



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Virginia Racing Commission
<b>VAC Chapter Number:</b>	Chapter 60
<b>Regulation Title:</b>	Participants
<b>Action Title:</b>	Amendment
<b>Date:</b>	12/17/2002

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The Virginia Racing Commission has determined that its regulations pertaining to participants in horse racing shall require amendments. Working with its advisory Rules Committee, the Commission shall amend 11 VAC 10-60-10 *et seq.* The Commission may increase or lessen the fees assessed applicants for permits as well as amend the duties and responsibilities of participants.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

The Virginia Racing Commission derives its statutory authority to promulgate regulations from the provisions of §59.1-369 of the Code of Virginia. The Code states, in part in subdivision 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.”

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

The Virginia Racing Commission and its advisory Rules Committee agree that the regulations pertaining to participants in horse racing need revision. The duties and responsibilities of participants in horse racing have changed over the years, and the Commission, with its advisory committee, seek to update those duties and responsibilities where it is apparent.

Also, the Commission, and its advisory committee, recognize that there is need for revision of the regulations to account for “emergency permits.” These are permits issued to people who may not be present during the racing days, primarily owners of racehorses that may be racing.

Further, the Commission, and its advisory committee, recognize that many other jurisdictions in the Mid-Atlantic Region have changed their fees for applications for permits. There is a need for revision in comparison with Delaware, Maryland and West Virginia in the fees charged for permits.

Finally, the Commission, and its advisory committee, shall discuss the possibility of merging the various categories of participants employed by the licensee’s satellite wagering facilities. For instance, there are categories of staff that carry out various functions that fall within in two or more categories of participants.

## Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

Rather than leaving the provisions in their current status, the Commission, and its advisory committee, has desired that its regulations be updated to protect the health, safety and welfare of those who participate in horse racing at the racetrack or satellite wagering facilities.

## Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The amendments will not have any impact on the families in the Commonwealth.