



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Virginia Racing Commission
VAC Chapter Number:	Chapter 50
Regulation Title:	Racing Officials
Action Title:	Amend
Date:	11/01/2002

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 racing officials shall require amendments. Working with its Rules Committee, the Commission shall amend 11 VAC 10-50-10 *et seq.* The amendments may be the re-categorization of the various racing officials and whether, in some cases, they should be remain in Chapter 50 or be placed in 11 VAC 10-60-10 *et seq.* The Commission may make some minor changes in the duties and responsibilities of certain racing officials. Further, the Commission wishes to insert the preferred term “harness racing” for the term “Standardbred racing” throughout 11 VAC 10-50-10 *et seq.*

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 has promulgated regulations pertaining to racing officials as well as their responsibilities and duties. Primary among these responsibilities and duties, the Commission has stated that all racing officials are prohibited from wagering on horse races under its administration.

The issue has arisen whether certain categories of participants in horse racing, i.e., entry clerk, general manager, photo-finish camera operator, program director, security officer, and video patrol personnel should be included in the chapter relating to “Racing Officials” or be placed in the chapter relating to “Participants.”

Also, since the opening of the Colonial Downs at New Kent, the Commission has provided the regulatory veterinarians to administer that aspect of horse racing, and therefore, it would like to delete 11 VAC 10-50-40 pertaining to “Licensee’s veterinarian.”

Further, the Commission would like to delete the sections pertaining to clocker, gap attendant, stall superintendent and track superintendent because these four categories of participants have been previously re-located in 11 VAC 10-60-10 *et seq.*

Finally, as has been in the case in the past, the Commission and other participants in horse racing may find some aspects of the chapter that may need to be updated

The amendments accomplished by the Commission, in conduction with its Rules Committee, should keep the Commonwealth’s regulations updated thereby protecting the health, safety and welfare of those who participate in horse racing with pari-mutuel wagering.

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.

While the Virginia Racing Commission and the Rules Committee could have chosen to leave the issue non-addressed, it felt that the agency, working with those who will be regulated by the amendments, a more thoughtful review could be taken with the regulations.

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.

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