



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1354

Introduced 2/5/2013, by Sen. Martin A. Sandoval

#### SYNOPSIS AS INTRODUCED:

230 ILCS 5/12.2 new  
230 ILCS 10/7.6 new  
230 ILCS 40/28 new

Amends the Illinois Horse Racing Act of 1975, the Riverboat Gambling Act, and the Video Gaming Act. Requires licensees under the Acts to establish as a goal the award of not less than 20% of the total dollar amount of the licensee's contracts to minority owned businesses, female owned businesses, and businesses owned by persons with disabilities. Requires the licensees to file with the appropriate Board (i) an annual compliance plan, which shall outline the goals of the licensee for contracting with minority owned businesses, female owned businesses, and businesses owned by persons with disabilities for the calendar year, the manner in which the agency intends to reach these goals, and a timetable for reaching these goals and (ii) an annual report of its utilization of minority owned businesses, female owned businesses, and businesses owned by persons with disabilities during the preceding calendar year, which shall include a self-evaluation of the efforts of the owners licensee to meet its goals under this Section. Requires the Illinois Racing Board and the Illinois Gaming Board to file annual reports that shall detail the level of achievement toward the goals over the 3 most recent fiscal years. Effective immediately.

LRB098 05479 AMC 35513 b

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 Illinois Horse Racing Act of 1975 is amended  
5 by adding Section 12.2 as follows:

6 (230 ILCS 5/12.2 new)

7 Sec. 12.2. Business enterprise program.

8 (a) For the purposes of this Section, the terms "minority",  
9 "minority owned business", "female", "female owned business",  
10 "person with a disability", and "business owned by a person  
11 with a disability" have the meaning ascribed to them in the  
12 Business Enterprise for Minorities, Females, and Persons with  
13 Disabilities Act.

14 (b) The Board shall, by rule, establish goals for the award  
15 of contracts by each organization licensee, inter-track  
16 wagering licensee, inter-track wagering location licensee, or  
17 advance deposit wagering licensee to businesses owned by  
18 minorities, females, and persons with disabilities, expressed  
19 as percentages of an organization licensee's, inter-track  
20 wagering licensee's, inter-track wagering location licensee's,  
21 or advance deposit wagering licensee's total dollar amount of  
22 contracts awarded during each calendar year. Each organization  
23 licensee, inter-track wagering licensee, inter-track wagering

1 location licensee, or advance deposit wagering licensee must  
2 make every effort to meet the goals established by the Board  
3 pursuant to this Section.

4 (c) Each organization licensee, inter-track wagering  
5 licensee, inter-track wagering location licensee, or advance  
6 deposit wagering licensee shall file with the Board an annual  
7 report of its utilization of minority owned businesses, female  
8 owned businesses, and businesses owned by persons with  
9 disabilities during the preceding calendar year. The reports  
10 shall include a self-evaluation of the efforts of the  
11 organization licensee, inter-track wagering licensee,  
12 inter-track wagering location licensee, or advance deposit  
13 wagering licensee to meet its goals under this Section.

14 (d) The organization licensee, inter-track wagering  
15 licensee, inter-track wagering location licensee, or advance  
16 deposit wagering licensee shall have the right to request a  
17 waiver from the requirements of this Section. The Board shall  
18 grant the waiver where the organization licensee, inter-track  
19 wagering licensee, inter-track wagering location licensee, or  
20 advance deposit wagering licensee demonstrates that there has  
21 been made a good faith effort to comply with the goals for  
22 participation by minority owned businesses, female owned  
23 businesses, and businesses owned by persons with disabilities.

24 (e) If the Board determines that its goals and policies are  
25 not being met by any organization licensee, inter-track  
26 wagering licensee, inter-track wagering location licensee, or

1 advance deposit wagering licensee, then the Board may:

2 (1) adopt remedies for such violations; and

3 (2) recommend that the organization licensee,  
4 inter-track wagering licensee, inter-track wagering  
5 location licensee, or advance deposit wagering licensee  
6 provide additional opportunities for participation by  
7 minority owned businesses, female owned businesses, and  
8 businesses owned by persons with disabilities; such  
9 recommendations may include, but shall not be limited to:

10 (A) assurances of stronger and better focused  
11 solicitation efforts to obtain more minority owned  
12 businesses, female owned businesses, and businesses  
13 owned by persons with disabilities as potential  
14 sources of supply;

15 (B) division of job or project requirements, when  
16 economically feasible, into tasks or quantities to  
17 permit participation of minority owned businesses,  
18 female owned businesses, and businesses owned by  
19 persons with disabilities;

20 (C) elimination of extended experience or  
21 capitalization requirements, when programmatically  
22 feasible, to permit participation of minority owned  
23 businesses, female owned businesses, and businesses  
24 owned by persons with disabilities;

25 (D) identification of specific proposed contracts  
26 as particularly attractive or appropriate for

1 participation by minority owned businesses, female  
2 owned businesses, and businesses owned by persons with  
3 disabilities, such identification to result from and  
4 be coupled with the efforts of items (A) through (C);  
5 and

6 (E) implementation of regulations established for  
7 the use of the sheltered market process.

8 (f) The Board shall file, no later than March 1 of each  
9 year, an annual report that shall detail the level of  
10 achievement toward the goals specified in this Section over the  
11 3 most recent fiscal years. The annual report shall include,  
12 but need not be limited to:

13 (1) a summary detailing expenditures subject to the  
14 goals, the actual goals specified, and the goals attained  
15 by each organization licensee, inter-track wagering  
16 licensee, inter-track wagering location licensee, or  
17 advance deposit wagering licensee;

18 (2) a summary of the number of contracts awarded and  
19 the average contract amount by each organization licensee,  
20 inter-track wagering licensee, inter-track wagering  
21 location licensee, or advance deposit wagering licensee;

22 (3) an analysis of the level of overall goal  
23 achievement concerning purchases from minority owned  
24 businesses, female owned businesses, and businesses owned  
25 by persons with disabilities;

26 (4) an analysis of the number of minority owned

1 businesses, female owned businesses, and businesses owned  
2 by persons with disabilities that are certified under the  
3 program as well as the number of those businesses that  
4 received State procurement contracts; and

5 (5) a summary of the number of contracts awarded to  
6 businesses with annual gross sales of less than \$1,000,000;  
7 of \$1,000,000 or more, but less than \$5,000,000; of  
8 \$5,000,000 or more, but less than \$10,000,000; and of  
9 \$10,000,000 or more.

10 Section 10. The Riverboat Gambling Act is amended by adding  
11 Section 7.6 as follows:

12 (230 ILCS 10/7.6 new)

13 Sec. 7.6. Business enterprise program.

14 (a) For the purposes of this Section, the terms "minority",  
15 "minority owned business", "female", "female owned business",  
16 "person with a disability", and "business owned by a person  
17 with a disability" have the meaning ascribed to them in the  
18 Business Enterprise for Minorities, Females, and Persons with  
19 Disabilities Act.

20 (b) The Board shall, by rule, establish goals for the award  
21 of contracts by each owners licensee to businesses owned by  
22 minorities, females, and persons with disabilities, expressed  
23 as percentages of an owners licensee's total dollar amount of  
24 contracts awarded during each calendar year. Each owners

1 licensee must make every effort to meet the goals established  
2 by the Board pursuant to this Section.

3 (c) Each owners licensee shall file with the Board an  
4 annual report of its utilization of minority owned businesses,  
5 female owned businesses, and businesses owned by persons with  
6 disabilities during the preceding calendar year. The reports  
7 shall include a self-evaluation of the efforts of the owners  
8 licensee to meet its goals under this Section.

9 (d) The owners licensee shall have the right to request a  
10 waiver from the requirements of this Section. The Board shall  
11 grant the waiver where the owners licensee demonstrates that  
12 there has been made a good faith effort to comply with the  
13 goals for participation by minority owned businesses, female  
14 owned businesses, and businesses owned by persons with  
15 disabilities.

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

18 (1) adopt remedies for such violations; and

19 (2) recommend that the owners licensee provide  
20 additional opportunities for participation by minority  
21 owned businesses, female owned businesses, and businesses  
22 owned by persons with disabilities; such recommendations  
23 may include, but shall not be limited to:

24 (A) assurances of stronger and better focused  
25 solicitation efforts to obtain more minority owned  
26 businesses, female owned businesses, and businesses

1 owned by persons with disabilities as potential  
2 sources of supply;

3 (B) division of job or project requirements, when  
4 economically feasible, into tasks or quantities to  
5 permit participation of minority owned businesses,  
6 female owned businesses, and businesses owned by  
7 persons with disabilities;

8 (C) elimination of extended experience or  
9 capitalization requirements, when programmatically  
10 feasible, to permit participation of minority owned  
11 businesses, female owned businesses, and businesses  
12 owned by persons with disabilities;

13 (D) identification of specific proposed contracts  
14 as particularly attractive or appropriate for  
15 participation by minority owned businesses, female  
16 owned businesses, and businesses owned by persons with  
17 disabilities, such identification to result from and  
18 be coupled with the efforts of items (A) through (C);  
19 and

20 (E) implementation of regulations established for  
21 the use of the sheltered market process.

22 (f) The Board shall file, no later than March 1 of each  
23 year, an annual report that shall detail the level of  
24 achievement toward the goals specified in this Section over the  
25 3 most recent fiscal years. The annual report shall include,  
26 but need not be limited to:



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

4           (2) a summary of the number of contracts awarded and  
5           the average contract amount by each owners licensee;

6           (3) an analysis of the level of overall goal  
7           achievement concerning purchases from minority owned  
8           businesses, female owned businesses, and businesses owned  
9           by persons with disabilities;

10           (4) an analysis of the number of minority owned  
11           businesses, female owned businesses, and businesses owned  
12           by persons with disabilities that are certified under the  
13           program as well as the number of those businesses that  
14           received State procurement contracts; and

15           (5) a summary of the number of contracts awarded to  
16           businesses with annual gross sales of less than \$1,000,000;  
17           of \$1,000,000 or more, but less than \$5,000,000; of  
18           \$5,000,000 or more, but less than \$10,000,000; and of  
19           \$10,000,000 or more.

20           Section 15. The Video Gaming Act is amended by adding  
21           Section 28 as follows:

22           (230 ILCS 40/28 new)

23           Sec. 28. Business enterprise program.

24           (a) For the purposes of this Section, the terms "minority",

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

6 (b) The Board shall, by rule, establish goals for the award  
7 of contracts by each licensed establishment, licensed  
8 fraternal establishment, licensed veterans establishment, or  
9 terminal operator to businesses owned by minorities, females,  
10 and persons with disabilities, expressed as percentages of a  
11 licensed establishment's, licensed fraternal establishment's,  
12 licensed veterans establishment's, or terminal operator's  
13 total dollar amount of contracts awarded during each calendar  
14 year. Each licensed establishment, licensed fraternal  
15 establishment, licensed veterans establishment, or terminal  
16 operator must make every effort to meet the goals established  
17 by the Board pursuant to this Section.

18 (c) Each licensed establishment, licensed fraternal  
19 establishment, licensed veterans establishment, or terminal  
20 operator shall file with the Board an annual report of its  
21 utilization of minority owned businesses, female owned  
22 businesses, and businesses owned by persons with disabilities  
23 during the preceding calendar year. The reports shall include a  
24 self-evaluation of the efforts of the licensed establishment,  
25 licensed fraternal establishment, licensed veterans  
26 establishment, or terminal operator to meet its goals under

1 this Section.

2 (d) The licensed establishment, licensed fraternal  
3 establishment, licensed veterans establishment, or terminal  
4 operator shall have the right to request a waiver from the  
5 requirements of this Section. The Board shall grant the waiver  
6 where the licensed establishment, licensed fraternal  
7 establishment, licensed veterans establishment, or terminal  
8 operator demonstrates that there has been made a good faith  
9 effort to comply with the goals for participation by minority  
10 owned businesses, female owned businesses, and businesses  
11 owned by persons with disabilities.

12 (e) If the Board determines that its goals and policies are  
13 not being met by any licensed establishment, licensed fraternal  
14 establishment, licensed veterans establishment, or terminal  
15 operator, then the Board may:

16 (1) adopt remedies for such violations; and

17 (2) recommend that the licensed establishment,  
18 licensed fraternal establishment, licensed veterans  
19 establishment, or terminal operator provide additional  
20 opportunities for participation by minority owned  
21 businesses, female owned businesses, and businesses owned  
22 by persons with disabilities; such recommendations may  
23 include, but shall not be limited to:

24 (A) assurances of stronger and better focused  
25 solicitation efforts to obtain more minority owned  
26 businesses, female owned businesses, and businesses

1 owned by persons with disabilities as potential  
2 sources of supply;

3 (B) division of job or project requirements, when  
4 economically feasible, into tasks or quantities to  
5 permit participation of minority owned businesses,  
6 female owned businesses, and businesses owned by  
7 persons with disabilities;

8 (C) elimination of extended experience or  
9 capitalization requirements, when programmatically  
10 feasible, to permit participation of minority owned  
11 businesses, female owned businesses, and businesses  
12 owned by persons with disabilities;

13 (D) identification of specific proposed contracts  
14 as particularly attractive or appropriate for  
15 participation by minority owned businesses, female  
16 owned businesses, and businesses owned by persons with  
17 disabilities, such identification to result from and  
18 be coupled with the efforts of items (A) through (C);  
19 and

20 (E) implementation of regulations established for  
21 the use of the sheltered market process.

22 (f) The Board shall file, no later than March 1 of each  
23 year, an annual report that shall detail the level of  
24 achievement toward the goals specified in this Section over the  
25 3 most recent fiscal years. The annual report shall include,  
26 but need not be limited to:

1           (1) a summary detailing expenditures subject to the  
2           goals, the actual goals specified, and the goals attained  
3           by each licensed establishment, licensed fraternal  
4           establishment, licensed veterans establishment, or  
5           terminal operator;

6           (2) a summary of the number of contracts awarded and  
7           the average contract amount by each licensed  
8           establishment, licensed fraternal establishment, licensed  
9           veterans establishment, or terminal operator;

10           (3) an analysis of the level of overall goal  
11           achievement concerning purchases from minority owned  
12           businesses, female owned businesses, and businesses owned  
13           by persons with disabilities;

14           (4) an analysis of the number of minority owned  
15           businesses, female owned businesses, and businesses owned  
16           by persons with disabilities that are certified under the  
17           program as well as the number of those businesses that  
18           received State procurement contracts; and

19           (5) a summary of the number of contracts awarded to  
20           businesses with annual gross sales of less than \$1,000,000;  
21           of \$1,000,000 or more, but less than \$5,000,000; of  
22           \$5,000,000 or more, but less than \$10,000,000; and of  
23           \$10,000,000 or more.

24           Section 99. Effective date. This Act takes effect upon  
25           becoming law.