

1 AN ACT concerning gaming.

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

4 Section 5. The Riverboat Gambling Act is amended by
5 changing Sections 7 and 7.6 as follows:

6 (230 ILCS 10/7) (from Ch. 120, par. 2407)

7 Sec. 7. Owners Licenses.

8 (a) The Board shall issue owners licenses to persons, firms
9 or corporations which apply for such licenses upon payment to
10 the Board of the non-refundable license fee set by the Board,
11 upon payment of a \$25,000 license fee for the first year of
12 operation and a \$5,000 license fee for each succeeding year and
13 upon a determination by the Board that the applicant is
14 eligible for an owners license pursuant to this Act and the
15 rules of the Board. From the effective date of this amendatory
16 Act of the 95th General Assembly until (i) 3 years after the
17 effective date of this amendatory Act of the 95th General
18 Assembly, (ii) the date any organization licensee begins to
19 operate a slot machine or video game of chance under the
20 Illinois Horse Racing Act of 1975 or this Act, (iii) the date
21 that payments begin under subsection (c-5) of Section 13 of the
22 Act, or (iv) the wagering tax imposed under Section 13 of this
23 Act is increased by law to reflect a tax rate that is at least

1 as stringent or more stringent than the tax rate contained in
2 subsection (a-3) of Section 13, whichever occurs first, as a
3 condition of licensure and as an alternative source of payment
4 for those funds payable under subsection (c-5) of Section 13 of
5 the Riverboat Gambling Act, any owners licensee that holds or
6 receives its owners license on or after the effective date of
7 this amendatory Act of the 94th General Assembly, other than an
8 owners licensee operating a riverboat with adjusted gross
9 receipts in calendar year 2004 of less than \$200,000,000, must
10 pay into the Horse Racing Equity Trust Fund, in addition to any
11 other payments required under this Act, an amount equal to 3%
12 of the adjusted gross receipts received by the owners licensee.
13 The payments required under this Section shall be made by the
14 owners licensee to the State Treasurer no later than 3:00
15 o'clock p.m. of the day after the day when the adjusted gross
16 receipts were received by the owners licensee. A person, firm
17 or corporation is ineligible to receive an owners license if:

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

20 (2) the person has been convicted of any violation of
21 Article 28 of the Criminal Code of 1961 or the Criminal
22 Code of 2012, or substantially similar laws of any other
23 jurisdiction;

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

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

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

4 (6) the firm or corporation employs a person defined in
5 (1), (2), (3) or (4) who participates in the management or
6 operation of gambling operations authorized under this
7 Act;

8 (7) (blank); or

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

12 The Board is expressly prohibited from making changes to
13 the requirement that licensees make payment into the Horse
14 Racing Equity Trust Fund without the express authority of the
15 Illinois General Assembly and making any other rule to
16 implement or interpret this amendatory Act of the 95th General
17 Assembly. For the purposes of this paragraph, "rules" is given
18 the meaning given to that term in Section 1-70 of the Illinois
19 Administrative Procedure Act.

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

22 (1) the character, reputation, experience and
23 financial integrity of the applicants and of any other or
24 separate person that either:

25 (A) controls, directly or indirectly, such
26 applicant, or

1 (B) is controlled, directly or indirectly, by such
2 applicant or by a person which controls, directly or
3 indirectly, such applicant;

4 (2) the facilities or proposed facilities for the
5 conduct of riverboat gambling;

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

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

15 (4.5) the extent to which the ownership of the
16 applicant includes veterans of service in the armed forces
17 of the United States, and the good faith affirmative action
18 plan of each applicant to recruit, train, and upgrade
19 veterans of service in the armed forces of the United
20 States in all employment classifications;

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

23 (6) whether the applicant has adequate capitalization
24 to provide and maintain, for the duration of a license, a
25 riverboat;

26 (7) the extent to which the applicant exceeds or meets

1 other standards for the issuance of an owners license which
2 the Board may adopt by rule; and

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

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

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

8 (e) The Board may issue up to 10 licenses authorizing the
9 holders of such licenses to own riverboats. In the application
10 for an owners license, the applicant shall state the dock at
11 which the riverboat is based and the water on which the
12 riverboat will be located. The Board shall issue 5 licenses to
13 become effective not earlier than January 1, 1991. Three of
14 such licenses shall authorize riverboat gambling on the
15 Mississippi River, or, with approval by the municipality in
16 which the riverboat was docked on August 7, 2003 and with Board
17 approval, be authorized to relocate to a new location, in a
18 municipality that (1) borders on the Mississippi River or is
19 within 5 miles of the city limits of a municipality that
20 borders on the Mississippi River and (2), on August 7, 2003,
21 had a riverboat conducting riverboat gambling operations
22 pursuant to a license issued under this Act; one of which shall
23 authorize riverboat gambling from a home dock in the city of
24 East St. Louis. One other license shall authorize riverboat
25 gambling on the Illinois River south of Marshall County. The
26 Board shall issue one additional license to become effective

1 not earlier than March 1, 1992, which shall authorize riverboat
2 gambling on the Des Plaines River in Will County. The Board may
3 issue 4 additional licenses to become effective not earlier
4 than March 1, 1992. In determining the water upon which
5 riverboats will operate, the Board shall consider the economic
6 benefit which riverboat gambling confers on the State, and
7 shall seek to assure that all regions of the State share in the
8 economic benefits of riverboat gambling.

9 In granting all licenses, the Board may give favorable
10 consideration to economically depressed areas of the State, to
11 applicants presenting plans which provide for significant
12 economic development over a large geographic area, and to
13 applicants who currently operate non-gambling riverboats in
14 Illinois. The Board shall review all applications for owners
15 licenses, and shall inform each applicant of the Board's
16 decision. The Board may grant an owners license to an applicant
17 that has not submitted the highest license bid, but if it does
18 not select the highest bidder, the Board shall issue a written
19 decision explaining why another applicant was selected and
20 identifying the factors set forth in this Section that favored
21 the winning bidder.

22 In addition to any other revocation powers granted to the
23 Board under this Act, the Board may revoke the owners license
24 of a licensee which fails to begin conducting gambling within
25 15 months of receipt of the Board's approval of the application
26 if the Board determines that license revocation is in the best

1 interests of the State.

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

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

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

26 (i) A licensed owner is authorized to apply to the Board

1 for and, if approved therefor, to receive all licenses from the
2 Board necessary for the operation of a riverboat, including a
3 liquor license, a license to prepare and serve food for human
4 consumption, and other necessary licenses. All use, occupation
5 and excise taxes which apply to the sale of food and beverages
6 in this State and all taxes imposed on the sale or use of
7 tangible personal property apply to such sales aboard the
8 riverboat.

9 (j) The Board may issue or re-issue a license authorizing a
10 riverboat to dock in a municipality or approve a relocation
11 under Section 11.2 only if, prior to the issuance or
12 re-issuance of the license or approval, the governing body of
13 the municipality in which the riverboat will dock has by a
14 majority vote approved the docking of riverboats in the
15 municipality. The Board may issue or re-issue a license
16 authorizing a riverboat to dock in areas of a county outside
17 any municipality or approve a relocation under Section 11.2
18 only if, prior to the issuance or re-issuance of the license or
19 approval, the governing body of the county has by a majority
20 vote approved of the docking of riverboats within such areas.

21 (Source: P.A. 96-1392, eff. 1-1-11; 97-1150, eff. 1-25-13.)

22 (230 ILCS 10/7.6)

23 Sec. 7.6. Business enterprise program.

24 (a) For the purposes of this Section, the terms "minority",
25 "minority owned business", "female", "female owned business",

1 "person with a disability", and "business owned by a person
2 with a disability" have the meanings ascribed to them in the
3 Business Enterprise for Minorities, Females, and Persons with
4 Disabilities Act.

5 (b) The Board shall, by rule, establish goals for the award
6 of contracts by each owners licensee to businesses owned by
7 minorities, females, and persons with disabilities, expressed
8 as percentages of an owners licensee's total dollar amount of
9 contracts awarded during each calendar year. Each owners
10 licensee must make every effort to meet the goals established
11 by the Board pursuant to this Section. When setting the goals
12 for the award of contracts, the Board shall not include
13 contracts where: (1) any purchasing mandates would be dependent
14 upon the availability of minority owned businesses, female
15 owned businesses, and businesses owned by persons with
16 disabilities ready, willing, and able with capacity to provide
17 quality goods and services to a gaming operation at reasonable
18 prices; (2) there are no or a limited number of licensed
19 suppliers as defined by this Act for the goods or services
20 provided to the licensee; (3) the licensee or its parent
21 company owns a company that provides the goods or services; or
22 (4) the goods or services are provided to the licensee by a
23 publicly traded company.

24 (c) Each owners licensee shall file with the Board an
25 annual report of its utilization of minority owned businesses,
26 female owned businesses, and businesses owned by persons with

1 disabilities during the preceding calendar year. The reports
2 shall include a self-evaluation of the efforts of the owners
3 licensee to meet its goals under this Section.

4 (c-5) The Board shall, by rule, establish goals for the
5 award of contracts by each owners licensee to businesses owned
6 by veterans of service in the armed forces of the United
7 States, expressed as percentages of an owners licensee's total
8 dollar amount of contracts awarded during each calendar year.
9 When setting the goals for the award of contracts, the Board
10 shall not include contracts where: (1) any purchasing mandates
11 would be dependent upon the availability of veteran-owned
12 businesses ready, willing, and able with capacity to provide
13 quality goods and services to a gaming operation at reasonable
14 prices; (2) there are no or a limited number of licensed
15 suppliers as defined in this Act for the goods or services
16 provided to the licensee: (3) the licensee or its parent
17 company owns a company that provides the goods or services; or
18 (4) the goods or services are provided to the licensee by a
19 publicly traded company.

20 Each owners licensee shall file with the Board an annual
21 report of its utilization of veteran-owned businesses during
22 the preceding calendar year. The reports shall include a
23 self-evaluation of the efforts of the owners licensee to meet
24 its goals under this Section.

25 (d) The owners licensee shall have the right to request a
26 waiver from the requirements of this Section. The Board shall

1 grant the waiver where the owners licensee demonstrates that
2 there has been made a good faith effort to comply with the
3 goals for participation by minority owned businesses, female
4 owned businesses, ~~and~~ businesses owned by persons with
5 disabilities, and veteran-owned businesses.

6 (e) If the Board determines that its goals and policies are
7 not being met by any owners licensee, then the Board may:

8 (1) adopt remedies for such violations; and

9 (2) recommend that the owners licensee provide
10 additional opportunities for participation by minority
11 owned businesses, female owned businesses, ~~and~~ businesses
12 owned by persons with disabilities, and veteran-owned
13 businesses; such recommendations may include, but shall
14 not be limited to:

15 (A) assurances of stronger and better focused
16 solicitation efforts to obtain more minority owned
17 businesses, female owned businesses, ~~and~~ businesses
18 owned by persons with disabilities, and veteran-owned
19 businesses as potential sources of supply;

20 (B) division of job or project requirements, when
21 economically feasible, into tasks or quantities to
22 permit participation of minority owned businesses,
23 female owned businesses, ~~and~~ businesses owned by
24 persons with disabilities, and veteran-owned
25 businesses;

26 (C) elimination of extended experience or

1 capitalization requirements, when programmatically
2 feasible, to permit participation of minority owned
3 businesses, female owned businesses, ~~and~~ businesses
4 owned by persons with disabilities, and veteran-owned
5 businesses;

6 (D) identification of specific proposed contracts
7 as particularly attractive or appropriate for
8 participation by minority owned businesses, female
9 owned businesses, ~~and~~ businesses owned by persons with
10 disabilities, and veteran-owned businesses, such
11 identification to result from and be coupled with the
12 efforts of items (A) through (C); and

13 (E) implementation of regulations established for
14 the use of the sheltered market process.

15 (f) The Board shall file, no later than May 31 ~~March 1~~ of
16 each year, an annual report that shall detail the level of
17 achievement toward the goals specified in this Section over the
18 3 most recent fiscal years. The annual report shall include,
19 but need not be limited to:

20 (1) a summary detailing expenditures subject to the
21 goals, the actual goals specified, and the goals attained
22 by each owners licensee; and

23 (2) an analysis of the level of overall goal
24 achievement concerning purchases from minority owned
25 businesses, female owned businesses, ~~and~~ businesses owned
26 by persons with disabilities, and veteran-owned

1 businesses.

2 (Source: P.A. 98-490, eff. 8-16-13; 99-78, eff. 7-20-15.)