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INDEPENDENT REGULATORY REVIEW COMMISSION

August 27, 2008

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

Frank Donaghue, Acting Executive Director
Pennsylvania Gaming Control Board
Strawberry Square
Verizon Tower, 5th Floor
Harrisburg, PA 17106-9060

Re: Regulation #125-89 (IRRC #2703)
Pennsylvania Gaming Control Board
Employees; Slot Machine Licenses; and Accounting and Internal Controls

Dear Mr. Donaghue:

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.lrrc.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, Chairman, Senate Community, Economic and Recreational
Development Committee
Honorable Gerald J. LaValle, Minority Chairman, Senate Community, Economic and
Recreational Development Committee
Honorable Harold James, Majority Chairman, House Gaming Oversight
Honorable Paul I. Clymer, Minority Chairman, House Gaming Oversight

Comments of the Independent Regulatory Review Commission



Pennsylvania Gaming Control Board #125-89 (IRRC #2703)

Employees; Slot Machine Licenses; and Accounting and Internal Controls

August 27, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the June 28, 2008 *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. Section 465a.14. Security department minimum staffing. – Protection of public health, safety and welfare; Reasonableness.

Subsection (b) currently prohibits off-duty law enforcement officers from acting as security on the gaming floor and in restricted areas of licensed facilities. Proposed amendments would prohibit the use of off-duty officers as security in any portion of a licensed facility. Washington Trotting Association (WTA) asserts that, “These off-duty law enforcement officers are necessary to maintain a fully-staffed security force for the racing facility.” WTA has requested that existing language be maintained so current off-duty officers providing security for the racing portion of its facility would not have to be terminated and the security personnel can remain at full force.

We understand that the Board is attempting to eliminate any appearance of impropriety if one of the security officers becomes involved in an investigation in gaming areas of the licensed facility. However, we question whether off-duty law enforcement officers should be precluded from working in the non-gaming portions of licensed facilities.

2. Miscellaneous clarity.

New language in Sections 435a.3 and 435a.5 includes the term “Slots Link” in multiple locations. However, we note that the defined term is “SLOTS Link.” For consistency, the Board should use the defined term.