

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Racing Commission TITLE NUMBER: 178

CITE AUTHORITY: West Virginia 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: Greyhound

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

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Louis J. Proban



COMMISSIONERS
ROBERT J. BURKE
CHAIRMAN
ROGER RAMEY
MEMBER
ALBERT SCHWABE, II
MEMBER

STATE OF WEST VIRGINIA
Department of Tax and Revenue
WEST VIRGINIA RACING COMMISSION

GASTON CAPERTON
GOVERNOR

May 17, 1991

MAILING ADDRESS:
P. O. BOX 3327
CHARLESTON, WV 25333-3327
PHONE (304) 348 2150
FAX (304) 348 6319
LOIS J. GRAHAM
EXECUTIVE SECRETARY

L. Frederick Williams, Jr.
Secretary Tax and Revenue
State Capitol Complex
Room 300 - West
Charleston, West Virginia

Dear Secretary Williams:

Enclosed you will please find a Consent to Proposal of Rule. This consent is being submitted to you for your approval.

Tri-State Greyhound Park has requested permission from the Racing Commission to offer this form of wagering - Tri-Super - to its patrons as a proposed rule. (see pages 70A - 70F)

There are two steps that remain after you sign your signature to the consent. These steps are obtaining the approval from the Secretary of State for the rule and, secondly, obtaining the approval from the Legislature during their next session.

Respectfully yours,

Lois J. Graham
Executive Secretary

cc: John Melton *DKM*



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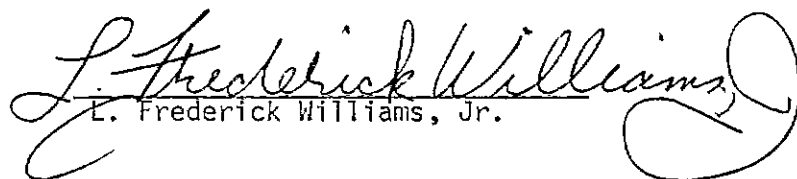
CONSENT TO PROPOSAL OF RULE

TO WHOM IT MAY CONCERN:

TITLE OF RULE: Greyhound Rules of Racing
TITLE NUMBER: 178
SERIES NUMBER: 2

Pursuant to West Virginia Code § 19-23-6(a) (3), the undersigned consents to the proposal of the following rule.

Signed this day of May, 1991.


L. Frederick Williams, Jr.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Greyhound Rules of Racing

Type of Rule: Legislative Interpretive Procedural

Agency Racing Commission Address Department of Tax & Revenue
P. O. Box 3327, Charleston, West Virginia 25333-3327

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ -0-	\$ -0-	\$-0-	\$-0-	\$ -0-
Personal Services	-0-	-0-	-0-	-0-	-0-
Current Expense	-0-	-0-	-0-	-0-	-0-
Repairs and Alterations	-0-	-0-	-0-	-0-	-0-
Equipment	-0-	-0-	-0-	-0-	-0-
Other	-0-	-0-	-0-	-0-	-0-

2. Explanation of above estimates:

No direct impact

3. Objectives of these rules:

Tri-Super Wagering rule - We believe that with this new rule the jackpot will grow quicker and only 25% of the remaining pool will be paid back to the winners of the first half of the wagers and 75% of the pool to be paid into the carryover or second pool.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

n/a

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

n/a

C. Economic Impact on Citizens/Public at Large.

Date:

August 13, 1991.

Signature of Agency Head or Authorized Representative

Lois J. Deane

DATE: June 17, 1991

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Racing Commission

LEGISLATIVE RULE TITLE:

1. Authorizing statute(s) citation Code § 19-23-6 (a) (3)

2. a. Date filed in State Register with Notice of Hearing:

May 17, 1991

b. What other notice, including advertising, did you give of the hearing?

Sent letters to Tri-State and Wheeling Downs Management,

Judges, Mutuel managers, tote managers and State auditors
Commissioners.

c. Date of hearing (s): June 19, 1991

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing:
(be exact)

June 20, 1991

f. Name and phone number of agency person to contact for additional information:

Lois J. Graham, 348-2150

Racing Commission

P.O. Box 3327, Charleston, WV 25333-3327

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

May 17, 1991

b. Date of hearing: June 19, 1991

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached _____

DATE: August 14, 1991

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Racing Commission

EMERGENCY RULE TITLE:

1. Date of filing: August 14, 1991

2. Statutory authority for promulgating the emergency rule: West Virginia Code 19-23-6 (a) (3)

3. Date of filing of proposed legislative rule: _____

4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule?

Amend current legislative rule

5. Has the same or similar emergency rule previously been filed and expired?

No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.

Tri-Super Wager

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.



STATE OF WEST VIRGINIA
Offices of the Insurance Commissioner

Legal Division

GASTON CAPERTON
Governor

HANLEY C. CLARK
Insurance Commissioner

August 9, 1991

HAND DELIVERED -----

Ms. Judy Cooper, Director
Administrative Law Division
Office of Secretary of State
State Capitol
Charleston, WV 25305

Dear Ms. Cooper:

Enclosed please find for filing "Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-Making Review Committee," "Description of Rule," "Legislative Rule-Making Review Committee Questionnaire" and a copy of the proposed rule "Examiners' Compensation, Qualifications and Classification" for Series 15, Title 114.

Very truly yours,

Linda Gay
Linda Gay
Associate General Counsel

LG/iw
Enclosures

FILED
1991 AUG -9 PM 3:45
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE