



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-220
Regulation Title:	Virginia Horse Breeder Incentive Program
Action Title:	Retain
Date:	September 5, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

The Virginia Horse Breeder Incentive Program, initiated in 1982, is designed to encourage, expand, and develop the breeding of horses in Virginia. The program is administered by the Virginia Department of Agriculture and Consumer Services, with the assistance of horse breed organizations in the Commonwealth.

This program provides financial incentives to encourage members of the horse breeding industry to breed horses in Virginia and is similar to breeder incentive programs in other states. These incentives enhance the growth of the horse breeding industry in Virginia. Containing specifics

about the administration of the program, the regulation establishes criteria for participation in the program of financial incentives and specifies how funds will be distributed among horse breeders participating in the program.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Section 3.1-741.2 of the Code of Virginia (1950), as amended, authorizes the Department of Agriculture and Consumer Services to establish a program of financial incentives designed to encourage, expand and develop the breeding of horses in Virginia, and it mandates that the Department shall adopt appropriate regulations for the administration of the program.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The agency received no public comment on this regulation as the result of the Notice of Periodic Review published in The Virginia Register of Regulations on June 18, 2001, to provide notice of opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). No informal advisory group was formed for the purposes of assisting in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The specific and measurable goals of the regulation are:

1. The protection of the public’s health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.
2. To encourage, expand, and develop horse breeding farms with programs providing financial incentives to breeders, which will encourage and supplement private capital.

The regulation is effective in achieving these goals.

The regulation is essential to protect the welfare of citizens because the breeding and marketing of horses make a significant contribution to the state’s economy. The breeder incentive program encourages the development of high quality horses, thus enhancing the reputation of Virginia horses and improving their marketability.

The regulation has no impact on the institution of family and family stability.

The regulation is clearly written and easily understood by the individuals and entities affected.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The Agency considered repealing the regulation, but it is mandated by the Code of Virginia and the Agency believes the present version is the least burdensome and least intrusive alternative. For these reasons, the agency rejected the consideration to repeal the regulation.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The Agency is recommending that the regulation should stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no impact upon families.