

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1373 Session of  
2010

INTRODUCED BY FARNESE, MAY 19, 2010

REFERRED TO COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT,  
MAY 19, 2010

AN ACT

1 Amending Title 4 (Amusements) of the Pennsylvania Consolidated  
2 Statutes, further providing for Category 2 slot machine  
3 license; providing for local referendum in cities of the  
4 first class; and further providing for number of slot machine  
5 licenses.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 1304(b)(1) of Title 4 of the Pennsylvania  
9 Consolidated Statutes, amended January 7, 2010 (P.L.1, No.1), is  
10 amended to read:

11 § 1304. Category 2 slot machine license.

12 \* \* \*

13 (b) Location.--

14 (1) [Two] Except as provided under section 1304.1  
15 (relating to local referendum in cities of the first class),  
16 two Category 2 licensed facilities and no more shall be  
17 located by the board within a city of the first class, and  
18 one Category 2 licensed facility and no more shall be located  
19 by the board within a city of the second class. No Category 2

1 licensed facility located by the board within a city of the  
2 first class shall be within ten linear miles of a Category 1  
3 licensed facility regardless of the municipality where the  
4 Category 1 licensed facility is located. Except for any  
5 Category 2 licensed facility located by the board within a  
6 city of the first class or a city of the second class, no  
7 Category 2 licensed facility shall be located within 30  
8 linear miles of any Category 1 licensed facility that has  
9 conducted over 200 racing days per year for the two calendar  
10 years immediately preceding the effective date of this part  
11 and not within 20 linear miles of any other Category 1  
12 licensed facility. Except for any Category 2 licensed  
13 facility located by the board within a city of the first  
14 class, no Category 2 licensed facility shall be located  
15 within 20 linear miles of another Category 2 licensed  
16 facility.

17 \* \* \*

18 Section 2. Title 4 is amended by adding a section to read:

19 § 1304.1. Local referendum in cities of the first class.

20 (a) Referendum required.--If the board revokes the Category  
21 2 slot machine license of a slot machine licensee in a city of  
22 the first class prior to the time the licensed facility becomes  
23 operational, the board shall be prohibited from issuing the  
24 license to any other applicant seeking to locate a licensed  
25 facility within the city of the first class unless authority to  
26 locate a licensed facility within the city has been approved by  
27 the residents of the city in a public referendum.

28 (b) Submittal of referendum.--

29 (1) The governing body of the city of the first class  
30 shall submit, at the first municipal or general election

1 following the revocation of a gaming license in a city of the  
2 first class under subsection (a), a referendum question to  
3 the electors of the city of the first class seeking voter  
4 approval to authorize the board to issue a Category 2 slot  
5 machine license to an applicant who is seeking to locate a  
6 licensed facility within the city. Prior to placing a  
7 referendum question on the ballot, the governing body must  
8 adopt a resolution under this section. The governing body  
9 must give public notice of its intent to adopt the resolution  
10 in the manner provided under section 306 of the act of  
11 December 31, 1965 (P.L.1257, No.511), known as The Local Tax  
12 Enabling Act, and must conduct at least two public hearings  
13 on the resolution.

14 (2) The governing body shall submit the referendum  
15 question required under this subsection to the election  
16 officials of the county no later than 60 days prior to the  
17 election. The election officials shall cause the referendum  
18 question to be submitted to the electors of the city.

19 (3) The referendum question shall seek voter approval to  
20 locate a Category 2 licensed facility within the city. The  
21 referendum question shall be clear and in language that is  
22 readily understandable by a layperson and may be framed in  
23 the following form:

24 Do you favor authorizing the Pennsylvania Gaming  
25 Control Board to issue a Category 2 slot machine license  
26 to an applicant who seeks to operate a casino within the  
27 city?

28 (4) The election officials of the county shall, in  
29 consultation with the governing body and the board, draft a  
30 nonlegal interpretative statement which shall accompany the

1 referendum question in accordance with section 201.1 of the  
2 act of June 3, 1937 (P.L.1333, No.320), known as the  
3 Pennsylvania Election Code.

4 (c) Outcome of referendum.--If the referendum question under  
5 this section is approved, the board shall be authorized and  
6 required to locate a Category 2 licensed facility in the city of  
7 the first class. If the referendum question is not approved, the  
8 board shall be required to locate a licensed facility in  
9 accordance with this part in any area of the Commonwealth other  
10 than a city of the first class. The board shall establish a  
11 schedule for the receipt and consideration of new applications  
12 for the revoked license.

13 (d) Majority approval.--Approval of the referendum required  
14 under this subsection shall be by a majority of the electors  
15 voting on the question in the city.

16 (e) Pennsylvania Election Code.--Proceedings under this  
17 section shall be in accordance with the Pennsylvania Election  
18 Code.

19 Section 3. Section 1307 of Title 4, amended January 7, 2010  
20 (P.L.1, No.1), is amended to read:

21 § 1307. Number of slot machine licenses.

22 The board may license no more than seven Category 1 licensed  
23 facilities and no more than five Category 2 licensed  
24 facilities[, as it may deem appropriate, as long as]. Except as  
25 provided under section 1304.1 (relating to local referendum in  
26 cities of the first class), two, and not more, Category 2  
27 licensed facilities [are] shall be located by the board within  
28 the city of the first class and [that] one, and not more,  
29 Category 2 licensed facility [is] shall be located by the board  
30 within the city of the second class. The board may at its

1 discretion increase the total number of Category 2 licensed  
2 facilities permitted to be licensed by the board by an amount  
3 not to exceed the total number of Category 1 licenses not  
4 applied for within five years following the effective date of  
5 this part. Except as permitted by section 1328 (relating to  
6 change in ownership or control of slot machine licensee), any  
7 Category 1 license may be reissued by the board at its  
8 discretion as a Category 2 license if an application for  
9 issuance of such license has not been made to the board. The  
10 board may license no more than three Category 3 [Licensed]  
11 licensed facilities.

12 Section 4. This act shall take effect in 60 days.