

HOUSE BILL 606

C6

7lr2312
CF SB 178

By: **Delegates Valentino-Smith, Holmes, and Vallario**

Introduced and read first time: January 30, 2017

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 3, 2017

CHAPTER _____

1 AN ACT concerning

2 **Horse Racing – ~~Bowie Race Course Training Center – State Purchase or~~**
3 **~~Condemnation~~ Racetrack Facility Renewal Account – Eligibility and Capital**
4 **Expenditures**

5 FOR the purpose of ~~authorizing the State to acquire, by purchase or condemnation for~~
6 ~~public use with just compensation, private property relating to the Bowie Race~~
7 ~~Course Training Center if the owner of the Bowie Race Course Training Center does~~
8 ~~not meet certain requirements; requiring that all proceedings for condemnation for~~
9 ~~public use or private property as authorized under this Act are to be in accordance~~
10 ~~with certain provisions of law and certain rules of procedure~~ altering certain
11 conditions of eligibility for funding from the Racetrack Facility Renewal Account by
12 specifying certain minimum amounts to be spent on capital maintenance and
13 expenditures by certain race tracks; authorizing the Maryland Racing Commission
14 to grant certain funding for the Bowie Race Course Training Center from the Account
15 under certain conditions; providing for the termination of certain provisions of this
16 Act; and generally relating to ~~the authority of the State to purchase or condemn~~
17 certains private property relating to the Bowie Race Course Training Center horse
18 racing and the Racetrack Facility Renewal Account.

19 BY repealing and reenacting, without amendments,
20 Article – Business Regulation
21 Section 11–519(a)
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~BY repealing and reenacting, with amendments,
 Article – Business Regulation
 Section 11-521
 Annotated Code of Maryland
 (2015 Replacement Volume and 2016 Supplement)~~

BY repealing and reenacting, without amendments,
 Article – State Government
 Section 9-1A-09(a)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 9-1A-09(b)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Business Regulation

11-519.

(a) The owner of the Bowie Race Course Training Center shall operate the Center as a thoroughbred training facility to provide more stall space for a race meeting that a licensee holds.

~~11-521.~~

~~(a) In addition to the other provisions of this subtitle, in accordance with the sovereign power of the State and the provisions of Article III, §§ 40 and 40A of the Maryland Constitution, and subject to subsections [(b) and (c)] **(C) AND (D)** of this section, the State may acquire by purchase or condemnation for public use with just compensation some or all of the following real, tangible, and intangible private property, including any contractual interests or intellectual property:~~

~~(1) Pimlico Race Course, a racetrack located in Baltimore City, including any and all property or property rights associated with it wherever located, whether tangible, intangible, real, personal, or mixed, and any business entity that owns it;~~

~~(2) Laurel Park, a racetrack located in Anne Arundel County, including any and all property or property rights associated with it wherever located, whether tangible, intangible, real, personal, or mixed, and any business entity that owns it;~~

~~(3) Bowie Race Course Training Center, a training center located in Prince George's County, including any and all property or property rights associated with it wherever located, whether tangible, intangible, real, personal, or mixed, and any business entity that owns it;~~

~~(4) the Preakness Stakes trophy that is known as the Woodlawn Vase, including any and all property or property rights associated with it, whether tangible, intangible, real, personal, or mixed, and any business entity that owns it;~~

~~(5) the name, common law and statutory copyrights, service marks, trademarks, trade names, contracts, horse racing events, and other intangible and intellectual property that are associated with the Preakness Stakes and the Woodlawn Vase;~~

~~(6) all property of the Maryland Jockey Club of Baltimore City, Inc., or its successors and assigns, including stock and equity interests in it, and including any and all property or property rights associated with it, whether tangible, intangible, real, personal, or mixed; and~~

~~(7) all property of the Laurel Racing Assoc., Inc., the Laurel Racing Association Limited Partnership, or their respective successors and assigns, including stock and equity interests, and including any and all property or property rights associated with them, whether tangible, intangible, real, personal, or mixed.~~

~~(b) IF THE OWNER OF THE BOWIE RACE COURSE TRAINING CENTER DOES NOT COMPLY WITH § 11-519(A) OF THIS SUBTITLE, IN ACCORDANCE WITH THE SOVEREIGN POWER OF THE STATE AND THE PROVISIONS OF ARTICLE III, § 40 OF THE MARYLAND CONSTITUTION, AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE STATE MAY ACQUIRE BY PURCHASE OR CONDEMNATION FOR PUBLIC USE WITH JUST COMPENSATION THE BOWIE RACE COURSE TRAINING CENTER, INCLUDING ANY AND ALL PROPERTY OR PROPERTY RIGHTS ASSOCIATED WITH IT, WHETHER TANGIBLE, INTANGIBLE, REAL, PERSONAL, OR MIXED.~~

~~(c) All proceedings for the condemnation for public use of the private property described under [subsection (a)] SUBSECTIONS (A) AND (B) of this section shall be in accordance with the provisions of Title 12 of the Real Property Article and Title 12, Chapter 200 of the Maryland Rules.~~

~~[(c)] (d) Pursuant to the provisions of Article III, § 40A of the Maryland Constitution, as applicable, the private property described under subsection (a) of this section may be taken immediately on payment for the property consistent with the procedures of §§ 8-334 through 8-339 of the Transportation Article.~~

Article – State Government

1 (a) In this section, “racing licensee” means the holder of a license issued by the
2 State Racing Commission to hold a race meeting in the State under Title 11 of the Business
3 Regulation Article.

4 (b) As a condition of eligibility for funding under § 9–1A–29 of this subtitle, a
5 racing licensee shall:

6 (1) (i) for Laurel Park and Pimlico Race Course, conduct a minimum of
7 220 annual live racing days combined between Laurel Park and Pimlico Race Course unless
8 otherwise agreed to by the racing licensee and the organization that represents the majority
9 of licensed thoroughbred owners and trainers in the State or unless the racing licensee is
10 prevented by weather, acts of God, or other circumstances beyond the racing licensee’s
11 control;

12 (ii) for Rosecroft Raceway, conduct a minimum of 90 annual live
13 racing days unless otherwise agreed to by the racing licensee and the organization that
14 represents the majority of licensed standardbred owners and trainers in the State or unless
15 the racing licensee is prevented by weather, acts of God, or other circumstances beyond the
16 racing licensee’s control; and

17 (iii) for Ocean Downs Racetrack, conduct a minimum of 40 annual
18 live racing days unless otherwise agreed to by the racing licensee and the organization that
19 represents the majority of licensed standardbred owners and trainers in the State or unless
20 the racing licensee is prevented by weather, acts of God, or other circumstances beyond the
21 racing licensee’s control;

22 (2) if the racing licensee holds the racing license for Pimlico Race Course,
23 retain in the State of Maryland the name, common law and statutory copyrights, service
24 marks, trademarks, trade names, and horse racing events that are associated with the
25 Preakness Stakes and the Woodlawn Vase;

26 (3) if the racing licensee holds the racing license for the Pimlico Race
27 Course, promote and conduct the Preakness Stakes each year at:

28 (i) the Pimlico Race Course; or

29 (ii) if the Pimlico Race Course no longer exists, the Preakness Stakes
30 Race is prevented from being conducted at the Pimlico Race Course, or the State Racing
31 Commission, under § 11–513 of the Business Regulation Article, deems an emergency
32 exists, another track located in the State that is approved by the State Racing Commission;

33 (4) if the racing licensee holds the racing license for Laurel Park, permit
34 the event known as the Maryland Million to be run annually at Laurel Park unless:

35 (i) the racing licensee is prevented from doing so by weather, acts of
36 God, or other circumstances beyond the control of the racing licensee; or

1 (ii) the racing licensee and the Maryland Million LLC agree to
2 another location that is approved by the State Racing Commission;

3 (5) develop and submit to the State Racing Commission a multiyear plan
4 to improve the quality and marketing of horse racing at racetrack locations owned or
5 operated by the racing licensee in Maryland, which shall include:

6 (i) goals, indicators, and timelines for specific actions that will be
7 taken by the racing licensee to improve the quality and marketing of the horse racing
8 industry in Maryland; and

9 (ii) a master plan for capital improvements that reflects, at a
10 minimum:

11 1. commitments that have been made to the State Racing
12 Commission; and

13 2. an ongoing investment in capital maintenance and
14 improvements in the horse racing facilities [of at least \$1,500,000 annually, which may
15 include amounts provided as a matching fund as required under § 9-1A-29(e)(2) of this
16 subtitle]; [and]

17 (6) develop with other racing industry representatives a multiyear plan to
18 improve the quality and marketing of the horse racing industry in Maryland, which shall
19 include goals, indicators, and timelines for specific actions that will be taken by the
20 thoroughbred and harness racing industries to improve the quality and marketing of the
21 horse racing industry in Maryland, including joint marketing efforts; AND

22 **(7) FOR EACH YEAR THAT FUNDING IS REQUESTED, SPEND AT LEAST**
23 **THE FOLLOWING MINIMUM AMOUNTS FOR CAPITAL MAINTENANCE AND**
24 **IMPROVEMENTS, WHICH MAY INCLUDE AMOUNTS PROVIDED AS A MATCHING FUND**
25 **AS REQUIRED UNDER § 9-1A-29(E)(2) OF THIS SUBTITLE:**

26 **(I) FOR LAUREL PARK AND PIMLICO RACE COURSE, A**
27 **COMBINED TOTAL OF \$1,500,000;**

28 **(II) FOR ROSECROFT RACEWAY, \$300,000; AND**

29 **(III) FOR OCEAN DOWNS RACETRACK, \$300,000.**

30 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
31 ~~October 1, 2017.~~

32 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
33 provisions of § 9-1A-29 of the State Government Article, the Maryland Racing Commission

1 may grant a one-time request for capital improvement funds not to exceed \$150,000 from
2 the funds available in the Racetrack Facility Renewal Account under § 9-1A-29(d)(1) of the
3 State Government Article for a capital improvement project at the Bowie Race Course
4 Training Center, provided that:

5 (1) the project relates to the security, maintenance, and upkeep of the
6 Center; and

7 (2) the owner of the Center provides a matching fund that consists of
8 expenditures made by the owner on or after April 1, 2017, for the project for which funding
9 is requested.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
11 1, 2017. Section 2 of this Act shall remain effective for a period of 1 year and 7 months and,
12 at the end of December 31, 2018, with no further action required by the General Assembly,
13 Section 2 of this Act shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.