

# PROPOSED RULEMAKING

## BOARD OF COAL MINE SAFETY

[ 25 PA. CODE CH. 208 ]

### Proximity Detection Systems

The Board of Coal Mine Safety (Board) proposes to add §§ 208.500—208.504 (relating to proximity detection systems) to read as set forth in Annex A. The proposed rulemaking implements existing Federal regulations, thereby making certain Federal provisions independently enforceable by the Commonwealth.

This proposed rulemaking was adopted by the Board at its meeting of December 8, 2015.

#### A. *Effective Date*

This proposed rulemaking will be effective upon final form publication in the *Pennsylvania Bulletin*.

#### B. *Contact Persons*

For further information, contact Craig Carson, Director, Bureau of Mine Safety, 131 Broadview Road, New Stanton, PA 15672, (724) 404-3154 or cocarson@pa.gov; or Joseph Iole, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-9376 or jirole@pa.gov.

#### C. *Statutory Authority*

Sections 106 and 106.1 of the Bituminous Coal Mine Safety Act (BCMSA) (52 P. S. §§ 690-106 and 690-106.1) authorize the adoption of regulations to implement the BCMSA. The BCMSA further authorizes the Board to promulgate necessary or appropriate regulations to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

#### D. *Background and Purpose*

On July 7, 2008, the General Assembly enacted the BCMSA, which was the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. See section 103(a) of the BCMSA (52 P. S. § 690-103(a)). The BCMSA provides broad authority to promulgate regulations that are necessary or appropriate to implement the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines. See section 106.1(a) of the BCMSA. Regulations consistent with Federal standards may also be promulgated under section 106.1(c) of the BCMSA. Under section 106 of the BCMSA, the Board consists of three members representing mine workers, three members representing underground bituminous coal mine operators and the Secretary of the Department of Environmental Protection (Department) who serves as the Board's chairperson.

This proposed rulemaking implements existing Federal regulations in 30 CFR Part 75 (relating to mandatory safety standards—underground coal mines) that require underground bituminous coal mine operators to equip continuous mining machines, except full-face continuous mining machines, with proximity detection systems. Conditions in underground bituminous coal mines, including low visibility, limited space and uneven ground, present hazards that contribute to machine-related accidents that

can cause injury or death. Proximity detection systems, which use electronic sensors to detect motion or the location of one object relative to another, can be used to provide warning and stop mining machines before the machine pins, crushes or strikes a miner.

The Federal Mine Safety and Health Administration promulgated rules regarding proximity detection systems to reduce potential for pinning, crushing or striking accidents.

Adopting these regulations ensures that operations at underground bituminous coal mine sites are safely conducted and maintained. Although underground bituminous coal mine operators are already required to comply with these Federal regulations, implementing them in Chapter 208 (relating to underground coal mine safety) provides the Department with the independent authority to enforce the Federal requirements when Commonwealth inspectors observe violations, improving efficiency and increasing Commonwealth autonomy regarding enforcement efforts.

#### E. *Summary of Proposed Regulatory Requirements*

##### *Proximity detection systems*

##### § 208.500. *Proximity detection systems*

This section requires operators to install proximity detection systems on certain mobile machines.

##### § 208.501. *Machines covered*

This section incorporates by reference 30 CFR 75.1732(a) (relating to proximity detection systems). This provision describes the types of machines that must be equipped with a proximity detection system and provides the schedule by when certain machines must be in compliance with the rule.

##### § 208.502. *Requirements*

This section incorporates by reference 30 CFR 75.1732(b). This provision describes certain technical specifications required in a proximity detection system.

##### § 208.503. *System checks*

This section incorporates by reference 30 CFR 75.1732(c). This provision requires a manual inspection of the system at specified intervals, and requires defects to be corrected.

##### § 208.504. *Certifications and records*

This section incorporates by reference 30 CFR 75.1732(d). This provision describes the certifications and records related to a proximity detection system an operator shall maintain, and requires the operator to make records available for inspection to the Department.

#### F. *Benefits, Costs and Compliance*

##### *Benefits*

The proposed rulemaking makes certain Federal regulations independently enforceable by the Commonwealth. This improves safety by providing enforcement authority to the Commonwealth and maintaining consistency between Federal and State safety requirements.

##### *Compliance costs*

The proposed rulemaking does not add compliance costs since it implements existing Federal regulations with which mining operators in this Commonwealth must already comply.

*Paperwork requirements*

The proposed rulemaking does not generate additional paperwork because mining operators must comply with the existing Federal regulations that will be implemented by this proposed rulemaking.

*G. Pollution Prevention*

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) establishes a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rulemaking has minimal impact on pollution prevention since it is focused on mine safety.

*H. Sunset Review*

The regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 9, 2016, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*J. Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. Comments, suggestions or objections must be received by the Board by April 18, 2016. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by April 18, 2016. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final rulemaking will be considered.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. If an

acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board by accessing eComment at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Comments may be submitted to the Board by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov). A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

Written comments should be mailed to the Board of Coal Mine Safety, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Board of Coal Mine Safety, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

JOHN QUIGLEY,  
*Chairperson*

**Fiscal Note:** 7-526. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY**

**CHAPTER 208. UNDERGROUND COAL MINE SAFETY**

**PROXIMITY DETECTION SYSTEMS**

**§ 208.500. Proximity detection systems.**

Operators shall install proximity detection systems on certain mobile machines.

**§ 208.501. Machines covered.**

The provisions of 30 CFR 75.1732(a) (relating to proximity detection systems) are incorporated by reference.

**§ 208.502. Requirements.**

The provisions of 30 CFR 75.1732(b) (relating to proximity detection systems) are incorporated by reference.

**§ 208.503. System checks.**

The provisions of 30 CFR 75.1732(c) (relating to proximity detection systems) are incorporated by reference.

**§ 208.504. Certifications and records.**

The provisions of 30 CFR 75.1732(d) (relating to proximity detection systems) are incorporated by reference, with the following alteration to subsection (d)(5):

Retain records for at least one year and make them available for inspection by authorized representatives of the Department and representatives of miners.

[Pa.B. Doc. No. 16-457. Filed for public inspection March 18, 2016, 9:00 a.m.]

# GAME COMMISSION

[ 58 PA. CODE CH. 143 ]

## Hunting and Trapping; Antlerless Deer Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its February 2, 2016, meeting to amend § 143.50 (relating to procedure for nonresidents of this Commonwealth) to allow nonresidents to submit applications for antlerless deer licenses on the third Monday in July, 1 week after resident applicants.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the February 2, 2016, meeting of the Commission. Comments can be sent until April 1, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

### 1. Purpose and Authority

The Commission has been asked to review the preference given to resident license holders in the timing that antlerless deer applications can be submitted to county treasurers. Currently, resident license holders can apply 2 weeks sooner than nonresident license holders. While this timing does not affect the availability of antlerless deer licenses for nonresident license holders in most wildlife management units (WMU), it often eliminates the availability of antlerless deer licenses in a number of low quota, highly preferred WMUs. The Commission reviewed the resident license holder preference policy and determined that the nonresidents most impacted by this negative preference are former residents of this Commonwealth who annually return to hunt. Therefore, in an effort to narrow the gap, the Commission is proposing to amend § 143.50 to allow nonresidents to submit applications for antlerless deer licenses on the third Monday in July, 1 week after resident applicants.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The amendments to § 143.50 are proposed under this authority.

### 2. Regulatory Requirements

The proposed rulemaking will amend § 143.50 to allow nonresidents to submit applications for antlerless deer licenses on the third Monday in July, 1 week after resident applicants.

### 3. Persons Affected

Persons wishing to hunt antlerless deer within this Commonwealth will be affected by the proposed rulemaking.

### 4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

### 5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 6. Contact Person

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-394. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 143. HUNTING AND FURTKAKER LICENSES

##### Subchapter C. ANTLERLESS DEER LICENSES

##### § 143.50. Procedure for nonresidents of this Commonwealth.

Nonresidents may apply for unsold licenses on the [ last ] third Monday in July and thereafter in compliance with § 143.45 (relating to completing and submitting applications).

[Pa.B. Doc. No. 16-458. Filed for public inspection March 18, 2016, 9:00 a.m.]

[ 58 PA. CODE CH. 141 ]

## Hunting and Trapping; Hunting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its February 2, 2016, meeting to amend Chapter 141, Appendix G (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2016-2017 hunting license year.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the February 2, 2016, meeting of the Commission. Comments can be sent until April 1, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

### 1. Purpose and Authority

Each year there is a shift in calendar days for each month. As a result of this occurrence, the time tables in Appendix G must be amended and updated on an annual basis to accurately reflect the upcoming year's dates and hours for legal hunting. The Commission is proposing to amend Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2016-2017 hunting license year.

Section 2102(a) of the code (relating to regulations) provides that "[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting

hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to Appendix G are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend Appendix G by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2016-2017 hunting license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2016-2017 hunting license year will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The effective dates of the proposed rulemaking are July 1, 2016, to June 30, 2017.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-390. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Appendix G. HUNTING HOURS**

*(Editor’s Note:* As part of this proposed rulemaking, the Commission is proposing to delete the text of the tables which appear in 58 Pa. Code pages 141-34—141-36, serial pages (376936)—(376938) and replace them with the following tables.)

**HUNTING HOURS TABLE  
FOR JULY 1, 2016 THROUGH JUNE 30, 2017**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1—2	5:06	9:03
July 3—9	5:11	9:00
July 10—16	5:16	8:57
July 17—23	5:21	8:52
July 24—30	5:28	8:46
July 31—Aug. 6	5:34	8:38
Aug. 7—13	5:41	8:29
Aug. 14—20	5:48	8:19
Aug. 21—27	5:54	8:06
Aug. 28—Sept. 3	6:01	7:58
Sept. 4—10	6:07	7:47
Sept. 11—17	6:14	7:35

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Sept. 18—24	6:21	7:24
Sept. 25—Oct. 1	6:27	7:12
Oct. 2—8	6:34	7:00
Oct. 9—15	6:42	6:50
Oct. 16—22	6:49	6:40
Oct. 23—29	6:57	6:31
Oct. 30—Nov. 5	7:05	6:23
Nov. 6—12 **Ends	6:13	5:16
Nov. 13—19	6:21	5:11
Nov. 20—26	6:28	5:07
Nov. 27—Dec. 3	6:36	5:06
Dec. 4—10	6:42	5:05
Dec. 11—17	6:47	5:06
Dec. 18—24	6:50	5:08
Dec. 25—31	6:52	5:11
Jan. 1—7	6:52	5:17
Jan. 8—14	6:52	5:23
Jan. 15—21	6:50	5:30
Jan. 22—28	6:47	5:38
Jan. 29—Feb. 4	6:41	5:47
Feb. 5—11	6:35	5:55
Feb. 12—18	6:27	6:03
Feb. 19—25	6:18	6:12
Feb. 26—Mar. 4	6:08	6:19
Mar. 5—11	5:57	6:27
Mar. 12—18 *Begins	6:46	7:35
Mar. 19—25	6:35	7:42
Mar. 26—Apr. 1	6:24	7:49
Apr. 2—8	6:13	7:56
Apr. 9—15	6:02	8:03
Apr. 16—22	5:51	8:10
Apr. 23—29	5:41	8:17
Apr. 30—May 6	5:32	8:24
May 7—13	5:23	8:31
May 14—20	5:16	8:38
May 21—27	5:10	8:45
May 28—June 3	5:06	8:50
June 4—10	5:03	8:55
June 11—17	5:02	9:02
June 18—24	5:03	9:02
June 25—July 1	5:06	9:03

\*Daylight Saving Time

**MIGRATORY GAME BIRD HUNTING HOURS TABLE**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Aug. 28—Sept. 3	6:01	7:28
Sept. 4—10	6:07	7:17
Sept. 11—17	6:14	7:05

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Sept. 18—24	6:21	6:54
Sept. 25—Oct. 1	6:27	6:42
Oct. 2—8	6:34	6:30
Oct. 9—15	6:42	6:20
Oct. 16—22	6:49	6:10
Oct. 23—29	6:57	6:01
Oct. 30—Nov. 5	7:05	5:53
Nov. 6—12 *Ends	6:13	4:46
Nov. 13—19	6:21	4:41
Nov. 20—26	6:28	4:37
Nov. 27—Dec. 3	6:36	4:36
Dec. 4—10	6:42	4:35
Dec. 11—17	6:47	4:38
Dec. 18—24	6:50	4:38
Dec. 25—31	6:52	4:41
Jan. 1—7	6:52	4:47
Jan. 8—14	6:52	4:53
Jan. 15—21	6:50	5:00
Jan. 22—28	6:47	5:08
Jan. 29—Feb. 4	6:41	5:17
Feb. 5—11	6:35	5:25
Feb. 12—18	6:27	5:33
Feb. 19—25	6:18	5:42
Feb. 26—Mar. 4	6:08	5:49
Mar. 5—11	5:57	5:57
Mar. 12—18 *Begins	6:46	7:05
Mar. 19—25	6:35	7:12
Mar. 26—Apr. 1	6:24	7:19
Apr. 2—8	6:13	7:26
Apr. 9—15	6:02	7:33

\*Daylight Saving Time

[Pa.B. Doc. No. 16-459. Filed for public inspection March 18, 2016, 9:00 a.m.]

**[ 58 PA. CODE CH. 141 ]**  
**Hunting and Trapping; Permitted Devices**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its February 2, 2016, meeting to amend § 141.18 (relating to permitted devices) to add hand-held rangefinders and those contained within a scope or archery sight to the list of approved devices that may be used to hunt or take wildlife.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the February 2, 2016, meeting of the Commission. Comments can be sent until April 1, 2016, to the Director, Informa-

tion and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

Each year the Commission is asked to review the prospective use of certain devices for hunting or trapping purposes that are otherwise prohibited by statute or regulation. As part of the review process, the Commission generally reviews to what degree use of a given device might negatively impact principles of resource conservation, equal opportunity, fair chase or public safety. The Commission has recently been requested to formally review the use of electronic rangefinders, including hand-held devices and those contained within a scope or archery sight. The Commission has determined that use of these devices for hunting purposes has no or negligible negative impacts to the previously mentioned principles. While the Commission has historically maintained an open use policy towards these electronic devices due to their ubiquitous use, their use could be construed as technically contrary to the Commission's restriction on the use electronic contrivances while hunting. Therefore, in an effort to more formally approve their use, the Commission is proposing to amend § 141.18 to add hand-held rangefinders and those contained within a scope or archery sight to the list of approved devices that may be used to hunt or take wildlife.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to § 141.18 are proposed under this authority.

*2. Regulatory Requirements*

The proposed rulemaking will amend § 141.18 to add hand-held rangefinders and those contained within a scope or archery sight to the list of approved devices that may be used to hunt or take wildlife.

*3. Persons Affected*

Persons wishing to utilize hand-held rangefinders and those contained within a scope or archery sight to hunt or take wildlife within this Commonwealth will be affected by the proposed rulemaking.

*4. Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

*5. Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*6. Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-392. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 141. HUNTING AND TRAPPING**  
**Subchapter A. GENERAL**

**§ 141.18. Permitted devices.**

The following devices may be used to hunt or take wildlife:

\* \* \* \* \*

(5) Electronic crow decoys used solely for harvesting crows.

**(6) Electronic rangefinders, including hand-held devices and those contained within a scope or archery sight. This authorization may not be construed to permit a device that emits a light beam, infrared beam, ultraviolet light beam, radio beam, thermal beam, ultrasonic beam, particle beam or other beam that is visible outside of the device or on the target.**

[Pa.B. Doc. No. 16-460. Filed for public inspection March 18, 2016, 9:00 a.m.]

[ 58 PA. CODE CH. 131 ]

**Preliminary Provisions; Police Powers by Wildlife Conservation Officers**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its February 2, 2016, meeting, to amend § 131.6 (relating to administration of police powers by wildlife conservation officers) to redirect the extent and manner in which it authorizes wildlife conservation officers to engage in the administration of police powers.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the February 2, 2016, meeting of the Commission. Comments can be sent until April 1, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

The exercise of general police powers by wildlife conservation officers has proven a unique challenge for the Commission over the past few years. On one hand the Commission asserts its preference to focus the primary responsibilities of wildlife conservation officers to be the enforcement of the code and related environmental concerns. On the other hand the Commission is challenged by the public's expectation that it remain adaptive and capable to address the spectrum of circumstances that wildlife conservation officers face on a daily basis. Increasingly, the Commission is identifying significant overlap and interconnectivity between its investigations into wildlife, habitat and other environmental crime, and other types of general crime. The Commission's policy to attempt to sever and transfer all general crime matters to

other State or local law enforcement agencies has largely proven unsuccessful. Not only does this process often create significant procedural complications for both organizations, but, more importantly, these other agencies have consistently rejected their adoption of cases that they did not initiate. In an effort to reduce legal challenges, reduce potential civil liability and provide recognition of the importance of the relevant competing interests on this issue, the Commission is proposing to amend § 131.6 to redirect the extent and manner in which it authorizes wildlife conservation officers to engage in the administration of police powers.

Section 901(a)(17) of the code (relating to powers and duties of enforcement officers) states in relevant part "[a]ll powers as provided for in this paragraph will be limited by such administrative procedure as the director, with the approval of the commission, shall prescribe." Section 322(c)(12) of the code (relating to powers and duties of commission) specifically empowers the Commission to "[t]ake any necessary action to accomplish and assure the purposes of this title." The amendments to § 131.6 are proposed under this authority.

*2. Regulatory Requirements*

The proposed rulemaking will amend § 131.6 to redirect the extent and manner in which the Commission authorizes salaried wildlife conservation officers to engage in the administration of police powers.

*3. Persons Affected*

Persons within the jurisdictional limits of this Commonwealth may be affected by the proposed rulemaking.

*4. Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

*5. Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*6. Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-391. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 131. PRELIMINARY PROVISIONS**  
**§ 131.6. Administration of police powers by Wildlife Conservation Officers.**

*(a) General.*

(1) Section 901(a)(17) of the act (relating to powers and duties of enforcement officers) authorizes wildlife conservation officers, when acting within the scope of their employment, to pursue, apprehend or arrest any individual suspected of violating any provision of 18 Pa.C.S. (relating to [ **the** ] Crimes Code) or any other offense

classified as a misdemeanor or felony and, in addition, to serve and execute warrants and subpoenas for these offenses.

(2) For the purposes of enforcement of the authority granted by section 901(a)(17) of the act, “when acting within the scope of their employment” means that period of time that a wildlife conservation officer is currently engaged in any activity the officer is employed to perform at the time and places the officer is authorized to perform the activity.

**[ (b) Procedures.**

**(1) A wildlife conservation officer shall arrest or take other appropriate enforcement action pursuant to the authority vested by section 901(a)(17) of the act only to the degree necessary to protect life and property in any one or more of the following circumstances: ]**

**(b) Limitation. A wildlife conservation officer shall arrest or take other appropriate enforcement action pursuant to the authority vested by section 901(a)(17) of the act only in one or more of the following circumstances:**

- [ (i) ] (1) The offense occurs in the officer’s presence.**
- [ (ii) ] (2) The offense occurs on lands or waters owned, leased or otherwise controlled by the Commission.**
- [ (iii) ] (3) The offense arises out of Commission operations.**
- [ (iv) ] (4) Another law enforcement agency has reasonably requested the assistance.**

**[ (2) A wildlife conservation officer who exercises any authority vested by section 901(a)(17) of the act shall do the following, without unreasonable delay:**

- (i) Notify the appropriate State or local law enforcement agency of the enforcement action.**
- (ii) Secure and maintain onsite information and evidence as deemed appropriate.**
- (iii) Transmit secured information and evidence to the appropriate State or local law enforcement agency for further investigation or prosecution, or both.**
- (iv) Prosecute violations, as may be reasonably necessary if the appropriate State or local law enforcement agency declines further action. ]**

[Pa.B. Doc. No. 16-461. Filed for public inspection March 18, 2016, 9:00 a.m.]

**[ 58 PA. CODE CH. 139 ]  
Seasons and Bag Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its February 2, 2016, meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2016-2017 hunting/trapping license year.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the February 2, 2016, meeting of the Commission. Comments can be sent until April 1, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2016-2017 license year. The 2016-2017 seasons and bag limits have been amended to reflect currently available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

Proposed changes to small game seasons includes making youth and regular seasons for squirrels and rabbits concurrent to simplify regulations and to expand rabbit hunting opportunities and also making snowshoe hare season dates consistent Statewide to simplify regulations, facilitate species monitoring programs and reflect the fact that harvest mortality is not a major driver of population trends for this species.

Proposed changes to wild turkey seasons include a reduction in the length of the fall season in four wildlife management units (WMU) that have exhibited declining trends in turkey population indices. Specifically, seasons would decrease from 2 weeks + 3 days to 1 week + 3 days in WMUs 1A and 2A, from 1 week + 3 days to 1 week in WMU 1B and from 3 weeks + 3 days to 2 weeks + 3 days in WMU 4C.

Proposed changes to black bear seasons include the addition of a 4-day extended firearms season (concurrent with the Wednesday-Saturday of the first week of firearms deer season) in WMU 1B. This season is intended to prevent further expansion of bears into the western portion of this WMU where potential for bear-human conflicts is high.

Proposed changes to furbearer seasons include an increase in the length of the fisher trapping season from the current 6 days to 12 days in the 13 WMUs with open fisher seasons.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking. . . .” The amendments to § 139.4 are proposed under this authority.

*2. Regulatory Requirements*

The proposed rulemaking will amend § 139.4 by establishing when and where it is lawful to hunt and trap

various game species and also place limits on the numbers that can be legally taken during the 2016-2017 hunting/trapping license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2016-2017 hunting/trapping license year will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The effective dates of the proposed rulemaking are July 1, 2016, to June 30, 2017.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-388. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

*(Editor's Note:* As part of this proposed rulemaking, the Commission is proposing to replace the table which appears in 58 Pa. Code pages 139-3—139-15, serial pages (376905)—(376917) with the following table.)

**§ 139.4. Seasons and bag limits for the license year.**

**2016-2017 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,  
FIELD POSSESSION LIMIT AND SEASON LIMIT  
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required junior license	Oct. 1	Oct. 15	6	18
Squirrels—(Combined species)	Oct. 15	Nov. 26	6	18
	and			
	Dec. 12	Dec. 24		
	and			
	Dec. 26	Feb. 28, 2017		
Ruffed Grouse	Oct. 15	Nov. 26	2	6
	and			
	Dec. 12	Dec. 24		
	and			
	Dec. 26	Jan. 21, 2017		
Rabbits, Cottontail— Eligible Junior Hunters only, with or without the required junior license	Oct. 1	Oct. 15	4	12
Rabbits, Cottontail	Oct. 15	Nov. 26	4	12
	and			
	Dec. 12	Dec. 24		
	and			
	Dec. 26	Feb. 28, 2017		
Ring-necked Pheasant—There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit.				



PROPOSED RULEMAKING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Ring-necked Pheasant Eligible Junior Hunters only, with or without the required junior license	Oct. 8	Oct. 15	2	6
WMUs 2A, 2C, 4C, 4E, 5A and 5B—Male only				
WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D—Male or female				
Ring-necked Pheasant	Oct. 22	Nov. 26	2	6
	and			
WMUs 2A, 2C, 4C, 4E, 5A and 5B—Male only	Dec. 12	Dec. 24		
	and			
WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D—Male or female	Dec. 26	Feb. 28, 2017		
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMU 5A where the season is closed.	Oct. 22	Nov. 26	4	12
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Dec. 31	1	3
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons. Hunting on Sundays is prohibited.		Unlimited	
Porcupines	Sept. 1	Mar. 31, 2017	3	Season limit 10
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey, Fall—Male or Female			1	1
WMU 2B (Shotgun, Bow and Arrow only)	Oct. 29	Nov. 18		
	and			
	Nov. 24	Nov. 26		
WMU 1B	Oct. 29	Nov. 5		
WMUs 1A and 2A	Oct. 29	Nov. 5		
	and			
	Nov. 24	Nov. 26		
WMUs 2D, 2E, 2F, 2G, 2H 3A, 3B, 3C, 3D, 4A, 4B, 4C and 4D	Oct. 29	Nov. 12		
	and			
	Nov. 24	Nov. 26		
WMUs 2C and 4E	Oct. 29	Nov. 18		
	and			
	Nov. 24	Nov. 26		
WMU 5A	Nov. 3	Nov. 5		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
Turkey, Spring <sup>1</sup> Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 22, 2017	Apr. 22, 2017	1	1
Turkey, Spring <sup>1</sup> Bearded Bird only	Apr. 29, 2017	May 13, 2017	1	2
	and		May be hunted 1/2 hour before sunrise to 12 noon	
	May 15, 2017	May 31, 2017	1	2
			May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	

## PROPOSED RULEMAKING

## MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about February 28 of each year.

## Exceptions:

(a) Hunting hours in § 141.4 (relating to hunting hours).

(b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crow (Hunting permitted on Friday, Saturday and Sunday only)	July 1	Apr. 9, 2017	Unlimited	
Starling and English Sparrow	No closed season except during the regular firearms deer seasons.		Unlimited	

## FALCONRY

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2017	6	18
Quail	Sept. 1	Mar. 31, 2017	4	12
Ruffed Grouse	Sept. 1	Mar. 31, 2017	2	6
Cottontail Rabbits	Sept. 1	Mar. 31, 2017	4	12
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2017	1	3
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2017	2	6

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

## WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) <sup>2</sup> With the required archery license WMUs 2B, 5C and 5D	Sept. 17	Nov. 26	One antlered deer, and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 28, 2017	
Deer, Archery (Antlered and Antlerless) <sup>2</sup> With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Oct. 1	Nov. 12	One antlered deer, and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 14, 2017	
Deer, Muzzleloading (Antlerless only) With the required muzzleloading license	Oct. 15	Oct. 22	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or United States Coast Guard	Oct. 20	Oct. 22	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 2B, 5A, 5B, 5C and 5D	Nov. 28	Dec. 10	One antlered deer, and an antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Regular firearms (Antlered only) <sup>2</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Nov. 28	Dec. 2	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 3	Dec. 10	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26	Jan. 14, 2017	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26	Jan. 28, 2017	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26	Jan. 28, 2017	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

**BLACK BEAR**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Bear, Archery <sup>4</sup> WMUs 2B, 5C and 5D	Sept. 17	Nov. 18	1
Bear, Archery <sup>4</sup> WMU 5B	Oct. 1	Nov. 18	1
Bear, Archery <sup>4</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 14	Nov. 18	1
Bear, Muzzleloader <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Oct. 15	Oct. 22	1
Bear, Special Firearms <sup>4</sup> Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, with required antlerless license WMUs 2B, 5B, 5C and 5D	Oct. 20	Oct. 22	1
Bear, Regular Firearms <sup>4</sup> (Statewide)	Nov. 19	Nov. 23	1
Bear, Extended Firearms <sup>4</sup> WMUs 3B, 3C and 3D	Nov. 28	Dec. 3	1
Bear, Extended Firearms <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Nov. 28	Dec. 10	1
Bear, Extended Firearms <sup>4</sup> WMUs 1B, 2C, 4B, 4C, 4D and 4E	Nov. 30	Dec. 3	1

## PROPOSED RULEMAKING

## ELK

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Elk, Special Conservation Tag <sup>5</sup> (Antlered and Antlerless)	Sept. 1	Nov. 5	1
Elk, Regular firearms <sup>5</sup> (Antlered and Antlerless)	Oct. 31	Nov. 5	1
Elk, Extended firearms <sup>5</sup> (Antlered and Antlerless)	Nov. 7	Nov. 12	1

## FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Minks and Muskrats	Nov. 19	Jan. 8, 2017	Unlimited	
Beaver	Dec. 26	Mar. 31, 2017		
WMUs 1A, 1B and 3C (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)			20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)			5	5
Coyotes, Foxes, Opossums, Raccoons, Skunks and Weasels	Oct. 23	Feb. 19, 2017	Unlimited	
Coyotes and Foxes Use of cable restraint devices authorized with required certification	Dec. 26	Feb. 19, 2017	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 17	Jan. 8, 2017	1	1
Fisher, with required fisher permit WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3C, 3D, 4D and 4E	Dec. 17	Dec. 28	1	1
River Otter, with required otter permit WMUs 3C and 3D	Feb. 20, 2017 (or until harvest quota is reached)	Feb. 22, 2017	1	1

## FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyotes—(Outside of any big game season)	May be taken with a hunting license or a furtaker's license.		Unlimited	
Coyote—(During any big game season)	May be taken while lawfully hunting big game or with a furtaker's license.		Unlimited	
Opossums, Striped Skunks, Weasels	No closed season.			
Raccoons and Foxes	Oct. 22	Feb. 18, 2017	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 14	Feb. 8, 2017	1	1

No open seasons on other wild birds or wild mammals.

<sup>1</sup> Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of two spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

<sup>2</sup> Only one antlered deer (buck) may be taken during the hunting license year.

<sup>3</sup> Includes residents and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>4</sup> Only one bear may be taken during the hunting license year with the required bear license.

<sup>5</sup> Only one elk may be taken during the hunting license year with the required elk license.

[Pa.B. Doc. No. 16-462. Filed for public inspection March 18, 2016, 9:00 a.m.]

# PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 681a ]

## 21 Baccarat; Table Game Rules of Play

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. § 13A02(1) and (2) (relating to regulatory authority), proposes to add Chapter 681a (relating to 21 Baccarat) to read as set forth in Annex A.

### *Purpose of the Proposed Rulemaking*

This proposed rulemaking will add a new table game to the compliment of games available for play in this Commonwealth.

### *Explanation*

Section 681a.1 (relating to definitions) contains the definitions used throughout Chapter 681a. Section 681a.2 (relating to 21 Baccarat table; physical characteristics) contains the table physical characteristics. Section 681a.3 (relating to cards; number of decks; value of cards) details the number of cards and decks used to play the game. Section 681a.4 (relating to opening of the table for gaming) addresses the opening of the table for gaming. Section 681a.5 (relating to shuffle and cut of the cards) details how the cards are to be shuffled and cut. Section 681a.6 (relating to wagers) outlines the permissible wagers. Section 681a.7 (relating to procedure for dealing the cards; completion of each round of play) addresses how the cards are to be dealt and the round of play is to be completed. Section 681a.8 (relating to payout odds) outlines the permissible payout odds for winning wagers. Section 681a.9 (relating to irregularities) addresses irregularities in play.

In 21 Baccarat, depending on the number of decks used for play of the game, the hold percentage for the optional Tie Wager is either 5.4% or 5.9% and between 5.8% and 8.0% for the optional Bonus Wager.

### *Fiscal Impact*

*Commonwealth.* The Board does not expect that this proposed rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

*Political subdivisions.* This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* This proposed rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer 21 Baccarat within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and may need to purchase new equipment. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

*General public.* This proposed rulemaking will not have fiscal impact on the general public.

### *Paperwork Requirements*

If a certificate holder selects different options for the play of table games, the certificate holder will be required

to submit an updated Rules Submission form reflecting the changes. These forms are available and submitted to Board staff electronically.

### *Effective Date*

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

### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin*. Public comments should be addressed to Susan A. Yocum, Senior Counsel, Attention: Regulation #125-198 Public Comment, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060.

### *Contact Person*

The contact person for questions about this proposed rulemaking is Susan Yocum, Senior Counsel, (717) 346-8300.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 9, 2016, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

DAVID M. BARASCH,  
*Chairperson*

**Fiscal Note:** 125-198. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

### PART VII. GAMING CONTROL BOARD

### Subpart K. TABLE GAMES

### CHAPTER 681a. 21 BACCARAT

- Sec. 681a.1. Definitions.
- 681a.2. 21 Baccarat table; physical characteristics.
- 681a.3. Cards; number of decks; value of cards.
- 681a.4. Opening of the table for gaming.
- 681a.5. Shuffle and cut of the cards.
- 681a.6. Wagers.
- 681a.7. Procedure for dealing the cards; completion of each round of play.
- 681a.8. Payout odds.
- 681a.9. Irregularities.

### § 681a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Hard total*—The total point count of a hand which contains no aces or which contains aces that are each counted as 1 in value.

*Natural*—A two-card hand containing two aces or one ace and one 10 value card.

*Soft total*—The total point count of a hand containing an ace when the ace is counted as 11 in value.

**§ 681a.2. 21 Baccarat table; physical characteristics.**

(a) 21 Baccarat shall be played at a table having betting positions for no more than eight players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a 21 Baccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area for each player designated for the placement of a wager on the Player's Hand.
- (3) A separate betting area for each player designated for the placement of a wager on the Banker's Hand.
- (4) A separate betting area for each player designated for the placement of the Bonus Wager on the Player's Hand.
- (5) A separate betting area for each player designated for the placement of the Bonus Wager on the Banker's Hand.
- (6) A separate betting area for each player designated for the placement of the Tie Wager.

(7) The following inscriptions:

(i) Hands shall draw to 16 and stand on all 17s or other similar language approved by the Executive Director in accordance with § 601a.10(a).

(ii) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for all permissible wagers shall be posted at each 21 Baccarat table.

(c) Each 21 Baccarat table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each 21 Baccarat table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 681a.3. Cards; number of decks; value of cards.**

(a) 21 Baccarat shall be played with four or eight decks of cards.

(b) If an automated card shuffling device is utilized, other than a continuous shuffler, 21 Baccarat shall be played with two batches of four or eight decks of cards in accordance with the following requirements:

(1) An equal number of decks shall be included in each batch.

(2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

(c) The decks of cards opened for use at a 21 Baccarat table shall be changed at least once every 24 hours.

(d) The value of the cards shall be as follows:

- (1) Any card from 2 to 10 shall have its face value.
- (2) Any jack, queen or king shall have a value of 10.

(3) An ace shall have a value of 11 unless that value would give the Player's Hand or Banker's Hand a score in excess of 21, in which case the ace shall have a value of 1.

(e) For purposes of the Bonus Wager, the hands eligible for a payout shall be:

- (1) Three 7s, which is a hand containing three 7s.
- (2) A three-of-a-kind, which is a hand containing three cards of the same rank.

(3) A three-card straight, which is a hand with three cards in consecutive rank regardless of suit. For example: a 5, 7 and 6.

(4) A three-card 21, which is a hand containing three cards that total 21. For example: a 6, 6 and 9.

(5) A pair, which is a hand containing two cards of the same rank regardless of suit (such as two 10s or two queens), provided that only the initial two cards dealt to the hand shall be considered for purposes of a payout for a pair. For example, if a player receives a 5 and a 9 in the first two cards, then receives another 5, the player would not be eligible for the payout.

**§ 681a.4. Opening of the table for gaming.**

(a) After receiving one or more batches of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 681a.5 (relating to shuffle and cut of the cards).

(d) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c) separate from the decks in the other batch of cards.

(e) If the batches of cards received at the table are preinspected and reshuffled in accordance with

§ 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 681a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the decks of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled, the dealer shall offer the stack of cards, with the backs facing away from the dealer, to the players to be cut. The dealer shall begin with the player seated in the highest number position at the table and, working clockwise around the table, offer the stack to each player until a player accepts the cut. If a player does not accept the cut, the dealer shall cut the cards.

(c) The cards shall be cut by placing a cover card in the stack at least ten cards in from the top or the bottom of the stack.

(d) Once the cover card has been inserted into the stack, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The dealer shall then insert the second cover card in a position at least ten cards above the bottom of the stack.

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be reshuffled or recut if the floorperson or above determines that the shuffle or cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe and the round of play is completed, as provided in § 681a.7 (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) If there is no gaming activity at a 21 Baccarat table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the cards shall be:

(1) Mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section if there is no automated shuffling device in use.

(2) Stacked and placed into the automated shuffling device to be shuffled if an automated shuffling device is in use. The batch of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the batch of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt provided that the automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

**§ 681a.6. Wagers.**

(a) Wagers at 21 Baccarat shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the 21 Baccarat layout.

(b) All wagers shall be placed prior to the first card being dealt for each round of play. A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(c) To participate in a round of play, a player shall place a wager on either the Player's Hand or Banker's Hand. A wager on:

(1) The Player's Hand shall win if the total value of the cards dealt to the Player's Hand:

(i) Is 21 or less and is greater than the total value of the cards dealt to the Banker's Hand.

(ii) Is over 21 but is lower than the total value of the cards dealt to the Banker's Hand.

(2) The Banker's Hand shall win if the total value of the cards dealt to the Banker's Hand:

(i) Is 21 or less and is greater than the total value of the cards dealt to the Player's Hand.

(ii) Is over 21 but is lower than the total value of the cards dealt to the Player's Hand.

(d) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a wager in accordance with subsection (c) the option of placing any of the following optional wagers:

(1) A Tie Wager which shall win if the Banker's Hand and the Player's Hand are equal in value.

(2) A Bonus Wager on the Player's Hand which shall win if the Player's Hand contains a pair or better as described in § 681a.3(e) (relating to cards; number of decks; value of cards).

(3) A Bonus Wager on the Banker's Hand which shall win if the Banker's Hand contains a pair or better as described in § 681a.3(e).

**§ 681a.7. Procedure for dealing the cards; completion of each round of play.**

(a) All cards shall be dealt from a dealing shoe which must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures under § 681a.5 (relating to shuffle and cut of the cards) have been completed, the stacked cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand shall be completed. The dealer shall then:

(1) Collect and reshuffle the cards by removing the cards remaining in the shoe and placing them in the discard rack to ensure that no cards are missing.

(2) Shuffle the cards so that they are randomly intermixed.

(e) After all Player and Banker Wagers and optional Tie and Bonus Wagers have been placed, the dealer shall deal the cards as follows:

(1) One card face up to the area in front of the table inventory container designated for the Player's Hand.

(2) One card face up to the area in front of the table inventory container designated for the Banker's Hand.

(3) A second card face up to the area for the Player's Hand.

(4) A second card face up to the area for the Banker's Hand.

(f) If either the Player's Hand or Banker's Hand is a natural and if:

(1) There were no Bonus Wagers placed, no additional cards may be dealt to either hand. All Player and Banker Wagers shall then be settled in accordance with subsections (h)—(j).

(2) Any player placed a Bonus Wager, one additional card shall be drawn face up to the Player's Hand or Banker's Hand if the Player's Hand or Banker's Hand has a total value of less than a soft or hard 17. The additional card shall count only for purposes of the Bonus Wager but may not count for purposes of the player's Player or Banker Wager. The player's Player or Banker Wager shall be settled in accordance with subsections (h)—(j) and the player's Bonus Wager shall be settled in accordance with subsection (k).

(g) If neither the Player's Hand nor Banker's Hand is a natural, the dealer shall draw one additional card face up to the Player's or Banker's Hand if either the Player's Hand or Banker's Hand has a total value of less than a soft or hard 17.

(h) After all cards have been dealt, the dealer shall compare the total value of the Player's Hand to the total value of the Banker's Hand. Starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction the dealer shall then settle all Player and Banker Wagers as provided in subsections (i) and (j).

(i) For players who wagered on the Player's Hand, if the Player's Hand:

(1) Is 21 or less and the total value of the Banker's Hand is over 21, the dealer shall pay each player who wagered on the Player's Hand in accordance with § 681a.8(a) (relating to payout odds).

(2) And the Banker's Hand are 21 or less:

(i) And the Player's Hand is higher in total value than the Banker's Hand, the dealer shall pay each player who wagered on the Player's Hand in accordance with § 681a.8(a).

(ii) And the Player's Hand is lower in total value than the Banker's Hand, the dealer shall collect each player's losing wager on the Player's Hand.

(3) And the Banker's Hand are over 21:

(i) And the Player's Hand is lower in total value than the Banker's Hand, the dealer shall pay each player who wagered on the Player's Hand in accordance with § 681a.8(a).

(ii) And the Player's Hand is higher in total value than the Banker's Hand, the dealer shall collect each player's losing wager on the Player's Hand.

(4) And the Banker's Hand are equal in total value, the dealer shall return the player's Player Wager.

(j) For players who wagered on the Banker's Hand, if the Banker's Hand:

(1) Is 21 or less and the total value of the Player's Hand is over 21, the dealer shall pay each player who wagered on the Banker's Hand in accordance with § 681a.8(a).

(2) And the Player's Hand are 21 or less:

(i) And the Banker's Hand is higher in total value than the Player's Hand, the dealer shall pay each player who wagered on the Banker's Hand in accordance with § 681a.8(a).

(ii) And the Banker's Hand is lower in total value than the Player's Hand, the dealer shall collect each player's losing wager on the Banker's Hand.

(3) And the Player's Hand are over 21:

(i) And the Banker's Hand is lower in total value than the Player's Hand, the dealer shall pay each player who wagered on the Banker's Hand in accordance with § 681a.8(a).

(ii) And the Banker's Hand is higher in total value than the Player's Hand, the dealer shall collect each player's losing wager on the Banker's Hand.

(4) And the Player's Hand are equal in total value, the dealer shall return the player's Banker Wager.

(k) The dealer shall settle Tie and Bonus Wagers as follows:

(1) For the Tie Wager, if the Player's Hand and the Banker's Hand:

(i) Have the same total value, the dealer shall pay the winning Tie Wager in accordance with § 681a.8(b).

(ii) Do not have the same total value, the dealer shall collect the losing Tie Wager.

(2) For the Bonus Wager on the Player's Hand, if the Player's Hand:

(i) Contains a pair or better as described in § 681a.3(e) (relating to cards; number of decks; value of cards), the dealer shall pay the winning Bonus Wager in accordance with § 681a.8(c).

(ii) Does not contain a pair or better as described in § 681a.3(e), the dealer shall collect the losing Bonus Wager.



(3) For the Bonus Wager on the Banker's Hand, if the Banker's Hand:

(i) Contains a pair or better as described in § 681a.3(e), the dealer shall pay the winning Bonus Wager in accordance with § 681a.8(c).

(ii) Does not contain a pair or better as described in § 681a.3(e), the dealer shall collect the losing Bonus Wager.

(l) After all wagers have been settled, the dealer shall remove the cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

(m) Players may not handle any cards used to play 21 Baccarat.

**§ 681a.8. Payout odds.**

(a) The certificate holder shall pay each winning wager on the Player's Hand or Banker's Hand at odds of 1 to 1 except when the Player's Hand or Banker's Hand wins with a 17 which shall pay at odds of 1 to 2.

(b) The certificate holder shall pay out winning Tie Wagers at odds of 10 to 1.

(c) The certificate holder shall pay out winning Bonus Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

*If 21 Baccarat is being played with four decks of cards*

Hand	Paytable A	Paytable B	Paytable C
Three 7s	100 to 1	80 to 1	80 to 1
Three-of-a-kind	40 to 1	40 to 1	40 to 1

Hand	Paytable A	Paytable B	Paytable C
Three-card straight	11 to 1	12 to 1	10 to 1
Three-card 21	5 to 1	5 to 1	6 to 1
One pair	3 to 1	3 to 1	3 to 1

*If 21 Baccarat is being played with eight decks of cards*

Hand	Paytable D	Paytable E	Paytable F
Three 7s	100 to 1	80 to 1	80 to 1
Three-of-a-kind	40 to 1	40 to 1	35 to 1
Three-card straight	10 to 1	11 to 1	12 to 1
Three-card 21	5 to 1	5 to 1	5 to 1
One pair	3 to 1	3 to 1	3 to 1

**§ 681a.9. Irregularities.**

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack or in a segregated area of the double shoe.

(b) If the Player's Hand or Banker's Hand has 17 and the dealer accidentally draws an additional card, the card shall be placed in the discard rack.

(c) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(d) If an automated shuffling device malfunctions and cannot be used, the device must be covered or have a sign indicating that it is out of order placed on the device before any other method of shuffling may be utilized at that table.

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