



Sen. James F. Clayborne Jr.

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09400SB1991sam001

LRB094 14911 EFG 56732 a

1 AMENDMENT TO SENATE BILL 1991

2 AMENDMENT NO. _____. Amend Senate Bill 1991 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Riverboat Gambling Act is amended by
5 changing Section 7 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. A person, firm or corporation is ineligible
16 to receive an owners license if:

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

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

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

24 (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11 facilities in any other jurisdiction, has been revoked.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 (b) In determining whether to grant an owners license to an
13 applicant, the Board shall consider:

14 (1) the character, reputation, experience and
15 financial integrity of the applicants and of any other or
16 separate person that either:

17 (A) controls, directly or indirectly, such
18 applicant, or

19 (B) is controlled, directly or indirectly, by such
20 applicant or by a person which controls, directly or
21 indirectly, such applicant;

22 (2) the facilities or proposed facilities for the
23 conduct of riverboat gambling;

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

26 (4) the extent to which the ownership of the applicant
27 reflects the diversity of the State by including minority
28 persons and females and the good faith affirmative action
29 plan of each applicant to recruit, train and upgrade
30 minority persons and females in all employment
31 classifications;

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

34 (6) whether the applicant has adequate capitalization

1 to provide and maintain, for the duration of a license, a
2 riverboat;

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

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

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

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

11 (e) The Board may issue up to 10 licenses authorizing the
12 holders of such licenses to own riverboats. In the application
13 for an owners license, the applicant shall state the dock at
14 which the riverboat is based and the water on which the
15 riverboat will be located. The Board shall issue 5 licenses to
16 become effective not earlier than January 1, 1991. Three of
17 such licenses shall authorize riverboat gambling on the
18 Mississippi River, or, with approval by the municipality in
19 which the riverboat was docked on August 7, 2003 and with Board
20 approval, be authorized to relocate to a new location, in a
21 municipality that (1) borders on the Mississippi River or is
22 within 5 miles of the city limits of a municipality that
23 borders on the Mississippi River and (2), on August 7, 2003,
24 had a riverboat conducting riverboat gambling operations
25 pursuant to a license issued under this Act; one of which shall
26 authorize riverboat gambling from a home dock in the city of
27 East St. Louis. One other license shall authorize riverboat
28 gambling on the Illinois River south of Marshall County. The
29 Board shall issue one additional license to become effective
30 not earlier than March 1, 1992, which shall authorize riverboat
31 gambling on the Des Plaines River in Will County. The Board may
32 issue 4 additional licenses to become effective not earlier
33 than March 1, 1992. In determining the water upon which
34 riverboats will operate, the Board shall consider the economic

1 benefit which riverboat gambling confers on the State, and
2 shall seek to assure that all regions of the State share in the
3 economic benefits of riverboat gambling.

4 In granting a license that is a dormant license to an
5 applicant, the Board must give favorable consideration to
6 applicants submitting evidence to the Board that minority
7 persons and females, who held ownership interests in the
8 applicant originally granted the dormant license, hold
9 ownership interests in the applicant for the license. The
10 weight of the Board's favorable consideration to applicants
11 pursuant to this paragraph must be in proportion to the
12 percentage of ownership interest in the applicant of those
13 minority persons and female owners. "Dormant license" has the
14 meaning ascribed to it in subsection (a-3) of Section 13 of
15 this Act.

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

29 In addition to any other revocation powers granted to the
30 Board under this Act, the Board may revoke the owners license
31 of a licensee which fails to begin conducting gambling within
32 15 months of receipt of the Board's approval of the application
33 if the Board determines that license revocation is in the best
34 interests of the State.

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

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

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

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

34 (j) The Board may issue or re-issue a license authorizing a

1 riverboat to dock in a municipality or approve a relocation
2 under Section 11.2 only if, prior to the issuance or
3 re-issuance of the license or approval, the governing body of
4 the municipality in which the riverboat will dock has by a
5 majority vote approved the docking of riverboats in the
6 municipality. The Board may issue or re-issue a license
7 authorizing a riverboat to dock in areas of a county outside
8 any municipality or approve a relocation under Section 11.2
9 only if, prior to the issuance or re-issuance of the license or
10 approval, the governing body of the county has by a majority
11 vote approved of the docking of riverboats within such areas.
12 (Source: P.A. 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; 94-667,
13 eff. 8-23-05.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."