

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 459 Session of  
2013

INTRODUCED BY O'BRIEN, KOTIK, BAKER, STERN, TALLMAN, FLECK,  
SWANGER, CLYMER, BARRAR AND MURT, JANUARY 30, 2013

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, JANUARY 30, 2013

AN ACT

1 Amending Title 4 (Amusements) of the Pennsylvania Consolidated  
2 Statutes, in general provisions, providing for binding ballot  
3 question; and, in licensees, further providing for location  
4 of Category 2 slot machine license.

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

7 Section 1. Title 4 of the Pennsylvania Consolidated Statutes  
8 is amended by adding a section to read:

9 § 1104. Binding ballot question.

10 Notwithstanding any other provision of this title to the  
11 contrary, a municipality shall have the authority to place a  
12 binding ballot question before the electorate to approve or  
13 disapprove the expansion of gambling operations or increases in  
14 the number of licensees within the municipality.

15 Section 2. Section 1304(b)(1) of Title 4 is amended to read:

16 § 1304. Category 2 slot machine license.

17 \* \* \*

18 (b) Location.--

19 (1) Two Category 2 licensed facilities and no more shall

1 be located by the board within a city of the first class,  
2 provided that no facility shall be located within 1,500 feet  
3 of any real property on which is located an existing  
4 residence, public, private or parochial school, place of  
5 worship, public recreation center, public park or public  
6 playground, and one Category 2 licensed facility and no more  
7 shall be located by the board within a city of the second  
8 class. No Category 2 licensed facility located by the board  
9 within a city of the first class shall be within ten linear  
10 miles of a Category 1 licensed facility regardless of the  
11 municipality where the Category 1 licensed facility is  
12 located. Except for any Category 2 licensed facility located  
13 by the board within a city of the first class or a city of  
14 the second class, no Category 2 licensed facility shall be  
15 located within 30 linear miles of any Category 1 licensed  
16 facility that has conducted over 200 racing days per year for  
17 the two calendar years immediately preceding the effective  
18 date of this part and not within 20 linear miles of any other  
19 Category 1 licensed facility. Except for any Category 2  
20 licensed facility located by the board within a city of the  
21 first class, no Category 2 licensed facility shall be located  
22 within 20 linear miles of another Category 2 licensed  
23 facility.

24 \* \* \*

25 Section 3. The 1,500-foot limitation on Category 2 licensed  
26 facilities in a city of the first class shall apply  
27 retroactively to any license already provisionally issued,  
28 conditionally issued or actually issued by the Pennsylvania  
29 Gaming Control Board for a location in the city of the first  
30 class. In the event of such retroactivity, such licensee, within

1 90 days of the effective date of this section, may petition the  
2 board pursuant to 4 Pa.C.S. § 1329 to transport the license to a  
3 location that meets the 1,500-foot limitation. In the case of a  
4 petition for transport pursuant to 4 Pa.C.S. § 1329, the  
5 applicability of the 1,500-foot limitation shall be deemed to  
6 constitute good cause shown. If a petition is not made within 90  
7 days, or if any timely petition is not approved by the board,  
8 any license for a property that does not conform with the 1,500-  
9 foot limitation shall be forfeited and, in such case, the  
10 license shall become available to a future applicant and the  
11 board shall again implement the licensing process to issue the  
12 license in accordance with the provisions of 4 Pa.C.S.

13 Section 4. This act shall take effect immediately.