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HOUSE BILL NO. 1727

Offered January 18, 1995

A BILL to amend and reenact § 59.1-369 of the Code of Virginia, relating to regulations of the Virginia Racing Commission.

Patrons—Croshaw, McDonnell, Purkey, Wagner and Wardrup; Senators: Holland, C.A. and Stolle

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 59.1-369 of the Code of Virginia is amended and reenacted as follows:**

§ 59.1-369. Powers and duties of the Commission.

The Commission shall have all powers and duties necessary to carry out the provisions of this chapter and to exercise the control of horse racing as set forth in § 59.1-364. Such powers and duties shall include but not be limited to the following:

1. The Commission is vested with jurisdiction and supervision over all horse racing licensed under the provisions of this chapter including all persons conducting, participating in, or attending any race meeting. It shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity. It may eject or exclude from the enclosure or from any part thereof any person, whether or not he possesses a license or permit, whose conduct or reputation is such that his presence may, in the opinion of the Commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

2. The Commission, its representatives, and employees shall visit, investigate, and have free access to the office, track, facilities, satellite facilities or other places of business of any license or permit holder, and may compel the production of any of the books, documents, records, or memoranda of any license or permit holder for the purpose of satisfying itself that this chapter and its regulations are strictly complied with. In addition, the Commission may require the production of an annual balance sheet and operating statement of any person licensed or granted a permit pursuant to the provisions of this chapter and may require the production of any contract to which such person is or may be a party.

3. The Commission shall promulgate regulations and conditions under which horse racing with pari-mutuel wagering shall be conducted in the Commonwealth, and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter. Such regulations shall include provisions for affirmative action to assure participation by minority persons in contracts granted by the Commission and its licensees. Nothing in this subsection shall be deemed to preclude private local ownership or participation in any horse racetrack. Such regulations may include penalties for violations. The regulations shall be subject to the Administrative Process Act (§ 9-6.14:1 et seq.).

4. The Commission shall promulgate regulations and conditions under which simulcast horse racing shall be conducted at a licensed horse racetrack or satellite facility in the Commonwealth and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter. Such regulations shall include provisions that all simulcast horse racing must comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.) and shall require the holder of an unlimited license to schedule not less than 150 live racing days in the Commonwealth each calendar year; however, the Commission shall have the authority to alter the required number of live racing days during the first five years of operation based on what the Commission deems to be in the best interest of the Virginia horse industry. Such regulations shall authorize up to six satellite facilities and restrict majority ownership of satellite facilities to an entity licensed by the Commission which owns a horse racetrack in the Commonwealth. *Such regulations shall prohibit the opening of any satellite facility in the Commonwealth until such time as a licensed racetrack located in the Commonwealth begins operation.* Nothing in this subsection shall be deemed to preclude private local ownership or participation in any satellite facility. Wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility.

5. The Commission may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Commission, it is necessary to do so for the effectual discharge of its duties.

6. The Commission may compel any person holding a license or permit to file with the Commission such data as shall appear to the Commission to be necessary for the performance of its duties including but not limited to financial statements and information relative to stockholders and all others with any pecuniary interest in such person. It may prescribe the manner in which books and records of such persons shall be kept.

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60 7. The Commission may enter into arrangements with any foreign or domestic government or
61 governmental agency, for the purposes of exchanging information or performing any other act to better
62 ensure the proper conduct of horse racing.

63 8. The Commission shall report annually to the Governor and the General Assembly, which report
64 shall include a financial statement of the operation of the Commission.

65 9. The Commission may order such audits, in addition to those required by § 59.1-394, as it deems
66 necessary and desirable.

67 10. The Commission shall upon the receipt of a complaint of an alleged criminal violation of this
68 chapter immediately report the complaint to the Attorney General of the Commonwealth and the State
69 Police for appropriate action.

70 11. The Commission shall provide for the withholding of the applicable amount of state and federal
71 income tax of persons claiming a prize or pay-off for a winning wager and shall establish the thresholds
72 for such withholdings.