

RULES AND REGULATIONS

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 441a]

Slot Machine Licensing

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1202(b)(12) and 1326 (relating to license renewals) amends Chapter 441a (relating to slot machine licenses) to read as set forth at 38 Pa.B. 1041 (March 1, 2008).

Purpose of the Final-Form Rulemaking

This final-form regulation amends the provisions related to renewal of slot machine licenses.

Explanation of Amendment to Chapter 441a

Most licenses issued by the Board expire 1 year from the date that the license application is approved by the Board. However, for slot machine licenses, the Board tied the term of the initial licenses to the date that the licenses were issued. This was done for two reasons. First, because the statements of conditions for each of the successful applicants are unique and licenses are not issued until all of the conditions are met, the term of the initial licenses would have been for much less than 12 months. For example, Pocono Downs, which was the first licensed facility to open, did not receive its permanent license until October of 2007. If the December 20, 2006, approval date had been used for the starting date for the term of its license, Pocono Downs would have had to file its renewal application in the same month it received its license. This would have placed an unreasonable administrative burden on Pocono Downs and the rest of the slot machine licensees.

The second reason the Board elected to use the issuance date instead of the approval date was to stagger the due dates of the slot machine license renewals. This allows the Board to more effectively allocate the staff that are needed to conduct the comprehensive renewal application reviews.

Now that the renewal dates have been staggered, the Board is tying the 12-month term of slot machine licenses that are renewed to the date that the Board approves the renewal application. This will allow the Board to continue take advantage of the staggered renewal dates and to coordinate the renewal date of a slot machine licensee's license with the renewal dates of its principals and key employees licenses. Additionally, the Board does not anticipate that there will be major changes in the statements of conditions for the renewals, so the time period between approval and issuance should be much shorter.

Comment and Response Summary

Notice of proposed rulemaking was published at 38 Pa.B. 1041.

The Board received no comments from the public during the public comment period. By letter dated April 30, 2008, the Independent Regulatory Review Commission (IRRC) notified the Board that IRRC had no objections, comments or recommendations to offer on this rulemaking. No changes have been made to the proposed regulation in this final-form regulation.

Affected Parties

The renewal dates for all slot machine licenses will be affected by this rulemaking.

Fiscal Impact

Commonwealth

There will be no new costs or savings to the Board or other Commonwealth agencies as a result of this rulemaking.

Political Subdivisions

This final-form rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

Private Sector

The due dates for renewals of slot machine licenses will change but the costs associated with completing a renewal application will not change.

General Public

This final-form rulemaking will have no fiscal impact on the general public.

Paperwork Requirements

There are no new paperwork or reporting requirements associated with this final-form rulemaking.

Effective Date

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

The contact person for questions about this final-form rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 15, 2008, the Board submitted a copy of this proposed rulemaking, published at 38 Pa.B. 1041 and a copy of the Regulatory Analysis Form to IRRC and to the Chairpersons of the House Gaming Oversight Committee and the Senate Committee on Community, Economic and Recreational Development Committee (Committees).

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the Committees on June 18, 2008. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective, June 18, 2008.

Findings

The Board finds that:

(1) Public notice of intention to adopt this amendment was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapter 441a, are amended by amending § 441a.16 to read as set forth at 38 Pa.B. 1041.

(b) The Chairperson of the Board shall certify this order and 38 Pa.B. 1041 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

MARY DIGIACOMO COLINS,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 3726 (July 5, 2008).)

Fiscal Note: Fiscal Note 125-81 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-1366. Filed for public inspection July 25, 2008, 9:00 a.m.]
