

1 AN ACT in relation to 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
5 amended by adding Section 34.2 as follows:

6 (230 ILCS 5/34.2 new)

7 Sec. 34.2. Racetrack consolidation.

8 (a) Findings. The General Assembly finds that
9 encouraging organization licensees to consolidate will be
10 beneficial to the horse racing industry. The General
11 Assembly declares it to be the public policy of this State to
12 enhance the viability of the horse racing industry by
13 encouraging organization licensees to consolidate and not be
14 penalized or lose any rights, benefits, or powers by reason
15 of such consolidation.

16 (b) Consolidation. Notwithstanding any provision of
17 this Act to the contrary, if 2 or more existing organization
18 licensees consolidate into a single organization licensee or
19 otherwise form a joint venture, corporation, limited
20 liability company, or similar consolidated enterprise
21 (consolidated organization licensee) whereby the consolidated
22 organization licensee makes application or joint application,
23 as the case may be, as a single organization licensee, or
24 such existing licensees, after consolidation, make separate
25 applications in the names of such pre-existing licensees, the
26 newly consolidated organization licensee or each such
27 separate pre-existing licensee shall thereafter retain and be
28 entitled to all of the rights, benefits, and powers under
29 this Act that would have otherwise accrued to each such
30 individual pre-consolidation organization licensee but for
31 such consolidation, regardless of whether all or a portion of

1 the facilities of a pre-consolidation licensee are sold,
2 transferred, or otherwise cease to be utilized by the newly
3 consolidated organization licensee or either of the
4 pre-existing licensees. Such multiple rights, benefits, and
5 powers shall include, but not be limited to:

6 (1) the authority to make application for and
7 receive, within the discretion of the Board, racing
8 dates, including host track days, in the same manner as
9 the individual pre-consolidation organization licensees
10 and the racetracks from which the organization licensees
11 derive their licenses;

12 (2) the right to retain the existing inter-track
13 wagering licenses and inter-track wagering location
14 licenses of the individual pre-consolidation organization
15 licensees and the racetracks from which the organization
16 licensees derive their licenses, and the authority to
17 make application for future inter-track wagering licenses
18 and inter-track wagering location licenses in the same
19 manner as each individual pre-consolidation organization
20 licensee and the racetracks from which each
21 pre-consolidation organization licensee derives its
22 license, had or has in its own right;

23 (3) the right to receive the benefits under
24 paragraph (13) of subsection (g) of Section 26 and
25 Section 54 of this Act in the same manner as the
26 individual pre-consolidation organization licensees and
27 the racetracks from which the organization licensees
28 derive their licenses each had or has in its own right;
29 and

30 (4) all existing and future rights, benefits, and
31 powers that the individual pre-consolidation organization
32 licensees and the racetracks from which the organization
33 licensees derive their licenses would have had or
34 received but for the consolidation.

1 The newly consolidated organization licensee shall be
2 subject to such taxation and fees as other similarly situated
3 organization licensees.

4 (c) Pari-mutuel tax credit. If 2 or more organization
5 licensees and the racetracks from which the organization
6 licensees derive their licenses consolidate pursuant to this
7 Section, the consolidated organization licensee or separate
8 pre-consolidation licensees shall have 6 months to decide
9 whether it or they will continue to receive the entire
10 pari-mutuel tax credit under Section 32.1 that the
11 organization licensees and the racetracks from which the
12 organization licensees derive their licenses would have been
13 entitled to if they had not consolidated. Once made, this
14 decision is irrevocable.

15 To retain the entire pari-mutuel tax credit, the
16 consolidated organization licensee and the racetracks from
17 which the consolidated organization licensee derives its
18 licenses or separate pre-existing licensees must conduct
19 activities authorized under this Act at some or all of the
20 facilities that were operated by the organization licensees
21 prior to the consolidation.

22 If a consolidated organization licensee or separate
23 pre-existing licensee that elects to retain the entire
24 pari-mutuel tax credit does not conduct any activity
25 authorized under this Act at any of the facilities that
26 belonged to one of the organization licensees that
27 consolidated under this Section in a calendar year, the
28 consolidated organization licensee or separate pre-existing
29 licensee shall not receive the pari-mutuel tax credit for
30 those facilities at which no operations authorized by this
31 Act are conducted in that calendar year nor in any year
32 thereafter.

33 Notwithstanding any provision in subsection (b) to the
34 contrary, if 2 or more organization licensees consolidate

1 pursuant to this Section and do not use any portion of the
2 facilities of a pre-consolidation organization licensee, the
3 consolidated organization licensee shall receive the
4 pari-mutuel tax credit for the facilities of that
5 pre-consolidation organization licensee only until December
6 31st of the second full calendar year following consolidation
7 as to tax bills payable during such years.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.