

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #4

FILED

1989 JUN -1 PM 2:23

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Racing Commission TITLE NUMBER: 178

CITE AUTHORITY WV Code § 19-23-6 (a) (3)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: Thoroughbred

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.





COMMISSIONERS

HARRY L. BUCH
CHAIRMAN

OLIVER KASTLE
MEMBER

JOHN T. POFFENBARGER
MEMBER

WEST VIRGINIA RACING COMMISSION

GATSON CAPERTON
GOVERNOR

OFFICES OF THE COMMISSION

240 CAPITOL STREET
SUITE 310
CHARLESTON, WEST VIRGINIA
25301
(304) 348-2150

LOIS J. GRAHAM
EXECUTIVE SECRETARY

January 30, 1989

attached is a copy of the rule on Twin Trifecta, Rule 60.35, page 77.

It is vital that this change be made now since it would increase the Twin Trifecta carry over pool which would stimulate the volume of wagering (which is greatly needed) and thus produce more revenue to the State. Without this amendment, wagering would decline which would mean severe decreases in revenue and attendance at the tracks.

Our experience with carry over pool is this: Average increases in daily handle of \$75,000.00, average increases in daily attendance of 7,000 people, 4 bets on a ticket, average number of bets would be 25 bets or \$17,500 additional bets per day for 4,375 tickets.

A handwritten signature in cursive script, appearing to read "Lois J. Graham".

Lois J. Graham
Executive Secretary

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

RACING COMMISSION

Chapter 19-23
Series 1
(1971)

1. The officers of the Commission shall consist of a Chairman who shall be a member of the Commission and who will serve until his successor is elected.

2. The Chairman shall preside at all meetings at which he is present. He may call a meeting of the Commission whenever he deems it advisable, and he shall call a meeting whenever requested to do so by any two (2) members thereof.

3. The principal office and meeting place of the Commission shall be at Charleston, West Virginia, but meetings may be held elsewhere in this State, either upon call of the Chairman, or by any two (2) members of the Commission.

4. A majority of the Commission shall constitute a quorum at any meeting for the transaction of business.

5. All notices of meetings of the Commission shall be given by mail addressed to the residence of the members and deposited in the mail at least forty-eight (48) hours in advance of the holding of the meeting, unless agreed to by every member of the Commission.

6. These rules govern all races run over the courses of the associations licensed by the West Virginia Racing Commission.

7. A rule may be adopted, changed, amended or rescinded by a majority of the full Commission.

8. The Rules of Racing herein prescribed apply to all persons, individuals, partnerships, associations or corporations, holding or conducting any meeting within the State of West Virginia licensed by the West Virginia Racing Commission at which horse racing shall be permitted for any stake, purse, or reward, and to all owners, trainers, jockeys, jockeys' agents, grooms, and all other persons who participate in racing.

9. The members of this Commission, its officers, agents and employees, shall neither solicit nor accept gratuities, or anything of monetary value, from licensees, permit holders or any other person subject to the regulation and control of the West Virginia Racing Commission.

10. Regular meetings of the West Virginia Racing Commission shall be held annually and at such other times as are required at places in West Virginia designated by the Commission prior thereto, and notice of these regular meetings shall be given to the Secretary of State at least two (2) days in advance to be

made available to the public and news media.

Notice of the time, place and purpose of all special meetings of the West Virginia Racing Commission shall also be given to the Secretary of State at least two (2) days in advance or as soon as practicable, to be made available to the public and news media.

As provided by statute, the notice provisions of this rule are not required in the event of an emergency requiring immediate official action.

This rule is adopted in accordance with West Virginia Code 6-9A-3.



FILED

1989 MAY 26 11 10 20

WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Room M-438, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

Senator Thomas Loehr, Co-Chairman
Delegate James Humphreys, Co-Chairman

Debra A. Graham, Counsel
Marie Nickerson, Receiving Clerk

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

May 23, 1989

TO: Ken Hechler, Secretary of State, State Register

TO: Ms. Lois J. Graham
WV Racing Commission
240 Capitol Street, Suite 310
Charleston, WV 25301

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Thoroughbred Rules

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 X
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. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.