

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2850 Session of
2022

INTRODUCED BY BURNS, SEPTEMBER 26, 2022

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, SEPTEMBER 26, 2022

AN ACT

1 Amending Title 4 (Amusements) of the Pennsylvania Consolidated
2 Statutes, in licensees, further providing for authorized slot
3 machine licenses and providing for Category 5 slot machine
4 license.

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

7 Section 1. Section 1301 of Title 4 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 1301. Authorized slot machine licenses.

10 Except as provided under section 1305.1 (relating to Category
11 4 slot machine license) and 1305.3 (relating to Category 5 slot
12 machine license), there shall be three distinct classifications
13 of slot machine licenses, designated by category, each
14 permitting a licensed racing entity or person to apply for a
15 qualifying license category and, upon issuance by the board in
16 its discretion, to place and operate slot machines at a licensed
17 facility. Except for conditional Category 1 license applications
18 pursuant to section 1315 (relating to conditional Category 1
19 licenses), it is mandatory that the board shall consider,

1 approve, condition or deny the approval of all initial
2 applications for each and every category of slot machine
3 licenses collectively and together, in a comprehensive Statewide
4 manner, within 12 months following the time set by the board at
5 which all applications are to be filed and deemed complete by
6 the board. The board shall approve, condition or deny the
7 issuance of a slot machine license of any category within the
8 time period provided for herein. Following approval of an
9 application for a slot machine license, the applicant shall
10 provide formal notification to the board as soon as:

11 (1) it fulfills all required conditions for issuance of
12 the license; and

13 (2) the board's decision approving the application is a
14 final, binding, nonappealable determination which is not
15 subject to a pending legal challenge.

16 Upon receipt of such formal notification and upon conducting any
17 necessary verification, the board shall issue a slot machine
18 license to the applicant.

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

20 § 1305.3. Category 5 slot machine license.

21 (a) Eligibility.--A person may apply for a Category 5
22 license if the applicant or the applicant's affiliate,
23 intermediary, subsidiary or holding company is seeking to locate
24 a licensed facility in a county that can prove a well-documented
25 history of horse racing.

26 (b) Location.--

27 (1) The board may locate no more than one Category 5
28 licensed facility in a county that has no other licensed
29 facilities of any category. A Category 5 licensed facility
30 may not be located within 75 linear miles of another licensed

1 facility regardless of the county where the other licensed
2 facility is located.

3 (2) The board shall notify the Department of Community
4 and Economic Development within five days of approving a
5 license for an applicant with a proposed licensed facility
6 consisting of land designated a subzone, an expansion subzone
7 or an improvement subzone under the act of October 6, 1998
8 (P.L.705, No.92), known as the Keystone Opportunity Zone,
9 Keystone Opportunity Expansion Zone and Keystone Opportunity
10 Improvement Zone Act, for a slot machine license under this
11 section. The following shall apply:

12 (i) The notice shall include a description of the
13 land of the proposed licensed facility which is
14 designated a subzone, an expansion subzone or an
15 improvement subzone.

16 (ii) Within five days of receiving the notice
17 required by this paragraph, the Secretary of Community
18 and Economic Development shall decertify the land of the
19 proposed licensed facility as being a subzone, an
20 expansion subzone or an improvement subzone.

21 (iii) Upon decertification in accordance with this
22 paragraph and notwithstanding Chapter 3 of the Keystone
23 Opportunity Zone, Keystone Opportunity Expansion Zone and
24 Keystone Opportunity Improvement Zone Act, a political
25 subdivision may amend the ordinance, resolution or other
26 required action which granted the exemptions, deductions,
27 abatements or credits required by the Keystone
28 Opportunity Zone, Keystone Opportunity Expansion Zone and
29 Keystone Opportunity Improvement Zone Act to repeal the
30 exemptions, deductions, abatements or credits for the

1 land decertified.

2 (c) Number of slot machines.--Notwithstanding the number of
3 permissible slot machines under section 1210 (relating to number
4 of slot machines), a Category 5 license granted under this
5 section shall entitle the licensed entity to operate no more
6 than 250 slot machines at the licensed facility, provided,
7 however, that a Category 5 slot machine licensee holding a table
8 game operation certificate shall be entitled to operate no more
9 than 300 slot machines at the licensed facility.

10 (d) Cost.--Each Category 5 license shall be sold for a price
11 equal to \$20 per each person in a county under this section.

12 Section 3. This act shall take effect in 60 days.