



## Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Racing Commission
<b>Virginia Administrative Code (VAC) citation</b>	11 VAC 10-20-200
<b>Regulation title</b>	Request for Racing Days
<b>Action title</b>	Amendment
<b>Document preparation date</b>	Enter date this form is uploaded on the Town Hall

This information is required for executive review ([www.townhall.state.va.us/dpbpages/apaintro.htm#execreview](http://www.townhall.state.va.us/dpbpages/apaintro.htm#execreview)) and the Virginia Registrar of Regulations ([legis.state.va.us/codecomm/register/regindex.htm](http://legis.state.va.us/codecomm/register/regindex.htm)), pursuant to the Virginia Administrative Process Act ([www.townhall.state.va.us/dpbpages/dpb\\_apa.htm](http://www.townhall.state.va.us/dpbpages/dpb_apa.htm)), Executive Orders 21 (2002) and 58 (1999) ([www.governor.state.va.us/Press\\_Policy/Executive\\_Orders/EOHome.html](http://www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)), and the *Virginia Register Form, Style, and Procedure Manual* ([http://legis.state.va.us/codecomm/register/download/styl8\\_95.rtf](http://legis.state.va.us/codecomm/register/download/styl8_95.rtf)).

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Do **not** state each provision or amendment or restate the purpose and intent of the regulation.*

The Virginia Racing Commission has adopted two new substantive provisions in its regulations “Request for Racing Days” (11 VAC 10-20-200). The provisions are (i) re-specifying the date at which the licensee is to make a request for racing days, and (ii) to clarify the manner for making an amendment to a properly submitted request.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

Enter statement here

On November 19, 2003, the Virginia Racing Commission adopted the amendments to “Request for Racing Days” (11 VAC 10-20-200) during its monthly meeting.

### Legal basis

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

*If the final text differs from the text at the proposed stage, please indicate whether the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.*

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.”

### Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

In accepting the recommendations of its Rules Committee, the Virginia Racing Commission has amended two subsections of the regulations pertaining to requests for racing days. First, it has become evident to the horse racing community that making a request for racing days cannot be effectively accomplished by September 1<sup>st</sup>. The Rules Committee and the Commission agreed that this date should be established by the Commission in late summer or early autumn. Second, there has been some misunderstanding over the provisions of making amendments to requests. The Rules Committee and the Commission agreed that this matter must be clarified. Through these amendments, the regulations will protect the health, safety and welfare of the participants in horse racing.

**Substance**

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.*

The establishment of a date by which the Commission would facilitate the request for racing days was necessary. Originally, the Commission established September 1<sup>st</sup> as the date for making requests for racing days, however, often the licensee and horsemen wanted to have the results of the most recent race meeting before making a schedule for the coming year. This amendment would allow the Commission as well as the licensee and horsemen to have the benefit of this matter.

In addition, there has been some misunderstanding concerning the amendment of requests for racing days. The revision of the wording of this subsection should clarify the matter before the licensee and horsemen.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If there are no disadvantages to the public or the Commonwealth, please indicate.*

The primary advantages and disadvantages to the horse racing community are important. By establishing a later date, rather than the specific September 1<sup>st</sup> date, the licensee and horsemen will be in a better position to make more accurate economic plans for the coming year of racing. However, it is a disadvantage to have the date set back further from September to October to November or December. This limits the amount of publicity can be used on the racing days for the coming year.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.*

There were no changes made in the proposed regulations to their adoption as final regulations by the Virginia Racing Commission.

Section number	Requirement at proposed stage	What has changed	Rationale for change

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

Commenter	Comment	Agency response

A public hearing on “Request for Racing Days” (11 VAC 10-20-200) was held in Richmond on October 15, 2003. There was no person interested in addressing the proposed regulation. At the November 19, 2003 monthly meeting of the Commission, there was no one interested in addressing the proposed regulation.

**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

In B:

The wording of the subsection clearly states the date for submission of a request for racing days shall come “at a time designated by the commission.” In addition, the term “general business office” has been added as well as the new mailing address.

In D:

The word “amendment” is used instead of “revision” to indicate that this is an amendment of a request for racing days. The subsection also states that a licensee may at “any time amend” a request for Commission approval.

**Impact on family**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

The amendments will have no impact on the family or family stability.