

## Comments of the Independent Regulatory Review Commission



### Pennsylvania Gaming Control Board Regulation #125-148 (IRRC #2895)

#### Table Game Rules for Roulette, Big Six Wheel and Casino War

August 10, 2011

We submit for your consideration the following comments on the proposed rulemaking published in the June 11, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

#### 1. Implementation procedures.

This proposed rulemaking includes references to regulations that have not been promulgated. The sections of this rulemaking that include the references are: §§ 617a.3(e)(1)(i); 651a.4(e); 651a.5(a) and 651a.7(e). It is our understanding that the references are to other Board table game regulations that will be promulgated in the near future. We are concerned that this rulemaking will be finalized before the other regulations are finalized. If this occurs, it could lead to a confusing regulatory environment for those that must comply with the rulemaking. In the Preamble to the final version of this rulemaking, we ask the Board to explain its plan for promulgating all of these regulations in a manner that ensures all references are valid.

#### 2. Clarity and lack of ambiguity.

Throughout this proposed rulemaking, licensed facilities that hold table game operation certificates (certificate holders) are required to obtain certain approvals from either the Board's Bureau of Gaming Operations or the Bureau of Casino Compliance. For example, § 617a.1(c) states, "The color of each compartment must either be a corresponding color to those depicted on the ring or a neutral color approved by the Bureau of Gaming Operations." We are concerned that the proposed rulemaking does not include the procedures for obtaining the necessary approvals. To assist the regulated community in understanding how to submit the requests for certain approvals, we suggest

that the final form regulation include the procedures or appropriate cross-reference to where the procedures can be found. We have identified the following sections that contain references to approvals:

- § 617a.1(c)
- § 617a.1(d)
- § 617a.1(e)(1)
- § 617a.1(f)
- § 617a.1(g)
- § 619a.1(c)
- § 619a.1(f)
- § 619a.1(g)
- §651a.2(b)
- §651a.2(c)
- §651a.5(h)(2)(i)
- §651a.5(h)(2)(ii)

### **CHAPTER 619a. BIG SIX WHEEL**

#### **3. Section 619a.1. Big Six Wheel layout; physical characteristics. – Need.**

Subsection (d) requires each section of the Big Six Wheel to display the payout odds. A commentator has noted that this provision is not needed because Section 619a.1(g)(3) requires the payout odds to be displayed on the Big Six Wheel table. We agree that this requirement is redundant and ask the Board to delete the requirement in Subsection (d) or provide an explanation of why it is needed.

#### **4. Section 619.2. Wagers and rotation of the wheel. – Reasonableness.**

If the clapper of a Roulette wheel comes to rest between two numbers, Subsection (d) requires the dealer to respin the wheel. The original spin is considered void. What rules or regulations do other gaming jurisdictions have in place for this type of outcome for the spin of a Roulette wheel? Has the Board considered the alternative offered by a commentator that would declare the preceding number to be the winning number?

### **CHAPTER 651a. CASINO WAR**

#### **5. Continuous shuffler devices. – Implementation procedures.**

A commentator has suggested that this Chapter be amended to allow certificate holders the option of using continuous shuffler devices for Casino War play. They note that it would improve the speed of play and that other gaming jurisdictions use continuous shufflers. Has the Board considered allowing certificate holders the option of using continuous shufflers for Casino War? Would adding this flexibility provide any betting advantage to the certificate holder?

**6. Section 651a.2. Casino War table; physical characteristics. - Reasonableness.**

Subsection (a) states that a Casino War table shall have no more than seven players on one side of the table and a place for the dealer on the other side of the table. A commentator has suggested that the number of players allowed be increased to ten. Is the Board aware of any demand for an increase of this nature? Would increasing the number of players jeopardize the integrity of gaming in any way or provide a betting advantage to the casino?