

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 574

Session of  
1983

INTRODUCED BY LIVENGOOD, D. R. WRIGHT AND STEWART, MARCH 22,  
1983

SENATOR STREET, URBAN AFFAIRS AND HOUSING, IN SENATE,  
RE-REPORTED, AS AMENDED, NOVEMBER 14, 1983

AN ACT

1 ~~Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An~~ <—  
2 ~~act relating to the public school system, including certain~~  
3 ~~provisions applicable as well to private and parochial~~  
4 ~~schools; amending, revising, consolidating and changing the~~  
5 ~~laws relating thereto," deleting the time limitation on the~~  
6 ~~conveyance of property to historical societies.~~

7 AUTHORIZING OPERATION OF ELECTRONIC CONSUMER OPERATED VIDEO <—  
8 BINGO DEVICES IN CITIES OF THE FIRST AND SECOND CLASS;  
9 PROVIDING FOR FINANCIAL ASSISTANCE FOR EDUCATION BY THE  
10 CREATION OF A VIDEO BINGO EDUCATION FUND; CREATING AND  
11 EMPOWERING A COMMISSION; GRANTING AUTHORITY TO THE DEPARTMENT  
12 OF REVENUE; IMPOSING DUTIES ON THE CITY COUNCIL OF CITIES OF  
13 THE FIRST CLASS AND THE SCHOOL BOARD IN CITIES OF THE SECOND  
14 CLASS; PROVIDING FOR THE DISTRIBUTION OF PROCEEDS; AND MAKING  
15 REPEALS.

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

18 ~~Section 1. Section 707(10) of the act of March 10, 1949~~ <—  
19 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~  
20 ~~amended October 25, 1967 (P.L.486, No.232), is amended to read:~~

21 ~~Section 707. Sale of Unused and Unnecessary Lands and~~  
22 ~~Buildings. The board of school directors of any district is~~  
23 ~~hereby vested with the necessary power and authority to sell~~

~~unused and unnecessary lands and buildings, by any of the  
following methods and subject to the following provisions:~~

~~\* \* \*~~

~~(10) Notwithstanding the foregoing provisions of this  
section, any school district may[, at any time prior to July 1,  
1969,] convey any unused and unnecessary lands and buildings  
which are of historical significance and importance to any  
legally constituted historical society for historical purposes  
without consideration or for such consideration and on such  
terms or exchange or otherwise as may be agreed upon without  
complying with the other provisions of this section.~~

~~\* \* \*~~

~~Section 2. This act shall take effect immediately.~~

SECTION 1. ELECTRONIC BINGO AND OTHER DEVICES AUTHORIZED. <—

THE USE, MANUFACTURE, ASSEMBLY AND DISTRIBUTION OF ELECTRONIC  
DEVICES, MACHINES OR VIDEO TERMINALS, OPERATED BY ANY PERSON, BY  
INSERTION OF A COIN, TOKEN OR OTHER THING OF VALUE THROUGH  
WHICH, NOT BY REASON OF SKILL OF OPERATOR, BUT BY APPLICATION OF  
THE ELEMENT OF CHANCE, ENTITLES THE PERSON PLAYING TO RECEIVE  
CASH, PREMIUMS, MERCHANDISE OR ANYTHING OF VALUE IS HEREBY  
AUTHORIZED IN CITIES OF THE FIRST AND SECOND CLASS AS LONG AS  
THERE IS COMPLIANCE WITH SECTION 2.

SECTION 2. REQUIREMENTS.

IN ORDER FOR A PERSON TO UTILIZE HIS PREMISES FOR THE  
ACTIVITIES AUTHORIZED BY SECTION 1 OR TO MANUFACTURE, ASSEMBLE  
OR DISTRIBUTE THE EQUIPMENT AUTHORIZED BY SECTION 1, THE PERSON  
MUST:

(1) IF AN INDIVIDUAL, HAS BEEN A RESIDENT OF THIS  
COMMONWEALTH FOR A MINIMUM OF TWO YEARS IMMEDIATELY BEFORE  
ENGAGING IN THE ACTIVITY.

1           (2) IF A PARTNERSHIP, ASSOCIATION OR COMPANY, DESIGNATE  
2 PARTIES OWNING FINANCIAL CONTROL, WHICH PARTIES MUST HAVE  
3 BEEN RESIDENTS OF THIS COMMONWEALTH FOR A MINIMUM OF TWO  
4 YEARS IMMEDIATELY BEFORE THE PARTNERSHIP, ASSOCIATION OR  
5 COMPANY ENGAGES IN THE ACTIVITY.

6           (3) IF A CORPORATION, HAVE A MINIMUM OF 51% OF ITS  
7 OUTSTANDING SHARES OF STOCK OWNED BY PARTIES WHO HAVE BEEN  
8 RESIDENTS OF THIS COMMONWEALTH FOR A MINIMUM OF TWO YEARS  
9 IMMEDIATELY BEFORE THE CORPORATION ENGAGES IN THE ACTIVITY.

10          (4) BE LICENSED BY THE DEPARTMENT OF REVENUE UNDER  
11 SECTION 4.

12 SECTION 3. ADMINISTRATION OF ACT.

13 THE REGULATION, OPERATION AND ADMINISTRATION OF THIS ACT  
14 SHALL BE UNDERTAKEN BY THE COMMISSION ON VIDEO GAMES WHICH IS  
15 CREATED BY THIS SECTION:

16          (1) THE COMMISSION SHALL CONSIST OF SEVEN MEMBERS. THREE  
17 MEMBERS SHALL SERVE EX OFFICIO: THE SECRETARY OF REVENUE, THE  
18 COMMISSIONER OF THE PENNSYLVANIA STATE POLICE AND THE  
19 ATTORNEY GENERAL. TWO MEMBERS SHALL BE LEGISLATIVE MEMBERS:  
20 ONE A SENATOR APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE  
21 SENATE AND ONE A REPRESENTATIVE APPOINTED BY THE SPEAKER OF  
22 THE HOUSE OF REPRESENTATIVES. TWO MEMBERS SHALL BE PUBLIC  
23 MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT  
24 OF TWO-THIRDS OF THE MEMBERS OF THE SENATE. THE LEGISLATIVE  
25 MEMBERS SHALL SERVE A TERM OF TWO YEARS. THE PUBLIC MEMBERS  
26 SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. NO MEMBER, UPON  
27 THE EXPIRATION OF HIS TERM, SHALL CONTINUE TO HOLD OFFICE  
28 UNTIL A SUCCESSOR IS CHOSEN.

29          (2) PUBLIC MEMBERS SHALL RECEIVE ACTUAL AND NECESSARY  
30 EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES

1 AND A PER DIEM ALLOWANCE TO BE PAID BY THE GOVERNOR'S OFFICE  
2 FOR EACH DAY SPENT IN THE PERFORMANCE OF THEIR DUTIES.

3 (3) FOUR MEMBERS OF THE COMMISSION SHALL CONSTITUTE A  
4 QUORUM.

5 (4) THE COMMISSION SHALL ELECT A CHAIRMAN AND A  
6 SECRETARY FOR TWO-YEAR TERMS.

7 (5) A LEGISLATIVE MEMBER OF THE COMMISSION MAY, AFTER  
8 NOTICE AND OPPORTUNITY TO BE HEARD, BE REMOVED FROM THE  
9 COMMISSION BY THE CHAMBER OF WHICH HE IS A MEMBER FOR  
10 MISFEASANCE, MALFEASANCE OR NONFEASANCE IN OFFICE.

11 SECTION 4. LICENSURE.

12 (A) GENERAL RULE.--THE FOLLOWING PERSONS MUST BE LICENSED BY  
13 THE DEPARTMENT OF REVENUE:

14 (1) PERSONS WHO UTILIZE THEIR PREMISES FOR THE  
15 ACTIVITIES AUTHORIZED BY SECTION 1.

16 (2) PERSONS WHO MANUFACTURE, ASSEMBLE OR DISTRIBUTE THE  
17 EQUIPMENT AUTHORIZED BY SECTION 1.

18 (B) PROMULGATION OF REGULATIONS.--THE DEPARTMENT OF REVENUE  
19 IS EMPOWERED BY THIS SUBSECTION TO PROMULGATE REGULATIONS  
20 REGARDING LICENSURE OF PERSONS REQUIRED TO BE LICENSED UNDER  
21 SUBSECTION (A).

22 (C) RESTRICTIONS ON LICENSURE.--A LICENSE SHALL NOT BE  
23 ISSUED TO A PERSON UNLESS THE PERSON COMPLIES WITH SECTION 3.

24 SECTION 5. DISPOSITION OF PROCEEDS.

25 THE PROCEEDS FROM THE OPERATION OF ELECTRONIC DEVICES,  
26 INCLUDING ELECTRONIC BINGO, SHALL BE PLACED IN A VIDEO BINGO  
27 EDUCATION FUND AND SHALL BE DISTRIBUTED AS FOLLOWS:

28 (1) FORTY-EIGHT PERCENT SHALL BE SEEDED FOR PRIZES.

29 (2) TWENTY-FIVE PERCENT SHALL BE PAID TO THE SCHOOL

30 DISTRICT LOCATED IN A CITY OF THE FIRST OR SECOND CLASS.

1           (3) TWELVE PERCENT SHALL BE PAID TO INSTITUTIONS OF THE  
2       STATE SYSTEM OF HIGHER EDUCATION AND TO STATE-RELATED  
3       INSTITUTIONS.

4           (4) SEVEN PERCENT SHALL BE PAID TO VENDORS FOR  
5       COMMISSIONS.

6           (5) FIVE PERCENT SHALL BE PAID TO AGENTS FOR  
7       COMMISSIONS.

8           (6) THREE PERCENT SHALL BE USED FOR OPERATING EXPENSES.

9       SECTION 6. EXEMPTIONS.

10       (A) STATE.--THE PROVISIONS OF 18 PA.C.S. §§ 5512 (RELATING  
11       TO LOTTERIES, ETC.) AND 5513 (RELATING TO GAMBLING DEVICES,  
12       GAMBLING, ETC.) SHALL NOT APPLY TO TRANSACTIONS AND ACTIVITIES  
13       OCCURRING UNDER THE PROVISIONS OF THIS ACT.

14       (B) FEDERAL.--THE GENERAL ASSEMBLY SPECIFICALLY EXEMPTS  
15       CITIES OF THE FIRST CLASS IN THE COMMONWEALTH FROM THE  
16       PROVISIONS OF SECTION 2 OF THE FEDERAL GAMBLING DEVICES  
17       TRANSPORTATION ACT (64 STAT. 1134, 15 U.S.C. § 1172) AND DEEMS  
18       SHIPMENTS OF VIDEO GAMING DEVICES INTO THE COMMONWEALTH AS LEGAL  
19       ACTIONS WHEN AUTHORIZED PURSUANT TO THE PROVISIONS OF THIS ACT.

20       SECTION 7. REPEALS.

21       (A) SPECIFIC REPEAL.--THE PROVISIONS OF 18 PA.C.S. §§ 5512  
22       (RELATING TO LOTTERIES, ETC.) AND 5513 (RELATING TO GAMBLING  
23       DEVICES, GAMBLING, ETC.) ARE REPEALED TO THE EXTENT THAT THEY  
24       ARE INCONSISTENT WITH THIS ACT.

25       (B) GENERAL REPEAL.--ALL OTHER ACTS AND PARTS OF ACTS ARE  
26       REPEALED INsofar AS THEY ARE INCONSISTENT WITH THIS ACT.

27       SECTION 8. EFFECTIVE DATE.

28       THIS ACT SHALL TAKE EFFECT IMMEDIATELY.