



Sen. Darin M. LaHood

**Filed: 4/10/2013**

09800SB1820sam001

LRB098 08441 AMC 43941 a

1 AMENDMENT TO SENATE BILL 1820

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1820 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Horse Racing Act of 1975 is  
5 amended by adding Sections 27.2 and 34.2 as follows:

6 (230 ILCS 5/27.2 new)

7 Sec. 27.2. Withholding of delinquent child support.

8 (a) From winnings required to be reported to the Internal  
9 Revenue Service and subject to withholding on Form W-2G,  
10 organization licensees and advance deposit wagering licensees  
11 licensed under this Act shall withhold up to the full amount of  
12 winnings necessary to pay the winner's past due child support  
13 amount as certified by the Department of Healthcare and Family  
14 Services under Section 10-17.15 of the Illinois Public Aid  
15 Code. Amounts withheld shall be paid to the Department of  
16 Healthcare and Family Services by the organization licensee or

1 the advance deposit wagering licensee, as applicable.

2 (b) For withholding of winnings, the organization licensee  
3 or advance deposit wagering licensee shall be entitled to an  
4 administrative fee not to exceed the lesser of 4% of the total  
5 amount of cash winnings paid to the gambling winner or \$150.

6 (c) In no event may the total amount withheld from the cash  
7 payout, including the administrative fee, exceed the total cash  
8 winnings claimed by the obligor. If the cash payout claimed is  
9 greater than the amount sufficient to satisfy the obligor's  
10 delinquent child support payments, the organization licensee  
11 or advance deposit wagering licensee shall pay the obligor the  
12 remaining balance of the payout, less the administrative fee  
13 authorized by subsection (b) of this Section, at the time it is  
14 claimed.

15 (d) An organization licensee or an advance deposit wagering  
16 licensee that in good faith complies with the requirements of  
17 this Section shall not be liable to the gaming winner or any  
18 other individual or entity.

19 (e) For an organization licensee under this Act, an agent  
20 of the Board (such as an employee of the Board) shall be  
21 responsible for notifying the person identified as being  
22 delinquent in child support payments that the organization  
23 licensee is required by law to withhold all or a portion of his  
24 or her winnings. This notification must be provided at the time  
25 the winnings are withheld.

26 (f) The provisions of this Section shall be operative on

1 and after the date that rules are adopted by the Department of  
2 Healthcare and Family Services pursuant to Section 10-17.15 of  
3 the Illinois Public Aid Code.

4 (g) The delinquent child support required to be withheld  
5 under this Section and the administrative fee under subsection  
6 (b) of this Section have priority over any secured or unsecured  
7 claim on cash winnings, except claims for federal or State  
8 taxes that are required to be withheld under federal or State  
9 law.

10 (230 ILCS 5/34.2 new)

11 Sec. 34.2. Withholding of delinquent child support; signs;  
12 statement.

13 (a) Each organization licensee shall post signs with a  
14 statement regarding withholding of delinquent child support,  
15 the text of which shall be determined by rule by the Department  
16 of Healthcare and Family Services, at the following locations  
17 in each race track at which horse race meetings are conducted  
18 by the organization licensee and in each inter-track wagering  
19 facility and inter-track wagering location operated by the  
20 organization licensee:

21 (1) Each entrance and exit.

22 (2) Near each credit location.

23 The signs shall be provided by the Department of Healthcare  
24 and Family Services.

25 (b) Each organization licensee shall print a statement

1 regarding withholding of delinquent child support, the text of  
2 which shall be determined by rule by the Department of  
3 Healthcare and Family Services, on all official racing programs  
4 that the organization licensee provides to the general public.

5 Section 10. The Riverboat Gambling Act is amended by adding  
6 Sections 13.05 and 13.2 as follows:

7 (230 ILCS 10/13.05 new)

8 Sec. 13.05. Withholding of delinquent child support.

9 (a) From winnings required to be reported to the Internal  
10 Revenue Service on Form W-2G, an owners licensee or a licensee  
11 that operates one or more facilities or gaming locations at  
12 which lawful gambling is authorized as provided in this Act  
13 shall withhold up to the full amount of winnings necessary to  
14 pay the winner's past due child support amount as certified by  
15 the Department of Healthcare and Family Services under Section  
16 10-17.15 of the Illinois Public Aid Code. Amounts withheld  
17 shall be paid to the Department of Healthcare and Family  
18 Services by the owners licensee or casino operator licensee, as  
19 applicable.

20 (b) For withholding of winnings, the licensee shall be  
21 entitled to an administrative fee not to exceed the lesser of  
22 4% of the total amount of cash winnings paid to the gambling  
23 winner or \$150.

24 (c) In no event may the total amount withheld from the cash

1 payout, including the administrative fee, exceed the total cash  
2 winnings claimed by the obligor. If the cash payout claimed is  
3 greater than the amount sufficient to satisfy the obligor's  
4 delinquent child support payments, the licensee shall pay the  
5 obligor the remaining balance of the payout, less the  
6 administrative fee authorized by subsection (b) of this  
7 Section, at the time it is claimed.

8 (d) A licensee who in good faith complies with the  
9 requirements of this Section shall not be liable to the gaming  
10 winner or any other individual or entity.

11 (e) Upon request of a licensed owner under this Act, an  
12 agent of the Board (such as a gaming special agent employed by  
13 the Board, a State police officer, or a revenue agent) shall be  
14 responsible for notifying the person identified as being  
15 delinquent in child support payments that the licensed owner is  
16 required by law to withhold all or a portion of his or her  
17 winnings. If given, this notification must be provided at the  
18 time the winnings are withheld.

19 (f) The provisions of this Section shall be operative on  
20 and after the date that rules are adopted by the Department of  
21 Healthcare and Family Services pursuant to Section 10-17.15 of  
22 the Illinois Public Aid Code.

23 (g) The delinquent child support required to be withheld  
24 under this Section and the administrative fee under subsection  
25 (b) of this Section have priority over any secured or unsecured  
26 claim on cash winnings, except claims for federal or State

1 taxes that are required to be withheld under federal or State  
2 law.

3 (230 ILCS 10/13.2 new)

4 Sec. 13.2. Withholding of delinquent child support; signs;  
5 statement.

6 (a) Each licensed owner may post signs with a statement  
7 regarding withholding of delinquent child support, the text of  
8 which shall be determined by rule by the Department of  
9 Healthcare and Family Services, at the following locations in  
10 each facility at which gambling is conducted by the licensed  
11 owner:

12 (1) Each entrance and exit.

13 (2) Near each credit location.

14 (3) At each cashier's cage.

15 The signs shall be provided by the Department of Healthcare  
16 and Family Services.

17 (b) Each licensed owner may print a statement regarding  
18 withholding of delinquent child support, the text of which  
19 shall be determined by rule by the Department of Healthcare and  
20 Family Services, on all paper stock that the license owner  
21 provides to the general public.

22 Section 15. The Illinois Public Aid Code is amended by  
23 adding Section 10-17.15 as follows:

1 (305 ILCS 5/10-17.15 new)

2 Sec. 10-17.15. Certification of information to State  
3 gaming licensees.

4 (a) For purposes of this Section, "State gaming licensee"  
5 means, as applicable, an organization licensee or advance  
6 deposit wagering licensee licensed under the Illinois Horse  
7 Racing Act of 1975, an owners licensee licensed under the  
8 Riverboat Gambling Act, or a licensee that operates, under any  
9 law of this State, one or more facilities or gaming locations  
10 at which lawful gambling is authorized and licensed as provided  
11 in the Riverboat Gambling Act.

12 (b) The Department may provide, by rule, for certification  
13 to any State gaming licensee of past due child support owed by  
14 a responsible relative under a support order entered by a court  
15 or administrative body of this or any other State on behalf of  
16 a resident or non-resident receiving child support services  
17 under this Article in accordance with the requirements of Title  
18 IV-D, Part D, of the Social Security Act. The State gaming  
19 licensee shall have the ability to withhold from winnings  
20 required to be reported to the Internal Revenue Service on Form  
21 W-2G, up to the full amount of winnings necessary to pay the  
22 winner's past due child support. The rule shall provide for  
23 notice to and an opportunity to be heard by each responsible  
24 relative affected and any final administrative decision  
25 rendered by the Department shall be reviewed only under and in  
26 accordance with the Administrative Review Law.

1       (c) For withholding of winnings, the State gaming licensee  
2 shall be entitled to an administrative fee not to exceed the  
3 lesser of 4% of the total amount of cash winnings paid to the  
4 gambling winner or \$150.

5       (d) In no event may the total amount withheld from the cash  
6 payout, including the administrative fee, exceed the total cash  
7 winnings claimed by the obligor. If the cash payout claimed is  
8 greater than the amount sufficient to satisfy the obligor's  
9 delinquent child support payments, the State gaming licensee  
10 shall pay the obligor the remaining balance of the payout, less  
11 the administrative fee authorized by subsection (c) of this  
12 Section, at the time it is claimed.

13       (e) A State gaming licensee who in good faith complies with  
14 the requirements of this Section shall not be liable to the  
15 gaming winner or any other individual or entity.

16       Section 99. Effective date. This Act takes effect July 1,  
17 2013."