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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

October 21, 2009

Kevin O'Toole, Executive Director
Pennsylvania Gaming Control Board
Strawberry Square
Verizon Tower, 5th Floor
Harrisburg, PA 17106-9060

Re: Regulation #125-105 (IRRC #2782)
Pennsylvania Gaming Control Board
Jackpot and Credit Meter Payouts

Dear Mr. O'Toole:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director

wbg

Enclosure

cc: Honorable Jane M. Earll, Majority Chairman, Senate Community, Economic and
Recreational Development Committee
Honorable Wayne D. Fontana, Minority Chairman, Senate Community, Economic and
Recreational Development Committee
Honorable Dante Santoni, Jr., Majority Chairman, House Gaming Oversight
Honorable Curt Schroder, Minority Chairman, House Gaming Oversight

Comments of the Independent Regulatory Review Commission



Pennsylvania Gaming Control Board Regulation #125-105 (IRRC #2782)

Jackpot and Credit Meter Payouts

October 21, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the August 22, 2009 *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 465a.26. Jackpot and credit meter payouts. – Implementation procedures; Clarity.

According to the Board, Subsections (b)(2), (3) and (4) have been amended to give slot machine licensees greater flexibility as to whom they may designate to act as a witness for jackpot or credit meter payouts of various amounts. We have two concerns.

First, each paragraph, depending on the payout amount, requires certain licensee personnel to be present when jackpot or credit meter payout slips are created. Paragraphs (3) and (4) include the phrase “or other employee holding the same or greater level of authority.” Would this provision allow any employee with a greater level of authority to act as a witness with the required personnel? The final-form regulation should be amended to clarify these paragraphs.

Second, Paragraph (2) pertains to payouts *between* \$1,200.00 and \$9,999.99. Paragraph (3) pertains to payouts *between* \$10,000.00 and \$24,999.99. A commentator has noted that this language does not address payouts of exactly \$1,200.00, \$9,999.99, \$10,000.00 and \$24,999.99. We recommend that the final-form regulation be amended to include these specific amounts.

Facsimile Cover Sheet



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INDEPENDENT REGULATORY REVIEW COMMISSION
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To: Cheryl Posavec
Richard M. Sandusky (717-811-8111)
Agency: Pa Gaming Control Board
Phone: 346-8319
346-8300 (Front Desk)
Fax: 703-2988
346-8350 (Front Desk)
Date: October 21, 2009
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Pennsylvania Gaming Control Board's regulation #125-105 (IRRC #2782). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: M. Spiller PGB **Date:** 21 October 2009