



Virginia
Regulatory
Town Hall

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Final Regulation Agency Background Document

Agency name	Virginia Racing Commission
Virginia Administrative Code (VAC) citation	11 VAC 10-20-240
Regulation title	Transfer or acquisition of interest in owner's, owner-operator's or operators license
Action title	Amendment
Document preparation date	9/16/2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

The amendments specify certain procedures for the transfer or acquisition of an interest in an existing owner's, owner-operator's or operator's license. In those cases, where the applicant has not sought the approval of the commission, it may take actions against the holder of the existing license.

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.

On September 7, 2005, the Virginia Racing Commission adopted the final amendments to 11 VAC 10-20-240 et seq. (Transfer or acquisition of interest in owner's, owner-operator's or operator's license) at its regular monthly meeting.

Legal basis

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

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.

The purpose of the proposed action is to specify certain procedures for the transfer or acquisition of an interest in an existing owner's, owner-operator's or operator's license. It is in the interest of horse racing and breeding within the Commonwealth that licensed racetracks are operated with the highest quality. This has provided for the safe conduct of the sport within Virginia and has ensured the facilities are safe for the patrons who attend the races.

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 amendments specify certain procedures for the transfer or acquisition of an interest in an existing license. The changes are:

1. On the transfer of a race meet or meetings, the commission shall act within sixty days of receiving the request;
2. Any person acquiring actual control of an existing license shall apply to the commission for approval;
3. The Commission may demand such information of the applicant and shall approve or deny the request within sixty days;
4. For person acquiring actual control of an existing license, the applicant must provide the following:
 - a. A proposal for the future operation of the license;
 - b. Additional information provided by the applicant; and
 - c. The applicant has the experience, expertise, financial responsibility and

- commitments to meet the requirements of the Act, regulations, contracts with horsemen, and any proposal submitted by the commission.
5. For those applicants who have not sought commission approval, it may take actions against the existing licensee.

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 amendments to 11 VAC 10-20-240 will pose no disadvantages to the public or the Commonwealth.

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

No public comments were received.

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
	Subsection D		The regulations set forth specific proposals for persons acquiring an interest in an existing license. In those cases, where the applicant has not sought the approval of the commission, it may take actions against an existing licensee.

Enter any other statement here

Family impact

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

The amendments to 11 VAC 10-20-240 will have no impact on the institution of the family and the family stability in the Commonwealth of Virginia.