



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Racing Commission
Virginia Administrative Code (VAC) citation	11VAC10-60-15
Regulation title	Participants
Action title	To Amend Regulations Pertaining to the Fee Schedule for Permit Holders
Date this document prepared	April 24, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

This section is being amended to allow the Virginia Racing Commission to collect a higher fee for permits issued to the participants of horse racing. The fee schedule has remained constant since the first Satellite Wagering Facility began operation in 1996. A cost per permit issued analysis was performed and it was determined that it costs the Virginia Racing Commission \$64.31 for each permit that is issued. It is the intent of the Virginia Racing Commission to increase the amount charged for a permit and at the same time reduce our costs so that the end result will be that we break even on the issuance of permits in the future.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The Virginia Racing Commission derives its authority to promulgate regulations from the provisions of Section 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.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

The Virginia Racing Commission needs the fees for permits to increase to the point where the Commission breaks even on the issuance of permits so that it may use its resources for the safety and welfare of the participants, both human and animal.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

The fee schedule is being amended to provide for the increase in the amount charged for the issuance of a permit to participate in horse racing with pari-mutuel wagering.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

After careful consideration it was determined that increasing the fees for permits was the only viable solution. It should be noted that the Commission intends to reduce the costs of issuing the permits as well in an effort to break even on the issuance of permits.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also

seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Townhall website , www.townhall.virginia.gov, or by mail, email or fax to David Lermond, Regulatory Coordinator, 10700 Horsemen's Road, New Kent, VA 23124, [david.lermond@vrc.virginia](mailto:david.lermond@vrc.virginia.gov) gov. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

A public hearing will not be held.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The Virginia Racing Commission is not using the participatory approach in the development of this amendment.

Family impact

Assess 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 amendment will not have any impact on the family or family stability.