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Joe Manchin III
Governor

September 7, 2007

John C. Musgrave
Director

Hon. Betty Ireland
Secretary of State
Suite 157, State Capitol
Charleston, West Virginia 25305

Subject: **WITHDRAWAL OF THE STATE LOTTERY COMMISSION'S JULY 31, 2007 AMENDMENT TO THE RACETRACK TABLE GAMES EMERGENCY RULE AND THE SUBSTITUTION OF A NEW AMENDMENT TO THE RACETRACK TABLE GAMES EMERGENCY RULE**

Dear Secretary Ireland:

The State Lottery Commission met today in an emergency meeting to consider whether to withdraw its July 31, 2007 amendment to its Racetrack Table Games Emergency Rule and the substitution of a new amendment to the Racetrack Table Games Emergency Rule. This letter and the attached Commission Order will serve as notice of the Commission's withdrawal of the amended emergency rule.

The replacement amended emergency rule will be filed once Secretary Alsop has approved it and signed the appropriate document which may be sometime during the week of September 10th.

Sincerely,

John C. Musgrave
Director

c: James Robert Alsop
Secretary of Revenue

Michele Duncan Bishop, Esq.
General Counsel, Department of Revenue

Enclosure

OFFICE OF THE
SECRETARY OF STATE

2007 SEP 10 AM 9:39

FILED



ORDER

THE WEST VIRGINIA STATE LOTTERY COMMISSION

RE-ADOPTION OF THE AMENDED EMERGENCY RACETRACK TABLE GAMES RULE

Comes now John C. Musgrave, Director of the State Lottery Office, to present his request that the Commission vote recall its amendment to its Emergency Racetrack Table Games Rule from the Secretary of State's Office and the Legislative Rule-Making Review Committee and to approve a revised amended Emergency Racetrack Table Games Rule for filing with the Legislative Rule-Making Review Committee and the Secretary of State's Office.

The Director, upon reflection and advice, believes there may be a flaw in the drafting of section 136 of the Rule regarding the allowance of certain racetrack employees into designating areas when those employees are less than twenty-one years of age. The revised amended Emergency Racetrack Table Games Rule would delete section 136 in its entirety and add a new definition 2.18 for the term "Designated Gaming Areas" that will deal with the underage workers in a more appropriate way.

After fair and frank discussion, and a vote of the Commission, the amended Emergency Racetrack Table Games Rule filed July 31, 2007 is recalled from the Secretary of State's Office and the Legislative Rule-Making Review Committee, and by a second vote the Commission, a replacement amended Emergency Racetrack Table Games Rule was adopted for filing with the Legislative Rule-Making Review Committee and the Secretary of State's Office.

THEREFORE: It is **ORDERED** that the Director amend the rule pursuant to the votes of the Commission and file it with the Legislative Rule-Making Review Committee and the Secretary of State's Office.

This Order is adopted by the West Virginia State Lottery this seventh day of September 2007.

2007 SEP 10 AM 9:39
SECRETARY OF STATE
WEST VIRGINIA

John H. Bowling, Jr., Chairman
West Virginia State Lottery Commission

Robin Graley
Recording Secretary