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WEST VIRGINIA LEGISLATURE  
Legislative Rule-Making Review Committee

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SECRETARY OF STATE

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December 12, 1999

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: John Musgrave  
Lottery Commission  
P.O. Box 2067  
Charleston, WV 25327

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Limited Gaming Facility Rules, 179CSR4**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed
  - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.

ANALYSIS OF PROPOSED LEGISLATIVE RULES

**Agency:** West Virginia State Lottery

**Subject:** Limited Gaming Facility Rules, 179CSR4

PERTINENT DATES

Filed for public comment: June 23, 1999  
Public comment period ended: July 21, 1999  
Filed following public comment period: August 6, 1999  
Filed LRMRC: August 6, 1999  
Filed as emergency: June 23, 1999

Fiscal Impact: \$344,000 increase

RECEIVED  
JUL 23 1999  
STATE OF WEST VIRGINIA  
DEPARTMENT OF TREASURY

ABSTRACT

The proposed rule is new. The following is a section by section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

**PART 1. DEFINITIONS**

Section 2 defines terms.

**PART 2. ADMINISTRATIVE PROVISIONS**

Section 3 contains provisions relating to applications, records and the Commission's authority. It requires the limited gaming facility to maintain certain specified records and requires it to report all changes in information. An applicant or licensee is also required to disclose all representatives.

This section also contains provisions regarding investigative hearings, the carrying of weapons in the limited gaming facility, the administrative powers of the Commission and internal control procedures for the limited game facility. It sets forth the information which must be contained in the internal control procedures.

Section 4 provides that certain related party contracts or transactions are not controlled by internal control procedures but by the provisions of the rule.

Section 5 requires a limited gaming facility or supplier licensee or applicant to exercise reasonable care to ensure that each contract or transaction entered into complies with the Act and the proposed rule.

Section 6 requires a limited gaming facility licensee or applicant to file quarterly reports on all contracts or non-wagering transactions in an amount of more than \$50,000. It specifies the information to be contained in the reports.

Section 7 requires a limited gaming facility licensee or applicant to notify the Commission in writing when it enters into a contract or transaction which is more than \$50,000.

Section 8 allows licensees, applicants or any other person to identify materials as confidential and if they are exempt from disclosure by statute, the Commission may not disclose the materials except to other jurisdictions or law enforcement agencies.

Section 9 allows the Commission to waive, restrict or alter any requirement or procedure set forth in the proposed rule under certain conditions.

Section 10 requires the limited gaming facility or supplier licensee or applicant to report suspected criminal activity relating to its operations to the State Police. It also requires them to report other specified activities to the Commission.

Section 11 requires applicants and licensees to notify the Commission if they become aware that a licensee is in violation of the Act or the rule.

Section 12 requires an applicant to provide a written notice to the Commission under the same circumstances that a licensee is required to provide notice.

Section 13 requires that written notices be sufficiently detailed and requires they be supplemented upon request.

Section 14 was intentionally omitted.

Section 15 prohibits a licensee or applicant or an affiliate, key person or representative of a licensee or applicant from entering into certain transactions with a member of the Commission, the Director of the West Virginia Lottery, a supervisor of the Lottery or

any of their immediate family members. It also prohibits certain transactions with non-supervisory employees of the Lottery, members of the State Police. It also prohibits persons with certain specified interests from applying for or being granted a license.

Section 16 prohibits a licensee or applicant or an affiliate, key person or representative of a licensee or applicant from giving any gift, gratuity, compensation, etc to a member of the Commission, the Director of the West Virginia Lottery, an employee of the Lottery or any of their immediate family members.

Section 17 prohibits a limited gaming facility applicant or licensee from owning an interest of more than 10% in a licensed supplier.

Section 18 allows the Director to review, at the premises of the custodian of the information, any information required from a license applicant, a licensee, an affiliate of an applicant or licensee or a person who holds more than a 5% direct or indirect interest in an applicant or licensee. It requires the licensee or applicant to reimburse the Commission for incurred expenses.

Section 19 is reserved.

### **PART 3. LICENSES**

Section 20 contains general requirements regarding applications. It also lists certain duties of applicants and licensees. It also requires applicants, licensees and other parties to furnish fingerprints for a national criminal records check.

Section 21 lists three classifications of licenses: license to operate a gaming facility; supplier license; and occupational license. It provides for three levels of occupational licenses.

Section 22 sets forth the statutory nonrefundable application fees, the investigative fees and maintenance fees.

Section 23 requires that certain specified persons be qualified prior to the issuance or renewal of a gaming facility license or a supplier license.

Section 24 sets forth the procedures to which an applicant to a gaming facility license is subject prior to licensing.

Section 25 sets forth the application procedures for a limited gaming facility license. It also sets forth information which must be submitted by the applicant.

Section 26 requires the Director to review the application and other information regarding an applicant for a limited gaming facility license and file a written report with the Commission and the applicant. It sets forth conditions and restrictions which the Commission may place on the license.

Section 27 requires the licensed gaming facility operator to pay an annual maintenance fee of \$5,000 and requires that it be received by the Lottery on or before the anniversary date of the issuance of the license.

Section 28 provides for the renewal of the limited gaming facility license every five years. It sets forth the statutory renewal fee of \$25,000 and sets forth the conditions for renewal of the license.

Section 29 requires a limited gaming facility licensee to remain eligible, qualified and suitable during the term of the license.

Section 30 requires a limited gaming facility licensee to notify the Commission of any change in directors, partners, etc.

Section 31 requires an applicant or licensee to notify the Commission of any new financial sources.

Section 32 requires an applicant or a licensee that is a publicly traded company or a publicly traded holding company or affiliate that has control of an applicant or licensee to notify the Commission when certain specified actions occur.

Section 33 prohibits a new director, officer or key person of a limited gaming facility licensee, required to be qualified or licensed under the Act or rule, from performing any duties until he or she is qualified or licensed.

Section 34 prohibits a new director, officer or key person of the immediate parent company of a limited gaming facility licensee, required to be qualified or licensed under the Act or rule, from performing any duties until he or she is qualified or licensed.

Section 35 is reserved.

Section 36 is reserved.

Section 37 is reserved.

Section 38 is reserved.

Section 39 is reserved.

Section 40 requires any person supplying more than \$50,000 in gaming devices, supplies or services to a limited gaming facility in any 12 consecutive months to be licensed. It sets forth criteria to be used by the Commission in determining whether or not a person is qualified to be licensed as a supplier. It also lists those persons who are required to be licensed.

Section 41 sets forth the application procedures for a supplier's license. It specifies information which must be supplied to the Commission.

Section 42 sets forth criteria which an applicant for a suppliers license must meet by supplying the Commission with any required information, documentation and assurances.

Section 43 sets forth the action which the Commission may take on an application for a suppliers license. The Director is to report to the Commission on the background investigation of the applicant. It requires the applicant to appeal a notice of denial within 10 days or the notice becomes a final order of the Commission.

Section 44 prohibits a person whose application for a suppliers license was denied from reapplying for a year unless the Commission, upon request, allows application at an earlier date.

Section 45 sets forth the statutory annual license maintenance fee of \$5,000. It requires the licensee to file a report 45 days before renewal containing certain specified information.

Section 46 provides for the renewal of a suppliers license which expires after five years. It sets forth the conditions which must be met in order for the Commission to renew a license, including submission of the statutory renewal fee of \$5,000. It sets forth the circumstances upon which the Commissioner may deny a renewal license. A licensee must appeal a notice of nonrenewal within 10 days or the notice becomes a final order of the Commission.

Section 47 requires individuals employed either part-time or full-time by a limited gaming facility whose work duties are related to the gambling operation or performed in a restricted area of the casino or in the gaming area of the casino to have an occupational license of the appropriate level.

Section 48 sets forth the duties for which a level 1 license is required. For example, an individual functioning as a pit boss, casino shift manager, slot shift manager, director of security, or controller would need this level of licensure.

Section 49 sets forth the duties for which a level 2 license is required. For example, an individual functioning as a dealer, box person or floor attendant would need this level of licensure.

Section 50 sets forth the duties for which a level 3 license is required. A person who serves food or beverages in the casino gaming area to gaming patrons would need this level of licensure.

Section 51 sets forth the information which must be contained in the application for an occupational license.

Section 52 sets forth the application procedures for occupational licenses. It authorizes the Director to issue a temporary occupational license to the applicant if a preliminary review of the application and criminal history check do not indicate any apparent deficiencies. The temporary occupational license is valid for 90 days and may be renewed.

Section 53 requires the Director to report to the Commission regarding the staff's completed background investigation and the Commission to grant or deny the application. It requires the applicant to appeal a notice of denial within 15 days or the notice becomes a final order of the Commission.

Section 54 sets forth the information which is to be included on an occupational license issued by the Commission. The Commission is also to issue an identification badge for the applicant which meets the specifications set forth in this section.

Section 55 prohibits a person whose application for an occupational license was denied from reapplying for a license of the same level or higher level for a year unless the Commission, upon request, allows application at an earlier date.

Section 56 requires the payment of an annual maintenance fee for occupational licenses. It provides for the renewal of licenses every five years.

Section 57 is reserved.

Section 58 is reserved.

Section 59 is reserved.

#### **PART 4. CONDUCT OF GAMING**

Section 60 requires the limited gaming facility licensee to submit its game rules to the Commission for approval.

Section 61 provides that gaming hours will be set by the Commission.

Section 62 allows the operator of a gaming facility to set minimum wagers for any game of chance except video lottery. Video lottery terminals may not allow more than two dollars to be wagered on a single game.

Section 63 requires a limited gaming facility licensee or applicant to submit a floor plan of the casino to the Commission showing the location, number or position of each electronic or live gaming device.

Section 64 prohibits a limited gaming facility licensee from permitting a game to be played if it is not approved by the Commission. It lists the games that are authorized and not authorized by the Commission.

Section 65 sets forth the manner in which the limited gaming facility licensee or applicant is to submit its game rules. It provides for the approval or disapproval of the game rules by the Commission and sets forth the criteria which the rules must meet in order to be approved.

Section 66 requires the limited gaming facility licensee or applicant to submit amendments to rules of the game to the Commission for approval at least 30 days before utilizing the rules of the game.

Section 67 requires the posting of table limits and minimum and maximum wagers.

Section 68 sets forth specifications for playing cards.

Section 69 sets forth specifications for dice.

Section 70 requires the limited gaming facility licensee to remove cards or dice from play under certain circumstances such as they have been tampered with or they are flawed. If they have been tampered with the pit boss is to place them in a sealed envelope and give it to Lottery security. Information which must be written on the outside of the envelope is specified. This section also sets forth the method of canceling dice and cards which have been removed from play except for those that have been tampered with.

Section 71 requires that dice or playing cards not being utilized be kept in locked compartments. It requires the limited gaming facility to keep an inventory of all dice and cards and sets forth the information which the inventory must contain. It requires

the limited gaming facility to do a physical inventory every three months.

Section 72 requires an occupational licensee accepting cards for play to inspect the cards.

Section 73 requires the pit boss to inspect dice before placing them into play.

Section 74 permits a limited gaming facility to only receive wagers from persons present at the facility and requires the facility operations to use a cashless wagering system.

Section 75 requires a limited gaming facility licensee to comply with federal and state regulations and rules for the withholding of taxes from winnings and or the filing of currency transaction reports.

Section 76 requires a limited gaming facility licensee to submit chips for review and approval.

Section 77 sets forth chip specifications.

Section 78 requires a gaming facility to have a primary and secondary set of value chips and a non-value chip reserve. It sets forth the circumstances under which a primary set of gaming chips is to be removed from play.

Section 79 requires a limited gaming facility licensee to obtain approval from the Commission of tokens for gaming in electronic gaming devices prior to using them. It sets forth the requirements for metal tokens which may be used with the approval of the Commission.

Section 80 allows a limited gaming facility licensee, for specified marketing purposes, to provide its patrons with coupons redeemable for complimentary chips or tokens if certain specified requirements are met.

Section 81 sets forth the requirements for the issuance and redemption of chips.

Section 82 requires chips or tokens received from a manufacturer or distributor to be opened and checked by not less than two employees of the limited gaming facility licensee. It requires supplier licensees and unlicensed suppliers to notify the Commission prior to the delivery of the chips or tokens.

This section requires the limited gaming facility licensee place certain specified information in a chip inventory ledger.

Section 83 provides the method which must be used in taking chips from or returning them to the reserve chip inventory or the secondary set of chips. It requires the limited gaming facility licensee to compute and record the unredeemed liability for each denomination of chips on a bi-weekly basis and to inventory the chips in reserve on a monthly basis.

Section 84 sets forth requirements for tokens.

Section 85 sets forth the requirements for destroying chips and requires the limited gaming facility licensee to notify the Director in advance of the proposed destruction. It also requires the limited gaming facility licensee to its procedures for recording the receipt, inventory, storage and destruction of gaming tokens to the Commission for its approval.

Section 86 requires the limited gaming facility licensee to notify the Commission of the discovery of counterfeit chips or tokens that result in a loss of more than \$1,000 to the Licensee and provides for the destruction of those chips and tokens.

Section 87 contains provisions similar to those contained in Section 80.

Section 88 requires the limited gaming facility licensee to submit its internal control procedures concerning complimentary chips and token programs to the Commission in accordance with specified requirements.

Section 89 sets forth the methods by which the limited gaming facility licensee must make amendments to its internal control procedures concerning complimentary chips and token programs.

Section 90 sets forth requirements for administering the coupon accounting procedures and distribution program. It requires the maintenance of a coupon control ledger. It requires the casino department responsible for distributing the coupons to maintain a daily coupon reconciliation form.

Section 91 sets forth information which must be contained on coupons used in the complimentary chips and token program.

Section 92 requires that records required by this part be maintained for one year.

Section 93 is reserved.

Section 94 is reserved.

Section 95 is reserved.

Section 96 is reserved.

Section 97 is reserved.

Section 98 is reserved.

Section 99 is reserved.

Section 100 is reserved.

#### **PART 5. INTERNAL CONTROL PROCEDURES**

Section 101 sets forth the purposes of the internal control system procedures.

Section 102 requires the limited gaming facility licensee to submit a description of its administrative and accounting procedures in detail in a written system of internal control to the Commission at least 90 days before the gambling operation commences. It sets forth elements which the description must contain.

Section 103 sets forth the procedures for amendments to the internal control system procedures, which require Commission approval.

Section 104 allows the limited gaming facility licensee to amend an internal control procedure, with the Director's concurrence, in the event of an emergency.

Section 105 requires the limited gaming facility licensee to amend its procedures within 30 days of receiving notice from the Commission that its administrative or accounting procedures or written system of internal controls do not comply with the requirements of the rule.

Section 106 is reserved.

Section 107 is reserved.

Section 108 is reserved.

Section 109 is reserved.

Section 110 is reserved.

## PART 6. SECURITY AND SURVEILLANCE.

Section 111 provides that the limited gaming facility licensee is to require that the casino surveillance room be staffed while certain specified activities are occurring.

Section 112 requires the limited gaming facility to have recording and monitoring rooms. It requires separate surveillance rooms for the Commission and State Police personnel and for surveillance employees of the gambling operation. It sets forth requirements for the surveillance rooms.

Section 113 requires the limited gaming facility to have separate temporary holding areas for detainees and arrestees.

Section 114 requires the limited gaming facility licensee to provide a secured delivery station for armored car cash deliveries, armored car cash pick-ups, the delivery and pick-up of chips tokens and other valuables and the pick-up of detainees. It sets forth the requirements for a secured delivery station.

Section 115 requires the limited gaming facility licensee to install a closed circuit television system and sets forth requirements for that system.

Section 116 requires that the surveillance closed circuit television system be capable of covertly monitoring activities on the casino floor and related areas.

Section 117 sets forth the areas which must be covertly monitored.

Section 118 sets forth activities which the surveillance system must visually record or visually and audibly recorded.

Section 119 provides for the retention of recorded activities. It requires that the Commission be provided with a visual or audible recording of (1) the detention of any individual or the questioning of a detained individual or (2) a violation of internal controls or criminal activity and specifies markings to be made on the recording.

Section 120 requires that the limited gaming facility licensee provide a segregated and secured telephone communication system in the Commission surveillance room and Commission casino premises for use by the Commission and State Police assigned to assist the Commission.

Section 121 requires the limited gaming facility licensee to maintain a daily surveillance log and a log of visitors to the

surveillance room. It sets forth requirements for the daily surveillance log and the visitors log.

Section 122 requires the limited gaming facility licensee to provide a secure and segregated room at the casino premises for the exclusive use of the Commission.

Section 123 requires that the Lottery's security division be notified if surveillance equipment is expected to be out of service for more than 30 minutes due to maintenance or malfunction.

Section 124 requires the limited gaming facility licensee to submit an emergency action plan to the Commission and others within 120 days of commencing operations.

Section 125 provides that the limited gaming facility licensee require all licensed casino surveillance and security personnel to undergo annual incident management training.

Section 126 requires the limited gaming facility to submit a surveillance plan to the Commission not less than 90 days before the commencement of gambling operations.

Section 127 relates to notification of employees that they will be under surveillance.

Section 128 requires the limited gaming facility to assure that portable telephone and 2-way radio communication equipment may be operated from all areas of the limited gaming facility.

Section 129 is reserved.

Section 130 is reserved.

#### **PART 7. SEIZURE, FORFEITURE AND DISCLOSURE HEARINGS.**

Section 131 states that a licensee has the duty to maintain suitability for licensure. It states that the Commission may initiate an investigation and/or a disciplinary action if the licensee is not maintaining suitability for licensure, is not complying with licensure provisions or is not complying with the Act or the rule.

Section 132 sets forth actions which the Commission or a hearing officer may take in an action to seize and destroy a video lottery terminal. It also sets forth actions which the Commission or a hearing officer may take in a disciplinary action against a licensee.

Section 133 provides that the Commission may suspend a license issued to a limited gaming facility without notice or hearing if the Commission determines that the safety or health of patrons or employees would be threatened by the continued operation of the casino or that action is necessary for the immediate preservation of the integrity of casino gambling, the Lottery, public peace, health, safety, morals, good order or general welfare. It also provides for the suspension of any license in the case of an emergency after a hearing.

Section 134 is reserved.

Section 135 is reserved.

#### **PART 8. ACCOUNTING RECORDS AND PROCEDURES.**

Section 136 sets forth the ownership records which the limited gaming facility must maintain.

Section 137 requires the limited gaming facility licensee to maintain accounting records using a double entry system of accounting with transactions recorded on the accrual basis and supported by detailed subsidiary records. It specifies the information which must be contained in the subsidiary records.

Section 138 requires the limited gaming facility licensee to file financial reports and statistical data on a monthly, quarterly and annual basis.

Section 139 authorizes the Commission to require special audits. It also requires the limited gaming facility licensee to submit annual compliance reports which address certain specified areas.

Section 140 sets forth accounting controls to be used within the cashiers cage.

Section 141 prohibits the limited gaming facility licensee from extending credit to its patrons for gambling purposes. Credit may only be extended in accordance with internal control procedures approved by the Commission.

Section 142 requires employees at gaming tables to immediately place cash or currency equivalents in the drop box. It also prohibits cash wagers at any gaming table.

Section 143 prohibits gaming employees, gambling operation key persons and supervisors from accepting tips or gratuities.

Section 144 requires the limited gaming facility licensee to maintain an account at a designated financial institution that is capable of handling electronic fund transfers for deposits of the wagering tax.

Section 145 is reserved.

Section 146 is reserved.

Section 147 is reserved.

Section 148 is reserved.

Section 149 is reserved.

Section 150 is reserved.

#### **Part 9. CREDIT.**

Section 151 states that extension of credit rules do not include the use of a major credit card by patrons to pay for chips, tokens, etc. It sets forth the reasons for which the limited gaming facility licensee should submit procedures for the extension of credit.

Section 152 requires the limited gaming facility licensee to submit procedures to the Lottery for extending credit.

Section 153 sets forth the requirements for amendments to the procedures for extending credit.

Section 154 sets forth the minimum requirements for the procedures for establishing credit.

Section 155 authorizes the limited gaming facility licensee to verify a patron's outstanding indebtedness by contacting a consumer credit bureau or casino credit bureau.

Section 156 requires the limited gaming facility licensee to establish procedures for the computerized or manual issuance of markers and sets forth minimum requirements for the procedures.

Section 157 requires the limited gaming facility licensee to establish procedures to ensure that all payments received on outstanding credit instruments are recorded in a timely fashion and sets forth minimum requirements for the procedures.

Section 158 requires the limited gaming facility licensee to establish procedures in connection with front money deposits.

Section 159 requires the limited gaming facility licensee to establish procedures for cashing checks or drafts. It sets forth the types of checks which may be cashed.

Section 160 requires the limited gaming facility licensee to establish procedures for the handling of returned checks. It requires a collections department to maintain a continuous record of all returned checks and specifies the information to be contained in those records.

Section 161 requires the limited gaming facility licensee to establish procedures for the collection of past due markers and returned checks.

Section 162 requires the limited gaming facility licensee to establish procedures for the write-off of past due accounts.

Section 163 is reserved.

Section 164 is reserved.

Section 165 is reserved.

Section 166 is reserved.

Section 167 is reserved.

Section 168 is reserved.

Section 169 is reserved.

Section 170 is reserved.

#### **PART 10. EXCLUSION OF PERSONS.**

Section 171 states that if a person is on the Commission's exclusion list, that person may not be permitted entry to the limited gaming facility.

Section 172 requires the Commission to maintain a list of persons to be ejected or excluded from the casino. It sets forth information which is to be provided for each excluded person.

Section 173 sets forth the criteria which the Director is to use in determining who to place on the exclusion list.

Section 174 sets forth the procedure for entering a person's name on the exclusion list. It requires the Director to file a notice of exclusion containing certain specified information. The

person to be excluded must request a hearing within 21 days of receiving the notice. It provides for a temporary exclusion of at least 6 months for persons excluded or ejected for criteria related to conduct.

Section 175 permits a person on the exclusion list to petition the Commission to have his or her name removed from the list.

**PART 11. OFFENSES AND PENALTIES; FORFEITURE OF PROPERTY.**

Section 176 sets forth actions which are considered unlawful operation of a game of chance by a licensee and actions which are considered a felonious wager and sets forth penalties. It also authorizes the Commission to impose a civil penalty of up to \$10,000 on any person who violates the provisions of the Act or the rule.

Section 177 is reserved.

Section 178 is reserved.

Section 179 is reserved.

Section 180 is reserved.

**PART 12. DISPUTE PROCEDURES.**

Section 181 requires the limited gaming facility licensee to attempt to resolve all patron disputes and gives the licensee 10 business days to investigate a patron complaint and resolve the dispute. If the dispute cannot be resolved, the patron has a right to file a complaint with the Commission. It sets forth the minimum information which must be contained in the complaint. The complaint must be filed within 21 days of the incident which led to the dispute. The licensee is to respond to the patron's complaint within 14 business days.

Section 182 allows the Commission to investigate a patron's dispute and to institute disciplinary action against any licensee who violated the Act or the rule.

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**AUTHORITY**

Statutory authority: W.Va. Code, §29-25-5, which provides as follows:

The commission shall propose for promulgation legislative rules in accordance with the provisions of article three, chapter twenty-nine-a of this code as are necessary to provide for implementation and enforcement of the provisions of this article. Any rules proposed by the commission before the first day of September, one thousand nine hundred ninety-nine, may be by emergency rule.

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ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.