

**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 - Entries" (11 VAC 10-110-10 et seq.).

Explanation of Substantive Changes:

The Rules Committee recommended and the Commission adopted to the following substantive changes to Chapter 110:

Section 10:

The phrase "entries close 72 hours or less before the running of the race and for which" has been deleted from the definition of "overnight race." Also, the phrase "and all fees shall be included in the purse" has been deleted from the definition of "stakes."

Section 20:

The phrase "stewards' list or on a" is deleted to accommodate the amendment of Chapter 100 whereby there is no longer a comprehensive listing of all horses ineligible for entry.

Section 40:

Subsection 7 is deleted so that a horse may not be entered in two races on any given racing day even if one of the race is a stakes race.

Section 80:

An exception for steeplechase races is permitted in limiting the number of starters to the number stalls in the starting gate. For steeplechase races, a flag start can be utilized.

Section 90:

In Subsection 5, the phrase "totalizator system" is substituted for the phrase "infield results board" in assigning horses to the "mutuel field."

Section 150:

This amendment permits the stewards to designate a "representative" to represent them during the draw for post positions.

Section 180:

In Subsection 7, any horse that is scratched by the stewards may not be entered until three days after the race from which the horse was scratched.

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 substantive changes to the regulations.

The proposed amendments to Chapter 110 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 two fairly substantive changes to the chapter: (i) no longer can a horse be entered in two different races on any given racing day; and (ii) a horse scratched from a race cannot be entered again until three days after the race from which it was scratched.

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 two fairly substantive changes in Chapter 110 in addition to several rather technical amendments. First, the commission established that a horse could only be entered in one race on any given race day. Second, the commission also established that a horse being scratched from a race cannot be re-entered until three days after the race from which it was scratched has been run.

Issues: The amendments to Chapter 110 represent reasonable refinements in its regulations thereby ensuring that horse racing in Virginia will be free 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.