
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 248 Session of
1991

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FEBRUARY 5, 1991

REFERRED TO COMMITTEE ON FINANCE, FEBRUARY 5, 1991

AN ACT

1 Authorizing limited gambling on excursion boats; imposing a tax
2 on adjusted gross receipts from such gambling; requiring
3 licenses; imposing fees; and providing penalties for
4 violations.

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

15 Section 1. Short title.

16 This act shall be known and may be cited as the Excursion
17 Boat Gambling Act.

18 Section 2. Definitions.

19 The following words and phrases when used in this act shall
20 have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Adjusted gross receipts." The gross receipts less winnings
23 paid to wagerers.

24 "Applicant." A person, including an individual, partnership,
25 corporation or association applying for an occupational license
26 or applying for a license to operate an excursion gambling boat.

27 "Cheat." To alter the selection of criteria which determine
28 the result of a gambling game or the amount or frequency of
29 payment in a gambling game.

30 "Commission." The Excursion Boat Gambling Commission created

1 under this act.

2 "Distributor." A person who sells, markets or otherwise
3 distributes gambling games, devices or implements of gambling
4 which are usable in the lawful conduct of gambling games
5 pursuant to this act to a licensee authorized to conduct
6 gambling games pursuant to this act.

7 "Dock." The location where an excursion gambling boat is
8 continuously docked or where it moors for the purpose of
9 embarking passengers for and disembarking passengers from a
10 gambling excursion.

11 "Excursion gambling boat." A self-propelled excursion boat,
12 having a capacity of at least 200 persons, on which lawful
13 gambling is authorized and licensed as provided in this act.

14 "Excursion season." The months of January through December.

15 "Gambling game." Includes, but is not limited to, twenty-
16 one, poker, keno layout, dice, slot machine, video game of
17 chance or roulette wheel and any other game as may be authorized
18 by this act.

19 "Gross receipts." The total sums wagered under this act.

20 "Holder of occupational license." A person licensed by the
21 Excursion Boat Gambling Commission to perform an occupation
22 which the commission has identified as requiring a license to
23 engage in excursion boat gambling.

24 "Implements of gambling." Any product, device or component
25 thereof the use of which directly influences the outcome of a
26 gambling game.

27 "Licensee." A person licensed under this act.

28 "Manufacturer." A person who designs, assembles, fabricates,
29 produces, constructs or otherwise prepares a product or a
30 component part of a product of any implement of gambling usable

1 in the lawful conduct of gambling games pursuant to this act.

2 "Operator." A person who is licensed to operate gambling
3 games on an excursion gambling boat.

4 Section 3. Application of act.

5 This act applies only to excursion boat gambling. It does not
6 apply to horse racing, the State lottery, bingo or any other
7 type of gambling.

8 Section 4. Powers and authority.

9 The commission shall have full jurisdiction over and shall
10 supervise all gambling operations governed by this act, and
11 shall have the following powers:

12 (1) To investigate and determine the eligibility of
13 applicants for a license, and to select among competing
14 applicants, the applicant which best serves the interests of
15 the citizens of this Commonwealth.

16 (2) To license operators, to identify occupations within
17 the excursion gambling boat operations which require
18 licensing, to adopt standards for licensing the occupations,
19 and to establish fees for the occupational licenses. The fees
20 shall be paid to the commission and deposited in a special
21 account in the General Fund which is hereby established. All
22 revenue received by the commission from license fees and
23 admission fees shall be deposited in the special account in
24 the General Fund.

25 (3) To adopt standards under which all excursion
26 gambling boat operations shall be held and standards for the
27 facilities within which the gambling operations shall be
28 held. The commission may authorize the operation of gambling
29 games on an excursion gambling boat which is also licensed to
30 sell or serve alcoholic beverages, wine or beer.

1 (4) To regulate the wagering structure for gambling
2 excursions, including providing a maximum wager of \$5 per
3 hand or play and a maximum loss of \$200 per individual player
4 per gambling excursion.

5 (5) To enter the office, excursion gambling boat,
6 facilities or other places of business of a licensee to
7 determine compliance with this act.

8 (6) To investigate alleged violations of this act or
9 commission rules, regulations, orders or decisions, and to
10 take appropriate disciplinary action against a licensee or a
11 holder of an occupational license for a violation, or
12 institute appropriate legal action for enforcement, or both.

13 (7) To require a licensee, an employee of a licensee or
14 holder of an occupational license to remove a person
15 violating a provision of this act or the commission rules,
16 orders, final orders or other person deemed to be undesirable
17 from the excursion gambling boat facilities.

18 (8) To require the removal of a licensee, an employee of
19 a licensee or a holder of an occupational license for a
20 violation of this act or a commission rule, regulation, order
21 or decision or for engaging in a fraudulent practice.

22 (9) To require an operator to file an annual balance
23 sheet and profit and loss statement pertaining to the
24 operator's gambling activities in this Commonwealth, together
25 with a list of the stockholders or other persons having any
26 equity or beneficial interest in the gambling activities of
27 each operator.

28 (10) To issue subpoenas for the attendance of witnesses
29 and subpoenas duces tecum for the production of books,
30 records and other pertinent documents and to administer oaths

1 and affirmations to witnesses.

2 (11) To keep accurate and complete records of its
3 proceedings and to certify the records as may be appropriate.

4 (12) To assess a fine and revoke or suspend licenses.

5 (13) To take any other action as may be reasonable or
6 appropriate to enforce this act and commission rules,
7 regulations, orders and decisions.

8 (14) To require all licensees of gambling game
9 operations to utilize a cashless wagering system whereby all
10 players' money is converted to tokens, electronic cards or
11 chips which can be used only for wagering on the excursion
12 gambling boat.

13 (15) To ensure that the gambling games authorized under
14 this act are conducted fairly. No gambling device shall be
15 set to pay out less than 80% of all wagers.

16 (16) To promulgate such regulations as may be necessary
17 to implement this act.

18 Section 5. Applications for operators licenses.

19 (a) General rule.--A person may apply to the commission for
20 a license to operate gambling games on an excursion gambling
21 boat. The application shall be filed with the administrator of
22 the commission at least 90 days before the first day of the next
23 excursion season, shall identify the excursion gambling boat
24 upon which gambling games will be authorized, shall specify the
25 exact location where the excursion gambling boat will be docked,
26 and shall be in a form and contain such information as the
27 commission prescribes.

28 (b) Initial license fee.--The initial license fee shall be
29 \$50,000.

30 (c) Annual license fee.--The annual license fee to operate

1 gambling games on an excursion gambling boat shall be based on
2 the passenger-carrying capacity, including crew, for which the
3 excursion gambling boat is registered. The initial annual fee
4 shall be \$25 per person-capacity and shall be subject to change
5 pursuant to section 10(c).

6 Section 6. Occupational, distributors and manufacturers;
7 licenses.

8 (a) License required.--A manufacturer or distributor of
9 gambling games or implements of gambling and any person who will
10 be employed on a excursion gambling boat in an occupation listed
11 by the commission, shall apply for a license upon a form
12 prescribed by the commission annually before January 1, and
13 shall submit the appropriate license fee. An applicant shall
14 provide such information as the commission requires. The license
15 fee for a distributor is \$10,000, and the license fee for a
16 manufacturer is \$10,000. The license fee for an occupational
17 license shall be established by the commission. The license fees
18 shall be credited to the special account provided for in section
19 4(2).

20 (b) Limitations on operators.--

21 (1) An operator shall acquire all gambling games or
22 implements of gambling from a distributor licensed pursuant
23 to this act. An operator shall not sell or give gambling
24 games or implements of gambling to another licensee.

25 (2) An operator shall not be a manufacturer or
26 distributor of gambling games or implements of gambling.

27 (3) A manufacturer shall not be a distributor or an
28 operator.

29 (4) A distributor shall not be a manufacturer or an
30 operator.

1 (c) Suspension or revocation of license.--The commission may
2 suspend or revoke the license of a distributor or manufacturer
3 for a violation of this act or a rule adopted pursuant to this
4 act committed by the distributor or manufacturer or an officer,
5 director, employee or agent of the manufacturer or distributor.

6 (d) Procedures.--A manufacturer or distributor of gambling
7 games who has been granted a license under this section shall
8 have a representative within this Commonwealth to take delivery
9 of gambling games or implements of gambling prior to delivery to
10 an operator. The manufacturer or distributor shall provide the
11 commission with a copy of the invoice showing the items shipped
12 and a copy of the bill of lading. When received, the gambling
13 games or implements of gambling shall be stored in a public
14 warehouse in this Commonwealth until delivered to the operator
15 or, after delivery is complete, the shipment may be transferred
16 to an operator.

17 Section 7. Requirements of applicant; penalty.

18 (a) Application form.--A person shall not be issued a
19 license to conduct gambling games on an excursion gambling boat
20 under this act, an occupational license, a distributor license
21 or a manufacturer license unless the person has completed and
22 signed an application on the form prescribed and published by
23 the commission.

24 (1) The application shall include the full name,
25 residence, date of birth and other personal identifying
26 information of the applicant which the commission deems
27 necessary. The application shall also include whether the
28 applicant has any of the following:

29 (i) A record of conviction of a felony.

30 (ii) An addiction to alcohol or a controlled

1 substance.

2 (iii) A history of mental illness.

3 (2) An applicant shall submit pictures, fingerprints and
4 descriptions of physical characteristics to the commission in
5 the manner prescribed on the application forms.

6 (3) It is the burden of the applicant to show by a
7 preponderance of the evidence his suitability as to
8 character, experience and adequacy of funds. If an applicant
9 has a record of any of the items set forth in subsection
10 (a)(1), it may be grounds for denial of a license under this
11 act.

12 (b) Additional fee.--The commission shall charge the
13 applicant a fee to defray the costs associated with the search
14 and classification of fingerprints and background
15 investigations. This fee is in addition to any other license fee
16 charged by the commission.

17 (c) Background investigation.--Before a license is granted,
18 the Pennsylvania State Police shall conduct a thorough
19 background investigation of the applicant for a license to
20 operate a gambling game operation on an excursion gambling boat.
21 The applicant shall provide information on a form as required by
22 the Pennsylvania State Police.

23 (d) Tourism.--Before a license is granted, an operator of an
24 excursion gambling boat shall work with the Department of
25 Commerce to promote tourism in this Commonwealth. Tourism
26 information from local civic and private persons may be
27 submitted for dissemination.

28 (e) Offense.--A person who knowingly makes a false statement
29 on the application commits a misdemeanor of the second degree.

30 (f) Warrantless search.--The operator or a holder of an

1 occupational license shall consent to the search without a
2 warrant of the operator or holder's person, personal property
3 and effects, and premises which are located within the area of
4 the excursion gambling boat where gambling is permitted for
5 criminal violations of this chapter or violations of rules,
6 regulations, orders or decisions of the commission.

7 Section 8. Terms and conditions of licenses; revocation.

8 (a) Issuance.--If the commission is satisfied that this act
9 and its rules adopted under this act applicable to licensees
10 have been or will be complied with, the commission shall issue
11 the appropriate license. The commission shall decide the number,
12 location and type of excursion gambling boats for operation on
13 the rivers, lakes and reservoirs of this Commonwealth. The
14 license shall set forth the name of the licensee, the type of
15 license granted, the place where the excursion gambling boats
16 will operate and dock, and the time and number of days during
17 the excursion season when gambling may be conducted by the
18 licensee.

19 (b) Conditions.--A license shall be granted to an applicant
20 only upon the express conditions that:

21 (1) The applicant shall not, by lease, contract,
22 understanding or arrangement of any kind, grant, assign or
23 turn over to any person the operation of gambling games on an
24 excursion gambling boat licensed under this section or the
25 operation of the system of wagering described in section 10.
26 This section does not prohibit a management contract approved
27 by the commission.

28 (2) The applicant shall not in any manner permit a
29 person other than the operator to have a share, percentage or
30 proportion of the money received for admissions to the

1 excursion gambling boat.

2 (c) Pennsylvania resources, goods and services.--The
3 commission shall require that an applicant utilize Pennsylvania
4 resources, goods and services in the operation of an excursion
5 gambling boat where feasible and obtainable. The commission
6 shall develop standards to assure that a substantial amount of
7 all resources and goods used in the operation of an excursion
8 gambling boat come from Pennsylvania and that a substantial
9 amount of all services and entertainment be provided by
10 Pennsylvanians. The requirement of this subsection shall not
11 limit hiring for essential crew positions related to the
12 gambling operation, vessel operation or passenger safety.

13 (d) Conditions.--The commission shall, as a condition of
14 granting a license, require an applicant to provide written
15 documentation that, on each excursion gambling boat:

16 (1) No more than 50% of the square footage shall be used
17 for gambling activity.

18 (2) The applicant makes every effort to ensure that a
19 substantial number of the staff and entertainers employed are
20 residents of this Commonwealth.

21 (3) A section is reserved for promotion and sale of
22 arts, crafts and gifts native to and made in this
23 Commonwealth.

24 (e) Wages.--All employees shall be paid at least 25% above
25 the Federal minimum wage level.

26 (f) When licenses not to be granted.--A license shall not be
27 granted if there is substantial evidence that any of the
28 following apply:

29 (1) The applicant has been suspended from operating a
30 game of chance or gambling operation in another jurisdiction

1 by a board or commission of that jurisdiction.

2 (2) The applicant has not demonstrated financial
3 responsibility sufficient to meet adequately the requirements
4 of the enterprise proposed.

5 (3) The applicant is not the true owner of the
6 enterprise proposed.

7 (4) The applicant is not the sole owner, and other
8 persons have ownership in the enterprise, which fact has not
9 been disclosed.

10 (5) The applicant is a corporation and 10% of the stock
11 of the corporation is subject to a contract or option to
12 purchase at any time during the period for which the license
13 is to be issued, unless the contract or option was disclosed
14 to the commission and the commission approved the sale or
15 transfer during the period of the license.

16 (6) The applicant has knowingly made a false statement
17 of a material fact to the commission.

18 (7) The applicant has failed to meet a valid, bona fide
19 monetary obligation in connection with an excursion gambling
20 boat.

21 (8) There is substantial evidence that the applicant is
22 not of good repute and moral character.

23 (9) The applicant has two other licenses issued under
24 this act.

25 (g) Loans prohibited.--An operator shall not loan to any
26 person money or any other thing of value for the purpose of
27 permitting that person to wager on any game of chance. This does
28 not prohibit credit card or debit card transactions or cashing
29 of checks in the ordinary course of business.

30 (h) Referendum.--

1 (1) A license to conduct gambling games on an excursion
2 gambling boat in a county shall be issued only if the county
3 electorate approves the conduct of the gambling games as
4 provided in this subsection. The board of county
5 commissioners, upon receipt of a valid petition, shall
6 direct the county board of elections to submit to the
7 qualified voters of the county a proposition to approve or
8 disapprove the conduct of gambling games on an excursion
9 gambling boat in the county. The proposition may be submitted
10 at a primary or general election. The petition must be
11 received by the county board of elections at least 60 days
12 before the election. If a majority of the county voters
13 voting on the proposition favor the conduct of gambling
14 games, the commission may issue one or more licenses as
15 provided in this act. If a majority of the county voters
16 voting on the proposition do not favor the conduct of
17 gambling games, a license to conduct gambling games in the
18 county shall not be issued. After a referendum has been held,
19 another referendum shall not be held for at least two years.

20 (2) If a license to conduct gambling games is in effect,
21 pursuant to a referendum as set forth in this section, and is
22 subsequently disapproved by a referendum of the county
23 electorate, the license shall be canceled as of the
24 succeeding July 1.

25 (i) Docking fee.--If a docking fee is charged by a
26 municipality, the operator shall pay the docking fee one year in
27 advance.

28 (j) Payment of taxes and fees.--An operator shall not be
29 delinquent in the payment of property taxes or other taxes or
30 fees or in the payment of any other contractual obligation or

1 debt due or owed to a municipality.

2 (k) Requirements of State agencies.--An excursion gambling
3 boat operated on waters of this Commonwealth shall meet all of
4 the requirements of the Pennsylvania Fish Commission, The
5 Department of Health and the Department of Environmental
6 Resources and is subject to inspection of its sanitary
7 facilities to protect the environment and water quality before a
8 certificate of registration is issued by the Pennsylvania Fish
9 Commission under 30 Pa.C.S. Ch. 53 (relating to registration of
10 boats) or a license is issued under this act.

11 (l) Ports of call.--If an excursion gambling boat stops at
12 more than one harbor and travels past a county without stopping
13 at any port in that county, the commission shall require the
14 excursion boat operator to develop a schedule for ports of call
15 in which a county referendum has been approved if the port of
16 call has the necessary facilities to handle the boat. The
17 commission may limit the schedule to only one port of call per
18 county.

19 (m) Revocation of license.--Upon a violation of any of the
20 conditions listed in this section, the commission shall
21 immediately revoke the license.

22 Section 9. Bond of operator.

23 An operator shall post a bond to the Commonwealth before the
24 license is issued in such sum as the commission shall fix, with
25 sureties to be approved by the commission. The bond shall be
26 used to guarantee that the operator faithfully makes the
27 payments, keeps its books and records, makes reports, and
28 conducts its gambling games in conformity with this act and the
29 rules adopted by the commission. The bond shall not be canceled
30 by a surety on less than 30-day notice, in writing, to the

1 commission. If a bond is canceled and the operator fails to file
2 a new bond with the commission in the required amount on or
3 before the effective date of cancellation, the operator's
4 license shall be revoked. The total and aggregate liability of
5 the surety on the bond is limited to the amount specified in the
6 bond.

7 Section 10. Wagering; minors prohibited.

8 (a) Wagering.--The operator shall permit no form of wagering
9 on gambling games, except as permitted in this section.

10 (b) Maximum wagers and losses.--Operators shall allow only a
11 maximum wager of \$5 per hand or play and a maximum loss of \$200
12 per person during each gambling excursion. However, the
13 commission may adopt rules allowing additional wagers consistent
14 with generally accepted wagering options in the games of twenty-
15 one and dice.

16 (c) Wagerers to be present.--The operator may receive wagers
17 only from persons present on an excursion gambling boat.

18 (d) Tokens, chips, etc.--The operator shall exchange the
19 money of each wagerer for tokens, chips or other forms of credit
20 to be wagered on the gambling games. The operator shall exchange
21 the gambling tokens, chips or other forms of wagering credit for
22 money at the request of the wagerer. Wagering shall not be
23 conducted with money or other negotiable currency.

24 (e) Persons under 21 years.--A person under the age of 21
25 years shall not make a wager on an excursion gambling boat. No
26 person under the age of 21 years shall be allowed in the area of
27 the excursion boat where gambling is being conducted except
28 where authorized by the act of April 12, 1951 (P.L.90, No.21),
29 known as the Liquor Code.

30 (f) Gambling when boat is docked.--An operator shall not

1 conduct gambling games while the excursion gambling boat is
2 docked unless it is only temporarily docked for embarking or
3 disembarking passengers, crew or supplies during the course of
4 an excursion cruise, or for mechanical problems or adverse
5 weather or other conditions adversely affecting safe navigation,
6 during the duration of the problem or condition or as authorized
7 by the commission during off season.

8 Section 11. Admission fee; tax; local fees.

9 (a) State admission fee.--An operator shall collect and
10 remit to the commission a State admission fee for each person
11 embarking on an excursion gambling boat with a ticket of
12 admission. The State admission fee shall be set by the
13 commission.

14 (1) If tickets are issued which are good for more than
15 one excursion, the State admission fee shall be paid for each
16 person using the ticket on each excursion for which the
17 ticket is used.

18 (2) If free passes or complimentary admission tickets
19 are issued, the operator shall pay the same State fee upon
20 the passes or complimentary tickets as if they were sold at
21 the regular and usual admission rate, except that the
22 operator may issue State fee-free passes to actual and
23 necessary officials and employees of the operator and other
24 persons actually working on the excursion gambling boat.

25 (3) The issuance of State fee-free passes is subject to
26 the rules of the commission. A list of all persons to whom
27 State fee-free passes are issued shall be filed with the
28 commission.

29 (b) Local admission fee.--In addition to the State admission
30 fee charged under subsection (a) and subject to approval of

1 excursion gambling boat docking by the voters, a municipality
2 may adopt, by ordinance, an admission fee not exceeding 50¢ for
3 each person embarking on an excursion gambling boat docked
4 within the municipality. The admission revenue received by a
5 municipality shall be credited to the municipality's general
6 fund.

7 (c) Determination of fees.--In determining the annual
8 license fees and State admission fees to be charged under this
9 section, the commission shall use the amount appropriated to the
10 commission as the basis for determining the amount of revenue to
11 be raised from the license fees and State admission fees.

12 (d) Prohibition against other taxes or fees.--No license
13 tax, permit tax, occupation tax, excursion fee, or other tax or
14 fee, shall be levied, assessed or collected from an operator by
15 the Commonwealth or by a political subdivision except as
16 provided in this section, nor shall any excise tax be levied,
17 assessed or collected from the operator relating to gambling
18 excursions or admission charges by the Commonwealth or by a
19 political subdivision except as provided in this section.

20 Section 12. Wagering tax; rate; credit.

21 A wagering tax is imposed on the adjusted gross receipts
22 received annually from gambling games authorized under this act
23 at the rate of 15% of adjusted gross receipts. The taxes imposed
24 by this section shall be paid by the operator to the Department
25 of Revenue within ten days after the close of the month when the
26 wagers were made and shall be distributed as follows:

27 (1) Twenty-five percent of the wagering tax shall be
28 remitted to the treasurer of the county in which the dock is
29 located and shall be deposited in the general fund of the
30 county. Another 25% of the wagering tax shall be remitted to

1 the treasurer of the Pennsylvania municipal corporation where
2 the dock is located and shall be deposited in the general
3 fund of the municipal corporation. In the case where the
4 municipal corporation in which the dock is located, is a
5 first class city, such city shall receive 50% of the wagering
6 tax.

7 (2) The remaining amount of the wagering tax shall be
8 credited to the General Fund of the Commonwealth.

9 Section 13. Books and records; reports; audits; supervision.

10 (a) Books and records.--An operator shall keep its books and
11 records so as to clearly show all of the following:

12 (1) The total number of admissions to gambling
13 excursions conducted by the operator on each day, including
14 the number of admissions upon free passes or complimentary
15 tickets.

16 (2) The amount received daily from admission fees.

17 (3) The total amount of money wagered during each
18 excursion day and the adjusted gross receipts for the day.

19 (b) Reports.--The operator shall furnish to the commission
20 reports and information as the commission may require with
21 respect to its activities. The commission may designate a
22 representative to board an excursion gambling boat, who shall
23 have full access to all places within the enclosure of the boat
24 and who shall supervise and check the admissions. The
25 compensation of the representative shall be fixed by the
26 commission but shall be paid by the operator.

27 (c) Records to be public.--The books and records kept by an
28 operator, as provided by this section, are public records.

29 (d) Audits.--Within 90 days after the end of each month, the
30 operator shall transmit to the commission an audit of the

1 financial transactions and condition of the operator's books and
2 records. Additionally, within 90 days after the end of the
3 operator's fiscal year, the operator shall transmit to the
4 commission an audit of the financial transactions and condition
5 of the operator. All audits shall be conducted by certified
6 public accountants who are certificated by the Department of
7 State.

8 Section 14. Annual report of commission.

9 The commission shall make an annual report to the Governor
10 for the period ending December 31 of each year. Included in the
11 report shall be an account of the commission's actions, its
12 financial position and results of operations under this act, the
13 practical results attained under this act and any
14 recommendations for legislation which the commission deems
15 advisable.

16 Section 15. Prohibited activities; penalty.

17 (a) Prohibited activities.--A person commits a misdemeanor
18 of the second degree for any of the following:

19 (1) Operating a gambling excursion where wagering is
20 used or to be used without a license issued by the
21 commission.

22 (2) Operating a gambling excursion where wagering is
23 permitted other than in the manner specified by section 9.

24 (3) Acting, or employing a person to act, as a shill or
25 decoy to encourage participation in a gambling game.

26 (4) Knowingly permitting a person under 21 years of age
27 to make a wager.

28 (5) Wagering or accepting a wager at any location
29 outside the excursion gambling boat.

30 (b) Serious offenses.--A person commits a class felony of

1 the third degree and, in addition, shall be barred for life from
2 excursion gambling boats under the jurisdiction of the
3 commission, if he does any of the following:

4 (1) Offers, promises or gives anything of value or
5 benefit to a person who is connected with an excursion
6 gambling boat operator, including, but not limited to, an
7 officer or employee of a licensee or holder of an
8 occupational license, pursuant to an agreement or arrangement
9 or with the intent that the promise or thing of value or
10 benefit will influence the actions of the person to whom the
11 offer, promise or gift was made in order to affect or attempt
12 to affect the outcome of a gambling game, or to influence
13 official action of a member of the commission.

14 (2) Solicits or knowingly accepts or receives a promise
15 of anything of value or benefit while the person is connected
16 with an excursion gambling boat, including, but not limited
17 to, an officer or employee of a licensee or holder of an
18 occupational license, pursuant to an understanding or
19 arrangement or with the intent that the promise or thing of
20 value or benefit will influence the actions of the person to
21 affect or attempt to affect the outcome of a gambling game,
22 or to influence official action of a member of the
23 commission.

24 (3) Uses a device to assist in any of the following:

25 (i) In projecting the outcome of the game.

26 (ii) In keeping track of the cards played.

27 (iii) In analyzing the probability of the occurrence
28 of an event relating to the gambling game.

29 (iv) In analyzing the strategy for playing or
30 betting used in the game, except as permitted by the

1 commission.

2 (4) Cheats at a gambling game.

3 (5) Manufactures, sells, or distributes any cards,
4 chips, dice, game or device which is intended to be used to
5 violate any provision of this act.

6 (6) Alters or misrepresents the outcome of a gambling
7 game on which wagers have been made after the outcome is made
8 sure but before it is revealed to the players.

9 (7) Places a bet after acquiring knowledge, not
10 available to all players, of the outcome of the gambling game
11 which is the subject of the bet or to aid a person in
12 acquiring the knowledge for the purpose of placing a bet
13 contingent on that outcome.

14 (8) Claims, collects, or takes, or attempts to claim,
15 collect, or take, money or anything of value in or from a
16 gambling game, with intent to defraud, without having made a
17 wager contingent on winning a gambling game, or claims,
18 collects, or takes an amount of money or thing of value of
19 greater value than the amount won.

20 (9) Knowingly entices or induces a person to go to any
21 place where a gambling game is being conducted or operated in
22 violation of the provisions of this act with the intent that
23 the other person plays or participates in that gambling game.

24 (10) Uses counterfeit chips or tokens in a gambling
25 game.

26 (11) Knowingly uses, other than chips, tokens, coin, or
27 other methods or credit approved by the commission, legal
28 tender of the United States, or to use coin not of the
29 denomination as the coin intended to be used in the gambling
30 games.

1 (12) Has in his possession any device intended to be
2 used to violate a provision of this act.

3 (13) Except for an operator or employee of an operator
4 acting in furtherance of the employee's employment, has in
5 his possession any key or device designed for the purpose of
6 opening, entering, or affecting the operation of a gambling
7 game, drop box, or an electronic or mechanical device
8 connected with the gambling game or for removing coins,
9 tokens, chips or other contents of a gambling game.

10 (c) Inference.--The possession of more than one of the
11 devices described in subsection (d)(3), (5), (13) or (14)
12 permits a rebuttable inference that the possessor intended to
13 use the devices for cheating.

14 (d) Exchanging tokens, chips, etc.--Except for wagers on
15 gambling games or exchanges for money as provided in section
16 10(d), a licensee who exchanges tokens, chips, or other forms of
17 credit to be used on gambling games for anything of value
18 commits a misdemeanor of the third degree.

19 Section 16. Forfeiture of property.

20 (a) General rule.--Anything of value, including all
21 traceable proceeds, including, but not limited to, real and
22 personal property, moneys, negotiable instruments, securities,
23 and conveyances, is subject to forfeiture to the Commonwealth if
24 the item was used:

25 (1) in exchange for a bribe intended to affect the
26 outcome of a gambling game; or

27 (2) in exchange for or to facilitate any other violation
28 of this act.

29 (b) Presumption.--All moneys, coin and currency found in
30 close proximity of wagers or of records of wagers are presumed

1 forfeited. The burden of proof is upon the claimant of the
2 property to rebut this presumption.

3 (c) Knowledge as prerequisite.--Subsections (a) and (b)
4 apply only if the act or omission which would give rise to the
5 forfeiture was committed or omitted with the owner's knowledge
6 and consent.

7 Section 17. Report of implementation.

8 The commission shall report to the General Assembly by April
9 1, 1993, the number of excursion gambling boat licenses which
10 the commission has issued. The report shall also include the
11 administrative rules which the commission proposes or has
12 adopted to implement the provisions of this act.

13 Section 18. Commission.

14 The River Boat Gambling Commission is created, consisting of
15 seven members, two of whom shall be appointed by the Governor
16 under the provisions of section 207.1(d) of the act of April 9,
17 1929 (P.L.177, No.175), known as The Administrative Code of
18 1929. The remaining five members shall consist of two members
19 elected to the House of Representatives, one from the majority
20 party and one from the minority party, to be appointed by the
21 Speaker of the House of Representatives and two members elected
22 to the Senate, one from the majority party and one from the
23 minority party, to be appointed by the President pro tempore of
24 the Senate. The remaining member shall be the Attorney General.
25 The members of the commission shall serve for three-year terms
26 at the pleasure of the Governor, except that the Governor's
27 original appointments shall be one for four years and one for
28 two years.

29 Section 19. Exemption from State gambling laws.

30 Video poker machines and their use are exempt from 18 Pa.C.S.

1 § 5513 (relating to gambling devices, gambling, etc.).

2 Section 20. Exemption from Federal regulation.

3 The General Assembly declares that the Commonwealth is exempt
4 from section 2 of the Gambling Devices Transportation Act (64
5 Stat. 1134, 15 U.S.C. § 1172 et. seq.). Shipments of video
6 devices into this Commonwealth in compliance with sections 3 and
7 4 of the Gambling Devices Transportation Act (64 Stat. 1134, 15
8 U.S.C. §§ 1173 and 1174) shall be deemed legal shipments into
9 this Commonwealth.

10 Section 21. Effective date.

11 This act shall take effect immediately.