

AMENDMENTS TO HOUSE BILL NO. 649

Sponsor: REPRESENTATIVE DONATUCCI

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1 Amend Bill, page 22, by inserting between lines 24 and 25

2 "Airport authority." The governing body of a municipal
3 authority organized and incorporated to oversee the operations
4 of a qualified airport under 53 Pa.C.S. Ch. 56 (relating to
5 municipal authorities) or the governing body of a city of the
6 first class, which regulates the use and control of a qualified
7 airport.

8 "Airport gaming area." A location or locations within a
9 qualified airport approved for the conduct of authorized
10 interactive games through the use of multi-use computing devices
11 by eligible passengers as approved by the airport authority, in
12 consultation with the Pennsylvania Gaming Control Board.

13 * * *

14 Amend Bill, page 23, line 17, by inserting after "GAMING)."

15 The term shall include any interactive game approved by
16 regulation of the Pennsylvania Control Board to be suitable for
17 interactive gaming through the use of a multi-use computing
18 device.

19 Amend Bill, page 25, line 26, by inserting after "BOARD."

20 The term shall include the licensed placement, operation and
21 play of authorized interactive games through the use of multi-
22 use computing devices at a qualified airport, as authorized and
23 approved by the Pennsylvania Gaming Control Board.

24 Amend Bill, page 26, by inserting between lines 14 and 15

25 * * *

26 "Eligible passenger" or "passenger." An individual 21 years
27 of age or older who has cleared security check points with a
28 valid airline boarding pass for travel from one destination to
29 another by airplane.

30 * * *

31 "Fully automated electronic gaming table." An electronic
32 gaming table determined by the Pennsylvania Gaming Control Board
33 to be playable or operable as a table game without the
34 assistance or participation of a person acting on behalf of a
35 certificate holder. The term shall include a multi-use computing

1 device, which through the use of digital, electronic or other
2 communications technology, is capable of simulating a table
3 game.

4 * * *

5 Amend Bill, page 27, line 19, by inserting after "DEVICES"
6 , including multi-use computing devices,

7 Amend Bill, page 30, line 13, by inserting after "PLAYERS."

8 The term shall include the placing of bets or wagers through
9 the use of a multi-use computing device.

10 Amend Bill, page 31, line 1, by inserting after "HOLDER."

11 The term shall include an interactive gaming agreement
12 entered into by or between an interactive gaming certificate
13 holder and an interactive gaming operator for the conduct of
14 interactive gaming through the use of multi-use computing
15 devices at a qualified airport in accordance with this part.

16 Amend Bill, page 35, line 9, by inserting after "EQUIPMENT"
17 , including multi-use computing devices or associated
18 equipment,

19 Amend Bill, page 35, by inserting between lines 11 and 12

20 "Multi-use computing device." As follows:

21 (1) A computing device, including, but not limited to, a
22 tablet computer, that:

23 (i) Allows a player to access an authorized
24 interactive game.

25 (ii) Is located and accessible to eligible
26 passengers only in an airport gaming area.

27 (iii) Communicates with a server that is in a
28 location approved by the Pennsylvania Gaming Control
29 Board.

30 (iv) Is approved by the Pennsylvania Gaming Control
31 Board.

32 (v) Has the capability of being linked to and
33 monitored by the department's central control computer
34 system, as applicable for any particular interactive
35 game, in accordance with section 1323 (relating to
36 central control computer system).

37 (vi) Offers a player additional functions which
38 shall include Internet browsing, the capability of
39 checking flight status and ordering food or beverages.

40 (2) The term shall not include any tablet or computing
41 device that restricts, prohibits or is incapable of providing
42 access to interactive gaming, interactive gaming skins or
43 interactive gaming platforms.

44 Amend Bill, page 36, by inserting between lines 27 and 28

1 "Qualified airport." A publicly owned commercial service
2 airport that is designated by the Federal Government as an
3 international airport.

4 * * *

5 Amend Bill, page 38, by inserting between lines 28 and 29

6 (iv) A multi-use computing device which is capable
7 of simulating, either digitally or electronically, a slot
8 machine.

9 Amend Bill, page 39, line 6, by inserting after

10 "COMMONWEALTH."

11 The term shall include a person that sells, leases, offers
12 or otherwise provides, distributes or services any multi-use
13 computing device as approved by the Pennsylvania Gaming Control
14 Board.

15 Amend Bill, page 39, line 10, by inserting after "DEVICE"
16 , including any multi-use computing device,

17 Amend Bill, page 39, line 19, by striking out the period
18 after "GAME" and inserting

19 or that is capable, through the use of digital, electronic
20 or other communications technology, of simulating play of a
21 table game.

22 Amend Bill, page 47, line 21, by striking out "OR CASINO
23 SIMULCASTING" and inserting

24 , casino simulcasting or multi-use computing devices

25 Amend Bill, page 62, line 30, by striking out "OR" where it
26 occurs the second time and inserting a comma

27 Amend Bill, page 63, line 1, by inserting after "EQUIPMENT"
28 or multi-use computing devices

29 Amend Bill, page 64, line 2, by inserting after "GAMING"
30 , including multi-use computing devices,

31 Amend Bill, page 106, by inserting between lines 19 and 20

32 SUBCHAPTER B.1

33 MULTI-USE COMPUTING DEVICES

34 Sec.

35 13B20. Authorization.

36 13B20.1. Board authorization required.

37 13B20.2. Standard for review of applications.

1 13B20.3. Fees.
2 13B20.4. Multi-use gaming device tax.
3 13B20.5. Local share assessment.
4 13B20.6. Regulations.
5 13B20.7. Construction.
6 § 13B20. Authorization.

7 (a) Authority.--

8 (1) Notwithstanding any provision of this part or
9 regulation of the board, an interactive gaming certificate
10 holder may provide for the conduct of interactive gaming at a
11 qualified airport through the use of multi-use computing
12 devices or enter into a written agreement with an interactive
13 gaming operator that provides for the conduct of such
14 interactive gaming by the interactive gaming operator on
15 behalf of the interactive gaming certificate holder.

16 (2) An interactive gaming certificate holder seeking to
17 make authorized interactive games available for play through
18 the use of multi-use computing devices at a qualified airport
19 shall file a petition with the board in such form and manner
20 as the board, through regulations, shall require.

21 (b) Place of conduct.--The board, at its discretion, may
22 authorize an interactive gaming certificate holder or an
23 interactive gaming operator to place and make authorized
24 interactive games available for play at a qualified airport
25 through the use of multi-use computing devices in accordance
26 with the requirements of this subchapter and regulations of the
27 board.

28 (c) Satisfaction of contingencies.--Authorization for an
29 interactive gaming certificate holder to conduct interactive
30 gaming at a qualified airport in accordance with subsection (a)
31 shall be contingent upon the following:

32 (1) The interactive gaming certificate holder has
33 submitted a petition to the board seeking authorization to
34 manage the conduct of interactive gaming at the qualified
35 airport and the board has approved the petition.

36 (2) The interactive gaming certificate holder has
37 disclosed that it has or will enter into an agreement with an
38 interactive gaming operator who will manage, operate and
39 control the conduct of interactive gaming at a qualified
40 airport on behalf of the interactive gaming certificate
41 holder and the interactive gaming operator has petitioned the
42 board for approval and the board has approved the agreement
43 and the petition.

44 (3) The interactive gaming certificate holder or
45 interactive gaming operator, as the case may be, has entered
46 into an agreement with a licensed supplier.

47 (4) The interactive gaming certificate holder or
48 interactive gaming operator, as the case may be, has received
49 or will receive written approval for the conduct of
50 interactive gaming at a qualified airport from the entity or
51 person that holds the concession management contract at the

1 qualified airport and the board has reviewed the agreement to
2 ensure protection of the Commonwealth's interest.

3 (5) The interactive gaming certificate holder or
4 interactive gaming operator, as applicable, has provided
5 adequate assurances that the conduct of interactive gaming at
6 the qualified airport will be conducted and operated in
7 accordance with this part and regulations promulgated by the
8 board.

9 (6) The interactive gaming certificate holder and the
10 interactive gaming operator has paid or will pay all
11 applicable taxes and fees.

12 (d) Agreement required.--The following shall apply:

13 (1) An interactive gaming certificate holder may seek
14 authorization for the operation and placement of authorized
15 interactive games at a qualified airport or may enter into an
16 agreement with an interactive gaming operator to provide for
17 the conduct of interactive gaming at the qualified airport.

18 (2) An interactive gaming certificate holder or an
19 interactive gaming operator, as applicable, shall secure the
20 written approval of the airport authority for the conduct of
21 interactive gaming through the use of multi-use computing
22 devices at the qualified airport.

23 (3) An agreement entered into in accordance with this
24 subsection shall be in writing and shall be submitted to the
25 board for review and approval.

26 § 13B20.1. Board authorization required.

27 An interactive gaming certificate holder seeking
28 authorization to conduct interactive gaming at a qualified
29 airport through the use of a multi-use computing device shall
30 petition the board for approval. The petition shall include:

31 (1) The name, business address and contact information
32 of the interactive gaming certificate holder or the name,
33 business address and contact information of the interactive
34 gaming operator, if an interactive gaming operator will
35 manage the operation of interactive gaming at a qualified
36 airport on behalf of an interactive gaming certificate holder
37 pursuant to an interactive gaming agreement.

38 (2) The name and business address, job title and a
39 photograph of each principal and key employee of the
40 interactive gaming certificate holder and, if relevant, the
41 interactive gaming operator who will be directly involved in
42 the conduct of authorized interactive games at the qualified
43 airport and who is not currently licensed by the board, if
44 known.

45 (3) The name and business address of the airport
46 authority, the location of the qualified airport and the
47 names of the governing body of the airport authority, if the
48 airport authority is incorporated in accordance with 53
49 Pa.C.S. Ch. 56 (relating to municipal authorities).

50 (4) If the use and control of a qualified airport is
51 regulated by a city of the first class, an identification of

1 the municipal agency and primary officials of a city of the
2 first class, which regulates the use and control of the
3 qualified airport.

4 (5) The name and job title of the person or persons who
5 will be responsible for ensuring the operation and integrity
6 of airport gaming and reviewing reports of suspicious
7 transactions.

8 (6) The brand name and manufacturer of the multi-use
9 computing devices that will be placed in operation at the
10 qualified airport.

11 (7) An itemized list of the interactive games for which
12 authorization is being sought.

13 (8) Information, as the board may require, on any
14 special computer applications or apps, including gaming apps,
15 which can be accessed on the multi-use computing devices.

16 (9) Information on the terms and conditions of any
17 interactive gaming agreement and concession contract entered
18 into by or between an interactive gaming certificate holder,
19 interactive gaming operator and an airport authority or
20 supplier or other person related to the conduct of
21 interactive gaming through the use of multi-use computing
22 devices at a qualified airport, if the board deems necessary
23 and appropriate.

24 (10) A copy of each agreement and contract referred to
25 in paragraph (9), if required by the board.

26 (11) Detailed site plans illustrating the location of
27 the proposed airport gaming area at the qualified airport.

28 (12) Information and documentation concerning financial
29 background and resources, as the board may require, to
30 establish by clear and convincing evidence the financial
31 stability, integrity and responsibility of the petitioner.

32 (13) Any other information as the board may require.

33 (b) Confidentiality.--Information submitted to the board
34 under paragraphs (9), (10), (12) and (13) may be considered
35 confidential by the board if the information would be
36 confidential under section 1206(f) (relating to board minutes
37 and records).

38 (c) Approval of petition.--Upon approval of a petition as
39 required under this section, the board shall authorize an
40 interactive gaming certificate holder or an interactive gaming
41 operator, as applicable, to conduct interactive gaming at a
42 qualified airport through the use of multi-use computing
43 devices. The authorization of an interactive gaming certificate
44 holder or an interactive gaming operator, as applicable, to
45 conduct interactive gaming at a qualified airport in accordance
46 with this chapter prior to the full payment of the authorization
47 fee under section 13B20.3 (relating to fees) shall not relieve
48 the interactive gaming certificate holder or interactive gaming
49 operator, as applicable, from the obligation to pay the
50 authorization fee in accordance with section 13B20.3.
51 § 13B20.2. Standard for review of applications.

1 The board shall approve an application under section 13B20.1
2 (relating to board authorization required) if the interactive
3 gaming operator has been or will be issued an interactive gaming
4 license under section 13B14 (relating to interactive gaming
5 operators), and if it establishes, by clear and convincing
6 evidence, all of the following:

7 (1) The interactive gaming operator has an agreement
8 with an airport authority authorizing the conduct of
9 interactive gaming at a qualified airport through multi-use
10 computing devices.

11 (2) The interactive gaming operator has an agreement
12 with an interactive gaming certificate holder relating to the
13 conduct of authorized interactive games by the interactive
14 gaming operator on behalf of the interactive gaming
15 certificate holder.

16 (3) The board has approved the agreements under
17 paragraphs (1) and (2).

18 (4) The interactive gaming operator has paid all
19 applicable fees and the authorization fee under section 13B51
20 (relating to interactive gaming authorization fee).

21 (5) The interactive gaming operator possesses the
22 necessary funds or has secured adequate financing to commence
23 the conduct of interactive gaming at the qualified airport.

24 (6) The proposed internal and external security and
25 surveillance measures within the airport gaming area of the
26 qualified airport are adequate.

27 § 13B20.3. Fees.

28 (a) Required fees.--An interactive gaming certificate holder
29 shall pay a one-time, nonrefundable fee of \$1,000,000 upon the
30 authorization to conduct interactive gaming at a qualified
31 airport through the use of multi-use computing devices in
32 accordance with this chapter.

33 (b) Deposit of fees.--Notwithstanding section 1208 (relating
34 to collection of fees and fines), all fees or penalties received
35 by the board under this chapter shall be deposited in the
36 General Fund.

37 § 13B20.4. Multi-use gaming device tax.

38 (a) Imposition.--

39 (1) Each interactive gaming certificate holder
40 authorized to conduct interactive gaming at a qualified
41 airport in accordance with the provisions of this chapter
42 shall report to the department and pay from its daily gross
43 interactive gaming revenue generated from the conduct of
44 interactive gaming through multi-use computing devices at the
45 qualified airport, on a form and in the manner prescribed by
46 the department, a tax of 14% of its daily gross interactive
47 gaming revenue generated from multi-use computing devices at
48 the qualified airport and a local share assessment.

49 (2) The tax imposed under subsection (a) shall be
50 payable to the department on a weekly basis and shall be
51 based upon the gross interactive gaming revenue generated

1 from multi-use computing devices at a qualified airport
2 derived during the previous week.

3 (3) All funds owed to the Commonwealth under this
4 section shall be held in trust for the Commonwealth by the
5 interactive gaming certificate holder until the funds are
6 paid to the department. Unless otherwise agreed to by the
7 board, an interactive gaming certificate holder shall
8 establish a separate bank account into which gross
9 interactive gaming revenue from multi-use computing devices
10 shall be deposited and maintained until such time as the
11 funds are paid to the department under this section.

12 (4) The department shall transfer the tax revenues
13 collected under this section to the General Fund.

14 § 13B20.5. Local share assessment.

15 (a) Required payment.--In addition to the tax imposed under
16 section 13B20.4 (relating to multi-use gaming device tax), each
17 interactive gaming certificate holder shall pay on a weekly
18 basis and on a form and in a manner prescribed by the department
19 a local share assessment into a restricted receipts account
20 established in the fund. All funds owed under this section shall
21 be held in trust by the interactive gaming certificate holder
22 until the funds are paid into the account. Funds in the account
23 are hereby appropriated to the department on a continuing basis
24 for the purposes set forth in this section.

25 (b) Distributions to qualified airports.--

26 (1) The department shall make quarterly distributions
27 from the local share assessments deposited into the fund
28 under subsection (a) to qualified airports.

29 (2) Notwithstanding paragraph (1) or any other provision
30 of law, the multi-use computing device local share assessment
31 generated at a qualified airport located in a city of the
32 first class which regulates the use and control of a
33 qualified airport shall be distributed to the school district
34 of the city of the first class for pre-kindergarten programs.

35 (c) Definition.--As used in this section, the term "multi-
36 use computing device local share assessment" means 20% of an
37 interactive gaming certificate holder's gross interactive gaming
38 revenue from multi-use computing devices at qualified airports.

39 § 13B20.6. Regulations.

40 (a) Regulations.--The board shall promulgate regulations
41 related to the operation of authorized interactive games through
42 the use of multi-use computing devices at qualified airports,
43 including, but not limited to:

44 (1) Procedures for the creation of temporary or
45 provisional interactive gaming accounts that take into
46 consideration the nature of interactive gaming through multi-
47 use computing devices at qualified airports.

48 (2) Procedures to govern credits, debits, deposits and
49 payments to interactive gaming accounts established through
50 multi-use computing devices at qualified airports.

51 (3) Procedures, in consultation with the department, to

1 govern financial transactions between an interactive gaming
2 certificate holder, an interactive gaming operator or other
3 persons that relates to the reporting of gross interactive
4 gaming revenue generated through the use of multi-use
5 computing devices at qualified airports.

6 (b) Temporary regulations.--In order to facilitate the
7 prompt implementation of this chapter, regulations promulgated
8 by the board in accordance with subsection (a) shall be deemed
9 temporary regulations which shall expire not later than two
10 years following the publication of the temporary regulation. The
11 board may promulgate temporary regulations not subject to:

12 (1) Sections 201, 202, 203, 204 and 205 of the act of
13 July 31, 1968 (P.L.769, No.240), referred to as the
14 Commonwealth Documents Law.

15 (2) Sections 204(b) and 301(10) of the act of October
16 15, 1980 (P.L.950, No.164), known as the Commonwealth
17 Attorneys Act.

18 (3) The act of June 25, 1982 (P.L.633, No.181), known as
19 the Regulatory Review Act.

20 (c) Expiration.--The board's authority to adopt temporary
21 regulations under subsection (a) shall expire two years after
22 the effective date of this section. Regulations adopted after
23 this period shall be promulgated as provided by law.

24 § 13B20.7. Construction.

25 Nothing in this subchapter shall be construed to create a
26 separate license governing the use of multi-use computing
27 devices for the conduct of interactive games at eligible
28 airports by interactive gaming certificate holders within this
29 Commonwealth.