

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF DENTISTRY [49 PA. CODE CH. 33] Clinical Examinations

The State Board of Dentistry (Board) amends § 33.103 (relating to examinations).

Effective Date

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

Statutory Authority

The final-form rulemaking is authorized under section 3(c), (d), (e) and (o) of the Dental Law (act) (63 P.S. § 122(c), (d), (e) and (o)). Section 3(c) and (d) of the act authorizes the Board to license dentists and dental hygienists by examination. Section 3(e) of the act authorizes the Board to provide for the conduct of licensure examinations. Section 3(o) of the act provides the general authority of the Board “to adopt, promulgate and enforce such rules and regulations as may be deemed necessary by the Board.”

Background, Purpose and Description of the Amendments

Currently, the Board requires that applicants for licensure as a dentist or dental hygienist take and pass the written National Board Dental or Dental Hygiene Examination administered by the Joint Commission on National Dental Examinations, Inc. and the clinical examination administered by the Northeast Regional Board of Dental Examiners, Inc. (NERB). Over the last few years, the Board has been, and will continue to be involved in the efforts to adopt a National clinical examination, but to date it has not come to fruition. Therefore, the Board determined that it was most prudent at this time to look to the existing regional examining agencies as a means of opening up the possibility of licensure in this Commonwealth to as many qualified individuals as possible. This final-form rulemaking provides that applicants for licensure by examination as a dentist or dental hygienist may take any one of the five regional clinical examinations, that is, those clinical examinations administered by NERB, the Southern Regional Testing Agency, Inc., the Western Regional Examining Board, the Central Regional Dental Testing Service, Inc. or the Council of Interstate Testing Agencies, Inc.

The Board published the proposed rulemaking at 39 Pa.B. 5595 (September 26, 2009), requesting public comments by October 26, 2009. No public comments were received. On October 21, 2009, the House Professional Licensure Committee (HPLC) met and voted to take no formal action on the proposed rulemaking until the final-form rulemaking was promulgated. The HPLC did not comment on the proposed rulemaking. Likewise, the Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). On November 25, 2009, the Board received a letter from the Independent Regulatory Review Commission (IRRC) indicating that it did not have objections, comments or recommendations to offer on the proposed

rulemaking. The Board met on December 11, 2009, and voted to adopt the final-form rulemaking without change.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking should have no fiscal impact on the Commonwealth or its political subdivisions because the costs associated with examinations will be borne by candidates for licensure. The final-form rulemaking should not have an adverse fiscal impact on applicants because the fees for the various regional examinations are comparable and an applicant could choose the most cost-effective examination to take.

The final-form rulemaking should not result in additional legal, accounting or reporting requirements for the Commonwealth or the regulated community.

Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 16, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 5595, to the HPLC, the SCP/PLC and IRRC for review and comment.

Public comments were not received, nor did the HPLC, SCP/PLC or IRRC submit comments to the Board regarding the proposed rulemaking.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), this final-form rulemaking was approved by the HPLC on March 10, 2010, and was deemed approved by the SCP/PLC on April 7, 2010. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective April 7, 2010.

Contact Person

Further information may be obtained by contacting Cynthia Montgomery, Regulatory Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no public comments were received.

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified this preamble.

Order

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 33, are amended by amending § 33.103 to read as set forth at 39 Pa.B. 5595.

(b) The Board shall submit this order and 39 Pa.B. 5595 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and 39 Pa.B. 5595 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

JOHN V. REITZ, D.D.S.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 2194 (April 24, 2010).)

Fiscal Note: Fiscal Note 16A-4620 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 10-865. Filed for public inspection May 14, 2010, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 401a, 434a, 438a AND 441a] Preliminary Provisions; Onsite Shopkeeper Certification, Labor Organizations; and Slot Machine Licenses

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(15) and (30) (relating to general and specific powers) and the authority in 4 Pa.C.S. §§ 1102(8) and (9) and 1313 (relating to legislative intent; and slot machine license application financial fitness requirements), amends Chapters 438a and 441a (relating to labor organizations; and slot machine licenses), to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

This final-form rulemaking replaces the permitting requirements for individuals in labor organizations with registration requirements and makes minor revisions to provisions in Chapter 441a relating to agreements. As proposed, this rulemaking also would have added a new Chapter 434a (relating to onsite shopkeeper certification) setting forth the requirements for certification of onsite shopkeepers and their regulatory responsibilities. Those provisions have been deleted from the final-form rulemaking.

Explanation of Amendments to Chapters 438a and 441a

Chapter 438a has been amended to replace the permitting requirement for labor organization officers, agents and management employees with a requirement that these individuals seek registration. These individuals typically do not work in a licensed facility and rarely would need to be in a restricted area. Accordingly, the Board has determined that registration, rather than obtaining a permit, is more appropriate for these individuals.

More specifically, § 438a.3 (relating to registration of labor organization officers, agents and management employees) has been amended to replace all references to permits with references to registration. Additionally, since registrations do not require renewals, subsection (d) has been revised to reflect that a registration will be valid for as long as the individual holds his current position and subsections (e) and (f) have been deleted.

Minor revisions were made to Chapter 441a in §§ 441a.12 and 441a.13 (relating to maintaining agree-

ments; filing of agreements; and Board review of agreements and records of agreements). The amendments to § 441a.12 will require slot machine licensees to submit to the Board copies of all written agreements or a written description of any oral agreement with a person which involves or may involve payments of \$500,000 or more per year to a slot machine licensee. This will allow the Board to review the appropriateness of these significant financial transactions to determine their impact on the slot machine licensees and the integrity of gaming.

The addition to § 441a.13 will require slot machine licensees to include a provision in all contracts requiring that a person who has contracted with a slot machine applicant or licensee comply with 4 Pa.C.S. Part II (relating to gaming) and regulations promulgated thereunder, including obtaining all required licenses, permits, certifications and registrations. This will allow slot machine licensees to void contracts with parties that should, but refuse to, file an application for a license, permit, certification or registration.

Comment and Response Summary

Notice of proposed rulemaking was published at 38 Pa.B. 3980 (July 26, 2008).

The Board received comments from Downs Racing, L.P. (Downs), Greenwood Gaming and Entertainment, Inc. (Greenwood) and Washington Trotting Association, Inc. (WTA) during the public comment period. On September 24, 2008, the Independent Regulatory Review Commission (IRRC) also filed comments on the proposed rulemaking. All of these comments were reviewed by the Board and are discussed in detail as follows.

The bulk of the comments received raised questions and concerns with the proposed Chapter 434a relating to shopkeepers. Because of the comments received, the Board elected not to proceed with this final-form rulemaking until the Board revised its regulations pertaining to vendors which was done in Regulation #125-100, which was published as final at 40 Pa.B. 975 (February 20, 2010). However, on January 7, 2010, Act 1 of 2010 went into effect. One of the changes in Act 1 was the addition of new provisions related to gaming service providers which will encompass both vendors and shopkeepers. The Board will be promulgating regulations to amend its existing vendor regulations to reflect the changes in Act 1 in the near future; however, there is no longer any need to promulgate separate regulations for shopkeepers. Accordingly, the Board has withdrawn the proposed revisions to Chapter 401a and withdrawn the proposed Chapter 434a in its entirety. Since these provisions have been deleted, the Board's discussion of the comments it received will be confined to the remaining amendments for Chapters 438a and 441a.

The only comments filed relating to the remaining provisions in this final-form rulemaking were from WTA. WTA asked that the Board clarify whether or not the requirement to file copies of any agreements involving payments of \$500,000 was intended to apply to agreements with just shopkeepers or apply to all agreements. This comment appears to have been prompted by WTA's misunderstanding that this provision had been included in Chapter 434a as § 434a.12.

It was, and is, the Board's intent that this provision apply to all agreements. That is why this provision was added to § 441a.12, instead of being part of the proposed Chapter 434a.

Additional Revisions

As proposed, § 438a.3(b) would have required submission of an original and two copies of the Labor Organization Registration Application. The Board only needs one copy of this application, so this provision has been revised to only require submission of one copy with the original.

Affected Parties

This final-form rulemaking will affect slot machine licensees, labor organization officers, agents and management employees.

*Fiscal Impact**Commonwealth*

These amendments will eliminate the requirement that annual renewal applications be filed for labor organization officers, agents and management employees. This will reduce the number of permit renewal applications that will have to be processed by the Bureau of Licensing and the Bureau of Investigations and Enforcement.

Political Subdivisions

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

Private Sector

Labor organization officers, agents and management employees will experience some cost savings because the application fee and investigation costs for registrations are less than they are for permits and registrations do not require annual renewals.

Slot machine licensees will be required to file copies of agreements under which the slot machine licensee may receive payments of \$500,000 or more.

General Public

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

Paperwork Requirements

Labor organization officers, agents and management employees will no longer have to file annual renewal applications.

Slot machine licensees will be required to file copies of agreements under which the slot machine licensee may receive payments of \$500,000 or more.

Effective Date

The final-form rulemaking will become effective upon final-form 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 July 16, 2008, the Board submitted a copy of the proposed rulemaking, published at 38 Pa.B. 3980 and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate 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 Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the Committees on April 7, 2010. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 8, 2010, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments 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.

Order

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

(a) The regulations of the Board, 58 Pa. Code Chapters 438a and 441a, are amended by amending §§ 438a.3, 441a.12 and 441a.13 to read as set forth in Annex A with ellipses.

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

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

GREGORY C. FAJT
Chairperson

(*Editor's Note:* The proposal to amend § 401a.3 and the addition of §§ 434a.1—434a.8 included in the proposed rulemaking at 38 Pa.B. 3980, has been withdrawn by the Board.)

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 2194 (April 24, 2010).)

Fiscal Note: Fiscal Note 125-91 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart B. LICENSING, PERMITTING, CERTIFICATION, AND REGISTRATION****CHAPTER 438a. LABOR ORGANIZATIONS****§ 438a.3. Registration of labor organization officers, agents and management employees.**

(a) Every labor organization officer, agent and management employee shall be registered in accordance with this section.

(b) Every labor organization officer, agent and management employee shall file an original and one copy of a completed Labor Organization Registration Application Form with the registration fee posted on the Board's web site (pgcb.state.pa.us).

(c) Applicants and registrants under this section shall be subject to the general application requirements of Chapters 421a and 423a (relating to general provisions; and applications).

(d) Registrations issued under this section will be valid for as long as the individual holds the position which required the individual to seek registration.

Subpart C. SLOT MACHINE LICENSING

CHAPTER 441a. SLOT MACHINE LICENSES

§ 441a.12. Maintaining agreements; filing of agreements.

(a) *Maintaining agreements.* Each slot machine applicant and licensee shall maintain the following:

- (1) A fully signed copy of every written agreement.
- (2) Records with respect to any oral agreement.

(b) *Changes or amendments to agreements.* Slot machine applicants and licensees shall maintain changes or amendments to the terms of the agreements subject to subsection (a).

(c) *Filing agreements.* Each slot machine licensee shall submit the following to the Board:

(1) A fully signed copy of written agreements with manufacturer applicants or licensees, manufacturer designee applicants or licensees, supplier applicants or licensees and with vendors subject to certification under § 437a.1(b) (relating to general vendor requirements).

(2) A precise written description of any oral agreement, in accordance with subsection (f), with manufacturer applicants or licensees, manufacturer designee applicants or licensees, supplier applicants or licensees and vendors subject to certification under § 437a.1(b).

(3) A fully signed copy of all written agreements relating to land and real estate.

(4) A fully signed copy of all written agreements or a written description of any oral agreement with a person which involves or may involve payments of \$500,000 or more per year to a slot machine licensee.

(d) *Changes or amendments to filed agreements.* Slot machine applicants and licensees shall file all changes or amendments to the terms of the agreements subject to subsection (c).

(e) *Additional agreements.* Notwithstanding the requirements of subsections (c) and (d), slot machine applicants or licensees may be required to submit a copy of any other written agreement, change or amendment or a precise written description of any other oral agreement, change or amendment as requested by the Board.

(f) *Oral agreements.* A written description submitted under this section must provide, at a minimum, the following:

- (1) The nature of the goods or services to be provided to or by the slot machine licensee or applicant.
- (2) The full name and business address of the nonslot machine licensee or applicant party to the agreement.
- (3) The duration of the agreement, or if provided in the agreement, the specific date or dates of performance.
- (4) The financial terms of the agreement.
- (5) A description of the goods or services provided, including the expected duration and compensation.

§ 441a.13. Board review of agreements and records of agreements.

(a) The Board may review an agreement and record maintained or filed under § 441a.12 (relating to maintaining agreements; filing of agreements) to determine the following:

(1) The reasonableness of the terms of the agreement, including the terms of compensation.

(2) The qualifications of the persons involved in and associated with the agreement, after which the Board may make a finding as to the suitability of the persons to be involved or associated with the slot machine applicant or licensee.

(3) Whether any person involved therein or associated therewith is providing or likely to provide goods or services to, or conducting or likely to conduct business with, a slot machine applicant or licensee or its employees which requires a license, permit, certification, registration or notification under the act or this part, in which case the Board will direct that the appropriate application be promptly filed by the person.

(4) Whether any action is desirable or necessary to regulate, control or prevent economic concentration in any vendor industry or to encourage or preserve competition in any vendor industry.

(b) If the Board finds that an agreement is not in the public interest or is inimical to the interest of gaming in this Commonwealth, the Board may, by order, require the termination of the agreement or association of any person associated therewith or pursue any remedy or combination of remedies provided for in the act or this part. If the agreement or association is not thereafter promptly terminated, the Board may pursue any remedy or combination of remedies provided for in the act or this part.

(c) Each agreement maintained or filed under § 441a.12 shall be deemed to include a provision for its termination without liability on the part of the slot machine applicant or licensee, or on the part of any qualified party to the agreement or any related agreement the performance of which is dependent upon the agreement, if the Board orders that the agreement be terminated in accordance with subsection (b).

(d) Each agreement maintained or filed under § 441a.12 must include a provision requiring that the person who has contracted with the slot machine applicant or licensee comply with the act and this part, including obtaining required licenses, permits, certifications and registrations.

[Pa.B. Doc. No. 10-866. Filed for public inspection May 14, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

**[58 PA. CODE CHS. 435a, 461a,
465a, 467a AND 501a]**

Employee Credentials, Design Standards and Internal Controls

The Pennsylvania Gaming Control Board (Board), under its 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. §§ 1207(3), (5), (9) and (11) and 1322 (relating to regulatory authority of board; and slot machine accounting controls and audits), amends Chapters 435a, 461a, 465a, 467a and 501a to read as set forth in Annex A.

Purpose of the Final-form Rulemaking

The final-form rulemaking amends the Board's requirements for the display of Board issued credentials, permits the use of nonfixed seating and makes a number of other

changes related to internal controls which improve the clarity of the current requirements and make revisions which will simplify, improve the effectiveness of or add some additional flexibility to existing provisions.

Explanation of Amendments to Chapters 435a, 461a, 465a, 467a and 501a

Section 435a.6(c) (relating to Board credentials) has been amended to relax the existing requirement that all of a slot machine licensee's employees display their Board credentials when they are working in the licensed facility. Employees whose jobs require them to be on the gaming floor or in restricted areas will continue to be required to display their Board credentials, but employees who are not required to be on the gaming floor or in a restricted area will only have to carry their credential. This will allow employees who do not work in sensitive areas for whom the display of their credential might interfere with the performance of their jobs to just carry their credential. Also, to give slot machine licensees some additional flexibility, food and beverage employees working on the gaming floor will be allowed to just carry their Board credential if their employer issued access badge displays a unique employee identification number. This will insure that the surveillance department and the Board's casino compliance representatives will still have a means to visually verify the identity of these individuals.

Section 461a.7(s) (relating to slot machine minimum design standards) has been amended to give slot machine licensees the option of using fixed or nonfixed seating for slot machines. Currently, slot machine licensees must use fixed seating unless they file a petition asking for a waiver of the fixed seating requirement. Under this amendment, slot machine licensees will be allowed to use nonfixed seating if the slot machine licensee provides a 48-inch minimum aisle width and submits, to the Bureau of Gaming Operations, a certification from local building and fire safety officials or a certification from an architect registered in this Commonwealth that the use of nonfixed seating complies with all building and fire safety codes.

The provisions in § 461a.10(g), (i) and (o) (relating to automated gaming voucher and coupon redemption machines) regarding internal controls have been deleted and relocated to new § 465a.34 (relating to automated gaming voucher and coupon redemption machine accounting controls). Since Chapter 461a (relating to slot machine testing and control) deals mainly with equipment standards and Chapter 465a (relating to accounting and internal controls) contains internal control requirements, the internal control requirements regarding automated gaming voucher redemption machines, automated coupon redemption machines, bill breakers or some combination thereof are more appropriately placed in Chapter 465a. Similarly, § 461a.11 has been rescinded in its entirety and the provisions in § 461a.11 have been moved to § 465a.34.

Also in § 461a.10(t)(4)(iv) and (v), the word "dispensed" has been replaced with "accepted." This correction reflects the fact that the gaming voucher, coupon and currency storage box contains the currency that has been inserted into the automated gaming voucher and coupon redemption machine, and has nothing to do with the currency that is dispensed by the automated gaming voucher and coupon redemption machine. Additionally, § 461a.10(t)(4)(vi), (viii) and (x) have been deleted. The information listed in these subparagraphs is captured by the software for the automated gaming voucher and coupon redemption machine and is found on the other reports. Therefore,

there is no need for this information to also be provided as part of the gaming voucher, coupon and currency storage box report.

Section 461a.19(c) (relating to remote system access) has been amended to require that a slot machine licensee must establish and obtain Board approval of internal controls that will be used to protect the integrity of the slot machine licensee's computer systems and related data before the slot machine licensee may allow a licensed manufacturer's employee to have remote access to its computer systems when there is an emergency. Because it would be difficult for the slot machine licensee to monitor what the manufacturer's employee is doing in this situation, it is imperative that the slot machine licensee have adequate protocols in place to prevent any unauthorized access to systems that are unaffected by the emergency. Requiring that these protocols be included in a slot machine licensee's internal controls will provide a mechanism for the Board to make sure that adequate protections are in place.

In § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions) and § 465a.33 (relating to access to areas containing central computer control equipment), the information required to be recorded in the access log books for the surveillance room and the areas containing central computer control equipment has been amended so that these requirements are the same for both log books. Making these formats the same should make compliance easier for the slot machine licensees.

Section 465a.18(d)(2) (relating to transportation of slot cash storage boxes to and from bill validators; storage) is amended to make the key control requirements consistent with the key control requirements for slot cash storage boxes that are in bill validators. The existing key control requirements in subsection (d)(2) are unnecessarily more restrictive. The revised language will make the requirements in subsection (d)(2) the same as the requirements in subsection (c)(1)(ii).

In § 465a.33, a number of changes have been made to improve the clarity of this section and ensure that the operator of the central computer control system and the casino compliance representatives are notified whenever someone is going to enter the areas that contain the central computer control equipment. Also, as noted earlier, the log book requirements in this section and in § 465a.9 have been revised so that they are the same. This should make compliance easier for the slot machine licensees.

The citation in § 467a.1(a)(2)(iv) (relating to gaming floor plan) has been amended to read "§ 467a.7(s)." The subsections in § 461a.7 were previously amended but this citation was not changed as part of that amendment.

Section 501a.6(b) (relating to check cashing) has been amended to allow a slot machine licensee to cash checks for patrons that have been issued by the slot machine licensee. Currently, if a slot machine licensee issues a check to a patron, which frequently happens when the patron wins a large jackpot, the slot machine licensee can not cash that check for the patron later. However, the slot machine licensee may accept that check to establish a customer deposit, which the customer can then close and receive cash. This amendment will eliminate the need to open a customer deposit just to cash a check that the slot machine licensee has issued to the patron.

Comment and Response Summary

Notice of proposed rulemaking was published at 39 Pa.B. 6073 (October 17, 2009).

The Board received comments from Greenwood Gaming and Entertainment, Inc. (Greenwood) and Downs Racing, L.P. (Downs) during the public comment period. On December 16, 2009, the Independent Regulatory Review Commission (IRRC) also filed comments on the proposed rulemaking. These comments were reviewed by the Board and are discussed in detail as follows.

On § 435a.6, Greenwood and Downs both suggested that the exemption provided to food and beverage employees from the requirement that they display their Board credential be expanded to include other employees who have direct contact with patrons. Additionally, Downs objected to the requirement that food and beverage employees' access badge contain a unique identification number to take advantage of the exemption from displaying their Board credential.

Similarly, IRRC asked the Board: to explain how the Board determined which employees would be required to display their Board credentials; if it had considered additional exemptions; if the Board was aware of any instances where the display of credentials has jeopardized a slot machine licensee's employees safety or resulted in identity theft; and why is the alternative in § 435a.6(c)(2) needed.

Concerning the comments on expanding the scope of this provision and how the Board determined which employees should continue to be required to display their Board credential, what the Board has done with this amendment is to strike a balance between the requests of some slot machine licensees to eliminate the requirement for employees to display their Board credentials and the Board's overall mandate to protect the integrity of gaming. Requiring employees who are working in critical areas of a licensed facility to display their Board credentials gives the Board an effective means to quickly confirm the identity of individuals who are in a restricted area or on the gaming floor. Accordingly, the Board does not believe that it is appropriate to expand the proposed exemption for employees who work in these areas. For employees who are not working in these sensitive areas, the Board agrees that the need for immediate confirmation of whether or not the individual has the proper credential is less critical. Therefore, the Board agrees that carrying the Board credential, rather than wearing it, is appropriate.

On Down's concern about the expense associated with the alternative of having an access badge with a unique employee identification number, the Board would note that this is an option, not a requirement. If Down's is concerned about possible costs, it can simply continue to have its food and beverage employees display their Board credential. As to the need for the unique employee identification number, if the employees are not displaying the Board credential, an alternate means of identifying the employees must be provided. An employee identification number will allow the Board's casino compliance representatives and the slot machine licensee's surveillance department to quickly verify the employee's identity.

Finally, as to the concerns voiced that display of a Board credential could threaten the welfare or safety of employees, the Board is not aware of any instances where identity theft has occurred. Furthermore, while the Board is aware of various instances, through reports from the

Board's casino compliance representatives and incident reports supplied by licensees, of patrons who have made unwanted advances or rude remarks and where patrons have made verbal threats, in none of these incidences has the display of the Board credential been a factor or created a greater threat to the employee's welfare.

For these reasons, the Board has not amended the regulation as suggested by the commentators. However, to clarify the purpose of the requirement for having a unique employee number on the employees access badge, the phrase "and which can be read by the slot machine licensee's surveillance system" has been added to § 435a.6(c)(2).

Greenwood offered a general comment on § 461a.19 suggesting that the Board rescind the technical standards in § 461b.5 (relating to remote computer access) or make them part of § 461a.19 so that they will go through the regulatory review process.

The Board has decided not to rescind § 461b.5 or add those provisions to § 461a.19. To give slot machine licensees some flexibility and in recognition of the rapid changes that can occur in computer systems, the Board believes that the more detailed technical requirements should remain in the technical standards. However, if Greenwood or another slot machine licensee believes that particular changes should be made to the technical standards, the Board encourages slot machine licensees to submit these changes to the Board for its review.

Greenwood and IRRC both asked the Board to clarify what the phrase "environmental adjustments" in § 465a.33(a)(5) meant.

The Board's intent behind using this phrase was to give slot machine licensees wide latitude to respond to emergencies, such as the failure of heating or air conditioning equipment, electrical failures or plumbing leaks. However, the Board agrees that using this term alone could make it hard for slot machine licensees to interpret. To provide further clarification, the Board is amending § 465a.33 (a)(5) by adding the phrase "such as electrical, plumbing or HVAC malfunctions."

Affected Parties

Slot machine licensees will benefit from the additional operating flexibility some of these amendments provide. Slot machine licensees who allow remote access to their computer systems will also be required to submit internal controls governing that access and will be required to notify the Board's casino compliance agents and the Department of Revenue's contractor whenever access is being provided to the areas housing the central computer control equipment.

*Fiscal Impact**Commonwealth*

The Board does not anticipate that there will be any significant costs or savings to the Board or any other Commonwealth agency as a result of this final-form rulemaking.

Political Subdivisions

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

Private Sector

This final-form rulemaking may result in some small savings or additional costs to slot machine licensees. However, the Board does not expect that these savings or costs will be significant.

General Public

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

Paperwork Requirements

This final-form rulemaking will simplify the log book requirements and reduce the need for slot machine licensees to file petitions with the Board regarding the use of nonfixed seating or display of Board credentials. It will also make it easier for patrons to cash checks issued by a slot machine licensee as payment for jackpot winnings.

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, (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 6, 2009, the Board submitted a copy of the proposed rulemaking, published at 39 Pa.B. 6073, and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate 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 Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the Committees on April 7, 2010. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 8, 2010, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments 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 Chapters 435a, 461a, 465a, 467a and 501a, are amended by rescinding § 461a.11 and amending §§ 461a.7, 461a.10, 461a.19, 465a.9, 465a.18, 465a.34, 467a.1 and 501a.6 to read as set forth at 39 Pa.B. 6073; and by amending §§ 435a.6 and 465a.33 to read as set forth in Annex A.

(b) The Chairperson of the Board shall certify this order, 39 Pa.B. 6073 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

GREGORY C. FAJT,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 2094 (April 24, 2010).)

Fiscal Note: Fiscal Note 125-106 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart B. LICENSING, PERMITTING,
CERTIFICATION AND REGISTRATION****CHAPTER 435a. EMPLOYEES****§ 435a.6. Board credentials.**

(a) The following individuals shall obtain a Board credential:

(1) A principal whose duties are required to be performed at a licensed facility in excess of 12 days in a 12-month period.

(2) Key employees.

(3) Gaming employees.

(4) Nongaming employee registrants.

(5) State employees whose duties require the employee's presence at a licensed facility more frequently than once a month.

(b) The credential will contain the following information:

(1) The name, date of birth, sex, height, weight, hair color and eye color of the licensee, permittee or registrant.

(2) A photograph of the face of the individual to whom the credential has been issued which meets the standards of the Commonwealth Photograph Imaging Network.

(3) The inscription "Pennsylvania Gaming Control Board."

(4) The seal of the Commonwealth.

(5) A license, permit or registration number.

(6) The type of license, permit or registration.

(7) An expiration date.

(8) The signature of the employee.

(9) Other security features as determined by the Board.

(c) A State employee required to obtain a Board credential shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. An individual who is not a State employee, who is required to obtain a Board credential and whose duties do not require the individual to be on the gaming floor or in a restricted area, shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. An individual who is not a State employee, who is required to obtain a Board credential and whose duties require the individual to be on the gaming floor or in a restricted area, shall display the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. A food and beverage employee of a slot machine licensee who is required to obtain a Board

credential and whose duties require the individual to be on the gaming floor may carry, instead of display, the employee's Board credential if:

(1) The employee displays the access badge required under § 465a.12 (relating to access badges).

(2) The access badge displays a unique identification number that has been assigned to that employee and which can be read by the slot machine licensee's surveillance system.

(d) Except as provided in § 435a.7 (relating to emergency credentials), slot machine and management company licensees are prohibited from allowing a principal who is required to obtain a credential, key employee, gaming employee or nongaming employee registrant to perform his duties on the premises of a licensed facility unless the employee has his Board credential.

(e) Notwithstanding subsection (a), the Board may, upon written request by a slot machine or management company licensee and upon a showing of good cause, exempt certain positions, titles or persons from the requirements of this section.

(f) An employee whose license, permit or registration has been suspended or revoked by the Board shall surrender the Board credential to the Board.

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT
CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.33. Access to areas containing central computer control equipment.

A slot machine licensee shall develop and submit to the Board and the Department, as part of the submission required under § 465a.2 (relating to internal control systems and audit protocols), procedures for safeguarding and limiting access to the central control computer (CCC) equipment housed within the licensed facility. At a minimum, these procedures must include the following requirements:

- (1) The area containing CCC equipment must:
 - (i) Be secured with a manual key lock system, the keys to which must be different from any other keys used in the licensed facility.
 - (ii) Have a door, that when opened, audibly signals the surveillance monitoring room.
 - (iii) Have adequate surveillance camera coverage to record all activity in the area.
- (2) Access to the area containing the CCC system equipment may not be permitted unless prior arrangements have been made with the operator of the CCC system and the casino compliance representatives at the licensed facility.
- (3) All keys which access the area containing CCC equipment shall be maintained by the slot machine licensee's security department. The keys may only be signed out by the director of security or the security shift manager to employees of the Department or the operator of the CCC system who are on the authorized access list. The authorized access list shall be obtained from the Department and made available to the casino compliance representatives at the licensed facility. A verbal notification shall be made to the surveillance monitoring room, the operator of the CCC system and the casino compliance representatives at the licensed facility prior to signing out the keys.

(4) The slot machine licensee shall maintain an access log for the area containing CCC equipment. The log shall be maintained in a book with bound numbered pages that cannot be readily removed and placed in close proximity to the CCC equipment. Casino compliance representatives at the licensed facility may review the log upon request. The log shall be stored and retained in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded in a log:

- (i) The date and time of each entry.
- (ii) The entering person's name, Board-issued credential number and department or affiliation.
- (iii) The reason for entering the area containing CCC equipment.
- (iv) The name of the person authorizing the person's entry into the area containing CCC equipment.
- (v) The date and time of exiting the area containing CCC equipment.

(5) Individuals who are not authorized to have access to the area containing CCC equipment may only be granted access for emergency situations requiring environmental adjustments, such as electrical, plumbing or HVAC malfunctions, with a security escort. When emergency access is granted, the slot machine licensee shall provide notice to the Department and the casino compliance representatives at the licensed facility prior to permitting entry to the area containing CCC equipment.

[Pa.B. Doc. No. 10-867. Filed for public inspection May 14, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 521 AND 525]

Table Game General Provisions and Internal Controls

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (Act 1) and the specific authority in 4 Pa.C.S. § 1325A (relating to table game accounting controls and audit protocols), adopts temporary regulations in Chapters 521 and 525 (relating to general provisions; and table game internal controls) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking adds additional definitions, the procedures for submission of table game internal controls and specific provisions related to organization requirements, submission of the jobs compendium and staffing requirements for table games.

Explanation of Chapters 521 and 525

In Chapter 521, a definition of the term "pit clerk" has been added to § 521.1 (relating to definitions).

A new Chapter 525 is being added. In § 525.1, definitions of the terms "count team" and "fill" which are used in this chapter appear.

Section 525.2 (relating to internal controls) requires certificate holders to submit their initial internal controls

to the Board for approval at least 45 days prior to the desired date of the commencement of table games. This chapter also sets forth the processes that will be used for the review of a certificate holder's initial set of table game internal controls and any subsequent amendments. These processes mirror the processes used for review of internal controls related to the operation of slot machines.

Section 525.3 (relating to gaming day) establishes the gaming day for table gaming as 6:00 a.m. to 5:59.59 a.m. which is the same as the gaming day for slot machine operations.

Section 525.4 (relating to certificate holder's organization requirements related to table games) supplements the organization requirements in § 465a.11 (relating to slot machine licensee's organization). It adds additional surveillance requirements related to the operation of table games, requires credit to come under the director of finance and requires a certificate holder to have a table games department or a gaming department which includes slot machine and table game operations.

Section 525.5 (relating to jobs compendium submission) requires a certificate holder to submit a jobs compendium which includes organization charts of each department or division and detailed job descriptions for each position. This information will be reviewed by the Board to ensure that there is a proper segregation of duties to protect the integrity of gaming and to verify that the proper licensing, permitting or registration requirements will be met. This section also sets forth the process to be used to amend the jobs compendium and requires that an updated jobs compendium be filed annually.

Section 525.6 (relating to personnel assigned to the operations and conduct of table games) sets forth minimum staffing requirements for the operation and supervision of table games. These requirements are similar to requirements used in other jurisdictions. To give certificate holders additional operating flexibility, this section permits the supervision of a greater number of table games per floorperson when electronic gaming tables (other than fully automated gaming tables) are being used and allows a certificate holder to file a request to use of a staffing plan that differs from what is required under this section.

Affected Parties

Table games certificate holders will be required to modify and expand their existing internal controls to meet the additional requirements in this rulemaking.

The Board will experience increased regulatory demands to review the new and revised internal controls related to table games that are submitted by the certificate holders.

Fiscal Impact

Commonwealth

The Board will have to review each certificate holder's initial table games internal control submissions and any subsequent amendments thereto. These reviews will be conducted by existing Bureau of Gaming Operations staff, so the Board does not project that it will incur any significant cost increases as a result of this rulemaking.

Political Subdivisions

This rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

This rulemaking will result in additional costs for slot machine licensees who elect to become certificate holders. More specifically, certificate holders will be required to revise and expand the scope of their internal controls to cover table games operations. These revisions could cost between \$20,000 and \$50,000 per certificate holder to prepare depending on the scope of the revisions and if the revisions are prepared internally or by consultants.

To meet the minimum staffing requirements in § 525.6, the Board does not anticipate that certificate holders will have to hire many, if any, additional employees. This is because the staffing requirements are similar to what other jurisdictions require and common industry standards. Additionally, certificate holders will have the opportunity to request the use of alternate staffing patterns to meet unique situations at their facilities.

General Public

This rulemaking will have no direct fiscal impact on the general public.

Paperwork Requirements

This rulemaking will require certificate holders to draft and submit to the Board for its approval revised internal controls, including the new jobs compendium. A certificate holder who wants to use staffing levels that differ from what is called for under § 525.6, will have to prepare a written Alternate Staffing Plan which provides the justification for the requested staffing levels.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-117.

Contact Person

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

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of: sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P.S. §§ 745.1—745.12); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth

Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations 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:

(1) The regulations of the Board, 58 Pa. Code Chapters 521 and 525, are amended by amending § 521.1 and adding §§ 525.1—525.6 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The temporary regulations are effective May 15, 2010.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

(5) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-117. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART VII. GAMING CONTROL BOARD
Subpart K. TABLE GAMES
CHAPTER 521. GENERAL PROVISIONS

§ 521.1. Definitions.

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

* * * * *

Pit clerk—An employee of a certificate holder whose primary function is to prepare documentation required for the operation of table games, including requests for fills, requests for credits, counter checks or other documents that evidence the exchange of gaming chips.

* * * * *

CHAPTER 525. TABLE GAME INTERNAL CONTROLS

Sec.	
525.1.	Definitions.
525.2.	Internal controls.
525.3.	Gaming day.
525.4.	Certificate holder's organization requirements related to table games.
525.5.	Jobs compendium submission.
525.6.	Personnel assigned to the operations and conduct of table games.

§ 525.1. Definitions.

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

Count team—The employees of the certificate holder who are responsible for counting the contents of table game drop boxes.

Fill—The distribution of gaming chips, coins and plaques to a gaming table to replenish the table inventory.

§ 525.2. Internal controls.

(a) A certificate holder shall submit to the Board a written description of its table games initial internal control systems and audit protocols (collectively referred to as its table games internal controls) pertaining to the conduct of table games at least 45 days before table gaming operations are to commence. The written system of table games internal controls must demonstrate how the certificate holder will comply with this chapter and other internal control requirements in this subpart.

(b) The initial table games internal controls submission must be accompanied by:

(1) An attestation by the chief executive officer or other competent person with a direct reporting relationship to the chief executive officer attesting that the officer believes, in good faith, that the submitted table games internal controls conform to the requirements of the act and this subpart.

(2) An attestation by the chief financial officer or other competent person with a direct reporting relationship to the chief financial officer attesting that the officer believes, in good faith, that the submitted table games internal controls are designed to provide reasonable assurance that the financial reporting conforms to generally accepted accounting principles in the United States and complies with applicable laws and regulations, including the act and this subpart.

(c) The Board will review each table games initial submission made under subsection (a) and determine whether it conforms to the requirements of the act and this subpart and provides adequate and effective controls to ensure the integrity of the operation of table games at the licensed facility. If the Board determines that the submission is deficient in any area, the Board will provide a written notice of the deficiency to the certificate holder and allow the certificate holder to submit a revision to its initial submission. A certificate holder is prohibited from commencing table gaming operations until its system of table games internal controls is approved by the Board.

(d) If a certificate holder intends to make a change or amendment to its table games internal controls, it shall submit the change or amendment electronically to the Bureau of Gaming Operations using the Internal Controls Amendment Request Form posted on the Board's web site (www.pgcb.state.pa.us). A request for a change or amendment must include electronic copies of the attestations required under subsection (b)(1) and (2). The certificate holder may implement the change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th calendar day following the filing of a complete submission unless the certificate holder receives a notice under subsection (e) tolling the change or amendment or written notice of disapproval from the Board's Executive Director.

(e) If during the 30-day review period in subsection (d), the Bureau of Gaming Operations preliminarily determines that a procedure in a submission contains a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of table game operations or the control of gross table game revenue, the Bureau of Gaming Operations, by written notice to the certificate holder, will:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30 calendar day review period in subsection (d) be tolled and that any internal controls at issue not be implemented until approved under subsection (g).

(f) Examples of submissions that may be determined to contain a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of table games operations or the control of gross table game revenue may include the following:

(1) Submissions that fail to provide an audit trail sufficient to permit the review of table gaming operations or the reconstruction of gross table game revenue transactions.

(2) Submissions that fail to provide for the segregation of incompatible functions so that no employee is in a position both to commit an error or to perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required by the act or this part that are essential elements of the internal controls.

(4) Submissions that would implement operations or accounting procedures not authorized by the act or this part.

(5) Submissions that are dependent upon the use of equipment or related devices or software not approved by the Board, unless the submissions are required as part of an authorized test of the equipment or related device or software.

(g) When a change or amendment has been tolled under subsection (e), the certificate holder may submit a revised change or amendment within 30 days of receipt of the written notice from the Bureau of Gaming Operations. The certificate holder may implement the revised change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th calendar day following the filing of the revision unless it receives written notice under subsection (e) tolling the change or amendment or written notice of disapproval from the Board's Executive Director.

(h) A current version of the table games internal controls of a certificate holder shall be maintained in or made available in electronic form through secure computer access to the accounting and surveillance departments of the certificate holder and the Board's onsite facilities required under § 465a.8 (relating to licensed facility). The certificate holder shall also maintain a copy, either in paper or electronic form, of any superseded table games internal control procedures for a minimum of 5 years. The original signed two attestations required under subsection (b)(1) and (2) shall also be maintained for a minimum of 5 years. Each page of the table games internal controls must indicate the date on which it was approved by the Board.

§ 525.3. Gaming day.

(a) The beginning and ending times of the gaming day for the purposes of determining gross table game revenue will be 6:00 a.m. to 5:59.59 a.m.

(b) Prior to commencing table gaming operations, each certificate holder shall submit to the Board, in writing, its hours of table gaming operations. A certificate holder may

not commence table gaming operations until its hours of table gaming operations are approved by the Board's Executive Director.

(c) Any change in the hours of table gaming operations shall be submitted to the Board, in writing, and may not be implemented until approved by the Board's Executive Director.

§ 525.4. Certificate holder's organization requirements related to table games.

(a) In addition to the requirements in § 465a.11(b)(1) (relating to slot machine licensee's organization), the surveillance department shall be responsible for the following:

(1) The clandestine surveillance of the operation of, and gaming conducted at, table games.

(2) The clandestine surveillance of the operation of any satellite cage or Poker room cage.

(3) The clandestine surveillance of storage areas used for the storage of chips, plaques, cards, dice, Sic Bo shakers, Pai Gow tiles and other equipment used to conduct table games.

(4) The video recording of movements of table games drop boxes.

(5) The installation, maintenance and repair of the surveillance system equipment used by the surveillance department.

(6) The submission of a surveillance staffing plan as part of the certificate holder's internal controls prior to the commencement of table gaming operations, detailing minimum staffing and the manner in which the responsibilities in § 465a.11(b)(1) and this subsection shall be met.

(b) In addition to the requirements in § 465a.11(b)(6), the director of finance shall be responsible for all finance functions including, the control and supervision of the inventory of gaming chips, Poker room cage and the issuance of credit. The person responsible for the supervision and issuance of credit shall report directly to the director of finance.

(c) Except as provided in subsection (d), in addition to the departments required under § 465a.11(b), a certificate holder shall have a table games department supervised by a person located at the licensed facility, who functions, for regulatory purposes, as the director of table games. The director of table games shall be licensed as a key employee and shall be responsible for all table game functions including the inventory of table game equipment, dice and cards.

(d) In lieu of the departments required under § 465a.11(b)(4) and subsection (c), a certificate holder may elect to have a gaming department supervised by a person located at the licensed facility, who functions, for regulatory purposes, as the director of gaming. The director of gaming shall be licensed as a key employee and shall be responsible for the overall operation and conduct of gaming at slot machines and table games within the licensed facility. A slot machine licensee may also elect to have a director of table games and a director of slot operations who report to the director of gaming.

§ 525.5. Jobs compendium submission.

(a) Each certificate holder shall prepare and maintain a jobs compendium consistent with the requirements of this section detailing job descriptions and lines of authority for all personnel employed by the certificate holder.

The jobs compendium shall be submitted to the Board for approval as part of the certificate holder's internal controls required under § 525.2 (relating to internal controls) at least 45 days prior to the commencement of operations of table games at the licensed facility. The Board will review the jobs compendium to determine whether the job descriptions and the organization charts contained therein conform to the licensing, permitting and registration requirements and chain-of-command and segregation of duties requirements of the act and the Board's regulations as part of the Board's review of the certificate holder's internal controls required under § 525.2.

(b) A jobs compendium must include the following sections:

(1) An alphabetical table of contents listing the position title, job code and department for each job description and the page number on which the corresponding job description may be found.

(2) An organization chart for each department and division, including all positions and illustrating by position title, direct and indirect lines of authority within the department or division. Each page of an organization chart shall specify the following:

(i) The date the organization chart was approved.

(ii) The effective date of the previously submitted organization chart that the revised organization chart supersedes.

(iii) A unique title or other identifying designation for that organization chart.

(3) Job descriptions of each employee position which accurately correspond to a position title listed in the organization charts and in the alphabetical table of contents. Each job description must be contained on a separate page, organized by departments or divisions, and include, at a minimum, the following:

(i) The job title and corresponding department.

(ii) Job duties and responsibilities.

(iii) Detailed descriptions of experience or educational requirements.

(iv) The type of license, permit or registration required under the act and the Board's regulations.

(v) The date of submission of each employee job description and the date of any prior job description it supersedes.

(vi) The page number of each organization chart on which the employee job title is included.

(vii) The access code that will be assigned to the employee job description for the access badge required under § 465a.12 (relating to access badges).

(c) Any proposed amendment to a previously approved jobs compendium, including any amendment to an organization chart, which involves the departments listed in §§ 456a.11(b) and 524.4 (relating to slot machine licensee's organization; and certificate holder's organization requirements related to table games) shall be submitted as an amendment to the slot machine licensee's internal controls in accordance with § 456a.2 (relating to internal controls and audit protocols). Amendments that are required to be submitted under this subsection may be implemented by the certificate holder prior to approval of the amendment, if:

(1) The amendment is immediately recorded in the copy of the jobs compendium maintained by the certificate holder on its premises.

(2) The amendment is submitted to the Bureau of Gaming Operations by the end of the business day on the date of implementation, including at a minimum, the proposed changes to the information required by subsection (b), including the corresponding revised job descriptions and organization charts, contained on pages which may be used to substitute for those sections of the jobs compendium previously approved by the Board.

(d) For departments that are not listed in § 456a.11(b) or § 524.4, unless otherwise directed by the Board, a certificate holder will not be required to submit amendments to its jobs compendium for approval. Instead, the certificate holder will be required to notify the Bureau of Licensing by the end of the business day on the date of implementation for newly created positions or changes to job descriptions and tables of organizations. The notification must include properly formatted job descriptions and organization charts for the affected departments. After the notification has been submitted, the Bureau of Licensing may require changes to the job descriptions and organization charts to ensure compliance with licensing, permitting or registration requirements.

(e) Notwithstanding other requirements of this section, each certificate holder shall submit a complete and up-to-date jobs compendium to the Bureau of Gaming Operations and the Bureau of Licensing 12 months after its receipt of authorization to commence table gaming operations and every 12 months thereafter.

(f) Each certificate holder shall maintain on its premises a complete, updated copy of its jobs compendium, in a written or electronic form, which shall be made available for review upon request of the Board, the Department or the Pennsylvania State Police.

(g) No provision of this section may be construed to limit a certificate holder's discretion in utilizing a particular job title for any position in its jobs compendium.

§ 525.6. Personnel assigned to the operations and conduct of table games.

(a) The following personnel shall be used to operate table games in a licensed facility:

- (1) Pit clerks.
- (2) Dealers.
- (3) Stickpersons.
- (4) Boxpersons.
- (5) Floorpersons
- (6) Pit managers.
- (7) Poker shift managers.
- (8) Assistant table games shift managers.
- (9) Table games shift managers.

(b) Certificate holders shall maintain the following minimum levels of staffing whenever table games are being operated:

- (1) One pit clerk.
- (2) One dealer for any table game other than Craps or Baccarat.
- (3) Two dealers for each Baccarat table.
- (4) Three dealers for each Craps table, one of whom shall act as the stickperson.

(5) One boxperson for each craps table.

(c) Certificate holders shall provide a sufficient number of floorpersons to supervise the operation of table games in accordance with the standards in this subsection. A floorperson may not supervise more than the number of tables specified in one of the following paragraphs:

(1) Four tables comprised of any combination of banking table games excluding:

(i) Baccarat.

(ii) Midibaccarat, when using the dealing procedure permitted under § 543.9(c)(3) (relating to hands of player and banker; procedure for dealing initial two cards to each hand).

(iii) Craps.

(iv) Mini-Craps.

(v) Pai Gow.

(2) One Baccarat table.

(3) Two Midibaccarat tables using the dealing procedure permitted under § 543.9(c)(3).

(4) One Midibaccarat table using the dealing procedure permitted under § 543.9(c)(3) and one table of any other banking table game excluding Baccarat, Craps, Mini-Craps and Pai Gow.

(5) Three Craps tables.

(6) One Craps table and one table of any other banking table game excluding Baccarat, Midibaccarat, using the dealing procedure permitted under § 543.9(c)(3), Mini-Craps and Pai Gow.

(7) One Mini-Craps table, if only one dealer is assigned to the table.

(8) Two Mini-Craps tables, if there is a dealer and a stickperson assigned to the tables.

(9) Two Pai Gow tables, if the tables are in a side-by-side configuration.

(10) One Pai Gow table and one table of any other banking table game excluding Baccarat, Midibaccarat, using the dealing procedure permitted under § 543.9(c)(3), Craps and Mini-Craps.

(11) Eight Poker tables.

(12) Ten Poker tables, if no floorperson assigned to Poker has any responsibilities for seating players.

(d) If the gaming tables being supervised by a floorperson are electronic gaming tables other than fully automated electronic gaming tables, the maximum number of gaming tables that the floorperson may supervise may be increased by 50%. For example, under subsection (c)(1) the floorperson would be allowed to supervise six banking gaming tables instead of four.

(e) Certificate holders shall provide a sufficient number of pit managers or assistant table games shift managers to supervise the operation of table games subject to the limitation that a pit manager or assistant table games shift manager may not directly supervise more than six floorpersons.

(f) Certificate holders shall provide a Poker shift manager to supervise all open Poker tables. If no more than three Poker tables are open, a floorperson is not required.

(g) Certificate holders shall provide a table games shift manager to supervise the operation of table games during every shift. An assistant table games shift manager may be designated to act as the table games shift manager in

the table games shift manager's absence, but that assistant table games shift manager may not be counted toward the number of pit managers or assistant table games shift managers required under subsection (e).

(h) A certificate holder may request to use a staffing plan that differs from the minimum standards in this section by filing a written Alternate Minimum Staffing Plan with the Board's Executive Director. The Alternate Minimum Staffing Plan, at a minimum, must include:

(1) The pit number and configuration of any pit affected.

(2) The type, location and table number of any table affected.

(3) The standard staffing level required for the gaming table or tables by this section and the proposed alternative staffing.

(4) The days, shifts or times during which the alternative staffing would be in effect.

(5) A narrative explaining the rationale for the proposed alternative staffing and how the alternative staffing will protect the integrity of gaming at the affected gaming tables.

(i) A certificate holder that has filed a request to use an Alternate Minimum Staffing Plan may not implement that plan until the certificate holder has received written approval from the Board's Executive Director.

(j) Nothing in this section may be construed to limit a certificate holder from utilizing personnel in addition to those described in this section nor may anything in this section be construed to limit the discretion of the Board to order the utilization of additional personnel in a licensed facility.

[Pa.B. Doc. No. 10-868. Filed for public inspection May 14, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CH. 524]
Electronic Gaming Tables

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (Act 1) and the specific authority in 4 Pa.C.S. § 1302A(1) and (2) (relating to regulatory authority), adopts temporary regulations in Chapter 524 (relating to electronic gaming tables) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking contains standards and requirements for electronic wagering systems, electronic gaming tables, fully automated electronic gaming tables and progressive table game systems.

Explanation of Chapter 524

Section 524.1 (relating to definitions) provides definitions of the following terms: "electronic gaming table;" "electronic wagering system;" "fully automated electronic gaming table;" "game account;" and "progressive table

game system.” These definitions mirror the definitions of these terms from the act or reflect commonly used definitions used in the gaming industry.

Section 542.2 (relating to electronic wagering systems) sets forth the requirements that must be met by any electronic wagering system. An electronic wagering system allows players to place wagers electronically on some form of display and will add winnings or deduct losses automatically. This section specifies the minimum requirements for these systems and requires that they be approved by the Bureau of Gaming Laboratory Operations.

Section 524.3 (relating to procedures for buying in to and cashing out of a table game using an electronic wagering system) provides the procedures whereby a player may “buy in to” a table game, which is how the player may purchase credits that can be used to play the game, and the procedures for “cashing out” of the game, which is how the player will receive any funds remaining in his gaming account when he is ready to leave the game.

Section 524.4 (relating to electronic gaming tables) contains the requirements that electronic gaming tables must meet. An electronic gaming table uses an electronic wagering system, but still requires a dealer or boxman to conduct the game. These requirements included: technical requirements the tables must meet; the meters the table must have; and the requirement that the tables be approved by the Bureau of Gaming Laboratory Operations.

Section 524.5 (relating to fully automated electronic gaming tables) contains the requirements that fully automated electronic gaming tables must meet. The difference between an electronic gaming table and a fully automated electronic gaming table is that a fully automated electronic gaming table operates without a dealer, boxperson or any other certificate holder employee. This section is structured in the same manner as § 524.4 and contains: the technical requirements these tables must meet; the meters these tables must have; and the requirement that these tables be approved by the Bureau of Gaming Laboratory Operations.

Section 524.6 (relating to integrated live Roulette wheels used on fully automated electronic gaming tables) contains the specific statistical requirements that the Roulette wheels used on fully automated electronic gaming tables must meet related to the randomness of the resulting spins and the actions that are to occur if the roulette wheel does not satisfy the statistical test.

Section 524.7 (relating to progressive table game systems): sets forth meter requirements for progressive table game systems; requires approval of progressive jackpots being offered and testing by the Bureau of Gaming Laboratory Operations; and limits the circumstances under which a progressive jackpot can be turned back to a lesser amount. These provisions are similar to the provisions in Chapter 461a (relating to slot machine testing and control) governing progressive jackpots offered on slot machines.

Affected Parties

Slot machine licensees who elect to become certificate holders and who decide to install electronic gaming tables or fully automated electronic gaming tables will be required to comply with the requirements in this chapter. Additionally, manufacturers of electronic gaming tables or fully automated gaming tables will be required to submit their tables to the Bureau of Gaming Laboratory Opera-

tions for testing and will have to meet the design requirements contained in this chapter.

The Board will experience increased regulatory demands to review the tables submitted by manufacturers and to review the procedures and inspect the tables installed at licensed facilities.

Fiscal Impact

Commonwealth

The Board expects that its Bureau of Gaming Laboratory Operations will experience increased costs related to the review of electronic and fully automated electronic gaming tables that manufacturers elect to offer for sale in Pennsylvania, but these costs will be recovered directly from these manufacturers.

The Board also anticipates that additional demands will be placed on existing staff related to the inspection of these tables when they are installed in a licensed facility. However, because most certificate holders are not planning on using many of these tables when they initially open their table games operations, the Board does not expect it will need to hire additional personnel at this time to meet these demands.

Political Subdivisions

This rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

This rulemaking will result in additional costs for certificate holders who elect to use electronic or fully automated electronic gaming tables because these tables are more expensive. However, these costs would be offset by reduced labor costs and increased speed of play.

Manufacturers of electronic or fully automated electronic gaming tables will have to reimburse the Bureau of Gaming Laboratory Operations the costs incurred by the Bureau of Gaming Laboratory Operations to complete its technical review of these gaming tables, but it is anticipated that the manufacturers will recover these costs as part of the prices they charge for these tables.

General Public

This rulemaking will have no direct fiscal impact on the general public.

Paperwork Requirements

This rulemaking will require manufacturers to submit manuals and other technical information related to the particular electronic or fully automated electronic gaming tables that they submit to the Bureau of Gaming Laboratory Operations for approval.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Richard Sandusky, Director of Regulatory Review, Penn-

sylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-118.

Contact Person

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

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of: sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P.S. §§ 745.1—745.12); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)). These temporary regulations shall expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations 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:

(1) The regulations of the Board, 58 Pa. Code Chapter 524, are amended by adding §§ 524.1—524.7 to read as set forth in Annex A.

(2) The temporary regulations are effective May 15, 2010.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

(5) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-118. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 524. ELECTRONIC GAMING TABLES

Sec.	
524.1.	Definitions.
524.2.	Electronic wagering systems.
524.3.	Procedures for buying in to and cashing out of a table game using an electronic wagering system.
524.4.	Electronic gaming tables.
524.5.	Fully automated electronic gaming tables.
524.6.	Integrated live Roulette wheels used on fully automated electronic gaming tables.
524.7.	Progressive table game systems.

§ 524.1. Definitions.

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

Electronic gaming table—

(i) A gaming table approved by the Board that is a mechanical, electrical or computerized contrivance, terminal, machine or other device which, upon insertion or placement of cash or cash equivalents therein or thereon, or upon a wager or payment of any consideration whatsoever, is available for play or operation by one or more players as a table game.

(ii) The term includes a gaming table where a wager or payment is made using an electronic or computerized wagering or payment system.

(iii) The term does not include a slot machine.

Electronic wagering system—A computer or server and any related hardware, software or other devices that permits wagering to be conducted at a gaming table.

Fully automated electronic gaming table—An electronic gaming table determined by the Board to be playable or operable as a table game without the assistance or participation of a person acting on behalf of a certificate holder.

Game account—The funds that are available to a player for use at an electronic gaming table.

Progressive table game system—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, report and audit data with regard to activity at fully automated electronic gaming tables, electronic gaming tables, or live table games offering a jackpot that increases corresponding to an additional wager on the table.

§ 524.2. Electronic wagering systems.

(a) A certificate holder may conduct electronic wagering at a gaming table in accordance with this chapter. Electronic wagering at a gaming table shall be conducted through the use of an electronic wagering system. If an electronic wagering system is in use at a gaming table, wagers placed at that gaming table shall be made using the electronic wagering system.

(b) An electronic wagering system shall be a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department.

(c) All aspects of an electronic wagering system, including the computer or server and any related hardware, software or related devices shall be tested and approved by the Bureau of Gaming Laboratory Operations.

(d) An electronic wagering system must:

(1) Credit funds to the game account of a player when a player buys in to a game at a particular gaming table and debit any remaining funds from the game account when a player cashes out of the game.

(2) Permit a player to wager from a game account, collect losing wagers from the game account and pay winning wagers by crediting the amount of the winnings and corresponding wager to the game account.

(3) Debit game accounts and increment pots for wagers placed, and distribute winning pots by crediting the game

accounts of the winning players in the appropriate amounts, in the game of Poker.

(4) Extract the rake from players or pots according to the rake procedures established for the game and debit the game accounts of players in the appropriate amounts, in the game of Poker.

(5) Depict the transactions described in paragraphs (1)—(4) through one or more electronic fund displays that are visible to each player and the dealer or boxperson.

(6) Disclose to each player at all times the current balance in the player's game account.

(7) Make each player's balance or table stakes visible to all players in the game, in the game of Poker.

(8) Accurately report and audit the table game's win or loss or Poker revenue.

(9) Generate reports setting forth, by gaming day, for each gaming table using the electronic wagering system:

(i) The total amount deposited into the game account of each player.

(ii) The total amount deposited into game accounts by all players.

(iii) The total amount credited to the game account of each player in payment of winnings.

(iv) The total amount credited to the game accounts of all players in payment of winnings.

(v) The total amount collected from each player as losing wagers.

(vi) The total amount collected from all players as losing wagers.

(vii) For Poker, if applicable, the total amount deducted from the game account of each player for collection of Poker rake time charges.

(viii) For Poker, if applicable, the total amount collected from the accounts of all players for collection of Poker rake time charges.

(ix) For Poker, if applicable, the total amount collected from Poker pots for collection of Poker rake.

(x) The total amount withdrawn from game accounts by each player.

(xi) The total amount withdrawn from game accounts by all players.

(xii) The table game win or loss or Poker revenue.

(e) After installation, electronic wagering systems shall be inspected and approved by the Bureau of Gaming Laboratory Operations prior to use at any licensed facility in this Commonwealth.

§ 524.3. Procedures for buying in to and cashing out of a table game using an electronic wagering system.

(a) A player shall buy in to a table game using an electronic wagering system as follows:

(1) If the gaming table is equipped with a bill validator, a player shall buy in to the game by either:

(i) Inserting currency or, if the table game is a fully automated electronic gaming table, a gaming voucher, into the bill validator, and the electronic wagering system shall credit an equivalent amount of funds into the game account of the player, which funds shall be displayed on the electronic fund display.

(ii) If the table game is not a fully automated electronic gaming table, presenting currency or value chips to the dealer or boxperson.

(2) If the gaming table is not equipped with a bill validator, a player shall buy in to the game by presenting currency or value chips to the dealer or boxperson.

(3) When a player presents currency or value chips to a dealer or boxperson, the dealer or boxperson shall credit an equivalent amount of funds to the game account of the player, which shall be registered on the electronic fund display and acknowledged by the player.

(b) A player shall cash out of a table game using an electronic wagering system as follows:

(1) If the gaming table is a fully automated electronic gaming table, by receiving a gaming voucher equal in value to the balance in the game account of the player.

(2) If the gaming table is not a fully automated electronic gaming table, by receiving value chips from the dealer or boxperson from the table inventory container equal in value to the balance in the game account of the player.

(3) If the gaming table is not a fully automated electronic gaming table, after cashing out the player, the dealer or boxperson shall zero out the amount on the electronic fund display of the player.

§ 524.4. Electronic gaming tables.

(a) An electronic gaming table must comply with § 524.3 (relating to electronic wagering systems).

(b) An electronic gaming table system must contain a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department. All aspects of an electronic gaming table system, including the computer or server and related hardware, software or related devices shall be tested and approved by the Bureau of Gaming Laboratory Operations, for compliance with this section.

(c) An electronic gaming table must have the capacity to allow the Bureau of Gaming Laboratory Operations to verify all relevant control software for authenticity.

(d) A certificate holder using an electronic gaming table system shall include in its internal controls, at a minimum:

(1) Procedures to ensure the physical security of the computer or server and any related hardware, software and other devices.

(2) Procedures to ensure the integrity and security of all sensitive data and software.

(3) Procedures to ensure that access to sensitive data and software is limited to appropriate personnel only.

(4) Procedures to ensure the logging of the events and the availability of records to permit an effective audit of the conduct of the system and the reporting of revenue.

(e) An electronic gaming table shall have the ability to authenticate the transmission of data between the various components of the electronic gaming table system.

(f) An electronic gaming table system must display a signal clearly visible to the surveillance department whenever a door or cabinet at an electronic gaming table is open, whenever there is a malfunction in the operation

of the electronic gaming table system, or any component thereof including whenever a printer or currency jam occurs.

(g) An electronic gaming table that is not a fully automated electronic gaming table must be equipped with the following meters, where applicable:

(1) *Coin in*. A meter that accumulates the total value of all wagers.

(2) *Coin out*. A meter that accumulates the total value of all amounts directly paid by the electronic gaming table as a result of winning wagers. This meter may not record amounts awarded as the result of a progressive payout.

(3) *Attendant paid jackpots*. A meter that accumulates the total value of credits paid by an attendant resulting from a single winning outcome, the amount of which is not capable of being paid by the electronic gaming table. This meter may not record amounts awarded as the result of a progressive payout.

(4) *Attendant paid cancelled credits*. A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the electronic gaming table.

(5) *Bill in*. A meter that accumulates the total value of currency accepted. The electronic gaming table must also have a specific meter for each denomination.

(6) *Electronic gaming table paid progressive payout*. For electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the electronic gaming table.

(7) *Attendant paid progressive payout*. For electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the electronic gaming table.

(8) *Additional meters*. Other meters required by technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

§ 524.5. Fully automated electronic gaming tables.

(a) A fully automated electronic gaming table must comply with the comprehensive protocol specifications required under section 1324 of the act (relating to protocol information) that are necessary to enable the fully automated electronic gaming table to communicate with the Department's central control computer system, for the purpose of transmitting auditing program information, real time information retrieval and fully automated table electronic game activation and disabling.

(b) A fully automated electronic gaming table must have installed software or hardware that distinguishes the fully automated electronic gaming table from a slot machine as defined by the act.

(c) A fully automated electronic gaming table must have the capability to accept currency or gaming vouchers, and to issue a gaming voucher to a player for any winnings.

(d) A fully automated electronic gaming table must be equipped with the following meters, where applicable:

(1) *Coin in*. A meter that accumulates the total value of all wagers.

(2) *Coin out*. A meter that accumulates the total value of all amounts directly paid by the fully automated electronic gaming table as a result of winning wagers. This meter may not record amounts awarded as the result of a progressive payout.

(3) *Attendant paid jackpots*. A meter that accumulates the total value of credits paid by an attendant resulting from a single winning outcome, the amount of which is not capable of being paid by the fully automated electronic gaming table. This meter may not record amounts awarded as the result of a progressive payout.

(4) *Attendant paid cancelled credits*. A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the fully automated electronic gaming table.

(5) *Bill in*. A meter that accumulates the total value of currency accepted. The fully automated electronic gaming table must also have a specific meter for each denomination.

(6) *Voucher in-cashable/value*. A meter that accumulates the total value of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(7) *Voucher in-cashable/count*. A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(8) *Voucher out-cashable/value*. A meter that accumulates the total value of cashable gaming vouchers issued by the fully automated electronic gaming table.

(9) *Voucher out-cashable/count*. A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(10) *Fully automated electronic gaming table paid progressive payout*. For fully automated electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the fully automated electronic gaming table.

(11) *Attendant paid progressive payout*. For fully automated electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the fully automated electronic gaming table.

(12) *Additional meters*. Other meters required by technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

§ 524.6. Integrated live Roulette wheels used on fully automated electronic gaming tables.

(a) A fully automated electronic gaming table with an integrated live Roulette wheel must randomize the method by which the outcome is determined. This includes, but is not limited to, the speed at which the ball is ejected onto the wheel and the speed that the wheel rotates.

(b) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of determining if the wheel meets a 95% confidence limit using a standard chi-squared test for goodness of fit. The calculation must be made based on the following criteria:

(1) 10,000 outcomes have been generated.

(2) A new calculation must be made for each 10,000 subsequent outcomes.

(3) The calculation must consider only the most recent 10,000 outcomes.

(c) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of displaying a visual notification, clearable by an attendant, if at any time the live Roulette wheel has failed the chi-squared test for goodness of fit under subsection (b).

(d) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of disabling play in the event that the wheel has failed to meet the 95% confidence limit for goodness of fit test required under subsection (b) for two consecutive testing periods. Attendant interaction shall be required before enabling the table for play.

(e) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of providing a report that shows the results of the last chi-squared test as well as the previous 9 chi-squared tests. The report must contain the following:

- (1) The time and date the test was performed.
- (2) The table ID or any comparable identifier.
- (3) The number of games used to perform the test.
- (4) The outcome of the test.

§ 524.7. Progressive table game systems.

(a) Each progressive fully automated electronic gaming table, electronic gaming table or live table game must have:

(1) A progressive meter visible from the front of the gaming table, which may increase in value based upon wagers, that advises the players of the amount which can be won if the player receives the corresponding outcome.

(2) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by a fully automated electronic gaming table or electronic gaming table.

(3) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by an attendant as a result of progressive awards that are not capable of being paid by a fully automated electronic gaming table or electronic gaming table.

(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by a fully automated electronic gaming table, electronic gaming table, or attendant.

(5) A key and keyed switch to reset the progressive meter or meters or other reset mechanism.

(b) A table game that offers a progressive jackpot may not be placed on the gaming floor until the certificate holder, or if applicable, the progressive system operator, has submitted to the Bureau of Gaming Laboratory Operations and the Bureau of Gaming Laboratory Operations has approved, the following:

(1) The initial and reset amounts at which the progressive meter or meters will be set.

(2) The proposed system for controlling the keys and applicable logical access controls to the table games.

(3) The proposed rate of progression for each progressive jackpot.

(4) The proposed limit for the progressive jackpot, if any.

(c) A table game that offers either a new progressive jackpot or a modification of an existing progressive jackpot may not be made available for play by the public until the table game has been tested and certified by the Bureau of Gaming Laboratory Operations.

(d) Progressive meters may not be turned back to a lesser amount unless one of the following occurs:

(1) The amount indicated has been actually paid to a winning patron.

(2) The progressive jackpot amount won by the patron has been recorded in accordance with a system of internal controls approved under § 465a.2 (relating to internal control systems and audit protocols).

(3) The progressive jackpot has, upon Bureau of Gaming Laboratory Operations approval, been transferred to another progressive table game.

(4) The change is necessitated by a table game or meter malfunction, in which case, a written explanation shall be sent to the Bureau of Gaming Laboratory Operations.

[Pa.B. Doc. No. 10-869. Filed for public inspection May 14, 2010, 9:00 a.m.]