

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2471 Session of
1990

INTRODUCED BY GIGLIOTTI, VEON, ITKIN, COHEN, CAPPABIANCA,
MURPHY, VAN HORNE, LaGROTTA, KOSINSKI, BELARDI, PETRONE,
COLAIZZO, DALEY, KUKOVICH, SALOOM, COWELL, JOSEPHS, DeLUCA,
TANGRETTI, EVANS, MICHLOVIC, PRESTON, McNALLY, ROBINSON,
PISTELLA, LEVDANSKY, WILLIAMS, MELIO, STISH, PESCI, HARPER,
LESCOVITZ, LINTON, THOMAS, TIGUE, LAUGHLIN, DOMBROWSKI,
SCRIMENTI, CARN, WOZNIAK, OLIVER, RAYMOND, JAMES AND MRKONIC,
APRIL 23, 1990

AS REPORTED FROM COMMITTEE ON FINANCE, HOUSE OF REPRESENTATIVES,
AS AMENDED, SEPTEMBER 26, 1990

AN ACT

1 ~~Authorizing limited gambling on excursion boats; imposing a tax~~ <—
2 ~~on adjusted gross receipts from such gambling; requiring~~
3 ~~licenses; imposing fees; and providing penalties for~~
4 ~~violations.~~

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12 ON ADJUSTED GROSS RECEIPTS FROM SUCH GAMBLING; REQUIRING
13 LICENSES; IMPOSING FEES; AND PROVIDING PENALTIES FOR
14 VIOLATIONS.

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7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. Short title.~~

<—

10 ~~This act shall be known and may be cited as the Excursion~~
11 ~~Boat Gambling Act.~~

12 ~~Section 2. Definitions.~~

13 ~~The following words and phrases when used in this act shall~~
14 ~~have the meanings given to them in this section unless the~~
15 ~~context clearly indicates otherwise:~~

16 ~~"Adjusted gross receipts." The gross receipts less winnings~~
17 ~~paid to wagerers.~~

18 ~~"Applicant." A person, including an individual, partnership,~~
19 ~~corporation or association applying for an occupational license~~
20 ~~or applying for a license to operate an excursion gambling boat,~~
21 ~~or the officers and members of the board of directors of a~~
22 ~~qualified sponsoring organization applying for a license to~~
23 ~~conduct gambling games on an excursion gambling boat.~~

24 ~~"Cheat." To alter the selection of criteria which determine~~
25 ~~the result of a gambling game or the amount or frequency of~~
26 ~~payment in a gambling game.~~

27 ~~"Commission." The Excursion Boat Gambling Commission created~~
28 ~~under this act.~~

29 ~~"Distributor." A person who sells, markets or otherwise~~
30 ~~distributes gambling games or implements of gambling which are~~

~~usable in the lawful conduct of gambling games pursuant to this act to a licensee authorized to conduct gambling games pursuant to this act.~~

~~"Dock."—The location where an excursion gambling boat moors for the purpose of embarking passengers for and disembarking passengers from a gambling excursion.~~

~~"Excursion gambling boat."—A self propelled excursion boat on which lawful gambling is authorized and licensed as provided in this act.~~

~~"Excursion season."—A season during the months of April through October as established by the Excursion Boat Gambling Commission.~~

~~"Gambling game."—Twenty one, dice, slot machine, video game of chance or roulette wheel.~~

~~"Gross receipts."—The total sums wagered under this act.~~

~~"Holder of occupational license."—A person licensed by the Excursion Boat Gambling Commission to perform an occupation which the commission has identified as requiring a license to engage in excursion boat gambling.~~

~~"Licensee."—A person licensed under section 7.~~

~~"Manufacturer."—A person who designs, assembles, fabricates, produces, constructs or otherwise prepares a product or a component part of a product of any implement of gambling usable in the lawful conduct of gambling games pursuant to this act.~~

~~"Qualified sponsoring organization."—A person or association which can show to the satisfaction of the Excursion Boat Gambling Commission that the person or association is eligible for exemption from Federal income taxation under section 501(c)(3) through (8), (10) or (19) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)).~~

1 ~~Section 3. Application of act.~~

2 ~~This act applies only to excursion boat gambling. It does not~~
3 ~~apply to horse racing, the State lottery, bingo or any other~~
4 ~~type of gambling.~~

5 ~~Section 4. Powers and authority.~~

6 ~~The commission shall have full jurisdiction over and shall~~
7 ~~supervise all gambling operations governed by this act, and~~
8 ~~shall have the following powers:~~

9 ~~(1) To investigate and determine the eligibility of~~
10 ~~applicants for a license, and to select among competing~~
11 ~~applicants, the applicant which best serves the interests of~~
12 ~~the citizens of this Commonwealth.~~

13 ~~(2) To license qualified sponsoring organizations, to~~
14 ~~license the operators of excursion gambling boats, to~~
15 ~~identify occupations within the excursion gambling boat~~
16 ~~operations which require licensing, to adopt standards for~~
17 ~~licensing the occupations, and to establish fees for the~~
18 ~~occupational licenses and licenses for qualified sponsoring~~
19 ~~organizations. The fees shall be paid to the commission and~~
20 ~~deposited in a special account in the General Fund which is~~
21 ~~hereby established. All revenue received by the commission~~
22 ~~from license fees and admission fees shall be deposited in~~
23 ~~the special account in the General Fund.~~

24 ~~(3) To adopt standards under which all excursion~~
25 ~~gambling boat operations shall be held and standards for the~~
26 ~~facilities within which the gambling operations shall be~~
27 ~~held. The commission may authorize the operation of gambling~~
28 ~~games on an excursion gambling boat which is also licensed to~~
29 ~~sell or serve alcoholic beverages, wine or beer.~~

30 ~~(4) To regulate the wagering structure for gambling~~

1 ~~excursions, including providing a maximum wager of \$5 per~~
2 ~~hand or play and a maximum loss of \$200 per individual player~~
3 ~~per gambling excursion.~~

4 ~~(5) To enter the office, excursion gambling boat,~~
5 ~~facilities or other places of business of a licensee to~~
6 ~~determine compliance with this act.~~

7 ~~(6) To investigate alleged violations of this act or~~
8 ~~commission rules, regulations, orders or decisions, and to~~
9 ~~take appropriate disciplinary action against a licensee or a~~
10 ~~holder of an occupational license for a violation, or~~
11 ~~institute appropriate legal action for enforcement, or both.~~

12 ~~(7) To require a licensee, an employee of a licensee or~~
13 ~~holder of an occupational license to remove a person~~
14 ~~violating a provision of this act or the commission rules,~~
15 ~~orders, final orders or other person deemed to be undesirable~~
16 ~~from the excursion gambling boat facilities.~~

17 ~~(8) To require the removal of a licensee, an employee of~~
18 ~~a licensee or a holder of an occupational license for a~~
19 ~~violation of this act or a commission rule, regulation, order~~
20 ~~or decision or for engaging in a fraudulent practice.~~

21 ~~(9) To require a licensee to file an annual balance~~
22 ~~sheet and profit and loss statement pertaining to the~~
23 ~~licensee's gambling activities in this Commonwealth, together~~
24 ~~with a list of the stockholders or other persons having any~~
25 ~~beneficial interest in the gambling activities of each~~
26 ~~licensee.~~

27 ~~(10) To issue subpoenas for the attendance of witnesses~~
28 ~~and subpoenas duces tecum for the production of books,~~
29 ~~records and other pertinent documents and to administer oaths~~
30 ~~and affirmations to witnesses.~~

~~(11) To keep accurate and complete records of its
proceedings and to certify the records as may be appropriate.~~

~~(12) To assess a fine and revoke or suspend licenses.~~

~~(13) To take any other action as may be reasonable or
appropriate to enforce this act and commission rules,
regulations, orders and decisions.~~

~~(14) To require all licensees of gambling game
operations to utilize a cashless wagering system whereby all
players' money is converted to tokens, electronic cards or
chips which can be used only for wagering on the excursion
gambling boat.~~

~~(15) To determine the payouts from the gambling games
authorized under this act. The commission shall consider
factors which provide gambling and entertainment
opportunities which are beneficial to the gambling licensees
and the general public.~~

~~(16) To promulgate such regulations as may be necessary
to implement this act.~~

~~Section 5. Applications for licenses.~~

~~(a) General rule. A qualified sponsoring organization may
apply to the commission for a license to conduct gambling games
on an excursion gambling boat as provided in this act. A person
may apply to the commission for a license to operate an
excursion gambling boat. The application shall be filed with the
administrator of the commission at least 90 days before the
first day of the next excursion season, shall identify the
excursion gambling boat upon which gambling games will be
authorized, shall specify the exact location where the excursion
gambling boat will be docked, and shall be in a form and contain
such information as the commission prescribes.~~

~~(b) Initial license fee. The initial license fee shall be \$50,000.~~

~~(c) Annual license fee. The annual license fee to operate an excursion gambling boat shall be based on the passenger carrying capacity, including crew, for which the excursion gambling boat is registered. The annual fee shall be \$5 per person capacity.~~

~~Section 6. Requirements of applicant; penalty.~~

~~(a) Application form. A person shall not be issued a license to conduct gambling games on an excursion gambling boat or a license to operate an excursion gambling boat under this act, an occupational license, a distributor license or a manufacturer license unless the person has completed and signed an application on the form prescribed and published by the commission.~~

~~(1) The application shall include the full name, residence, date of birth and other personal identifying information of the applicant which the commission deems necessary. The application shall also include whether the applicant has any of the following:~~

~~(i) A record of conviction of a felony.~~

~~(ii) An addiction to alcohol or a controlled substance.~~

~~(iii) A history of mental illness.~~

~~(2) An applicant shall submit pictures, fingerprints and descriptions of physical characteristics to the commission in the manner prescribed on the application forms.~~

~~(b) Additional fee. The commission shall charge the applicant a fee to defray the costs associated with the search and classification of fingerprints and background~~

~~investigations. This fee is in addition to any other license fee charged by the commission.~~

~~(c) Background investigation. Before a license is granted, the Pennsylvania State Police shall conduct a thorough background investigation of the applicant for a license to operate a gambling game operation on an excursion gambling boat. The applicant shall provide information on a form as required by the Pennsylvania State Police.~~

~~(d) Certification. Before a qualified sponsoring organization is licensed to operate gambling games under this act, the qualified sponsoring organization shall certify that the receipts of all gambling games, less reasonable expenses, charges, taxes, fees and deductions allowed under this act, will be distributed as winnings to players or participants or will be distributed for educational, civic, public, charitable, patriotic or religious uses.~~

~~(e) Political contributions prohibited. A qualified sponsoring organization shall not make any political contribution.~~

~~(f) Directors of qualified sponsoring organization. The membership of the board of directors of a qualified sponsoring organization shall represent a broad interest of the communities.~~

~~(g) Tourism. Before a license is granted, an operator of an excursion gambling boat shall work with the Department of Commerce to promote tourism in this Commonwealth. Tourism information from local civic and private persons may be submitted for dissemination.~~

~~(h) Offense. A person who knowingly makes a false statement on the application commits a misdemeanor of the second degree.~~

~~(1) For the purposes of this section, the term "applicant" includes each member of the board of directors of a qualified sponsoring organization.~~

~~(2) The licensee or a holder of an occupational license shall consent to the search without a warrant of the licensee or holder's person, personal property and effects, and premises which are located within the area of the excursion gambling boat where gambling is permitted for criminal violations of this chapter or violations of rules, regulations, orders or decisions of the commission.~~

~~Section 7. Terms and conditions of licenses; revocation.~~

~~(a) Issuance. If the commission is satisfied that this act and its rules adopted under this act applicable to licensees have been or will be complied with, the commission shall issue a license for a period of not more than three years to an applicant to own a gambling game operation and for a period of not more than five years to an applicant to own an excursion gambling boat. The commission may decide which of the gambling games authorized under this act it will permit. The commission shall decide the number, location and type of excursion gambling boats licensed under this act for operation on the rivers, lakes and reservoirs of this Commonwealth. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boats will operate and dock, and the time and number of days during the excursion season and off-season when gambling may be conducted by the licensee. The commission shall not allow a licensee to conduct gambling games on an excursion gambling boat while docked during off season if the licensee does not operate gambling excursions for a minimum number of days during the excursion season.~~

~~(b) Conditions. A license shall be granted to an applicant only upon the express conditions that:~~

~~(1) The applicant shall not, by lease, contract, understanding or arrangement of any kind, grant, assign or turn over to any person the operation of an excursion gambling boat licensed under this section or the operation of the system of wagering described in section 9. This section does not prohibit a management contract approved by the commission.~~

~~(2) The applicant shall not in any manner permit a person other than the licensee to have a share, percentage or proportion of the money received for admissions to the excursion gambling boat.~~

~~(c) Pennsylvania resources, goods and services. The commission shall require that an applicant utilize Pennsylvania resources, goods and services in the operation of an excursion gambling boat. The commission shall develop standards to assure that a substantial amount of all resources and goods used in the operation of an excursion gambling boat come from Pennsylvania and that a substantial amount of all services and entertainment be provided by Pennsylvanians.~~

~~(d) Conditions. The commission shall, as a condition of granting a license, require an applicant to provide written documentation that, on each excursion gambling boat:~~

~~(1) No more than 50% of the square footage shall be used for gambling activity.~~

~~(2) The applicant makes every effort to ensure that a substantial number of the staff and entertainers employed are residents of this Commonwealth.~~

~~(3) A section is reserved for promotion and sale of~~

~~arts, crafts and gifts native to and made in this
Commonwealth.~~

~~(f) Wages. All employees shall be paid at least 25% above
the Federal minimum wage level.~~

~~(g) When licenses not to be granted. A license shall not be
granted if there is substantial evidence that any of the
following apply:~~

~~(1) The applicant has been suspended from operating a
game of chance or gambling operation in another jurisdiction
by a board or commission of that jurisdiction.~~

~~(2) The applicant has not demonstrated financial
responsibility sufficient to meet adequately the requirements
of the enterprise proposed.~~

~~(3) The applicant is not the true owner of the
enterprise proposed.~~

~~(4) The applicant is not the sole owner, and other
persons have ownership in the enterprise, which fact has not
been disclosed.~~

~~(5) The applicant is a corporation and 10% of the stock
of the corporation is subject to a contract or option to
purchase at any time during the period for which the license
is to be issued, unless the contract or option was disclosed
to the commission and the commission approved the sale or
transfer during the period of the license.~~

~~(6) The applicant has knowingly made a false statement
of a material fact to the commission.~~

~~(7) The applicant has failed to meet a monetary
obligation in connection with an excursion gambling boat.~~

~~(8) There is substantial evidence that the applicant is
not of good repute and moral character.~~

1 ~~(9) The applicant has two other licenses issued under~~
2 ~~this act.~~

3 ~~(h) Loans prohibited. A licensee shall not loan to any~~
4 ~~person money or any other thing of value for the purpose of~~
5 ~~permitting that person to wager on any game of chance.~~

6 ~~(i) Referendum.~~

7 ~~(1) A license to conduct gambling games on an excursion~~
8 ~~gambling boat in a county shall be issued only if the county~~
9 ~~electorate approves the conduct of the gambling games as~~
10 ~~provided in this subsection. The board of county~~
11 ~~commissioners, upon receipt of a valid petition, shall~~
12 ~~direct the county board of elections to submit to the~~
13 ~~qualified voters of the county a proposition to approve or~~
14 ~~disapprove the conduct of gambling games on an excursion~~
15 ~~gambling boat in the county. The proposition may be submitted~~
16 ~~at a primary or general election. The petition must be~~
17 ~~received by the county board of elections at least 60 days~~
18 ~~before the election. If a majority of the county voters~~
19 ~~voting on the proposition favor the conduct of gambling~~
20 ~~games, the commission may issue one or more licenses as~~
21 ~~provided in this act. If a majority of the county voters~~
22 ~~voting on the proposition do not favor the conduct of~~
23 ~~gambling games, a license to conduct gambling games in the~~
24 ~~county shall not be issued. After a referendum has been held,~~
25 ~~another referendum shall not be held for at least two years.~~

26 ~~(2) If a license to conduct gambling games is in effect,~~
27 ~~pursuant to a referendum as set forth in this section, and is~~
28 ~~subsequently disapproved by a referendum of the county~~
29 ~~electorate, the license shall be canceled as of the~~
30 ~~succeeding July 1.~~

~~(j) Docking fee. If a docking fee is charged by a municipality, a licensee operating an excursion gambling boat shall pay the docking fee one year in advance.~~

~~(k) Payment of taxes and fees. A licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to a municipality.~~

~~(l) Requirements of State agencies. An excursion gambling boat operated on waters of this Commonwealth shall meet all of the requirements of the Pennsylvania Fish Commission, The Department of Health and the Department of Environmental Resources and is subject to inspection of its sanitary facilities to protect the environment and water quality before a certificate of registration is issued by the Pennsylvania Fish Commission under 30 Pa.C.S. Ch. 53 (relating to registration of boats) or a license is issued under this act.~~

~~(m) Ports of call. If a licensed excursion boat stops at more than one harbor and travels past a county without stopping at any port in that county, the commission shall require the excursion boat operator to develop a schedule for ports of call in which a county referendum has been approved if the port of call has the necessary facilities to handle the boat. The commission may limit the schedule to only one port of call per county.~~

~~(n) Revocation of license. Upon a violation of any of the conditions listed in this section, the commission shall immediately revoke the license.~~

~~Section 8. Bond of licensee.~~

~~A licensee licensed under section 7 shall post a bond to the Commonwealth before the license is issued in such sum as the~~

1 ~~commission shall fix, with sureties to be approved by the~~
2 ~~commission. The bond shall be used to guarantee that the~~
3 ~~licensee faithfully makes the payments, keeps its books and~~
4 ~~records, makes reports, and conducts its gambling games in~~
5 ~~conformity with this act and the rules adopted by the~~
6 ~~commission. The bond shall not be canceled by a surety on less~~
7 ~~than 30 day notice, in writing, to the commission. If a bond is~~
8 ~~canceled and the licensee fails to file a new bond with the~~
9 ~~commission in the required amount on or before the effective~~
10 ~~date of cancellation, the licensee's license shall be revoked.~~
11 ~~The total and aggregate liability of the surety on the bond is~~
12 ~~limited to the amount specified in the bond.~~

13 ~~Section 9. Wagering; minors prohibited.~~

14 ~~(a) Wagering. The licensee shall permit no form of wagering~~
15 ~~on gambling games, except as permitted in this section.~~

16 ~~(b) Maximum wagers and losses. Licensees shall allow only a~~
17 ~~maximum wager of \$5 per hand or play and a maximum loss of \$200~~
18 ~~per person during each gambling excursion. However, the~~
19 ~~commission may adopt rules allowing additional wagers consistent~~
20 ~~with generally accepted wagering options in the games of twenty~~
21 ~~one and dice.~~

22 ~~(c) Wagerers to be present. The licensee may receive wagers~~
23 ~~only from persons present on a licensed excursion gambling boat.~~

24 ~~(d) Tokens, chips, etc. The licensee shall exchange the~~
25 ~~money of each wagerer for tokens, chips or other forms of credit~~
26 ~~to be wagered on the gambling games. The licensee shall exchange~~
27 ~~the gambling tokens, chips or other forms of wagering credit for~~
28 ~~money at the request of the wagerer. Wagering shall not be~~
29 ~~conducted with money or other negotiable currency.~~

30 ~~(e) Persons under 21 years. A person under the age of 21~~

~~years shall not make a wager on an excursion gambling boat. No person under the age of 21 years shall be allowed in the area of the excursion boat where gambling is being conducted except where authorized by the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.~~

~~(f) Gambling when boat is docked. A licensee shall not conduct gambling games while the excursion gambling boat is docked unless it is only temporarily docked for embarking or disembarking passengers, crew or supplies during the course of an excursion cruise, or for mechanical problems or adverse weather or other conditions adversely affecting safe navigation, during the duration of the problem or condition or as authorized by the commission during off season.~~

~~Section 10. Admission fee; tax; local fees.~~

~~(a) Tax. A qualified sponsoring organization conducting gambling games on an excursion gambling boat licensed under section 7 shall pay the tax imposed by section 11.~~

~~(b) State admission fee. An excursion boat licensee shall pay to the commission a State admission fee for each person embarking on an excursion gambling boat with a ticket of admission. The State admission fee shall be set by the commission.~~

~~(1) If tickets are issued which are good for more than one excursion, the State admission fee shall be paid for each person using the ticket on each excursion for which the ticket is used.~~

~~(2) If free passes or complimentary admission tickets are issued, the licensee shall pay the same State fee upon the passes or complimentary tickets as if they were sold at the regular and usual admission rate, except that the~~

~~excursion boat licensee may issue State fee free passes to actual and necessary officials and employees of the licensee and other persons actually working on the excursion gambling boat.~~

~~(3) The issuance of State fee free passes is subject to the rules of the commission. A list of all persons to whom State fee free passes are issued shall be filed with the commission.~~

~~(c) Local admission fee. In addition to the State admission fee charged under subsection (b) and subject to approval of excursion gambling boat docking by the voters, a municipality may adopt, by ordinance, an admission fee not exceeding 50¢ for each person embarking on an excursion gambling boat docked within the municipality. The admission revenue received by a municipality shall be credited to the municipality's general fund.~~

~~(d) Determination of fees. In determining the annual license fees and State admission fees to be charged under this section, the commission shall use the amount appropriated to the commission as the basis for determining the amount of revenue to be raised from the license fees and State admission fees.~~

~~(e) Prohibition against other taxes or fees. No license tax, permit tax, occupation tax, excursion fee, or other tax or fee, shall be levied, assessed or collected from a licensee by the Commonwealth or by a political subdivision except as provided in this section, nor shall any excise tax be levied, assessed or collected from the licensee relating to gambling excursions or admission charges by the Commonwealth or by a political subdivision except as provided in this section.~~

~~Section 11. Wagering tax; rate; credit.~~

~~A tax is imposed on the adjusted gross receipts received annually from gambling games authorized under this act at the rate of 5% on the first \$1,000,000 of adjusted gross receipts, at the rate of 10% on the next \$2,000,000 of adjusted gross receipts and at the rate of 20% on any amount of adjusted gross receipts over \$3,000,000. The taxes imposed by this section shall be paid by the licensee to the Department of Revenue within ten days after the close of the day when the wagers were made and shall be distributed as follows:~~

~~(1) One percent of the adjusted gross receipts shall be remitted to the treasurer of the county in which the dock is located and shall be deposited in the general fund of the county. Another one percent of the adjusted gross receipts shall be remitted to the treasurer of the Pennsylvania municipal corporation where the dock is located and shall be deposited in the general fund of the municipal corporation.~~

~~(2) The remaining amount of the adjusted gross receipts tax shall be credited to the General Fund of the Commonwealth.~~

~~Section 12. Books and records; reports; supervision.~~

~~(a) Books and records. A licensee shall keep its books and records so as to clearly show all of the following:~~

~~(1) The total number of admissions to gambling excursions conducted by the licensee on each day, including the number of admissions upon free passes or complimentary tickets.~~

~~(2) The amount received daily from admission fees.~~

~~(3) The total amount of money wagered during each excursion day and the adjusted gross receipts for the day.~~

~~(b) Reports. The licensee shall furnish to the commission~~

~~reports and information as the commission may require with respect to its activities. The commission may designate a representative to board a licensed excursion gambling boat, who shall have full access to all places within the enclosure of the boat and who shall supervise and check the admissions. The compensation of the representative shall be fixed by the commission but shall be paid by the licensee.~~

~~(c) Records to be public. The books and records kept by a licensee, as provided by this section, are public records.~~

~~Section 13. Audit of licensee operations.~~

~~Within 90 days after the end of each month, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's operations conducted under this act. Additionally, within 90 days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's total operations. All audits shall be conducted by certified public accountants who are certificated by the Department of State.~~

~~Section 14. Annual report of commission.~~

~~The commission shall make an annual report to the Governor for the period ending December 31 of each year. Included in the report shall be an account of the commission's actions, its financial position and results of operations under this act, the practical results attained under this act and any recommendations for legislation which the commission deems advisable.~~

~~Section 15. Prohibited activities; penalty.~~

~~(a) Prohibited activities. A person commits a misdemeanor of the second degree for any of the following:~~

1 ~~(1) Operating a gambling excursion where wagering is~~
2 ~~used or to be used without a license issued by the~~
3 ~~commission.~~

4 ~~(2) Operating a gambling excursion where wagering is~~
5 ~~permitted other than in the manner specified by section 9.~~

6 ~~(3) Acting, or employing a person to act, as a shell or~~
7 ~~decoy to encourage participation in a gambling game.~~

8 ~~(4) Knowingly permitting a person under 21 years of age~~
9 ~~to make a wager.~~

10 ~~(5) Wagering or accepting a wager at any location~~
11 ~~outside the excursion gambling boat.~~

12 ~~(b) Serious offenses. A person commits a class felony of~~
13 ~~the third degree and, in addition, shall be barred for life from~~
14 ~~excursion gambling boats under the jurisdiction of the~~
15 ~~commission, if he does any of the following:~~

16 ~~(1) Offers, promises or gives anything of value or~~
17 ~~benefit to a person who is connected with an excursion~~
18 ~~gambling boat operator, including, but not limited to, an~~
19 ~~officer or employee of a licensee or holder of an~~
20 ~~occupational license, pursuant to an agreement or arrangement~~
21 ~~or with the intent that the promise or thing of value or~~
22 ~~benefit will influence the actions of the person to whom the~~
23 ~~offer, promise or gift was made in order to affect or attempt~~
24 ~~to affect the outcome of a gambling game, or to influence~~
25 ~~official action of a member of the commission.~~

26 ~~(2) Solicits or knowingly accepts or receives a promise~~
27 ~~of anything of value or benefit while the person is connected~~
28 ~~with an excursion gambling boat, including, but not limited~~
29 ~~to, an officer or employee of a licensee or holder of an~~
30 ~~occupational license, pursuant to an understanding or~~

1 ~~arrangement or with the intent that the promise or thing of~~
2 ~~value or benefit will influence the actions of the person to~~
3 ~~affect or attempt to affect the outcome of a gambling game,~~
4 ~~or to influence official action of a member of the~~
5 ~~commission.~~

6 ~~(3) Uses a device to assist in any of the following:~~

7 ~~(i) In projecting the outcome of the game.~~

8 ~~(ii) In keeping track of the cards played.~~

9 ~~(iii) In analyzing the probability of the occurrence~~
10 ~~of an event relating to the gambling game.~~

11 ~~(iv) In analyzing the strategy for playing or~~
12 ~~betting used in the game, except as permitted by the~~
13 ~~commission.~~

14 ~~(4) Cheats at a gambling game.~~

15 ~~(5) Manufactures, sells, or distributes any cards,~~
16 ~~chips, dice, game or device which is intended to be used to~~
17 ~~violate any provision of this act.~~

18 ~~(6) Alters or misrepresents the outcome of a gambling~~
19 ~~game on which wagers have been made after the outcome is made~~
20 ~~sure but before it is revealed to the players.~~

21 ~~(7) Places a bet after acquiring knowledge, not~~
22 ~~available to all players, of the outcome of the gambling game~~
23 ~~which is the subject of the bet or to aid a person in~~
24 ~~acquiring the knowledge for the purpose of placing a bet~~
25 ~~contingent on that outcome.~~

26 ~~(8) Claims, collects, or takes, or attempts to claim,~~
27 ~~collect, or take, money or anything of value in or from a~~
28 ~~gambling game, with intent to defraud, without having made a~~
29 ~~wager contingent on winning a gambling game, or claims,~~
30 ~~collects, or takes an amount of money or thing of value of~~

1 ~~greater value than the amount won.~~

2 ~~(9) Knowingly entices or induces a person to go to any~~
3 ~~place where a gambling game is being conducted or operated in~~
4 ~~violation of the provisions of this act with the intent that~~
5 ~~the other person plays or participates in that gambling game.~~

6 ~~(10) Uses counterfeit chips or tokens in a gambling~~
7 ~~game.~~

8 ~~(11) Knowingly uses, other than chips, tokens, coin, or~~
9 ~~other methods or credit approved by the commission, legal~~
10 ~~tender of the United States, or to use coin not of the~~
11 ~~denomination as the coin intended to be used in the gambling~~
12 ~~games.~~

13 ~~(12) Has in his possession any device intended to be~~
14 ~~used to violate a provision of this act.~~

15 ~~(13) Except for a gambling licensee or employee of a~~
16 ~~gambling licensee acting in furtherance of the employee's~~
17 ~~employment, has in his possession any key or device designed~~
18 ~~for the purpose of opening, entering, or affecting the~~
19 ~~operation of a gambling game, drop box, or an electronic or~~
20 ~~mechanical device connected with the gambling game or for~~
21 ~~removing coins, tokens, chips or other contents of a gambling~~
22 ~~game.~~

23 ~~(c) Inference. The possession of more than one of the~~
24 ~~devices described in subsection (d)(3), (5), (13) or (14)~~
25 ~~permits a rebuttable inference that the possessor intended to~~
26 ~~use the devices for cheating.~~

27 ~~(d) Exchanging tokens, chips, etc. Except for wagers on~~
28 ~~gambling games or exchanges for money as provided in section~~
29 ~~9(d), a licensee who exchanges tokens, chips, or other forms of~~
30 ~~credit to be used on gambling games for anything of value~~

1 ~~commits a misdemeanor of the third degree.~~

2 ~~Section 16. Forfeiture of property.~~

3 ~~(a) General rule. Anything of value, including all~~
4 ~~traceable proceeds, including, but not limited to, real and~~
5 ~~personal property, moneys, negotiable instruments, securities,~~
6 ~~and conveyances, is subject to forfeiture to the Commonwealth if~~
7 ~~the item was used:~~

8 ~~(1) in exchange for a bribe intended to affect the~~
9 ~~outcome of a gambling game; or~~

10 ~~(2) in exchange for or to facilitate any other violation~~
11 ~~of this act.~~

12 ~~(b) Presumption. All moneys, coin and currency found in~~
13 ~~close proximity of wagers or of records of wagers are presumed~~
14 ~~forfeited. The burden of proof is upon the claimant of the~~
15 ~~property to rebut this presumption.~~

16 ~~(c) Knowledge as prerequisite. Subsections (a) and (b)~~
17 ~~apply only if the act or omission which would give rise to the~~
18 ~~forfeiture was committed or omitted with the owner's knowledge~~
19 ~~and consent.~~

20 ~~Section 17. Distributors and manufacturers; licenses.~~

21 ~~(a) License required. A manufacturer or distributor of~~
22 ~~gambling games or implements of gambling shall apply for a~~
23 ~~license upon a form prescribed by the commission annually before~~
24 ~~April 1, and shall submit the appropriate license fee. An~~
25 ~~applicant shall provide such information as the commission~~
26 ~~requires. The license fee for a distributor is \$1,000, and the~~
27 ~~license fee for a manufacturer is \$250. The license fees shall~~
28 ~~be credited to the special account provided for in section 4(2).~~

29 ~~(b) Limitations on licensees.~~

30 ~~(1) A licensee shall acquire all gambling games or~~

1 ~~implements of gambling from a distributor licensed pursuant~~
2 ~~to this act. A licensee shall not sell or give gambling games~~
3 ~~or implements of gambling to another licensee.~~

4 ~~(2) A licensee shall not be a manufacturer or~~
5 ~~distributor of gambling games or implements of gambling.~~

6 ~~(c) Suspension or revocation of license. The commission may~~
7 ~~suspend or revoke the license of a distributor or manufacturer~~
8 ~~for a violation of this act or a rule adopted pursuant to this~~
9 ~~act committed by the distributor or manufacturer or an officer,~~
10 ~~director, employee or agent of the manufacturer or distributor.~~

11 ~~(d) Procedures. A manufacturer or distributor of gambling~~
12 ~~games who has been granted a license under this section shall~~
13 ~~have a representative within this Commonwealth to take delivery~~
14 ~~of gambling games or implements of gambling prior to delivery to~~
15 ~~a licensee. The manufacturer or distributor shall provide the~~
16 ~~commission with a copy of the invoice showing the items shipped~~
17 ~~and a copy of the bill of lading. When received, the gambling~~
18 ~~games or implements of gambling shall be stored in a public~~
19 ~~warehouse in this Commonwealth until delivered to the licensee~~
20 ~~or, after delivery is complete, the shipment may be transferred~~
21 ~~to a licensee.~~

22 ~~Section 18. Report of implementation.~~

23 ~~The commission shall report to the General Assembly by April~~
24 ~~1, 1991, the number of excursion gambling boat licenses which~~
25 ~~the commission has issued. No license issued shall take effect~~
26 ~~before April 1, 1991. The report shall also include the~~
27 ~~administrative rules which the commission proposes or has~~
28 ~~adopted to implement the provisions of this act.~~

29 ~~Section 19. Commission.~~

30 ~~The River Boat Gambling Commission is created, consisting of~~

1 ~~five members who shall be appointed by the Governor under the~~
2 ~~provisions of section 207.1(d) of the act of April 9, 1929~~
3 ~~(P.L.177, No.175), known as The Administrative Code of 1929. The~~
4 ~~members of the commission shall serve for three year terms at~~
5 ~~the pleasure of the Governor, except that two of the original~~
6 ~~appointments shall be for four years and one for two years.~~
7 ~~Section 20. Effective date.~~

8 ~~This act shall take effect in 60 days.~~

9 SECTION 1. SHORT TITLE.

<—

10 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE EXCURSION
11 BOAT GAMBLING ACT.

12 SECTION 2. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
14 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "ADJUSTED GROSS RECEIPTS." THE GROSS RECEIPTS LESS WINNINGS
17 PAID TO WAGERERS.

18 "APPLICANT." A PERSON, INCLUDING AN INDIVIDUAL, PARTNERSHIP,
19 CORPORATION OR ASSOCIATION APPLYING FOR AN OCCUPATIONAL LICENSE
20 OR APPLYING FOR A LICENSE TO OPERATE AN EXCURSION GAMBLING BOAT.

21 "CHEAT." TO ALTER THE SELECTION OF CRITERIA WHICH DETERMINE
22 THE RESULT OF A GAMBLING GAME OR THE AMOUNT OR FREQUENCY OF
23 PAYMENT IN A GAMBLING GAME.

24 "COMMISSION." THE EXCURSION BOAT GAMBLING COMMISSION CREATED
25 UNDER THIS ACT.

26 "DISTRIBUTOR." A PERSON WHO SELLS, MARKETS OR OTHERWISE
27 DISTRIBUTES GAMBLING GAMES OR IMPLEMENTS OF GAMBLING WHICH ARE
28 USABLE IN THE LAWFUL CONDUCT OF GAMBLING GAMES PURSUANT TO THIS
29 ACT TO A LICENSEE AUTHORIZED TO CONDUCT GAMBLING GAMES PURSUANT
30 TO THIS ACT.

1 "DOCK." THE LOCATION WHERE AN EXCURSION GAMBLING BOAT MOORS
2 FOR THE PURPOSE OF EMBARKING PASSENGERS FOR AND DISEMBARKING
3 PASSENGERS FROM A GAMBLING EXCURSION.

4 "EXCURSION GAMBLING BOAT." A SELF-PROPELLED EXCURSION BOAT,
5 HAVING A CAPACITY OF AT LEAST 200 PERSONS, ON WHICH LAWFUL
6 GAMBLING IS AUTHORIZED AND LICENSED AS PROVIDED IN THIS ACT.

7 "EXCURSION SEASON." A SEASON DURING THE MONTHS OF APRIL
8 THROUGH OCTOBER AS ESTABLISHED BY THE EXCURSION BOAT GAMBLING
9 COMMISSION.

10 "GAMBLING GAME." TWENTY-ONE, DICE, SLOT MACHINE, VIDEO GAME
11 OF CHANCE OR ROULETTE WHEEL.

12 "GROSS RECEIPTS." THE TOTAL SUMS WAGERED UNDER THIS ACT.

13 "HOLDER OF OCCUPATIONAL LICENSE." A PERSON LICENSED BY THE
14 EXCURSION BOAT GAMBLING COMMISSION TO PERFORM AN OCCUPATION
15 WHICH THE COMMISSION HAS IDENTIFIED AS REQUIRING A LICENSE TO
16 ENGAGE IN EXCURSION BOAT GAMBLING.

17 "LICENSEE." A PERSON LICENSED UNDER THIS ACT.

18 "MANUFACTURER." A PERSON WHO DESIGNS, ASSEMBLES, FABRICATES,
19 PRODUCES, CONSTRUCTS OR OTHERWISE PREPARES A PRODUCT OR A
20 COMPONENT PART OF A PRODUCT OF ANY IMPLEMENT OF GAMBLING USABLE
21 IN THE LAWFUL CONDUCT OF GAMBLING GAMES PURSUANT TO THIS ACT.

22 "OPERATOR." A PERSON WHO IS LICENSED TO OPERATE GAMBLING
23 GAMES ON AN EXCURSION GAMBLING BOAT.

24 SECTION 3. APPLICATION OF ACT.

25 THIS ACT APPLIES ONLY TO EXCURSION BOAT GAMBLING. IT DOES NOT
26 APPLY TO HORSE RACING, THE STATE LOTTERY, BINGO OR ANY OTHER
27 TYPE OF GAMBLING.

28 SECTION 4. POWERS AND AUTHORITY.

29 THE COMMISSION SHALL HAVE FULL JURISDICTION OVER AND SHALL
30 SUPERVISE ALL GAMBLING OPERATIONS GOVERNED BY THIS ACT, AND

1 SHALL HAVE THE FOLLOWING POWERS:

2 (1) TO INVESTIGATE AND DETERMINE THE ELIGIBILITY OF
3 APPLICANTS FOR A LICENSE, AND TO SELECT AMONG COMPETING
4 APPLICANTS, THE APPLICANT WHICH BEST SERVES THE INTERESTS OF
5 THE CITIZENS OF THIS COMMONWEALTH.

6 (2) TO LICENSE OPERATORS, TO IDENTIFY OCCUPATIONS WITHIN
7 THE EXCURSION GAMBLING BOAT OPERATIONS WHICH REQUIRE
8 LICENSING, TO ADOPT STANDARDS FOR LICENSING THE OCCUPATIONS,
9 AND TO ESTABLISH FEES FOR THE OCCUPATIONAL LICENSES. THE FEES
10 SHALL BE PAID TO THE COMMISSION AND DEPOSITED IN A SPECIAL
11 ACCOUNT IN THE GENERAL FUND WHICH IS HEREBY ESTABLISHED. ALL
12 REVENUE RECEIVED BY THE COMMISSION FROM LICENSE FEES AND
13 ADMISSION FEES SHALL BE DEPOSITED IN THE SPECIAL ACCOUNT IN
14 THE GENERAL FUND.

15 (3) TO ADOPT STANDARDS UNDER WHICH ALL EXCURSION
16 GAMBLING BOAT OPERATIONS SHALL BE HELD AND STANDARDS FOR THE
17 FACILITIES WITHIN WHICH THE GAMBLING OPERATIONS SHALL BE
18 HELD. THE COMMISSION MAY AUTHORIZE THE OPERATION OF GAMBLING
19 GAMES ON AN EXCURSION GAMBLING BOAT WHICH IS ALSO LICENSED TO
20 SELL OR SERVE ALCOHOLIC BEVERAGES, WINE OR BEER.

21 (4) TO REGULATE THE WAGERING STRUCTURE FOR GAMBLING
22 EXCURSIONS, INCLUDING PROVIDING A MAXIMUM WAGER OF \$5 PER
23 HAND OR PLAY AND A MAXIMUM LOSS OF \$200 PER INDIVIDUAL PLAYER
24 PER GAMBLING EXCURSION.

25 (5) TO ENTER THE OFFICE, EXCURSION GAMBLING BOAT,
26 FACILITIES OR OTHER PLACES OF BUSINESS OF A LICENSEE TO
27 DETERMINE COMPLIANCE WITH THIS ACT.

28 (6) TO INVESTIGATE ALLEGED VIOLATIONS OF THIS ACT OR
29 COMMISSION RULES, REGULATIONS, ORDERS OR DECISIONS, AND TO
30 TAKE APPROPRIATE DISCIPLINARY ACTION AGAINST A LICENSEE OR A

1 HOLDER OF AN OCCUPATIONAL LICENSE FOR A VIOLATION, OR
2 INSTITUTE APPROPRIATE LEGAL ACTION FOR ENFORCEMENT, OR BOTH.

3 (7) TO REQUIRE A LICENSEE, AN EMPLOYEE OF A LICENSEE OR
4 HOLDER OF AN OCCUPATIONAL LICENSE TO REMOVE A PERSON
5 VIOLATING A PROVISION OF THIS ACT OR THE COMMISSION RULES,
6 ORDERS, FINAL ORDERS OR OTHER PERSON DEEMED TO BE UNDESIRABLE
7 FROM THE EXCURSION GAMBLING BOAT FACILITIES.

8 (8) TO REQUIRE THE REMOVAL OF A LICENSEE, AN EMPLOYEE OF
9 A LICENSEE OR A HOLDER OF AN OCCUPATIONAL LICENSE FOR A
10 VIOLATION OF THIS ACT OR A COMMISSION RULE, REGULATION, ORDER
11 OR DECISION OR FOR ENGAGING IN A FRAUDULENT PRACTICE.

12 (9) TO REQUIRE AN OPERATOR TO FILE AN ANNUAL BALANCE
13 SHEET AND PROFIT AND LOSS STATEMENT PERTAINING TO THE
14 OPERATOR'S GAMBLING ACTIVITIES IN THIS COMMONWEALTH, TOGETHER
15 WITH A LIST OF THE STOCKHOLDERS OR OTHER PERSONS HAVING ANY
16 BENEFICIAL INTEREST IN THE GAMBLING ACTIVITIES OF EACH
17 OPERATOR.

18 (10) TO ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES
19 AND SUBPOENAS DUCES TECUM FOR THE PRODUCTION OF BOOKS,
20 RECORDS AND OTHER PERTINENT DOCUMENTS AND TO ADMINISTER OATHS
21 AND AFFIRMATIONS TO WITNESSES.

22 (11) TO KEEP ACCURATE AND COMPLETE RECORDS OF ITS
23 PROCEEDINGS AND TO CERTIFY THE RECORDS AS MAY BE APPROPRIATE.

24 (12) TO ASSESS A FINE AND REVOKE OR SUSPEND LICENSES.

25 (13) TO TAKE ANY OTHER ACTION AS MAY BE REASONABLE OR
26 APPROPRIATE TO ENFORCE THIS ACT AND COMMISSION RULES,
27 REGULATIONS, ORDERS AND DECISIONS.

28 (14) TO REQUIRE ALL LICENSEES OF GAMBLING GAME
29 OPERATIONS TO UTILIZE A CASHLESS WAGERING SYSTEM WHEREBY ALL
30 PLAYERS' MONEY IS CONVERTED TO TOKENS, ELECTRONIC CARDS OR

1 CHIPS WHICH CAN BE USED ONLY FOR WAGERING ON THE EXCURSION
2 GAMBLING BOAT.

3 (15) TO DETERMINE THE PAYOUTS FROM THE GAMBLING GAMES
4 AUTHORIZED UNDER THIS ACT. THE COMMISSION SHALL CONSIDER
5 FACTORS WHICH PROVIDE GAMBLING AND ENTERTAINMENT
6 OPPORTUNITIES WHICH ARE BENEFICIAL TO THE OPERATORS AND THE
7 GENERAL PUBLIC.

8 (16) TO PROMULGATE SUCH REGULATIONS AS MAY BE NECESSARY
9 TO IMPLEMENT THIS ACT.

10 SECTION 5. APPLICATIONS FOR OPERATORS LICENSES.

11 (A) GENERAL RULE.--A PERSON MAY APPLY TO THE COMMISSION FOR
12 A LICENSE TO OPERATE GAMBLING GAMES ON AN EXCURSION GAMBLING
13 BOAT. THE APPLICATION SHALL BE FILED WITH THE ADMINISTRATOR OF
14 THE COMMISSION AT LEAST 90 DAYS BEFORE THE FIRST DAY OF THE NEXT
15 EXCURSION SEASON, SHALL IDENTIFY THE EXCURSION GAMBLING BOAT
16 UPON WHICH GAMBLING GAMES WILL BE AUTHORIZED, SHALL SPECIFY THE
17 EXACT LOCATION WHERE THE EXCURSION GAMBLING BOAT WILL BE DOCKED,
18 AND SHALL BE IN A FORM AND CONTAIN SUCH INFORMATION AS THE
19 COMMISSION PRESCRIBES.

20 (B) INITIAL LICENSE FEE.--THE INITIAL LICENSE FEE SHALL BE
21 \$50,000.

22 (C) ANNUAL LICENSE FEE.--THE ANNUAL LICENSE FEE TO OPERATE
23 GAMBLING GAMES ON AN EXCURSION GAMBLING BOAT SHALL BE BASED ON
24 THE PASSENGER-CARRYING CAPACITY, INCLUDING CREW, FOR WHICH THE
25 EXCURSION GAMBLING BOAT IS REGISTERED. THE INITIAL ANNUAL FEE
26 SHALL BE \$25 PER PERSON-CAPACITY AND SHALL BE SUBJECT TO CHANGE
27 PURSUANT TO SECTION 10(C).

28 SECTION 6. OCCUPATIONAL, DISTRIBUTORS AND MANUFACTURERS;
29 LICENSES.

30 (A) LICENSE REQUIRED.--A MANUFACTURER OR DISTRIBUTOR OF

1 GAMBLING GAMES OR IMPLEMENTS OF GAMBLING AND ANY PERSON WHO WILL
2 BE EMPLOYED ON A EXCURSION GAMBLING BOAT IN AN OCCUPATION LISTED
3 BY THE COMMISSION, SHALL APPLY FOR A LICENSE UPON A FORM
4 PRESCRIBED BY THE COMMISSION ANNUALLY BEFORE APRIL 1, AND SHALL
5 SUBMIT THE APPROPRIATE LICENSE FEE. AN APPLICANT SHALL PROVIDE
6 SUCH INFORMATION AS THE COMMISSION REQUIRES. THE LICENSE FEE FOR
7 A DISTRIBUTOR IS \$10,000, AND THE LICENSE FEE FOR A MANUFACTURER
8 IS \$10,000. THE LICENSE FEE FOR AN OCCUPATIONAL LICENSE SHALL BE
9 ESTABLISHED BY THE COMMISSION. THE LICENSE FEES SHALL BE
10 CREDITED TO THE SPECIAL ACCOUNT PROVIDED FOR IN SECTION 4(2).

11 (B) LIMITATIONS ON OPERATORS.--

12 (1) AN OPERATOR SHALL ACQUIRE ALL GAMBLING GAMES OR
13 IMPLEMENTS OF GAMBLING FROM A DISTRIBUTOR LICENSED PURSUANT
14 TO THIS ACT. AN OPERATOR SHALL NOT SELL OR GIVE GAMBLING
15 GAMES OR IMPLEMENTS OF GAMBLING TO ANOTHER LICENSEE.

16 (2) AN OPERATOR SHALL NOT BE A MANUFACTURER OR
17 DISTRIBUTOR OF GAMBLING GAMES OR IMPLEMENTS OF GAMBLING.

18 (C) SUSPENSION OR REVOCATION OF LICENSE.--THE COMMISSION MAY
19 SUSPEND OR REVOKE THE LICENSE OF A DISTRIBUTOR OR MANUFACTURER
20 FOR A VIOLATION OF THIS ACT OR A RULE ADOPTED PURSUANT TO THIS
21 ACT COMMITTED BY THE DISTRIBUTOR OR MANUFACTURER OR AN OFFICER,
22 DIRECTOR, EMPLOYEE OR AGENT OF THE MANUFACTURER OR DISTRIBUTOR.

23 (D) PROCEDURES.--A MANUFACTURER OR DISTRIBUTOR OF GAMBLING
24 GAMES WHO HAS BEEN GRANTED A LICENSE UNDER THIS SECTION SHALL
25 HAVE A REPRESENTATIVE WITHIN THIS COMMONWEALTH TO TAKE DELIVERY
26 OF GAMBLING GAMES OR IMPLEMENTS OF GAMBLING PRIOR TO DELIVERY TO
27 AN OPERATOR. THE MANUFACTURER OR DISTRIBUTOR SHALL PROVIDE THE
28 COMMISSION WITH A COPY OF THE INVOICE SHOWING THE ITEMS SHIPPED
29 AND A COPY OF THE BILL OF LADING. WHEN RECEIVED, THE GAMBLING
30 GAMES OR IMPLEMENTS OF GAMBLING SHALL BE STORED IN A PUBLIC

1 WAREHOUSE IN THIS COMMONWEALTH UNTIL DELIVERED TO THE OPERATOR
2 OR, AFTER DELIVERY IS COMPLETE, THE SHIPMENT MAY BE TRANSFERRED
3 TO AN OPERATOR.

4 SECTION 7. REQUIREMENTS OF APPLICANT; PENALTY.

5 (A) APPLICATION FORM.-- A PERSON SHALL NOT BE ISSUED A
6 LICENSE TO CONDUCT GAMBLING GAMES ON AN EXCURSION GAMBLING BOAT
7 UNDER THIS ACT, AN OCCUPATIONAL LICENSE, A DISTRIBUTOR LICENSE
8 OR A MANUFACTURER LICENSE UNLESS THE PERSON HAS COMPLETED AND
9 SIGNED AN APPLICATION ON THE FORM PRESCRIBED AND PUBLISHED BY
10 THE COMMISSION.

11 (1) THE APPLICATION SHALL INCLUDE THE FULL NAME,
12 RESIDENCE, DATE OF BIRTH AND OTHER PERSONAL IDENTIFYING
13 INFORMATION OF THE APPLICANT WHICH THE COMMISSION DEEMS
14 NECESSARY. THE APPLICATION SHALL ALSO INCLUDE WHETHER THE
15 APPLICANT HAS ANY OF THE FOLLOWING:

16 (I) A RECORD OF CONVICTION OF A FELONY.

17 (II) AN ADDICTION TO ALCOHOL OR A CONTROLLED
18 SUBSTANCE.

19 (III) A HISTORY OF MENTAL ILLNESS.

20 (2) AN APPLICANT SHALL SUBMIT PICTURES, FINGERPRINTS AND
21 DESCRIPTIONS OF PHYSICAL CHARACTERISTICS TO THE COMMISSION IN
22 THE MANNER PRESCRIBED ON THE APPLICATION FORMS.

23 (B) ADDITIONAL FEE.--THE COMMISSION SHALL CHARGE THE
24 APPLICANT A FEE TO DEFRAY THE COSTS ASSOCIATED WITH THE SEARCH
25 AND CLASSIFICATION OF FINGERPRINTS AND BACKGROUND
26 INVESTIGATIONS. THIS FEE IS IN ADDITION TO ANY OTHER LICENSE FEE
27 CHARGED BY THE COMMISSION.

28 (C) BACKGROUND INVESTIGATION.--BEFORE A LICENSE IS GRANTED,
29 THE PENNSYLVANIA STATE POLICE SHALL CONDUCT A THOROUGH
30 BACKGROUND INVESTIGATION OF THE APPLICANT FOR A LICENSE TO

1 OPERATE A GAMBLING GAME OPERATION ON AN EXCURSION GAMBLING BOAT.
2 THE APPLICANT SHALL PROVIDE INFORMATION ON A FORM AS REQUIRED BY
3 THE PENNSYLVANIA STATE POLICE.

4 (D) TOURISM.--BEFORE A LICENSE IS GRANTED, AN OPERATOR OF AN
5 EXCURSION GAMBLING BOAT SHALL WORK WITH THE DEPARTMENT OF
6 COMMERCE TO PROMOTE TOURISM IN THIS COMMONWEALTH. TOURISM
7 INFORMATION FROM LOCAL CIVIC AND PRIVATE PERSONS MAY BE
8 SUBMITTED FOR DISSEMINATION.

9 (E) OFFENSE.--A PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT
10 ON THE APPLICATION COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

11 (F) WARRANTLESS SEARCH.--THE OPERATOR OR A HOLDER OF AN
12 OCCUPATIONAL LICENSE SHALL CONSENT TO THE SEARCH WITHOUT A
13 WARRANT OF THE OPERATOR OR HOLDER'S PERSON, PERSONAL PROPERTY
14 AND EFFECTS, AND PREMISES WHICH ARE LOCATED WITHIN THE AREA OF
15 THE EXCURSION GAMBLING BOAT WHERE GAMBLING IS PERMITTED FOR
16 CRIMINAL VIOLATIONS OF THIS CHAPTER OR VIOLATIONS OF RULES,
17 REGULATIONS, ORDERS OR DECISIONS OF THE COMMISSION.

18 SECTION 8. TERMS AND CONDITIONS OF LICENSES; REVOCATION.

19 (A) ISSUANCE.--IF THE COMMISSION IS SATISFIED THAT THIS ACT
20 AND ITS RULES ADOPTED UNDER THIS ACT APPLICABLE TO LICENSEES
21 HAVE BEEN OR WILL BE COMPLIED WITH, THE COMMISSION SHALL ISSUE
22 THE APPROPRIATE LICENSE. THE COMMISSION SHALL DECIDE THE NUMBER,
23 LOCATION AND TYPE OF EXCURSION GAMBLING BOATS FOR OPERATION ON
24 THE RIVERS, LAKES AND RESERVOIRS OF THIS COMMONWEALTH. THE
25 LICENSE SHALL SET FORTH THE NAME OF THE LICENSEE, THE TYPE OF
26 LICENSE GRANTED, THE PLACE WHERE THE EXCURSION GAMBLING BOATS
27 WILL OPERATE AND DOCK, AND THE TIME AND NUMBER OF DAYS DURING
28 THE EXCURSION SEASON AND OFF-SEASON WHEN GAMBLING MAY BE
29 CONDUCTED BY THE LICENSEE. THE COMMISSION SHALL NOT ALLOW A
30 LICENSEE TO CONDUCT GAMBLING GAMES ON AN EXCURSION GAMBLING BOAT

1 WHILE DOCKED DURING OFF-SEASON IF THE LICENSEE DOES NOT OPERATE
2 GAMBLING EXCURSIONS FOR A MINIMUM NUMBER OF DAYS DURING THE
3 EXCURSION SEASON.

4 (B) CONDITIONS.--A LICENSE SHALL BE GRANTED TO AN APPLICANT
5 ONLY UPON THE EXPRESS CONDITIONS THAT:

6 (1) THE APPLICANT SHALL NOT, BY LEASE, CONTRACT,
7 UNDERSTANDING OR ARRANGEMENT OF ANY KIND, GRANT, ASSIGN OR
8 TURN OVER TO ANY PERSON THE OPERATION OF GAMBLING GAMES ON AN
9 EXCURSION GAMBLING BOAT LICENSED UNDER THIS SECTION OR THE
10 OPERATION OF THE SYSTEM OF WAGERING DESCRIBED IN SECTION 10.
11 THIS SECTION DOES NOT PROHIBIT A MANAGEMENT CONTRACT APPROVED
12 BY THE COMMISSION.

13 (2) THE APPLICANT SHALL NOT IN ANY MANNER PERMIT A
14 PERSON OTHER THAN THE OPERATOR TO HAVE A SHARE, PERCENTAGE OR
15 PROPORTION OF THE MONEY RECEIVED FOR ADMISSIONS TO THE
16 EXCURSION GAMBLING BOAT.

17 (C) PENNSYLVANIA RESOURCES, GOODS AND SERVICES.--THE
18 COMMISSION SHALL REQUIRE THAT AN APPLICANT UTILIZE PENNSYLVANIA
19 RESOURCES, GOODS AND SERVICES IN THE OPERATION OF AN EXCURSION
20 GAMBLING BOAT. THE COMMISSION SHALL DEVELOP STANDARDS TO ASSURE
21 THAT A SUBSTANTIAL AMOUNT OF ALL RESOURCES AND GOODS USED IN THE
22 OPERATION OF AN EXCURSION GAMBLING BOAT COME FROM PENNSYLVANIA
23 AND THAT A SUBSTANTIAL AMOUNT OF ALL SERVICES AND ENTERTAINMENT
24 BE PROVIDED BY PENNSYLVANIANS.

25 (D) CONDITIONS.--THE COMMISSION SHALL, AS A CONDITION OF
26 GRANTING A LICENSE, REQUIRE AN APPLICANT TO PROVIDE WRITTEN
27 DOCUMENTATION THAT, ON EACH EXCURSION GAMBLING BOAT:

28 (1) NO MORE THAN 50% OF THE SQUARE FOOTAGE SHALL BE USED
29 FOR GAMBLING ACTIVITY.

30 (2) THE APPLICANT MAKES EVERY EFFORT TO ENSURE THAT A

1 SUBSTANTIAL NUMBER OF THE STAFF AND ENTERTAINERS EMPLOYED ARE
2 RESIDENTS OF THIS COMMONWEALTH.

3 (3) A SECTION IS RESERVED FOR PROMOTION AND SALE OF
4 ARTS, CRAFTS AND GIFTS NATIVE TO AND MADE IN THIS
5 COMMONWEALTH.

6 (E) WAGES.--ALL EMPLOYEES SHALL BE PAID AT LEAST 25% ABOVE
7 THE FEDERAL MINIMUM WAGE LEVEL.

8 (F) WHEN LICENSES NOT TO BE GRANTED.--A LICENSE SHALL NOT BE
9 GRANTED IF THERE IS SUBSTANTIAL EVIDENCE THAT ANY OF THE
10 FOLLOWING APPLY:

11 (1) THE APPLICANT HAS BEEN SUSPENDED FROM OPERATING A
12 GAME OF CHANCE OR GAMBLING OPERATION IN ANOTHER JURISDICTION
13 BY A BOARD OR COMMISSION OF THAT JURISDICTION.

14 (2) THE APPLICANT HAS NOT DEMONSTRATED FINANCIAL
15 RESPONSIBILITY SUFFICIENT TO MEET ADEQUATELY THE REQUIREMENTS
16 OF THE ENTERPRISE PROPOSED.

17 (3) THE APPLICANT IS NOT THE TRUE OWNER OF THE
18 ENTERPRISE PROPOSED.

19 (4) THE APPLICANT IS NOT THE SOLE OWNER, AND OTHER
20 PERSONS HAVE OWNERSHIP IN THE ENTERPRISE, WHICH FACT HAS NOT
21 BEEN DISCLOSED.

22 (5) THE APPLICANT IS A CORPORATION AND 10% OF THE STOCK
23 OF THE CORPORATION IS SUBJECT TO A CONTRACT OR OPTION TO
24 PURCHASE AT ANY TIME DURING THE PERIOD FOR WHICH THE LICENSE
25 IS TO BE ISSUED, UNLESS THE CONTRACT OR OPTION WAS DISCLOSED
26 TO THE COMMISSION AND THE COMMISSION APPROVED THE SALE OR
27 TRANSFER DURING THE PERIOD OF THE LICENSE.

28 (6) THE APPLICANT HAS KNOWINGLY MADE A FALSE STATEMENT
29 OF A MATERIAL FACT TO THE COMMISSION.

30 (7) THE APPLICANT HAS FAILED TO MEET A MONETARY

OBLIGATION IN CONNECTION WITH AN EXCURSION GAMBLING BOAT.

(8) THERE IS SUBSTANTIAL EVIDENCE THAT THE APPLICANT IS NOT OF GOOD REPUTE AND MORAL CHARACTER.

(9) THE APPLICANT HAS TWO OTHER LICENSES ISSUED UNDER THIS ACT.

(G) LOANS PROHIBITED.--AN OPERATOR SHALL NOT LOAN TO ANY PERSON MONEY OR ANY OTHER THING OF VALUE FOR THE PURPOSE OF PERMITTING THAT PERSON TO WAGER ON ANY GAME OF CHANCE.

(H) REFERENDUM.--

(1) A LICENSE TO CONDUCT GAMBLING GAMES ON AN EXCURSION GAMBLING BOAT IN A COUNTY SHALL BE ISSUED ONLY IF THE COUNTY ELECTORATE APPROVES THE CONDUCT OF THE GAMBLING GAMES AS PROVIDED IN THIS SUBSECTION. THE BOARD OF COUNTY COMMISSIONERS, UPON RECEIPT OF A VALID PETITION, SHALL DIRECT THE COUNTY BOARD OF ELECTIONS TO SUBMIT TO THE QUALIFIED VOTERS OF THE COUNTY A PROPOSITION TO APPROVE OR DISAPPROVE THE CONDUCT OF GAMBLING GAMES ON AN EXCURSION GAMBLING BOAT IN THE COUNTY. THE PROPOSITION MAY BE SUBMITTED AT A PRIMARY OR GENERAL ELECTION. THE PETITION MUST BE RECEIVED BY THE COUNTY BOARD OF ELECTIONS AT LEAST 60 DAYS BEFORE THE ELECTION. IF A MAJORITY OF THE COUNTY VOTERS VOTING ON THE PROPOSITION FAVOR THE CONDUCT OF GAMBLING GAMES, THE COMMISSION MAY ISSUE ONE OR MORE LICENSES AS PROVIDED IN THIS ACT. IF A MAJORITY OF THE COUNTY VOTERS VOTING ON THE PROPOSITION DO NOT FAVOR THE CONDUCT OF GAMBLING GAMES, A LICENSE TO CONDUCT GAMBLING GAMES IN THE COUNTY SHALL NOT BE ISSUED. AFTER A REFERENDUM HAS BEEN HELD, ANOTHER REFERENDUM SHALL NOT BE HELD FOR AT LEAST TWO YEARS.

(2) IF A LICENSE TO CONDUCT GAMBLING GAMES IS IN EFFECT, PURSUANT TO A REFERENDUM AS SET FORTH IN THIS SECTION, AND IS

1 SUBSEQUENTLY DISAPPROVED BY A REFERENDUM OF THE COUNTY
2 ELECTORATE, THE LICENSE SHALL BE CANCELED AS OF THE
3 SUCCEEDING JULY 1.

4 (I) DOCKING FEE.--IF A DOCKING FEE IS CHARGED BY A
5 MUNICIPALITY, THE OPERATOR SHALL PAY THE DOCKING FEE ONE YEAR IN
6 ADVANCE.

7 (J) PAYMENT OF TAXES AND FEES.--AN OPERATOR SHALL NOT BE
8 DELINQUENT IN THE PAYMENT OF PROPERTY TAXES OR OTHER TAXES OR
9 FEES OR IN THE PAYMENT OF ANY OTHER CONTRACTUAL OBLIGATION OR
10 DEBT DUE OR OWED TO A MUNICIPALITY.

11 (K) REQUIREMENTS OF STATE AGENCIES.--AN EXCURSION GAMBLING
12 BOAT OPERATED ON WATERS OF THIS COMMONWEALTH SHALL MEET ALL OF
13 THE REQUIREMENTS OF THE PENNSYLVANIA FISH COMMISSION, THE
14 DEPARTMENT OF HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL
15 RESOURCES AND IS SUBJECT TO INSPECTION OF ITS SANITARY
16 FACILITIES TO PROTECT THE ENVIRONMENT AND WATER QUALITY BEFORE A
17 CERTIFICATE OF REGISTRATION IS ISSUED BY THE PENNSYLVANIA FISH
18 COMMISSION UNDER 30 PA.C.S. CH. 53 (RELATING TO REGISTRATION OF
19 BOATS) OR A LICENSE IS ISSUED UNDER THIS ACT.

20 (L) PORTS OF CALL.--IF AN EXCURSION GAMBLING BOAT STOPS AT
21 MORE THAN ONE HARBOR AND TRAVELS PAST A COUNTY WITHOUT STOPPING
22 AT ANY PORT IN THAT COUNTY, THE COMMISSION SHALL REQUIRE THE
23 EXCURSION BOAT OPERATOR TO DEVELOP A SCHEDULE FOR PORTS OF CALL
24 IN WHICH A COUNTY REFERENDUM HAS BEEN APPROVED IF THE PORT OF
25 CALL HAS THE NECESSARY FACILITIES TO HANDLE THE BOAT. THE
26 COMMISSION MAY LIMIT THE SCHEDULE TO ONLY ONE PORT OF CALL PER
27 COUNTY.

28 (M) REVOCATION OF LICENSE.--UPON A VIOLATION OF ANY OF THE
29 CONDITIONS LISTED IN THIS SECTION, THE COMMISSION SHALL
30 IMMEDIATELY REVOKE THE LICENSE.

1 SECTION 9. BOND OF OPERATOR.

2 AN OPERATOR SHALL POST A BOND TO THE COMMONWEALTH BEFORE THE
3 LICENSE IS ISSUED IN SUCH SUM AS THE COMMISSION SHALL FIX, WITH
4 SURETIES TO BE APPROVED BY THE COMMISSION. THE BOND SHALL BE
5 USED TO GUARANTEE THAT THE OPERATOR FAITHFULLY MAKES THE
6 PAYMENTS, KEEPS ITS BOOKS AND RECORDS, MAKES REPORTS, AND
7 CONDUCTS ITS GAMBLING GAMES IN CONFORMITY WITH THIS ACT AND THE
8 RULES ADOPTED BY THE COMMISSION. THE BOND SHALL NOT BE CANCELED
9 BY A SURETY ON LESS THAN 30-DAY NOTICE, IN WRITING, TO THE
10 COMMISSION. IF A BOND IS CANCELED AND THE OPERATOR FAILS TO FILE
11 A NEW BOND WITH THE COMMISSION IN THE REQUIRED AMOUNT ON OR
12 BEFORE THE EFFECTIVE DATE OF CANCELLATION, THE OPERATOR'S
13 LICENSE SHALL BE REVOKED. THE TOTAL AND AGGREGATE LIABILITY OF
14 THE SURETY ON THE BOND IS LIMITED TO THE AMOUNT SPECIFIED IN THE
15 BOND.

16 SECTION 10. WAGERING; MINORS PROHIBITED.

17 (A) WAGERING.--THE OPERATOR SHALL PERMIT NO FORM OF WAGERING
18 ON GAMBLING GAMES, EXCEPT AS PERMITTED IN THIS SECTION.

19 (B) MAXIMUM WAGERS AND LOSSES.--OPERATORS SHALL ALLOW ONLY A
20 MAXIMUM WAGER OF \$5 PER HAND OR PLAY AND A MAXIMUM LOSS OF \$200
21 PER PERSON DURING EACH GAMBLING EXCURSION. HOWEVER, THE
22 COMMISSION MAY ADOPT RULES ALLOWING ADDITIONAL WAGERS CONSISTENT
23 WITH GENERALLY ACCEPTED WAGERING OPTIONS IN THE GAMES OF TWENTY-
24 ONE AND DICE.

25 (C) WAGERERS TO BE PRESENT.--THE OPERATOR MAY RECEIVE WAGERS
26 ONLY FROM PERSONS PRESENT ON AN EXCURSION GAMBLING BOAT.

27 (D) TOKENS, CHIPS, ETC.--THE OPERATOR SHALL EXCHANGE THE
28 MONEY OF EACH WAGERER FOR TOKENS, CHIPS OR OTHER FORMS OF CREDIT
29 TO BE WAGERED ON THE GAMBLING GAMES. THE OPERATOR SHALL EXCHANGE
30 THE GAMBLING TOKENS, CHIPS OR OTHER FORMS OF WAGERING CREDIT FOR

1 MONEY AT THE REQUEST OF THE WAGERER. WAGERING SHALL NOT BE
2 CONDUCTED WITH MONEY OR OTHER NEGOTIABLE CURRENCY.

3 (E) PERSONS UNDER 21 YEARS.--A PERSON UNDER THE AGE OF 21
4 YEARS SHALL NOT MAKE A WAGER ON AN EXCURSION GAMBLING BOAT. NO
5 PERSON UNDER THE AGE OF 21 YEARS SHALL BE ALLOWED IN THE AREA OF
6 THE EXCURSION BOAT WHERE GAMBLING IS BEING CONDUCTED EXCEPT
7 WHERE AUTHORIZED BY THE ACT OF APRIL 12, 1951 (P.L.90, NO.21),
8 KNOWN AS THE LIQUOR CODE.

9 (F) GAMBLING WHEN BOAT IS DOCKED.--AN OPERATOR SHALL NOT
10 CONDUCT GAMBLING GAMES WHILE THE EXCURSION GAMBLING BOAT IS
11 DOCKED UNLESS IT IS ONLY TEMPORARILY DOCKED FOR EMBARKING OR
12 DISEMBARKING PASSENGERS, CREW OR SUPPLIES DURING THE COURSE OF
13 AN EXCURSION CRUISE, OR FOR MECHANICAL PROBLEMS OR ADVERSE
14 WEATHER OR OTHER CONDITIONS ADVERSELY AFFECTING SAFE NAVIGATION,
15 DURING THE DURATION OF THE PROBLEM OR CONDITION OR AS AUTHORIZED
16 BY THE COMMISSION DURING OFF SEASON.

17 SECTION 11. ADMISSION FEE; TAX; LOCAL FEES.

18 (A) STATE ADMISSION FEE.--AN OPERATOR SHALL COLLECT AND
19 REMIT TO THE COMMISSION A STATE ADMISSION FEE FOR EACH PERSON
20 EMBARKING ON AN EXCURSION GAMBLING BOAT WITH A TICKET OF
21 ADMISSION. THE STATE ADMISSION FEE SHALL BE SET BY THE
22 COMMISSION.

23 (1) IF TICKETS ARE ISSUED WHICH ARE GOOD FOR MORE THAN
24 ONE EXCURSION, THE STATE ADMISSION FEE SHALL BE PAID FOR EACH
25 PERSON USING THE TICKET ON EACH EXCURSION FOR WHICH THE
26 TICKET IS USED.

27 (2) IF FREE PASSES OR COMPLIMENTARY ADMISSION TICKETS
28 ARE ISSUED, THE OPERATOR SHALL PAY THE SAME STATE FEE UPON
29 THE PASSES OR COMPLIMENTARY TICKETS AS IF THEY WERE SOLD AT
30 THE REGULAR AND USUAL ADMISSION RATE, EXCEPT THAT THE

1 OPERATOR MAY ISSUE STATE FEE-FREE PASSES TO ACTUAL AND
2 NECESSARY OFFICIALS AND EMPLOYEES OF THE OPERATOR AND OTHER
3 PERSONS ACTUALLY WORKING ON THE EXCURSION GAMBLING BOAT.

4 (3) THE ISSUANCE OF STATE FEE-FREE PASSES IS SUBJECT TO
5 THE RULES OF THE COMMISSION. A LIST OF ALL PERSONS TO WHOM
6 STATE FEE-FREE PASSES ARE ISSUED SHALL BE FILED WITH THE
7 COMMISSION.

8 (B) LOCAL ADMISSION FEE.--IN ADDITION TO THE STATE ADMISSION
9 FEE CHARGED UNDER SUBSECTION (A) AND SUBJECT TO APPROVAL OF
10 EXCURSION GAMBLING BOAT DOCKING BY THE VOTERS, A MUNICIPALITY
11 MAY ADOPT, BY ORDINANCE, AN ADMISSION FEE NOT EXCEEDING 50¢ FOR
12 EACH PERSON EMBARKING ON AN EXCURSION GAMBLING BOAT DOCKED
13 WITHIN THE MUNICIPALITY. THE ADMISSION REVENUE RECEIVED BY A
14 MUNICIPALITY SHALL BE CREDITED TO THE MUNICIPALITY'S GENERAL
15 FUND.

16 (C) DETERMINATION OF FEES.--IN DETERMINING THE ANNUAL
17 LICENSE FEES AND STATE ADMISSION FEES TO BE CHARGED UNDER THIS
18 SECTION, THE COMMISSION SHALL USE THE AMOUNT APPROPRIATED TO THE
19 COMMISSION AS THE BASIS FOR DETERMINING THE AMOUNT OF REVENUE TO
20 BE RAISED FROM THE LICENSE FEES AND STATE ADMISSION FEES.

21 (D) PROHIBITION AGAINST OTHER TAXES OR FEES.--NO LICENSE
22 TAX, PERMIT TAX, OCCUPATION TAX, EXCURSION FEE, OR OTHER TAX OR
23 FEE, SHALL BE LEVIED, ASSESSED OR COLLECTED FROM AN OPERATOR BY
24 THE COMMONWEALTH OR BY A POLITICAL SUBDIVISION EXCEPT AS
25 PROVIDED IN THIS SECTION, NOR SHALL ANY EXCISE TAX BE LEVIED,
26 ASSESSED OR COLLECTED FROM THE OPERATOR RELATING TO GAMBLING
27 EXCURSIONS OR ADMISSION CHARGES BY THE COMMONWEALTH OR BY A
28 POLITICAL SUBDIVISION EXCEPT AS PROVIDED IN THIS SECTION.

29 SECTION 12. WAGERING TAX; RATE; CREDIT.

30 A WAGERING TAX IS IMPOSED ON THE ADJUSTED GROSS RECEIPTS

1 RECEIVED ANNUALLY FROM GAMBLING GAMES AUTHORIZED UNDER THIS ACT
2 AT THE RATE OF 5% ON THE FIRST \$1,000,000 OF ADJUSTED GROSS
3 RECEIPTS, AT THE RATE OF 10% ON THE NEXT \$2,000,000 OF ADJUSTED
4 GROSS RECEIPTS AND AT THE RATE OF 20% ON ANY AMOUNT OF ADJUSTED
5 GROSS RECEIPTS OVER \$3,000,000. THE TAXES IMPOSED BY THIS
6 SECTION SHALL BE PAID BY THE OPERATOR TO THE DEPARTMENT OF
7 REVENUE WITHIN TEN DAYS AFTER THE CLOSE OF THE DAY WHEN THE
8 WAGERS WERE MADE AND SHALL BE DISTRIBUTED AS FOLLOWS:

9 (1) TWENTY PERCENT OF THE WAGERING TAX SHALL BE REMITTED
10 TO THE TREASURER OF THE COUNTY IN WHICH THE DOCK IS LOCATED
11 AND SHALL BE DEPOSITED IN THE GENERAL FUND OF THE COUNTY.

12 ANOTHER 20% OF THE WAGERING TAX SHALL BE REMITTED TO THE
13 TREASURER OF THE PENNSYLVANIA MUNICIPAL CORPORATION WHERE THE
14 DOCK IS LOCATED AND SHALL BE DEPOSITED IN THE GENERAL FUND OF
15 THE MUNICIPAL CORPORATION. IN THE CASE WHERE THE MUNICIPAL
16 CORPORATION IN WHICH THE DOCK IS LOCATED, IS A FIRST CLASS
17 CITY, SUCH CITY SHALL RECEIVE 40% OF THE WAGERING TAX.

18 (2) THE REMAINING AMOUNT OF THE WAGERING TAX SHALL BE
19 CREDITED TO THE GENERAL FUND OF THE COMMONWEALTH.

20 SECTION 13. BOOKS AND RECORDS; REPORTS; AUDITS; SUPERVISION.

21 (A) BOOKS AND RECORDS.--AN OPERATOR SHALL KEEP ITS BOOKS AND
22 RECORDS SO AS TO CLEARLY SHOW ALL OF THE FOLLOWING:

23 (1) THE TOTAL NUMBER OF ADMISSIONS TO GAMBLING
24 EXCURSIONS CONDUCTED BY THE OPERATOR ON EACH DAY, INCLUDING
25 THE NUMBER OF ADMISSIONS UPON FREE PASSES OR COMPLIMENTARY
26 TICKETS.

27 (2) THE AMOUNT RECEIVED DAILY FROM ADMISSION FEES.

28 (3) THE TOTAL AMOUNT OF MONEY WAGERED DURING EACH
29 EXCURSION DAY AND THE ADJUSTED GROSS RECEIPTS FOR THE DAY.

30 (B) REPORTS.--THE OPERATOR SHALL FURNISH TO THE COMMISSION

1 REPORTS AND INFORMATION AS THE COMMISSION MAY REQUIRE WITH
2 RESPECT TO ITS ACTIVITIES. THE COMMISSION MAY DESIGNATE A
3 REPRESENTATIVE TO BOARD AN EXCURSION GAMBLING BOAT, WHO SHALL
4 HAVE FULL ACCESS TO ALL PLACES WITHIN THE ENCLOSURE OF THE BOAT
5 AND WHO SHALL SUPERVISE AND CHECK THE ADMISSIONS. THE
6 COMPENSATION OF THE REPRESENTATIVE SHALL BE FIXED BY THE
7 COMMISSION BUT SHALL BE PAID BY THE OPERATOR.

8 (C) RECORDS TO BE PUBLIC.--THE BOOKS AND RECORDS KEPT BY AN
9 OPERATOR, AS PROVIDED BY THIS SECTION, ARE PUBLIC RECORDS.

10 (D) AUDITS.--WITHIN 90 DAYS AFTER THE END OF EACH MONTH, THE
11 OPERATOR SHALL TRANSMIT TO THE COMMISSION AN AUDIT OF THE
12 FINANCIAL TRANSACTIONS AND CONDITION OF THE OPERATOR'S BOOKS AND
13 RECORDS. ADDITIONALLY, WITHIN 90 DAYS AFTER THE END OF THE
14 OPERATOR'S FISCAL YEAR, THE OPERATOR SHALL TRANSMIT TO THE
15 COMMISSION AN AUDIT OF THE FINANCIAL TRANSACTIONS AND CONDITION
16 OF THE OPERATOR. ALL AUDITS SHALL BE CONDUCTED BY CERTIFIED
17 PUBLIC ACCOUNTANTS WHO ARE CERTIFICATED BY THE DEPARTMENT OF
18 STATE.

19 SECTION 14. ANNUAL REPORT OF COMMISSION.

20 THE COMMISSION SHALL MAKE AN ANNUAL REPORT TO THE GOVERNOR
21 FOR THE PERIOD ENDING DECEMBER 31 OF EACH YEAR. INCLUDED IN THE
22 REPORT SHALL BE AN ACCOUNT OF THE COMMISSION'S ACTIONS, ITS
23 FINANCIAL POSITION AND RESULTS OF OPERATIONS UNDER THIS ACT, THE
24 PRACTICAL RESULTS ATTAINED UNDER THIS ACT AND ANY
25 RECOMMENDATIONS FOR LEGISLATION WHICH THE COMMISSION DEEMS
26 ADVISABLE.

27 SECTION 15. PROHIBITED ACTIVITIES; PENALTY.

28 (A) PROHIBITED ACTIVITIES.--A PERSON COMMITS A MISDEMEANOR
29 OF THE SECOND DEGREE FOR ANY OF THE FOLLOWING:

30 (1) OPERATING A GAMBLING EXCURSION WHERE WAGERING IS

1 USED OR TO BE USED WITHOUT A LICENSE ISSUED BY THE
2 COMMISSION.

3 (2) OPERATING A GAMBLING EXCURSION WHERE WAGERING IS
4 PERMITTED OTHER THAN IN THE MANNER SPECIFIED BY SECTION 9.

5 (3) ACTING, OR EMPLOYING A PERSON TO ACT, AS A SHILL OR
6 DECOY TO ENCOURAGE PARTICIPATION IN A GAMBLING GAME.

7 (4) KNOWINGLY PERMITTING A PERSON UNDER 21 YEARS OF AGE
8 TO MAKE A WAGER.

9 (5) WAGERING OR ACCEPTING A WAGER AT ANY LOCATION
10 OUTSIDE THE EXCURSION GAMBLING BOAT.

11 (B) SERIOUS OFFENSES.--A PERSON COMMITS A CLASS FELONY OF
12 THE THIRD DEGREE AND, IN ADDITION, SHALL BE BARRED FOR LIFE FROM
13 EXCURSION GAMBLING BOATS UNDER THE JURISDICTION OF THE
14 COMMISSION, IF HE DOES ANY OF THE FOLLOWING:

15 (1) OFFERS, PROMISES OR GIVES ANYTHING OF VALUE OR
16 BENEFIT TO A PERSON WHO IS CONNECTED WITH AN EXCURSION
17 GAMBLING BOAT OPERATOR, INCLUDING, BUT NOT LIMITED TO, AN
18 OFFICER OR EMPLOYEE OF A LICENSEE OR HOLDER OF AN
19 OCCUPATIONAL LICENSE, PURSUANT TO AN AGREEMENT OR ARRANGEMENT
20 OR WITH THE INTENT THAT THE PROMISE OR THING OF VALUE OR
21 BENEFIT WILL INFLUENCE THE ACTIONS OF THE PERSON TO WHOM THE
22 OFFER, PROMISE OR GIFT WAS MADE IN ORDER TO AFFECT OR ATTEMPT
23 TO AFFECT THE OUTCOME OF A GAMBLING GAME, OR TO INFLUENCE
24 OFFICIAL ACTION OF A MEMBER OF THE COMMISSION.

25 (2) SOLICITS OR KNOWINGLY ACCEPTS OR RECEIVES A PROMISE
26 OF ANYTHING OF VALUE OR BENEFIT WHILE THE PERSON IS CONNECTED
27 WITH AN EXCURSION GAMBLING BOAT, INCLUDING, BUT NOT LIMITED
28 TO, AN OFFICER OR EMPLOYEE OF A LICENSEE OR HOLDER OF AN
29 OCCUPATIONAL LICENSE, PURSUANT TO AN UNDERSTANDING OR
30 ARRANGEMENT OR WITH THE INTENT THAT THE PROMISE OR THING OF

1 VALUE OR BENEFIT WILL INFLUENCE THE ACTIONS OF THE PERSON TO
2 AFFECT OR ATTEMPT TO AFFECT THE OUTCOME OF A GAMBLING GAME,
3 OR TO INFLUENCE OFFICIAL ACTION OF A MEMBER OF THE
4 COMMISSION.

5 (3) USES A DEVICE TO ASSIST IN ANY OF THE FOLLOWING:

6 (I) IN PROJECTING THE OUTCOME OF THE GAME.

7 (II) IN KEEPING TRACK OF THE CARDS PLAYED.

8 (III) IN ANALYZING THE PROBABILITY OF THE OCCURRENCE
9 OF AN EVENT RELATING TO THE GAMBLING GAME.

10 (IV) IN ANALYZING THE STRATEGY FOR PLAYING OR
11 BETTING USED IN THE GAME, EXCEPT AS PERMITTED BY THE
12 COMMISSION.

13 (4) CHEATS AT A GAMBLING GAME.

14 (5) MANUFACTURES, SELLS, OR DISTRIBUTES ANY CARDS,
15 CHIPS, DICE, GAME OR DEVICE WHICH IS INTENDED TO BE USED TO
16 VIOLATE ANY PROVISION OF THIS ACT.

17 (6) ALTERS OR MISREPRESENTS THE OUTCOME OF A GAMBLING
18 GAME ON WHICH WAGERS HAVE BEEN MADE AFTER THE OUTCOME IS MADE
19 SURE BUT BEFORE IT IS REVEALED TO THE PLAYERS.

20 (7) PLACES A BET AFTER ACQUIRING KNOWLEDGE, NOT
21 AVAILABLE TO ALL PLAYERS, OF THE OUTCOME OF THE GAMBLING GAME
22 WHICH IS THE SUBJECT OF THE BET OR TO AID A PERSON IN
23 ACQUIRING THE KNOWLEDGE FOR THE PURPOSE OF PLACING A BET
24 CONTINGENT ON THAT OUTCOME.

25 (8) CLAIMS, COLLECTS, OR TAKES, OR ATTEMPTS TO CLAIM,
26 COLLECT, OR TAKE, MONEY OR ANYTHING OF VALUE IN OR FROM A
27 GAMBLING GAME, WITH INTENT TO DEFRAUD, WITHOUT HAVING MADE A
28 WAGER CONTINGENT ON WINNING A GAMBLING GAME, OR CLAIMS,
29 COLLECTS, OR TAKES AN AMOUNT OF MONEY OR THING OF VALUE OF
30 GREATER VALUE THAN THE AMOUNT WON.

1 (9) KNOWINGLY ENTICES OR INDUCES A PERSON TO GO TO ANY
2 PLACE WHERE A GAMBLING GAME IS BEING CONDUCTED OR OPERATED IN
3 VIOLATION OF THE PROVISIONS OF THIS ACT WITH THE INTENT THAT
4 THE OTHER PERSON PLAYS OR PARTICIPATES IN THAT GAMBLING GAME.

5 (10) USES COUNTERFEIT CHIPS OR TOKENS IN A GAMBLING
6 GAME.

7 (11) KNOWINGLY USES, OTHER THAN CHIPS, TOKENS, COIN, OR
8 OTHER METHODS OR CREDIT APPROVED BY THE COMMISSION, LEGAL
9 TENDER OF THE UNITED STATES, OR TO USE COIN NOT OF THE
10 DENOMINATION AS THE COIN INTENDED TO BE USED IN THE GAMBLING
11 GAMES.

12 (12) HAS IN HIS POSSESSION ANY DEVICE INTENDED TO BE
13 USED TO VIOLATE A PROVISION OF THIS ACT.

14 (13) EXCEPT FOR AN OPERATOR OR EMPLOYEE OF AN OPERATOR
15 ACTING IN FURTHERANCE OF THE EMPLOYEE'S EMPLOYMENT, HAS IN
16 HIS POSSESSION ANY KEY OR DEVICE DESIGNED FOR THE PURPOSE OF
17 OPENING, ENTERING, OR AFFECTING THE OPERATION OF A GAMBLING
18 GAME, DROP BOX, OR AN ELECTRONIC OR MECHANICAL DEVICE
19 CONNECTED WITH THE GAMBLING GAME OR FOR REMOVING COINS,
20 TOKENS, CHIPS OR OTHER CONTENTS OF A GAMBLING GAME.

21 (C) INFERENCE.--THE POSSESSION OF MORE THAN ONE OF THE
22 DEVICES DESCRIBED IN SUBSECTION (D)(3), (5), (13) OR (14)
23 PERMITS A REBUTTABLE INFERENCE THAT THE POSSESSOR INTENDED TO
24 USE THE DEVICES FOR CHEATING.

25 (D) EXCHANGING TOKENS, CHIPS, ETC.--EXCEPT FOR WAGERS ON
26 GAMBLING GAMES OR EXCHANGES FOR MONEY AS PROVIDED IN SECTION
27 10(D), A LICENSEE WHO EXCHANGES TOKENS, CHIPS, OR OTHER FORMS OF
28 CREDIT TO BE USED ON GAMBLING GAMES FOR ANYTHING OF VALUE
29 COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

30 SECTION 16. FORFEITURE OF PROPERTY.

1 (A) GENERAL RULE.--ANYTHING OF VALUE, INCLUDING ALL
2 TRACEABLE PROCEEDS, INCLUDING, BUT NOT LIMITED TO, REAL AND
3 PERSONAL PROPERTY, MONEYS, NEGOTIABLE INSTRUMENTS, SECURITIES,
4 AND CONVEYANCES, IS SUBJECT TO FORFEITURE TO THE COMMONWEALTH IF
5 THE ITEM WAS USED:

6 (1) IN EXCHANGE FOR A BRIBE INTENDED TO AFFECT THE
7 OUTCOME OF A GAMBLING GAME; OR

8 (2) IN EXCHANGE FOR OR TO FACILITATE ANY OTHER VIOLATION
9 OF THIS ACT.

10 (B) PRESUMPTION.--ALL MONEYS, COIN AND CURRENCY FOUND IN
11 CLOSE PROXIMITY OF WAGERS OR OF RECORDS OF WAGERS ARE PRESUMED
12 FORFEITED. THE BURDEN OF PROOF IS UPON THE CLAIMANT OF THE
13 PROPERTY TO REBUT THIS PRESUMPTION.

14 (C) KNOWLEDGE AS PREREQUISITE.--SUBSECTIONS (A) AND (B)
15 APPLY ONLY IF THE ACT OR OMISSION WHICH WOULD GIVE RISE TO THE
16 FORFEITURE WAS COMMITTED OR OMITTED WITH THE OWNER'S KNOWLEDGE
17 AND CONSENT.

18 SECTION 17. REPORT OF IMPLEMENTATION.

19 THE COMMISSION SHALL REPORT TO THE GENERAL ASSEMBLY BY APRIL
20 1, 1991, THE NUMBER OF EXCURSION GAMBLING BOAT LICENSES WHICH
21 THE COMMISSION HAS ISSUED. NO LICENSE ISSUED SHALL TAKE EFFECT
22 BEFORE APRIL 1, 1991. THE REPORT SHALL ALSO INCLUDE THE
23 ADMINISTRATIVE RULES WHICH THE COMMISSION PROPOSES OR HAS
24 ADOPTED TO IMPLEMENT THE PROVISIONS OF THIS ACT.

25 SECTION 18. COMMISSION.

26 THE RIVER BOAT GAMBLING COMMISSION IS CREATED, CONSISTING OF
27 SEVEN MEMBERS, THREE OF WHOM SHALL BE APPOINTED BY THE GOVERNOR
28 UNDER THE PROVISIONS OF SECTION 207.1(D) OF THE ACT OF APRIL 9,
29 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
30 1929. THE REMAINING FOUR MEMBERS SHALL CONSIST OF TWO MEMBERS

1 ELECTED TO THE HOUSE OF REPRESENTATIVES, ONE FROM THE MAJORITY
2 PARTY AND ONE FROM THE MINORITY PARTY, TO BE APPOINTED BY THE
3 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TWO MEMBERS ELECTED
4 TO THE SENATE, ONE FROM THE MAJORITY PARTY AND ONE FROM THE
5 MINORITY PARTY, TO BE APPOINTED BY THE PRESIDENT PRO TEMPORE OF
6 THE SENATE. THE MEMBERS OF THE COMMISSION SHALL SERVE FOR THREE-
7 YEAR TERMS AT THE PLEASURE OF THE GOVERNOR, EXCEPT THAT TWO OF
8 THE ORIGINAL APPOINTMENTS SHALL BE FOR FOUR YEARS AND ONE FOR
9 TWO YEARS.

10 SECTION 19. EXEMPTION FROM STATE GAMBLING LAWS.

11 VIDEO POKER MACHINES AND THEIR USE ARE EXEMPT FROM 18 PA.C.S.
12 § 5513 (RELATING TO GAMBLING DEVICES, GAMBLING, ETC.).

13 SECTION 20. EXEMPTION FROM FEDERAL REGULATION.

14 THE GENERAL ASSEMBLY DECLARES THAT THE COMMONWEALTH IS EXEMPT
15 FROM SECTION 2 OF THE GAMBLING DEVICES TRANSPORTATION ACT (64
16 STAT. 1134, 15 U.S.C. § 1172 ET. SEQ.). SHIPMENTS OF VIDEO
17 DEVICES INTO THIS COMMONWEALTH IN COMPLIANCE WITH SECTIONS 3 AND
18 4 OF THE GAMBLING DEVICES TRANSPORTATION ACT (64 STAT. 1134, 15
19 U.S.C. §§ 1173 AND 1174) SHALL BE DEEMED LEGAL SHIPMENTS INTO
20 THIS COMMONWEALTH.

21 SECTION 21. EFFECTIVE DATE.

22 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.