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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1541** Session of  
2008

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INTRODUCED BY COSTA, FONTANA, KASUNIC AND STOUT, AUGUST 20, 2008

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REFERRED TO COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT,  
AUGUST 20, 2008

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AN ACT

1 Amending Title 4 (Amusements) of the Pennsylvania Consolidated  
2 Statutes, further providing for definitions; in the  
3 Pennsylvania Gaming Control Board, further providing for  
4 powers, for code of conduct, for minutes and records, for  
5 regulatory authority and for collection of fees and fines; in  
6 licensing, further providing for slot machine license  
7 applications, for slot machine license application character  
8 requirements, for additional slot machine license  
9 requirements, for licensing of principals, for licensing of  
10 key employees, for supplier licenses, for manufacturer  
11 licenses and for duties of licensees and employees; in  
12 revenues, further providing for gross terminal revenue  
13 deductions and for itemized budget reporting; in  
14 administration and enforcement, further providing for  
15 regulatory enforcement, providing for investigations, and  
16 further providing for conduct of hearings and for penalties;  
17 and, in fingerprinting, further providing for duty and for  
18 submission.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. The definition of "bureau" in section 1103 of  
22 Title 4 of the Pennsylvania Consolidated Statutes is amended and  
23 the section is amended by adding definitions to read:

24 § 1103. Definitions.

25 The following words and phrases when used in this part shall  
26 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 \* \* \*

3 "Agency." The Gaming Enforcement Agency established in  
4 section 1517.1 (relating to investigations).

5 \* \* \*

6 "Bureau." The Bureau of [Investigations and] Regulatory  
7 Enforcement of the Pennsylvania Gaming Control Board.

8 \* \* \*

9 "Commissioner." The Commissioner of Pennsylvania State  
10 Police.

11 \* \* \*

12 Section 2. Section 1202(a)(6) and (b)(7), (9), (10), (17),  
13 (23) and (28) of Title 4 are amended and subsection (b) is  
14 amended by adding a paragraph to read:

15 § 1202. General and specific powers.

16 (a) General powers.--

17 \* \* \*

18 [(6) A request for proposal to conduct investigations of  
19 employees and applicants under this part shall include a  
20 requirement that an offeror provide the number of employees  
21 of the offeror who will be engaged in the conduct of  
22 investigations and who are residents of this Commonwealth and  
23 annuitants of a Federal, State or local law enforcement  
24 agency. Preference shall be given to an offeror with a  
25 substantial number of employees who will be engaged in the  
26 conduct of investigations and who are residents of this  
27 Commonwealth and annuitants of a Federal, State or local law  
28 enforcement agency.]

29 (b) Specific powers.--The board shall have the specific  
30 power and duty:

1           \* \* \*

2           (7) To administer oaths, examine witnesses and issue  
3 subpoenas compelling the attendance of witnesses or the  
4 production of documents and records or other evidence[.] and  
5 to order any person to answer a question or questions or  
6 produce evidence of any kind and confer immunity as provided  
7 in this paragraph. If, in the course of any investigation or  
8 hearing conducted under this part, a person refuses to answer  
9 a question or produce evidence on the ground that the person  
10 will be exposed to criminal prosecution thereby, then in  
11 addition to any other remedies or sanctions provided for by  
12 this part, the board may, after receiving the written  
13 approval of the Attorney General, issue an order to answer or  
14 to produce evidence with immunity. If, upon issuance of an  
15 order, the person complies with the order, the person shall  
16 be immune from having a responsive answer given by the person  
17 or responsive evidence produced by the person, or evidence  
18 derived therefrom, used to expose the person to criminal  
19 prosecution, except that the person may nevertheless be  
20 prosecuted for any perjury committed in the answer or in  
21 producing the evidence or for contempt for failing to give an  
22 answer or produce evidence in accordance with the order of  
23 the board. Any answer given or evidence produced shall be  
24 admissible against the person upon any criminal  
25 investigation, proceeding or trial against the person for  
26 perjury, upon any investigation, proceeding or trial against  
27 the person for contempt or in any manner consistent with  
28 State and constitutional law. The provisions of this  
29 paragraph shall apply to designated officers and employees.

30           \* \* \*

1 (9) To require background investigations on applicants,  
2 licensees, principals, key employees or permittees under the  
3 jurisdiction of the board to be conducted by the agency.

4 (10) To enter into an agreement with the Pennsylvania  
5 State Police and the agency for the reimbursement of actual  
6 costs as approved by the board to the Pennsylvania State  
7 Police and the agency for the investigations. Investigations  
8 shall include information in the possession of the Attorney  
9 General.

10 \* \* \*

11 (17) To require prospective and existing employees,  
12 independent contractors, applicants, licensees and permittees  
13 to submit to fingerprinting by the Pennsylvania State Police.  
14 The Pennsylvania State Police shall submit the fingerprints  
15 to the Federal Bureau of Investigation for purposes of  
16 verifying the identity of the individual and obtaining  
17 records of criminal arrests and convictions and, if  
18 applicable, shall forward any information received to the  
19 agency for purposes of conducting background investigations  
20 under section 1517.1 (relating to investigations).

21 \* \* \*

22 (23) The board shall not issue or renew a license or  
23 permit unless it is satisfied that the applicant has  
24 demonstrated, by clear and convincing evidence, that the  
25 applicant is a person of good character, honesty and  
26 integrity and is a person whose prior activities, criminal  
27 record, if any, reputation, habits and associations do not  
28 pose a threat to the public interest or the effective  
29 regulation and control of slot machine operations or create  
30 or enhance the danger of unsuitable, unfair or illegal

1 practices, methods and activities in the conduct of slot  
2 machine operations or the carrying on of the business and  
3 financial arrangements incidental thereto.

4 (23.1) If an application or renewal of a license is  
5 denied under paragraph (12), (13), (14), (15) or (16), the  
6 board shall prepare and file an order denying the application  
7 with general reasons for the denial and, if requested by the  
8 applicant, shall further prepare and file a statement of the  
9 reasons for the denial, including the specific findings of  
10 fact.

11 \* \* \*

12 (28) To prepare and, through the Governor, submit  
13 annually to the General Assembly an itemized budget  
14 consistent with Article VI of the act of April 9, 1929  
15 (P.L.177, No.175), known as The Administrative Code of 1929,  
16 consisting of the amounts necessary to be appropriated by the  
17 General Assembly out of the accounts established under  
18 section 1401 (relating to slot machine licensee deposits)  
19 required to meet the obligations accruing during the fiscal  
20 period beginning July 1 of the following year. The budget  
21 shall include itemized recommendations for the Attorney  
22 General, the department, the agency and the Pennsylvania  
23 State Police as to the amount needed to meet their  
24 obligations under this part.

25 \* \* \*

26 Section 3. Sections 1202.1(e) and 1206(f) of Title 4 are  
27 amended to read:

28 § 1202.1. Code of conduct.

29 \* \* \*

30 (e) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this  
2 subsection:

3 "Ex parte communication." An off-the-record communication by  
4 a member or employee of the board regarding the merits of or any  
5 fact in issue relating to a pending matter before the board or  
6 which may reasonably be expected to come before the board in a  
7 contested on-the-record proceeding. The term shall not include  
8 off-the-record communications by or between a member or employee  
9 of the board, the agency, the Department of Revenue, the  
10 Pennsylvania State Police, the Attorney General or other law  
11 enforcement official prior to the beginning of the proceeding  
12 solely for the purpose of seeking clarification or correction to  
13 evidentiary materials intended for use in the proceedings.

14 "Licensed entity representative." A person acting on behalf  
15 of or representing the interest of any applicant, licensee,  
16 permittee or registrant, including an attorney, agent or  
17 lobbyist, regarding any matter which may reasonably be expected  
18 to come before the board.

19 § 1206. Board minutes and records.

20 \* \* \*

21 (f) Confidentiality of information.--All information  
22 relating to the applicant's good character, honesty and  
23 integrity, including family; habits; reputation; criminal  
24 history; business activities, financial affairs; and business,  
25 professional and personal associates, submitted by an applicant  
26 pursuant to section 1310(a) (relating to slot machine license  
27 application character requirements), 1311.1 (relating to  
28 licensing of principals) or 1311.2 (relating to licensing of key  
29 employees) or obtained by the board or the bureau as part of a  
30 background investigation from any source shall be considered

1 confidential. Except as provided in section 1517(f) (relating to  
2 [investigation and] regulatory enforcement), the information  
3 shall be withheld from public disclosure in whole or in part,  
4 except that any information shall be released upon the lawful  
5 order of a court of competent jurisdiction or, with the approval  
6 of the Attorney General, to a duly authorized law enforcement  
7 agency or shall be released to the public, in whole or in part,  
8 to the extent that such release is requested by an applicant and  
9 does not otherwise contain confidential information about  
10 another person. The board may not require any applicant to waive  
11 any confidentiality provided for in this subsection as a  
12 condition for the approval of a license or any other action of  
13 the board. Any person who violates this subsection shall be  
14 administratively disciplined by discharge, suspension or other  
15 formal disciplinary action as the board deems appropriate.

16 \* \* \*

17 Section 3.1 Section 1207(1), (12) and (14) of Title 4 are  
18 amended and the section is amended by adding a paragraph to  
19 read:

20 § 1207. Regulatory authority of board.

21 The board shall have the power and its duties shall be to:

22 (1) Deny, deny the renewal, revoke, condition or suspend  
23 any license or permit provided for in this part if the board  
24 finds in its sole discretion that a licensee or permittee  
25 under this part, or its officers, employees or agents, have  
26 furnished false or misleading information to the board or the  
27 agency or failed to comply with the provisions of this part  
28 or the rules and regulations of the board and that it would  
29 be in the public interest to deny, deny the renewal, revoke,  
30 condition or suspend the license or permit.

1 \* \* \*

2 [(12) Upon request, provide background investigation  
3 reports of applicants for licenses and permits for use at  
4 racetracks to the State Horse Racing Commission and the State  
5 Harness Racing Commission.]

6 \* \* \*

7 (14) Consult with members of the Pennsylvania State  
8 Police, the agency, the Office of Attorney General, the  
9 department and such other persons it deems necessary for  
10 advice regarding the various aspects of the powers and duties  
11 imposed on it under this part and its jurisdiction over the  
12 authorization and operation of slot machines and licensed  
13 facilities.

14 \* \* \*

15 (18) Upon request of the agency under section  
16 1517.1(e)(2)(v) (relating to investigations), conduct a  
17 public hearing to determine the suitability of an applicant.  
18 The following apply:

19 (i) The office of Enforcement Counsel shall  
20 represent the agency at the hearing and shall present the  
21 basis of the agency's objections under section  
22 1517.1(e)(2)(v).

23 (ii) The applicant has the burden of establishing,  
24 by clear and convincing evidence, suitability for  
25 licensure.

26 (iii) The provisions of 2 Pa.C.S. Ch. 5 Subch. A  
27 (relating to practice and procedure of Commonwealth  
28 agencies) and Ch. 7 Subch. A (relating to judicial review  
29 of Commonwealth agency action) apply.

30 (iv) No member of the board nor an agent or employee of

1 the board may engage in an ex parte communication, as defined  
2 in section 1201.1(e) (relating to code of conduct), with the  
3 agency or an employee or agent of the agency.

4 Section 3.2. Sections 1208(1)(iii) and 1309(a)(9) of Title 4  
5 are amended to read:

6 § 1208. Collection of fees and fines.

7 The board has the following powers and duties:

8 (1) To levy and collect fees from the various  
9 applicants, licensees and permittees to fund the operations  
10 of the board. The fees shall be deposited into the State  
11 Gaming Fund as established in section 1403 (relating to  
12 establishment of State Gaming Fund and net slot machine  
13 revenue distribution) and distributed to the board upon  
14 appropriation by the General Assembly. In addition to the  
15 fees set forth in sections 1209 (relating to slot machine  
16 license fee) and 1305 (relating to Category 3 slot machine  
17 license), the board shall assess and collect fees as follows:

18 \* \* \*

19 (iii) Each application for a slot machine license,  
20 supplier license or manufacturer license must be  
21 accompanied by a nonrefundable fee set by the board, in  
22 consultation with the agency, for the cost of each  
23 individual requiring a background investigation. The  
24 reasonable and necessary costs and expenses incurred in  
25 any background investigation or other investigation or  
26 proceeding concerning any applicant, licensee, permittee  
27 or registrant shall be reimbursed to the board by those  
28 persons.

29 \* \* \*

30 § 1309. Slot machine license application.

1 (a) General requirements.--In addition to any other  
2 information required under this part or as may be required by  
3 the board, the application for any category of slot machine  
4 license shall include at a minimum:

5 \* \* \*

6 (9) The consent to conduct a background investigation by  
7 the [board] agency, the scope of which shall be determined by  
8 the board, in [its discretion] consultation with the agency,  
9 consistent with the provisions of this part, and a release  
10 signed by all persons subject to the investigation of all  
11 information required to complete the investigation.

12 \* \* \*

13 Section 4. Section 1310(b) of Title 4 is amended and the  
14 section is amended by adding a subsection to read:

15 § 1310. Slot machine license application character  
16 requirements.

17 \* \* \*

18 (b) Civil judgments and law enforcement agency  
19 information.--Each applicant shall notify the board and the  
20 agency of any civil judgments obtained against the applicant  
21 pertaining to antitrust or security regulation laws of the  
22 Federal Government, this Commonwealth or any other state,  
23 jurisdiction, province or country. In addition, each applicant  
24 shall produce a letter of reference from law enforcement  
25 agencies having jurisdiction in the applicant's place of  
26 residence and principal place of business, which letter of  
27 reference shall indicate that the law enforcement agencies do  
28 not have any pertinent information concerning the applicant or,  
29 if the law enforcement agency does have information pertaining  
30 to the applicant, shall specify the nature and content of that

1 information. If no letters are received within 30 days of the  
2 request, the applicant may submit a statement under oath which  
3 is subject to the penalty for false swearing under 18 Pa.C.S. §  
4 4903 (relating to false swearing) that the applicant is or was  
5 during the period the activities were conducted in good standing  
6 with the gaming or casino enforcement or control agency.

7 \* \* \*

8 (d) Freedom of Information Act.--Each applicant for a slot  
9 machine license, principal license or key employee license shall  
10 apply to the Federal Government regarding records under 5 U.S.C.  
11 § 552 (relating to public information; agency rules, opinions,  
12 orders, records, and proceedings) pertaining to the applicant  
13 and provide the agency with the complete record received from  
14 the Federal Government.

15 Section 5. Section 1311(g) and (h) of Title 4 are amended to  
16 read:

17 § 1311. Additional slot machine license requirements.

18 \* \* \*

19 (g) Ongoing duty.--A person applying for a license, permit  
20 or other authorization under this part shall have the continuing  
21 duty to provide information required by the board or the  
22 [bureau] agency and to cooperate in any inquiry or  
23 investigation.

24 (h) Criminal history record check.--The [board] agency shall  
25 conduct a criminal history record check on any person for whom a  
26 waiver is granted under this section.

27 Section 6. Sections 1311.1(b) and 1311.2(b) of Title 4 are  
28 amended by adding paragraphs to read:

29 § 1311.1. Licensing of principals.

30 \* \* \*

1 (b) Application.--A principal license application shall be  
2 in a form prescribed by the board and shall include the  
3 following:

4 \* \* \*

5 (6.1) Data covering at least the 10-year period  
6 immediately preceding submission of the application which  
7 pertains to the applicant's good character, honesty and  
8 integrity. This paragraph includes information on family;  
9 habits; reputation; criminal and arrest record; business  
10 activities; financial affairs; and business, professional,  
11 and personal associates.

12 \* \* \*

13 § 1311.2. Licensing of key employees.

14 \* \* \*

15 (b) Application.--A key employee license application shall  
16 be in a form prescribed by the board and shall include the  
17 following:

18 \* \* \*

19 (6.1) Data covering at least the 10-year period  
20 immediately preceding submission of the application which  
21 pertains to the applicant's good character, honesty and  
22 integrity. This paragraph includes information on family;  
23 habits; reputation; criminal and arrest record; business  
24 activities; financial affairs; and business, professional,  
25 and personal associates.

26 \* \* \*

27 Section 7. Sections 1317(b)(2), 1317.1(b)(3) and 1331(1) and  
28 (3) of Title 4 are amended to read:

29 § 1317. Supplier licenses.

30 \* \* \*

1 (b) Requirements.--An application for a supplier license  
2 shall be on the form required by the board, accompanied by the  
3 application fee, and shall include all of the following:

4 \* \* \*

5 (2) The consent to a background investigation of the  
6 applicant, its principals [and key employees] or other  
7 persons required by the board and conducted by the agency and  
8 a release to obtain any and all information necessary for the  
9 completion of the background investigation.

10 \* \* \*

11 § 1317.1. Manufacturer licenses.

12 \* \* \*

13 (b) Requirements.-- An application for a manufacturer  
14 license shall be on the form required by the board, accompanied  
15 by the application fee, and shall include all of the following:

16 \* \* \*

17 (3) The consent to a background investigation of the  
18 applicant, its principals [and key employees] or other  
19 persons required by the board and conducted by the agency and  
20 a release to obtain any and all information necessary for the  
21 completion of the background investigation.

22 \* \* \*

23 § 1331. Duty of licensees, key employees and gaming employees.

24 Any licensee, key employee or gaming employee shall have the  
25 duty to:

26 (1) provide any assistance or information required by  
27 the board, the bureau, the agency or the Pennsylvania State  
28 Police and to cooperate in any inquiry, investigation or  
29 hearing;

30 \* \* \*

1 (3) inform the board or the bureau of any actions which  
2 they believe would constitute a violation of this part; and

3 \* \* \*

4 Section 8. Section 1402(a) of Title 4 is amended by adding a  
5 paragraph to read:

6 § 1402. Gross terminal revenue deductions.

7 (a) Deductions.--After determining the appropriate  
8 assessments for each slot machine licensee, the department shall  
9 determine costs, expenses or payments from each account  
10 established under section 1401 (relating to slot machine  
11 licensee deposits). The following costs and expenses shall be  
12 transferred to the appropriate agency upon appropriation by the  
13 General Assembly:

14 \* \* \*

15 (8) The costs and expenses to be incurred by the agency  
16 and not otherwise reimbursed under this part in carrying out  
17 its responsibilities under this part based upon a budget  
18 submitted by the agency to the board.

19 Section 9. Sections 1402.1, 1517 heading, (a), (a.1), (a.2),  
20 (b)(2), (c), (e)(1) introductory paragraph and (3) and (f),  
21 1517.1, 1517.2 heading and (a), 1518(a)(1) and (b)(1)(i), 1801  
22 and 1802 of Title 4 are amended to read:

23 § 1402.1. Itemized budget reporting.

24 The board, the department, the agency, the Pennsylvania State  
25 Police and the Attorney General shall prepare and annually  
26 submit to the chairman of the Appropriations Committee of the  
27 Senate and the chairman of the Appropriations Committee of the  
28 House of Representatives an itemized budget consisting of  
29 amounts to be appropriated out of the accounts established under  
30 section 1401 (relating to slot machine licensee deposits)

1 necessary to administer this part.

2 § 1517. [Investigations and] Regulatory enforcement.

3 (a) Establishment.--There is hereby established within the  
4 board a Bureau of [Investigations and] Regulatory Enforcement  
5 which shall be independent of the board in matters relating to  
6 the enforcement of this part. The director of the bureau shall  
7 report to the executive director of the board on administrative  
8 matters. The director shall be selected by the board. The bureau  
9 shall have the powers and duties set forth in subsection (a.1).

10 (a.1) Powers and duties of bureau.--The [Bureau of  
11 Investigations and Enforcement] bureau shall have the following  
12 powers and duties:

13 (1) [Enforce] Employ casino enforcement agents who are  
14 responsible for enforcing the provisions of this part.

15 [(2) Investigate and review all applicants and  
16 applications for a license, permit or registration.]

17 (3) Investigate licensees, permittees, registrants and  
18 other persons regulated by the board for noncriminal  
19 violations of this part and regulations promulgated under  
20 this part, including potential violations referred to the  
21 bureau by the board, the agency or [other] another person.

22 (4) [Monitor gaming operations to ensure all of the  
23 following:

24 (i) Compliance with this part, the act of April 12,  
25 1951 (P.L.90, No.21), known as the Liquor Code, and the  
26 other laws of this Commonwealth.

27 (ii) The] Ensure implementation of adequate security  
28 measures by a licensed entity.

29 (5) Inspect and examine licensed entities as provided in  
30 subsection (e). Inspections may include the review and

1 reproduction of any document or record.

2 (6) Conduct audits of a licensed entity as necessary to  
3 ensure compliance with this part. An audit may include the  
4 review of accounting, administrative and financial records,  
5 management control systems, procedures and other records  
6 utilized by a licensed entity.

7 (6.1) Refer noncriminal violations of this part and  
8 regulations promulgated under this part, to the Office of  
9 Enforcement Counsel established in section 1517.1(i)  
10 (relating to investigations).

11 (7) Refer possible criminal violations of this part or  
12 any other statute to the agency or the Pennsylvania  
13 State Police. The bureau shall not have the power of arrest.

14 (8) Cooperate in the investigation and prosecution of  
15 criminal violations related to this part.

16 [(9) Be a criminal justice agency under 18 Pa.C.S. Ch.  
17 91 (relating to criminal history record information).

18 (a.2) Office of Enforcement Counsel.--

19 (1) There is established within the bureau an Office of  
20 Enforcement Counsel which shall act as the prosecutor in all  
21 noncriminal enforcement actions initiated by the bureau under  
22 this part and shall have the following powers and duties:

23 (i) Advise the bureau on all matters, including the  
24 granting of licenses, permits or registrations, the  
25 conduct of background investigations, audits and  
26 inspections and the investigation of potential violations  
27 of this part.

28 (ii) File recommendations and objections relating to  
29 the issuance of licenses, permits and registrations on  
30 behalf of the bureau.

1 (iii) Initiate, in its sole discretion, proceedings  
2 for noncriminal violations of this part by filing a  
3 complaint or other pleading with the board.

4 (2) The director of the Office of Enforcement Counsel  
5 shall report to the executive director of the board on  
6 administrative matters. The director shall be selected by the  
7 board and shall be an attorney admitted to practice before  
8 the Pennsylvania Supreme Court.]

9 (b) Powers and duties of department.--

10 \* \* \*

11 (2) Notwithstanding the provisions of section 353(f) of  
12 the act of March 4, 1971 (P.L.6, No.2), known as the Tax  
13 Reform Code of 1971, the department shall supply the board,  
14 the bureau, the agency, the Pennsylvania State Police and the  
15 Office of Attorney General with information concerning the  
16 status of delinquent taxes owned by the applicant, licensee  
17 or permittee.

18 (c) Powers and duties of the Pennsylvania State Police.--The  
19 Pennsylvania State Police shall have the following powers and  
20 duties:

21 (1) [Promptly conduct background investigations on  
22 persons as directed by the board in accordance with the  
23 provisions of section 1202 (relating to general and specific  
24 powers). The Pennsylvania State Police may contract with  
25 other law enforcement annuitants to assist in the] Upon  
26 request of the board or agency, promptly conduct [of]  
27 background investigations on applicants for licensure, permit  
28 or registration under this [paragraph] part.

29 (2.1) Monitor gaming operations to ensure compliance  
30 with the act of April 12, 1951 (P.L.90, No.21), known as the

1 Liquor Code, and the other criminal laws of this  
2 Commonwealth.

3 (2.2) Investigate criminal violations of this part and,  
4 upon request of the agency, assist the agency in  
5 investigating criminal violations of this part.

6 (3) Initiate proceedings for criminal violations of this  
7 part relating to criminal conduct in a licensed facility.

8 (4) Provide the board with all information necessary for  
9 all actions under this part [for all proceedings involving]  
10 relating to criminal enforcement of this part and imposition  
11 of administrative sanctions by the board under section  
12 1518(c) (relating to prohibited acts; penalties).

13 (5) [Inspect, when appropriate, a licensee's or  
14 permittee's person] If necessary to enforce the criminal  
15 provisions of this part or any other statute, inspect the  
16 person and personal effects of an individual present in a  
17 licensed facility [under this part while that licensee or  
18 permittee is present at a licensed facility].

19 (6) Enforce the criminal provisions of this part and all  
20 other criminal [laws of the Commonwealth] statutes relating  
21 to criminal conduct in a licensed facility.

22 (7) Fingerprint applicants for licenses and permits and,  
23 if applicable, transmit fingerprint data to the agency for  
24 use in conducting background investigations of applicants.

25 (8) Exchange fingerprint data with and receive national  
26 criminal history record information from the FBI for use in  
27 investigating [applications for any license or permit under  
28 this part] applicants.

29 (9) Receive and take appropriate action on any referral  
30 from the board, the bureau or the agency relating to criminal

1       conduct in a licensed facility.

2           (10) Require the production of any information, material  
3       and other data from any licensee, permittee or [other]  
4       applicant seeking approval from the board.

5           (11) Conduct administrative inspections on the premises  
6       of licensed racetrack or nonprimary location or licensed  
7       facility at such times, under such circumstances and to such  
8       extent as the bureau determines to ensure compliance with  
9       this part and the regulations of the board and, in the course  
10      of inspections, review and make copies of all documents and  
11      records required by the inspection through onsite observation  
12      and other reasonable means to assure compliance with this  
13      part and regulations promulgated under this part.

14          (12) Conduct audits or verification of information of  
15      slot machine operations at such times, under such  
16      circumstances and to such extent as the bureau determines.  
17      This paragraph includes reviews of accounting, administrative  
18      and financial records and management control systems,  
19      procedures and records utilized by a slot machine licensee.

20          (13) A member of the Pennsylvania State Police assigned  
21      to duties of enforcement under this part shall not be counted  
22      toward the complement as defined in the act of December 13,  
23      2001 (P.L.903, No.100), entitled "An act repealing in part a  
24      limitation on the complement of the Pennsylvania State  
25      Police."

26          (14) By March 1 of each year, the commissioner shall  
27      submit a report to the Appropriations Committee and the  
28      Community, Economic and Recreational Development Committee of  
29      the Senate and the Appropriations Committee and the Gaming  
30      Oversight Committee of the House of Representatives. The

1 report shall summarize the law enforcement activities of the  
2 Pennsylvania State Police at each licensed facility during  
3 the previous calendar year. At a minimum, the report shall  
4 contain the following information:

5 (i) Number of arrests made at each licensed  
6 facility.

7 (ii) List of specific offenses charged at each  
8 licensed facility.

9 (iii) Number of criminal prosecutions commenced from  
10 arrests made at each licensed facility.

11 (iv) Number of criminal convictions obtained from  
12 arrests made at each licensed facility.

13 (v) Number of troopers assigned to each licensed  
14 facility.

15 (vi) Number and nature of any complaints filed  
16 against troopers assigned to each licensed facility.

17 \* \* \*

18 (e) Inspection, seizure and warrants.--

19 (1) The bureau, the agency, the department and the  
20 Pennsylvania State Police shall have the authority without  
21 notice and without warrant to do all of the following in the  
22 performance of their duties:

23 \* \* \*

24 (3) To further effectuate the purposes of this part, the  
25 bureau, the agency and the Pennsylvania State Police may  
26 obtain administrative warrants for the inspection and seizure  
27 of property possessed, controlled, bailed or otherwise held  
28 by an applicant, licensee, permittee, intermediary,  
29 subsidiary, affiliate or holding company.

30 (f) Information sharing and enforcement referral.--With

1 respect to the administration, supervision and enforcement of  
2 this part, the bureau, the agency, the department, the  
3 Pennsylvania State Police or the Office of Attorney General may  
4 obtain or provide pertinent information regarding applicants,  
5 licensees or permittees from or to law enforcement entities or  
6 gaming authorities of the Commonwealth and other domestic,  
7 foreign or federally approved jurisdictions, including the  
8 Federal Bureau of Investigation, and may transmit such  
9 information to each other electronically.

10 § 1517.1. [(Reserved).] Investigations.

11 (a) Gaming enforcement agency.--An independent agency to be  
12 known as the Gaming Enforcement Agency is established. The  
13 agency shall be headed by an executive director, who shall  
14 exercise the powers and duties as set forth in this section.

15 (a.1) Status.--

16 (1) The agency is a law enforcement agency, and its  
17 employees and agents have law enforcement powers as provided  
18 to them under this section. The agency is a criminal justice  
19 agency under 18 Pa.C.S. Ch. 91 (relating to criminal history  
20 record information) and shall be designated as such by the  
21 Attorney General within ten days of the effective date of  
22 this section.

23 (2) In enacting this section, it is the intent of the  
24 General Assembly to establish the agency as a criminal  
25 justice agency engaged in the administration of criminal  
26 justice, as defined in 28 CFR § 20.3(b) (relating to  
27 definitions) for purposes of allowing the agency to receive  
28 protected criminal history record information under 28 CFR  
29 Pt. 20 (relating to criminal justice information systems).

30 (b) Relationship to board and Attorney General.--The agency

1 shall be independent of the board and the Office of Attorney  
2 General in all areas over which it has jurisdiction under this  
3 section.

4 (c) Bureaus, divisions and personnel.--The executive  
5 director shall appoint and fix the compensation of officers and  
6 employees who may exercise powers and perform duties as  
7 prescribed by the executive director under this section. The  
8 executive director may establish bureaus or divisions as  
9 required for the proper conduct of the agency, including a  
10 background investigation division and a criminal investigation  
11 division.

12 (d) Powers and duties.--The agency has the following powers  
13 and duties:

14 (1) Enforce the provisions of this part and any  
15 regulations promulgated under this part as authorized under  
16 this section.

17 (2) Request and receive information, materials and other  
18 data from a licensee, permittee, registrant or from an  
19 applicant for a license, permit or registration.

20 (3) Require the production of information, material and  
21 other data from any licensee, permittee or registrant or from  
22 any applicant seeking approval from the board.

23 (4) Through the background investigation division or the  
24 criminal investigation division, exchange fingerprint data  
25 with, and request and receive information from, the Federal  
26 Bureau of Investigation concerning the investigation of an  
27 applicant for a license, permit or registration under this  
28 part.

29 (e) Background investigation division.--

30 (1) The background investigation division shall be

1 responsible for conducting background investigations of  
2 applicants for licensure, permit or registration under this  
3 part.

4 (2) In addition to the powers and duties under  
5 subsection (d), the agency, through the background  
6 investigation division, has the following powers and duties:

7 (i) Upon request of the board, promptly investigate  
8 and review all applicants and applications for a license,  
9 permit or registration under this part.

10 (ii) Unless otherwise prohibited by law, provide the  
11 board with all background investigation information  
12 necessary to ensure that the board may make fully  
13 informed decisions relating to licensure, permitting and  
14 registration under this part.

15 (iii) Provide the board with all information  
16 necessary for all board action under this part and for  
17 proceedings involving enforcement of this part.

18 (iv) Enter into an agreement with the Pennsylvania  
19 State Police governing background investigations  
20 conducted by the Pennsylvania State Police at the request  
21 of the agency.

22 (v) Upon completion of the background investigation,  
23 file a written report with the board stating whether the  
24 agency objects to the application based on the  
25 applicant's suitability. If the agency objects under this  
26 subparagraph, the agency shall request the board to  
27 conduct a hearing on the application under section  
28 1207(f)(18) (relating to regulatory authority of board).

29 (vi) Refer any possible criminal violation of this  
30 part or any Commonwealth statute arising from a

1 background investigation to the criminal investigation  
2 division or the Pennsylvania State Police for  
3 investigation. The background investigation division  
4 shall cooperate in the investigation and prosecution of  
5 the violation.

6 (f) Criminal investigation division.--

7 (1) The criminal investigation division shall be  
8 responsible for investigating criminal violations of this  
9 part.

10 (2) In addition to the powers and duties under  
11 subsection (d), the agency, through the criminal  
12 investigation division, has the following powers and duties:

13 (i) On its own initiative or upon referral from the  
14 background investigation division or the bureau,  
15 investigate criminal violations of this part or any  
16 Commonwealth statute. A criminal violation of this part  
17 shall be referred to the Attorney General or the district  
18 attorney of the county in which the licensed facility is  
19 located for prosecution. The criminal investigation  
20 division shall cooperate in the prosecution of the  
21 violation.

22 (ii) Enforce the criminal provisions of this part  
23 and Commonwealth statutes at a licensed facility. Subject  
24 to subsection (g)(1) and (2):

25 (A) An investigator of the criminal division has  
26 the power to detain and arrest without warrant if  
27 there is probable cause to believe that a criminal  
28 violation of this part or a Commonwealth statute has  
29 occurred or is occurring on or about a licensed  
30 facility and there is probable cause to believe the

1 individual has committed or is committing the  
2 criminal violation.

3 (B) Detention of an individual under clause (A)  
4 shall not impose civil or criminal liability upon the  
5 investigator.

6 (iii) Upon request of the background investigation  
7 division, assist in conducting a background investigation  
8 of an applicant for a license, permit or registration  
9 under this part.

10 (f.1) Agency investigators.--An investigator must have  
11 prior:

12 (1) law enforcement or investigative experience; or

13 (2) experience in conducting gaming-related background  
14 investigations or investigations for criminal and noncriminal  
15 violations of gaming laws in this Commonwealth or another  
16 gaming jurisdiction.

17 (g) Training.--

18 (1) Except as set forth in paragraph (2), an  
19 investigator may not exercise the police powers authorized in  
20 subsection (f)(2)(ii)(A) until the investigator successfully  
21 completes a basic education and training course established  
22 by the agency in consultation with the board, the Office of  
23 Attorney General and the Municipal Police Officers' Education  
24 and Training Commission established under 53 Pa.C.S. Ch. 21  
25 Subch. D (relating to municipal police education and  
26 training).

27 (2) Paragraph (1) does not apply to an investigator  
28 transferred to the agency from the former Bureau of  
29 Investigations and Enforcement or to an individual certified  
30 under 53 Pa.C.S. Ch. 21 Subch. D. Costs incurred by the

1 agency for training expenses under this subsection shall be  
2 included in the itemized budget submitted by the agency under  
3 section 1402.1 (relating to itemized budget reporting).

4 (h) Executive director.--

5 (1) The executive director shall be appointed by the  
6 Attorney General, subject to the approval of two-thirds of  
7 the members elected to the Senate. The following apply:

8 (i) The Attorney General shall nominate the  
9 executive director within 60 days of the effective date  
10 of this section.

11 (ii) A nominee shall be subject to a criminal  
12 history background investigation conducted by the  
13 Pennsylvania State Police. The criminal history  
14 background investigation shall include records of  
15 criminal arrests and convictions, regardless of location,  
16 and Federal criminal history record information. No  
17 nominee shall be referred to the Senate for consideration  
18 until receipt by the Attorney General of the required  
19 criminal history background investigation, which shall be  
20 completed within 30 days. An individual who has been  
21 convicted in any domestic or foreign jurisdiction of a  
22 felony, an infamous crime or a gaming offense shall not  
23 be appointed executive director.

24 (2) The individual initially appointed as executive  
25 director shall serve a two-year term beginning January 1,  
26 2009. The term shall continue until a successor is appointed  
27 and qualified. Following expiration of the initial term, the  
28 term of office for the executive director shall be four years  
29 and until a successor is appointed and qualified. The  
30 executive director shall serve no more than two consecutive

1 terms. The Attorney General may only remove the executive  
2 director for good cause.

3 (3) A vacancy in the office of executive director shall  
4 be filled in the manner provided under paragraph (1). An  
5 appointment to fill a vacancy shall be for the remainder of  
6 the unexpired term. An individual appointed to fill a vacancy  
7 may serve two full terms following expiration of the term  
8 relating to the vacancy.

9 (4) The executive director's compensation shall be set  
10 by the Executive Board, established in section 204 of the act  
11 of April 9, 1929 (P.L.177, No. 175), known as The  
12 Administrative Code of 1929.

13 (5) The following are the qualifications of the  
14 executive director:

15 (i) The executive director must have at least 20  
16 years' experience in law enforcement or gaming  
17 regulation, including experience in intelligence  
18 collection and criminal history information-sharing under  
19 Federal and State law.

20 (ii) The executive director must not be:

21 (A) a public official or party officer as  
22 defined in section 1512(b) (relating to financial and  
23 employment interests); or

24 (B) a candidate for elective office.

25 (iii) The executive director may not hold outside  
26 employment or be paid or receive any fee or other  
27 compensation other than salary and expenses provided by  
28 law.

29 (iv) Prior to Senate confirmation, the executive  
30 director must divest the financial interest of the

1 executive director and of the executive director's  
2 immediate family in any applicant, licensed facility or  
3 licensed entity and in any affiliate, intermediary,  
4 subsidiary or holding company of any applicant, licensed  
5 facility or licensed entity. The qualification under this  
6 subparagraph shall continue throughout the executive  
7 director's term and for one year after completion of the  
8 term. As used in this subparagraph, the term "immediate  
9 family" shall mean a spouse and any minor or  
10 unemancipated child.

11 (v) The executive director may not campaign for  
12 public office; contribute to or solicit contributions to  
13 a political campaign, party, committee or candidate;  
14 publicly endorse a candidate; or actively participate in  
15 a political campaign.

16 (vi) The executive director may not solicit funds  
17 for any charitable, educational, religious, health,  
18 fraternal, civic or other nonprofit entity, from any  
19 applicant or licensed entity or licensed facility; from  
20 any affiliate, subsidiary, intermediary or holding  
21 company of any applicant, licensed entity or licensed  
22 facility; or from an interested party. The executive  
23 director may serve as an officer, an employee or a member  
24 of the governing body of a nonprofit entity and may  
25 attend, make personal contributions to and plan or  
26 preside over the entity's fundraising events. The  
27 executive director may permit the executive director's  
28 name to appear on the letterhead used for a fundraising  
29 event if the letterhead contains only the executive  
30 director's name and position with the nonprofit entity.

1           (vii) The executive director must sign an agreement  
2 not to disclose confidential information.

3           (viii) The executive director may not participate in  
4 a proceeding before the board the subject matter of which  
5 the executive director or the executive director's  
6 immediate family has a financial interest or other  
7 interest that could be substantially affected unless the  
8 executive director fully discloses the nature of the  
9 interest to the board and other persons participating in  
10 the proceeding. The board shall determine if the interest  
11 is a disqualifying interest that requires the  
12 disqualification or nonparticipation of the executive  
13 director. As used in this subparagraph, the term  
14 "immediate family" means a spouse, parent, sibling or  
15 child.

16           (ix) The executive director may not, during the term  
17 of office and for two years after completion of the term,  
18 directly or indirectly solicit, request, suggest or  
19 recommend the appointment or employment of an individual  
20 to:

21                   (A) any applicant, licensed entity or licensed  
22 facility;

23                   (B) any affiliate, intermediary, subsidiary or  
24 holding company of any applicant, licensed entity or  
25 licensed facility; or

26                   (C) any principal, employee, independent  
27 contractor or agent of a person under clause (A) or  
28 (B).

29           (x) For a period of two years from the completion of  
30 the term of office, the executive director may not accept

1 employment with:

2 (A) any applicant, licensed entity or licensed  
3 facility; or

4 (B) any affiliate, intermediary, subsidiary or  
5 holding company of a person under clause (A).

6 (xi) For a period of two years from the completion  
7 of the term of office, the executive director may not  
8 appear before the board on behalf of:

9 (A) any applicant, licensed entity or licensed  
10 facility; or

11 (B) any affiliate, intermediary, subsidiary or  
12 holding company of a person under clause (A);

13 (C) any other licensee, permittee or registrant.

14 (xii) The executive director may not, during the  
15 term of office and for one year after completion of the  
16 term, accept a complimentary service or wager or be paid  
17 a prize from a wager at any licensed facility or at any  
18 other facility outside this Commonwealth which is owned  
19 or operated by a licensed gaming entity or any affiliate,  
20 intermediary, subsidiary or holding company of a licensed  
21 gaming entity.

22 (xiii) The executive director may not engage in any  
23 ex parte communication, as defined in section 1202.1(e)  
24 (relating to code of conduct), with any person.

25 (xiv) The executive director may not accept any  
26 discount, gift, gratuity, compensation, travel, lodging  
27 or other thing of value, directly or indirectly, from any  
28 of the following:

29 (A) applicant;

30 (B) licensee;

1                   (C) permittee;

2                   (D) registrant; or

3                   (E) licensed entity representative, as defined  
4                   in section 1202.1(e).

5                   (xv) The executive director must disclose and  
6                   disqualify himself from a proceeding in which the  
7                   executive director's objectivity, impartiality, integrity  
8                   or independence of judgment may be reasonably questioned  
9                   due to the executive director's relationship or  
10                   association with a party connected to the proceeding.

11                   (xvi) The executive director shall refrain from a  
12                   financial or business dealing which would tend to reflect  
13                   adversely on the executive director's objectivity,  
14                   impartiality or independence of judgment in executing the  
15                   duties of the office.

16                   (xvii) The executive director shall avoid  
17                   impropriety in executing the duties of the office and the  
18                   appearance of impropriety and shall observe standards and  
19                   conduct which promote public confidence in the oversight  
20                   of gaming.

21                   (xviii) The executive director must not have been  
22                   sentenced for a felony, an infamous crime or a gaming  
23                   offense in a domestic or foreign jurisdiction.

24                   (6) Except as otherwise provided in this paragraph, if  
25                   the executive director fails to comply with paragraph (5),  
26                   the Attorney General may, upon notice and hearing, remove the  
27                   executive director from office. The removed individual shall,  
28                   for a period of five years following removal, be ineligible  
29                   for appointment, employment or contract with the agency or  
30                   the board and ineligible for approval of a license or permit

1 under this paragraph. During the term, if the executive  
2 director is sentenced for an offense under paragraph  
3 (5)(xviii), the executive director shall be removed  
4 immediately.

5 (h.1) Employees.--The provisions of subsection (h)(5)(viii),  
6 (ix), (xii), (xiii), (xiv), (xv), (xvi) and (xvii) shall apply  
7 to employees of the agency.

8 (i) Code of conduct.--

9 (1) The agency shall adopt a comprehensive code of  
10 conduct which shall:

11 (i) supplement all other requirements under this  
12 part and 65 Pa.C.S. Pt. II (relating to accountability);

13 and

14 (ii) provide guidelines applicable to employees and  
15 independent contractors of the agency and the immediate  
16 families of the employees and independent contractors to  
17 enable them to avoid perceived or actual conflict of  
18 interest and to promote public confidence in the  
19 integrity and impartiality of the agency.

20 (2) At a minimum, the code of conduct must contain all  
21 the restrictions contained in the code of conduct adopted by  
22 the board under section 1202.1.

23 (j) Office of Enforcement Counsel.--

24 (1) There is established within the agency the Office of  
25 Enforcement Counsel. The office shall represent the agency in  
26 noncriminal violations of this part before the board. The  
27 office has the following powers and duties:

28 (i) Advise the agency and the bureau on all matters  
29 relating to the enforcement of this part. This  
30 subparagraph includes granting of licenses, permits and

1 registrations, conduct of background investigations,  
2 audits and inspections, and investigation of potential  
3 violations of this part.

4 (ii) File objections relating to the issuance of  
5 licenses, permits and registrations by the board on  
6 behalf of the agency.

7 (iii) Represent the agency at a public hearing on  
8 the suitability of an applicant under section  
9 1207(f)(18).

10 (iv) For a noncriminal violation of this part,  
11 appear before the board at a public hearing and make  
12 recommendations regarding suspension or revocation of a  
13 license, permit or registration or imposition of a fine  
14 upon a licensee, permittee or registrant.

15 (2) The office shall be supervised by a chief  
16 enforcement counsel who shall report to the executive  
17 director. The executive director shall select the chief  
18 enforcement counsel who must do the following:

19 (i) be an attorney-at-law; and

20 (ii) have at least ten years' experience as a  
21 Federal or state prosecutor or in the field of gaming  
22 law.

23 (k) Cooperation.--A licensee, permittee, registrant and an  
24 applicant for a license, permit or registration shall cooperate  
25 with the agency in the performance of its duties.

26 § 1517.2. Conduct of [public officials and employees] hearings.

27 (a) Ex parte discussion prohibited.--[An attorney  
28 representing the bureau or the Office of Enforcement Counsel, or  
29 an employee of the bureau or office involved in the hearing  
30 process, shall not discuss the case ex parte with a hearing

1 officer, chief counsel or member.] Hearings are subject to 2  
2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of  
3 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial  
4 review of Commonwealth agency action). No member of the board  
5 nor an agent or employee of the board may engage in an ex parte  
6 communication, as defined in section 1201.1(e) (relating to code  
7 of conduct), with the bureau or agency or an employee or agent  
8 of the bureau or agency. Nothing in this subsection shall be  
9 construed to prohibit the bureau from communicating with the  
10 agency in the prosecution of a noncriminal violation of this  
11 part before the board.

12 \* \* \*

13 § 1518. Prohibited acts; penalties.

14 (a) Criminal offenses.--

15 (1) The provisions of 18 Pa.C.S. § 4902 (relating to  
16 perjury), 4903 (relating to false swearing) or 4904 (relating  
17 to unsworn falsification to authorities) shall apply to any  
18 person providing information or making any statement, whether  
19 written or oral, to the board, the bureau, the agency, the  
20 department, the Pennsylvania State Police or the Office of  
21 Attorney General, as required by this part.

22 \* \* \*

23 (b) Criminal penalties and fines.--

24 (1) (i) A person that commits a first offense in  
25 violation of 18 Pa.C.S. § 4902, 4903 or 4904 in  
26 connection with providing information or making any  
27 statement, whether written or oral, to the board, the  
28 bureau, the agency, the department, the Pennsylvania  
29 State Police, the Office of Attorney General or a  
30 district attorney as required by this part commits an

1 offense to be graded in accordance with the applicable  
2 section violated. A person that is convicted of a second  
3 or subsequent violation of 18 Pa.C.S. § 4902, 4903 or  
4 4904 in connection with providing information or making  
5 any statement, whether written or oral, to the board, the  
6 bureau, the agency, the department, the Pennsylvania  
7 State Police, the Office of Attorney General or a  
8 district attorney as required by this part commits a  
9 felony of the second degree.

10 \* \* \*

11 § 1801. Duty to provide.

12 Notwithstanding the provisions of the Race Horse Industry  
13 Reform Act or this part, the Pennsylvania State Police shall, at  
14 the request of the commissions [or the board, provide], conduct  
15 criminal history background investigations, which shall include  
16 records of criminal arrests and convictions, no matter where  
17 occurring, including Federal criminal history record  
18 information, on applicants for licensure and permit [applicants]  
19 by the respective agencies pursuant to the Race Horse Industry  
20 Reform Act [or this part]. Requests for criminal history  
21 background investigations may, at the direction of the  
22 commissions [or the board], include, but not be limited to,  
23 officers, directors [and], stockholders [of licensed  
24 corporations, key employees, financial backers, principals,  
25 gaming employees,], financial backers or principals of  
26 applicants for licensure by the commission or of horse owners,  
27 trainers, jockeys, drivers and other persons participating in  
28 thoroughbred or harness horse meetings and other persons and  
29 vendors who exercise their occupation or employment at such  
30 meetings, licensed facilities or licensed racetracks. A

1 commission may request from the agency information in the  
2 agency's possession relating to a criminal history background  
3 investigation undertaken by the agency on any applicant,  
4 licensee, permittee or registrant under this part if the person  
5 is seeking a license or permit from the commission. For the  
6 purposes of this part, the board and commissions may receive and  
7 retain information otherwise protected by 18 Pa.C.S. Ch. 91  
8 (relating to criminal history record information).  
9 § 1802. Submission of fingerprints and photographs.

10 Appointees, employees and prospective employees engaged in  
11 the service of the commissions or the board and applicants under  
12 this part shall submit to fingerprinting and photographing by  
13 the Pennsylvania State Police or by a local law enforcement  
14 agency capable of submitting fingerprints and photographs  
15 electronically to the Pennsylvania State Police utilizing the  
16 Integrated Automated Fingerprint Identification System and the  
17 Commonwealth Photo Imaging Network or in a manner and in such  
18 form as may be provided by the Pennsylvania State Police.  
19 Fingerprinting pursuant to this part shall require, at a  
20 minimum, the submission of a full set of fingerprints.  
21 Photographing pursuant to this part shall require submission to  
22 photographs of the face and any scars, marks or tattoos for  
23 purposes of comparison utilizing an automated biometric imaging  
24 system. The Pennsylvania State Police shall submit fingerprints  
25 when requested by the commissions or the board to the Federal  
26 Bureau of Investigation for purposes of verifying the identity  
27 of the applicants and obtaining records of criminal arrests and  
28 convictions in order to prepare criminal history background  
29 investigations under section 1801 (relating to duty to provide).  
30 Fingerprints and photographs obtained pursuant to this part may

1 be maintained by the commissions, the board, the agency and the  
2 Pennsylvania State Police for use pursuant to this part and for  
3 general law enforcement purposes. In addition to any other fee  
4 or cost assessed by the commissions or the board, an applicant  
5 shall pay for the cost of fingerprinting and photographing.

6 Section 10. On the effective date of the amendment of 4  
7 Pa.C.S. § 1517.1, the following shall apply:

8 (1) The Bureau of Investigations and Enforcement of the  
9 Pennsylvania Gaming Control Board and the Office of  
10 Enforcement Counsel shall cease to exist.

11 (2) The Executive Director of the Bureau of  
12 Investigations and Enforcement of the Gaming Control Board  
13 shall act as the Executive Director of the Gaming Enforcement  
14 Agency until an Executive Director of the Gaming Enforcement  
15 Agency is appointed and confirmed. Nothing in this act shall  
16 prohibit the Attorney General from appointing the Executive  
17 Director of the Bureau of Investigations and Enforcement of  
18 the Gaming Control Board as the Executive Director of the  
19 Gaming Enforcement Agency.

20 (3) The chief enforcement counsel of the Office of  
21 Enforcement Counsel in the Bureau of Investigations and  
22 Enforcement of the Gaming Control Board shall act as the  
23 chief enforcement counsel of the Office of Enforcement  
24 Counsel in the Gaming Enforcement Agency until the Executive  
25 Director of the Gaming Enforcement Agency appoints a chief  
26 enforcement counsel of the Office of Enforcement Counsel in  
27 the Gaming Enforcement Agency. Nothing in this act shall  
28 prohibit the Executive Director of the Gaming Enforcement  
29 Agency from appointing the chief enforcement counsel of the  
30 Office of Enforcement Counsel in the Bureau of Investigations

1 and Enforcement of the Gaming Control Board as the chief  
2 enforcement counsel of the Office of Enforcement Counsel in  
3 the Gaming Enforcement Agency.

4 (4) Individuals employed by the Pennsylvania Gaming  
5 Control Board and assigned to positions within the Bureau of  
6 Investigations and Enforcement of the Pennsylvania Gaming  
7 Control Board or the Office of Enforcement Counsel shall be  
8 transferred to and shall become employees of the Gaming  
9 Enforcement Agency and their status as employees of the  
10 Pennsylvania Gaming Control Board shall cease.

11 (5) Individuals transferred under paragraph (2) shall  
12 remain State employees for purposes of 71 Pa.C.S. Pt. XXV and  
13 their service shall be considered continual and  
14 uninterrupted.

15 Section 11. This act shall take effect in 60 days.