural engineering, shall be registered with the Department pursuant to the provisions of this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering structural engineering services to the public. "Illinois licensed design professional" means a person who holds an active license as a structural engineer under this Act, as an architect under the Illinois Architecture Practice Act of 1989, or as a professional engineer under the Professional Engineering Practice Act of 1989. Any sole proprietorship owned and operated by a structural engineer with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a structural engineer with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm.

Any partnership which includes within its purpose, practices, or holds itself out as available to practice structural engineering, shall register with the Department pursuant to the provisions set forth in this Section.

(b) Any professional design firm seeking to be registered under the provisions of this Section shall not be registered unless at least one ~~a~~ managing agent in charge of structural engineering activities in this State is designated by the professional design firm. A designated managing agent must at all times maintain a valid, active license to practice structural engineering in Illinois.

No individual whose license to practice structural engineering in this State is currently in a suspended or revoked status shall act as a managing agent for a professional design firm.

(c) No business shall practice or hold itself out as available to practice structural engineering until it is registered with the Department.

(d) Any business seeking to be registered under this Section shall apply for a certificate of registration on a form provided by the Department and shall provide such information as requested by the Department, which shall include but shall not be limited to:

(1) the name and license number of the person designated as the managing agent in responsible charge of the practice of structural engineering in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent;

(2) the names and license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership;

(3) a list of all locations at which the professional design firm provides structural engineering services to the public; and

(4) A list of all assumed names of the business. Nothing in this Section shall be construed to exempt a professional design firm, sole proprietorship, or professional service corporation from compliance with the requirements of the Assumed Business Name Act.

It shall be the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(e) In the event a managing agent is terminated or terminates his status as managing agent of the professional design firm, such managing agent and professional design firm shall notify the Department of this fact in writing, by certified mail, within 10 business days of such termination.

Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and registration number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.

If the professional design firm fails to notify the Department in writing ~~by certified mail~~ within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent to the address of record ~~by certified mail to the last known address of the business~~. If the professional design firm continues to operate and offer structural engineering services after the termination, the Department may seek prosecution under Sections 20, 34, and 34a of this Act for the unlicensed practice of structural engineering.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agents, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing structural engineering be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed structural engineer. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

It is unlawful for any person to practice, or to attempt to practice, structural engineering, without being licensed under this Act. It is unlawful for any business not subject to the sole proprietorship exemption to offer or provide structural engineering services without active registration issued by the Department as a professional design firm or professional service corporation.

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

(225 ILCS 340/20) (from Ch. 111, par. 6620)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20. Refusal; revocation; suspension.

~~(a) The Department may refuse to issue or renew, or may revoke a license, or may suspend, place on probation, fine, or take any disciplinary or non-disciplinary action as the Department may deem proper, including a fine not to exceed \$10,000 for each violation, with regard to any licensee for any one or combination of the following reasons: The Department may, singularly or in combination, refuse to issue, renew, or restore, or may suspend or revoke any license or certificate of registration, or may place on probation, reprimand, or fine, with a civil penalty not to exceed \$10,000 for each violation, any person, corporation, partnership, or professional design firm registered or licensed under this Act for any of the following reasons:~~

- (1) Material misstatement in furnishing information to the Department;
- (2) Negligence, incompetence or misconduct in the practice of structural engineering;
- (3) Making any misrepresentation for the purpose of obtaining licensure;
- (4) The affixing of a licensed structural engineer's seal to any plans, specifications

or drawings which have not been prepared by or under the immediate personal supervision of that licensed structural engineer or reviewed as provided in this Act;

(5) Conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or of any state or territory thereof, or that is a misdemeanor an essential element of which is dishonesty, or any crime that is directly related to the practice of the profession. Conviction of any crime under the laws of the United States, or any state or territory thereof, which is a felony, whether related to the practice of Structural Engineering or not, or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty, or which is directly related to the practice of structural engineering;

(6) Making a statement of compliance pursuant to the Environmental Barriers Act, as now or hereafter amended, that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance;

(7) Failure to comply with any of the provisions of this Act or its rules;

(8) Aiding or assisting another person in violating any provision of this Act or its rules;

(9) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, as defined by rule;

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety Habitual intoxication or addiction to the use of drugs;

(11) ~~Failure of A finding by the Board that an applicant or licensee has failed to pay a fine imposed by the Department or a licensee~~

whose license has been placed on probationary status has violated the terms of probation;

(12) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Section;

(13) Failure to provide information in response to a written request made by the

Department within 30 days after the receipt of such written request; or

(14) Physical illness, including but not limited to, deterioration through the aging process or loss of motor skill, mental illness, or disability which results in the inability to practice the profession of structural engineering with reasonable judgment, skill, or safety. ~~or~~

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a license pursuant to the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license. ~~In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician~~

to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the ~~Secretary~~ Director that the licensee be allowed to resume practice.

(c) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with subdivision (a)(5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(e) The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

~~The Department may refuse to issue, or may suspend, the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of such tax Act are satisfied.~~

(f) Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, are not liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The Attorney General of the State of Illinois shall defend such persons in any such action or proceeding.

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

(225 ILCS 340/20.5)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice structural engineering without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed ~~\$10,000~~ \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 340/21) (from Ch. 111, par. 6621)

(Section scheduled to be repealed on January 1, 2010)

Sec. 21. (a) If any person violates a provision of this Act, the ~~Secretary Director~~ may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person practices as a licensed structural engineer or holds himself out as a structural engineer without being licensed under the provisions of this Act, then any licensed structural engineer, any interested party or any person injured thereby may, in addition to the ~~Secretary Director~~, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 86-711.)

(225 ILCS 340/22) (from Ch. 111, par. 6622)

(Section scheduled to be repealed on January 1, 2010)

Sec. 22. Investigation; notice. The Department may investigate the actions of any applicant or any person or entity holding or claiming to hold a license or registration or any person or entity practicing, or offering to practice structural engineering. Before the initiation of an investigation the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to issue, restore or renew a license or registration, or discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registration of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant or licensee or registrant or entity to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee or registrant or entity that failure to file an answer will result in default being taken against the applicant or entity or licensee or registrant and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the ~~Secretary Director~~ may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of ~~record his last notification to the Department~~. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or their defense. The Board may continue a hearing from time to time.

(Source: P.A. 87-1031; 88-428.)

(225 ILCS 340/23) (from Ch. 111, par. 6623)

(Section scheduled to be repealed on January 1, 2010)

Sec. 23. Record; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case ~~involving the refusal to issue, restore or renew a license or the discipline of a licensee~~. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Department shall be the record of the proceedings. ~~The Department shall~~

furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115). (Source: P.A. 91-239, eff. 1-1-00.)

(225 ILCS 340/24) (from Ch. 111, par. 6624)

(Section scheduled to be repealed on January 1, 2010)

Sec. 24. Subpoenas; depositions; oaths. The Department has the power to subpoena documents, books, records or other materials and to bring before it any person and to take testimony either orally or by deposition, or take written interrogatories, or any combination thereof, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State. ~~The Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.~~

The Secretary, the designated hearing officer ~~Director~~, and any member of the Board ~~designated by the Director~~ shall each have the power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

(Source: P.A. 86-711.)

(225 ILCS 340/26) (from Ch. 111, par. 6626)

(Section scheduled to be repealed on January 1, 2010)

Sec. 26. At the conclusion of the hearing, ~~the~~ Board shall present to the Secretary Director its written report of its findings and recommendations. A copy of the report shall be served upon the accused person, either personally or to the address of record by certified or registered mail. The Board may take into consideration in making its recommendations for discipline all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made, and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended bears some reasonable relationship to the severity of the violation. Within 20 days after such service, the accused person may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If the accused person orders and pays for a transcript of the record as provided in this Section, the time elapsing after payment and before the transcript is ready for delivery shall not be counted as part of such 20 days. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon such denial, the Secretary Director may enter an order in accordance with recommendations of the Board ~~except as provided in Section 8 of this Act.~~

Whenever the Secretary Director is not satisfied that substantial justice has been done, he may order a rehearing by the same or another special board. At the expiration of the time specified for filing a motion for a rehearing, the Secretary Director has the right to take the action recommended by the Board. Upon the suspension or revocation of his license, a licensee shall be required to surrender his license to the Department, and upon his failure or refusal to do so, the Department shall have the right to seize the same.

(Source: P.A. 86-711.)

(225 ILCS 340/27) (from Ch. 111, par. 6627)

(Section scheduled to be repealed on January 1, 2010)

Sec. 27. Notwithstanding the provisions of Section 26 of this Act, the Secretary Director shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for discipline of a licensee. The Director shall notify the Board of any such appointment. The hearing officer has full authority to conduct the hearing. The Board has the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board and the Secretary Director. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the Secretary Director. If the Board fails to present its report within the 60 day period, the Secretary Director shall issue an order based on the report of the hearing officer. If the Secretary Director disagrees in any regard with the report of the Board or hearing officer, he may issue an order in contravention thereof. The Secretary Director shall notify provide a written explanation to the Board on any such deviation, ~~and shall specify with particularity the reasons for such action in the final order.~~

(Source: P.A. 86-711.)

(225 ILCS 340/28) (from Ch. 111, par. 6628)

(Section scheduled to be repealed on January 1, 2010)

Sec. 28. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the ~~Secretary Director~~, shall be prima facie proof that:

1. the signature is the genuine signature of the ~~Secretary Director~~;
2. the ~~Secretary Director~~ is duly appointed and qualified; and
3. the Board and the members thereof are qualified to act.

Such proof may be rebutted.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 340/31) (from Ch. 111, par. 6631)

(Section scheduled to be repealed on January 1, 2010)

Sec. 31. The ~~Secretary Director~~ may temporarily suspend the license of a structural engineer without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 22 of this Act, if the ~~Secretary Director~~ finds that evidence in his possession indicates that a structural engineer's continuation in practice would constitute an imminent danger to the public. In the event that the ~~Secretary Director~~ temporarily suspends the license of a structural engineer without a hearing, a hearing by the Board must be commenced within 30 days after such suspension has occurred.

(Source: P.A. 86-711.)

(225 ILCS 305/15 rep.)

Section 20. The Illinois Architecture Practice Act of 1989 is amended by repealing Section 15.

(225 ILCS 340/13 rep.)

Section 25. The Structural Engineering Practice Act of 1989 is amended by repealing Section 13.

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

Under the rules, the foregoing **Senate Bill No. 122**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 290

A bill for AN ACT concerning professional regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 290

House Amendment No. 2 to SENATE BILL NO. 290

House Amendment No. 3 to SENATE BILL NO. 290

Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 290

AMENDMENT NO. 1. Amend Senate Bill 290 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Dental Practice Act is amended by changing Sections 16 and 49 and by adding Section 7.5 as follows:

(225 ILCS 25/7.5 new)

Sec. 7.5. Emerging scientific technology and applications. In the interest of public safety, the Board may review emerging scientific technology and applications and, when appropriate, recommend that the Department adopt rules to govern the appropriate use and require the appropriate training needed for this technology by dental hygienists and assistants acting under the supervision of a dentist. "Emerging scientific technology" may include without limitation laser treatments and other treatments and potential treatments that, if used incorrectly, could have an adverse effect on patient health and safety.

(225 ILCS 25/16) (from Ch. 111, par. 2316)

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

[May 22, 2009]

Sec. 16. Expiration, renewal and restoration of licenses. The expiration date and renewal date for each license issued under this Act shall be set by rule. The renewal period for each license issued under this Act shall be 3 years. A dentist or dental hygienist may renew a license during the month preceding its expiration date by paying the required fee. A dental hygienist shall provide proof of current cardiopulmonary resuscitation certification at the time of renewal. Cardiopulmonary resuscitation certification training taken as a requirement of this Section shall be counted towards the continuing education hours under Section 16.1 of this Act.

Any dentist or dental hygienist whose license has expired or whose license is on inactive status may have his license restored at any time within 5 years after the expiration thereof, upon payment of the required fee and a showing of proof of compliance with current continuing education requirements, as provided by rule.

Any person whose license has been expired for more than 5 years or who has had his license on inactive status for more than 5 years may have his license restored by making application to the Department and filing proof acceptable to the Department of taking continuing education and of his fitness to have the license restored, including sworn evidence certifying to active practice in another jurisdiction, and by paying the required restoration fee. A person practicing on an expired license is deemed to be practicing without a license. However, a holder of a license may renew the license within 90 days after its expiration by complying with the requirements for renewal and payment of an additional fee. A license renewal within 90 days after expiration shall be effective retroactively to the expiration date.

If a person whose license has expired or who has had his license on inactive status for more than 5 years has not maintained an active practice satisfactory to the department, the Department shall determine, by an evaluation process established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience and may require successful completion of a practical examination.

However, any person whose license has expired while he has been engaged (1) in federal or state service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored without paying any lapsed renewal or restoration fee, if within 2 years after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with satisfactory proof that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 94-409, eff. 12-31-05.)

(225 ILCS 25/49) (from Ch. 111, par. 2349)

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

Sec. 49. Identification of dentures.

(a) Every complete upper and lower denture and removable dental prosthesis fabricated by a dentist, or fabricated pursuant to his or her prescription, shall be marked with the name ~~or social security number, or both,~~ of the patient for whom the prosthesis is intended. The markings shall be done during fabrication and shall be permanent, legible and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant them shall be determined by the dentist or dental laboratory fabricating the prosthesis. If in the professional judgment of the dentist, this full identification is not possible, the name ~~or social security number~~ may be omitted.

(b) Any removable dental prosthesis in existence which was not marked in accordance with paragraph (a) of this Section at the time of fabrication, shall be so marked at the time of any subsequent rebasing or duplication.

(Source: P.A. 84-365.)

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

AMENDMENT NO. 2 TO SENATE BILL 290

AMENDMENT NO. 2. Amend Senate Bill 290, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, line 5, immediately after "16", by inserting ", 17,"; and

on page 4, immediately below line 3, by inserting the following:

"(225 ILCS 25/17) (from Ch. 111, par. 2317)

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

Sec. 17. Acts Constituting the Practice of Dentistry. A person practices dentistry, within the meaning of this Act:

(1) Who represents himself as being able to diagnose or diagnoses, treats, prescribes,

[May 22, 2009]

or operates for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums or jaw; or

- (2) Who is a manager, proprietor, operator or conductor of a business where dental operations are performed; or
- (3) Who performs dental operations of any kind; or
- (4) Who uses an X-Ray machine or X-Ray films for dental diagnostic purposes; or
- (5) Who extracts a human tooth or teeth, or corrects or attempts to correct malpositions of the human teeth or jaws; or
- (6) Who offers or undertakes, by any means or method, to diagnose, treat or remove stains, calculus, and bonding materials from human teeth or jaws; or
- (7) Who uses or administers local or general anesthetics in the treatment of dental or oral diseases or in any preparation incident to a dental operation of any kind or character; or
- (8) Who takes impressions of the human tooth, teeth, or jaws or performs any phase of any operation incident to the replacement of a part of a tooth, a tooth, teeth or associated tissues by means of a filling, crown, a bridge, a denture or other appliance; or
- (9) Who offers to furnish, supply, construct, reproduce or repair, or who furnishes, supplies, constructs, reproduces or repairs, prosthetic dentures, bridges or other substitutes for natural teeth, to the user or prospective user thereof; or
- (10) Who instructs students on clinical matters or performs any clinical operation included in the curricula of recognized dental schools and colleges; or -

(11) Who takes impressions of human teeth or places his or her hands in the mouth of any person for the purpose of applying teeth whitening materials, or who takes impressions of human teeth or places his or her hands in the mouth of any person for the purpose of assisting in the application of teeth whitening materials. A person does not practice dentistry when he or she (i) discusses the use of teeth whitening materials with a consumer purchasing these materials; (ii) provides instruction on the use of teeth whitening materials with a consumer purchasing these materials; or (iii) provides appropriate equipment on-site to the consumer for the consumer to self-apply teeth whitening materials.

The fact that any person engages in or performs, or offers to engage in or perform, any of the practices, acts, or operations set forth in this Section, shall be prima facie evidence that such person is engaged in the practice of dentistry.

The following practices, acts, and operations, however, are exempt from the operation of this Act:

- (a) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such under the laws of this State, unless he undertakes to reproduce or reproduces lost parts of the human teeth in the mouth or to restore or replace lost or missing teeth in the mouth; or
- (b) The practice of dentistry in the discharge of their official duties by dentists in any branch of the Armed Services of the United States, the United States Public Health Service, or the United States Veterans Administration; or
- (c) The practice of dentistry by students in their course of study in dental schools or colleges approved by the Department, when acting under the direction and supervision of dentists acting as instructors; or
- (d) The practice of dentistry by clinical instructors in the course of their teaching duties in dental schools or colleges approved by the Department:
 - (i) when acting under the direction and supervision of dentists, provided that such clinical instructors have instructed continuously in this State since January 1, 1986; or
 - (ii) when holding the rank of full professor at such approved dental school or college and possessing a current valid license or authorization to practice dentistry in another country; or
- (e) The practice of dentistry by licensed dentists of other states or countries at meetings of the Illinois State Dental Society or component parts thereof, alumni meetings of dental colleges, or any other like dental organizations, while appearing as clinicians; or
- (f) The use of X-Ray machines for exposing X-Ray films of dental or oral tissues by dental hygienists or dental assistants; or
- (g) The performance of any dental service by a dental assistant, if such service is performed under the supervision and full responsibility of a dentist.

For purposes of this paragraph (g), "dental service" is defined to mean any intraoral procedure or act which shall be prescribed by rule or regulation of the Department. Dental service, however, shall not include:

- (1) Any and all diagnosis of or prescription for treatment of disease, pain,

deformity, deficiency, injury or physical condition of the human teeth or jaws, or adjacent structures.

- (2) Removal of, or restoration of, or addition to the hard or soft tissues of the oral cavity.
- (3) Any and all correction of malformation of teeth or of the jaws.
- (4) Administration of anesthetics, except for application of topical anesthetics and monitoring of nitrous oxide. Monitoring of nitrous oxide may be performed after successful completion of a training program approved by the Department.
- (5) Removal of calculus from human teeth.
- (6) Taking of impressions for the fabrication of prosthetic appliances, crowns, bridges, inlays, onlays, or other restorative or replacement dentistry.
- (7) The operative procedure of dental hygiene consisting of oral prophylactic procedures, except for coronal polishing, which may be performed by a dental assistant who has successfully completed a training program approved by the Department. Dental assistants may perform coronal polishing under the following circumstances: (i) the coronal polishing shall be limited to polishing the clinical crown of the tooth and existing restorations, supragingivally; (ii) the dental assistant performing the coronal polishing shall be limited to the use of rotary instruments using a rubber cup or brush polishing method (air polishing is not permitted); and (iii) the supervising dentist shall not supervise more than 4 dental assistants at any one time for the task of coronal polishing.
- (h) The practice of dentistry by an individual who:
 - (i) has applied in writing to the Department, in form and substance satisfactory to the Department, for a general dental license and has complied with all provisions of Section 9 of this Act, except for the passage of the examination specified in subsection (e), of Section 9, of this Act; or
 - (ii) has applied in writing to the Department, in form and substance satisfactory to the Department, for a temporary dental license and has complied with all provisions of subsection (c), of Section 11, of this Act; and
 - (iii) has been accepted or appointed for specialty or residency training by a hospital situated in this State; or
 - (iv) has been accepted or appointed for specialty training in an approved dental program situated in this State; or
 - (v) has been accepted or appointed for specialty training in a dental public health agency situated in this State.

The applicant shall be permitted to practice dentistry for a period of 3 months from the starting date of the program, unless authorized in writing by the Department to continue such practice for a period specified in writing by the Department.

The applicant shall only be entitled to perform such acts as may be prescribed by and incidental to their program of residency or specialty training and shall not otherwise engage in the practice of dentistry in this State.

The authority to practice shall terminate immediately upon:

- (1) the decision of the Department that the applicant has failed the examination; or
- (2) denial of licensure by the Department; or
- (3) withdrawal of the application.

(Source: P.A. 91-594, eff. 1-1-00.)".

AMENDMENT NO. 3 TO SENATE BILL 290

AMENDMENT NO. 3. Amend Senate Bill 290, AS AMENDED, with reference to page and line numbers of House Amendment No. 2 as follows:

on page 3, line 9, after "she", by inserting the following:

"discloses to the consumer that he or she is not licensed as a dentist under this Act and".

Under the rules, the foregoing **Senate Bill No. 290**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, Clerk:

[May 22, 2009]

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 337

A bill for AN ACT concerning government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 337

Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 337

AMENDMENT NO. 1. Amend Senate Bill 337 by replacing everything after the enacting clause with the following:

"Section 5. The Military Leave of Absence Act is amended by changing Section 1 as follows:

(5 ILCS 325/1) (from Ch. 129, par. 501)

Sec. 1. Leave of absence.

(a) Any full-time employee of the State of Illinois, a unit of local government, or a school district, other than an independent contractor, who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia, shall be granted leave from his or her public employment for any period actively spent in military service, including:

(1) basic training;

(2) special or advanced training, whether or not within the State, and whether or not voluntary; ~~and~~

(3) annual training; ~~and~~ -

(4) any other training or duty required by the United States Armed Forces.

During these leaves, the employee's seniority and other benefits shall continue to accrue.

During leaves for annual training, the employee shall continue to receive his or her regular compensation as a public employee. During leaves for basic training ~~for and~~ up to 60 days of special or advanced training, ~~and for any other training or duty required by the United States Armed Forces~~, if the employee's compensation for military activities is less than his or her compensation as a public employee, he or she shall receive his or her regular compensation as a public employee minus the amount of his or her base pay for military activities.

(b) Any full-time employee of the State of Illinois, other than an independent contractor, who is a member of the Illinois National Guard or a reserve component of the United States Armed Forces or the Illinois State Militia and who is mobilized to active duty shall continue during the period of active duty to receive his or her benefits and regular compensation as a State employee, minus an amount equal to his or her military active duty base pay. The Department of Central Management Services and the State Comptroller shall coordinate in the development of procedures for the implementation of this Section.

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

Under the rules, the foregoing **Senate Bill No. 337**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 577

A bill for AN ACT concerning local government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 577

Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

[May 22, 2009]

AMENDMENT NO. 1 TO SENATE BILL 577

AMENDMENT NO. 1. Amend Senate Bill 577 by replacing everything after the enacting clause with the following:

"Section 5. The Regional Transportation Authority Act is amended by adding Section 3B.09b as follows:

(70 ILCS 3615/3B.09b new)

Sec. 3B.09b. Payment of fares by credit card.

(a) By February 28, 2010, the Commuter Rail Board shall allow passengers to purchase fares by credit card (i) through an Internet website operated by the Board, (ii) at its LaSalle Street Station, Union Station, Ogilvie Transportation Center, and Millennium Station, (iii) at stations with agents, and (iv) from vending machines capable of providing fares by credit card at the 14 largest stations on the Metra Electric Line.

(b) The Board may not require a passenger who chooses to purchase a fare by credit card to pay an additional fee.

Section 90. The State Mandates Act is amended by adding Section 8.33 as follows:

(30 ILCS 805/8.33 new)

Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 96th General Assembly."

Under the rules, the foregoing **Senate Bill No. 577**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1293

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1293

House Amendment No. 2 to SENATE BILL NO. 1293

Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1293

AMENDMENT NO. 1. Amend Senate Bill 1293 on page 28, line 18, by replacing "35" with "25".

AMENDMENT NO. 2 TO SENATE BILL 1293

AMENDMENT NO. 2. Amend Senate Bill 1293, AS AMENDED, in Section 5, Sec. 19-1, subsec. (p-45), the paragraph beginning "The debt incurred", the sentence beginning "Bonds issued", by replacing "25" with "30".

Under the rules, the foregoing **Senate Bill No. 1293**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1339

A bill for AN ACT concerning professional regulation.

[May 22, 2009]

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1339
Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1339

AMENDMENT NO. 1. Amend Senate Bill 1339 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Roofing Industry Licensing Act is amended by changing Sections 2, 3.5, 4.5, and 5 as follows:

(225 ILCS 335/2) (from Ch. 111, par. 7502)

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

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Licensure" means the act of obtaining or holding a license issued by the Department as provided in this Act.

(b) "Department" means the Department of Professional Regulation.

(c) "Director" means the Director of Professional Regulation.

(d) "Person" means any individual, partnership, corporation, business trust, limited liability company, or other legal entity.

(e) "Roofing contractor" is one who has the experience, knowledge and skill to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing as related to roofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto, but does not include such contractor's employees to the extent the requirements of Section 3 of this Act apply and extend to such employees.

(f) "Board" means the Roofing Advisory Board.

(g) "Qualifying party" means the individual filing as a sole proprietor, partner of a partnership, officer of a corporation, trustee of a business trust, or party of another legal entity, who is legally qualified to act for the business organization in all matters connected with its roofing contracting business, has the authority to supervise roofing installation operations, and is actively engaged in day to day activities of the business organization.

"Qualifying party" does not apply to a seller of roofing materials or services when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

(h) "Limited roofing license" means a license made available to contractors whose roofing business is limited to residential roofing, including residential properties consisting of 8 units or less.

(i) "Unlimited roofing license" means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial properties.

(j) "Seller of services or materials" means a business entity primarily engaged in the sale of tangible personal property at retail.

(Source: P.A. 95-303, eff. 1-1-08.)

(225 ILCS 335/3.5)

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

Sec. 3.5. Examination.

(a) The Department shall authorize examinations for applicants for initial licenses at the time and place it may designate. The examinations shall be of a character to fairly test the competence and qualifications of applicants to act as roofing contractors. Each applicant for limited licenses shall designate a qualifying party who shall take an examination, the technical portion of which shall cover residential roofing practices. Each applicant for an unlimited license shall designate a qualifying party who shall take an examination, the technical portion of which shall cover residential, commercial, and industrial roofing practices.

(b) An applicant for a limited license or an unlimited license or a qualifying party designated by an applicant for a limited license or unlimited license shall pay, either to the Department or the designated testing service, a fee established by the Department to cover the cost of providing the examination. Failure of the individual scheduled to appear for the examination on the scheduled date at the time and place specified after his or her application for examination has been received and acknowledged by the

[May 22, 2009]

Department or the designated testing service shall result in forfeiture of the examination fee.

(c) ~~A person who has a license as described in subsection (1.5) of Section 3 is exempt from the examination requirement of this Section, so long as (1) the license continues to be valid and is renewed before expiration and (2) the person is not newly designated as a qualifying party after July 1, 2003.~~ The qualifying party for an applicant for a new license must have passed an examination authorized by the Department before the Department may issue a license.

(d) The application for a license as a corporation, business trust, or other legal entity submitted by a sole proprietor who is currently licensed under this Act and exempt from the examination requirement of this Section shall not be considered an application for initial licensure for the purposes of this subsection (d) if the sole proprietor is named in the application as the qualifying party and is the sole owner of the legal entity. Upon issuance of a license to the new legal entity, the sole proprietorship license is terminated.

The application for initial licensure as a partnership, corporation, business trust, or other legal entity submitted by a currently licensed partnership, corporation, business trust, or other legal entity shall not be considered an application for initial licensure for the purposes of this subsection (d) if the entity's current qualifying party is exempt from the examination requirement of this Section, that qualifying party is named as the new legal entity's qualifying party, and the majority of ownership in the new legal entity remains the same as the currently licensed entity. Upon issuance of a license to the new legal entity under this subsection (d), the former license issued to the applicant is terminated.

(e) An applicant has 3 years after the date of his or her application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. (Source: P.A. 95-303, eff. 1-1-08.)

(225 ILCS 335/4.5)

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

Sec. 4.5. Duties of qualifying party; replacement; grounds for discipline.

(a) While engaged as or named as a qualifying party for a licensee, no person may be the named qualifying party for any other licensee. However, the person may act in the capacity of the qualifying party for one additional licensee of the same type of licensure if one of the following conditions exists:

- (1) There is a common ownership of at least 25% of each licensed entity for which the person acts as a qualifying party.
- (2) The same person acts as a qualifying party for one licensed entity and its licensed subsidiary.

"Subsidiary" as used in this Section means a corporation of which at least 25% is owned by another licensee.

(b) In the event that a qualifying party is terminated or terminating his or her status as qualifying party of a licensee, the qualifying party and the licensee shall notify the Department of that fact in writing. Thereafter, the licensee shall notify the Department of the name and address of the newly designated qualifying party. The newly designated qualifying party must take the examination prescribed in Section 3.5 of this Act; however, a newly designated qualifying party is exempt from the examination requirement until January 1, 2012 if he or she has acted in the capacity of a roofing contractor for a period of at least 15 years for the licensee for which he or she seeks to be the qualifying party. These requirements shall be met in a timely manner as established by rule of the Department.

(c) A qualifying party that is accepted by the Department shall have the authority to act for the licensed entity in all matters connected with its roofing contracting business and to supervise roofing installation operations. This authority shall not be deemed to be a license for purposes of this Act.

(d) Designation of a qualifying party by an applicant under Section 3 is subject to acceptance by the Department. The Department may refuse to accept a qualifying party (i) for failure to qualify as required under this Act and the rules adopted under this Act or (ii) after making a determination that the designated party has a history of acting illegally, fraudulently, incompetently, or with gross negligence in the roofing or construction business.

(e) The Department may, at any time after giving appropriate notice and the opportunity for a hearing, suspend or revoke its acceptance of a qualifying party designated by a licensee for any act or failure to act that gives rise to any ground for disciplinary action against that licensee under Section 9.1 or 9.6 of this Act. If the Department suspends or revokes its acceptance of a qualifying party, the license of the licensee shall be deemed to be suspended until a new qualifying party has been designated by the licensee and accepted by the Department.

If acceptance of a qualifying party is suspended or revoked for action or inaction that constitutes a violation of this Act or the rules adopted under this Act, the Department may in addition take such other

disciplinary or non-disciplinary action as it may deem proper, including imposing a fine on the qualifying party, not to exceed \$10,000 for each violation.

All administrative decisions of the Department under this subsection (e) are subject to judicial review pursuant to Section 9.7 of this Act. An order taking action against a qualifying party shall be deemed a final administrative decision of the Department for purposes of Section 9.7 of this Act.

(Source: P.A. 91-950, eff. 2-9-01.)

(225 ILCS 335/5) (from Ch. 111, par. 7505)

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

Sec. 5. Display of license number; advertising.

(a) Each State licensed roofing contractor shall affix the license number of his or her license to all of his or her contracts and bids. In addition, the official issuing building permits shall affix the roofing contractor license number to each application for a building permit and on each building permit issued and recorded.

(a-5) If a general contractor applies for a building permit with a unit of local government and knowingly submits a roofing license number that is not that of the roofing contractor who will be the subcontractor for the project for which the general contractor has requested the permit, the general contractor shall be guilty of identity theft under subsection (a) of Section 16G-15 of the Criminal Code of 1961.

(b) In addition, every roofing contractor shall affix the roofing contractor license number and the licensee's name, as it appears on the license, on all commercial vehicles used as part of his or her business as a roofing contractor.

(c) Every holder of a license shall display it in a conspicuous place in his or her principal office, place of business, or place of employment.

(d) No person licensed under this Act may advertise services regulated by this Act unless that person includes in the advertisement his or her license number. Nothing contained in this subsection requires the publisher of advertising for roofing contractor services to investigate or verify the accuracy of the license number provided by the licensee.

(e) A person who advertises services regulated by this Act who knowingly (i) fails to display the license number in any manner required by this Section, (ii) fails to provide a publisher with the correct license number as required by subsection (d), or (iii) provides a publisher with a false license number or a license number of another person, or a person who knowingly allows his or her license number to be displayed or used by another person to circumvent any provisions of this Section, is guilty of a Class A misdemeanor with a fine of \$1,000, and, in addition, is subject to the administrative enforcement provisions of this Act. Each day that an advertisement runs or each day that a person knowingly allows his or her license to be displayed or used in violation of this Section constitutes a separate offense.

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

Under the rules, the foregoing **Senate Bill No. 1339**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1384

A bill for AN ACT concerning regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1384

Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1384

AMENDMENT NO. 1. Amend Senate Bill 1384 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.20 and by adding Section
[May 22, 2009]

4.30 as follows:

(5 ILCS 80/4.20)

Sec. 4.20. Acts repealed on January 1, 2010 and December 31, 2010.

(a) The following Acts are repealed on January 1, 2010:

The Auction License Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

~~The Illinois Professional Land Surveyor Act of 1989.~~

The Land Sales Registration Act of 1999.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

~~The Professional Engineering Practice Act of 1989.~~

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(b) The following Act is repealed on December 31, 2010:

The Medical Practice Act of 1987.

(Source: P.A. 95-1018, eff. 12-18-08.)

(5 ILCS 80/4.30 new)

Sec. 4.30. Act repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Illinois Professional Land Surveyor Act of 1989.

The Professional Engineering Practice Act of 1989.

Section 10. The Professional Engineering Practice Act of 1989 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17, 19, 21, 24, 26, 29, 31, 32, 33, 34, 36, 42 and 43 and by adding Section 27.5 as follows:

(225 ILCS 325/3) (from Ch. 111, par. 5203)

(Section scheduled to be repealed on January 1, 2010)

Sec. 3. Application of the Act; Exemptions.

(a) Nothing in this Act shall be construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989 or the practice of architecture as defined in the Illinois Architecture Practice Act of 1989 or the regular and customary practice of construction contracting and construction management as performed by construction contractors.

(b) Nothing in this Act shall be construed to prevent the regular and customary practice of a private alarm contractor licensed pursuant to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

(c) Nothing in this Act shall be construed to prevent a fire sprinkler contractor licensed under the Fire Sprinkler Contractor Licensing Act from providing fire protection system layout documents. For the purpose of this subsection (c), "fire protection system layout documents" means layout drawings, catalog information on standard products, and other construction data that provide detail on the location of risers, cross mains, branch lines, sprinklers, piping per applicable standard, and hanger locations. Fire protection system layout documents serve as a guide for fabrication and installation of a fire sprinkler system.

(d) A building permit for a building that requires a fire suppression system shall not be issued without the submission of a technical submission prepared and sealed by a licensed design professional. Fire protection system layout documents do not require an engineering seal if prepared by a technician who holds a valid NICET level 3 or 4 certification in fire protection technology, automatic sprinkler system layout. An authority having jurisdiction may not accept fire protection system layout documents in lieu of technical submissions. Fire protection system layout documents may be submitted as supporting documents to supplement technical submissions. However, in the event the fire protection system layout documents materially alter the technical submissions, the authority having jurisdiction shall return both the fire protection layout documents and technical submissions to the licensed design professional for review.

(e) ~~(b)~~ Nothing in this Act shall prevent:

(1) Employees, including project representatives, of professional engineers lawfully practicing as sole owners, partnerships or corporations under this Act, from acting under the direct supervision of their employers.

(2) The employment of owner's representatives by the owner during the constructing, adding to, or altering of a project, or any parts thereof, provided that such owner's representative shall not have the authority to deviate from the technical submissions without the prior approval of the

professional engineer for the project.

(3) The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for the Government.

(4) Services performed by employees of a business organization engaged in utility, telecommunications,

industrial, or manufacturing operations, or by employees of laboratory research affiliates of such business organization which are rendered in connection with the fabrication or production, sale, and installation of products, systems, or nonengineering services of the business organization or its affiliates.

(5) Inspection, maintenance and service work done by employees of the State of Illinois, any political subdivision thereof or any municipality.

(6) The activities performed by those ordinarily designated as chief engineer of plant operation, chief operating engineer, locomotive, stationary, marine, power plant or hoisting and portable engineers, electrical maintenance or service engineers, personnel employed in connection with construction, operation or maintenance of street lighting, traffic control signals, police and fire alarm systems, waterworks, steam, electric, and sewage treatment and disposal plants, or the services ordinarily performed by any worker regularly employed as a locomotive, stationary, marine, power plant, or hoisting and portable engineer or electrical maintenance or service engineer for any corporation, contractor or employer.

(7) The activities performed by a person ordinarily designated as a supervising engineer or supervising electrical maintenance or service engineer who supervises the operation of, or who operates, machinery or equipment, or who supervises construction or the installation of equipment within a plant which is under such person's immediate supervision.

(8) The services, for private use, of contractors or owners in the construction of engineering works or the installation of equipment.

(f) ~~(e)~~ No officer, board, commission, or other public entity charged with the enforcement of codes and ordinances involving a professional engineering project shall accept for filing or approval any technical submissions that do not bear the seal and signature of a professional engineer licensed under this Act.

~~(d) Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to provide it.~~

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

(225 ILCS 325/4) (from Ch. 111, par. 5204)

(Section scheduled to be repealed on January 1, 2010)

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

(a) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by directly contacting the Department.

(a-5) ~~(a)~~ "Approved engineering curriculum" means an engineering curriculum or program of 4 academic years or more which meets the standards established by the rules of the Department.

(b) "Board" means the State Board of Professional Engineers of the Department ~~of Professional Regulation, previously known as the Examining Committee.~~

(c) "Department" means the Department of Financial and Professional Regulation.

(d) "Design professional" means an architect, structural engineer or professional engineer practicing in conformance with the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.

(e) (Blank). "Director" means the Director of Professional Regulation.

(f) "Direct supervision/responsible charge" means work prepared under the control of a licensed professional engineer or that work as to which that professional engineer has detailed professional knowledge. The Department may further define this term by rule.

(g) "Engineering college" means a school, college, university, department of a university or other educational institution, reputable and in good standing in accordance with rules prescribed by the Department, and which grants baccalaureate degrees in engineering.

(h) "Engineering system or facility" means a system or facility whose design is based upon the application of the principles of science for the purpose of modification of natural states of being.

(i) "Engineer intern" means a person who is a candidate for licensure as a professional engineer and who has been enrolled as an engineer intern.

(j) "Enrollment" means an action by the Department to record those individuals who have met the Department's Board's requirements for an engineer intern.

(k) "License" means an official document issued by the Department to an individual, a corporation, a partnership, a professional service corporation, a limited liability company, or a sole proprietorship, signifying authority to practice.

(l) "Negligence in the practice of professional engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by professional engineers in the practice of professional engineering.

(m) "Professional engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering.

(n) "Professional engineering" means the application of science to the design of engineering systems and facilities using the knowledge, skills, ability and professional judgment developed through professional engineering education, training and experience.

(o) "Professional engineering practice" means the consultation on, conception, investigation, evaluation, planning, and design of, and selection of materials to be used in, administration of construction contracts for, or site observation of, an engineering system or facility, where such consultation, conception, investigation, evaluation, planning, design, selection, administration, or observation requires extensive knowledge of engineering laws, formulae, materials, practice, and construction methods. A person shall be construed to practice or offer to practice professional engineering, within the meaning and intent of this Act, who practices, or who, by verbal claim, sign, advertisement, letterhead, card, or any other way, is represented to be a professional engineer, or through the use of the initials "P.E." or the title "engineer" or any of its derivations or some other title implies licensure as a professional engineer, or holds himself out as able to perform any service which is recognized as professional engineering practice.

Examples of the practice of professional engineering include, but need not be limited to, transportation facilities and publicly owned utilities for a region or community, railroads, railways, highways, subways, canals, harbors, river improvements; land development; stormwater detention, retention, and conveyance, excluding structures defined under Section 5 of the Structural Engineering Practice Act of 1989 (225 ILCS 340/5); irrigation works; aircraft and airports; traffic engineering; and landing fields; waterworks, piping systems and appurtenances, sewers, sewage disposal works, storm sewer, sanitary sewer and water system modeling; plants for the generation of power; devices for the utilization of power; boilers; refrigeration plants, air conditioning systems and plants; heating systems and plants; plants for the transmission or distribution of power; electrical plants which produce, transmit, distribute, or utilize electrical energy; works for the extraction of minerals from the earth; plants for the refining, alloying or treating of metals; chemical works and industrial plants involving the use of chemicals and chemical processes; plants for the production, conversion, or utilization of nuclear, chemical, or radiant energy; forensic engineering, geotechnical engineering including, subsurface investigations; soil and rock classification, geology and geohydrology, incidental to the practice of professional engineering; geohydrological investigations, migration pathway analysis (including evaluation of building and site elements), soil and groundwater management zone analysis and design; energy analysis, environmental risk assessments, corrective action plans, design, remediation, protection plans and systems, hazardous waste mitigation and control, and environmental control or remediation systems; recognition, measurement, evaluation and control of environmental systems and emissions; control systems, evaluation and design of engineered barriers, excluding structures defined under Section 5 of the Structural Engineering Practice Act of 1989 (225 ILCS 340/5); modeling of pollutants in water, soil, and air; engineering surveys of sites, facilities, and topography specific to a design project, not including land boundary establishment; automated building management systems; control or remediation systems; computer controlled or integrated systems; automatic fire notification and suppression systems; investigation and assessment of indoor air inhalation exposures and design of abatement and remediation systems; or the provision of professional engineering site observation of the construction of works and engineering systems. In the performance of any of the foregoing functions, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1380.300. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to provide it. Nothing in this Section shall preclude an employee from acting under the direct supervision or responsible charge of a licensed professional engineer.

(p) "Project representative" means the professional engineer's representative at the project site who assists in the administration of the construction contract.

(q) "Registered" means the same as "licensed" for purposes of this Act.

(r) "Related science curriculum" means a 4 year program of study, the satisfactory completion of which results in a Bachelor of Science degree, and which contains courses from such areas as life, earth, engineering and computer sciences, including but not limited to, physics and chemistry. In the study of these sciences, the objective is to acquire fundamental knowledge about the nature of its phenomena, including quantitative expression, appropriate to particular fields of engineering.

(s) "Rules" means those rules promulgated pursuant to this Act.

(t) "Seal" means the seal in compliance with Section 14 of this Act.

(t-5) "Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(u) "Site observation" is visitation of the construction site for the purpose of reviewing, as available, the quality and conformance of the work to the technical submissions as they relate to design.

(v) "Support design professional" means a professional engineer practicing in conformance with the Professional Engineering Practice Act of 1989, who provides services to the design professional who has contract responsibility.

(w) "Technical submissions" ~~are the means~~ designs, drawings, and specifications which establish the scope and standard of quality for materials, workmanship, equipment, and systems. "Technical submissions" also includes, but are not limited to, studies, analyses, calculations, the construction systems, studies, and other technical reports prepared in the course of the practice of professional engineering or under the direct supervision and responsible charge of a licensed professional engineer at design professional's practice.

(Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 92-16, eff. 6-28-01; 92-145, eff. 1-1-02.)

(225 ILCS 325/5) (from Ch. 111, par. 5205)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers and duties:

(a) To pass upon the qualifications and conduct examinations of applicants for licensure as professional engineers or enrollment as engineer interns and pass upon the qualifications of applicants by endorsement and issue a license or enrollment to those who are found to be fit and qualified.

(b) To prescribe rules for the method, conduct and grading of the examination of applicants.

(c) To ~~register license~~ corporations, partnerships, professional service corporations, limited liability companies, and sole proprietorships for the practice of professional engineering and issue a certificate of registration license to those who qualify.

(d) To conduct investigations and hearings regarding violations of this Act and take disciplinary or other actions as provided in this Act as a result of the proceedings.

(e) To prescribe rules as to what shall constitute an engineering or related science curriculum and to determine if a specific engineering curriculum is in compliance with the rules, and to terminate the approval of a specific engineering curriculum for non-compliance with such rules.

(f) To promulgate rules required for the administration of this Act, including rules of professional conduct.

(g) To maintain membership in the National Council of Examiners for Engineering and Surveying and participate in activities of the Council by designation of individuals for the various classifications of membership, the appointment of delegates for attendance at zone and national meetings of the Council, and the funding of the delegates for attendance at the meetings of the Council.

(h) To obtain written recommendations from the Board regarding qualifications of individuals for licensure and enrollment, definitions of curriculum content and approval of engineering curricula, standards of professional conduct and formal disciplinary actions, and the promulgation of the rules affecting these matters.

Prior to issuance of any final decision or order that deviates from any report or recommendations of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the ~~Secretary~~ Director shall notify the Board in writing with an explanation of any such deviation ~~and provide a reasonable time for the Board to submit written comments to the Director regarding the proposed action. In the event that the Board fails or declines to submit such written comments within 30 days of said notification, the Director may issue a final decision or orders consistent with the Director's original decision.~~ The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

(i) To ~~publish and distribute or to post on the Department's website, at least semi-annually,~~ a

newsletter ~~describing to all persons licensed and registered under this Act. The newsletter shall describe the most recent changes in~~

this Act and the rules adopted under this Act and ~~containing shall contain~~ information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.

(j) To review such applicant qualifications to sit for the examination or for licensure as the Board designates pursuant to Section 7 of this Act.

~~None of the functions, powers or duties enumerated in this Section shall be exercised by the Department except upon the action and report in writing of the Board.~~

(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

(225 ILCS 325/6) (from Ch. 111, par. 5206)

(Section scheduled to be repealed on January 1, 2010)

Sec. 6. Composition, qualifications and terms of the Board.

(a) The Board shall be appointed by the ~~Secretary Director~~ and shall consist of 10 members, one of whom shall be a public member and 9 of whom shall be professional engineers licensed under this Act. In addition each member who is a professional engineer shall:

- (1) be a citizen of the United States, and
- (2) be a resident of this State.

(b) In addition, each member who is a professional engineer shall:

- (1) have not less than 12 years of experience in the practice of professional engineering, and shall hold an active license as a professional engineer in Illinois;
- (2) have been in charge of professional engineering work for at least 5 years. For the purposes of this Section, any period in which a person has been in charge of teaching engineering in an engineering college with the rank of assistant professor or higher shall be considered as time in which such person was in charge of professional engineering work.

The terms for all members shall be for 5 years. On the expiration of the term of any member or in the event of a vacancy, the ~~Secretary Director~~ shall appoint a member who shall hold office until the expiration of the term for which the member is appointed and until a successor has been appointed and qualified.

No member shall be reappointed to the Board for a term which would cause that individual's lifetime continuous service on the Board to be longer than 15 ~~successive~~ years.

In implementing the 5 year terms, the ~~Secretary Director~~ shall vary the terms to enable the Board to have no more than 2 terms expire in any one year.

The public member shall be a voting member and shall not hold a license as an architect, professional engineer, structural engineer, or a land surveyor ~~not be an employee of the State of Illinois.~~ The public member shall be an Illinois resident and a citizen of the United States.

In making appointments to the Board, the ~~Secretary Director~~ shall give due consideration to recommendations by members of the profession and by organizations therein.

The ~~Secretary Director~~ may remove any member of the Board for misconduct, incompetence, neglect of duty or for reasons prescribed by law for removal of State officials.

The ~~Secretary Director~~ may remove a member of the Board who does not attend 2 consecutive meetings.

A quorum of the Board shall consist of ~~6 a majority of~~ Board members ~~appointed.~~ A Majority vote of the quorum is required for Board decisions.

Each member of the Board may shall receive compensation as determined by the Secretary ~~when attending Board meetings or meetings approved by the Director~~ and shall be reimbursed for all actual traveling expenses.

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

Persons holding office as members of the Board immediately prior to the effective date of this Act under the Act repealed herein shall continue as members of the Board until the expiration of the term for which they were appointed and until their successors are appointed and qualified.

(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/7) (from Ch. 111, par. 5207)

(Section scheduled to be repealed on January 1, 2010)

Sec. 7. Powers and duties of the Board.

Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) Review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates

~~as routinely acceptable. Review education and experience qualifications of applicants, including conducting oral interviews as deemed necessary by the Board, to determine eligibility as an engineer intern or professional engineer and submit to the Director written recommendations on applicant qualifications for enrollment and licensure;~~

(b) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule in 68 Ill. Adm. Code 1380.305, and any changes and amendments thereto;

(c) Conduct hearings regarding disciplinary actions and submit a written report and recommendations to the ~~Secretary Director~~ as required by this Act and to provide a Board member at informal conferences;

(d) Make visits to universities or colleges to evaluate engineering curricula or to otherwise evaluate engineering curricula and submit to the ~~Secretary Director~~ a written recommendation of acceptability of a curriculum;

(e) Submit a written recommendation to the ~~Secretary Director~~ concerning promulgation of rules as required in Section 5 and to recommend to the ~~Secretary Director~~ any rules or amendments thereto for the administration of this Act;

(f) Hold at least 3 regular meetings each year;

(g) Elect annually a chairperson and a vice-chairperson who shall be professional engineers; and

(h) Submit written comments to the ~~Secretary Director~~ within 30 days from notification of any final decision or order from the ~~Secretary Director~~ that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules.

(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/8) (from Ch. 111, par. 5208)

(Section scheduled to be repealed on January 1, 2010)

Sec. 8. Applications for licensure.

(a) Applications for licensure shall (1) be on forms prescribed and furnished by the Department, (2) contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical work, and (3) contain references as required by the Department.

(b) Applicants shall have obtained the education and experience as required in Section 10 or Section 11 prior to submittal of application for examination, except as provided in subsection (b) of Section 11. Allowable experience shall commence at the date of the baccalaureate degree, except:

(1) Credit for one year of experience shall be given for a graduate of a baccalaureate curriculum providing a cooperative program, which is supervised industrial or field experience of at least one academic year which alternates with periods of full-time academic training, when such program is certified by the university, or

(2) Partial credit may be given for professional engineering experience as defined by rule for employment prior to receipt of a baccalaureate degree if the employment is full-time while the applicant is a part-time student taking fewer than 12 hours per semester or 8 hours per quarter to earn the degree concurrent with the full-time engineering experience.

(3) If an applicant files an application and supporting documents containing a material misstatement of information or a misrepresentation for the purpose of obtaining licensure or enrollment or if an applicant performs any fraud or deceit in taking any examination to qualify for licensure or enrollment under this Act, the Department may issue a rule of intent to deny licensure or enrollment and may conduct a hearing in accordance with Sections 26 through 33 and Sections 37 and 38 of this Act.

The Board may conduct oral interviews of any applicant under Sections 10, 11, or 19 to assist in the evaluation of the qualifications of the applicant.

It is the responsibility of the applicant to supplement the application, when requested by the Board, by provision of additional documentation of education, including transcripts, course content and credentials of the engineering college or college granting related science degrees, or of work experience to permit the Board to determine the qualifications of the applicant. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluating service educational body approved by ~~the Board in accordance with rules prescribed by~~ the Department.

An applicant who graduated from an engineering program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and a test of spoken English ~~the Test of Spoken English (TSE)~~ as defined

by rule.

(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

(225 ILCS 325/9) (from Ch. 111, par. 5209)

(Section scheduled to be repealed on January 1, 2010)

Sec. 9. Licensure qualifications; Examinations; Failure or refusal to take examinations. Examinations provided for by this Act shall be conducted under rules prescribed by the Department. Examinations shall be held not less frequently than semi-annually, at times and places prescribed by the Department, of which applicants shall be notified by the Department in writing.

Examinations of the applicants who seek to practice professional engineering shall ascertain: (a) if the applicant has an adequate understanding of the basic and engineering sciences, which shall embrace subjects required of candidates for an approved baccalaureate degree in engineering, and (b) if the training and experience of the applicant have provided a background for the application of the basic and engineering sciences to the solution of engineering problems. The Department may by rule prescribe additional subjects for examination. If an applicant neglects, fails to take without an approved excuse, or refuses to take the next available examination offered for licensure under this Act within 3 years after filing the application, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee.

(Source: P.A. 94-452, eff. 1-1-06.)

(225 ILCS 325/10) (from Ch. 111, par. 5210)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10. Minimum standards for examination for licensure as professional engineer. To qualify for licensure as a professional engineer each applicant shall be:

(a) A graduate of an approved engineering curriculum of at least 4 years who submits acceptable evidence to the Board of an additional 4 years or more of experience in engineering work of a grade and character which indicate that the individual may be competent to practice professional engineering, and who then passes a nominal 8-hour written examination in the fundamentals of engineering, and a nominal 8-hour written examination in the principles and practice of engineering. Upon passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

(b) A graduate of a non-approved engineering curriculum or a related science curriculum of at least 4 years and meeting the requirements as set forth by rule, who submits acceptable evidence to the Board of an additional 8 years or more of experience in engineering work of a grade and character which indicate that the individual may be competent to practice professional engineering, and who then passes a nominal 8-hour written examination in the fundamentals of engineering and a nominal 8-hour written examination in the principles and practice of engineering. Upon passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

~~(c) An engineer intern who meets the education and experience qualifications of subsection (a) or (b) of this Section and has passed the nominal 8 hour written examination in the fundamentals of engineering, by application and payment of the required fee, may then take the nominal 8-hour written examination in the principles and practice of engineering. If the applicant passes Upon passing that examination and submits evidence to the Board that meets the experience qualification of subsection (a) or (b) of this Section, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State.~~

(d) When considering an applicant's qualifications for licensure under this Act, the Department may take into consideration whether an applicant has engaged in conduct or actions that would constitute a violation of the Standards of Professional Conduct for this Act as provided for by administrative rules.

(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/11) (from Ch. 111, par. 5211)

(Section scheduled to be repealed on January 1, 2010)

Sec. 11. Minimum standards for examination for enrollment as engineer intern. Each of the following is considered a minimum standard that an applicant must satisfy to qualify for enrollment as an engineer intern.

(a) A graduate of an approved engineering curriculum of at least 4 years, who has passed a nominal 8-hour written examination in the fundamentals of engineering, shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or

(b) An applicant in the last year of an approved engineering curriculum who passes a nominal 8-hour

written examination in the fundamentals of engineering and furnishes proof that the applicant graduated of graduation within a 12 month period following the examination shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or

(c) A graduate of a non-approved engineering curriculum or a related science curriculum, of at least 4 years meeting the requirements as set forth by rule, who submits acceptable evidence to the Board of an additional 4 years or more of progressive experience in engineering work, and who then passes a nominal 8-hour written examination in the fundamentals of engineering shall be enrolled as an engineer intern, if the applicant is otherwise qualified.

~~The examination of applicants under subsection (b) of this Section who fail to furnish proof of graduation within the specified 12 month period after the examination shall be voided by the Department.~~

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 325/14) (from Ch. 111, par. 5214)

(Section scheduled to be repealed on January 1, 2010)

Sec. 14. Seal. Every professional engineer shall have a seal or stamp, the print of which shall be reproducible and contain the name of the professional engineer, the professional engineer's license number, and the words "Licensed Professional Engineer of Illinois". Any reproducible stamp heretofore authorized under the laws of this state for use by a professional engineer, including those with the words "Registered Professional Engineer of Illinois", shall serve the same purpose as the seal provided for by this Act. The engineer shall be responsible for his seal and signature as defined by rule. When technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by the computer. Signatures generated by computer shall not be permitted.

The use of a professional engineer's seal on technical submissions constitutes a representation by the professional engineer that the work has been prepared by or under the personal supervision of the professional engineer or developed in conjunction with the use of accepted engineering standards. The use of the seal further represents that the work has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised direction, control and supervision of the preparation of such work. A professional engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions, where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the professional engineer who originally sealed and signed the technical submissions.

(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

(225 ILCS 325/16) (from Ch. 111, par. 5216)

(Section scheduled to be repealed on January 1, 2010)

Sec. 16. Issuance of license. Whenever the provisions of this Act have been complied with the Department ~~may shall~~ issue a license as a professional engineer and enroll the engineer intern.

Every holder of a license as a professional engineer shall display the license in a conspicuous place in the professional engineer's principal office.

It is the professional engineer's and engineer intern's responsibility to inform the Department of any change of address.

(Source: P.A. 86-667.)

(225 ILCS 325/17) (from Ch. 111, par. 5217)

(Section scheduled to be repealed on January 1, 2010)

Sec. 17. Licensure; Renewal; Restoration; Person in military service; Retired. The expiration date and renewal period for each professional engineer license issued under this Act shall be set by the Department by rule. The enrollment of an engineer intern shall not expire.

Any person whose license has expired or whose license is on inactive status may have such license restored by making application to the Department and filing proof acceptable to the Department of that person's fitness to have such license restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee. If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, the person's fitness to resume active status and may require the person to complete a period of evaluated experience and may require successful completion of the principles and practice examination.

However, any person whose license expired while that person was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the

military service, may have such license renewed or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of such service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and has maintained professional competence and that such service, training or education has been so terminated.

Each application for renewal shall contain the original seal and signature of the professional engineer. Applicants for renewal or restoration shall certify that all conditions of their license meet the requirements of the Illinois Professional Engineering Practice Act of 1989.

Any person who has been duly licensed as a professional engineer by the Department and who chooses to deactivate or not renew his or her license may use the title "Professional Engineer, Retired". Those persons using the title "Professional Engineer, Retired" may request restoration to active status under the applicable provisions of Sections 17, 17.5, and 18 of this Act.

The use of the title "Professional Engineer, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice engineering as defined in this Act.

Nothing in this Section shall be construed to require the Department to issue any certificate, credential, or other document indicating that a person has been granted the title, "Professional Engineer, Retired".

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 325/19) (from Ch. 111, par. 5219)

(Section scheduled to be repealed on January 1, 2010)

Sec. 19. Endorsement. The Department may, upon the recommendation of the Board, license as a professional engineer, on payment of the required fee, an applicant who is a professional engineer registered or licensed under the laws of another state or territory of the United States or the District of Columbia or parties to the North American Free Trade Agreement if the applicant qualifies under Section 8 and Section 10 of this Act, or if the qualifications of the applicant were at the time of registration or licensure in another jurisdiction substantially equal to the requirements in force in this State on that date.

The Department may refuse to endorse ~~by comity~~ the applicants from any state, District of Columbia or territory if the requirements for registration or licensure in such jurisdiction are not substantially equal to the requirements of this Act.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed during the 3 year time frame, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)

(225 ILCS 325/21) (from Ch. 111, par. 5221)

(Section scheduled to be repealed on January 1, 2010)

Sec. 21. Rosters. The Department shall maintain a roster of the names and addresses of all professional engineers and professional design firms, partnerships, and corporations licensed or registered under this Act. This roster shall be available upon ~~written~~ request and payment of the required fee.

(Source: P.A. 88-428.)

(225 ILCS 325/24) (from Ch. 111, par. 5224)

(Section scheduled to be repealed on January 1, 2010)

Sec. 24. Rules of professional conduct; disciplinary or administrative action.

(a) The Department shall adopt rules setting standards of professional conduct and establish appropriate penalty for the breach of such rules.

(a-1) The Department may, singularly or in combination, refuse to issue, ~~renew, or restore~~ ~~or renew~~ a license or ~~may registration~~, revoke ~~or suspend~~ a license or registration, or place on probation, reprimand, or take other disciplinary or non-disciplinary action with regard to a person licensed under this Act, including but not limited to, the imposition of a fine ~~impose a civil penalty~~ not to exceed \$10,000 ~~per violation~~ upon any person, corporation, partnership, or professional design firm licensed or registered under this Act, for any one or combination of the following causes:

(1) Material misstatement in furnishing information to the Department.

(2) ~~Violations~~ ~~Failure to comply with any provisions~~ of this Act or any of its rules.

(3) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States ~~or any state or territory thereof~~ ~~or that is a~~ ~~which is a felony, whether related to practice or not, or conviction of any crime, whether a felony, misdemeanor, or otherwise,~~ an essential element of which is dishonesty ~~or~~

~~any crime that is which is~~ directly related to the practice of engineering.

(4) Making any misrepresentation for the purpose of obtaining, renewing, or restoring a license licensure, or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising in applying for restoration or renewal; or practice of any fraud or deceit in taking any examination to qualify for licensure under this Act.

(5) ~~Willfully Purposefully~~ making or signing a false statement, certificate, or affidavit ~~statements or signing false statements, certificates, or affidavits~~ to induce payment.

(6) Negligence, incompetence or misconduct in the practice of professional engineering as a licensed professional engineer or in working as an engineer intern.

(7) Aiding or assisting another person in violating any provision of this Act or its rules.

(8) Failing to provide information in response to a written request made by the Department within 30 days after receipt of such written request.

(9) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(10) ~~Inability to practice the profession with reasonable judgment, skill, or safety as a result of a physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, or mental illness or disability~~ ~~Habitual intoxication or addiction to the use of drugs.~~

(11) Discipline by the United States Government, another state, District of Columbia, territory, foreign nation or government agency, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered.

(13) A finding by the ~~Department Board~~ that an applicant or registrant has failed to pay a fine imposed by the Department, a registrant whose license has been placed on probationary status has violated the terms of probation, or a registrant has practiced on an expired, inactive, suspended, or revoked license.

(14) Signing, affixing the professional engineer's seal or permitting the professional engineer's seal to be affixed to any technical submissions not prepared as required by Section 14 or completely reviewed by the professional engineer or under the professional engineer's direct supervision.

(15) ~~Inability~~ ~~Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, which results in the inability to practice the profession with reasonable judgment, skill or safety as a result of habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug.~~

(16) The making of a statement pursuant to the Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.

(17) ~~(Blank). Failing to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest as required by a tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.~~

~~(a-2) The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).~~

~~(a-3) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with subdivision (a)(5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).~~

~~(a-4) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision~~

(a)(5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a license pursuant to the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.

~~In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.~~

~~If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.~~

~~(b) The determination by a circuit court that a registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as now or hereafter amended, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the registrant be allowed to resume practice.~~

~~(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)~~

~~(225 ILCS 325/26) (from Ch. 111, par. 5226)~~

~~(Section scheduled to be repealed on January 1, 2010)~~

Sec. 26. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration or offering professional engineering services. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedure established by rule for the Complaint

[May 22, 2009]

Committee. The Department shall, before refusing to issue, restore or renew a license or registration or otherwise discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registration of the nature of the charges, that a hearing will be held on the date designated, and direct the applicant or entity or licensee or registrant to file a written answer to the ~~Department Board~~ under oath within 20 days after the service of the notice and inform the applicant or entity or licensee or registrant that failure to file an answer will result in default being taken against the applicant or entity or licensee or registrant and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the ~~Secretary Director~~ may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of record ~~currently on file with the Department~~. In case the person or entity fails to file an answer after receiving notice as provided in this Section, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board may continue the hearing from time to time.

(Source: P.A. 87-1031; 88-428.)

(225 ILCS 325/27.5 new)

Sec. 27.5. Subpoenas; depositions; oaths. The Department has the power to subpoena documents, books, records, or other materials, to bring before it any person, and to take testimony either orally or by deposition, or take written interrogatories, or any combination thereof, with the same fees and mileage and in the same manner prescribed in civil cases in courts of this State.

The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.

(225 ILCS 325/29) (from Ch. 111, par. 5229)

(Section scheduled to be repealed on January 1, 2010)

Sec. 29. Notice of hearing; Findings and recommendations. At the conclusion of the hearing, the Board shall present to the ~~Secretary Director~~ a written report of its finding and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the ~~Secretary Director~~. The Board may take into consideration in making its recommendations for discipline all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made, and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended bears some reasonable relationship to the severity of the violation. The report of findings of fact, conclusions of law and recommendation of the Board shall be the basis for the Department's order refusing to issue, restore or renew a license, or otherwise discipline a registrant. If the ~~Secretary Director~~ disagrees in any regard with the report of the Board, the ~~Secretary Director~~ may issue an order in contravention thereof, following the procedures set forth in Section 7. The ~~Secretary Director~~ shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for said action. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 86-667.)

(225 ILCS 325/31) (from Ch. 111, par. 5231)

(Section scheduled to be repealed on January 1, 2010)

Sec. 31. ~~Secretary Director~~; Rehearing. Whenever the ~~Secretary Director~~ is not satisfied that substantial justice has been done in the refusal to issue, restore or renew a license, or otherwise discipline a registrant, the ~~Secretary Director~~ may order a rehearing by the same or other examiners.

(Source: P.A. 86-667.)

(225 ILCS 325/32) (from Ch. 111, par. 5232)

(Section scheduled to be repealed on January 1, 2010)

[May 22, 2009]

Sec. 32. Appointment of a hearing officer. Notwithstanding the provisions of Section 26, the Secretary Director has the authority to appoint any attorney duly registered to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore or renew a license or to discipline a registrant. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the findings and recommendations to the Board and the Secretary Director. The Board has 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary Director. If the Board fails to present its report within the 60 day period, the Secretary Director shall issue an order based on the report of the hearing officer except as herein noted. However, if the Secretary Director disagrees in any regard with the report of the Board or hearing officer, the Secretary Director may issue an order in contravention thereof, following the procedures set forth in Section 7. The Secretary Director shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for said action.

(Source: P.A. 86-667.)

(225 ILCS 325/33) (from Ch. 111, par. 5233)

(Section scheduled to be repealed on January 1, 2010)

Sec. 33. Order or certified copy; Prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary Director, shall be prima facie proof:

(a) That such signature is the genuine signature of the Secretary Director;

(b) That such Secretary Director is duly appointed and qualified; and

(c) That the Board and the members thereof are qualified to act.

(Source: P.A. 86-667.)

(225 ILCS 325/34) (from Ch. 111, par. 5234)

(Section scheduled to be repealed on January 1, 2010)

Sec. 34. Restoration of suspended or revoked license. At any time after the successful completion of a term of suspension, or revocation, or probation of any license, the Department may restore it to the accused person, after review and upon the written recommendation of the Board, unless after an investigation and a hearing, the Department Board determines that restoration is not in the public interest.

(Source: P.A. 86-667.)

(225 ILCS 325/36) (from Ch. 111, par. 5236)

(Section scheduled to be repealed on January 1, 2010)

Sec. 36. Temporary suspension of a license. The Secretary Director may temporarily suspend the license of a professional engineer without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 26 of this Act, if the Secretary Director finds that evidence in the Secretary's Director's possession indicates that a professional engineer's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary Director temporarily suspends the license of a professional engineer without a hearing, a hearing by the Board must be held within 30 days after such suspension has occurred.

(Source: P.A. 86-667.)

(225 ILCS 325/42) (from Ch. 111, par. 5242)

(Section scheduled to be repealed on January 1, 2010)

Sec. 42. Civil penalties.

(1) In addition to any other penalty provided by law, any person, sole proprietorship, professional service corporation, limited liability company, partnership, or other entity who violates Section 40 of this Act shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined by the Department of not more than ~~\$10,000~~ ~~\$5,000~~ for each offense. The penalty shall be assessed in proceedings as provided in Sections 26 through 33 and Section 37 of this Act.

(2) Unless the amount of the penalty is paid within 60 days after the order becomes final, the order shall constitute a judgment and shall be filed and execution issued thereon in the same manner as the judgment of a court of record.

(Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)

(225 ILCS 325/43) (from Ch. 111, par. 5243)

(Section scheduled to be repealed on January 1, 2010)

Sec. 43. Consent order. At any point in the proceedings as provided in Sections 25 through 33 and Section 37, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary Director.

(Source: P.A. 86-667.)

Section 15. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Sections 4, 5, 6, 7, 8, 9, 10, 12, 13, 16.5, 18, 19, 23, 25, 27, 28, 29, 30, 31, 33, 34, 35, 36, 36.1, 37, 40, and 43 as follows:

(225 ILCS 330/4) (from Ch. 111, par. 3254)

(Section scheduled to be repealed on January 1, 2010)

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

(a) "Department" means the Department of Financial and Professional Regulation.

(b) "Secretary" "~~Director~~" means the Secretary ~~Director~~ of the Department of Financial and Professional Regulation.

(c) "Board" means the Land Surveyors Licensing Board.

(d) "Direct supervision and control" means the personal review by a Licensed Professional Land Surveyor of each survey, including, but not limited to, procurement, research, field work, calculations, preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the Professional Land Surveyor or the firm for which the Professional Land Surveyor is employed is the provider of the surveying services.

(e) "Responsible charge" means an individual responsible for the various components of the land survey operations subject to the overall supervision and control of the Professional Land Surveyor.

(f) "Design professional" means a land surveyor, architect, structural engineer, or professional engineer licensed in conformance with this Act, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989, or the Professional Engineering Practice Act of 1989.

(g) "Professional Land Surveyor" means any person licensed under the laws of the State of Illinois to practice land surveying, as defined by this Act or its rules.

(h) "Land Surveyor-in-Training" means any person licensed under the laws of the State of Illinois who has qualified for, taken, and passed an examination in the fundamental land surveyor-in-training subjects as provided by this Act or its rules.

(i) "Land surveying experience" means those activities enumerated in Section 5 of this Act, which, when exercised in combination, to the satisfaction of the Board, is proof of an applicant's broad range of training in and exposure to the prevailing practice of land surveying.

(j) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.

(Source: P.A. 92-16, eff. 6-28-01; 93-467, eff. 1-1-04.)

(225 ILCS 330/5) (from Ch. 111, par. 3255)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5. Practice of land surveying defined. Any person who practices in Illinois as a professional land surveyor who renders, offers to render, or holds himself or herself out as able to render, or perform any service, the adequate performance of which involves the special knowledge of the art and application of the principles of the accurate and precise measurement of length, angle, elevation or volume, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience, and examination. Any one or combination of the following practices constitutes the practice of land surveying:

(a) Establishing or reestablishing, locating, defining, and making or monumenting land boundaries or title or real property lines and the platting of lands and subdivisions;

(b) Establishing the area or volume of any portion of the earth's surface, subsurface, or airspace with respect to boundary lines, determining the configuration or contours of any portion of the earth's surface, subsurface, or airspace or the location of fixed objects thereon, except as performed by photogrammetric methods or except when the level of accuracy required is less than the level of accuracy required by the National Society of Professional Surveyors Model Standards and Practice ~~the American Congress on Surveying and Mapping designated Classes of Surveying~~;

(c) Preparing descriptions for the determination of title or real property rights to any portion or volume of the earth's surface, subsurface, or airspace involving the lengths and direction of boundary lines, areas, parts of platted parcels or the contours of the earth's surface, subsurface, or airspace;

(d) Labeling, designating, naming, or otherwise identifying legal lines or land title lines of the United States Rectangular System or any subdivision thereof on any plat, map, exhibit, photograph, photographic composite, or mosaic or photogrammetric map of any portion of the earth's surface for the purpose of recording the same in the Office of Recorder in any county;

(e) Any act or combination of acts that would be viewed as offering professional land surveying

services including:

- (1) setting monuments which have the appearance of or for the express purpose of marking land boundaries, either directly or as an accessory; ~~or~~
- (2) providing any sketch, map, plat, report, monument record, or other document which indicates land boundaries and monuments, or accessory monuments thereto, except that if the sketch, map, plat, report, monument record, or other document is a copy of an original prepared by a Professional Land Surveyor, and if proper reference to that fact be made on that document;
- (3) performing topographic surveys, with the exception of a licensed professional engineer knowledgeable in topographical surveys that performs a topographical survey specific to his or her design project. A licensed professional engineer may not, however, offer topographic surveying services that are independent of his or her specific design project; or
- (4) locating, relocating, establishing, re-establishing, retracing, laying out, or staking of the location, alignment, or elevation of any proposed improvements whose location is dependant upon property lines;
- (f) Determining the horizontal or vertical position or state plane coordinates for any monument or reference point that marks a title or real property line, boundary, or corner, or to set, reset, or replace any monument or reference point on any title or real property;
- (g) Creating, preparing, or modifying electronic or computerized data or maps, including land information systems and geographic information systems, relative to the performance of activities in items (a), (b), (d), (e), ~~through~~ (f), and (h) of this Section, except where electronic means or computerized data is otherwise utilized to integrate, display, represent, or assess the created, prepared, or modified data;
- (h) Establishing or adjusting any control network or any geodetic control network or adjusting of cadastral data as it pertains to items (a) through (g) of this Section together with the assignment of measured values to any United States Rectangular System corners, title or real property corner monuments or geodetic monuments;
- (i) Preparing and attesting to the accuracy of a map or plat showing the land boundaries or lines and marks and monuments of the boundaries or of a map or plat showing the boundaries of surface, subsurface, or air rights;
- (j) Executing and issuing certificates, endorsements, reports, or plats that portray the horizontal or vertical relationship between existing physical objects or structures and one or more corners, datums, or boundaries of any portion of the earth's surface, subsurface, or airspace;
- (k) Acting in direct supervision and control of land surveying activities or acting as a manager in any place of business that solicits, performs, or practices land surveying;
- (l) Offering or soliciting to perform any of the services set forth in this Section; -
- (m) In the performance of any of the foregoing functions, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1270.57. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to perform such functions.

(Source: P.A. 93-467, eff. 1-1-04.)

(225 ILCS 330/6) (from Ch. 111, par. 3256)

(Section scheduled to be repealed on January 1, 2010)

Sec. 6. Powers and duties of the Department.

(a) The Department shall exercise the powers and duties prescribed by The Illinois Administrative Procedure Act for the administration of licensing Acts. The Department shall also exercise, subject to the provisions of this Act, the following powers and duties:

- (1) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for licensure and issue licenses to those who are found to be fit and qualified.
- (2) Prescribe rules for a method of examination.
- (3) Conduct hearings on proceedings to revoke, suspend, or refuse to issue, renew, or restore a license, or other disciplinary actions.
- (4) Promulgate rules and regulations required for the administration of this Act.
- (5) License corporations, ~~and~~ partnerships, and all other business entities for the practice of professional surveying and issue a license to those who qualify.
- (6) Prescribe, adopt, and amend rules as to what shall constitute a surveying or related science curriculum, determine if a specific surveying curriculum is in compliance with the rules, and terminate the approval of a specific surveying curriculum for non-compliance with such rules.

(7) Maintain membership in the National Council of Engineering Examiners or a similar organization and participate in activities of the Council or organization by designating individuals for the various classifications of membership and appoint delegates for attendance at zone and national meetings of the Council or organization.

(8) Obtain written recommendations from the Board regarding qualification of individuals for licensing, definition of curriculum content and approval of surveying curriculums, standards of professional conduct and disciplinary actions, promulgate and amend the rules affecting these matters, and consult with the Board on other matters affecting administration of the Act.

(a-5) The Department may promulgate rules for a Code of Ethics and Standards of Practice to be followed by persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the Code of Ethics and Standards of Practice.

(b) The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's response and recommendations.

(c) The Department shall review the Board's recommendation of the applicants' qualifications. The ~~Secretary~~ Director shall notify the Board in writing with an explanation of any deviation from the Board's recommendation. After review of the ~~Secretary's~~ Director's written explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the ~~Secretary's~~ Director's decision.

Whenever the ~~Secretary~~ Director is not satisfied that substantial justice has been done in the revocation or suspension of a license, or other disciplinary action, the ~~Secretary~~ Director may order re-hearing by the same or other boards.

~~None of the functions, powers or duties enumerated in this Section shall be exercised by the Department except upon the action and report in writing of the Board.~~

(Source: P.A. 93-467, eff. 1-1-04.)

(225 ILCS 330/7) (from Ch. 111, par. 3257)

(Section scheduled to be repealed on January 1, 2010)

Sec. 7. Creation of the Board; Composition and qualifications and terms of the Board. The Board shall be appointed by the ~~Secretary~~ Director and shall consist of 7 members, one of whom shall be a public member and 6 of whom shall be Professional Land Surveyors. The members shall be residents of Illinois. Each Professional Land Surveyor member shall (a) currently hold a valid Professional Land Surveyor license in Illinois and shall have held the license under this Act or its predecessor for the previous 10 year period, and (b) have not been disciplined within the last 10 year period under this Act or its predecessor. The public member ~~shall not be an employee of the State of Illinois or of the federal government, and~~ shall not be licensed under this Act or any other design profession licensing Act ~~that~~ the Department administers.

Members shall be appointed who reasonably represent the different geographic areas of Illinois and shall serve for 5 year terms, and until their successors are qualified and appointed. A member shall not be eligible for appointment to more than 10 years in a lifetime ~~more than 2 consecutive 5 year terms~~. Appointments to fill vacancies shall be made for the unexpired portion of the term. ~~Initial terms shall begin on the effective date of this Act.~~ Board members currently appointed under this Act and in office on the effective date of this Act shall continue to hold office until their terms expire and they are replaced. All appointments shall be made on the basis of individual professional qualifications with the exception of the public member and shall not be based upon race, sex, or religious or political affiliations.

Each member of the Board ~~may~~ shall receive compensation when attending to the work of the Board or any of its committees and for time spent in necessary travel. In addition, members shall be reimbursed for actual traveling, incidentals, and expenses necessarily incurred in carrying out their duties as members of the Board.

The ~~Secretary~~ Director ~~may~~ shall consider the advice and recommendations of the Board on issues involving standards of professional conduct, discipline, and qualifications of the candidates and licensees under this Act.

~~The Secretary shall give due consideration to~~ The Director shall make the Board appointments within 90 days of any vacancy. ~~The Professional Land Surveyor members shall be selected from a current list of candidates updated by June 1 of each year, as submitted by members of the land surveying profession and by affiliated organizations.~~

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

The ~~Secretary~~ Director may remove any member of the Board for misconduct, incompetence, neglect

of duty, or for any reason prescribed by law for removal of State Officials or for not attending 2 consecutive Board meetings.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/8) (from Ch. 111, par. 3258)

(Section scheduled to be repealed on January 1, 2010)

Sec. 8. Powers and duties of the Board; quorum. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) ~~Review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable. Review education and experience qualifications of applicants to determine eligibility as a Professional Land Surveyor or Land Surveyor-in-Training and submit to the Director written recommendations on applicant qualifications for licensing;~~

(b) Conduct hearings regarding disciplinary actions and submit a written report to the Secretary ~~Director~~ as required by this Act and provide a Board member at informal conferences;

(c) Visit universities or colleges to evaluate surveying curricula and submit to the Secretary ~~Director~~

a written recommendation of acceptability of the curriculum;

(d) Submit a written recommendation to the Secretary ~~Director~~ concerning promulgation or amendment of

rules for the administration of this Act;

(e) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act;

(f) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule;

(g) Hold at least 3 ~~4~~ regular meetings each year; and

(h) The Board shall annually elect a Chairperson and a Vice Chairperson who shall be licensed Illinois Professional Land Surveyors.

A quorum of the Board shall consist of 4 ~~a majority of Board~~ members ~~appointed~~. A quorum is required for all Board decisions.

Subject to the provisions of this Act, the Board may exercise the following duties as deemed necessary by the Department: (i) review education and experience qualifications of applicants, including conducting oral interviews; (ii) determine eligibility as a Professional Land Surveyor or Land Surveyor-in-Training; and (iii) submit to the Secretary recommendations on applicant qualifications for enrollment and licensure.

(Source: P.A. 93-467, eff. 1-1-04.)

(225 ILCS 330/9) (from Ch. 111, par. 3259)

(Section scheduled to be repealed on January 1, 2010)

Sec. 9. Deviation from Board recommendations. On matters concerning qualification of individuals for licensing, definition of curriculum content and approval of surveying curriculums, standards of professional conduct and disciplinary actions, and the promulgation and amendment of the rules affecting these matters, the Secretary ~~Director~~ shall notify the Board ~~in writing~~ with an explanation of any deviation from the Board's written recommendation or response. The Board shall have the opportunity to comment upon the Secretary's ~~Director's~~ decision after review of the Secretary's ~~Director's~~ ~~written~~ explanation of his reasons for deviation.

(Source: P.A. 86-987.)

(225 ILCS 330/10) (from Ch. 111, par. 3260)

(Section scheduled to be repealed on January 1, 2010)

Sec. 10. Application for original license. Every person who desires to obtain a license shall apply to the Department in writing, upon forms prepared and furnished by the Department. Each application shall contain statements made under oath, showing the applicant's education, a detailed summary of his or her land surveying experience, and verification of the applicant's land surveying experience by the applicant's supervisor who shall be a ~~licensed~~ land surveyor licensed in this State or any other state or territory of the U.S. where experience is similar and who shall certify the applicant's experience, and the application shall be accompanied with the required fee. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by an evaluating service ~~a nationally recognized educational body~~ approved by the Department ~~Board~~ in accordance with rules prescribed by the Department.

An applicant who graduated from a land surveying program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a

Foreign Language (TOEFL) and a test of spoken English ~~the Test of Spoken English (TSE)~~ as defined by rule.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/12) (from Ch. 111, par. 3262)

(Section scheduled to be repealed on January 1, 2010)

Sec. 12. Qualifications for licensing.

(a) A person is qualified to receive a license as a Professional Land Surveyor and the Department shall issue a license to a person:

(1) who has applied in writing in the required form ~~and substance~~ to the Department;

(2) (blank);

(2.5) who has not violated any provision of this Act or its rules;

(3) who is of good ethical character, including compliance with the Code of Ethics and Standards of Practice promulgated by rule pursuant to this Act, and has not committed an act or offense in any jurisdiction that would constitute grounds for discipline of a land surveyor licensed under this Act, who is of good moral character;

(4) who has been issued a license as a Land Surveyor-in-Training;

(5) who, subsequent to passing the ~~an~~ examination authorized by the Department for licensure as a Surveyor-In-Training,

has at least 4 years of responsible charge experience verified by a professional land surveyor in direct supervision and control of his or her activities; ~~and~~

(6) who has passed an examination authorized by the Department to determine his or her

fitness to receive a license as a Professional Land Surveyor; ~~and~~ -

(7) who has a baccalaureate degree in a related science if he or she does not have a baccalaureate degree in land surveying from an accredited college or university.

(b) A person is qualified to receive a license as a Land Surveyor-in-Training and the Department shall issue a license to a person:

(1) who has applied in writing in the required form provided by ~~and substance~~ to the Department;

(2) (blank);

(3) who is of good moral character;

(4) who has the required education as set forth in this Act; and

(5) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a Land Surveyor-in-Training in accordance with this Act.

In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

(Source: P.A. 93-467, eff. 1-1-04.)

(225 ILCS 330/13) (from Ch. 111, par. 3263)

(Section scheduled to be repealed on January 1, 2010)

Sec. 13. Qualifications for examination for Licensed Land Surveyor-in-Training. Applicants for the examination for Land Surveyor-in-Training shall have:

(1) a baccalaureate degree in Land Surveying as defined by rule from an accredited program ~~college or university;~~ ~~or~~

(2) a baccalaureate degree in a related science including at least 24 semester hours of land surveying courses from a Department Board approved curriculum of an accredited institution; ~~or~~

(3) an Associate of Science degree in surveying or a related science, at least 24 semester hours of land surveying courses from a Board approved curriculum of an accredited institution, and at least 2 years of land surveying experience verified by a professional land surveyor that was in direct supervision and control of his or her activities; or

(4) a high school diploma or equivalent, at least 24 semester hours of land surveying courses from a Board approved curriculum of an accredited institution, and at least 4 years of land surveying experience verified by a professional land surveyor that was in direct supervision and control of his or her activities.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/16.5)

(Section scheduled to be repealed on January 1, 2010)

Sec. 16.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a professional land surveyor or as a land surveyor-in-training without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense as determined by the Department. The civil

[May 22, 2009]

penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 330/18) (from Ch. 111, par. 3268)

(Section scheduled to be repealed on January 1, 2010)

Sec. 18. Renewal, reinstatement or restoration of license; Persons in military service.

(a) The expiration date and renewal period for each license as a Professional Land Surveyor issued under this Act shall be set by rule. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.

(b) Any Professional Land Surveyor whose license has been inactive for less than 5 years is required to pay the current renewal fee and shall have his or her license restored.

~~If the Professional Land Surveyor has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, the person's fitness to resume active status and may require that person to successfully complete an examination.~~

(c) A Professional Land Surveyor whose license has been expired for more than 5 years may have the license restored by making application to the Department and filing proof acceptable to the Department Board of fitness to have the license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction and payment of the required renewal, reinstatement or restoration fee.

However, any Professional Land Surveyor whose license expired while engaged (a) in federal service on active duty with the armed forces of the United States, or the State Militia called into active service or training, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have a license renewed without paying any lapsed reinstatement or restoration fees upon passing an oral examination by the Board, or without taking any examination, if approved by the Board, if, within 2 years after the termination other than by dishonorable discharge of such service, training, or education, the licensee furnishes the Department with an affidavit to the effect the licensee was so engaged and that the service, training, or education has so terminated.

(d) A license for a Land Surveyor-in-Training is valid for 10 years and may not be renewed.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/19) (from Ch. 111, par. 3269)

(Section scheduled to be repealed on January 1, 2010)

Sec. 19. Inactive status; Restoration. Any ~~person~~ Professional Land Surveyor who notifies the Department in writing on forms prescribed by the Department, may ~~elect to~~ place his or her license on an inactive status and shall, ~~subject to rules of the Department,~~ be excused from the payment of renewal fees until he or she notifies the Department in writing of the ~~intention~~ desire to resume active status.

Any Professional Land Surveyor requesting restoration from inactive status is required to pay the current renewal fee and shall have his or her license restored. A Professional Land Surveyor whose license has been on inactive status for more than 5 years may have the license restored by making application to the Department and filing proof acceptable to the Board of fitness to have the license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction and payment of the required renewal, reinstatement or restoration fee.

Any Professional Land Surveyor whose license is in an inactive status shall not practice land surveying in the State of Illinois.

(Source: P.A. 86-987.)

(225 ILCS 330/23) (from Ch. 111, par. 3273)

(Section scheduled to be repealed on January 1, 2010)

Sec. 23. Address of Record ~~Change of address~~; Names of licensed surveyors to be published. It is the responsibility of a Professional Land Surveyor or Land Surveyor-in-Training to inform the Department of any change of address or name. The Department shall maintain a roster of names and addresses of all professional land surveyors and professional design firms, partnerships, and corporations licensed or registered under this Act. This roster shall be available upon request and payment of the required fee. The Department shall, at least annually, publish a list of the names of all Professional Land Surveyors who are in good standing as of the date the list is prepared for publication and of all persons whose licenses have been suspended or revoked within the previous year, together with such other information

~~relative to the enforcement of the provisions of this Act as it may deem of interest to the public. Upon request, such lists shall be mailed to the County Clerk as a public record. Such lists shall also be mailed by the Department to any person in the State upon request, and payment of the required fee.~~
(Source: P.A. 86-987.)

(225 ILCS 330/25) (from Ch. 111, par. 3275)

(Section scheduled to be repealed on January 1, 2010)

Sec. 25. Professional design firm registration.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, of a corporation to offer the practice of professional land surveying.

Any business, including a Professional Service Corporation, that includes within its stated purposes or practices, or holds itself out as available to practice, professional land surveying shall be registered with the Department pursuant to the provisions set forth in this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering professional land surveyor services to the public. Any sole proprietorship owned and operated by a professional land surveyor with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a Professional Land Surveyor with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm. "Illinois licensed design professional" means a person who holds an active license as a professional engineer under the Professional Engineering Practice Act of 1989, as an architect under the Illinois Architecture Practice Act of 1989, as a structural engineer under the Structural Engineering Practice Act of 1989, or as a Professional Land Surveyor under this Act.

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of land surveyor activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active license to practice professional land surveying in Illinois.

No individual whose license to practice professional land surveying in this State is currently in a suspended or revoked state shall act as a managing agent for a professional design firm.

(c) Any business seeking to be registered under this Section shall make application on a form provided by the Department and shall provide such information as requested by the Department, which shall include, but not be limited to:

(1) the name and license number of the person designated as the managing agent in responsible charge of the practice of professional land surveying in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent;

(2) the names and license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership;

(3) a list of all office locations at which the professional design firm provides professional land surveying services to the public; and

(4) a list of all assumed names of the business. Nothing in this Section shall be construed to exempt a professional design firm, sole proprietorship, or professional service corporation from compliance with the requirements of the Assumed Business Name Act.

It is the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(d) The Department shall issue to each business a certificate of registration to practice professional land surveying or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and a professional design firm shall notify the Department of this fact in writing, by certified mail, within 10 business days of such termination. Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and licensure number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also

submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.

If the professional design firm has not notified the Department in writing, by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by certified mail to the address of record ~~last known address~~ of the business. If the professional design firm continues to operate and offer professional land surveyor services after the termination, the Department may seek prosecution under Sections 27, 43, and 16.5 ~~46~~ of this Act for the unlicensed practice of professional land surveying.

No professional design firm shall be relieved of responsibility for the conduct or acts of its agent, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing professional land surveying be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed professional land surveyor. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1999 shall be continued or remain in effect without the Department filing separate actions.

(h) Any professional services corporation, sole proprietorship, or professional design firm offering land surveying services must have a resident professional land surveyor whose license is not suspended or revoked overseeing the land surveying practices in each location in which land surveying services are provided.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/27) (from Ch. 111, par. 3277)

(Section scheduled to be repealed on January 1, 2010)

Sec. 27. Grounds for disciplinary action.

(a) The Department may, ~~singularly or in combination~~, refuse to issue, ~~restore~~, or renew a license, ~~or may revoke or suspend a license or registration~~, or may place on probation ~~or administrative supervision~~, ~~suspend, or revoke any license, or may~~ ~~reprimand or take any disciplinary or non-disciplinary action as the Department may deem proper, including the imposition of fines~~ ~~impose a civil penalty~~ not to exceed \$10,000 per violation, upon any person, corporation, partnership, or professional land surveying firm licensed or registered under this Act for any ~~one or combination~~ of the following reasons:

- (1) material misstatement in furnishing information to the Department;
- (2) violation, including, but not limited to, neglect or intentional disregard, of this Act, or its rules;

(3) conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or any state or territory thereof or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession; conviction of any crime under the laws of the United States, or any state or territory thereof, which is a felony, whether related to practice or not, or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of land surveying;

(4) making any misrepresentation for the purpose of obtaining a license, or in applying for restoration or renewal, or the practice of any fraud or deceit in taking any examination to qualify for licensure under this Act;

(5) purposefully making false statements or signing false statements, certificates, or affidavits to induce payment;

(6) proof of carelessness, incompetence, negligence, or misconduct in practicing land surveying;

(7) aiding or assisting another person in violating any provision of this Act or its rules;

(8) failing to provide information in response to a written request made by the Department within 30 days after receipt of such written request;

(9) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(10) inability to practice with reasonable judgment, skill, or safety as a result of habitual or excessive use of, or addiction to, alcohol, narcotics, stimulants or any other chemical agent or drug; habitual intoxication or addiction to the use of drugs;

(11) discipline by the United States government, another state, District of Columbia,

territory, foreign nation or government agency if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act;

(12) directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered;

(12.5) issuing a map or plat of survey where the fee for professional services is contingent on a real estate transaction closing;

(13) a finding by the ~~Department Board~~ that an applicant or licensee has failed to pay a fine imposed by the Department or a licensee whose license has been placed on probationary status has violated the terms of probation;

(14) practicing on an expired, inactive, suspended, or revoked license;

(15) signing, affixing the Professional Land Surveyor's seal or permitting the Professional Land Surveyor's seal to be affixed to any map or plat of survey not prepared by the Professional Land Surveyor or under the Professional Land Surveyor's direct supervision and control;

(16) physical illness, including but not limited to deterioration through the aging process or loss of motor skill, which results in the inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill or a mental illness or disability;

(17) ~~(blank); or issuing a check or other guarantee to the order of the Department which is not honored on 2 occasions by the financial institution upon which it is drawn because of insufficient funds;~~

(18) failure to adequately supervise or control land surveying operations being performed by subordinates.

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination when directed shall be grounds for the immediate suspension of his or her license until the individual submits to the examination if the Department finds that the refusal to submit to the examination was without reasonable cause as defined by rule.

If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a person's license pursuant to the results of a compelled mental or physical examination, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license. In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examination physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a licensee until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without

reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as now or hereafter amended, operates as an automatic license suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(c) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with subdivision (a)(5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

(d) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

(e) The Department shall refuse to issue or renew or shall revoke or suspend a person's license or shall take other disciplinary action against that person for his or her failure to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/28) (from Ch. 111, par. 3278)

(Section scheduled to be repealed on January 1, 2010)

Sec. 28. ~~Violation; Injunction; Cease and desist order. Each of the following acts is declared to be inimical to the public welfare and to constitute a public nuisance:~~

(a) ~~If any person violates the provisions of this Act, the Secretary, in the name of the people of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to and not in lieu of any other remedies and penalties provided by this Act. The practice or attempt to practice land surveying without a license or authority to practice as a Professional Land Surveyor.~~

(a-5) ~~Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.~~

(b) ~~(Blank). The use of the title "Illinois Professional Land Surveyor" or the abbreviation "P.L.S." or "L.S." or any words or letters indicating that a person is a Professional Land Surveyor or Land Surveyor by any person who has not received a license or authority to practice as an Illinois Professional Land Surveyor.~~

~~The Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply to the circuit court for an injunction to enjoin any person from engaging in any of the practices named and paragraphs (a) and (b). Upon the filing of a verified petition in such court, the court, if satisfied by affidavit or otherwise that such person is or has been engaged in any of the practices named in paragraphs (a) and (b), may issue a temporary restraining order or preliminary injunction, without notice or bond, enjoining the defendant from further engaging in such practices. A copy of the verified petition shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been, or is engaged in any of the practices named in paragraphs (a) and (b), the court may enter a decree perpetually enjoining such defendant from further engaging in those practices. In case of violation of any injunction issued under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. An injunction proceeding is in addition to and not in lieu of all penalties and other remedies provided in this Act.~~

~~Whenever, in the opinion of the Department, any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.~~

(Source: P.A. 86-987.)

(225 ILCS 330/29) (from Ch. 111, par. 3279)

(Section scheduled to be repealed on January 1, 2010)

~~Sec. 29. Investigations; notice and hearing. A license or registration issued under the provisions of this Act may be revoked, suspended, not renewed or restored, or otherwise disciplined, or applications for license or registration may be refused, in the manner set forth in this Act. The Department may, upon its own action, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for discipline, investigate the actions of any person or other entity holding, applying for or claiming to hold a license, or practicing or offering to practice land surveying. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to issue, renew or restore, suspending or revoking any license or registration, or imposing any other disciplinary action, at least 30 days prior to the date set for the hearing, notify the person accused in writing of any charges made and shall direct the person or entity to file a written answer to the Board under oath within 20 days after the service of the notice and inform the person or entity that if the person or entity fails to file an answer default will be taken and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary Director may deem proper. The Department shall afford the accused person or entity an opportunity to be heard in person or by counsel in reference to the charges. This written notice may be served by personal delivery to the accused person or entity or certified mail to the last address specified by the accused person or entity in the last notification to the Department. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall hear the charges and the accused person or entity shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be relevant to the charges or their defense. The Board may continue the hearing from time to time.~~

~~The Department Board may from time to time and in co-operation with the Department's legal advisors employ individual land surveyors possessing the same minimum qualifications as required for Board candidates to assist with its investigative duties.~~

~~Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, are not liable for damages in any civil action or proceeding as a result of their assistance, except upon proof of actual malice. The Attorney General shall defend these persons in any such action or proceeding.~~

(Source: P.A. 93-467, eff. 1-1-04.)

(225 ILCS 330/30) (from Ch. 111, par. 3280)

(Section scheduled to be repealed on January 1, 2010)

[May 22, 2009]

Sec. 30. Stenographer; transcript. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case where a license is revoked, suspended, or other disciplinary action is taken. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Department shall be the record of the proceedings. ~~The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).~~

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

(225 ILCS 330/31) (from Ch. 111, par. 3281)

(Section scheduled to be repealed on January 1, 2010)

Sec. 31. ~~Subpoenas, depositions, oaths, Testimony; Oath.~~ The Department has the power to subpoena documents, books, records, or other materials and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State.

The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department, the Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

~~The Director, and any member of the Board, each has power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.~~

(Source: P.A. 86-987.)

(225 ILCS 330/33) (from Ch. 111, par. 3283)

(Section scheduled to be repealed on January 1, 2010)

Sec. 33. Notice of hearing; Findings and recommendations. At the conclusion of the hearing the Board shall present to the ~~Secretary Director~~ a written report of its findings and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the ~~Secretary Director~~.

The report of findings and recommendations of the Board shall be the basis for the Department's order unless the ~~Secretary disagrees with the Board Director determines that the Board report is contrary to the manifest weight of the evidence or law~~, in which case the ~~Secretary Director~~ may issue an order in contravention of the Board report stating the reasons for the order. The report, findings, and recommendations are not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 86-987.)

(225 ILCS 330/34) (from Ch. 111, par. 3284)

(Section scheduled to be repealed on January 1, 2010)

Sec. 34. Board; Rehearing. ~~A~~ In any case involving the refusal to issue, restore or renew a license or the disciplining of a licensee, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing which shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon such denial, the ~~Secretary Director~~ may enter an order in accordance with recommendations of the Board except as provided in Section 33 of this Act. If the respondent orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which the motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 86-987.)

(225 ILCS 330/35) (from Ch. 111, par. 3285)

(Section scheduled to be repealed on January 1, 2010)

Sec. 35. ~~Secretary; rehearing. Director; Rehearing.~~ Whenever the Secretary believes that substantial justice has not been done in the revocation, suspension, or refusal to issue, restore, or renew a license, or other discipline of an applicant or licensee, he or she may order a rehearing by the same or another

~~examiner. Whenever the Director is not satisfied that substantial justice has been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary proceeding, the Director may order a rehearing by the same or another board appointed to rehear the matter.~~

(Source: P.A. 86-987.)

(225 ILCS 330/36) (from Ch. 111, par. 3286)

(Section scheduled to be repealed on January 1, 2010)

Sec. 36. Appointment of a hearing officer. Notwithstanding the provisions of Section 33 of this Act, the ~~Secretary~~ Director has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action ~~for discipline of a licensee. The Director shall notify the Board of any such appointment.~~ The hearing officer has full authority to conduct the hearing. The Board has the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board and the ~~Secretary~~ Director. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the ~~Secretary~~ Director. If the Board fails to present its report within the 60 day period, the ~~Secretary~~ Director shall issue an order based on the report of the hearing officer. If the ~~Secretary~~ Director disagrees in any regard with the report of the Board or hearing officer, he may issue an order in contravention thereof. The ~~Secretary~~ Director shall provide a written explanation to the Board on any such deviation, ~~and shall specify with particularity the reasons for such action in the final order.~~

(Source: P.A. 86-987.)

(225 ILCS 330/36.1) (from Ch. 111, par. 3286.1)

(Section scheduled to be repealed on January 1, 2010)

Sec. 36.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The ~~Secretary~~ Director may waive the fines due under this Section in individual cases where the ~~Secretary~~ Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 330/37) (from Ch. 111, par. 3287)

(Section scheduled to be repealed on January 1, 2010)

Sec. 37. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the Department and purporting to be signed by the ~~Secretary~~ Director, shall be prima facie proof that:

- (a) the signature is the genuine signature of the ~~Secretary~~ Director;
- (b) the ~~Secretary~~ Director is duly appointed and qualified; and
- (c) the Board and the members thereof are qualified to act.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 330/40) (from Ch. 111, par. 3290)

(Section scheduled to be repealed on January 1, 2010)

Sec. 40. Temporary suspension of a license. The ~~Secretary~~ Director may temporarily suspend the license of a Professional Land Surveyor or Land Surveyor-in-Training without a hearing, simultaneously with the institution of proceedings for a hearing under Section 29 of this Act, if the ~~Secretary~~ Director finds that evidence in his possession indicates that a Professional Land Surveyor's or Land Surveyor-in-Training's continuation in practice would constitute an imminent danger to the public. In the event that the ~~Secretary~~ Director temporarily suspends the license of a Professional Land Surveyor or Land Surveyor-in-Training without a hearing, a hearing by the Board must be commenced within 30 days after such suspension has occurred.

(Source: P.A. 86-987.)

(225 ILCS 330/43) (from Ch. 111, par. 3293)

(Section scheduled to be repealed on January 1, 2010)

Sec. 43. Violations. A person is guilty of a Class A misdemeanor for a first offense, and guilty of a Class 4 felony for a second or subsequent offense, when he or she commits any of the following acts: Each of the following acts constitutes a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense:

- (a) The violation of any provision of this Act or its rules.
- (b) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act.
- (c) Obtaining or attempting to obtain a license or registration by fraud.
- (d) Using, or attempting to use, an expired, suspended, or revoked license or certificate of registration or the license, certificate of registration, or seal of another, or impersonating another licensee or practicing land surveying while one's license is expired, suspended, or revoked.
- (e) Use of the title "Professional Land Surveyor", or "Land Surveyor", or the abbreviation "P.L.S." or "L.S.", or any words or letters indicating that a person is a Professional Land Surveyor, by any person who has not received a license to practice as an Illinois Professional Land Surveyor.
- (f) If any person, sole proprietorship, professional service corporation, limited liability company, corporation or partnership, or other entity practices as a professional land surveyor or advertises or displays any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as a professional land surveyor, or use the title "professional land surveyor", or any of its derivations unless the person or entity holds an active license as a professional land surveyor or registration as a Professional Land Surveying Firm in the State; then, in addition to any other penalty provided by law, any person who violates this subsection (f) shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined by the Department of not more than ~~\$10,000~~ ~~\$5,000~~ for each offense.
- (g) The practice, attempt to practice, or offer to practice land surveying, without a license as a Professional Land Surveyor or registration as a Professional Land Surveying Firm. Each day of practicing land surveying, or attempting to practice land surveying, and each instance of offering to practice land surveying without a license as a Professional Land Surveyor or registration as a Professional Land Surveying Firm constitutes a separate offense.

Criminal fines and penalties shall be deposited in the treasury of the county in which the violation occurred and administrative fines shall be deposited in the Design Professionals Administration and Investigation Fund.

All fines and penalties under Section 27 shall be deposited in the Design Professions Administration and Investigation Fund.
(Source: P.A. 88-428.)

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

Under the rules, the foregoing **Senate Bill No. 1384**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1477

A bill for AN ACT concerning local government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1477

Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1477

AMENDMENT NO. 1. Amend Senate Bill 1477 by replacing everything after the enacting clause with the following:

[May 22, 2009]

"Section 5. "AN ACT concerning local government", approved January 26, 2009, (Public Act 95-1028) is amended by adding Section 999 as follows:

(P.A. 95-1028, Sec. 999 new)

Sec. 999. Effective date. This Act (Public Act 95-1028) takes effect on the effective date of this amandatory Act of the 96th General Assembly.

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

Under the rules, the foregoing **Senate Bill No. 1477**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1555

A bill for AN ACT concerning revenue.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1555

Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1555

AMENDMENT NO. 1. Amend Senate Bill 1555 by replacing everything from line 7 on page 2 through line 17 on page 3 with the following:

"(35 ILCS 200/27-55)

Sec. 27-55. ~~Authorization~~ ~~Objection~~ petition. ~~Unless~~ ~~if~~ a petition that is signed by at least 51% of the electors residing within the special service area and by at least 51% of the owners of record of the land included within the boundaries of the special service area is filed with the municipal clerk or county clerk, as the case may be, within 60 days following the final adjournment of the public hearing, ~~authorizing~~ ~~objecting to~~ the creation of the special service district, the enlargement of the area, the levy or imposition of a tax or the issuance of bonds for the provision of special services to the area, or to a proposed increase in the tax rate, the district shall not be created or enlarged, or the tax shall not be levied or imposed nor the rate increased, or no bonds may be issued. ~~The subject matter of the petition shall not be proposed relative to any signatories of the petition within the next 2 years.~~ Each resident of the special service area registered to vote at the time of the public hearing held with regard to the special service area shall be considered an elector. However, if certified documentation or a sworn affidavit is submitted along with an authorization petition filed pursuant to this Section evidencing that an individual who is registered to vote has died or has permanently moved from the special service area and is no longer a resident of the special service area, then that individual shall not be counted as an elector for purposes of determining whether or not at least 51% of the electors residing within the special service area have signed the authorization petition. Each person in whose name legal title to land included within the boundaries of the special service area is held according to the records of the county in which the land is located shall be considered an owner of record. Owners of record shall be determined at the time of the public hearing held with regard to a special service area. Land owned in the name of a land trust, corporation, estate or partnership shall be considered to have a single owner of record. (Source: P.A. 82-640; 88-455.)"

Under the rules, the foregoing **Senate Bill No. 1555**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

[May 22, 2009]

SENATE BILL NO. 1920

A bill for AN ACT concerning civil law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1920

House Amendment No. 2 to SENATE BILL NO. 1920

Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1920

AMENDMENT NO. 1. Amend Senate Bill 1920, by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by changing Section 1 as follows:

(765 ILCS 745/1) (from Ch. 80, par. 201)

Sec. 1. Applicability. This Act shall regulate and determine legal rights, remedies and obligations of ~~the~~ the parties to any lease of a mobile home or mobile home lot in a mobile home park containing five or more mobile homes within this State. Any lease, written or oral, shall be unenforceable insofar as any provision thereof conflicts with any provision of this Act.

(Source: P.A. 81-637.)"

AMENDMENT NO. 2 TO SENATE BILL 1920

AMENDMENT NO. 2. Amend Senate Bill 1920, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by adding Section 8.6 as follows:

(765 ILCS 745/8.6 new)

Sec. 8.6. Mobile and Manufactured Home Relocation Commission.

(a) There is created a Mobile and Manufactured Home Relocation Commission. The purpose of the Commission is to study the process and procedure by which a mobile or manufactured home located in a mobile or manufactured home park that is closing is relocated. The Department of Public Health shall provide administrative support to the Commission.

(b) The Commission shall consist of the following 10 members:

(1) the Director of the Department of Public Health or his or her designee;

(2) the Attorney General of the State of Illinois or his or her designee;

(3) four members of the General Assembly, with the Speaker of the House, the Senate President, the House Minority Leader, and the Senate Minority Leader each making one appointment;

(4) the President of an organization primarily representing the interests of park owners having properties in downstate Illinois and mobile and manufactured home retailers or his or her designee, appointed by the Governor;

(5) the Executive Director of an organization primarily representing the interests of park owners having properties in northern Illinois or his or her designee, appointed by the Governor; and

(6) two representatives of a statewide organization representing the interests of mobile and manufactured home owners, appointed by the Governor.

(c) The members appointed by the Speaker of the House and the Senate Minority Leader shall serve as Co-Chairs of the Commission.

(d) The Commission shall:

(1) examine the implementation and operation of relocation assistance programs in other states;

(2) consider possible ways to fund State or local relocation assistance programs, including but not limited to home owner fees, park owner fees, and moving company fees;

(3) examine the feasibility of allowing or mandating park owners to create relocation trust funds;

(4) examine the feasibility of allowing or mandating a State agency to create a relocation trust fund;

(5) explore the potential for greater oversight of park practices;

(6) formulate a set of best practices to minimize the impact of park closures on both park owners and home owners;

[May 22, 2009]

(7) analyze data and other information with respect to relocation;

(8) research the availability of insurance policies that cover the costs of relocation; and

(9) study the costs and associated legal matters arising from the abandonment of a home in a park.

(e) The Commission shall report to the General Assembly on its results and progress on or before January 1, 2010.

(f) This Section is repealed on March 1, 2010.

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

Under the rules, the foregoing **Senate Bill No. 1920**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2043

A bill for AN ACT concerning public aid.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 2043

Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 2043

AMENDMENT NO. 2. Amend Senate Bill 2043 by replacing lines 10 through 26 on page 4 and lines 1 through 18 on page 5 with the following:

"(c) The Department of Healthcare and Family Services (HFS), the Illinois Department of Public Health, the Illinois Department of Human Services, and the Division of Specialized Care for Children, University of Illinois at Chicago, with necessary support from the Department of Central Management Services, shall integrate into the medical data warehouse individual record level data owned by one of these agencies that pertains to maternal and child health, including the following data sets:

(1) Vital Records as they relate to births, birth outcomes, and deaths.

(2) Adverse Pregnancy Outcomes Reporting System (APORS).

(3) Genetics/Newborn Screenings/SIDS.

(4) Cornerstone (WIC, FCM, Teen Parents, Immunization).

(5) HFS medical claims data.

(6) I-CARE.

(7) Children with Special Healthcare Needs Data.

By September 1, 2009, the departments of Healthcare and Family Services, Public Health, and Human Services and the Division of Specialized Care for Children shall jointly prepare a work plan for fully integrating these data sets into the medical data warehouse. The work plan shall provide an overall project design, including defining a mutually acceptable transfer format for each discrete data set, the data update frequency, and a single method of data transfer for each data set. By October 1, 2009, the Department of Public Health shall grant to the Department of Healthcare and Family Services complete access to all vital records data. The Department of Public Health shall prepare a report detailing that this task has been accomplished and submit this report to the Commission on Government Forecasting and Accountability by October 15, 2009. By March 1, 2010, the data sets shall be completely loaded into the medical data warehouse. By July 1, 2010, data from the various sources shall be processed so as to be compatible with other data in the medical data warehouse and available for analysis in an integrated manner.

With the cooperation of the other agencies, HFS shall submit status reports on the progress of these efforts to the Governor and the General Assembly no later than October 1, 2009 and April 1, 2010, with a final report due no later than November 1, 2010.

On an ongoing basis, the 4 agencies shall review the feasibility of adding data from additional sources to the warehouse. Such review may take into account the cost effectiveness of adding the data, the utility

[May 22, 2009]

of adding data that is not available as identifiable individual record level data, the requirements related to adding data owned by another entity or not available in electronic form, whether sharing of the data is otherwise prohibited by law and the resources required and available for effecting the addition.

The departments shall use analysis of the data in the medical data warehouse to improve maternal and child health outcomes, and in particular improve birth outcomes, and to reduce racial health disparities in this area.

All access and use of the data shall be in compliance with all applicable federal and State laws, regulations, and mandates.

Notwithstanding anything in this Section, data incorporated into the data warehouse shall remain subject to the same provisions of law regarding confidentiality and use restrictions as they are subject to in the control of the contributing agency. The Department of Healthcare and Family Services shall develop measures to ensure that the interplay of the several data sets contributed to the data warehouse does not lead to the use or release of data from the data warehouse that would not otherwise be subject to use or release under State or federal law."

Under the rules, the foregoing **Senate Bill No. 2043**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2256

A bill for AN ACT concerning advance directives.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2256

Passed the House, as amended, May 22, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2256

AMENDMENT NO. 1. Amend Senate Bill 2256 on page 2, line 2 by inserting after "older" the following:

" , who attests that the individual, other person, guardian, agent, or surrogate (1) has had an opportunity to read the form; and (2) has signed the form or acknowledged his or her signature or mark on the form in the witness's presence".

Under the rules, the foregoing **Senate Bill No. 2256**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 420

A bill for AN ACT concerning finance.

SENATE BILL NO. 1587

A bill for AN ACT concerning land.

SENATE BILL NO. 1715

A bill for AN ACT concerning government.

Passed the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

[May 22, 2009]

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1422

A bill for AN ACT concerning financial regulation.

SENATE BILL NO. 1440

A bill for AN ACT concerning public employee benefits.

SENATE BILL NO. 1837

A bill for AN ACT concerning State government.

Passed the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 44

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3981

A bill for AN ACT concerning health.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3981

Non-concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

Under the rules, the foregoing **House Bill No. 3981**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 10

A bill for AN ACT concerning criminal law.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 10

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

[May 22, 2009]

HOUSE BILL 22

A bill for AN ACT concerning employment.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 22
Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 37

A bill for AN ACT concerning State government.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 37
Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 47

A bill for AN ACT concerning government.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 47
Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 379

A bill for AN ACT concerning finance.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 379
Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 404

A bill for AN ACT concerning State government.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 404
Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

[May 22, 2009]

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 418

A bill for AN ACT concerning regulation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 418

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 437

A bill for AN ACT concerning education.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 437

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 467

A bill for AN ACT concerning gaming.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 467

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 567

A bill for AN ACT concerning elections.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 567

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 811

[May 22, 2009]

A bill for AN ACT concerning institutional funds.
 Which amendment is as follows:
 Senate Amendment No. 1 to HOUSE BILL NO. 811
 Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
 Mr. Mahoney, Clerk:
 Mr. President -- I am directed to inform the Senate that the House of Representatives has
 concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 883

A bill for AN ACT concerning local government.
 Which amendment is as follows:
 Senate Amendment No. 1 to HOUSE BILL NO. 883
 Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
 Mr. Mahoney, Clerk:
 Mr. President -- I am directed to inform the Senate that the House of Representatives has
 concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 964

A bill for AN ACT concerning safety.
 Which amendment is as follows:
 Senate Amendment No. 1 to HOUSE BILL NO. 964
 Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
 Mr. Mahoney, Clerk:
 Mr. President -- I am directed to inform the Senate that the House of Representatives has
 concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1108

A bill for AN ACT concerning education.
 Which amendment is as follows:
 Senate Amendment No. 1 to HOUSE BILL NO. 1108
 Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
 Mr. Mahoney, Clerk:
 Mr. President -- I am directed to inform the Senate that the House of Representatives has
 concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1329

A bill for AN ACT concerning regulation.
 Which amendment is as follows:
 Senate Amendment No. 1 to HOUSE BILL NO. 1329
 Senate Amendment No. 2 to HOUSE BILL NO. 1329
 Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

[May 22, 2009]

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2280

A bill for AN ACT concerning health.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2280

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2331

A bill for AN ACT concerning professional regulation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2331

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2388

A bill for AN ACT concerning aging.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2388

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2450

A bill for AN ACT concerning professional regulation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2450

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2474

[May 22, 2009]

A bill for AN ACT concerning employment.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 2474
Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:
HOUSE BILL 2547

A bill for AN ACT concerning civil law.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 2547
Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:
HOUSE BILL 2573

A bill for AN ACT concerning human rights.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 2573
Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:
HOUSE BILL 2651

A bill for AN ACT concerning criminal law.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 2651
Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:
HOUSE BILL 3642

A bill for AN ACT concerning public aid.
Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 3642
Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

[May 22, 2009]

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3717

A bill for AN ACT concerning criminal law.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3717

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3779

A bill for AN ACT concerning regulation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3779

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3863

A bill for AN ACT concerning civil law.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3863

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3878

A bill for AN ACT concerning State government.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3878

Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3950

A bill for AN ACT concerning courts.

[May 22, 2009]

Which amendment is as follows:
 Senate Amendment No. 1 to HOUSE BILL NO. 3950
 Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by
 Mr. Mahoney, Clerk:
 Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4054

A bill for AN ACT concerning foster children.
 Which amendment is as follows:
 Senate Amendment No. 1 to HOUSE BILL NO. 4054
 Concurred in by the House, May 22, 2009.

MARK MAHONEY, Clerk of the House

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur with House Amendments 1 and 2 to Senate Bill 89
 Motion to Concur with House Amendment 1 to Senate Bill 122
 Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 290
 Motion to Concur in House Amendment 1 to Senate Bill 337
 Motion to Concur in House Amendment 1 to Senate Bill 1339
 Motion to Concur in House Amendment 1 to Senate Bill 1384
 Motion to Concur in House Amendment 1 to Senate Bill 1448
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 1698
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 1920
 Motion to Concur in House Amendment 1 to Senate Bill 1975
 Motion to Concur in House Amendment 1 to Senate Bill 2026
 Motion to Concur in House Amendment 2 to Senate Bill 2043
 Motion to Concur in House Amendment 1 to Senate Bill 2090

INQUIRY OF THE CHAIR

Senator Dillard had an inquiry of the Chair as to whether the Motion in Writing he has filed with regard to **Senate Bill No. 350** is printed on the Calendar currently being distributed.

The Chair stated the motion has just been received and therefore has not yet been printed on the Senate Calendar.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Schoenberg, **Senate Bill No. 51**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Schoenberg moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 58; NAYS None.

[May 22, 2009]

The following voted in the affirmative:

Althoff	Duffy	Kotowski	Raoul
Bivins	Forby	Lauzen	Risinger
Bomke	Frerichs	Lightford	Rutherford
Bond	Garrett	Link	Sandoval
Brady	Haine	Luechtefeld	Schoenberg
Burzynski	Harmon	Maloney	Silverstein
Clayborne	Hendon	Martinez	Steans
Collins	Holmes	McCarter	Sullivan
Cronin	Hultgren	Meeks	Syverson
Crotty	Hunter	Millner	Trotter
Dahl	Hutchinson	Muñoz	Viverito
DeLeo	Jacobs	Murphy	Wilhelmi
Delgado	Jones, E.	Noland	Mr. President
Demuzio	Jones, J.	Pankau	
Dillard	Koehler	Radogno	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 51**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Garrett, **Senate Bill No. 54**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Garrett moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Kotowski	Raoul
Bivins	Forby	Lauzen	Risinger
Bomke	Frerichs	Lightford	Rutherford
Bond	Garrett	Link	Sandoval
Brady	Haine	Luechtefeld	Schoenberg
Burzynski	Harmon	Maloney	Silverstein
Clayborne	Hendon	Martinez	Steans
Collins	Holmes	McCarter	Sullivan
Cronin	Hultgren	Meeks	Syverson
Crotty	Hunter	Millner	Trotter
Dahl	Hutchinson	Muñoz	Viverito
DeLeo	Jacobs	Murphy	Wilhelmi
Delgado	Jones, E.	Noland	Mr. President
Demuzio	Jones, J.	Pankau	
Dillard	Koehler	Radogno	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 54**.

Ordered that the Secretary inform the House of Representatives thereof.

SENATE BILL RECALLED

On motion of Senator Kotowski, **Senate Bill No. 1013** was recalled from the order of third reading to the order of second reading.

Senator Kotowski offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1013

AMENDMENT NO. 1. Amend Senate Bill 1013, AS AMENDED, by replacing everything after the enacting clause with the following:

"Article 1.

Article 99.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment Nos. 2, 3, 4, 5, 6, 7, 8 and 9 were held in the Committee on Criminal Law Subcommittee on Constitutional Review.

Senator Kotowski offered the following amendment and moved its adoption:

AMENDMENT NO. 10 TO SENATE BILL 1013

AMENDMENT NO. 10. Amend Senate Bill 1013, AS AMENDED, by inserting the following immediately above Article 99:

"Article 2.

Section 2-1. Short title. This Article may be cited as the Public Corruption Profit Forfeiture Act, and references in this Article to "this Act" mean this Article.

Section 2-5. Legislative declaration. Public corruption is a far reaching, continuing and extremely profitable criminal enterprise, which diverts significant amounts of public money for illicit purposes. Public corruption-related schemes persist despite the threat of prosecution and the actual prosecution and imprisonment of individual participants because existing sanctions do not effectively reach the money and other assets generated by such schemes. It is therefore necessary to supplement existing sanctions by mandating forfeiture of money and other assets generated by public corruption-related activities. Forfeiture diminishes the financial incentives which encourage and sustain public corruption, restores public moneys which have been diverted by public corruption, and secures for the People of the State of Illinois assets to be used for enforcement of laws governing public corruption.

Section 2-10. Penalties.

(a) A person who is convicted of a violation of any of the following Sections, subsections, and clauses of the Criminal Code of 1961:

- (1) clause (a)(6) of Section 12-6 (intimidation by a public official),
- (2) Section 33-1 (bribery), or
- (3) subsection (a) of Section 33E-7 (kickbacks),

shall forfeit to the State of Illinois:

(A) any profits or proceeds and any property or property interest he or she has acquired or maintained in violation of any of the offenses listed in clauses (1) through (3) of this subsection (a) that the court determines, after a forfeiture hearing under subsection (b) of this Section, to have been acquired or maintained as a result of violating any of the offenses listed in clauses (1) through (3) of this subsection (a); and

(B) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which he or she has established, operated, controlled, conducted, or participated in the conduct of, in violation of any of the offenses listed in clauses (1) through (3) of this subsection (a) that the court determines, after a forfeiture hearing under subsection (b) of this Section, to have been acquired or maintained as a result of violating any of the offenses listed in clauses (1) through (3) of this subsection (a) or used to facilitate a violation of one of the offenses listed in clauses (1) through (3) of this subsection (a).

(b) The court shall, upon petition by the Attorney General or State's Attorney, at any time after the

[May 22, 2009]

filing of an information or return of an indictment, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this Act. At the forfeiture hearing the people shall have the burden of establishing, by a preponderance of the evidence, that property or property interests are subject to forfeiture under this Act. There is a rebuttable presumption at such hearing that any property or property interest of a person charged by information or indictment with a violation of any of the offenses listed in clauses (1) through (3) of subsection (a) of this Section or who is convicted of a violation of any of the offenses listed in clauses (1) through (3) of subsection (a) of this Section is subject to forfeiture under this Section if the State establishes by a preponderance of the evidence that:

- (1) such property or property interest was acquired by such person during the period of the violation of any of the offenses listed in clauses (1) through (3) of subsection (a) of this Section or within a reasonable time after such period; and
 - (2) there was no likely source for such property or property interest other than the violation of any of the offenses listed in clauses (1) through (3) of subsection (a) of this Section.
- (c) In an action brought by the People of the State of Illinois under this Act, wherein any restraining order, injunction or prohibition or any other action in connection with any property or property interest subject to forfeiture under this Act is sought, the circuit court which shall preside over the trial of the person or persons charged with any of the offenses listed in clauses (1) through (3) of subsection (a) of this Section shall first determine whether there is probable cause to believe that the person or persons so charged have committed a violation of any of the offenses listed in clauses (1) through (3) of subsection (a) of this Section and whether the property or property interest is subject to forfeiture pursuant to this Act.

In order to make such a determination, prior to entering any such order, the court shall conduct a hearing without a jury, wherein the People shall establish that there is: (i) probable cause that the person or persons so charged have committed one of the offenses listed in clauses (1) through (3) of subsection (a) of this Section and (ii) probable cause that any property or property interest may be subject to forfeiture pursuant to this Act. Such hearing may be conducted simultaneously with a preliminary hearing, if the prosecution is commenced by information or complaint, or by motion of the People, at any stage in the proceedings. The court may accept a finding of probable cause at a preliminary hearing following the filing of a charge for violating one of the offenses listed in clauses (1) through (3) of subsection (a) of this Section or the return of an indictment by a grand jury charging one of the offenses listed in clauses (1) through (3) of subsection (a) of this Section as sufficient evidence of probable cause as provided in item (i) above.

Upon such a finding, the circuit court shall enter such restraining order, injunction or prohibition, or shall take such other action in connection with any such property or property interest subject to forfeiture under this Act, as is necessary to insure that such property is not removed from the jurisdiction of the court, concealed, destroyed or otherwise disposed of by the owner of that property or property interest prior to a forfeiture hearing under subsection (b) of this Section. The Attorney General or State's Attorney shall file a certified copy of such restraining order, injunction or other prohibition with the recorder of deeds or registrar of titles of each county where any such property of the defendant may be located. No such injunction, restraining order or other prohibition shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor or other lien holder arising prior to the date of such filing.

The court may, at any time, upon verified petition by the defendant, conduct a hearing to release all or portions of any such property or interest which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, or prohibition or other action. The court may release such property to the defendant for good cause shown and within the sound discretion of the court.

- (d) Prosecution under this Act may be commenced by the Attorney General or a State's Attorney.
- (e) Upon an order of forfeiture being entered pursuant to subsection (b) of this Section, the court shall authorize the Attorney General to seize any property or property interest declared forfeited under this Act and under such terms and conditions as the court shall deem proper. Any property or property interest that has been the subject of an entered restraining order, injunction or prohibition or any other action filed under subsection (c) shall be forfeited unless the claimant can show by a preponderance of the evidence that the property or property interest has not been acquired or maintained as a result of a violation of any of the offenses listed in clauses (1) through (3) of subsection (a) of this Section or has not been used to facilitate a violation of any of the offenses listed in clauses (1) through (3) of subsection (a) of this Section.

(f) The Attorney General or his or her designee is authorized to sell all property forfeited and seized pursuant to this Act, unless such property is required by law to be destroyed or is harmful to the public, and, after the deduction of all requisite expenses of administration and sale, shall distribute the proceeds of such sale, along with any moneys forfeited or seized, in accordance with subsection (g).

(g) All monies and the sale proceeds of all other property forfeited and seized pursuant to this Act shall be distributed as follows:

(1) An amount equal to 50% shall be distributed to the unit of local government whose officers or employees conducted the investigation into a violation of any of the offenses listed in clauses (1) through (3) of subsection (a) of this Section and caused the arrest or arrests and prosecution leading to the forfeiture. Amounts distributed to units of local government shall be used for enforcement of laws governing public corruption, or for other law enforcement purposes. In the event, however, that the investigation, arrest or arrests and prosecution leading to the forfeiture were undertaken solely by a State agency, the portion provided hereunder shall be paid into the State Asset Forfeiture Fund in the State treasury to be used by that State agency in accordance with law.

(2) An amount equal to 12.5% shall be distributed to the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in accordance with law.

(3) An amount equal to 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the State Asset Forfeiture Fund, to be used by the Office of the State's Attorneys Appellate Prosecutor for additional expenses incurred in prosecuting appeals arising under this Act. Any amounts remaining in the Fund after all additional expenses have been paid shall be used by the Office to reduce the participating county contributions to the Office on a prorated basis as determined by the board of governors of the Office of the State's Attorneys Appellate Prosecutor based on the populations of the participating counties.

(4) An amount equal to 25% shall be paid into the State Asset Forfeiture Fund in the State treasury to be used by the Department of State Police for the funding of the investigation of public corruption activities. Any amounts remaining in the Fund after full funding of such investigations shall be used by the Department in accordance with law to fund its other enforcement activities.

(h) All monies deposited pursuant to this Act in the State Asset Forfeiture Fund are appropriated, on a continuing basis, to the Department of State Police to be used in the manner set forth in this Section.

Section 2-15. Forfeiture of political contribution. Whenever any person pleads guilty to, or is found guilty of, any offense under subsection (a) of Section 2-10 of this Act, in addition to any other penalty imposed by the court, all contributions (as defined by Section 9-1.4 of the Election Code) or other receipts held at the time of forfeiture by a political committee (as defined by Section 9-1.9 of the Election Code) or an organization subject to Section 9-7.5 of the Election Code, which is controlled by that person shall be paid to the State within 30 days from the date of the entry of the guilty plea or conviction. Payments received by the State pursuant to this Section shall be deposited into the General Revenue Fund.

Section 2-20. Fines.

(a) Whenever any person pleads guilty to or is found guilty of an offense under this Act, a fine may be levied in addition to any other penalty imposed by the court.

(b) In determining whether to impose a fine under this Section and the amount, time for payment, and method of payment of any fine so imposed, the court shall:

(1) consider the defendant's income, regardless of source, the defendant's earning capacity, and the defendant's financial resources, as well as the nature of the burden the fine will impose on the defendant and any person legally or financially dependent upon the defendant;

(2) consider the profit received at trial, or as a result of a plea of guilty, concerning any profits or other proceeds derived by the defendant from the violation of this Act;

(3) take into account any other pertinent equitable considerations; and

(4) give primary consideration to the need to deprive the defendant of illegally obtained profits or other proceeds from the offense.

(c) As a condition of a fine, the court may require that payment be made in specified installments or within a specified period of time, but such period shall not be greater than the maximum applicable term of probation or imprisonment, whichever is greater. Unless otherwise specified, payment of a fine shall be due immediately.

(d) If a fine for a violation of this Act is imposed on an organization, it is the duty of each individual authorized to make disbursements of the assets of the organization to pay the fine from assets of the organization.

(e) (1) A defendant who has been sentenced to pay a fine, and who has paid part but not all of such fine, may petition the court for an extension of the time for payment or modification of the

method of payment.

(2) The court may grant a petition made pursuant to this subsection if it finds that:

- (i) the circumstances that warranted payment by the time or method specified no longer exist; or
- (ii) it is otherwise unjust to require payment of the fine by the time or method specified.

Section 2-25. Distribution of proceeds of fines.

(a) The proceeds of all fines received under the provisions of this Act shall be transmitted to and deposited in the treasurer's office at the level of government as follows:

(1) If the seizure was made by a combination of law enforcement personnel representing differing units of local government, the court levying the fine shall equitably allocate 50% of the fine among these units of local government and shall allocate 50% to the county general corporate fund. In the event that the seizure was made by law enforcement personnel representing a unit of local government from a municipality where the number of inhabitants exceeds 2 million, the court levying the fine shall allocate 100% of the fine to that unit of local government. If the seizure was made by a combination of law enforcement personnel representing differing units of local government, and at least one of those units represents a municipality where the number of inhabitants exceeds 2 million, the court shall equitably allocate 100% of the proceeds of the fines received among the differing units of local government.

(2) If such seizure was made by State law enforcement personnel, then the court shall allocate 50% to the State treasury and 50% to the county general corporate fund.

(3) If a State law enforcement agency in combination with a law enforcement agency or agencies of a unit or units of local government conducted the seizure, the court shall equitably allocate 50% of the fines to or among the law enforcement agency or agencies of the unit or units of local government which conducted the seizure and shall allocate 50% to the county general corporate fund.

(b) The proceeds of all fines allocated to the law enforcement agency or agencies of the unit or units of local government pursuant to subsection (a) shall be made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating public corruption and other laws. The proceeds of fines awarded to the State treasury shall be deposited in the State Asset Forfeiture Fund. Monies from this Fund may be used by the Department of State Police in the enforcement of laws regulating public corruption and other laws; and all other monies shall be paid into the General Revenue Fund in the State treasury.

Section 2-30. Preventing and restraining violations.

(a) The circuit courts of the State shall have jurisdiction to prevent and restrain violations of this Act by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investment of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect business in the State of Illinois; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) The Attorney General or the State's Attorney may institute proceedings under this Section. In any action brought by the State of Illinois under this Section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending that determination, the court may at any time enter such temporary restraining orders, preliminary or permanent injunctions, or prohibitions, or take such other actions including the acceptance of satisfactory performance bonds by a defendant, as it shall deem proper.

(c) Any person directly injured in his business, person or property by reason of a violation of this Act may sue the violator therefor in any appropriate circuit court and shall recover threefold the damages he or she sustains and the cost of the action, including a reasonable attorney's fee.

(d) A final judgment entered in favor of the People of the State of Illinois in any criminal proceeding brought under this Act shall estop the defendant in the criminal case from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought under this Act.

Section 2-35. Venue. Any civil action or proceeding under this Act against any person may be

instituted in the circuit court for any county in which such person resides, is found, has an agent, transacts his or her affairs, or in which property that is the subject of these proceedings is located.

Section 2-40. Intent. It is the intent of the General Assembly that this Act be liberally construed so as to effect the purposes of this Act and be construed in accordance with similar provisions contained in the Narcotics Profit Forfeiture Act.

Section 2-45. Severability. If any provision of this Act or the application thereof to any person or circumstance is invalid, such invalidation shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 2-50. The Election Code is amended by changing Section 9-8.10 as follows:
(10 ILCS 5/9-8.10)

Sec. 9-8.10. Use of political committee and other reporting organization funds.

(a) A political committee, or organization subject to Section 9-7.5, shall not make expenditures:

- (1) In violation of any law of the United States or of this State.
- (2) Clearly in excess of the fair market value of the services, materials, facilities, or other things of value received in exchange.
- (3) For satisfaction or repayment of any debts other than loans made to the committee or to the public official or candidate on behalf of the committee or repayment of goods and services purchased by the committee under a credit agreement. Nothing in this Section authorizes the use of campaign funds to repay personal loans. The repayments shall be made by check written to the person who made the loan or credit agreement. The terms and conditions of any loan or credit agreement to a committee shall be set forth in a written agreement, including but not limited to the method and amount of repayment, that shall be executed by the chairman or treasurer of the committee at the time of the loan or credit agreement. The loan or agreement shall also set forth the rate of interest for the loan, if any, which may not substantially exceed the prevailing market interest rate at the time the agreement is executed.
- (4) For the satisfaction or repayment of any debts or for the payment of any expenses relating to a personal residence. Campaign funds may not be used as collateral for home mortgages.
- (5) For clothing or personal laundry expenses, except clothing items rented by the public official or candidate for his or her own use exclusively for a specific campaign-related event, provided that committees may purchase costumes, novelty items, or other accessories worn primarily to advertise the candidacy.
- (6) For the travel expenses of any person unless the travel is necessary for fulfillment of political, governmental, or public policy duties, activities, or purposes.
- (7) For membership or club dues charged by organizations, clubs, or facilities that are primarily engaged in providing health, exercise, or recreational services; provided, however, that funds received under this Article may be used to rent the clubs or facilities for a specific campaign-related event.
- (8) In payment for anything of value or for reimbursement of any expenditure for which any person has been reimbursed by the State or any person. For purposes of this item (8), a per diem allowance is not a reimbursement.
- (9) For the purchase of or installment payment for a motor vehicle unless the political committee can demonstrate that purchase of a motor vehicle is more cost-effective than leasing a motor vehicle as permitted under this item (9). A political committee may lease or purchase and insure, maintain, and repair a motor vehicle if the vehicle will be used primarily for campaign purposes or for the performance of governmental duties. A committee shall not make expenditures for use of the vehicle for non-campaign or non-governmental purposes. Persons using vehicles not purchased or leased by a political committee may be reimbursed for actual mileage for the use of the vehicle for campaign purposes or for the performance of governmental duties. The mileage reimbursements shall be made at a rate not to exceed the standard mileage rate method for computation of business expenses under the Internal Revenue Code.
- (10) Directly for an individual's tuition or other educational expenses, except for governmental or political purposes directly related to a candidate's or public official's duties and responsibilities.
- (11) For payments to a public official or candidate or his or her family member unless for compensation for services actually rendered by that person. The provisions of this item (11) do not

[May 22, 2009]

apply to expenditures by a political committee in an aggregate amount not exceeding the amount of funds reported to and certified by the State Board or county clerk as available as of June 30, 1998, in the semi-annual report of contributions and expenditures filed by the political committee for the period concluding June 30, 1998.

(b) The Board shall have the authority to investigate, upon receipt of a verified complaint, violations of the provisions of this Section. The Board may levy a fine on any person who knowingly makes expenditures in violation of this Section and on any person who knowingly makes a malicious and false accusation of a violation of this Section. The Board may act under this subsection only upon the affirmative vote of at least 5 of its members. The fine shall not exceed \$500 for each expenditure of \$500 or less and shall not exceed the amount of the expenditure plus \$500 for each expenditure greater than \$500. The Board shall also have the authority to render rulings and issue opinions relating to compliance with this Section.

(c) Nothing in this Section prohibits the expenditure of funds of (i) a political committee controlled by an officeholder or by a candidate or (ii) an organization subject to Section 9-7.5 to defray the customary and reasonable expenses of an officeholder in connection with the performance of governmental and public service functions.

(d) Nothing in this Section prohibits the funds of a political committee, or an organization subject to Section 9-7.5, which is controlled by a person convicted of a violation of any of the offenses listed in subsection (a) of Section 10 of the Public Corruption Profit Forfeiture Act from being forfeited to the State under Section 15 of the Public Corruption Profit Forfeiture Act.

(Source: P.A. 93-615, eff. 11-19-03; 93-685, eff. 7-8-04)."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 10 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Kotowski, **Senate Bill No. 1013**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Kotowski	Raoul
Bivins	Forby	Lauzen	Risinger
Bomke	Frerichs	Lightford	Rutherford
Bond	Garrett	Link	Sandoval
Brady	Haine	Luechtefeld	Schoenberg
Burzynski	Harmon	Maloney	Silverstein
Clayborne	Hendon	Martinez	Steans
Collins	Holmes	McCarter	Sullivan
Cronin	Hultgren	Meeks	Syverson
Crotty	Hunter	Millner	Trotter
Dahl	Hutchinson	Muñoz	Viverito
DeLeo	Jacobs	Murphy	Wilhelmi
Delgado	Jones, E.	Noland	Mr. President
Demuzio	Jones, J.	Pankau	
Dillard	Koehler	Radogno	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

[May 22, 2009]

SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 744** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was postponed in the Committee on Gaming.

Senate Floor Amendment Nos. 2, 3 and 4 were withdrawn by the sponsor.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 5 TO SENATE BILL 744

AMENDMENT NO. 5. Amend Senate Bill 744 by replacing everything after the enacting clause with the following:

"ARTICLE 1.

Section 1-1. Short title. This Article may be cited as the Chicago Casino Development Authority Act.

Section 1-5. Definitions. As used in this Act:

"Authority" means the Chicago Casino Development Authority created by this Act.

"Board" means the board appointed pursuant to this Act to govern and control the Authority.

"Casino" means one temporary land-based facility and a permanent land-based facility, at each of which lawful gambling is authorized and licensed as provided in the Illinois Gambling Act.

"City" means the City of Chicago.

"Casino operator licensee" means any person or entity selected by the Authority and approved and licensed by the Gaming Board to manage and operate a casino within the City of Chicago pursuant to a casino management contract.

"Casino management contract" means a legally binding agreement between the Authority and a casino operator licensee to operate or manage a casino.

"Executive director" means the person appointed by the Board to oversee the daily operations of the Authority.

"Gaming Board" means the Illinois Gaming Board created by the Illinois Gambling Act.

"Mayor" means the Mayor of the City.

Section 1-12. Creation of the Authority. After the 5 members of the Illinois Gaming Board are appointed and qualified pursuant to this amendatory Act of the 96th General Assembly, there is hereby created a political subdivision, unit of local government with only the powers authorized by law, body politic, and municipal corporation, by the name and style of the Chicago Casino Development Authority.

Section 1-13. Duties of the Authority. It shall be the duty of the Authority, as a casino licensee under the Illinois Gambling Act, to promote, operate, and maintain a casino in the City. The Authority shall construct, equip, and maintain grounds, buildings, and facilities for that purpose. The Authority has the right to contract with a casino operator licensee and other third parties in order to fulfill its purpose. If the Authority does not contract with a casino operator licensee, then the Authority is responsible for the payment of any fees required of a casino operator under subsection (a) of Section 7.8 of the Illinois Gambling Act. The Authority is granted all rights and powers necessary to perform such duties.

Section 1-15. Board.

(a) The governing and administrative powers of the Authority shall be vested in a body known as the Chicago Casino Development Board. The Board shall consist of 3 members appointed by the Mayor. All appointees shall be subject to background investigation and approval by the Gaming Board. One of these members shall be designated by the Mayor to serve as chairperson. All of the members appointed by the Mayor shall be residents of the City.

(b) Board members shall receive \$300 for each day the Authority meets and shall be entitled to reimbursement of reasonable expenses incurred in the performance of their official duties. A Board member who serves in the office of secretary-treasurer may also receive compensation for services provided as that officer.

Section 1-20. Terms of appointments; resignation and removal.

(a) The Mayor shall appoint one member of the Board for an initial term expiring July 1 of the year

[May 22, 2009]

following approval by the Gaming Board, one member for an initial term expiring July 1 three years following approval by the Gaming Board, and one member for an initial term expiring July 1 five years following approval by the Gaming Board.

(b) All successors shall hold office for a term of 5 years from the first day of July of the year in which they are appointed, except in the case of an appointment to fill a vacancy. Each member, including the chairperson, shall hold office until the expiration of his or her term and until his or her successor is appointed and qualified. Nothing shall preclude a member from serving consecutive terms. Any member may resign from office, to take effect when a successor has been appointed and qualified. A vacancy in office shall occur in the case of a member's death or indictment, conviction, or plea of guilty to a felony. A vacancy shall be filled for the unexpired term by the Mayor with the approval of the Gaming Board.

(c) The Mayor or the Gaming Board may remove any member of the Board upon a finding of incompetence, neglect of duty, or misfeasance or malfeasance in office or for a violation of this Act. The Gaming Board may remove any member of the Board for any violation of the Illinois Gambling Act or the rules and regulations of the Gaming Board.

Section 1-25. Organization of Board; meetings. After appointment by the Mayor and approval of the Gaming Board, the Board shall organize for the transaction of business. The Board shall prescribe the time and place for meetings, the manner in which special meetings may be called, and the notice that must be given to members. All actions and meetings of the Board shall be subject to the provisions of the Open Meetings Act. Two members of the Board shall constitute a quorum. All substantive action of the Board shall be by resolution with an affirmative vote of a majority of the members.

Section 1-30. Executive director; officers.

(a) The Board shall appoint an executive director, subject to completion of a background investigation and approval by the Gaming Board, who shall be the chief executive officer of the Authority. The Board shall fix the compensation of the executive director. Subject to the general control of the Board, the executive director shall be responsible for the management of the business, properties, and employees of the Authority. The executive director shall direct the enforcement of all resolutions, rules, and regulations of the Board, and shall perform such other duties as may be prescribed from time to time by the Board. All employees and independent contractors, consultants, engineers, architects, accountants, attorneys, financial experts, construction experts and personnel, superintendents, managers, and other personnel appointed or employed pursuant to this Act shall report to the executive director. In addition to any other duties set forth in this Act, the executive director shall do all of the following:

- (1) Direct and supervise the administrative affairs and activities of the Authority in accordance with its rules, regulations, and policies.
- (2) Attend meetings of the Board.
- (3) Keep minutes of all proceedings of the Board.
- (4) Approve all accounts for salaries, per diem payments, and allowable expenses of the Board and its employees and consultants.
- (5) Report and make recommendations to the Board concerning the terms and conditions of any casino management contract.
- (6) Perform any other duty that the Board requires for carrying out the provisions of this Act.
- (7) Devote his or her full time to the duties of the office and not hold any other office or employment.

(b) The Board may select a secretary-treasurer to hold office at the pleasure of the Board. The Board shall fix the duties of such officer.

Section 1-31. General rights and powers of the Authority. In addition to the duties and powers set forth in this Act, the Authority shall have the following rights and powers:

- (1) Adopt and alter an official seal.
- (2) Establish and change its fiscal year.
- (3) Sue and be sued, plead and be impleaded, all in its own name, and agree to binding arbitration of any dispute to which it is a party.
- (4) Adopt, amend, and repeal by-laws, rules, and regulations consistent with the furtherance of the powers and duties provided for.
- (5) Maintain its principal office within the City and such other offices as the Board may designate.
- (6) Select locations in the City for a temporary and a permanent casino, subject to

final approval by the Gaming Board.

(7) Conduct background investigations of potential casino operator licensees, including its principals or shareholders, and Authority staff.

(8) Employ, either as regular employees or independent contractors, consultants, engineers, architects, accountants, attorneys, financial experts, construction experts and personnel, superintendents, managers and other professional personnel, and such other personnel as may be necessary in the judgment of the Board, and fix their compensation.

(9) Own, acquire, construct, equip, lease, operate, and maintain grounds, buildings, and facilities to carry out its corporate purposes and duties.

(10) Enter into, revoke, and modify contracts in accordance with the rules of the Gaming Board.

(11) Enter into a casino management contract subject to the final approval of the Gaming Board.

(12) Develop, or cause to be developed by a third party, a master plan for the design, planning, and development of a casino.

(13) Negotiate and enter into intergovernmental agreements with the State and its agencies, the City, and other units of local government, in furtherance of the powers and duties of the Board. However, the Authority may not enter into an agreement with the State Police.

(14) Receive and disburse funds for its own corporate purposes or as otherwise specified in this Act.

(15) Borrow money from any source, public or private, for any corporate purpose, including, without limitation, working capital for its operations, reserve funds, or payment of interest, and to mortgage, pledge, or otherwise encumber the property or funds of the Authority and to contract with or engage the services of any person in connection with any financing, including financial institutions, issuers of letters of credit, or insurers and enter into reimbursement agreements with this person or entity which may be secured as if money were borrowed from the person or entity.

(16) Issue bonds as provided for under this Act.

(17) Receive and accept from any source, private or public, contributions, gifts, or grants of money or property to the Authority.

(18) Provide for the insurance of any property, operations, officers, members, agents, or employees of the Authority against any risk or hazard, to self-insure or participate in joint self-insurance pools or entities to insure against such risk or hazard, and to provide for the indemnification of its officers, members, employees, contractors, or agents against any and all risks.

(19) Exercise all the corporate powers granted Illinois corporations under the Business Corporation Act of 1983, except to the extent that powers are inconsistent with those of a body politic and corporate of the State.

(20) Do all things necessary or convenient to carry out the powers granted by this Act.

Section 1-32. Ethical Conduct.

(a) Board members and employees of the Authority must carry out their duties and responsibilities in such a manner as to promote and preserve public trust and confidence in the integrity and conduct of gaming.

(b) Except as may be required in the conduct of official duties, Board members and employees of the Authority shall not engage in gambling on any riverboat, in any casino, or in an electronic gaming facility licensed by the Illinois Gaming Board or engage in legalized gambling in any establishment identified by Board action that, in the judgment of the Board, could represent a potential for a conflict of interest.

(c) A Board member or employee of the Authority shall not use or attempt to use his or her official position to secure or attempt to secure any privilege, advantage, favor, or influence for himself or herself or others.

(d) Board members and employees of the Authority shall not hold or pursue employment, office, position, business, or occupation that may conflict with his or her official duties. Employees may engage in other gainful employment so long as that employment does not interfere or conflict with their duties. Such employment must be disclosed to the Executive Director and approved by the Board.

(e) Board members and employees of the Authority may not engage in employment, communications, or any activity that may be deemed a conflict of interest. This prohibition shall extend to any act identified by Board action or Gaming Board action that, in the judgment of either entity, could represent the potential for or the appearance of a conflict of interest.

(f) Board members and employees of the Authority may not have a financial interest, directly or

indirectly, in his or her own name or in the name of any other person, partnership, association, trust, corporation, or other entity in any contract or subcontract for the performance of any work for the Authority. This prohibition shall extend to the holding or acquisition of an interest in any entity identified by Board action or Gaming Board action that, in the judgment of either entity, could represent the potential for or the appearance of a financial interest. The holding or acquisition of an interest in such entities through an indirect means, such as through a mutual fund, shall not be prohibited, except that the Gaming Board may identify specific investments or funds that, in its judgment, are so influenced by gaming holdings as to represent the potential for or the appearance of a conflict of interest.

(g) Board members and employees of the Authority may not accept any gift, gratuity, service, compensation, travel, lodging, or thing of value, with the exception of unsolicited items of an incidental nature, from any person, corporation, or entity doing business with the Authority.

(h) No Board member or employee of the Authority may, within a period of 2 years immediately after termination of employment, knowingly accept employment or receive compensation or fees for services from a person or entity, or its parent or affiliate, that has engaged in business with the Authority that resulted in contracts with an aggregate value of at least \$25,000 or if that Board member or employee has made a decision that directly applied to the person or entity, or its parent or affiliate.

(i) A spouse, child, or parent of a Board member or employee of the Authority may not have a financial interest, directly or indirectly, in his or her own name or in the name of any other person, partnership, association, trust, corporation, or other entity in any contract or subcontract for the performance of any work for the Authority. This prohibition shall extend to the holding or acquisition of an interest in any entity identified by Board action or Gaming Board action that, in the judgment of either entity, could represent the potential for or the appearance of a conflict of interest. The holding or acquisition of an interest in such entities through an indirect means, such as through a mutual fund, shall not be prohibited, except that the Gaming Board may identify specific investments or funds that, in its judgment, are so influenced by gaming holdings as to represent the potential for or the appearance of a conflict of interest.

(j) A spouse, child, or parent of a Board member or employee of the Authority may not accept any gift, gratuity, service, compensation, travel, lodging, or thing of value, with the exception of unsolicited items of an incidental nature, from any person, corporation, or entity doing business with the Authority.

(k) A spouse, child, or parent of a Board member or employee of the Authority may not, within a period of 2 years immediately after termination of employment, knowingly accept employment or receive compensation or fees for services from a person or entity, or its parent or affiliate, that has engaged in business with the Authority that resulted in contracts with an aggregate value of at least \$25,000 or if that Board member or employee has made a decision that directly applied to the person or entity, or its parent or affiliate.

(l) No Board member or employee of the Authority may attempt, in any way, to influence any person or corporation doing business with the Authority or any officer, agent, or employee thereof to hire or contract with any person or corporation for any compensated work.

(m) Any communication between an elected official of the City and any applicant for or party to a casino management contract with the Authority, or an officer, director, or employee thereof, concerning any manner relating in any way to gaming or the Authority shall be disclosed to the Board and the Gaming Board. Such disclosure shall be in writing by the official within 30 days of the communication and shall be filed with the Board. Disclosure must consist of the date of the communication, the identity and job title of the person with whom the communication was made, a brief summary of the communication, the action requested or recommended, all responses made, the identity and job title of the person making the response, and any other pertinent information.

The written disclosure provided to the Board and Gaming Board shall be privileged and maintained strictly confidential and shall be exempt from public disclosure under the Freedom of Information Act.

Public disclosure of the written summary provided to the Board and the Gaming Board shall be subject to the exemptions provided under Section 7 of the Freedom of Information Act.

(n) Any Board member or employee of the Authority who violates any provision of this Section is guilty of a Class 4 felony.

Section 1-45. Casino management contracts.

(a) The Board shall develop and administer a competitive sealed bidding process for the selection of a potential casino operator licensee to develop or operate a casino within the City. The Board shall issue one or more requests for proposals. The Board may establish minimum financial and investment requirements to determine the eligibility of persons to respond to the Board's requests for proposal, and may establish and consider such other criteria as it deems appropriate. The Board may impose a fee upon

persons who respond to requests for proposal, in order to reimburse the Board for its costs in preparing and issuing the requests and reviewing the proposals.

(b) Within 5 days after the time limit for submitting bids and proposals has passed, the Board shall make all bids and proposals public, provided, however, the Board shall not be required to disclose any information which would be exempt from disclosure under Section 7 of the Freedom of Information Act. Thereafter, the Board shall evaluate the responses to its requests for proposal and the ability of all persons or entities responding to its request for proposal to meet the requirements of this Act and to undertake and perform the obligations set forth in its requests for proposal.

(c) After reviewing proposals and subject to Gaming Board approval, the Board shall enter into a casino management contract authorizing the development, construction, or operation of a casino. Validity of the casino management contract is contingent upon the issuance of a casino operator license to the successful bidder. If the Gaming Board approves the contract and grants a casino operator license, the Board shall transmit a copy of the executed casino management contract to the Gaming Board.

(d) After the Authority has been issued a casino license, the Gaming Board has issued a casino operator license, and the Gaming Board has approved the location of a temporary facility, the Authority may conduct gaming operations at a temporary facility for no longer than 24 months after gaming operations begin. The Gaming Board may, after holding a public hearing, grant an extension so long as a permanent facility is not operational and the Authority is working in good faith to complete the permanent facility. The Gaming Board may grant additional extensions following a public hearing. Each extension may be for a period of no longer than 6 months.

Section 1-50. Transfer of funds. The revenues received by the Authority (other than amounts required to be paid pursuant to the Illinois Gambling Act and amounts required to pay the operating expenses of the Authority, to pay amounts due the casino operator licensee pursuant to a casino management contract, to repay any borrowing of the Authority made pursuant to Section 1-31, to pay debt service on any bonds issued under Section 1-75, and to pay any expenses in connection with the issuance of such bonds pursuant to Section 1-75 or derivative products pursuant to Section 1-85) shall be transferred to the City by the Authority.

Section 1-55. Municipal distributions of proceeds from a casino; gaming endowment funds. At least 70% of the moneys that a municipality in which a casino is located receives pursuant to Section 1-50 of this Act shall be described as "gaming endowment funds" and be expended or obligated by the municipality for the following purposes and in the following amounts:

(1) 40% of such gaming endowment funds shall be used for or pledged for the construction and maintenance of infrastructure within the municipality, including but not limited to roads, bridges, transit infrastructure, and municipal facilities.

(2) 60% of such gaming endowment funds shall be used for or pledged for the construction and maintenance of schools, parks and cultural institution facilities, and museums within the municipality.

Section 1-60. Auditor General.

(a) Prior to the issuance of bonds under this Act, the Authority shall submit to the Auditor General a certification that:

(1) it is legally authorized to issue bonds;

(2) scheduled annual payments of principal and interest on the bonds to be issued meet the requirements of Section 1-75 of this Act;

(3) no bond shall mature later than 30 years; and

(4) after payment of costs of issuance and necessary deposits to funds and accounts

established with respect to debt service on the bonds, the net bond proceeds (exclusive of any proceeds to be used to refund outstanding bonds) will be used only for the purposes set forth in this Act.

The Auditor General has the authority and is required to, every 2 years, (1) review the financial audit of the Authority performed by the Authority's certified public accountants and (2) perform a management audit of the Authority. The Auditor General shall submit a bill to the Authority for costs associated with the review and audit required under this Section, which costs shall not exceed \$100,000. The Authority shall reimburse the Auditor General for such costs in a timely manner. The Auditor General shall post its audits on his or her website.

Section 1-62. Advisory committee. An Advisory Committee is established to monitor, review, and report on (1) the Authority's utilization of minority-owned business enterprises and female-owned business enterprises, (2) employment of females, and (3) employment of minorities with regard to the development and construction of the casino as authorized under Section 7 of the Illinois Gambling Act. The Authority shall work with the Advisory Committee in accumulating necessary information for the Committee to submit reports, as necessary, to the General Assembly and to the City of Chicago.

The Committee shall consist of 15 members as provided in this Section. Seven members shall be selected by the Mayor of the City of Chicago; 2 members shall be selected by the President of the Illinois Senate; 2 members shall be selected by the Speaker of the House of Representatives; 2 members shall be selected by the Minority Leader of the Senate; and 2 members shall be selected by the Minority Leader of the House of Representatives. The Advisory Committee shall meet periodically and shall report the information to the Mayor of the City and to the General Assembly by December 31st of every year.

The Advisory Committee shall be dissolved on the date that casino gambling operations are first conducted under the license authorized under Section 7 of the Illinois Gambling Act, other than at a temporary facility.

For the purposes of this Section, the terms "female" and "minority person" have the meanings provided in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

Section 1-65. Acquisition of property; eminent domain proceedings. For the lawful purposes of this Act, the City may acquire by eminent domain or by condemnation proceedings in the manner provided by the Eminent Domain Act, real or personal property or interests in real or personal property located in the City, and the City may convey to the Authority property so acquired. The acquisition of property under this Section is declared to be for a public use.

Section 1-70. Local regulation. The casino facilities and operations therein shall be subject to all ordinances and regulations of the City. The construction, development, and operation of the casino shall comply with all ordinances, regulations, rules, and controls of the City, including but not limited to those relating to zoning and planned development, building, fire prevention, and land use. However, the regulation of gaming operations is subject to the exclusive jurisdiction of the Gaming Board.

Section 1-75. Borrowing.

(a) The Authority may borrow money and issue bonds as provided in this Section. Bonds of the Authority may be issued to provide funds for land acquisition, site assembly and preparation, and the design and construction of the casino, as defined in the Illinois Gambling Act, all ancillary and related facilities comprising the casino complex, and all on-site and off-site infrastructure improvements required in connection with the development of the casino; to refund (at the time or in advance of any maturity or redemption) or redeem any bonds of the Authority; to provide or increase a debt service reserve fund or other reserves with respect to any or all of its bonds; or to pay the legal, financial, administrative, bond insurance, credit enhancement, and other legal expenses of the authorization, issuance, or delivery of bonds. In this Act, the term "bonds" also includes notes of any kind, interim certificates, refunding bonds, or any other evidence of obligation for borrowed money issued under this Section. Bonds may be issued in one or more series and may be payable and secured either on a parity with or separately from other bonds.

(b) The bonds of the Authority shall be payable from one or more of the following sources: (i) the property or revenues of the Authority; (ii) revenues derived from the casino; (iii) revenues derived from any casino operator licensee; (iv) fees, bid proceeds, charges, lease payments, payments required pursuant to any casino management contract or other revenues payable to the Authority, or any receipts of the Authority; (v) payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements; (vi) investment earnings from funds or accounts maintained pursuant to a bond resolution or trust indenture; (vii) proceeds of refunding bonds; (viii) any other revenues derived from or payments by the City; and (ix) any payments by any casino operator licensee or others pursuant to any guaranty agreement.

(c) Bonds shall be authorized by a resolution of the Authority and may be secured by a trust indenture by and between the Authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State. Bonds shall meet the following requirements:

(1) Bonds shall bear interest at a rate not to exceed the maximum rate authorized by

the Bond Authorization Act.

(2) Bonds issued pursuant to this Section may be payable on such dates and times as may be provided for by the resolution or indenture authorizing the issuance of such bonds; provided, however, that such bonds shall mature no later than 30 years from the date of issuance.

(3) At least 25%, based on total principal amount, of all bonds issued pursuant to this Section shall be sold pursuant to notice of sale and public bid. No more than 75%, based on total principal amount, of all bonds issued pursuant to this Section shall be sold by negotiated sale.

(4) Bonds shall be payable at a time or times, in the denominations and form, including book entry form, either coupon, registered, or both, and carry the registration and privileges as to exchange, transfer or conversion, and replacement of mutilated, lost, or destroyed bonds as the resolution or trust indenture may provide.

(5) Bonds shall be payable in lawful money of the United States at a designated place.

(6) Bonds shall be subject to the terms of purchase, payment, redemption, refunding, or refinancing that the resolution or trust indenture provides.

(7) Bonds shall be executed by the manual or facsimile signatures of the officers of the Authority designated by the Board, which signatures shall be valid at delivery even for one who has ceased to hold office.

(8) Bonds shall be sold at public or private sale in the manner and upon the terms determined by the Authority.

(9) Bonds shall be issued in accordance with the provisions of the Local Government Debt Reform Act.

(d) The Authority shall adopt a procurement program with respect to contracts relating to underwriters, bond counsel, financial advisors, and accountants. The program shall include goals for the payment of not less than 30% of the total dollar value of the fees from these contracts to minority owned businesses and female owned businesses as defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. The Authority shall conduct outreach to minority owned businesses and female owned businesses. Outreach shall include, but is not limited to, advertisements in periodicals and newspapers, mailings, and other appropriate media. The Authority shall submit to the General Assembly a comprehensive report that shall include, at a minimum, the details of the procurement plan, outreach efforts, and the results of the efforts to achieve goals for the payment of fees.

(e) Subject to the Illinois Gambling Act and rules of the Gaming Board regarding pledging of interests in holders of owners licenses, any resolution or trust indenture may contain provisions that may be a part of the contract with the holders of the bonds as to the following:

(1) Pledging, assigning, or directing the use, investment, or disposition of revenues of the Authority or proceeds or benefits of any contract, including without limitation, any rights in any casino management contract.

(2) The setting aside of loan funding deposits, debt service reserves, replacement or operating reserves, cost of issuance accounts and sinking funds, and the regulation, investment, and disposition thereof.

(3) Limitations on the purposes to which or the investments in which the proceeds of sale of any issue of bonds or the Authority's revenues and receipts may be applied or made.

(4) Limitations on the issue of additional bonds, the terms upon which additional bonds may be issued and secured, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds.

(5) The refunding, advance refunding, or refinancing of outstanding bonds.

(6) The procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds and holders of which must consent thereto and the manner in which consent shall be given.

(7) Defining the acts or omissions which shall constitute a default in the duties of the Authority to holders of bonds and providing the rights or remedies of such holders in the event of a default, which may include provisions restricting individual rights of action by bondholders.

(8) Providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of bondholders.

(f) No member of the Board, nor any person executing the bonds, shall be liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

(g) The Authority may issue and secure bonds in accordance with the provisions of the Local Government Credit Enhancement Act.

(h) A pledge by the Authority of revenues and receipts as security for an issue of bonds or for the performance of its obligations under any casino management contract shall be valid and binding from

[May 22, 2009]

the time when the pledge is made. The revenues and receipts pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract, or otherwise against the Authority, irrespective of whether the person has notice. No resolution, trust indenture, management agreement or financing statement, continuation statement, or other instrument adopted or entered into by the Authority need be filed or recorded in any public record other than the records of the Authority in order to perfect the lien against third persons, regardless of any contrary provision of law.

(i) Bonds that are being paid or retired by issuance, sale, or delivery of bonds, and bonds for which sufficient funds have been deposited with the paying agent or trustee to provide for payment of principal and interest thereon, and any redemption premium, as provided in the authorizing resolution, shall not be considered outstanding for the purposes of this subsection.

(j) The bonds of the Authority shall not be indebtedness of the State. The bonds of the Authority are not general obligations of the State and are not secured by a pledge of the full faith and credit of the State and the holders of bonds of the Authority may not require, except as provided in this Act, the application of State revenues or funds to the payment of bonds of the Authority.

(k) The State of Illinois pledges and agrees with the owners of the bonds that it will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the owners or in any way impair the rights and remedies of the owners until the bonds, together with interest on them, and all costs and expenses in connection with any action or proceedings by or on behalf of the owners, are fully met and discharged. The Authority is authorized to include this pledge and agreement in any contract with the owners of bonds issued under this Section.

(l) No person holding an elective office in this State, holding a seat in the General Assembly, or serving as a board member, trustee, officer, or employee of the Authority, including the spouse of that person, may receive a legal, banking, consulting, or other fee related to the issuance of bonds.

Section 1-85. Derivative products. With respect to all or part of any issue of its bonds, the Authority may enter into agreements or contracts with any necessary or appropriate person, which will have the benefit of providing to the Authority an interest rate basis, cash flow basis, or other basis different from that provided in the bonds for the payment of interest. Such agreements or contracts may include, without limitation, agreements or contracts commonly known as "interest rate swap agreements", "forward payment conversion agreements", "futures", "options", "puts", or "calls" and agreements or contracts providing for payments based on levels of or changes in interest rates, agreements or contracts to exchange cash flows or a series of payments, or to hedge payment, rate spread, or similar exposure.

Section 1-90. Legality for investment. The State of Illinois, all governmental entities, all public officers, banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds issued under this Act. However, nothing in this Section shall be construed as relieving any person, firm, or corporation from any duty of exercising reasonable care in selecting securities for purchase or investment.

Section 1-95. Tax exemption. The Authority and all of its operations and property used for public purposes shall be exempt from all taxation of any kind imposed by the State of Illinois or any political subdivision, school district, municipal corporation, or unit of local government of the State of Illinois. However, nothing in this Act prohibits the imposition of any other taxes where such imposition is not prohibited by Section 21 of the Illinois Gambling Act.

Section 1-105. Budgets and reporting.

(a) The Board shall annually adopt a budget for each fiscal year. The budget may be modified from time to time in the same manner and upon the same vote as it may be adopted. The budget shall include the Authority's available funds and estimated revenues and shall provide for payment of its obligations and estimated expenditures for the fiscal year, including, without limitation, expenditures for administration, operation, maintenance and repairs, debt service, and deposits into reserve and other funds and capital projects.

(b) The Board shall annually cause the finances of the Authority to be audited by a firm of certified public accountants selected by the Board in accordance with the rules of the Gaming Board and post the firm's audits of the Authority on the Authority's Internet website.

[May 22, 2009]

(c) The Board shall, for each fiscal year, prepare an annual report setting forth information concerning its activities in the fiscal year and the status of the development of the casino. The annual report shall include the audited financial statements of the Authority for the fiscal year, the budget for the succeeding fiscal year, and the current capital plan as of the date of the report. Copies of the annual report shall be made available to persons who request them and shall be submitted not later than 120 days after the end of the Authority's fiscal year or, if the audit of the Authority's financial statements is not completed within 120 days after the end of the Authority's fiscal year, as soon as practical after completion of the audit, to the Governor, the Mayor, the General Assembly, and the Commission on Government Forecasting and Accountability.

Section 1-110. Deposit and withdrawal of funds.

(a) All funds deposited by the Authority in any bank or savings and loan association shall be placed in the name of the Authority and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by 2 officers or employees designated by the Board. Notwithstanding any other provision of this Section, the Board may designate any of its members or any officer or employee of the Authority to authorize the wire transfer of funds deposited by the secretary-treasurer of funds in a bank or savings and loan association for the payment of payroll and employee benefits-related expenses.

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

(b) If any officer or employee whose signature appears upon any check or draft issued pursuant to this Act ceases (after attaching his signature) to hold his or her office before the delivery of such a check or draft to the payee, his or her signature shall nevertheless be valid and sufficient for all purposes with the same effect as if he or she had remained in office until delivery thereof.

Section 1-112. Contracts with the Authority or casino operator licensee; disclosure requirements.

(a) A bidder, respondent, offeror, or contractor for contracts with the Authority or casino operator licensee shall disclose the identity of all officers and directors and every owner, beneficiary, or person with beneficial interest of more than 1% or shareholder entitled to receive more than 1% of the total distributable income of any corporation having any interest in the contract or in the bidder, respondent, offeror, or contractor. The disclosure shall be in writing and attested to by an owner, trustee, corporate official, or agent. If stock in a corporation is publicly traded and there is no readily known individual having greater than a 1% interest, then a statement to that effect attested to by an officer or agent of the corporation shall fulfill the disclosure statement requirement of this Section. A bidder, respondent, offeror, or contractor shall notify the Authority of any changes in officers, directors, ownership, or individuals having a beneficial interest of more than 1%.

(b) A bidder, respondent, offeror, or contractor for contracts with an annual value of \$10,000 or for a period to exceed one year shall disclose all political contributions of the bidder, respondent, offeror, or contractor and any affiliated person or entity. Disclosure shall include at least the names and addresses of the contributors and the dollar amounts of any contributions to any political committee made within the previous 2 years. The disclosure must be submitted to the Gaming Board with a copy of the contract.

(c) As used in this Section:

"Contribution" means contribution as defined in Section 9-1.4 of the Election Code.

"Affiliated person" means (i) any person with any ownership interest or distributive share of the bidding, responding, or contracting entity in excess of 1%, (ii) executive employees of the bidding, responding, or contracting entity, and (iii) the spouse and minor children of any such persons.

"Affiliated entity" means (i) any parent or subsidiary of the bidding or contracting entity, (ii) any member of the same unitary business group, or (iii) any political committee for which the bidding, responding, or contracting entity is the sponsoring entity.

(d) The Gaming Board may direct the Authority or a casino operator licensee to void a contract if a violation of this Section occurs. The Authority may direct a casino operator licensee to void a contract if a violation of this Section occurs.

Section 1-115. Purchasing.

(a) All construction contracts and contracts for supplies, materials, equipment, and services, when the cost thereof to the Authority exceeds \$25,000, shall be let by a competitive selection process to the lowest responsible proposer, after advertising for proposals, except for the following:

(1) When repair parts, accessories, equipment, or services are required for equipment

or services previously furnished or contracted for;

(2) Professional services;

(3) When services such as water, light, heat, power, telephone (other than long-distance service), or telegraph are required;

(4) When contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications equipment, software, and services are required;

(5) Casino management contracts, which shall be awarded as set forth in Section 1-45 of this Act;

(6) Contracts where there is only one economically feasible source; and

(7) When a purchase is needed on an immediate, emergency basis because there exists a threat to public health or public safety, or when immediate expenditure is necessary for repairs to Authority property in order to protect against further loss of or damage to Authority property, to prevent or minimize serious disruption in Authority services or to ensure the integrity of Authority records.

(b) All contracts involving less than \$25,000 shall be let by competitive selection process whenever possible, and in any event in a manner calculated to ensure the best interests of the public.

(c) In determining the responsibility of any proposer, the Authority may take into account the proposer's (or an individual having a beneficial interest, directly or indirectly, of more than 1% in such proposing entity) past record of dealings with the Authority, the proposer's experience, adequacy of equipment, and ability to complete performance within the time set, and other factors besides financial responsibility. No such contract shall be awarded to any proposer other than the lowest proposer (in case of purchase or expenditure) unless authorized or approved by a vote of at least 2 members of the Board and such action is accompanied by a written statement setting forth the reasons for not awarding the contract to the highest or lowest proposer, as the case may be. The statement shall be kept on file in the principal office of the Authority and open to public inspection.

(d) The Authority shall have the right to reject all proposals and to re-advertise for proposals. If after any such re-advertisement, no responsible and satisfactory proposals, within the terms of the re-advertisement, is received, the Authority may award such contract without competitive selection, provided that the Gaming Board must approve the contract prior to its execution. The contract must not be less advantageous to the Authority than any valid proposal received pursuant to advertisement.

(e) Advertisements for proposals and re-proposals shall be published at least once in a daily newspaper of general circulation published in the City at least 10 calendar days before the time for receiving proposals, and such advertisements shall also be posted on readily accessible bulletin boards in the principal office of the Authority. Such advertisements shall state the time and place for receiving and opening of proposals and, by reference to plans and specifications on file at the time of the first publication or in the advertisement itself, shall describe the character of the proposed contract in sufficient detail to fully advise prospective proposers of their obligations and to ensure free and open competitive selection.

(f) All proposals in response to advertisements shall be sealed and shall be publicly opened by the Authority. All proposers shall be entitled to be present in person or by representatives. Cash or a certified or satisfactory cashier's check, as a deposit of good faith, in a reasonable amount to be fixed by the Authority before advertising for proposals, shall be required with the proposal. A bond for faithful performance of the contract with surety or sureties satisfactory to the Authority and adequate insurance may be required in reasonable amounts to be fixed by the Authority before advertising for proposals.

(g) The contract shall be awarded as promptly as possible after the opening of proposals. The proposal of the successful proposer, as well as the bids of the unsuccessful proposers, shall be placed on file and be open to public inspection subject to the exemptions from disclosure provided under Section 7 of the Freedom of Information Act. All proposals shall be void if any disclosure of the terms of any proposals in response to an advertisement is made or permitted to be made by the Authority before the time fixed for opening proposals.

(h) Notice of each and every contract that is offered, including renegotiated contracts and change orders, shall be published in an online bulletin. The online bulletin must include at least the date first offered, the date submission of offers is due, the location that offers are to be submitted to, a brief purchase description, the method of source selection, information of how to obtain a comprehensive purchase description and any disclosure and contract forms, and encouragement to prospective vendors to hire qualified veterans, as defined by Section 45-67 of the Illinois Procurement Code, and Illinois residents discharged from any Illinois adult correctional center subject to Gaming Board licensing and eligibility rules. Notice of each and every contract that is let or awarded, including renegotiated contracts

and change orders, shall be published in the online bulletin and must include at least all of the information specified in this item (h), as well as the name of the successful responsible proposer or offeror, the contract price, and the number of unsuccessful responsive proposers and any other disclosure specified in this Section. This notice must be posted in the online electronic bulletin prior to execution of the contract.

Section 1-130. Affirmative action and equal opportunity obligations of Authority.

(a) The Authority is subject to the requirements of Article V of Chapter 2-92 (Sections 2-92-650 through 2-92-720 inclusive) of the Chicago Municipal Code, as now or hereafter amended, renumbered, or succeeded, concerning a Minority-Owned and Women-Owned Business Enterprise Procurement Program for construction contracts, and Chapter 2-92-420 et. seq. of the Chicago Municipal Code, as now or hereafter amended, renumbered, or succeeded, concerning a Minority-Owned and Women-Owned Business Enterprise Procurement Program to determine the status of a firm as a Minority Business Enterprise for city procurement purposes.

(b) The Authority is authorized to enter into agreements with contractors' associations, labor unions, and the contractors working on the development of the casino to establish an apprenticeship preparedness training program to provide for an increase in the number of minority and female journeymen and apprentices in the building trades and to enter into agreements with community college districts or other public or private institutions to provide readiness training. The Authority is further authorized to enter into contracts with public and private educational institutions and persons in the gaming, entertainment, hospitality, and tourism industries to provide training for employment in those industries.

ARTICLE 90.

Section 90-5. The Alcoholism and Other Drug Abuse and Dependency Act is amended by changing Section 5-20 as follows:

(20 ILCS 301/5-20)

Sec. 5-20. Compulsive gambling program.

(a) Subject to appropriation, the Department shall establish a program for public education, research, and training regarding problem and compulsive gambling and the treatment and prevention of problem and compulsive gambling. Subject to specific appropriation for these stated purposes, the program must include all of the following:

(1) Establishment and maintenance of a toll-free "800" telephone number to provide crisis counseling and referral services to families experiencing difficulty as a result of problem or compulsive gambling.

(2) Promotion of public awareness regarding the recognition and prevention of problem and compulsive gambling.

(3) Facilitation, through in-service training and other means, of the availability of effective assistance programs for problem and compulsive gamblers.

(4) Conducting studies to identify adults and juveniles in this State who are, or who are at risk of becoming, problem or compulsive gamblers.

(b) Subject to appropriation, the Department shall either establish and maintain the program or contract with a private or public entity for the establishment and maintenance of the program. Subject to appropriation, either the Department or the private or public entity shall implement the toll-free telephone number, promote public awareness, and conduct in-service training concerning problem and compulsive gambling.

(c) Subject to appropriation, the Department shall produce and supply the signs specified in Section 10.7 of the Illinois Lottery Law, Section 34.1 of the Illinois Horse Racing Act of 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1 of the Charitable Games Act, and Section 13.1 of the Illinois Riverboat Gambling Act.

(Source: P.A. 89-374, eff. 1-1-96; 89-626, eff. 8-9-96.)

Section 90-10. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-305 as follows:

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

Sec. 2505-305. Investigators.

(a) The Department has the power to appoint investigators to conduct all investigations, searches, seizures, arrests, and other duties imposed under the provisions of any law administered by the

[May 22, 2009]

Department or the Illinois Gaming Board. Except as provided in subsection (c), these investigators have and may exercise all the powers of peace officers solely for the purpose of enforcing taxing measures administered by the Department or the Illinois Gaming Board.

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

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

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

Section 90-15. The Joliet Regional Port District Act is amended by changing Section 5.1 as follows:

(70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

Sec. 5.1. Riverboat and casino gambling. Notwithstanding any other provision of this Act, the District may not regulate the operation, conduct, or navigation of any riverboat gambling casino licensed under the ~~Illinois Riverboat~~ Gambling Act, and the District may not license, tax, or otherwise levy any assessment of any kind on any riverboat gambling casino licensed under the ~~Illinois Riverboat~~ Gambling Act. The General Assembly declares that the powers to regulate the operation, conduct, and navigation of riverboat gambling casinos and to license, tax, and levy assessments upon riverboat gambling casinos are exclusive powers of the State of Illinois and the Illinois Gaming Board as provided in the ~~Illinois Riverboat~~ Gambling Act.

(Source: P.A. 87-1175.)

Section 90-20. The Consumer Installment Loan Act is amended by changing Section 12.5 as follows:

(205 ILCS 670/12.5)

Sec. 12.5. Limited purpose branch.

(a) Upon the written approval of the Director, a licensee may maintain a limited purpose branch for the sole purpose of making loans as permitted by this Act. A limited purpose branch may include an automatic loan machine. No other activity shall be conducted at the site, including but not limited to, accepting payments, servicing the accounts, or collections.

(b) The licensee must submit an application for a limited purpose branch to the Director on forms prescribed by the Director with an application fee of \$300. The approval for the limited purpose branch must be renewed concurrently with the renewal of the licensee's license along with a renewal fee of \$300 for the limited purpose branch.

(c) The books, accounts, records, and files of the limited purpose branch's transactions shall be maintained at the licensee's licensed location. The licensee shall notify the Director of the licensed location at which the books, accounts, records, and files shall be maintained.

(d) The licensee shall prominently display at the limited purpose branch the address and telephone number of the licensee's licensed location.

(e) No other business shall be conducted at the site of the limited purpose branch unless authorized by the Director.

(f) The Director shall make and enforce reasonable rules for the conduct of a limited purpose branch.

(g) A limited purpose branch may not be located within 1,000 feet of a facility operated by an inter-track wagering licensee or an organization licensee subject to the Illinois Horse Racing Act of 1975, on a riverboat or in a casino subject to the ~~Illinois Riverboat~~ Gambling Act, or within 1,000 feet of the location at which the riverboat docks or within 1,000 feet of a casino.

(Source: P.A. 90-437, eff. 1-1-98.)

Section 90-25. The Illinois Horse Racing Act of 1975 is amended by changing Sections 1.2, 1.3, 4, 5, 6, 9, 26, 28.1, and 31 and by adding Sections 3.24, 3.25, 3.26, and 3.27 as follows:

(230 ILCS 5/1.2)

Sec. 1.2. Legislative intent. This Act is intended to benefit the people of the State of Illinois by encouraging the breeding and production of race horses, assisting economic development, and promoting Illinois tourism. The General Assembly finds and declares it to be the public policy of the State of Illinois to:

(a) support and enhance Illinois' horse racing industry, which is a significant component within the agribusiness industry;

[May 22, 2009]

- (b) ensure that Illinois' horse racing industry remains competitive with neighboring states;
- (c) stimulate growth within Illinois' horse racing industry, thereby encouraging new investment and development to produce additional tax revenues and to create additional jobs;
- (d) promote the further growth of tourism;
- (e) encourage the breeding of thoroughbred and standardbred horses in this State; and
- (f) ensure that public confidence and trust in the credibility and integrity of racing operations and the regulatory process is maintained.

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

(230 ILCS 5/1.3)

Sec. 1.3. Legislative findings.

(a) The General Assembly finds that the Illinois gaming industry is a single industry consisting of horse racing, ~~and~~ riverboat ~~and~~ casino gambling, ~~and~~ electronic gaming. Reports issued by the Economic and Fiscal Commission (now Commission on Government Forecasting and Accountability) in 1992, 1994, and 1998 have found that horse racing and riverboat gambling:

- (1) "share many of the same characteristics" and are "more alike than different";
- (2) are planned events;
- (3) have similar odds of winning;
- (4) occur in similar settings; and
- (5) compete with each other for limited gaming dollars.

(b) The General Assembly declares it to be the public policy of this State to ensure the viability of all both horse racing and riverboat aspects of the Illinois gaming industry.

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

(230 ILCS 5/3.24 new)

Sec. 3.24. Adjusted gross receipts. "Adjusted gross receipts" means the gross receipts from electronic gaming less winnings paid to wagerers.

(230 ILCS 5/3.25 new)

Sec. 3.25. Electronic gaming. "Electronic gaming" means slot machine gambling conducted at a race track pursuant to an electronic gaming license.

(230 ILCS 5/3.26 new)

Sec. 3.26. Electronic gaming license. "Electronic gaming license" means a license to conduct electronic gaming issued under Section 56.

(230 ILCS 5/3.27 new)

Sec. 3.27. Electronic gaming facility. "Electronic gaming facility" means that portion of an organization licensee's race track facility at which electronic gaming is conducted.

(230 ILCS 5/4) (from Ch. 8, par. 37-4)

Sec. 4. Until the effective date of this amendatory Act of the 96th General Assembly, the ~~The~~ Board shall consist of 11 members to be appointed by the Governor with the advice and consent of the Senate, not more than 6 of whom shall be of the same political party, and one of whom shall be designated by the Governor to be chairman.

Notwithstanding any provision of this Section to the contrary, the term of office of each member of the Board sitting on the effective date of this amendatory Act of the 96th General Assembly ends on that date and those members shall hold office only until their successors are appointed and qualified pursuant to this amendatory Act.

Each member shall have a reasonable knowledge of harness or thoroughbred racing practices and procedure and of the principles of harness or thoroughbred racing and breeding. Additionally, at least 6 members must have personal experience working in the horse racing industry whether it be in the State of Illinois or elsewhere. At ~~and~~, at the time of his or her appointment, the member shall be a resident of the State of Illinois and shall have resided therein for a period of at least 5 years next preceding his appointment and qualification and he shall be a qualified voter therein and not less than 25 years of age. The Board should reflect the ethnic, cultural, and geographic diversity of the State.

(Source: P.A. 91-798, eff. 7-9-00.)

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

Sec. 5. As soon as practicable following the effective date of this amendatory Act of 1995, the Governor shall appoint, with the advice and consent of the Senate, members to the Board as follows: 3 members for terms expiring July 1, 1996; 3 members for terms expiring July 1, 1998; and 3 members for terms expiring July 1, 2000. Of the 2 additional members appointed pursuant to this amendatory Act of the 91st General Assembly, the initial term of one member shall expire on July 1, 2002 and the initial term of the other member shall expire on July 1, 2004. Thereafter, the terms of office of the Board members shall be 6 years. Incumbent members on the effective date of this amendatory Act of 1995 shall

continue to serve only until their successors are appointed and have qualified.

The terms of office of the initial Board members appointed pursuant to this amendatory Act of the 96th General Assembly will commence from the effective date of this amendatory Act and run as follows, to be determined by lot: one for a term expiring July 1 of the year following confirmation, 2 for a term expiring July 1 two years following confirmation, 2 for a term expiring July 1 three years following confirmation, and 2 for a term expiring July 1 four years following confirmation. Upon the expiration of the foregoing terms, the successors of such members shall serve a term of 4 years and until their successors are appointed and qualified for like terms.

Each member of the Board shall receive \$300 per day for each day the Board meets and for each day the member conducts a hearing pursuant to Section 16 of this Act, provided that no Board member shall receive more than \$5,000 in such fees during any calendar year, or an amount set by the Compensation Review Board, whichever is greater. Members of the Board shall also be reimbursed for all actual and necessary expenses and disbursements incurred in the execution of their official duties.

(Source: P.A. 91-357, eff. 7-29-99; 91-798, eff. 7-9-00.)

(230 ILCS 5/6) (from Ch. 8, par. 37-6)

Sec. 6. Restrictions on Board members.

(a) No person shall be appointed a member of the Board or continue to be a member of the Board if the person or any member of their immediate family is a member of the Board of Directors, employee, or financially interested in any of the following: (i) any licensee or other person who has applied for racing dates to the Board, or the operations thereof including, but not limited to, concessions, data processing, track maintenance, track security, and pari-mutuel operations, located, scheduled or doing business within the State of Illinois, (ii) any licensee or other person in any race horse competing at a meeting under the Board's jurisdiction, or (iii) any licensee under the Illinois Gambling Act. No person shall be appointed a member of the Board or continue to be a member of the Board who is (or any member of whose family is) a member of the Board of Directors of, or who is a person financially interested in, any licensee or other person who has applied for racing dates to the Board, or the operations thereof including, but not limited to, concessions, data processing, track maintenance, track security and pari-mutuel operations, located, scheduled or doing business within the State of Illinois, or in any race horse competing at a meeting under the Board's jurisdiction. No Board member shall hold any other public office for which he shall receive compensation other than necessary travel or other incidental expenses.

(b) No person shall be a member of the Board who is not of good moral character or who has been convicted of, or is under indictment for, a felony under the laws of Illinois or any other state, or the United States.

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

(d) Board members and employees may not engage in communications or any activity that may cause or have the appearance of causing a conflict of interest. A conflict of interest exists if a situation influences or creates the appearance that it may influence judgment or performance of regulatory duties and responsibilities. This prohibition shall extend to any act identified by Board action that, in the judgment of the Board, could represent the potential for or the appearance of a conflict of interest.

(e) Board members and employees may not accept any gift, gratuity, service, compensation, travel, lodging, or thing of value, with the exception of unsolicited items of an incidental nature, from any person, corporation, or entity doing business with the Board.

(f) A Board member or employee shall not use or attempt to use his or her official position to secure, or attempt to secure, any privilege, advantage, favor, or influence for himself or herself or others. No Board member or employee, within a period of one year immediately preceding nomination by the Governor or employment, shall have been employed or received compensation or fees for services from a person or entity, or its parent or affiliate, that has engaged in business with the Board, a licensee or a licensee under the Illinois Gambling Act. In addition, no Board member or employee shall for one year after the expiration of his or her term or separation from the Board be employed or receive compensation or fees from the before-mentioned persons or entities.

(Source: P.A. 89-16, eff. 5-30-95.)

(230 ILCS 5/9) (from Ch. 8, par. 37-9)

[May 22, 2009]

Sec. 9. The Board shall have all powers necessary and proper to fully and effectively execute the provisions of this Act, including, but not limited to, the following:

(a) The Board is vested with jurisdiction and supervision over all race meetings in this State, over all licensees doing business in this State, over all occupation licensees, and over all persons on the facilities of any licensee. Such jurisdiction shall include the power to issue licenses to the Illinois Department of Agriculture authorizing the pari-mutuel system of wagering on harness and Quarter Horse races held (1) at the Illinois State Fair in Sangamon County, and (2) at the DuQuoin State Fair in Pery County. The jurisdiction of the Board shall also include the power to issue licenses to county fairs which are eligible to receive funds pursuant to the Agricultural Fair Act, as now or hereafter amended, or their agents, authorizing the pari-mutuel system of wagering on horse races conducted at the county fairs receiving such licenses. Such licenses shall be governed by subsection (n) of this Section.

Upon application, the Board shall issue a license to the Illinois Department of Agriculture to conduct harness and Quarter Horse races at the Illinois State Fair and at the DuQuoin State Fairgrounds during the scheduled dates of each fair. The Board shall not require and the Department of Agriculture shall be exempt from the requirements of Sections 15.3, 18 and 19, paragraphs (a)(2), (b), (c), (d), (e), (e-5), (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24 and 25. The Board and the Department of Agriculture may extend any or all of these exemptions to any contractor or agent engaged by the Department of Agriculture to conduct its race meetings when the Board determines that this would best serve the public interest and the interest of horse racing.

Notwithstanding any provision of law to the contrary, it shall be lawful for any licensee to operate pari-mutuel wagering or contract with the Department of Agriculture to operate pari-mutuel wagering at the DuQuoin State Fairgrounds or for the Department to enter into contracts with a licensee, employ its owners, employees or agents and employ such other occupation licensees as the Department deems necessary in connection with race meetings and wagerings.

(b) The Board is vested with the full power to promulgate reasonable rules and regulations for the purpose of administering the provisions of this Act and to prescribe reasonable rules, regulations and conditions under which all horse race meetings or wagering in the State shall be conducted. Such reasonable rules and regulations are to provide for the prevention of practices detrimental to the public interest and to promote the best interests of horse racing and to impose penalties for violations thereof.

(c) The Board, and any person or persons to whom it delegates this power, is vested with the power to enter the facilities and other places of business of any licensee to determine whether there has been compliance with the provisions of this Act and its rules and regulations.

(d) The Board, and any person or persons to whom it delegates this power, is vested with the authority to investigate alleged violations of the provisions of this Act, its reasonable rules and regulations, orders and final decisions; the Board shall take appropriate disciplinary action against any licensee or occupation licensee for violation thereof or institute appropriate legal action for the enforcement thereof.

(e) The Board, and any person or persons to whom it delegates this power, may eject or exclude from any race meeting or the facilities of any licensee, or any part thereof, any occupation licensee or any other individual whose conduct or reputation is such that his presence on those facilities may, in the opinion of the Board, call into question the honesty and integrity of horse racing or wagering or interfere with the orderly conduct of horse racing or wagering; provided, however, that no person shall be excluded or ejected from the facilities of any licensee solely on the grounds of race, color, creed, national origin, ancestry, or sex. The power to eject or exclude an occupation licensee or other individual may be exercised for just cause by the licensee or the Board, subject to subsequent hearing by the Board as to the propriety of said exclusion.

(f) The Board is vested with the power to acquire, establish, maintain and operate (or provide by contract to maintain and operate) testing laboratories and related facilities, for the purpose of conducting saliva, blood, urine and other tests on the horses run or to be run in any horse race meeting, including races run at county fairs, and to purchase all equipment and supplies deemed necessary or desirable in connection with any such testing laboratories and related facilities and all such tests.

(g) The Board may require that the records, including financial or other statements of any licensee or any person affiliated with the licensee who is involved directly or indirectly in the activities of any licensee as regulated under this Act to the extent that those financial or other statements relate to such activities be kept in such manner as prescribed by the Board, and that Board employees shall have access to those records during reasonable business hours. Within 120 days of the end of its fiscal year, each licensee shall transmit to the Board an audit of the financial transactions and condition of the licensee's total operations. All audits shall be conducted by certified public accountants. Each certified public accountant must be registered in the State of Illinois under the Illinois Public Accounting Act. The compensation for each certified public accountant shall be paid directly by the licensee to the certified

public accountant. A licensee shall also submit any other financial or related information the Board deems necessary to effectively administer this Act and all rules, regulations, and final decisions promulgated under this Act.

(h) The Board shall name and appoint in the manner provided by the rules and regulations of the Board: an Executive Director; a State director of mutuels; State veterinarians and representatives to take saliva, blood, urine and other tests on horses; licensing personnel; revenue inspectors; and State seasonal employees (excluding admission ticket sellers and mutuel clerks). All of those named and appointed as provided in this subsection shall serve during the pleasure of the Board; their compensation shall be determined by the Board and be paid in the same manner as other employees of the Board under this Act.

(i) The Board shall require that there shall be 3 stewards at each horse race meeting, at least 2 of whom shall be named and appointed by the Board. Stewards appointed or approved by the Board, while performing duties required by this Act or by the Board, shall be entitled to the same rights and immunities as granted to Board members and Board employees in Section 10 of this Act.

(j) The Board may discharge any Board employee who fails or refuses for any reason to comply with the rules and regulations of the Board, or who, in the opinion of the Board, is guilty of fraud, dishonesty or who is proven to be incompetent. The Board shall have no right or power to determine who shall be officers, directors or employees of any licensee, or their salaries except the Board may, by rule, require that all or any officials or employees in charge of or whose duties relate to the actual running of races be approved by the Board.

(k) The Board is vested with the power to appoint delegates to execute any of the powers granted to it under this Section for the purpose of administering this Act and any rules or regulations promulgated in accordance with this Act.

(l) The Board is vested with the power to impose civil penalties of up to \$5,000 against an individual and up to \$10,000 against a licensee for each violation of any provision of this Act, any rules adopted by the Board, any order of the Board or any other action which, in the Board's discretion, is a detriment or impediment to horse racing or wagering.

(m) The Board is vested with the power to prescribe a form to be used by licensees as an application for employment for employees of each licensee.

(n) The Board shall have the power to issue a license to any county fair, or its agent, authorizing the conduct of the pari-mutuel system of wagering. The Board is vested with the full power to promulgate reasonable rules, regulations and conditions under which all horse race meetings licensed pursuant to this subsection shall be held and conducted, including rules, regulations and conditions for the conduct of the pari-mutuel system of wagering. The rules, regulations and conditions shall provide for the prevention of practices detrimental to the public interest and for the best interests of horse racing, and shall prescribe penalties for violations thereof. Any authority granted the Board under this Act shall extend to its jurisdiction and supervision over county fairs, or their agents, licensed pursuant to this subsection. However, the Board may waive any provision of this Act or its rules or regulations which would otherwise apply to such county fairs or their agents.

(o) Whenever the Board is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request.

(p) To insure the convenience, comfort, and wagering accessibility of race track patrons, to provide for the maximization of State revenue, and to generate increases in purse allotments to the horsemen, the Board shall require any licensee to staff the pari-mutuel department with adequate personnel.

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

(230 ILCS 5/26) (from Ch. 8, par. 37-26)

Sec. 26. Wagering.

(a) Any licensee may conduct and supervise the pari-mutuel system of wagering, as defined in Section 3.12 of this Act, on horse races conducted by an Illinois organization licensee or conducted at a racetrack located in another state or country and televised in Illinois in accordance with subsection (g) of Section 26 of this Act. Subject to the prior consent of the Board, licensees may supplement any pari-mutuel pool in order to guarantee a minimum distribution. Such pari-mutuel method of wagering shall not, under any circumstances if conducted under the provisions of this Act, be held or construed to be unlawful, other statutes of this State to the contrary notwithstanding. Subject to rules for advance wagering promulgated by the Board, any licensee may accept wagers in advance of the day of the race wagered upon occurs.

(b) No other method of betting, pool making, wagering or gambling shall be used or permitted by the licensee. Each licensee may retain, subject to the payment of all applicable taxes and purses, an amount not to exceed 17% of all money wagered under subsection (a) of this Section, except as may otherwise be permitted under this Act.

(b-5) An individual may place a wager under the pari-mutuel system from any licensed location authorized under this Act provided that wager is electronically recorded in the manner described in Section 3.12 of this Act. Any wager made electronically by an individual while physically on the premises of a licensee shall be deemed to have been made at the premises of that licensee.

(c) Until January 1, 2000, the sum held by any licensee for payment of outstanding pari-mutuel tickets, if unclaimed prior to December 31 of the next year, shall be retained by the licensee for payment of such tickets until that date. Within 10 days thereafter, the balance of such sum remaining unclaimed, less any uncashed supplements contributed by such licensee for the purpose of guaranteeing minimum distributions of any pari-mutuel pool, shall be paid to the Illinois Veterans' Rehabilitation Fund of the State treasury, except as provided in subsection (g) of Section 27 of this Act.

(c-5) Beginning January 1, 2000, the sum held by any licensee for payment of outstanding pari-mutuel tickets, if unclaimed prior to December 31 of the next year, shall be retained by the licensee for payment of such tickets until that date. Within 10 days thereafter, the balance of such sum remaining unclaimed, less any uncashed supplements contributed by such licensee for the purpose of guaranteeing minimum distributions of any pari-mutuel pool, shall be evenly distributed to the purse account of the organization licensee and the organization licensee.

(d) A pari-mutuel ticket shall be honored until December 31 of the next calendar year, and the licensee shall pay the same and may charge the amount thereof against unpaid money similarly accumulated on account of pari-mutuel tickets not presented for payment.

(e) No licensee shall knowingly permit any minor, other than an employee of such licensee or an owner, trainer, jockey, driver, or employee thereof, to be admitted during a racing program unless accompanied by a parent or guardian, or any minor to be a patron of the pari-mutuel system of wagering conducted or supervised by it. The admission of any unaccompanied minor, other than an employee of the licensee or an owner, trainer, jockey, driver, or employee thereof at a race track is a Class C misdemeanor.

(f) Notwithstanding the other provisions of this Act, an organization licensee may contract with an entity in another state or country to permit any legal wagering entity in another state or country to accept wagers solely within such other state or country on races conducted by the organization licensee in this State. Beginning January 1, 2000, these wagers shall not be subject to State taxation. Until January 1, 2000, when the out-of-State entity conducts a pari-mutuel pool separate from the organization licensee, a privilege tax equal to 7 1/2% of all monies received by the organization licensee from entities in other states or countries pursuant to such contracts is imposed on the organization licensee, and such privilege tax shall be remitted to the Department of Revenue within 48 hours of receipt of the moneys from the simulcast. When the out-of-State entity conducts a combined pari-mutuel pool with the organization licensee, the tax shall be 10% of all monies received by the organization licensee with 25% of the receipts from this 10% tax to be distributed to the county in which the race was conducted.

An organization licensee may permit one or more of its races to be utilized for pari-mutuel wagering at one or more locations in other states and may transmit audio and visual signals of races the organization licensee conducts to one or more locations outside the State or country and may also permit pari-mutuel pools in other states or countries to be combined with its gross or net wagering pools or with wagering pools established by other states.

(g) A host track may accept interstate simulcast wagers on horse races conducted in other states or countries and shall control the number of signals and types of breeds of racing in its simulcast program, subject to the disapproval of the Board. The Board may prohibit a simulcast program only if it finds that the simulcast program is clearly adverse to the integrity of racing. The host track simulcast program shall include the signal of live racing of all organization licensees. All non-host licensees shall carry the host track simulcast program and accept wagers on all races included as part of the simulcast program upon which wagering is permitted. The costs and expenses of the host track and non-host licensees associated with interstate simulcast wagering, other than the interstate commission fee, shall be borne by the host track and all non-host licensees incurring these costs. The interstate commission fee shall not exceed 5% of Illinois handle on the interstate simulcast race or races without prior approval of the Board. The Board shall promulgate rules under which it may permit interstate commission fees in excess of 5%. The interstate commission fee and other fees charged by the sending racetrack, including, but not limited to, satellite decoder fees, shall be uniformly applied to the host track and all non-host licensees.

(1) Between the hours of 6:30 a.m. and 6:30 p.m. an intertrack wagering licensee other

than the host track may supplement the host track simulcast program with additional simulcast races or race programs, provided that between January 1 and the third Friday in February of any year, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, only thoroughbred races may be used for supplemental interstate simulcast purposes. The Board shall withhold approval for a supplemental interstate simulcast only if it finds that the simulcast is clearly adverse to the integrity of racing. A supplemental interstate simulcast may be transmitted from an intertrack wagering licensee to its affiliated non-host licensees. The interstate commission fee for a supplemental interstate simulcast shall be paid by the non-host licensee and its affiliated non-host licensees receiving the simulcast.

(2) Between the hours of 6:30 p.m. and 6:30 a.m. an intertrack wagering licensee other than the host track may receive supplemental interstate simulcasts only with the consent of the host track, except when the Board finds that the simulcast is clearly adverse to the integrity of racing. Consent granted under this paragraph (2) to any intertrack wagering licensee shall be deemed consent to all non-host licensees. The interstate commission fee for the supplemental interstate simulcast shall be paid by all participating non-host licensees.

(3) Each licensee conducting interstate simulcast wagering may retain, subject to the payment of all applicable taxes and the purses, an amount not to exceed 17% of all money wagered. If any licensee conducts the pari-mutuel system wagering on races conducted at racetracks in another state or country, each such race or race program shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax of that daily handle as provided in subsection (a) of Section 27. Until January 1, 2000, from the sums permitted to be retained pursuant to this subsection, each intertrack wagering location licensee shall pay 1% of the pari-mutuel handle wagered on simulcast wagering to the Horse Racing Tax Allocation Fund, subject to the provisions of subparagraph (B) of paragraph (11) of subsection (h) of Section 26 of this Act.

(4) A licensee who receives an interstate simulcast may combine its gross or net pools with pools at the sending racetracks pursuant to rules established by the Board. All licensees combining their gross pools at a sending racetrack shall adopt the take-out percentages of the sending racetrack. A licensee may also establish a separate pool and takeout structure for wagering purposes on races conducted at race tracks outside of the State of Illinois. The licensee may permit pari-mutuel wagers placed in other states or countries to be combined with its gross or net wagering pools or other wagering pools.

(5) After the payment of the interstate commission fee (except for the interstate commission fee on a supplemental interstate simulcast, which shall be paid by the host track and by each non-host licensee through the host-track) and all applicable State and local taxes, except as provided in subsection (g) of Section 27 of this Act, the remainder of moneys retained from simulcast wagering pursuant to this subsection (g), and Section 26.2 shall be divided as follows:

(A) For interstate simulcast wagers made at a host track, 50% to the host track and 50% to purses at the host track.

(B) For wagers placed on interstate simulcast races, supplemental simulcasts as defined in subparagraphs (1) and (2), and separately pooled races conducted outside of the State of Illinois made at a non-host licensee, 25% to the host track, 25% to the non-host licensee, and 50% to the purses at the host track.

(6) Notwithstanding any provision in this Act to the contrary, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River may receive supplemental interstate simulcast races at all times subject to Board approval, which shall be withheld only upon a finding that a supplemental interstate simulcast is clearly adverse to the integrity of racing.

(7) Notwithstanding any provision of this Act to the contrary, after payment of all applicable State and local taxes and interstate commission fees, non-host licensees who derive their licenses from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain 50% of the retention from interstate simulcast wagers and shall pay 50% to purses at the track from which the non-host licensee derives its license as follows:

(A) Between January 1 and the third Friday in February, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, when the interstate simulcast is a standardbred race, the purse share to its standardbred purse account;

(B) Between January 1 and the third Friday in February, inclusive, if no live thoroughbred racing is occurring in Illinois during this period, and the interstate simulcast is a thoroughbred race, the purse share to its interstate simulcast purse pool to be distributed under paragraph (10) of this subsection (g);

(C) Between January 1 and the third Friday in February, inclusive, if live thoroughbred racing is occurring in Illinois, between 6:30 a.m. and 6:30 p.m. the purse share from wagers made during this time period to its thoroughbred purse account and between 6:30 p.m. and 6:30 a.m. the purse share from wagers made during this time period to its standardbred purse accounts;

(D) Between the third Saturday in February and December 31, when the interstate simulcast occurs between the hours of 6:30 a.m. and 6:30 p.m., the purse share to its thoroughbred purse account;

(E) Between the third Saturday in February and December 31, when the interstate simulcast occurs between the hours of 6:30 p.m. and 6:30 a.m., the purse share to its standardbred purse account.

(7.1) Notwithstanding any other provision of this Act to the contrary, if no standardbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 p.m. and 6:30 a.m. during that calendar year shall be paid as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be paid to its thoroughbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund and shall be paid to purses for standardbred races for Illinois conceived and foaled horses conducted at any county fairgrounds. The moneys deposited into the Fund pursuant to this subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to standardbred purses under this Act, and shall not be commingled with other moneys paid into that Fund. The moneys deposited pursuant to this subparagraph (B) shall be allocated as provided by the Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board.

(7.2) Notwithstanding any other provision of this Act to the contrary, if no thoroughbred racing is conducted at a racetrack located in Madison County during any calendar year beginning on or after January 1, 2002, all moneys derived by that racetrack from simulcast wagering and inter-track wagering that (1) are to be used for purses and (2) are generated between the hours of 6:30 a.m. and 6:30 p.m. during that calendar year shall be deposited as follows:

(A) If the licensee that conducts horse racing at that racetrack requests from the Board at least as many racing dates as were conducted in calendar year 2000, 80% shall be deposited into its standardbred purse account; and

(B) Twenty percent shall be deposited into the Illinois Colt Stakes Purse Distribution Fund. Moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be paid to Illinois conceived and foaled thoroughbred breeders' programs and to thoroughbred purses for races conducted at any county fairgrounds for Illinois conceived and foaled horses at the discretion of the Department of Agriculture, with the advice and assistance of the Illinois Thoroughbred Breeders Fund Advisory Board. The moneys deposited into the Illinois Colt Stakes Purse Distribution Fund pursuant to this subparagraph (B) shall be deposited within 2 weeks after the day they were generated, shall be in addition to and not in lieu of any other moneys paid to thoroughbred purses under this Act, and shall not be commingled with other moneys deposited into that Fund.

(7.3) If no live standardbred racing is conducted at a racetrack located in Madison County in calendar year 2000 or 2001, an organization licensee who is licensed to conduct horse racing at that racetrack shall, before January 1, 2002, pay all moneys derived from simulcast wagering and inter-track wagering in calendar years 2000 and 2001 and paid into the licensee's standardbred purse account as follows:

(A) Eighty percent to that licensee's thoroughbred purse account to be used for thoroughbred purses; and

(B) Twenty percent to the Illinois Colt Stakes Purse Distribution Fund.

Failure to make the payment to the Illinois Colt Stakes Purse Distribution Fund before January 1, 2002 shall result in the immediate revocation of the licensee's organization license, inter-track wagering license, and inter-track wagering location license.

Moneys paid into the Illinois Colt Stakes Purse Distribution Fund pursuant to this paragraph (7.3) shall be paid to purses for standardbred races for Illinois conceived and foaled horses conducted at any county fairgrounds. Moneys paid into the Illinois Colt Stakes Purse Distribution

Fund pursuant to this paragraph (7.3) shall be used as determined by the Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board, shall be in addition to and not in lieu of any other moneys paid to standardbred purses under this Act, and shall not be commingled with any other moneys paid into that Fund.

(7.4) If live standardbred racing is conducted at a racetrack located in Madison County at any time in calendar year 2001 before the payment required under paragraph (7.3) has been made, the organization licensee who is licensed to conduct racing at that racetrack shall pay all moneys derived by that racetrack from simulcast wagering and inter-track wagering during calendar years 2000 and 2001 that (1) are to be used for purses and (2) are generated between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or 2001 to the standardbred purse account at that racetrack to be used for standardbred purses.

(8) Notwithstanding any provision in this Act to the contrary, an organization licensee from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River and its affiliated non-host licensees shall not be entitled to share in any retention generated on racing, inter-track wagering, or simulcast wagering at any other Illinois wagering facility.

(8.1) Notwithstanding any provisions in this Act to the contrary, if 2 organization licensees are conducting standardbred race meetings concurrently between the hours of 6:30 p.m. and 6:30 a.m., after payment of all applicable State and local taxes and interstate commission fees, the remainder of the amount retained from simulcast wagering otherwise attributable to the host track and to host track purses shall be split daily between the 2 organization licensees and the purses at the tracks of the 2 organization licensees, respectively, based on each organization licensee's share of the total live handle for that day, provided that this provision shall not apply to any non-host licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River.

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) The Board shall have authority to compel all host tracks to receive the simulcast of any or all races conducted at the Springfield or DuQuoin State fairgrounds and include all such races as part of their simulcast programs.

(13) Notwithstanding any other provision of this Act, in the event that the total Illinois pari-mutuel handle on Illinois horse races at all wagering facilities in any calendar year is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at all such wagering facilities for calendar year 1994, then each wagering facility that has an annual total Illinois pari-mutuel handle on Illinois horse races that is less than 75% of the total Illinois pari-mutuel handle on Illinois horse races at such wagering facility for calendar year 1994, shall be permitted to receive, from any amount otherwise payable to the purse account at the race track with which the wagering facility is affiliated in the succeeding calendar year, an amount equal to 2% of the differential in total Illinois pari-mutuel handle on Illinois horse races at the wagering facility between that calendar year in question and 1994 provided, however, that a wagering facility shall not be entitled to any such payment until the Board certifies in writing to the wagering facility the amount to which the wagering facility is entitled and a schedule for payment of the amount to the wagering facility, based on: (i) the racing dates awarded to the race track affiliated with the wagering facility during the succeeding year; (ii) the sums available or anticipated to be available in the purse account of the race track affiliated with the wagering facility for purses during the succeeding year; and (iii) the need to ensure reasonable purse levels during the payment period. The Board's certification shall be provided no later than January 31 of the succeeding year. In the event a wagering facility entitled to a payment under this paragraph (13) is affiliated with a race track that maintains purse accounts for both standardbred and thoroughbred racing, the amount to be paid to the wagering facility shall be divided between each purse account pro rata, based on the amount of Illinois handle on Illinois standardbred and thoroughbred racing respectively at the wagering facility during the previous calendar year. Annually, the General Assembly shall appropriate sufficient funds from the General Revenue Fund to the Department of Agriculture for payment into the thoroughbred and standardbred horse racing purse accounts at Illinois pari-mutuel tracks. The amount paid to each purse account shall be the amount certified by the Illinois Racing Board in January to be transferred from each account to each eligible racing facility in accordance with the provisions of this Section. For the calendar year in which an organization licensee that is eligible to receive a payment under this paragraph (13) begins to receive funds from electronic gaming, the amount of that payment under this paragraph (13) shall be reduced by a percentage equal to the

percentage of the year remaining after the organization licensee begins conducting electronic gaming pursuant to its electronic gaming license. An organization licensee shall no longer be able to receive payments under this paragraph (13) beginning on the January 1 first occurring after the licensee begins receiving funds from electronic gaming pursuant to Section 7.10 of the Illinois Gambling Act.

(h) The Board may approve and license the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees subject to the following terms and conditions:

(1) Any person licensed to conduct a race meeting (i) at a track where 60 or more days of racing were conducted during the immediately preceding calendar year or where over the 5 immediately preceding calendar years an average of 30 or more days of racing were conducted annually may be issued an inter-track wagering license; (ii) at a track located in a county that is bounded by the Mississippi River, which has a population of less than 150,000 according to the 1990 decennial census, and an average of at least 60 days of racing per year between 1985 and 1993 may be issued an inter-track wagering license; or (iii) at a track located in Madison County that conducted at least 100 days of live racing during the immediately preceding calendar year may be issued an inter-track wagering license, unless a lesser schedule of live racing is the result of (A) weather, unsafe track conditions, or other acts of God; (B) an agreement between the organization licensee and the associations representing the largest number of owners, trainers, jockeys, or standardbred drivers who race horses at that organization licensee's racing meeting; or (C) a finding by the Board of extraordinary circumstances and that it was in the best interest of the public and the sport to conduct fewer than 100 days of live racing. Any such person having operating control of the racing facility may also receive up to 6 inter-track wagering location licenses. In no event shall more than 6 inter-track wagering locations be established for each eligible race track, except that an eligible race track located in a county that has a population of more than 230,000 and that is bounded by the Mississippi River may establish up to 7 inter-track wagering locations. An application for said license shall be filed with the Board prior to such dates as may be fixed by the Board. With an application for an inter-track wagering location license there shall be delivered to the Board a certified check or bank draft payable to the order of the Board for an amount equal to \$500. The application shall be on forms prescribed and furnished by the Board. The application shall comply with all other rules, regulations and conditions imposed by the Board in connection therewith.

(2) The Board shall examine the applications with respect to their conformity with this Act and the rules and regulations imposed by the Board. If found to be in compliance with the Act and rules and regulations of the Board, the Board may then issue a license to conduct inter-track wagering and simulcast wagering to such applicant. All such applications shall be acted upon by the Board at a meeting to be held on such date as may be fixed by the Board.

(3) In granting licenses to conduct inter-track wagering and simulcast wagering, the Board shall give due consideration to the best interests of the public, of horse racing, and of maximizing revenue to the State.

(4) Prior to the issuance of a license to conduct inter-track wagering and simulcast wagering, the applicant shall file with the Board a bond payable to the State of Illinois in the sum of \$50,000, executed by the applicant and a surety company or companies authorized to do business in this State, and conditioned upon (i) the payment by the licensee of all taxes due under Section 27 or 27.1 and any other monies due and payable under this Act, and (ii) distribution by the licensee, upon presentation of the winning ticket or tickets, of all sums payable to the patrons of pari-mutuel pools.

(5) Each license to conduct inter-track wagering and simulcast wagering shall specify the person to whom it is issued, the dates on which such wagering is permitted, and the track or location where the wagering is to be conducted.

(6) All wagering under such license is subject to this Act and to the rules and regulations from time to time prescribed by the Board, and every such license issued by the Board shall contain a recital to that effect.

(7) An inter-track wagering licensee or inter-track wagering location licensee may accept wagers at the track or location where it is licensed, or as otherwise provided under this Act.

(8) Inter-track wagering or simulcast wagering shall not be conducted at any track less than 5 miles from a track at which a racing meeting is in progress.

(8.1) Inter-track wagering location licensees who derive their licenses from a particular organization licensee shall conduct inter-track wagering and simulcast wagering only at locations which are either within 90 miles of that race track where the particular organization licensee is licensed to conduct racing, or within 135 miles of that race track where the particular organization licensee is licensed to conduct racing in the case of race tracks in counties of less than 400,000 that

were operating on or before June 1, 1986. However, inter-track wagering and simulcast wagering shall not be conducted by those licensees at any location within 5 miles of any race track at which a horse race meeting has been licensed in the current year, unless the person having operating control of such race track has given its written consent to such inter-track wagering location licensees, which consent must be filed with the Board at or prior to the time application is made.

(8.2) Inter-track wagering or simulcast wagering shall not be conducted by an inter-track wagering location licensee at any location within 500 feet of an existing church or existing school, nor within 500 feet of the residences of more than 50 registered voters without receiving written permission from a majority of the registered voters at such residences. Such written permission statements shall be filed with the Board. The distance of 500 feet shall be measured to the nearest part of any building used for worship services, education programs, residential purposes, or conducting inter-track wagering by an inter-track wagering location licensee, and not to property boundaries. However, inter-track wagering or simulcast wagering may be conducted at a site within 500 feet of a church, school or residences of 50 or more registered voters if such church, school or residences have been erected or established, or such voters have been registered, after the Board issues the original inter-track wagering location license at the site in question. Inter-track wagering location licensees may conduct inter-track wagering and simulcast wagering only in areas that are zoned for commercial or manufacturing purposes or in areas for which a special use has been approved by the local zoning authority. However, no license to conduct inter-track wagering and simulcast wagering shall be granted by the Board with respect to any inter-track wagering location within the jurisdiction of any local zoning authority which has, by ordinance or by resolution, prohibited the establishment of an inter-track wagering location within its jurisdiction. However, inter-track wagering and simulcast wagering may be conducted at a site if such ordinance or resolution is enacted after the Board licenses the original inter-track wagering location licensee for the site in question.

(9) (Blank).

(10) An inter-track wagering licensee or an inter-track wagering location licensee may retain, subject to the payment of the privilege taxes and the purses, an amount not to exceed 17% of all money wagered. Each program of racing conducted by each inter-track wagering licensee or inter-track wagering location licensee shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege tax or pari-mutuel tax on such daily handle as provided in Section 27.

(10.1) Except as provided in subsection (g) of Section 27 of this Act, inter-track wagering location licensees shall pay 1% of the pari-mutuel handle at each location to the municipality in which such location is situated and 1% of the pari-mutuel handle at each location to the county in which such location is situated. In the event that an inter-track wagering location licensee is situated in an unincorporated area of a county, such licensee shall pay 2% of the pari-mutuel handle from such location to such county.

(10.2) Notwithstanding any other provision of this Act, with respect to intertrack wagering at a race track located in a county that has a population of more than 230,000 and that is bounded by the Mississippi River ("the first race track"), or at a facility operated by an inter-track wagering licensee or inter-track wagering location licensee that derives its license from the organization licensee that operates the first race track, on races conducted at the first race track or on races conducted at another Illinois race track and simultaneously televised to the first race track or to a facility operated by an inter-track wagering licensee or inter-track wagering location licensee that derives its license from the organization licensee that operates the first race track, those moneys shall be allocated as follows:

(A) That portion of all moneys wagered on standardbred racing that is required under this Act to be paid to purses shall be paid to purses for standardbred races.

(B) That portion of all moneys wagered on thoroughbred racing that is required under this Act to be paid to purses shall be paid to purses for thoroughbred races.

(11) (A) After payment of the privilege or pari-mutuel tax, any other applicable taxes, and the costs and expenses in connection with the gathering, transmission, and dissemination of all data necessary to the conduct of inter-track wagering, the remainder of the monies retained under either Section 26 or Section 26.2 of this Act by the inter-track wagering licensee on inter-track wagering shall be allocated with 50% to be split between the 2 participating licensees and 50% to purses, except that an intertrack wagering licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the Illinois organization licensee that provides the race or races, and an intertrack wagering licensee that accepts wagers on races conducted by an organization licensee that

conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with that organization licensee.

(B) From the sums permitted to be retained pursuant to this Act each inter-track wagering location licensee shall pay (i) the privilege or pari-mutuel tax to the State; (ii) 4.75% of the pari-mutuel handle on intertrack wagering at such location on races as purses, except that an intertrack wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall retain all purse moneys for its own purse account consistent with distribution set forth in this subsection (h), and intertrack wagering location licensees that accept wagers on races conducted by an organization licensee located in a county with a population in excess of 230,000 and that borders the Mississippi River shall distribute all purse moneys to purses at the operating host track; (iii) until January 1, 2000, except as provided in subsection (g) of Section 27 of this Act, 1% of the pari-mutuel handle wagered on inter-track wagering and simulcast wagering at each inter-track wagering location licensee facility to the Horse Racing Tax Allocation Fund, provided that, to the extent the total amount collected and distributed to the Horse Racing Tax Allocation Fund under this subsection (h) during any calendar year exceeds the amount collected and distributed to the Horse Racing Tax Allocation Fund during calendar year 1994, that excess amount shall be redistributed (I) to all inter-track wagering location licensees, based on each licensee's pro-rata share of the total handle from inter-track wagering and simulcast wagering for all inter-track wagering location licensees during the calendar year in which this provision is applicable; then (II) the amounts redistributed to each inter-track wagering location licensee as described in subpart (I) shall be further redistributed as provided in subparagraph (B) of paragraph (5) of subsection (g) of this Section 26 provided first, that the shares of those amounts, which are to be redistributed to the host track or to purses at the host track under subparagraph (B) of paragraph (5) of subsection (g) of this Section 26 shall be redistributed based on each host track's pro rata share of the total inter-track wagering and simulcast wagering handle at all host tracks during the calendar year in question, and second, that any amounts redistributed as described in part (I) to an inter-track wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall be further redistributed as provided in subparagraphs (D) and (E) of paragraph (7) of subsection (g) of this Section 26, with the portion of that further redistribution allocated to purses at that organization licensee to be divided between standardbred purses and thoroughbred purses based on the amounts otherwise allocated to purses at that organization licensee during the calendar year in question; and (iv) 8% of the pari-mutuel handle on inter-track wagering wagered at such location to satisfy all costs and expenses of conducting its wagering. The remainder of the monies retained by the inter-track wagering location licensee shall be allocated 40% to the location licensee and 60% to the organization licensee which provides the Illinois races to the location, except that an intertrack wagering location licensee that derives its license from a track located in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee that provides the race or races and an intertrack wagering location licensee that accepts wagers on races conducted by an organization licensee that conducts a race meet in a county with a population in excess of 230,000 and that borders the Mississippi River shall not divide any remaining retention with the organization licensee. Notwithstanding the provisions of clauses (ii) and (iv) of this paragraph, in the case of the additional inter-track wagering location licenses authorized under paragraph (1) of this subsection (h) by this amendatory Act of 1991, those licensees shall pay the following amounts as purses: during the first 12 months the licensee is in operation, 5.25% of the pari-mutuel handle wagered at the location on races; during the second 12 months, 5.25%; during the third 12 months, 5.75%; during the fourth 12 months, 6.25%; and during the fifth 12 months and thereafter, 6.75%. The following amounts shall be retained by the licensee to satisfy all costs and expenses of conducting its wagering: during the first 12 months the licensee is in operation, 8.25% of the pari-mutuel handle wagered at the location; during the second 12 months, 8.25%; during the third 12 months, 7.75%; during the fourth 12 months, 7.25%; and during the fifth 12 months and thereafter, 6.75%. For additional intertrack wagering location licensees authorized under this amendatory Act of 1995, purses for the first 12 months the licensee is in operation shall be 5.75% of the pari-mutuel wagered at the location, purses for the second 12 months the licensee is in operation shall be 6.25%, and purses thereafter shall be 6.75%. For additional intertrack location licensees authorized under this amendatory Act of 1995, the licensee shall be allowed to retain to satisfy all costs and expenses: 7.75% of the pari-mutuel handle wagered at the location during its first 12 months of operation, 7.25% during its second 12 months of operation, and 6.75% thereafter.

(C) There is hereby created the Horse Racing Tax Allocation Fund which shall remain in

existence until December 31, 1999. Moneys remaining in the Fund after December 31, 1999 shall be paid into the General Revenue Fund. Until January 1, 2000, all monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) by inter-track wagering location licensees located in park districts of 500,000 population or less, or in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, and operating on May 1, 1994 shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees conducting standardbred race meetings in this State, recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by that Association; a representative of the Horsemen's Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered year, the Governor shall appoint a committee member to fill that position. Committee members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to park districts or municipalities that do not have a park district of 500,000 population or less for museum purposes (if an inter-track wagering location licensee is located in such a park district) or to conservation districts for museum purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district but is included within a conservation district and is the county seat of a county that (i) is contiguous to the state of Indiana and (ii) has a 1990 population of 88,257 according to the United States Bureau of the Census, except that if the conservation district does not maintain a museum, the monies shall be allocated equally between the county and the municipality in which the inter-track wagering location licensee is located for general purposes) or to a municipal recreation board for park purposes (if an inter-track wagering location licensee is located in a municipality that is not included within any park district and park maintenance is the function of the municipal recreation board and the municipality has a 1990 population of 9,302 according to the United States Bureau of the Census); provided that the monies are distributed to each park district or conservation district or municipality that does not have a park district in an amount equal to four-sevenths of the amount collected by each inter-track wagering location licensee within the park district or conservation district or municipality for the Fund. Monies that were paid into the Horse Racing Tax Allocation Fund before the effective date of this amendatory Act of 1991 by an inter-track wagering location licensee located in a municipality that is not included within any park district but is included within a conservation district as provided in this paragraph shall, as soon as practicable after the effective date of this amendatory Act of 1991, be allocated and paid to that conservation district as provided in this paragraph. Any park district or municipality not maintaining a museum may deposit the monies in the corporate fund of the park district or municipality where the inter-track wagering location is located, to be used for general purposes; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties of this State and making an appropriation therefor", approved July 24, 1967. Until January 1, 2000, all other monies paid into the Horse Racing Tax Allocation Fund pursuant to this paragraph (11) shall be allocated by appropriation as follows:

Two-sevenths to the Department of Agriculture. Fifty percent of this two-sevenths shall be used to promote the Illinois horse racing and breeding industry, and shall be distributed by

the Department of Agriculture upon the advice of a 9-member committee appointed by the Governor consisting of the following members: the Director of Agriculture, who shall serve as chairman; 2 representatives of organization licensees conducting thoroughbred race meetings in this State, recommended by those licensees; 2 representatives of organization licensees conducting standardbred race meetings in this State, recommended by those licensees; a representative of the Illinois Thoroughbred Breeders and Owners Foundation, recommended by that Foundation; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by that Association; a representative of the Horsemen's Benevolent and Protective Association or any successor organization thereto established in Illinois comprised of the largest number of owners and trainers, recommended by that Association or that successor organization; and a representative of the Illinois Harness Horsemen's Association, recommended by that Association. Committee members shall serve for terms of 2 years, commencing January 1 of each even-numbered year. If a representative of any of the above-named entities has not been recommended by January 1 of any even-numbered year, the Governor shall appoint a committee member to fill that position. Committee members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the performance of their official duties. The remaining 50% of this two-sevenths shall be distributed to county fairs for premiums and rehabilitation as set forth in the Agricultural Fair Act;

Four-sevenths to museums and aquariums located in park districts of over 500,000 population; provided that the monies are distributed in accordance with the previous year's distribution of the maintenance tax for such museums and aquariums as provided in Section 2 of the Park District Aquarium and Museum Act; and

One-seventh to the Agricultural Premium Fund to be used for distribution to agricultural home economics extension councils in accordance with "An Act in relation to additional support and finances for the Agricultural and Home Economic Extension Councils in the several counties of this State and making an appropriation therefor", approved July 24, 1967. This subparagraph (C) shall be inoperative and of no force and effect on and after January 1, 2000.

(D) Except as provided in paragraph (11) of this subsection (h), with respect to purse allocation from intertrack wagering, the monies so retained shall be divided as follows:

(i) If the inter-track wagering licensee, except an intertrack wagering

licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is not conducting its own race meeting during the same dates, then the entire purse allocation shall be to purses at the track where the races wagered on are being conducted.

(ii) If the inter-track wagering licensee, except an intertrack wagering

licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, is also conducting its own race meeting during the same dates, then the purse allocation shall be as follows: 50% to purses at the track where the races wagered on are being conducted; 50% to purses at the track where the inter-track wagering licensee is accepting such wagers.

(iii) If the inter-track wagering is being conducted by an inter-track wagering

location licensee, except an intertrack wagering location licensee that derives its license from an organization licensee located in a county with a population in excess of 230,000 and bounded by the Mississippi River, the entire purse allocation for Illinois races shall be to purses at the track where the race meeting being wagered on is being held.

(12) The Board shall have all powers necessary and proper to fully supervise and control the conduct of inter-track wagering and simulcast wagering by inter-track wagering licensees and inter-track wagering location licensees, including, but not limited to the following:

(A) The Board is vested with power to promulgate reasonable rules and regulations

for the purpose of administering the conduct of this wagering and to prescribe reasonable rules, regulations and conditions under which such wagering shall be held and conducted. Such rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of said wagering and to impose penalties for violations thereof.

(B) The Board, and any person or persons to whom it delegates this power, is vested

with the power to enter the facilities of any licensee to determine whether there has been compliance with the provisions of this Act and the rules and regulations relating to the conduct of such wagering.

(C) The Board, and any person or persons to whom it delegates this power, may eject

or exclude from any licensee's facilities, any person whose conduct or reputation is such that his

presence on such premises may, in the opinion of the Board, call into the question the honesty and integrity of, or interfere with the orderly conduct of such wagering; provided, however, that no person shall be excluded or ejected from such premises solely on the grounds of race, color, creed, national origin, ancestry, or sex.

(D) (Blank).

(E) The Board is vested with the power to appoint delegates to execute any of the powers granted to it under this Section for the purpose of administering this wagering and any rules and regulations promulgated in accordance with this Act.

(F) The Board shall name and appoint a State director of this wagering who shall be a representative of the Board and whose duty it shall be to supervise the conduct of inter-track wagering as may be provided for by the rules and regulations of the Board; such rules and regulation shall specify the method of appointment and the Director's powers, authority and duties.

(G) The Board is vested with the power to impose civil penalties of up to \$5,000 against individuals and up to \$10,000 against licensees for each violation of any provision of this Act relating to the conduct of this wagering, any rules adopted by the Board, any order of the Board or any other action which in the Board's discretion, is a detriment or impediment to such wagering.

(13) The Department of Agriculture may enter into agreements with licensees authorizing such licensees to conduct inter-track wagering on races to be held at the licensed race meetings conducted by the Department of Agriculture. Such agreement shall specify the races of the Department of Agriculture's licensed race meeting upon which the licensees will conduct wagering. In the event that a licensee conducts inter-track pari-mutuel wagering on races from the Illinois State Fair or DuQuoin State Fair which are in addition to the licensee's previously approved racing program, those races shall be considered a separate racing day for the purpose of determining the daily handle and computing the privilege or pari-mutuel tax on that daily handle as provided in Sections 27 and 27.1. Such agreements shall be approved by the Board before such wagering may be conducted. In determining whether to grant approval, the Board shall give due consideration to the best interests of the public and of horse racing. The provisions of paragraphs (1), (8), (8.1), and (8.2) of subsection (h) of this Section which are not specified in this paragraph (13) shall not apply to licensed race meetings conducted by the Department of Agriculture at the Illinois State Fair in Sangamon County or the DuQuoin State Fair in Perry County, or to any wagering conducted on those race meetings.

(i) Notwithstanding the other provisions of this Act, the conduct of wagering at wagering facilities is authorized on all days, except as limited by subsection (b) of Section 19 of this Act.

(Source: P.A. 91-40, eff. 6-25-99; 92-211, eff. 8-2-01.)

(230 ILCS 5/28.1)

Sec. 28.1. Payments.

(a) Beginning on January 1, 2000, moneys collected by the Department of Revenue and the Racing Board pursuant to Section 26 or Section 27 of this Act shall be deposited into the Horse Racing Fund, which is hereby created as a special fund in the State Treasury.

(b) Appropriations, as approved by the General Assembly, may be made from the Horse Racing Fund to the Board to pay the salaries of the Board members, secretary, stewards, directors of mutuels, veterinarians, representatives, accountants, clerks, stenographers, inspectors and other employees of the Board, and all expenses of the Board incident to the administration of this Act, including, but not limited to, all expenses and salaries incident to the taking of saliva and urine samples in accordance with the rules and regulations of the Board.

(c) Beginning on January 1, 2000, the Board shall transfer the remainder of the funds generated pursuant to Sections 26 and 27 from the Horse Racing Fund into the General Revenue Fund.

(d) Beginning January 1, 2000, payments to all programs in existence on the effective date of this amendatory Act of 1999 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of Section 30, and subsections (a), (b), (c), (d), (e), (f), (g), and (h) of Section 31 shall be made from the General Revenue Fund at the funding levels determined by amounts paid under this Act in calendar year 1998. Beginning on the effective date of this amendatory Act of the 93rd General Assembly, payments to the Peoria Park District shall be made from the General Revenue Fund at the funding level determined by amounts paid to that park district for museum purposes under this Act in calendar year 1994. Beginning on the effective date of this amendatory Act of the 94th General Assembly, in lieu of payments to the Champaign Park District for museum purposes, payments to the Urbana Park District shall be made from the General Revenue Fund at the funding level determined by amounts paid to the Champaign Park District for museum purposes under this Act in calendar year 2005.

(e) Beginning July 1, 2006, the payment authorized under subsection (d) to museums and aquariums

located in park districts of over 500,000 population shall be paid to museums, aquariums, and zoos in amounts determined by Museums in the Park, an association of museums, aquariums, and zoos located on Chicago Park District property.

(f) Beginning July 1, 2007, the Children's Discovery Museum in Normal, Illinois shall receive payments from the General Revenue Fund at the funding level determined by the amounts paid to the Miller Park Zoo in Bloomington, Illinois under this Section in calendar year 2006.

(g) Notwithstanding any other provision of this Act to the contrary, appropriations, as approved by the General Assembly, may be made from the Fair and Exposition Fund to the Department of Agriculture for distribution to Illinois county fairs to supplement premiums offered in junior classes.

(Source: P.A. 94-813, eff. 5-26-06; 95-222, eff. 8-16-07.)

(230 ILCS 5/31) (from Ch. 8, par. 37-31)

Sec. 31. (a) The General Assembly declares that it is the policy of this State to encourage the breeding of standardbred horses in this State and the ownership of such horses by residents of this State in order to provide for: sufficient numbers of high quality standardbred horses to participate in harness racing meetings in this State, and to establish and preserve the agricultural and commercial benefits of such breeding and racing industries to the State of Illinois. It is the intent of the General Assembly to further this policy by the provisions of this Section of this Act.

(b) Each organization licensee conducting a harness racing meeting pursuant to this Act shall provide for at least two races each race program limited to Illinois conceived and foaled horses. A minimum of 6 races shall be conducted each week limited to Illinois conceived and foaled horses. No horses shall be permitted to start in such races unless duly registered under the rules of the Department of Agriculture.

(b-5) Each organization licensee conducting a harness racing meeting pursuant to this Act shall provide stakes races and early closer races for Illinois conceived and foaled horses so the total purses distributed for such races shall be no less than 17% of the total purses distributed at the meeting.

(b-10) Each organization licensee conducting a harness racing meeting pursuant to this Act shall provide an owner award to be paid from the purse account equal to 25% of the amount earned by Illinois conceived and foaled horses in races that are not restricted to Illinois conceived and foaled horses.

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

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

During the calendar year 1981, and each year thereafter, except as provided in subsection (g) of Section 27 of this Act, eight and one-half per cent of all the monies received by the State as privilege taxes on harness racing meetings shall be paid into the Illinois Standardbred Breeders Fund.

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

(f) The Illinois Standardbred Breeders Fund Advisory Board is hereby created. The Advisory Board shall consist of the Director of the Department of Agriculture, who shall serve as Chairman; the Superintendent of the Illinois State Fair; a member of the Illinois Racing Board, designated by it; a representative of the Illinois Standardbred Owners and Breeders Association, recommended by it; a representative of the Illinois Association of Agricultural Fairs, recommended by it, such representative to be from a fair at which Illinois conceived and foaled racing is conducted; a representative of the organization licensees conducting harness racing meetings, recommended by them and a representative of the Illinois Harness Horsemen's Association, recommended by it. Advisory Board members shall serve for 2 years commencing January 1, of each odd numbered year. If representatives of the Illinois Standardbred Owners and Breeders Associations, the Illinois Association of Agricultural Fairs, the Illinois Harness Horsemen's Association, and the organization licensees conducting harness racing meetings have not been recommended by January 1, of each odd numbered year, the Director of the Department of Agriculture shall make an appointment for the organization failing to so recommend a member of the Advisory Board. Advisory Board members shall receive no compensation for their services as members but shall be reimbursed for all actual and necessary expenses and disbursements incurred in the execution of their official duties.

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

1. To provide purses for races limited to Illinois conceived and foaled horses at the

State Fair and the DuQuoin State Fair.

2. To provide purses for races limited to Illinois conceived and foaled horses at county fairs.

3. To provide purse supplements for races limited to Illinois conceived and foaled horses conducted by associations conducting harness racing meetings.

4. No less than 75% of all monies in the Illinois Standardbred Breeders Fund shall be expended for purses in 1, 2 and 3 as shown above.

5. In the discretion of the Department of Agriculture to provide awards to harness breeders of Illinois conceived and foaled horses which win races conducted by organization licensees conducting harness racing meetings. A breeder is the owner of a mare at the time of conception. No more than 10% of all monies appropriated from the Illinois Standardbred Breeders Fund shall be expended for such harness breeders awards. No more than 25% of the amount expended for harness breeders awards shall be expended for expenses incurred in the administration of such harness breeders awards.

6. To pay for the improvement of racing facilities located at the State Fair and County fairs.

7. To pay the expenses incurred in the administration of the Illinois Standardbred Breeders Fund.

8. To promote the sport of harness racing, including grants up to a maximum of \$7,500 per fair per year for the cost of a totalizer system to be used for conducting pari-mutuel wagering during the advertised dates of a county fair.

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

(i) A sum equal to 12 1/2% of the first prize money of the gross ~~every~~ purse won by an Illinois conceived and foaled horse shall be paid by the organization licensee conducting the horse race meeting to the breeder of such winning horse from the organization licensee's account share of the money ~~wagered~~. Such payment shall not reduce any award to the owner of the horse or reduce the taxes payable under this Act. Such payment shall be delivered by the organization licensee at the end of each month race meeting.

(j) The Department of Agriculture shall, by rule, with the assistance and advice of the Illinois Standardbred Breeders Fund Advisory Board:

1. Qualify stallions for Illinois Standardbred Breeders Fund breeding; such stallion shall be owned by a resident of the State of Illinois or by an Illinois corporation all of whose shareholders, directors, officers and incorporators are residents of the State of Illinois. Such stallion shall stand for service at and within the State of Illinois at the time of a foal's conception, and such stallion must not stand for service at any place, ~~nor may semen from such stallion be transported,~~ outside the State of Illinois during that calendar year in which the foal is conceived and that the owner of the stallion was for the 12 months prior, a resident of Illinois. The articles of agreement of any partnership, joint venture, limited partnership, syndicate, association or corporation and any bylaws and stock certificates must contain a restriction that provides that the ownership or transfer of interest by any one of the persons a party to the agreement can only be made to a person who qualifies as an Illinois resident. Foals conceived outside the State of Illinois from shipped semen from a stallion qualified for breeders' awards under this Section are not eligible to participate in the Illinois conceived and foaled program.

2. Provide for the registration of Illinois conceived and foaled horses and no such horse shall compete in the races limited to Illinois conceived and foaled horses unless registered with the Department of Agriculture. The Department of Agriculture may prescribe such forms as may be necessary to determine the eligibility of such horses. No person shall knowingly prepare or cause preparation of an application for registration of such foals containing false information. A mare (dam) must be in the state at least 30 days prior to foaling or remain in the State at least 30 days at the time of foaling. Beginning with the 1996 breeding season and for foals of 1997 and thereafter, a foal conceived in the State of Illinois by transported fresh semen may be eligible for Illinois conceived and foaled registration provided all breeding and foaling requirements are met. The stallion must be qualified for Illinois Standardbred Breeders Fund breeding at the time of conception and the mare must be inseminated within the State of Illinois. The foal must be dropped in Illinois and properly registered with the Department of Agriculture in accordance with this Act.

3. Provide that at least a 5 day racing program shall be conducted at the State Fair each year, which

program shall include at least the following races limited to Illinois conceived and foaled horses: (a) a two year old Trot and Pace, and Filly Division of each; (b) a three year old Trot and Pace, and Filly Division of each; (c) an aged Trot and Pace, and Mare Division of each.

4. Provide for the payment of nominating, sustaining and starting fees for races promoting the sport of harness racing and for the races to be conducted at the State Fair as provided in subsection (j) 3 of this Section provided that the nominating, sustaining and starting payment required from an entrant shall not exceed 2% of the purse of such race. All nominating, sustaining and starting payments shall be held for the benefit of entrants and shall be paid out as part of the respective purses for such races. Nominating, sustaining and starting fees shall be held in trust accounts for the purposes as set forth in this Act and in accordance with Section 205-15 of the Department of Agriculture Law (20 ILCS 205/205-15).

5. Provide for the registration with the Department of Agriculture of Colt Associations or county fairs desiring to sponsor races at county fairs.

(k) The Department of Agriculture, with the advice and assistance of the Illinois Standardbred Breeders Fund Advisory Board, may allocate monies for purse supplements for such races. In determining whether to allocate money and the amount, the Department of Agriculture shall consider factors, including but not limited to, the amount of money appropriated for the Illinois Standardbred Breeders Fund program, the number of races that may occur, and an organizational licensee's purse structure. The organizational licensee shall notify the Department of Agriculture of the conditions and minimum purses for races limited to Illinois conceived and foaled horses to be conducted by each organizational licensee conducting a harness racing meeting for which purse supplements have been negotiated.

(l) All races held at county fairs and the State Fair which receive funds from the Illinois Standardbred Breeders Fund shall be conducted in accordance with the rules of the United States Trotting Association unless otherwise modified by the Department of Agriculture.

(m) At all standardbred race meetings held or conducted under authority of a license granted by the Board, and at all standardbred races held at county fairs which are approved by the Department of Agriculture or at the Illinois or DuQuoin State Fairs, no one shall jog, train, warm up or drive a standardbred horse unless he or she is wearing a protective safety helmet, with the chin strap fastened and in place, which meets the standards and requirements as set forth in the 1984 Standard for Protective Headgear for Use in Harness Racing and Other Equestrian Sports published by the Snell Memorial Foundation, or any standards and requirements for headgear the Illinois Racing Board may approve. Any other standards and requirements so approved by the Board shall equal or exceed those published by the Snell Memorial Foundation. Any equestrian helmet bearing the Snell label shall be deemed to have met those standards and requirements.

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

Section 90-30. The Riverboat Gambling Act is amended by changing Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 7.1, 7.3, 8, 9, 11, 11.1, 12, 13, 14, 18, 19, and 20 and by adding Sections 7.6, 7.7, 7.8, 7.10, and 7.14 as follows:

(230 ILCS 10/1) (from Ch. 120, par. 2401)

Sec. 1. Short title. This Act shall be known and may be cited as the Illinois Riverboat Gambling Act.

(Source: P.A. 86-1029.)

(230 ILCS 10/2) (from Ch. 120, par. 2402)

Sec. 2. Legislative Intent.

(a) This Act is intended to benefit the people of the State of Illinois by assisting economic development and promoting Illinois tourism and by increasing the amount of revenues available to the State to assist and support education.

(b) While authorization of riverboat and casino gambling will enhance investment, development and tourism in Illinois, it is recognized that it will do so successfully only if public confidence and trust in the credibility and integrity of the gambling operations and the regulatory process is maintained. Therefore, regulatory provisions of this Act are designed to strictly regulate the facilities, persons, associations and practices related to gambling operations pursuant to the police powers of the State, including comprehensive law enforcement supervision.

(c) The Illinois Gaming Board established under this Act should, as soon as possible, inform each applicant for an owners license of the Board's intent to grant or deny a license.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/3) (from Ch. 120, par. 2403)

Sec. 3. Riverboat Gambling Authorized.

(a) Riverboat and casino gambling operations and electronic gaming operations ~~and the system of~~

~~wagering incorporated therein~~, as defined in this Act, are hereby authorized to the extent that they are carried out in accordance with the provisions of this Act.

(b) This Act does not apply to the pari-mutuel system of wagering used or intended to be used in connection with the horse-race meetings as authorized under the Illinois Horse Racing Act of 1975, lottery games authorized under the Illinois Lottery Law, bingo authorized under the Bingo License and Tax Act, charitable games authorized under the Charitable Games Act or pull tabs and jar games conducted under the Illinois Pull Tabs and Jar Games Act. This Act does apply to electronic gaming authorized under the Illinois Horse Racing Act of 1975 to the extent provided in that Act and in this Act.

(c) Riverboat gambling conducted pursuant to this Act may be authorized upon any water within the State of Illinois or any water other than Lake Michigan which constitutes a boundary of the State of Illinois. Notwithstanding any provision in this subsection (c) to the contrary, a licensee that receives its license pursuant to subsection (e-5) of Section 7 may conduct riverboat gambling on Lake Michigan from a home dock located on Lake Michigan subject to any limitations contained in Section 7. Notwithstanding any provision in this subsection (c) to the contrary, a licensee may conduct gambling at its home dock facility as provided in Sections 7 and 11. A licensee may conduct riverboat gambling authorized under this Act regardless of whether it conducts excursion cruises. A licensee may permit the continuous ingress and egress of passengers for the purpose of gambling.

(d) Gambling that is conducted in accordance with this Act using slot machines shall be authorized at the race track of an organization licensee under the Illinois Horse Racing Act of 1975 as provided in this Act.

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

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

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

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

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

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

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

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

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

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

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

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

(j) "Department" means the Department of Revenue.

(k) "Gambling operation" means the conduct of ~~authorized~~ authorized gambling games authorized under this Act on upon a riverboat or in a casino or authorized under this Act and the Illinois Horse Racing Act of 1975 at an electronic gaming facility.

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

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

"Casino" means a land-based facility at which lawful gambling is authorized as provided in this Act.

"Owners license" means a license to conduct riverboat or casino gambling operations, but does not include an electronic gaming license.

"Licensed owner" means a person who holds an owners license.

"Electronic gaming license" means a license issued by the Board under Section 7.6 of this Act authorizing electronic gaming at an electronic gaming facility.

"Electronic gaming" means slot machine gambling, video games of chance, and electronic gambling games that are conducted at a race track licensed under the Illinois Horse Racing Act of 1975 pursuant to

an electronic gaming license.

"Electronic gaming facility" means the area where the Board has authorized limited electronic gaming by an electronic gaming license at a race track of an organization licensee under the Illinois Horse Racing Act of 1975.

"Organization licensee" means an entity authorized by the Illinois Racing Board to conduct pari-mutuel wagering in accordance with the Illinois Horse Racing Act of 1975.

"Casino operator license" means the license held by the person or entity selected by the Chicago Casino Development Authority to manage and operate a riverboat or casino within the geographic area of the authorized municipality pursuant to this Act and the Chicago Casino Development Authority Act. (Source: P.A. 95-331, eff. 8-21-07.)

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

Sec. 5. Gaming Board.

(a) (1) There is hereby established within the Department of Revenue an Illinois Gaming Board which shall have the powers and duties specified in this Act, and all other powers necessary and proper to fully and effectively execute this Act for the purpose of administering, regulating, and enforcing the system of riverboat and casino gambling and electronic gaming established by this Act. Its jurisdiction shall extend under this Act to every person, association, corporation, partnership and trust involved in riverboat and casino gambling operations and electronic gaming in the State of Illinois.

(2) The Board shall consist of 5 members to be appointed by the Governor with the advice and consent of the Senate, one of whom shall be designated by the Governor to be chairperson ~~chairman~~. Each member shall have a reasonable knowledge of the practice, procedure and principles of gambling operations. At least 3 members must have personal experience working in the gaming industry whether it be in the State of Illinois or elsewhere. Each member shall either be a resident of Illinois or shall certify that he or she will become a resident of Illinois before taking office. Notwithstanding any provision of this Section to the contrary, the term of office of each member of the Board ends on the effective date of this amendatory Act of the 96th General Assembly and those members shall hold office only until their successors are appointed and qualified pursuant to this amendatory Act.

No more than 3 members of the Board may be from the same political party. No more than 3 members may reside within Cook, Will, Lake, DuPage, or Kane County. The Board should reflect the ethnic, cultural, and geographic diversity of the State. No Board member, within a period of one year immediately preceding nomination by the Governor or the expectation of his or her term or separation from the Board, shall have been employed or received compensation or fees for services from a person or entity, or its parent or affiliate, that has engaged in business with the Board, a licensee, or a licensee under the Horse Racing Act of 1975. This prohibition shall apply additionally for one year immediately after the expiration of his or her term or separation from the Board. At least one member shall be experienced in law enforcement and criminal investigation, at least one member shall be a certified public accountant experienced in accounting and auditing, and at least one member shall be a lawyer licensed to practice law in Illinois.

(3) The terms of office of the Board members shall be 3 years, except that the terms of office of the initial Board members appointed pursuant to this amendatory Act of the 96th General Assembly Act will commence from the effective date of this amendatory Act and run as follows, to be determined by lot: one for a term ending July 1 of the year following confirmation ~~1991~~, one 2 for a term ending July 1 two years following confirmation ~~1992~~, one and 2 for a term ending July 1 three years following confirmation, and 2 for a term ending July 1 four years following confirmation ~~1993~~. Upon the expiration of the foregoing terms, the successors of such members shall serve a term for 3 years and until their successors are appointed and qualified for like terms. Vacancies in the Board shall be filled for the unexpired term in like manner as original appointments. Each member of the Board shall be eligible for reappointment at the discretion of the Governor with the advice and consent of the Senate.

Until all 5 members of the Board are appointed and qualified pursuant to this amendatory Act of the 96th General Assembly, the Illinois Gaming Board may not act with regard to any license that has not been granted by January 1, 2010; however, the Board may issue electronic gaming licenses pursuant to this amendatory Act.

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

(5) No person shall be appointed a member of the Board or continue to be a member of the Board who is, or whose spouse, child or parent is, a member of the board of directors of, or a person financially interested in, any gambling operation subject to the jurisdiction of this Board, or any race track, race meeting, racing association or the operations thereof subject to the jurisdiction of the Illinois Racing

Board. No Board member shall hold any other public office for which he shall receive compensation other than necessary travel or other incidental expenses. No person shall be a member of the Board who is not of good moral character or who has been convicted of, or is under indictment for, a felony under the laws of Illinois or any other state, or the United States.

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

(7) Before entering upon the discharge of the duties of his office, each member of the Board shall take an oath that he will faithfully execute the duties of his office according to the laws of the State and the rules and regulations adopted therewith and shall give bond to the State of Illinois, approved by the Governor, in the sum of \$25,000. Every such bond, when duly executed and approved, shall be recorded in the office of the Secretary of State. Whenever the Governor determines that the bond of any member of the Board has become or is likely to become invalid or insufficient, he shall require such member forthwith to renew his bond, which is to be approved by the Governor. Any member of the Board who fails to take oath and give bond within 30 days from the date of his appointment, or who fails to renew his bond within 30 days after it is demanded by the Governor, shall be guilty of neglect of duty and may be removed by the Governor. The cost of any bond given by any member of the Board under this Section shall be taken to be a part of the necessary expenses of the Board.

(8) ~~The Upon the request of the Board, the Department~~ shall employ such personnel as may be necessary to carry out ~~its the~~ functions and shall determine the salaries of all personnel, except those personnel whose salaries are determined under the terms of a collective bargaining agreement of the Board. No person shall be employed to serve the Board who is, or whose spouse, parent or child is, an official of, or has a financial interest in or financial relation with, any operator engaged in gambling operations within this State or any organization engaged in conducting horse racing within this State. For the one year immediately preceding employment, an employee shall not have been employed or received compensation or fees for services from a person or entity, or its parent or affiliate, that has engaged in business with the Board, a licensee, or a licensee under the Horse Racing Act of 1975. Any employee violating these prohibitions shall be subject to termination of employment. In addition, no employee shall for one year after separation from the Board be employed or receive compensation or fees from the before-mentioned persons or entities.

(9) An Administrator shall be appointed by the Governor with the advice and consent of the Senate. An Administrator shall perform any and all duties that the Board shall assign him. The salary of the Administrator shall be determined by the Board and approved by the Director of the Department and, in addition, he shall be reimbursed for all actual and necessary expenses incurred by him in discharge of his official duties. The Administrator shall keep records of all proceedings of the Board and shall preserve all records, books, documents and other papers belonging to the Board or entrusted to its care. The Administrator shall devote his full time to the duties of the office and shall not hold any other office or employment. In addition to other prescribed duties, the Administrator shall establish a system by which personnel assisting the Board regarding the issuance of owner's licenses, whether it be relocation, re-issuance, or the initial issuance, shall be assigned specific duties in each instance, thereby preventing a conflict of interest in regards to the decision-making process. A conflict of interest exists if a situation influences or creates the appearance that it may influence judgment or performance of duties or responsibilities.

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

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

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

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

(4) To provide for the establishment and collection of all license and registration fees and taxes imposed by this Act and the rules and regulations issued pursuant hereto. All such fees

and taxes shall be deposited into the State Gaming Fund;

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

(6) To be present through its inspectors and agents any time gambling operations are conducted on any riverboat, in any casino, or at any electronic gaming facility for the purpose of certifying the revenue thereof, receiving complaints from the public, and conducting such other investigations into the conduct of the gambling games and the maintenance of the equipment as from time to time the Board may deem necessary and proper;

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

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

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

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

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

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

(13) To assume responsibility for the administration and enforcement of operations at electronic gaming facilities pursuant to this Act and the Illinois Horse Racing Act of 1975.

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

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

(2) To have jurisdiction and supervision over all ~~riverboat~~ gambling operations authorized under this Act in this State and all persons in places ~~on riverboats~~ where gambling operations are conducted.

(3) To promulgate rules and regulations for the purpose of administering the provisions of this Act and to prescribe rules, regulations and conditions under which all ~~riverboat~~ gambling operations subject to this Act ~~in the State~~ shall be conducted. Such rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of ~~riverboat~~ gambling, including rules and regulations regarding the inspection of electronic gaming facilities, casinos, and such riverboats and the review of any permits or licenses necessary to operate a riverboat

casino, or electronic gaming facilities under any laws or regulations applicable to riverboats, casinos, or electronic gaming facilities and to impose penalties for violations thereof.

(4) To enter the office, riverboats, casinos, electronic gaming facilities, and other facilities, or other places of business of a licensee, where evidence of the compliance or noncompliance with the provisions of this Act is likely to be found.

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

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

(7) To adopt appropriate standards for all electronic gaming facilities, riverboats, casinos, and other facilities authorized under this Act.

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

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

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

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

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

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

(14) (Blank).

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

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

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

(18) To authorize a licensee to sell or serve alcoholic liquors, wine or beer as defined in the Liquor Control Act of 1934 on board a riverboat or in a casino and to have exclusive authority to establish the hours for sale and consumption of alcoholic liquor on board a riverboat or in a casino, notwithstanding any provision of the Liquor Control Act of 1934 or any local ordinance, and

regardless of whether the riverboat makes excursions. The establishment of the hours for sale and consumption of alcoholic liquor on board a riverboat or in a casino is an exclusive power and function of the State. A home rule unit may not establish the hours for sale and consumption of alcoholic liquor on board a riverboat or in a casino. This ~~subdivision (18) amendatory Act of 1991~~ is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

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

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

(21) To make rules concerning the conduct of electronic gaming.

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

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

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

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

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

Sec. 5.1. Disclosure of records.

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

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

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

(3) An identification of any business, including, if applicable, the state of incorporation or registration, in which an applicant or licensee or an applicant's or licensee's spouse or children has an equity interest of more than 5%. If an applicant or licensee is a corporation, partnership or other business entity, the applicant or licensee shall identify any other corporation, partnership or business entity in which it has an equity interest of 5% or more, including, if applicable, the state of incorporation or registration. This information need not be provided by a corporation, partnership or other business entity that has a pending registration statement filed with the Securities and Exchange Commission.

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

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

(6) Whether an applicant or licensee has ever filed or had filed against it a proceeding in bankruptcy or has ever been involved in any formal process to adjust, defer, suspend or otherwise work out the payment of any debt including the date of filing, the name and location of the

court, the case and number of the disposition.

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

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

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

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

(11) A description of any proposed or approved riverboat or casino gaming or electronic gaming operation, including

the type of boat, home dock or casino or electronic gaming location, expected economic benefit to the community, anticipated or actual number of employees, any statement from an applicant or licensee regarding compliance with federal and State affirmative action guidelines, projected or actual admissions and projected or actual adjusted gross gaming receipts.

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

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

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

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

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

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

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

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

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

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

(230 ILCS 10/6) (from Ch. 120, par. 2406)

Sec. 6. Application for Owners License.

(a) A qualified person may apply to the Board for an owners license to conduct a ~~riverboat~~ gambling operation as provided in this Act. The application shall be made on forms provided by the Board and shall contain such information as the Board prescribes, including but not limited to the identity of the riverboat on which such gambling operation is to be conducted , if applicable, and the exact location where such riverboat or casino or electronic gaming operation will be ~~located~~ ~~doek~~, a certification that the riverboat will be registered under this Act at all times during which gambling operations are conducted on board, detailed information regarding the ownership and management of the applicant, and detailed personal information regarding the applicant. Any application for an owners license to be re-issued on or after June 1, 2003 shall also include the applicant's license bid in a form prescribed by the Board. Information provided on the application shall be used as a basis for a thorough background investigation which the Board shall conduct with respect to each applicant. An incomplete application shall be cause for denial of a license by the Board.

(b) Applicants shall submit with their application all documents, resolutions, and letters of support from the governing body that represents the municipality or county wherein the licensee will ~~be located~~ ~~doek~~.

(c) Each applicant shall disclose the identity of every person, association, trust or corporation having a greater than 1% direct or indirect pecuniary interest in the ~~riverboat~~ gambling operation with respect to which the license is sought. If the disclosed entity is a trust, the application shall disclose the names and

addresses of the beneficiaries; if a corporation, the names and addresses of all stockholders and directors; if a partnership, the names and addresses of all partners, both general and limited.

(d) An application shall be filed with the Board by January 1 of the year preceding any calendar year for which an applicant seeks an owners license; however, applications for an owners license permitting operations on January 1, 1991 shall be filed by July 1, 1990. An application fee of \$50,000 shall be paid at the time of filing to defray the costs associated with the background investigation conducted by the Board. If the costs of the investigation exceed \$50,000, the applicant shall pay the additional amount to the Board. If the costs of the investigation are less than \$50,000, the applicant shall receive a refund of the remaining amount. All information, records, interviews, reports, statements, memoranda or other data supplied to or used by the Board in the course of its review or investigation of an application for a license under this Act shall be privileged, strictly confidential and shall be used only for the purpose of evaluating an applicant. Such information, records, interviews, reports, statements, memoranda or other data shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person, except for any action deemed necessary by the Board.

(e) The Board shall charge each applicant a fee set by the Department of State Police to defray the costs associated with the search and classification of fingerprints obtained by the Board with respect to the applicant's application. These fees shall be paid into the State Police Services Fund.

(f) The licensed owner shall be the person primarily responsible for the boat or casino or electronic gaming operation itself. Only one ~~riverboat~~ gambling operation may be authorized by the Board on any riverboat or in any casino or electronic gaming operation. The applicant must identify the each riverboat or premises it intends to use and certify that the riverboat or premises: (1) has the authorized capacity required in this Act; (2) is accessible to disabled persons; and (3) is fully registered and licensed in accordance with any applicable laws.

(g) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(Source: P.A. 93-28, eff. 6-20-03.)

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

Sec. 7. Owners Licenses.

(a) The Board shall issue owners licenses to persons, firms or corporations which apply for such licenses upon payment to the Board of the non-refundable license fee set by the Board, upon payment of a \$25,000 license fee for the first year of operation and a \$5,000 license fee for each succeeding year and upon a determination by the Board that the applicant is eligible for an owners license pursuant to this Act and the rules of the Board. From the effective date of this amendatory Act of the 95th General Assembly until (i) 3 years after the effective date of this amendatory Act of the 95th General Assembly, (ii) the date any organization licensee begins to operate a slot machine or video game of chance under the Illinois Horse Racing Act of 1975 or this Act, (iii) the date that payments begin under subsection (c-5) of Section 13 of the Act, ~~or~~ (iv) the wagering tax imposed under Section 13 of this Act is increased by law to reflect a tax rate that is at least as stringent or more stringent than the tax rate contained in subsection (a-3) of Section 13 , or (v) when the first electronic gaming licensee begins conducting electronic gaming operations, whichever occurs first, as a condition of licensure and as an alternative source of payment for those funds payable under subsection (c-5) of Section 13 of ~~this the Riverboat Gambling Act~~, any owners licensee that holds or receives its owners license on or after the effective date of this amendatory Act of the 94th General Assembly, other than an owners licensee operating a riverboat with adjusted gross receipts in calendar year 2004 of less than \$200,000,000, must pay into the Horse Racing Equity Trust Fund, in addition to any other payments required under this Act, an amount equal to 3% of the adjusted gross receipts received by the owners licensee. The payments required under this Section shall be made by the owners licensee to the State Treasurer no later than 3:00 o'clock p.m. of the day after the day when the adjusted gross receipts were received by the owners licensee. A person, firm or corporation is ineligible to receive an owners license if:

- (1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;
- (2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or substantially similar laws of any other jurisdiction;
- (3) the person has submitted an application for a license under this Act which contains false information;
- (4) the person is a member of the Board;
- (5) a person defined in (1), (2), (3) or (4) is an officer, director or managerial employee of the firm or corporation;
- (6) the firm or corporation employs a person defined in (1), (2), (3) or (4) who

participates in the management or operation of gambling operations authorized under this Act;

(7) (blank); or

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

The Board is expressly prohibited from making changes to the requirement that licensees make payment into the Horse Racing Equity Trust Fund without the express authority of the Illinois General Assembly and making any other rule to implement or interpret this amendatory Act of the 95th General Assembly. For the purposes of this paragraph, "rules" is given the meaning given to that term in Section 1-70 of the Illinois Administrative Procedure Act.

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

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

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

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

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

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

(4) the extent to which the ownership of the applicant reflects the diversity of the State by including minority persons and females and the good faith affirmative action plan of each applicant to recruit, train and upgrade minority persons and females in all employment classifications;

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

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

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

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

(c) Each owners license shall specify the place where the casino shall operate or the riverboat ~~riverboats~~ shall operate and dock or the electronic gaming facility will operate.

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

(e) In addition to any licenses authorized under subsections (e-5) and (e-10), the ~~The~~ Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. The Board shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, or, with approval by the municipality in which the riverboat was docked on August 7, 2003 and with Board approval, be authorized to relocate to a new location, in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2), on August 7, 2003, had a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act; one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis. One other license shall authorize riverboat gambling on the Illinois River south of Marshall County. The Board shall issue one additional license to become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992. In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the State share in the economic benefits of riverboat gambling.

In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners licenses, and shall inform each applicant of the Board's decision. The Board may grant an owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in this Section that favored the winning bidder.

(e-5) In addition to licenses authorized under subsections (e) and (e-10), the Board may issue one owners license authorizing either the conduct of riverboat gambling operations from a home dock

located in the City of Chicago or the conduct of gambling operations in a casino located in the City of Chicago.

The license authorized under this subsection (e-5) shall be awarded to the Chicago Casino Development Authority.

The license authorized under this subsection (e-5) may authorize the conduct of riverboat gambling on Lake Michigan or at a land-based facility.

Additionally, the license authorized under this subsection (e-5) shall be issued within 6 months after the effective date of this amendatory Act of the 96th General Assembly.

(e-10) In addition to licenses authorized under subsections (e) and (e-5), the Board may issue the following owners licenses:

(1) One owners license authorizing the conduct of riverboat gambling from a home dock located in the City of Park City.

(2) One license authorizing the conduct of riverboat gambling in the City of Rockford.

The city council of the municipality in which the home dock of the riverboat is located may make recommendations regarding the location, proposal for ownership, licensee, and any other decisions made in connection with the license issued under this subsection (e-10).

The licenses authorized under this subsection (e-10) shall be issued within 6 months after the effective date of this amendatory Act of the 96th General Assembly. The license fee to be paid by each licensee under this subsection (e-10) shall not be less than \$150,000,000.

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

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

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

(h) An owners license, ~~except for the owners license issued under subsections (e-5) and (e-10)~~, shall entitle the licensee to own up to 2 riverboats.

A licensee, ~~except for the owners licensee issued under subsection (e-5)~~, shall limit the number of gambling participants to 2,000 ~~4,200~~ for any such owners license. A licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on both riverboats does not exceed 2,000 ~~4,200~~. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons. Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons. An owners licensee that acquired its license under subsection (e-5) shall limit the number of gambling participants to 4,000 for such owners license.

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

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

(k) If an owners licensee elects to operate a land-based gaming facility in accordance with subsection (f) of Section 7.1, then the owners licensee shall pay a one-time fee of \$5,000,000 immediately upon approval by the Board. All other owners licensees may elect to operate a land-based gaming facility upon approval of the Board and shall not be required to pay a fee.

(l) An owners licensee may apply to the Board for authorization to operate up to 100 electronic poker positions at its licensed facility. The authorization that the Board issues to the owners licensee shall specify the number of electronic poker positions the owners licensee may operate, which shall not be counted against the limit on the number of gaming positions under this Act.

The Board must adopt rules for the authorization and administration of the conduct of electronic poker.

For the purposes of this subsection (l), "electronic poker" means a form of gambling operation by which players can play poker electronically via a network of machines at the same or any other location. (Source: P.A. 94-667, eff. 8-23-05; 94-804, eff. 5-26-06; 95-1008, eff. 12-15-08.)

(230 ILCS 10/7.1)

Sec. 7.1. Re-issuance of revoked or non-renewed owners licenses.

(a) If an owners license terminates or expires without renewal or the Board revokes or determines not to renew an owners license (including, without limitation, an owners license for a licensee that was not conducting riverboat gambling operations on January 1, 1998) and that revocation or determination is final, the Board may re-issue such license to a qualified applicant pursuant to an open and competitive bidding process, as set forth in Section 7.5, and subject to the maximum number of authorized licenses set forth in subsections (e), (e-5), and (e-10) of Section 7 ~~Section 7(e)~~.

(b) To be a qualified applicant, a person, firm, or corporation cannot be ineligible to receive an owners license under Section 7(a) and must submit an application for an owners license that complies with Section 6. Each such applicant must also submit evidence to the Board that minority persons and females hold ownership interests in the applicant of at least 16% and 4% respectively.

(c) Notwithstanding anything to the contrary in Section 7(e), an applicant may apply to the Board for approval of relocation of a re-issued license to a new home dock location authorized under Section 3(c) upon receipt of the approval from the municipality or county, as the case may be, pursuant to Section 7(j).

(d) In determining whether to grant a re-issued owners license to an applicant, the Board shall consider all of the factors set forth in Section Sections 7(b) and in Section 7(e), (e-5), or (e-10), whichever is applicable, (e) as well as the amount of the applicant's license bid. The Board may grant the re-issued owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in Section Sections 7(b) and in Section 7(e), (e-5), or (e-10), whichever is applicable, (e) that favored the winning bidder.

(e) Re-issued owners licenses shall be subject to annual license fees as provided for in Section 7(a) and shall be governed by the provisions of Sections 7(f), (g), (h), and (i).

(f) An owners license that was re-issued before January 1, 2010 shall authorize the conduct of gambling operations in a land-based facility if the owners licensee has complied with subsection (k) of Section 7 of this Act.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/7.3)

Sec. 7.3. State conduct of gambling operations.

(a) If, after reviewing each application for a re-issued license, the Board determines that the highest prospective total revenue to the State would be derived from State conduct of the gambling operation in lieu of re-issuing the license, the Board shall inform each applicant of its decision. The Board shall thereafter have the authority, without obtaining an owners license, to conduct riverboat gambling operations as previously authorized by the terminated, expired, revoked, or nonrenewed license through a licensed manager selected pursuant to an open and competitive bidding process as set forth in Section 7.5 and as provided in Section 7.4.

(b) The Board may locate any riverboat on which a gambling operation is conducted by the State in any home dock location authorized by Section 3(c) upon receipt of approval from a majority vote of the governing body of the municipality or county, as the case may be, in which the riverboat will dock.

(c) The Board shall have jurisdiction over and shall supervise all gambling operations conducted by the State provided for in this Act and shall have all powers necessary and proper to fully and effectively execute the provisions of this Act relating to gambling operations conducted by the State.

(d) The maximum number of owners licenses authorized under Section ~~7~~ ~~7(e)~~ shall be reduced by one for each instance in which the Board authorizes the State to conduct a riverboat gambling operation under subsection (a) in lieu of re-issuing a license to an applicant under Section 7.1.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/7.6 new)

Sec. 7.6. Electronic gaming.

(a) The General Assembly finds that the horse racing and riverboat gambling industries share many similarities and collectively comprise the bulk of the State's gaming industry. One feature in common to both industries is that each is highly regulated by the State of Illinois.

The General Assembly further finds, however, that despite their shared features each industry is distinct from the other in that horse racing is and continues to be intimately tied to Illinois' agricultural economy and is, at its core, a spectator sport. This distinction requires the General Assembly to utilize different methods to regulate and promote the horse racing industry throughout the State.

The General Assembly finds that in order to promote live horse racing as a spectator sport in Illinois and the agricultural economy of this State, it is necessary to allow electronic gaming at Illinois race tracks given the success of other states in increasing live racing purse accounts and improving the quality of horses participating in horse race meetings.

Except as provided in subsection (a-5), only owners licensees shall be eligible for an electronic gaming license. Each electronic gaming license shall authorize the management and operation of authorized gaming at an electronic gaming facility. This amendatory act of the 96th General Assembly authorizes the Board to distribute up to 5,000 aggregate electronic gaming positions to electronic gaming facilities statewide. The Board shall distribute 1,000 positions to each electronic gaming facility, the organization licensee controlling the facility may chose to accept fewer than a 1,000 positions, but in no case may they accept fewer than 500 positions. The organization licensee controlling the facility may refuse to accept any positions; in such instance, the organization licensee shall not receive any proceeds generated by electronic gaming under this Section, unless the facility is prohibited from installing the positions on the facility premises by law. An owners licensee that wishes to conduct electronic gaming at an electronic gaming facility must obtain an electronic gaming license from the Board. Any owners licensee that wishes to obtain an electronic gaming license must have a lease with and prior approval of the organization licensee that controls the electronic gaming facility prior to submitting a bid to obtain an electronic gaming license for an electronic gaming facility. The organization licensee and the owners licensee must bargain in good faith, and if the organization licensee acts in bad faith, the organization licensee shall lose the right to have electronic gaming on the licensee's property and shall not receive any proceeds generated by electronic gaming under this Section. Any owners licensee that wishes to receive an electronic gaming license shall submit evidence to the Board that minority persons and females hold ownership interests in the applicant of at least 16% and 4% respectively; it is encouraged that these ownership interests be comprised of local and Illinois residents and persons who annually earn \$150,000 or less. The electronic gaming licenses authorized under this Section shall be subject to a competitive bidding process established by rule by the Board. The Board shall consider the following factors when reviewing applications for an electronic gaming license:

- (1) the applicant's past and current operation of their riverboat or other gaming operation;
- (2) the highest prospective total revenue to be derived by the State from the conduct of gambling;
- (3) any agreements entered into by the applicant and the organization licensee regarding placement and operation of electronic gaming positions, including, but not limited to, a lease; and
- (4) any other factors contained in this Act or the Illinois Horse Racing Act of 1975 determined by the Board to be relevant.

Within 6 months after the effective date of this Amendatory Act of the 96th General Assembly, the Board shall award electronic gaming licenses as provided under this subsection.

(a-5) If any electronic gaming license is not awarded to an owners licensee applicant under subsection (a), within 6 months after the effective date of this Amendatory Act of the 96th General Assembly, the Board shall again conduct a competitive bidding process in order to award the remaining licenses in a method consistent with subsection (a). At the second round of bidding, an owners licensee as defined in this Act or organization licensee as defined in the Horse Racing Act of 1975 shall not be permitted to make bids for the remaining licenses. At the second round of bidding, the Board shall allow an entity who is not yet licensed under this Act to bid for the remaining positions, so long as the entity has operated gaming operations in another state. If an applicant is awarded the license, the applicant must apply for and be issued an electronic gaming license and meet the criteria for an owners license under Sections 6 and 7 of this Act before the applicant can operate electronic gaming positions, and those electronic gaming licensees shall be considered owners licensees for the purposes of Section 12 and 13 of this Act.

(a-10) An applicant that has been awarded an electronic gaming license shall not be required to pay a licensing fee or similar fee for each electronic gaming position initially awarded. Nothing in this subsection (a-10) precludes an electronic licensee from payment of any required taxes.

(b) An electronic gaming license shall authorize its holder to conduct electronic gaming at its race track as determined by the Board.

(c) The Board may approve electronic gaming licenses authorizing the conduct of electronic gaming by eligible owners licensees. The Board shall adopt rules establishing reasonable leases under which an electronic gaming licensee shall pay an organizational licensee for use of the electronic gaming facility.

(d) For each calendar year after 2009 in which an organization licensee requests a number of racing days under its organization license that is less than 90% of the number of days of live racing it was awarded in 2005, the organization licensee shall not receive any proceeds from electronic gaming.

(e) An electronic gaming licensee may conduct electronic gaming at a temporary facility pending the construction of a permanent facility or the remodeling of an existing facility to accommodate electronic gaming participants for up to 12 months after receiving an electronic gaming license. The Board shall make rules concerning the conduct of electronic gaming from temporary facilities.

Any electronic gaming positions awarded to an owners licensee under this Section shall not be counted toward any position operated by a owner licensee on that licensee's riverboat or casino.

(f) An electronic gaming licensee may only conduct electronic gaming at a facility located in a municipality in which the governing body has, by a majority vote, approved the location of the electronic gaming facility in the municipality.

(230 ILCS 10/7.7 new)

Sec. 7.7. Home rule. The regulation and licensing of electronic gaming, electronic gaming facilities, and electronic gaming licensees are exclusive powers and functions of the State. A home rule unit may not regulate or license electronic gaming or electronic gaming licensees. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(230 ILCS 10/7.8 new)

Sec. 7.8. Casino operator license.

(a) A qualified person may apply to the Board for a casino operator license to operate and manage any gambling operation conducted by an Authority. The application shall be made on forms provided by the Board and shall contain such information as the Board prescribes, including but not limited to information required in Sections 6(a), (b), and (c) and information relating to the applicant's proposed price to manage the Authority's gambling operations and to provide the casino, gambling equipment, and supplies necessary to conduct Authority gambling operations. The total license fee for a license authorized under subsection (e-5) of Section 7 of this Act shall be \$225,000,000. The license fee shall be paid by the casino operator license to the State in the following manner upon each of the following occurrences:

(1) when the annual adjusted gross receipts of a license authorized under subsection (e-5) of Section 7 of this Act exceeds \$300,000,000, the casino operator licensee shall pay the State, within a reasonable time, a license fee of \$50,000,000;

(2) when the annual adjusted gross receipts of a license authorized under subsection (e-5) of Section 7 of this Act exceeds \$500,000,000, the casino operator licensee shall pay the State, within a reasonable time, a license fee of \$75,000,000; and

(3) when the annual adjusted gross receipts of a license authorized under subsection (e-5) of Section 7 of this Act exceeds \$700,000,000, the casino operator licensee shall pay the State, within a reasonable time, a license fee of \$100,000,000.

Each of the license fees shall be paid to the State. If the adjusted gross receipts of a license authorized under subsection (e-5) of Section 7 of this Act exceeds one of the above listed occurrences before the license fee has been paid for that occurrence, then the casino operator licensee shall pay to the State the lowest license fee that has not yet been paid. No more than one payment shall be made to the State within a calendar year.

After the Board has awarded a casino operator license, one-half of the accepted bid amount shall be paid into the State Gaming Fund. After the Board has awarded the licenses authorized under Subsection (e-10) of Section 7, one-half of the accepted bid amount shall be paid into the State Gaming Fund. Once gaming operations have commenced, the second half of the bid amount shall be paid into the State Gaming Fund.

(b) A person, firm, or corporation is ineligible to receive a casino operator license if:

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

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

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

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

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

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

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

(c) In determining whether to grant a casino operator license, the Board shall consider:

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

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

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

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

(3) the preference of the municipality in which the licensee will operate;

(4) the extent to which the ownership of the applicant reflects the diversity of the State by including minority persons and females and the good faith affirmative action plan of each applicant to recruit, train, and upgrade minority persons and females in all employment classifications;

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

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

(7) the extent to which the applicant exceeds or meets other standards for the issuance of a managers license that the Board may adopt by rule.

(d) Each applicant shall submit with his or her application, on forms prescribed by the Board, 2 sets of his or her fingerprints.

(e) The Board shall charge each applicant a fee, set by the Board, to defray the costs associated with the background investigation conducted by the Board.

(f) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(g) The casino operator license shall be issued only upon proof that it has entered into a labor peace agreement with each labor organization that is actively engaged in representing and attempting to represent casino and hospitality industry workers in this State. The labor peace agreement must be a valid and enforceable agreement under 29 U.S.C. 185 that protects the city's and State's revenues from the operation of the casino facility by prohibiting the labor organization and its members from engaging in any picketing, work stoppages, boycotts, or any other economic interference with the casino facility for at least the first 5 years of the casino license and must cover all operations at the casino facility that are conducted by lessees or tenants or under management agreements.

(h) The casino operator license shall be for a term of 20 years, shall be renewable at the Board's option, and shall contain such terms and provisions as the Board deems necessary to protect or enhance the credibility and integrity of State gambling operations, achieve the highest prospective total revenue to the State, and otherwise serve the interests of the citizens of Illinois. The Board may revoke the license:

(1) for violation of any provision of this Act;

(2) for violation of any rules of the Board;

(3) for any cause which, if known to the Board, would have disqualified the applicant from receiving the license; or

(4) for any other just cause.

(230 ILCS 10/7.10 new)

Sec. 7.10. Electronic gaming; deposits into Horse Racing Equity Fund. The adjusted gross receipts received by an electronic gaming licensee from electronic gaming remaining after the payment of taxes under Section 13 of this Act and operational costs incurred by the electronic gaming licensee in electronic gaming operations shall be retained by the electronic gaming licensee, except that an amount equal to 30% of each licensee's remaining balance after payment of taxes under Section 13 of this Act and operational costs incurred by the electronic gaming licensee or \$50,000,000 annually, paid by the electronic gaming licensees pro rata based on adjusted gross receipts, whichever is greater, shall be deposited into the Horse Racing Equity Trust Fund; except that, if the percentage of adjusted gross receipts to be deposited into the Horse Racing Equity Trust Fund under subsection (c-5) of Section 13 is reduced by law, then 40% of the electronic gaming licensee's remaining balance after payment of taxes and operational costs or \$50,000,000 annually, paid by the electronic gaming licensees pro rata based on

adjusted gross receipts, whichever is greater, shall be deposited into the Horse Racing Equity Trust Fund.

(230 ILCS 10/7.14 new)

Sec. 7.14. Obligations of licensure; licensure is a privilege.

(a) All licensees under this Act have a continuing duty to maintain suitability for licensure. A license does not create a property right, but is a revocable privilege granted by the State contingent upon continuing suitability for licensure.

(b) Licensees under this Act shall have a continuing, affirmative duty to investigate the backgrounds of its principal shareholders and officers.

(c) An applicant for licensure under this Act is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism, or other action or financial loss which may occur in connection with the application process. Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.

(230 ILCS 10/8) (from Ch. 120, par. 2408)

Sec. 8. Suppliers licenses.

(a) The Board may issue a suppliers license to such persons, firms or corporations which apply therefor upon the payment of a non-refundable application fee set by the Board, upon a determination by the Board that the applicant is eligible for a suppliers license and upon payment of a \$5,000 annual license fee.

(b) The holder of a suppliers license is authorized to sell or lease, and to contract to sell or lease, gambling equipment and supplies to any licensee involved in the ownership or management of gambling operations.

(c) Gambling supplies and equipment may not be distributed unless supplies and equipment conform to standards adopted by rules of the Board.

(d) A person, firm or corporation is ineligible to receive a suppliers license if:

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

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

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

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

(5) the firm or corporation is one in which a person defined in (1), (2), (3) or (4), is an officer, director or managerial employee;

(6) the firm or corporation employs a person who participates in the management or operation of riverboat gambling authorized under this Act;

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

(e) Any person that supplies any equipment, devices, or supplies to a licensed riverboat or casino gambling operation or electronic gaming operation must first obtain a suppliers license. A supplier shall furnish to the Board a list of all equipment, devices and supplies offered for sale or lease in connection with gambling games authorized under this Act. A supplier shall keep books and records for the furnishing of equipment, devices and supplies to gambling operations separate and distinct from any other business that the supplier might operate. A supplier shall file a quarterly return with the Board listing all sales and leases. A supplier shall permanently affix its name to all its equipment, devices, and supplies for gambling operations. Any supplier's equipment, devices or supplies which are used by any person in an unauthorized gambling operation shall be forfeited to the State. A holder of an owners license or an electronic gaming license ~~licensed owner~~ may own its own equipment, devices and supplies. Each holder of an owners license or an electronic gaming license under the Act shall file an annual report listing its inventories of gambling equipment, devices and supplies.

(f) Any person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(g) Any gambling equipment, devices and supplies provided by any licensed supplier may either be repaired on the riverboat, in a casino, or in an electronic gaming facility or removed from the riverboat, casino, or electronic gaming facility to a ~~an on-shore~~ facility owned by the holder of an owners license or electronic gaming facility license for repair.

(Source: P.A. 86-1029; 87-826.)

(230 ILCS 10/9) (from Ch. 120, par. 2409)

Sec. 9. Occupational licenses.

(a) The Board may issue an occupational license to an applicant upon the payment of a non-refundable fee set by the Board, upon a determination by the Board that the applicant is eligible for an occupational license and upon payment of an annual license fee in an amount to be established. To be eligible for an occupational license, an applicant must:

(1) be at least 21 years of age if the applicant will perform any function involved in gaming by patrons. Any applicant seeking an occupational license for a non-gaming function shall be at least 18 years of age;

(2) not have been convicted of a felony offense, a violation of Article 28 of the Criminal Code of 1961, or a similar statute of any other jurisdiction, or a crime involving dishonesty or moral turpitude;

(3) have demonstrated a level of skill or knowledge which the Board determines to be necessary in order to operate gambling aboard a riverboat, in a casino, or at an electronic gaming facility; and

(4) have met standards for the holding of an occupational license as adopted by rules of the Board. Such rules shall provide that any person or entity seeking an occupational license to manage gambling operations hereunder shall be subject to background inquiries and further requirements similar to those required of applicants for an owners license. Furthermore, such rules shall provide that each such entity shall be permitted to manage gambling operations for only one licensed owner.

(b) Each application for an occupational license shall be on forms prescribed by the Board and shall contain all information required by the Board. The applicant shall set forth in the application: whether he has been issued prior gambling related licenses; whether he has been licensed in any other state under any other name, and, if so, such name and his age; and whether or not a permit or license issued to him in any other state has been suspended, restricted or revoked, and, if so, for what period of time.

(c) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints. The Board shall charge each applicant a fee set by the Department of State Police to defray the costs associated with the search and classification of fingerprints obtained by the Board with respect to the applicant's application. These fees shall be paid into the State Police Services Fund.

(d) The Board may in its discretion refuse an occupational license to any person: (1) who is unqualified to perform the duties required of such applicant; (2) who fails to disclose or states falsely any information called for in the application; (3) who has been found guilty of a violation of this Act or whose prior gambling related license or application therefor has been suspended, restricted, revoked or denied for just cause in any other state; or (4) for any other just cause.

(e) The Board may suspend, revoke or restrict any occupational licensee: (1) for violation of any provision of this Act; (2) for violation of any of the rules and regulations of the Board; (3) for any cause which, if known to the Board, would have disqualified the applicant from receiving such license; or (4) for default in the payment of any obligation or debt due to the State of Illinois; or (5) for any other just cause.

(f) A person who knowingly makes a false statement on an application is guilty of a Class A misdemeanor.

(g) Any license issued pursuant to this Section shall be valid for a period of one year from the date of issuance.

(h) Nothing in this Act shall be interpreted to prohibit a licensed owner or electronic gaming licensee from entering into an agreement with a school approved under the Private Business and Vocational Schools Act for the training of any occupational licensee. Any training offered by such a school shall be in accordance with a written agreement between the licensed owner or electronic gaming licensee and the school.

(i) Any training provided for occupational licensees may be conducted either at the site of the gambling facility on the riverboat or at a school with which a licensed owner or electronic gaming licensee has entered into an agreement pursuant to subsection (h).

(Source: P.A. 86-1029; 87-826.)

(230 ILCS 10/11) (from Ch. 120, par. 2411)

Sec. 11. Conduct of gambling. Gambling may be conducted by licensed owners or licensed managers on behalf of the State aboard riverboats, subject to the following standards:

(1) A licensee may conduct riverboat gambling authorized under this Act regardless of whether it conducts excursion cruises. A licensee may permit the continuous ingress and egress of passengers for the purpose of gambling.

(2) (Blank).

(3) Minimum and maximum wagers on games shall be set by the licensee.

(4) Agents of the Board and the Department of State Police may board and inspect any riverboat, enter and inspect any portion of a casino, or enter and inspect any portion of an electronic gaming facility where electronic gaming is conducted at any time for the purpose of determining whether this Act is being complied with. Every riverboat, if under way and being hailed by a law enforcement officer or agent of the Board, must stop immediately and lay to.

(5) Employees of the Board shall have the right to be present on the riverboat or in the casino or on adjacent facilities under the control of the licensee and at the electronic gaming facility under the control of the electronic gaming licensee.

(6) Gambling equipment and supplies customarily used in conducting riverboat or casino gambling or electronic gaming

must be purchased or leased only from suppliers licensed for such purpose under this Act.

(7) Persons licensed under this Act shall permit no form of wagering on gambling games except as permitted by this Act.

(8) Wagers may be received only from a person present on a licensed riverboat, in a casino, or at an electronic gaming facility. No

person present on a licensed riverboat, in a casino, or at an electronic gaming facility shall place or attempt to place a wager on behalf of another person who is not present on the riverboat, in the casino, or at the electronic gaming facility.

(9) Wagering, including electronic gaming, shall not be conducted with money or other negotiable currency.

(10) A person under age 21 shall not be permitted on an area of a riverboat or casino where gambling is being conducted or at an electronic gaming facility where gambling is conducted, except for a person at least 18 years of age who is an employee of the riverboat or casino gambling operation or electronic gaming operation. No employee under age 21 shall perform any function involved in gambling by the patrons. No person under age 21 shall be permitted to make a wager under this Act.

(11) Gambling excursion cruises are permitted only when the waterway for which the riverboat is licensed is navigable, as determined by the Board in consultation with the U.S. Army Corps of Engineers. This paragraph (11) does not limit the ability of a licensee to conduct gambling authorized under this Act when gambling excursion cruises are not permitted.

(12) All tokens, chips, or electronic cards used to make wagers must be purchased (i) from a licensed owner or manager, in the case of a riverboat, either aboard the a riverboat or at an onshore facility which has been approved by the Board and which is located where the riverboat docks, (ii) in the case of a casino, from a licensed owner at the casino, or (iii) from an electronic gaming licensee at the electronic gaming facility. The tokens, chips or electronic cards may be purchased by means of an agreement under which the owner or manager extends credit to the patron. Such tokens, chips or electronic cards may be used while aboard the riverboat, in the casino, or at the electronic gaming facility only for the purpose of making wagers on gambling games.

(13) Notwithstanding any other Section of this Act, in addition to the other licenses authorized under this Act, the Board may issue special event licenses allowing persons who are not otherwise licensed to conduct riverboat gambling to conduct such gambling on a specified date or series of dates. Riverboat gambling under such a license may take place on a riverboat not normally used for riverboat gambling. The Board shall establish standards, fees and fines for, and limitations upon, such licenses, which may differ from the standards, fees, fines and limitations otherwise applicable under this Act. All such fees shall be deposited into the State Gaming Fund. All such fines shall be deposited into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(14) In addition to the above, gambling must be conducted in accordance with all rules adopted by the Board.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

Sec. 11.1. Collection of amounts owing under credit agreements. Notwithstanding any applicable statutory provision to the contrary, a licensed owner or manager or electronic gaming licensee who extends credit to a ~~riverboat~~ gambling patron pursuant to Section 11 (a) (12) of this Act is expressly authorized to institute a cause of action to collect any amounts due and owing under the extension of credit, as well as the owner's or manager's costs, expenses and reasonable attorney's fees incurred in collection.

(Source: P.A. 93-28, eff. 6-20-03.)

(230 ILCS 10/12) (from Ch. 120, par. 2412)

Sec. 12. Admission tax; fees.

(a) A tax is hereby imposed upon admissions to riverboat and casino gambling facilities ~~riverboats~~ operated by licensed owners authorized pursuant to this Act.

Until July 1, 2002, the rate is \$2 per person admitted. From July 1, 2002 until July 1, 2003, the rate is \$3 per person admitted. From July 1, 2003 until the effective date of this amendatory Act of the 94th General Assembly, for a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is \$3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is \$4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is \$5 per person admitted. Beginning on the effective date of this amendatory Act of the 94th General Assembly, for a licensee that admitted 1,000,000 persons or fewer in calendar year 2004, the rate is \$2 per person admitted, and for all other licensees the rate is \$3 per person admitted. This admission tax is imposed upon the licensed owner conducting gambling.

(1) The admission tax shall be paid for each admission, except that a person who exits a riverboat gambling facility and reenters that riverboat gambling facility within the same gaming day shall be subject only to the initial admission tax.

(2) (Blank).

(3) The riverboat licensee may issue tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the riverboat.

(4) The number and issuance of tax-free passes is subject to the rules of the Board, and a list of all persons to whom the tax-free passes are issued shall be filed with the Board.

At the request of an owners licensee, the tax may be paid in equal monthly rates based on admissions numbers from the preceding calendar year for each riverboat or casino. For the first year in which a riverboat or casino is operating, the Board shall base the monthly rate on estimated attendance at that particular riverboat or casino based on the admissions information provided by the other riverboats or casino. Each riverboat or casino shall keep detailed admission records and provide them to the Board on a quarterly basis. Such admission records must differentiate between actual and necessary officials and employees of the licensee or other person actually working on the riverboat or casino and other admitted persons. The tax shall only be based on those persons admitted to the riverboat or casino for the purpose of playing a gambling game. The Board shall set the tax annually based on those records provided and in a manner consistent with this Section. If the Board finds that the admissions for the previous year exceeded the estimate used in calculating the prior year's payments, the Board shall require the riverboat or casino to pay the difference in an additional payment. If the Board finds that the admissions for the previous year were lower than the estimate used in calculating the prior year's payments, the Board shall reduce the monthly payments paid by the riverboat or casino to return the difference.

(a-5) A fee is hereby imposed upon admissions operated by licensed managers on behalf of the State pursuant to Section 7.3 at the rates provided in this subsection (a-5).

For a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is \$3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is \$4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is \$5 per person admitted.

(1) The admission fee shall be paid for each admission.

(2) (Blank).

(3) The licensed manager may issue fee-free passes to actual and necessary officials and employees of the manager or other persons actually working on the riverboat.

(4) The number and issuance of fee-free passes is subject to the rules of the Board, and a list of all persons to whom the fee-free passes are issued shall be filed with the Board.

At the request of a licensed manager, the tax may be paid in equal monthly rates based on admissions numbers from the preceding calendar year for each riverboat or casino. For the first year in which a riverboat or casino is operating, the Board shall base the monthly rate on estimated attendance at that particular riverboat or casino based on the admissions information provided by the other riverboats or casino. Each riverboat or casino shall keep detailed admission records and provide them to the Board on a quarterly basis. Such admission records must differentiate between actual and necessary officials and employees of the licensee or other person actually working on the riverboat or casino and other admitted persons. The tax shall only be based on those persons admitted to the riverboat or casino for the purpose of playing a gambling game. The Board shall set the tax annually based on those records provided and in a manner consistent with this section. If the Board finds that the admissions for the previous year exceeded the estimate used in calculating the prior year's payments, the Board shall require the riverboat or casino to pay the difference in an additional payment. If the Board finds that the admissions for the previous year were lower than the estimate used in calculating the prior year's payments, the Board shall

reduce the monthly payments paid by the riverboat or casino to return the difference.

If the licensed owner of a riverboat in operation on January 1, 2009 has capital projects of at least \$45,000,000 that are approved by the Board in calendar year 2006 and thereafter or, starting in 2006 and going forward, for which at least \$45,000,000 in capital expenditures have been made during a period of 3 calendar years, then no admissions tax is imposed on admissions to that riverboat for a 3-year period beginning on (i) the January 1 after the approval or the expenditures have been made or (ii) in the case of projects approved or expenditures made before the effective date of this amendatory Act of the 96th General Assembly, January 1, 2010.

(b) From the tax imposed under subsection (a) and the fee imposed under subsection (a-5), a municipality shall receive from the State \$1 for each person embarking or estimated to be embarking on a riverboat docked within the municipality or entering or estimated to be entering a casino located within the municipality, and a county shall receive \$1 for each person entering or estimated to be entering a casino or embarking or estimated to be embarking on a riverboat docked within the county but outside the boundaries of any municipality. The municipality's or county's share shall be collected by the Board on behalf of the State and remitted quarterly by the State, subject to appropriation, to the treasurer of the unit of local government for deposit in the general fund.

(c) The licensed owner, ~~shall pay the entire admission tax to the Board and~~ the licensed manager , or the casino operator licensee shall pay the entire admission fee to the Board. Such payments shall be made daily or monthly if the riverboat or casino is paying monthly payments. Accompanying each payment shall be a return on forms provided by the Board which shall include other information regarding admissions as the Board may require. Failure to submit either the payment or the return within the specified time may result in suspension or revocation of the owners or managers license.

(d) The Board shall administer and collect the admission tax imposed by this Section, to the extent practicable, in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act.

(Source: P.A. 94-673, eff. 8-23-05; 95-663, eff. 10-11-07.)

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

Sec. 13. Wagering tax; rate; distribution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 15% of annual adjusted gross receipts up to and including \$25,000,000;
- 27.5% of annual adjusted gross receipts in excess of \$25,000,000 but not exceeding \$37,500,000;
- 32.5% of annual adjusted gross receipts in excess of \$37,500,000 but not exceeding \$50,000,000;
- 37.5% of annual adjusted gross receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
- 45% of annual adjusted gross receipts in excess of \$75,000,000 but not exceeding \$100,000,000;
- 50% of annual adjusted gross receipts in excess of \$100,000,000 but not exceeding \$250,000,000;
- 70% of annual adjusted gross receipts in excess of \$250,000,000.

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

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

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

- 15% of annual adjusted gross receipts up to and including \$25,000,000;
- 22.5% of annual adjusted gross receipts in excess of \$25,000,000 but not exceeding \$50,000,000;
- 27.5% of annual adjusted gross receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
- 32.5% of annual adjusted gross receipts in excess of \$75,000,000 but not exceeding \$100,000,000;
- 37.5% of annual adjusted gross receipts in excess of \$100,000,000 but not exceeding \$150,000,000;
- 45% of annual adjusted gross receipts in excess of \$150,000,000 but not exceeding \$200,000,000;
- 50% of annual adjusted gross receipts in excess of \$200,000,000.

(a-5) Beginning on the effective date of this amendatory Act of the 96th General Assembly, each of the privilege tax rates on annual adjusted gross receipts not exceeding \$150,000,000 shall be reduced by one percentage point and each of the privilege tax rates on annual adjusted gross receipts in excess of \$150,000,000 shall be reduced by 2 percentage points for each of the following occurrences beginning on January 1 of the next calendar year:

- (1) The first electronic gaming licensee begins conducting electronic gaming operations.
- (2) The Board awards the license authorized under subsection (e-5) of Section 7 of this Act.
- (3) The licensee under subsection (e-5) of Section 7 begins conducting gambling operations.
- (4) The licensee under paragraph (1) of subsection (e-10) of Section 7 begins conducting gambling operations.
- (5) The licensee under paragraph (2) of subsection (e-10) of Section 7 begins conducting gambling operations.

(a-7) If no admissions tax is imposed on admissions to a riverboat under Section 12, then in addition to any other tax imposed under this Section, a privilege tax of 1% of adjusted gross receipts is imposed on that riverboat, the proceeds of which shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted.

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

(a-10) The taxes imposed by this Section shall be paid by the licensed owner or electronic gaming license to the Board not later than 5:00 ~~3:00~~ o'clock p.m. of the day after the day when the wagers were made.

(a-15) If the privilege tax imposed under subsection (a-3) is no longer imposed pursuant to item (i) of the last paragraph of subsection (a-3), then by June 15 of each year, each owners licensee, other than an owners licensee that admitted 1,000,000 persons or fewer in calendar year 2004, must, in addition to the payment of all amounts otherwise due under this Section, pay to the Board a reconciliation payment in the amount, if any, by which the licensed owner's base amount exceeds the amount of net privilege tax paid by the licensed owner to the Board in the then current State fiscal year. A licensed owner's net privilege tax obligation due for the balance of the State fiscal year shall be reduced up to the total of the amount paid by the licensed owner in its June 15 reconciliation payment. The obligation imposed by this subsection (a-15) is binding on any person, firm, corporation, or other entity that acquires an ownership interest in any such owners license. The obligation imposed under this subsection (a-15) terminates on the earliest of: (i) July 1, 2007, (ii) the first day after the effective date of this amendatory Act of the 94th General Assembly that riverboat gambling operations are conducted pursuant to a dormant license, (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act, or (iv) the first day that a licensee under the Illinois Horse Racing Act of 1975 conducts gaming operations with slot machines or other electronic gaming devices. The Board must reduce the obligation imposed under this subsection (a-15) by an amount the Board deems reasonable for any of the following reasons: (A) an act or acts of God, (B) an act of bioterrorism or terrorism or a bioterrorism or terrorism threat that was investigated by a law enforcement agency, or (C) a condition beyond the control of the owners licensee that does not result from any act or omission by the owners licensee or any of its agents and that poses a hazardous threat to the health and safety of patrons. If an owners licensee pays an amount in excess of its liability under this Section, the Board shall apply the overpayment to future payments required under this Section.

For purposes of this subsection (a-15):

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

"Base amount" means the following:

- For a riverboat in Alton, \$31,000,000.
- For a riverboat in East Peoria, \$43,000,000.
- For the Empress riverboat in Joliet, \$86,000,000.
- For a riverboat in Metropolis, \$45,000,000.
- For the Harrah's riverboat in Joliet, \$114,000,000.
- For a riverboat in Aurora, \$86,000,000.
- For a riverboat in East St. Louis, \$48,500,000.
- For a riverboat in Elgin, \$198,000,000.

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

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

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

(b) Until January 1, 1998, 25% of the tax revenue deposited in the State Gaming Fund under this Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home dock of the riverboat. Except as otherwise provided in this subsection (b), beginning ~~Beginning~~ January 1, 1998, from the tax revenue from riverboat or casino gambling deposited in the State Gaming Fund under this Section, an amount equal to 5% of adjusted gross receipts generated by a casino or a riverboat shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat or in which the casino is located.

(b-5) Beginning on the effective date of this amendatory Act of the 96th General Assembly, from the tax revenue from electronic gaming deposited into the State Gaming Fund under this Section, an amount equal to 1% of the adjusted gross receipts generated by an electronic gaming licensee shall be paid monthly, subject to appropriation, to the municipality in which the electronic gaming facility is located. If an electronic gaming facility is not located within a municipality, then an amount equal to 1% of the

adjusted gross receipts generated by the electronic gaming licensee shall be paid monthly, subject to appropriation, to the county in which the electronic gaming facility is located.

(b-10) From the tax revenue deposited in the State Gaming Fund pursuant to riverboat gambling operations conducted by a licensed manager on behalf of the State, an amount equal to 5% of adjusted gross receipts generated pursuant to those riverboat gambling operations shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government in which the casino is located or that is designated as the home dock of the riverboat upon which those riverboat gambling operations are conducted.

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

(c-5) Before May 26, 2006 (the effective date of Public Act 94-804) and beginning on the effective date of this amendatory Act of the 95th General Assembly, unless any organization licensee under the Illinois Horse Racing Act of 1975 begins to operate a slot machine or video game of chance under the Illinois Horse Racing Act of 1975 or this Act, after the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Trust Fund.

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

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

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

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

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

(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat or the municipality in which a casino is located from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue.

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

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

(230 ILCS 10/14) (from Ch. 120, par. 2414)

Sec. 14. Licensees - Records - Reports - Supervision.

(a) ~~A~~ Licensed owners and electronic gaming licensees ~~owner~~ shall keep their ~~his~~ books and records so as to clearly show the following:

- (1) The amount received daily from admission fees.
- (2) The total amount of gross receipts.

(3) The total amount of the adjusted gross receipts.

(b) ~~The Licensed owners and electronic gaming licensees~~ owner shall furnish to the Board reports and information as the Board may require with respect to its activities on forms designed and supplied for such purpose by the Board.

(c) The books and records kept by a licensed owner or electronic gaming licensee as provided by this Section are public records and the examination, publication, and dissemination of the books and records are governed by the provisions of The Freedom of Information Act.

(Source: P.A. 86-1029.)

(230 ILCS 10/18) (from Ch. 120, par. 2418)

Sec. 18. Prohibited Activities - Penalty.

(a) A person is guilty of a Class A misdemeanor for doing any of the following:

- (1) Conducting gambling where wagering is used or to be used without a license issued by the Board.
- (2) Conducting gambling where wagering is permitted other than in the manner specified by Section 11.

(b) A person is guilty of a Class B misdemeanor for doing any of the following:

- (1) permitting a person under 21 years to make a wager; or
- (2) violating paragraph (12) of subsection (a) of Section 11 of this Act.

(c) A person wagering or accepting a wager at any location outside the riverboat, casino, or electronic gaming facility in violation of paragraph ~~is subject to the penalties in paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the Criminal Code of 1961 is subject to the penalties provided in that Section.

(d) A person commits a Class 4 felony and, in addition, shall be barred for life from gambling operations riverboats under the jurisdiction of the Board, if the person does any of the following:

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with a riverboat or casino owner or electronic gaming licensee including, but not limited to, an officer or employee of a licensed owner or electronic gaming licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the Board.

(2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with a riverboat, casino, or electronic gaming facility, including, but not limited to, an officer or employee of a licensed owner or electronic gaming licensee, or the holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the Board.

(3) Uses or possesses with the intent to use a device to assist:

- (i) In projecting the outcome of the game.
- (ii) In keeping track of the cards played.
- (iii) In analyzing the probability of the occurrence of an event relating to the gambling game.

(iv) In analyzing the strategy for playing or betting to be used in the game except as permitted by the Board.

(4) Cheats at a gambling game.

(5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is intended to be used to violate any provision of this Act.

(6) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before it is revealed to the players.

(7) Places a bet after acquiring knowledge, not available to all players, of the outcome of the gambling game which is subject of the bet or to aid a person in acquiring the knowledge for the purpose of placing a bet contingent on that outcome.

(8) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from the gambling games, with intent to defraud, without having made a wager contingent on winning a gambling game, or claims, collects, or takes an amount of money or thing of value of greater value than the amount won.

(9) Uses counterfeit chips or tokens in a gambling game.

(10) Possesses any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game or for removing coins, tokens, chips or other contents of a

gambling game. This paragraph (10) does not apply to a gambling licensee or employee of a gambling licensee acting in furtherance of the employee's employment.

(e) The possession of more than one of the devices described in subsection (d), paragraphs (3), (5) or (10) permits a rebuttable presumption that the possessor intended to use the devices for cheating.

An action to prosecute any crime occurring on a riverboat shall be tried in the county of the dock at which the riverboat is based. An action to prosecute any crime occurring in a casino shall be tried in the county in which the casino is located.

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

(230 ILCS 10/19) (from Ch. 120, par. 2419)

Sec. 19. Forfeiture of property.

(a) Except as provided in subsection (b), any riverboat, casino, or electronic gaming facility used for the conduct of gambling games in violation of this Act shall be considered a gambling place in violation of Section 28-3 of the Criminal Code of 1961, as now or hereafter amended. Every gambling device found on a riverboat, in a casino, or at an electronic gaming facility operating gambling games in violation of this Act and every slot machine found at an electronic gaming facility operating gambling games in violation of this Act shall be subject to seizure, confiscation and destruction as provided in Section 28-5 of the Criminal Code of 1961, as now or hereafter amended.

(b) It is not a violation of this Act for a riverboat or other watercraft which is licensed for gaming by a contiguous state to dock on the shores of this State if the municipality having jurisdiction of the shores, or the county in the case of unincorporated areas, has granted permission for docking and no gaming is conducted on the riverboat or other watercraft while it is docked on the shores of this State. No gambling device shall be subject to seizure, confiscation or destruction if the gambling device is located on a riverboat or other watercraft which is licensed for gaming by a contiguous state and which is docked on the shores of this State if the municipality having jurisdiction of the shores, or the county in the case of unincorporated areas, has granted permission for docking and no gaming is conducted on the riverboat or other watercraft while it is docked on the shores of this State.

(Source: P.A. 86-1029.)

(230 ILCS 10/20) (from Ch. 120, par. 2420)

Sec. 20. Prohibited activities - civil penalties. Any person who conducts a gambling operation without first obtaining a license to do so, or who continues to conduct such games after revocation of his license, or any licensee who conducts or allows to be conducted any unauthorized gambling games on a riverboat, in a casino, or at an electronic gaming facility where it is authorized to conduct its ~~riverboat~~ gambling operation, in addition to other penalties provided, shall be subject to a civil penalty equal to the amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted on that day as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games.

(Source: P.A. 86-1029.)

Section 90-35. The Liquor Control Act of 1934 is amended by changing Sections 5-1 and 6-30 as follows:

(235 ILCS 5/5-1) (from Ch. 43, par. 115)

Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:

(a) Manufacturer's license - Class 1. Distiller, Class 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6. First Class Winemaker, Class 7. Second Class Winemaker, Class 8. Limited Wine Manufacturer,

- (b) Distributor's license,
- (c) Importing Distributor's license,
- (d) Retailer's license,
- (e) Special Event Retailer's license (not-for-profit),
- (f) Railroad license,
- (g) Boat license,
- (h) Non-Beverage User's license,
- (i) Wine-maker's premises license,
- (j) Airplane license,
- (k) Foreign importer's license,
- (l) Broker's license,
- (m) Non-resident dealer's license,
- (n) Brew Pub license,
- (o) Auction liquor license,

- (p) Caterer retailer license,
- (q) Special use permit license,
- (r) Winery shipper's license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.

Class 3. A Brewer may make sales and deliveries of beer to importing distributors, distributors, and to non-licensees, and to retailers provided the brewer obtains an importing distributor's license or distributor's license in accordance with the provisions of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A person who, prior to the effective date of this amendatory Act of the 95th General Assembly, is a holder of a first-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with this amendatory Act of the 95th General Assembly.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 150,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A person who, prior to the effective date of this amendatory Act of the 95th General Assembly, is a holder of a second-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with this amendatory Act of the 95th General Assembly.

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission.

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but

all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form. Nothing in this amendatory Act of the 95th General Assembly shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to transfer, deliver, or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. Any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as (i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than \$500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Illinois Riverboat Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

Class 1, not to exceed	500 gallons
Class 2, not to exceed	1,000 gallons
Class 3, not to exceed	5,000 gallons
Class 4, not to exceed	10,000 gallons

Class 5, not to exceed 50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A wine-maker's premises licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that (i) the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period, (ii) the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the foreign importer complies with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

A broker's license under this subsection (l) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (l) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that (i) said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period, (ii) it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the non-resident dealer shall comply with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(n) A brew pub license shall allow the licensee to manufacture beer only on the premises specified in the license, to make sales of the beer manufactured on the premises to importing distributors, distributors, and to non-licensees for use and consumption, to store the beer upon the premises, and to sell and offer for sale at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(r) A winery shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license or who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a winery shipper's license, an applicant for the license must provide the Commission with a true copy of its current license in any state in which it is licensed as a manufacturer of wine. An applicant for a winery shipper's license must also complete an application form that provides any other information the Commission deems necessary. The application form shall include an acknowledgement consenting to the jurisdiction of the Commission, the Illinois Department of Revenue, and the courts of this State concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the Commission to conduct audits for the purpose of ensuring compliance with this amendatory Act.

A winery shipper licensee must pay to the Department of Revenue the State liquor gallonage tax under Section 8-1 for all wine that is sold by the licensee and shipped to a person in this State. For the purposes of Section 8-1, a winery shipper licensee shall be taxed in the same manner as a manufacturer of wine. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of wine that are sold by the licensee and shipped to persons in this State. If a licensee fails to remit the tax imposed under this Act in accordance with the provisions of Article VIII of this Act, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the winery shipper and shipped to persons in this State, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act.

A winery shipper licensee must collect, maintain, and submit to the Commission on a semi-annual basis the total number of cases per resident of wine shipped to residents of this State. A winery shipper licensed under this subsection (r) must comply with the requirements of Section 6-29 of this amendatory Act.

(Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08; 95-769, eff. 7-29-08.)

(235 ILCS 5/6-30) (from Ch. 43, par. 144f)

Sec. 6-30. Notwithstanding any other provision of this Act, the Illinois Gaming Board shall have exclusive authority to establish the hours for sale and consumption of alcoholic liquor on board a riverboat during riverboat gambling excursions and in a casino conducted in accordance with the Illinois Riverboat Gambling Act.

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

Section 90-40. The Criminal Code of 1961 is amended by changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as follows:

(720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

Sec. 28-1. Gambling.

(a) A person commits gambling when he:

- (1) Plays a game of chance or skill for money or other thing of value, unless excepted in subsection (b) of this Section; or
- (2) Makes a wager upon the result of any game, contest, or any political nomination, appointment or election; or
- (3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device; or
- (4) Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, where it is at the time of making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom, shall be settled, not by the receipt or delivery of such property, but by the payment only of differences in prices thereof; however, the issuance, purchase, sale, exercise, endorsement or guarantee, by or through a person registered with the Secretary of State pursuant to Section 8 of the Illinois Securities Law of 1953, or by or through a person exempt from such registration under said Section 8, of a put, call, or other option to buy or sell securities which have been registered with the Secretary of State or which are exempt from such registration under Section 3 of the Illinois Securities Law of 1953 is not gambling within the meaning of this paragraph (4); or
- (5) Knowingly owns or possesses any book, instrument or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or
- (6) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election; or
- (7) Sets up or promotes any lottery or sells, offers to sell or transfers any ticket or share for any lottery; or
- (8) Sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket, slip, record, document or other similar device; or
- (9) Knowingly drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government; or
- (10) Knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state; or
- (11) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subdivision (11) prohibits transmission or receipt of such information for use in news reporting of sporting events or contests; or
- (12) Knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet.

(b) Participants in any of the following activities shall not be convicted of gambling therefor:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance;

(2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest;

(3) Pari-mutuel betting as authorized by the law of this State;

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by any applicable Federal law;

(5) The game commonly known as "bingo", when conducted in accordance with the Bingo License and Tax Act;

(6) Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law;

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this subparagraph (b)(7), an antique slot machine is one manufactured 25 years ago or earlier;

(8) Raffles when conducted in accordance with the Raffles Act;

(9) Charitable games when conducted in accordance with the Charitable Games Act;

(10) Pull tabs and jar games when conducted under the Illinois Pull Tabs and Jar Games Act; or

(11) Gambling games ~~conducted on riverboats~~ when authorized by the Illinois Riverboat Gambling Act.

(c) Sentence.

Gambling under subsection (a)(1) or (a)(2) of this Section is a Class A misdemeanor. Gambling under any of subsections (a)(3) through (a)(11) of this Section is a Class A misdemeanor. A second or subsequent conviction under any of subsections (a)(3) through (a)(11), is a Class 4 felony. Gambling under subsection (a)(12) of this Section is a Class A misdemeanor. A second or subsequent conviction under subsection (a)(12) is a Class 4 felony.

(d) Circumstantial evidence.

In prosecutions under subsection (a)(1) through (a)(12) of this Section circumstantial evidence shall have the same validity and weight as in any criminal prosecution.

(Source: P.A. 91-257, eff. 1-1-00.)

(720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

Sec. 28-1.1. Syndicated gambling.

(a) Declaration of Purpose. Recognizing the close relationship between professional gambling and other organized crime, it is declared to be the policy of the legislature to restrain persons from engaging in the business of gambling for profit in this State. This Section shall be liberally construed and administered with a view to carrying out this policy.

(b) A person commits syndicated gambling when he operates a "policy game" or engages in the business of bookmaking.

(c) A person "operates a policy game" when he knowingly uses any premises or property for the purpose of receiving or knowingly does receive from what is commonly called "policy":

(1) money from a person other than the better or player whose bets or plays are represented by such money; or

(2) written "policy game" records, made or used over any period of time, from a person other than the better or player whose bets or plays are represented by such written record.

(d) A person engages in bookmaking when he receives or accepts more than five bets or wagers upon the result of any trials or contests of skill, speed or power of endurance or upon any lot, chance, casualty, unknown or contingent event whatsoever, which bets or wagers shall be of such size that the total of the amounts of money paid or promised to be paid to such bookmaker on account thereof shall exceed \$2,000. Bookmaking is the receiving or accepting of such bets or wagers regardless of the form or manner in which the bookmaker records them.

(e) Participants in any of the following activities shall not be convicted of syndicated gambling:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance; and

(2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest; and

(3) Pari-mutuel betting as authorized by law of this State; and

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by any applicable Federal law; and

(5) Raffles when conducted in accordance with the Raffles Act; and

(6) Gambling games conducted on riverboats, in casinos, or at electronic gaming facilities when authorized by the ~~Illinois Riverboat~~ Gambling Act.

(f) Sentence. Syndicated gambling is a Class 3 felony.

(Source: P.A. 86-1029; 87-435.)

(720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

Sec. 28-3. Keeping a Gambling Place. A "gambling place" is any real estate, vehicle, boat or any other property whatsoever used for the purposes of gambling other than gambling conducted in the manner authorized by the ~~Illinois Riverboat~~ Gambling Act. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling place commits a Class A misdemeanor. Each subsequent offense is a Class 4 felony. When any premises is determined by the circuit court to be a gambling place:

(a) Such premises is a public nuisance and may be proceeded against as such, and

(b) All licenses, permits or certificates issued by the State of Illinois or any subdivision or public agency thereof authorizing the serving of food or liquor on such premises shall be void; and no license, permit or certificate so cancelled shall be reissued for such premises for a period of 60 days thereafter; nor shall any person convicted of keeping a gambling place be reissued such license for one year from his conviction and, after a second conviction of keeping a gambling place, any such person shall not be reissued such license, and

(c) Such premises of any person who knowingly permits thereon a violation of any Section of this Article shall be held liable for, and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any Section of this Article.

(Source: P.A. 86-1029.)

(720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

Sec. 28-5. Seizure of gambling devices and gambling funds.

(a) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a "gambling device", and shall be subject to seizure, confiscation and destruction by the Department of State Police or by any municipal, or other local authority, within whose jurisdiction the same may be found. As used in this Section, a "gambling device" includes any slot machine, and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return, or to cause someone to return, on chance to the player thereof money, property or a right to receive money or property. With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unless an individual with a property interest in said device knows of the unlawful use of the device.

(b) Every gambling device shall be seized and forfeited to the county wherein such seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited to the county wherein such seizure occurs.

(c) If, within 60 days after any seizure pursuant to subparagraph (b) of this Section, a person having any property interest in the seized property is charged with an offense, the court which renders judgment upon such charge shall, within 30 days after such judgment, conduct a forfeiture hearing to determine whether such property was a gambling device at the time of seizure. Such hearing shall be commenced by a written petition by the State, including material allegations of fact, the name and address of every person determined by the State to have any property interest in the seized property, a representation that written notice of the date, time and place of such hearing has been mailed to every such person by certified mail at least 10 days before such date, and a request for forfeiture. Every such person may appear as a party and present evidence at such hearing. The quantum of proof required shall be a preponderance of the evidence, and the burden of proof shall be on the State. If the court determines that the seized property was a gambling device at the time of seizure, an order of forfeiture and disposition of the seized property shall be entered: a gambling device shall be received by the State's Attorney, who shall effect its destruction, except that valuable parts thereof may be liquidated and the resultant money shall be deposited in the general fund of the county wherein such seizure occurred; money and other things of value shall be received by the State's Attorney and, upon liquidation, shall be deposited in the general fund of the county wherein such seizure occurred. However, in the event that a defendant raises the defense that the seized slot machine is an antique slot machine described in subparagraph (b) (7) of

Section 28-1 of this Code and therefore he is exempt from the charge of a gambling activity participant, the seized antique slot machine shall not be destroyed or otherwise altered until a final determination is made by the Court as to whether it is such an antique slot machine. Upon a final determination by the Court of this question in favor of the defendant, such slot machine shall be immediately returned to the defendant. Such order of forfeiture and disposition shall, for the purposes of appeal, be a final order and judgment in a civil proceeding.

(d) If a seizure pursuant to subparagraph (b) of this Section is not followed by a charge pursuant to subparagraph (c) of this Section, or if the prosecution of such charge is permanently terminated or indefinitely discontinued without any judgment of conviction or acquittal (1) the State's Attorney shall commence an in rem proceeding for the forfeiture and destruction of a gambling device, or for the forfeiture and deposit in the general fund of the county of any seized money or other things of value, or both, in the circuit court and (2) any person having any property interest in such seized gambling device, money or other thing of value may commence separate civil proceedings in the manner provided by law.

(e) Any gambling device displayed for sale to a riverboat gambling operation, casino gambling operation, or electronic gaming facility or used to train occupational licensees of a riverboat gambling operation, casino gambling operation, or electronic gaming facility as authorized under the Riverboat Gambling Act is exempt from seizure under this Section.

(f) Any gambling equipment, devices and supplies provided by a licensed supplier in accordance with the Riverboat Gambling Act which are removed from a ~~the~~ riverboat, casino, or electronic gaming facility for repair are exempt from seizure under this Section.

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

(720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

Sec. 28-7. Gambling contracts void.

(a) All promises, notes, bills, bonds, covenants, contracts, agreements, judgments, mortgages, or other securities or conveyances made, given, granted, drawn, or entered into, or executed by any person whatsoever, where the whole or any part of the consideration thereof is for any money or thing of value, won or obtained in violation of any Section of this Article are null and void.

(b) Any obligation void under this Section may be set aside and vacated by any court of competent jurisdiction, upon a complaint filed for that purpose, by the person so granting, giving, entering into, or executing the same, or by his executors or administrators, or by any creditor, heir, legatee, purchaser or other person interested therein; or if a judgment, the same may be set aside on motion of any person stated above, on due notice thereof given.

(c) No assignment of any obligation void under this Section may in any manner affect the defense of the person giving, granting, drawing, entering into or executing such obligation, or the remedies of any person interested therein.

(d) This Section shall not prevent a licensed owner of a riverboat gambling operation, casino gambling operation, or an electronic gaming licensee under the Illinois Gambling Act and the Illinois Horse Racing Act of 1975 from instituting a cause of action to collect any amount due and owing under an extension of credit to a ~~riverboat~~ gambling patron as authorized under Section 11.1 of the Illinois Riverboat Gambling Act.

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

Section 90-45. The Payday Loan Reform Act is amended by changing Section 3-5 as follows:

(815 ILCS 122/3-5)

Sec. 3-5. Licensure.

(a) A license to make a payday loan shall state the address, including city and state, at which the business is to be conducted and shall state fully the name of the licensee. The license shall be conspicuously posted in the place of business of the licensee and shall not be transferable or assignable.

(b) An application for a license shall be in writing and in a form prescribed by the Secretary. The Secretary may not issue a payday loan license unless and until the following findings are made:

- (1) that the financial responsibility, experience, character, and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business will be operated lawfully and fairly and within the provisions and purposes of this Act; and
- (2) that the applicant has submitted such other information as the Secretary may deem necessary.

(c) A license shall be issued for no longer than one year, and no renewal of a license may be provided if a licensee has substantially violated this Act and has not cured the violation to the satisfaction of the Department.

(d) A licensee shall appoint, in writing, the Secretary as attorney-in-fact upon whom all lawful process

against the licensee may be served with the same legal force and validity as if served on the licensee. A copy of the written appointment, duly certified, shall be filed in the office of the Secretary, and a copy thereof certified by the Secretary shall be sufficient evidence to subject a licensee to jurisdiction in a court of law. This appointment shall remain in effect while any liability remains outstanding in this State against the licensee. When summons is served upon the Secretary as attorney-in-fact for a licensee, the Secretary shall immediately notify the licensee by registered mail, enclosing the summons and specifying the hour and day of service.

(e) A licensee must pay an annual fee of \$1,000. In addition to the license fee, the reasonable expense of any examination or hearing by the Secretary under any provisions of this Act shall be borne by the licensee. If a licensee fails to renew its license by December 31, its license shall automatically expire; however, the Secretary, in his or her discretion, may reinstate an expired license upon:

- (1) payment of the annual fee within 30 days of the date of expiration; and
- (2) proof of good cause for failure to renew.

(f) Not more than one place of business shall be maintained under the same license, but the Secretary may issue more than one license to the same licensee upon compliance with all the provisions of this Act governing issuance of a single license. The location, except those locations already in existence as of June 1, 2005, may not be within one mile of a horse race track subject to the Illinois Horse Racing Act of 1975, within one mile of a facility at which gambling is conducted under the ~~Illinois Riverboat~~ Gambling Act, within one mile of the location at which a riverboat subject to the ~~Illinois Riverboat~~ Gambling Act docks, or within one mile of any State of Illinois or United States military base or naval installation.

(g) No licensee shall conduct the business of making loans under this Act within any office, suite, room, or place of business in which any other business is solicited or engaged in unless the other business is licensed by the Department or, in the opinion of the Secretary, the other business would not be contrary to the best interests of consumers and is authorized by the Secretary in writing.

(h) The Secretary shall maintain a list of licensees that shall be available to interested consumers and lenders and the public. The Secretary shall maintain a toll-free number whereby consumers may obtain information about licensees. The Secretary shall also establish a complaint process under which an aggrieved consumer may file a complaint against a licensee or non-licensee who violates any provision of this Act.

(Source: P.A. 94-13, eff. 12-6-05.)

Section 90-50. The Travel Promotion Consumer Protection Act is amended by changing Section 2 as follows:

(815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

Sec. 2. Definitions.

(a) "Travel promoter" means a person, including a tour operator, who sells, provides, furnishes, contracts for, arranges or advertises that he or she will arrange wholesale or retail transportation by air, land, sea or navigable stream, either separately or in conjunction with other services. "Travel promoter" does not include (1) an air carrier; (2) a sea carrier; (3) an officially appointed agent of an air carrier who is a member in good standing of the Airline Reporting Corporation; (4) a travel promoter who has in force \$1,000,000 or more of liability insurance coverage for professional errors and omissions and a surety bond or equivalent surety in the amount of \$100,000 or more for the benefit of consumers in the event of a bankruptcy on the part of the travel promoter; or (5) a riverboat subject to regulation under the ~~Illinois Riverboat~~ Gambling Act.

(b) "Advertise" means to make any representation in the solicitation of passengers and includes communication with other members of the same partnership, corporation, joint venture, association, organization, group or other entity.

(c) "Passenger" means a person on whose behalf money or other consideration has been given or is to be given to another, including another member of the same partnership, corporation, joint venture, association, organization, group or other entity, for travel.

(d) "Ticket or voucher" means a writing or combination of writings which is itself good and sufficient to obtain transportation and other services for which the passenger has contracted.

(Source: P.A. 91-357, eff. 7-29-99.)

(230 ILCS 5/32.1 rep.)

Section 90-55. The Illinois Horse Racing Act of 1975 is amended by repealing Section 32.1.

ARTICLE 99.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 6 TO SENATE BILL 744

AMENDMENT NO. 6. Amend Senate Bill 744, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 5, on page 42, line 14, after "9," , by inserting "20," ; and

on page 42, line 15, by replacing "and 3.27" with "3.27, and 30.6"; and

on page 44, by replacing lines 15 and 16 with the following:

"slot machine gambling, video games of chance, and electronic gambling games that are conducted at a race track licensed under this Act pursuant to an electronic gaming license." ; and

on page 57, immediately below line 4, by inserting the following:

"(230 ILCS 5/20) (from Ch. 8, par. 37-20)

Sec. 20. (a) Any person desiring to conduct a horse race meeting may apply to the Board for an organization license. The application shall be made on a form prescribed and furnished by the Board. The application shall specify:

- (1) the dates on which it intends to conduct the horse race meeting, which dates shall be provided under Section 21;
- (2) the hours of each racing day between which it intends to hold or conduct horse racing at such meeting;
- (3) the location where it proposes to conduct the meeting; and
- (4) any other information the Board may reasonably require.

(b) A separate application for an organization license shall be filed for each horse race meeting which such person proposes to hold. Any such application, if made by an individual, or by any individual as trustee, shall be signed and verified under oath by such individual. If made by individuals or a partnership, it shall be signed and verified under oath by at least 2 of such individuals or members of such partnership as the case may be. If made by an association, corporation, corporate trustee or any other entity, it shall be signed by the president and attested by the secretary or assistant secretary under the seal of such association, trust or corporation if it has a seal, and shall also be verified under oath by one of the signing officers.

(c) The application shall specify the name of the persons, association, trust, or corporation making such application and the post office address of the applicant; if the applicant is a trustee, the names and addresses of the beneficiaries; if a corporation, the names and post office addresses of all officers, stockholders and directors; or if such stockholders hold stock as a nominee or fiduciary, the names and post office addresses of these persons, partnerships, corporations, or trusts who are the beneficial owners thereof or who are beneficially interested therein; and if a partnership, the names and post office addresses of all partners, general or limited; if the applicant is a corporation, the name of the state of its incorporation shall be specified.

(d) The applicant shall execute and file with the Board a good faith affirmative action plan to recruit, train, and upgrade minorities in all classifications within the association.

(e) With such application there shall be delivered to the Board a certified check or bank draft payable to the order of the Board for an amount equal to \$1,000. All applications for the issuance of an organization license shall be filed with the Board before August 1 of the year prior to the year for which application is made and shall be acted upon by the Board at a meeting to be held on such date as shall be fixed by the Board during the last 15 days of September of such prior year. At such meeting, the Board shall announce the award of the racing meets, live racing schedule, and designation of host track to the applicants and its approval or disapproval of each application. No announcement shall be considered binding until a formal order is executed by the Board, which shall be executed no later than October 15 of that prior year. Absent the agreement of the affected organization licensees, the Board shall not grant overlapping race meetings to 2 or more tracks that are within 100 miles of each other to conduct the thoroughbred racing.

(e-1) In awarding standardbred racing dates for calendar year 2010 and thereafter, the Board shall award at least 312 racing days. The Board shall have the discretion to allocate those racing days among organization licensees. Once awarded by the Board, organization licensees shall run at least 3,500 races

annually. Should the organization licensee fail to race all dates awarded by the Board, the organization licensees shall pay to the standardbred purse account at that racing facility an amount equal to the organization licensee's revenue from electronic gaming for the day not raced. The Board may waive the requirements of this subsection only if a lesser schedule is appropriate due to (a) weather or unsafe tracks conditions due to acts of God, (b) an agreement between the organization licensee and the association representing standardbred horsemen racing at the organization licensee's race meeting, or (c) lack of sufficient numbers of horses to conduct racing.

(e-5) In reviewing an application for the purpose of granting an organization license consistent with the best interests of the public and the sport of horse racing, the Board shall consider:

- (1) the character, reputation, experience, and financial integrity of the applicant and of any other separate person that either:
 - (i) controls the applicant, directly or indirectly, or
 - (ii) is controlled, directly or indirectly, by that applicant or by a person who controls, directly or indirectly, that applicant;
- (2) the applicant's facilities or proposed facilities for conducting horse racing;
- (3) the total revenue without regard to Section 32.1 to be derived by the State and horsemen from the applicant's conducting a race meeting;
- (4) the applicant's good faith affirmative action plan to recruit, train, and upgrade minorities in all employment classifications;
- (5) the applicant's financial ability to purchase and maintain adequate liability and casualty insurance;
- (6) the applicant's proposed and prior year's promotional and marketing activities and expenditures of the applicant associated with those activities;
- (7) an agreement, if any, among organization licensees as provided in subsection (b) of Section 21 of this Act; and
- (8) the extent to which the applicant exceeds or meets other standards for the issuance of an organization license that the Board shall adopt by rule.

In granting organization licenses and allocating dates for horse race meetings, the Board shall have discretion to determine an overall schedule, including required simulcasts of Illinois races by host tracks that will, in its judgment, be conducive to the best interests of the public and the sport of horse racing.

(e-10) The Illinois Administrative Procedure Act shall apply to administrative procedures of the Board under this Act for the granting of an organization license, except that (1) notwithstanding the provisions of subsection (b) of Section 10-40 of the Illinois Administrative Procedure Act regarding cross-examination, the Board may prescribe rules limiting the right of an applicant or participant in any proceeding to award an organization license to conduct cross-examination of witnesses at that proceeding where that cross-examination would unduly obstruct the timely award of an organization license under subsection (e) of Section 20 of this Act; (2) the provisions of Section 10-45 of the Illinois Administrative Procedure Act regarding proposals for decision are excluded under this Act; (3) notwithstanding the provisions of subsection (a) of Section 10-60 of the Illinois Administrative Procedure Act regarding ex parte communications, the Board may prescribe rules allowing ex parte communications with applicants or participants in a proceeding to award an organization license where conducting those communications would be in the best interest of racing, provided all those communications are made part of the record of that proceeding pursuant to subsection (c) of Section 10-60 of the Illinois Administrative Procedure Act; (4) the provisions of Section 14a of this Act and the rules of the Board promulgated under that Section shall apply instead of the provisions of Article 10 of the Illinois Administrative Procedure Act regarding administrative law judges; and (5) the provisions of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that prevent summary suspension of a license pending revocation or other action shall not apply.

(f) The Board may allot racing dates to an organization licensee for more than one calendar year but for no more than 3 successive calendar years in advance, provided that the Board shall review such allotment for more than one calendar year prior to each year for which such allotment has been made. The granting of an organization license to a person constitutes a privilege to conduct a horse race meeting under the provisions of this Act, and no person granted an organization license shall be deemed to have a vested interest, property right, or future expectation to receive an organization license in any subsequent year as a result of the granting of an organization license. Organization licenses shall be subject to revocation if the organization licensee has violated any provision of this Act or the rules and regulations promulgated under this Act or has been convicted of a crime or has failed to disclose or has stated falsely any information called for in the application for an organization license. Any organization license revocation proceeding shall be in accordance with Section 16 regarding suspension and

revocation of occupation licenses.

(f-5) If, (i) an applicant does not file an acceptance of the racing dates awarded by the Board as required under part (1) of subsection (h) of this Section 20, or (ii) an organization licensee has its license suspended or revoked under this Act, the Board, upon conducting an emergency hearing as provided for in this Act, may reaward on an emergency basis pursuant to rules established by the Board, racing dates not accepted or the racing dates associated with any suspension or revocation period to one or more organization licensees, new applicants, or any combination thereof, upon terms and conditions that the Board determines are in the best interest of racing, provided, the organization licensees or new applicants receiving the awarded racing dates file an acceptance of those reawarded racing dates as required under paragraph (1) of subsection (h) of this Section 20 and comply with the other provisions of this Act. The Illinois Administrative Procedures Act shall not apply to the administrative procedures of the Board in conducting the emergency hearing and the reallocation of racing dates on an emergency basis.

(g) (Blank).

(h) The Board shall send the applicant a copy of its formally executed order by certified mail addressed to the applicant at the address stated in his application, which notice shall be mailed within 5 days of the date the formal order is executed.

Each applicant notified shall, within 10 days after receipt of the final executed order of the Board awarding racing dates:

- (1) file with the Board an acceptance of such award in the form prescribed by the Board;
- (2) pay to the Board an additional amount equal to \$110 for each racing date awarded;
- and
- (3) file with the Board the bonds required in Sections 21 and 25 at least 20 days prior to the first day of each race meeting.

Upon compliance with the provisions of paragraphs (1), (2), and (3) of this subsection (h), the applicant shall be issued an organization license.

If any applicant fails to comply with this Section or fails to pay the organization license fees herein provided, no organization license shall be issued to such applicant.

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

by replacing line 22 on page 72 through line 8 on page 73 with the following:

"with the provisions of this Section. For the calendar year in which any organization licensee that is eligible to receive payment under this paragraph (13) begins to receive funds from electronic gaming, the amount of the payment due to all organization licensees under this paragraph (13) shall be reduced by a percentage equal to the percentage of the year remaining after the earliest date that any wagering facility begins conducting electronic gaming pursuant to its electronic gaming license. No organization licensees shall be able to receive payments under this paragraph (13) beginning on the January 1 first occurring after the earliest date that any organization licensee begins receiving funds from electronic gaming pursuant to Section 7.10 of the Illinois Gambling Act."; and

on page 97, immediately below line 16, by inserting the following:

"(230 ILCS 5/30.6 new)

Sec. 30.6. Grants from Quarter Horse Purse Fund. Thoroughbred organization licensees may petition the Board to conduct quarter horse racing and receive purse grants from the Quarter Horse Purse Fund. The Board shall have complete discretion in distributing the Quarter Horse Purse Fund to the petitioning organization licensees."; and

on page 109, line 2, by replacing "slot machines" with "electronic gaming"; and

on page 121, immediately below line 10, by inserting the following:

"Any action by the Board or staff of the Board, including, but not limited to, denying a renewal, approving procedures (including internal controls), levying a fine or penalty, promotions, or other activities by an applicant for licensure or a licensee, may at the discretion of the applicant or licensee be appealed to an administrative law judge in accordance with subsection (b) of Section 17.1.

Internal controls and changes submitted by licensees must be reviewed and either approved or denied with cause within 60 days after receipt by the Illinois Gaming Board. In the event an internal control submission or change does not meet the standards set by the Board, staff of the Board must provide technical assistance to the licensee to rectify such deficiencies within 60 days after the initial submission and the revised submission must be reviewed and approved or denied with cause within 60 days. For the

purposes of this paragraph, "with cause" means that the approval of the submission would jeopardize the integrity of gaming. In the event the Board staff has not acted within the timeframe, the submission shall be deemed approved."; and

on page 143, line 26, by replacing "at its licensed facility" with "on a riverboat or in a casino and up to 50 electronic poker positions at each electronic gaming facility"; and

on page 144, by replacing lines 7 through 10 with the following:

"For the purposes of this subsection (l), "electronic poker" means a form of gambling by which players can play electronically via a network of machines at the same or any other licensed facility in Illinois."; and

on page 154, line 1, by replacing "State" with "State Gaming Fund"; and

on page 157, lines 23 and 24, by replacing "Horse Racing Equity Fund" with "the Quarter Horse Purse Fund and the Horse Racing Equity Trust Fund"; and

on page 158, by replacing lines 7 through 18 with the following:

"the electronic gaming licensee from electronic gaming operations shall be distributed as follows:

(1) \$250,000 in each calendar year shall be deposited into the Quarter Horse Purse Fund, which is created as a non-appropriated trust fund administered by the Illinois Racing Board for grants to thoroughbred organization licensees for payment of purses for quarter horse races conducted by the organization licensee.

(2) The remainder shall be deposited into the Horse Racing Equity Trust Fund.

If the sum of the amounts distributed under paragraphs (1) and (2) of this Section does not equal \$50,000,000 in a calendar year, then each electronic gaming licensee must pay into the Horse Racing Equity Trust Fund a portion of the difference between the total amount paid for that calendar year and \$50,000,000, based upon each electronic gaming licensee's adjusted gross receipts for that calendar year as compared to total adjusted gross receipts from all electronic gaming licensees for that calendar year.

If the percentage of adjusted gross receipts to be deposited into the Horse Racing Equity Fund under subsection (c-5) of Section 13 is reduced by law, then the percentage of each licensee's remaining balance after payment of taxes under Section 13 of this Act and operational costs incurred by the electronic gaming licensee from electronic gaming operations that shall be distributed to the Quarter Horse Purse Fund and the Horse Racing Equity Trust Fund shall be increased to 40%."; and

on page 171, line immediately below line 8, by inserting the following:

"If the licensed owner of a riverboat in operation on January 1, 2009 has capital projects of at least \$40,000,000 that are approved by the Board in calendar year 2006 and thereafter or, starting in 2006 and going forward, for which at least \$40,000,000 in capital expenditures have been made during a period of 3 calendar years, then no admissions tax is imposed on admissions to that riverboat for a 3-year period beginning on (i) the January 1 after the approval or the expenditures have been made or (ii) in the case of projects approved or expenditures made before the effective date of this amendatory Act of the 96th General Assembly, January 1, 2010."; and

by deleting line 26 on page 172 through line 10 on page 173.

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 7 TO SENATE BILL 744

AMENDMENT NO. 7. Amend Senate Bill 744, AS AMENDED, in Section 90-25, Sec. 26, subsection (g), item (13), the sentence beginning "For the calendar year", by replacing "all organization licensees" with "all wagering facilities"; and

in Section 90-25, Sec. 26, subsection (g), item (13), the sentence beginning "For the calendar year", by replacing "wagering facility" with "electronic gaming facility"; and

in Section 90-25, Sec. 26, subsection (g), item (13), the sentence beginning "For the calendar year", by

[May 22, 2009]

replacing "its electronic gaming license" with "an electronic gaming license"; and

in Section 90-25, Sec. 26, subsection (g), item (13), the sentence beginning "No organization licensees", by replacing "No organization licensees" with "No wagering facilities"; and

in Section 90-30, Sec. 5, subsection (b), item (12), by replacing "Revenue; and" with "Revenue;"; and

in Section 90-30, Sec. 5, subsection (b), item (13), by replacing "1975." with "1975; and"; and

in Section 90-30, Sec. 5, subsection (b), by replacing the paragraph beginning "Any action by the Board" and the paragraph beginning "Internal controls and changes" with the following:

"(14) Any action by the Board or staff of the Board, including, but not limited to, denying a renewal, approving procedures (including internal controls), levying a fine or penalty, promotions, or other activities by an applicant for licensure or a licensee, may at the discretion of the applicant or licensee be appealed to an administrative law judge in accordance with subsection (b) of Section 17.1.

Internal controls and changes submitted by licensees must be reviewed and either approved or denied with cause within 60 days after receipt by the Illinois Gaming Board. In the event an internal control submission or change does not meet the standards set by the Board, staff of the Board must provide technical assistance to the licensee to rectify such deficiencies within 60 days after the initial submission and the revised submission must be reviewed and approved or denied with cause within 60 days. For the purposes of this paragraph, "with cause" means that the approval of the submission would jeopardize the integrity of gaming. In the event the Board staff has not acted within the timeframe, the submission shall be deemed approved."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 5, 6 and 7 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 744**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call on motion of Senator Link, further consideration of **Senate Bill No. 744** was postponed.

HOUSE BILL RECALLED

On motion of Senator Clayborne, **House Bill No. 2688** was recalled from the order of third reading to the order of second reading.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 2688

AMENDMENT NO. 2. Amend House Bill 2688, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 as follows:

on page 6, line 15, by replacing "at least one year before" with "prior to one year from"; and

on page 9, lines 12 and 13, by replacing "at least one year before" with "prior to one year from".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Clayborne, **House Bill No. 2688**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Risinger
Bivins	Forby	Lightford	Rutherford
Bomke	Frerichs	Link	Sandoval
Bond	Garrett	Luechtefeld	Schoenberg
Brady	Haine	Maloney	Silverstein
Burzynski	Harmon	Martinez	Steans
Clayborne	Hendon	McCarter	Sullivan
Collins	Holmes	Meeks	Syverson
Cronin	Hultgren	Millner	Trotter
Crotty	Hunter	Muñoz	Viverito
Dahl	Hutchinson	Murphy	Wilhelmi
DeLeo	Jacobs	Noland	Mr. President
Delgado	Jones, J.	Pankau	
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Raoul moved that **Senate Resolution No. 166**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Raoul moved that Senate Resolution No. 166 be adopted.

The motion prevailed.

And the resolution was adopted.

HOUSE BILL RECALLED

On motion of Senator Bomke, **House Bill No. 3641** was recalled from the order of third reading to the order of second reading.

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 3641

AMENDMENT NO. 2. Amend House Bill 3641 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 12-4.37 as follows:
(305 ILCS 5/12-4.37 new)

Sec. 12-4.37. Children's Healthcare Partnership Pilot Program.

(a) The Department of Healthcare and Family Services, in cooperation with the Department of Human Services, shall establish a Children's Healthcare Partnership Pilot Program in Sangamon County to fund the provision of various health care services by a single provider, or a group of providers that have entered into an agreement for that purpose, at a single location in the county. Services covered under the

[May 22, 2009]

pilot program shall include, but need not be limited to, family practice, pediatric, nursing (including advanced practice nursing), psychiatric, dental, and vision services. The Departments shall fund the provision of all services provided under the pilot program using a rate structure that is cost-based. To be selected by the Departments as the provider of health care services under the pilot program, a provider or group of providers must serve a disproportionate share of low-income or indigent patients, including recipients of medical assistance under Article V of this Code. The Departments shall adopt rules as necessary to implement this Section.

(b) Implementation of this Section is contingent on federal approval. The Department of Healthcare and Family Services shall take appropriate action by January 1, 2010 to seek federal approval.

(c) This Section is inoperative if the provider of health care services under the pilot program receives designation as a Federally Qualified Health Center (FQHC) or FQHC Look-Alike.

Section 10. The Community Services Act is amended by adding Section 4.6 as follows:
(405 ILCS 30/4.6 new)

Sec. 4.6. Children's Healthcare Partnership Pilot Program. The Department of Human Services shall participate in the Children's Healthcare Partnership Pilot Program established under Section 12-4.37 of the Illinois Public Aid Code and may fund the provision of community services under this Act in Sangamon County through participation in that pilot program.

Section 15. The Community Support Systems Act is amended by adding Section 3.5 as follows:
(405 ILCS 35/3.5 new)

Sec. 3.5. Children's Healthcare Partnership Pilot Program. The Department of Human Services shall participate in the Children's Healthcare Partnership Pilot Program established under Section 12-4.37 of the Illinois Public Aid Code and may fund the provision of community support system services under this Act in Sangamon County through participation in that pilot program.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Bomke, **House Bill No. 3641**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Kotowski	Raoul
Bivins	Forby	Lauzen	Risinger
Bomke	Frerichs	Lightford	Rutherford
Bond	Garrett	Link	Sandoval
Brady	Haine	Luechtefeld	Schoenberg
Burzynski	Harmon	Maloney	Silverstein
Clayborne	Hendon	Martinez	Steans
Collins	Holmes	McCarter	Sullivan
Cronin	Hultgren	Meeks	Syverson
Crotty	Hunter	Millner	Trotter
Dahl	Hutchinson	Muñoz	Viverito
DeLeo	Jacobs	Murphy	Wilhelmi
Delgado	Jones, E.	Noland	Mr. President
Demuzio	Jones, J.	Pankau	

[May 22, 2009]

Dillard

Koehler

Radogno

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 22, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 2-10, I am canceling session on Saturday, May 23, 2009. Session shall reconvene as normally scheduled on Tuesday, May 26, 2009.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno
Democrat Caucus Members
Tim Mapes

COMMUNICATION FROM MINORITY LEADER

**CHRISTINE RADOGNO
STATE REPUBLICAN LEADER · 41ST DISTRICT**

May 22, 2009

Ms. Jillayne Rock
Secretary of the Senate
403 State House
Springfield, Illinois 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Dan Duffy to temporarily replace Senator Dale Righter as Minority Spokesperson on the Committee on Assignments. This appointment is effective immediately and will automatically expire upon adjournment of the Committee on Assignments.

Sincerely,
s/Christine Radogno
Senate Republican Leader

[May 22, 2009]

cc: Senate President John Cullerton
Assistant Secretary of the Senate Scott Kaiser

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 22, 2009 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Motion to Concur in House Amendment 1 to Senate Bill 38**

Consumer Protection: **Motion to Concur in House Amendment 1 to Senate Bill 1408**
Motion to Concur in House Amendment 1 to Senate Bill 1629
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1631
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1922

Criminal Law: **Motion to Concur in House Amendment 1 to Senate Bill 145**
Motion to Concur in House Amendment 1 to Senate Bill 1677
Motion to Concur in House Amendment 1 to Senate Bill 2010
Motion to Concur in House Amendment 1 to Senate Bill 2026

Education: **Motion to Concur in House Amendment 1 to Senate Bill 1391**
Motion to Concur in House Amendment 1 to Senate Bill 1557
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1718
Motion to Concur in House Amendment 1 to Senate Bill 1882
Motion to Concur in House Amendment 1 to Senate Bill 1956
Motion to Concur in House Amendment 1 to Senate Bill 1977
Motion to Concur in House Amendments 1 and 2 to Senate Bill 2119
Motion to Concur in House Amendment 1 to Senate Bill 2277

Elections: **Motion to Concur in House Amendment 1 to Senate Bill 1662**
Motion to Concur in House Amendment 1 to Senate Bill 1801

Energy: **Motion to Concur in House Amendment 1 to Senate Bill 1357**
Motion to Concur in House Amendment 1 to Senate Bill 1570

Environment: **Motion to Concur in House Amendment 1 to Senate Bill 125**
Motion to Concur in House Amendment 1 to Senate Bill 1489
Motion to Concur in House Amendment 1 to Senate Bill 1601

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 206**
Motion to Concur in House Amendment 1 to Senate Bill 269

Human Services: **Motion to Concur in House Amendment 1 to Senate Bill 209**
Motion to Concur in House Amendment 1 to Senate Bill 340
Motion to Concur in House Amendment 1 to Senate Bill 1499
Motion to Concur in House Amendment 1 to Senate Bill 1583

Insurance: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 1877**

Judiciary: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 266**
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1390
Motion to Concur in House Amendment 1 to Senate Bill 1493
Motion to Concur in House Amendment 1 to Senate Bill 2111

Labor: **Motion to Concur in House Amendment 1 to Senate Bill 1133**
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1770

[May 22, 2009]

- Licensed Activities: **Motion to Concur in House Amendment 1 to Senate Bill 69**
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 149
 Motion to Concur in House Amendment 1 to Senate Bill 318
 Motion to Concur in House Amendment 1 to Senate Bill 1486
 Motion to Concur in House Amendment 1 to Senate Bill 1830
- Local Government: **Motion to Concur in House Amendment 1 to Senate Bill 246**
 Motion to Concur in House Amendment 1 to Senate Bill 587
 Motion to Concur in House Amendment 1 to Senate Bill 1784
 Motion to Concur in House Amendment 1 to Senate Bill 2272
- Pensions and Investments: **Motion to Concur in House Amendment 1 to Senate Bill 214**
 Motion to Concur in House Amendment 1 to Senate Bill 1479
 Motion to Concur in House Amendment 1 to Senate Bill 1705
- Public Health: **Motion to Concur in House Amendment 1 to Senate Bill 133**
 Motion to Concur in House Amendment 1 to Senate Bill 212
 Motion to Concur in House Amendment 1 to Senate Bill 1254
 Motion to Concur in House Amendment 1 to Senate Bill 1685
- Revenue: **Motion to Concur in House Amendment 1 to Senate Bill 1490**
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 1544
- State Government and Veterans Affairs: **Motion to Concur in House Amendment 1 to Senate Bill 27**
 Motion to Concur in House Amendment 1 to Senate Bill 47
 Motion to Concur in House Amendment 1 to Senate Bill 1737
 Motion to Concur in House Amendment 1 to Senate Bill 2045
- Transportation: **Motion to Concur in House Amendment 1 to Senate Bill 1341**
 Motion to Concur in House Amendment 1 to Senate Bill 1729
 Motion to Concur in House Amendment 1 to Senate Bill 1866

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 22, 2009 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committee of the Senate:

State Government and Veterans Affairs: **Senate Resolutions Numbered 236, 252, 254, 255, 260 and 261;** **Senate Joint Resolution No. 67;** **House Joint Resolutions Numbered 17, 37 and 39.**

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 288

Offered by Senator E. Jones and all Senators:
 Mourns the death of Senobia Collins of Chicago.

SENATE RESOLUTION NO. 293

Offered by Senator Demuzio and all Senators:
 Mourns the death of William F. "Bill" Bort of Carlinville.

SENATE RESOLUTION NO. 294

Offered by Senator Link and all Senators:
 Mourns the death of Donald James Landsverk of Wadsworth.

SENATE RESOLUTION NO. 295

Offered by Senator Link and all Senators:
 Mourns the death of Patrick J. Corcoran, Sr., of Waukegan.

[May 22, 2009]

SENATE RESOLUTION NO. 298

Offered by Senator Collins and all Senators:
Mourns the death of Tarvie Hayes Saunders.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

PRESENTATION OF RESOLUTION

Senator Clayborne offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 70

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Friday, May 22, 2009, they stand adjourned until Tuesday, May 26, 2009 at 12:00 o'clock noon.

The motion prevailed.
And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 20, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2009 as the 3rd Reading deadline for all House Bills that remained on the order of 3rd Reading in the Senate as listed on the Senate Calendar dated May 22, 2009.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

At the hour of 4:50 o'clock p.m., pursuant to **Senate Joint Resolution No. 70**, the Chair announced the Senate stand adjourned until Tuesday, May 26, 2009, at 12:00 o'clock noon.

[May 22, 2009]