

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 862 Session of  
2005

INTRODUCED BY PIPPY, BRIGHTBILL, RHOADES, LAVALLE, CORMAN,  
RAFFERTY, EARLL, GORDNER, WONDERLING, KASUNIC, MADIGAN, PUNT,  
C. WILLIAMS, WENGER, PILEGGI, ORIE, THOMPSON, O'PAKE,  
ERICKSON, BOSCOLA, SCARNATI, D. WHITE, M. WHITE, WAUGH,  
REGOLA, ROBBINS, LEMMOND AND JUBELIRER, SEPTEMBER 14, 2005

SENATOR THOMPSON, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
NOVEMBER 1, 2005

## AN ACT

1 Amending Title 4 (Amusements) of the Pennsylvania Consolidated  
2 Statutes, further providing for definitions and for the  
3 Pennsylvania Gaming Control Board; providing for  
4 applicability of other statutes; ~~and~~ further providing for <—  
5 powers and duties of board; PROVIDING FOR CODE OF CONDUCT; <—  
6 FURTHER PROVIDING for licensed entity application appeals  
7 from board, for license or permit application hearing  
8 process, for board minutes and records, for collection of  
9 fees and fines, FOR ORDER OF INITIAL LICENSE ISSUANCE, FOR <—  
10 SLOT MACHINE LICENSE APPLICATION AND FOR SLOT MACHINE LICENSE  
11 APPLICATION BUSINESS ENTITY REQUIREMENTS; PROVIDING FOR  
12 LICENSING OF PRINCIPALS, FOR LICENSING OF KEY EMPLOYEES, FOR  
13 RECUSAL AND DISQUALIFICATION OF MEMBERS, FOR ALTERNATE  
14 MEMBERS, FOR INITIAL APPLICATIONS AND FOR CODE OF CONDUCT;  
15 AND FURTHER PROVIDING FOR OCCUPATION PERMIT APPLICATION, for  
16 gross terminal revenue deductions, for public official  
17 financial interests ~~and~~, for political influence AND FOR <—  
18 ENFORCEMENT.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. The definitions of "affiliate" or "affiliated  
22 company," "applicant," "controlling interest" and "licensed  
23 facility" in section 1103 of Title 4 of the Pennsylvania  
24 Consolidated Statutes are amended and the section is amended by

1 adding definitions to read:

2 § 1103. Definitions.

3 The following words and phrases when used in this part shall  
4 have the meanings given to them in this section unless the  
5 context clearly indicates otherwise:

6 ["Affiliate" or "affiliated company."] "Affiliate of, or a  
7 person affiliated with, a specified person." A person that  
8 directly or indirectly, through one or more intermediaries,  
9 controls, is controlled by or is under common control with a  
10 specified person.

11 "Applicant." Any person[, officer, director or key  
12 employee], who on his own behalf or on behalf of another, is  
13 applying for permission to engage in any act or activity which  
14 is regulated under the provisions of this part. In cases in  
15 which the applicant is a [corporation, foundation, organization,  
16 business trust, estate, limited liability company, trust,  
17 partnership, limited partnership, association or any other form  
18 of legal business entity,] person other than an individual, the  
19 Pennsylvania Gaming Control Board shall determine the associated  
20 persons whose qualifications are necessary as a precondition to  
21 the licensing of the applicant.

22 \* \* \*

23 "Complimentary accommodation, service or item." ~~A guest room~~ <—  
24 ANY LODGING, service or item provided to an individual at no <—  
25 cost or at a reduced cost not generally available to the public  
26 under similar circumstances. The term shall include any guest <—  
27 room, service or item provided due to the anticipated or actual  
28 gaming activities of that individual.

29 "Controlling interest." A person shall be deemed to have  
30 [the ability to control a publicly traded corporation, or to

1 elect] a controlling interest in an entity if the person's sole  
2 voting rights, as provided by applicable State law or corporate  
3 articles or bylaws, entitle the person to elect or appoint one  
4 or more of the members of its board of directors[, if such  
5 holder] or other governing body or if the person owns or  
6 beneficially holds 5% or more of the securities of [such] a  
7 publicly traded domestic or foreign corporation[, ] or holds 5%  
8 or more ownership or voting interest in a partnership, limited  
9 liability company or any other form of legal entity, unless such  
10 presumption of control or ability to elect is rebutted by clear  
11 and convincing evidence. A person who is a holder of securities  
12 of a privately held domestic or foreign corporation,  
13 partnership, limited liability company or any other form of  
14 legal entity shall be deemed to possess a controlling interest  
15 unless such presumption of control is rebutted by clear and  
16 convincing evidence.

17 \* \* \*

18 "Holding company." A person, other than a natural person,  
19 which, directly or indirectly, owns, has the power or right to  
20 control or to vote any significant part of the outstanding  
21 voting securities of a corporation or other form of business  
22 organization. A holding company indirectly has, holds or owns  
23 any such power, right or security if it does so through an  
24 interest in a subsidiary or successive subsidiaries.

25 \* \* \*

26 "Independent contractor." A person who performs  
27 professional, scientific, technical ~~or advisory~~ ADVISORY OR <—  
28 CONSULTING services to the Pennsylvania Gaming Control Board for  
29 a fee, honorarium or similar compensation pursuant to a  
30 contract.

1 \* \* \*

2 "Intermediary." A person, other than a natural person,  
3 which:

4 (1) is a holding company with respect to a corporation  
5 or other form of business organization which holds or applies  
6 for a license under this part; and

7 (2) is a subsidiary with respect to any holding company.

8 \* \* \*

9 "Licensed facility." The physical land-based location and  
10 associated areas at which a licensed gaming entity is authorized  
11 to place and operate slot machines. An associated area shall  
12 include all parcels of land owned by the licensed gaming entity  
13 or its affiliate, intermediary, subsidiary or holding company  
14 contiguous to the licensed facility.

15 \* \* \*

16 "Member." An individual appointed to or sworn in as a member  
17 of the board in accordance with section 1201(b) (relating to  
18 Pennsylvania Gaming Control Board established).

19 \* \* \*

20 "Principal." An officer; director; person who directly or  
21 indirectly holds a beneficial interest in or ownership of an  
22 applicant or licensee; person who has a controlling interest in  
23 an applicant or licensee, or has the ability to elect a majority  
24 of the board of directors of the licensee or to otherwise  
25 control the licensee; lender or other licensed financial  
26 institution, other than a bank or lending institution which  
27 makes a loan or holds a mortgage or other lien acquired in the  
28 ordinary course of business; underwriter; ~~other~~ OR OTHER PERSON <—  
29 OR employee of a slot machine licensee, manufacturer licensee or  
30 supplier licensee deemed to be a principal by the Pennsylvania

1 Gaming Control Board.

2 \* \* \*

3 "Publicly traded corporation." An entity that:

4 (1) has a class or series of securities registered under  
5 the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C.  
6 § 78a et seq.);

7 (2) is a registered management company under the  
8 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. §  
9 80a-1 et seq.); or

10 (3) is subject to the reporting obligations imposed by  
11 section 15(d) of the Securities Exchange Act of 1934 by  
12 reason of having filed a registration statement which has  
13 become effective under the Securities Act of 1933 (48 Stat.  
14 74, 15 U.S.C. § 77a et seq.).

15 \* \* \*

16 "Subsidiary." The term shall include:

17 (1) a corporation, any significant part of whose  
18 outstanding equity securities are owned, subject to a power  
19 or right of control, or held with power to vote, by a holding  
20 company or an intermediary company; or

21 (2) a significant interest in a person, other than a  
22 natural person, which is owned, subject to a power or right  
23 of control, or held with power to vote, by a holding company  
24 or an intermediary company.

25 \* \* \*

26 "Underwriter." As defined in the act of December 5, 1972  
27 (P.L.1280, No.284), known as the Pennsylvania Securities Act of  
28 1972.

29 Section 2. Section 1201(a), (b), (c), (d), (e), ~~(f)~~(3) (F), <—  
30 (h) and (k) of Title 4 are amended and the section is amended by

1 adding subsections to read:

2 § 1201. Pennsylvania Gaming Control Board established.

3 (a) Board established.--There is established an independent  
4 [administrative] board which shall be a body corporate and  
5 politic to be known as the Pennsylvania Gaming Control Board[,  
6 which shall be implemented as set forth in this section].

7 (b) Membership.--The board shall consist of the following  
8 members[, who shall serve a set term and may not be removed  
9 except for good cause]:

10 (1) Three members appointed by the Governor.[, each  
11 being referred to as a "gubernatorial appointee."]

12 (2) One member appointed by each of the following  
13 [legislative caucus leaders, each being referred to as a  
14 "legislative appointee"]:

15 (i) The President pro tempore of the Senate.

16 (ii) The Minority Leader of the Senate.

17 (iii) The Speaker of the House of Representatives.

18 (iv) The Minority Leader of the House of  
19 Representatives.

20 (b.1) Removal.--A member of the board shall be removed from  
21 office by the appointing authority:

22 (1) for misconduct in office, willful neglect of duty or  
23 conduct evidencing unfitness for office or incompetence; or

24 (2) upon conviction of an offense graded as a felony, an  
25 infamous crime, an offense under this part or an equivalent  
26 offense under Federal law or the law of another jurisdiction.

27 (c) Initial appointments to board.--

28 (1) Gubernatorial [appointee members] appointees  
29 initially appointed under subsection (b)(1) shall serve an  
30 initial term of one, two and three years respectively as

1 designated by the Governor at the time of appointment and  
2 until their successors are appointed and qualified.

3 (2) Legislative [appointee members] appointees initially  
4 appointed under subsection (b)(2) shall serve until the third  
5 Tuesday in January 2007 and until their successors are  
6 appointed and qualified.

7 (3) [Any] An appointment to fill a vacancy created by a  
8 member appointed under paragraph (1) or (2) shall be for the  
9 remainder of the unexpired term. [Members so appointed to  
10 fill the unexpired term of an initial appointee shall be  
11 subject to the provisions of subsection (d).]

12 (d) [Appointments after expiration of initial term or upon  
13 vacancy] Terms of office.--Upon the expiration of a term of a  
14 [member] gubernatorial or legislative appointee appointed under  
15 [this subsection or upon the existence of a vacancy of a member  
16 appointed pursuant to subsection (c) or this] subsection (b) or  
17 (c), the appointing authority shall appoint a member subject to  
18 the following:

19 (1) [For a gubernatorial appointment under subsection  
20 (b)(1), the term shall be for three years and until a  
21 successor is appointed and qualified.] The term of office of  
22 a gubernatorial appointee shall be three years and until a  
23 successor is appointed and qualified.

24 (2) [Terms for legislative appointee members appointed  
25 under subsection (b)(2) shall be for a two-year term and  
26 shall expire on the third Tuesday of January of such year,  
27 but such members shall continue to serve until their  
28 successors are appointed and qualified.] The term of office  
29 of a legislative appointee shall be two years and until a  
30 successor is appointed and qualified.

1 (3) [No] A legislative appointee [member] shall serve no  
2 more than three full [successive] consecutive terms.

3 (4) [No] A gubernatorial appointee [member] shall serve  
4 no more than two full [successive] consecutive terms.

5 (5) An appointment to fill a vacancy shall be for the  
6 remainder of the unexpired term.

7 (6) A member appointed to fill a vacancy under  
8 subsection (c) or under paragraph (5) may serve two full <—  
9 terms following the expiration of the initial term. PARAGRAPH <—  
10 (3) MAY SERVE THREE FULL TERMS FOLLOWING THE EXPIRATION OF  
11 THE TERM RELATED TO THE VACANCY.

12 (7) A MEMBER APPOINTED TO FILL A VACANCY UNDER PARAGRAPH  
13 (4) MAY SERVE TWO FULL TERMS FOLLOWING THE EXPIRATION OF THE  
14 TERM RELATED TO THE VACANCY.

15 (e) Ex officio members.--The Secretary of Revenue, the  
16 Secretary of Agriculture and the State Treasurer, or their  
17 designees, shall serve on the board as nonvoting ex officio  
18 members of the board. The designee shall be a deputy secretary  
19 or an equivalent position within the agency.

20 (f) Qualified majority vote.--

21 \* \* \* <—

22 (1) EXCEPT AS PERMITTED IN PARAGRAPHS (2) AND (3), ANY <—  
23 ACTION , INCLUDING, BUT NOT LIMITED TO, THE APPROVAL,  
24 ISSUANCE, DENIAL OR CONDITIONING OF ANY LICENSE BY THE BOARD  
25 UNDER THIS PART OR THE MAKING OF ANY ORDER OR THE  
26 RATIFICATION OF ANY PERMISSIBLE ACT DONE OR ORDER MADE BY ONE  
27 OR MORE OF THE MEMBERS, SHALL REQUIRE A QUALIFIED MAJORITY  
28 VOTE CONSISTING OF AT LEAST ONE GUBERNATORIAL APPOINTEE AND  
29 THE FOUR LEGISLATIVE APPOINTEES.

30 (2) ANY ACTION TO SUSPEND OR REVOKE, NOT RENEW, VOID OR



1 REQUIRE FORFEITURE OF A LICENSE OR PERMIT ISSUED UNDER THIS  
2 PART, TO IMPOSE ANY ADMINISTRATIVE FINE OR PENALTY UNDER THIS  
3 PART OR TO ISSUE CEASE AND DESIST ORDERS OR SIMILAR  
4 ENFORCEMENT ACTIONS SHALL REQUIRE A MAJORITY VOTE OF ALL THE  
5 MEMBERS APPOINTED TO THE BOARD.

6 (3) Notwithstanding any other provision [to the  
7 contrary] of this part or 65 Pa.C.S. § 1103(j) (relating to  
8 restricted activities), a member shall disclose [the nature  
9 of his] a disqualifying interest, disqualify himself and  
10 abstain from voting in a proceeding UNDER THIS PART in which <—  
11 his [or her] impartiality may be reasonably questioned,  
12 including, but not limited to, instances where he [or she]  
13 knows that [they possess] he or a member of his immediate  
14 family possesses a [substantial financial] direct or indirect  
15 financial, property, leasehold, ownership or other beneficial  
16 interest in the subject matter of the proceeding or any other  
17 interest that could be substantially affected by the outcome  
18 of the proceeding. [In such circumstances in which it is] If  
19 a legislative appointee [member that] has disqualified <—  
20 himself [or herself] AND HIS ALTERNATE HAVE BOTH DISQUALIFIED <—  
21 THEMSELVES, the qualified majority shall consist of all of  
22 the remaining [three] legislative appointees and at least two  
23 gubernatorial appointees. For purposes of this paragraph, the  
24 term "immediate family" shall mean spouse, parent, brother,  
25 sister or child.

26 (4) IF A MEMBER IS DISQUALIFIED FROM VOTING ON ANY <—  
27 MATTER, THE PROVISIONS OF SUBSECTION (F.1) SHALL APPLY.

28 (5) IN THE CASE OF A COLLECTIVE VOTE ON ALL INITIAL  
29 APPLICATIONS FOR SLOT MACHINE LICENSES UNDER SECTION 1301  
30 (RELATING TO AUTHORIZED SLOT MACHINE LICENSES), A MEMBER WHO

1 DISQUALIFIES HIMSELF FROM VOTING ON A PARTICULAR LICENSE  
2 SHALL BE DISQUALIFIED FROM VOTING ON ANY OTHER APPLICATION  
3 FOR THAT CATEGORY OF LICENSE.

4 (6) PRIOR TO THE COMMENCEMENT OF ANY PROCEEDING UNDER  
5 THIS PART, THE BOARD SHALL CONDUCT A CONFLICT REVIEW TO  
6 DETERMINE IF A MEMBER HAS A CONFLICT PURSUANT TO PARAGRAPH  
7 (3) OR SECTION 1202.1 (RELATING TO CODE OF CONDUCT) THAT  
8 REQUIRES DISQUALIFICATION FROM VOTING. THE DETERMINATION  
9 SHALL BE IN WRITING AND SHALL BE AVAILABLE TO THE PUBLIC. IF  
10 THE BOARD DETERMINES THAT THERE IS A CONFLICT REQUIRING  
11 DISQUALIFICATION, AN ALTERNATE MEMBER SHALL BE APPOINTED  
12 PURSUANT TO SUBSECTION (F.1). THE ATTORNEY GENERAL OR A PARTY  
13 TO THE PROCEEDING MAY APPEAL A DETERMINATION BY THE BOARD  
14 THAT DOES NOT REQUIRE DISQUALIFICATION OF A MEMBER.

15 (F.1) ALTERNATE MEMBER.--EACH APPOINTING AUTHORITY UNDER  
16 SUBSECTION (B) SHALL APPOINT AN ALTERNATE MEMBER WHO SHALL VOTE  
17 IN ANY PROCEEDING IN WHICH THE MEMBER APPOINTED BY THAT  
18 AUTHORITY HAS DISQUALIFIED HIMSELF FROM VOTING PURSUANT TO  
19 SUBSECTION (F)(3) OR SECTION 1202.1. THE FOLLOWING SHALL APPLY  
20 TO AN ALTERNATE MEMBER:

21 (1) THE EXECUTIVE BOARD SHALL ESTABLISH A PER DIEM  
22 AMOUNT TO BE PAID TO ALTERNATE MEMBERS, TO INCLUDE PAYMENT  
23 FOR TIME TO REVIEW ALL MATERIALS NECESSARY TO MAKE A  
24 DECISION.

25 (2) ALTERNATE MEMBERS SHALL BE APPOINTED WITHIN 30 DAYS  
26 OF THE EFFECTIVE DATE OF THIS SUBSECTION IN ORDER TO ENABLE A  
27 BACKGROUND INVESTIGATION TO OCCUR PRIOR TO ANY VOTE TO ISSUE  
28 OR DENY A SLOT MACHINE LICENSE, MANUFACTURER LICENSE OR  
29 SUPPLIER LICENSE.

30 (3) ALL OTHER REQUIREMENTS AND RESTRICTIONS UNDER THIS

1 TITLE WHICH ARE APPLICABLE TO BOARD MEMBERS SHALL APPLY TO  
2 ALTERNATE MEMBERS.

3 \* \* \*

4 (h) Qualifications and restrictions.--

5 (1) Each member at the time of appointment shall be at  
6 least 25 years of age and shall have been a resident of this  
7 Commonwealth for a period of at least one year immediately  
8 preceding appointment. Each member shall continue to remain a  
9 resident of this Commonwealth during the term of membership  
10 on the board.

11 (2) Except for ex officio members, no person shall be  
12 appointed a member of the board or [hold any place, position  
13 or office under the board if that person holds any other  
14 elected office or party office] be employed by OR BE AN <—  
15 INDEPENDENT CONTRACTOR OF the board if that person is a  
16 public official or party officer as defined in section 1512  
17 (relating to [public official financial interest] financial  
18 interests, complimentary services and discounts) in this  
19 Commonwealth or any of its political subdivisions.

20 [(3) No member, appointee, employee or official shall  
21 hold any office or employment position, the duties of which  
22 are incompatible with the duties of the office.

23 (4) No member, employee, appointee or official engaged  
24 in the service of or in any manner connected with the board  
25 shall hold any office or position, or be engaged in any  
26 employment or vocation, the duties of which are incompatible  
27 with employment in the service of or in connection with the  
28 work of the board.]

29 (3) Each member, employee and independent contractor of  
30 the board shall sign an agreement not to disclose

1 confidential information.

2 (4) No member, employee or independent contractor of the  
3 board or other agency with regulatory authority over the  
4 board or gaming shall be employed, hold any office or  
5 position or be engaged in any activity which is incompatible  
6 with the position or employment.

7 (5) No member shall be paid or [accept for any service  
8 connected with the office any fee other than the salary and  
9 expenses provided by law.] receive any fee or other  
10 compensation other than salary and expenses provided by law  
11 for any activity related to the duties or authority of the  
12 board. Nothing in this part shall prohibit a member from  
13 engaging in any employment [or vocation] or receiving any  
14 compensation for such employment [or vocation] that is not  
15 [otherwise] connected to or incompatible with his [or her]  
16 service as a member of the board.

17 (6) No member, employee[, appointee or official shall  
18 participate in any hearing or proceeding in which that person  
19 has any direct or indirect pecuniary interest.] or

20 independent contractor of the board shall participate in a  
21 hearing, proceeding or other matter in which the member or, <—

22 employee or the member's or employee's immediate family <—

23 INDEPENDENT CONTRACTOR OF THE BOARD OR THE IMMEDIATE FAMILY <—

24 THEREOF has any direct or indirect financial, property,

25 leasehold, ownership or other beneficial interest in the

26 subject matter of the hearing or proceeding or other interest

27 that could be substantially affected by the outcome of the

28 hearing or proceeding, without first fully disclosing the

29 nature of the interest to the board and other persons

30 participating in the hearing or proceeding. THE BOARD SHALL <—

1 DETERMINE IF THE INTEREST IS A DISQUALIFYING INTEREST THAT  
2 REQUIRES THE DISQUALIFICATION OF THE MEMBER OR  
3 NONPARTICIPATION OF THE EMPLOYEE. For purposes of this  
4 paragraph, the term "immediate family" shall mean spouse,  
5 parent, brother, sister or child.

6 (7) At the time of appointment and annually thereafter,  
7 each member shall disclose the existence of [all ownership  
8 interests in licensed facilities and all securities in any  
9 licensed entity or applicant, its affiliates or subsidiaries  
10 held by the member, the member's spouse and any minor or  
11 unemancipated children and must divest such ownership  
12 interests in licensed facilities or securities prior to an  
13 appointment becoming final. A member may not acquire any  
14 security in any licensed entity, its affiliates or  
15 subsidiaries during the member's tenure.] any financial,  
16 property, leasehold, ownership or other beneficial interest  
17 in any applicant, licensed entity or licensed facility and in  
18 an affiliate, intermediary, subsidiary or holding company  
19 thereof held by the member or known to be held by the  
20 member's immediate family. The disclosure statement shall be  
21 filed with the executive director of the board and with the  
22 appointing authority for such member and shall be open to  
23 inspection by the public at the office of the board during  
24 the normal business hours of the board [during the tenure of  
25 the member] for the duration of the member's term and for two  
26 years after the member leaves office. For purposes of this  
27 paragraph, the term "immediate family" shall mean spouse,  
28 parent, brother, sister or child.

29 (7.1) Prior to being sworn as a member of the board, a  
30 member AND HIS IMMEDIATE FAMILY shall divest any financial,

<—

property, leasehold, ownership or other beneficial interest  
in any applicant, licensed facility or licensed entity and in  
an affiliate, intermediary, subsidiary or holding company  
owned or held by the member or known to be held by the  
member's immediate family. For the duration of the member's  
term, and for one year thereafter, the member and his  
immediate family may not acquire a financial, property,  
leasehold, ownership or other beneficial interest in any  
applicant, licensed facility or licensed entity or in an  
affiliate, intermediary, subsidiary or holding company  
thereof. For purposes of this paragraph, the term "immediate  
family" shall mean spouse and any minor or unemancipated  
child. For purposes of this paragraph, a "financial,  
property, leasehold, ownership or other beneficial interest"  
shall not include securities that are held in a pension plan,  
profit-sharing plan, individual retirement account, tax  
sheltered annuity, a plan established pursuant to section 457  
of the Internal Revenue Code of 1986 (Public Law 99-514, 26  
U.S.C. § 1 et seq.), or any successor provision, deferred  
compensation plan whether qualified or not qualified under  
the Internal Revenue Code of 1986, or any successor  
provision, or other retirement plan that is not self-directed  
by the individual and that is advised by an independent  
investment adviser who has sole authority to make investment  
decisions with respect to contributions made by the  
individual to these plans. For purposes of this paragraph, a  
"financial, property, leasehold, ownership or other  
beneficial interest" shall not include a tuition account plan  
organized and operated pursuant to section 529 of the  
Internal Revenue Code of 1986 (Public Law 99-514 26 U.S.C. §

1     529) that is not self-directed by the individual.

2           (7.2) Prior to employment by the board and annually  
3     thereafter, an individual EMPLOYEE shall disclose the     <—  
4     existence of any financial, property, leasehold, ownership or  
5     other beneficial interest in any applicant, licensed facility  
6     or licensed entity and in an affiliate, intermediary,  
7     subsidiary or holding company thereof owned or held by the  
8     employee or known to be held by the employee's immediate  
9     family. The disclosure statement shall be filed with the  
10    board and shall be open to inspection by the public at the  
11    office of the board during the normal business hours of the  
12    board and for two years after the individual terminates  
13    employment with the board. For purposes of this paragraph,  
14    the term "immediate family" shall mean spouse, parent,  
15    brother, sister or child.

16           (7.3) Prior to employment by the board, an individual     <—  
17    EMPLOYEE AND HIS IMMEDIATE FAMILY shall divest any financial,     <—  
18    property, leasehold, ownership or other beneficial interest  
19    in any applicant, licensed facility or licensed entity and in  
20    an affiliate, intermediary, subsidiary or holding company  
21    thereof owned or held by the employee or known to be held by  
22    the employee's immediate family. For the duration of the  
23    employee's employment and for one year thereafter, the  
24    employee and his immediate family shall not acquire, by  
25    purchase, gift, exchange or otherwise, any financial,  
26    property, leasehold, ownership or other beneficial interest  
27    in any applicant, licensed facility or licensed entity and in  
28    any affiliate, intermediary, subsidiary or holding company  
29    thereof. For purposes of this paragraph, the term "immediate  
30    family" shall mean spouse and any minor or unemancipated

1 child. For purposes of this paragraph, a "financial,  
2 property, leasehold, ownership or other beneficial interest"  
3 shall not include securities that are held in a pension plan,  
4 profit-sharing plan, individual retirement account, tax  
5 sheltered annuity, a plan established pursuant to section 457  
6 of the Internal Revenue Code of 1986 (Public Law 99-514, 26  
7 U.S.C. § 1 et seq.), or any successor provision, deferred  
8 compensation plan whether qualified or not qualified under  
9 the Internal Revenue Code of 1986, or any successor  
10 provision, or other retirement plan that is not self-directed  
11 by the individual and that is advised by an independent  
12 investment adviser who has sole authority to make investment  
13 decisions with respect to contributions made by the  
14 individual to these plans. For purposes of this paragraph, a  
15 "financial, property, leasehold, ownership or other  
16 beneficial interest" shall not include a tuition account plan  
17 organized and operated pursuant to section 529 of the  
18 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
19 529) that is not self-directed by the individual.

20 (8) [Every member, employee, appointee or official of  
21 the board, in the service of or in connection with the work  
22 of the board, is forbidden, directly or indirectly, to  
23 solicit or request from or to suggest or recommend to any  
24 applicant, licensed entity, its] No member, employee or  
25 independent contractor of the board may, directly or  
26 indirectly, solicit, request, suggest or recommend to any  
27 applicant, licensed entity, licensed facility, or an  
28 affiliate, intermediary, subsidiary[, ] or holding company  
29 thereof or to any [officer, attorney, agent or employee]  
30 principal, employee, attorney or agent thereof the



1 appointment or employment of any individual [to any office,  
2 place or position in or the employment of any individual] in  
3 any capacity by the applicant, licensed entity, [its]  
4 licensed facility, or affiliate, intermediary, subsidiary or  
5 holding company thereof.

6 [(9) Every member, executive-level employee, appointee  
7 or official appointed to office in the service of or in  
8 connection with the work of the board is prohibited from  
9 accepting employment with any applicant, licensed gaming  
10 entity, its affiliate, intermediary, subsidiary or holding  
11 company for a period of one year from the termination of  
12 employment or service with the board. Every member,  
13 executive-level employee, appointee or official appointed to  
14 office in the service of or in connection with the work of  
15 the board is prohibited from appearing before the board on  
16 behalf of any applicant, licensed gaming entity, its  
17 affiliate, intermediary, subsidiary or holding company or  
18 other licensee or permittee of the board for a period of two  
19 years after terminating employment or service with the board.

20 (10) If any person employed or appointed in the service  
21 of the board violates any provision of this section, the  
22 appointing authority or the board shall forthwith remove the  
23 person from the office or employment and the person shall be  
24 ineligible for future employment or service with the board  
25 and shall be ineligible to be approved for any license or  
26 permit under this part for a period of two years thereafter.]

27 (9) No member of the board may accept employment with  
28 any applicant, licensed entity, licensed facility or an  
29 affiliate, intermediary, subsidiary or holding company  
30 thereof for a period of one year from the termination of

1 membership.

2 (10) No member of the board may appear before the board  
3 on behalf of any applicant, licensed entity, licensed  
4 facility or an affiliate, intermediary, subsidiary or holding  
5 company thereof or any other licensee or permittee for a  
6 period of two years from the termination of membership.

7 (11) No member or employee of the board shall wager or  
8 be paid any prize from any wager at any licensed facility  
9 within this Commonwealth or at any other facility outside  
10 this Commonwealth ~~{which}, whether or not it~~ is owned or <—

11 operated by a licensed gaming entity or any of its  
12 [affiliates or subsidiaries.] affiliates, intermediaries,  
13 subsidiaries or holding companies for the duration of their  
14 employment or term of office and for a period of one year  
15 from the termination of employment with the board. The

16 provisions of this paragraph shall apply to an employee of  
17 ~~the Commonwealth substantially involved in the development or~~ <—  
18 ~~adoption of regulatory policy, the licensing of an applicant~~  
19 ~~or enforcement under this part. THE EXECUTIVE BRANCH OF THE~~ <—

20 COMMONWEALTH WHOSE DUTIES SUBSTANTIALLY INVOLVE THE  
21 DEVELOPMENT OR ADOPTION OF REGULATIONS OR POLICY, LICENSING  
22 OR ENFORCEMENT, UNDER THIS PART. THE PROVISIONS OF THIS  
23 PARAGRAPH SHALL NOT APPLY TO EMPLOYEES WHO UTILIZE SLOT  
24 MACHINES FOR TESTING PURPOSES OR TO VERIFY THE PERFORMANCE OF  
25 A MACHINE AS PART OF AN ENFORCEMENT INVESTIGATION.

26 (12) A member of the board who has been convicted during  
27 his term in any domestic or foreign jurisdiction of a felony,  
28 infamous crime [of moral turpitude] or gambling offense  
29 shall, upon conviction, be automatically removed from the  
30 board and shall be ineligible to become a board member in the

1 future. If an ex officio member of the board is convicted  
2 during his term in any domestic or foreign jurisdiction of a  
3 felony, infamous crime or gambling offense, the ex officio  
4 member shall, upon conviction, be automatically removed from  
5 the board, and the person holding the next highest ranking <—  
6 position in the office or department shall A DESIGNEE SHALL <—  
7 BE DESIGNATED PURSUANT TO SUBSECTION (E) TO serve the  
8 remainder of the ex officio member's term.

9 (13) No employee or independent contractor of the board  
10 or other employee of the executive branch of the Commonwealth  
11 or of a political subdivision whose duties substantially  
12 involve the development or adoption of regulations or policy,  
13 licensing or enforcement, under this part, shall: <—

14 (i) accept employment with an applicant, licensed  
15 entity, licensed facility or an affiliate, intermediary,  
16 subsidiary or holding company thereof for a period of one  
17 year after the termination of the employment or contract;

18 OR <—

19 ~~(ii) directly or indirectly solicit, request or~~ <—  
20 ~~recommend to any applicant, licensed entity, licensed~~  
21 ~~facility or an affiliate, intermediary, subsidiary or~~  
22 ~~holding company thereof or to any principal, employee,~~  
23 ~~attorney or agent thereof, the appointment or employment~~  
24 ~~of an individual in any capacity by the applicant,~~  
25 ~~licensed entity, licensed facility or an affiliate,~~  
26 ~~intermediary, subsidiary or holding company thereof; or~~

27 ~~(iii)~~ (II) appear before the board in any hearing <—  
28 or proceeding or participate in any other activity on  
29 behalf of any applicant, licensee, permittee, licensed  
30 entity, licensed facility or an affiliate, intermediary,

1        subsidiary or holding company thereof for a period of two  
2        years after termination of the employment or contract.

3        (14) Upon the written request of an employee of the  
4        executive branch OF the Commonwealth or a political        <—  
5        subdivision or of the agency or political subdivision  
6        employing the employee, the State Ethics Commission shall  
7        determine whether the individual's duties substantially  
8        involve the development or adoption of regulations or policy,  
9        licensing or enforcement, under this part, and shall provide        <—  
10       a written determination to the employee to include any  
11       prohibition under this paragraph. An individual who relies in  
12       good faith on a determination under this paragraph shall not  
13       be subject to any penalty for an action taken, provided that  
14       all material facts set forth in the request for a  
15       determination are correct.

16       (15) If a member, employee or independent contractor of  
17       the board violates any provision of this section, the  
18       appointing authority or the board may, upon notice and  
19       hearing, remove the person from the board, withdraw the  
20       appointment or terminate the employment or contract and the  
21       person shall be ineligible for future appointment or  
22       employment with the board and for approval of a license or  
23       permit under this part for a period of two years thereafter.

24       (16) As used in this subsection, the term "financial  
25       interest" shall mean owning or holding or being deemed to  
26       hold debt or equity securities or other ownership interest or  
27       profits interest in an applicant, licensed facility or  
28       licensed entity or an affiliate, intermediary, subsidiary or  
29       holding company thereof.

30       (h.1) Fiduciary relationship.--A member or employee of the

1 board shall serve as a fiduciary of the Commonwealth.

2 (h.2) Standard of care.--The members of the board shall  
3 exercise the standard of care required by 20 Pa.C.S. Ch. 73  
4 (relating to municipalities investments) in the performance of  
5 their duties under this part.

6 (h.3) Liability.--Members of the board shall not be  
7 personally liable for any obligations of the board.

8 \* \* \*

9 (k) Appointments.--The appointing authorities shall make  
10 their initial appointments within 60 days of the effective date  
11 of this part. No appointment shall be final until receipt by the  
12 appointing authority of the required background investigation of  
13 the appointee by the Pennsylvania State Police which shall be  
14 completed within 30 days. No person who has been convicted in  
15 any domestic or foreign jurisdiction of a felony [or gambling],  
16 infamous crime or gaming offense shall be appointed to the  
17 board.

18 \* \* \*

19 ~~(m) Dissolution. The board shall exist until terminated by~~ <—  
20 ~~law.~~

21 Section 3. Title 4 is amended by adding a section to read:

22 § 1201.1. Applicability of other statutes.

23 (a) General rule.--The following acts shall apply to the  
24 board:

25 (1) The act of June 21, 1957 (P.L.390, No.212), referred  
26 to as the Right-to-Know Law.

27 (2) The act of July 19, 1957 (P.L.1017, No.451), known  
28 as the State Adverse Interest Act.

29 (3) The provisions of 65 Pa.C.S. Chs. 7 (relating to  
30 open meetings) and 11 (relating to ethics standards and

1 financial disclosure).

2 (b) Status of board.--

3 (1) The board shall be considered an independent agency  
4 for the purposes of the following:

5 (i) 62 Pa.C.S. Pt. I (relating to Commonwealth  
6 Procurement Code). The expediting of the remittance of  
7 revenue from licensed facilities to the Commonwealth  
8 shall not be grounds for an emergency procurement by the  
9 board.

10 (ii) The act of October 15, 1980 (P.L.950, No.164),  
11 known as the Commonwealth Attorneys Act.

12 (2) The board shall be considered an agency for the  
13 purposes of the following:

14 (i) The act of July 31, 1968 (P.L.769, No.240),  
15 referred to as the Commonwealth Documents Law.

16 (ii) The act of June 25, 1982 (P.L.633, No.181),  
17 known as the Regulatory Review Act.

18 Section 4. ~~Sections 1202, 1204, 1205, 1206(a), (c), (d) and~~ <—  
19 ~~(f), 1208(1), 1402(a) and 1512 of Title 4 are~~ SECTION 1202 OF <—  
20 TITLE 4 IS amended to read:

21 § 1202. [General and specific powers] Powers and duties.

22 (a) General powers.--

23 (1) The board shall have general jurisdiction over all  
24 gaming activities or related activities as described in this  
25 part. The board shall [be responsible to] ensure the  
26 integrity of the acquisition and operation of slot machines  
27 and associated equipment and shall have jurisdiction over  
28 [every aspect of] the authorization and operation of slot  
29 machines.

30 (2) The board shall employ [an executive director, chief

1 counsel, deputies, secretaries, officers, hearing officers  
2 and agents as it may deem necessary] individuals as necessary  
3 to carry out the powers and duties of the board, who shall  
4 serve at the board's pleasure. [The board shall also employ  
5 other employees as it deems appropriate whose duties shall be  
6 determined by the board. In order to ensure the ability of  
7 the board to recruit and retain individuals necessary to  
8 execute its responsibilities under this part, the board shall  
9 set the] An employee of the board shall be considered a State  
10 employee for purposes of 71 Pa.C.S. Pt. XXV (relating to  
11 retirement for State employees and officers).

12 (3) In addition to employees authorized by the board,  
13 each member of the board may employ two special assistants  
14 whose classification and compensation shall be established by  
15 the board. A special assistant shall be a State employee for  
16 purposes of 71 Pa.C.S. Pt. XXV, shall serve at the pleasure  
17 of the member and may only be removed by the board for cause.

18 (4) The board shall establish a system of classification  
19 and compensation of its employees and shall not be subject to  
20 the provisions of the act of April 9, 1929 (P.L.177, No.175),  
21 known as The Administrative Code of 1929, as to  
22 classification and compensation for its employees and conduct  
23 its activities consistent with the practices and procedures  
24 of Commonwealth agencies. [For the purposes of the act of  
25 October 15, 1980 (P.L.950, No.164), known as the Commonwealth  
26 Attorneys Act, the board shall not be considered an executive  
27 or independent agency. The board shall have such other powers  
28 and authority necessary to carry out its duties and the  
29 objectives of this part.]

30 (5) Within 90 days of the effective date of this

1 paragraph, the board shall publish in the Pennsylvania  
2 Bulletin, and on its Internet website, the classification  
3 system for all employees.

4 (b) Specific powers.--The board shall have the specific  
5 power and duty:

6 ~~(1) To retain attorneys, accountants, auditors and~~ <—  
7 ~~financial experts and to engage the services of consultants,~~  
8 ~~advisors and independent contractors as necessary.~~

9 (1) TO RETAIN CONSULTANTS AND PROVIDERS OF PROFESSIONAL <—  
10 SERVICES.

11 (2) To pay or satisfy obligations of the board.

12 (3) To sue or be sued, implead and be impleaded, or  
13 interplead.

14 (4) To contract and execute instruments as necessary to  
15 carry out the powers and duties of the board. Contracts for  
16 the purchase of supplies, services and construction shall be  
17 for a term not to exceed two years.

18 (5) To sell, transfer, convey and dispose of tangible or  
19 intangible property owned by the board.

20 (6) To establish, charge and collect fees and fines as  
21 authorized by this part.

22 (7) To administer oaths, examine witnesses and issue  
23 subpoenas compelling the attendance of witnesses or the  
24 production of documents and records or other evidence.

25 (8) To purchase insurance against a loss related to the  
26 board's property or assets.

27 (9) To require background investigations on [prospective <—  
28 or existing] applicants, licensees, including principals and <—  
29 key employees, or permittees [or persons holding a  
30 controlling interest in any prospective or existing licensee



or permittee] under the jurisdiction of the board.

[(2)] (10) To enter into an agreement with the Pennsylvania State Police for the reimbursement of actual costs as approved by the board to the Pennsylvania State Police for the investigations. Investigations shall include information in the possession of the Attorney General.

~~[(3) For purposes of the background investigation, the board may]~~

~~(11) To receive information otherwise protected by 18~~

[3] (11) FOR PURPOSES OF ENFORCEMENT AND FOR PURPOSES OF THE BACKGROUND INVESTIGATION, THE BOARD MAY RECEIVE INFORMATION OTHERWISE PROTECTED BY 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

[(4)] (12) At its discretion, to issue, approve, renew, revoke, suspend, condition or deny issuance or renewal of slot machine licenses.

[(5)] (13) At its discretion, to issue, approve, renew, revoke, suspend, condition or deny issuance or renewal of supplier and manufacturer licenses.

[(6)] (14) At its discretion, to issue, approve, renew, revoke, suspend, condition or deny issuance or renewal of [occupation permits] a license, permit or registration for various classes of employees as required under this part.

[(7)] (15) At its discretion, to issue, approve, renew, revoke, suspend, condition or deny issuance or renewal of any additional licenses [or permits], permits or registration certificates which may be required by the board under this part. [or by regulation, including, but not limited to, violations of sections 1328 (relating to change in ownership or control of slot machine licensee) and 1330 (relating to

multiple slot machine license prohibition).]

[(8)] (16) At its discretion, to suspend, condition or deny the issuance or renewal of any license or permit or levy fines or other sanctions for any violation of this part.

[(9)] (17) To require prospective and existing employees, independent contractors, applicants [for licenses and permits], licensees, permittees and registrants to submit to fingerprinting by the Pennsylvania State Police. The Pennsylvania State Police shall submit the fingerprints to the Federal Bureau of Investigation for purposes of verifying the identity of the [applicants] individual and obtaining records of criminal arrests and convictions.

[10] (18) To require prospective and existing employees, applicants, licensees, permittees and registrants to submit photographs consistent with the standards of the Commonwealth Photo Imaging Network.

(19) To levy fines or other sanctions against an applicant, licensed entity or other licensee, permittee, REGISTRANT or employee of the board who possesses, uses, sells or offers for sale any device, equipment or material subject to this part in a manner which constitutes a violation of this part.

(20) In addition to the power of the board regarding license and permit applicants, to determine at its discretion the suitability of any person who furnishes or seeks to furnish to a slot machine licensee directly or indirectly any services or property related to slot machines or associated equipment or through any arrangements under which that person receives payment based directly or indirectly on earnings, profits or receipts from the slot machines and associated

1 equipment. The board may require any such person to comply  
2 with the requirements of this part and the regulations of the  
3 board and may prohibit the person from furnishing the  
4 services or property.

5 [(11) As a board and through its designated officers,  
6 employees or agents, to administer oaths, examine witnesses  
7 and issue subpoenas to compel attendance of witnesses and  
8 production of all relevant and material reports, books,  
9 papers, documents and other evidence.

10 (12)] (21) Within six months after the effective date of  
11 this part, in a manner that does not impede the immediate  
12 implementation of the duties and responsibilities of the  
13 board under this part during the immediate two years after  
14 the effective date of this part, to develop and implement an  
15 affirmative action plan to assure that all persons are  
16 accorded equality of opportunity in employment and  
17 contracting by the board, its contractors, subcontractors,  
18 assignees, lessees, agents, vendors and suppliers.

19 [(13)] (22) Except for contracts related to the central  
20 control computer [and such other contracts as the board, in  
21 consultation with the Secretary of General Services,  
22 determines would result in substantial savings to the board  
23 if entered into for a longer period than provided in this  
24 paragraph], all contracts entered into by the board during  
25 the two-year period following the effective date of this part  
26 shall not exceed a term of two years.

27 [(14) To promulgate rules and regulations the board  
28 deems necessary to carry out the policy and purposes of this  
29 part and to enhance the credibility and the integrity of the  
30 licensed operation of slot machines and associated equipment

1 in this Commonwealth.

2 (15)] (23) The board shall not issue or renew a license  
3 [or permit], permit, registration certificate or other  
4 authorization unless it is satisfied that the applicant is a  
5 person of good character, honesty and integrity and is a  
6 person whose prior activities, criminal record, if any,  
7 reputation, habits and associations do not pose a threat to  
8 the public interest or the effective regulation and control  
9 of slot machine operations or create or enhance the danger of  
10 unsuitable, unfair or illegal practices, methods and  
11 activities in the conduct of slot machine operations or the  
12 carrying on of the business and financial arrangements  
13 incidental thereto.

14 [(16)] (24) Notwithstanding any other provision of law,  
15 the board is authorized to sell, in whole or in part, the  
16 Commonwealth's right, title and interest in State gaming  
17 receipts to an authority created by the Commonwealth. The  
18 sale shall be subject to the terms and conditions contained  
19 in agreements between the board and the authority. Proceeds  
20 from the sale of State gaming receipts shall be allocated and  
21 used in the manner otherwise provided by this part for the  
22 distribution of State gaming receipts. The authority created  
23 by the Commonwealth is authorized to purchase State gaming  
24 receipts upon terms and conditions agreed to by the board and  
25 to issue bonds to fund the purchase of State gaming receipts  
26 in the manner provided for the issuance of authority  
27 indebtedness in the law establishing the authority. The State  
28 Treasurer is authorized and directed to enter into any  
29 agreements with the board and the authority and establish  
30 accounts and funds, that shall not be in the State Treasury,

1 as the authority may direct as being necessary or appropriate  
2 to effect the sale of State gaming receipts to the authority  
3 and the collection and transfer of the State gaming receipts  
4 sold to the authority. State gaming receipts sold to the  
5 authority shall be the property of the authority and shall  
6 not be the property of the Commonwealth.

7 [(17)] (25) To create a Bureau of Investigations and  
8 Enforcement within the board. The board shall promulgate  
9 regulations pertaining to the operation of the bureau which  
10 shall insure separation of functions between the bureau and  
11 the board. The board shall provide the employees necessary to  
12 the bureau for enforcement of this part.

13 [(18)] (26) To enter into an agreement with the district  
14 attorneys of the counties wherein licensed facilities are  
15 located and the Office of Attorney General for the  
16 reimbursement of actual costs for prosecutions of criminal  
17 violations [of this part.] and for investigating a person  
18 applying for a determination that an individual has been  
19 rehabilitated under this part.

20 (27) To publish each January in the Pennsylvania  
21 Bulletin and on the board's Internet website a complete list  
22 of all persons or entities who applied for or held a slot  
23 machine license, manufacturer license, supplier license or  
24 racetrack license at any time during the preceding calendar  
25 year and all affiliates, intermediaries, subsidiaries and  
26 holding companies thereof AND THE STATUS OF THE APPLICATION <—  
27 OR LICENSE.

28 (28) To promulgate rules and regulations necessary for  
29 the administration and enforcement of this part. Except as  
30 provided in section 1203 (relating to temporary regulations),

1 regulations shall be adopted pursuant to the act of July 31,  
2 1968 (P.L.769, No.240), referred to as the Commonwealth  
3 Documents Law, and the act of June 25, 1982 (P.L.633,  
4 No.181), known as the Regulatory Review Act.

5 SECTION 5. TITLE 4 IS AMENDED BY ADDING A SECTION TO READ: <—

6 § 1202.1. CODE OF CONDUCT.

7 (A) SCOPE.--THE BOARD SHALL ADOPT A COMPREHENSIVE CODE OF  
8 CONDUCT PRIOR TO THE CONSIDERATION OF ANY LICENSE OR PERMIT  
9 APPLICATION. THE CODE OF CONDUCT SHALL SUPPLEMENT ALL OTHER  
10 REQUIREMENTS UNDER THIS PART AND 65 PA.C.S. PT. II (RELATING TO  
11 ACCOUNTABILITY) AND SHALL PROVIDE GUIDELINES APPLICABLE TO  
12 MEMBERS AND THEIR IMMEDIATE FAMILIES, EMPLOYEES AND INDEPENDENT  
13 CONTRACTORS OF THE BOARD TO ENABLE THESE INDIVIDUALS TO AVOID  
14 ANY PERCEIVED OR ACTUAL CONFLICT OF INTEREST AND TO PROMOTE  
15 PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE  
16 BOARD. AT A MINIMUM, THE CODE OF CONDUCT ADOPTED UNDER THIS  
17 SECTION SHALL INCLUDE REGISTRATION UNDER SUBSECTION (B) AND THE  
18 RESTRICTIONS IN SUBSECTION (C).

19 (B) REGISTRATION.--

20 (1) A LICENSED ENTITY REPRESENTATIVE SHALL REGISTER WITH  
21 THE BOARD IN A MANNER PRESCRIBED BY THE BOARD, WHICH SHALL  
22 INCLUDE THE NAME, EMPLOYER OR FIRM, ADDRESS, TELEPHONE NUMBER  
23 AND PERSON BEING REPRESENTED.

24 (2) A LICENSED ENTITY REPRESENTATIVE SHALL HAVE AN  
25 ONGOING DUTY TO UPDATE ITS REGISTRATION INFORMATION ON AN  
26 ONGOING BASIS.

27 (3) THE REGISTRATION LIST SHALL BE AVAILABLE FOR PUBLIC  
28 INSPECTION AT THE OFFICES OF THE BOARD AND ON THE BOARD'S  
29 INTERNET WEBSITE.

30 (C) RESTRICTIONS.--A MEMBER OF THE BOARD SHALL:

1           (1) NOT ENGAGE IN ANY EX PARTE COMMUNICATION.

2           (2) NOT ACCEPT ANY GIFT, GRATUITY, COMPENSATION, TRAVEL,  
3 LODGING OR THING OF VALUE, DIRECTLY OR INDIRECTLY, FROM ANY  
4 APPLICANT, LICENSEE, PERMITTEE OR LICENSED ENTITY  
5 REPRESENTATIVE THEREOF.

6           (3) DISQUALIFY HIMSELF FROM ANY PROCEEDING IN WHICH THE  
7 MEMBER'S OBJECTIVITY, IMPARTIALITY OR INDEPENDENCE OF  
8 JUDGMENT MAY BE REASONABLY QUESTIONED DUE TO THE MEMBER'S  
9 RELATIONSHIP OR ASSOCIATION WITH A PARTY CONNECTED TO ANY  
10 PROCEEDING OR A PERSON APPEARING BEFORE THE BOARD.

11           (4) REFRAIN FROM ANY FINANCIAL OR BUSINESS DEALING WHICH  
12 WOULD TEND TO REFLECT ADVERSELY ON THE MEMBER'S OBJECTIVITY,  
13 IMPARTIALITY OR INDEPENDENCE OF JUDGMENT.

14           (5) NOT HOLD OR CAMPAIGN FOR PUBLIC OFFICE, HOLD AN  
15 OFFICE IN ANY POLITICAL PARTY OR POLITICAL COMMITTEE,  
16 CONTRIBUTE TO OR SOLICIT CONTRIBUTIONS TO A POLITICAL  
17 CAMPAIGN, PARTY, COMMITTEE OR CANDIDATE, PUBLICLY ENDORSE A  
18 CANDIDATE OR ACTIVELY PARTICIPATE IN A POLITICAL CAMPAIGN.

19           (6) NOT SOLICIT FUNDS FOR ANY EDUCATIONAL, RELIGIOUS,  
20 CHARITABLE, FRATERNAL OR CIVIC PURPOSES FROM ANY PERSON OR  
21 LICENSED ENTITY REPRESENTATIVE REGULATED UNDER THIS PART. A  
22 MEMBER MAY BE AN OFFICER, DIRECTOR OR TRUSTEE OF AN  
23 EDUCATIONAL, RELIGIOUS, CHARITABLE, FRATERNAL OR CIVIC  
24 ORGANIZATION.

25           (7) NOT MEET WITH ANY APPLICANT, PERSON LICENSED UNDER  
26 THIS PART, OR A LICENSED ENTITY REPRESENTATIVE, OR DISCUSS  
27 ANY PENDING OR ANTICIPATED APPLICATION OR OTHER MATTER WHICH  
28 MAY REASONABLY BE EXPECTED TO COME BEFORE THE BOARD OR MEMBER  
29 OF THE BOARD UNLESS THE MEETING OR DISCUSSION OCCURS ON THE  
30 BUSINESS PREMISES OF THE BOARD AND IS RECORDED IN A LOG

1 MAINTAINED FOR THIS PURPOSE. THE LOG SHALL BE AVAILABLE FOR  
2 PUBLIC INSPECTION DURING THE REGULAR BUSINESS HOURS OF THE  
3 BOARD. THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO  
4 MEETINGS TO CONSIDER MATTERS REQUIRING THE PHYSICAL  
5 INSPECTION OF THE EQUIPMENT OR PREMISES OF A LICENSED ENTITY  
6 AT THEIR LOCATION.

7 (8) COMPLY WITH ANY OTHER LAWS, RULES OR REGULATIONS  
8 RELATING TO THE CONDUCT OF A MEMBER OF THE BOARD.

9 (D) EX OFFICIO MEMBERS.--THE RESTRICTIONS UNDER SUBSECTION  
10 (C)(6) SHALL NOT APPLY TO EX OFFICIO MEMBERS OF THE BOARD.

11 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
12 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
13 SUBSECTION:

14 "COMPENSATION." ANY THING OF VALUE, MONEY OR A FINANCIAL  
15 BENEFIT CONFERRED ON OR RECEIVED BY A PERSON IN RETURN FOR  
16 SERVICES RENDERED, OR TO BE RENDERED, WHETHER BY THAT PERSON OR  
17 ANOTHER.

18 "LICENSED ENTITY REPRESENTATIVE." A PERSON ACTING ON BEHALF  
19 OF OR REPRESENTING THE INTEREST OF ANY APPLICANT, LICENSEE,  
20 PERMITTEE OR REGISTRANT, INCLUDING AN ATTORNEY, AGENT OR  
21 LOBBYIST REGARDING ANY MATTER WHICH MAY REASONABLY BE EXPECTED  
22 TO COME BEFORE THE BOARD.

23 SECTION 6. SECTIONS 1204, 1205, 1206(A), (C), (D) AND (F),  
24 1208(1), 1306, 1309(A)(1) AND 1311 OF TITLE 4 ARE AMENDED TO  
25 READ:

26 § 1204. Licensed gaming entity application appeals from board.

27 The Supreme Court of Pennsylvania shall be vested with  
28 exclusive appellate jurisdiction to consider appeals of any  
29 final order, determination or decision of the board involving  
30 the approval, issuance, denial or conditioning of [all licensed



1 entity applications] a slot machine license. Notwithstanding the  
2 provisions of 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial  
3 review of Commonwealth agency action) and 42 Pa.C.S. § 763  
4 (relating to direct appeals from government agencies), the  
5 Supreme Court shall affirm all final orders, determinations or  
6 decisions of the board involving the approval, issuance, denial  
7 or conditioning of [all licensed entity applications] a slot  
8 machine license unless it shall find that the board committed an  
9 error of law or that the order, determination or decision of the  
10 board was arbitrary and there was a capricious disregard of the  
11 evidence.

12 § 1205. License or permit application hearing process.

13 The board's consideration and resolution of all license or  
14 permit applications shall be conducted in accordance with 2  
15 Pa.C.S. (relating to administrative law and procedure) and with  
16 procedures adopted by order of the board. Notwithstanding [the  
17 mandates of] 2 Pa.C.S. §§ 504 (relating to hearing and record)  
18 and 505 (relating to evidence and cross-examination), [said] the  
19 procedures adopted by [order of] the board shall provide parties  
20 before it with a documentary hearing, but the board may[, at its  
21 discretion,] resolve disputed material facts without conducting  
22 an oral hearing where constitutionally permissible.

23 § 1206. Board minutes and records.

24 [(a) Open proceedings and records.--The proceedings of the  
25 board shall be conducted in accordance with the provisions of 65  
26 Pa.C.S. Ch. 7 (relating to open meetings). The board shall be an  
27 agency for purposes of the act of June 21, 1957 (P.L.390,  
28 No.212), referred to as the Right-to-Know Law. Notwithstanding  
29 any provision of law to the contrary, confidential documents  
30 relative to personal background information provided to the

1 board pursuant to this part and any closed deliberations of the  
2 board, including disciplinary proceedings, shall be confidential  
3 and considered in closed executive session pursuant to  
4 subsection (f).]

5 \* \* \*

6 [(c) Information delivered to Governor and General  
7 Assembly.--A true copy of the minutes of every meeting of the  
8 board and of any regulations finally adopted by the board may be  
9 forthwith delivered, by and under the certification of the  
10 executive director, to the Governor, the Secretary of the Senate  
11 and the Chief Clerk of the House of Representatives.]

12 (d) Applicant information.--

13 (1) The board shall [keep and] maintain a list of all  
14 applicants for licenses [and permits under this part together  
15 with], permits and registrations. The list shall include a  
16 record of all actions taken with respect to [the applicants,  
17 which file and record] each applicant. The list shall be open  
18 to public inspection during the normal business hours of the  
19 board.

20 (2) Information under paragraph (1) regarding any  
21 applicant whose license [or], permit or registration has been  
22 denied, revoked or not renewed shall be removed from such  
23 list after seven years from the date of the action.

24 \* \* \*

25 (f) Confidentiality of information.--All information  
26 [contained in the application process] submitted by an applicant  
27 pursuant to section 1310(a) (relating to slot machine license  
28 application character requirements) [and the report of an  
29 applicant's background investigation furnished to] or obtained  
30 by the board or the bureau as part of a background investigation

1 from any source shall be considered confidential [and]. The  
2 information shall be withheld from public disclosure in whole or  
3 in part, except that any information shall be released upon the  
4 lawful order of a court of competent jurisdiction or, with the  
5 approval of the Attorney General, to a duly authorized law  
6 enforcement agency or shall be released to the public, in whole  
7 or in part, to the extent that such release is requested by an  
8 applicant and does not otherwise contain confidential  
9 information about another person. The board may not require any  
10 applicant to waive any confidentiality provided for in this  
11 subsection as a condition for the approval of a license or any  
12 other action of the board. Any person who violates this  
13 subsection shall be administratively disciplined by discharge,  
14 suspension or other formal disciplinary action as the board  
15 deems appropriate.

16 \* \* \*

17 § 1208. Collection of fees and fines.

18 The board has the following powers and duties:

19 (1) To levy and collect fees from the various  
20 applicants, licensees and permittees to fund the operations  
21 of the board. The fees shall be deposited into the State  
22 Gaming Fund as established in section 1403 (relating to  
23 establishment of State Gaming Fund and net slot machine  
24 revenue distribution) and distributed to the board upon  
25 appropriation by the General Assembly. In addition to the  
26 fees set forth in sections 1209 (relating to slot machine  
27 license fee) and 1305 (relating to Category 3 slot machine  
28 license), the board shall assess and collect fees as follows:

29 (i) Supplier licensees shall pay a fee of \$25,000  
30 upon the issuance of a license and \$10,000 for the annual

renewal of a supplier license.

(ii) Manufacturer licensees shall pay a fee of \$50,000 upon the issuance of a license and \$25,000 for the annual renewal of a manufacturer license.

(iii) Each application for a slot machine license, supplier license or manufacturer license must be accompanied by a nonrefundable fee set by the board for the cost of each individual requiring a background investigation. The reasonable and necessary costs and expenses incurred in any background investigation or other investigation or proceeding concerning any applicant, licensee or permittee shall be reimbursed to the board by those persons.

\* \* \*

§ 1306. ORDER OF INITIAL LICENSE ISSUANCE.

←

IN ORDER TO FACILITATE THE TIMELY AND ORDERLY DEPLOYMENT OF LICENSED GAMING OPERATIONS IN THIS COMMONWEALTH, THE BOARD SHALL ADOPT A SCHEDULE BY WHICH APPLICANTS FOR SLOT MACHINE, MANUFACTURER AND SUPPLIER LICENSES SHALL BE FILED, CONSIDERED AND RESOLVED IN ACCORDANCE WITH THE PROVISIONS OF THIS PART. IN SO DOING, THE BOARD SHALL CONSIDER, APPROVE, CONDITION OR DENY THE APPROVAL OF ALL FILED APPLICATIONS FOR MANUFACTURER AND SUPPLIER LICENSES AS SOON AS ADMINISTRATIVELY POSSIBLE AND AT LEAST THREE MONTHS PRIOR TO THE BOARD'S APPROVAL, CONDITIONING OR DENIAL OF THE APPROVAL OF ANY CATEGORY 1 LICENSE APPLICATION PURSUANT TO SECTION 1315 (RELATING TO CONDITIONAL CATEGORY 1 LICENSES) OR ANY OTHER CATEGORY OF SLOT MACHINE LICENSE PURSUANT TO SECTION 1301 (RELATING TO AUTHORIZED SLOT MACHINE LICENSES). THE BOARD SHALL ENSURE THAT AN ADEQUATE NUMBER OF SUPPLIERS HAVE BEEN LICENSED PURSUANT TO SECTION 1301 TO MEET MARKET DEMAND.

1 THE BOARD SHALL APPROVE, APPROVE WITH CONDITION OR DENY ALL  
2 INITIAL APPLICATIONS FOR CONDITIONAL CATEGORY 1 LICENSES UNDER  
3 SECTION 1315 (RELATING TO CONDITIONAL CATEGORY 1 LICENSES) PRIOR  
4 TO ACCEPTING OR CONSIDERING ANY APPLICATIONS FOR CATEGORY 1,  
5 CATEGORY 2 OR CATEGORY 3 SLOT MACHINE LICENSES.

6 § 1309. SLOT MACHINE LICENSE APPLICATION.

7 (A) GENERAL REQUIREMENTS.--IN ADDITION TO ANY OTHER  
8 INFORMATION REQUIRED UNDER THIS PART OR AS MAY BE REQUIRED BY  
9 THE BOARD, THE APPLICATION FOR ANY CATEGORY OF SLOT MACHINE  
10 LICENSE SHALL INCLUDE AT A MINIMUM:

11 (1) THE NAME, ADDRESS[, ] AND PHOTOGRAPH [AND HANDWRITING  
12 EXEMPLAR] OF THE APPLICANT AND OF ALL DIRECTORS AND OWNERS  
13 AND KEY EMPLOYEES AND THEIR POSITIONS WITHIN THE CORPORATION  
14 OR ORGANIZATION, AS WELL AS ANY ADDITIONAL FINANCIAL  
15 INFORMATION REQUIRED BY THE BOARD.

16 \* \* \*

17 § 1311. [SLOT MACHINE LICENSE APPLICATION BUSINESS ENTITY  
18 REQUIREMENTS.

19 (A) KEY EMPLOYEE REQUIREMENT QUALIFICATION.--NO CORPORATION  
20 OR ANY OTHER LEGAL BUSINESS ENTITY SHALL BE ELIGIBLE TO HOLD A  
21 SLOT MACHINE LICENSE UNLESS THE FOLLOWING WOULD INDIVIDUALLY BE  
22 QUALIFIED FOR LICENSURE AS A KEY EMPLOYEE: EACH OFFICER; EACH  
23 DIRECTOR; EACH PERSON WHO DIRECTLY OR INDIRECTLY HOLDS ANY  
24 BENEFICIAL INTEREST OR OWNERSHIP OF THE SECURITIES IN THE  
25 ENTITY; EACH PERSON WHO IN THE OPINION OF THE BOARD HAS THE  
26 ABILITY TO CONTROL THE ENTITY, HAS A CONTROLLING INTEREST OR  
27 ELECTS A MAJORITY OF THE BOARD OF DIRECTORS OF THAT CORPORATION  
28 OR BUSINESS ENTITY, OTHER THAN A BANKING OR OTHER LICENSED  
29 LENDING INSTITUTION WHICH MAKES A LOAN OR HOLDS A MORTGAGE OR  
30 OTHER LIEN ACQUIRED IN THE ORDINARY COURSE OF BUSINESS; EACH KEY

1 EMPLOYEE; EACH LENDER, OTHER THAN A BANKING OR OTHER LICENSED  
2 LENDING INSTITUTION WHICH MAKES A LOAN OR HOLDS A MORTGAGE OR  
3 OTHER LIEN ACQUIRED IN THE ORDINARY COURSE OF BUSINESS; EACH  
4 UNDERWRITER; EACH AGENT; EACH EMPLOYEE OF THE CORPORATION OR  
5 ENTITY AND EACH OTHER PERSON WHOM THE BOARD MAY CONSIDER  
6 APPROPRIATE FOR APPROVAL OR QUALIFICATION. THE BOARD MAY WAIVE  
7 COMPLIANCE WITH THE PROVISIONS OF THIS SUBSECTION ON THE PART OF  
8 A PUBLICLY TRADED CORPORATION AS TO A PERSON DIRECTLY OR  
9 INDIRECTLY HOLDING OWNERSHIP OF SECURITIES OF SUCH CORPORATION  
10 WHERE THE BOARD IS SATISFIED THAT THE SECURITY HOLDER IS NOT  
11 SIGNIFICANTLY INVOLVED IN THE ACTIVITIES OF THE CORPORATION AND  
12 DOES NOT HAVE THE ABILITY TO CONTROL THE CORPORATION OR ELECT  
13 ONE OR MORE DIRECTORS THEREOF.

14 (B) SLOT MACHINE LICENSE QUALIFICATION REQUIREMENT.--NO  
15 CORPORATION OR ANY OTHER LEGAL BUSINESS ENTITY OR OTHER FORM OF  
16 BUSINESS ORGANIZATION WHICH IS A SUBSIDIARY SHALL BE ELIGIBLE TO  
17 RECEIVE OR HOLD A SLOT MACHINE LICENSE UNLESS EACH HOLDING AND  
18 INTERMEDIARY COMPANY WITH RESPECT THERETO:

19 (1) IF IT IS A CORPORATION OR OTHER LEGAL BUSINESS  
20 ENTITY, SHALL COMPLY WITH THE PROVISIONS OF SUBSECTION (A) AS  
21 IF SAID HOLDING OR INTERMEDIARY COMPANY WERE ITSELF APPLYING  
22 FOR A SLOT MACHINE LICENSE. THE BOARD MAY WAIVE COMPLIANCE  
23 WITH THE PROVISIONS OF SUBSECTION (A) ON THE PART OF A  
24 PUBLICLY TRADED CORPORATION WHICH IS A HOLDING COMPANY AS TO  
25 ANY OFFICER, DIRECTOR, LENDER, UNDERWRITER, AGENT OR EMPLOYEE  
26 THEREOF, OR PERSON DIRECTLY OR INDIRECTLY HOLDING A  
27 BENEFICIAL INTEREST OR OWNERSHIP OF THE SECURITIES OF SUCH  
28 CORPORATION, WHERE THE BOARD IS SATISFIED THAT SUCH OFFICER,  
29 DIRECTOR, LENDER, UNDERWRITER, AGENT OR EMPLOYEE IS NOT  
30 SIGNIFICANTLY INVOLVED IN THE ACTIVITIES OF THE CORPORATE

1 LICENSEE AND IN THE CASE OF THE SECURITY HOLDER DOES NOT HAVE  
2 THE ABILITY TO CONTROL OR POSSESS A CONTROLLING INTEREST IN  
3 THE HOLDING COMPANY OR ELECT ONE OR MORE DIRECTORS THEREOF;  
4 OR

5 (2) IF IT IS NOT A CORPORATION, SHALL COMPLY WITH THE  
6 PROVISIONS OF SUBSECTION (C) AS IF SAID COMPANY WERE ITSELF  
7 APPLYING FOR A SLOT MACHINE LICENSE. THE BOARD MAY WAIVE  
8 COMPLIANCE WITH THE PROVISIONS OF SUBSECTION (C) ON THE PART  
9 OF A NONCORPORATE BUSINESS ORGANIZATION WHICH IS A HOLDING  
10 COMPANY AS TO ANY PERSON WHO DIRECTLY OR INDIRECTLY HOLDS ANY  
11 BENEFICIAL INTEREST OR OWNERSHIP IN SUCH COMPANY WHEN THE  
12 BOARD IS SATISFIED THAT SUCH PERSON DOES NOT HAVE THE ABILITY  
13 TO CONTROL THE COMPANY.

14 (C) NONCORPORATE APPLICANT REQUIREMENT.--ANY NONCORPORATE  
15 APPLICANT FOR A SLOT MACHINE LICENSE SHALL PROVIDE THE  
16 INFORMATION REQUIRED IN THIS SECTION IN SUCH FORM AS MAY BE  
17 REQUIRED BY THE BOARD. NO SUCH APPLICANT SHALL BE ELIGIBLE TO  
18 HOLD A SLOT MACHINE LICENSE UNLESS EACH PERSON WHO DIRECTLY OR  
19 INDIRECTLY HOLDS ANY BENEFICIAL INTEREST OR OWNERSHIP IN THE  
20 APPLICANT, OR HAS THE ABILITY TO CONTROL THE APPLICANT OR WHOM  
21 THE BOARD MAY CONSIDER APPROPRIATE FOR APPROVAL OR  
22 QUALIFICATION, WOULD INDIVIDUALLY BE QUALIFIED FOR APPROVAL AS A  
23 KEY EMPLOYEE PURSUANT TO THE PROVISIONS OF THIS PART.]

24 ADDITIONAL SLOT MACHINE LICENSE REQUIREMENTS.

25 (A) ADDITIONAL ELIGIBILITY REQUIREMENTS.--IN ORDER TO BE  
26 ELIGIBLE FOR A SLOT MACHINE LICENSE UNDER THIS PART, THE  
27 PRINCIPALS AND KEY EMPLOYEES OF THE APPLICANT SHALL BE REQUIRED  
28 TO BE LICENSED AND TO MEET THE CHARACTER REQUIREMENTS OF SECTION  
29 1310 (RELATING TO SLOT MACHINE LICENSE APPLICATION CHARACTER  
30 REQUIREMENTS) OR OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY

1 THE BOARD.

2 (B) CLASSIFICATION SYSTEM.--THE BOARD SHALL DEVELOP A  
3 CLASSIFICATION SYSTEM FOR OTHER AGENTS, EMPLOYEES OR PERSONS WHO  
4 DIRECTLY OR INDIRECTLY HOLD OR ARE DEEMED TO BE HOLDING DEBT OR  
5 EQUITY SECURITIES OR OTHER FINANCIAL INTEREST IN THE APPLICANT,  
6 AND OTHER PERSONS WHICH THE BOARD CONSIDERS APPROPRIATE FOR  
7 REVIEW UNDER SECTION 1310.

8 (C) RELATED ENTITIES.--NO PERSON SHALL BE ELIGIBLE TO  
9 RECEIVE A SLOT MACHINE LICENSE UNLESS THE PRINCIPALS AND KEY  
10 EMPLOYEES, LENDERS AND UNDERWRITERS OF EACH INTERMEDIARY,  
11 SUBSIDIARY OR HOLDING COMPANY OF THE PERSON MEET THE  
12 REQUIREMENTS OF SUBSECTION (A).

13 (D) REVOCABLE PRIVILEGE.--THE ISSUANCE OR RENEWAL OF A  
14 LICENSE, PERMIT OR REGISTRATION CERTIFICATE BY THE BOARD UNDER  
15 THIS SECTION SHALL BE A REVOCABLE PRIVILEGE.

16 (E) WAIVER FOR PUBLICLY TRADED CORPORATIONS.--THE BOARD MAY  
17 WAIVE THE REQUIREMENTS OF SUBSECTION (A) FOR A PERSON DIRECTLY  
18 OR INDIRECTLY HOLDING OWNERSHIP OF SECURITIES IN A PUBLICLY  
19 TRADED CORPORATION IF THE BOARD DETERMINES THAT THE HOLDER OF  
20 THE SECURITIES IS NOT SIGNIFICANTLY INVOLVED IN THE ACTIVITIES  
21 OF THE CORPORATION AND DOES NOT HAVE THE ABILITY TO CONTROL THE  
22 CORPORATION OR ELECT ONE OR MORE DIRECTORS THEREOF.

23 (F) WAIVER FOR SUBSIDIARIES.--IF THE APPLICANT IS A  
24 SUBSIDIARY, THE BOARD MAY WAIVE THE REQUIREMENTS OF SUBSECTION  
25 (A) FOR A HOLDING COMPANY OR INTERMEDIARY AS FOLLOWS:

26 (1) IF THE APPLICANT IS A PUBLICLY TRADED CORPORATION,  
27 THE BOARD MAY ISSUE A WAIVER UNDER THIS SUBSECTION IF IT  
28 DETERMINES THAT THE PRINCIPAL OR KEY EMPLOYEE DOES NOT HAVE  
29 THE ABILITY TO CONTROL, HAVE A CONTROLLING INTEREST IN OR  
30 ELECT ONE OR MORE DIRECTORS OF THE HOLDING COMPANY OR



1 INTERMEDIARY AND IS NOT ACTIVELY INVOLVED IN THE ACTIVITIES  
2 OF THE APPLICANT.

3 (2) IF THE APPLICANT IS A NONCORPORATE ORGANIZATION, THE  
4 BOARD MAY ISSUE A WAIVER UNDER THIS SUBSECTION FOR A PERSON  
5 WHO DIRECTLY OR INDIRECTLY HOLDS A BENEFICIAL OR OWNERSHIP  
6 INTEREST IN THE APPLICANT IF IT DETERMINES THAT THE PERSON  
7 DOES NOT HAVE THE ABILITY TO CONTROL THE APPLICANT.

8 (G) ONGOING DUTY.--A PERSON APPLYING FOR A LICENSE, PERMIT  
9 OR REGISTRATION CERTIFICATE UNDER THIS PART SHALL HAVE THE  
10 CONTINUING DUTY TO PROVIDE INFORMATION REQUIRED BY THE BOARD OR  
11 THE BUREAU AND TO COOPERATE IN ANY INQUIRY OR INVESTIGATION.

12 (H) CRIMINAL HISTORY RECORD CHECK.--THE BOARD SHALL CONDUCT  
13 A CRIMINAL HISTORY RECORD CHECK ON ANY PERSON FOR WHOM A WAIVER  
14 IS GRANTED UNDER THIS SECTION.

15 SECTION 7. TITLE 4 IS AMENDED BY ADDING SECTIONS TO READ:  
16 § 1311.1. LICENSING OF PRINCIPALS.

17 (A) LICENSE REQUIRED.--ALL PRINCIPALS SHALL OBTAIN A  
18 PRINCIPAL LICENSE FROM THE BOARD.

19 (B) APPLICATION.--A PRINCIPAL LICENSE APPLICATION SHALL BE  
20 IN A FORM PRESCRIBED BY THE BOARD AND SHALL INCLUDE THE  
21 FOLLOWING:

22 (1) VERIFICATION OF STATUS AS A PRINCIPAL FROM A SLOT  
23 MACHINE LICENSEE, MANUFACTURER LICENSEE OR SUPPLIER LICENSEE.

24 (2) A DESCRIPTION OF RESPONSIBILITIES AS A PRINCIPAL.

25 (3) ALL RELEASES NECESSARY TO OBTAIN INFORMATION FROM  
26 GOVERNMENTAL AGENCIES, EMPLOYERS AND OTHER ORGANIZATIONS.

27 (4) FINGERPRINTS, WHICH SHALL BE SUBMITTED TO THE  
28 PENNSYLVANIA STATE POLICE.

29 (5) A PHOTOGRAPH THAT MEETS THE STANDARDS OF THE  
30 COMMONWEALTH PHOTO IMAGING NETWORK.

1           (6) DETAILS RELATING TO A SIMILAR LICENSE OBTAINED IN  
2           ANOTHER JURISDICTION.

3           (7) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.

4           (C) ISSUANCE.--FOLLOWING REVIEW OF THE APPLICATION AND THE  
5           BACKGROUND INVESTIGATION, THE BOARD MAY ISSUE A PRINCIPAL  
6           LICENSE IF THE APPLICANT HAS PROVEN BY CLEAR AND CONVINCING  
7           EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD CHARACTER,  
8           HONESTY AND INTEGRITY AND IS ELIGIBLE AND SUITABLE TO BE  
9           LICENSED AS A PRINCIPAL.

10          (D) NONTRANSFERABILITY.--A LICENSE ISSUED UNDER THIS SECTION  
11          SHALL BE NONTRANSFERABLE.

12          (E) PRINCIPALS.--AN INDIVIDUAL WHO RECEIVES A PRINCIPAL  
13          LICENSE NEED NOT OBTAIN A KEY EMPLOYEE LICENSE.

14          § 1311.2. LICENSING OF KEY EMPLOYEES.

15          (A) LICENSE REQUIRED.--ALL KEY EMPLOYEES SHALL OBTAIN A KEY  
16          EMPLOYEE LICENSE FROM THE BOARD.

17          (B) APPLICATION.--A KEY EMPLOYEE LICENSE APPLICATION SHALL  
18          BE IN A FORM PRESCRIBED BY THE BOARD AND SHALL INCLUDE THE  
19          FOLLOWING:

20               (1) VERIFICATION OF STATUS AS A KEY EMPLOYEE FROM A SLOT  
21               MACHINE LICENSEE, MANUFACTURER LICENSEE OR SUPPLIER LICENSEE.

22               (2) A DESCRIPTION OF EMPLOYMENT RESPONSIBILITIES.

23               (3) ALL RELEASES NECESSARY TO OBTAIN INFORMATION FROM  
24               GOVERNMENTAL AGENCIES, EMPLOYERS AND OTHER ORGANIZATIONS.

25               (4) FINGERPRINTS, WHICH SHALL BE SUBMITTED TO THE  
26               PENNSYLVANIA STATE POLICE.

27               (5) A PHOTOGRAPH THAT MEETS THE STANDARDS OF THE  
28               COMMONWEALTH PHOTO IMAGING NETWORK.

29               (6) DETAILS RELATING TO A SIMILAR LICENSE OBTAINED IN  
30               ANOTHER JURISDICTION.

1           (7) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.

2           (C) ISSUANCE.--FOLLOWING REVIEW OF THE APPLICATION AND THE  
3 BACKGROUND INVESTIGATION, THE BOARD MAY ISSUE A KEY EMPLOYEE  
4 LICENSE IF THE APPLICANT HAS PROVEN BY CLEAR AND CONVINCING  
5 EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD CHARACTER,  
6 HONESTY AND INTEGRITY AND IS ELIGIBLE AND SUITABLE TO BE  
7 LICENSED AS A KEY EMPLOYEE.

8           (D) NONTRANSFERABILITY.--A LICENSE ISSUED UNDER THIS SECTION  
9 SHALL BE NONTRANSFERABLE.

10          SECTION 8. SECTIONS 1318(B)(4), 1402 AND 1512 OF TITLE 4 ARE  
11 AMENDED TO READ:

12 § 1318. OCCUPATION PERMIT APPLICATION.

13           \* \* \*

14          (B) REQUIREMENTS.--THE APPLICATION FOR AN OCCUPATION PERMIT  
15 SHALL INCLUDE, AT A MINIMUM:

16           \* \* \*

17           (4) A PHOTOGRAPH [AND HANDWRITING EXEMPLAR] OF THE  
18 PERSON.

19           \* \* \*

20 § 1402. Gross terminal revenue deductions.

21          (a) Deductions.--After determining the appropriate  
22 assessments for each slot machine licensee, the department shall  
23 [deduct the following] determine costs, expenses or payments  
24 from each account established under section 1401 (relating to  
25 slot machine licensee deposits). The following costs and  
26 expenses shall be transferred to the appropriate agency upon  
27 appropriation by the General Assembly:

28           (1) The costs and expenses to be incurred by the  
29 department in administering this part at each slot machine  
30 licensee's licensed facility based upon a budget submitted by

1 the department to and approved by the board.

2 (2) The other costs and expenses to be incurred by the  
3 department in administering this part based upon a budget  
4 submitted by the department to and approved by the board.

5 (3) Sums necessary to repay any loans made by the  
6 General Fund to the department in connection with carrying  
7 out its responsibilities under this part, including the costs  
8 of the initial acquisition of the central control computer  
9 and any accessories or associated equipment.

10 (4) The costs and expenses to be incurred by the  
11 Pennsylvania State Police and the Office of Attorney General  
12 and not otherwise reimbursed under this part in carrying out  
13 their respective responsibilities under this part based upon  
14 a budget submitted by the Pennsylvania State Police and the  
15 Attorney General to and approved by the board.

16 (5) Sums necessary to repay any loans made by the  
17 General Fund to the Pennsylvania State Police in connection  
18 with carrying out its responsibilities under this part.

19 (6) The costs and expenses to be incurred by the board  
20 in carrying out its responsibilities under this part based  
21 upon a budget approved by the board.

22 (7) Sums necessary to repay any loans made by the  
23 General Fund to the board in connection with carrying out its  
24 responsibilities under this part.

25 \* \* \*

26 § 1512. [Public official financial interest.] Financial  
27 interests, complimentary services and discounts.

28 [(a) General rule.--Except as may be provided by rule or  
29 order of the Pennsylvania Supreme Court, no executive-level  
30 State employee, public official, party officer or immediate

1 family member thereof shall have, at or following the effective  
2 date of this part, a financial interest in or be employed,  
3 directly or indirectly, by any licensed racing entity or  
4 licensed gaming entity, or any holding, affiliate, intermediary  
5 or subsidiary company, thereof, or any such applicant, nor  
6 solicit or accept, directly or indirectly, any complimentary  
7 service or discount from any licensed racing entity or licensed  
8 gaming entity which he or she knows or has reason to know is  
9 other than a service or discount that is offered to members of  
10 the general public in like circumstances during his or her  
11 status as an executive-level State employee, public official or  
12 party officer and for one year following termination of the  
13 person's status as an executive-level State employee, public  
14 official or party officer.]

15 (a) Financial interests.--Except as may be provided by rule  
16 or order of the Pennsylvania Supreme Court, an executive-level  
17 public employee, public official or party officer, or an  
18 immediate family member thereof, shall not intentionally or  
19 knowingly hold a financial interest in any slot machine  
20 licensee, manufacturer licensee, supplier licensee, licensed  
21 racing entity or in an applicant seeking to become any of the  
22 foregoing, or in a holding company, affiliate, intermediary or  
23 subsidiary of any of the foregoing, while the individual is an  
24 executive-level public employee, public official or party  
25 officer and for one year following termination of the  
26 individual's status as an executive-level public employee,  
27 public official or party officer.

28 (a.1) Employment.--~~NO~~ EXCEPT AS MAY BE PROVIDED BY RULE OR <—  
29 ORDER OF THE PENNSYLVANIA SUPREME COURT, NO executive-level  
30 public employee, public official or party officer, or an

immediate family member thereof, shall be employed by an applicant, a slot machine licensee, manufacturer licensee, supplier licensee, racing entity licensee or by an affiliate, intermediary, subsidiary or holding company thereof while the individual is an executive-level public employee, public official or party officer and for one year following termination of the individual's status as an executive-level public employee, public official or party officer.

(a.2) Complimentary services and discounts.--

(1) No executive-level public employee, public official or party officer, or an immediate family member thereof, shall solicit or accept, directly or indirectly, any complimentary service or discount from any applicant, slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or from an affiliate, intermediary, subsidiary or holding company thereof which the executive-level public employee, public official or party officer, or an immediate family member thereof, knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances.

(2) No applicant, slot machine licensee, manufacturer licensee, supplier licensee or licensed racing entity or any affiliate, intermediary, subsidiary or holding company thereof shall offer or deliver, directly or indirectly, to an executive-level public employee, public official, party officer, or an immediate family member thereof, any complimentary service or discount from the applicant or licensee or an affiliate, intermediary, subsidiary or holding company thereof that the applicant or licensee knows or has reason to know is other than a service or discount that is

1     offered to members of the general public in like  
2     circumstances.

3     (a.3) Grading.--An individual who violates this section  
4     commits a misdemeanor and shall, upon conviction, be sentenced  
5     to pay a fine of not more than \$1,000 or to imprisonment for not  
6     more than one year, or both.

7     (a.4) Divestiture.--An executive-level public employee,  
8     public official or party officer, or an immediate family member  
9     thereof, who holds a financial interest prohibited by this  
10    section shall divest the financial interest within three months  
11    of the effective date of the restrictions set forth in  
12    subsection (a), as applicable. Thereafter, an executive-level  
13    public employee, public official, party officer or immediate  
14    family member shall have 30 days from the date the person knew  
15    or had reason to know of the violation or 30 days from the  
16    annual publication in the Pennsylvania Bulletin under section  
17    1202(b)(19) (relating to powers and duties), whichever occurs  
18    earlier.

19    ~~(a.5) List of applicants. The board shall publish monthly~~     <—  
20    ~~in the Pennsylvania Bulletin and on its Internet website a list~~  
21    ~~of applicants and licensees who hold a slot machine license,~~  
22    ~~supplier license, manufacturer license and of an affiliate,~~  
23    ~~intermediary, subsidiary or holding company thereof.~~

24    ~~(a.6) Ethics Commission. Within 60 days of the effective~~  
25    ~~date of this subsection, the Pennsylvania Ethics Commission~~  
26    ~~shall publish a list of all State, county, municipal and other~~  
27    ~~government positions that meet the definition of "public~~  
28    ~~official" under this subsection. The list shall be updated~~  
29    ~~monthly.~~

30    (A.5) ETHICS COMMISSION.--THE ETHICS COMMISSION SHALL     <—

1 PUBLISH A LIST OF ALL STATE, COUNTY, MUNICIPAL AND OTHER  
2 GOVERNMENT POSITIONS THAT MEET THE DEFINITIONS OF "PUBLIC  
3 OFFICIAL" OR "EXECUTIVE-LEVEL PUBLIC EMPLOYEE" UNDER THIS  
4 SUBSECTION. THE OFFICE OF ADMINISTRATION SHALL ASSIST THE ETHICS  
5 COMMISSION IN THE DEVELOPMENT OF THE LIST, WHICH SHALL BE  
6 PUBLISHED IN THE PENNSYLVANIA BULLETIN BIENNIALY AND ON THE  
7 BOARD'S WEBSITE. EACH PUBLIC OFFICIAL SHALL HAVE A DUTY TO  
8 PROVIDE THE ETHICS COMMISSION WITH ADEQUATE INFORMATION TO  
9 ACCURATELY DEVELOP AND MAINTAIN THE LIST. THE ETHICS COMMISSION  
10 MAY IMPOSE A CIVIL PENALTY UNDER 65 PA.C.S. SECTION 1109(F)  
11 (RELATING TO PENALTIES) UPON ANY PUBLIC OFFICIAL OR EXECUTIVE-  
12 LEVEL EMPLOYEE WHO FAILS TO COOPERATE WITH THE COMMISSION UNDER  
13 THIS SUBSECTION.

14 (b) Definitions.--As used in this section, the following  
15 words and phrases shall have the meanings given to them in this  
16 subsection:

17 "Executive-level [State] public employee." The Governor,  
18 Lieutenant Governor, cabinet members, deputy secretaries[, ] and  
19 the Governor's office executive staff[, any State employee]. The  
20 term shall also include any other Commonwealth employee in the  
21 executive branch with discretionary powers which may affect or  
22 influence the outcome of a State agency's [decision in relation  
23 to a private corporation or business, with respect to any matter  
24 covered by this part or any executive employee who by virtue of  
25 his job function could influence the outcome of such a  
26 decision.] action or decision relating to any matter under this  
27 part. The term also shall include an employee of a county,  
28 municipality, authority, commission or other local governmental  
29 entity with discretionary powers which may affect or influence  
30 the outcome of an action or decision relating to a slot machine



1 licensee or any matter under this part.

2 "Financial interest." Owning or holding, or being deemed to  
3 hold, debt or equity securities [exceeding 1% of the equity or  
4 fair market value of the licensed racing entity or licensed  
5 gaming entity, its holding company, affiliate, intermediary or  
6 subsidiary business.] or other ownership interest or profits  
7 interest. A financial interest shall not include any [such stock  
8 that is held in a blind trust over which the executive-level  
9 State employee, public official, party officer or immediate  
10 family member thereof may not exercise any managerial control or  
11 receive income during the tenure of office and the period under  
12 subsection (a).] debt or equity security, or other ownership  
13 interest or profits interest, which is held or deemed to be held  
14 in any of the following:

15 (1) A blind trust over which the executive-level public  
16 employee, public official or party officer, or an immediate  
17 family member thereof, does not exercise managerial or  
18 investment control or receive income therefrom during the  
19 tenure of office and the period under subsection (a).

20 (2) Securities that are held in a pension plan, profit-  
21 sharing plan, individual retirement account, tax sheltered  
22 annuity, a plan established pursuant to section 457 of the  
23 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
24 1 et seq.), or any successor provision, deferred compensation  
25 plan whether qualified or not qualified under the Internal  
26 Revenue Code of 1986, or any successor provision, or other  
27 retirement plan that:

28 (i) ~~IS~~ IS not self-directed by the individual; AND <—

29 (ii) ~~IS~~ IS advised by an independent investment <—

30 adviser who has sole authority to make investment

1 decisions with respect to contributions made by the  
2 individual to these plans.

3 (3) A tuition account plan organized and operated  
4 pursuant to section 529 of the Internal Revenue Code of 1986  
5 (Public Law 99-514, 26 U.S.C. § 529) that is not self-  
6 directed by the individual.

7 (4) A mutual fund where the interest owned by the mutual  
8 fund in a licensed entity does not constitute a controlling  
9 interest as defined in this part.

10 (5) Any other investment over which the executive-level  
11 public employee, public official or party officer, or an  
12 immediate family member thereof, does not exercise managerial  
13 or investment control during the tenure of office and the  
14 period under subsection (a).

15 "Immediate family." A [parent,] spouse, minor child or  
16 unemancipated child[, brother or sister].

17 "LAW ENFORCEMENT AUTHORITY." THE TERM SHALL INCLUDE THE <—  
18 AUTHORITY OF A STATE OR LOCAL POLICE FORCE, THE ATTORNEY GENERAL  
19 OR A DISTRICT ATTORNEY.

20 "Party officer." A member of a national committee; a  
21 chairman, vice chairman, secretary, treasurer or counsel of a  
22 State committee or member of the executive committee of a State  
23 committee; a county chairman, vice chairman, counsel, secretary  
24 or treasurer of a county committee in which a licensed facility  
25 is located; or a city chairman, vice chairman, counsel,  
26 secretary or treasurer of a city committee of a city in which a  
27 licensed facility is located.

28 ["Public official." Any person elected by the public or  
29 elected or appointed by a governmental body or an appointed  
30 official in the executive, legislative or judicial branch of

1 this Commonwealth or any political subdivision thereof, provided  
2 that it shall not include members of advisory boards that have  
3 no authority to expend public funds other than reimbursement for  
4 personal expense or to otherwise exercise the power of the  
5 Commonwealth or any political subdivision or commissioner of any  
6 authority or joint-state commission.]

7 "Public official." The term shall include the following:

8 (1) The Governor, Lieutenant Governor, Treasurer,  
9 Auditor General and Attorney General of the Commonwealth.

10 (2) A member of the Senate or House of Representatives  
11 of the Commonwealth.

12 (3) An individual elected to any office of a county or  
13 municipality that receives a distribution of money or revenue  
14 under this part.

15 (4) An executive-level public employee of a county or  
16 municipality that receives a distribution of money or revenue  
17 under this part.

18 (5) An individual elected or appointed to a governmental  
19 body that receives a distribution of money or revenue under  
20 this part.

21 (6) An executive-level public employee of a department,  
22 agency, board, commission, authority or other governmental  
23 body that receives a distribution of money or revenue under  
24 this part.

25 (7) An individual elected or appointed to a department,  
26 agency, board, commission, authority or other governmental  
27 body that possesses regulatory or ~~criminal~~ LAW ENFORCEMENT <—  
28 authority over a licensed entity.

29 (8) An executive-level public employee of a department,  
30 agency, board, commission, authority or other governmental

body that possesses regulatory or ~~criminal~~ LAW ENFORCEMENT  
authority over a licensed entity.

The term does not include a member of a school board. The term  
includes a member of an advisory board or commission which makes  
recommendations relating to a licensed facility.

Section ~~5~~ 9. Section 1513(a) of Title 4 is amended and the  
section is amended by adding subsections to read:

§ 1513. Political influence.

[(a) Contribution restriction.--An applicant for a slot  
machine license, manufacturer license or supplier license,  
licensed racing entity licensee, licensed manufacturer, licensed  
supplier or licensed gaming entity, or a person that holds a  
similar gaming license or permit or a controlling interest in a  
gaming license or permit in another jurisdiction, or any  
holding, affiliate, intermediary or subsidiary company thereof,  
or any officer, director or key employee of such applicant  
licensed manufacturer or licensed supplier, licensed racing  
entity or licensed gaming entity or any holding, affiliate,  
intermediary or subsidiary company thereof, shall be prohibited  
from contributing any money or in-kind contribution to a  
candidate for nomination or election to any public office in  
this Commonwealth, or to any political committee or State party  
in this Commonwealth or to any group, committee or association  
organized in support of any such candidate, political committee  
or State party.]

(a) Contribution restriction.--The following persons shall  
be prohibited from contributing any money or in-kind  
contribution to a candidate for nomination or election to any  
public office in this Commonwealth, or to any political  
~~committee or State party~~ PARTY COMMITTEE OR OTHER POLITICAL

COMMITTEE in this Commonwealth or to any group, committee or  
association organized in support of a candidate, political  
~~committee or State party~~ PARTY COMMITTEE OR OTHER POLITICAL

<—

COMMITTEE IN THIS COMMONWEALTH:

(1) An applicant.

(2) A slot machine licensee, licensed manufacturer,  
licensed supplier or licensed racing entity.

(3) ~~A principal~~ AN OFFICER, DIRECTOR OR PERSON WITH A  
CONTROLLING INTEREST IN or key employee of a slot machine  
licensee, licensed manufacturer, licensed supplier or  
licensed racing entity.

<—

(4) An affiliate, intermediary, subsidiary or holding  
company of a slot machine licensee, licensed manufacturer,  
licensed supplier or licensed racing entity.

(5) ~~A principal~~ AN OFFICER, DIRECTOR OR PERSON WITH A  
CONTROLLING INTEREST IN or key employee of an affiliate,  
intermediary, subsidiary or holding company of a slot machine  
licensee, licensed manufacturer, licensed supplier or  
licensed racing entity.

<—

(6) A person who holds a similar gaming license in  
another jurisdiction and the affiliates, intermediaries,  
subsidiaries, holding companies, ~~principals~~ OFFICERS,  
DIRECTORS OR PERSONS WITH A CONTROLLING INTEREST THEREIN or  
key employees thereof.

<—

(a.1) Contributions to certain associations and  
organizations barred.--The individuals prohibited from making  
political contributions under subsection (a) shall not make a  
political contribution of money or an in-kind contribution to  
any association or organization, including a nonprofit  
organization, that has been solicited by, or knowing that the

1 contribution or a portion thereof will be contributed to the  
2 elected official, executive-level public employee or candidate  
3 for nomination or election to a public office in this  
4 Commonwealth.

5 (a.2) Internet website.--

6 (1) The board shall establish an Internet website that  
7 includes a list of all applicants for and holders of a slot  
8 machine license, manufacturer license, supplier license or  
9 racing entity license, and the affiliates, intermediaries,  
10 subsidiaries, holding companies, ~~principals~~ OFFICERS, <—  
11 DIRECTORS OR PERSONS WITH A CONTROLLING INTEREST THEREIN and  
12 key employees thereof, all persons and ~~principals~~ OFFICERS, <—  
13 DIRECTORS OR PERSONS WITH A CONTROLLING INTEREST holding a  
14 similar gaming license in another jurisdiction and the  
15 affiliates, intermediaries, subsidiaries, holding companies,  
16 ~~principals~~ OFFICERS, DIRECTORS OR PERSONS WITH A CONTROLLING <—  
17 INTEREST THEREIN and key employees thereof, and any other  
18 entity in which the applicant or licensee has any debt or  
19 equity security or other ownership or profits interest. An  
20 applicant or licensee shall notify the board within seven  
21 days of the discovery of any change in or addition to the  
22 information. The list shall be published semiannually in the  
23 Pennsylvania Bulletin.

24 (2) An individual who acts in good faith and in reliance  
25 on the information on the Internet website shall not be  
26 subject to any penalties or liability imposed for a violation  
27 of this section.

28 (3) The board shall request the information required  
29 under paragraph (1) from persons licensed in another  
30 jurisdiction who do not hold a license in this Commonwealth

1 and from regulatory agencies in the other jurisdiction. If a  
2 licensee in another jurisdiction refuses to provide the  
3 information required under paragraph (1), the person and its  
4 ~~principals~~ OFFICERS, DIRECTORS OR PERSONS WITH A CONTROLLING <—  
5 INTEREST shall be ineligible to receive any license under  
6 this part.

7 \* \* \*

8 SECTION 10. SECTION 1517(D) OF TITLE 4 IS AMENDED AND THE <—  
9 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

10 § 1517. ENFORCEMENT.

11 \* \* \*

12 (C.1) POWERS AND DUTIES OF ATTORNEY GENERAL.--WITHIN THE  
13 OFFICE OF ATTORNEY GENERAL, THE ATTORNEY GENERAL SHALL ESTABLISH  
14 A GAMING UNIT. THE UNIT SHALL INVESTIGATE AND INSTITUTE CRIMINAL  
15 PROCEEDINGS AS AUTHORIZED BY SUBSECTION (D).

16 (D) CRIMINAL ACTION.--

17 (1) THE DISTRICT ATTORNEYS OF THE SEVERAL COUNTIES SHALL  
18 HAVE AUTHORITY TO INVESTIGATE AND TO INSTITUTE CRIMINAL  
19 PROCEEDINGS FOR [ANY] A VIOLATION OF THIS PART.

20 (2) IN ADDITION TO THE AUTHORITY CONFERRED UPON THE  
21 ATTORNEY GENERAL [BY] UNDER THE ACT OF OCTOBER 15, 1980  
22 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT,  
23 THE ATTORNEY GENERAL SHALL HAVE THE AUTHORITY TO INVESTIGATE  
24 AND, FOLLOWING CONSULTATION WITH THE APPROPRIATE DISTRICT  
25 ATTORNEY, TO INSTITUTE CRIMINAL PROCEEDINGS FOR [ANY] A  
26 VIOLATION OF THIS PART, [OR ANY SERIES OF SUCH VIOLATIONS  
27 INVOLVING ANY COUNTY OF THIS COMMONWEALTH AND ANOTHER STATE.  
28 NO] A PERSON CHARGED WITH A VIOLATION OF THIS PART BY THE  
29 ATTORNEY GENERAL SHALL NOT HAVE STANDING TO CHALLENGE THE  
30 AUTHORITY OF THE ATTORNEY GENERAL TO INVESTIGATE OR PROSECUTE

1 THE CASE, AND, IF ANY SUCH CHALLENGE IS MADE, THE CHALLENGE  
2 SHALL BE DISMISSED AND NO RELIEF SHALL BE AVAILABLE IN THE  
3 COURTS OF THIS COMMONWEALTH TO THE PERSON MAKING THE  
4 CHALLENGE.

5 \* \* \*

6 Section ~~6~~ 11. This act shall take effect in 60 days.

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