



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Virginia Racing Commission (405)
VAC Chapter Number:	11 VAC 10-20-10 et seq.
Regulation Title:	Licensure
Action Title:	Amend
Date:	08-21-2002

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 unlimited licensees needs to be amended in two regards. First, the commission has found that its criteria for licensure need to be updated to reflect the latest developments in industry operating procedures. Second, the commission has found that it needs to update the regulations pertaining to the issuance and amendment of racing days. By addressing these two factors, the commission will have a set of clearer regulations for the licensees and horsemen.

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 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 needs to make substantial revisions to Sections 190 Criteria for Unlimited Horse Racing Facilities, Section 200 Request for Racing Days, and Section 220 Assignment of Racing Days. In addition, the commission recognizes that amending the language of the regulations may result in other changes as well.

In regards to Section 190:

Generally, the commission seeks to establish regulations on the required number of racing days, the posting of signs for “Gambler Anonymous,” and designating tip-sheet “handicappers” as vendors.

Facilities, the commission seeks to establish regulations on the surveyed grounds for the racing surface, construction of safety rails, requiring the location of structures from the inside rail, water supplies and structures for the stables, changing “detention barn” to “test barn”, requiring jockeys, exercise riders and pony riders to wear safety vests within the enclosure.

Equipment, the commission seeks to establish regulations on the starter shall have a sufficient number of assistants, electronic timing devices and their operations, the number of video patrol cameras and their operations, elimination of cell telephones within the racetrack, and the number of equine and human ambulances and their operations.

A draft of the proposed amendments is attached for the reader’s information.

The commission also recognizes that Colonial Downs already meets these requirements applying to the regulations in facilities and equipment as well as generally.

In regards to Section 200:

The commission is aware that there is a problem with revising a request for racing days and whether or not it could accept or reject a request. The commission believes that it has jurisdiction to accept a request of a perfectly valid revision, but that an unlimited licensee may not withdraw a request, if it assumes the agency will not act fairly upon it.

In regards to Section 220:

The commission is aware that the issue of amending an acceptable request is permissible under its regulations and this issue may carry over into this section. Further, there is some concern on issuing racing days, and perhaps even changing the racing days, that amending procedures may arise from the process.

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.

The Virginia Racing Commission has not faced situation in regards to acceptance or rejection of a request for racing days. But the commission realizes that at some date in the future this could become a major issue. Further , the commission recognizes that while the current licensee is accepts current conditions that any new licensee might need to meet these industry operating procedures.

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 Virginia Racing Commission recognizes that these requirements would have no impact on the institution of the family and family stability.