



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Virginia Racing Commission
VAC Chapter Number:	Chapter 70
Regulation Title:	Stewards
Action Title:	Amend
Date:	12/27/2002

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The Virginia Racing Commission has determined that its regulations pertaining to Stewards shall require amendments. Working with its Rules Committee, the Commission shall amend 11 VAC 10-70-10 *et seq.* The Commission may revise the duties and responsibilities of the primary racing officials at licensed race meetings.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

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.”

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The Virginia Racing Commission has promulgated regulations pertaining to Stewards as well as their duties and responsibilities. Through the years since this chapter was promulgated, there have been revisions to the duties and responsibilities assigned to Stewards at Colonial Downs and other limited licensed race meetings.

The Commission, and its advisory Rules Committee, is particularly concerned about the provisions regarding the appointment of Stewards. In making appointments of Stewards, it is the intent of the Commission that these primary racing officials deal with issues arising from the conduct of race meetings. In essence, the Stewards become the first level of regulatory enforcement of matters arising out of licensed race meetings.

So the Commission, and its advisory Rules Committee, will give particular attention to the section 11 VAC 10-70-20 of this chapter. The section deals with the appointment of Stewards and the clear intent that they primarily deal with all initial issues arising at race meetings.

The amendments accomplished by the Commission, in conduction with its Rules Committee, should provide the Commonwealth with regulations protecting the health, safety and welfare of those who participate in horse racing with pari-mutuel wagering.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

While the Virginia Racing Commission and its advisory Rules Committee could have chosen to leave the issues arising from Chapter 70 unresolved, they have decided that its regulations hould be revised, especially the Section 20 concerning the appointment of Stewards.

Family Impact Statement

Please provide a preliminary analysis of 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 amendments will not have any impact on the families in the Commonwealth.