

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 262 Session of  
2011

INTRODUCED BY VEREB, SCHRODER, REICHLEY, TURZAI, AUMENT, BAKER,  
BARRAR, CAUSER, CLYMER, CUTLER, DENLINGER, EVANKOVICH,  
EVERETT, FARRY, GINGRICH, HAHN, HICKERNELL, KAUFFMAN, KORTZ,  
KRIEGER, MARSICO, METZGAR, MILLER, MURT, PAYNE, PYLE,  
QUIGLEY, RAPP, ROAE, SCAVELLO, SONNEY, SWANGER, TALLMAN,  
TOEPEL, WAGNER, WATSON, BENNINGHOFF, GROVE, SACCONI,  
VULAKOVICH, ELLIS AND METCALFE, JANUARY 27, 2011

AS REPORTED FROM COMMITTEE ON GAMING OVERSIGHT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, FEBRUARY 8, 2011

## AN ACT

1 Providing for the transfer of certain powers and duties from the  
2 Pennsylvania Gaming Control Board to the Office of Attorney  
3 General; establishing a Gaming Unit in the Office of Attorney  
4 General; and making related repeals.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Attorney  
9 General Gaming Regulation Act.

10 Section 2. Findings and legislative intent.

11 (a) Findings.--The General Assembly finds that the transfer  
12 of the Bureau of Investigations and Enforcement to the Office of  
13 Attorney General will serve to provide for an appropriate  
14 separation of investigative and enforcement functions from  
15 licensing functions. The General Assembly further finds that the  
16 transfer of the Bureau of Investigations and Enforcement does

1 not affect the general jurisdiction of the Pennsylvania Gaming  
2 Control Board in any way which impairs or otherwise reduces the  
3 board's licensing authority.

4 (b) Legislative intent.--It is the intent of the General  
5 Assembly to transfer all of the existing functions and duties of  
6 the Bureau of Investigations and Enforcement in the Pennsylvania  
7 Gaming Control Board, including the Office of Enforcement  
8 Counsel, to the Gaming Unit in the Office of Attorney General.  
9 It is the further intent of the General Assembly to completely  
10 separate, except as provided under this act, the Gaming Unit in  
11 the Office of Attorney General from any regulatory or fiscal  
12 control by the Pennsylvania Gaming Control Board.

13 Section 3. Gaming Unit.

14 (a) Establishment.--There is established within the Office  
15 of Attorney General a Gaming Unit. The Attorney General shall  
16 select:

17 (1) A director of the Gaming Unit.

18 (2) A director of the Office of Enforcement Counsel  
19 transferred to the Gaming Unit by operation of this act.

20 (b) Powers and duties.--The Gaming Unit shall, in addition  
21 to the powers and duties vested in the Office of Attorney  
22 General by 4 Pa.C.S. Pt. II (relating to gaming), also have the  
23 powers and duties previously vested in the Bureau of  
24 Investigations and Enforcement of the Pennsylvania Gaming  
25 Control Board by 4 Pa.C.S. Pt. II.

26 (c) Personnel.--

27 (1) The Attorney General shall assign agents to  
28 supervisory and other capacities in the Gaming Unit as  
29 necessary. All other personnel of the Gaming Unit shall be  
30 civilians.

1           (2) Except as provided in paragraph (3), all personnel  
2 shall continue in their employment with the unit with the  
3 same pay scales, salaries, wages, seniority benefits, pension  
4 rights and other incidents of employment.

5           (3) The unit director, in consultation with the Attorney  
6 General, shall determine which personnel transferred under  
7 this section shall be retained as unit employees and which  
8 personnel transferred under this section shall be replaced  
9 within a six-month period after the appointment of the unit  
10 director EXCEPT EMPLOYEES COVERED UNDER A CURRENT COLLECTIVE  
11 BARGAINING AGREEMENT. ←

12       (D) EMPLOYMENT REQUIREMENTS.-- ←

13           (1) PROSPECTIVE EMPLOYEES OF THE GAMING UNIT SHALL  
14 SUBMIT AN APPLICATION AND A PERSONAL DISCLOSURE FORM TO THE  
15 GAMING UNIT DIRECTOR WHICH SHALL INCLUDE A COMPLETE CRIMINAL  
16 HISTORY, INCLUDING CONVICTIONS AND CURRENT CHARGES FOR ALL  
17 FELONIES AND MISDEMEANORS.

18           (2) PROSPECTIVE EMPLOYEES SHALL BE REQUIRED TO UNDERGO  
19 TESTING WHICH DETECTS THE PRESENCE OF ILLEGAL SUBSTANCES IN  
20 THE BODY.

21           (3) THE GAMING UNIT DIRECTOR SHALL OBTAIN FINGERPRINTS  
22 AND PHOTOGRAPHS FOR EACH PROSPECTIVE EMPLOYEE CONSISTENT WITH  
23 THE STANDARDS ADOPTED BY THE PENNSYLVANIA STATE POLICE.

24           (4) THE GAMING UNIT DIRECTOR SHALL VERIFY THE  
25 IDENTIFICATION, EMPLOYMENT AND EDUCATION OF EACH PROSPECTIVE  
26 EMPLOYEE, INCLUDING:

27               (I) LEGAL NAME, INCLUDING ANY ALIAS, DATE OF BIRTH  
28 AND SOCIAL SECURITY NUMBER.

29               (II) ALL EDUCATIONAL INSTITUTIONS ATTENDED  
30 REGARDLESS OF GRADUATION STATUS.

1 (III) PLACES OF RESIDENCE FOR THE PAST TEN YEARS.

2 (IV) EMPLOYMENT HISTORY FOR THE PAST 15 YEARS.

3 (5) THE GAMING UNIT DIRECTOR SHALL NOT HIRE A

4 PROSPECTIVE EMPLOYEE IF THE PROSPECTIVE EMPLOYEE:

5 (I) HAS BEEN CONVICTED OF A CRIME THAT BEARS A CLOSE

6 RELATIONSHIP TO THE DUTIES AND RESPONSIBILITIES OF THE

7 POSITION FOR WHICH EMPLOYMENT IS SOUGHT;

8 (II) HAS BEEN DISMISSED FROM OTHER EMPLOYMENT FOR

9 GROSS MISCONDUCT; OR

10 (III) HAS INTENTIONALLY MADE A FALSE STATEMENT

11 CONCERNING A MATERIAL FACT IN CONNECTION WITH THE

12 APPLICATION TO THE GAMING UNIT DIRECTOR.

13 (6) THE GAMING UNIT DIRECTOR SHALL NOT EMPLOY A PERSON

14 UNLESS THE REQUIREMENTS OF PARAGRAPHS (1), (2), (3) AND (4)

15 HAVE BEEN MET.

16 (7) THE GAMING UNIT DIRECTOR SHALL:

17 (I) IMMEDIATELY REFER ANY CRIMINAL MATTER INVOLVING

18 AN EMPLOYEE TO THE PENNSYLVANIA STATE POLICE.

19 (II) DEVELOP A DISCIPLINARY PROCESS FOR AN EMPLOYEE

20 CHARGED WITH A CRIME OR WITH GROSS MISCONDUCT.

21 (III) IMMEDIATELY SUSPEND FROM EMPLOYMENT ANY

22 EMPLOYEE CHARGED WITH A FELONY.

23 (IV) DEVELOP A PROCESS TO DISCIPLINE ALL OTHER

24 INSTANCES OF MISCONDUCT.

25 (8) DISCIPLINARY ACTION SHALL BE INSTITUTED PROMPTLY

26 AGAINST AN EMPLOYEE WHO, WHILE ON OR OFF DUTY, ENGAGES IN

27 SERIOUS MISCONDUCT WHICH MAY BRING THE OFFICE OF ATTORNEY

28 GENERAL OR THE PENNSYLVANIA GAMING CONTROL BOARD INTO

29 DISREPUTE.

30 ~~(d)~~ (E) Transfers.--The following are transferred to the



1 Gaming Unit established under subsection (a):

2 (1) All of the powers, duties and authority previously  
3 vested in the Bureau of Investigations and Enforcement of the  
4 Pennsylvania Gaming Control Board by 4 Pa.C.S. Pt. II.

5 (2) All personnel, allocations, appropriations,  
6 equipment, files, records, contracts, agreements, obligations  
7 and other materials which are used, employed or expended by  
8 the Pennsylvania Gaming Control Board in connection with the  
9 functions transferred by this act to the Gaming Unit as if  
10 these contracts, agreements and obligations had been incurred  
11 or entered into by the Gaming Unit.

12 ~~(e)~~ (F) Requirement of transfer.--The personnel,  
13 appropriations, equipment and other items and material  
14 transferred by this section shall include an appropriate portion  
15 of the general administrative, overhead and supporting  
16 personnel, appropriations, equipment and other materials of the  
17 Pennsylvania Gaming Control Board.

18 ~~(f)~~ (G) Expenses and budget.--

19 (1) Expenses of and related to the Gaming Unit shall be  
20 considered reimbursable expenses under 4 Pa.C.S. Pt. II.

21 (2) The Gaming Unit shall prepare and annually submit an  
22 itemized budget in accordance with 4 Pa.C.S. § 1402.1  
23 (relating to itemized budget reporting).

24 ~~(g)~~ (H) Existing gaming enforcement office.--Any gaming  
25 enforcement office or unit existing within the Office of  
26 Attorney General on the effective date of this section shall be  
27 absorbed by the Gaming Unit established under subsection (a).

28 (I) NEPOTISM PROHIBITION.--

29 (1) NEITHER THE ATTORNEY GENERAL NOR ANY EXECUTIVE-LEVEL  
30 EMPLOYEE MAY SOLICIT, REQUEST, SUGGEST OR RECOMMEND THE

1 EMPLOYMENT BY THE ATTORNEY GENERAL, AN EXECUTIVE-LEVEL  
2 EMPLOYEE OR THE PENNSYLVANIA GAMING CONTROL BOARD OF ANY  
3 INDIVIDUAL RELATED WITHIN THE SECOND DEGREE OF CONSANGUINITY  
4 TO THE ATTORNEY GENERAL OR AN EXECUTIVE-LEVEL EMPLOYEE AS SET  
5 FORTH UNDER 23 PA.C.S. § 1304(E) (RELATING TO RESTRICTIONS ON  
6 ISSUANCE OF LICENSE) OR THE SPOUSE OF SUCH INDIVIDUAL.

7 (2) AS USED IN THIS SUBSECTION, THE TERM "EXECUTIVE-  
8 LEVEL EMPLOYEE" SHALL MEAN THE GAMING UNIT DIRECTOR, A DEPUTY  
9 ATTORNEY GENERAL AND ANY OTHER EMPLOYEE OF THE OFFICE OF  
10 ATTORNEY GENERAL WHO HAS DISCRETIONARY POWER WHICH MAY AFFECT  
11 OR INFLUENCE THE OUTCOME OF AN ACTION OR DECISION OF THE  
12 GAMING UNIT OR OF THE PENNSYLVANIA GAMING CONTROL BOARD OR  
13 WHO IS INVOLVED IN INVESTIGATION OR ENFORCEMENT OR THE  
14 DEVELOPMENT OF REGULATIONS OR POLICY RELATING TO GAMING UNDER  
15 4 PA.C.S. PART II.

16 Section ~~19~~ 4. Repeals.

17 Repeals are as follows:

18 (1) The General Assembly declares that the repeals under  
19 paragraph (2) are necessary to effectuate this act.

20 (2) The following acts and parts of acts are repealed:

21 (i) 4 Pa.C.S. § 1202(b)(25).

22 (ii) 4 Pa.C.S. §§ 1202(b)(10) and (28) and 1402(a)

23 (4) insofar as those sections relate to the procedure for  
24 reimbursing costs and expenses incurred by the Office of  
25 Attorney General.

26 (iii) 4 Pa.C.S. Pt. II insofar as it relates to the  
27 powers and duties of the Bureau of Investigations and  
28 Enforcement of the Pennsylvania Gaming Control Board.

29 (iv) 4 Pa.C.S. Pt. II insofar as it relates to the  
30 authority and oversight of the Bureau of Investigations

1           and Enforcement by the Pennsylvania Gaming Control Board.

2   Section ~~20~~ 5.   Effective date.



3       This act shall take effect in 60 days.