

2008 SESSION

LEGISLATION NOT PREPARED BY DLS  
SENATE SUBSTITUTE

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HOUSE BILL NO. 754

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Norment  
on March 4, 2008)

(Patron Prior to Substitute—Delegate Peace)

A BILL to amend and reenact § 59.1-391 of the Code of Virginia, relating to horse racing; local referenda.

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-391 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-391. Local referendum required; separate referendum for conduct of historical horse racing required.

A. The Commission shall not grant any initial license to construct, establish, operate or own a racetrack or satellite facility until a referendum approving the question is held in each county, city, or town in which such track or satellite facility is to be located, in the following manner:

1. A petition, signed by five percent of the qualified voters of such county, city, or town shall be filed with the circuit court of such county, city, or town asking that a referendum be held on the question, "Shall pari-mutuel wagering be permitted at a licensed racetrack in (name of such county, city, or town) on live horse racing at, and on simulcast horse racing transmitted from another jurisdiction to, the licensed racetrack on such days as may be approved by the Virginia Racing Commission in accordance with Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 of the Code of Virginia?" In addition, or in the alternative, such petition may ask that a referendum be held on the question, "Shall pari-mutuel wagering be permitted in . . . . . (the name of such county, city, or town) at satellite facilities in accordance with Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 of the Code of Virginia?"

2. Following the filing of such petition, the court shall, by order of record entered in accordance with § 24.2-684.1, require the regular election officers of such city, county, or town to cause a special election to be held to take the sense of the qualified voters on the question. Such election shall be on a day designated by order of such court, but shall not be later than the next general election unless such general election is within 60 days of the date of the entry of such order, nor shall it be held on a date designated as a primary election.

3. The clerk of such court of record of such city, county, or town shall publish notice of such election in a newspaper of general circulation in such city, county, or town once a week for three consecutive weeks prior to such election.

4. The regular election officers of such city or county shall open the polls at the various voting places in such city or county on the date specified in such order and conduct such election in the manner provided by law. The election shall be by ballot which shall be prepared by the electoral board of the city, county, or town and on which shall be printed either or both of the following questions:

"Shall pari-mutuel wagering be permitted at a licensed racetrack in . . . . . on live horse racing at, and on simulcast horse racing transmitted from another jurisdiction to, the licensed racetrack on such days as may be approved by the Virginia Racing Commission in accordance with Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 of the Code of Virginia?

[ ] Yes

[ ] No"

"Shall pari-mutuel wagering be permitted in . . . . . at satellite facilities in accordance with Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 of the Code of Virginia?

[ ] Yes

[ ] No"

In the blank shall be inserted the name of the city, county, or town in which such election is held. Any voter desiring to vote "Yes" shall mark a check (/cm) mark or a cross (x or +) mark or a line (-) in the square provided for such purpose immediately preceding the word "Yes," leaving the square immediately preceding the word "No" unmarked. Any voter desiring to vote "No" shall mark a check (/cm) mark or a cross (x or +) mark or a line (-) in the square provided for such purpose immediately preceding the word "No," leaving the square immediately preceding the word "Yes" unmarked.

The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering such election. Thereupon, such court shall enter an order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to the Commission and to the governing body of such city, county, or town.

No such referendum as described above shall be held more often than every three years in the same county, city, or town.

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60 A subsequent local referendum shall be required if a license has not been granted by the Commission  
61 within five years of the court order proclaiming the results of the election. Town, for purposes of this  
62 section, means any town with a population of 5,000 or more, *which population shall be based on the*  
63 *most recent United States census or the latest town population estimates of the United States Census,*  
64 *whichever population is greater.*

65 B. *No historical horse racing shall be conducted by an entity licensed by the Commission at a horse*  
66 *racetrack in the Commonwealth until a referendum approving the question is held in the county, city, or*  
67 *town in the following manner:*

68 1. *A petition, signed by five percent of the qualified voters of such county, city, or town shall be filed*  
69 *with the circuit court of the county asking that a referendum be held on the question, "Shall pari-mutuel*  
70 *wagering on historical horse racing be permitted at the licensed racetrack in...(name of such county,*  
71 *city, or town)?"*

72 2. *Following the filing of such petition, the court shall, by order of record entered in accordance*  
73 *with § 24.2-684.1, require the regular election officers of such county, city, or town to cause a special*  
74 *election to be held to take the sense of the qualified voters on the question. Such election shall be on a*  
75 *day designated by order of such court, but shall not be later than the next general election unless such*  
76 *general election is within 60 days of the date of the entry of such order, nor shall it be held on a date*  
77 *designated as a primary election.*

78 3. *The clerk of such court of record of the county, city, or town shall publish notice of such election*  
79 *in a newspaper of general circulation in the county, city, or town once a week for three consecutive*  
80 *weeks prior to such election.*

81 4. *The regular election officers of the county, city, or town shall open the polls at the various voting*  
82 *places in such county, city, or town on the date specified in such order and conduct such election in the*  
83 *manner provided by law. The election shall be by ballot that shall be prepared by the electoral board of*  
84 *the county and on which shall be printed the following question:*

85 *"Shall pari-mutuel wagering on historical horse racing be permitted at the licensed racetrack in*  
86 *...(name of such county, city, or town)?"*

87 *[ ] Yes*

88 *[ ] No"*

89 *In the blank shall be inserted the name of the city, county, or town in which such election is held.*  
90 *Any voter desiring to vote "Yes" shall mark a check (/cm) mark or a cross (x or +) mark or a line (-) in*  
91 *the square provided for such purpose immediately preceding the word "Yes," leaving the square*  
92 *immediately preceding the word "No" unmarked. Any voter desiring to vote "No" shall mark a check*  
93 *(/cm) mark or a cross (x or +) mark or a line (-) in the square provided for such purpose immediately*  
94 *preceding the word "No," leaving the square immediately preceding the word "Yes" unmarked. The*  
95 *ballots shall be counted, returns made and canvassed as in other elections, and the results certified by*  
96 *the electoral board to the court ordering such election. Thereupon, such court shall enter an order*  
97 *proclaiming the results of such election and a duly certified copy of such order shall be transmitted to*  
98 *the Commission and to the governing body of the county, city, or town.*

99 *No such referendum as described above shall be held more often than every three years in such the*  
100 *county, city, or town.*

101 *If the referendum is approved, the owner of the licensed racetrack may conduct pari-mutuel*  
102 *wagering on historical horse racing only at the licensed racetrack. Notwithstanding the provisions of*  
103 *subsections H through N of § 59.1-392, pari-mutuel pools generated by wagering on historical horse*  
104 *racing at the licensed racetrack, after payment of all prizes for winning wagers, shall be distributed as*  
105 *follows:*

106 a. *Fifty percent to the Commonwealth Transportation Trust Fund to be used for highway*  
107 *maintenance;*

108 b. *Forty-two percent of such amount to the licensee;*

109 c. *Seven and one-half percent to the Virginia Tourism Corporation to be used for the marketing of*  
110 *tourism in Virginia. Out of this amount (i) the Virginia Sesquicentennial of the American Civil War*  
111 *Commission shall be paid \$ 350,000 in the second year, (ii) the Virginia Horse Center Foundation shall*  
112 *be paid \$150,000 each year to be used for marketing, and (iii) the Virginia Horse Industry Board shall*  
113 *be paid \$50,000 each year; and*

114 d. *One-half of one percent to the locality where the racetrack is located*

115 *For the purposes of this subsection, "historical horse racing" means a form of simulcast horse*  
116 *racing that creates pari-mutuel pools from wagers placed on prerecorded horse races held at a licensed*  
117 *horse racetrack.*

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

120 3. **That as a part of the biennial review in accordance with § 30-134, the Auditor of Public**  
121 **Accounts shall report on the revenue collected from pari-mutuel wagering on historical horse**

122 racing distributed to the Commonwealth and determine how important the revenue stream is in  
123 the financing of Virginia's transportation and tourism programs.