

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 - Harness Racing" (11 VAC 10-150-10 et seq.).

Explanation of Substantive Changes:

The Rules Committee recommended and the Commission adopted the following technical amendments to Chapter 150:

Section 130:

In Subsection 14, the disciplinary action has been deleted.

In Subsection 15, the amendments puts in place procedures for racetracks, such as Oak Ridge in Nelson County, where there is no inner, hub-rail for harness racing.

Section 140:

The amendment specifies the procedure for a driver to lodge an objection.

Section 190:

The amendment transfers the procedures for qualifying races from Chapter 100.

Section 200:

The amendment transfers the procedures for time trials from Chapter 100.

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 150 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 racing around pylons, such as at Oak Ridge in Nelson County, where there is no inner, hub-rail for harness racing.

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 150. The principal technical amendment is specification for racing around pylons, such as at Oak Ridge in Nelson County, where there is no inner, hub-rail for harness racing. The specification is derived from the nationally-accepted standards of the United States Trotting Association.

Issues: The amendments to Chapter 150 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.