

Andrew J. Giorgione  
717 237 4863  
andrew.giorgione@bipc.com

17 North Second Street 15th Floor  
Harrisburg, PA 17101-1503  
T 717 237 4800  
F 717 233 0852  
www.buchananingersoll.com

2893

May 11, 2011

Susan Yocum, Esq.  
Assistant Chief Counsel  
Commonwealth of Pennsylvania  
Gaming Control Board  
5th Floor  
Strawberry Square  
Harrisburg, PA 17101

RECEIVED  
IRRC  
2011 MAY 13 A 9:24

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

Dear Ms Yocum

We represent the Pennsylvania Horsemen's Benevolent and Protective Association ("PA HBPA"). PA HBPA is the association representing the horsemen at Penn National Race Course and Presque Isle Downs Race Course. The horsemen own and/or train and run thoroughbred horses at these race courses.

The PA HBPA hereby submits the following comments in response to the above referenced rulemaking proposed by the Pennsylvania Gaming Control Board ("PGCB") relative to revisions to the regulations governing Horsemen Organizations.

Proposed Section 436a.6 (a) requires submission of any contracts for health or pension benefits 90 days prior to the effective date, and the language that states such contracts are not effective until approved by the Board. The language is a practical impossibility.

To explain, the PA HBPA's health plan is renewed on an annual basis. About thirty days prior to the end of each year, once the insurer has almost a full year of "experience" under the plan and can formulate a rating and cost structure for the coming year, the PA HBPA meets with its insurer to discuss the coverage and rates to be effective for the upcoming January 1. In order to comply with the proposed regulation and the 90 day review deadline, the PA HBPA would have to meet with its insurer by late August to submit something to the Board prior to

Susan Yocum, Esq.  
Assistant Chief Counsel  
Commonwealth of Pennsylvania  
Gaming Control Board  
May 11, 2011  
Page - 2 -

September 30th. An insurer would not be willing to discuss renewal terms with 8 months of coverage data from the preceding year.

Recognizing that existing law, 4 PA C.S. §1406(f), requires that "all health and pension contracts shall be reviewed and approved by the board", we propose that the proposed regulation timeframe be amended to 30 days from the proposed 90 days.

PA HBPA appreciates the opportunity to comment on the aforementioned proposed rulemaking and specifically requests to be notified of an activity during this rulemaking process, including but not limited to any other comments to the proposed regulations, any additional changes and any scheduled public meetings on the foregoing proposed regulations.

I thank you for your consideration of our comments.

Respectfully Submitted,

  
Andrew J. Giorgione

cc. Silvan B Lutkewitte, III, Chairman, IRRC  
Todd Mostoller, Executive Director, PA HBPA

/ajg