



Sen. Bill Cunningham

Filed: 10/24/2023

10300SB0584sam002

LRB103 03056 MXP 64942 a

1 AMENDMENT TO SENATE BILL 584

2 AMENDMENT NO. _____. Amend Senate Bill 584, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment
4 No. 1, by replacing line 3 on page 3 through line 14 on page 14
5 with the following:

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

7 Sec. 7. Owners licenses. (a) The Board shall issue
8 owners licenses to persons or entities that apply for such
9 licenses upon payment to the Board of the non-refundable
10 license fee as provided in subsection (e) or (e-5) and upon a
11 determination by the Board that the applicant is eligible for
12 an owners license pursuant to this Act and the rules of the
13 Board. From December 15, 2008 (the effective date of Public
14 Act 95-1008) until (i) 3 years after December 15, 2008 (the
15 effective date of Public Act 95-1008), (ii) the date any
16 organization licensee begins to operate a slot machine or
17 video game of chance under the Illinois Horse Racing Act of

1 1975 or this Act, (iii) the date that payments begin under
2 subsection (c-5) of Section 13 of this Act, (iv) the wagering
3 tax imposed under Section 13 of this Act is increased by law to
4 reflect a tax rate that is at least as stringent or more
5 stringent than the tax rate contained in subsection (a-3) of
6 Section 13, or (v) when an owners licensee holding a license
7 issued pursuant to Section 7.1 of this Act begins conducting
8 gaming, whichever occurs first, as a condition of licensure
9 and as an alternative source of payment for those funds
10 payable under subsection (c-5) of Section 13 of this Act, any
11 owners licensee that holds or receives its owners license on
12 or after May 26, 2006 (the effective date of Public Act
13 94-804), other than an owners licensee operating a riverboat
14 with adjusted gross receipts in calendar year 2004 of less
15 than \$200,000,000, must pay into the Horse Racing Equity Trust
16 Fund, in addition to any other payments required under this
17 Act, an amount equal to 3% of the adjusted gross receipts
18 received by the owners licensee. The payments required under
19 this Section shall be made by the owners licensee to the State
20 Treasurer no later than 3:00 o'clock p.m. of the day after the
21 day when the adjusted gross receipts were received by the
22 owners licensee. A person or entity is ineligible to receive
23 an owners license if:

- 24 (1) the person has been convicted of a felony under
25 the laws of this State, any other state, or the United
26 States;

1 (2) the person has been convicted of any violation of
2 Article 28 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, or substantially similar laws of any other
4 jurisdiction;

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

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

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

10 (6) the entity employs a person defined in (1), (2),
11 (3), or (4) who participates in the management or
12 operation of gambling operations authorized under this
13 Act;

14 (7) (blank); or

15 (8) a license of the person or entity issued under
16 this Act, or a license to own or operate gambling
17 facilities in any other jurisdiction, has been revoked.

18 The Board is expressly prohibited from making changes to
19 the requirement that licensees make payment into the Horse
20 Racing Equity Trust Fund without the express authority of the
21 Illinois General Assembly and making any other rule to
22 implement or interpret Public Act 95-1008. For the purposes of
23 this paragraph, "rules" is given the meaning given to that
24 term in Section 1-70 of the Illinois Administrative Procedure
25 Act.

26 (b) In determining whether to grant an owners license to

1 an applicant, the Board shall consider:

2 (1) the character, reputation, experience, and
3 financial integrity of the applicants and of any other or
4 separate person that either:

5 (A) controls, directly or indirectly, such
6 applicant; or

7 (B) is controlled, directly or indirectly, by such
8 applicant or by a person which controls, directly or
9 indirectly, such applicant;

10 (2) the facilities or proposed facilities for the
11 conduct of gambling;

12 (3) the highest prospective total revenue to be
13 derived by the State from the conduct of gambling;

14 (4) the extent to which the ownership of the applicant
15 reflects the diversity of the State by including minority
16 persons, women, and persons with a disability and the good
17 faith affirmative action plan of each applicant to
18 recruit, train and upgrade minority persons, women, and
19 persons with a disability in all employment
20 classifications; the Board shall further consider granting
21 an owners license and giving preference to an applicant
22 under this Section to applicants in which minority persons
23 and women hold ownership interest of at least 16% and 4%,
24 respectively;

25 (4.5) the extent to which the ownership of the
26 applicant includes veterans of service in the armed forces

1 of the United States, and the good faith affirmative
2 action plan of each applicant to recruit, train, and
3 upgrade veterans of service in the armed forces of the
4 United States in all employment classifications;

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

7 (6) whether the applicant has adequate capitalization
8 to provide and maintain, for the duration of a license, a
9 riverboat or casino;

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

13 (8) the amount of the applicant's license bid;

14 (9) the extent to which the applicant or the proposed
15 host municipality plans to enter into revenue sharing
16 agreements with communities other than the host
17 municipality;

18 (10) the extent to which the ownership of an applicant
19 includes the most qualified number of minority persons,
20 women, and persons with a disability; and

21 (11) whether the applicant has entered into a fully
22 executed construction project labor agreement with the
23 applicable local building trades council.

24 (c) Each owners license shall specify the place where the
25 casino shall operate or the riverboat shall operate and dock.

26 (d) Each applicant shall submit with his or her

1 application, on forms provided by the Board, 2 sets of his or
2 her fingerprints.

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

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

10 In granting all licenses, the Board may give favorable
11 consideration to economically depressed areas of the State, to
12 applicants presenting plans which provide for significant
13 economic development over a large geographic area, and to
14 applicants who currently operate non-gambling riverboats in
15 Illinois. The Board shall review all applications for owners
16 licenses, and shall inform each applicant of the Board's
17 decision. The Board may grant an owners license to an
18 applicant that has not submitted the highest license bid, but
19 if it does not select the highest bidder, the Board shall issue
20 a written decision explaining why another applicant was
21 selected and identifying the factors set forth in this Section
22 that favored the winning bidder. The fee for issuance or
23 renewal of a license pursuant to this subsection (e) shall be
24 \$250,000.

25 (e-5) In addition to licenses authorized under subsection
26 (e) of this Section:

1 (1) the Board may issue one owners license authorizing
2 the conduct of casino gambling in the City of Chicago;

3 (2) the Board may issue one owners license authorizing
4 the conduct of riverboat gambling in the City of Danville;

5 (3) the Board may issue one owners license authorizing
6 the conduct of riverboat gambling in the City of Waukegan;

7 (4) the Board may issue one owners license authorizing
8 the conduct of riverboat gambling in the City of Rockford;

9 (5) the Board may issue one owners license authorizing
10 the conduct of riverboat gambling in a municipality that
11 is wholly or partially located in one of the following
12 townships of Cook County: Bloom, Bremen, Calumet, Rich,
13 Thornton, or Worth Township; and

14 (6) the Board may issue one owners license authorizing
15 the conduct of riverboat gambling in the unincorporated
16 area of Williamson County adjacent to the Big Muddy River.

17 Except for the license authorized under paragraph (1),
18 each application for a license pursuant to this subsection
19 (e-5) shall be submitted to the Board no later than 120 days
20 after June 28, 2019 (the effective date of Public Act 101-31).
21 All applications for a license under this subsection (e-5)
22 shall include the nonrefundable application fee and the
23 nonrefundable background investigation fee as provided in
24 subsection (d) of Section 6 of this Act. In the event that an
25 applicant submits an application for a license pursuant to
26 this subsection (e-5) prior to June 28, 2019 (the effective

1 date of Public Act 101-31), such applicant shall submit the
2 nonrefundable application fee and background investigation fee
3 as provided in subsection (d) of Section 6 of this Act no later
4 than 6 months after June 28, 2019 (the effective date of Public
5 Act 101-31).

6 The Board shall consider issuing a license pursuant to
7 paragraphs (1) through (6) of this subsection only after the
8 corporate authority of the municipality or the county board of
9 the county in which the riverboat or casino shall be located
10 has certified to the Board the following:

11 (i) that the applicant has negotiated with the
12 corporate authority or county board in good faith;

13 (ii) that the applicant and the corporate authority or
14 county board have mutually agreed on the permanent
15 location of the riverboat or casino;

16 (iii) that the applicant and the corporate authority
17 or county board have mutually agreed on the temporary
18 location of the riverboat or casino;

19 (iv) that the applicant and the corporate authority or
20 the county board have mutually agreed on the percentage of
21 revenues that will be shared with the municipality or
22 county, if any;

23 (v) that the applicant and the corporate authority or
24 county board have mutually agreed on any zoning,
25 licensing, public health, or other issues that are within
26 the jurisdiction of the municipality or county;

1 (vi) that the corporate authority or county board has
2 passed a resolution or ordinance in support of the
3 riverboat or casino in the municipality or county;

4 (vii) the applicant for a license under paragraph (1)
5 has made a public presentation concerning its casino
6 proposal; and

7 (viii) the applicant for a license under paragraph (1)
8 has prepared a summary of its casino proposal and such
9 summary has been posted on a public website of the
10 municipality or the county.

11 At least 7 days before the corporate authority of a
12 municipality or county board of the county submits a
13 certification to the Board concerning items (i) through (viii)
14 of this subsection, it shall hold a public hearing to discuss
15 items (i) through (viii), as well as any other details
16 concerning the proposed riverboat or casino in the
17 municipality or county. The corporate authority or county
18 board must subsequently memorialize the details concerning the
19 proposed riverboat or casino in a resolution that must be
20 adopted by a majority of the corporate authority or county
21 board before any certification is sent to the Board. The Board
22 shall not alter, amend, change, or otherwise interfere with
23 any agreement between the applicant and the corporate
24 authority of the municipality or county board of the county
25 regarding the location of any temporary or permanent facility.

26 In addition, within 10 days after June 28, 2019 (the

1 effective date of Public Act 101-31), the Board, with consent
2 and at the expense of the City of Chicago, shall select and
3 retain the services of a nationally recognized casino gaming
4 feasibility consultant. Within 45 days after June 28, 2019
5 (the effective date of Public Act 101-31), the consultant
6 shall prepare and deliver to the Board a study concerning the
7 feasibility of, and the ability to finance, a casino in the
8 City of Chicago. The feasibility study shall be delivered to
9 the Mayor of the City of Chicago, the Governor, the President
10 of the Senate, and the Speaker of the House of
11 Representatives. Ninety days after receipt of the feasibility
12 study, the Board shall make a determination, based on the
13 results of the feasibility study, whether to recommend to the
14 General Assembly that the terms of the license under paragraph
15 (1) of this subsection (e-5) should be modified. The Board may
16 begin accepting applications for the owners license under
17 paragraph (1) of this subsection (e-5) upon the determination
18 to issue such an owners license.

19 In addition, prior to the Board issuing the owners license
20 authorized under paragraph (4) of subsection (e-5), an impact
21 study shall be completed to determine what location in the
22 city will provide the greater impact to the region, including
23 the creation of jobs and the generation of tax revenue.

24 (e-10) The licenses authorized under subsection (e-5) of
25 this Section shall be issued within 12 months after the date
26 the license application is submitted. If the Board does not

1 issue the licenses within that time period, then the Board
2 shall give a written explanation to the applicant as to why it
3 has not reached a determination and when it reasonably expects
4 to make a determination. The fee for the issuance or renewal of
5 a license issued pursuant to this subsection (e-10) shall be
6 \$250,000. Additionally, a licensee located outside of Cook
7 County shall pay a minimum initial fee of \$17,500 per gaming
8 position, and a licensee located in Cook County shall pay a
9 minimum initial fee of \$30,000 per gaming position. The
10 initial fees payable under this subsection (e-10) shall be
11 deposited into the Rebuild Illinois Projects Fund. If at any
12 point after June 1, 2020 there are no pending applications for
13 a license under subsection (e-5) and not all licenses
14 authorized under subsection (e-5) have been issued, then the
15 Board shall reopen the license application process for those
16 licenses authorized under subsection (e-5) that have not been
17 issued. The Board shall follow the licensing process provided
18 in subsection (e-5) with all time frames tied to the last date
19 of a final order issued by the Board under subsection (e-5)
20 rather than the effective date of the amendatory Act.

21 (e-15) Each licensee of a license authorized under
22 subsection (e-5) of this Section shall make a reconciliation
23 payment 3 years after the date the licensee begins operating
24 in an amount equal to 75% of the adjusted gross receipts for
25 the most lucrative 12-month period of operations, minus an
26 amount equal to the initial payment per gaming position paid

1 by the specific licensee. Each licensee shall pay a
2 \$15,000,000 reconciliation fee upon issuance of an owners
3 license. If this calculation results in a negative amount,
4 then the licensee is not entitled to any reimbursement of fees
5 previously paid. This reconciliation payment may be made in
6 installments over a period of no more than 6 years.

7 All payments by licensees under this subsection (e-15)
8 shall be deposited into the Rebuild Illinois Projects Fund.

9 (e-20) In addition to any other revocation powers granted
10 to the Board under this Act, the Board may revoke the owners
11 license of a licensee which fails to begin conducting gambling
12 within 15 months of receipt of the Board's approval of the
13 application if the Board determines that license revocation is
14 in the best interests of the State.

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

21 (g) Upon the termination, expiration, or revocation of
22 each of the first 10 licenses, which shall be issued for a
23 3-year period, all licenses are renewable annually upon
24 payment of the fee and a determination by the Board that the
25 licensee continues to meet all of the requirements of this Act
26 and the Board's rules. However, for licenses renewed on or

1 after the effective date of this amendatory Act of the 102nd
2 General Assembly, renewal shall be for a period of 4 years.

3 (h) An owners license, except for an owners license issued
4 under subsection (e-5) of this Section, shall entitle the
5 licensee to own up to 2 riverboats.

6 An owners licensee of a casino or riverboat that is
7 located in the City of Chicago pursuant to paragraph (1) of
8 subsection (e-5) of this Section shall limit the number of
9 gaming positions to 4,000 for such owner. An owners licensee
10 authorized under subsection (e) or paragraph (2), (3), (4), or
11 (5) of subsection (e-5) of this Section shall limit the number
12 of gaming positions to 2,000 for any such owners license. An
13 owners licensee authorized under paragraph (6) of subsection
14 (e-5) of this Section shall limit the number of gaming
15 positions to 1,200 for such owner. The initial fee for each
16 gaming position obtained on or after June 28, 2019 (the
17 effective date of Public Act 101-31) shall be a minimum of
18 \$17,500 for licensees not located in Cook County and a minimum
19 of \$30,000 for licensees located in Cook County, in addition
20 to the reconciliation payment, as set forth in subsection
21 (e-15) of this Section. The fees under this subsection (h)
22 shall be deposited into the Rebuild Illinois Projects Fund.
23 The fees under this subsection (h) that are paid by an owners
24 licensee authorized under subsection (e) shall be paid by July
25 1, 2021.

26 Each owners licensee under subsection (e) of this Section

1 shall reserve its gaming positions within 30 days after June
2 28, 2019 (the effective date of Public Act 101-31). The Board
3 may grant an extension to this 30-day period, provided that
4 the owners licensee submits a written request and explanation
5 as to why it is unable to reserve its positions within the
6 30-day period.

7 Each owners licensee under subsection (e-5) of this
8 Section shall reserve its gaming positions within 30 days
9 after issuance of its owners license. The Board may grant an
10 extension to this 30-day period, provided that the owners
11 licensee submits a written request and explanation as to why
12 it is unable to reserve its positions within the 30-day
13 period.

14 A licensee may operate both of its riverboats
15 concurrently, provided that the total number of gaming
16 positions on both riverboats does not exceed the limit
17 established pursuant to this subsection. Riverboats licensed
18 to operate on the Mississippi River and the Illinois River
19 south of Marshall County shall have an authorized capacity of
20 at least 500 persons. Any other riverboat licensed under this
21 Act shall have an authorized capacity of at least 400 persons.

22 (h-5) An owners licensee who conducted gambling operations
23 prior to January 1, 2012 and obtains positions pursuant to
24 Public Act 101-31 shall make a reconciliation payment 3 years
25 after any additional gaming positions begin operating in an
26 amount equal to 75% of the owners licensee's average gross

1 receipts for the most lucrative 12-month period of operations
2 minus an amount equal to the initial fee that the owners
3 licensee paid per additional gaming position. For purposes of
4 this subsection (h-5), "average gross receipts" means (i) the
5 increase in adjusted gross receipts for the most lucrative
6 12-month period of operations over the adjusted gross receipts
7 for 2019, multiplied by (ii) the percentage derived by
8 dividing the number of additional gaming positions that an
9 owners licensee had obtained by the total number of gaming
10 positions operated by the owners licensee. If this calculation
11 results in a negative amount, then the owners licensee is not
12 entitled to any reimbursement of fees previously paid. This
13 reconciliation payment may be made in installments over a
14 period of no more than 6 years. These reconciliation payments
15 shall be deposited into the Rebuild Illinois Projects Fund.

16 (i) A licensed owner is authorized to apply to the Board
17 for and, if approved therefor, to receive all licenses from
18 the Board necessary for the operation of a riverboat or
19 casino, including a liquor license, a license to prepare and
20 serve food for human consumption, and other necessary
21 licenses. All use, occupation, and excise taxes which apply to
22 the sale of food and beverages in this State and all taxes
23 imposed on the sale or use of tangible personal property apply
24 to such sales aboard the riverboat or in the casino.

25 (j) The Board may issue or re-issue a license authorizing
26 a riverboat to dock in a municipality or approve a relocation

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

11 (k) An owners licensee may conduct land-based gambling
12 operations upon approval by the Board and payment of a fee of
13 \$250,000, which shall be deposited into the State Gaming Fund.

14 (l) An owners licensee may conduct gaming at a temporary
15 facility pending the construction of a permanent facility or
16 the remodeling or relocation of an existing facility to
17 accommodate gaming participants for up to 24 months after the
18 temporary facility begins to conduct gaming. Upon request by
19 an owners licensee and upon a showing of good cause by the
20 owners licensee, the Board shall extend the period during
21 which the licensee may conduct gaming at a temporary facility
22 by up to 12 months or another period of time deemed necessary
23 or appropriate by the Board. The Board shall make rules
24 concerning the conduct of gaming from temporary facilities.

25 (Source: P.A. 101-31, eff. 6-28-19; 101-648, eff. 6-30-20;
26 102-13, eff. 6-10-21; 102-558, eff. 8-20-21.)".