

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 or inter-track
16 wagering licensee to businesses owned by minorities, females,
17 and persons with disabilities, expressed as percentages of an
18 organization licensee's or inter-track wagering licensee's
19 total dollar amount of contracts awarded during each calendar
20 year. Each organization licensee or inter-track wagering
21 licensee must make every effort to meet the goals established
22 by the Board pursuant to this Section. When setting the goals
23 for the award of contracts, the Board shall not include

1 contracts where: (1) licensees are purchasing goods or services
2 from vendors or suppliers or in markets where there are no or a
3 limited number of minority owned businesses, women owned
4 businesses, or businesses owned by persons with disabilities
5 that would be sufficient to satisfy the goal; (2) there are no
6 or a limited number of suppliers licensed by the Board; (3) the
7 licensee or its parent company owns a company that provides the
8 goods or services; or (4) the goods or services are provided to
9 the licensee by a publicly traded company.

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

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

26 (e) If the Board determines that its goals and policies are

1 not being met by any organization licensee or inter-track
2 wagering licensee, then the Board may:

3 (1) adopt remedies for such violations; and

4 (2) recommend that the organization licensee or
5 inter-track wagering licensee provide additional
6 opportunities for participation by minority owned
7 businesses, female owned businesses, and businesses owned
8 by persons with disabilities; such recommendations may
9 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 or inter-track wagering
16 licensee;

17 (2) a summary of the number of contracts awarded and
18 the average contract amount by each organization licensee
19 or inter-track wagering licensee;

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

24 (4) an analysis of the number of minority owned
25 businesses, female owned businesses, and businesses owned
26 by persons with disabilities that are certified under the

1 program as well as the number of those businesses that
2 received State procurement contracts; and

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

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

10 (230 ILCS 10/7.6 new)

11 Sec. 7.6. Business enterprise program.

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

18 (b) The Board shall, by rule, establish goals for the award
19 of contracts by each owners licensee to businesses owned by
20 minorities, females, and persons with disabilities, expressed
21 as percentages of an owners licensee's total dollar amount of
22 contracts awarded during each calendar year. Each owners
23 licensee must make every effort to meet the goals established
24 by the Board pursuant to this Section. When setting the goals

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

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

19 (d) The owners licensee shall have the right to request a
20 waiver from the requirements of this Section. The Board shall
21 grant the waiver where the owners licensee demonstrates that
22 there has been made a good faith effort to comply with the
23 goals for participation by minority owned businesses, female
24 owned businesses, and businesses owned by persons with
25 disabilities.

26 (e) If the Board determines that its goals and policies are

1 not being met by any owners licensee, then the Board may:

2 (1) adopt remedies for such violations; and

3 (2) recommend that the owners licensee provide
4 additional opportunities for participation by minority
5 owned businesses, female owned businesses, and businesses
6 owned by persons with disabilities; such recommendations
7 may include, but shall not be limited 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; and

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.