

## Comments of the Independent Regulatory Review Commission



### Pennsylvania Gaming Control Board Regulation #125-161 (IRRC #2944)

#### Gaming Service Providers and Slot Machine Licenses

July 25, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the May 26, 2012 *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.

**Section 441a.12. Maintaining agreements; filing of agreements. - Whether the regulation is consistent with the intent of the General Assembly; Implementation procedures; Clarity.**

Proposed amendments to this section of the regulation delete provisions that require slot machine applicants and licensees to file various agreements with the Board. We have two concerns. First, is the deletion of this requirement consistent with the intention of the General Assembly and the primary objective of Pennsylvania Race Horse Development and Gaming Act, which is “. . . to protect the public through the regulation and policing of all activities involving gaming and practices that continue to be unlawful”? (4 Pa. C.S. § 1102(1).) In order to adequately protect the public, has the Board considered adding a provision that would require slot machine applicants or licensees to periodically file a list of persons or entities that it has agreements with?

Second, Subsection (b) states that the Board “may” require a slot machine licensee to submit a copy of an agreement to the Board. Under what circumstances would the Board require a slot machine licensee to provide a copy of an agreement? We suggest that this be clarified in the final-form rulemaking.