

Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY
REVIEW COMMISSION**

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency

Pennsylvania Gaming Control Board

(2) Agency Number:

Identification Number: 125-184

IRRC Number:

(3) PA Code Cite: 58 Pa.Code § 465a.13

(4) Short Title:

Possession of weapons within a licensed facility

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact:

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(6) Type of Rulemaking (check applicable box):

Proposed Regulation

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

This final-omitted regulation will eliminate the Board's regulatory prohibition on the possession of firearms within a licensed facility to conform with amendments the Pennsylvania Legislature made to Title 18 with the passage of Act 10 of 2011. Prohibiting the possession of firearms is left to the discretion of each privately owned licensed facility. Possession of all other types of weapons will remain prohibited in all licensed facilities.

(8) State the statutory authority for the regulation. Include specific statutory citation.

With the passage of Act 10 of 2011, the PGCB no longer has the authority to prohibit the possession of firearms in a licensed facility. See 18 Pa.C.S § 6109(m.3).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

With the passage of Act 10 of 2011, the Legislature amended Pennsylvania's firearms law and in so doing prohibited Commonwealth agencies from regulating the possession of firearms in any manner inconsistent with the statutory provisions in Title 18. See 18 Pa.C.S. § 6109(m.3).

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to comply with the statutory amendments to Title 18. The Board is amending the provisions on possession of firearms in § 465a.13 by removing the Board mandated prohibition on possession. The Board added to the rulemaking that a licensee may exercise its common-law right to prohibit the possession of firearms on its property provided that the licensee posts notice of the prohibition at all entrances.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no corresponding federal standards for any of these provisions in this rulemaking.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

N/A

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation will not affect any other regulations of the PGCB or any other state agency.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Pennsylvania's Office of Attorney General recently reviewed the Board's regulation in § 465a.13 for legality and advised that in light of the statutory amendments to Title 18, the Board no longer had the authority to limit the possession of firearms in a privately owned licensed facility by persons who possess a valid permit to carry.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of

the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

All licensees will be affected by the regulation. Additionally, unless the licensee prohibits the possession of firearms on its property, individuals will be allowed to carry firearms inside a licensed casino facility in conformance with Pennsylvania's uniform firearms laws.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Any of the twelve licensees that elect to exercise their common-law right to prohibit the possession of firearms on their property will be required to comply with this regulation. None of the twelve licensees are small businesses.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The Legislature amended Pennsylvania's firearms laws and in so doing prohibited the PGCB from regulating the possession of firearms in licensed facilities. Because Act 10 of 2011 preempted the PGCB's regulatory prohibition, it is no longer within the PGCB's purview to comment on the financial, economic or social impact firearms possession within a licensed facility would have on individuals or businesses or to evaluate the benefits or adverse effects of removing the firearms prohibition.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

Because Act 10 of 2011 preempted the PGCB's regulatory prohibition on firearms, it is no longer within the PGCB's purview to comment on the financial, economic or social impact firearms possession within a licensed facility would have on individuals or businesses or to evaluate the benefits or adverse effects of the regulatory amendment removing the firearms prohibition.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

It is not anticipated that this rulemaking will have a fiscal impact on the regulated community provided that if a licensed facility exercises its common-law right to prohibit the possession of firearms within its facility, the licensee will be required to post signs at all entrances. It is expected that one-time signage costs would be minimal.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain

how the dollar estimates were derived.

N/A

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

N/A

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There are no legal, accounting or consulting procedures or additional reporting, recordkeeping or other paperwork requirements for implementation of the regulation.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	C FY 2014/2015
PGCB Overall Budget	\$35,800,000	\$35,501,000	\$36,098,000	\$37,990,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.

The twelve slot machine licensees that operate in the Commonwealth of Pennsylvania will be impacted by this rulemaking; however, in accordance with the United States Small Business Administration's Small Business Size Regulations, under 13 CFR Ch. 1 Part 121, none of the casinos qualify as a small business.

- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

N/A

- (c) A statement of probable effect on impacted small businesses.

N/A

- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

N/A

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been added.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

As this rulemaking omits regulatory language that was superseded with statutory amendments to Title 18, no alternative regulatory approaches were considered.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
N/A
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
N/A
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
N/A
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
N/A
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.
N/A

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

There is no data, as defined under section (3) of the Regulatory Review Act (71 P.S. § 745.3), upon which this rulemaking is based.

(29) Include a schedule for review of the regulation including:

- A. The date by which the agency must receive public comments: N/A

B. The date or dates on which public meetings or hearings will be held:	N/A
C. The expected date of promulgation of the proposed regulation as a final-form regulation:	N/A – Final Omitted
D. The expected effective date of the final-form regulation:	Upon publication
E. The date by which compliance with the final-form regulation will be required:	Upon publication
F. The date by which required permits, licenses or other approvals must be obtained:	N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

No formal review schedule has been established. Agency staff consistently reviews regulations to determine if regulatory revisions are necessary.