



Sen. Donne E. Trotter

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09600HB2424sam002

LRB096 10326 DRJ 27855 a

1 AMENDMENT TO HOUSE BILL 2424

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2424, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment No.  
4 1, on page 3, line 26, by replacing "\$75,000,000" with  
5 "\$100,000,000"; and

6 on page 27, between lines 6 and 7, by inserting the following:

7 "Section 30-5. The Department of Commerce and Economic  
8 Opportunity Law of the Civil Administrative Code of Illinois is  
9 amended by changing Section 605-400 as follows:

10 (20 ILCS 605/605-400) (was 20 ILCS 605/46.19c)

11 Sec. 605-400. Office of Urban Assistance. The Department  
12 shall provide for, staff, and administer an Office of Urban  
13 Assistance, which shall plan and coordinate existing State  
14 programs designed to aid and stimulate the economic growth of  
15 depressed urban areas. Among other duties assigned by the

1 Department, the Office shall have the following duties:

2 (1) To coordinate the activities of the following units  
3 and programs of the Department and all other present and  
4 future units and programs of the Department that impact  
5 depressed urban areas to the extent that they impact upon  
6 or concern urban economics:

7 (A) Enterprise Zone Program.

8 (B) Small Business Development Center Program.

9 (C) Programs that assist in the development of  
10 community infrastructure.

11 (D) Illinois House Energy Assistance Program.

12 (E) Illinois Home Weatherization Assistance Program.

13 (F) Programs financed with Community Services Block  
14 Grant funds.

15 (G) Industrial Training Program.

16 (H) Technology Transfer and Innovation Program.

17 (I) Rental Rehabilitation Program.

18 (J) Displaced Homemaker Program.

19 (K) Programs under the federal Job Training  
20 Partnership Act.

21 The Office shall convene quarterly meetings of  
22 representatives who are designated by the Department to  
23 represent the units and programs listed in items (A) through  
24 (K).

25 (2) To gather information concerning any State or federal  
26 program that is designed to revitalize or assist depressed

1 urban areas in the State and to provide this information to  
2 public and private entities upon request.

3 (3) To promote and assist in developing urban inner city  
4 industrial parks.

5 (4) To promote economic parity and the autonomy of citizens  
6 of this State through promoting and assisting the development  
7 of urban inner city small business development centers, urban  
8 youth unemployment projects, small business incubators, family  
9 resource centers, urban developments banks, self managed urban  
10 businesses, and plans for urban infrastructure projects over  
11 the next 25 years.

12 (5) To recommend to the General Assembly and the Governor  
13 economic policies for urban areas and planning models that will  
14 result in the reconstruction of the economy of urban areas,  
15 especially those urban areas where economically and socially  
16 disadvantaged people live.

17 (6) To make recommendations to the General Assembly and the  
18 Governor on the establishment of urban economic policy in the  
19 areas of (i) housing, (ii) scientific research, (iii) urban  
20 youth unemployment, (iv) business incubators and family  
21 resource centers in urban inner cities, and (v) alternative  
22 energy resource development, and the need thereof, in urban  
23 areas as part of the department's 5-year plan for economic  
24 development.

25 (7) To make any rules and regulations necessary to carry  
26 out its responsibilities under the Civil Administrative Code of

1 Illinois.

2 (8) To encourage new industrial enterprises to locate in  
3 urban areas (i) through educational promotions that point out  
4 the opportunities of any such area as a commercial and  
5 industrial field of opportunity and (ii) by the solicitation of  
6 industrial enterprises; and to do other acts that, in the  
7 judgment of the Office, are necessary and proper in fostering  
8 and promoting the industrial development and economic welfare  
9 of any urban area. The Office, however, shall have no power to  
10 require reports from or to regulate any business.

11 (9) To accept grants, loans, or appropriations from the  
12 federal government or the State, or any agency or  
13 instrumentality thereof, to be used for the operating expenses  
14 of the Office or for any purposes of the Office, including the  
15 making of direct loans or grants of those funds for public,  
16 private, experimental, or cooperative housing, scientific  
17 research, urban inner city industrial parks, urban youth  
18 employment projects, business incubators, urban infrastructure  
19 development, alternative energy resource development, food  
20 deserts and community food plots, community facilities needed  
21 in urban areas, and any other purpose related to the  
22 revitalization of urban areas.

23 (Source: P.A. 91-239, eff. 1-1-00.)"; and

24 on page 197, between lines 13 and 14, by inserting the  
25 following:

1 "Article 62.

2 Section 62-1. Short title. This Article may be cited as the  
3 Food Desert Mitigation Act. References in this Article to "this  
4 Act" mean this Article.

5 Section 62-3. Purpose. The General Assembly finds that  
6 there are large geographic areas of the State, particularly low  
7 to moderate income, where citizens have little or no access to  
8 grocery stores and other sources of food needed to maintain a  
9 healthy diet. Such inaccessibility has been linked to  
10 deleterious effects on individuals in those areas in the form  
11 of adverse health effects and shortened life expectancy.  
12 Communities can also be affected in the form of depressed  
13 economic activity and land values. Due to a number of  
14 circumstances, operators of grocery stores face substantial  
15 challenges in their efforts to develop new stores or maintain  
16 existing stores in such areas. To stem these deleterious  
17 effects, the State must promote investment, through tax credits  
18 and exemptions, in new and existing stores in order to mitigate  
19 the number and breadth of areas. Such action will have direct  
20 and long lasting benefits. Most importantly, such action will  
21 reduce the challenges that people face in accessing quality  
22 food which in turn promotes greater health for the citizens of  
23 Illinois. Investment in new and existing grocery stores also

1 means stimulation of community revitalization, creation of new  
2 short and long term job opportunities, enhancement of the real  
3 estate tax base and the generation of new and additional  
4 revenue streams for State and local governments. In addition,  
5 grocery stores often serve as retail anchors which can lead to  
6 new and diverse retail opportunities across Illinois.

7 Section 62-5. Definitions. As used in this Act:

8 "Affiliate" means a person or business entity that,  
9 directly or indirectly, through one or more intermediaries,  
10 controls, is controlled by or is under common control with an  
11 Eligible Applicant.

12 "Agreement" means an Agreement between an Eligible  
13 Applicant and the Department under the provisions of Section  
14 62-50 of this Act and relating to a single Existing Full  
15 Service Grocery Store or a Proposed Full Service Grocery Store.

16 "Below Average Food Service Density" means that there is  
17 not a full service grocery store with at least 20,000 or more  
18 square feet of sales area and that sells Fresh Foods within 2  
19 miles of the site that is the subject of an application filed  
20 pursuant to Section 62-20. Distances shall be measured based on  
21 the shortest reasonable pedestrian route and not in a straight  
22 line measurement.

23 "Credit" means a credit against taxes imposed on an  
24 Eligible Applicant, an Affiliate, or his or her successors for  
25 a taxable year pursuant to subsections (a) and (b) of Section

1 201 of the Illinois Income Tax Act in an amount as set forth in  
2 Section 62-15 of this Act.

3 "Department" means the Department of Commerce and Economic  
4 Opportunity or successor agency thereto.

5 "Director" means the Director of Commerce and Economic  
6 Opportunity.

7 "Electric Tax Exemption" means a full exemption from taxes  
8 imposed on or charged to the operator of an Existing Full  
9 Service Grocery Store or its Affiliate pursuant to (a) Section  
10 2-4 of the Electricity Excise Tax Law; (b) Section 2-202 of the  
11 Public Utilities Act; and (c) Section 2a.1 of the Public  
12 Utilities Revenue Act.

13 "Eligible Applicant" means a Taxpayer that (a) operates an  
14 Existing Full Service Grocery Store and proposes to invest in  
15 the rehabilitation or expansion, or both, of such Existing Full  
16 Service Grocery Store or (b) proposes to develop and operate a  
17 Proposed Full Service Grocery Store.

18 "Existing Full Service Grocery Store" means a fully  
19 operational for profit or not for profit retail establishment  
20 with one or more affiliated business units operating at a  
21 single location (a) that regularly sells Fresh Foods; (b) that  
22 derives at least (1) 55% of its annual revenues from the sale  
23 of food products and (2) 15% of its annual revenues from the  
24 sale of Fresh Foods; and (c) which is located in an Underserved  
25 Area.

26 "Food Desert" means a large geographic area (a) designated

1 as such by municipal ordinance or resolution and (b) where  
2 residents have little or no access, due to physical or  
3 geographic barriers, to foods needed to maintain a healthy  
4 lifestyle.

5 "Fresh Foods" means (a) meat, seafood, and produce offered  
6 for sale in an unfrozen condition; (b) dairy; (c) and baked  
7 goods products.

8 "Full-time Employee" means an individual who is employed by  
9 an Eligible Applicant or its Affiliate for consideration for at  
10 least 30 hours each week or who renders any other standard of  
11 service generally accepted by industry custom or practice as  
12 full-time employment at an Existing Full Service Grocery Store.  
13 A Full-time Employee shall not include an individual that does  
14 not dedicate at least 80% of his or her employment activities  
15 to a single Existing Full Service Grocery Store, such as, but  
16 not limited to, regional managers, district managers and other  
17 employees whose employment responsibilities are to more than  
18 one Existing Full Service Grocery Store.

19 "Fund" means the fund established pursuant to Section  
20 62-85.

21 "Gas Tax Exemption" means a full exemption from the taxes  
22 imposed on or charged to the operator of an Existing Full  
23 Service Grocery Store or its Affiliate pursuant to Section 2  
24 and Section 2a.1 of the Gas Revenue Tax Act.

25 "Low Income or Moderate Income Market Area" means a  
26 geographic area having a full service grocery store customer

1 base with more than 50% of the residents living in one or more  
2 federal census tracts that have been designated as low income  
3 by the most recently available full or partial federal census.

4 "Noncompliance Date" means, in the case of an Eligible  
5 Applicant that is not complying with the requirements of the  
6 Agreement or the provisions of this Act, the day following the  
7 last date upon which the Eligible Applicant was in compliance  
8 with the requirements of the Agreement and the provisions of  
9 this Act, as determined by the Director, pursuant to Section  
10 62-65.

11 "Part-time Employee" means an individual who is employed by  
12 an Eligible Applicant or its Affiliate for consideration for  
13 fewer than 30 hours each week at an Existing Full Service  
14 Grocery Store.

15 "Pass Through Entity" means an entity that is exempt from  
16 the tax under subsection (b) or (c) of Section 205 of the  
17 Illinois Income Tax Act.

18 "Payroll" means all salaries, wages and bonuses, as  
19 reflected in a Full-time Employee or Part-time Employee's  
20 Internal Revenue Service Form W-2, paid in a taxable year by an  
21 Eligible Applicant or its Affiliate to all Full-time Employees  
22 and Part-time Employees at an Existing Full Service Grocery  
23 Store that is the subject of an Agreement with the Department;  
24 provided, however, the value of health care, retirement plan  
25 contributions and other similar benefits shall not be  
26 considered in the calculation of the term "Payroll."

1 "Placed into Service" shall have the same meaning as  
2 described in subsection (h) of Section 201 of the Illinois  
3 Income Tax Act.

4 "Project Investment" means the expenditures of an Eligible  
5 Applicant or its Affiliate for land acquisition, loan amounts  
6 borrowed, hard and soft construction costs, financing and  
7 interest costs, furniture, fixtures and equipment, job  
8 training, attorney and consultant fees, and other costs and  
9 expenses reasonably related to the rehabilitation of an  
10 Existing Full Service Grocery Store or the development of a  
11 Proposed Full Service Grocery Store. Project Investment shall  
12 also include capitalized lease amounts.

13 "Proposed Full Service Grocery Store" means a proposed for  
14 profit or not for profit retail establishment with one or more  
15 business units operating at a single location (a) that  
16 regularly sells Fresh Foods; (b) that is anticipated to derive  
17 at least (1) 55% of its annual revenues from the sale of food  
18 products and (2) 15% of its annual revenues from the sale of  
19 Fresh Foods; and (c) which will be located in an Underserved  
20 Area.

21 "Sales Tax Exemption" means a full exemption from  
22 Retailers' Occupation Tax and Use Tax for (a) building  
23 materials physically incorporated into an Existing Full  
24 Service Grocery Store or a Proposed Full Service Grocery Store  
25 and (b) personal property such as furniture, fixtures and  
26 equipment that are used in the operation of an Existing Full

1 Service Grocery Store.

2 "Sunset Date" means June 14, 2014.

3 "Taxpayer" means an individual, corporation, partnership,  
4 or other entity that has or may have any Illinois income tax  
5 liability under the Illinois Income Tax Act.

6 "Tax Exemptions" means the Gas Tax Exemption, the Electric  
7 Tax Exemption and the Sales Tax Exemption that are available to  
8 an Eligible Applicant during the entire term of an Agreement.

9 "Underserved Area" means: (a) a Food Desert; (b) a federal  
10 census tract that has been designated as low income or  
11 moderate-income by the most recently available full or partial  
12 federal census; (c) a project site in an area that has Below  
13 Average Food Service Density; or (d) a Low Income Market Area.

14 Section 62-10. Powers of the Department. The Department, in  
15 addition to those powers granted under the Civil Administrative  
16 Code of Illinois, is granted and shall have all the powers  
17 necessary or convenient to carry out and effectuate the  
18 purposes and provisions of this Act, including, but not limited  
19 to, the power and authority to:

20 (a) Establish forms for applications, notifications,  
21 contracts, or any other agreements; and accept applications at  
22 any time during the year prior to the Sunset Date.

23 (b) Provide assistance to Eligible Applicants pursuant to  
24 the provisions of this Act, and cooperate with Eligible  
25 Applicants that are parties to Agreements to promote, foster,

1 and support the goals and purposes of this Act.

2 (c) Enter into agreements and memoranda of understanding  
3 for participation of and engage in cooperation with agencies of  
4 the federal government, units of local government,  
5 universities, research foundations or institutions, regional  
6 economic development corporations, or other organizations in  
7 furtherance of the purposes of this Act.

8 (d) Gather information and conduct inquiries, in the manner  
9 and by the methods it deems desirable, including, without  
10 limitation, gathering information with respect to an Eligible  
11 Applicant for the purpose of making any designations or  
12 certifications necessary in the furtherance of the purposes of  
13 this Act.

14 (e) Establish, negotiate and effectuate any term,  
15 agreement or other document with any person, necessary or  
16 appropriate to accomplish the purposes of this Act; and to  
17 consent, subject to the provisions of any Agreement, with  
18 another party, to the modification or restructuring of any  
19 Agreement to which the Department is a party.

20 (f) Fix, determine, charge, and collect any premiums, fees,  
21 charges, costs, and expenses from Eligible Applicants,  
22 including, without limitation, any application fees,  
23 commitment fees, program fees, financing charges, or  
24 publication fees as deemed appropriate to pay expenses  
25 necessary or incidental to the administration, staffing, or  
26 operation in connection with the Department's activities under

1 this Act, or for the preparation, implementation, and  
2 enforcement of the terms of an Agreement, or for consultation,  
3 advisory and legal fees, and other costs.

4 (g) Provide for sufficient personnel to permit  
5 administration, staffing, operation, and related support  
6 required to adequately discharge its duties and  
7 responsibilities described in this Act from funds made  
8 available through charges to Eligible Applicants or from funds  
9 as may be appropriated by the General Assembly for the  
10 administration of this Act.

11 (h) Require Eligible Applicants, upon written request, to  
12 issue any necessary authorization to the appropriate federal,  
13 State, or local authority for the release of information  
14 concerning a project being considered under the provisions of  
15 this Act, with the information requested to include, but not be  
16 limited to, financial reports, returns, or records relating to  
17 the Eligible Applicant or the subject matter of an Agreement.

18 (i) Require that Eligible Applicants keep at all times  
19 proper books and records in accordance with generally accepted  
20 accounting principles, with the books, records, or other  
21 documentation related to the Agreement in the custody or  
22 control of the Eligible Applicant open for reasonable  
23 Department inspection and audits, and including, without  
24 limitation, the making of copies of the books, records, or  
25 papers, and the inspection or appraisal of any of the Eligible  
26 Applicant's or project's assets.

1           (j) Take whatever actions are necessary or appropriate to  
2 protect the State's interest in the event of bankruptcy,  
3 default, foreclosure, or noncompliance with the terms and  
4 conditions of financial assistance or participation required  
5 under this Act, including the power to sell, dispose, lease, or  
6 rent, upon terms and conditions determined by the Director to  
7 be appropriate, real or personal property that the Department  
8 may receive as a result of these actions.

9           Section 62-15. Credit Awards. Subject to the approval of  
10 the Department, execution of an Agreement with the Department  
11 and the conditions set forth in this Act, an Eligible Applicant  
12 shall be entitled to a Credit in the amounts set forth below  
13 beginning on: (a) for an Existing Full Service Grocery Store,  
14 the date upon which the Eligible Applicant certifies in writing  
15 to the Department that it has made a Project Investment of at  
16 least \$1,000,000 and (b) with respect to a Proposed Full  
17 Service Grocery Store, the date upon which the Proposed Full  
18 Service Grocery Store is Placed into Service. In addition,  
19 where an Eligible Applicant leases a portion of an Existing  
20 Full Service Grocery store to an affiliated or non-affiliated  
21 business entity which derives more than 50% of its annual  
22 revenues from the sale of pharmaceutical products and services,  
23 the payroll, project investment and full-time employees and  
24 part-time employees of such lessee shall be attributed to the  
25 Eligible Applicant for the purposes of determining the amount

1 of the Credit.

2 (a) The Department shall make Credit awards and grants of  
3 Tax Exemption under this Act to mitigate Underserved Areas and  
4 to foster economic development in Illinois.

5 (b) The terms and conditions of awards of Credits and  
6 grants of Tax Exemptions shall be set forth in an Agreement  
7 between the Department and an Eligible Applicant for each  
8 Existing Full Service Grocery Store or Proposed Full Service  
9 Grocery Store for which Credits and Tax Exemptions are sought.  
10 An Agreement shall permit an Eligible Applicant to receive  
11 Credits and Tax Exemptions for at least 10 years but in no  
12 event more than 20 years and the term of such Agreement shall  
13 be of a duration to permit an Eligible Applicant to fully  
14 receive the value of such Credits and Tax Exemptions.

15 (c) The Credit shall be claimed for the taxable years  
16 specified in the Agreement. Credits may be claimed by an  
17 Eligible Applicant or its Affiliates, which may include, but  
18 are not limited to, entities that are members of the same  
19 unitary business group as the Eligible Applicant. If Credits  
20 are not claimed by the Eligible Applicant in a taxable year,  
21 the Eligible Applicant may (1) carry forward such Credit up to  
22 a maximum of 5 taxable years from the taxable year in which the  
23 Credit accrued or (2) sell, convey or pledge such Credit to any  
24 other Taxpayer provided such sale, conveyance or pledge  
25 conforms to subsection (e) of this Section 62-15.

26 (d) The Credit shall be in the following amounts and in

1 accordance with the following schedules:

2 (1) For a Project Investment greater than \$1,000,000  
3 but less than \$4,000,000, 8% of the Payroll for year 1 of  
4 the Agreement, 4% of the Payroll for years 2 and 3 of the  
5 Agreement and 2% of the Payroll for years 4 through 10 of  
6 the Agreement;

7 (2) For a Project Investment greater than \$4,000,000  
8 but less than \$7,000,000, 9% of the Payroll for years 1  
9 through 3 of the Agreement, 5% of the Payroll for years 4  
10 through 6 of the Agreement and 2% of the Payroll for years  
11 7 through 10 of the Agreement;

12 (3) For a Project Investment greater than \$7,000,000  
13 but less than \$10,000,000, 10% of the Payroll for years 1  
14 through 4 of the Agreement, 6% of the Payroll for years 5  
15 through 7 of the Agreement and 4% of the Payroll for years  
16 8 through 10 of the Agreement; and

17 (4) For a Project Investment in excess of \$10,000,000,  
18 10% of the Payroll for each year of the Agreement.

19 (e) The Credits authorized by this Act may be pledged,  
20 transferred, sold or assigned to any other Taxpayer by filing a  
21 notarized endorsement thereof with the Department of Revenue  
22 that names the beneficiary, the amount of the Credit  
23 transferred, and the value received for the credit, as well as  
24 any other information reasonably requested by the Department of  
25 Revenue.

1 Section 62-17. Tax Exemption Grants.

2 (a) Subject to the approval of the Department, execution of  
3 an Agreement with the Department, and the conditions set forth  
4 in this Act, an Eligible Applicant shall be entitled to the Tax  
5 Exemptions as follows: (1) for an Existing Full Service Grocery  
6 Store, the date upon which the Eligible Applicant certifies to  
7 the Department that it has made a Project Investment of at  
8 least \$1,000,000; provided, however, the Eligible Applicant  
9 shall be entitled to the Sales Tax Exemption immediately upon  
10 full execution of the Agreement and (2) with respect to a  
11 Proposed Full Service Grocery Store, the date upon which the  
12 Proposed Full Service Grocery Store is Placed into Service;  
13 provided, however, the Eligible Applicant shall be entitled to  
14 the Sales Tax Exemption immediately upon full execution of the  
15 Agreement.

16 (b) The corporate authorities of a home rule municipality  
17 may by ordinance rebate to, share with or grant exemptions to  
18 an Eligible Applicant for (1) any of the taxes that a home rule  
19 municipality is authorized to impose pursuant to the Home Rule  
20 Municipal Retailers' Occupation Tax Act, the Home Rule  
21 Municipal Use Tax Act or Section 8-11-2 of the Illinois  
22 Municipal Code and (2) the municipality's share of the revenues  
23 distributed to it pursuant to Section 6z-18 of the State  
24 Finance Act.

25 (c) The corporate authorities of a non-home rule  
26 municipality may by ordinance rebate to, share with or grant

1 exemptions to an Eligible Applicant for (1) the taxes that a  
2 non-home rule municipality is authorized to impose pursuant to  
3 the Non-Home Rule Municipal Retailers' Occupation Tax, the  
4 Non-Home Rule Municipal Use Tax Act or Section 8-11-2 of the  
5 Illinois Municipal Code and (2) the municipality's share of the  
6 revenues distributed to it pursuant to Section 6z-18 of the  
7 State Finance Act.

8 Section 62-20. Application for Credits and Tax Exemptions.

9 (a) Any Eligible Applicant proposing to make a Project  
10 Investment in an Existing Full Service Grocery Store or a  
11 Proposed Full Service Grocery Store that desires to enter into  
12 an Agreement with the Department shall submit a formal  
13 application to the Department on or before the Sunset Date, in  
14 which the Eligible Applicant states (1) its intent to make a  
15 Project Investment in an Existing Full Service Grocery Store or  
16 to construct and operate a Proposed Full Service Grocery Store  
17 and (2) how the Eligible Applicant meets the qualifications set  
18 forth in subsection (b). In addition, the application shall  
19 include such information as set forth in Section 15(a) of the  
20 Corporate Accountability for Tax Expenditures Act; provided  
21 that the Director shall have the authority to modify the  
22 application submittal requirements.

23 (b) In order to qualify for Credits and Tax Exemptions  
24 under this Act, an Eligible Applicant must demonstrate in its  
25 application that:

1           (1) It proposes to make a Project Investment of at  
2           least \$1,000,000;

3           (2) The rehabilitation or development project involves  
4           an Existing Full Service Grocery Store or a Proposed Full  
5           Service Grocery Store;

6           (3) The Eligible Applicant has committed and available  
7           financing or equity, or both, necessary to complete the  
8           rehabilitation or development project in a timely manner;  
9           and

10          (4) The Eligible Applicant is in good standing with the  
11          Illinois Secretary of State's Office.

12          (c) Where an Eligible Applicant seeks to qualify for the  
13          benefits under this Act for investing in a full service grocery  
14          store in a Low Income Market Area, the Eligible Applicant must  
15          reasonably demonstrate to the Department that the site that is  
16          the subject of the application meets the criteria for a Low  
17          Income Market Area.

18          (d) Provided that an Eligible Applicant meets the criteria  
19          set forth in this Section 62-20 and other applicable conditions  
20          of the Act, the Department shall enter into an Agreement with  
21          the Eligible Applicant on terms and conditions that are  
22          reasonably acceptable to the parties and otherwise in  
23          conformity with this Act.

24          (e) The Department may not receive applications after the  
25          Sunset Date. The Department shall have the continuing authority  
26          to (1) review any complete application that has been

1 transmitted to the Department on or before the Sunset Date; (2)  
2 enter into an Agreement with an Eligible Applicant that has  
3 submitted a complete application on or prior to the Sunset Date  
4 provided the Eligible Applicant meets the criteria set forth in  
5 this Section 62-20; and (3) modify and amend Agreements that  
6 were entered into pursuant to an application that was  
7 transmitted on or before the Sunset Date. Such sunset of  
8 authority shall in no way impair the terms, conditions, rights  
9 or obligations of Agreements that have been entered into  
10 pursuant to an application that was transmitted on or before  
11 the Sunset Date.

12 (f) Expenditures that an Eligible Applicant has made as of  
13 January 1, 2009 may be included by the Eligible Applicant and  
14 shall be accepted by the Department for the purposes of  
15 determining the amount of an Eligible Applicant's Project  
16 Investment.

17 Section 62-30. Limitation on amount of Credit and Tax  
18 Exemptions. The total amount of the Credits and Tax Exemptions  
19 taken by an Eligible Applicant pursuant to an Agreement shall  
20 not exceed the Project Investment in the Existing Full Service  
21 Grocery Store or Proposed Full Service Grocery Store that is  
22 the Subject of the Agreement. This Section 62-30 shall not be  
23 construed as precluding an Eligible Applicant from entering  
24 into more than one Agreement with the Department and fully  
25 realizing the benefits of the Credits and Tax Exemptions

1 granted under each Agreement.

2 Section 62-50. Contents of agreements with applicants. The  
3 Department shall enter into an Agreement with an Eligible  
4 Applicant that qualifies for a Credit under this Act. The  
5 Agreement must include all of the following:

6 (a) A detailed description of the rehabilitation or  
7 development project, including the location of the project and  
8 the anticipated amount of the Project Investment.

9 (b) A specific method for determining the Payroll during a  
10 taxable year.

11 (c) A requirement that the Eligible Applicant shall  
12 annually report to the Department the number of Full-time  
13 Employees, the number of Part-time Employees, the amount of the  
14 Payroll paid, and any other information reasonably necessary to  
15 allow the Director to perform his or her duties under this Act.

16 (d) A requirement that the Eligible Applicant certify to  
17 the Director that it continues to operate an Existing Full  
18 Service Grocery Store, which certification may be made as part  
19 of the annual report referenced in subsection (c) of this  
20 Section 62-50.

21 (e) A requirement that the Director is authorized to verify  
22 with the appropriate State agencies the matters reported under  
23 subsections (c) and (d), and after doing so shall issue a  
24 certificate to the Eligible Applicant stating that the matters  
25 have been verified.

1           (f) The minimum Project Investment that the Eligible  
2 Applicant will make and an estimated time period for completing  
3 the project.

4           (g) A provision that, if the project no longer meets the  
5 definition of an Existing Full Service Grocery Store, the  
6 allowance of further Credit and Tax Exemptions shall be  
7 suspended until the project meets the definition.

8           (h) A detailed description of the items for which the costs  
9 incurred by the Eligible Applicant will be included in the  
10 limitation on the Credit and Tax Exemptions provided in Section  
11 62-30.

12           (i) A recapture provision providing that (1) if the project  
13 no longer meets the definition of an Existing Full Service  
14 Grocery Store, the allowance of the Credit shall be suspended  
15 until the project meets the definition, except that the  
16 Eligible Applicant shall be permitted to utilize Credits that  
17 have accrued prior to a suspension; and (2) if the Eligible  
18 Applicant discontinues operations at the project site, the  
19 Eligible Applicant shall automatically forfeit all Credits  
20 accrued prior to the termination of operations that have not  
21 been utilized by the Eligible Applicant and the Eligible  
22 Applicant shall not be entitled to any Credits or Tax  
23 Exemptions after the date of termination of operations. Such  
24 recapture provisions shall be deemed to satisfy the  
25 requirements of the Corporate Accountability for Tax  
26 Expenditures Act. The Director may elect to waive enforcement

1 of any contractual provision arising out of the Agreement  
2 required by this Act based on a finding that the waiver is  
3 necessary to avert an imminent and demonstrable hardship to the  
4 Eligible Applicant that may result in such Eligible Applicant's  
5 insolvency or discharge of workers. If a waiver is granted, the  
6 recipient must agree to a contractual modification, including  
7 recapture provisions, to the Agreement. The existence of any  
8 waiver granted pursuant to this subsection (i), the date of the  
9 granting of such waiver, and a brief summary of the reasons  
10 supporting the granting of such waiver shall be disclosed  
11 consistent with the provisions of Section 25 of Corporate  
12 Accountability for Tax Expenditures Act.

13 (j) Any other performance conditions or contract  
14 provisions as the Department determines are reasonably  
15 appropriate.

16 Section 62-55. Certificate of verification; submission to  
17 the Department of Revenue. An Eligible Applicant claiming a  
18 Credit under this Act shall submit to the Department of Revenue  
19 a copy of the Director's certificate of verification under this  
20 Act for the taxable year. However, failure to submit a copy of  
21 the certificate with the Taxpayer's tax return shall not  
22 invalidate a claim for a Credit. In order to receive a  
23 certificate of verification, the Eligible Applicant shall  
24 certify to the Department prior to the end of each calendar  
25 year that an Agreement is in effect (a) that the project meets

1 the definition of an Existing Full Service Grocery Store and  
2 (b) the amount of Payroll payments that the Eligible Applicant  
3 has made during the taxable year.

4 Section 62-60. Pass Through Entity.

5 (a) The shareholders or partners of an Eligible Applicant  
6 that is a Pass Through Entity shall be entitled to the Credit  
7 allowed under an Agreement.

8 (b) The Credit provided under subsection (a) is in addition  
9 to any Credit to which a shareholder or partner is otherwise  
10 entitled under a separate Agreement under this Act. A Pass  
11 Through Entity and a shareholder or partner of the Pass Through  
12 Entity may not claim more than one Credit under the same  
13 Agreement.

14 Section 62-65. Noncompliance; notice; assessment. If the  
15 Director believes that an Eligible Applicant which has received  
16 Credits or Tax Exemptions under this Act is not complying with  
17 the requirements of the Agreement or this Act, the Director  
18 shall notify the Eligible Applicant of the alleged  
19 noncompliance and the Eligible Applicant's right to a hearing  
20 pursuant to the Illinois Administrative Procedure Act. If,  
21 after such notice and any hearing, the Director determines that  
22 a noncompliance exists, the Director shall issue to the  
23 Department of Revenue notice to that effect, stating the  
24 Noncompliance Date. The Department of Revenue shall suspend the

1 Eligible Applicant's right to claim and accrue Credits and  
2 receive Tax Exemptions as of the date of the Department's  
3 notice until such time as (a) the Director determines that the  
4 Eligible Applicant is in compliance with the requirements of  
5 the Agreement and the provisions of this Act or (b) the  
6 Eligible Applicant obtains a favorable judicial determination  
7 that the Eligible Applicant's rights should not have been  
8 suspended. In the case of item (b), an Eligible Applicant shall  
9 be entitled to all Credits and Tax Exemptions that would have  
10 accrued during the suspension period but for the determination  
11 of noncompliance.

12 Section 62-70. Annual report. On or before July 1 of each  
13 year, the Illinois Business Investment Committee shall submit a  
14 report on the program under this Act to the Department and to  
15 the Governor and the General Assembly. The report shall include  
16 information on the number of Agreements that were entered into  
17 under this Act during the preceding calendar year, a  
18 description of the project that is the subject of each  
19 Agreement, an update on the status of projects under Agreements  
20 entered into before the preceding calendar year, and the sum of  
21 the Credits and Tax Exemptions awarded under this Act. A copy  
22 of the report shall be delivered to the Governor and to each  
23 member of the General Assembly.

24 Section 62-75. Evaluation of Tax Credit Program. On a

1 biennial basis, the Department shall evaluate the program. The  
2 evaluation shall include an assessment of the effectiveness of  
3 the program in increasing accessibility to full service grocery  
4 stores in Underserved Areas and of the revenue impact of the  
5 program, and may include a review of the practices and  
6 experiences of other states with similar programs. The Director  
7 shall submit a report on the evaluation to the Governor and the  
8 General Assembly after June 30 and before November 1 in each  
9 odd-numbered year.

10 Section 62-80. Adoption of rules. The Department may adopt  
11 rules necessary to implement or administer this Act. The rules  
12 may provide for recipients of Credits and Tax Exemptions under  
13 this Act to be charged fees to cover administrative costs of  
14 the program. Fees collected shall be deposited into the Food  
15 Desert Mitigation Act Fund.

16 Section 62-85. The Food Desert Mitigation Fund.

17 (a) The Food Desert Mitigation Fund is established to be  
18 used exclusively for the purposes of this Act, including paying  
19 for the costs of administering this Act. The Fund shall be  
20 administered by the Department.

21 (b) The Fund consists of collected fees, appropriations  
22 from the General Assembly, and gifts and grants to the Fund.

23 (c) The State Treasurer shall invest the money in the Fund  
24 not currently needed to meet the obligations of the Fund in the

1 same manner as other public funds may be invested. Interest  
2 that accrues from these investments shall be deposited into the  
3 Fund. The moneys in the Fund at the end of a State fiscal year  
4 shall remain in the Fund to be used exclusively for the  
5 purposes of this Act. Expenditures from the Fund are subject to  
6 appropriation by the General Assembly.

7 Section 62-90. Program terms and conditions. Any  
8 documentary materials or data made available to or received by  
9 any agent or employee of the Department shall be deemed  
10 confidential and shall not be deemed public records to the  
11 extent that the materials or data consist of trade secrets,  
12 commercial or financial information regarding the operation of  
13 the business conducted by an Eligible Applicant, or any  
14 information regarding the competitive position of an Eligible  
15 Applicant. Where the Department shares any such materials or  
16 data with any other agency, government employee or unit of  
17 government, the Department shall take steps that are necessary  
18 to ensure such materials and data are afforded the same if not  
19 more strict treatment of confidentiality."; and

20 on page 224, between lines 5 and 6, by inserting the following:

21 "Section 80-90. Severability. The provisions of this  
22 Article 80 are severable under Section 1.31 of the Statute on  
23 Statutes.

1 Article 85.

2 Section 85-5. The Department of Revenue Law of the Civil  
3 Administrative Code of Illinois is amended by changing Section  
4 2505-305 as follows:

5 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

6 Sec. 2505-305. Investigators.

7 (a) The Department has the power to appoint investigators  
8 to conduct all investigations, searches, seizures, arrests,  
9 and other duties imposed under the provisions of any law  
10 administered by the Department ~~or the Illinois Gaming Board~~.  
11 Except as provided in subsection (c), these investigators have  
12 and may exercise all the powers of peace officers solely for  
13 the purpose of enforcing taxing measures administered by the  
14 Department ~~or the Illinois Gaming Board~~.

15 (b) The Director must authorize to each investigator  
16 employed under this Section and to any other employee of the  
17 Department exercising the powers of a peace officer a distinct  
18 badge that, on its face, (i) clearly states that the badge is  
19 authorized by the Department and (ii) contains a unique  
20 identifying number. No other badge shall be authorized by the  
21 Department.

22 (c) The Department may enter into agreements with the  
23 Illinois Gaming Board providing that investigators appointed

1 under this Section shall exercise the peace officer powers set  
2 forth in paragraph (20.6) of subsection (c) of Section 5 of the  
3 Riverboat Gambling Act. Investigators appointed under this  
4 Section who are assigned to the Illinois Gaming Board have and  
5 may exercise all the rights and powers of peace officers,  
6 provided that these powers shall be limited to offenses or  
7 violations occurring or committed on a riverboat or dock, as  
8 defined in subsections (d) and (f) of Section 4 of the  
9 Riverboat Gambling Act.

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

12 Section 85-20. The Illinois Pension Code is amended by  
13 changing Sections 14-110 and 14-152.1 as follows:

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

15 Sec. 14-110. Alternative retirement annuity.

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

1           (i) for periods of service as a noncovered employee: if  
2 retirement occurs on or after January 1, 2001, 3% of final  
3 average compensation for each year of creditable service;  
4 if retirement occurs before January 1, 2001, 2 1/4% of  
5 final average compensation for each of the first 10 years  
6 of creditable service, 2 1/2% for each year above 10 years  
7 to and including 20 years of creditable service, and 2 3/4%  
8 for each year of creditable service above 20 years; and

9           (ii) for periods of eligible creditable service as a  
10 covered employee: if retirement occurs on or after January  
11 1, 2001, 2.5% of final average compensation for each year  
12 of creditable service; if retirement occurs before January  
13 1, 2001, 1.67% of final average compensation for each of  
14 the first 10 years of such service, 1.90% for each of the  
15 next 10 years of such service, 2.10% for each year of such  
16 service in excess of 20 but not exceeding 30, and 2.30% for  
17 each year in excess of 30.

18           Such annuity shall be subject to a maximum of 75% of final  
19 average compensation if retirement occurs before January 1,  
20 2001 or to a maximum of 80% of final average compensation if  
21 retirement occurs on or after January 1, 2001.

22           These rates shall not be applicable to any service  
23 performed by a member as a covered employee which is not  
24 eligible creditable service. Service as a covered employee  
25 which is not eligible creditable service shall be subject to  
26 the rates and provisions of Section 14-108.

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

4 (1) State policeman;

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

7 (3) air pilot;

8 (4) special agent;

9 (5) investigator for the Secretary of State;

10 (6) conservation police officer;

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

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

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

17 (10) security employee of the Department of  
18 Corrections or the Department of Juvenile Justice;

19 (11) dangerous drugs investigator;

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

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

23 (14) controlled substance inspector;

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

26 (16) Commerce Commission police officer;

1           (17) arson investigator;

2           (18) State highway maintenance worker.

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

13           (c) For the purposes of this Section:

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

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

21           (3) The term "air pilot" includes any employee whose  
22 official job description on file in the Department of  
23 Central Management Services, or in the department by which  
24 he is employed if that department is not covered by the  
25 Personnel Code, states that his principal duty is the  
26 operation of aircraft, and who possesses a pilot's license;

1           however, the change in this definition made by this  
2           amendatory Act of 1983 shall not operate to exclude any  
3           noncovered employee who was an "air pilot" for the purposes  
4           of this Section on January 1, 1984.

5           (4) The term "special agent" means any person who by  
6           reason of employment by the Division of Narcotic Control,  
7           the Bureau of Investigation or, after July 1, 1977, the  
8           Division of Criminal Investigation, the Division of  
9           Internal Investigation, the Division of Operations, or any  
10          other Division or organizational entity in the Department  
11          of State Police is vested by law with duties to maintain  
12          public order, investigate violations of the criminal law of  
13          this State, enforce the laws of this State, make arrests  
14          and recover property. The term "special agent" includes any  
15          title or position in the Department of State Police that is  
16          held by an individual employed under the State Police Act.

17          (5) The term "investigator for the Secretary of State"  
18          means any person employed by the Office of the Secretary of  
19          State and vested with such investigative duties as render  
20          him ineligible for coverage under the Social Security Act  
21          by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
22          218(1)(1) of that Act.

23          A person who became employed as an investigator for the  
24          Secretary of State between January 1, 1967 and December 31,  
25          1975, and who has served as such until attainment of age  
26          60, either continuously or with a single break in service

1 of not more than 3 years duration, which break terminated  
2 before January 1, 1976, shall be entitled to have his  
3 retirement annuity calculated in accordance with  
4 subsection (a), notwithstanding that he has less than 20  
5 years of credit for such service.

6 (6) The term "Conservation Police Officer" means any  
7 person employed by the Division of Law Enforcement of the  
8 Department of Natural Resources and vested with such law  
9 enforcement duties as render him ineligible for coverage  
10 under the Social Security Act by reason of Sections  
11 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
12 term "Conservation Police Officer" includes the positions  
13 of Chief Conservation Police Administrator and Assistant  
14 Conservation Police Administrator.

15 (7) The term "investigator for the Department of  
16 Revenue" means any person employed by the Department of  
17 Revenue and vested with such investigative duties as render  
18 him ineligible for coverage under the Social Security Act  
19 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
20 218(1)(1) of that Act.

21 The term "investigator for the Illinois Gaming Board"  
22 means any person employed as such by the Illinois Gaming  
23 Board and vested with such peace officer duties as render  
24 the person ineligible for coverage under the Social  
25 Security Act by reason of Sections 218(d)(5)(A),  
26 218(d)(8)(D), and 218(1)(1) of that Act.

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

1           The changes made to this subdivision (c)(8) by Public  
2 Act 92-14 apply to persons who retire on or after January  
3 1, 2001, notwithstanding Section 1-103.1.

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

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

1 Juvenile Justice, (ii) a parole officer, (iii) a member of  
2 the apprehension unit, (iv) a member of the intelligence  
3 unit, (v) a member of the sort team, or (vi) an  
4 investigator.

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

8 (12) The term "investigator for the Department of State  
9 Police" means a person employed by the Department of State  
10 Police who is vested under Section 4 of the Narcotic  
11 Control Division Abolition Act with such law enforcement  
12 powers as render him ineligible for coverage under the  
13 Social Security Act by reason of Sections 218(d)(5)(A),  
14 218(d)(8)(D) and 218(1)(1) of that Act.

15 (13) "Investigator for the Office of the Attorney  
16 General" means any person who is employed as such by the  
17 Office of the Attorney General and is vested with such  
18 investigative duties as render him ineligible for coverage  
19 under the Social Security Act by reason of Sections  
20 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
21 the period before January 1, 1989, the term includes all  
22 persons who were employed as investigators by the Office of  
23 the Attorney General, without regard to social security  
24 status.

25 (14) "Controlled substance inspector" means any person  
26 who is employed as such by the Department of Professional

1 Regulation and is vested with such law enforcement duties  
2 as render him ineligible for coverage under the Social  
3 Security Act by reason of Sections 218(d)(5)(A),  
4 218(d)(8)(D) and 218(1)(1) of that Act. The term  
5 "controlled substance inspector" includes the Program  
6 Executive of Enforcement and the Assistant Program  
7 Executive of Enforcement.

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

13 (16) "Commerce Commission police officer" means any  
14 person employed by the Illinois Commerce Commission who is  
15 vested with such law enforcement duties as render him  
16 ineligible for coverage under the Social Security Act by  
17 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
18 218(1)(1) of that Act.

19 (17) "Arson investigator" means any person who is  
20 employed as such by the Office of the State Fire Marshal  
21 and is vested with such law enforcement duties as render  
22 the person ineligible for coverage under the Social  
23 Security Act by reason of Sections 218(d)(5)(A),  
24 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
25 employed as an arson investigator on January 1, 1995 and is  
26 no longer in service but not yet receiving a retirement

1 annuity may convert his or her creditable service for  
2 employment as an arson investigator into eligible  
3 creditable service by paying to the System the difference  
4 between the employee contributions actually paid for that  
5 service and the amounts that would have been contributed if  
6 the applicant were contributing at the rate applicable to  
7 persons with the same social security status earning  
8 eligible creditable service on the date of application.

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

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

21 (ii) A person employed on a full-time basis by the  
22 Illinois State Toll Highway Authority in the position  
23 of equipment operator/laborer H-4, equipment  
24 operator/laborer H-6, welder H-4, welder H-6,  
25 mechanical/electrical H-4, mechanical/electrical H-6,  
26 water/sewer H-4, water/sewer H-6, sign maker/hanger

1 H-4, sign maker/hanger H-6, roadway lighting H-4,  
2 roadway lighting H-6, structural H-4, structural H-6,  
3 painter H-4, or painter H-6; and whose principal  
4 responsibility is to perform, on the roadway, the  
5 actual maintenance necessary to keep the Authority's  
6 tollways in serviceable condition for vehicular  
7 traffic.

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

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

16 or

17 (ii) beginning January 1, 1987, 25 years of eligible  
18 creditable service and age 54, or 24 years of eligible  
19 creditable service and age 55; or

20 (iii) beginning January 1, 1988, 25 years of eligible  
21 creditable service and age 53, or 23 years of eligible  
22 creditable service and age 55; or

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

26 (v) beginning January 1, 1990, 25 years of eligible

1           creditable service and age 51, or 21 years of eligible  
2           creditable service and age 55; or

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

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

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

23          (f) For purposes of calculating retirement annuities under  
24          this Section, periods of service rendered after December 31,  
25          1968 and before October 1, 1975 as a covered employee in the  
26          position of special agent, conservation police officer, mental

1 health police officer, or investigator for the Secretary of  
2 State, shall be deemed to have been service as a noncovered  
3 employee, provided that the employee pays to the System prior  
4 to retirement an amount equal to (1) the difference between the  
5 employee contributions that would have been required for such  
6 service as a noncovered employee, and the amount of employee  
7 contributions actually paid, plus (2) if payment is made after  
8 July 31, 1987, regular interest on the amount specified in item  
9 (1) from the date of service to the date of payment.

10 For purposes of calculating retirement annuities under  
11 this Section, periods of service rendered after December 31,  
12 1968 and before January 1, 1982 as a covered employee in the  
13 position of investigator for the Department of Revenue shall be  
14 deemed to have been service as a noncovered employee, provided  
15 that the employee pays to the System prior to retirement an  
16 amount equal to (1) the difference between the employee  
17 contributions that would have been required for such service as  
18 a noncovered employee, and the amount of employee contributions  
19 actually paid, plus (2) if payment is made after January 1,  
20 1990, regular interest on the amount specified in item (1) from  
21 the date of service to the date of payment.

22 (g) A State policeman may elect, not later than January 1,  
23 1990, to establish eligible creditable service for up to 10  
24 years of his service as a policeman under Article 3, by filing  
25 a written election with the Board, accompanied by payment of an  
26 amount to be determined by the Board, equal to (i) the

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

8 Subject to the limitation in subsection (i), a State  
9 policeman may elect, not later than July 1, 1993, to establish  
10 eligible creditable service for up to 10 years of his service  
11 as a member of the County Police Department under Article 9, by  
12 filing a written election with the Board, accompanied by  
13 payment of an amount to be determined by the Board, equal to  
14 (i) the difference between the amount of employee and employer  
15 contributions transferred to the System under Section 9-121.10  
16 and the amounts that would have been contributed had those  
17 contributions been made at the rates applicable to State  
18 policemen, plus (ii) interest thereon at the effective rate for  
19 each year, compounded annually, from the date of service to the  
20 date of payment.

21 (h) Subject to the limitation in subsection (i), a State  
22 policeman or investigator for the Secretary of State may elect  
23 to establish eligible creditable service for up to 12 years of  
24 his service as a policeman under Article 5, by filing a written  
25 election with the Board on or before January 31, 1992, and  
26 paying to the System by January 31, 1994 an amount to be

1 determined by the Board, equal to (i) the difference between  
2 the amount of employee and employer contributions transferred  
3 to the System under Section 5-236, and the amounts that would  
4 have been contributed had such contributions been made at the  
5 rates applicable to State policemen, plus (ii) interest thereon  
6 at the effective rate for each year, compounded annually, from  
7 the date of service to the date of payment.

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

22 Subject to the limitation in subsection (i), a State  
23 policeman, conservation police officer, or investigator for  
24 the Secretary of State may elect to establish eligible  
25 creditable service for up to 5 years of service as a police  
26 officer under Article 3, a policeman under Article 5, a

1 sheriff's law enforcement employee under Article 7, a member of  
2 the county police department under Article 9, or a police  
3 officer under Article 15 by filing a written election with the  
4 Board and paying to the System an amount to be determined by  
5 the Board, equal to (i) the difference between the amount of  
6 employee and employer contributions transferred to the System  
7 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4  
8 and the amounts that would have been contributed had such  
9 contributions been made at the rates applicable to State  
10 policemen, plus (ii) interest thereon at the effective rate for  
11 each year, compounded annually, from the date of service to the  
12 date of payment.

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

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

1 made at the rates applicable to State policemen, plus (2)  
2 interest thereon at the effective rate for each year,  
3 compounded annually, from the date of service to the date of  
4 payment.

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

26 (l) Subject to the limitation in subsection (i), a security

1 employee of the Department of Corrections may elect, not later  
2 than July 1, 1998, to establish eligible creditable service for  
3 up to 10 years of his or her service as a policeman under  
4 Article 3, by filing a written election with the Board,  
5 accompanied by payment of an amount to be determined by the  
6 Board, equal to (i) the difference between the amount of  
7 employee and employer contributions transferred to the System  
8 under Section 3-110.5, and the amounts that would have been  
9 contributed had such contributions been made at the rates  
10 applicable to security employees of the Department of  
11 Corrections, plus (ii) interest thereon at the effective rate  
12 for each year, compounded annually, from the date of service to  
13 the date of payment.

14 (m) The amendatory changes to this Section made by this  
15 amendatory Act of the 94th General Assembly apply only to: (1)  
16 security employees of the Department of Juvenile Justice  
17 employed by the Department of Corrections before the effective  
18 date of this amendatory Act of the 94th General Assembly and  
19 transferred to the Department of Juvenile Justice by this  
20 amendatory Act of the 94th General Assembly; and (2) persons  
21 employed by the Department of Juvenile Justice on or after the  
22 effective date of this amendatory Act of the 94th General  
23 Assembly who are required by subsection (b) of Section 3-2.5-15  
24 of the Unified Code of Corrections to have a bachelor's or  
25 advanced degree from an accredited college or university with a  
26 specialization in criminal justice, education, psychology,

1 social work, or a closely related social science or, in the  
2 case of persons who provide vocational training, who are  
3 required to have adequate knowledge in the skill for which they  
4 are providing the vocational training.

5 (n) A person employed in a position under subsection (b) of  
6 this Section who has purchased service credit under subsection  
7 (j) of Section 14-104 or subsection (b) of Section 14-105 in  
8 any other capacity under this Article may convert up to 5 years  
9 of that service credit into service credit covered under this  
10 Section by paying to the Fund an amount equal to (1) the  
11 additional employee contribution required under Section  
12 14-133, plus (2) the additional employer contribution required  
13 under Section 14-131, plus (3) interest on items (1) and (2) at  
14 the actuarially assumed rate from the date of the service to  
15 the date of payment.

16 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06; 95-530,  
17 eff. 8-28-07; 95-1036, eff. 2-17-09.)

18 (40 ILCS 5/14-152.1)

19 Sec. 14-152.1. Application and expiration of new benefit  
20 increases.

21 (a) As used in this Section, "new benefit increase" means  
22 an increase in the amount of any benefit provided under this  
23 Article, or an expansion of the conditions of eligibility for  
24 any benefit under this Article, that results from an amendment  
25 to this Code that takes effect after June 1, 2005 (the

1 effective date of Public Act 94-4) ~~this amendatory Act of the~~  
2 ~~94th General Assembly.~~ "New benefit increase", however, does  
3 not include any benefit increase resulting from the changes  
4 made to this Article by this amendatory Act of the 96th General  
5 Assembly.

6 (b) Notwithstanding any other provision of this Code or any  
7 subsequent amendment to this Code, every new benefit increase  
8 is subject to this Section and shall be deemed to be granted  
9 only in conformance with and contingent upon compliance with  
10 the provisions of this Section.

11 (c) The Public Act enacting a new benefit increase must  
12 identify and provide for payment to the System of additional  
13 funding at least sufficient to fund the resulting annual  
14 increase in cost to the System as it accrues.

15 Every new benefit increase is contingent upon the General  
16 Assembly providing the additional funding required under this  
17 subsection. The Commission on Government Forecasting and  
18 Accountability shall analyze whether adequate additional  
19 funding has been provided for the new benefit increase and  
20 shall report its analysis to the Public Pension Division of the  
21 Department of Financial and Professional Regulation. A new  
22 benefit increase created by a Public Act that does not include  
23 the additional funding required under this subsection is null  
24 and void. If the Public Pension Division determines that the  
25 additional funding provided for a new benefit increase under  
26 this subsection is or has become inadequate, it may so certify

1 to the Governor and the State Comptroller and, in the absence  
2 of corrective action by the General Assembly, the new benefit  
3 increase shall expire at the end of the fiscal year in which  
4 the certification is made.

5 (d) Every new benefit increase shall expire 5 years after  
6 its effective date or on such earlier date as may be specified  
7 in the language enacting the new benefit increase or provided  
8 under subsection (c). This does not prevent the General  
9 Assembly from extending or re-creating a new benefit increase  
10 by law.

11 (e) Except as otherwise provided in the language creating  
12 the new benefit increase, a new benefit increase that expires  
13 under this Section continues to apply to persons who applied  
14 and qualified for the affected benefit while the new benefit  
15 increase was in effect and to the affected beneficiaries and  
16 alternate payees of such persons, but does not apply to any  
17 other person, including without limitation a person who  
18 continues in service after the expiration date and did not  
19 apply and qualify for the affected benefit while the new  
20 benefit increase was in effect.

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

22 Section 85-25. The Riverboat Gambling Act is amended by  
23 changing Section 5 as follows:

24 (230 ILCS 10/5) (from Ch. 120, par. 2405)

1           Sec. 5. Gaming Board.

2           (a) (1) There is hereby established within the Department  
3 of Revenue an Illinois Gaming Board which shall have the powers  
4 and duties specified in this Act, and all other powers  
5 necessary and proper to fully and effectively execute this Act  
6 for the purpose of administering, regulating, and enforcing the  
7 system of riverboat gambling established by this Act. Its  
8 jurisdiction shall extend under this Act to every person,  
9 association, corporation, partnership and trust involved in  
10 riverboat gambling operations in the State of Illinois.

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

23           (3) The terms of office of the Board members shall be 3  
24 years, except that the terms of office of the initial Board  
25 members appointed pursuant to this Act will commence from the  
26 effective date of this Act and run as follows: one for a term

1 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for  
2 a term ending July 1, 1993. Upon the expiration of the  
3 foregoing terms, the successors of such members shall serve a  
4 term for 3 years and until their successors are appointed and  
5 qualified for like terms. Vacancies in the Board shall be  
6 filled for the unexpired term in like manner as original  
7 appointments. Each member of the Board shall be eligible for  
8 reappointment at the discretion of the Governor with the advice  
9 and consent of the Senate.

10 (4) Each member of the Board shall receive \$300 for each  
11 day the Board meets and for each day the member conducts any  
12 hearing pursuant to this Act. Each member of the Board shall  
13 also be reimbursed for all actual and necessary expenses and  
14 disbursements incurred in the execution of official duties.

15 (5) No person shall be appointed a member of the Board or  
16 continue to be a member of the Board who is, or whose spouse,  
17 child or parent is, a member of the board of directors of, or a  
18 person financially interested in, any gambling operation  
19 subject to the jurisdiction of this Board, or any race track,  
20 race meeting, racing association or the operations thereof  
21 subject to the jurisdiction of the Illinois Racing Board. No  
22 Board member shall hold any other public office for which he  
23 shall receive compensation other than necessary travel or other  
24 incidental expenses. No person shall be a member of the Board  
25 who is not of good moral character or who has been convicted  
26 of, or is under indictment for, a felony under the laws of

1 Illinois or any other state, or the United States.

2 (6) Any member of the Board may be removed by the Governor  
3 for neglect of duty, misfeasance, malfeasance, or nonfeasance  
4 in office.

5 (7) Before entering upon the discharge of the duties of his  
6 office, each member of the Board shall take an oath that he  
7 will faithfully execute the duties of his office according to  
8 the laws of the State and the rules and regulations adopted  
9 therewith and shall give bond to the State of Illinois,  
10 approved by the Governor, in the sum of \$25,000. Every such  
11 bond, when duly executed and approved, shall be recorded in the  
12 office of the Secretary of State. Whenever the Governor  
13 determines that the bond of any member of the Board has become  
14 or is likely to become invalid or insufficient, he shall  
15 require such member forthwith to renew his bond, which is to be  
16 approved by the Governor. Any member of the Board who fails to  
17 take oath and give bond within 30 days from the date of his  
18 appointment, or who fails to renew his bond within 30 days  
19 after it is demanded by the Governor, shall be guilty of  
20 neglect of duty and may be removed by the Governor. The cost of  
21 any bond given by any member of the Board under this Section  
22 shall be taken to be a part of the necessary expenses of the  
23 Board.

24 (8) Upon the request of the Board, the Department shall  
25 employ such personnel as may be necessary to carry out the  
26 functions of the Board. No person shall be employed to serve

1 the Board who is, or whose spouse, parent or child is, an  
2 official of, or has a financial interest in or financial  
3 relation with, any operator engaged in gambling operations  
4 within this State or any organization engaged in conducting  
5 horse racing within this State. Any employee violating these  
6 prohibitions shall be subject to termination of employment.

7 (9) An Administrator shall perform any and all duties that  
8 the Board shall assign him. The salary of the Administrator  
9 shall be determined by the Board and approved by the Director  
10 of the Department and, in addition, he shall be reimbursed for  
11 all actual and necessary expenses incurred by him in discharge  
12 of his official duties. The Administrator shall keep records of  
13 all proceedings of the Board and shall preserve all records,  
14 books, documents and other papers belonging to the Board or  
15 entrusted to its care. The Administrator shall devote his full  
16 time to the duties of the office and shall not hold any other  
17 office or employment.

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

21 (1) To decide promptly and in reasonable order all  
22 license applications. Any party aggrieved by an action of  
23 the Board denying, suspending, revoking, restricting or  
24 refusing to renew a license may request a hearing before  
25 the Board. A request for a hearing must be made to the  
26 Board in writing within 5 days after service of notice of

1 the action of the Board. Notice of the action of the Board  
2 shall be served either by personal delivery or by certified  
3 mail, postage prepaid, to the aggrieved party. Notice  
4 served by certified mail shall be deemed complete on the  
5 business day following the date of such mailing. The Board  
6 shall conduct all requested hearings promptly and in  
7 reasonable order;

8 (2) To conduct all hearings pertaining to civil  
9 violations of this Act or rules and regulations promulgated  
10 hereunder;

11 (3) To promulgate such rules and regulations as in its  
12 judgment may be necessary to protect or enhance the  
13 credibility and integrity of gambling operations  
14 authorized by this Act and the regulatory process  
15 hereunder;

16 (4) To provide for the establishment and collection of  
17 all license and registration fees and taxes imposed by this  
18 Act and the rules and regulations issued pursuant hereto.  
19 All such fees and taxes shall be deposited into the State  
20 Gaming Fund;

21 (5) To provide for the levy and collection of penalties  
22 and fines for the violation of provisions of this Act and  
23 the rules and regulations promulgated hereunder. All such  
24 fines and penalties shall be deposited into the Education  
25 Assistance Fund, created by Public Act 86-0018, of the  
26 State of Illinois;

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

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

17           (8) To hold at least one meeting each quarter of the  
18 fiscal year. In addition, special meetings may be called by  
19 the Chairman or any 2 Board members upon 72 hours written  
20 notice to each member. All Board meetings shall be subject  
21 to the Open Meetings Act. Three members of the Board shall  
22 constitute a quorum, and 3 votes shall be required for any  
23 final determination by the Board. The Board shall keep a  
24 complete and accurate record of all its meetings. A  
25 majority of the members of the Board shall constitute a  
26 quorum for the transaction of any business, for the

1 performance of any duty, or for the exercise of any power  
2 which this Act requires the Board members to transact,  
3 perform or exercise en banc, except that, upon order of the  
4 Board, one of the Board members or an administrative law  
5 judge designated by the Board may conduct any hearing  
6 provided for under this Act or by Board rule and may  
7 recommend findings and decisions to the Board. The Board  
8 member or administrative law judge conducting such hearing  
9 shall have all powers and rights granted to the Board in  
10 this Act. The record made at the time of the hearing shall  
11 be reviewed by the Board, or a majority thereof, and the  
12 findings and decision of the majority of the Board shall  
13 constitute the order of the Board in such case;

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

18 (10) To file a written annual report with the Governor  
19 on or before March 1 each year and such additional reports  
20 as the Governor may request. The annual report shall  
21 include a statement of receipts and disbursements by the  
22 Board, actions taken by the Board, and any additional  
23 information and recommendations which the Board may deem  
24 valuable or which the Governor may request;

25 (11) (Blank); and

26 (12) To assume responsibility for the administration

1 and enforcement of the Bingo License and Tax Act, the  
2 Charitable Games Act, and the Pull Tabs and Jar Games Act  
3 if such responsibility is delegated to it by the Director  
4 of Revenue.

5 (c) The Board shall have jurisdiction over and shall  
6 supervise all gambling operations governed by this Act. The  
7 Board shall have all powers necessary and proper to fully and  
8 effectively execute the provisions of this Act, including, but  
9 not limited to, the following:

10 (1) To investigate applicants and determine the  
11 eligibility of applicants for licenses and to select among  
12 competing applicants the applicants which best serve the  
13 interests of the citizens of Illinois.

14 (2) To have jurisdiction and supervision over all  
15 riverboat gambling operations in this State and all persons  
16 on riverboats where gambling operations are conducted.

17 (3) To promulgate rules and regulations for the purpose  
18 of administering the provisions of this Act and to  
19 prescribe rules, regulations and conditions under which  
20 all riverboat gambling in the State shall be conducted.  
21 Such rules and regulations are to provide for the  
22 prevention of practices detrimental to the public interest  
23 and for the best interests of riverboat gambling, including  
24 rules and regulations regarding the inspection of such  
25 riverboats and the review of any permits or licenses  
26 necessary to operate a riverboat under any laws or

1 regulations applicable to riverboats, and to impose  
2 penalties for violations thereof.

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

7 (5) To investigate alleged violations of this Act or  
8 the rules of the Board and to take appropriate disciplinary  
9 action against a licensee or a holder of an occupational  
10 license for a violation, or institute appropriate legal  
11 action for enforcement, or both.

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

15 (7) To adopt appropriate standards for all riverboats  
16 and facilities.

17 (8) To require that the records, including financial or  
18 other statements of any licensee under this Act, shall be  
19 kept in such manner as prescribed by the Board and that any  
20 such licensee involved in the ownership or management of  
21 gambling operations submit to the Board an annual balance  
22 sheet and profit and loss statement, list of the  
23 stockholders or other persons having a 1% or greater  
24 beneficial interest in the gambling activities of each  
25 licensee, and any other information the Board deems  
26 necessary in order to effectively administer this Act and

1 all rules, regulations, orders and final decisions  
2 promulgated under this Act.

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

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

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

1           (12) To eject or exclude or authorize the ejection or  
2 exclusion of, any person from riverboat gambling  
3 facilities where such person is in violation of this Act,  
4 rules and regulations thereunder, or final orders of the  
5 Board, or where such person's conduct or reputation is such  
6 that his presence within the riverboat gambling facilities  
7 may, in the opinion of the Board, call into question the  
8 honesty and integrity of the gambling operations or  
9 interfere with orderly conduct thereof; provided that the  
10 propriety of such ejection or exclusion is subject to  
11 subsequent hearing by the Board.

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

17           (14) (Blank).

18           (15) To suspend, revoke or restrict licenses, to  
19 require the removal of a licensee or an employee of a  
20 licensee for a violation of this Act or a Board rule or for  
21 engaging in a fraudulent practice, and to impose civil  
22 penalties of up to \$5,000 against individuals and up to  
23 \$10,000 or an amount equal to the daily gross receipts,  
24 whichever is larger, against licensees for each violation  
25 of any provision of the Act, any rules adopted by the  
26 Board, any order of the Board or any other action which, in

1 the Board's discretion, is a detriment or impediment to  
2 riverboat gambling operations.

3 (16) To hire employees to gather information, conduct  
4 investigations and carry out any other tasks contemplated  
5 under this Act.

6 (17) To establish minimum levels of insurance to be  
7 maintained by licensees.

8 (18) To authorize a licensee to sell or serve alcoholic  
9 liquors, wine or beer as defined in the Liquor Control Act  
10 of 1934 on board a riverboat and to have exclusive  
11 authority to establish the hours for sale and consumption  
12 of alcoholic liquor on board a riverboat, notwithstanding  
13 any provision of the Liquor Control Act of 1934 or any  
14 local ordinance, and regardless of whether the riverboat  
15 makes excursions. The establishment of the hours for sale  
16 and consumption of alcoholic liquor on board a riverboat is  
17 an exclusive power and function of the State. A home rule  
18 unit may not establish the hours for sale and consumption  
19 of alcoholic liquor on board a riverboat. This amendatory  
20 Act of 1991 is a denial and limitation of home rule powers  
21 and functions under subsection (h) of Section 6 of Article  
22 VII of the Illinois Constitution.

23 (19) After consultation with the U.S. Army Corps of  
24 Engineers, to establish binding emergency orders upon the  
25 concurrence of a majority of the members of the Board  
26 regarding the navigability of water, relative to

1 excursions, in the event of extreme weather conditions,  
2 acts of God or other extreme circumstances.

3 (20) To delegate the execution of any of its powers  
4 under this Act for the purpose of administering and  
5 enforcing this Act and its rules and regulations hereunder.

6 (20.6) To appoint investigators to conduct  
7 investigations, searches, seizures, arrests, and other  
8 duties imposed under this Act, as deemed necessary by the  
9 Board. These investigators have and may exercise all of the  
10 rights and powers of peace officers, provided that these  
11 powers shall be limited to offenses or violations occurring  
12 or committed on a riverboat or dock, as defined in  
13 subsections (d) and (f) of Section 4, or as otherwise  
14 provided by this Act or any other law.

15 (20.7) To contract with the Department of State Police  
16 for the use of trained and qualified State police officers  
17 and with the Department of Revenue for the use of trained  
18 and qualified Department of Revenue investigators to  
19 conduct investigations, searches, seizures, arrests, and  
20 other duties imposed under this Act and to exercise all of  
21 the rights and powers of peace officers, provided that the  
22 powers of Department of Revenue investigators under this  
23 subdivision (20.7) shall be limited to offenses or  
24 violations occurring or committed on a riverboat or dock,  
25 as defined in subsections (d) and (f) of Section 4, or as  
26 otherwise provided by this Act or any other law. In the

1       event the Department of State Police or the Department of  
2       Revenue is unable to fill contracted police or  
3       investigative positions, the Board may appoint  
4       investigators to fill those positions pursuant to  
5       subdivision (20.6).

6           (21) To take any other action as may be reasonable or  
7       appropriate to enforce this Act and rules and regulations  
8       hereunder.

9       (d) The Board may seek and shall receive the cooperation of  
10      the Department of State Police in conducting background  
11      investigations of applicants and in fulfilling its  
12      responsibilities under this Section. Costs incurred by the  
13      Department of State Police as a result of such cooperation  
14      shall be paid by the Board in conformance with the requirements  
15      of Section 2605-400 of the Department of State Police Law (20  
16      ILCS 2605/2605-400).

17      (e) The Board must authorize to each investigator and to  
18      any other employee of the Board exercising the powers of a  
19      peace officer a distinct badge that, on its face, (i) clearly  
20      states that the badge is authorized by the Board and (ii)  
21      contains a unique identifying number. No other badge shall be  
22      authorized by the Board.

23      (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 91-883,  
24      eff. 1-1-01.)".