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INDEPENDENT REGULATORY REVIEW COMMISSION

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

May 20, 2015

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

Re: Regulation #125-187 (IRRC #3092)
Pennsylvania Gaming Control Board
Fortune Asia Poker; Table Game Rules of Play

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.

Very truly yours,

David Sumner
Executive Director
sfh
Enclosure

cc: Honorable Kim L. Ward, Majority Chairman, Senate Community, Economic and
Recreational Development Committee
Honorable Sean D. Wiley, Minority Chairman, Senate Community, Economic and
Recreational Development Committee
Honorable John D. Payne, Majority Chairman, House Gaming Oversight Committee
Honorable Nick Kotik, Minority Chairman, House Gaming Oversight Committee
Robert A. Mulle, Esq., Office of Attorney General
Shawn E. Smith, Esq., Office of General Counsel

Comments of the Independent Regulatory Review Commission



Pennsylvania Gaming Control Board Regulation #125-187 (IRRC #3092)

Fortune Asia Poker; Table Game Rules of Play

May 20, 2015

We submit for your consideration the following comments on the proposed rulemaking published in the March 21, 2015 *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. Whether the regulation is in the public interest; Adverse effects on prices, productivity of competition; and the Economic and social impact of the regulation on individuals.

Section 12 of the Regulatory Analysis Form (RAF) asks how this regulation compares with those of other states and how it will affect Pennsylvania's ability to compete with other states. The Board's response to these questions is that the regulation will expand the complement of table games and side wagers available for patron play and should not negatively impact Pennsylvania's ability to compete.

We seek more information on the house advantage for each of the new wagers contained in this rulemaking. We ask the Board to provide this information and to compare it to other gaming jurisdictions.

Section 17 of the RAF requests that the Board provide the financial, economic and social impact of the regulation on individuals, small business, business and labor communities and other public and private organizations, and to evaluate the benefits expected as a result of this regulation. The Board responds that it does not anticipate the regulation to have a negative financial or economic impact on the regulated community and that slot machine licensees will have a greater number of side wagers to offer at their facilities. The Board, however, does not address the economic or social impact of the rulemaking on individuals, particularly with respect to how the house advantage on each of the new wagers will impact players. The Board should provide this information in the RAF of the final-form regulation.

2. Miscellaneous clarity.

- In section 659a.6(d)(1), the word "a" should be inserted after the phrase "which is."

- In section 659a.11(h)(1)(i)(B), we believe the same language that appears in (A), i.e. “or three pair of higher, depending on the payout table selected by the certificate holder,” should be added after the words “a straight or higher”; and
- In section 659a.12(d)(2), the word “resent” should be “reset.”