

<h1 style="margin: 0;">Regulatory Analysis Form</h1> <p style="margin: 0;">(Completed by Promulgating Agency)</p>		<p><i>INDEPENDENT REGULATORY REVIEW COMMISSION</i></p>
<p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		
<p>(1) Agency Pennsylvania Gaming Control Board</p>		<p>IRRC Number:</p>
<p>(2) Agency Number: 125 Identification Number: 206</p>		
<p>(3) PA Code Cite: 58 Pa.Code §§ 423a, 429a, 437a, 439a, 440a, 461a, 465a, 601a, 609a, 621a, 635a, 649a, 659a, 669a, 670a, 674a, 675a, 678a and 680a</p>		
<p>(4) Short Title: Junkets, Electronic Credit Systems, Table Game Rules of Play</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: R. Douglas Sherman Chief Counsel Pennsylvania Gaming Control Board P.O. Box 69060 Harrisburg, PA 17101-8323 Phone: (717) 346-8300/ Fax: (717) 703-2988 Email: rsherman@pa.gov</p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>This proposed rulemaking will make revisions to the existing body of regulations for clarity, reduce the number of junket reports required and will incorporate new side wagers into the existing table games regulations.</p>		
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>The Pennsylvania Gaming Control Board's general authority is in 4 Pa.C.S. § 1202(b)(30)(relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2), § 13A27, § 1322, § 1602, § 1604 and § 1608</p>		

(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.

There are no other applicable federal or state statutes, regulations or court decisions that mandate adoption of this rulemaking.

(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.

This rulemaking will reduce the number of junket reports operators are required to complete for submission to agency staff. Additionally, this rulemaking will give certificate holders additional operational flexibility in the games that they provide to patrons and is needed to establish the rules of play. Patrons who play these games will benefit from the standardization of the rules of play.

(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?

This rulemaking expands the compliment of wagers available for play. The Board reviewed all payout tables submitted by the manufacturer/proprietary owner and all payout tables were approved. The regulatory requirements contained in this rulemaking should not negatively impact Pennsylvania's ability to compete with other states.

As it relates to junket reports, reducing the number of junket reports will benefit operators but will not likely impact their ability to compete with other states.

(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 nor 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.)

No other persons or groups were involved in the development and drafting of the regulation.

(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?

There are currently twelve slot machine licensees that have a certificate to operate table games, all of which will be affected by the regulation in that they will have greater flexibility in the compliment of games available for patron play.

Casinos that operate in the Commonwealth of Pennsylvania are not small business as defined in the United States Small Business Administration's Small Business Size Regulations, under 13 CFR Ch. 1 Part 121.

(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 slot machine licensees that would like to offer the side wagers contained in this rulemaking or utilize an electronic credit system for the processing of credit and customer deposits will be required to comply with the requirements of the rulemaking.

(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.

It is not anticipated that this rulemaking will have a negative financial or economic impact on the regulated community. Slot machine licensees will be impacted by this rulemaking as they will have a greater number of options to offer at their facilities. Operators the offer junkets may see a small cost savings in the reduced number of junket reports required to be filed with agency staff.

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

This rulemaking will provide operators with more table game options to offer and ensure consistency for patrons in the method of play of the games. It is not anticipated that there will be any adverse effects associated with this rulemaking.

(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.

Certificate holders that decide to offer the side wagers will be required to submit updated rules submission forms and internal controls to reflect any addition. The rules forms are simple checklists that take little time to complete, are available to the operators electronically on the Board's website at the following link:

<http://gamingcontrolboard.pa.gov/?p=187>

These forms are also submitted to agency staff electronically. Any costs incurred to purchase equipment and train employees should be offset by the proceeds of gaming.

Operators that elect to utilize an electronic credit system for the processing of credit and customer deposits will be required to purchase equipment and software from the manufacturer of the product and submit updated internal controls to agency staff. Updated internal controls are submitted electronically to agency staff.

It is not anticipated that there will be any substantive costs associated with this rulemaking.

(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.

This rulemaking will have no fiscal impact on local governments.

(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.

The Board does not expect that the requirements of this rulemaking will have any fiscal impact on the Board or any other Commonwealth agency. Internal control procedures and table games rules submission forms will be reviewed by existing Board staff.

(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.

As stated above, if an operator would like to offer the game contained in this rulemaking or utilize an electronic credit system, the operator will have to submit updated internal controls, rules submission forms, layout schematics, etc. for approval. The rules submission forms are straightforward checklists and are submitted electronically.

(22a) Are forms required for implementation of the regulation?

Yes, operators will be required to electronically submit a rules submission form for approval before offering the table game. The forms can be found on the Board's website at the following link:

<http://gamingcontrolboard.pa.gov/?p=187>

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Below is the link to the checklists that operators would be required to complete and electronically submit to the agency prior to offering the side wagers, payout tables or new table game contained in this rulemaking:

<http://gamingcontrolboard.pa.gov/?p=187>

(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	Current FY 2016/2017
PGCB Overall	\$36,098,000	\$37,999,000	\$39,900,000	\$40,169,000

Budget				

(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.

It is not anticipated that there will be substantive administrative costs associated with this rulemaking. As stated above, rules submission forms are checklists, are very simple to complete and are submitted electronically. Additionally, the rulemaking will reduce the number of reports that must be submitted to the agency if an operator is offering junkets at its licensed facility. Operators may see a cost savings associated with the reduction.

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

As stated above, this rulemaking will impact slot machine licensees – none of which are small businesses.

- (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.

No alternative regulatory approaches were considered as this rulemaking contains the rules of play for table games and requirements for junkets and electronic credit systems.

(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;

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 establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

Reducing the number of junket reports requires is a less costly alternative to the current requirements and is implemented for all regulated entities irrespective of whether any is a small business.

- c) The consolidation or simplification of compliance or reporting requirements for small businesses;

N/A see (a)

- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and

N/A see (a)

- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

N/A see (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 length of the public comment period:	30 days from publication
B. The date or dates on which any public meetings or hearings will be held:	Public meeting on 4/5/17
C. The expected date of delivery of the final-form regulation:	2018
D. The expected effective date of the final-form regulation:	Upon final publication
E. The expected date by which compliance with the final-form regulation will be required:	Upon final publication
F. The expected date by which required permits, licenses or other approvals must be obtained:	Ongoing

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

No formal review schedule has been established. Instead, the Board consistently reviews its regulations and proposes amendments as the need arises.