
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1654 Session of
2005

INTRODUCED BY METCALFE, CLYMER, ARGALL, ARMSTRONG, BAKER,
BALDWIN, BASTIAN, BENNINGHOFF, BOYD, CAWLEY, CRAHALLA,
CREIGHTON, DALLY, DENLINGER, FAIRCHILD, FORCIER, GINGRICH,
GRUCELA, HABAY, HARRIS, HENNESSEY, HERMAN, HERSHEY,
HICKERNELL, HUTCHINSON, McILHATTAN, MUSTIO, PYLE, REED,
REICHLEY, RUBLEY, SATHER, SAYLOR, SCAVELLO, SCHRODER, STERN,
R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, TIGUE, TRUE,
TURZAI, WATSON AND WILT, JUNE 7, 2005

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,
JUNE 7, 2005

AN ACT

1 Amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of
2 the Pennsylvania Consolidated Statutes, further providing for
3 definitions and for the Pennsylvania Gaming Control Board
4 established; providing for applicability of other statutes
5 and for review of deeds, leases and contracts; further
6 providing for general and specific powers, for temporary
7 regulations, for board minutes and records and for supplier
8 and manufacturer licenses application; providing for
9 manufacturer licenses; and further providing for occupation
10 permit application, for local land use preemption, for public
11 official financial interest, for enforcement and for corrupt
12 organizations.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The definition of "supplier" in section 1103 of
16 Title 4 of the Pennsylvania Consolidated Statutes is amended and
17 the section is amended by adding a definition to read:

18 § 1103. Definitions.

19 The following words and phrases when used in this part shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

4 "Member." An individual appointed to the Pennsylvania Gaming
5 Control Board pursuant to section 1201(b) (relating to
6 Pennsylvania Gaming Control Board).

7 * * *

8 "Supplier." A person that sells, leases, offers or otherwise
9 provides, distributes or services any slot machine or associated
10 equipment for use or play of slot machines in this Commonwealth.
11 The term does not include a person who sells slot monitoring
12 systems, casino management systems, player tracking systems and
13 wide-area progressive systems.

14 * * *

15 Section 2. Section 1201 heading, (f)(3), (h)(7) and (l) of
16 Title 4 are amended and subsection (h) is amended by adding
17 paragraphs to read:

18 § 1201. Pennsylvania Gaming Control Board [established].

19 * * *

20 (f) Qualified majority vote.--

21 * * *

22 (3) Notwithstanding any other provision [to the
23 contrary] of this part or 65 Pa.C.S. § 1103(j) (relating to
24 restricted activities), a member shall disclose the nature of
25 his disqualifying interest, disqualify himself and abstain
26 from voting in a proceeding in which his or her impartiality
27 may be reasonably questioned, including, but not limited to,
28 instances where he or she knows that they possess a
29 substantial financial interest in the subject matter of the
30 proceeding or any other interest that could be substantially

1 affected by the outcome of the proceeding. In such
2 circumstances in which it is a legislative appointee member
3 that has disqualified himself or herself, the qualified
4 majority shall consist of the remaining three legislative
5 appointees and at least two gubernatorial appointees.

6 * * *

7 (h) [Qualifications and restrictions] Restrictions.--

8 * * *

9 [(7) At the time of appointment and annually thereafter,
10 each member shall disclose the existence of all ownership
11 interests in licensed facilities and all securities in any
12 licensed entity or applicant, its affiliates or subsidiaries
13 held by the member, the member's spouse and any minor or
14 unemancipated children and must divest such ownership
15 interests in licensed facilities or securities prior to an
16 appointment becoming final. A member may not acquire any
17 security in any licensed entity, its affiliates or
18 subsidiaries during the member's tenure. The disclosure
19 statement shall be filed with the executive director of the
20 board and with the appointing authority for such member and
21 shall be open to inspection by the public at the office of
22 the board during the normal business hours of the board
23 during the tenure of the member and for two years after the
24 member leaves office.]

25 (7) (i) At the time of appointment, and annually
26 thereafter, each member of the board shall disclose the
27 existence of all financial, property, leasehold or other
28 beneficial interest in any slot machine license
29 applicant, manufacturer license applicant, supplier
30 license applicant, licensed entity or licensed facility

1 and in any holding companies, affiliates, intermediaries
2 or subsidiary businesses thereof, which are held by the
3 member or the immediate family of the member. The
4 disclosure statement shall be filed with the executive
5 director of the board and with the appointing authority
6 of the member. The disclosure statement shall be open to
7 inspection by the public at the office of the board
8 during the normal business hours of the board during the
9 member's term on the board and continuing for two years
10 after the member leaves office. Prior to the member's
11 appointment becoming final, any financial, property,
12 leasehold, ownership or other beneficial interest in any
13 slot machine license applicant, manufacturer license
14 applicant, supplier license applicant, licensed entity or
15 licensed facility and in any holding companies,
16 affiliates, intermediaries or subsidiary businesses
17 thereof, owned or held by the member or the immediate
18 family of the member must be divested. During the
19 member's term and continuing for one year thereafter, the
20 member and the immediate family of the member may not
21 acquire by purchase, gift, exchange or otherwise, any
22 financial, property, leasehold, ownership or other
23 beneficial interest in any slot machine license
24 applicant, manufacturer license applicant, supplier
25 license applicant, licensed entity or licensed facility
26 and in any holding companies, affiliates, intermediaries
27 or subsidiary businesses thereof.

28 (ii) As used in this paragraph, the following words
29 and phrases shall have the meanings given to them in this
30 subparagraph:

1 "Financial interest." Owning or holding or being
2 deemed to hold debt or equity securities or other
3 ownership interest or profits interest.

4 "Immediate family." The term shall have the same
5 meaning given to it in section 1512 (relating to
6 public official financial interest).

7 (7.1) (i) At the time of employment, and annually
8 thereafter, each employee or contract employee of the
9 board shall disclose the existence of all financial,
10 property, leasehold or other beneficial interest in any
11 slot machine license applicant, manufacturer license
12 applicant, supplier license applicant, licensed entity or
13 licensed facility and in any holding companies,
14 affiliates, intermediaries or subsidiary businesses
15 thereof, which are held by the employee or contract
16 employee or the immediate family of the employee or
17 contract employee. The disclosure statement shall be
18 filed with the executive director of the board. The
19 disclosure statement shall be open to inspection by the
20 public at the office of the board during normal business
21 hours of the board during the employee's or contract
22 employee's employment with the board and continuing for
23 two years after the employee or contract employee
24 terminates employment with the board. Prior to commencing
25 employment, any financial, property, leasehold, ownership
26 or other beneficial interest in any slot machine license
27 applicant, manufacturer license applicant, supplier
28 license applicant, licensed entity or licensed facility
29 and in any holding companies, affiliates, intermediaries
30 or subsidiary businesses thereof, owned or held by the

1 employee or contract employee or the immediate family of
2 the employee or contract employee must be divested.
3 During the employee's or contract employee's employment
4 and continuing for one year thereafter, the employee or
5 contract employee and the immediate family of the
6 employee or contract employee may not acquire by
7 purchase, gift, exchange or otherwise, any financial,
8 property, leasehold, ownership or other beneficial
9 interest in any slot machine license applicant,
10 manufacturer license applicant, supplier license
11 applicant, licensed entity or licensed facility and in
12 any holding companies, affiliates, intermediaries or
13 subsidiary businesses thereof.

14 (ii) As used in this paragraph, the following words
15 and phrases shall have the meanings given to them in this
16 subparagraph:

17 "Financial interest." Owning or holding or being
18 deemed to hold debt or equity securities or other
19 ownership interest or profits interest.

20 "Immediate family." The term shall have the same
21 meaning given to it in section 1512 (relating to
22 public official financial interest).

23 * * *

24 (13) No person may be employed, whether as an employee
25 or a contract employee, by the board until the board receives
26 a background investigation conducted on the person in
27 accordance with this part.

28 (14) No member shall hold or campaign for any other
29 public office, hold office in any political party or
30 political committee or actively participate in any political

1 campaign.

2 (15) No employee of the board shall hold or campaign for
3 any other public office, hold office in any political party
4 or political committee or actively participate in or
5 contribute to any political campaign.

6 * * *

7 [(1) Disclosure statements.--Members and employees of the
8 board are subject to the provisions of 65 Pa.C.S. Ch. 11
9 (relating to ethics standards and financial disclosure) and the
10 act of July 19, 1957 (P.L.1017, No.451), known as the State
11 Adverse Interest Act.]

12 Section 3. Title 4 is amended by adding sections to read:

13 § 1201.1. Applicability of other statutes.

14 The following shall apply:

15 (1) The following acts shall apply to the board, its
16 members and employees:

17 (i) Act of June 21, 1957 (P.L.390, No.212), referred
18 to as the Right-to-Know Law.

19 (ii) Act of July 19, 1957 (P.L.1017, No.451), known
20 as the State Adverse Interest Act.

21 (iii) The provisions of 65 Pa.C.S. Chs. 7 (relating
22 to open meetings) and 11 (relating to ethics standards
23 and financial disclosure).

24 (2) The board shall be considered an "independent
25 agency" for the purposes of all of the following:

26 (i) Act of October 15, 1980 (P.L.950, No.164), known
27 as the Commonwealth Attorneys Act.

28 (ii) The provisions of 62 Pa.C.S. Pt. I (relating to
29 Commonwealth Procurement Code).

30 (3) The board shall be considered an "agency" for the

1 purposes of all of the following:

2 (i) Act of July 31, 1968 (P.L.769, No.240), referred
3 to as the Commonwealth Documents Law.

4 (ii) Act of June 25, 1982 (P.L.633, No.181), known
5 as the Regulatory Review Act.

6 § 1201.2. Review of deeds, leases and contracts.

7 (a) Timing.--Review of a deed, lease or contract of the
8 board by the Attorney General under the act of October 15, 1980
9 (P.L.950, No.164), known as the Commonwealth Attorneys Act, must
10 be completed within 30 days of delivery of the deed, lease or
11 contract by the board to the Attorney General.

12 (b) Limitation.--An issue not raised by the Attorney General
13 during the review period required by subsection (a) is deemed
14 waived.

15 Section 4. Sections 1202 heading and (a), 1203, 1206(a), (d)
16 and (f) and 1317 of Title 4 are amended to read:

17 § 1202. [General and specific powers] Powers and duties.

18 (a) General powers.--The board shall have general
19 jurisdiction over all gaming activities or related activities as
20 described in this part. The board shall be responsible to ensure
21 the integrity of the acquisition and operation of slot machines
22 and associated equipment and shall have jurisdiction over every
23 aspect of the authorization and operation of slot machines. The
24 board shall employ an executive director, chief counsel,
25 deputies, secretaries, officers, hearing officers and agents as
26 it may deem necessary, who shall serve at the board's pleasure.
27 The board shall also employ other employees as it deems
28 appropriate whose duties shall be determined by the board. The
29 board shall establish and publish in the Pennsylvania Bulletin
30 and on its Internet website a classification of its employees.

1 The classification shall include the scope of the background
2 investigations required by section 1201(h)(13) (relating to
3 Pennsylvania Gaming Control Board) for each class of employees
4 and contract employees of the board. In order to ensure the
5 ability of the board to recruit and retain individuals necessary
6 to execute its responsibilities under this part, the board shall
7 set the classification and compensation of its employees and
8 shall not be subject to the provisions of the act of April 9,
9 1929 (P.L.177, No.175), known as The Administrative Code of
10 1929, as to classification and compensation for its employees
11 and conduct its activities consistent with the practices and
12 procedures of Commonwealth agencies. [For the purposes of the
13 act of October 15, 1980 (P.L.950, No.164), known as the
14 Commonwealth Attorneys Act, the board shall not be considered an
15 executive or independent agency.] The board shall have such
16 other powers and authority necessary to carry out its duties and
17 the objectives of this part.

18 * * *

19 § 1203. Temporary regulations.

20 (a) Promulgation.--[Notwithstanding any other provision of
21 law to the contrary and in] In order to facilitate the prompt
22 implementation of this part, [regulations promulgated by the
23 board during the two years following the effective date of this
24 part shall be deemed temporary regulations which shall expire no
25 later than three years following the effective date of this part
26 or upon promulgation of regulations as generally provided by
27 law. The temporary regulations shall not be] the board may
28 promulgate regulations not subject to:

29 (1) Sections 201 [through 205], 202 and 203 of the act
30 of July 31, 1968 (P.L.769, No.240), referred to as the

1 Commonwealth Documents Law.

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

4 (b) Expiration.--[The authority provided to the board to
5 adopt temporary regulations in] Regulations promulgated in
6 accordance with subsection (a) shall expire [two] three years
7 from the effective date of this section. [Regulations adopted
8 after the two-year period shall be promulgated as provided by
9 law.]

10 § 1206. Board minutes and records.

11 [(a) Open proceedings and records.--The proceedings of the
12 board shall be conducted in accordance with the provisions of 65
13 Pa.C.S. Ch. 7 (relating to open meetings). The board shall be an
14 agency for purposes of the act of June 21, 1957 (P.L.390,
15 No.212), referred to as the Right-to-Know Law. Notwithstanding
16 any provision of law to the contrary, confidential documents
17 relative to personal background information provided to the
18 board pursuant to this part and any closed deliberations of the
19 board, including disciplinary proceedings, shall be confidential
20 and considered in closed executive session pursuant to
21 subsection (f).]

22 * * *

23 (d) Applicant information.--

24 (1) The board shall [keep and] maintain a list of [all]
25 applicants for licenses and [permits under this part together
26 with] permits. The list shall include a record of all actions
27 taken with respect to [the applicants, which file and record]
28 each applicant. The list shall be open to public inspection
29 during normal business hours of the board.

30 (2) Information under paragraph (1) regarding any

1 applicant whose license or permit has been denied, revoked or
2 not renewed shall be removed from such list after seven years
3 from the date of the action.

4 * * *

5 (f) Confidentiality of information.--[All information
6 contained in the application process pursuant to section 1310(a)
7 (relating to slot machine license application character
8 requirements) and the report of an applicant's] An applicant's
9 architecture and engineering plans, security and surveillance
10 systems and background investigation furnished to or obtained by
11 the board or the bureau from any source shall be considered
12 confidential. [and shall be withheld from public disclosure in
13 whole or in part, except that any information shall be released
14 upon the lawful order of a court of competent jurisdiction or,
15 with the approval of the Attorney General, to a duly authorized
16 law enforcement agency or shall be released to the public, in
17 whole or in part, to the extent that such release is requested
18 by an applicant and does not otherwise contain confidential
19 information about another person. The board may not require any
20 applicant to waive any confidentiality provided for in this
21 subsection as a condition for the approval of a license or any
22 other action of the board. Any person who violates this
23 subsection shall be administratively disciplined by discharge,
24 suspension or other formal disciplinary action as the board
25 deems appropriate.]

26 * * *

27 § 1317. Supplier [and manufacturer] licenses [application].

28 (a) Application.--[Any] A person seeking to provide slot
29 machines or associated equipment to a slot machine licensee
30 within this Commonwealth [or to manufacture slot machines for

1 use in this Commonwealth] shall apply to the board for [either]
2 a supplier [or manufacturer] license. [No person, its affiliate,
3 intermediary, subsidiary or holding company who has applied for
4 or is a holder of a manufacturer or slot machine license shall
5 be eligible to apply for or hold a supplier license. A supplier
6 licensee shall establish a principle place of business in this
7 Commonwealth within one year of issuance of its supplier license
8 and maintain such during the period in which the license is
9 held. No slot machine licensee shall enter into any sale, lease,
10 contract or any other type of agreement providing slot machines,
11 progressive slot machines, parts or associated equipment for use
12 or play with any person other than a supplier licensed pursuant
13 to this section. Slot monitoring systems, casino management
14 systems, player tracking systems and wide-area progressive
15 systems are excluded from any requirements that they be provided
16 through a licensed supplier as set forth in this part.]

17 (b) Requirements.--[The application for a supplier or
18 manufacturer license shall include, at a minimum:] The
19 application for a supplier license shall be on the form required
20 by the board, accompanied by the application fee and shall
21 include all of the following:

22 (1) The name and business address of the applicant, the
23 directors and owners of the applicant and a list of employees
24 and their positions within the business, as well as any
25 financial information required by the board.

26 (1.1) A statement that the applicant or an affiliate,
27 intermediary, subsidiary or holding company of the applicant
28 is not a slot machine licensee.

29 (2) The consent to a background investigation of the
30 applicant, its officers, directors, owners, key employees or

1 other persons required by the board and a release to obtain
2 any and all information necessary for the completion of the
3 background investigation.

4 (3) The details of any equivalent license granted or
5 denied by other jurisdictions where gaming activities as
6 authorized by this part are permitted and consent for the
7 board to acquire copies of applications submitted or licenses
8 issued in connection therewith.

9 (4) The type of goods and services to be supplied [or
10 manufactured] and whether those goods and services will be
11 provided through purchase, lease, contract or otherwise.

12 (5) Any other information determined by the board to be
13 appropriate.

14 (c) Review and approval.--Upon being satisfied that the
15 requirements of subsection (b) have been met, the board may
16 approve the application and grant the applicant a supplier
17 license consistent with all of the following:

18 (1) The license shall be for a period of one year. Upon
19 expiration, a license may be renewed in accordance with
20 subsection (d).

21 (2) The license shall be nontransferable.

22 (3) Any other condition established by the board.

23 (d) Renewal.--Six months prior to expiration of a supplier
24 license, a supplier licensee seeking renewal of its license
25 shall submit a renewal application accompanied by the renewal
26 fee to the board. If the renewal application satisfies the
27 requirements of subsection (b), the board may renew the
28 licensee's supplier license. If the board receives a complete
29 renewal application but fails to act upon the renewal
30 application prior to the expiration of the supplier license, the

1 supplier license shall continue in effect for an additional six-
2 month period or until acted upon by the board, whichever occurs
3 first.

4 (e) Prohibitions.--

5 (1) No person may provide slot machines or associated
6 equipment to a slot machine licensee within this Commonwealth
7 unless the person has been issued a supplier license under
8 this section or a manufacturer license under section 1317.1
9 (relating to manufacturer licenses).

10 (2) No slot machine licensee may acquire, purchase or
11 lease slot machines or associated equipment from a person
12 unless the person has been issued a supplier license under
13 this section or a manufacturer license under section 1317.1.

14 Section 5. Title 4 is amended by adding a section to read:
15 § 1317.1. Manufacturer licenses.

16 (a) Application.--A person seeking to manufacture slot
17 machines for use in this Commonwealth and to provide slot
18 machines or associated equipment to a slot machine licensee
19 within this Commonwealth shall apply to the board for a
20 manufacturer license.

21 (b) Requirements.--The application for a manufacturer
22 license shall be on the form required by the board, accompanied
23 by the application fee and shall include all of the following:

24 (1) The name and business address of the applicant, the
25 directors and owners of the applicant and a list of employees
26 and their positions within the business, as well as any
27 financial information required by the board.

28 (2) A statement that the applicant or an affiliate,
29 intermediary, subsidiary or holding company of the applicant
30 is not a slot machine licensee.

1 (3) The consent to a background investigation of the
2 applicant, its officers, directors, owners, key employees or
3 other persons required by the board and a release to obtain
4 any and all information necessary for the completion of the
5 background investigation.

6 (4) The details of any equivalent license granted or
7 denied by other jurisdictions where gaming activities as
8 authorized by this part are permitted and consent for the
9 board to acquire copies of applications submitted or licenses
10 issued in connection therewith.

11 (5) The type of slot machines or associated equipment to
12 be manufactured and supplied and whether those slot machines
13 or associated equipment will be provided through purchase,
14 lease, contract or otherwise.

15 (6) Any other information determined by the board to be
16 appropriate.

17 (c) Review and approval.--Upon being satisfied that the
18 requirements of subsection (b) have been met, the board may
19 approve the application and grant the applicant a manufacturer
20 license consistent with all of the following:

21 (1) The license shall be for a period of one year. Upon
22 expiration, a license may be renewed in accordance with
23 subsection (d).

24 (2) The license shall be nontransferable.

25 (3) Any other condition established by the board.

26 (d) Renewal.--Six months prior to expiration of a
27 manufacturer license, a manufacturer licensee seeking renewal of
28 its license shall submit a renewal application accompanied by
29 the renewal fee to the board. If the renewal application
30 satisfies the requirements of subsection (b), the board may

1 renew the licensee's manufacturer license. If the board receives
2 a complete renewal application but fails to act upon the renewal
3 application prior to the expiration of the manufacturer license,
4 the manufacturer license shall continue in effect for an
5 additional six-month period or until acted upon by the board,
6 whichever occurs first.

7 (e) Prohibitions.--

8 (1) No person may manufacture and provide slot machines
9 or associated equipment to a slot machine licensee within
10 this Commonwealth unless the person has been issued a
11 manufacturer license under this section.

12 (2) No slot machine licensee may acquire, purchase or
13 lease slot machines or associated equipment to a slot machine
14 licensee within this Commonwealth unless the person has been
15 issued a manufacturer license under this section or a
16 supplier license under section 1317 (relating to supplier
17 licenses).

18 Section 6. Sections 1318, 1506 and 1512 of Title 4 are
19 amended to read:

20 § 1318. Occupation [permit application] permits.

21 (a) Application.--[Any] A person who desires to be a gaming
22 employee and has a bona fide offer of employment from a licensed
23 gaming entity shall apply to the board for an occupation permit.
24 [A person may not be employed as a gaming employee unless and
25 until that person holds an appropriate occupation permit issued
26 under this section. The board may promulgate regulations to
27 reclassify a category of nongaming employees or gaming employees
28 upon a finding that the reclassification is in the public
29 interest and consistent with the objectives of this part.]

30 (b) Requirements.--[The application for an occupation permit

1 shall include, at a minimum:] The application for an occupation
2 permit shall be on the form required by the board, accompanied
3 by the application fee and shall include all of the following:

4 (1) The name and home address of the person.

5 (2) The previous employment history of the person.

6 (3) The criminal history record of the person, as well
7 as the person's consent for the Pennsylvania State Police to
8 conduct a background investigation.

9 (4) A photograph and handwriting exemplar of the person.

10 (5) Evidence of the offer of employment and the nature
11 and scope of the proposed duties of the person, if known.

12 (6) The details of any occupation permit or similar
13 license granted or denied to the applicant in other
14 jurisdictions where gaming activities as authorized by this
15 part are permitted and consent for the board to obtain copies
16 of applications submitted or permits or licenses issued in
17 connection therewith.

18 (7) Any other information determined by the board to be
19 appropriate.

20 [(c) Prohibition.--No slot machine licensee may employ or
21 permit any person under 18 years of age to render any service
22 whatsoever in any area of its licensed facility at which slot
23 machines are physically located.]

24 (c.1) Review and approval.--Upon being satisfied that the
25 requirements of subsection (b) have been met, the board may
26 approve the application and grant the applicant an occupation
27 permit consistent with all of the following:

28 (1) The occupation permit shall be for a period of one
29 year. Upon expiration, an occupation permit may be renewed in
30 accordance with subsection (d).

1 (2) The occupation permit shall be nontransferable.

2 (3) Any other condition established by the board.

3 (d) Renewal.--Six months prior to expiration of an
4 occupation permit, an individual holding an occupation permit
5 and seeking renewal of the occupation permit shall submit a
6 renewal application accompanied by the renewal fee to the board.
7 If the renewal application satisfies the requirements of
8 subsection (b), the board may renew the occupation permit. If
9 the board receives a complete renewal application but fails to
10 act upon the renewal application prior to the expiration of the
11 occupation permit, the occupation permit shall continue in
12 effect for an additional six-month period or until acted upon by
13 the board, whichever occurs first.

14 (e) Prohibitions.--

15 (1) No slot machine licensee may employ or permit any
16 person under 18 years of age to render any service in any
17 area of its licensed facility at which slot machines are
18 physically located.

19 (2) No slot machine licensee may employ an individual as
20 a gaming employee unless the individual has been issued an
21 occupation permit under this section.

22 § 1506. [Local land use preemption] Preemption.

23 [The conduct of gaming as permitted under this part,
24 including the physical location of any licensed facility,] (a)
25 Regulation.--Gaming authorized by this part shall not be
26 prohibited or, except as provided in subsection (b), otherwise
27 regulated by any ordinance, home rule charter provision,
28 resolution, rule or regulation of any [political subdivision or
29 any local or State instrumentality or authority that relates to
30 zoning or land use to the extent that the licensed facility has

1 been approved by the board.] municipality.

2 (b) Land use.--

3 (1) Except as provided in paragraphs (2) and (3), any
4 zoning and land use ordinances, home rule charter provisions,
5 resolutions, rules or regulations of any municipality shall
6 not apply to property upon which a licensed facility or
7 licensed racetrack is or will be located. The board may [in
8 its discretion consider such] consider local zoning
9 ordinances when considering an application for a slot machine
10 license. The board shall provide the political subdivision,
11 within which an applicant for a slot machine license has
12 proposed to locate a licensed [gaming] facility, a 60-day
13 comment period prior to the board's final approval, condition
14 or denial of approval of its application for a slot machine
15 license. The political subdivision may make recommendations
16 to the board for improvements to the applicant's proposed
17 site plans that take into account the impact on the local
18 community.[, including, but not limited to, land use and
19 transportation impact. This section shall also apply to any
20 proposed racetrack or licensed racetrack.]

21 (2) Plans and ordinances adopted by a municipality in
22 accordance with the act of July 31, 1968 (P.L.805, No.247),
23 known as the Pennsylvania Municipalities Planning Code, shall
24 apply to property upon which a licensed facility or licensed
25 racetrack is or will be located.

26 (3) An ordinance, home rule charter provision,
27 resolution, rule or regulation which relates to zoning or
28 land use adopted by a city of the second class shall apply to
29 property upon which a licensed facility or licensed racetrack
30 is or will be located.

1 § 1512. [Public official financial interest] Financial
2 interests and complimentary services and discounts.

3 [(a) General rule.--Except as may be provided by rule or
4 order of the Pennsylvania Supreme Court, no executive-level
5 State employee, public official, party officer or immediate
6 family member thereof shall have, at or following the effective
7 date of this part, a financial interest in or be employed,
8 directly or indirectly, by any licensed racing entity or
9 licensed gaming entity, or any holding, affiliate, intermediary
10 or subsidiary company, thereof, or any such applicant, nor
11 solicit or accept, directly or indirectly, any complimentary
12 service or discount from any licensed racing entity or licensed
13 gaming entity which he or she knows or has reason to know is
14 other than a service or discount that is offered to members of
15 the general public in like circumstances during his or her
16 status as an executive-level State employee, public official or
17 party officer and for one year following termination of the
18 person's status as an executive-level State employee, public
19 official or party officer.]

20 (a) Financial interests.--An executive-level State employee,
21 public official or party officer, or an immediate family member
22 thereof, shall not do any of the following:

23 (1) Hold, whether directly or indirectly, a financial
24 interest in any slot machine licensee, manufacturer licensee,
25 supplier licensee, licensed racing entity or in any holding,
26 affiliate, intermediary or subsidiary company thereof while
27 the individual is an executive-level State employee, public
28 official or party officer and for one year following
29 termination of the individual's status as an executive-level
30 State employee, public official or party officer.

1 (2) Hold, whether directly or indirectly, a financial
2 interest in any applicant for a slot machine license,
3 manufacturer license, supplier license or racetrack or in any
4 holding, affiliate, intermediary or subsidiary company of the
5 applicant while the individual is an executive-level State
6 employee, public official or party officer and for one year
7 following termination of the individual's status as an
8 executive-level State employee, public official or party
9 officer.

10 (a.1) Employment.--

11 (1) An executive-level State employee, public official
12 or party officer shall not be employed, whether directly or
13 indirectly, by any slot machine licensee, manufacturer
14 licensee, supplier licensee, licensed racing entity or
15 racetrack, or an applicant therefor, or by any holding,
16 affiliate, intermediary or subsidiary company thereof, while
17 the individual is an executive-level State employee, public
18 official or party officer and for one year following
19 termination of the individual's status as an executive-level
20 State employee, public official or party officer.

21 (2) An immediate family member of an executive-level
22 State employee, public official or party officer shall not be
23 employed to provide services for any slot machine licensee,
24 manufacturer licensee, supplier licensee, licensed racing
25 entity or racetrack, or an applicant therefor, or by any
26 holding, affiliate, intermediary or subsidiary company
27 thereof, while the executive-level State employee, public
28 official or party officer of the immediate family member is
29 an executive-level State employee, public official or party
30 officer.

1 (a.2) Complimentary services and discounts.--No executive-
2 level State employee, public official or party officer, or an
3 immediate family member thereof, shall solicit or accept,
4 whether directly or indirectly, any complimentary service or
5 discount from any slot machine licensee, manufacturer licensee,
6 supplier licensee or licensed racing entity which the executive-
7 level State employee, public official or party officer, or an
8 immediate family member thereof, 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 while the individual is
11 an executive-level State employee, public official or party
12 officer.

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

17 (a.4) Divestiture.--An executive-level State employee,
18 public official or party officer, or an immediate family member
19 thereof, who holds a financial interest prohibited by this
20 section shall divest the financial interest within three months
21 of the effectuation of the restrictions set forth in subsection
22 (a), as applicable.

23 (a.5) List of applicants.--The board shall publish monthly
24 in the Pennsylvania Bulletin and on its Internet website a list
25 of applicants for slot machine licenses, supplier licenses and
26 manufacturer licenses.

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

30 "Executive-level State employee." The Governor, Lieutenant

1 Governor, cabinet members, deputy secretaries, the Governor's
2 office executive staff, any State employee with discretionary
3 powers which may affect the outcome of a State agency's decision
4 in relation to a private corporation or business, with respect
5 to any matter covered by this part or any executive employee who
6 by virtue of his job function could influence the outcome of
7 such a decision.

8 "Financial interest." Owning or holding securities
9 [exceeding 1% of the equity or fair market value of the] of a
10 licensed racing entity, manufacturer licensee, supplier licensee
11 or licensed gaming entity, its holding company, affiliate,
12 intermediary or subsidiary business or an applicant for such a
13 license. A financial interest shall not include any [such stock
14 that is held in a blind trust over which the executive-level
15 State employee, public official, party officer or immediate
16 family member thereof may not exercise any managerial control or
17 receive income during the tenure of office and the period under
18 subsection (a).] of the following:

19 (1) A stock that is held in a blind trust over which the
20 executive-level State employee, public official or party
21 officer, or an immediate family member thereof, may not
22 exercise managerial control or receive income during the
23 tenure of office and the period under subsection (a).

24 (2) An interest held through a defined benefit pension
25 plan.

26 (3) An interest held through a tuition account plan
27 organized and operated pursuant to section 529 of the
28 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
29 1 et seq.).

30 (4) An interest held in a mutual fund where the interest

1 owned by the individual fund in the licensed gaming entity
2 does not amount to control of the licensed gaming entity as
3 defined by the Investment Company Act of 1940 (54 Stat. 789,
4 15 U.S.C. § 80a-1 et seq.).

5 "Immediate family." A parent, spouse, minor or unemancipated
6 child, brother or sister.

7 "Party officer." A member of a national committee; a
8 chairman, vice chairman, secretary, treasurer or counsel of a
9 State committee or member of the executive committee of a State
10 committee; a county chairman, vice chairman, counsel, secretary
11 or treasurer of a county committee; or a city chairman, vice
12 chairman, counsel, secretary or treasurer of a city committee.

13 "Public official." Any person elected by the public or
14 elected or appointed by a governmental body or an appointed
15 official in the executive, legislative or judicial branch of
16 this Commonwealth or any political subdivision thereof, provided
17 that it shall not include members of advisory boards that have
18 no authority to expend public funds other than reimbursement for
19 personal expense or to otherwise exercise the power of the
20 Commonwealth or any political subdivision [or commissioner of
21 any authority or joint-state commission].

22 Section 7. Section 1517(d) of Title 4 is amended and the
23 section is amended by adding subsections to read:

24 § 1517. Enforcement.

25 * * *

26 (c.1) Powers and duties of Attorney General.--Within the
27 Office of Attorney General, the Attorney General shall establish
28 a gaming division. The division shall investigate and institute
29 criminal proceedings as authorized by subsection (d).

30 (d) Criminal action.--

1 (1) The district attorneys of the several counties shall
2 have authority to investigate and to institute criminal
3 proceedings for [any] a violation of this part.

4 (2) In addition to the authority conferred upon the
5 Attorney General [by] under the act of October 15, 1980
6 (P.L.950, No.164), known as the Commonwealth Attorneys Act,
7 the Attorney General shall have the authority to investigate
8 and, following consultation with the appropriate district
9 attorney, to institute criminal proceedings for [any] a
10 violation of this part, [or any series of such violations
11 involving any county of this Commonwealth and another state.
12 No] A person charged with a violation of this part by the
13 Attorney General shall not have standing to challenge the
14 authority of the Attorney General to investigate or prosecute
15 the case, and, if any such challenge is made, the challenge
16 shall be dismissed and no relief shall be available in the
17 courts of this Commonwealth to the person making the
18 challenge.

19 (d.1) Regulatory action.--Nothing contained in subsection
20 (d) shall be construed to limit the existing regulatory or
21 investigative authority of a department or agency of the
22 Commonwealth whose functions relate to persons or matters
23 falling within the scope of this part.

24 * * *

25 Section 8. Section 911(h)(1) of Title 18 is amended to read:

26 § 911. Corrupt organizations.

27 * * *

28 (h) Definitions.--As used in this section:

29 (1) "Racketeering activity" means all of the following:

30 (i) [any] An act which is indictable under any of

1 the following provisions of this title:

2 Chapter 25 (relating to criminal homicide)

3 Section 2706 (relating to terroristic threats)

4 Chapter 29 (relating to kidnapping)

5 Chapter 33 (relating to arson, etc.)

6 Chapter 37 (relating to robbery)

7 Chapter 39 (relating to theft and related

8 offenses)

9 Section 4108 (relating to commercial bribery and

10 breach of duty to act disinterestedly)

11 Section 4109 (relating to rigging publicly

12 exhibited contest)

13 Section 4117 (relating to insurance fraud)

14 Chapter 47 (relating to bribery and corrupt

15 influence)

16 Chapter 49 (relating to falsification and

17 intimidation)

18 Section 5111 (relating to dealing in proceeds of

19 unlawful activities)

20 Section 5512 through 5514 (relating to gambling)

21 Chapter 59 (relating to public indecency)

22 (ii) [any] An offense indictable under section 13 of

23 the act of April 14, 1972 (P.L.233, No.64), known as The

24 Controlled Substance, Drug, Device and Cosmetic Act

25 (relating to the sale and dispensing of narcotic

26 drugs)[;]_.

27 (iii) [any] A conspiracy to commit any of the

28 offenses set forth in [subparagraphs (i) and (ii) of this

29 paragraph; or] subparagraph (i), (ii) or (v).

30 (iv) [the] The collection of any money or other

1 property in full or partial satisfaction of a debt which
2 arose as the result of the lending of money or other
3 property at a rate of interest exceeding 25% per annum or
4 the equivalent rate for a longer or shorter period, where
5 not otherwise authorized by law.

6 (v) An offense indictable under 4 Pa.C.S. Pt. II
7 (relating to gaming).

8 [Any] An act which otherwise would be considered racketeering
9 activity by reason of the application of this paragraph,
10 shall not be excluded from its application solely because the
11 operative acts took place outside the jurisdiction of this
12 Commonwealth, if such acts would have been in violation of
13 the law of the jurisdiction in which they occurred.

14 * * *

15 Section 9. All acts and parts of acts are repealed insofar
16 as they are inconsistent with this act.

17 Section 10. This act shall take effect immediately.