

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1329 Session of
2009

INTRODUCED BY HANNA, BRENNAN, CALTAGIRONE, HENNESSEY, HORNAMAN,
KORTZ, MAHONEY, MENSCH AND J. TAYLOR, APRIL 22, 2009

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, APRIL 22, 2009

AN ACT

1 Amending the act of December 19, 1988 (P.L.1262, No.156),
2 entitled, as amended, "An act providing for the licensing of
3 eligible organizations to conduct games of chance, for the
4 licensing of persons to distribute games of chance, for the
5 registration of manufacturers of games of chance, and for
6 suspensions and revocations of licenses and permits;
7 requiring records; providing for local referendum by
8 electorate; and prescribing penalties," further providing for
9 definitions and eligible organizations.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 2 of the act of December 19, 1988
13 (P.L.1262, No.156), known as the Local Option Small Games of
14 Chance Act, is repealed:

15 [Section 2. Legislative intent.

16 The General Assembly hereby declares that the playing of
17 small games of chance for the purpose of raising funds, by
18 certain nonprofit associations, for the promotion of charitable
19 or civic purposes, is in the public interest.

20 It is hereby declared to be the policy of the General
21 Assembly that all phases of licensing, operation and regulation

1 of small games of chance be strictly controlled, and that all
2 laws and regulations with respect thereto as well as all
3 gambling laws should be strictly construed and rigidly enforced.

4 The General Assembly recognizes the possibility of
5 association between commercial gambling and organized crime, and
6 wishes to discourage commercialization of small games of chance,
7 prevent participation by organized crime and prevent the
8 diversion of funds from the purposes herein authorized.]

9 Section 2. The definitions of "eligible organizations" and
10 "public interest purposes" in section 3 of the act are amended
11 and the section is amended by adding a definition to read:

12 Section 3. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 "Commercial establishment." An establishment organized for
18 profit.

19 * * *

20 "Eligible organizations." [Includes] The term includes
21 commercial establishments and qualifying nonprofit charitable,
22 religious, fraternal and veterans organizations, clubs and civic
23 and service associations as defined by this act. In order to
24 qualify as an eligible organization for purposes of this act, an
25 organization shall have been in existence and fulfilling its
26 purposes for one year prior to the date of application for a
27 license.

28 * * *

29 ["Public interest purposes." One or more of the following:

30 (1) Benefiting persons by enhancing their opportunity

1 for religious or education advancement, by relieving or
2 protecting them from disease, suffering or distress, by
3 contributing to their physical, emotional or social well-
4 being, by assisting them in establishing themselves in life
5 as worthy and useful citizens or by increasing their
6 comprehension of and devotion to the principles upon which
7 this nation was founded.

8 (2) Initiating, performing or fostering worthy public
9 works or enabling or furthering the erection or maintenance
10 of public structures.

11 (3) Lessening the burdens borne by government or
12 voluntarily supporting, augmenting or supplementing services
13 which government would normally render to the people.

14 (4) Improving, expanding, maintaining or repairing real
15 property owned or leased by an eligible organization and used
16 for purposes specified in paragraphs (1), (2) and (3).

17 The term does not include the erection or acquisition of any
18 real property, unless the property will be used exclusively for
19 one or more of the purposes specified in this definition.]

20 * * *

21 Section 3. Sections 4 and 12(a) of the act, amended December
22 19, 1990 (P.L.812, No.195), are amended to read:

23 Section 4. Games of chance permitted.

24 Every eligible organization to which a license has been
25 issued under the provisions of this act may conduct games of
26 chance [for the purpose of raising funds for public interest
27 purposes. All proceeds of games of chance shall be used
28 exclusively for public interest purposes or for the purchase of
29 games of chance as permitted by this act].

30 Section 12. Revocation of licenses.

1 (a) Grounds.--The licensing authority shall revoke or refuse
2 to renew the license of any eligible organization whenever the
3 district attorney finds upon complaint and investigation that:

4 [(1) Any of the funds derived from the operation of
5 games of chance are used for any purpose other than for
6 public interest purposes or for the purchase of games of
7 chance as permitted by this act.]

8 (2) Any person under 18 years of age is operating or
9 playing games of chance as defined in this act.

10 (3) The eligible organization has permitted any person
11 who has been convicted of a felony in a Federal or State
12 court within the past five years or has been convicted in a
13 Federal or State court within the past ten years of a
14 violation of the act of July 10, 1981 (P.L.214, No.67), known
15 as the Bingo Law, or of this act, to manage, set up,
16 supervise or participate in the operation of games of chance.

17 (4) The facility in which the games of chance are played
18 does not have adequate means of ingress and egress and does
19 not have adequate sanitary facilities available in the area.

20 (5) Any person or persons other than a manager, officer,
21 director, bar personnel or a bona fide member of an eligible
22 organization have been involved in managing, setting up,
23 operating or running games of chance.

24 (6) Any person has received compensation for conducting
25 games of chance.

26 (7) Any prize has been awarded in excess of the limits
27 permitted under this act.

28 (8) The eligible organization has violated any condition
29 of a special permit issued pursuant to section 11.

30 (9) The eligible organization conducts the games of

1 chance under a lease which calls for:

2 (i) leasing such premises from the owner thereof
3 under an oral agreement; or

4 (ii) leasing such premises from the owner thereof
5 under a written agreement at a rental which is determined
6 by the amount of receipts realized from the playing of
7 games of chance.

8 (10) False or erroneous information was provided in the
9 original application.

10 (11) An eligible organization has been convicted of a
11 violation of this act as evidenced by a certified record of
12 the conviction.

13 (12) The eligible organization has permitted another
14 eligible organization to conduct small games of chance on its
15 licensed premises without suspending its own operation of
16 small games of chance during the period that the other
17 licensed eligible organization is conducting its games on the
18 premises.

19 * * *

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