

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 14

Session of  
2007

INTRODUCED BY M. O'BRIEN, CLYMER, J. TAYLOR, W. KELLER,  
HENNESSEY, SWANGER, VITALI, JOSEPHS, YOUNGBLOOD, COX AND  
DeWEESE, JANUARY 30, 2007

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, FEBRUARY 13, 2008

## AN ACT

1 Amending Title 4 (Amusements) of the Pennsylvania Consolidated  
2 Statutes, providing for binding ballot questions; AND FURTHER <—  
3 PROVIDING FOR LOCATION OF CATEGORY 2 SLOT MACHINE LICENSE.

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

6 Section 1. Title 4 of the Pennsylvania Consolidated Statutes  
7 is amended by adding a section to read:

8 § 1214. Binding ballot question.

9 Notwithstanding any other provision of this title to the  
10 contrary, a municipality shall have the authority to place a  
11 binding ballot question before the electorate to approve or  
12 disapprove the expansion of gambling operations or increases in  
13 the number of licensees within the municipality.

14 SECTION 2. SECTION 1304(B)(1) OF TITLE 4 IS AMENDED TO READ: <—  
15 § 1304. CATEGORY 2 SLOT MACHINE LICENSE.

16 \* \* \*

17 (B) LOCATION.--

(1) TWO CATEGORY 2 LICENSED FACILITIES AND NO MORE SHALL BE LOCATED BY THE BOARD WITHIN A CITY OF THE FIRST CLASS PROVIDED THAT NO FACILITY SHALL BE LOCATED WITHIN 1,500 FEET OF ANY REAL PROPERTY ON WHICH IS LOCATED AN EXISTING RESIDENCE, PUBLIC, PRIVATE OR PAROCHIAL SCHOOL, PLACE OF WORSHIP, PUBLIC RECREATION CENTER, PUBLIC PARK OR PUBLIC PLAYGROUND, AND ONE CATEGORY 2 LICENSED FACILITY AND NO MORE SHALL BE LOCATED BY THE BOARD WITHIN A CITY OF THE SECOND CLASS. NO CATEGORY 2 LICENSED FACILITY LOCATED BY THE BOARD WITHIN A CITY OF THE FIRST CLASS SHALL BE WITHIN TEN LINEAR MILES OF A CATEGORY 1 LICENSED FACILITY REGARDLESS OF THE MUNICIPALITY WHERE THE CATEGORY 1 LICENSED FACILITY IS LOCATED. EXCEPT FOR ANY CATEGORY 2 LICENSED FACILITY LOCATED BY THE BOARD WITHIN A CITY OF THE FIRST CLASS OR A CITY OF THE SECOND CLASS, NO CATEGORY 2 LICENSED FACILITY SHALL BE LOCATED WITHIN 30 LINEAR MILES OF ANY CATEGORY 1 LICENSED FACILITY THAT HAS CONDUCTED OVER 200 RACING DAYS PER YEAR FOR THE TWO CALENDAR YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS PART AND NOT WITHIN 20 LINEAR MILES OF ANY OTHER CATEGORY 1 LICENSED FACILITY. EXCEPT FOR ANY CATEGORY 2 LICENSED FACILITY LOCATED BY THE BOARD WITHIN A CITY OF THE FIRST CLASS, NO CATEGORY 2 LICENSED FACILITY SHALL BE LOCATED WITHIN 20 LINEAR MILES OF ANOTHER CATEGORY 2 LICENSED FACILITY.

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SECTION 3. THE 1,500-FOOT LIMITATION ON CATEGORY 2 LICENSED FACILITIES IN A CITY OF THE FIRST CLASS SHALL APPLY RETROACTIVELY TO ANY LICENSE ALREADY PROVISIONALLY ISSUED, CONDITIONALLY ISSUED OR ACTUALLY ISSUED BY THE PENNSYLVANIA GAMING CONTROL BOARD FOR A LOCATION IN THE CITY OF THE FIRST

1 CLASS. IN THE EVENT OF SUCH RETROACTIVITY, SUCH LICENSEE, WITHIN  
2 90 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, MAY PETITION THE  
3 BOARD PURSUANT TO 4 PA.C.S. § 1329 TO TRANSPORT THE LICENSE TO A  
4 LOCATION THAT MEETS THE 1,500-FOOT LIMITATION. IN THE CASE OF A  
5 PETITION FOR TRANSPORT PURSUANT TO 4 PA.C.S. § 1329, THE  
6 APPLICABILITY OF THE 1,500-FOOT LIMITATION SHALL BE DEEMED TO  
7 CONSTITUTE GOOD CAUSE SHOWN. IF A PETITION IS NOT MADE WITHIN 90  
8 DAYS, OR IF ANY TIMELY PETITION IS NOT APPROVED BY THE BOARD,  
9 ANY LICENSE FOR A PROPERTY THAT DOES NOT CONFORM WITH THE 1,500-  
10 FOOT LIMITATION SHALL BE FORFEITED AND, IN SUCH CASE, THE  
11 LICENSE SHALL BECOME AVAILABLE TO A FUTURE APPLICANT AND THE  
12 BOARD SHALL AGAIN IMPLEMENT THE LICENSING PROCESS TO ISSUE THE  
13 LICENSE IN ACCORDANCE WITH THE PROVISIONS OF 4 PA.C.S.

14 Section ~~2~~ 4. This act shall take effect immediately.

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