



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2198

Introduced 2/26/2021, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

230 ILCS 10/7.6
230 ILCS 10/7.10 rep.
230 ILCS 10/7.11 rep.
230 ILCS 45/25-85

Amends the Illinois Gambling Act. Includes organization gaming licensees in provisions concerning business enterprise programs. Requires each owners licensee and organization gaming licensee to establish and maintain a diversity program designed to promote equal opportunity for employment that establishes hiring goals. Requires each owners licensee and organization gaming licensee to report specified employment information to the Illinois Gaming Board. Requires the Board to monitor the licensee's progress with respect to program goals. Provides that the report the Board is required to file shall be filed on July 1 (rather than March 1) of each year and shall also include a summary detailing the employment goals and the achievement of those employment goals. Repeals similar provisions requiring owners licensees, organization gaming licensees, and suppliers licensees to establish and maintain diversity programs and to report to the Board. Amends the Sports Wagering Act. Excludes supplier licensees from the requirements for supplier diversity goals. Provides that licensees under the Act not filing a report on the business enterprise program under the Illinois Gambling Act shall submit an annual report (rather than all licensees under the Act) by July 1, 2020 and every July 1 thereafter (rather than on April 15, 2020 and every April 15 thereafter).

LRB102 12616 SMS 17954 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 Gambling Act is amended by
5 changing Section 7.6 as follows:

6 (230 ILCS 10/7.6)

7 Sec. 7.6. Business enterprise and employment diversity
8 programs ~~program~~.

9 (a) For the purposes of this Section, the terms
10 "minority", "minority-owned business", "woman", "women-owned
11 business", "person with a disability", and "business owned by
12 a person with a disability" have the meanings ascribed to them
13 in the Business Enterprise for Minorities, Women, and Persons
14 with Disabilities Act.

15 (b) The Board shall, by rule, establish goals for the
16 award of contracts by each owners licensee and organization
17 gaming licensee to ensure non-discrimination in the award and
18 administration of contracts to businesses owned by minorities,
19 women, and persons with disabilities, expressed as percentages
20 of an owners licensee's or organization gaming licensee's
21 total dollar amount of contracts awarded during each calendar
22 year and to implement the provisions of subsection (c-7). Each
23 owners licensee and organization gaming licensee must make

1 every effort to meet the goals established by the Board
2 pursuant to this Section. When setting the goals for the award
3 of contracts, the Board shall not include contracts where: (1)
4 any purchasing mandates would be dependent upon the
5 availability of minority-owned businesses, women-owned
6 businesses, and businesses owned by persons with disabilities
7 ready, willing, and able with capacity to provide quality
8 goods and services to a gaming operation at reasonable prices;
9 (2) there are no or a limited number of licensed suppliers as
10 defined by this Act for the goods or services provided to the
11 licensee; (3) the licensee or its parent company owns a
12 company that provides the goods or services; or (4) the goods
13 or services are provided to the licensee by a publicly traded
14 company.

15 (c) Each owners licensee and organization gaming licensee
16 shall file with the Board an annual report of its utilization
17 of minority-owned businesses, women-owned businesses, and
18 businesses owned by persons with disabilities during the
19 preceding calendar year. The reports shall include a
20 self-evaluation of the efforts of the owners licensee and
21 organization gaming licensee to meet its goals under this
22 Section.

23 (c-5) The Board shall, by rule, establish goals for the
24 award of contracts by each owners licensee and organization
25 gaming licensee to businesses owned by veterans of service in
26 the armed forces of the United States, expressed as

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

14 Each owners licensee and organization gaming licensee
15 shall file with the Board an annual report of its utilization
16 of veteran-owned businesses during the preceding calendar
17 year. The reports shall include a self-evaluation of the
18 efforts of the owners licensee or organization gaming licensee
19 to meet its goals under this Section.

20 (c-7) Each owners licensee and organization licensee shall
21 establish and maintain a diversity program designed to promote
22 equal opportunity for employment. Each owners licensee and
23 organization gaming licensee shall report to the Board: (1)
24 the number of employees, and (2) the number of its employees
25 who have designated themselves as members of a minority group,
26 women, persons with a disability, and veterans. The Board

1 shall monitor the licensee's progress with respect to the
2 program's goals.

3 (d) The owners licensee or organization gaming licensee
4 shall have the right to request a waiver from the requirements
5 of this Section. The Board shall grant the waiver where the
6 owners licensee or organization gaming licensee demonstrates
7 that there has been made a good faith effort to comply with the
8 goals for participation by minority-owned businesses,
9 women-owned businesses, businesses owned by persons with
10 disabilities, and veteran-owned businesses.

11 (e) If the Board determines that its goals and policies
12 are not being met by any owners licensee or organization
13 gaming licensee, then the Board may:

14 (1) adopt remedies for such violations; and

15 (2) recommend that the owners licensee or organization
16 gaming licensee provide additional opportunities for
17 participation by minority-owned businesses, women-owned
18 businesses, businesses owned by persons with disabilities,
19 and veteran-owned businesses; such recommendations may
20 include, but shall not be limited to:

21 (A) assurances of stronger and better focused
22 solicitation efforts to obtain more minority-owned
23 businesses, women-owned businesses, businesses owned
24 by persons with disabilities, and veteran-owned
25 businesses as potential sources of supply;

26 (B) division of job or project requirements, when

1 economically feasible, into tasks or quantities to
2 permit participation of minority-owned businesses,
3 women-owned businesses, businesses owned by persons
4 with disabilities, and veteran-owned businesses;

5 (C) elimination of extended experience or
6 capitalization requirements, when programmatically
7 feasible, to permit participation of minority-owned
8 businesses, women-owned businesses, businesses owned
9 by persons with disabilities, and veteran-owned
10 businesses;

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

18 (E) implementation of regulations established for
19 the use of the sheltered market process.

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

25 (1) a summary detailing expenditures subject to the
26 goals, the actual goals specified, and the goals attained

1 by each owners licensee; ~~and~~

2 (2) an analysis of the level of overall goal
3 achievement concerning purchases from minority-owned
4 businesses, women-owned businesses, businesses owned by
5 persons with disabilities, and veteran-owned businesses;
6 and-

7 (3) a summary detailing the employment goals and the
8 achievement of those goals established in subsection
9 (c-7).

10 (Source: P.A. 99-78, eff. 7-20-15; 100-391, eff. 8-25-17;
11 100-1152, eff. 12-14-18.)

12 (230 ILCS 10/7.10 rep.)

13 (230 ILCS 10/7.11 rep.)

14 Section 10. The Illinois Gambling Act is amended by
15 repealing Sections 7.10 and 7.11.

16 Section 15. The Sports Wagering Act is amended by changing
17 Section 25-85 as follows:

18 (230 ILCS 45/25-85)

19 Sec. 25-85. Supplier diversity goals for sports wagering.

20 (a) As used in this Section only, "licensee" means a
21 licensee under this Act other than an occupational licensee or
22 supplier licensee.

23 (b) The public policy of this State is to collaboratively

1 work with companies that serve Illinois residents to improve
2 their supplier diversity in a non-antagonistic manner.

3 (c) The Board and the Department shall require ~~all~~
4 licensees under this Act not filing reports required by
5 Section 7.6 of the Illinois Gambling Act to submit an annual
6 report by July 1, 2020 ~~April 15, 2020~~ and every July 1 ~~April 15~~
7 thereafter, in a searchable Adobe PDF format, on all
8 procurement goals and actual spending for businesses owned by
9 women, minorities, veterans, and persons with disabilities and
10 small business enterprises in the previous calendar year.
11 These goals shall be expressed as a percentage of the total
12 work performed by the entity submitting the report, and the
13 actual spending for all businesses owned by women, minorities,
14 veterans, and persons with disabilities and small business
15 enterprises shall also be expressed as a percentage of the
16 total work performed by the entity submitting the report.

17 (d) Each licensee in its annual report shall include the
18 following information:

19 (1) an explanation of the plan for the next year to
20 increase participation;

21 (2) an explanation of the plan to increase the goals;

22 (3) the areas of procurement each licensee shall be
23 actively seeking more participation in the next year;

24 (4) an outline of the plan to alert and encourage
25 potential vendors in that area to seek business from the
26 licensee;

1 (5) an explanation of the challenges faced in finding
2 quality vendors and offer any suggestions for what the
3 Board could do to be helpful to identify those vendors;

4 (6) a list of the certifications the licensee
5 recognizes;

6 (7) the point of contact for any potential vendor who
7 wishes to do business with the licensee and explain the
8 process for a vendor to enroll with the licensee as a
9 businesses owned by women, minorities, veterans, or
10 persons with disabilities; and

11 (8) any particular success stories to encourage other
12 licensee to emulate best practices.

13 (e) Each annual report shall include as much
14 State-specific data as possible. If the submitting entity does
15 not submit State-specific data, then the licensee shall
16 include any national data it does have and explain why it could
17 not submit State-specific data and how it intends to do so in
18 future reports, if possible.

19 (f) Each annual report shall include the rules,
20 regulations, and definitions used for the procurement goals in
21 the licensee's annual report.

22 (g) The Board, Department, and all licensees shall hold an
23 annual workshop and job fair open to the public in 2020 and
24 every year thereafter on the state of supplier diversity to
25 collaboratively seek solutions to structural impediments to
26 achieving stated goals, including testimony from each licensee

1 as well as subject matter experts and advocates. The Board and
2 Department shall publish a database on their websites of the
3 point of contact for licensees they regulate under this Act
4 for supplier diversity, along with a list of certifications
5 each licensee recognizes from the information submitted in
6 each annual report. The Board and Department shall publish
7 each annual report on their websites and shall maintain each
8 annual report for at least 5 years.

9 (Source: P.A. 101-31, eff. 6-28-19.)