

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 711 Session of 2009

INTRODUCED BY EARLL, MELLOW, FONTANA, WOZNIAK, M. WHITE, KITCHEN, VANCE, WARD, TOMLINSON, TARTAGLIONE, ERICKSON, MUSTO, WASHINGTON, PIPPY, YAW, DINNIMAN, KASUNIC, LEACH, FARNESE, PILEGGI, ARGALL, ORIE, RAFFERTY, STACK AND COSTA, JUNE 22, 2009

AS REPORTED FROM COMMITTEE ON GAMING OVERSIGHT, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 2, 2009

AN ACT

1 ~~Amending Title 4 (Amusements) of the Pennsylvania Consolidated~~ ←
2 ~~Statutes, further providing for legislative intent and for~~
3 ~~the definitions of "conviction," "licensed entity" and "slot~~
4 ~~machine licensee"; providing for the definitions of~~
5 ~~"executive level public employee," "licensed entity~~
6 ~~representative" and "trustee"; further providing for the~~
7 ~~Pennsylvania Gaming Control Board, for powers of the board~~
8 ~~and for code of conduct; providing for expenses of~~
9 ~~Pennsylvania Gaming Control Board; further providing for~~
10 ~~license or permit application hearing process and public~~
11 ~~hearings, for board minutes and records, for regulatory~~
12 ~~authority of board, for collection of fees and fines, for~~
13 ~~slot machine license fee, for reports of board, for license~~
14 ~~or permit prohibition, for slot machine license application~~
15 ~~character requirements, for applications for license or~~
16 ~~permit, for supplier licenses, for manufacturer licenses, for~~
17 ~~additional licenses and permits and approval of agreements,~~
18 ~~for license renewals, for change in ownership or control of~~
19 ~~slot machine licensees and for nonportability of slot machine~~
20 ~~license; providing for appointment of trustee; further~~
21 ~~providing for Pennsylvania Gaming Economic Development and~~
22 ~~Tourism Fund, for transfers from State Gaming Fund and for~~
23 ~~financial and employment interests; providing for~~
24 ~~prosecutorial and adjudicative functions; and further~~
25 ~~providing for investigations and enforcement and for conduct~~
26 ~~of public officials and employees.~~

27 AMENDING TITLE 4 (AMUSEMENTS) OF THE PENNSYLVANIA CONSOLIDATED ←
28 STATUTES, FURTHER PROVIDING FOR LEGISLATIVE INTENT, FOR
29 DEFINITIONS, FOR THE PENNSYLVANIA GAMING CONTROL BOARD

1 ESTABLISHED, FOR APPLICABILITY OF OTHER STATUTES, FOR POWERS
2 OF THE BOARD AND FOR CODE OF CONDUCT; PROVIDING FOR EXPENSES
3 OF REGULATORY AGENCIES; FURTHER PROVIDING FOR LICENSED GAMING
4 ENTITY APPLICATION APPEALS FROM BOARD, FOR LICENSE OR PERMIT
5 APPLICATION HEARING PROCESS AND PUBLIC HEARINGS, FOR BOARD
6 MINUTES AND RECORDS, FOR REGULATORY AUTHORITY OF BOARD, FOR
7 COLLECTION OF FEES AND FINES, FOR SLOT MACHINE LICENSE FEE,
8 FOR NUMBER OF SLOT MACHINES AND FOR REPORTS OF BOARD;
9 PROVIDING FOR REPORT BY SLOT MACHINE LICENSEE; FURTHER
10 PROVIDING FOR DIVERSITY GOALS OF BOARD AND FOR LICENSE OR
11 PERMIT PROHIBITION; PROVIDING FOR SPECIFIC AUTHORITY TO
12 SUSPEND SLOT MACHINE LICENSE; FURTHER PROVIDING FOR CATEGORY
13 3 SLOT MACHINE LICENSE, FOR APPLICATIONS FOR LICENSE OR
14 PERMIT, FOR SLOT MACHINE LICENSE APPLICATION CHARACTER
15 REQUIREMENTS, FOR SLOT MACHINE LICENSE APPLICATION FINANCIAL
16 FITNESS REQUIREMENTS, FOR SUPPLIER LICENSES AND FOR
17 MANUFACTURER LICENSES; PROVIDING FOR GAMING SERVICE PROVIDER
18 AND FOR ALTERNATIVE SUPPLIER LICENSING STANDARDS; FURTHER
19 PROVIDING FOR OCCUPATION PERMIT APPLICATION, FOR ADDITIONAL
20 LICENSES AND PERMITS AND APPROVAL OF AGREEMENTS, FOR LICENSE
21 RENEWALS, FOR CHANGE IN OWNERSHIP OR CONTROL OF SLOT MACHINE
22 LICENSEE AND FOR NONPORTABILITY OF SLOT MACHINE LICENSE;
23 PROVIDING FOR APPOINTMENT OF TRUSTEE; AUTHORIZING TABLE
24 GAMES; FURTHER PROVIDING FOR SLOT MACHINE LICENSE DEPOSITS;
25 PROVIDING FOR LIMITATION ON RECOVERY OF COSTS; FURTHER
26 PROVIDING FOR GROSS TERMINAL REVENUE DEDUCTIONS, FOR ITEMIZED
27 BUDGET REPORTING, FOR ESTABLISHMENT OF STATE GAMING FUND AND
28 NET SLOT MACHINE REVENUE DISTRIBUTION, FOR DISTRIBUTIONS FROM
29 PENNSYLVANIA RACE HORSE DEVELOPMENT FUND, FOR PENNSYLVANIA
30 GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND, FOR TRANSFERS
31 FROM STATE GAMING FUND, FOR RESPONSIBILITY AND AUTHORITY OF
32 DEPARTMENT OF REVENUE, FOR WAGERING ON CREDIT, FOR NO EMINENT
33 DOMAIN AUTHORITY, FOR COMPULSIVE AND PROBLEM GAMBLING
34 PROGRAM, FOR LABOR HIRING PREFERENCES, FOR DECLARATION OF
35 EXEMPTION FROM FEDERAL LAWS PROHIBITING SLOT MACHINES AND FOR
36 FINANCIAL AND EMPLOYMENT INTERESTS; PROVIDING FOR ADDITIONAL
37 RESTRICTIONS; FURTHER PROVIDING FOR POLITICAL INFLUENCE, FOR
38 REGULATION REQUIRING EXCLUSION OF CERTAIN PERSONS; PROVIDING
39 FOR PROSECUTORIAL AND ADJUDICATIVE FUNCTIONS; FURTHER
40 PROVIDING FOR INVESTIGATIONS AND ENFORCEMENT, FOR CONDUCT OF
41 PUBLIC OFFICIALS AND EMPLOYEES AND FOR PROHIBITED ACTS AND
42 PENALTIES; PROVIDING FOR ADDITIONAL AUTHORITY AND FOR REPORT
43 OF SUSPICIOUS TRANSACTIONS; FURTHER PROVIDING FOR
44 INTERCEPTION OF ORAL COMMUNICATIONS; PROVIDING FOR ELECTRONIC
45 FUNDS TRANSFER TERMINALS; REGULATING JUNKETS; AND PROVIDING
46 FOR GAMING SCHOOLS.

47 The General Assembly of the Commonwealth of Pennsylvania
48 hereby enacts as follows:

49 ~~Section 1. Section 1102(11) of Title 4 of the Pennsylvania~~

1 ~~Consolidated Statutes is amended and the section is amended by~~
2 ~~adding paragraphs to read:~~

3 ~~§ 1102. Legislative intent.~~

4 ~~The General Assembly recognizes the following public policy~~
5 ~~purposes and declares that the following objectives of the~~
6 ~~Commonwealth are to be served by this part:~~

7 ~~* * *~~

8 ~~(10.1) The General Assembly has a compelling interest in~~
9 ~~protecting the integrity of both the electoral process and~~
10 ~~the legislative process by preventing corruption and the~~
11 ~~appearance of corruption which may arise through permitting~~
12 ~~campaign contributions by the gaming industry.~~

13 ~~(11) It is necessary to maintain the integrity of the~~
14 ~~regulatory control and legislative oversight over the~~
15 ~~operation of slot machines in this Commonwealth; to prevent~~
16 ~~the actual or appearance of corruption that may result from~~
17 ~~[large] campaign contributions; ensure the bipartisan~~
18 ~~administration of this part; and avoid actions that may erode~~
19 ~~public confidence in the system of representative government.~~

20 ~~(11.1) Completely banning political CAMPAIGN~~
21 ~~contributions by certain individuals and entities subject to~~
22 ~~this act is necessary to prevent corruption, or the~~
23 ~~appearance of corruption, that may arise when politics and~~
24 ~~gaming are intermingled.~~

25 ~~Section 2. The definitions of "conviction," "licensed entity"~~
26 ~~and "slot machine licensee" in section 1103 of Title 4 are~~
27 ~~amended and the section is amended by adding definitions to~~
28 ~~read:~~

29 ~~§ 1103. Definitions.~~

30 ~~The following words and phrases when used in this part shall~~

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

3 ~~* * *~~

4 ~~"Conviction." A finding of guilt or a plea of guilty or nolo~~
5 ~~contendere, whether or not a judgment of sentence has been~~
6 ~~imposed as determined by the law of the jurisdiction in which~~
7 ~~the prosecution was held. The term does not include a conviction~~
8 ~~that has been expunged or overturned or for which an individual~~
9 ~~has been pardoned or an order of Accelerated Rehabilitative~~
10 ~~Disposition which has been issued.~~

11 ~~* * *~~

12 ~~"Executive level public employee." The term shall include~~
13 ~~the following:~~

14 ~~(1) Deputy Secretaries of the Commonwealth and the~~
15 ~~Governor's Office executive staff.~~

16 ~~(2) An employee of the executive branch with~~
17 ~~discretionary power which may affect or influence the outcome~~
18 ~~of a State agency's action or decision and who is involved in~~
19 ~~the development of regulations or policies relating to a~~
20 ~~licensed entity or who is involved in other matters under~~
21 ~~this part. The term shall include an employee with law~~
22 ~~enforcement authority.~~

23 ~~(3) An employee of a county or municipality with~~
24 ~~discretionary powers which may affect or influence the~~
25 ~~outcome of the county's or municipality's action or decision~~
26 ~~and who is involved in the development of law, regulation or~~
27 ~~policy relating to a licensed entity or who is involved in~~
28 ~~other matters under this part. The term shall include an~~
29 ~~employee with law enforcement authority.~~

30 ~~(4) An employee of a department, agency, board,~~

~~commission, authority or other governmental body not included
in paragraph (1), (2) or (3) with discretionary power which
may affect or influence the outcome of the governmental
body's action or decision and who is involved in the
development of regulation or policy relating to a licensed
entity or who is involved in other matters under this part.
The term shall include an employee with law enforcement
authority.~~

~~* * *~~

~~"Licensed entity[.]" or "licensee." Any slot machine
licensee, manufacturer licensee, supplier licensee or other
person licensed by the Pennsylvania Gaming Control Board under
this part.~~

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

~~* * *~~

~~["Slot machine licensee." A person that holds a slot machine
license.]~~

~~* * *~~

~~"Trustee." A fiduciary appointed by the Pennsylvania Gaming
Control Board to preserve the viability of a licensed facility
and the integrity of gaming in this Commonwealth.~~

~~* * *~~

~~Section 3. Section 1201(b), (b.1), (f) (3), (h) (5), (7.1),
(10), (11), (13), (14) and (15) and (k) of Title 4 are amended,
subsection (h) is amended by adding paragraphs and the section
is amended by adding a subsection to read:~~

1 ~~§ 1201. Pennsylvania Gaming Control Board established.~~

2 ~~* * *~~

3 ~~(b) Membership.~~

4 ~~(1) The board shall consist of the following members:~~

5 ~~[(1)] (i) Three members appointed by the Governor.~~

6 ~~[(2)] (ii) One member appointed by each of the~~
7 ~~following:~~

8 ~~[(i)] (A) The President pro tempore of the~~
9 ~~Senate.~~

10 ~~[(ii)] (B) The Minority Leader of the Senate.~~

11 ~~[(iii)] (C) The Speaker of the House of~~
12 ~~Representatives.~~

13 ~~[(iv)] (D) The Minority Leader of the House of~~
14 ~~Representatives.~~

15 ~~(2) The chairman of the Community, Economic and~~
16 ~~Recreational Development Committee of the Senate may hold a~~
17 ~~public hearing on an appointee under paragraph (1).~~

18 ~~(b.1) Removal. A member of the board shall serve at the~~
19 ~~pleasure of the appointing authority and shall be removed from~~
20 ~~office by the appointing authority:~~

21 ~~(1) for misconduct in office, willful neglect of duty or~~
22 ~~conduct evidencing unfitness for office or incompetence; or~~

23 ~~(2) upon conviction of an offense graded as a felony, an~~
24 ~~infamous crime, an offense under this part or an equivalent~~
25 ~~offense under Federal law or the law of another jurisdiction.~~

26 ~~* * *~~

27 ~~(f) Qualified majority vote.~~

28 ~~* * *~~

29 ~~(3) Notwithstanding any other provision of this part or~~
30 ~~65 Pa.C.S. § 1103(j) (relating to restricted activities), a~~

1 ~~member shall disclose the nature of his disqualifying~~
2 ~~interest, disqualify himself and abstain from voting in a~~
3 ~~proceeding under this part in which his objectivity,~~
4 ~~impartiality, integrity or independence of judgment may be~~
5 ~~reasonably questioned, as provided in subsection (h) (6) or~~
6 ~~section 1202.1(c) (3) (relating to code of conduct). If a~~
7 ~~legislative appointee has disqualified himself, the qualified~~
8 ~~majority shall consist of all of the remaining legislative~~
9 ~~appointees and at least two gubernatorial appointees.~~

10 * * *

11 ~~(h) Qualifications and restrictions.~~

12 * * *

13 ~~(4.1) No member appointed after the effective date of~~
14 ~~this paragraph shall engage in any business, employment or~~
15 ~~vocation for which the member shall receive any COMPENSATION~~
16 ~~OR remuneration except for an individual who is reappointed~~
17 ~~and who is a member of the board on the effective date of~~
18 ~~this paragraph.~~

19 ~~(5) No member shall be paid or receive any fee or other~~
20 ~~compensation other than salary and expenses provided by law~~
21 ~~for any activity related to the duties or authority of the~~
22 ~~board. [Nothing in this part shall prohibit a member from~~
23 ~~engaging in any employment or receiving any compensation for~~
24 ~~such employment that is not connected to or incompatible with~~
25 ~~his service as a member of the board.]~~

26 * * *

27 ~~(7.1) Prior to being sworn as a member, an appointee and~~
28 ~~his immediate family shall divest any financial interest in~~
29 ~~any applicant, licensed facility or licensed entity and in an~~
30 ~~affiliate, intermediary, subsidiary or holding company~~

1 ~~thereof owned or held by the appointee or known to be held by~~
2 ~~the appointee's immediate family. For the duration of the~~
3 ~~member's term and for [one year] two years thereafter, the~~
4 ~~member and the member's immediate family may not acquire a~~
5 ~~financial interest in any applicant, licensed facility or~~
6 ~~licensed entity or in an affiliate, intermediary, subsidiary~~
7 ~~or holding company thereof. For purposes of this paragraph,~~
8 ~~the term "immediate family" shall mean spouse and any minor~~
9 ~~or unemancipated child.~~

10 * * *

11 ~~(10) No former member may appear before the board in any~~
12 ~~hearing or proceeding or participate in any other activity on~~
13 ~~behalf of any applicant, licensed entity, or an affiliate,~~
14 ~~intermediary, subsidiary or holding company thereof, or any~~
15 ~~other licensee or permittee for a period of two years from~~
16 ~~the termination of term of office.~~

17 ~~(11) No member, employee or independent contractor of~~
18 ~~the board shall accept a complimentary service, wager or be~~
19 ~~paid any prize from any wager at any licensed facility within~~
20 ~~this Commonwealth or at any other facility outside this~~
21 ~~Commonwealth which is owned or operated by a licensed gaming~~
22 ~~entity or any of its affiliates, intermediaries, subsidiaries~~
23 ~~or holding companies thereof for the duration of their term~~
24 ~~of office, employment or contract with the board and for a~~
25 ~~period of [one year] two years from the termination of term~~
26 ~~of office, employment or contract with the board. The~~
27 ~~provisions of this paragraph prohibiting wagering during the~~
28 ~~term of employment shall not apply to employees [who] when~~
29 ~~the employees utilize slot machines for testing purposes or~~
30 ~~to verify the performance of a machine as part of an~~

1 ~~enforcement investigation.~~

2 * * *

3 ~~(13) No employee of the board [or individual employed by~~
4 ~~an independent contractor of the board] whose duties~~
5 ~~substantially involve licensing[,] or enforcement [or], the~~
6 ~~development or adoption of laws, regulations or policy or who~~
7 ~~has other discretionary authority which may affect the~~
8 ~~outcome of an action or decision under this part, including~~
9 ~~the executive director, bureau directors and attorneys, shall~~
10 ~~do any of the following:~~

11 ~~(i) [accept] Accept employment with or be retained~~
12 ~~by an applicant or licensed entity, or an affiliate,~~
13 ~~intermediary, subsidiary or holding company thereof, for~~
14 ~~a period of [one year] two years after the termination of~~
15 ~~the employment relating to the conduct of gaming [or~~
16 ~~contract with the board; or].~~

17 ~~(ii) [appear] Appear before the board in any hearing~~
18 ~~or proceeding or participate in any other activity on~~
19 ~~behalf of any applicant, licensee, permittee or licensed~~
20 ~~entity, or an affiliate, intermediary, subsidiary or~~
21 ~~holding company thereof, for a period of two years after~~
22 ~~termination of the employment [or contract with the~~
23 ~~board].~~

24 ~~(iii) As a condition of employment, an employee~~
25 ~~under this paragraph shall sign an affidavit that the~~
26 ~~employee will not accept employment with or be retained~~
27 ~~by any applicant, licensed entity or an affiliate,~~
28 ~~intermediary, subsidiary or holding company thereof for a~~
29 ~~period of two years from the termination of employment.~~
30 ~~An applicant or licensed entity or an affiliate,~~

1 ~~intermediary, subsidiary or holding company thereof shall~~
2 ~~not employ or retain an individual who signed an~~
3 ~~affidavit signed under this subparagraph. An applicant or~~
4 ~~licensed entity or an affiliate, intermediary, subsidiary~~
5 ~~or holding company that knowingly employs or retains an~~
6 ~~individual in violation of this subparagraph shall be~~
7 ~~subject to a penalty under section 1518(c) (relating to~~
8 ~~prohibited acts; penalties).~~

9 ~~(13.1) No independent contractor or individual employed~~
10 ~~by an independent contractor of the board whose duties~~
11 ~~substantially involve consultation relating to licensing,~~
12 ~~enforcement or the development or adoption of regulations or~~
13 ~~policy under this part shall:~~

14 ~~(i) Accept employment with or be retained by an~~
15 ~~applicant or a licensed entity or an affiliate,~~
16 ~~intermediary, subsidiary or holding company thereof for a~~
17 ~~period of one year after the termination of the contract~~
18 ~~with the board.~~

19 ~~(ii) Appear before the board in any hearing or~~
20 ~~proceeding or participate in any other activity on behalf~~
21 ~~of an applicant, licensee, permittee or licensed entity~~
22 ~~or an affiliate, intermediary, subsidiary or holding~~
23 ~~company of an applicant, licensee, permittee or licensed~~
24 ~~entity for a period of two years after termination of the~~
25 ~~contract with the board.~~

26 ~~(iii) As a condition of a contract, an independent~~
27 ~~contractor or individual employed by an independent~~
28 ~~contractor of the board under this paragraph shall sign~~
29 ~~an affidavit to not accept employment with or be retained~~
30 ~~by any applicant, licensed entity or an affiliate,~~

~~intermediary, subsidiary or holding company of an applicant, licensed entity or affiliate for a period of one year from the termination of employment. A licensed entity or an affiliate, intermediary, subsidiary or holding company of an applicant, licensed entity or affiliate shall not employ or retain an individual who signed an affidavit signed under this subparagraph. A licensed entity or an affiliate, intermediary, subsidiary or holding company thereof that knowingly employs or retains an individual in violation of this subparagraph shall be subject to a penalty under section 1518(c).~~

~~(14) Upon the written request of an employee of the board, the executive branch of the Commonwealth or a political subdivision or of the agency or political subdivision employing an employee, the State Ethics Commission shall determine whether the individual's duties substantially involve the development or adoption of laws, regulations or policy, licensing or enforcement under this part or other discretionary authority which may affect the outcome of an action or decision under this part and shall provide a written determination to the employee to include any prohibition under this paragraph. An individual who relies in good faith on a determination under this paragraph shall not be subject to any penalty for an action taken, provided that all material facts set forth in the request for a determination are correct.~~

~~(15) If a member[, employee or independent contractor] of the board violates any provision of this section, the appointing authority [or the board may, upon notice and hearing,] may remove the person from the board[, withdraw the~~

~~1 appointment or]. A member removed under this paragraph shall
2 be prohibited from future appointment to the board and shall
3 be prohibited from applying for a license or permit, from
4 becoming an independent contractor of the board, or
5 registering as a licensed entity representative for a period
6 of five years from the date of removal from the board. If an
7 employee or independent contractor of the board violates any
8 provision of this section, the board may, upon notice and
9 hearing, terminate the employment or contract, and the person
10 shall be ineligible for future [appointment,] employment or
11 contract with the board and [for approval of a license or
12 permit under this part for a period of two years thereafter]
13 shall be prohibited from applying for a license or permit,
14 becoming an independent contractor or registering as a
15 licensed entity representative for a period of five years
16 from the date of termination of the employment or contract.~~

~~17 * * *~~

~~18 (k) Appointments. [The appointing authorities] Following
19 the initial appointment of members under subsection (b), the
20 appointing authority shall make [their initial] appointments
21 within 60 days of [the effective date of this part] a vacancy in
22 an office. No appointment shall be final until receipt by the
23 appointing authority of the required background investigation of
24 the appointee by the Pennsylvania State Police which shall be
25 completed within 30 days. No person who has been convicted in
26 any domestic or foreign jurisdiction of a felony, infamous crime
27 or gaming offense shall be appointed to the board.~~

~~28 * * *~~

~~29 (m.1) Budgetary impasse. If, in the event of a budgetary or
30 other fiscal crisis, the Governor implements a system in order~~

1 ~~to ORDERS THE furlough OF employees or close THE CLOSING OF any~~
2 ~~Commonwealth agency, the board and its employees and all~~
3 ~~employees of the Department of Revenue, the Pennsylvania State~~
4 ~~Police and the Office of Attorney General whose duties involve~~
5 ~~the regulation and oversight of gaming under this part shall not~~
6 ~~be subject to furlough but shall continue to perform their~~
7 ~~duties.~~

8 * * *

9 Section 4. ~~Section 1202(a) (4) and (b) (7), (23) and (30) of~~
10 ~~Title 4 are amended and subsections (a) and (b) are amended by~~
11 ~~adding paragraphs to read:~~

12 ~~§ 1202. General and specific powers.~~

13 ~~(a) General powers.—~~

14 * * *

15 ~~{(4) The board shall establish a system of~~
16 ~~classification and compensation of its employees and shall~~
17 ~~not be subject to the provisions of the act of April 9, 1929~~
18 ~~(P.L.177, No.175), known as The Administrative Code of 1929,~~
19 ~~as to classification and compensation for its employees and~~
20 ~~conduct its activities consistent with the practices and~~
21 ~~procedures of Commonwealth agencies.}]~~

22 ~~(4.1) Within 90 days of the effective date of this~~
23 ~~paragraph, the board shall establish a system of~~
24 ~~classification and compensation of its employees and shall be~~
25 ~~subject to the provisions of the act of April 9, 1929~~
26 ~~(P.L.177, No.175), known as The Administrative Code of 1929,~~
27 ~~as to classification and compensation for its employees and~~
28 ~~conduct its activities consistent with the practices and~~
29 ~~procedures of Commonwealth agencies. The provisions of this~~
30 ~~paragraph shall apply to employees hired after the effective~~

~~date of this paragraph. Nothing in this paragraph shall prevent the board from altering a system, or establishing a new system, of classification or compensation for employees hired prior to the effective date of this section.~~

~~* * *~~

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

~~* * *~~

~~(7) To administer oaths, examine witnesses and issue subpoenas compelling the attendance of witnesses or the production of documents and records or other evidence[. The provisions of this paragraph shall apply to designated officers and employees.], or to designate officers or employees to perform these duties.~~

~~(7.1) To order a person to answer a question or produce evidence of any kind. If, in the course of an investigation or hearing conducted under this part, a person refuses to answer a question or to produce evidence on the grounds that the answer or evidence will expose the person to criminal prosecution, the board may adopt a resolution recommending a grant of immunity that includes the specific question to be posed or information or evidence being sought from the person as follows:~~

~~(i) The resolution shall be submitted to the Attorney General for approval or disapproval within 20 days of receipt of the resolution. Upon the written approval of the Attorney General, the board may issue an order to compel the person to answer or produce evidence with immunity.~~

~~(ii) If the person who is the subject of the~~

1 ~~immunity order provides the answer or evidence, the~~
2 ~~person shall be immune from criminal prosecution based on~~
3 ~~the answer or evidence that was the subject of the~~
4 ~~immunity order.~~

5 ~~(iii) The person may be prosecuted for perjury~~
6 ~~committed in the answer or production of evidence or held~~
7 ~~in contempt for failing to give an answer or produce~~
8 ~~evidence in accordance with the order. The answer or~~
9 ~~evidence shall be admissible only against the person in a~~
10 ~~criminal investigation, or a trial or other proceeding~~
11 ~~for perjury or contempt.~~

12 ~~(iv) Immunity under this paragraph shall not~~
13 ~~preclude the use of any other remedy or sanction~~
14 ~~authorized by law.~~

15 * * *

16 ~~(23) The board shall not issue or renew a license or~~
17 ~~permit unless it is satisfied that the applicant has~~
18 ~~demonstrated by clear and convincing evidence that the~~
19 ~~applicant is a person of good character, honesty and~~
20 ~~integrity and is a person whose prior activities, criminal~~
21 ~~record, if any, reputation, habits and associations do not~~
22 ~~pose a threat to the public interest or the effective~~
23 ~~regulation and control of slot machine operations or create~~
24 ~~or enhance the danger of unsuitable, unfair or illegal~~
25 ~~practices, methods and activities in the conduct of slot~~
26 ~~machine operations or the carrying on of the business and~~
27 ~~financial arrangements incidental thereto.~~

28 * * *

29 ~~(30) To promulgate rules and regulations necessary for~~
30 ~~the administration and enforcement of this part, including~~

1 ~~regulations in cooperation with the Pennsylvania Liquor~~
2 ~~Control Board and regulations relating to the sale and~~
3 ~~service of liquor and malt and brewed beverages by licensees.~~
4 ~~[Except as provided in section 1203 (relating to temporary~~
5 ~~regulations), regulations] Regulations shall be adopted~~
6 ~~pursuant to the act of July 31, 1968 (P.L.769, No.240),~~
7 ~~referred to as the Commonwealth Documents Law, and the act of~~
8 ~~June 25, 1982 (P.L.633, No.181), known as the Regulatory~~
9 ~~Review Act.~~

10 ~~(31) To collect and post information on its Internet~~
11 ~~website with sufficient detail to inform the public of the~~
12 ~~controlling interest or ownership interest of an applicant~~
13 ~~for a slot machine license or a licensed gaming entity or~~
14 ~~affiliate, intermediary, subsidiary or holding company~~
15 ~~thereof. The posting shall include:~~

16 ~~(i) The names of all persons with a controlling~~
17 ~~interest in a publicly traded domestic or foreign~~
18 ~~corporation, partnership, limited liability company or~~
19 ~~other legal entity.~~

20 ~~(ii) The names of all persons who own a financial~~
21 ~~equity share or interest with an ownership interest equal~~
22 ~~to or greater than 1% of a privately held domestic or~~
23 ~~foreign corporation, partnership, limited liability~~
24 ~~company or other legal entity.~~

25 ~~(iii) The name of a trustee entitled to cast the~~
26 ~~vote of a person under subparagraph (i) or (ii).~~

27 ~~(iv) The names of all officers, directors,~~
28 ~~principals and key employees of a licensed gaming entity.~~

29 ~~(32) To appoint a trustee as prescribed in section 1332~~
30 ~~(relating to appointment of trustee) to act on behalf of the~~

1 ~~Commonwealth and the board to operate a licensed facility and~~
2 ~~ensure compliance with this part.~~

3 Section 5. ~~Section 1202.1 of Title 4 is amended to read:~~

4 ~~§ 1202.1. Code of conduct.~~

5 ~~(a) Scope. The board shall adopt a comprehensive code of~~
6 ~~conduct prior to the consideration of any license, permit or~~
7 ~~registration application. The code of conduct shall supplement~~
8 ~~all other requirements under this part and 65 Pa.C.S. Pt. II~~
9 ~~(relating to accountability) and shall provide guidelines~~
10 ~~applicable to members, employees, independent contractors of the~~
11 ~~board and the immediate families of the members, as defined in~~
12 ~~subsection (e), employees and independent contractors to enable~~
13 ~~them to avoid any perceived or actual conflict of interest and~~
14 ~~to promote public confidence in the integrity and impartiality~~
15 ~~of the board. At a minimum, the code of conduct adopted under~~
16 ~~this section shall include registration of licensed entity~~
17 ~~representatives under subsection (b) and the restrictions under~~
18 ~~[subsection (c)] subsections (c) and (c.1).~~

19 ~~(b) Registration.—~~

20 ~~(1) A licensed entity representative shall register with~~
21 ~~the board in a manner prescribed by the board, which shall~~
22 ~~include the name, employer or firm, address, telephone number~~
23 ~~of both the licensed entity representative and the [licensed~~
24 ~~entity] applicant, licensee, permittee or registrant or~~
25 ~~individual being represented.~~

26 ~~(2) A licensed entity representative shall have an~~
27 ~~[ongoing] affirmative duty to update its registration~~
28 ~~information on an ongoing basis.~~

29 ~~(3) The [registration list] board shall maintain a~~
30 ~~registration list which shall contain the information~~

1 ~~required under paragraph (1) and which shall be available for~~
2 ~~public inspection at the offices of the board and on the~~
3 ~~board's Internet website.~~

4 ~~(c) Restrictions. A member of the board shall:~~

5 ~~(1) Not engage in any ex parte communication with any~~
6 ~~person.~~

7 ~~(2) Not accept any discount, gift, gratuity,~~
8 ~~compensation, travel, lodging or other thing of value,~~
9 ~~directly or indirectly, from any applicant, [licensee,]~~
10 ~~licensed entity, including any affiliate, subsidiary,~~
11 ~~intermediary or holding company thereof, permittee,~~
12 ~~registrant or licensed entity representative thereof.~~

13 ~~(3) Disclose and [disqualify] recuse himself from any~~
14 ~~hearing or other proceeding in which the member's~~
15 ~~objectivity, impartiality, integrity or independence of~~
16 ~~judgment may be reasonably questioned due to the member's~~
17 ~~relationship or association with a party connected to any~~
18 ~~hearing or proceeding or a person appearing before the board.~~

19 ~~(4) Refrain from any financial or business dealing which~~
20 ~~would tend to reflect adversely on the member's objectivity,~~
21 ~~impartiality or independence of judgment.~~

22 ~~(5) Not hold or campaign for public office, hold an~~
23 ~~office in any political party or political committee as~~
24 ~~defined in section 1513(d) (relating to political influence),~~
25 ~~contribute to or solicit contributions to a political~~
26 ~~campaign, [party,] political party, political committee or~~
27 ~~candidate, publicly endorse a candidate or actively~~
28 ~~participate in a political campaign.~~

29 ~~(6) Not solicit funds for any charitable, educational,~~
30 ~~religious, health, fraternal, civic or other nonprofit entity~~

1 ~~from an applicant, licensed entity or affiliate, subsidiary,~~
2 ~~intermediary or holding company of a licensed entity,~~
3 ~~interested party, permittee or licensed entity~~
4 ~~representative. [A] Unless prohibited under § 1201(h)(4.1)~~
5 ~~(relating to Pennsylvania Gaming Control Board established),~~
6 ~~a board member may serve as an officer, employee or member of~~
7 ~~the governing body of a nonprofit entity and may attend, make~~
8 ~~personal contributions to and plan or preside over the~~
9 ~~entity's fundraising events. A board member may permit his~~
10 ~~name to appear on the letterhead used for fundraising events~~
11 ~~if the letterhead contains only the board member's name and~~
12 ~~position with the nonprofit entity.~~

13 ~~(7) Not meet or engage in discussions with any~~
14 ~~applicant, [person licensed under this part] licensed entity,~~
15 ~~permittee, [or a] licensed entity representative or person~~
16 ~~who provides goods, property or services to a slot machine~~
17 ~~licensee unless the meeting or discussion occurs on the~~
18 ~~business premises of the board and is recorded in a log~~
19 ~~maintained for this purpose. The log shall be available for~~
20 ~~public inspection during the regular business hours of the~~
21 ~~board and shall be posted on the board's Internet website.~~
22 ~~The log shall include the date and time of the meeting or~~
23 ~~discussion, the names of the participants and the subject~~
24 ~~matter discussed.~~ The provisions of this paragraph shall not
25 apply to meetings [of the board] to consider matters
26 requiring the physical inspection of the equipment or
27 premises of an applicant or a licensed entity at [their] the
28 location of the licensed facility.

29 ~~(8) Avoid impropriety and the appearance of impropriety~~
30 ~~at all times and observe standards and conduct that promote~~

1 ~~public confidence in the oversight of gaming.~~

2 ~~(9) Comply with any other laws, rules or regulations~~
3 ~~relating to the conduct of a member.~~

4 ~~(c.1) Prohibitions.~~

5 ~~(1) No member or attorney of the Office of Chief Counsel~~
6 ~~advising the board on a particular licensing issue or~~
7 ~~proceeding or employee whose duties relate to licensing and~~
8 ~~who is advising the board on a particular licensing issue or~~
9 ~~proceeding shall engage in any ex parte communication with~~
10 ~~any person.~~

11 ~~(2) No attorney representing the bureau or the Office of~~
12 ~~Enforcement Counsel or an applicant, licensee or permittee in~~
13 ~~any proceeding shall engage in an ex parte communication with~~
14 ~~a member, an attorney of the Office of Chief Counsel advising~~
15 ~~the board on a proceeding or a hearing officer of the board.~~

16 ~~(3) No employee of the bureau or the Office of~~
17 ~~Enforcement Counsel who is involved in a proceeding shall~~
18 ~~engage in an ex parte communication with a member, an~~
19 ~~attorney of the Office of Chief Counsel who is advising the~~
20 ~~board on the proceeding or a hearing officer of the board.~~

21 ~~(c.2) Procedures relating to ex parte communications.~~

22 ~~(1) An ex parte communication received or engaged in by~~
23 ~~a board member, employee or hearing officer shall be recorded~~
24 ~~in a log maintained for this purpose. The log shall be~~
25 ~~available for public inspection during the regular business~~
26 ~~hours of the board and shall be posted on the board's~~
27 ~~Internet website. The LOG SHALL INCLUDE:~~

28 ~~(I) The individual recording the ex parte~~
29 ~~communication. shall include:~~

30 ~~(i) (ii) The date and time of the ex parte~~

1 ~~communication.~~

2 ~~(ii) The name of any other individual (iii) The~~
3 ~~names of all individuals involved in the ex parte~~
4 ~~communication.~~

5 ~~(iii) (iv) The subject matter and substance of the~~
6 ~~ex parte communication.~~

7 ~~(2) In addition to documenting an ex parte communication~~
8 ~~under paragraph (1), notification and an opportunity to~~
9 ~~respond shall be provided to the following as follows:~~

10 ~~(i) A board member or employee shall promptly notify~~
11 ~~the board and all persons directly affected by the~~
12 ~~anticipated vote or action of the board of the substance~~
13 ~~of the communication.~~

14 ~~(ii) A hearing officer shall promptly notify the~~
15 ~~board and all parties to the proceeding before the~~
16 ~~hearing officer of the substance of the communication.~~

17 ~~(3) (i) A board member, employee or hearing officer who~~
18 ~~received or engaged in an ex parte communication shall~~
19 ~~recuse himself from any hearing or other proceeding~~
20 ~~related to the ex parte communication if the context and~~
21 ~~substance of the ex parte communication creates~~
22 ~~substantial reasonable doubt as to the individual's~~
23 ~~ability to act objectively, independently or impartially.~~

24 ~~(ii) A board member, employee or hearing officer who~~
25 ~~elects not to recuse himself based on an ex parte~~
26 ~~communication shall state his reasons for doing so on the~~
27 ~~record prior to the commencement of the hearing or~~
28 ~~proceeding.~~

29 ~~(iii) If a legislative appointee recuses himself~~
30 ~~from any hearing or other proceeding under this section,~~

1 ~~any qualified majority vote required under this part~~
2 ~~shall consist of all of the remaining legislative~~
3 ~~appointees and at least two gubernatorial appointees.~~

4 ~~(iv) Failure of a hearing officer or employee to~~
5 ~~recuse himself from a hearing or other proceeding due to~~
6 ~~receipt of an ex parte communication under this section~~
7 ~~shall be grounds for appeal to the board of the failure~~
8 ~~to recuse.~~

9 ~~(v) Failure of a board member to recuse himself from~~
10 ~~a hearing or other proceeding due to receipt of an ex~~
11 ~~parte communication under this section shall be grounds~~
12 ~~for appeal of a decision to a court of competent~~
13 ~~jurisdiction if the board action being appealed would not~~
14 ~~have occurred without the participation of the board~~
15 ~~member who received the ex parte communication.~~

16 ~~(d) Ex officio members. The restrictions under subsection~~
17 ~~(c) (5) shall not apply to ex officio members.~~

18 ~~(e) Definitions. As used in this section, the following~~
19 ~~words and phrases shall have the meanings given to them in this~~
20 ~~subsection:~~

21 ~~"Ex parte communication." An off the record communication~~
22 ~~engaged in or received by a member [or], employee or hearing~~
23 ~~officer of the board regarding the merits of or any fact in~~
24 ~~issue relating to a pending matter before the board or which may~~
25 ~~reasonably be expected to come before the board in a contested~~
26 ~~on the record proceeding. The term shall not include off the~~
27 ~~record communications by or between a member [or], employee or~~
28 ~~hearing officer of the board, Department of Revenue,~~
29 ~~Pennsylvania State Police, Attorney General or other law~~
30 ~~enforcement official prior to the beginning of the proceeding~~

1 solely for the purpose of seeking clarification or correction to
2 evidentiary materials intended for use in the proceedings.

3 ~~"Immediate family." The spouse, parents, children and~~
4 ~~siblings and the spouses of any of those individuals.~~

5 ~~["Licensed entity representative." A person acting on behalf~~
6 ~~of or representing the interest of any applicant, licensee,~~
7 ~~permittee or registrant, including an attorney, agent or~~
8 ~~lobbyist, regarding any matter which may reasonably be expected~~
9 ~~to come before the board.]~~

10 Section 6. Title 4 is amended by adding a section to read:
11 ~~§ 1202.2. Expenses of the Pennsylvania Gaming Control Board.~~

12 ~~Members and employees of the board shall only be reimbursed~~
13 ~~for actual and reasonable expenses incurred during the~~
14 ~~performance of their duties. In order to receive reimbursement~~
15 ~~for an expense in excess of \$10, the member or employee shall~~
16 ~~submit a receipt validating the expense incurred.~~

17 ~~Reimbursements, allowances or other payments in an amount~~
18 ~~greater than the expenses for which receipts are submitted are~~
19 ~~prohibited. Receipts and requests for reimbursement shall be~~
20 ~~financial records for purposes of the act of February 14, 2008~~
21 ~~(P.L.6, No.3), known as the Right to Know Law.~~

22 Section 7. Section 1205(b)(1) and (2) of Title 4 are amended
23 and the subsection is amended by adding paragraphs to read:

24 ~~§ 1205. License or permit application hearing process; public~~
25 ~~input hearings.~~

26 ~~* * *~~

27 ~~(b) Public input hearing requirement.~~

28 ~~(1) [Prior to licensing a facility under this part, the~~
29 ~~board shall hold at least one public input hearing on the~~
30 ~~matter.] The board shall hold at least one public input~~

1 ~~hearing prior to:~~

2 ~~(i) Licensing a facility.~~

3 ~~(ii) Approving the structural redesign of a licensed~~
4 ~~facility located in a city of the first class.~~

5 ~~(2) All public input hearings [relating to an~~
6 ~~application for a slot machine license] under paragraph (1)~~
7 ~~shall be held in the municipality where the licensed facility~~
8 ~~will be, or is, located and shall be organized in cooperation~~
9 ~~with the municipality.~~

10 * * *

11 ~~(4) In addition to any witnesses scheduled to testify~~
12 ~~under paragraph (3), the board shall establish a public~~
13 ~~comment period during which time members of the public may~~
14 ~~address the board regarding the proposed license or~~
15 ~~structural redesign under paragraph (1). The board, in its~~
16 ~~discretion, may place reasonable time limits on an~~
17 ~~individual's comments.~~

18 Section 8. Sections 1206(f), 1207(4), 1208(1)(i) and (ii)
19 and 1209(b) of Title 4 are amended to read:

20 § 1206. Board minutes and records.

21 * * *

22 (f) Confidentiality of information. [All]

23 ~~(1) The following information submitted by an applicant~~
24 ~~or licensee pursuant to section 1310(a) (relating to slot~~
25 ~~machine license application character requirements) or~~
26 ~~1308(a.1) (relating to applications for license or permit) or~~
27 ~~obtained by the board or the bureau as part of a background~~
28 ~~or other investigation from any source shall be [considered]~~
29 ~~confidential[.] and withheld from public disclosure:~~

30 ~~(i) All information relating to good character,~~

1 ~~honesty and integrity, including family, habits,~~
2 ~~reputation, history of criminal activity, business~~
3 ~~activities, financial affairs and business, professional~~
4 ~~and personal associations submitted under section 1310(a)~~
5 ~~or 1308(a.1) or otherwise obtained by the board or the~~
6 ~~bureau.~~

7 ~~(ii) Nonpublic personal information, including~~
8 ~~telephone numbers, Social Security numbers, educational~~
9 ~~records, memberships, medical records, tax returns and~~
10 ~~declarations, actual or proposed compensation, financial~~
11 ~~account records, creditworthiness or a financial~~
12 ~~condition relating to an applicant, licensee or permittee~~
13 ~~or the immediate family thereof.~~

14 ~~(iii) Documents and information relating to~~
15 ~~proprietary information, trade secrets, patents or~~
16 ~~exclusive licenses, architectural and engineering plans~~
17 ~~and information relating to competitive marketing~~
18 ~~materials and strategies, which may include customer~~
19 ~~identifying information or customer prospects for~~
20 ~~services subject to competition.~~

21 ~~(iv) Security information, including risk prevention~~
22 ~~plans, detection and countermeasures, location of count~~
23 ~~rooms, emergency management plans, security and~~
24 ~~surveillance plans, equipment and usage protocols and~~
25 ~~theft and fraud prevention plans and countermeasures.~~

26 ~~(v) Information with respect to which there is a~~
27 ~~reasonable possibility that public release or inspection~~
28 ~~of the information would constitute an unwarranted~~
29 ~~invasion into personal privacy of any individual as~~
30 ~~determined by the board.~~

1 ~~(vi) Records of an applicant or licensee not~~
2 ~~required to be filed with the Securities and Exchange~~
3 ~~Commission by issuers that either have securities~~
4 ~~registered under section 12 of the Securities Exchange~~
5 ~~Act of 1934 (48 Stat. 881, 15 U.S.C. § 78a et seq.) or~~
6 ~~are required to file reports under section 15(d) of the~~
7 ~~Securities Exchange Act of 1934.~~

8 ~~(vii) Records considered nonpublic matters or~~
9 ~~information by the Securities and Exchange Commission as~~
10 ~~provided by 17 CFR 200.80 (relating to commission records~~
11 ~~and information).~~

12 ~~(viii) Any financial information deemed confidential~~
13 ~~by the board upon a showing of good cause by the~~
14 ~~applicant or licensee.~~

15 ~~(2) No claim of confidentiality shall be made regarding~~
16 ~~any information from a criminal history record check that is~~
17 ~~available to the public under 18 Pa.C.S. Ch. 91 (relating to~~
18 ~~criminal history record information) or § 9121(b) (relating~~
19 ~~to noncriminal justice agencies and individuals).~~

20 ~~(3) This subsection shall not apply to any information~~
21 ~~that is otherwise publicly available in this Commonwealth or~~
22 ~~another jurisdiction.~~

23 ~~(2) (4) Except as provided in section 1517(f) (relating~~
24 ~~to [investigation] investigations and enforcement), the~~
25 ~~confidential information shall be withheld from public~~
26 ~~disclosure in whole or in part, except that any confidential~~
27 ~~information shall be released upon the lawful order of a~~
28 ~~court of competent jurisdiction or, with the approval of the~~
29 ~~Attorney General, to a duly authorized law enforcement agency~~
30 ~~or shall be released to the public, in whole or in part, to~~

1 ~~the extent that such release is requested by an applicant and~~
2 ~~does not otherwise contain confidential information about~~
3 ~~another person.~~

4 ~~(3) (5) The board may seek a voluntary waiver of~~
5 ~~confidentiality from an applicant or licensed entity but may~~
6 ~~not require any applicant or licensed entity to waive any~~
7 ~~confidentiality provided for in this subsection as a~~
8 ~~condition for the approval of a license or any other action~~
9 ~~of the board. Any [person who violates this subsection]~~
10 ~~current or former board member employee or contractor who~~
11 ~~publicly discloses confidential information in violation of~~
12 ~~this subsection commits a misdemeanor and shall be~~
13 ~~administratively disciplined by discharge, suspension,~~
14 ~~termination of contract or other formal disciplinary action~~
15 ~~as the board deems appropriate.~~

16 * * *

17 ~~§ 1207. Regulatory authority of board.~~

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

19 * * *

20 ~~(4) Require that each licensed entity provide to the~~
21 ~~board its audited annual financial statements, with such~~
22 ~~additional detail as the board from time to time shall~~
23 ~~require, which information shall be submitted not later than~~
24 ~~[60] 90 days after the end of the licensee's fiscal year.~~

25 * * *

26 ~~§ 1208. Collection of fees and fines.~~

27 ~~The board has the following powers and duties:~~

28 ~~(1) To levy and collect fees from the various~~
29 ~~applicants, licensees and permittees to fund the operations~~
30 ~~of the board. The fees shall be deposited into the State~~

1 ~~Gaming Fund as established in section 1403 (relating to~~
2 ~~establishment of State Gaming Fund and net slot machine~~
3 ~~revenue distribution) and distributed to the board upon~~
4 ~~appropriation by the General Assembly. In addition to the~~
5 ~~fees set forth in sections 1209 (relating to slot machine~~
6 ~~license fee) and 1305 (relating to Category 3 slot machine~~
7 ~~license), the board shall assess and collect fees as follows:~~

8 ~~(i) Supplier licensees shall pay a fee of \$25,000~~
9 ~~upon the issuance of a license and \$10,000 for the annual~~
10 ~~renewal of a supplier license. When the renewal period~~
11 ~~under section 1317(c) (1) (relating to supplier licenses)~~
12 ~~is three years, the fee shall be \$30,000 for the renewal.~~

13 ~~(ii) Manufacturer licensees shall pay a fee of~~
14 ~~\$50,000 upon the issuance of a license and \$25,000 for~~
15 ~~the annual renewal of a manufacturer license. When the~~
16 ~~renewal period under section 1317.1(c) (1) (relating to~~
17 ~~manufacturer licenses) is three years, the fee shall be~~
18 ~~\$75,000 for the renewal.~~

19 ~~* * *~~

20 ~~§ 1209. Slot machine license fee.~~

21 ~~* * *~~

22 ~~(b) Term. A slot machine license, after payment of the fee,~~
23 ~~shall be in effect unless suspended, revoked or not renewed by~~
24 ~~the board upon good cause consistent with the license~~
25 ~~requirements as provided for in this part. Slot machine~~
26 ~~licensees shall be required to update the information in their~~
27 ~~initial applications annually, and the license of a licensee in~~
28 ~~good standing shall be updated and renewed annually for two~~
29 ~~subsequent years following the initial license issuance.~~
30 ~~Thereafter, license renewals shall be every three years. As to~~

1 ~~the renewal of a license, no additional license fee pursuant to~~
2 ~~subsection (a) shall be required.~~

3 * * *

4 ~~Section 9. Section 1211 of Title 4 is amended by adding a~~
5 ~~subsection to read:~~

6 ~~§ 1211. Reports of board.~~

7 * * *

8 ~~(a.1) Expenses. Beginning 30 days after the effective date~~
9 ~~of this subsection, the board shall post by the fifteenth of~~
10 ~~each month on its Internet website a list of all its itemized~~
11 ~~expenses of employees and members for the preceding month. The~~
12 ~~list shall identify the nature of the expense and the employee~~
13 ~~or board member to which an expense is attributable. The list~~
14 ~~shall include each expense for which a receipt is submitted to~~
15 ~~obtain reimbursement. If the expense is directly attributable to~~
16 ~~or paid by a licensed facility, the list shall identify the~~
17 ~~facility. By October 1 of each year, a final report of all~~
18 ~~expenses for the preceding fiscal year shall be posted on the~~
19 ~~board's Internet website and shall be transmitted to the~~
20 ~~Appropriations Committee of the Senate, the Community, Economic~~
21 ~~and Recreational Development Committee of the Senate, the~~
22 ~~Appropriations Committee of the House of Representatives and the~~
23 ~~Gaming Oversight Committee of the House of Representatives.~~

24 * * *

25 ~~Section 10. Section 1213 of Title 4 is amended to read:~~

26 ~~§ 1213. License or permit prohibition.~~

27 ~~(1) [No applicant for a license or permit under this~~
28 ~~part, including principals and key employees,] The board~~
29 ~~shall be prohibited from granting a principal license or key~~
30 ~~employee license to a person who has been convicted of a~~

1 ~~felony [or gambling offense] in any jurisdiction [shall be~~
2 ~~issued a license or permit unless 15 years has elapsed from~~
3 ~~the date of expiration of the sentence for the offense].~~

4 ~~(2) [When determining whether to issue a license or~~
5 ~~permit to an applicant who has been convicted in any~~
6 ~~jurisdiction of a felony or gambling offense,] In addition to~~
7 ~~the prohibition under paragraph (1), the board shall be~~
8 ~~prohibited from granting the following:~~

9 ~~(i) A principal license or key employee license to a~~
10 ~~person who has been convicted of a gambling offense in~~
11 ~~any jurisdiction that is not classified as a felony~~
12 ~~unless 15 years has elapsed from the date of the~~
13 ~~expiration of the sentence for the offense.~~

14 ~~(ii) A gaming employee permit or license other than~~
15 ~~a principal license or key employee license to a person~~
16 ~~who has been convicted of a felony or gambling offense in~~
17 ~~any jurisdiction unless 15 years has elapsed from the~~
18 ~~date of the expiration of the sentence for the offense.~~

19 ~~(3) In determining whether to issue a license or permit~~
20 ~~under paragraph (2), the board shall consider the following~~
21 ~~factors:~~

22 ~~[(1)] (i) The nature and duties of the applicant's~~
23 ~~position with the licensed entity.~~

24 ~~[(2)] (ii) The nature and seriousness of the offense~~
25 ~~or conduct.~~

26 ~~[(3)] (iii) The circumstances under which the~~
27 ~~offense or conduct occurred.~~

28 ~~[(4)] (iv) The age of the applicant when the offense~~
29 ~~or conduct was committed.~~

30 ~~[(5)] (v) Whether the offense or conduct was an~~

1 ~~isolated or a repeated incident.~~

2 ~~[(6)] (vi) Any evidence of rehabilitation, including~~
3 ~~good conduct in the community, counseling or psychiatric~~
4 ~~treatment received and the recommendation of persons who~~
5 ~~have substantial contact with the applicant.~~

6 ~~Section 10.1. Section 1308 of Title 4 is amended by adding a~~
7 ~~subsection to read:~~

8 ~~§ 1308. Applications for license or permit.~~

9 ~~* * *~~

10 ~~(a.1) Submission of information. Notwithstanding the~~
11 ~~provisions of 18 Pa.C.S. § 9124(b) (relating to use of records~~
12 ~~by licensing agencies), an application for a license or permit~~
13 ~~under this part shall include all arrests and convictions of the~~
14 ~~applicant, including summary offenses. The information shall~~
15 ~~include:~~

16 ~~(1) A brief description of the circumstances surrounding~~
17 ~~the arrest.~~

18 ~~(2) The specific offense charged.~~

19 ~~(3) The ultimate disposition of the charges, including~~
20 ~~the details of any dismissal, plea bargain, conviction or~~
21 ~~sentence, including any pardon, expungement or order of~~
22 ~~Accelerated Rehabilitative Disposition.~~

23 ~~* * *~~

24 ~~Section 10.2. Sections 1310, 1317(c)(1), 1317.1(c)(1),~~
25 ~~1321(a)(2), 1326(a), 1328(b) 1328(A)(1) and (B) and 1329 of~~
26 ~~Title 4 are amended to read:~~

27 ~~§ 1310. Slot machine license application character~~
28 ~~requirements.~~

29 ~~(a) Application.~~

30 ~~(1) Every application for a slot machine license shall~~

1 ~~include such information, documentation and assurances as may~~
2 ~~be required to establish by clear and convincing evidence the~~
3 ~~applicant's suitability, including good character, honesty~~
4 ~~and integrity. Information shall include, without limitation,~~
5 ~~information pertaining to family, habits, character,~~
6 ~~reputation, criminal history background, business activities,~~
7 ~~financial affairs and business, professional and personal~~
8 ~~associates, covering at least the ten year period immediately~~
9 ~~preceding the filing date of the application.~~

10 ~~(2) Notwithstanding 18 Pa.C.S. § 9124(b) (relating to~~
11 ~~use of records by licensing agencies), a conviction that has~~
12 ~~been expunged or overturned, or for which a person has been~~
13 ~~pardoned or an order of Accelerated Rehabilitative~~
14 ~~Disposition has been issued, shall be included with an~~
15 ~~application and shall be considered by the board as part of~~
16 ~~the review of the applicant's suitability under paragraph~~
17 ~~(1).~~

18 ~~(b) Civil judgments and law enforcement agency~~
19 ~~information. Each applicant shall notify the board of any civil~~
20 ~~judgments obtained against the applicant pertaining to antitrust~~
21 ~~or security regulation laws of the Federal Government, this~~
22 ~~Commonwealth or any other state, jurisdiction, province or~~
23 ~~country. In addition, each applicant shall produce a letter of~~
24 ~~reference from law enforcement agencies having jurisdiction in~~
25 ~~the applicant's place of residence and principal place of~~
26 ~~business, which letter of reference shall indicate that the law~~
27 ~~enforcement agencies do not have any pertinent information~~
28 ~~concerning the applicant or, if the law enforcement agency does~~
29 ~~have information pertaining to the applicant, shall specify the~~
30 ~~nature and content of that information. If no letters are~~

1 ~~received within 30 days of the request, the applicant may submit~~
2 ~~a statement under oath which is subject to the penalty for false~~
3 ~~swearing under 18 Pa.C.S. § 4903 (relating to false swearing)~~
4 ~~that the applicant is or was during the period the activities~~
5 ~~were conducted in good standing with the gaming or casino~~
6 ~~enforcement or control agency.~~

7 ~~(c) Gaming or casino enforcement agency information. If the~~
8 ~~applicant has held a gaming license in a jurisdiction where~~
9 ~~gaming activities are permitted, the applicant shall produce a~~
10 ~~letter of reference from the gaming or casino enforcement or~~
11 ~~control agency which shall specify the experiences of that~~
12 ~~agency with the applicant, the applicant's associates and the~~
13 ~~applicant's gaming operation. If no letters are received within~~
14 ~~30 days of the request, the applicant may submit a statement~~
15 ~~under oath which is subject to the penalty for false swearing~~
16 ~~under 18 Pa.C.S. § 4903 that the applicant is or was during the~~
17 ~~period the activities were conducted in good standing with the~~
18 ~~gaming or casino enforcement or control agency.~~

19 ~~(d) Agency records. Each applicant for a slot machine~~
20 ~~license, principal license or key employee license shall be~~
21 ~~required to apply to the Federal Government regarding agency~~
22 ~~records under the Freedom of Information Act (Public Law 89 554,~~
23 ~~5 U.S.C. § 522) pertaining to the applicant and provide the~~
24 ~~board with the complete record received from the Federal~~
25 ~~Government. The board may issue a conditional license to the~~
26 ~~applicant prior to the receipt of information under this~~
27 ~~subsection.~~

28 ~~§ 1317. Supplier licenses.~~

29 ~~* * *~~

30 ~~(c) Review and approval. Upon being satisfied that the~~

1 ~~requirements of subsection (b) have been met, the board may~~
2 ~~approve the application and issue the applicant a supplier~~
3 ~~license consistent with all of the following:~~

4 ~~(1) [The license shall be for a period of one year. Upon~~
5 ~~expiration, the license may be renewed in accordance with~~
6 ~~subsection (d)] The initial license shall be for a period of~~
7 ~~one year and shall be subject to renewal annually under~~
8 ~~subsection (d) for two consecutive one year periods following~~
9 ~~the initial issuance. Thereafter, a license shall be subject~~
10 ~~to renewal every three years. Nothing in this paragraph shall~~
11 ~~relieve the licensee of the affirmative duty to notify the~~
12 ~~board of changes to any information contained in the original~~
13 ~~application.~~

14 * * *

15 § 1317.1. ~~Manufacturer licenses.~~

16 * * *

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

21 ~~(1) [The license shall be for a period of one year. Upon~~
22 ~~expiration, a license may be renewed in accordance with~~
23 ~~subsection (d)] The initial license shall be for a period of~~
24 ~~one year and shall be subject to renewal annually under~~
25 ~~subsection (d) for two consecutive one year periods following~~
26 ~~the initial issuance. Thereafter, a license shall be subject~~
27 ~~to renewal every three years. Nothing in this paragraph shall~~
28 ~~relieve the licensee of the affirmative duty to notify the~~
29 ~~board of any changes relating to the status of its license or~~
30 ~~relieve the licensee of its responsibility to notify the~~

1 ~~board of changes to any information contained in the original~~
2 ~~application.~~

3 * * *

4 ~~§ 1321. Additional licenses and permits and approval of~~
5 ~~agreements.~~

6 ~~(a) Requirements. In addition to the requirements for a~~
7 ~~license or permit specifically set forth in this part, the board~~
8 ~~may require a license [or], permit or other authorization, and~~
9 ~~set a fee for the same, for any key or gaming employee or any~~
10 ~~person who satisfies any of the following criteria:~~

11 * * *

12 ~~(2) The person is presently not [otherwise] required to~~
13 ~~be licensed or permitted under this part and provides any~~
14 ~~goods, property or services, including, but not limited to,~~
15 ~~management contracts for compensation to a slot machine~~
16 ~~licensee at the licensed facility. The board may by~~
17 ~~regulation establish a classification system for a person who~~
18 ~~provides goods, property or services to a slot machine~~
19 ~~licensee. If the classification system requires the person~~
20 ~~providing goods, property or services to submit to a criminal~~
21 ~~history record check under 18 Pa.C.S. Ch. 91 (relating to~~
22 ~~criminal history record information), the board shall notify~~
23 ~~the slot machine licensee if the person providing goods,~~
24 ~~property or services has been convicted of a felony or~~
25 ~~gambling offense.~~

26 * * *

27 ~~§ 1326. License renewals.~~

28 ~~(a) Renewal. All permits and licenses issued under this~~
29 ~~part unless otherwise provided shall be subject to renewal on an~~
30 ~~annual basis [upon the application of the holder of the permit~~

1 ~~or license submitted to the board at least 60 days prior to the~~
2 ~~expiration of the permit or license] for the first two years~~
3 ~~following the initial issuance. Thereafter, all permits and~~
4 ~~licenses shall be subject to renewal every three years. The~~
5 ~~application for renewal shall be submitted at least 60 days~~
6 ~~prior to the expiration of the permit or license and shall~~
7 ~~include an update of the information contained in the initial~~
8 ~~and any prior renewal applications and the payment of any~~
9 ~~renewal fee required by this part. A permit or license for which~~
10 ~~a completed renewal application and fee, if required, has been~~
11 ~~received by the board will continue in effect unless and until~~
12 ~~the board sends written notification to the holder of the permit~~
13 ~~or license that the board has denied the renewal of such permit~~
14 ~~or license.~~

15 ~~* * *~~

16 ~~§ 1328. Change in ownership or control of slot machine~~
17 ~~licensee.~~

18 ~~* * *~~

19 ~~(a) Notification and approval.~~

20 ~~(1) A slot machine licensee shall notify the board~~
21 ~~[prior to or] immediately upon becoming aware of any proposed~~
22 ~~or contemplated change of ownership of the slot machine~~
23 ~~licensee by a person or group of persons acting in concert~~
24 ~~which involves any of the following:~~

25 ~~(i) More than 5% of a slot machine licensee's~~
26 ~~securities or other ownership interests.~~

27 ~~(ii) More than 5% of the securities or other~~
28 ~~ownership interests of a corporation or other form of~~
29 ~~business entity that owns directly or indirectly at least~~
30 ~~20% of the voting or other securities or other ownership~~

1 ~~interests of the licensee.~~

2 ~~(iii) The sale other than in the ordinary course of~~
3 ~~business of a licensee's assets.~~

4 ~~(iv) Any other transaction or occurrence deemed by~~
5 ~~the board to be relevant to license qualifications.~~

6 * * *

7 ~~(b) Qualification of purchaser of slot machine licensee;~~
8 ~~change of control. The purchaser of the slot machine license or~~
9 ~~assets, other than in the ordinary course of business, of any~~
10 ~~slot machine licensee shall independently qualify for a license~~
11 ~~in accordance with this part and shall pay the license fee as~~
12 ~~required by section 1209 (relating to slot machine license fee).~~
13 ~~A change in control of any slot machine licensee shall require~~
14 ~~that the slot machine licensee independently qualify for a~~
15 ~~license in accordance with this part, and the slot machine~~
16 ~~licensee shall pay a new license fee as required by section~~
17 ~~1209, except as otherwise required by the board pursuant to this~~
18 ~~section. The new license fee under this section shall be paid~~
19 ~~upon the assignment and actual change of control or ownership of~~
20 ~~the slot machine license.~~

21 * * *

22 ~~§ 1329. [Nonportability] Portability and relocation of slot~~
23 ~~machine license.~~

24 ~~(a) General rule. Each slot machine license shall only be~~
25 ~~valid for the specific physical location within the municipality~~
26 ~~and county for which it was originally granted.~~

27 ~~(b) Petition. In evaluating a petition to relocate, the~~
28 ~~board shall consider the following factors:~~

29 ~~(1) The reason for the relocation.~~

30 ~~(2) A comparative analysis, submitted by the petitioner,~~

~~1 detailing estimated gross terminal revenues at the new
2 location with estimated gross terminal revenues at the
3 original location.~~

~~4 (3) A comparative analysis, submitted by the petitioner,
5 detailing the economic impact of the licensed facility at the
6 new location with the estimated economic impact at the
7 original location. The comparative analysis shall include the
8 total cost of the project and projected direct and indirect
9 employment figures.~~

~~10 (4) A comprehensive traffic study commissioned by the
11 board.~~

~~12 (5) Community support or opposition.~~

~~13 (6) Any other information requested by the board.~~

~~14 (c) Relocation. A [No] slot machine licensee [shall] may be
15 permitted to move or relocate the physical location of the
16 licensed facility [without] with board approval [for] upon good
17 cause shown if:~~

~~18 (1) the relocated licensed facility remains within the
19 same county as originally licensed;~~

~~20 (2) the relocation will facilitate the timely operation
21 of slot machines;~~

~~22 (3) the relocated licensed facility complies with all
23 other provisions of this part related to the siting and
24 location of a licensed facility; and~~

~~25 (4) relocation of the licensed facility is in the best
26 interests of the Commonwealth.~~

~~27 (d) Public input hearing. The board shall hold at least one
28 public input hearing in the municipality where the licensed
29 facility will be located prior to approval of the relocation.~~

~~30 (e) No grant or loan from the Commonwealth may be awarded~~

1 ~~for the purpose of relocating or developing the relocated~~
2 ~~licensed facility to comply with any conditions of approval of~~
3 ~~the relocation.~~

4 Section 11. Title 4 is amended by adding a section to read:
5 ~~§ 1332. Appointment of trustee.~~

6 ~~(a) Appointment. Upon petition of the Office of Enforcement~~
7 ~~Counsel, the board may order the appointment of a trustee from~~
8 ~~the list required under subsection (j) to act on behalf of the~~
9 ~~interests of the Commonwealth and the board to assure compliance~~
10 ~~with this part and any conditions imposed upon the slot machine~~
11 ~~license in the following circumstances:~~

12 ~~(1) Upon the revocation, suspension or nonrenewal of a~~
13 ~~slot machine license or a principal license of an individual~~
14 ~~who the board has determined controls a slot machine license~~
15 ~~if the principal licensee is the only principal who exercises~~
16 ~~operational control of the licensed facility.~~

17 ~~(2) Upon the failure to renew a slot machine license or~~
18 ~~a principal license of an individual who the board has~~
19 ~~determined controls a slot machine licensee if the principal~~
20 ~~licensee is the only principal who exercises operational~~
21 ~~control of the licensed facility until the slot machine or~~
22 ~~principal license is renewed or until the discontinuation of~~
23 ~~the trusteeship pursuant to subsection (i).~~

24 ~~(3) If necessary to protect the best interests of the~~
25 ~~Commonwealth.~~

26 ~~(b) Qualifications. The following shall apply:~~

27 ~~(1) A trustee shall be required to obtain a principal~~
28 ~~license. The board may appoint a trustee and award the~~
29 ~~trustee a temporary principal license as prescribed in board~~
30 ~~regulations.~~

1 ~~(2) Before assuming duties, a trustee shall execute and~~
2 ~~file a bond for the faithful performance of the trustee's~~
3 ~~duties. The bond shall be payable to the board with sureties~~
4 ~~and in the amount and form as required by board order. The~~
5 ~~cost of the bond shall be paid by the former or suspended~~
6 ~~licensee.~~

7 ~~(c) Powers. A trustee appointed under this section shall~~
8 ~~have all of the power and duties granted to exercise only those~~
9 ~~powers and perform those duties expressly conferred upon the~~
10 ~~trustee by the board. The board's order appointing the trustee~~
11 ~~shall set forth the powers, duties and responsibilities of the~~
12 ~~trustees which may include:~~

13 ~~(1) Maintaining and operating the licensed facility in a~~
14 ~~manner that complies with this part and any conditions~~
15 ~~imposed by the board.~~

16 ~~(2) Maintaining and operating the licensed facility~~
17 ~~consistent with the measures generally taken in the ordinary~~
18 ~~course of business including:~~

19 ~~(i) Entering into contracts.~~

20 ~~(ii) Borrowing money.~~

21 ~~(iii) Pledging, mortgaging or otherwise encumbering~~
22 ~~the licensed facility or property thereof as security for~~
23 ~~the repayment of the trustee's loans subject to any~~
24 ~~provisions and restrictions in any existing credit~~
25 ~~documents.~~

26 ~~(iv) Hiring, firing and disciplining employees.~~

27 ~~(3) Exercising the rights and obligations of the former~~
28 ~~or suspended licensee.~~

29 ~~(4) Taking possession of all of the property of the slot~~
30 ~~machine licensee, including its books, records and papers.~~

1 ~~(5) Establishing accounts with financial institutions.~~
2 ~~An account may not be established with a financial~~
3 ~~institution in which an affiliate of the former or suspended~~
4 ~~licensee, or in which the trustee, has a financial~~
5 ~~controlling interest.~~

6 ~~(6) Meeting with the former or suspended licensee.~~

7 ~~(7) Meeting with principals and key employees at the~~
8 ~~licensed facility.~~

9 ~~(8) Meeting with the independent audit committee.~~

10 ~~(9) Meeting with the board's executive director and~~
11 ~~keeping the board's executive director apprised of actions~~
12 ~~taken and the trustee's plans and goals for the future.~~

13 ~~(10) Hiring legal counsel, accountants or other~~
14 ~~consultants or assistants, with prior approval of the board,~~
15 ~~as necessary to carry out the trustee's duties and~~
16 ~~responsibilities.~~

17 ~~(11) Settling or compromising with any debtor or~~
18 ~~creditor of the former or suspended licensee, including any~~
19 ~~taxing authority.~~

20 ~~(12) Reviewing outstanding agreements to which the~~
21 ~~former or suspended licensee is a party and advising the~~
22 ~~board as to which, if any, of the agreements should be the~~
23 ~~subject of scrutiny, examination or investigation by the~~
24 ~~board.~~

25 ~~(13) Obtaining board approval prior to any sale, change~~
26 ~~of ownership, change of control, change of financial status,~~
27 ~~restructuring, transfer of assets or execution of a contract~~
28 ~~or any other action taken outside of the ordinary course of~~
29 ~~business.~~

30 ~~(14) Obtaining board approval for any payments outside~~

1 ~~of those made in the ordinary course of business.~~
2 ~~Notwithstanding any provision contained in this subsection to~~
3 ~~the contrary, the trustee shall have the duty to conserve and~~
4 ~~preserve the assets of the licensed entity.~~

5 ~~(d) Compensation. The board shall establish the~~
6 ~~compensation of the trustee and shall review and approve actual~~
7 ~~and reasonable costs and expenses of the trustee, legal counsel,~~
8 ~~accountants or other consultants or assistants hired by the~~
9 ~~trustee and other persons the board may appoint in connection~~
10 ~~with the trusteeship action. The compensation, costs and~~
11 ~~expenses shall be paid by the former or suspended licensee.~~
12 ~~Total compensation for the trustee and all individuals hired or~~
13 ~~retained by the trustee under subsection (c) (10) shall not~~
14 ~~exceed \$600 per hour in the aggregate.~~

15 ~~(e) Reports. A trustee shall file reports with regard to~~
16 ~~the administration of the trusteeship with the board in the form~~
17 ~~and at intervals as the board orders. The board may direct that~~
18 ~~copies or portions of the trustee's reports be mailed to~~
19 ~~creditors or other parties in interest and make summaries of the~~
20 ~~reports available to the public and shall post them on the~~
21 ~~board's Internet website.~~

22 ~~(f) Review of actions. A creditor or party in interest~~
23 ~~aggrieved by any alleged breach of a delegated power or duty of~~
24 ~~a trustee in the discharge of the trustee's duties may request a~~
25 ~~review of the trustee's action or inaction by filing a petition~~
26 ~~in accordance with board regulations. The petition must set~~
27 ~~forth in detail the pertinent facts and the reasons why the~~
28 ~~facts constitute the alleged breach. The board will review any~~
29 ~~petition filed under this section and take whatever action, if~~
30 ~~any, it deems appropriate.~~

1 ~~(g) Effect of the trusteeship. After issuance of an order~~
2 ~~to appoint a trustee, the former or suspended principal or slot~~
3 ~~machine licensee may not exercise any of its privileges, collect~~
4 ~~or receive any debts and pay out, sell, assign or transfer any~~
5 ~~of its property to anyone without prior approval of the~~
6 ~~appointed trustee and the board.~~

7 ~~(h) Disposition of net earnings income. During the period~~
8 ~~of trusteeship, net earnings income shall be deposited in an~~
9 ~~escrow account maintained for that purpose. Payment of net~~
10 ~~earnings income during the period of trusteeship may not be made~~
11 ~~by the trustee without the prior approval of the board. A~~
12 ~~suspended or former principal or slot machine licensee may~~
13 ~~request payment distribution of all or a portion of the net~~
14 ~~earnings income during the period of trusteeship by filing a~~
15 ~~petition in accordance with board regulation. The suspended or~~
16 ~~former principal or slot machine licensee shall have the burden~~
17 ~~of demonstrating good cause for the payment distribution of the~~
18 ~~net earnings income requested.~~

19 ~~(i) Discontinuation. The board may issue an order to~~
20 ~~discontinue a trusteeship when:~~

21 ~~(1) The board determines that the cause for which the~~
22 ~~trustee was appointed no longer exists.~~

23 ~~(2) The trustee has, with the prior approval of the~~
24 ~~board, consummated the sale, assignment, conveyance or other~~
25 ~~disposition of all the property or interest of the former~~
26 ~~principal or slot machine licensee relating to the slot~~
27 ~~machine license.~~

28 ~~Upon board approval of the discontinuation of the trusteeship,~~
29 ~~the trustee shall, in an orderly manner, transfer the property~~
30 ~~of the former or suspended principal or slot machine licensee.~~

1 ~~(j) List of approved trustees. The board shall promulgate~~
2 ~~regulations to establish a list of persons approved by the board~~
3 ~~qualified to serve as a trustee. At a minimum, the regulations~~
4 ~~shall provide for the following:~~

5 ~~(1) The minimum qualifications an individual must~~
6 ~~possess to be approved as a trustee, which shall include~~
7 ~~possession of a principal license.~~

8 ~~(2) The procedure for placement on or removal from the~~
9 ~~list.~~

10 ~~(3) Any other information the board deems necessary to~~
11 ~~carry out the intent of this section.~~

12 Section 12. Section 1407 of Title 4 is amended by adding
13 subsections to read:

14 § 1407. Pennsylvania Gaming Economic Development and Tourism
15 Fund.

16 * * *

17 ~~(e) Annual report. The Office of the Budget in cooperation~~
18 ~~with the Department of Community and Economic Development shall~~
19 ~~submit an annual report of all distribution of funds under this~~
20 ~~section to the chairman and minority chairman of the~~
21 ~~Appropriations Committee of the Senate, the chairman and~~
22 ~~minority chairman of the Community, Economic and Recreational~~
23 ~~Development Committee of the Senate, the chairman and minority~~
24 ~~chairman of the Appropriations Committee of the House of~~
25 ~~Representatives and the chairman and minority chairman of the~~
26 ~~Gaming Oversight Committee of the House of Representatives. The~~
27 ~~report shall include detailed information relating to transfers~~
28 ~~made from the Pennsylvania Gaming Economic Development and~~
29 ~~Tourism Fund and all reimbursements, distributions and payments~~
30 ~~made under subsection (b) or the act of July 25, 2007 (P.L.342,~~

1 ~~No.53), known as Pennsylvania Gaming Economic Development and~~
2 ~~Tourism Fund Capital Budget Itemization Act of 2007. The report~~
3 ~~shall be submitted by January 31, 2010, and by January 31 of~~
4 ~~each year thereafter.~~

5 ~~(f) Local report. A city of the first class, city of the~~
6 ~~second class, county of the second class, convention center or~~
7 ~~convention center authority, professional hockey franchise~~
8 ~~sports and exhibition authority of a county of the second class,~~
9 ~~urban redevelopment authority, airport authority or other entity~~
10 ~~that receives money from the fund pursuant to an Economic~~
11 ~~Development Capital Budget under this section subsection (b) or~~
12 ~~the act of July 25, 2007 (P.L.342, No.53), known as Pennsylvania~~
13 ~~Gaming Economic Development and Tourism Fund Capital Budget~~
14 ~~Itemization Act of 2007, shall submit an annual report to the~~
15 ~~Office of the Budget, the chairman and minority chairman of the~~
16 ~~Appropriations Committee of the Senate, the chairman and~~
17 ~~minority chairman of the Community, Economic and Recreational~~
18 ~~Development Committee of the Senate, the chairman and minority~~
19 ~~chairman of the Appropriations Committee of the House of~~
20 ~~Representatives and the chairman and the minority chairman of~~
21 ~~the Gaming Oversight Committee of the House of Representatives.~~
22 ~~The report shall include detailed information, including records~~
23 ~~of expenditures, payments and other distributions made from~~
24 ~~money received under subsection (b). The initial report shall~~
25 ~~include information on all funds received prior to January 31,~~
26 ~~2010. The report shall be submitted by January 31, 2010, and by~~
27 ~~January 31 of each year thereafter until all funds under this~~
28 ~~section are distributed or received. An entity that receives~~
29 ~~funds after the effective date of this section shall submit an~~
30 ~~initial report by January 31 of the year following receipt of~~

1 ~~the funds.~~

2 ~~(g) Distribution to international airport. Notwithstanding~~
3 ~~the provisions of section 7(d) of the act of July 25, 2007~~
4 ~~(P.L.342, No.53), known as the Pennsylvania Gaming Economic~~
5 ~~Development and Tourism Fund Capital Budget Itemization Act of~~
6 ~~2007, following the distribution of \$42.5 million of funds~~
7 ~~allocated to the county for debt service and economic~~
8 ~~development projects for an international airport in a county of~~
9 ~~the second class under section 3(2)(i)(E) of said act, all~~
10 ~~remaining funds shall be distributed directly to an authority~~
11 ~~that operates an international airport in a county of the second~~
12 ~~class.~~

13 Section 13. Sections 1408(c) and 1512(a.5) and (b) of Title
14 4 are amended to read:

15 § 1408. Transfers from State Gaming Fund.

16 * * *

17 (c) Local law enforcement grants. Annually, the sum of
18 ~~[\$5,000,000]~~ \$3,000,000 shall be transferred to the board for
19 the purpose of issuing grants to local law enforcement agencies
20 to enforce and prevent ~~[the unlawful operation of slot machines]~~
21 all forms of unlawful gambling in this Commonwealth. For
22 purposes of this subsection, the term "local law enforcement
23 agency" shall include Pennsylvania State Police activities in a
24 municipality which does not have a municipal police department
25 for activities in that municipality.

26 * * *

27 § 1512. Financial and employment interests.

28 * * *

29 (a.5) State Ethics Commission. The State Ethics Commission
30 shall publish a list of all State, county, municipal and other

1 ~~government positions that meet the definitions of "public-~~
2 ~~official" as defined under subsection (b) or "executive level-~~
3 ~~public employee" [under subsection (b)]. The Office of-~~
4 ~~Administration shall assist the [Ethics Commission] commission-~~
5 ~~in the development of the list, which shall be published in the~~
6 ~~Pennsylvania Bulletin biennially and on the board's website.-~~
7 ~~Upon request, each public official shall have a duty to provide-~~
8 ~~the [Ethics Commission] commission with adequate information to-~~
9 ~~accurately develop and maintain the list. The [Ethics-~~
10 ~~Commission] commission may impose a civil penalty under 65-~~
11 ~~Pa.C.S. § 1109(f) (relating to penalties) upon any public-~~
12 ~~official or executive level public employee who fails to-~~
13 ~~cooperate with the [Ethics Commission] commission under this-~~
14 ~~subsection. An individual who relies in good faith on the list~~
15 ~~published by the commission shall not be subject to any penalty~~
16 ~~for a violation of this section.~~

17 ~~(b) Definitions. As used in this section, the following-~~
18 ~~words and phrases shall have the meanings given to them in this-~~
19 ~~subsection:~~

20 ~~["Executive level public employee." The term shall include-~~
21 ~~the following:~~

22 ~~(1) Deputy Secretaries of the Commonwealth and the~~
23 ~~Governor's Office executive staff.~~

24 ~~(2) An employee of the Executive Branch with-~~
25 ~~discretionary power which may affect or influence the outcome-~~
26 ~~of a State agency's action or decision and who is involved in-~~
27 ~~the development of regulations or policies relating to a~~
28 ~~licensed entity or who is involved in other matters under~~
29 ~~this part. The term shall include an employee with law-~~
30 ~~enforcement authority.~~

1 ~~(3) An employee of a county or municipality with~~
2 ~~discretionary powers which may affect or influence the~~
3 ~~outcome of the county's or municipality's action or decision~~
4 ~~and who is involved in the development of law, regulation or~~
5 ~~policy relating to a licensed entity or who is involved in~~
6 ~~other matters under this part. The term shall include an~~
7 ~~employee with law enforcement authority.~~

8 ~~(4) An employee of a department, agency, board,~~
9 ~~commission, authority or other governmental body not included~~
10 ~~in paragraph (1), (2) or (3) with discretionary power which~~
11 ~~may affect or influence the outcome of the governmental~~
12 ~~body's action or decision and who is involved in the~~
13 ~~development of regulation or policy relating to a licensed~~
14 ~~entity or who is involved in other matters under this part.~~
15 ~~The term shall include an employee with law enforcement~~
16 ~~authority.]~~

17 ~~"Financial interest." Owning or holding, or being deemed to~~
18 ~~hold, debt or equity securities or other ownership interest or~~
19 ~~profits interest. A financial interest shall not include any~~
20 ~~debt or equity security, or other ownership interest or profits~~
21 ~~interest, which is held or deemed to be held in any of the~~
22 ~~following:~~

23 ~~(1) A blind trust over which the executive level public~~
24 ~~employee, public official, party officer or immediate family~~
25 ~~member thereof may not exercise any managerial control or~~
26 ~~receive income during the tenure of office and the period~~
27 ~~under subsection (a). The provisions of this paragraph shall~~
28 ~~apply only to blind trusts established prior to the effective~~
29 ~~date of this paragraph.~~

30 ~~(2) Securities that are held in a pension plan, profit~~

1 ~~sharing plan, individual retirement account, tax sheltered~~
2 ~~annuity, a plan established pursuant to section 457 of the~~
3 ~~Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §~~
4 ~~1 et seq.) or any successor provision deferred compensation~~
5 ~~plan whether qualified or not qualified under the Internal~~
6 ~~Revenue Code of 1986 or any successor provision or other~~
7 ~~retirement plan that:~~

8 ~~(i) is not self directed by the individual; and~~

9 ~~(ii) is advised by an independent investment adviser~~
10 ~~who has sole authority to make investment decisions with~~
11 ~~respect to contributions made by the individual to these~~
12 ~~plans.~~

13 ~~(3) A tuition account plan organized and operated~~
14 ~~pursuant to section 529 of the Internal Revenue Code of 1986~~
15 ~~(Public Law 99-514, 26 U.S.C. § 529) that is not self~~
16 ~~directed by the individual.~~

17 ~~(4) A mutual fund where the interest owned by the mutual~~
18 ~~fund in a licensed entity does not constitute a controlling~~
19 ~~interest as defined in this part.~~

20 ~~"Immediate family." A spouse, minor child or unemancipated~~
21 ~~child.~~

22 ~~"Law enforcement authority." The power to conduct~~
23 ~~investigations of or to make arrests for criminal offenses.~~

24 ~~"Party officer." A member of a national committee; a~~
25 ~~chairman, vice chairman, secretary, treasurer or counsel of a~~
26 ~~State committee or member of the executive committee of a State~~
27 ~~committee; a county chairman, vice chairman, counsel, secretary~~
28 ~~or treasurer of a county committee in which a licensed facility~~
29 ~~is located; or a city chairman, vice chairman, counsel,~~
30 ~~secretary or treasurer of a city committee of a city in which a~~

1 ~~licensed facility is located.~~

2 ~~"Public official." The term shall include the following:~~

3 ~~(1) The Governor, Lieutenant Governor, a member of the~~
4 ~~Governor's cabinet, Treasurer, Auditor General and Attorney~~
5 ~~General of the Commonwealth.~~

6 ~~(2) A member of the Senate or House of Representatives~~
7 ~~of the Commonwealth.~~

8 ~~(3) An individual elected or appointed to any office of~~
9 ~~a county or municipality that directly receives a~~
10 ~~distribution of revenue under this part.~~

11 ~~(4) An individual elected or appointed to a department,~~
12 ~~agency, board, commission, authority or other governmental~~
13 ~~body not included in paragraph (1), (2) or (3) that directly~~
14 ~~receives a distribution of revenue under this part.~~

15 ~~(5) An individual elected or appointed to a department,~~
16 ~~agency, board, commission, authority, county, municipality or~~
17 ~~other governmental body not included in paragraph (1), (2) or~~
18 ~~(3) with discretionary power which may influence or affect~~
19 ~~the outcome of an action or decision and who is involved in~~
20 ~~the development of regulation or policy relating to a~~
21 ~~licensed entity or who is involved in other matters under~~
22 ~~this part.~~

23 ~~The term does not include a member of a school board or an~~
24 ~~individual who held an uncompensated office with a governmental~~
25 ~~body prior to January 1, 2006, and who no longer holds the~~
26 ~~office as of January 1, 2006. The term includes a member of an~~
27 ~~advisory board or commission which makes recommendations~~
28 ~~relating to a licensed facility.~~

29 ~~Section 14. Title 4 is amended by adding a section to read:~~
30 ~~§ 1516.1. Prosecutorial and adjudicatory functions.~~

1 ~~The board shall adopt regulations and procedures necessary to~~
2 ~~ensure that the Bureau of Investigations and Enforcement is a~~
3 ~~distinct administrative entity and to prevent commingling of the~~
4 ~~investigatory and prosecutorial functions of the Bureau of~~
5 ~~Investigations and Enforcement under section 1517 (relating to~~
6 ~~investigations and enforcement) and the adjudicatory functions~~
7 ~~of the board.~~

8 Section 15. Section 1517(a.1)(6) of Title 4 is amended,
9 subsection (a.2)(1) is amended by adding a subparagraph
10 subparagraphs and subsection (c) is amended by adding a
11 paragraph to read:

12 § 1517. Investigations and enforcement.

13 * * *

14 (a.1) Powers and duties of bureau. The Bureau of
15 Investigations and Enforcement shall have the following powers
16 and duties:

17 * * *

18 (6) Conduct [audits] reviews of a licensed entity as
19 necessary to ensure compliance with this part. [An audit] A
20 review may include the review of accounting, administrative
21 and financial records, management control systems, procedures
22 and other records utilized by a licensed entity.

23 * * *

24 (a.2) Office of Enforcement Counsel.

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

29 * * *

30 (iv) Petition the board for the appointment of a

1 ~~trustee under section 1332 (relating to appointment of~~
2 ~~trustee).~~

3 ~~(v) Notwithstanding 42 Pa.C.S. § 5947 (relating to~~
4 ~~immunity of witnesses), the Commonwealth Court may grant~~
5 ~~an immunity order, in the course of an investigation or~~
6 ~~hearing conducted under this part, a person refuses to~~
7 ~~answer a question or to produce evidence on the grounds~~
8 ~~that the answer or evidence will expose the person to~~
9 ~~criminal prosecution. The chief enforcement counsel of~~
10 ~~the bureau may petition the Commonwealth Court for a~~
11 ~~grant of immunity that includes the specific question to~~
12 ~~be posed or information or evidence being sought from the~~
13 ~~person as follows:~~

14 ~~(A) A copy of the petition shall be provided to~~
15 ~~the Attorney General and the district attorney of the~~
16 ~~person's county of residence who may object to the~~
17 ~~petition.~~

18 ~~(B) The court shall hold an in camera proceeding~~
19 ~~with the person to hear the evidence that will be~~
20 ~~offered if the order to produce evidence is granted.~~

21 ~~(C) The court may issue an order to compel the~~
22 ~~person to answer or produce evidence with immunity~~
23 ~~if:~~

24 ~~(I) the testimony or other information from~~
25 ~~a witness may be necessary to the public~~
26 ~~interest; and~~

27 ~~(II) a witness has refused or is likely to~~
28 ~~refuse to testify or provide other information on~~
29 ~~the basis of his privilege against self~~
30 ~~incrimination.~~

1 ~~(D) The court shall grant or deny the request~~
2 ~~for immunity within 45 days of the filing of the~~
3 ~~request.~~

4 ~~(E) If the person who is the subject of the~~
5 ~~immunity order provides the answer or evidence, the~~
6 ~~person shall be immune from criminal prosecution~~
7 ~~based on the answer or evidence that was the subject~~
8 ~~of the immunity order.~~

9 ~~(F) The person may be prosecuted for perjury~~
10 ~~committed in the answer or production of evidence or~~
11 ~~held in contempt for failing to give an answer or~~
12 ~~produce evidence in accordance with the order. The~~
13 ~~answer or evidence shall be admissible against the~~
14 ~~person only in a criminal investigation, or a trial~~
15 ~~or other proceeding for perjury or contempt.~~

16 ~~(G) Immunity under this paragraph shall not~~
17 ~~preclude the use of any other remedy or sanction~~
18 ~~authorized by law.~~

19 * * *

20 ~~(c) Powers and duties of the Pennsylvania State Police. The~~
21 ~~Pennsylvania State Police shall have the following powers and~~
22 ~~duties:~~

23 * * *

24 ~~(14) By March 1 of each year, the Commissioner of the~~
25 ~~Pennsylvania State Police shall submit a report to the~~
26 ~~Appropriations Committee of the Senate, the Community,~~
27 ~~Economic and Recreational Development Committee of the~~
28 ~~Senate, the Appropriations Committee of the House of~~
29 ~~Representatives and the Gaming Oversight Committee of the~~
30 ~~House of Representatives. The report shall summarize law~~

~~enforcement activities at each licensed facility during the
previous calendar year and shall include all of the
following:~~

~~(i) The number of arrests at each licensed facility.~~

~~(ii) A list of specific offenses charged for each
offense.~~

~~(iii) The number of criminal prosecutions resulting
from arrests.~~

~~(iv) The number of convictions resulting from
prosecutions.~~

~~(v) The number of Pennsylvania State Police troopers
assigned to each licensed facility and to the gaming unit
at the Pennsylvania State Police headquarters.~~

~~(vi) The number and nature of disciplinary actions
taken and complaints made against Pennsylvania State
Police troopers in a licensed facility.~~

~~(vii) The closest local police station, Pennsylvania
State Police station and regional Pennsylvania State
Police headquarters to each licensed facility.~~

~~***~~

~~Section 16. Section 1517.2 of Title 4 is amended to read:~~

~~§ 1517.2. Conduct of [public officials and] board employees.~~

~~(a) [Ex parte discussion prohibited. An attorney
representing the bureau or the Office of Enforcement Counsel, or
an employee of the bureau or office involved in the hearing
process, shall not discuss the case ex parte with a hearing
officer, chief counsel or member] (Reserved).~~

~~(b) [Other prohibitions. A hearing officer, the chief
counsel or a member shall not discuss or exercise any
supervisory responsibility over any employee with respect to an~~

1 ~~enforcement hearing with which the employee is involved]~~

2 ~~(Reserved).~~

3 ~~(c) Disqualification. If it becomes necessary for the chief~~
4 ~~counsel or member to become involved on behalf of the board in~~
5 ~~any enforcement proceeding, the chief counsel or member shall be~~
6 ~~prohibited from participating in the adjudication of that matter~~
7 ~~and shall designate appropriate individuals to exercise~~
8 ~~adjudicatory functions.~~

9 ~~Section 17. The amendment of 4 Pa.C.S. § 1213 shall not~~
10 ~~apply to any of the following:~~

11 ~~(1) An application submitted before the effective date~~
12 ~~of this section.~~

13 ~~(2) Any license or permit issued prior to the effective~~
14 ~~date of this section.~~

15 ~~(3) The renewal of any license or permit issued prior to~~
16 ~~the effective date of this section.~~

17 ~~Section 18. This act shall take effect in 60 days.~~

18 SECTION 1. SECTION 1102(11) OF TITLE 4 OF THE PENNSYLVANIA
19 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
20 ADDING PARAGRAPHS TO READ:

21 § 1102. LEGISLATIVE INTENT.

22 THE GENERAL ASSEMBLY RECOGNIZES THE FOLLOWING PUBLIC POLICY
23 PURPOSES AND DECLARES THAT THE FOLLOWING OBJECTIVES OF THE
24 COMMONWEALTH ARE TO BE SERVED BY THIS PART:

25 * * *

26 (2.1) THE LEGALIZATION OF TABLE GAMES AS AUTHORIZED IN
27 THIS PART IS INTENDED TO SUPPLEMENT SLOT MACHINE GAMING BY
28 INCREASING REVENUES TO THE COMMONWEALTH AND PROVIDING NEW
29 EMPLOYMENT OPPORTUNITIES BY CREATING SKILLED JOBS FOR
30 INDIVIDUALS RELATED TO THE CONDUCT OF TABLE GAMES AT LICENSED

1 FACILITIES IN THIS COMMONWEALTH.

2 * * *

3 (10.1) THE GENERAL ASSEMBLY HAS A COMPELLING INTEREST IN
4 PROTECTING THE INTEGRITY OF BOTH THE ELECTORAL PROCESS AND
5 THE LEGISLATIVE PROCESS BY PREVENTING CORRUPTION AND THE
6 APPEARANCE OF CORRUPTION WHICH MAY ARISE THROUGH PERMITTING
7 CAMPAIGN CONTRIBUTIONS BY THE GAMING INDUSTRY.

8 (11) IT IS NECESSARY TO MAINTAIN THE INTEGRITY OF THE
9 REGULATORY CONTROL AND LEGISLATIVE OVERSIGHT OVER THE
10 OPERATION OF SLOT MACHINES AND TABLE GAMES IN THIS
11 COMMONWEALTH; TO PREVENT THE ACTUAL OR APPEARANCE OF
12 CORRUPTION THAT MAY RESULT FROM [LARGE] CAMPAIGN
13 CONTRIBUTIONS; ENSURE THE BIPARTISAN ADMINISTRATION OF THIS
14 PART; AND AVOID ACTIONS THAT MAY ERODE PUBLIC CONFIDENCE IN
15 THE SYSTEM OF REPRESENTATIVE GOVERNMENT.

16 (11.1) COMPLETELY BANNING CAMPAIGN CONTRIBUTIONS BY
17 CERTAIN INDIVIDUALS AND ENTITIES SUBJECT TO THIS ACT IS
18 NECESSARY TO PREVENT CORRUPTION, OR THE APPEARANCE OF
19 CORRUPTION, THAT MAY ARISE WHEN POLITICS AND GAMING ARE
20 INTERMINGLED.

21 (12) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO
22 AUTHORIZE THE OPERATION OF SLOT MACHINES AND TABLE GAMES
23 UNDER A SINGLE SLOT MACHINE LICENSE ISSUED TO A SLOT MACHINE
24 LICENSEE UNDER THIS PART.

25 SECTION 2. THE DEFINITIONS OF "ASSOCIATED EQUIPMENT,"
26 "CHEAT," "CONDUCT OF GAMING," "CONVICTION," "GAMING EMPLOYEE,"
27 "KEY EMPLOYEE," "LICENSED FACILITY," "MANUFACTURER,"
28 "MANUFACTURER LICENSE," "SLOT MACHINE," "SUPPLIER" AND "SUPPLIER
29 LICENSE" IN SECTION 1103 OF TITLE 4 ARE AMENDED AND THE SECTION
30 IS AMENDED BY ADDING DEFINITIONS TO READ:

1 § 1103. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS PART SHALL
3 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
4 CONTEXT CLEARLY INDICATES OTHERWISE:

5 * * *

6 "ASSOCIATED EQUIPMENT." ANY EQUIPMENT OR MECHANICAL,
7 ELECTROMECHANICAL OR ELECTRONIC CONTRIVANCE, COMPONENT OR
8 MACHINE USED IN CONNECTION WITH [GAMING] SLOT MACHINES OR TABLE
9 GAMES, INCLUDING LINKING DEVICES WHICH CONNECT TO PROGRESSIVE
10 SLOT MACHINES OR SLOT MACHINES, REPLACEMENT PARTS, EQUIPMENT
11 WHICH AFFECTS THE PROPER REPORTING AND COUNTING OF GROSS
12 TERMINAL REVENUE AND GROSS TABLE GAME REVENUE, COMPUTERIZED
13 SYSTEMS FOR CONTROLLING AND MONITORING SLOT MACHINES OR TABLE
14 GAMES, INCLUDING, BUT NOT LIMITED TO, THE CENTRAL CONTROL
15 COMPUTER TO WHICH ALL SLOT MACHINES COMMUNICATE AND DEVICES FOR
16 WEIGHING OR COUNTING MONEY.

17 * * *

18 "BANKING GAME." ANY TABLE GAME IN WHICH PLAYERS COMPETE
19 AGAINST A CERTIFICATE HOLDER RATHER THAN AGAINST ONE ANOTHER.

20 * * *

21 "CASH." UNITED STATES CURRENCY AND COIN.

22 "CASH EQUIVALENT." AN ASSET THAT IS READILY CONVERTIBLE TO
23 CASH, INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING:

- 24 (1) CHIPS, TOKENS OR OTHER REPRESENTATIONS OF VALUE.
25 (2) TRAVELERS CHECKS.
26 (3) FOREIGN CURRENCY AND COIN.
27 (4) CERTIFIED CHECKS, CASHIER'S CHECKS AND MONEY ORDERS.
28 (5) PERSONAL CHECKS OR DRAFTS.
29 (6) A NEGOTIABLE INSTRUMENT APPLIED AGAINST CREDIT
30 EXTENDED BY A CERTIFICATE HOLDER, A RECOGNIZED CREDIT CARD

1 COMPANY OR A FINANCIAL INSTITUTION.

2 (7) ANY OTHER INSTRUMENT THAT THE PENNSYLVANIA GAMING
3 CONTROL BOARD DEEMS A CASH EQUIVALENT. OTHER THAN RECOGNIZED
4 CREDIT CARDS OR CREDIT EXTENDED BY A CERTIFICATE HOLDER, ALL
5 INSTRUMENTS THAT CONSTITUTE A CASH EQUIVALENT SHALL BE MADE
6 PAYABLE TO THE SLOT MACHINE LICENSEE, TO THE BEARER OR TO
7 CASH. AN INSTRUMENT MADE PAYABLE TO A THIRD PARTY SHALL NOT
8 BE CONSIDERED A CASH EQUIVALENT AND SHALL BE PROHIBITED.

9 * * *

10 "CERTIFICATE HOLDER." A SLOT MACHINE LICENSEE THAT HOLDS A
11 TABLE GAMES OPERATION CERTIFICATE FROM THE PENNSYLVANIA GAMING
12 CONTROL BOARD IN ACCORDANCE WITH CHAPTER 13A (RELATING TO TABLE
13 GAMES).

14 "CHEAT." TO [ALTER WITHOUT AUTHORIZATION] DEFRAUD OR STEAL
15 FROM ANY PATRON, SLOT MACHINE LICENSEE OR THE COMMONWEALTH,
16 INCLUDING CAUSING, AIDING, ABETTING OR CONSPIRING WITH ANOTHER
17 PERSON TO DO SO. THE TERM SHALL ALSO MEAN TO UNLAWFULLY ALTER
18 THE ELEMENTS OF CHANCE, SKILL, METHOD OF SELECTION OR CRITERIA
19 WHICH DETERMINE:

20 (1) THE RESULT OF A SLOT MACHINE GAME OR TABLE GAME.

21 (2) THE AMOUNT OR FREQUENCY OF PAYMENT IN A SLOT MACHINE
22 GAME OR TABLE GAME.

23 (3) THE VALUE OF A WAGERING INSTRUMENT.

24 (4) THE VALUE OF A WAGERING CREDIT.

25 THE TERM DOES NOT INCLUDE ALTERING A SLOT MACHINE, TABLE GAME
26 DEVICE OR ASSOCIATED EQUIPMENT FOR [REQUIRED] MAINTENANCE [AND]
27 OR REPAIR WITH THE APPROVAL OF A SLOT MACHINE LICENSEE.

28 "CHEATING OR THIEVING DEVICE." A DEVICE USED OR POSSESSED
29 WITH THE INTENT TO USE, ON OR DURING THE PLAY OF ANY SLOT
30 MACHINE OR TABLE GAME TO CHEAT OR STEAL. THE TERM SHALL ALSO

1 INCLUDE ANY DEVICE USED TO ALTER SLOT MACHINES OR TABLE GAME
2 DEVICES WITHOUT THE APPROVAL OF A SLOT MACHINE LICENSEE.

3 "CHIP." A REPRESENTATION OF VALUE, INCLUDING PLAQUES, ISSUED
4 BY AND REDEEMABLE WITH THE ISSUING CERTIFICATE HOLDER FOR USE IN
5 PLAYING A TABLE GAME AT THE CERTIFICATE HOLDER'S LICENSED
6 FACILITY.

7 * * *

8 "CONDUCT OF GAMING." THE LICENSED PLACEMENT AND OPERATION OF
9 GAMES OF SKILL OR CHANCE UNDER THIS PART, AS AUTHORIZED AND
10 APPROVED BY THE PENNSYLVANIA GAMING CONTROL BOARD AT A LICENSED
11 FACILITY.

12 "CONTEST." A TABLE GAME COMPETITION AMONG PLAYERS FOR A
13 PRIZE, WHETHER OR NOT THE PRIZE IS A SPECIFIED AMOUNT OF MONEY
14 OR PLAYERS ARE REQUIRED TO PAY CONSIDERATION TO PARTICIPATE IN
15 THE COMPETITION.

16 * * *

17 "CONVICTION." A FINDING OF GUILT OR A PLEA OF GUILTY OR NOLO
18 CONTENDERE, WHETHER OR NOT A JUDGMENT OF SENTENCE HAS BEEN
19 IMPOSED AS DETERMINED BY THE LAW OF THE JURISDICTION IN WHICH
20 THE PROSECUTION WAS HELD. THE TERM DOES NOT INCLUDE A CONVICTION
21 THAT HAS BEEN EXPUNGED OR OVERTURNED OR FOR WHICH AN INDIVIDUAL
22 HAS BEEN PARDONED OR HAD AN ORDER OF ACCELERATED REHABILITATIVE
23 DISPOSITION ENTERED.

24 * * *

25 "COUNT ROOM." THE SECURED ROOM AT A LICENSED FACILITY
26 DESIGNATED FOR COUNTING, WRAPPING AND RECORDING A SLOT MACHINE
27 LICENSEE'S SLOT MACHINE OR TABLE GAME RECEIPTS, OR BOTH.

28 "COUNTERFEIT CHIPS." ANY CHIP OR SIMILAR OBJECT NOT ISSUED
29 BY A CERTIFICATE HOLDER FOR USE IN PLAYING A TABLE GAME AT THE
30 CERTIFICATE HOLDER'S LICENSED FACILITY.

1 * * *

2 "ELECTRONIC TABLE GAME." A TABLE GAME WHICH, AS DETERMINED
3 BY THE PENNSYLVANIA GAMING CONTROL BOARD, IS A MECHANICAL,
4 ELECTRICAL OR COMPUTERIZED CONTRIVANCE, TERMINAL, MACHINE OR
5 OTHER DEVICE APPROVED BY THE PENNSYLVANIA GAMING CONTROL BOARD
6 WHICH, UPON INSERTION OF A COIN, BILL, TICKET, TOKEN OR SIMILAR
7 OBJECT THEREIN OR UPON PAYMENT OF ANY CONSIDERATION WHATSOEVER,
8 INCLUDING THE USE OF ANY ELECTRONIC PAYMENT SYSTEM, IS PLAYABLE
9 OR OPERABLE WITHOUT EITHER THE REQUIRED ASSISTANCE OF OR
10 REQUIRED INTERACTION WITH A GAMING EMPLOYEE. THE TERM DOES NOT
11 INCLUDE A SLOT MACHINE.

12 "EXECUTIVE-LEVEL PUBLIC EMPLOYEE." THE TERM SHALL INCLUDE
13 THE FOLLOWING:

14 (1) DEPUTY SECRETARIES OF THE COMMONWEALTH AND THE
15 GOVERNOR'S OFFICE EXECUTIVE STAFF.

16 (2) AN EMPLOYEE OF THE EXECUTIVE BRANCH WITH
17 DISCRETIONARY POWER WHICH MAY AFFECT OR INFLUENCE THE OUTCOME
18 OF A STATE AGENCY'S ACTION OR DECISION AND WHO IS INVOLVED IN
19 THE DEVELOPMENT OF REGULATIONS OR POLICIES RELATING TO A
20 LICENSED ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER
21 THIS PART. THE TERM SHALL INCLUDE AN EMPLOYEE WITH LAW
22 ENFORCEMENT AUTHORITY.

23 (3) AN EMPLOYEE OF A COUNTY OR MUNICIPALITY WITH
24 DISCRETIONARY POWERS WHICH MAY AFFECT OR INFLUENCE THE
25 OUTCOME OF THE COUNTY'S OR MUNICIPALITY'S ACTION OR DECISION
26 AND WHO IS INVOLVED IN THE DEVELOPMENT OF LAW, REGULATION OR
27 POLICY RELATING TO A LICENSED ENTITY OR WHO IS INVOLVED IN
28 OTHER MATTERS UNDER THIS PART. THE TERM SHALL INCLUDE AN
29 EMPLOYEE WITH LAW ENFORCEMENT AUTHORITY.

30 (4) AN EMPLOYEE OF A DEPARTMENT, AGENCY, BOARD,

1 COMMISSION, AUTHORITY OR OTHER GOVERNMENTAL BODY NOT INCLUDED
2 IN PARAGRAPH (1), (2) OR (3) WITH DISCRETIONARY POWER WHICH
3 MAY AFFECT OR INFLUENCE THE OUTCOME OF THE GOVERNMENTAL
4 BODY'S ACTION OR DECISION AND WHO IS INVOLVED IN THE
5 DEVELOPMENT OF REGULATION OR POLICY RELATING TO A LICENSED
6 ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER THIS PART.
7 THE TERM SHALL INCLUDE AN EMPLOYEE WITH LAW ENFORCEMENT
8 AUTHORITY.

9 * * *

10 "GAMING EMPLOYEE." ANY EMPLOYEE OF A SLOT MACHINE LICENSEE,
11 INCLUDING, BUT NOT LIMITED TO:

12 (1) CASHIERS.

13 (2) CHANGE PERSONNEL.

14 (3) [COUNTING] COUNT ROOM PERSONNEL.

15 (4) SLOT ATTENDANTS.

16 (5) HOSTS OR OTHER PERSONS AUTHORIZED TO EXTEND
17 COMPLIMENTARY SERVICES.

18 (6) MACHINE MECHANICS [OR], COMPUTER MACHINE TECHNICIANS
19 OR TABLE GAME DEVICE TECHNICIANS.

20 (7) SECURITY PERSONNEL.

21 (8) SURVEILLANCE PERSONNEL.

22 (9) SUPERVISORS AND MANAGERS.

23 (10) BOXMEN.

24 (11) DEALERS OR CROUPIERS.

25 (12) FLOORMEN.

26 THE TERM INCLUDES EMPLOYEES OF A PERSON HOLDING A SUPPLIER'S
27 LICENSE WHOSE DUTIES ARE DIRECTLY INVOLVED WITH THE REPAIR OR
28 DISTRIBUTION OF SLOT MACHINES, TABLE GAME DEVICES AND ASSOCIATED
29 EQUIPMENT SOLD OR PROVIDED TO [THE] A LICENSED FACILITY WITHIN
30 THIS COMMONWEALTH AS DETERMINED BY THE PENNSYLVANIA GAMING

1 CONTROL BOARD. THE TERM DOES NOT INCLUDE BARTENDERS, COCKTAIL
2 SERVERS OR OTHER PERSONS ENGAGED SOLELY IN PREPARING OR SERVING
3 FOOD OR BEVERAGES, CLERICAL OR SECRETARIAL PERSONNEL, PARKING
4 ATTENDANTS, JANITORIAL, STAGE, SOUND AND LIGHT TECHNICIANS AND
5 OTHER NONGAMING PERSONNEL AS DETERMINED BY THE BOARD.

6 "GAMING JUNKET." AN ARRANGEMENT MADE BY A GAMING JUNKET
7 REPRESENTATIVE FOR AN INDIVIDUAL WHO IS ALL OF THE FOLLOWING:

8 (1) SELECTED OR APPROVED FOR PARTICIPATION IN THE
9 ARRANGEMENT BASED ON THE INDIVIDUAL'S ABILITY TO SATISFY
10 SPECIFIC FINANCIAL QUALIFICATIONS.

11 (2) LIKELY TO PARTICIPATE IN GAMING AND TO PATRONIZE A
12 LICENSED FACILITY FOR THE PURPOSE OF GAMING.

13 (3) RECEIVES AS CONSIDERATION FOR PARTICIPATION IN THE
14 ARRANGEMENT PART OR ALL OF THE COSTS OF TRANSPORTATION, FOOD,
15 LODGING OR ENTERTAINMENT WHICH ARE DIRECTLY OR INDIRECTLY
16 PAID BY A SLOT MACHINE LICENSEE OR AN AGENT OR AN EMPLOYEE OF
17 A SLOT MACHINE LICENSEE.

18 "GAMING JUNKET ENTERPRISE." A PERSON, OTHER THAN A SLOT
19 MACHINE LICENSEE, WHO EMPLOYS OR OTHERWISE ENGAGES THE SERVICES
20 OF A GAMING JUNKET REPRESENTATIVE TO ARRANGE GAMING JUNKETS TO A
21 LICENSE FACILITY, REGARDLESS OF WHETHER THE ACTIVITIES OF THE
22 GAMING JUNKET ENTERPRISE OCCUR WITHIN THIS COMMONWEALTH.

23 "GAMING JUNKET REPRESENTATIVE." AN INDIVIDUAL WHO IS NOT AN
24 EMPLOYEE OF A SLOT MACHINE LICENSEE WHO ARRANGES AND NEGOTIATES
25 THE TERMS OF A GAMING JUNKET OR SELECTS INDIVIDUALS TO
26 PARTICIPATE IN A GAMING JUNKET TO A LICENSED FACILITY,
27 REGARDLESS OF WHETHER THE ACTIVITIES OF THE GAMING JUNKET
28 ENTERPRISE OCCUR WITHIN THIS COMMONWEALTH.

29 "GAMING SCHOOL." ANY EDUCATIONAL INSTITUTION WHICH IS
30 APPROVED BY THE THE DEPARTMENT OF EDUCATION AS AN ACCREDITED

1 COLLEGE OR UNIVERSITY, COMMUNITY COLLEGE, PENNSYLVANIA PRIVATE
2 LICENSED SCHOOL OR ITS EQUIVALENT AND WHICH IS APPROVED BY THE
3 PENNSYLVANIA GAMING CONTROL BOARD IN CONSULTATION WITH THE
4 DEPARTMENT OF EDUCATION TO PROVIDE EDUCATION AND TRAINING
5 RELATED TO EMPLOYMENT OPPORTUNITIES ASSOCIATED WITH SLOT
6 MACHINES OR TABLE GAMES, INCLUDING SLOT MACHINE, TABLE GAME
7 DEVICE AND ASSOCIATED EQUIPMENT MAINTENANCE AND REPAIR.

8 "GROSS TABLE GAME REVENUE." THE TOTAL OF:

9 (1) CASH OR CASH EQUIVALENTS RECEIVED IN THE PLAYING OF
10 A TABLE GAME MINUS THE TOTAL OF:

11 (I) CASH OR CASH EQUIVALENTS PAID OUT TO PATRONS AS
12 A RESULT OF PLAYING A TABLE GAME.

13 (II) CASH PAID TO PURCHASE ANNUITIES TO FUND PRIZES
14 PAYABLE TO PATRONS OVER A PERIOD OF TIME AS A RESULT OF
15 PLAYING A TABLE GAME.

16 (III) THE ACTUAL COST PAID BY THE CERTIFICATE HOLDER
17 FOR ANY PERSONAL PROPERTY DISTRIBUTED TO A PATRON AS A
18 RESULT OF PLAYING A TABLE GAME. THIS DOES NOT INCLUDE
19 TRAVEL EXPENSES, FOOD, REFRESHMENTS, LODGING OR SERVICES.

20 (2) ALL TABLE GAME CONTEST OR TOURNAMENT FEES. TABLE
21 GAME CONTEST OR TOURNAMENT FEES SHALL BE CALCULATED AS ALL
22 FEES OR PAYMENTS, INCLUDING ENTRY FEES, BUY-INS, RE-BUYS AND
23 ADMINISTRATIVE FEES, IMPOSED BY A CERTIFICATE HOLDER TO
24 PARTICIPATE IN A TABLE GAME CONTEST OR TOURNAMENT LESS CASH
25 OR ACTUAL COST PAID BY A CERTIFICATE HOLDER FOR PRIZES
26 AWARDED TO TOURNAMENT OR CONTEST WINNERS.

27 (3) THE TOTAL AMOUNT OF THE RAKE COLLECTED BY A
28 CERTIFICATE HOLDER EACH DAY.

29 THE TERM DOES NOT INCLUDE COUNTERFEIT MONEY OR CHIPS; COINS OR
30 CURRENCY OF OTHER COUNTRIES RECEIVED IN THE PLAYING OF A TABLE

1 GAME, EXCEPT TO THE EXTENT THAT THEY ARE READILY CONVERTIBLE TO
2 UNITED STATES CURRENCY; CASH TAKEN IN A FRAUDULENT ACT
3 PERPETRATED AGAINST A CERTIFICATE HOLDER FOR WHICH THE
4 CERTIFICATE HOLDER IS NOT REIMBURSED.

5 * * *

6 "HOTEL." ONE OR MORE BUILDINGS OWNED OR OPERATED BY A
7 CERTIFICATE HOLDER WHICH IS ATTACHED TO, PHYSICALLY CONNECTED TO
8 OR ADJACENT TO THE CERTIFICATE HOLDER'S LICENSED FACILITY AT
9 WHICH THE PUBLIC MAY OBTAIN SLEEPING ROOMS AND IS LOCATED ON THE
10 SAME PARCEL OF LAND AS THE LICENSED FACILITY.

11 * * *

12 "KEY EMPLOYEE." ANY INDIVIDUAL WHO IS EMPLOYED IN A DIRECTOR
13 OR DEPARTMENT HEAD CAPACITY AND WHO IS EMPOWERED TO MAKE
14 DISCRETIONARY DECISIONS THAT REGULATE SLOT MACHINE OR TABLE GAME
15 OPERATIONS, INCLUDING THE GENERAL MANAGER AND ASSISTANT MANAGER
16 OF THE LICENSED FACILITY, DIRECTOR OF SLOT OPERATIONS, DIRECTOR
17 OF TABLE GAMES, PIT SUPERVISORS, SHIFT SUPERVISORS, CREDIT
18 SUPERVISORS, CASHIER SUPERVISORS, TABLE GAME MANAGERS AND
19 ASSISTANT MANAGERS, DIRECTOR OF CAGE AND/OR CREDIT OPERATIONS,
20 DIRECTOR OF SURVEILLANCE, DIRECTOR OF MARKETING, DIRECTOR OF
21 MANAGEMENT INFORMATION SYSTEMS, DIRECTOR OF SECURITY,
22 COMPTROLLER AND ANY EMPLOYEE WHO SUPERVISES THE OPERATIONS OF
23 THESE DEPARTMENTS OR TO WHOM THESE DEPARTMENT DIRECTORS OR
24 DEPARTMENT HEADS REPORT AND SUCH OTHER POSITIONS WHICH THE
25 PENNSYLVANIA GAMING CONTROL BOARD SHALL DETERMINE BASED ON
26 DETAILED ANALYSES OF JOB DESCRIPTIONS AS PROVIDED IN THE
27 INTERNAL CONTROLS OF THE LICENSEE AS APPROVED BY THE
28 PENNSYLVANIA GAMING CONTROL BOARD. ALL OTHER GAMING EMPLOYEES
29 UNLESS OTHERWISE DESIGNATED BY THE PENNSYLVANIA GAMING CONTROL
30 BOARD SHALL BE CLASSIFIED AS NON-KEY EMPLOYEES.

1 * * *

2 "LICENSED ENTITY REPRESENTATIVE." A PERSON ACTING ON BEHALF
3 OF OR AUTHORIZED TO REPRESENT THE INTEREST OF ANY APPLICANT,
4 LICENSEE OR PERMITTEE, INCLUDING AN ATTORNEY, AGENT OR LOBBYIST,
5 REGARDING ANY MATTER WHICH MAY REASONABLY BE EXPECTED TO COME
6 BEFORE THE BOARD.

7 "LICENSED FACILITY." THE PHYSICAL LAND-BASED LOCATION AT
8 WHICH A LICENSED GAMING ENTITY IS AUTHORIZED TO PLACE AND
9 OPERATE SLOT MACHINES AND, IF AUTHORIZED BY THE PENNSYLVANIA
10 GAMING CONTROL BOARD UNDER CHAPTER 13A (RELATING TO TABLE
11 GAMES), TO CONDUCT TABLE GAMES. THE TERM INCLUDES ANY AREA OF A
12 LICENSED RACETRACK PREVIOUSLY AUTHORIZED PURSUANT TO SECTION
13 1207(17) (RELATING TO REGULATORY AUTHORITY OF BOARD) TO OPERATE
14 SLOT MACHINES AND ANY AREA OF A HOTEL WHICH THE PENNSYLVANIA
15 GAMING CONTROL BOARD DETERMINES IS SUITABLE TO CONDUCT TABLE
16 GAMES.

17 * * *

18 "MANUFACTURER." A PERSON WHO MANUFACTURES, BUILDS, REBUILDS,
19 FABRICATES, ASSEMBLES, PRODUCES, PROGRAMS, DESIGNS OR OTHERWISE
20 MAKES MODIFICATIONS TO ANY SLOT MACHINE, TABLE GAME DEVICE OR
21 ASSOCIATED EQUIPMENT FOR USE OR PLAY OF SLOT MACHINES OR TABLE
22 GAMES IN THIS COMMONWEALTH FOR GAMING PURPOSES.

23 "MANUFACTURER LICENSE." A LICENSE ISSUED BY THE PENNSYLVANIA
24 GAMING CONTROL BOARD AUTHORIZING A MANUFACTURER TO MANUFACTURE
25 OR PRODUCE SLOT MACHINES, TABLE GAME DEVICES OR ASSOCIATED
26 EQUIPMENT FOR USE IN THIS COMMONWEALTH FOR GAMING PURPOSES.

27 * * *

28 "MUNICIPAL AUTHORITY." A BODY POLITIC AND CORPORATE CREATED
29 UNDER THE FORMER ACT OF JUNE 28, 1935 (P.L.463, NO.191), KNOWN
30 AS THE MUNICIPALITY AUTHORITIES ACT OF 1935, THE FORMER ACT OF

1 MAY 2, 1995 (P.L.382, NO.164), KNOWN AS THE MUNICIPALITY
2 AUTHORITIES ACT OF 1945 OR THE ACT OF JULY 29, 1953 (P.L.1034,
3 NO.270), KNOWN AS THE PUBLIC AUDITORIUM AUTHORITIES LAW.

4 * * *

5 "NONBANKING GAME." ANY TABLE GAME IN WHICH PLAYERS COMPETE
6 AGAINST ONE ANOTHER AND IN WHICH THE CERTIFICATE HOLDER COLLECTS
7 A RAKE.

8 "NONELECTRONIC TABLE GAME." ANY TABLE GAME THAT, AS
9 DETERMINED BY THE PENNSYLVANIA GAMING CONTROL BOARD, IS NOT AN
10 ELECTRONIC TABLE GAME.

11 * * *

12 "PARTY." THE PENNSYLVANIA GAMING CONTROL BOARD, THE BUREAU
13 OF INVESTIGATIONS AND ENFORCEMENT OF THE PENNSYLVANIA GAMING
14 CONTROL BOARD OR ANY APPLICANT, LICENSEE, PERMITTEE, REGISTRANT
15 OR OTHER PERSON APPEARING OF RECORD IN ANY PROCEEDING BEFORE THE
16 BOARD OR IN ANY PROCEEDING FOR JUDICIAL REVIEW OF ANY ACTION,
17 DECISION OR ORDER OF THE BOARD.

18 * * *

19 "RAKE." A SET FEE OR PERCENTAGE ASSESSED BY A CERTIFICATE
20 HOLDER FOR PROVIDING THE SERVICES OF A DEALER, TABLE OR LOCATION
21 FOR PLAYING ANY NONBANKING GAME.

22 * * *

23 "SLOT MACHINE." ANY MECHANICAL [OR], ELECTRICAL OR
24 COMPUTERIZED CONTRIVANCE, TERMINAL, MACHINE OR OTHER DEVICE
25 APPROVED BY THE PENNSYLVANIA GAMING CONTROL BOARD WHICH, UPON
26 INSERTION OF A COIN, BILL, TICKET, TOKEN OR SIMILAR OBJECT
27 THEREIN OR UPON PAYMENT OF ANY CONSIDERATION WHATSOEVER,
28 INCLUDING THE USE OF ANY ELECTRONIC PAYMENT SYSTEM EXCEPT A
29 CREDIT CARD OR DEBIT CARD, IS AVAILABLE TO PLAY OR OPERATE, THE
30 PLAY OR OPERATION OF WHICH, WHETHER BY REASON OF SKILL OR

1 APPLICATION OF THE ELEMENT OF CHANCE OR BOTH, MAY DELIVER OR
2 ENTITLE THE PERSON OR PERSONS PLAYING OR OPERATING THE
3 CONTRIVANCE, TERMINAL, MACHINE OR OTHER DEVICE TO RECEIVE CASH,
4 BILLETS, TICKETS, TOKENS OR ELECTRONIC CREDITS TO BE EXCHANGED
5 FOR CASH OR TO RECEIVE MERCHANDISE OR ANYTHING OF VALUE
6 WHATSOEVER, WHETHER THE PAYOFF IS MADE AUTOMATICALLY FROM THE
7 MACHINE OR MANUALLY. A SLOT MACHINE:

8 (1) MAY UTILIZE SPINNING REELS OR VIDEO DISPLAYS OR
9 BOTH.

10 (2) MAY OR MAY NOT DISPENSE COINS, TICKETS OR TOKENS TO
11 WINNING PATRONS.

12 (3) MAY USE AN ELECTRONIC CREDIT SYSTEM FOR RECEIVING
13 WAGERS AND MAKING PAYOUTS.

14 THE TERM SHALL INCLUDE ASSOCIATED EQUIPMENT NECESSARY TO CONDUCT
15 THE OPERATION OF THE CONTRIVANCE, TERMINAL, MACHINE OR OTHER
16 DEVICE. THE TERM DOES NOT INCLUDE AN ELECTRONIC TABLE GAME.

17 * * *

18 "SUPPLIER." A PERSON THAT SELLS, LEASES, OFFERS OR OTHERWISE
19 PROVIDES, DISTRIBUTES OR SERVICES ANY SLOT MACHINE, TABLE GAME
20 DEVICE OR ASSOCIATED EQUIPMENT FOR USE OR PLAY OF SLOT MACHINES
21 OR TABLE GAMES IN THIS COMMONWEALTH.

22 "SUPPLIER LICENSE." A LICENSE ISSUED BY THE PENNSYLVANIA
23 GAMING CONTROL BOARD AUTHORIZING A SUPPLIER TO PROVIDE PRODUCTS
24 OR SERVICES RELATED TO SLOT MACHINES, TABLE GAMES DEVICES OR
25 ASSOCIATED EQUIPMENT TO SLOT MACHINE LICENSEES.

26 * * *

27 "SUSPICIOUS TRANSACTION." THE ACCEPTANCE OR REDEEMING OF
28 CASH OR A CASH EQUIVALENT INVOLVING OR AGGREGATING \$5,000 IF THE
29 SLOT MACHINE LICENSEE OR PERSON KNOWS OR HAS REASON TO BELIEVE
30 THE TRANSACTION:

1 (1) INVOLVES FUNDS DERIVED FROM ILLEGAL ACTIVITIES OR IS
2 INTENDED OR CONDUCTED IN ORDER TO CONCEAL OR DISGUISE FUNDS
3 OR ASSETS DERIVED FROM ILLEGAL ACTIVITIES;

4 (2) IS PART OF A PLAN TO VIOLATE OR EVADE ANY LAW OR
5 REGULATION OR TO AVOID ANY TRANSACTION REPORTING REQUIREMENT
6 UNDER THE LAW OR REGULATIONS OF THIS COMMONWEALTH OR THE
7 UNITED STATES, INCLUDING A PLAN TO STRUCTURE A SERIES OF
8 TRANSACTIONS TO AVOID ANY TRANSACTION REPORTING REQUIREMENT
9 UNDER THE LAWS OR REGULATIONS OF THIS COMMONWEALTH OR THE
10 UNITED STATES; OR

11 (3) HAS NO LAWFUL BUSINESS OR OTHER APPARENT LAWFUL
12 PURPOSE OR IS NOT THE SORT OF TRANSACTION IN WHICH A PERSON
13 WOULD NORMALLY BE EXPECTED TO ENGAGE AND THE SLOT MACHINE
14 LICENSEE OR PERSON KNOWS OF NO REASONABLE EXPLANATION FOR THE
15 TRANSACTION AFTER EXAMINING THE AVAILABLE FACTS, INCLUDING
16 THE BACKGROUND AND POSSIBLE PURPOSE OF THE TRANSACTION.

17 "TABLE GAME." ANY BANKING, NONBANKING OR PERCENTAGE GAME
18 PLAYED WHICH UTILIZES A TABLE GAME DEVICE FOR CASH, A CASH
19 EQUIVALENT OR ANY REPRESENTATION OF VALUE. THE TERM INCLUDES
20 ROULETTE, BACCARAT, BLACKJACK, POKER, CRAPS, BIG SIX WHEEL, RED
21 DOG, PAI GOW, CASINO WAR AND SIC BO AND ANY OTHER BANKING,
22 NONBANKING OR PERCENTAGE GAME APPROVED BY THE PENNSYLVANIA
23 GAMING CONTROL BOARD. THE TERM SHALL ALSO INCLUDE ANY GAME
24 AUTHORIZED FOR USE IN A LICENSED FACILITY THAT IS USED FOR
25 GAMING CONTESTS OR TOURNAMENTS IN WHICH PLAYERS COMPETE AGAINST
26 ONE ANOTHER. THE TERM SHALL NOT INCLUDE:

27 (1) LOTTERY GAMES OF THE PENNSYLVANIA STATE LOTTERY AS
28 AUTHORIZED UNDER THE ACT OF AUGUST 26, 1971 (P.L.351, NO.91),
29 KNOWN AS THE STATE LOTTERY LAW.

30 (2) BINGO AS AUTHORIZED UNDER THE ACT OF JULY 10, 1981

1 (P.L.214, NO.67), KNOWN AS THE BINGO LAW.

2 (3) PARI-MUTUEL BETTING ON THE OUTCOME OF THOROUGHBRED
3 OR HARNESS HORSE RACING AS AUTHORIZED UNDER THE ACT OF
4 DECEMBER 17, 1981 (P.L.435, NO.135), KNOWN AS THE RACE HORSE
5 INDUSTRY REFORM ACT.

6 (4) SMALL GAMES OF CHANCE AS AUTHORIZED UNDER THE ACT OF
7 DECEMBER 19, 1988 (P.L.1262, NO.156), KNOWN AS THE LOCAL
8 OPTION SMALL GAMES OF CHANCE ACT.

9 (5) SLOT MACHINE GAMING AND PROGRESSIVE SLOT MACHINE
10 GAMING AS DEFINED AND AUTHORIZED UNDER THIS PART.

11 (6) KENO.

12 "TABLE GAME DEVICE." INCLUDES GAMING TABLES, CARDS, DICE,
13 CHIPS, SHUFFLERS, TILES, DOMINOES, WHEELS, DROP BOXES OR ANY
14 MECHANICAL, ELECTRICAL OR COMPUTERIZED CONTRIVANCE, TERMINAL,
15 MACHINE OR OTHER DEVICE, APPARATUS, EQUIPMENT OR SUPPLIES
16 APPROVED BY THE PENNSYLVANIA GAMING CONTROL BOARD AND USED TO
17 CONDUCT A TABLE GAME.

18 "TABLE GAME OPERATION CERTIFICATE." A CERTIFICATE FROM THE
19 PENNSYLVANIA GAMING CONTROL BOARD THAT AUTHORIZES A SLOT MACHINE
20 LICENSEE TO CONDUCT TABLE GAMES IN ACCORDANCE WITH THIS PART.

21 "TOURNAMENT." AN ORGANIZED SERIES OF TABLE GAME CONTESTS
22 APPROVED BY THE PENNSYLVANIA GAMING CONTROL BOARD.

23 "TRUSTEE." A PERSON APPOINTED BY THE PENNSYLVANIA GAMING
24 CONTROL BOARD TO MANAGE AND CONTROL THE OPERATIONS OF A LICENSED
25 FACILITY TO ENSURE COMPLIANCE WITH THIS PART AND WHO HAS THE
26 FIDUCIARY RESPONSIBILITY TO MAKE DECISIONS FOR THE BENEFIT OF
27 THE LICENSED GAMING ENTITY AND THE COMMONWEALTH.

28 * * *

29 SECTION 3. SECTION 1201(F) (3), (H) (7.1), (10), (11), (13),
30 (14) AND (15) AND (K) OF TITLE 4 ARE AMENDED, SUBSECTION (H) IS

1 AMENDED BY ADDING PARAGRAPHS AND THE SECTION IS AMENDED BY
2 ADDING A SUBSECTION TO READ:

3 § 1201. PENNSYLVANIA GAMING CONTROL BOARD ESTABLISHED.

4 * * *

5 (F) QUALIFIED MAJORITY VOTE.--

6 * * *

7 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART OR
8 65 PA.C.S. § 1103(J) (RELATING TO RESTRICTED ACTIVITIES), A
9 MEMBER SHALL DISCLOSE THE NATURE OF HIS DISQUALIFYING
10 INTEREST, DISQUALIFY HIMSELF AND ABSTAIN FROM VOTING IN A
11 PROCEEDING UNDER THIS PART IN WHICH HIS OBJECTIVITY,
12 IMPARTIALITY, INTEGRITY OR INDEPENDENCE OF JUDGMENT MAY BE
13 REASONABLY QUESTIONED, AS PROVIDED IN SUBSECTION (H) (6) OR
14 SECTION 1202.1(C) (3) (RELATING TO CODE OF CONDUCT). IF A
15 LEGISLATIVE APPOINTEE HAS DISQUALIFIED HIMSELF, THE QUALIFIED
16 MAJORITY SHALL CONSIST OF ALL OF THE REMAINING LEGISLATIVE
17 APPOINTEES AND AT LEAST TWO GUBERNATORIAL APPOINTEES.

18 * * *

19 (H) QUALIFICATIONS AND RESTRICTIONS.--

20 * * *

21 (7.1) PRIOR TO BEING SWORN AS A MEMBER, AN APPOINTEE AND
22 HIS IMMEDIATE FAMILY SHALL DIVEST ANY FINANCIAL INTEREST IN
23 ANY APPLICANT, LICENSED FACILITY OR LICENSED ENTITY AND IN AN
24 AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY
25 THEREOF OWNED OR HELD BY THE APPOINTEE OR KNOWN TO BE HELD BY
26 THE APPOINTEE'S IMMEDIATE FAMILY. FOR THE DURATION OF THE
27 MEMBER'S TERM AND FOR [ONE YEAR] TWO YEARS THEREAFTER, THE
28 MEMBER AND THE MEMBER'S IMMEDIATE FAMILY MAY NOT ACQUIRE A
29 FINANCIAL INTEREST IN ANY APPLICANT, LICENSED FACILITY OR
30 LICENSED ENTITY OR IN AN AFFILIATE, INTERMEDIARY, SUBSIDIARY

1 OR HOLDING COMPANY THEREOF. FOR PURPOSES OF THIS PARAGRAPH,
2 THE TERM "IMMEDIATE FAMILY" SHALL MEAN SPOUSE AND ANY MINOR
3 OR UNEMANCIPATED CHILD.

4 * * *

5 (10) NO FORMER MEMBER MAY APPEAR BEFORE THE BOARD IN ANY
6 HEARING OR PROCEEDING OR PARTICIPATE IN ANY OTHER ACTIVITY ON
7 BEHALF OF ANY APPLICANT, LICENSED ENTITY, OR AN AFFILIATE,
8 INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY THEREOF, OR ANY
9 OTHER LICENSEE OR PERMITTEE FOR A PERIOD OF TWO YEARS FROM
10 THE TERMINATION OF TERM OF OFFICE.

11 (11) NO MEMBER, EMPLOYEE OR INDEPENDENT CONTRACTOR OF
12 THE BOARD SHALL ACCEPT A COMPLIMENTARY SERVICE, WAGER OR BE
13 PAID ANY PRIZE FROM ANY WAGER AT ANY LICENSED FACILITY WITHIN
14 THIS COMMONWEALTH OR AT ANY OTHER FACILITY OUTSIDE THIS
15 COMMONWEALTH WHICH IS OWNED OR OPERATED BY A LICENSED GAMING
16 ENTITY OR ANY OF ITS AFFILIATES, INTERMEDIARIES, SUBSIDIARIES
17 OR HOLDING COMPANIES THEREOF FOR THE DURATION OF THEIR TERM
18 OF OFFICE, EMPLOYMENT OR CONTRACT WITH THE BOARD AND FOR A
19 PERIOD OF [ONE YEAR] TWO YEARS FROM THE TERMINATION OF TERM
20 OF OFFICE, EMPLOYMENT OR CONTRACT WITH THE BOARD. THE
21 PROVISIONS OF THIS PARAGRAPH PROHIBITING WAGERING DURING THE
22 TERM OF EMPLOYMENT SHALL NOT APPLY TO EMPLOYEES OR
23 INDEPENDENT CONTRACTORS OF THE BOARD WHO UTILIZE SLOT
24 MACHINES OR TABLE GAME DEVICES FOR TESTING PURPOSES OR TO
25 VERIFY THE PERFORMANCE OF A MACHINE OR TABLE GAME AS PART OF
26 AN ENFORCEMENT INVESTIGATION.

27 * * *

28 (13) NO EMPLOYEE OF THE BOARD [OR INDIVIDUAL EMPLOYED BY
29 AN INDEPENDENT CONTRACTOR OF THE BOARD] WHOSE DUTIES
30 SUBSTANTIALLY INVOLVE LICENSING[,] OR ENFORCEMENT [OR] THE

1 DEVELOPMENT [OR ADOPTION] OF LAWS, OR THE DEVELOPMENT OR
2 ADOPTION OF REGULATIONS OR POLICY OR WHO HAS OTHER
3 DISCRETIONARY AUTHORITY WHICH MAY AFFECT THE OUTCOME OF AN
4 ACTION OR DECISION UNDER THIS PART, INCLUDING THE EXECUTIVE
5 DIRECTOR, BUREAU DIRECTORS AND ATTORNEYS, SHALL DO ANY OF THE
6 FOLLOWING:

7 (I) [ACCEPT] ACCEPT EMPLOYMENT WITH AN APPLICANT OR
8 LICENSED ENTITY, OR AN AFFILIATE, INTERMEDIARY,
9 SUBSIDIARY OR HOLDING COMPANY THEREOF, FOR A PERIOD OF
10 [ONE YEAR] TWO YEARS AFTER THE TERMINATION OF THE
11 EMPLOYMENT RELATING TO THE CONDUCT OF GAMING [OR CONTRACT
12 WITH THE BOARD; OR] .

13 (II) [APPEAR] APPEAR BEFORE THE BOARD IN ANY HEARING
14 OR PROCEEDING OR PARTICIPATE IN ANY OTHER ACTIVITY ON
15 BEHALF OF ANY APPLICANT, LICENSEE, PERMITTEE OR LICENSED
16 ENTITY, OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR
17 HOLDING COMPANY THEREOF, FOR A PERIOD OF TWO YEARS AFTER
18 TERMINATION OF THE EMPLOYMENT [OR CONTRACT WITH THE
19 BOARD] .

20 (III) AS A CONDITION OF EMPLOYMENT, AN EMPLOYEE
21 SUBJECT TO THIS PARAGRAPH SHALL SIGN AN AFFIDAVIT THAT
22 THE EMPLOYEE WILL NOT ACCEPT EMPLOYMENT WITH OR BE
23 RETAINED BY ANY APPLICANT, LICENSED ENTITY OR AN
24 AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY
25 THEREOF FOR A PERIOD OF TWO YEARS FROM THE TERMINATION OF
26 EMPLOYMENT. AN APPLICANT OR LICENSED ENTITY OR AN
27 AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY
28 THEREOF SHALL NOT EMPLOY OR RETAIN AN INDIVIDUAL WHO
29 SIGNED AN AFFIDAVIT REQUIRED BY THIS SUBPARAGRAPH. AN
30 APPLICANT OR LICENSED ENTITY OR AN AFFILIATE,

1 INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY THAT
2 KNOWINGLY EMPLOYS OR RETAINS AN INDIVIDUAL IN VIOLATION
3 OF THIS SUBPARAGRAPH SHALL BE SUBJECT TO A PENALTY UNDER
4 SECTION 1518(C) (RELATING TO PROHIBITED ACTS; PENALTIES).

5 (13.1) NOTHING SHALL PREVENT A CURRENT OR FORMER
6 EMPLOYEE OF THE BOARD FROM APPEARING IN ANY PROCEEDING AS A
7 WITNESS WHERE THE EMPLOYEE IS CALLED TO TESTIFY CONCERNING
8 ANY FACT OR INFORMATION OBTAINED WHILE EMPLOYED WITH THE
9 BOARD OR RELATED TO THE PERFORMANCE OF DUTIES WHILE SO
10 EMPLOYED.

11 (13.2) NO INDEPENDENT CONTRACTOR OR INDIVIDUAL EMPLOYED
12 BY AN INDEPENDENT CONTRACTOR OF THE BOARD WHOSE DUTIES
13 SUBSTANTIALLY INVOLVE CONSULTATION RELATING TO LICENSING,
14 ENFORCEMENT OR THE DEVELOPMENT OR ADOPTION OF REGULATIONS OR
15 POLICY UNDER THIS PART SHALL:

16 (I) ACCEPT EMPLOYMENT WITH OR BE RETAINED BY AN
17 APPLICANT OR A LICENSED ENTITY OR AN AFFILIATE,
18 INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY THEREOF FOR A
19 PERIOD OF ONE YEAR AFTER THE TERMINATION OF THE CONTRACT
20 WITH THE BOARD.

21 (II) APPEAR BEFORE THE BOARD IN ANY HEARING OR
22 PROCEEDING OR PARTICIPATE IN ANY OTHER ACTIVITY ON BEHALF
23 OF AN APPLICANT, LICENSEE, PERMITTEE OR LICENSED ENTITY
24 OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
25 COMPANY OF AN APPLICANT, LICENSEE, PERMITTEE OR LICENSED
26 ENTITY FOR A PERIOD OF TWO YEARS AFTER TERMINATION OF THE
27 CONTRACT WITH THE BOARD. NOTHING SHALL PREVENT A CURRENT
28 OR FORMER INDEPENDENT CONTRACTOR OR EMPLOYEE OF AN
29 INDEPENDENT CONTRACTOR OF THE BOARD FROM APPEARING IN ANY
30 PROCEEDING AS A WITNESS WHERE THE INDEPENDENT CONTRACTOR

1 OR EMPLOYEE OF THE INDEPENDENT CONTRACTOR IS BEING CALLED
2 TO TESTIFY CONCERNING ANY FACT OR INFORMATION OBTAINED
3 WHILE CONTRACTING WITH THE BOARD OR RELATED TO THE
4 PERFORMANCE OF THE CONTRACT.

5 (III) AS A CONDITION OF A CONTRACT, AN INDEPENDENT
6 CONTRACTOR OR INDIVIDUAL EMPLOYED BY AN INDEPENDENT
7 CONTRACTOR OF THE BOARD UNDER THIS PARAGRAPH SHALL SIGN
8 AN AFFIDAVIT TO NOT ACCEPT EMPLOYMENT WITH OR BE RETAINED
9 BY ANY APPLICANT, LICENSED ENTITY OR AN AFFILIATE,
10 INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY OF AN
11 APPLICANT, LICENSED ENTITY OR AFFILIATE FOR A PERIOD OF
12 ONE YEAR FROM THE TERMINATION OF EMPLOYMENT. A LICENSED
13 ENTITY OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR
14 HOLDING COMPANY OF AN APPLICANT, LICENSED ENTITY OR
15 AFFILIATE SHALL NOT EMPLOY OR RETAIN AN INDIVIDUAL WHO
16 SIGNED AN AFFIDAVIT REQUIRED BY THIS SUBPARAGRAPH. A
17 LICENSED ENTITY OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY
18 OR HOLDING COMPANY THEREOF THAT KNOWINGLY EMPLOYS OR
19 RETAINS AN INDIVIDUAL IN VIOLATION OF THIS SUBPARAGRAPH
20 SHALL BE SUBJECT TO A PENALTY UNDER SECTION 1518(C).

21 (14) UPON THE WRITTEN REQUEST OF AN EMPLOYEE OF THE
22 BOARD, THE EXECUTIVE BRANCH OF THE COMMONWEALTH OR A
23 POLITICAL SUBDIVISION OR OF THE AGENCY OR POLITICAL
24 SUBDIVISION EMPLOYING AN EMPLOYEE, THE STATE ETHICS
25 COMMISSION SHALL DETERMINE WHETHER THE INDIVIDUAL'S DUTIES
26 SUBSTANTIALLY INVOLVE THE DEVELOPMENT [OR ADOPTION] OF LAWS,
27 OR THE DEVELOPMENT OR ADOPTION OF REGULATIONS OR POLICY,
28 LICENSING OR ENFORCEMENT UNDER THIS PART OR OTHER
29 DISCRETIONARY AUTHORITY WHICH MAY AFFECT THE OUTCOME OF AN
30 ACTION, PROCEEDING OR DECISION UNDER THIS PART AND SHALL

1 PROVIDE A WRITTEN DETERMINATION TO THE EMPLOYEE OR THE AGENCY
2 OR POLITICAL SUBDIVISION EMPLOYING THE EMPLOYEE TO INCLUDE
3 ANY PROHIBITION UNDER THIS PARAGRAPH. AN INDIVIDUAL WHO
4 RELIES IN GOOD FAITH ON A DETERMINATION UNDER THIS PARAGRAPH
5 SHALL NOT BE SUBJECT TO ANY PENALTY FOR AN ACTION TAKEN,
6 PROVIDED THAT ALL MATERIAL FACTS SET FORTH IN THE REQUEST FOR
7 A DETERMINATION ARE CORRECT.

8 (15) IF A MEMBER[, EMPLOYEE OR INDEPENDENT CONTRACTOR]
9 OF THE BOARD VIOLATES ANY PROVISION OF THIS SECTION, THE
10 APPOINTING AUTHORITY [OR THE BOARD MAY, UPON NOTICE AND
11 HEARING,] MAY REMOVE THE PERSON FROM THE BOARD[, WITHDRAW THE
12 APPOINTMENT OR]. A MEMBER REMOVED UNDER THIS PARAGRAPH SHALL
13 BE PROHIBITED FROM FUTURE APPOINTMENT TO THE BOARD AND SHALL
14 BE PROHIBITED FROM APPLYING FOR A LICENSE, PERMIT OR OTHER
15 AUTHORIZATION AND FROM BECOMING AN INDEPENDENT CONTRACTOR OF
16 THE BOARD, OR REGISTERING AS A LICENSED ENTITY REPRESENTATIVE
17 FOR A PERIOD OF FIVE YEARS FROM THE DATE OF REMOVAL FROM THE
18 BOARD. IF AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF THE BOARD
19 VIOLATES ANY PROVISION OF THIS SECTION, THE BOARD MAY, UPON
20 NOTICE AND HEARING, TERMINATE THE EMPLOYMENT OR CONTRACT, AND
21 THE PERSON SHALL BE INELIGIBLE FOR FUTURE [APPOINTMENT,]
22 EMPLOYMENT OR [CONTRACT] CONTRACTING WITH THE BOARD AND [FOR
23 APPROVAL OF A LICENSE OR PERMIT UNDER THIS PART FOR A PERIOD
24 OF TWO YEARS THEREAFTER] SHALL BE PROHIBITED FROM APPLYING
25 FOR A LICENSE, PERMIT OR OTHER AUTHORIZATION AND FROM
26 BECOMING AN INDEPENDENT CONTRACTOR OR REGISTERING AS A
27 LICENSED ENTITY REPRESENTATIVE FOR A PERIOD OF FIVE YEARS
28 FROM THE DATE OF TERMINATION OF THE EMPLOYMENT OR CONTRACT.

29 * * *

30 (K) APPOINTMENTS.--[THE APPOINTING AUTHORITIES] FOLLOWING

1 THE INITIAL APPOINTMENT OF MEMBERS UNDER SUBSECTION (B), THE
2 APPOINTING AUTHORITY SHALL MAKE [THEIR INITIAL] APPOINTMENTS
3 WITHIN 60 DAYS OF [THE EFFECTIVE DATE OF THIS PART] A VACANCY IN
4 AN OFFICE. NO APPOINTMENT SHALL BE FINAL UNTIL RECEIPT BY THE
5 APPOINTING AUTHORITY OF THE REQUIRED BACKGROUND INVESTIGATION OF
6 THE APPOINTEE BY THE PENNSYLVANIA STATE POLICE WHICH SHALL BE
7 COMPLETED WITHIN 30 DAYS. NO PERSON WHO HAS BEEN CONVICTED IN
8 ANY DOMESTIC OR FOREIGN JURISDICTION OF A FELONY, INFAMOUS CRIME
9 OR GAMING OFFENSE SHALL BE APPOINTED TO THE BOARD.

10 * * *

11 (M.1) BUDGETARY IMPASSE.--IF, IN THE EVENT OF A BUDGETARY OR
12 OTHER FISCAL CRISIS, THE GOVERNOR ORDERS THE FURLOUGH OF
13 COMMONWEALTH EMPLOYEES OR THE CLOSING OF ANY COMMONWEALTH
14 AGENCY, THE BOARD AND ITS EMPLOYEES AND ALL EMPLOYEES OF THE
15 DEPARTMENT OF REVENUE, THE PENNSYLVANIA STATE POLICE AND THE
16 OFFICE OF ATTORNEY GENERAL WHOSE DUTIES INVOLVE THE REGULATION
17 AND OVERSIGHT OF GAMING UNDER THIS PART SHALL NOT BE SUBJECT TO
18 FURLOUGH BUT SHALL CONTINUE TO PERFORM THEIR DUTIES OF
19 EMPLOYMENT.

20 * * *

21 SECTION 3.1. SECTION 1201.1(A)(1) OF TITLE 4 IS AMENDED TO
22 READ:

23 § 1201.1. APPLICABILITY OF OTHER STATUTES.

24 (A) GENERAL RULE.--THE FOLLOWING ACTS SHALL APPLY TO THE
25 BOARD:

26 (1) THE ACT OF [JUNE 21, 1957 (P.L.390, NO.212),
27 REFERRED TO] FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE
28 RIGHT-TO-KNOW LAW.

29 * * *

30 SECTION 4. SECTION 1202(A)(1) AND (B)(7), (20), (23) AND

1 (30) OF TITLE 4 ARE AMENDED AND SUBSECTION (B) IS AMENDED BY
2 ADDING PARAGRAPHS TO READ:

3 § 1202. GENERAL AND SPECIFIC POWERS.

4 (A) GENERAL POWERS.--

5 (1) THE BOARD SHALL HAVE GENERAL AND SOLE REGULATORY
6 AUTHORITY OVER THE CONDUCT OF GAMING OR RELATED ACTIVITIES AS
7 DESCRIBED IN THIS PART. THE BOARD SHALL ENSURE THE INTEGRITY
8 OF THE ACQUISITION AND OPERATION OF SLOT MACHINES, TABLE
9 GAMES, TABLE GAME DEVICES AND ASSOCIATED EQUIPMENT AND SHALL
10 HAVE SOLE REGULATORY AUTHORITY OVER EVERY ASPECT OF THE
11 AUTHORIZATION AND OPERATION OF SLOT MACHINES AND TABLE GAMES.

12 * * *

13 (B) SPECIFIC POWERS.--THE BOARD SHALL HAVE THE SPECIFIC
14 POWER AND DUTY:

15 * * *

16 (7) TO ADMINISTER OATHS, EXAMINE WITNESSES AND ISSUE
17 SUBPOENAS COMPELLING THE ATTENDANCE OF WITNESSES OR THE
18 PRODUCTION OF DOCUMENTS AND RECORDS OR OTHER EVIDENCE[. THE
19 PROVISIONS OF THIS PARAGRAPH SHALL APPLY TO DESIGNATED
20 OFFICERS AND EMPLOYEES.], OR TO DESIGNATE OFFICERS OR
21 EMPLOYEES TO PERFORM THESE DUTIES.

22 * * *

23 (12.1) TO ISSUE, APPROVE, AUTHORIZE, RENEW, REVOKE,
24 SUSPEND, CONDITION OR DENY ISSUANCE OR RENEWAL OF A TABLE
25 GAME OPERATION CERTIFICATE TO A SLOT MACHINE LICENSEE IN
26 ACCORDANCE WITH CHAPTER 13A (RELATING TO TABLE GAMES).

27 * * *

28 (20) IN ADDITION TO THE POWER OF THE BOARD REGARDING
29 LICENSE AND PERMIT APPLICANTS, TO DETERMINE AT ITS DISCRETION
30 THE SUITABILITY OF ANY PERSON WHO FURNISHES OR SEEKS TO

1 FURNISH TO A SLOT MACHINE LICENSEE DIRECTLY OR INDIRECTLY ANY
2 GOODS, SERVICES OR PROPERTY RELATED TO SLOT MACHINES, TABLE
3 GAMES OR ASSOCIATED EQUIPMENT OR THROUGH ANY ARRANGEMENTS
4 UNDER WHICH THAT PERSON RECEIVES PAYMENT BASED DIRECTLY OR
5 INDIRECTLY ON EARNINGS, PROFITS OR RECEIPTS FROM THE SLOT
6 MACHINES, TABLE GAMES AND ASSOCIATED EQUIPMENT. THE BOARD MAY
7 REQUIRE ANY SUCH PERSON TO COMPLY WITH THE REQUIREMENTS OF
8 THIS PART AND THE REGULATIONS OF THE BOARD AND MAY PROHIBIT
9 THE PERSON FROM FURNISHING THE SERVICES OR PROPERTY.

10 * * *

11 (23) THE BOARD SHALL NOT APPROVE, ISSUE OR RENEW A
12 LICENSE, CERTIFICATE OR PERMIT UNLESS IT IS SATISFIED THAT
13 THE APPLICANT HAS DEMONSTRATED BY CLEAR AND CONVINCING
14 EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD CHARACTER,
15 HONESTY AND INTEGRITY AND IS A PERSON WHOSE PRIOR ACTIVITIES,
16 CRIMINAL RECORD, IF ANY, REPUTATION, HABITS AND ASSOCIATIONS
17 DO NOT POSE A THREAT TO THE PUBLIC INTEREST OR THE EFFECTIVE
18 REGULATION AND CONTROL OF SLOT MACHINE OR TABLE GAME
19 OPERATIONS OR CREATE OR ENHANCE THE DANGER OF UNSUITABLE,
20 UNFAIR OR ILLEGAL PRACTICES, METHODS AND ACTIVITIES IN THE
21 CONDUCT OF SLOT MACHINE OR TABLE GAME OPERATIONS OR THE
22 CARRYING ON OF THE BUSINESS AND FINANCIAL ARRANGEMENTS
23 INCIDENTAL THERETO.

24 * * *

25 (27.1) TO PUBLISH EACH JANUARY IN THE PENNSYLVANIA
26 BULLETIN AND ON THE PENNSYLVANIA GAMING CONTROL BOARD'S
27 INTERNET WEBSITE A COMPLETE LIST OF ALL SLOT MACHINE
28 LICENSEES WHO FILED A PETITION SEEKING AUTHORIZATION TO
29 CONDUCT TABLE GAMES AND THE STATUS OF EACH PETITION OR TABLE
30 GAME OPERATION CERTIFICATE.

1 * * *

2 (30) TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR
3 THE ADMINISTRATION AND ENFORCEMENT OF THIS PART, INCLUDING
4 REGULATIONS IN COOPERATION WITH THE PENNSYLVANIA LIQUOR
5 CONTROL BOARD AND REGULATIONS RELATING TO THE SALE AND
6 SERVICE OF LIQUOR AND MALT AND BREWED BEVERAGES BY LICENSEES.
7 [EXCEPT AS PROVIDED IN SECTION 1203 (RELATING TO TEMPORARY
8 REGULATIONS), REGULATIONS] REGULATIONS SHALL BE ADOPTED
9 PURSUANT TO THE ACT OF JULY 31, 1968 (P.L.769, NO.240),
10 REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW, AND THE ACT OF
11 JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY
12 REVIEW ACT.

13 (31) TO COLLECT AND POST INFORMATION ON ITS INTERNET
14 WEBSITE WITH SUFFICIENT DETAIL TO INFORM THE PUBLIC OF THE
15 CONTROLLING INTEREST OR OWNERSHIP INTEREST OF AN APPLICANT
16 FOR A SLOT MACHINE LICENSE OR A LICENSED GAMING ENTITY OR
17 AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY
18 THEREOF. THE POSTING SHALL INCLUDE:

19 (I) THE NAMES OF ALL PERSONS WITH A CONTROLLING
20 INTEREST IN A PUBLICLY TRADED DOMESTIC OR FOREIGN
21 CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR
22 OTHER LEGAL ENTITY.

23 (II) THE NAMES OF ALL PERSONS WITH AN OWNERSHIP
24 INTEREST EQUAL TO OR GREATER THAN 1% OF A PRIVATELY HELD
25 DOMESTIC OR FOREIGN CORPORATION, PARTNERSHIP, LIMITED
26 LIABILITY COMPANY OR OTHER LEGAL ENTITY.

27 (III) THE NAME OF A TRUSTEE ENTITLED TO CAST THE
28 VOTE OF A PERSON UNDER SUBPARAGRAPH (I) OR (II).

29 (IV) THE NAMES OF ALL OFFICERS, DIRECTORS,
30 PRINCIPALS AND KEY EMPLOYEES OF A LICENSED GAMING ENTITY.

1 (32) TO APPOINT A TRUSTEE AS PRESCRIBED IN SECTION 1332
2 (RELATING TO APPOINTMENT OF TRUSTEE) TO ACT ON BEHALF OF THE
3 COMMONWEALTH AND THE BOARD TO OPERATE A LICENSED FACILITY AND
4 ENSURE COMPLIANCE WITH THIS PART.

5 (33) TO DEVELOP REGULATIONS, IN CONSULTATION AND
6 COLLABORATION WITH THE STATE ETHICS COMMISSION AND THE
7 ADMINISTRATIVE OFFICE OF THE PENNSYLVANIA COURTS, TO GOVERN
8 THE POSTEMPLOYMENT LIMITATIONS AND RESTRICTIONS OF EMPLOYEES
9 OF THE BOARD WHO ARE MEMBERS OF THE PENNSYLVANIA BAR AND
10 WHOSE DUTIES WITH THE BOARD SUBSTANTIALLY INVOLVE THE
11 PRACTICE OF LAW.

12 (34) TO REVIEW DETAILED SITE PLANS IDENTIFYING A
13 PETITIONER'S PROPOSED TABLE GAME AREA WITHIN A LICENSED
14 FACILITY OR ANY PROPOSED TEMPORARY FACILITY TO DETERMINE THE
15 ADEQUACY OF THE PROPOSED INTERNAL AND EXTERNAL SECURITY AND
16 PROPOSED SURVEILLANCE MEASURES.

17 SECTION 5. SECTION 1202.1 OF TITLE 4 IS AMENDED TO READ:
18 § 1202.1. CODE OF CONDUCT.

19 (A) SCOPE.--THE BOARD SHALL ADOPT A COMPREHENSIVE CODE OF
20 CONDUCT PRIOR TO THE CONSIDERATION OF ANY LICENSE, PERMIT OR
21 REGISTRATION APPLICATION. THE CODE OF CONDUCT SHALL SUPPLEMENT
22 ALL OTHER REQUIREMENTS UNDER THIS PART AND 65 PA.C.S. PT. II
23 (RELATING TO ACCOUNTABILITY) AND SHALL PROVIDE GUIDELINES
24 APPLICABLE TO MEMBERS, EMPLOYEES, INDEPENDENT CONTRACTORS OF THE
25 BOARD AND THE IMMEDIATE [FAMILIES] FAMILY MEMBERS OF THE
26 MEMBERS, EMPLOYEES AND INDEPENDENT CONTRACTORS OF THE BOARD TO
27 ENABLE THEM TO AVOID ANY PERCEIVED OR ACTUAL CONFLICT OF
28 INTEREST AND TO PROMOTE PUBLIC CONFIDENCE IN THE INTEGRITY AND
29 IMPARTIALITY OF THE BOARD. AT A MINIMUM, THE CODE OF CONDUCT
30 ADOPTED UNDER THIS SECTION SHALL INCLUDE REGISTRATION OF

1 LICENSED ENTITY REPRESENTATIVES UNDER SUBSECTION (B) AND THE
2 RESTRICTIONS UNDER [SUBSECTION (C)] SUBSECTIONS (C) AND (C.1).

3 (B) REGISTRATION.--

4 (1) A LICENSED ENTITY REPRESENTATIVE SHALL REGISTER WITH
5 THE BOARD IN A MANNER PRESCRIBED BY THE BOARD, WHICH SHALL
6 INCLUDE THE NAME, EMPLOYER OR FIRM, BUSINESS ADDRESS[,] AND
7 BUSINESS TELEPHONE NUMBER OF BOTH THE LICENSED ENTITY
8 REPRESENTATIVE AND [THE] ANY LICENSED ENTITY OR APPLICANT FOR
9 LICENSED ENTITY LICENSURE BEING REPRESENTED.

10 (2) A LICENSED ENTITY REPRESENTATIVE SHALL HAVE AN
11 [ONGOING] AFFIRMATIVE DUTY TO UPDATE ITS REGISTRATION
12 INFORMATION ON AN ONGOING BASIS AND FAILURE TO DO SO SHALL BE
13 PUNISHABLE BY THE BOARD.

14 (3) THE [REGISTRATION LIST] BOARD SHALL MAINTAIN A
15 REGISTRATION LIST WHICH SHALL CONTAIN THE INFORMATION
16 REQUIRED UNDER PARAGRAPH (1) AND WHICH SHALL BE AVAILABLE FOR
17 PUBLIC INSPECTION AT THE OFFICES OF THE BOARD AND ON THE
18 BOARD'S INTERNET WEBSITE.

19 (C) RESTRICTIONS.--A MEMBER OF THE BOARD SHALL:

20 (1) NOT ENGAGE IN ANY EX PARTE COMMUNICATION WITH ANY
21 PERSON.

22 (2) NOT ACCEPT ANY DISCOUNT, GIFT, GRATUITY,
23 COMPENSATION, TRAVEL, LODGING OR OTHER THING OF VALUE,
24 DIRECTLY OR INDIRECTLY, FROM ANY APPLICANT, [LICENSEE,]
25 LICENSED ENTITY, INCLUDING ANY AFFILIATE, SUBSIDIARY,
26 INTERMEDIARY OR HOLDING COMPANY THEREOF, PERMITTEE[,
27 REGISTRANT] OR LICENSED ENTITY REPRESENTATIVE THEREOF.

28 (3) DISCLOSE AND [DISQUALIFY] RECUSE HIMSELF FROM ANY
29 HEARING OR OTHER PROCEEDING IN WHICH THE MEMBER'S
30 OBJECTIVITY, IMPARTIALITY, INTEGRITY OR INDEPENDENCE OF

1 JUDGMENT MAY BE REASONABLY QUESTIONED DUE TO THE MEMBER'S
2 RELATIONSHIP OR ASSOCIATION WITH A PARTY CONNECTED TO ANY
3 HEARING OR PROCEEDING OR A PERSON APPEARING BEFORE THE BOARD.

4 (4) REFRAIN FROM ANY FINANCIAL OR BUSINESS DEALING WHICH
5 WOULD TEND TO REFLECT ADVERSELY ON THE MEMBER'S OBJECTIVITY,
6 IMPARTIALITY OR INDEPENDENCE OF JUDGMENT.

7 (5) NOT HOLD OR CAMPAIGN FOR PUBLIC OFFICE, HOLD AN
8 OFFICE IN ANY POLITICAL PARTY OR POLITICAL COMMITTEE AS
9 DEFINED IN SECTION 1513(D) (RELATING TO POLITICAL INFLUENCE),
10 CONTRIBUTE TO OR SOLICIT CONTRIBUTIONS TO A POLITICAL
11 CAMPAIGN, [PARTY,] POLITICAL PARTY, POLITICAL COMMITTEE OR
12 CANDIDATE, PUBLICLY ENDORSE A CANDIDATE OR ACTIVELY
13 PARTICIPATE IN A POLITICAL CAMPAIGN.

14 (6) NOT SOLICIT FUNDS FOR ANY CHARITABLE, EDUCATIONAL,
15 RELIGIOUS, HEALTH, FRATERNAL, CIVIC OR OTHER NONPROFIT ENTITY
16 FROM AN APPLICANT, LICENSED ENTITY OR AFFILIATE, SUBSIDIARY,
17 INTERMEDIARY OR HOLDING COMPANY OF A LICENSED ENTITY,
18 INTERESTED PARTY, PERMITTEE OR LICENSED ENTITY
19 REPRESENTATIVE. A BOARD MEMBER MAY SERVE AS AN OFFICER,
20 EMPLOYEE OR MEMBER OF THE GOVERNING BODY OF A NONPROFIT
21 ENTITY AND MAY ATTEND, MAKE PERSONAL CONTRIBUTIONS TO AND
22 PLAN OR PRESIDE OVER THE ENTITY'S FUNDRAISING EVENTS. A BOARD
23 MEMBER MAY PERMIT HIS NAME TO APPEAR ON THE LETTERHEAD USED
24 FOR FUNDRAISING EVENTS IF THE LETTERHEAD CONTAINS ONLY THE
25 BOARD MEMBER'S NAME AND POSITION WITH THE NONPROFIT ENTITY.

26 (7) NOT MEET OR ENGAGE IN DISCUSSIONS WITH ANY
27 APPLICANT, [PERSON LICENSED UNDER THIS PART] LICENSED ENTITY,
28 PERMITTEE, [OR A] LICENSED ENTITY REPRESENTATIVE, PERSON WHO
29 PROVIDES GOODS, PROPERTY OR SERVICES TO A SLOT MACHINE
30 LICENSEE OR ANY OTHER PERSON OR ENTITY UNDER THE JURISDICTION

1 OF THE BOARD UNLESS THE MEETING OR DISCUSSION OCCURS ON THE
2 BUSINESS PREMISES OF THE BOARD AND IS RECORDED IN A LOG
3 MAINTAINED FOR THIS PURPOSE. THE LOG SHALL BE AVAILABLE FOR
4 PUBLIC INSPECTION DURING THE REGULAR BUSINESS HOURS OF THE
5 BOARD AND SHALL BE POSTED ON THE BOARD'S INTERNET WEBSITE.
6 THE LOG SHALL INCLUDE THE DATE AND TIME OF THE MEETING OR
7 DISCUSSION, THE NAMES OF THE PARTICIPANTS AND A DESCRIPTION
8 OF THE SUBJECT MATTER DISCUSSED. THE PROVISIONS OF THIS
9 PARAGRAPH SHALL NOT APPLY TO MEETINGS [OF THE BOARD] TO
10 CONSIDER MATTERS REQUIRING THE PHYSICAL INSPECTION OF THE
11 EQUIPMENT OR PREMISES OF AN APPLICANT OR A LICENSED ENTITY AT
12 [THEIR] THE LOCATION OF THE LICENSED FACILITY.

13 (8) AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY
14 AT ALL TIMES AND OBSERVE STANDARDS AND CONDUCT THAT PROMOTE
15 PUBLIC CONFIDENCE IN THE OVERSIGHT OF GAMING.

16 (9) COMPLY WITH ANY OTHER LAWS, RULES OR REGULATIONS
17 RELATING TO THE CONDUCT OF A MEMBER.

18 (C.1) PROHIBITIONS.--

19 (1) NO MEMBER OR ATTORNEY OF THE OFFICE OF CHIEF COUNSEL
20 ADVISING THE BOARD ON A PARTICULAR LICENSING ISSUE OR
21 PROCEEDING OR EMPLOYEE WHOSE DUTIES RELATE TO LICENSING AND
22 WHO IS ADVISING THE BOARD ON A PARTICULAR LICENSING ISSUE OR
23 PROCEEDING SHALL ENGAGE IN ANY EX PARTE COMMUNICATION WITH
24 ANY PERSON.

25 (2) NO ATTORNEY REPRESENTING THE BUREAU OR THE OFFICE OF
26 ENFORCEMENT COUNSEL OR AN APPLICANT, LICENSEE OR PERMITTEE IN
27 ANY PROCEEDING SHALL ENGAGE IN AN EX PARTE COMMUNICATION WITH
28 A MEMBER, AN ATTORNEY OF THE OFFICE OF CHIEF COUNSEL ADVISING
29 THE BOARD ON A PROCEEDING OR A HEARING OFFICER OF THE BOARD.

30 (3) NO EMPLOYEE OF THE BUREAU OR THE OFFICE OF

1 ENFORCEMENT COUNSEL WHO IS INVOLVED IN A PROCEEDING SHALL
2 ENGAGE IN AN EX PARTE COMMUNICATION WITH A MEMBER, AN
3 ATTORNEY OF THE OFFICE OF CHIEF COUNSEL WHO IS ADVISING THE
4 BOARD ON THE PROCEEDING OR A HEARING OFFICER OF THE BOARD.

5 (C.2) PROCEDURES RELATING TO EX PARTE COMMUNICATIONS.--

6 (1) AN EX PARTE COMMUNICATION RECEIVED OR ENGAGED IN BY
7 A BOARD MEMBER, EMPLOYEE OR HEARING OFFICER SHALL BE RECORDED
8 IN A LOG MAINTAINED FOR THIS PURPOSE. THE LOG SHALL BE
9 AVAILABLE FOR PUBLIC INSPECTION DURING THE REGULAR BUSINESS
10 HOURS OF THE BOARD AND SHALL BE POSTED ON THE BOARD'S
11 INTERNET WEBSITE. THE LOG SHALL INCLUDE:

12 (I) THE NAME OF THE INDIVIDUAL DOCUMENTING THE EX
13 PARTE COMMUNICATION.

14 (II) THE DATE AND TIME OF THE EX PARTE
15 COMMUNICATION.

16 (III) THE NAMES OF ALL INDIVIDUALS INVOLVED IN THE
17 EX PARTE COMMUNICATION.

18 (IV) A DESCRIPTION OF THE SUBJECT MATTER DISCUSSED
19 AND A SUMMARY OF THE SUBSTANCE OF THE EX PARTE
20 COMMUNICATION.

21 (2) IN ADDITION TO DOCUMENTING AN EX PARTE COMMUNICATION
22 UNDER PARAGRAPH (1), NOTIFICATION OF THE SUBSTANCE OF THE
23 COMMUNICATION AND AN OPPORTUNITY TO RESPOND SHALL BE PROVIDED
24 TO ALL PERSONS DIRECTLY AFFECTED BY THE ANTICIPATED VOTE OR
25 ACTION OF THE BOARD RELATED TO THE EX PARTE COMMUNICATION.

26 (3) (I) A BOARD MEMBER, EMPLOYEE OR HEARING OFFICER WHO
27 ENGAGED IN OR RECEIVED AN EX PARTE COMMUNICATION SHALL
28 RECUSE HIMSELF FROM ANY HEARING OR OTHER PROCEEDING
29 RELATED TO THE EX PARTE COMMUNICATION IF THE CONTEXT AND
30 SUBSTANCE OF THE EX PARTE COMMUNICATION CREATES

1 SUBSTANTIAL REASONABLE DOUBT AS TO THE INDIVIDUAL'S
2 ABILITY TO ACT OBJECTIVELY, INDEPENDENTLY OR IMPARTIALLY.

3 (II) A BOARD MEMBER, EMPLOYEE OR HEARING OFFICER WHO
4 ENGAGED IN OR RECEIVED AN EX PARTE COMMUNICATION WHO
5 ELECTS NOT TO RECUSE HIMSELF FROM A HEARING OR OTHER
6 PROCEEDING SHALL STATE HIS REASONS FOR NOT RECUSING
7 HIMSELF ON THE RECORD PRIOR TO THE COMMENCEMENT OF THE
8 HEARING OR PROCEEDING.

9 (III) IF A LEGISLATIVE APPOINTEE RECUSES HIMSELF
10 FROM ANY HEARING OR OTHER PROCEEDING UNDER THIS SECTION,
11 ANY QUALIFIED MAJORITY VOTE REQUIRED UNDER THIS PART
12 SHALL CONSIST OF ALL OF THE REMAINING LEGISLATIVE
13 APPOINTEES AND AT LEAST TWO GUBERNATORIAL APPOINTEES.

14 (IV) FAILURE OF A HEARING OFFICER OR EMPLOYEE WHO
15 ENGAGED IN OR RECEIVED AN EX PARTE COMMUNICATION TO
16 RECUSE HIMSELF WHEN REQUIRED UNDER SUBPARAGRAPH (I) FROM
17 A HEARING OR OTHER PROCEEDING SHALL BE GROUNDS FOR APPEAL
18 TO THE BOARD.

19 (V) FAILURE OF A BOARD MEMBER WHO ENGAGED IN OR
20 RECEIVED AN EX PARTE COMMUNICATION TO RECUSE HIMSELF FROM
21 A HEARING OR OTHER PROCEEDING WHEN REQUIRED UNDER
22 SUBPARAGRAPH (I) SHALL BE GROUNDS FOR APPEAL TO A COURT
23 OF COMPETENT JURISDICTION IF THE BOARD ACTION BEING
24 APPEALED COULD NOT HAVE OCCURRED WITHOUT THE
25 PARTICIPATION OF THE BOARD MEMBER.

26 (D) EX OFFICIO MEMBERS.--THE RESTRICTIONS UNDER SUBSECTION
27 (C) (5) SHALL NOT APPLY TO EX OFFICIO MEMBERS.

28 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
29 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
30 SUBSECTION:

1 "EX PARTE COMMUNICATION." AN OFF-THE-RECORD COMMUNICATION
2 ENGAGED IN OR RECEIVED BY A MEMBER [OR], EMPLOYEE OR HEARING
3 OFFICER OF THE BOARD REGARDING THE MERITS OF OR ANY FACT IN
4 ISSUE RELATING TO A PENDING MATTER BEFORE THE BOARD OR WHICH MAY
5 REASONABLY BE EXPECTED TO COME BEFORE THE BOARD IN A CONTESTED
6 ON-THE-RECORD PROCEEDING. THE TERM SHALL NOT INCLUDE OFF-THE-
7 RECORD COMMUNICATIONS BY OR BETWEEN A MEMBER [OR], EMPLOYEE OR
8 HEARING OFFICER OF THE BOARD, DEPARTMENT OF REVENUE,
9 PENNSYLVANIA STATE POLICE, ATTORNEY GENERAL OR OTHER LAW
10 ENFORCEMENT OFFICIAL PRIOR TO THE BEGINNING OF THE PROCEEDING
11 SOLELY FOR THE PURPOSE OF SEEKING CLARIFICATION OR CORRECTION TO
12 EVIDENTIARY MATERIALS INTENDED FOR USE IN THE PROCEEDINGS.

13 "IMMEDIATE FAMILY." THE SPOUSE, PARENTS, CHILDREN AND
14 SIBLINGS.

15 ["LICENSED ENTITY REPRESENTATIVE." A PERSON ACTING ON BEHALF
16 OF OR REPRESENTING THE INTEREST OF ANY APPLICANT, LICENSEE,
17 PERMITTEE OR REGISTRANT, INCLUDING AN ATTORNEY, AGENT OR
18 LOBBYIST, REGARDING ANY MATTER WHICH MAY REASONABLY BE EXPECTED
19 TO COME BEFORE THE BOARD.]

20 SECTION 6. TITLE 4 IS AMENDED BY ADDING A SECTION TO READ:
21 § 1202.2. EXPENSES OF REGULATORY AGENCIES.

22 MEMBERS AND EMPLOYEES OF THE BOARD AND EMPLOYEES OF THE
23 DEPARTMENT, THE ATTORNEY GENERAL AND THE PENNSYLVANIA STATE
24 POLICE WHOSE DUTIES SUBSTANTIALLY INVOLVE THE REGULATION OF
25 GAMING OR ENFORCEMENT UNDER THIS PART AND EMPLOYEES OF THE
26 AUDITOR GENERAL WHOSE DUTIES INVOLVE FINANCIAL AUDIT ACTIVITIES
27 OF THE BOARD SHALL ONLY BE REIMBURSED FOR ACTUAL AND REASONABLE
28 EXPENSES INCURRED DURING THE PERFORMANCE OF THEIR DUTIES UNDER
29 THIS PART. IN ORDER TO RECEIVE REIMBURSEMENT FOR AN EXPENSE IN
30 EXCESS OF \$10, THE MEMBER OR EMPLOYEE OF THE BOARD, THE

1 DEPARTMENT, ATTORNEY GENERAL, AUDITOR GENERAL OR PENNSYLVANIA
2 STATE POLICE SHALL SUBMIT A RECEIPT VALIDATING THE EXPENSE
3 INCURRED. REIMBURSEMENTS, ALLOWANCES OR OTHER PAYMENTS IN AN
4 AMOUNT GREATER THAN THE EXPENSES FOR WHICH RECEIPTS ARE
5 SUBMITTED ARE PROHIBITED. RECEIPTS AND REQUESTS FOR
6 REIMBURSEMENT SHALL BE FINANCIAL RECORDS FOR PURPOSES OF THE ACT
7 OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW
8 LAW.

9 SECTION 7. SECTION 1204 OF TITLE 4 IS AMENDED TO READ:

10 § 1204. LICENSED GAMING ENTITY APPLICATION APPEALS FROM BOARD.

11 THE SUPREME COURT OF PENNSYLVANIA SHALL BE VESTED WITH
12 EXCLUSIVE APPELLATE JURISDICTION TO CONSIDER APPEALS OF ANY
13 FINAL ORDER, DETERMINATION OR DECISION OF THE BOARD INVOLVING
14 THE APPROVAL, ISSUANCE, DENIAL OR CONDITIONING OF A SLOT MACHINE
15 LICENSE OR TABLE GAME OPERATION CERTIFICATE. NOTWITHSTANDING THE
16 PROVISIONS OF 2 PA.C.S. CH. 7 SUBCH. A (RELATING TO JUDICIAL
17 REVIEW OF COMMONWEALTH AGENCY ACTION) AND 42 PA.C.S. § 763
18 (RELATING TO DIRECT APPEALS FROM GOVERNMENT AGENCIES), THE
19 SUPREME COURT SHALL AFFIRM ALL FINAL ORDERS, DETERMINATIONS OR
20 DECISIONS OF THE BOARD INVOLVING THE APPROVAL, ISSUANCE, DENIAL
21 OR CONDITIONING OF A SLOT MACHINE LICENSE OR TABLE GAME
22 OPERATION CERTIFICATE UNLESS IT SHALL FIND THAT THE BOARD
23 COMMITTED AN ERROR OF LAW OR THAT THE ORDER, DETERMINATION OR
24 DECISION OF THE BOARD WAS ARBITRARY AND THERE WAS A CAPRICIOUS
25 DISREGARD OF THE EVIDENCE.

26 SECTION 7.1. SECTION 1205(B)(1) AND (2) OF TITLE 4 ARE
27 AMENDED AND THE SUBSECTION IS AMENDED BY ADDING A PARAGRAPH TO
28 READ:

29 § 1205. LICENSE OR PERMIT APPLICATION HEARING PROCESS; PUBLIC
30 INPUT HEARINGS.

1 * * *

2 (B) PUBLIC INPUT HEARING REQUIREMENT.--

3 (1) [PRIOR TO LICENSING A FACILITY UNDER THIS PART, THE
4 BOARD SHALL HOLD AT LEAST ONE PUBLIC INPUT HEARING ON THE
5 MATTER.] THE BOARD SHALL HOLD AT LEAST ONE PUBLIC INPUT
6 HEARING PRIOR TO:

7 (I) ISSUING OR RENEWING A SLOT MACHINE LICENSE.

8 (II) APPROVING THE STRUCTURAL REDESIGN OF ANY
9 LICENSED FACILITY, INCLUDING A LICENSED FACILITY LOCATED
10 IN A CITY OF THE FIRST CLASS.

11 (2) ALL PUBLIC INPUT HEARINGS [RELATING TO AN
12 APPLICATION FOR A SLOT MACHINE LICENSE] UNDER PARAGRAPH (1)
13 SHALL BE HELD IN THE MUNICIPALITY WHERE THE LICENSED FACILITY
14 WILL BE, OR IS, LOCATED AND SHALL BE ORGANIZED IN COOPERATION
15 WITH THE MUNICIPALITY.

16 * * *

17 (4) IN ADDITION TO ANY WITNESSES SCHEDULED TO TESTIFY
18 UNDER PARAGRAPH (3), THE BOARD SHALL ESTABLISH A PUBLIC
19 COMMENT PERIOD DURING WHICH TIME MEMBERS OF THE PUBLIC MAY
20 ADDRESS THE BOARD REGARDING THE PROPOSED LICENSE OR
21 STRUCTURAL REDESIGN OF A LICENSED FACILITY UNDER PARAGRAPH
22 (1). THE BOARD, IN ITS DISCRETION, MAY PLACE REASONABLE TIME
23 LIMITS ON AN INDIVIDUAL'S COMMENTS.

24 SECTION 8. SECTION 1206(F) OF TITLE 4 IS AMENDED TO READ:

25 § 1206. BOARD MINUTES AND RECORDS.

26 * * *

27 (F) CONFIDENTIALITY OF INFORMATION.--[ALL]

28 (1) THE FOLLOWING INFORMATION SUBMITTED BY AN APPLICANT
29 OR LICENSEE PURSUANT TO SECTION 1310(A) (RELATING TO SLOT
30 MACHINE LICENSE APPLICATION CHARACTER REQUIREMENTS) OR

1 1308(A.1) (RELATING TO APPLICATIONS FOR LICENSE OR PERMIT) OR
2 OBTAINED BY THE BOARD OR THE BUREAU AS PART OF A BACKGROUND
3 OR OTHER INVESTIGATION FROM ANY SOURCE SHALL BE [CONSIDERED]
4 CONFIDENTIAL[.] AND WITHHELD FROM PUBLIC DISCLOSURE:

5 (I) ALL INFORMATION RELATING TO GOOD CHARACTER,
6 HONESTY AND INTEGRITY, INCLUDING FAMILY, HABITS,
7 REPUTATION, HISTORY OF CRIMINAL ACTIVITY, BUSINESS
8 ACTIVITIES, FINANCIAL AFFAIRS AND BUSINESS, PROFESSIONAL
9 AND PERSONAL ASSOCIATIONS SUBMITTED UNDER SECTION 1310(A)
10 OR 1308(A.1) OR OTHERWISE OBTAINED BY THE BOARD OR THE
11 BUREAU.

12 (II) NONPUBLIC PERSONAL INFORMATION, INCLUDING
13 TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, EDUCATIONAL
14 RECORDS, MEMBERSHIPS, MEDICAL RECORDS, TAX RETURNS AND
15 DECLARATIONS, ACTUAL OR PROPOSED COMPENSATION, FINANCIAL
16 ACCOUNT RECORDS, CREDITWORTHINESS OR A FINANCIAL
17 CONDITION RELATING TO AN APPLICANT, LICENSEE OR PERMITTEE
18 OR THE IMMEDIATE FAMILY THEREOF.

19 (III) DOCUMENTS AND INFORMATION RELATING TO
20 PROPRIETARY INFORMATION, TRADE SECRETS, PATENTS OR
21 EXCLUSIVE LICENSES, ARCHITECTURAL AND ENGINEERING PLANS
22 AND INFORMATION RELATING TO COMPETITIVE MARKETING
23 MATERIALS AND STRATEGIES, WHICH MAY INCLUDE CUSTOMER-
24 IDENTIFYING INFORMATION OR CUSTOMER PROSPECTS FOR
25 SERVICES SUBJECT TO COMPETITION.

26 (IV) SECURITY INFORMATION, INCLUDING RISK PREVENTION
27 PLANS, DETECTION AND COUNTERMEASURES, LOCATION OF COUNT
28 ROOMS, EMERGENCY MANAGEMENT PLANS, SECURITY AND
29 SURVEILLANCE PLANS, EQUIPMENT AND USAGE PROTOCOLS AND
30 THEFT AND FRAUD PREVENTION PLANS AND COUNTERMEASURES.

1 (V) INFORMATION WITH RESPECT TO WHICH THERE IS A
2 REASONABLE POSSIBILITY THAT PUBLIC RELEASE OR INSPECTION
3 OF THE INFORMATION WOULD CONSTITUTE AN UNWARRANTED
4 INVASION INTO PERSONAL PRIVACY OF ANY INDIVIDUAL AS
5 DETERMINED BY THE BOARD.

6 (VI) RECORDS OF AN APPLICANT OR LICENSEE NOT
7 REQUIRED TO BE FILED WITH THE SECURITIES AND EXCHANGE
8 COMMISSION BY ISSUERS THAT EITHER HAVE SECURITIES
9 REGISTERED UNDER SECTION 12 OF THE SECURITIES EXCHANGE
10 ACT OF 1934 (48 STAT. 881, 15 U.S.C. § 78A ET SEQ.) OR
11 ARE REQUIRED TO FILE REPORTS UNDER SECTION 15(D) OF THE
12 SECURITIES EXCHANGE ACT OF 1934.

13 (VII) RECORDS CONSIDERED NONPUBLIC MATTERS OR
14 INFORMATION BY THE SECURITIES AND EXCHANGE COMMISSION AS
15 PROVIDED BY 17 CFR 200.80 (RELATING TO COMMISSION RECORDS
16 AND INFORMATION).

17 (VIII) ANY FINANCIAL INFORMATION DEEMED CONFIDENTIAL
18 BY THE BOARD UPON A SHOWING OF GOOD CAUSE BY THE
19 APPLICANT OR LICENSEE.

20 (2) NO CLAIM OF CONFIDENTIALITY SHALL BE MADE REGARDING
21 ANY INFORMATION FROM A CRIMINAL HISTORY RECORD CHECK THAT IS
22 AVAILABLE TO THE PUBLIC UNDER 18 PA.C.S. § 9121(B) (RELATING
23 TO NONCRIMINAL JUSTICE AGENCIES AND INDIVIDUALS)).

24 (3) THIS SUBSECTION SHALL NOT APPLY TO ANY INFORMATION
25 IN POSSESSION OF THE BOARD THAT IS OTHERWISE PUBLICLY
26 AVAILABLE FROM ANOTHER PUBLIC AGENCY IN THIS COMMONWEALTH OR
27 ANOTHER JURISDICTION.

28 (4) EXCEPT AS PROVIDED IN SECTION 1517(F) (RELATING TO
29 [INVESTIGATION] INVESTIGATIONS AND ENFORCEMENT), THE
30 INFORMATION MADE CONFIDENTIAL PURSUANT TO THIS SECTION SHALL

1 BE WITHHELD FROM PUBLIC DISCLOSURE IN WHOLE OR IN PART,
2 EXCEPT THAT ANY CONFIDENTIAL INFORMATION SHALL BE RELEASED
3 UPON THE LAWFUL ORDER OF A COURT OF COMPETENT JURISDICTION
4 OR, WITH THE APPROVAL OF THE ATTORNEY GENERAL, TO A DULY
5 AUTHORIZED LAW ENFORCEMENT AGENCY OR SHALL BE RELEASED TO THE
6 PUBLIC, IN WHOLE OR IN PART, TO THE EXTENT THAT SUCH RELEASE
7 IS REQUESTED BY AN APPLICANT AND DOES NOT OTHERWISE CONTAIN
8 CONFIDENTIAL INFORMATION ABOUT ANOTHER PERSON.

9 (5) THE BOARD MAY SEEK A VOLUNTARY WAIVER OF
10 CONFIDENTIALITY FROM AN APPLICANT OR LICENSED ENTITY BUT MAY
11 NOT REQUIRE ANY APPLICANT OR LICENSED ENTITY TO WAIVE ANY
12 CONFIDENTIALITY PROVIDED FOR IN THIS SUBSECTION AS A
13 CONDITION FOR THE APPROVAL OF A LICENSE OR ANY OTHER ACTION
14 OF THE BOARD. ANY [PERSON WHO VIOLATES THIS SUBSECTION]
15 CURRENT OR FORMER BOARD MEMBER, EMPLOYEE OR INDEPENDENT
16 CONTRACTOR OF THE BOARD AND ANY CURRENT OR FORMER MEMBER OR
17 EMPLOYEE OF THE PENNSYLVANIA STATE POLICE, OFFICE OF ATTORNEY
18 GENERAL, OFFICE OF THE AUDITOR GENERAL OR DEPARTMENT WHO
19 PUBLICLY DISCLOSES CONFIDENTIAL INFORMATION IN VIOLATION OF
20 THIS SUBSECTION SHALL BE ADMINISTRATIVELY DISCIPLINED BY
21 DISCHARGE, SUSPENSION, TERMINATION OF CONTRACT OR OTHER
22 FORMAL DISCIPLINARY ACTION AS [THE BOARD DEEMS] APPROPRIATE.

23 * * *

24 SECTION 8.1. SECTION 1207(4), (8) AND (14) OF TITLE 4 ARE
25 AMENDED AND THE SECTION IS AMENDED BY ADDING A PARAGRAPH TO
26 READ:

27 § 1207. REGULATORY AUTHORITY OF BOARD.

28 THE BOARD SHALL HAVE THE POWER AND ITS DUTIES SHALL BE TO:

29 * * *

30 (4) REQUIRE THAT EACH LICENSED ENTITY PROVIDE TO THE

1 BOARD ITS AUDITED ANNUAL FINANCIAL STATEMENTS, WITH SUCH
2 ADDITIONAL DETAIL AS THE BOARD FROM TIME TO TIME SHALL
3 REQUIRE, WHICH INFORMATION SHALL BE SUBMITTED NOT LATER THAN
4 [60] 90 DAYS AFTER THE END OF THE LICENSEE'S FISCAL YEAR.

5 * * *

6 (7.1) ENFORCE PRESCRIBED HOURS FOR THE OPERATION OF
7 TABLE GAMES SO THAT A CERTIFICATE HOLDER MAY CONDUCT TABLE
8 GAMES ON ANY DAY DURING THE YEAR IN ORDER TO MEET THE NEEDS
9 OF PATRONS OR TO MEET COMPETITION.

10 (8) REQUIRE THAT EACH LICENSED GAMING ENTITY PROHIBIT
11 PERSONS UNDER 21 YEARS OF AGE FROM OPERATING OR USING SLOT
12 MACHINES OR PLAYING TABLE GAMES.

13 * * *

14 (14) CONSULT WITH MEMBERS OF THE PENNSYLVANIA STATE
15 POLICE, THE OFFICE OF ATTORNEY GENERAL, THE DEPARTMENT AND
16 SUCH OTHER PERSONS IT DEEMS NECESSARY FOR ADVICE REGARDING
17 THE VARIOUS ASPECTS OF THE POWERS AND DUTIES IMPOSED ON IT
18 UNDER THIS PART AND ITS JURISDICTION OVER THE AUTHORIZATION
19 AND OPERATION OF SLOT MACHINES, TABLE GAMES AND LICENSED
20 FACILITIES.

21 * * *

22 SECTION 8.2. SECTIONS 1208(1), 1209(B) AND (F) AND 1210 OF
23 TITLE 4 ARE AMENDED TO READ:

24 § 1208. COLLECTION OF FEES AND FINES.

25 THE BOARD HAS THE FOLLOWING POWERS AND DUTIES:

26 (1) TO LEVY AND COLLECT FEES FROM THE VARIOUS
27 APPLICANTS, LICENSEES AND PERMITTEES TO FUND THE OPERATIONS
28 OF THE BOARD. [THE] EXCEPT AS PROVIDED FOR TABLE GAMES, THE
29 FEES SHALL BE DEPOSITED INTO THE STATE GAMING FUND AS
30 ESTABLISHED IN SECTION 1403 (RELATING TO ESTABLISHMENT OF

1 STATE GAMING FUND AND NET SLOT MACHINE REVENUE DISTRIBUTION)
2 AND DISTRIBUTED TO THE BOARD UPON APPROPRIATION BY THE
3 GENERAL ASSEMBLY. IN ADDITION TO THE FEES SET FORTH IN
4 SECTIONS 1209 (RELATING TO SLOT MACHINE LICENSE FEE) AND 1305
5 (RELATING TO CATEGORY 3 SLOT MACHINE LICENSE), THE BOARD
6 SHALL ASSESS AND COLLECT FEES AS FOLLOWS:

7 (I) SUPPLIER LICENSEES SHALL PAY [A]:

8 (A) A FEE OF \$25,000 UPON THE ISSUANCE OF A
9 LICENSE [AND \$10,000 FOR THE ANNUAL RENEWAL OF A
10 SUPPLIER LICENSE.] TO SUPPLY SLOT MACHINES OR
11 ASSOCIATED EQUIPMENT USED IN CONNECTION WITH SLOT
12 MACHINES.

13 (B) A FEE OF \$25,000 UPON THE ISSUANCE OF A
14 LICENSE TO SUPPLY TABLE GAME DEVICES OR ASSOCIATED
15 EQUIPMENT USED IN CONNECTION WITH TABLE GAMES OR
16 TABLE GAME DEVICES.

17 (C) A FEE OF \$15,000 FOR THE ANNUAL RENEWAL OF
18 THE APPROPRIATE SUPPLIER LICENSE. UPON THE EXTENSION
19 OF THE RENEWAL PERIOD UNDER SECTION 1317(C) (1)
20 (RELATING TO SUPPLIER LICENSES), THE FEE SHALL BE
21 \$30,000 FOR THE RENEWAL.

22 (II) MANUFACTURER LICENSEES SHALL PAY [A]:

23 (A) A FEE OF \$50,000 UPON THE ISSUANCE OF A
24 LICENSE [AND \$25,000 FOR THE ANNUAL RENEWAL OF A
25 MANUFACTURER LICENSE.] TO MANUFACTURE SLOT MACHINES
26 AND ASSOCIATED EQUIPMENT USED IN CONNECTION WITH SLOT
27 MACHINES.

28 (B) A FEE OF \$50,000 UPON THE ISSUANCE OF A
29 LICENSE TO MANUFACTURE TABLE GAME DEVICES OR
30 ASSOCIATED EQUIPMENT USED IN CONNECTION WITH TABLE

1 GAMES OR TABLE GAME DEVICES.

2 (C) A MANUFACTURER LICENSEE SHALL PAY AN ANNUAL
3 FEE OF \$30,000 FOR THE ANNUAL RENEWAL OF THE
4 APPROPRIATE MANUFACTURER LICENSE. UPON THE EXTENSION
5 OF THE RENEWAL PERIOD UNDER SECTION 1317.1(C)(1)
6 (RELATING TO MANUFACTURER LICENSES), THE FEE SHALL BE
7 \$75,000 FOR THE RENEWAL.

8 (III) EACH APPLICATION FOR A SLOT MACHINE LICENSE,
9 SUPPLIER LICENSE OR MANUFACTURER LICENSE MUST BE
10 ACCOMPANIED BY A NONREFUNDABLE FEE SET BY THE BOARD FOR
11 THE COST OF EACH INDIVIDUAL REQUIRING A BACKGROUND
12 INVESTIGATION. THE REASONABLE AND NECESSARY COSTS AND
13 EXPENSES INCURRED IN ANY BACKGROUND INVESTIGATION OR
14 OTHER INVESTIGATION OR PROCEEDING CONCERNING ANY
15 APPLICANT, LICENSEE, PERMITTEE OR REGISTRANT SHALL BE
16 REIMBURSED TO THE BOARD BY THOSE PERSONS.

17 * * *

18 § 1209. SLOT MACHINE LICENSE FEE.

19 * * *

20 (B) TERM.--A SLOT MACHINE LICENSE, AFTER PAYMENT OF THE FEE,
21 SHALL BE IN EFFECT UNLESS SUSPENDED, REVOKED OR NOT RENEWED BY
22 THE BOARD UPON GOOD CAUSE CONSISTENT WITH THE LICENSE
23 REQUIREMENTS AS PROVIDED FOR IN THIS PART. SLOT MACHINE
24 LICENSEES SHALL BE REQUIRED TO UPDATE THE INFORMATION IN THEIR
25 INITIAL APPLICATIONS ANNUALLY, AND THE LICENSE OF A LICENSEE IN
26 GOOD STANDING SHALL BE UPDATED AND RENEWED ANNUALLY FOR TWO
27 SUBSEQUENT YEARS FOLLOWING THE INITIAL LICENSE ISSUANCE.
28 THEREAFTER, LICENSE RENEWALS SHALL BE EVERY THREE YEARS. NOTHING
29 IN THIS SUBSECTION SHALL RELIEVE A LICENSEE OF THE AFFIRMATIVE
30 DUTY TO NOTIFY THE BOARD OF ANY CHANGES RELATING TO THE STATUS

1 OF ITS LICENSE OR TO ANY OTHER INFORMATION CONTAINED IN
2 APPLICATION MATERIALS ON FILE WITH THE BOARD. AS TO THE RENEWAL
3 OF A LICENSE, NO ADDITIONAL LICENSE FEE PURSUANT TO SUBSECTION
4 (A) SHALL BE REQUIRED.

5 * * *

6 [(F) RETURN OF SLOT MACHINE LICENSE FEE.--

7 (1) THE ENTIRE ONE-TIME SLOT MACHINE LICENSE FEE OF
8 \$50,000,000 FOR EACH CATEGORY 1 AND CATEGORY 2 SLOT MACHINE
9 LICENSE SHALL BE RETURNED TO EACH LICENSEE IN THE EVENT
10 SECTION 1201 (RELATING TO PENNSYLVANIA GAMING CONTROL BOARD
11 ESTABLISHED), 1202 (RELATING TO GENERAL AND SPECIFIC POWERS)
12 OR 1307 (RELATING TO NUMBER OF SLOT MACHINE LICENSES) IS
13 AMENDED OR OTHERWISE ALTERED BY AN ACT OF THE GENERAL
14 ASSEMBLY WITHIN FIVE YEARS FOLLOWING THE INITIAL ISSUANCE OF
15 ANY SLOT MACHINE LICENSES PURSUANT TO SECTION 1301 (RELATING
16 TO AUTHORIZED SLOT MACHINE LICENSES) TO CHANGE:

17 (I) THE COMPOSITION OF THE BOARD;

18 (II) THE NUMBER OR VOTING POWERS OF MEMBERS OF THE
19 BOARD;

20 (III) THE MANNER IN WHICH MEMBERS ARE NOMINATED OR
21 APPOINTED TO THE BOARD;

22 (IV) THE LENGTH OF TERM FOR WHICH EACH MEMBER
23 SERVES;

24 (V) THE GENERAL JURISDICTION OF THE BOARD IN A
25 MANNER THAT IMPAIRS OR OTHERWISE REDUCES THE BOARD'S
26 LICENSING AUTHORITY; OR

27 (VI) SECTION 1307 TO INCREASE THE STATUTORY MAXIMUM
28 NUMBER OF PERMISSIBLE LICENSED FACILITIES.

29 (2) IN THE EVENT THAT THIS PART IS AMENDED OR OTHERWISE
30 ALTERED BY AN ACT OF THE GENERAL ASSEMBLY AS DESCRIBED

1 PURSUANT TO PARAGRAPH (1) :

2 (I) IN THE SIXTH YEAR FOLLOWING THE INITIAL ISSUANCE
3 OF ANY SLOT MACHINE LICENSES PURSUANT TO SECTION 1301, A
4 CATEGORY 1 AND 2 SLOT MACHINE LICENSEE SHALL BE ENTITLED
5 TO A PARTIAL RETURN OF THE ONE-TIME SLOT MACHINE LICENSE
6 FEE IN THE AMOUNT OF \$41,666,667.

7 (II) IN THE SEVENTH YEAR, THE LICENSEE SHALL BE
8 ENTITLED TO A PARTIAL RETURN OF THE ONE-TIME SLOT MACHINE
9 LICENSE FEE IN THE AMOUNT OF \$33,333,334.

10 (III) IN THE EIGHTH YEAR, THE LICENSEE SHALL BE
11 ENTITLED TO A PARTIAL RETURN OF THE ONE-TIME SLOT MACHINE
12 LICENSE FEE IN THE AMOUNT OF \$25,000,000.

13 (IV) IN THE NINTH YEAR, THE LICENSEE SHALL BE
14 ENTITLED TO A PARTIAL RETURN OF THE ONE-TIME SLOT MACHINE
15 LICENSE FEE IN THE AMOUNT OF \$16,666,668.

16 (V) IN THE TENTH YEAR, THE LICENSEE SHALL BE
17 ENTITLED TO A PARTIAL RETURN OF THE ONE-TIME MACHINE
18 LICENSE FEE IN THE AMOUNT OF \$8,333,334.

19 IN THE EVENT THAT THE ACTION DESCRIBED IN PARAGRAPH (1) OCCURS
20 AFTER THE EXPIRATION OF TEN YEARS, THE LICENSEE SHALL NOT BE
21 ENTITLED TO A RETURN OF ANY PORTION OF THE ONE-TIME SLOT MACHINE
22 LICENSE FEE. NOTWITHSTANDING THE FOREGOING, NO SLOT MACHINE
23 LICENSEE SHALL BE ENTITLED TO THE RETURN OF ANY PORTION OF THE
24 FEE AS A RESULT OF ANY ACT OF THE GENERAL ASSEMBLY INsofar AS IT
25 IMPLEMENTS A RECOMMENDATION MADE BY THE BOARD PURSUANT TO A
26 QUALIFIED MAJORITY VOTE. IN THE EVENT A FULL OR PARTIAL RETURN
27 OF THE SLOT MACHINE LICENSE FEE IMPOSED PURSUANT TO SUBSECTION
28 (A) BECOMES DUE PURSUANT TO THIS SUBSECTION, THE AMOUNT TO BE
29 RETURNED TO ANY SLOT MACHINE LICENSEE SHALL BE REDUCED ON A
30 DOLLAR-FOR-DOLLAR BASIS BY THE TOTAL ACCUMULATED TAX CREDITS

1 GRANTED TO SUCH LICENSEE PURSUANT TO SUBSECTION (C). IN NO EVENT
2 SHALL THE TOTAL AMOUNT OF THE SLOT MACHINE LICENSE FEE RETURNED,
3 COMBINED WITH THE TOTAL TAX CREDITS GRANTED, EXCEED THE AMOUNTS
4 SET FORTH IN THIS SUBSECTION FOR ANY LICENSEE. THE TOTAL OR
5 PARTIAL RETURN OF THE SLOT MACHINE LICENSE FEE SHALL EXTINGUISH
6 A LICENSEE'S RIGHT TO CLAIM ANY FURTHER TAX CREDITS PURSUANT TO
7 SUBSECTION (C).]

8 § 1210. NUMBER OF SLOT MACHINES.

9 (A) INITIAL COMPLEMENT.--EXCEPT AS PROVIDED FOR CATEGORY 3
10 SLOT MACHINE LICENSEES UNDER SECTION 1305 (RELATING TO CATEGORY
11 3 SLOT MACHINE LICENSE), ALL SLOT MACHINE LICENSEES SHALL BE
12 PERMITTED TO OPERATE UP TO 3,000 SLOT MACHINES AT ANY ONE
13 LICENSED FACILITY AND SHALL BE REQUIRED TO OPERATE AND MAKE
14 AVAILABLE TO PLAY A MINIMUM OF 1,500 MACHINES AT ANY ONE
15 LICENSED FACILITY WITHIN ONE YEAR OF THE ISSUANCE BY THE BOARD
16 OF A SLOT MACHINE LICENSE UNLESS OTHERWISE EXTENDED BY THE
17 BOARD, UPON APPLICATION AND FOR GOOD CAUSE SHOWN, FOR AN
18 ADDITIONAL PERIOD NOT TO EXCEED 24 MONTHS.

19 (A.1) MINIMUM NUMBER OF SLOT MACHINES.--EXCEPT AS PROVIDED
20 FOR CATEGORY 3 SLOT MACHINE LICENSEES UNDER SECTION 1305 AND
21 DURING THE CONVERSION FROM A TEMPORARY TO A PERMANENT FACILITY,
22 APPROVED RENOVATIONS FOR A LIMITED TIME OR AN EMERGENCY, ALL
23 SLOT MACHINE LICENSEES SHALL BE REQUIRED TO OPERATE AND MAKE
24 AVAILABLE FOR PLAY A MINIMUM OF 1,850 MACHINES AT ANY ONE
25 LICENSED FACILITY AT ALL TIMES.

26 (B) ADDITIONAL SLOT MACHINES.--EXCEPT AS PROVIDED FOR
27 CATEGORY 3 SLOT MACHINE LICENSEES UNDER SECTION 1305, SIX MONTHS
28 FOLLOWING THE DATE OF COMMENCEMENT OF SLOT MACHINE OPERATIONS,
29 THE BOARD MAY PERMIT A SLOT MACHINE LICENSEE TO INSTALL AND
30 OPERATE UP TO 2,000 ADDITIONAL SLOT MACHINES AT ITS LICENSED

1 FACILITY, BEYOND THOSE MACHINES AUTHORIZED UNDER SUBSECTION (A),
2 UPON APPLICATION BY THE SLOT MACHINE LICENSEE. THE BOARD, IN
3 CONSIDERING SUCH AN APPLICATION, SHALL TAKE INTO ACCOUNT THE
4 APPROPRIATENESS OF THE PHYSICAL SPACE WHERE THE ADDITIONAL SLOT
5 MACHINES WILL BE LOCATED AND THE CONVENIENCE OF THE PUBLIC
6 ATTENDING THE FACILITY. THE BOARD MAY ALSO TAKE INTO ACCOUNT THE
7 POTENTIAL BENEFIT TO ECONOMIC DEVELOPMENT, EMPLOYMENT AND
8 TOURISM, ENHANCED REVENUES TO THE COMMONWEALTH AND OTHER
9 ECONOMIC INDICATORS IT DEEMS APPLICABLE IN MAKING ITS DECISION.

10 (C) LIMITATION.--FOR THE TWO AND ONE-HALF YEARS FOLLOWING
11 THE BEGINNING OF SLOT MACHINE OPERATIONS AT THE LICENSED
12 FACILITY, NO LICENSED GAMING ENTITY MAY MAKE AVAILABLE FOR PLAY
13 BY ITS PATRONS AT ITS LICENSED FACILITY MORE THAN 50% OF SLOT
14 MACHINES FROM THE SAME MANUFACTURER OR ITS AFFILIATE,
15 INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY. THE PROVISIONS OF
16 THIS SUBSECTION SHALL NOT APPLY TO MACHINES PURCHASED PURSUANT
17 TO A CONTRACT OR ORDER EXECUTED BY A CONDITIONAL CATEGORY 1 OR
18 CATEGORY 1 SLOT MACHINE LICENSEE PRIOR TO OCTOBER 20, 2006.

19 SECTION 9. SECTION 1211(A) OF TITLE 4 IS AMENDED AND THE
20 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

21 § 1211. REPORTS OF BOARD.

22 (A) REPORT OF BOARD.--EIGHTEEN MONTHS AFTER THE EFFECTIVE
23 DATE OF THIS PART AND EVERY YEAR ON THAT DATE THEREAFTER, THE
24 BOARD SHALL ISSUE A REPORT TO THE GOVERNOR AND EACH MEMBER OF
25 THE GENERAL ASSEMBLY ON THE GENERAL OPERATION OF THE BOARD AND
26 EACH SLOT MACHINE LICENSEE'S PERFORMANCE, INCLUDING, BUT NOT
27 LIMITED TO, NUMBER AND WIN PER SLOT MACHINE AND TOTAL GROSS
28 TABLE GAME REVENUE AT EACH LICENSED [FACILITIES] FACILITY DURING
29 THE PREVIOUS YEAR, ALL TAXES, FEES, FINES AND OTHER REVENUES
30 COLLECTED AND, WHERE APPROPRIATE, DISBURSED, THE COSTS OF

1 OPERATION OF THE BOARD, ALL HEARINGS CONDUCTED AND THE RESULTS
2 OF THE HEARINGS AND OTHER INFORMATION THAT THE BOARD DEEMS
3 NECESSARY AND APPROPRIATE.

4 (A.1) EXPENSES.--BEGINNING 30 DAYS AFTER THE EFFECTIVE DATE
5 OF THIS SUBSECTION, THE BOARD SHALL POST BY THE 15TH OF EACH
6 MONTH ON ITS INTERNET WEBSITE A LIST OF ALL ITS ITEMIZED
7 EXPENSES FOR THE PRECEDING MONTH OF EMPLOYEES AND MEMBERS OF THE
8 BOARD AND ALL ITEMIZED EXPENSES OF OFFICERS AND EMPLOYEES OF THE
9 DEPARTMENT, THE ATTORNEY GENERAL AND THE PENNSYLVANIA STATE
10 POLICE WHOSE DUTIES INVOLVE THE REGULATION OF GAMING UNDER THIS
11 PART AND ALL ITEMIZED EXPENSES OF OFFICERS AND EMPLOYEES OF THE
12 AUDITOR GENERAL WHOSE DUTIES INVOLVE AUDIT ACTIVITIES OF THE
13 BOARD. THE LIST SHALL IDENTIFY THE NATURE OF THE EXPENSE, THE
14 EMPLOYEE OR BOARD MEMBER AND THE AGENCY AND EMPLOYEE OF THE
15 AGENCY TO WHICH AN EXPENSE IS ATTRIBUTABLE. THE LIST SHALL
16 INCLUDE EACH EXPENSE FOR WHICH A RECEIPT IS SUBMITTED TO OBTAIN
17 REIMBURSEMENT. IF THE EXPENSE IS DIRECTLY ATTRIBUTABLE TO OR
18 PAID BY A LICENSED GAMING ENTITY, THE LIST SHALL IDENTIFY THE
19 LICENSED GAMING ENTITY AND WHETHER THE EXPENSE WAS PAID BY THE
20 LICENSED GAMING ENTITY. BY OCTOBER 1 OF EACH YEAR, A FINAL
21 REPORT OF ALL EXPENSES FOR THE PRECEDING FISCAL YEAR SHALL BE
22 POSTED ON THE BOARD'S INTERNET WEBSITE. THE BOARD, THE
23 DEPARTMENT, THE ATTORNEY GENERAL, THE AUDITOR GENERAL AND THE
24 PENNSYLVANIA STATE POLICE SHALL COLLABORATE TO DEVELOP A UNIFORM
25 SYSTEM TO CARRY OUT THE REQUIREMENTS OF THIS SUBSECTION.

26 * * *

27 (E) SUBMISSION OF REPORTS.--NOTWITHSTANDING ANY OTHER
28 PROVISION OF THIS PART TO THE CONTRARY, ALL REPORTS AND STUDIES
29 OF THE BOARD REQUIRED TO BE SUBMITTED TO THE GENERAL ASSEMBLY
30 UNDER THIS PART AFTER THE EFFECTIVE DATE OF THIS SUBSECTION

1 SHALL BE SUBMITTED BY OCTOBER 1, 2010, AND ANNUALLY THEREAFTER.

2 SECTION 9.1. TITLE 4 IS AMENDED BY ADDING A SECTION TO READ:

3 § 1211.1. REPORT BY SLOT MACHINE LICENSEE.

4 (A) REPORT.--EACH SLOT MACHINE LICENSEE SHALL ANNUALLY
5 COMPILE, OR CAUSE TO BE COMPILED, AND SUBMIT TO THE BOARD AND
6 THE GENERAL ASSEMBLY A REPORT ON MINORS AND UNAUTHORIZED GAMING.
7 THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE
8 LICENSED FACILITY THAT THE LICENSEE IS LICENSED TO OPERATE:

9 (1) THE NUMBER OF MINORS WHO WERE DENIED ENTRY INTO THE
10 LICENSED FACILITY.

11 (2) THE NUMBER OF MINORS WHO WERE PHYSICALLY ESCORTED
12 FROM THE PREMISES OF THE LICENSED FACILITY.

13 (3) THE NUMBER OF MINORS WHO WERE DETECTED PARTICIPATING
14 OR ATTEMPTING TO PARTICIPATE IN GAMING.

15 (4) THE NUMBER OF MINORS WHO WERE TAKEN INTO CUSTODY BY
16 A LAW ENFORCEMENT AGENCY ON THE PREMISES OF THE LICENSED
17 FACILITY.

18 (5) THE NUMBER OF MINORS WHO WERE DETECTED ILLEGALLY
19 CONSUMING ALCOHOL ON THE PREMISES OF THE LICENSED FACILITY.

20 (6) THE NUMBER OF EXCLUDED PERSONS WHO WERE DENIED ENTRY
21 INTO THE TABLE GAME FACILITY.

22 (7) A SUMMARY OF THE ACTION TAKEN BY THE SLOT MACHINE
23 LICENSEE IN RESOLUTION OF INCIDENTS UNDER PARAGRAPHS (1),
24 (2), (3), (4), (5) AND (6), INCLUDING ANY ACTION, RESOLUTION
25 OR DISPOSITION OF ANY VIOLATIONS OF THIS PART.

26 (8) A SUMMARY OF ACTIONS TAKEN AND CONTROLS IMPLEMENTED
27 BY THE SLOT MACHINE LICENSEE TO PREVENT FACILITY ACCESS BY
28 MINORS AND UNDERAGE GAMING AND UNDERAGE DRINKING.

29 (B) DEFINITION.--AS USED IN THIS SUBSECTION THE TERM "MINOR"
30 SHALL MEAN AN INDIVIDUAL WHO IS UNDER 21 YEARS OF AGE.

1 SECTION 10. SECTIONS 1212 AND 1213 OF TITLE 4 ARE AMENDED TO
2 READ:

3 § 1212. DIVERSITY GOALS OF BOARD.

4 (A) INTENT.--IT IS THE INTENT AND GOAL OF THE GENERAL
5 ASSEMBLY THAT THE BOARD PROMOTE AND ENSURE DIVERSITY IN ALL
6 ASPECTS OF THE GAMING ACTIVITIES AUTHORIZED UNDER THIS PART. THE
7 BOARD SHALL WORK TO ENHANCE THE REPRESENTATION OF DIVERSE GROUPS
8 IN [THE]:

9 (1) THE OWNERSHIP[, PARTICIPATION AND OPERATION] OF
10 LICENSED ENTITIES AND LICENSED FACILITIES IN THIS
11 COMMONWEALTH [AND THROUGH THE].

12 (2) THE OWNERSHIP[, PARTICIPATION AND OPERATION] OF
13 BUSINESS ENTERPRISES ASSOCIATED WITH OR UTILIZED BY LICENSED
14 ENTITIES AND LICENSED FACILITIES AND THROUGH THE PROVISION OF
15 GOODS AND SERVICES UTILIZED BY SLOT MACHINE LICENSEES UNDER
16 THIS PART.

17 (3) THE OPERATION OF LICENSED ENTITIES AND LICENSED
18 FACILITIES AND THE CONDUCT OF GAMING IN THIS COMMONWEALTH BY
19 ENSURING LICENSED ENTITIES AND LICENSED FACILITIES PROMOTE
20 THE PARTICIPATION OF DIVERSE GROUPS BY AFFORDING EQUAL ACCESS
21 TO EMPLOYMENT OPPORTUNITIES, INCLUDING KEY EMPLOYEE, GAMING
22 EMPLOYEE, AND NONGAMING EMPLOYEE POSITIONS.

23 (4) THE OPERATION OF BUSINESS ENTERPRISES ASSOCIATED
24 WITH OR UTILIZED BY LICENSED ENTITIES AND LICENSED
25 FACILITIES, INCLUDING BUSINESS ENTERPRISES THAT PROVIDE
26 GOODS, PROPERTY AND SERVICES UTILIZED BY SLOT MACHINE
27 LICENSEES IN THIS COMMONWEALTH BY ENSURING THESE BUSINESS
28 ENTERPRISES PROMOTE THE PARTICIPATION OF DIVERSE GROUPS BY
29 AFFORDING EQUAL ACCESS TO EMPLOYMENT OPPORTUNITIES.

30 (5) THE CONSTRUCTION, RENOVATION OR RECONSTRUCTION OF A

1 LICENSED FACILITY BY ENSURING THAT ALL CONTRACTS AND
2 SUBCONTRACTS TO BE AWARDED RELATING TO THE CONSTRUCTION,
3 RENOVATION OR RECONSTRUCTION OF A LICENSED FACILITY CONTAIN
4 ADEQUATE PROVISIONS ENSURING ALL CONTRACTORS OR
5 SUBCONTRACTORS, INCLUDING ANY ASSIGNEES, WILL PROMOTE THE
6 PARTICIPATION OF DIVERSE GROUPS IN ANY PROPOSED CONSTRUCTION,
7 RENOVATION OR RECONSTRUCTION PROJECT BY AFFORDING EQUAL
8 ACCESS TO EMPLOYMENT OPPORTUNITIES.

9 (6) THE RENDERING OF PROFESSIONAL SERVICES TO LICENSED
10 ENTITIES AND LICENSED FACILITIES BY ENSURING LICENSED
11 ENTITIES AND LICENSED FACILITIES PROMOTE THE PARTICIPATION OF
12 DIVERSE GROUPS BY AFFORDING EQUAL ACCESS TO PROFESSIONAL
13 SERVICE CONTRACTUAL OPPORTUNITIES.

14 (B) INVESTIGATIONS.--THE BOARD [IS AUTHORIZED TO] SHALL
15 INVESTIGATE AND CONDUCT [AN ANNUAL STUDY] QUARTERLY REVIEWS TO
16 ASCERTAIN WHETHER EFFECTIVE AND MEANINGFUL ACTION HAS BEEN TAKEN
17 OR WILL BE TAKEN TO [ENHANCE] ACHIEVE THE REPRESENTATION OF
18 DIVERSE GROUPS IN THE OWNERSHIP, PARTICIPATION AND OPERATION OF
19 LICENSED FACILITIES IN THIS COMMONWEALTH, THROUGH THE OWNERSHIP
20 AND OPERATION OF BUSINESS ENTERPRISES ASSOCIATED WITH OR
21 UTILIZED BY SLOT MACHINE AND TABLE GAME LICENSEES, THROUGH THE
22 PROVISION OF GOODS, PROPERTY AND SERVICES UTILIZED BY SLOT
23 MACHINE AND TABLE GAME LICENSEES AND THROUGH EMPLOYMENT
24 OPPORTUNITIES.

25 (C) COMPLETION OF INVESTIGATION.--THE FIRST STUDY SHALL BE
26 COMPLETED SIX MONTHS FOLLOWING THE EFFECTIVE DATE OF THIS PART,
27 IF PRACTICALLY POSSIBLE, AND ANNUALLY THEREAFTER AND SHALL
28 CONTAIN RECOMMENDATIONS WHICH THE BOARD DETERMINES APPROPRIATE.
29 EACH STUDY SHALL CONTAIN, AT A MINIMUM:

30 (1) A DESCRIPTIVE SUMMARY OF THE BOARD'S EFFORTS TO

1 PROMOTE AND ENSURE DIVERSITY IN ALL ASPECTS OF ITS OPERATION.

2 (2) A DESCRIPTIVE SUMMARY OF THE FOLLOWING RELATING TO
3 EACH SLOT MACHINE LICENSEE'S LICENSED FACILITY:

4 (I) EMPLOYMENT AND SALARY RANGE INFORMATION.

5 (II) EMPLOYEE RECRUITMENT AND RETENTION PROGRAMS
6 DESIGNED TO ENSURE THE PARTICIPATION OF DIVERSE GROUPS IN
7 EMPLOYMENT POSITIONS AT THE LICENSED FACILITY.

8 (III) MINORITY-OWNED BUSINESS ENTERPRISE AND WOMEN-
9 OWNED BUSINESS ENTERPRISE CONTRACTING AND SUBCONTRACTING
10 DATA.

11 (D) FACILITY RESPONSIBILITY.--EACH LICENSED FACILITY SHALL
12 PROVIDE INFORMATION AS REQUESTED BY THE BOARD TO ENABLE THE
13 BOARD TO COMPLETE THE STUDY REQUIRED UNDER SUBSECTION (C).

14 (E) DEFINITION.--AS USED IN THIS SECTION THE TERM
15 "PROFESSIONAL SERVICES" MEANS THOSE SERVICES RENDERED TO A
16 LICENSED ENTITY OR LICENSED FACILITY IN THIS COMMONWEALTH,
17 INCLUDING, BUT NOT LIMITED TO:

18 (1) LEGAL SERVICES.

19 (2) ADVERTISING OR PUBLIC RELATIONS SERVICES.

20 (3) ENGINEERING SERVICES.

21 (4) ARCHITECTURAL, LANDSCAPING OR SURVEYING SERVICES.

22 (5) ACCOUNTING, AUDITING OR ACTUARIAL SERVICES.

23 (6) SECURITY CONSULTANT SERVICES.

24 (7) COMPUTER AND INFORMATION TECHNOLOGY SERVICES, EXCEPT
25 TELEPHONE SERVICE.

26 § 1213. LICENSE OR PERMIT PROHIBITION.

27 [NO APPLICANT FOR A LICENSE OR PERMIT UNDER THIS PART,
28 INCLUDING PRINCIPALS AND KEY EMPLOYEES,] THE FOLLOWING APPLY:

29 (1) THE BOARD SHALL BE PROHIBITED FROM GRANTING A
30 PRINCIPAL LICENSE TO A PERSON WHO HAS BEEN CONVICTED OF A

1 FELONY [OR GAMBLING] OFFENSE IN ANY JURISDICTION [SHALL BE
2 ISSUED A LICENSE OR PERMIT UNLESS 15 YEARS HAS ELAPSED FROM
3 THE DATE OF EXPIRATION OF THE SENTENCE FOR THE OFFENSE].

4 (2) [WHEN DETERMINING WHETHER TO ISSUE A LICENSE OR
5 PERMIT TO AN APPLICANT WHO HAS BEEN CONVICTED IN ANY
6 JURISDICTION OF A FELONY OR GAMBLING OFFENSE,] IN ADDITION TO
7 THE PROHIBITION UNDER PARAGRAPH (1), THE BOARD SHALL BE
8 PROHIBITED FROM GRANTING THE FOLLOWING:

9 (I) A PRINCIPAL LICENSE TO A PERSON WHO HAS BEEN
10 CONVICTED OF A GAMBLING OFFENSE IN ANY JURISDICTION THAT
11 IS CLASSIFIED AS A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
12 OF MORE THAN ONE YEAR UNLESS 15 YEARS HAVE ELAPSED FROM
13 THE DATE OF CONVICTION FOR THE OFFENSE.

14 (II) A KEY EMPLOYEE, GAMING EMPLOYEE PERMIT OR
15 LICENSE OTHER THAN A PRINCIPAL LICENSE TO A PERSON WHO
16 HAS BEEN CONVICTED OF A FELONY OFFENSE OR A GAMBLING
17 OFFENSE CLASSIFIED AS A MISDEMEANOR PUNISHABLE BY
18 IMPRISONMENT OF MORE THAN ONE YEAR IN ANY JURISDICTION
19 UNLESS 15 YEARS HAVE ELAPSED FROM THE DATE OF CONVICTION
20 FOR THE OFFENSE.

21 (3) FOLLOWING THE EXPIRATION OF THE PROHIBITION PERIOD
22 UNDER PARAGRAPH (2), IN DETERMINING WHETHER TO ISSUE A
23 LICENSE OR PERMIT UNDER PARAGRAPH (2), THE BOARD SHALL
24 CONSIDER THE FOLLOWING FACTORS:

25 [(1)] (I) THE NATURE AND DUTIES OF THE APPLICANT'S
26 POSITION WITH THE LICENSED ENTITY.

27 [(2)] (II) THE NATURE AND SERIOUSNESS OF THE OFFENSE
28 OR CONDUCT.

29 [(3)] (III) THE CIRCUMSTANCES UNDER WHICH THE
30 OFFENSE OR CONDUCT OCCURRED.

1 [(4)] (IV) THE AGE OF THE APPLICANT WHEN THE OFFENSE
2 OR CONDUCT WAS COMMITTED.

3 [(5)] (V) WHETHER THE OFFENSE OR CONDUCT WAS AN
4 ISOLATED OR A REPEATED INCIDENT.

5 [(6)] (VI) ANY EVIDENCE OF REHABILITATION, INCLUDING
6 GOOD CONDUCT IN THE COMMUNITY, COUNSELING OR PSYCHIATRIC
7 TREATMENT RECEIVED AND THE RECOMMENDATION OF PERSONS WHO
8 HAVE SUBSTANTIAL CONTACT WITH THE APPLICANT.

9 (4) FOR PURPOSES OF THIS SECTION, A FELONY OFFENSE IS AN
10 OFFENSE PUNISHABLE BY IMPRISONMENT FOR MORE THAN FIVE YEARS.

11 SECTION 10.1. TITLE 4 IS AMENDED BY ADDING A SECTION TO
12 READ:

13 § 1214. SPECIFIC AUTHORITY TO SUSPEND SLOT MACHINE LICENSE.

14 (A) CONDITIONS.--ANY SLOT MACHINE LICENSEE THAT IS REQUIRED
15 AS A CONDITION OF SLOT MACHINE LICENSURE TO MAKE ANNUAL PAYMENTS
16 TO A MUNICIPALITY OR MUNICIPAL AUTHORITY FOR AN ECONOMIC
17 DEVELOPMENT PROJECT, INCLUDING ANY PROJECT ENUMERATED IN THE ACT
18 OF JULY 25, 2007 (P.L.342, NO.53), KNOWN AS PENNSYLVANIA GAMING
19 ECONOMIC DEVELOPMENT AND TOURISM FUND CAPITAL BUDGET ITEMIZATION
20 ACT OF 2007, SHALL ENTER INTO A WRITTEN AGREEMENT WITH THE
21 MUNICIPALITY OR MUNICIPAL AUTHORITY AND MAKE THE FIRST ANNUAL
22 PAYMENT REQUIRED UNDER THE AGREEMENT BY OCTOBER 15, 2009.

23 (B) FAILURE TO MEET CONDITIONS.--IF THE SLOT MACHINE
24 LICENSEE AND THE MUNICIPALITY OR MUNICIPAL AUTHORITY FAIL TO
25 ENTER INTO A WRITTEN AGREEMENT, AND THE SLOT MACHINE LICENSEE
26 FAILS TO MAKE THE FIRST REQUIRED ANNUAL PAYMENT UNDER THE
27 WRITTEN AGREEMENT, BY OCTOBER 15, 2009, THE BOARD SHALL
28 IMMEDIATELY SUSPEND THE SLOT MACHINE LICENSE AND APPOINT A
29 TRUSTEE TO OVERSEE THE OPERATIONS OF THE LICENSED GAMING
30 FACILITY. THE TRUSTEE SHALL IMMEDIATELY REMIT THE FIRST REQUIRED

1 ANNUAL PAYMENT TO THE MUNICIPALITY OR MUNICIPAL AUTHORITY ON
2 BEHALF OF THE SLOT MACHINE LICENSEE.

3 (C) TERMS OF LICENSE SUSPENSION.--THE SLOT MACHINE LICENSE
4 SUSPENSION SHALL REMAIN IN EFFECT UNTIL THE SLOT MACHINE
5 LICENSEE AND THE MUNICIPALITY OR MUNICIPAL AUTHORITY EXECUTE A
6 WRITTEN AGREEMENT GOVERNING THE TERMS OF THE REQUIRED ANNUAL
7 PAYMENTS, INCLUDING THE DATE ON WHICH THE PAYMENTS SHALL BE
8 MADE, THE AMOUNT OF EACH ANNUAL PAYMENT AND THE DURATION OF THE
9 ANNUAL PAYMENTS. THE TRUSTEE SHALL ESTABLISH AN ACCOUNT OR
10 ACCOUNTS TO PLACE ALL PROFITS OF THE SLOT MACHINE LICENSEE FROM
11 GAMING OR OTHER REVENUES OF THE SLOT MACHINE LICENSEE'S LICENSED
12 FACILITY UNTIL A WRITTEN AGREEMENT IS EXECUTED BETWEEN THE SLOT
13 MACHINE LICENSEE AND THE MUNICIPALITY OR MUNICIPAL AUTHORITY.

14 (D) VIOLATION OF WRITTEN AGREEMENT.--IF ANY SLOT MACHINE
15 LICENSEE THAT IS REQUIRED AS A CONDITION OF SLOT MACHINE
16 LICENSURE TO MAKE ANNUAL PAYMENTS TO A MUNICIPALITY OR MUNICIPAL
17 AUTHORITY FOR AN ECONOMIC DEVELOPMENT PROJECT, INCLUDING ANY
18 PROJECT ENUMERATED IN THE PENNSYLVANIA GAMING ECONOMIC
19 DEVELOPMENT AND TOURISM FUND CAPITAL BUDGET ITEMIZATION ACT OF
20 2007, FAILS TO MAKE ANY REQUIRED PAYMENT IN ACCORDANCE WITH THE
21 TERMS OF ANY WRITTEN AGREEMENT BETWEEN THE SLOT MACHINE LICENSEE
22 AND THE MUNICIPALITY OR MUNICIPAL AUTHORITY GOVERNING THE
23 ECONOMIC DEVELOPMENT PROJECT, THE BOARD SHALL IMMEDIATELY
24 SUSPEND THE SLOT MACHINE LICENSE AND APPOINT A TRUSTEE TO
25 OVERSEE THE OPERATIONS OF THE LICENSED GAMING FACILITY. THE
26 TRUSTEE SHALL CONTINUE TO MAKE PAYMENTS TO THE MUNICIPALITY OR
27 MUNICIPAL AUTHORITY ACCORDING TO THE TERMS OF THE WRITTEN
28 AGREEMENT AND ESTABLISH AN ACCOUNT OR ACCOUNTS TO PLACE THE
29 PROFITS OF THE SLOT MACHINE LICENSEE FROM GAMING OR OTHER
30 REVENUES OF THE SLOT MACHINE LICENSEE'S LICENSED FACILITY

1 PENDING RESOLUTION OF THE PAYMENT ISSUE BETWEEN THE SLOT MACHINE
2 LICENSEE AND THE MUNICIPALITY OR MUNICIPAL AUTHORITY.

3 SECTION 10.2. SECTION 1305(A)(1), (C), (D) AND (E) OF TITLE
4 ARE AMENDED TO READ:

5 § 1305. CATEGORY 3 SLOT MACHINE LICENSE.

6 (A) ELIGIBILITY.--

7 (1) A PERSON MAY BE ELIGIBLE TO APPLY FOR A CATEGORY 3
8 LICENSE IF THE APPLICANT, ITS AFFILIATE, INTERMEDIARY,
9 SUBSIDIARY OR HOLDING COMPANY HAS NOT APPLIED FOR OR BEEN
10 APPROVED OR ISSUED A CATEGORY 1 OR 2 LICENSE AND THE PERSON
11 IS SEEKING TO LOCATE A CATEGORY 3 LICENSED FACILITY IN A
12 WELL-ESTABLISHED RESORT HOTEL HAVING NO FEWER THAN 275 GUEST
13 ROOMS UNDER COMMON OWNERSHIP AND HAVING SUBSTANTIAL YEAR-
14 ROUND RECREATIONAL GUEST AMENITIES. THE APPLICANT FOR A
15 CATEGORY 3 LICENSE SHALL BE THE OWNER OR BE A WHOLLY OWNED
16 SUBSIDIARY OF THE OWNER OF THE ESTABLISHED RESORT HOTEL. [A
17 CATEGORY 3 LICENSE MAY ONLY BE GRANTED UPON THE EXPRESS
18 CONDITION THAT AN INDIVIDUAL MAY NOT ENTER A GAMING AREA OF
19 THE LICENSEE IF THE INDIVIDUAL IS NOT A REGISTERED OVERNIGHT
20 GUEST OF THE ESTABLISHED RESORT HOTEL OR IF THE INDIVIDUAL IS
21 NOT A PATRON OF ONE OR MORE OF THE AMENITIES PROVIDED BY THE
22 ESTABLISHED RESORT HOTEL.]

23 * * *

24 (C) NUMBER OF SLOT MACHINES.--NOTWITHSTANDING THE NUMBER OF
25 PERMISSIBLE SLOT MACHINES AS SET FORTH IN SECTION 1210 (RELATING
26 TO NUMBER OF SLOT MACHINES), A CATEGORY 3 LICENSE GRANTED UNDER
27 THE PROVISIONS OF THIS SECTION SHALL ENTITLE THE LICENSED ENTITY
28 TO OPERATE NO MORE THAN 500 SLOT MACHINES AT THE LICENSED
29 FACILITY, PROVIDED, HOWEVER, THE BOARD MAY INCREASE THE NUMBER
30 OF SLOT MACHINES BY A NUMBER NOT TO EXCEED 1,000 SLOT MACHINES

1 IN THE AGGREGATE UPON GOOD CAUSE SHOWN BY THE SLOT MACHINE
2 LICENSEE AND PAYMENT OF THE ADDITIONAL FEE PURSUANT TO
3 SUBSECTION (D).

4 (D) CATEGORY 3 LICENSE FEE.--NOTWITHSTANDING THE ONE-TIME
5 SLOT MACHINE LICENSE FEE AS SET FORTH IN SECTION 1209 (RELATING
6 TO SLOT MACHINE LICENSE FEE), THE BOARD SHALL IMPOSE A ONE-TIME
7 CATEGORY 3 LICENSE FEE TO BE PAID BY EACH SUCCESSFUL APPLICANT
8 IN THE AMOUNT OF \$5,000,000 TO BE DEPOSITED IN THE STATE GAMING
9 FUND. IF THE BOARD AUTHORIZES THE OPERATION OF MORE THAN 500
10 SLOT MACHINES AT A CATEGORY 3 FACILITY PURSUANT TO SUBSECTION
11 (C), THE BOARD SHALL IMPOSE A ONE-TIME FEE IN THE AMOUNT OF
12 \$5,000,000 FOR EACH ADDITIONAL 250 SLOT MACHINES. THE FEE FOR
13 THE ADDITIONAL SLOT MACHINES SHALL BE IN ADDITION TO THE
14 \$5,000,000 FEE REQUIRED TO OPERATE 500 SLOT MACHINES PURSUANT TO
15 SUBSECTION (C) AND SHALL BE DEPOSITED INTO THE GENERAL FUND. THE
16 PROVISIONS OF SECTION 1209 RELATING TO TERM, CREDIT AGAINST TAX
17 FOR SLOT MACHINE LICENSEES, DEPOSIT OF LICENSE FEE AND CHANGE OF
18 OWNERSHIP OR CONTROL OF A LICENSE SHALL BE APPLICABLE TO A
19 CATEGORY 3 LICENSE FEE.

20 (E) DEFINITIONS.--FOR THE PURPOSE OF SUBSECTION (A), THE
21 FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANING GIVEN TO THEM
22 IN THIS SUBSECTION:

23 "AMENITIES." ANY ANCILLARY ACTIVITIES, SERVICES OR
24 FACILITIES IN WHICH A REGISTERED GUEST OR THE TRANSIENT PUBLIC[,
25 IN RETURN FOR NON-DE MINIMIS CONSIDERATION AS DEFINED BY BOARD
26 REGULATION,] MAY PARTICIPATE AT A RESORT HOTEL, INCLUDING, BUT
27 NOT LIMITED TO, SPORTS AND RECREATIONAL ACTIVITIES AND
28 FACILITIES SUCH AS A GOLF COURSE OR GOLF DRIVING RANGE, TENNIS
29 COURTS OR SWIMMING POOL; HEALTH SPA; CONVENTION, MEETING AND
30 BANQUET FACILITIES; ENTERTAINMENT FACILITIES; AND RESTAURANT

1 FACILITIES.

2 ["PATRON OF THE AMENITIES." ANY INDIVIDUAL WHO IS A
3 REGISTERED ATTENDEE OF A CONVENTION, MEETING OR BANQUET EVENT OR
4 A PARTICIPANT IN A SPORT OR RECREATIONAL EVENT OR ANY OTHER
5 SOCIAL, CULTURAL OR BUSINESS EVENT HELD AT A RESORT HOTEL OR WHO
6 PARTICIPATES IN ONE OR MORE OF THE AMENITIES PROVIDED TO
7 REGISTERED GUESTS OF THE RESORT HOTEL.]

8 SECTION 10.3. SECTION 1308 OF TITLE 4 IS AMENDED BY ADDING A
9 SUBSECTION TO READ:

10 § 1308. APPLICATIONS FOR LICENSE OR PERMIT.

11 * * *

12 (A.1) SUBMISSION OF INFORMATION.--NOTWITHSTANDING THE
13 PROVISIONS OF 18 PA.C.S. § 9124(B) (RELATING TO USE OF RECORDS
14 BY LICENSING AGENCIES), AN APPLICATION FOR A LICENSE OR PERMIT
15 UNDER THIS PART SHALL INCLUDE ALL ARRESTS AND CONVICTIONS OF THE
16 APPLICANT. THE INFORMATION SHALL INCLUDE:

17 (1) A BRIEF DESCRIPTION OF THE CIRCUMSTANCES SURROUNDING
18 THE ARREST.

19 (2) THE SPECIFIC OFFENSE CHARGED.

20 (3) THE ULTIMATE DISPOSITION OF THE CHARGES, INCLUDING
21 THE DETAILS OF ANY DISMISSAL, PLEA BARGAIN, CONVICTION OR
22 SENTENCE, INCLUDING ANY PARDON, EXPUNGEMENT OR ORDER OF
23 ACCELERATED REHABILITATIVE DISPOSITION.

24 * * *

25 SECTION 10.4. SECTIONS 1310 AND 1313(C) OF TITLE 4 ARE
26 AMENDED TO READ:

27 § 1310. SLOT MACHINE LICENSE APPLICATION CHARACTER
28 REQUIREMENTS.

29 (A) APPLICATION.--

30 (1) EVERY APPLICATION FOR A SLOT MACHINE LICENSE SHALL

1 INCLUDE SUCH INFORMATION, DOCUMENTATION AND ASSURANCES AS MAY
2 BE REQUIRED TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THE
3 APPLICANT'S SUITABILITY, INCLUDING GOOD CHARACTER, HONESTY
4 AND INTEGRITY. INFORMATION SHALL INCLUDE, WITHOUT LIMITATION,
5 INFORMATION PERTAINING TO FAMILY, HABITS, CHARACTER,
6 REPUTATION, CRIMINAL HISTORY BACKGROUND, BUSINESS ACTIVITIES,
7 FINANCIAL AFFAIRS AND BUSINESS, PROFESSIONAL AND PERSONAL
8 ASSOCIATES, COVERING AT LEAST THE TEN-YEAR PERIOD IMMEDIATELY
9 PRECEDING THE FILING DATE OF THE APPLICATION.

10 (2) NOTWITHSTANDING 18 PA.C.S. § 9124(B) (RELATING TO
11 USE OF RECORDS BY LICENSING AGENCIES), A CONVICTION THAT HAS
12 BEEN EXPUNGED OR OVERTURNED, OR FOR WHICH A PERSON HAS BEEN
13 PARDONED OR AN ORDER OF ACCELERATED REHABILITATIVE
14 DISPOSITION HAS BEEN ISSUED, SHALL BE INCLUDED WITH AN
15 APPLICATION AND SHALL BE CONSIDERED BY THE BOARD AS PART OF
16 THE REVIEW OF THE APPLICANT'S SUITABILITY UNDER PARAGRAPH
17 (1).

18 (B) CIVIL JUDGMENTS AND LAW ENFORCEMENT AGENCY
19 INFORMATION.--EACH APPLICANT SHALL NOTIFY THE BOARD OF ANY CIVIL
20 JUDGMENTS OBTAINED AGAINST THE APPLICANT PERTAINING TO ANTITRUST
21 OR SECURITY REGULATION LAWS OF THE FEDERAL GOVERNMENT, THIS
22 COMMONWEALTH OR ANY OTHER STATE, JURISDICTION, PROVINCE OR
23 COUNTRY. IN ADDITION, EACH APPLICANT SHALL PRODUCE A LETTER OF
24 REFERENCE FROM LAW ENFORCEMENT AGENCIES HAVING JURISDICTION IN
25 THE APPLICANT'S PLACE OF RESIDENCE AND PRINCIPAL PLACE OF
26 BUSINESS, WHICH LETTER OF REFERENCE SHALL INDICATE THAT THE LAW
27 ENFORCEMENT AGENCIES DO NOT HAVE ANY PERTINENT INFORMATION
28 CONCERNING THE APPLICANT OR, IF THE LAW ENFORCEMENT AGENCY DOES
29 HAVE INFORMATION PERTAINING TO THE APPLICANT, SHALL SPECIFY THE
30 NATURE AND CONTENT OF THAT INFORMATION. IF NO LETTERS ARE

1 RECEIVED WITHIN 30 DAYS OF THE REQUEST, THE APPLICANT MAY SUBMIT
2 A STATEMENT UNDER OATH WHICH IS SUBJECT TO THE PENALTY FOR FALSE
3 SWEARING UNDER 18 PA.C.S. § 4903 (RELATING TO FALSE SWEARING)
4 THAT THE APPLICANT IS OR WAS DURING THE PERIOD THE ACTIVITIES
5 WERE CONDUCTED IN GOOD STANDING WITH THE GAMING OR CASINO
6 ENFORCEMENT OR CONTROL AGENCY.

7 (C) GAMING OR CASINO ENFORCEMENT AGENCY INFORMATION.--IF THE
8 APPLICANT HAS HELD A GAMING LICENSE IN A JURISDICTION WHERE
9 GAMING ACTIVITIES ARE PERMITTED, THE APPLICANT SHALL PRODUCE A
10 LETTER OF REFERENCE FROM THE GAMING OR CASINO ENFORCEMENT OR
11 CONTROL AGENCY WHICH SHALL SPECIFY THE EXPERIENCES OF THAT
12 AGENCY WITH THE APPLICANT, THE APPLICANT'S ASSOCIATES AND THE
13 APPLICANT'S GAMING OPERATION. IF NO LETTERS ARE RECEIVED WITHIN
14 30 DAYS OF THE REQUEST, THE APPLICANT MAY SUBMIT A STATEMENT
15 UNDER OATH WHICH IS SUBJECT TO THE PENALTY FOR FALSE SWEARING
16 UNDER 18 PA.C.S. § 4903 THAT THE APPLICANT IS OR WAS DURING THE
17 PERIOD THE ACTIVITIES WERE CONDUCTED IN GOOD STANDING WITH THE
18 GAMING OR CASINO ENFORCEMENT OR CONTROL AGENCY.

19 (D) AGENCY RECORDS.--EACH APPLICANT FOR A SLOT MACHINE
20 LICENSE, PRINCIPAL LICENSE OR KEY EMPLOYEE LICENSE SHALL BE
21 REQUIRED TO APPLY TO THE FEDERAL AGENCY DEEMED APPROPRIATE BY
22 THE BOARD FOR AGENCY RECORDS UNDER THE FREEDOM OF INFORMATION
23 ACT (PUBLIC LAW 89-554, 5 U.S.C. § 522) PERTAINING TO THE
24 APPLICANT AND PROVIDE THE BOARD WITH THE COMPLETE RECORD
25 RECEIVED FROM THE FEDERAL AGENCY. THE BOARD MAY ISSUE A LICENSE
26 TO THE APPLICANT PRIOR TO THE RECEIPT OF INFORMATION UNDER THIS
27 SUBSECTION.

28 § 1313. SLOT MACHINE LICENSE APPLICATION FINANCIAL FITNESS
29 REQUIREMENTS.

30 * * *

1 (C) APPLICANT'S ABILITY TO PAY LICENSE FEE.--THE BOARD SHALL
2 REQUIRE EACH APPLICANT FOR A CATEGORY 1 OR 2 SLOT MACHINE
3 LICENSE AT THE TIME OF APPLICATION TO POST A LETTER OF CREDIT OR
4 BOND IN THE AMOUNT OF \$50,000,000 TO DEMONSTRATE THE FINANCIAL
5 ABILITY TO PAY THE SLOT MACHINE LICENSE FEE AS REQUIRED IN
6 SECTION 1209 (RELATING TO SLOT MACHINE LICENSE FEE) IF ISSUED A
7 SLOT MACHINE LICENSE BY THE BOARD. EACH APPLICANT FOR A CATEGORY
8 3 SLOT MACHINE LICENSE AT THE TIME OF APPLICATION SHALL BE
9 REQUIRED TO POST A LETTER OF CREDIT OR BOND IN THE AMOUNT OF
10 \$5,000,000 TO DEMONSTRATE THE FINANCIAL ABILITY TO PAY THE
11 CATEGORY 3 SLOT MACHINE LICENSE FEE AS REQUIRED IN SECTION 1305
12 (RELATING TO CATEGORY 3 SLOT MACHINE LICENSE) IF ISSUED A SLOT
13 MACHINE LICENSE BY THE BOARD. EACH CATEGORY 3 SLOT MACHINE
14 LICENSEE THAT SEEKS TO INCREASE THE NUMBER OF SLOT MACHINES IN
15 OPERATION AT THE LICENSED FACILITY PURSUANT TO SECTION 1305(C)
16 (RELATING TO CATEGORY 3 SLOT MACHINE LICENSE) SHALL BE REQUIRED
17 TO POST A LETTER OF CREDIT OR BOND IN THE AMOUNT OF \$5,000,000
18 TO DEMONSTRATE THE FINANCIAL ABILITY TO PAY THE ADDITIONAL
19 CATEGORY 3 SLOT MACHINE LICENSE FEE AS REQUIRED IN SECTION
20 1305(D).

21 * * *

22 SECTION 10.5. SECTIONS 1317(A) AND (C) AND 1317.1(A), (B)
23 (5), (C), (D.1) AND (E) OF TITLE 4 ARE AMENDED AND THE SECTIONS
24 ARE AMENDED BY ADDING SUBSECTIONS TO READ:

25 § 1317. SUPPLIER LICENSES.

26 (A) APPLICATION.--A MANUFACTURER THAT ELECTS TO CONTRACT
27 WITH A SUPPLIER UNDER SECTION 1317.1(D.1) (RELATING TO
28 MANUFACTURER LICENSES) SHALL ENSURE THAT THE SUPPLIER IS
29 LICENSED UNDER THIS SECTION. A PERSON SEEKING TO PROVIDE SLOT
30 MACHINES, TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT TO A SLOT

1 MACHINE LICENSEE WITHIN THIS COMMONWEALTH THROUGH A CONTRACT
2 WITH A LICENSED MANUFACTURER SHALL APPLY TO THE BOARD FOR A
3 SUPPLIER LICENSE.

4 * * *

5 (C) REVIEW AND APPROVAL.--UPON BEING SATISFIED THAT THE
6 REQUIREMENTS OF SUBSECTION (B) HAVE BEEN MET OR WAIVED UNDER
7 SUBSECTION (C.1), THE BOARD MAY APPROVE THE APPLICATION AND
8 ISSUE THE APPLICANT A SUPPLIER LICENSE CONSISTENT WITH ALL OF
9 THE FOLLOWING:

10 (1) [THE LICENSE SHALL BE FOR A PERIOD OF ONE YEAR. UPON
11 EXPIRATION, THE LICENSE MAY BE RENEWED IN ACCORDANCE WITH
12 SUBSECTION (D)] THE INITIAL LICENSE SHALL BE FOR A PERIOD OF
13 ONE YEAR AND SHALL BE SUBJECT TO RENEWAL ANNUALLY UNDER
14 SUBSECTION (D) FOR TWO CONSECUTIVE ONE-YEAR PERIODS FOLLOWING
15 THE INITIAL ISSUANCE. THEREAFTER, A LICENSE SHALL BE SUBJECT
16 TO RENEWAL EVERY THREE YEARS. NOTHING IN THIS PARAGRAPH SHALL
17 RELIEVE THE LICENSEE OF THE AFFIRMATIVE DUTY TO NOTIFY THE
18 BOARD OF ANY CHANGES RELATING TO THE STATUS OF ITS LICENSE OR
19 TO ANY INFORMATION CONTAINED IN APPLICATION MATERIALS ON FILE
20 WITH THE BOARD.

21 * * *

22 (C.1) WAIVER.--THE BOARD SHALL ESTABLISH STANDARDS AND A
23 PROCEDURE TO ALLOW THE BOARD TO WAIVE THE REQUIREMENTS OF THIS
24 SECTION FOR ANY PERSON WHO HOLDS A SUPPLIER LICENSE UNDER THIS
25 SECTION AND WHO SEEKS TO SUPPLY TABLE GAME DEVICES OR ASSOCIATED
26 EQUIPMENT. THE BOARD MAY ONLY WAIVE THE REQUIREMENTS OF THIS
27 SECTION IF:

28 (1) THE SUPPLIER LICENSE WAS ISSUED BY THE BOARD WITHIN
29 A 36-MONTH PERIOD IMMEDIATELY PRECEDING THE DATE THE SUPPLIER
30 LICENSEE FILES AN INITIAL APPLICATION TO SUPPLY TABLE GAME

1 DEVICES OR ASSOCIATED EQUIPMENT.

2 (2) THE PERSON TO WHOM THE SUPPLIER LICENSE WAS ISSUED
3 AFFIRMS THERE HAS BEEN NO MATERIAL CHANGE IN CIRCUMSTANCES
4 RELATING TO THE LICENSE.

5 (3) THE BOARD DETERMINES THERE HAS BEEN NO MATERIAL
6 CHANGE IN CIRCUMSTANCES RELATING TO THE LICENSE THAT
7 NECESSITATES, AT THE DISCRETION OF THE BOARD, THAT THE
8 REQUIREMENTS OF THIS SECTION NOT BE WAIVED.

9 * * *

10 § 1317.1. MANUFACTURER LICENSES.

11 (A) APPLICATION.--A PERSON SEEKING TO MANUFACTURE SLOT
12 MACHINES, TABLE GAME DEVICES AND ASSOCIATED EQUIPMENT FOR USE IN
13 THIS COMMONWEALTH SHALL APPLY TO THE BOARD FOR A MANUFACTURER
14 LICENSE.

15 (B) REQUIREMENTS.--AN APPLICATION FOR A MANUFACTURER LICENSE
16 SHALL BE ON THE FORM REQUIRED BY THE BOARD, ACCOMPANIED BY THE
17 APPLICATION FEE, AND SHALL INCLUDE ALL OF THE FOLLOWING:

18 * * *

19 (5) THE TYPE OF SLOT MACHINES, TABLE GAME DEVICES OR
20 ASSOCIATED EQUIPMENT TO BE MANUFACTURED OR REPAIRED.

21 (C) REVIEW AND APPROVAL.--UPON BEING SATISFIED THAT THE
22 REQUIREMENTS OF SUBSECTION (B) HAVE BEEN MET OR WAIVED UNDER
23 SUBSECTION (C.1), THE BOARD MAY APPROVE THE APPLICATION AND
24 GRANT THE APPLICANT A MANUFACTURER LICENSE CONSISTENT WITH ALL
25 OF THE FOLLOWING:

26 (1) [THE LICENSE SHALL BE FOR A PERIOD OF ONE YEAR. UPON
27 EXPIRATION, A LICENSE MAY BE RENEWED IN ACCORDANCE WITH
28 SUBSECTION (D)] THE INITIAL LICENSE SHALL BE FOR A PERIOD OF
29 ONE YEAR AND SHALL BE SUBJECT TO RENEWAL ANNUALLY UNDER
30 SUBSECTION (D) FOR TWO CONSECUTIVE ONE-YEAR PERIODS FOLLOWING

1 THE INITIAL ISSUANCE. THEREAFTER, A LICENSE SHALL BE SUBJECT
2 TO RENEWAL EVERY THREE YEARS. NOTHING IN THIS PARAGRAPH SHALL
3 RELIEVE THE LICENSEE OF THE AFFIRMATIVE DUTY TO NOTIFY THE
4 BOARD OF ANY CHANGES RELATING TO THE STATUS OF ITS LICENSE OR
5 TO ANY OTHER INFORMATION CONTAINED IN APPLICATION MATERIALS
6 ON FILE WITH THE BOARD.

7 (2) THE LICENSE SHALL BE NONTRANSFERABLE.

8 (3) ANY OTHER CONDITION ESTABLISHED BY THE BOARD.

9 (C.1) WAIVER.--THE BOARD SHALL ESTABLISH STANDARDS AND A
10 PROCEDURE TO ALLOW THE BOARD TO WAIVE THE REQUIREMENTS OF THIS
11 SECTION FOR ANY PERSON WHO HOLDS A MANUFACTURER LICENSE UNDER
12 THIS SECTION AND WHO SEEKS TO MANUFACTURE TABLE GAME DEVICES OR
13 ASSOCIATED EQUIPMENT. THE BOARD MAY ONLY WAIVE THE APPLICATION
14 REQUIREMENT UNDER THIS SECTION IF:

15 (1) THE MANUFACTURER LICENSE WAS ISSUED BY THE BOARD
16 WITHIN A 36-MONTH PERIOD IMMEDIATELY PRECEDING THE DATE THE
17 MANUFACTURER LICENSEE FILES AN APPLICATION TO MANUFACTURE
18 TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT.

19 (2) THE PERSON TO WHOM THE MANUFACTURER LICENSE WAS
20 ISSUED AFFIRMS THERE HAS BEEN NO MATERIAL CHANGE IN
21 CIRCUMSTANCES RELATING TO THE LICENSE.

22 (3) THE BOARD DETERMINES THERE HAS BEEN NO MATERIAL
23 CHANGE IN CIRCUMSTANCES OF THE LICENSEE THAT NECESSITATES, AT
24 THE DISCRETION OF THE BOARD, THAT THE REQUIREMENTS OF THIS
25 SECTION NOT BE WAIVED.

26 * * *

27 (D.1) AUTHORITY.--THE FOLLOWING SHALL APPLY TO A LICENSED
28 MANUFACTURER:

29 (1) A LICENSED MANUFACTURER OR ITS DESIGNEE, AS LICENSED
30 BY THE BOARD, MAY SUPPLY OR REPAIR ANY SLOT MACHINE, TABLE

1 GAME DEVICE OR ASSOCIATED EQUIPMENT MANUFACTURED BY THE
2 LICENSED MANUFACTURER.

3 (2) A MANUFACTURER MAY CONTRACT WITH A SUPPLIER UNDER
4 SECTION 1317 (RELATING TO SUPPLIER LICENSES) TO PROVIDE SLOT
5 MACHINES OR ASSOCIATED EQUIPMENT TO A SLOT MACHINE LICENSEE
6 WITHIN THIS COMMONWEALTH.

7 (3) A MANUFACTURER MAY CONTRACT WITH A SUPPLIER UNDER
8 SECTION 1317 TO PROVIDE TABLE GAMES OR ASSOCIATED EQUIPMENT
9 TO A CERTIFICATE HOLDER.

10 (E) PROHIBITIONS.--

11 (1) NO PERSON MAY MANUFACTURE SLOT MACHINES, TABLE GAME
12 DEVICES OR ASSOCIATED EQUIPMENT FOR USE WITHIN THIS
13 COMMONWEALTH BY A SLOT MACHINE LICENSEE UNLESS THE PERSON HAS
14 BEEN ISSUED A MANUFACTURER LICENSE AS REQUIRED UNDER THIS
15 SECTION.

16 (2) NO SLOT MACHINE LICENSEE MAY USE SLOT MACHINES, TABLE
17 GAME DEVICES OR ASSOCIATED EQUIPMENT UNLESS THE SLOT
18 MACHINES, TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT WERE
19 MANUFACTURED BY A PERSON THAT HAS BEEN ISSUED A MANUFACTURER
20 LICENSE UNDER THIS SECTION.

21 (3) NO PERSON ISSUED A LICENSE UNDER THIS SECTION SHALL
22 APPLY FOR OR BE ISSUED A LICENSE UNDER SECTION 1317.

23 (4) NO LIMITATION SHALL BE PLACED ON THE NUMBER OF
24 MANUFACTURER LICENSES ISSUED OR THE TIME PERIOD TO SUBMIT
25 APPLICATIONS FOR LICENSURE, EXCEPT AS REQUIRED TO COMPLY WITH
26 SECTION 1306 (RELATING TO ORDER OF INITIAL LICENSE ISSUANCE).

27 SECTION 10.6. TITLE 4 IS AMENDED BY ADDING A SECTION TO

28 READ:

29 § 1317.2. GAMING SERVICE PROVIDER.

30 (A) DEVELOPMENT OF CLASSIFICATION SYSTEM.--THE BOARD SHALL

1 DEVELOP UNIFORM STANDARDS AND PROCEDURES GOVERNING THE
2 REGISTRATION OF GAMING SERVICE PROVIDERS. EACH APPLICANT AND ALL
3 INDIVIDUALS AND ENTITIES ASSOCIATED WITH THE APPLICANT FOR
4 AUTHORIZATION TO ACT AS A GAMING SERVICE PROVIDER SHALL SUBMIT
5 TO A BACKGROUND INVESTIGATION. THE CLASSIFICATION SYSTEM
6 DEVELOPED BY THE BOARD SHALL BE BASED UPON THE FOLLOWING:

7 (1) THE MONETARY VALUE OR AMOUNT OF BUSINESS CONDUCTED
8 OR EXPECTED TO BE CONDUCTED BY THE GAMING SERVICE PROVIDER
9 WITH AN APPLICANT FOR A SLOT MACHINE LICENSEE OR A SLOT
10 MACHINE LICENSEE IN ANY CONSECUTIVE 12-MONTH PERIOD.

11 (2) WHETHER THE EMPLOYEES OF THE GAMING SERVICE PROVIDER
12 WILL HAVE ACCESS TO THE GAMING FLOOR OR THE RESTRICTED AREA
13 OF A LICENSED FACILITY.

14 (3) THE BOARD'S ANALYSIS OF THE GOODS, PROPERTY OR
15 SERVICE PROVIDED OR TO BE PROVIDED BY THE GAMING SERVICE
16 PROVIDER IN ORDER TO ENSURE THE INTEGRITY OF GAMING.

17 (B) AUTHORITY TO EXEMPT.--THE BOARD MAY EXEMPT ANY PERSON OR
18 FIELD OF COMMERCE FROM THE REQUIREMENTS OF THIS SECTION IF THE
19 BOARD DETERMINES THE FOLLOWING:

20 (1) THE PERSON OR FIELD OF COMMERCE IS REGULATED BY AN
21 AGENCY OF THE FEDERAL GOVERNMENT OR AN AGENCY OF THE
22 COMMONWEALTH.

23 (2) REGULATION OF THE PERSON OR FIELD OF COMMERCE IS
24 DETERMINED NOT TO BE NECESSARY IN ORDER TO PROTECT THE PUBLIC
25 INTEREST OR THE INTEGRITY OF GAMING.

26 (C) DUTIES OF GAMING SERVICE PROVIDERS.--EACH GAMING SERVICE
27 PROVIDER SHALL HAVE A CONTINUING DUTY TO:

28 (1) PROVIDE ALL INFORMATION, DOCUMENTATION AND
29 ASSURANCES AS THE BOARD MAY REQUIRE.

30 (2) COOPERATE WITH THE BOARD IN INVESTIGATIONS, HEARINGS

1 AND ENFORCEMENT AND DISCIPLINARY ACTIONS.

2 (3) COMPLY WITH ALL CONDITIONS, RESTRICTIONS,
3 REQUIREMENTS, ORDERS AND RULINGS OF THE BOARD IN ACCORDANCE
4 WITH THIS PART.

5 (4) REPORT ANY CHANGE IN CIRCUMSTANCES THAT MAY RENDER
6 THE GAMING SERVICE PROVIDER INELIGIBLE, UNQUALIFIED OR
7 UNSUITABLE FOR CONTINUED LICENSURE.

8 (D) REQUIREMENT FOR PERMIT.--THE BOARD MAY REQUIRE EMPLOYEES
9 OF A GAMING SERVICE PROVIDER TO OBTAIN A PERMIT OR OTHER
10 AUTHORIZATION IF, AFTER AN ANALYSIS OF DUTIES, RESPONSIBILITIES
11 AND FUNCTIONS, THE BOARD DETERMINES THAT A PERMIT OR OTHER
12 AUTHORIZATION IS NECESSARY TO PROTECT THE INTEGRITY OF GAMING.

13 (E) INTERIM AUTHORIZATION.--THE BOARD OR A DESIGNATED
14 EMPLOYEE OF THE BOARD MAY PERMIT A GAMING SERVICE PROVIDER
15 APPLICANT TO ENGAGE IN BUSINESS WITH AN APPLICANT FOR A SLOT
16 MACHINE LICENSE OR A SLOT MACHINE LICENSEE PRIOR TO APPROVAL OF
17 THE GAMING SERVICE PROVIDER APPLICATION IF THE FOLLOWING
18 CRITERIA HAVE BEEN SATISFIED:

19 (1) A COMPLETED APPLICATION HAS BEEN FILED WITH THE
20 BOARD BY THE GAMING SERVICE PROVIDER.

21 (2) THE SLOT MACHINE APPLICANT OR SLOT MACHINE LICENSEE
22 CONTRACTING OR DOING BUSINESS WITH THE GAMING SERVICE
23 PROVIDER CERTIFIES THAT IT HAS PERFORMED DUE DILIGENCE ON THE
24 GAMING SERVICE PROVIDER AND BELIEVES THAT THE APPLICANT MEETS
25 THE QUALIFICATION TO BE A GAMING SERVICE PROVIDER PURSUANT TO
26 THIS SECTION.

27 (3) THE GAMING SERVICE PROVIDER APPLICANT AGREES IN
28 WRITING THAT THE GRANT OF INTERIM AUTHORIZATION TO CONDUCT
29 BUSINESS PRIOR TO BOARD APPROVAL OF ITS APPLICATION DOES NOT
30 CREATE A RIGHT TO CONTINUE TO ENGAGE IN BUSINESS IF THE BOARD

1 DETERMINES THAT THE APPLICANT IS NOT SUITABLE AND INTERIM
2 AUTHORIZATION IS NOT IN THE PUBLIC INTEREST.

3 (F) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
4 CONSTRUED TO PROHIBIT THE BOARD FROM RESCINDING A GRANT OF
5 INTERIM AUTHORIZATION IF, AT ANY TIME, THE SUITABILITY OF THE
6 PERSON SUBJECT TO INTERIM AUTHORIZATION IS AT ISSUE OR IF THE
7 PERSON FAILS TO COOPERATE WITH THE BOARD, THE BUREAU OR AN AGENT
8 OF THE BOARD OR BUREAU.

9 (G) PROVIDER LISTS.--THE BOARD SHALL:

10 (1) DEVELOP AND MAINTAIN A LIST OF APPROVED GAMING
11 SERVICE PROVIDERS AND A LIST OF GAMING SERVICE PROVIDERS WHO
12 ARE AUTHORIZED TO PROVIDE GOODS, PROPERTY OR SERVICES UNDER A
13 GRANT OF INTERIM AUTHORIZATION PURSUANT TO SUBSECTION (E) (3).

14 (2) DEVELOP AND MAINTAIN A LIST OF PROHIBITED GAMING
15 SERVICE PROVIDERS. AN APPLICANT FOR A SLOT MACHINE LICENSE OR
16 A SLOT MACHINE LICENSEE MAY NOT ENTER INTO AN AGREEMENT OR
17 CONTINUE TO ENGAGE IN BUSINESS WITH A GAMING SERVICE PROVIDER
18 LISTED ON THE PROHIBITED GAMING SERVICE PROVIDER LIST.

19 (H) EMERGENCY AUTHORIZATION.--A SLOT MACHINE LICENSEE MAY
20 UTILIZE A GAMING SERVICE PROVIDER THAT HAS NOT BEEN APPROVED BY
21 THE BOARD WHEN A THREAT TO PUBLIC HEALTH, WELFARE OR SAFETY
22 EXISTS OR CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SLOT MACHINE
23 LICENSEE REQUIRE IMMEDIATE ACTION TO PROTECT THE PUBLIC
24 INTEREST. THE BOARD SHALL PROMULGATE REGULATIONS TO GOVERN THE
25 USE OF GAMING SERVICE PROVIDERS UNDER EMERGENCY CIRCUMSTANCES.

26 (I) CRIMINAL HISTORY RECORD INFORMATION.--IF THE
27 CLASSIFICATION SYSTEM DEVELOPED BY THE BOARD IN ACCORDANCE WITH
28 SUBSECTION (A) REQUIRES A GAMING SERVICE PROVIDER OR AN EMPLOYEE
29 OF A GAMING SERVICE PROVIDER TO SUBMIT TO OR PROVIDE THE BUREAU
30 WITH A CRIMINAL HISTORY RECORD CHECK UNDER 18 PA.C.S. CH. 91

1 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), THE BUREAU
2 SHALL NOTIFY THE SLOT MACHINE LICENSEE THAT SUBMITTED AND
3 VERIFIED THE APPLICATION OF A PERSON IF THE PERSON'S APPLICATION
4 HAS BEEN DENIED OR THE PERSON'S APPROVAL OR AUTHORIZATION TO
5 PROVIDE GOODS, PROPERTY OR SERVICES HAS BEEN REVOKED OR
6 SUSPENDED, INCLUDING THE REASON FOR THE ACTION TAKEN.

7 SECTION 10.7. SECTIONS 1318(C) AND 1319 OF TITLE 4 ARE
8 AMENDED TO READ:

9 § 1318. OCCUPATION PERMIT APPLICATION.

10 * * *

11 (C) PROHIBITION.--NO SLOT MACHINE LICENSEE MAY EMPLOY OR
12 PERMIT ANY PERSON UNDER 18 YEARS OF AGE TO RENDER ANY SERVICE
13 WHATSOEVER IN ANY AREA OF ITS LICENSED FACILITY [AT WHICH] WHERE
14 SLOT MACHINES OR TABLE GAMES ARE PHYSICALLY LOCATED.

15 § 1319. ALTERNATIVE MANUFACTURER LICENSING STANDARDS.

16 (A) GENERAL RULE.--THE BOARD MAY DETERMINE WHETHER THE
17 LICENSING STANDARDS OF ANOTHER JURISDICTION WITHIN THE UNITED
18 STATES IN WHICH AN APPLICANT FOR A MANUFACTURER LICENSE IS
19 SIMILARLY LICENSED ARE COMPREHENSIVE AND THOROUGH AND PROVIDE
20 SIMILAR ADEQUATE SAFEGUARDS AS THOSE REQUIRED BY THIS PART. IF
21 THE BOARD MAKES THAT DETERMINATION, IT MAY ISSUE A MANUFACTURER
22 LICENSE TO AN APPLICANT WHO HOLDS A SIMILAR MANUFACTURER LICENSE
23 IN SUCH OTHER JURISDICTION AFTER CONDUCTING AN EVALUATION OF THE
24 INFORMATION RELATING TO THE APPLICANT FROM SUCH OTHER
25 JURISDICTIONS, AS UPDATED BY THE BOARD, AND EVALUATING OTHER
26 INFORMATION RELATED TO THE APPLICANT RECEIVED FROM THAT
27 JURISDICTION AND OTHER JURISDICTIONS WHERE THE APPLICANT MAY BE
28 LICENSED, THE BOARD MAY INCORPORATE SUCH INFORMATION IN WHOLE OR
29 IN PART INTO ITS EVALUATION OF THE APPLICANT.

30 (B) ABBREVIATED PROCESS.--IN THE EVENT AN APPLICANT FOR A

1 [SLOT MACHINE] MANUFACTURER LICENSE IS LICENSED IN ANOTHER
2 JURISDICTION, THE BOARD MAY DETERMINE TO USE AN ALTERNATE
3 PROCESS REQUIRING ONLY THAT INFORMATION DETERMINED BY THE BOARD
4 TO BE NECESSARY TO CONSIDER THE ISSUANCE OF A LICENSE, INCLUDING
5 FINANCIAL VIABILITY OF THE LICENSEE, TO SUCH AN APPLICANT.
6 NOTHING IN THIS SECTION SHALL BE CONSTRUED TO WAIVE ANY FEES
7 ASSOCIATED WITH OBTAINING A LICENSE THROUGH THE NORMAL
8 APPLICATION PROCESS.

9 SECTION 10.8. TITLE 4 IS AMENDED BY ADDING A SECTION TO
10 READ:

11 § 1319.1. ALTERNATIVE SUPPLIER LICENSING STANDARDS.

12 (A) GENERAL RULE.--THE BOARD MAY DETERMINE WHETHER THE
13 LICENSING STANDARDS OF ANOTHER JURISDICTION WITHIN THE UNITED
14 STATES IN WHICH AN APPLICANT FOR A SUPPLIER'S LICENSE IS
15 SIMILARLY LICENSED ARE COMPREHENSIVE AND THOROUGH AND PROVIDE
16 SIMILAR ADEQUATE SAFEGUARDS AS REQUIRED BY THIS PART. IF THE
17 BOARD MAKES THAT DETERMINATION, IT MAY ISSUE A SUPPLIER LICENSE
18 TO AN APPLICANT WHO HOLDS A SIMILAR SUPPLIER LICENSE IN ANOTHER
19 JURISDICTION AFTER CONDUCTING AN EVALUATION OF THE INFORMATION
20 RELATING TO THE APPLICANT FROM THE OTHER JURISDICTIONS, AS
21 UPDATED BY THE BOARD AND EVALUATING OTHER INFORMATION RELATED TO
22 THE APPLICANT RECEIVED FROM THAT JURISDICTION AND OTHER
23 JURISDICTIONS WHERE THE APPLICANT MAY BE LICENSED, THE BOARD MAY
24 INCORPORATE THE INFORMATION IN WHOLE OR IN PART INTO ITS
25 EVALUATION OF THE APPLICANT.

26 (B) ABBREVIATED PROCESS.--IN THE EVENT AN APPLICANT FOR A
27 SUPPLIER LICENSE IS LICENSED IN ANOTHER JURISDICTION, THE BOARD
28 MAY DETERMINE TO USE AN ALTERNATE PROCESS REQUIRING ONLY THE
29 INFORMATION DETERMINED BY THE BOARD TO BE NECESSARY TO CONSIDER
30 THE ISSUANCE OF A LICENSE, INCLUDING FINANCIAL VIABILITY OF THE

1 LICENSEE TO THE APPLICANT. NOTHING IN THIS SECTION SHALL BE
2 CONSTRUED TO WAIVE ANY FEES ASSOCIATED WITH OBTAINING A LICENSE
3 THROUGH THE NORMAL APPLICATION PROCESS.

4 SECTION 10.9. SECTIONS 1321, 1326(A), 1328(A)(1) AND 1329 OF
5 TITLE 4 ARE AMENDED TO READ:

6 § 1321. ADDITIONAL LICENSES AND PERMITS AND APPROVAL OF
7 AGREEMENTS.

8 (A) REQUIREMENTS.--IN ADDITION TO THE REQUIREMENTS FOR A
9 LICENSE OR PERMIT SPECIFICALLY SET FORTH IN THIS PART, THE BOARD
10 MAY REQUIRE A LICENSE [OR], PERMIT OR OTHER AUTHORIZATION, AND
11 SET A FEE FOR THE SAME, FOR ANY KEY OR GAMING EMPLOYEE OR ANY
12 PERSON WHO SATISFIES ANY OF THE FOLLOWING CRITERIA:

13 (1) THE PERSON TRANSACTS BUSINESS WITHIN THIS
14 COMMONWEALTH WITH A SLOT MACHINE LICENSEE AS A TICKET
15 PURVEYOR, TOUR OPERATOR, OPERATOR OF A BUS TRIP PROGRAM OR
16 OPERATOR OF ANY OTHER TYPE OF TRAVEL PROGRAM OR PROMOTIONAL
17 BUSINESS RELATED TO SLOT MACHINES OR TABLE GAMES. THE BOARD
18 MAY ALSO REVIEW, DENY, ORDER MODIFICATION OR APPROVE, AT ITS
19 DISCRETION, PROPOSED TOURS, BUS ROUTES AND TRAVEL PROGRAMS.

20 (2) THE PERSON IS PRESENTLY NOT [OTHERWISE] REQUIRED TO
21 BE LICENSED OR PERMITTED UNDER THIS PART AND PROVIDES ANY
22 GOODS, PROPERTY OR SERVICES, INCLUDING, BUT NOT LIMITED TO,
23 MANAGEMENT CONTRACTS FOR COMPENSATION TO A SLOT MACHINE
24 LICENSEE AT THE LICENSED FACILITY.

25 (B) AGREEMENT.--ANY AGREEMENT TO CONDUCT BUSINESS WITHIN
26 THIS COMMONWEALTH BETWEEN A PERSON AND A SLOT MACHINE LICENSEE
27 RELATING TO SLOT MACHINES, TABLE GAMES, TABLE GAME DEVICES OR
28 ASSOCIATED EQUIPMENT IS SUBJECT TO THE APPROVAL OF THE BOARD IN
29 ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE BOARD.
30 EVERY AGREEMENT SHALL BE IN WRITING AND SHALL INCLUDE A

1 PROVISION FOR ITS TERMINATION WITHOUT LIABILITY ON THE PART OF
2 THE SLOT MACHINE LICENSEE UPON A FINDING BY THE BOARD THAT THE
3 AGREEMENT IS NOT APPROVED OR THAT IT IS TERMINATED. FAILURE TO
4 EXPRESSLY INCLUDE THIS CONDITION IN THE AGREEMENT IS NOT A
5 DEFENSE IN ANY ACTION BROUGHT UNDER THIS SECTION RELATING TO THE
6 TERMINATION OF THE AGREEMENT.

7 § 1326. LICENSE RENEWALS.

8 (A) RENEWAL.--ALL PERMITS AND LICENSES ISSUED UNDER THIS
9 PART UNLESS OTHERWISE PROVIDED SHALL BE SUBJECT TO RENEWAL ON AN
10 ANNUAL BASIS [UPON THE APPLICATION OF THE HOLDER OF THE PERMIT
11 OR LICENSE SUBMITTED TO THE BOARD AT LEAST 60 DAYS PRIOR TO THE
12 EXPIRATION OF THE PERMIT OR LICENSE] FOR THE FIRST TWO YEARS
13 FOLLOWING THE INITIAL ISSUANCE. THEREAFTER, ALL PERMITS AND
14 LICENSES SHALL BE SUBJECT TO RENEWAL EVERY THREE YEARS. NOTHING
15 IN THIS SUBSECTION SHALL RELIEVE A LICENSEE OF THE AFFIRMATIVE
16 DUTY TO NOTIFY THE BOARD OF ANY CHANGES RELATING TO THE STATUS
17 OF ITS LICENSE OR TO ANY OTHER INFORMATION CONTAINED IN
18 APPLICATION MATERIALS ON FILE WITH THE BOARD. THE APPLICATION
19 FOR RENEWAL SHALL BE SUBMITTED AT LEAST 60 DAYS PRIOR TO THE
20 EXPIRATION OF THE PERMIT OR LICENSE AND SHALL INCLUDE AN UPDATE
21 OF THE INFORMATION CONTAINED IN THE INITIAL AND ANY PRIOR
22 RENEWAL APPLICATIONS AND THE PAYMENT OF ANY RENEWAL FEE REQUIRED
23 BY THIS PART. THE AMOUNT OF ANY RENEWAL FEE SHALL BE CALCULATED
24 BY THE BOARD TO REFLECT THE LONGER RENEWAL PERIOD. A PERMIT OR
25 LICENSE FOR WHICH A COMPLETED RENEWAL APPLICATION AND FEE, IF
26 REQUIRED, HAS BEEN RECEIVED BY THE BOARD WILL CONTINUE IN EFFECT
27 UNLESS AND UNTIL THE BOARD SENDS WRITTEN NOTIFICATION TO THE
28 HOLDER OF THE PERMIT OR LICENSE THAT THE BOARD HAS DENIED THE
29 RENEWAL OF SUCH PERMIT OR LICENSE.

30 * * *

1 § 1328. CHANGE IN OWNERSHIP OR CONTROL OF SLOT MACHINE

2 LICENSEE.

3 (A) NOTIFICATION AND APPROVAL.--

4 (1) A SLOT MACHINE LICENSEE SHALL NOTIFY THE BOARD
5 [PRIOR TO OR] IMMEDIATELY UPON BECOMING AWARE OF ANY PROPOSED
6 OR CONTEMPLATED CHANGE OF OWNERSHIP OF THE SLOT MACHINE
7 LICENSEE BY A PERSON OR GROUP OF PERSONS ACTING IN CONCERT
8 WHICH INVOLVES ANY OF THE FOLLOWING:

9 (I) MORE THAN 5% OF A SLOT MACHINE LICENSEE'S
10 SECURITIES OR OTHER OWNERSHIP INTERESTS.

11 (II) MORE THAN 5% OF THE SECURITIES OR OTHER
12 OWNERSHIP INTERESTS OF A CORPORATION OR OTHER FORM OF
13 BUSINESS ENTITY THAT OWNS DIRECTLY OR INDIRECTLY AT LEAST
14 20% OF THE VOTING OR OTHER SECURITIES OR OTHER OWNERSHIP
15 INTERESTS OF THE LICENSEE.

16 (III) THE SALE OTHER THAN IN THE ORDINARY COURSE OF
17 BUSINESS OF A LICENSEE'S ASSETS.

18 (IV) ANY OTHER TRANSACTION OR OCCURRENCE DEEMED BY
19 THE BOARD TO BE RELEVANT TO LICENSE QUALIFICATIONS.

20 * * *

21 § 1329. [NONPORTABILITY] PORTABILITY AND RELOCATION OF SLOT
22 MACHINE LICENSE.

23 (A) GENERAL RULE.--EACH SLOT MACHINE LICENSE SHALL ONLY BE
24 VALID FOR THE SPECIFIC PHYSICAL LOCATION WITHIN THE MUNICIPALITY
25 AND COUNTY FOR WHICH IT WAS ORIGINALLY GRANTED. [NO]

26 (B) PETITION.--AN APPLICANT FOR A SLOT MACHINE LICENSE OR A
27 SLOT MACHINE LICENSEE MAY PETITION THE BOARD TO RELOCATE THE
28 APPROVED PHYSICAL LOCATION OF A LICENSED FACILITY. IN EVALUATING
29 A PETITION TO RELOCATE, THE BOARD SHALL CONSIDER THE FOLLOWING
30 FACTORS:

1 (1) THE ADDRESS OF THE PROPOSED NEW LOCATION AND THE
2 REASON FOR THE RELOCATION.

3 (2) A COMPARATIVE ANALYSIS, SUBMITTED BY THE PETITIONER,
4 DETAILING ESTIMATED GROSS TERMINAL REVENUES AT THE NEW
5 LOCATION WITH ESTIMATED GROSS TERMINAL REVENUES AT THE
6 ORIGINAL LOCATION.

7 (3) A COMPARATIVE ANALYSIS, SUBMITTED BY THE PETITIONER,
8 DETAILING THE ECONOMIC IMPACT OF THE LICENSED FACILITY AT THE
9 NEW LOCATION WITH THE ESTIMATED ECONOMIC IMPACT AT THE
10 ORIGINAL LOCATION. THE COMPARATIVE ANALYSIS SHALL INCLUDE THE
11 TOTAL COST OF THE PROJECT AND PROJECTED DIRECT AND INDIRECT
12 EMPLOYMENT FIGURES.

13 (4) A COMPREHENSIVE TRAFFIC STUDY COMMISSIONED BY THE
14 BOARD.

15 (5) COMMUNITY SUPPORT OR OPPOSITION.

16 (6) ANY OTHER INFORMATION REQUESTED BY THE BOARD.

17 (C) RELOCATION.--A SLOT MACHINE LICENSEE [SHALL] MAY BE
18 PERMITTED TO MOVE OR RELOCATE THE PHYSICAL LOCATION OF THE
19 LICENSED FACILITY [WITHOUT] WITH BOARD APPROVAL [FOR] UPON GOOD
20 CAUSE SHOWN IF:

21 (1) THE RELOCATED LICENSED FACILITY REMAINS WITHIN THE
22 SAME MUNICIPALITY AS ORIGINALLY LICENSED;

23 (2) THE RELOCATION WILL FACILITATE THE TIMELY OPERATION
24 OF SLOT MACHINES;

25 (3) THE RELOCATED LICENSED FACILITY COMPLIES WITH ALL
26 OTHER PROVISIONS OF THIS PART RELATED TO THE SITING AND
27 LOCATION OF A LICENSED FACILITY; AND

28 (4) RELOCATION OF THE LICENSED FACILITY IS IN THE BEST
29 INTERESTS OF THE COMMONWEALTH.

30 (D) PUBLIC INPUT HEARING.--THE BOARD SHALL HOLD AT LEAST ONE

1 PUBLIC INPUT HEARING IN THE MUNICIPALITY WHERE THE LICENSED
2 FACILITY WILL BE LOCATED PRIOR TO APPROVAL OF THE RELOCATION.

3 (E) RESTRICTION.--NO GRANT OR LOAN FROM THE COMMONWEALTH MAY
4 BE AWARDED FOR THE PURPOSE OF RELOCATING OR DEVELOPING THE
5 RELOCATED LICENSED FACILITY TO COMPLY WITH ANY CONDITIONS OF
6 APPROVAL OF THE RELOCATION.

7 SECTION 11. TITLE 4 IS AMENDED BY ADDING A SECTION TO READ:
8 § 1332. APPOINTMENT OF TRUSTEE.

9 (A) APPOINTMENT.--UPON PETITION OF THE OFFICE OF ENFORCEMENT
10 COUNSEL, THE BOARD MAY ORDER THE APPOINTMENT OF A TRUSTEE FROM
11 THE LIST REQUIRED UNDER SUBSECTION (J) TO ACT ON BEHALF OF THE
12 INTERESTS OF THE COMMONWEALTH AND THE BOARD TO ASSURE COMPLIANCE
13 WITH THIS PART AND ANY CONDITIONS IMPOSED UPON THE SLOT MACHINE
14 LICENSE IN THE FOLLOWING CIRCUMSTANCES:

15 (1) UPON THE REVOCATION, SUSPENSION OR NONRENEWAL OF A
16 SLOT MACHINE LICENSE OR A PRINCIPAL LICENSE IF THE PRINCIPAL
17 LICENSEE IS THE ONLY PRINCIPAL WHO EXERCISES OPERATIONAL
18 CONTROL OF THE LICENSED FACILITY.

19 (2) UPON THE FAILURE TO RENEW A SLOT MACHINE LICENSE OR
20 A PRINCIPAL LICENSE IF THE PRINCIPAL LICENSEE IS THE ONLY
21 PRINCIPAL WHO EXERCISES OPERATIONAL CONTROL OF THE LICENSED
22 FACILITY UNTIL THE SLOT MACHINE OR PRINCIPAL LICENSE IS
23 RENEWED OR UNTIL THE DISCONTINUATION OF THE TRUSTEESHIP
24 PURSUANT TO SUBSECTION (I).

25 (3) IF NECESSARY TO PROTECT THE BEST INTERESTS OF THE
26 COMMONWEALTH.

27 (B) QUALIFICATIONS.--THE FOLLOWING SHALL APPLY:

28 (1) A TRUSTEE SHALL BE REQUIRED TO QUALIFY AS A
29 PRINCIPAL AND OBTAIN A PRINCIPAL LICENSE PURSUANT TO THIS
30 PART. THE BOARD MAY APPOINT A TRUSTEE AND AWARD THE TRUSTEE A

1 TEMPORARY PRINCIPAL LICENSE AS PRESCRIBED IN BOARD
2 REGULATIONS.

3 (2) BEFORE ASSUMING DUTIES, A TRUSTEE SHALL EXECUTE AND
4 FILE A BOND FOR THE FAITHFUL PERFORMANCE OF THE TRUSTEE'S
5 DUTIES. THE BOND SHALL BE PAYABLE TO THE BOARD WITH SURETIES
6 AND IN THE AMOUNT AND FORM AS REQUIRED BY BOARD ORDER. THE
7 COST OF THE BOND SHALL BE PAID BY THE FORMER OR SUSPENDED
8 LICENSEE.

9 (3) A TRUSTEE SHALL BE A RESIDENT OF THIS COMMONWEALTH.

10 (C) POWERS.--A TRUSTEE APPOINTED UNDER THIS SECTION SHALL
11 EXERCISE ONLY THOSE POWERS AND PERFORM THOSE DUTIES EXPRESSLY
12 CONFERRED UPON THE TRUSTEE BY THE BOARD. THE BOARD'S ORDER
13 APPOINTING THE TRUSTEE SHALL SET FORTH THE POWERS, DUTIES AND
14 RESPONSIBILITIES OF THE TRUSTEES WHICH MAY INCLUDE:

15 (1) MAINTAINING AND OPERATING THE LICENSED FACILITY IN A
16 MANNER THAT COMPLIES WITH THIS PART AND ANY CONDITIONS
17 IMPOSED BY THE BOARD.

18 (2) MAINTAINING AND OPERATING THE LICENSED FACILITY
19 CONSISTENT WITH THE MEASURES GENERALLY TAKEN IN THE ORDINARY
20 COURSE OF BUSINESS INCLUDING:

21 (I) ENTERING INTO CONTRACTS.

22 (II) BORROWING MONEY.

23 (III) PLEDGING, MORTGAGING OR OTHERWISE ENCUMBERING
24 THE LICENSED FACILITY OR PROPERTY THEREOF AS SECURITY FOR
25 THE REPAYMENT OF LOANS SUBJECT TO ANY PROVISIONS AND
26 RESTRICTIONS IN ANY EXISTING CREDIT DOCUMENTS.

27 (IV) HIRING, FIRING AND DISCIPLINING EMPLOYEES.

28 (3) EXERCISING THE RIGHTS AND OBLIGATIONS OF THE FORMER
29 OR SUSPENDED LICENSEE.

30 (4) TAKING POSSESSION OF ALL OF THE PROPERTY OF THE SLOT

1 MACHINE LICENSEE, INCLUDING ITS BOOKS, RECORDS AND PAPERS.

2 (5) ESTABLISHING ACCOUNTS WITH FINANCIAL INSTITUTIONS.
3 AN ACCOUNT MAY NOT BE ESTABLISHED WITH A FINANCIAL
4 INSTITUTION IN WHICH AN AFFILIATE OF THE FORMER OR SUSPENDED
5 LICENSEE, OR IN WHICH THE TRUSTEE, OR AN IMMEDIATE FAMILY
6 MEMBER OF THE TRUSTEE, HAS A CONTROLLING INTEREST.

7 (6) MEETING WITH THE FORMER OR SUSPENDED LICENSEE.

8 (7) MEETING WITH PRINCIPALS AND KEY EMPLOYEES AT THE
9 LICENSED FACILITY.

10 (8) MEETING WITH THE INDEPENDENT AUDIT COMMITTEE.

11 (9) MEETING WITH THE BOARD'S EXECUTIVE DIRECTOR AND
12 KEEPING THE BOARD'S EXECUTIVE DIRECTOR APPRISED OF ACTIONS
13 TAKEN AND THE TRUSTEE'S PLANS AND GOALS FOR THE FUTURE.

14 (10) HIRING LEGAL COUNSEL, ACCOUNTANTS OR OTHER
15 CONSULTANTS OR ASSISTANTS, WITH PRIOR APPROVAL OF THE BOARD,
16 AS NECESSARY TO CARRY OUT THE TRUSTEE'S DUTIES AND
17 RESPONSIBILITIES.

18 (11) SETTLING OR COMPROMISING WITH ANY DEBTOR OR
19 CREDITOR OF THE FORMER OR SUSPENDED LICENSEE, INCLUDING ANY
20 TAXING AUTHORITY.

21 (12) REVIEWING OUTSTANDING AGREEMENTS TO WHICH THE
22 FORMER OR SUSPENDED LICENSEE IS A PARTY AND ADVISING THE
23 BOARD AS TO WHICH, IF ANY, OF THE AGREEMENTS SHOULD BE THE
24 SUBJECT OF SCRUTINY, EXAMINATION OR INVESTIGATION BY THE
25 BOARD.

26 (13) OBTAINING BOARD APPROVAL PRIOR TO ANY SALE, CHANGE
27 OF OWNERSHIP, CHANGE OF CONTROL, CHANGE OF FINANCIAL STATUS,
28 RESTRUCTURING, TRANSFER OF ASSETS OR EXECUTION OF A CONTRACT
29 OR ANY OTHER ACTION TAKEN OUTSIDE OF THE ORDINARY COURSE OF
30 BUSINESS.

1 (14) OBTAINING BOARD APPROVAL FOR ANY PAYMENTS OUTSIDE
2 OF THOSE MADE IN THE ORDINARY COURSE OF BUSINESS.
3 NOTWITHSTANDING ANY PROVISION CONTAINED IN THIS SUBSECTION TO
4 THE CONTRARY, THE TRUSTEE SHALL HAVE THE DUTY TO CONSERVE AND
5 PRESERVE THE ASSETS OF THE LICENSED GAMING ENTITY.

6 (D) COMPENSATION.--THE BOARD SHALL ESTABLISH THE
7 COMPENSATION OF A TRUSTEE AND SHALL REVIEW AND APPROVE ACTUAL
8 AND REASONABLE COSTS AND EXPENSES OF THE TRUSTEE, LEGAL COUNSEL,
9 ACCOUNTANTS OR OTHER CONSULTANTS OR ASSISTANTS HIRED BY THE
10 TRUSTEE AND OTHER PERSONS THE BOARD MAY APPOINT IN CONNECTION
11 WITH THE TRUSTEESHIP ACTION. THE COMPENSATION, COSTS AND
12 EXPENSES SHALL BE PAID BY THE FORMER OR SUSPENDED LICENSEE.
13 TOTAL COMPENSATION FOR THE TRUSTEE AND ALL INDIVIDUALS HIRED OR
14 RETAINED BY THE TRUSTEE UNDER SUBSECTION (C) (10) SHALL NOT
15 EXCEED \$600 PER HOUR IN THE AGGREGATE, EXCEPT THAT THE BOARD,
16 UPON A FINDING THAT UNANTICIPATED CIRCUMSTANCES EXIST, MAY
17 ADJUST THE AGGREGATE HOURLY RATE OF COMPENSATION.

18 (E) REPORTS.--A TRUSTEE SHALL FILE REPORTS WITH REGARD TO
19 THE ADMINISTRATION OF THE TRUSTEESHIP WITH THE BOARD IN THE FORM
20 AND AT INTERVALS AS THE BOARD ORDERS. THE BOARD MAY DIRECT THAT
21 COPIES OR PORTIONS OF THE TRUSTEE'S REPORTS BE MAILED TO
22 CREDITORS OR OTHER PARTIES IN INTEREST AND MAKE SUMMARIES OF THE
23 REPORTS AVAILABLE TO THE PUBLIC AND SHALL POST THEM ON THE
24 BOARD'S INTERNET WEBSITE.

25 (F) REVIEW OF ACTIONS.--A CREDITOR OR PARTY IN INTEREST
26 AGGRIEVED BY ANY ALLEGED BREACH OF A DELEGATED POWER OR DUTY OF
27 A TRUSTEE IN THE DISCHARGE OF THE TRUSTEE'S DUTIES MAY REQUEST A
28 REVIEW OF THE TRUSTEE'S ACTION OR INACTION BY FILING A PETITION
29 IN ACCORDANCE WITH BOARD REGULATIONS. THE PETITION MUST SET
30 FORTH IN DETAIL THE PERTINENT FACTS AND THE REASONS WHY THE

1 FACTS CONSTITUTE THE ALLEGED BREACH. THE BOARD WILL REVIEW ANY
2 PETITION FILED UNDER THIS SECTION AND TAKE WHATEVER ACTION, IF
3 ANY, IT DEEMS APPROPRIATE.

4 (G) EFFECT OF THE TRUSTEESHIP.--AFTER ISSUANCE OF AN ORDER
5 TO APPOINT A TRUSTEE, THE FORMER OR SUSPENDED PRINCIPAL OR SLOT
6 MACHINE LICENSEE MAY NOT EXERCISE ANY OF ITS PRIVILEGES, COLLECT
7 OR RECEIVE ANY DEBTS AND PAY OUT, SELL, ASSIGN OR TRANSFER ANY
8 OF ITS PROPERTY TO ANYONE WITHOUT PRIOR APPROVAL OF THE
9 APPOINTED TRUSTEE AND THE BOARD.

10 (H) DISPOSITION OF NET INCOME.--DURING THE PERIOD OF
11 TRUSTEESHIP, NET INCOME SHALL BE DEPOSITED IN AN ESCROW ACCOUNT
12 MAINTAINED FOR THAT PURPOSE. PAYMENT OF NET INCOME DURING THE
13 PERIOD OF TRUSTEESHIP MAY NOT BE MADE BY THE TRUSTEE WITHOUT THE
14 PRIOR APPROVAL OF THE BOARD. A SUSPENDED OR FORMER PRINCIPAL OR
15 SLOT MACHINE LICENSEE MAY REQUEST DISTRIBUTION OF ALL OR A
16 PORTION OF THE NET INCOME DURING THE PERIOD OF TRUSTEESHIP BY
17 FILING A PETITION IN ACCORDANCE WITH BOARD REGULATION. THE
18 SUSPENDED OR FORMER PRINCIPAL OR SLOT MACHINE LICENSEE SHALL
19 HAVE THE BURDEN OF DEMONSTRATING GOOD CAUSE FOR THE DISTRIBUTION
20 OF THE NET INCOME REQUESTED.

21 (I) DISCONTINUATION.--THE BOARD MAY ISSUE AN ORDER TO
22 DISCONTINUE A TRUSTEESHIP WHEN:

23 (1) THE BOARD DETERMINES THAT THE CAUSE FOR WHICH THE
24 TRUSTEE WAS APPOINTED NO LONGER EXISTS.

25 (2) THE TRUSTEE HAS, WITH THE PRIOR APPROVAL OF THE
26 BOARD, CONSUMMATED THE SALE, ASSIGNMENT, CONVEYANCE OR OTHER
27 DISPOSITION OF ALL THE PROPERTY OR INTEREST OF THE FORMER
28 PRINCIPAL OR SLOT MACHINE LICENSEE RELATING TO THE SLOT
29 MACHINE LICENSE.

30 (J) LIST OF APPROVED TRUSTEES.--THE BOARD SHALL PROMULGATE

1 REGULATIONS TO ESTABLISH A LIST OF PERSONS APPROVED BY THE BOARD
2 AND QUALIFIED TO SERVE AS A TRUSTEE. AT A MINIMUM, THE
3 REGULATIONS SHALL PROVIDE FOR THE FOLLOWING:

4 (1) THE MINIMUM QUALIFICATIONS A PERSON MUST POSSESS TO
5 BE APPROVED AS A TRUSTEE, WHICH SHALL INCLUDE QUALIFICATION
6 AS A PRINCIPAL PURSUANT TO THIS PART AND POSSESSION OF A
7 PRINCIPAL LICENSE.

8 (2) THE PROCEDURE FOR PLACEMENT ON OR REMOVAL FROM THE
9 APPROVED TRUSTEE LIST.

10 (3) ANY OTHER INFORMATION THE BOARD DEEMS NECESSARY TO
11 CARRY OUT THE INTENT OF THIS SECTION.

12 SECTION 11.1. TITLE 4 IS AMENDED BY ADDING A CHAPTER TO
13 READ:

14 CHAPTER 13A

15 TABLE GAMES

16 SUBCHAPTER

17 A. GENERAL PROVISIONS

18 B. TABLE GAMES AUTHORIZED

19 C. TABLE GAME OPERATIONS

20 D. (RESERVED)

21 E. TABLE GAME TESTING AND CERTIFICATION

22 F. (RESERVED)

23 G. TABLE GAME TAXES AND FEES

24 SUBCHAPTER A

25 GENERAL PROVISIONS

26 SEC.

27 1301A. (RESERVED).

28 1302A. REGULATORY AUTHORITY.

29 1303A. TEMPORARY TABLE GAME REGULATIONS.

30 1304A. COMMONWEALTH RESIDENT EMPLOYMENT GOALS.

1 § 1301A. (RESERVED).

2 § 1302A. REGULATORY AUTHORITY.

3 THE BOARD SHALL PROMULGATE REGULATIONS:

4 (1) ESTABLISHING STANDARDS AND RULES FOR TABLE GAMES,
5 TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT, INCLUDING
6 STANDARDS DISTINGUISHING ELECTRONIC AND NONELECTRONIC TABLE
7 GAMES. THE STANDARDS SHALL PROVIDE FOR ANY NEW GAMES AND
8 VARIATIONS OR COMPOSITES OF APPROVED GAMES, PROVIDED THE
9 PENNSYLVANIA GAMING CONTROL BOARD DETERMINES THE NEW GAME, OR
10 ANY VARIATIONS OR COMPOSITES OR OTHER APPROVED GAMES ARE
11 SUITABLE FOR USE AFTER A TEST OR EXPERIMENTAL PERIOD UNDER
12 THE TERMS AND CONDITIONS AS THE PENNSYLVANIA GAMING CONTROL
13 BOARD MAY DEEM APPROPRIATE.

14 (2) ESTABLISHING STANDARDS TO GOVERN THE CONDUCT OF
15 TABLE GAMES AND THE SYSTEM OF WAGERING ASSOCIATED WITH TABLE
16 GAMES, INCLUDING THE MAINTENANCE OF FINANCIAL BOOKS, RECORDS
17 AND AUDITS.

18 (2.1) ESTABLISHING STANDARDS FOR THE DAILY OBSERVATION
19 OF CERTIFICATE HOLDER COUNTING AND RECORDATION PROCESSES FOR
20 CASH, CASH EQUIVALENTS AND OTHER REPRESENTATIONS OF VALUE
21 RECEIVED IN THE CONDUCT OF TABLE GAMES.

22 (3) ESTABLISHING PATRON NOTICE REQUIREMENTS PERTAINING
23 TO MINIMUM AND MAXIMUM WAGERS ON TABLE GAMES. MINIMUM AND
24 MAXIMUM WAGERS MAY BE ADJUSTED FROM TIME TO TIME BY THE
25 CERTIFICATE HOLDER IN THE NORMAL COURSE OF CONDUCTING TABLE
26 GAMES, EXCEPT THAT CHANGES IN MINIMUM WAGERS AT ANY GIVEN
27 TABLE SHALL NOT APPLY TO PERSONS ALREADY ENGAGED IN WAGERING
28 AT THAT TABLE WHEN THE MINIMUM WAGER IS CHANGED, UNLESS 30
29 MINUTES' NOTICE IS PROVIDED TO EACH PLAYER AT THAT TABLE.

30 (4) REQUIRING EACH CERTIFICATE HOLDER TO:

1 (I) PROVIDE WRITTEN INFORMATION AT EACH OPERATIONAL
2 GAMING TABLE ABOUT TABLE GAME RULES, PAYOFFS OR WINNING
3 WAGERS AND OTHER INFORMATION TO EACH PLAYER AS THE BOARD
4 MAY REQUIRE.

5 (II) PROVIDE SPECIFICATIONS APPROVED BY THE BOARD
6 UNDER SECTION 1207(11) (RELATING TO REGULATORY AUTHORITY
7 OF BOARD) TO INTEGRATE AND UPDATE THE LICENSED FACILITY'S
8 SURVEILLANCE SYSTEM TO COVER ALL AREAS WHERE TABLE GAMES
9 ARE CONDUCTED. THE SPECIFICATIONS SHALL INCLUDE
10 PROVISIONS PROVIDING THE BOARD AND OTHER PERSONS
11 AUTHORIZED BY THE BOARD WITH ONSITE ACCESS TO THE SYSTEM
12 OR ITS SIGNAL.

13 (III) DESIGNATE ONE OR MORE LOCATIONS WITHIN THE
14 LICENSED FACILITY TO CONDUCT TABLE GAMES.

15 (IV) ENSURE THAT VISIBILITY IN A LICENSED FACILITY
16 IS NOT OBSTRUCTED IN ANY WAY THAT COULD INTERFERE WITH
17 THE ABILITY OF THE CERTIFICATE HOLDER, THE BOARD AND
18 OTHER PERSONS AUTHORIZED BY THE BOARD TO OVERSEE THE
19 CONDUCT OF TABLE GAMES.

20 (V) INTEGRATE THE LICENSED FACILITY'S COUNT ROOM FOR
21 SLOT MACHINE AND TABLE GAME OPERATIONS TO ENSURE MAXIMUM
22 SECURITY OF THE COUNTING AND STORAGE OF CASH, CASH
23 EQUIVALENTS AND OTHER REPRESENTATIONS OF VALUE.

24 (VI) EQUIP EACH GAMING TABLE WITH A SIGN INDICATING
25 THE PERMISSIBLE MINIMUM AND MAXIMUM WAGERS AT THE GAMING
26 TABLE.

27 (VII) ADOPT POLICIES OR PROCEDURES TO PROHIBIT ANY
28 TABLE GAME DEVICE, EQUIPMENT OR SUPPLIES FROM BEING
29 POSSESSED, MAINTAINED OR EXHIBITED BY ANY PERSON ON THE
30 PREMISES OF A LICENSED FACILITY EXCEPT IN THE AREAS OF A

1 LICENSED FACILITY WHERE THE CONDUCT OF TABLE GAMES IS
2 AUTHORIZED OR IN A RESTRICTED AREA DESIGNATED TO BE USED
3 FOR THE INSPECTION, SERVICE, REPAIR OR STORAGE OF THE
4 TABLE GAMES, TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT
5 OR SUPPLIES BY THE CERTIFICATE HOLDER.

6 (VIII) EQUIP ALL DROP BOXES IN WHICH CASH, CASH
7 EQUIVALENTS, FILL SLIPS, CREDIT SLIPS, INVENTORY SLIPS OR
8 OTHER REPRESENTATIONS OF VALUE ARE DEPOSITED AT THE
9 GAMING TABLES, AND ALL AREAS WHERE DROP BOXES ARE KEPT
10 WHILE IN USE, WITH TWO LOCKING DEVICES OR KEYS, OF WHICH
11 ONE LOCKING DEVICE OR KEY SHALL BE UNDER THE EXCLUSIVE
12 CONTROL OF THE BOARD, AND THE SECOND LOCKING DEVICE OR
13 KEY SHALL BE UNDER THE EXCLUSIVE CONTROL OF THE
14 CERTIFICATE HOLDER. THE DROP BOXES SHALL BE BROUGHT INTO
15 OR REMOVED FROM AN AREA WHERE TABLE GAMES ARE CONDUCTED
16 OR LOCKED OR UNLOCKED IN ACCORDANCE WITH PROCEDURES
17 ESTABLISHED BY THE BOARD.

18 (IX) DESIGNATE SECURE LOCATIONS FOR THE INSPECTION
19 AND STORAGE OF DICE, CARDS, TILES, DOMINOES, CHIPS AND
20 OTHER REPRESENTATIONS OF VALUE USED IN THE CONDUCT OF
21 TABLE GAMES AS MAY BE APPROVED BY THE BOARD.

22 (5) ESTABLISHING THE SIZE AND UNIFORM COLOR BY
23 DENOMINATION OF ALL CHIPS USED IN THE CONDUCT OF TABLE GAMES
24 AND A POLICY FOR THE USE OF PROMOTIONAL OR COMMEMORATIVE
25 CHIPS. ALL TYPES OF CHIPS SHALL BE APPROVED BY THE BOARD
26 PRIOR TO BEING USED FOR PLAY AT A TABLE GAME AT A LICENSED
27 FACILITY.

28 (5.1) ESTABLISHING THE PROCEDURE TO BE USED BY A
29 CERTIFICATE HOLDER TO DETERMINE AND EXTRACT A RAKE FOR THE
30 PURPOSES OF DERIVING GROSS TABLE GAME REVENUE. THE RAKE MAY

1 BE CALCULATED AS A PERCENTAGE OR A FLAT FEE FROM NONBANKING
2 TABLE GAMES.

3 (6) ESTABLISHING MINIMUM STANDARDS RELATING TO THE
4 ACCEPTANCE OF TIPS OR GRATUITIES BY DEALERS AND CROUPIERS AT
5 A TABLE GAME, INCLUDING THE REQUIREMENT THAT TIPS OR
6 GRATUITIES BE PLACED IN A COMMON POOL FOR COMPLETE
7 DISTRIBUTION PRO RATA AMONG ALL DEALERS AND CROUPIERS.
8 NOTHING IN THIS PARAGRAPH SHALL PROHIBIT A CERTIFICATE HOLDER
9 FROM ADOPTING A FORMAL POLICY RELATING TO ACCEPTANCE OF TIPS
10 AND GRATUITIES, PROVIDED THAT THE POLICY MEETS THE MINIMUM
11 STANDARD ESTABLISHED BY THE BOARD UNDER THIS PARAGRAPH.

12 (7) ESTABLISHING THE MINIMAL PROFICIENCY REQUIREMENTS
13 FOR INDIVIDUALS TO SUCCESSFULLY COMPLETE A COURSE OF TRAINING
14 AT AN APPROVED SCHOOL UNDER CHAPTER 17 (RELATING TO GAMING
15 SCHOOLS). THE REGULATIONS SHALL NOT PROHIBIT A CERTIFICATE
16 HOLDER FROM ESTABLISHING A COURSE OF TRAINING FOR ITS TABLE
17 GAME EMPLOYEES OR PROHIBIT A CERTIFICATE HOLDER FROM OFFERING
18 EMPLOYMENT TO AN INDIVIDUAL WHO HAS NOT ATTENDED OR COMPLETED
19 A COURSE OF INSTRUCTION AT A GAMING SCHOOL AND SHALL REQUIRE
20 A CERTIFICATE HOLDER THAT ELECTS TO TRAIN ITS EMPLOYEES TO
21 SUBMIT A DETAILED SUMMARY OF THE TRAINING PROGRAM TO THE
22 BOARD AND TO DEMONSTRATE THE ADEQUACY OF THE TRAINING.

23 (8) PERMITTING CERTIFICATE HOLDERS TO REQUEST
24 AUTHORIZATION TO CONDUCT, AND TO CONDUCT, TEMPORARY TABLE
25 GAME TOURNAMENTS OR OTHER TEMPORARY TABLE GAME CONTESTS IN
26 WHICH PLAYERS COMPETE AGAINST ONE ANOTHER FOR CASH OR PRIZES
27 AND ESTABLISHING THE PRACTICES AND PROCEDURES GOVERNING THE
28 CONDUCT OF THE TOURNAMENTS OR CONTESTS. THE NUMBER OF
29 APPROVED TEMPORARY TOURNAMENT OR CONTEST TABLE GAMES SHALL
30 NOT BE COUNTED TOWARD THE MAXIMUM NUMBER OF TABLE GAMES

1 AUTHORIZED BY THE CERTIFICATE HOLDER'S TABLE GAME OPERATION
2 CERTIFICATE.

3 (9) DESIGNATING AN EMPLOYEE TO APPROVE OR DENY A
4 CERTIFICATE HOLDER'S REQUEST TO DECREASE THE NUMBER OF SLOT
5 MACHINES IN ITS LICENSED FACILITY IF THE SLOT MACHINE
6 LICENSEE SEEKS TO REDUCE THE NUMBER OF SLOT MACHINES BY LESS
7 THAN 2%. DESIGNATED APPROVAL FOR REDUCTION OF SLOT MACHINES
8 SHALL NOT EXCEED 2% IN TOTAL REGARDLESS OF THE NUMBER OF
9 REQUESTS A SLOT MACHINE LICENSEE SUBMITS FOR APPROVAL.

10 § 1303A. TEMPORARY TABLE GAME REGULATIONS.

11 (A) PROMULGATION.--IN ORDER TO FACILITATE THE PROMPT
12 IMPLEMENTATION OF THIS CHAPTER, REGULATIONS PROMULGATED BY THE
13 BOARD SHALL BE DEEMED TEMPORARY REGULATIONS WHICH SHALL EXPIRE
14 NOT LATER THAN TWO YEARS FOLLOWING THE PUBLICATION OF THE
15 TEMPORARY REGULATION. THE BOARD MAY PROMULGATE TEMPORARY
16 REGULATIONS NOT SUBJECT TO:

17 (1) SECTIONS 201, 202 AND 203 OF THE ACT OF JULY 31,
18 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH
19 DOCUMENTS LAW.

20 (2) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
21 THE REGULATORY REVIEW ACT.

22 (3) SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER
23 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH
24 ATTORNEYS ACT.

25 (B) EXPIRATION.--THE BOARD'S AUTHORITY TO ADOPT TEMPORARY
26 REGULATIONS IN SUBSECTION (A) SHALL EXPIRE TWO YEARS AFTER THE
27 EFFECTIVE DATE OF THIS SECTION. REGULATIONS ADOPTED AFTER THIS
28 PERIOD SHALL BE PROMULGATED AS PROVIDED BY LAW.

29 (C) TEMPORARY REGULATIONS.--THE BOARD SHALL BEGIN PUBLISHING
30 TEMPORARY REGULATIONS GOVERNING TABLE GAME RULES, LICENSING OF

1 MANUFACTURERS AND SUPPLIERS AND SURVEILLANCE STANDARDS IN THE
2 PENNSYLVANIA BULLETIN NO LATER THAN FEBRUARY 1, 2010.
3 § 1304A. COMMONWEALTH RESIDENT EMPLOYMENT GOALS.

4 (A) EMPLOYMENT OPPORTUNITIES.--IT IS THE GOAL OF THE GENERAL
5 ASSEMBLY THAT THE BOARD PROMOTE AND ENSURE THE AVAILABILITY OF
6 EMPLOYMENT OPPORTUNITIES FOR COMMONWEALTH RESIDENTS IN
7 OPERATIONS RELATED TO OR ASSOCIATED WITH TABLE GAME OPERATIONS
8 AS AUTHORIZED IN THIS CHAPTER. THE BOARD SHALL WORK WITH EACH
9 CERTIFICATE HOLDER TO ENSURE THE REPRESENTATION OF COMMONWEALTH
10 RESIDENTS EMPLOYED BY A CERTIFICATE HOLDER'S TABLE GAMES
11 OPERATION. IT IS THE GOAL OF THE COMMONWEALTH THAT COMMONWEALTH
12 RESIDENTS COMPRISE AT LEAST 85% OF EACH CERTIFICATE HOLDER'S
13 EMPLOYEES RELATED TO OR ASSOCIATED WITH TABLE GAMES BY THE END
14 OF THE THIRD YEAR FOLLOWING COMMENCEMENT OF THE CONDUCT OF TABLE
15 GAMES AT EACH CERTIFICATE HOLDER'S LICENSED FACILITY.

16 (B) STUDY.--THE BOARD SHALL CONDUCT AN ANNUAL STUDY TO
17 ASCERTAIN WHETHER EACH CERTIFICATE HOLDER HAS TAKEN EFFECTIVE
18 AND MEANINGFUL ACTION TO ENHANCE THE NUMBER OF COMMONWEALTH
19 RESIDENTS EMPLOYED IN POSITIONS RELATED TO OR ASSOCIATED WITH
20 TABLE GAMES AT LICENSED FACILITIES. THE FIRST STUDY SHALL BE
21 COMPLETED ONE YEAR FOLLOWING THE ISSUANCE OF THE FIRST TABLE
22 GAME OPERATION CERTIFICATE. EACH ANNUAL STUDY SHALL CONTAIN
23 RECOMMENDATIONS WHICH THE BOARD DETERMINES APPROPRIATE. THE
24 STUDY SHALL BE SUBMITTED TO THE CHAIRMAN AND MINORITY CHAIRMAN
25 OF THE STANDING COMMITTEES OF THE SENATE AND OF THE HOUSE OF
26 REPRESENTATIVES WITH JURISDICTION OVER THIS PART.

27 SUBCHAPTER B

28 TABLE GAMES AUTHORIZED

29 SEC.

30 1311A. AUTHORIZATION TO CONDUCT TABLE GAMES.

1 1312A. PETITION REQUIREMENTS.

2 1313A. PROHIBITIONS.

3 1314A. TABLE GAME AUTHORIZATION HEARING PROCESS; PUBLIC INPUT
4 HEARINGS.

5 1315A. STANDARD FOR REVIEW OF PETITIONS.

6 1316A. TIMING INITIAL TABLE GAME AUTHORIZATIONS.

7 § 1311A. AUTHORIZATION TO CONDUCT TABLE GAMES.

8 (A) AUTHORIZATION TO CONDUCT.--NOTWITHSTANDING ANY OTHER
9 PROVISION OF LAW TO THE CONTRARY, THE BOARD MAY AUTHORIZE A SLOT
10 MACHINE LICENSEE TO CONDUCT TABLE GAMES, THE CONDUCT OF CONTESTS
11 OR TOURNAMENTS INVOLVING TABLE GAMES AND THE SYSTEM OF WAGERING
12 ASSOCIATED WITH THE CONDUCT OF TABLE GAMES AT THE SLOT MACHINE
13 LICENSEE'S LICENSED FACILITY. AUTHORIZATION TO CONDUCT TABLE
14 GAMES SHALL BE CONTINGENT UPON THE SLOT MACHINE LICENSEE'S
15 AGREEMENT TO ENSURE THE CONDUCT OF GAMING IN ACCORDANCE WITH
16 THIS PART AND ANY OTHER CONDITIONS ESTABLISHED BY THE BOARD.
17 NOTHING IN THIS PART SHALL BE CONSTRUED TO CREATE A SEPARATE
18 LICENSE GOVERNING THE CONDUCT OF TABLE GAMES BY LICENSED
19 ENTITIES WITHIN THIS COMMONWEALTH.

20 (B) NUMBER OF AUTHORIZED TABLE GAMES.--

21 (1) EACH CATEGORY 1 AND CATEGORY 2 SLOT MACHINE LICENSEE
22 AWARDED A TABLE GAME OPERATION CERTIFICATE MAY BE AUTHORIZED
23 BY THE BOARD TO OPERATE UP TO 200 TABLE GAMES AT ANY ONE TIME
24 AT THE CATEGORY 1 OR CATEGORY 2 LICENSED FACILITY.

25 (2) EACH CATEGORY 3 SLOT MACHINE LICENSEE AWARDED A
26 TABLE GAME OPERATION CERTIFICATE MAY BE AUTHORIZED BY THE
27 BOARD TO OPERATE UP TO 75 TABLE GAMES AT ANY ONE TIME AT THE
28 CATEGORY 3 LICENSED FACILITY.

29 (C) ADDITIONAL AUTHORIZATION.--NOTWITHSTANDING SUBSECTION
30 (B), A SLOT MACHINE LICENSEE AWARDED A TABLE GAME OPERATION

1 CERTIFICATE MAY, WITH BOARD APPROVAL, EXCEED THE TOTAL NUMBER OF
2 TABLE GAMES AUTHORIZED IN THE TABLE GAME OPERATION CERTIFICATE
3 TO CONDUCT CONTESTS OR TOURNAMENTS AT LOCATIONS AT THE LICENSED
4 FACILITY AS DETERMINED PURSUANT TO SECTION 1321A (RELATING TO
5 AUTHORIZED LOCATIONS FOR OPERATION).

6 § 1312A. PETITION REQUIREMENTS.

7 (A) GENERAL RULE.--A SLOT MACHINE LICENSEE MAY SEEK APPROVAL
8 TO CONDUCT TABLE GAMES BY FILING A PETITION WITH THE BOARD.

9 (B) PETITION CONTENTS.--A PETITION SEEKING AUTHORIZATION TO
10 CONDUCT TABLE GAMES SHALL INCLUDE THE FOLLOWING:

11 (1) THE NAME, BUSINESS ADDRESS AND CONTACT INFORMATION
12 OF THE PETITIONER.

13 (2) THE NAME AND BUSINESS ADDRESS, JOB TITLE AND A
14 PHOTOGRAPH OF EACH PRINCIPAL AND KEY EMPLOYEE OF THE
15 PETITIONER WHO WILL BE INVOLVED IN THE CONDUCT OF TABLE GAMES
16 AND WHO IS NOT CURRENTLY LICENSED BY THE BOARD.

17 (3) AN ITEMIZED LIST OF THE NUMBER AND TYPES OF TABLE
18 GAMES FOR WHICH AUTHORIZATION IS BEING SOUGHT.

19 (4) THE ESTIMATED NUMBER OF FULL-TIME AND PART-TIME
20 EMPLOYMENT POSITIONS THAT WILL BE CREATED AT THE LICENSED
21 FACILITY IF TABLE GAMES ARE AUTHORIZED AND AN UPDATED HIRING
22 PLAN PURSUANT TO SECTION 1510 (RELATING TO LABOR HIRING
23 PREFERENCES) WHICH OUTLINES THE PETITIONER'S PLAN TO PROMOTE
24 THE REPRESENTATION OF DIVERSE GROUPS AND COMMONWEALTH
25 RESIDENTS IN THE NEW EMPLOYMENT POSITIONS.

26 (5) A BRIEF DESCRIPTION OF THE ECONOMIC BENEFITS
27 EXPECTED TO BE REALIZED BY THE COMMONWEALTH, ITS
28 MUNICIPALITIES AND ITS RESIDENTS IF TABLE GAMES ARE
29 AUTHORIZED.

30 (6) THE DETAILS OF ANY FINANCING OBTAINED OR THAT WILL

1 BE OBTAINED TO FUND AN EXPANSION OR MODIFICATION OF THE
2 LICENSED FACILITY TO ACCOMMODATE TABLE GAMES.

3 (7) INFORMATION AND DOCUMENTATION CONCERNING FINANCIAL
4 BACKGROUND AND RESOURCES, AS THE BOARD MAY REQUIRE, TO
5 ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THE FINANCIAL
6 STABILITY, INTEGRITY AND RESPONSIBILITY OF THE PETITIONER.

7 (8) INFORMATION AND DOCUMENTATION, AS THE BOARD MAY
8 REQUIRE, TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT
9 THE PETITIONER HAS SUFFICIENT BUSINESS ABILITY AND EXPERIENCE
10 TO CREATE AND MAINTAIN A SUCCESSFUL TABLE GAME OPERATION. IN
11 MAKING THIS DETERMINATION, THE BOARD MAY CONSIDER THE RESULTS
12 OF THE PETITIONER'S SLOT MACHINE OPERATION, INCLUDING
13 FINANCIAL INFORMATION, EMPLOYMENT FIGURES AND CAPITAL
14 INVESTMENT.

15 (9) INFORMATION AND DOCUMENTATION, AS THE BOARD MAY
16 REQUIRE, TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT
17 THE PETITIONER HAS THE FINANCIAL ABILITY TO PAY THE
18 AUTHORIZATION FEE UNDER SECTION 1361A (RELATING TO TABLE GAME
19 AUTHORIZATION FEE).

20 (10) DETAILED SITE PLANS IDENTIFYING THE PETITIONER'S
21 PROPOSED TABLE GAME AREA WITHIN THE LICENSED FACILITY OR ANY
22 PROPOSED TEMPORARY FACILITY.

23 (11) OTHER INFORMATION AS THE BOARD MAY REQUIRE.

24 (C) CONFIDENTIALITY.--INFORMATION SUBMITTED TO THE BOARD
25 UNDER SUBSECTION (B) (6), (7), (9), (10) AND (11) MAY BE
26 CONSIDERED CONFIDENTIAL BY THE BOARD IF THE INFORMATION WOULD BE
27 CONFIDENTIAL UNDER SECTION 1206(F) (RELATING TO BOARD MINUTES
28 AND RECORDS).

29 § 1313A. PROHIBITIONS.

30 (A) SLOT MACHINE LICENSEE.--NO SLOT MACHINE LICENSEE THAT IS

1 REQUIRED AS A CONDITION OF SLOT MACHINE LICENSURE TO MAKE ANNUAL
2 PAYMENTS TO A MUNICIPALITY OR MUNICIPAL AUTHORITY FOR AN
3 ECONOMIC DEVELOPMENT PROJECT, INCLUDING ANY PROJECT ENUMERATED
4 IN THE ACT OF JULY 25, 2007 (P.L.342, NO.53), KNOWN AS
5 PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND
6 CAPITAL BUDGET ITEMIZATION ACT OF 2007, MAY SUBMIT A PETITION
7 UNDER SECTION 1312A (RELATING TO PETITION REQUIREMENTS) UNTIL A
8 WRITTEN AGREEMENT GOVERNING THE TERMS OF THE PAYMENTS, INCLUDING
9 THE DATE ON WHICH THE PAYMENTS SHALL BE MADE, THE AMOUNT OF EACH
10 ANNUAL PAYMENT AND THE DURATION OF THE ANNUAL PAYMENTS, IS
11 EXECUTED BETWEEN THE SLOT MACHINE LICENSEE AND THE MUNICIPALITY
12 OR MUNICIPAL AUTHORITY.

13 (B) DUTIES OF BOARD.--THE BOARD SHALL NOT ACCEPT OR APPROVE
14 A PETITION SUBMITTED BY ANY SLOT MACHINE LICENSEE SUBJECT TO
15 THIS SECTION AND PROHIBITED BY SUBSECTION (A) UNTIL SUCH WRITTEN
16 AGREEMENT IS SUBMITTED BY THE SLOT MACHINE LICENSEE TO THE
17 BOARD, WHICH SHALL ENSURE THE WRITTEN AGREEMENT MEETS THE
18 REQUIREMENTS OF THIS SECTION AND ALL CONDITIONS RELATING TO THE
19 ECONOMIC DEVELOPMENT PROJECT IMPOSED BY THE BOARD WHEN AWARDING
20 THE SLOT MACHINE LICENSE TO THE LICENSEE ARE SATISFIED AND UNTIL
21 THE MUNICIPALITY OR MUNICIPAL AUTHORITY CONFIRMS TO THE BOARD IN
22 WRITING THAT THE SLOT MACHINE LICENSEE HAS MADE THE FIRST
23 REQUIRED PAYMENT UNDER THE WRITTEN AGREEMENT.

24 (C) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
25 CONSTRUED TO RELIEVE A SLOT MACHINE LICENSEE OF ITS LEGAL
26 OBLIGATION TO MAKE ANY REQUIRED ANNUAL PAYMENTS REFERENCED UNDER
27 THIS SECTION IF THE SLOT MACHINE LICENSEE ELECTS NOT TO PETITION
28 THE BOARD FOR AUTHORIZATION TO CONDUCT TABLE GAMES.

29 § 1314A. TABLE GAME AUTHORIZATION HEARING PROCESS; PUBLIC INPUT
30 HEARINGS.

1 (A) GENERAL RULE.--THE BOARD'S CONSIDERATION AND RESOLUTION
2 OF ALL PETITIONS TO CONDUCT TABLE GAMES SHALL BE CONDUCTED IN
3 ACCORDANCE WITH 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND
4 PROCEDURE) OR WITH PROCEDURES ADOPTED BY ORDER OF THE BOARD.
5 NOTWITHSTANDING THE REQUIREMENTS OF 2 PA.C.S. §§ 504 (RELATING
6 TO HEARING AND RECORD) AND 505 (RELATING TO EVIDENCE AND CROSS-
7 EXAMINATION) AS THEY RELATE TO THE CONDUCT OF ORAL HEARINGS, THE
8 BOARD MAY ADOPT PROCEDURES TO PROVIDE PARTIES BEFORE IT WITH A
9 DOCUMENTARY HEARING, AND THE BOARD MAY RESOLVE DISPUTED MATERIAL
10 FACTS WITHOUT CONDUCTING AN ORAL HEARING WHERE CONSTITUTIONALLY
11 PERMISSIBLE.

12 (B) PUBLIC INPUT HEARING REQUIREMENT.--

13 (1) PRIOR TO GRANTING A PETITION FOR A SLOT MACHINE
14 LICENSEE TO CONDUCT TABLE GAMES UNDER THIS CHAPTER, THE BOARD
15 SHALL HOLD AT LEAST ONE PUBLIC INPUT HEARING ON THE MATTER,
16 IN THE MUNICIPALITY WHERE THE PETITIONER'S LICENSED FACILITY
17 IS LOCATED.

18 (2) A LIST OF ALL WITNESSES SCHEDULED TO TESTIFY AT A
19 PUBLIC INPUT HEARING SHALL BE POSTED ON THE BOARD'S INTERNET
20 WEBSITE AT LEAST SEVEN DAYS PRIOR TO THE HEARING. THE LIST
21 SHALL BE UPDATED AT LEAST THREE DAYS PRIOR TO THE HEARING.
22 ADDITIONAL WITNESSES SHALL BE POSTED ON THE BOARD'S INTERNET
23 WEBSITE AS THEY ARE ADDED TO THE LIST.

24 § 1315A. STANDARD FOR REVIEW OF PETITIONS.

25 THE BOARD SHALL GRANT A PETITION AND AUTHORIZE THE PETITIONER
26 TO OPERATE TABLE GAMES IF THE PETITIONER ESTABLISHES, BY CLEAR
27 AND CONVINCING EVIDENCE, ALL OF THE FOLLOWING:

28 (1) THE PETITIONER'S SLOT MACHINE LICENSE IS IN GOOD
29 STANDING WITH THE BOARD.

30 (2) THE PETITIONER CONDUCTING TABLE GAMES WILL HAVE A

1 POSITIVE ECONOMIC IMPACT ON THE COMMONWEALTH, ITS
2 MUNICIPALITIES AND RESIDENTS THROUGH INCREASED REVENUES AND
3 EMPLOYMENT OPPORTUNITIES.

4 (3) THE PETITIONER POSSESSES OR HAS SECURED ADEQUATE
5 FINANCING, IF NECESSARY, TO:

6 (I) FUND AN EXPANSION OR MODIFICATION OF THE
7 PETITIONER'S LICENSED FACILITY TO ACCOMMODATE TABLE
8 GAMES.

9 (II) PAY THE AUTHORIZATION FEE UNDER SECTION 1361A
10 (RELATING TO TABLE GAME AUTHORIZATION FEE).

11 (4) THE PETITIONER HAS THE FINANCIAL STABILITY,
12 INTEGRITY AND RESPONSIBILITY TO CONDUCT TABLE GAMES.

13 (5) THE PETITIONER HAS SUFFICIENT BUSINESS ABILITY AND
14 EXPERIENCE TO CREATE AND MAINTAIN A SUCCESSFUL TABLE GAME
15 OPERATION.

16 (6) THE PETITIONER'S PROPOSED INTERNAL AND EXTERNAL
17 SECURITY AND PROPOSED SURVEILLANCE MEASURES WITHIN THE AREA
18 OF THE LICENSED FACILITY WHERE THE PETITIONER SEEKS TO
19 CONDUCT TABLE GAMES ARE ADEQUATE.

20 (7) THE PETITIONER AGREES TO MAINTAIN THE SAME NUMBER OF
21 SLOT MACHINES IN OPERATION ON OCTOBER 1, 2009, AND AGREES NOT
22 TO DECREASE THE NUMBER OF SLOT MACHINES IN ITS LICENSED
23 FACILITY BY MORE THAN 2% WITHOUT FORMAL BOARD APPROVAL.

24 (8) IF THE PETITIONER IS A CATEGORY 3 SLOT MACHINE
25 LICENSEE, THE PETITIONER AGREES TO INVEST AT LEAST
26 \$30,000,000 IN CAPITAL IMPROVEMENTS OVER A FIVE-YEAR PERIOD
27 AT THE LICENSED FACILITY.

28 § 1316A. TIMING INITIAL TABLE GAME AUTHORIZATIONS.

29 THE BOARD SHALL APPROVE OR DENY A PETITION FILED UNDER
30 SECTION 1312A (RELATING TO PETITION REQUIREMENTS) WITHIN 90 DAYS

1 OF THE EFFECTIVE DATE OF THIS CHAPTER AND NO LATER THAN 60 DAYS
2 AFTER RECEIPT OF THE FILING.

3 SUBCHAPTER C

4 CONDUCT OF TABLE GAMES

5 SEC.

6 1321A. AUTHORIZED LOCATIONS FOR OPERATION.

7 1322A. COMMENCEMENT OF TABLE GAME OPERATIONS.

8 1323A. TABLE GAME OPERATION CERTIFICATE.

9 1324A. CONDITION OF CONTINUED OPERATION.

10 1325A. TABLE GAME ACCOUNTING CONTROLS AND AUDITS.

11 1326A. WAGERING POLICIES.

12 1327A. KEY EMPLOYEES AND OCCUPATION PERMITS.

13 1328A. AMENDMENT OF STATEMENT OF CONDITIONS.

14 1329A. APPLICATION OF CLEAN INDOOR AIR ACT.

15 1329.1A. APPLICATION OF LIQUOR CODE.

16 § 1321A. AUTHORIZED LOCATIONS FOR OPERATION.

17 (A) RESTRICTION.--EXCEPT AS PROVIDED UNDER SUBSECTION (B), A
18 CERTIFICATE HOLDER SHALL ONLY BE PERMITTED TO OPERATE TABLE
19 GAMES AT THE LICENSED FACILITY.

20 (A.1) TEMPORARY FACILITIES.--THE BOARD MAY PERMIT A
21 CERTIFICATE HOLDER TO CONDUCT TABLE GAMES AT A TEMPORARY
22 FACILITY WHICH IS PHYSICALLY CONNECTED TO, ATTACHED TO OR
23 ADJACENT TO AND ON THE SAME PARCEL OF LAND AS A PERMANENT
24 FACILITY FOR A PERIOD NOT TO EXCEED 24 MONTHS.

25 (B) POWERS AND DUTIES OF BOARD.--UPON PETITION MADE BY A
26 TABLE GAME OPERATION CERTIFICATE HOLDER, THE BOARD MAY DETERMINE
27 THE SUITABILITY OF A HOTEL FOR THE CONDUCT OF TABLE GAMES. THE
28 BOARD MAY AUTHORIZE THE EXECUTIVE DIRECTOR TO DESIGNATE SPECIFIC
29 AREAS OF THE HOTEL, INCLUDING CONFERENCE ROOMS, BALLROOMS OR
30 OTHER ROOMS, IN WHICH THE CERTIFICATE HOLDER MAY CONDUCT TABLE

1 GAMES FOR THE PURPOSES OF TEMPORARY CONTESTS OR TOURNAMENTS. NO
2 CERTIFICATE HOLDER MAY BE APPROVED TO CONDUCT TABLE GAMES IN A
3 HOTEL UNLESS THE AREAS TO BE DESIGNATED ARE EQUIPPED WITH
4 ADEQUATE SECURITY AND SURVEILLANCE EQUIPMENT TO ENSURE THE
5 INTEGRITY OF THE CONDUCT OF A TABLE GAME, CONTEST OR TOURNAMENT.
6 THE PETITION SHALL INCLUDE THE NUMBER OF TABLE GAMES THE
7 CERTIFICATE HOLDER INTENDS TO OPERATE DURING THE TEMPORARY
8 CONTEST OR TOURNAMENT. IN GRANTING AUTHORIZATION UNDER THIS
9 SECTION, THE BOARD SHALL BE PROHIBITED FROM:

10 (1) IMPOSING ANY CRITERIA OR REQUIREMENTS REGARDING THE
11 CONTENTS OR STRUCTURE OF A HOTEL WHICH ARE UNRELATED TO THE
12 CONDUCT OF TABLE GAMES.

13 (2) AUTHORIZING THE PLACEMENT OR OPERATION OF SLOT
14 MACHINES IN A HOTEL.

15 (3) COUNTING THE NUMBER OF TEMPORARY CONTEST OR
16 TOURNAMENT TABLE GAMES TOWARD THE NUMBER OF APPROVED TABLES
17 IN THE TABLE GAME OPERATION CERTIFICATE.

18 § 1322A. COMMENCEMENT OF TABLE GAME OPERATIONS.

19 A CERTIFICATE HOLDER MAY NOT OPERATE OR OFFER TABLE GAMES FOR
20 PLAY AT A LICENSED FACILITY UNTIL:

21 (1) THE CERTIFICATE HOLDER IS IN COMPLIANCE IN ALL
22 RESPECTS WITH THE REQUIREMENTS OF THIS PART.

23 (2) THE BOARD HAS APPROVED THE CERTIFICATE HOLDER'S
24 INTERNAL CONTROLS AND AUDITS PROTOCOLS UNDER SECTION 1325A
25 (RELATING TO TABLE GAME ACCOUNTING CONTROLS AND AUDITS).

26 (3) THE CERTIFICATE HOLDER'S TABLE GAME EMPLOYEES, WHERE
27 APPLICABLE, ARE LICENSED, PERMITTED OR OTHERWISE AUTHORIZED
28 BY THE BOARD TO PERFORM THEIR RESPECTIVE DUTIES.

29 (4) THE CERTIFICATE HOLDER IS PREPARED IN ALL RESPECTS
30 TO OFFER TABLE GAME PLAY TO THE PUBLIC AT THE LICENSED

1 FACILITY.

2 (5) THE CERTIFICATE HOLDER HAS IMPLEMENTED NECESSARY
3 INTERNAL AND MANAGEMENT CONTROLS AND SECURITY ARRANGEMENTS
4 AND SURVEILLANCE SYSTEMS FOR THE CONDUCT OF TABLE GAMES.

5 (6) THE CERTIFICATE HOLDER HAS PAID THE AUTHORIZATION
6 FEE IN ACCORDANCE WITH SECTION 1361A (RELATING TO TABLE GAME
7 AUTHORIZATION FEE).

8 § 1323A. TABLE GAME OPERATION CERTIFICATE.

9 THE FOLLOWING SHALL APPLY:

10 (1) A TABLE GAME OPERATION CERTIFICATE SHALL BE IN
11 EFFECT UNLESS SUSPENDED OR REVOKED BY THE BOARD OR NOT
12 RENEWED BY THE CERTIFICATE HOLDER OR BY THE BOARD UPON GOOD
13 CAUSE BY THE BOARD CONSISTENT WITH THE REQUIREMENTS OF THIS
14 PART.

15 (2) THE TABLE GAME OPERATION CERTIFICATE SHALL INCLUDE
16 AN ITEMIZED LIST BY TYPE AND NUMBER OF THE TABLE GAMES
17 APPROVED BY THE BOARD AND PERMITTED IN THE PARTICULAR
18 LICENSED FACILITY. THE CERTIFICATE HOLDER MAY INCREASE OR
19 DECREASE THE NUMBER OF TABLE GAMES PERMITTED AT THE LICENSED
20 FACILITY, CHANGE THE TYPE OF TABLE GAMES PLAYED AT A
21 PARTICULAR TABLE OR CHANGE THE CONFIGURATION OF TABLE GAMES
22 UPON NOTICE TO THE BOARD AND APPROVAL BY A DESIGNATED
23 EMPLOYEE OF THE BOARD. UNLESS APPROVED BY THE BOARD, THE
24 TOTAL NUMBER OF TABLE GAMES IN OPERATION AT THE LICENSED
25 FACILITY MAY NOT EXCEED THE NUMBER AUTHORIZED IN THE TABLE
26 GAMES OPERATION CERTIFICATE.

27 (3) CERTIFICATE HOLDERS SHALL BE REQUIRED TO UPDATE THE
28 INFORMATION IN THEIR INITIAL TABLE GAMES PETITION AT TIMES
29 PRESCRIBED BY THE BOARD.

30 (4) NO ADDITIONAL AUTHORIZATION FEE SHALL BE IMPOSED FOR

1 RENEWAL OF A TABLE GAME OPERATION CERTIFICATE.

2 § 1324A. CONDITION OF CONTINUED OPERATION.

3 AS A CONDITION OF CONTINUED OPERATION, A CERTIFICATE HOLDER
4 SHALL AGREE TO MAINTAIN ALL BOOKS, RECORDS AND DOCUMENTS
5 PERTAINING TO TABLE GAMES IN A MANNER AND LOCATION WITHIN THIS
6 COMMONWEALTH AS APPROVED BY THE BOARD. ALL BOOKS, RECORDS AND
7 DOCUMENTS RELATED TO TABLE GAMES SHALL:

8 (1) BE SEGREGATED BY SEPARATE ACCOUNTS WITHIN THE SLOT
9 MACHINE LICENSEE'S OPERATIONS BOOKS, RECORDS AND DOCUMENTS,
10 EXCEPT FOR ANY BOOKS, RECORDS OR DOCUMENTS THAT ARE COMMON TO
11 BOTH OPERATIONS;

12 (2) BE IMMEDIATELY AVAILABLE FOR INSPECTION UPON REQUEST
13 OF THE BOARD, THE BUREAU, THE PENNSYLVANIA STATE POLICE, THE
14 ATTORNEY GENERAL OR AGENTS THEREOF DURING ALL HOURS OF
15 OPERATION OF THE LICENSED FACILITY IN ACCORDANCE WITH
16 REGULATIONS PROMULGATED BY THE BOARD; AND

17 (3) BE MAINTAINED FOR A PERIOD AS THE BOARD, BY
18 REGULATION, MAY REQUIRE.

19 § 1325A. TABLE GAME ACCOUNTING CONTROLS AND AUDITS.

20 (A) APPROVAL.--PRIOR TO THE COMMENCEMENT OF TABLE GAME
21 OPERATIONS, A CERTIFICATE HOLDER SHALL SUBMIT TO THE BOARD FOR
22 APPROVAL ALL PROPOSED SITE PLANS, INTERNAL CONTROL SYSTEMS AND
23 AUDIT PROTOCOLS FOR THE CERTIFICATE HOLDER'S TABLE GAME
24 OPERATIONS.

25 (B) MINIMUM REQUIREMENTS.--A CERTIFICATE HOLDER'S INTERNAL
26 CONTROLS AND AUDIT PROTOCOLS SHALL:

27 (1) SAFEGUARD ITS ASSETS AND REVENUES, INCLUDING THE
28 RECORDING OF CASH AND EVIDENCES OF INDEBTEDNESS RELATED TO
29 TABLE GAMES.

30 (2) PROVIDE FOR RELIABLE RECORDS, ACCOUNTS AND REPORTS

1 OF ANY FINANCIAL EVENT THAT OCCURS IN THE CONDUCT OF TABLE
2 GAMES, INCLUDING REPORTS TO THE BOARD RELATED TO THE TABLE
3 GAMES.

4 (3) PROVIDE FOR ACCURATE AND RELIABLE FINANCIAL RECORDS
5 RELATED TO TABLE GAMES.

6 (4) ESTABLISH PROCEDURES FOR ALL THE FOLLOWING:

7 (I) THE RECEIPT, STORAGE AND DISBURSAL OF CHIPS,
8 CASH AND CASH EQUIVALENTS USED IN TABLE GAMES.

9 (II) CHECK CASHING.

10 (III) THE REDEMPTION OF CHIPS, CASH EQUIVALENTS AND
11 OTHER REPRESENTATIONS OF VALUE USED IN TABLE GAMES AND
12 THE PAYOFF OF JACKPOTS.

13 (IV) THE RECORDING OF TRANSACTIONS PERTAINING TO
14 TABLE GAMES.

15 (5) ESTABLISH PROCEDURES FOR THE COLLECTION AND SECURITY
16 OF MONEYS AT THE GAMING TABLES.

17 (6) ESTABLISH PROCEDURES FOR THE TRANSFER AND RECORDING
18 OF CHIPS BETWEEN THE GAMING TABLES AND THE CASHIER'S CAGE.

19 (7) ESTABLISH PROCEDURES FOR THE TRANSFER OF DROP BOXES
20 FOR TABLE GAMES FROM THE GAMING TABLES TO THE COUNT ROOM.

21 (8) ESTABLISH PROCEDURES AND SECURITY FOR THE COUNTING
22 AND RECORDING OF TABLE GAME REVENUE.

23 (9) ESTABLISH PROCEDURES FOR THE SECURITY, STORAGE AND
24 RECORDING OF CASH, CHIPS AND CASH EQUIVALENTS UTILIZED IN
25 TABLE GAMES.

26 (10) ESTABLISH PROCEDURES AND SECURITY STANDARDS FOR THE
27 HANDLING AND STORAGE OF TABLE GAME DEVICES.

28 (11) ESTABLISH PROCEDURES AND RULES GOVERNING THE
29 CONDUCT OF EACH TABLE GAME AND THE RESPONSIBILITY OF
30 EMPLOYEES RELATED TO TABLE GAMES.

1 (12) ESTABLISH PROCEDURES FOR THE COLLECTION AND
2 RECORDING OF REVENUE FROM POKER WHEN IT IS A NONBANKING GAME,
3 INCLUDING THE TYPES OF RAKE UTILIZED AND THE METHODOLOGY FOR
4 CALCULATING THE AMOUNT OF PERMISSIBLE RAKE.

5 (13) ENSURE THAT ANY WAGERING PERMITTED IN A TABLE GAME
6 IS IMPLEMENTED ONLY IN ACCORDANCE WITH THE MANAGEMENT'S
7 GENERAL OR SPECIFIC AUTHORIZATION, AS APPROVED BY THE BOARD.

8 (14) ENSURE THE PROPER AND TIMELY ACCOUNTING OF GROSS
9 TABLE GAME REVENUE AND THE CALCULATION OF GROSS TABLE GAME
10 REVENUE, FEES AND TAXES BASED ON THE GROSS TABLE GAME REVENUE
11 AND MAINTAIN ACCOUNTABILITY FOR ASSETS.

12 (15) ENSURE THAT RECORDED ACCOUNTABILITY FOR ASSETS IS
13 COMPARED WITH ACTUAL ASSETS AT REASONABLE INTERVALS AND THAT
14 APPROPRIATE ACTION IS TAKEN WITH RESPECT TO ANY
15 DISCREPANCIES.

16 (16) ENSURE THAT ALL FUNCTIONS, DUTIES AND
17 RESPONSIBILITIES ARE APPROPRIATELY SEGREGATED AND PERFORMED
18 IN ACCORDANCE WITH SOUND FINANCIAL PRACTICES BY COMPETENT,
19 QUALIFIED EMPLOYEES.

20 (17) PERMIT USE OF ITS LICENSED FACILITY BY THE BOARD,
21 THE BUREAU AND OTHER PERSONS AUTHORIZED BY THE BOARD TO
22 FACILITATE THEIR ABILITY TO PERFORM REGULATORY AND OVERSIGHT
23 FUNCTIONS UNDER THIS CHAPTER.

24 (C) SUBMISSION TO BOARD.--THE SUBMISSION REQUIRED UNDER
25 SUBSECTION (A) SHALL INCLUDE A DETAILED DESCRIPTION OF THE
26 CERTIFICATE HOLDER'S ADMINISTRATIVE AND ACCOUNTING PROCEDURES
27 RELATED TO TABLE GAMES, INCLUDING ITS WRITTEN SYSTEM OF INTERNAL
28 CONTROLS. EACH WRITTEN SYSTEM OF INTERNAL CONTROLS SHALL
29 INCLUDE:

30 (1) AN ORGANIZATIONAL CHART DEPICTING APPROPRIATE

1 FUNCTIONS AND RESPONSIBILITIES OF EMPLOYEES INVOLVED IN BOTH
2 THE SLOT MACHINE OPERATIONS AND TABLE GAME OPERATIONS.

3 (2) A DESCRIPTION OF THE DUTIES AND RESPONSIBILITIES OF
4 EACH POSITION SHOWN ON THE ORGANIZATIONAL CHART.

5 (3) THE RECORD RETENTION POLICY OF THE CERTIFICATE
6 HOLDER.

7 (4) THE PROCEDURE TO BE UTILIZED TO ENSURE THAT ASSETS
8 ARE SAFEGUARDED, INCLUDING MANDATORY COUNT PROCEDURES.

9 (5) A DETAILED NARRATIVE DESCRIPTION OF THE
10 ADMINISTRATIVE AND ACCOUNTING PROCEDURES IN PLACE TO ENSURE
11 COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1326A (RELATING
12 TO WAGERING POLICIES).

13 (6) A STATEMENT SIGNED BY THE CERTIFICATE HOLDER'S CHIEF
14 FINANCIAL OFFICER OR OTHER COMPETENT PERSON ATTESTING THAT
15 THE OFFICER BELIEVES, IN GOOD FAITH, THAT THE SYSTEM
16 SATISFIES THE REQUIREMENTS OF THIS SECTION.

17 (D) REVIEW.--PRIOR TO AUTHORIZING A CERTIFICATE HOLDER TO
18 CONDUCT TABLE GAMES, THE BOARD SHALL REVIEW THE SYSTEM OF
19 INTERNAL CONTROLS SUBMITTED UNDER SUBSECTION (C) TO DETERMINE
20 WHETHER IT CONFORMS TO THE REQUIREMENTS OF THIS PART AND WHETHER
21 IT PROVIDES ADEQUATE AND EFFECTIVE CONTROLS FOR THE CONDUCT OF
22 TABLE GAMES.

23 § 1326A. WAGERING POLICIES.

24 (A) ACCEPTANCE OF CHECKS.--A CERTIFICATE HOLDER MAY ACCEPT A
25 CHECK FROM A PATRON IN EXCHANGE FOR CASH OR CHIPS. THE
26 CERTIFICATE HOLDER SHALL PRESENT EACH CHECK FOR PAYMENT TO THE
27 FINANCIAL INSTITUTION UPON WHICH THE CHECK IS DRAWN WITHIN TEN
28 DAYS OF RECEIPT BY THE CERTIFICATE HOLDER. NO THIRD PARTY CHECKS
29 SHALL BE PERMITTED.

30 (B) CREDIT AND OTHER FINANCIAL TRANSACTIONS PERMITTED.--A

1 CERTIFICATE HOLDER MAY MAKE CREDIT CARD ADVANCES AND WITHDRAWALS
2 AVAILABLE TO PATRONS AT ITS LICENSED FACILITY. ALL FEES CHARGED
3 FOR CASH ADVANCES, CHECK CASHING, CREDIT CARD WITHDRAWALS AND
4 THE CONVERSION OF CASH EQUIVALENTS SHALL BE DISCLOSED.
5 NOTWITHSTANDING SECTION 1504 (RELATING TO WAGERING ON CREDIT), A
6 CERTIFICATE HOLDER MAY EXTEND CREDIT TO PATRONS FOR THE PURPOSE
7 OF PLAYING SLOT MACHINES OR TABLE GAMES IN ACCORDANCE WITH THIS
8 SECTION.

9 (C) CREDIT APPLICATIONS.--EACH APPLICATION FOR CREDIT
10 SUBMITTED BY A PATRON TO A CERTIFICATE HOLDER SHALL BE
11 MAINTAINED IN A CREDIT FILE. THE APPLICATION SHALL INCLUDE THE
12 PATRON'S NAME, ADDRESS, TELEPHONE NUMBER, COMPREHENSIVE BANK
13 ACCOUNT INFORMATION, THE REQUESTED CREDIT LIMIT, THE PATRON'S
14 APPROXIMATE AMOUNT OF CURRENT INDEBTEDNESS, THE AMOUNT AND
15 SOURCE OF INCOME IN SUPPORT OF THE APPLICATION, THE PATRON'S
16 SIGNATURE ON THE APPLICATION AND A CERTIFICATION OF TRUTHFULNESS
17 WHICH SHALL BE SUBJECT TO 18 PA.C.S. § 4903 (RELATING TO FALSE
18 SWEARING). THE CERTIFICATION HOLDER SHALL NOTIFY EACH APPLICANT
19 THAT, AS A CONDITION OF RECEIVING CREDIT, THE CERTIFICATE HOLDER
20 WILL VERIFY IDENTITY AND INDEBTEDNESS INFORMATION THROUGH A
21 CREDIT BUREAU, CASINO CREDIT BUREAU AND, IF APPROPRIATE, THROUGH
22 DIRECT CONTACT WITH OTHER CERTIFICATE HOLDERS.

23 (D) CREDIT APPLICATION VERIFICATION.--PRIOR TO APPROVING AN
24 APPLICATION FOR CREDIT, A CERTIFICATE HOLDER SHALL VERIFY:

25 (1) THE IDENTITY, CREDITWORTHINESS AND INDEBTEDNESS
26 INFORMATION ON THE APPLICATION BY CONDUCTING A COMPREHENSIVE
27 REVIEW OF THE INFORMATION SUBMITTED WITH THE APPLICATION AND
28 ANY INFORMATION REGARDING THE PATRON'S CREDIT ACTIVITY AT
29 OTHER LICENSED FACILITIES WHICH THE CERTIFICATE HOLDER MAY
30 OBTAIN THROUGH A CASINO CREDIT BUREAU AND, IF APPROPRIATE,

1 THROUGH DIRECT CONTACT WITH OTHER LICENSED FACILITIES.

2 (2) THAT THE APPLICANT'S NAME IS NOT INCLUDED ON AN
3 EXCLUSION LIST UNDER SECTION 1514 (RELATING TO REGULATION
4 REQUIRING EXCLUSION OF CERTAIN PERSONS) OR 1516 (RELATING TO
5 LIST OF PERSONS SELF EXCLUDED FROM GAMING ACTIVITIES) OR A
6 VOLUNTARY CREDIT SUSPENSION LIST UNDER SUBSECTION (H).

7 (3) THE APPLICANT'S AVERAGE BANK BALANCE THROUGH DIRECT
8 CONTACT WITH A CASINO CREDIT BUREAU, CREDIT AGENCY OR WITH
9 THE APPLICANT'S BANK.

10 (E) ESTABLISHMENT OF CREDIT.--EACH APPLICANT'S CREDIT LIMIT
11 SHALL BE APPROVED BY ANY TWO OR MORE EMPLOYEES OF THE
12 CERTIFICATE HOLDER HOLDING THE JOB POSITIONS OF CREDIT MANAGER,
13 ASSISTANT CREDIT MANAGER, CREDIT SHIFT MANAGER, CREDIT EXECUTIVE
14 OR A KEY EMPLOYEE IN A DIRECT REPORTING LINE ABOVE THE MANAGER
15 OR CREDIT MANAGER. THE APPROVAL SHALL BE RECORDED IN THE
16 APPLICANT'S CREDIT FILE AND SHALL INCLUDE THE REASONS AND
17 INFORMATION RELIED ON FOR THE APPROVAL OF CREDIT AND
18 VERIFICATION BY THE EMPLOYEES APPROVING THE APPLICANT'S CREDIT
19 LIMIT. INCREASES TO AN INDIVIDUAL'S CREDIT LIMIT MAY BE APPROVED
20 FOLLOWING A WRITTEN REQUEST FROM THE INDIVIDUAL AND
21 REVERIFICATION OF AN INDIVIDUAL'S CREDIT INFORMATION.

22 (F) RECORDKEEPING.--DETAILED INFORMATION PERTAINING TO ALL
23 TRANSACTIONS AFFECTING AN INDIVIDUAL'S OUTSTANDING INDEBTEDNESS
24 TO A CERTIFICATE HOLDER SHALL BE RECORDED IN CHRONOLOGICAL ORDER
25 IN THE INDIVIDUAL'S CREDIT FILE.

26 (G) SUSPENSION OF CREDIT.--A CERTIFICATE HOLDER MAY REDUCE
27 AN INDIVIDUAL'S CREDIT LIMIT OR SUSPEND CREDIT TO AN INDIVIDUAL
28 UPON CONSIDERATION OF INFORMATION AFFECTING THE INDIVIDUAL'S
29 CREDITWORTHINESS OR THE INDIVIDUAL'S CREDIT ACTIVITIES AT THE
30 LICENSED FACILITY OR ANOTHER LICENSED FACILITY. ANY INDIVIDUAL

1 MAY REQUEST A CERTIFICATE HOLDER TO VOLUNTARILY SUSPEND THE
2 INDIVIDUAL'S CREDIT. EACH CERTIFICATE HOLDER SHALL INFORM THE
3 BOARD WHEN AN INDIVIDUAL REQUESTS A VOLUNTARY SUSPENSION OF
4 CREDIT AND SHALL PROVIDE THE BOARD WITH ALL INFORMATION
5 NECESSARY TO MAINTAIN THE VOLUNTARY CREDIT SUSPENSION LIST UNDER
6 SUBSECTION (H).

7 (H) VOLUNTARY CREDIT SUSPENSION LIST.--THE BOARD SHALL
8 MAINTAIN A VOLUNTARY CREDIT SUSPENSION LIST OF ALL PERSONS WHO
9 HAVE REQUESTED VOLUNTARY SUSPENSION OF CREDIT PRIVILEGES AND
10 SHALL PROVIDE THE LIST ON A CONTINUOUS BASIS TO THE CREDIT
11 DEPARTMENT OF EACH CERTIFICATE HOLDER. AN INDIVIDUAL MAY REQUEST
12 PLACEMENT ON THE VOLUNTARY CREDIT SUSPENSION LIST BY SUBMITTING
13 TO THE BOARD THE INDIVIDUAL'S NAME, ADDRESS AND DATE OF BIRTH.
14 THE INDIVIDUAL DOES NOT NEED TO PROVIDE A REASON FOR THE
15 REQUEST. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
16 CONTRARY, THE BOARD'S LIST OF INDIVIDUALS WHO HAVE HAD CREDIT
17 PRIVILEGES VOLUNTARILY SUSPENDED SHALL NOT BE OPEN TO PUBLIC
18 INSPECTION, AND NEITHER THE BOARD NOR THE CREDIT DEPARTMENT OF A
19 CERTIFICATE HOLDER SHALL DIVULGE THE NAMES ON THIS LIST TO ANY
20 PERSON OR ENTITY OTHER THAN THOSE PROVIDED FOR IN THIS
21 SUBSECTION. TO REMOVE AN INDIVIDUAL'S NAME FROM THE LIST, THE
22 INDIVIDUAL SHALL SUBMIT A REQUEST TO THE BOARD, WHICH SHALL
23 REMOVE THE INDIVIDUAL FROM THE LIST AND INFORM THE CREDIT
24 DEPARTMENT OF EACH CERTIFICATE HOLDER NOT LATER THAN THREE DAYS
25 AFTER THE SUBMISSION OF THE REQUEST.

26 (I) LIABILITY.--A CERTIFICATE HOLDER OR EMPLOYEE THEREOF
27 SHALL NOT BE LIABLE TO ANY INDIVIDUAL ON THE VOLUNTARY CREDIT
28 SUSPENSION LIST OR TO ANY OTHER PARTY IN ANY JUDICIAL PROCEEDING
29 FOR ANY HARM, MONETARY OR OTHERWISE, WHICH MAY ARISE AS A RESULT
30 OF:

1 (1) THE FAILURE OF A CERTIFICATE HOLDER TO RESTORE
2 CREDIT PRIVILEGES TO AN INDIVIDUAL ON THE VOLUNTARY CREDIT
3 SUSPENSION LIST; OR

4 (2) OTHERWISE PERMITTING AN INDIVIDUAL ON THE VOLUNTARY
5 CREDIT SUSPENSION LIST TO ENGAGE IN GAMING ACTIVITY IN THE
6 LICENSED FACILITY WHILE ON THE VOLUNTARY CREDIT SUSPENSION
7 LIST.

8 (J) CHECKS.--NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO
9 THE CONTRARY, CHECKS CASHED IN CONFORMITY WITH THE REQUIREMENTS
10 OF THIS SECTION OR 13 PA.C.S. DIV. 3 (RELATING TO NEGOTIABLE
11 INSTRUMENTS) SHALL BE VALID INSTRUMENTS, ENFORCEABLE AT LAW IN
12 THE COURTS OF THIS COMMONWEALTH. ANY CHECK CASHED, TRANSFERRED,
13 CONVEYED, GIVEN OR ACCEPTED IN VIOLATION OF THIS SECTION SHALL
14 BE INVALID AND UNENFORCEABLE FOR THE PURPOSES OF COLLECTION BY A
15 CERTIFICATE HOLDER BUT SHALL BE INCLUDED IN THE CALCULATION OF
16 GROSS TABLE GAME REVENUE.

17 (K) TAX LIABILITY.--CREDIT EXTENDED PURSUANT TO THIS SECTION
18 MAY NOT BE CLAIMED AS A DEDUCTION, CREDIT OR ANY OTHER TYPE OF
19 REDUCTION OR OFFSET AGAINST ANY TAX IMPOSED BY THIS PART OR THE
20 ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE
21 OF 1971.

22 § 1327A. KEY EMPLOYEES AND OCCUPATION PERMITS.

23 NOTHING IN THIS PART SHALL BE CONSTRUED TO REQUIRE ANY
24 INDIVIDUAL WHO HOLDS A KEY EMPLOYEE OR GAMING EMPLOYEE LICENSE
25 UNDER CHAPTER 13 (RELATING TO LICENSEES) TO OBTAIN A SEPARATE
26 LICENSE OR PERMIT TO BE EMPLOYED IN A CERTIFICATE HOLDER'S TABLE
27 GAME OPERATION AUTHORIZED UNDER THIS CHAPTER.

28 § 1328A. AMENDMENT OF STATEMENT OF CONDITIONS.

29 (A) AMENDMENT.--UPON GRANTING A PETITION FOR A TABLE GAME
30 OPERATION CERTIFICATE, THE BOARD SHALL AMEND THE SLOT MACHINE

1 LICENSEE'S STATEMENT OF CONDITIONS GOVERNING THE SLOT MACHINE
2 LICENSE TO INCLUDE CONDITIONS PERTAINING TO THE REQUIREMENTS OF
3 THIS PART.

4 (B) SANCTIONS.--A CERTIFICATE HOLDER THAT FAILS TO ABIDE BY
5 THIS PART AS WELL AS ANY CONDITION CONTAINED IN THE LICENSEE'S
6 STATEMENT OF CONDITIONS IN THE CONDUCT OF TABLE GAMES SHALL BE
7 SUBJECT TO BOARD-IMPOSED ADMINISTRATIVE SANCTIONS OR OTHER
8 PENALTIES AUTHORIZED UNDER THIS PART.

9 § 1329A. APPLICATION OF CLEAN INDOOR AIR ACT.

10 IF THE BOARD AUTHORIZES THE CONDUCT OF TABLE GAMES IN A
11 DESIGNATED AREA OTHER THAN THE GAMING FLOOR, AS DEFINED IN
12 SECTION 2 OF THE ACT OF JUNE 13, 2008 (P.L.182, NO.27), KNOWN AS
13 THE CLEAN INDOOR AIR ACT, THE PROVISIONS OF SECTION 3(B)(11) OF
14 THE CLEAN INDOOR AIR ACT SHALL APPLY TO THAT AREA.

15 § 1329.1A. APPLICATION OF LIQUOR CODE.

16 THE PROVISIONS OF SECTION 493(24)(II) OF THE ACT OF APRIL 12,
17 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, SHALL ALSO APPLY
18 TO TABLE GAMES.

19 SUBCHAPTER D

20 (RESERVED)

21 SUBCHAPTER E

22 TABLE GAME TESTING AND CERTIFICATION

23 SEC.

24 1341A. TABLE GAME DEVICE TESTING AND CERTIFICATION STANDARDS.

25 § 1341A. TABLE GAME DEVICE TESTING AND CERTIFICATION STANDARDS.

26 (A) USE OF OTHER STATE STANDARDS.--UNTIL SUCH TIME AS THE
27 BOARD EXPANDS THE INDEPENDENT TESTING AND CERTIFICATION FACILITY
28 ESTABLISHED UNDER SECTION 1320(B) (RELATING TO SLOT MACHINE
29 TESTING AND CERTIFICATION STANDARDS), THE BOARD MAY DETERMINE
30 WHETHER THE TABLE GAME DEVICE TESTING AND CERTIFICATION

1 STANDARDS OF ANOTHER JURISDICTION WITHIN THE UNITED STATES IN
2 WHICH AN APPLICANT FOR A MANUFACTURER LICENSE IS LICENSED ARE
3 COMPREHENSIVE AND THOROUGH AND PROVIDE SIMILAR ADEQUATE
4 SAFEGUARDS AS THOSE REQUIRED BY THIS PART. IF THE BOARD MAKES
5 THAT DETERMINATION, IT MAY PERMIT A MANUFACTURER LICENSED
6 PURSUANT TO SECTION 1317.1 (RELATING TO MANUFACTURER LICENSES)
7 TO DEPLOY TABLE GAME DEVICES IT MANUFACTURES WHICH HAVE MET THE
8 TABLE GAME DEVICE TESTING AND CERTIFICATION STANDARDS IN ANOTHER
9 JURISDICTION WITHOUT UNDERGOING THE FULL TESTING AND
10 CERTIFICATION PROCESS BY THE BOARD'S INDEPENDENT TESTING AND
11 CERTIFICATION FACILITY.

12 (B) EXPANSION OF INDEPENDENT TESTING AND CERTIFICATION
13 FACILITY.--WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
14 CHAPTER, THE BOARD SHALL EXPAND THE INDEPENDENT TESTING AND
15 CERTIFICATION FACILITY CREATED UNDER SECTION 1320(B) TO INCLUDE
16 THE TESTING AND CERTIFICATION OF TABLE GAME DEVICES. COSTS
17 ASSOCIATED WITH THE EXPANSION OF THE FACILITY SHALL BE ASSESSED
18 ON THE APPROPRIATE MANUFACTURER LICENSED TO MANUFACTURE TABLE
19 GAME DEVICES UNDER THIS PART IN ACCORDANCE WITH A SCHEDULE
20 ADOPTED BY THE BOARD. THE EXPANDED FACILITY SHALL BE MADE
21 AVAILABLE TO EACH TABLE GAME DEVICE MANUFACTURER AND SUPPLIER AS
22 DETERMINED BY THE BOARD.

23 SUBCHAPTER F

24 (RESERVED)

25 SUBCHAPTER G

26 TABLE GAME TAXES AND FEES

27 SEC.

28 1361A. TABLE GAME AUTHORIZATION FEE.

29 1362A. TABLE GAME TAXES AND ASSESSMENT.

30 § 1361A. TABLE GAME AUTHORIZATION FEE.

1 (A) IMPOSITION.--THE BOARD SHALL IMPOSE ON EACH CERTIFICATE
2 HOLDER THAT IS A CATEGORY 1 OR CATEGORY 2 SLOT MACHINE LICENSEE
3 A ONE-TIME NONREFUNDABLE AUTHORIZATION FEE IN THE AMOUNT OF
4 \$20,000,000 AND ON EACH CERTIFICATE HOLDER THAT IS A CATEGORY 3
5 LICENSEE A ONE-TIME NONREFUNDABLE AUTHORIZATION FEE IN THE
6 AMOUNT OF \$7,500,000 FOR THE PRIVILEGE OF CONDUCTING TABLE
7 GAMES.

8 (B) PETITION DEADLINES.--ALL ELIGIBLE SLOT MACHINE
9 LICENSEES, WHETHER OPERATIONAL OR NOT, MUST SUBMIT A PETITION
10 AND PAY THE AUTHORIZATION FEE IN FULL BY JUNE 1, 2010. THIS
11 SUBSECTION SHALL NOT APPLY TO A CATEGORY 1 OR CATEGORY 3 LICENSE
12 ISSUED UNDER SECTION 1307 (RELATING TO NUMBER OF SLOT MACHINE
13 LICENSES) AFTER JUNE 1, 2010.

14 (C) PAYMENT OF FEE.--THE FEE IMPOSED UNDER SUBSECTION (A)
15 MAY BE PAID THROUGH AN INSTALLMENT PERIOD ESTABLISHED BY THE
16 BOARD IF THE AUTHORIZATION FEE IS PAID IN FULL ON OR BEFORE JUNE
17 1, 2010.

18 (D) FAILURE TO PAY BY DEADLINE.--IF A PETITIONER OR
19 CERTIFICATE HOLDER FAILS TO PAY THE AUTHORIZATION FEE IN FULL BY
20 JUNE 1, 2010, THE BOARD SHALL IMPOSE A \$5,000,000 PENALTY AND
21 MAY GRANT THE PETITIONER OR CERTIFICATE HOLDER UP TO A SIX-MONTH
22 EXTENSION TO PAY ANY REMAINING AUTHORIZATION FEE AND THE
23 PENALTY. THE BOARD MAY REQUIRE THE CERTIFICATE HOLDER TO REMIT A
24 CERTAIN AMOUNT FROM THE DAILY GROSS TABLE GAME REVENUE TO THE
25 DEPARTMENT UNTIL THE FEE AND PENALTY ARE FULLY PAID.

26 (E) REVOCATION OF CERTIFICATE.--THE BOARD SHALL REVOKE THE
27 TABLE GAME OPERATION CERTIFICATE IF THE CERTIFICATE HOLDER FAILS
28 TO PAY THE TOTAL AUTHORIZATION FEE AND THE PENALTY PRIOR TO THE
29 EXPIRATION OF AN EXTENSION PERIOD GRANTED UNDER SUBSECTION (D).

30 (F) PETITIONS FILED AFTER DEADLINE.--A PETITIONER FILING A

1 PETITION AFTER JUNE 1, 2010, SHALL BE REQUIRED TO PAY AN
2 ADDITIONAL AUTHORIZATION FEE OF \$7,500,000. THIS SUBSECTION
3 SHALL NOT APPLY TO A CATEGORY 1 OR CATEGORY 3 SLOT MACHINE
4 LICENSE ISSUED AFTER JUNE 1, 2010.

5 (G) DEPOSIT OF FEES.--NOTWITHSTANDING SECTION 1208 (RELATING
6 TO COLLECTION OF FEES AND FINES), ALL TABLE GAME AUTHORIZATION
7 FEES RECEIVED BY THE BOARD UNDER SUBSECTION (A), (C) OR (F) OR
8 PENALTIES RECEIVED UNDER SUBSECTION (D) AND ALL TABLE GAME
9 MANUFACTURER AND SUPPLIER LICENSE FEES OR MANUFACTURER AND
10 SUPPLIER RENEWAL FEES OR FEES FOR LICENSEES ISSUED UNDER CHAPTER
11 16 (RELATING TO JUNKETS) SHALL BE DEPOSITED IN THE GENERAL FUND.
12 § 1362A. TABLE GAME TAXES AND ASSESSMENT.

13 (A) IMPOSITION.--EACH CERTIFICATE HOLDER SHALL PAY FROM ITS
14 DAILY GROSS TABLE GAME REVENUE FROM THE TABLE GAMES IN OPERATION
15 AT ITS LICENSED FACILITY ON A FORM PRESCRIBED BY THE DEPARTMENT
16 A TAX OF 34% TO BE DEPOSITED INTO THE GENERAL FUND.

17 (B) DEPOSITS AND DISTRIBUTIONS.--

18 (1) THE TAX IMPOSED UNDER SUBSECTION (A) AND ANY
19 INTEREST ACCRUED THEREON SHALL BE PAYABLE TO THE DEPARTMENT
20 ON A WEEKLY BASIS AND SHALL BE BASED UPON GROSS TABLE GAME
21 REVENUE DERIVED DURING THE PREVIOUS WEEK.

22 (2) ALL FUNDS OWED TO THE COMMONWEALTH UNDER THIS
23 SECTION SHALL BE HELD IN TRUST FOR THE COMMONWEALTH BY THE
24 CERTIFICATE HOLDER UNTIL THE FUNDS ARE PAID OR TRANSFERRED
25 AND DISTRIBUTED BY THE DEPARTMENT. UNLESS OTHERWISE AGREED TO
26 BY THE BOARD, A CERTIFICATE HOLDER SHALL ESTABLISH A SEPARATE
27 BANK ACCOUNT TO MAINTAIN TABLE GAME REVENUE UNTIL SUCH TIME
28 AS THE FUNDS ARE PAID OR TRANSFERRED UNDER THIS SECTION.

29 (C) DEPOSITS FOR PROPERTY TAX RELIEF.--IF, ON THE LAST DAY
30 OF A FISCAL YEAR THE BALANCE OF THE BUDGET STABILIZATION RESERVE

1 FUND ESTABLISHED PURSUANT TO SECTION 1701-A OF THE ACT OF APRIL
2 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, EXCEEDS
3 \$750,000,000, THE SECRETARY OF THE BUDGET SHALL CERTIFY THE
4 AMOUNT IN THE FUND AND THE DEPOSITS MADE INTO THE GENERAL FUND
5 PURSUANT TO SUBSECTION (A) SHALL CEASE AND THEREAFTER BE
6 DEPOSITED INTO THE PROPERTY TAX RELIEF FUND ESTABLISHED PURSUANT
7 TO 4 PA.C.S. § 1409 (RELATING TO PROPERTY TAX RELIEF FUND).

8 SECTION 11.2. SECTIONS 1401(B), 1402(A), 1402.1, 1403(B),
9 (C)(2)(I)(D) AND (E) AND (II)(D) AND (3)(V), 1405 AND 1406(A) OF
10 TITLE 4 ARE AMENDED TO READ:

11 § 1401. SLOT MACHINE LICENSEE DEPOSITS.

12 * * *

13 (B) INITIAL DEPOSIT OF FUNDS.--NOT LATER THAN TWO BUSINESS
14 DAYS PRIOR TO THE COMMENCEMENT OF SLOT MACHINE OPERATIONS BY A
15 SLOT MACHINE LICENSEE, THE SLOT MACHINE LICENSEE SHALL DEPOSIT
16 AND MAINTAIN THE [SUM OF \$5,000,000] FOLLOWING SUMS IN ITS
17 ACCOUNT TO GUARANTEE THE PAYMENT OF FUNDS TO THE COMMONWEALTH
18 UNDER THIS PART AND AS SECURITY FOR ITS OBLIGATIONS UNDER
19 SECTION 1405 (RELATING TO PENNSYLVANIA RACE HORSE DEVELOPMENT
20 FUND) [.]:

21 (1) FOR A CATEGORY 1 OR CATEGORY 2 SLOT MACHINE
22 LICENSEE, \$5,000,000.

23 (2) FOR A CATEGORY 3 SLOT MACHINE LICENSEE, \$1,000,000.
24 NO ADDITIONAL DEPOSIT SHALL BE REQUIRED FROM A SLOT MACHINE
25 LICENSEE IF A SLOT MACHINE LICENSEE IS GRANTED A CERTIFICATE
26 UNDER CHAPTER 13A (RELATING TO TABLE GAMES).

27 * * *

28 § 1402. GROSS TERMINAL REVENUE DEDUCTIONS.

29 (A) DEDUCTIONS.--AFTER DETERMINING THE APPROPRIATE
30 ASSESSMENTS FOR EACH SLOT MACHINE LICENSEE, THE DEPARTMENT SHALL

1 DETERMINE COSTS, EXPENSES OR PAYMENTS FROM EACH ACCOUNT
2 ESTABLISHED UNDER SECTION 1401 (RELATING TO SLOT MACHINE
3 LICENSEE DEPOSITS). THE FOLLOWING COSTS AND EXPENSES SHALL BE
4 TRANSFERRED TO THE APPROPRIATE AGENCY UPON APPROPRIATION BY THE
5 GENERAL ASSEMBLY:

6 (1) THE COSTS AND EXPENSES TO BE INCURRED BY THE
7 DEPARTMENT IN ADMINISTERING THIS PART AT EACH SLOT MACHINE
8 LICENSEE'S LICENSED FACILITY BASED UPON A BUDGET SUBMITTED BY
9 THE DEPARTMENT [TO AND APPROVED BY THE BOARD].

10 (2) THE OTHER COSTS AND EXPENSES TO BE INCURRED BY THE
11 DEPARTMENT IN ADMINISTERING THIS PART BASED UPON A BUDGET
12 SUBMITTED BY THE DEPARTMENT [TO AND APPROVED BY THE BOARD].

13 (3) SUMS NECESSARY TO REPAY ANY LOANS MADE BY THE
14 GENERAL FUND TO THE DEPARTMENT IN CONNECTION WITH CARRYING
15 OUT ITS RESPONSIBILITIES UNDER THIS PART, INCLUDING THE COSTS
16 OF THE INITIAL ACQUISITION OF THE CENTRAL CONTROL COMPUTER
17 AND ANY ACCESSORIES OR ASSOCIATED EQUIPMENT.

18 (4) THE COSTS AND EXPENSES TO BE INCURRED BY THE
19 PENNSYLVANIA STATE POLICE AND THE OFFICE OF ATTORNEY GENERAL
20 AND NOT OTHERWISE REIMBURSED UNDER THIS PART IN CARRYING OUT
21 THEIR RESPECTIVE RESPONSIBILITIES UNDER THIS PART BASED UPON
22 A BUDGET SUBMITTED BY THE PENNSYLVANIA STATE POLICE AND THE
23 ATTORNEY GENERAL [TO AND APPROVED BY THE BOARD].

24 (5) SUMS NECESSARY TO REPAY ANY LOANS MADE BY THE
25 GENERAL FUND TO THE PENNSYLVANIA STATE POLICE IN CONNECTION
26 WITH CARRYING OUT ITS RESPONSIBILITIES UNDER THIS PART.

27 (6) THE COSTS AND EXPENSES TO BE INCURRED BY THE BOARD
28 IN CARRYING OUT ITS RESPONSIBILITIES UNDER THIS PART BASED
29 UPON A BUDGET APPROVED BY THE BOARD.

30 (7) SUMS NECESSARY TO REPAY ANY LOANS MADE BY THE

1 GENERAL FUND TO THE BOARD IN CONNECTION WITH CARRYING OUT ITS
2 RESPONSIBILITIES UNDER THIS PART.

3 (8) THE SALARIES, WAGES AND ALL NECESSARY EXPENSES
4 INCURRED BY THE DEPARTMENT OF THE AUDITOR GENERAL AND NOT
5 OTHERWISE REIMBURSED UNDER THIS PART IN CONDUCTING AUDITS AS
6 PROVIDED BY LAW OF THE BOARD OR ANY FUND CREATED BY THIS PART
7 BASED UPON THE BUDGET SUBMITTED BY THE DEPARTMENT OF THE
8 AUDITOR GENERAL PURSUANT TO SECTION 1402.1 (RELATING TO
9 ITEMIZED BUDGET REPORTING).

10 * * *

11 § 1402.1. ITEMIZED BUDGET REPORTING.

12 THE BOARD, DEPARTMENT, PENNSYLVANIA STATE POLICE [AND], THE
13 ATTORNEY GENERAL AND THE DEPARTMENT OF THE AUDITOR GENERAL SHALL
14 PREPARE AND ANNUALLY SUBMIT TO THE CHAIRMAN OF THE
15 APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN OF THE
16 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AN
17 ITEMIZED BUDGET CONSISTING OF AMOUNTS TO BE APPROPRIATED OUT OF
18 THE ACCOUNTS ESTABLISHED UNDER SECTION 1401 (RELATING TO SLOT
19 MACHINE LICENSEE DEPOSITS) NECESSARY TO ADMINISTER THIS PART OR
20 REQUIRED UNDER SECTION 1402(A)(8) (RELATING TO GROSS TERMINAL
21 REVENUE DEDUCTIONS).

22 § 1403. ESTABLISHMENT OF STATE GAMING FUND AND NET SLOT MACHINE
23 REVENUE DISTRIBUTION.

24 * * *

25 (B) SLOT MACHINE TAX.--THE DEPARTMENT SHALL DETERMINE AND
26 EACH SLOT MACHINE LICENSEE SHALL PAY A DAILY TAX OF 34% FROM ITS
27 DAILY GROSS TERMINAL REVENUE FROM THE SLOT MACHINES IN OPERATION
28 AT ITS FACILITY AND A LOCAL SHARE ASSESSMENT AS PROVIDED IN
29 SUBSECTION (C) INTO THE FUND. ALL FUNDS OWED TO THE COMMONWEALTH
30 OR A MUNICIPALITY UNDER THIS SECTION SHALL BE HELD IN TRUST BY

1 THE LICENSED GAMING ENTITY FOR THE COMMONWEALTH AND THE
2 MUNICIPALITY UNTIL THE FUNDS ARE PAID OR TRANSFERRED AND
3 DISTRIBUTED. UNLESS OTHERWISE AGREED TO BY THE [GAMING BOARD]
4 BOARD, A LICENSED GAMING ENTITY SHALL ESTABLISH A SEPARATE BANK
5 ACCOUNT TO MAINTAIN [GAMING PROCEEDS] SLOT MACHINE REVENUE UNTIL
6 SUCH TIME AS [THEY] THE FUNDS ARE PAID OR TRANSFERRED UNDER THIS
7 SECTION.

8 (C) TRANSFERS AND DISTRIBUTIONS.--THE DEPARTMENT SHALL:

9 * * *

10 (2) FROM THE LOCAL SHARE ASSESSMENT ESTABLISHED IN
11 SUBSECTION (B), MAKE QUARTERLY DISTRIBUTIONS AMONG THE
12 COUNTIES HOSTING A LICENSED FACILITY IN ACCORDANCE WITH THE
13 FOLLOWING SCHEDULE:

14 (I) IF THE LICENSED FACILITY IS A CATEGORY 1
15 LICENSED FACILITY THAT IS LOCATED AT A HARNESS RACETRACK
16 AND THE COUNTY, INCLUDING A HOME RULE COUNTY, IN WHICH
17 THE LICENSED FACILITY IS LOCATED IS:

18 * * *

19 (D) (I) A COUNTY OF THE THIRD CLASS: EXCEPT AS
20 PROVIDED IN SUBCLAUSE (II), 2% OF THE GROSS TERMINAL
21 REVENUE FROM EACH SUCH LICENSED FACILITY SHALL BE
22 DEPOSITED INTO A RESTRICTED ACCOUNT ESTABLISHED IN
23 THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
24 TO BE USED EXCLUSIVELY FOR GRANTS FOR HEALTH, SAFETY
25 AND ECONOMIC DEVELOPMENT PROJECTS TO MUNICIPALITIES
26 WITHIN THE COUNTY WHERE THE LICENSED FACILITY IS
27 LOCATED. [MUNICIPALITIES THAT ARE CONTIGUOUS TO THE
28 MUNICIPALITY HOSTING SUCH LICENSED FACILITY SHALL BE
29 GIVEN PRIORITY BY THE DEPARTMENT OF COMMUNITY AND
30 ECONOMIC DEVELOPMENT IN THE AWARD OF SUCH GRANTS.] IF

1 THE LICENSED FACILITY IS LOCATED IN A FIRST CLASS
2 TOWNSHIP LOCATED IN A COUNTY WHERE A THIRD CLASS CITY
3 IS OPERATING UNDER AN OPTIONAL PLAN B FORM OF
4 GOVERNMENT PURSUANT TO THE FORMER ACT OF APRIL 13,
5 1972 (P.L.184, NO.62), KNOWN AS THE HOME RULE CHARTER
6 AND OPTIONAL PLANS LAW, THE DEPARTMENT SHALL ALLOCATE
7 FUNDS AVAILABLE FOR GRANTS TO MUNICIPALITIES AS
8 FOLLOWS: 40% SHALL BE AWARDED TO CITIES LOCATED IN
9 THE COUNTY ON A PRO RATA BASIS UTILIZING THE MOST
10 RECENT UNITED STATES CENSUS BUREAU POPULATION FIGURES
11 AVAILABLE; 35% SHALL BE AWARDED TO MUNICIPALITIES
12 CONTIGUOUS TO THE HOST MUNICIPALITY; AND 25% SHALL BE
13 AVAILABLE FOR AWARDS TO NONCONTIGUOUS MUNICIPALITIES
14 IN THE COUNTY, ON A COMPETITIVE BASIS. GRANTS TO
15 MUNICIPALITIES WITHIN THE COUNTY WHERE THE LICENSED
16 FACILITY IS LOCATED MAY BE AWARDED TO GROUPS OF
17 MUNICIPALITIES WITHIN THE COUNTY TO FUND REGIONAL
18 PROJECTS.

19 (II) IF A LICENSED FACILITY IS LOCATED IN
20 ONE OF TWO COUNTIES OF THE THIRD CLASS WHERE A
21 CITY OF THE THIRD CLASS IS LOCATED IN BOTH
22 COUNTIES OF THE THIRD CLASS, THE COUNTY IN WHICH
23 THE LICENSED FACILITY IS LOCATED SHALL RECEIVE
24 1.2% OF THE GROSS TERMINAL REVENUE TO BE
25 DISTRIBUTED AS FOLLOWS: 20% TO THE HOST CITY,
26 30% TO THE HOST COUNTY AND 50% TO THE HOST COUNTY
27 FOR THE PURPOSE OF MAKING MUNICIPAL GRANTS WITHIN
28 THE COUNTY, WITH PRIORITY GIVEN TO MUNICIPALITIES
29 CONTIGUOUS TO THE HOST CITY. THE COUNTY OF THE
30 THIRD CLASS, WHICH INCLUDES A CITY OF THE THIRD

1 CLASS THAT IS LOCATED IN TWO COUNTIES OF THE
2 THIRD CLASS AND IS NOT THE HOST COUNTY FOR THE
3 LICENSED FACILITY, SHALL RECEIVE .8% OF THE GROSS
4 TERMINAL REVENUE TO BE DISTRIBUTED AS FOLLOWS:
5 60% TO A NONHOST CITY OF THE THIRD CLASS LOCATED
6 SOLELY IN THE NONHOST COUNTY IN WHICH THE HOST
7 CITY OF THE THIRD CLASS IS ALSO LOCATED OR 60% TO
8 THE NONHOST CITY OF THE THIRD CLASS LOCATED BOTH
9 IN THE HOST AND NONHOST COUNTIES OF THE THIRD
10 CLASS, 35% TO THE NONHOST COUNTY AND 5% TO THE
11 NONHOST COUNTY FOR THE PURPOSE OF MAKING
12 MUNICIPAL GRANTS WITHIN THE COUNTY.

13 (E) A COUNTY OF THE FOURTH CLASS: 2% OF THE
14 GROSS TERMINAL REVENUE FROM EACH SUCH LICENSED
15 FACILITY SHALL BE DISTRIBUTED AS FOLLOWS:

16 (I) THE DEPARTMENT SHALL MAKE QUARTERLY
17 DISTRIBUTIONS DIRECTLY TO EACH MUNICIPALITY
18 WITHIN THE COUNTY, EXCEPT THE HOST MUNICIPALITY,
19 BY USING A FORMULA EQUALING THE SUM OF \$25,000
20 PLUS \$10 PER RESIDENT OF THE MUNICIPALITY USING
21 THE MOST RECENT POPULATION FIGURES PROVIDED BY
22 THE DEPARTMENT OF COMMUNITY AND ECONOMIC
23 DEVELOPMENT, PROVIDED, HOWEVER, THAT THE AMOUNT
24 SO DISTRIBUTED TO ANY MUNICIPALITY SHALL NOT
25 EXCEED 50% OF ITS TOTAL BUDGET FOR FISCAL YEAR
26 2009, ADJUSTED FOR INFLATION IN SUBSEQUENT FISCAL
27 YEARS BY AN AMOUNT NOT TO EXCEED AN ANNUAL COST-
28 OF-LIVING ADJUSTMENT CALCULATED BY APPLYING ANY
29 UPWARD PERCENTAGE CHANGE IN THE CONSUMER PRICE
30 INDEX IMMEDIATELY PRIOR TO THE DATE THE

1 ADJUSTMENT IS DUE TO TAKE EFFECT. DISTRIBUTIONS
2 TO A MUNICIPALITY IN ACCORDANCE WITH THIS
3 SUBCLAUSE SHALL BE DEPOSITED INTO A SPECIAL FUND
4 WHICH SHALL BE ESTABLISHED BY THE MUNICIPALITY.
5 THE GOVERNING BODY OF THE MUNICIPALITY SHALL HAVE
6 THE RIGHT TO DRAW UPON THE SPECIAL FUND PROVIDED
7 THAT THE MUNICIPALITY IDENTIFIES THE FUND AS THE
8 SOURCE OF THE EXPENDITURE. EACH MUNICIPALITY
9 SHALL ANNUALLY SUBMIT A REPORT TO THE DEPARTMENT
10 OF COMMUNITY AND ECONOMIC DEVELOPMENT DETAILING
11 THE AMOUNT AND PURPOSE OF EACH EXPENDITURE MADE
12 FROM THE SPECIAL ACCOUNT DURING THE PRIOR FISCAL
13 YEAR.

14 (II) ANY FUNDS NOT DISTRIBUTED UNDER
15 SUBCLAUSE (I) SHALL BE DEPOSITED INTO A
16 RESTRICTED ACCOUNT ESTABLISHED IN THE DEPARTMENT
17 OF COMMUNITY AND ECONOMIC DEVELOPMENT TO BE USED
18 EXCLUSIVELY FOR GRANTS TO THE COUNTY, TO ECONOMIC
19 DEVELOPMENT AUTHORITIES OR REDEVELOPMENT
20 AUTHORITIES WITHIN THE COUNTY FOR GRANTS FOR
21 ECONOMIC DEVELOPMENT PROJECTS, INFRASTRUCTURE
22 PROJECTS, JOB TRAINING, COMMUNITY IMPROVEMENT
23 PROJECTS, OTHER PROJECTS IN THE PUBLIC INTEREST
24 AND REASONABLE ADMINISTRATIVE COSTS. HOWEVER, THE
25 ADMINISTRATIVE COSTS SHALL NOT EXCEED 4% OF THE
26 GROSS TERMINAL REVENUE RECEIVED BY THE COUNTY OF
27 THE FOURTH CLASS ANNUALLY FROM THE LICENSED
28 FACILITY. NOTWITHSTANDING THE PROVISIONS OF THE
29 ACT OF FEBRUARY 9, 1999 (P.L.1, NO.1), KNOWN AS
30 THE CAPITAL FACILITIES DEBT ENABLING ACT, GRANTS

1 MADE UNDER THIS CLAUSE MAY BE UTILIZED AS LOCAL
2 MATCHING FUNDS FOR OTHER GRANTS OR LOANS FROM THE
3 COMMONWEALTH.

4 * * *

5 (II) IF THE LICENSED FACILITY IS A CATEGORY 1
6 LICENSED FACILITY AND IS LOCATED AT A THOROUGHbred
7 RACETRACK AND THE COUNTY IN WHICH THE LICENSED FACILITY
8 IS LOCATED IS:

9 * * *

10 (D) A COUNTY OF THE THIRD CLASS: 1% OF THE
11 GROSS TERMINAL REVENUE TO THE COUNTY HOSTING THE
12 LICENSED FACILITY FROM EACH SUCH LICENSED FACILITY.
13 AN ADDITIONAL 1% OF THE GROSS TERMINAL REVENUE TO THE
14 COUNTY HOSTING THE LICENSED FACILITY FROM EACH SUCH
15 LICENSED FACILITY FOR THE PURPOSE OF MUNICIPAL GRANTS
16 WITHIN THE COUNTY IN WHICH THE LICENSEE IS LOCATED.
17 WHERE A LICENSED FACILITY IS LOCATED IN A COUNTY OF
18 THE THIRD CLASS AND OWNS LAND WHICH IS LOCATED IN A
19 COUNTY OF THE FIFTH CLASS THAT IS OWNED BY AND
20 ADJACENT TO THE LICENSED FACILITY AND OTHER AREAS
21 OWNED BY THE LICENSED FACILITY, INCLUDING RACETRACKS,
22 GRAZING FIELDS OR ANY OTHER ADJOINING REAL PROPERTY,
23 THE COUNTY OF THE FIFTH CLASS SHALL RECEIVE A PORTION
24 OF THE GROSS TERMINAL REVENUE DISTRIBUTED UNDER THIS
25 CLAUSE IN ACCORDANCE WITH SUBPARAGRAPH (VI) AS IF
26 SUCH LAND WERE PART OF THE LICENSED FACILITY.

27 * * *

28 (3) FROM THE LOCAL SHARE ASSESSMENT ESTABLISHED IN
29 SUBSECTION (B), MAKE QUARTERLY DISTRIBUTIONS AMONG THE
30 MUNICIPALITIES, INCLUDING HOME RULE MUNICIPALITIES, HOSTING A

1 LICENSED FACILITY IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

2 * * *

3 (V) TO A TOWNSHIP OF THE SECOND CLASS HOSTING A
4 LICENSED FACILITY, OTHER THAN A CATEGORY 3 LICENSED
5 FACILITY, 2% OF THE GROSS TERMINAL REVENUE OR \$10,000,000
6 ANNUALLY, WHICHEVER IS GREATER, SHALL BE PAID BY EACH
7 LICENSED GAMING ENTITY OPERATING A LICENSED FACILITY
8 LOCATED IN THE TOWNSHIP, SUBJECT, HOWEVER, TO THE
9 BUDGETARY LIMITATION IN THIS SUBPARAGRAPH. THE AMOUNT
10 ALLOCATED TO THE DESIGNATED MUNICIPALITIES SHALL NOT
11 EXCEED 50% OF THEIR TOTAL BUDGET FOR FISCAL YEAR
12 2003-2004, ADJUSTED FOR INFLATION IN SUBSEQUENT YEARS BY
13 AN AMOUNT NOT TO EXCEED AN ANNUAL COST-OF-LIVING
14 ADJUSTMENT CALCULATED BY APPLYING THE PERCENTAGE CHANGE
15 IN THE CONSUMER PRICE INDEX IMMEDIATELY PRIOR TO THE DATE
16 THE ADJUSTMENT IS DUE TO TAKE EFFECT. ANY REMAINING MONEY
17 SHALL BE COLLECTED BY THE DEPARTMENT FROM EACH LICENSED
18 GAMING ENTITY AND DISTRIBUTED IN ACCORDANCE WITH
19 PARAGRAPH (2) BASED UPON THE CLASSIFICATION OF COUNTY
20 WHERE THE LICENSED FACILITY IS LOCATED. WHERE THE
21 LICENSED FACILITY IS OTHER THAN A CATEGORY 3 AND IS
22 LOCATED IN MORE THAN ONE SECOND CLASS TOWNSHIP, THE
23 COUNTY COMMISSIONERS OF THE COUNTY OF THE THIRD CLASS IN
24 WHICH THE FACILITY IS LOCATED SHALL APPOINT AN ADVISORY
25 COMMITTEE FOR THE PURPOSE OF ADVISING THE COUNTY AS TO
26 THE NEED FOR MUNICIPAL GRANTS FOR HEALTH, SAFETY,
27 TRANSPORTATION AND OTHER PROJECTS IN THE PUBLIC INTEREST
28 TO BE COMPRISED OF TWO INDIVIDUALS FROM THE HOST
29 MUNICIPALITY, TWO FROM CONTIGUOUS MUNICIPALITIES WITHIN
30 THE COUNTY OF THE THIRD CLASS AND ONE FROM THE HOST

1 COUNTY. WHERE THE LICENSED FACILITY IS OTHER THAN A
2 CATEGORY 3 AND IS LOCATED IN A COUNTY OF THE THIRD CLASS
3 AND OWNS LAND WHICH IS LOCATED IN A TOWNSHIP OF THE
4 SECOND CLASS THAT IS LOCATED IN A COUNTY OF THE FIFTH
5 CLASS THAT IS OWNED BY AND ADJACENT TO THE LICENSED
6 FACILITY AND OTHER AREAS OWNED BY THE LICENSED FACILITY,
7 INCLUDING RACETRACKS, GRAZING FIELDS OR ANY OTHER
8 ADJOINING REAL PROPERTY, THE TOWNSHIP OF THE SECOND CLASS
9 IN THE COUNTY OF THE FIFTH CLASS SHALL RECEIVE A PORTION
10 OF THE GROSS TERMINAL REVENUE DISTRIBUTED UNDER THIS
11 SUBPARAGRAPH IN ACCORDANCE WITH SUBPARAGRAPH (X) AS IF
12 SUCH LAND WERE PART OF THE LICENSED FACILITY. A COUNTY
13 OTHER THAN A COUNTY OF THE THIRD CLASS IN WHICH THE
14 LICENSED FACILITY IS LOCATED IS NOT REQUIRED TO APPOINT
15 AN ADVISORY COMMITTEE AND MAY USE FUNDS RECEIVED UNDER
16 THIS SUBPARAGRAPH FOR PURPOSES OTHER THAN MUNICIPAL
17 GRANTS. IN THE EVENT THAT THE REVENUES GENERATED BY THE
18 2% DO NOT MEET THE \$10,000,000 MINIMUM SPECIFIED IN THIS
19 SUBPARAGRAPH, THE DEPARTMENT SHALL COLLECT THE REMAINDER
20 OF THE MINIMUM AMOUNT OF \$10,000,000 FROM EACH LICENSED
21 GAMING ENTITY OPERATING A LICENSED FACILITY IN THE
22 TOWNSHIP, PAY ANY BALANCE DUE TO THE TOWNSHIP AND
23 TRANSFER ANY REMAINDER IN ACCORDANCE WITH PARAGRAPH (2).

24 * * *

25 § 1405. PENNSYLVANIA RACE HORSE DEVELOPMENT FUND.

26 (A) FUND ESTABLISHED.--THERE IS HEREBY ESTABLISHED A
27 PENNSYLVANIA RACE HORSE DEVELOPMENT FUND WITHIN THE STATE
28 TREASURY.

29 (B) PENNSYLVANIA RACE HORSE IMPROVEMENT ASSESSMENT.--EACH
30 ACTIVE AND OPERATING LICENSED GAMING ENTITY SHALL PAY A DAILY

1 ASSESSMENT TO THE PENNSYLVANIA RACE HORSE DEVELOPMENT FUND [AS
2 DETERMINED BY THE DEPARTMENT. SUBJECT TO THE DAILY ASSESSMENT
3 CAP ESTABLISHED UNDER SUBSECTION (C), THE LICENSED GAMING
4 ENTITY'S ASSESSMENT SHALL BE A PERCENTAGE OF EACH LICENSED
5 GAMING ENTITY'S GROSS TERMINAL REVENUE, EQUAL TO AN AMOUNT
6 CALCULATED AS "A" MULTIPLIED BY "B", WITH "A" BEING] EQUAL TO
7 10% OF EACH LICENSED GAMING ENTITY'S GROSS TERMINAL REVENUE FOR
8 THAT DAY [DIVIDED BY THE TOTAL GROSS TERMINAL REVENUE FOR THAT
9 DAY FROM ALL LICENSED GAMING ENTITIES, AND "B" BEING EQUAL TO
10 18% OF THAT DAY'S GROSS TERMINAL REVENUE FOR ALL ACTIVE AND
11 OPERATING CATEGORY 1 LICENSEES CONDUCTING LIVE RACING].

12 [(C) DAILY ASSESSMENT CAP.--IF THE RESULTING DAILY
13 ASSESSMENT FOR A LICENSED GAMING ENTITY EXCEEDS 12% OF THAT
14 LICENSED GAMING ENTITY'S GROSS TERMINAL REVENUE FOR THE DAY, THE
15 LICENSED GAMING ENTITY SHALL PAY A DAILY ASSESSMENT OF 12% OF
16 ITS GROSS TERMINAL REVENUE FOR THAT DAY.]

17 (D) DISTRIBUTIONS.--IN ACCORDANCE WITH SECTION 1406
18 (RELATING TO DISTRIBUTIONS FROM PENNSYLVANIA RACE HORSE
19 DEVELOPMENT FUND), THE DEPARTMENT SHALL MAKE DISTRIBUTIONS FROM
20 THE PENNSYLVANIA RACE HORSE DEVELOPMENT FUND TO EACH OF THE
21 ACTIVE AND OPERATING CATEGORY 1 LICENSEES CONDUCTING LIVE
22 RACING.

23 § 1406. DISTRIBUTIONS FROM PENNSYLVANIA RACE HORSE DEVELOPMENT
24 FUND.

25 (A) DISTRIBUTIONS.--FUNDS FROM THE PENNSYLVANIA RACE HORSE
26 DEVELOPMENT FUND SHALL BE DISTRIBUTED TO EACH ACTIVE AND
27 OPERATING CATEGORY 1 LICENSEE CONDUCTING LIVE RACING [IN THE
28 FOLLOWING MANNER] AS FOLLOWS:

29 (1) [AN AMOUNT EQUAL TO 18% OF THE DAILY GROSS TERMINAL
30 REVENUE OF EACH CATEGORY 1 LICENSEE SHALL BE DISTRIBUTED TO

1 EACH ACTIVE AND OPERATING CATEGORY 1 LICENSEE CONDUCTING LIVE
2 RACING UNLESS THE DAILY ASSESSMENTS ARE AFFECTED BY THE DAILY
3 ASSESSMENT CAP PROVIDED FOR IN SECTION 1405(C) (RELATING TO
4 PENNSYLVANIA RACE HORSE DEVELOPMENT FUND). IN CASES IN WHICH
5 THE DAILY ASSESSMENT CAP AFFECTS DAILY ASSESSMENTS, THE
6 DISTRIBUTION TO EACH ACTIVE AND OPERATING CATEGORY 1 LICENSEE
7 CONDUCTING LIVE RACING FOR THAT DAY SHALL BE A PERCENTAGE OF
8 THE TOTAL DAILY ASSESSMENTS PAID INTO THE PENNSYLVANIA RACE
9 HORSE DEVELOPMENT FUND FOR THAT DAY EQUAL TO THE GROSS
10 TERMINAL REVENUE OF EACH ACTIVE AND OPERATING CATEGORY 1
11 LICENSEE CONDUCTING LIVE RACING FOR THAT DAY DIVIDED BY THE
12 TOTAL GROSS TERMINAL REVENUE OF ALL ACTIVE AND OPERATING
13 CATEGORY 1 LICENSEES CONDUCTING LIVE RACING FOR THAT DAY.

14 THE] EXCEPT AS PROVIDED IN PARAGRAPH (2), THE DISTRIBUTIONS
15 TO LICENSED RACING ENTITIES FROM THE PENNSYLVANIA RACE HORSE
16 DEVELOPMENT FUND SHALL BE ALLOCATED AS FOLLOWS:

17 (I) EIGHTY PERCENT SHALL BE DEPOSITED WEEKLY INTO A
18 SEPARATE, INTEREST-BEARING PURSE ACCOUNT TO BE
19 ESTABLISHED BY AND FOR THE BENEFIT OF THE HORSEMEN. THE
20 EARNED INTEREST ON THE ACCOUNT SHALL BE CREDITED TO THE
21 PURSE ACCOUNT. LICENSEES SHALL COMBINE THESE FUNDS WITH
22 REVENUES FROM EXISTING PURSE AGREEMENTS TO FUND PURSES
23 FOR LIVE RACES CONSISTENT WITH THOSE AGREEMENTS WITH THE
24 ADVICE AND CONSENT OF THE HORSEMEN.

25 (II) FOR THOROUGHBRED TRACKS, 16% SHALL BE DEPOSITED
26 ON A MONTHLY BASIS INTO THE PENNSYLVANIA BREEDING FUND AS
27 DEFINED IN SECTION 223 OF THE RACE HORSE INDUSTRY REFORM
28 ACT. FOR STANDARD BRED TRACKS, 8% SHALL BE DEPOSITED ON A
29 MONTHLY BASIS IN THE PENNSYLVANIA SIRE STAKES FUND AS
30 DEFINED IN SECTION 224 OF THE RACE HORSE INDUSTRY REFORM

1 ACT, AND 8% SHALL BE DEPOSITED ON A MONTHLY BASIS INTO A
2 RESTRICTED ACCOUNT IN THE STATE RACING FUND TO BE KNOWN
3 AS THE PENNSYLVANIA STANDARDBRED BREEDERS DEVELOPMENT
4 FUND. THE STATE HARNESS RACING COMMISSION SHALL, IN
5 CONSULTATION WITH THE SECRETARY OF AGRICULTURE BY RULE OR
6 BY REGULATION, ADOPT A STANDARDBRED BREEDERS PROGRAM THAT
7 WILL INCLUDE THE ADMINISTRATION OF PENNSYLVANIA STALLION
8 AWARD, PENNSYLVANIA BRED AWARD AND A PENNSYLVANIA SIRE
9 AND BRED AWARD.

10 (III) FOUR PERCENT SHALL BE USED TO FUND HEALTH AND
11 PENSION BENEFITS FOR THE MEMBERS OF THE HORSEMEN'S
12 ORGANIZATIONS REPRESENTING THE OWNERS AND TRAINERS AT THE
13 RACETRACK AT WHICH THE LICENSED RACING ENTITY OPERATES
14 FOR THE BENEFIT OF THE ORGANIZATION'S MEMBERS, THEIR
15 FAMILIES, EMPLOYEES AND OTHERS IN ACCORDANCE WITH THE
16 RULES AND ELIGIBILITY REQUIREMENTS OF THE ORGANIZATION,
17 AS APPROVED BY THE STATE HORSE RACING COMMISSION OR THE
18 STATE HARNESS RACING COMMISSION. THIS AMOUNT SHALL BE
19 DEPOSITED WITHIN FIVE BUSINESS DAYS OF THE END OF EACH
20 MONTH INTO A SEPARATE ACCOUNT TO BE ESTABLISHED BY EACH
21 RESPECTIVE HORSEMEN'S ORGANIZATION AT A BANKING
22 INSTITUTION OF ITS CHOICE. OF THIS AMOUNT, \$250,000 SHALL
23 BE PAID ANNUALLY BY THE HORSEMEN'S ORGANIZATION TO THE
24 THOROUGHBRED JOCKEYS OR STANDARDBRED DRIVERS ORGANIZATION
25 AT THE RACETRACK AT WHICH THE LICENSED RACING ENTITY
26 OPERATES FOR HEALTH INSURANCE, LIFE INSURANCE OR OTHER
27 BENEFITS TO ACTIVE AND DISABLED THOROUGHBRED JOCKEYS OR
28 STANDARDBRED DRIVERS IN ACCORDANCE WITH THE RULES AND
29 ELIGIBILITY REQUIREMENTS OF THAT ORGANIZATION.

30 (2) [(RESERVED).] FOR FISCAL YEARS 2009-2010 THROUGH

1 2012-2013, DISTRIBUTIONS TO LICENSED RACING ENTITIES FROM THE
2 PENNSYLVANIA RACE HORSE DEVELOPMENT FUND SHALL BE ALLOCATED
3 AS FOLLOWS:

4 (I) SEVENTEEN PERCENT OF THE ANNUAL REVENUE
5 DEPOSITED INTO THE PENNSYLVANIA RACE HORSE DEVELOPMENT
6 FUND SHALL BE TRANSFERRED TO THE GENERAL FUND. THE
7 REMAINING AMOUNT WILL BE DISTRIBUTED AS FOLLOWS:

8 (A) EITHER 4%, OR \$11,000,000, WHICHEVER IS
9 GREATER, SHALL BE USED TO FUND HEALTH AND PENSION
10 BENEFITS FOR THE MEMBERS OF THE HORSEMEN'S
11 ORGANIZATIONS REPRESENTING THE OWNERS AND TRAINERS AT
12 THE RACETRACK AT WHICH THE LICENSED RACING ENTITY
13 OPERATES FOR THE BENEFIT OF THE ORGANIZATION'S
14 MEMBERS, THEIR FAMILIES, EMPLOYEES AND OTHERS IN
15 ACCORDANCE WITH THE RULES AND ELIGIBILITY
16 REQUIREMENTS OF THE ORGANIZATION, AS APPROVED BY THE
17 STATE HORSE RACING COMMISSION OR THE STATE HARNESS
18 RACING COMMISSION. THIS AMOUNT SHALL BE DEPOSITED
19 WITHIN FIVE BUSINESS DAYS OF THE END OF EACH MONTH
20 INTO A SEPARATE ACCOUNT TO BE ESTABLISHED BY EACH
21 RESPECTIVE HORSEMEN'S ORGANIZATION AT A BANKING
22 INSTITUTION OF ITS CHOICE. OF THIS AMOUNT, A MINIMUM
23 OF \$250,000 SHALL BE PAID ANNUALLY BY THE HORSEMEN'S
24 ORGANIZATION TO THE THOROUGHBRED JOCKEYS OR
25 STANDARD BRED DRIVERS ORGANIZATION AT THE RACETRACK AT
26 WHICH THE LICENSED RACING ENTITY OPERATES FOR HEALTH
27 INSURANCE, LIFE INSURANCE OR OTHER BENEFITS TO ACTIVE
28 AND DISABLED THOROUGHBRED JOCKEYS OR STANDARD BRED
29 DRIVERS IN ACCORDANCE WITH THE RULES AND ELIGIBILITY
30 REQUIREMENTS OF THAT ORGANIZATION.

1 (B) THE AMOUNT REMAINING AFTER APPLICATION OF
2 CLAUSE (A) SHALL BE DISTRIBUTED ON A PRO RATA BASIS
3 AS FOLLOWS:

4 (I) SEVENTY-EIGHT PERCENT OF THE REMAINING
5 AMOUNT SHALL BE DEPOSITED WEEKLY INTO A SEPARATE,
6 INTEREST-BEARING PURSE ACCOUNT TO BE ESTABLISHED
7 BY AND FOR THE BENEFIT OF THE HORSEMEN. THE
8 EARNED INTEREST ON THE ACCOUNT SHALL BE CREDITED
9 TO THE PURSE ACCOUNT. LICENSEES SHALL COMBINE
10 THESE FUNDS WITH REVENUES FROM EXISTING PURSE
11 AGREEMENTS TO FUND PURSES FOR LIVE RACES
12 CONSISTENT WITH THOSE AGREEMENTS WITH THE ADVICE
13 AND CONSENT OF THE HORSEMEN. THE STATE HORSE
14 RACING COMMISSION AND THE STATE HARNESS RACING
15 COMMISSION, IN CONSULTATION WITH THE SECRETARY OF
16 AGRICULTURE, SHALL ADOPT RULES AND REGULATIONS
17 RELATING TO THE CONDITIONS OF LIVE RACES, TO
18 INCLUDE RACES RESTRICTING ENTRY TO THE
19 PENNSYLVANIA-SIRED OR PENNSYLVANIA-BRED HORSE.

20 (II) FOR THOROUGHBRED TRACKS, THE REMAINING
21 17% SHALL BE DEPOSITED ON A MONTHLY BASIS INTO
22 THE PENNSYLVANIA BREEDING FUND AS DEFINED IN
23 SECTION 223 OF THE ACT OF DECEMBER 17, 1981
24 (P.L.435, NO.135), KNOWN AS THE RACE HORSE
25 INDUSTRY REFORM ACT. FOR STANDARD BRED TRACKS,
26 ONE-HALF OF THAT AMOUNT SHALL BE DEPOSITED ON A
27 MONTHLY BASIS IN THE PENNSYLVANIA SIRE STAKES
28 FUND AS DEFINED IN SECTION 224 OF THE RACE HORSE
29 INDUSTRY REFORM ACT, AND THE OTHER HALF SHALL BE
30 DEPOSITED ON A MONTHLY BASIS INTO A RESTRICTED

1 ACCOUNT IN THE STATE RACING FUND TO BE KNOWN AS
2 THE PENNSYLVANIA STANDARD BRED BREEDERS
3 DEVELOPMENT FUND. THE STATE HARNESS RACING
4 COMMISSION SHALL, IN CONSULTATION WITH THE
5 SECRETARY OF AGRICULTURE BY RULE OR BY
6 REGULATION, ADOPT A STANDARD BRED BREEDERS PROGRAM
7 THAT WILL INCLUDE THE ADMINISTRATION OF
8 PENNSYLVANIA STALLION AWARD, PENNSYLVANIA BRED
9 AWARD AND A PENNSYLVANIA SIRE AND BRED AWARD.

10 (III) FIVE PERCENT SHALL BE DEPOSITED WEEKLY
11 INTO THE STATE RACING FUND AS DEFINED IN SECTION
12 222 OF THE RACE HORSE INDUSTRY REFORM ACT.

13 (II) CATEGORY 1 LICENSEES SHALL REPORT ANNUALLY TO
14 THE BOARD AND TO THE RESPECTIVE RACING COMMISSION AS TO
15 HOW THE INTRODUCTION AND EXPANSION OF ENHANCED GAMING HAS
16 FULFILLED THE INTENT OF THIS TITLE TO ENHANCE LIVE RACING
17 AND BREEDING IN THIS COMMONWEALTH. ADDITIONALLY, THE
18 LICENSEES SHALL BE REQUIRED TO DOCUMENT PLANS TO PROMOTE
19 LIVE HANDLE AND DAILY ATTENDANCE AT THE RACETRACK IN THE
20 SUBSEQUENT YEAR.

21 * * *

22 SECTION 12. SECTION 1407 OF TITLE 4 IS AMENDED BY ADDING
23 SUBSECTIONS TO READ:

24 § 1407. PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM
25 FUND.

26 * * *

27 (E) ANNUAL REPORT.--THE OFFICE OF THE BUDGET IN COOPERATION
28 WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT SHALL
29 SUBMIT AN ANNUAL REPORT OF ALL DISTRIBUTION OF FUNDS UNDER THIS
30 SECTION TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE

1 APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIRMAN AND
2 MINORITY CHAIRMAN OF THE COMMUNITY, ECONOMIC AND RECREATIONAL
3 DEVELOPMENT COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY
4 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
5 REPRESENTATIVES AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
6 GAMING OVERSIGHT COMMITTEE OF THE HOUSE OF REPRESENTATIVES. THE
7 REPORT SHALL INCLUDE DETAILED INFORMATION RELATING TO TRANSFERS
8 MADE FROM THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND
9 TOURISM FUND AND ALL REIMBURSEMENTS, DISTRIBUTIONS AND PAYMENTS
10 MADE UNDER SUBSECTION (B) OR THE ACT OF JULY 25, 2007 (P.L.342,
11 NO.53), KNOWN AS PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND
12 TOURISM FUND CAPITAL BUDGET ITEMIZATION ACT OF 2007. THE REPORT
13 SHALL BE SUBMITTED BY JANUARY 31, 2010, AND BY JANUARY 31 OF
14 EACH YEAR THEREAFTER.

15 (F) LOCAL REPORT.--A CITY OF THE FIRST CLASS, CITY OF THE
16 SECOND CLASS, COUNTY OF THE SECOND CLASS, CONVENTION CENTER OR
17 CONVENTION CENTER AUTHORITY, SPORTS AND EXHIBITION AUTHORITY OF
18 A COUNTY OF THE SECOND CLASS, URBAN REDEVELOPMENT AUTHORITY,
19 AIRPORT AUTHORITY OR OTHER ENTITY THAT RECEIVES MONEY FROM THE
20 FUND PURSUANT TO AN ECONOMIC DEVELOPMENT CAPITAL BUDGET UNDER
21 SUBSECTION (B) OR THE ACT OF JULY 25, 2007 (P.L.342, NO.53),
22 KNOWN AS PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM
23 FUND CAPITAL BUDGET ITEMIZATION ACT OF 2007, SHALL SUBMIT AN
24 ANNUAL REPORT TO THE OFFICE OF THE BUDGET, THE CHAIRMAN AND
25 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE,
26 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE COMMUNITY, ECONOMIC
27 AND RECREATIONAL DEVELOPMENT COMMITTEE OF THE SENATE, THE
28 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE
29 OF THE HOUSE OF REPRESENTATIVES AND THE CHAIRMAN AND THE
30 MINORITY CHAIRMAN OF THE GAMING OVERSIGHT COMMITTEE OF THE HOUSE

1 OF REPRESENTATIVES. THE REPORT SHALL INCLUDE DETAILED
2 INFORMATION, INCLUDING RECORDS OF EXPENDITURES, PAYMENTS AND
3 OTHER DISTRIBUTIONS MADE FROM MONEY RECEIVED UNDER SUBSECTION
4 (B). THE INITIAL REPORT SHALL INCLUDE INFORMATION ON ALL FUNDS
5 RECEIVED PRIOR TO JANUARY 31, 2010. THE REPORT SHALL BE
6 SUBMITTED BY JANUARY 31, 2010, AND BY JANUARY 31 OF EACH YEAR
7 THEREAFTER UNTIL ALL FUNDS UNDER THIS SECTION ARE DISTRIBUTED OR
8 RECEIVED. AN ENTITY THAT RECEIVES FUNDS AFTER THE EFFECTIVE DATE
9 OF THIS SECTION SHALL SUBMIT AN INITIAL REPORT BY JANUARY 31 OF
10 THE YEAR FOLLOWING RECEIPT OF THE FUNDS.

11 (G) DISTRIBUTION TO INTERNATIONAL AIRPORT.--NOTWITHSTANDING
12 THE PROVISIONS OF SECTION 7(D) OF THE ACT OF JULY 25, 2007
13 (P.L.342, NO.53), KNOWN AS THE PENNSYLVANIA GAMING ECONOMIC
14 DEVELOPMENT AND TOURISM FUND CAPITAL BUDGET ITEMIZATION ACT OF
15 2007, FOLLOWING THE DISTRIBUTION OF \$42.5 MILLION OF FUNDS
16 ALLOCATED TO THE COUNTY FOR DEBT SERVICE AND ECONOMIC
17 DEVELOPMENT PROJECTS FOR AN INTERNATIONAL AIRPORT IN A COUNTY OF
18 THE SECOND CLASS UNDER SECTION 3(2)(I)(E) OF SAID ACT, ALL
19 REMAINING FUNDS SHALL BE DISTRIBUTED DIRECTLY TO AN AUTHORITY
20 THAT OPERATES AN INTERNATIONAL AIRPORT IN A COUNTY OF THE SECOND
21 CLASS.

22 SECTION 13. SECTION 1408(A) AND (C) OF TITLE 4 ARE AMENDED
23 AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

24 § 1408. TRANSFERS FROM STATE GAMING FUND.

25 (A) TRANSFER FOR COMPULSIVE AND PROBLEM GAMBLING
26 TREATMENT.--EACH YEAR, THE SUM OF [\$1,500,000] \$2,000,000 OR AN
27 AMOUNT EQUAL TO [.001] .002 MULTIPLIED BY THE TOTAL GROSS
28 TERMINAL REVENUE OF ALL ACTIVE AND OPERATING LICENSED GAMING
29 ENTITIES, WHICHEVER IS GREATER, SHALL BE TRANSFERRED INTO THE
30 COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND ESTABLISHED IN

1 SECTION 1509 (RELATING TO COMPULSIVE AND PROBLEM GAMBLING
2 PROGRAM) .

3 (A.1) TRANSFER FROM GRANT PROGRAM.--NO LATER THAN 60 DAYS
4 AFTER THE EFFECTIVE DATE OF THIS SECTION AND ANNUALLY
5 THEREAFTER, THE BOARD SHALL TRANSFER OR CAUSE TO BE TRANSFERRED
6 \$3,000,000 FROM THE GRANT PROGRAM ESTABLISHED IN SUBSECTION (C)
7 TO THE COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND
8 ESTABLISHED UNDER SECTION 1509 (RELATING TO COMPULSIVE AND
9 PROBLEM GAMBLING PROGRAM) SOLELY FOR THE PURPOSES OF COMPULSIVE
10 AND PROBLEM GAMBLING AND DRUG AND ALCOHOL ASSESSMENT AND
11 TREATMENT.

12 * * *

13 (C) LOCAL LAW ENFORCEMENT GRANTS.--ANNUALLY, THE SUM OF
14 \$5,000,000 SHALL BE TRANSFERRED TO THE BOARD FOR THE [PURPOSE
15 OF] PURPOSES AUTHORIZED IN SUBSECTION (A.1) AND FOR ISSUING
16 GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES TO ENFORCE AND PREVENT
17 [THE UNLAWFUL OPERATION OF SLOT MACHINES] ALL FORMS OF UNLAWFUL
18 GAMBLING IN THIS COMMONWEALTH. FOR PURPOSES OF THIS SUBSECTION,
19 THE TERM "LOCAL LAW ENFORCEMENT AGENCY" SHALL INCLUDE
20 PENNSYLVANIA STATE POLICE ACTIVITIES IN A MUNICIPALITY WHICH
21 DOES NOT HAVE A MUNICIPAL POLICE DEPARTMENT FOR ACTIVITIES IN
22 THAT MUNICIPALITY.

23 * * *

24 SECTION 13.1. SECTIONS 1501(B) AND (C), 1504 AND 1505 OF
25 TITLE 4 ARE AMENDED TO READ:

26 § 1501. RESPONSIBILITY AND AUTHORITY OF DEPARTMENT.

27 * * *

28 (B) APPLICATION OF RULES AND REGULATIONS.--THE DEPARTMENT
29 MAY PRESCRIBE THE EXTENT, IF ANY, TO WHICH ANY RULES AND
30 REGULATIONS SHALL BE APPLIED WITHOUT RETROACTIVE EFFECT. THE

1 DEPARTMENT SHALL HAVE AUTHORITY TO PRESCRIBE THE FORMS AND THE
2 SYSTEM OF ACCOUNTING AND RECORDKEEPING TO BE EMPLOYED AND
3 THROUGH ITS REPRESENTATIVE SHALL AT ALL TIMES HAVE POWER OF
4 ACCESS TO AND EXAMINATION AND AUDIT OF ANY EQUIPMENT AND RECORDS
5 RELATING TO ALL ASPECTS OF THE OPERATION OF SLOT MACHINES AND
6 TABLE GAMES UNDER THIS PART.

7 (C) PROCEDURE.--FOR PURPOSES OF IMPLEMENTING THIS PART, THE
8 DEPARTMENT MAY PROMULGATE REGULATIONS IN THE SAME MANNER IN
9 WHICH THE BOARD IS AUTHORIZED AS PROVIDED IN SECTION 1203
10 (RELATING TO TEMPORARY REGULATIONS) AND SECTION 1303A (RELATING
11 TO TEMPORARY TABLE GAME REGULATIONS).

12 * * *

13 § 1504. WAGERING ON CREDIT.

14 [SLOT] EXCEPT AS OTHERWISE PROVIDED IN SECTION 1326A
15 (RELATING TO WAGERING POLICIES), SLOT MACHINE LICENSEES MAY NOT
16 EXTEND CREDIT. SLOT MACHINE LICENSEES WHO DO NOT HOLD A TABLE
17 GAME OPERATION CERTIFICATE MAY NOT ACCEPT CREDIT CARDS, CHARGE
18 CARDS OR DEBIT CARDS FROM A PLAYER FOR THE EXCHANGE OR PURCHASE
19 OF SLOT MACHINE CREDITS OR FOR AN ADVANCE OF COINS OR CURRENCY
20 TO BE UTILIZED BY A PLAYER TO PLAY SLOT MACHINE GAMES OR EXTEND
21 CREDIT IN ANY MANNER TO A PLAYER SO AS TO ENABLE THE PLAYER TO
22 PLAY SLOT MACHINES. SLOT MACHINE LICENSEES WHO HOLD A TABLE GAME
23 OPERATION CERTIFICATE MAY EXTEND CREDIT FOR SLOT MACHINE GAMING
24 IN ACCORDANCE WITH SECTION 1326A (RELATING TO WAGERING
25 POLICIES).

26 § 1505. NO EMINENT DOMAIN AUTHORITY.

27 NEITHER THE COMMONWEALTH NOR ANY POLITICAL SUBDIVISION
28 THEREOF SHALL HAVE THE RIGHT TO ACQUIRE, WITH OR WITHOUT
29 COMPENSATION, THROUGH THE POWER OF EMINENT DOMAIN ANY PROPERTY,
30 EASEMENT OR LAND USE RIGHT FOR THE SITING OR CONSTRUCTION OF A

1 LICENSED FACILITY [FOR THE OPERATION OF SLOT MACHINES BY A SLOT
2 MACHINE LICENSEE].

3 SECTION 13.2. SECTION 1509(B) AND (C) OF TITLE 4 ARE AMENDED
4 AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

5 § 1509. COMPULSIVE AND PROBLEM GAMBLING PROGRAM.

6 * * *

7 (B) COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND.--THERE
8 IS HEREBY ESTABLISHED IN THE STATE TREASURY A SPECIAL FUND TO BE
9 KNOWN AS THE COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND. ALL
10 MONEYS IN THE FUND SHALL BE EXPENDED FOR PROGRAMS FOR THE
11 PREVENTION AND TREATMENT OF GAMBLING ADDICTION AND OTHER
12 EMOTIONAL AND BEHAVIORAL PROBLEMS ASSOCIATED WITH OR RELATED TO
13 GAMBLING ADDICTION AND FOR THE ADMINISTRATION OF THE COMPULSIVE
14 AND PROBLEM GAMBLING PROGRAM. MONEYS IN THE FUND SHALL BE
15 EXPENDED FOR THE PROGRAMS SET FORTH IN SUBSECTION (D.1)(4)(I),
16 (II), (III) AND (IV). THE FUND SHALL CONSIST OF MONEY ANNUALLY
17 ALLOCATED TO IT FROM THE ANNUAL PAYMENT ESTABLISHED UNDER
18 SECTION 1408 (RELATING TO TRANSFERS FROM STATE GAMING FUND),
19 MONEY WHICH MAY BE ALLOCATED BY THE BOARD, INTEREST EARNINGS ON
20 MONEYS IN THE FUND AND ANY OTHER CONTRIBUTIONS, PAYMENTS OR
21 DEPOSITS WHICH MAY BE MADE TO THE FUND.

22 (C) NOTICE OF AVAILABILITY OF ASSISTANCE.--

23 (1) EACH SLOT MACHINE LICENSEE SHALL OBTAIN A TOLL-FREE
24 TELEPHONE NUMBER TO BE USED TO PROVIDE PERSONS WITH
25 INFORMATION ON ASSISTANCE FOR COMPULSIVE OR PROBLEM GAMBLING.
26 EACH LICENSEE SHALL CONSPICUOUSLY POST SIGNS SIMILAR TO THE
27 FOLLOWING STATEMENT:

28 IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP
29 IS AVAILABLE. CALL (TOLL-FREE TELEPHONE NUMBER).

30 THE SIGNS MUST BE POSTED WITHIN 50 FEET OF EACH ENTRANCE AND

1 EXIT AND WITHIN 50 FEET OF EACH AUTOMATED TELLER MACHINE
2 LOCATION WITHIN THE LICENSED FACILITY.

3 (2) EACH RACETRACK WHERE SLOT MACHINES OR TABLE GAMES
4 ARE OPERATED SHALL PRINT A STATEMENT ON DAILY RACING PROGRAMS
5 PROVIDED TO THE GENERAL PUBLIC THAT IS SIMILAR TO THE
6 FOLLOWING:

7 IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP
8 IS AVAILABLE. CALL (TOLL-FREE TELEPHONE NUMBER).

9 (3) A LICENSED FACILITY WHICH FAILS TO POST OR PRINT THE
10 WARNING SIGN IN ACCORDANCE WITH PARAGRAPH (1) OR (2) SHALL BE
11 ASSESSED A FINE OF \$1,000 A DAY FOR EACH DAY THE SIGN IS NOT
12 POSTED OR PRINTED AS PROVIDED IN THIS SUBSECTION.

13 * * *

14 (D.1) ADDICTION TREATMENT AND ASSESSMENT.--

15 (1) THE GENERAL ASSEMBLY RECOGNIZES THAT THE EXPANSION
16 OF CASINO-STYLING GAMING IN THIS COMMONWEALTH REQUIRES AN
17 ENHANCED AWARENESS OF COMPULSIVE AND PROBLEM GAMBLING AND THE
18 NEED TO DEVELOP AND IMPLEMENT EFFECTIVE STRATEGIES FOR
19 PREVENTION, ASSESSMENT AND TREATMENT OF THIS BEHAVIORAL
20 DISORDER. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT,
21 ACCORDING TO RESEARCH, COMPULSIVE AND PROBLEM GAMBLING MAY
22 OVERLAP WITH DRUG AND/OR ALCOHOL ADDICTION. THEREFORE, IT IS
23 THE INTENT OF THE GENERAL ASSEMBLY TO ESTABLISH AN APPROACH
24 TO COMPULSIVE AND PROBLEM GAMBLING PREVENTION, ASSESSMENT AND
25 TREATMENT THAT WILL ENSURE THE PROVISION OF ADEQUATE
26 RESOURCES TO IDENTIFY, ASSESS AND TREAT COMPULSIVE AND
27 PROBLEM GAMBLING AND DRUG AND/OR ALCOHOL ADDICTION.

28 (2) THE SUM OF \$3,000,000 SHALL BE ANNUALLY TRANSFERRED
29 FROM THE COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND TO
30 THE DEPARTMENT OF HEALTH FOR ALLOCATION TO THE SINGLE COUNTY

1 AUTHORITIES. THE MONEYS SO TRANSFERRED AND ALLOCATED SHALL BE
2 USED BY THE SINGLE COUNTY AUTHORITIES FOR COMPULSIVE AND
3 PROBLEM GAMBLING AND ASSOCIATED DRUG AND/OR ALCOHOL ADDICTION
4 ASSESSMENTS AND FOR THE RELATED ADDICTION TREATMENT IN
5 NONHOSPITAL RESIDENTIAL DETOXIFICATION FACILITIES,
6 NONHOSPITAL RESIDENTIAL REHABILITATION FACILITIES AND HALFWAY
7 HOUSES LICENSED BY THE DEPARTMENT OF HEALTH TO PROVIDE
8 ADDICTION TREATMENT SERVICES. FINANCIAL COUNSELING MAY BE A
9 REQUIRED COMPONENT OF TREATMENT, WHETHER IT IS PROVIDED
10 DIRECTLY BY THE TREATMENT SERVICE PROVIDER OR SUBCONTRACTED
11 TO A THIRD PARTY. NO MONEYS AUTHORIZED TO BE TRANSFERRED
12 UNDER THIS SUBSECTION SHALL BE UTILIZED TO SUPPLANT OTHER
13 FUNDING FOR THE TREATMENT OF DRUG AND/OR ALCOHOL ADDICTION.

14 (3) ELIGIBILITY TO RECEIVE TREATMENT SERVICES FOR
15 TREATMENT OF COMPULSIVE AND PROBLEM GAMBLING, AND DRUG AND/OR
16 ALCOHOL ADDICTION ASSOCIATED OR RELATED TO COMPULSIVE AND
17 PROBLEM GAMBLING UNDER PARAGRAPH (1), SHALL BE DETERMINED
18 USING FINANCIAL ELIGIBILITY AND OTHER REQUIREMENTS OF THE
19 SINGLE COUNTY AUTHORITIES AS APPROVED BY THE DEPARTMENT OF
20 HEALTH.

21 (4) WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS
22 SUBSECTION, THE DEPARTMENT OF HEALTH'S BUREAU OF DRUG AND
23 ALCOHOL PROGRAMS AND THE BOARD'S OFFICE OF COMPULSIVE AND
24 PROBLEM GAMBLING SHALL COLLABORATE WITH PROVIDERS AND OTHER
25 PERSONS OR ENTITIES WITH EXPERTISE IN THE FIELD OF COMPULSIVE
26 AND PROBLEM GAMBLING TO:

27 (I) DEVELOP AND IMPLEMENT A STRATEGIC PLAN FOR THE
28 PREVENTION AND TREATMENT OF COMPULSIVE AND PROBLEM
29 GAMBLING AND ASSOCIATED BEHAVIOR DISORDERS, INCLUDING
30 DRUG AND/OR ALCOHOL ADDICTIONS.

1 (II) ADOPT COMPULSIVE AND PROBLEM GAMBLING TREATMENT
2 STANDARDS TO BE INTEGRATED WITH THE BUREAU OF DRUG AND
3 ALCOHOL PROGRAM'S UNIFORM STATEWIDE GUIDELINES THAT
4 GOVERN THE PROVISION OF ADDICTION TREATMENT SERVICES. THE
5 STANDARDS MAY PROVIDE CRITERIA FOR THE CERTIFICATION OF
6 COMPULSIVE AND PROBLEM GAMBLING COUNSELORS.

7 (III) DEVELOP, IN COLLABORATION WITH THE APPROPRIATE
8 STATE AGENCIES, A METHOD TO LINK COMPULSIVE AND PROBLEM
9 GAMBLING DATA COLLECTION AND REFERRAL INFORMATION TO
10 CRISIS RESPONSE HOTLINES AND YOUTH AND DOMESTIC VIOLENCE
11 PROGRAMS OR PROVIDERS.

12 (IV) COLLABORATE WITH THE DEPARTMENT OF HEALTH, THE
13 DEPARTMENT OF AGING AND OTHER APPROPRIATE OFFICES AND
14 AGENCIES OF STATE OR LOCAL GOVERNMENT AND PERSONS AND
15 ENTITIES, PUBLIC OR PRIVATE, WITH EXPERTISE IN COMPULSIVE
16 AND PROBLEM GAMBLING TREATMENT TO EDUCATE YOUTH AND OLDER
17 PENNSYLVANIANS THROUGH PREVENTION TRAINING AND MATERIALS
18 REGARDING THE PREVENTION, RECOGNITION AND TREATMENT OF
19 COMPULSIVE AND PROBLEM GAMBLING PROBLEMS. THE BUREAU OF
20 DRUG AND ALCOHOL PROGRAMS AND THE BOARD'S OFFICE OF
21 COMPULSIVE AND PROBLEM GAMBLING SHALL WORK WITH THE
22 IDENTIFIED AGENCIES AND OTHER AGENCIES AND ENTITIES TO
23 DEVELOP DEMOGRAPHIC-SPECIFIC COMPULSIVE AND PROBLEM
24 GAMBLING PREVENTION, INTERVENTION AND TREATMENT PROGRAMS.

25 (D.2) REPORT.--BEGINNING OCTOBER 1, 2010, AND EVERY OCTOBER
26 1 THEREAFTER, THE BUREAU OF DRUG AND ALCOHOL PROGRAMS AND THE
27 BOARD'S OFFICE OF COMPULSIVE AND PROBLEM GAMBLING SHALL JOINTLY
28 SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY
29 REPORTING DATA AND PROGRESS ON AND ACTIVITIES INITIATED TO
30 FACILITATE THE DEVELOPMENT AND IMPLEMENTATION OF THE STRATEGIC

1 PLAN FOR THE PREVENTION AND TREATMENT OF COMPULSIVE AND PROBLEM
2 GAMBLING AND ASSOCIATED BEHAVIOR DISORDERS AND ADDICTIONS AND
3 THE OTHER REQUIREMENTS OF THIS SECTION.

4 * * *

5 SECTION 13.3. SECTIONS 1510(A), 1511(B) AND 1512(A.1), (A.5)
6 AND (B) OF TITLE 4 ARE AMENDED TO READ:

7 § 1510. LABOR HIRING PREFERENCES.

8 (A) CATEGORY 1, 2, AND 3 LICENSED FACILITIES, GENERALLY.--
9 EACH LICENSED GAMING ENTITY SHALL PREPARE A HIRING PLAN FOR
10 EMPLOYEES OF ITS RESPECTIVE LICENSED FACILITY WHICH PROMOTES A
11 DIVERSE WORK FORCE, MINORITY PARTICIPATION AND PERSONNEL FROM
12 WITHIN THE SURROUNDING GEOGRAPHICAL AREA. THE HIRING PLAN SHALL
13 BE APPROVED BY THE BOARD AND SHALL BE CONSISTENT WITH THE GOALS
14 OUTLINED IN SECTIONS 1212 (RELATING TO DIVERSITY GOALS OF BOARD)
15 AND 1304A (RELATING TO COMMONWEALTH RESIDENT EMPLOYMENT GOALS).

16 * * *

17 § 1511. DECLARATION OF EXEMPTION FROM FEDERAL LAWS PROHIBITING
18 SLOT MACHINES.

19 * * *

20 (B) LEGAL SHIPMENTS.--ALL SHIPMENTS OF [SLOT MACHINES]
21 GAMBLING DEVICES, AS DEFINED IN SECTION 1 OF THE GAMBLING
22 DEVICES TRANSPORTATION ACT (64 STAT. 1134, 15 U.S.C. § 1171),
23 INTO THIS COMMONWEALTH, THE REGISTERING, RECORDING AND LABELING
24 OF WHICH HAS BEEN EFFECTED BY THE MANUFACTURER AND SUPPLIER OF
25 THOSE DEVICES, IN ACCORDANCE WITH SECTIONS [5 AND 7] 3 AND 4 OF
26 THE GAMBLING DEVICES TRANSPORTATION ACT (64 STAT. 1134, 15
27 U.S.C. §§ [1175 AND 1177] 1173 AND 1174), SHALL BE DEEMED LEGAL
28 SHIPMENTS OF [SLOT MACHINES] GAMBLING DEVICES INTO THIS
29 COMMONWEALTH.

30 § 1512. FINANCIAL AND EMPLOYMENT INTERESTS.

1 * * *

2 (A.1) EMPLOYMENT.--EXCEPT AS MAY BE PROVIDED BY RULE OR
3 ORDER OF THE PENNSYLVANIA SUPREME COURT AND EXCEPT AS PROVIDED
4 IN SECTION 1512.1 (RELATING TO ADDITIONAL RESTRICTIONS), NO
5 EXECUTIVE-LEVEL PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY
6 OFFICER, OR AN IMMEDIATE FAMILY MEMBER THEREOF, SHALL BE
7 EMPLOYED BY AN APPLICANT OR A SLOT MACHINE LICENSEE,
8 MANUFACTURER LICENSEE, SUPPLIER LICENSEE OR LICENSED RACING
9 ENTITY, OR BY ANY HOLDING COMPANY, AFFILIATE, INTERMEDIARY OR
10 SUBSIDIARY THEREOF, WHILE THE INDIVIDUAL IS AN EXECUTIVE-LEVEL
11 PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY OFFICER AND FOR ONE
12 YEAR FOLLOWING TERMINATION OF THE INDIVIDUAL'S STATUS AS AN
13 EXECUTIVE-LEVEL PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY
14 OFFICER.

15 * * *

16 (A.5) STATE ETHICS COMMISSION.--THE STATE ETHICS COMMISSION
17 SHALL PUBLISH A LIST OF ALL STATE, COUNTY, MUNICIPAL AND OTHER
18 GOVERNMENT POSITIONS THAT MEET THE DEFINITIONS OF "PUBLIC
19 OFFICIAL" AS DEFINED UNDER SUBSECTION (B) OR "EXECUTIVE-LEVEL
20 PUBLIC EMPLOYEE" [UNDER SUBSECTION (B)] AND A LIST OF
21 INDIVIDUALS SUBJECT TO SECTION 1512.1. THE OFFICE OF
22 ADMINISTRATION SHALL ASSIST THE [ETHICS COMMISSION] COMMISSION
23 IN THE DEVELOPMENT OF THE LIST, WHICH SHALL BE PUBLISHED IN THE
24 PENNSYLVANIA BULLETIN BIENNIALLY AND ON THE BOARD'S WEBSITE.
25 UPON REQUEST, EACH PUBLIC OFFICIAL SHALL HAVE A DUTY TO PROVIDE
26 THE [ETHICS COMMISSION] COMMISSION WITH ADEQUATE INFORMATION TO
27 ACCURATELY DEVELOP AND MAINTAIN THE LIST. THE [ETHICS
28 COMMISSION] COMMISSION MAY IMPOSE A CIVIL PENALTY UNDER 65
29 PA.C.S. § 1109(F) (RELATING TO PENALTIES) UPON ANY INDIVIDUAL,
30 INCLUDING ANY PUBLIC OFFICIAL OR EXECUTIVE-LEVEL PUBLIC EMPLOYEE

1 WHO FAILS TO COOPERATE WITH THE [ETHICS COMMISSION] COMMISSION
2 UNDER THIS SUBSECTION. AN INDIVIDUAL WHO RELIES IN GOOD FAITH ON
3 THE LIST PUBLISHED BY THE COMMISSION SHALL NOT BE SUBJECT TO ANY
4 PENALTY FOR A VIOLATION OF THIS SECTION.

5 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
6 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
7 SUBSECTION:

8 ["EXECUTIVE-LEVEL PUBLIC EMPLOYEE." THE TERM SHALL INCLUDE
9 THE FOLLOWING:

10 (1) DEPUTY SECRETARIES OF THE COMMONWEALTH AND THE
11 GOVERNOR'S OFFICE EXECUTIVE STAFF.

12 (2) AN EMPLOYEE OF THE EXECUTIVE BRANCH WITH
13 DISCRETIONARY POWER WHICH MAY AFFECT OR INFLUENCE THE OUTCOME
14 OF A STATE AGENCY'S ACTION OR DECISION AND WHO IS INVOLVED IN
15 THE DEVELOPMENT OF REGULATIONS OR POLICIES RELATING TO A
16 LICENSED ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER
17 THIS PART. THE TERM SHALL INCLUDE AN EMPLOYEE WITH LAW
18 ENFORCEMENT AUTHORITY.

19 (3) AN EMPLOYEE OF A COUNTY OR MUNICIPALITY WITH
20 DISCRETIONARY POWERS WHICH MAY AFFECT OR INFLUENCE THE
21 OUTCOME OF THE COUNTY'S OR MUNICIPALITY'S ACTION OR DECISION
22 AND WHO IS INVOLVED IN THE DEVELOPMENT OF LAW, REGULATION OR
23 POLICY RELATING TO A LICENSED ENTITY OR WHO IS INVOLVED IN
24 OTHER MATTERS UNDER THIS PART. THE TERM SHALL INCLUDE AN
25 EMPLOYEE WITH LAW ENFORCEMENT AUTHORITY.

26 (4) AN EMPLOYEE OF A DEPARTMENT, AGENCY, BOARD,
27 COMMISSION, AUTHORITY OR OTHER GOVERNMENTAL BODY NOT INCLUDED
28 IN PARAGRAPH (1), (2) OR (3) WITH DISCRETIONARY POWER WHICH
29 MAY AFFECT OR INFLUENCE THE OUTCOME OF THE GOVERNMENTAL
30 BODY'S ACTION OR DECISION AND WHO IS INVOLVED IN THE

1 DEVELOPMENT OF REGULATION OR POLICY RELATING TO A LICENSED
2 ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER THIS PART.
3 THE TERM SHALL INCLUDE AN EMPLOYEE WITH LAW ENFORCEMENT
4 AUTHORITY.]

5 "FINANCIAL INTEREST." OWNING OR HOLDING, OR BEING DEEMED TO
6 HOLD, DEBT OR EQUITY SECURITIES OR OTHER OWNERSHIP INTEREST OR
7 PROFITS INTEREST. A FINANCIAL INTEREST SHALL NOT INCLUDE ANY
8 DEBT OR EQUITY SECURITY, OR OTHER OWNERSHIP INTEREST OR PROFITS
9 INTEREST, WHICH IS HELD OR DEEMED TO BE HELD IN ANY OF THE
10 FOLLOWING:

11 (1) A BLIND TRUST OVER WHICH THE EXECUTIVE-LEVEL PUBLIC
12 EMPLOYEE, PUBLIC OFFICIAL, PARTY OFFICER OR IMMEDIATE FAMILY
13 MEMBER THEREOF MAY NOT EXERCISE ANY MANAGERIAL CONTROL OR
14 RECEIVE INCOME DURING THE TENURE OF OFFICE AND THE PERIOD
15 UNDER SUBSECTION (A). THE PROVISIONS OF THIS PARAGRAPH SHALL
16 APPLY ONLY TO BLIND TRUSTS ESTABLISHED PRIOR TO THE EFFECTIVE
17 DATE OF THIS PARAGRAPH.

18 (2) SECURITIES THAT ARE HELD IN A PENSION PLAN, PROFIT-
19 SHARING PLAN, INDIVIDUAL RETIREMENT ACCOUNT, TAX-SHELTERED
20 ANNUITY, A PLAN ESTABLISHED PURSUANT TO SECTION 457 OF THE
21 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
22 1 ET SEQ.) OR ANY SUCCESSOR PROVISION DEFERRED COMPENSATION
23 PLAN WHETHER QUALIFIED OR NOT QUALIFIED UNDER THE INTERNAL
24 REVENUE CODE OF 1986 OR ANY SUCCESSOR PROVISION OR OTHER
25 RETIREMENT PLAN THAT:

26 (I) IS NOT SELF-DIRECTED BY THE INDIVIDUAL; AND

27 (II) IS ADVISED BY AN INDEPENDENT INVESTMENT ADVISER
28 WHO HAS SOLE AUTHORITY TO MAKE INVESTMENT DECISIONS WITH
29 RESPECT TO CONTRIBUTIONS MADE BY THE INDIVIDUAL TO THESE
30 PLANS.

1 (3) A TUITION ACCOUNT PLAN ORGANIZED AND OPERATED
2 PURSUANT TO SECTION 529 OF THE INTERNAL REVENUE CODE OF 1986
3 (PUBLIC LAW 99-514, 26 U.S.C. § 529) THAT IS NOT SELF-
4 DIRECTED BY THE INDIVIDUAL.

5 (4) A MUTUAL FUND WHERE THE INTEREST OWNED BY THE MUTUAL
6 FUND IN A LICENSED ENTITY DOES NOT CONSTITUTE A CONTROLLING
7 INTEREST AS DEFINED IN THIS PART.

8 "IMMEDIATE FAMILY." A SPOUSE, MINOR CHILD OR UNEMANCIPATED
9 CHILD.

10 "LAW ENFORCEMENT AUTHORITY." THE POWER TO CONDUCT
11 INVESTIGATIONS OF OR TO MAKE ARRESTS FOR CRIMINAL OFFENSES.

12 "PARTY OFFICER." A MEMBER OF A NATIONAL COMMITTEE; A
13 CHAIRMAN, VICE CHAIRMAN, SECRETARY, TREASURER OR COUNSEL OF A
14 STATE COMMITTEE OR MEMBER OF THE EXECUTIVE COMMITTEE OF A STATE
15 COMMITTEE; A COUNTY CHAIRMAN, VICE CHAIRMAN, COUNSEL, SECRETARY
16 OR TREASURER OF A COUNTY COMMITTEE IN WHICH A LICENSED FACILITY
17 IS LOCATED; OR A CITY CHAIRMAN, VICE CHAIRMAN, COUNSEL,
18 SECRETARY OR TREASURER OF A CITY COMMITTEE OF A CITY IN WHICH A
19 LICENSED FACILITY IS LOCATED.

20 "PUBLIC OFFICIAL." THE TERM SHALL INCLUDE THE FOLLOWING:

21 (1) THE GOVERNOR, LIEUTENANT GOVERNOR, A MEMBER OF THE
22 GOVERNOR'S CABINET, TREASURER, AUDITOR GENERAL AND ATTORNEY
23 GENERAL OF THE COMMONWEALTH.

24 (2) A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES
25 OF THE COMMONWEALTH.

26 (3) AN INDIVIDUAL ELECTED OR APPOINTED TO ANY OFFICE OF
27 A COUNTY OR MUNICIPALITY THAT DIRECTLY RECEIVES A
28 DISTRIBUTION OF REVENUE UNDER THIS PART.

29 (4) AN INDIVIDUAL ELECTED OR APPOINTED TO A DEPARTMENT,
30 AGENCY, BOARD, COMMISSION, AUTHORITY OR OTHER GOVERNMENTAL

1 BODY NOT INCLUDED IN PARAGRAPH (1), (2) OR (3) THAT DIRECTLY
2 RECEIVES A DISTRIBUTION OF REVENUE UNDER THIS PART.

3 (5) AN INDIVIDUAL ELECTED OR APPOINTED TO A DEPARTMENT,
4 AGENCY, BOARD, COMMISSION, AUTHORITY, COUNTY, MUNICIPALITY OR
5 OTHER GOVERNMENTAL BODY NOT INCLUDED IN PARAGRAPH (1), (2) OR
6 (3) WITH DISCRETIONARY POWER WHICH MAY INFLUENCE OR AFFECT
7 THE OUTCOME OF AN ACTION OR DECISION AND WHO IS INVOLVED IN
8 THE DEVELOPMENT OF REGULATION OR POLICY RELATING TO A
9 LICENSED ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER
10 THIS PART.

11 THE TERM DOES NOT INCLUDE A MEMBER OF A SCHOOL BOARD OR AN
12 INDIVIDUAL WHO HELD AN UNCOMPENSATED OFFICE WITH A GOVERNMENTAL
13 BODY PRIOR TO JANUARY 1, 2006, AND WHO NO LONGER HOLDS THE
14 OFFICE AS OF JANUARY 1, 2006. THE TERM INCLUDES A MEMBER OF AN
15 ADVISORY BOARD OR COMMISSION WHICH MAKES RECOMMENDATIONS
16 RELATING TO A LICENSED FACILITY.

17 SECTION 14. TITLE 4 IS AMENDED BY ADDING A SECTION TO READ:
18 § 1512.1. ADDITIONAL RESTRICTIONS.

19 (A) RESTRICTIONS.--AN INDIVIDUAL MEMBER OF THE PENNSYLVANIA
20 STATE POLICE OR EMPLOYEE OF THE OFFICE OF ATTORNEY GENERAL,
21 OFFICE OF THE AUDITOR GENERAL OR DEPARTMENT WHOSE DUTIES
22 SUBSTANTIALLY INVOLVE LICENSING OR ENFORCEMENT, THE DEVELOPMENT
23 OF LAWS, REGULATIONS OR POLICY OR WHO HAS OTHER DISCRETIONARY
24 AUTHORITY WHICH MAY AFFECT THE GAMING INDUSTRY IN THIS
25 COMMONWEALTH UNDER THIS PART SHALL NOT DO ANY OF THE FOLLOWING:

26 (1) ACCEPT EMPLOYMENT WITH AN APPLICANT OR LICENSED
27 ENTITY, OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
28 COMPANY THEREOF, FOR A PERIOD OF TWO YEARS AFTER THE
29 TERMINATION OF THE EMPLOYMENT RELATING TO THE CONDUCT OF
30 GAMING.

1 (2) APPEAR BEFORE THE BOARD IN ANY HEARING OR PROCEEDING
2 OR PARTICIPATE IN ANY OTHER ACTIVITY ON BEHALF OF ANY
3 APPLICANT, LICENSEE, PERMITTEE OR LICENSED ENTITY, OR AN
4 AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY
5 THEREOF, FOR A PERIOD OF TWO YEARS AFTER TERMINATION OF THE
6 EMPLOYMENT. NOTHING SHALL PREVENT A CURRENT OR FORMER TROOPER
7 OR EMPLOYEE SUBJECT TO THIS SECTION FROM APPEARING IN ANY
8 PROCEEDING AS A WITNESS WHERE THE EMPLOYEE IS BEING CALLED TO
9 TESTIFY CONCERNING ANY FACT OR INFORMATION OBTAINED DURING
10 THE COURSE OF EMPLOYMENT OR RELATED TO THE PERFORMANCE OF
11 DUTIES WHILE SO EMPLOYED.

12 (3) AS A CONDITION OF EMPLOYMENT, AN INDIVIDUAL SUBJECT
13 TO THIS PARAGRAPH SHALL SIGN AN AFFIDAVIT THAT THE INDIVIDUAL
14 WILL NOT ACCEPT EMPLOYMENT WITH OR BE RETAINED BY ANY
15 APPLICANT, LICENSED ENTITY OR AN AFFILIATE, INTERMEDIARY,
16 SUBSIDIARY OR HOLDING COMPANY THEREOF FOR A PERIOD OF TWO
17 YEARS FROM THE TERMINATION OF EMPLOYMENT.

18 (B) EMPLOYMENT OR RETENTION.--AN APPLICANT OR LICENSED
19 ENTITY OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
20 COMPANY THEREOF SHALL NOT EMPLOY OR RETAIN AN INDIVIDUAL WHO
21 SIGNED AN AFFIDAVIT REQUIRED BY THIS SUBSECTION. AN APPLICANT OR
22 LICENSED ENTITY OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR
23 HOLDING COMPANY THAT KNOWINGLY EMPLOYS OR RETAINS AN INDIVIDUAL
24 IN VIOLATION OF THIS SUBSECTION SHALL BE SUBJECT TO A PENALTY
25 UNDER SECTION 1518(C) (RELATING TO PROHIBITED ACTS; PENALTIES).

26 (C) VIOLATION.--IF AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF
27 THE BOARD VIOLATES ANY PROVISION OF THIS SECTION, THE EMPLOYING
28 AGENCY OR DEPARTMENT MAY, UPON NOTICE AND HEARING, TERMINATE THE
29 EMPLOYMENT, AND THE PERSON SHALL BE INELIGIBLE FOR FUTURE
30 EMPLOYMENT WITH THE AGENCY OR DEPARTMENT AND SHALL BE PROHIBITED

1 FROM APPLYING FOR A LICENSE OR PERMIT, BECOMING AN INDEPENDENT
2 CONTRACTOR OR REGISTERING AS A LICENSED ENTITY REPRESENTATIVE
3 FOR A PERIOD OF FIVE YEARS FROM THE DATE OF TERMINATION OF THE
4 EMPLOYMENT OR CONTRACT.

5 (D) CODE OF CONDUCT.--THE PENNSYLVANIA STATE POLICE,
6 ATTORNEY GENERAL, AUDITOR GENERAL AND DEPARTMENT SHALL ADOPT A
7 COMPREHENSIVE CODE OF CONDUCT WHICH SHALL SUPPLEMENT ALL OTHER
8 REQUIREMENTS UNDER THIS PART AND 65 PA.C.S. PT. II (RELATING TO
9 ACCOUNTABILITY), AS APPLICABLE, AND SHALL PROVIDE GUIDELINES
10 APPLICABLE TO MEMBERS, EMPLOYEES AND ANY INDEPENDENT CONTRACTORS
11 OF THE AGENCY, DEPARTMENT OR OFFICE WHOSE DUTIES INVOLVE THE
12 ENFORCEMENT OR REGULATION OF GAMING UNDER THIS PART AND THE
13 IMMEDIATE FAMILIES OF THESE MEMBERS, AS DEFINED IN SECTION
14 1202.1(E) (RELATING TO CODE OF CONDUCT), EMPLOYEES AND
15 INDEPENDENT CONTRACTORS TO ENABLE THEM TO AVOID ANY PERCEIVED OR
16 ACTUAL CONFLICT OF INTEREST AND TO PROMOTE PUBLIC CONFIDENCE IN
17 THE INTEGRITY AND IMPARTIALITY OF GAMING ENFORCEMENT AND
18 REGULATION. AT A MINIMUM, THE CODE OF CONDUCT ADOPTED UNDER THIS
19 SECTION SHALL INCLUDE THE RESTRICTIONS APPLICABLE TO THE BOARD
20 UNDER SECTION 1202.1(C), EXCEPT THAT THE RESTRICTIONS UNDER
21 SECTION 1202.1(C) (5) SHALL NOT APPLY TO AN ELECTED ATTORNEY
22 GENERAL OR AUDITOR GENERAL.

23 SECTION 14.1. SECTIONS 1513(C) AND 1514(B), (F), (G) AND (H)
24 OF TITLE 4 ARE AMENDED TO READ:

25 § 1513. POLITICAL INFLUENCE.

26 * * *

27 (C) PENALTIES.--THE FIRST VIOLATION OF THIS SECTION BY A
28 LICENSED GAMING ENTITY OR ANY PERSON THAT HOLDS A CONTROLLING
29 INTEREST IN SUCH GAMING ENTITY, OR A SUBSIDIARY COMPANY THEREOF,
30 AND ANY OFFICER, DIRECTOR OR MANAGEMENT-LEVEL EMPLOYEE OF SUCH

1 LICENSEE SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN AN
2 AVERAGE SINGLE DAY'S GROSS TERMINAL REVENUE OF THE LICENSED
3 GAMING ENTITY DERIVED FROM THE OPERATION OF SLOT MACHINES AND
4 GROSS TABLE GAME REVENUE FROM THE OPERATION OF TABLE GAMES IN
5 THIS COMMONWEALTH; A SECOND VIOLATION OF THIS SECTION, WITHIN
6 FIVE YEARS OF THE FIRST VIOLATION, SHALL BE PUNISHABLE BY AT
7 LEAST A ONE-DAY SUSPENSION OF THE LICENSE HELD BY THE LICENSED
8 GAMING ENTITY AND A FINE NOT LESS THAN AN AVERAGE TWO DAYS'
9 GROSS REVENUE OF THE LICENSED GAMING ENTITY; A THIRD VIOLATION
10 OF THIS SECTION WITHIN FIVE YEARS OF THE SECOND VIOLATION SHALL
11 BE PUNISHABLE BY THE IMMEDIATE REVOCATION OF THE LICENSE HELD BY
12 THE LICENSED GAMING ENTITY. THE FIRST VIOLATION OF THIS SECTION
13 BY A MANUFACTURER OR SUPPLIER LICENSED PURSUANT TO THIS PART OR
14 BY ANY PERSON THAT HOLDS A CONTROLLING INTEREST IN SUCH
15 MANUFACTURER OR SUPPLIER, OR A SUBSIDIARY COMPANY THEREOF, AND
16 ANY OFFICER, DIRECTOR OR MANAGEMENT-LEVEL EMPLOYEE OF SUCH A
17 LICENSEE SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN ONE
18 DAY'S AVERAGE OF THE GROSS PROFIT FROM SALES MADE BY THE
19 MANUFACTURER OR SUPPLIER IN PENNSYLVANIA DURING THE PRECEDING
20 12-MONTH PERIOD OR PORTION THEREOF IN THE EVENT THE MANUFACTURER
21 OR SUPPLIER HAS NOT OPERATED IN PENNSYLVANIA FOR 12 MONTHS; A
22 SECOND VIOLATION OF THIS SECTION WITHIN FIVE YEARS OF THE FIRST
23 VIOLATION SHALL BE PUNISHABLE BY A ONE-MONTH SUSPENSION OF THE
24 LICENSE HELD BY THE MANUFACTURER OR SUPPLIER AND A FINE OF NOT
25 LESS THAN TWO TIMES ONE DAY'S AVERAGE OF THE GROSS PROFIT FROM
26 SALES MADE BY THE MANUFACTURER OR SUPPLIER IN PENNSYLVANIA
27 DURING THE PRECEDING 12-MONTH PERIOD OR PORTION THEREOF IN THE
28 EVENT THE MANUFACTURER OR SUPPLIER HAS NOT OPERATED IN
29 PENNSYLVANIA FOR 12 MONTHS. IN NO EVENT SHALL THE FINE IMPOSED
30 UNDER THIS SECTION BE IN AN AMOUNT LESS THAN \$50,000 FOR EACH

1 VIOLATION. IN ADDITION TO ANY FINE OR SANCTION THAT MAY BE
2 IMPOSED BY THE BOARD, ANY PERSON WHO MAKES A CONTRIBUTION IN
3 VIOLATION OF THIS SECTION COMMITS A MISDEMEANOR OF THE THIRD
4 DEGREE.

5 * * *

6 § 1514. REGULATION REQUIRING EXCLUSION OF CERTAIN PERSONS.

7 * * *

8 (B) CATEGORIES TO BE DEFINED.--THE BOARD SHALL PROMULGATE
9 DEFINITIONS ESTABLISHING THOSE CATEGORIES OF PERSONS WHO SHALL
10 BE EXCLUDED PURSUANT TO THIS SECTION, INCLUDING CHEATS AND
11 PERSONS WHOSE PRIVILEGES FOR LICENSURE, CERTIFICATION, PERMIT OR
12 REGISTRATION HAVE BEEN REVOKED.

13 * * *

14 (F) NOTICE.--WHENEVER THE [BOARD PLACES] BUREAU SEEKS TO
15 PLACE THE NAME OF ANY PERSON ON A LIST PURSUANT TO THIS SECTION,
16 THE [BOARD] BUREAU SHALL SERVE NOTICE OF THIS FACT TO SUCH
17 PERSON BY PERSONAL SERVICE OR CERTIFIED MAIL AT THE LAST KNOWN
18 ADDRESS OF THE PERSON. THE NOTICE SHALL INFORM THE INDIVIDUAL OF
19 THE RIGHT TO REQUEST A HEARING UNDER SUBSECTION (G).

20 (G) HEARING.--WITHIN 30 DAYS AFTER RECEIPT OF NOTICE IN
21 ACCORDANCE WITH SUBSECTION (F), THE PERSON NAMED FOR EXCLUSION
22 OR EJECTION MAY DEMAND A HEARING BEFORE THE BOARD, AT WHICH
23 HEARING THE [BOARD] BUREAU SHALL HAVE THE AFFIRMATIVE OBLIGATION
24 TO DEMONSTRATE THAT THE PERSON NAMED FOR EXCLUSION OR EJECTION
25 SATISFIES THE CRITERIA FOR EXCLUSION ESTABLISHED BY THIS SECTION
26 AND THE BOARD'S REGULATIONS. FAILURE OF THE PERSON TO DEMAND A
27 HEARING WITHIN 30 DAYS AFTER SERVICE SHALL BE DEEMED AN
28 ADMISSION OF ALL MATTERS AND FACTS ALLEGED IN THE [BOARD'S]
29 BUREAU'S NOTICE AND SHALL PRECLUDE [A] THE PERSON FROM HAVING AN
30 ADMINISTRATIVE HEARING, BUT SHALL IN NO WAY AFFECT THE RIGHT TO

1 JUDICIAL REVIEW AS PROVIDED IN THIS SECTION.

2 (H) REVIEW.--IF, UPON COMPLETION OF A HEARING ON THE NOTICE
3 OF EXCLUSION OR EJECTION, THE BOARD DETERMINES THAT PLACEMENT OF
4 THE NAME OF THE PERSON ON THE EXCLUSION LIST IS APPROPRIATE, THE
5 BOARD SHALL MAKE AND ENTER AN ORDER TO THAT EFFECT, WHICH ORDER
6 SHALL BE SERVED ON ALL [SLOT MACHINE LICENSEES] LICENSED GAMING
7 ENTITIES. THE ORDER SHALL BE SUBJECT TO REVIEW BY THE
8 COMMONWEALTH COURT IN ACCORDANCE WITH THE RULES OF COURT.

9 SECTION 14.2. TITLE 4 IS AMENDED BY ADDING A SECTION TO
10 READ:

11 § 1516.1. PROSECUTORIAL AND ADJUDICATORY FUNCTIONS.

12 THE BOARD SHALL ADOPT REGULATIONS AND PROCEDURES NECESSARY TO
13 ENSURE THAT THE BUREAU OF INVESTIGATIONS AND ENFORCEMENT IS A
14 DISTINCT ENTITY AND TO PREVENT COMMINGLING OF THE INVESTIGATORY
15 AND PROSECUTORIAL FUNCTIONS OF THE BUREAU OF INVESTIGATIONS AND
16 ENFORCEMENT UNDER SECTION 1517 (RELATING TO INVESTIGATIONS AND
17 ENFORCEMENT) AND THE ADJUDICATORY FUNCTIONS OF THE BOARD.

18 SECTION 15. SECTION 1517(A.1)(6), (B)(1), (C)(12) AND (E)(1)
19 OF TITLE 4 ARE AMENDED, SUBSECTION (A.2)(1) IS AMENDED BY ADDING
20 A SUBPARAGRAPH AND SUBSECTION (C) IS AMENDED BY ADDING A
21 PARAGRAPH TO READ:

22 § 1517. INVESTIGATIONS AND ENFORCEMENT.

23 * * *

24 (A.1) POWERS AND DUTIES OF BUREAU.--THE BUREAU OF
25 INVESTIGATIONS AND ENFORCEMENT SHALL HAVE THE FOLLOWING POWERS
26 AND DUTIES:

27 * * *

28 (6) CONDUCT [AUDITS] REVIEWS OF A LICENSED ENTITY AS
29 NECESSARY TO ENSURE COMPLIANCE WITH THIS PART. [AN AUDIT] A
30 REVIEW MAY INCLUDE THE REVIEW OF ACCOUNTING, ADMINISTRATIVE

1 AND FINANCIAL RECORDS, MANAGEMENT CONTROL SYSTEMS, PROCEDURES
2 AND OTHER RECORDS UTILIZED BY A LICENSED ENTITY.

3 * * *

4 (A.2) OFFICE OF ENFORCEMENT COUNSEL.--

5 (1) THERE IS ESTABLISHED WITHIN THE BUREAU AN OFFICE OF
6 ENFORCEMENT COUNSEL WHICH SHALL ACT AS THE PROSECUTOR IN ALL
7 NONCRIMINAL ENFORCEMENT ACTIONS INITIATED BY THE BUREAU UNDER
8 THIS PART AND SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

9 * * *

10 (IV) PETITION THE BOARD FOR THE APPOINTMENT OF A
11 TRUSTEE UNDER SECTION 1332 (RELATING TO APPOINTMENT OF
12 TRUSTEE).

13 * * *

14 (B) POWERS AND DUTIES OF DEPARTMENT.--

15 (1) THE DEPARTMENT SHALL AT ALL TIMES HAVE THE POWER OF
16 ACCESS TO EXAMINATION AND AUDIT OF ANY EQUIPMENT AND RECORDS
17 RELATING TO ALL ASPECTS OF THE OPERATION OF SLOT MACHINES OR
18 TABLE GAMES UNDER THIS PART.

19 * * *

20 (C) POWERS AND DUTIES OF THE PENNSYLVANIA STATE POLICE.--THE
21 PENNSYLVANIA STATE POLICE SHALL HAVE THE FOLLOWING POWERS AND
22 DUTIES:

23 * * *

24 (12) CONDUCT AUDITS OR VERIFICATION OF INFORMATION OF
25 SLOT MACHINE OR TABLE GAME OPERATIONS AT SUCH TIMES, UNDER
26 SUCH CIRCUMSTANCES AND TO SUCH EXTENT AS THE BUREAU
27 DETERMINES. THIS PARAGRAPH INCLUDES REVIEWS OF ACCOUNTING,
28 ADMINISTRATIVE AND FINANCIAL RECORDS AND MANAGEMENT CONTROL
29 SYSTEMS, PROCEDURES AND RECORDS UTILIZED BY A SLOT MACHINE
30 LICENSEE.

1 * * *

2 (14) BY MARCH 1 OF EACH YEAR, THE COMMISSIONER OF THE
3 PENNSYLVANIA STATE POLICE SHALL SUBMIT A REPORT TO THE
4 APPROPRIATIONS COMMITTEE OF THE SENATE, THE COMMUNITY,
5 ECONOMIC AND RECREATIONAL DEVELOPMENT COMMITTEE OF THE
6 SENATE, THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
7 REPRESENTATIVES AND THE GAMING OVERSIGHT COMMITTEE OF THE
8 HOUSE OF REPRESENTATIVES. THE REPORT SHALL SUMMARIZE LAW
9 ENFORCEMENT ACTIVITIES AT EACH LICENSED FACILITY DURING THE
10 PREVIOUS CALENDAR YEAR AND SHALL INCLUDE ALL OF THE
11 FOLLOWING:

12 (I) THE NUMBER OF ARRESTS AT EACH LICENSED FACILITY.

13 (II) A LIST OF SPECIFIC OFFENSES CHARGED FOR EACH
14 OFFENSE.

15 (III) THE NUMBER OF CRIMINAL PROSECUTIONS RESULTING
16 FROM ARRESTS.

17 (IV) THE NUMBER OF CONVICTIONS RESULTING FROM
18 PROSECUTIONS.

19 (V) THE NUMBER OF PENNSYLVANIA STATE POLICE TROOPERS
20 ASSIGNED TO EACH LICENSED FACILITY AND TO THE GAMING UNIT
21 AT THE PENNSYLVANIA STATE POLICE HEADQUARTERS.

22 (VI) THE NUMBER AND NATURE OF DISCIPLINARY ACTIONS
23 TAKEN AND COMPLAINTS MADE AGAINST PENNSYLVANIA STATE
24 POLICE TROOPERS IN A LICENSED FACILITY.

25 (VII) THE CLOSEST LOCAL POLICE STATION, PENNSYLVANIA
26 STATE POLICE STATION AND REGIONAL PENNSYLVANIA STATE
27 POLICE HEADQUARTERS TO EACH LICENSED FACILITY.

28 * * *

29 (E) INSPECTION, SEIZURE AND WARRANTS.--

30 (1) THE BUREAU, THE DEPARTMENT AND THE PENNSYLVANIA

1 STATE POLICE SHALL HAVE THE AUTHORITY WITHOUT NOTICE AND
2 WITHOUT WARRANT TO DO ALL OF THE FOLLOWING IN THE PERFORMANCE
3 OF THEIR DUTIES:

4 (I) INSPECT AND EXAMINE ALL PREMISES WHERE SLOT
5 MACHINE OR TABLE GAME OPERATIONS ARE CONDUCTED, GAMING
6 DEVICES OR EQUIPMENT ARE MANUFACTURED, SOLD, DISTRIBUTED
7 OR SERVICED OR WHERE RECORDS OF THESE ACTIVITIES ARE
8 PREPARED OR MAINTAINED.

9 (II) INSPECT ALL EQUIPMENT AND SUPPLIES IN, ABOUT,
10 UPON OR AROUND PREMISES REFERRED TO IN SUBPARAGRAPH (I).

11 (III) SEIZE, SUMMARILY REMOVE AND IMPOUND EQUIPMENT
12 AND SUPPLIES FROM PREMISES REFERRED TO IN SUBPARAGRAPH
13 (I) FOR THE PURPOSES OF EXAMINATION AND INSPECTION.

14 (IV) INSPECT, EXAMINE AND AUDIT ALL BOOKS, RECORDS
15 AND DOCUMENTS PERTAINING TO A SLOT MACHINE LICENSEE'S
16 OPERATION.

17 (V) SEIZE, IMPOUND OR ASSUME PHYSICAL CONTROL OF ANY
18 BOOK, RECORD, LEDGER, GAME, DEVICE, CASH BOX AND ITS
19 CONTENTS, COUNTING ROOM OR ITS EQUIPMENT OR SLOT MACHINE
20 OR TABLE GAME OPERATIONS.

21 * * *

22 SECTION 16. SECTION 1517.2 OF TITLE 4 IS AMENDED TO READ:
23 § 1517.2. CONDUCT OF [PUBLIC OFFICIALS AND] BOARD EMPLOYEES.

24 (A) [EX PARTE DISCUSSION PROHIBITED.--AN ATTORNEY
25 REPRESENTING THE BUREAU OR THE OFFICE OF ENFORCEMENT COUNSEL, OR
26 AN EMPLOYEE OF THE BUREAU OR OFFICE INVOLVED IN THE HEARING
27 PROCESS, SHALL NOT DISCUSS THE CASE EX PARTE WITH A HEARING
28 OFFICER, CHIEF COUNSEL OR MEMBER] (RESERVED).

29 (B) [OTHER PROHIBITIONS.--A HEARING OFFICER, THE CHIEF
30 COUNSEL OR A MEMBER SHALL NOT DISCUSS OR EXERCISE ANY

1 SUPERVISORY RESPONSIBILITY OVER ANY EMPLOYEE WITH RESPECT TO AN
2 ENFORCEMENT HEARING WITH WHICH THE EMPLOYEE IS INVOLVED]
3 (RESERVED).

4 (C) DISQUALIFICATION.--IF IT BECOMES NECESSARY FOR THE CHIEF
5 COUNSEL OR MEMBER TO BECOME INVOLVED ON BEHALF OF THE BOARD IN
6 ANY ENFORCEMENT PROCEEDING, THE CHIEF COUNSEL OR MEMBER SHALL BE
7 PROHIBITED FROM PARTICIPATING IN THE ADJUDICATION OF THAT MATTER
8 AND SHALL DESIGNATE APPROPRIATE INDIVIDUALS TO EXERCISE
9 ADJUDICATORY FUNCTIONS.

10 SECTION 16.1. SECTION 1518(A)(2), (3), (4), (5), (7), (8),
11 (11) AND (13) AND (C)(1)(V) AND (3) OF TITLE 4 ARE AMENDED,
12 SUBSECTIONS (A) AND (B) ARE AMENDED BY ADDING PARAGRAPHS AND THE
13 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

14 § 1518. PROHIBITED ACTS; PENALTIES.

15 (A) CRIMINAL OFFENSES.--

16 * * *

17 (2) IT SHALL BE UNLAWFUL FOR A PERSON TO WILLFULLY:

18 (I) FAIL TO REPORT, PAY OR TRUTHFULLY ACCOUNT FOR
19 AND PAY OVER ANY LICENSE FEE, AUTHORIZATION FEE, TAX OR
20 ASSESSMENT IMPOSED UNDER THIS PART; OR

21 (II) ATTEMPT IN ANY MANNER TO EVADE OR DEFEAT ANY
22 LICENSE FEE, AUTHORIZATION FEE, TAX OR ASSESSMENT IMPOSED
23 UNDER THIS PART.

24 (3) IT SHALL BE UNLAWFUL FOR ANY LICENSED ENTITY, GAMING
25 EMPLOYEE, KEY EMPLOYEE OR ANY OTHER PERSON TO PERMIT A SLOT
26 MACHINE, TABLE GAME OR TABLE GAME DEVICE TO BE OPERATED,
27 TRANSPORTED, REPAIRED OR OPENED ON THE PREMISES OF A LICENSED
28 FACILITY BY A PERSON OTHER THAN A PERSON LICENSED OR
29 PERMITTED BY THE BOARD PURSUANT TO THIS PART.

30 (4) IT SHALL BE UNLAWFUL FOR ANY LICENSED ENTITY OR

1 OTHER PERSON TO MANUFACTURE, SUPPLY OR PLACE SLOT MACHINES,
2 TABLE GAMES OR TABLE GAME DEVICES INTO PLAY OR DISPLAY SLOT
3 MACHINES, TABLE GAMES OR TABLE GAME DEVICES ON THE PREMISE OF
4 A LICENSED FACILITY WITHOUT THE AUTHORITY OF THE BOARD.

5 (5) EXCEPT AS PROVIDED FOR IN SECTION 1326 (RELATING TO
6 LICENSE RENEWALS), IT SHALL BE UNLAWFUL FOR A LICENSED ENTITY
7 OR OTHER PERSON TO MANUFACTURE, SUPPLY, OPERATE, CARRY ON OR
8 EXPOSE FOR PLAY ANY SLOT MACHINE, TABLE GAME OR TABLE GAME
9 DEVICE AFTER THE PERSON'S LICENSE HAS EXPIRED AND PRIOR TO
10 THE ACTUAL RENEWAL OF THE LICENSE.

11 * * *

12 (7) (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), IT
13 SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO USE OR POSSESS A
14 CHEATING OR THIEVING DEVICE, COUNTERFEIT OR ALTERED
15 BILLET, TICKET, TOKEN OR SIMILAR OBJECTS ACCEPTED BY A
16 SLOT MACHINE OR COUNTERFEIT OR ALTERED SLOT MACHINE-
17 ISSUED TICKETS OR VOUCHERS AT A LICENSED FACILITY.

18 (II) AN AUTHORIZED EMPLOYEE OF A LICENSEE OR AN
19 EMPLOYEE OF THE BOARD MAY POSSESS AND USE A CHEATING OR
20 THIEVING DEVICE, COUNTERFEIT OR ALTERED BILLET, TICKET,
21 TOKEN OR SIMILAR OBJECTS ACCEPTED BY A SLOT MACHINE OR
22 COUNTERFEIT OR ALTERED SLOT MACHINE-ISSUED TICKETS OR
23 VOUCHERS IN PERFORMANCE OF THE DUTIES OF EMPLOYMENT.

24 [(III) AS USED IN THIS PARAGRAPH, THE TERM "CHEATING
25 OR THIEVING DEVICE" INCLUDES, BUT IS NOT LIMITED TO, A
26 DEVICE TO FACILITATE THE ALIGNMENT OF ANY WINNING
27 COMBINATION OR TO REMOVE FROM ANY SLOT MACHINE MONEY OR
28 OTHER CONTENTS. THE TERM INCLUDES, BUT IS NOT LIMITED TO,
29 A TOOL, DRILL, WIRE, COIN OR TOKEN ATTACHED TO A STRING
30 OR WIRE AND ANY ELECTRONIC OR MAGNETIC DEVICE.]

1 (7.1) IT SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO DO ANY
2 OF THE FOLLOWING:

3 (I) USE OR POSSESS COUNTERFEIT, MARKED, LOADED,
4 TAMPERED WITH OR ALTERED CHIPS OR OTHER CHEATING DEVICES
5 IN THE CONDUCT OF GAMING UNDER THIS PART, EXCEPT THAT AN
6 AUTHORIZED EMPLOYEE OF A LICENSEE OR AN AUTHORIZED
7 EMPLOYEE OF THE BOARD MAY POSSESS AND USE COUNTERFEIT
8 CHIPS, CARDS OR DICE THAT HAVE BEEN MARKED, LOADED OR
9 TAMPERED WITH, OR OTHER CHEATING DEVICES IN PERFORMANCE
10 OF THE DUTIES OF EMPLOYMENT FOR TRAINING OR TESTING
11 PURPOSES ONLY.

12 (II) KNOWINGLY, BY A TRICK OR SLEIGHT OF HAND
13 PERFORMANCE OR BY FRAUD OR FRAUDULENT SCHEME, CARDS, DICE
14 OR DEVICE, FOR THEMSELVES OR FOR ANOTHER, WIN OR ATTEMPT
15 TO WIN MONEY OR PROPERTY AT A LICENSED FACILITY OR A
16 REPRESENTATION OF EITHER OR REDUCE OR ATTEMPT TO REDUCE A
17 LOSING WAGER.

18 (8) (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), IT
19 SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO KNOWINGLY POSSESS
20 OR USE WHILE ON THE PREMISES OF A LICENSED FACILITY A KEY
21 OR DEVICE DESIGNED FOR THE PURPOSE OF AND SUITABLE FOR
22 OPENING OR ENTERING ANY SLOT MACHINE, DROP BOX OR COIN
23 BOX WHICH IS LOCATED ON THE PREMISES OF THE LICENSED
24 FACILITY.

25 (II) AN AUTHORIZED EMPLOYEE OF A LICENSEE OR A
26 MEMBER OF THE BOARD MAY POSSESS AND USE A DEVICE REFERRED
27 TO IN SUBPARAGRAPH (I) IN THE PERFORMANCE OF THE DUTIES
28 OF EMPLOYMENT.

29 * * *

30 (11) IT SHALL BE UNLAWFUL FOR A LICENSED GAMING ENTITY

1 THAT IS A LICENSED RACING ENTITY AND THAT HAS LOST THE
2 LICENSE ISSUED TO IT BY EITHER THE STATE HORSE RACING
3 COMMISSION OR THE STATE HARNESS RACING COMMISSION UNDER THE
4 RACE HORSE INDUSTRY REFORM ACT OR THAT HAS HAD THAT LICENSE
5 SUSPENDED TO OPERATE SLOT MACHINES OR TABLE GAMES AT THE
6 RACETRACK FOR WHICH ITS SLOT MACHINE LICENSE WAS ISSUED
7 UNLESS THE LICENSE ISSUED TO IT BY EITHER THE STATE HORSE
8 RACING COMMISSION OR THE STATE HARNESS RACING COMMISSION WILL
9 BE SUBSEQUENTLY REISSUED OR REINSTATED WITHIN 30 DAYS AFTER
10 THE LOSS OR SUSPENSION.

11 * * *

12 (13) IT SHALL BE UNLAWFUL FOR ANY PERSON UNDER 18 YEARS
13 OF AGE TO BE PERMITTED IN THE AREA OF A LICENSED FACILITY
14 WHERE SLOT MACHINES OR TABLE GAMES ARE OPERATED.

15 (14) IT SHALL BE UNLAWFUL FOR ANY KEY EMPLOYEE, BOXMAN,
16 FLOORMAN OR ANY OTHER CASINO EMPLOYEE WHO SERVES IN A
17 SUPERVISORY POSITION TO SOLICIT OR ACCEPT AND FOR ANY OTHER
18 GAMING EMPLOYEE TO SOLICIT ANY TIP OR GRATUITY FROM ANY
19 PLAYER OR PATRON AT THE LICENSED FACILITY WHERE THE PERSON IS
20 EMPLOYED.

21 (15) IT SHALL BE UNLAWFUL FOR A LICENSED GAMING ENTITY
22 TO REQUIRE A WAGER TO BE GREATER THAN THE STATED MINIMUM OR
23 LESS THAN THE STATED MAXIMUM. HOWEVER, A WAGER MADE BY A
24 PATRON AND NOT REJECTED BY A LICENSED GAMING ENTITY PRIOR TO
25 COMMENCEMENT OF PLAY SHALL BE TREATED AS A VALID WAGER. A
26 WAGER ACCEPTED BY A DEALER SHALL BE PAID OR LOST IN ITS
27 ENTIRETY IN ACCORDANCE WITH THE RULES OF THE GAME,
28 NOTWITHSTANDING THAT THE WAGER EXCEEDED THE CURRENT TABLE
29 MAXIMUM WAGER OR WAS LOWER THAN THE CURRENT TABLE MINIMUM
30 WAGER.

1 (16) A PERSON THAT ENGAGES IN CONDUCT PROHIBITED BY 18
2 PA.C.S. § 6308 IN A LICENSED FACILITY COMMITS AN OFFENSE.

3 (17) IT SHALL BE UNLAWFUL FOR ANY PERSON TO CLAIM,
4 COLLECT OR TAKE, OR ATTEMPT TO CLAIM, COLLECT OR TAKE, MONEY
5 OR ANYTHING OF VALUE IN OR FROM A SLOT MACHINE, TABLE GAME OR
6 TABLE GAME DEVICE, WITH INTENT TO DEFRAUD, OR TO CLAIM,
7 COLLECT OR TAKE AN AMOUNT GREATER THAN THE AMOUNT WON, OR TO
8 MANIPULATE WITH THE INTENT TO CHEAT, ANY COMPONENT OF ANY
9 SLOT MACHINE, TABLE GAME OR TABLE GAME DEVICE IN A MANNER
10 CONTRARY TO THE DESIGNED AND NORMAL OPERATIONAL PURPOSE.

11 (B) CRIMINAL PENALTIES AND FINES.--

12 * * *

13 (3) A PERSON THAT VIOLATES SUBSECTION (A) (2), (3), (4),
14 (5), (6), (7), (7.1), (8), (9), (10), (11), (12), (14), (15)
15 OR (17) COMMITS A MISDEMEANOR OF THE FIRST DEGREE. A PERSON
16 THAT IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF
17 SUBSECTION (A) (2), (3), (4), (5), (6), (7), (7.1), (8), (9),
18 (10), (11), (12) OR (17) COMMITS A FELONY OF THE SECOND
19 DEGREE.

20 (4) A PERSON THAT COMMITS AN OFFENSE IN VIOLATION OF
21 SUBSECTION (A) (13) COMMITS A SUMMARY OFFENSE AND UPON
22 CONVICTION OF A FIRST OFFENSE SHALL BE SENTENCED TO PAY A
23 FINE OF NOT LESS THAN \$200 NOR MORE THAN \$1,000. A PERSON
24 THAT IS CONVICTED OF A SECOND OR SUBSEQUENT OFFENSE SHALL BE
25 SENTENCED TO PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN
26 \$1,500. IN ADDITION TO THE FINE IMPOSED, ANY PERSON CONVICTED
27 OF AN OFFENSE UNDER SUBSECTION (A) (13) MAY BE SENTENCED TO
28 PERFORM A PERIOD OF COMMUNITY SERVICE NOT TO EXCEED 40 HOURS.

29 (5) A PERSON THAT COMMITS AN OFFENSE IN VIOLATION OF
30 SUBSECTION (A) (16) COMMITS AN OFFENSE TO BE GRADED IN

1 ACCORDANCE WITH 18 PA.C.S. § 6308 (RELATING TO PURCHASE,
2 CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR OR MALT
3 OR BREWED BEVERAGES) AND SHALL BE SUBJECT TO THE SAME
4 PENALTIES IMPOSED PURSUANT TO 18 PA.C.S. §§ 6308 AND 6310.4
5 (RELATING TO RESTRICTION OF OPERATING PRIVILEGES) EXCEPT THAT
6 THE FINE IMPOSED FOR A VIOLATION OF SUBSECTION (A) (16) SHALL
7 BE NOT LESS THAN \$350 NOR MORE THAN \$1,000. THE POLICE
8 DEPARTMENT MAKING AN ARREST FOR A SUSPECTED VIOLATION OF
9 SUBSECTION (A) (16) SHALL NOTIFY THE PARENTS OR GUARDIAN OF
10 THE MINOR CHARGED.

11 (C) BOARD-IMPOSED ADMINISTRATIVE SANCTIONS.--

12 (1) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW,
13 THE BOARD MAY IMPOSE WITHOUT LIMITATION THE FOLLOWING
14 SANCTIONS UPON ANY LICENSEE OR PERMITTEE:

15 * * *

16 (V) SUSPEND THE LICENSE OF ANY LICENSED GAMING
17 ENTITY FOR VIOLATION OF OR ATTEMPTING TO VIOLATE ANY
18 PROVISIONS OF THIS PART OR REGULATIONS PROMULGATED UNDER
19 THIS PART RELATING TO ITS SLOT MACHINE OR TABLE GAME
20 OPERATIONS.

21 * * *

22 (3) IN ADDITION TO ANY OTHER FINES OR PENALTIES THAT THE
23 BOARD MAY IMPOSE UNDER THIS PART OR REGULATION, IF A PERSON
24 VIOLATES SUBSECTION (A) (2), THE BOARD SHALL IMPOSE AN
25 ADMINISTRATIVE PENALTY OF THREE TIMES THE AMOUNT OF THE
26 LICENSE FEE, AUTHORIZATION FEE, TAX OR OTHER ASSESSMENT
27 EVADED AND NOT PAID, COLLECTED OR PAID OVER. THIS SUBSECTION
28 IS SUBJECT TO 2 PA.C.S. CHS. 5 SUBCH. A AND 7 SUBCH. A.

29 (D) AIDING AND ABETTING.--A PERSON WHO AIDS, ABETS,
30 COUNSELS, COMMANDS, INDUCES, PROCURES OR CAUSES ANOTHER PERSON

1 TO VIOLATE A PROVISION OF THIS PART SHALL BE SUBJECT TO ALL
2 SANCTIONS AND PENALTIES, BOTH CIVIL AND CRIMINAL, PROVIDED UNDER
3 THIS PART.

4 (E) CONTINUING OFFENSES.--A VIOLATION OF THIS PART THAT IS
5 DETERMINED TO BE AN OFFENSE OF A CONTINUING NATURE SHALL BE
6 DEEMED TO BE A SEPARATE OFFENSE ON EACH EVENT OR DAY DURING
7 WHICH THE VIOLATION OCCURS. NOTHING IN THIS SECTION SHALL BE
8 CONSTRUED TO PRECLUDE THE COMMISSION OF MULTIPLE VIOLATIONS OF
9 THE PROVISIONS OF THIS PART IN ANY ONE DAY THAT ESTABLISH
10 OFFENSES CONSISTING OF SEPARATE AND DISTINCT ACTS OR VIOLATIONS
11 OF THE PROVISIONS OF THIS PART OR REGULATIONS PROMULGATED UNDER
12 THIS PART.

13 (F) PROPERTY SUBJECT TO SEIZURE, CONFISCATION, DESTRUCTION
14 OR FORFEITURE.--ANY EQUIPMENT, DEVICE OR APPARATUS, MONEY,
15 MATERIAL, GAMING PROCEEDS OR SUBSTITUTED PROCEEDS OR REAL OR
16 PERSONAL PROPERTY USED, OBTAINED OR RECEIVED OR ANY ATTEMPT TO
17 USE, OBTAIN OR RECEIVE THE DEVICE, APPARATUS, MONEY, MATERIAL,
18 PROCEEDS OR REAL OR PERSONAL PROPERTY IN VIOLATION OF THIS PART
19 SHALL BE SUBJECT TO SEIZURE, CONFISCATION, DESTRUCTION OR
20 FORFEITURE.

21 SECTION 17. TITLE 4 IS AMENDED BY ADDING SECTIONS TO READ:
22 § 1518.1. ADDITIONAL AUTHORITY.

23 (A) GENERAL RULE.--THE CHIEF ENFORCEMENT COUNSEL MAY
24 PETITION THE COMMONWEALTH COURT FOR AUTHORIZATION TO REVIEW OR
25 OBTAIN INFORMATION IN THE POSSESSION OF AN AGENCY IN THIS
26 COMMONWEALTH BY AVERRING THAT THE BUREAU BELIEVES THE AGENCY HAS
27 IN ITS POSSESSION INFORMATION MATERIAL TO AN INVESTIGATION OR
28 INQUIRY BEING CONDUCTED BY THE BUREAU PURSUANT TO THIS PART AND
29 THAT DISCLOSURE OR RELEASE IS IN THE BEST INTEREST OF THE
30 COMMONWEALTH. THE PETITION SHALL REQUEST THAT THE COURT ENTER A

1 RULE UPON THE AGENCY TO SHOW CAUSE WHY THE AGENCY SHOULD NOT BE
2 DIRECTED TO DISCLOSE TO THE BUREAU OR IDENTIFIED AGENTS THEREOF,
3 INFORMATION IN ITS POSSESSION ABOUT ANY MATTER UNDER THE
4 JURISDICTION OF THE BUREAU OR THE BOARD PURSUANT TO THIS PART.
5 IF A RESPONDENT IS A LOCAL AGENCY, A COPY OF ANY RULE ISSUED
6 PURSUANT TO THIS SECTION SHALL BE PROVIDED TO THE DISTRICT
7 ATTORNEY OF THE COUNTY IN WHICH THE LOCAL AGENCY IS LOCATED.
8 UPON REQUEST OF A LOCAL AGENCY, THE DISTRICT ATTORNEY MAY ELECT
9 TO ENTER AN APPEARANCE TO REPRESENT THE LOCAL AGENCY IN THE
10 PROCEEDINGS.

11 (B) PROCEDURE.--THE FILING OF A PETITION PURSUANT TO THIS
12 SECTION AND RELATED PROCEEDINGS SHALL BE IN ACCORDANCE WITH
13 COURT RULE, INCLUDING ISSUANCE AS OF COURSE. A PARTY SHALL NOT
14 DISCLOSE THE RECEIPT, CONTENT OR DISPOSITION OF A RULE OR ORDER
15 ISSUED PURSUANT TO THIS SECTION WITHOUT LEAVE OF COURT. ANY
16 PARTY TO THE PROCEEDINGS MAY REQUEST THAT THE RECORD BE SEALED
17 AND PROCEEDINGS BE CLOSED. THE COURT SHALL GRANT THE REQUEST IF
18 IT IS IN THE BEST INTEREST OF ANY PERSON OR THE COMMONWEALTH TO
19 DO SO.

20 (C) COURT DETERMINATION.--FOLLOWING REVIEW OF THE RECORD,
21 THE COURT SHALL GRANT THE RELIEF SOUGHT BY THE CHIEF ENFORCEMENT
22 COUNSEL, IF THE COURT DETERMINES THAT THE AGENCY HAS IN ITS
23 POSSESSION INFORMATION MATERIAL TO THE INVESTIGATION OR INQUIRY
24 AND THAT DISCLOSURE OR RELEASE OF THE INFORMATION IS IN THE BEST
25 INTEREST OF THE COMMONWEALTH. IF THE COURT SO DETERMINES, THE
26 COURT SHALL ENTER AN ORDER AUTHORIZING AND DIRECTING THE
27 INFORMATION BE MADE AVAILABLE FOR REVIEW IN CAMERA.

28 (D) RELEASE OF MATERIALS OR INFORMATION.--IF, AFTER AN IN
29 CAMERA REVIEW, THE CHIEF ENFORCEMENT COUNSEL SEEKS TO OBTAIN
30 COPIES OF MATERIALS IN THE AGENCY'S POSSESSION, THE COURT MAY,

1 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ENTER AN ORDER THAT
2 THE REQUESTED MATERIALS BE PROVIDED. ANY ORDER AUTHORIZING THE
3 RELEASE OF MATERIALS OR OTHER INFORMATION SHALL CONTAIN
4 DIRECTION REGARDING THE SAFEKEEPING AND USE OF THE MATERIALS OR
5 OTHER INFORMATION SUFFICIENT TO SATISFY THE COURT THAT THE
6 MATERIALS OR INFORMATION WILL BE SUFFICIENTLY SAFEGUARDED. IN
7 MAKING THIS DETERMINATION THE COURT SHALL CONSIDER THE INPUT OF
8 THE AGENCY CONCERNING ANY ONGOING MATTER AND THE SAFETY OF
9 PERSONS AND PROPERTY.

10 (E) MODIFICATION OF ORDER.--IF SUBSEQUENT INVESTIGATION OR
11 INQUIRY BY THE BOARD WARRANTS MODIFICATION OF ANY ORDER ENTERED
12 PURSUANT TO THIS SECTION, THE CHIEF ENFORCEMENT COUNSEL MAY
13 PETITION TO REQUEST THE MODIFICATION. UPON SUCH REQUEST, THE
14 COURT MAY MODIFY ITS ORDERS AT ANY TIME AND IN ANY MANNER IT
15 DEEMS NECESSARY AND APPROPRIATE. THE AGENCY NAMED IN THE
16 ORIGINAL PETITION SHALL BE GIVEN NOTICE AND AN OPPORTUNITY TO BE
17 HEARD.

18 (F) USE OF INFORMATION OR MATERIALS.--ANY PERSON WHO, BY ANY
19 MEANS AUTHORIZED BY THIS SECTION, HAS OBTAINED KNOWLEDGE OF
20 INFORMATION OR MATERIALS SOLELY PURSUANT TO THIS SECTION MAY USE
21 SUCH INFORMATION OR MATERIALS IN A MANNER CONSISTENT WITH ANY
22 DIRECTIONS IMPOSED BY THE COURT AND APPROPRIATE TO THE PROPER
23 PERFORMANCE OF THE PERSON'S OFFICIAL DUTIES UNDER THIS PART.

24 (G) VIOLATION.--IN ADDITION TO ANY REMEDIES AND PENALTIES
25 PROVIDED IN THIS PART, ANY VIOLATION OF THE PROVISIONS OF THIS
26 SECTION MAY BE PUNISHED AS CONTEMPT OF THE COURT.

27 (H) DEFINITION.--AS USED IN THIS SECTION THE TERM "AGENCY"
28 SHALL MEAN A "COMMONWEALTH AGENCY" OR A "LOCAL AGENCY" AS THOSE
29 TERMS ARE DEFINED IN SECTION 102 OF THE ACT OF FEBRUARY 14,
30 2008, (P.L.6, NO.3) KNOWN AS THE RIGHT-TO-KNOW LAW.

1 § 1518.2. REPORT OF SUSPICIOUS TRANSACTIONS.

2 (A) DUTY.--THE HOLDER OF ANY SLOT MACHINE LICENSE OR A
3 PERSON ACTING ON BEHALF OF THE LICENSEE SHALL FILE A REPORT OF
4 ANY SUSPICIOUS TRANSACTION WITH THE BUREAU. THE FILING OF A
5 REPORT UNDER 31 CFR 103.21 (RELATING TO REPORTS BY CASINOS OF
6 SUSPICIOUS TRANSACTIONS) SHALL SATISFY THIS REQUIREMENT.

7 (B) FAILURE TO REPORT.--A PERSON REQUIRED UNDER THIS SECTION
8 TO FILE A REPORT OF A SUSPICIOUS TRANSACTION WHO KNOWINGLY FAILS
9 TO FILE A REPORT OF A SUSPICIOUS TRANSACTION OR WHO KNOWINGLY
10 CAUSES ANOTHER PERSON HAVING THAT RESPONSIBILITY TO FAIL TO FILE
11 A REPORT COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL BE
12 SUBJECT TO THE SANCTIONS UNDER SECTION 1518(C) (RELATING TO
13 PROHIBITED ACTS; PENALTIES).

14 (C) BUREAU.--THE BUREAU SHALL MAINTAIN A RECORD OF ALL
15 REPORTS MADE UNDER THIS SECTION FOR A PERIOD OF FIVE YEARS. THE
16 BUREAU SHALL MAKE THE REPORTS AVAILABLE TO ANY FEDERAL OR STATE
17 LAW ENFORCEMENT AGENCY UPON WRITTEN REQUEST AND WITHOUT
18 NECESSITY OF SUBPOENA.

19 (D) NOTICE PROHIBITED.--A PERSON WHO IS REQUIRED TO FILE A
20 REPORT OF A SUSPICIOUS TRANSACTION UNDER THIS SECTION MAY NOT
21 NOTIFY ANY PERSON INVOLVED IN THE TRANSACTION THAT THE
22 TRANSACTION HAS BEEN REPORTED. ANY PERSON THAT VIOLATES THIS
23 SUBSECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

24 (E) IMMUNITY.--A PERSON WHO IS REQUIRED TO FILE A REPORT OF
25 A SUSPICIOUS TRANSACTION UNDER THIS SECTION WHO IN GOOD FAITH
26 MAKES THE REPORT SHALL NOT BE LIABLE IN ANY CIVIL ACTION BROUGHT
27 BY ANY PERSON FOR MAKING THE REPORT, REGARDLESS OF WHETHER THE
28 TRANSACTION IS LATER DETERMINED TO BE SUSPICIOUS.

29 (F) SANCTIONS.--

30 (1) IN CONSIDERING APPROPRIATE ADMINISTRATIVE SANCTIONS

1 AGAINST ANY PERSON UNDER SECTION 1518(C) FOR A VIOLATION OF
2 THIS SECTION, THE BOARD SHALL CONSIDER ALL OF THE FOLLOWING:

3 (I) THE RISK TO THE PUBLIC AND TO THE INTEGRITY OF
4 GAMING OPERATIONS CREATED BY THE CONDUCT OF THE PERSON.

5 (II) THE SERIOUSNESS OF THE CONDUCT OF THE PERSON
6 AND WHETHER THE CONDUCT WAS PURPOSEFUL AND WITH KNOWLEDGE
7 THAT IT WAS IN CONTRAVENTION OF THE PROVISIONS OF THIS
8 PART OR REGULATIONS PROMULGATED UNDER THIS PART.

9 (III) ANY JUSTIFICATION OR EXCUSE FOR THE CONDUCT BY
10 THE PERSON.

11 (IV) THE PRIOR HISTORY OF THE PARTICULAR LICENSEE OR
12 PERSON INVOLVED WITH RESPECT TO GAMING ACTIVITY.

13 (V) THE CORRECTIVE ACTION TAKEN BY THE SLOT MACHINE
14 LICENSEE TO PREVENT FUTURE MISCONDUCT OF A LIKE NATURE
15 FROM OCCURRING.

16 (VI) IN THE CASE OF A MONETARY PENALTY, THE AMOUNT
17 OF THE PENALTY IN RELATION TO THE SEVERITY OF THE
18 MISCONDUCT AND THE FINANCIAL MEANS OF THE LICENSEE OR
19 PERSON. THE BOARD MAY IMPOSE ANY SCHEDULE OR TERMS OF
20 PAYMENT OF SUCH PENALTY AS IT MAY DEEM APPROPRIATE.

21 (2) IT SHALL BE NO DEFENSE TO DISCIPLINARY ACTION BEFORE
22 THE BOARD THAT A PERSON INADVERTENTLY, UNINTENTIONALLY OR
23 UNKNOWNLY VIOLATED A PROVISION OF THIS SECTION. THE FACTORS
24 UNDER PARAGRAPH (1) SHALL ONLY GO TO THE DEGREE OF THE
25 PENALTY TO BE IMPOSED BY THE BOARD AND NOT TO A FINDING OF A
26 VIOLATION ITSELF.

27 (G) REGULATIONS.--THE BOARD SHALL PROMULGATE REGULATIONS TO
28 EFFECTUATE THE PURPOSES OF THIS SECTION.

29 § 1518.3. INAPPLICABILITY OF LIQUOR CODE.

30 THE PROVISION OF SECTION 471(C) OF THE ACT OF APRIL 12, 1951

1 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, SHALL NOT APPLY TO A
2 PERSON WHO HOLDS A SLOT MACHINE LICENSE AND WHO HOLDS A LICENSE
3 ISSUED UNDER SECTION 404 OR 432 OF THE LIQUOR CODE.

4 SECTION 18. SECTION 1522 OF TITLE 4 IS AMENDED TO READ:

5 § 1522. INTERCEPTION OF ORAL COMMUNICATIONS.

6 THE INTERCEPTION AND RECORDING OF ORAL COMMUNICATIONS MADE IN
7 A [COUNTING] COUNT ROOM OF A LICENSED FACILITY BY A LICENSEE
8 SHALL NOT BE SUBJECT TO THE PROVISIONS OF 18 PA.C.S. CH. 57
9 (RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE). NOTICE
10 THAT ORAL COMMUNICATIONS ARE BEING INTERCEPTED AND RECORDED
11 SHALL BE POSTED CONSPICUOUSLY IN THE [COUNTING] COUNT ROOM.

12 SECTION 18.1. TITLE 4 IS AMENDED BY ADDING A SECTION TO
13 READ:

14 § 1523. ELECTRONIC FUNDS TRANSFER TERMINALS.

15 (A) PROHIBITION.--A SLOT MACHINE LICENSEE MAY NOT INSTALL,
16 OWN OR OPERATE OR ALLOW ANOTHER PERSON TO INSTALL, OWN OR
17 OPERATE ON THE PREMISES OF THE LICENSED FACILITY A SLOT MACHINE
18 OR TABLE GAME THAT IS PLAYED WITH A DEVICE THAT ALLOWS A PLAYER
19 TO OPERATE THE SLOT MACHINE OR TABLE GAME BY TRANSFERRING FUNDS
20 ELECTRONICALLY FROM A DEBIT CARD OR BY MEANS OF AN ELECTRONIC
21 FUNDS TRANSFER TERMINAL.

22 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
23 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
24 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

25 "ELECTRONIC FUNDS TRANSFER TERMINAL." AN INFORMATION-
26 PROCESSING DEVICE OR AN AUTOMATIC TELLER MACHINE USED FOR
27 EXECUTING DEPOSIT ACCOUNT TRANSACTIONS BETWEEN FINANCIAL
28 INSTITUTIONS AND THEIR ACCOUNT HOLDERS BY EITHER THE DIRECT
29 TRANSMISSION OF ELECTRONIC IMPULSES OR THE RECORDING OF
30 ELECTRONIC IMPULSES FOR DELAYED PROCESSING. THE FACT THAT A

1 DEVICE IS USED FOR OTHER PURPOSES SHALL NOT PREVENT IT FROM
2 BEING CONSIDERED AN ELECTRONIC FUNDS TRANSFER TERMINAL UNDER
3 THIS DEFINITION.

4 SECTION 18.2. TITLE 4 IS AMENDED BY ADDING CHAPTERS TO READ:

5 CHAPTER 16

6 JUNKETS

7 SEC.

8 1601. GAMING JUNKETS AUTHORIZED.

9 1602. GAMING JUNKET ENTERPRISE LICENSE.

10 1603. OTHER LICENSES.

11 1604. GAMING JUNKET REPRESENTATIVES.

12 1605. JUNKET AGREEMENTS.

13 1606. CONDUCT OF JUNKET.

14 1607. VIOLATION OF TERMS.

15 1608. RECORDS.

16 1609. REPORT.

17 1610. GAMING JUNKET ARRANGEMENT.

18 1611. PROHIBITIONS.

19 § 1601. GAMING JUNKETS AUTHORIZED.

20 THE BOARD MAY AUTHORIZE THE ORGANIZATION AND CONDUCT OF
21 GAMING JUNKETS SUBJECT TO THE PROVISIONS OF THIS CHAPTER. NO
22 GAMING JUNKET SHALL BE ORGANIZED OR PERMITTED TO OPERATE IN THIS
23 COMMONWEALTH AND NO PERSON SHALL ACT AS A JUNKET REPRESENTATIVE
24 OR JUNKET ENTERPRISE EXCEPT IN ACCORDANCE WITH THIS CHAPTER.

25 § 1602. GAMING JUNKET ENTERPRISE LICENSE.

26 (A) GAMING JUNKET ENTERPRISE LICENSE REQUIRED.--ALL GAMING
27 JUNKET ENTERPRISES SHALL OBTAIN A LICENSE FROM THE BOARD PRIOR
28 TO ACTING AS A GAMING JUNKET ENTERPRISE IN THIS COMMONWEALTH.

29 (B) APPLICATION.--A GAMING JUNKET ENTERPRISE LICENSE
30 APPLICATION SHALL BE IN A FORM PRESCRIBED BY THE BOARD AND SHALL

1 INCLUDE THE FOLLOWING:

2 (1) THE NAME, ADDRESS AND PHOTOGRAPH OF THE APPLICANT
3 ALL OWNERS, DIRECTORS, MANAGERS AND SUPERVISORY EMPLOYEES OF
4 A GAMING JUNKET ENTERPRISE.

5 (2) THE DETAILS OF A GAMING JUNKET ENTERPRISE LICENSE OR
6 SIMILAR LICENSE APPLIED FOR OR GRANTED OR DENIED TO THE
7 APPLICANT BY ANOTHER JURISDICTION.

8 (3) CONSENT FOR THE BOARD TO CONDUCT A BACKGROUND
9 INVESTIGATION, THE SCOPE OF WHICH SHALL BE DETERMINED BY THE
10 BOARD.

11 (4) ALL RELEASES NECESSARY FOR THE BOARD TO ACQUIRE
12 LICENSING DOCUMENTS AND OTHER INFORMATION NECESSARY TO
13 CONDUCT A BACKGROUND INVESTIGATION OR OTHERWISE EVALUATE THE
14 APPLICATION.

15 (5) A LIST OF ALL CIVIL JUDGMENTS OBTAINED AGAINST THE
16 APPLICANT PERTAINING TO A GAMING JUNKET ENTERPRISE WITH WHICH
17 THE APPLICANT HAS BEEN ASSOCIATED.

18 (6) A DESCRIPTION OF THE OPERATION AND ORGANIZATION OF
19 THE GAMING JUNKET ENTERPRISE.

20 (7) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.

21 (C) ENFORCEMENT INFORMATION.--IF THE APPLICANT HAS HELD A
22 GAMING JUNKET LICENSE OR GAMING JUNKET LICENSE OR OTHER GAMING
23 LICENSE IN ANOTHER JURISDICTION, THE APPLICANT MAY SUBMIT A
24 LETTER OF REFERENCE FROM THE GAMING ENFORCEMENT AGENCY IN THE
25 OTHER JURISDICTION. THE LETTER SHALL SPECIFY THE EXPERIENCES OF
26 THE AGENCY WITH THE APPLICANT, THE APPLICANT'S ASSOCIATES AND
27 THE APPLICANT'S GAMING JUNKET ENTERPRISE OR GAMING ACTIVITY. IF
28 NO LETTER IS RECEIVED WITHIN 30 DAYS OF THE APPLICANT'S REQUEST,
29 THE APPLICANT MAY SUBMIT A STATEMENT UNDER OATH, SUBJECT TO THE
30 PENALTY FOR FALSE SWEARING UNDER 18 PA.C.S. § 4903 (RELATING TO

1 FALSE SWEARING), THAT THE APPLICANT IS IN GOOD STANDING WITH THE
2 GAMING ENFORCEMENT AGENCY IN THE OTHER JURISDICTION.

3 (D) ISSUANCE.--FOLLOWING REVIEW OF THE APPLICATION AND
4 COMPLETION OF THE BACKGROUND INVESTIGATION, THE BOARD MAY ISSUE
5 A GAMING JUNKET ENTERPRISE LICENSE TO THE APPLICANT IF THE
6 APPLICANT HAS PROVEN BY CLEAR AND CONVINCING EVIDENCE THAT THE
7 APPLICANT IS A PERSON OF GOOD CHARACTER, HONESTY AND INTEGRITY
8 AND THAT THE APPLICANT'S ACTIVITIES, CRIMINAL RECORD,
9 REPUTATION, HABITS AND ASSOCIATIONS DO NOT POSE A THREAT TO THE
10 PUBLIC INTEREST OR SUITABLE OR LEGITIMATE OPERATION OF GAMING.

11 (E) FAILURE TO COOPERATE.--FAILURE TO PROVIDE REQUIRED
12 INFORMATION OR RELEASES UNDER THIS SECTION SHALL RESULT IN THE
13 IMMEDIATE DENIAL OF A LICENSE OR PERMIT.

14 (F) NONTRANSFERABILITY.--A LICENSE ISSUED UNDER THIS SECTION
15 SHALL BE NONTRANSFERABLE.

16 § 1603. OTHER LICENSES.

17 AN OWNER, DIRECTOR, MANAGER OR SUPERVISORY EMPLOYEE OF A
18 GAMING JUNKET ENTERPRISE SHALL QUALIFY FOR AND OBTAIN A KEY
19 EMPLOYEE LICENSE IN ACCORDANCE WITH SECTION 1311.2 (RELATING TO
20 LICENSING OF KEY EMPLOYEES) OR A PRINCIPAL EMPLOYEE LICENSE
21 UNDER SECTION 1311.1 (RELATING TO LICENSING OF PRINCIPALS) AS
22 DEEMED APPROPRIATE BY THE BOARD.

23 § 1604. GAMING JUNKET REPRESENTATIVES.

24 (A) OCCUPATION PERMIT.--EXCEPT AS OTHERWISE PROVIDED IN
25 SUBSECTION (E), A GAMING JUNKET REPRESENTATIVE SHALL OBTAIN AN
26 OCCUPATION PERMIT FROM THE BOARD IN ACCORDANCE WITH SECTION 1318
27 (RELATING TO OCCUPATION PERMIT APPLICATION).

28 (B) APPLICATION.--IN ADDITION TO THE REQUIREMENTS OF SECTION
29 1308 (RELATING TO APPLICATIONS FOR LICENSE OR PERMIT), THE
30 APPLICATION FOR A GAMING JUNKET REPRESENTATIVE OCCUPATION PERMIT

1 SHALL BE IN A FORM PRESCRIBED BY THE BOARD AND SHALL INCLUDE THE
2 FOLLOWING:

3 (1) VERIFICATION OF EMPLOYMENT STATUS AS A GAMING JUNKET
4 REPRESENTATIVE WITH A LICENSED GAMING JUNKET ENTERPRISE.

5 (2) A DESCRIPTION OF EMPLOYMENT RESPONSIBILITIES.

6 (3) A CONSENT FORM TO ALLOW THE BOARD TO CONDUCT A
7 BACKGROUND INVESTIGATION, THE SCOPE OF WHICH SHALL BE
8 DETERMINED BY THE BOARD.

9 (4) A RELEASE FOR THE BOARD TO ACQUIRE COPIES OF
10 INFORMATION FROM GOVERNMENT AGENCIES, EMPLOYERS AND OTHERS AS
11 NECESSARY TO COMPLETE THE INVESTIGATION.

12 (5) FINGERPRINTS WHICH SHALL BE SUBMITTED TO THE
13 PENNSYLVANIA STATE POLICE.

14 (6) A PHOTOGRAPH THAT MEETS THE STANDARDS OF THE
15 COMMONWEALTH PHOTO IMAGING NETWORK.

16 (7) DETAILS RELATING TO A SIMILAR LICENSE, PERMIT OR
17 OTHER AUTHORIZATION OBTAINED IN ANOTHER JURISDICTION, IF ANY.

18 (8) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.

19 (C) ISSUANCE.--FOLLOWING REVIEW OF THE APPLICATION AND
20 BACKGROUND INVESTIGATION, THE BOARD MAY ISSUE AN OCCUPATION
21 PERMIT IF THE APPLICANT HAS PROVEN BY CLEAR AND CONVINCING
22 EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD CHARACTER,
23 HONESTY AND INTEGRITY AND IS ELIGIBLE AND SUITABLE TO RECEIVE AN
24 OCCUPATION PERMIT.

25 (D) NONTRANSFERABILITY.--AN OCCUPATION PERMIT ISSUED UNDER
26 THIS SECTION SHALL BE NONTRANSFERABLE.

27 (E) HOLDER OF OCCUPATION PERMIT.--NOTHING IN THIS SECTION
28 SHALL BE CONSTRUED TO PROHIBIT A GAMING JUNKET REPRESENTATIVE
29 WHO HOLDS A VALID OCCUPATION PERMIT AND WHO IS EMPLOYED BY A
30 SLOT MACHINE LICENSEE OR AN APPLICANT FOR A SLOT MACHINE LICENSE

1 FROM ACTING AS A JUNKET REPRESENTATIVE. A GAMING JUNKET
2 REPRESENTATIVE NEED NOT BE A RESIDENT OF THIS COMMONWEALTH.
3 § 1605. JUNKET AGREEMENTS.

4 AGREEMENTS ENTERED INTO BETWEEN A SLOT MACHINE LICENSEE AND A
5 GAMING JUNKET ENTERPRISE OR A GAMING JUNKET REPRESENTATIVE SHALL
6 INCLUDE A PROVISION FOR THE TERMINATION OF THE AGREEMENT WITHOUT
7 LIABILITY ON THE PART OF THE SLOT MACHINE LICENSEE IF:

8 (1) THE BOARD ORDERS THE SUSPENSION, LIMITATION,
9 CONDITIONING, DENIAL OR REVOCATION OF THE LICENSE OF A GAMING
10 JUNKET REPRESENTATIVE LICENSE OR OCCUPATION PERMIT OF A
11 GAMING JUNKET REPRESENTATIVE.

12 (2) THE BOARD FINDS THAT THE AGREEMENT IS NOT APPROVED
13 OR THAT IT IS TERMINATED. FAILURE TO EXPRESSLY INCLUDE THE
14 TERMINATION REQUIREMENT UNDER THIS SECTION IN THE AGREEMENT
15 SHALL NOT CONSTITUTE A DEFENSE IN AN ACTION BROUGHT RELATING
16 TO THE TERMINATION OF THE AGREEMENT.

17 § 1606. CONDUCT OF JUNKET.

18 A SLOT MACHINE LICENSEE SHALL BE RESPONSIBLE FOR THE CONDUCT
19 OF A GAMING JUNKET REPRESENTATIVE OR GAMING JUNKET ENTERPRISE
20 WITH WHICH THE SLOT MACHINE LICENSEE HAS AN AGREEMENT AND FOR
21 THE TERMS AND CONDITIONS OF A GAMING JUNKET ON ITS PREMISES.

22 § 1607. VIOLATION OF TERMS.

23 NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, IF THE
24 BOARD DETERMINES THAT THE TERMS OF AN AGREEMENT TO CONDUCT A
25 GAMING JUNKET WERE VIOLATED BY A SLOT MACHINE LICENSEE, GAMING
26 JUNKET ENTERPRISE OR GAMING JUNKET REPRESENTATIVE, THE BOARD MAY
27 DO THE FOLLOWING:

28 (1) ORDER RESTITUTION TO GAMING JUNKET PATRONS.

29 (2) ASSESS CIVIL PENALTIES FOR A VIOLATION OR DEVIATION
30 FROM THE TERMS OF THE JUNKET AGREEMENT.

1 § 1608. RECORDS.

2 THE BOARD SHALL PRESCRIBE PROCEDURES AND FORMS TO RETAIN
3 RECORDS RELATING TO THE CONDUCT OF A GAMING JUNKET BY A SLOT
4 MACHINE LICENSEE. A SLOT MACHINE LICENSEE SHALL:

5 (1) MAINTAIN A REPORT DESCRIBING THE OPERATION OF A
6 GAMING JUNKET CONDUCTED AT ITS LICENSED FACILITY.

7 (2) SUBMIT TO THE BOARD AND THE BUREAU A LIST OF ALL ITS
8 EMPLOYEES WHO ACT AS GAMING JUNKET REPRESENTATIVES ON A FULL-
9 TIME, PART-TIME OR TEMPORARY BASIS.

10 (3) MAINTAIN RECORDS OF ALL AGREEMENTS ENTERED INTO WITH
11 A GAMING JUNKET ENTERPRISE OR GAMING JUNKET REPRESENTATIVE
12 FOR A MINIMUM OF FIVE YEARS.

13 (4) PROVIDE ANY OTHER INFORMATION RELATING TO A GAMING
14 JUNKET REQUIRED BY THE BOARD OR BUREAU.

15 § 1609. REPORT.

16 A SLOT MACHINE LICENSEE, GAMING JUNKET REPRESENTATIVE OR
17 GAMING JUNKET ENTERPRISE SHALL FILE A REPORT WITH THE BUREAU TO
18 INCLUDE A LIST OF GAMING JUNKET PATRONS OR POTENTIAL GAMING
19 JUNKET PATRONS PURCHASED BY THE SLOT MACHINE LICENSEE, GAMING
20 JUNKET REPRESENTATIVE OR GAMING JUNKET ENTERPRISE. THE REPORT
21 SHALL INCLUDE THE SOURCE OF THE LIST AND ZIP CODES OF PATRONS OR
22 POTENTIAL PATRONS ON A LIST PURCHASED DIRECTLY OR INDIRECTLY BY
23 A SLOT MACHINE LICENSEE, GAMING JUNKET REPRESENTATIVE OR GAMING
24 JUNKET ENTERPRISE. NOTHING IN THIS SECTION SHALL REQUIRE THE
25 REPORTING OR MAINTENANCE OF PERSONAL IDENTIFYING INFORMATION
26 PERTAINING TO PATRON OR POTENTIAL PATRONS.

27 § 1610. GAMING JUNKET ARRANGEMENT.

28 UPON PETITION BY A SLOT MACHINE LICENSEE, THE BOARD MAY GRANT
29 AN EXEMPTION FROM THE REQUIREMENTS OF THIS PART TO A GAMING
30 JUNKET REPRESENTATIVE. THE BOARD SHALL CONSULT WITH THE BUREAU

1 PRIOR TO GRANTING AN EXEMPTION UNDER THIS SECTION AND SHALL
2 CONSIDER THE FOLLOWING:

3 (1) THE TERMS OF THE GAMING JUNKET ARRANGEMENT.

4 (2) THE NUMBER AND SCOPE OF GAMING JUNKETS.

5 (3) WHETHER THE EXEMPTION IS CONSISTENT WITH THE
6 POLICIES AND PURPOSES OF THIS PART.

7 (4) ANY OTHER FACTOR DEEMED NECESSARY BY THE BUREAU OR
8 BOARD.

9 THE BOARD MAY CONDITION, LIMIT OR RESTRICT THE EXEMPTION.

10 § 1611. PROHIBITIONS.

11 A GAMING JUNKET ENTERPRISE OR GAMING JUNKET REPRESENTATIVE
12 SHALL NOT DO ANY OF THE FOLLOWING:

13 (1) ENGAGE IN EFFORTS TO COLLECT ON CHECKS THAT HAVE
14 BEEN RETURNED BY A BANK OR OTHER FINANCIAL INSTITUTION
15 WITHOUT PAYMENT.

16 (2) EXERCISE APPROVAL AUTHORITY OVER THE AUTHORIZATION
17 OR ISSUANCE OF CREDIT UNDER SECTION 1326A (RELATING TO
18 WAGERING POLICIES).

19 (3) RECEIVE OR RETAIN A FEE FROM A PATRON FOR THE
20 PRIVILEGE OF PARTICIPATING IN A GAMING JUNKET.

21 (4) PAY FOR ANY SERVICE, INCLUDING TRANSPORTATION, OR
22 OTHER THING OF VALUE PROVIDED TO A PATRON PARTICIPATING IN A
23 GAMING JUNKET EXCEPT AS AUTHORIZED BY THIS PART.

24 CHAPTER 17

25 GAMING SCHOOLS

26 SEC.

27 1701. CURRICULUM.

28 1702. GAMING SCHOOL GAMING EQUIPMENT.

29 § 1701. CURRICULUM.

30 THE DEPARTMENT OF EDUCATION, IN CONSULTATION WITH THE BOARD,

1 SHALL DEVELOP CURRICULUM GUIDELINES, INCLUDING MINIMUM
2 PROFICIENCY REQUIREMENTS ESTABLISHED BY THE BOARD, FOR GAMING
3 SCHOOL INSTRUCTION. THE GUIDELINES SHALL, AT A MINIMUM,
4 ESTABLISH COURSES OF INSTRUCTION THAT WILL PROVIDE INDIVIDUALS
5 WITH ADEQUATE TRAINING NECESSARY TO OBTAIN EMPLOYMENT AS A
6 GAMING EMPLOYEE WITH A LICENSED GAMING ENTITY.
7 § 1702. GAMING SCHOOL GAMING EQUIPMENT.

8 (A) USE OF GAMING EQUIPMENT.--ALL GAMING EQUIPMENT UTILIZED
9 BY A GAMING SCHOOL, INCLUDING TABLE GAME DEVICES AND ALL
10 REPRESENTATIONS OF VALUE, SHALL BE USED FOR TRAINING,
11 INSTRUCTIONAL AND PRACTICE PURPOSES ONLY. THE USE OF ANY SUCH
12 GAMING EQUIPMENT FOR ACTUAL GAMING BY ANY PERSON IS PROHIBITED.

13 (B) CHIPS.--UNLESS THE BOARD OTHERWISE DETERMINES, ALL
14 GAMING CHIPS AND OTHER REPRESENTATIONS OF VALUE UTILIZED BY A
15 GAMING SCHOOL SHALL BE DISTINCTLY DISSIMILAR TO ANY GAMING CHIPS
16 AND REPRESENTATIONS OF VALUE UTILIZED BY A SLOT MACHINE
17 LICENSEE.

18 (C) POSSESSION, REMOVAL AND TRANSPORT OF EQUIPMENT.--NO
19 GAMING SCHOOL SHALL POSSESS, REMOVE OR TRANSPORT, OR CAUSE TO BE
20 REMOVED OR TRANSPORTED, ANY SLOT MACHINE, TABLE GAME DEVICE OR
21 ASSOCIATED EQUIPMENT EXCEPT IN ACCORDANCE WITH THIS PART.

22 (D) SERIAL NUMBERS.--EACH SLOT MACHINE, TABLE GAME DEVICE
23 AND ASSOCIATED EQUIPMENT ON THE PREMISES OF A GAMING SCHOOL
24 SHALL HAVE PERMANENTLY AFFIXED ON IT A SERIAL NUMBER WHICH,
25 TOGETHER WITH THE LOCATION OF THE MACHINE OR TABLE GAME DEVICE,
26 SHALL BE FILED WITH THE BOARD.

27 (E) SECURITY.--EACH GAMING SCHOOL SHALL PROVIDE ADEQUATE
28 SECURITY FOR THE SLOT MACHINES, TABLE GAMES, TABLE GAME DEVICES
29 AND ASSOCIATED EQUIPMENT ON THE GAMING SCHOOL PREMISES.

30 (F) NOTICE TO BOARD AND BUREAU.--NO GAMING SCHOOL SHALL SELL

1 OR TRANSFER ANY SLOT MACHINE, TABLE GAME, TABLE GAME DEVICE OR
2 ASSOCIATED EQUIPMENT EXCEPT UPON PRIOR WRITTEN NOTICE TO THE
3 BOARD AND THE BUREAU AND THE REMOVAL OF ALL SERIAL NUMBERS
4 REQUIRED BY THIS SECTION.

5 SECTION 19. NO LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE
6 OF THIS ACT, THE PENNSYLVANIA GAMING CONTROL BOARD SHALL
7 TRANSFER THE SUM OF \$12,500,000 FROM THE AMOUNTS PREVIOUSLY
8 APPROPRIATED TO THE PENNSYLVANIA GAMING CONTROL BOARD PURSUANT
9 TO 4 PA.C.S. § 1408 TO THE GENERAL FUND.

10 SECTION 20. THE AMENDMENT OF 4 PA.C.S. § 1213 SHALL NOT
11 APPLY TO ANY OF THE FOLLOWING:

12 (1) AN APPLICATION SUBMITTED BEFORE THE EFFECTIVE DATE
13 OF THIS SECTION.

14 (2) ANY LICENSE OR PERMIT ISSUED PRIOR TO THE EFFECTIVE
15 DATE OF THIS SECTION.

16 (3) THE RENEWAL OF ANY LICENSE OR PERMIT ISSUED PRIOR TO
17 THE EFFECTIVE DATE OF THIS SECTION.

18 SECTION 21. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.