

**VIRGINIA RACING COMMISSION**

Statement of Final Agency Action:

On May 15, 2002, the Virginia Racing Commission adopted a final and exempt regulation entitled "Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering - Flat Racing" (11 VAC 10-140-10 et seq.).

Explanation of Substantive Changes:

The Rules Committee recommended and the Commission adopted the following technical amendments to Chapter 140:

Section 10:

The amendment defines "nonstarter" to clarify the use of this term in this chapter.

Section 30:

In Subsection 2, the jockey's equipment to be included in the weight carried has amended to reflect the current practice in the Mid-Atlantic Region.

Section 40:

The term "pony rider" is added to the personnel who may not touch a racehorse while it is in the paddock.

Section 60:

In Subsection 3, the use or discontinue use of a tongue tie no longer requires the permission of the stewards and provision is made for appropriate public notification of equipment changes.

Section 130:

The amendment requires the prominent display of post time on the closed-circuit television system.

Section 140:

The amendment gives discretion to the starter to load horses into the starting gate by sections rather in strict order by post position.

Section 170:

In Subsection 4, the amendment gives discretion to the stewards to order refunds in any pools on a horse that does not obtain a fair start, but a horse is entitled to any purse earned by its finish in the race.

Section 180:

The first sentence of the section is deleted to reflect the amendment in Section 170.

Section 310:

The phrase "after obtaining the permission of the stewards" has been deleted for the procedure for jockeys to dismount from horses after a race.

In Subsection 7, the phrase "not weigh in at less weight than he weighed out" has been added to clarify the provision.

In Subsection 9, this subsection has been deleted to reflect the more specific wording in the amendment to Subsection 7.

Summary of Public Comments and Agency's Response:

The Rules Committee of the Virginia Racing Commission is composed of representatives of the breed and horsemen's associations in the Commonwealth as well as representatives of the two licensees.

The Rules Committee reviewed the regulations in light of its experience with live thoroughbred and harness racing meets at Colonial Downs and Oak Ridge. The committee reviewed the regulations at a public meeting and made recommendations for technical amendments to the regulations.

The proposed amendments to Chapter 140 were reviewed on a section-by-section basis during the May 15, 2002 meeting of the commission and no comments were heard from the public attending the meeting.

Summary of Regulation:

Adopting the recommendations of its Rules Committee, the Virginia Racing Commission made a number of technical amendments to the chapter. The principal amendment brings the procedures for the equipment to be included in the weight carried by the jockey during a race into conformity with procedures followed in the Mid-Atlantic Region.

Statement of Basis, Purpose, Substance, Issues and Impact:

Basis: 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." Further, the commission's regulatory action is exempted under the provisions of §2.2-4002 (A)(20)(ii) which states, "in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission."

Purpose: The commission relies heavily upon its special advisory panel—the Rules Committee—to advise it on matters pertaining to aspects of horse racing and pari-mutuel wagering. The committee represents the widest possible spectrum of interests within the horse racing and breeding community within the Commonwealth. The committee is charged with the responsibility of keeping the commission and its staff abreast of the latest developments in the sport and in the Mid-Atlantic Region. The recommendations of the committee, which have been adopted by the commission, will enhance the public's health, safety and especially the welfare of horse racing in Virginia.

Substance: The commission in adopting the recommendations of the committee made a number of technical amendments to Chapter 140. The principal technical amendments is specifying of the equipment to be included in a jockey's weight and carried during the race. This specification will bring Virginia's procedures into conformity with the jurisdictions in the Mid-Atlantic Region.

Issues: The amendments to Chapter 140 represent reasonable refinements in its regulations thereby ensuring that horse racing in Virginia will be free of any corrupt, incompetent, dishonest or unprincipled practices. Furthermore, the amendments bring the commission's regulatory practices into a greater degree of uniformity with those adhered to among the states comprising the Mid-Atlantic Region.

Impact Upon Families: The amendments will have no impact upon families in the Commonwealth.