
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 21 Session of
2009

INTRODUCED BY DeWEESE, FABRIZIO, SOLOBAY, SANTONI, BELFANTI,
BRENNAN, CALTAGIRONE, EACHUS, FRANKEL, GERGELY, HARHAI,
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WHITE AND GERBER, JUNE 17, 2009

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, JUNE 17, 2009

AN ACT

1 Relating to amusement; authorizing table games; imposing powers
2 and duties on the Pennsylvania Gaming Control Board;
3 providing for eligibility to conduct authorized table games,
4 for licensure of table game facilities, for conduct of
5 authorized table games, for statement of compliance, for
6 certificate of operation, for table game employees, for key
7 employees, for service industry employees and for licensure
8 of table game service industries; imposing powers and
9 conferring duties on the Bureau of Investigation and
10 Enforcement, the Pennsylvania State Police and the Attorney
11 General; providing for distribution of gross table game
12 revenue, for property tax relief, for corrupt organizations,
13 for prohibitions, for inspections, for enforcement and for
14 compulsive and problem gambling assistance; providing
15 penalties; making appropriations; and making related repeals.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

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

7 CHAPTER 1

8 PRELIMINARY PROVISIONS

9 Section 101. Short title.

10 This act shall be known and may be cited as the Table Game
11 Authorization and Control Act.

12 Section 102. Legislative finding and declaration.

13 The General Assembly finds and hereby declares that this act
14 is intended to benefit the people of the Commonwealth of
15 Pennsylvania by providing additional revenue for the support of
16 property and wage tax relief. The General Assembly further finds
17 that authorization for the expansion of a controlled gaming
18 industry requires careful exercise of legislative power to
19 protect the general health, welfare and safety of the people of
20 this Commonwealth. Therefore, the General Assembly further finds
21 and declares that:

22 (1) It is the public policy of this Commonwealth that
23 the authorization to conduct and operate table games at
24 licensed slot machine facilities to generate revenue for
25 property and wage tax relief and promote investment, economic
26 development and tourism, including international tourism,
27 requires the enactment of comprehensive measures to ensure
28 that table games are free from criminal and corruptive
29 elements and conducted honestly and competitively at licensed
30 slot machine facilities.

1 (2) The policy purposes of this act will not be achieved
2 unless public confidence and trust in the credibility and
3 integrity of table game operations and their regulatory
4 process is maintained. Accordingly, the provisions of this
5 act are crafted to strictly regulate table game facilities
6 and persons, locations, associations, activities and
7 practices related to the conduct and operation of authorized
8 table games.

9 (3) Public trust and confidence in table game operations
10 can only be maintained by strict and comprehensive regulation
11 of all persons, locations, associations, activities and
12 practices related to the conduct and operation of authorized
13 table games; the manufacture and distribution of table game
14 equipment, apparatuses, devices and supplies; and the
15 provision of goods, services and property used in the conduct
16 and operation of authorized table games at licensed table
17 game facilities.

18 (4) All table game operations, all individuals and
19 persons who have or will have a significant involvement in
20 table game operations, all licensed slot machine facilities
21 where table games will be conducted, all manufacturers,
22 suppliers and other approved persons that provide table game
23 equipment, apparatuses, devices and supplies and all
24 providers of goods, services and property used in the conduct
25 and operation of authorized table games and table game
26 facilities shall be approved, licensed or regulated to
27 protect the public health, safety and general welfare of the
28 residents of this Commonwealth as an exercise of the police
29 power of this Commonwealth.

30 (5) In order to effectuate the policy purposes of this

1 act, it is necessary and essential:

2 (i) that table game facilities, activities and all
3 equipment, devices, apparatuses and supplies used in the
4 conduct of authorized table games and persons
5 participating in those activities be licensed, permitted
6 or registered or otherwise approved or qualified by the
7 Pennsylvania Gaming Control Board in accordance with the
8 provisions of this act;

9 (ii) that certain transactions, events and processes
10 involving licensed table game facilities and table game
11 licensees be subject to prior approval;

12 (iii) that unsuitable persons not be permitted to
13 associate with table game licensees and other persons
14 involved in the conduct and operation of authorized table
15 games at licensed table game facilities; and

16 (iv) that table game activities take place only in
17 licensed slot machine facilities.

18 (6) To ensure that table game operations are conducted
19 honestly, competitively and free of criminal and corruptive
20 elements, any license, permit or registration or any other
21 approval issued or granted pursuant to this act is deemed a
22 revocable privilege and is not a property right.

23 Section 103. Definitions.

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

27 "Account" or "player's account." A financial record
28 established by a licensed table game facility for an individual
29 patron to which the facility may credit winnings and other
30 amounts due to the patron and from which the patron may withdraw

1 moneys due to the patron for purchase of tokens, chips or other
2 things or representatives of value.

3 "Affiliate." A person that directly or indirectly, through
4 one or more intermediaries, controls, or is controlled by, or is
5 under common control with a specified person.

6 "Applicant." A person who, on his own behalf or on the
7 behalf of another, has applied to the Pennsylvania Gaming
8 Control Board for approval to engage in any act or activity
9 authorized or regulated under the provisions of this act.

10 "Application." A written request for permission to engage in
11 any act or activity which is authorized or regulated under the
12 provisions of this act.

13 "Approve," "approved" or "approval." In the case of an
14 application submitted to the Pennsylvania Gaming Control Board
15 for qualification for a table game license and the authority to
16 conduct table games, the terms, regardless of usage, refer to
17 the date that the Pennsylvania Gaming Control Board grants the
18 table game license, regardless of the pendency of any
19 administrative or judicial appeal or other legal action
20 challenging the decision of the Pennsylvania Gaming Control
21 Board.

22 "Authorized game," "authorized table game" or "game." Any
23 banking, nonbanking or percentage game played with cards, dice,
24 tiles, dominoes or any mechanical, electronic, computerized or
25 electrical device used to play a table game for money, property,
26 checks, credit or any representation of value, including,
27 without limiting the generality of the foregoing, roulette,
28 baccarat, blackjack, craps, big six wheel, mini-baccarat, red
29 dog, pai gow, poker, twenty-one, acey-ducey, chuck-a-luck, fan-
30 tail, panguingui, chemin de fer, sic bo, and any variations or

1 composites of such games, provided that the variations or
2 composites are found by the Pennsylvania Gaming Control Board to
3 be suitable for use after an appropriate test or experimental
4 period under terms and conditions as the Pennsylvania Gaming
5 Control Board may determine appropriate; and any other game,
6 including multiplayer electronic table games, which is
7 determined by the Pennsylvania Gaming Control Board to be
8 compatible with the public interest and suitable for use in a
9 licensed table game facility after the appropriate test or
10 experimental period as the Pennsylvania Gaming Control Board
11 deems appropriate. The terms include table game contests or
12 tournaments in which players compete against one another in one
13 or more of the table games authorized under this act or by the
14 Pennsylvania Gaming Control Board or approved variations or
15 composites of those games, provided the Pennsylvania Gaming
16 Control Board authorizes the contests or tournaments. The term
17 shall not include:

18 (1) Lottery games of the Pennsylvania State Lottery as
19 authorized under the act of August 26, 1971 (P.L.351, No.91),
20 known as the State Lottery Law.

21 (2) Bingo as authorized under the act of July 10, 1981
22 (P.L.214, No.67), known as the Bingo Law.

23 (3) Pari-mutuel betting on the outcome of thoroughbred
24 or harness horse racing as authorized under the act of
25 December 17, 1981 (P.L.435, No.135), known as the Race Horse
26 Industry Reform Act.

27 (4) Small games of chance as authorized under the act of
28 December 19, 1988 (P.L.1262, No.156), known as the Local
29 Option Small Games of Chance Act.

30 (5) Slot machine gaming and progressive slot machine

1 gaming as authorized under 4 Pa.C.S. Pt. II (relating to
2 gaming).

3 "Background investigation." A security, criminal, financial,
4 credit and/or suitability investigation of a person who has
5 applied for the issuance or renewal of a license, permit or
6 registration under this act, or of a licensee who holds a
7 current license approved and issued by the Pennsylvania Gaming
8 Control Board. The background investigation shall include the
9 status of any taxes owed to the United States, the Commonwealth
10 or political subdivisions of the Commonwealth or any other
11 jurisdiction.

12 "Board." The Pennsylvania Gaming Control Board.

13 "Bureau." The Bureau of Investigation and Enforcement of the
14 Pennsylvania Gaming Control Board established under 4 Pa.C.S.
15 Pt. II (relating to gaming).

16 "Cash." United States currency and coin or foreign currency
17 and coin that have been exchanged for its equivalent in United
18 States currency or coin.

19 "Cash equivalent." An asset that is readily convertible to
20 cash, including, but not limited to, any of the following:

- 21 (1) Travelers checks.
- 22 (2) Certified checks, cashier's checks and money orders.
- 23 (3) Personal checks or drafts.
- 24 (4) Credit extended by the table game licensee, a
25 recognized credit card company or banking institution.
- 26 (5) Any other instrument that the Pennsylvania Gaming
27 Control Board deems a cash equivalent. Other than recognized
28 credit cards or credit extended by the table game licensee,
29 all instruments that constitute a cash equivalent shall be
30 made payable to the table game licensee, bearer or to cash.

1 An instrument made payable to a third party shall not be
2 considered a cash equivalent under this definition.

3 "Cash equivalent value." The monetary value that a table
4 game licensee shall assign to a jackpot or payout that consists
5 of merchandise or any thing of value other than cash, tokens,
6 chips or plaques. The Pennsylvania Gaming Control Board shall
7 promulgate rules defining "cash equivalent value" in order to
8 assure fairness, uniformity and comparability of valuation of
9 jackpots and payoffs that include merchandise or anything of
10 value.

11 "Chairman." The chairperson of the Pennsylvania Gaming
12 Control Board.

13 "Chip." A representation of value redeemable for cash only
14 at the issuing table game facility and issued by the table game
15 licensee for use in playing an authorized table game.

16 "Complimentary service or item." Any lodging, service or
17 item provided to an individual at no cost or at a reduced price,
18 which is not generally available to the public under similar
19 circumstances. The furnishing of a complimentary service or item
20 by a table game licensee shall constitute the indirect payment
21 for the service or item by the table game licensee, and shall be
22 valued in an amount based upon the retail price normally charged
23 by the table game licensee for the service or item. The value of
24 a complimentary service or item not normally offered for sale by
25 a table game licensee or provided by a third party on behalf of
26 a table game licensee shall be the cost to the table game
27 licensee of providing the service or item, as determined in
28 accordance with the rules of the Pennsylvania Gaming Control
29 Board.

30 "Control" or "controlling interest." For a publicly traded

1 domestic or foreign corporation, a controlling interest is an
2 interest in a legal entity, applicant or licensee if a person's
3 sole voting rights under State law or corporate articles or
4 bylaws entitle the person to elect or appoint one or more of the
5 members of the board of directors or other governing board or
6 the ownership or beneficial holding of 5% or more of the
7 securities of the publicly traded corporation, partnership,
8 limited liability company or other form of publicly traded legal
9 entity, unless this presumption of control or ability to elect
10 is rebutted by clear and convincing evidence. For a privately
11 held domestic or foreign corporation, partnership, limited
12 liability company or other form of privately held legal entity,
13 a controlling interest is the holding of any securities in the
14 legal entity, unless this presumption of control is rebutted by
15 clear and convincing evidence.

16 "Conviction." A finding of guilt or a plea of guilty or nolo
17 contendere, whether or not a judgment of sentence has been
18 imposed as determined by the law of the jurisdiction in which
19 the prosecution was entered. The term shall not include a
20 conviction that has been expunged, overturned or for which an
21 individual has been pardoned or where an order of accelerated
22 rehabilitative disposition has been completed.

23 "Counterfeit chips or tokens." Chip-like or token-like
24 objects that have not been approved by the Pennsylvania Gaming
25 Control Board for use in authorized table games, including
26 objects commonly referred to as "slugs," but not including legal
27 coins of the United States or any foreign country or
28 jurisdiction.

29 "Count room." The room or rooms designated for counting,
30 wrapping and recording of a table game licensee's authorized

1 table game receipts.

2 "Creditor." The holder of any claim, of whatever character,
3 against a person, whether secured or unsecured, matured or
4 unmatured, liquidated or unliquidated, absolute, fixed or
5 contingent.

6 "Debt." Any legal liability, whether matured or unmatured,
7 liquidated or unliquidated, absolute, fixed or contingent.

8 "Department." The Department of Revenue of the Commonwealth.

9 "Encumbrance." A mortgage, security interest, lien or charge
10 of any nature in or upon property.

11 "Equity security." Any voting stock of a corporation or
12 similar security; any security convertible, with or without
13 consideration, into a security; the carrying of any warrant or
14 right to subscribe to or purchase a security or any such warrant
15 or right; or any security having direct or indirect
16 participation in the profits of the issuer.

17 "Establishment." A single building or two or more buildings,
18 including an approved hotel, that are physically connected in a
19 manner deemed appropriate by the Pennsylvania Gaming Control
20 Board, containing a table game facility, a slot machine facility
21 or any other facility, as approved by the Pennsylvania Gaming
22 Control Board.

23 "Gaming activity." The dealing, operating, carrying on,
24 conducting, maintaining or exposing for play any authorized
25 table game.

26 "Gross table game revenue."

27 (1) The total of wagers received in the playing of an
28 authorized table game minus the total of:

29 (i) Cash or cash equivalents paid out to patrons as
30 a result of playing an authorized table game.

1 (ii) Cash paid to purchase annuities to fund prizes
2 payable to patrons over a period of time as a result of
3 playing an authorized table game.

4 (iii) Any personal property distributed to a patron
5 as the result of playing an authorized table game. This
6 does not include travel expenses, food, refreshments,
7 lodging or any other complimentary services or items.

8 (2) The term does not include counterfeit money or
9 tokens, coins or currency of other countries which are
10 received in the playing of an authorized table game, except
11 to the extent that they are readily convertible to United
12 States currency; cash taken in fraudulent acts perpetrated
13 against a table game licensee for which the table game
14 licensee is not reimbursed; or cash received as entry fees
15 for contests or tournaments in which the patrons compete for
16 prizes.

17 "Holding company." Any corporation, association, firm,
18 partnership, trust or other form of business organization other
19 than a natural person that, directly or indirectly, owns, has
20 the power or right to control, or has the power to vote any
21 significant part of the outstanding voting securities of a
22 corporation or other form of business organization which holds
23 or applies for a table game license. For the purpose of this
24 definition, in addition to any other reasonable meaning of the
25 words used, a holding company indirectly has, holds or owns
26 power, right or security if it does so through any interest in a
27 subsidiary or successive subsidiaries, however many subsidiaries
28 may intervene between the holding company and the table game
29 licensee or an applicant for a table game license.

30 "Institutional investor." Any of the following:

1 (1) Any retirement fund administered by a public agency
2 for the exclusive benefit of Federal, State or local public
3 employees.

4 (2) Any investment company registered under the
5 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. §
6 80a-1 et seq.).

7 (3) Any collective investment trust organized by banks
8 under Part Nine of the Rules of the Comptroller of the
9 Currency.

10 (4) Any closed-end investment trust, chartered or
11 licensed life insurance company or property and casualty
12 insurance company, banking and other chartered or licensed
13 lending institution or investment advisor registered under
14 the Investment Advisers Act of 1940 (54 Stat. 847, 15 U.S.C.
15 § 80b-1 et seq.).

16 (5) Other persons that the Pennsylvania Gaming Control
17 Board may determine consistent with this act.

18 "Intermediary company." Any corporation, association, firm,
19 partnership, trust or any other form of business organization
20 other than a natural person which:

21 (1) Is a holding company with respect to a corporation
22 or other form of business organization which holds or applies
23 for a table game license.

24 (2) Is a subsidiary with respect to any holding company.

25 "Issue," "issued" or "issuance." In the case of an
26 application submitted to the Pennsylvania Gaming Control Board
27 for qualification and authorization to conduct authorized table
28 games in accordance with this act, the terms refer to the date
29 on which the Pennsylvania Gaming Control Board approves the
30 application and on which the application becomes final, binding

1 and nonappealable and is not subject to a pending legal
2 challenge.

3 "Junket." An arrangement for which an individual is selected
4 or approved for participation on the basis of the individual's
5 ability to satisfy a financial qualification or the individual's
6 likelihood to participate in gaming, to come to a licensed table
7 game facility for the purpose of gaming and pursuant to which,
8 and as consideration for which, any or all of the cost of
9 transportation, food, lodging and entertainment for the
10 individual is directly or indirectly paid by a table game
11 licensee or employee or agent thereof.

12 "Junket enterprise." Any person, other than the holder of or
13 an applicant for a table game license, who employs or otherwise
14 engages the services of a junket representative in connection
15 with a junket to a table game facility, regardless of whether or
16 not those activities occur within this Commonwealth.

17 "Junket representative." Any natural person who negotiates
18 the terms of or engages in the referral, procurement or
19 selection of persons who may participate in any junket to a
20 licensed table game facility, regardless of whether or not those
21 activities occur within this Commonwealth.

22 "License." Any license issued in accordance with or required
23 under this act.

24 "License or registration fee." Any moneys required under
25 this act or by law or regulation to be paid for the issuance or
26 renewal of a table game license, a supplier license, a
27 manufacturer license, service industry license or any other
28 license or registration issued under this act.

29 "Licensed entity." A table game licensee, manufacturer
30 licensee, supplier licensee, service industry licensee or any

1 other person licensed by the Pennsylvania Gaming Board under
2 this act.

3 "Licensed facility." The physical land-based location at
4 which a licensed gaming entity is authorized to place and
5 operate slot machines pursuant to and in accordance with 4
6 Pa.C.S. Pt. II (relating to gaming) and to conduct and operate
7 authorized table games under this act.

8 "Licensed gaming entity" or "slot machine licensee." A
9 person that holds a slot machine license pursuant to 4 Pa.C.S.
10 Pt. II (relating to gaming).

11 "Licensed table game entity." A licensed gaming entity that
12 has been approved for and that holds a table game license under
13 this act.

14 "Licensed table game facility." The physical location,
15 including areas in an approved hotel, of a licensed facility
16 where authorized table games are conducted by a licensed table
17 game entity.

18 "Licensee." A person who has been approved for and who holds
19 a table game license or any other license issued under this act.

20 "Manufacturer." A person who manufactures, builds, rebuilds,
21 fabricates, assembles, produces, programs, designs or otherwise
22 makes modification to table game equipment, apparatuses, devices
23 and supplies for use in or play of authorized table games in
24 this Commonwealth.

25 "Manufacturer license." A license issued by the Pennsylvania
26 Gaming Control Board in accordance with this act that authorizes
27 a manufacturer to conduct or engage in business with a licensed
28 table game entity in this Commonwealth.

29 "Manufacturer licensee." A person who has been approved for
30 and who holds a manufacturer license.

1 "Municipality." A county, city, borough, incorporated town
2 or township.

3 "Occupation permit." A permit authorizing an individual to
4 be employed or work as a table game employee at a licensed table
5 game facility.

6 "Operation." The conduct of authorized table games as
7 authorized under this act.

8 "Operation certificate." A certificate issued by the
9 Pennsylvania Gaming Control Board that certifies that the
10 operation of a licensed table game facility conforms to the
11 requirements of this act and regulations promulgated pursuant to
12 this act.

13 "Party." The Pennsylvania Gaming Control Board, the Bureau
14 of Investigation and Enforcement or any licensee, permittee,
15 registrant, applicant or any person appearing of record for any
16 licensee, permittee, registrant or applicant in any proceeding
17 before the Pennsylvania Gaming Control Board or in any
18 proceeding for judicial review of any action, decision or order
19 of the Pennsylvania Gaming Control Board.

20 "Patron." A person who plays an authorized table game at a
21 licensed table game facility in accordance with this act.

22 "Permittee." An individual who holds an occupation permit
23 issued in accordance with this act.

24 "Person." Any natural person, corporation, foundation,
25 organization, business trust, estate, limited liability company,
26 licensed corporation, trust, partnership, limited liability
27 partnership, association or any other form of legal business
28 entity.

29 "Principal employee." Any person who is an officer or
30 director or who, by reason of remuneration or of a decision-

1 making position or other criteria as may be established by the
2 Pennsylvania Gaming Control Board by regulation, holds or
3 exercises authority that, in the judgment of the Pennsylvania
4 Gaming Control Board, is sufficiently related to the operation
5 of a licensed table game facility so as to require
6 qualification.

7 "Property." Real property, tangible and intangible personal
8 property and rights, claims and franchises of every nature.

9 "Publicly traded company." Any corporation or other legal
10 entity, except a natural person, to which any of the following
11 apply:

12 (1) Has one or more classes of security registered
13 pursuant to section 12 of the Securities Exchange Act of 1934
14 (48 Stat. 881, 15 U.S.C. § 78a et seq.).

15 (2) Is an issuer subject to section 15(d) of the
16 Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. §
17 78a et seq.).

18 (3) Has one or more classes of securities traded in any
19 open market in any foreign jurisdiction or regulated pursuant
20 to a statute of any foreign jurisdiction that the
21 Pennsylvania Gaming Control Board determines to be
22 substantially similar to either or both of the aforementioned
23 statutes.

24 "Qualification" or "qualified." A determination or finding
25 by the Pennsylvania Gaming Control Board that a person, other
26 than a person specifically required to obtain a license, permit
27 or registration under this act, meets the eligibility
28 requirements for a license under this act and the nature of the
29 person's employment or association with or ownership interest in
30 an applicant or table game licensee will require the person to

1 qualify for a license under this act.

2 "Qualified licensed facility." A licensed facility under 4
3 Pa.C.S. Pt. II (relating to gaming) that is approved by the
4 Pennsylvania Gaming Control Board to operate authorized table
5 games under this act.

6 "Registrant." A person who is registered with the
7 Pennsylvania Gaming Control Board pursuant to this act.

8 "Registration." Any requirement, other than one that
9 requires a license or permit, that requires a person to qualify
10 and register as a prerequisite to the conduct of a particular
11 business or activity specified in this act.

12 "Regulated complimentary service account." An account
13 maintained by a table game licensee on a regular basis that
14 itemizes complimentary services and includes, without
15 limitation, a listing of the cost of junket activities and any
16 other service provided by a table game licensee at no cost or at
17 a reduced price.

18 "Resident." Any individual domiciled and living within this
19 Commonwealth having a present intent to remain within this
20 Commonwealth for a period of time and manifesting the
21 genuineness of that intent by establishing an ongoing physical
22 presence within this Commonwealth, together which indicate that
23 the individual's presence within this Commonwealth is not merely
24 transitory in nature.

25 "Restricted table game area" or "restricted area." The
26 cashier's cage, the soft count room, the hard count room, the
27 interior of table game pits, the surveillance room and catwalk
28 areas, and any other area specifically designated by the
29 Pennsylvania Gaming Control Board as a restricted area in a
30 table game licensee's operation certificate.

1 "Security." Any instrument evidencing a direct or indirect
2 beneficial ownership or creditor interest in a corporation or
3 other form of business organization, including, but not limited
4 to, common or preferred stock, bonds, mortgages, debentures,
5 security agreements, notes, warrants, options and rights.

6 "Slot machine license." A license issued to an applicant to
7 place and operate slot machines in a licensed facility pursuant
8 to 4 Pa.C.S. Pt. II (relating to gaming).

9 "Statement of compliance." A statement by the Pennsylvania
10 Gaming Control Board that may be issued to an applicant for a
11 license under this act that indicates satisfactory completion of
12 a particular stage or stages of the application or license
13 consideration process, and that states that unless there is a
14 change of any material circumstance pertaining to the particular
15 stage or stages of license consideration involved in the
16 statement, the applicant has complied with the requirements of
17 this act for licensure and is therefore approved for license
18 qualification to the stage or stages for which the statement has
19 been issued.

20 "Subsidiary." Any corporation, any significant part of whose
21 outstanding equity securities are owned, subject to a power or
22 right of control, or held with power to vote, by a holding
23 company or an intermediary company or a significant interest in
24 a firm, association, partnership, trust or other form of
25 business organization, not a natural person, that is owned,
26 subject to a power or right of control, or held with power to
27 vote, by a holding company or an intermediary company.

28 "Supplier." A person who sells, leases, offers for sale or
29 otherwise provides, distributes table game devices, equipment,
30 apparatuses or supplies or who repairs or services any table

1 game devices, equipment, apparatus or supplies for use or play
2 of authorized table games in this Commonwealth.

3 "Supplier license." A license issued by the Pennsylvania
4 Gaming Control Board authorizing a supplier to provide products
5 or services related to table games to a table game licensee.

6 "Supplier licensee." A person who has been approved for and
7 issued a supplier license.

8 "Table game device," "equipment," "apparatus" or "supplies."
9 Any cards, dice, chips, shufflers, tiles, dominoes, wheel, drop
10 boxes or any electronic, electrical, mechanical or computerized
11 contrivance or device, mechanism, machine, equipment or related
12 supplies used or consumed in operation or connection with
13 authorized table games at a licensed table game facility.

14 "Table game employee." Any natural person employed in the
15 operation of a licensed table game facility, including, but not
16 limited to, boxmen, dealers or croupiers, floormen, device or
17 equipment technicians, security employees, count room personnel,
18 cage personnel, collection personnel, surveillance personnel and
19 data processing personnel, or any other natural person whose
20 employment duties predominantly involve the maintenance or
21 operation of table games or table game devices, equipment or
22 apparatuses and assets associated therewith or who, in the
23 judgment of the Pennsylvania Gaming Control Board, is so
24 regularly required to work in a restricted table game area that
25 issuance of an occupation permit as a table game employee is
26 appropriate.

27 "Table game key employee." Any natural person employed in
28 the operation of a licensed table game facility in a supervisory
29 capacity or empowered to make discretionary decisions that
30 govern table game facility operations, including, but not

1 limited to, pit bosses, shift bosses, credit supervisors,
2 cashier supervisors, table game facility managers and assistant
3 managers or supervisors of security employees, or any other
4 natural person empowered to make discretionary decisions,
5 including entertainment directors, and food and beverage
6 directors or any other employee designated by the Pennsylvania
7 Gaming Control Board for reasons consistent with the policies of
8 this act.

9 "Table game operations" or "table game activities." The
10 exposing for play of one or more authorized table games that are
11 dealt, operated, carried on, conducted or maintained for
12 commercial gain in a licensed table game facility.

13 "Table game service employee." A natural person employed to
14 perform services or duties in a licensed table game facility or
15 restricted area of the licensed facility but who is not included
16 within the definition of "table game employee," "table game key
17 employee" or "security employee" as those terms are defined in
18 this section.

19 "Table game service industry." Any form of enterprise which
20 provides applicants or table games licensees with goods or
21 services regarding the realty, construction, maintenance, or
22 business of a proposed or existing licensed table game facility
23 on a regular or continuing basis, including, without limitation,
24 junket enterprises, security businesses, gaming schools, garbage
25 haulers, maintenance companies, food purveyors, and construction
26 companies, or any other such enterprise which purchases goods or
27 services from or which does any other business with licensed
28 table game facilities on a regular or continuing basis.

29 "Table game service industry license." A license issued by
30 the Pennsylvania Gaming Control Board in accordance with the

1 requirements of this act that authorizes a table game service
2 industry to conduct or engage in business with a licensed table
3 game entity.

4 "Table game service industry license licensee." A person who
5 has been approved for and issued a table game service industry
6 license under this act.

7 "Transfer." The sale and every other method, direct or
8 indirect, of disposing of or parting with property or with an
9 interest in property, or with the possession of property, or of
10 fixing a lien upon property or upon an interest in property,
11 absolutely or conditionally, voluntarily or involuntarily, by or
12 without judicial proceedings, as a conveyance, sale, payment,
13 pledge, mortgage, lien, encumbrance, gift, security or
14 otherwise. The reduction of a security interest in property
15 delivered to a corporation shall be deemed a transfer suffered
16 by the corporation.

17 "Wager." A sum of money, thing or representative of value
18 risked on an uncertain outcome of the play of an authorized
19 table game.

20 CHAPTER 2

21 TABLE GAMES AUTHORIZED

22 Section 201. Authorization to conduct table games.

23 Notwithstanding any other provision of law to the contrary,
24 the operation of table games and the system of wagering
25 associated with table games are hereby authorized to the extent
26 that table games are conducted in accordance with this act and
27 guidelines, policy statements, rules or regulations adopted and
28 promulgated by the board pursuant to this act.

29 Section 202. Authorized locations for operation.

30 Table games authorized pursuant to this act shall only be

1 operated by a licensed gaming entity that holds a license to
2 conduct slot machine gaming at a licensed facility pursuant to 4
3 Pa.C.S. Pt. II (relating to gaming).

4 Section 203. Commencement of table game operations.

5 Notwithstanding any provision of this act to the contrary, a
6 license to operate authorized table games issued under this act
7 shall not be construed to permit the operation of authorized
8 table games until one year subsequent to the operation of slot
9 machines by a licensed gaming entity at a licensed facility.

10 Section 204. Applicability.

11 This act and any guidelines, rules or regulations promulgated
12 pursuant to this act shall apply to all persons licensed,
13 permitted or registered by the board to conduct authorized table
14 games or to otherwise participate in table game operations
15 authorized under this act.

16 CHAPTER 3

17 DUTIES OF BOARD

18 Section 301. General powers.

19 In addition to general jurisdiction over all gaming and
20 related activities conferred upon the board under 4 Pa.C.S. Pt.
21 II (relating to gaming), the board shall be responsible for
22 ensuring integrity in the conduct, establishment and operation
23 of authorized table games and shall have overall jurisdiction
24 over every aspect of the authorization, conduct, establishment
25 and operation of table games in this Commonwealth.

26 Section 302. Powers and duties of board.

27 The board shall implement the provisions of this act and
28 shall adopt any guidelines or policy statements and promulgate
29 any regulations necessary to carry out the provisions of this
30 act. The board shall have the duty, without limitation, to:

1 (1) Hear and decide in reasonable order all applications
2 for a table game license, manufacturer license, supplier
3 license, table game service industry license, and any other
4 license, registration or permit authorized under this act.

5 (2) At its discretion issue, approve, renew, revoke,
6 suspend, condition or deny issuance or renewal of any
7 license, permit or registration or any other qualification
8 authorized under this act. The board may deny, revoke,
9 condition, suspend or refuse to renew a license, permit or
10 registration if it finds that an applicant or a licensee or
11 an officer, employee or agent of an applicant or licensee has
12 furnished false or misleading information to the board or
13 failed to comply with this act or any guidelines, policy
14 statements, rules or regulations of the board adopted and
15 promulgated pursuant to this act or under 4 Pa.C.S. (relating
16 to gaming) and that it would be in the public interest to
17 deny, deny the renewal, revoke, condition or suspend the
18 license, permit or registration.

19 (3) Require background investigations on prospective or
20 existing table game licensees, manufacturer licensees,
21 supplier licensees, service industry licensees, permittees,
22 registrants or other persons holding a controlling interest
23 in any prospective or existing licensee, permittee or
24 registrant or other person required to be qualified for
25 licensure, permitting, registration or qualification under
26 this act.

27 (4) Receive information from the bureau, the
28 Pennsylvania State Police and other law enforcement agencies
29 regarding investigations of applications for a license,
30 permit, registration or qualification under this act.

1 (5) Require each applicant for a table game license to
2 provide information on whether the applicant has been
3 indicted, charged, arrested, convicted, pleaded guilty or
4 nolo contendere, forfeited bail concerning or had expunged
5 any misdemeanor or felony criminal offense under the laws of
6 any jurisdiction, foreign or domestic, not including traffic
7 violations, regardless of whether the offense has been
8 expunged, pardoned or reversed on appeal or otherwise,
9 including the date, the name and location of the court,
10 arresting and prosecuting agency, the case caption, the
11 docket number, the offense, the disposition and the location
12 and length of incarceration.

13 (6) Restrict access to confidential information in the
14 possession of the board or the bureau which has been obtained
15 under this act and assure that the confidentiality of
16 information received is maintained and protected. Records
17 shall be retained by the board for seven years.

18 (7) At its discretion, to suspend, revoke, condition or
19 deny the issuance or renewal of any license, permit or
20 registration.

21 (8) Require each applicant for a license, permit,
22 registration or qualification to submit to fingerprinting by
23 the Pennsylvania State Police. The Pennsylvania State Police
24 shall submit fingerprint images to the Federal Bureau of
25 Investigation to verify the identity of the applicant and
26 obtain criminal history record information.

27 (9) Determine the suitability of table game service
28 industries, including junket enterprises, junket
29 representatives or any other person who furnishes or seeks to
30 furnish to an authorized table game licensee, directly or

1 indirectly, any goods, service or property related to the
2 conduct, play and operation of table games and related
3 activities or through any arrangement under which a junket
4 enterprise, junket representative or any like person receives
5 payment based, directly or indirectly, on earnings, profits
6 or receipts from the conduct, play or operation of table
7 games. The board may require that a junket enterprise, junket
8 representative or like person comply with the requirements of
9 this act and the regulations of the board and may prohibit
10 the person from furnishing the goods, service or property.

11 (10) Conduct all hearings pertaining to administrative
12 violations of this act and regulations promulgated under this
13 act.

14 (11) Collect all application, license, permit and
15 registration fees and any other fees established by
16 regulation of the board.

17 (12) Levy fines, impose sanctions and collect penalties
18 for the violation of this act and the regulations promulgated
19 under this act.

20 (13) Establish times as are necessary for agents of the
21 board to be present at a licensed table game facility for the
22 purpose of certifying the revenue, receiving complaints from
23 the public relating to the conduct of authorized table games,
24 examining records of revenues and procedures, and conducting
25 periodic reviews of table game and facility operations for
26 the purpose of evaluating current performance and compliance
27 with the requirements of this act and regulations promulgated
28 pursuant to this act.

29 (14) Refer to the Pennsylvania State Police or the
30 Attorney General for investigation and prosecution of any

1 evidence of a suspected or alleged violation of this act or
2 the regulations promulgated under this act.

3 (15) Review and rule upon any complaint by a table game
4 licensee regarding any investigative procedure of the bureau
5 or the Pennsylvania State Police, that is unnecessarily
6 disruptive of table game facility operations. The need to
7 inspect and investigate shall be presumed at all times. The
8 disruption of a table game licensee's operations shall be
9 proved by clear and convincing evidence, such evidence shall
10 establish the following:

11 (i) The procedures had no reasonable law enforcement
12 purpose.

13 (ii) The procedures were so disruptive as to
14 unreasonably inhibit table game facility operations. The
15 board may seek advice from the Attorney General when
16 reviewing any investigative procedures or practices of
17 the Pennsylvania State Police.

18 (16) Prescribe procedures for and require periodic
19 financial reporting and internal controls for all table game
20 facilities.

21 (17) Require each table game licensee to transmit to the
22 board quarterly audit reports and an annual audit report of
23 the financial condition of the table game licensee's total
24 operation. The quarterly audit reports shall be transmitted
25 to the board for each of the first three fiscal quarters of
26 the licensee's fiscal year and within 30 days of the end of
27 each fiscal quarter. The annual report shall be transmitted
28 to the board within 30 days following the deadline prescribed
29 by the Securities and Exchange Commission for the filing of
30 the annual audit report by the Securities and Exchange

1 Commission.

2 (18) Establish and enforce prescribed hours of operation
3 of authorized table games, notwithstanding that authorized
4 table games may be operated on any day of the year in order
5 to meet the needs of patrons and to promote competition.

6 (19) Require that each licensed table game entity
7 prohibit individuals under 21 years of age from playing or
8 participating in the play of authorized table games.

9 (20) Require each applicant for a table game license to
10 provide detailed site plans of its proposed table game
11 facility, which the board shall review and approve to
12 determine the adequacy of the proposed internal and external
13 security and surveillance measures proposed for the facility.
14 Applicants shall cooperate with the board in making any
15 board-recommended modifications to the site plans and will
16 assure that the site plans, as modified and approved by the
17 board, are implemented.

18 (21) Require table game licensees to provide onsite
19 facilities for use by the board and the bureau and other
20 appropriate persons to facilitate their ability to perform
21 their respective responsibilities under this act.

22 (22) Consult with members of the Pennsylvania State
23 Police, the Office of Attorney General and other persons it
24 deems necessary for advice regarding various aspects of the
25 powers and duties imposed on the board under this act and its
26 jurisdiction over the operation of authorized table games at
27 licensed facilities.

28 (23) Adopt regulations for the conduct of all authorized
29 table games proposed to be operated by a table game licensee.

30 (24) Investigate applicants for a license, permit or

1 registration, and other persons to determine qualification
2 and eligibility for licensure, permitting and registration.

3 (25) Require applicants for the issuance or renewal of a
4 table game license, manufacturer license, supplier license or
5 service industry license to provide the board with a
6 statement listing the names and titles of all public
7 officials who, directly or indirectly, own any financial or
8 beneficial interest in, are the creditors of or hold any debt
9 instrument issued by, or hold or have any interest in any
10 contractual or service relationship with the applicant or
11 table game licensee, manufacturer licensee, supplier licensee
12 or service industry licensee. The list shall be updated
13 annually.

14 (26) Not issue or renew a license, permit or
15 registration unless it is satisfied that the applicant or
16 licensee is a person of good character, honesty and integrity
17 and is a person whose prior activities, criminal record, if
18 any, reputation, habits and associates do not pose a threat
19 to the public interest or the effective regulation and
20 control of table game operations in this Commonwealth or
21 create or enhance the danger of unsuitable, unfair or illegal
22 practices, methods and activities in the conduct of table
23 game operations or the carrying on of the business and
24 financial arrangements incidental to table game operations.

25 (27) Submit an annual report of its licensing and
26 regulatory activities to the General Assembly by January 31
27 of each year that conforms with the requirements of section
28 305(a).

29 (28) Not issue a table game license to a licensed gaming
30 entity that is also a holder of a Category 1 slot machine

1 license if it determines that the licensed gaming entity is
2 not in full compliance with any of the following:

3 (i) The provisions of its application for a slot
4 machine license as approved by the board.

5 (ii) The provisions of its application for a
6 thoroughbred or harness horse racing license as approved
7 by either the State Horse Racing Commission or State
8 Harness Racing Commission, as the case may be.

9 (iii) The requirements of 4 Pa.C.S. § 1302 (relating
10 to Category 1 slot machine license) and section 1303
11 (relating to additional Category 1 slot machine license
12 requirements).

13 (29) Not issue a table game license to a licensed gaming
14 entity if it determines that the licensed gaming entity is
15 not in full compliance with the requirements of 4 Pa.C.S. §
16 1325(b) (relating to license or permit issuance).

17 Section 303. Regulatory powers.

18 The board shall adopt and promulgate regulations to carry out
19 the provisions of this act. The regulations shall include
20 specific provisions that:

21 (1) Prescribe the methods and forms of application that
22 an applicant shall follow and complete prior to consideration
23 of an application for a license, permit or registration.

24 (2) Prescribe the methods, procedures and forms for
25 delivery of information that may be required by the board
26 under this act.

27 (3) Define and limit the areas of operation, the rules
28 of authorized games, odds and the method of operation of
29 authorized games.

30 (4) Prescribe the grounds and procedures for the denial,

1 revocation, suspension of or refusal to renew licenses,
2 permits, registrations or qualifications authorized under
3 this act.

4 (5) Establish the minimum level of insurance to be
5 maintained with respect to a licensed table gaming facility.

6 (6) Prescribe standards to govern the conduct of all
7 authorized table games.

8 (7) Establish standards for table game devices,
9 equipment, apparatuses and supplies, including electronic or
10 computerized table game devices.

11 (8) Establish standards to govern the operation of
12 licensed table game facilities, including the maintenance of
13 financial books, records and audits.

14 (9) Designate appropriate classifications of personnel
15 to be employed in the operation of table games at a licensed
16 table game facility and establish appropriate licensing,
17 registration and permitting standards within each
18 classification.

19 (10) Regulate the practices and procedures for
20 negotiable instrument transactions involving patrons of table
21 games, including limitations on the circumstances and amounts
22 of the transactions, including credit transactions, and the
23 establishment of forms and procedures for negotiable
24 instrument transactions, redemptions and consolidations.

25 (11) Prescribe for authorized table game operations
26 procedures, forms and methods of management controls,
27 including employee and supervisory charts or organizational
28 structure, alarm and other electrical or visual security
29 measures. The board shall grant an applicant a table game
30 license discretion concerning the organization and

1 responsibilities of management personnel who are not directly
2 involved in the operation or supervision of authorized table
3 games.

4 (12) Provide for uniform standards of accountancy
5 methods, procedures and forms, a uniform code of accounts and
6 accounting classifications and other standard operating
7 procedures as may be necessary to ensure consistency,
8 comparability and effective disclosure of all financial
9 information, including calculations of percentages of profit
10 by authorized table games, tables, apparatuses and devices.

11 (13) Prescribe the time frame for and the form and
12 manner in which the quarterly and annual audit reports shall
13 be filed with the board in accordance with section 302(17).

14 (14) Prescribe the qualifications of and the conditions
15 pursuant to which engineers, accountants, architects or any
16 agents or representatives of such persons and others shall be
17 permitted to practice before the board or to submit materials
18 on behalf of any applicant or licensee, permittee, registrant
19 or other person required to be qualified under this act. No
20 member of the General Assembly, nor any firm with which a
21 member of the General Assembly is associated, shall be
22 permitted to appear or practice in any capacity whatsoever
23 before the board regarding any matter whatsoever, nor shall
24 any immediate family member of an executive level State
25 employee or of a member of the General Assembly be permitted
26 to so practice or appear in any capacity whatsoever before
27 the board regarding any matter whatsoever.

28 (15) Provide minimum procedures for the exercise of
29 effective control over the internal fiscal affairs of a table
30 game licensee, including provisions for the safeguarding of

1 assets and revenues, the recording of cash and evidence of
2 indebtedness, and the maintenance of reliable records,
3 accounts, and reports of transactions, operations and events,
4 including reports to the board.

5 (16) Govern advertising by and the advertisement of
6 authorized table games by table game licensees, their
7 employees and agents, with the view toward ensuring that
8 advertisements are in no way deceptive, misleading or
9 designed in a manner to unduly induce, entice or otherwise
10 cause a person to play an authorized table game.

11 (17) Prescribe the standards and procedures for
12 quarterly reporting of professional services information.
13 Each holder of a table game license or person acting on
14 behalf of a table game licensee shall submit an annual report
15 to the board of each entity that furnishes professional
16 services to the table game license holder.

17 (18) Provide for the establishment of a list of persons
18 that a table game licensee may exclude or eject from a
19 licensed table game facility, and the establishment of a list
20 of persons who may self-exclude themselves from a licensed
21 table game facility. The lists authorized in this paragraph
22 shall conform with the standards, criteria and requirements
23 of 4 Pa.C.S. §§ 1514 (relating to regulation requiring
24 exclusion of certain persons), 1515 (relating to repeat
25 offenders excludable from licensed gaming facility) and 1516
26 (relating to list of persons self excluded from gaming
27 activities).

28 (19) Establish any other procedure, standard, condition
29 or requirement the board deems necessary to ensure the
30 integrity of table game operations and which effectuate the

1 provisions of this act.

2 Section 304. Denials and sanctions.

3 (a) General rule.--The board shall ensure, to the extent
4 required by this act, that licenses, permits or registrations
5 shall not be issued to nor held by, nor shall there be any
6 material involvement, directly or indirectly, with the licensed
7 table game operation or the ownership of the licensed table game
8 operation by unqualified or disqualified persons whose
9 operations are conducted in a manner that is inconsistent with
10 or do not conform with the requirements of this act or
11 regulations promulgated pursuant to this act.

12 (b) Enforcement.--In implementing and enforcing this act,
13 the board shall have the power and authority to:

14 (1) Deny any application for a license, permit,
15 registration or qualification.

16 (2) Limit, condition or restrict any license, permit,
17 registration or approval.

18 (3) Suspend or revoke any license, permit, registration
19 or approval.

20 (4) Impose a penalty on any person licensed, permitted,
21 registered or previously qualified for any cause deemed
22 reasonable by the board pursuant to regulations promulgated
23 by the board.

24 (c) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection:

27 "Disqualified person." Any person found by the board to be
28 disqualified pursuant to the criteria set forth in section
29 602(b).

30 "Unqualified person." Any person who is found by the board

1 to be unqualified pursuant to section 602(a).

2 Section 305. Annual report, study and recommendations.

3 (a) Annual report required.--Twelve months after the
4 commencement of table game operations at licensed table game
5 facilities and on January 31 of every calendar year thereafter,
6 the board shall make an annual report to the Governor and the
7 General Assembly. The report shall be filed with the Governor
8 and submitted to the Chief Clerk of the Senate and the Chief
9 Clerk of the House of Representatives and to the chairmen of the
10 legislative committees that have oversight of gambling-related
11 issues on or before January 31 of the year following the year
12 that the report covers. The report shall include an account of
13 the board's actions, its financial position, the results of
14 table game operation under this act and any recommendations for
15 legislation that the board considers advisable. The report shall
16 also include the information required under subsections (b) and
17 (c). The report shall include, but not be limited to, the
18 following:

19 (1) The number and win per table game at each licensed
20 table game facility during the previous year.

21 (2) All taxes, fees, fines and other revenue collected
22 and revenue disbursed during the previous year. The board
23 shall collaborate with the State Treasurer and the department
24 to carry out the requirements of this paragraph.

25 (3) A descriptive summary of the board's diversity
26 activities, including, but not limited to, contracting and
27 subcontracting, employment data and recruitment and retention
28 programs of the board which are designed to promote and
29 ensure diversity.

30 (4) A descriptive summary of licensed table game

1 entities' diversity activities for the previous year,
2 including, but not limited to:

3 (i) Employment and salary information, including any
4 recruitment and retention programs.

5 (ii) Minority-owned business enterprises and women-
6 owned business enterprises contracting and subcontracting
7 data.

8 (iii) Minority and women facility ownership and
9 participation data.

10 (iv) Any other information the board deems
11 appropriate.

12 (5) Administrative and operational expenses and costs of
13 the board.

14 (6) Administrative hearings or any other proceedings
15 convened by the board relating to the approval, issuance,
16 denial, conditioning, renewal or refusal to renew, suspension
17 or revocation of a table game license.

18 (7) Additional information the board may deem necessary
19 and appropriate.

20 (b) Report by table game licensee.--

21 (1) Each table game licensee shall annually compile, or
22 cause to be compiled, and submit to the board and the General
23 Assembly, a report on minors and unauthorized gaming. The
24 report shall include the following information for the table
25 game facility that the licensee is licensed to operate:

26 (i) The number of minors who were denied entry into
27 the table game facility.

28 (ii) The number of minors who were physically
29 escorted from the premises of the table game facility.

30 (iii) The number of minors who were detected

1 participating in gambling games other than slot machines
2 and the number of minors who were detected using slot
3 machines.

4 (iv) The number of minors who were taken into
5 custody by a law enforcement agency on the premises of
6 the table game facility.

7 (v) The number of minors who were detected illegally
8 consuming alcohol on the premises of the table game
9 facility.

10 (vi) The number of disassociated persons who were
11 denied entry into the table game facility.

12 (vii) A summary of the action taken by the table
13 game licensee in resolution of incidents under
14 subparagraphs (i), (ii), (iii), (iv), (v) and (vi),
15 including any action, resolution or disposition of any
16 violations of section 2504.

17 (viii) A summary of actions taken and controls
18 implemented by the table game licensee to prevent
19 facility access by minors and underage gaming.

20 (2) As used in this subsection, the term "minor" shall
21 mean an individual who is under 21 years of age.

22 (c) Recommendations.--

23 (1) The board shall conduct continuous study of the
24 operation and administration of gaming laws of other
25 jurisdictions, available literature, Federal laws which may
26 affect the operation of table games in this Commonwealth, and
27 the reaction of Pennsylvanians to existing and potential
28 features of authorized table games under this act. In
29 conducting such study, it shall be the duty of the board to:

30 (i) Determine any defects in this act or in the

1 regulations promulgated under this act.

2 (ii) Compile and submit to the General Assembly
3 recommendations for changes in this act to prevent
4 abuses, guard against the use of this act as a cloak for
5 the carrying on of illegal gambling or other criminal
6 activities.

7 (iii) Ensure that this act and the regulations
8 promulgated under this act shall be in a form and be
9 administered to serve the true purposes of this act.

10 (2) The board shall report immediately to the Governor
11 and the General Assembly any matters which, in its judgment,
12 may require immediate changes in the laws of this
13 Commonwealth in order to prevent abuses and evasions of this
14 act or any regulations promulgated under this act, or to
15 rectify undesirable conditions in connection with the
16 administration, operation and regulation of authorized table
17 games.

18 (d) Consolidation of reporting.--Subsequent to its
19 submission of the initial annual report under subsection (a),
20 the board may consolidate the information required to be
21 reported under this section with the annual report it is
22 required to submit pursuant to 4 Pa.C.S. § 1211 (relating to
23 reports of board). Any consolidated report shall accurately and
24 separately reflect the administration, enforcement, operation
25 and conduct of authorized table games from the administration,
26 enforcement, operation and conduct of slot machine gaming.
27 Section 306. Application hearing process.

28 The board's consideration and resolution of all applications
29 for a license, permit, registration or qualification under this
30 act shall be conducted in accordance with procedures adopted by

1 order of the board. Notwithstanding the requirements of 2
2 Pa.C.S. §§ 504 (relating to hearing and record) and 505
3 (relating to evidence and cross-examination), the procedures
4 adopted by order of the board shall provide parties before it
5 with a documentary hearing, but the board may, at its
6 discretion, resolve disputed material facts without conducting
7 an oral hearing when constitutionally permissible.

8 Section 307. Board minutes and records.

9 The board shall make and keep records of all proceedings held
10 at public meetings of the board. A verbatim transcript of public
11 meetings of the board shall be prepared by the board upon the
12 request of any board member or upon the request of any other
13 person and the payment by that person of the costs of
14 preparation.

15 Section 308. Maintenance of information.

16 (a) Applicant information.--

17 (1) The board shall maintain a list of all applicants
18 for licenses, permits and registrations under this act
19 together with a record of all actions taken with respect to
20 the applicants. The list and record shall be open to public
21 inspection.

22 (2) The applicant information required under paragraph
23 (1) relative to any applicant whose license, permit or
24 registration is denied, revoked or not renewed by the board
25 shall be removed from the list after seven years from the
26 date of the denial, revocation or refusal to renew.

27 (3) The board shall maintain other files, records and
28 information as it may deem necessary and appropriate.

29 (b) Confidentiality.--Information obtained in the
30 application process in accordance with this act and regulations

1 promulgated under this act, the report of an applicant's
2 background investigation and personal information furnished to
3 or obtained by the board, the bureau, the Pennsylvania State
4 Police or the Attorney General from any source shall be
5 considered confidential and shall be withheld from public
6 disclosure in whole and in part, except that any information
7 shall be released upon the lawful order of a court of competent
8 jurisdiction or, with the approval of the Attorney General, to
9 an authorized law enforcement agency or shall be released to the
10 public, in whole or in part, to the extent that the release is
11 requested by the applicant and does not otherwise contain
12 confidential information about another person. The board may not
13 require any applicant to waive any confidentiality provided for
14 in this subsection as a condition for the approval, issuance or
15 renewal of a license, permit or registration or any other action
16 of the board. Any person who violates this subsection shall be
17 administratively disciplined by discharge, suspension or other
18 form of disciplinary action as the board deems appropriate.

19 Section 309. Temporary regulations.

20 Notwithstanding any other provision of law to the contrary,
21 in order to facilitate the prompt implementation of this act,
22 the board shall have the power and authority to promulgate,
23 adopt and use temporary regulations to implement this act. The
24 temporary regulations shall be published in the Pennsylvania
25 Bulletin and shall be subject to review pursuant to sections
26 204(b) and 301(10) of the act of October 15, 1980 (P.L.950,
27 No.164), known as the Commonwealth Attorneys Act. The temporary
28 regulations shall not be subject to sections 201 through 205 of
29 the act of July 31, 1968 (P.L.769, No.240), referred to as the
30 Commonwealth Documents Law, or the act of June 25, 1982

1 (P.L.633, No.181), known as the Regulatory Review Act. The
2 temporary regulations promulgated by the board shall be
3 effective for a period of not more than three years from the
4 effective date of this act or upon the promulgation and
5 publication of permanent regulations by the board as generally
6 provided by law, if sooner than three years. The authority of
7 the board to use temporary regulations shall expire two years
8 from the effective date of this act.

9 Section 310. Diversity goals and requirements of board.

10 (a) Intent.--It is the intent of the General Assembly that
11 the board promote and ensure diversity in all aspects of the
12 table game activities authorized under this act. The board shall
13 work to enhance the representation of diverse groups:

14 (1) in the work of the board;

15 (2) in the ownership, participation and operation of
16 licensed table game entities and licensed table game
17 facilities in this Commonwealth;

18 (3) through the ownership, participation and operation
19 of business enterprises associated with or utilized by
20 licensed table game entities and licensed table game
21 facilities; and

22 (4) through the provision of goods, property and
23 services utilized by licensed table game entities under this
24 act.

25 (b) Investigations.--The board is authorized to investigate
26 and conduct an annual audit of each licensed table game entity
27 to ascertain whether effective and meaningful action has been
28 taken or will be taken to enhance the representation of diverse
29 groups:

30 (1) In the ownership, participation and operation of

1 qualified licensed facilities in this Commonwealth.

2 (2) Through the ownership and operation of business
3 enterprises associated with or utilized by table game
4 licensees.

5 (3) Through the provision of goods, property and
6 services utilized by table game licensees and licensed table
7 game facilities.

8 (4) Through employment opportunities with qualified
9 licensed entities and licensed table game facilities.

10 (c) Employment opportunities.--The board shall work to
11 promote and ensure that it and applicants for a table game
12 license and table game licensees afford equal employment
13 opportunity to all prospective employees and to all actual
14 employees to be employed by the board, applicant, licensees and
15 by contractors, subcontractors, assignees, lessees, agents,
16 vendors and suppliers of applicants and licensees. Each
17 application for a table game license shall include a written
18 guaranty that all contracts and subcontracts entered by the
19 applicant contain appropriate provisions by which contractors
20 and subcontractors or their assignees agree to afford equal
21 employment opportunity to all prospective employees and to all
22 actual employees to be employed by the contractor or
23 subcontractor in accordance with a plan approved by the board.

24 (d) Board required to report.--No later than one year after
25 the commencement of authorized table games at licensed table
26 game facilities, the board shall include in its first due annual
27 report after that date and each annual report thereafter
28 submitted in accordance with section 305(a), the activities
29 undertaken by licensed table game entities and facilities to
30 promote diversity and accord equal employment opportunity in

1 accordance with subsection (c). The report shall include a
2 concise summary of the information reported to the board
3 pursuant to section 305(a)(4).

4 Section 311. Application appeals.

5 The Supreme Court of the Commonwealth of Pennsylvania shall
6 be vested with exclusive appellate jurisdiction to consider
7 appeals of any final order, determination or decision of the
8 board involving the approval, issuance, denial, conditioning or
9 renewal of all licensed entity applications. Notwithstanding the
10 provisions of 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial
11 review of Commonwealth agency action) and 42 Pa.C.S. § 763
12 (relating to direct appeals from government agencies), the
13 Supreme Court shall affirm all final orders, determinations or
14 decisions of the board involving the approval, issuance, denial,
15 conditioning or renewal of all licensed table game entity
16 applications unless it shall find that the board committed an
17 error of law or that the order, determination or decision of the
18 board was arbitrary and there was a capricious disregard of the
19 evidence.

20 Section 312. Issuance of license, permit or registration.

21 (a) Issuance.--In addition to any other criteria provided
22 under this act, any applicant for a table game license or for a
23 table game supplier, manufacturer, service industry or key
24 employee license or any applicant for a license, permit or
25 registration or other person that the board approves as
26 qualified to receive a license, permit or registration under
27 this act shall be issued a license, permit or registration upon
28 the payment of any fee required and upon the fulfillment of any
29 conditions required by the board or provided for in this act.
30 Nothing contained in this act is intended or shall be construed

1 to create an entitlement to a license, permit or registration by
2 any person. A license, permit or registration issued under this
3 act is a revocable privilege granted by the Commonwealth and is
4 not a property right. The board shall in its sole discretion
5 issue, renew, condition or deny a table game license based upon
6 the requirements of this act and whether the issuance of a
7 license will enhance tourism, economic development or job
8 creation, is in the best interests of this Commonwealth and
9 advances the purposes of this act.

10 (b) Eligibility.--A license, permit or registration shall
11 not be granted or renewed unless the board finds that the
12 applicant satisfies all of the following criteria:

13 (1) The applicant has developed and implemented a
14 diversity plan to ensure that all persons are accorded
15 equality of opportunity in employment and contracting by the
16 applicant, its contractors, subcontractors, assignees,
17 lessees, agents, vendors and suppliers pursuant to 4 Pa.C.S.
18 § 1325(b)(1) (relating to license or permit issuance).

19 (2) The applicant in all other respects is found
20 suitable consistent with the laws of this Commonwealth and is
21 otherwise qualified to be issued a license, permit or
22 registration.

23 (c) Additional requirements.--In addition to the eligibility
24 requirements otherwise provided in this act, the board may also
25 take into account the following factors when considering an
26 application for a table game license:

27 (1) The location and quality of the proposed table game
28 facility, including, but not limited to, road and transit
29 access, parking and centrality to market service area.

30 (2) The potential for new job creation and economic

1 development that will result from granting a table game
2 license to an applicant.

3 (3) The applicant's good faith plan to recruit, train
4 and upgrade diversity in all employment classifications in
5 the table game facility.

6 (4) The applicant's good faith plan for enhancing the
7 representation of diverse groups in the operation of its
8 table game facility through the ownership and operation of
9 business enterprises associated with or utilized by its table
10 game facility or through the provision of goods or services
11 utilized by its table game facility and through the
12 participation in the ownership of the applicant.

13 (5) The applicant's good faith effort to ensure that all
14 persons are accorded equality of opportunity in employment
15 and contracting by it and any contractors, subcontractors,
16 assignees, lessees, agents, vendors and suppliers it may
17 employ directly or indirectly.

18 (6) The history and success of the applicant in
19 developing tourism facilities ancillary to gaming development
20 if applicable to the applicant.

21 (7) The degree to which the applicant presents a plan
22 for the project which will likely lead to the creation of
23 quality, living-wage jobs and full-time permanent jobs for
24 residents of this Commonwealth generally and for residents of
25 the host political subdivision particularly.

26 (8) The record of the applicant and its developer in
27 meeting commitments to local agencies, community-based
28 organizations and employees in other locations.

29 (9) The degree to which potential adverse effects which
30 might result from the project, including costs of meeting the

1 increased demand for public health care, child care, public
2 transportation, affordable housing and social services
3 including compulsive and problem gambling programs, will be
4 mitigated by the applicant or licensee.

5 (10) The record of the applicant and its developer
6 regarding compliance with:

7 (i) Federal, State and local discrimination, wage
8 and hour, disability and occupational and environmental
9 health and safety laws.

10 (ii) State and local labor relations and employment
11 laws.

12 (11) The applicant's record in dealing with its
13 employees and their representatives at other locations.

14 CHAPTER 4

15 FEES, FINES AND PENALTIES

16 Section 401. Authority of board; imposition and collection of
17 fees, fines and penalties.

18 (a) Authority to levy and collect.--

19 (1) The board shall levy and collect fees from
20 applicants for a license, permit, registration or
21 qualification under this act to assist in funding the
22 operations of the board. The fees collected by the board
23 shall be deposited in the State Gaming Fund established under
24 4 Pa.C.S. § 1403 (relating to establishment of State Gaming
25 Fund and net slot machine revenue distribution). The board
26 shall assess and collect fees as follows:

27 (i) A person approved by the board for a supplier
28 license shall pay a license fee of \$25,000 upon the
29 issuance of the supplier license and a renewal fee of
30 \$10,000 for the annual renewal of a supplier license, if

1 the board approves the renewal.

2 (ii) A person approved by the board for a
3 manufacturer license shall pay a license fee of \$50,000
4 upon the issuance of the manufacturer license and a
5 renewal fee of \$25,000 for the annual renewal of the
6 manufacturer license, if the board approves the renewal.

7 (iii) Each application for a supplier license or
8 manufacturer license shall be accompanied by a
9 nonrefundable application fee of \$2,500. The application
10 fee shall be used to cover the reasonable and necessary
11 costs and expenses incurred by the board in any
12 background investigation or proceeding concerning the
13 applicant. The applicant shall reimburse the board for
14 any additional costs which may be incurred as a result of
15 the investigation or proceeding. The board shall refund
16 to the applicant any money which is not expended in
17 connection with the conduct of the background
18 investigation.

19 (iv) A person approved by the board for a table game
20 service industry license shall pay a license fee of
21 \$25,000 upon the issuance of the license and a renewal
22 fee of \$10,000 for the annual renewal of a service
23 industry license if the board approves the renewal. Each
24 application for a service industry license shall be
25 accompanied by a nonrefundable application fee of \$2,500.
26 The application fee shall be used to cover the reasonable
27 and necessary costs and expenses incurred by the board in
28 any background investigation or proceeding concerning the
29 applicant for license. The applicant shall reimburse the
30 board of any additional costs that may be incurred as a

1 result of the investigation or proceeding. The board
2 shall refund to the applicant any money that is not
3 expended in the conduct of the background investigation.

4 (2) The board shall provide for the assessment and
5 collection of fines and penalties for violations of this act
6 or regulations promulgated under this act. Fines and
7 penalties collected by the board shall be credited for
8 deposit to the General Fund. The board by regulation may from
9 time to time increase any fee, charge, cost or administrative
10 penalty provided in this act by a reasonable amount, except
11 that no fee, charge, cost or administrative penalty shall be
12 increased until three years subsequent to the effective date
13 of this act.

14 (3) Notwithstanding any provision of this section to the
15 contrary, the board by regulation may establish additional
16 fees for the investigation and consideration of applications
17 for the issuance and renewal of licenses, permits and
18 registrations under this act. The fees shall be payable by
19 the applicant, licensee, permittee or registrant.

20 (4) The board by regulation may establish fees to recoup
21 the costs of services, equipment or other expenses that are
22 rendered, utilized or incurred by the bureau, the
23 Pennsylvania State Police or the board, including any unusual
24 or out-of-pocket expenses directly related to the operation
25 of authorized table games or in response to requests arising
26 under this act that are unrelated to investigation or
27 consideration of applications for the issuance or renewal of
28 a license, permit or registration.

29 (b) Additional assessment.--

30 (1) In addition to the fees required under subsection

1 (a), there is hereby imposed an annual assessment that shall
2 be paid by each holder of a manufacturer license, supplier
3 license and service industry license as provided for in this
4 subsection.

5 (2) Each licensed manufacturer, licensed supplier and
6 licensed service industry that engages in commerce with a
7 licensed table game entity in this Commonwealth shall pay an
8 annual assessment of \$50,000.

9 (3) The annual assessment required under this subsection
10 shall be paid to the department on or before the date each
11 licensed manufacturer, licensed supplier or licensed service
12 industry begins to engage in commerce with a licensed table
13 game entity in this Commonwealth and annually on that date,
14 thereafter.

15 (4) The department shall cause the annual assessment to
16 be deposited in the fund established under 4 Pa.C.S. § 1509
17 (relating to compulsive and problem gambling program). The
18 moneys deposited in the fund shall be used solely for the
19 purposes enumerated in Chapter 28 and 4 Pa.C.S. § 1509 and
20 shall not be used for any other purpose.

21 Section 402. Table game license fee.

22 (a) Establishment of fee.--Notwithstanding the licensing fee
23 imposed upon applicants for a slot machine license pursuant to 4
24 Pa.C.S. §§ 1209 (relating to slot machine license fee) and 1305
25 (relating to Category 3 slot machine license), and subject to
26 the requirements of this act, at the time a table game license
27 is issued by the board, a table game license fee in the amount
28 of \$10,000,000 shall be remitted to the board by each holder of
29 a Category 1, Category 2 and Category 3 slot machine license
30 that applies for and is approved for a table game license under

1 this act. The license fees set forth in this section shall be
2 remitted upon the issuance of a table game license by the board.

3 (b) Renewal fee and term of license.--A table game license,
4 upon payment of the license fee established in subsection (a),
5 shall be issued for a term of one year, unless suspended or
6 revoked by the board. The term for a renewed license shall be
7 one year for each of the first two renewal periods succeeding
8 the initial issuance of the license. Thereafter, the board may
9 by regulation establish a longer renewal period. Each
10 application to renew a table game license shall be accompanied
11 by an annual license renewal fee of \$500,000, except that, if
12 the board establishes a longer renewal period, the amount of the
13 license renewal fee shall be computed in a manner to reflect the
14 longer renewal period.

15 Section 403. Deposit of fees.

16 The total amount of all license, permit and registration fees
17 and any other fees established, imposed and collected by the
18 board pursuant to this chapter shall be deposited in the State
19 Gaming Fund. The fees authorized and collected in accordance
20 with this chapter and so deposited shall be annually
21 appropriated to the board by the General Assembly to administer
22 this act.

23 Section 404. Ability to pay license fee.

24 Each applicant for a table game license shall, at the time of
25 application, post a bond in the amount of \$10,000,000 to
26 demonstrate the financial ability of the applicant to pay the
27 license fee as established in section 402 if issued a table game
28 license by the board. The bond may be furnished in negotiable
29 securities, by a surety bond guaranteed by a satisfactory
30 guarantor or by an irrevocable letter of credit issued by a

1 banking institution or other lending institution acceptable to
2 the board.

3 Section 405. Fee on authorized table games.

4 (a) Annual fee.--In addition to any other fee imposed under
5 this act, there is also hereby imposed an annual license fee of
6 \$500 upon every authorized table game maintained for use or in
7 use in any licensed table game facility in this Commonwealth.

8 (b) Date of imposition.--The fee imposed under this section
9 shall be imposed as of the first day of July of each year with
10 regard to all table games maintained for use or in use on that
11 date, and on a pro rata basis thereafter during the year with
12 regard to all table games conducted and maintained for use or
13 placed in use after July 1.

14 (c) Deposit.--Notwithstanding any other provision to the
15 contrary, the fee required under this section shall be paid by
16 each table game licensee to the department for deposit into the
17 compulsive and problem gambling treatment fund established under
18 4 Pa.C.S. § 1509 (relating to compulsive and problem gambling
19 program) and shall be used for the purposes enumerated in
20 Chapter 28 and 4 Pa.C.S. § 1509.

21 CHAPTER 5

22 AUTHORIZED LICENSES

23 Section 501. Table game licensing requirements.

24 (a) General eligibility.--A person who has been approved for
25 and issued a license as a licensed gaming entity under 4 Pa.C.S.
26 Pt. II (relating to gaming) shall be eligible to apply for a
27 table game license in accordance with this act, except that
28 nothing contained in this act shall be construed to create an
29 entitlement to a table game license by the licensed gaming
30 entity or person. The board shall, in its sole discretion,

1 issue, renew, condition or deny a table game license based upon
2 the requirements of this act and whether the issuance of a table
3 game license will enhance tourism, including international
4 tourism; promote economic development and job creation; is in
5 the best interest of the Commonwealth; will advance the
6 Commonwealth's regional competitive advantage; and will advance
7 the purposes of this act. It shall be the affirmative
8 responsibility of each licensed gaming entity to establish by
9 clear and convincing evidence all qualifications for a table
10 game license, and the qualifications of each person who is
11 required to be qualified under this act as well as the
12 qualifications of the licensed facility in which the table games
13 are to be located and operated.

14 (b) Responsibility of persons seeking qualification.--Each
15 licensed gaming entity or any other person who must be qualified
16 for licensure pursuant to this act shall provide all information
17 required under this act and satisfy all requests for information
18 pertaining to qualification in the form and manner and at the
19 time specified by the board. Applicants for a table game license
20 and table game licensees shall waive liability as to the
21 Commonwealth of Pennsylvania and its instrumentalities and
22 agents for any damages that may result from any disclosure or
23 publication in any manner, other than a willfully unlawful
24 disclosure or publication of any material or information
25 acquired during inquiries, investigations or hearings. The
26 following shall apply to licensed gaming entities and other
27 persons seeking qualification for a table game license:

28 (1) Applicants for a table game license, table game
29 licensees, intermediary companies, and holding companies
30 shall consent to inspections, searches and seizures and agree

1 to supply handwriting exemplars as may be authorized by this
2 act and regulations promulgated under this act.

3 (2) Applicants for a table game license, table game
4 licensees and any other person required to be qualified under
5 this act shall have the continuing duty to provide any
6 assistance or information required by the board, the bureau,
7 the Pennsylvania State Police or the Attorney General, and to
8 cooperate in any inquiry or investigation conducted by the
9 board, bureau, Pennsylvania State Police or the Attorney
10 General and any inquiry, investigation or hearing conducted
11 by the board. If upon issuance of a formal request to answer
12 or produce information, evidence or testimony, any applicant,
13 licensee or any other person required to be qualified under
14 this act refuses to comply, the application, license or
15 qualification of the person may be denied or revoked by the
16 board.

17 (3) No applicant for a table game license or a table
18 game licensee shall give or provide, offer to give or
19 provide, directly or indirectly, any compensation or reward
20 or any percentage or share of the money or property played or
21 received through table game operations, except the table game
22 license fee and other fees and assessments authorized under
23 this act, in consideration for obtaining any license,
24 authorization, permission or privilege to participate in any
25 way in table game operations.

26 (4) Each applicant for a table game license, licensed
27 gaming entity or person required to be qualified under this
28 act shall be photographed and fingerprinted for
29 identification and investigation purposes in accordance with
30 procedures established by the board pursuant to this act. The

1 board may by regulation waive the requirements of this
2 paragraph for any person or individual who has satisfied
3 these requirements as a condition for licensure and who has
4 been issued a license under 4 Pa.C.S. Pt. II within six
5 months subsequent to submitting an application for a license
6 under 4 Pa.C.S. Pt. II. The regulations promulgated by the
7 board pursuant to this paragraph shall set forth the
8 conditions or criteria under which photographing and
9 fingerprinting may be waived for an applicant or person who
10 holds a valid license under 4 Pa.C.S. Pt. II.

11 (5) Licensed gaming entities and other persons required
12 to be qualified under this act, and persons employed by a
13 table game service industry licensed under this act, shall
14 inform the board or bureau of any action that they believe or
15 reasonably suspect would constitute a violation of this act.
16 No person who so informs the board or the bureau shall be
17 discriminated against by an applicant for a table game
18 license or a table game licensee because of the furnishing of
19 the information.

20 Section 502. Statement of compliance.

21 (a) Issuance.--The board may, in its discretion, issue a
22 statement of compliance to a licensed gaming entity or an
23 applicant for a table game license or for qualification status
24 under this act at any time the board is satisfied that the
25 licensed gaming entity or applicant has established by clear and
26 convincing evidence that one or more particular eligibility
27 criteria have been satisfied. A request for the issuance of a
28 statement of compliance under this subsection shall be initiated
29 by the licensed gaming entity or applicant filing a petition
30 with the board. Before the board initiates an investigation of

1 the licensed gaming entity or applicant, the board may require
2 the licensed gaming entity or applicant to establish, to the
3 satisfaction of the board, that the entity or applicant actually
4 intends, if found qualified, to engage in the business or
5 activity that would require the issuance of the table game
6 license or the determination of qualification status under this
7 act.

8 (b) Petition seeking alternative issuance.--Any person who
9 is required to be qualified under this act in order to hold
10 securities of a licensed table game entity or any holding or
11 intermediary company of a licensed table game entity may, prior
12 to acquisition of the securities, request the issuance of a
13 statement of compliance by the board that the person is
14 qualified to hold the securities. Any request for the issuance
15 of a statement of compliance pursuant to this subsection shall
16 be initiated by the person filing a petition with the board in
17 which the person shall be required to establish that there is a
18 reasonable likelihood that, if qualified, the person will obtain
19 and hold the securities of the licensed table game entity or any
20 holding or intermediary company of the licensed table game
21 entity to the extent to require the qualification of the person
22 under this act. If the board finds that this reasonable
23 likelihood exists, and if the board is satisfied, after
24 investigation, that the qualifications of the person have been
25 established by clear and convincing evidence, the board may, in
26 its discretion, issue a statement of compliance that the person
27 is qualified to hold the securities. Any person who requests a
28 statement of compliance pursuant to this subsection shall be
29 subject to section 501. The person shall pay for the costs of
30 all investigations and proceedings in relation to the request

1 unless the person provides to the board a written agreement
2 specifying the licensed table game entity will pay the costs.

3 (c) Requirements for corporation.--A statement of compliance
4 shall not be issued indicating that an applicant, which is a
5 corporation or other form of business organization, has
6 established by clear and convincing evidence its good character,
7 honesty and integrity unless the chief executive officer, chief
8 operating officer and chief financial officer or the functional
9 equivalent of each, each director, each person who directly or
10 indirectly holds any beneficial interest or ownership interest
11 in the applicant, to the extent that the person would be
12 required to qualify under 4 Pa.C.S. § 1311 (relating to
13 additional slot machine license requirements), if the applicant
14 were a holding company or intermediary company of a licensed
15 gaming entity and any other person that the board may consider
16 appropriate for approval or qualification, would, but for
17 residency, individually be qualified for approval as a key
18 employee or principal employee under the applicable provisions
19 of this act.

20 (d) Contents of statement of compliance.--A statement of
21 compliance issued under this act shall specify:

22 (1) The particular eligibility criteria satisfied by the
23 applicant or person.

24 (2) The date as of which satisfaction was determined by
25 the board.

26 (3) The continuing obligation of the applicant or person
27 to file any information required by the board as part of any
28 application for a table game license or qualification status
29 under this act, including information related to the
30 eligibility criteria for which the statement of compliance

1 was issued.

2 (4) The obligation of the applicant or person to
3 reestablish its satisfaction of the eligibility criteria
4 should there be a change in any material fact or circumstance
5 that is relevant to the eligibility criteria for which the
6 statement of compliance was issued.

7 (e) Withdrawal by board.--A statement of compliance issued
8 pursuant to this section may be withdrawn by the board if:

9 (1) The applicant or person otherwise fails to satisfy
10 the eligibility criteria for licensure or qualifications.

11 (2) The applicant or person fails to comply with any
12 condition imposed by the board.

13 (3) The board finds cause to revoke the statement of
14 compliance for any other reason.

15 (f) Duration.--Notwithstanding any other provision of this
16 section, unless otherwise extended by the board upon application
17 by the recipient and for good cause shown, any statement of
18 compliance issued by the board in accordance with this section
19 shall expire 48 months after the date of issuance, unless the
20 recipient receives a commitment from the board for the
21 reservation of a table game license, in which case the statement
22 of compliance shall expire on the same day as the commitment.

23 Section 503. Table game license applicant eligibility.

24 (a) Requirement to operate.--No licensed gaming entity shall
25 operate table games unless all necessary licenses, certificates
26 and approvals authorizing the operation of authorized table
27 games have been approved and issued by the board in accordance
28 with this act.

29 (b) Eligibility.--Only the following persons shall be
30 eligible to apply for a table game license, and each of the

1 following persons shall be required to hold a slot machine
2 license prior to the operation of authorized table games in the
3 licensed table game facility with respect to which the table
4 game license has been applied for:

5 (1) A person who has been approved for a Category 1 slot
6 machine license pursuant to 4 Pa.C.S. §§ 1302 (relating to
7 Category 1 slot machine license) and 1303 (relating to
8 additional Category 1 slot machine requirements), or a person
9 who has been issued a slot machine license pursuant to 4
10 Pa.C.S. § 1325 (relating to license or permit issuance).

11 (2) A person who has been approved for a Category 2 slot
12 machine license pursuant to 4 Pa.C.S. § 1304 (relating to
13 Category 2 slot machine license), or who has been issued a
14 slot machine license pursuant to 4 Pa.C.S. § 1325.

15 (3) A person who has been approved for a Category 3 slot
16 machine license pursuant to 4 Pa.C.S. § 1305 (relating to
17 Category 3 slot machine license), or who has been issued a
18 slot machine license pursuant to 4 Pa.C.S. § 1325. The board
19 shall promulgate regulations prescribing the number, kind and
20 manner in which authorized table games may be conducted in a
21 Class 3 licensed facility or any establishment of a Class 3
22 licensed facility.

23 (4) Any person qualified in accordance with the
24 requirements of this act who has a written agreement with a
25 licensed gaming entity or with an applicant for or holder of
26 a slot machine license for the complete management of a
27 proposed or existing table game facility.

28 (5) Any other person who has control over either a
29 licensed facility or the land thereunder or the operation of
30 a licensed facility in accordance with the requirements of

1 this act.

2 Section 504. Requirements to manage.

3 Prior to the operation of a table game facility in this
4 Commonwealth, any agreement to lease an approved table game
5 facility or the land thereunder and any agreement for the
6 management of a table game facility shall be in writing and
7 filed with the board. No agreement shall be effective unless
8 expressly approved by the board. The board may require that any
9 agreement include within its terms provisions reasonably
10 necessary to best accomplish the policies of this act.
11 Notwithstanding any other provisions of law or regulation to the
12 contrary and consistent with the policies of this act:

13 (1) The board may determine that any person who does not
14 have the ability to exercise any significant control over
15 either the licensed table game facility or the operation of
16 table games within such table game facility shall not be
17 eligible to hold or be required to hold a table game license.

18 (2) The board may determine that any owner, lessor or
19 lessee of a licensed table game facility or the land
20 thereunder who does not own or lease the entire licensed
21 facility shall not be eligible to hold or be required to hold
22 a table game license.

23 (3) The board may require that any person or persons
24 eligible to apply for a table game license organize into such
25 form or forms of business association as the board shall deem
26 necessary or desirable in the circumstances to carry out the
27 policies of this act.

28 (4) The board may issue separate table game licenses to
29 any person eligible to apply for a table game license.

30 (5) As to agreements to lease a licensed table game

1 facility or the land thereunder, unless it expressly and by
2 formal vote for good cause determines otherwise, the board
3 shall require that each party to the agreement hold either a
4 table game license or table game service industry license and
5 that the agreement be for a durational term exceeding 30
6 years, concerns 100% of the entire licensed table game
7 facility or of the land upon which same is located, and
8 include within its terms a buy-out provision conferring upon
9 the licensee-lessee that controls the operation of the
10 approved licensed table game facility the absolute right to
11 purchase for an expressly set forth fixed sum the entire
12 interest of the lessor or any person associated with the
13 lessor in the licensed table game facility or the land
14 thereunder in the event that the lessor or person associated
15 with the lessor is found by the board to be unsuitable to be
16 associated with the licensed table game facility.

17 (6) The board shall not permit an agreement for the
18 leasing of a licensed table game facility or the land
19 thereunder to provide for the payment of an interest,
20 percentage or share of money wagered at the table game
21 facility or derived from table game operations or of the
22 revenues or profit of the licensed table game facility,
23 unless:

24 (i) The party receiving payment of the interest,
25 percentage or share is a party to the approved lease
26 agreement.

27 (ii) Each party to the lease agreement holds either
28 a table game license or table game service industry
29 license.

30 (iii) The agreement is for a durational term

1 exceeding 30 years, concerns a significant portion of the
2 entire licensed table game facility or of the land upon
3 which the same is located and includes within its terms a
4 buy-out provision conforming to the requirements of
5 paragraph (5).

6 (7) As to agreements for the management of a table game
7 facility, the board shall require that:

8 (i) Each party to an agreement hold a table game
9 license.

10 (ii) The party to an agreement who is to manage the
11 table game operations own at least 10% of all outstanding
12 equity securities of the table game license or of the
13 eligible applicant for a table game license, if the
14 licensee or applicant is a corporation and the ownership
15 of an equivalent interest in the table game licensee or
16 in the eligible applicant for a table game license, if
17 the applicant is not a corporation.

18 (iii) The agreement be for the complete management
19 of all table game space in the facility, provide for the
20 sole and unrestricted power to direct the table game
21 operations of the facility that is the subject of the
22 agreement, and be for a durational term that assures
23 reasonable continuity, stability and independence in the
24 management of the table game operations.

25 (8) The board may permit an agreement for the management
26 of a licensed table game facility to provide for the payment
27 to the managing party of an interest, percentage or share of
28 money gambled at all authorized table games or derived from
29 table game activity or of revenues or profits of table game
30 operations.

1 (9) Notwithstanding any provision of this act to the
2 contrary, the board may permit an agreement between a
3 licensed gaming entity and a licensed table game service
4 industry for the operation of multifacility progressive slot
5 machine systems to provide for the payment to the licensed
6 table game service industry of an interest, percentage or
7 share of the money derived from the licensed gaming entity's
8 share of proceeds from the operation of multifacility
9 progressive slot machine systems.

10 (10) As to agreements to lease a licensed table game
11 facility or the land thereunder, agreements to jointly own a
12 table game facility or the land thereunder and agreements for
13 the management of table game operations, the board shall
14 require that each party to the agreement, except for banking
15 or other chartered or licensed lending institutions or any
16 subsidiary thereof, or any chartered or licensed life
17 insurance company or property and casualty insurance company,
18 or the Commonwealth or any agency or instrumentality of the
19 Commonwealth or any political subdivision thereof, shall be
20 jointly and severally liable for all acts, omissions and
21 violations of this act by any party to the agreement
22 regardless of actual knowledge of the act, omission or
23 violation and notwithstanding any provision of the agreement
24 to the contrary. Nothing in this paragraph shall require a
25 licensed gaming entity to be jointly and severally liable for
26 any acts, omissions or violations of this act committed by a
27 table game service industry.

28 Section 505. Eligibility of corporations.

29 (a) Eligibility.--No corporation shall be eligible to apply
30 for a table game license unless:

1 (1) The corporation is incorporated in this
2 Commonwealth, although the corporation may be a wholly or
3 partially owned subsidiary of a corporation that is organized
4 pursuant to the laws of another state or territory of the
5 United States or of a foreign country.

6 (2) The corporation maintains an office in the table
7 game facility licensed or to be licensed under this act.

8 (3) The corporation complies with all the requirements
9 of the laws and regulations of this Commonwealth generally
10 pertaining to corporations.

11 (4) The corporation maintains a ledger in the principal
12 office of the corporation in this Commonwealth, which shall
13 at all times reflect the current ownership of every class of
14 security issued by the corporation and shall be available for
15 inspection by the board or the bureau and authorized agents
16 of the board or the bureau at all reasonable times without
17 notice.

18 (5) The corporation maintains all operating accounts
19 required by the board in a bank in this Commonwealth, except
20 that a table game licensee may establish deposit-only
21 accounts in any jurisdiction in order to secure payment of
22 any check described in section 1602.

23 (6) The corporation includes among the purposes stated
24 in its certificate of incorporation the conduct of table
25 games or gaming and provides that the certificate of
26 incorporation include all provisions required by this act.

27 (7) The corporation, if it is not a publicly traded
28 corporation, files with the board the adopted corporate
29 charter provisions that may be necessary to establish the
30 right of prior approval by the board with regard to transfers

1 of securities, shares and other interests in the applicant
2 corporation and, if the corporation is a publicly traded
3 corporation, ensures in its corporate charter that any
4 securities of the corporation are held subject to the
5 condition that if a holder of securities is found to be
6 disqualified by the board pursuant to this act, the
7 disqualified holder shall dispose of the holder's interest in
8 the corporation. Notwithstanding any other provision of law
9 or regulation to the contrary, nothing in this paragraph
10 shall be deemed to require that any security of the
11 corporation bear any legend to this effect.

12 (8) The corporation, if not a publicly traded
13 corporation, establishes to the satisfaction of the board
14 that appropriate charter provisions create the absolute right
15 of the nonpublicly traded corporations and companies to
16 repurchase at the market price or the purchase price,
17 whichever is the lesser, any security, share or other
18 interest in the corporation in the event that the board
19 disapproves a transfer in accordance with this act.

20 (9) Any publicly traded holding, intermediary or
21 subsidiary company of the corporation, whether the
22 corporation is publicly traded or not, contains in its
23 corporate charter the same provisions required under
24 paragraph (7) for a publicly traded corporation to be
25 eligible to apply for a table game license under this act.

26 (10) Any nonpublicly traded holding, intermediary or
27 subsidiary company of the corporation, whether the
28 corporation is publicly traded or not, establishes to the
29 satisfaction of the board that its charter provisions are the
30 same as those required under paragraphs (7) and (8) for

1 nonpublicly traded corporations to be eligible to apply for a
2 table game license under this act.

3 (b) Earlier approval.--Notwithstanding subsection (a), any
4 corporation that had bylaw provisions approved by the board
5 prior to the effective date of this act shall have one year from
6 the effective date of this act to adopt appropriate charter
7 provisions that conform to the requirements of this section.
8 Section 506. Restrictions on licensure.

9 (a) General rule.--In addition to considering all other
10 requirements under this act in deciding whether to approve
11 direct or indirect ownership or control of a table game license,
12 the board shall consider the impact of any economic
13 concentration of that ownership or control. No direct or
14 indirect ownership or control shall be approved, and no table
15 game license shall be issued or transferred to or held by any
16 person or entity if the board determines the approval, issuance,
17 transfer or holding will result in undue economic concentration
18 in the direct or indirect ownership or control of table game
19 operations in this Commonwealth. The board shall by regulation
20 develop criteria for determining whether the issuance, transfer
21 or holding, directly or indirectly, of a table game license
22 would result in undue economic concentration.

23 (b) Construction.--For the purpose of this subsection, a
24 person shall be considered the holder of a table game license if
25 a table game license is issued to the person or if a table game
26 license is being held by any holding, intermediary or subsidiary
27 company of the person or by any officer, director, key employee
28 or principal employee of the person or of any holding,
29 intermediary or subsidiary company of the person.

30 (c) Definition.--As used in this section, "undue economic

1 concentration" means that a person or entity would have such
2 actual or potential domination of table game operations in this
3 Commonwealth as to:

4 (1) substantially impede or suppress competition among
5 holders of table game licenses;

6 (2) adversely impact the economic stability of the
7 gaming industry in this Commonwealth; or

8 (3) negatively impact the policy purposes of this act,
9 including tourism, economic development, benefits to host
10 municipalities and State and local revenues.

11 CHAPTER 6

12 TABLE GAME LICENSE APPLICATION

13 Section 601. Application for table game license.

14 (a) Submission of application.--An application for a license
15 to operate table games at a licensed facility shall be submitted
16 to the board in the form and manner and at the time the board
17 requires. A nonrefundable application fee of \$2,500 as
18 established by regulation of the board shall accompany the
19 application. In addition to the requirements of this act, an
20 application for a table game license shall be subject to the
21 requirements of 4 Pa.C.S § 1308 (relating to applications for
22 license or permit). If the applicant is a corporation,
23 foundation, organization, business trust, estate, limited
24 liability company, trust, partnership, limited partnership,
25 association or any other form of business entity, the board
26 shall determine the persons whose qualifications are necessary
27 as a precondition to the licensing of the applicant.

28 (b) Application requirements.--In addition to any other
29 requirements under this act, an applicant for a table game
30 license shall produce information, documentation and assurances

1 concerning suitability for a table game license under this act.
2 Each applicant shall be subject to the provisions of 4 Pa.C.S.
3 Pt. II (relating to gaming), which generally relate to
4 licensure, including:

5 (1) Section 1309 (relating to slot machine license
6 application).

7 (2) Section 1310 (relating to slot machine license
8 application character requirements).

9 (3) Section 1311 (relating to additional slot machine
10 license requirements).

11 (4) Section 1312 (relating to divestiture of
12 disqualifying applicant).

13 (5) Section 1313(a), (b), (d) and (e) (relating to slot
14 machine license application financial fitness requirements).

15 (c) Exception.--The board may waive the requirements of
16 subsection (b) for any applicant or licensed gaming entity that
17 has been approved for and has been issued a slot machine license
18 at least six months prior to the submission of an application
19 for a table game license, and who, as a result of the approval
20 and issuance, has provided information, documentation and
21 assurances as part of the application for a slot machine
22 license, provided there has been no material change in the
23 submissions.

24 (d) Additional requirements for corporate applicant.--

25 (1) In addition to the other information required to be
26 provided under this act, an applicant who is a corporation
27 seeking a table game license shall provide the following
28 information:

29 (i) (A) The organization, financial structure and
30 nature of all businesses operated by the corporation.

1 (B) The names and personal employment and
2 criminal histories of all officers, directors and
3 other principal employees of the corporation.

4 (C) The names of all holding, intermediary and
5 subsidiary companies of the corporation.

6 (D) The organization, financial structure and
7 nature of all businesses operated by its holding,
8 intermediary and subsidiary companies as the board
9 may require, including names and personal employment
10 and criminal histories of the officers, directors and
11 other principal employees of the corporation and
12 companies as the board may require.

13 (ii) The rights and privileges acquired by the
14 holders of different classes of authorized securities of
15 the corporation and companies as the board may require,
16 including the names, addresses and amounts held by all
17 holders of the securities of the corporation.

18 (iii) The terms upon which securities have been or
19 are to be offered.

20 (iv) The terms and conditions of all outstanding
21 loans, mortgages, trust deeds, pledges or any other
22 indebtedness or security device utilized by the
23 corporation.

24 (v) The extent of equity security holding in the
25 corporation of all officers, directors and underwriters
26 and their remuneration in the form of salary, wages, fees
27 or otherwise.

28 (vi) The names of persons, other than directors and
29 officers, who occupy positions specified by the board or
30 whose compensation exceeds an amount determined by the

1 board and the amount of their compensation.

2 (vii) A description of all bonus and profit sharing
3 arrangements.

4 (viii) Copies of all management and service
5 contracts or agreements.

6 (ix) A listing of stock options existing or to be
7 created.

8 (2) If a corporation or other form of business
9 organization applying for a table game license is, or if a
10 corporation or other form of business organization holding a
11 table game license is to become a subsidiary, each holding
12 company and each intermediary company with respect thereto,
13 as a condition of the subsidiary acquiring or retaining the
14 table game license, as the case may be, shall:

15 (i) Qualify to do business in this Commonwealth if
16 the subsidiary company is not registered as a business
17 entity in this Commonwealth.

18 (ii) If the applicant is a corporation, register
19 with the board and furnish the board with all the
20 information required of a corporate licensee pursuant to
21 paragraph (1)(i), (ii) and (iii) and any other
22 information the board may require.

23 (iii) If the applicant is not a corporation,
24 register with the board and furnish the board with any
25 information the board may require.

26 (3) No corporation shall be eligible to hold a table
27 game license unless each officer, director, person who
28 directly or indirectly holds any beneficial interest or
29 ownership of the securities issued by the corporation, person
30 who in the opinion of the board has the ability to control

1 the corporation or elect a majority of the board of directors
2 of the corporation, other than banking or other licensed
3 lending institution that makes a loan or holds a mortgage or
4 other lien acquired in the ordinary course of business,
5 principal employee and any lender, underwriter, agent,
6 employee of the corporation or other person whom the board
7 may consider appropriate for approval or qualification would,
8 but for residence, individually be qualified for approval as
9 a table game key employee under this act.

10 (4) No corporation or other form of business
11 organization that is a subsidiary shall be eligible to
12 receive or hold a table game license unless each holding and
13 intermediary company of the corporation shall:

14 (i) If an applicant is a corporation, comply with
15 the provisions of paragraph (3) as if the holding or
16 intermediary company were itself applying for a license.
17 The board may waive compliance with paragraph (3) on the
18 part of a holding company as to any officer, director,
19 lender, underwriter, agent or employee of the holding
20 company or person directly or indirectly holding a
21 beneficial interest or ownership of the securities of the
22 corporation, if the board is satisfied that the officer,
23 director, lender, underwriter, agent or employee is not
24 significantly involved in the activities of the corporate
25 licensee, and in the case of security holders, does not
26 have the ability to control the holding company or elect
27 one or more directors of the holding company.

28 (ii) If an applicant is not a corporation, comply
29 with paragraph (5) as if the company were itself applying
30 for a license. The board may waive compliance with the

1 provisions of paragraph (5) on the part of a noncorporate
2 business organization that is a holding company as to any
3 person who directly or indirectly holds any beneficial
4 interest or ownership in the company, if the board is
5 satisfied that the person does not have the ability to
6 control the company.

7 (5) Any noncorporate applicant for a table game license
8 shall provide the information required in paragraph (1) in
9 the form and manner that the board requires. A noncorporate
10 applicant is not eligible to hold a table game license unless
11 each person who directly or indirectly holds a controlling or
12 beneficial interest or ownership interest in the applicant,
13 or who in the opinion of the board has the ability to control
14 the applicant, or who the board may consider appropriate for
15 approval or qualification, would, but for residence,
16 individually be qualified for approval as a table game key
17 employee under this act.

18 (6) Notwithstanding paragraphs (3) and (4), and in the
19 absence of a prima facie showing by the board that there is
20 any cause to believe that an institutional investor may be
21 found unqualified, the following shall apply:

22 (i) An institutional investor holding either under
23 10% of the equity securities of a licensee's holding or
24 intermediary companies or debt securities of a licensee's
25 holding or intermediary companies or another subsidiary
26 company of a licensee's holding or intermediary companies
27 that is related in any way to the financing of the table
28 game licensee, where the securities represent a
29 percentage of the outstanding debt of the company not
30 exceeding 20% or a percentage of any issue of the

1 outstanding debt of the company not exceeding 50%, shall
2 be granted a waiver of qualification if the securities
3 are those of a publicly traded corporation and its
4 holdings of the securities were purchased for investment
5 purposes only and upon request by the board, it files
6 with the board a certified statement to the effect that
7 it has no intention of influencing or affecting the
8 affairs of the issuer, the table game licensee or its
9 holding or intermediary companies. An institutional
10 investor shall be permitted to vote on matters put to the
11 vote of the outstanding security holders.

12 (ii) The board may grant a waiver of qualification
13 to an institutional investor holding a higher percentage
14 of the securities upon a showing of good cause and if the
15 conditions specified in subparagraph (i) are met. Any
16 institutional investor granted a waiver under this
17 paragraph that subsequently determines to influence or
18 affect the affairs of the issuer, table game licensee or
19 its holding or intermediary companies shall provide not
20 less than 30 days' notice of that intent to the board and
21 shall file with the board an application for
22 qualification under this act before taking any action
23 that may influence or affect the affairs of the issuer,
24 table game licensee or its holding or intermediary
25 companies. The institutional investor shall be permitted
26 to vote on matters put to the vote of the outstanding
27 security holders.

28 (iii) If an institutional investor changes its
29 investment intent, or if the board finds reasonable cause
30 to believe that the institutional investor may be found

1 unqualified, no action other than divestiture shall be
2 taken by the investor with respect to its security
3 holdings until there has been compliance with Chapter 12,
4 including the execution of a trust agreement.

5 (iv) The table game licensee and its relevant
6 holding, intermediary or subsidiary company shall
7 immediately notify the board of any information about, or
8 actions of, an institutional investor holding its equity
9 or debt securities if the information or action could
10 impact the eligibility of the institutional investor for
11 a waiver pursuant to this paragraph.

12 (7) If at any time the board finds that an institutional
13 investor holding any security of a holding or intermediary
14 company of a table game licensee, or, where relevant, of
15 another subsidiary company of a holding or intermediary
16 company of a table game licensee that is related in any way
17 to the financing of the table game licensee, fails to comply
18 with the requirements of paragraph (6), or if at any time the
19 board finds that, by reason of the extent or nature of its
20 holdings, an institutional investor is in a position to
21 exercise such a substantial impact upon the controlling
22 interests of a table game licensee that qualification of the
23 institutional investor is necessary to protect the public
24 interest, the board may, in accordance with the provisions of
25 paragraphs (1), (2), (3), (4) and (5) or sections 2102 and
26 2103, take any necessary action to protect the public
27 interest, including requiring the institutional investor to
28 be qualified under this act.

29 Section 602. Disqualification for licensure.

30 (a) Disqualification criteria.--The board shall deny a table

1 game license to any applicant or licensed gaming entity who is
2 disqualified based on any of the following criteria:

3 (1) Failure of the applicant or licensed gaming entity
4 to maintain a slot machine license.

5 (2) Failure of the applicant or licensed gaming entity
6 to prove by clear and convincing evidence that the applicant
7 is qualified for a table game license in accordance with this
8 act.

9 (3) Failure of the applicant or licensed gaming entity
10 to provide information, documentation and assurances required
11 by this act or requested by the board, or failure of the
12 applicant to reveal any fact material to qualification, or
13 the supplying of information that is untrue or misleading as
14 to a material fact pertaining to the qualification criteria.

15 (4) Contumacious defiance by the applicant or licensed
16 gaming entity or any person who is required to be qualified
17 under this act of any legislative investigatory body or other
18 official investigatory body of this Commonwealth or of any
19 other state or of the United States or other jurisdiction
20 when that body is engaged in the investigation of crimes
21 relating to gambling, official corruption or organized crime
22 activity.

23 (b) Automatic disqualification.--No applicant for a license,
24 permit or registration under this act, including any director,
25 owner, principal employee or table game key employee, that has
26 been convicted in any jurisdiction of a felony or gambling
27 offense within the past 15 years shall be issued a license,
28 permit or registration under this act or be found qualified to
29 serve in a position with or associated with any table game
30 licensee, permittee or registrant. In addition, the board shall

1 deny a table game license to any applicant or person who is
2 automatically disqualified based on the following:

3 (1) An attempt to commit or a conviction of the
4 applicant, or by any person required to be qualified under
5 this act as a condition for the issuance of a table game
6 license, for one or more of the following offenses under 18
7 Pa.C.S (relating to crimes and offenses):

8 (i) Section 911 (relating to corrupt organizations).

9 (ii) Chapter 25 (relating to criminal homicide).

10 (iii) Section 2702 (relating to aggravated assault).

11 (iv) Chapter 29 (relating to kidnapping).

12 (v) Chapter 31 (relating to sexual offenses).

13 (vi) Chapter 33 (relating to arson, criminal
14 mischief and other property destruction) when the offense
15 is graded a felony.

16 (vii) Chapter 35 (relating to burglary and other
17 criminal intrusion) when the offense is graded a felony.

18 (viii) Chapter 37 (relating to robbery).

19 (ix) Chapter 39 (relating to theft and related
20 offenses).

21 (x) Section 4101 (relating to forgery).

22 (xi) Section 4108 (relating to commercial bribery
23 and breach of duty to act disinterestedly).

24 (xii) Section 4109 (relating to rigging publicly
25 exhibited contest).

26 (xiii) Section 4114 (relating to securing execution
27 of documents by deception).

28 (xiv) Section 4117 (relating to insurance fraud).

29 (xv) Chapter 47 (relating to bribery and corrupt
30 influence).

1 (xvi) Chapter 49 (relating to falsification and
2 intimidation).

3 (xvii) Section 5111 (relating to dealing in proceeds
4 of unlawful activities).

5 (xviii) Section 5512 (relating to lotteries, etc.).

6 (xix) Section 5513 (relating to gambling devices,
7 gambling, etc.).

8 (xx) Section 5514 (relating to pool selling and
9 bookmaking).

10 (xxi) Chapter 59 (relating to public indecency).

11 (2) An offense designated as a felony under the act of
12 April 14, 1972 (P.L.233, No.64), known as The Controlled
13 Substance, Drug, Device and Cosmetic Act.

14 (3) An attempt to commit or a conviction for an offense
15 in another state or jurisdiction or a Federal offense, that
16 is similar in nature to the offenses enumerated in paragraphs
17 (1) and (2).

18 (4) An attempt to commit or a conviction for any other
19 offense under Federal or State law or laws of other states or
20 jurisdictions that indicates that licensure of the applicant
21 for a table game license or other person required to be
22 qualified under this act would be inimical to the policy and
23 purpose of this act and to table game operations in this
24 Commonwealth. The automatic disqualification requirement of
25 this paragraph, at the discretion of the board, shall not
26 apply with regard to any conviction that did not occur within
27 the 15-year period immediately preceding application for
28 licensure and that the applicant demonstrates by clear and
29 convincing evidence that the conviction does not justify
30 automatic disqualification pursuant to this subsection, or

1 that the conviction has been the subject of judicial order of
2 expungement.

3 (5) Current prosecution or pending charges in any
4 jurisdiction of the applicant or of any person who is
5 required to be qualified under this act as a condition for a
6 table game license for any of the offenses enumerated in
7 paragraph (1)(i). At the request of the applicant or person
8 charged, the board shall defer decision upon the application
9 during the pendency of the charge.

10 (6) The pursuit of the applicant or any person who is
11 required to be qualified under this act as a condition of a
12 table game license of economic gain in an occupational manner
13 or context that is in violation of the criminal laws of this
14 Commonwealth, if the pursuit creates a reasonable belief that
15 the participation of the person in table game operations
16 would be inimical to the policies of this act or to legalized
17 gambling in this Commonwealth. For the purposes of this
18 paragraph, "occupational manner or context" shall mean the
19 systematic planning, administration, management or execution
20 of any activity for financial gain.

21 (7) The identification of the applicant or any person
22 who is required to be qualified under this act as a condition
23 for a table game license as a career offender or a member of
24 a career offender cartel or an associate of a career offender
25 or career offender cartel in a manner that creates a
26 reasonable belief that the association is of a nature as to
27 be inimical to the policy of this act and to table game
28 operations in this Commonwealth. For the purpose of this
29 paragraph, "career offender" means a person whose behavior is
30 pursued in an occupational manner or context for the purpose

1 of economic gain, utilizing methods that are deemed criminal
2 violations of the laws of this Commonwealth or of the Federal
3 Government, another state or jurisdiction. A "career offender
4 cartel" means any group of persons who operate together as
5 career offenders.

6 (8) The commission by the applicant or any person who is
7 required to be qualified under this act as a condition of a
8 table game license of any act or acts which would constitute
9 an offense under paragraph (1)(i), even if the conduct has
10 not been or may not be prosecuted under the criminal laws of
11 this Commonwealth or any other jurisdiction or has been
12 prosecuted under the criminal laws of this Commonwealth or
13 any other jurisdiction and the prosecution has been
14 terminated in a manner other than with a conviction.

15 Section 603. Order approving or denying table game license and
16 investigation.

17 (a) Investigation of applicants for table game license.--
18 Notwithstanding any other provision of law to the contrary, the
19 following shall apply to the investigation of applicants for a
20 table game license or qualification under this act:

21 (1) Upon the filing of an application for a table game
22 license and supplemental information as the board may
23 require, the bureau or Pennsylvania State Police shall
24 conduct an investigation into the qualification of the
25 applicant. The board may conduct a hearing concerning the
26 qualification of the applicant in accordance with the
27 requirements of this act and regulations of the board.

28 (2) After the investigation and hearing, if a hearing is
29 conducted, the board may either deny the application or
30 approve the issuance of a table game license to an applicant

1 whom it determines to be qualified to hold the license.

2 (3) When an application is denied, the board shall
3 prepare and file an order indicating that the application was
4 denied and the general reasons for the denial, and if
5 requested by the applicant, the board shall further prepare
6 and file a statement of the reasons for the denial, including
7 specific findings of facts.

8 (4) After an application is submitted to the board,
9 final action of the board shall be taken within 90 days after
10 completion of all hearings and investigations and the receipt
11 of all information required by the board. All investigations,
12 hearings and other work of the board related to the review of
13 an application for a table game license shall be performed in
14 no more than 60 days of the receipt of the application,
15 unless the 60-day period is extended by the board due to
16 extenuating circumstances or other factors that are not due
17 to a neglect or failure of the applicant.

18 (b) Issuance of license.--If satisfied that an applicant is
19 eligible and qualified to receive a table game license, and upon
20 tender of all license and application fees required by this act
21 and by regulations of the board, and any bonds that the board
22 may require for the faithful performance of all requirements
23 imposed by law or regulation, the board shall issue a license
24 for an initial term of one year.

25 (c) Power of board to reopen.--The board may reopen an
26 application for a table game license or a licensing hearing at
27 any time upon its motion or upon a request of the bureau or upon
28 petition of the Pennsylvania State Police, Office of Attorney
29 General or other law enforcement agency.

30 Section 604. Renewal of table game license.

1 (a) Authority to renew.--Subject to the power of the board
2 to deny, revoke or suspend a table game license, any table game
3 license in force shall be renewed by the board for the next
4 succeeding license period upon proper application for renewal by
5 the table game licensee and approval of the application by the
6 board. Applications to renew a table game license shall be
7 accompanied by a license renewal fee of \$500,000 and any other
8 fees required by regulation of the board. The application for
9 renewal of a table game license shall be filed with the board no
10 later than 90 days prior to the expiration date of the current
11 license.

12 (b) Term of renewed license.--The license period for a
13 renewed table game license shall be one year for each of the
14 first two renewal periods succeeding the initial issuance of the
15 license. Thereafter, the board by regulation may establish a
16 longer renewal period, which shall not exceed four years, and
17 commensurate renewal fees for the issuance of a license for the
18 longer renewal period.

19 (c) Issuance.--Upon the approval of an application to renew
20 a table game license, the board shall issue an appropriate
21 renewal certificate or validating device or sticker, which shall
22 be attached to the original table game license. The renewal
23 certificate or validating device or sticker shall be designed to
24 indicate that the table game license has been renewed and the
25 period covering the renewal. No renewal certificate or
26 validating device or sticker shall be issued until the board
27 receives the table game license renewal fee.

28 Section 605. Bond.

29 Prior to the issuance of a table game license, the applicant
30 approved for the table game license shall post a bond in an

1 amount of not less than \$1,000,000 made payable to the
2 Commonwealth of Pennsylvania. The bond shall be used to
3 guarantee that the table game licensee faithfully makes the
4 payments, maintains the books and records, makes the reports,
5 and conducts its table game operations in conformance with the
6 requirements of this act and the rules and regulations
7 promulgated by the board pursuant to this act. The bond may be
8 applied by the board to the payment of any unpaid liability of
9 the table game licensee under this act. The bond shall not be
10 canceled by a surety on less than 30 days' notice in writing to
11 the board. If a bond is canceled and the table game licensee
12 fails to file a new bond with the board in the required amount
13 on or before the effective date of the cancellation, the
14 licensee's table game license shall be revoked or suspended by
15 the board. The total and aggregate liability of the surety on
16 the bond is limited to the amount specified in the bond. The
17 bond may be furnished in cash or negotiable securities, by a
18 surety bond guaranteed by a satisfactory guarantor, or by an
19 irrevocable letter of credit issued by a banking institution of
20 this Commonwealth or another jurisdiction acceptable to the
21 board. If furnished in cash or negotiable securities, the
22 principal shall be placed without restriction at the disposal of
23 the board, but any income shall inure to the benefit of the
24 table game licensee. In no case shall the bond that may be
25 required under this subsection exceed \$1,000,000.

26 Section 606. Confidentiality of information.

27 (a) Confidentiality of information.--All information
28 received by the board in the application process from any
29 applicant for a license, permit or registration under this act,
30 including the report of an applicant's background investigation,

1 regardless of source, shall be considered confidential and shall
2 not be disclosed, in whole or in part, except that the
3 information may be released upon the lawful order of a court of
4 competent jurisdiction, or with the approval of the Attorney
5 General, to an authorized law enforcement agency. Confidential
6 information may be released, in whole or in part, to the public
7 to the extent that the release is requested by the applicant and
8 does not otherwise contain confidential information about
9 another person. The board may not require any applicant to waive
10 confidentiality provided in this section as a condition for the
11 approval and issuance of a table game license or any other
12 action of the board. Any person who violates the provisions of
13 this section shall be administratively disciplined by discharge,
14 suspension or other formal disciplinary action, as the board may
15 deem appropriate.

16 (b) Notice.--Notice of the contents of any information,
17 except to an authorized law enforcement agency pursuant to this
18 section, shall be given to any applicant or licensee in a manner
19 prescribed by regulation adopted and promulgated by the board.

20 (c) Information held by department.--Files, records and
21 other information in the possession of the department pertaining
22 to licensees shall be made available upon request or otherwise
23 to the board, as may be necessary to effectuate the
24 administration of this act.

25 CHAPTER 7

26 TABLE GAME KEY EMPLOYEE LICENSE

27 Section 701. Licensure of table game key employees.

28 (a) Licensure required.--No person may be employed by a
29 table game licensee as a key employee unless the person is the
30 holder of a current and valid table game key employee license

1 issued by the board in accordance with this chapter.

2 (b) Application requirements.--Each applicant for a table
3 game key employee license shall, prior to the approval of a key
4 employee license, produce information, documentation and
5 assurances concerning the following qualification criteria:

6 (1) Each applicant for a table game key employee license
7 shall produce the information, documentation and assurances
8 required to establish by clear and convincing evidence the
9 integrity, responsibility and financial stability, if
10 applicable, of the person applying for licensure as a key
11 employee, including, but not limited to, bank references,
12 business and personal income and disbursements schedules, tax
13 returns, other reports filed with governmental agencies as
14 required by the board and business and personal accounting
15 and check records and ledgers. In addition, each applicant
16 shall in writing authorize the examination of all bank
17 accounts and records as may be deemed necessary by the board.

18 (2) Each applicant for a table game key employee license
19 shall:

20 (i) Produce the information, documentation and
21 assurances required to establish by clear and convincing
22 evidence the applicant's good character, honesty and
23 integrity. The information shall include, but is not
24 limited to, data pertaining to family, habits, character,
25 reputation, criminal and arrest record, business
26 activities, financial affairs and business, professional
27 and personal associates, covering at least the ten-year
28 period immediately preceding the filing of the
29 application for licensure under this act.

30 (ii) Inform the bureau of any civil judgments

1 obtained against the applicant pertaining to antitrust or
2 security regulation laws of the Federal Government, of
3 this Commonwealth or of any other state or jurisdiction,
4 foreign or domestic.

5 (iii) Upon request of the bureau, produce letters of
6 reference from law enforcement agencies having
7 jurisdiction in the applicant's place of residence and
8 principal place of business, if applicable. The letters
9 of reference shall indicate that the relevant law
10 enforcement agencies do not have any pertinent
11 information concerning the applicant, or if a law
12 enforcement agency does have information pertaining to
13 the applicant, the letter of reference shall specify the
14 nature of the information.

15 (iv) If the applicant has been associated with
16 gaming or casino operations in any capacity, position or
17 employment in a jurisdiction which permits that activity,
18 the applicant, upon request of the bureau, shall produce
19 a letter or letters of reference from the gaming or
20 casino enforcement or control agency of the other
21 jurisdiction. The letter or letters of reference shall
22 specify the experience of the agency with the applicant,
23 if any, and the applicant's associates and participation
24 in the gaming or casino operations of that jurisdiction,
25 if any. If no letter or letters of reference are received
26 from the appropriate gaming or casino enforcement or
27 control agency within 30 days of the applicant's request,
28 the applicant may submit to the bureau a statement under
29 oath that the applicant is or was during the period that
30 the activities were conducted, in good standing with the

1 gaming or casino enforcement or control agency of the
2 jurisdiction, provided that the applicant was or is in
3 good standing with the gaming and casino enforcement or
4 control agency in the other jurisdiction.

5 (v) Be a resident of this Commonwealth prior to the
6 issuance of a key employee license. However, upon
7 petition by the holder of a table game license, the board
8 may waive this residency requirement for any applicant
9 whose particular position will require employment outside
10 this Commonwealth.

11 (vi) Be subject to all the criminal history record
12 background investigation and fingerprint requirements of
13 4 Pa.C.S. Pt. II (relating to gaming).

14 (c) Waiver.--The board may, on a case-by-case basis, by
15 regulation, waive the requirements of subsection (b) for any
16 person who has been approved for and who holds a slot machine
17 key employee license under 4 Pa.C.S. Pt. II, which license was
18 issued by the board within a 24-month period immediately
19 preceding the date of application for a table game key employee
20 license, unless there have been material changes that
21 necessitate, at the discretion of the board upon consultation
22 with the bureau, that the requirements of subsection (b) not be
23 waived.

24 Section 702. Denial of license.

25 The board shall deny a key employee license to any applicant
26 who is disqualified based on the criteria set forth in section
27 602.

28 Section 703. Petition for temporary license.

29 Upon petition by a holder of a table game license, the board
30 may issue a temporary table game key employee license to an

1 applicant, provided that:

2 (1) The applicant for the key employee license has filed
3 a complete application with the board.

4 (2) The bureau certifies to the board that the completed
5 key employee license application has been in the possession
6 of the bureau for at least 15 days.

7 (3) The petition for a temporary key employee license
8 certifies, and the board finds, that:

9 (i) An existing key employee position of the table
10 game licensee making the petition is vacant or will
11 become vacant within 60 days of the date of the petition.

12 (ii) The issuance of a temporary key employee
13 license is necessary to fill the vacancy on an emergency
14 basis to continue the efficient operation of the table
15 game facility.

16 (iii) The circumstances supporting the petition for
17 a temporary key employee license are extraordinary and
18 not designed to circumvent the normal key employee
19 licensing procedures under this act.

20 CHAPTER 8

21 TABLE GAME EMPLOYEE OCCUPATION PERMIT

22 Section 801. Occupation permit required.

23 Any person who desires employment as a table game employee in
24 a licensed table game facility shall submit an application to
25 the board for an occupation permit as a table game employee. No
26 person may commence employment as a table game employee unless
27 the person is the holder of a current and valid occupation
28 permit issued by the board in accordance with the requirements
29 of this act.

30 Section 802. Requirements for permit.

1 (a) General rule.--An applicant for a table game employee
2 occupation permit shall produce the information, documentation
3 and assurances that the board may require. The application for a
4 table game employee occupation permit shall include, in addition
5 to any other information the board by regulation may require,
6 the following:

7 (1) The name and home address of the applicant.

8 (2) The employment history of the applicant.

9 (3) The criminal history record of the applicant, as
10 well as the applicant's consent for the Pennsylvania State
11 Police to conduct a background investigation. The applicant
12 shall bear the cost of the background investigation,
13 including all costs for administering and processing the
14 background investigation.

15 (4) A photograph of the applicant taken no more than
16 three months preceding the date of the application for the
17 permit.

18 (5) A handwriting exemplar of the applicant.

19 (6) The details of any casino or gaming license, permit
20 or registration granted or denied the applicant in any other
21 jurisdiction, and consent for the bureau to obtain copies of
22 applications submitted or licenses, permits or registrations
23 issued in such other jurisdictions.

24 (b) Board action.--Subsequent to the issuance of a table
25 game employee occupation permit, the board may revoke, suspend,
26 limit, condition or otherwise restrict the permit upon a finding
27 that the permittee is disqualified pursuant to the criteria set
28 forth in section 602.

29 Section 803. Residency.

30 The board may require by regulation that all applicants for a

1 table game employee occupation permit be residents of this
2 Commonwealth for a period not to exceed six months immediately
3 preceding the issuance of the occupation permit, although
4 application may be made prior to the expiration of the required
5 period of residency. The board shall by resolution waive the
6 required residency period for an applicant upon a showing that
7 the residency period would cause undue hardship upon the table
8 game licensee that intends to employ the applicant or upon a
9 showing of other good cause.

10 Section 804. Convictions not basis for denial of permit.

11 (a) Considerations.--Notwithstanding section 602 or any
12 other provision of law or regulation to the contrary, no
13 applicant for a table game employee occupation permit shall be
14 denied a permit based on a conviction of any offense enumerated
15 in this act as disqualification criteria or the commission of
16 any act or acts that would constitute any offense under section
17 602(b) if the applicant has affirmatively demonstrated
18 rehabilitation. In determining whether the applicant has
19 affirmatively demonstrated rehabilitation, the board shall
20 consider the following:

21 (1) The conviction would create a reasonable belief that
22 the nature of the offense would be inimical to the policy
23 purposes of this act and to table game operations and the
24 gaming industry in this Commonwealth.

25 (2) Issuance of the permit would or would not be in the
26 public interest.

27 (3) The applicant has affirmatively demonstrated
28 rehabilitation. In determining whether the applicant has
29 affirmatively demonstrated rehabilitation, the board shall
30 consider all of the following:

1 (i) The nature and duties of the position applied
2 for.

3 (ii) The nature and seriousness of the offense or
4 conduct, including whether the crime, offense or
5 conviction is enumerated in section 602(b).

6 (iii) The circumstances under which the offense or
7 conduct occurred.

8 (iv) The date of commission of the offense or
9 conduct, provided, however, that no applicant for a table
10 game employee occupation permit under this act who has
11 been convicted in any jurisdiction, foreign or domestic,
12 of a felony or gambling offense within the past 15 years
13 shall be issued a table game employee occupation permit
14 under this act or be determined qualified to serve as a
15 table game employee with any table game licensee.

16 (v) The age of the applicant at the time the offense
17 or conduct was committed.

18 (vi) Whether the offense or conduct was an isolated
19 or repeat incident.

20 (vii) Any social conditions that may have
21 contributed to the offense or conduct.

22 (viii) Any evidence of rehabilitation, including
23 good conduct in prison or in the community, counseling or
24 psychiatric treatment received, acquisition of additional
25 academic or vocational schooling, successful
26 participation in correctional work-release programs or
27 the recommendation of persons who have or have had the
28 applicant under supervision, including Federal, State or
29 local probation or parole officers.

30 (b) List of crimes and offenses.--The board shall establish

1 a list of crimes, offenses and convictions that would result in
2 the automatic disqualification of an applicant for a table game
3 occupation permit under this section. In developing the list,
4 the board shall consider and determine all of the following:

5 (1) Whether the crime or offense is or is not a crime or
6 offense enumerated in section 602(b). The crimes and offenses
7 enumerated in section 602(b) shall be incorporated in the
8 list established by the board under this subsection.

9 (2) Whether the crime or offense committed is directly
10 or indirectly related to employment positions of the table
11 game industry.

12 (3) Whether the crime or offense has a direct or
13 indirect relationship to table game operations.

14 (4) Whether the conviction or disposition would be
15 inimical to the policies and purposes of this act, to table
16 game operations and the gaming industry in this Commonwealth.

17 (c) Responsibility of Pennsylvania State Police.--Whenever
18 feasible, the Pennsylvania State Police shall promptly notify
19 the board and the bureau in the event that a current or
20 prospective table game employee, who was the subject of a
21 criminal history record background investigation under this act,
22 is arrested for a crime or offense in this Commonwealth or
23 another jurisdiction after the date of the initial background
24 investigation. The board shall promulgate regulations to govern
25 the notification requirements under this subsection and under
26 section 904(d). The Pennsylvania State Police shall collaborate
27 with the bureau and local law enforcement to carry out the
28 requirements of this subsection and section 904(d).

29 CHAPTER 9

30 TABLE GAME SERVICE EMPLOYEES

1 Section 901. Table game service employees registration
2 required.

3 No person may commence employment as a table game service
4 employee unless the person has registered with the board in
5 accordance with this chapter. Registration as a table game
6 service employee may only be granted by petition of the holder
7 of a table game license in accordance with section 905.

8 Section 902. Application requirements.

9 An applicant for a table game service employee registration
10 shall produce information, documentation and assurances as the
11 board shall require. In addition to any other information,
12 documentation or assurances the board may require, an applicant
13 for table game service employee registration shall be subject to
14 the table game employee occupation permit requirements under
15 section 802.

16 Section 903. Residency.

17 The board may by regulation require that all applicants for
18 table game service employee registration be residents of this
19 Commonwealth for a period not to exceed three months immediately
20 preceding the issuance of the registration, although application
21 may be made prior to the expiration of the required period of
22 residency. The board may by resolution waive the required
23 residency period for an applicant upon a showing that the
24 residency period would cause undue hardship upon the table game
25 licensee that intends to employ the applicant or upon a showing
26 of other good cause.

27 Section 904. Convictions not basis for revocation of
28 registration.

29 (a) Considerations.--Notwithstanding the provisions of
30 section 602 or any other provision of law or regulation to the

1 contrary, no table game service employee registration shall be
2 revoked based on a conviction of an offense in any jurisdiction
3 as disqualification criteria or the commission of any act or
4 acts that would constitute any offense under section 602(b) if
5 the registrant has affirmatively demonstrated rehabilitation. In
6 determining whether the applicant has affirmatively demonstrated
7 rehabilitation, the board shall consider the following:

8 (1) The conviction would create a reasonable belief that
9 the nature of the offense would be inimical to the policy
10 purposes of this act and to table game operations and the
11 gaming industry in this Commonwealth.

12 (2) The applicant for registration has affirmatively
13 demonstrated rehabilitation. In determining whether the
14 applicant has affirmatively demonstrated rehabilitation, the
15 board shall consider all of the following:

16 (i) The nature and duties of the position applied
17 for.

18 (ii) The nature and seriousness of the crime,
19 offense or conviction, including whether the crime,
20 offense or conviction is enumerated in section 602(b).

21 (iii) The circumstances under which the offense or
22 conduct occurred.

23 (iv) The date of the crime, offense or conviction,
24 provided, however, that no applicant for table game
25 service employee registration under this act who has been
26 convicted in any jurisdiction, foreign or domestic, of a
27 felony or gambling offense within the past 15 years shall
28 be issued a table game service employee registration
29 under this act or be determined qualified to serve in a
30 position as a table game service employee with any table

1 game licensee or table game service industry.

2 (v) The age of the applicant at the time the crime,
3 offense or conduct was committed.

4 (vi) Whether the crime, offense or conduct was an
5 isolated or repeat incident.

6 (vii) Any social conditions that may have
7 contributed to the crime, offense or conduct.

8 (viii) Any evidence of rehabilitation, including
9 good conduct in prison or in the community, counseling or
10 psychiatric treatment received, acquisition of additional
11 academic or vocational schooling or training, successful
12 participation in correctional work-release programs or
13 the recommendation of persons who have or have had the
14 applicant under supervision, including Federal, State or
15 local probation or parole officers.

16 (b) Waiver.--The board may waive any disqualification
17 criterion of a table game service employee consistent with the
18 policy purposes of this act and upon a finding that the interest
19 of justice and the public interest so require.

20 (c) List of crimes, offenses and convictions.--The board
21 shall establish a list of crimes, offenses and convictions that
22 would result in the automatic disqualification of an applicant
23 for registration under this chapter. In developing the list, the
24 board shall consider and determine all of the following:

25 (1) Whether the crime, offense or conviction is a crime
26 or offense or conviction enumerated in section 602(b).

27 (2) Whether the crime or offense committed is directly
28 or indirectly related to employment positions of the table
29 game industry.

30 (3) Whether the crime or offense has a direct or

1 indirect relationship to table game operation.

2 (4) If the crime or offense has no direct or indirect
3 relationship, whether the conviction or disposition would be
4 inimical to the policies and purposes of this act and to
5 table game operations and the gaming industry in this
6 Commonwealth.

7 (d) Duties of Pennsylvania State Police.--The Pennsylvania
8 State Police shall promptly notify the board and the bureau in
9 the event that a current or prospective registrant, who was the
10 subject of a criminal history record background investigation
11 pursuant to this act, is arrested for a crime or offense in this
12 Commonwealth or any other jurisdiction after the date of the
13 initial background investigation.

14 Section 905. Petition for registration.

15 Upon petition by the holder of a table game license, table
16 game service employee registration may be granted to each
17 applicant for registration named in the petition if the petition
18 certifies that each applicant for registration that is named in
19 the petition has filed with the board and the board has received
20 a completed application for table game service employee
21 registration.

22 Section 906. Registration fee.

23 An application for registration as a table game service
24 employee shall not be deemed complete unless it is accompanied
25 by the registration fee which shall not exceed \$250 as
26 established by regulation of the board.

27 CHAPTER 10

28 TABLE GAME SERVICE INDUSTRY

29 Section 1001. Licensure of table game service industry.

30 All table game service industries offering goods and services

1 that directly relate to the conduct or operation of table games,
2 including, but not limited to, schools teaching, among other
3 things, table game playing or dealing techniques, and security
4 services, shall be licensed in accordance with this act prior to
5 conducting any business with a table game licensee and employees
6 or agents or a table game licensee and, in the case of a school,
7 prior to the enrollment of any students or offering of any
8 courses to the public whether for compensation or not. However,
9 upon a showing of good cause by an applicant for a table game
10 license or table game licensee for each business transaction,
11 the board may permit an applicant for a table game service
12 industry license to conduct or engage in business with the table
13 game licensee prior to issuing a license to an applicant for a
14 table game service industry license. The board by resolution
15 shall set forth any table game service industries that, in
16 addition to the industries set forth in this chapter, it may
17 require to be licensed under this act.

18 Section 1002. Qualifications of table game service industry.

19 Each table game service industry, as well as its owners,
20 managerial, supervisory and principal employees, if the
21 principal employees have responsibility for furnishing services
22 to a table game licensee, shall qualify under the standards,
23 except residency, established by the board for issuance of a
24 table game key employee license under section 701. Each person
25 associated with a table game service industry, as determined by
26 the board, shall be licensed in accordance with the requirements
27 of Chapter 7 and regulations of the board prior to the
28 commencement or continuation of any business with a table game
29 licensee or employees or agents of a table game licensee.

30 Section 1003. Table game service industries.

1 (a) General rule.--The table game service industry, whether
2 or not directly related to table game operations, shall include,
3 in addition to any other entity determined by the board to be a
4 table game service industry under this act, the following:

5 (1) Junket enterprises.

6 (2) Suppliers of alcoholic beverages if the suppliers
7 are other than the Pennsylvania Liquor Control Board.

8 (3) Suppliers of food and nonalcoholic beverages.

9 (4) Garbage handlers.

10 (5) Vending machine providers.

11 (6) Linen suppliers.

12 (7) Maintenance companies.

13 (8) Shopkeepers located within a licensed facility.

14 (9) Bus or limousine services.

15 (10) Construction companies.

16 (11) Gaming schools contracting with applicants for a
17 table game license or table game licensees or their employees
18 or agents.

19 (b) Exemption.--The board may exempt any person or field of
20 commerce from the licensing requirements of this chapter, if the
21 person or field of commerce demonstrates the following:

22 (1) That it is regulated by an agency of the
23 Commonwealth.

24 (2) That it will provide goods or services in
25 unsubstantial or insignificant amounts or quantities.

26 (3) That the goods and services provided in accordance
27 with paragraph (2) will be provided for a limited period of
28 time not exceeding 30 days.

29 (4) That licensing is not deemed necessary in order to
30 protect the public interest or to accomplish the policies of

1 this act.

2 Section 1004. Restrictions on exempted persons.

3 Upon granting an exemption to a table game service industry
4 pursuant to section 1003(b) or at any time after the exemption
5 is granted, the board may limit or place restrictions upon the
6 exempted table game service industry, as the board may deem
7 necessary and in the public interest. The board may require the
8 exempted person to cooperate with the board and the bureau, and
9 upon request, to provide information in the same manner as
10 required of table game service industries licensed pursuant to
11 this chapter. No exemption shall be granted unless the table
12 game service industry demonstrates that it complies with or will
13 comply with the applicable requirements of section 312(b)(1).

14 Section 1005. Disqualification.

15 The board may refuse to issue or deny an application for a
16 table game service industry license to any person who is
17 disqualified pursuant to the criteria set forth in section 602.

18 Section 1006. Proof of business license and taxes.

19 No table game service industry license shall be issued to any
20 person unless the person provides proof of valid business
21 registration with the Department of State and proof from the
22 Department of Revenue, the Internal Revenue Service and local
23 taxing authorities that the person has no delinquent Federal,
24 State or local tax obligations.

25 Section 1007. Subcontractor requirements.

26 A table game service industry licensed under this act shall
27 require proof, from any subcontractor to a table game service
28 industry contract with an applicant for a table game license or
29 a table game licensee, of valid business registration with the
30 Department of State. Verification information shall be forwarded

1 by the table game service industry to the Department of State.
2 No subcontractor to a table game service industry contract with
3 a table game applicant or table game licensee shall be entered
4 into by any table game service industry or contractor unless the
5 subcontractor first provides proof of valid business
6 registration in this Commonwealth.

7 CHAPTER 11

8 APPROVAL OR DENIAL OF LICENSE, PERMIT

9 OR REGISTRATION

10 Section 1101. Investigation.

11 Upon the filing of an application for any license, permit or
12 registration or any other qualification or approval required
13 under this act, other than an application for a table game
14 license, and after submission of all supplemental information as
15 the board may require, the bureau or the Pennsylvania State
16 Police shall conduct investigations into the qualifications of
17 the applicant for the license, permit or registration. The board
18 shall conduct hearings concerning the qualifications of the
19 applicant, in accordance with its regulations, guidelines or
20 policies, as may be necessary to determine qualifications for
21 the license, permit or registration applied for.

22 Section 1102. Issuance or denial of license, permit or
23 registration.

24 After investigation and hearing, if applicable, for the
25 approval of an application for a license, permit or registration
26 under this act, the board may either deny the application or
27 issue the license, permit or registration to the applicant whom
28 it determines to be qualified to hold the license, permit or
29 registration.

30 Section 1103. Authority to deny application.

1 The board shall have the authority to deny or refuse to
2 approve and issue any application for a license, permit or
3 registration submitted to it in accordance with this act. When
4 an application for a license, permit or registration is denied
5 or refused, the board shall prepare and file an order denying or
6 refusing to approve and issue the application for the license,
7 permit, registration or qualification with the reasons for the
8 denial or refusal set forth in the order. If requested by the
9 applicant, the board shall prepare and file a statement of the
10 reasons for the denial or refusal, including specific findings
11 of fact.

12 Section 1104. Issuance and renewal of license, permit or
13 registration.

14 (a) Issuance and renewal.--A license, permit or
15 registration, except a table game license, may be issued and
16 renewed as follows:

17 (1) Each table game employee occupation permit issued in
18 accordance with this act shall be issued for an initial term
19 of three years, upon the payment of the initial permit fee.
20 The permit, upon the payment of a renewal fee, may be renewed
21 at the discretion of the board for subsequent terms of four
22 years each. The board shall establish by regulation the
23 amount, form, manner and time for payment of subsequent
24 permit renewal fees.

25 (2) Each table game key employee license and table game
26 service industry license required pursuant to the applicable
27 provisions of this act shall be issued upon the payment of
28 the license fee for an initial term of two years. A table
29 game key employee license or service industry license may,
30 upon the payment of a renewal fee established by regulation

1 of the board, be renewed at the discretion of the board for
2 subsequent terms of four years each. The board shall
3 establish by regulation the form, manner and time for payment
4 of subsequent license renewal fees under this paragraph.

5 (3) Each table game service employee registration, upon
6 issuance and payment of the registration fee established by
7 regulation of the board, shall remain in effect unless
8 suspended or revoked by the board.

9 (b) Authority to condition or restrict.--Upon approval of an
10 application for a license, permit or registration, the board may
11 limit or place restrictions upon the licensee, permittee or
12 registrant as it deems necessary and in the public interest.

13 (c) Rehearing.--Notwithstanding any other provision of this
14 section, the board may reconsider the issuance of any license,
15 permit or registration issued by it under this act at any time
16 upon the request of the bureau, the Pennsylvania State Police,
17 the Office of Attorney General or any other law enforcement
18 agency.

19 (d) Fees.--Except as provided in this act, the board,
20 through regulation, shall develop any forms, procedures and any
21 nonrefundable fees it may deem necessary for the annual renewal
22 of any license, permit or registration renewed in accordance
23 with the requirements of this act.

24 Section 1105. Time for renewal; extension.

25 Any license, other than a table game license, and any permit,
26 registration or qualification may be renewed upon proper
27 application for renewal and the payment of fees in accordance
28 with regulations of the board, but in no event later than the
29 date of expiration of the current license, permit, registration
30 or qualification. Notwithstanding section 1104(a), in order to

1 facilitate the efficient operation of the board, the board shall
2 have the authority upon the payment of any renewal fee the board
3 may by regulation require, to extend the period of any license,
4 other than a table game license, but in no event shall the
5 expiration date be extended for more than two years.

6 CHAPTER 12

7 TRANSFERS

8 Section 1201. Transfer of property or security.

9 (a) Property.--Notwithstanding any other provision of law or
10 regulation and except as provided in subsection (b), whenever
11 any person contracts to transfer any property relating to an
12 existing table game operation, including security holding in a
13 table game licensee or holding or intermediary company, under
14 circumstances that require that the transferee obtain licensure
15 or qualification in accordance with this act, the contract shall
16 not specify a closing or settlement date that is earlier than
17 121 days after the submission of a completed application for a
18 table game license or qualification to the board. The
19 application shall include a fully executed and approved trust
20 agreement executed in accordance with the requirements of this
21 chapter. Any contract provisions that specify an earlier closing
22 or settlement date shall be void for all purposes. Subsequent to
23 the earlier of the report of the board on interim authorization
24 or 90 days after the timely submission of the completed
25 application, but no later than the closing or settlement date,
26 the board shall hold a hearing and render a decision on the
27 interim authorization of the applicant. If the board grants
28 interim authorization, subject to the provisions of this
29 chapter, the closing or settlement may occur without
30 interruption of table game operations. If the board denies

1 interim authorization, there shall be no closing or settlement
2 until the board makes a determination on the qualification of
3 the applicant, and if the board denies qualification, the
4 contract shall be terminated for all purposes without liability
5 on the part of the transferor.

6 (b) Security holders.--Notwithstanding any other provision
7 of law or regulation, whenever any person, as a result of a
8 transfer of publicly traded securities of a table game licensee
9 or a holding or intermediary company or a financing entity of a
10 table game licensee, is required to qualify for licensure under
11 this act, the person shall:

12 (1) Within 30 days after the board determines that
13 qualification is required or declines to waive qualification
14 or within any additional time as the board may for good cause
15 allow, file a completed application for a table game license
16 or qualification with the board. The application shall
17 include a fully executed and approved trust agreement in
18 accordance with section 1203.

19 (2) As an alternative, within 120 days after the board
20 determines that qualification is required or a waiver of
21 qualification is denied, the person shall divest the
22 securities as the board may require in order to remove the
23 need for qualification.

24 (3) If the person divests the securities, notice of the
25 decision to divest shall be filed with the board within 30
26 days after the board determines that qualification is
27 required or that a waiver of qualification is denied. No
28 extension of the time for filing a completed application for
29 a table game license shall be granted unless the person
30 submits a written acknowledgment of the jurisdiction of the

1 board and the obligations imposed under this act.

2 (c) Timeliness.--If a person required to file an application
3 for a table game license under this section fails to do so in a
4 timely manner, the failure shall constitute a per se
5 disqualification to continue to act as a security holder, and
6 the board shall take appropriate action under this act. If a
7 person files an application in a timely manner, then, subsequent
8 to the earlier report of the board on interim authorization or
9 90 days after submission of the completed application for a
10 table game license, but no later than 120 days after the
11 submission, the board shall hold a hearing and render a decision
12 on the interim authorization of the person. The pendency of
13 proceeding under this section shall not prevent the renewal of a
14 table game license under this act as long as the person required
15 by this section to file an application has complied with the
16 requirements of this section and the provisions of this act.
17 Section 1202. Request for interim authorization.

18 (a) Granting interim authorization.--The board may grant
19 interim authorization upon findings by clear and convincing
20 evidence of the following:

21 (1) That statements of compliance have been issued by
22 the board in accordance with this act.

23 (2) That the table game facility is a licensed table
24 game facility in accordance with the requirements of this
25 act.

26 (3) That the trustee or trustees have satisfied the
27 qualification criteria applicable to a table game key
28 employee, except for residency.

29 (4) That interim operation will best serve the public
30 interest and purposes of this act.

1 (b) Determination.--The board's consideration of a request
2 for interim authorization shall include, but not be limited to,
3 consideration of relevant information that may be presented to
4 the board by the bureau as the board directs. In responding to a
5 request for interim authorization and in determining whether to
6 grant the request, the board and the bureau shall not be
7 required to disclose any information if disclosure, in the
8 judgment of the board, would prejudice or otherwise compromise
9 any continuing investigation.

10 Section 1203. Trust agreements.

11 (a) General rule.--The following shall apply to trust
12 agreements:

13 (1) Where the applicant is not required to obtain a
14 table game license, the trust agreement filed pursuant to
15 this section shall transfer and convey all of the applicant's
16 present and future right, title and interest in the property
17 subject to the trust agreement, including all voting rights
18 in securities, to the trustee.

19 (2) If the applicant is required to obtain a table game
20 license, the trust agreement shall transfer and convey to the
21 trustee, if the applicant is a corporation, all outstanding
22 equity securities of the corporation, and if the applicant is
23 other than a corporation, all outstanding interest in the
24 applicant.

25 (3) The compensation for the service, costs and expenses
26 of the trustee or trustees shall be stated in the trust
27 agreement and shall be approved by the board.

28 (4) The trust agreement shall, in all instances, contain
29 any provision the board may deem necessary and desirable.

30 (b) Trust agreement operative; timing.--With respect to an

1 applicant described in section 1201(b), if the board denies
2 interim authorization, it shall order that the trust agreement
3 become operative, or take such other action as may be
4 appropriate in accordance with section 1201. With respect to all
5 applicants under section 1201, if the board grants interim
6 authorization, it shall thereafter order that the trust
7 agreement become operative at any time it finds reasonable cause
8 to believe that the applicant or any person required to be
9 qualified in connection with the application may be found
10 unqualified.

11 (c) Rights and powers of trustee.--While the trust agreement
12 remains operative, the trustee shall exercise all rights
13 incident to the ownership of the property subject to the trust.
14 The trustee shall be vested with all powers, authority and
15 duties necessary to the unencumbered exercise of those rights,
16 except that the applicant shall have no right to participate in
17 the earnings of the licensed table game facility or receive any
18 return on its investment or debt security holdings during the
19 time the trust is operative.

20 (d) Duration of trust agreement.--The trust agreement, once
21 operative, shall remain operative until the board finds the
22 applicant qualified, or the board finds the applicant
23 unqualified and the property subject to the trust is disposed of
24 in accordance with subsection (e), except that the applicant may
25 request the board to direct the trustee to dispose of the
26 property subject to the trust in accordance with subsection (e)
27 prior to a finding that the applicant is disqualified.

28 (e) Disposition of property subject to trust.--If the board
29 denies qualification to a person subject to the provisions of
30 this chapter, the trustee shall endeavor and be authorized to

1 sell, assign, convey or otherwise dispose of all property
2 subject to the trust to a person who is appropriately licensed
3 or qualified or has obtained interim authorization in accordance
4 with section 1202. The disposition of trust property by the
5 trustee shall be completed within 120 days of the denial of
6 qualification, or within any additional time the board for good
7 cause may allow. The proceeds from the disposition of trust
8 property shall be distributed to the unqualified applicant only
9 in an amount not to exceed the lower of the actual cost of the
10 assets to the unqualified applicant or the value of the assets
11 calculated as if the investment had been made on the date the
12 trust becomes operative. Any proceeds remaining from the
13 disposition of trust property in accordance with this subsection
14 shall be remitted to the State Treasury for deposit in the fund
15 established under 4 Pa.C.S. § 1403 (relating to establishment of
16 State Gaming Fund and net slot machine revenue distribution).
17 Section 1204. Obligations and responsibilities.

18 During the period of interim authorization, the board and the
19 bureau shall continue the procedures that are provided in this
20 act and the regulations promulgated under this act that are
21 necessary for a determination of the qualification of the person
22 granted interim authorization. The obligation and
23 responsibilities of an applicant for a table game license or a
24 table game licensee or person required to be qualified are in no
25 way relieved by the granting of interim authorization.

26 Section 1205. Time for determining qualification.

27 Within nine months after a grant or denial of interim
28 authorization, the board shall hold a hearing and render a
29 decision on the qualification of an applicant for a table game
30 license under this act. The board may extend the period for

1 determining qualification by one three-month period.

2 CHAPTER 13

3 CONDITIONS OF OPERATION

4 Section 1301. Operation certificate.

5 (a) Operation certificate required.--Notwithstanding the
6 approval and issuance of a license to operate table games, no
7 licensed table game facility may be open or remain open to the
8 public, and no table game activity or operations, except for
9 test purposes, may be conducted at the licensed table game
10 facility until a valid operation certificate has been issued to
11 the applicant or licensee by the board. The board shall issue
12 the operation certificate upon a finding that:

13 (1) The licensed gaming entity complies in all respects
14 with the requirements of this act and will comply with
15 regulations promulgated by the board under this act.

16 (2) The licensed gaming entity has implemented necessary
17 internal and management controls and security precautions for
18 the efficient operation and play of table games.

19 (3) All employees, where applicable, are licensed,
20 permitted or registered by the board for the performance of
21 their respective duties.

22 (4) The licensed gaming entity is prepared in all
23 respects to receive and entertain the public at the licensed
24 table game facility.

25 (b) Authorized table games.--The operation certificate shall
26 include an itemized list by category and number of the
27 authorized table games permitted in the particular licensed
28 table game facility. The licensed gaming entity shall file, in
29 accordance with regulations promulgated by the board, any
30 changes in the number of table games authorized for play in its

1 licensed table game facility, and any changes in the
2 configuration of the licensed table game facility with the
3 board. The board shall review the changes in configuration for
4 compliance with this act and 4 Pa.C.S. Pt. II (relating to
5 gaming). No changes in the number of table games authorized for
6 play by the board or in the configuration of the table game
7 facility shall be made without the approval of the board.

8 (c) Duration of certification.--An operation certificate
9 shall remain in force and effect unless altered in accordance
10 with subsection (b), or revoked, suspended, limited or otherwise
11 altered by the board in accordance with this act or regulations
12 promulgated by the board.

13 Section 1302. Condition of continued operation.

14 It shall be an expressed condition of continued operation
15 under this act that a licensed gaming entity operating a table
16 game facility maintain all books, records and documents
17 pertaining to the licensee's table game operation in a manner
18 and location within this Commonwealth as approved by the board.
19 All books, records and documents related to table game
20 operations shall be maintained separate and apart from all
21 books, records and documents of the licensed gaming entity's
22 slot machine operations, including all books and records
23 pertaining to the provision of credit to table game patrons and
24 the cashing of checks of table game patrons in accordance with
25 Chapter 16. All books, records and documents related to table
26 game operations, including records relating to credit, shall be
27 immediately available for inspection by the board, the bureau,
28 the Pennsylvania State Police or agents of the Attorney General
29 during all hours of operation in accordance with regulations
30 promulgated by the board and shall be maintained for a period as

1 the board by regulation may require.

2 Section 1303. Hours of operation.

3 Each licensed table game facility shall be permitted to
4 operate 24 hours a day. Each licensed gaming entity shall file
5 with the board a schedule of operating hours prior to the
6 issuance of an operation certificate. If the table game licensee
7 proposes any change or modification in scheduled operating
8 hours, the change or modification shall not be effected until
9 the table game licensee files a notice of the new operating
10 hours with the board. The filing shall be made 30 days prior to
11 the effective date of the proposed change or modification in
12 hours of operation. This section shall not be construed to limit
13 a table game licensee in opening its table game facility later
14 than, or closing its facility earlier than, the times stated in
15 its schedule of operating hours. Any change or modification in
16 hours of operation shall comply with the requirements of this
17 section and with any regulations promulgated by the board
18 pertaining to modification of hours of operation.

19 CHAPTER 14

20 GAME AND FACILITY REQUIREMENTS

21 Section 1401. Authorized table games.

22 Nothing in this act shall be construed to permit the
23 operation of any table games except the operation and conduct of
24 authorized table games in table game areas of a licensed table
25 game facility as approved by the board in accordance with this
26 act and regulations promulgated by the board pursuant to this
27 act.

28 Section 1402. Wagers and payoffs.

29 All authorized table games shall be conducted and all wagers
30 and payoffs of winning wagers shall be made in accordance with

1 regulations promulgated by the board. The regulations
2 promulgated by the board shall establish the limitations as may
3 be necessary to assure the vitality of table game operations and
4 fair odds to patrons. Notwithstanding any provision of this act
5 or regulation of the board, a table game licensee shall set
6 minimum and maximum wagers on authorized table games that may be
7 adjusted from time to time by the licensee in the normal course
8 of table game operations, except that changes in minimum wagers
9 at any given table shall not apply to persons already engaged in
10 wagering at that table when the minimum wager is changed.

11 Section 1403. Information to patrons and players.

12 Each table game licensee shall make available in printed form
13 to any patron or player, upon request, the complete text of the
14 rules of the board regarding authorized table games and the
15 conduct of table games, payoffs of winning wagers, an
16 approximation of the odds of winning for each wager, and other
17 advice to the patron or player as the board may require. Each
18 table game licensee shall prominently post within the table game
19 area of the licensed table game facility information about table
20 game rules, payoffs of winning wagers, the odds of winning for
21 each wager, and other advice to the player as the board by
22 regulation may require.

23 Section 1404. Acceptance of tips.

24 A dealer may accept tips or gratuities from a patron at the
25 table game at which the dealer is conducting play, subject to
26 the provisions of this section. All tips or gratuities shall be
27 deposited immediately in a lockbox reserved for that purpose,
28 accounted for and placed in a pool for distribution pro rata
29 among the dealers. The distribution shall be based upon the
30 number of hours each dealer worked during the time period when

1 the tips or gratuities were collected and deposited. The board
2 may permit the establishment of a separate pool for dealers in
3 the game of poker or may permit tips or gratuities to be
4 retained by individual dealers in the game of poker.

5 Section 1405. Table game facility requirements.

6 (a) Facility.--Each table game licensee shall arrange its
7 table game facility in a manner as to promote optimum security
8 of the facility and shall comply in all respects with
9 regulations of the board. Each table game facility shall
10 include:

11 (1) A closed-circuit television system according to
12 specifications approved by the board, with access in the
13 licensed table game facility to the system or its signal
14 provided to the board, the bureau and agents of the board and
15 bureau, in accordance with regulations promulgated by the
16 board.

17 (2) One or more rooms or locations within or about the
18 licensed facility approved by the board as table game space.

19 (3) Design specifications that ensure that visibility in
20 a licensed table game facility is not obstructed in any way
21 that could interfere with the ability of the licensee, the
22 board or its agents or the bureau or its agents to oversee
23 facility operations.

24 (b) Count rooms.--Each licensed facility or licensed table
25 game facility shall contain a count room or other secure space
26 that may be required by the board for the counting and storage
27 of cash, coins, tokens and checks received in the conduct of
28 authorized table games and for the inspection, counting and
29 storage of dice, cards, tiles, dominoes and chips and other
30 representatives of value used in the conduct and operation of

1 authorized table games.

2 (c) Gaming tables.--Each gaming table shall be equipped with
3 a sign indicating the permissible minimum and maximum wagers of
4 the table. It shall be unlawful for a licensee to require any
5 wager to be greater than the State minimum or less than the
6 State maximum. However, any wager actually made by a patron and
7 not rejected by a licensee prior to the commencement of play
8 shall be treated as a valid wager.

9 Section 1406. Table game devices, apparatus, equipment and
10 supplies.

11 (a) Limit on location and possession on premises.--Except as
12 set forth in subsection (b), the following shall apply to table
13 game devices, apparatuses, equipment and supplies:

14 (1) No table game devices, apparatuses, equipment or
15 supplies shall be possessed, maintained or exhibited by any
16 person on the premises of a licensed facility except in the
17 licensed facility's table game area or in a restricted area
18 used for the inspection, service, repair or storage of the
19 devices, apparatuses, equipment or supplies and specifically
20 approved and designated for that purpose by the table game
21 licensee with the approval of the board.

22 (2) Table game devices, apparatuses, equipment or
23 supplies, which support the conduct of table game operations
24 in a licensed facility but do not permit or require patron
25 access, such as computers and other such telecommunications
26 equipment, may be possessed and maintained by the table game
27 licensee in restricted areas specifically approved and
28 designated for that purpose by the board.

29 (3) No table game devices, apparatuses, equipment or
30 supplies shall be possessed, maintained, exhibited, brought

1 into or removed from a table game area by any person unless
2 the devices, apparatuses, equipment or supplies:

3 (i) Are necessary to the conduct of an authorized
4 table game.

5 (ii) Have permanently affixed, imprinted, impressed
6 or engraved thereon an identification number or symbol
7 authorized by the board.

8 (iii) Are under the exclusive control of the table
9 game licensee or employees or agents of the licensee.

10 (iv) Are brought into or removed from the table game
11 area following 24-hour prior notice given to an
12 authorized agent of the board.

13 (b) Exception.--Notwithstanding subsection (a), a person
14 may, with the prior approval of the board and under terms and
15 conditions as may be required by the board, possess, maintain or
16 exhibit a table game device, apparatus, equipment or supplies in
17 any other area of the licensed facility if the equipment is used
18 only for nongaming or exhibition purposes.

19 (c) Drop boxes.--All drop boxes and other implements in
20 which cash, coins or tokens are deposited at the gaming tables,
21 and all areas where drop boxes and other like implements are
22 kept while in use, shall be equipped with two locking devices or
23 keys. One drop box locking device or key shall be under the
24 exclusive control of the board or an agent of the board, and the
25 second drop box locking device or key shall be under the
26 exclusive control of the table game licensee. The drop boxes and
27 other like implements shall not be brought into or removed from
28 a table game area or locked or unlocked, except at times, in
29 places and according to procedures that the board by regulation
30 shall require.

1 (d) Chips.--All chips used in the play of authorized table
2 games shall be of the size and uniform color by denomination as
3 the board shall require by regulation.

4 Section 1407. Restrictions and prohibitions.

5 It shall be unlawful for:

6 (1) Any person to exchange or redeem chips for anything
7 whatsoever, except for currency, negotiable personal checks,
8 negotiable counter checks, other chips, coupons or
9 complimentary vouchers distributed by the table game
10 licensee. A table game licensee, upon the request of any
11 person, shall redeem that licensee's gaming chips surrendered
12 by a person in any amount over \$300 with a check drawn upon
13 the table game licensee's account at any banking institution
14 in this Commonwealth or other jurisdiction as approved by the
15 board and made payable to that person.

16 (2) Any table game licensee or an agent or employee of a
17 table game licensee to employ, contract with or use any skill
18 or barker to induce or entice, or attempt to induce or
19 entice, any person to enter a licensed table game facility or
20 play any table game or for any purpose whatsoever.

21 (3) A dealer in any authorized table game in which cards
22 are dealt, to deal cards by hand or any manner other than
23 from a device specifically designed for that purpose, unless
24 otherwise permitted under special circumstances as shall be
25 defined by regulation of the board.

26 (4) Any table game key employee or any person who is
27 required to hold a key employee license as a condition of
28 employment or qualification to wager in any licensed facility
29 in this Commonwealth.

30 (5) Any employee, other than an employee who in judgment

1 of the board is not directly involved with the conduct of
2 table game operations, to wager in a licensed table game
3 facility in which the employee is employed or in any other
4 licensed facility in this Commonwealth that is owned or
5 operated by the licensed gaming entity that employs the
6 employee. Any employee other than an employee who, in the
7 judgment of the board, is not directly involved with the
8 conduct of table game operations, shall wait at least 30 days
9 following the date on which the employee either leaves
10 employment with or is terminated from employment with a table
11 game licensee before the employee may gamble in a licensed
12 table game facility in which such employee was formerly
13 employed or in any other licensed facility in this
14 Commonwealth that is owned or operated by the licensed gaming
15 entity that employed the employee.

16 (6) Any key employee or boxman, floorman, or any other
17 employee who serves in a supervisory position to solicit or
18 accept, and for any other employee to solicit, any tip or
19 gratuity from any player or patron at the licensed table game
20 facility where the employee is employed.

21 Section 1408. Density requirement.

22 The board shall, by regulation, determine the permissible
23 number and density of table games in a licensed table game
24 facility. An applicant for or a person issued a license to
25 operate table games under this act shall limit the density of
26 the table game facility to no more than 30% of the total gaming
27 floor space in the licensed facility. It is the intent of the
28 General Assembly that 70% of the gaming floor space be dedicated
29 to slot machine gaming and 30% of the gaming floor space be
30 dedicated to the operation of authorized table games. The

1 regulations promulgated by the board that determines the
2 permissible number and density of authorized table games in a
3 licensed table game facility shall provide that all floor space
4 in the licensed facility, except for floor space in an approved
5 hotel, shall be included in any calculation of the permissible
6 number and density of authorized table games in a licensed
7 facility.

8 Section 1409. Approved hotels.

9 (a) Authority to determine suitability and approve.--Nothing
10 in this act shall be construed to limit the authority of the
11 board to determine the suitability of and to approve a hotel for
12 the conduct and operation of authorized table games if the hotel
13 is designed architecturally to be physically connected to a
14 Category 1 or Category 2 licensed facility as authorized under 4
15 Pa.C.S. §§ 1302 (relating to Category 1 slot machine license),
16 1303 (relating to additional Category 1 slot machine license
17 requirements) and 1304 (relating to Category 2 slot machine
18 license) and meets the requirements of this section. The board
19 shall determine the suitability of a hotel for the conduct and
20 operation of authorized table games and the areas of the hotel
21 in which table games shall be conducted and operated on a case-
22 by-case basis in accordance with the requirements of this
23 section.

24 (b) Requirements for approval.--The following criteria shall
25 be used by the board to determine suitability and approve a
26 hotel for the conduct and operation of authorized table games:

27 (1) The approved hotel shall be a single building or two
28 or more buildings that are physically connected in a manner
29 deemed appropriate and approved by the board.

30 (2) The approved hotel shall consist of at least 350

1 qualifying sleeping units or a lesser number as established
2 by the board, except that any lesser number shall not be
3 lower than 300 sleeping units.

4 (3) The approved hotel shall consist of meeting rooms,
5 banquet rooms, restaurants, exhibition space, shops and
6 parking areas.

7 (4) The total square footage of the approved hotel shall
8 not be lower than the minimum square footage established by
9 regulations of the board.

10 (5) Architectural designs and specifications for the
11 construction of the approved hotel are included in the
12 application for a table game license.

13 (c) Certification after approval.--After a hotel is
14 initially approved, the board shall thereafter rely on the
15 certification of the table game licensee with regard to the
16 number of qualifying sleeping units and shall permit
17 replacement, rehabilitation, renovation and alteration of any
18 part of the approved hotel even if the replacement,
19 rehabilitation, renovation or alteration will result temporarily
20 in a lower number of qualifying sleeping units, provided that
21 the table game licensee certifies that the replacement,
22 rehabilitation, renovation or alteration shall be completed
23 within one year or other reasonable period of time as approved
24 by the board.

25 (d) No additional requirements authorized.--The board shall
26 not impose any criteria or requirements regarding the contents
27 of an approved hotel in addition to the criteria and
28 requirements expressly specified in this section. However, the
29 board shall be authorized to require each table game licensee to
30 establish and maintain an approved hotel which is in all

1 respects a superior, first-class hotel facility of exceptional
2 quality which will promote the host municipality as a tourist or
3 convention destination.

4 (e) Exceptions.--The provisions of this section shall not
5 apply to a licensed table game entity that holds a Category 3
6 slot machine license. An applicant for a table game licensee or
7 a licensed table game entity who has applied for or who holds a
8 Category 3 slot machine license shall not be eligible to operate
9 authorized table games in an approved hotel.

10 (f) Prohibition on slot machine operations.--Nothing in this
11 section shall be construed to authorize the placement of slot
12 machines or the conduct of slot machine operations in an
13 approved hotel.

14 CHAPTER 15

15 INTERNAL CONTROLS

16 Section 1501. Internal controls.

17 (a) Submission to board.--Each applicant for a table game
18 license or table game licensee shall submit to the board a
19 description of its initial system of internal, administrative
20 and accounting controls for table game operations. The initial
21 system of internal, administrative and accounting controls
22 submitted to the board shall be accompanied by:

23 (1) A certification by the applicant's or table game
24 licensee's chief legal officer or equivalent that the
25 submitted controls conform to the requirements of this act
26 and the regulations promulgated by the board pursuant to this
27 act.

28 (2) A certification by the applicant's or table game
29 licensee's chief financial officer or equivalent that the
30 submitted controls provide adequate and effective accounting

1 controls, establish a consistent overall system of internal
2 procedures and administrative and accounting controls and
3 conform to generally accepted accounting principles.

4 Each applicant for a table game license or table game licensee
5 shall make the initial submission required under this subsection
6 at least 30 days before table game operations are to commence
7 unless otherwise directed by the board.

8 (b) Implementation of modified internal control
9 procedures.--Except as otherwise provided in this section, a
10 licensed table game entity, upon submission to the board of a
11 narrative description of a change in its system of internal,
12 administrative or accounting controls and the two certifications
13 required under subsection (a), may, following the 15th day after
14 the submission, implement the proposed change or modification in
15 the internal, administrative or accounting controls. Each
16 initial submission shall contain a narrative description of the
17 internal, administrative or accounting control system to be
18 utilized by the licensed table game entity, including, but not
19 limited to:

20 (1) Accounting controls, including the standardization
21 of forms and definition of terms to be utilized in the table
22 game operations.

23 (2) Procedures, forms, and where appropriate, formulas
24 covering the calculation of:

25 (i) Hold percentages.

26 (ii) Revenue drops.

27 (iii) Expense and overhead schedules.

28 (iv) Complimentary services, except as provided in
29 Chapter 18.

30 (v) Junkets.

1 (vi) Cash equivalent transactions.

2 (3) Job descriptions and the system of personnel and
3 chain-of-command, establishing a diversity of responsibility
4 among employees engaged in table game operations and
5 identifying primary and secondary managerial and supervisory
6 positions for all areas of responsibility. The areas of
7 responsibility shall not be so extensive as to be impractical
8 for an individual to monitor salary structure and personnel
9 practices and policies. The personnel practices and policies
10 shall include an identification and description of any
11 prerequisite, condition or requirement, other than or in
12 addition to experience, employment history, education, skill
13 or any other requirement generally used to determine
14 qualification for a particular job or job classification,
15 which could be used or will be used as a factor or factors to
16 determine eligibility, employability or continued employment.

17 (4) Procedures within the cashier's cage for:

18 (i) Receipt, storage and disbursal of chips, cash
19 and other cash equivalents used in the conduct of
20 authorized table games.

21 (ii) Cashing of checks.

22 (iii) Redemption of chips and other cash equivalents
23 used in the conduct of authorized table games.

24 (iv) Payoff of jackpots.

25 (v) Recording of transactions pertaining to table
26 game operations.

27 (5) Procedures for the collection and security of money
28 at the gaming tables.

29 (6) Procedures for the transfer and recordation of chips
30 between the gaming tables and the cashier's cage.

1 (7) Procedures for the transfer of moneys from the
2 gaming tables to the counting process.

3 (8) Procedures and security for the counting and
4 recording of revenue.

5 (9) Procedures for the security, storage and recordation
6 of cash, chips and other cash equivalents utilized in table
7 game operations.

8 (10) Procedures for the cashing and recording of checks
9 exchanged by the licensed table game entity.

10 (11) Procedures governing the utilization of a private
11 security force within the licensed table game facility, as
12 approved by the board.

13 (12) Procedures and security standards for the handling
14 and storage of gaming apparatus, including cards, dice,
15 wheels and all other table game equipment, apparatus, devices
16 and supplies used in the conduct of authorized table games.

17 (13) Procedures and rules governing the conduct of
18 particular table games and the responsibility of the table
19 game employees in respect to same.

20 (14) Procedures for separately recording all
21 transactions pursuant to Chapter 16 involving any public
22 official, any executive level State employee or any public
23 official of a county or municipality in which table games are
24 authorized at a licensed facility or any table game employee
25 or key employee, and for the quarterly filing with the board
26 of a list reporting all such transactions.

27 (c) Board review of submissions.--The board shall review
28 internal, administrative and accounting controls submissions
29 made pursuant to subsection (a) to determine whether the
30 submission conforms to the requirements of this act and

1 regulations promulgated by the board pursuant to this act, and
2 to ascertain whether the submission provides adequate and
3 effective controls for the operations of the particular licensed
4 table game facility submitting it. If the board preliminarily
5 determines during its review that a procedure in the submission
6 contains a substantial and material insufficiency likely to have
7 a direct and materially adverse impact on the integrity of table
8 game operations or the control of gross table game revenue, the
9 board, by written notice to the licensed table game entity,
10 shall:

11 (1) Specify the precise nature of the insufficiency and,
12 when possible, recommend an acceptable alternative procedure.

13 (2) Schedule a hearing before the full board no later
14 than 15 days after the date of written notice to plenary
15 and finally determine whether the procedure in question
16 contains the described insufficiency.

17 (3) Direct that the internal, administrative or
18 accounting control at issue and not yet implemented not be
19 implemented by the table game licensee until revised and
20 approved by the board. Upon receipt of the notice, the table
21 game licensee shall proceed to the scheduled hearing before
22 the full board and may submit a revised procedure addressing
23 the board's concerns as specified in the notice.

24 Section 1502. Modification of internal controls.

25 Notwithstanding the requirements of section 1501, the board
26 shall by regulation permit changes in a table game licensee's
27 system of internal, administrative and accounting controls
28 required by section 1501 that do not have a material impact upon
29 the integrity of table game operations or the control and
30 reporting of gross table game revenue from the operation of

1 table games, including those described in section 1501(b)(3) to
2 be implemented by a licensed table game entity immediately upon
3 the preparation and initial filing of the internal controls.

4 Section 1503. Additional submissions to board.

5 Each table game licensee and applicant for a table game
6 license shall submit a narrative description of its system of
7 internal controls and administrative and accounting controls for
8 the recording and reporting of all business transactions and
9 agreements governing table game service industries, leases and
10 contracts no later than five days after those operations
11 commence or no later than five days after any change in the
12 controls becomes effective.

13 CHAPTER 16

14 CREDIT

15 Section 1601. Restriction on provision of credit.

16 Except as otherwise provided in this chapter, no table game
17 licensee or any other person licensed under this act, and no
18 person acting on behalf of or under any arrangement with a table
19 game licensee or other person licensed under this act shall:

20 (1) Cash any check, make any loan or otherwise provide
21 or give to any person any credit or advance of anything of
22 value or a representation of value to enable any person to
23 play an authorized table game.

24 (2) Release or discharge any debt, in whole or in part,
25 or make any loan that represents any losses incurred by any
26 player, without maintaining a written record of the debt in
27 accordance with regulations of the board.

28 Section 1602. Acceptance of checks.

29 (a) Restrictions.--No table game licensee or any person
30 licensed or qualified under this act, and no person acting on

1 behalf of or under any arrangement with a licensee or other
2 person licensed or qualified under this act, may accept a check,
3 other than a recognized traveler's check or other cash
4 equivalent from any person to enable a person to take part in
5 table game activity as a player, or may give cash or cash
6 equivalents in exchange for the check unless:

7 (1) The check is made payable to the table game
8 licensee.

9 (2) The check is dated, but not postdated.

10 (3) The check is presented to the cashier or the
11 cashier's representative at a location in the licensed table
12 game facility approved by the board and is exchanged for cash
13 that totals an amount equal to the amount for which the check
14 is drawn or the check is presented to the cashier's
15 representative at a gaming table in exchange for chips that
16 total an amount equal to the amount for which the check is
17 drawn.

18 (4) The regulations concerning check-cashing procedures
19 are observed by the table game licensee and its employees and
20 agents.

21 (b) Accounts.--Nothing in this chapter shall be deemed to
22 preclude the establishment of an account by any person with a
23 table game licensee by a deposit of cash or recognized
24 traveler's check or other cash equivalent or a check that meets
25 the requirements of this section or to preclude the withdrawal,
26 either in whole or in part, of any amount contained in such
27 account.

28 (c) Requirement for cashing checks.--When a table game
29 licensee or other person licensed or qualified under this act,
30 or any person acting on behalf of or under any arrangement with

1 a table game licensee or other person licensed or qualified
2 under this act, cashes a check in conformity with the
3 requirements of subsection (a), the table game licensee shall
4 deposit or provide for the deposit of the check in a bank for
5 collection or payment or shall require an attorney or key
6 employee with no incompatible functions to present the check to
7 the drawer's bank for payment, within any of the following:

8 (1) Seven calendar days of the date of the transaction
9 for a check in an amount of \$1,000 or less.

10 (2) Fourteen calendar days of the date of the
11 transaction for a check in an amount greater than \$1,000 but
12 less than or equal to \$5,000.

13 (3) Forty-five calendar days of the date of the
14 transaction for a check in an amount greater than \$5,000.

15 (d) Check redemption.--

16 (1) Notwithstanding any other provision of this section,
17 the drawer of the check may redeem the check by exchanging
18 cash, cash equivalents, chips or a check that meets the
19 requirements of subsection (i) in an amount equal to the
20 amount for which the check is drawn, the drawer may redeem
21 the check in part by exchanging cash, cash equivalents, chips
22 or a check that meets the requirements of subsection (i) and
23 another check that meets the requirements of subsection (a)
24 for the difference between the original check and the cash,
25 cash equivalents, chips or check tendered or the drawer may
26 issue one check that meets the requirements of subsection (a)
27 in an amount sufficient to redeem two or more checks drawn to
28 the order of the licensee.

29 (2) If there has been a partial redemption or a
30 consolidation in conformity with the provisions of this

1 subsection, the newly issued check shall be delivered to a
2 bank for collection or payment or presented to the drawer's
3 bank for payment by an attorney or key employee of the
4 licensee with no incompatible functions within the period
5 specified.

6 (3) No table game licensee or any person licensed or
7 qualified under this act shall accept any check or series of
8 checks in redemption or consolidation of another check or
9 checks for the purpose of avoiding or delaying the deposit of
10 a check in a bank for collection or payment or the
11 presentment of the check to the drawer's bank within the time
12 period prescribed by this subsection.

13 (4) In computing a time period prescribed under this
14 subsection, the last day of the period shall be included
15 unless it is a Saturday, Sunday, or a Federal or State
16 holiday, in which event the time period shall extend to the
17 next subsequent business day.

18 (e) Transfer of check and limitation.--No table game
19 licensee or any other person licensed or qualified under this
20 act, or any other person acting on behalf of or under any
21 arrangement with a table game licensee or other person licensed
22 or qualified under this act, shall transfer, convey or give,
23 with or without consideration, a check cashed in conformity with
24 the requirements of this section to any person other than:

25 (1) The drawer of the check upon redemption or
26 consolidation in accordance with subsection (d).

27 (2) A bank for collection or payment of the check.

28 (3) A purchaser of the table game license as approved by
29 the board.

30 (4) An attorney or key employee of the licensee with no

1 incompatible functions for presentment to the drawer's bank.

2 (f) Applicability of limitation.--The limitation on
3 transferability of checks shall apply to checks returned by any
4 bank or other financial institution to the table game licensee
5 without full and final payment.

6 (g) Collection of unpaid checks.--No person other than a
7 person licensed as a key employee or as a table game employee in
8 accordance with this act may engage in activities to collect
9 payment of checks that have been returned by banks or other
10 financial institutions without full and final payment, although
11 an attorney representing the table game licensee may bring
12 action for the collection of an unpaid check.

13 (h) Validity of checks.--Notwithstanding the provisions of
14 any law or regulation to the contrary, checks cashed in
15 conformity with the requirements of this act shall be valid
16 instruments, enforceable at law in the courts of this
17 Commonwealth. Any check cashed, transferred, conveyed or given
18 in violation of this act shall be invalid and unenforceable for
19 the purposes of collection but shall be included in the
20 calculation of gross table game revenue.

21 (i) Additional requirements for acceptance of check.--
22 Notwithstanding the provisions of subsection (a) to the
23 contrary, a table game licensee may accept a check from a person
24 to enable the person to play table games as a player, may give
25 cash or cash equivalents in exchange for the check or may accept
26 a check in redemption or partial redemption of a check issued in
27 accordance with subsection (a), provided that:

28 (1) (i) The check is drawn by a table game licensee
29 pursuant to the relevant provisions of this act or upon
30 the withdrawal of funds from an account established in

1 accordance with subsection (b) or is drawn by a table
2 game licensee as payment for winnings from an authorized
3 table game.

4 (ii) The check is issued by a banking institution
5 that is chartered in a country other than the United
6 States on its account at a federally chartered or state-
7 chartered bank in the United States and is made payable
8 to "cash," "bearer," a table game licensee or the person
9 presenting the check.

10 (iii) The check is issued by a bank or other
11 financial institution that is chartered in the United
12 States on its account at another federally chartered or
13 state-chartered bank and is made payable to "cash,"
14 "bearer," a table game license, or the person presenting
15 the check.

16 (iv) The check is issued by an affiliate of a table
17 game licensee that holds a casino or gaming license in
18 any jurisdiction.

19 (2) The check is identifiable in a manner approved by
20 the board as a check issued for a purpose listed in paragraph
21 (1).

22 (3) The check is dated, but not postdated.

23 (4) The check is presented to the cashier or the
24 cashier's representative by the original payee and its
25 validity is verified by the drawer in the case of a check
26 drawn pursuant to paragraph (1)(i), or the check is verified
27 in accordance with regulations promulgated by the board in
28 the case of a check issued pursuant to paragraph (1)(ii),
29 (iii) and (iv).

30 (5) The regulations concerning check-cashing procedures

1 are observed by the table game licensee and its employees and
2 agents.

3 (j) Check for loan or advance.--No table game licensee shall
4 issue a check for the purpose of making a loan or otherwise
5 providing or allowing any advance or credit to a person to
6 enable the person to take part in table game activity as a
7 player.

8 (k) Acceptance of check outside facility.--Notwithstanding
9 the provisions of subsections (a), (b), (c) and (d) to the
10 contrary, a table game licensee may, at a location outside the
11 licensed facility, accept a personal check or checks from a
12 person for up to \$5,000 in exchange for cash or cash
13 equivalents, and may, at locations within the licensed table
14 game facility as permitted by the board, accept a personal check
15 or checks for up to \$5,000 in exchange for cash, cash
16 equivalents, tokens, chips or plaques to enable the person to
17 take part in table game activity as a player, provided that:

18 (1) The check is drawn on the patron's bank or brokerage
19 cash management account.

20 (2) The check is for a specific amount.

21 (3) The check is made payable to the table game
22 licensee.

23 (4) The check is dated, but not postdated.

24 (5) The patron's identity is established by examination
25 of a valid credit card, driver's license, passport or other
26 form of identification, which contains, at a minimum, the
27 patron's signature and photograph.

28 (6) The check is restrictively endorsed "FOR DEPOSIT
29 ONLY" to the table game licensee's bank account and deposited
30 on the next banking day following the date of the

1 transaction.

2 (7) The total amount of personal checks presented by the
3 patron and accepted by any one table game licensee pursuant
4 to this subsection that are outstanding at any time,
5 including the current check being submitted, does not exceed
6 \$5,000.

7 (8) The table game licensee has a board-approved system
8 of internal controls in place that will enable it to
9 determine the amount of outstanding personal checks received
10 from any patron pursuant to this subsection at any given
11 point in time.

12 (9) The table game licensee maintains a record of each
13 transaction in accordance with regulations promulgated by the
14 board.

15 Section 1603. Prohibition on provision of credit.

16 Upon written request to the board, a person may request that
17 the board place that person's name on a list of persons whom the
18 extension of credit by a table game licensee as provided in this
19 chapter would be prohibited. A person desiring to have the
20 person's name placed on the list shall submit the person's name,
21 address and date of birth to the board. The person does not need
22 to provide a reason for the request. It shall be the duty of the
23 board to provide the "no credit list" authorized under this
24 section to the credit department of each table game licensee.
25 The board, the table game licensee and the credit department of
26 a table game licensee may not divulge the names on the "no
27 credit list" to any person or entity other than those provided
28 for in this section. If a person wishes to have the person's
29 name removed from the "no credit list," the person shall submit
30 a written request for removal to the board. The board shall

1 inform the credit departments of each table game licensee no
2 later than seven business days after board receipt of a request
3 to remove a name from the "no credit list." The credit
4 department of each table game licensee shall cause such person's
5 name to be removed from such licensee's "no credit list" within
6 three business days of receipt of the request for removal from
7 the board.

8 Section 1604. Accounts, deposits and transactions.

9 The following shall govern accounts established by patrons of
10 table games:

11 (1) No table game licensee or any person licensed or
12 qualified under this act and no person acting on behalf of or
13 under any arrangement with a table game licensee or other
14 person licensed or qualified under this act shall, in a
15 single transaction during a gaming day, accept cash from a
16 person offered for the purposes of establishing an account,
17 when the amount offered totals \$10,000 or more, unless the
18 person presents proof of his identity or passport
19 identification number, if the person is not a United States
20 citizen.

21 (2) Multiple currency transactions shall be treated as a
22 single transaction if the table game licensee or other person
23 licensed or qualified under this act or a person acting on
24 behalf of or under any arrangement with a table game licensee
25 or other person licensed or qualified under this act has
26 knowledge that the transactions are by or on behalf of one
27 person and result in either cash in or cash out totaling more
28 than \$10,000 during a gaming day.

29 Section 1605. Limitation on amount redeemed.

30 (a) Permissible transaction.--No table game licensee or any

1 person licensed or qualified under this act, and no person
2 acting on behalf of or under any arrangement with a table game
3 licensee or other person licensed or qualified under this act
4 shall, in a single transaction during a gaming day, redeem for
5 cash or credit any chips or markers in an amount of \$10,000 or
6 more or exchange chips for cash in an amount of \$10,000 or more,
7 from any person, unless the person seeking to redeem the chips
8 or markers presents proof of identity or passport identification
9 number if the person seeking redemption is not a United States
10 citizen.

11 (b) Multiple transactions.--Multiple currency transactions
12 shall be treated as a single transaction if the table game
13 licensee or any person licensed or qualified under this act or a
14 person acting on behalf of or under any arrangement with a table
15 game licensee or other person licensed or qualified under this
16 act has knowledge that the transactions are by or on behalf of
17 one person and result in either cash in or cash out totaling
18 more than \$10,000 during a gaming day.

19 (c) Reports of transactions.--Each table game licensee or
20 persons acting on behalf of or under any arrangement with a
21 table game licensee or other persons licensed under this act who
22 accept cash or redeem chips or markers totaling \$10,000 or more
23 in a gaming day for which identification is required pursuant to
24 this section shall, at least once every 30 days, report the
25 identities and passport numbers, if applicable, of the persons
26 offering the cash, chips or markers to the bureau.

27 CHAPTER 17

28 SUPPLIER AND MANUFACTURER LICENSES

29 Section 1701. Supplier and manufacturer licenses.

30 (a) Authority of board to license.--The board may issue a

1 supplier license to a person seeking to provide table game
2 equipment, devices, apparatuses or supplies to a table game
3 licensee within this Commonwealth and a manufacturer license to
4 a person who is a manufacturer of table game equipment,
5 apparatuses, devices or supplies for use in this Commonwealth. A
6 person desiring to serve as either a supplier or manufacturer
7 shall submit an application for a supplier or manufacturer
8 license to the board with a nonrefundable application fee not to
9 exceed \$2,500.

10 (b) Eligibility and qualification for licensure.--The board
11 shall use the licensure procedures, conditions and any other
12 requirements established for persons applying for or holding a
13 supplier or manufacturer license under 4 Pa.C.S. Pt. II
14 (relating to gaming), when considering applications for a
15 supplier or manufacturer license under this act. In addition to
16 any criteria established by regulation for suppliers and
17 manufacturers of table game equipment, devices, apparatuses and
18 supplies under this act, the provisions of 4 Pa.C.S. §§ 1317
19 (relating to supplier licenses), 1317.1 (relating to
20 manufacturer licenses), 1319 (relating to alternative
21 manufacturer licensing standards) and 1325 (relating to license
22 or permit issuance) or any regulations promulgated pursuant to
23 the provisions of 4 Pa.C.S. Pt. II shall apply to any applicant
24 for or holder of a table game supplier or table game
25 manufacturer license under this act.

26 (c) Responsibility of applicant.--It shall be the burden of
27 an applicant for a table game supplier license or for a table
28 game manufacturer license, as the case may be, to establish by
29 clear and convincing evidence the applicant's suitability as to
30 integrity, moral character and reputation, personal and business

1 probity, financial ability and experience, responsibility and
2 other criteria considered appropriate by the board. Applicants
3 for a supplier or manufacturer license and supplier or
4 manufacturer licensees shall be under a continuing duty to
5 provide information requested by the board and to cooperate in
6 any investigation, inquiry or hearing conducted by the board.
7 Section 1702. Additional eligibility requirements.

8 In addition to any criteria the board may use to disqualify a
9 person seeking a supplier or manufacturer license under this
10 section, a person shall not qualify for licensure as a supplier
11 or manufacturer if any of the following circumstances exist:

12 (1) The applicant has been convicted of a felony under
13 the laws of this Commonwealth, any other state, the United
14 States or under the laws of any foreign jurisdiction within
15 the preceding 15 years.

16 (2) The applicant has been convicted of a misdemeanor
17 involving gambling, theft, fraud or dishonesty in this
18 Commonwealth, or in any other state in the United States or
19 under the laws of a foreign jurisdiction, that substantially
20 corresponds to a misdemeanor in that state.

21 (3) The applicant has submitted an application for a
22 license under this act that contains false or misleading
23 information.

24 (4) The applicant is a member of the board or an
25 employee of the board.

26 (5) The applicant holds an elective office in this
27 Commonwealth or a political subdivision of this Commonwealth,
28 another state, the Federal Government or is a member of or
29 employed by a gaming regulatory body of another state, the
30 Federal Government or is employed by a political subdivision

1 of this Commonwealth.

2 (6) The applicant has an ownership interest in another
3 entity holding a table game license issued under this act or
4 a slot machine license issued under 4 Pa.C.S. Pt. II
5 (relating to gaming).

6 (7) The board determines that the applicant lacks the
7 requisite suitability as to integrity, moral character and
8 reputation, personal and business probity, financial ability
9 and experience and responsibility.

10 (8) The applicant fails to meet any other criteria
11 considered appropriate by the board. The criteria considered
12 appropriate by the board shall not be arbitrary, capricious
13 or contradictory to the expressed provisions of this act.

14 Section 1703. Issuance of license.

15 In determining whether to issue a supplier license or
16 manufacturer license to an applicant, the board shall consider
17 all of the following:

18 (1) The applicant's past and present compliance with
19 casino gaming licensing requirements of any other
20 jurisdiction, foreign or domestic, that pertain to casino
21 gaming and related activities.

22 (2) The integrity, moral character and reputation,
23 personal and business probity, financial ability and
24 experience and responsibility of the applicant or an
25 affiliate of the applicant.

26 (3) Notwithstanding any other provision of law, whether
27 the applicant has been indicted, charged, arrested,
28 convicted, pleaded guilty or nolo contendere, forfeited bail
29 concerning or had expunged any criminal offense enumerated in
30 section 602(b) under the laws of this Commonwealth or of any

1 other jurisdiction foreign or domestic, either felony or
2 misdemeanor, not including traffic violations, regardless of
3 whether the offense has been expunged, pardoned or reversed
4 on appeal or otherwise.

5 (4) Whether the applicant has filed, or had filed
6 against it, a proceeding for bankruptcy or has ever been
7 involved in any formal process to adjust, defer, suspend or
8 otherwise work out the payment of any debt within ten
9 calendar years before the effective date of this section.

10 (5) Whether the applicant has been served with a
11 complaint or other notice filed with any public body
12 regarding a payment of any tax required under Federal, State
13 or local law that has been delinquent for one or more years.

14 (6) Whether the applicant has a history of noncompliance
15 with the casino licensing requirements of any jurisdiction,
16 foreign or domestic.

17 (7) Whether the applicant has a history of noncompliance
18 with any regulatory requirements in this Commonwealth or any
19 other jurisdiction, foreign or domestic.

20 (8) Whether at the time of application the applicant is
21 a defendant in litigation involving its business practices or
22 business interest.

23 (9) Whether issuing a supplier license or manufacturer
24 license to an applicant would undermine the public's
25 confidence in this Commonwealth's gaming industry.

26 (10) Whether the applicant meets other standards for the
27 issuance of a supplier license or manufacturer license that
28 the board may promulgate by regulation. The regulations
29 promulgated under this section shall not be arbitrary,
30 capricious or contradictory to the expressed provisions of

1 this act.

2 (11) Whether the applicant applied for or holds a
3 supplier license or manufacturer license issued by the board
4 under 4 Pa.C.S. Pt. II (relating to gaming).

5 (12) Whether the applicant for a supplier license or
6 manufacturer license has paid the license fee authorized to
7 be collected by the board under this act.

8 Section 1704. Additional supplier license requirements.

9 Any person that supplies equipment, apparatuses, devices,
10 supplies or services to a table game licensee shall first obtain
11 a supplier's license. A supplier shall provide the board with a
12 list of all equipment, devices, apparatuses, services and
13 supplies offered for sale or lease to each table game licensee
14 licensed under this act.

15 Section 1705. Records.

16 Notwithstanding any other provision of law to the contrary,
17 each person licensed as a licensed supplier or licensed
18 manufacturer under this act shall keep books and records of
19 their business activities with a table game licensee, including
20 the furnishing of equipment, apparatuses, devices, supplies and
21 services to table game licensees separate and distinct from any
22 other business, including slot machine operations, that the
23 licensed supplier or licensed manufacturer, as the case may be,
24 might operate. A licensed supplier or licensed manufacturer
25 shall file a quarterly report with the board listing all sales,
26 leases and services entered into, made or provided in this
27 Commonwealth to a table game licensee. A licensed supplier or
28 licensed manufacturer shall permanently affix, when feasible,
29 its name to all its equipment, apparatuses, devices and supplies
30 for table game operations. Any supplier's or manufacturer's

1 equipment, apparatuses, devices or supplies that are used by any
2 person in an unauthorized gambling operation shall be forfeited
3 to the Commonwealth.

4 Section 1706. Inspections.

5 All applicants for a supplier or manufacturer license and
6 such licensees shall consent to inspection, searches and
7 seizures in accordance with this act and to the disclosure to
8 the board and its agents of confidential records, including tax
9 records, held by any Federal, State or local agency, credit
10 bureau or financial institution and to provide handwriting
11 exemplars, photographs, fingerprints and information as may be
12 authorized in this act and any regulations promulgated pursuant
13 to this act. Failure to provide information requested by the
14 board to assist in any investigation, inquiry or hearing of the
15 board or the bureau or failure to comply with any provision of
16 this act or regulations promulgated by the board under this act
17 may result in denial, suspension or, upon reasonable notice,
18 revocation of a table game license.

19 CHAPTER 18

20 JUNKETS AND COMPLIMENTARY SERVICES

21 Section 1801. Junkets.

22 (a) Prohibition.--No person shall act as a junket
23 representative or junket enterprise and no junket shall be
24 organized or permitted to operate in this Commonwealth except in
25 accordance with this chapter.

26 (b) Junket representative qualification.--A junket
27 representative employed by a table game licensee, an applicant
28 for a table game license or an affiliate of a table game
29 licensee shall obtain a table game employee occupation permit in
30 accordance with the requirements of this act, except that the

1 junket representative need not be a resident of this
2 Commonwealth. Any person who holds a current and valid table
3 game employee occupation permit may act as a junket
4 representative while employed by a table game licensee or an
5 affiliate of a table game licensee. Junket representatives that
6 are not employed by a table game licensee or an applicant for a
7 table game license or by a junket enterprise shall be subject to
8 the requirements of section 1002 and Chapter 20, unless
9 otherwise directed by the board. No table game licensee or
10 applicant for a table game license may employ or otherwise
11 engage a junket representative who is not licensed as a junket
12 representative in accordance with the requirements of this
13 chapter.

14 (c) Junket enterprise qualification.--Junket enterprises
15 that are engaged in activities governed by this section shall be
16 subject to the provisions section 1002 and Chapter 20, with
17 regard to those activities, unless otherwise directed by the
18 board. The owners, management and supervisory employees and
19 other principal employees of a junket enterprise as the board
20 may require shall qualify under the standards, except for
21 residency, established for the qualification and licensure of
22 table game key employees under Chapter 7.

23 (d) Service of process.--Prior to the issuance of a table
24 game occupation permit for a person to serve as a junket
25 representative, a table game key employee license to a person
26 associated with a junket enterprise or a table game service
27 industry license to engage in the business of a junket
28 enterprise, the applicant for the permit or license shall submit
29 to the jurisdiction of the Commonwealth of Pennsylvania and
30 shall demonstrate to the satisfaction of the board that the

1 applicant is amenable to service of process within this
2 Commonwealth. Failure to establish or maintain compliance with
3 the requirements of this subsection shall constitute sufficient
4 cause for denial, suspension or revocation of the person's table
5 game employee occupation permit, the person's key employee
6 license or the person's table game service industry license.
7 Section 1802. Temporary occupation permit.

8 (a) Petition by table game licensee.--Upon petition by the
9 holder of a table game license, a junket representative applying
10 for a table game employee occupation permit may be issued a
11 temporary occupation permit upon a finding by the board of all
12 of the following:

13 (1) The applicant for the occupation permit as a junket
14 representative is employed by the table game licensee.

15 (2) The applicant for the occupation permit has filed a
16 completed application, including a nonrefundable application
17 fee and any other fee as required by regulation of the board,
18 with the board.

19 (3) The bureau certifies to the board that the completed
20 application for the occupation permit as a junket
21 representative has been in the possession of the bureau for
22 at least 30 days. The board, at its discretion, may consider
23 an application that has been in the possession of the bureau
24 for less than 30 days.

25 (b) Authority to suspend, limit or condition temporary
26 occupation permit.--In addition to any other authority granted
27 to the board under this act, the board shall have the authority,
28 upon notification from the bureau or the Pennsylvania State
29 Police that either is in possession of information that raises
30 reasonable possibility that a junket representative does not

1 qualify for an occupation permit, to immediately suspend, limit
2 or condition any temporary occupation permit, pending a hearing
3 on the qualifications of the junket representative in accordance
4 with the provisions of this act and regulations of the board.

5 (c) Duration of temporary permit.--Unless otherwise
6 terminated by the board, a temporary table game employee
7 occupation permit issued pursuant to this section shall expire
8 12 months from the date of issuance, and shall be renewable by
9 the board, in the absence of an objection by the bureau or the
10 Pennsylvania State Police, for one additional six-month period.
11 Section 1803. Agreements.

12 Any agreement entered into between a table game licensee and
13 a junket representative or between a table game licensee and a
14 junket enterprise shall include a provision for the termination
15 of the agreement without liability on the part of the table game
16 licensee, if the board orders the termination upon the
17 suspension, limitation, conditioning, denial or revocation of
18 the occupation permit of the junket representative or the
19 license of the junket enterprise. Failure to expressly include
20 this condition in the agreement shall not constitute a defense
21 in any action brought to terminate the agreement.

22 Section 1804. Responsibility of licensee for conduct of junket.

23 A table game licensee shall be responsible for the conduct of
24 any junket representative or junket enterprise associated with
25 it and for the terms and conditions of any junket engaged in on
26 its premises, regardless of the fact that the junket may involve
27 persons not employed by the licensee.

28 Section 1805. Violation of terms of junket.

29 A table game licensee shall be responsible for any violation
30 or deviation from the terms of a junket. Notwithstanding any

1 other provision of this act, the board may, after hearing, order
2 restitution to junket participants, assess penalties for
3 violations or deviations from the terms of the junket, prohibit
4 future junkets by a table game licensee, junket enterprises or
5 junket representatives and order further relief as it may deem
6 appropriate.

7 Section 1806. Records of junkets.

8 The board by regulation shall prescribe methods, procedures
9 and forms for the delivery and retention of information
10 concerning the conduct of junkets by table game licensees. Each
11 table game licensee, in accordance with regulations of the
12 board, shall:

13 (1) Maintain on file a report describing the operation
14 of any junket engaged in or on its premises.

15 (2) Submit to the board and the bureau a list of all of
16 its employees who act as junket representatives, whether on a
17 full-time, part-time, temporary or permanent basis.

18 (3) Maintain records of all agreements entered into with
19 a junket enterprise or junket representative for no less than
20 five years.

21 (4) Provide any other information concerning junket
22 operations upon request by the board or bureau.

23 Section 1807. Report of junket participants.

24 Each table game licensee, junket representative or junket
25 enterprise, in accordance with the regulations of the board,
26 shall file a report with the bureau with respect to each list of
27 junket patrons or potential junket patrons purchased directly or
28 indirectly by the table game licensee, junket representative or
29 junket enterprise. The report shall include, but not be limited
30 to, information on the source of the list and zip codes of

1 patrons or potential patrons named on any list purchased
2 directly or indirectly by the table game licensee, junket
3 representative or junket enterprise. Nothing in this section
4 shall be construed to require the listing of any personal
5 identifying information for patrons of any junket.

6 Section 1808. Junket arrangements; exemption determination.

7 The board shall have the authority to determine, either by
8 regulation or upon petition by the holder of the table game
9 license, whether an arrangement otherwise included in the
10 definition of "junket" under section 103 shall be required to
11 comply with any or all of the requirements of this chapter. The
12 board shall seek the opinion of the bureau prior to granting any
13 exemption under this chapter. In granting an exemption, the
14 board shall consider the nature, volume and significance of the
15 particular type of arrangement, whether the exemption would be
16 consistent with the policies and purposes of this act and any
17 other factor it may deem necessary. The board may condition,
18 limit or restrict any exemption as the board may deem
19 appropriate.

20 Section 1809. Prohibitions relating to junkets.

21 No junket enterprise or junket representative or person
22 acting as a junket representative shall:

23 (1) Engage in efforts to collect upon checks that have
24 been returned by banks or other financial institutions
25 without full and final payment.

26 (2) Exercise approval authority with regard to the
27 authorization or issuance of credit pursuant to Chapter 16.

28 (3) Act on behalf of or under any arrangement with a
29 table game licensee or patron with regard to the redemption,
30 consolidation or substitution of the patron's check awaiting

1 deposit pursuant to Chapter 16.

2 (4) Individually receive or retain any fee from a table
3 game patron for the privilege of participating in a junket.

4 (5) Pay for any services, including transportation, or
5 other items or things of value provided to, or for the
6 benefit of, any patron participating in a junket except as
7 provided in this act.

8 Section 1810. Complimentary services.

9 (a) Restrictions on complimentary services.--No table game
10 licensee shall offer or provide any complimentary services,
11 gifts, cash or other things or items of value to any person
12 unless:

13 (1) The complimentary service consists of room, food,
14 beverage or entertainment expenses provided directly to the
15 patron and the patron's guests by the table game licensee or
16 indirectly to the patron and the patron's guests on behalf of
17 a table game licensee by a third party.

18 (2) The complimentary service consists of documented
19 transportation expenses provided directly to the patron and
20 the patron's guests by the table game licensee or indirectly
21 to the patron and the patron's guests on behalf of a licensee
22 by a third party as long as the table game licensee complies
23 with regulations promulgated by the board to ensure that
24 documented transportation expenses of a patron and the
25 patron's guests are paid for or reimbursed only once.

26 (3) The complimentary service consists of coins, tokens,
27 cash or other complimentary items or services provided
28 through a bus coupon or other complimentary distribution
29 programs that, notwithstanding the requirements of Chapter
30 15, shall be filed with the board upon the implementation of

1 the program or maintained pursuant to board regulation.

2 (b) Allowable complimentary service.--Notwithstanding
3 subsection (a), a table game licensee may offer and provide
4 complimentary cash or noncash gifts that are not otherwise
5 included under subsection (a) to any person, provided that
6 complimentary cash or noncash gifts in excess of \$2,000 per trip
7 or a greater amount are supported by documentation setting forth
8 the reason the gift was given to the patron or the patron's
9 guests, including, where applicable, a patron's player rating.
10 The documentation supporting complimentary cash or noncash gifts
11 of \$2,000 or more per trip shall be maintained by the table game
12 licensee. For the purpose of this subsection, all gifts
13 presented to a patron and the patron's guests directly by a
14 table game licensee or indirectly on behalf of a table game
15 licensee by a third party within any five-day period shall be
16 considered to have been made during a single trip.

17 (c) Complimentary service account required.--Each table game
18 licensee shall maintain a regulated complimentary service
19 account for complimentary services allowed under this section.
20 The table game licensee shall submit a quarterly report of
21 account activities and all complimentary services offered or
22 engaged in by the table game licensee during the immediately
23 preceding quarter. The report shall:

24 (1) Identify the regulated complimentary services.

25 (2) Provide the costs of the complimentary services.

26 (3) Indicate the number of persons by category of
27 service who received the complimentary services.

28 (4) Provide any other information the board may require.

29 Section 1811. Prohibition on provision of complimentary
30 services.

1 (a) General rule.--No applicant for a table game license or
2 a table game licensee shall provide, directly or indirectly, a
3 complimentary service or discount to any person, that is other
4 than a complimentary service or discount provided or offered to
5 members of the general public in like circumstances.

6 (b) Definition.--As used in subsection (a), the term
7 "person" means any executive-level public employee, public
8 official or party officer as those terms are defined in section
9 2701(f).

10 CHAPTER 19

11 PROFESSIONAL SERVICES

12 Section 1901. Definitions.

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

16 "Professional services." Those services rendered to a table
17 game licensee in this Commonwealth, including, but not limited
18 to:

19 (1) Legal services.

20 (2) Advertising or public relations services.

21 (3) Engineering services.

22 (4) Architectural, landscaping or surveying services.

23 (5) Accounting, auditing or actuarial services.

24 (6) Security consultant services.

25 (7) Computer and information technology services, except
26 telephone service.

27 Section 1902. Reporting of professional services.

28 (a) Quarterly reports required.--Each holder of a table game
29 license under this act shall submit a quarterly report to the
30 board that names each individual, corporation, firm,

1 partnership, association or other person or entity that
2 furnishes professional services to the licensee. The report
3 shall be a public record governed by the act of February 14,
4 2008 (P.L.6, No.3), known as the Right-to-Know Law, and shall be
5 forwarded to the board on a quarterly basis by certified mail or
6 electronic mail no later than 20 days after the end of each
7 quarter, except that legal services shall be reported in
8 accordance with any rules established for the reporting of legal
9 services that have been established, or that may be established,
10 by the Supreme Court of Pennsylvania.

11 (b) Content of report.--The report shall contain the name,
12 address and any other information the board, through regulation,
13 may require of each individual, person, corporation, firm,
14 partnership, association or other entity that furnishes
15 professional services to the table game licensee during the
16 reporting quarter. The table game licensee shall not be required
17 to report the amount of compensation paid to an individual,
18 person or entity in exchange for furnishing professional
19 services to the table game licensee.

20 (c) Sanctions.--The board may impose sanctions as provided
21 in this act on any table game licensee who fails to submit the
22 professional services report to the board in accordance with
23 this chapter.

24 CHAPTER 20

25 AGREEMENTS, LEASES AND CONTRACTS

26 Section 2001. Payments under agreement, lease or contract.

27 (a) Requirement.--Unless otherwise provided in this section,
28 no agreement shall be lawful that provides for the payment,
29 however defined, of any direct or indirect interest, percentage
30 or share of any money or property wagered at a licensed table

1 game facility, any money or property derived from table game
2 operations or any revenues, profits or earnings of a licensed
3 table game facility. The following shall apply to agreements:

4 (1) Agreements that provide only for the payment of a
5 fixed sum that is in no way affected by the amount of any of
6 such money, property, revenues, profits or earnings of a
7 licensed table game facility shall not be subject to the
8 provisions of this section, and receipts, rentals or charges
9 for real property, personal property or services shall not
10 lose their character as payments of a fixed sum because of
11 contract, lease or license provisions for adjustments in
12 charges, rentals or fees on account of changes in taxes or
13 assessments, cost-of-living index escalations, expansions or
14 improvement of facilities or changes in services supplied.

15 (2) Agreements between a table game licensee and a
16 junket enterprise or junket representative licensed,
17 permitted or qualified in accordance with the applicable
18 provisions of this act that provide for the compensation of
19 the junket enterprise or junket representative by the table
20 game licensee based upon the actual table game activities of
21 a patron procured or referred by the junket enterprise or
22 junket representative shall be lawful if filed with the board
23 prior to the conduct of any junket that is governed by the
24 agreement.

25 (3) Agreements between a table game licensee and its
26 employees that provide for table game employee and table game
27 key employee profit sharing shall be lawful if the agreement
28 is in writing and filed with the board prior to the effective
29 date of the agreement. The agreement may be reviewed by the
30 board under relevant provisions of this act.

1 (4) Agreements to lease a licensed table game facility
2 or the land thereunder and agreements for the complete
3 management of table game operations in a licensed table game
4 facility shall not be subject to the provisions of this
5 section but shall be subject to the applicable provisions of
6 Chapter 5.

7 (5) Agreements that provide for percentage charges
8 between a table game licensee and a holding company or
9 intermediary company of the table game licensee shall be in
10 writing and filed with the board but shall not be subject to
11 the provisions of this section.

12 Section 2002. Maintenance of records.

13 Each applicant for a table game license or table game
14 licensee shall maintain, in accordance with regulations of the
15 board, a record of each written or unwritten agreement regarding
16 the realty, construction, maintenance or business of a proposed
17 or existing table game facility. The requirement to maintain
18 these records shall apply regardless of whether the applicant
19 for a table game license or the table game licensee is a party
20 to the agreement. The agreement may be reviewed by the board on
21 the basis of reasonableness of its terms, including the terms of
22 compensation, and of the qualifications of the owners, officers,
23 employees and directors of any enterprise involved in the
24 agreement; qualifications shall be reviewed according to the
25 standards enumerated in Chapter 6. If the board disapproves the
26 agreement or the owners, officers, employees or directors of any
27 enterprises involved in the agreement, the board may terminate
28 the agreement.

29 Section 2003. Termination of agreement by board.

30 Every agreement required to be maintained and every related

1 agreement, the performance of which is dependent upon the
2 performance of an agreement, shall be deemed to include a
3 provision stipulating that if the board determines that the
4 agreement should be terminated pursuant to this section, the
5 termination shall occur without liability on the part of an
6 applicant for a table game license or a table game licensee or
7 any qualified party to the agreement or any related agreement.
8 Failure expressly to include the provision in the agreement
9 shall not constitute a defense in any action brought to
10 terminate the agreement or any related agreement. If the
11 agreement is not maintained or presented to the board in
12 accordance with the requirements of this section or in
13 accordance with regulations promulgated by the board or if the
14 disapproved agreement is not terminated, the board may pursue
15 any remedy or combination of remedies provided under this act.
16 Section 2004. Transfer of license.

17 Nothing in this act shall be construed to permit the transfer
18 of any table game license issued by the board in accordance with
19 this act, or the transfer of any interest in any table game
20 license or any certification of compliance or any commitment or
21 reservation.

22 CHAPTER 21

23 CORPORATE LICENSEES

24 Section 2101. Disposition of securities.

25 (a) Disposition conditional.--The sale, assignment,
26 transfer, pledge or other disposition of any security issued by
27 a corporation that holds a table game license issued under this
28 act is conditional and shall be ineffective if disapproved by
29 the board.

30 (b) Requirement for certificate evidencing security.--Every

1 security issued by a corporation that holds a table game license
2 shall bear, on both sides of the certificate evidencing the
3 security, a statement of the restrictions imposed by this
4 chapter, except that in the case of a publicly traded
5 corporation incorporated prior to the effective date of this
6 act, a statement of restriction shall be necessary only insofar
7 as certificates are issued by the corporation after the
8 effective date of this act.

9 (c) Secretary of State.--The Secretary of State shall not
10 accept for filing any articles of incorporation of any
11 corporation that includes as a stated purpose the conduct of
12 table games, or any amendment that adds the conduct of table
13 games to articles of incorporation previously filed, unless the
14 articles or amendments have been approved by the board and a
15 copy of the document evidencing board approval accompanies the
16 articles or amendments upon presentation for filing with the
17 Secretary of State.

18 Section 2102. Action upon finding of disqualification.

19 (a) General rule.--If at any time the board finds that an
20 individual owner or holder of any security of a corporate table
21 game licensee or of a holding or intermediary company of the
22 corporate licensee is not qualified under this act and, as a
23 result, the corporate table game licensee is no longer qualified
24 to continue as a table game licensee in this Commonwealth, the
25 board shall, pursuant to the provisions of this act, take any
26 necessary action to protect the public interest, including the
27 suspension or revocation of the table game license of the
28 corporation. If the holding or intermediary company is a
29 publicly traded corporation and the board finds disqualified any
30 holder of any security of that corporation who is required to be

1 qualified under this act, the board shall not take any action
2 against the table game licensee or the holding or intermediary
3 company with respect to the continued ownership of the security
4 interest by the disqualified holder if the board finds that:

5 (1) The holding or intermediary company has complied
6 with the applicable provisions of this act.

7 (2) The holding or intermediary company has made a good
8 faith effort, including the pursuit of all legal remedies, to
9 comply with any order of the board requiring the divestiture
10 of the security interest held by the disqualified holder.

11 (3) The disqualified holder does not have the ability to
12 control the corporate table game licensee or any holding or
13 intermediary company of the corporate table game licensee or
14 to elect one or more members of the board of directors of the
15 corporation or company that is the holder of a table game
16 license, the board shall not take any action against such
17 table game licensee or the holding or intermediary company
18 with respect to the continued ownership of the security
19 interest by the disqualified holder.

20 (b) Presumption.--For the purpose of this act, a security
21 holder shall be presumed to have the ability to control a
22 publicly traded corporation, or to elect one or more members of
23 its board of directors, if such holder owns or beneficially
24 holds 5% or more of the equity securities of such corporation,
25 unless the presumption of control or ability to elect is
26 rebutted by clear and convincing evidence.

27 Section 2103. Prohibition upon disqualification.

28 Commencing on the date the board serves notice upon a
29 corporation that holds a table game license of the determination
30 of disqualification under section 2102, it shall be unlawful for

1 the named individual:

2 (1) To receive any dividends or interest from any
3 security.

4 (2) To exercise, directly or indirectly through any
5 trustee or nominee, any right conferred by the securities.

6 (3) To receive any remuneration in any form from the
7 corporate table game licensee for services rendered or
8 otherwise provided to the corporate table game licensee.

9 Section 2104. Reports by public and nonpublicly traded
10 corporations.

11 After a nonpublicly traded corporation is issued a table game
12 license under this act, but prior to the issuance or transfer of
13 any security to any person required to be but not yet issued a
14 license or qualified in accordance with this act, the
15 corporation shall file a report of its proposed action with the
16 board, and shall request the approval of the board for the
17 transaction. If the board denies the request, the corporation
18 shall not issue or transfer the security. After a publicly
19 traded corporation has been issued a table game license, the
20 corporation shall file a report quarterly with the board that
21 lists all owners and holders of any security issued by the
22 corporate table game licensee.

23 Section 2105. Report of changes in corporation.

24 Each corporation that is issued a table game license under
25 this act shall file a report of any change of its corporate
26 officers or members of its board of directors with the board. No
27 officer or director shall be entitled to exercise any powers of
28 the office to which he was so elected or appointed until
29 qualified by the board in accordance with this act.

30 CHAPTER 22

EMPLOYMENT

Section 2201. Table game facility employment.

(a) Licensure or registration required.--A table game licensee shall not appoint or employ any person in a position that requires a table game key employee license, table game employee occupation permit or table game service employee registration unless the person possesses such current and valid license, permit or registration authorizing the appointment or employment.

(b) Action upon revocation.--It shall be the duty of each table game licensee, within 24 hours of receipt of written or electronically transferred notice of the revocation or expiration of an employee license, permit or registration, to terminate the appointment or employment or registration of any person whose license, permit or registration has expired or been revoked by the board. A table game licensee shall comply in all respects with any order of the board imposing limitations or restrictions upon the terms of employment, appointment or registration in the course of any investigation or hearing.

(c) Restriction on reemployment.--An applicant for or a holder of a table game key employee license, a table game employee occupation permit or a table game service registration whose application is denied or whose license, permit or registration is revoked, as the case may be, shall not, in addition to any restrictions imposed by regulations of the board on a reapplication for a license, permit or registration, be employed by or provide service to a table game licensee in a position that does not require a license or permit until five years have elapsed from the date of the denial or revocation. The board may authorize reemployment of a revoked employee

1 license, permit, registration or qualification upon good cause
2 shown.

3 Section 2202. Requirements for principal employees.

4 (a) License required.--No person shall serve or be employed
5 as a principal employee by a table game licensee, manufacturer
6 licensee or supplier licensee unless the person has obtained a
7 principal employee license from the board.

8 (b) Application requirements.--Each applicant for a
9 principal employee license shall produce information,
10 documentation and assurances of such applicant's suitability as
11 to character, reputation, integrity and other criteria as may be
12 considered appropriate by the board in an application at such
13 time and in such form and manner as the board shall prescribe.
14 The application shall include, but may not be limited to, the
15 following:

16 (1) Verification of status as a principal from a table
17 game licensee, manufacturer licensee or supplier licensee.

18 (2) A description of decision-making responsibilities
19 and other powers and duties as a principal employee.

20 (3) All releases required to obtain information and
21 documentation from governmental agencies, employers and other
22 organizations.

23 (4) Fingerprints, which shall be submitted to the
24 Pennsylvania State Police.

25 (5) A recent photographic image of the applicant, which
26 conforms with the standards of the Commonwealth Photo Imaging
27 Network.

28 (6) Details and documentations, if required by the
29 board, of a similar license, permit or qualification, as the
30 case may be, in any other jurisdiction, foreign or domestic.

1 (c) Issuance of license.--The board shall review each
2 application for a principal employee license and may issue the
3 license following its review and the completion of a background
4 investigation, if it determines that the applicant has proven,
5 by clear and convincing evidence, that the applicant is a person
6 of good character, honesty and integrity and is eligible and
7 suitable to be licensed as a principal employee.

8 (d) Nontransferability of license.--A principal employee
9 license issued in accordance with the requirements of this
10 section shall not be transferable.

11 (e) Status as principal.--A person who is approved for and
12 issued a principal employee license under this section shall not
13 be required by the board to obtain a key employee license,
14 unless the board determines that the duties of the person
15 require licensure as a key employee.

16 CHAPTER 23

17 TABLE GAME REVENUE

18 Section 2301. Accounts and deposits.

19 (a) Deposits into account.--Each person that is issued a
20 license to operate a table game facility in this Commonwealth in
21 accordance with this act shall, not later than two business days
22 prior to the commencement of table game operations, deposit and
23 maintain a sum of \$2,000,000 in the special account established
24 for each slot machine licensee pursuant to 4 Pa.C.S. § 1401(a)
25 (relating to slot machine licensee deposits). The State
26 Treasurer shall ensure that the deposits required to be made by
27 each table game licensee and made pursuant to this subsection
28 are segregated and separate from deposits made by a slot machine
29 licensee pursuant to 4 Pa.C.S. § 1401(a). The moneys deposited
30 in the special account shall guarantee the payment of funds to

1 the Commonwealth that are payable pursuant to the provisions of
2 this act.

3 (b) Weekly deposits.--Each table game licensee shall deposit
4 funds into the special account established within the State
5 Treasury in accordance with subsection (a) on a weekly basis
6 equal to the amounts deducted by the department under section
7 2302. The department shall notify each table game licensee of
8 the amounts deducted. If at any time the amount held in the
9 account attributable to a table game licensee is not sufficient
10 to make the payments required under section 2302, the department
11 shall notify the table game licensee and the licensee,
12 immediately upon receipt of the notification, shall deposit
13 necessary funds into the account as directed by the department.

14 (c) Return of moneys in account.--The moneys deposited into
15 the special account shall not be returned to a table game
16 licensee unless the table game licensee ceases to conduct table
17 games operations in this Commonwealth and relinquishes all
18 future rights to operate table games at the licensed table game
19 facility in this Commonwealth. If all rights are relinquished,
20 the balance of the money in the special account attributable to
21 the table game licensee's operation of table games, minus any
22 unpaid amounts that may be due and payable to the Commonwealth
23 under this act, shall be returned to the table game licensee.
24 Section 2302. Gross table game revenue deductions.

25 After determining the appropriate assessments for each table
26 game licensee, the department shall determine costs, expenses or
27 payments from each account established under section 2301. The
28 following costs and expenses shall be transferred to the
29 appropriate agency upon appropriation by the General Assembly:

30 (1) Administrative costs and expenses and any other

1 costs incurred by the department for performing its duties
2 under this act as based upon a budget submitted by the
3 department to, and approved, by the board.

4 (2) The costs and expenses incurred by the board in
5 carrying out its responsibilities under this act based upon a
6 budget approved by resolution of the board.

7 (3) The sums necessary to repay any loan made from the
8 General Fund to the board in connection with the performance
9 of its duties and responsibilities under this act.

10 (4) Any costs and expenses to be incurred by the
11 Pennsylvania State Police and the Office of Attorney General
12 not otherwise reimbursed under this act in carrying out their
13 respective responsibilities under this act as based upon a
14 budget submitted by each agency to, and approved, by the
15 board.

16 Section 2303. Table game tax.

17 (a) Imposition of tax.--A tax to be known as the table game
18 tax is hereby imposed on each licensed table game entity. The
19 department shall determine and each licensed table game entity
20 shall pay a daily tax of 18% and a local share assessment of 2%
21 of its daily gross table game revenue from table game operations
22 at each licensed table game facility as provided in this
23 section.

24 (b) Collection and transfer of tax.--The department shall
25 collect the tax and local share assessment imposed under
26 subsection (a) and shall transfer the State tax to the special
27 fund established under 4 Pa.C.S § 1409 (relating to Property Tax
28 Relief Fund) for the use and purposes of that fund. The local
29 share assessment shall be deposited in the State Gaming Fund
30 established under 4 Pa.C.S. § 1403 (relating to establishment of

1 State Gaming Fund and net slot machine revenue distribution).

2 (c) Use of State tax and local share assessments.--The State
3 tax imposed under subsection (a) and transferred to the Property
4 Tax Relief Fund in accordance with subsection (b) shall only be
5 used for the purpose of property tax and wage tax reduction as
6 generally expressed by the General Assembly in the act of June
7 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer
8 Relief Act, or by any regulations that may be adopted and
9 promulgated pursuant to that act or by any amendment to or
10 revision of that act that may be made by the General Assembly
11 subsequent to the effective date of this act or by any other law
12 of the General Assembly subsequently enacted that specifically
13 relates to the delivery of property tax and wage tax relief to
14 residents of this Commonwealth and that is enacted by the
15 General Assembly for the sole purpose of reducing property tax
16 and wage tax. The local share assessment shall be distributed in
17 accordance with subsection (d).

18 (d) Transfers and distributions.--The department shall:

19 (1) Transfer the tax and local share assessment imposed
20 under subsection (a) in accordance with subsection (b).

21 (2) From the local share assessment established in
22 subsection (a), make quarterly distributions among the
23 counties hosting a table game facility in accordance with the
24 following schedule:

25 (i) If the licensed table game facility is also a
26 Category 1 licensed facility pursuant to 4 Pa.C.S. § 1302
27 (relating to Category 1 slot machine license) that is
28 located at a harness racetrack and the county, including
29 a home rule county, in which the licensed facility is
30 located, is:

1 (A) A county of the first class: 2% of the
2 gross table game revenue to the county hosting the
3 licensed table game facility from each facility.
4 Notwithstanding any other provision to the contrary,
5 funds from licensed gaming entities located within a
6 county of the first class shall not be distributed
7 outside of a county of the first class.

8 (B) A county of the second class: 2% of the
9 gross table game revenue to the county hosting the
10 licensed table game facility from each facility.

11 (C) A county of the second class A: 1% of the
12 gross table game revenue to the county hosting the
13 licensed table game facility from each facility. An
14 additional 1% of the gross table game revenue to the
15 county hosting the licensed table game facility from
16 each facility for the purpose of municipal grants
17 within the county in which the licensee is located.

18 (D) (I) A county of the third class: Except as
19 provided in subparagraph (ii), 2% of the gross
20 table game revenue from each licensed table game
21 facility shall be deposited into a restricted
22 account established in the Department of
23 Community and Economic Development to be used
24 exclusively for grants for health, safety and
25 economic development projects to municipalities
26 within the county where the table game facility
27 is located. Municipalities that are contiguous to
28 the municipality hosting the licensed table game
29 facility shall be given priority by the
30 Department of Community and Economic Development

1 in the award of grants.

2 (II) If a licensed table game facility is
3 located in one of two counties of the third class
4 where a city of the third class is located in
5 both counties of the third class, the county in
6 which the licensed table game facility is located
7 shall receive 1.2% of the gross table game
8 revenue to be distributed as follows: 20% to the
9 host city, 30% to the host county and 50% to the
10 host county for the purpose of making municipal
11 grants within the county, with priority given to
12 municipalities contiguous to the host city. The
13 county of the third class, which includes a city
14 of the third class that is located in two
15 counties of the third class and is not the host
16 county for the licensed facility, shall
17 receive .8% of the gross table game revenue to be
18 distributed as follows: 60% to a nonhost city of
19 the third class located solely in the nonhost
20 county in which the host city of the third class
21 is also located or 60% to the nonhost city of the
22 third class located both in the host and nonhost
23 counties of the third class, 35% to the nonhost
24 county and 5% to the nonhost county for the
25 purpose of making municipal grants within the
26 county.

27 (E) (I) A county of the fourth class: 2% of
28 the gross terminal revenue from each licensed
29 facility shall be deposited into a restricted
30 account established in the Department of

1 Community and Economic Development to be used
2 exclusively for grants to the county and its
3 eligible municipalities, to economic development
4 authorities or redevelopment authorities within
5 the county for grants for economic development
6 projects, job training, community improvement
7 projects, other projects in the public interest
8 and reasonable administrative cost, provided,
9 however, that such administrative cost shall not
10 exceed 3% of the gross terminal revenue received
11 by the fourth class county annually from the
12 licensed facility. Where the licensed facility is
13 located solely within the municipal boundaries of
14 a second class township in a fourth class county,
15 the legislative delegation of such fourth class
16 county in which the licensed facility is located
17 shall appoint an advisory committee for the
18 purpose of determining the need for and awarding
19 grants to eligible municipalities for economic
20 development projects, job training projects,
21 community improvement projects and other projects
22 in the public interest. The advisory committees
23 shall be comprised of one member of the
24 legislative delegation and eight individuals from
25 the county, with at least one each representing a
26 borough's association, a township supervisors'
27 association and a third class city association.
28 The five remaining members shall be resident
29 individuals representing the business sector,
30 economic development organizations and the

1 general public. Notwithstanding the provisions of
2 the act of February 9, 1999 (P.L.1, No.1), known
3 as the Capital Facilities Debt Enabling Act,
4 grants made under this clause may be utilized as
5 local matching funds for other grants or loans
6 from the Commonwealth.

7 (II) From the total amount of the gross terminal
8 revenue calculated for distribution to the host
9 county and host municipality from a licensed
10 facility located solely within the municipal
11 boundaries of a second class township in a county
12 of the fourth class in accordance with subclause
13 (I), the Department of Community and Economic
14 Development shall distribute to each eligible
15 municipality an amount calculated by using a
16 formula of \$30,000 plus \$10 per resident, based
17 on the latest United States decennial census, of
18 each such eligible municipality; provided,
19 however, that the amount so distributed to any
20 eligible municipality shall not exceed 50% of its
21 total budget for fiscal year 2009-2010, adjusted
22 for inflation in subsequent fiscal years by an
23 amount not to exceed an annual cost-of-living
24 adjustment calculated by applying the percentage
25 change in the Consumer Price Index immediately
26 prior to the date the adjustment is due to take
27 effect. In no case shall any funds distributed
28 under this subclause be distributed to the host
29 municipality. The gross terminal revenue
30 authorized for distribution under this subclause

1 shall be distributed directly to the eligible
2 municipalities by the Department of Community and
3 Economic Development. Any funds remaining after
4 the distribution shall be distributed by the
5 advisory committee for the purposes, except for
6 administrative costs, provided in subclause (I)
7 in accordance with regulations, guidelines,
8 procedures or policies, as the case may be,
9 adopted by the Department of Community and
10 Economic Development.

11 (F) Counties of the fifth through eighth
12 classes: 2% of the gross table game revenue from
13 each licensed table game facility shall be deposited
14 into a restricted account established in the
15 Department of Community and Economic Development to
16 be used exclusively for grants to the county.

17 (G) Any county not specifically enumerated in
18 clauses (A) through (F), 2% of the gross table game
19 revenue to the county hosting the licensed table game
20 facility from each facility.

21 (ii) If the licensed table game facility is also a
22 Category 1 licensed facility pursuant to 4 Pa.C.S. § 1302
23 and is located at a thoroughbred racetrack and the county
24 in which the licensed facility is located is:

25 (A) A county of the first class: 2% of the
26 gross table game revenue to the county hosting the
27 licensed table game facility from each facility.
28 Notwithstanding any other provision to the contrary,
29 funds from licensed gaming entities located within
30 the county of the first class shall not be

1 distributed outside of a county of the first class.

2 (B) A county of the second class: 2% of the
3 gross table game revenue to the county hosting the
4 licensed table game facility from each licensed
5 facility.

6 (C) A county of the second class A: 1% of the
7 gross table game revenue to the county hosting the
8 licensed table game facility from each facility and
9 an additional 1% of the gross table game revenue to
10 the county hosting the licensed table game facility
11 from each facility for the purpose of municipal
12 grants within the county in which the licensee is
13 located.

14 (D) A county of the third class: 1% of the
15 gross table game revenue to the county hosting the
16 licensed table game facility from each licensed
17 facility and an additional 1% of the gross table game
18 revenue to the county hosting the licensed table game
19 facility from each licensed table game facility for
20 the purpose of municipal grants within the county in
21 which the licensee is located.

22 (E) A county of the fourth class: 2% of the
23 gross table game revenue from each licensed table
24 game facility shall be deposited into a restricted
25 account established by the Department of Community
26 and Economic Development to be used exclusively for
27 grants to the county, to economic development
28 authorities or organizations within the county or
29 redevelopment authorities within the county for
30 grants for economic development projects, community

1 improvement projects, job training, other projects in
2 the public interest and reasonable administrative
3 costs. Notwithstanding the Capital Facilities Debt
4 Enabling Act, grants made under this clause may be
5 utilized as local matching funds for other grants or
6 loans from the Commonwealth.

7 (F) Counties of the fifth through eighth
8 classes: 2% of the gross table game revenue from
9 each licensed table game facility shall be deposited
10 into a restricted account established in the
11 Department of Community and Economic Development to
12 be used exclusively for grants to the county.

13 (G) Any county not specifically enumerated in
14 clauses (A) through (F): 2% of the gross table game
15 revenue to the county hosting the licensed table game
16 facility from each licensed table game facility.

17 (iii) If the table game facility is also a Category
18 2 licensed facility pursuant to 4 Pa.C.S. § 1304
19 (relating to Category 2 slot machine license) and if the
20 county in which the facility is located is:

21 (A) A county of the first class: 2% of the
22 gross table game revenue to the county hosting the
23 licensed table game facility from each facility.
24 Notwithstanding any other provision to the contrary,
25 funds from licensed table game entities located
26 within the county of the first class shall not be
27 distributed outside of a county of the first class.

28 (B) A county of the second class: 2% of the
29 gross table game revenue to the county hosting the
30 licensed table game facility from each facility.

1 (C) A county of the second class A: 1% of the
2 gross table game revenue to the county hosting the
3 licensed table game facility from each facility. An
4 additional 1% of the gross table game revenue to the
5 county hosting the licensed table game facility from
6 each facility for the purpose of municipal grants
7 within the county in which the licensee is located.

8 (D) A county of the third class: 1% of the
9 gross table game revenue to the county hosting the
10 licensed table game facility from each licensed
11 facility. An additional 1% of the gross table game
12 revenue to the county hosting the licensed table game
13 facility from each facility for the purpose of
14 municipal grants within the county in which the
15 licensee is located.

16 (D.1) If a licensed facility is located in one
17 of two counties of the third class where a city of
18 the third class is located in both counties of the
19 third class, the county in which the licensed
20 facility is located shall receive 1.2% of the gross
21 table game revenue to be distributed as follows: 20%
22 to the host city, 30% to the host county and 50% to
23 the host county for the purpose of making municipal
24 grants within the county, with priority given to
25 municipalities contiguous to the host city. The
26 county of the third class, which includes a city of
27 the third class that is located in two counties of
28 the third class and is not the host county for the
29 licensed table game facility, shall receive .8% of
30 the gross table game revenue to be distributed as

1 follows: 60% to a nonhost city of the third class
2 located solely in the nonhost county in which the
3 host city of the third class is also located or 60%
4 to the nonhost city of the third class located both
5 in the host and nonhost counties of the third class;
6 35% to the nonhost county and 5% to the nonhost
7 county for the purpose of making municipal grants
8 within the county.

9 (E) A county of the fourth class: 2% of the
10 gross table game revenue from each licensed table
11 game facility shall be deposited into a restricted
12 account established in the Department of Community
13 and Economic Development to be used exclusively for
14 grants to the county, to economic development
15 authorities or organizations within the county or
16 redevelopment authorities within the county for
17 grants for economic development projects, community
18 improvement projects, job training, other projects in
19 the public interest and reasonable administrative
20 costs. Notwithstanding the Capital Facilities Debt
21 Enabling Act, grants made under this clause may be
22 utilized as local matching funds for other grants or
23 loans from the Commonwealth.

24 (F) Counties of the fifth class: 2% of the
25 gross table game revenue from each licensed table
26 game facility shall be deposited and distributed as
27 follows:

28 (I) One percent shall be deposited into a
29 restricted receipts account in the Department of
30 Community and Economic Development to be used

1 exclusively for grants within the county for
2 economic development projects, community
3 improvement projects and other projects in the
4 public interest within the county. The amount
5 distributed under this subclause shall include
6 reasonable administrative costs.

7 (II) One percent shall be deposited into a
8 restricted receipts account in the Department of
9 Community and Economic Development to be used
10 exclusively for grants within contiguous counties
11 for economic development projects, community
12 improvement projects and other projects in the
13 public interest within contiguous counties. The
14 amount distributed under this subclause shall
15 include reasonable administrative costs.

16 (G) Any county not specifically enumerated in
17 clauses (A) through (F): 1% of the gross table game
18 revenue to the county hosting the licensed table game
19 facility from each licensed table game facility.

20 (iv) If the licensed table game facility is also a
21 Category 3 licensed facility pursuant to 4 Pa.C.S. § 1305
22 (relating to Category 3 slot machine license), 1% of the
23 gross table game revenue from each facility shall be
24 deposited into a restricted account established in the
25 Department of Community and Economic Development to be
26 used exclusively for grants to the county, to economic
27 development authorities or redevelopment authorities
28 within the county for grants for economic development
29 projects and community improvement projects.

30 (v) Unless otherwise specified, for the purposes of

1 this paragraph, money designated for municipal grants
2 within a county, other than a county of the first class
3 in which a licensed table game facility is located shall
4 be used to fund grants to the municipality in which the
5 licensed table game facility is located, to the county in
6 which the licensed table game facility is located and to
7 the municipalities that are contiguous to the
8 municipality in which the facility is located and that
9 are located within the county in which the licensed table
10 game facility is located. Grants shall be administered by
11 the county through its economic development or
12 redevelopment authority in which the licensed table game
13 facility is located. Grants shall be used to fund the
14 costs of human services, infrastructure improvements,
15 facilities, emergency services, health and public safety
16 expenses. If at the end of a fiscal year uncommitted
17 funds exist, the county shall pay such uncommitted funds
18 to the economic development or redevelopment authority of
19 the county in which the licensed table game facility is
20 located.

21 (vi) If the licensed table game facility is located
22 in more than one county, the amount available shall be
23 distributed on a ratio basis determined by the ratio of
24 acreage located in each county to the total acreage of
25 all counties occupied by the licensed facility.

26 (vii) The distributions provided in this paragraph
27 shall be based upon county classifications in effect on
28 the effective date of this section. Any reclassification
29 of counties as a result of a Federal decennial census or
30 of a State statute shall not apply to this subparagraph.

1 (viii) If any provision of this paragraph is found
2 to be unenforceable for any reason, the distribution
3 provided for in the unenforceable provision shall be made
4 to the county in which the licensed table game facility
5 is located for the purposes of grants to municipalities
6 in that county, including municipal grants as specified
7 in subparagraph (v).

8 (ix) Nothing in this paragraph shall prevent any of
9 the counties which directly receive a distribution under
10 this section from entering into intergovernmental
11 cooperative agreements with other jurisdictions for the
12 sharing of gross table game revenue.

13 (3) From the local share assessment established in
14 subsection (b), make quarterly distributions among the
15 municipalities, including home rule municipalities, hosting a
16 licensed table game facility in accordance with the following
17 schedule:

18 (i) To a city of the second class hosting a licensed
19 table game facility or facilities that are not operated
20 in a Category 3 licensed facility, 1% of the gross table
21 game revenue or \$5,000,000 annually, whichever is
22 greater, shall be paid by each licensed table game entity
23 operating a licensed table game facility in that city. In
24 the event the revenues generated by the 1% do not meet
25 the \$5,000,000 minimum specified in this subparagraph,
26 the department shall collect the remainder of the minimum
27 amount of \$5,000,000 from each licensed table game entity
28 operating a licensed table game facility or facilities in
29 the city and deposit that amount in the city treasury.

30 (ii) To a city of the second class A hosting a

1 licensed table game facility or facilities that are not
2 operated in a Category 3 licensed facility, 1% of the
3 gross table game revenue or \$5,000,000 annually,
4 whichever is greater, shall be paid by each licensed
5 table game entity operating a licensed table game
6 facility located in that city, subject, however, to the
7 budgetary limitation in this subparagraph. The amount
8 allocated to the designated municipalities shall not
9 exceed 50% of their total budget for fiscal year
10 2007-2008, adjusted for inflation in subsequent years by
11 an amount not to exceed an annual cost-of-living
12 adjustment calculated by applying the percentage change
13 in the Consumer Price Index, immediately prior to the
14 date the adjustment is due to take effect. Any remaining
15 moneys shall be collected by the department from each
16 licensed table game entity and distributed in accordance
17 with paragraph (2) based upon the classification of the
18 county where the licensed table game facility or
19 facilities are located. In the event that the revenues
20 generated by the 1% do not meet the \$5,000,000 minimum
21 specified in this subparagraph, the department shall
22 collect the remainder of the minimum amount of \$5,000,000
23 from each licensed table game entity operating a licensed
24 table game facility in the city, pay any balance due to
25 the city and transfer any remaining balance in accordance
26 with paragraph (2).

27 (iii) To a city of the third class hosting a
28 licensed table game facility or facilities that are not a
29 Category 3 licensed facility, 1% of the gross table game
30 revenue or \$5,000,000 annually, whichever is greater,

1 shall be paid by each licensed table game entity
2 operating a licensed table game facility located in that
3 city, subject, however, to the budgetary limitation in
4 this subparagraph. In the event that the city has
5 executed a written agreement with the licensed table game
6 entity prior to the effective date of this act, the
7 amount paid pursuant to the written agreement to the city
8 shall be applied and credited to the difference between
9 1% of gross table game revenue and the \$5,000,000 owed
10 under this subparagraph, if the 1% of the gross table
11 game is less than \$5,000,000. If 1% of the gross table
12 game revenue is greater than the \$5,000,000 required to
13 be paid under this subparagraph, the credit shall not
14 apply. The amount of gross table game revenue required to
15 be paid pursuant to the agreement shall be deemed to be
16 gross terminal revenue for the purposes of this
17 subparagraph. The amount allocated to the designated
18 municipalities shall not exceed 50% of their total budget
19 for fiscal year 2007-2008, adjusted for inflation in
20 subsequent years by an amount not to exceed an annual
21 cost-of-living adjustment calculated by applying the
22 percentage change in the Consumer Price Index,
23 immediately prior to the date the adjustment is due to
24 take effect. Any remaining moneys shall be collected by
25 the department from each licensed table game entity and
26 distributed in accordance with paragraph (2) based upon
27 the classification of the county where the licensed table
28 game facility is located. In the event that the revenues
29 generated by the 1% do not meet the \$5,000,000 minimum
30 specified in this subparagraph, the department shall

1 collect the remainder of the minimum amount of \$5,000,000
2 from each licensed table game entity operating a licensed
3 table game facility or facilities in the city, pay any
4 balance due to the city of the third class and transfer
5 any remainder in accordance with paragraph (2).

6 (iii.1) If a licensed table game facility is located
7 in a city of the third class and the city is located in
8 more than one county of the third class, 1% of the gross
9 table game revenue or \$5,000,000 annually, whichever is
10 greater, shall be distributed as follows: 80% to the
11 host city and 20% to the city of the third class located
12 solely in the nonhost county in which the host city of
13 the third class is also located. If a licensed table game
14 facility is located in a city of the third class and that
15 city is located solely in a host county of the third
16 class in which a nonhost city of the third class is also
17 located, 1% of gross table game revenues or \$5,000,000
18 annually, whichever is greater, shall be distributed as
19 follows: 80% to the host city and 20% to a city of the
20 third class located both in a nonhost county of the third
21 class and in a host county of the third class and in a
22 host county of the third class in which the host city of
23 the third class is located.

24 (iv) To a township of the first class hosting a
25 licensed table game facility or facilities that are not
26 operated in a Category 3 licensed facility, 1% of the
27 gross table game revenue or \$5,000,000 annually,
28 whichever is greater, shall be paid by each licensed
29 table game entity operating a licensed table game
30 facility or facilities located in the township, subject,

1 however, to the budgetary limitation in this
2 subparagraph. The amount allocated to the designated
3 municipalities shall not exceed 50% of their total budget
4 for fiscal year 2007-2008, adjusted for inflation in
5 subsequent years by an amount not to exceed an annual
6 cost-of-living adjustment calculated by applying the
7 percentage change in the Consumer Price Index immediately
8 prior to the date the adjustment is due to take effect.
9 Any remaining money shall be collected by the department
10 from each licensed table game entity and distributed in
11 accordance with paragraph (2) based upon the
12 classification of the county where the licensed table
13 game facility or facilities are located. In the event
14 that the revenues generated by the 1% do not meet the
15 \$5,000,000 minimum specified in this subparagraph, the
16 department shall collect the remainder of the minimum
17 amount of \$5,000,000 from each licensed table game entity
18 operating a licensed table game facility in the township,
19 pay any balance due to the township and transfer any
20 remainder in accordance with paragraph (2).

21 (v) To a township of the second class hosting a
22 licensed table game facility or facilities that are not
23 operated in a Category 3 licensed facility, 1% of the
24 gross table game revenue or \$5,000,000 annually,
25 whichever is greater, shall be paid by each licensed
26 table game entity operating a licensed table game
27 facility or facilities in the township, subject, however,
28 to the budgetary limitation in this subparagraph. The
29 amount allocated to the designated municipalities shall
30 not exceed 50% of their total budget for fiscal year

1 2007-2008, adjusted for inflation in subsequent years by
2 an amount not to exceed an annual cost-of-living
3 adjustment calculated by applying the percentage change
4 in the Consumer Price Index immediately prior to the date
5 the adjustment is due to take effect. Any remaining money
6 shall be collected by the department from each licensed
7 table game entity and distributed in accordance with
8 paragraph (2) based upon the classification of the county
9 where the licensed table game facility or facilities are
10 located. Where the licensed table game facility is other
11 than a Category 3 facility and is located in more than
12 one second class township, the county commissioners of
13 the county of the third class in which the table game
14 facility or facilities are located shall appoint an
15 advisory committee for the purpose of advising the county
16 as to the need for municipal grants for health, safety,
17 transportation and other projects in the public interest
18 to be comprised of two individuals from the host
19 municipality, two from contiguous municipalities within
20 the county of the third class and one from the host
21 county. A county other than a county of the third class
22 in which the licensed table game facility or facilities
23 are located shall not be required to appoint an advisory
24 committee and may use gross table game revenue received
25 under this subparagraph for purposes other than municipal
26 grants. In the event that the revenues generated by the
27 1% do not meet the \$5,000,000 minimum specified in this
28 subparagraph, the department shall collect the remainder
29 of the minimum amount of \$5,000,000 from each licensed
30 table game entity operating a licensed table game

1 facility or facilities in the township, pay any balance
2 due to the township and transfer any remainder in
3 accordance with paragraph (2).

4 (vi) To a borough hosting a licensed table game
5 facility or facilities that are not operated in a
6 Category 3 licensed facility, 1% of the gross table game
7 revenue or \$5,000,000 annually, whichever is greater,
8 shall be paid by each licensed table game entity
9 operating a licensed facility or facilities in that
10 borough, subject, however, to the budgetary limitation in
11 this subparagraph. The amount allocated to the designated
12 municipalities shall not exceed 50% of their total budget
13 for fiscal year 2007-2008, adjusted for inflation in
14 subsequent years by an amount not to exceed an annual
15 cost-of-living adjustment calculated by applying the
16 percentage change in the Consumer Price Index immediately
17 prior to the date the adjustment is due to take effect.
18 Any remaining money shall be collected by the department
19 from each licensed table game entity and distributed in
20 accordance with paragraph (2) based upon the
21 classification of the county where the licensed table
22 game facility or facilities are located. In the event
23 that the revenues generated by the 1% do not meet the
24 \$5,000,000 minimum specified in this subparagraph, the
25 department shall collect the remainder of the minimum
26 amount of \$5,000,000 from each licensed table game entity
27 operating the licensed table game facility or facilities
28 in the borough, pay any balance due to the borough and
29 transfer any remainder in accordance with paragraph (2).

30 (vii) To an incorporated town hosting a licensed

1 table game facility or facilities that are not operated
2 in a Category 3 licensed facility, 1% of the gross table
3 game revenue or \$5,000,000 annually, whichever is
4 greater, shall be paid by each licensed table game entity
5 operating a licensed table game facility located in the
6 town, subject, however, to the budgetary limitation in
7 this subparagraph. The amount allocated to the designated
8 municipalities shall not exceed 50% of their total budget
9 for fiscal year 2007-2008, adjusted for inflation in
10 subsequent years by an amount not to exceed an annual
11 cost-of-living adjustment calculated by applying the
12 percentage change in the Consumer Price Index immediately
13 prior to the date the adjustment is due to take effect.
14 Any remaining money shall be collected by the department
15 from each licensed table game entity and distributed in
16 accordance with paragraph (2) based upon the
17 classification of the county where the licensed table
18 game facility or facilities are located. In the event
19 that the revenues generated by the 1% do not meet the
20 \$5,000,000 minimum specified in this subparagraph, the
21 department shall collect the remainder of the minimum
22 amount of \$5,000,000 from each licensed table gaming
23 entity operating a licensed table game facility or
24 facilities in the incorporated town, pay any balance due
25 to the town and transfer any remainder in accordance with
26 paragraph (2).

27 (viii) To a municipality of any class hosting a
28 Category 3 facility, 1% of the gross table game revenue
29 from the Category 3 licensed table game facility located
30 in the municipality, subject, however, to the budgetary

1 limitation in this subparagraph. The amount allocated to
2 the designated municipalities shall not exceed 50% of
3 their total budget for fiscal year 2007-2008, adjusted
4 for inflation in subsequent years by an amount not to
5 exceed an annual cost-of-living adjustment calculated by
6 applying the percentage change in the Consumer Price
7 Index immediately prior to the date the adjustment is due
8 to take effect. Any remaining money shall be collected by
9 the department from each Category 3 licensed table game
10 entity and distributed in accordance with paragraph (2)
11 based upon classification of the county where the
12 licensed Category 3 table game facility or facilities are
13 located.

14 (ix) Any municipality not specifically enumerated in
15 subparagraphs (i) through (viii), 1% of the gross table
16 game revenue to the municipality hosting the licensed
17 table game facility from each such licensed facility.

18 (x) If the licensed table game facility is located
19 in more than one municipality, the amount available shall
20 be distributed on a pro rata basis determined by the
21 ratio of acreage located in each municipality to the
22 total acreage of all municipalities occupied by the
23 licensed table game facility.

24 (xi) If the licensed table game facility is located
25 at a resort that is also an incorporated municipality,
26 the municipality shall not be eligible to receive any
27 distribution under this paragraph. The distribution it
28 would have otherwise been entitled to under this
29 paragraph shall instead be distributed in accordance with
30 paragraph (2) based upon the county where the licensed

1 table game facility is located.

2 (xii) The distributions provided in this paragraph
3 shall be based upon municipal classifications in effect
4 on the effective date of this section. For the purposes
5 of this paragraph, any reclassification of municipalities
6 as a result of a Federal decennial census or of a State
7 statute shall not apply to this paragraph.

8 (xiii) If any provision of this paragraph is found
9 to be unenforceable for any reason, the distribution
10 provided for in the unenforceable provision shall be made
11 to the municipality in which the licensed table game
12 facility is located.

13 (xiv) Nothing in this paragraph shall prevent any of
14 the above municipalities from entering into
15 intergovernmental cooperative agreements with other
16 jurisdictions for sharing of local share from gross table
17 game revenue.

18 (xv) Notwithstanding any other law, agreement or
19 provision of this act to the contrary, all table game
20 revenue provided, directed or earmarked under this
21 section to or for the benefit of a city of the second
22 class in which an intergovernmental cooperation authority
23 has been established and is in existence pursuant to the
24 act of February 12, 2004 (P.L.73, No.11), known as the
25 Intergovernmental Cooperation Authority Act for Cities of
26 the Second Class, shall be directed to and under the
27 exclusive control of such intergovernmental cooperation
28 authority to be used:

29 (A) To reduce the debt of the second class city.

30 (B) To increase the level of funding of the

1 municipal pension funds of the second class city.

2 (C) For any other purposes as determined to be
3 in the best interest of the city of the second class
4 by the intergovernmental cooperation authority. Gross
5 table game revenues shall not be directed to or under
6 the control of such city of the second class or any
7 coordinator appointed pursuant to the act of July 10,
8 1987 (P.L.246, No.47), known as the Municipalities
9 Financial Recovery Act, for a city of the second
10 class.

11 Section 2304. Distribution to agricultural programs.

12 (a) Distribution.--The department shall collect and each
13 licensed table game entity shall pay a daily assessment of 1% of
14 its daily gross table game revenue from table game operations to
15 the department for allocation to the Department of Agriculture.

16 (b) Eligible uses.--The daily assessment collected by the
17 department in accordance with subsection (a) shall be used for
18 the following purposes and for no other purpose:

19 (1) Eighty percent of the daily assessment shall be used
20 by the Pennsylvania Higher Education Assistance Agency for
21 the agriculture loan forgiveness program established under
22 the act of June 26, 1992 (P.L.322, No.64), known as the
23 Agriculture Education Loan Forgiveness Act.

24 (2) Ten percent of the daily assessment shall be used by
25 the Department of Agriculture for agriculture and rural youth
26 programs in accordance with the requirements of the act of
27 August 6, 1991 (P.L.326, No.33), known as the Agriculture and
28 Rural Youth Development Act.

29 (3) Ten percent of the daily assessment shall be used by
30 the Department of Agriculture for payments to each county

1 agricultural society that conducts harness racing at county
2 agricultural fairs for track and stable repair and
3 maintenance.

4 (c) Annual appropriations.--The allocations set forth in
5 subsection (b) shall be transferred to the Pennsylvania Higher
6 Education Assistance Agency and the Department of Agriculture
7 upon appropriation by the General Assembly.

8 Section 2305. Consumer Price Index.

9 For purposes of this chapter, any reference to the Consumer
10 Price Index shall mean the Consumer Price Index for the
11 Pennsylvania, New Jersey, Delaware and Maryland area for the
12 most recent 12-month period for which figures have been
13 officially reported by the United States Department of Labor,
14 Bureau of Labor Statistics.

15 CHAPTER 24

16 ADMINISTRATION AND ENFORCEMENT

17 Section 2401. Authority and responsibility of department.

18 (a) General duties.--The department shall have the authority
19 to collect the taxes and the local share assessment imposed
20 under this act and interest imposed pursuant to section 806 of
21 the act of April 7, 1929 (P.L.343, No.176), known as the Fiscal
22 Code. The department shall have the authority to prescribe the
23 forms and the systems of accounting and recordkeeping that shall
24 be deployed and, through its representatives, shall at all times
25 have power of access to and examination and audit of any and all
26 records relating to the table game tax and local share
27 assessment imposed and collected under section 2303.

28 (b) Inspections.--The department shall have the authority,
29 without notice, to inspect, examine, audit and impound all
30 books, records, ledgers and documents pertaining to the

1 financial affairs of a table game licensee's table game
2 activities.

3 (c) Regulations.--In collaboration with the board, the
4 department may promulgate regulations to carry out its duties
5 under this section.

6 Section 2402. Powers and duties of bureau.

7 The bureau shall have the following powers and duties:

8 (1) Investigate all applications for a license, permit
9 or registration under this act promptly and in reasonable
10 order as directed by the board.

11 (2) Provide the board with all information necessary for
12 all action related to an application for a license, permit or
13 registration under this act and for all proceedings involving
14 administrative enforcement of this act.

15 (3) Investigate the qualifications of each applicant
16 before any license, permit or registration is issued under
17 this act.

18 (4) Investigate the circumstances surrounding any act or
19 transaction for which board approval or qualification is
20 required.

21 (5) Investigate administrative violations of this act
22 and regulations promulgated under this act.

23 (6) Initiate administrative proceedings before the board
24 for violations of any provisions of this act or regulations
25 promulgated pursuant to this act as the board may request.

26 (7) Conduct continuing review of table game operations
27 through on-site visits and other reasonable means to ensure
28 compliance with this act and regulations of the board.

29 (8) Receive and take appropriate action on any referral
30 from the board relating to any evidence of a violation of

1 this act or regulations promulgated by the board.

2 (9) Conduct audits of table game operations at a time,
3 under such circumstances, and to the extent the bureau
4 determines, including audit reviews of accounting,
5 administrative and financial records and management control
6 systems, procedures and records utilized by a licensee.

7 (10) Conduct administrative inspections of the premises
8 of a licensed table game facility to ensure compliance with
9 this act and the regulations of the board and, in the course
10 of such inspections, review and make copies of all documents
11 and records that may be required through on-site observation
12 and other reasonable means to ensure continual compliance
13 with this act and regulations promulgated under this act.

14 (11) Refer all suspected criminal violations to the
15 Pennsylvania State Police for investigation or the Office of
16 Attorney General and cooperate fully in the investigation and
17 prosecution of any criminal violation that may arise under
18 this act.

19 (12) Request and receive information, materials and any
20 other data for any licensee, permittee or registrant, or
21 applicant for a license, permit or registration under this
22 act.

23 (13) Inspect and examine all premises in which table
24 games are conducted or table game devices, apparatuses,
25 supplies or equipment is manufactured, sold, distributed,
26 repaired or serviced, or in which any records of these
27 activities are prepared or maintained.

28 Section 2403. Duties of Pennsylvania State Police.

29 It shall be the duty of the Pennsylvania State Police to:

30 (1) Promptly investigate all applicants, licensees,

1 permittees or registrants as may be directed by the board.
2 The Pennsylvania State Police may contract with other law
3 enforcement annuitants to assist in the conduct of
4 investigations under this paragraph.

5 (2) Initiate proceedings for any criminal violations of
6 this act or regulations promulgated under this act.

7 (3) Provide the bureau with all the information
8 necessary for any action under this act for all proceedings
9 involving criminal enforcement of this act or regulations
10 promulgated under this act.

11 (4) When warranted for a suspected violation of this
12 act, inspect all equipment, apparatuses, devices and supplies
13 in, about, upon or around the premises where table games are
14 conducted.

15 (5) When warranted for a suspected violation of this
16 act, seize summarily and remove any equipment, apparatuses,
17 devices or supplies from the premises where table games are
18 conducted and impound the same for the purposes of
19 examination and inspection.

20 (6) When warranted for a suspected violation of this
21 act, inspect, examine and audit all books, records and
22 documents pertaining to a table game licensee's operation.

23 (7) When warranted for a suspected violation of this
24 act, seize, impound or assume physical control of any book,
25 record, ledger, game, device, apparatus, equipment, cash box
26 or drop box and its contents, counting room equipment or any
27 other device used in the conduct of table games.

28 (8) When warranted for a suspected violation of this
29 act, inspect the person and personal effects present in a
30 table game facility of any holder of a license, permit or

1 registration issued under this act while that person is
2 present in the licensed facility.

3 (9) Enforce any criminal violations of this act.

4 (10) Fingerprint applicants for licenses, permits and
5 registrations under this act.

6 (11) Exchange fingerprint data with and receive national
7 criminal history record information from the Federal Bureau
8 of Investigation or from a similar law enforcement agency of
9 any foreign jurisdiction for use in the investigation of
10 applicants for any license, permit or registration under this
11 act. Nothing in this act shall be construed to prohibit the
12 Pennsylvania State Police from entering into reciprocal
13 agreements with other gaming jurisdictions, foreign or
14 domestic, for the receipt and exchange of fingerprint data.

15 (12) Inform the bureau of any adverse information,
16 material or data it may receive in the course of an
17 investigation of any applicant for a license, permit or
18 registration or other qualification under this act.

19 (13) Receive and take appropriate action on any referral
20 or request from the bureau relating to criminal conduct or a
21 suspected violation of this act.

22 (14) Require the production of any information, material
23 or other data from any applicant, licensee, permittee or
24 registrant.

25 Section 2404. Inspections.

26 (a) Authority to inspect.--The bureau and the Pennsylvania
27 State Police and employees and agents of the bureau and
28 Pennsylvania State Police shall have the authority, without
29 notice and without warrant, to:

30 (1) Inspect and examine all premises where table games

1 are conducted or where table game equipment, apparatuses,
2 devices and supplies are manufactured, sold, distributed,
3 serviced or repaired or where any records of these activities
4 are prepared or maintained.

5 (2) Inspect all table game equipment, apparatuses,
6 devices and supplies in, about or around such premises
7 referenced in paragraph (1).

8 (3) Seize and remove from such premises referenced in
9 paragraph (1), any table game equipment, apparatuses, devices
10 and supplies for the purpose of examination and inspection.

11 (4) Inspect, examine and audit all books, records and
12 documents pertaining to a table game licensee's table game
13 operations and activities.

14 (5) Seize, impound or assume physical control of any
15 book, record, ledger, game device, cash box and its contents,
16 counting room or its equipment or lockbox and its contents.

17 (6) Make administrative inspections when appropriate to
18 check for compliance by any applicant for a license,
19 licensee, permittee, registrant, intermediary company,
20 subsidiary or holding company with this act and regulations
21 promulgated pursuant to this act and to investigate
22 violations thereof.

23 (b) Warrantless searches.--Nothing in this chapter shall be
24 construed to prohibit or limit warrantless inspections by the
25 Pennsylvania State Police except in accordance with
26 constitutional requirements or to prevent entries and
27 administrative inspections, including seizure of property,
28 without a warrant as follows:

29 (1) With the consent of the licensee, operator or agent
30 in charge of the premises.

1 (2) In situations presenting imminent danger to public
2 health or safety.

3 (3) In situations involving inspection of conveyances
4 where there is reasonable cause to believe that the mobility
5 of the conveyance makes it impractical to obtain a warrant or
6 in any other exceptional or emergency circumstance where time
7 or opportunity to apply for a warrant is lacking.

8 (4) In accordance with this act or regulations
9 promulgated pursuant to this act.

10 (5) In any other situations where a warrant is not
11 constitutionally required.

12 (c) Administrative warrants.--To effectuate the purposes of
13 this act, the bureau and the Pennsylvania State Police may
14 obtain administrative warrants for the inspection and seizure of
15 property possessed, controlled, bailed or otherwise held by an
16 applicant for a table game licensee, a licensee, permittee,
17 registrant or any other person required to be qualified under
18 this act or an intermediary, subsidiary, affiliate or holding
19 company.

20 (d) Information sharing.--With respect to the
21 administration, supervision and enforcement of this act, the
22 bureau, the Pennsylvania State police or the Office of Attorney
23 General may obtain or provide pertinent information regarding
24 applicants for a table game license, permit, registration or
25 qualification from or to law enforcement agencies or casino or
26 gaming authorities of the Commonwealth and other domestic and
27 foreign jurisdictions, including the Federal Bureau of
28 Investigation or similarly situated law enforcement agencies of
29 foreign jurisdictions, and may transmit the information to these
30 agencies electronically.

CHAPTER 25

PROHIBITIONS

Section 2501. Prohibitions.

(a) Prohibitions.--It shall be unlawful:

(1) To willfully fail to report, pay or truthfully account for and pay any fee or tax imposed under this act or willfully attempt in any manner to evade or defeat payment of any fee or tax imposed under this act.

(2) To permit table games to be conducted, operated, dealt or carried on in a licensed table game facility by a person other than a person licensed pursuant to this act.

(3) To carry on or expose for play any authorized table game after a license has expired and prior to the actual renewal of an expired license.

(4) To knowingly conduct, carry on, operate, deal or allow for the conducting, carrying on, operating or dealing of any cheating game, device or apparatus.

(5) To knowingly deal, conduct, carry on, operate or expose for play any game or games played with cards, dice or any device or apparatus, or any combination of games, devices or apparatuses that have in any manner been marked or tampered with or placed in a condition or operated in a manner the result of which tends to deceive the public or tends to alter the normal random selection of characteristics or the normal chance of the game that could determine or alter the result of the game.

(6) To knowingly use or possess any marked cards, loaded dice or plug or to tamper with any table game equipment, apparatus or device.

(7) To work in or be employed by a licensed table game

1 facility without obtaining the required license, permit or
2 registration.

3 (8) For a table game licensee to employ or continue to
4 employ an individual not duly licensed, permitted or
5 registered in accordance with this act.

6 (9) For an applicant or person or other entity licensed
7 or permitted by or registered with the board to employ or
8 offer to employ any person who is prohibited from accepting
9 employment from a table game licensee or applicant for a
10 table game license or a table game service industry licensee
11 or applicant for a table game service industry license or any
12 holding or intermediary company of the table game licensee or
13 applicant for a table game license or of a table game service
14 industry or applicant for a table game service industry
15 license.

16 (10) To notify a person involved in a suspicious
17 transaction that the suspicious transaction has been reported
18 to the bureau.

19 Section 2502. Reports of suspicious transactions.

20 (a) Reports required.--

21 (1) The holder of any table game license, permit or
22 registration under this act or any person acting on behalf of
23 the holder of a table game license, permit or registration
24 shall file a report of any suspicious transaction with the
25 bureau.

26 (2) For the purpose of this subsection, the term
27 "suspicious transaction" shall mean the acceptance of cash or
28 the redeeming of chips or markers, if the licensee, permittee
29 or registrant or person knows or suspects that the amount of
30 the transaction:

1 (i) Involves funds derived from illegal activities
2 or is intended or conducted in order to conceal or
3 disguise funds or assets derived from legal activities.

4 (ii) Is part of a plan to violate or evade any law
5 or regulation or to avoid any transaction reporting
6 requirement under the law or regulations of this
7 Commonwealth or the United States, including a plan to
8 structure a series of transactions to avoid any
9 transaction reporting requirement under the laws or
10 regulations of the Commonwealth or the United States.

11 (iii) Has no business or other apparent lawful
12 purpose or is not the sort of transaction in which a
13 person normally would be expected to engage and the
14 licensee, permittee, registrant or person knows of no
15 reasonable explanation for the transaction after
16 examining the available facts, including the background
17 and possible purpose of the transaction.

18 (b) Failure to report suspicious transactions.--A table game
19 licensee, permittee or registrant or person acting on behalf of
20 a licensee or a permittee or registrant under this act who
21 knowingly fails to file a report of a suspicious transaction or
22 who knowingly causes any other person having the responsibility
23 to report a suspicious transaction to fail to file a report
24 shall be subject to the sanctions set forth under this act.

25 (c) Records of suspicious transaction.--The bureau shall
26 maintain a record of all reports of suspicious transactions for
27 a period of five years. The bureau shall make the reports
28 available to any Federal or State law enforcement agency upon
29 written request and without the necessity of subpoena. The board
30 shall promulgate regulations to effectuate the implementation of

1 the reporting requirements of this subsection. The board may
2 determine that compliance with applicable Federal reporting
3 requirements, as may be adopted, revised or amended from time to
4 time, satisfies the reporting requirements of this subsection.

5 (d) Immunity from civil liability.--Any person required to
6 file a report of a suspicious transaction pursuant to subsection
7 (a) who in good faith files the report shall not be liable in
8 any civil action brought by any person for making the report,
9 regardless of whether the transaction is later determined to be
10 suspicious.

11 Section 2503. Specific offenses relating to table games and
12 penalties.

13 (a) Swindling and cheating.--

14 (1) A person commits the offense of swindling and
15 cheating if the person purposely or knowingly by any trick or
16 sleight of hand performance or by fraud or fraudulent scheme,
17 cards, dice or device, for himself or for another, wins or
18 attempts to win money or property or a representative of
19 either or reduces a losing wager or attempts to reduce a
20 losing wager in connection with a table game.

21 (2) Swindling and cheating as described in subsection
22 (a)(1) constitutes a single offense; however, each episode,
23 occurrence or transaction may be the subject of a separate
24 prosecution and conviction. A charge of swindling and
25 cheating may be supported by evidence that it was committed
26 in a manner that would constitute swindling and cheating
27 under this subsection, notwithstanding the specification of a
28 different manner in the indictment or accusation, subject
29 only to the power of the court to ensure a fair trial by
30 granting a bill or particulars, discovery, continuance or

1 other appropriate relief when the conduct of the defense
2 would be prejudiced by a lack of fair notice or by surprise.

3 (3) Swindling and cheating constitutes a felony of the
4 third degree regardless of the amount involved.

5 (b) Use of certain devices prohibited.--

6 (1) A person commits a misdemeanor of the third degree
7 if, in playing an authorized table game, the person uses, or
8 assists another in the use of a computerized, electronic,
9 electrical or mechanical device that is designed, constructed
10 or programmed specifically for use in obtaining an advantage
11 at playing any authorized table game in a table game facility
12 in this Commonwealth, unless the advantage obtained can be
13 assessed as providing a monetary value or loss of \$50,000 or
14 greater, in which case the offense shall be a misdemeanor of
15 the first degree.

16 (2) Any computerized, electronic, electrical or
17 mechanical device used in violation of paragraph (1) shall be
18 considered prima facie contraband and shall be subject to
19 forfeiture.

20 (c) Publication of notice.--Each table game licensee shall
21 conspicuously post, in the licensed table game facility, notices
22 of the prohibition against swindling and cheating and the
23 penalty set forth in this section. The notice shall be posted in
24 a form and manner determined by the board.

25 (d) Unlawful use of bogus chips or gaming billets, marked
26 cards, loaded dice or cheating devices.--

27 (1) It shall be unlawful for any person playing any
28 authorized table game to:

29 (i) Knowingly use bogus or counterfeit chips or
30 gaming billets, or knowingly substitute and use any cards

1 or dice that have been marked, loaded or tampered with.

2 (ii) Knowingly use or possess any cheating device
3 with the intent to cheat or defraud.

4 (iii) Knowingly possess or use while on the premises
5 of any table game facility any key or device designed for
6 the purpose of or suitable for opening or entering any
7 drop box, except that an authorized employee or agent of
8 a table game licensee or of the board may possess and use
9 a key or device in the furtherance of the employee's or
10 agent's employment.

11 (2) A person who violates this subsection commits a
12 misdemeanor of the third degree.

13 (e) Aiding and abetting.--Any person who aids, abets,
14 counsels, commands, induces, procures or causes another person
15 to violate a provision of this act shall be punishable as a
16 principal and subject to all sanctions and penalties, both civil
17 and criminal, provided in this act.

18 (f) Possession by employees.--An authorized employee or
19 agent of a table game licensee or an employee or agent of the
20 board or bureau may possess and use a cheating or thieving
21 device, counterfeit or altered chip, loaded dice, marked cards
22 or other such implements, objects or devices only in performance
23 of the duties of employment.

24 (g) Definition.--As used in this section, the term "cheating
25 or thieving device" includes, but is not limited to, a device to
26 facilitate the winning of any table game, including, but not
27 limited to, any computerized, electronic, electrical, mechanical
28 or magnetic device or implement.

29 Section 2504. Underage gambling and prohibition.

30 (a) Prohibition.--

1 (1) No individual under 21 years of age shall enter or
2 wager in a table game facility except that an individual
3 under 21 years of age may enter a table game facility by way
4 of passage to another room and an individual 18 years of age
5 or older who is licensed, permitted or registered under this
6 act or 4 Pa.C.S. Pt. II (relating to gaming) may enter a
7 table game facility in the regular course of the individual's
8 licensed, permitted or registered employment activities. Any
9 individual under 21 years of age who violates this subsection
10 commits a summary offense and may, upon conviction:

11 (i) Be fined no less than \$500 nor more than \$1,000.

12 In addition, the court shall suspend or postpone the
13 issuance of the individual's license to operate a motor
14 vehicle or learner's permit for six months.

15 (ii) If the individual at the time of imposition of
16 a sentence pursuant to this subsection is less than 18
17 years of age and does not hold a driver's license or
18 junior driver's license, the individual shall not be
19 eligible to apply for a driver's license or learner's
20 permit for a period of six months from the day the
21 sentence is imposed or for a period of six months after
22 the individual reaches 18 years of age.

23 (iii) Upon the conviction of any individual under
24 this section, the court shall forward a report to the
25 Department of Transportation stating that the individual
26 has been convicted of violating this section and
27 indicating the first and last day of driver's license
28 suspension, denial or postponement period imposed by the
29 court pursuant to this subsection.

30 (iv) If an individual at the time of imposition of a

1 sentence pursuant to this section has a valid driver's
2 license or junior driver's license issued by this
3 Commonwealth, the court shall immediately collect the
4 driver's license or junior driver's license and forward
5 it to the Department of Transportation with the report
6 required under subparagraph (iii). If the driver's
7 license or junior driver's license cannot be collected at
8 the time the sentence is imposed, the court shall include
9 in the report the complete name, address, date of birth,
10 eye color and gender of the individual as well as the
11 first and last day of the license suspension or
12 postponement period imposed by the court.

13 (v) The court shall inform the individual orally and
14 in writing that if the individual is convicted of
15 operating a motor vehicle during the period of the
16 driver's license or junior driver's license suspension or
17 postponement under this section, the individual shall be
18 subject to the penalties set forth in 75 Pa.C.S. § 1532
19 (relating to suspension of operating privilege).

20 (b) Actions of licensee.--Any licensee or employee of a
21 table game facility who allows an individual under 21 years of
22 age to remain or wager in a table game facility commits a
23 misdemeanor of the third degree. The following facts, if
24 established by the licensee or employee of the licensee, may
25 constitute a defense to a prosecution under this section:

26 (1) The underage individual falsely represented in
27 writing that the individual was 21 or over 21 years of age.

28 (2) The appearance of the underage individual was such
29 that an ordinary prudent person would believe the individual
30 to be 21 or over 21 years of age.

1 (3) The admission was made in good faith, relying upon
2 the written representation and appearance of the underage
3 individual, and in the reasonable belief that the underage
4 individual was actually at or over 21 years of age.

5 (c) Permitting underage wagering; penalty.--A person who
6 knowingly allows or permits an individual who is under that
7 person's lawful care, custody or control and who is under 21
8 years of age to wager or attempt to wager in a licensed table
9 game facility in violation of this subsection commits a
10 misdemeanor of the third degree and, upon conviction, may be
11 subject to the payment of a fine not exceeding \$2,500 or to a
12 term of imprisonment, or both.

13 Section 2505. Authority to detain.

14 (a) Authority to detain.--A table game licensee or the
15 officers, employees or agents of a table game licensee may:

16 (1) Question any individual in the table game facility
17 reasonably suspected of violating any provision of this act
18 or any other activity declared unlawful pursuant to this act.
19 No licensee or its officers, employees or agents shall be
20 criminally or civilly liable by reason of any questioning or
21 detention authorized under this section.

22 (2) Refuse to allow a person to continue to play table
23 games or take the person into custody and detain the person
24 in a reasonable manner for a reasonable period of time to
25 notify law enforcement if the licensee or its officers,
26 employees or agents have probable cause to believe that a
27 person has violated section 2504. The licensee may notify the
28 bureau of any detention. The refusal to permit a person to
29 play table games or the taking into custody and detention
30 shall not render the licensee or its officers, employees or

1 agents criminally or civilly liable for false arrest, false
2 imprisonment, slander or unlawful detention, unless the
3 refusal or taking into custody or detention is unreasonable
4 under all of the circumstances.

5 (b) Limitation on immunity.--No table game licensee or any
6 officers, employees or agents of a table game licensee shall be
7 entitled to immunity from civil or criminal liability provided
8 under this section unless there is conspicuously displayed in
9 the gaming area or areas of a table game facility a notice in
10 bold face type similar to the following:

11 WARNING: ANY TABLE GAME LICENSEE OR OFFICER, EMPLOYEE OR
12 AGENT OF A TABLE GAME LICENSEE WHO HAS PROBABLE CAUSE TO
13 BELIEVE THAT A PERSON IS VIOLATING ANY OF THE PROVISIONS OF
14 THE TABLE GAME AUTHORIZATION AND CONTROL ACT MAY DETAIN THE
15 PERSON IN THE ESTABLISHMENT FOR A REASONABLE PERIOD OF TIME
16 FOR THE PURPOSE OF NOTIFYING APPROPRIATE LAW ENFORCEMENT
17 AGENCIES.

18 Section 2506. Additional prohibitions and penalties.

19 (a) Criminal offenses.--

20 (1) The provisions of 18 Pa.C.S. § 4902 (relating to
21 perjury), 4903 (relating to false swearing) or 4904 (relating
22 to unsworn falsification to authorities) shall apply to any
23 person providing information or making any statement, whether
24 written or oral, to the board, the bureau, the department,
25 the Pennsylvania State Police or the Office of Attorney
26 General, as required by this act.

27 (2) It shall be unlawful for any licensed table game
28 entity or any employee or key employee of such licensee or
29 any other person to permit table games to be operated,
30 transported, repaired or opened on the premises of a licensed

1 table game facility by a person other than a person licensed,
2 permitted or registered by the board pursuant to this act.

3 (3) It shall be unlawful for any licensed table game
4 entity or other person to manufacture, supply or place table
5 games into play or display table games on the premises of a
6 licensed facility without the authority of the board.

7 (4) Except as provided for in this act, it shall be
8 unlawful for a licensed table game entity or other person to
9 manufacture, supply, operate, carry on or expose for play any
10 table game after the person's table game license has expired
11 and prior to the actual renewal of the license.

12 (5) It shall be unlawful for an individual on the
13 premises of a licensed table game facility to knowingly use
14 currency other than lawful coin or legal tender of the United
15 States to play any authorized table game.

16 (6) It shall be unlawful for a table game licensee or an
17 agent or employee of a table game licensee to possess any
18 device, apparatus, equipment or supplies that the licensee,
19 agent or employee knows has been manufactured, distributed,
20 sold, leased, tampered with, repaired or serviced in
21 violation of this act.

22 (7) It shall be unlawful for an individual to work or be
23 employed in a position the duties of which would require
24 licensing, permitting or registering under this act without
25 first obtaining the requisite license, permit or registration
26 as provided for in this act.

27 (8) It shall be unlawful for a licensed table gaming
28 entity that is a licensed racing entity and that has had its
29 racing license revoked or suspended by either the State Horse
30 Racing Commission or the State Harness Racing Commission

1 under the act of December 17, 1981 (P.L.435, No.135), known
2 as the Race Horse Industry Reform Act, to continue to operate
3 table games at the racetrack for which its racing license was
4 issued unless the racing license is or will be subsequently
5 reissued or reinstated within 60 days after its revocation or
6 suspension or without approval of the board.

7 (9) It shall be unlawful for a table game licensee to
8 employ or continue to employ in a position the duties of
9 which require a license, permit or registration under this
10 act:

11 (i) An individual not licensed, permitted or
12 registered under this act.

13 (ii) An individual who is prohibited from accepting
14 employment from a table game licensee.

15 (10) It shall be unlawful for any person under 18 years
16 of age to be in any area where table games are operated.

17 (b) Criminal penalties and fines.--

18 (1) (i) A person that violates subsection (a)(1)
19 commits an offense to be graded in accordance with 18
20 Pa.C.S. § 4902, 4903 or 4904, as applicable, for a first
21 conviction. A person that is convicted of a second or
22 subsequent violation of subsection (a)(1) commits a
23 felony of the second degree.

24 (ii) A person that violates subsection (a)(2)
25 through (10) commits a misdemeanor of the first degree. A
26 person that is convicted of a second or subsequent
27 violation of subsection (a)(2) through (10) commits a
28 felony of the second degree.

29 (2) (i) For a first violation of subsection (a)(1)
30 through (10), a person shall be sentenced to pay a fine

1 of:

2 (A) No less than \$75,000 nor more than \$150,000
3 if the person is an individual.

4 (B) No less than \$300,000 nor more than \$600,000
5 if the person is a licensed table game entity.

6 (C) No less than \$150,000 nor more than \$300,000
7 if the person is a licensed manufacturer, licensed
8 supplier or licensed table game service industry.

9 (ii) For a second or subsequent violation of
10 subsection (a) (1) through (10), a person shall be
11 sentenced to pay a fine of:

12 (A) No less than \$150,000 nor more than \$300,000
13 if the person is an individual.

14 (B) No less than \$600,000 nor more than
15 \$1,200,000 if the person is a licensed table game
16 entity.

17 (C) No less than \$300,000 nor more than \$600,000
18 if the person is a licensed manufacturer, licensed
19 supplier or licensed table game service industry.

20 Section 2507. Sanctions.

21 (a) Imposition of sanctions.--In addition to any penalty,
22 fine or term of imprisonment authorized under law or under this
23 act, the board shall, after hearing, have the authority to
24 impose the following sanctions upon any person licensed,
25 permitted or registered under this act:

26 (1) Revoke the license, permit or registration of any
27 person for the conviction of any criminal offense or for
28 committing any other offense or violation of this act which
29 would disqualify the person from holding the license, permit
30 or registration.

1 (2) Refuse to issue or revoke the license, permit or
2 registration of any person for willfully and knowingly
3 violating an order of the board, bureau, Pennsylvania State
4 Police or the Attorney General.

5 (3) Suspend the license, permit or registration of any
6 person pending hearing and determination in any case in which
7 license, permit or registration revocation is authorized.

8 (4) Refuse to issue or suspend the operation certificate
9 of any table game licensee for a violation of this act or
10 regulations promulgated under this act relating to the
11 operation of the licensed table game facility including table
12 games operations, slot machine operations, internal controls,
13 including administrative and accounting control and security.

14 (5) Assess any civil penalty as may be necessary to
15 punish misconduct and to deter future violations. The civil
16 penalty may not exceed \$10,000 in the case of any individual
17 licensee, permittee or registrant. In the case of a table
18 game licensee, manufacturer licensee, supplier licensee,
19 service industry licensee or any applicant for any such
20 license, the civil penalty may not exceed \$100,000.

21 (6) Order restitution of any moneys or property
22 unlawfully obtained or retained by an applicant, licensee,
23 permittee or registrant or any person acting on the behalf of
24 any licensee, permittee or registrant.

25 (7) Enter a cease and desist order that specifies the
26 conduct that is to be discontinued, altered or implemented by
27 the table game applicant, licensee, permittee or registrant.

28 (8) Issue letters of reprimand or censure. The letters
29 shall be made a permanent part of the file of each applicant,
30 licensee, permittee or registrant so sanctioned.

1 (9) Impose any or all of the foregoing sanctions in
2 combination with each other.

3 (b) Considerations for imposition of sanctions.--In
4 considering appropriate sanctions in a particular case, the
5 board shall consider:

6 (1) The risk to the public and to the integrity of table
7 game operations and the gaming industry created by the
8 conduct of the applicant, licensee, permittee or registrant.

9 (2) The nature and seriousness of the conduct of the
10 table game licensee, permittee or registrant, and whether the
11 conduct was purposeful or negligent and with knowledge that
12 it was in contravention of the provisions of this act or the
13 regulations promulgated under this act.

14 (3) Any justification or excuse for the conduct by the
15 applicant, licensee, permittee or registrant.

16 (4) The prior history of the particular licensee,
17 permittee or registrant involved with respect to table game
18 activity.

19 (5) The corrective action taken by the applicant,
20 licensee, permittee or registrant to prevent future
21 misconduct of a like nature from occurring.

22 (6) In the case of a monetary penalty, the amount of the
23 penalty in relation to the severity of the misconduct and the
24 financial means of the applicant, licensee, permittee or
25 registrant. The board may impose any schedule or terms of
26 payment of such penalty as it may deem appropriate.

27 (c) Certain defense not allowed.--It shall be no defense to
28 disciplinary action before the board that an applicant for a
29 table game license or a licensee, permittee, registrant or any
30 intermediary company or holding company of such applicant,

1 licensee, permittee or registrant inadvertently, unintentionally
2 or unknowingly violated a provision of this act. Such factors
3 shall only go to the degree of the penalty to be imposed by the
4 board and not to a finding of a violation itself.

5 (d) Notification of decision and hearing.--The board shall
6 provide the applicant, licensee, permittee or registrant with
7 written notification of its decision, including a statement of
8 the reasons for its decision by certified mail within five
9 business days of the decision, if the board:

10 (1) Refuses to issue or renew a license, permit or
11 registration.

12 (2) Suspends or revokes a license, permit or
13 registration.

14 (3) Assesses civil penalties.

15 (4) Orders restitution.

16 (5) Enters a cease and desist order.

17 (6) Issues a letter of reprimand or censure.

18 (e) Hearing.--Any applicant or licensee, permittee or
19 registrant who has received notice of a refusal to issue,
20 suspension or revocation of a license, permit or registration,
21 the assessment of civil penalties, an order of restitution, the
22 entrance of a cease and desist order or the issuance of a letter
23 of reprimand or censure from the board shall have the right to
24 an administrative hearing before the board in accordance with 2
25 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
26 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial
27 review of Commonwealth agency action).

28 (f) Authority to increase penalty for certain acts.--In
29 addition to any other fines or penalties that the board may
30 impose under this act or regulations of the board, if a person

1 violates section 2501(a)(1) (relating to prohibitions), the
2 board shall impose an administrative penalty of three times the
3 amount of the license fee, tax or other assessment evaded and
4 not paid, collected or paid over. This subsection is subject to
5 2 Pa.C.S. Ch. 5 Subch. A and Ch. 7 Subch. A.

6 Section 2508. Continuing offenses.

7 Any violation of this act that is determined to be an offense
8 of a continuing nature shall be deemed to be a separate offense
9 on each day during which the violation occurs. Nothing in this
10 section shall be construed to preclude the commission of
11 multiple violations of the provisions of this act in any one day
12 that establish offenses consisting of separate and distinct acts
13 or violations of the provisions of this act or regulations
14 promulgated under this act.

15 Section 2509. Property subject to seizure, confiscation,
16 destruction or forfeiture.

17 Any equipment, device or apparatus, money, material, gaming
18 proceeds or substituted proceeds or real or personal property
19 used, obtained or received or any attempt to use, obtain or
20 receive such device, apparatus, money, material, proceeds or
21 real or personal property in violation of this act shall be
22 subject to seizure, confiscation, destruction or forfeiture.

23 CHAPTER 26

24 RACKETEERING AND CORRUPT ORGANIZATIONS

25 Section 2601. Racketeering and corrupt organizations.

26 (a) Applicability.--Any person or individual subject to the
27 provisions of this act shall be subject to 18 Pa.C.S. § 911
28 (relating to corrupt organizations). The prohibited activities
29 set forth in 18 Pa.C.S. § 911(b) shall apply to any individual
30 or person, organization or entity subject to the requirements of

1 this act and to any enterprise that is engaged in activities
2 that affect table game operations or ancillary industries that
3 do business with any table game licensee, permittee, registrant
4 or any other person subject to qualification or approval under
5 the provisions of this act.

6 (b) Authority of the Attorney General.--The Attorney General
7 is hereby authorized and empowered to investigate and institute
8 criminal proceedings for violation of any provision of this act
9 upon the request of the board, the bureau, the Pennsylvania
10 State Police or upon its own motion. The Attorney General may
11 establish a division within the Office of Attorney General to
12 investigate violations of provisions of this act and any
13 regulations promulgated pursuant to this act.

14 Section 2602. Racketeering activity.

15 In addition to the meaning given to it under 18 Pa.C.S. §
16 911(h) (relating to corrupt organizations) and for the purposes
17 of this act, the term "racketeering activity" shall be further
18 defined to include any of the following:

19 (1) Any act that is indictable under any of the
20 following provisions of 18 U.S.C. (relating to Crimes and
21 Criminal Procedure) or under any subsequent amendments or
22 revisions to 18 U.S.C. that may be enacted after the
23 effective date of this act:

24 (i) Section 201 (relating to bribery of public
25 officials and witnesses).

26 (ii) Section 224 (relating to bribery in sporting
27 contests).

28 (iii) Sections 471 (relating to obligations or
29 securities of United States) through 509 (relating to
30 possessing and making plates or stones for Government

1 transportation requests).

2 (iv) Section 659 (relating to interstate or foreign
3 shipments by carrier; State prosecutions), if the act
4 indictable under section 659 is felonious.

5 (v) Section 664 (relating to theft or embezzlement
6 from employee benefit plan).

7 (vi) Sections 891 (relating to definitions and rules
8 of construction) through 894 (relating to collection of
9 extensions of credit by extortionate means).

10 (vii) Section 1084 (relating to transmission of
11 wagering information; penalties).

12 (viii) Section 1341 (relating to frauds and
13 swindles).

14 (ix) Section 1343 (relating to fraud by wire, radio,
15 or television).

16 (x) Section 1503 (relating to influencing or
17 injuring officer or juror generally).

18 (xi) Section 1510 (relating to obstruction of
19 criminal investigations).

20 (xii) Section 1511 (relating to obstruction of State
21 or local law enforcement).

22 (xiii) Section 1951 (relating to interference with
23 commerce by threats or violence).

24 (xiv) Section 1952 (relating to interstate and
25 foreign travel or transportation in aid of racketeering
26 enterprises).

27 (xv) Section 1953 (relating to interstate
28 transportation of wagering paraphernalia).

29 (xvi) Section 1954 (relating to offer, acceptance,
30 or solicitation to influence operations of employee

1 benefit plan).

2 (xvii) Section 1955 (relating to prohibition of
3 illegal gambling businesses).

4 (xviii) Sections 2314 (relating to transportation of
5 stolen goods, securities, moneys, fraudulent State tax
6 stamps, or articles used in counterfeiting) and 2315
7 (relating to sale or receipt of stolen goods, securities,
8 moneys, or fraudulent State tax stamps).

9 (xix) Sections 2421 (relating to transportation
10 generally) through 2424 (relating to filing factual
11 statement about alien individual).

12 (2) Any act that is indictable under the following
13 provisions:

14 (i) Section 302 of the Labor Management Relations
15 Act, 1947 (61 Stat. 136, 29 U.S.C. § 186).

16 (ii) Section 501(c) of the Labor-Management
17 Reporting and Disclosure Act of 1959 (Public Law 86-257,
18 29 U.S.C. § 401 et seq.).

19 (3) Any offense involving bankruptcy fraud, fraud in the
20 sale of securities, or the felonious manufacture,
21 importation, receiving, concealment, buying, selling or
22 otherwise dealing in narcotic or other dangerous drugs,
23 punishable under any law of the United States. The Attorney
24 General shall report any suspected racketeering activity
25 under this section to the United States Department of
26 Justice.

27 (c) Definition.--Notwithstanding any other provision of law
28 to the contrary and for the purposes of this act, the definition
29 of "enterprise" under 18 Pa.C.S. § 911(h) shall include any
30 enterprise that is engaged in, or conduct activities that affect

1 table game operations or ancillary industries that do business
2 with any table game licensee, permittee or registrant or other
3 licensee or person required to be qualified under this act.

4 CHAPTER 27

5 PUBLIC OFFICIALS

6 Section 2701. Financial interest and prohibitions.

7 (a) General rule.--Except as may be provided for the
8 judiciary by rule or order of the Pennsylvania Supreme Court, an
9 executive-level public employee, public official or party
10 officer, or an immediate family member thereof, shall not
11 intentionally or knowingly hold a financial interest in an
12 applicant or a table game licensee or a table game manufacturer
13 licensee, supplier licensee, service industry licensee or
14 licensed racing entity, or in a holding company, affiliate,
15 intermediary or subsidiary thereof, while the individual is an
16 executive-level public employee, public official or party
17 officer and for one year following termination of the
18 individual's status as an executive-level public employee,
19 public official or party officer.

20 (b) Employment.--Except as may be provided by rule or order
21 of the Pennsylvania Supreme Court, no executive-level public
22 employee, public official or party officer, or an immediate
23 family member thereof, shall be employed by an applicant or a
24 table game licensee or a table game manufacturer licensee,
25 supplier licensee, service industry licensee or licensed racing
26 entity, or by any holding company, affiliate, intermediary or
27 subsidiary thereof, while the individual is an executive-level
28 public employee, public official or party officer and for one
29 year following termination of the individual's status as an
30 executive-level public employee, public official or party

1 officer.

2 (c) Grading.--An individual who violates this section
3 commits a misdemeanor of the third degree and shall, upon
4 conviction, be sentenced to pay a fine of not more than \$1,000
5 or to a term of imprisonment of not more than one year, or both.

6 (d) Divestiture.--An executive-level public employee, public
7 official or party officer, or an immediate family member
8 thereof, who holds a financial interest prohibited by this
9 section shall divest the financial interest within three months
10 of the effective date of the restrictions set forth in
11 subsection (a), as applicable. Thereafter, any executive-level
12 public employee, public official, party officer or immediate
13 family member shall have 30 days from the date the individual
14 knew or had reason to know or should have known of the violation
15 or 30 days from the publication in the Pennsylvania Bulletin of
16 a complete list of all persons or entities who have applied for
17 or who hold a table game license or table game manufacturer,
18 supplier or service industry license and all intermediaries,
19 affiliates, subsidiaries and holding companies thereof. Such
20 publication shall conform with the requirements of 4 Pa.C.S. §
21 1202(b)(27) (relating to general and specific powers). The
22 Ethics Commission may, for good cause, extend the time period
23 under this subsection.

24 (e) Ethics Commission.--The State Ethics Commission shall
25 publish a list of all State, county, municipal and other
26 government positions that meet the definitions of "public
27 official" or "executive-level public employee" under subsection
28 (f). The Office of Administration shall assist the State Ethics
29 Commission in the development of the list, which shall be
30 published in the Pennsylvania Bulletin biennially and on the

1 board's Internet website. Upon request, each public official
2 shall have a duty to provide the State Ethics Commission with
3 adequate information to accurately develop and maintain the
4 list. The State Ethics Commission may impose a civil penalty
5 under 65 Pa.C.S. § 1109(f) (relating to penalties) upon any
6 public official or executive-level public employee who fails to
7 cooperate with the State Ethics Commission under this
8 subsection.

9 (f) Definitions.--As used in this section, the following
10 words and phrases shall have the meanings given to them in this
11 subsection:

12 "Executive-level public employee." The term shall include
13 the following:

14 (1) Deputy secretaries of the Commonwealth and the
15 Governor's Office executive staff.

16 (2) An employee of the Executive Branch with
17 discretionary power that may affect or influence the outcome
18 of a State agency's action or decision and who is involved in
19 the development of regulations or policies relating to a
20 licensed table game entity or who is involved in other
21 matters under this chapter. The term shall include an
22 employee with law enforcement authority.

23 (3) An employee of a county or municipality with
24 discretionary powers that may affect or influence the outcome
25 of the county's or municipality's action or decision and who
26 is involved in the development of law, regulation or policy
27 relating to a licensed table game entity or who is involved
28 in other matters under this chapter. The term shall include
29 an employee with law enforcement authority.

30 (4) An employee of a department, agency, board,

1 commission, authority or other governmental body not included
2 in paragraph (1), (2) or (3) with discretionary power that
3 may affect or influence the outcome of the governmental
4 body's action or decision and who is involved in the
5 development of regulation or policy relating to a licensed
6 table game entity or who is involved in other matters under
7 this chapter. The term shall include an employee with law
8 enforcement authority.

9 "Financial interest." Owning or holding, or being deemed to
10 hold, debt or equity securities or other ownership interest or
11 profits interest. A financial interest shall not include any
12 debt or equity security, or other ownership interest or profits
13 interest, that is held or deemed to be held in any of the
14 following:

15 (1) A blind trust over which the executive-level public
16 employee, public official, party officer or immediate family
17 member thereof may not exercise any managerial control or
18 receive income during the tenure of office and the period
19 under subsection (a). The provisions of this paragraph shall
20 apply only to blind trusts established prior to the effective
21 date of this paragraph.

22 (2) Securities that are held in a pension plan, profit-
23 sharing plan, individual retirement account, tax-sheltered
24 annuity, a plan established pursuant to section 457 of the
25 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
26 1 et seq.) or any successor provision deferred compensation
27 plan whether qualified or not qualified under the Internal
28 Revenue Code of 1986 or any successor provision or other
29 retirement plan that:

30 (i) is not self-directed by the individual; and

1 (ii) is advised by an independent investment adviser
2 who has sole authority to make investment decisions with
3 respect to contributions made by the individual to these
4 plans.

5 (3) A tuition account plan organized and operated
6 pursuant to section 529 of the Internal Revenue Code of 1986
7 that is not self-directed by the individual.

8 (4) A mutual fund where the interest owned by the mutual
9 fund in a licensed table game entity does not constitute a
10 controlling interest as defined in this act.

11 "Immediate family." A spouse, minor child or unemancipated
12 child.

13 "Law enforcement authority." The power to conduct
14 investigations of or to make arrests for criminal offenses.

15 "Party officer." A member of a national committee; a
16 chairman, vice chairman, secretary, treasurer or counsel of a
17 State committee or member of the executive committee of a State
18 committee; a county chairman, vice chairman, counsel, secretary
19 or treasurer of a county committee in which a licensed table
20 game facility is located; or a city chairman, vice chairman,
21 counsel, secretary or treasurer of a city committee of a city in
22 which a licensed table game facility is located.

23 "Public official." The term shall include the following:

24 (1) The Governor, Lieutenant Governor, a member of the
25 Governor's cabinet, State Treasurer, Auditor General and
26 Attorney General of the Commonwealth.

27 (2) A member of the Senate or House of Representatives
28 of the Commonwealth.

29 (3) An individual elected or appointed to any office of
30 a county or municipality that directly receives a

1 distribution of revenue under this act.

2 (4) An individual elected or appointed to a department,
3 agency, board, commission, authority or other governmental
4 body not included in paragraph (1), (2) or (3) that directly
5 receives a distribution of revenue under this act.

6 (5) An individual elected or appointed to a department,
7 agency, board, commission, authority, county, municipality or
8 other governmental body not included in paragraph (1), (2) or
9 (3) with discretionary power that may influence or affect the
10 outcome of an action or decision and who is involved in the
11 development of regulation or policy relating to a licensed
12 table game entity or who is involved in other matters under
13 this act. The term does not include a member of a school
14 board or an individual who held an uncompensated office with
15 a governmental body prior to January 1, 2009, and who no
16 longer holds the office as of January 1, 2009. The term
17 includes a member of an advisory board or commission that
18 makes recommendations relating to a licensed table game
19 facility.

20 Section 2702. Political influence.

21 (a) Contribution restriction.--The following persons shall
22 be prohibited from contributing monetarily or in-kind to a
23 candidate for nomination or election to any public office in
24 this Commonwealth, or to any political party committee or other
25 political committee in this Commonwealth or to any group,
26 committee or association organized in support of a candidate,
27 political party committee or other political committee in this
28 Commonwealth:

29 (1) An applicant for a table game license; table game
30 manufacturer license, supplier license or service industry

1 license; principal employee license, key employee license or
2 horse or harness racing license.

3 (2) A table game licensee, manufacturer licensee,
4 supplier licensee, service industry licensee or licensed
5 racing entity.

6 (3) A licensed principal employee or licensed key
7 employee of a table game licensee, licensed manufacturer,
8 licensed supplier, licensed service industry or licensed
9 racing entity.

10 (4) An affiliate, intermediary, subsidiary or holding
11 company of a table game licensee, licensed manufacturer,
12 licensed supplier, licensed service industry or licensed
13 racing entity.

14 (5) A licensed principal employee or licensed key
15 employee of an affiliate, intermediary, subsidiary or holding
16 company of a table game licensee, licensed manufacturer,
17 licensed supplier, licensed service industry or licensed
18 racing entity.

19 (6) A person who holds a similar gaming license in any
20 jurisdiction, foreign or domestic, and the affiliates,
21 intermediaries, subsidiaries, holding companies, principal
22 employees or key employees thereof.

23 (b) Contributions to certain associates and organizations
24 barred.--The persons prohibited from making political
25 contributions under subsection (a) shall not make a political
26 contribution, monetarily or in-kind, to any association or
27 organization, including a nonprofit organization, that has been
28 solicited by an elected official, executive-level public
29 employee or candidate for nomination or election to a public
30 office in this Commonwealth, if the person knows that the

1 contribution or any portion thereof will be contributed to the
2 official, employee or candidate for nomination or election to
3 public office in this Commonwealth.

4 (c) Internet website.--

5 (1) The board shall modify its Internet website
6 established under 4 Pa.C.S. § 1513(a.2) (relating to
7 political influence) to include a list of all applicants for
8 and holders of a table game license, table game manufacturer
9 license, table game supplier license, table game service
10 industry license or racing entity license, and the
11 affiliates, intermediaries, subsidiaries, holding companies,
12 principals and key employees thereof, all persons holding a
13 similar gaming license in another jurisdiction, foreign and
14 domestic, and the affiliates, intermediaries, subsidiaries,
15 holding companies, principals and key employees thereof, and
16 any other entity in which the applicant or licensee has any
17 debt or equity security or other ownership or profits
18 interest. An applicant or licensee shall notify the board
19 within seven days of the discovery of any change in or
20 addition to the information. The list shall be published
21 semiannually in the Pennsylvania Bulletin.

22 (2) A person who acts in good faith and in reliance on
23 the information on the Internet website shall not be subject
24 to any penalties or liabilities imposed for a violation of
25 this section.

26 (3) The board shall request the information required
27 under paragraph (1) from persons licensed in another
28 jurisdiction who do not hold a license in this Commonwealth
29 and from regulatory agencies in the other jurisdiction. If a
30 licensee in another jurisdiction refuses to provide the

1 information required under paragraph (1), the person and its
2 officers, directors or persons with a controlling interest
3 shall be ineligible to receive any license under this act.

4 (d) Annual certification.--The chief executive officer, or
5 other appropriate individual, of each applicant for a table game
6 license, table game manufacturer license, table game supplier
7 license, table game service industry license or table game
8 licensee, licensed table game supplier, licensed table game
9 manufacturer, licensed table games service industry or licensed
10 racing entity shall annually certify under oath to the board and
11 the Department of State that such applicant or table game
12 licensee, licensed supplier, licensed manufacturer, licensed
13 service industry or licensed racing entity has developed and
14 implemented internal safeguards and policies intended to prevent
15 a violation of this section and that such applicant, licensee or
16 licensed racing entity has conducted a good faith investigation
17 that has not revealed any violation of this section during the
18 preceding year.

19 (e) Penalties.--The first violation of this section by a
20 licensed table game entity or any person that holds a
21 controlling interest in such table game entity, or a subsidiary
22 company thereof, and any officer, principal employee or key
23 employee of such table game licensee shall be punishable by a
24 fine of not less than an average single day's gross table game
25 revenue of the licensed table game entity derived from the
26 operation of table games in this Commonwealth; a second
27 violation of this section, within five years of the first
28 violation, shall be punishable by at least a one-day suspension
29 of the table game license held by the licensed table game entity
30 and a fine of no less than an average two days' gross table game

1 revenue of the licensed table game entity; a third violation of
2 this section within five years of the second violation shall be
3 punishable by the immediate revocation of the table game license
4 held by the licensed table game entity. The first violation of
5 this section by a table game manufacturer, table game supplier
6 or table game service industry licensed pursuant to this act or
7 by any person that holds a controlling interest in such licensed
8 manufacturer, supplier or service industry or any affiliate,
9 intermediary, subsidiary or holding company thereof, and any
10 officer, director or management level employee of such a
11 licensee or any affiliate, intermediary, subsidiary or holding
12 company thereof, shall be punishable by a fine of not less than
13 one day's average of the gross profit from sales made by the
14 manufacturer, supplier or service industry in this Commonwealth
15 during the preceding 12-month period or portion thereof in the
16 event the manufacturer, supplier or service industry has not
17 operated in this Commonwealth for 12 months; a second violation
18 of this section within five years of the first violation shall
19 be punishable by a one-month suspension of the license held by
20 the manufacturer, supplier or service industry under this act
21 and a fine of not less than two times one day's average of the
22 gross profit from sales made by the manufacturer, supplier or
23 service industry in this Commonwealth during the preceding 12-
24 month period or portion thereof in the event the manufacturer,
25 supplier or service industry has not operated in this
26 Commonwealth for 12 months. In no event shall the fine imposed
27 under this section be in an amount less than \$50,000 for each
28 violation. In addition to any fine or sanction that may be
29 imposed by the board, any person who makes a contribution in
30 violation of this section commits a misdemeanor of the third

1 degree.

2 (f) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection:

5 "Contribution." Any payment, gift, subscription, assessment,
6 contract, payment for services, dues, loan, forbearance, advance
7 or deposit of money or any valuable thing made to a candidate or
8 political committee or a representative or agent of a candidate
9 or political committee for the purpose of influencing any
10 election in this Commonwealth or for paying debts incurred by or
11 for a candidate or committee before or after any election. The
12 term shall include the purchase of tickets for events including
13 dinners, luncheons, rallies and other fundraising events; the
14 granting of discounts or rebates not available to the general
15 public; or the granting of discounts or rebates by television
16 and radio stations and newspapers not extended on an equal basis
17 to all candidates for the same office; and any payments provided
18 for the benefit of any candidate, including payments for the
19 services of a person serving as an agent of a candidate or
20 committee by a person other than the candidate or committee must
21 report. The term also includes any receipt or use of anything of
22 value received by a political committee from another political
23 committee and also includes any return on investments by a
24 political committee.

25 "Political committee." Any committee, club, association or
26 other group of persons that receive contributions or make
27 expenditures.

28 CHAPTER 28

29 COMPULSIVE GAMBLING ASSISTANCE

30 Section 2801. Establishment of program; duties of licensee.

1 (a) General rule.--Each applicant for a table game license
2 shall submit a compulsive gambling assistance plan to the board
3 for approval, modification or disapproval. The plan shall
4 provide standards, methods, procedures and practices for
5 assisting in the prevention, education and treatment of
6 compulsive and problem gambling. The compulsive gambling
7 assistance plan shall be submitted with a person's application
8 for a table game license. The development of the plan by an
9 applicant and the approval of the plan by the board, in
10 collaboration with the Department of Health, shall be a
11 condition for the approval and issuance of a table game license
12 under this act. The preservation and maintenance of the approved
13 plan shall be a condition for the renewal of a table game
14 license.

15 (b) Criteria for plan development.--Each compulsive gambling
16 assistance plan shall include all of the following:

17 (1) A mission statement that identifies the goals of the
18 table game licensee administering the plan.

19 (2) The identification of a plan manager or other person
20 responsible for ensuring that the plan, as approved by the
21 board, is implemented, monitored and maintained in accordance
22 with the requirements of this act.

23 (3) An identification of the job classifications of each
24 table game employee who, because of a particular job or
25 employment function at the licensed table game facility, will
26 be required to obtain compulsive and problem gambling
27 training in accordance with the requirements of this chapter.

28 (4) Policies concerning the handling of compulsive
29 gambling problems, including, but not limited to:

30 (i) Commitment to training.

- 1 (ii) Commitment to intervention.
- 2 (iii) Role and duties of a licensee's employees,
3 including key employees.
- 4 (iv) Responsibility of patrons.
- 5 (5) Specific, detailed procedures for:
- 6 (i) Identifying compulsive gambling behavior or
7 potential behavior in patrons and employees.
- 8 (ii) Determining appropriate intervention techniques
9 in a given circumstance.
- 10 (iii) Carrying out the intervention techniques.
- 11 (6) Printed literature to educate patrons about
12 compulsive gambling and inform them of local, Statewide or
13 national resources available to compulsive gamblers and their
14 families. The materials may include signs and posters
15 conspicuously displayed in gaming areas and brochures on
16 compulsive gambling issues and sources of treatment and
17 information. The plan shall specify the source of the printed
18 literature and proposed method of dissemination to patrons
19 and employees.
- 20 (7) Policy and procedures to prohibit facilitating,
21 participating in or allowing the issuance of any loans or
22 extension of credit, except as provided in this act, to a
23 patron for gaming purposes.
- 24 (8) A comprehensive employee training plan, including
25 training manuals and other materials and literature necessary
26 to educate employees about compulsive gambling issues.
- 27 (9) A form for certifying, to the board's satisfaction,
28 that each employee required to obtain compulsive gambling
29 training has completed the training within the time period
30 specified by the board. The certification program shall be

1 approved by the Department of Health.

2 (10) Details of a follow-up compulsive gambling training
3 program to periodically reinforce employee training.

4 (11) A timetable and procedures for implementing the
5 compulsive gambling assistance plan.

6 (12) Any other policies and procedures designed to
7 encourage responsible gambling, including methods for
8 preventing gambling by minors and problem gamblers.

9 (c) Establishment of training program.--Each applicant for a
10 table game license and each licensee shall include an employee
11 training program in its compulsive gambling plan. The employee
12 training program shall include:

13 (1) Characteristics and symptoms of compulsive behavior,
14 including compulsive and problem gambling.

15 (2) Prevalence of compulsive and problem gambling,
16 including cultural indicators.

17 (3) Relationship of compulsive gambling and other
18 addictions.

19 (4) Social and economic consequences of compulsive and
20 problem gambling, such as indebtedness, costs of treatment,
21 suicide prevention and suicide, criminal behavior,
22 unemployment and counseling for family.

23 (5) Identification of vulnerable demographic, including
24 women, low-income individuals, senior citizens, the
25 underemployed or unemployed and individuals who abuse drugs
26 and/or alcohol or who display other characteristics of
27 compulsive behavior.

28 (6) Intervention techniques to be employed where a
29 compulsive or problem gambling problem is identified or
30 suspected.

1 (7) Assistance and referral programs, including specific
2 resources and training on how to approach and discuss
3 compulsive or problem gambling with a patron and give advice
4 and assistance relative to accessing available community,
5 public and private professional behavior health services.

6 (8) Procedures designed to prevent the serving of
7 alcohol to visibly intoxicated patrons, including procedures
8 to prevent visibly intoxicated patrons from participating in
9 all gambling activity.

10 (9) Procedures for the immediate removal of self-
11 excluded persons from a licensed facility, including, if
12 necessary and appropriate, procedures that include obtaining
13 assistance from law enforcement personnel.

14 (10) Procedures for the immediate removal of persons
15 identified on the self-exclusion list from all rewards,
16 promotional programs or other such programs or activities.

17 (11) Procedures to prevent any person identified on the
18 self-exclusion list from receiving any rewards,
19 advertisement, promotion or other targeted mailers
20 immediately upon receiving notice from the board that the
21 person has been placed on the self-exclusion list.

22 (12) Procedures for the dissemination of written
23 compulsive and problem gambling literature to patrons that
24 explains the self-exclusion program.

25 (13) Procedures to prevent any person identified on the
26 self-exclusion list from having access to or from receiving
27 complimentary services or other like benefits of any kind or
28 value.

29 (d) Conduct of and time-period for training.--Compulsive
30 gambling training shall be conducted by professionals in

1 behavioral health or addiction within 60 days of the start date
2 of each new employee of the licensee that is required to receive
3 training pursuant to the requirements of this chapter.

4 (e) Employee responsibility.--Each table game employee
5 shall, as a condition of employment with a licensee, be required
6 to identify patrons who the employee knows or suspects are
7 compulsive or problem gamblers and inform an immediate
8 supervisor or other managerial-level employee of the licensee of
9 that knowledge or suspicion.

10 CHAPTER 29

11 MISCELLANEOUS PROVISIONS

12 Section 2901. Electronic funds transfer terminal; automatic
13 teller machines.

14 (a) Restriction on placement.--A person who holds a table
15 game license shall not install, own or operate or allow another
16 person to install, own or operate an electronic funds transfer
17 terminal on the premises of a licensed table game facility that
18 is less than 100 feet away from any table game in the facility.

19 (b) Prohibition on transfer of funds.--A person who holds a
20 table game license shall not install, own or operate or allow
21 another person to install, own or operate on the premises of the
22 table game facility a game that is played with a device that
23 allows a player to operate the game by transferring funds
24 electronically from a credit or debit card.

25 (c) Definition.--As used in this section "electronic funds
26 transfer terminal" means an information-processing device or an
27 automatic teller machine used for executing deposit account
28 transactions between financial institutions and their account
29 holders by either the direct transmission of electronic impulses
30 or the recording of electronic impulses for delayed processing.

1 The fact that a device is used for other purposes does not
2 prevent it from being an electronic funds transfer terminal
3 pursuant to this definition.

4 Section 2902. Liquor license.

5 Notwithstanding any other provision of law to the contrary,
6 an applicant for or a holder of a table game license issued
7 under the provisions of this act who is licensed to sell liquor
8 or malt or brewed beverages pursuant to the act of December 12,
9 1951 (P.L.90, No.21), known as the Liquor Code, and who is
10 authorized to sell, furnish or give away such beverages in a
11 licensed slot machine facility pursuant to 4 Pa.C.S. Pt. II
12 (relating to gaming) shall be permitted to sell, furnish or give
13 liquor or malt or brewed beverages on premises of the licensed
14 table game facility so long as the liquor or malt or brewed
15 beverage remains in and is consumed in the licensed facility.
16 The provisions of 4 Pa.C.S. § 1521(c) (relating to liquor
17 licenses at licensed facilities) shall apply to any applicant
18 for or holder of a table game license under this act who is not
19 a holder of a license pursuant to the Liquor Code and who is not
20 a holder of a slot machine license at the time of licensure as a
21 table game facility under this act.

22 Section 2903. Exclusive jurisdiction of Pennsylvania Supreme
23 Court.

24 The Pennsylvania Supreme Court shall have exclusive
25 jurisdiction to hear any challenge to or to render a declaratory
26 judgment concerning the constitutionality of this act. The
27 Supreme Court is authorized to take such action as it deems
28 appropriate, consistent with the Supreme Court retaining
29 jurisdiction over the matter, to find facts or to expedite a
30 final judgment in connection with any challenge or request for

1 declaratory relief.

2 Section 2904. Appropriations.

3 (a) Appropriation to board.--The sum of \$3,500,000 is hereby
4 appropriated to the Pennsylvania Gaming Control Board for the
5 fiscal year July 1, 2009, to June 30, 2010, to implement and
6 administer the provisions of this act. The money appropriated
7 pursuant to this subsection shall be considered a loan from the
8 General Fund and shall be repaid to the General Fund quarterly
9 commencing with the date table game licensees commence operation
10 of table games in accordance with this act. This appropriation
11 shall be a continuing appropriation and shall not lapse until
12 June 30, 2012.

13 (b) Appropriation to Pennsylvania State Police.--The sum of
14 \$3,500,000 is hereby appropriated from the General Fund to the
15 Pennsylvania State Police for the fiscal year July 1, 2009, to
16 June 30, 2010, to carry out the powers, duties and
17 responsibilities conferred upon it under the applicable
18 provisions of this act. The money appropriated under this
19 subsection shall be considered a loan from the General Fund and
20 shall be repaid by the board to the General Fund quarterly
21 commencing when all table game licensees begin operation of
22 table games in accordance with this act. This appropriation
23 shall be a continuing appropriation and shall not lapse until
24 June 30, 2012.

25 (c) Appropriation to department.--The sum of \$2,000,000 is
26 hereby appropriated from the General Fund to the Department of
27 Revenue for the fiscal year July 1, 2009, to June 30, 2010, to
28 carry out the powers, duties and responsibilities conferred upon
29 it under the applicable provisions of this act. The money
30 appropriated under this subsection shall be considered a loan

1 from the General Fund and shall be repaid to the General Fund by
2 the board quarterly commencing with the date table game
3 licensees begin operation of authorized table games in
4 accordance with this act. This appropriation shall be a
5 continuing appropriation and shall not lapse until June 30,
6 2012.

7 (d) Appropriation to the Office of Attorney General.--The
8 sum of \$2,000,000 is hereby appropriated from the General Fund
9 to the Office of Attorney General for the fiscal year July 1,
10 2009, to June 30, 2010, to carry out the powers and duties
11 conferred upon it under the applicable provisions of this act.
12 The money appropriated under this subsection shall be considered
13 a loan from the General Fund and shall be repaid to the General
14 Fund by the board quarterly commencing with the date table game
15 licensees begin operation of authorized table games in
16 accordance with this act. This appropriation shall be a
17 continuing appropriation and shall not lapse until June 20,
18 2012.

19 Section 2905. Severability.

20 The provisions of this act are severable. If any provision of
21 this act or its application to any person or circumstance is
22 held invalid, the invalidity shall not affect other provisions
23 or applications of this act that can be given effect without the
24 invalid provision or application.

25 Section 2906. Repeals.

26 (a) Specific.--Repeals are as follows:

27 (1) The General Assembly declares that the repeals under
28 paragraphs (1), (2) and (3) are necessary to effectuate the
29 provisions of this act.

30 (2) The provisions of 4 Pa.C.S. § 1403(c)(2)(i)(F) are

1 repealed absolutely.

2 (3) The provisions of 18 Pa.C.S. § 5513(a) are repealed
3 insofar as they are inconsistent with the provisions of this
4 act.

5 (b) General.--All other acts or parts of acts are repealed
6 insofar as they are inconsistent with this act.

7 (c) Regulations and guidelines.--Any regulations or
8 guidelines adopted and promulgated by the Department of
9 Community and Economic Development under 4 Pa.C.S. § 1403(c) (2)
10 (i) (E) are hereby rescinded and declared void.

11 Section 2907. Effective date.

12 This act shall take effect immediately.