

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1372 Session of  
2010

INTRODUCED BY FARNESE, MAY 19, 2010

REFERRED TO COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT,  
MAY 19, 2010

AN ACT

1 Amending Title 4 (Amusements) of the Pennsylvania Consolidated  
2 Statutes, further providing for Category 2 slot machine  
3 license; providing for licensed facilities in cities of the  
4 first class; and further providing for number of slot machine  
5 licenses.

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

8 Section 1. Section 1304 of Title 4 of the Pennsylvania  
9 Consolidated Statutes, amended January 7, 2010 (P.L.1, No.1), is  
10 amended to read:

11 § 1304. Category 2 slot machine license.

12 (a) Eligibility.--

13 (1) A person may be eligible to apply for a Category 2  
14 license if the applicant, its affiliate, intermediary,  
15 subsidiary or holding company is not otherwise eligible to  
16 apply for a Category 1 license and the person is seeking to  
17 locate a licensed facility in a city of the first class, a  
18 city of the second class or a revenue- or tourism-enhanced  
19 location. It shall not be a condition of eligibility to apply

1 for a Category 2 license to obtain a license from either the  
2 State Horse Racing Commission or the State Harness Racing  
3 Commission to conduct thoroughbred or harness race meetings  
4 respectively with pari-mutuel wagering.

5 (2) If the person seeking a slot machine license  
6 proposes to place the licensed facility upon land designated  
7 a subzone, an expansion subzone or an improvement subzone  
8 under the act of October 6, 1998 (P.L.705, No.92), known as  
9 the Keystone Opportunity Zone, Keystone Opportunity Expansion  
10 Zone and Keystone Opportunity Improvement Zone Act, the  
11 person shall, at any time prior to the application being  
12 approved, submit a statement waiving the exemptions,  
13 deductions, abatements or credits granted under the Keystone  
14 Opportunity Zone, Keystone Opportunity Expansion Zone and  
15 Keystone Opportunity Improvement Zone Act if the board  
16 approves the application.

17 (b) Location.--

18 (1) Two Category 2 licensed facilities and no more shall  
19 be located by the board within a city of the first class[,  
20 and one] in accordance with section 1304.1 (relating to  
21 licensed facilities in cities of the first class). One  
22 Category 2 licensed facility and no more shall be located by  
23 the board within a city of the second class. No Category 2  
24 licensed facility located by the board within a city of the  
25 first class shall be within ten linear miles of a Category 1  
26 licensed facility regardless of the municipality where the  
27 Category 1 licensed facility is located. Except for any  
28 Category 2 licensed facility located by the board within a  
29 city of the first class or a city of the second class, no  
30 Category 2 licensed facility shall be located within 30

1 linear miles of any Category 1 licensed facility that has  
2 conducted over 200 racing days per year for the two calendar  
3 years immediately preceding the effective date of this part  
4 and not within 20 linear miles of any other Category 1  
5 licensed facility. Except for any Category 2 licensed  
6 facility located by the board within a city of the first  
7 class, no Category 2 licensed facility shall be located  
8 within 20 linear miles of another Category 2 licensed  
9 facility.

10 (2) Within five days of approving a license for an  
11 applicant with a proposed licensed facility consisting of  
12 land designated a subzone, an expansion subzone or an  
13 improvement subzone under the Keystone Opportunity Zone,  
14 Keystone Opportunity Expansion Zone and Keystone Opportunity  
15 Improvement Zone Act for a slot machine license under this  
16 section, the board shall notify the Department of Community  
17 and Economic Development. The notice shall include a  
18 description of the land of the proposed licensed facility  
19 which is designated a subzone, an expansion subzone or an  
20 improvement subzone. Within five days of receiving the notice  
21 required by this paragraph, the Secretary of Community and  
22 Economic Development shall decertify the land of the proposed  
23 licensed facility as being a subzone, an expansion subzone or  
24 an improvement subzone. Upon decertification in accordance  
25 with this paragraph and notwithstanding Chapter 3 of the  
26 Keystone Opportunity Zone, Keystone Opportunity Expansion  
27 Zone and Keystone Opportunity Improvement Zone Act, a  
28 political subdivision may amend the ordinance, resolution or  
29 other required action which granted the exemptions,  
30 deductions, abatements or credits required by the Keystone

1 Opportunity Zone, Keystone Opportunity Expansion Zone and  
2 Keystone Opportunity Improvement Zone Act to repeal the  
3 exemptions, deductions, abatements or credits for the land  
4 decertified.

5 (3) Notwithstanding any other provision of law, the  
6 governing body of a city of the first class shall not exempt  
7 from real property taxation or provide any real property tax  
8 abatement under the act of December 1, 1977 (P.L.237, No.76),  
9 known as the Local Economic Revitalization Tax Assistance  
10 Act, to a Category 2 licensed facility located within the  
11 city, or any improvements to such facility, unless the owner  
12 of the licensed facility enters into or has entered into a  
13 tax settlement agreement or payment in lieu of taxes  
14 agreement with the city, including any amendments,  
15 supplements or modifications of such agreements.

16 Section 2. Title 4 is amended by adding a section to read:

17 § 1304.1. Licensed facilities in cities of the first class.

18 (a) Gaming districts.--The governing body of a city of the  
19 first class shall by ordinance designate no fewer than five  
20 areas within the city as gaming districts for local zoning and  
21 land use purposes. Each gaming district shall be located in an  
22 area of the city which does not violate the provisions of this  
23 act, including the mileage restrictions under section 1304(b)  
24 (relating to Category 2 slot machine license).

25 (b) Siting.--Except as otherwise provided in subsection (c),  
26 the board shall be prohibited from awarding a Category 2 slot  
27 machine license to any applicant that seeks to locate a licensed  
28 facility in an area other than a gaming district.

29 (c) Failure to adopt ordinance.--If the governing body fails  
30 to adopt the ordinance required under subsection (a) within 90

1 days after the effective date of this section, the provisions of  
2 subsection (b) shall not apply to the board.

3 Section 3. Section 1307 of Title 4, amended January 7, 2010  
4 (P.L.1, No.1), is amended to read:

5 § 1307. Number of slot machine licenses.

6 The board may license no more than seven Category 1 licensed  
7 facilities and no more than five Category 2 licensed facilities,  
8 as it may deem appropriate, as long as two, and not more,  
9 Category 2 licensed facilities are located by the board within  
10 the city of the first class in accordance with section 1304.1  
11 (relating to licensed facilities in cities of the first class)  
12 and that one, and not more, Category 2 licensed facility is  
13 located by the board within the city of the second class. The  
14 board may at its discretion increase the total number of  
15 Category 2 licensed facilities permitted to be licensed by the  
16 board by an amount not to exceed the total number of Category 1  
17 licenses not applied for within five years following the  
18 effective date of this part. Except as permitted by section 1328  
19 (relating to change in ownership or control of slot machine  
20 licensee), any Category 1 license may be reissued by the board  
21 at its discretion as a Category 2 license if an application for  
22 issuance of such license has not been made to the board. The  
23 board may license no more than three Category 3 Licensed  
24 facilities.

25 Section 4. The addition of 4 Pa.C.S. § 1304.1 shall apply to  
26 any application submitted for a Category 2 slot machine license  
27 in a city of the first class after January 1, 2010.

28 Section 5. This act shall take effect in 60 days.