

## Comments of the Independent Regulatory Review Commission



### Pennsylvania Gaming Control Board Regulation #125-149 (IRRC #2896)

#### Table Game Rules for Pai Gow, Craps and Mini-Craps and Sic Bo

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: §§ 621a.9; 621a.11(a); 621a.11(e); 621a.12(f); 621a.13(a); 623a.3(a)(41); 623a.3(a)(42); 623a.5(f) and 625a.2(b). 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 a table game operation certificate (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, §621a.2(b) states, in part, the following: "The layout for a Pai Gow table shall be 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:

- § 621a.2(b)
- § 621a.2(c)
- § 621a.2(d)
- § 621a.2(e)
- § 623a.2(d)
- § 623a.2(e)
- § 623a.2(f)(1)
- § 623a.2(f)(2)
- § 623a.2(f)(3)
- § 625a.1(a)
- § 625a.1(b)
- § 625a.1(c)
- § 625a.1(d)
- § 625a.1(d)(2)
- § 625a.1(d)(2)(ii)

### **CHAPTER 621a. PAI GOW**

#### **3. Section 621a.3. Pai Gow tiles; physical characteristics. – Need: Fiscal impact.**

Subsection (e) requires tiles used for the play of Pai Gow to be changed at least every 12 hours. A commentator has noted that this requirement imposes a cost, but does not increase the integrity of gaming. We ask the Board to explain the need for this requirement and to quantify the cost for each certificate holder that offers the game of Pai Gow.

### **CHAPTER 623a. CRAPS AND MINI-CRAPS**

#### **4. Section 623a.3. Permissible wagers. – Reasonableness.**

Subsection (a)(42) states that a Lay Bet will be inactive on a come out roll unless called "on" by the player and confirmed by the dealer. A commentator believes that a Lay Bet should always be active because that is the industry standard. In the Preamble to the final-form regulation, we ask the Board to explain why Lay Bets are inactive unless called "on" by the player.