

## AMENDMENTS TO HOUSE BILL NO. 864

Sponsor: SENATOR FONTANA

Printer's No. 3433

1 Amend Bill, page 1, line 10, by inserting after "for"  
2 prohibition regarding pools, for

3 Amend Bill, page 1, line 14, by striking out "and,"

4 Amend Bill, page 1, line 15, by striking out the period after  
5 "enforcement" and inserting  
6 ; and, in tavern gaming, further providing for licenses and  
7 application, for enforcement and for prohibition.

8 Amend Bill, page 5, line 18, by inserting after "SECTIONS"  
9 301.1,

10 Amend Bill, page 5, by inserting between lines 18 and 19  
11 Section 301.1. Prohibition regarding pools.  
12 The operation of a pool must comply with [the Professional  
13 and Amateur Sports Protection Act (Public Law 102-559, 28 U.S.C.  
14 § 3701 et seq.) or other] Federal law in the operation of or  
15 participation in the pool.

16 Amend Bill, page 8, line 2, by inserting after "GAME"  
17 or team event

18 Amend Bill, page 8, line 11, by inserting after "GAME"  
19 or team event

20 Amend Bill, page 8, line 19, by inserting after "GAME"  
21 , team event

22 Amend Bill, page 8, line 21, by inserting after "GAME"  
23 , team event

24 Amend Bill, page 10, by inserting between lines 14 and 15  
25 (i) Mechanical or electrical devices.--An athletic event  
26 drawing may be played with the assistance of a mechanical or  
27 electrical device, nothing under this subsection shall be

1 construed to authorize any other form of gambling authorized  
2 under 4 Pa.C.S. (relating to amusements).

3 (j) Definition.--As used in this section, the term "team  
4 event" means a practice, scrimmage, exhibition or similar event  
5 at the home stadium or training camp facility of an athletic  
6 team under paragraph (1), (2), (3) or (4) of the definition of  
7 "athletic team" in section 103.

8 Amend Bill, page 10, by inserting between lines 25 and 26

9 (b) Airport.--Prior to purchasing an airport 50/50 drawing  
10 ticket, the airport shall request contact information from  
11 prospective buyer.

12 Amend Bill, page 10, line 26, by striking out "(b)" and  
13 inserting

14 (c)

15 Amend Bill, page 11, line 3, by striking out "(c)" and  
16 inserting

17 (d)

18 Amend Bill, page 11, line 10, by striking out "(d)" and  
19 inserting

20 (e)

21 Amend Bill, page 11, line 14, by striking out "(e)" and  
22 inserting

23 (f)

24 Amend Bill, page 11, line 19, by inserting after  
25 "subdivision"

26 , airport or airport authority

27 Amend Bill, page 11, by inserting between lines 23 and 24

28 (g) Notification.--An airport shall contact a winner based  
29 on the information submitted under subsection (b).

30 Amend Bill, page 11, line 24, by striking out "(f)" and  
31 inserting

32 (h)

33 Amend Bill, page 11, line 28, by striking out "(g)" and  
34 inserting

35 (i)

1 Amend Bill, page 11, by inserting between lines 29 and 30

2 (j) Mechanical or electrical devices.--An airport 50/50  
3 drawing may be played with the assistance of a mechanical or  
4 electrical device, nothing under this subsection shall be  
5 construed to authorize any other form of gambling authorized  
6 under 4 Pa.C.S. (relating to amusements).

7 Amend Bill, page 11, line 30, by striking out "(h)" and  
8 inserting

9 (k)

10 Amend Bill, page 12, line 7, by striking out "and" and  
11 inserting a comma

12 Amend Bill, page 12, line 8, by inserting after "702(g)"  
13 , 903(b) and (e) and 904

14 Amend Bill, page 12, line 21, by inserting a bracket before  
15 "Beginning"

16 Amend Bill, page 12, line 21, by inserting after "a"

17 ] A

18 Amend Bill, page 13, line 1, by inserting a bracket before  
19 "beginning"

20 Amend Bill, page 13, line 1, by inserting a bracket after  
21 "2013,"

22 Amend Bill, page 13, by inserting between lines 21 and 22

23 Section 903. Licenses.

24 \* \* \*

25 (b) Information.--The application under subsection (a) shall  
26 include the following information:

27 (1) The name, address and photograph of the applicant.

28 (2) A current tax lien certificate issued by the  
29 department and a certificate from the Department of Labor and  
30 Industry of payment of all workers' compensation and  
31 unemployment compensation owed.

32 (3) The details of any license issued under 4 Pa.C.S.  
33 Pt. II (relating to gaming), the act of April 12, 1951  
34 (P.L.90, No.21), known as the Liquor Code, or this act which  
35 was applied for or in which the applicant or other owner has  
36 an interest.

1 (4) [Certified consent by the applicant, including each  
2 owner and officer of the restaurant licensee, to a background  
3 investigation by the bureau.] A criminal history record  
4 information report issued under 18 Pa.C.S. Ch. 91 (relating  
5 to criminal history record information) obtained from the  
6 Pennsylvania State Police.

7 (5) Relating to criminal information under paragraph  
8 (4), disclosure of all arrests and citations of the  
9 applicant, including nontraffic summary offenses. The  
10 information shall include all of the following:

11 (i) A brief description of the circumstances  
12 surrounding the arrest or issuance of the citation.

13 (ii) The specific offense charged.

14 (iii) The ultimate disposition of the charge,  
15 including any dismissal, plea bargain, conviction,  
16 sentence, pardon, expungement or order of Accelerated  
17 Rehabilitative Disposition.

18 (6) Financial background and interests and transactions  
19 as required by the bureau.

20 (7) Relating to citations of the applicant issued under  
21 the Liquor Code or any other discipline or penalty  
22 administered or issued by a Commonwealth agency.

23 (8) Relating to disclosure of conditional license  
24 agreements entered into under the Liquor Code.

25 (9) Any other information required by the board.

26 \* \* \*

27 [(e) Background investigation.--Each applicant shall include  
28 information and documentation as required to establish personal  
29 and financial suitability, honesty and integrity. Information  
30 shall include:

31 (1) Criminal history record information.

32 (2) Financial background information.

33 (3) Regulatory history before the board or other  
34 Commonwealth agency.

35 (4) Other information required by the bureau.]

36 \* \* \*

37 Section 904. Application.

38 (a) Application fee.--An applicant shall pay the board a  
39 nonrefundable application fee of [~~\$1,000~~] \$500.

40 [(b) Investigative fee.--An applicant shall pay an  
41 investigative fee of \$1,000 to the bureau.] (Reserved).

42 (c) [Costs.--In addition to the fee under subsection (b),  
43 an] Investigative costs.--An applicant and any owner and officer  
44 of the applicant shall pay for the [actual] reasonable and  
45 necessary costs of a background investigation conducted by the  
46 bureau [that exceed the application fee]. The bureau may:

47 (1) Charge an estimated amount to be provided prior to  
48 the background investigation.

49 (2) Submit for reimbursement from the applicant for the  
50 additional costs incurred in the background investigation.

51 (d) Funds.--Funds collected under [subsections (b) and]

1 subsection (c) shall augment the funds appropriated to the  
2 Pennsylvania Gaming Control Board under 4 Pa.C.S. (relating to  
3 amusements).

4 Section 6. Section 913(c) and (d) of the act are amended,  
5 subsection (f) is amended by adding a paragraph and the section  
6 is amended by adding subsections:

7 Section 913. Enforcement.

8 \* \* \*

9 (c) Penalties.--The board may impose a civil penalty for a  
10 violation of this chapter in accordance with the following:

11 (1) Up to [\$2,000] \$800 for an initial violation.

12 (2) Up to [\$3,000] \$1,000 for a second violation.

13 (3) Up to [\$5,000] \$2,000 for a third violation.

14 (d) Criminal penalty.--A violation of this chapter shall be  
15 a [misdemeanor of the third degree] summary offense. A second or  
16 subsequent offense shall be a misdemeanor of the [second] third  
17 degree.

18 \* \* \*

19 (f) Suspension, revocation or failure to renew.--

20 \* \* \*

21 (3) A third violation of this chapter shall result in a  
22 revocation of a license issued under this chapter. A licensee  
23 shall be ineligible to apply for or be awarded a license  
24 under this chapter for a period of five years following a  
25 revocation.

26 (g) Law enforcement officials.--Nothing under this chapter  
27 shall be construed to restrict or limit the power of a State,  
28 county or local law enforcement official to conduct  
29 investigations and file criminal charges under this chapter.

30 (h) Violations.--

31 (1) Except as provided under paragraph (2), a violation  
32 of this chapter by a restaurant licensee shall not constitute  
33 a violation of the act of the Liquor Code.

34 (2) If a restaurant licensee has committed three or more  
35 violations of this act in a calendar year, the bureau may  
36 enforce a violation of this chapter as a violation of the  
37 Liquor Code.

38 Section 7. Section 914(4) and (7) of the act are amended to  
39 read:

40 Section 914. Prohibitions.

41 The following shall apply to any license authorized or issued  
42 under this chapter:

43 \* \* \*

44 (4) The board shall be prohibited from issuing a license  
45 to any person who has been convicted of a felony offense or  
46 misdemeanor gambling offense in [any jurisdiction] this  
47 Commonwealth unless 15 years have elapsed from the date of  
48 conviction of the offense.

49 \* \* \*

50 (7) It shall be unlawful for an owner, officer or  
51 employee of a licensee to sell, operate or otherwise

1 participate in the conduct of tavern games if the employee  
2 has been convicted in [any jurisdiction] this Commonwealth of  
3 a felony or a misdemeanor gambling offense unless 15 years  
4 have elapsed from the date of conviction of the offense.

5 \* \* \*

6 Amend Bill, page 13, line 22, by striking out "6" and  
7 inserting

8 8

9 Amend Bill, page 13, line 25, by striking out "7" and  
10 inserting

11 9

12 Amend Bill, page 13, line 27, by striking out the comma after  
13 "501(A)(1)" and inserting

14 and

15 Amend Bill, page 13, line 28, by striking out "AND 702(G)"