



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4466

Introduced 1/30/2012, by Rep. William Davis

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.

LRB097 16029 AMC 61181 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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) Each organization licensee, inter-track wagering
15 licensee, inter-track wagering location licensee, or advance
16 deposit wagering licensee shall establish as a goal the award
17 of not less than 20% of the total dollar amount of the
18 licensee's contracts to minority owned businesses, female
19 owned businesses, and businesses owned by persons with
20 disabilities; provided, however, that of the total amount of
21 all of the licensee's contracts awarded to businesses owned by
22 minorities, females, and persons with disabilities pursuant to
23 this Section, contracts representing at least 11% shall be

1 awarded to businesses owned by minorities, contracts
2 representing at least 7% shall be awarded to female owned
3 businesses, and contracts representing at least 2% shall be
4 awarded to businesses owned by persons with disabilities. The
5 percentages expressed in this subsection (b) relate to the
6 total dollar amount of contracts entered into by a licensee
7 during each calendar year.

8 (c) Each organization licensee, inter-track wagering
9 licensee, inter-track wagering location licensee, or advance
10 deposit wagering licensee shall file with the Board an annual
11 compliance plan, which shall outline the goals of the licensee
12 for contracting with minority owned businesses, female owned
13 businesses, and businesses owned by persons with disabilities
14 for the calendar year, the manner in which the agency intends
15 to reach these goals, and a timetable for reaching these goals.
16 The Board shall review and approve or reject the plan based on
17 the plan's compliance with this Section or any rules adopted
18 pursuant to this Section. The compliance plan must also include
19 without limitation (1) a policy statement, signed by the
20 licensee, expressing a commitment to encourage the use of
21 minority owned businesses, female owned businesses, and
22 businesses owned by persons with disabilities, (2) procedures
23 to distribute to potential contractors and vendors the list of
24 all businesses legitimately classified as minority owned
25 businesses, female owned businesses, and businesses owned by
26 persons with disabilities, (3) procedures to set separate

1 contract goals on specific prime contracts and purchase orders
2 with subcontracting possibilities based upon the type of work
3 or services and subcontractor availability, (4) procedures to
4 ensure that contractors and vendors make good faith efforts to
5 meet contract goals, (5) procedures for contract goal
6 exemption, modification, and waiver, and (6) the delineation of
7 separate contract goals for minority owned businesses, female
8 owned businesses, and businesses owned by persons with
9 disabilities.

10 (d) Each organization licensee, inter-track wagering
11 licensee, inter-track wagering location licensee, or advance
12 deposit wagering licensee shall file with the Board an annual
13 report of its utilization of minority owned businesses, female
14 owned businesses, and businesses owned by persons with
15 disabilities during the preceding calendar year. The reports
16 shall include a self-evaluation of the efforts of the
17 organization licensee, inter-track wagering licensee,
18 inter-track wagering location licensee, or advance deposit
19 wagering licensee to meet its goals under this Section.

20 (e) If the Board determines that its goals and policies are
21 not being met by any organization licensee, inter-track
22 wagering licensee, inter-track wagering location licensee, or
23 advance deposit wagering licensee, then the Board may:

24 (1) recommend to the appropriate organization
25 licensee, inter-track wagering licensee, inter-track
26 wagering location licensee, or advance deposit wagering

1 licensee that legal or administrative remedies be
2 initiated for violations of contract provisions or rules
3 issued under this Section or by a contracting organization
4 licensee, inter-track wagering licensee, inter-track
5 wagering location licensee, or advance deposit wagering
6 licensee. Organization licensees, inter-track wagering
7 licensees, inter-track wagering location licensees, or
8 advance deposit wagering licensees shall be authorized to
9 adopt remedies for such violations, which may include (A)
10 termination of the contract involved, (B) prohibition of
11 participation of the respondents in contracts with the
12 licensee for a period not to exceed one year, (C)
13 imposition of a penalty not to exceed any profit acquired
14 as a result of violation, or (D) any combination of items
15 (A) through (C); and

16 (2) if the Board concludes that a compliance plan
17 submitted under this Section is unlikely to produce the
18 participation goals for minority owned businesses, female
19 owned businesses, and businesses owned by persons with
20 disabilities within the then current calendar year,
21 recommend that the organization licensee, inter-track
22 wagering licensee, inter-track wagering location licensee,
23 or advance deposit wagering licensee revise its plan to
24 provide additional opportunities for participation by
25 minority owned businesses, female owned businesses, and
26 businesses owned by persons with disabilities; such

1 recommended revisions may include, but shall not be limited
2 to:

3 (A) assurances of stronger and better focused
4 solicitation efforts to obtain more minority owned
5 businesses, female owned businesses, and businesses
6 owned by persons with disabilities as potential
7 sources of supply;

8 (B) division of job or project requirements, when
9 economically feasible, into tasks or quantities to
10 permit participation of minority owned businesses,
11 female owned businesses, and businesses owned by
12 persons with disabilities;

13 (C) elimination of extended experience or
14 capitalization requirements, when programmatically
15 feasible, to permit participation of minority owned
16 businesses, female owned businesses, and businesses
17 owned by persons with disabilities;

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

25 (E) implementation of regulations established for
26 the use of the sheltered market process.

1 (f) The Board shall file, no later than March 1 of each
2 year, an annual report that shall detail the level of
3 achievement toward the goals specified in this Section over the
4 3 most recent fiscal years. The annual report shall include,
5 but need not be limited to:

6 (1) a summary detailing expenditures subject to the
7 goals, the actual goals specified, and the goals attained
8 by each organization licensee, inter-track wagering
9 licensee, inter-track wagering location licensee, or
10 advance deposit wagering licensee;

11 (2) a summary of the number of contracts awarded and
12 the average contract amount by each organization licensee,
13 inter-track wagering licensee, inter-track wagering
14 location licensee, or advance deposit wagering licensee;

15 (3) an analysis of the level of overall goal
16 achievement concerning purchases from minority owned
17 businesses, female owned businesses, and businesses owned
18 by persons with disabilities;

19 (4) an analysis of the number of minority owned
20 businesses, female owned businesses, and businesses owned
21 by persons with disabilities that are certified under the
22 program as well as the number of those businesses that
23 received State procurement contracts; and

24 (5) a summary of the number of contracts awarded to
25 businesses with annual gross sales of less than \$1,000,000;
26 of \$1,000,000 or more, but less than \$5,000,000; of

1 \$5,000,000 or more, but less than \$10,000,000; and of
2 \$10,000,000 or more.

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

5 (230 ILCS 10/7.6 new)

6 Sec. 7.6. Business enterprise program.

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

13 (b) Each owners licensee shall establish as a goal the
14 award of not less than 20% of the total dollar amount of the
15 owners licensee's contracts to minority owned businesses,
16 female owned businesses, and businesses owned by persons with
17 disabilities; provided, however, that of the total amount of
18 all of the owners licensee's contracts awarded to businesses
19 owned by minorities, females, and persons with disabilities
20 pursuant to this Section, contracts representing at least 11%
21 shall be awarded to businesses owned by minorities, contracts
22 representing at least 7% shall be awarded to female owned
23 businesses, and contracts representing at least 2% shall be
24 awarded to businesses owned by persons with disabilities. The

1 percentages expressed in this subsection (b) relate to the
2 total dollar amount of contracts entered into by an owners
3 licensee during each calendar year.

4 (c) Each owners licensee shall file with the Board an
5 annual compliance plan, which shall outline the goals of the
6 owners licensee for contracting with minority owned
7 businesses, female owned businesses, and businesses owned by
8 persons with disabilities for the calendar year, the manner in
9 which the agency intends to reach these goals, and a timetable
10 for reaching these goals. The Board shall review and approve or
11 reject the plan based on the plan's compliance with this
12 Section or any rules adopted pursuant to this Section. The
13 compliance plan must also include without limitation (1) a
14 policy statement, signed by the owners licensee, expressing a
15 commitment to encourage the use of minority owned businesses,
16 female owned businesses, and businesses owned by persons with
17 disabilities, (2) procedures to distribute to potential
18 contractors and vendors the list of all businesses legitimately
19 classified as minority owned businesses, female owned
20 businesses, and businesses owned by persons with disabilities,
21 (3) procedures to set separate contract goals on specific prime
22 contracts and purchase orders with subcontracting
23 possibilities based upon the type of work or services and
24 subcontractor availability, (4) procedures to ensure that
25 contractors and vendors make good faith efforts to meet
26 contract goals, (5) procedures for contract goal exemption,

1 modification, and waiver, and (6) the delineation of separate
2 contract goals for minority owned businesses, female owned
3 businesses, and businesses owned by persons with disabilities.

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

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

12 (1) recommend to the appropriate owners licensee that
13 legal or administrative remedies be initiated for
14 violations of contract provisions or rules issued under
15 this Section or by a contracting owners licensee. Owners
16 licensees shall be authorized to adopt remedies for such
17 violations, which may include (A) termination of the
18 contract involved, (B) prohibition of participation of the
19 respondents in contracts with the owners licensee for a
20 period not to exceed one year, (C) imposition of a penalty
21 not to exceed any profit acquired as a result of violation,
22 or (D) any combination of items (A) through (C); and

23 (2) if the Board concludes that a compliance plan
24 submitted under this Section is unlikely to produce the
25 participation goals for minority owned businesses, female
26 owned businesses, and businesses owned by persons with

1 disabilities within the then current calendar year,
2 recommend that the owners licensee revise its plan to
3 provide additional opportunities for participation by
4 minority owned businesses, female owned businesses, and
5 businesses owned by persons with disabilities; such
6 recommended revisions may include, but shall not be limited
7 to:

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

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

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

23 (D) identification of specific proposed contracts
24 as particularly attractive or appropriate for
25 participation by minority owned businesses, female
26 owned businesses, and businesses owned by persons with

1 disabilities, such identification to result from and
2 be coupled with the efforts of items (A) through (C);
3 and

4 (E) implementation of regulations established for
5 the use of the sheltered market process.

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

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

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

16 (3) an analysis of the level of overall goal
17 achievement concerning purchases from minority owned
18 businesses, female owned businesses, and businesses owned
19 by persons with disabilities;

20 (4) an analysis of the number of minority owned
21 businesses, female owned businesses, and businesses owned
22 by persons with disabilities that are certified under the
23 program as well as the number of those businesses that
24 received State procurement contracts; and

25 (5) a summary of the number of contracts awarded to
26 businesses with annual gross sales of less than \$1,000,000;

1 of \$1,000,000 or more, but less than \$5,000,000; of
2 \$5,000,000 or more, but less than \$10,000,000; and of
3 \$10,000,000 or more.

4 Section 15. The Video Gaming Act is amended by adding
5 Section 28 as follows:

6 (230 ILCS 40/28 new)

7 Sec. 28. 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) Each licensed establishment, licensed truck stop
15 establishment, licensed fraternal establishment, licensed
16 veterans establishment, or terminal operator shall establish
17 as a goal the award of not less than 20% of the total dollar
18 amount of the licensee's contracts to minority owned
19 businesses, female owned businesses, and businesses owned by
20 persons with disabilities; provided, however, that of the total
21 amount of all of the licensee's contracts awarded to businesses
22 owned by minorities, females, and persons with disabilities
23 pursuant to this Section, contracts representing at least 11%
24 shall be awarded to businesses owned by minorities, contracts

1 representing at least 7% shall be awarded to female owned
2 businesses, and contracts representing at least 2% shall be
3 awarded to businesses owned by persons with disabilities. The
4 percentages expressed in this subsection (b) relate to the
5 total dollar amount of contracts entered into by a licensed
6 establishment, licensed truck stop establishment, licensed
7 fraternal establishment, licensed veterans establishment, or
8 terminal operator during each calendar year.

9 (c) Each licensed establishment, licensed truck stop
10 establishment, licensed fraternal establishment, licensed
11 veterans establishment, or terminal operator shall file with
12 the Board an annual compliance plan, which shall outline the
13 goals of the licensee for contracting with minority owned
14 businesses, female owned businesses, and businesses owned by
15 persons with disabilities for the calendar year, the manner in
16 which the agency intends to reach these goals, and a timetable
17 for reaching these goals. The Board shall review and approve or
18 reject the plan based on the plan's compliance with this
19 Section or any rules adopted pursuant to this Section. The
20 compliance plan must also include without limitation (1) a
21 policy statement, signed by the licensed establishment,
22 licensed truck stop establishment, licensed fraternal
23 establishment, licensed veterans establishment, or terminal
24 operator, expressing a commitment to encourage the use of
25 minority owned businesses, female owned businesses, and
26 businesses owned by persons with disabilities, (2) procedures

1 to distribute to potential contractors and vendors the list of
2 all businesses legitimately classified as minority owned
3 businesses, female owned businesses, and businesses owned by
4 persons with disabilities, (3) procedures to set separate
5 contract goals on specific prime contracts and purchase orders
6 with subcontracting possibilities based upon the type of work
7 or services and subcontractor availability, (4) procedures to
8 ensure that contractors and vendors make good faith efforts to
9 meet contract goals, (5) procedures for contract goal
10 exemption, modification, and waiver, and (6) the delineation of
11 separate contract goals for minority owned businesses, female
12 owned businesses, and businesses owned by persons with
13 disabilities.

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

25 (e) If the Board determines that its goals and policies are
26 not being met by any licensed establishment, licensed truck

1 stop establishment, licensed fraternal establishment, licensed
2 veterans establishment, or terminal operator, then the Board
3 may:

4 (1) recommend to the appropriate licensed
5 establishment, licensed truck stop establishment, licensed
6 fraternal establishment, licensed veterans establishment,
7 or terminal operator that legal or administrative remedies
8 be initiated for violations of contract provisions or rules
9 issued under this Section or by a contracting licensed
10 establishment, licensed truck stop establishment, licensed
11 fraternal establishment, licensed veterans establishment,
12 or terminal operator. Licensed establishments, licensed
13 truck stop establishments, licensed fraternal
14 establishments, licensed veterans establishments, or
15 terminal operators shall be authorized to adopt remedies
16 for such violations, which may include (A) termination of
17 the contract involved, (B) prohibition of participation of
18 the respondents in contracts with the licensed
19 establishment, licensed truck stop establishment, licensed
20 fraternal establishment, licensed veterans establishment,
21 or terminal operator for a period not to exceed one year,
22 (C) imposition of a penalty not to exceed any profit
23 acquired as a result of violation, or (D) any combination
24 of items (A) through (C); and

25 (2) if the Board concludes that a compliance plan
26 submitted under this Section is unlikely to produce the

1 participation goals for minority owned businesses, female
2 owned businesses, and businesses owned by persons with
3 disabilities within the then current calendar year,
4 recommend that the licensed establishment, licensed truck
5 stop establishment, licensed fraternal establishment,
6 licensed veterans establishment, or terminal operator
7 revise its plan to provide additional opportunities for
8 participation by minority owned businesses, female owned
9 businesses, and businesses owned by persons with
10 disabilities; such recommended revisions may include, but
11 shall not be limited to:

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

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

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

1 (D) identification of specific proposed contracts
2 as particularly attractive or appropriate for
3 participation by minority owned businesses, female
4 owned businesses, and businesses owned by persons with
5 disabilities, such identification to result from and
6 be coupled with the efforts of items (A) through (C);
7 and

8 (E) implementation of regulations established for
9 the use of the sheltered market process.

10 (f) The Board shall file, no later than March 1 of each
11 year, an annual report that shall detail the level of
12 achievement toward the goals specified in this Section over the
13 3 most recent fiscal years. The annual report shall include,
14 but need not be limited to:

15 (1) a summary detailing expenditures subject to the
16 goals, the actual goals specified, and the goals attained
17 by each licensed establishment, licensed truck stop
18 establishment, licensed fraternal establishment, licensed
19 veterans establishment, or terminal operator;

20 (2) a summary of the number of contracts awarded and
21 the average contract amount by each licensed
22 establishment, licensed truck stop establishment, licensed
23 fraternal establishment, licensed veterans establishment,
24 or terminal operator;

25 (3) an analysis of the level of overall goal
26 achievement concerning purchases from minority owned

1 businesses, female owned businesses, and businesses owned
2 by persons with disabilities;

3 (4) an analysis of the number of minority owned
4 businesses, female owned businesses, and businesses owned
5 by persons with disabilities that are certified under the
6 program as well as the number of those businesses that
7 received State procurement contracts; and

8 (5) a summary of the number of contracts awarded to
9 businesses with annual gross sales of less than \$1,000,000;
10 of \$1,000,000 or more, but less than \$5,000,000; of
11 \$5,000,000 or more, but less than \$10,000,000; and of
12 \$10,000,000 or more.

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