



Sen. Dale Fowler

Filed: 4/16/2021

10200SB1360sam001

LRB102 11132 SMS 25362 a

1 AMENDMENT TO SENATE BILL 1360

2 AMENDMENT NO. _____. Amend Senate Bill 1360 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Gambling Act is amended by
5 changing Sections 6 and 7 as follows:

6 (230 ILCS 10/6) (from Ch. 120, par. 2406)

7 Sec. 6. Application for owners license.

8 (a) A qualified person may apply to the Board for an owners
9 license to conduct a gambling operation as provided in this
10 Act. The application shall be made on forms provided by the
11 Board and shall contain such information as the Board
12 prescribes, including but not limited to the identity of the
13 riverboat on which such gambling operation is to be conducted,
14 if applicable, and the exact location where such riverboat or
15 casino will be located, a certification that the riverboat
16 will be registered under this Act at all times during which

1 gambling operations are conducted on board, detailed
2 information regarding the ownership and management of the
3 applicant, and detailed personal information regarding the
4 applicant. Any application for an owners license to be
5 re-issued on or after June 1, 2003 shall also include the
6 applicant's license bid in a form prescribed by the Board.
7 Information provided on the application shall be used as a
8 basis for a thorough background investigation which the Board
9 shall conduct with respect to each applicant. An incomplete
10 application shall be cause for denial of a license by the
11 Board.

12 (a-5) In addition to any other information required under
13 this Section, each application for an owners license must
14 include the following information:

15 (1) The history and success of the applicant and each
16 person and entity disclosed under subsection (c) of this
17 Section in developing tourism facilities ancillary to
18 gaming, if applicable.

19 (2) The likelihood that granting a license to the
20 applicant will lead to the creation of quality, living
21 wage jobs and permanent, full-time jobs for residents of
22 the State and residents of the unit of local government
23 that is designated as the home dock of the proposed
24 facility where gambling is to be conducted by the
25 applicant.

26 (3) The projected number of jobs that would be created

1 if the license is granted and the projected number of new
2 employees at the proposed facility where gambling is to be
3 conducted by the applicant.

4 (4) The record, if any, of the applicant and its
5 developer in meeting commitments to local agencies,
6 community-based organizations, and employees at other
7 locations where the applicant or its developer has
8 performed similar functions as they would perform if the
9 applicant were granted a license.

10 (5) Identification of adverse effects that might be
11 caused by the proposed facility where gambling is to be
12 conducted by the applicant, including the costs of meeting
13 increased demand for public health care, child care,
14 public transportation, affordable housing, and social
15 services, and a plan to mitigate those adverse effects.

16 (6) The record, if any, of the applicant and its
17 developer regarding compliance with:

18 (A) federal, state, and local discrimination, wage
19 and hour, disability, and occupational and
20 environmental health and safety laws; and

21 (B) state and local labor relations and employment
22 laws.

23 (7) The applicant's record, if any, in dealing with
24 its employees and their representatives at other
25 locations.

26 (8) A plan concerning the utilization of

1 minority-owned and women-owned businesses and concerning
2 the hiring of minorities and women.

3 (9) Evidence the applicant used its best efforts to
4 reach a goal of 25% ownership representation by minority
5 persons and 5% ownership representation by women.

6 (10) Evidence the applicant has entered into a
7 construction project labor agreement that includes
8 provisions establishing wages, benefits, and other
9 compensation for employees performing work under the
10 project labor agreement at that location and a commitment
11 to pay a prevailing wage for employees who are engaged in
12 construction. The project labor agreements must conform to
13 the requirements contained in Sections 20 and 25 of the
14 Project Labor Agreements Act. For any pending application
15 before the Board on the effective date of this amendatory
16 Act of the 102nd General Assembly, the applicant shall
17 submit evidence complying with this paragraph within 30
18 days after the effective date of this amendatory Act of
19 the 102nd General Assembly. The Board shall not award any
20 pending applications until the applicant has submitted
21 this information.

22 (b) Applicants shall submit with their application all
23 documents, resolutions, and letters of support from the
24 governing body that represents the municipality or county
25 wherein the licensee will be located.

26 (c) Each applicant shall disclose the identity of every

1 person or entity having a greater than 1% direct or indirect
2 pecuniary interest in the gambling operation with respect to
3 which the license is sought. If the disclosed entity is a
4 trust, the application shall disclose the names and addresses
5 of all beneficiaries; if a corporation, the names and
6 addresses of all stockholders and directors; if a partnership,
7 the names and addresses of all partners, both general and
8 limited.

9 (d) An application shall be filed and considered in
10 accordance with the rules of the Board. Each application shall
11 be accompanied by a nonrefundable application fee of \$250,000.
12 In addition, a nonrefundable fee of \$50,000 shall be paid at
13 the time of filing to defray the costs associated with the
14 background investigation conducted by the Board. If the costs
15 of the investigation exceed \$50,000, the applicant shall pay
16 the additional amount to the Board within 7 days after
17 requested by the Board. If the costs of the investigation are
18 less than \$50,000, the applicant shall receive a refund of the
19 remaining amount. All information, records, interviews,
20 reports, statements, memoranda or other data supplied to or
21 used by the Board in the course of its review or investigation
22 of an application for a license or a renewal under this Act
23 shall be privileged, strictly confidential and shall be used
24 only for the purpose of evaluating an applicant for a license
25 or a renewal. Such information, records, interviews, reports,
26 statements, memoranda or other data shall not be admissible as

1 evidence, nor discoverable in any action of any kind in any
2 court or before any tribunal, board, agency or person, except
3 for any action deemed necessary by the Board. The application
4 fee shall be deposited into the State Gaming Fund.

5 (e) The Board shall charge each applicant a fee set by the
6 Department of State Police to defray the costs associated with
7 the search and classification of fingerprints obtained by the
8 Board with respect to the applicant's application. These fees
9 shall be paid into the State Police Services Fund. In order to
10 expedite the application process, the Board may establish
11 rules allowing applicants to acquire criminal background
12 checks and financial integrity reviews as part of the initial
13 application process from a list of vendors approved by the
14 Board.

15 (f) The licensed owner shall be the person primarily
16 responsible for the boat or casino itself. Only one gambling
17 operation may be authorized by the Board on any riverboat or in
18 any casino. The applicant must identify the riverboat or
19 premises it intends to use and certify that the riverboat or
20 premises: (1) has the authorized capacity required in this
21 Act; (2) is accessible to persons with disabilities; and (3)
22 is fully registered and licensed in accordance with any
23 applicable laws.

24 (g) A person who knowingly makes a false statement on an
25 application is guilty of a Class A misdemeanor.

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

1 (230 ILCS 10/7) (from Ch. 120, par. 2407)

2 Sec. 7. Owners licenses.

3 (a) The Board shall issue owners licenses to persons or
4 entities that apply for such licenses upon payment to the
5 Board of the non-refundable license fee as provided in
6 subsection (e) or (e-5) and upon a determination by the Board
7 that the applicant is eligible for an owners license pursuant
8 to this Act and the rules of the Board. From December 15, 2008
9 (the effective date of Public Act 95-1008) ~~this amendatory Act~~
10 ~~of the 95th General Assembly~~ until (i) 3 years after December
11 15, 2008 (the effective date of Public Act 95-1008) ~~this~~
12 ~~amendatory Act of the 95th General Assembly~~, (ii) the date any
13 organization licensee begins to operate a slot machine or
14 video game of chance under the Illinois Horse Racing Act of
15 1975 or this Act, (iii) the date that payments begin under
16 subsection (c-5) of Section 13 of this Act, (iv) the wagering
17 tax imposed under Section 13 of this Act is increased by law to
18 reflect a tax rate that is at least as stringent or more
19 stringent than the tax rate contained in subsection (a-3) of
20 Section 13, or (v) when an owners licensee holding a license
21 issued pursuant to Section 7.1 of this Act begins conducting
22 gaming, whichever occurs first, as a condition of licensure
23 and as an alternative source of payment for those funds
24 payable under subsection (c-5) of Section 13 of this Act, any
25 owners licensee that holds or receives its owners license on

1 or after May 26, 2006 (the effective date of Public Act 94-804)
2 ~~this amendatory Act of the 94th General Assembly~~, other than
3 an owners licensee operating a riverboat with adjusted gross
4 receipts in calendar year 2004 of less than \$200,000,000, must
5 pay into the Horse Racing Equity Trust Fund, in addition to any
6 other payments required under this Act, an amount equal to 3%
7 of the adjusted gross receipts received by the owners
8 licensee. The payments required under this Section shall be
9 made by the owners licensee to the State Treasurer no later
10 than 3:00 o'clock p.m. of the day after the day when the
11 adjusted gross receipts were received by the owners licensee.
12 A person or entity is ineligible to receive an owners license
13 if:

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

17 (2) the person has been convicted of any violation of
18 Article 28 of the Criminal Code of 1961 or the Criminal
19 Code of 2012, or substantially similar laws of any other
20 jurisdiction;

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

23 (4) the person is a member of the Board;

24 (5) a person defined in (1), (2), (3), or (4) is an
25 officer, director, or managerial employee of the entity;

26 (6) the entity employs a person defined in (1), (2),

1 (3), or (4) who participates in the management or
2 operation of gambling operations authorized under this
3 Act;

4 (7) (blank); or

5 (8) a license of the person or entity issued under
6 this Act, or a license to own or operate gambling
7 facilities in any other jurisdiction, has been revoked.

8 The Board is expressly prohibited from making changes to
9 the requirement that licensees make payment into the Horse
10 Racing Equity Trust Fund without the express authority of the
11 Illinois General Assembly and making any other rule to
12 implement or interpret Public Act 95-1008 ~~this amendatory Act~~
13 ~~of the 95th General Assembly~~. For the purposes of this
14 paragraph, "rules" is given the meaning given to that term in
15 Section 1-70 of the Illinois Administrative Procedure Act.

16 (b) In determining whether to grant an owners license to
17 an applicant, the Board shall consider:

18 (1) the character, reputation, experience, and
19 financial integrity of the applicants and of any other or
20 separate person that either:

21 (A) controls, directly or indirectly, such
22 applicant; 7 or

23 (B) is controlled, directly or indirectly, by such
24 applicant or by a person which controls, directly or
25 indirectly, such applicant;

26 (2) the facilities or proposed facilities for the

1 conduct of gambling;

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

4 (4) the extent to which the ownership of the applicant
5 reflects the diversity of the State by including minority
6 persons, women, and persons with a disability and the good
7 faith affirmative action plan of each applicant to
8 recruit, train and upgrade minority persons, women, and
9 persons with a disability in all employment
10 classifications; the Board shall further consider granting
11 an owners license and giving preference to an applicant
12 under this Section to applicants in which minority persons
13 and women hold ownership interest of at least 16% and 4%,
14 respectively;

15 (4.5) the extent to which the ownership of the
16 applicant includes veterans of service in the armed forces
17 of the United States, and the good faith affirmative
18 action plan of each applicant to recruit, train, and
19 upgrade veterans of service in the armed forces of the
20 United States in all employment classifications;

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

23 (6) whether the applicant has adequate capitalization
24 to provide and maintain, for the duration of a license, a
25 riverboat or casino;

26 (7) the extent to which the applicant exceeds or meets

1 other standards for the issuance of an owners license
2 which the Board may adopt by rule;

3 (8) the amount of the applicant's license bid;

4 (9) the extent to which the applicant or the proposed
5 host municipality plans to enter into revenue sharing
6 agreements with communities other than the host
7 municipality; ~~and~~

8 (10) the extent to which the ownership of an applicant
9 includes the most qualified number of minority persons,
10 women, and persons with a disability;~~;~~

11 (11) whether the applicant has entered into a
12 construction project labor agreement that includes
13 provisions establishing wages, benefits, and other
14 compensation for employees performing work under the
15 project labor agreement at that location; the project
16 labor agreements must conform to the requirements
17 contained in Sections 20 and 25 of the Project Labor
18 Agreements Act; and

19 (12) whether the applicant pays a prevailing wage for
20 employees who are engaged in construction.

21 (c) Each owners license shall specify the place where the
22 casino shall operate or the riverboat shall operate and dock.

23 (d) Each applicant shall submit with his or her
24 application, on forms provided by the Board, 2 sets of his or
25 her fingerprints.

26 (e) In addition to any licenses authorized under

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

1 licenses to become effective not earlier than March 1, 1992.
2 In determining the water upon which riverboats will operate,
3 the Board shall consider the economic benefit which riverboat
4 gambling confers on the State, and shall seek to assure that
5 all regions of the State share in the economic benefits of
6 riverboat gambling.

7 In granting all licenses, the Board may give favorable
8 consideration to economically depressed areas of the State, to
9 applicants presenting plans which provide for significant
10 economic development over a large geographic area, and to
11 applicants who currently operate non-gambling riverboats in
12 Illinois. The Board shall review all applications for owners
13 licenses, and shall inform each applicant of the Board's
14 decision. The Board may grant an owners license to an
15 applicant that has not submitted the highest license bid, but
16 if it does not select the highest bidder, the Board shall issue
17 a written decision explaining why another applicant was
18 selected and identifying the factors set forth in this Section
19 that favored the winning bidder. The fee for issuance or
20 renewal of a license pursuant to this subsection (e) shall be
21 \$250,000.

22 (e-5) In addition to licenses authorized under subsection
23 (e) of this Section:

24 (1) the Board may issue one owners license authorizing
25 the conduct of casino gambling in the City of Chicago;

26 (2) the Board may issue one owners license authorizing

1 the conduct of riverboat gambling in the City of Danville;

2 (3) the Board may issue one owners license authorizing
3 the conduct of riverboat gambling in the City of Waukegan;

4 (4) the Board may issue one owners license authorizing
5 the conduct of riverboat gambling in the City of Rockford;

6 (5) the Board may issue one owners license authorizing
7 the conduct of riverboat gambling in a municipality that
8 is wholly or partially located in one of the following
9 townships of Cook County: Bloom, Bremen, Calumet, Rich,
10 Thornton, or Worth Township; and

11 (6) the Board may issue one owners license authorizing
12 the conduct of riverboat gambling in the unincorporated
13 area of Williamson County adjacent to the Big Muddy River.

14 Except for the license authorized under paragraph (1),
15 each application for a license pursuant to this subsection
16 (e-5) shall be submitted to the Board no later than 120 days
17 after June 28, 2019 (the effective date of Public Act 101-31).
18 All applications for a license under this subsection (e-5)
19 shall include the nonrefundable application fee and the
20 nonrefundable background investigation fee as provided in
21 subsection (d) of Section 6 of this Act. In the event that an
22 applicant submits an application for a license pursuant to
23 this subsection (e-5) prior to June 28, 2019 (the effective
24 date of Public Act 101-31), such applicant shall submit the
25 nonrefundable application fee and background investigation fee
26 as provided in subsection (d) of Section 6 of this Act no later

1 than 6 months after June 28, 2019 (the effective date of Public
2 Act 101-31).

3 The Board shall consider issuing a license pursuant to
4 paragraphs (1) through (6) of this subsection only after the
5 corporate authority of the municipality or the county board of
6 the county in which the riverboat or casino shall be located
7 has certified to the Board the following:

8 (i) that the applicant has negotiated with the
9 corporate authority or county board in good faith;

10 (ii) that the applicant and the corporate authority or
11 county board have mutually agreed on the permanent
12 location of the riverboat or casino;

13 (iii) that the applicant and the corporate authority
14 or county board have mutually agreed on the temporary
15 location of the riverboat or casino;

16 (iv) that the applicant and the corporate authority or
17 the county board have mutually agreed on the percentage of
18 revenues that will be shared with the municipality or
19 county, if any;

20 (v) that the applicant and the corporate authority or
21 county board have mutually agreed on any zoning,
22 licensing, public health, or other issues that are within
23 the jurisdiction of the municipality or county;

24 (vi) that the corporate authority or county board has
25 passed a resolution or ordinance in support of the
26 riverboat or casino in the municipality or county;

1 (vii) the applicant for a license under paragraph (1)
2 has made a public presentation concerning its casino
3 proposal; and

4 (viii) the applicant for a license under paragraph (1)
5 has prepared a summary of its casino proposal and such
6 summary has been posted on a public website of the
7 municipality or the county.

8 At least 7 days before the corporate authority of a
9 municipality or county board of the county submits a
10 certification to the Board concerning items (i) through (viii)
11 of this subsection, it shall hold a public hearing to discuss
12 items (i) through (viii), as well as any other details
13 concerning the proposed riverboat or casino in the
14 municipality or county. The corporate authority or county
15 board must subsequently memorialize the details concerning the
16 proposed riverboat or casino in a resolution that must be
17 adopted by a majority of the corporate authority or county
18 board before any certification is sent to the Board. The Board
19 shall not alter, amend, change, or otherwise interfere with
20 any agreement between the applicant and the corporate
21 authority of the municipality or county board of the county
22 regarding the location of any temporary or permanent facility.

23 In addition, within 10 days after June 28, 2019 (the
24 effective date of Public Act 101-31), the Board, with consent
25 and at the expense of the City of Chicago, shall select and
26 retain the services of a nationally recognized casino gaming

1 feasibility consultant. Within 45 days after June 28, 2019
2 (the effective date of Public Act 101-31), the consultant
3 shall prepare and deliver to the Board a study concerning the
4 feasibility of, and the ability to finance, a casino in the
5 City of Chicago. The feasibility study shall be delivered to
6 the Mayor of the City of Chicago, the Governor, the President
7 of the Senate, and the Speaker of the House of
8 Representatives. Ninety days after receipt of the feasibility
9 study, the Board shall make a determination, based on the
10 results of the feasibility study, whether to recommend to the
11 General Assembly that the terms of the license under paragraph
12 (1) of this subsection (e-5) should be modified. The Board may
13 begin accepting applications for the owners license under
14 paragraph (1) of this subsection (e-5) upon the determination
15 to issue such an owners license.

16 In addition, prior to the Board issuing the owners license
17 authorized under paragraph (4) of subsection (e-5), an impact
18 study shall be completed to determine what location in the
19 city will provide the greater impact to the region, including
20 the creation of jobs and the generation of tax revenue.

21 (e-10) The licenses authorized under subsection (e-5) of
22 this Section shall be issued within 12 months after the date
23 the license application is submitted. If the Board does not
24 issue the licenses within that time period, then the Board
25 shall give a written explanation to the applicant as to why it
26 has not reached a determination and when it reasonably expects

1 to make a determination. The fee for the issuance or renewal of
2 a license issued pursuant to this subsection (e-10) shall be
3 \$250,000. Additionally, a licensee located outside of Cook
4 County shall pay a minimum initial fee of \$17,500 per gaming
5 position, and a licensee located in Cook County shall pay a
6 minimum initial fee of \$30,000 per gaming position. The
7 initial fees payable under this subsection (e-10) shall be
8 deposited into the Rebuild Illinois Projects Fund. If at any
9 point after June 1, 2020 there are no pending applications for
10 a license under subsection (e-5) and not all licenses
11 authorized under subsection (e-5) have been issued, then the
12 Board shall reopen the license application process for those
13 licenses authorized under subsection (e-5) that have not been
14 issued. The Board shall follow the licensing process provided
15 in subsection (e-5) with all time frames tied to the last date
16 of a final order issued by the Board under subsection (e-5)
17 rather than the effective date of the amendatory Act.

18 (e-15) Each licensee of a license authorized under
19 subsection (e-5) of this Section shall make a reconciliation
20 payment 3 years after the date the licensee begins operating
21 in an amount equal to 75% of the adjusted gross receipts for
22 the most lucrative 12-month period of operations, minus an
23 amount equal to the initial payment per gaming position paid
24 by the specific licensee. Each licensee shall pay a
25 \$15,000,000 reconciliation fee upon issuance of an owners
26 license. If this calculation results in a negative amount,

1 then the licensee is not entitled to any reimbursement of fees
2 previously paid. This reconciliation payment may be made in
3 installments over a period of no more than 6 years.

4 All payments by licensees under this subsection (e-15)
5 shall be deposited into the Rebuild Illinois Projects Fund.

6 (e-20) In addition to any other revocation powers granted
7 to the Board under this Act, the Board may revoke the owners
8 license of a licensee which fails to begin conducting gambling
9 within 15 months of receipt of the Board's approval of the
10 application if the Board determines that license revocation is
11 in the best interests of the State.

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

18 (g) Upon the termination, expiration, or revocation of
19 each of the first 10 licenses, which shall be issued for a
20 3-year period, all licenses are renewable annually upon
21 payment of the fee and a determination by the Board that the
22 licensee continues to meet all of the requirements of this Act
23 and the Board's rules. However, for licenses renewed on or
24 after May 1, 1998, renewal shall be for a period of 4 years,
25 unless the Board sets a shorter period.

26 (h) An owners license, except for an owners license issued

1 under subsection (e-5) of this Section, shall entitle the
2 licensee to own up to 2 riverboats.

3 An owners licensee of a casino or riverboat that is
4 located in the City of Chicago pursuant to paragraph (1) of
5 subsection (e-5) of this Section shall limit the number of
6 gaming positions to 4,000 for such owner. An owners licensee
7 authorized under subsection (e) or paragraph (2), (3), (4), or
8 (5) of subsection (e-5) of this Section shall limit the number
9 of gaming positions to 2,000 for any such owners license. An
10 owners licensee authorized under paragraph (6) of subsection
11 (e-5) of this Section shall limit the number of gaming
12 positions to 1,200 for such owner. The initial fee for each
13 gaming position obtained on or after June 28, 2019 (the
14 effective date of Public Act 101-31) shall be a minimum of
15 \$17,500 for licensees not located in Cook County and a minimum
16 of \$30,000 for licensees located in Cook County, in addition
17 to the reconciliation payment, as set forth in subsection
18 (e-15) of this Section. The fees under this subsection (h)
19 shall be deposited into the Rebuild Illinois Projects Fund.
20 The fees under this subsection (h) that are paid by an owners
21 licensee authorized under subsection (e) shall be paid by July
22 1, 2021.

23 Each owners licensee under subsection (e) of this Section
24 shall reserve its gaming positions within 30 days after June
25 28, 2019 (the effective date of Public Act 101-31). The Board
26 may grant an extension to this 30-day period, provided that

1 the owners licensee submits a written request and explanation
2 as to why it is unable to reserve its positions within the
3 30-day period.

4 Each owners licensee under subsection (e-5) of this
5 Section shall reserve its gaming positions within 30 days
6 after issuance of its owners license. The Board may grant an
7 extension to this 30-day period, provided that the owners
8 licensee submits a written request and explanation as to why
9 it is unable to reserve its positions within the 30-day
10 period.

11 A licensee may operate both of its riverboats
12 concurrently, provided that the total number of gaming
13 positions on both riverboats does not exceed the limit
14 established pursuant to this subsection. Riverboats licensed
15 to operate on the Mississippi River and the Illinois River
16 south of Marshall County shall have an authorized capacity of
17 at least 500 persons. Any other riverboat licensed under this
18 Act shall have an authorized capacity of at least 400 persons.

19 (h-5) An owners licensee who conducted gambling operations
20 prior to January 1, 2012 and obtains positions pursuant to
21 Public Act 101-31 shall make a reconciliation payment 3 years
22 after any additional gaming positions begin operating in an
23 amount equal to 75% of the owners licensee's average gross
24 receipts for the most lucrative 12-month period of operations
25 minus an amount equal to the initial fee that the owners
26 licensee paid per additional gaming position. For purposes of

1 this subsection (h-5), "average gross receipts" means (i) the
2 increase in adjusted gross receipts for the most lucrative
3 12-month period of operations over the adjusted gross receipts
4 for 2019, multiplied by (ii) the percentage derived by
5 dividing the number of additional gaming positions that an
6 owners licensee had obtained by the total number of gaming
7 positions operated by the owners licensee. If this calculation
8 results in a negative amount, then the owners licensee is not
9 entitled to any reimbursement of fees previously paid. This
10 reconciliation payment may be made in installments over a
11 period of no more than 6 years. These reconciliation payments
12 shall be deposited into the Rebuild Illinois Projects Fund.

13 (i) A licensed owner is authorized to apply to the Board
14 for and, if approved therefor, to receive all licenses from
15 the Board necessary for the operation of a riverboat or
16 casino, including a liquor license, a license to prepare and
17 serve food for human consumption, and other necessary
18 licenses. All use, occupation, and excise taxes which apply to
19 the sale of food and beverages in this State and all taxes
20 imposed on the sale or use of tangible personal property apply
21 to such sales aboard the riverboat or in the casino.

22 (j) The Board may issue or re-issue a license authorizing
23 a riverboat to dock in a municipality or approve a relocation
24 under Section 11.2 only if, prior to the issuance or
25 re-issuance of the license or approval, the governing body of
26 the municipality in which the riverboat will dock has by a

1 majority vote approved the docking of riverboats in the
2 municipality. The Board may issue or re-issue a license
3 authorizing a riverboat to dock in areas of a county outside
4 any municipality or approve a relocation under Section 11.2
5 only if, prior to the issuance or re-issuance of the license or
6 approval, the governing body of the county has by a majority
7 vote approved of the docking of riverboats within such areas.

8 (k) An owners licensee may conduct land-based gambling
9 operations upon approval by the Board and payment of a fee of
10 \$250,000, which shall be deposited into the State Gaming Fund.

11 (l) An owners licensee may conduct gaming at a temporary
12 facility pending the construction of a permanent facility or
13 the remodeling or relocation of an existing facility to
14 accommodate gaming participants for up to 24 months after the
15 temporary facility begins to conduct gaming. Upon request by
16 an owners licensee and upon a showing of good cause by the
17 owners licensee, the Board shall extend the period during
18 which the licensee may conduct gaming at a temporary facility
19 by up to 12 months. The Board shall make rules concerning the
20 conduct of gaming from temporary facilities.

21 (Source: P.A. 100-391, eff. 8-25-17; 100-1152, eff. 12-14-18;
22 101-31, eff. 6-28-19; 101-648, eff. 6-30-20; revised 8-19-20.)

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