

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 11]

Student Attendance

The State Board of Education (Board) amends Chapter 11 (relating to student attendance) to read as set forth in Annex A. The Board acts under authority of section 2603-B of the Public School Code of 1949 (School Code) (24 P. S. § 26-2603-B).

Summary

The final-omitted rulemaking amends § 11.13 (relating to compulsory school age) to conform to judicial rulings that found this section to be inconsistent with the compulsory school age and attendance requirements of section 1326 and 1327 of the School Code (24 P. S. §§ 13-1326 and 13-1327). Section 11.13 is also amended to acknowledge the discretionary authority related to compulsory school age granted by section 2103(8) of the School Code (24 P. S. § 21-2103(8)) to the governing authority of a school district of the first class.

On June 16, 2014, the Supreme Court of Pennsylvania upheld lower court rulings and affirmed that if a parent or guardian elects to enroll his child in a public kindergarten program, the parent and student are subject to the School Code's compulsory attendance requirements. See *Commonwealth v. Kerstetter*, 94 A.3d 991 (Pa. 2014). The appellant argued that kindergarten students are not subject to compulsory attendance, based in part on § 11.13, which formerly provided the following:

Compulsory school age refers to the period of a child's life from the time the child enters school as a beginner which may be no later than at the age of 8 years, until the age of 17 or graduation from a high school, whichever occurs first. A beginner is a child who enters a school district's lowest elementary school grade that is above kindergarten.

Based on its examination of the relevant law, the Supreme Court concluded that § 11.13 inappropriately comingled "compulsory school age" and "beginner" in a manner that is inconsistent with the School Code. Based on a plain-language reading of Article XIII of the School Code (24 P. S. §§ 13-1301—13-1394), the Supreme Court ruled that the terms address discrete issues and apply to different audiences. Thus, § 11.13 is not consistent with the School Code.

The use of "beginners" in section 1304 of the School Code (24 P. S. § 13-1304) provides guidance to school districts as to the point at which districts must admit students to their schools. Since kindergarten is not made mandatory in this Commonwealth, logic dictates that "beginners" must be understood to mean students attending primary grades above the kindergarten level. Further, the School Code states that the use of "beginners" in this context applies only to section 1304 of the School Code.

Sections 1326 and 1327 of the School Code, by contrast, contain provisions for enforcing attendance in school that are directed at parents and guardians, including a definition for "compulsory school age." As defined in section 1326 of the School Code, compulsory school age begins when a parent or guardian "elects" to have his child enter school. School attendance may be no later than 8 years of

age. The Supreme Court noted that there is not a reference to "beginner" in this statutory definition, nor does the definition restrict compulsory school age to primary classes above kindergarten.

Because the Supreme Court ruled finally that § 11.13 is inconsistent with relevant provisions of Article XIII of the School Code, the Board must amend § 11.13 to delete references to "beginner," a term that the Supreme Court has held is unrelated to the determination of compulsory school age.

The Board also makes a technical amendment to § 11.13 in recognition of the discretionary authority related to compulsory school age granted to the governing authority of a school district of the first class by section 2103(8) of the School Code. Effective July 1, 2008, an amendment to that section granted the school district's governing authority the right to set the compulsory school age for the district at no earlier than 6 years of age, with the exception of home education students who could continue to comply with the compulsory attendance of 8 years of age established for all other public school students in this Commonwealth.

Affected Parties

Because § 11.13 was inconsistent with the School Code as authoritatively interpreted by the Supreme Court, the final-omitted rulemaking conforming this regulation to the School Code will not affect anyone. However, the final-omitted rulemaking avoids potential confusion by anyone unfamiliar with the Supreme Court's opinion in *Commonwealth v. Kerstetter*.

Cost and Paperwork Estimates

The final-omitted rulemaking does not carry a new cost for the regulated community. The amendment does not alter current paperwork or reporting requirements and does not create additional paperwork or reporting requirements.

Effective Date

The final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

The Board will review the effectiveness of Chapter 11 every 4 years in accordance with the Board's policy and practice respecting all of its regulations. Therefore, a sunset date is not necessary.

Contact Person

Interested persons may contact Karen Molchanow, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787, ra-stateboardofed@pa.gov.

Final-Omitted Rulemaking

The Board has promulgated this amendment as a final-omitted rulemaking. The Board believes this amendment meets the criteria in section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL), because the amendment conforms § 11.13 to Article XIII of the School Code as interpreted by the Supreme Court in *Commonwealth v. Kerstetter*. The final-omitted rulemaking also makes a technical amendment in recognition of discretionary authority regarding compulsory school age granted to the governing authority of a school district

of the first class by section 2103(8) of the School Code. Other amendments to § 11.13 would be inconsistent with the School Code. Therefore, consideration of alternative formulations is contrary to the public interest.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on October 10, 2014, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Education and the Senate Committee on Education. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on November 12, 2014, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 20, 2014, and approved the final-omitted rulemaking.

Findings

The Board finds that:

- (1) Notice of proposed rulemaking is impracticable, unnecessary and contrary to the public interest under section 204(3) of the CDL and the regulation thereunder, 1 Pa. Code § 7.4(3).
- (2) The amendment of the regulation in the manner provided in this order is necessary and appropriate for administration of the School Code.

Order

Acting under the authority of the School Code, the Board orders that:

- (a) The regulations of the Board, 22 Pa. Code Chapter 11, are amended by amending § 11.13 to read as set forth in Annex A.
- (b) The Executive Director shall submit this order and Chapter 11 to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.
- (c) The Executive Director of the Board shall certify this order and Chapter 11 and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order is effective upon publication in the *Pennsylvania Bulletin*.

KAREN MOLCHANOW,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 7622 (December 6, 2014).)

Fiscal Note: 6-332. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 11. STUDENT ATTENDANCE

ADMISSION TO PUBLIC SCHOOLS

§ 11.13. Compulsory school age.

Except as otherwise provided by law, compulsory school age refers to the period of a child's life from the time the

child enters school (which may be no later than at the age of 8 years), until the age of 17 or graduation from a high school, whichever occurs first.

[Pa.B. Doc. No. 14-2550. Filed for public inspection December 12, 2014, 9:00 a.m.]

Title 51—PUBLIC OFFICERS

DEPARTMENT OF STATE

[51 PA. CODE CH. 53]

Lobbying Disclosure Registration Fee

The Department of State (Department) amends § 53.1 (relating to biennial filing fee) to read as set forth in Annex A. The final-form rulemaking increases the biennial registration fee for individuals and entities required to be registered under 65 Pa.C.S. Chapter 13A (relating to lobbying disclosure) (act) from \$200 to \$300.

Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The increased fees will be implemented for the 2015-2016 biennial registration period.

Statutory Authority

The final-form rulemaking is authorized under section 13A08(j) of the act (relating to administration), which provides that the Department may by regulation adjust the filing fee established under section 13A10 of the act (relating to registration fees; fund established; system; regulations) if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act.

Background and Purpose

A registration fee of \$100 for individuals and entities required to be registered was the fee originally established under section 13A10 of the act. Section 13A08(j) of the act permits the fee to be raised by regulation if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act. The former registration fee of \$200 was adopted at 40 Pa.B. 3825 (July 10, 2010). At that time, the Department acknowledged that even the \$200 fee covered less than half of the expenses associated with administration of the act.

For the 2007-2008 biennial registration period, the Department's costs for administering the act were approximately \$1,052,105, and the registration fees paid to the Department at that time were approximately \$581,438. For the 2009-2010 biennial registration period, the Department's costs were approximately \$1,423,106, and the registration fees paid to the Department were approximately \$324,509. For the 2011-2012 registration period, the Department's costs were approximately \$1,800,028. The biennial registration fee was raised to \$200 for the 2011-2012 registration period, and the amount of fees collected was approximately \$733,879. For 2013-2014 biennial registration period, the Department's costs are projected to be approximately \$1,661,000, and the registration fees collected are estimated to be approximately \$684,400. When the \$300 fee is adopted for the 2015-2016 registration period, it is projected that the Department will spend approximately \$1,603,000 to administer the act, while the registration fees collected will be approximately \$1,026,600.

From 2007 to 2014, the Department will have spent approximately \$5,936,240 to administer the act, while collecting only approximately \$2,324,227 in revenue received from registration fees. In that same time period, from 2007 to 2014, the Department will have used approximately \$3,597,400 from the General Fund.

The act states that the Department may raise the fee to cover the costs of carrying out the act. By raising the fee to \$300, the Department is able to continue to administer the act at the currently projected funding levels, and the regulated community contributes more fairly to their regulation.

Summary of Comments and Responses to Proposed Rule-making

Upon consideration of the comments received, the Department re-evaluated the amount of the fee increase and determined that a reduction from the proposed \$700 to a fee of \$300 was appropriate. The \$300 fee is an increase of \$100 from the former fee, keeping the increase in line with the previous increase. A \$300 registration fee is both reasonable and mindful of the Department's goal to share the cost of lobbying disclosure regulation more equally between the regulated community and the citizens of this Commonwealth. Additionally, assuming appropriate General Fund support, an increased fee of \$300 allows the Department to continue to provide the same level of customer service to the registrants and the same level of transparency in the lobbying disclosure process available to the public for the next 6 years, which obviates the need for the Department to increase the fees incrementally on a biennial basis.

The proposed rulemaking was published at 43 Pa.B. 3009 (June 1, 2013) with a 30-day public comment period. The Department received a total of 21 comments from the public and 3 legislative comments during the public comment period. The Department received an additional comment from Stephen MacNett of Conrad O'Brien PC on November 12, 2013.

Due to concerns raised by commentators, the Department undertook an in-depth review of alternative fee options. Options considered included the following: (1) a tiered fee structure with fees based on filer type; (2) a tiered fee structure where fees would be calculated based on expense report amount; (3) a fee structure based on number of affiliations; and (4) different fees for profit and nonprofit registrants. However, each option considered presented both policy and legal concerns. The option of a tiered fee structure by filer type would be the simplest in terms of the Online Registration System and program operation because this structure would utilize the three filer types (lobbyist, lobbying firm and principal) currently available. However, this change would result in increased costs for two of the three filer types. The Department also considered a fee structure where fees would be based on expense report amount. Under this fee structure principals would be the primary filer type, as lobbying firms and lobbyists only file expense reports if, during the reporting period, the lobbying firms or lobbyist engaged in lobbying that was not contained in any expense report filed by a principal or principals represented. As expenses change from quarter to quarter and year to year, this option would be an unpredictable funding source. The Department also considered a fee structure based on profit and nonprofit status. However, this too would be problematic. The Department found that a reduced fee for nonprofit entities may not be equitable because not all nonprofits are small businesses (some nonprofits are large companies) and not all small

businesses are nonprofits. Additionally, this fee structure would require the Department to research each filer to ensure its nonprofit status. The Department concluded that the lobbying disclosure registration fee is a single fee for all registrants as based on its interpretation of sections 13A08(j) and 13A10(a) of the act and § 51.6 (relating to biennial review of exemption threshold, reporting threshold and filing fees) and § 53.1. Therefore, the Department does not believe that it has the authority under the act to implement the alternatives reviewed.

One commentator suggested a more limited increase to the fee with an automatic inflator to provide predictability for companies and entities engaged in lobbying. However, the act specifically states that the Department must review the fees every 2 years. An automatic inflator would be contrary to the statutory mandate, and therefore not a feasible option.

Department staff also looked to other states' lobbying disclosure programs for comparison. Specifically, the Department looked at the following states: Indiana and Texas, both which have fee structures based on profit or nonprofit status; Massachusetts and Wisconsin, both which have fee structures based on filer type and number of affiliations; and Kansas, which has a fee structure based on amount spent lobbying. Unlike the Commonwealth, however, there is specific authority in each state's statute enabling each fee type.

The Department, as required under section 13A08(j) of the act, did review the \$2,500 threshold amount to determine whether an adjustment in the amount was necessary. Accounting for inflation since the threshold was established, the reporting threshold could be set at approximately \$2,850. The act authorizes the Department to revise the threshold by publication in the *Pennsylvania Bulletin* every 2 years beginning in 2009. The Department is committed to increasing the threshold amount for registration and reporting.

Beginning in November 2013 through March 2014, the Department contacted various members of the regulated community to explain the research conducted for various fee options and the rationale for the fee increase in an effort to reach a consensus on an appropriate amount of increase in the fee.

Amount of the increase is beyond legislative intent

The commentators' concerns regarding the legislative intent were two-fold. First, that the registration fee was never intended to cover all the costs of administering the act. Second, that the intent of the act, to provide transparency in the legislative process, would be frustrated by the proposed fee amount. In considering both prongs of this concern, the Department lowered the fee to a rate that more equally shares the cost of lobbying disclosure regulation between the regulated community and the taxpayers of this Commonwealth.

The Tive Lobbying Group (Tive Lobbying), the Pennsylvania Library Association (PaLA), Common Cause of Pennsylvania (Common Cause), the House State Government Committee (HSGC), Representative Frank Dermody, Democratic Leader (Representative Dermody), and Drew Crompton, General Counsel to Senator Joseph B. Scarnati III, President Pro Tempore, stated that the registration fee was never intended to cover the entire cost of administering the act. The Department has reduced the fee increase from \$700 biennially as proposed, which would have fully funded the Department's administrative costs, to \$300 biennially, which will more equally distrib-

ute the cost of administering the act between the regulated community and the citizens of this Commonwealth.

The Pennsylvania Association for Government Relations (PAGR), Tive Lobbying, PaLA, Phillips Associates, Common Cause, Stephen MacNett, the HSGC and Drew Crompton remarked that the amount of the proposed fee increase would erode the transparency intended by the act. The Department took this concern into consideration when preparing the final-form rulemaking, and believes that the reduction in the amount of increase to a fee of \$300 will allow for continued transparency as envisioned by the act and achieved by the lobbying disclosure regulation thus far.

Concerns regarding the anticipated 1/3 decrease in registration

PAGR, Tive Lobbying, the Pennsylvania Farm Bureau (Farm Bureau), the Pennsylvania Commercial Action Network (PCAN), Common Cause, Stephen MacNett and the HSGC expressed concerns regarding the anticipated 1/3 decrease in registration. In the proposed rulemaking, the Department cautiously projected that as many as 1/3 of currently registered lobbyists may not renew their registrations when the fee increase becomes effective. This estimate was based on information received from the program area that many lobbyists who currently register with the Department, although they are not required to under the act, may no longer do so under a \$700 fee. It is difficult to determine how many lobbyists register with the Department although they are not required to do so under the act. This is because lobbyists do not typically file expense reports, and are only required to do so if the principal for whom they are employed does not include an expense on their report. Therefore, the Department determined that a cautious estimate of 1/3 would be appropriate.

Due to the reduction in the fee increase amount, the Department no longer projects a 1/3 decrease in lobbyists' registration. When the Department increased the fee for the 2011-2012 registration period, registrations actually increased. In keeping with the previous rate of increase (\$100), the Department does not believe, based on prior experience, that the fee increase will result in a 1/3 decrease in lobbyist registrations. The Department is mindful that slight fluctuations in the number of registrants can occur at any time. However, the Department does not anticipate a decrease in registrations as a result of this fee level.

The increased fee would infringe upon Constitutional rights

Commentators commented that a fee of this magnitude unconstitutionally infringes on free speech and the right of citizens to petition their government for redress of grievances. The comments stated that the increased fee would restrict and deter freedom of speech and serve as a disincentive for citizens to engage in the democratic process. Balsbaugh Insurance Agency, Inc., Disability Rights Network of Pennsylvania (DRN), Pennsylvania Advocacy and Resources for Autism and Intellectual Disabilities (PAR), ARIPPA, PCAN, Phillips Associates and Representative Dermody commented that a fee of this magnitude would have a chilling effect on freedom of speech. Guardian Storage Solutions, Tive Lobbying, F.C. Brown and Associates, Common Cause, Stephen MacNett and Representative Dermody indicated that the fee increase would infringe upon the right of citizens to petition their government for redress of grievances.

The Department lowered the rate of the increase to an increase of \$100, which reflects the same amount of increase as the previous fee increase, effective for the 2011-2012 biennial registration period. A fee of \$300 will allow the Department to maintain the current level of public disclosure and transparency for the next several biennial periods. The Department believes that this will be a much more manageable registration fee, and will not unconstitutionally burden the free speech rights or the rights to petition government, of the citizens and lobbyists of this Commonwealth.

Proposed fee places a significant burden on small lobbying efforts and nonprofit organizations

Guardian Storage Solutions, B.J. Alan Company, DRN, Pennsylvania Partnerships for Children, National Association of Social Workers Pennsylvania Chapter (NASW), Pennsylvania Pharmacists Association (PA Pharmacists), PAGR, Blue Cross of Northeastern Pennsylvania (BCNEPA), Pennsylvania Society of Association Executives (PSAE), PAR, Tive Lobbying, ARIPPA, PaLA, Waner Associates, Farm Bureau, Common Cause, Representative Dermody and Drew Crompton stated that a fee of this magnitude places an undue burden and significant hardship on small businesses and associations, advocacy groups, nonprofit organizations and other small lobbying efforts. The Department recognizes that an increase in costs is not optimal for anyone, including small lobbying efforts and nonprofit organizations. The Department responded to the comments by significantly reducing the amount of the proposed fee. The additional fees are necessary so that the Department can defray some of the substantial costs associated with administering the act. Although the regulated community bears the burden of an increased fee, it is of utmost importance that the Department is able to continue to administer the act.

DRN and NASW suggested that the Department charge a different fee for nonprofit entities. The Department is not statutorily authorized to charge different fees for different filer types or entities based on nonprofit status, public advocacy, and the like. The act sets forth a single fee that the regulations define as a flat fee for each registrant.

The Department needs to minimize their own costs before increasing the fee

B.J. Alan Company, PAGR, PSAE, PAR, ARIPPA, Waner Associates, PCAN and Drew Crompton suggested that the Department undertake efforts to reduce the costs associated with the administration of the act before passing along the increase in costs to the regulated community through a fee increase. The Department has evaluated and will continue to evaluate efficiencies. Unfortunately, the most costly aspects of administering the act are statutorily required, for example, the Online Registration System. The Department already significantly cut costs by reducing the Lobbying Disclosure Division staff by 20% in Fiscal Year (FY) 2013-2014. Additionally, the Department has improved customer service by, among other things, making access to register and file expense reports faster and simpler, sending e-mail reminders to public users so they know what tasks need to be completed and developing user dashboards so that registration information is customized to the user. To continue to be responsive to public feedback, more database enhancements are planned in 2014, including improving the search function, simplifying the forms for those that file by paper and aligning entries to the most current registration information.

PAGR, PAR and Wanner Associates suggested that one area where the Department could cut costs is by simplifying the audit process. Commentators remarked that the audit process is burdensome and duplicative. The statutorily required audit accounts for a large part of lobbying disclosure expenses. The Department has researched and reviewed the audit process numerous times, however, the requirements set forth by the act and the process prescribed in the regulations severely limit the Department's ability to cut costs in this area. Section 13A08(f) of the act sets forth the requirement for and process of lobbying disclosure audits. Specifically, section 13A08(f)(1) of the act provides that "[e]very two years the Secretary of the Commonwealth shall contract for the services of one or more certified public accountants or certified public accounting firms" (emphasis added). The requirement that the audit be conducted by certified public accountants is the main reason for the high audit cost.

The proposed fee would represent a 700% increase in 7 years

B.J. Alan Company, DRN, Pennsylvania Partnerships for Children, NASW, PAGR, BCNEPA, Dauphin County Office of County Commissioners (Dauphin County Commissioners), PSAE, PAR, Tive Lobbying, ARIPPA, PaLA, Wanner Associates, Farm Bureau, PCAN, Phillips Associates, Common Cause, the HSGC and Representative Dermody commented that the fee increase would represent an increase of 700% from the original registration fee set by the act 7 years ago. Commentators also noted that the increase proposed would be a 250% increase to the former fee of \$200, which was implemented for the 2011-2012 registration period following a 100% fee increase.

The fee set by the act was entirely insufficient. Therefore, the Department bore a majority of the costs, including building the Online Registration System. The Department was underfunded and fronted many of the costs associated with lobbying disclosure regulation. Since the General Fund contribution has decreased despite the increase in costs (see Chart A), the Department is no longer in the position to bear the majority of the costs. As noted previously, the majority of the Department's expenses are related to the Online Registration System. The Department made a number of enhancements to the Online Registration System despite being underfunded. Now, however, the Department requires funds to continue to operate at the same level of customer service, public access and transparency that has come to be expected. Therefore, a fee increase is necessary. In addition to allowing the Department to continue to provide the public with transparency in lobbying activities in this Commonwealth and the regulated community with assistance, the \$300 fee will allow for a more equal distribution of lobbying disclosure costs among the regulated community and the taxpayers of this Commonwealth.

Common Cause and ARIPPA commented that the proposed fee far exceeded the rate of inflation. Unfortunately, the costs associated with lobbying disclosure regulation have far exceeded the rate of inflation and the Department is no longer able to afford to continue to fund the majority of the costs. Despite the Department's efforts to decrease spending, costs have increased dramatically. These increases are beyond the control of the Department, for example, increases to benefit rates and maintenance costs associated with the Online Registration System, and require the Department to increase the fee so that lobbying disclosure regulation may continue. While the adopted fee of \$300 is beyond the rate of inflation, the

Department's costs of administering the act have consistently exceeded the rate of inflation. For example, in FY 2013-2014 salaries increased 3.25% per employee for four full-time employees benefit rates for four full-time employees increased 15% and technology costs increased by \$45,558. Because of these and other increases, additional revenue is required. An increase to \$300 will allow the Department to defray some of these increased costs and maintain the current level of services and transparency for the next several registration cycles.

The proposed fee would be among the highest lobbying disclosure registration fees in the country

PA Pharmacists, PAGR, BCNEPA, Wanner Associates and Common Cause stated that the proposed fee would make the Commonwealth one of the most expensive states to lobby in the United States. While the fee may appear to be one of the highest in the country, the numbers are somewhat misleading. Whereas the Commonwealth charges a flat registration fee, many states charge a fee per principal or per lobbyist, which, depending on the number of principals represented or lobbyists employed, can be very costly. The fee in those states appears to be lower, but in reality, the sums are much higher. For example, lobbyists in South Dakota pay a registration fee of \$40 per year for each employer. The number of employers a lobbyist may have could be just one or could be ten or higher, so the registration fee could be anywhere from \$40 per year to \$400 per year or more. The fee of \$300 biennially is comparable to, and even less than, other states with the same fee structure. Therefore, the Commonwealth will not be at a competitive disadvantage as compared to other states.

Lobbying regulation is a public benefit that should be publically funded

Tive Lobbying, PaLA, PCAN and Drew Crompton commented that lobbying disclosure regulation provides an important public benefit and therefore should be publically funded. Commentators stated that the regulation of lobbying activities serves an important public function, that being transparency in the legislative process, and therefore the regulation of lobbying disclosure activities should be funded by the citizens of this Commonwealth. The \$300 fee will distribute the costs associated with lobbying disclosure regulation more equally between the regulated community and the taxpayers of this Commonwealth. The program will continue to be publically funded.

Compliance with the act is already expensive

B.J. Alan Company, NASW, PA Pharmacists, Dauphin County Commissioners, PAR, Tive Lobbying and Wanner Associates commented that compliance with the act is expensive and burdensome at the current fee level. While the Department empathizes with the commentators, the Department is charged with administering the act only. The requirements for compliance are prescribed by the act and regulations, both of which the Department is obliged to administer. The Department has and will continue to make efforts to make compliance less burdensome. The Department will also continue to look for efficiencies.

The proposed fee would create barriers to transparency

PAGR, Tive Lobbying, Farm Bureau, Phillips Associates, Common Cause and Representative Dermody commented that the amount of the proposed fee increase would create barriers to transparency. Commentators remarked that the decrease in number of registrants and

the forcing out of small lobbying efforts would result in decreased transparency. Further, commentators averred that this fee would erode the transparency the act has accomplished to date.

The \$300 fee in this final-form rulemaking will allow the Department to continue to provide transparency and public access to the legislative process, without the concerns presented by an increase of 250%. The new increase will be more manageable for registrants and accomplish the Department's goal of maintaining transparency and customer service at the currently available level.

The proposed fee would force out small lobbying efforts

Balsbaugh Insurance Agency, Inc., PA Pharmacists, PAGR, BCNEPA, PSAE, Tive Lobbying, ARIPPA, PaLA, Wanner Associates, Farm Bureau, Phillips Associates, Common Cause and Drew Crompton commented that a fee of this magnitude would force small lobbying efforts to discontinue lobbying activities. Commentators indicated that many small lobbying groups find it difficult to finance lobbying activity under the current fee, and if the fee were to increase to \$700 as proposed, many of those groups would be forced to discontinue their lobbying efforts.

The Department took this concern into consideration when deciding to pursue the \$300 registration fee in this final-form rulemaking, which the Department believes will be more manageable for small lobbying efforts.

The proposed fee would make the vital function of lobbying for heavily regulated industries more expensive

B.J. Alan Company and BCNEPA commented that the increase would make lobbying, a vital function for heavily regulated industries, much more expensive.

The Department acknowledges that a fee increase is not ideal for anyone from small lobbying efforts to large scale efforts and understands that lobbying is a vital function of heavily regulated industries. In recognition of this, the Department reduced the amount of increase from a 250% increase to a \$100, or 50%, increase. The additional fees are necessary to allow the Department to continue to administer the act and provide adequate assistance to the regulated community as well as transparency in the lobbying activities in the Commonwealth to the public. Although the regulated community does bear the burden of the increased cost, the community should contribute to the costs associated with their regulation.

Independent Regulatory Review Commission Comments

The Independent Regulatory Review Commission (IRRC) offered the following comments on the proposed rulemaking.

IRRC comment: Why did the Department see no need for "early and meaningful input from the regulated community," as directed by Governor's Executive Order 1996-1?

Response: The goal and purpose of Governor's Executive Order 1996-1 is for the regulated community to provide the promulgating agency with meaningful feedback that will assist in the development of a regulation. Unfortunately, with a fee increase regulation, comments and feedback from the regulated community tend to be reactive to the idea of paying more money. For this, as well as other reasons, the Department has historically viewed the setting of fees as an administrative function. The Department has, however, re-evaluated that position and real-

izes that while numbers (that is, how much) are administrative, the regulated community can provide meaningful comments on how an increase is accomplished. Therefore, the Department has sought, received and will continue to be receptive to comments from the community on how to achieve the goal of the fee increase and balance of the budget.

IRRC comment: Based on the comments, it appears that the fee increase will curtail the disclosure that the act has accomplished to date. Why is this result in the public interest?

Response: As this result would not be in the public interest, the Department re-evaluated the amount of increase. The Department determined, upon consideration of the comments received from IRRC and the public, as well as the potential results, that a fee of \$300 would serve all interested parties.

IRRC comment: Provide supporting documentation of total dollar amounts it has used for annual and biennial periods.

Response: Refer to Chart A (Lobbying Disclosure Spending by Biennial Renewal Period) provided by the Department's Bureau of Finance and Operations (Bureau). Chart A provides an overview of lobbying disclosure spending by biennial renewal period, including Department spending, Authorized Funds from the Lobbying Disclosure Restricted Account, General Funds used and registration fees received.

IRRC comment: Provide a breakdown of the dollar amounts by activity to show how the dollars are spent.

Response: Refer to Chart B (Lobbying Disclosure FY 2014-15 Approved Rebudget) provided by the Bureau. Chart B is the approved lobbying disclosure rebudget for FY 2014-2015, which contains an itemized account of lobbying disclosure costs by funding source.

IRRC comment: Provide an explanation demonstrating that the expenses exclusively represent the costs of carrying out the provisions of the act.

Response: Lobbying disclosure expenses fall into two main categories—personnel costs and operating costs. Operating costs account for 58% of the total lobbying disclosure budget, while personnel costs account for the remaining 42% of the total lobbying disclosure budget. Personnel costs consist of salaries and benefits of four full-time employees. Operating costs represent all other lobbying disclosure costs, from the Lobbying Disclosure Online Registration System to postage, with allocations ranging from \$50 to \$335,000. While many of the operating costs are minimal, for example a \$100 allocation for postage costs, there are several high-priced items, namely, telecommunications, the contract for auditing services and costs related to the Online Registration System. These items also represent the most important aspects of lobbying disclosure regulation. Telecommunications provides the means through which the Lobbying Disclosure Division provides assistance to the regulated community, the statutorily mandated audit encourages compliance with the act and the Online Registration System, also statutorily mandated, provides public disclosure and transparency in the legislative process. The Online Registration System accounts for 76% of the operating costs. Refer to Chart B provided by the Bureau.

IRRC comment: Provide an explanation of what the Department has done to reduce expenses to the greatest extent possible before imposing a higher fee on the regulated community.

Response: The Department has made several efforts to cut costs, including reducing the Lobbying Disclosure Division staff by 20% for FY 2013-2014. Additionally, the Department has improved customer service by, among other things, making access to register and file expense reports faster and simpler, sending e-mail reminders to public users so they know what tasks need to be completed and developing user dashboards so that registration information is customized to the user. To continue to be responsive to public feedback, more database enhancements are planned in 2014, including improving the search function, simplifying the forms for those that file by paper and aligning all entries to the most current registration information. Refer to Chart C (Changes to Lobbying Disclosure Budget) provided by the Bureau for further cost reduction information. Chart C provides an account of the changes (decreases and increases) to the lobbying disclosure budget, including personnel changes, salary and benefit increases, and operating changes. As many of the Department's primary costs are mandated by the act, and the Department has already sustained a 20% reduction of lobbying staff, it would be difficult to make additional cuts without significantly reducing the level of customer service provided to registrants and the public.

IRRC comment: How did the Department calculate this 1/3 assumption?

Response: Based on feedback from the regulated community, the Department estimated that lobbyists, who are exempt from registration under section 13A06 of the act (relating to exemption from registration and reporting), but register only to gain access to the Capitol, would no longer do so if the fee were to increase to \$700. It is important to note, however, that was a very cautious estimate, and while unlikely that as many as 1/3 of the currently registered lobbyists would not register following the fee increase, the Department determined that a cautious estimate was appropriate for a fee increase at the proposed rate of \$700.

This estimate does not, however, apply to the fee of \$300. Based on the previous fee increase of 100% effective for the 2011-2012 biennial registration period, the Department does not anticipate a significant decrease in lobbyists' registration. The Department is mindful that slight fluctuations in the number of registrants can occur at any time; however, the Department does not anticipate a decrease in registrations as a result of this fee level.

IRRC comment: How did the Department incorporate this assumption into the fee increase, revenue and expense dollar estimates shown elsewhere in the Regulatory Analysis Form (RAF) and preamble?

Response: The Department incorporated this assumption into the fee increase, revenue and expense dollar estimates throughout the RAF and the preamble to the proposed rulemaking by reducing the projected number of lobbyist registrants for the 2013-2014 registration period (1,377) by 1/3. This was calculated by multiplying the number of lobbyists (1,377) by 1/3, the product (459) of which represents the projected number of lobbyists that will not seek renewal. To determine the total number of lobbyists estimated for the 2015-2016 biennial period, the product (459) was subtracted from the number of lobbyists (1,377). This number was used to calculate the revenue anticipated for the registration periods following the proposed increase.

As the rate of increase has been reduced from 250% to an increase of \$100, the Department no longer estimates a 1/3 decrease in lobbyist registrations. Any decrease in registration is anticipated to be minor.

IRRC comment: In RAF 19, the Department estimates regulated entities will incur an additional cost of \$1,349,500 for the 2015-2016 registration period. However, RAF 23 appears to show an increased cost to the regulated community of \$2,210,600.

Response: The amounts shown in RAF 19 (proposed) represent the additional cost that will be incurred by the regulated community. Simply stated, how much the increase will cost the regulated community. The first number, \$1,579,000, represents the increased amount to the regulated community. This number was calculated as follows:

Step 1: multiply the projected number of registrants (3,158) by the current fee (\$200) to determine the current cost of compliance

$$3,158 \times 200 = 631,600$$

Step 2: multiply the projected number of registrants (3,158) by the proposed fee (\$700) to determine the cost of compliance under the proposed fee

$$3,158 \times 700 = 2,210,600$$

Step 3: subtract the current cost of compliance (\$631,600) from the cost of compliance under the proposed fee (\$2,210,600) to determine the additional cost of compliance (how much more the regulated community will pay) under the proposed fee

$$2,210,600 - 631,600 = 1,579,000$$

The second number, \$1,349,500, represents the increased cost of compliance if, as the Department previously estimated, 1/3 of the currently registered lobbyists do not renew their registration when the proposed fee is implemented. This number differs from the first number because it takes the decreased registration into account. The number was calculated following the same formula, using 2,699 for the number of registrants in place of 3,158.

While the numbers shown in RAF 19 represent the increased amount or additional cost to the regulated community, the numbers shown in RAF 23 represent the total cost to the regulated community. This number is the product in step two.

IRRC comment: In regard to fees, RAF 18 also includes a table that shows a figure of \$665,000 of funds used from the restricted account, not the \$733,879 fee figure in the example. What accounts for the difference between the fees received and the funds withdrawn from the restricted account?

Response: The lobbying disclosure registration period is a biennial period; therefore, the Department must divide the revenue received in half so that the revenue lasts for the entire 2-year period. Lobbyists, lobbying firms and principals must register with the Department, unless exempt under section 13A06 of the act, within 10 days of acting in any capacity as a lobbyist, lobbying firm or principal. A new registration, that is the registration of a lobbyist, lobbying firm or principal that has not previously registered with the Department or whose registration was terminated or expired, could occur at any time during a biennial period. A lobbyist, lobbying firm or principal that is already registered with the Department, however, must renew the registration at the beginning of each new biennial registration period (unless exempt under the act), as lobbying registrations expire approximately 10 business days after the new registration period begins. Therefore, the majority of the revenue generated from registration fees is received at the beginning of the

registration period. Additionally, the amount of funds the Department is authorized to withdraw from the Restricted Account is determined prior to the registration period for which it is authorized. The Department bases the amount of funds to withdraw upon the projected revenue generated from the fees because the total revenue generated is unknown until the biennial registration period is closed. As a result, the total fee revenue is sometimes greater than the amount projected and amount authorized. For example, the revenue in the 2011-2012 biennial period was \$733,879, while the amount authorized for that period was only \$665,000.

IRRC comment: The Department should reconcile the amounts presented in RAF 18 and RAF 23a.

Response: The amounts shown in RAF 18 are different from those that appear in RAF 23a as a result of the different time periods represented by each chart. The chart in RAF 18 contains numbers that represent biennial registration periods, specifically, the 2007-2008, 2009-2010, 2011-2012 and 2013-2014 biennial registration periods, whereas the chart in RAF 23a contains numbers that represent fiscal years, specifically FY 2010, FY 2011, FY 2012 and FY 2013. While the biennial registration period begins on January 1 in odd numbered years and ends on December 31 of the following even numbered year, the fiscal year begins on July 1 and ends on June 30 of the following year. Therefore, the biennial registration period crosses 3 different fiscal years. For example, the current biennial registration period began on January 1, 2013, and ends on December 31, 2014, while the current fiscal year began on July 1, 2013, and ended on June 30, 2014. The current fiscal year is within the current biennial registration period, however, the current biennial registration period also includes the last 6 months of the previous fiscal year (FY 2012-2013) and the first 6 months of the next fiscal year (FY 2014-2015). As the biennial registration period and the fiscal year represent different segments of time, the numbers contained therein are different.

IRRC comment: The Department should justify why it has not increased the thresholds.

Section 13A08(j) of the act requires the Secretary of the Commonwealth to review the threshold for registration and reporting on a biennial basis. Section 13A08(j) of the act also provides the Secretary the authority to increase the threshold for reporting and registration administratively. The threshold may be increased biennially and requires that the Department publish the adjusted amount in the *Pennsylvania Bulletin* by June 1 every 2 years. The Department reviews the threshold for registration and reporting to determine whether the rates are reasonable for assuring appropriate disclosure, as required by the act. Section 13A06 of the act provides that individuals whose economic consideration for lobbying does not exceed \$2,500 in the aggregate during any reporting period or a principal whose total expenses for lobbying purposes do not exceed \$2,500 during any reporting period, are exempt from registration under section 13A04 of the act (relating to registration) and reporting under section 13A05 of the act (relating to reporting). This is the threshold amount originally set by the act in 2006. The Department is considering raising this amount to adjust for inflation. Accounting for inflation, the threshold could be adjusted to \$2,849.07 (inflation adjusted fee amount calculated by Federal Bureau of Labor Statistics' CPI Inflation Calculator available at www.bls.gov/data/inflation_calculator.htm). Raising the threshold may benefit smaller lobbying efforts, which

would no longer have to register and pay the registration fee if their lobbying activities fell beneath the threshold amount. The Department is committed to adjusting the threshold amount for registration and reporting.

IRRC Disapproval

On September 29, 2014, IRRC issued a disapproval order, finding the regulation did not meet the criteria of legislative intent, reasonableness and protection of the public health, safety and welfare. See section 5.2(a) and (b)(2) and (3) of the Regulatory Review Act (71 P. S. § 745.5b(a) and (b)(2) and (3)).

First, IRRC stated that the regulation does not sufficiently balance all the provisions of the act. To address this concern, the Department reduced the fee to \$300. The Department believes that this fee rate strikes the intended balance between funding by the public and the regulated community. Further, the Department believes that a \$300 fee will allow individuals and organizations who wish to petition the government for redress of grievances to do so. The Department does not believe that a moderate increase will adversely affect participation in the democratic process, particularly when also taking into account the Department's commitment to increasing the threshold amount for registration and reporting.

Next, IRRC stated that a 400% increase from the original fee established in the act is profoundly beyond an inflation adjustment based on the Consumer Price Index. IRRC also stated that while the Department proposed raising the fee twice, the Department has not yet adjusted the threshold amount for registration and reporting to account for inflation. Further, IRRC stated that by not adjusting the threshold amount, the Department may be burdening smaller businesses with lobbying related costs when they could potentially be exempted, as well as possibly incurring unnecessary costs to regulate those small lobbying efforts, beyond what the act envisioned. In an effort to compromise, the Department reduced the proposed fee from \$400 to \$300 biennially. While the Department understands that this fee is still above the rate of inflation from the original \$100 fee, the Department's costs of administering the act have consistently exceeded the rate of inflation. For example, in FY 2013-2014 salaries increased 3.25% per employee for four full-time employees, benefit rates for four full-time employees increased 15% and technology costs increased by \$45,558. Because of these and other increases, additional revenue is required for the Department to continue to administer the act with the same level of customer service and public disclosure that is currently available. Therefore, the Department, in consideration of IRRC's concerns, believes that the \$300 fee will achieve the balance between the public benefit of transparency, with the right to petition government, and the statutory mandates placed upon the Department, contemplated by IRRC.

IRRC also stated that it remains concerned with the impact of a flat \$400 fee on small lobbying efforts and nonprofits, particularly regarding the participatory process envisioned by the act. While the Department understands the concerns raised by IRRC, it also recognizes the importance of its customer service to the small business community. Small businesses and nonprofit organizations, which tend not to have the infrastructure and support of a large lobbying firm, rely on the Department for guidance and assistance in their lobbying activities. Therefore, cuts to the availability and level of customer service that would be the probable result of insufficient funding would be most detrimental to small lobbying efforts and nonprofits. The Department believes that the reduced

rate of \$300 strikes the proper balance between the fiscal impact on small lobbying efforts and nonprofit organizations and the high level of customer service required from the Department to meet the needs of this community. Additionally, a fee increase to \$300 will allow the Department to maintain the current levels of customer service.

Additionally, IRRC stated that the Department had not sufficiently established that a \$400 fee will not hinder the right to petition government for redress of grievances. The Commission's concern is certainly a valid one; however, the law takes these rights into account by allowing for numerous exemptions. While the Department believes a \$400 fee would not hinder the rights of the citizenry to petition the government for redress of grievances, in an effort to address the Commission's concerns, the Department decreased the fee to \$300 in this final-form rulemaking. The Department believes that the \$300 fee strikes the balance contemplated by IRRC, between the two funding sources (the regulated community and the taxpayers of this Commonwealth). Further, the Department does not believe that the additional \$100 biennially, or \$50 per year, will inhibit individuals and organizations from exercising their right to petition government for redress of grievances. Finally, the Department does not believe a \$300 fee, which is an additional 14¢ a day above the current fee, will negatively affect participation in the Democratic process.

Description of the Final-Form Rulemaking

The final-form rulemaking amends § 53.1(a) to increase the biennial registration fee for individuals and entities required to be registered under the act from \$200 to \$300. The increased registration fee will go into effect for the 2015-2016 biennial registration period.

Fiscal Impact

The final-form rulemaking will increase the biennial registration fee for individuals and entities required to be registered under the act. The Department estimates there will be 3,422 registrants that will be required to pay the increased fee in 2015-2016 and thereafter. Small businesses that are members of the regulated community or individuals employed by small businesses will be impacted by the final-form rulemaking. However, small businesses and individuals whose lobbying activities are exempt under section 13A06 of the act are not required to register and, therefore, will not be impacted by the fee increase. The final-form rulemaking should not have other adverse fiscal impact on the private sector, the general public, the Commonwealth or its political subdivisions. However, if a local government engages in regulated activity for which registration is required, the local government would bear the cost of the increased registration fee and would be considered to be part of the regulated community.

Paperwork Requirement

The final-form rulemaking will require the Department to update some of its forms to reflect the new fee. However, the final-form rulemaking will not create additional paperwork for the regulated community or the private sector.

Sunset Date

The act provides that the Department shall review the filing fee on a biennial basis and may by regulation adjust the filing fee if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 20, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 3009, to IRRC and the Chairpersons of the Senate State Government Committee (SSGC) and the HSGC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the SSGC and the HSGC 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 Department has considered all comments from IRRC, the SSGC, the HSGC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 17, 2014, the final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 18, 2014, and disapproved the final-form rulemaking.

As directed by section 5.1(j.4) of the Regulatory Review Act, IRRC, the SSGC, the HSGC and the Department proceeded in accordance with section 6 of the Regulatory Review Act (71 P. S. § 745.6) following disapproval. Under section 6(a) of the Regulatory Review Act, the Department reviewed IRRC's order, responded to IRRC's concerns and submitted the final-form rulemaking with revisions consistent with section 7(a)(2) of the Regulatory Review Act (71 P. S. § 745.7(a)(2)). On October 7, 2014, the Department submitted a revised final-form rulemaking and the required report to IRRC and to the Chairpersons of the SSGC and the HSGC in accordance with section 7(c) of the Regulatory Review Act.

Under section 7(d) of the Regulatory Review Act, on November 6, 2014, this final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 23, 2014, and approved the final-form rulemaking.

Contact Person

Interested persons may obtain information regarding the revised final-form rulemaking by contacting Caroline A. Bailey, Assistant Counsel, Department of State, 301 North Office Building, Harrisburg, PA 17120, carbailey@pa.gov.

Findings

The Department finds that:

(1) Public notice of the 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 all comments were considered in drafting this final-form rulemaking.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 3009.

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

Order

The Department, acting under its authorizing statute, orders that:

(a) The regulations of the Department, 51 Pa. Code Chapter 53, are amended by amending § 53.1 to read as set forth in Annex A.

(b) The Department shall submit this order and Annex A to the Office of Attorney General for approval as required by law.

(c) The Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

CAROL AICHELE,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 7145 (November 8, 2014).)

Fiscal Note: Fiscal Note 16-56 remains valid for the final adoption of the subject regulation.

4/23/2014

Chart A
DEPARTMENT OF STATE
LOBBYING DISCLOSURE SPENDING BY BIENNIAL RENEWAL PERIOD

	1/2007 - 12/2008	1/2009 - 12/2010	1/2011 - 12/2012	1/2013 - 12/2014	**	TOTAL
Dept. of State Spending:	\$1,052,105.62	\$1,423,106.05	\$1,800,028.43	\$1,661,000.00		\$5,936,240.10
Authorized Funds from Restricted Account:	\$294,749.08	\$579,090.49	\$665,000.00	\$800,000.00		\$2,338,839.57
General Funds Used:	\$757,356.54	\$844,015.56	\$1,135,028.43	\$861,000.00		\$3,597,400.53
Registration Fees Received:	\$581,438.59 *	\$324,509.50	\$733,879.81	\$684,400.00		\$2,324,227.90

* Includes one-time deposit of \$266,071.49 from the State Ethics Commission in December 2006. In January 2007, as a result of Act 134 of 2006, the Department of State took over the registration function of lobbying disclosure (from the State Ethics Commission). All registration fees that were in the Ethics Commission restricted revenue account were provided to the Department as a one-time transfer of funds. The State Ethics Commission was unable to keep the registration funds as they had to stay with that function of lobbying disclosure, which now resides with the Department.

** Estimated

Chart B
 LOBBYING DISCLOSURE
 FY 2014-15 APPROVED REBUDGET

PERSONNEL COSTS:	STATE	RESTRICTED	TOTAL	
	FUNDS	REVENUE	FY 14-15	
			BUDGET	
Salaries	\$23,686.00	\$153,000.00	\$176,686.00	4 total positions funded
Benefits	\$160,281.00	\$0.00	\$160,281.00	
TOTAL PERSONNEL COSTS:	\$183,967.00	\$153,000.00	\$336,967.00	
OPERATING COSTS:				
Travel	\$20.00	\$20.00	\$40.00	
Training	\$50.00	\$75.00	\$125.00	
Telecommunications-Recurring	\$5,140.00	\$10,120.00	\$15,260.00	Landline, Voice and Data Connection Services
Legal Services/Fees	\$0.00	\$2,000.00	\$2,000.00	Online legal research
Specialized Services	\$30,000.00	\$45,000.00	\$75,000.00	Lobbying Disclosure Audit; Office of Administration/Office of the Budget Billings
Contracted Information Technology Services-Vendor Provided	\$77,000.00	\$271,000.00	\$348,000.00	IT System Support (LD Online Registration System), Spanaugle, Augmented Staff for Computer System
Contracted Maintenance Services-Information Technology	\$65.00	\$135.00	\$200.00	Hardware Network Maint, Hardware Storage Maint
Real Estate	\$0.00	\$3,000.00	\$3,000.00	Parking
Office Equipment	\$155.00	\$95.00	\$250.00	photocopier lease
Office Supplies	\$200.00	\$300.00	\$500.00	
Miscellaneous	\$0.00	\$100.00	\$100.00	nameplates, educational supplies
Hardware	\$20.00	\$80.00	\$100.00	
Postage	\$10.00	\$90.00	\$100.00	
Freight	\$0.00	\$100.00	\$100.00	
Printing	\$10.00	\$90.00	\$100.00	business cards, etc
Subscriptions	\$10.00	\$40.00	\$50.00	
Membership Dues	\$350.00	\$0.00	\$350.00	Supreme Court, Bar Dues
Insurance/Surety/Fidelity Bonds	\$0.00	\$500.00	\$500.00	Department of General Services Billings
Other Operational Expenses	\$3.00	\$14,255.00	\$14,258.00	
TOTAL OPERATING COSTS:	\$113,033.00	\$347,000.00	\$460,033.00	
TOTAL FY 2014-15 BUDGET:	\$297,000.00	\$500,000.00	\$797,000.00	

Chart C

4/25/2014

CHANGES TO LOBBYING DISCLOSURE BUDGET

Personnel Changes

Loss of Clerk Typist 2 (effective 7/1/2013)	(\$61,906.78)
Reduction of Attorney 1 Salaries and Benefits (Effective 12/14/2012)	(\$7,785.39)
	<u>(\$69,692.17)</u>

FY2013-14 Salary Increases:

July 2013 - 0.5% General Salary Increase
January 2014 - 0.5% General Salary Increase
April 2014 - 2.25% Step Increase

FY2014-15 Salary Increases:

July 2014 - 2.0% General Salary Increase
January 2015 - 2.25% Step Increase

FY13-14 ANNUAL SALARIES for 4 FTE	FY14-15 ANNUAL SALARIES for 4 FTE	CHANGES IN SALARIES
\$191,000.00	\$193,400.00	\$2,400.00

Increase to Benefit Rates - FISCAL YEAR 2013-2014

	FY13-14 ANNUAL SALARIES for 4 FTE	FY14-15 ANNUAL SALARIES for 4 FTE	CHANGES IN SALARIES	ANNUAL RATE for 4 FTE
Active Health Benefits	\$390.00	\$425.00	9.0 % increase	\$31,842.00
Annuitant Health Benefits	\$265.00	\$305.00	15.1% increase	\$44,370.00
SERS Pension Rate	10.51%	15.12%	43.7 % increase	\$24,876.00
Leave Payout Assessment	1.60%	1.70%	6.3% increase	\$2,797.00
Workers Compensation	2.55%	2.22%	14.7% decrease	\$3,657.00
Life Insurance	\$4.50	\$4.51	0.25% increase	\$471.00
				<u>\$108,013.00</u>

Increase to Benefit Rates - FISCAL YEAR 2014-2015

Active Health Benefits	\$425.00	\$455.00	7.0 % increase	\$34,870.00
Annuitant Health Benefits	\$305.00	\$334.00	9.5% increase	\$47,502.00
SERS Pension Rate	15.12%	19.99%	32.2 % increase	\$34,516.00
Leave Payout Assessment	1.70%	1.85%	8.8% increase	\$3,194.00
Workers Compensation	2.22%	0.50%	77.5% decrease	\$863.00
Life Insurance	\$4.51	\$4.58	1.6% increase	\$478.00
				<u>\$121,423.00</u>

FY13-14 ANNUAL BENEFIT RATE for 4 FTE	FY14-15 ANNUAL BENEFIT RATE for 4 FTE	CHANGES IN BENEFIT RATES
\$31,842.00	\$34,870.00	\$3,028.00
\$44,370.00	\$47,502.00	\$3,132.00
\$24,876.00	\$34,516.00	\$9,640.00
\$2,797.00	\$3,194.00	\$397.00
\$3,657.00	\$863.00	(\$2,794.00)
\$471.00	\$478.00	\$7.00
<u>\$108,013.00</u>	<u>\$121,423.00</u>	<u>\$13,410.00</u>

	3/2011 through 2/2013	3/2013 through current date	Changes	Annual Increase
Operating Changes				
Acclaim Systems Inc - LD System Upgrades and Maintenance	\$25,192/mo	\$28,989/mo	\$3,796.50/mo	\$45,558.00

	FY10-FY11 (McKonly & Asbury LLP)	FY12-FY13 (Zelenkofske & Axelrod LLC)	Change
Lobbying Disclosure Audit (2 year contract)	\$168,000.00	\$126,030.00	(\$41,970.00)

Annex A

**TITLE 51. PUBLIC OFFICERS
PART III. LOBBYING DISCLOSURE
CHAPTER 53. REGISTRATION AND
TERMINATION**

§ 53.1. Biennial filing fee.

(a) Under section 13A10(a) of the act (relating to registration fees; fund established; system; regulations), a principal, lobbying firm or lobbyist required to be registered under the act shall pay a biennial filing fee of \$100 to the Department, made payable to the “Commonwealth of Pennsylvania.” As of January 1, 2011, the biennial filing fee will be \$200. As of January 1, 2015, the biennial filing fee will be \$300.

(1) The biennial filing fee shall be tendered to the Department with the filing of the principal’s, lobbying firm’s or lobbyist’s first registration statement in each registration period. However, if the Department receives the filing fee within 5 calendar days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.4 (relating to delinquency).

(2) The biennial filing fee will be a flat fee for the registration period in which paid. A registrant will not be required to pay more than one biennial filing fee in any given biennial registration period, unless a registrant terminates and attempts to reregister during the same biennial registration period.

(3) A separate biennial filing fee shall be paid for each principal, lobbying firm or lobbyist required to be registered, even if employed by a firm, association, corporation, partnership, business trust or business entity that is also required to register and that has paid or will pay the fee.

(4) The biennial filing fee is nonrefundable and non-transferable.

(5) Filing fees expire at the end of each registration period, regardless of when paid.

(b) The failure to pay a biennial filing fee as required by the act and this section will constitute a failure to register as required by the act.

(c) Money received from biennial filing fees will be deposited in the Fund.

[Pa.B. Doc. No. 14-2551. Filed for public inspection December 12, 2014, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

**[58 PA. CODE CHS. 465a, 639a, 641a, 643a,
645a, 647a, 649a, 653a, 655a AND 657a]**

Table Games Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), amends Chapters 465a, 639a, 641a, 643a, 645a, 647a, 649a, 653a, 655a and 657a to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

This final-form rulemaking will add: an alternative to the daily counting of table inventory containers that were not open for gaming; the Five Card Hand Bonus Wager, as a linked progressive, to Caribbean Stud, Four Card Poker, Let It Ride Poker, Texas Hold ’Em Bonus Poker, Three Card Poker, Ultimate Texas Hold ’Em Poker, Mississippi Stud Poker and Crazy 4 Poker; the Five-Card Progressive Payout Wager to Three Card Poker; and a variation of Pai Gow Poker, EZ Pai Gow and four additional side wagers when EZ Pai Gow is being offered including the Queen’s Dragon Wager, Dynasty Wager, Protection Wager and the Red/Black Wager.

Explanation

Table inventories

The regulations formerly required that operators open and count table inventory containers on a daily basis. This final-form rulemaking allows operators to utilize an alternative procedure, provided that they update their internal controls, whereby a floorperson or above completes a Closed Table form instead of counting the table inventory container on a daily basis. This Closed Table form is necessary for revenue audit purposes to ensure that all table game drop boxes were, in fact, collected and counted daily.

Five Card Hand Bonus Wager

The Five Card Hand Bonus Wager is an optional side wager that the player’s five-card hand will contain a flush or better. This side wager may be offered on a single table (such as one Four Card Poker table), on multiple tables of the same type (a bank of Four Card Poker tables) or across multiple games within the same licensed facility (Four Card Poker, Crazy 4 Poker and Let It Ride Poker tables, for example). The purpose of linking multiple tables and games together is to increase the number of individuals contributing to and playing for the progressive jackpot amount.

With this final-form rulemaking, the Five Card Hand Bonus Wager may be played on any of the following games: Caribbean Stud Poker; Four Card Poker; Let It Ride Poker; Texas Hold ’Em Bonus Poker; Three Card Poker; Ultimate Texas Hold ’Em Poker; Mississippi Stud; and Crazy 4 Poker. For these games, definitions of “Magic Card Bonus” and “Lucky Bonus” are added. Language is added specifying that if a facility were to offer a linked progressive, the table game system must have an electronic wagering system and must comply with the requirements in § 605a.8 (relating to linked progressive table games). For those games that did not previously include a payout based on a five-card Poker hand, hand rankings are added. A description of the Five Card Hand Bonus Wager is added to the regulations regarding wagers. The procedure for dealing the cards are updated in the regulations concerning procedures and detail how the wager is to be settled and when it is to be settled. The payout odds and amounts are added to the regulations regarding payout odds.

Sections 647a.11 and 653a.11 (relating to procedure for completion of each round of play; and procedures for completion of each round of play) are amended by adding language to ensure that only the player’s two cards and the first three community cards (the Flop) may be used to form the best five-card Poker hand for purposes of the Five Card Hand Bonus Wager. This clarifying language is included because allowing players to create the best five-card Poker hand from the seven cards dealt (the player’s two cards and all five community cards) would

create an advantage to players at Ultimate Texas Hold 'Em Poker and Texas Hold 'Em Poker if those players were vying for the linked progressive jackpot against players at tables in which only the player's first five cards were used to create the best possible hand.

Amendments to §§ 649a.8—649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) specify that if a player places a Five Card Hand Bonus Wager the dealer shall deal an additional two community cards face down on the table. The cards are not taken into account for any other wager placed on the table and are revealed only after all other wagers have been settled. This additional procedure is also applicable if the operator is offering the Five-Card Progressive Payout Wager.

EZ Pai Gow Poker

In Chapter 645a (relating to Pai Gow Poker), a variation of Pai Gow in which vigorish is not collected is added. If the certificate holder is offering EZ Pai Gow Poker, the layout must indicate that if the dealer's hand is a Queen's Dragon (all different ranks but does not contain a pair, straight, flush, straight flush or royal flush), the player's wager pushes and is returned. The definition of "Queen's Dragon" is added in § 645a.1 (relating to definitions). Layout requirements are added to § 645a.2 (relating to Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics). The hand rankings are added to § 645a.6 (relating to Pai Gow Poker rankings). A description of all wagers applicable to the play of EZ Pai Gow Poker is added to § 645a.7 (relating to wagers). Dealing procedures were updated in §§ 645a.8—645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). How the wager is to be settled and when it is to be settled is added to § 645a.11 (relating to procedures for completion of each round of play). The payout odds and amounts are added in § 645a.13 (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

Five-Card Progressive Payout Wager

The Five-Card Progressive Payout Wager is added to Chapter 649a (relating to Three Card Poker). This progressive side wager may be linked to Caribbean Stud Poker, Four Card Poker, Let It Ride Poker, Texas Hold 'Em Bonus Poker, Ultimate Texas Hold 'Em Poker, Mississippi Stud and Crazy 4 Poker.

Definitions of "Envy Bonus" and "Envy Bonus Qualifying Hand" are added to § 649a.1 (relating to definitions). In § 649a.2 (relating to Three Card Poker table physical characteristics), language is added specifying that if a facility were to offer a linked progressive, the table game system must comply with § 605a.8. A description of the Progressive Payout Wager is added in § 649a.7 (relating to wagers), how the wager is to be settled and when it is to be settled is added in § 649a.11 (relating to procedures for completion of each round of play) and the payout odds and amounts are added in § 649a.12 (relating to payout odds; Envy Bonus; rate of progression).

Comment and Response Summary

Notice of proposed rulemaking was published at 43 Pa.B. 2827 (May 25, 2013). The Board did not receive comments from the public or the regulated community. On July 24, 2013, the Independent Regulatory Review Commission (IRRC) submitted a comment specific to a

cross-reference in the proposed rulemaking to proposed § 605a.8. Section 605a.8 was adopted at 44 Pa.B. 5463 (August 16, 2014).

Revisions or amendments were not made to this final-form rulemaking.

Affected Parties

Slot machine licensees will be impacted by this final-form rulemaking as operators will have a greater number of side wagers and variations to offer at their facilities.

Fiscal Impact

Commonwealth. The Board does not expect that this final-form rulemaking will have fiscal impact on the Board or any other Commonwealth agency. Testing of local area progressive controllers and progressives and updates to Rules Submissions and internal control procedures will be reviewed by existing Board staff.

Political subdivisions. This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. This final-form rulemaking will provide certificate holders with additional operational options. If a certificate holder decides to offer the Five-Card Progressive Payout Wager, the Five Card Hand Bonus Wager, EZ Pai Gow Poker or linked progressive jackpots within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and may need to purchase new equipment which will allow for the placement of progressive wagers. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

Operators that elect to utilize the alternative procedure for counting table inventory containers that were not open for gaming should see some cost savings in that only one floorperson will be required to complete a Closed Table form instead of opening the inventory container and counting the contents.

General public. This final-form rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated Rules Submission reflecting the changes. These forms are available and submitted to Board staff electronically. If a certificate holder elects to utilize the alternative table inventory procedure in this final-form rulemaking, the certificate holder will be required to submit updated internal controls to reflect the change.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 15, 2013, the Board submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 2827, to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when re-

quested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 22, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 23, 2014, 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 465a, 639a, 641a, 643a, 645a, 647a, 649a, 653a, 655a and 657a, are amended by amending §§ 465a.36, 639a.1, 639a.2, 639a.7—639a.12, 641a.1, 641a.2, 641a.7—641a.12, 643a.1, 643a.2, 643a.7—643a.12, 645a.1, 645a.2, 645a.6—645a.11, 645a.13, 647a.1, 647a.2, 647a.7—647a.12, 649a.1, 649a.2, 649a.6—649a.12, 653a.1, 653a.2, 653a.7—653a.12, 655a.1, 655a.2, 655a.7—655a.12, 657a.1, 657a.2 and 657a.7—657a.12 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(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*.

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 7145 (November 8, 2014).)

Fiscal Note: Fiscal Note 125-170 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.36. Table inventories.

* * * * *

(e) Table Inventory Slips must be two-part forms upon which the following is recorded:

- (1) The date and identification of the shift ended.
- (2) The game and table number.
- (3) The total value of each denomination of value chips, coins and plaques remaining at the gaming table.
- (4) The total value of all denominations of value chips, coins and plaques remaining at the gaming table.

(5) The signatures of the dealer or boxperson and floorperson assigned to the gaming table who conducted the count of the table inventory when the gaming table was closed and when the gaming table was opened.

(f) Notwithstanding the requirements in subsection (c), a certificate holder may utilize the following alternative procedure for table games that are not open for gaming activity during the gaming day:

(1) A floorperson or above shall complete a Closed Table form for every table that was not open for gaming during the gaming day.

(2) The table inventory must remain locked during completion of the Closed Table form.

(3) The Closed Table form must contain:

- (i) The date and identification of the shift ended.
- (ii) The game and table number.

(iii) The date the table was last opened for gaming (the date on the Table Inventory Slip that is locked in the table inventory container).

(iv) The signature and Board-issued credential number of the floorperson or above who completed the Closed Table form.

(4) After completion, the Closed Table form shall be deposited into the drop box and forwarded to revenue audit at the conclusion of the count in accordance with § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes).

(5) A Table Inventory Slip shall be completed on all tables, in accordance with §§ 465a.37 and 465a.42, every Saturday prior to the commencement of the table game drop for gaming day ending Sunday at 5:59:59 a.m.

Subpart K. TABLE GAMES

CHAPTER 639a. CARIBBEAN STUD POKER

§ 639a.1. Definitions.

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

Bet Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Caribbean Stud Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better as defined in § 639a.6(b) (relating to Caribbean Stud Poker rankings).

Fold—The withdrawal of a player from a round of play by not making a Bet Wager.

Hand—The five-card hand that is held by each player and the dealer after the cards are dealt.

Hole card—Any of the four cards dealt face down to the dealer.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

- (i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the player's cards matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the dealer's cards matches the card randomly selected by the table game system.

Progressive Payout Hand—The term means either of the following:

(i) A player's five-card Poker hand with a rank of three-of-a-kind or better.

(ii) If included in the payable selected by the certificate holder, a two pair or better as defined in § 639a.6(b).

§ 639a.2. Caribbean Stud Poker table physical characteristics.

(a) Caribbean Stud Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

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

(1) The name or logo of the certificate holder.

(2) Two separate betting areas designated for the placement of Ante and Bet Wagers for each player.

(3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 639a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If the certificate holder offers the optional Caribbean Stud Bonus Wager authorized under § 639a.7(d)(3), a separate area designated for the placement of the Caribbean Stud Bonus Wager for each player.

(5) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 639a.7(d)(4), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Caribbean Stud Poker table.

(7) An inscription indicating that the Bet Wager will be returned if the dealer has less than an ace/king. If the information is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Caribbean Stud Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 639a.7(d)(2), the Caribbean Stud Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game

system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 639a.7(d)(4), the Caribbean Stud Poker table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

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

(f) Each Caribbean Stud Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 639a.7. Wagers.

(a) Wagers at Caribbean Stud Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Caribbean Stud Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Bet Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 639a.11(b) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Caribbean Stud Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing an Ante Wager, then a Bet Wager, in accordance with § 639a.11(b).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Caribbean Stud Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Caribbean Stud Poker table the option to make an additional Caribbean Stud Bonus Wager that the player's cards will form a five-card Poker hand with a rank of a pair of 10s or better. After placing an Ante Wager, a player may make the additional Caribbean Stud Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(4) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Caribbean Stud Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 639a.6(b) (relating to Caribbean Stud Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Caribbean Stud Poker table.

§ 639a.8. Procedure for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 639a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been com-

pleted, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 639a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 639a.11. Procedure for completion of each round of play.

(a) After the dealing procedures required under § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Caribbean Stud Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep the five cards in full view of the dealer at all times.

(3) After each player has made a decision regarding the Bet Wager as required under subsection (b), the player's cards shall be placed face down on the appropriate area of the layout and the player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask

each player if he wishes to make a Bet Wager in an amount equal to two times the amount of the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player has placed an Ante Wager and a Caribbean Stud Bonus Wager, a Progressive Payout Wager or a Five Card Hand Bonus Wager but does not make a Bet Wager, the player shall forfeit all wagers except the Five Card Hand Bonus Wager and does not forfeit the right to receive an Envy Bonus Payout, if applicable.

(c) After each player who has placed an Ante Wager has either placed a Bet Wager on the designated area of the layout or forfeited his wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's four hole cards and place the cards so as to form the highest possible ranking five-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking five-card Poker hand for each player.

(3) If the dealer's highest ranking five-card Poker hand:

(i) Is lower than an ace-king, the dealer shall return each player's Bet Wager and pay out the player's Ante Wager made by the player in accordance with the payout odds in § 639a.12(a) and (b) (relating to payout odds; rate of progression).

(ii) Is an ace-king or better, and the player's highest ranking five-card Poker hand:

(A) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante and Bet Wagers made by the player.

(B) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante and Bet Wagers made by the player in accordance with the payout odds in § 639a.12(a) and (b).

(C) Is equal in rank to the dealer's five-card hand, the dealer shall return the Ante and Bet Wagers made by the player.

(4) The dealer shall settle any Caribbean Stud Bonus Wager made by the player by determining whether the player's five-card Poker hand qualifies for a payout in accordance with § 639a.12(c). A winning Caribbean Stud Bonus Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand.

(5) After settling a player's Ante, Bet and Caribbean Stud Bonus Wagers, the dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 639a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 639a.12(d)(6) if Paytable D in § 639a.12(d)(1) is selected by the certificate holder. Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Caribbean Stud Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(6) After settling a player's Ante, Bet and Caribbean Stud Bonus Wagers, the dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 639a.12(e). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

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

§ 639a.12. Payout odds; rate of progression.

* * * * *

(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Royal flush	100% of meter	100% of meter	100% of meter
Straight flush	5,000 for 1	10% of meter	10% of meter
Four-of-a-kind	500 for 1	500 for 1	200 for 1
Full house	100 for 1	100 for 1	50 for 1

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Flush	50 for 1	50 for 1	40 for 1
Straight	10 for 1	10 for 1	30 for 1
Three-of-a-kind	3 for 1	3 for 1	9 for 1
Two pair	2 for 1	2 for 1	N/A

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>
Royal flush	100% of meter	100% of meter
Straight flush	10% of meter	10% of meter
Four-of-a-kind	300 for 1	500 for 1
Full house	50 for 1	100 for 1
Flush	40 for 1	50 for 1
Straight	30 for 1	N/A
Three-of-a-kind	9 for 1	N/A

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) Paytables A, B, C and E may not be selected by the certificate holder if the Progressive Payout Wager is offered on multiple linked games with a shared progressive jackpot.

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and may not be less than \$10,000.

(5) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 639a.11(c)(5) (relating to procedure for completion of each round of play).

(6) If the certificate holder selects Paytable D, Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If

the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 641a. FOUR CARD POKER

§ 641a.1. Definitions.

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

Aces Up Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of whether the player's hand outranks the dealer's hand.

Five-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Four Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

Five-Card Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better, as defined in § 641a.6(d) (relating to Four Card Poker rankings).

Five-Card Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 641a.6(d).

Four-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Four-Card Progressive Payout Wager when another player at the Four Card Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand.

Four-Card Envy Bonus Qualifying Hand—A player's Four Card Poker hand with a rank of four-of-a-kind or better or a straight flush or better, as defined in § 641a.6(b), depending on the payable selected by the certificate holder.

Four-Card Progressive Payout Hand—A player's Four Card Poker hand with a rank of three-of-a-kind or better as defined in § 641a.6(b).

Hand—The Four Card Poker hand that is held by each player and the dealer after the cards are dealt.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the player's cards matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the dealer's first five cards matches the card randomly selected by the table game system.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

§ 641a.2. Four Card Poker table physical characteristics.

(a) Four Card Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

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

(1) The name or logo of the certificate holder.

(2) Three separate betting areas designated for the placement of Ante, Play and Aces Up Wagers for each player.

(3) If the certificate holder offers either the Four or Five-Card Progressive Payout Wager authorized under § 641a.7(d)(4) or (5) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If the certificate holder offers the optional Bad Beat Bonus Wager authorized under § 641a.7(d)(6), a separate area designated for the placement of the Bad Beat Bonus Wager for each player.

(5) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 641a.7(d)(7), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Four Card Poker table.

(c) If a certificate holder offers either the Four or Five-Card Progressive Payout Wager in accordance with § 641a.7(d)(4) or (5), the Four Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 641a.7(d)(7), the Four Card Poker table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

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

(f) Each Four Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 641a.7. Wagers.

(a) Wagers at Four Card Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Four Card Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 641a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Four Card Poker:

(1) A player may compete solely against the dealer's Four Card Poker hand by placing an Ante Wager then a Play Wager, in accordance with § 641a.11(b), in an amount from one to three times the amount of the player's Ante Wager.

(2) A player may compete solely against a posted payable by placing an Aces Up Wager.

(3) A player may compete against both the dealer's Four Card Poker hand and the posted payable by placing an Ante Wager and an Aces Up Wager in accordance with paragraphs (1) and (2).

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Four Card Poker table the option to make an additional Four-Card Progressive Payout Wager that the player will receive a Four-Card Progressive Payout Hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Four-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Four-Card Progressive Payout Wager has been accepted.

(5) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Four Card Poker table the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Five-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.

(6) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Four Card Poker table the option to make an additional Bad Beat Bonus Wager that either the player's hand contains a two pair or better and the dealer's hand outranks the player's hand, or the dealer's hand contains a two pair or better and the player's hand outranks the dealer's hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Bad Beat Bonus Wager by placing a value chip onto the designated area of the layout for that player. Winning wagers shall be paid out based on the rank of the losing hand.

(7) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Four Card Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 641a.6(d) (relating to Four Card Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play

§ 641a.8. Procedures for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the

progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 641a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 641a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 641a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 641a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 641a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Four Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(b) After each player has examined his cards and placed the cards face down on the layout, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount from one to three times the amount of the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and an Aces Up Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but may not forfeit the Aces Up Wager.

(2) Has placed an Ante Wager and a Four or Five-Card Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 641a.12(d) or (e) (relating to payout odds; Envy Bonus; rate of progression).

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and select the four cards that form the highest possible ranking Four Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and select the four cards that form the highest possible ranking Poker hand for each player.

(3) If a player's highest ranking Four Card Poker hand is ranked:

(i) Lower than the dealer's Four Card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player.

(ii) Higher than or equal to the dealer's Four Card Poker hand, the dealer shall pay the Ante and Play Wagers and any Ante Bonus in accordance with the payout odds in § 641a.12(a) and (b).

(4) After settling a player's Ante and Play Wagers, the dealer shall settle any Aces Up Wagers by determining whether the player's Four Card Poker hand qualifies for a payout in accordance with § 641a.12(c). A winning Aces Up Wager shall be paid irrespective of whether the player's Four Card Poker hand outranks the dealer's hand.

(5) The dealer shall then settle the player's Four or Five-Card Progressive Payout Wager, if offered by the certificate holder. For the Five-Card Progressive Wager, the dealer shall form the highest ranking five-card Poker hand from the five cards dealt to each player. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Four-Card Progressive Payout Wager in accordance with the payout odds in § 641a.12(d) or the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 641a.12(e). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus as follows:

(A) A player making a Four-Card Progressive Payout Wager shall receive a Four-Card Envy Bonus when another player at the same Four Card Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Four-Card Envy Bonuses if more than one other player is the holder of a Four-Card Envy Bonus Qualifying Hand. A player is not entitled to a Four-Card Envy Bonus for his own hand or the hand of the dealer. Four-Card Envy Bonus payouts shall be made in accordance with the payouts in § 641a.12(d)(5).

(B) A player making a Five-Card Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Four Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Five-Card Envy Bonuses if more than one other player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand or the hand of the dealer. Five-Card Envy Bonus payouts shall be made in accordance with the payouts in § 641a.12(e)(5).

(6) After settling any Aces Up Wagers, the dealer shall settle a player's Bad Beat Bonus Wager. A player shall win a Bad Beat Bonus payout, in accordance with § 641a.12(f), based on the rank of the losing hand if:

(i) The player's hand contains a two pair or better and the dealer's hand outranks the player's hand.

(ii) The dealer's hand contains a two pair or better and the player's hand outranks the dealer's hand.

(7) After settling a player's Aces Up Wagers, the dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. The dealer shall form the highest ranking five-card Poker hand of the player and the dealer. For the dealer's hand, the dealer shall form the highest ranking five-card Poker hand from the first five cards dealt to the dealer. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal

control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 641a.12(g). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

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

§ 641a.12. Payout odds; Envy Bonus; rate of progression.

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(f) If a certificate holder offers the Bad Beat Bonus Wager, the certificate holder shall pay out winning Bad Beat Wagers at the amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four-of-a-kind	25,000 to 1	10,000 to 1
Straight flush	10,000 to 1	5,000 to 1
Three-of-a-kind	100 to 1	100 to 1
Flush	25 to 1	25 to 1
Straight	15 to 1	15 to 1
Two pair	4 to 1	4 to 1

(g) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the

certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 643a. LET IT RIDE POKER

§ 643a.1. Definitions.

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

Community card—A card which is used by all players to form a five-card Poker hand.

Five-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Let It Ride Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

Five-Card Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better, as defined in § 643a.6(b) (relating to Let It Ride Poker rankings).

Five-Card Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 643a.6(b).

Hand—The five-card Poker hand formed for each player by combining the three cards dealt to the player and the two community cards.

Let It Ride—When a player does not withdraw a wager as permitted under § 643a.11(b) and (d) (relating to procedures for completion of each round of play).

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if the player is seated in the position that is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if one of the player's three cards or the two community cards match the card randomly selected by the table game system.

Three-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Three-Card Progressive Wager when another player at the Let It Ride Poker table is the holder of a Three Card Envy Bonus Qualifying Hand.

Three-Card Envy Bonus Qualifying Hand—A mini-royal, as defined in § 643a.6(d), formed using the three cards dealt to a player.

Three-Card Progressive Payout Hand—A player's three cards with a rank of a three-of-a-kind or better or a straight or better, as defined in § 643a.6(d), depending on the payable selected by the certificate holder.

§ 643a.2. Let It Ride Poker table physical characteristics.

(a) Let It Ride Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.

(2) Three separate betting areas designated for the placement of the Let It Ride Poker Wagers required under § 643a.7(d) (relating to wagers) for each player.

(3) Separate areas designated for the placement of the cards of each player.

(4) A separate area designated for the placement of the community cards located directly in front of the table inventory container.

(5) If the certificate holder offers the optional Five Card Bonus Wager authorized under § 643a.7(e), a separate area designed for the placement of the Five Card Bonus Wager for each player.

(6) If a certificate holder offers the optional Three Card Bonus Wager authorized under § 643a.7(f), a separate area designated for the placement of the Three Card Bonus Wager for each player.

(7) If the certificate holder offers either the Three or Five-Card Progressive Payout Wager authorized under § 643a.7(g) or (h), a separate area designated for the placement of the Progressive Payout Wager for each player.

(8) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 643a.7(i), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(9) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Let It Ride Poker table.

(10) An inscription indicating the payout limit per hand established by the certificate holder under § 643a.12(e) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Let It Ride Poker table.

(c) If a certificate holder offers the Five Card Bonus Wager in accordance with § 643a.7(e), the certificate holder may utilize a table game system, approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval), which includes:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Five Card Bonus Wager.

(2) A device that controls or monitors the placement of Five Card Bonus Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Five Card Bonus Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If a certificate holder offers either the Three or Five-Card Progressive Payout Wager in accordance with § 643a.7(g) or (h), the Let It Ride Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(e) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 643a.7(i), the Let It Ride Poker table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

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

(g) Each Let It Ride Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 643a.7. Wagers.

* * * * *

(h) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After placing the Let It Ride Poker Wagers, a player may make an additional Five-Card Progressive Payout Wager by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.

(i) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Let It Ride Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand will contain a flush or better as defined in § 643a.6(b) (relating to Let It Ride Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(j) A Five Card Bonus Wager, Three Card Bonus Wager, a Five Card Hand Bonus Wager and Progressive Payout Wager do not have a bearing on any other wagers made by the player.

(k) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 643a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and:

(1) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card Bonus Wager. If any Five Card Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(2) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(3) If the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of additional Five Card Hand Bonus Wagers.

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

(d) The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(e) After three cards have been dealt to each player and two cards have been dealt to the area designated for the placement of the community cards, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designed for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 643a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and:

(i) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card Bonus Wagers. If any Five Card Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(ii) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(iii) If the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of additional Five Card Hand Bonus Wagers.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(c) After three cards have been dealt to each player and two cards have been dealt to the area designated for the placement of the community cards, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 643a.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and:

(i) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card

Bonus Wagers. If any Five Card Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(ii) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(iii) If the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of any additional Five Card Hand Bonus Wagers.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed the three required wagers in accordance with § 643a.7(d). The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the community cards and spread the stack within the designated area so that the top card is to the dealer's right and the bottom card is to the dealer's left. The dealer shall then remove the community card that is to his left and place that card in the discard rack without exposing the card.

(c) After each stack of three cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated

dealing shoe that automatically reshuffles the cards, the two community cards may be dispensed before the three cards are dispensed to each player.

§ 643a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Let It Ride Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his three cards in full view of the dealer at all times.

(3) After each player has made a decision regarding Bet Number 2 as required under subsection (d), the player's cards shall be placed face down on the appropriate area of the layout as specified by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions). The player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 1 or Let It Ride. If a player:

(1) Chooses to let Bet Number 1 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 1, the dealer shall move the value chips on the betting area designated for Bet Number 1 toward the player who shall then immediately remove the value chips from the betting area.

(c) After each player has made a decision regarding Bet Number 1, the dealer shall then turn the community card that is to the dealer's left face up and place it to the right of the remaining community card. The exposed card shall become the first community card.

(d) After the first community card is exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 2 or Let It Ride. This decision shall be made by each player regardless of the decision made concerning Bet Number 1. If a player:

(1) Chooses to let Bet Number 2 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 2, the dealer shall move the value chips on the betting area designated for Bet Number 2 toward the player who shall then immediately remove the value chips from the betting area.

(e) The dealer shall then turn the second community card face up on the table.

(f) After the second community card is turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a

counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the three cards of the player face up on the layout. The two community cards and the three cards dealt to the player shall form the five-card Poker hand of that player.

(2) The dealer shall examine the cards of the player and form the highest ranking five-card Poker hand for each player.

(3) The dealer shall first settle all Let It Ride Poker Wagers of that player by collecting losing wagers and paying winning wagers in accordance with § 643a.12(a) (relating to payout odds; payout limitation). After settling the player's Let It Ride Poker Wagers, the dealer shall settle any Five Card Bonus Wagers, Three Card Bonus Wagers, Progressive Payout Wagers or Five Card Hand Bonus Wagers as follows:

(i) If a player placed a Five Card Bonus Wager and the two community cards and the three cards dealt to the player form a five-card Poker hand of two pair or better, or if included in the payable selected by the certificate holder, a pair of tens, jacks, queens, kings or aces or better, the dealer shall pay the winning Five Card Bonus Wager in accordance with § 643a.12(b).

(ii) If a player placed a Three Card Bonus Wager and the three cards dealt to the player form a three-card Poker hand of a pair or better as defined in § 643a.6(c) (relating to Let It Ride Poker rankings), the dealer shall pay the winning Three Card Bonus Wager in accordance with § 643a.12(c).

(iii) If a player placed a Three-Card Progressive Payout Wager and the three cards dealt to the player form a three-of-a-kind or better, as defined in § 643a.6(d), or a straight or better, depending on the payable selected by the certificate holder, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Three-Card Progressive Payout Wager in accordance with the payout odds in § 643a.12(d)(1). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(E) Pay any Three-Card Envy Bonus won in accordance with § 643a.12(d)(5). Players making a Three-Card Progressive Payout Wager shall receive a Three-Card Envy Bonus when another player at the same Let It Ride Poker table is the holder of a Three-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a Three-Card Envy Bonus Qualifying Hand. A player is not entitled to a Three-Card Envy Bonus for his own hand.

(iv) If a player placed a Five-Card Progressive Payout Wager and the player's three cards and the two community cards form a three-of-a-kind or better, as defined in § 643a.6(b), the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 643a.12(e)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(E) Pay any Five-Card Envy Bonus won in accordance with § 643a.12(e)(5). Players making a Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Let It Ride Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand.

(v) If a player placed a Five Card Hand Bonus Wager, the dealer shall settle any Magic Card or Lucky Bonus payouts and any winning Five Card Hand Bonus wagers as follows:

(A) Verify that the hand is a winning hand.

(B) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(C) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 643a.12(f). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

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

§ 643a.12. Payout odds; payout limitation.

(a) Subject to the payout limitation in subsection (g), a certificate holder shall pay out winning Let It Ride Poker Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

* * * * *

(e) If a certificate holder offers the Five-Card Progressive Payout Wager:

(1) A player placing a Five-Card Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 643a.11(f)(3)(iv).

(5) Five-Card Envy Bonus payouts shall be made according to the following payouts for Five-Card Envy Bonus Qualifying Hands based upon the amount of the Five-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(f) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(g) Notwithstanding the payout odds in subsection (a), a certificate holder may establish in its Rules Submission

under § 601a.2 a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder shall apply only to payouts of Let It Ride Poker Wagers placed under § 643a.7(d) (relating to wagers) but may not apply to payouts of Five Card Bonus Wagers placed under § 643a.7(e), Three Card Bonus Wagers placed under § 643a.7(f), Progressive Payout Wagers placed under § 643a.7(g) or (h) or Five Card Hand Bonus Wagers under § 643a.7(i).

CHAPTER 645a. PAI GOW POKER

§ 645a.1. Definitions.

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

Bank—A player who elects to have the other players and the dealer play against him and accepts the responsibility of paying all winning Pai Gow Poker Wagers.

Co-banking—When the bank and the dealer each cover 50% of all winning Pai Gow Poker Wagers.

EZ Pai Gow Poker—A variation of Pai Gow Poker in which vigorish is not collected.

Envy Bonus—An additional fixed sum payout made to a player who placed a Qualifying Wager when another player at the Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's Pai Gow Poker hand with a rank of a four-of-a-kind or better formed from the seven cards dealt to a player.

High hand—The five-card hand that is formed from the seven cards dealt so as to rank equal to or higher than the two-card low hand.

Low hand—The two-card hand that is formed from the seven cards dealt so as to rank equal to or lower than the five-card high hand.

Qualifying Wager—An Emperor's Treasure Wager, Fortune Bonus Wager or a Dynasty Bonus Wager of at least \$5 which may entitle a player to an Envy Bonus.

Queen's Dragon—The dealer's seven cards of different ranks which do not form a straight, a flush, a straight flush or a royal flush but contain a queen high card.

Setting the hands—The process of forming a high hand and low hand from the seven cards dealt.

§ 645a.2. Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics.

(a) Pai Gow Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Pai Gow Poker Wager for each player.
- (3) Two separate areas designated for the placement of the high and low hands of each player.

(4) Two separate areas designated for the placement of the high and low hands of the dealer.

(5) If the certificate holder offers the optional Fortune Bonus Wager authorized under § 645a.7(e)(1) (relating to wagers), a separate area designated for the placement of the Fortune Bonus Wager for each player.

(6) If the certificate holder offers the optional Emperor's Treasure Wager authorized under § 645a.7(e)(2), a separate area designated for the placement of the Emperor's Treasure Wager for each player.

(7) If the certificate holder offers the optional Pai Gow Insurance Wager authorized under § 645a.7(e)(3), a separate area designated for the placement of the Pai Gow Insurance Wager for each player.

(8) If the certificate holder offers the optional Progressive Payout Wager authorized under § 645a.7(e)(4), a separate area designated for the placement of the Progressive Payout Wager for each player.

(9) If a certificate holder offers EZ Pai Gow Poker:

(i) Separate areas designated for the following optional wagers, if offered by the certificate holder:

(A) Queen's Dragon Wager authorized under § 645a.7(e)(5)(i).

(B) Dynasty Bonus Wager authorized under § 645a.7(e)(5)(ii).

(C) Protection Wager authorized under § 645a.7(e)(5)(iii).

(D) Red/Black Wager authorized under § 645a.7(e)(5)(iv).

(ii) Inscriptions that advise patrons that if the dealer's hand is a Queen's Dragon, the player's wager shall push and be returned to the player.

(10) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Pai Gow Poker table.

(11) An inscription indicating the payout limit per hand established by the certificate holder under § 645a.13(j) (relating to payout odds; Envy Bonus; rate of progression; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Pai Gow Poker table.

(c) To determine the starting position for the dealing or delivery of the cards, Pai Gow Poker may be played with:

(1) A Pai Gow Poker shaker, approved in accordance with § 601a.10(a), which shall be designed and constructed to maintain the integrity of the game. The Pai Gow Poker shaker shall be the responsibility of the dealer, may not be left unattended while at the table and must:

(i) Be capable of housing three dice that when not being shaken must be maintained within the Pai Gow Poker shaker. Dice that have been placed in a Pai Gow Poker shaker for use in gaming may not remain on a table for more than 24 hours.

(ii) Be designed to prevent the dice from being seen while being shaken.

(iii) Have the name or logo of the certificate holder imprinted or impressed thereon.

(2) A computerized random number generator which shall be submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

(3) A flat button which shall be approved in accordance with § 601a.10(a) prior to its use.

(d) If the certificate holder offers the optional Progressive Payout Wager in accordance with § 645a.7(e)(4), the Pai Gow Poker table must have a progressive table game system in accordance with § 605a.7 (relating to progressive table games) for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the placement of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

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

(f) Each Pai Gow Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 645a.6. Pai Gow Poker rankings.

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(f) If a certificate holder offers the optional Progressive Payout Wager under § 645a.7(e)(4), the following seven-card hands shall be used to determine the amount of the progressive payout to a winning player:

(1) Seven-card straight flush is a hand consisting of seven cards of the same suit in consecutive ranking, with or without a joker.

(2) Five aces, which is a hand consisting of four aces and a joker.

(3) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit or a king, queen, jack and 10 of the same suit and a joker.

(4) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking.

(5) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(6) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(g) If the certificate holder offers the optional Dynasty Bonus Wager under § 645a.7(e)(5)(ii), in addition to the hands described in subsection (b), the following hands shall also be used to determine the amount of the Dynasty Bonus or Envy Bonus payout to a winning player:

(1) An ace/five natural straight flush and a natural ace/queen suited, which is a hand consisting of an ace, 2, 3, 4 and 5, without a joker, and an additional ace and queen of the same suit without a joker.

(2) A seven-card natural straight flush, which is a hand consisting of seven cards of the same suit in consecutive ranking, without a joker used to complete the straight flush.

(3) A natural royal flush and a natural ace/king suited, which is a hand consisting of an ace, king, queen, jack and a 10 of the same suit, without a joker, and an additional ace and queen of the same suit without a joker.

(4) A seven-card straight flush, which is a hand consisting of seven cards of the same suit in consecutive ranking, with a joker used to complete the straight flush.

(5) An ace/five natural straight flush, which is a hand consisting of an ace, 2, 3, 4 and 5, without a joker.

§ 645a.7. Wagers.

(a) Wagers at Pai Gow Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the Pai Gow Poker layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Pai Gow Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at Pai Gow Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play and compete against the dealer's high and low hands, a player shall place a Pai Gow Poker Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Pai Gow Poker Wager, in accordance with subsection (d), the option of placing the following additional wagers:

(1) A Fortune Bonus Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a straight or better as described in § 645a.6(d) (relating to Pai Gow Poker rankings).

(2) An Emperor's Treasure Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a straight or better as described in § 645a.6(e).

(3) A Pai Gow Insurance Wager that the seven cards dealt to the player will form a seven-card Poker hand that does not contain a pair or better, as described in § 645a.6(b), but will contain a card ranked a nine-high or better.

(4) A Progressive Payout Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a full house or better as described in § 645a.6(f).

(5) If EZ Pai Gow Poker is being played, a certificate holder may offer the following additional wagers:

(i) The Queen's Dragon Wager that the dealer's hand will create a Queen's Dragon.

(ii) The Dynasty Bonus Wager that the seven cards dealt to the player will form a hand with a rank of a three-of-a-kind or better as described in § 645a.6(b) and (g).

(iii) The Protection Wager that the seven cards dealt to the player will form a hand that does not contain a pair or better, as described in § 645a.6(b), but contain a high card of a 9, 10, jack, queen, king or ace.

(iv) The Red/Black Wager that four or more of the cards in the player's hand will be of the player's chosen color.

(f) Except as provided in § 645a.12(f) (relating to player bank; co-banking; selection of bank; procedures for dealing), a certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Pai Gow Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

§ 645a.8. Procedures for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(1) If the Fortune Bonus Wager, Emperor's Treasure Wager or Dynasty Bonus Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

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§ 645a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the dealer shall place the deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(i) If the Fortune Bonus Wager, Emperor's Treasure Wager or Dynasty Bonus Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall then determine the starting position for dealing the cards using one of the procedures authorized under § 645a.5(i).

(c) The dealer shall then deal the first card to the starting position as determined in subsection (b) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards.

(d) After seven cards have been dealt to each position and the dealer, the dealer shall determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 645a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures under § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and:

(i) If the Fortune Bonus Wager, Emperor's Treasure Wager or Dynasty Bonus Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the

number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall determine the starting position for delivering the stacks of cards using one of the procedures authorized under § 645a.5(i).

(c) After the starting position for delivering the cards has been determined, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other positions, regardless of whether there is a wager at the position, and the dealer.

(d) After seven cards have been dispensed and delivered to each position and the dealer, the dealer shall remove the remaining cards from the shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 645a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at a Pai Gow Poker table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(2) Each player shall keep his seven cards in full view of the dealer at all times.

(3) Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

(b) Each player shall set his hands by arranging the cards into a high hand and a low hand. When setting the two hands, the five-card high hand must be equal to or higher in rank than the two-card low hand. For example, if the two-card hand contains a pair of sevens, the five-card hand must contain at least a pair of sevens and the three remaining cards.

(c) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high and low hand. The certificate holder shall specify in its Rules Submission under § 601a.2 the manner in which the hands of the dealer shall be set. The dealer shall then place the two hands face up on the appropriate area of the layout. If a player is acting as the bank in accordance with § 645a.12 (relating to player bank; co-banking; selection of bank; procedures for dealing), after all players have set their hands and placed the cards on the table, the bank shall turn over his seven cards and set the two hands by arranging the cards in a high and low hand on the appropriate area of the layout.

(d) Unless a player has placed an optional wager authorized under § 645a.7(e)(1)—(5) (relating to wagers), a player may surrender his wager after the hands of the dealer or the bank have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided in subsection (e). Once the player has announced his intention to surrender, the dealer shall immediately collect the Pai Gow Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. If any Qualifying Wagers have been placed, the cards of the player shall remain on the table until collected in accordance with subsection (h). The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(e) After the dealer has set a high hand and a low hand, the dealer shall reveal both hands of each player, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall compare the high and low hand of each player to the high and low hand of the dealer and shall announce if the Pai Gow Poker Wager of that player wins, loses or is a tie.

(f) A Pai Gow Poker Wager will:

(1) Lose and will immediately be collected if:

(i) The high hand of the player is lower in rank than the high hand of the dealer and the low hand of the player is lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or the low hand of the player is identical in rank to the low hand of the dealer and the other hand of the player is identical in rank or lower in rank than the other hand of the dealer.

(iii) The high hand of the player was not set so as to rank equal to or higher than the low hand of that player.

(iv) The two hands of the player were not otherwise set correctly in accordance with this chapter.

(v) Notwithstanding subparagraphs (i)—(iv), if the table is designated for play as an EZ Pai Gow Poker table in which vigorish is not collected and if the dealer has a Queen's Dragon, the player's Pai Gow Poker Wager shall push and be returned to the player.

(2) Tie and will be returned to the player if:

(i) The high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is identical in rank to the low hand of the dealer or lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or lower in rank than the

high hand of the dealer, but the low hand of the player is higher in rank than the low hand of the dealer.

(iii) The dealer has a Queen's Dragon and the table is designated for play as an EZ Pai Gow Poker table in which vigorish is not collected.

(3) Win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer provided that if the table is designated for play as an EZ Pai Gow Poker table and the dealer has a Queen's Dragon, the player's Pai Gow Poker Wager shall push and be returned to the player. The dealer shall pay the winning Pai Gow Poker Wager in accordance with the payout odds in § 645a.13(a) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

(g) Except as provided in subsection (h), after settling the player's Pai Gow Poker Wager, the dealer shall place the cards of the player in the discard rack.

(h) After settling the player's Pai Gow Poker Wager, the dealer shall rearrange the seven cards of any player who placed an optional wager, in accordance with § 645a.7(e)(1)–(5), to form the highest ranking hand and be responsible for creating the hand for purposes of all optional wagers offered by the certificate holder. If any player at the table has placed a Qualifying Wager, the dealer shall rearrange the cards of all players regardless of whether the player placed a Fortune Bonus, Emperor's Treasure or Dynasty Bonus Wager. After rearranging the player's seven cards, the dealer shall:

(1) Settle the player's Fortune Bonus Wager as follows:

(i) If a player:

(A) Does not have a straight or higher, as described in § 645a.6(d) (relating to Pai Gow Poker rankings), the dealer shall collect the Fortune Bonus Wager and place the cards of the player in the discard rack.

(B) Has a straight or higher, the dealer shall pay the winning Fortune Bonus Wager in accordance with § 645a.13(b) and shall place the cards of the player in the discard rack. If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place a Fortune Bonus Wager but has an Envy Bonus Qualifying Hand, and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Fortune Bonus Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 645a.13(b) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(iii) After all Envy Bonuses have been paid, the dealer shall collect all remaining cards and place them in the discard rack.

(2) Settle the player's Emperor's Treasure Wager as follows:

(i) If a player:

(A) Does not have a straight or higher as described in § 645a.6(e), the dealer shall collect the Emperor's Treasure Wager and place the cards of the player in the discard rack.

(B) Has a straight or higher, the dealer shall pay the winning Emperor's Treasure Wager in accordance with § 645a.13(c) and place the cards of the player in the discard rack. If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place an Emperor's Treasure Wager but has an Envy Bonus Qualifying Hand and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Emperor's Treasure Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 645a.13(c) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(iii) After all Envy Bonuses have been paid, the dealer shall collect all remaining cards and place them in the discard rack.

(3) Settle the player's Pai Gow Insurance Wager. If a player:

(i) Has a pair or better as described in § 645a.6(b), the dealer shall collect the Pai Gow Insurance Wager and place the cards of the player in the discard rack.

(ii) Does not have a pair or better, but has a card ranked a nine-high or better, the dealer shall pay the winning Pai Gow Insurance Wager in accordance with § 645a.13(d). The dealer shall then place the cards of the player in the discard rack.

(4) Settle the player's Progressive Payout Wager. If a player:

(i) Does not have a full house or better, as described in § 645a.6(f), the dealer shall collect the Progressive Payout Wager and place the cards of the player in the discard rack.

(ii) Has a full house or better, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 645a.13(e). If a player has won a progressive payout that is a percentage of the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory, the cards of that player shall remain on the table until the necessary documentation has been completed.

(5) Settle the player's Queen's Dragon Wager. If the dealer does not have Queen's Dragon, the dealer shall collect the Queen's Dragon Wager and place the cards of

the player in the discard rack. If the dealer has a Queen's Dragon, the dealer shall pay the winning wager in accordance with § 645a.13(f).

(6) Settle the player's Dynasty Bonus Wager as follows:

(i) If a player:

(A) Does not have a three-of-a-kind or better as described in § 645a.6(b) and (g), the dealer shall collect the Dynasty Wager and place the cards of the player in the discard rack.

(B) Has a three-of-a-kind or better, the dealer shall pay the winning Dynasty Wager in accordance with § 645a.13(g). If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place a Dynasty Wager but has an Envy Bonus Qualifying Hand and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Dynasty Bonus Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 645a.13(g) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(7) Settle the player's Protection Wager. If the player's hand does not contain a high card of a 9, 10, jack, queen, king or ace, or the hand contains a pair or better, as described in § 645a.6(b), the dealer shall collect the Protection Wager and place the cards of the player in the discard rack. If the player's hand does not contain a pair or better but contains a high card of a 9, 10, jack, queen, king or ace, the dealer shall pay the winning wager in accordance with § 645a.13(h).

(8) Settle the player's Red/Black Wager. If the player wagered on red and the player's hand does not contain four or more red cards, or if the player wagered on black and the player's hand does not contain four or more black cards, the dealer shall collect the Red/Black Wager and place the cards of the player in the discard rack. If a player's hand does contain four or more of the cards of the player's chosen color, the dealer shall pay the winning Red/Black Wager in accordance with § 645a.13(i).

(i) Notwithstanding the requirements in subsection (h), if the certificate holder offers more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

(j) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 645a.13. Payout odds; Envy Bonus; rate of progression; payout limitation.

(a) A certificate holder shall pay each winning Pai Gow Poker Wager at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won, provided that if EZ Pai Gow Poker is being played, vigorish may not be collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next

highest multiple of 25¢. A certificate holder shall collect the vigorish from a player at the time the winning payout is made.

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(e) If the certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay out winning Progressive Payout Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Seven-card straight flush	100%
Five aces	10%
Royal flush	500 for 1
Straight flush	100 for 1
Four-of-a-kind	75 for 1
Full house	4 for 1

(2) The initial and reset amount must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 and be at least \$2,000.

(3) Winning Progressive Payout Wagers shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 645a.11(h)(4) (relating to procedures for completion of each round of play) irrespective of the amount that was on the meter when the player placed the wager or when the dealer dealt the player's cards.

(f) The certificate holder shall pay out winning Queen's Dragon Wagers at odds of 50 to 1.

(g) The certificate holder shall pay out winning Dynasty Bonus Wagers and Envy Bonus payouts at the odds and amounts in the following payable:

<i>Hand</i>	<i>Payout</i>	<i>Envy Bonus</i>
Ace/five natural straight flush and a natural ace/queen suited	2,000 to 1	\$500
Seven-card natural straight flush	2,000 to 1	\$400
Natural royal flush and natural ace/queen suited	1,000 to 1	\$300
Seven-card straight flush	1,000 to 1	\$200
Five aces	500 to 1	\$100
Ace/five natural straight flush	120 to 1	\$75
Royal flush	120 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

(h) The certificate holder shall pay out winning Protection Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Ace/five natural straight flush	120 to 1
Nine-high	100 to 1
Ten-high	25 to 1
Jack-high	15 to 1
Queen-high	7 to 1
King-high	5 to 1
Ace-high	3 to 1

(i) The certificate holder shall pay out winning Red/Black Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Seven cards of the chosen color	5 to 1
Six cards of the chosen color	1 to 1
Five cards of the chosen color	1 to 1
Four cards of the chosen color	1 to 1

(j) Notwithstanding the payout odds in subsections (b)—(i), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum payout amount shall be at least \$50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder may not apply to Envy Bonus payouts.

CHAPTER 647a. TEXAS HOLD 'EM BONUS POKER

§ 647a.1. Definitions.

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

Burn—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

Community card—A card which may be used by each player and the dealer to form the best possible five-card Poker hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Texas Hold 'Em Bonus Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better as defined in § 647a.6(b) (relating to Texas Hold 'Em Bonus Poker rankings).

Flop—The first three community cards dealt during a round of play.

Flop Wager—The second wager that a player shall make prior to the Flop being dealt to continue participation in the round of play.

Fold—The withdrawal of a player from a round of play by not making a Flop Wager.

Hand—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the cards in the player's hand or the three-card Flop matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the cards in the dealer's hand or the three-card Flop matches the card randomly selected by the table game system.

Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 647a.6(b).

River card—The fifth and final community card dealt during a round of play.

River Wager—The fourth wager that a player may place prior to the River card being dealt.

Turn card—The fourth community card dealt during a round of play.

Turn Wager—The third wager that a player may place prior to the Turn card being dealt.

§ 647a.2. Texas Hold 'Em Bonus Poker table physical characteristics.

(a) Texas Hold 'Em Bonus Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) Four separate betting areas designated for the placement of Ante, Flop, Turn and River Wagers for each player.
- (3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.
- (4) A separate area designated for the placement of the dealer's two cards.
- (5) If the certificate holder offers the optional Texas Hold 'Em Bonus Wager authorized under § 647a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Texas Hold 'Em Bonus Wager for each player.
- (6) If a certificate holder offers the optional Progressive Payout Wager authorized under § 647a.7(d)(3), a separate area designated for the placement of the Progressive Payout Wager for each player.
- (7) If a certificate holder offers the optional Five Card Hand Bonus Wager authorized under § 647a.7(d)(4), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(8) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for all permissible wagers shall be posted at each Texas Hold 'Em Bonus Poker table.

(9) Inscriptions indicating the following:

(i) The Ante Wager will be returned if the player's winning hand is not a straight or better or a flush or better as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(ii) The payout limit per hand established by the certificate holder under § 647a.12(c) (relating to payout odds; payout limitation) or a generic inscription indicating that the game is subject to the posted payout limit.

(10) If the information required under paragraph (8) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Texas Hold 'Em Bonus Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 647a.7(d)(3), the Texas Hold 'Em Bonus Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering the Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 647a.7(d)(4), the Texas Hold 'Em Bonus Poker table must have a table game system, in accordance with § 605a.7 (relating to progressive table games) and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

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

(f) Each Texas Hold 'Em Bonus Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 647a.7. Wagers.

(a) Wagers at Texas Hold 'Em Bonus Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Texas Hold 'Em Bonus Poker table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante, Texas Hold 'Em Bonus, Five Card Hand Bonus and Progressive Payout Wagers shall be placed

prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 647a.11(b), (d) and (f) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Texas Hold 'Em Bonus Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing an Ante Wager then a Flop, Turn and River Wager in accordance with § 647a.11(b), (d) and (f).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Texas Hold 'Em Bonus Poker table the option to make an additional Texas Hold 'Em Bonus Wager that the player's first two cards will qualify for a payout in accordance with § 647a.12(b) (relating to payout odds; payout limitation). A Texas Hold 'Em Bonus Wager shall have no bearing on any other wager made by the player.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Texas Hold 'Em Bonus Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Ante Wager, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Texas Hold 'Em Bonus Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand formed from the player's two cards and the three-card Flop, the dealer's five-card Poker hand formed from the dealer's two cards and the three-card Flop, or both, will contain a flush or better as defined in § 647a.6(b) (relating to Texas Hold 'Em Bonus Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Texas Hold 'Em Bonus Poker table.

§ 647a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards and after all Ante and Texas Hold 'Em Bonus Wagers have been placed, the dealer shall announce "no more bets" and, if the Progress-

sive Payout Wager or Five Card Hand Bonus Wager is being offered, use the progressive table game system or electronic wagering system to prevent the placement of additional Progressive Payout or Five Card Hand Bonus Wagers. If Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time, face down, to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

(e) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 647a.11(c), (e) and (g) (relating to procedure for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 647a.9. Procedure for dealing the cards from the hand.

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(b) The dealer shall announce "no more bets" and, if the Progressive Payout Wager or Five Card Hand Bonus Wager is being offered, use the progressive table game system or electronic wagering system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container. The dealer shall then deal each card by holding the deck of cards in the chosen hand

and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

* * * * *

§ 647a.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or Five Card Hand Bonus Wager is being offered, use the progressive table game system or electronic wagering system to prevent the placement of additional Progressive Payout Wagers. If Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 647a.11. Procedure for completion of each round of play.

(a) After the dealing procedures required under § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Texas Hold 'Em Bonus Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Flop Wager prior to the dealing of the Flop. The player may either fold or place a Flop Wager equal to twice the amount of the player's Ante Wager. If a player:

(1) Places a Flop Wager, the wager shall be placed in the area designated for the Flop Wager.

(2) Folds, the player's Ante Wager shall be collected by the dealer and placed in the table inventory container. If the player:

(i) Has also placed:

(A) A Texas Hold 'Em Bonus Wager, the dealer shall place the cards of the player face down underneath the Texas Hold 'Em Bonus Wager pending its resolution at the conclusion of the round of play.

(B) A Progressive Payout Wager, the player is not eligible to receive a Progressive Payout. The player's cards shall remain face down on the table pending resolution of the Envy Bonus in accordance with subsection (i)(5).

(C) A Five Card Hand Bonus Wager, the dealer shall place the cards of the player face down on the table pending resolution of the Five Card Hand Bonus Wager in accordance with subsection (j).

(ii) Has not placed a Texas Hold 'Em Bonus Wager, Five Card Hand Bonus Wager or a Progressive Payout Wager, the dealer shall immediately collect the player's cards and place them in the discard rack provided that if another player at the table placed a Progressive Payout Wager, the player's cards shall remain on the table pending the resolution of the Progressive Payout Wager in accordance with subsection (i).

(c) After each player has either placed a Flop Wager or folded, the dealer shall burn the next card. The dealer shall then deal the Flop face up to the designated area for the community cards.

(d) After the Flop has been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player who has placed a Flop Wager if he wishes to place a Turn Wager prior to the dealing of the Turn card. The player may either check and remain in the game or place a Turn Wager in an amount equal to the player's Ante Wager.

(e) Once all remaining players have either placed a Turn Wager or checked, the dealer shall burn the next card. The dealer shall then deal the Turn card face up to the designated area for the community cards.

(f) After the Flop and Turn cards have been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player if he wishes to place a River Wager prior to the dealing of the River card. The player may either check and remain in the game or place a River Wager in an amount equal to the player's Ante Wager.

(g) Once all remaining players have either placed a River Wager or checked, the dealer shall burn the next card face down. The dealer shall then deal the River card face up to the designated area for the community cards.

(h) After the five community cards have been dealt, the dealer shall remove the cover card on top of the dealer's cards and turn his two cards face up on the layout. The dealer shall then select five cards using the dealer's two cards and the five community cards to form the highest ranking five-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right who has placed a Flop Wager and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the two cards of each player who has placed a Flop Wager face up on the layout.

(2) The dealer shall examine the cards of the player and select the five cards using the player's two cards and the five community cards to form the highest ranking five-card Poker hand. The wagers of each player shall be resolved one player at a time regardless of outcome. If a player's five-card Poker hand:

(i) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante, Flop, Turn and River Wagers made by the player.

(ii) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante, Flop, Turn and River Wagers in accordance with the payout odds in § 647a.12 (relating to payout odds; payout limitation). The player's Ante Wager will be returned if the player's winning hand is not a straight or higher or a flush or higher as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(iii) Is equal in rank to the dealer's five-card hand, the dealer shall return the player's Ante, Flop, Turn and River Wagers.

(3) After settling a player's Ante, Flop, Turn and River Wagers, the dealer shall settle any Texas Hold 'Em Bonus Wager made by the player by determining whether the player's two cards qualify for a payout in accordance with § 647a.12(b).

(i) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand and be based on the rank of the player's two cards and the three-card Flop. If a player has won a progressive payout, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 647a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus won in accordance with § 647a.12(d). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(j) The dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus shall be paid irrespective of whether the player's hand outranks the dealer's hand and based on the rank of the player's or the dealer's two cards and the three-card Flop. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(3) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 647a.12(e). If a

player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

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

§ 647a.12. Payout odds; payout limitation.

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(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 647a.11(i) (relating to procedure for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally amongst the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 649a. THREE CARD POKER

§ 649a.1. Definitions.

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

Five-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Three Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

Five-Card Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better, as defined in accordance with § 649a.6(d) (relating to Three Card Poker rankings).

Five-Card Progressive Payout Hand—A player's five-card Poker hand with a rank of a three-of-a-kind or better as defined in § 649a.6(d).

Hand—The Three Card Poker hand that is held by each player and the dealer after the cards are dealt.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the cards in the player's hand or the two additional community cards matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the cards in the dealer's hand or the two additional community cards matches the card randomly selected by the table game system.

Pair Plus Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Three-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Three-Card Progressive Payout Wager when another player at the Three Card Poker table is the holder of a Three-Card Envy Bonus Qualifying Hand.

Three-Card Envy Bonus Qualifying Hand—A player's Three Card Poker hand of an ace, king and queen of the same suit.

Three-Card Progressive Payout Hand—A player's Three Card Poker hand with a rank of a three-of-a-kind or better, as defined in § 649a.6 or a straight or better depending on the paytable selected by the certificate holder.

§ 649a.2. Three Card Poker table physical characteristics.

(a) Three Card Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

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

(1) The name or logo of the certificate holder.

(2) Three separate betting areas designed for the placement of Ante, Play and Pair Plus Wagers for each player.

(3) If the certificate holder offers the optional Three-Card Progressive Payout Wager authorized under § 649a.7(d)(4) (relating to wagers) or the Five-Card Progressive Payout Wager authorized under § 649a.7(d)(6), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If the certificate holder offers the optional Six Card Bonus Wager authorized under § 649a.7(d)(5), a separate area designated for the placement of the Six Card Bonus Wager for each player.

(5) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 649a.7(d)(7), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder and the phrase "Dealer Plays with Queen High or Better." If payout odds or amounts are not inscribed on the layout, a sign indicating the payout odds or amounts for all permissible wagers shall be posted at each Three Card Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 649a.7(d)(4) or (6), the Three Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 649a.7(d)(7), the Three Card Poker table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8.

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

(f) Each Three Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 649a.6. Three Card Poker rankings.

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(d) If a certificate holder offers a payout based on the rank of a five-card Poker hand, the rank of the hands shall be:

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§ 649a.7. Wagers.

(a) Wagers at Three Card Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Three Card Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 649a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Three Card Poker:

(1) A player may compete solely against the dealer's Three Card Poker hand by placing an Ante Wager then a Play Wager, in accordance with § 649a.11(b), in an amount equal to the player's Ante Wager.

(2) A player may compete solely against a posted payable by placing a Pair Plus Wager.

(3) A player may compete against both the dealer's Three Card Poker hand and the posted payable by placing an Ante Wager and a Pair Plus Wager in accordance with paragraphs (1) and (2).

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Three Card Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(5) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Three Card Poker table the option to make an additional Six Card Bonus Wager that the three cards dealt to the dealer and the three cards dealt to the player will form a five-card Poker hand with a rank of a three-of-a-kind or better. If the certificate holder has selected payable E in § 649a.12(f) (relating to payout odds; Envy Bonus; rate of progression), the three cards dealt to the dealer and the three cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Six Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(6) If specified in its Rules Submission under § 601a.2, certificate holder may offer to each player at a Three Card Poker table the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Five-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.

(7) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Three Card Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 649a.6(d) (relating to Three Card Poker rankings). After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) Notwithstanding subsection (d)(1)–(3), a certificate holder may offer a version of Three Card Poker requiring:

(1) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount equal to or greater than the Pair Plus Wager.

(2) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount equal to at least 1/2 the Pair Plus Wager.

(3) The compulsory placement of an Ante Wager and a Pair Plus Wager, provided that one wager may be placed in an amount up to a maximum of five times the amount of the other wager without regard to which wager is the greater of the two.

(f) A certificate holder shall specify in its Rules Submission under § 601a.2, the number of adjacent boxes on which a player may place a wager in one round of play.

§ 649a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and, if a Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down. If a player has placed a Five Card Hand Bonus Wager or a Five-Card Progressive Payout Wager, the dealer shall deal an additional two cards face down on the table to a dedicated area to the right of the dealer.

(e) After three cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 649a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if a Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down. If a player has placed a Five Card Hand Bonus Wager or a Five-Card Progressive Payout Wager, the dealer shall deal an additional two community cards face down on the table to a dedicated area to the right of the dealer.

(c) After three cards have been dealt to each player and the dealer, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer

shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 649a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if a Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager in accordance with § 649a.7 (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with § 649a.7. The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the dealer's cards.

(c) After each stack of three cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards. If a player has placed a Five Card Hand Bonus Wager or a Five-Card Progressive Payout Wager, after removing the stub from the automated dealing shoe, the dealer shall deal an additional two community cards face down on the table to a dedicated area to the right of the dealer. Except as provided in subsection (d), the dealer shall then place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 649a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Three Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his three cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount equal to the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and a Pair Plus Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager.

(2) Has placed an Ante Wager and a Three or Five-Card Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 649a.12(e) or (h) (relating to payout odds; Envy Bonus; rate of progression).

(3) Has placed an Ante Wager, a Pair Plus Wager and a Six Card Bonus or Five Card Hand Bonus Wager, but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager but does not forfeit the Six Card Bonus or Five Card Hand Bonus Wager.

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards, except for the cards of those players who placed a Six Card Bonus or Five Card Hand Bonus Wager, and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking Three Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the three cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking Three Card Poker hand for each player.

(3) If the dealer's highest ranking Three Card Poker hand:

(i) Is lower than a queen high, the dealer shall pay each player's Ante Wager and return the player's Play Wager.

(ii) Is a queen high or better, and the player's highest ranking Three Card Poker hand is ranked:

(A) Lower than the dealer's Three Card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player.

(B) Higher than the dealer's Three Card Poker hand, the dealer shall pay the Ante and Play Wagers and any Ante Bonus in accordance with the payout odds in § 649a.12(a) and (b).

(C) Equally with the dealer's Three Card Poker hand, the dealer shall return the player's Ante and Play Wagers.

(4) After settling the player's Ante and Play Wagers, the dealer shall settle any Pair Plus Wagers by determining whether the player's Three Card Poker hand qualifies for a payout in accordance with § 649a.12(d). A winning Pair Plus Wager shall be paid irrespective of whether the player's Three Card Poker hand outranks the dealer's hand.

(5) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 649a.12(e). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 649a.12(e). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Three Card Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(6) The dealer shall then settle the Six Card Bonus Wager, if offered by the certificate holder. A winning Six Card Bonus Wager shall be paid irrespective of the outcome of the player's Ante Wager or Pair Plus Wager. The dealer shall arrange the dealer's three cards and the player's three cards to form the highest ranking five-card Poker hand for each player. If a player has a three-of-a-kind or better, as described in § 649a.6(d) (relating to

Three Card Poker rankings), the dealer shall pay the winning Six Card Bonus Wager in accordance with the payout odds in § 649a.12(f). If the certificate holder has selected payable E in § 649a.12(f), the three cards dealt to the dealer and the three cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout.

(7) If the certificate holder offers the Five-Card Progressive Payout Wager, after settling all other wagers, the dealer shall expose the two additional community cards dealt in accordance with §§ 649a.8(d), 649a.9(b) and 649a.10(c) and form the highest ranking five-card Poker hand of the player from the player's three cards and the two community cards. If a player has won a progressive payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Verify that the appropriate light on the progressive table game system has been illuminated.
- (iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 649a.12(h)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Five-Card Envy Bonus won in accordance with § 643a.12(h)(5). Players making a Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Three Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand.

(8) If the certificate holder offers the Five Card Hand Bonus Wager, after settling all other wagers, the dealer shall then settle the Five Card Hand Bonus Wager and any Magic Card or Lucky Bonus payouts. The dealer shall expose the two additional community cards dealt in accordance with §§ 649a.8(d), 649a.9(b) and 649a.10(c) and form the highest ranking five-card Poker hand of the player and the dealer from the player's or dealer's three cards and the two community cards. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).
- (iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 649a.12(i). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game

account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

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

§ 649a.12. Payout odds; Envy Bonus; rate of progression.

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(g) If selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2, the paytables in subsections (b) and (d) may include a payout for a mini-royal flush in accordance with the following:

- (1) In subsection (b), a mini-royal flush shall pay out at odds of no less than 5 to 1.
- (2) In subsection (d), a mini-royal flush shall pay out at odds of no less than 40 to 1.

(h) If a certificate holder offers the Five-Card Progressive Payout Wager:

(1) A player placing a Five-Card Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 649a.11(c)(7).

(5) Five-Card Envy Bonus payouts shall be made according to the following payouts for Five-Card Envy Bonus Qualifying Hands based upon the amount of the Five-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(i) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally amongst the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 653a. ULTIMATE TEXAS HOLD 'EM POKER

§ 653a.1. Definitions.

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

Burn—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

Check—Waiving the right to place a Play Wager but remaining in the round of play.

Community card—A card which may be used by all players and the dealer to form the best possible five-card Poker hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better as defined in § 653a.6(b) (relating to Ultimate Texas Hold 'Em Poker rankings).

Flop—The first three community cards dealt during a round of play.

Fold—The withdrawal of a player from a round of play by not making a Play Wager.

Hand—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the cards in the player's hand or the three-card Flop matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the cards in the dealer's hand or the three-card Flop matches the card randomly selected by the table game system.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 653a.6(b).

Trips Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

§ 653a.2. Ultimate Texas Hold 'Em Poker table physical characteristics.

(a) Ultimate Texas Hold 'Em Poker shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for an Ultimate Texas Hold 'Em Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Four separate betting areas designated for the placement of Ante, Blind, Play and Trips Wagers for each player. The Blind Wager betting area must be located to the right of the Ante Wager betting area and separated by an "=" symbol.
- (3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.
- (4) A separate area designated for the placement of the dealer's two cards.
- (5) If a certificate holder offers the optional Progressive Payout Wager authorized under § 653a.7(d)(3) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.
- (6) If a certificate holder offers the optional Five Card Hand Bonus Wager authorized under § 653a.7(d)(4), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.
- (7) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Ultimate Texas Hold 'Em Poker table.

(8) Inscriptions indicating the following:

(i) An Ante Wager will push if the dealer has less than a pair.

(ii) A Blind Wager will push if the player's winning hand is not a straight or better or a flush or better, depending on the payable selected by the certificate holder.

(iii) The rules governing the required amount of a Play Wager as a multiple of the player's Ante Wager.

(iv) The payout limit per hand established by the certificate holder under § 653a.12(e) (relating to payout odds; Envy Bonus; rate of progression; payout limitation) or a generic inscription indicating that the game is subject to the posted payout limit.

(9) If the information required under paragraph (8) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Ultimate Texas Hold 'Em Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 653a.7(d)(3), the Ultimate Texas Hold 'Em Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering the Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 653a.7(d)(4), the Ultimate Texas Hold 'Em Poker table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

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

(f) Each Ultimate Texas Hold 'Em Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 653a.7. Wagers.

(a) Wagers at Ultimate Texas Hold 'Em Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at an Ultimate Texas Hold 'Em Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 653a.8, § 653a.9 or § 653a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 653a.11(b), (d) or (f) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Ultimate Texas Hold 'Em Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing both an Ante Wager and a Blind Wager in equal amounts, then a Play Wager, in accordance with § 653a.11(b), (d) or (f).

(2) In addition to the Ante Wager and Blind Wager, a player may compete against a posted payable by placing a Trips Wager.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at an Ultimate Texas Hold 'Em Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Ante and Blind Wagers, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at an Ultimate Texas Hold 'Em Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand formed from the player's two cards and the three-card Flop or the dealer's five-card Poker hand formed from the dealer's two cards and the three-card Flop, or both, will contain a flush or better as defined in § 653a.6(b) (relating to Ultimate Texas Hold 'Em Poker rankings). After placing an Ante and a Blind Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at an Ultimate Texas Hold 'Em Poker table.

§ 653a.8. Procedure for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 653a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 653a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the

progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 653a.11. Procedures for completion of each round of play.

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(j) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand and be based on the rank of the player's two cards and the three-card Flop. If a player has won a progressive payout, the dealer shall:

- (1) Verify that the hand is a winning hand.
(2) Verify that the appropriate light on the progressive table game system has been illuminated.
(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 653a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus won in accordance with § 653a.12(d). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(k) The dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus shall be paid irrespective of whether the player's hand outranks the dealer's hand and based on the rank of the player's or the dealer's two cards and the three-card Flop. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

- (1) Verify that the hand is a winning hand.
(2) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(3) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 653a.12(e). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(l) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table

and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 653a.12. Payout odds; Envy Bonus; rate of progression; payout limitation.

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(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed from the player's two cards and the three-card Flop.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 653a.11(j) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and

the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(f) Notwithstanding the payout odds in subsections (a)–(c), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder shall apply only to payouts of Ultimate Texas Hold 'Em Poker Wagers placed under § 653a.7(d)(1) and (2) (relating to wagers) but does not apply to payouts for Progressive Payout Wagers placed under § 653a.7(d)(3) or the Five Card Hand Bonus Wager under § 653a.7(d)(4).

CHAPTER 655a. MISSISSIPPI STUD

§ 655a.1. Definitions.

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

Bet Wager—A 3rd Street, 4th Street or 5th Street Wager made by a player.

Community card—A card which is used by all players to form the best possible five-card Poker hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Mississippi Stud table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A Mississippi Stud hand with a rank of a royal flush or a straight flush as defined in § 655a.6(b) (relating to Mississippi Stud hand rankings).

5th Street Wager—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the second community card is revealed by the dealer.

Fold—The withdrawal of a player from a round of play by not making a Bet Wager.

4th Street Wager—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the first community card is revealed by the dealer.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if the player is seated in the position that is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if one of the player's two cards or the three community cards matches the card randomly selected by the table game system.

Progressive Payout Hand—A Mississippi Stud hand formed using the two player cards and three community cards with a rank of a three-of-a-kind or better as defined in § 655a.6(b).

Push—A player's hand that results in neither payment on nor collection of the player's wagers.

3rd Street Wager—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the player has been dealt the initial two cards.

§ 655a.2. Mississippi Stud table physical characteristics.

(a) Mississippi Stud shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) Four separate betting areas designated for the placement of the wagers required under § 655a.7(d)(1) and (2) (relating to wagers) for each player.
- (3) Separate areas designated for the placement of the three community cards located directly in front of the table inventory container. One area shall be inscribed 3rd Street, a second area inscribed 4th Street and a third area inscribed 5th Street.
- (4) If the certificate holder offers the optional Progressive Payout Wager authorized under § 655a.7(d)(3), a separate area designated for the placement of the Progressive Payout Wager for each player.
- (5) If the certificate holder offers the optional Three Card Bonus Wager authorized under § 655a.7(d)(4), a separate area designated for the placement of the Three Card Bonus Wager for each player.
- (6) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 655a.7(d)(5), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.
- (7) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers and the rules governing the required amount of the 3rd Street, 4th Street or 5th Street Wager as a multiple of the player's Ante Wager. If the information is not inscribed on the layout, a sign that sets forth the required information must be posted at each Mississippi Stud table.

(c) If a certificate holder offers the Progressive Payout Wager, in accordance with § 655a.7(d)(3), the Mississippi Stud table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering the Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 655a.7(d)(5), the Mississippi Stud table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

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

(f) Each Mississippi Stud table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 655a.7. Wagers.

(a) Wagers at Mississippi Stud shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate betting areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Mississippi Stud table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante, Progressive Payout, Three Card Bonus and Five Card Hand Bonus Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 655a.8, § 655a.9 or § 655a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 655a.11(b), (d) and (f) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer announces "no more bets" and begins dealing the cards.

(d) The following wagers may be placed in the game of Mississippi Stud:

(1) A player shall place an Ante Wager to participate in a round of play.

(2) In accordance with § 655a.11(b), (d) and (f), 3rd Street, 4th Street and 5th Street Wagers.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Mississippi Stud table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager, a player may make an additional Progressive Payout Wager by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Mississippi Stud table the option to make an additional Three Card Bonus Wager that the three community cards will form a three-card Poker hand of a pair or better as defined in § 655a.6(c) (relating to Mississippi Stud hand rankings).

(5) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Mississippi Stud table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand will contain a flush or better as defined in § 655a.6(b). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Mississippi Stud table.

§ 655a.8. Procedure for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 655a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 655a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that

round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall then collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 655a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 655a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the dealing shoe dispensing any stacks, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 655a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 655a.8, § 655a.9 or § 655a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards, subject to the following limitations:

(1) Each player who wagers at Mississippi Stud shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(3) A player may not exchange or communicate information regarding his hand prior to the dealer revealing all of the community cards. Any violation shall result in a forfeiture of all wagers on that round by such person.

(b) After each player has examined his cards and replaced them face down on the layout, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to place a 3rd Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager or fold. If a player

folded, the Ante Wager shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout, Three Card Bonus or Five Card Hand Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

(c) Once all players have either placed a 3rd Street Wager or folded, the dealer shall turn over and reveal the first community card.

(d) Each player shall then either place a 4th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designed 4th Street betting area or fold. If a player folds, the Ante Wager and 3rd Street Wager shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout, Three Card Bonus or Five Card Hand Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

(e) Once all remaining players have either placed a 4th Street Wager or folded, the dealer shall turn over and reveal the second community card.

(f) Each player shall then either place a 5th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designed 5th Street betting area or fold. If a player folds, the Ante Wager and the 3rd Street and 4th Street Wagers shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout, Three Card Bonus or Five Card Hand Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

(g) Once all remaining players have either placed a 5th Street Wager or folded, the dealer shall turn over and reveal the third community card.

(h) If a player has placed an Ante Wager and a Progressive Payout or Three Card Bonus Wager but does not make a 3rd Street, 4th Street or 5th Street Wager, the player shall forfeit the Ante Wager, the Progressive Payout Wager and, if applicable, the 3rd Street and 4th Street Wagers but may not forfeit the eligibility to receive an Envy Bonus under § 655a.12(c)(5) (relating to payout odds; Envy Bonus; rate of progression), a Three Card Bonus payout under § 655a.12(d) or a Five Card Hand Bonus payout under § 655a.12(e).

(i) Beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, the dealer shall turn over and reveal the player's cards. The dealer shall then evaluate and announce the best possible five-card Poker hand that can be formed using the player's two cards and the three community cards. The wagers of each remaining player shall be resolved one player at a time regardless of outcome. All wagers shall be settled as follows:

(1) All losing wagers shall immediately be collected by the dealer and placed in the table inventory container and the player's cards shall be collected and placed in the discard rack.

(2) If the player's five-card Poker hand is a pair of 6s, 7s, 8s, 9s or 10s, the player's hand is a push. The dealer may not collect or pay the wagers, but shall immediately collect the cards of that player.

(3) All winning Mississippi Stud wagers shall be paid in accordance with the payout odds in § 655a.12(a).

(4) After settling the player's Mississippi Stud Wager, the dealer shall settle the Progressive Payout, Three Card Bonus or Five Card Hand Bonus Wager, if offered by the certificate holder, as follows:

(i) If a player has won the progressive payout, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Progressive Payout Wager in accordance with § 655a.12(c)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(E) Pay any Envy Bonus won in accordance with § 655a.12(c)(5). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Mississippi Stud table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand.

(ii) If a player has won the Three Card Bonus, the dealer shall pay the winning Three Card Bonus Wager in accordance with § 655a.12(d).

(iii) If a player placed a Five Card Hand Bonus Wager, the dealer shall settle any Magic Card or Lucky Bonus payouts and any winning Five Card Hand Bonus wagers as follows:

(A) Verify that the hand is a winning hand.

(B) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(C) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 655a.12(e). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

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

§ 655a.12. Payout odds; Envy Bonus; rate of progression.

* * * * *

(d) A certificate holder shall pay each winning Three Card Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B
Mini-royal	40 to 1	40 to 1
Straight flush	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1
Straight	6 to 1	5 to 1
Flush	4 to 1	4 to 1
Pair	1 to 1	1 to 1

Hand	Paytable C	Paytable D
Mini-royal	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1
Straight	5 to 1	6 to 1
Flush	4 to 1	3 to 1
Pair	1 to 1	1 to 1

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

Hand	Payout
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

Hand	Payout
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 657a. CRAZY 4 POKER

§ 657a.1. Definitions.

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

Five-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Crazy 4 Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

Five-Card Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better, as defined in § 657a.6(d) (relating to Crazy 4 Poker rankings).

Five-Card Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 657a.6(d).

Four-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Four-Card Progressive Payout Wager when another player at the Crazy 4 Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand.

Four-Card Envy Bonus Qualifying Hand—A player's four-card Poker hand with a rank of four-of-a-kind or, if included in the payable selected by the certificate holder, a straight flush, as defined in § 657a.6(b).

Four-Card Progressive Payout Hand—A player's four-card Poker hand with a rank of three-of-a-kind or better as defined in § 657a.6(b).

Hand—The four-card Poker hand that is held by each player and the dealer after the cards are dealt.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the player's cards matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the dealer's cards matches the card randomly selected by the table game system.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Queens Up Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

§ 657a.2. Crazy 4 Poker table physical characteristics.

(a) Crazy 4 Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Crazy 4 Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) Four separate betting areas designated for the placement of the Ante, Play, Super Bonus and Queens Up Wagers for each player. The Super Bonus betting area must be located to the right of the Ante Wager betting area and be separated by an "=" symbol.

(3) If the certificate holder offers either the Four or Five-Card Progressive Payout Wager authorized under § 657a.7(d)(3) or (4) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 657a.7(d)(5), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Crazy 4 Poker table.

(6) Inscriptions that advise patrons of the following:

- (i) The best four-card hand plays.
- (ii) The dealer qualifies with a king or better.

(iii) A player who has a pair of aces or better may place a Play Wager in an amount up to three times the player's Ante Wager.

(iv) The player's Super Bonus Wager shall be returned if the player beats or ties the dealer with a hand that is not a straight or better.

(7) If the information in paragraph (6) is not on the layout, a sign which sets forth the required information must be posted at each Crazy 4 Poker table.

(c) If a certificate holder offers either a Four or Five-Card Progressive Payout Wager in accordance with § 657a.7(d)(3) or (4), the Crazy 4 Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 657a.7(d)(5), the Crazy 4 Poker table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Crazy 4 Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Crazy 4 Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 657a.7. Wagers.

(a) Wagers at Crazy 4 Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Crazy 4 Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 657a.8, § 657a.9 or § 657a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 657a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Crazy 4 Poker:

(1) A player shall compete against the dealer's four-card Poker hand by placing both an Ante Wager and a Super Bonus Wager in equal amounts, then a Play Wager, in accordance with § 657a.11(b).

(2) In addition to the Ante and Super Bonus Wagers, a player may compete against a posted payable by placing a Queens Up Wager.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Crazy 4 Poker table the option to make an additional Four-Card Progressive Payout Wager that the player will receive a Four-Card Progressive Payout Hand. After placing the Ante and Super Bonus Wagers, a player may make the additional Four-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Crazy 4 Poker table the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After placing the Ante and Super Bonus Wagers, a player may make the additional Five-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.

(5) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Crazy 4 Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 657a.6(d) (relating to Crazy 4 Poker rankings). After placing Ante and Super Bonus Wagers, a player may make the additional Five

Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Crazy 4 Poker table.

§ 657a.8. Procedure for dealing the cards from a manual dealing shoe.

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(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 657a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 657a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 657a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 657a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is

being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

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§ 657a.11. Procedures for completion of each round of play.

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(e) After settling a player's Ante, Play, Super Bonus and Queens Up Wagers, the dealer shall then settle the Four-Card or Five-Card Progressive Payout Wager, if offered by the certificate holder. For the Five-Card Progressive Payout Wager, the dealer shall form the highest ranking five-card Poker hand from the five cards dealt to each player. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(4) Pay the winning Four-Card Progressive Payout Wager in accordance with the payout odds in § 657a.12(d)(1) or the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 657a.12(e)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus as follows:

(i) Players making a Four-Card Progressive Payout Wager shall receive a Four-Card Envy Bonus when another player at the same Crazy 4 Poker table is the holder of a Four-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Four-Card Envy Bonuses if more than one other player is the holder of a Four-Card Envy Bonus Qualifying Hand. A player is not entitled to a Four-Card Envy Bonus for his own hand or the hand of the dealer. Four-Card Envy Bonus payouts shall be made in accordance with the payouts in § 657a.12(d)(5).

(ii) Players making a Five-Card Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Crazy 4 Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand. Players are entitled to multiple Five-Card Envy Bonuses if more than one other player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand or the hand of the dealer. Five-Card Envy Bonus payouts shall be made in accordance with the payouts in § 657a.12(e)(5).

(f) After settling a player's Ante, Play, Super Bonus and Queens Up Wagers, the dealer shall then settle the Five Card Hand Bonus Wager, if offered by the certificate

holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

- (1) Verify that the hand is a winning hand.
- (2) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).
- (3) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 657.12(f). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

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

§ 657a.12. Payout odds; Envy Bonus; rate of progression.

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(e) If a certificate holder offers the Five-Card Progressive Payout Wager:

(1) A player placing a Five-Card Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 657a.11(e).

(5) Five-Card Envy Bonus payouts shall be made according to the following payouts for Five-Card Envy Bonus Qualifying Hands based upon the amount of the Five-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(f) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

[Pa.B. Doc. No. 14-2552. Filed for public inspection December 12, 2014, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 47]

Display of Registration Plates

The Department of Transportation (Department), under the authority in 75 Pa.C.S. § 1332 (relating to display of registration plate), amends §§ 47.2 and 47.4 (relating to location; and validating stickers) to read as set forth in Annex A.

Purpose of this Chapter

The purpose of Chapter 47 (relating to display of registration plates) is to designate the manner in which registration plates are to be displayed on vehicles as prescribed by 75 Pa.C.S. § 1332.

Purpose of this Final-Form Rulemaking

The purpose of this final-form rulemaking is to update the location and manner of attachment requirements with

respect to persons with disability, disabled veterans and severely disabled veterans registration plates. The final-form rulemaking establishes the required location of a second registration plate, if one is issued. In addition, the act of November 25, 2013 (P. L. 974, No. 89) amended 75 Pa.C.S. § 1332(d) as follows: "Validating registration stickers shall not be issued or required to be displayed." The amendment will become effective December 31, 2016. Consequently, as of December 31, 2016, § 47.4 will be rendered null and void. An Editor's Note is added to that effect.

Summary of Comments and Changes in the Final-Form Rulemaking

Notice of proposed rulemaking was published at 44 Pa.B. 2642 (May 3, 2014). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees.

Comments or objections were not received from the public, the House and Senate Transportation Committees or IRRC. Consequently, substantive changes have not been made. A change was made to § 47.2 to add clarity following a publication error. Furthermore, a change was made to the Editor's Note to § 47.4 to clarify that the Department will promulgate a regulation in the future to formally rescind this section.

Persons and Entities Affected

This final-form rulemaking affects a vehicle owner who has a person with disability, disabled veteran or severely disabled veteran registration plate who intends to mount a second plate on a carrier attached to the rear of his vehicle for the purpose of transporting a wheelchair or similar personal assistive mobility equipment.

The elimination of the requirement for the Department to issue and the registrant to display a validating registration sticker will have a positive effect on all registrants due to the significant cost savings achieved by the elimination.

Fiscal Impact

The cost to the Commonwealth for § 47.2(c) is estimated to be \$2.73 to mail each double plate configuration to vehicle owners who request them, as well as \$3.60 to produce each double plate configuration and approximately \$37,500 for system updates to record the issuance of these plates. Since it is not known how many vehicle owners will request the plates available under § 47.2(c), a total cost impact cannot be provided. The fiscal impact to vehicle owners is limited to those vehicle owners who choose to apply for the dual plate configuration. These vehicle owners will pay fees as established in 75 Pa.C.S. (relating to Vehicle Code).

By eliminating validation stickers, the Department will annually save approximately \$1 million. Customers will no longer need to apply for replacement validation stickers at a cost of \$7.50 per replacement sticker.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 22, 2014, the Department submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 2642, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate 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 Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 22, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 23, 2014, and approved the final-form rulemaking.

Sunset Provisions

The Department is not establishing a sunset date for the amendment to § 47.2(c) because this section needed to administer provisions required under 75 Pa.C.S. The Department, however, will continue to closely monitor the regulation for its effectiveness. However, by operation of the amendment to 75 Pa.C.S., § 47.4 will sunset as of December 31, 2016.

Contact Person

The contact person for this regulation is Kristen Singer, Manager, Customer Service Division, Department of Transportation, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 787-2171.

Findings

The Department 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 the comments were considered.

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

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 47, are amended by amending §§ 47.2 and 47.4 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and from, as required by law.

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

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

BARRY J. SCHOCH, PE,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 7145 (November 8, 2014).)

Fiscal Note: Fiscal Note 18-450 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE III. REGISTRATION

CHAPTER 47. DISPLAY OF REGISTRATION PLATES

§ 47.2. Location.

(a) *Single plate.* A single registration plate shall be located on the rear of the vehicle so as to be illuminated by the license plate light required by 75 Pa.C.S. § 4303(b) (relating to general lighting requirements), except that the registration plate of a truck-tractor shall be located on the front of the vehicle.

(b) *Two plates.* If two registration plates are issued for a single vehicle, one registration plate shall be located on the rear of the vehicle as prescribed in subsection (a), and the other on the front of the vehicle.

(c) *Two plates and an attached carrier.* If two person with disability, disabled veteran or severely disabled veteran registration plates are issued for a vehicle which

has a carrier attached to the rear for the purposes of transporting a wheelchair or similar personal assistive device, one plate shall be affixed to the rear of the vehicle as prescribed by subsection (a) and the other shall be affixed to the rear of the carrier instead of affixing the plate to the front of the vehicle.

§ 47.4. Validating stickers.

(Editor's Note: The act of November 25, 2013 (P. L. 974, No. 89) amended 75 Pa.C.S. § 1332(d) (relating to display of registration plate) as follows: "Validating registration stickers shall not be issued or required to be displayed." The amendment is effective December 31, 2016. As of December 31, 2016, this section is rendered null and void and the Department will promulgate a regulation to formally rescind § 47.4).

(a) *Issuance.* The Department of Transportation will issue validating stickers upon renewal of a vehicle registration or, if the vehicle registered had a temporary registration, to indicate that registration has been completed and the temporary registration status terminated.

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[Pa.B. Doc. No. 14-2553. Filed for public inspection December 12, 2014, 9:00 a.m.]
