

1 AN ACT in relation to economic development.

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

4 Section 1. This Act may be cited as the East St. Louis
5 Area Development Act of 2001.

6 Section 2. The General Assembly finds that there has
7 been a dramatic decrease in the population of depressed areas
8 in East St. Louis and that blight, deterioration and decay
9 have resulted in (a) inefficient and wasteful use of land
10 resources; (b) destruction of irreplaceable natural,
11 industrial, recreational, housing and commercial resources;
12 (c) diminished opportunity for the private home building
13 industry to operate at its highest potential capacity in
14 providing good housing needed for those who now live in
15 depressed areas and those expected to move to depressed areas
16 in the future, and to replace substandard housing; (d) the
17 need for costly and effective public facilities and services
18 at all levels; (e) unduly limited options for many depressed
19 areas residents as to where they may live, and the types of
20 housing and environment in which they may live; (f) a failure
21 to make the most economical use of the land available for
22 development in depressed areas; (g) decreasing employment and
23 business opportunities for the citizens of depressed areas,
24 and the inability of depressed areas to retain a tax base
25 adequate to support vital services for all our citizens,
26 particularly our poor and disadvantaged; and (h) the
27 decreased effectiveness of public and private facilities for
28 urban transportation.

29 Section 2.01. The General Assembly finds that better
30 patterns of development and revitalization in the East St.

1 Louis depressed areas are essential to accommodate future
2 population growth; to prevent further deterioration of the
3 city and the people's physical and social environment; and to
4 make a positive contribution to improving the overall quality
5 of life in the East St. Louis depressed areas of Illinois.
6 The General Assembly finds that the health, welfare, morals
7 and safety of its citizens require the encouragement of well
8 planned, diversified and economically sound community
9 development, including major additions to existing areas of
10 depression. The General Assembly finds that desirable
11 community development on a significantly large scale has been
12 prevented by difficulties in (a) obtaining adequate financing
13 at moderate cost for enterprises which involve large initial
14 capital investment, extensive periods before investment can
15 be returned, and regular patterns of return; (b) the timely
16 assembly of sufficiently large sites in economically
17 favorable locations at reasonable costs; and (c) making
18 necessary arrangements among all private and public
19 organizations involved, for providing site and related
20 improvements (including streets, sewer and water facilities,
21 and other public and community facilities) in a timely and
22 coordinated manner.

23 Section 3. The following terms specified in Sections
24 3.01 through 3.08, whenever used or referred to in this Act,
25 shall have the meanings ascribed to them in those Sections,
26 except in those instances where the context clearly indicates
27 otherwise.

28 Section 3.01. "Authority" means the East St. Louis Area
29 Development Authority created by this Act.

30 Section 3.02. "Project" means any utility, structure,
31 facility or other undertaking which will implement a defined,

1 organized, planned and scheduled, diversified, economically
2 and technologically sound, quality community environment,
3 which the authority is authorized to construct, reconstruct,
4 improve, equip or furnish under this Act. "Project" will
5 include, but is not limited to: buildings and other
6 facilities intended for use as classrooms, laboratories,
7 student residence halls, instructional and administrative
8 facilities for students, faculty, officers and employees, and
9 motor vehicle parking facilities and fixed equipment, and
10 industrial or manufacturing plants or facilities, any
11 industrial park, any commercial facilities, the construction
12 or improvement of streets, sidewalks, and sewer and water
13 facilities, the construction of schools, parks, playgrounds,
14 community and municipal buildings and the implementation of
15 new community development programs. "Project" further means
16 apartments, housing facilities, health, hospital and medical
17 facilities, stadiums, physical education installations,
18 hotels, motels, dormitories, New Town Programs, aquariums,
19 museums, convention centers, planetariums, civic buildings,
20 nursing homes, harbors, and terminal facilities. Nothing in
21 this Act shall be construed to authorize the financing for or
22 the construction of plants, projects or facilities for (1)
23 the manufacture or generation of electric energy in
24 competition with an electric supplier as defined in the
25 Electric Supplier Act or (2) the transmission, distribution
26 or manufacture of gas in competition with a public utility as
27 defined in "An Act concerning public utilities", approved
28 June 29, 1921, as amended.

29 Section 3.03. "Land development" means the process of
30 clearing and grading land, making, installing, or
31 constructing water lines and water supply installations,
32 sewer lines and sewage disposal installations, steam, gas,
33 and electrical plants and installations, roads, streets,

1 curbs, gutters, sidewalks, storm drainage facilities, and
2 other installations or work, whether on or off the site,
3 which the Authority deems necessary or desirable to prepare
4 land for residential, commercial, industrial, or other uses,
5 or in providing facilities for public or other facilities.

6 "Land development" further means to construct, acquire by
7 gift or purchase, reconstruct, improve, better or extend any
8 project within or without the municipality or partially
9 within the municipality, but in no event farther than 3 miles
10 from the territorial boundaries of such municipality, and to
11 acquire by gift or purchase lands or rights in land in
12 connection therewith.

13 Section 3.04. "Blighted area" means any area of not
14 less, in the aggregate, than 2 acres located within the
15 territorial limits of the East St. Louis depressed areas
16 where industrial, commercial, recreational, residential, or
17 any other buildings or improvements, because of age,
18 dilapidation, obsolescence, overcrowding, lack of
19 ventilation, light, sanitary facilities, adequate utilities,
20 or excessive land coverage, deleterious land use or layout or
21 any combination of these factors, are detrimental to the
22 public safety, health, morals or welfare.

23 Section 3.05. "Redevelopment plan" means the
24 comprehensive process for the clearing or rehabilitation and
25 physical development of a commercial, residential, industrial
26 or recreational blighted area, and necessary for the
27 elimination or rehabilitation of a residential, commercial,
28 or industrially blighted area and the protection of adjacent
29 areas, and all administrative, funding and financial details
30 and proposals necessary to effectuate the plan, including but
31 not limited to a new community development program.

1 Section 3.06. "Redevelopment area" means the blighted
2 area of not less in the aggregate than 2 acres, to be
3 developed in accordance with the redevelopment plan.

4 Section 3.07. "East St. Louis Depressed Areas" means the
5 territorial areas of East St. Louis, Alorton, Venice,
6 Centreville and Brooklyn, Illinois.

7 Section 3.08. "Depressed Areas" means the areas of East
8 St. Louis, Alorton, Venice, Centreville and Brooklyn,
9 Illinois.

10 Section 4. There is created an East St. Louis Area
11 Development Authority within the State of Illinois. The
12 Authority shall: (a) act as Public Developer in carrying out
13 community development programs in and for the East St. Louis
14 depressed areas of the State of Illinois; (b) make available
15 adequate management, administrative and technical,
16 financial, and other assistance necessary for encouraging the
17 defined, organized, planned and scheduled, diversified,
18 economically and technologically sound, quality community
19 environment in depressed areas, and to do so through the use
20 of management task force procedures which will rely to the
21 maximum extent on private enterprise; (c) strengthen the
22 capacity of the State and Federal governments to make their
23 resources available to the people of East St. Louis depressed
24 areas; (d) increase for all persons living in depressed areas
25 the available choices of locations for living and working,
26 thereby providing a more just economic and social
27 environment; (e) encourage the fullest utilization of the
28 economic potential of supply of residential, commercial and
29 industrial building sites at reasonable costs; (f) utilize
30 improved technology in producing the large volume of
31 well-designed housing needed to accommodate the people of

1 depressed areas; (g) help create neighborhoods designed for
2 easier access between the places where people live and the
3 place where they work and find recreation; (h) encourage
4 desirable innovations in meeting domestic problems whether
5 physical, economical or social; and (i) assist, plan,
6 develop, build and construct any facility or project to
7 enhance the community environment and technological
8 management when requested to do so by any State, county or
9 federal agency, school district, community college,
10 municipality, municipal corporation, special district,
11 authority, local or State public body, commission, public
12 corporation or entity within the East St. Louis depressed
13 area.

14 Section 5. The Authority shall consist of 9 members,
15 including as members the Director of the Department of
16 Commerce and Community Affairs or his designee, the Director
17 of the Illinois Housing Development Authority or his
18 designee, the Executive Director of the Illinois Development
19 Finance Authority or his designee, the mayors of East St.
20 Louis, Centreville, Venice, Brooklyn and Alorton or their
21 respective designees. The other member of the Authority shall
22 be appointed by the Governor, by and with the advice and
23 consent of the Senate. One member of the authority shall be
24 designated as chairman by the members of the Authority.

25 If the Senate is not in session when the appointment is
26 made, the Governor shall make a temporary appointment as in
27 the case of a vacancy. The member appointed by the Governor
28 shall serve for a 4-year term expiring on the third Monday in
29 January or until his successor is appointed and qualified.
30 Any vacancy occurring in the office held by the member
31 appointed by the Governor, whether by death, resignation or
32 otherwise, shall be filled by the Governor in the same manner
33 as the original appointment. A member appointed to fill a

1 vacancy shall serve for the remainder of the unexpired term
2 or until his successor is appointed and qualified.

3 Section 6. Members of the Authority shall serve without
4 compensation but shall be reimbursed for their reasonable
5 expenses necessarily incurred in the performance of their
6 duties and the exercise of their powers under this Act. Each
7 member shall before entering upon the duties of his office,
8 take and subscribe to the constitutional oath of office. The
9 oath shall be filed in the office of the Secretary of State.

10 Section 7. The Authority shall meet at such times and
11 places as is provided for by the Authority or, in the absence
12 of such a provision, on call of the chairman after at least 5
13 days' written notice to the members or the request of 2 or
14 more members. Five members shall constitute a quorum. No
15 vacancy in the membership shall impair the right of a quorum
16 of the members to exercise all of the rights and powers, and
17 to perform all of the duties, of the Authority.

18 Section 8. The Authority may employ and fix the
19 compensation of an executive director, to serve as the chief
20 executive officer of the Authority, and such other agents or
21 employees as it considers necessary or desirable. Such
22 employment other than of technical or engineering personnel
23 shall be subject to the Personnel Code. If any employees are
24 transferred to the Authority from any other State agency,
25 such a transfer shall not affect the status of such employees
26 under the Personnel Code, under any retirement system under
27 the Illinois Pension Code, or under any civil service, merit
28 service or other law relating to State employment.

29 Section 9. The Authority has the following rights,
30 powers and duties specified in Sections 9.01 through 9.25.

1 Section 9.01. To sue and be sued, implead and be
2 impleaded, complain and defend in all courts.

3 Section 9.02. To make regulations for the management and
4 regulation of its affairs.

5 Section 9.03. To acquire by purchase or gift, and hold
6 or dispose of real or personal property, or rights or
7 interests therein.

8 Section 9.04. To accept loans or grants of money or
9 materials or property of any kind from a Federal or State
10 agency or department or others, upon such terms and
11 conditions as may be imposed.

12 Section 9.05. To borrow money to implement any project,
13 or any combination of projects.

14 Section 9.06. To recommend the issuance of revenue bonds
15 to implement any project or combination of projects.

16 Section 9.07. To make contracts and leases and exercise
17 all instruments and perform all acts and do all things
18 necessary or convenient to carry out the powers granted in
19 this Act.

20 Section 9.08. To develop and recommend to the
21 municipalities in the East St. Louis depressed areas a long
22 range comprehensive master redevelopment plan for community
23 growth and development of depressed areas including assisting
24 in the preparation of new town applications to the Department
25 of Housing and Urban Development.

26 Section 9.09. To collect, analyze and evaluate such

1 statistics, data and other information (including
2 demographic, economic, social, environmental and governmental
3 information) as will enable the Authority to transmit to the
4 corporate authorities within the East St. Louis depressed
5 areas, at the beginning of each year, a required report on
6 the growth of depressed areas for the year passed. Such
7 report shall include, but not be limited to:

8 (a) Information and statistics describing
9 characteristics of depressed areas growth and stabilization
10 and identifying significant trends and developments;

11 (b) A summary of significant problems facing depressed
12 areas as to their growth trends and development;

13 (c) An evaluation of the progress and effectiveness of
14 Federal, State, and local programs designed to meet such
15 problems and development and to carry out the depressed areas
16 urban growth policies;

17 (d) An assessment of the policies and structures of
18 existing and proposed interstate and regional planning and
19 development affecting such policy; and

20 (e) A review of State, Federal, local and private
21 policies, plans and programs relevant to such policy.

22 Section 9.10. To lease or rent any of the housing or
23 other accommodations or any of the lands, buildings,
24 structures or facilities in which the Authority holds fee
25 simple or lesser interest, and to otherwise sell, exchange,
26 transfer, or assign, any property, real or personal or any
27 interest therein, and to own, hold, clear and improve
28 property.

29 Section 9.11. To acquire by purchase, gift or otherwise
30 as provided in this Act the fee simple or lesser title to all
31 or any part of the real property in any redevelopment area.

1 Section 9.12. To renovate or rehabilitate any structure
2 or building acquired, or if any structure or building or the
3 land supporting it has been acquired, to permit the owner to
4 renovate or rebuild the structure or building in accordance
5 with a redevelopment plan.

6 Section 9.13. To install, repair, construct, reconstruct
7 or relocate streets, roads, alleys, sidewalks, utilities and
8 site improvements essential to the preparation of the
9 redevelopment area for use in accordance with a redevelopment
10 plan.

11 Section 9.14. To mortgage or convey real or personal
12 property acquired for use in accordance with a redevelopment
13 plan.

14 Section 9.15. To borrow money, apply for and accept
15 advances, loans, gifts, grants, contributions, services or
16 other financial assistance from the federal government or any
17 agency or instrumentality thereof, the State, county,
18 municipality or other public body or from any source, public
19 or private, for or in aid of any of the purposes of the
20 redevelopment plan, and to secure the payment of any loans or
21 advances by the issuance of revenue bonds and by the pledge
22 of any loan, grant or contribution, or parts thereof, or the
23 contracts therefore, to be received from the federal
24 government or any agency or instrumentality thereof, and to
25 enter into and carry out contracts in connection therewith.

26 Section 9.16. To create parks, playgrounds, recreational
27 community education, water, sewer or drainage facilities, or
28 any other work which it is otherwise empowered to undertake,
29 adjacent to or in connection with housing projects.

1 Section 9.17. To dedicate, sell, convey or lease any of
2 its interests in any property, or grant easements, licenses
3 or other rights or privileges therein to a public housing
4 development body or the Federal or State governments.

5 Section 9.18. To exercise all powers available to land
6 clearance commissions under the "Blighted Areas Redevelopment
7 Act of 1947", as now or hereafter amended, and to initiate
8 and implement slum and blighted areas redevelopment projects.
9 However, the Authority shall not exercise eminent domain
10 powers pursuant to the "Blighted Areas Redevelopment Act of
11 1947", and with reference to the exercise of eminent domain
12 authority, this Act shall control.

13 Section 9.19. To develop a comprehensive redevelopment
14 plan for each neighborhood in depressed areas.

15 Section 9.20. To hold public hearings on redevelopment
16 plans.

17 Section 9.21. To fix, alter, charge and collect fees,
18 rentals and other charges for the use of the facilities of
19 or for the services rendered by the Authority, or projects
20 thereof, at rates to be determined by agreement or otherwise,
21 for the purpose of providing for the expenses of the
22 Authority, the construction, improvement, repair, equipping,
23 and furnishing of its facilities and properties, the payment
24 of the principal and interest on its obligations and to
25 fulfill the terms and provisions of any agreements made with
26 the purchasers or holders of any such obligations. Such
27 fees, rentals and other charges shall include charges for
28 interest due bond holders on all outstanding construction and
29 improvement, and engineering and administration costs not
30 reimbursed to the Authority; and shall include charges to

1 reimburse completely the Authority beginning in an
2 appropriate year for the principal on such bonds within a
3 period of years specified by the Authority to meet its bond
4 payment schedules.

5 Section 9.22. (a) To borrow money pursuant to a revenue
6 bond ordinance or resolution passed by the Authority within 4
7 years of the effective date of this Act, for the acquisition,
8 construction and improvement of projects in such amounts as
9 necessary for defraying the cost of such projects and to
10 secure the payment of all or any of its revenues, rentals and
11 receipts, and to make such agreements with the purchasers or
12 holders of such bonds or with others in connection with any
13 bonds whether issued or to be issued, as the Authority shall
14 deem advisable and in general, to provide for the security of
15 such bonds and the rights of the holders thereof.

16 (b) However no bonds may be issued by the Authority
17 unless the Authority offers, in writing, to the agencies or
18 municipalities represented by directors on the Authority,
19 excluding the director appointed by the Governor, the first
20 opportunity to issue revenue bonds for the project or
21 combination of projects. If the offer to issue bonds is not
22 accepted in writing, within 6 weeks, by any such agency or
23 municipality, the Authority may issue revenue bonds for the
24 purpose for which the bonding opportunity was offered to the
25 agencies or municipalities.

26 Section 9.23. To provide that any real property sold by
27 the Authority is used in accordance with the final
28 redevelopment plan, and the Authority shall inquire into and
29 satisfy themselves concerning the financial ability of the
30 purchaser to complete the redevelopment in accordance with
31 the redevelopment plan and shall require the purchaser to
32 execute in writing such undertakings as the Authority may

1 deem necessary to obligate the purchaser to:

2 (a) Use the land for the purposes designated in the
3 approved plan,

4 (b) Commence and complete the building of the
5 improvements within the periods of time which the Authority
6 fixes as reasonable, and

7 (c) Comply with such other conditions as are necessary
8 to carry out the purposes of the final redevelopment plan.

9 Section 9.24. To sell any property within a
10 redevelopment area in which the Authority holds the fee
11 simple title or any lesser interest, provided that all real
12 property shall be sold for at least its use value, which may
13 be less than its acquisition cost.

14 Section 9.25. Pursuant to appropriations, to direct
15 disbursements from the "Depressed Areas Land Use and
16 Community Development Fund" for the purposes of this Act.

17 Section 10. The Authority may by resolution provide for
18 an initial study and survey to determine if a depressed area
19 contains any commercially, industrially, residentially,
20 recreationally or other blighted areas.

21 (a) In making the survey and study the Authority board
22 shall:

23 (1) Cooperate with and use evidence gathered by any
24 public or private organization relative to the existence
25 or extent of blight in the depressed area;

26 (2) Hold public hearings, conduct investigations,
27 hear testimony and gather evidence relating to blight and
28 its elimination;

29 (3) Create an Advisory Committee of not less than
30 11 persons, to be appointed by the chairman with the
31 approval of the Authority, which committee shall consist

1 of representatives from among local merchants, property
2 owners, associations, human relations commissions, labor
3 organizations and other civic groups; and

4 (4) Formulate a proposed redevelopment plan for the
5 East St. Louis blighted area, provided that such plan has
6 received the approval and recommendations of a 2/3
7 majority vote of the members.

8 (b) If as a result of their initial study and survey the
9 Authority determines that one or more commercially,
10 industrially, residentially, recreationally, educationally,
11 or other blighted areas are existing in the depressed areas,
12 the Authority may by resolution set forth the boundaries of
13 each blighted area and the factors that exist in the blighted
14 area that are detrimental to the public health, safety,
15 morals and welfare.

16 In the same resolution the Authority may provide for a
17 public hearing on the designation of an area as a blighted
18 area and may submit proposed redevelopment plans for the
19 blighted area.

20 At least 20 days before the hearing the Authority shall
21 give notice of the hearing by publication at least once in a
22 newspaper of general circulation within the depressed area.

23 (c) At the hearing on the designation of an area as a
24 blighted area, the Authority shall introduce the testimony
25 and evidence that entered into their decision to declare an
26 area a blighted area, and shall enter into the record of the
27 proceedings all proposed redevelopment plans received at or
28 prior to the hearing. All interested persons may appear and
29 shall be given an opportunity to testify for or against any
30 proposed redevelopment plan. The hearing may be continued
31 from time to time at the discretion of the Authority to allow
32 necessary changes in any proposed plan or to hear or receive
33 additional testimony from interested persons.

34 (d) At the conclusion of the hearing on blight the

1 Authority shall formulate and publish a final redevelopment
2 plan for the blighted area after approval of a 2/3 majority
3 vote of the members of the Advisory Committee, which plan may
4 incorporate any exhibit, plan, proposal, feature, model or
5 testimony resulting from the hearing. The final redevelopment
6 plan shall be presented to the corporate authorities in the
7 territory covered by the redevelopment plan. The final
8 redevelopment plan shall be made available for inspection by
9 all interested parties.

10 (e) Within 30 days after the publication of a final
11 redevelopment plan, any person aggrieved by the action of the
12 Authority may seek a review of the decision and the
13 redevelopment plan under the "Administrative Review Law". The
14 provisions of that Law and all amendments and modifications
15 thereof and the rules adopted pursuant thereto shall apply to
16 review of the final redevelopment plan. If no action is
17 initiated under the Administrative Review Law, or if the
18 court sustains the Authority and the redevelopment plan as
19 presented, or as amended by the court, the Authority may
20 proceed to carry out the final redevelopment plan.

21 Section 11. The Authority is authorized and empowered to
22 incur indebtedness and issue revenue bonds in compliance with
23 subsection (b) of Section 9.22 for the purpose of raising
24 funds for carrying out the provisions of a final
25 redevelopment plan providing for the eradication and
26 elimination of blight and acquisition, development or
27 redevelopment of blight areas and any other area which may
28 constitute a redevelopment area within the depressed area.
29 The resolution of the Authority authorizing the issuance of
30 revenue bonds shall specify the total amount of the bonds to
31 be issued, the form and denomination, the date or dates of
32 maturity which shall not be later than 20 years after the
33 date of issuance, and the rate of interest, which rate shall

1 not exceed the rate permitted in "An Act to authorize public
2 corporations to issue bonds, other evidences of indebtedness
3 and tax anticipation warrants subject to interest rate
4 limitations set forth therein", approved May 26, 1970, as
5 amended. The bonds shall be executed by such officials as may
6 be provided by the bond ordinance. The bonds may be made
7 registerable to principal and may be made callable on any
8 interest payment date at par and accrued interest after
9 notice has been given in the manner provided by the bond
10 ordinance. The bonds shall remain valid even though one or
11 more of the officials executing the bonds cease to hold
12 office before the bonds are delivered.

13 The bonds shall contain a provision that the principal
14 and interest thereon shall be payable exclusively from the
15 proceeds and revenues of any redevelopment plan which is
16 financed in whole or in part with the proceeds of such bonds,
17 together with whatever funds of the Authority from whatever
18 source derived as are necessary to constitute a local
19 matching cash grant-in-aid or contribution for the
20 redevelopment plan within the meaning of any applicable
21 federal or State law. Such bonds may be additionally secured
22 by a pledge of any loan, grant or contribution, or parts
23 thereof, received from the United States of America, or any
24 agency or instrumentality thereof, or any loan, grant or
25 contribution from any other public or private body,
26 instrumentality, corporation or individual, or any duly
27 executed contract for such pledge, loan, grant or
28 contribution.

29 The officials executing the revenue bonds shall not be
30 personally liable on the bonds because of their issuance.
31 The bonds shall not be the debt of any municipality or the
32 State, or any subdivision thereof. The bonds shall not be
33 payable out of any funds of the Authority except those
34 indicated in this Act.

1 In connection with the issuance of the revenue bonds
2 authorized by this Act and in order to secure the payment of
3 such bonds, the Authority may recommend to the corporate
4 authority in which the redevelopment plan is proposed subject
5 to the powers and limitations contained in this Act, that
6 such corporate authority convene and agree in the bonds, bond
7 ordinance, or resolution, or any trust agreement executed
8 pursuant thereto, to any necessary condition, power, duty,
9 liability, or procedure for the issuance, payment,
10 redemption, security, marketing, replacement or refinancing
11 of such bonds, and the use, disposition or control of all or
12 any part of the revenues realized from a redevelopment or new
13 community plan.

14 The revenue bonds issued pursuant to a resolution passed
15 by the Authority shall be sold to the highest and best bidder
16 at not less than their par value and accrued interest. The
17 Authority shall, from time to time as bonds are to be sold,
18 advertise for proposals to purchase the bonds. Each such
19 advertisement may be published in such newspapers and
20 journals as the Authority may determine, but must be
21 published at least once in a newspaper having a general
22 circulation in the respective area at least 10 days prior to
23 the date of the opening of the bids. The Authority may
24 reserve the rights to reject any and all bids and readvertise
25 for bids.

26 The bonds may be issued without submitting any
27 proposition to the electorate by referendum or otherwise.

28 Section 12. Before any proposed new construction of a
29 specific project or proposed rehabilitation project is
30 commenced by the Authority a public hearing must be held by
31 the Authority affording interested persons residing in the
32 area an opportunity to be heard. There shall be a notice of
33 the time and place of the hearing published at least once,

1 not more than 30 and not less than 15 days before the
2 hearing, in one or more newspapers published in the
3 municipalities located within the area of the project. This
4 notice shall contain the particular site and location to be
5 affected as well as a brief statement of what is proposed in
6 the project.

7 Section 13. Any deed executed by the Authority under
8 this Act may contain such restrictions as may be required by
9 the final redevelopment plan and necessary building and
10 zoning ordinances. All such deeds of conveyance shall be
11 executed in the name of the Authority and the seal of the
12 Authority shall be attached to the deeds.

13 Section 14. The Authority may let contracts for the
14 demolition or removal of buildings and for the removal of
15 any debris. The Authority shall advertise for sealed bids
16 for doing such work. The advertisement shall describe by
17 street number or other means of identification the location
18 of buildings to be demolished or removed and the time and
19 place when sealed bids for the work may be delivered to the
20 Authority. The advertisement shall be published once in a
21 newspaper having a general circulation in the respective area
22 20 days prior to the date for receiving bids.

23 The contract for doing the work shall be let to the
24 lowest responsible bidder, but the Authority may reject any
25 and all bids received and readvertise for bids. Any contract
26 entered into by the Authority under this Section shall
27 contain provisions requiring the contractor to give bond in
28 an amount to be determined by the Authority, and shall
29 require the contractor to furnish insurance of a character
30 and amount to be determined by the Authority protecting the
31 Authority and the municipality, its officers, agents and
32 employees against any claims for personal injuries, including

1 death and property damage which may be asserted because of
2 the contract. The Authority may include in any advertisement
3 and in the contract one or more buildings as they in their
4 sole discretion may determine.

5 Section 15. In carrying out the provisions of a final
6 redevelopment plan, the Authority may pave and improve
7 streets in the redevelopment area, construct walks and
8 install or relocate sewers, water pipes and other similar
9 facilities. The Authority shall advertise for sealed bids for
10 doing such work. The advertisement shall describe the nature
11 of the work to be performed and the time when and place where
12 sealed bids for the work may be delivered to the Authority.
13 The advertisement shall be published once in a newspaper
14 having a general circulation in the municipality at least 20
15 days prior to the date for receiving bids. A contract for
16 doing the work shall be let to the lowest responsible bidder,
17 but the Authority may reject any and all bids received and
18 readvertise for bids. The contractor shall enter into bond
19 as a condition for the faithful performance of the contract.
20 The sureties on such bond shall be approved by the Authority.

21 Section 16. When the Authority has acquired title to,
22 and possession of any or all real property in the
23 redevelopment area, they may convey any part of the
24 redevelopment area to which the Authority holds the fee
25 simple title or any lesser interest to any public body or
26 State chartered corporation having jurisdiction over schools,
27 parks, low or moderate housing, or playgrounds in the area.
28 The property so conveyed shall be used for parks,
29 playgrounds, schools, housing for low or moderate income
30 families, and other public purposes as the Authority may
31 determine. The Authority may charge for such conveyance
32 whatever price they and the officials of the public bodies or

1 State Chartered Corporations receiving the land may agree
2 upon. The Authority may also grant with or without charge,
3 easements for public utilities, sewerage and other similar
4 facilities.

5 Section 17. For the purposes of this Act, the terms
6 "cost of the construction" of any project includes the
7 following:

8 (a) Obligations incurred for labor, and to contractors,
9 builders and material men, in connection with the
10 construction of any such project or projects, for machinery
11 and equipment and for the restoration of property damaged or
12 destroyed in connection with such construction.

13 (b) The cost of acquiring any property, real, personal
14 or mixed, tangible or intangible, or any interest therein,
15 necessary or desirable for the construction of any such
16 project or projects.

17 (c) The principal and interest requirements upon any
18 such bonds for the period during which, and to the extent,
19 the rentals received by the Authority from such project or
20 projects shall be insufficient for the payment thereof, the
21 fees and expenses of the fiscal agent of the Authority in
22 respect of such bonds during any such period, and the
23 reasonable fees and expenses of any paying agents for such
24 bonds during such period.

25 (d) The taxes or other municipal or governmental
26 charges, if any, in connection with any such project or
27 projects during construction.

28 (e) The cost and expenses of preliminary investigations
29 of the feasibility or practicality of constructing any such
30 project or projects and fees and expenses of engineers for
31 making preliminary studies, surveys, repairs, estimates, and
32 for preparing plans and specifications and supervising
33 construction as well as for the performance of all other

1 duties of engineers in relation to such construction or the
2 issuance of bonds therefor.

3 (f) Expenses of administration properly chargeable to
4 any such project or projects during construction, legal
5 expenses and fees, financing charges, costs of audits and of
6 preparing and issuing such bonds, and all other items of
7 expense not elsewhere specified, ancient to the construction
8 of any such projects, the financing thereof and the
9 acquisition of lands, property rights, rights of way,
10 franchises, easements and interest therefor, including
11 abstracts of title, title insurance, title opinions, costs of
12 surveys, reports and other expenses in connection with such
13 acquisition.

14 Section 18. The Authority may pledge, hypothecate or
15 otherwise encumber all or any of the revenues or receipts of
16 the Authority as security for all or any of the obligations
17 of the Authority.

18 Section 19. The Authority may construct, acquire by gift
19 or purchase, reconstruct, improve, better or extend any
20 project within or without the municipality or partially
21 within or without the municipality, but in no event farther
22 than 3 miles from the territorial boundaries of such
23 municipality, and acquire by gift or purchase lands or rights
24 in land in connection therewith.

25 Section 20. The Authority shall have no power at any
26 time or in any manner to pledge the credit or taxing power of
27 the State of Illinois, or a municipality or corporate
28 authority or any other unit of local government nor shall any
29 of its obligations be considered obligations of the State of
30 Illinois, or any other unit of government.

1 Section 21. Within 60 days after the end of each fiscal
2 year, the Authority shall cause to be prepared by a certified
3 public accountant a complete and detailed report and
4 financial statement of the operation and assets and
5 liabilities of the Authority. A sufficient number of copies
6 of such report shall be prepared for distribution to persons
7 interested, upon request, and a copy thereof shall be filed
8 with the Governor and the General Assembly.

9 Section 22. The Authority may investigate conditions in
10 any project in which it has an interest. In the conduct of
11 such investigations the Authority may hold public hearings on
12 its own motion, and shall do so on complaint or petition of
13 any person. Each member of the Authority shall have power to
14 administer oaths, and the secretary, by order of the
15 Authority, shall issue subpoenas to secure the attendance and
16 testimony of witnesses, and the production of books and
17 papers, before the Authority or before any member thereof or
18 any officer or committee appointed by the Authority.

19 In the conduct of any investigation the Authority shall,
20 at its expense, provide a stenographer to take down all
21 testimony and shall preserve a record of such proceedings.
22 The notice of hearing, complaint, and all other documents in
23 the nature of pleading and written motions and orders of
24 decision of the Authority shall constitute the record of such
25 proceedings.

26 The Authority is not required to testify and record or
27 file any answer, or otherwise respond in any proceedings for
28 judicial review of an administrative decision unless the
29 party asking for review deposits with the clerk of the court
30 the sum of \$1 per page of records representing the cost of
31 such certification. Failure to make such deposit is ground
32 for dismissal of action.

1 Section 23. The Authority has the power to pass all
2 resolutions and make all rules and regulations proper and
3 necessary to give effect to the power granted the Authority
4 under this Act.

5 Section 24. All final administrative decisions of the
6 Authority shall be subject to judicial review pursuant to the
7 provisions of the Administrative Review Law, and all
8 amendments and modifications thereof and the rules adopted
9 pursuant thereto. The term "administrative decision" is
10 defined as in Section 3-101 of the Administrative Review Law.

11 Section 25. The powers contained in this Act shall not
12 be exercised by the Authority:

13 a) within the boundaries of any municipality or within
14 the boundaries of any territory over which a municipality has
15 jurisdiction unless the exercise of those powers therein has
16 been approved by the mayor or village president of the
17 municipality; or

18 b) within the boundaries of any unincorporated area of a
19 township unless the exercise of those powers therein has been
20 approved by the supervisor of the township.

21 Section 27. Legislative Findings. The General Assembly
22 finds that the financial difficulties, inadequate tax base,
23 lack of vital services, lack of economic development and
24 various other problems in the East St. Louis area are unique
25 in Illinois, and that it is desirable to specifically address
26 those problems by authorizing the designation of a
27 demonstration enterprise zone in the East St. Louis area.

28 Section 28. Applicability. The provisions of Sections
29 27 through 35 apply only to a demonstration enterprise zone,
30 and such provisions do not apply to any other enterprise

1 zone. All provisions of this Act apply to a demonstration
2 enterprise zone, except as follows:

3 (1) if the provisions of Sections 27 through 35 conflict
4 with other provisions of this Act, the provisions of Sections
5 27 through 35 shall control; and

6 (2) with respect to the demonstration enterprise zone,
7 the Authority shall exercise and perform all powers, duties,
8 and functions under this Act that would be performed by the
9 Department of Commerce and Community Affairs with respect to
10 other enterprise zones.

11 Section 29. Definitions. As used in Sections 27 through
12 35:

13 "Zone" or "enterprise zone" means a demonstration
14 enterprise zone.

15 "Area" means the city of East St. Louis area.

16 "Zone development corporation" means a nonprofit
17 corporation or association created by the Authority to
18 formulate and propose a preliminary zone development plan
19 under Section 32 of this Act.

20 "Zone development plan" means a plan adopted by the
21 Authority for the development of an enterprise zone, and for
22 the direction and coordination of activities of the area,
23 zone businesses, and community organizations within the
24 enterprise zone toward the economic betterment of the
25 residents of the zone and the area.

26 "Zone neighborhood association" means a corporation or
27 association of persons who either are residents of, or have
28 their principal place of employment in, the area; that is
29 organized under the provisions of the General Not For Profit
30 Corporation Act of 1986 and that has for its principal
31 purpose the encouragement and support of community activities
32 within, or on behalf of, the zone so as to (i) stimulate
33 economic activity, (ii) increase or preserve residential

1 amenities, or (iii) otherwise encourage community cooperation
2 in achieving the goals of the zone development plan.

3 "Enterprise Zone Assistance Fund" or "Fund" means the
4 Fund created by Section 35 of this Act.

5 "Authority" means the East St. Louis Area Development
6 Authority.

7 Section 30. Designation of Demonstration Enterprise
8 Zone. The Authority may by resolution designate a
9 demonstration enterprise zone in accordance with Section 32
10 of this Act. If the approval of the demonstration enterprise
11 zone require the alteration or decertification of an existing
12 enterprise zone, the Authority shall take that action upon
13 the adoption of such a proposal.

14 Section 31. Zone development corporation. The Authority
15 shall, by resolution, create a nonprofit corporation under
16 the provisions of General Not For Profit Corporation Act of
17 1986 to act as the zone development corporation for the
18 Authority. The zone development corporation so created shall
19 include on its board of directors representatives of the
20 governments of the area, members of the business community,
21 of the area, members of the labor community in the area, and
22 representatives of community organizations in the area, and
23 the total membership of the board of directors shall be
24 broadly representative of businesses and communities within
25 the area.

26 Section 32. Preliminary zone development plan. The
27 Authority shall cause a preliminary zone development plan to
28 be formulated, with the assistance of any officers and
29 agencies of the area as the governing body may see fit. The
30 preliminary zone development plan shall set forth the
31 boundaries of the proposed enterprise zone, findings of fact

1 concerning the economic and social conditions existing in the
2 property proposed for an enterprise zone, and the Authority's
3 policy and intentions for addressing these conditions, and
4 may include proposals respecting:

5 (1) Utilizing the powers conferred on the Authority by
6 law for the purpose of stimulating investment in and economic
7 development of the proposed zone in specific proposals that
8 promote industrial retention and development as a foundation
9 for general community development, that promotes providing
10 technical and financial assistance, promoting vocational and
11 entrepreneurial training, upgrading production techniques and
12 use of modern technology in local companies, promoting local
13 and cooperative ownership of companies, increasing community
14 participation in development strategies, and launching
15 specific initiatives to save existing companies, and to start
16 new companies in the proposed zone;

17 (2) Utilizing State assistance through the provisions of
18 this Act relating to exemptions from, and credits against,
19 State taxes;

20 (3) Securing the involvement in, and commitment to, zone
21 economic development by private entities, including zone
22 neighborhood associations, voluntary community organizations
23 supported by residents and businesses in the zone;

24 (4) Utilizing the powers conferred by law to revise
25 municipal planning and zoning ordinances and other land use
26 regulations as they pertain to the zone, in order to enhance
27 the attraction of the zone to prospective developers;

28 (5) Increasing the availability and efficiency of
29 support services, public and private, generally used by and
30 necessary to the efficient functioning of commercial and
31 industrial facilities in the area, and the extent to which
32 the increase or improvements are to be provided and financed
33 by the city governments in the area or by other entities; and

34 (6) Utilizing the powers of the zone development

1 corporation created by the Authority to provide short term
2 contract financing, equipment installment loans, and
3 equity-match financing for selected small businesses located
4 in the area.

5 Section 33. Proposals for funding. The Authority shall
6 receive and evaluate proposals from the demonstration
7 enterprise zone for funding of projects and increased
8 eligible municipal services from the Enterprise Zone
9 Assistance Fund.

10 Section 34. Certification by Authority. The Authority
11 shall certify annually to the State Treasurer amounts to be
12 paid from the Fund to support approved projects and increased
13 eligible municipal services in the demonstration enterprise
14 zone.

15 Section 35. Enterprise Zone Assistance Fund.

16 (a) There is created an Enterprise Zone Assistance Fund
17 to be held by the State Treasurer, which shall be the
18 repository for all moneys required to be deposited into the
19 Fund under Section 13.2 of the Riverboat Gambling Act, moneys
20 appropriated annually to the Fund and moneys available from
21 other sources. All moneys deposited in the Fund shall be held
22 and disbursed in the amounts necessary to fulfill the
23 purposes of this Section and shall be subject to the
24 requirements hereinafter prescribed. The State Treasurer may
25 invest and reinvest any moneys in the Fund, or any portion
26 thereof, in legal obligations of the United States or of the
27 State or of any political subdivision thereof. Any income
28 from, interest on, or increment to moneys so invested or
29 reinvested shall be included in the Fund.

30 (b) The State Treasurer shall promulgate the rules
31 necessary to govern the administration of the Fund for the

1 purposes of this Section.

2 (c) The Fund shall be used for the purpose of assisting
3 the Authority in undertaking public improvements and in
4 upgrading eligible municipal services in the enterprise
5 zones.

6 (d) The Authority and the zone development corporation
7 created by the Authority for that enterprise zone may, by
8 resolution jointly adopted after public hearing, propose to
9 undertake a project for the public improvement of the
10 enterprise zone or to increase eligible municipal services in
11 the enterprise zone and to fund that project or increase in
12 eligible municipal services from moneys deposited in the
13 Fund. The proposal so adopted shall set forth a plan for the
14 project or for the increase in eligible municipal services
15 and shall include:

16 (1) A description of the proposed project or of the
17 municipal services to be increased;

18 (2) An estimate of the total project costs, or of
19 the total costs of increasing the municipal services, and
20 an estimate of the amounts of funding necessary annually
21 from the Fund;

22 (3) A statement of any other revenue sources to be
23 used to finance the project or to fund the increase in
24 eligible municipal services; and

25 (4) A statement of the manner in which the proposed
26 project or increase in municipal services furthers the
27 Authority's policy and intentions for addressing the
28 economic and social conditions existing in the area of
29 the enterprise zone.

30 As used in this Section, "project" means the purchasing,
31 leasing, condemning, or otherwise acquiring of land or other
32 property, or an interest therein, in the enterprise zone or
33 as necessary for a right-of-way or other easement to or from
34 the enterprise zone; the relocating and moving of persons

1 displaced by the acquisition of land or property; the
2 rehabilitation and redevelopment of land or property,
3 including demolition, clearance, removal, relocation,
4 renovation, alteration, construction, reconstruction,
5 installation or repair of land or a building, street,
6 highway, alley, utility, service, or other structure or
7 improvement; the acquisition, construction, reconstruction,
8 rehabilitation, or installation of public facilities and
9 improvements, except buildings and facilities for the general
10 conduct of government and schools; and the costs associated
11 therewith including the costs of an administrative appraisal,
12 economic and environmental analyses or engineering, planning,
13 design, architectural, surveying or other professional
14 services necessary to effectuate the project.

15 As used in this Section, "eligible municipal services"
16 means the hiring of additional policemen or firemen assigned
17 duties in the enterprise zone, or the purchasing or leasing
18 of additional police or fire vehicles, equipment, or
19 apparatus to be used for the provision of augmented or
20 upgraded public safety services in the enterprise zone and
21 its immediate vicinity.

22 (e) Upon adoption by the Authority and by the zone
23 development corporation, the proposal shall be sent to the
24 Authority for its evaluation and approval. The Authority and
25 the zone development corporation shall approve the proposal
26 if:

27 (1) In the case of a project, the proposed project
28 furthers the policy and intentions of the zone
29 development plan and the estimated annual payments for
30 the project from the Fund are not likely to result in a
31 deficit in the Fund;

32 (2) In the case of an increase in eligible
33 municipal services, the proposal furthers the policy and
34 intentions of the zone development plan, the Authority

1 has furnished satisfactory assurances that the additional
 2 policemen or firemen to be hired, or the additional
 3 vehicles, equipment, or apparatus to be purchased or
 4 leased, shall be used to augment or upgrade public safety
 5 in the enterprise zone and shall not be used in other
 6 areas of the area; the Authority shall annually
 7 appropriate for the increased eligible municipal services
 8 an amount equal to 20% of the amount of annual payments
 9 for the eligible municipal services from the Fund; and
 10 the estimated annual payments for the eligible municipal
 11 services from the Fund are not likely to result in a
 12 deficit in the Fund.

13 (f) The Authority shall annually certify to the State
 14 Treasurer the amount to be paid in that year from the Fund
 15 with respect to each project or increase in eligible
 16 municipal services approved. The Authority may at any time
 17 revoke its approval of a project or an increase in eligible
 18 municipal services if it finds that the annual payments made
 19 from the Fund are not being used as required by this Section.

20 (g) Upon certification by the Authority of the annual
 21 amount to be paid to the Authority with respect to any
 22 project or increase in eligible municipal services, the State
 23 Treasurer shall pay in each year to the Authority from the
 24 amounts deposited in the Fund the amount so certified.

25 Section 200. The State Finance Act is amended by adding
 26 Section 5.545 as follows:

27 (30 ILCS 105/5.545 new)

28 Sec. 5.545. The Enterprise Zone Assistance Fund.

29 Section 205. The Riverboat Gambling Act is amended by
 30 changing Sections 13 and 23 and adding Section 13.2 as
 31 follows:

1 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

6 Beginning January 1, 1998, a privilege tax is imposed on
7 persons engaged in the business of conducting riverboat
8 gambling operations, based on the adjusted gross receipts
9 received by a licensed owner from gambling games authorized
10 under this Act at the following rates:

11 15% of annual adjusted gross receipts up to and
12 including \$25,000,000;

13 20% of annual adjusted gross receipts in excess of
14 \$25,000,000 but not exceeding \$50,000,000;

15 25% of annual adjusted gross receipts in excess of
16 \$50,000,000 but not exceeding \$75,000,000;

17 30% of annual adjusted gross receipts in excess of
18 \$75,000,000 but not exceeding \$100,000,000;

19 35% of annual adjusted gross receipts in excess of
20 \$100,000,000.

21 The taxes imposed by this Section shall be paid by the
22 licensed owner to the Board not later than 3:00 o'clock p.m.
23 of the day after the day when the wagers were made.

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

1 (c) Appropriations, as approved by the General Assembly,
2 may be made from the State Gaming Fund to the Department of
3 Revenue and the Department of State Police for the
4 administration and enforcement of this Act.

5 (c-5) After the payments required under subsections (b)
6 and (c) have been made, an amount equal to 15% of the
7 adjusted gross receipts of a riverboat (1) that relocates
8 pursuant to Section 11.2, or (2) for which an owners license
9 is initially issued after the effective date of this
10 amendatory Act of 1999, whichever comes first, shall be paid
11 from the State Gaming Fund into the Horse Racing Equity Fund.

12 (c-10) Each year the General Assembly shall appropriate
13 from the General Revenue Fund to the Education Assistance
14 Fund an amount equal to the amount paid into the Horse Racing
15 Equity Fund pursuant to subsection (c-5) in the prior
16 calendar year.

17 (c-15) After the payments required under subsections
18 (b), (c), and (c-5) have been made, an amount equal to 2% of
19 the adjusted gross receipts of a riverboat (1) that relocates
20 pursuant to Section 11.2, or (2) for which an owners license
21 is initially issued after the effective date of this
22 amendatory Act of 1999, whichever comes first, shall be paid,
23 subject to appropriation from the General Assembly, from the
24 State Gaming Fund to each home rule county with a population
25 of over 3,000,000 inhabitants for the purpose of enhancing
26 the county's criminal justice system.

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

32 (c-25) After the payments required under subsections
33 (b), (c), (c-5) and (c-15) have been made, an amount equal to
34 2% of the adjusted gross receipts of a riverboat (1) that

1 relocates pursuant to Section 11.2, or (2) for which an
 2 owners license is initially issued after the effective date
 3 of this amendatory Act of 1999, whichever comes first, shall
 4 be paid from the State Gaming Fund into the State
 5 Universities Athletic Capital Improvement Fund.

6 (d) From time to time, the Board shall transfer the
 7 remainder of the funds generated by this Act, except the tax
 8 revenue generated pursuant to Section 13.2, into the
 9 Education Assistance Fund, created by Public Act 86-0018, of
 10 the State of Illinois.

11 (e) Nothing in this Act shall prohibit the unit of local
 12 government designated as the home dock of the riverboat from
 13 entering into agreements with other units of local government
 14 in this State or in other states to share its portion of the
 15 tax revenue.

16 (f) To the extent practicable, the Board shall
 17 administer and collect the wagering taxes imposed by this
 18 Section in a manner consistent with the provisions of
 19 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b,
 20 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and
 21 Section 3-7 of the Uniform Penalty and Interest Act.

22 (Source: P.A. 90-548, eff. 12-4-97; 91-40, eff. 6-25-99.)

23 (230 ILCS 10/13.2 new)

24 Sec. 13.2. Investment alternative tax; credits; bond
 25 purchase contracts.

26 (a) Commencing with the first calendar year beginning
 27 after December 31, 2001, there is imposed an investment
 28 alternative tax on the adjusted gross receipts of each
 29 licensed owner conducting gambling operations under this Act
 30 from a home dock in the City of East St. Louis. The amount
 31 of the tax is 2.5% of the adjusted gross receipts. The tax
 32 imposed with respect to each calendar year shall be due and
 33 payable on the last day of April next following the end of

1 the calendar year. The State Treasurer shall have a lien
2 against the property constituting the riverboats and on-shore
3 facilities owned by a licensee for the amount of any tax not
4 paid when due.

5 (b) A licensee shall pay to the State Treasurer on or
6 before the 15th day of the first, fourth, seventh, and tenth
7 months of each year as partial payment of the investment
8 alternative tax imposed under subsection (a) an amount equal
9 to 1.25% of the estimated adjusted gross receipts for the
10 3-month period immediately preceding the first day of those
11 months. The moneys received shall be placed in an escrow
12 account and shall be held until the licensee directs that the
13 moneys be transferred to the East St. Louis Area Development
14 Authority for the purchase of bonds issued by or offered
15 through the Authority or under a contract for such a
16 purchase, be made available to the licensee for a direct
17 investment approved by the Authority, or be transferred to
18 the Enterprise Zone Assistance Fund as partial payment of the
19 investment alternative tax imposed under subsection (a). Any
20 interest derived from the moneys in the escrow account shall
21 be paid into the Enterprise Zone Assistance Fund. If a
22 licensee fails to pay the amount due or underpays by an
23 unjustifiable amount, the Gaming Board shall impose a fine of
24 5% of the amount due or of the underpayment, as the case may
25 be, for each month or portion of a month the licensee is in
26 default of payment, up to 25% of the amount in default. Any
27 fine imposed shall be paid into the Enterprise Zone
28 Assistance Fund.

29 (c) Each licensee required to pay tax under this Section
30 shall be entitled to an investment tax credit against the tax
31 imposed by subsection (a) in the following amounts: (1) for
32 the first 10 years of a licensee's tax obligation, in an
33 amount equal to twice the purchase price of bonds issued by
34 the Authority purchased by the licensee, or twice the amount

1 of the investments authorized in lieu thereof, and (2) for
2 the remainder of a licensee's obligation, in an amount equal
3 to twice the purchase price of bonds issued by the Authority
4 and purchased by the licensee, or twice the amount of the
5 investments authorized in lieu thereof, and twice the amount
6 of investments made by a licensee in other investments
7 approved by the Authority. The Authority shall have the
8 power to enter into a contract or contracts with a licensee
9 under which the Authority agrees to issue and sell bonds to
10 the licensee, and the licensee agrees to purchase the bonds
11 issued by or offered through the Authority, in annual
12 purchase price amounts as will constitute a credit against at
13 least 50% of the tax to become due in any future year or
14 years. The contract may contain those terms and conditions
15 relating to the terms of the bonds and to the issuance and
16 sale of the bonds to the licensee as the Authority shall deem
17 necessary or desirable. After the first 10 years of a
18 licensee's investment alternative tax obligation, a licensee
19 will have the option of entering into a contract with the
20 Authority to have its tax credit comprised of direct
21 investments in approved eligible projects. These direct
22 investments shall not comprise more than 50% of a licensee's
23 eligible tax credit in any one year.

24 The entering of a contract under this Section shall be
25 sufficient to entitle a licensee to an investment tax credit
26 for the appropriate tax year.

27 (d) A contract entered into between a licensee and the
28 Authority may provide for a deferral of payment for and
29 delivery of bonds required to be purchased and for a deferral
30 from making approved eligible investments in any year, but no
31 deferral shall occur more than 2 years consecutively. A
32 deferral of payment for any bonds required to be purchased by
33 a licensee and a deferral from making approved eligible
34 investments may be granted by the Authority only upon a

1 determination by the Gaming Board that purchase of these
2 bonds or making approved eligible investments would cause
3 extreme financial hardship to the licensee and a
4 determination by the Authority that the deferral of the
5 payment would not violate any covenant or agreement or impair
6 any financial obligation of the Authority. The contract may
7 establish a late payment charge to be paid in the event of
8 deferral or other late payment at an agreed rate. If a
9 deferral of purchase or investment is granted, the licensee
10 shall be deemed to have made the purchase or investment at
11 the time required by the contract, except that if the
12 purchase is not made at the time to which the purchase or
13 investment was deferred, then the licensee shall be deemed
14 not to have made the purchase or investment. The Gaming
15 Board shall adopt rules establishing a uniform definition of
16 extreme financial hardship applicable to all contracts. If a
17 licensee petitions the Authority for a deferral, the
18 Authority shall give notice of that petition to the Gaming
19 Board within 3 days of the filing of the petition. The
20 Gaming Board shall render a decision within 60 days of the
21 notice as to whether the licensee has established extreme
22 financial hardship. The Authority shall render a decision as
23 to the availability of the deferral within 10 days of the
24 receipt by it of the decision of the Gaming Board and shall
25 notify the Gaming Board of that decision. If a deferral is
26 granted, the Authority may determine whether the purchases of
27 investments shall be made in a lump sum or made over a period
28 of years, or whether the period of obligation shall be
29 extended an additional period of time equivalent to the
30 period of time deferred.

31 (e) The license of any licensee that has defaulted for a
32 period of 90 days in its obligation to make any purchase of
33 bonds or investment in any approved eligible project under a
34 contract entered into under subsection (c) of this Section

1 for a period of 90 days may be suspended by the Gaming Board
2 until that purchase is made or deferred in accordance with
3 subsection (c) of this Section, or a fine or other penalty
4 may be imposed upon the licensee by the Gaming Board. If the
5 Gaming Board elects not to suspend the license of a licensee
6 after the licensee has first defaulted in its obligation but
7 instead imposes some lesser penalty and the licensee
8 continues to be in default of its obligation after a period
9 of 30 additional days and after any subsequent 30-day period,
10 the Gaming Board may impose another fine or penalty upon the
11 licensee, which may include suspension of that licensee's
12 license. The fine shall be 5% of the amount of the
13 obligation owed for each month or portion of a month a
14 licensee is in default, up to 25% of that obligation. The
15 fine shall be paid into the Enterprise Zone Assistance Fund.

16 (f) A contract entered into by a licensee and the
17 Authority under subsection (c) of this Section may provide
18 that after the first 10 years of a licensee's investment
19 alternative tax obligation imposed by subsection (a) of this
20 Section, the Authority may repurchase bonds previously sold
21 to the licensee, which were issued after the tenth year of a
22 licensee's investment alternative tax obligation, by the
23 Authority, if the Authority determines that the repurchase
24 will not violate any agreement or covenant or impair any
25 financial obligation of the Authority and that the licensee
26 will reinvest the proceeds of the resale in an eligible
27 project approved by the Authority.

28 (g) During the 25 years a licensee is obligated to pay
29 an investment alternative tax under subsection (o) of this
30 Section, the total of the proceeds of all bonds purchased by
31 a licensee from or through the Authority and all approved
32 investments in eligible projects by a licensee shall be
33 devoted to the financing of projects in the East St. Louis
34 Depressed Areas.

1 For the purposes of this Section, bond "proceeds" means
2 all funds received from the sale of bonds and any funds
3 generated or derived therefrom, "East St. Louis Depressed
4 Areas" means the territorial areas of East St. Louis,
5 Alorton, Venice, Centreville, and Brooklyn, Illinois, and
6 "Depressed Areas" means the areas of East St. Louis, Alorton,
7 Venice, Centreville, and Brooklyn, Illinois.

8 The Authority shall determine the allocation of projected
9 available moneys. Municipalities receiving an allocation
10 shall present to the Authority for its approval comprehensive
11 plans or projects for which the allocations shall be used.
12 Any comprehensive plans or projects may be submitted to the
13 Authority for a determination of eligibility at any time
14 before the year for which the funds are allocated, and the
15 Authority shall make a determination of eligibility of the
16 plan or project within a reasonable amount of time. If the
17 Authority makes a positive determination of eligibility for
18 any comprehensive plan or project, or combination of
19 comprehensive plans or projects, for any municipality, the
20 Authority shall make available sufficient funds in subsequent
21 years necessary to complete those plans or projects, or to
22 complete that portion of the plan or project originally
23 agreed to be funded through the Authority, from funds
24 received by the Authority in subsequent years. If the
25 comprehensive plan or project is determined by the Authority
26 not to be an eligible plan or project, the municipality may
27 submit any other comprehensive plan or project for a
28 determination of eligibility. If, however, the municipality
29 fails to receive a positive determination of eligibility for
30 any comprehensive plan or project, or combination of
31 comprehensive plans or projects, sufficient to exhaust the
32 total allocation to that municipality for any year before
33 April 30 of the following year for which the allocation was
34 made, the allocation to that municipality for that year shall

1 cease, and the Authority may apply those excess funds to any
2 other comprehensive plan or project in any other municipality
3 in the Depressed Areas whose comprehensive plan or project
4 has received a positive determination of eligibility by the
5 Authority.

6 (h) Commencing with the first year in which a licensee
7 incurs a tax obligation under this Section, and for the
8 period of 2 years thereafter, 100% of the proceeds of all
9 bonds purchased by a licensee from the Authority that are
10 devoted to the financing of projects in Depressed Areas shall
11 be used exclusively to finance the rehabilitation,
12 development, or construction of, or to provide mortgage
13 financing of, housing facilities in the Depressed Areas for
14 persons or families of low through middle income, as defined
15 in this Section. For the purposes of this Section, the
16 "rehabilitation, development, or construction of housing
17 facilities" includes expenses attributable to site
18 preparation, infrastructure needs, and housing-related
19 community facilities and services, including supporting
20 commercial development. Commencing with the fourth year in
21 which a licensee incurs a tax obligation under this
22 subsection, 50% of the proceeds of all bonds purchased by a
23 licensee from the Authority that are devoted to the financing
24 of projects in Depressed Areas shall be used exclusively to
25 finance the rehabilitation, development, or construction of
26 housing facilities in the Depressed Areas for persons or
27 families of low through middle income. Commencing with the
28 eleventh year in which a licensee incurs a tax obligation
29 under this Section, 50% of the annual aggregate of the
30 proceeds of bonds purchased by a licensee from the Authority
31 that are devoted to the financing of projects and investments
32 in approved eligible projects commenced by a licensee shall
33 be used exclusively to finance the rehabilitation,
34 development, or construction of, or to provide mortgage

1 financing of, housing facilities in the Depressed Areas for
2 persons or families of low through middle income.

3 (i) The General Assembly finds that it is necessary to
4 provide for a balanced community and develop a comprehensive
5 housing program. The Authority shall determine the need for
6 housing in the Depressed Areas in consultation with the
7 municipalities in the Depressed Areas. This shall include
8 determining the types and classes of housing to be
9 constructed and the number of units of each type and class of
10 housing to be built. The Authority shall give priority to
11 the housing needs of the persons and their families residing
12 in the Depressed Areas in 1997 and continuing their residency
13 through the effective date of this amendatory Act of the 92nd
14 General Assembly. The actual percentage of the proceeds of
15 bonds and investments in approved eligible projects commenced
16 by a licensee which shall be used exclusively to finance the
17 rehabilitation, development, or construction of, or to
18 provide mortgage financing of, housing facilities in the
19 Depressed Areas shall be based upon the Authority's
20 determination of the need for housing in the Depressed Areas.
21 Once the housing needs of the persons residing in the
22 Depressed Areas in 1997 and continuing their residency
23 through the effective date of this amendatory Act of the 92nd
24 General Assembly have been met, as determined by the
25 Authority, any required percentages for such housing in the
26 Depressed Areas may, in its sole discretion, be waived by the
27 Authority. To aid the Authority in making these
28 determinations, the Authority shall review the proposal for a
29 housing redevelopment program and strategy approved and
30 adopted by the Gaming Board and shall give priority to it and
31 any other plan or project that is consistent with the
32 standards of this Section and is acceptable to the Authority.
33 The Authority may determine whether the funds used to finance
34 housing facilities for persons or families of low, moderate,

1 median range, and middle income are derived from the proceeds
2 of bonds purchased by a licensee from the Authority to be
3 devoted to the financing of projects in the Depressed Areas,
4 investments in approved eligible projects commenced by the
5 licensee, or a combination of both. Any investment made by a
6 licensee in excess of 100% of its eligible investment tax
7 credit during the first 3 years and in excess of 50%
8 thereafter in either the purchase of bonds or direct
9 investments in approved eligible projects for low, moderate,
10 median range, and middle income family housing facilities in
11 the Depressed Areas may be carried forward and credited
12 against the licensee's obligation to make a 100% investment
13 during the first 3 years and 50% thereafter in low, moderate,
14 median range, and middle income family housing in any future
15 year, with the approval of the Authority. For the purposes
16 of this Section, "low income families" means families whose
17 income does not exceed 50% of the median income of the area,
18 with adjustments for smaller and larger families. "Moderate
19 income families" means families whose income does not exceed
20 80% and is not less than 50% of the median income for the
21 area, with adjustments for smaller and larger families.
22 "Median range income families" means families whose income
23 does not exceed 120% and is not less than 80% of the median
24 income for the area, with adjustments for smaller and larger
25 families. "Middle income families" means families whose
26 income does not exceed 150% and is not less than 120% of the
27 median income for the area, with adjustments for smaller and
28 larger families. "Median income" means an income defined as
29 median within the appropriate Standard Metropolitan
30 Statistical Area by the United States Department of Housing
31 and Urban Development. To achieve a balanced community, the
32 Authority shall ensure that the development of housing for
33 families of low and moderate income shall proceed at the same
34 time as housing for families of median range and middle

1 income, until there is no longer a need for such facilities
2 in the Depressed Areas, as determined by the Authority.

3 (j) Nothing shall be implemented or waived by the
4 Authority which would reduce, impair, or prevent the
5 fulfillment of the priorities established and contained in
6 this amendatory Act of the 92nd General Assembly.

7 (k) If a licensee receives the prior approval of the
8 Authority, the licensee may make eligible investments in
9 excess of the investments necessary to receive a tax credit
10 against the investment alternative tax for a given calendar
11 year, and the licensee may carry forward this excess
12 investment and have it credited to its next investment
13 alternative tax obligation. If the Authority approves of
14 this excess investment and approves the carry forward of this
15 excess investment, and a licensee elects to purchase bonds of
16 the Authority or makes direct investments in approved
17 eligible projects in excess of the investments necessary to
18 receive a tax credit against the investment alternative tax
19 for its current obligation, the licensee shall be entitled to
20 a reduction of the amount of investments necessary in future
21 years, which amount shall be determined annually by the
22 Authority, taking into account a current market discount rate
23 from the date of the purchase or investment to the date the
24 purchase or investment would have been required to be made.

25 (l) Each licensee shall prepare and file, in a form
26 prescribed by the Authority, an annual return reporting that
27 financial information as shall be deemed necessary by the
28 Authority to carry out the provisions of this amendatory Act
29 of the 92nd General Assembly. This return shall be filed
30 with the Authority and the Gaming Board on or before April 30
31 following the calendar year on which the return is based.
32 The Gaming Board shall verify to the Authority the
33 information contained in the report, to the fullest extent
34 possible. Nothing in this subsection shall be deemed to

1 affect the due dates for making any investment or paying any
2 tax under this Section.

3 (m) Any purchase by a licensee of bonds issued by or
4 offered through the Authority and all approved eligible
5 investments made by a licensee are to be considered
6 investments and not taxes owed or grants to the State or any
7 political subdivision. As such, a licensee shall have the
8 possibility of the return of principal and a return on the
9 capital invested as with other investments. Investors in the
10 bonds issued by or offered through the Authority shall be
11 provided with an opinion from a recognized financial rating
12 agency or a financial advisory firm with national standing
13 that each loan of bond proceeds by the Authority has the
14 minimum characteristics of an investment, in that a degree of
15 assurance exists that interest and principal payments can be
16 made and other terms of the proposed investment be maintained
17 over the period of the investment, and that the loan of the
18 bond proceeds would qualify for a bond rating of "C" or
19 better. If an opinion cannot be obtained from a recognized
20 financial rating agency or a financial advisory firm with
21 national standing, an opinion shall be obtained from an
22 expert financial analyst with national standing, selected and
23 hired by the Authority. In order to achieve a balanced
24 portfolio, assure the viability of the Authority and the
25 projects, facilities, and programs undertaken under this
26 amendatory Act of the 92nd General Assembly, no more than 25%
27 of the total investments made by or through the Authority
28 with the proceeds of bonds generated in each year shall be
29 investments which would qualify for a bond rating of "C",
30 unless all holders of obligations in each year agree to waive
31 the 25% limit for that year. Nothing in this Section shall
32 be interpreted as limiting the Authority from taking any
33 steps it deems appropriate to protect the characteristics of
34 its investment in projects or any other investments from not

1 being real investments with a prospect for the return of
 2 principal and a return on the capital invested. Nothing in
 3 this Section shall be considered a guarantee by the State or
 4 any political subdivision of any return of principal or
 5 interest, but any purchase by a licensee of bonds or approved
 6 eligible investments made by a licensee under this Section
 7 shall be at the risk of the licensee. A licensee purchasing
 8 an issue of bonds issued by the Authority in any given year
 9 may arrange, at its option, for those bonds or the
 10 investments, made by or through the Authority with the
 11 proceeds of those bonds to be insured. The cost of any
 12 insurance purchased by a licensee shall be paid by the
 13 licensee desiring the insurance.

14 (n) The Authority shall adopt rules necessary to carry
 15 out the purposes of this Section.

16 (o) The obligation of a licensee to pay an investment
 17 alternative tax under this Section shall end 25 years after
 18 any investment alternative tax obligation is first incurred
 19 by the licensee, unless extended in connection with a
 20 deferral granted by the Authority under this Section.

21 (230 ILCS 10/23) (from Ch. 120, par. 2423)

22 Sec. 23. The State Gaming Fund. On or after the
 23 effective date of this Act, all of the fees and taxes
 24 collected pursuant to subsections of this Act, except tax
 25 revenue collected pursuant to Section 13.2, shall be
 26 deposited into the State Gaming Fund, a special fund in the
 27 State Treasury, which is hereby created. Fines and penalties
 28 collected pursuant to this Act shall be deposited into the
 29 Education Assistance Fund, created by Public Act 86-0018, of
 30 the State of Illinois.

31 (Source: P.A. 86-1029.)

32 Section 999. Effective date. This Act takes effect upon

1 becoming law.