

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In This Box

FILED

2004 DEC 17 P 2:

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: STATE LOTTERY COMMISSION TITLE NUMBER: 179

CITE AUTHORITY: W.Va. CODE 29a-1-2(c)

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 7

TITLE OF RULE BEING PROPOSED: LOTTERY INTERPRETIVE RULE

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS JANUARY 17, 2005

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE


Authorized Signature

TITLE 179

FILED

INTERPRETIVE RULE

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WEST VIRGINIA LOTTERY

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 7

LOTTERY INTERPRETIVE RULE

§179-6-1. General.

1.1. Scope and Purpose. - The purpose of this interpretive rule is to disclose how the State Lottery Commission will interpret, clarify and explain provisions of the Limited Video Lottery Act codified in W.Va. Code §29-22B-101 et seq.

1.2. Authority. - W. Va. Code - §29-22B-402.

1.3. Filing Date. -

1.4. Effective Date. -

§179-6-2 Interpretation of terms and words found in the Act.

2.1. "Monitor," as the term is found in W.Va. Code §29-22B-702, means that the licensed premises must be staffed at all times when limited video lottery games are being played. This interpretation means that a person who views the video lottery licensed premises on a video screen in a place outside the premises described in the licensee's license from the Alcohol Beverage Control Administration and the license from the State Lottery Commission is not monitoring "...video lottery terminals to prevent access or play by persons who are under the age of twenty-one years or who are visibly intoxicated," as required by section 702(8) of the Act. This interpretation is also in keeping with W.Va. Code §29-22B-1201(c) that says, "Personnel of the limited video lottery retailer shall be present during all hours of operation at each video lottery terminal location. These personnel shall make periodic inspections of the restricted access adult-only facility in order to provide for the safe and approved operation of the video lottery terminals and the safety and well-being of the players."

LOTTERY INTERPRETIVE RULE

**FILED FOR THIRTY-DAY COMMENT PERIOD
NOVEMBER 10, 2004**

**COMMENT PERIOD ENDED
DECEMBER 15, 2004 AT 4:30 p.m.**

No comments received.