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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Racing Commission
Virginia Administrative Code (VAC) citation(s)	11VAC10-47-10, 11VAC10-47-20, 11VAC10-47-30, 11VAC10-47-40, 11VAC10-47-50, 11VAC10-47-60, 11VAC10-47-70, 11VAC10-47-80, 11VAC10-47-90, 11VAC10-47-100, 11VAC10-47-110, 11VAC10-47-120, 11VAC10-47-130, 11VAC10-47-140, 11VAC10-47-150, 11VAC10-47-160, 11VAC10-47-170, 11VAC10-47-180, 11VAC10-47-190, and 11VAC10-47-200
Regulation title(s)	Regulations Pertaining to Horse Racing With Pari-Mutuel Wagering
Action title	To Promulgate Regulations Pertaining to Historical Horse Racing
Date this document prepared	October 9, 2018

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The purpose of this action is to promulgate regulations that will implement the provisions of Chapter 811 of the 2018 Virginia Acts of Assembly, which authorizes Historical Horse Racing at facilities licensed by the Virginia Racing Commission throughout the Commonwealth of Virginia.

Acronyms and Definitions

Please define all acronyms or technical definitions used in the Agency Background Document. .

None

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Chapter 811 of the 2018 Virginia Acts of Assembly requires the Virginia Racing Commission to promulgate regulations to implement the provisions of the act to be effective within 180 days of its enactment.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Chapter 811 of the 2018 Virginia Acts of Assembly requires the Virginia Racing Commission to promulgate regulations to implement the provisions of the act to be effective within 180 days of its enactment.

Purpose

Please describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.

The Virginia Racing Commission must promulgate these regulations in order to ensure the integrity and proper oversight of Historical Horse Racing in the Commonwealth of Virginia.

Substance

Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

N/A – These are new regulations.

Alternatives

Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

Chapter 811 of the 2018 Virginia Acts of Assembly requires the Virginia Racing Commission to promulgate regulations to implement the provisions of this act. There are not any viable alternatives for this action as it is mandated by Chapter 811 of the 2018 Virginia Acts of Assembly.

Periodic Review and Small Business Impact Review Announcement

"This NOIRA is not being used to announce a periodic review or a small business impact review."

Public Participation

The Virginia Racing Commission is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the agency/board 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) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email to Kimberly Mackey, 5707 Huntsman Road, Suite 201-B, Richmond, VA 23250, Kimberly.Mackey@vrc.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.