

# VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

## CHAPTER 705

*An Act to amend and reenact § 59.1-386 of the Code of Virginia, relating to the Virginia Racing Commission; acquisition of interest in licensee; new application required.*

[H 2212]

Approved March 19, 2003

**Be it enacted by the General Assembly of Virginia:**

**1. That § 59.1-386 of the Code of Virginia is amended and reenacted as follows:**

§ 59.1-386. Acquisition of interest in licensee.

A. The Commission shall require any person desiring to become a partner, member or principal stockholder of any licensee to apply to the Commission for approval thereof and may demand such information of the applicant as it finds necessary. The Commission shall consider such application forthwith and *shall approve or deny the application within 60 days of receipt. The Commission shall approve an application that meets the criteria set forth in this chapter. The Commission shall deny an application if in its judgment the acquisition by the applicant would be detrimental to the public interest; or to the honesty and, integrity, and reputation of racing; or to its reputation, the application shall be denied.* The Commission shall ~~act on the application within sixty days of receipt~~ approve an application to acquire actual control of a licensee only if it finds that the applicant meets the criteria set forth in subsection B.

B. If an applicant proposes to acquire actual control of a licensee, such person shall, pursuant to subsection A, submit to the Commission (i) its proposal for the future operation of any existing or planned racetrack, or satellite facility owned or operated by the licensee, (ii) such additional information as it desires, and (iii) such information as may be required by the Commission to assure the Commission that the licensee, under the actual control of such person, will have the experience, expertise, financial responsibility and commitment to comply with (a) the provisions of this chapter, (b) Commission regulations and orders, (c) the requirements for the continued operation of the licensee pursuant to the terms and conditions in effect on the date of the application of all licenses held by the licensee, (d) any existing contract with a recognized majority horseman's group, and (e) any proposal submitted to the Commission by such person. The provisions of this subsection shall apply regardless of whether the control acquired is direct or indirect or whether its acquisition is accomplished individually or in concert with others.

C. Any such acquisition of control without prior approval of the Commission shall be voidable by the Commission and, in such instance, the Commission may revoke any license it has issued to such licensee, order compliance with this section, or take such other action as may be appropriate within the authority of the Commission.

**2. That the Virginia Racing Commission shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.**