



Rep. Robert W. Churchill

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LRB093 16200 LRD 48832 a

1 AMENDMENT TO HOUSE BILL 6435

2 AMENDMENT NO. _____. Amend House Bill 6435 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-74.4-4.2 and by adding Section 11-74.4-8d
6 as follows:

7 (65 ILCS 5/11-74.4-4.2)

8 Sec. 11-74.4-4.2. Interested parties registry.

9 (a) On and after the effective date of this amendatory Act
10 of the 91st General Assembly, the municipality shall by its
11 corporate authority create an "interested parties" registry
12 for activities related to the redevelopment project area. The
13 municipality shall adopt reasonable registration rules and
14 shall prescribe the necessary registration forms for residents
15 and organizations active within the municipality that seek to
16 be placed on the "interested parties" registry. At a minimum,
17 the rules for registration shall provide for a renewable period
18 of registration of not less than 3 years and notification to
19 registered organizations and individuals by mail at the address
20 provided upon registration prior to termination of their
21 registration, unless the municipality decides that it will
22 establish a policy of not terminating interested parties from
23 the registry, in which case no notice will be required. Such
24 rules shall not be used to prohibit or otherwise interfere with

1 the ability of eligible organizations and individuals to
2 register for receipt of information to which they are entitled
3 under this statute, including the information required by:

4 (1) subsection (a) of Section 11-74.4-5;

5 (2) paragraph (9) of subsection (d) of Section 11-74.4-5;

6 and

7 (3) subsection (e) of Section 11-74.4-6.

8 (b) On and after the effective date of this amendatory Act
9 of the 93rd General Assembly, the municipality may not include
10 an owners licensee under the Riverboat Gambling Act on its
11 "interested party" registry.

12 (Source: P.A. 91-478, eff. 11-1-99.)

13 (65 ILCS 5/11-74.4-8d new)

14 Sec. 11-74.4-8d. Prohibition against riverboat dock within
15 redevelopment project area. A municipality may not adopt tax
16 increment financing in a redevelopment project area after the
17 effective date of this amendatory Act of the 93rd General
18 Assembly that will include within its corporate limits the home
19 dock of any owners licensee under the Riverboat Gambling Act.

20 Section 10. The Riverboat Gambling Act is amended by
21 changing Sections 7 and 11.2 as follows:

22 (230 ILCS 10/7) (from Ch. 120, par. 2407)

23 Sec. 7. Owners Licenses.

24 (a) The Board shall issue owners licenses to persons, firms
25 or corporations which apply for such licenses upon payment to
26 the Board of the non-refundable license fee set by the Board,
27 upon payment of a \$25,000 license fee for the first year of
28 operation and a \$5,000 license fee for each succeeding year and
29 upon a determination by the Board that the applicant is
30 eligible for an owners license pursuant to this Act and the
31 rules of the Board. A person, firm or corporation is ineligible

1 to receive an owners license if:

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

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

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

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

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

13 (6) the firm or corporation employs a person defined in
14 (1), (2), (3) or (4) who participates in the management or
15 operation of gambling operations authorized under this
16 Act;

17 (7) (blank); or

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

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

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

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

28 (B) is controlled, directly or indirectly, by such
29 applicant or by a person which controls, directly or
30 indirectly, such applicant;

31 (2) the facilities or proposed facilities for the
32 conduct of riverboat gambling;

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

1 (4) the extent to which the ownership of the applicant
2 reflects the diversity of the State by including minority
3 persons and females and the good faith affirmative action
4 plan of each applicant to recruit, train and upgrade
5 minority persons and females in all employment
6 classifications;

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

9 (6) whether the applicant has adequate capitalization
10 to provide and maintain, for the duration of a license, a
11 riverboat;

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

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

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

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

20 (e) The Board may issue up to 10 licenses authorizing the
21 holders of such licenses to own riverboats. In the application
22 for an owners license, the applicant shall state the dock at
23 which the riverboat is based and the water on which the
24 riverboat will be located. The Board shall issue 5 licenses to
25 become effective not earlier than January 1, 1991. Three of
26 such licenses shall authorize riverboat gambling on the
27 Mississippi River, or, with approval by the municipality in
28 which the riverboat is docked on August 7, 2003, ~~the effective~~
29 ~~date of this amendatory Act of the 93rd Assembly,~~ in a
30 municipality that (1) borders on the Mississippi River or is
31 within 5 miles of the city limits of a municipality that
32 borders on the Mississippi River and (2), on August 7, 2003,
33 ~~the effective date of this amendatory Act of the 93rd General~~
34 ~~Assembly,~~ has a riverboat conducting riverboat gambling

1 operations pursuant to a license issued under this Act; ~~7~~ one of
2 which shall authorize riverboat gambling from a home dock in
3 the city of East St. Louis. One other license shall authorize
4 riverboat gambling on the Illinois River south of Marshall
5 County. The Board shall issue one additional license to become
6 effective not earlier than March 1, 1992, which shall authorize
7 riverboat gambling on the Des Plaines River in Will County. The
8 Board may issue 4 additional licenses to become effective not
9 earlier than March 1, 1992. On and after the effective date of
10 this amendatory Act of the 93rd General Assembly, the Board may
11 not issue an owners license authorizing the conduct of
12 riverboat gambling operations from a home dock that is located
13 within a tax increment financing district. In determining the
14 water upon which riverboats will operate, the Board shall
15 consider the economic benefit which riverboat gambling confers
16 on the State, and shall seek to assure that all regions of the
17 State share in the economic benefits of riverboat gambling.

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

31 In addition to any other revocation powers granted to the
32 Board under this Act, the Board may revoke the owners license
33 of a licensee which fails to begin conducting gambling within
34 15 months of receipt of the Board's approval of the application

1 if the Board determines that license revocation is in the best
2 interests of the State.

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

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

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

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

1 riverboat.

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

14 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;
15 93-453, eff. 8-7-03; revised 1-27-04.)

16 (230 ILCS 10/11.2)

17 Sec. 11.2. Relocation of riverboat home dock.

18 (a) A licensee that was not conducting riverboat gambling
19 on January 1, 1998 may apply to the Board for renewal and
20 approval of relocation to a new home dock location authorized
21 under Section 3(c) and the Board shall grant the application
22 and approval upon receipt by the licensee of approval from the
23 new municipality or county, as the case may be, in which the
24 licensee wishes to relocate pursuant to Section 7(j), except
25 that, on and after the effective date of this amendatory Act of
26 the 93rd General Assembly, the Board may not authorize an
27 owners licensee to relocate its home dock within the boundaries
28 of a tax increment financing district.

29 (b) Any licensee that relocates its home dock pursuant to
30 this Section shall attain a level of at least 20% minority
31 person and female ownership, at least 16% and 4% respectively,
32 within a time period prescribed by the Board, but not to exceed
33 12 months from the date the licensee begins conducting gambling

1 at the new home dock location. The 12-month period shall be
2 extended by the amount of time necessary to conduct a
3 background investigation pursuant to Section 6. For the
4 purposes of this Section, the terms "female" and "minority
5 person" have the meanings provided in Section 2 of the Business
6 Enterprise for Minorities, Females, and Persons with
7 Disabilities Act.

8 (Source: P.A. 91-40, eff. 6-25-99.)

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