



May 2, 2011

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PA Gaming Control Board  
Susan Yocum, Assistant Chief Counsel  
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Harrisburg, PA 17106-9060

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**RE: Attention Public Comment on Regulation  
#125-144: Horsemen's Organization Revisions  
41 PA Bull. 1903 (April 9, 2011)**

Dear Members of the PGCB:

The Pennsylvania Harness Horsemen's Association ("PHHA") submits the following comments in response to the above referenced rulemaking proposed by the Pennsylvania Gaming Control Board ("PGCB") relative to Horsemen's organization revisions.

PHHA is the principal, recognized, authorized association representing horsemen, at Harrah's Chester and Mohegan Sun at Pocono Downs racetracks, whose livelihood relies on a thriving harness racing industry in the Commonwealth of Pennsylvania.

The Meadows Standardbred Owner's Association ("MSOA") also joins in this response to proposed rulemaking on behalf of their members. MSOA is the principal, recognized, and authorized horsemen's association representing horsemen at The Meadows Race Track, P.O. Box 253 Meadows Lands, Pennsylvania 15347.

SPECIFIC COMMENTS:

**Section 436a.1. Definitions** - The proposed definition addition of "Representative" to the definitions contained in Section 436.a.1. does not clearly define the intended individual(s) to be included as representatives under the defined term. The PGCB should clarify its proposed definition of "Representative" as it has done on its Licensed Entity Representation Registration form pursuant to 4 PA C.S. Section 1103 by including specific categories

of individuals deemed to be "Representatives" and thereby subject to required ratification and responsibilities referenced in Sections 436a.2, 436a.3, and 436a.4 of the Regulations both proposed and as currently in effect.

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**Section 436a.2(a)** - A copy of the referenced "Horsemen's Organization Notification Form" should be appended to and included in the proposed amendments for review and comment purposes.

**Section 436a.4(c). Standardbred Drivers** - PHHA/MSOA brings to the PGCB's attention that standardbred harness drivers are members of horsemen's organizations like PHHA (unlike thoroughbred jockeys who are not members of thoroughbred horsemen's organizations). Accordingly, standardbred horsemen's organizations ensure the funds allocated under 4 PA C.S. §(6)(iii) for standardbred drivers are paid in accordance with the intent of Act 71 and in accordance with the eligibility requirements of the horsemen's organization.

**Section 436a.6. Health and Pension Benefit Plans** - 4 PA C.S. §1406(f) specifically requires that "all health and pension contracts shall be reviewed and approved by the board". Proposed regulation 436.6(a) requires the aforementioned health and pension contracts "be submitted to the Board at least 90 days prior to the proposed effective date of the contract". It is highly unlikely that such health and pension plan providers will forward, issue and/or renew plan notification in excess of 90 days to horsemen organizations to permit their compliance with the 90 day submission requirement as proposed. Renewal premium costs and the like are traditionally not issued in advance of effective dates by providers to horsemen's organizations with more than 30 days advance notification from the proposed effective dates on coverage renewals or even new policy coverages. Accordingly, it is submitted that the time period under §436.a.6(a) as proposed be reduced to no more than 30 days.

PHHA/MSOA appreciates the opportunity to comment on the aforementioned proposed rulemaking and specifically requests to be noticed on all aspects of this process through the proposed

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stage, comment period, agency review, IRRC/Agency final form stage(s) and any scheduled public meetings on the foregoing proposed regulations.

Thank you for your consideration of our comments.

Respectfully Submitted,



Ronald Battoni  
PHHA Executive Director



Kim Hankins  
MSOA Executive Director

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