

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 711 Session of
2009

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 14, 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~~

~~ESTABLISHED, FOR APPLICABILITY OF OTHER STATUTES, FOR POWERS
OF THE BOARD AND FOR CODE OF CONDUCT; PROVIDING FOR EXPENSES
OF REGULATORY AGENCIES; FURTHER PROVIDING FOR LICENSED GAMING
ENTITY APPLICATION APPEALS FROM BOARD, FOR LICENSE OR PERMIT
APPLICATION HEARING PROCESS AND PUBLIC HEARINGS, FOR BOARD
MINUTES AND RECORDS, FOR REGULATORY AUTHORITY OF BOARD, FOR
COLLECTION OF FEES AND FINES, FOR SLOT MACHINE LICENSE FEE,
FOR NUMBER OF SLOT MACHINES AND FOR REPORTS OF BOARD;
PROVIDING FOR REPORT BY SLOT MACHINE LICENSEE; FURTHER
PROVIDING FOR DIVERSITY GOALS OF BOARD AND FOR LICENSE OR
PERMIT PROHIBITION; PROVIDING FOR SPECIFIC AUTHORITY TO
SUSPEND SLOT MACHINE LICENSE AND FOR AUDITOR GENERAL'S
REPORTS; FURTHER PROVIDING FOR CATEGORY 3 SLOT MACHINE
LICENSE, FOR APPLICATIONS FOR LICENSE OR PERMIT, FOR SLOT
MACHINE LICENSE APPLICATION CHARACTER REQUIREMENTS, FOR SLOT
MACHINE LICENSE APPLICATION FINANCIAL FITNESS REQUIREMENTS,
FOR SUPPLIER LICENSES AND FOR MANUFACTURER LICENSES;
PROVIDING FOR GAMING SERVICE PROVIDER AND FOR ALTERNATIVE
SUPPLIER LICENSING STANDARDS; FURTHER PROVIDING FOR
OCCUPATION PERMIT APPLICATION, FOR ADDITIONAL LICENSES AND
PERMITS AND APPROVAL OF AGREEMENTS, FOR LICENSE RENEWALS, FOR
CHANGE IN OWNERSHIP OR CONTROL OF SLOT MACHINE LICENSEE AND
FOR NONPORTABILITY OF SLOT MACHINE LICENSE; PROVIDING FOR
APPOINTMENT OF TRUSTEE AND FOR ADDITIONAL TABLE GAME
ASSESSMENT; AUTHORIZING TABLE GAMES; FURTHER PROVIDING FOR
SLOT MACHINE LICENSE DEPOSITS; PROVIDING FOR LIMITATION ON
RECOVERY OF COSTS; FURTHER PROVIDING FOR GROSS TERMINAL
REVENUE DEDUCTIONS, FOR ITEMIZED BUDGET REPORTING, FOR
ESTABLISHMENT OF STATE GAMING FUND AND NET SLOT MACHINE
REVENUE DISTRIBUTION, FOR DISTRIBUTIONS FROM PENNSYLVANIA
RACE HORSE DEVELOPMENT FUND, FOR PENNSYLVANIA GAMING ECONOMIC
DEVELOPMENT AND TOURISM FUND, FOR TRANSFERS FROM STATE GAMING
FUND, FOR RESPONSIBILITY AND AUTHORITY OF DEPARTMENT OF
REVENUE, FOR WAGERING ON CREDIT, AND FOR NO EMINENT DOMAIN
AUTHORITY,; PROVIDING FOR DETERIORATED DESIGNATIONS; FURTHER
PROVIDING FOR COMPULSIVE AND PROBLEM GAMBLING PROGRAM, FOR
LABOR HIRING PREFERENCES, FOR DECLARATION OF EXEMPTION FROM
FEDERAL LAWS PROHIBITING SLOT MACHINES AND FOR FINANCIAL AND
EMPLOYMENT INTERESTS; PROVIDING FOR ADDITIONAL RESTRICTIONS;
FURTHER PROVIDING FOR POLITICAL INFLUENCE, FOR REGULATION
REQUIRING EXCLUSION OF CERTAIN PERSONS; PROVIDING FOR
PROSECUTORIAL AND ADJUDICATIVE FUNCTIONS; FURTHER PROVIDING
FOR INVESTIGATIONS AND ENFORCEMENT, FOR CONDUCT OF PUBLIC
OFFICIALS AND EMPLOYEES AND FOR PROHIBITED ACTS AND
PENALTIES; PROVIDING FOR ADDITIONAL AUTHORITY AND FOR REPORT
OF SUSPICIOUS TRANSACTIONS; FURTHER PROVIDING FOR
INTERCEPTION OF ORAL COMMUNICATIONS; PROVIDING FOR ELECTRONIC
FUNDS TRANSFER TERMINALS; REGULATING JUNKETS; AND PROVIDING
FOR GAMING SCHOOLS.~~

AMENDING TITLES 4 (AMUSEMENTS) AND 64 (PUBLIC AUTHORITIES AND
QUASI-PUBLIC CORPORATIONS) OF THE PENNSYLVANIA CONSOLIDATED

1 STATUTES, MAKING EXTENSIVE REVISIONS TO PROVISIONS ON GAMING,
2 IN THE AREAS OF LEGISLATIVE INTENT, DEFINITIONS, THE
3 PENNSYLVANIA GAMING CONTROL BOARD, APPLICABILITY OF OTHER
4 STATUTES, POWERS OF THE BOARD, CODE OF CONDUCT, EXPENSES OF
5 REGULATORY AGENCIES, LICENSED GAMING ENTITY APPLICATION
6 APPEALS FROM BOARD, LICENSE OR PERMIT APPLICATION HEARING
7 PROCESS AND PUBLIC HEARINGS, BOARD MINUTES AND RECORDS,
8 REGULATORY AUTHORITY, COLLECTION OF FEES AND FINES, SLOT
9 MACHINE LICENSE FEE, NUMBER OF SLOT MACHINES, REPORTS OF
10 BOARD, DIVERSITY GOALS OF BOARD, LICENSE OR PERMIT
11 PROHIBITION, SPECIFIC AUTHORITY TO SUSPEND SLOT MACHINE
12 LICENSE, CATEGORY 2 SLOT MACHINE LICENSE, CATEGORY 3 SLOT
13 MACHINE LICENSE, NUMBER OF SLOT MACHINE LICENSES,
14 APPLICATIONS FOR LICENSE OR PERMIT, SLOT MACHINE LICENSE
15 APPLICATION, SLOT MACHINE LICENSE APPLICATION CHARACTER
16 REQUIREMENTS, SUPPLIER LICENSES, MANUFACTURER LICENSES,
17 GAMING SERVICE PROVIDER, OCCUPATION PERMIT APPLICATION,
18 ALTERNATIVE MANUFACTURER LICENSING STANDARDS, ALTERNATIVE
19 SUPPLIER LICENSING STANDARDS, ADDITIONAL LICENSES AND PERMITS
20 AND APPROVAL OF AGREEMENTS, LICENSE RENEWALS, CHANGE IN
21 OWNERSHIP OR CONTROL OF SLOT MACHINE LICENSEE, NONPORTABILITY
22 OF SLOT MACHINE LICENSE, APPOINTMENT OF TRUSTEE, TABLE GAMES,
23 SLOT MACHINE LICENSEE DEPOSITS, GROSS TERMINAL REVENUE
24 DEDUCTIONS, ITEMIZED BUDGET REPORTING, ESTABLISHMENT OF STATE
25 GAMING FUND AND NET SLOT MACHINE REVENUE DISTRIBUTION,
26 DISTRIBUTIONS FROM PENNSYLVANIA RACE HORSE DEVELOPMENT FUND,
27 PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND,
28 TRANSFERS FROM STATE GAMING FUND, RESPONSIBILITY AND
29 AUTHORITY OF DEPARTMENT OF REVENUE, WAGERING ON CREDIT,
30 EMINENT DOMAIN AUTHORITY, COMPULSIVE AND PROBLEM GAMBLING
31 PROGRAM, DRUG AND ALCOHOL TREATMENT, LABOR HIRING
32 PREFERENCES, DECLARATION OF EXEMPTION FROM FEDERAL LAWS
33 PROHIBITING SLOT MACHINES, FINANCIAL AND EMPLOYMENT
34 INTERESTS, ADDITIONAL RESTRICTIONS, POLITICAL INFLUENCE,
35 REGULATION REQUIRING EXCLUSION OF CERTAIN PERSONS,
36 PROSECUTORIAL AND ADJUDICATIVE FUNCTIONS, INVESTIGATIONS AND
37 ENFORCEMENT, CONDUCT OF PUBLIC OFFICIALS AND EMPLOYEES,
38 PROHIBITED ACTS AND PENALTIES, REPORT OF SUSPICIOUS
39 TRANSACTIONS, ADDITIONAL AUTHORITY, APPLICABILITY OF CLEAN
40 INDOOR AIR ACT, LIQUOR LICENSES AT LICENSED FACILITIES,
41 INTERCEPTION OF ORAL COMMUNICATIONS, ELECTRONIC FUNDS
42 TRANSFER TERMINALS, JUNKETS, GAMING SCHOOLS AND
43 APPROPRIATIONS; FURTHER PROVIDING FOR POWERS AND DUTIES OF
44 THE COMMONWEALTH FINANCING AUTHORITY; AND MAKING RELATED
45 REPEALS.

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

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

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

~~§ 1102. Legislative intent.~~

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

~~* * *~~

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

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

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

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

~~§ 1103. Definitions.~~

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

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

~~* * *~~

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

~~* * *~~

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

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

~~(2) An employee of the executive branch with discretionary power which may affect or influence the outcome of a State agency's action or decision and who is involved in the development of regulations or policies 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.~~

~~(3) An employee of a county or municipality with discretionary powers which may affect or influence the outcome of the county's or municipality's action or decision and who is involved in the development of law, 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.~~

~~(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,~~

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

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

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

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

~~(iii) As a condition of a contract, an independent contractor or individual employed by an independent contractor of the board under this paragraph shall sign an affidavit to not accept employment with or be retained 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~~

~~appointment or]. A member removed under this paragraph shall
be prohibited from future appointment to the board and shall
be prohibited from applying for a license or permit, from
becoming an independent contractor of the board, or
registering as a licensed entity representative for a period
of five years from the date of removal from the board. If an
employee or independent contractor of the board violates any
provision of this section, the board may, upon notice and
hearing, terminate the employment or contract, and the person
shall be ineligible for future [appointment,] employment or
contract with the board and [for approval of a license or
permit under this part for a period of two years thereafter]
shall be prohibited from applying for a license or permit,
becoming an independent contractor or registering as a
licensed entity representative for a period of five years
from the date of termination of the employment or contract.~~

~~* * *~~

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

~~* * *~~

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

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

~~* * *~~

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

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

~~(a) General powers.~~

~~* * *~~

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

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

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

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

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

~~* * *~~

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

~~* * *~~

~~(30) To promulgate rules and regulations necessary for 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~~

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

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

~~§ 1202.1. Code of conduct.~~

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

~~(b) Registration.~~

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

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

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

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

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

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

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

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

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

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

~~(6) Not solicit funds for any charitable, educational, 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~~

communication.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~["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.]~~

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

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

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

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

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

~~* * *~~

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

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

~~hearing prior to:~~

~~(i) Licensing a facility.~~

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

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

~~* * *~~

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

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

~~§ 1206. Board minutes and records.~~

~~* * *~~

~~(f) Confidentiality of information. [All]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~* * *~~

~~§ 1209. Slot machine license fee.~~

~~* * *~~

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

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

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

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

~~§ 1317. Supplier licenses.~~

~~* * *~~

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

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

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

~~* * *~~

~~§ 1317.1. Manufacturer licenses.~~

~~* * *~~

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

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

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

~~* * *~~

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

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

~~* * *~~

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

~~* * *~~

~~§ 1326. License renewals.~~

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

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

~~* * *~~

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

~~* * *~~

~~(a) Notification and approval.~~

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

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

~~(ii) More than 5% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 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,~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(i) Entering into contracts.~~

~~(ii) Borrowing money.~~

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

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

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

~~(4) Taking possession of all of the property of the slot 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~~

~~of those made in the ordinary course of business.~~

~~Notwithstanding any provision contained in this subsection to the contrary, the trustee shall have the duty to conserve and preserve the assets of the licensed entity.~~

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

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

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

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

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

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

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

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

~~§ 1407. Pennsylvania Gaming Economic Development and Tourism Fund.~~

~~* * *~~

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

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

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

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

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

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

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

~~(2) An employee of the Executive Branch with discretionary power which may affect or influence the outcome of a State agency's action or decision and who is involved in the development of regulations or policies 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.~~

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.~~

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

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

~~§ 1517. Investigations and enforcement.~~

~~* * *~~

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

~~* * *~~

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

~~* * *~~

~~(a.2) Office of Enforcement Counsel.~~

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

~~* * *~~

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

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

~~(v) Notwithstanding 42 Pa.C.S. § 5947 (relating to immunity of witnesses), the Commonwealth Court may grant an immunity order, 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 chief enforcement counsel of the bureau may petition the Commonwealth Court for a grant of immunity that includes the specific question to be posed or information or evidence being sought from the person as follows:~~

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

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

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

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

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

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

~~(Reserved).~~

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

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

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

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

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

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

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

~~§ 1102. LEGISLATIVE INTENT.~~

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

~~* * *~~

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

~~FACILITIES IN THIS COMMONWEALTH.~~

~~* * *~~

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

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

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

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

~~SECTION 2. THE DEFINITIONS OF "ASSOCIATED EQUIPMENT," "CHEAT," "CONDUCT OF GAMING," "CONVICTION," "GAMING EMPLOYEE," "KEY EMPLOYEE," "LICENSED FACILITY," "MANUFACTURER," "MANUFACTURER LICENSE," "SLOT MACHINE," "SUPPLIER" AND "SUPPLIER LICENSE" IN SECTION 1103 OF TITLE 4 ARE AMENDED AND THE SECTION 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~~

~~COMPANY OR A FINANCIAL INSTITUTION.~~

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

~~* * *~~

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

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

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

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

~~(3) THE VALUE OF A WAGERING INSTRUMENT.~~

~~(4) THE VALUE OF A WAGERING CREDIT.~~

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

~~"CHEATING OR THIEVING DEVICE." A DEVICE USED OR POSSESSED WITH THE INTENT TO USE, ON OR DURING THE PLAY OF ANY SLOT 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,~~

~~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.~~

~~* * *~~

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

~~(1) CASHIERS.~~

~~(2) CHANGE PERSONNEL.~~

~~(3) [COUNTING] COUNT ROOM PERSONNEL.~~

~~(4) SLOT ATTENDANTS.~~

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

~~(6) MACHINE MECHANICS [OR] COMPUTER MACHINE TECHNICIANS
OR TABLE GAME DEVICE TECHNICIANS.~~

~~(7) SECURITY PERSONNEL.~~

~~(8) SURVEILLANCE PERSONNEL.~~

~~(9) SUPERVISORS AND MANAGERS.~~

~~(10) BOXMEN.~~

~~(11) DEALERS OR CROUPIERS.~~

~~(12) FLOORMEN.~~

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

1 ~~CONTROL BOARD. THE TERM DOES NOT INCLUDE BARTENDERS, COCKTAIL~~
2 ~~SERVICES 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~~

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

~~"GAMING SERVICE PROVIDER." A PERSON THAT:~~

~~(1) PROVIDES GOODS OR SERVICES TO A SLOT MACHINE
LICENSEE OR AN APPLICANT FOR A SLOT MACHINE LICENSE;~~

~~(2) PROVIDES GOODS OR SERVICES AT A LICENSED FACILITY;~~
~~AND~~

~~(3) IS NOT REQUIRED TO BE LICENSED AS A MANUFACTURER,
MANUFACTURER DESIGNEE, SUPPLIER, MANAGEMENT COMPANY OR GAMING
JUNKET ENTERPRISE.~~

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

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

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

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

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

~~(2) ALL TABLE GAME CONTEST OR TOURNAMENT FEES. TABLE
GAME CONTEST OR TOURNAMENT FEES SHALL BE CALCULATED AS ALL
FEES OR PAYMENTS, INCLUDING ENTRY FEES, BUY INS, RE BUYS AND~~



~~ADMINISTRATIVE FEES, IMPOSED BY A CERTIFICATE HOLDER TO
PARTICIPATE IN A TABLE GAME CONTEST OR TOURNAMENT LESS CASH
OR ACTUAL COST PAID BY A CERTIFICATE HOLDER FOR PRIZES
AWARDED TO TOURNAMENT OR CONTEST WINNERS.~~

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

~~THE TERM DOES NOT INCLUDE COUNTERFEIT MONEY OR CHIPS; COINS OR
CURRENCY OF OTHER COUNTRIES RECEIVED IN THE PLAYING OF A TABLE
GAME, EXCEPT TO THE EXTENT THAT THEY ARE READILY CONVERTIBLE TO
UNITED STATES CURRENCY; CASH TAKEN IN A FRAUDULENT ACT
PERPETRATED AGAINST A CERTIFICATE HOLDER FOR WHICH THE
CERTIFICATE HOLDER IS NOT REIMBURSED.~~

~~* * *~~

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

~~* * *~~

~~"KEY EMPLOYEE." ANY INDIVIDUAL WHO IS EMPLOYED IN A DIRECTOR
OR DEPARTMENT HEAD CAPACITY AND WHO IS EMPOWERED TO MAKE
DISCRETIONARY DECISIONS THAT REGULATE SLOT MACHINE OR TABLE GAME
OPERATIONS, INCLUDING THE GENERAL MANAGER AND ASSISTANT MANAGER
OF THE LICENSED FACILITY, DIRECTOR OF SLOT OPERATIONS, DIRECTOR
OF TABLE GAMES, PIT SUPERVISORS, SHIFT SUPERVISORS, CREDIT
SUPERVISORS, CASHIER SUPERVISORS, TABLE GAME MANAGERS AND
ASSISTANT MANAGERS, DIRECTOR OF CAGE AND/OR CREDIT OPERATIONS,
DIRECTOR OF SURVEILLANCE, DIRECTOR OF MARKETING, DIRECTOR OF
MANAGEMENT INFORMATION SYSTEMS, DIRECTOR OF SECURITY,
COMPTROLLER AND ANY EMPLOYEE WHO SUPERVISES THE OPERATIONS OF~~

1 ~~THESE DEPARTMENTS OR TO WHOM THESE DEPARTMENT DIRECTORS OR~~
2 ~~DEPARTMENT HEADS REPORT AND SUCH OTHER POSITIONS WHICH THE~~
3 ~~PENNSYLVANIA GAMING CONTROL BOARD SHALL DETERMINE BASED ON~~
4 ~~DETAILED ANALYSES OF JOB DESCRIPTIONS AS PROVIDED IN THE~~
5 ~~INTERNAL CONTROLS OF THE LICENSEE AS APPROVED BY THE~~
6 ~~PENNSYLVANIA GAMING CONTROL BOARD. ALL OTHER GAMING EMPLOYEES~~
7 ~~UNLESS OTHERWISE DESIGNATED BY THE PENNSYLVANIA GAMING CONTROL~~
8 ~~BOARD SHALL BE CLASSIFIED AS NON KEY EMPLOYEES.~~

9 ~~* * *~~

10 ~~"LICENSED ENTITY REPRESENTATIVE." A PERSON ACTING ON BEHALF~~
11 ~~OF OR AUTHORIZED TO REPRESENT THE INTEREST OF ANY APPLICANT,~~
12 ~~LICENSEE OR PERMITTEE, INCLUDING AN ATTORNEY, AGENT OR LOBBYIST,~~
13 ~~REGARDING ANY MATTER WHICH MAY REASONABLY BE EXPECTED TO COME~~
14 ~~BEFORE THE BOARD.~~

15 ~~"LICENSED FACILITY." THE PHYSICAL LAND BASED LOCATION AT~~
16 ~~WHICH A LICENSED GAMING ENTITY IS AUTHORIZED TO PLACE AND~~
17 ~~OPERATE SLOT MACHINES AND, IF AUTHORIZED BY THE PENNSYLVANIA~~
18 ~~GAMING CONTROL BOARD UNDER CHAPTER 13A (RELATING TO TABLE~~
19 ~~GAMES), TO CONDUCT TABLE GAMES. THE TERM INCLUDES ANY AREA OF A~~
20 ~~LICENSED RACETRACK PREVIOUSLY AUTHORIZED PURSUANT TO SECTION~~
21 ~~1207(17) (RELATING TO REGULATORY AUTHORITY OF BOARD) TO OPERATE~~
22 ~~SLOT MACHINES AND ANY AREA OF A HOTEL WHICH THE PENNSYLVANIA~~
23 ~~GAMING CONTROL BOARD DETERMINES IS SUITABLE TO CONDUCT TABLE~~
24 ~~GAMES.~~

25 ~~* * *~~

26 ~~"MANUFACTURER." A PERSON WHO MANUFACTURES, BUILDS, REBUILDS,~~
27 ~~FABRICATES, ASSEMBLES, PRODUCES, PROGRAMS, DESIGNS OR OTHERWISE~~
28 ~~MAKES MODIFICATIONS TO ANY SLOT MACHINE, TABLE GAME DEVICE OR~~
29 ~~ASSOCIATED EQUIPMENT FOR USE OR PLAY OF SLOT MACHINES OR TABLE~~
30 ~~GAMES IN THIS COMMONWEALTH FOR GAMING PURPOSES.~~

1 ~~"MANUFACTURER LICENSE." A LICENSE ISSUED BY THE PENNSYLVANIA~~
2 ~~GAMING CONTROL BOARD AUTHORIZING A MANUFACTURER TO MANUFACTURE~~
3 ~~OR PRODUCE SLOT MACHINES, TABLE GAME DEVICES OR ASSOCIATED~~
4 ~~EQUIPMENT FOR USE IN THIS COMMONWEALTH FOR GAMING PURPOSES.~~

5 ~~* * *~~

6 ~~"MUNICIPAL AUTHORITY." A BODY POLITIC AND CORPORATE CREATED~~
7 ~~UNDER THE FORMER ACT OF JUNE 28, 1935 (P.L.463, NO.191), KNOWN~~
8 ~~AS THE MUNICIPALITY AUTHORITIES ACT OF 1935, THE FORMER ACT OF~~
9 ~~MAY 2, 1995 (P.L.382, NO.164), KNOWN AS THE MUNICIPALITY~~
10 ~~AUTHORITIES ACT OF 1945 OR THE ACT OF JULY 29, 1953 (P.L.1034,~~
11 ~~NO.270), KNOWN AS THE PUBLIC AUDITORIUM AUTHORITIES LAW.~~

12 ~~* * *~~

13 ~~"NONBANKING GAME." ANY TABLE GAME IN WHICH PLAYERS COMPETE~~
14 ~~AGAINST ONE ANOTHER AND IN WHICH THE CERTIFICATE HOLDER COLLECTS~~
15 ~~A RAKE.~~

16 ~~"NONELECTRONIC TABLE GAME." ANY TABLE GAME THAT, AS~~
17 ~~DETERMINED BY THE PENNSYLVANIA GAMING CONTROL BOARD, IS NOT AN~~
18 ~~ELECTRONIC TABLE GAME.~~

19 ~~* * *~~

20 ~~"PARTY." THE PENNSYLVANIA GAMING CONTROL BOARD, THE BUREAU~~
21 ~~OF INVESTIGATIONS AND ENFORCEMENT OF THE PENNSYLVANIA GAMING~~
22 ~~CONTROL BOARD OR ANY APPLICANT, LICENSEE, PERMITTEE, REGISTRANT~~
23 ~~OR OTHER PERSON APPEARING OF RECORD IN ANY PROCEEDING BEFORE THE~~
24 ~~BOARD OR IN ANY PROCEEDING FOR JUDICIAL REVIEW OF ANY ACTION,~~
25 ~~DECISION OR ORDER OF THE BOARD.~~

26 ~~* * *~~

27 ~~"RAKE." A SET FEE OR PERCENTAGE ASSESSED BY A CERTIFICATE~~
28 ~~HOLDER FOR PROVIDING THE SERVICES OF A DEALER, TABLE OR LOCATION~~
29 ~~FOR PLAYING ANY NONBANKING GAME.~~

30 ~~* * *~~

1 ~~"SLOT MACHINE." ANY MECHANICAL [OR], ELECTRICAL OR~~
2 ~~COMPUTERIZED CONTRIVANCE, TERMINAL, MACHINE OR OTHER DEVICE~~
3 ~~APPROVED BY THE PENNSYLVANIA GAMING CONTROL BOARD WHICH, UPON~~
4 ~~INSERTION OF A COIN, BILL, TICKET, TOKEN OR SIMILAR OBJECT~~
5 ~~THEREIN OR UPON PAYMENT OF ANY CONSIDERATION WHATSOEVER,~~
6 ~~INCLUDING THE USE OF ANY ELECTRONIC PAYMENT SYSTEM EXCEPT A~~
7 ~~CREDIT CARD OR DEBIT CARD, IS AVAILABLE TO PLAY OR OPERATE, THE~~
8 ~~PLAY OR OPERATION OF WHICH, WHETHER BY REASON OF SKILL OR~~
9 ~~APPLICATION OF THE ELEMENT OF CHANCE OR BOTH, MAY DELIVER OR~~
10 ~~ENTITLE THE PERSON OR PERSONS PLAYING OR OPERATING THE~~
11 ~~CONTRIVANCE, TERMINAL, MACHINE OR OTHER DEVICE TO RECEIVE CASH,~~
12 ~~BILLETS, TICKETS, TOKENS OR ELECTRONIC CREDITS TO BE EXCHANGED~~
13 ~~FOR CASH OR TO RECEIVE MERCHANDISE OR ANYTHING OF VALUE~~
14 ~~WHATSOEVER, WHETHER THE PAYOFF IS MADE AUTOMATICALLY FROM THE~~
15 ~~MACHINE OR MANUALLY. A SLOT MACHINE:~~

16 ~~(1) MAY UTILIZE SPINNING REELS OR VIDEO DISPLAYS OR~~
17 ~~BOTH.~~

18 ~~(2) MAY OR MAY NOT DISPENSE COINS, TICKETS OR TOKENS TO~~
19 ~~WINNING PATRONS.~~

20 ~~(3) MAY USE AN ELECTRONIC CREDIT SYSTEM FOR RECEIVING~~
21 ~~WAGERS AND MAKING PAYOUTS.~~

22 ~~THE TERM SHALL INCLUDE ASSOCIATED EQUIPMENT NECESSARY TO CONDUCT~~
23 ~~THE OPERATION OF THE CONTRIVANCE, TERMINAL, MACHINE OR OTHER~~
24 ~~DEVICE. THE TERM DOES NOT INCLUDE AN ELECTRONIC TABLE GAME.~~

25 ~~* * *~~

26 ~~"SUPPLIER." A PERSON THAT SELLS, LEASES, OFFERS OR OTHERWISE~~
27 ~~PROVIDES, DISTRIBUTES OR SERVICES ANY SLOT MACHINE, TABLE GAME~~
28 ~~DEVICE OR ASSOCIATED EQUIPMENT FOR USE OR PLAY OF SLOT MACHINES~~
29 ~~OR TABLE GAMES IN THIS COMMONWEALTH.~~

30 ~~"SUPPLIER LICENSE." A LICENSE ISSUED BY THE PENNSYLVANIA~~

~~GAMING CONTROL BOARD AUTHORIZING A SUPPLIER TO PROVIDE PRODUCTS
OR SERVICES RELATED TO SLOT MACHINES, TABLE GAMES DEVICES OR
ASSOCIATED EQUIPMENT TO SLOT MACHINE LICENSEES.~~

~~* * *~~

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

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

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

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

~~"TABLE GAME." ANY BANKING, NONBANKING OR PERCENTAGE GAME
PLAYED WHICH UTILIZES A TABLE GAME DEVICE FOR CASH, A CASH
EQUIVALENT OR ANY REPRESENTATION OF VALUE. THE TERM INCLUDES
ROULETTE, BACCARAT, BLACKJACK, POKER, CRAPS, BIG SIX WHEEL, RED
DOG, PAI GOW, CASINO WAR AND SIC BO AND ANY OTHER BANKING,
NONBANKING OR PERCENTAGE GAME APPROVED BY THE PENNSYLVANIA~~

~~GAMING CONTROL BOARD. THE TERM SHALL ALSO INCLUDE ANY GAME
AUTHORIZED FOR USE IN A LICENSED FACILITY THAT IS USED FOR
GAMING CONTESTS OR TOURNAMENTS IN WHICH PLAYERS COMPETE AGAINST
ONE ANOTHER. THE TERM SHALL NOT INCLUDE:~~

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

~~(2) BINGO AS AUTHORIZED UNDER THE ACT OF JULY 10, 1981
(P.L.214, NO.67), KNOWN AS THE BINGO LAW.~~

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

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

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

~~(6) KENO.~~

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

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

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

1 ~~"TRUSTEE." A PERSON APPOINTED BY THE PENNSYLVANIA GAMING~~
2 ~~CONTROL BOARD TO MANAGE AND CONTROL THE OPERATIONS OF A LICENSED~~
3 ~~FACILITY TO ENSURE COMPLIANCE WITH THIS PART AND WHO HAS THE~~
4 ~~FIDUCIARY RESPONSIBILITY TO MAKE DECISIONS FOR THE BENEFIT OF~~
5 ~~THE LICENSED GAMING ENTITY AND THE COMMONWEALTH.~~

6 * * *

7 ~~SECTION 3. SECTION 1201(F)(3), (H)(7.1), (10), (11), (13),~~
8 ~~(14) AND (15), (I)(1) AND (K) OF TITLE 4 ARE AMENDED, SUBSECTION~~ ←
9 ~~(H) IS AMENDED BY ADDING PARAGRAPHS AND THE SECTION IS AMENDED~~
10 ~~BY ADDING A SUBSECTION SUBSECTIONS TO READ:~~ ←

11 ~~§ 1201. PENNSYLVANIA GAMING CONTROL BOARD ESTABLISHED.~~

12 * * *

13 ~~(F) QUALIFIED MAJORITY VOTE.~~

14 * * *

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

26 * * *

27 ~~(H) QUALIFICATIONS AND RESTRICTIONS.~~

28 * * *

29 ~~(7.1) PRIOR TO BEING SWORN AS A MEMBER, AN APPOINTEE AND~~
30 ~~HIS IMMEDIATE FAMILY SHALL DIVEST ANY FINANCIAL INTEREST IN~~

1 ~~ANY APPLICANT, LICENSED FACILITY OR LICENSED ENTITY AND IN AN~~
2 ~~AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY~~
3 ~~THEREOF OWNED OR HELD BY THE APPOINTEE OR KNOWN TO BE HELD BY~~
4 ~~THE APPOINTEE'S IMMEDIATE FAMILY. FOR THE DURATION OF THE~~
5 ~~MEMBER'S TERM AND FOR [ONE YEAR] TWO YEARS THEREAFTER, THE~~
6 ~~MEMBER AND THE MEMBER'S IMMEDIATE FAMILY MAY NOT ACQUIRE A~~
7 ~~FINANCIAL INTEREST IN ANY APPLICANT, LICENSED FACILITY OR~~
8 ~~LICENSED ENTITY OR IN AN AFFILIATE, INTERMEDIARY, SUBSIDIARY~~
9 ~~OR HOLDING COMPANY THEREOF. FOR PURPOSES OF THIS PARAGRAPH,~~
10 ~~THE TERM "IMMEDIATE FAMILY" SHALL MEAN SPOUSE AND ANY MINOR~~
11 ~~OR UNEMANCIPATED CHILD.~~

12 * * *

13 ~~(10) NO FORMER MEMBER MAY APPEAR BEFORE THE BOARD IN ANY~~
14 ~~HEARING OR PROCEEDING OR PARTICIPATE IN ANY OTHER ACTIVITY ON~~
15 ~~BEHALF OF ANY APPLICANT, LICENSED ENTITY, OR AN AFFILIATE,~~
16 ~~INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY THEREOF, OR ANY~~
17 ~~OTHER LICENSEE OR PERMITTEE FOR A PERIOD OF TWO YEARS FROM~~
18 ~~THE TERMINATION OF TERM OF OFFICE.~~

19 ~~(11) NO MEMBER, EMPLOYEE OR INDEPENDENT CONTRACTOR OF~~
20 ~~THE BOARD SHALL ACCEPT A COMPLIMENTARY SERVICE, WAGER OR BE~~
21 ~~PAID ANY PRIZE FROM ANY WAGER AT ANY LICENSED FACILITY WITHIN~~
22 ~~THIS COMMONWEALTH OR AT ANY OTHER FACILITY OUTSIDE THIS~~
23 ~~COMMONWEALTH WHICH IS OWNED OR OPERATED BY A LICENSED GAMING~~
24 ~~ENTITY OR ANY OF ITS AFFILIATES, INTERMEDIARIES, SUBSIDIARIES~~
25 ~~OR HOLDING COMPANIES THEREOF FOR THE DURATION OF THEIR TERM~~
26 ~~OF OFFICE, EMPLOYMENT OR CONTRACT WITH THE BOARD AND FOR A~~
27 ~~PERIOD OF [ONE YEAR] TWO YEARS FROM THE TERMINATION OF TERM~~
28 ~~OF OFFICE, EMPLOYMENT OR CONTRACT WITH THE BOARD. THE~~
29 ~~PROVISIONS OF THIS PARAGRAPH PROHIBITING WAGERING DURING THE~~
30 ~~TERM OF EMPLOYMENT SHALL NOT APPLY TO EMPLOYEES OR~~

1 ~~INDEPENDENT CONTRACTORS OF THE BOARD WHO UTILIZE SLOT-~~
2 ~~MACHINES OR TABLE GAME DEVICES FOR TESTING PURPOSES OR TO-~~
3 ~~VERIFY THE PERFORMANCE OF A MACHINE OR TABLE GAME AS PART OF-~~
4 ~~AN ENFORCEMENT INVESTIGATION.~~

5 * * *

6 ~~(13) NO EMPLOYEE OF THE BOARD [OR INDIVIDUAL EMPLOYED BY-~~
7 ~~AN INDEPENDENT CONTRACTOR OF THE BOARD] WHOSE DUTIES-~~
8 ~~SUBSTANTIALLY INVOLVE LICENSING[,] OR ENFORCEMENT [OR], THE-~~
9 ~~DEVELOPMENT [OR ADOPTION] OF LAWS, OR THE DEVELOPMENT OR-~~
10 ~~ADOPTION OF REGULATIONS OR POLICY OR WHO HAS OTHER-~~
11 ~~DISCRETIONARY AUTHORITY WHICH MAY AFFECT THE OUTCOME OF AN-~~
12 ~~ACTION OR DECISION UNDER THIS PART, INCLUDING THE EXECUTIVE-~~
13 ~~DIRECTOR, BUREAU DIRECTORS AND ATTORNEYS, SHALL DO ANY OF THE~~
14 ~~FOLLOWING:~~

15 ~~(I) [ACCEPT] ACCEPT EMPLOYMENT WITH AN APPLICANT OR-~~
16 ~~LICENSED ENTITY, OR AN AFFILIATE, INTERMEDIARY,-~~
17 ~~SUBSIDIARY OR HOLDING COMPANY THEREOF, FOR A PERIOD OF-~~
18 ~~[ONE YEAR] TWO YEARS AFTER THE TERMINATION OF THE-~~
19 ~~EMPLOYMENT RELATING TO THE CONDUCT OF GAMING [OR CONTRACT-~~
20 ~~WITH THE BOARD; OR].~~

21 ~~(II) [APPEAR] APPEAR BEFORE THE BOARD IN ANY HEARING-~~
22 ~~OR PROCEEDING OR PARTICIPATE IN ANY OTHER ACTIVITY ON-~~
23 ~~BEHALF OF ANY APPLICANT, LICENSEE, PERMITTEE OR LICENSED-~~
24 ~~ENTITY, OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR-~~
25 ~~HOLDING COMPANY THEREOF, FOR A PERIOD OF TWO YEARS AFTER-~~
26 ~~TERMINATION OF THE EMPLOYMENT [OR CONTRACT WITH THE-~~
27 ~~BOARD].~~

28 ~~(III) AS A CONDITION OF EMPLOYMENT, AN EMPLOYEE-~~
29 ~~SUBJECT TO THIS PARAGRAPH SHALL SIGN AN AFFIDAVIT THAT-~~
30 ~~THE EMPLOYEE WILL NOT ACCEPT EMPLOYMENT WITH OR BE-~~

~~RETAINED BY ANY APPLICANT, LICENSED ENTITY OR AN
AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY
THEREOF FOR A PERIOD OF TWO YEARS FROM THE TERMINATION OF
EMPLOYMENT. AN APPLICANT OR LICENSED ENTITY OR AN
AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY
THEREOF SHALL NOT EMPLOY OR RETAIN AN INDIVIDUAL WHO
SIGNED AN AFFIDAVIT REQUIRED BY THIS SUBPARAGRAPH. AN
APPLICANT OR LICENSED ENTITY OR AN AFFILIATE,
INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY THAT
KNOWINGLY EMPLOYS OR RETAINS AN INDIVIDUAL IN VIOLATION
OF THIS SUBPARAGRAPH SHALL BE SUBJECT TO A PENALTY UNDER
SECTION 1518(C) (RELATING TO PROHIBITED ACTS; PENALTIES).~~

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

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

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

~~(II) APPEAR BEFORE THE BOARD IN ANY HEARING OR
PROCEEDING OR PARTICIPATE IN ANY OTHER ACTIVITY ON BEHALF~~

~~OF AN APPLICANT, LICENSEE, PERMITTEE OR LICENSED ENTITY
OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
COMPANY OF AN APPLICANT, LICENSEE, PERMITTEE OR LICENSED
ENTITY FOR A PERIOD OF TWO YEARS AFTER TERMINATION OF THE
CONTRACT WITH THE BOARD. NOTHING SHALL PREVENT A CURRENT
OR FORMER INDEPENDENT CONTRACTOR OR EMPLOYEE OF AN
INDEPENDENT CONTRACTOR OF THE BOARD FROM APPEARING IN ANY
PROCEEDING AS A WITNESS WHERE THE INDEPENDENT CONTRACTOR
OR EMPLOYEE OF THE INDEPENDENT CONTRACTOR IS BEING CALLED
TO TESTIFY CONCERNING ANY FACT OR INFORMATION OBTAINED
WHILE CONTRACTING WITH THE BOARD OR RELATED TO THE
PERFORMANCE OF THE CONTRACT.~~

~~(III) AS A CONDITION OF A CONTRACT, AN INDEPENDENT
CONTRACTOR OR INDIVIDUAL EMPLOYED BY AN INDEPENDENT
CONTRACTOR OF THE BOARD UNDER THIS PARAGRAPH SHALL SIGN
AN AFFIDAVIT TO NOT ACCEPT EMPLOYMENT WITH OR BE RETAINED
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 REQUIRED BY 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~~

1 ~~POLITICAL SUBDIVISION OR OF THE AGENCY OR POLITICAL~~
2 ~~SUBDIVISION EMPLOYING AN EMPLOYEE, THE STATE ETHICS~~
3 ~~COMMISSION SHALL DETERMINE WHETHER THE INDIVIDUAL'S DUTIES~~
4 ~~SUBSTANTIALLY INVOLVE THE DEVELOPMENT [OR ADOPTION] OF LAWS,~~
5 ~~OR THE DEVELOPMENT OR ADOPTION OF REGULATIONS OR POLICY,~~
6 ~~LICENSING OR ENFORCEMENT UNDER THIS PART OR OTHER~~
7 ~~DISCRETIONARY AUTHORITY WHICH MAY AFFECT THE OUTCOME OF AN~~
8 ~~ACTION, PROCEEDING OR DECISION UNDER THIS PART AND SHALL~~
9 ~~PROVIDE A WRITTEN DETERMINATION TO THE EMPLOYEE OR THE AGENCY~~
10 ~~OR POLITICAL SUBDIVISION EMPLOYING THE EMPLOYEE TO INCLUDE~~
11 ~~ANY PROHIBITION UNDER THIS PARAGRAPH. AN INDIVIDUAL WHO~~
12 ~~RELIES IN GOOD FAITH ON A DETERMINATION UNDER THIS PARAGRAPH~~
13 ~~SHALL NOT BE SUBJECT TO ANY PENALTY FOR AN ACTION TAKEN,~~
14 ~~PROVIDED THAT ALL MATERIAL FACTS SET FORTH IN THE REQUEST FOR~~
15 ~~A DETERMINATION ARE CORRECT.~~

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

1 ~~APPROVAL OF A LICENSE OR PERMIT UNDER THIS PART FOR A PERIOD~~
2 ~~OF TWO YEARS THEREAFTER] SHALL BE PROHIBITED FROM APPLYING~~
3 ~~FOR A LICENSE, PERMIT OR OTHER AUTHORIZATION AND FROM~~
4 ~~BECOMING AN INDEPENDENT CONTRACTOR OR REGISTERING AS A~~
5 ~~LICENSED ENTITY REPRESENTATIVE FOR A PERIOD OF FIVE YEARS~~
6 ~~FROM THE DATE OF TERMINATION OF THE EMPLOYMENT OR CONTRACT.~~

7 * * *

8 ~~(H.4) RESTRICTIONS ON APPOINTMENT OF LEGISLATORS. NO MEMBER~~
9 ~~OF THE SENATE OR HOUSE OF REPRESENTATIVES SHALL BE ELIGIBLE FOR~~
10 ~~APPOINTMENT AS A MEMBER OF THE BOARD DURING THE TERM OF OFFICE~~
11 ~~FOR WHICH THE PERSON WAS ELECTED AND FOR A PERIOD OF 12 MONTHS~~
12 ~~THEREAFTER.~~

13 ~~(I) COMPENSATION.~~

14 ~~(1) [THE EXECUTIVE BOARD AS ESTABLISHED IN THE ACT OF~~
15 ~~APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE~~
16 ~~CODE OF 1929, SHALL ESTABLISH THE COMPENSATION OF THE~~
17 ~~MEMBERS.]~~

18 ~~(I) MEMBERS, INCLUDING MEMBERS SERVING ON THE~~
19 ~~EFFECTIVE DATE OF THIS SUBPARAGRAPH, SHALL RECEIVE AN~~
20 ~~ANNUAL SALARY OF \$68,284, EXCEPT THE CHAIRMAN, WHO SHALL~~
21 ~~RECEIVE AN ANNUAL SALARY OF \$71,084.~~

22 ~~(II) MEMBERS SHALL BE ELIGIBLE TO RECEIVE A COST OF~~
23 ~~LIVING ADJUSTMENT CONSISTENT WITH THE PROVISIONS OF~~
24 ~~SECTION 3(E) OF THE ACT OF SEPTEMBER 30, 1983 (P.L.160,~~
25 ~~NO.39), KNOWN AS THE PUBLIC OFFICIAL COMPENSATION LAW.~~

26 * * *

27 ~~(K) APPOINTMENTS. [THE APPOINTING AUTHORITIES] FOLLOWING~~
28 ~~THE INITIAL APPOINTMENT OF MEMBERS UNDER SUBSECTION (B), THE~~
29 ~~APPOINTING AUTHORITY SHALL MAKE [THEIR INITIAL] APPOINTMENTS~~
30 ~~WITHIN 60 DAYS OF [THE EFFECTIVE DATE OF THIS PART] A VACANCY IN~~

~~AN OFFICE. NO APPOINTMENT SHALL BE FINAL UNTIL RECEIPT BY THE
APPOINTING AUTHORITY OF THE REQUIRED BACKGROUND INVESTIGATION OF
THE APPOINTEE BY THE PENNSYLVANIA STATE POLICE WHICH SHALL BE
COMPLETED WITHIN 30 DAYS. NO PERSON WHO HAS BEEN CONVICTED IN
ANY DOMESTIC OR FOREIGN JURISDICTION OF A FELONY, INFAMOUS CRIME
OR GAMING OFFENSE SHALL BE APPOINTED TO THE BOARD.~~

~~* * *~~

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

~~* * *~~

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

~~§ 1201.1. APPLICABILITY OF OTHER STATUTES.~~

~~(A) GENERAL RULE. THE FOLLOWING ACTS SHALL APPLY TO THE
BOARD:~~

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

~~* * *~~

~~SECTION 4. SECTION 1202(A)(1) AND (2) AND (B)(7), (20), (23)
AND (30) OF TITLE 4 ARE AMENDED AND SUBSECTION (B) IS AMENDED BY
ADDING PARAGRAPHS TO READ:~~

~~§ 1202. GENERAL AND SPECIFIC POWERS.~~



1 ~~(A) GENERAL POWERS.~~

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

9 ~~(2) THE BOARD SHALL EMPLOY INDIVIDUALS AS NECESSARY TO~~ ←
10 ~~CARRY OUT THE POWERS AND DUTIES OF THE BOARD, WHO SHALL SERVE~~
11 ~~AT THE BOARD'S PLEASURE. AN EMPLOYEE OF THE BOARD SHALL BE~~
12 ~~CONSIDERED A STATE EMPLOYEE FOR PURPOSES OF 71 PA.C.S. PT.~~
13 ~~XXV (RELATING TO RETIREMENT FOR STATE EMPLOYEES AND~~
14 ~~OFFICERS). FOR THE PURPOSES OF THIS PARAGRAPH, THE BOARD~~
15 ~~SHALL NOT BE CONSIDERED AN EXECUTIVE OR INDEPENDENT AGENCY~~
16 ~~UNDER THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS~~
17 ~~THE COMMONWEALTH ATTORNEYS ACT. THE BOARD SHALL NOT TAKE~~
18 ~~FINAL ACTION IN FILLING THE POSITIONS OF EXECUTIVE DIRECTOR~~
19 ~~OF THE BOARD, DIRECTOR OF THE BUREAU, CHIEF COUNSEL OF THE~~
20 ~~BOARD OR DIRECTOR OF THE OFFICE OF ENFORCEMENT COUNSEL UNTIL~~
21 ~~RECEIPT AND REVIEW OF THE RESULTS OF THE BACKGROUND~~
22 ~~INVESTIGATION UNDER SECTION 1517(C) (1.1) (RELATING TO~~
23 ~~INVESTIGATIONS AND ENFORCEMENT).~~

24 * * *

25 ~~(B) SPECIFIC POWERS. THE BOARD SHALL HAVE THE SPECIFIC~~
26 ~~POWER AND DUTY:~~

27 * * *

28 ~~(7) TO ADMINISTER OATHS, EXAMINE WITNESSES AND ISSUE~~
29 ~~SUBPOENAS COMPELLING THE ATTENDANCE OF WITNESSES OR THE~~
30 ~~PRODUCTION OF DOCUMENTS AND RECORDS OR OTHER EVIDENCE[. THE~~

1 ~~PROVISIONS OF THIS PARAGRAPH SHALL APPLY TO DESIGNATED~~
2 ~~OFFICERS AND EMPLOYEES.], OR TO DESIGNATE OFFICERS OR~~
3 ~~EMPLOYEES TO PERFORM THESE DUTIES.~~

4 * * *

5 ~~(12.1) TO ISSUE, APPROVE, AUTHORIZE, RENEW, REVOKE,~~
6 ~~SUSPEND, CONDITION OR DENY ISSUANCE OR RENEWAL OF A TABLE~~
7 ~~GAME OPERATION CERTIFICATE TO A SLOT MACHINE LICENSEE IN~~
8 ~~ACCORDANCE WITH CHAPTER 13A (RELATING TO TABLE GAMES).~~

9 * * *

10 ~~(20) IN ADDITION TO THE POWER OF THE BOARD REGARDING~~
11 ~~LICENSE AND PERMIT APPLICANTS, TO DETERMINE AT ITS DISCRETION~~
12 ~~THE SUITABILITY OF ANY PERSON WHO FURNISHES OR SEEKS TO~~
13 ~~FURNISH TO A SLOT MACHINE LICENSEE DIRECTLY OR INDIRECTLY ANY~~
14 ~~GOODS, SERVICES OR PROPERTY RELATED TO SLOT MACHINES, TABLE~~
15 ~~GAMES OR ASSOCIATED EQUIPMENT OR THROUGH ANY ARRANGEMENTS~~
16 ~~UNDER WHICH THAT PERSON RECEIVES PAYMENT BASED DIRECTLY OR~~
17 ~~INDIRECTLY ON EARNINGS, PROFITS OR RECEIPTS FROM THE SLOT~~
18 ~~MACHINES, TABLE GAMES AND ASSOCIATED EQUIPMENT. THE BOARD MAY~~
19 ~~REQUIRE ANY SUCH PERSON TO COMPLY WITH THE REQUIREMENTS OF~~
20 ~~THIS PART AND THE REGULATIONS OF THE BOARD AND MAY PROHIBIT~~
21 ~~THE PERSON FROM FURNISHING THE SERVICES OR PROPERTY.~~

22 * * *

23 ~~(23) THE BOARD SHALL NOT APPROVE, ISSUE OR RENEW A~~
24 ~~LICENSE, CERTIFICATE OR PERMIT UNLESS IT IS SATISFIED THAT~~
25 ~~THE APPLICANT HAS DEMONSTRATED BY CLEAR AND CONVINCING~~
26 ~~EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD CHARACTER,~~
27 ~~HONESTY AND INTEGRITY AND IS A PERSON WHOSE PRIOR ACTIVITIES,~~
28 ~~CRIMINAL RECORD, IF ANY, REPUTATION, HABITS AND ASSOCIATIONS~~
29 ~~DO NOT POSE A THREAT TO THE PUBLIC INTEREST OR THE EFFECTIVE~~
30 ~~REGULATION AND CONTROL OF SLOT MACHINE OR TABLE GAME~~

1 ~~OPERATIONS OR CREATE OR ENHANCE THE DANGER OF UNSUITABLE,~~
2 ~~UNFAIR OR ILLEGAL PRACTICES, METHODS AND ACTIVITIES IN THE~~
3 ~~CONDUCT OF SLOT MACHINE OR TABLE GAME OPERATIONS OR THE~~
4 ~~CARRYING ON OF THE BUSINESS AND FINANCIAL ARRANGEMENTS~~
5 ~~INCIDENTAL THERETO.~~

6 * * *

7 ~~(27.1) TO PUBLISH EACH JANUARY IN THE PENNSYLVANIA~~
8 ~~BULLETIN AND ON THE PENNSYLVANIA GAMING CONTROL BOARD'S~~
9 ~~INTERNET WEBSITE A COMPLETE LIST OF ALL SLOT MACHINE~~
10 ~~LICENSEES WHO FILED A PETITION SEEKING AUTHORIZATION TO~~
11 ~~CONDUCT TABLE GAMES AND THE STATUS OF EACH PETITION OR TABLE~~
12 ~~GAME OPERATION CERTIFICATE.~~

13 * * *

14 ~~(30) TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR~~
15 ~~THE ADMINISTRATION AND ENFORCEMENT OF THIS PART, INCLUDING~~
16 ~~REGULATIONS IN COOPERATION WITH THE PENNSYLVANIA LIQUOR~~
17 ~~CONTROL BOARD AND REGULATIONS RELATING TO THE SALE AND~~
18 ~~SERVICE OF LIQUOR AND MALT AND BREWED BEVERAGES BY LICENSEES.~~
19 ~~[EXCEPT AS PROVIDED IN SECTION 1203 (RELATING TO TEMPORARY~~
20 ~~REGULATIONS), REGULATIONS] REGULATIONS SHALL BE ADOPTED~~
21 ~~PURSUANT TO THE ACT OF JULY 31, 1968 (P.L.769, NO.240),~~
22 ~~REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW, AND THE ACT OF~~
23 ~~JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY~~
24 ~~REVIEW ACT.~~

25 ~~(31) TO COLLECT AND POST INFORMATION ON ITS INTERNET~~
26 ~~WEBSITE WITH SUFFICIENT DETAIL TO INFORM THE PUBLIC OF THE~~
27 ~~CONTROLLING INTEREST OR OWNERSHIP INTEREST OF AN APPLICANT~~
28 ~~FOR A SLOT MACHINE LICENSE OR A LICENSED GAMING ENTITY OR~~
29 ~~AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY~~
30 ~~THEREOF. THE POSTING SHALL INCLUDE:~~

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

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

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

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

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

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

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

~~SECTION 5. SECTION 1202.1 OF TITLE 4 IS AMENDED TO READ:~~

~~§ 1202.1. CODE OF CONDUCT.~~

1 ~~(A) SCOPE. THE BOARD SHALL ADOPT A COMPREHENSIVE CODE OF~~
2 ~~CONDUCT PRIOR TO THE CONSIDERATION OF ANY LICENSE, PERMIT OR~~
3 ~~REGISTRATION APPLICATION. THE CODE OF CONDUCT SHALL SUPPLEMENT~~
4 ~~ALL OTHER REQUIREMENTS UNDER THIS PART AND 65 PA.C.S. PT. II~~
5 ~~(RELATING TO ACCOUNTABILITY) AND SHALL PROVIDE GUIDELINES~~
6 ~~APPLICABLE TO MEMBERS, EMPLOYEES, INDEPENDENT CONTRACTORS OF THE~~
7 ~~BOARD AND THE IMMEDIATE [FAMILIES] FAMILY MEMBERS OF THE~~
8 ~~MEMBERS, EMPLOYEES AND INDEPENDENT CONTRACTORS OF THE BOARD TO~~
9 ~~ENABLE THEM TO AVOID ANY PERCEIVED OR ACTUAL CONFLICT OF~~
10 ~~INTEREST AND TO PROMOTE PUBLIC CONFIDENCE IN THE INTEGRITY AND~~
11 ~~IMPARTIALITY OF THE BOARD. AT A MINIMUM, THE CODE OF CONDUCT~~
12 ~~ADOPTED UNDER THIS SECTION SHALL INCLUDE REGISTRATION OF~~
13 ~~LICENSED ENTITY REPRESENTATIVES UNDER SUBSECTION (B) AND THE~~
14 ~~RESTRICTIONS UNDER [SUBSECTION (C)] SUBSECTIONS (C) AND (C.1).~~

15 ~~(B) REGISTRATION.~~

16 ~~(1) A LICENSED ENTITY REPRESENTATIVE SHALL REGISTER WITH~~
17 ~~THE BOARD IN A MANNER PRESCRIBED BY THE BOARD, WHICH SHALL~~
18 ~~INCLUDE THE NAME, EMPLOYER OR FIRM, BUSINESS ADDRESS[,] AND~~
19 ~~BUSINESS TELEPHONE NUMBER OF BOTH THE LICENSED ENTITY~~
20 ~~REPRESENTATIVE AND [THE] ANY LICENSED ENTITY OR APPLICANT FOR~~
21 ~~LICENSED ENTITY LICENSE BEING REPRESENTED.~~

22 ~~(2) A LICENSED ENTITY REPRESENTATIVE SHALL HAVE AN~~
23 ~~[ONGOING] AFFIRMATIVE DUTY TO UPDATE ITS REGISTRATION~~
24 ~~INFORMATION ON AN ONGOING BASIS AND FAILURE TO DO SO SHALL BE~~
25 ~~PUNISHABLE BY THE BOARD.~~

26 ~~(3) THE [REGISTRATION LIST] BOARD SHALL MAINTAIN A~~
27 ~~REGISTRATION LIST WHICH SHALL CONTAIN THE INFORMATION~~
28 ~~REQUIRED UNDER PARAGRAPH (1) AND WHICH SHALL BE AVAILABLE FOR~~
29 ~~PUBLIC INSPECTION AT THE OFFICES OF THE BOARD AND ON THE~~
30 ~~BOARD'S INTERNET WEBSITE.~~

1 ~~(C) RESTRICTIONS. A MEMBER OF THE BOARD SHALL:~~

2 ~~(1) NOT ENGAGE IN ANY EX PARTE COMMUNICATION WITH ANY~~
3 ~~PERSON.~~

4 ~~(2) NOT ACCEPT ANY DISCOUNT, GIFT, GRATUITY,~~
5 ~~COMPENSATION, TRAVEL, LODGING OR OTHER THING OF VALUE,~~
6 ~~DIRECTLY OR INDIRECTLY, FROM ANY APPLICANT, [LICENSEE,]~~
7 ~~LICENSED ENTITY, INCLUDING ANY AFFILIATE, SUBSIDIARY,~~
8 ~~INTERMEDIARY OR HOLDING COMPANY THEREOF, PERMITTEE[,~~
9 ~~REGISTRANT] OR LICENSED ENTITY REPRESENTATIVE THEREOF.~~

10 ~~(3) DISCLOSE AND [DISQUALIFY] RECUSE HIMSELF FROM ANY~~
11 ~~HEARING OR OTHER PROCEEDING IN WHICH THE MEMBER'S~~
12 ~~OBJECTIVITY, IMPARTIALITY, INTEGRITY OR INDEPENDENCE OF~~
13 ~~JUDGMENT MAY BE REASONABLY QUESTIONED DUE TO THE MEMBER'S~~
14 ~~RELATIONSHIP OR ASSOCIATION WITH A PARTY CONNECTED TO ANY~~
15 ~~HEARING OR PROCEEDING OR A PERSON APPEARING BEFORE THE BOARD.~~

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

19 ~~(5) NOT HOLD OR CAMPAIGN FOR PUBLIC OFFICE, HOLD AN~~
20 ~~OFFICE IN ANY POLITICAL PARTY OR POLITICAL COMMITTEE AS~~
21 ~~DEFINED IN SECTION 1513(D) (RELATING TO POLITICAL INFLUENCE),~~
22 ~~CONTRIBUTE TO OR SOLICIT CONTRIBUTIONS TO A POLITICAL~~
23 ~~CAMPAIGN, [PARTY,] POLITICAL PARTY, POLITICAL COMMITTEE OR~~
24 ~~CANDIDATE, PUBLICLY ENDORSE A CANDIDATE OR ACTIVELY~~
25 ~~PARTICIPATE IN A POLITICAL CAMPAIGN.~~

26 ~~(6) NOT SOLICIT FUNDS FOR ANY CHARITABLE, EDUCATIONAL,~~
27 ~~RELIGIOUS, HEALTH, FRATERNAL, CIVIC OR OTHER NONPROFIT ENTITY~~
28 ~~FROM AN APPLICANT, LICENSED ENTITY OR AFFILIATE, SUBSIDIARY,~~
29 ~~INTERMEDIARY OR HOLDING COMPANY OF A LICENSED ENTITY,~~
30 ~~INTERESTED PARTY, PERMITTEE OR LICENSED ENTITY~~

1 ~~REPRESENTATIVE. A BOARD MEMBER MAY SERVE AS AN OFFICER,~~
2 ~~EMPLOYEE OR MEMBER OF THE GOVERNING BODY OF A NONPROFIT~~
3 ~~ENTITY AND MAY ATTEND, MAKE PERSONAL CONTRIBUTIONS TO AND~~
4 ~~PLAN OR PRESIDE OVER THE ENTITY'S FUNDRAISING EVENTS. A BOARD~~
5 ~~MEMBER MAY PERMIT HIS NAME TO APPEAR ON THE LETTERHEAD USED~~
6 ~~FOR FUNDRAISING EVENTS IF THE LETTERHEAD CONTAINS ONLY THE~~
7 ~~BOARD MEMBER'S NAME AND POSITION WITH THE NONPROFIT ENTITY.~~

8 ~~(7) NOT MEET OR ENGAGE IN DISCUSSIONS WITH ANY~~
9 ~~APPLICANT, [PERSON LICENSED UNDER THIS PART] LICENSED ENTITY,~~
10 ~~PERMITTEE, [OR A] LICENSED ENTITY REPRESENTATIVE, PERSON WHO~~
11 ~~PROVIDES GOODS, PROPERTY OR SERVICES TO A SLOT MACHINE~~
12 ~~LICENSEE OR ANY OTHER PERSON OR ENTITY UNDER THE JURISDICTION~~
13 ~~OF THE BOARD UNLESS THE MEETING OR DISCUSSION OCCURS ON THE~~
14 ~~BUSINESS PREMISES OF THE BOARD AND IS RECORDED IN A LOG~~
15 ~~MAINTAINED FOR THIS PURPOSE. THE LOG SHALL BE AVAILABLE FOR~~
16 ~~PUBLIC INSPECTION DURING THE REGULAR BUSINESS HOURS OF THE~~
17 ~~BOARD AND SHALL BE POSTED ON THE BOARD'S INTERNET WEBSITE.~~
18 ~~THE LOG SHALL INCLUDE THE DATE AND TIME OF THE MEETING OR~~
19 ~~DISCUSSION, THE NAMES OF THE PARTICIPANTS AND A DESCRIPTION~~
20 ~~OF THE SUBJECT MATTER DISCUSSED. THE PROVISIONS OF THIS~~
21 ~~PARAGRAPH SHALL NOT APPLY TO MEETINGS [OF THE BOARD] TO~~
22 ~~CONSIDER MATTERS REQUIRING THE PHYSICAL INSPECTION OF THE~~
23 ~~EQUIPMENT OR PREMISES OF AN APPLICANT OR A LICENSED ENTITY AT~~
24 ~~[THEIR] THE LOCATION OF THE LICENSED FACILITY.~~

25 ~~(8) AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY~~
26 ~~AT ALL TIMES AND OBSERVE STANDARDS AND CONDUCT THAT PROMOTE~~
27 ~~PUBLIC CONFIDENCE IN THE OVERSIGHT OF GAMING.~~

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

30 ~~(C.1) PROHIBITIONS.~~

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

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

~~(3) NO EMPLOYEE OF THE BUREAU OR THE OFFICE OF ENFORCEMENT COUNSEL WHO IS INVOLVED IN A PROCEEDING SHALL ENGAGE IN AN EX PARTE COMMUNICATION WITH A MEMBER, AN ATTORNEY OF THE OFFICE OF CHIEF COUNSEL WHO IS ADVISING THE BOARD ON THE PROCEEDING OR A HEARING OFFICER OF THE BOARD.~~

~~(C.2) PROCEDURES RELATING TO EX PARTE COMMUNICATIONS.~~

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

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

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

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

~~(IV) A DESCRIPTION OF THE SUBJECT MATTER DISCUSSED~~

1 ~~AND A SUMMARY OF THE SUBSTANCE OF THE EX PARTE~~
2 ~~COMMUNICATION.~~

3 ~~(2) IN ADDITION TO DOCUMENTING AN EX PARTE COMMUNICATION~~
4 ~~UNDER PARAGRAPH (1), NOTIFICATION OF THE SUBSTANCE OF THE~~
5 ~~COMMUNICATION AND AN OPPORTUNITY TO RESPOND SHALL BE PROVIDED~~
6 ~~TO ALL PERSONS DIRECTLY AFFECTED BY THE ANTICIPATED VOTE OR~~
7 ~~ACTION OF THE BOARD RELATED TO THE EX PARTE COMMUNICATION.~~

8 ~~(3) (I) A BOARD MEMBER, EMPLOYEE OR HEARING OFFICER WHO~~
9 ~~ENGAGED IN OR RECEIVED AN EX PARTE COMMUNICATION SHALL~~
10 ~~RECUSE HIMSELF FROM ANY HEARING OR OTHER PROCEEDING~~
11 ~~RELATED TO THE EX PARTE COMMUNICATION IF THE CONTEXT AND~~
12 ~~SUBSTANCE OF THE EX PARTE COMMUNICATION CREATES~~
13 ~~SUBSTANTIAL REASONABLE DOUBT AS TO THE INDIVIDUAL'S~~
14 ~~ABILITY TO ACT OBJECTIVELY, INDEPENDENTLY OR IMPARTIALLY.~~

15 ~~(II) A BOARD MEMBER, EMPLOYEE OR HEARING OFFICER WHO~~
16 ~~ENGAGED IN OR RECEIVED AN EX PARTE COMMUNICATION WHO~~
17 ~~ELECTS NOT TO RECUSE HIMSELF FROM A HEARING OR OTHER~~
18 ~~PROCEEDING SHALL STATE HIS REASONS FOR NOT RECUSING~~
19 ~~HIMSELF ON THE RECORD PRIOR TO THE COMMENCEMENT OF THE~~
20 ~~HEARING OR PROCEEDING.~~

21 ~~(III) IF A LEGISLATIVE APPOINTEE RECUSES HIMSELF~~
22 ~~FROM ANY HEARING OR OTHER PROCEEDING UNDER THIS SECTION,~~
23 ~~ANY QUALIFIED MAJORITY VOTE REQUIRED UNDER THIS PART~~
24 ~~SHALL CONSIST OF ALL OF THE REMAINING LEGISLATIVE~~
25 ~~APPOINTEES AND AT LEAST TWO GUBERNATORIAL APPOINTEES.~~

26 ~~(IV) FAILURE OF A HEARING OFFICER OR EMPLOYEE WHO~~
27 ~~ENGAGED IN OR RECEIVED AN EX PARTE COMMUNICATION TO~~
28 ~~RECUSE HIMSELF WHEN REQUIRED UNDER SUBPARAGRAPH (I) FROM~~
29 ~~A HEARING OR OTHER PROCEEDING SHALL BE GROUNDS FOR APPEAL~~
30 ~~TO THE BOARD.~~

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

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

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

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

~~"IMMEDIATE FAMILY." THE SPOUSE, PARENTS, CHILDREN AND
SIBLINGS.~~

~~["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~~

1 ~~TO COME BEFORE THE BOARD.}~~

2 ~~SECTION 6. TITLE 4 IS AMENDED BY ADDING A SECTION TO READ:~~

3 ~~§ 1202.2. EXPENSES OF REGULATORY AGENCIES.~~

4 ~~MEMBERS AND EMPLOYEES OF THE BOARD AND EMPLOYEES OF THE~~
5 ~~DEPARTMENT, THE ATTORNEY GENERAL AND THE PENNSYLVANIA STATE~~
6 ~~POLICE WHOSE DUTIES SUBSTANTIALLY INVOLVE THE REGULATION OF~~
7 ~~GAMING OR ENFORCEMENT UNDER THIS PART AND EMPLOYEES OF THE~~
8 ~~AUDITOR GENERAL WHOSE DUTIES INVOLVE FINANCIAL AUDIT ACTIVITIES~~
9 ~~OF THE BOARD SHALL ONLY BE REIMBURSED FOR ACTUAL AND REASONABLE~~
10 ~~EXPENSES INCURRED DURING THE PERFORMANCE OF THEIR DUTIES UNDER~~
11 ~~THIS PART. IN ORDER TO RECEIVE REIMBURSEMENT FOR AN EXPENSE IN~~
12 ~~EXCESS OF \$10, THE MEMBER OR EMPLOYEE OF THE BOARD, THE~~
13 ~~DEPARTMENT, ATTORNEY GENERAL, AUDITOR GENERAL OR PENNSYLVANIA~~
14 ~~STATE POLICE SHALL SUBMIT A RECEIPT VALIDATING THE EXPENSE~~
15 ~~INCURRED. REIMBURSEMENTS, ALLOWANCES OR OTHER PAYMENTS IN AN~~
16 ~~AMOUNT GREATER THAN THE EXPENSES FOR WHICH RECEIPTS ARE~~
17 ~~SUBMITTED ARE PROHIBITED. RECEIPTS AND REQUESTS FOR~~ ←
18 ~~REIMBURSEMENT SHALL BE FINANCIAL RECORDS FOR PURPOSES OF THE ACT~~
19 ~~OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT TO KNOW~~
20 ~~LAW. INFORMATION PROVIDED TO THE BOARD UNDER THIS SUBSECTION MAY~~ ←
21 ~~BE REDACTED BY THE PROVIDER OF THE INFORMATION.~~

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

23 ~~§ 1204. LICENSED GAMING ENTITY APPLICATION APPEALS FROM BOARD.~~

24 ~~THE SUPREME COURT OF PENNSYLVANIA SHALL BE VESTED WITH~~
25 ~~EXCLUSIVE APPELLATE JURISDICTION TO CONSIDER APPEALS OF ANY~~
26 ~~FINAL ORDER, DETERMINATION OR DECISION OF THE BOARD INVOLVING~~
27 ~~THE APPROVAL, ISSUANCE, DENIAL OR CONDITIONING OF A SLOT MACHINE~~
28 ~~LICENSE OR TABLE GAME OPERATION CERTIFICATE. NOTWITHSTANDING THE~~
29 ~~PROVISIONS OF 2 PA.C.S. CH. 7 SUBCH. A (RELATING TO JUDICIAL~~
30 ~~REVIEW OF COMMONWEALTH AGENCY ACTION) AND 42 PA.C.S. § 763~~

~~(RELATING TO DIRECT APPEALS FROM GOVERNMENT AGENCIES), THE
SUPREME COURT SHALL AFFIRM ALL FINAL ORDERS, DETERMINATIONS OR
DECISIONS OF THE BOARD INVOLVING THE APPROVAL, ISSUANCE, DENIAL
OR CONDITIONING OF A SLOT MACHINE LICENSE OR TABLE GAME
OPERATION CERTIFICATE UNLESS IT SHALL FIND THAT THE BOARD
COMMITTED AN ERROR OF LAW OR THAT THE ORDER, DETERMINATION OR
DECISION OF THE BOARD WAS ARBITRARY AND THERE WAS A CAPRICIOUS
DISREGARD OF THE EVIDENCE.~~

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

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

~~* * *~~

~~(B) PUBLIC INPUT HEARING REQUIREMENT.~~

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

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

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

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

~~* * *~~

~~(4) IN ADDITION TO ANY WITNESSES SCHEDULED TO TESTIFY~~

~~UNDER PARAGRAPH (3), THE BOARD SHALL ESTABLISH A PUBLIC COMMENT PERIOD DURING WHICH TIME MEMBERS OF THE PUBLIC MAY ADDRESS THE BOARD REGARDING THE PROPOSED LICENSE OR STRUCTURAL REDESIGN OF A LICENSED FACILITY UNDER PARAGRAPH (1). THE BOARD, IN ITS DISCRETION, MAY PLACE REASONABLE TIME LIMITS ON AN INDIVIDUAL'S COMMENTS.~~

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

~~§ 1206. BOARD MINUTES AND RECORDS.~~

~~* * *~~

~~(F) CONFIDENTIALITY OF INFORMATION. [ALL]~~

~~(1) THE FOLLOWING INFORMATION SUBMITTED BY AN APPLICANT OR LICENSEE PURSUANT TO SECTION 1310(A) (RELATING TO SLOT MACHINE LICENSE APPLICATION CHARACTER REQUIREMENTS) OR 1308(A.1) (RELATING TO APPLICATIONS FOR LICENSE OR PERMIT) OR OBTAINED BY THE BOARD OR THE BUREAU AS PART OF A BACKGROUND OR OTHER INVESTIGATION FROM ANY SOURCE SHALL BE [CONSIDERED] CONFIDENTIAL[.] AND WITHHELD FROM PUBLIC DISCLOSURE:~~

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

~~(II) NONPUBLIC PERSONAL INFORMATION, INCLUDING TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, EDUCATIONAL RECORDS, MEMBERSHIPS, MEDICAL RECORDS, TAX RETURNS AND DECLARATIONS, ACTUAL OR PROPOSED COMPENSATION, FINANCIAL ACCOUNT RECORDS, CREDITWORTHINESS OR A FINANCIAL CONDITION RELATING TO AN APPLICANT, LICENSEE OR PERMITTEE~~

1 ~~OR THE IMMEDIATE FAMILY THEREOF.~~

2 ~~(III) DOCUMENTS AND INFORMATION RELATING TO~~
3 ~~PROPRIETARY INFORMATION, TRADE SECRETS, PATENTS OR~~
4 ~~EXCLUSIVE LICENSES, ARCHITECTURAL AND ENGINEERING PLANS~~
5 ~~AND INFORMATION RELATING TO COMPETITIVE MARKETING~~
6 ~~MATERIALS AND STRATEGIES, WHICH MAY INCLUDE CUSTOMER~~
7 ~~IDENTIFYING INFORMATION OR CUSTOMER PROSPECTS FOR~~
8 ~~SERVICES SUBJECT TO COMPETITION.~~

9 ~~(IV) SECURITY INFORMATION, INCLUDING RISK PREVENTION~~
10 ~~PLANS, DETECTION AND COUNTERMEASURES, LOCATION OF COUNT~~
11 ~~ROOMS, EMERGENCY MANAGEMENT PLANS, SECURITY AND~~
12 ~~SURVEILLANCE PLANS, EQUIPMENT AND USAGE PROTOCOLS AND~~
13 ~~THEFT AND FRAUD PREVENTION PLANS AND COUNTERMEASURES.~~

14 ~~(V) INFORMATION WITH RESPECT TO WHICH THERE IS A~~
15 ~~REASONABLE POSSIBILITY THAT PUBLIC RELEASE OR INSPECTION~~
16 ~~OF THE INFORMATION WOULD CONSTITUTE AN UNWARRANTED~~
17 ~~INVASION INTO PERSONAL PRIVACY OF ANY INDIVIDUAL AS~~
18 ~~DETERMINED BY THE BOARD.~~

19 ~~(VI) RECORDS OF AN APPLICANT OR LICENSEE NOT~~
20 ~~REQUIRED TO BE FILED WITH THE SECURITIES AND EXCHANGE~~
21 ~~COMMISSION BY ISSUERS THAT EITHER HAVE SECURITIES~~
22 ~~REGISTERED UNDER SECTION 12 OF THE SECURITIES EXCHANGE~~
23 ~~ACT OF 1934 (48 STAT. 881, 15 U.S.C. § 78A ET SEQ.) OR~~
24 ~~ARE REQUIRED TO FILE REPORTS UNDER SECTION 15(D) OF THE~~
25 ~~SECURITIES EXCHANGE ACT OF 1934.~~

26 ~~(VII) RECORDS CONSIDERED NONPUBLIC MATTERS OR~~
27 ~~INFORMATION BY THE SECURITIES AND EXCHANGE COMMISSION AS~~
28 ~~PROVIDED BY 17 CFR 200.80 (RELATING TO COMMISSION RECORDS~~
29 ~~AND INFORMATION).~~

30 ~~(VIII) ANY FINANCIAL INFORMATION DEEMED CONFIDENTIAL~~

~~BY THE BOARD UPON A SHOWING OF GOOD CAUSE BY THE
APPLICANT OR LICENSEE.~~

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

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

~~(4) EXCEPT AS PROVIDED IN SECTION 1517(F) (RELATING TO
[INVESTIGATION] INVESTIGATIONS AND ENFORCEMENT), THE
INFORMATION MADE CONFIDENTIAL PURSUANT TO THIS SECTION SHALL
BE WITHHELD FROM PUBLIC DISCLOSURE IN WHOLE OR IN PART,
EXCEPT THAT ANY CONFIDENTIAL INFORMATION SHALL BE RELEASED
UPON THE LAWFUL ORDER OF A COURT OF COMPETENT JURISDICTION
OR, WITH THE APPROVAL OF THE ATTORNEY GENERAL, TO A DULY
AUTHORIZED LAW ENFORCEMENT AGENCY OR SHALL BE RELEASED TO THE
PUBLIC, IN WHOLE OR IN PART, TO THE EXTENT THAT SUCH RELEASE
IS REQUESTED BY AN APPLICANT AND DOES NOT OTHERWISE CONTAIN
CONFIDENTIAL INFORMATION ABOUT ANOTHER PERSON.~~

~~(5) THE BOARD MAY SEEK A VOLUNTARY WAIVER OF
CONFIDENTIALITY FROM AN APPLICANT OR LICENSED ENTITY BUT MAY
NOT REQUIRE ANY APPLICANT OR LICENSED ENTITY TO WAIVE ANY
CONFIDENTIALITY PROVIDED FOR IN THIS SUBSECTION AS A
CONDITION FOR THE APPROVAL OF A LICENSE OR ANY OTHER ACTION
OF THE BOARD. ANY [PERSON WHO VIOLATES THIS SUBSECTION]
CURRENT OR FORMER BOARD MEMBER, EMPLOYEE OR INDEPENDENT
CONTRACTOR OF THE BOARD AND ANY CURRENT OR FORMER MEMBER OR
EMPLOYEE OF THE PENNSYLVANIA STATE POLICE, OFFICE OF ATTORNEY~~

~~GENERAL, OFFICE OF THE AUDITOR GENERAL OR DEPARTMENT WHO
PUBLICLY DISCLOSES CONFIDENTIAL INFORMATION IN VIOLATION OF
THIS SUBSECTION SHALL BE ADMINISTRATIVELY DISCIPLINED BY
DISCHARGE, SUSPENSION, TERMINATION OF CONTRACT OR OTHER
FORMAL DISCIPLINARY ACTION AS [THE BOARD DEEMS] APPROPRIATE.~~

~~* * *~~

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

~~§ 1207. REGULATORY AUTHORITY OF BOARD.~~

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

~~* * *~~

~~(4) REQUIRE THAT EACH LICENSED ENTITY PROVIDE TO THE
BOARD ITS AUDITED ANNUAL FINANCIAL STATEMENTS, WITH SUCH
ADDITIONAL DETAIL AS THE BOARD FROM TIME TO TIME SHALL
REQUIRE, WHICH INFORMATION SHALL BE SUBMITTED NOT LATER THAN
[60] 90 DAYS AFTER THE END OF THE LICENSEE'S FISCAL YEAR.~~

~~* * *~~

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

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

~~* * *~~

~~(14) CONSULT WITH MEMBERS OF THE PENNSYLVANIA STATE
POLICE, THE OFFICE OF ATTORNEY GENERAL, THE DEPARTMENT AND
SUCH OTHER PERSONS IT DEEMS NECESSARY FOR ADVICE REGARDING
THE VARIOUS ASPECTS OF THE POWERS AND DUTIES IMPOSED ON IT~~

1 ~~UNDER THIS PART AND ITS JURISDICTION OVER THE AUTHORIZATION~~
2 ~~AND OPERATION OF SLOT MACHINES, TABLE GAMES AND LICENSED~~
3 ~~FACILITIES.~~

4 ~~* * *~~

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

7 ~~§ 1208. COLLECTION OF FEES AND FINES.~~

8 ~~THE BOARD HAS THE FOLLOWING POWERS AND DUTIES:~~

9 ~~(1) TO LEVY AND COLLECT FEES FROM THE VARIOUS~~
10 ~~APPLICANTS, LICENSEES AND PERMITTEES TO FUND THE OPERATIONS~~
11 ~~OF THE BOARD. [THE] EXCEPT AS PROVIDED FOR TABLE GAMES, THE~~
12 ~~FEES SHALL BE DEPOSITED INTO THE STATE GAMING FUND AS~~
13 ~~ESTABLISHED IN SECTION 1403 (RELATING TO ESTABLISHMENT OF~~
14 ~~STATE GAMING FUND AND NET SLOT MACHINE REVENUE DISTRIBUTION)~~
15 ~~AND DISTRIBUTED TO THE BOARD UPON APPROPRIATION BY THE~~
16 ~~GENERAL ASSEMBLY. IN ADDITION TO THE FEES SET FORTH IN~~
17 ~~SECTIONS 1209 (RELATING TO SLOT MACHINE LICENSE FEE) AND 1305~~
18 ~~(RELATING TO CATEGORY 3 SLOT MACHINE LICENSE), THE BOARD~~
19 ~~SHALL ASSESS AND COLLECT FEES AS FOLLOWS:~~

20 ~~(I) SUPPLIER LICENSEES SHALL PAY [A]:~~

21 ~~(A) A FEE OF \$25,000 UPON THE ISSUANCE OF A~~
22 ~~LICENSE [AND \$10,000 FOR THE ANNUAL RENEWAL OF A~~
23 ~~SUPPLIER LICENSE.] TO SUPPLY SLOT MACHINES OR~~
24 ~~ASSOCIATED EQUIPMENT USED IN CONNECTION WITH SLOT~~
25 ~~MACHINES.~~

26 ~~(B) A FEE OF \$25,000 UPON THE ISSUANCE OF A~~
27 ~~LICENSE TO SUPPLY TABLE GAME DEVICES OR ASSOCIATED~~
28 ~~EQUIPMENT USED IN CONNECTION WITH TABLE GAMES OR~~
29 ~~TABLE GAME DEVICES.~~

30 ~~(C) A FEE OF \$15,000 FOR THE ANNUAL RENEWAL OF~~

~~THE APPROPRIATE SUPPLIER LICENSE. UPON THE EXTENSION
OF THE RENEWAL PERIOD UNDER SECTION 1317(C) (1)
(RELATING TO SUPPLIER LICENSES), THE FEE SHALL BE
\$30,000 FOR THE RENEWAL.~~

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

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

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

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

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

~~* * *~~

1 ~~§ 1209. SLOT MACHINE LICENSE FEE.~~

2 ~~* * *~~

3 ~~(B) TERM. A SLOT MACHINE LICENSE, AFTER PAYMENT OF THE FEE,~~
4 ~~SHALL BE IN EFFECT UNLESS SUSPENDED, REVOKED OR NOT RENEWED BY~~
5 ~~THE BOARD UPON GOOD CAUSE CONSISTENT WITH THE LICENSE~~
6 ~~REQUIREMENTS AS PROVIDED FOR IN THIS PART. SLOT MACHINE~~
7 ~~LICENSEES SHALL BE REQUIRED TO UPDATE THE INFORMATION IN THEIR~~
8 ~~INITIAL APPLICATIONS ANNUALLY, AND THE LICENSE OF A LICENSEE IN~~
9 ~~GOOD STANDING SHALL BE UPDATED AND RENEWED ANNUALLY FOR TWO~~
10 ~~SUBSEQUENT YEARS FOLLOWING THE INITIAL LICENSE ISSUANCE.~~
11 ~~THEREAFTER, LICENSE RENEWALS SHALL BE EVERY THREE YEARS. NOTHING~~
12 ~~IN THIS SUBSECTION SHALL RELIEVE A LICENSEE OF THE AFFIRMATIVE~~
13 ~~DUTY TO NOTIFY THE BOARD OF ANY CHANGES RELATING TO THE STATUS~~
14 ~~OF ITS LICENSE OR TO ANY OTHER INFORMATION CONTAINED IN~~
15 ~~APPLICATION MATERIALS ON FILE WITH THE BOARD. AS TO THE RENEWAL~~
16 ~~OF A LICENSE, NO ADDITIONAL LICENSE FEE PURSUANT TO SUBSECTION~~
17 ~~(A) SHALL BE REQUIRED.~~

18 ~~* * *~~

19 ~~{ (F) RETURN OF SLOT MACHINE LICENSE FEE. }~~

20 ~~(1) THE ENTIRE ONE TIME SLOT MACHINE LICENSE FEE OF~~
21 ~~\$50,000,000 FOR EACH CATEGORY 1 AND CATEGORY 2 SLOT MACHINE~~
22 ~~LICENSE SHALL BE RETURNED TO EACH LICENSEE IN THE EVENT~~
23 ~~SECTION 1201 (RELATING TO PENNSYLVANIA GAMING CONTROL BOARD~~
24 ~~ESTABLISHED), 1202 (RELATING TO GENERAL AND SPECIFIC POWERS)~~
25 ~~OR 1307 (RELATING TO NUMBER OF SLOT MACHINE LICENSES) IS~~
26 ~~AMENDED OR OTHERWISE ALTERED BY AN ACT OF THE GENERAL~~
27 ~~ASSEMBLY WITHIN FIVE YEARS FOLLOWING THE INITIAL ISSUANCE OF~~
28 ~~ANY SLOT MACHINE LICENSES PURSUANT TO SECTION 1301 (RELATING~~
29 ~~TO AUTHORIZED SLOT MACHINE LICENSES) TO CHANGE:~~

30 ~~(I) THE COMPOSITION OF THE BOARD;~~

1 ~~(II) THE NUMBER OR VOTING POWERS OF MEMBERS OF THE~~
2 ~~BOARD;~~

3 ~~(III) THE MANNER IN WHICH MEMBERS ARE NOMINATED OR~~
4 ~~APPOINTED TO THE BOARD;~~

5 ~~(IV) THE LENGTH OF TERM FOR WHICH EACH MEMBER~~
6 ~~SERVES;~~

7 ~~(V) THE GENERAL JURISDICTION OF THE BOARD IN A~~
8 ~~MANNER THAT IMPAIRS OR OTHERWISE REDUCES THE BOARD'S~~
9 ~~LICENSING AUTHORITY; OR~~

10 ~~(VI) SECTION 1307 TO INCREASE THE STATUTORY MAXIMUM~~
11 ~~NUMBER OF PERMISSIBLE LICENSED FACILITIES.~~

12 ~~(2) IN THE EVENT THAT THIS PART IS AMENDED OR OTHERWISE~~
13 ~~ALTERED BY AN ACT OF THE GENERAL ASSEMBLY AS DESCRIBED~~
14 ~~PURSUANT TO PARAGRAPH (1):~~

15 ~~(I) IN THE SIXTH YEAR FOLLOWING THE INITIAL ISSUANCE~~
16 ~~OF ANY SLOT MACHINE LICENSES PURSUANT TO SECTION 1301, A~~
17 ~~CATEGORY 1 AND 2 SLOT MACHINE LICENSEE SHALL BE ENTITLED~~
18 ~~TO A PARTIAL RETURN OF THE ONE TIME SLOT MACHINE LICENSE~~
19 ~~FEE IN THE AMOUNT OF \$41,666,667.~~

20 ~~(II) IN THE SEVENTH YEAR, THE LICENSEE SHALL BE~~
21 ~~ENTITLED TO A PARTIAL RETURN OF THE ONE TIME SLOT MACHINE~~
22 ~~LICENSE FEE IN THE AMOUNT OF \$33,333,334.~~

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

26 ~~(IV) IN THE NINTH YEAR, THE LICENSEE SHALL BE~~
27 ~~ENTITLED TO A PARTIAL RETURN OF THE ONE TIME SLOT MACHINE~~
28 ~~LICENSE FEE IN THE AMOUNT OF \$16,666,668.~~

29 ~~(V) IN THE TENTH YEAR, THE LICENSEE SHALL BE~~
30 ~~ENTITLED TO A PARTIAL RETURN OF THE ONE TIME MACHINE~~

~~LICENSE FEE IN THE AMOUNT OF \$8,333,334.~~

~~IN THE EVENT THAT THE ACTION DESCRIBED IN PARAGRAPH (1) OCCURS~~

~~AFTER THE EXPIRATION OF TEN YEARS, THE LICENSEE SHALL NOT BE~~

~~ENTITLED TO A RETURN OF ANY PORTION OF THE ONE TIME SLOT MACHINE~~

~~LICENSE FEE. NOTWITHSTANDING THE FOREGOING, NO SLOT MACHINE~~

~~LICENSEE SHALL BE ENTITLED TO THE RETURN OF ANY PORTION OF THE~~

~~FEE AS A RESULT OF ANY ACT OF THE GENERAL ASSEMBLY INSOFAR AS IT~~

~~IMPLEMENTS A RECOMMENDATION MADE BY THE BOARD PURSUANT TO A~~

~~QUALIFIED MAJORITY VOTE. IN THE EVENT A FULL OR PARTIAL RETURN~~

~~OF THE SLOT MACHINE LICENSE FEE IMPOSED PURSUANT TO SUBSECTION~~

~~(A) BECOMES DUE PURSUANT TO THIS SUBSECTION, THE AMOUNT TO BE~~

~~RETURNED TO ANY SLOT MACHINE LICENSEE SHALL BE REDUCED ON A~~

~~DOLLAR FOR DOLLAR BASIS BY THE TOTAL ACCUMULATED TAX CREDITS~~

~~GRANTED TO SUCH LICENSEE PURSUANT TO SUBSECTION (C). IN NO EVENT~~

~~SHALL THE TOTAL AMOUNT OF THE SLOT MACHINE LICENSE FEE RETURNED,~~

~~COMBINED WITH THE TOTAL TAX CREDITS GRANTED, EXCEED THE AMOUNTS~~

~~SET FORTH IN THIS SUBSECTION FOR ANY LICENSEE. THE TOTAL OR~~

~~PARTIAL RETURN OF THE SLOT MACHINE LICENSE FEE SHALL EXTINGUISH~~

~~A LICENSEE'S RIGHT TO CLAIM ANY FURTHER TAX CREDITS PURSUANT TO~~

~~SUBSECTION (C).]~~

~~§ 1210. NUMBER OF SLOT MACHINES.~~

~~(A) INITIAL COMPLEMENT. EXCEPT AS PROVIDED FOR CATEGORY 3~~

~~SLOT MACHINE LICENSEES UNDER SECTION 1305 (RELATING TO CATEGORY~~

~~3 SLOT MACHINE LICENSE), ALL SLOT MACHINE LICENSEES SHALL BE~~

~~PERMITTED TO OPERATE UP TO 3,000 SLOT MACHINES AT ANY ONE~~

~~LICENSED FACILITY AND SHALL BE REQUIRED TO OPERATE AND MAKE~~

~~AVAILABLE TO PLAY A MINIMUM OF 1,500 MACHINES AT ANY ONE~~

~~LICENSED FACILITY WITHIN ONE YEAR OF THE ISSUANCE BY THE BOARD~~

~~OF A SLOT MACHINE LICENSE UNLESS OTHERWISE EXTENDED BY THE~~

~~BOARD, UPON APPLICATION AND FOR GOOD CAUSE SHOWN, FOR AN~~

~~ADDITIONAL PERIOD NOT TO EXCEED 24 MONTHS.~~

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

~~(B) ADDITIONAL SLOT MACHINES. EXCEPT AS PROVIDED FOR CATEGORY 3 SLOT MACHINE LICENSEES UNDER SECTION 1305, SIX MONTHS FOLLOWING THE DATE OF COMMENCEMENT OF SLOT MACHINE OPERATIONS, THE BOARD MAY PERMIT A SLOT MACHINE LICENSEE TO INSTALL AND OPERATE UP TO 2,000 ADDITIONAL SLOT MACHINES AT ITS LICENSED FACILITY, BEYOND THOSE MACHINES AUTHORIZED UNDER SUBSECTION (A), UPON APPLICATION BY THE SLOT MACHINE LICENSEE. THE BOARD, IN CONSIDERING SUCH AN APPLICATION, SHALL TAKE INTO ACCOUNT THE APPROPRIATENESS OF THE PHYSICAL SPACE WHERE THE ADDITIONAL SLOT MACHINES WILL BE LOCATED AND THE CONVENIENCE OF THE PUBLIC ATTENDING THE FACILITY. THE BOARD MAY ALSO TAKE INTO ACCOUNT THE POTENTIAL BENEFIT TO ECONOMIC DEVELOPMENT, EMPLOYMENT AND TOURISM, ENHANCED REVENUES TO THE COMMONWEALTH AND OTHER ECONOMIC INDICATORS IT DEEMS APPLICABLE IN MAKING ITS DECISION.~~

~~(C) LIMITATION. FOR THE TWO AND ONE HALF YEARS FOLLOWING THE BEGINNING OF SLOT MACHINE OPERATIONS AT THE LICENSED FACILITY, NO LICENSED GAMING ENTITY MAY MAKE AVAILABLE FOR PLAY BY ITS PATRONS AT ITS LICENSED FACILITY MORE THAN 50% OF SLOT MACHINES FROM THE SAME MANUFACTURER OR ITS AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY. THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO MACHINES PURCHASED PURSUANT TO A CONTRACT OR ORDER EXECUTED BY A CONDITIONAL CATEGORY 1 OR~~

~~CATEGORY 1 SLOT MACHINE LICENSEE PRIOR TO OCTOBER 20, 2006.~~

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

~~§ 1211. REPORTS OF BOARD.~~

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

~~(A.1) EXPENSES. BEGINNING 30 DAYS AFTER THE EFFECTIVE DATE
OF THIS SUBSECTION, THE BOARD SHALL POST BY THE 15TH WITHIN 45
DAYS OF THE END OF EACH MONTH ON ITS INTERNET WEBSITE A LIST OF
ALL ITS ITEMIZED EXPENSES FOR THE PRECEDING MONTH OF EMPLOYEES
AND MEMBERS OF THE BOARD AND ALL ITEMIZED EXPENSES OF OFFICERS
AND EMPLOYEES OF THE DEPARTMENT, THE ATTORNEY GENERAL AND THE
PENNSYLVANIA STATE POLICE WHOSE DUTIES INVOLVE THE REGULATION OF
GAMING UNDER THIS PART AND ALL ITEMIZED EXPENSES OF OFFICERS AND
EMPLOYEES OF THE AUDITOR GENERAL WHOSE DUTIES INVOLVE AUDIT
ACTIVITIES OF THE BOARD. THE LIST LISTS SHALL IDENTIFY THE
NATURE OF THE EXPENSE, THE EMPLOYEE OR BOARD MEMBER AND THE
AGENCY AND EMPLOYEE OF THE AGENCY TO WHICH AN EXPENSE IS
ATTRIBUTABLE. THE LIST SHALL INCLUDE EACH EXPENSE FOR WHICH A
RECEIPT IS SUBMITTED TO OBTAIN REIMBURSEMENT. IF IF THE EXPENSE~~

←

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←

~~IS DIRECTLY ATTRIBUTABLE TO OR PAID BY A LICENSED GAMING ENTITY,
THE LIST SHALL IDENTIFY THE LICENSED GAMING ENTITY AND WHETHER
THE EXPENSE WAS PAID BY THE LICENSED GAMING ENTITY. BY OCTOBER 1
OF EACH YEAR, A FINAL REPORT OF ALL EXPENSES FOR THE PRECEDING
FISCAL YEAR SHALL BE POSTED ON THE BOARD'S INTERNET WEBSITE. THE
BOARD, THE DEPARTMENT, THE ATTORNEY GENERAL, THE AUDITOR GENERAL
AND THE PENNSYLVANIA STATE POLICE SHALL COLLABORATE TO DEVELOP A
UNIFORM SYSTEM TO CARRY OUT THE REQUIREMENTS OF THIS SUBSECTION.
INFORMATION PROVIDED TO THE BOARD FOR POSTING UNDER THIS
SUBSECTION MAY BE REDACTED BY THE PROVIDER OF THE INFORMATION.~~

~~* * *~~

~~(E) SUBMISSION OF REPORTS. NOTWITHSTANDING ANY OTHER
PROVISION OF THIS PART TO THE CONTRARY, ALL REPORTS AND STUDIES
OF THE BOARD REQUIRED TO BE SUBMITTED TO THE GENERAL ASSEMBLY
UNDER THIS PART AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
SHALL BE SUBMITTED BY OCTOBER 1, 2010, AND ANNUALLY THEREAFTER.~~

~~SECTION 9.1. TITLE 4 IS AMENDED BY ADDING A SECTION TO READ:
§ 1211.1. REPORT BY SLOT MACHINE LICENSEE.~~

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

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

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

~~(3) THE NUMBER OF MINORS WHO WERE DETECTED PARTICIPATING
OR ATTEMPTING TO PARTICIPATE IN SLOT MACHINE AND TABLE
GAMING.~~

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

~~(5) THE NUMBER OF MINORS WHO WERE DETECTED ILLEGALLY
CONSUMING ALCOHOL ON THE PREMISES OF THE LICENSED FACILITY IN
THE AREA WHERE SLOT MACHINES OR TABLE GAMES ARE LOCATED.~~

~~(6) THE NUMBER OF SELF EXCLUDED AND EXCLUDED PERSONS WHO
WERE DENIED ENTRY INTO THE TABLE GAME FACILITY AREA WHERE
TABLE GAMES, INCLUDING TOURNAMENTS AND CONTESTS ARE LOCATED.~~

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

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

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

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

~~§ 1212. DIVERSITY GOALS OF BOARD.~~

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

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

1 ~~(2) THE OWNERSHIP[, PARTICIPATION AND OPERATION] OF~~
2 ~~BUSINESS ENTERPRISES ASSOCIATED WITH OR UTILIZED BY LICENSED~~
3 ~~ENTITIES AND LICENSED FACILITIES AND THROUGH THE PROVISION OF~~
4 ~~GOODS AND SERVICES UTILIZED BY SLOT MACHINE LICENSEES UNDER~~
5 ~~THIS PART.~~

6 ~~(3) THE OPERATION OF LICENSED ENTITIES AND LICENSED~~
7 ~~FACILITIES AND THE CONDUCT OF SLOT MACHINE AND TABLE GAMING~~ ←
8 ~~IN THIS COMMONWEALTH BY ENSURING LICENSED ENTITIES AND~~ ←
9 ~~LICENSED FACILITIES PROMOTE THE PARTICIPATION OF DIVERSE~~
10 ~~GROUPS BY AFFORDING EQUAL ACCESS TO EMPLOYMENT OPPORTUNITIES,~~
11 ~~INCLUDING KEY EMPLOYEE, GAMING EMPLOYEE, AND NONGAMING~~
12 ~~EMPLOYEE POSITIONS.~~

13 ~~(4) THE OPERATION OF BUSINESS ENTERPRISES ASSOCIATED~~
14 ~~WITH OR UTILIZED BY LICENSED ENTITIES AND LICENSED~~ ←
15 ~~FACILITIES, INCLUDING BUSINESS ENTERPRISES THAT PROVIDE~~
16 ~~GOODS, PROPERTY AND SERVICES UTILIZED BY SLOT MACHINE~~
17 ~~LICENSEES IN THIS COMMONWEALTH BY ENSURING THESE BUSINESS~~
18 ~~ENTERPRISES PROMOTE THE PARTICIPATION OF DIVERSE GROUPS BY~~
19 ~~AFFORDING EQUAL ACCESS TO EMPLOYMENT OPPORTUNITIES.~~

20 ~~(5) THE CONSTRUCTION, RENOVATION OR RECONSTRUCTION OF A~~
21 ~~LICENSED FACILITY BY ENSURING THAT ALL CONTRACTS AND~~
22 ~~SUBCONTRACTS TO BE AWARDED RELATING TO THE CONSTRUCTION,~~
23 ~~RENOVATION OR RECONSTRUCTION OF A LICENSED FACILITY CONTAIN~~
24 ~~ADEQUATE PROVISIONS ENSURING ALL CONTRACTORS OR~~
25 ~~SUBCONTRACTORS, INCLUDING ANY ASSIGNEES, WILL PROMOTE THE~~
26 ~~PARTICIPATION OF DIVERSE GROUPS IN ANY PROPOSED CONSTRUCTION,~~
27 ~~RENOVATION OR RECONSTRUCTION PROJECT BY AFFORDING EQUAL~~
28 ~~ACCESS TO EMPLOYMENT OPPORTUNITIES.~~

29 ~~(6) THE RENDERING OF PROFESSIONAL SERVICES TO LICENSED~~
30 ~~ENTITIES AND LICENSED FACILITIES BY ENSURING LICENSED~~ ←

~~ENTITIES AND LICENSED FACILITIES PROMOTE THE PARTICIPATION OF
DIVERSE GROUPS BY AFFORDING EQUAL ACCESS TO PROFESSIONAL
SERVICE CONTRACTUAL OPPORTUNITIES.~~

~~(B) INVESTIGATIONS. THE BOARD [IS AUTHORIZED TO] SHALL
INVESTIGATE AND CONDUCT [AN ANNUAL STUDY] QUARTERLY REVIEWS TO
EVALUATE THE EFFECTIVENESS OF ALL DIVERSITY PLANS SUBMITTED BY
APPLICANTS FOR A SLOT MACHINE LICENSE IN ACCORDANCE WITH SECTION
1325 (RELATING TO LICENSE OR PERMIT ISSUANCE) OF THIS PART, MAKE
RECOMMENDATIONS FOR IMPROVEMENTS TO SUCH DIVERSITY PLANS AND
ASCERTAIN WHETHER EFFECTIVE AND MEANINGFUL ACTION HAS BEEN TAKEN
OR WILL BE TAKEN TO [ENHANCE] ACHIEVE THE REPRESENTATION OF
DIVERSE GROUPS IN THE OWNERSHIP, PARTICIPATION AND OPERATION OF
LICENSED FACILITIES IN THIS COMMONWEALTH, THROUGH THE OWNERSHIP
AND OPERATION OF BUSINESS ENTERPRISES ASSOCIATED WITH OR
UTILIZED BY SLOT MACHINE AND TABLE GAME LICENSEES, THROUGH THE
PROVISION OF GOODS, PROPERTY AND SERVICES UTILIZED BY SLOT
MACHINE AND TABLE GAME LICENSEES AND THROUGH EMPLOYMENT
OPPORTUNITIES.~~

~~(C) COMPLETION OF INVESTIGATION. THE FIRST [STUDY] REVIEW
SHALL BE COMPLETED SIX MONTHS FOLLOWING THE EFFECTIVE DATE OF
THIS [PART] SECTION, IF PRACTICALLY POSSIBLE, AND [ANNUALLY]
QUARTERLY THEREAFTER AND SHALL CONTAIN RECOMMENDATIONS WHICH THE
BOARD DETERMINES APPROPRIATE. EACH STUDY REVIEW SHALL CONTAIN,
AT A MINIMUM:~~

~~(1) A DESCRIPTIVE SUMMARY OF THE BOARD'S EFFORTS TO
PROMOTE AND ENSURE DIVERSITY IN ALL ASPECTS OF ITS OPERATION.~~

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

~~(I) EMPLOYMENT AND SALARY RANGE INFORMATION.~~

~~(II) EMPLOYEE RECRUITMENT AND RETENTION PROGRAMS~~

~~DESIGNED TO ENSURE THE PARTICIPATION OF DIVERSE GROUPS IN
EMPLOYMENT POSITIONS AT THE LICENSED FACILITY BY THE SLOT
MACHINE LICENSEE.~~

~~(III) MINORITY OWNED BUSINESS ENTERPRISE AND WOMEN-
OWNED BUSINESS ENTERPRISE CONTRACTING AND SUBCONTRACTING
DATA.~~

~~(D) FACILITY RESPONSIBILITY RESPONSIBILITY OF SLOT MACHINE
LICENSEE. EACH LICENSED FACILITY SLOT MACHINE LICENSEE SHALL
PROVIDE INFORMATION AS REQUESTED BY THE BOARD TO ENABLE THE
BOARD TO COMPLETE THE STUDY QUARTERLY REVIEWS REQUIRED UNDER
SUBSECTION (C).~~

~~(E) DEFINITION. AS USED IN THIS SECTION THE TERM
"PROFESSIONAL SERVICES" MEANS THOSE SERVICES RENDERED TO A
LICENSED ENTITY OR LICENSED FACILITY SLOT MACHINE LICENSEE IN
THIS COMMONWEALTH, INCLUDING, BUT NOT LIMITED TO:~~

~~(1) LEGAL SERVICES.~~

~~(2) ADVERTISING OR PUBLIC RELATIONS SERVICES.~~

~~(3) ENGINEERING SERVICES.~~

~~(4) ARCHITECTURAL, LANDSCAPING OR SURVEYING SERVICES.~~

~~(5) ACCOUNTING, AUDITING OR ACTUARIAL SERVICES.~~

~~(6) SECURITY CONSULTANT SERVICES.~~

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

~~§ 1213. LICENSE OR PERMIT PROHIBITION.~~

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

~~(1) THE BOARD SHALL BE PROHIBITED FROM GRANTING A
PRINCIPAL LICENSE TO A PERSON WHO HAS BEEN CONVICTED OF A
FELONY [OR GAMBLING] OFFENSE IN ANY JURISDICTION [SHALL BE
ISSUED A LICENSE OR PERMIT UNLESS 15 YEARS HAS ELAPSED FROM~~

1 ~~THE DATE OF EXPIRATION OF THE SENTENCE FOR THE OFFENSE}.~~

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

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

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

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

23 ~~{(1)} (I) THE NATURE AND DUTIES OF THE APPLICANT'S~~
24 ~~POSITION WITH THE LICENSED ENTITY.~~

25 ~~{(2)} (II) THE NATURE AND SERIOUSNESS OF THE OFFENSE~~
26 ~~OR CONDUCT.~~

27 ~~{(3)} (III) THE CIRCUMSTANCES UNDER WHICH THE~~
28 ~~OFFENSE OR CONDUCT OCCURRED.~~

29 ~~{(4)} (IV) THE AGE OF THE APPLICANT WHEN THE OFFENSE~~
30 ~~OR CONDUCT WAS COMMITTED.~~

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

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

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

~~SECTION 10.1. TITLE 4 IS AMENDED BY ADDING A SECTION
SECTIONS TO READ:~~

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

~~(A) CONDITIONS. ANY SLOT MACHINE LICENSEE THAT IS REQUIRED
AS A CONDITION OF SLOT MACHINE LICENSURE TO MAKE ANNUAL PAYMENTS
TO A MUNICIPALITY OR MUNICIPAL AUTHORITY FOR AN ECONOMIC
DEVELOPMENT PROJECT, INCLUDING ANY PROJECT ENUMERATED IN THE ACT
OF JULY 25, 2007 (P.L.342, NO.53), KNOWN AS PENNSYLVANIA GAMING
ECONOMIC DEVELOPMENT AND TOURISM FUND CAPITAL BUDGET ITEMIZATION
ACT OF 2007, SHALL ENTER INTO A WRITTEN AGREEMENT WITH THE
MUNICIPALITY OR MUNICIPAL AUTHORITY AND MAKE THE FIRST ANNUAL
PAYMENT REQUIRED UNDER THE AGREEMENT BY OCTOBER 15 DECEMBER 31,
2009.~~

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

1 ~~BEHALF OF THE SLOT MACHINE LICENSEE.~~

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

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



~~LICENSEE AND THE MUNICIPALITY OR MUNICIPAL AUTHORITY.~~

~~§ 1215. AUDITOR GENERAL'S REPORTS.~~

~~(A) ANNUAL AUDIT. IN COOPERATION WITH THE DEPARTMENT AND THE STATE TREASURER, THE AUDITOR GENERAL SHALL ANNUALLY AUDIT AND REPORT ON THE AMOUNTS AND USES OF THE DISTRIBUTIONS MADE UNDER CHAPTER 14 (RELATING TO REVENUES) FROM THE STATE GAMING FUND, THE LOCAL SHARE ASSESSMENT TO COUNTIES AND MUNICIPALITIES, THE PENNSYLVANIA RACE HORSE DEVELOPMENT FUND AND THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND.~~

~~(B) INTERNAL AUDIT. EVERY FOUR YEARS, THE AUDITOR GENERAL SHALL PERFORM AN INTERNAL AUDIT OF THE EXPENSES AND REVENUES OF THE BOARD. IN ADDITION TO EXAMINING THE AGENCY'S FINANCIAL STATEMENTS, THE AUDITOR GENERAL SHALL BE ENTITLED TO EXAMINE ORIGINAL SOURCE DOCUMENTS AT SUCH TIMES AS IS BELIEVED NECESSARY OR MAY OTHERWISE EXAMINE ORIGINAL DOCUMENTS ON A RANDOM BASIS DESIGNED TO ENSURE THE INTEGRITY OF THE AUDIT. THE AUDIT SHALL INCLUDE THE EXPENSES INCURRED BY INDIVIDUAL MEMBERS OF THE BOARD AND REIMBURSED OR OTHERWISE PAID FOR BY THE BOARD. THE AUDITOR GENERAL SHALL PREPARE A WRITTEN REPORT OF ITS AUDITS UNDER THIS SECTION AND SUBMIT A COPY OF THE REPORT TO THE COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT COMMITTEE OF THE SENATE AND THE GAMING OVERSIGHT COMMITTEE OF THE HOUSE OF REPRESENTATIVES NO LATER THAN APRIL 1 OF EACH YEAR.~~

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

~~§ 1305. CATEGORY 3 SLOT MACHINE LICENSE.~~

~~(A) ELIGIBILITY.~~

~~(1) A PERSON MAY BE ELIGIBLE TO APPLY FOR A CATEGORY 3 LICENSE IF THE APPLICANT, ITS AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY HAS NOT APPLIED FOR OR BEEN~~

1 ~~APPROVED OR ISSUED A CATEGORY 1 OR 2 LICENSE AND THE PERSON~~
2 ~~IS SEEKING TO LOCATE A CATEGORY 3 LICENSED FACILITY IN A~~
3 ~~WELL-ESTABLISHED RESORT HOTEL HAVING NO FEWER THAN 275 GUEST~~
4 ~~ROOMS UNDER COMMON OWNERSHIP AND HAVING SUBSTANTIAL YEAR~~
5 ~~ROUND RECREATIONAL GUEST AMENITIES. THE APPLICANT FOR A~~
6 ~~CATEGORY 3 LICENSE SHALL BE THE OWNER OR BE A WHOLLY OWNED~~
7 ~~SUBSIDIARY OF THE OWNER OF THE ESTABLISHED RESORT HOTEL. [A~~
8 ~~CATEGORY 3 LICENSE MAY ONLY BE GRANTED UPON THE EXPRESS~~
9 ~~CONDITION THAT AN INDIVIDUAL MAY NOT ENTER A GAMING AREA OF~~
10 ~~THE LICENSEE IF THE INDIVIDUAL IS NOT A REGISTERED OVERNIGHT~~
11 ~~GUEST OF THE ESTABLISHED RESORT HOTEL OR IF THE INDIVIDUAL IS~~
12 ~~NOT A PATRON OF ONE OR MORE OF THE AMENITIES PROVIDED BY THE~~
13 ~~ESTABLISHED RESORT HOTEL.]~~

14 * * *

15 ~~(C) NUMBER OF SLOT MACHINES. NOTWITHSTANDING THE NUMBER OF~~
16 ~~PERMISSIBLE SLOT MACHINES AS SET FORTH IN SECTION 1210 (RELATING~~
17 ~~TO NUMBER OF SLOT MACHINES), A CATEGORY 3 LICENSE GRANTED UNDER~~
18 ~~THE PROVISIONS OF THIS SECTION SHALL ENTITLE THE LICENSED ENTITY~~
19 ~~TO OPERATE NO MORE THAN 500 SLOT MACHINES AT THE LICENSED~~
20 ~~FACILITY, PROVIDED, HOWEVER, THE BOARD MAY INCREASE THE NUMBER~~
21 ~~OF SLOT MACHINES BY A NUMBER NOT TO EXCEED 1,000 SLOT MACHINES~~
22 ~~IN THE AGGREGATE UPON GOOD CAUSE SHOWN BY THE SLOT MACHINE~~
23 ~~LICENSEE AND PAYMENT OF THE ADDITIONAL FEE PURSUANT TO~~
24 ~~SUBSECTION (D).~~

25 ~~(D) CATEGORY 3 LICENSE FEE. NOTWITHSTANDING THE ONE TIME~~
26 ~~SLOT MACHINE LICENSE FEE AS SET FORTH IN SECTION 1209 (RELATING~~
27 ~~TO SLOT MACHINE LICENSE FEE), THE BOARD SHALL IMPOSE A ONE TIME~~
28 ~~CATEGORY 3 LICENSE FEE TO BE PAID BY EACH SUCCESSFUL APPLICANT~~
29 ~~IN THE AMOUNT OF \$5,000,000 TO BE DEPOSITED IN THE STATE GAMING~~
30 ~~FUND. IF THE BOARD AUTHORIZES THE OPERATION OF MORE THAN 500~~

~~SLOT MACHINES AT A CATEGORY 3 FACILITY PURSUANT TO SUBSECTION (C), THE BOARD SHALL IMPOSE A ONE TIME FEE IN THE AMOUNT OF \$5,000,000 FOR EACH ADDITIONAL 250 SLOT MACHINES. THE FEE FOR THE ADDITIONAL SLOT MACHINES SHALL BE IN ADDITION TO THE \$5,000,000 FEE REQUIRED TO OPERATE 500 SLOT MACHINES PURSUANT TO SUBSECTION (C) AND SHALL BE DEPOSITED INTO THE GENERAL FUND. THE PROVISIONS OF SECTION 1209 RELATING TO TERM, CREDIT AGAINST TAX FOR SLOT MACHINE LICENSEES, DEPOSIT OF LICENSE FEE AND CHANGE OF OWNERSHIP OR CONTROL OF A LICENSE SHALL BE APPLICABLE TO A CATEGORY 3 LICENSE FEE.~~

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

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

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

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

1 ~~§ 1308. APPLICATIONS FOR LICENSE OR PERMIT.~~

2 ~~* * *~~

3 ~~(A.1) SUBMISSION OF INFORMATION. NOTWITHSTANDING THE~~
4 ~~PROVISIONS OF 18 PA.C.S. § 9124(B) (RELATING TO USE OF RECORDS~~
5 ~~BY LICENSING AGENCIES), AN APPLICATION FOR A LICENSE OR PERMIT~~
6 ~~UNDER THIS PART SHALL INCLUDE ALL ARRESTS AND CONVICTIONS OF THE~~
7 ~~APPLICANT. THE INFORMATION SHALL INCLUDE:~~

8 ~~(1) A BRIEF DESCRIPTION OF THE CIRCUMSTANCES SURROUNDING~~
9 ~~THE ARREST.~~

10 ~~(2) THE SPECIFIC OFFENSE CHARGED.~~

11 ~~(3) THE ULTIMATE DISPOSITION OF THE CHARGES, INCLUDING~~
12 ~~THE DETAILS OF ANY DISMISSAL, PLEA BARGAIN, CONVICTION OR~~
13 ~~SENTENCE, INCLUDING ANY PARDON, EXPUNGEMENT OR ORDER OF~~
14 ~~ACCELERATED REHABILITATIVE DISPOSITION.~~

15 ~~* * *~~

16 ~~SECTION 10.4. SECTIONS 1310 AND 1313(C) OF TITLE 4 ARE~~
17 ~~AMENDED TO READ:~~

18 ~~§ 1310. SLOT MACHINE LICENSE APPLICATION CHARACTER~~
19 ~~REQUIREMENTS.~~

20 ~~(A) APPLICATION.~~

21 ~~(1) EVERY APPLICATION FOR A SLOT MACHINE LICENSE SHALL~~
22 ~~INCLUDE SUCH INFORMATION, DOCUMENTATION AND ASSURANCES AS MAY~~
23 ~~BE REQUIRED TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THE~~
24 ~~APPLICANT'S SUITABILITY, INCLUDING GOOD CHARACTER, HONESTY~~
25 ~~AND INTEGRITY. INFORMATION SHALL INCLUDE, WITHOUT LIMITATION,~~
26 ~~INFORMATION PERTAINING TO FAMILY, HABITS, CHARACTER,~~
27 ~~REPUTATION, CRIMINAL HISTORY BACKGROUND, BUSINESS ACTIVITIES,~~
28 ~~FINANCIAL AFFAIRS AND BUSINESS, PROFESSIONAL AND PERSONAL~~
29 ~~ASSOCIATES, COVERING AT LEAST THE TEN YEAR PERIOD IMMEDIATELY~~
30 ~~PRECEDING THE FILING DATE OF THE APPLICATION.~~

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

~~(B) CIVIL JUDGMENTS AND LAW ENFORCEMENT AGENCY
INFORMATION. EACH APPLICANT SHALL NOTIFY THE BOARD OF ANY CIVIL
JUDGMENTS OBTAINED AGAINST THE APPLICANT PERTAINING TO ANTITRUST
OR SECURITY REGULATION LAWS OF THE FEDERAL GOVERNMENT, THIS
COMMONWEALTH OR ANY OTHER STATE, JURISDICTION, PROVINCE OR
COUNTRY. IN ADDITION, EACH APPLICANT SHALL PRODUCE A LETTER OF
REFERENCE FROM LAW ENFORCEMENT AGENCIES HAVING JURISDICTION IN
THE APPLICANT'S PLACE OF RESIDENCE AND PRINCIPAL PLACE OF
BUSINESS, WHICH LETTER OF REFERENCE SHALL INDICATE THAT THE LAW
ENFORCEMENT AGENCIES DO NOT HAVE ANY PERTINENT INFORMATION
CONCERNING THE APPLICANT OR, IF THE LAW ENFORCEMENT AGENCY DOES
HAVE INFORMATION PERTAINING TO THE APPLICANT, SHALL SPECIFY THE
NATURE AND CONTENT OF THAT INFORMATION. IF NO LETTERS ARE
RECEIVED WITHIN 30 DAYS OF THE REQUEST, THE APPLICANT MAY SUBMIT
A STATEMENT UNDER OATH WHICH IS SUBJECT TO THE PENALTY FOR FALSE
SWEARING UNDER 18 PA.C.S. § 4903 (RELATING TO FALSE SWEARING)
THAT THE APPLICANT IS OR WAS DURING THE PERIOD THE ACTIVITIES
WERE CONDUCTED IN GOOD STANDING WITH THE GAMING OR CASINO
ENFORCEMENT OR CONTROL AGENCY.~~

~~(C) GAMING OR CASINO ENFORCEMENT AGENCY INFORMATION. IF THE
APPLICANT HAS HELD A GAMING LICENSE IN A JURISDICTION WHERE
GAMING ACTIVITIES ARE PERMITTED, THE APPLICANT SHALL PRODUCE A~~

1 ~~LETTER OF REFERENCE FROM THE GAMING OR CASINO ENFORCEMENT OR~~
2 ~~CONTROL AGENCY WHICH SHALL SPECIFY THE EXPERIENCES OF THAT~~
3 ~~AGENCY WITH THE APPLICANT, THE APPLICANT'S ASSOCIATES AND THE~~
4 ~~APPLICANT'S GAMING OPERATION. IF NO LETTERS ARE RECEIVED WITHIN~~
5 ~~30 DAYS OF THE REQUEST, THE APPLICANT MAY SUBMIT A STATEMENT~~
6 ~~UNDER OATH WHICH IS SUBJECT TO THE PENALTY FOR FALSE SWEARING~~
7 ~~UNDER 18 PA.C.S. § 4903 THAT THE APPLICANT IS OR WAS DURING THE~~
8 ~~PERIOD THE ACTIVITIES WERE CONDUCTED IN GOOD STANDING WITH THE~~
9 ~~GAMING OR CASINO ENFORCEMENT OR CONTROL AGENCY.~~

10 ~~(D) AGENCY RECORDS. EACH APPLICANT FOR A SLOT MACHINE~~
11 ~~LICENSE, PRINCIPAL LICENSE OR KEY EMPLOYEE LICENSE SHALL BE~~
12 ~~REQUIRED TO APPLY TO THE FEDERAL AGENCY DEEMED APPROPRIATE BY~~
13 ~~THE BOARD FOR AGENCY RECORDS UNDER THE FREEDOM OF INFORMATION~~
14 ~~ACT (PUBLIC LAW 89 554, 5 U.S.C. § 522) PERTAINING TO THE~~
15 ~~APPLICANT AND PROVIDE THE BOARD WITH THE COMPLETE RECORD~~
16 ~~RECEIVED FROM THE FEDERAL AGENCY. THE BOARD MAY ISSUE A LICENSE~~
17 ~~TO THE APPLICANT PRIOR TO THE RECEIPT OF INFORMATION UNDER THIS~~
18 ~~SUBSECTION.~~

19 ~~§ 1313. SLOT MACHINE LICENSE APPLICATION FINANCIAL FITNESS~~
20 ~~REQUIREMENTS.~~

21 ~~* * *~~

22 ~~(C) APPLICANT'S ABILITY TO PAY LICENSE FEE. THE BOARD SHALL~~
23 ~~REQUIRE EACH APPLICANT FOR A CATEGORY 1 OR 2 SLOT MACHINE~~
24 ~~LICENSE AT THE TIME OF APPLICATION TO POST A LETTER OF CREDIT OR~~
25 ~~BOND IN THE AMOUNT OF \$50,000,000 TO DEMONSTRATE THE FINANCIAL~~
26 ~~ABILITY TO PAY THE SLOT MACHINE LICENSE FEE AS REQUIRED IN~~
27 ~~SECTION 1209 (RELATING TO SLOT MACHINE LICENSE FEE) IF ISSUED A~~
28 ~~SLOT MACHINE LICENSE BY THE BOARD. EACH APPLICANT FOR A CATEGORY~~
29 ~~3 SLOT MACHINE LICENSE AT THE TIME OF APPLICATION SHALL BE~~
30 ~~REQUIRED TO POST A LETTER OF CREDIT OR BOND IN THE AMOUNT OF~~

~~\$5,000,000 TO DEMONSTRATE THE FINANCIAL ABILITY TO PAY THE
CATEGORY 3 SLOT MACHINE LICENSE FEE AS REQUIRED IN SECTION 1305
(RELATING TO CATEGORY 3 SLOT MACHINE LICENSE) IF ISSUED A SLOT
MACHINE LICENSE BY THE BOARD. EACH CATEGORY 3 SLOT MACHINE
LICENSEE THAT SEEKS TO INCREASE THE NUMBER OF SLOT MACHINES IN
OPERATION AT THE LICENSED FACILITY PURSUANT TO SECTION 1305(C)
(RELATING TO CATEGORY 3 SLOT MACHINE LICENSE) SHALL BE REQUIRED
TO POST A LETTER OF CREDIT OR BOND IN THE AMOUNT OF \$5,000,000
TO DEMONSTRATE THE FINANCIAL ABILITY TO PAY THE ADDITIONAL
CATEGORY 3 SLOT MACHINE LICENSE FEE AS REQUIRED IN SECTION
1305(D).~~

~~* * *~~

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

~~§ 1317. SUPPLIER LICENSES.~~

~~(A) APPLICATION. A MANUFACTURER THAT ELECTS TO CONTRACT
WITH A SUPPLIER UNDER SECTION 1317.1(D.1) (RELATING TO
MANUFACTURER LICENSES) SHALL ENSURE THAT THE SUPPLIER IS
LICENSED UNDER THIS SECTION. A PERSON SEEKING TO PROVIDE SLOT
MACHINES, TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT TO A SLOT
MACHINE LICENSEE WITHIN THIS COMMONWEALTH THROUGH A CONTRACT
WITH A LICENSED MANUFACTURER SHALL APPLY TO THE BOARD FOR A
SUPPLIER LICENSE.~~

~~* * *~~

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

1 ~~(1) [THE LICENSE SHALL BE FOR A PERIOD OF ONE YEAR. UPON~~
2 ~~EXPIRATION, THE LICENSE MAY BE RENEWED IN ACCORDANCE WITH~~
3 ~~SUBSECTION (D)] THE INITIAL LICENSE SHALL BE FOR A PERIOD OF~~
4 ~~ONE YEAR AND SHALL BE SUBJECT TO RENEWAL ANNUALLY UNDER~~
5 ~~SUBSECTION (D) FOR TWO CONSECUTIVE ONE YEAR PERIODS FOLLOWING~~
6 ~~THE INITIAL ISSUANCE. THEREAFTER, A LICENSE SHALL BE SUBJECT~~
7 ~~TO RENEWAL EVERY THREE YEARS. NOTHING IN THIS PARAGRAPH SHALL~~
8 ~~RELIEVE THE A LICENSEE OF THE AFFIRMATIVE DUTY TO NOTIFY THE~~ ←
9 ~~BOARD OF ANY CHANGES RELATING TO THE STATUS OF ITS LICENSE OR~~
10 ~~TO ANY INFORMATION CONTAINED IN APPLICATION MATERIALS ON FILE~~
11 ~~WITH THE BOARD.~~

12 * * *

13 ~~(C.1) WAIVER. THE BOARD SHALL ESTABLISH STANDARDS AND A~~
14 ~~PROCEDURE TO ALLOW THE BOARD TO WAIVE THE REQUIREMENTS OF THIS~~
15 ~~SECTION FOR ANY PERSON WHO HOLDS A SUPPLIER LICENSE UNDER THIS~~
16 ~~SECTION AND WHO SEEKS TO SUPPLY TABLE GAME DEVICES OR ASSOCIATED~~
17 ~~EQUIPMENT. THE BOARD MAY ONLY WAIVE THE REQUIREMENTS OF THIS~~
18 ~~SECTION IF:~~

19 ~~(1) THE SUPPLIER LICENSE WAS ISSUED BY THE BOARD WITHIN~~
20 ~~A 36 MONTH PERIOD IMMEDIATELY PRECEDING THE DATE THE SUPPLIER~~
21 ~~LICENSEE FILES AN INITIAL APPLICATION TO SUPPLY TABLE GAME~~
22 ~~DEVICES OR ASSOCIATED EQUIPMENT.~~

23 ~~(2) THE PERSON TO WHOM THE SUPPLIER LICENSE WAS ISSUED~~
24 ~~AFFIRMS THERE HAS BEEN NO MATERIAL CHANGE IN CIRCUMSTANCES~~
25 ~~RELATING TO THE LICENSE.~~

26 ~~(3) THE BOARD DETERMINES THERE HAS BEEN NO MATERIAL~~
27 ~~CHANGE IN CIRCUMSTANCES RELATING TO THE LICENSE THAT~~
28 ~~NECESSITATES, AT THE DISCRETION OF THE BOARD, THAT THE~~
29 ~~REQUIREMENTS OF THIS SECTION NOT BE WAIVED.~~

30 * * *

~~§ 1317.1. MANUFACTURER LICENSES.~~

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

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

~~* * *~~

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

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

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

~~(2) THE LICENSE SHALL BE NONTRANSFERABLE.~~

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

~~(C.1) WAIVER. THE BOARD SHALL ESTABLISH STANDARDS AND A~~

~~PROCEDURE TO ALLOW THE BOARD TO WAIVE THE REQUIREMENTS OF THIS SECTION FOR ANY PERSON WHO HOLDS A MANUFACTURER LICENSE UNDER THIS SECTION AND WHO SEEKS TO MANUFACTURE TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT. THE BOARD MAY ONLY WAIVE THE APPLICATION REQUIREMENT UNDER THIS SECTION IF:~~

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

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

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

~~* * *~~

~~(D.1) AUTHORITY. THE FOLLOWING SHALL APPLY TO A LICENSED MANUFACTURER:~~

~~(1) A LICENSED MANUFACTURER OR ITS DESIGNEE, AS LICENSED BY THE BOARD, MAY SUPPLY OR REPAIR ANY SLOT MACHINE, TABLE GAME DEVICE OR ASSOCIATED EQUIPMENT MANUFACTURED BY THE LICENSED MANUFACTURER.~~

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

~~(3) A MANUFACTURER MAY CONTRACT WITH A SUPPLIER UNDER SECTION 1317 TO PROVIDE TABLE GAMES GAME DEVICES OR ASSOCIATED EQUIPMENT TO A CERTIFICATE HOLDER.~~



~~(E) PROHIBITIONS.~~

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

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

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

~~(4) NO LIMITATION SHALL BE PLACED ON THE NUMBER OF MANUFACTURER LICENSES ISSUED OR THE TIME PERIOD TO SUBMIT APPLICATIONS FOR LICENSURE, EXCEPT AS REQUIRED TO COMPLY WITH SECTION 1306 (RELATING TO ORDER OF INITIAL LICENSE ISSUANCE). SECTION 10.6. TITLE 4 IS AMENDED BY ADDING A SECTION TO~~

READ:

~~§ 1317.2. GAMING SERVICE PROVIDER.~~

~~(A) DEVELOPMENT OF CLASSIFICATION SYSTEM. THE BOARD SHALL DEVELOP UNIFORM STANDARDS AND PROCEDURES GOVERNING THE REGISTRATION REGULATION OF GAMING SERVICE PROVIDERS. EACH APPLICANT AND ALL INDIVIDUALS AND ENTITIES ASSOCIATED WITH THE APPLICANT FOR AUTHORIZATION TO ACT AS A GAMING SERVICE PROVIDER SHALL SUBMIT TO A BACKGROUND INVESTIGATION. THE CLASSIFICATION SYSTEM DEVELOPED BY THE BOARD SHALL BE BASED UPON THE FOLLOWING:~~

~~(1) THE MONETARY VALUE OR AMOUNT OF BUSINESS CONDUCTED OR EXPECTED TO BE CONDUCTED BY THE GAMING SERVICE PROVIDER WITH AN APPLICANT FOR A SLOT MACHINE LICENSEE OR A SLOT~~



~~MACHINE LICENSEE IN ANY CONSECUTIVE 12-MONTH PERIOD.~~

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

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

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

~~(1) THE THE PERSON OR FIELD OF COMMERCE IS REGULATED BY
AN AGENCY OF THE FEDERAL GOVERNMENT OR AN AGENCY OF THE
COMMONWEALTH.; OR~~

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

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

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

~~(2) COOPERATE WITH THE BOARD IN INVESTIGATIONS, HEARINGS
AND ENFORCEMENT AND DISCIPLINARY ACTIONS.~~

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

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

~~(D) REQUIREMENT FOR PERMIT. THE BOARD MAY REQUIRE EMPLOYEES
OF A GAMING SERVICE PROVIDER TO OBTAIN A PERMIT OR OTHER~~

~~AUTHORIZATION IF, AFTER AN ANALYSIS OF DUTIES, RESPONSIBILITIES
AND FUNCTIONS, THE BOARD DETERMINES THAT A PERMIT OR OTHER
AUTHORIZATION IS NECESSARY TO PROTECT THE INTEGRITY OF GAMING.~~

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

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

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

~~(3) THE GAMING SERVICE PROVIDER APPLICANT AGREES IN
WRITING THAT THE GRANT OF INTERIM AUTHORIZATION TO CONDUCT
BUSINESS PRIOR TO BOARD APPROVAL OF ITS APPLICATION DOES NOT
CREATE A RIGHT TO CONTINUE TO ENGAGE IN BUSINESS IF THE BOARD
DETERMINES THAT THE APPLICANT IS NOT SUITABLE AND INTERIM
AUTHORIZATION IS NOT IN THE PUBLIC INTEREST.~~

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

~~(G) PROVIDER GAMING SERVICE PROVIDER LISTS. THE BOARD~~



1 ~~SHALL:~~

2 ~~(1) DEVELOP AND MAINTAIN A LIST OF APPROVED GAMING~~
3 ~~SERVICE PROVIDERS AND A LIST OF GAMING SERVICE PROVIDERS WHO~~ ←
4 ~~ARE AUTHORIZED TO PROVIDE GOODS, PROPERTY OR SERVICES UNDER A~~
5 ~~GRANT OF INTERIM AUTHORIZATION PURSUANT TO SUBSECTION (E) (3).~~

6 ~~(2) DEVELOP AND MAINTAIN A LIST OF PROHIBITED GAMING~~
7 ~~SERVICE PROVIDERS. AN APPLICANT FOR A SLOT MACHINE LICENSE OR~~
8 ~~A SLOT MACHINE LICENSEE MAY NOT ENTER INTO AN AGREEMENT OR~~
9 ~~CONTINUE TO ENGAGE IN BUSINESS WITH A GAMING SERVICE PROVIDER~~ ←
10 ~~LISTED ON THE PROHIBITED GAMING SERVICE PROVIDER LIST.~~

11 ~~(H) EMERGENCY AUTHORIZATION. A SLOT MACHINE LICENSEE MAY~~
12 ~~UTILIZE A GAMING SERVICE PROVIDER THAT HAS NOT BEEN APPROVED BY~~
13 ~~THE BOARD WHEN A THREAT TO PUBLIC HEALTH, WELFARE OR SAFETY~~
14 ~~EXISTS OR CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SLOT MACHINE~~
15 ~~LICENSEE REQUIRE IMMEDIATE ACTION TO PROTECT THE PUBLIC~~
16 ~~INTEREST. THE BOARD SHALL PROMULGATE REGULATIONS TO GOVERN THE~~
17 ~~USE OF GAMING SERVICE PROVIDERS UNDER EMERGENCY CIRCUMSTANCES.~~

18 ~~(I) CRIMINAL HISTORY RECORD INFORMATION. IF THE~~
19 ~~CLASSIFICATION SYSTEM DEVELOPED BY THE BOARD IN ACCORDANCE WITH~~
20 ~~SUBSECTION (A) REQUIRES A GAMING SERVICE PROVIDER OR AN EMPLOYEE~~
21 ~~OF A GAMING SERVICE PROVIDER TO SUBMIT TO OR PROVIDE THE BUREAU~~
22 ~~WITH A CRIMINAL HISTORY RECORD CHECK UNDER 18 PA.C.S. CH. 91~~
23 ~~(RELATING TO CRIMINAL HISTORY RECORD INFORMATION), THE BUREAU~~
24 ~~SHALL NOTIFY THE SLOT MACHINE LICENSEE THAT SUBMITTED AND~~
25 ~~VERIFIED THE APPLICATION OF A PERSON IF THE PERSON'S APPLICATION~~ ←
26 ~~HAS BEEN DENIED OR THE PERSON'S APPROVAL OR AUTHORIZATION TO~~ ←
27 ~~PROVIDE GOODS, PROPERTY OR SERVICES HAS BEEN REVOKED OR~~
28 ~~SUSPENDED, INCLUDING THE REASON FOR THE ACTION TAKEN.~~

29 ~~SECTION 10.7. SECTIONS 1318(C) AND 1319 OF TITLE 4 ARE~~
30 ~~AMENDED TO READ:~~

~~§ 1318. OCCUPATION PERMIT APPLICATION.~~

~~* * *~~

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

~~§ 1319. ALTERNATIVE MANUFACTURER LICENSING STANDARDS.~~

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

~~(B) ABBREVIATED PROCESS. IN THE EVENT AN APPLICANT FOR A [SLOT MACHINE] MANUFACTURER LICENSE IS LICENSED IN ANOTHER JURISDICTION, THE BOARD MAY DETERMINE TO USE AN ALTERNATE PROCESS REQUIRING ONLY THAT INFORMATION DETERMINED BY THE BOARD TO BE NECESSARY TO CONSIDER THE ISSUANCE OF A LICENSE, INCLUDING FINANCIAL VIABILITY OF THE LICENSEE, TO SUCH AN APPLICANT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO WAIVE ANY FEES ASSOCIATED WITH OBTAINING A LICENSE THROUGH THE NORMAL APPLICATION PROCESS.~~

1 ~~SECTION 10.8. TITLE 4 IS AMENDED BY ADDING A SECTION TO~~
2 ~~READ:~~

3 ~~§ 1319.1. ALTERNATIVE SUPPLIER LICENSING STANDARDS.~~

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

18 ~~(B) ABBREVIATED PROCESS. IN THE EVENT AN APPLICANT FOR A~~
19 ~~SUPPLIER LICENSE IS LICENSED IN ANOTHER JURISDICTION, THE BOARD~~
20 ~~MAY DETERMINE TO USE AN ALTERNATE PROCESS REQUIRING ONLY THE~~
21 ~~INFORMATION DETERMINED BY THE BOARD TO BE NECESSARY TO CONSIDER~~
22 ~~THE ISSUANCE OF A LICENSE, INCLUDING FINANCIAL VIABILITY OF THE~~
23 ~~LICENSEE TO THE APPLICANT. NOTHING IN THIS SECTION SHALL BE~~
24 ~~CONSTRUED TO WAIVE ANY FEES ASSOCIATED WITH OBTAINING A LICENSE~~
25 ~~THROUGH THE NORMAL APPLICATION PROCESS.~~

26 ~~SECTION 10.9. SECTIONS 1321, 1326(A), 1328(A)(1) AND (D) AND~~ ←
27 ~~1329 OF TITLE 4 ARE AMENDED TO READ:~~

28 ~~§ 1321. ADDITIONAL LICENSES AND PERMITS AND APPROVAL OF~~
29 ~~AGREEMENTS.~~

30 ~~(A) REQUIREMENTS. IN ADDITION TO THE REQUIREMENTS FOR A~~

~~LICENSE OR PERMIT SPECIFICALLY SET FORTH IN THIS PART, THE BOARD
MAY REQUIRE A LICENSE [OR], PERMIT OR OTHER AUTHORIZATION, AND
SET A FEE FOR THE SAME, FOR ANY KEY OR GAMING EMPLOYEE OR ANY
PERSON WHO SATISFIES ANY OF THE FOLLOWING CRITERIA:~~

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

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

~~(B) AGREEMENT. ANY AGREEMENT TO CONDUCT BUSINESS WITHIN
THIS COMMONWEALTH BETWEEN A PERSON AND A SLOT MACHINE LICENSEE
RELATING TO SLOT MACHINES, TABLE GAMES, TABLE GAME DEVICES OR
ASSOCIATED EQUIPMENT IS SUBJECT TO THE APPROVAL OF THE BOARD IN
ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE BOARD.
EVERY AGREEMENT SHALL BE IN WRITING AND SHALL INCLUDE A
PROVISION FOR ITS TERMINATION WITHOUT LIABILITY ON THE PART OF
THE SLOT MACHINE LICENSEE UPON A FINDING BY THE BOARD THAT THE
AGREEMENT IS NOT APPROVED OR THAT IT IS TERMINATED. FAILURE TO
EXPRESSLY INCLUDE THIS CONDITION IN THE AGREEMENT IS NOT A
DEFENSE IN ANY ACTION BROUGHT UNDER THIS SECTION RELATING TO THE
TERMINATION OF THE AGREEMENT.~~

~~§ 1326. LICENSE RENEWALS.~~

~~(A) RENEWAL. ALL PERMITS AND LICENSES ISSUED UNDER THIS~~

~~PART UNLESS OTHERWISE PROVIDED SHALL BE SUBJECT TO RENEWAL ON AN ANNUAL BASIS [UPON THE APPLICATION OF THE HOLDER OF THE PERMIT OR LICENSE SUBMITTED TO THE BOARD AT LEAST 60 DAYS PRIOR TO THE EXPIRATION OF THE PERMIT OR LICENSE] FOR THE FIRST TWO YEARS FOLLOWING THE INITIAL ISSUANCE. THEREAFTER, ALL PERMITS AND LICENSES SHALL BE SUBJECT TO RENEWAL EVERY THREE YEARS. NOTHING IN THIS SUBSECTION SHALL RELIEVE A LICENSEE OF THE AFFIRMATIVE DUTY TO NOTIFY THE BOARD OF ANY CHANGES RELATING TO THE STATUS OF ITS LICENSE OR TO ANY OTHER INFORMATION CONTAINED IN APPLICATION MATERIALS ON FILE WITH THE BOARD. THE APPLICATION FOR RENEWAL SHALL BE SUBMITTED AT LEAST 60 DAYS PRIOR TO THE EXPIRATION OF THE PERMIT OR LICENSE AND SHALL INCLUDE AN UPDATE OF THE INFORMATION CONTAINED IN THE INITIAL AND ANY PRIOR RENEWAL APPLICATIONS AND THE PAYMENT OF ANY RENEWAL FEE REQUIRED BY THIS PART. THE AMOUNT OF ANY RENEWAL FEE SHALL BE CALCULATED BY THE BOARD TO REFLECT THE LONGER RENEWAL PERIOD. A PERMIT OR LICENSE FOR WHICH A COMPLETED RENEWAL APPLICATION AND FEE, IF REQUIRED, HAS BEEN RECEIVED BY THE BOARD WILL CONTINUE IN EFFECT UNLESS AND UNTIL THE BOARD SENDS WRITTEN NOTIFICATION TO THE HOLDER OF THE PERMIT OR LICENSE THAT THE BOARD HAS DENIED THE RENEWAL OF SUCH PERMIT OR LICENSE.~~

~~* * *~~

~~§ 1328. CHANGE IN OWNERSHIP OR CONTROL OF SLOT MACHINE LICENSEE.~~

~~(A) NOTIFICATION AND APPROVAL.~~

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

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

3 ~~(II) MORE THAN 5% OF THE SECURITIES OR OTHER~~
4 ~~OWNERSHIP INTERESTS OF A CORPORATION OR OTHER FORM OF~~
5 ~~BUSINESS ENTITY THAT OWNS DIRECTLY OR INDIRECTLY AT LEAST~~
6 ~~20% OF THE VOTING OR OTHER SECURITIES OR OTHER OWNERSHIP~~
7 ~~INTERESTS OF THE LICENSEE.~~

8 ~~(III) THE SALE OTHER THAN IN THE ORDINARY COURSE OF~~
9 ~~BUSINESS OF A LICENSEE'S ASSETS.~~

10 ~~(IV) ANY OTHER TRANSACTION OR OCCURRENCE DEEMED BY~~
11 ~~THE BOARD TO BE RELEVANT TO LICENSE QUALIFICATIONS.~~

12 ~~* * *~~

13 ~~(D) FEE REDUCTION. THE BOARD MAY IN ITS DISCRETION~~ ←
14 ~~ELIMINATE THE NEED FOR QUALIFICATION AND/OR PROPORTIONATELY~~
15 ~~REDUCE, BUT NOT ELIMINATE, THE NEW LICENSE FEE OTHERWISE~~
16 ~~REQUIRED PURSUANT TO THIS SECTION IN CONNECTION WITH A CHANGE OF~~
17 ~~CONTROL OF A LICENSEE, DEPENDING UPON THE TYPE OF TRANSACTION,~~
18 ~~THE RELEVANT OWNERSHIP INTERESTS AND CHANGES THERETO RESULTING~~
19 ~~FROM THE TRANSACTION AND OTHER CONSIDERATIONS DEEMED RELEVANT BY~~
20 ~~THE BOARD. IN NO CASE SHALL THE FEE BE REDUCED BELOW \$10,000,000~~
21 ~~FOR A CATEGORY 1 OR CATEGORY 2 LICENSE OR \$1,000,000 FOR A~~
22 ~~CATEGORY 3 LICENSE.~~

23 ~~* * *~~

24 ~~§ 1329. [NONPORTABILITY] PORTABILITY AND RELOCATION OF SLOT~~
25 ~~MACHINE LICENSE.~~

26 ~~(A) GENERAL RULE. EACH SLOT MACHINE LICENSE SHALL ONLY BE~~
27 ~~VALID FOR THE SPECIFIC PHYSICAL LOCATION WITHIN THE MUNICIPALITY~~
28 ~~AND COUNTY FOR WHICH IT WAS ORIGINALLY GRANTED. [NO]~~

29 ~~(B) PETITION. AN APPLICANT FOR A SLOT MACHINE LICENSE OR A~~
30 ~~SLOT MACHINE LICENSEE MAY PETITION THE BOARD TO RELOCATE THE~~

~~APPROVED PHYSICAL LOCATION OF A LICENSED FACILITY. IN EVALUATING
A PETITION TO RELOCATE, THE BOARD SHALL CONSIDER THE FOLLOWING
FACTORS:~~

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

~~(2) A COMPARATIVE ANALYSIS, SUBMITTED BY THE PETITIONER,
DETAILING ESTIMATED GROSS TERMINAL REVENUES AT THE NEW
PROPOSED LOCATION WITH ESTIMATED GROSS TERMINAL REVENUES AT
THE ORIGINAL APPROVED PHYSICAL LOCATION.~~

~~(3) A COMPARATIVE ANALYSIS, SUBMITTED BY THE PETITIONER,
DETAILING THE ECONOMIC IMPACT OF THE LICENSED FACILITY AT THE
NEW PROPOSED LOCATION WITH THE ESTIMATED ECONOMIC IMPACT AT
THE ORIGINAL APPROVED PHYSICAL LOCATION. THE COMPARATIVE
ANALYSIS SHALL INCLUDE THE TOTAL COST OF THE PROJECT AND
PROJECTED DIRECT AND INDIRECT EMPLOYMENT FIGURES.~~

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

~~(5) COMMUNITY SUPPORT OR OPPOSITION.~~

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

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

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

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

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



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

~~(D) PUBLIC INPUT HEARING. THE BOARD SHALL HOLD AT LEAST ONE
PUBLIC INPUT HEARING IN THE MUNICIPALITY WHERE THE LICENSED
FACILITY WILL BE LOCATED PRIOR TO APPROVAL OF THE RELOCATION.~~

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

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

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

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

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

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

~~(B) QUALIFICATIONS. THE FOLLOWING SHALL APPLY:~~

~~(1) A TRUSTEE SHALL BE REQUIRED TO QUALIFY AS A
PRINCIPAL AND OBTAIN A PRINCIPAL LICENSE PURSUANT TO THIS
PART. THE BOARD MAY APPOINT A TRUSTEE AND AWARD THE TRUSTEE A
TEMPORARY PRINCIPAL LICENSE AS PRESCRIBED IN BOARD
REGULATIONS.~~

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

~~(3) A TRUSTEE SHALL BE A RESIDENT OF THIS COMMONWEALTH.
(C) POWERS. A TRUSTEE APPOINTED UNDER THIS SECTION SHALL
EXERCISE ONLY THOSE POWERS AND PERFORM THOSE DUTIES EXPRESSLY
CONFERRED UPON THE TRUSTEE BY THE BOARD. THE BOARD'S ORDER
APPOINTING THE TRUSTEE SHALL SET FORTH THE POWERS, DUTIES AND
RESPONSIBILITIES OF THE TRUSTEES WHICH MAY INCLUDE:~~

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

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

~~(I) ENTERING INTO CONTRACTS.~~

~~(II) BORROWING MONEY.~~

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

~~(IV) HIRING, FIRING AND DISCIPLINING EMPLOYEES.~~

1 ~~(3) EXERCISING THE RIGHTS AND OBLIGATIONS OF THE FORMER~~
2 ~~OR SUSPENDED LICENSEE.~~

3 ~~(4) TAKING POSSESSION OF ALL OF THE PROPERTY OF THE SLOT~~
4 ~~MACHINE LICENSEE, INCLUDING ITS BOOKS, RECORDS AND PAPERS.~~

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

10 ~~(6) MEETING WITH THE FORMER OR SUSPENDED LICENSEE.~~

11 ~~(7) MEETING WITH PRINCIPALS AND KEY EMPLOYEES AT THE~~
12 ~~LICENSED FACILITY.~~

13 ~~(8) MEETING WITH THE INDEPENDENT AUDIT COMMITTEE.~~

14 ~~(9) MEETING WITH THE BOARD'S EXECUTIVE DIRECTOR AND~~
15 ~~KEEPING THE BOARD'S EXECUTIVE DIRECTOR APPRISED OF ACTIONS~~
16 ~~TAKEN AND THE TRUSTEE'S PLANS AND GOALS FOR THE FUTURE.~~

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

21 ~~(11) SETTLING OR COMPROMISING WITH ANY DEBTOR OR~~
22 ~~CREDITOR OF THE FORMER OR SUSPENDED LICENSEE, INCLUDING ANY~~
23 ~~TAXING AUTHORITY.~~

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

29 ~~(13) OBTAINING BOARD APPROVAL PRIOR TO ANY SALE, CHANGE~~
30 ~~OF OWNERSHIP, CHANGE OF CONTROL, CHANGE OF FINANCIAL STATUS,~~

~~RESTRUCTURING, TRANSFER OF ASSETS OR EXECUTION OF A CONTRACT
OR ANY OTHER ACTION TAKEN OUTSIDE OF THE ORDINARY COURSE OF
BUSINESS.~~

~~(14) OBTAINING BOARD APPROVAL FOR ANY PAYMENTS OUTSIDE
OF THOSE MADE IN THE ORDINARY COURSE OF BUSINESS.~~

~~NOTWITHSTANDING ANY PROVISION CONTAINED IN THIS SUBSECTION TO
THE CONTRARY, THE TRUSTEE SHALL HAVE THE DUTY TO CONSERVE AND
PRESERVE THE ASSETS OF THE LICENSED GAMING ENTITY.~~

~~(D) COMPENSATION. THE BOARD SHALL ESTABLISH THE
COMPENSATION OF A TRUSTEE AND SHALL REVIEW AND APPROVE ACTUAL
AND REASONABLE COSTS AND EXPENSES OF THE TRUSTEE, LEGAL COUNSEL,
ACCOUNTANTS OR OTHER CONSULTANTS OR ASSISTANTS HIRED BY THE
TRUSTEE AND OTHER PERSONS THE BOARD MAY APPOINT IN CONNECTION
WITH THE TRUSTEESHIP ACTION. THE COMPENSATION, COSTS AND
EXPENSES SHALL BE PAID BY THE FORMER OR SUSPENDED LICENSEE.
TOTAL COMPENSATION FOR THE TRUSTEE AND ALL INDIVIDUALS HIRED OR
RETAINED BY THE TRUSTEE UNDER SUBSECTION (C) (10) SHALL NOT
EXCEED \$600 PER HOUR IN THE AGGREGATE, EXCEPT THAT THE BOARD,
UPON A FINDING THAT UNANTICIPATED CIRCUMSTANCES EXIST, MAY
ADJUST THE AGGREGATE HOURLY RATE OF COMPENSATION.~~

~~(E) REPORTS. A TRUSTEE SHALL FILE REPORTS WITH REGARD TO
THE ADMINISTRATION OF THE TRUSTEESHIP WITH THE BOARD IN THE FORM
AND AT INTERVALS AS THE BOARD ORDERS. THE BOARD MAY DIRECT THAT
COPIES OR PORTIONS OF THE TRUSTEE'S REPORTS BE MAILED TO
CREDITORS OR OTHER PARTIES IN INTEREST AND MAKE SUMMARIES OF THE
REPORTS AVAILABLE TO THE PUBLIC AND SHALL POST THEM ON THE
BOARD'S INTERNET WEBSITE.~~

~~(F) REVIEW OF ACTIONS. A CREDITOR OR PARTY IN INTEREST
AGGRIEVED BY ANY ALLEGED BREACH OF A DELEGATED POWER OR DUTY OF
A TRUSTEE IN THE DISCHARGE OF THE TRUSTEE'S DUTIES MAY REQUEST A~~

~~REVIEW OF THE TRUSTEE'S ACTION OR INACTION BY FILING A PETITION
IN ACCORDANCE WITH BOARD REGULATIONS. THE PETITION MUST SET
FORTH IN DETAIL THE PERTINENT FACTS AND THE REASONS WHY THE
FACTS CONSTITUTE THE ALLEGED BREACH. THE BOARD WILL REVIEW ANY
PETITION FILED UNDER THIS SECTION AND TAKE WHATEVER ACTION, IF
ANY, IT DEEMS APPROPRIATE.~~

~~(G) EFFECT OF THE TRUSTEESHIP. AFTER ISSUANCE OF AN ORDER
TO APPOINT A TRUSTEE, THE FORMER OR SUSPENDED PRINCIPAL OR SLOT
MACHINE LICENSEE MAY NOT EXERCISE ANY OF ITS PRIVILEGES, COLLECT
OR RECEIVE ANY DEBTS AND PAY OUT, SELL, ASSIGN OR TRANSFER ANY
OF ITS PROPERTY TO ANYONE WITHOUT PRIOR APPROVAL OF THE
APPOINTED TRUSTEE AND THE BOARD.~~

~~(H) DISPOSITION OF NET INCOME. DURING THE PERIOD OF
TRUSTEESHIP, NET INCOME SHALL BE DEPOSITED IN AN ESCROW ACCOUNT
MAINTAINED FOR THAT PURPOSE. PAYMENT OF NET INCOME DURING THE
PERIOD OF TRUSTEESHIP MAY NOT BE MADE BY THE TRUSTEE WITHOUT THE
PRIOR APPROVAL OF THE BOARD. A SUSPENDED OR FORMER PRINCIPAL OR
SLOT MACHINE LICENSEE MAY REQUEST DISTRIBUTION OF ALL OR A
PORTION OF THE NET INCOME DURING THE PERIOD OF TRUSTEESHIP BY
FILING A PETITION IN ACCORDANCE WITH BOARD REGULATION. THE
SUSPENDED OR FORMER PRINCIPAL OR SLOT MACHINE LICENSEE SHALL
HAVE THE BURDEN OF DEMONSTRATING GOOD CAUSE FOR THE DISTRIBUTION
OF THE NET INCOME REQUESTED.~~

~~(I) DISCONTINUATION. THE BOARD MAY ISSUE AN ORDER TO
DISCONTINUE A TRUSTEESHIP WHEN:~~

~~(1) THE BOARD DETERMINES THAT THE CAUSE FOR WHICH THE
TRUSTEE WAS APPOINTED NO LONGER EXISTS.~~

~~(2) THE TRUSTEE HAS, WITH THE PRIOR APPROVAL OF THE
BOARD, CONSUMMATED THE SALE, ASSIGNMENT, CONVEYANCE OR OTHER
DISPOSITION OF ALL THE PROPERTY OR INTEREST OF THE FORMER~~

~~PRINCIPAL OR SLOT MACHINE LICENSEE RELATING TO THE SLOT
MACHINE LICENSE.~~

~~(J) LIST OF APPROVED TRUSTEES. THE BOARD SHALL PROMULGATE
REGULATIONS TO ESTABLISH A LIST OF PERSONS APPROVED BY THE BOARD
AND QUALIFIED TO SERVE AS A TRUSTEE. AT A MINIMUM, THE
REGULATIONS SHALL PROVIDE FOR THE FOLLOWING:~~

~~(1) THE MINIMUM QUALIFICATIONS A PERSON MUST POSSESS TO
BE APPROVED AS A TRUSTEE, WHICH SHALL INCLUDE QUALIFICATION
AS A PRINCIPAL PURSUANT TO THIS PART AND POSSESSION OF A
PRINCIPAL LICENSE.~~

~~(2) THE PROCEDURE FOR PLACEMENT ON OR REMOVAL FROM THE
APPROVED TRUSTEE LIST.~~

~~(3) ANY OTHER INFORMATION THE BOARD DEEMS NECESSARY TO
CARRY OUT THE INTENT OF THIS SECTION.~~

~~SECTION 11.1. TITLE 4 IS AMENDED BY ADDING A CHAPTER TO
READ:~~

~~CHAPTER 13A~~

~~TABLE GAMES~~

~~SUBCHAPTER~~

~~A. GENERAL PROVISIONS~~

~~B. TABLE GAMES AUTHORIZED~~

~~C. TABLE GAME OPERATIONS~~

~~D. (RESERVED)~~

~~E. TABLE GAME TESTING AND CERTIFICATION~~

~~F. (RESERVED)~~

~~G. TABLE GAME TAXES AND FEES~~

~~SUBCHAPTER A~~

~~GENERAL PROVISIONS~~

~~SEC.~~

~~1301A. (RESERVED).~~

~~1302A. REGULATORY AUTHORITY.~~

~~1303A. TEMPORARY TABLE GAME REGULATIONS.~~

~~1304A. COMMONWEALTH RESIDENT EMPLOYMENT GOALS.~~

~~§ 1301A. (RESERVED).~~

~~§ 1302A. REGULATORY AUTHORITY.~~

~~THE BOARD SHALL PROMULGATE REGULATIONS:~~

~~(1) ESTABLISHING STANDARDS AND RULES FOR TABLE GAMES,~~

~~TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT, INCLUDING~~

~~STANDARDS DISTINGUISHING ELECTRONIC AND NONELECTRONIC TABLE~~

~~GAMES. THE STANDARDS SHALL PROVIDE FOR ANY NEW TABLE GAMES~~

~~AND VARIATIONS OR COMPOSITES OF APPROVED TABLE GAMES,~~

~~PROVIDED THE PENNSYLVANIA GAMING CONTROL BOARD DETERMINES THE~~

~~NEW TABLE GAME, OR ANY VARIATIONS OR COMPOSITES OR OTHER~~

~~APPROVED TABLE GAMES ARE SUITABLE FOR USE AFTER A TEST OR~~

~~EXPERIMENTAL PERIOD UNDER THE TERMS AND CONDITIONS AS THE~~

~~PENNSYLVANIA GAMING CONTROL BOARD MAY DEEM APPROPRIATE.~~

~~(2) ESTABLISHING STANDARDS TO GOVERN THE CONDUCT OF~~

~~TABLE GAMES AND THE SYSTEM OF WAGERING ASSOCIATED WITH TABLE~~

~~GAMES, INCLUDING THE MAINTENANCE OF FINANCIAL BOOKS, RECORDS~~

~~AND AUDITS.~~

~~(2.1) ESTABLISHING STANDARDS FOR THE DAILY OBSERVATION~~

~~OF CERTIFICATE HOLDER COUNTING AND RECORDATION PROCESSES FOR~~

~~CASH, CASH EQUIVALENTS AND OTHER REPRESENTATIONS OF VALUE~~

~~RECEIVED IN THE CONDUCT OF TABLE GAMES.~~

~~(3) ESTABLISHING PATRON NOTICE REQUIREMENTS PERTAINING~~

~~TO MINIMUM AND MAXIMUM WAGERS ON TABLE GAMES. MINIMUM AND~~

~~MAXIMUM WAGERS MAY BE ADJUSTED FROM TIME TO TIME BY THE~~

~~CERTIFICATE HOLDER IN THE NORMAL COURSE OF CONDUCTING TABLE~~

~~GAMES, EXCEPT THAT CHANGES IN MINIMUM WAGERS AT ANY GIVEN~~

~~TABLE SHALL NOT APPLY TO PERSONS ALREADY ENGAGED IN WAGERING~~

~~AT THAT TABLE GAME WHEN THE MINIMUM WAGER IS CHANGED, UNLESS
30 MINUTES' NOTICE IS PROVIDED TO EACH PLAYER AT THAT TABLE
GAME.~~

~~(4) REQUIRING EACH CERTIFICATE HOLDER TO:~~

~~(I) PROVIDE WRITTEN INFORMATION AT EACH OPERATIONAL
GAMING TABLE ABOUT TABLE GAME RULES, PAYOFFS OR WINNING
WAGERS AND OTHER INFORMATION TO EACH PLAYER AS THE BOARD
MAY REQUIRE.~~

~~(II) PROVIDE SPECIFICATIONS APPROVED BY THE BOARD
UNDER SECTION 1207(11) (RELATING TO REGULATORY AUTHORITY
OF BOARD) TO INTEGRATE AND UPDATE THE LICENSED FACILITY'S
SURVEILLANCE SYSTEM TO COVER ALL AREAS WHERE TABLE GAMES
ARE CONDUCTED. THE SPECIFICATIONS SHALL INCLUDE
PROVISIONS PROVIDING THE BOARD AND OTHER PERSONS
AUTHORIZED BY THE BOARD WITH ONSITE ACCESS TO THE SYSTEM
OR ITS SIGNAL.~~

~~(III) DESIGNATE ONE OR MORE LOCATIONS WITHIN THE
LICENSED FACILITY TO CONDUCT TABLE GAMES.~~

~~(IV) ENSURE THAT VISIBILITY IN A LICENSED FACILITY
IS NOT OBSTRUCTED IN ANY WAY THAT COULD INTERFERE WITH
THE ABILITY OF THE CERTIFICATE HOLDER, THE BOARD AND
OTHER PERSONS AUTHORIZED BY THE BOARD TO OVERSEE THE
CONDUCT OF TABLE GAMES.~~

~~(V) INTEGRATE THE LICENSED FACILITY'S COUNT ROOM FOR
SLOT MACHINE AND TABLE GAME OPERATIONS TO ENSURE MAXIMUM
SECURITY OF THE COUNTING AND STORAGE OF CASH, CASH
EQUIVALENTS AND OTHER REPRESENTATIONS OF VALUE USED IN
THE CONDUCT AND OPERATION OF TABLE GAMES AS APPROVED BY
THE BOARD.~~

~~(VI) EQUIP EACH GAMING TABLE WITH A SIGN INDICATING~~

~~THE PERMISSIBLE MINIMUM AND MAXIMUM WAGERS AT THE GAMING
TABLE.~~

~~(VII) ADOPT POLICIES OR PROCEDURES TO PROHIBIT ANY
TABLE GAME DEVICE, EQUIPMENT OR SUPPLIES FROM BEING
POSSESSED, MAINTAINED OR EXHIBITED BY ANY PERSON ON THE
PREMISES OF A LICENSED FACILITY EXCEPT IN THE AREAS OF A
LICENSED FACILITY WHERE THE CONDUCT OF TABLE GAMES IS
AUTHORIZED OR IN A RESTRICTED AREA DESIGNATED TO BE USED
FOR THE INSPECTION, SERVICE, REPAIR OR STORAGE OF THE
TABLE GAMES, TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT
OR SUPPLIES BY THE CERTIFICATE HOLDER.~~

~~(VIII) EQUIP ALL DROP BOXES IN WHICH CASH, CASH
EQUIVALENTS, FILL SLIPS, CREDIT SLIPS, INVENTORY SLIPS OR
OTHER REPRESENTATIONS OF VALUE ARE DEPOSITED AT THE
GAMING TABLES, AND ALL AREAS WHERE DROP BOXES ARE KEPT
WHILE IN USE, WITH TWO LOCKING DEVICES OR KEYS, OF WHICH
ONE LOCKING DEVICE OR KEY SHALL BE UNDER THE EXCLUSIVE
CONTROL OF THE BOARD, AND THE SECOND LOCKING DEVICE OR
KEY SHALL BE UNDER THE EXCLUSIVE CONTROL OF THE
CERTIFICATE HOLDER. THE DROP BOXES SHALL BE BROUGHT INTO
OR REMOVED FROM AN AREA WHERE TABLE GAMES ARE CONDUCTED
OR LOCKED OR UNLOCKED IN ACCORDANCE WITH PROCEDURES
ESTABLISHED BY THE BOARD.~~

~~(IX) DESIGNATE SECURE LOCATIONS FOR THE INSPECTION
AND STORAGE OF DICE, CARDS, TILES, DOMINOES, CHIPS AND
OTHER REPRESENTATIONS OF VALUE USED IN THE CONDUCT OF
TABLE GAMES AS MAY BE APPROVED BY THE BOARD.~~

~~(5) ESTABLISHING THE SIZE AND UNIFORM COLOR BY
DENOMINATION OF ALL CHIPS USED IN THE CONDUCT OF TABLE GAMES
AND A POLICY FOR THE USE OF PROMOTIONAL OR COMMEMORATIVE~~

1 ~~CHIPS. ALL TYPES OF CHIPS SHALL BE APPROVED BY THE BOARD~~
2 ~~PRIOR TO BEING USED FOR PLAY AT A TABLE GAME AT A LICENSED~~
3 ~~FACILITY.~~

4 ~~(5.1) ESTABLISHING THE PROCEDURE TO BE USED BY A~~
5 ~~CERTIFICATE HOLDER TO DETERMINE AND EXTRACT A RAKE FOR THE~~
6 ~~PURPOSES OF DERIVING GROSS TABLE GAME REVENUE. THE RAKE MAY~~
7 ~~BE CALCULATED AS A PERCENTAGE OR A FLAT FEE FROM NONBANKING~~
8 ~~TABLE GAMES.~~

9 ~~(6) ESTABLISHING MINIMUM STANDARDS RELATING TO THE~~
10 ~~ACCEPTANCE OF TIPS OR GRATUITIES BY DEALERS AND CROUPIERS AT~~
11 ~~A TABLE GAME, INCLUDING THE REQUIREMENT THAT TIPS OR~~
12 ~~GRATUITIES BE PLACED IN A COMMON POOL FOR COMPLETE~~
13 ~~DISTRIBUTION PRO RATA AMONG ALL DEALERS AND CROUPIERS.~~
14 ~~NOTHING IN THIS PARAGRAPH SHALL PROHIBIT A CERTIFICATE HOLDER~~
15 ~~FROM ADOPTING A FORMAL POLICY RELATING TO ACCEPTANCE OF TIPS~~
16 ~~AND GRATUITIES, PROVIDED THAT THE POLICY MEETS THE MINIMUM~~
17 ~~STANDARD ESTABLISHED BY THE BOARD UNDER THIS PARAGRAPH.~~

18 ~~(7) ESTABLISHING THE MINIMAL PROFICIENCY REQUIREMENTS~~
19 ~~FOR INDIVIDUALS TO SUCCESSFULLY COMPLETE A COURSE OF TRAINING~~
20 ~~AT AN APPROVED SCHOOL UNDER CHAPTER 17 (RELATING TO GAMING~~
21 ~~SCHOOLS). THE REGULATIONS SHALL NOT PROHIBIT A CERTIFICATE~~
22 ~~HOLDER FROM ESTABLISHING A COURSE OF TRAINING FOR ITS TABLE~~
23 ~~GAME EMPLOYEES OR PROHIBIT A CERTIFICATE HOLDER FROM OFFERING~~
24 ~~EMPLOYMENT TO AN INDIVIDUAL WHO HAS NOT ATTENDED OR COMPLETED~~
25 ~~A COURSE OF INSTRUCTION AT A GAMING SCHOOL AND SHALL REQUIRE~~
26 ~~A CERTIFICATE HOLDER THAT ELECTS TO TRAIN ITS EMPLOYEES TO~~
27 ~~SUBMIT A DETAILED SUMMARY OF THE TRAINING PROGRAM TO THE~~
28 ~~BOARD AND TO DEMONSTRATE THE ADEQUACY OF THE TRAINING.~~

29 ~~(8) PERMITTING CERTIFICATE HOLDERS TO REQUEST~~
30 ~~AUTHORIZATION TO CONDUCT, AND TO CONDUCT, TEMPORARY TABLE~~

~~GAME TOURNAMENTS OR OTHER TEMPORARY TABLE GAME CONTESTS IN WHICH PLAYERS COMPETE AGAINST ONE ANOTHER FOR CASH OR PRIZES AND ESTABLISHING THE PRACTICES AND PROCEDURES GOVERNING THE CONDUCT OF THE TOURNAMENTS OR CONTESTS. THE NUMBER OF APPROVED TEMPORARY TOURNAMENT OR CONTEST TABLE GAMES SHALL NOT BE COUNTED TOWARD THE MAXIMUM NUMBER OF TABLE GAMES AUTHORIZED BY THE CERTIFICATE HOLDER'S TABLE GAME OPERATION CERTIFICATE.~~

~~(9) DESIGNATING AN EMPLOYEE TO APPROVE OR DENY A CERTIFICATE HOLDER'S REQUEST TO DECREASE THE NUMBER OF SLOT MACHINES IN ITS LICENSED FACILITY IF THE SLOT MACHINE LICENSEE SEEKS TO REDUCE THE NUMBER OF SLOT MACHINES BY LESS THAN 2%. DESIGNATED APPROVAL FOR REDUCTION OF SLOT MACHINES SHALL NOT EXCEED 2% IN TOTAL REGARDLESS OF THE NUMBER OF REQUESTS A SLOT MACHINE LICENSEE SUBMITS FOR APPROVAL.~~

~~§ 1303A. TEMPORARY TABLE GAME REGULATIONS.~~

~~(A) PROMULGATION. IN ORDER TO FACILITATE THE PROMPT IMPLEMENTATION OF THIS CHAPTER, REGULATIONS PROMULGATED BY THE BOARD SHALL BE DEEMED TEMPORARY REGULATIONS WHICH SHALL EXPIRE NOT LATER THAN TWO YEARS FOLLOWING THE PUBLICATION OF THE TEMPORARY REGULATION. THE BOARD MAY PROMULGATE TEMPORARY REGULATIONS NOT SUBJECT TO:~~

~~(1) SECTIONS 201, 202 AND 203 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW.~~

~~(2) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW ACT.~~

~~(3) SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT.~~

~~(B) EXPIRATION. THE BOARD'S AUTHORITY TO ADOPT TEMPORARY REGULATIONS IN SUBSECTION (A) SHALL EXPIRE TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION. REGULATIONS ADOPTED AFTER THIS PERIOD SHALL BE PROMULGATED AS PROVIDED BY LAW.~~

~~(C) TEMPORARY REGULATIONS. THE BOARD SHALL BEGIN PUBLISHING TEMPORARY REGULATIONS GOVERNING TABLE GAME RULES, LICENSING OF MANUFACTURERS AND SUPPLIERS AND SURVEILLANCE STANDARDS IN THE PENNSYLVANIA BULLETIN NO LATER THAN FEBRUARY 1, 2010.~~

~~§ 1304A. COMMONWEALTH RESIDENT EMPLOYMENT GOALS.~~

~~(A) EMPLOYMENT OPPORTUNITIES. IT IS THE GOAL OF THE GENERAL ASSEMBLY THAT THE BOARD PROMOTE AND ENSURE THE AVAILABILITY OF EMPLOYMENT OPPORTUNITIES FOR COMMONWEALTH RESIDENTS IN OPERATIONS RELATED TO OR ASSOCIATED WITH TABLE GAME OPERATIONS AS AUTHORIZED IN THIS CHAPTER. THE BOARD SHALL WORK WITH EACH CERTIFICATE HOLDER TO ENSURE THE REPRESENTATION OF COMMONWEALTH RESIDENTS EMPLOYED BY A CERTIFICATE HOLDER'S TABLE GAMES OPERATION. IT IS THE GOAL OF THE COMMONWEALTH THAT COMMONWEALTH RESIDENTS COMPRISE AT LEAST 85% OF EACH CERTIFICATE HOLDER'S EMPLOYEES RELATED TO OR ASSOCIATED WITH TABLE GAMES BY THE END OF THE THIRD YEAR FOLLOWING COMMENCEMENT OF THE CONDUCT OF TABLE GAMES AT EACH CERTIFICATE HOLDER'S LICENSED FACILITY.~~

~~(B) STUDY. THE BOARD SHALL CONDUCT AN ANNUAL STUDY TO ASCERTAIN WHETHER EACH CERTIFICATE HOLDER HAS TAKEN EFFECTIVE AND MEANINGFUL ACTION TO ENHANCE THE NUMBER OF COMMONWEALTH RESIDENTS EMPLOYED IN POSITIONS RELATED TO OR ASSOCIATED WITH TABLE GAMES AT LICENSED FACILITIES. THE FIRST STUDY SHALL BE COMPLETED ONE YEAR FOLLOWING THE ISSUANCE OF THE FIRST TABLE GAME OPERATION CERTIFICATE. EACH ANNUAL STUDY SHALL CONTAIN RECOMMENDATIONS WHICH THE BOARD DETERMINES APPROPRIATE. THE STUDY SHALL BE SUBMITTED TO THE CHAIRMAN AND MINORITY CHAIRMAN~~

~~OF THE STANDING COMMITTEES OF THE SENATE AND OF THE HOUSE OF
REPRESENTATIVES WITH JURISDICTION OVER THIS PART.~~

~~SUBCHAPTER B~~

~~TABLE GAMES AUTHORIZED~~

~~SEC.~~

~~1311A. AUTHORIZATION TO CONDUCT TABLE GAMES.~~

~~1312A. PETITION REQUIREMENTS.~~

~~1313A. PROHIBITIONS.~~

~~1314A. TABLE GAME AUTHORIZATION HEARING PROCESS; PUBLIC INPUT
HEARINGS.~~

~~1315A. STANDARD FOR REVIEW OF PETITIONS.~~

~~1316A. TIMING INITIAL TABLE GAME AUTHORIZATIONS.~~

~~§ 1311A. AUTHORIZATION TO CONDUCT TABLE GAMES.~~

~~(A) AUTHORIZATION TO CONDUCT. NOTWITHSTANDING ANY OTHER
PROVISION OF LAW TO THE CONTRARY, THE BOARD MAY AUTHORIZE A SLOT
MACHINE LICENSEE TO CONDUCT TABLE GAMES, THE CONDUCT OF CONTESTS
OR TOURNAMENTS INVOLVING TABLE GAMES AND THE SYSTEM OF WAGERING
ASSOCIATED WITH THE CONDUCT OF TABLE GAMES AT THE SLOT MACHINE
LICENSEE'S LICENSED FACILITY. AUTHORIZATION TO CONDUCT TABLE
GAMES SHALL BE CONTINGENT UPON THE SLOT MACHINE LICENSEE'S
AGREEMENT TO ENSURE THE CONDUCT OF GAMING IN ACCORDANCE WITH
THIS PART AND ANY OTHER CONDITIONS ESTABLISHED BY THE BOARD.
NOTHING IN THIS PART SHALL BE CONSTRUED TO CREATE A SEPARATE
LICENSE GOVERNING THE CONDUCT OF TABLE GAMES BY LICENSED
ENTITIES WITHIN THIS COMMONWEALTH.~~

~~(B) NUMBER OF AUTHORIZED TABLE GAMES.~~

~~(1) EACH CATEGORY 1 AND CATEGORY 2 SLOT MACHINE LICENSEE
AWARDED A TABLE GAME OPERATION CERTIFICATE MAY BE AUTHORIZED
BY THE BOARD TO OPERATE UP TO 200 TABLE GAMES AT ANY ONE TIME
AT THE CATEGORY 1 OR CATEGORY 2 LICENSED FACILITY.~~

~~(2) EACH CATEGORY 3 SLOT MACHINE LICENSEE AWARDED A
TABLE GAME OPERATION CERTIFICATE MAY BE AUTHORIZED BY THE
BOARD TO OPERATE UP TO 75 TABLE GAMES AT ANY ONE TIME AT THE
CATEGORY 3 LICENSED FACILITY.~~

~~(C) ADDITIONAL AUTHORIZATION. NOTWITHSTANDING SUBSECTION
(B), A SLOT MACHINE LICENSEE AWARDED A TABLE GAME OPERATION
CERTIFICATE MAY, WITH BOARD APPROVAL, EXCEED THE TOTAL NUMBER OF
TABLE GAMES AUTHORIZED IN THE TABLE GAME OPERATION CERTIFICATE
TO CONDUCT CONTESTS OR TOURNAMENTS AT LOCATIONS AT THE LICENSED
FACILITY AS DETERMINED PURSUANT TO SECTION 1321A (RELATING TO
AUTHORIZED LOCATIONS FOR OPERATION).~~

~~§ 1312A. PETITION REQUIREMENTS.~~

~~(A) GENERAL RULE. A SLOT MACHINE LICENSEE MAY SEEK APPROVAL
TO CONDUCT TABLE GAMES BY FILING A PETITION WITH THE BOARD.~~

~~(B) PETITION CONTENTS. A PETITION SEEKING AUTHORIZATION TO
CONDUCT TABLE GAMES SHALL INCLUDE THE FOLLOWING:~~

~~(1) THE NAME, BUSINESS ADDRESS AND CONTACT INFORMATION
OF THE PETITIONER.~~

~~(2) THE NAME AND BUSINESS ADDRESS, JOB TITLE AND A
PHOTOGRAPH OF EACH PRINCIPAL AND KEY EMPLOYEE OF THE
PETITIONER WHO WILL BE INVOLVED IN THE CONDUCT OF TABLE GAMES
AND WHO IS NOT CURRENTLY LICENSED BY THE BOARD.~~

~~(3) AN ITEMIZED LIST OF THE NUMBER AND TYPES OF TABLE
GAMES FOR WHICH AUTHORIZATION IS BEING SOUGHT.~~

~~(4) THE ESTIMATED NUMBER OF FULL-TIME AND PART-TIME
EMPLOYMENT POSITIONS THAT WILL BE CREATED AT THE LICENSED
FACILITY IF TABLE GAMES ARE AUTHORIZED AND AN UPDATED HIRING
PLAN PURSUANT TO SECTION 1510 (RELATING TO LABOR HIRING
PREFERENCES) WHICH OUTLINES THE PETITIONER'S PLAN TO PROMOTE
THE REPRESENTATION OF DIVERSE GROUPS AND COMMONWEALTH~~

1 ~~RESIDENTS IN THE NEW EMPLOYMENT POSITIONS.~~

2 ~~(5) A BRIEF DESCRIPTION OF THE ECONOMIC BENEFITS~~
3 ~~EXPECTED TO BE REALIZED BY THE COMMONWEALTH, ITS~~
4 ~~MUNICIPALITIES AND ITS RESIDENTS IF TABLE GAMES ARE~~
5 ~~AUTHORIZED.~~

6 ~~(6) THE DETAILS OF ANY FINANCING OBTAINED OR THAT WILL~~
7 ~~BE OBTAINED TO FUND AN EXPANSION OR MODIFICATION OF THE~~
8 ~~LICENSED FACILITY TO ACCOMMODATE TABLE GAMES.~~

9 ~~(7) INFORMATION AND DOCUMENTATION CONCERNING FINANCIAL~~
10 ~~BACKGROUND AND RESOURCES, AS THE BOARD MAY REQUIRE, TO~~
11 ~~ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THE FINANCIAL~~
12 ~~STABILITY, INTEGRITY AND RESPONSIBILITY OF THE PETITIONER.~~

13 ~~(8) INFORMATION AND DOCUMENTATION, AS THE BOARD MAY~~
14 ~~REQUIRE, TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT~~
15 ~~THE PETITIONER HAS SUFFICIENT BUSINESS ABILITY AND EXPERIENCE~~
16 ~~TO CREATE AND MAINTAIN A SUCCESSFUL TABLE GAME OPERATION. IN~~
17 ~~MAKING THIS DETERMINATION, THE BOARD MAY CONSIDER THE RESULTS~~
18 ~~OF THE PETITIONER'S SLOT MACHINE OPERATION, INCLUDING~~
19 ~~FINANCIAL INFORMATION, EMPLOYMENT FIGURES AND CAPITAL~~
20 ~~INVESTMENT.~~

21 ~~(9) INFORMATION AND DOCUMENTATION, AS THE BOARD MAY~~
22 ~~REQUIRE, TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT~~
23 ~~THE PETITIONER HAS THE FINANCIAL ABILITY TO PAY THE~~
24 ~~AUTHORIZATION FEE UNDER SECTION 1361A (RELATING TO TABLE GAME~~
25 ~~AUTHORIZATION FEE).~~

26 ~~(10) DETAILED SITE PLANS IDENTIFYING THE PETITIONER'S~~
27 ~~PROPOSED TABLE GAME AREA WITHIN THE LICENSED FACILITY OR ANY~~
28 ~~PROPOSED TEMPORARY FACILITY.~~

29 ~~(11) OTHER INFORMATION AS THE BOARD MAY REQUIRE.~~

30 ~~(C) CONFIDENTIALITY. INFORMATION SUBMITTED TO THE BOARD~~

~~UNDER SUBSECTION (B) (6), (7), (9), (10) AND (11) MAY BE
CONSIDERED CONFIDENTIAL BY THE BOARD IF THE INFORMATION WOULD BE
CONFIDENTIAL UNDER SECTION 1206(F) (RELATING TO BOARD MINUTES
AND RECORDS).~~

~~§ 1313A. PROHIBITIONS.~~

~~(A) SLOT MACHINE LICENSEE. NO SLOT MACHINE LICENSEE THAT IS
REQUIRED AS A CONDITION OF SLOT MACHINE LICENSURE TO MAKE ANNUAL
PAYMENTS TO A MUNICIPALITY OR MUNICIPAL AUTHORITY FOR AN
ECONOMIC DEVELOPMENT PROJECT, INCLUDING ANY PROJECT ENUMERATED
IN THE ACT OF JULY 25, 2007 (P.L.342, NO.53), KNOWN AS
PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND
CAPITAL BUDGET ITEMIZATION ACT OF 2007, MAY SUBMIT A PETITION
UNDER SECTION 1312A (RELATING TO PETITION REQUIREMENTS) UNTIL A
WRITTEN AGREEMENT GOVERNING THE TERMS OF THE PAYMENTS, INCLUDING
THE DATE ON WHICH THE PAYMENTS SHALL BE MADE, THE AMOUNT OF EACH
ANNUAL PAYMENT AND THE DURATION OF THE ANNUAL PAYMENTS, IS
EXECUTED BETWEEN THE SLOT MACHINE LICENSEE AND THE MUNICIPALITY
OR MUNICIPAL AUTHORITY.~~

~~(B) DUTIES OF BOARD. THE BOARD SHALL NOT ACCEPT OR APPROVE
A PETITION SUBMITTED BY ANY SLOT MACHINE LICENSEE SUBJECT TO
THIS SECTION AND PROHIBITED BY SUBSECTION (A) UNTIL SUCH WRITTEN
AGREEMENT IS SUBMITTED BY THE SLOT MACHINE LICENSEE TO THE
BOARD, WHICH SHALL ENSURE THE WRITTEN AGREEMENT MEETS THE
REQUIREMENTS OF THIS SECTION AND ALL CONDITIONS RELATING TO THE
ECONOMIC DEVELOPMENT PROJECT IMPOSED BY THE BOARD WHEN AWARDING
THE SLOT MACHINE LICENSE TO THE LICENSEE ARE SATISFIED AND UNTIL
THE MUNICIPALITY OR MUNICIPAL AUTHORITY CONFIRMS TO THE BOARD IN
WRITING THAT THE SLOT MACHINE LICENSEE HAS MADE THE FIRST
REQUIRED PAYMENT UNDER THE WRITTEN AGREEMENT.~~

~~(C) CONSTRUCTION. NOTHING IN THIS SECTION SHALL BE~~

~~CONSTRUED TO RELIEVE A SLOT MACHINE LICENSEE OF ITS LEGAL
OBLIGATION TO MAKE ANY REQUIRED ANNUAL PAYMENTS REFERENCED UNDER
THIS SECTION IF THE SLOT MACHINE LICENSEE ELECTS NOT TO PETITION
THE BOARD FOR AUTHORIZATION TO CONDUCT TABLE GAMES.~~

~~§ 1314A. TABLE GAME AUTHORIZATION HEARING PROCESS; PUBLIC INPUT
HEARINGS.~~

~~(A) GENERAL RULE. THE BOARD'S CONSIDERATION AND RESOLUTION
OF ALL PETITIONS TO CONDUCT TABLE GAMES SHALL BE CONDUCTED IN
ACCORDANCE WITH 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND
PROCEDURE) OR WITH PROCEDURES ADOPTED BY ORDER OF THE BOARD.
NOTWITHSTANDING THE REQUIREMENTS OF 2 PA.C.S. §§ 504 (RELATING
TO HEARING AND RECORD) AND 505 (RELATING TO EVIDENCE AND CROSS-
EXAMINATION) AS THEY RELATE TO THE CONDUCT OF ORAL HEARINGS, THE
BOARD MAY ADOPT PROCEDURES TO PROVIDE PARTIES BEFORE IT WITH A
DOCUMENTARY HEARING, AND THE BOARD MAY RESOLVE DISPUTED MATERIAL
FACTS WITHOUT CONDUCTING AN ORAL HEARING WHERE CONSTITUTIONALLY
PERMISSIBLE.~~

~~(B) PUBLIC INPUT HEARING REQUIREMENT.~~

~~(1) PRIOR TO GRANTING A PETITION FOR A SLOT MACHINE
LICENSEE TO CONDUCT TABLE GAMES UNDER THIS CHAPTER, THE BOARD
SHALL HOLD AT LEAST ONE PUBLIC INPUT HEARING ON THE MATTER,
IN THE MUNICIPALITY WHERE THE PETITIONER'S LICENSED FACILITY
IS LOCATED.~~

~~(2) A LIST OF ALL WITNESSES SCHEDULED TO TESTIFY AT A
PUBLIC INPUT HEARING SHALL BE POSTED ON THE BOARD'S INTERNET
WEBSITE AT LEAST SEVEN DAYS PRIOR TO THE HEARING. THE LIST
SHALL BE UPDATED AT LEAST THREE DAYS PRIOR TO THE HEARING.
ADDITIONAL WITNESSES SHALL BE POSTED ON THE BOARD'S INTERNET
WEBSITE AS THEY ARE ADDED TO THE LIST.~~

~~§ 1315A. STANDARD FOR REVIEW OF PETITIONS.~~

~~THE BOARD SHALL GRANT A PETITION AND AUTHORIZE THE PETITIONER
TO OPERATE TABLE GAMES IF THE PETITIONER ESTABLISHES, BY CLEAR
AND CONVINCING EVIDENCE, ALL OF THE FOLLOWING:~~

~~(1) THE PETITIONER'S SLOT MACHINE LICENSE IS IN GOOD
STANDING WITH THE BOARD.~~

~~(2) THE PETITIONER CONDUCTING TABLE GAMES WILL HAVE A
POSITIVE ECONOMIC IMPACT ON THE COMMONWEALTH, ITS
MUNICIPALITIES AND RESIDENTS THROUGH INCREASED REVENUES AND
EMPLOYMENT OPPORTUNITIES.~~

~~(3) THE PETITIONER POSSESSES OR HAS SECURED ADEQUATE
FINANCING, IF NECESSARY, TO:~~

~~(I) FUND AN EXPANSION OR MODIFICATION OF THE
PETITIONER'S LICENSED FACILITY TO ACCOMMODATE TABLE
GAMES.~~

~~(II) PAY THE AUTHORIZATION FEE UNDER SECTION 1361A
(RELATING TO TABLE GAME AUTHORIZATION FEE).~~

~~(4) THE PETITIONER HAS THE FINANCIAL STABILITY,
INTEGRITY AND RESPONSIBILITY TO CONDUCT TABLE GAMES.~~

~~(5) THE PETITIONER HAS SUFFICIENT BUSINESS ABILITY AND
EXPERIENCE TO CREATE AND MAINTAIN A SUCCESSFUL TABLE GAME
OPERATION.~~

~~(6) THE PETITIONER'S PROPOSED INTERNAL AND EXTERNAL
SECURITY AND PROPOSED SURVEILLANCE MEASURES WITHIN THE AREA
OF THE LICENSED FACILITY WHERE THE PETITIONER SEEKS TO
CONDUCT TABLE GAMES ARE ADEQUATE.~~

~~(7) THE PETITIONER AGREES TO MAINTAIN THE SAME NUMBER OF
SLOT MACHINES IN OPERATION AUTHORIZED BY THE BOARD ON OCTOBER
1, 2009, AND AGREES NOT TO DECREASE THE NUMBER OF SLOT
MACHINES IN ITS LICENSED FACILITY BY MORE THAN 2% WITHOUT
FORMAL BOARD APPROVAL.~~



~~(8) IF THE PETITIONER IS A CATEGORY 3 SLOT MACHINE
LICENSEE, THE PETITIONER AGREES TO INVEST AT LEAST
\$30,000,000 IN CAPITAL IMPROVEMENTS OVER A FIVE YEAR PERIOD
AT THE LICENSED FACILITY.~~

~~§ 1316A. TIMING INITIAL TABLE GAME AUTHORIZATIONS.~~

~~THE BOARD SHALL APPROVE OR DENY A PETITION FILED UNDER
SECTION 1312A (RELATING TO PETITION REQUIREMENTS) WITHIN 90 DAYS
OF THE EFFECTIVE DATE OF THIS CHAPTER AND NO LATER THAN 60 DAYS
AFTER RECEIPT OF THE FILING.~~

SUBCHAPTER C

CONDUCT OF TABLE GAMES

SEC.

~~1321A. AUTHORIZED LOCATIONS FOR OPERATION.~~

~~1322A. COMMENCEMENT OF TABLE GAME OPERATIONS.~~

~~1323A. TABLE GAME OPERATION CERTIFICATE.~~

~~1324A. CONDITION OF CONTINUED OPERATION.~~

~~1325A. TABLE GAME ACCOUNTING CONTROLS AND AUDITS.~~

~~1326A. WAGERING POLICIES.~~

~~1327A. KEY EMPLOYEES AND OCCUPATION PERMITS.~~

~~1328A. AMENDMENT OF STATEMENT OF CONDITIONS.~~

~~1329A. APPLICATION OF CLEAN INDOOR AIR ACT.~~

~~1329.1A. APPLICATION OF LIQUOR CODE.~~

~~§ 1321A. AUTHORIZED LOCATIONS FOR OPERATION.~~

~~(A) RESTRICTION. EXCEPT AS PROVIDED UNDER SUBSECTION (B), A
CERTIFICATE HOLDER SHALL ONLY BE PERMITTED TO OPERATE TABLE
GAMES AT THE LICENSED FACILITY.~~

~~(A.1) TEMPORARY FACILITIES. THE BOARD MAY PERMIT A
CERTIFICATE HOLDER TO CONDUCT TABLE GAMES AT A TEMPORARY
FACILITY WHICH IS PHYSICALLY CONNECTED TO, ATTACHED TO OR
ADJACENT TO AND ON THE SAME PARCEL OF LAND AS A PERMANENT~~

~~FACILITY FOR A PERIOD NOT TO EXCEED 24 MONTHS.~~

~~(B) POWERS AND DUTIES OF BOARD. UPON PETITION MADE BY A
TABLE GAME OPERATION CERTIFICATE HOLDER, THE BOARD MAY DETERMINE
THE SUITABILITY OF A HOTEL FOR THE CONDUCT OF TABLE GAMES. THE
BOARD MAY AUTHORIZE THE EXECUTIVE DIRECTOR TO DESIGNATE SPECIFIC
AREAS OF THE HOTEL, INCLUDING CONFERENCE ROOMS, BALLROOMS OR
OTHER ROOMS, IN WHICH THE CERTIFICATE HOLDER MAY CONDUCT TABLE
GAMES FOR THE PURPOSES OF TEMPORARY CONTESTS OR TOURNAMENTS. NO
CERTIFICATE HOLDER MAY BE APPROVED TO CONDUCT TABLE GAMES IN A
HOTEL UNLESS THE AREAS TO BE DESIGNATED ARE EQUIPPED WITH
ADEQUATE SECURITY AND SURVEILLANCE EQUIPMENT TO ENSURE THE
INTEGRITY OF THE CONDUCT OF A TABLE GAME, CONTEST OR TOURNAMENT.
THE PETITION SHALL INCLUDE THE NUMBER OF TABLE GAMES THE
CERTIFICATE HOLDER INTENDS TO OPERATE DURING THE TEMPORARY
CONTEST OR TOURNAMENT. THE CERTIFICATE HOLDER SHALL NOTIFY THE
BOARD OF THE NUMBER OF TABLE GAMES THAT THE CERTIFICATE HOLDER
INTENDS TO OPERATE DURING A TEMPORARY CONTEST OR TOURNAMENT, AND
THE BOARD SHALL DESIGNATE AN EMPLOYEE TO APPROVE OR DENY THE
REQUEST. IN GRANTING AUTHORIZATION UNDER THIS SECTION, THE BOARD
SHALL BE PROHIBITED FROM:~~

~~(1) IMPOSING ANY CRITERIA OR REQUIREMENTS REGARDING THE
CONTENTS OR STRUCTURE OF A HOTEL WHICH ARE UNRELATED TO THE
CONDUCT OF TABLE GAMES.~~

~~(2) AUTHORIZING THE PLACEMENT OR OPERATION OF SLOT
MACHINES IN A HOTEL.~~

~~(3) COUNTING THE NUMBER OF TEMPORARY CONTEST OR
TOURNAMENT TABLE GAMES TOWARD THE NUMBER OF APPROVED TABLES
IN THE TABLE GAME OPERATION CERTIFICATE.~~

~~§ 1322A. COMMENCEMENT OF TABLE GAME OPERATIONS.~~

~~A CERTIFICATE HOLDER MAY NOT OPERATE OR OFFER TABLE GAMES FOR~~

~~PLAY AT A LICENSED FACILITY UNTIL:~~

~~(1) THE CERTIFICATE HOLDER IS IN COMPLIANCE IN ALL RESPECTS WITH THE REQUIREMENTS OF THIS PART.~~

~~(2) THE BOARD HAS APPROVED THE CERTIFICATE HOLDER'S INTERNAL CONTROLS AND AUDITS PROTOCOLS UNDER SECTION 1325A (RELATING TO TABLE GAME ACCOUNTING CONTROLS AND AUDITS).~~

~~(3) THE CERTIFICATE HOLDER'S TABLE GAME EMPLOYEES, WHERE APPLICABLE, ARE LICENSED, PERMITTED OR OTHERWISE AUTHORIZED BY THE BOARD TO PERFORM THEIR RESPECTIVE DUTIES.~~

~~(4) THE CERTIFICATE HOLDER IS PREPARED IN ALL RESPECTS TO OFFER TABLE GAME PLAY TO THE PUBLIC AT THE LICENSED FACILITY.~~

~~(5) THE CERTIFICATE HOLDER HAS IMPLEMENTED NECESSARY INTERNAL AND MANAGEMENT CONTROLS AND SECURITY ARRANGEMENTS AND SURVEILLANCE SYSTEMS FOR THE CONDUCT OF TABLE GAMES.~~

~~(6) THE CERTIFICATE HOLDER HAS PAID THE AUTHORIZATION FEE IN ACCORDANCE WITH SECTION 1361A (RELATING TO TABLE GAME AUTHORIZATION FEE).~~

~~(7) THE CERTIFICATE HOLDER HAS OBTAINED AUTHORIZATION PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY, FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, AND HAS COMPENSATED THE COMMONWEALTH FOR NO LESS THAN THE \$5,000,000 FOR THE STATE LANDS OCCUPIED BY THE LICENSED FACILITY.~~

~~§ 1323A. TABLE GAME OPERATION CERTIFICATE.~~

~~THE FOLLOWING SHALL APPLY:~~

~~(1) A TABLE GAME OPERATION CERTIFICATE SHALL BE IN EFFECT UNLESS SUSPENDED OR REVOKED BY THE BOARD OR NOT RENEWED BY THE CERTIFICATE HOLDER OR BY THE BOARD UPON GOOD CAUSE BY THE BOARD CONSISTENT WITH THE REQUIREMENTS OF THIS PART.~~



~~(2) THE TABLE GAME OPERATION CERTIFICATE SHALL INCLUDE AN ITEMIZED LIST BY TYPE AND NUMBER OF THE TABLE GAMES APPROVED BY THE BOARD AND PERMITTED IN THE PARTICULAR LICENSED FACILITY. THE CERTIFICATE HOLDER MAY INCREASE OR DECREASE THE NUMBER OF TABLE GAMES PERMITTED AT THE LICENSED FACILITY, CHANGE THE TYPE OF TABLE GAMES PLAYED AT A PARTICULAR TABLE OR CHANGE THE CONFIGURATION OF TABLE GAMES UPON NOTICE TO THE BOARD AND APPROVAL BY A DESIGNATED EMPLOYEE OF THE BOARD. UNLESS APPROVED BY THE BOARD, THE TOTAL NUMBER OF TABLE GAMES IN OPERATION AT THE LICENSED FACILITY MAY NOT EXCEED THE NUMBER AUTHORIZED IN THE TABLE GAMES OPERATION CERTIFICATE.~~

~~(3) CERTIFICATE HOLDERS SHALL BE REQUIRED TO UPDATE THE INFORMATION IN THEIR INITIAL TABLE GAMES PETITION AT TIMES PRESCRIBED BY THE BOARD.~~

~~(4) NO ADDITIONAL AUTHORIZATION FEE SHALL BE IMPOSED FOR RENEWAL OF A TABLE GAME OPERATION CERTIFICATE.~~

~~§ 1324A. CONDITION OF CONTINUED OPERATION.~~

~~AS A CONDITION OF CONTINUED OPERATION, A CERTIFICATE HOLDER SHALL AGREE TO MAINTAIN ALL BOOKS, RECORDS AND DOCUMENTS PERTAINING TO TABLE GAMES IN A MANNER AND LOCATION WITHIN THIS COMMONWEALTH AS APPROVED BY THE BOARD. ALL BOOKS, RECORDS AND DOCUMENTS RELATED TO TABLE GAMES SHALL:~~

~~(1) BE SEGREGATED BY SEPARATE ACCOUNTS WITHIN THE SLOT MACHINE LICENSEE'S OPERATIONS BOOKS, RECORDS AND DOCUMENTS, EXCEPT FOR ANY BOOKS, RECORDS OR DOCUMENTS THAT ARE COMMON TO BOTH OPERATIONS;~~

~~(2) BE IMMEDIATELY AVAILABLE FOR INSPECTION UPON REQUEST OF THE BOARD, THE BUREAU, THE PENNSYLVANIA STATE POLICE, THE ATTORNEY GENERAL OR AGENTS THEREOF DURING ALL HOURS OF~~

~~OPERATION OF THE LICENSED FACILITY IN ACCORDANCE WITH
REGULATIONS PROMULGATED BY THE BOARD; AND~~

~~(3) BE MAINTAINED FOR A PERIOD AS THE BOARD, BY
REGULATION, MAY REQUIRE.~~

~~§ 1325A. TABLE GAME ACCOUNTING CONTROLS AND AUDITS.~~

~~(A) APPROVAL. PRIOR TO THE COMMENCEMENT OF TABLE GAME
OPERATIONS, A CERTIFICATE HOLDER SHALL SUBMIT TO THE BOARD FOR
APPROVAL ALL PROPOSED SITE PLANS, INTERNAL CONTROL SYSTEMS AND
AUDIT PROTOCOLS FOR THE CERTIFICATE HOLDER'S TABLE GAME
OPERATIONS.~~

~~(B) MINIMUM REQUIREMENTS. A CERTIFICATE HOLDER'S INTERNAL
CONTROLS AND AUDIT PROTOCOLS SHALL:~~

~~(1) SAFEGUARD ITS ASSETS AND REVENUES, INCLUDING THE
RECORDING OF CASH AND EVIDENCES OF INDEBTEDNESS RELATED TO
TABLE GAMES.~~

~~(2) PROVIDE FOR RELIABLE RECORDS, ACCOUNTS AND REPORTS
OF ANY FINANCIAL EVENT THAT OCCURS IN THE CONDUCT OF TABLE
GAMES, INCLUDING REPORTS TO THE BOARD RELATED TO THE TABLE
GAMES.~~

~~(3) PROVIDE FOR ACCURATE AND RELIABLE FINANCIAL RECORDS
RELATED TO TABLE GAMES.~~

~~(4) ESTABLISH PROCEDURES FOR ALL THE FOLLOWING:~~

~~(I) THE RECEIPT, STORAGE AND DISBURSAL OF CHIPS,
CASH AND CASH EQUIVALENTS USED IN TABLE GAMES.~~

~~(II) CHECK CASHING.~~

~~(III) THE REDEMPTION OF CHIPS, CASH EQUIVALENTS AND
OTHER REPRESENTATIONS OF VALUE USED IN TABLE GAMES AND
THE PAYOFF OF JACKPOTS.~~

~~(IV) THE RECORDING OF TRANSACTIONS PERTAINING TO
TABLE GAMES.~~

~~(5) ESTABLISH PROCEDURES FOR THE COLLECTION AND SECURITY OF MONEYS AT THE GAMING TABLES.~~

~~(6) ESTABLISH PROCEDURES FOR THE TRANSFER AND RECORDING OF CHIPS BETWEEN THE GAMING TABLES AND THE CASHIER'S CAGE.~~

~~(7) ESTABLISH PROCEDURES FOR THE TRANSFER OF DROP BOXES FOR TABLE GAMES FROM THE GAMING TABLES TO THE COUNT ROOM.~~

~~(8) ESTABLISH PROCEDURES AND SECURITY FOR THE COUNTING AND RECORDING OF TABLE GAME REVENUE.~~

~~(9) ESTABLISH PROCEDURES FOR THE SECURITY, STORAGE AND RECORDING OF CASH, CHIPS AND CASH EQUIVALENTS UTILIZED IN TABLE GAMES.~~

~~(10) ESTABLISH PROCEDURES AND SECURITY STANDARDS FOR THE HANDLING AND STORAGE OF TABLE GAME DEVICES.~~

~~(11) ESTABLISH PROCEDURES AND RULES GOVERNING THE CONDUCT OF EACH TABLE GAME AND THE RESPONSIBILITY OF EMPLOYEES RELATED TO TABLE GAMES.~~

~~(12) ESTABLISH PROCEDURES FOR THE COLLECTION AND RECORDING OF REVENUE FROM POKER WHEN IT IS A NONBANKING GAME, INCLUDING THE TYPES OF RAKE UTILIZED AND THE METHODOLOGY FOR CALCULATING THE AMOUNT OF PERMISSIBLE RAKE.~~

~~(13) ENSURE THAT ANY WAGERING PERMITTED IN A TABLE GAME IS IMPLEMENTED ONLY IN ACCORDANCE WITH THE MANAGEMENT'S GENERAL OR SPECIFIC AUTHORIZATION, AS APPROVED BY THE BOARD.~~

~~(14) ENSURE THE PROPER AND TIMELY ACCOUNTING OF GROSS TABLE GAME REVENUE AND THE CALCULATION OF GROSS TABLE GAME REVENUE, FEES AND TAXES BASED ON THE GROSS TABLE GAME REVENUE AND MAINTAIN ACCOUNTABILITY FOR ASSETS.~~

~~(15) ENSURE THAT RECORDED ACCOUNTABILITY FOR ASSETS IS COMPARED WITH ACTUAL ASSETS AT REASONABLE INTERVALS AND THAT APPROPRIATE ACTION IS TAKEN WITH RESPECT TO ANY~~

DISCREPANCIES.

(16) ENSURE THAT ALL FUNCTIONS, DUTIES AND RESPONSIBILITIES ARE APPROPRIATELY SEGREGATED AND PERFORMED IN ACCORDANCE WITH SOUND FINANCIAL PRACTICES BY COMPETENT, QUALIFIED EMPLOYEES.

(17) PERMIT USE OF ITS LICENSED FACILITY BY THE BOARD, THE BUREAU AND OTHER PERSONS AUTHORIZED BY THE BOARD TO FACILITATE THEIR ABILITY TO PERFORM REGULATORY AND OVERSIGHT FUNCTIONS UNDER THIS CHAPTER.

(C) SUBMISSION TO BOARD. THE SUBMISSION REQUIRED UNDER SUBSECTION (A) SHALL INCLUDE A DETAILED DESCRIPTION OF THE CERTIFICATE HOLDER'S ADMINISTRATIVE AND ACCOUNTING PROCEDURES RELATED TO TABLE GAMES, INCLUDING ITS WRITTEN SYSTEM OF INTERNAL CONTROLS. EACH WRITTEN SYSTEM OF INTERNAL CONTROLS SHALL INCLUDE:

(1) AN ORGANIZATIONAL CHART DEPICTING APPROPRIATE FUNCTIONS AND RESPONSIBILITIES OF EMPLOYEES INVOLVED IN BOTH THE SLOT MACHINE OPERATIONS AND TABLE GAME OPERATIONS.

(2) A DESCRIPTION OF THE DUTIES AND RESPONSIBILITIES OF EACH POSITION SHOWN ON THE ORGANIZATIONAL CHART.

(3) THE RECORD RETENTION POLICY OF THE CERTIFICATE HOLDER.

(4) THE PROCEDURE TO BE UTILIZED TO ENSURE THAT ASSETS ARE SAFEGUARDED, INCLUDING MANDATORY COUNT PROCEDURES.

(5) A DETAILED NARRATIVE DESCRIPTION OF THE ADMINISTRATIVE AND ACCOUNTING PROCEDURES IN PLACE TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1326A (RELATING TO WAGERING POLICIES).

(6) A STATEMENT SIGNED BY THE CERTIFICATE HOLDER'S CHIEF FINANCIAL OFFICER OR OTHER COMPETENT PERSON ATTESTING THAT

~~THE OFFICER BELIEVES, IN GOOD FAITH, THAT THE SYSTEM
SATISFIES THE REQUIREMENTS OF THIS SECTION.~~

~~(D) REVIEW. PRIOR TO AUTHORIZING A CERTIFICATE HOLDER TO
CONDUCT TABLE GAMES, THE BOARD SHALL REVIEW THE SYSTEM OF
INTERNAL CONTROLS SUBMITTED UNDER SUBSECTION (C) TO DETERMINE
WHETHER IT CONFORMS TO THE REQUIREMENTS OF THIS PART AND WHETHER
IT PROVIDES ADEQUATE AND EFFECTIVE CONTROLS FOR THE CONDUCT OF
TABLE GAMES.~~

~~§ 1326A. WAGERING POLICIES.~~

~~(A) ACCEPTANCE OF CHECKS. A CERTIFICATE HOLDER MAY ACCEPT A
CHECK FROM A PATRON IN EXCHANGE FOR CASH OR CHIPS. THE
CERTIFICATE HOLDER SHALL PRESENT EACH CHECK FOR PAYMENT TO THE
FINANCIAL INSTITUTION UPON WHICH THE CHECK IS DRAWN WITHIN TEN
DAYS OF RECEIPT BY THE CERTIFICATE HOLDER. NO THIRD PARTY CHECKS
SHALL BE PERMITTED.~~

~~(B) CREDIT AND OTHER FINANCIAL TRANSACTIONS PERMITTED. A
CERTIFICATE HOLDER MAY MAKE CREDIT CARD ADVANCES AND WITHDRAWALS
AVAILABLE TO PATRONS AT ITS LICENSED FACILITY. ALL FEES CHARGED
FOR CASH ADVANCES, CHECK CASHING, CREDIT CARD WITHDRAWALS AND
THE CONVERSION OF CASH EQUIVALENTS SHALL BE DISCLOSED.
NOTWITHSTANDING SECTION 1504 (RELATING TO WAGERING ON CREDIT), A
CERTIFICATE HOLDER MAY EXTEND CREDIT TO PATRONS FOR THE PURPOSE
OF PLAYING SLOT MACHINES OR TABLE GAMES IN ACCORDANCE WITH THIS
SECTION.~~

~~(C) CREDIT APPLICATIONS. EACH APPLICATION FOR CREDIT
SUBMITTED BY A PATRON TO A CERTIFICATE HOLDER SHALL BE
MAINTAINED IN A CREDIT FILE. THE APPLICATION SHALL INCLUDE THE
PATRON'S NAME, ADDRESS, TELEPHONE NUMBER, COMPREHENSIVE BANK
ACCOUNT INFORMATION, THE REQUESTED CREDIT LIMIT, THE PATRON'S
APPROXIMATE AMOUNT OF CURRENT INDEBTEDNESS, THE AMOUNT AND~~

1 ~~SOURCE OF INCOME IN SUPPORT OF THE APPLICATION, THE PATRON'S~~
2 ~~SIGNATURE ON THE APPLICATION AND A CERTIFICATION OF TRUTHFULNESS~~
3 ~~WHICH SHALL BE SUBJECT TO 18 PA.C.S. § 4903 (RELATING TO FALSE~~
4 ~~SWEARING). THE CERTIFICATION HOLDER SHALL NOTIFY EACH APPLICANT~~
5 ~~THAT, AS A CONDITION OF RECEIVING CREDIT, THE CERTIFICATE HOLDER~~
6 ~~WILL VERIFY IDENTITY AND INDEBTEDNESS INFORMATION THROUGH A~~
7 ~~CREDIT BUREAU, CASINO CREDIT BUREAU AND, IF APPROPRIATE, THROUGH~~
8 ~~DIRECT CONTACT WITH OTHER CERTIFICATE HOLDERS.~~

9 ~~(D) CREDIT APPLICATION VERIFICATION. PRIOR TO APPROVING AN~~
10 ~~APPLICATION FOR CREDIT, A CERTIFICATE HOLDER SHALL VERIFY:~~

11 ~~(1) THE IDENTITY, CREDITWORTHINESS AND INDEBTEDNESS~~
12 ~~INFORMATION ON THE APPLICATION BY CONDUCTING A COMPREHENSIVE~~
13 ~~REVIEW OF THE INFORMATION SUBMITTED WITH THE APPLICATION AND~~
14 ~~ANY INFORMATION REGARDING THE PATRON'S CREDIT ACTIVITY AT~~
15 ~~OTHER LICENSED FACILITIES WHICH THE CERTIFICATE HOLDER MAY~~
16 ~~OBTAIN THROUGH A CASINO CREDIT BUREAU AND, IF APPROPRIATE,~~
17 ~~THROUGH DIRECT CONTACT WITH OTHER LICENSED FACILITIES.~~

18 ~~(2) THAT THE APPLICANT'S NAME IS NOT INCLUDED ON AN~~
19 ~~EXCLUSION LIST UNDER SECTION 1514 (RELATING TO REGULATION~~
20 ~~REQUIRING EXCLUSION OF CERTAIN PERSONS) OR 1516 (RELATING TO~~
21 ~~LIST OF PERSONS SELF EXCLUDED FROM GAMING ACTIVITIES) OR A~~
22 ~~VOLUNTARY CREDIT SUSPENSION LIST UNDER SUBSECTION (H).~~

23 ~~(3) THE APPLICANT'S AVERAGE BANK BALANCE THROUGH DIRECT~~
24 ~~CONTACT WITH A CASINO CREDIT BUREAU, CREDIT AGENCY OR WITH~~
25 ~~THE APPLICANT'S BANK.~~

26 ~~(E) ESTABLISHMENT OF CREDIT. EACH APPLICANT'S CREDIT LIMIT~~
27 ~~SHALL BE APPROVED BY ANY TWO OR MORE EMPLOYEES OF THE~~
28 ~~CERTIFICATE HOLDER HOLDING THE JOB POSITIONS OF CREDIT MANAGER,~~
29 ~~ASSISTANT CREDIT MANAGER, CREDIT SHIFT MANAGER, CREDIT EXECUTIVE~~
30 ~~OR A KEY EMPLOYEE IN A DIRECT REPORTING LINE ABOVE THE MANAGER~~

~~OR CREDIT MANAGER. THE APPROVAL SHALL BE RECORDED IN THE
APPLICANT'S CREDIT FILE AND SHALL INCLUDE THE REASONS AND
INFORMATION RELIED ON FOR THE APPROVAL OF CREDIT AND
VERIFICATION BY THE EMPLOYEES APPROVING THE APPLICANT'S CREDIT
LIMIT. INCREASES TO AN INDIVIDUAL'S CREDIT LIMIT MAY BE APPROVED
FOLLOWING A WRITTEN REQUEST FROM THE INDIVIDUAL AND
REVERIFICATION OF AN INDIVIDUAL'S CREDIT INFORMATION.~~

~~(F) RECORDKEEPING. DETAILED INFORMATION PERTAINING TO ALL
TRANSACTIONS AFFECTING AN INDIVIDUAL'S OUTSTANDING INDEBTEDNESS
TO A CERTIFICATE HOLDER SHALL BE RECORDED IN CHRONOLOGICAL ORDER
IN THE INDIVIDUAL'S CREDIT FILE.~~

~~(G) SUSPENSION OF CREDIT. A CERTIFICATE HOLDER MAY REDUCE
AN INDIVIDUAL'S CREDIT LIMIT OR SUSPEND CREDIT TO AN INDIVIDUAL
UPON CONSIDERATION OF INFORMATION AFFECTING THE INDIVIDUAL'S
CREDITWORTHINESS OR THE INDIVIDUAL'S CREDIT ACTIVITIES AT THE
LICENSED FACILITY OR ANOTHER LICENSED FACILITY. ANY INDIVIDUAL
MAY REQUEST A CERTIFICATE HOLDER TO VOLUNTARILY SUSPEND THE
INDIVIDUAL'S CREDIT. EACH CERTIFICATE HOLDER SHALL INFORM THE
BOARD WHEN AN INDIVIDUAL REQUESTS A VOLUNTARY SUSPENSION OF
CREDIT AND SHALL PROVIDE THE BOARD WITH ALL INFORMATION
NECESSARY TO MAINTAIN THE VOLUNTARY CREDIT SUSPENSION LIST UNDER
SUBSECTION (H).~~

~~(H) VOLUNTARY CREDIT SUSPENSION LIST. THE BOARD SHALL
MAINTAIN A VOLUNTARY CREDIT SUSPENSION LIST OF ALL PERSONS WHO
HAVE REQUESTED VOLUNTARY SUSPENSION OF CREDIT PRIVILEGES AND
SHALL PROVIDE THE LIST ON A CONTINUOUS BASIS TO THE CREDIT
DEPARTMENT OF EACH CERTIFICATE HOLDER. AN INDIVIDUAL MAY REQUEST
PLACEMENT ON THE VOLUNTARY CREDIT SUSPENSION LIST BY SUBMITTING
TO THE BOARD THE INDIVIDUAL'S NAME, ADDRESS AND DATE OF BIRTH.
THE INDIVIDUAL DOES NOT NEED TO PROVIDE A REASON FOR THE~~

~~REQUEST. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
CONTRARY, THE BOARD'S LIST OF INDIVIDUALS WHO HAVE HAD CREDIT
PRIVILEGES VOLUNTARILY SUSPENDED SHALL NOT BE OPEN TO PUBLIC
INSPECTION, AND NEITHER THE BOARD NOR THE CREDIT DEPARTMENT OF A
CERTIFICATE HOLDER SHALL DIVULGE THE NAMES ON THIS LIST TO ANY
PERSON OR ENTITY OTHER THAN THOSE PROVIDED FOR IN THIS
SUBSECTION. TO REMOVE AN INDIVIDUAL'S NAME FROM THE LIST, THE
INDIVIDUAL SHALL SUBMIT A REQUEST TO THE BOARD, WHICH SHALL
REMOVE THE INDIVIDUAL FROM THE LIST AND INFORM THE CREDIT
DEPARTMENT OF EACH CERTIFICATE HOLDER NOT LATER THAN THREE
BUSINESS DAYS AFTER THE SUBMISSION BOARD'S RECEIPT OF THE
REQUEST.~~

~~(I) LIABILITY. A CERTIFICATE HOLDER OR EMPLOYEE THEREOF
SHALL NOT BE LIABLE TO ANY INDIVIDUAL ON THE VOLUNTARY CREDIT
SUSPENSION LIST OR TO ANY OTHER PARTY IN ANY JUDICIAL PROCEEDING
FOR ANY HARM, MONETARY OR OTHERWISE, WHICH MAY ARISE AS A RESULT
OF:~~

~~(1) THE FAILURE OF A CERTIFICATE HOLDER TO RESTORE
CREDIT PRIVILEGES TO AN INDIVIDUAL ON THE VOLUNTARY CREDIT
SUSPENSION LIST; OR~~

~~(2) OTHERWISE PERMITTING AN INDIVIDUAL ON THE VOLUNTARY
CREDIT SUSPENSION LIST TO ENGAGE IN GAMING ACTIVITY IN THE
LICENSED FACILITY WHILE ON THE VOLUNTARY CREDIT SUSPENSION
LIST.~~

~~(J) CHECKS. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO
THE CONTRARY, CHECKS CASHED IN CONFORMITY WITH THE REQUIREMENTS
OF THIS SECTION OR 13 PA.C.S. DIV. 3 (RELATING TO NEGOTIABLE
INSTRUMENTS) SHALL BE VALID INSTRUMENTS, ENFORCEABLE AT LAW IN
THE COURTS OF THIS COMMONWEALTH. ANY CHECK CASHED, TRANSFERRED,
CONVEYED, GIVEN OR ACCEPTED IN VIOLATION OF THIS SECTION SHALL~~

~~BE INVALID AND UNENFORCEABLE FOR THE PURPOSES OF COLLECTION BY A
CERTIFICATE HOLDER BUT SHALL BE INCLUDED IN THE CALCULATION OF
GROSS TABLE GAME REVENUE.~~

~~(K) TAX LIABILITY. CREDIT EXTENDED PURSUANT TO THIS SECTION
MAY NOT BE CLAIMED AS A DEDUCTION, CREDIT OR ANY OTHER TYPE OF
REDUCTION OR OFFSET AGAINST ANY TAX IMPOSED BY THIS PART OR THE
ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE
OF 1971.~~

~~§ 1327A. KEY EMPLOYEES AND OCCUPATION PERMITS.~~

~~NOTHING IN THIS PART SHALL BE CONSTRUED TO REQUIRE ANY
INDIVIDUAL WHO HOLDS A KEY EMPLOYEE OR GAMING EMPLOYEE LICENSE
UNDER CHAPTER 13 (RELATING TO LICENSEES) TO OBTAIN A SEPARATE
LICENSE OR PERMIT TO BE EMPLOYED IN A CERTIFICATE HOLDER'S TABLE
GAME OPERATION AUTHORIZED UNDER THIS CHAPTER.~~

~~§ 1328A. AMENDMENT OF STATEMENT OF CONDITIONS.~~

~~(A) AMENDMENT. UPON GRANTING A PETITION FOR A TABLE GAME
OPERATION CERTIFICATE, THE BOARD SHALL AMEND THE SLOT MACHINE
LICENSEE'S STATEMENT OF CONDITIONS GOVERNING THE SLOT MACHINE
LICENSE TO INCLUDE CONDITIONS PERTAINING TO THE REQUIREMENTS OF
THIS PART.~~

~~(B) SANCTIONS. A CERTIFICATE HOLDER THAT FAILS TO ABIDE BY
THIS PART AS WELL AS ANY CONDITION CONTAINED IN THE LICENSEE'S
STATEMENT OF CONDITIONS IN THE CONDUCT OF TABLE GAMES SHALL BE
SUBJECT TO BOARD IMPOSED ADMINISTRATIVE SANCTIONS OR OTHER
PENALTIES AUTHORIZED UNDER THIS PART.~~

~~§ 1329A. APPLICATION OF CLEAN INDOOR AIR ACT.~~

~~IF THE BOARD AUTHORIZES THE CONDUCT OF TABLE GAMES IN A
DESIGNATED AREA OTHER THAN THE GAMING FLOOR, AS DEFINED IN
SECTION 2 OF THE ACT OF JUNE 13, 2008 (P.L.182, NO.27), KNOWN AS
THE CLEAN INDOOR AIR ACT, THE PROVISIONS OF SECTION 3(B)(11) OF~~



~~THE CLEAN INDOOR AIR ACT SHALL APPLY TO THAT AREA AND MAY
INCLUDE TABLE GAMES.~~

~~§ 1329.1A. APPLICATION OF LIQUOR CODE.~~

~~THE PROVISIONS OF SECTION 493(24)(II) OF THE ACT OF APRIL 12,
1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, SHALL ALSO APPLY
TO TABLE GAMES.~~

~~SUBCHAPTER D~~

~~(RESERVED)~~

~~SUBCHAPTER E~~

~~TABLE GAME TESTING AND CERTIFICATION~~

~~SEC.~~

~~1341A. TABLE GAME DEVICE TESTING AND CERTIFICATION STANDARDS.~~

~~§ 1341A. TABLE GAME DEVICE TESTING AND CERTIFICATION STANDARDS.~~

~~(A) USE OF OTHER STATE STANDARDS. UNTIL SUCH TIME AS THE
BOARD EXPANDS THE INDEPENDENT TESTING AND CERTIFICATION FACILITY
ESTABLISHED UNDER SECTION 1320(B) (RELATING TO SLOT MACHINE
TESTING AND CERTIFICATION STANDARDS), THE BOARD MAY DETERMINE
WHETHER THE TABLE GAME DEVICE TESTING AND CERTIFICATION
STANDARDS OF ANOTHER JURISDICTION WITHIN THE UNITED STATES IN
WHICH AN APPLICANT FOR A MANUFACTURER LICENSE IS LICENSED ARE
COMPREHENSIVE AND THOROUGH AND PROVIDE SIMILAR ADEQUATE
SAFEGUARDS AS THOSE REQUIRED BY THIS PART. IF THE BOARD MAKES
THAT DETERMINATION, IT MAY PERMIT A MANUFACTURER LICENSED
PURSUANT TO SECTION 1317.1 (RELATING TO MANUFACTURER LICENSES)
TO DEPLOY TABLE GAME DEVICES IT MANUFACTURES WHICH HAVE MET THE
TABLE GAME DEVICE TESTING AND CERTIFICATION STANDARDS IN ANOTHER
JURISDICTION WITHOUT UNDERGOING THE FULL TESTING AND
CERTIFICATION PROCESS BY THE BOARD'S INDEPENDENT TESTING AND
CERTIFICATION FACILITY.~~

~~(B) EXPANSION OF INDEPENDENT TESTING AND CERTIFICATION~~

~~FACILITY. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
CHAPTER, THE BOARD SHALL EXPAND THE INDEPENDENT TESTING AND
CERTIFICATION FACILITY CREATED UNDER SECTION 1320(B) TO INCLUDE
THE TESTING AND CERTIFICATION OF TABLE GAME DEVICES. COSTS
ASSOCIATED WITH THE EXPANSION OF THE FACILITY SHALL BE ASSESSED
ON THE APPROPRIATE MANUFACTURER LICENSED TO MANUFACTURE TABLE
GAME DEVICES UNDER THIS PART IN ACCORDANCE WITH A SCHEDULE
ADOPTED BY THE BOARD. THE EXPANDED FACILITY SHALL BE MADE
AVAILABLE TO EACH TABLE GAME DEVICE MANUFACTURER AND SUPPLIER AS
DETERMINED BY THE BOARD.~~

~~SUBCHAPTER F~~

~~(RESERVED)~~

~~SUBCHAPTER G~~

~~TABLE GAME TAXES AND FEES~~

~~SEC.~~

~~1361A. TABLE GAME AUTHORIZATION FEE.~~

~~1362A. TABLE GAME TAXES AND ASSESSMENT.~~

~~§ 1363A. ADDITIONAL TABLE GAME ASSESSMENT.~~

~~§ 1361A. TABLE GAME AUTHORIZATION FEE.~~

~~(A) IMPOSITION. THE BOARD SHALL IMPOSE ON EACH CERTIFICATE
HOLDER THAT IS A CATEGORY 1 OR CATEGORY 2 SLOT MACHINE LICENSEE
A ONE TIME NONREFUNDABLE AUTHORIZATION FEE IN THE AMOUNT OF
\$20,000,000 AND ON EACH CERTIFICATE HOLDER THAT IS A CATEGORY 3
LICENSEE A ONE TIME NONREFUNDABLE AUTHORIZATION FEE IN THE
AMOUNT OF \$7,500,000 FOR THE PRIVILEGE OF CONDUCTING TABLE
GAMES.~~

~~(B) PETITION DEADLINES. ALL ELIGIBLE SLOT MACHINE
LICENSEES, WHETHER OPERATIONAL OR NOT, MUST SUBMIT A PETITION
AND PAY THE AUTHORIZATION FEE IN FULL BY JUNE 1, 2010. THIS
SUBSECTION SHALL NOT APPLY TO A CATEGORY 1 OR CATEGORY 3 LICENSE~~

~~ISSUED UNDER SECTION 1307 (RELATING TO NUMBER OF SLOT MACHINE
LICENSES) AFTER JUNE 1, 2010.~~

~~(C) PAYMENT OF FEE. THE FEE IMPOSED UNDER SUBSECTION (A)
MAY BE PAID THROUGH AN INSTALLMENT PERIOD ESTABLISHED BY THE
BOARD IF THE AUTHORIZATION FEE IS PAID IN FULL ON OR BEFORE JUNE
1, 2010.~~

~~(D) FAILURE TO PAY BY DEADLINE. IF A PETITIONER OR
CERTIFICATE HOLDER FAILS TO PAY THE AUTHORIZATION FEE IN FULL BY
JUNE 1, 2010, THE BOARD SHALL IMPOSE A \$5,000,000 PENALTY AND
MAY GRANT THE PETITIONER OR CERTIFICATE HOLDER UP TO A SIX MONTH
EXTENSION TO PAY ANY REMAINING AUTHORIZATION FEE AND THE
PENALTY. THE BOARD MAY REQUIRE THE CERTIFICATE HOLDER TO REMIT A
CERTAIN AMOUNT FROM THE DAILY GROSS TABLE GAME REVENUE TO THE
DEPARTMENT UNTIL THE FEE AND PENALTY ARE FULLY PAID.~~

~~(E) REVOCATION OF CERTIFICATE. THE BOARD SHALL REVOKE THE
TABLE GAME OPERATION CERTIFICATE IF THE CERTIFICATE HOLDER FAILS
TO PAY THE TOTAL AUTHORIZATION FEE AND THE PENALTY PRIOR TO THE
EXPIRATION OF AN EXTENSION PERIOD GRANTED UNDER SUBSECTION (D).~~

~~(F) PETITIONS FILED AFTER DEADLINE. A PETITIONER FILING A
PETITION AFTER JUNE 1, 2010, SHALL BE REQUIRED TO PAY AN
ADDITIONAL AUTHORIZATION FEE OF \$7,500,000. THIS SUBSECTION
SHALL NOT APPLY TO A CATEGORY 1 OR CATEGORY 3 SLOT MACHINE
LICENSE ISSUED AFTER JUNE 1, 2010.~~

~~(G) DEPOSIT OF FEES. NOTWITHSTANDING SECTION 1208 (RELATING
TO COLLECTION OF FEES AND FINES), ALL TABLE GAME AUTHORIZATION
FEES RECEIVED BY THE BOARD UNDER SUBSECTION (A), (C) OR (F) OR
PENALTIES RECEIVED UNDER SUBSECTION (D) AND ALL TABLE GAME
MANUFACTURER AND SUPPLIER LICENSE FEES OR MANUFACTURER AND
SUPPLIER RENEWAL FEES OR FEES FOR LICENSEES ISSUED UNDER CHAPTER
16 (RELATING TO JUNKETS) SHALL BE DEPOSITED IN THE GENERAL FUND.~~

~~UPON RECEIPT OF THE LICENSE FEE BY THE GENERAL FUND, 10% OF THE
FEE MUST BE TRANSFERRED WITHIN 30 DAYS TO THE DEPARTMENT OF
MILITARY AND VETERAN AFFAIRS. SUCH FUNDS SHALL BE USED 50% FOR
OPERATION OF SCOTLAND SCHOOL FOR VETERANS CHILDREN, AND 50% FOR
OPERATION OF, MAINTENANCE OF AND IMPROVEMENTS TO VETERANS HOMES,
CENTERS AND SCHOOLS.~~

~~§ 1362A. TABLE GAME TAXES AND ASSESSMENT.~~

~~(A) IMPOSITION. EACH CERTIFICATE HOLDER SHALL PAY FROM ITS
DAILY GROSS TABLE GAME REVENUE FROM THE TABLE GAMES IN OPERATION
AT ITS LICENSED FACILITY ON A FORM PRESCRIBED BY THE DEPARTMENT
A TAX OF 34% 37% TO BE DEPOSITED INTO THE GENERAL FUND AND
DISTRIBUTED AS FOLLOWS:~~

~~(1) THIRTY FOUR PERCENT SHALL REMAIN IN THE GENERAL
FUND.~~

~~(2) ONE AND ONE HALF PERCENT SHALL BE DISTRIBUTED BY THE
DEPARTMENT TO THE COUNTY HOSTING THE LICENSED FACILITY.~~

~~(3) One and one half percent shall be distributed by the
department to the municipality hosting the licensed facility.~~

~~(B) DEPOSITS AND DISTRIBUTIONS.~~

~~(1) THE TAX IMPOSED UNDER SUBSECTION (A) AND ANY
INTEREST ACCRUED THEREON SHALL BE PAYABLE TO THE DEPARTMENT
ON A WEEKLY BASIS AND SHALL BE BASED UPON GROSS TABLE GAME
REVENUE DERIVED DURING THE PREVIOUS WEEK. THE DEPARTMENT
SHALL DISTRIBUTE MONEYS TO THE COUNTIES AND MUNICIPALITIES
WITHIN A WEEK OF THEIR RECEIPT.~~

~~(2) ALL FUNDS OWED TO THE COMMONWEALTH, COUNTY AND
MUNICIPALITY UNDER THIS SECTION SHALL BE HELD IN TRUST FOR
THE COMMONWEALTH, COUNTY AND MUNICIPALITY BY THE CERTIFICATE
HOLDER UNTIL THE FUNDS ARE PAID OR TRANSFERRED AND
DISTRIBUTED BY THE DEPARTMENT. UNLESS OTHERWISE AGREED TO BY~~

1 ~~THE BOARD, A CERTIFICATE HOLDER SHALL ESTABLISH A SEPARATE~~
2 ~~BANK ACCOUNT TO MAINTAIN TABLE GAME REVENUE UNTIL SUCH TIME~~
3 ~~AS THE FUNDS ARE PAID OR TRANSFERRED UNDER THIS SECTION.~~

4 ~~(B.1) DISPOSITION IN CERTAIN THIRD CLASS COUNTIES.~~ ←

5 ~~(1) THE TAX IMPOSED BY SUBSECTION (A) (2) IN A COUNTY OF~~
6 ~~THE THIRD CLASS WITH A THOROUGHBRED RACETRACK SHALL BE~~
7 ~~DEPOSITED INTO A RESTRICTED ACCOUNT ESTABLISHED IN THE~~
8 ~~PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY TO BE USED~~
9 ~~EXCLUSIVELY BY THE COUNTY COMMISSIONERS OF THE THIRD CLASS~~
10 ~~COUNTY WHERE THE FACILITY IS LOCATED FOR A VIOLENT CRIME TASK~~
11 ~~FORCE COMPOSED OF MEMBERS OF COUNTY AND MUNICIPAL LAW~~
12 ~~ENFORCEMENT AGENCIES TO REDUCE GANG VIOLENCE, GUN TRAFFICKING~~
13 ~~AND VIOLENCE AND DRUG RELATED CRIMES. THE COMMISSIONERS SHALL~~
14 ~~APPOINT AN ADVISORY COMMITTEE TO BE CHAIRED BY THE DISTRICT~~
15 ~~ATTORNEY AND COMPOSED OF CHIEFS AND DIRECTORS OF COUNTY AND~~
16 ~~MUNICIPAL LAW ENFORCEMENT AGENCIES. THE ADVISORY COMMITTEE~~
17 ~~SHALL MAKE RECOMMENDATIONS TO THE COUNTY COMMISSIONERS FOR~~
18 ~~THE PRIORITIES AND EXPENDITURES OF THE TASK FORCE. THE~~
19 ~~DISTRICT ATTORNEY SHALL DIRECT AND COORDINATE THE OPERATIONS~~
20 ~~AND PERSONNEL OF THE TASK FORCE.~~

21 ~~(2) THE TAX IMPOSED BY SUBSECTION (A) (3) IN A COUNTY OF~~
22 ~~THE THIRD CLASS WITH A THOROUGHBRED RACETRACK SHALL BE~~
23 ~~DISTRIBUTED TO THE HOST MUNICIPALITY, SUBJECT, HOWEVER, TO~~
24 ~~THE BUDGETARY LIMITATIONS IN THIS PARAGRAPH. IF THE LICENSED~~
25 ~~FACILITY AND ASSOCIATED LAND ARE LOCATED IN MORE THAN ONE~~
26 ~~SECOND CLASS TOWNSHIP, \$120,000 ANNUALLY SHALL BE PAID TO~~
27 ~~EACH TOWNSHIP BY THE LICENSED GAMING ENTITY OPERATING A~~
28 ~~LICENSED FACILITY AND ASSOCIATED LAND LOCATED IN THOSE~~
29 ~~TOWNSHIPS, SUBJECT, HOWEVER, TO THE BUDGETARY LIMITATION IN~~
30 ~~THIS PARAGRAPH. THE AMOUNT ALLOCATED TO THE DESIGNATED~~

~~TOWNSHIPS IN THIS PARAGRAPH SHALL NOT EXCEED 50% OF THEIR
TOTAL BUDGET FOR FISCAL YEAR 2009-2010, ADJUSTED FOR
INFLATION IN SUBSEQUENT YEARS BY AN AMOUNT NOT TO EXCEED AN
ANNUAL COST OF LIVING ADJUSTMENT CALCULATED BY APPLYING THE
PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX IMMEDIATELY
PRIOR TO THE DATE THE ADJUSTMENT IS DUE TO TAKE EFFECT. ANY
REMAINING FUNDS SHALL BE DEPOSITED IN THE RESTRICTED ACCOUNT
ESTABLISHED BY THE PENNSYLVANIA COMMISSION ON CRIME AND
DELINQUENCY IN THIS SUBSECTION AND SHALL BE USED FOR THE
PURPOSES OF IMPLEMENTING THIS SUBSECTION.~~

~~(3) THIS SUBSECTION SHALL ONLY APPLY TO THOSE COUNTIES
IN WHICH A LICENSED FACILITY AND ASSOCIATED LANDS ARE LOCATED
IN TWO COUNTIES.~~

~~(4) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM
"ASSOCIATED LAND" SHALL MEAN LAND THAT IS OWNED BY AND
ADJACENT TO A LICENSED FACILITY AND OTHER AREAS OWNED BY THE
LICENSED FACILITY, INCLUDING RACETRACKS, GRAZING FIELDS OR
ANY OTHER ADJOINING REAL PROPERTY.~~

~~(C) DEPOSITS FOR PROPERTY TAX RELIEF. IF, ON THE LAST DAY
OF A FISCAL YEAR THE BALANCE OF THE BUDGET STABILIZATION RESERVE
FUND ESTABLISHED PURSUANT TO SECTION 1701 A OF THE ACT OF APRIL
9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, EXCEEDS
\$750,000,000, THE SECRETARY OF THE BUDGET SHALL CERTIFY THE
AMOUNT IN THE FUND AND THE DEPOSITS MADE INTO THE GENERAL FUND
PURSUANT TO SUBSECTION (A) (A) (1) SHALL CEASE AND THEREAFTER BE
DEPOSITED INTO THE PROPERTY TAX RELIEF FUND ESTABLISHED PURSUANT
TO 4 PA.C.S. § 1409 (RELATING TO PROPERTY TAX RELIEF FUND).
§ 1363A. ADDITIONAL TABLE GAME ASSESSMENT.~~

~~(A) ADDITIONAL ASSESSMENT. AN ASSESSMENT IN AN AMOUNT EQUAL
TO 1% OF THE DAILY GROSS TABLE GAME REVENUE FROM EACH~~

~~CERTIFICATE HOLDER SHALL BE PAID BY EACH CERTIFICATE HOLDER,
DEPOSITED IN THE STATE GAMING FUND AND QUARTERLY DISTRIBUTED TO
THE COUNTY HOSTING THE CERTIFICATE HOLDER IN ACCORDANCE WITH
SECTION 1403(C) (2), EXCEPT WHEN THE CERTIFICATE HOLDER IS
LOCATED IN A COUNTY OF THE FIRST CLASS IN WHICH CASE THE AMOUNT
SHALL BE DEPOSITED IN AN ESCROW ACCOUNT ESTABLISHED BY AN
ADVISORY COMMITTEE ORGANIZED AND OVERSEEN BY THE BOARD AND
DISTRIBUTED PURSUANT TO SUBSECTION (B).~~

~~(B) DISTRIBUTIONS FROM FIRST CLASS COUNTY ESCROW ACCOUNT.
THE ADVISORY COMMITTEE SHALL ADOPT AND FILE WITH THE BOARD
PROCEDURES FOR DISTRIBUTIONS FROM AN ESCROW ACCOUNT ESTABLISHED
FOR A FIRST CLASS COUNTY UNDER SUBSECTION (A). ALL FUNDS IN AN
ESCROW ACCOUNT SHALL BE DISTRIBUTED ONLY TO NONPROFIT
ORGANIZATIONS, AND NO FUNDS MAY BE DISTRIBUTED OUT OF THE COUNTY
OF THE FIRST CLASS. NO LESS THAN 70% OF FUNDS IN THE ESCROW
ACCOUNT SHALL BE DISTRIBUTED TO NONPROFIT ORGANIZATIONS FOR THE
BENEFIT OF THE IMMEDIATE VICINITY OF THE LICENSED FACILITY. THE
ADVISORY COMMITTEE SHALL SUBMIT A BIENNIAL REPORT TO THE BOARD
ON THE DISTRIBUTION OF FUNDS FROM THE ESCROW ACCOUNT.~~

~~(C) ADVISORY COMMITTEE. AN ADVISORY COMMITTEE FOR AN ESCROW
ACCOUNT ESTABLISHED FOR A FIRST CLASS COUNTY UNDER SUBSECTION
(A) SHALL BE COMPRISED OF THE FOLLOWING MEMBERS:~~

~~(1) TWO DESIGNEES OF THE STATE SENATOR IN WHOSE DISTRICT
THE LICENSED FACILITY IS LOCATED.~~

~~(2) TWO DESIGNEES OF THE STATE REPRESENTATIVE IN WHOSE
DISTRICT THE LICENSED FACILITY IS LOCATED.~~

~~(3) ONE DESIGNEE OF THE MUNICIPAL GOVERNMENT.~~

~~(4) ONE DESIGNEE OF THE MUNICIPAL COUNCIL.~~

~~(5) ONE DESIGNEE OF THE LICENSED FACILITY.~~

~~SECTION 11.2. SECTIONS 1401(B), 1402(A), 1402.1, 1403(B),~~

~~(C) (2) (I) (D) AND (E) AND (II) (D), (IV) AND (3) (V), 1405 AND
1406(A) AND (E) OF TITLE 4 ARE AMENDED TO READ:~~

~~§ 1401. SLOT MACHINE LICENSEE DEPOSITS.~~

~~* * *~~

~~(B) INITIAL DEPOSIT OF FUNDS. NOT LATER THAN TWO BUSINESS
DAYS PRIOR TO THE COMMENCEMENT OF SLOT MACHINE OPERATIONS BY A
SLOT MACHINE LICENSEE, THE SLOT MACHINE LICENSEE SHALL DEPOSIT
AND MAINTAIN THE [SUM OF \$5,000,000] FOLLOWING SUMS IN ITS
ACCOUNT TO GUARANTEE THE PAYMENT OF FUNDS TO THE COMMONWEALTH
UNDER THIS PART AND AS SECURITY FOR ITS OBLIGATIONS UNDER
SECTION 1405 (RELATING TO PENNSYLVANIA RACE HORSE DEVELOPMENT
FUND) [.] :~~

~~(1) FOR A CATEGORY 1 OR CATEGORY 2 SLOT MACHINE
LICENSEE, \$5,000,000.~~

~~(2) FOR A CATEGORY 3 SLOT MACHINE LICENSEE, \$1,000,000.
NO ADDITIONAL DEPOSIT SHALL BE REQUIRED FROM A SLOT MACHINE
LICENSEE IF A SLOT MACHINE LICENSEE IS GRANTED A CERTIFICATE
UNDER CHAPTER 13A (RELATING TO TABLE GAMES).~~

~~* * *~~

~~§ 1402. GROSS TERMINAL REVENUE DEDUCTIONS.~~

~~(A) DEDUCTIONS. AFTER DETERMINING THE APPROPRIATE
ASSESSMENTS FOR EACH SLOT MACHINE LICENSEE, THE DEPARTMENT SHALL
DETERMINE COSTS, EXPENSES OR PAYMENTS FROM EACH ACCOUNT
ESTABLISHED UNDER SECTION 1401 (RELATING TO SLOT MACHINE
LICENSEE DEPOSITS). THE FOLLOWING COSTS AND EXPENSES SHALL BE
TRANSFERRED TO THE APPROPRIATE AGENCY UPON APPROPRIATION BY THE
GENERAL ASSEMBLY:~~

~~(1) THE COSTS AND EXPENSES TO BE INCURRED BY THE
DEPARTMENT IN ADMINISTERING THIS PART AT EACH SLOT MACHINE
LICENSEE'S LICENSED FACILITY BASED UPON A BUDGET SUBMITTED BY~~

1 ~~THE DEPARTMENT [TO AND APPROVED BY THE BOARD].~~

2 ~~(2) THE OTHER COSTS AND EXPENSES TO BE INCURRED BY THE~~
3 ~~DEPARTMENT IN ADMINISTERING THIS PART BASED UPON A BUDGET~~
4 ~~SUBMITTED BY THE DEPARTMENT [TO AND APPROVED BY THE BOARD].~~

5 ~~(3) SUMS NECESSARY TO REPAY ANY LOANS MADE BY THE~~
6 ~~GENERAL FUND TO THE DEPARTMENT IN CONNECTION WITH CARRYING~~
7 ~~OUT ITS RESPONSIBILITIES UNDER THIS PART, INCLUDING THE COSTS~~
8 ~~OF THE INITIAL ACQUISITION OF THE CENTRAL CONTROL COMPUTER~~
9 ~~AND ANY ACCESSORIES OR ASSOCIATED EQUIPMENT.~~

10 ~~(4) THE COSTS AND EXPENSES TO BE INCURRED BY THE~~
11 ~~PENNSYLVANIA STATE POLICE AND THE OFFICE OF ATTORNEY GENERAL~~
12 ~~AND NOT OTHERWISE REIMBURSED UNDER THIS PART IN CARRYING OUT~~
13 ~~THEIR RESPECTIVE RESPONSIBILITIES UNDER THIS PART BASED UPON~~
14 ~~A BUDGET SUBMITTED BY THE PENNSYLVANIA STATE POLICE AND THE~~
15 ~~ATTORNEY GENERAL [TO AND APPROVED BY THE BOARD].~~

16 ~~(5) SUMS NECESSARY TO REPAY ANY LOANS MADE BY THE~~
17 ~~GENERAL FUND TO THE PENNSYLVANIA STATE POLICE IN CONNECTION~~
18 ~~WITH CARRYING OUT ITS RESPONSIBILITIES UNDER THIS PART.~~

19 ~~(6) THE COSTS AND EXPENSES TO BE INCURRED BY THE BOARD~~
20 ~~IN CARRYING OUT ITS RESPONSIBILITIES UNDER THIS PART BASED~~
21 ~~UPON A BUDGET APPROVED BY THE BOARD.~~

22 ~~(7) SUMS NECESSARY TO REPAY ANY LOANS MADE BY THE~~
23 ~~GENERAL FUND TO THE BOARD IN CONNECTION WITH CARRYING OUT ITS~~
24 ~~RESPONSIBILITIES UNDER THIS PART.~~

25 ~~(8) THE SALARIES, WAGES AND ALL NECESSARY EXPENSES~~
26 ~~INCURRED BY THE DEPARTMENT OF THE AUDITOR GENERAL AND NOT~~
27 ~~OTHERWISE REIMBURSED UNDER THIS PART IN CONDUCTING AUDITS AS~~
28 ~~PROVIDED BY LAW OF THE BOARD OR ANY FUND CREATED BY THIS PART~~
29 ~~BASED UPON THE BUDGET SUBMITTED BY THE DEPARTMENT OF THE~~
30 ~~AUDITOR GENERAL PURSUANT TO SECTION 1402.1 (RELATING TO~~

~~ITEMIZED BUDGET REPORTING).~~

~~* * *~~

~~§ 1402.1. ITEMIZED BUDGET REPORTING.~~

~~THE BOARD, DEPARTMENT, PENNSYLVANIA STATE POLICE [AND], THE
ATTORNEY GENERAL AND THE DEPARTMENT OF THE AUDITOR GENERAL SHALL
PREPARE AND ANNUALLY SUBMIT TO THE CHAIRMAN OF THE
APPROPRIATIONS COMMITTEE OF THE SENATE AND THE CHAIRMAN OF THE
APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AN
ITEMIZED BUDGET CONSISTING OF AMOUNTS TO BE APPROPRIATED OUT OF
THE ACCOUNTS ESTABLISHED UNDER SECTION 1401 (RELATING TO SLOT
MACHINE LICENSEE DEPOSITS) NECESSARY TO ADMINISTER THIS PART OR
REQUIRED UNDER SECTION 1402 (A) (8) (RELATING TO GROSS TERMINAL
REVENUE DEDUCTIONS).~~

~~§ 1403. ESTABLISHMENT OF STATE GAMING FUND AND NET SLOT MACHINE
REVENUE DISTRIBUTION.~~

~~* * *~~

~~(B) SLOT MACHINE TAX. THE DEPARTMENT SHALL DETERMINE AND
EACH SLOT MACHINE LICENSEE SHALL PAY A DAILY TAX OF 34% FROM ITS
DAILY GROSS TERMINAL REVENUE FROM THE SLOT MACHINES IN OPERATION
AT ITS FACILITY AND A LOCAL SHARE ASSESSMENT AS PROVIDED IN
SUBSECTION (C) INTO THE FUND. ALL FUNDS OWED TO THE COMMONWEALTH
OR A MUNICIPALITY UNDER THIS SECTION SHALL BE HELD IN TRUST BY
THE LICENSED GAMING ENTITY FOR THE COMMONWEALTH AND THE
MUNICIPALITY UNTIL THE FUNDS ARE PAID OR TRANSFERRED AND
DISTRIBUTED. UNLESS OTHERWISE AGREED TO BY THE [GAMING BOARD]
BOARD, A LICENSED GAMING ENTITY SHALL ESTABLISH A SEPARATE BANK
ACCOUNT TO MAINTAIN [GAMING PROCEEDS] SLOT MACHINE REVENUE UNTIL
SUCH TIME AS [THEY] THE FUNDS ARE PAID OR TRANSFERRED UNDER THIS
SECTION.~~

~~(C) TRANSFERS AND DISTRIBUTIONS. THE DEPARTMENT SHALL:~~

~~* * *~~

~~(2) FROM THE LOCAL SHARE ASSESSMENT ESTABLISHED IN
SUBSECTION (B), MAKE QUARTERLY DISTRIBUTIONS AMONG THE
COUNTIES HOSTING A LICENSED FACILITY IN ACCORDANCE WITH THE
FOLLOWING SCHEDULE:~~

~~(I) IF THE LICENSED FACILITY IS A CATEGORY 1
LICENSED FACILITY THAT IS LOCATED AT A HARNESS RACETRACK
AND THE COUNTY, INCLUDING A HOME RULE COUNTY, IN WHICH
THE LICENSED FACILITY IS LOCATED IS:~~

~~* * *~~

~~(D) (I) A COUNTY OF THE THIRD CLASS: EXCEPT AS
PROVIDED IN SUBCLAUSE (II), 2% OF THE GROSS TERMINAL
REVENUE FROM EACH SUCH LICENSED FACILITY SHALL BE
DEPOSITED INTO A RESTRICTED ACCOUNT ESTABLISHED IN
THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
TO BE USED EXCLUSIVELY FOR GRANTS FOR HEALTH, SAFETY
AND ECONOMIC DEVELOPMENT PROJECTS TO MUNICIPALITIES
WITHIN THE COUNTY WHERE THE LICENSED FACILITY IS
LOCATED. [MUNICIPALITIES THAT ARE CONTIGUOUS TO THE
MUNICIPALITY HOSTING SUCH LICENSED FACILITY SHALL BE
GIVEN PRIORITY BY THE DEPARTMENT OF COMMUNITY AND
ECONOMIC DEVELOPMENT IN THE AWARD OF SUCH GRANTS.] IF
THE LICENSED FACILITY IS LOCATED IN A FIRST CLASS
TOWNSHIP LOCATED IN A COUNTY WHERE A THIRD CLASS CITY
IS OPERATING UNDER AN OPTIONAL PLAN B FORM OF
GOVERNMENT PURSUANT TO THE FORMER ACT OF APRIL 13,
1972 (P.L.184, NO.62), KNOWN AS THE HOME RULE CHARTER
AND OPTIONAL PLANS LAW, THE DEPARTMENT SHALL ALLOCATE
FUNDS AVAILABLE FOR GRANTS TO MUNICIPALITIES AS
FOLLOWS: 40% SHALL BE AWARDED TO CITIES LOCATED IN~~

1 ~~THE COUNTY ON A PRO RATA BASIS UTILIZING THE MOST~~
2 ~~RECENT UNITED STATES CENSUS BUREAU POPULATION FIGURES~~
3 ~~AVAILABLE; 35% SHALL BE AWARDED TO MUNICIPALITIES~~
4 ~~CONTIGUOUS TO THE HOST MUNICIPALITY; AND 25% SHALL BE~~
5 ~~AVAILABLE FOR AWARDS TO NONCONTIGUOUS MUNICIPALITIES~~
6 ~~IN THE COUNTY, ON A COMPETITIVE BASIS. GRANTS TO~~
7 ~~MUNICIPALITIES WITHIN THE COUNTY WHERE THE LICENSED~~
8 ~~FACILITY IS LOCATED MAY BE AWARDED TO GROUPS OF~~
9 ~~MUNICIPALITIES WITHIN THE COUNTY TO FUND REGIONAL~~
10 ~~PROJECTS.~~

11 ~~(II) IF A LICENSED FACILITY IS LOCATED IN~~
12 ~~ONE OF TWO COUNTIES OF THE THIRD CLASS WHERE A~~
13 ~~CITY OF THE THIRD CLASS IS LOCATED IN BOTH~~
14 ~~COUNTIES OF THE THIRD CLASS, THE COUNTY IN WHICH~~
15 ~~THE LICENSED FACILITY IS LOCATED SHALL RECEIVE~~
16 ~~1.2% OF THE GROSS TERMINAL REVENUE TO BE~~
17 ~~DISTRIBUTED AS FOLLOWS: 20% TO THE HOST CITY,~~
18 ~~30% TO THE HOST COUNTY AND 50% TO THE HOST COUNTY~~
19 ~~FOR THE PURPOSE OF MAKING MUNICIPAL GRANTS WITHIN~~
20 ~~THE COUNTY, WITH PRIORITY GIVEN TO MUNICIPALITIES~~
21 ~~CONTIGUOUS TO THE HOST CITY. THE COUNTY OF THE~~
22 ~~THIRD CLASS, WHICH INCLUDES A CITY OF THE THIRD~~
23 ~~CLASS THAT IS LOCATED IN TWO COUNTIES OF THE~~
24 ~~THIRD CLASS AND IS NOT THE HOST COUNTY FOR THE~~
25 ~~LICENSED FACILITY, SHALL RECEIVE .8% OF THE GROSS~~
26 ~~TERMINAL REVENUE TO BE DISTRIBUTED AS FOLLOWS:~~
27 ~~60% TO A NONHOST CITY OF THE THIRD CLASS LOCATED~~
28 ~~SOLELY IN THE NONHOST COUNTY IN WHICH THE HOST~~
29 ~~CITY OF THE THIRD CLASS IS ALSO LOCATED OR 60% TO~~
30 ~~THE NONHOST CITY OF THE THIRD CLASS LOCATED BOTH~~

1 ~~IN THE HOST AND NONHOST COUNTIES OF THE THIRD~~
2 ~~CLASS, 35% TO THE NONHOST COUNTY AND 5% TO THE~~
3 ~~NONHOST COUNTY FOR THE PURPOSE OF MAKING~~
4 ~~MUNICIPAL GRANTS WITHIN THE COUNTY.~~

5 ~~(E) A COUNTY OF THE FOURTH CLASS: 2% OF THE~~
6 ~~GROSS TERMINAL REVENUE FROM EACH SUCH LICENSED~~
7 ~~FACILITY SHALL BE DISTRIBUTED AS FOLLOWS:~~

8 ~~(I) THE DEPARTMENT SHALL MAKE QUARTERLY~~
9 ~~DISTRIBUTIONS DIRECTLY TO EACH MUNICIPALITY~~
10 ~~WITHIN THE COUNTY, EXCEPT THE HOST MUNICIPALITY,~~
11 ~~BY USING A FORMULA EQUALING THE SUM OF \$25,000~~
12 ~~PLUS \$10 PER RESIDENT OF THE MUNICIPALITY USING~~
13 ~~THE MOST RECENT POPULATION FIGURES PROVIDED BY~~
14 ~~THE DEPARTMENT OF COMMUNITY AND ECONOMIC~~
15 ~~DEVELOPMENT, PROVIDED, HOWEVER, THAT THE AMOUNT~~
16 ~~SO DISTRIBUTED TO ANY MUNICIPALITY SHALL NOT~~
17 ~~EXCEED 50% OF ITS TOTAL BUDGET FOR FISCAL YEAR~~
18 ~~2009, ADJUSTED FOR INFLATION IN SUBSEQUENT FISCAL~~
19 ~~YEARS BY AN AMOUNT NOT TO EXCEED AN ANNUAL COST~~
20 ~~OF LIVING ADJUSTMENT CALCULATED BY APPLYING ANY~~
21 ~~UPWARD PERCENTAGE CHANGE IN THE CONSUMER PRICE~~
22 ~~INDEX IMMEDIATELY PRIOR TO THE DATE THE~~
23 ~~ADJUSTMENT IS DUE TO TAKE EFFECT. DISTRIBUTIONS~~
24 ~~TO A MUNICIPALITY IN ACCORDANCE WITH THIS~~
25 ~~SUBCLAUSE SHALL BE DEPOSITED INTO A SPECIAL FUND~~
26 ~~WHICH SHALL BE ESTABLISHED BY THE MUNICIPALITY.~~
27 ~~THE GOVERNING BODY OF THE MUNICIPALITY SHALL HAVE~~
28 ~~THE RIGHT TO DRAW UPON THE SPECIAL FUND PROVIDED~~
29 ~~THAT THE MUNICIPALITY IDENTIFIES THE FUND AS THE~~
30 ~~SOURCE OF THE EXPENDITURE. EACH MUNICIPALITY~~

~~SHALL ANNUALLY SUBMIT A REPORT TO THE DEPARTMENT
OF COMMUNITY AND ECONOMIC DEVELOPMENT DETAILING
THE AMOUNT AND PURPOSE OF EACH EXPENDITURE MADE
FROM THE SPECIAL ACCOUNT DURING THE PRIOR FISCAL
YEAR.~~

~~(II) ANY FUNDS NOT DISTRIBUTED UNDER
SUBCLAUSE (I) SHALL BE DEPOSITED INTO A
RESTRICTED ACCOUNT ESTABLISHED IN THE DEPARTMENT
OF COMMUNITY AND ECONOMIC DEVELOPMENT TO BE USED
EXCLUSIVELY FOR GRANTS TO THE COUNTY, TO ECONOMIC
DEVELOPMENT AUTHORITIES OR REDEVELOPMENT
AUTHORITIES WITHIN THE COUNTY FOR GRANTS FOR
ECONOMIC DEVELOPMENT PROJECTS, INFRASTRUCTURE
PROJECTS, JOB TRAINING, COMMUNITY IMPROVEMENT
PROJECTS, OTHER PROJECTS IN THE PUBLIC INTEREST
AND REASONABLE ADMINISTRATIVE COSTS. HOWEVER, THE
ADMINISTRATIVE COSTS SHALL NOT EXCEED 4% OF THE
GROSS TERMINAL REVENUE RECEIVED BY THE COUNTY OF
THE FOURTH CLASS ANNUALLY FROM THE LICENSED
FACILITY. NOTWITHSTANDING THE PROVISIONS OF THE
ACT OF FEBRUARY 9, 1999 (P.L.1, NO.1), KNOWN AS
THE CAPITAL FACILITIES DEBT ENABLING ACT, GRANTS
MADE UNDER THIS CLAUSE MAY BE UTILIZED AS LOCAL
MATCHING FUNDS FOR OTHER GRANTS OR LOANS FROM THE
COMMONWEALTH.~~

~~* * *~~

~~(II) IF THE LICENSED FACILITY IS A CATEGORY 1
LICENSED FACILITY AND IS LOCATED AT A THOROUGHBRED
RACETRACK AND THE COUNTY IN WHICH THE LICENSED FACILITY
IS LOCATED IS:~~

~~* * *~~

~~(D) A COUNTY OF THE THIRD CLASS: 1% OF THE GROSS TERMINAL REVENUE TO THE COUNTY HOSTING THE LICENSED FACILITY FROM EACH SUCH LICENSED FACILITY. AN ADDITIONAL 1% OF THE GROSS TERMINAL REVENUE TO THE COUNTY HOSTING THE LICENSED FACILITY FROM EACH SUCH LICENSED FACILITY FOR THE PURPOSE OF MUNICIPAL GRANTS WITHIN THE COUNTY IN WHICH THE LICENSEE IS LOCATED. WHERE A LICENSED FACILITY IS LOCATED IN A COUNTY OF THE THIRD CLASS AND OWNS LAND WHICH IS LOCATED IN A COUNTY OF THE FIFTH CLASS THAT IS OWNED BY AND ADJACENT TO THE LICENSED FACILITY AND OTHER AREAS OWNED BY THE LICENSED FACILITY, INCLUDING RACETRACKS, GRAZING FIELDS OR ANY OTHER ADJOINING REAL PROPERTY, THE COUNTY OF THE FIFTH CLASS SHALL RECEIVE A PORTION OF THE GROSS TERMINAL REVENUE DISTRIBUTED UNDER THIS CLAUSE IN ACCORDANCE WITH SUBPARAGRAPH (VI) AS IF SUCH LAND WERE PART OF THE LICENSED FACILITY.~~

~~* * *~~

~~(IV) IF THE FACILITY IS A CATEGORY 3 LICENSED FACILITY, 2% OF THE GROSS TERMINAL REVENUE FROM EACH SUCH LICENSED FACILITY SHALL BE DEPOSITED INTO A RESTRICTED ACCOUNT ESTABLISHED IN [THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT] THE COMMONWEALTH FINANCING AUTHORITY TO BE USED EXCLUSIVELY FOR GRANTS [TO THE COUNTY, TO ECONOMIC DEVELOPMENT AUTHORITIES OR REDEVELOPMENT AUTHORITIES WITHIN THE COUNTY FOR GRANTS FOR ECONOMIC DEVELOPMENT PROJECTS AND COMMUNITY IMPROVEMENT PROJECTS] OR GUARANTEES FOR PROJECTS IN THE HOST COUNTY THAT QUALIFY UNDER 64 PA.C.S. §§ 1551~~



~~(RELATING TO BUSINESS AND OUR SITES PROGRAM), 1556~~
~~(RELATING TO TAX INCREMENT FINANCING GUARANTEE PROGRAM)~~
~~AND 1558 (RELATING TO WATER SUPPLY AND WASTE WATER~~
~~INFRASTRUCTURE PROGRAM).~~

~~* * *~~

~~(3) FROM THE LOCAL SHARE ASSESSMENT ESTABLISHED IN~~
~~SUBSECTION (B), MAKE QUARTERLY DISTRIBUTIONS AMONG THE~~
~~MUNICIPALITIES, INCLUDING HOME RULE MUNICIPALITIES, HOSTING A~~
~~LICENSED FACILITY IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:~~

~~* * *~~

~~(V) TO A TOWNSHIP OF THE SECOND CLASS HOSTING A~~
~~LICENSED FACILITY, OTHER THAN A CATEGORY 3 LICENSED~~
~~FACILITY, 2% OF THE GROSS TERMINAL REVENUE OR \$10,000,000~~
~~ANNUALLY, WHICHEVER IS GREATER, SHALL BE PAID BY EACH~~
~~LICENSED GAMING ENTITY OPERATING A LICENSED FACILITY~~
~~LOCATED IN THE TOWNSHIP, SUBJECT, HOWEVER, TO THE~~
~~BUDGETARY LIMITATION IN THIS SUBPARAGRAPH. THE AMOUNT~~
~~ALLOCATED TO THE DESIGNATED MUNICIPALITIES SHALL NOT~~
~~EXCEED 50% OF THEIR TOTAL BUDGET FOR FISCAL YEAR~~
~~2003-2004, ADJUSTED FOR INFLATION IN SUBSEQUENT YEARS BY~~
~~AN AMOUNT NOT TO EXCEED AN ANNUAL COST OF LIVING~~
~~ADJUSTMENT CALCULATED BY APPLYING THE PERCENTAGE CHANGE~~
~~IN THE CONSUMER PRICE INDEX IMMEDIATELY PRIOR TO THE DATE~~
~~THE ADJUSTMENT IS DUE TO TAKE EFFECT. ANY REMAINING MONEY~~
~~SHALL BE COLLECTED BY THE DEPARTMENT FROM EACH LICENSED~~
~~GAMING ENTITY AND DISTRIBUTED IN ACCORDANCE WITH~~
~~PARAGRAPH (2) BASED UPON THE CLASSIFICATION OF COUNTY~~
~~WHERE THE LICENSED FACILITY IS LOCATED. WHERE THE~~
~~LICENSED FACILITY IS OTHER THAN A CATEGORY 3 AND IS~~
~~LOCATED IN MORE THAN ONE SECOND CLASS TOWNSHIP, THE~~

~~COUNTY COMMISSIONERS OF THE COUNTY OF THE THIRD CLASS IN WHICH THE FACILITY IS LOCATED SHALL APPOINT AN ADVISORY COMMITTEE FOR THE PURPOSE OF ADVISING THE COUNTY AS TO THE NEED FOR MUNICIPAL GRANTS FOR HEALTH, SAFETY, TRANSPORTATION AND OTHER PROJECTS IN THE PUBLIC INTEREST TO BE COMPRISED OF TWO INDIVIDUALS FROM THE HOST MUNICIPALITY, TWO FROM CONTIGUOUS MUNICIPALITIES WITHIN THE COUNTY OF THE THIRD CLASS AND ONE FROM THE HOST COUNTY. WHERE THE LICENSED FACILITY IS OTHER THAN A CATEGORY 3 AND IS LOCATED IN A COUNTY OF THE THIRD CLASS AND OWNS LAND WHICH IS LOCATED IN A TOWNSHIP OF THE SECOND CLASS THAT IS LOCATED IN A COUNTY OF THE FIFTH CLASS THAT IS OWNED BY AND ADJACENT TO THE LICENSED FACILITY AND OTHER AREAS OWNED BY THE LICENSED FACILITY, INCLUDING RACETRACKS, GRAZING FIELDS OR ANY OTHER ADJOINING REAL PROPERTY, THE TOWNSHIP OF THE SECOND CLASS IN THE COUNTY OF THE FIFTH CLASS SHALL RECEIVE A PORTION OF THE GROSS TERMINAL REVENUE DISTRIBUTED UNDER THIS SUBPARAGRAPH IN ACCORDANCE WITH SUBPARAGRAPH (X) AS IF SUCH LAND WERE PART OF THE LICENSED FACILITY. A COUNTY OTHER THAN A COUNTY OF THE THIRD CLASS IN WHICH THE LICENSED FACILITY IS LOCATED IS NOT REQUIRED TO APPOINT AN ADVISORY COMMITTEE AND MAY USE FUNDS RECEIVED UNDER THIS SUBPARAGRAPH FOR PURPOSES OTHER THAN MUNICIPAL GRANTS. IN THE EVENT THAT THE REVENUES GENERATED BY THE 2% DO NOT MEET THE \$10,000,000 MINIMUM SPECIFIED IN THIS SUBPARAGRAPH, THE DEPARTMENT SHALL COLLECT THE REMAINDER OF THE MINIMUM AMOUNT OF \$10,000,000 FROM EACH LICENSED GAMING ENTITY OPERATING A LICENSED FACILITY IN THE TOWNSHIP, PAY ANY BALANCE DUE TO THE TOWNSHIP AND~~

TRANSFER ANY REMAINDER IN ACCORDANCE WITH PARAGRAPH (2).

* * *

~~§ 1405. PENNSYLVANIA RACE HORSE DEVELOPMENT FUND.~~

~~(A) FUND ESTABLISHED. THERE IS HEREBY ESTABLISHED A
PENNSYLVANIA RACE HORSE DEVELOPMENT FUND WITHIN THE STATE
TREASURY.~~

~~(B) PENNSYLVANIA RACE HORSE IMPROVEMENT ASSESSMENT. [EACH] ←
EXCEPT AS PROVIDED IN SUBSECTION (B.1), EACH ACTIVE AND ←
OPERATING LICENSED GAMING ENTITY SHALL PAY A DAILY ASSESSMENT TO
THE PENNSYLVANIA RACE HORSE DEVELOPMENT FUND [AS DETERMINED BY
THE DEPARTMENT. SUBJECT TO THE DAILY ASSESSMENT CAP ESTABLISHED
UNDER SUBSECTION (C), THE LICENSED GAMING ENTITY'S ASSESSMENT
SHALL BE A PERCENTAGE OF EACH LICENSED GAMING ENTITY'S GROSS
TERMINAL REVENUE, EQUAL TO AN AMOUNT CALCULATED AS "A"
MULTIPLIED BY "B", WITH "A" BEING] EQUAL TO 10% OF EACH LICENSED
GAMING ENTITY'S GROSS TERMINAL REVENUE FOR THAT DAY [DIVIDED BY
THE TOTAL GROSS TERMINAL REVENUE FOR THAT DAY FROM ALL LICENSED
GAMING ENTITIES, AND "B" BEING EQUAL TO 18% OF THAT DAY'S GROSS
TERMINAL REVENUE FOR ALL ACTIVE AND OPERATING CATEGORY 1
LICENSEES CONDUCTING LIVE RACING].~~

~~(B.1) DAILY ASSESSMENT. FOR FISCAL YEARS 2009-2010 THROUGH ←
2012-2013, EACH ACTIVE AND OPERATING LICENSED GAMING ENTITY
SHALL PAY A DAILY ASSESSMENT TO THE PENNSYLVANIA RACE HORSE
DEVELOPMENT FUND EQUAL TO 12% OF EACH LICENSED GAMING ENTITY'S
GROSS TERMINAL REVENUE FOR THAT DAY.~~

~~[(C) DAILY ASSESSMENT CAP. IF THE RESULTING DAILY
ASSESSMENT FOR A LICENSED GAMING ENTITY EXCEEDS 12% OF THAT
LICENSED GAMING ENTITY'S GROSS TERMINAL REVENUE FOR THE DAY, THE
LICENSED GAMING ENTITY SHALL PAY A DAILY ASSESSMENT OF 12% OF
ITS GROSS TERMINAL REVENUE FOR THAT DAY.]~~

~~(D) DISTRIBUTIONS. IN ACCORDANCE WITH SECTION 1406-
(RELATING TO DISTRIBUTIONS FROM PENNSYLVANIA RACE HORSE-
DEVELOPMENT FUND), THE DEPARTMENT SHALL MAKE DISTRIBUTIONS FROM-
THE PENNSYLVANIA RACE HORSE DEVELOPMENT FUND TO EACH OF THE-
ACTIVE AND OPERATING CATEGORY 1 LICENSEES CONDUCTING LIVE-
RACING.~~

~~(E) REPORT. CATEGORY 1 LICENSEES SHALL REPORT ANNUALLY TO
THE BOARD AND TO THE RESPECTIVE RACING COMMISSION AS TO HOW THE
INTRODUCTION AND EXPANSION OF ENHANCED GAMING AND DISTRIBUTIONS
FROM THE FUND HAVE FULFILLED THE INTENT OF THIS PART TO ENHANCE
LIVE RACING AND BREEDING IN THIS COMMONWEALTH. ADDITIONALLY, THE
LICENSEES SHALL BE REQUIRED TO DOCUMENT PLANS TO PROMOTE LIVE-
HANDLE AND DAILY ATTENDANCE AT THE RACETRACK IN THE SUBSEQUENT-
YEAR.~~

~~§ 1406. DISTRIBUTIONS FROM PENNSYLVANIA RACE HORSE DEVELOPMENT
FUND.~~

~~(A) DISTRIBUTIONS. FUNDS FROM THE PENNSYLVANIA RACE HORSE-
DEVELOPMENT FUND SHALL BE DISTRIBUTED TO EACH ACTIVE AND-
OPERATING CATEGORY 1 LICENSEE CONDUCTING LIVE RACING [IN THE-
FOLLOWING MANNER] AS FOLLOWS:~~

~~(1) [AN AMOUNT EQUAL TO 18% OF THE DAILY GROSS TERMINAL-
REVENUE OF EACH CATEGORY 1 LICENSEE SHALL BE DISTRIBUTED TO-
EACH ACTIVE AND OPERATING CATEGORY 1 LICENSEE CONDUCTING LIVE-
RACING UNLESS THE DAILY ASSESSMENTS ARE AFFECTED BY THE DAILY-
ASSESSMENT CAP PROVIDED FOR IN SECTION 1405(C) (RELATING TO-
PENNSYLVANIA RACE HORSE DEVELOPMENT FUND). IN CASES IN WHICH-
THE DAILY ASSESSMENT CAP AFFECTS DAILY ASSESSMENTS, THE] THE
DISTRIBUTION TO EACH ACTIVE AND OPERATING CATEGORY 1 LICENSEE-
CONDUCTING LIVE RACING FOR THAT DAY SHALL BE A PERCENTAGE OF-
THE TOTAL DAILY ASSESSMENTS PAID INTO THE PENNSYLVANIA RACE-~~

1 ~~HORSE DEVELOPMENT FUND FOR THAT DAY EQUAL TO THE GROSS~~
2 ~~TERMINAL REVENUE OF EACH ACTIVE AND OPERATING CATEGORY 1~~
3 ~~LICENSEE CONDUCTING LIVE RACING FOR THAT DAY DIVIDED BY THE~~
4 ~~TOTAL GROSS TERMINAL REVENUE OF ALL ACTIVE AND OPERATING~~
5 ~~CATEGORY 1 LICENSEES CONDUCTING LIVE RACING FOR THAT DAY.~~

6 ~~[THE] EXCEPT AS PROVIDED IN PARAGRAPH (2), THE DISTRIBUTIONS~~ ←
7 ~~TO LICENSED RACING ENTITIES FROM THE PENNSYLVANIA RACE HORSE~~
8 ~~DEVELOPMENT FUND SHALL BE ALLOCATED AS FOLLOWS:~~

9 ~~[(I) EIGHTY PERCENT] (I) (A) FROM LICENSEES THAT~~ ←
10 ~~OPERATE AT THOROUGHBRED TRACKS, 80% SHALL BE DEPOSITED~~
11 ~~WEEKLY INTO A SEPARATE, INTEREST BEARING PURSE ACCOUNT TO~~
12 ~~BE ESTABLISHED BY AND FOR THE BENEFIT OF THE HORSEMEN.~~
13 ~~THE EARNED INTEREST ON THE ACCOUNT SHALL BE CREDITED TO~~
14 ~~THE PURSE ACCOUNT. LICENSEES SHALL COMBINE THESE FUNDS~~
15 ~~WITH REVENUES FROM EXISTING PURSE AGREEMENTS TO FUND~~
16 ~~PURSES FOR LIVE RACES CONSISTENT WITH THOSE AGREEMENTS~~
17 ~~WITH THE ADVICE AND CONSENT OF THE HORSEMEN.~~

18 ~~(B) FROM LICENSEES THAT OPERATE AT STANDARD BRED~~ ←
19 ~~TRACKS, 64% SHALL BE DEPOSITED WEEKLY INTO A~~
20 ~~SEPARATE, INTEREST BEARING PURSE ACCOUNT TO BE~~
21 ~~ESTABLISHED BY AND FOR THE BENEFIT OF THE HORSEMEN.~~
22 ~~THE EARNED INTEREST ON THE ACCOUNT SHALL BE CREDITED~~
23 ~~TO THE PURSE ACCOUNT. LICENSEES SHALL COMBINE THESE~~
24 ~~FUNDS WITH REVENUES FROM EXISTING PURSE AGREEMENTS TO~~
25 ~~FUND PURSES FOR LIVE RACES CONSISTENT WITH THOSE~~
26 ~~AGREEMENTS WITH THE ADVICE AND CONSENT OF THE~~
27 ~~HORSEMEN. A MINIMUM OF ONE SIXTH OF THE AMOUNT OF~~
28 ~~THOSE PURSES SHALL BE USED FOR LIVE RACES LIMITED TO~~
29 ~~HARNESS HORSES THAT ARE REGULARLY STABLED IN THIS~~
30 ~~COMMONWEALTH, ARE GREATER THAN THREE YEARS OF AGE AND~~

~~WERE Sired BY A STANDARDbred STALLION REGULARLY
STANDING IN THIS COMMONWEALTH.~~

~~(C) FROM LICENSEES THAT OPERATE AT STANDARDbred
TRACKS, 16% SHALL BE DEPOSITED ON A MONTHLY BASIS
INTO THE PENNSYLVANIA SIRE STAKES FUND AS DEFINED IN
SECTION 224 OF THE RACE HORSE INDUSTRY REFORM ACT.~~

~~(II) FOR THOROUGHBRED TRACKS, 16% SHALL BE DEPOSITED
ON A MONTHLY BASIS INTO THE PENNSYLVANIA BREEDING FUND AS
DEFINED IN SECTION 223 OF THE RACE HORSE INDUSTRY REFORM
ACT. FOR STANDARDbred TRACKS, 8% SHALL BE DEPOSITED ON A
MONTHLY BASIS IN THE PENNSYLVANIA SIRE STAKES FUND AS
DEFINED IN SECTION 224 OF THE RACE HORSE INDUSTRY REFORM
ACT, AND 8% SHALL BE DEPOSITED ON A MONTHLY BASIS INTO A
RESTRICTED ACCOUNT IN THE STATE RACING FUND TO BE KNOWN
AS THE PENNSYLVANIA STANDARDbred BREEDERS DEVELOPMENT
FUND. THE STATE HARNESS RACING COMMISSION SHALL, IN
CONSULTATION WITH THE SECRETARY OF AGRICULTURE BY RULE OR
BY REGULATION, ADOPT A STANDARDbred BREEDERS PROGRAM THAT
WILL INCLUDE THE ADMINISTRATION OF PENNSYLVANIA STALLION
AWARD, PENNSYLVANIA BRED AWARD AND A PENNSYLVANIA Sired-
AND BRED AWARD.~~

~~(III) FOUR PERCENT SHALL BE USED TO FUND HEALTH AND
PENSION BENEFITS FOR THE MEMBERS OF THE HORSEMEN'S
ORGANIZATIONS REPRESENTING THE OWNERS AND TRAINERS AT THE
RACETRACK AT WHICH THE LICENSED RACING ENTITY OPERATES
FOR THE BENEFIT OF THE ORGANIZATION'S MEMBERS, THEIR
FAMILIES, EMPLOYEES AND OTHERS IN ACCORDANCE WITH THE
RULES AND ELIGIBILITY REQUIREMENTS OF THE ORGANIZATION,
AS APPROVED BY THE STATE HORSE RACING COMMISSION OR THE
STATE HARNESS RACING COMMISSION. THIS AMOUNT SHALL BE~~

1 ~~DEPOSITED WITHIN FIVE BUSINESS DAYS OF THE END OF EACH~~
2 ~~MONTH INTO A SEPARATE ACCOUNT TO BE ESTABLISHED BY EACH~~
3 ~~RESPECTIVE HORSEMEN'S ORGANIZATION AT A BANKING~~
4 ~~INSTITUTION OF ITS CHOICE. OF THIS AMOUNT, \$250,000 SHALL~~
5 ~~BE PAID ANNUALLY BY THE HORSEMEN'S ORGANIZATION TO THE~~
6 ~~THOROUGHBRED JOCKEYS OR STANDARD BRED DRIVERS ORGANIZATION~~
7 ~~AT THE RACETRACK AT WHICH THE LICENSED RACING ENTITY~~
8 ~~OPERATES FOR HEALTH INSURANCE, LIFE INSURANCE OR OTHER~~
9 ~~BENEFITS TO ACTIVE AND DISABLED THOROUGHBRED JOCKEYS OR~~
10 ~~STANDARD BRED DRIVERS IN ACCORDANCE WITH THE RULES AND~~
11 ~~ELIGIBILITY REQUIREMENTS OF THAT ORGANIZATION.~~

12 ~~(2) [(RESERVED).] FOR FISCAL YEARS 2009 2010 THROUGH~~
13 ~~2012 2013, DISTRIBUTIONS TO LICENSED RACING ENTITIES FROM THE~~ ←
14 ~~PENNSYLVANIA RACE HORSE DEVELOPMENT FUND SHALL BE ALLOCATED~~
15 ~~AS FOLLOWS:~~

16 ~~(1) SEVENTEEN PERCENT OF THE ANNUAL REVENUE~~ ←
17 ~~DEPOSITED INTO THE PENNSYLVANIA RACE HORSE DEVELOPMENT~~
18 ~~FUND SHALL BE TRANSFERRED TO THE GENERAL FUND. THE~~
19 ~~REMAINING AMOUNT WILL BE DISTRIBUTED AS FOLLOWS:~~

20 ~~(A) EITHER 4%, OR \$11,000,000, WHICHEVER IS~~
21 ~~GREATER, SHALL BE USED TO FUND HEALTH AND PENSION~~
22 ~~BENEFITS FOR THE MEMBERS OF THE HORSEMEN'S~~
23 ~~ORGANIZATIONS REPRESENTING THE OWNERS AND TRAINERS AT~~
24 ~~THE RACETRACK AT WHICH THE LICENSED RACING ENTITY~~
25 ~~OPERATES FOR THE BENEFIT OF THE ORGANIZATION'S~~
26 ~~MEMBERS, THEIR FAMILIES, EMPLOYEES AND OTHERS IN~~
27 ~~ACCORDANCE WITH THE RULES AND ELIGIBILITY~~
28 ~~REQUIREMENTS OF THE ORGANIZATION, AS APPROVED BY THE~~
29 ~~STATE HORSE RACING COMMISSION OR THE STATE HARNESS~~
30 ~~RACING COMMISSION. THIS AMOUNT SHALL BE DEPOSITED~~

1 ~~WITHIN FIVE BUSINESS DAYS OF THE END OF EACH MONTH~~
2 ~~INTO A SEPARATE ACCOUNT TO BE ESTABLISHED BY EACH~~
3 ~~RESPECTIVE HORSEMEN'S ORGANIZATION AT A BANKING~~
4 ~~INSTITUTION OF ITS CHOICE. OF THIS AMOUNT, A MINIMUM~~
5 ~~OF \$250,000 SHALL BE PAID ANNUALLY BY THE HORSEMEN'S~~
6 ~~ORGANIZATION TO THE THOROUGHBRED JOCKEYS OR~~
7 ~~STANDARDDBRED DRIVERS ORGANIZATION AT THE RACETRACK AT~~
8 ~~WHICH THE LICENSED RACING ENTITY OPERATES FOR HEALTH~~
9 ~~INSURANCE, LIFE INSURANCE OR OTHER BENEFITS TO ACTIVE~~
10 ~~AND DISABLED THOROUGHBRED JOCKEYS OR STANDARDDBRED~~
11 ~~DRIVERS IN ACCORDANCE WITH THE RULES AND ELIGIBILITY~~
12 ~~REQUIREMENTS OF THAT ORGANIZATION.~~

13 ~~(B) THE AMOUNT REMAINING AFTER APPLICATION OF~~
14 ~~CLAUSE (A) SHALL BE DISTRIBUTED ON A PRO RATA BASIS~~
15 ~~AS FOLLOWS:~~

16 ~~(I) SEVENTY EIGHT PERCENT OF THE REMAINING~~
17 ~~AMOUNT SHALL BE DEPOSITED WEEKLY INTO A SEPARATE,~~
18 ~~INTEREST BEARING PURSE ACCOUNT TO BE ESTABLISHED~~
19 ~~BY AND FOR THE BENEFIT OF THE HORSEMEN. THE~~
20 ~~EARNED INTEREST ON THE ACCOUNT SHALL BE CREDITED~~
21 ~~TO THE PURSE ACCOUNT. LICENSEES SHALL COMBINE~~
22 ~~THESE FUNDS WITH REVENUES FROM EXISTING PURSE~~
23 ~~AGREEMENTS TO FUND PURSES FOR LIVE RACES~~
24 ~~CONSISTENT WITH THOSE AGREEMENTS WITH THE ADVICE~~
25 ~~AND CONSENT OF THE HORSEMEN. THE STATE HORSE~~
26 ~~RACING COMMISSION AND THE STATE HARNESS RACING~~
27 ~~COMMISSION, IN CONSULTATION WITH THE SECRETARY OF~~
28 ~~AGRICULTURE, SHALL ADOPT RULES AND REGULATIONS~~
29 ~~RELATING TO THE CONDITIONS OF LIVE RACES, TO~~
30 ~~INCLUDE RACES RESTRICTING ENTRY TO THE~~

~~PENNSYLVANIA SIRED OR PENNSYLVANIA BRED HORSE.~~

~~(II) FOR THOROUGHBRED TRACKS, THE REMAINING
17% SHALL BE DEPOSITED ON A MONTHLY BASIS INTO
THE PENNSYLVANIA BREEDING FUND AS DEFINED IN
SECTION 223 OF THE ACT OF DECEMBER 17, 1981
(P.L.435, NO.135), KNOWN AS THE RACE HORSE
INDUSTRY REFORM ACT. FOR STANDARDBRED TRACKS,
ONE HALF OF THAT AMOUNT SHALL BE DEPOSITED ON A
MONTHLY BASIS IN THE PENNSYLVANIA SIRE STAKES
FUND AS DEFINED IN SECTION 224 OF THE RACE HORSE
INDUSTRY REFORM ACT, AND THE OTHER HALF SHALL BE
DEPOSITED ON A MONTHLY BASIS INTO A RESTRICTED
ACCOUNT IN THE STATE RACING FUND TO BE KNOWN AS
THE PENNSYLVANIA STANDARDBRED BREEDERS
DEVELOPMENT FUND. THE STATE HARNESS RACING
COMMISSION SHALL, IN CONSULTATION WITH THE
SECRETARY OF AGRICULTURE BY RULE OR BY
REGULATION, ADOPT A STANDARDBRED BREEDERS PROGRAM
THAT WILL INCLUDE THE ADMINISTRATION OF
PENNSYLVANIA STALLION AWARD, PENNSYLVANIA BRED
AWARD AND A PENNSYLVANIA SIRED AND BRED AWARD.~~

~~(III) FIVE PERCENT SHALL BE DEPOSITED WEEKLY
INTO THE STATE RACING FUND AS DEFINED IN SECTION
222 OF THE RACE HORSE INDUSTRY REFORM ACT.~~

~~(II) CATEGORY 1 LICENSEES SHALL REPORT ANNUALLY TO
THE BOARD AND TO THE RESPECTIVE RACING COMMISSION AS TO
HOW THE INTRODUCTION AND EXPANSION OF ENHANCED GAMING HAS
FULFILLED THE INTENT OF THIS TITLE TO ENHANCE LIVE RACING
AND BREEDING IN THIS COMMONWEALTH. ADDITIONALLY, THE
LICENSEES SHALL BE REQUIRED TO DOCUMENT PLANS TO PROMOTE~~

~~LIVE HANDLE AND DAILY ATTENDANCE AT THE RACETRACK IN THE
SUBSEQUENT YEAR.~~

~~(I) EACH WEEK, 17% OF THE MONEY IN THE PENNSYLVANIA
RACE HORSE DEVELOPMENT FUND SHALL BE TRANSFERRED TO THE
GENERAL FUND.~~

~~(II) EACH WEEK, 83% OF THE MONEY IN THE PENNSYLVANIA
RACE HORSE DEVELOPMENT FUND SHALL BE DISTRIBUTED TO EACH
ACTIVE AND OPERATING CATEGORY 1 LICENSEE CONDUCTING LIVE
RACING IN ACCORDANCE WITH THE FOLLOWING FORMULA:~~

~~(A) DIVIDE:~~

~~(I) THE TOTAL DAILY ASSESSMENTS PAID, BY
EACH ACTIVE AND OPERATING CATEGORY 1 LICENSEE
CONDUCTING LIVE RACING, INTO THE PENNSYLVANIA
RACE HORSE DEVELOPMENT FUND FOR THAT WEEK; BY~~

~~(II) THE TOTAL DAILY ASSESSMENTS PAID, BY
ALL ACTIVE AND OPERATING CATEGORY 1 LICENSEES
CONDUCTING LIVE RACING, INTO THE PENNSYLVANIA
RACE HORSE DEVELOPMENT FUND FOR THAT WEEK.~~

~~(B) MULTIPLY THE QUOTIENT UNDER CLAUSE (A) BY
THE AMOUNT TO BE DISTRIBUTED UNDER THIS SUBPARAGRAPH.~~

~~(III) THE DISTRIBUTION UNDER SUBPARAGRAPH (II) SHALL
BE ALLOCATED AS FOLLOWS:~~

~~(A) THE GREATER OF 4% OF THE AMOUNT TO BE
DISTRIBUTED UNDER SUBPARAGRAPH (II) OR \$220,000 SHALL
BE USED TO FUND HEALTH AND PENSION BENEFITS FOR THE
MEMBERS OF THE HORSEMEN'S ORGANIZATIONS REPRESENTING
THE OWNERS AND TRAINERS AT THE RACETRACK AT WHICH THE
LICENSED RACING ENTITY OPERATES FOR THE BENEFIT OF
THE ORGANIZATION'S MEMBERS, THEIR FAMILIES, EMPLOYEES
AND OTHERS IN ACCORDANCE WITH THE RULES AND~~

~~ELIGIBILITY REQUIREMENTS OF THE ORGANIZATION, AS
APPROVED BY THE STATE HORSE RACING COMMISSION OR THE
STATE HARNESS RACING COMMISSION. THIS AMOUNT SHALL BE
DEPOSITED WITHIN FIVE BUSINESS DAYS OF THE END OF
EACH WEEK INTO A SEPARATE ACCOUNT TO BE ESTABLISHED
BY EACH RESPECTIVE HORSEMEN'S ORGANIZATION AT A
BANKING INSTITUTION OF ITS CHOICE. OF THIS AMOUNT, A
MINIMUM OF \$250,000 SHALL BE PAID ANNUALLY BY THE
HORSEMEN'S ORGANIZATION TO THE THOROUGHBRED JOCKEYS
OR STANDARD BRED DRIVERS ORGANIZATION AT THE RACETRACK
AT WHICH THE LICENSED RACING ENTITY OPERATES FOR
HEALTH INSURANCE, LIFE INSURANCE OR OTHER BENEFITS TO
ACTIVE AND DISABLED THOROUGHBRED JOCKEYS OR
STANDARD BRED DRIVERS IN ACCORDANCE WITH THE RULES AND
ELIGIBILITY REQUIREMENTS OF THAT ORGANIZATION.~~

~~(B) OF THE MONEY REMAINING TO BE DISTRIBUTED
UNDER SUBPARAGRAPH (II) AFTER APPLICATION OF CLAUSE
(A), THE FOLLOWING DISBURSEMENTS SHALL BE MADE:~~

~~(I) FOR LICENSEES THAT OPERATE AT
THOROUGHBRED TRACKS, EIGHTY THREE AND ONE THIRD
PERCENT OF THE MONEY TO BE DISTRIBUTED UNDER THIS
CLAUSE SHALL BE DEPOSITED ON A WEEKLY BASIS INTO
A SEPARATE, INTEREST BEARING PURSE ACCOUNT TO BE
ESTABLISHED BY AND FOR THE BENEFIT OF THE
HORSEMEN. THE EARNED INTEREST ON THE ACCOUNT
SHALL BE CREDITED TO THE PURSE ACCOUNT. LICENSEES
SHALL COMBINE THESE FUNDS WITH REVENUES FROM
EXISTING PURSE AGREEMENTS TO FUND PURSES FOR LIVE
RACES CONSISTENT WITH THOSE AGREEMENTS WITH THE
ADVICE AND CONSENT OF THE HORSEMEN. FOR LICENSEES~~

1 ~~THAT OPERATE AT STANDARD BRED TRACKS, 67 1/3%~~
2 ~~SHALL BE DEPOSITED WEEKLY INTO A SEPARATE,~~
3 ~~INTEREST BEARING PURSE ACCOUNT TO BE ESTABLISHED~~
4 ~~BY AND FOR THE BENEFIT OF THE HORSEMEN. THE~~
5 ~~EARNED INTEREST ON THE ACCOUNT SHALL BE CREDITED~~
6 ~~TO THE PURSE ACCOUNT. LICENSEES SHALL COMBINE~~
7 ~~THESE FUNDS WITH REVENUES FROM EXISTING PURSE~~
8 ~~AGREEMENTS TO FUND PURSES FOR LIVE RACES~~
9 ~~CONSISTENT WITH THOSE AGREEMENTS WITH THE ADVICE~~
10 ~~AND CONSENT OF THE HORSEMEN. A MINIMUM OF ONE~~
11 ~~SIXTH OF THE AMOUNT OF THOSE PURSES SHALL BE USED~~
12 ~~FOR LIVE RACES LIMITED TO HARNESS HORSES THAT ARE~~
13 ~~REGULARLY STABLED IN THIS COMMONWEALTH, ARE~~
14 ~~GREATER THAN THREE YEARS OF AGE AND WERE Sired BY~~
15 ~~A STANDARD BRED STALLION REGULARLY STANDING IN~~
16 ~~THIS COMMONWEALTH. FROM LICENSEES THAT OPERATE AT~~
17 ~~STANDARD BRED TRACKS, 16% SHALL BE DEPOSITED ON A~~
18 ~~MONTHLY BASIS INTO THE PENNSYLVANIA SIRE STAKES~~
19 ~~FUND AS DEFINED IN SECTION 224 OF THE RACE HORSE~~
20 ~~INDUSTRY REFORM ACT.~~

21 ~~(II) FOR THOROUGHBRED TRACKS, 16 AND 2/3% OF~~
22 ~~THE MONEY TO BE DISTRIBUTED UNDER THIS CLAUSE~~
23 ~~SHALL BE DEPOSITED ON A WEEKLY BASIS INTO THE~~
24 ~~PENNSYLVANIA BREEDING FUND ESTABLISHED IN SECTION~~
25 ~~223 OF THE ACT OF DECEMBER 17, 1981 (P.L. 435,~~
26 ~~NO. 135), KNOWN AS THE RACE HORSE INDUSTRY REFORM~~
27 ~~ACT. FOR STANDARD BRED TRACKS, 8 AND 1/3% OF THE~~
28 ~~MONEY TO BE DISTRIBUTED UNDER THIS CLAUSE SHALL~~
29 ~~BE DEPOSITED ON A WEEKLY BASIS INTO THE~~
30 ~~PENNSYLVANIA SIRE STAKES FUND AS DEFINED IN~~

1 ~~SECTION 224 OF THE RACE HORSE INDUSTRY REFORM~~
2 ~~ACT; AND 8 AND 1/3% OF THE MONEY TO BE~~
3 ~~DISTRIBUTED UNDER THIS CLAUSE SHALL BE DEPOSITED~~
4 ~~ON A WEEKLY BASIS INTO A RESTRICTED ACCOUNT IN~~
5 ~~THE STATE RACING FUND TO BE KNOWN AS THE~~
6 ~~PENNSYLVANIA STANDARDBRED BREEDERS DEVELOPMENT~~
7 ~~FUND. THE STATE HARNESS RACING COMMISSION SHALL,~~
8 ~~IN CONSULTATION WITH THE SECRETARY OF~~
9 ~~AGRICULTURE, PROMULGATE REGULATIONS ADOPTING A~~
10 ~~STANDARDBRED BREEDERS PROGRAM THAT WILL INCLUDE~~
11 ~~THE ADMINISTRATION OF THE PENNSYLVANIA STALLION~~
12 ~~AWARD, THE PENNSYLVANIA BRED AWARD AND THE~~
13 ~~PENNSYLVANIA SIRE AND BRED AWARD.~~

14 * * *

15 ~~(E) FILING OF AUDIT. ALL HORSEMEN'S ORGANIZATIONS THAT~~ ←
16 ~~RECEIVE FUNDS UNDER THIS SECTION SHALL FILE ANNUALLY WITH THE~~
17 ~~APPROPRIATE COMMISSION AND THE BOARD AN AUDIT PREPARED BY A~~
18 ~~CERTIFIED PUBLIC ACCOUNTANT OF ALL FUNDS RECEIVED. SUCH FILINGS~~
19 ~~SHALL BE OPEN TO PUBLIC REVIEW. THE HORSEMEN'S ORGANIZATIONS~~
20 ~~SHALL MAINTAIN ADEQUATE RECORDS CONCERNING RECEIPT AND~~
21 ~~DISTRIBUTION OF FUNDS ALLOCATED TO THEM. ALL DISTRIBUTIONS UNDER~~
22 ~~THIS SECTION, EXCEPT FOR THOSE FOR HEALTH AND PENSION BENEFITS~~
23 ~~FOR THE MEMBERS OF HORSEMEN'S ORGANIZATIONS, SHALL BE SUSPENDED~~
24 ~~FOR ANY HORSEMEN'S ORGANIZATION THAT HAS NOT FILED AN AUDIT AS~~
25 ~~REQUIRED UNDER THIS SUBSECTION WITHIN SIX MONTHS OF THE END OF~~
26 ~~THE HORSEMEN'S ORGANIZATION'S FISCAL YEAR. ANY SUCH~~
27 ~~DISTRIBUTIONS SUSPENDED ARE APPROPRIATED TO THE DEPARTMENT OF~~
28 ~~AGRICULTURE.~~

29 * * *

30 ~~SECTION 12. SECTION 1407 OF TITLE 4 IS AMENDED BY ADDING~~

1 ~~SUBSECTIONS TO READ:~~

2 ~~§ 1407. PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM~~
3 ~~FUND.~~

4 ~~* * *~~

5 ~~(E) ANNUAL REPORT. THE OFFICE OF THE BUDGET IN COOPERATION~~
6 ~~WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT SHALL~~
7 ~~SUBMIT AN ANNUAL REPORT OF ALL DISTRIBUTION OF FUNDS UNDER THIS~~
8 ~~SECTION TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE~~
9 ~~APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIRMAN AND~~
10 ~~MINORITY CHAIRMAN OF THE COMMUNITY, ECONOMIC AND RECREATIONAL~~
11 ~~DEVELOPMENT COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY~~
12 ~~CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF~~
13 ~~REPRESENTATIVES AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE~~
14 ~~GAMING OVERSIGHT COMMITTEE OF THE HOUSE OF REPRESENTATIVES. THE~~
15 ~~REPORT SHALL INCLUDE DETAILED INFORMATION RELATING TO TRANSFERS~~
16 ~~MADE FROM THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND~~
17 ~~TOURISM FUND AND ALL REIMBURSEMENTS, DISTRIBUTIONS AND PAYMENTS~~
18 ~~MADE UNDER SUBSECTION (B) OR THE ACT OF JULY 25, 2007 (P.L.342,~~
19 ~~NO.53), KNOWN AS PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND~~
20 ~~TOURISM FUND CAPITAL BUDGET ITEMIZATION ACT OF 2007. THE REPORT~~
21 ~~SHALL BE SUBMITTED BY JANUARY 31, 2010, AND BY JANUARY 31 OF~~
22 ~~EACH YEAR THEREAFTER.~~

23 ~~(F) LOCAL REPORT. A CITY OF THE FIRST CLASS, CITY OF THE~~
24 ~~SECOND CLASS, COUNTY OF THE SECOND CLASS, CONVENTION CENTER OR~~
25 ~~CONVENTION CENTER AUTHORITY, SPORTS AND EXHIBITION AUTHORITY OF~~
26 ~~A COUNTY OF THE SECOND CLASS, URBAN REDEVELOPMENT AUTHORITY,~~
27 ~~AIRPORT AUTHORITY OR OTHER ENTITY THAT RECEIVES MONEY FROM THE~~
28 ~~FUND PURSUANT TO AN ECONOMIC DEVELOPMENT CAPITAL BUDGET UNDER~~
29 ~~SUBSECTION (B) OR THE ACT OF JULY 25, 2007 (P.L.342, NO.53),~~
30 ~~KNOWN AS PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM~~

~~FUND CAPITAL BUDGET ITEMIZATION ACT OF 2007, SHALL SUBMIT AN ANNUAL REPORT TO THE OFFICE OF THE BUDGET, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE CHAIRMAN AND THE MINORITY CHAIRMAN OF THE GAMING OVERSIGHT COMMITTEE OF THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL INCLUDE DETAILED INFORMATION, INCLUDING RECORDS OF EXPENDITURES, PAYMENTS AND OTHER DISTRIBUTIONS MADE FROM MONEY RECEIVED UNDER SUBSECTION (B). THE INITIAL REPORT SHALL INCLUDE INFORMATION ON ALL FUNDS RECEIVED PRIOR TO JANUARY 31, 2010. THE REPORT SHALL BE SUBMITTED BY JANUARY 31, 2010, AND BY JANUARY 31 OF EACH YEAR THEREAFTER UNTIL ALL FUNDS UNDER THIS SECTION ARE DISTRIBUTED OR RECEIVED. AN ENTITY THAT RECEIVES FUNDS AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL SUBMIT AN INITIAL REPORT BY JANUARY 31 OF THE YEAR FOLLOWING RECEIPT OF THE FUNDS.~~

~~(C) DISTRIBUTION TO INTERNATIONAL AIRPORT. NOTWITHSTANDING THE PROVISIONS OF SECTION 7(D) OF THE ACT OF JULY 25, 2007 (P.L.342, NO.53), KNOWN AS THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND CAPITAL BUDGET ITEMIZATION ACT OF 2007, FOLLOWING THE DISTRIBUTION OF \$42.5 MILLION OF FUNDS ALLOCATED TO THE COUNTY FOR DEBT SERVICE AND ECONOMIC DEVELOPMENT PROJECTS FOR AN INTERNATIONAL AIRPORT IN A COUNTY OF THE SECOND CLASS UNDER SECTION 3(2)(I)(E) OF SAID ACT, ALL REMAINING FUNDS SHALL BE DISTRIBUTED DIRECTLY TO AN AUTHORITY THAT OPERATES AN INTERNATIONAL AIRPORT IN A COUNTY OF THE SECOND CLASS.~~

~~SECTION 13. SECTION 1408(A) AND (C) OF TITLE 4 ARE AMENDED~~

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

2 ~~§ 1408. TRANSFERS FROM STATE GAMING FUND.~~

3 ~~(A) TRANSFER FOR COMPULSIVE AND PROBLEM GAMBLING~~

4 ~~TREATMENT. EACH YEAR, THE SUM OF [\$1,500,000] \$2,000,000~~ ←

5 ~~\$4,000,000 OR AN AMOUNT EQUAL TO [.001] .002 .004 MULTIPLIED BY~~ ←

6 ~~THE TOTAL GROSS TERMINAL REVENUE OF ALL ACTIVE AND OPERATING~~

7 ~~LICENSED GAMING ENTITIES, WHICHEVER IS GREATER, SHALL BE~~

8 ~~TRANSFERRED INTO THE COMPULSIVE AND PROBLEM GAMBLING TREATMENT~~

9 ~~FUND ESTABLISHED IN SECTION 1509 (RELATING TO COMPULSIVE AND~~

10 ~~PROBLEM GAMBLING PROGRAM).~~

11 ~~(A.1) TRANSFER FROM GRANT PROGRAM. NO LATER THAN 60 DAYS~~

12 ~~AFTER THE EFFECTIVE DATE OF THIS SECTION AND ANNUALLY~~

13 ~~THEREAFTER, THE BOARD SHALL TRANSFER OR CAUSE TO BE TRANSFERRED~~

14 ~~\$3,000,000 FROM THE GRANT PROGRAM ESTABLISHED IN SUBSECTION (C)~~

15 ~~TO THE COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND~~

16 ~~ESTABLISHED UNDER SECTION 1509 (RELATING TO COMPULSIVE AND~~

17 ~~PROBLEM GAMBLING PROGRAM) SOLELY FOR THE PURPOSES OF COMPULSIVE~~

18 ~~AND PROBLEM GAMBLING AND DRUG AND ALCOHOL ASSESSMENT AND~~

19 ~~TREATMENT.~~

20 ~~* * *~~

21 ~~(C) LOCAL LAW ENFORCEMENT GRANTS. ANNUALLY, THE SUM OF~~

22 ~~\$5,000,000 SHALL BE TRANSFERRED TO THE BOARD FOR THE [PURPOSE~~

23 ~~OF] PURPOSES AUTHORIZED IN SUBSECTION (A.1) AND FOR ISSUING~~

24 ~~GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES TO ENFORCE AND PREVENT~~

25 ~~[THE UNLAWFUL OPERATION OF SLOT MACHINES] ALL FORMS OF UNLAWFUL~~

26 ~~GAMBLING IN THIS COMMONWEALTH. ALL SUMS TRANSFERRED TO THE BOARD~~ ←

27 ~~FOR THE PURPOSE OF ISSUING GRANTS FOR LAW ENFORCEMENT PURPOSES~~

28 ~~WHICH HAVE NOT BEEN DISTRIBUTED IN GRANTS TO LOCAL LAW~~

29 ~~ENFORCEMENT AGENCIES WITHIN 12 MONTHS OF TRANSFER TO THE BOARD~~

30 ~~AND WHICH HAVE NOT BEEN TRANSFERRED UNDER SUBSECTION (A.1) SHALL~~

~~BE TRANSFERRED TO THE DEPARTMENT OF AGRICULTURE FOR DISTRIBUTION
UNDER SECTION 5(1) OF THE ACT OF JULY 8, 1986 (P.L.437, NO.92),
KNOWN AS THE PENNSYLVANIA AGRICULTURAL FAIR ACT, TO ELIGIBLE
COUNTY AGRICULTURAL SOCIETIES AND OTHER ORGANIZATIONS WHICH
CONDUCT AN ANNUAL AGRICULTURAL FAIR. FOR PURPOSES OF THIS
SUBSECTION, THE TERM "LOCAL LAW ENFORCEMENT AGENCY" SHALL
INCLUDE PENNSYLVANIA STATE POLICE ACTIVITIES IN A MUNICIPALITY
WHICH DOES NOT HAVE A MUNICIPAL POLICE DEPARTMENT FOR ACTIVITIES
IN THAT MUNICIPALITY.~~

~~* * *~~

~~SECTION 13.1. SECTIONS 1501(B) AND (C), 1504 AND 1505 OF
TITLE 4 ARE AMENDED TO READ:~~

~~§ 1501. RESPONSIBILITY AND AUTHORITY OF DEPARTMENT.~~

~~* * *~~

~~(B) APPLICATION OF RULES AND REGULATIONS. THE DEPARTMENT
MAY PRESCRIBE THE EXTENT, IF ANY, TO WHICH ANY RULES AND
REGULATIONS SHALL BE APPLIED WITHOUT RETROACTIVE EFFECT. THE
DEPARTMENT SHALL HAVE AUTHORITY TO PRESCRIBE THE FORMS AND THE
SYSTEM OF ACCOUNTING AND RECORDKEEPING TO BE EMPLOYED AND
THROUGH ITS REPRESENTATIVE SHALL AT ALL TIMES HAVE POWER OF
ACCESS TO AND EXAMINATION AND AUDIT OF ANY EQUIPMENT AND RECORDS
RELATING TO ALL ASPECTS OF THE OPERATION OF SLOT MACHINES AND
TABLE GAMES UNDER THIS PART.~~

~~(C) PROCEDURE. FOR PURPOSES OF IMPLEMENTING THIS PART, THE
DEPARTMENT MAY PROMULGATE REGULATIONS IN THE SAME MANNER IN
WHICH THE BOARD IS AUTHORIZED AS PROVIDED IN SECTION 1203
(RELATING TO TEMPORARY REGULATIONS) AND SECTION 1303A (RELATING
TO TEMPORARY TABLE GAME REGULATIONS).~~

~~* * *~~

~~§ 1504. WAGERING ON CREDIT.~~

~~{SLOT} EXCEPT AS OTHERWISE PROVIDED IN SECTION 1326A-
(RELATING TO WAGERING POLICIES), SLOT MACHINE LICENSEES MAY NOT
EXTEND CREDIT. SLOT MACHINE LICENSEES WHO DO NOT HOLD A TABLE-
GAME OPERATION CERTIFICATE MAY NOT ACCEPT CREDIT CARDS, CHARGE-
CARDS OR DEBIT CARDS FROM A PLAYER FOR THE EXCHANGE OR PURCHASE
OF SLOT MACHINE CREDITS OR FOR AN ADVANCE OF COINS OR CURRENCY-
TO BE UTILIZED BY A PLAYER TO PLAY SLOT MACHINE GAMES OR EXTEND
CREDIT IN ANY MANNER TO A PLAYER SO AS TO ENABLE THE PLAYER TO-
PLAY SLOT MACHINES. SLOT MACHINE LICENSEES WHO HOLD A TABLE GAME
OPERATION CERTIFICATE MAY EXTEND CREDIT FOR SLOT MACHINE GAMING
IN ACCORDANCE WITH SECTION 1326A (RELATING TO WAGERING-
POLICIES).~~

~~§ 1505. NO EMINENT DOMAIN AUTHORITY.~~

~~NEITHER THE COMMONWEALTH NOR ANY POLITICAL SUBDIVISION-
THEREOF SHALL HAVE THE RIGHT TO ACQUIRE, WITH OR WITHOUT
COMPENSATION, THROUGH THE POWER OF EMINENT DOMAIN ANY PROPERTY,
EASEMENT OR LAND USE RIGHT FOR THE SITING OR CONSTRUCTION OF A-
LICENSED FACILITY [FOR THE OPERATION OF SLOT MACHINES BY A SLOT-
MACHINE LICENSEE].~~

~~SECTION 13.2. TITLE 4 IS AMENDED BY ADDING A SECTION TO~~
~~READ:~~

~~1507.1. DETERIORATED PROPERTY DESIGNATIONS.~~

~~REAL PROPERTY WHEREIN A LICENSED GAMING FACILITY IS LOCATED-
MAY NOT BE DESIGNATED AS, INCLUDED IN OR CONSIDERED A-
DETERIORATED PROPERTY AS DEFINED IN THE ACT OF DECEMBER 1, 1977-
(P.L.237, NO.76), KNOWN AS THE LOCAL ECONOMIC REVITALIZATION TAX-
ASSISTANCE ACT.~~

~~SECTION 13.2 13.3. SECTION 1509(B) AND (C) OF TITLE 4 ARE~~
~~AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO~~
~~READ:~~

~~§ 1509. COMPULSIVE AND PROBLEM GAMBLING PROGRAM.~~

~~* * *~~

~~(B) COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND. THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY A SPECIAL FUND TO BE KNOWN AS THE COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND. ALL MONEYS IN THE FUND SHALL BE EXPENDED FOR PROGRAMS FOR THE PREVENTION AND TREATMENT OF GAMBLING ADDICTION AND OTHER EMOTIONAL AND BEHAVIORAL PROBLEMS ASSOCIATED WITH OR RELATED TO GAMBLING ADDICTION AND FOR THE ADMINISTRATION OF THE COMPULSIVE AND PROBLEM GAMBLING PROGRAM. MONEYS IN THE FUND SHALL BE EXPENDED FOR THE PROGRAMS SET FORTH IN SUBSECTION (D.1) (4) (I), (II), (III) AND (IV). THE FUND SHALL CONSIST OF MONEY ANNUALLY ALLOCATED TO IT FROM THE ANNUAL PAYMENT ESTABLISHED UNDER SECTION 1408 (RELATING TO TRANSFERS FROM STATE GAMING FUND), MONEY WHICH MAY BE ALLOCATED BY THE BOARD, INTEREST EARNINGS ON MONEYS IN THE FUND AND ANY OTHER CONTRIBUTIONS, PAYMENTS OR DEPOSITS WHICH MAY BE MADE TO THE FUND.~~

~~(C) NOTICE OF AVAILABILITY OF ASSISTANCE.~~

~~(1) EACH SLOT MACHINE LICENSEE SHALL OBTAIN A TOLL FREE TELEPHONE NUMBER TO BE USED TO PROVIDE PERSONS WITH INFORMATION ON ASSISTANCE FOR COMPULSIVE OR PROBLEM GAMBLING. EACH LICENSEE SHALL CONSPICUOUSLY POST SIGNS SIMILAR TO THE FOLLOWING STATEMENT:~~

~~IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE. CALL (TOLL FREE TELEPHONE NUMBER).~~

~~THE SIGNS MUST BE POSTED WITHIN 50 FEET OF EACH ENTRANCE AND EXIT AND WITHIN 50 FEET OF EACH AUTOMATED TELLER MACHINE LOCATION WITHIN THE LICENSED FACILITY.~~

~~(2) EACH RACETRACK WHERE SLOT MACHINES OR TABLE GAMES ARE OPERATED SHALL PRINT A STATEMENT ON DAILY RACING PROGRAMS~~



1 ~~PROVIDED TO THE GENERAL PUBLIC THAT IS SIMILAR TO THE~~
2 ~~FOLLOWING:~~

3 ~~IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP~~
4 ~~IS AVAILABLE. CALL (TOLL FREE TELEPHONE NUMBER).~~

5 ~~(3) A LICENSED FACILITY WHICH FAILS TO POST OR PRINT THE~~
6 ~~WARNING SIGN IN ACCORDANCE WITH PARAGRAPH (1) OR (2) SHALL BE~~
7 ~~ASSESSED A FINE OF \$1,000 A DAY FOR EACH DAY THE SIGN IS NOT~~
8 ~~POSTED OR PRINTED AS PROVIDED IN THIS SUBSECTION.~~

9 ~~(C) NOTICE OF AVAILABILITY OF ASSISTANCE.~~ ←

10 ~~(1) EACH SLOT MACHINE LICENSEE SHALL OBTAIN A TOLL FREE~~
11 ~~TELEPHONE NUMBER TO BE USED TO PROVIDE PERSONS WITH~~
12 ~~INFORMATION ON ASSISTANCE FOR COMPULSIVE OR PROBLEM GAMBLING.~~
13 ~~EACH LICENSEE SHALL CONSPICUOUSLY POST SIGNS SIMILAR TO THE~~
14 ~~FOLLOWING STATEMENT:~~

15 ~~IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP~~
16 ~~IS AVAILABLE. CALL (TOLL FREE TELEPHONE NUMBER).~~

17 ~~THE SIGNS MUST BE POSTED WITHIN 50 FEET OF EACH ENTRANCE~~
18 ~~AND EXIT [AND], WITHIN 50 FEET OF EACH AUTOMATED TELLER~~
19 ~~MACHINE LOCATION AND A MINIMUM OF 20 SIGNS MUST BE POSTED~~
20 ~~WITHIN THE LICENSED FACILITY.~~

21 ~~(2) EACH RACETRACK WHERE SLOT MACHINES ARE OPERATED~~
22 ~~SHALL PRINT A STATEMENT ON DAILY RACING PROGRAMS PROVIDED TO~~
23 ~~THE GENERAL PUBLIC THAT IS SIMILAR TO THE FOLLOWING:~~

24 ~~IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP~~
25 ~~IS AVAILABLE. CALL (TOLL FREE TELEPHONE NUMBER).~~

26 ~~(3) A LICENSED FACILITY WHICH FAILS TO POST OR PRINT THE~~
27 ~~WARNING SIGN IN ACCORDANCE WITH PARAGRAPH (1) OR (2) SHALL BE~~
28 ~~ASSESSED A FINE OF \$1,000 A DAY FOR EACH DAY THE SIGN IS NOT~~
29 ~~POSTED OR PRINTED AS PROVIDED IN THIS SUBSECTION.~~

30 ~~* * *~~

~~(D.1) ADDICTION TREATMENT AND ASSESSMENT.~~

~~(1) THE GENERAL ASSEMBLY RECOGNIZES THAT THE EXPANSION OF CASINO STYLING GAMING IN THIS COMMONWEALTH REQUIRES AN ENHANCED AWARENESS OF COMPULSIVE AND PROBLEM GAMBLING AND THE NEED TO DEVELOP AND IMPLEMENT EFFECTIVE STRATEGIES FOR PREVENTION, ASSESSMENT AND TREATMENT OF THIS BEHAVIORAL DISORDER. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT, ACCORDING TO RESEARCH, COMPULSIVE AND PROBLEM GAMBLING MAY OVERLAP WITH DRUG AND/OR ALCOHOL ADDICTION. THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ESTABLISH AN APPROACH TO COMPULSIVE AND PROBLEM GAMBLING PREVENTION, ASSESSMENT AND TREATMENT THAT WILL ENSURE THE PROVISION OF ADEQUATE RESOURCES TO IDENTIFY, ASSESS AND TREAT COMPULSIVE AND PROBLEM GAMBLING AND DRUG AND/OR ALCOHOL ADDICTION.~~

~~(2) THE SUM OF \$3,000,000 SHALL BE ANNUALLY TRANSFERRED FROM THE COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND TO THE DEPARTMENT OF HEALTH FOR ALLOCATION TO THE SINGLE COUNTY AUTHORITIES. THE MONEYS SO TRANSFERRED AND ALLOCATED SHALL BE USED BY THE SINGLE COUNTY AUTHORITIES FOR COMPULSIVE AND PROBLEM GAMBLING AND ASSOCIATED DRUG AND/OR ALCOHOL ADDICTION ASSESSMENTS AND FOR THE RELATED ADDICTION TREATMENT IN NONHOSPITAL RESIDENTIAL DETOXIFICATION FACILITIES, NONHOSPITAL RESIDENTIAL REHABILITATION FACILITIES AND HALFWAY HOUSES LICENSED BY THE DEPARTMENT OF HEALTH TO PROVIDE ADDICTION TREATMENT SERVICES. FINANCIAL COUNSELING MAY BE A REQUIRED COMPONENT OF TREATMENT, WHETHER IT IS PROVIDED DIRECTLY BY THE TREATMENT SERVICE PROVIDER OR SUBCONTRACTED TO A THIRD PARTY. NO MONEYS AUTHORIZED TO BE TRANSFERRED UNDER THIS SUBSECTION SHALL BE UTILIZED TO SUPPLANT OTHER FUNDING FOR THE TREATMENT OF DRUG AND/OR ALCOHOL ADDICTION.~~

1 ~~AFTER ONE YEAR, THE BOARD SHALL COMMISSION A STUDY OF THE~~
2 ~~IMPACT OF THE COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND~~
3 ~~IN AREAS WHERE GAMBLING WAS EXPANDED. THE COMMISSION SHALL~~
4 ~~PRODUCE A REPORT THAT INCLUDES DATA ON RACE, GENDER,~~
5 ~~GEOGRAPHY AND INCOME AND A RECOMMENDATION OF WHETHER THE~~
6 ~~FUND'S APPROPRIATION SHOULD BE INCREASED TO A SUM UP TO~~
7 ~~\$5,000,000.~~

8 ~~(3) ELIGIBILITY TO RECEIVE TREATMENT SERVICES FOR~~
9 ~~TREATMENT OF COMPULSIVE AND PROBLEM GAMBLING, AND DRUG AND/OR~~
10 ~~ALCOHOL ADDICTION ASSOCIATED OR RELATED TO COMPULSIVE AND~~
11 ~~PROBLEM GAMBLING UNDER PARAGRAPH (1), SHALL BE DETERMINED~~
12 ~~USING FINANCIAL ELIGIBILITY AND OTHER REQUIREMENTS OF THE~~
13 ~~SINGLE COUNTY AUTHORITIES AS APPROVED BY THE DEPARTMENT OF~~
14 ~~HEALTH.~~

15 ~~(4) WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS~~
16 ~~SUBSECTION, THE DEPARTMENT OF HEALTH'S BUREAU OF DRUG AND~~
17 ~~ALCOHOL PROGRAMS AND THE BOARD'S OFFICE OF COMPULSIVE AND~~
18 ~~PROBLEM GAMBLING SHALL COLLABORATE WITH PROVIDERS AND OTHER~~
19 ~~PERSONS OR ENTITIES WITH EXPERTISE IN THE FIELD OF COMPULSIVE~~
20 ~~AND PROBLEM GAMBLING TO:~~

21 ~~(I) DEVELOP AND IMPLEMENT A STRATEGIC PLAN FOR THE~~
22 ~~PREVENTION AND TREATMENT OF COMPULSIVE AND PROBLEM~~
23 ~~GAMBLING AND ASSOCIATED BEHAVIOR DISORDERS, INCLUDING~~
24 ~~DRUG AND/OR ALCOHOL ADDICTIONS.~~

25 ~~(II) ADOPT COMPULSIVE AND PROBLEM GAMBLING TREATMENT~~
26 ~~STANDARDS TO BE INTEGRATED WITH THE BUREAU OF DRUG AND~~
27 ~~ALCOHOL PROGRAM'S UNIFORM STATEWIDE GUIDELINES THAT~~
28 ~~GOVERN THE PROVISION OF ADDICTION TREATMENT SERVICES. THE~~
29 ~~STANDARDS MAY PROVIDE CRITERIA FOR THE CERTIFICATION OF~~
30 ~~COMPULSIVE AND PROBLEM GAMBLING COUNSELORS.~~

~~(III) DEVELOP, IN COLLABORATION WITH THE APPROPRIATE
STATE AGENCIES, A METHOD TO LINK COMPULSIVE AND PROBLEM
GAMBLING DATA COLLECTION AND REFERRAL INFORMATION TO
CRISIS RESPONSE HOTLINES AND YOUTH AND DOMESTIC VIOLENCE
PROGRAMS OR PROVIDERS.~~

~~(IV) COLLABORATE WITH THE DEPARTMENT OF HEALTH, THE
DEPARTMENT OF AGING AND OTHER APPROPRIATE OFFICES AND
AGENCIES OF STATE OR LOCAL GOVERNMENT AND PERSONS AND
ENTITIES, PUBLIC OR PRIVATE, WITH EXPERTISE IN COMPULSIVE
AND PROBLEM GAMBLING TREATMENT TO EDUCATE YOUTH AND OLDER
PENNSYLVANIANS THROUGH PREVENTION TRAINING AND MATERIALS
REGARDING THE PREVENTION, RECOGNITION AND TREATMENT OF
COMPULSIVE AND PROBLEM GAMBLING PROBLEMS. THE BUREAU OF
DRUG AND ALCOHOL PROGRAMS AND THE BOARD'S OFFICE OF
COMPULSIVE AND PROBLEM GAMBLING SHALL WORK WITH THE
IDENTIFIED AGENCIES AND OTHER AGENCIES AND ENTITIES TO
DEVELOP DEMOGRAPHIC SPECIFIC COMPULSIVE AND PROBLEM
GAMBLING PREVENTION, INTERVENTION AND TREATMENT PROGRAMS.~~

~~(D.2) REPORT. BEGINNING OCTOBER 1, 2010, AND EVERY OCTOBER
1 THEREAFTER, THE BUREAU OF DRUG AND ALCOHOL PROGRAMS AND THE
BOARD'S OFFICE OF COMPULSIVE AND PROBLEM GAMBLING SHALL JOINTLY
SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY
REPORTING DATA AND PROGRESS ON AND ACTIVITIES INITIATED TO
FACILITATE THE DEVELOPMENT AND IMPLEMENTATION OF THE STRATEGIC
PLAN FOR THE PREVENTION AND TREATMENT OF COMPULSIVE AND PROBLEM
GAMBLING AND ASSOCIATED BEHAVIOR DISORDERS AND ADDICTIONS AND
THE OTHER REQUIREMENTS OF THIS SECTION.~~

~~* * *~~

~~SECTION 13.3 13.4. SECTIONS 1510(A), 1511(B) AND 1512(A.1),
(A.5) AND (B) OF TITLE 4 ARE AMENDED TO READ:~~



1 ~~§ 1510. LABOR HIRING PREFERENCES.~~

2 ~~(A) CATEGORY 1, 2, AND 3 LICENSED FACILITIES, GENERALLY.~~
3 ~~EACH LICENSED GAMING ENTITY SHALL PREPARE A HIRING PLAN FOR~~
4 ~~EMPLOYEES OF ITS RESPECTIVE LICENSED FACILITY WHICH PROMOTES A~~
5 ~~DIVERSE WORK FORCE, MINORITY PARTICIPATION AND PERSONNEL FROM~~
6 ~~WITHIN THE SURROUNDING GEOGRAPHICAL AREA. THE HIRING PLAN SHALL~~
7 ~~BE APPROVED BY THE BOARD AND SHALL BE CONSISTENT WITH THE GOALS~~
8 ~~OUTLINED IN SECTIONS 1212 (RELATING TO DIVERSITY GOALS OF BOARD)~~
9 ~~AND 1304A (RELATING TO COMMONWEALTH RESIDENT EMPLOYMENT GOALS).~~

10 * * *

11 ~~§ 1511. DECLARATION OF EXEMPTION FROM FEDERAL LAWS PROHIBITING~~
12 ~~SLOT MACHINES.~~

13 * * *

14 ~~(B) LEGAL SHIPMENTS. ALL SHIPMENTS OF [SLOT MACHINES]~~
15 ~~GAMBLING DEVICES, AS DEFINED IN SECTION 1 OF THE GAMBLING~~
16 ~~DEVICES TRANSPORTATION ACT (64 STAT. 1134, 15 U.S.C. § 1171),~~
17 ~~INTO THIS COMMONWEALTH, THE REGISTERING, RECORDING AND LABELING~~
18 ~~OF WHICH HAS BEEN EFFECTED BY THE MANUFACTURER AND SUPPLIER OF~~
19 ~~THOSE DEVICES, IN ACCORDANCE WITH SECTIONS [5 AND 7] 3 AND 4 OF~~
20 ~~THE GAMBLING DEVICES TRANSPORTATION ACT (64 STAT. 1134, 15~~
21 ~~U.S.C. §§ [1175 AND 1177] 1173 AND 1174), SHALL BE DEEMED LEGAL~~
22 ~~SHIPMENTS OF [SLOT MACHINES] GAMBLING DEVICES INTO THIS~~
23 ~~COMMONWEALTH.~~

24 ~~§ 1512. FINANCIAL AND EMPLOYMENT INTERESTS.~~

25 * * *

26 ~~(A.1) EMPLOYMENT. EXCEPT AS MAY BE PROVIDED BY RULE OR~~
27 ~~ORDER OF THE PENNSYLVANIA SUPREME COURT AND EXCEPT AS PROVIDED~~
28 ~~IN SECTION 1512.1 (RELATING TO ADDITIONAL RESTRICTIONS), NO~~
29 ~~EXECUTIVE LEVEL PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY~~
30 ~~OFFICER, OR AN IMMEDIATE FAMILY MEMBER THEREOF, SHALL BE~~

1 EMPLOYED BY AN APPLICANT OR A SLOT MACHINE LICENSEE,
2 MANUFACTURER LICENSEE, SUPPLIER LICENSEE OR LICENSED RACING
3 ENTITY, OR BY ANY HOLDING COMPANY, AFFILIATE, INTERMEDIARY OR
4 SUBSIDIARY THEREOF, WHILE THE INDIVIDUAL IS AN EXECUTIVE LEVEL
5 PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY OFFICER AND FOR ONE
6 YEAR FOLLOWING TERMINATION OF THE INDIVIDUAL'S STATUS AS AN
7 EXECUTIVE LEVEL PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY
8 OFFICER.

9 * * *

10 (A.5) STATE ETHICS COMMISSION. THE STATE ETHICS COMMISSION
11 SHALL PUBLISH A LIST OF ALL STATE, COUNTY, MUNICIPAL AND OTHER
12 GOVERNMENT POSITIONS THAT MEET THE DEFINITIONS OF "PUBLIC
13 OFFICIAL" AS DEFINED UNDER SUBSECTION (B) OR "EXECUTIVE LEVEL
14 PUBLIC EMPLOYEE" [UNDER SUBSECTION (B)] AND A LIST OF
15 INDIVIDUALS SUBJECT TO SECTION 1512.1. THE OFFICE OF
16 ADMINISTRATION SHALL ASSIST THE [ETHICS COMMISSION] COMMISSION
17 IN THE DEVELOPMENT OF THE LIST, WHICH SHALL BE PUBLISHED IN THE
18 PENNSYLVANIA BULLETIN BIENNIALY AND ON THE BOARD'S WEBSITE.
19 UPON REQUEST, EACH PUBLIC OFFICIAL SHALL HAVE A DUTY TO PROVIDE
20 THE [ETHICS COMMISSION] COMMISSION WITH ADEQUATE INFORMATION TO
21 ACCURATELY DEVELOP AND MAINTAIN THE LIST. THE [ETHICS
22 COMMISSION] COMMISSION MAY IMPOSE A CIVIL PENALTY UNDER 65
23 PA.C.S. § 1109(F) (RELATING TO PENALTIES) UPON ANY INDIVIDUAL,
24 INCLUDING ANY PUBLIC OFFICIAL OR EXECUTIVE LEVEL PUBLIC EMPLOYEE
25 WHO FAILS TO COOPERATE WITH THE [ETHICS COMMISSION] COMMISSION
26 UNDER THIS SUBSECTION. AN INDIVIDUAL WHO RELIES IN GOOD FAITH ON
27 THE LIST PUBLISHED BY THE COMMISSION SHALL NOT BE SUBJECT TO ANY
28 PENALTY FOR A VIOLATION OF THIS SECTION.

29 (B) DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING
30 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS

1 SUBSECTION:-

2 ~~["EXECUTIVE LEVEL PUBLIC EMPLOYEE." THE TERM SHALL INCLUDE~~
3 ~~THE FOLLOWING:-~~

4 ~~(1) DEPUTY SECRETARIES OF THE COMMONWEALTH AND THE~~
5 ~~GOVERNOR'S OFFICE EXECUTIVE STAFF.~~

6 ~~(2) AN EMPLOYEE OF THE EXECUTIVE BRANCH WITH~~
7 ~~DISCRETIONARY POWER WHICH MAY AFFECT OR INFLUENCE THE OUTCOME~~
8 ~~OF A STATE AGENCY'S ACTION OR DECISION AND WHO IS INVOLVED IN~~
9 ~~THE DEVELOPMENT OF REGULATIONS OR POLICIES RELATING TO A~~
10 ~~LICENSED ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER~~
11 ~~THIS PART. THE TERM SHALL INCLUDE AN EMPLOYEE WITH LAW~~
12 ~~ENFORCEMENT AUTHORITY.~~

13 ~~(3) AN EMPLOYEE OF A COUNTY OR MUNICIPALITY WITH~~
14 ~~DISCRETIONARY POWERS WHICH MAY AFFECT OR INFLUENCE THE~~
15 ~~OUTCOME OF THE COUNTY'S OR MUNICIPALITY'S ACTION OR DECISION~~
16 ~~AND WHO IS INVOLVED IN THE DEVELOPMENT OF LAW, REGULATION OR~~
17 ~~POLICY RELATING TO A LICENSED ENTITY OR WHO IS INVOLVED IN~~
18 ~~OTHER MATTERS UNDER THIS PART. THE TERM SHALL INCLUDE AN~~
19 ~~EMPLOYEE WITH LAW ENFORCEMENT AUTHORITY.~~

20 ~~(4) AN EMPLOYEE OF A DEPARTMENT, AGENCY, BOARD,~~
21 ~~COMMISSION, AUTHORITY OR OTHER GOVERNMENTAL BODY NOT INCLUDED~~
22 ~~IN PARAGRAPH (1), (2) OR (3) WITH DISCRETIONARY POWER WHICH~~
23 ~~MAY AFFECT OR INFLUENCE THE OUTCOME OF THE GOVERNMENTAL~~
24 ~~BODY'S ACTION OR DECISION AND WHO IS INVOLVED IN THE~~
25 ~~DEVELOPMENT OF REGULATION OR POLICY RELATING TO A LICENSED~~
26 ~~ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER THIS PART.~~
27 ~~THE TERM SHALL INCLUDE AN EMPLOYEE WITH LAW ENFORCEMENT~~
28 ~~AUTHORITY.}]~~

29 ~~"FINANCIAL INTEREST." OWNING OR HOLDING, OR BEING DEEMED TO~~
30 ~~HOLD, DEBT OR EQUITY SECURITIES OR OTHER OWNERSHIP INTEREST OR~~

1 ~~PROFITS INTEREST. A FINANCIAL INTEREST SHALL NOT INCLUDE ANY~~
2 ~~DEBT OR EQUITY SECURITY, OR OTHER OWNERSHIP INTEREST OR PROFITS~~
3 ~~INTEREST, WHICH IS HELD OR DEEMED TO BE HELD IN ANY OF THE~~
4 ~~FOLLOWING:~~

5 ~~(1) A BLIND TRUST OVER WHICH THE EXECUTIVE LEVEL PUBLIC~~
6 ~~EMPLOYEE, PUBLIC OFFICIAL, PARTY OFFICER OR IMMEDIATE FAMILY~~
7 ~~MEMBER THEREOF MAY NOT EXERCISE ANY MANAGERIAL CONTROL OR~~
8 ~~RECEIVE INCOME DURING THE TENURE OF OFFICE AND THE PERIOD~~
9 ~~UNDER SUBSECTION (A). THE PROVISIONS OF THIS PARAGRAPH SHALL~~
10 ~~APPLY ONLY TO BLIND TRUSTS ESTABLISHED PRIOR TO THE EFFECTIVE~~
11 ~~DATE OF THIS PARAGRAPH.~~

12 ~~(2) SECURITIES THAT ARE HELD IN A PENSION PLAN, PROFIT-~~
13 ~~SHARING PLAN, INDIVIDUAL RETIREMENT ACCOUNT, TAX SHELTERED~~
14 ~~ANNUITY, A PLAN ESTABLISHED PURSUANT TO SECTION 457 OF THE~~
15 ~~INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §~~
16 ~~1-ET SEQ.) OR ANY SUCCESSOR PROVISION DEFERRED COMPENSATION-~~
17 ~~PLAN WHETHER QUALIFIED OR NOT QUALIFIED UNDER THE INTERNAL~~
18 ~~REVENUE CODE OF 1986 OR ANY SUCCESSOR PROVISION OR OTHER~~
19 ~~RETIREMENT PLAN THAT:~~

20 ~~(I) IS NOT SELF DIRECTED BY THE INDIVIDUAL; AND~~

21 ~~(II) IS ADVISED BY AN INDEPENDENT INVESTMENT ADVISER~~
22 ~~WHO HAS SOLE AUTHORITY TO MAKE INVESTMENT DECISIONS WITH~~
23 ~~RESPECT TO CONTRIBUTIONS MADE BY THE INDIVIDUAL TO THESE~~
24 ~~PLANS.~~

25 ~~(3) A TUITION ACCOUNT PLAN ORGANIZED AND OPERATED~~
26 ~~PURSUANT TO SECTION 529 OF THE INTERNAL REVENUE CODE OF 1986~~
27 ~~(PUBLIC LAW 99-514, 26 U.S.C. § 529) THAT IS NOT SELF~~
28 ~~DIRECTED BY THE INDIVIDUAL.~~

29 ~~(4) A MUTUAL FUND WHERE THE INTEREST OWNED BY THE MUTUAL~~
30 ~~FUND IN A LICENSED ENTITY DOES NOT CONSTITUTE A CONTROLLING~~

~~INTEREST AS DEFINED IN THIS PART.~~

~~"IMMEDIATE FAMILY." A SPOUSE, MINOR CHILD OR UNEMANCIPATED CHILD.~~

~~"LAW ENFORCEMENT AUTHORITY." THE POWER TO CONDUCT INVESTIGATIONS OF OR TO MAKE ARRESTS FOR CRIMINAL OFFENSES.~~

~~"PARTY OFFICER." A MEMBER OF A NATIONAL COMMITTEE; A CHAIRMAN, VICE CHAIRMAN, SECRETARY, TREASURER OR COUNSEL OF A STATE COMMITTEE OR MEMBER OF THE EXECUTIVE COMMITTEE OF A STATE COMMITTEE; A COUNTY CHAIRMAN, VICE CHAIRMAN, COUNSEL, SECRETARY OR TREASURER OF A COUNTY COMMITTEE IN WHICH A LICENSED FACILITY IS LOCATED; OR A CITY CHAIRMAN, VICE CHAIRMAN, COUNSEL, SECRETARY OR TREASURER OF A CITY COMMITTEE OF A CITY IN WHICH A LICENSED FACILITY IS LOCATED.~~

~~"PUBLIC OFFICIAL." THE TERM SHALL INCLUDE THE FOLLOWING:~~

~~(1) THE GOVERNOR, LIEUTENANT GOVERNOR, A MEMBER OF THE GOVERNOR'S CABINET, TREASURER, AUDITOR GENERAL AND ATTORNEY GENERAL OF THE COMMONWEALTH.~~

~~(2) A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH.~~

~~(3) AN INDIVIDUAL ELECTED OR APPOINTED TO ANY OFFICE OF A COUNTY OR MUNICIPALITY THAT DIRECTLY RECEIVES A DISTRIBUTION OF REVENUE UNDER THIS PART.~~

~~(4) AN INDIVIDUAL ELECTED OR APPOINTED TO A DEPARTMENT, AGENCY, BOARD, COMMISSION, AUTHORITY OR OTHER GOVERNMENTAL BODY NOT INCLUDED IN PARAGRAPH (1), (2) OR (3) THAT DIRECTLY RECEIVES A DISTRIBUTION OF REVENUE UNDER THIS PART.~~

~~(5) AN INDIVIDUAL ELECTED OR APPOINTED TO A DEPARTMENT, AGENCY, BOARD, COMMISSION, AUTHORITY, COUNTY, MUNICIPALITY OR OTHER GOVERNMENTAL BODY NOT INCLUDED IN PARAGRAPH (1), (2) OR (3) WITH DISCRETIONARY POWER WHICH MAY INFLUENCE OR AFFECT~~

1 ~~THE OUTCOME OF AN ACTION OR DECISION AND WHO IS INVOLVED IN~~
2 ~~THE DEVELOPMENT OF REGULATION OR POLICY RELATING TO A~~
3 ~~LICENSED ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER~~
4 ~~THIS PART.~~

5 ~~THE TERM DOES NOT INCLUDE A MEMBER OF A SCHOOL BOARD OR AN~~
6 ~~INDIVIDUAL WHO HELD AN UNCOMPENSATED OFFICE WITH A GOVERNMENTAL~~
7 ~~BODY PRIOR TO JANUARY 1, 2006, AND WHO NO LONGER HOLDS THE~~
8 ~~OFFICE AS OF JANUARY 1, 2006. THE TERM INCLUDES A MEMBER OF AN~~
9 ~~ADVISORY BOARD OR COMMISSION WHICH MAKES RECOMMENDATIONS~~
10 ~~RELATING TO A LICENSED FACILITY.~~

11 ~~SECTION 14. TITLE 4 IS AMENDED BY ADDING A SECTION TO READ:~~
12 ~~§ 1512.1. ADDITIONAL RESTRICTIONS.~~

13 ~~(A) RESTRICTIONS. AN INDIVIDUAL MEMBER OF THE PENNSYLVANIA~~
14 ~~STATE POLICE OR EMPLOYEE OF THE OFFICE OF ATTORNEY GENERAL,~~
15 ~~OFFICE OF THE AUDITOR GENERAL OR DEPARTMENT WHOSE DUTIES~~
16 ~~SUBSTANTIALLY INVOLVE LICENSING OR ENFORCEMENT, THE DEVELOPMENT~~
17 ~~OF LAWS, REGULATIONS OR POLICY OR WHO HAS OTHER DISCRETIONARY~~
18 ~~AUTHORITY WHICH MAY AFFECT THE GAMING INDUSTRY IN THIS~~
19 ~~COMMONWEALTH UNDER THIS PART SHALL NOT DO ANY OF THE FOLLOWING:~~

20 ~~(1) ACCEPT EMPLOYMENT WITH AN APPLICANT OR LICENSED~~
21 ~~ENTITY, OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING~~
22 ~~COMPANY THEREOF, FOR A PERIOD OF TWO YEARS AFTER THE~~
23 ~~TERMINATION OF THE EMPLOYMENT RELATING TO THE CONDUCT OF~~
24 ~~GAMING.~~

25 ~~(2) APPEAR BEFORE THE BOARD IN ANY HEARING OR PROCEEDING~~
26 ~~OR PARTICIPATE IN ANY OTHER ACTIVITY ON BEHALF OF ANY~~
27 ~~APPLICANT, LICENSEE, PERMITTEE OR LICENSED ENTITY, OR AN~~
28 ~~AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY~~
29 ~~THEREOF, FOR A PERIOD OF TWO YEARS AFTER TERMINATION OF THE~~
30 ~~EMPLOYMENT. NOTHING SHALL PREVENT A CURRENT OR FORMER TROOPER~~

~~OR EMPLOYEE SUBJECT TO THIS SECTION FROM APPEARING IN ANY
PROCEEDING AS A WITNESS WHERE THE EMPLOYEE IS BEING CALLED TO
TESTIFY CONCERNING ANY FACT OR INFORMATION OBTAINED DURING
THE COURSE OF EMPLOYMENT OR RELATED TO THE PERFORMANCE OF
DUTIES WHILE SO EMPLOYED.~~

~~(3) AS A CONDITION OF EMPLOYMENT, AN INDIVIDUAL SUBJECT
TO THIS PARAGRAPH SHALL SIGN AN AFFIDAVIT THAT THE INDIVIDUAL
WILL NOT ACCEPT EMPLOYMENT WITH OR BE RETAINED BY ANY
APPLICANT, LICENSED ENTITY OR AN AFFILIATE, INTERMEDIARY,
SUBSIDIARY OR HOLDING COMPANY THEREOF FOR A PERIOD OF TWO
YEARS FROM THE TERMINATION OF EMPLOYMENT.~~

~~(B) EMPLOYMENT OR RETENTION. AN APPLICANT OR LICENSED
ENTITY OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
COMPANY THEREOF SHALL NOT EMPLOY OR RETAIN AN INDIVIDUAL WHO
SIGNED AN AFFIDAVIT REQUIRED BY THIS SUBSECTION. AN APPLICANT OR
LICENSED ENTITY OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR
HOLDING COMPANY THAT KNOWINGLY EMPLOYS OR RETAINS AN INDIVIDUAL
IN VIOLATION OF THIS SUBSECTION SHALL BE SUBJECT TO A PENALTY
UNDER SECTION 1518(C) (RELATING TO PROHIBITED ACTS; PENALTIES).~~

~~(C) VIOLATION. IF AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF
THE BOARD VIOLATES ANY PROVISION OF THIS SECTION, THE EMPLOYING
AGENCY OR DEPARTMENT MAY, UPON NOTICE AND HEARING, TERMINATE THE
EMPLOYMENT, AND THE PERSON SHALL BE INELIGIBLE FOR FUTURE
EMPLOYMENT WITH THE AGENCY OR DEPARTMENT AND SHALL BE PROHIBITED
FROM APPLYING FOR A LICENSE OR PERMIT, BECOMING AN INDEPENDENT
CONTRACTOR OR REGISTERING AS A LICENSED ENTITY REPRESENTATIVE
FOR A PERIOD OF FIVE YEARS FROM THE DATE OF TERMINATION OF THE
EMPLOYMENT OR CONTRACT.~~

~~(D) CODE OF CONDUCT. THE PENNSYLVANIA STATE POLICE,
ATTORNEY GENERAL, AUDITOR GENERAL AND DEPARTMENT SHALL ADOPT A~~

~~COMPREHENSIVE CODE OF CONDUCT WHICH SHALL SUPPLEMENT ALL OTHER
REQUIREMENTS UNDER THIS PART AND 65 PA.C.S. PT. II (RELATING TO
ACCOUNTABILITY), AS APPLICABLE, AND SHALL PROVIDE GUIDELINES
APPLICABLE TO MEMBERS, EMPLOYEES AND ANY INDEPENDENT CONTRACTORS
OF THE AGENCY, DEPARTMENT OR OFFICE WHOSE DUTIES INVOLVE THE
ENFORCEMENT OR REGULATION OF GAMING UNDER THIS PART AND THE
IMMEDIATE FAMILIES OF THESE MEMBERS, AS DEFINED IN SECTION
1202.1(E) (RELATING TO CODE OF CONDUCT), EMPLOYEES AND
INDEPENDENT CONTRACTORS TO ENABLE THEM TO AVOID ANY PERCEIVED OR
ACTUAL CONFLICT OF INTEREST AND TO PROMOTE PUBLIC CONFIDENCE IN
THE INTEGRITY AND IMPARTIALITY OF GAMING ENFORCEMENT AND
REGULATION. AT A MINIMUM, THE CODE OF CONDUCT ADOPTED UNDER THIS
SECTION SHALL INCLUDE THE RESTRICTIONS APPLICABLE TO THE BOARD
UNDER SECTION 1202.1(C), EXCEPT THAT THE RESTRICTIONS UNDER
SECTION 1202.1(C) (5) SHALL NOT APPLY TO AN ELECTED ATTORNEY
GENERAL OR AUDITOR GENERAL.~~

~~SECTION 14.1. SECTIONS 1513(C) AND 1514(B), (F), (G) AND (H)~~ ←
~~OF TITLE 4 ARE AMENDED TO READ:~~

~~§ 1513. POLITICAL INFLUENCE.~~

~~* * *~~

~~(C) PENALTIES. THE FIRST VIOLATION OF THIS SECTION BY A
LICENSED GAMING ENTITY OR ANY PERSON THAT HOLDS A CONTROLLING
INTEREST IN SUCH GAMING ENTITY, OR A SUBSIDIARY COMPANY THEREOF,
AND ANY OFFICER, DIRECTOR OR MANAGEMENT LEVEL EMPLOYEE OF SUCH
LICENSEE SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN AN
AVERAGE SINGLE DAY'S GROSS TERMINAL REVENUE OF THE LICENSED
GAMING ENTITY DERIVED FROM THE OPERATION OF SLOT MACHINES AND
GROSS TABLE GAME REVENUE FROM THE OPERATION OF TABLE GAMES IN
THIS COMMONWEALTH; A SECOND VIOLATION OF THIS SECTION, WITHIN
FIVE YEARS OF THE FIRST VIOLATION, SHALL BE PUNISHABLE BY AT~~

~~LEAST A ONE DAY SUSPENSION OF THE LICENSE HELD BY THE LICENSED GAMING ENTITY AND A FINE NOT LESS THAN AN AVERAGE TWO DAYS' GROSS REVENUE OF THE LICENSED GAMING ENTITY; A THIRD VIOLATION OF THIS SECTION WITHIN FIVE YEARS OF THE SECOND VIOLATION SHALL BE PUNISHABLE BY THE IMMEDIATE REVOCATION OF THE LICENSE HELD BY THE LICENSED GAMING ENTITY. THE FIRST VIOLATION OF THIS SECTION BY A MANUFACTURER OR SUPPLIER LICENSED PURSUANT TO THIS PART OR BY ANY PERSON THAT HOLDS A CONTROLLING INTEREST IN SUCH MANUFACTURER OR SUPPLIER, OR A SUBSIDIARY COMPANY THEREOF, AND ANY OFFICER, DIRECTOR OR MANAGEMENT LEVEL EMPLOYEE OF SUCH A LICENSEE SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN ONE DAY'S AVERAGE OF THE GROSS PROFIT FROM SALES MADE BY THE MANUFACTURER OR SUPPLIER IN PENNSYLVANIA DURING THE PRECEDING 12 MONTH PERIOD OR PORTION THEREOF IN THE EVENT THE MANUFACTURER OR SUPPLIER HAS NOT OPERATED IN PENNSYLVANIA FOR 12 MONTHS; A SECOND VIOLATION OF THIS SECTION WITHIN FIVE YEARS OF THE FIRST VIOLATION SHALL BE PUNISHABLE BY A ONE MONTH SUSPENSION OF THE LICENSE HELD BY THE MANUFACTURER OR SUPPLIER AND A FINE OF NOT LESS THAN TWO TIMES ONE DAY'S AVERAGE OF THE GROSS PROFIT FROM SALES MADE BY THE MANUFACTURER OR SUPPLIER IN PENNSYLVANIA DURING THE PRECEDING 12 MONTH PERIOD OR PORTION THEREOF IN THE EVENT THE MANUFACTURER OR SUPPLIER HAS NOT OPERATED IN PENNSYLVANIA FOR 12 MONTHS. IN NO EVENT SHALL THE FINE IMPOSED UNDER THIS SECTION BE IN AN AMOUNT LESS THAN \$50,000 FOR EACH VIOLATION. IN ADDITION TO ANY FINE OR SANCTION THAT MAY BE IMPOSED BY THE BOARD, ANY PERSON WHO MAKES A CONTRIBUTION IN VIOLATION OF THIS SECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE.~~

~~* * *~~

~~SECTION 14.1. SECTION 1513 OF TITLE 4 IS REENACTED AND~~



1 ~~AMENDED TO READ:~~

2 ~~§ 1513. POLITICAL INFLUENCE.~~

3 ~~(A) CONTRIBUTION RESTRICTION. THE FOLLOWING PERSONS SHALL~~
4 ~~BE PROHIBITED FROM CONTRIBUTING ANY MONEY OR IN KIND~~
5 ~~CONTRIBUTION TO A CANDIDATE FOR NOMINATION OR ELECTION TO ANY~~
6 ~~PUBLIC OFFICE IN THIS COMMONWEALTH, OR TO ANY POLITICAL PARTY~~
7 ~~COMMITTEE OR OTHER POLITICAL COMMITTEE IN THIS COMMONWEALTH OR~~
8 ~~TO ANY GROUP, COMMITTEE OR ASSOCIATION ORGANIZED IN SUPPORT OF A~~
9 ~~CANDIDATE, POLITICAL PARTY COMMITTEE OR OTHER POLITICAL~~
10 ~~COMMITTEE IN THIS COMMONWEALTH.~~

11 ~~(1) AN APPLICANT FOR A SLOT MACHINE LICENSE,~~
12 ~~MANUFACTURER LICENSE, SUPPLIER LICENSE, PRINCIPAL LICENSE,~~
13 ~~KEY EMPLOYEE LICENSE OR HORSE OR HARNESS RACING LICENSE.~~

14 ~~(2) A SLOT MACHINE LICENSEE, LICENSED MANUFACTURER,~~
15 ~~LICENSED SUPPLIER OR LICENSED RACING ENTITY.~~

16 ~~(3) A LICENSED PRINCIPAL OR LICENSED KEY EMPLOYEE OF A~~
17 ~~SLOT MACHINE LICENSEE, LICENSED MANUFACTURER, LICENSED~~
18 ~~SUPPLIER OR LICENSED RACING ENTITY.~~

19 ~~(4) AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING~~
20 ~~COMPANY OF A SLOT MACHINE LICENSEE, LICENSED MANUFACTURER,~~
21 ~~LICENSED SUPPLIER OR LICENSED RACING ENTITY.~~

22 ~~(5) A LICENSED PRINCIPAL OR LICENSED KEY EMPLOYEE OF AN~~
23 ~~AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY OF A~~
24 ~~SLOT MACHINE LICENSEE, LICENSED MANUFACTURER, LICENSED~~
25 ~~SUPPLIER OR LICENSED RACING ENTITY.~~

26 ~~(6) A PERSON WHO HOLDS A SIMILAR GAMING LICENSE IN~~
27 ~~ANOTHER JURISDICTION AND THE AFFILIATES, INTERMEDIARIES,~~
28 ~~SUBSIDIARIES, HOLDING COMPANIES, PRINCIPALS OR KEY EMPLOYEES~~
29 ~~THEREOF.~~

30 ~~(A.1) CONTRIBUTIONS TO CERTAIN ASSOCIATIONS AND~~

1 ~~ORGANIZATIONS BARRED. THE INDIVIDUALS PROHIBITED FROM MAKING~~
2 ~~POLITICAL CONTRIBUTIONS UNDER SUBSECTION (A) SHALL NOT MAKE A~~
3 ~~POLITICAL CONTRIBUTION OF MONEY OR AN IN KIND CONTRIBUTION TO~~
4 ~~ANY ASSOCIATION OR ORGANIZATION, INCLUDING A NONPROFIT~~
5 ~~ORGANIZATION, THAT HAS BEEN SOLICITED BY, OR KNOWING THAT THE~~
6 ~~CONTRIBUTION OR A PORTION THEREOF WILL BE CONTRIBUTED TO, THE~~
7 ~~ELECTED OFFICIAL, EXECUTIVE LEVEL PUBLIC EMPLOYEE OR CANDIDATE~~
8 ~~FOR NOMINATION OR ELECTION TO A PUBLIC OFFICE IN THIS~~
9 ~~COMMONWEALTH.~~

10 ~~(A.2) INTERNET WEBSITE.~~

11 ~~(1) THE BOARD SHALL ESTABLISH AN INTERNET WEBSITE THAT~~
12 ~~INCLUDES A LIST OF ALL APPLICANTS FOR AND HOLDERS OF A SLOT~~
13 ~~MACHINE LICENSE, MANUFACTURER LICENSE, SUPPLIER LICENSE OR~~
14 ~~RACING ENTITY LICENSE, AND THE AFFILIATES, INTERMEDIARIES,~~
15 ~~SUBSIDIARIES, HOLDING COMPANIES, PRINCIPALS AND KEY EMPLOYEES~~
16 ~~THEREOF, ALL PERSONS HOLDING A SIMILAR GAMING LICENSE IN~~
17 ~~ANOTHER JURISDICTION, AND THE AFFILIATES, INTERMEDIARIES,~~
18 ~~SUBSIDIARIES, HOLDING COMPANIES, PRINCIPALS AND KEY EMPLOYEES~~
19 ~~THEREOF, AND ANY OTHER ENTITY IN WHICH THE APPLICANT OR~~
20 ~~LICENSEE HAS ANY DEBT OR EQUITY SECURITY OR OTHER OWNERSHIP~~
21 ~~OR PROFITS INTEREST. AN APPLICANT OR LICENSEE SHALL NOTIFY~~
22 ~~THE BOARD WITHIN SEVEN DAYS OF THE DISCOVERY OF ANY CHANGE IN~~
23 ~~OR ADDITION TO THE INFORMATION. THE LIST SHALL BE PUBLISHED~~
24 ~~SEMIANNUALLY IN THE PENNSYLVANIA BULLETIN.~~

25 ~~(2) AN INDIVIDUAL WHO ACTS IN GOOD FAITH AND IN RELIANCE~~
26 ~~ON THE INFORMATION ON THE INTERNET WEBSITE SHALL NOT BE~~
27 ~~SUBJECT TO ANY PENALTIES OR LIABILITY IMPOSED FOR A VIOLATION~~
28 ~~OF THIS SECTION.~~

29 ~~(3) THE BOARD SHALL REQUEST THE INFORMATION REQUIRED~~
30 ~~UNDER PARAGRAPH (1) FROM PERSONS LICENSED IN ANOTHER~~

1 ~~JURISDICTION WHO DO NOT HOLD A LICENSE IN THIS COMMONWEALTH~~
2 ~~AND FROM REGULATORY AGENCIES IN THE OTHER JURISDICTION. IF A~~
3 ~~LICENSEE IN ANOTHER JURISDICTION REFUSES TO PROVIDE THE~~
4 ~~INFORMATION REQUIRED UNDER PARAGRAPH (1), THE PERSON AND ITS~~
5 ~~OFFICERS, DIRECTORS OR PERSONS WITH A CONTROLLING INTEREST~~
6 ~~SHALL BE INELIGIBLE TO RECEIVE ANY LICENSE UNDER THIS PART.~~

7 ~~(B) ANNUAL CERTIFICATION. THE CHIEF EXECUTIVE OFFICER, OR~~
8 ~~OTHER APPROPRIATE INDIVIDUAL, OF EACH APPLICANT FOR A SLOT~~
9 ~~MACHINE LICENSE, MANUFACTURER LICENSE OR SUPPLIER LICENSE,~~
10 ~~LICENSED RACING ENTITY, LICENSED SUPPLIER, LICENSED MANUFACTURER~~
11 ~~OR LICENSED GAMING ENTITY SHALL ANNUALLY CERTIFY UNDER OATH TO~~
12 ~~THE BOARD AND THE DEPARTMENT OF STATE THAT SUCH APPLICANT OR~~
13 ~~LICENSED RACING ENTITY, LICENSED SUPPLIER, LICENSED MANUFACTURER~~
14 ~~OR LICENSED GAMING ENTITY HAS DEVELOPED AND IMPLEMENTED INTERNAL~~
15 ~~SAFEGUARDS AND POLICIES INTENDED TO PREVENT A VIOLATION OF THIS~~
16 ~~PROVISION AND THAT SUCH APPLICANT OR LICENSED RACING ENTITY OR~~
17 ~~LICENSED GAMING ENTITY HAS CONDUCTED A GOOD FAITH INVESTIGATION~~
18 ~~THAT HAS NOT REVEALED ANY VIOLATION OF THIS PROVISION DURING THE~~
19 ~~PAST YEAR.~~

20 ~~(C) PENALTIES. THE FIRST VIOLATION OF THIS SECTION BY A~~
21 ~~LICENSED GAMING ENTITY OR ANY PERSON THAT HOLDS A CONTROLLING~~
22 ~~INTEREST IN SUCH GAMING ENTITY, OR A SUBSIDIARY COMPANY THEREOF,~~
23 ~~AND ANY OFFICER, DIRECTOR OR MANAGEMENT LEVEL EMPLOYEE OF SUCH~~
24 ~~LICENSEE SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN AN~~
25 ~~AVERAGE SINGLE DAY'S GROSS TERMINAL REVENUE OF THE LICENSED~~
26 ~~GAMING ENTITY DERIVED FROM THE OPERATION OF SLOT MACHINES AND~~
27 ~~GROSS TABLE GAME REVENUE FROM THE OPERATION OF TABLE GAMES IN~~
28 ~~THIS COMMONWEALTH; A SECOND VIOLATION OF THIS SECTION, WITHIN~~
29 ~~FIVE YEARS OF THE FIRST VIOLATION, SHALL BE PUNISHABLE BY AT~~
30 ~~LEAST A ONE DAY SUSPENSION OF THE LICENSE HELD BY THE LICENSED~~

~~GAMING ENTITY AND A FINE NOT LESS THAN AN AVERAGE TWO DAYS' GROSS REVENUE OF THE LICENSED GAMING ENTITY; A THIRD VIOLATION OF THIS SECTION WITHIN FIVE YEARS OF THE SECOND VIOLATION SHALL BE PUNISHABLE BY THE IMMEDIATE REVOCATION OF THE LICENSE HELD BY THE LICENSED GAMING ENTITY. THE FIRST VIOLATION OF THIS SECTION BY A MANUFACTURER OR SUPPLIER LICENSED PURSUANT TO THIS PART OR BY ANY PERSON THAT HOLDS A CONTROLLING INTEREST IN SUCH MANUFACTURER OR SUPPLIER, OR A SUBSIDIARY COMPANY THEREOF, AND ANY OFFICER, DIRECTOR OR MANAGEMENT LEVEL EMPLOYEE OF SUCH A LICENSEE SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN ONE DAY'S AVERAGE OF THE GROSS PROFIT FROM SALES MADE BY THE MANUFACTURER OR SUPPLIER IN PENNSYLVANIA DURING THE PRECEDING 12 MONTH PERIOD OR PORTION THEREOF IN THE EVENT THE MANUFACTURER OR SUPPLIER HAS NOT OPERATED IN PENNSYLVANIA FOR 12 MONTHS; A SECOND VIOLATION OF THIS SECTION WITHIN FIVE YEARS OF THE FIRST VIOLATION SHALL BE PUNISHABLE BY A ONE MONTH SUSPENSION OF THE LICENSE HELD BY THE MANUFACTURER OR SUPPLIER AND A FINE OF NOT LESS THAN TWO TIMES ONE DAY'S AVERAGE OF THE GROSS PROFIT FROM SALES MADE BY THE MANUFACTURER OR SUPPLIER IN PENNSYLVANIA DURING THE PRECEDING 12 MONTH PERIOD OR PORTION THEREOF IN THE EVENT THE MANUFACTURER OR SUPPLIER HAS NOT OPERATED IN PENNSYLVANIA FOR 12 MONTHS. IN NO EVENT SHALL THE FINE IMPOSED UNDER THIS SECTION BE IN AN AMOUNT LESS THAN \$50,000 FOR EACH VIOLATION. IN ADDITION TO ANY FINE OR SANCTION THAT MAY BE IMPOSED BY THE BOARD, ANY PERSON WHO MAKES A CONTRIBUTION IN VIOLATION OF THIS SECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE.~~

~~(D) DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:~~

1 ~~"CONTRIBUTION." ANY PAYMENT, GIFT, SUBSCRIPTION, ASSESSMENT,~~
2 ~~CONTRACT, PAYMENT FOR SERVICES, DUES, LOAN, FORBEARANCE, ADVANCE~~
3 ~~OR DEPOSIT OF MONEY OR ANY VALUABLE THING MADE TO A CANDIDATE OR~~
4 ~~POLITICAL COMMITTEE FOR THE PURPOSE OF INFLUENCING ANY ELECTION~~
5 ~~IN THIS COMMONWEALTH OR FOR PAYING DEBTS INCURRED BY OR FOR A~~
6 ~~CANDIDATE OR COMMITTEE BEFORE OR AFTER ANY ELECTION. THE TERM~~
7 ~~SHALL INCLUDE THE PURCHASE OF TICKETS FOR EVENTS INCLUDING~~
8 ~~DINNERS, LUNCHEONS, RALLIES AND OTHER FUNDRAISING EVENTS; THE~~
9 ~~GRANTING OF DISCOUNTS OR REBATES NOT AVAILABLE TO THE GENERAL~~
10 ~~PUBLIC; OR THE GRANTING OF DISCOUNTS OR REBATES BY TELEVISION~~
11 ~~AND RADIO STATIONS AND NEWSPAPERS NOT EXTENDED ON AN EQUAL BASIS~~
12 ~~TO ALL CANDIDATES FOR THE SAME OFFICE; AND ANY PAYMENTS PROVIDED~~
13 ~~FOR THE BENEFIT OF ANY CANDIDATE, INCLUDING PAYMENTS FOR THE~~
14 ~~SERVICES OF A PERSON SERVING AS AN AGENT OF A CANDIDATE OR~~
15 ~~COMMITTEE BY A PERSON OTHER THAN THE CANDIDATE OR COMMITTEE OR~~
16 ~~PERSON WHOSE EXPENDITURES THE CANDIDATE OR COMMITTEE MUST~~
17 ~~REPORT. THE TERM ALSO INCLUDES ANY RECEIPT OR USE OF ANYTHING OF~~
18 ~~VALUE RECEIVED BY A POLITICAL COMMITTEE FROM ANOTHER POLITICAL~~
19 ~~COMMITTEE AND ALSO INCLUDES ANY RETURN ON INVESTMENTS BY A~~
20 ~~POLITICAL COMMITTEE.~~

21 ~~"POLITICAL COMMITTEE." ANY COMMITTEE, CLUB, ASSOCIATION OR~~
22 ~~OTHER GROUP OF PERSONS WHICH RECEIVES CONTRIBUTIONS OR MAKES~~
23 ~~EXPENDITURES.~~

24 ~~SECTION 14.2. SECTION 1514(B), (F), (G) AND (H) OF TITLE 4~~
25 ~~ARE AMENDED TO READ:~~

26 ~~§ 1514. REGULATION REQUIRING EXCLUSION OF CERTAIN PERSONS.~~

27 ~~* * *~~

28 ~~(B) CATEGORIES TO BE DEFINED. THE BOARD SHALL PROMULGATE~~
29 ~~DEFINITIONS ESTABLISHING THOSE CATEGORIES OF PERSONS WHO SHALL~~
30 ~~BE EXCLUDED PURSUANT TO THIS SECTION, INCLUDING CHEATS AND~~

1 ~~PERSONS WHOSE PRIVILEGES FOR LICENSURE, CERTIFICATION, PERMIT OR~~
2 ~~REGISTRATION HAVE BEEN REVOKED.~~

3 ~~* * *~~

4 ~~(F) NOTICE. WHENEVER THE [BOARD PLACES] BUREAU SEEKS TO~~
5 ~~PLACE THE NAME OF ANY PERSON ON A LIST PURSUANT TO THIS SECTION,~~
6 ~~THE [BOARD] BUREAU SHALL SERVE NOTICE OF THIS FACT TO SUCH~~
7 ~~PERSON BY PERSONAL SERVICE OR CERTIFIED MAIL AT THE LAST KNOWN~~
8 ~~ADDRESS OF THE PERSON. THE NOTICE SHALL INFORM THE INDIVIDUAL OF~~
9 ~~THE RIGHT TO REQUEST A HEARING UNDER SUBSECTION (G).~~

10 ~~(G) HEARING. WITHIN 30 DAYS AFTER RECEIPT OF NOTICE IN~~
11 ~~ACCORDANCE WITH SUBSECTION (F), THE PERSON NAMED FOR EXCLUSION~~
12 ~~OR EJECTION MAY DEMAND A HEARING BEFORE THE BOARD, AT WHICH~~
13 ~~HEARING THE [BOARD] BUREAU SHALL HAVE THE AFFIRMATIVE OBLIGATION~~
14 ~~TO DEMONSTRATE THAT THE PERSON NAMED FOR EXCLUSION OR EJECTION~~
15 ~~SATISFIES THE CRITERIA FOR EXCLUSION ESTABLISHED BY THIS SECTION~~
16 ~~AND THE BOARD'S REGULATIONS. FAILURE OF THE PERSON TO DEMAND A~~
17 ~~HEARING WITHIN 30 DAYS AFTER SERVICE SHALL BE DEEMED AN~~
18 ~~ADMISSION OF ALL MATTERS AND FACTS ALLEGED IN THE [BOARD'S]~~
19 ~~BUREAU'S NOTICE AND SHALL PRECLUDE [A] THE PERSON FROM HAVING AN~~
20 ~~ADMINISTRATIVE HEARING, BUT SHALL IN NO WAY AFFECT THE RIGHT TO~~
21 ~~JUDICIAL REVIEW AS PROVIDED IN THIS SECTION.~~

22 ~~(H) REVIEW. IF, UPON COMPLETION OF A HEARING ON THE NOTICE~~
23 ~~OF EXCLUSION OR EJECTION, THE BOARD DETERMINES THAT PLACEMENT OF~~
24 ~~THE NAME OF THE PERSON ON THE EXCLUSION LIST IS APPROPRIATE, THE~~
25 ~~BOARD SHALL MAKE AND ENTER AN ORDER TO THAT EFFECT, WHICH ORDER~~
26 ~~SHALL BE SERVED ON ALL [SLOT MACHINE LICENSEES] LICENSED GAMING~~
27 ~~ENTITIES. THE ORDER SHALL BE SUBJECT TO REVIEW BY THE~~
28 ~~COMMONWEALTH COURT IN ACCORDANCE WITH THE RULES OF COURT.~~

29 ~~SECTION 14.2. TITLE 4 IS AMENDED BY ADDING A SECTION TO~~
30 ~~READ:~~

~~§ 1516.1. PROSECUTORIAL AND ADJUDICATORY FUNCTIONS.~~

~~THE BOARD SHALL ADOPT REGULATIONS AND PROCEDURES NECESSARY TO ENSURE THAT THE BUREAU OF INVESTIGATIONS AND ENFORCEMENT IS A DISTINCT ENTITY AND TO PREVENT COMMINGLING OF THE INVESTIGATORY AND PROSECUTORIAL FUNCTIONS OF THE BUREAU OF INVESTIGATIONS AND ENFORCEMENT UNDER SECTION 1517 (RELATING TO INVESTIGATIONS AND ENFORCEMENT) AND THE ADJUDICATORY FUNCTIONS OF THE BOARD. REGULATIONS AND PROCEDURES UNDER THIS SECTION SHALL DO ALL OF THE FOLLOWING:~~

~~(1) PROVIDE THAT THE EXECUTIVE DIRECTOR AND THE CHIEF COUNSEL OF THE BOARD SHALL NOT DIRECT OR LIMIT THE SCOPE OF A BACKGROUND INVESTIGATION CONDUCTED BY THE BUREAU.~~

~~(2) INCORPORATE SUBSECTION (C.1), ON PROHIBITIONS, OF SECTION 1202.1(C.1) (RELATING TO CODE OF CONDUCT) AND ANY OTHER APPLICABLE PROVISIONS OF SECTION 1202.1.~~

~~SECTION 15. SECTION 1517(A.1)(6), (B)(1), (C)(12) AND (E)(1) OF TITLE 4 ARE AMENDED, SUBSECTION (A.2)(1) IS AMENDED BY ADDING A SUBPARAGRAPH AND SUBSECTION (C) IS AMENDED BY ADDING A PARAGRAPH PARAGRAPHS TO READ:~~

~~§ 1517. INVESTIGATIONS AND ENFORCEMENT.~~

~~* * *~~

~~(A.1) POWERS AND DUTIES OF BUREAU. THE BUREAU OF INVESTIGATIONS AND ENFORCEMENT SHALL HAVE THE FOLLOWING POWERS AND DUTIES:~~

~~* * *~~

~~(6) CONDUCT [AUDITS] REVIEWS OF A LICENSED ENTITY AS NECESSARY TO ENSURE COMPLIANCE WITH THIS PART. [AN AUDIT] A REVIEW MAY INCLUDE THE REVIEW OF ACCOUNTING, ADMINISTRATIVE AND FINANCIAL RECORDS, MANAGEMENT CONTROL SYSTEMS, PROCEDURES AND OTHER RECORDS UTILIZED BY A LICENSED ENTITY.~~

~~* * *~~

~~(A.2) OFFICE OF ENFORCEMENT COUNSEL.~~

~~(1) THERE IS ESTABLISHED WITHIN THE BUREAU AN OFFICE OF ENFORCEMENT COUNSEL WHICH SHALL ACT AS THE PROSECUTOR IN ALL NONCRIMINAL ENFORCEMENT ACTIONS INITIATED BY THE BUREAU UNDER THIS PART AND SHALL HAVE THE FOLLOWING POWERS AND DUTIES:~~

~~* * *~~

~~(IV) PETITION THE BOARD FOR THE APPOINTMENT OF A TRUSTEE UNDER SECTION 1332 (RELATING TO APPOINTMENT OF TRUSTEE).~~

~~* * *~~

~~(B) POWERS AND DUTIES OF DEPARTMENT.~~

~~(1) THE DEPARTMENT SHALL AT ALL TIMES HAVE THE POWER OF ACCESS TO EXAMINATION AND AUDIT OF ANY EQUIPMENT AND RECORDS RELATING TO ALL ASPECTS OF THE OPERATION OF SLOT MACHINES OR TABLE GAMES UNDER THIS PART.~~

~~* * *~~

~~(C) POWERS AND DUTIES OF THE PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE POLICE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:~~

~~* * *~~

~~(1.1) PROMPTLY CONDUCT A BACKGROUND INVESTIGATION ON AN INDIVIDUAL SELECTED BY THE BOARD TO FILL THE POSITION OF EXECUTIVE DIRECTOR OF THE BOARD, DIRECTOR OF THE BUREAU, CHIEF COUNSEL OF THE BOARD OR THE DIRECTOR OF THE OFFICE OF ENFORCEMENT COUNSEL AND SUBMIT THE RESULTS TO THE BOARD.~~

~~* * *~~

~~(12) CONDUCT AUDITS OR VERIFICATION OF INFORMATION OF SLOT MACHINE OR TABLE GAME OPERATIONS AT SUCH TIMES, UNDER SUCH CIRCUMSTANCES AND TO SUCH EXTENT AS THE BUREAU~~



1 ~~DETERMINES. THIS PARAGRAPH INCLUDES REVIEWS OF ACCOUNTING,~~
2 ~~ADMINISTRATIVE AND FINANCIAL RECORDS AND MANAGEMENT CONTROL~~
3 ~~SYSTEMS, PROCEDURES AND RECORDS UTILIZED BY A SLOT MACHINE~~
4 ~~LICENSEE.~~

5 * * *

6 ~~(14) BY MARCH 1 OF EACH YEAR, THE COMMISSIONER OF THE~~
7 ~~PENNSYLVANIA STATE POLICE SHALL SUBMIT A REPORT TO THE~~
8 ~~APPROPRIATIONS COMMITTEE OF THE SENATE, THE COMMUNITY,~~
9 ~~ECONOMIC AND RECREATIONAL DEVELOPMENT COMMITTEE OF THE~~
10 ~~SENATE, THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF~~
11 ~~REPRESENTATIVES AND THE GAMING OVERSIGHT COMMITTEE OF THE~~
12 ~~HOUSE OF REPRESENTATIVES. THE REPORT SHALL SUMMARIZE LAW~~
13 ~~ENFORCEMENT ACTIVITIES AT EACH LICENSED FACILITY DURING THE~~
14 ~~PREVIOUS CALENDAR YEAR AND SHALL INCLUDE ALL OF THE~~
15 ~~FOLLOWING:~~

16 ~~(I) THE NUMBER OF ARRESTS AT EACH LICENSED FACILITY.~~

17 ~~(II) A LIST OF SPECIFIC OFFENSES CHARGED FOR EACH~~
18 ~~OFFENSE.~~

19 ~~(III) THE NUMBER OF CRIMINAL PROSECUTIONS RESULTING~~
20 ~~FROM ARRESTS.~~

21 ~~(IV) THE NUMBER OF CONVICTIONS RESULTING FROM~~
22 ~~PROSECUTIONS.~~

23 ~~(V) THE NUMBER OF PENNSYLVANIA STATE POLICE TROOPERS~~
24 ~~ASSIGNED TO EACH LICENSED FACILITY AND TO THE GAMING UNIT~~
25 ~~AT THE PENNSYLVANIA STATE POLICE HEADQUARTERS.~~

26 ~~(VI) THE NUMBER AND NATURE OF DISCIPLINARY ACTIONS~~
27 ~~TAKEN AND COMPLAINTS MADE AGAINST PENNSYLVANIA STATE~~
28 ~~POLICE TROOPERS IN A LICENSED FACILITY.~~

29 ~~(VII) THE CLOSEST LOCAL POLICE STATION, PENNSYLVANIA~~
30 ~~STATE POLICE STATION AND REGIONAL PENNSYLVANIA STATE~~



~~POLICE HEADQUARTERS TO EACH LICENSED FACILITY.~~

~~* * *~~

~~(E) INSPECTION, SEIZURE AND WARRANTS.~~

~~(1) THE BUREAU, THE DEPARTMENT AND THE PENNSYLVANIA
STATE POLICE SHALL HAVE THE AUTHORITY WITHOUT NOTICE AND
WITHOUT WARRANT TO DO ALL OF THE FOLLOWING IN THE PERFORMANCE
OF THEIR DUTIES:~~

~~(I) INSPECT AND EXAMINE ALL PREMISES WHERE SLOT
MACHINE OR TABLE GAME OPERATIONS ARE CONDUCTED, GAMING
DEVICES OR EQUIPMENT ARE MANUFACTURED, SOLD, DISTRIBUTED
OR SERVICED OR WHERE RECORDS OF THESE ACTIVITIES ARE
PREPARED OR MAINTAINED.~~

~~(II) INSPECT ALL EQUIPMENT AND SUPPLIES IN, ABOUT,
UPON OR AROUND PREMISES REFERRED TO IN SUBPARAGRAPH (I).~~

~~(III) SEIZE, SUMMARILY REMOVE AND IMPOUND EQUIPMENT
AND SUPPLIES FROM PREMISES REFERRED TO IN SUBPARAGRAPH
(I) FOR THE PURPOSES OF EXAMINATION AND INSPECTION.~~

~~(IV) INSPECT, EXAMINE AND AUDIT ALL BOOKS, RECORDS
AND DOCUMENTS PERTAINING TO A SLOT MACHINE LICENSEE'S
OPERATION.~~

~~(V) SEIZE, IMPOUND OR ASSUME PHYSICAL CONTROL OF ANY
BOOK, RECORD, LEDGER, GAME, DEVICE, CASH BOX AND ITS
CONTENTS, COUNTING ROOM OR ITS EQUIPMENT OR SLOT MACHINE
OR TABLE GAME OPERATIONS.~~

~~* * *~~

~~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
ENFORCEMENT HEARING WITH WHICH THE EMPLOYEE IS INVOLVED]
(RESERVED).~~

~~(C) DISQUALIFICATION. IF IT BECOMES NECESSARY FOR THE CHIEF
COUNSEL OR MEMBER TO BECOME INVOLVED ON BEHALF OF THE BOARD IN
ANY ENFORCEMENT PROCEEDING, THE CHIEF COUNSEL OR MEMBER SHALL BE
PROHIBITED FROM PARTICIPATING IN THE ADJUDICATION OF THAT MATTER
AND SHALL DESIGNATE APPROPRIATE INDIVIDUALS TO EXERCISE
ADJUDICATORY FUNCTIONS.~~

SECTION 16.1. SECTION 1518(A)(2), (3), (4), (5), (7), (8),
(11) AND (13) AND (C)(1)(V) AND (3) OF TITLE 4 ARE AMENDED,
SUBSECTIONS (A) AND (B) ARE AMENDED BY ADDING PARAGRAPHS AND THE
SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

~~§ 1518. PROHIBITED ACTS; PENALTIES.~~

~~(A) CRIMINAL OFFENSES.~~

~~* * *~~

~~(2) IT SHALL BE UNLAWFUL FOR A PERSON TO WILLFULLY:~~

~~(I) FAIL TO REPORT, PAY OR TRUTHFULLY ACCOUNT FOR
AND PAY OVER ANY LICENSE FEE, AUTHORIZATION FEE, TAX OR
ASSESSMENT IMPOSED UNDER THIS PART; OR~~

~~(II) ATTEMPT IN ANY MANNER TO EVADE OR DEFEAT ANY
LICENSE FEE, AUTHORIZATION FEE, TAX OR ASSESSMENT IMPOSED
UNDER THIS PART.~~

~~(3) IT SHALL BE UNLAWFUL FOR ANY LICENSED ENTITY, GAMING
EMPLOYEE, KEY EMPLOYEE OR ANY OTHER PERSON TO PERMIT A SLOT
MACHINE, TABLE GAME OR TABLE GAME DEVICE TO BE OPERATED,~~

1 ~~TRANSPORTED, REPAIRED OR OPENED ON THE PREMISES OF A LICENSED~~
2 ~~FACILITY BY A PERSON OTHER THAN A PERSON LICENSED OR~~
3 ~~PERMITTED BY THE BOARD PURSUANT TO THIS PART.~~

4 ~~(4) IT SHALL BE UNLAWFUL FOR ANY LICENSED ENTITY OR~~
5 ~~OTHER PERSON TO MANUFACTURE, SUPPLY OR PLACE SLOT MACHINES,~~
6 ~~TABLE GAMES OR TABLE GAME DEVICES INTO PLAY OR DISPLAY SLOT~~
7 ~~MACHINES, TABLE GAMES OR TABLE GAME DEVICES ON THE PREMISE OF~~
8 ~~A LICENSED FACILITY WITHOUT THE AUTHORITY OF THE BOARD.~~

9 ~~(5) EXCEPT AS PROVIDED FOR IN SECTION 1326 (RELATING TO~~
10 ~~LICENSE RENEWALS), IT SHALL BE UNLAWFUL FOR A LICENSED ENTITY~~
11 ~~OR OTHER PERSON TO MANUFACTURE, SUPPLY, OPERATE, CARRY ON OR~~
12 ~~EXPOSE FOR PLAY ANY SLOT MACHINE, TABLE GAME OR TABLE GAME~~
13 ~~DEVICE AFTER THE PERSON'S LICENSE HAS EXPIRED AND PRIOR TO~~
14 ~~THE ACTUAL RENEWAL OF THE LICENSE.~~

15 ~~* * *~~

16 ~~(7) (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), IT~~
17 ~~SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO USE OR POSSESS A~~
18 ~~CHEATING OR THIEVING DEVICE, COUNTERFEIT OR ALTERED~~
19 ~~BILLET, TICKET, TOKEN OR SIMILAR OBJECTS ACCEPTED BY A~~
20 ~~SLOT MACHINE OR COUNTERFEIT OR ALTERED SLOT MACHINE~~
21 ~~ISSUED TICKETS OR VOUCHERS AT A LICENSED FACILITY.~~

22 ~~(II) AN AUTHORIZED EMPLOYEE OF A LICENSEE OR AN~~
23 ~~EMPLOYEE OF THE BOARD MAY POSSESS AND USE A CHEATING OR~~
24 ~~THIEVING DEVICE, COUNTERFEIT OR ALTERED BILLET, TICKET,~~
25 ~~TOKEN OR SIMILAR OBJECTS ACCEPTED BY A SLOT MACHINE OR~~
26 ~~COUNTERFEIT OR ALTERED SLOT MACHINE ISSUED TICKETS OR~~
27 ~~VOUCHERS IN PERFORMANCE OF THE DUTIES OF EMPLOYMENT.~~

28 ~~[(III) AS USED IN THIS PARAGRAPH, THE TERM "CHEATING~~
29 ~~OR THIEVING DEVICE" INCLUDES, BUT IS NOT LIMITED TO, A~~
30 ~~DEVICE TO FACILITATE THE ALIGNMENT OF ANY WINNING~~

1 ~~COMBINATION OR TO REMOVE FROM ANY SLOT MACHINE MONEY OR~~
2 ~~OTHER CONTENTS. THE TERM INCLUDES, BUT IS NOT LIMITED TO,~~
3 ~~A TOOL, DRILL, WIRE, COIN OR TOKEN ATTACHED TO A STRING~~
4 ~~OR WIRE AND ANY ELECTRONIC OR MAGNETIC DEVICE.}]~~

5 ~~(7.1) IT SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO DO ANY~~
6 ~~OF THE FOLLOWING:~~

7 ~~(I) USE OR POSSESS COUNTERFEIT, MARKED, LOADED,~~
8 ~~TAMPERED WITH OR ALTERED CHIPS OR OTHER CHEATING DEVICES~~
9 ~~IN THE CONDUCT OF GAMING UNDER THIS PART, EXCEPT THAT AN~~
10 ~~AUTHORIZED EMPLOYEE OF A LICENSEE OR AN AUTHORIZED~~
11 ~~EMPLOYEE OF THE BOARD MAY POSSESS AND USE COUNTERFEIT~~
12 ~~CHIPS, CARDS OR DICE THAT HAVE BEEN MARKED, LOADED OR~~
13 ~~TAMPERED WITH, OR OTHER CHEATING DEVICES IN PERFORMANCE~~
14 ~~OF THE DUTIES OF EMPLOYMENT FOR TRAINING OR TESTING~~
15 ~~PURPOSES ONLY.~~

16 ~~(II) KNOWINGLY, BY A TRICK OR SLEIGHT OF HAND~~
17 ~~PERFORMANCE OR BY FRAUD OR FRAUDULENT SCHEME, CARDS, DICE~~
18 ~~OR DEVICE, FOR THEMSELVES OR FOR ANOTHER, WIN OR ATTEMPT~~
19 ~~TO WIN MONEY OR PROPERTY AT A LICENSED FACILITY OR A~~
20 ~~REPRESENTATION OF EITHER OR REDUCE OR ATTEMPT TO REDUCE A~~
21 ~~LOSING WAGER.~~

22 ~~(8) (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), IT~~
23 ~~SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO KNOWINGLY POSSESS~~
24 ~~OR USE WHILE ON THE PREMISES OF A LICENSED FACILITY A KEY~~
25 ~~OR DEVICE DESIGNED FOR THE PURPOSE OF AND SUITABLE FOR~~
26 ~~OPENING OR ENTERING ANY SLOT MACHINE, DROP BOX OR COIN~~
27 ~~BOX WHICH IS LOCATED ON THE PREMISES OF THE LICENSED~~
28 ~~FACILITY.~~

29 ~~(II) AN AUTHORIZED EMPLOYEE OF A LICENSEE OR A~~
30 ~~MEMBER OF THE BOARD MAY POSSESS AND USE A DEVICE REFERRED~~

1 ~~TO IN SUBPARAGRAPH (I) IN THE PERFORMANCE OF THE DUTIES~~
2 ~~OF EMPLOYMENT.~~

3 ~~* * *~~

4 ~~(11) IT SHALL BE UNLAWFUL FOR A LICENSED GAMING ENTITY~~
5 ~~THAT IS A LICENSED RACING ENTITY AND THAT HAS LOST THE~~
6 ~~LICENSE ISSUED TO IT BY EITHER THE STATE HORSE RACING~~
7 ~~COMMISSION OR THE STATE HARNESS RACING COMMISSION UNDER THE~~
8 ~~RACE HORSE INDUSTRY REFORM ACT OR THAT HAS HAD THAT LICENSE~~
9 ~~SUSPENDED TO OPERATE SLOT MACHINES OR TABLE GAMES AT THE~~
10 ~~RACETRACK FOR WHICH ITS SLOT MACHINE LICENSE WAS ISSUED~~
11 ~~UNLESS THE LICENSE ISSUED TO IT BY EITHER THE STATE HORSE~~
12 ~~RACING COMMISSION OR THE STATE HARNESS RACING COMMISSION WILL~~
13 ~~BE SUBSEQUENTLY REISSUED OR REINSTATED WITHIN 30 DAYS AFTER~~
14 ~~THE LOSS OR SUSPENSION.~~

15 ~~* * *~~

16 ~~(13) IT SHALL BE UNLAWFUL FOR ANY PERSON UNDER 18 YEARS~~
17 ~~OF AGE TO BE PERMITTED IN THE AREA OF A LICENSED FACILITY~~
18 ~~WHERE SLOT MACHINES OR TABLE GAMES ARE OPERATED.~~

19 ~~(14) IT SHALL BE UNLAWFUL FOR ANY KEY EMPLOYEE, BOXMAN,~~
20 ~~FLOORMAN OR ANY OTHER CASINO EMPLOYEE WHO SERVES IN A~~
21 ~~SUPERVISORY POSITION TO SOLICIT OR ACCEPT AND FOR ANY OTHER~~
22 ~~GAMING EMPLOYEE TO SOLICIT ANY TIP OR GRATUITY FROM ANY~~
23 ~~PLAYER OR PATRON AT THE LICENSED FACILITY WHERE THE PERSON IS~~
24 ~~EMPLOYED.~~

25 ~~(15) IT SHALL BE UNLAWFUL FOR A LICENSED GAMING ENTITY~~
26 ~~TO REQUIRE A WAGER TO BE GREATER THAN THE STATED MINIMUM OR~~
27 ~~LESS THAN THE STATED MAXIMUM. HOWEVER, A WAGER MADE BY A~~
28 ~~PATRON AND NOT REJECTED BY A LICENSED GAMING ENTITY PRIOR TO~~
29 ~~COMMENCEMENT OF PLAY SHALL BE TREATED AS A VALID WAGER. A~~
30 ~~WAGER ACCEPTED BY A DEALER SHALL BE PAID OR LOST IN ITS~~

1 ~~ENTIRETY IN ACCORDANCE WITH THE RULES OF THE GAME,~~
2 ~~NOTWITHSTANDING THAT THE WAGER EXCEEDED THE CURRENT TABLE~~
3 ~~MAXIMUM WAGER OR WAS LOWER THAN THE CURRENT TABLE MINIMUM~~
4 ~~WAGER.~~

5 ~~(16) A PERSON THAT ENGAGES IN CONDUCT PROHIBITED BY 18~~
6 ~~PA.C.S. § 6308 IN A LICENSED FACILITY COMMITS AN OFFENSE.~~

7 ~~(17) IT SHALL BE UNLAWFUL FOR ANY PERSON TO CLAIM,~~
8 ~~COLLECT OR TAKE, OR ATTEMPT TO CLAIM, COLLECT OR TAKE, MONEY~~
9 ~~OR ANYTHING OF VALUE IN OR FROM A SLOT MACHINE, TABLE GAME OR~~
10 ~~TABLE GAME DEVICE, WITH INTENT TO DEFRAUD, OR TO CLAIM,~~
11 ~~COLLECT OR TAKE AN AMOUNT GREATER THAN THE AMOUNT WON, OR TO~~
12 ~~MANIPULATE WITH THE INTENT TO CHEAT, ANY COMPONENT OF ANY~~
13 ~~SLOT MACHINE, TABLE GAME OR TABLE GAME DEVICE IN A MANNER~~
14 ~~CONTRARY TO THE DESIGNED AND NORMAL OPERATIONAL PURPOSE.~~

15 ~~(B) CRIMINAL PENALTIES AND FINES.~~

16 * * *

17 ~~(3) A PERSON THAT VIOLATES SUBSECTION (A) (2), (3), (4),~~
18 ~~(5), (6), (7), (7.1), (8), (9), (10), (11), (12), (14), (15)~~
19 ~~OR (17) COMMITS A MISDEMEANOR OF THE FIRST DEGREE. A PERSON~~
20 ~~THAT IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF~~
21 ~~SUBSECTION (A) (2), (3), (4), (5), (6), (7), (7.1), (8), (9),~~
22 ~~(10), (11), (12) OR (17) COMMITS A FELONY OF THE SECOND~~
23 ~~DEGREE.~~

24 ~~(4) A PERSON THAT COMMITS AN OFFENSE IN VIOLATION OF~~
25 ~~SUBSECTION (A) (13) COMMITS A SUMMARY OFFENSE AND UPON~~
26 ~~CONVICTION OF A FIRST OFFENSE SHALL BE SENTENCED TO PAY A~~
27 ~~FINE OF NOT LESS THAN \$200 NOR MORE THAN \$1,000. A PERSON~~
28 ~~THAT IS CONVICTED OF A SECOND OR SUBSEQUENT OFFENSE SHALL BE~~
29 ~~SENTENCED TO PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN~~
30 ~~\$1,500. IN ADDITION TO THE FINE IMPOSED, ANY PERSON CONVICTED~~

~~OF AN OFFENSE UNDER SUBSECTION (A) (13) MAY BE SENTENCED TO
PERFORM A PERIOD OF COMMUNITY SERVICE NOT TO EXCEED 40 HOURS.~~

~~(5) A PERSON THAT COMMITS AN OFFENSE IN VIOLATION OF
SUBSECTION (A) (16) COMMITS AN OFFENSE TO BE GRADED IN
ACCORDANCE WITH 18 PA.C.S. § 6308 (RELATING TO PURCHASE,
CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR OR MALT
OR BREWED BEVERAGES) AND SHALL BE SUBJECT TO THE SAME
PENALTIES IMPOSED PURSUANT TO 18 PA.C.S. §§ 6308 AND 6310.4
(RELATING TO RESTRICTION OF OPERATING PRIVILEGES) EXCEPT THAT
THE FINE IMPOSED FOR A VIOLATION OF SUBSECTION (A) (16) SHALL
BE NOT LESS THAN \$350 NOR MORE THAN \$1,000. THE POLICE
DEPARTMENT MAKING AN ARREST FOR A SUSPECTED VIOLATION OF
SUBSECTION (A) (16) SHALL NOTIFY THE PARENTS OR GUARDIAN OF
THE MINOR CHARGED.~~

~~(C) BOARD IMPOSED ADMINISTRATIVE SANCTIONS.~~

~~(1) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW,
THE BOARD MAY IMPOSE WITHOUT LIMITATION THE FOLLOWING
SANCTIONS UPON ANY LICENSEE OR PERMITTEE:~~

~~* * *~~

~~(V) SUSPEND THE LICENSE OF ANY LICENSED GAMING
ENTITY FOR VIOLATION OF OR ATTEMPTING TO VIOLATE ANY
PROVISIONS OF THIS PART OR REGULATIONS PROMULGATED UNDER
THIS PART RELATING TO ITS SLOT MACHINE OR TABLE GAME
OPERATIONS.~~

~~* * *~~

~~(3) IN ADDITION TO ANY OTHER FINES OR PENALTIES THAT THE
BOARD MAY IMPOSE UNDER THIS PART OR REGULATION, IF A PERSON
VIOLATES SUBSECTION (A) (2), THE BOARD SHALL IMPOSE AN
ADMINISTRATIVE PENALTY OF THREE TIMES THE AMOUNT OF THE
LICENSE FEE, AUTHORIZATION FEE, TAX OR OTHER ASSESSMENT~~

1 ~~EVADED AND NOT PAID, COLLECTED OR PAID OVER. THIS SUBSECTION~~
2 ~~IS SUBJECT TO 2 PA.C.S. CHS. 5 SUBCH. A AND 7 SUBCH. A.~~

3 ~~(D) AIDING AND ABETTING. A PERSON WHO AIDS, ABETS,~~
4 ~~COUNSELS, COMMANDS, INDUCES, PROCURES OR CAUSES ANOTHER PERSON~~
5 ~~TO VIOLATE A PROVISION OF THIS PART SHALL BE SUBJECT TO ALL~~
6 ~~SANCTIONS AND PENALTIES, BOTH CIVIL AND CRIMINAL, PROVIDED UNDER~~
7 ~~THIS PART.~~

8 ~~(E) CONTINUING OFFENSES. A VIOLATION OF THIS PART THAT IS~~
9 ~~DETERMINED TO BE AN OFFENSE OF A CONTINUING NATURE SHALL BE~~
10 ~~DEEMED TO BE A SEPARATE OFFENSE ON EACH EVENT OR DAY DURING~~
11 ~~WHICH THE VIOLATION OCCURS. NOTHING IN THIS SECTION SHALL BE~~
12 ~~CONSTRUED TO PRECLUDE THE COMMISSION OF MULTIPLE VIOLATIONS OF~~
13 ~~THE PROVISIONS OF THIS PART IN ANY ONE DAY THAT ESTABLISH~~
14 ~~OFFENSES CONSISTING OF SEPARATE AND DISTINCT ACTS OR VIOLATIONS~~
15 ~~OF THE PROVISIONS OF THIS PART OR REGULATIONS PROMULGATED UNDER~~
16 ~~THIS PART.~~

17 ~~(F) PROPERTY SUBJECT TO SEIZURE, CONFISCATION, DESTRUCTION~~
18 ~~OR FORFEITURE. ANY EQUIPMENT, DEVICE OR APPARATUS, MONEY,~~
19 ~~MATERIAL, GAMING PROCEEDS OR SUBSTITUTED PROCEEDS OR REAL OR~~
20 ~~PERSONAL PROPERTY USED, OBTAINED OR RECEIVED OR ANY ATTEMPT TO~~
21 ~~USE, OBTAIN OR RECEIVE THE DEVICE, APPARATUS, MONEY, MATERIAL,~~
22 ~~PROCEEDS OR REAL OR PERSONAL PROPERTY IN VIOLATION OF THIS PART~~
23 ~~SHALL BE SUBJECT TO SEIZURE, CONFISCATION, DESTRUCTION OR~~
24 ~~FORFEITURE.~~

25 ~~SECTION 17. TITLE 4 IS AMENDED BY ADDING SECTIONS TO READ:~~
26 ~~§ 1518.1. ADDITIONAL AUTHORITY.~~

27 ~~(A) GENERAL RULE. THE CHIEF ENFORCEMENT COUNSEL MAY~~
28 ~~PETITION THE COMMONWEALTH COURT FOR AUTHORIZATION TO REVIEW OR~~
29 ~~OBTAIN INFORMATION IN THE POSSESSION OF AN AGENCY IN THIS~~
30 ~~COMMONWEALTH BY AVERRING THAT THE BUREAU BELIEVES SPECIFIC AND~~



~~ARTICULABLE FACTS DEMONSTRATING THAT THE AGENCY HAS IN ITS
POSSESSION INFORMATION MATERIAL TO AN A PENDING INVESTIGATION OR
INQUIRY BEING CONDUCTED BY THE BUREAU PURSUANT TO THIS PART AND
THAT DISCLOSURE OR RELEASE IS IN THE BEST INTEREST OF THE
COMMONWEALTH. THE PETITION SHALL REQUEST THAT THE COURT ENTER A
RULE UPON THE AGENCY TO SHOW CAUSE WHY THE AGENCY SHOULD NOT BE
DIRECTED TO DISCLOSE TO THE BUREAU OR IDENTIFIED AGENTS THEREOF,
INFORMATION IN ITS POSSESSION ABOUT ANY PENDING MATTER UNDER THE
JURISDICTION OF THE BUREAU OR THE BOARD PURSUANT TO THIS PART.
IF A RESPONDENT IS A LOCAL AGENCY, A COPY OF ANY RULE ISSUED
PURSUANT TO THIS SECTION SHALL BE PROVIDED TO THE DISTRICT
ATTORNEY OF THE COUNTY IN WHICH THE LOCAL AGENCY IS LOCATED AND
TO THE OFFICE OF ATTORNEY GENERAL. UPON REQUEST OF A LOCAL
AGENCY, THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL MAY ELECT
TO ENTER AN APPEARANCE TO REPRESENT THE LOCAL AGENCY IN THE
PROCEEDINGS.~~

~~(B) PROCEDURE. THE FILING OF A PETITION PURSUANT TO THIS
SECTION AND RELATED PROCEEDINGS SHALL BE IN ACCORDANCE WITH
COURT RULE, INCLUDING ISSUANCE AS OF COURSE. A PARTY SHALL NOT
DISCLOSE THE FILING OF A PETITION OR ANSWER OR RECEIPT, CONTENT
OR DISPOSITION OF A RULE OR ORDER ISSUED PURSUANT TO THIS
SECTION WITHOUT LEAVE OF COURT. ANY PARTY TO THE PROCEEDINGS MAY
REQUEST THAT THE RECORD BE SEALED AND PROCEEDINGS BE CLOSED. THE
COURT SHALL GRANT THE REQUEST IF IT IS IN THE BEST INTEREST OF
ANY PERSON OR THE COMMONWEALTH TO DO SO.~~

~~(C) COURT DETERMINATION. FOLLOWING REVIEW OF THE RECORD,
THE COURT SHALL GRANT THE RELIEF SOUGHT BY THE CHIEF ENFORCEMENT
COUNSEL, IF THE COURT DETERMINES THAT THE AGENCY HAS IN ITS
POSSESSION INFORMATION MATERIAL TO THE INVESTIGATION OR INQUIRY
AND THAT DISCLOSURE OR RELEASE OF THE INFORMATION IS IN THE BEST~~

~~INTEREST OF THE COMMONWEALTH, THAT THE DISCLOSURE OR RELEASE OF
THE INFORMATION IS NOT OTHERWISE PROHIBITED BY STATUTE OR
REGULATION AND THAT THE DISCLOSURE OR RELEASE OF THE INFORMATION
WOULD NOT INHIBIT AN AGENCY IN THE PERFORMANCE OF THE AGENCY'S
DUTIES. IF THE COURT SO DETERMINES, THE COURT SHALL ENTER AN
ORDER AUTHORIZING AND DIRECTING THE INFORMATION BE MADE
AVAILABLE FOR REVIEW IN CAMERA.~~

~~(D) RELEASE OF MATERIALS OR INFORMATION. IF, AFTER AN IN-
CAMERA REVIEW, THE CHIEF ENFORCEMENT COUNSEL SEEKS TO OBTAIN
COPIES OF MATERIALS IN THE AGENCY'S POSSESSION, THE COURT MAY,
NOTWITHSTANDING ANY OTHER PROVISION OF LAW IF NOT OTHERWISE
PROHIBITED BY STATUTE OR REGULATION, ENTER AN ORDER THAT THE
REQUESTED MATERIALS BE PROVIDED. ANY ORDER AUTHORIZING THE
RELEASE OF MATERIALS OR OTHER INFORMATION SHALL CONTAIN
DIRECTION REGARDING THE SAFEKEEPING AND USE OF THE MATERIALS OR
OTHER INFORMATION SUFFICIENT TO SATISFY THE COURT THAT THE
MATERIALS OR INFORMATION WILL BE SUFFICIENTLY SAFEGUARDED. IN
MAKING THIS DETERMINATION THE COURT SHALL CONSIDER THE INPUT OF
THE AGENCY CONCERNING ANY PENDING INVESTIGATION OR ONGOING
MATTER AND THE SAFETY OF PERSONS AND PROPERTY.~~

~~(E) MODIFICATION OF ORDER. IF SUBSEQUENT INVESTIGATION OR
INQUIRY BY THE BOARD BUREAU WARRANTS MODIFICATION OF ANY ORDER
ENTERED PURSUANT TO THIS SECTION, THE CHIEF ENFORCEMENT COUNSEL
MAY PETITION TO REQUEST THE MODIFICATION. UPON SUCH REQUEST, THE
COURT MAY MODIFY ITS ORDERS AT ANY TIME AND IN ANY MANNER IT
DEEMS NECESSARY AND APPROPRIATE. THE AGENCY NAMED IN THE
ORIGINAL PETITION SHALL BE GIVEN NOTICE AND AN OPPORTUNITY TO BE
HEARD.~~

~~(F) USE OF INFORMATION OR MATERIALS. ANY PERSON WHO, BY ANY
MEANS AUTHORIZED BY THIS SECTION, HAS OBTAINED KNOWLEDGE OF~~

~~INFORMATION OR MATERIALS SOLELY PURSUANT TO THIS SECTION MAY USE
SUCH INFORMATION OR MATERIALS IN A MANNER CONSISTENT WITH ANY
DIRECTIONS IMPOSED BY THE COURT AND APPROPRIATE TO THE PROPER
PERFORMANCE OF THE PERSON'S OFFICIAL DUTIES UNDER THIS PART.~~

~~(G) VIOLATION. IN ADDITION TO ANY REMEDIES AND PENALTIES
PROVIDED IN THIS PART, ANY VIOLATION OF THE PROVISIONS OF THIS
SECTION MAY BE PUNISHED AS CONTEMPT OF THE COURT.~~

~~(H) DEFINITION. AS USED IN THIS SECTION THE TERM "AGENCY"
SHALL MEAN A "COMMONWEALTH AGENCY" OR A "LOCAL AGENCY" AS THOSE
TERMS ARE DEFINED IN SECTION 102 OF THE ACT OF FEBRUARY 14,
2008, (P.L.6, NO.3) KNOWN AS THE RIGHT TO KNOW LAW.~~

~~§ 1518.2. REPORT OF SUSPICIOUS TRANSACTIONS.~~

~~(A) DUTY. THE HOLDER OF ANY SLOT MACHINE LICENSE OR A
PERSON ACTING ON BEHALF OF THE LICENSEE SHALL FILE A REPORT OF
ANY SUSPICIOUS TRANSACTION WITH THE BUREAU. THE FILING OF A
REPORT UNDER 31 CFR 103.21 (RELATING TO REPORTS BY CASINOS OF
SUSPICIOUS TRANSACTIONS) SHALL SATISFY THIS REQUIREMENT.~~

~~(B) FAILURE TO REPORT. A PERSON REQUIRED UNDER THIS SECTION
TO FILE A REPORT OF A SUSPICIOUS TRANSACTION WHO KNOWINGLY FAILS
TO FILE A REPORT OF A SUSPICIOUS TRANSACTION OR WHO KNOWINGLY
CAUSES ANOTHER PERSON HAVING THAT RESPONSIBILITY TO FAIL TO FILE
A REPORT COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL BE
SUBJECT TO THE SANCTIONS UNDER SECTION 1518(C) (RELATING TO
PROHIBITED ACTS; PENALTIES).~~

~~(C) BUREAU. THE BUREAU SHALL MAINTAIN A RECORD OF ALL
REPORTS MADE UNDER THIS SECTION FOR A PERIOD OF FIVE YEARS. THE
BUREAU SHALL MAKE THE REPORTS AVAILABLE TO ANY FEDERAL OR STATE
LAW ENFORCEMENT AGENCY UPON WRITTEN REQUEST AND WITHOUT
NECESSITY OF SUBPOENA.~~

~~(D) NOTICE PROHIBITED. A PERSON WHO IS REQUIRED TO FILE A~~

~~REPORT OF A SUSPICIOUS TRANSACTION UNDER THIS SECTION MAY NOT
NOTIFY ANY PERSON INVOLVED IN THE TRANSACTION THAT THE
TRANSACTION HAS BEEN REPORTED. ANY PERSON THAT VIOLATES THIS
SUBSECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE.~~

~~(E) IMMUNITY. A PERSON WHO IS REQUIRED TO FILE A REPORT OF
A SUSPICIOUS TRANSACTION UNDER THIS SECTION WHO IN GOOD FAITH
MAKES THE REPORT SHALL NOT BE LIABLE IN ANY CIVIL ACTION BROUGHT
BY ANY PERSON FOR MAKING THE REPORT, REGARDLESS OF WHETHER THE
TRANSACTION IS LATER DETERMINED TO BE SUSPICIOUS.~~

~~(F) SANCTIONS.~~

~~(1) IN CONSIDERING APPROPRIATE ADMINISTRATIVE SANCTIONS
AGAINST ANY PERSON UNDER SECTION 1518(C) FOR A VIOLATION OF
THIS SECTION, THE BOARD SHALL CONSIDER ALL OF THE FOLLOWING:~~

~~(I) THE RISK TO THE PUBLIC AND TO THE INTEGRITY OF
GAMING OPERATIONS CREATED BY THE CONDUCT OF THE PERSON.~~

~~(II) THE SERIOUSNESS OF THE CONDUCT OF THE PERSON
AND WHETHER THE CONDUCT WAS PURPOSEFUL AND WITH KNOWLEDGE
THAT IT WAS IN CONTRAVENTION OF THE PROVISIONS OF THIS
PART OR REGULATIONS PROMULGATED UNDER THIS PART.~~

~~(III) ANY JUSTIFICATION OR EXCUSE FOR THE CONDUCT BY
THE PERSON.~~

~~(IV) THE PRIOR HISTORY OF THE PARTICULAR LICENSEE OR
PERSON INVOLVED WITH RESPECT TO GAMING ACTIVITY.~~

~~(V) THE CORRECTIVE ACTION TAKEN BY THE SLOT MACHINE
LICENSEE TO PREVENT FUTURE MISCONDUCT OF A LIKE NATURE
FROM OCCURRING.~~

~~(VI) IN THE CASE OF A MONETARY PENALTY, THE AMOUNT
OF THE PENALTY IN RELATION TO THE SEVERITY OF THE
MISCONDUCT AND THE FINANCIAL MEANS OF THE LICENSEE OR
PERSON. THE BOARD MAY IMPOSE ANY SCHEDULE OR TERMS OF~~

~~PAYMENT OF SUCH PENALTY AS IT MAY DEEM APPROPRIATE.~~

~~(2) IT SHALL BE NO DEFENSE TO DISCIPLINARY ACTION BEFORE THE BOARD THAT A PERSON INADVERTENTLY, UNINTENTIONALLY OR UNKNOWNLY VIOLATED A PROVISION OF THIS SECTION. THE FACTORS UNDER PARAGRAPH (1) SHALL ONLY GO TO THE DEGREE OF THE PENALTY TO BE IMPOSED BY THE BOARD AND NOT TO A FINDING OF A VIOLATION ITSELF.~~

~~(C) REGULATIONS. THE BOARD SHALL PROMULGATE REGULATIONS TO EFFECTUATE THE PURPOSES OF THIS SECTION.~~

~~§ 1518.3. INAPPLICABILITY OF LIQUOR CODE.~~

~~THE PROVISION OF SECTION 471(C) OF THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, SHALL NOT APPLY TO A PERSON WHO HOLDS A SLOT MACHINE LICENSE AND WHO HOLDS A LICENSE ISSUED UNDER SECTION 404 OR 432 OF THE LIQUOR CODE.~~

~~SECTION 18. SECTION 1522 OF TITLE 4 IS AMENDED TO READ:~~

~~§ 1522. INTERCEPTION OF ORAL COMMUNICATIONS.~~

~~THE INTERCEPTION AND RECORDING OF ORAL COMMUNICATIONS MADE IN A [COUNTING] COUNT ROOM OF A LICENSED FACILITY BY A LICENSEE SHALL NOT BE SUBJECT TO THE PROVISIONS OF 18 PA.C.S. CH. 57 (RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE). NOTICE THAT ORAL COMMUNICATIONS ARE BEING INTERCEPTED AND RECORDED SHALL BE POSTED CONSPICUOUSLY IN THE [COUNTING] COUNT ROOM.~~

~~SECTION 18.1. TITLE 4 IS AMENDED BY ADDING A SECTION TO READ:~~

~~§ 1523. ELECTRONIC FUNDS TRANSFER TERMINALS.~~

~~(A) PROHIBITION. A SLOT MACHINE LICENSEE MAY NOT INSTALL, OWN OR OPERATE OR ALLOW ANOTHER PERSON TO INSTALL, OWN OR OPERATE ON THE PREMISES OF THE LICENSED FACILITY A SLOT MACHINE OR TABLE GAME THAT IS PLAYED WITH A DEVICE THAT ALLOWS A PLAYER TO OPERATE THE SLOT MACHINE OR TABLE GAME BY TRANSFERRING FUNDS~~

~~ELECTRONICALLY FROM A DEBIT CARD, CREDIT CARD OR BY MEANS OF AN
ELECTRONIC FUNDS TRANSFER TERMINAL.~~

~~(B) DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING
WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:~~

~~"ELECTRONIC FUNDS TRANSFER TERMINAL." AN INFORMATION-
PROCESSING DEVICE OR AN AUTOMATIC TELLER MACHINE USED FOR
EXECUTING DEPOSIT ACCOUNT TRANSACTIONS BETWEEN FINANCIAL
INSTITUTIONS AND THEIR ACCOUNT HOLDERS BY EITHER THE DIRECT
TRANSMISSION OF ELECTRONIC IMPULSES OR THE RECORDING OF
ELECTRONIC IMPULSES FOR DELAYED PROCESSING. THE FACT THAT A
DEVICE IS USED FOR OTHER PURPOSES SHALL NOT PREVENT IT FROM
BEING CONSIDERED AN ELECTRONIC FUNDS TRANSFER TERMINAL UNDER
THIS DEFINITION.~~

~~SECTION 18.2. TITLE 4 IS AMENDED BY ADDING CHAPTERS TO READ:~~

~~CHAPTER 16~~

~~JUNKETS~~

~~SEC.~~

~~1601. GAMING JUNKETS AUTHORIZED.~~

~~1602. GAMING JUNKET ENTERPRISE LICENSE.~~

~~1603. OTHER LICENSES CLASSIFICATION SYSTEM.~~

~~1604. GAMING JUNKET REPRESENTATIVES.~~

~~1605. JUNKET AGREEMENTS.~~

~~1606. CONDUCT OF JUNKET.~~

~~1607. VIOLATION OF TERMS.~~

~~1608. RECORDS.~~

~~1609. REPORT.~~

~~1610. GAMING JUNKET ARRANGEMENT.~~

~~1611. PROHIBITIONS.~~

~~§ 1601. GAMING JUNKETS AUTHORIZED.~~

~~THE BOARD MAY AUTHORIZE THE ORGANIZATION AND CONDUCT OF
GAMING JUNKETS SUBJECT TO THE PROVISIONS OF THIS CHAPTER. NO
GAMING JUNKET SHALL BE ORGANIZED OR PERMITTED TO OPERATE IN THIS
COMMONWEALTH AND NO PERSON SHALL ACT AS A JUNKET REPRESENTATIVE
OR JUNKET ENTERPRISE EXCEPT IN ACCORDANCE WITH THIS CHAPTER.~~

~~§ 1602. GAMING JUNKET ENTERPRISE LICENSE.~~

~~(A) GAMING JUNKET ENTERPRISE LICENSE REQUIRED. ALL GAMING
JUNKET ENTERPRISES SHALL OBTAIN A LICENSE FROM THE BOARD PRIOR
TO ACTING AS A GAMING JUNKET ENTERPRISE IN THIS COMMONWEALTH.~~

~~(B) APPLICATION. A GAMING JUNKET ENTERPRISE LICENSE
APPLICATION SHALL BE IN A FORM PRESCRIBED BY THE BOARD AND SHALL
INCLUDE THE FOLLOWING:~~

~~(1) THE NAME, ADDRESS AND PHOTOGRAPH OF THE APPLICANT
ALL OWNERS, DIRECTORS, MANAGERS AND SUPERVISORY EMPLOYEES OF
A GAMING JUNKET ENTERPRISE.~~

~~(2) THE DETAILS OF A GAMING JUNKET ENTERPRISE LICENSE OR
SIMILAR LICENSE APPLIED FOR OR GRANTED OR DENIED TO THE
APPLICANT BY ANOTHER JURISDICTION.~~

~~(3) CONSENT FOR THE BOARD TO CONDUCT A BACKGROUND
INVESTIGATION, THE SCOPE OF WHICH SHALL BE DETERMINED BY THE
BOARD.~~

~~(4) ALL RELEASES NECESSARY FOR THE BOARD TO ACQUIRE
LICENSING DOCUMENTS AND OTHER INFORMATION NECESSARY TO
CONDUCT A BACKGROUND INVESTIGATION OR OTHERWISE EVALUATE THE
APPLICATION.~~

~~(5) A LIST OF ALL CIVIL JUDGMENTS OBTAINED AGAINST THE
APPLICANT PERTAINING TO A GAMING JUNKET ENTERPRISE WITH WHICH
THE APPLICANT HAS BEEN ASSOCIATED.~~

~~(6) A DESCRIPTION OF THE OPERATION AND ORGANIZATION OF
THE GAMING JUNKET ENTERPRISE.~~

~~(7) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.~~

~~(C) ENFORCEMENT INFORMATION. IF THE APPLICANT HAS HELD A GAMING JUNKET LICENSE OR GAMING JUNKET LICENSE OR OTHER GAMING LICENSE IN ANOTHER JURISDICTION, THE APPLICANT MAY SUBMIT A LETTER OF REFERENCE FROM THE GAMING ENFORCEMENT AGENCY IN THE OTHER JURISDICTION. THE LETTER SHALL SPECIFY THE EXPERIENCES OF THE AGENCY WITH THE APPLICANT, THE APPLICANT'S ASSOCIATES AND THE APPLICANT'S GAMING JUNKET ENTERPRISE OR GAMING ACTIVITY. IF NO LETTER IS RECEIVED WITHIN 30 DAYS OF THE APPLICANT'S REQUEST, THE APPLICANT MAY SUBMIT A STATEMENT UNDER OATH, SUBJECT TO THE PENALTY FOR FALSE SWEARING UNDER 18 PA.C.S. § 4903 (RELATING TO FALSE SWEARING), THAT THE APPLICANT IS IN GOOD STANDING WITH THE GAMING ENFORCEMENT AGENCY IN THE OTHER JURISDICTION.~~

~~(D) ISSUANCE. FOLLOWING REVIEW OF THE APPLICATION AND COMPLETION OF THE BACKGROUND INVESTIGATION, THE BOARD MAY ISSUE A GAMING JUNKET ENTERPRISE LICENSE TO THE APPLICANT IF THE APPLICANT HAS PROVEN BY CLEAR AND CONVINCING EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD CHARACTER, HONESTY AND INTEGRITY AND THAT THE APPLICANT'S ACTIVITIES, CRIMINAL RECORD, REPUTATION, HABITS AND ASSOCIATIONS DO NOT POSE A THREAT TO THE PUBLIC INTEREST OR SUITABLE OR LEGITIMATE OPERATION OF GAMING.~~

~~(E) FAILURE TO COOPERATE. FAILURE TO PROVIDE REQUIRED INFORMATION OR RELEASES UNDER THIS SECTION SHALL RESULT IN THE IMMEDIATE DENIAL OF A LICENSE OR PERMIT.~~

~~(F) NONTRANSFERABILITY. A LICENSE ISSUED UNDER THIS SECTION SHALL BE NONTRANSFERABLE.~~

~~§ 1603. OTHER LICENSES.~~

~~AN OWNER, DIRECTOR, MANAGER OR SUPERVISORY EMPLOYEE OF A GAMING JUNKET ENTERPRISE SHALL QUALIFY FOR AND OBTAIN A KEY EMPLOYEE LICENSE IN ACCORDANCE WITH SECTION 1311.2 (RELATING TO~~



~~LICENSING OF KEY EMPLOYEES) OR A PRINCIPAL EMPLOYEE LICENSE
UNDER SECTION 1311.1 (RELATING TO LICENSING OF PRINCIPALS) AS
DEEMED APPROPRIATE BY THE BOARD.~~

~~§ 1603. CLASSIFICATION SYSTEM.~~

~~THE BOARD SHALL DEVELOP A CLASSIFICATION SYSTEM FOR THE
REGULATION OF GAMING JUNKET ENTERPRISES AND THE INDIVIDUALS AND
ENTITIES ASSOCIATED WITH GAMING JUNKET ENTERPRISES.~~

~~§ 1604. GAMING JUNKET REPRESENTATIVES.~~

~~(A) OCCUPATION PERMIT. EXCEPT AS OTHERWISE PROVIDED IN
SUBSECTION (E), A GAMING JUNKET REPRESENTATIVE SHALL OBTAIN AN
OCCUPATION PERMIT FROM THE BOARD IN ACCORDANCE WITH SECTION 1318
(RELATING TO OCCUPATION PERMIT APPLICATION).~~

~~(B) APPLICATION. IN ADDITION TO THE REQUIREMENTS OF SECTION
1308 (RELATING TO APPLICATIONS FOR LICENSE OR PERMIT), THE
APPLICATION FOR A GAMING JUNKET REPRESENTATIVE OCCUPATION PERMIT
SHALL BE IN A FORM PRESCRIBED BY THE BOARD AND SHALL INCLUDE THE
FOLLOWING:~~

~~(1) VERIFICATION OF EMPLOYMENT STATUS AS A GAMING JUNKET
REPRESENTATIVE WITH A LICENSED GAMING JUNKET ENTERPRISE.~~

~~(2) A DESCRIPTION OF EMPLOYMENT RESPONSIBILITIES.~~

~~(3) A CONSENT FORM TO ALLOW THE BOARD TO CONDUCT A
BACKGROUND INVESTIGATION, THE SCOPE OF WHICH SHALL BE
DETERMINED BY THE BOARD.~~

~~(4) A RELEASE FOR THE BOARD TO ACQUIRE COPIES OF
INFORMATION FROM GOVERNMENT AGENCIES, EMPLOYERS AND OTHERS AS
NECESSARY TO COMPLETE THE INVESTIGATION.~~

~~(5) FINGERPRINTS WHICH SHALL BE SUBMITTED TO THE
PENNSYLVANIA STATE POLICE.~~

~~(6) A PHOTOGRAPH THAT MEETS THE STANDARDS OF THE
COMMONWEALTH PHOTO IMAGING NETWORK.~~

~~(7) DETAILS RELATING TO A SIMILAR LICENSE, PERMIT OR
OTHER AUTHORIZATION OBTAINED IN ANOTHER JURISDICTION, IF ANY.~~

~~(8) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.~~

~~(C) ISSUANCE. FOLLOWING REVIEW OF THE APPLICATION AND
BACKGROUND INVESTIGATION, THE BOARD MAY ISSUE AN OCCUPATION
PERMIT IF THE APPLICANT HAS PROVEN BY CLEAR AND CONVINCING
EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD CHARACTER,
HONESTY AND INTEGRITY AND IS ELIGIBLE AND SUITABLE TO RECEIVE AN
OCCUPATION PERMIT.~~

~~(D) NONTRANSFERABILITY. AN OCCUPATION PERMIT ISSUED UNDER
THIS SECTION SHALL BE NONTRANSFERABLE.~~

~~(E) HOLDER OF OCCUPATION PERMIT. NOTHING IN THIS SECTION
SHALL BE CONSTRUED TO PROHIBIT A GAMING JUNKET REPRESENTATIVE AN
INDIVIDUAL WHO HOLDS A VALID OCCUPATION PERMIT AND WHO IS
EMPLOYED BY A SLOT MACHINE LICENSEE OR AN APPLICANT FOR A SLOT
MACHINE LICENSE FROM ACTING AS A GAMING JUNKET REPRESENTATIVE. A
GAMING JUNKET REPRESENTATIVE NEED NOT BE A RESIDENT OF THIS
COMMONWEALTH.~~

~~§ 1605. JUNKET AGREEMENTS.~~

~~AGREEMENTS ENTERED INTO BETWEEN A SLOT MACHINE LICENSEE AND A
GAMING JUNKET ENTERPRISE OR A GAMING JUNKET REPRESENTATIVE SHALL
INCLUDE A PROVISION FOR THE TERMINATION OF THE AGREEMENT WITHOUT
LIABILITY ON THE PART OF THE SLOT MACHINE LICENSEE IF:~~

~~(1) THE BOARD ORDERS THE SUSPENSION, LIMITATION,
CONDITIONING, DENIAL OR REVOCATION OF THE LICENSE OF A GAMING
JUNKET REPRESENTATIVE LICENSE OR OCCUPATION PERMIT OF A
GAMING JUNKET REPRESENTATIVE.~~

~~(2) THE BOARD FINDS THAT THE AGREEMENT IS NOT APPROVED
OR THAT IT IS TERMINATED. FAILURE TO EXPRESSLY INCLUDE THE
TERMINATION REQUIREMENT UNDER THIS SECTION IN THE AGREEMENT~~

~~SHALL NOT CONSTITUTE A DEFENSE IN AN ACTION BROUGHT RELATING
TO THE TERMINATION OF THE AGREEMENT.~~

~~§ 1606. CONDUCT OF JUNKET.~~

~~A SLOT MACHINE LICENSEE SHALL BE RESPONSIBLE FOR THE CONDUCT
OF A GAMING JUNKET REPRESENTATIVE OR GAMING JUNKET ENTERPRISE
WITH WHICH THE SLOT MACHINE LICENSEE HAS AN AGREEMENT AND FOR
THE TERMS AND CONDITIONS OF A GAMING JUNKET ON ITS PREMISES.~~

~~§ 1607. VIOLATION OF TERMS.~~

~~NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, IF THE
BOARD DETERMINES THAT THE TERMS OF AN AGREEMENT TO CONDUCT A
GAMING JUNKET WERE VIOLATED BY A SLOT MACHINE LICENSEE, GAMING
JUNKET ENTERPRISE OR GAMING JUNKET REPRESENTATIVE, THE BOARD MAY
DO THE FOLLOWING:~~

~~(1) ORDER RESTITUTION TO GAMING JUNKET PATRONS.~~

~~(2) ASSESS CIVIL PENALTIES FOR A VIOLATION OR DEVIATION
FROM THE TERMS OF THE JUNKET AGREEMENT.~~

~~§ 1608. RECORDS.~~

~~THE BOARD SHALL PRESCRIBE PROCEDURES AND FORMS TO RETAIN
RECORDS RELATING TO THE CONDUCT OF A GAMING JUNKET BY A SLOT
MACHINE LICENSEE. A SLOT MACHINE LICENSEE SHALL:~~

~~(1) MAINTAIN A REPORT DESCRIBING THE OPERATION OF A
GAMING JUNKET CONDUCTED AT ITS LICENSED FACILITY.~~

~~(2) SUBMIT TO THE BOARD AND THE BUREAU A LIST OF ALL ITS
EMPLOYEES WHO ACT AS CONDUCT BUSINESS ON BEHALF OF THE SLOT
MACHINE LICENSEE WITH GAMING JUNKET REPRESENTATIVES ON A
FULL TIME, PART TIME OR TEMPORARY BASIS.~~

~~(3) MAINTAIN RECORDS OF ALL AGREEMENTS ENTERED INTO WITH
A GAMING JUNKET ENTERPRISE OR GAMING JUNKET REPRESENTATIVE
FOR A MINIMUM OF FIVE YEARS.~~

~~(4) PROVIDE ANY OTHER INFORMATION RELATING TO A GAMING~~

~~JUNKET REQUIRED BY THE BOARD OR BUREAU.~~

~~§ 1609. REPORT.~~

~~A SLOT MACHINE LICENSEE, GAMING JUNKET REPRESENTATIVE OR
GAMING JUNKET ENTERPRISE SHALL FILE A REPORT WITH THE BUREAU TO
INCLUDE A LIST OF GAMING JUNKET PATRONS OR POTENTIAL GAMING
JUNKET PATRONS PURCHASED BY THE SLOT MACHINE LICENSEE, GAMING
JUNKET REPRESENTATIVE OR GAMING JUNKET ENTERPRISE. THE REPORT
SHALL INCLUDE THE SOURCE OF THE LIST AND ZIP CODES OF PATRONS OR
POTENTIAL PATRONS ON A LIST PURCHASED DIRECTLY OR INDIRECTLY BY
A SLOT MACHINE LICENSEE, GAMING JUNKET REPRESENTATIVE OR GAMING
JUNKET ENTERPRISE. NOTHING IN THIS SECTION SHALL REQUIRE THE
REPORTING OR MAINTENANCE OF PERSONAL IDENTIFYING INFORMATION
PERTAINING TO PATRON OR POTENTIAL PATRONS.~~

~~§ 1610. GAMING JUNKET ARRANGEMENT.~~

~~UPON PETITION BY A SLOT MACHINE LICENSEE, THE BOARD MAY GRANT
AN EXEMPTION FROM THE REQUIREMENTS OF THIS PART TO A GAMING
JUNKET REPRESENTATIVE. THE BOARD SHALL CONSULT WITH THE BUREAU
PRIOR TO GRANTING AN EXEMPTION UNDER THIS SECTION AND SHALL
CONSIDER THE FOLLOWING:~~

~~(1) THE TERMS OF THE GAMING JUNKET ARRANGEMENT.~~

~~(2) THE NUMBER AND SCOPE OF GAMING JUNKETS.~~

~~(3) WHETHER THE EXEMPTION IS CONSISTENT WITH THE
POLICIES AND PURPOSES OF THIS PART.~~

~~(4) ANY OTHER FACTOR DEEMED NECESSARY BY THE BUREAU OR
BOARD.~~

~~THE BOARD MAY CONDITION, LIMIT OR RESTRICT THE EXEMPTION.~~

~~§ 1611. PROHIBITIONS.~~

~~A GAMING JUNKET ENTERPRISE OR GAMING JUNKET REPRESENTATIVE
SHALL NOT DO ANY OF THE FOLLOWING:~~

~~(1) ENGAGE IN EFFORTS TO COLLECT ON CHECKS THAT HAVE~~

~~BEEN RETURNED BY A BANK OR OTHER FINANCIAL INSTITUTION
WITHOUT PAYMENT.~~

~~(2) EXERCISE APPROVAL AUTHORITY OVER THE AUTHORIZATION
OR ISSUANCE OF CREDIT UNDER SECTION 1326A (RELATING TO
WAGERING POLICIES).~~

~~(3) RECEIVE OR RETAIN A FEE FROM A PATRON FOR THE
PRIVILEGE OF PARTICIPATING IN A GAMING JUNKET.~~

~~(4) PAY FOR ANY SERVICE, INCLUDING TRANSPORTATION, OR
OTHER THING OF VALUE PROVIDED TO A PATRON PARTICIPATING IN A
GAMING JUNKET EXCEPT AS AUTHORIZED BY THIS PART.~~

CHAPTER 17

GAMING SCHOOLS

SEC.

1701. CURRICULUM.

1702. GAMING SCHOOL GAMING EQUIPMENT.

§ 1701. CURRICULUM.

~~THE DEPARTMENT OF EDUCATION, IN CONSULTATION WITH THE BOARD,
SHALL DEVELOP CURRICULUM GUIDELINES, INCLUDING MINIMUM
PROFICIENCY REQUIREMENTS ESTABLISHED BY THE BOARD, FOR GAMING
SCHOOL INSTRUCTION. THE GUIDELINES SHALL, AT A MINIMUM,
ESTABLISH COURSES OF INSTRUCTION THAT WILL PROVIDE INDIVIDUALS
WITH ADEQUATE TRAINING NECESSARY TO OBTAIN EMPLOYMENT AS A
GAMING EMPLOYEE WITH A LICENSED GAMING ENTITY.~~

§ 1702. GAMING SCHOOL GAMING EQUIPMENT.

~~(A) USE OF GAMING EQUIPMENT. ALL GAMING EQUIPMENT UTILIZED
BY A GAMING SCHOOL, INCLUDING TABLE GAME DEVICES AND ALL
REPRESENTATIONS OF VALUE, SHALL BE USED FOR TRAINING,
INSTRUCTIONAL AND PRACTICE PURPOSES ONLY. THE USE OF ANY SUCH
GAMING EQUIPMENT FOR ACTUAL GAMING BY ANY PERSON IS PROHIBITED.~~

~~(B) CHIPS. UNLESS THE BOARD OTHERWISE DETERMINES, ALL~~

~~GAMING CHIPS AND OTHER REPRESENTATIONS OF VALUE UTILIZED BY A
GAMING SCHOOL SHALL BE DISTINCTLY DISSIMILAR TO ANY GAMING CHIPS
AND REPRESENTATIONS OF VALUE UTILIZED BY A SLOT MACHINE
LICENSEE.~~

~~(C) POSSESSION, REMOVAL AND TRANSPORT OF EQUIPMENT. NO
GAMING SCHOOL SHALL POSSESS, REMOVE OR TRANSPORT, OR CAUSE TO BE
REMOVED OR TRANSPORTED, ANY SLOT MACHINE, TABLE GAME DEVICE OR
ASSOCIATED EQUIPMENT EXCEPT IN ACCORDANCE WITH THIS PART.~~

~~(D) SERIAL NUMBERS. EACH SLOT MACHINE, TABLE GAME DEVICE
AND ASSOCIATED EQUIPMENT ON THE PREMISES OF A GAMING SCHOOL
SHALL HAVE PERMANENTLY AFFIXED ON IT A SERIAL NUMBER WHICH,
TOGETHER WITH THE LOCATION OF THE MACHINE OR TABLE GAME DEVICE,
SHALL BE FILED WITH THE BOARD.~~

~~(E) SECURITY. EACH GAMING SCHOOL SHALL PROVIDE ADEQUATE
SECURITY FOR THE SLOT MACHINES, TABLE GAMES, TABLE GAME DEVICES
AND ASSOCIATED EQUIPMENT ON THE GAMING SCHOOL PREMISES.~~

~~(F) NOTICE TO BOARD AND BUREAU. NO GAMING SCHOOL SHALL SELL
OR TRANSFER ANY SLOT MACHINE, TABLE GAME, TABLE GAME DEVICE OR
ASSOCIATED EQUIPMENT EXCEPT UPON PRIOR WRITTEN NOTICE TO THE
BOARD AND THE BUREAU AND THE REMOVAL OF ALL SERIAL NUMBERS
REQUIRED BY THIS SECTION.~~

~~(G) ADDITIONAL TRAINING. EACH GAMING EMPLOYEE ATTENDING
GAMING SCHOOL SHALL BE TRAINED IN CARDIOPULMONARY RESUSCITATION.~~

~~SECTION 19. NO LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE
OF THIS ACT, THE PENNSYLVANIA GAMING CONTROL BOARD SHALL
TRANSFER THE SUM OF \$12,500,000 FROM THE AMOUNTS PREVIOUSLY
APPROPRIATED TO THE PENNSYLVANIA GAMING CONTROL BOARD PURSUANT
TO 4 PA.C.S. § 1408 TO THE GENERAL FUND.~~

~~SECTION 20. THE AMENDMENT OF 4 PA.C.S. § 1213 SHALL NOT
APPLY TO ANY OF THE FOLLOWING:~~



1 ~~(1) AN APPLICATION SUBMITTED BEFORE THE EFFECTIVE DATE~~
2 ~~OF THIS SECTION.~~

3 ~~(2) ANY LICENSE OR PERMIT ISSUED PRIOR TO THE EFFECTIVE~~
4 ~~DATE OF THIS SECTION.~~

5 ~~(3) THE RENEWAL OF ANY LICENSE OR PERMIT ISSUED PRIOR TO~~
6 ~~THE EFFECTIVE DATE OF THIS SECTION.~~

7 ~~SECTION 20.1. THE AMENDMENT OF 4 PA.C.S. § 1202(A) (2) AND~~ ←
8 ~~THE ADDITION OF 4 PA.C.S. § 1517(C) (1.1) SHALL NOT APPLY TO AN~~
9 ~~INDIVIDUAL:~~

10 ~~(1) WHO, ON JULY 1, 2009, WAS SERVING OFFICIALLY OR~~
11 ~~ACTING AS EXECUTIVE DIRECTOR OF THE PENNSYLVANIA GAMING~~
12 ~~CONTROL BOARD, CHIEF COUNSEL OF THE BOARD, OR THE DIRECTOR OF~~
13 ~~THE OFFICE OF ENFORCEMENT COUNSEL WITHIN THE BUREAU OF~~
14 ~~INVESTIGATIONS AND ENFORCEMENT AND;~~

15 ~~(2) ON WHOM THE BUREAU OR THE PENNSYLVANIA STATE POLICE~~
16 ~~COMPLETED A BACKGROUND INVESTIGATION AS A CONDITION OF~~
17 ~~EMPLOYMENT WITH THE BOARD.~~

18 ~~SECTION 21. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.~~

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

22 ~~§ 1102. LEGISLATIVE INTENT.~~

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

26 ~~* * *~~

27 ~~(2.1) THE AUTHORIZATION OF TABLE GAMES IN THIS PART IS~~
28 ~~INTENDED TO SUPPLEMENT SLOT MACHINE GAMING BY INCREASING~~
29 ~~REVENUES TO THE COMMONWEALTH AND PROVIDING NEW EMPLOYMENT~~
30 ~~OPPORTUNITIES BY CREATING SKILLED JOBS FOR INDIVIDUALS~~

1 RELATED TO THE CONDUCT OF TABLE GAMES AT LICENSED FACILITIES
2 IN THIS COMMONWEALTH.

3 * * *

4 (10.1) THE GENERAL ASSEMBLY HAS A COMPELLING INTEREST IN
5 PROTECTING THE INTEGRITY OF BOTH THE ELECTORAL PROCESS AND
6 THE LEGISLATIVE PROCESS BY PREVENTING CORRUPTION AND THE
7 APPEARANCE OF CORRUPTION WHICH MAY ARISE THROUGH PERMITTING
8 ANY TYPE OF POLITICAL CAMPAIGN CONTRIBUTIONS BY CERTAIN
9 PERSONS INVOLVED IN THE GAMING INDUSTRY AND REGULATED UNDER
10 THIS PART.

11 (10.2) BANNING ALL TYPES OF POLITICAL CAMPAIGN
12 CONTRIBUTIONS BY CERTAIN PERSONS SUBJECT TO THIS PART IS
13 NECESSARY TO PREVENT CORRUPTION AND THE APPEARANCE OF
14 CORRUPTION, THAT MAY ARISE WHEN POLITICAL CAMPAIGN
15 CONTRIBUTIONS AND GAMING REGULATED UNDER THIS PART ARE
16 INTERMINGLED.

17 (11) IT IS NECESSARY TO MAINTAIN THE INTEGRITY OF THE
18 REGULATORY CONTROL AND LEGISLATIVE OVERSIGHT OVER THE
19 OPERATION AND PLAY OF SLOT MACHINES AND TABLE GAMES IN THIS
20 COMMONWEALTH; TO [PREVENT THE ACTUAL OR APPEARANCE OF
21 CORRUPTION THAT MAY RESULT FROM LARGE CAMPAIGN
22 CONTRIBUTIONS;] ENSURE THE BIPARTISAN ADMINISTRATION OF THIS
23 PART; AND AVOID ACTIONS THAT MAY ERODE PUBLIC CONFIDENCE IN
24 THE SYSTEM OF REPRESENTATIVE GOVERNMENT.

25 (12) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO
26 AUTHORIZE THE OPERATION AND PLAY OF SLOT MACHINES AND TABLE
27 GAMES UNDER A SINGLE SLOT MACHINE LICENSE ISSUED TO A SLOT
28 MACHINE LICENSEE UNDER THIS PART.

29 (13) THE AUTHORIZATION OF LIMITED GAMING IN THIS
30 COMMONWEALTH REQUIRES THE COMMONWEALTH TO TAKE STEPS TO

1 INCREASE AWARENESS OF COMPULSIVE AND PROBLEM GAMBLING AND TO
2 DEVELOP AND IMPLEMENT EFFECTIVE STRATEGIES FOR PREVENTION,
3 ASSESSMENT AND TREATMENT OF THIS BEHAVIORAL DISORDER.

4 (14) RESEARCH INDICATES THAT FOR SOME INDIVIDUALS
5 COMPULSIVE AND PROBLEM GAMBLING AND DRUG AND ALCOHOL
6 ADDICTION ARE RELATED. THEREFORE, THE GENERAL ASSEMBLY
7 INTENDS TO ESTABLISH AN APPROACH TO COMPULSIVE AND PROBLEM
8 GAMBLING PREVENTION, ASSESSMENT AND TREATMENT THAT WILL
9 ENSURE THE PROVISION OF ADEQUATE RESOURCES TO IDENTIFY,
10 ASSESS AND TREAT BOTH COMPULSIVE AND PROBLEM GAMBLING AND
11 DRUG AND ALCOHOL ADDICTION.

12 SECTION 2. THE DEFINITIONS OF "ASSOCIATED EQUIPMENT,"
13 "CHEAT," "CONDUCT OF GAMING," "CONVICTION," "GAMING EMPLOYEE,"
14 "GROSS TERMINAL REVENUE," "KEY EMPLOYEE," "LICENSED FACILITY,"
15 "MANUFACTURER," "MANUFACTURER LICENSE," "SLOT MACHINE,"
16 "SUPPLIER" AND "SUPPLIER LICENSE" IN SECTION 1103 OF TITLE 4 ARE
17 AMENDED AND THE SECTION IS AMENDED BY ADDING DEFINITIONS TO
18 READ:

19 § 1103. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS PART SHALL
21 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 * * *

24 "ASSOCIATED EQUIPMENT." ANY EQUIPMENT OR MECHANICAL,
25 ELECTROMECHANICAL OR ELECTRONIC CONTRIVANCE, COMPONENT OR
26 MACHINE USED IN CONNECTION WITH [GAMING] SLOT MACHINES OR TABLE
27 GAMES, INCLUDING LINKING DEVICES WHICH CONNECT TO PROGRESSIVE
28 SLOT MACHINES OR SLOT MACHINES, REPLACEMENT PARTS, EQUIPMENT
29 WHICH AFFECTS THE PROPER REPORTING AND COUNTING OF GROSS
30 TERMINAL REVENUE AND GROSS TABLE GAME REVENUE, COMPUTERIZED

1 SYSTEMS FOR CONTROLLING AND MONITORING SLOT MACHINES OR TABLE
2 GAMES, INCLUDING, BUT NOT LIMITED TO, THE CENTRAL CONTROL
3 COMPUTER TO WHICH ALL SLOT MACHINES COMMUNICATE AND DEVICES FOR
4 WEIGHING OR COUNTING MONEY.

5 * * *

6 "BANKING GAME." ANY TABLE GAME IN WHICH A PLAYER COMPETES
7 AGAINST A CERTIFICATE HOLDER RATHER THAN AGAINST ANOTHER PLAYER.

8 * * *

9 "CASH." UNITED STATES CURRENCY AND COIN.

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

12 (1) CHIPS OR TOKENS.

13 (2) TRAVELERS CHECKS.

14 (3) FOREIGN CURRENCY AND COIN.

15 (4) CERTIFIED CHECKS, CASHIER'S CHECKS AND MONEY ORDERS.

16 (5) PERSONAL CHECKS OR DRAFTS.

17 (6) A NEGOTIABLE INSTRUMENT APPLIED AGAINST CREDIT
18 EXTENDED BY A CERTIFICATE HOLDER OR A FINANCIAL INSTITUTION.

19 (7) ANY OTHER INSTRUMENT OR REPRESENTATION OF VALUE THAT
20 THE PENNSYLVANIA GAMING CONTROL BOARD DEEMS A CASH
21 EQUIVALENT.

22 * * *

23 "CERTIFICATE HOLDER." A SLOT MACHINE LICENSEE THAT HOLDS A
24 TABLE GAME OPERATION CERTIFICATE AWARDED BY THE PENNSYLVANIA
25 GAMING CONTROL BOARD IN ACCORDANCE WITH CHAPTER 13A (RELATING TO
26 TABLE GAMES).

27 "CHEAT." TO [ALTER WITHOUT AUTHORIZATION] DEFRAUD OR STEAL
28 FROM ANY PLAYER, SLOT MACHINE LICENSEE OR THE COMMONWEALTH WHILE
29 OPERATING OR PLAYING A SLOT MACHINE OR TABLE GAME, INCLUDING
30 CAUSING, AIDING, ABETTING OR CONSPIRING WITH ANOTHER PERSON TO

1 DO SO. THE TERM SHALL ALSO MEAN TO ALTER OR CAUSING, AIDING,
2 ABETTING OR CONSPIRING WITH ANOTHER PERSON TO ALTER THE ELEMENTS
3 OF CHANCE, METHOD OF SELECTION OR CRITERIA WHICH DETERMINE:

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

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

7 (3) THE VALUE OF A WAGERING INSTRUMENT.

8 (4) THE VALUE OF A WAGERING CREDIT.

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

12 "CHEATING OR THIEVING DEVICE." A DEVICE USED OR POSSESSED
13 WITH THE INTENT TO BE USED TO CHEAT DURING THE OPERATION OR PLAY
14 OF ANY SLOT MACHINE OR TABLE GAME. THE TERM SHALL ALSO INCLUDE
15 ANY DEVICE USED TO ALTER A SLOT MACHINE OR A TABLE GAME DEVICE
16 WITHOUT THE SLOT MACHINE LICENSEE'S APPROVAL.

17 "CHIP." A REPRESENTATION OF VALUE, INCLUDING A PLAQUE,
18 ISSUED BY A CERTIFICATE HOLDER FOR USE IN PLAYING A TABLE GAME
19 AT THE CERTIFICATE HOLDER'S LICENSED FACILITY AND REDEEMABLE
20 WITH THE ISSUING CERTIFICATE HOLDER FOR CASH OR CASH EQUIVALENT.

21 * * *

22 "CONDUCT OF GAMING." THE LICENSED PLACEMENT [AND], OPERATION
23 AND PLAY OF [GAMES OF CHANCE] SLOT MACHINES AND TABLE GAMES
24 UNDER THIS PART, AS AUTHORIZED AND APPROVED BY THE PENNSYLVANIA
25 GAMING CONTROL BOARD [AT A LICENSED FACILITY].

26 "CONTEST." A TABLE GAME COMPETITION AMONG PLAYERS FOR CASH,
27 CASH EQUIVALENTS OR PRIZES.

28 * * *

29 "CONVICTION." A FINDING OF GUILT OR A PLEA OF GUILTY OR NOLO
30 CONTENDERE, WHETHER OR NOT A JUDGMENT OF SENTENCE HAS BEEN

1 IMPOSED AS DETERMINED BY THE LAW OF THE JURISDICTION IN WHICH
2 THE PROSECUTION WAS HELD. THE TERM DOES NOT INCLUDE A CONVICTION
3 THAT HAS BEEN EXPUNGED OR OVERTURNED OR FOR WHICH AN INDIVIDUAL
4 HAS BEEN PARDONED OR HAD AN ORDER OF ACCELERATED REHABILITATIVE
5 DISPOSITION ENTERED.

6 * * *

7 "COUNT ROOM." A SECURED ROOM AT A LICENSED FACILITY
8 DESIGNATED FOR THE COUNTING, WRAPPING AND RECORDING OF SLOT
9 MACHINE AND TABLE GAME RECEIPTS.

10 "COUNTERFEIT CHIP." ANY OBJECT THAT IS:

11 (1) USED OR INTENDED TO BE USED TO PLAY A TABLE GAME AT
12 A CERTIFICATE HOLDER'S LICENSED FACILITY AND WHICH WAS NOT
13 ISSUED BY THAT CERTIFICATE HOLDER FOR SUCH USE; OR

14 (2) PRESENTED TO A CERTIFICATE HOLDER FOR REDEMPTION IF
15 THE OBJECT WAS NOT ISSUED BY THE CERTIFICATE HOLDER.

16 * * *

17 "ELECTRONIC GAMING TABLE." A GAMING TABLE APPROVED BY THE
18 PENNSYLVANIA GAMING CONTROL BOARD THAT IS A MECHANICAL,
19 ELECTRICAL OR COMPUTERIZED CONTRIVANCE, TERMINAL, MACHINE OR
20 OTHER DEVICE WHICH, UPON INSERTION OR PLACEMENT OF CASH OR CASH
21 EQUIVALENTS THEREIN OR THEREON, OR UPON A WAGER OR PAYMENT OF
22 ANY CONSIDERATION WHATSOEVER, IS AVAILABLE FOR PLAY OR OPERATION
23 BY ONE OR MORE PLAYERS AS A TABLE GAME. THE TERM SHALL INCLUDE
24 ANY GAMING TABLE WHERE A WAGER OR PAYMENT IS MADE USING AN
25 ELECTRONIC OR COMPUTERIZED WAGERING OR PAYMENT SYSTEM. THE TERM
26 SHALL NOT INCLUDE A SLOT MACHINE.

27 "EXECUTIVE-LEVEL PUBLIC EMPLOYEE." THE TERM SHALL INCLUDE
28 THE FOLLOWING:

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

1 (2) AN EMPLOYEE OF THE EXECUTIVE BRANCH WHOSE DUTIES
2 SUBSTANTIALLY INVOLVE LICENSING OR ENFORCEMENT UNDER THIS
3 PART, WHO HAS DISCRETIONARY POWER WHICH MAY AFFECT OR
4 INFLUENCE THE OUTCOME OF A COMMONWEALTH AGENCY'S ACTION OR
5 DECISION OR WHO IS INVOLVED IN THE DEVELOPMENT OF REGULATIONS
6 OR POLICIES RELATING TO A LICENSED ENTITY. THE TERM SHALL
7 INCLUDE AN EMPLOYEE WITH LAW ENFORCEMENT AUTHORITY.

8 (3) AN EMPLOYEE OF A COUNTY OR MUNICIPALITY WITH
9 DISCRETIONARY POWERS WHICH MAY AFFECT OR INFLUENCE THE
10 OUTCOME OF THE COUNTY'S OR MUNICIPALITY'S ACTION OR DECISION
11 RELATED TO THIS PART OR WHO IS INVOLVED IN THE DEVELOPMENT OF
12 LAW, REGULATION OR POLICY RELATING TO MATTERS REGULATED UNDER
13 THIS PART. THE TERM SHALL INCLUDE AN EMPLOYEE WITH LAW
14 ENFORCEMENT AUTHORITY.

15 (4) AN EMPLOYEE OF A DEPARTMENT, AGENCY, BOARD,
16 COMMISSION, AUTHORITY OR OTHER GOVERNMENTAL BODY NOT INCLUDED
17 IN PARAGRAPH (1), (2) OR (3) WITH DISCRETIONARY POWER WHICH
18 MAY AFFECT OR INFLUENCE THE OUTCOME OF THE GOVERNMENTAL
19 BODY'S ACTION OR DECISION RELATED TO THIS PART OR WHO IS
20 INVOLVED IN THE DEVELOPMENT OF REGULATION OR POLICY RELATING
21 TO MATTERS REGULATED UNDER THIS PART. THE TERM SHALL INCLUDE
22 AN EMPLOYEE WITH LAW ENFORCEMENT AUTHORITY.

23 * * *

24 "FULLY AUTOMATED ELECTRONIC GAMING TABLE." AN ELECTRONIC
25 GAMING TABLE DETERMINED BY THE PENNSYLVANIA GAMING CONTROL BOARD
26 TO BE PLAYABLE OR OPERABLE AS A TABLE GAME WITHOUT THE
27 ASSISTANCE OR PARTICIPATION OF A PERSON ACTING ON BEHALF OF A
28 CERTIFICATE HOLDER.

29 * * *

30 "GAMING EMPLOYEE." ANY EMPLOYEE OF A SLOT MACHINE LICENSEE,

1 INCLUDING, BUT NOT LIMITED TO:

2 (1) CASHIERS.

3 (2) CHANGE PERSONNEL.

4 (3) [COUNTING] COUNT ROOM PERSONNEL.

5 (4) SLOT ATTENDANTS.

6 (5) HOSTS OR OTHER [PERSONS] INDIVIDUALS AUTHORIZED TO
7 EXTEND COMPLIMENTARY SERVICES, INCLUDING EMPLOYEES PERFORMING
8 FUNCTIONS SIMILAR TO THOSE PERFORMED BY A GAMING JUNKET
9 REPRESENTATIVE.

10 (6) MACHINE MECHANICS [OR], COMPUTER MACHINE TECHNICIANS
11 OR TABLE GAME DEVICE TECHNICIANS.

12 (7) SECURITY PERSONNEL.

13 (8) SURVEILLANCE PERSONNEL.

14 (9) [SUPERVISORS] PROMOTIONAL PLAY SUPERVISORS, CREDIT
15 SUPERVISORS, PIT SUPERVISORS, CASHIER SUPERVISORS, SHIFT
16 SUPERVISORS, TABLE GAME MANAGERS AND ASSISTANT MANAGERS AND
17 OTHER SUPERVISORS AND MANAGERS, EXCEPT FOR THOSE SPECIFICALLY
18 IDENTIFIED IN THIS PART AS KEY EMPLOYEES.

19 (10) BOXMEN.

20 (11) DEALERS OR CROUPIERS.

21 (12) FLOORMEN.

22 (13) PERSONNEL AUTHORIZED TO ISSUE PROMOTIONAL PLAY.

23 (14) PERSONNEL AUTHORIZED TO ISSUE CREDIT.

24 THE TERM [INCLUDES] SHALL INCLUDE EMPLOYEES OF A PERSON HOLDING
25 A SUPPLIER'S LICENSE WHOSE DUTIES ARE DIRECTLY INVOLVED WITH THE
26 REPAIR OR DISTRIBUTION OF SLOT MACHINES [AND], TABLE GAME
27 DEVICES OR ASSOCIATED EQUIPMENT SOLD OR PROVIDED TO [THE] A
28 LICENSED FACILITY WITHIN THIS COMMONWEALTH AS DETERMINED BY THE
29 PENNSYLVANIA GAMING CONTROL BOARD. THE TERM DOES NOT INCLUDE
30 BARTENDERS, COCKTAIL SERVERS OR OTHER PERSONS ENGAGED SOLELY IN

1 PREPARING OR SERVING FOOD OR BEVERAGES, CLERICAL OR SECRETARIAL
2 PERSONNEL, PARKING ATTENDANTS, JANITORIAL, STAGE, SOUND AND
3 LIGHT TECHNICIANS AND OTHER NONGAMING PERSONNEL AS DETERMINED BY
4 THE BOARD.

5 "GAMING JUNKET." A GAMING ARRANGEMENT MADE BY A GAMING
6 JUNKET ENTERPRISE OR A GAMING JUNKET REPRESENTATIVE FOR AN
7 INDIVIDUAL WHO:

8 (1) IS SELECTED OR APPROVED FOR PARTICIPATION IN THE
9 ARRANGEMENT BASED ON THE INDIVIDUAL'S ABILITY TO SATISFY
10 SPECIFIC FINANCIAL QUALIFICATIONS AND THE LIKELIHOOD THAT THE
11 INDIVIDUAL WILL PARTICIPATE IN PLAYING SLOT MACHINES OR TABLE
12 GAMES AND PATRONIZE A LICENSED FACILITY FOR THE PURPOSE OF
13 GAMING.

14 (2) RECEIVES COMPLIMENTARY SERVICES OR GIFTS FROM A SLOT
15 MACHINE LICENSEE FOR PARTICIPATION IN THE ARRANGEMENT
16 INCLUDING THE COSTS OF TRANSPORTATION, FOOD, LODGING OR
17 ENTERTAINMENT.

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 LICENSED FACILITY, REGARDLESS OF WHETHER THE ACTIVITIES OF THE
22 PERSON OR THE GAMING JUNKET REPRESENTATIVE OCCUR WITHIN THIS
23 COMMONWEALTH.

24 "GAMING JUNKET REPRESENTATIVE." AN INDIVIDUAL, OTHER THAN AN
25 EMPLOYEE OF A SLOT MACHINE LICENSEE, WHO ARRANGES AND NEGOTIATES
26 THE TERMS OF A GAMING JUNKET OR SELECTS INDIVIDUALS TO
27 PARTICIPATE IN A GAMING JUNKET TO A LICENSED FACILITY,
28 REGARDLESS OF WHETHER THE ACTIVITIES OF THE INDIVIDUAL OCCUR
29 WITHIN THIS COMMONWEALTH.

30 "GAMING SCHOOL." ANY EDUCATIONAL INSTITUTION APPROVED BY THE

DEPARTMENT OF EDUCATION AS AN ACCREDITED COLLEGE OR UNIVERSITY,
COMMUNITY COLLEGE, PENNSYLVANIA PRIVATE LICENSED SCHOOL OR ITS
EQUIVALENT AND WHOSE CURRICULUM GUIDELINES ARE APPROVED BY THE
DEPARTMENT OF LABOR AND INDUSTRY TO PROVIDE EDUCATION AND JOB
TRAINING RELATED TO EMPLOYMENT OPPORTUNITIES ASSOCIATED WITH
SLOT MACHINES OR TABLE GAMES, INCLUDING SLOT MACHINE, TABLE GAME
DEVICE AND ASSOCIATED EQUIPMENT MAINTENANCE AND REPAIR.

"GAMING SERVICE PROVIDER." A PERSON THAT IS NOT REQUIRED TO
BE LICENSED AS A MANUFACTURER, SUPPLIER, MANAGEMENT COMPANY OR
GAMING JUNKET ENTERPRISE AND:

(1) PROVIDES GOODS OR SERVICES TO A SLOT MACHINE
LICENSEE OR AN APPLICANT FOR A SLOT MACHINE LICENSE FOR USE
IN THE OPERATION OF A LICENSED FACILITY; OR

(2) PROVIDES GOODS OR SERVICES AT A LICENSED FACILITY.
"GROSS TABLE GAME REVENUE." THE TOTAL OF:

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

(I) CASH OR CASH EQUIVALENTS PAID TO PLAYERS AS A
RESULT OF PLAYING A TABLE GAME.

(II) CASH OR CASH EQUIVALENTS PAID TO PURCHASE
ANNUITIES TO FUND PRIZES PAYABLE TO PLAYERS OVER A PERIOD
OF TIME AS A RESULT OF PLAYING A TABLE GAME.

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

(2) CONTEST OR TOURNAMENT FEES OR PAYMENTS, INCLUDING
ENTRY FEES, BUY-INS, RE-BUYS AND ADMINISTRATIVE FEES, IMPOSED
BY A CERTIFICATE HOLDER TO PARTICIPATE IN A TABLE GAME
CONTEST OR TOURNAMENT, LESS CASH PAID OR ACTUAL COST PAID BY

1 A CERTIFICATE HOLDER FOR PRIZES AWARDED TO THE CONTEST OR
2 TOURNAMENT WINNERS.

3 (3) THE TOTAL AMOUNT OF THE RAKE COLLECTED BY A
4 CERTIFICATE HOLDER.

5 THE TERM DOES NOT INCLUDE COUNTERFEIT CASH OR CHIPS; COINS OR
6 CURRENCY OF OTHER COUNTRIES RECEIVED IN THE PLAYING OF A TABLE
7 GAME, EXCEPT TO THE EXTENT THAT THE COINS OR CURRENCY ARE
8 READILY CONVERTIBLE TO CASH; OR CASH TAKEN IN A FRAUDULENT ACT
9 PERPETRATED AGAINST A CERTIFICATE HOLDER FOR WHICH THE
10 CERTIFICATE HOLDER IS NOT REIMBURSED.

11 "GROSS TERMINAL REVENUE." THE TOTAL OF CASH OR CASH
12 EQUIVALENT WAGERS RECEIVED BY A SLOT MACHINE MINUS THE TOTAL OF:

13 (1) CASH OR CASH EQUIVALENTS PAID OUT TO [PATRONS]
14 PLAYERS AS A RESULT OF PLAYING A SLOT MACHINE [WHICH ARE PAID
15 TO PATRONS EITHER MANUALLY], WHETHER PAID MANUALLY OR OR PAID
16 OUT BY THE SLOT MACHINE.

17 (2) CASH OR CASH EQUIVALENTS PAID TO PURCHASE ANNUITIES
18 TO FUND PRIZES PAYABLE TO [PATRONS] PLAYERS OVER A PERIOD OF
19 TIME AS A RESULT OF PLAYING A SLOT MACHINE.

20 (3) ANY PERSONAL PROPERTY DISTRIBUTED TO A [PATRON AS
21 THE] PLAYER AS A RESULT OF PLAYING A SLOT MACHINE. THIS DOES
22 NOT INCLUDE TRAVEL EXPENSES, FOOD, REFRESHMENTS, LODGING OR
23 SERVICES.

24 (4) CASH RECEIVED AS ENTRY FEES FOR SLOT MACHINE
25 CONTESTS OR TOURNAMENTS IN WHICH PLAYERS COMPETE FOR PRIZES.

26 THE TERM DOES NOT INCLUDE COUNTERFEIT [MONEY] CASH OR TOKENS[,];
27 COINS OR CURRENCY OF OTHER COUNTRIES [WHICH ARE] RECEIVED IN
28 SLOT MACHINES, EXCEPT TO THE EXTENT THAT [THEY] THE COINS OR
29 CURRENCY ARE READILY CONVERTIBLE TO [UNITED STATES CURRENCY,]
30 CASH; OR CASH TAKEN IN A FRAUDULENT [ACTS] ACT PERPETRATED

1 AGAINST A SLOT MACHINE LICENSEE FOR WHICH THE LICENSEE IS NOT
2 REIMBURSED [OR CASH RECEIVED AS ENTRY FEES FOR CONTESTS OR
3 TOURNAMENTS IN WHICH THE PATRONS COMPETE FOR PRIZES].

4 * * *

5 "HOTEL." AS FOLLOWS:

6 (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), ONE OR MORE
7 BUILDINGS OWNED OR OPERATED BY A CERTIFICATE HOLDER WHICH IS
8 ATTACHED TO, PHYSICALLY CONNECTED TO OR ADJACENT TO THE
9 CERTIFICATE HOLDER'S LICENSED FACILITY IN WHICH MEMBERS OF
10 THE PUBLIC MAY, FOR A CONSIDERATION, OBTAIN SLEEPING
11 ACCOMMODATIONS.

12 (2) WHEN THE TERM IS USED IN SECTION 1305 (RELATING TO
13 CATEGORY 3 SLOT MACHINE LICENSE), A BUILDING OR BUILDINGS IN
14 WHICH MEMBERS OF THE PUBLIC MAY, FOR A CONSIDERATION, OBTAIN
15 SLEEPING ACCOMMODATIONS.

16 * * *

17 "KEY EMPLOYEE." ANY INDIVIDUAL WHO IS EMPLOYED IN A DIRECTOR
18 OR DEPARTMENT HEAD CAPACITY AND WHO IS EMPOWERED TO MAKE
19 DISCRETIONARY DECISIONS THAT REGULATE SLOT MACHINE OR TABLE GAME
20 OPERATIONS, INCLUDING THE GENERAL MANAGER AND ASSISTANT MANAGER
21 OF THE LICENSED FACILITY, DIRECTOR OF SLOT OPERATIONS, DIRECTOR
22 OF TABLE GAME OPERATIONS, DIRECTOR OF CAGE AND/OR CREDIT
23 OPERATIONS, DIRECTOR OF SURVEILLANCE, DIRECTOR OF MARKETING,
24 DIRECTOR OF MANAGEMENT INFORMATION SYSTEMS, DIRECTOR OF
25 SECURITY, COMPTROLLER AND ANY EMPLOYEE WHO IS NOT OTHERWISE
26 DESIGNATED AS A GAMING EMPLOYEE AND WHO SUPERVISES THE
27 OPERATIONS OF THESE DEPARTMENTS OR TO WHOM THESE DEPARTMENT
28 DIRECTORS OR DEPARTMENT HEADS REPORT AND SUCH OTHER POSITIONS
29 NOT OTHERWISE DESIGNATED OR DEFINED UNDER THIS PART WHICH THE
30 PENNSYLVANIA GAMING CONTROL BOARD SHALL DETERMINE BASED ON

1 DETAILED ANALYSES OF JOB DESCRIPTIONS AS PROVIDED IN THE
2 INTERNAL CONTROLS OF THE LICENSEE AS APPROVED BY THE
3 PENNSYLVANIA GAMING CONTROL BOARD. ALL OTHER GAMING EMPLOYEES
4 UNLESS OTHERWISE DESIGNATED BY THE PENNSYLVANIA GAMING CONTROL
5 BOARD SHALL BE CLASSIFIED AS NON-KEY EMPLOYEES.

6 "LAW ENFORCEMENT AUTHORITY." THE POWER TO CONDUCT
7 INVESTIGATIONS OF OR TO MAKE ARRESTS FOR CRIMINAL OFFENSES.

8 * * *

9 "LICENSED ENTITY REPRESENTATIVE." A PERSON, INCLUDING AN
10 ATTORNEY, AGENT OR LOBBYIST, ACTING ON BEHALF OF OR AUTHORIZED
11 TO REPRESENT THE INTEREST OF ANY APPLICANT, LICENSEE, PERMITTEE
12 OR OTHER PERSON AUTHORIZED BY THE PENNSYLVANIA GAMING CONTROL
13 BOARD TO ENGAGE IN ANY ACT OR ACTIVITY WHICH IS REGULATED UNDER
14 THE PROVISIONS OF THIS PART REGARDING ANY MATTER BEFORE, OR
15 WHICH MAY REASONABLY BE EXPECTED TO COME BEFORE, THE
16 PENNSYLVANIA GAMING CONTROL BOARD.

17 "LICENSED FACILITY." THE PHYSICAL LAND-BASED LOCATION AT
18 WHICH A LICENSED GAMING ENTITY IS AUTHORIZED TO PLACE AND
19 OPERATE SLOT MACHINES AND, IF AUTHORIZED BY THE PENNSYLVANIA
20 GAMING CONTROL BOARD UNDER CHAPTER 13A (RELATING TO TABLE
21 GAMES), TO CONDUCT TABLE GAMES. THE TERM INCLUDES ANY:

22 (1) AREA OF A LICENSED RACETRACK AUTHORIZED PURSUANT TO
23 SECTION 1207(17) (RELATING TO REGULATORY AUTHORITY OF BOARD)
24 TO OPERATE SLOT MACHINES;

25 (2) BOARD-APPROVED INTERIM FACILITY OR TEMPORARY
26 FACILITY; AND

27 (3) AREA OF A HOTEL WHICH THE PENNSYLVANIA GAMING
28 CONTROL BOARD DETERMINES IS SUITABLE TO CONDUCT TABLE GAMES.

29 * * *

30 "MANUFACTURER." A PERSON WHO MANUFACTURES, BUILDS, REBUILDS,

1 FABRICATES, ASSEMBLES, PRODUCES, PROGRAMS, DESIGNS OR OTHERWISE
2 MAKES MODIFICATIONS TO ANY SLOT MACHINE, TABLE GAME DEVICE OR
3 ASSOCIATED EQUIPMENT FOR USE OR PLAY OF SLOT MACHINES OR TABLE
4 GAMES IN THIS COMMONWEALTH FOR GAMING PURPOSES.

5 "MANUFACTURER LICENSE." A LICENSE ISSUED BY THE PENNSYLVANIA
6 GAMING CONTROL BOARD AUTHORIZING A MANUFACTURER TO MANUFACTURE
7 OR PRODUCE SLOT MACHINES, TABLE GAME DEVICES OR ASSOCIATED
8 EQUIPMENT FOR USE IN THIS COMMONWEALTH FOR GAMING PURPOSES.

9 * * *

10 "MUNICIPAL AUTHORITY." A BODY POLITIC AND CORPORATE CREATED
11 UNDER THE FORMER ACT OF JUNE 28, 1935 (P.L.463, NO.191), KNOWN
12 AS THE MUNICIPALITY AUTHORITIES ACT OF ONE THOUSAND NINE HUNDRED
13 AND THIRTY-FIVE, THE FORMER ACT OF MAY 2, 1945 (P.L.382,
14 NO.164), KNOWN AS THE MUNICIPALITY AUTHORITIES ACT OF 1945, THE
15 ACT OF JULY 29, 1953 (P.L.1034, NO.270), KNOWN AS THE PUBLIC
16 AUDITORIUM AUTHORITIES LAW OR 53 PA.C.S. CH. 56 (RELATING TO
17 MUNICIPAL AUTHORITIES).

18 * * *

19 "NONBANKING GAME." ANY TABLE GAME IN WHICH A PLAYER COMPETES
20 AGAINST ANOTHER PLAYER AND IN WHICH THE CERTIFICATE HOLDER
21 COLLECTS A RAKE.

22 * * *

23 "PARTY." THE BUREAU OF INVESTIGATIONS AND ENFORCEMENT OF THE
24 PENNSYLVANIA GAMING CONTROL BOARD OR ANY APPLICANT, LICENSEE,
25 PERMITTEE, REGISTRANT OR OTHER PERSON APPEARING OF RECORD IN ANY
26 PROCEEDING BEFORE THE PENNSYLVANIA GAMING CONTROL BOARD.

27 * * *

28 "PLAYER." AN INDIVIDUAL WAGERING CASH, CASH EQUIVALENT OR
29 OTHER THING OF VALUE IN THE PLAY OR OPERATION OF A SLOT MACHINE
30 OR TABLE GAME, INCLUDING DURING A CONTEST OR TOURNAMENT, THE

1 PLAY OR OPERATION OF WHICH MAY DELIVER OR ENTITLE THE INDIVIDUAL
2 PLAYING OR OPERATING THE SLOT MACHINE OR TABLE GAME TO RECEIVE
3 CASH, CASH EQUIVALENT OR OTHER THING OF VALUE FROM ANOTHER
4 PLAYER OR A SLOT MACHINE LICENSEE.

5 * * *

6 "RAKE." A SET FEE OR PERCENTAGE ASSESSED BY A CERTIFICATE
7 HOLDER FOR PROVIDING THE SERVICES OF A DEALER, GAMING TABLE OR
8 LOCATION, FOR PLAYING ANY NONBANKING GAME.

9 * * *

10 "SLOT MACHINE." ANY MECHANICAL [OR], ELECTRICAL OR
11 COMPUTERIZED CONTRIVANCE, TERMINAL, MACHINE OR OTHER DEVICE
12 APPROVED BY THE PENNSYLVANIA GAMING CONTROL BOARD WHICH, UPON
13 INSERTION OF A COIN, BILL, TICKET, TOKEN OR SIMILAR OBJECT
14 THEREIN OR UPON PAYMENT OF ANY CONSIDERATION WHATSOEVER,
15 INCLUDING THE USE OF ANY ELECTRONIC PAYMENT SYSTEM EXCEPT A
16 CREDIT CARD OR DEBIT CARD, IS AVAILABLE TO PLAY OR OPERATE, THE
17 PLAY OR OPERATION OF WHICH, WHETHER BY REASON OF SKILL OR
18 APPLICATION OF THE ELEMENT OF CHANCE OR BOTH, MAY DELIVER OR
19 ENTITLE THE PERSON OR PERSONS PLAYING OR OPERATING THE
20 CONTRIVANCE, TERMINAL, MACHINE OR OTHER DEVICE TO RECEIVE CASH,
21 BILLETS, TICKETS, TOKENS OR ELECTRONIC CREDITS TO BE EXCHANGED
22 FOR CASH OR TO RECEIVE MERCHANDISE OR ANYTHING OF VALUE
23 WHATSOEVER, WHETHER THE PAYOFF IS MADE AUTOMATICALLY FROM THE
24 MACHINE OR MANUALLY. A SLOT MACHINE:

25 (1) MAY UTILIZE SPINNING REELS OR VIDEO DISPLAYS OR
26 BOTH.

27 (2) MAY OR MAY NOT DISPENSE COINS, TICKETS OR TOKENS TO
28 WINNING PATRONS.

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

1 THE TERM SHALL INCLUDE ASSOCIATED EQUIPMENT NECESSARY TO CONDUCT
2 THE OPERATION OF THE CONTRIVANCE, TERMINAL, MACHINE OR OTHER
3 DEVICE.

4 * * *

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

9 "SUPPLIER LICENSE." A LICENSE ISSUED BY THE PENNSYLVANIA
10 GAMING CONTROL BOARD AUTHORIZING A SUPPLIER TO PROVIDE PRODUCTS
11 OR SERVICES RELATED TO SLOT MACHINES, TABLE GAME DEVICES OR
12 ASSOCIATED EQUIPMENT TO SLOT MACHINE LICENSEES FOR USE IN THIS
13 COMMONWEALTH FOR GAMING PURPOSES.

14 * * *

15 "SUSPICIOUS TRANSACTION." THE ACCEPTANCE OR REDEMPTION BY A
16 PERSON OF CASH OR A CASH EQUIVALENT INVOLVING OR AGGREGATING
17 \$5,000 OR MORE WHICH A SLOT MACHINE LICENSEE OR EMPLOYEE OF A
18 SLOT MACHINE LICENSEE KNOWS, SUSPECTS OR HAS REASON TO BELIEVE:

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

22 (2) IS PART OF A PLAN TO VIOLATE OR EVADE ANY LAW OR
23 REGULATION OR TO AVOID ANY TRANSACTION REPORTING REQUIREMENT
24 UNDER THE LAWS OR REGULATIONS OF THIS COMMONWEALTH OR THE
25 UNITED STATES, INCLUDING A PLAN TO STRUCTURE A SERIES OF
26 TRANSACTIONS TO AVOID ANY TRANSACTION REPORTING REQUIREMENT
27 UNDER THE LAWS OR REGULATIONS OF THIS COMMONWEALTH OR THE
28 UNITED STATES; OR

29 (3) HAS NO LAWFUL BUSINESS OR OTHER APPARENT LAWFUL
30 PURPOSE OR IS NOT THE TYPE OF TRANSACTION IN WHICH A PERSON

1 WOULD NORMALLY BE EXPECTED TO ENGAGE AND THE SLOT MACHINE
2 LICENSEE OR EMPLOYEE KNOWS OF NO REASONABLE EXPLANATION FOR
3 THE TRANSACTION AFTER EXAMINING THE AVAILABLE FACTS,
4 INCLUDING THE BACKGROUND AND POSSIBLE PURPOSE OF THE
5 TRANSACTION.

6 "TABLE GAME." ANY BANKING OR NONBANKING GAME APPROVED BY THE
7 PENNSYLVANIA GAMING CONTROL BOARD. THE TERM INCLUDES ROULETTE,
8 BACCARAT, BLACKJACK, POKER, CRAPS, BIG SIX WHEEL, MINI-BACCARAT,
9 RED DOG, PAI GOW, TWENTY-ONE, CASINO WAR, ACEY-DUCEY, SIC BO,
10 CHUCK-A-LUCK, FAN-TAIL, PANGUINGUI, CHEMIN DE FER, ASIA POKER,
11 BOSTON 5 STUD POKER, CARIBBEAN STUD POKER, COLORADO HOLD 'EM
12 POKER, DOUBLE ATTACK BLACKJACK, DOUBLE CROSS POKER, DOUBLE DOWN
13 STUD POKER, FAST ACTION HOLD 'EM, FLOP POKER, FOUR CARD POKER,
14 LET IT RIDE POKER, MINI-CRAPS, MINI-DICE, PAI GOW POKER,
15 POKETTE, SPANISH 21, TEXAS HOLD 'EM BONUS POKER, THREE CARD
16 POKER, TWO CARD JOKER POKER, ULTIMATE TEXAS HOLD 'EM, WINNER'S
17 POT POKER AND ANY OTHER BANKING OR NONBANKING GAME. THE TERM
18 SHALL NOT INCLUDE:

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

22 (2) BINGO AS AUTHORIZED UNDER THE ACT OF JULY 10, 1981
23 (P.L.214, NO.67), KNOWN AS THE BINGO LAW.

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

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

1 (5) SLOT MACHINE GAMING AND PROGRESSIVE SLOT MACHINE
2 GAMING AS DEFINED AND AUTHORIZED UNDER THIS PART.

3 (6) KENO.

4 "TABLE GAME DEVICE." INCLUDES GAMING TABLES, CARDS, DICE,
5 CHIPS, SHUFFLERS, TILES, DOMINOES, WHEELS, DROP BOXES OR ANY
6 MECHANICAL, ELECTRICAL OR COMPUTERIZED CONTRIVANCE, TERMINAL,
7 MACHINE OR OTHER DEVICE, APPARATUS, EQUIPMENT OR SUPPLIES
8 APPROVED BY THE PENNSYLVANIA GAMING CONTROL BOARD AND USED TO
9 CONDUCT A TABLE GAME.

10 "TABLE GAME OPERATION CERTIFICATE." A CERTIFICATE AWARDED BY
11 THE PENNSYLVANIA GAMING CONTROL BOARD UNDER CHAPTER 13A
12 (RELATING TO TABLE GAMES) THAT AUTHORIZES A SLOT MACHINE
13 LICENSEE TO CONDUCT TABLE GAMES IN ACCORDANCE WITH THIS PART.

14 "TOURNAMENT." AN ORGANIZED SERIES OF CONTESTS APPROVED BY
15 THE PENNSYLVANIA GAMING CONTROL BOARD IN WHICH AN OVERALL WINNER
16 IS ULTIMATELY DETERMINED.

17 "TRUSTEE." A PERSON APPOINTED BY THE PENNSYLVANIA GAMING
18 CONTROL BOARD UNDER SECTION 1332 (RELATING TO APPOINTMENT OF
19 TRUSTEE) TO MANAGE AND CONTROL THE OPERATIONS OF A LICENSED
20 FACILITY AND WHO HAS THE FIDUCIARY RESPONSIBILITY TO MAKE
21 DECISIONS TO PRESERVE THE VIABILITY OF A LICENSED FACILITY AND
22 THE INTEGRITY OF GAMING IN THIS COMMONWEALTH.

23 * * *

24 SECTION 3. SECTION 1201(F)(3), (H)(5), (7.1), (10), (11),
25 (13), (14) AND (15) AND (K) OF TITLE 4 ARE AMENDED, SUBSECTION
26 (H) IS AMENDED BY ADDING PARAGRAPHS AND THE SECTION IS AMENDED
27 BY ADDING A SUBSECTION TO READ:

28 § 1201. PENNSYLVANIA GAMING CONTROL BOARD ESTABLISHED.

29 * * *

30 (F) QUALIFIED MAJORITY VOTE.--

1 * * *

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

14 * * *

15 (H) QUALIFICATIONS AND RESTRICTIONS.--

16 * * *

17 (4.1) NO MEMBER SHALL ENGAGE IN ANY BUSINESS, EMPLOYMENT
18 OR VOCATION FOR WHICH THE MEMBER RECEIVES A SALARY,
19 COMPENSATION OR FEE FOR SERVICES RENDERED WHICH IS IN EXCESS
20 OF 15% OF THE MEMBER'S GROSS ANNUAL SALARY AS A MEMBER OF THE
21 BOARD. FOR PURPOSES OF THIS PARAGRAPH, THE TERMS "SALARY,"
22 "COMPENSATION" AND "FEE" DO NOT INCLUDE ANY OF THE FOLLOWING:

23 (I) PASSIVE OR UNEARNED INCOME, INCLUDING INTEREST,
24 DIVIDENDS OR CAPITAL GAINS FROM THE SALE OF ASSETS OR
25 SECURITIES HELD FOR INVESTMENT PURPOSES.

26 (II) HEALTH CARE BENEFITS OR RETIREMENT, PENSION OR
27 ANNUITY PAYMENTS.

28 (III) AMOUNTS RECEIVED FROM A FAMILY-CONTROLLED
29 TRADE OR BUSINESS IN WHICH BOTH PERSONAL SERVICES AND
30 CAPITAL ARE INCOME-PRODUCING FACTORS, PROVIDED THAT THE

1 PERSONAL SERVICES ACTUALLY RENDERED BY THE MEMBER DO NOT
2 GENERATE A SIGNIFICANT AMOUNT OF INCOME.

3 (IV) DIRECTOR'S FEES ATTRIBUTABLE TO BOARD
4 MEMBERSHIP OF A CORPORATE OR NONPROFIT BODY OR BOARD OR
5 REIMBURSEMENT FOR EXPENSES INCURRED IN CONNECTION WITH
6 BOARD MEMBERSHIP.

7 (5) NO MEMBER SHALL BE PAID OR RECEIVE ANY FEE OR OTHER
8 COMPENSATION FOR ANY ACTIVITY RELATED TO THE DUTIES OR
9 AUTHORITY OF THE BOARD OTHER THAN SALARY AND EXPENSES
10 PROVIDED BY LAW [FOR ANY ACTIVITY RELATED TO THE DUTIES OR
11 AUTHORITY OF THE BOARD. NOTHING IN THIS PART SHALL PROHIBIT A
12 MEMBER FROM ENGAGING IN ANY EMPLOYMENT OR RECEIVING ANY
13 COMPENSATION FOR SUCH EMPLOYMENT THAT IS NOT CONNECTED TO OR
14 INCOMPATIBLE WITH HIS SERVICE AS A MEMBER OF THE BOARD].

15 * * *

16 (7.1) PRIOR TO BEING SWORN AS A MEMBER, AN APPOINTEE AND
17 HIS IMMEDIATE FAMILY SHALL DIVEST ANY FINANCIAL INTEREST IN
18 ANY APPLICANT, LICENSED FACILITY OR LICENSED ENTITY AND IN AN
19 AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY
20 THEREOF OWNED OR HELD BY THE APPOINTEE OR KNOWN TO BE HELD BY
21 THE APPOINTEE'S IMMEDIATE FAMILY. FOR THE DURATION OF THE
22 MEMBER'S TERM AND FOR [ONE YEAR] TWO YEARS THEREAFTER, THE
23 MEMBER AND THE MEMBER'S IMMEDIATE FAMILY MAY NOT ACQUIRE A
24 FINANCIAL INTEREST IN ANY APPLICANT, LICENSED FACILITY OR
25 LICENSED ENTITY OR IN AN AFFILIATE, INTERMEDIARY, SUBSIDIARY
26 OR HOLDING COMPANY [THEREOF] OF AN APPLICANT, LICENSED
27 FACILITY OR LICENSED ENTITY. FOR PURPOSES OF THIS PARAGRAPH,
28 THE TERM "IMMEDIATE FAMILY" SHALL MEAN SPOUSE AND ANY MINOR
29 OR UNEMANCIPATED CHILD.

30 * * *

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

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

25 * * *

26 (13) NO EMPLOYEE OF THE BOARD [OR INDIVIDUAL EMPLOYED BY
27 AN INDEPENDENT CONTRACTOR OF THE BOARD] WHOSE DUTIES
28 SUBSTANTIALLY INVOLVE LICENSING[,] OR ENFORCEMENT [OR], THE
29 DEVELOPMENT [OR ADOPTION] OF LAWS, OR THE DEVELOPMENT OR
30 ADOPTION OF REGULATIONS OR POLICY RELATED TO GAMING UNDER

1 THIS PART OR WHO HAS OTHER DISCRETIONARY AUTHORITY WHICH MAY
2 AFFECT THE OUTCOME OF AN ACTION, PROCEEDING OR DECISION UNDER
3 THIS PART, INCLUDING THE EXECUTIVE DIRECTOR, BUREAU DIRECTORS
4 AND ATTORNEYS, SHALL DO ANY OF THE FOLLOWING:

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

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

20 AS A CONDITION OF EMPLOYMENT, AN INDIVIDUAL SUBJECT TO THIS
21 PARAGRAPH SHALL SIGN AN AFFIDAVIT THAT THE INDIVIDUAL WILL
22 NOT ACCEPT EMPLOYMENT WITH OR BE RETAINED BY ANY APPLICANT OR
23 LICENSED ENTITY, OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR
24 HOLDING COMPANY OF AN APPLICANT OR LICENSED ENTITY, FOR A
25 PERIOD OF TWO YEARS FOLLOWING THE TERMINATION OF EMPLOYMENT.
26 IF AN EMPLOYEE OF THE BOARD REFUSES OR OTHERWISE FAILS TO
27 SIGN THE AFFIDAVIT, THE BOARD SHALL TERMINATE THE EMPLOYMENT.
28 AN APPLICANT OR LICENSED ENTITY, OR AN AFFILIATE,
29 INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY OF AN APPLICANT
30 OR LICENSED ENTITY, SHALL NOT EMPLOY OR RETAIN AN INDIVIDUAL

1 WHO SIGNED AN AFFIDAVIT REQUIRED BY THIS PARAGRAPH UNTIL THE
2 EXPIRATION OF THE TWO-YEAR PERIOD REQUIRED BY THIS PARAGRAPH
3 FOR THE ACCEPTANCE OF EMPLOYMENT. AN APPLICANT OR LICENSED
4 ENTITY, OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
5 COMPANY OF AN APPLICANT OR LICENSED ENTITY, THAT KNOWINGLY
6 EMPLOYS OR RETAINS AN INDIVIDUAL IN VIOLATION OF THIS
7 PARAGRAPH SHALL TERMINATE THE EMPLOYMENT OF THE INDIVIDUAL
8 AND BE SUBJECT TO A PENALTY UNDER SECTION 1518(C) (RELATING
9 TO PROHIBITED ACTS; PENALTIES).

10 (13.1) NO INDEPENDENT CONTRACTOR OR EMPLOYEE OF AN
11 INDEPENDENT CONTRACTOR WHOSE DUTIES SUBSTANTIALLY INVOLVE
12 CONSULTATION RELATING TO LICENSING, ENFORCEMENT OR THE
13 DEVELOPMENT OR ADOPTION OF REGULATIONS OR POLICY RELATED TO
14 GAMING UNDER THIS PART SHALL:

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

20 (II) APPEAR BEFORE THE BOARD IN ANY HEARING OR
21 PROCEEDING OR PARTICIPATE IN ANY OTHER ACTIVITY ON BEHALF
22 OF AN APPLICANT, LICENSEE, PERMITTEE OR LICENSED ENTITY,
23 OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
24 COMPANY OF AN APPLICANT, LICENSEE OR LICENSED ENTITY, FOR
25 A PERIOD OF TWO YEARS AFTER TERMINATION OF EMPLOYMENT
26 WITH THE INDEPENDENT CONTRACTOR OR TERMINATION OF THE
27 CONTRACT WITH THE BOARD.

28 EACH CONTRACT BETWEEN THE BOARD AND AN INDEPENDENT CONTRACTOR
29 SHALL CONTAIN A PROVISION REQUIRING THE INDEPENDENT
30 CONTRACTOR AND EACH EMPLOYEE OF THE INDEPENDENT CONTRACTOR

1 SUBJECT TO THIS PARAGRAPH TO SIGN AN AFFIDAVIT TO NOT ACCEPT
2 EMPLOYMENT WITH OR BE RETAINED BY ANY APPLICANT OR LICENSED
3 ENTITY, OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
4 COMPANY OF AN APPLICANT OR LICENSED ENTITY, FOR A PERIOD OF
5 ONE YEAR FOLLOWING THE TERMINATION OF THE CONTRACT WITH THE
6 BOARD OR ONE YEAR FOLLOWING TERMINATION OF EMPLOYMENT WITH
7 THE INDEPENDENT CONTRACTOR, AS THE CASE MAY BE. IF AN
8 INDEPENDENT CONTRACTOR OR AN EMPLOYEE OF AN INDEPENDENT
9 CONTRACTOR REFUSES OR OTHERWISE FAILS TO SIGN THE AFFIDAVIT,
10 THE BOARD SHALL TERMINATE THE CONTRACT. AN APPLICANT OR
11 LICENSED ENTITY, OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR
12 HOLDING COMPANY OF AN APPLICANT OR LICENSED ENTITY, SHALL NOT
13 EMPLOY OR RETAIN AN INDIVIDUAL WHO SIGNED AN AFFIDAVIT
14 REQUIRED BY THIS PARAGRAPH UNTIL THE EXPIRATION OF THE ONE-
15 YEAR PERIOD REQUIRED BY THIS PARAGRAPH FOR THE ACCEPTANCE OF
16 EMPLOYMENT. AN APPLICANT OR LICENSED ENTITY, OR AN AFFILIATE,
17 INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY OF AN APPLICANT
18 OR LICENSED ENTITY, THAT KNOWINGLY EMPLOYS OR RETAINS AN
19 INDIVIDUAL IN VIOLATION OF THIS PARAGRAPH SHALL TERMINATE THE
20 EMPLOYMENT OF THE INDIVIDUAL AND BE SUBJECT TO A PENALTY
21 UNDER SECTION 1518(C).

22 (13.2) NOTHING UNDER PARAGRAPH (13) OR (13.1) SHALL
23 PREVENT A CURRENT OR FORMER EMPLOYEE OF THE BOARD, A CURRENT
24 OR FORMER INDEPENDENT CONTRACTOR OR A CURRENT OR FORMER
25 EMPLOYEE OF AN INDEPENDENT CONTRACTOR FROM APPEARING BEFORE
26 THE BOARD IN ANY HEARING OR PROCEEDING AS A WITNESS OR
27 TESTIFYING AS TO ANY FACT OR INFORMATION.

28 (14) [UPON THE WRITTEN REQUEST OF AN EMPLOYEE OF THE
29 BOARD, THE EXECUTIVE BRANCH OF THE COMMONWEALTH OR A
30 POLITICAL SUBDIVISION OR OF THE AGENCY OR POLITICAL

1 SUBDIVISION EMPLOYING AN EMPLOYEE, THE STATE ETHICS
2 COMMISSION SHALL DETERMINE WHETHER THE INDIVIDUAL'S DUTIES
3 SUBSTANTIALLY INVOLVE THE DEVELOPMENT OR ADOPTION OF
4 REGULATIONS OR POLICY, LICENSING OR ENFORCEMENT UNDER THIS
5 PART AND SHALL PROVIDE A WRITTEN DETERMINATION TO THE
6 EMPLOYEE TO INCLUDE ANY PROHIBITION UNDER THIS PARAGRAPH. AN
7 INDIVIDUAL WHO] THE STATE ETHICS COMMISSION SHALL ISSUE A
8 WRITTEN DETERMINATION OF WHETHER A PERSON IS SUBJECT TO
9 PARAGRAPH (13) OR (13.1) UPON THE WRITTEN REQUEST OF THE
10 PERSON OR THE PERSON'S EMPLOYER OR POTENTIAL EMPLOYER. A
11 PERSON THAT RELIES IN GOOD FAITH ON A DETERMINATION ISSUED
12 UNDER THIS PARAGRAPH SHALL NOT BE SUBJECT TO ANY PENALTY FOR
13 AN ACTION TAKEN, PROVIDED THAT ALL MATERIAL FACTS SET FORTH
14 IN THE REQUEST FOR [A] THE DETERMINATION ARE CORRECT.

15 (14.1) THE STATE ETHICS COMMISSION SHALL PUBLISH A LIST
16 OF ALL EMPLOYMENT POSITIONS WITHIN THE BOARD AND EMPLOYMENT
17 POSITIONS WITHIN INDEPENDENT CONTRACTORS WHOSE DUTIES WOULD
18 SUBJECT THE INDIVIDUALS IN THOSE POSITIONS TO THE PROVISIONS
19 OF PARAGRAPHS (13) AND (13.1). THE BOARD AND EACH INDEPENDENT
20 CONTRACTOR SHALL ASSIST THE STATE ETHICS COMMISSION IN THE
21 DEVELOPMENT OF THE LIST, WHICH SHALL BE PUBLISHED BY THE
22 STATE ETHICS COMMISSION IN THE PENNSYLVANIA BULLETIN
23 BIENNIALY AND POSTED BY THE BOARD ON THE BOARD'S INTERNET
24 WEBSITE. UPON REQUEST, EMPLOYEES OF THE BOARD AND EACH
25 INDEPENDENT CONTRACTOR SHALL HAVE A DUTY TO PROVIDE THE STATE
26 ETHICS COMMISSION WITH ADEQUATE INFORMATION TO ACCURATELY
27 DEVELOP AND MAINTAIN THE LIST. THE STATE ETHICS COMMISSION
28 MAY IMPOSE A CIVIL PENALTY UNDER 65 PA.C.S. § 1109(F)
29 (RELATING TO PENALTIES) UPON AN INDIVIDUAL WHO FAILS TO
30 COOPERATE WITH THE STATE ETHICS COMMISSION UNDER THIS

1 PARAGRAPH. AN INDIVIDUAL WHO RELIES IN GOOD FAITH ON THE LIST
2 PUBLISHED BY THE STATE ETHICS COMMISSION SHALL NOT BE SUBJECT
3 TO ANY PENALTY FOR A VIOLATION OF PARAGRAPH (13) OR (13.1).

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

18 * * *

19 (K) APPOINTMENTS.--THE APPOINTING AUTHORITIES SHALL MAKE
20 THEIR INITIAL APPOINTMENTS WITHIN 60 DAYS OF THE EFFECTIVE DATE
21 OF THIS PART. APPOINTMENTS TO FILL A VACANCY SHALL BE MADE
22 WITHIN 60 DAYS OF THE CREATION OF THE VACANCY. NO APPOINTMENT
23 SHALL BE FINAL UNTIL RECEIPT BY THE APPOINTING AUTHORITY OF THE
24 REQUIRED BACKGROUND INVESTIGATION OF THE APPOINTEE BY THE
25 PENNSYLVANIA STATE POLICE WHICH SHALL BE COMPLETED WITHIN 30
26 DAYS. NO PERSON WHO HAS BEEN CONVICTED IN ANY DOMESTIC OR
27 FOREIGN JURISDICTION OF A FELONY, INFAMOUS CRIME OR GAMING
28 OFFENSE SHALL BE APPOINTED TO THE BOARD.

29 * * *

30 (M.1) BUDGETARY IMPASSE.--IF, IN THE EVENT OF A BUDGETARY OR

1 OTHER FISCAL CRISIS, THE GOVERNOR ORDERS THE FURLOUGH OF
2 COMMONWEALTH EMPLOYEES, THE BOARD AND ITS EMPLOYEES AND ALL
3 EMPLOYEES OF THE DEPARTMENT AND THE PENNSYLVANIA STATE POLICE
4 WHOSE DUTIES INVOLVE THE REGULATION AND OVERSIGHT OF GAMING
5 UNDER THIS PART SHALL NOT BE SUBJECT TO FURLOUGH AND SHALL
6 CONTINUE TO PERFORM THEIR DUTIES OF EMPLOYMENT.

7 * * *

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

10 § 1201.1. APPLICABILITY OF OTHER STATUTES.

11 (A) GENERAL RULE.--THE FOLLOWING ACTS SHALL APPLY TO THE
12 BOARD:

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

16 * * *

17 SECTION 4. SECTION 1202(A) (1) AND (2) AND (B) (7), (20) AND
18 (23) OF TITLE 4 ARE AMENDED AND SUBSECTION (B) IS AMENDED BY
19 ADDING PARAGRAPHS TO READ:

20 § 1202. GENERAL AND SPECIFIC POWERS.

21 (A) GENERAL POWERS.--

22 (1) THE BOARD SHALL HAVE GENERAL AND SOLE REGULATORY
23 AUTHORITY OVER THE CONDUCT OF GAMING OR RELATED ACTIVITIES AS
24 DESCRIBED IN THIS PART. THE BOARD SHALL ENSURE THE INTEGRITY
25 OF THE ACQUISITION AND OPERATION OF SLOT MACHINES, TABLE
26 GAMES, TABLE GAME DEVICES AND ASSOCIATED EQUIPMENT AND SHALL
27 HAVE SOLE REGULATORY AUTHORITY OVER EVERY ASPECT OF THE
28 AUTHORIZATION [AND] OPERATION AND PLAY OF SLOT MACHINES AND
29 TABLE GAMES.

30 (2) THE BOARD SHALL EMPLOY INDIVIDUALS AS NECESSARY TO

1 CARRY OUT THE POWERS AND DUTIES OF THE BOARD, WHO SHALL SERVE
2 AT THE BOARD'S PLEASURE. AN EMPLOYEE OF THE BOARD SHALL BE
3 CONSIDERED A STATE EMPLOYEE FOR PURPOSES OF 71 PA.C.S. PT.
4 XXV (RELATING TO RETIREMENT FOR STATE EMPLOYEES AND
5 OFFICERS). FOR THE PURPOSES OF THIS PARAGRAPH, THE BOARD
6 SHALL NOT BE CONSIDERED AN EXECUTIVE OR INDEPENDENT AGENCY
7 UNDER THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS
8 THE COMMONWEALTH ATTORNEYS ACT. THE BOARD SHALL NOT TAKE
9 FINAL ACTION TO FILL ANY VACANCY IN THE POSITION OF EXECUTIVE
10 DIRECTOR OF THE BOARD, DIRECTOR OF THE BUREAU, CHIEF COUNSEL
11 OF THE BOARD OR DIRECTOR OF THE OFFICE OF ENFORCEMENT COUNSEL
12 UNTIL RECEIPT AND REVIEW OF THE RESULTS OF THE INDIVIDUAL'S
13 BACKGROUND INVESTIGATION UNDER SECTION 1517(C) (1.1) (RELATING
14 TO INVESTIGATIONS AND ENFORCEMENT)).

15 * * *

16 (B) SPECIFIC POWERS.--THE BOARD SHALL HAVE THE SPECIFIC
17 POWER AND DUTY:

18 * * *

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

25 * * *

26 (12.1) AT ITS DISCRETION, TO AWARD, REVOKE, SUSPEND,
27 CONDITION OR DENY A TABLE GAME OPERATION CERTIFICATE TO A
28 SLOT MACHINE LICENSEE IN ACCORDANCE WITH CHAPTER 13A
29 (RELATING TO TABLE GAMES).

30 * * *

1 (20) IN ADDITION TO THE POWER OF THE BOARD REGARDING
2 LICENSE AND PERMIT APPLICANTS, TO DETERMINE AT ITS DISCRETION
3 THE SUITABILITY OF ANY PERSON WHO FURNISHES OR SEEKS TO
4 FURNISH TO A SLOT MACHINE LICENSEE DIRECTLY OR INDIRECTLY ANY
5 GOODS, SERVICES OR PROPERTY RELATED TO SLOT MACHINES, TABLE
6 GAMES, TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT OR THROUGH
7 ANY ARRANGEMENTS UNDER WHICH THAT PERSON RECEIVES PAYMENT
8 BASED DIRECTLY OR INDIRECTLY ON EARNINGS, PROFITS OR RECEIPTS
9 FROM THE SLOT MACHINES, TABLE GAMES, TABLE GAME DEVICES AND
10 ASSOCIATED EQUIPMENT. THE BOARD MAY REQUIRE ANY SUCH PERSON
11 TO COMPLY WITH THE REQUIREMENTS OF THIS PART AND THE
12 REGULATIONS OF THE BOARD AND MAY PROHIBIT THE PERSON FROM
13 FURNISHING THE SERVICES OR PROPERTY.

14 * * *

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

28 * * *

29 (27.1) TO PUBLISH EACH JANUARY IN THE PENNSYLVANIA
30 BULLETIN AND ON THE PENNSYLVANIA GAMING CONTROL BOARD'S

1 INTERNET WEBSITE A COMPLETE LIST OF ALL SLOT MACHINE
2 LICENSEES WHO FILED A PETITION SEEKING AUTHORIZATION TO
3 CONDUCT TABLE GAMES AND THE STATUS OF EACH PETITION OR TABLE
4 GAME OPERATION CERTIFICATE.

5 * * *

6 (31) TO COLLECT AND POST INFORMATION ON ITS INTERNET
7 WEBSITE WITH SUFFICIENT DETAIL TO INFORM THE PUBLIC OF EACH
8 PERSON WITH A CONTROLLING INTEREST OR OWNERSHIP INTEREST IN
9 AN APPLICANT FOR A SLOT MACHINE LICENSE OR A LICENSED GAMING
10 ENTITY, OR AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
11 COMPANY OF AN APPLICANT OR LICENSED GAMING ENTITY. THE
12 POSTING SHALL INCLUDE:

13 (I) IF THE APPLICANT OR LICENSED GAMING ENTITY, OR
14 ANY AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
15 COMPANY OF THE APPLICANT OR LICENSED GAMING ENTITY, IS A
16 PUBLICLY TRADED DOMESTIC OR FOREIGN CORPORATION,
17 PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER LEGAL
18 ENTITY, THE NAMES OF ALL PERSONS WITH A CONTROLLING
19 INTEREST.

20 (II) IF THE APPLICANT OR LICENSED GAMING ENTITY, OR
21 ANY AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
22 COMPANY OF THE APPLICANT OR LICENSED GAMING ENTITY, IS A
23 PRIVATELY HELD DOMESTIC OR FOREIGN CORPORATION,
24 PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER LEGAL
25 ENTITY, THE NAMES OF ALL PERSONS WITH AN OWNERSHIP
26 INTEREST EQUAL TO OR GREATER THAN 1%.

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

29 (IV) THE NAMES OF ALL OFFICERS, DIRECTORS AND
30 PRINCIPALS OF THE APPLICANT OR LICENSED GAMING ENTITY.

1 (32) TO APPOINT A TRUSTEE AS PRESCRIBED IN SECTION 1332
2 (RELATING TO APPOINTMENT OF TRUSTEE).

3 (33) TO ADOPT REGULATIONS GOVERNING THE POSTEMPLOYMENT
4 LIMITATIONS AND RESTRICTIONS APPLICABLE TO MEMBERS AND TO
5 EMPLOYEES OF THE BOARD SUBJECT TO SECTION 1201(H) (13)
6 (RELATING TO PENNSYLVANIA GAMING CONTROL BOARD ESTABLISHED).
7 IN DEVELOPING THESE REGULATIONS, THE BOARD MAY CONSULT WITH
8 THE STATE ETHICS COMMISSION, OTHER GOVERNMENTAL AGENCIES AND
9 THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA
10 REGARDING POSTEMPLOYMENT LIMITATIONS AND RESTRICTIONS ON
11 MEMBERS AND EMPLOYEES OF THE BOARD WHO ARE MEMBERS OF THE
12 PENNSYLVANIA BAR.

13 (34) TO REVIEW DETAILED SITE PLANS IDENTIFYING A
14 PETITIONER'S PROPOSED TABLE GAME AREA WITHIN A LICENSED
15 FACILITY TO DETERMINE THE ADEQUACY OF THE PROPOSED INTERNAL
16 AND EXTERNAL SECURITY AND 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 OF THE BOARD, INDEPENDENT
25 CONTRACTORS [OF THE BOARD] AND THE IMMEDIATE [FAMILIES] FAMILY
26 OF THE MEMBERS, EMPLOYEES AND INDEPENDENT CONTRACTORS TO ENABLE
27 THEM TO AVOID ANY PERCEIVED OR ACTUAL CONFLICT OF INTEREST AND
28 TO PROMOTE PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY
29 OF THE BOARD. AT A MINIMUM, THE CODE OF CONDUCT ADOPTED UNDER
30 THIS SECTION SHALL INCLUDE REGISTRATION OF LICENSED ENTITY

1 REPRESENTATIVES UNDER SUBSECTION (B) AND THE RESTRICTIONS UNDER
2 [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, APPLICANT FOR
9 LICENSURE OR OTHER PERSON 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] IN ADDITION TO THE OTHER PROHIBITIONS
20 CONTAINED IN THIS PART, A MEMBER [OF THE BOARD] SHALL:

21 (1) [NOT ENGAGE IN ANY EX PARTE COMMUNICATION WITH ANY
22 PERSON.] (RESERVED).

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

29 (3) DISCLOSE AND [DISQUALIFY] RECUSE HIMSELF FROM ANY
30 HEARING OR OTHER PROCEEDING IN WHICH THE MEMBER'S

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

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

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

15 (6) NOT SOLICIT FUNDS FOR ANY CHARITABLE, EDUCATIONAL,
16 RELIGIOUS, HEALTH, FRATERNAL, CIVIC OR OTHER NONPROFIT ENTITY
17 FROM [AN] ANY APPLICANT, LICENSED ENTITY, PARTY, PERMITTEE,
18 REGISTRANT OR LICENSED ENTITY REPRESENTATIVE, OR FROM ANY
19 AFFILIATE, SUBSIDIARY, INTERMEDIARY OR HOLDING COMPANY OF [A]
20 ANY APPLICANT, LICENSED ENTITY, [INTERESTED] PARTY OR
21 LICENSED ENTITY REPRESENTATIVE. [A BOARD] SUBJECT TO THE
22 PROVISIONS OF SECTION 1201(H)(4.1), A MEMBER MAY SERVE AS AN
23 OFFICER, EMPLOYEE OR MEMBER OF THE GOVERNING BODY OF A
24 NONPROFIT ENTITY AND MAY ATTEND, MAKE PERSONAL CONTRIBUTIONS
25 TO AND PLAN OR PRESIDE OVER THE ENTITY'S FUNDRAISING EVENTS.
26 A [BOARD] MEMBER MAY PERMIT HIS NAME TO APPEAR ON THE
27 LETTERHEAD USED FOR FUNDRAISING EVENTS IF THE LETTERHEAD
28 CONTAINS ONLY THE [BOARD] MEMBER'S NAME AND POSITION WITH THE
29 NONPROFIT ENTITY.

30 (7) NOT MEET OR ENGAGE IN DISCUSSIONS WITH ANY

1 APPLICANT, [PERSON LICENSED UNDER THIS PART OR A] LICENSED
2 ENTITY, PERMITTEE, REGISTRANT, LICENSED ENTITY
3 REPRESENTATIVE, PERSON WHO PROVIDES GOODS, PROPERTY OR
4 SERVICES TO A SLOT MACHINE LICENSEE OR ANY OTHER PERSON OR
5 ENTITY UNDER THE JURISDICTION OF THE BOARD UNLESS THE MEETING
6 OR DISCUSSION OCCURS ON THE BUSINESS PREMISES OF THE BOARD
7 AND IS RECORDED IN A LOG [MAINTAINED FOR THIS PURPOSE]. THE
8 LOG SHALL BE AVAILABLE FOR PUBLIC INSPECTION DURING THE
9 REGULAR BUSINESS HOURS OF THE BOARD AND SHALL BE POSTED ON
10 THE BOARD'S INTERNET WEBSITE. THE LOG SHALL INCLUDE THE DATE
11 AND TIME OF THE MEETING OR DISCUSSION, THE NAMES OF THE
12 PARTICIPANTS AND THE SUBJECT DISCUSSED. THE PROVISIONS OF
13 THIS PARAGRAPH SHALL NOT APPLY TO MEETINGS [OF THE BOARD] TO
14 CONSIDER MATTERS REQUIRING THE PHYSICAL INSPECTION OF THE
15 EQUIPMENT OR PREMISES OF AN APPLICANT OR A LICENSED ENTITY
16 [AT THEIR LOCATION] PROVIDED THE MEETING IS ENTERED IN THE
17 LOG.

18 (8) AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY
19 AT ALL TIMES AND OBSERVE STANDARDS AND CONDUCT THAT PROMOTE
20 PUBLIC CONFIDENCE IN THE OVERSIGHT OF GAMING.

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

23 (C.1) EX PARTE COMMUNICATIONS.--

24 (1) NO MEMBER OR HEARING OFFICER OF THE BOARD SHALL
25 ENGAGE IN ANY EX PARTE COMMUNICATION WITH ANY PERSON. NO
26 ATTORNEY OF THE OFFICE OF CHIEF COUNSEL ADVISING THE BOARD ON
27 A PARTICULAR LICENSING ISSUE OR PROCEEDING SHALL ENGAGE IN
28 ANY EX PARTE COMMUNICATION WITH ANY PERSON.

29 (2) NO ATTORNEY REPRESENTING THE BUREAU OR THE OFFICE OF
30 ENFORCEMENT COUNSEL OR AN APPLICANT, LICENSEE OR PERMITTEE IN

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

5 (3) NO EMPLOYEE OF THE BUREAU OR THE OFFICE OF
6 ENFORCEMENT COUNSEL SHALL ENGAGE IN AN EX PARTE COMMUNICATION
7 WITH A MEMBER, AN ATTORNEY OF THE OFFICE OF CHIEF COUNSEL WHO
8 IS ADVISING THE BOARD ON A PROCEEDING OR A HEARING OFFICER OF
9 THE BOARD.

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

11 (1) AN EX PARTE COMMUNICATION RECEIVED OR ENGAGED IN BY
12 A MEMBER OR HEARING OFFICER SHALL BE RECORDED IN A LOG. THE
13 LOG SHALL BE AVAILABLE FOR PUBLIC INSPECTION DURING THE
14 REGULAR BUSINESS HOURS OF THE BOARD AND SHALL BE POSTED ON
15 THE BOARD'S INTERNET WEBSITE. THE LOG SHALL INCLUDE:

16 (I) THE NAME OF THE INDIVIDUAL DOCUMENTING THE EX
17 PARTE COMMUNICATION.

18 (II) THE DATE AND TIME OF THE EX PARTE
19 COMMUNICATION.

20 (III) THE NAMES OF ALL INDIVIDUALS INVOLVED IN THE
21 EX PARTE COMMUNICATION.

22 (IV) THE SUBJECT DISCUSSED.

23 (2) IN ADDITION TO DOCUMENTING AN EX PARTE COMMUNICATION
24 UNDER PARAGRAPH (1), NOTIFICATION OF THE SUBSTANCE OF THE
25 COMMUNICATION AND AN OPPORTUNITY TO RESPOND SHALL BE PROVIDED
26 TO ALL PARTIES TO A HEARING OR OTHER PROCEEDING DIRECTLY
27 AFFECTED BY THE ANTICIPATED VOTE OR ACTION OF THE HEARING
28 OFFICER OR BOARD RELATED TO THE EX PARTE COMMUNICATION.

29 (3) (I) A MEMBER OR HEARING OFFICER WHO ENGAGED IN OR
30 RECEIVED AN EX PARTE COMMUNICATION SHALL RECUSE HIMSELF

1 FROM ANY HEARING OR OTHER PROCEEDING RELATED TO THE EX
2 PARTE COMMUNICATION IF THE CONTEXT AND SUBSTANCE OF THE
3 EX PARTE COMMUNICATION CREATES SUBSTANTIAL REASONABLE
4 DOUBT AS TO THE INDIVIDUAL'S ABILITY TO ACT OBJECTIVELY,
5 INDEPENDENTLY OR IMPARTIALLY.

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

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

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

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

28 (4) THIS SUBSECTION SHALL NOT PRECLUDE A MEMBER FROM
29 CONSULTING WITH OTHER MEMBERS INDIVIDUALLY IF THE
30 CONSULTATION COMPLIES WITH 65 PA.C.S. CH. 7 (RELATING TO

1 OPEN MEETINGS) OR WITH EMPLOYEES OR INDEPENDENT
2 CONTRACTORS WHOSE FUNCTIONS ARE TO ASSIST THE BOARD IN
3 CARRYING OUT ITS ADJUDICATIVE FUNCTIONS.

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

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

9 "EX PARTE COMMUNICATION." AN OFF-THE-RECORD COMMUNICATION
10 ENGAGED IN OR RECEIVED BY A MEMBER OR [EMPLOYEE] HEARING OFFICER
11 OF THE BOARD REGARDING THE MERITS OF OR ANY FACT IN ISSUE
12 RELATING TO A PENDING MATTER BEFORE THE BOARD OR HEARING OFFICER
13 OR WHICH MAY REASONABLY BE EXPECTED TO COME BEFORE THE BOARD OR
14 HEARING OFFICER IN A CONTESTED ON-THE-RECORD PROCEEDING. THE
15 TERM SHALL NOT INCLUDE OFF-THE-RECORD COMMUNICATIONS BY OR
16 BETWEEN A MEMBER OR [EMPLOYEE] HEARING OFFICER OF THE BOARD,
17 [DEPARTMENT OF REVENUE] DEPARTMENT, PENNSYLVANIA STATE POLICE,
18 ATTORNEY GENERAL OR OTHER LAW ENFORCEMENT OFFICIAL PRIOR TO THE
19 BEGINNING OF THE PROCEEDING SOLELY FOR THE PURPOSE OF SEEKING
20 CLARIFICATION OR CORRECTION TO EVIDENTIARY MATERIALS INTENDED
21 FOR USE IN THE PROCEEDINGS. THE TERM SHALL ALSO NOT INCLUDE
22 COMMUNICATIONS BETWEEN THE BOARD OR A MEMBER AND THE OFFICE OF
23 CHIEF COUNSEL.

24 ["LICENSED ENTITY REPRESENTATIVE." A PERSON ACTING ON BEHALF
25 OF OR REPRESENTING THE INTEREST OF ANY APPLICANT, LICENSEE,
26 PERMITTEE OR REGISTRANT, INCLUDING AN ATTORNEY, AGENT OR
27 LOBBYIST, REGARDING ANY MATTER WHICH MAY REASONABLY BE EXPECTED
28 TO COME BEFORE THE BOARD.]

29 SECTION 6. TITLE 4 IS AMENDED BY ADDING A SECTION TO READ:

30 § 1202.2. EXPENSES OF REGULATORY AGENCIES.

1 (A) REIMBURSEMENT.--MEMBERS AND EMPLOYEES OF THE BOARD,
2 EMPLOYEES OF THE DEPARTMENT AND THE OFFICE OF ATTORNEY GENERAL,
3 AND TROOPERS AND EMPLOYEES OF THE PENNSYLVANIA STATE POLICE,
4 WHOSE DUTIES INVOLVE THE REGULATION OR ENFORCEMENT OF GAMING
5 UNDER THIS PART WHO ARE SEEKING REIMBURSEMENT FROM FUNDS WHICH
6 ARE OR WILL BE PAID BY AN APPLICANT FOR A SLOT MACHINE LICENSE
7 OR A SLOT MACHINE LICENSEE OR FROM THE ASSESSMENTS MADE BY THE
8 DEPARTMENT UNDER SECTION 1402(A) (RELATING TO GROSS TERMINAL
9 REVENUE DEDUCTIONS) MAY BE REIMBURSED ONLY FOR ACTUAL AND
10 REASONABLE EXPENSES INCURRED DURING THE PERFORMANCE OF THEIR
11 DUTIES UNDER THIS PART.

12 (B) RECEIPTS.--IN ORDER TO RECEIVE REIMBURSEMENT FOR AN
13 EXPENSE UNDER SUBSECTION (A), THE INDIVIDUAL SEEKING
14 REIMBURSEMENT MUST SUBMIT A RECEIPT TO THE APPROPRIATE AGENCY
15 DOCUMENTING THE EXPENSE INCURRED. RECEIPTS AND REQUESTS FOR
16 REIMBURSEMENT SHALL BE FINANCIAL RECORDS FOR PURPOSES OF, AND
17 SUBJECT TO REDACTION UNDER, THE ACT OF FEBRUARY 14, 2008 (P.L.6,
18 NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

19 SECTION 7. SECTION 1204 OF TITLE 4 IS AMENDED TO READ:
20 § 1204. LICENSED GAMING ENTITY APPLICATION APPEALS FROM BOARD.
21 THE SUPREME COURT OF PENNSYLVANIA SHALL BE VESTED WITH
22 EXCLUSIVE APPELLATE JURISDICTION TO CONSIDER APPEALS OF ANY
23 FINAL ORDER, DETERMINATION OR DECISION OF THE BOARD INVOLVING
24 THE APPROVAL, ISSUANCE, DENIAL OR CONDITIONING OF A SLOT MACHINE
25 LICENSE OR THE AWARD, DENIAL OR CONDITIONING OF A TABLE GAME
26 OPERATION CERTIFICATE. NOTWITHSTANDING THE PROVISIONS OF 2
27 PA.C.S. CH. 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF
28 COMMONWEALTH AGENCY ACTION) AND 42 PA.C.S. § 763 (RELATING TO
29 DIRECT APPEALS FROM GOVERNMENT AGENCIES), THE SUPREME COURT
30 SHALL AFFIRM ALL FINAL ORDERS, DETERMINATIONS OR DECISIONS OF

1 THE BOARD INVOLVING THE APPROVAL, ISSUANCE, DENIAL OR
2 CONDITIONING OF A SLOT MACHINE LICENSE OR THE AWARD, DENIAL OR
3 CONDITIONING OF A TABLE GAME OPERATION CERTIFICATE UNLESS IT
4 SHALL FIND THAT THE BOARD COMMITTED AN ERROR OF LAW OR THAT THE
5 ORDER, DETERMINATION OR DECISION OF THE BOARD WAS ARBITRARY AND
6 THERE WAS A CAPRICIOUS DISREGARD OF THE EVIDENCE.

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

10 § 1205. LICENSE OR PERMIT APPLICATION HEARING PROCESS; PUBLIC
11 INPUT HEARINGS.

12 * * *

13 (B) PUBLIC INPUT HEARING REQUIREMENT.--

14 (1) [PRIOR TO LICENSING A FACILITY UNDER THIS PART, THE
15 BOARD SHALL HOLD AT LEAST ONE PUBLIC INPUT HEARING ON THE
16 MATTER.] THE BOARD SHALL HOLD AT LEAST ONE PUBLIC INPUT
17 HEARING PRIOR TO:

18 (I) APPROVING A SLOT MACHINE LICENSE APPLICATION OR
19 RENEWING A SLOT MACHINE LICENSE.

20 (II) APPROVING THE STRUCTURAL REDESIGN OF A LICENSED
21 FACILITY LOCATED IN A CITY OF THE FIRST CLASS.

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

27 * * *

28 (4) IN ADDITION TO ANY WITNESSES SCHEDULED TO TESTIFY
29 UNDER PARAGRAPH (3), THE BOARD SHALL ESTABLISH A PUBLIC
30 COMMENT PERIOD DURING WHICH TIME MEMBERS OF THE PUBLIC MAY

1 ADDRESS THE BOARD REGARDING THE APPLICATION, LICENSE OR
2 PROPOSED STRUCTURAL REDESIGN. THE BOARD, IN ITS DISCRETION,
3 MAY PLACE REASONABLE TIME LIMITS ON AN INDIVIDUAL'S COMMENTS.

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

5 § 1206. BOARD MINUTES AND RECORDS.

6 * * *

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

8 (1) THE FOLLOWING INFORMATION SUBMITTED BY AN APPLICANT,
9 PERMITTEE OR LICENSEE PURSUANT TO SECTION 1310(A) (RELATING
10 TO SLOT MACHINE LICENSE APPLICATION CHARACTER REQUIREMENTS)
11 OR 1308(A.1) (RELATING TO APPLICATIONS FOR LICENSE OR PERMIT)
12 OR OBTAINED BY THE BOARD OR THE BUREAU AS PART OF A
13 BACKGROUND OR OTHER INVESTIGATION FROM ANY SOURCE SHALL BE
14 [CONSIDERED] CONFIDENTIAL[.] AND WITHHELD FROM PUBLIC
15 DISCLOSURE:

16 (I) ALL INFORMATION RELATING TO CHARACTER, HONESTY
17 AND INTEGRITY, INCLUDING FAMILY, HABITS, REPUTATION,
18 HISTORY OF CRIMINAL ACTIVITY, BUSINESS ACTIVITIES,
19 FINANCIAL AFFAIRS AND BUSINESS, PROFESSIONAL AND PERSONAL
20 ASSOCIATIONS SUBMITTED UNDER SECTION 1310(A) OR 1308(A.1)
21 OR OTHERWISE OBTAINED BY THE BOARD OR THE BUREAU.

22 (II) NONPUBLIC PERSONAL INFORMATION, INCLUDING HOME
23 ADDRESSES, TELEPHONE NUMBERS AND OTHER PERSONAL CONTACT
24 INFORMATION, SOCIAL SECURITY NUMBERS, EDUCATIONAL
25 RECORDS, MEMBERSHIPS, MEDICAL RECORDS, TAX RETURNS AND
26 DECLARATIONS, ACTUAL OR PROPOSED COMPENSATION, FINANCIAL
27 ACCOUNT RECORDS, CREDITWORTHINESS OR FINANCIAL CONDITION
28 RELATING TO AN APPLICANT, LICENSEE OR PERMITTEE OR THE
29 IMMEDIATE FAMILY THEREOF.

30 (III) INFORMATION RELATING TO PROPRIETARY

1 INFORMATION, TRADE SECRETS, PATENTS OR EXCLUSIVE
2 LICENSES, ARCHITECTURAL AND ENGINEERING PLANS AND
3 INFORMATION RELATING TO COMPETITIVE MARKETING MATERIALS
4 AND STRATEGIES, WHICH MAY INCLUDE CUSTOMER-IDENTIFYING
5 INFORMATION OR CUSTOMER PROSPECTS FOR SERVICES SUBJECT TO
6 COMPETITION.

7 (IV) SECURITY INFORMATION, INCLUDING RISK PREVENTION
8 PLANS, DETECTION AND COUNTERMEASURES, LOCATION OF COUNT
9 ROOMS, EMERGENCY MANAGEMENT PLANS, SECURITY AND
10 SURVEILLANCE PLANS, EQUIPMENT AND USAGE PROTOCOLS AND
11 THEFT AND FRAUD PREVENTION PLANS AND COUNTERMEASURES.

12 (V) INFORMATION WITH RESPECT TO WHICH THERE IS A
13 REASONABLE POSSIBILITY THAT PUBLIC RELEASE OR INSPECTION
14 OF THE INFORMATION WOULD CONSTITUTE AN UNWARRANTED
15 INVASION INTO PERSONAL PRIVACY OF ANY INDIVIDUAL AS
16 DETERMINED BY THE BOARD.

17 (VI) RECORDS OF AN APPLICANT OR LICENSEE NOT
18 REQUIRED TO BE FILED WITH THE SECURITIES AND EXCHANGE
19 COMMISSION BY ISSUERS THAT EITHER HAVE SECURITIES
20 REGISTERED UNDER SECTION 12 OF THE SECURITIES EXCHANGE
21 ACT OF 1934 (48 STAT. 881, 15 U.S.C. § 78A ET SEQ.) OR
22 ARE REQUIRED TO FILE REPORTS UNDER SECTION 15(D) OF THE
23 SECURITIES EXCHANGE ACT OF 1934.

24 (VII) RECORDS CONSIDERED NONPUBLIC MATTERS OR
25 INFORMATION BY THE SECURITIES AND EXCHANGE COMMISSION AS
26 PROVIDED BY 17 CFR 200.80 (RELATING TO COMMISSION RECORDS
27 AND INFORMATION).

28 (VIII) ANY FINANCIAL INFORMATION DEEMED CONFIDENTIAL
29 BY THE BOARD UPON A SHOWING OF GOOD CAUSE BY THE
30 APPLICANT OR LICENSEE.

1 (2) NO CLAIM OF CONFIDENTIALITY SHALL BE MADE REGARDING
2 ANY CRIMINAL HISTORY RECORD INFORMATION THAT IS AVAILABLE TO
3 THE PUBLIC UNDER 18 PA.C.S. § 9121(B) (RELATING TO GENERAL
4 REGULATIONS).

5 (3) NO CLAIM OF CONFIDENTIALITY SHALL BE MADE REGARDING
6 ANY RECORD IN POSSESSION OF THE BOARD THAT IS OTHERWISE
7 PUBLICLY AVAILABLE FROM A COMMONWEALTH AGENCY, LOCAL AGENCY
8 OR ANOTHER JURISDICTION.

9 (3.1) NOTWITHSTANDING PARAGRAPH (1)(III), FOR PURPOSES
10 OF A PUBLIC INPUT HEARING UNDER THIS PART, THE BOARD MAY
11 RELEASE ARCHITECTURAL RENDERINGS OR MODELS DEPICTING A
12 PROPOSED STRUCTURAL DESIGN OR REDESIGN OF THE LICENSED
13 FACILITY THAT IS THE SUBJECT OF THE HEARING.

14 (4) EXCEPT AS PROVIDED IN SECTION 1517(F) (RELATING TO
15 [INVESTIGATION] INVESTIGATIONS AND ENFORCEMENT), THE
16 INFORMATION MADE CONFIDENTIAL PURSUANT TO THIS SECTION SHALL
17 BE WITHHELD FROM PUBLIC DISCLOSURE IN WHOLE OR IN PART,
18 EXCEPT THAT ANY CONFIDENTIAL INFORMATION SHALL BE RELEASED
19 UPON THE [LAWFUL] ORDER OF A COURT OF COMPETENT JURISDICTION
20 OR, WITH THE APPROVAL OF THE ATTORNEY GENERAL, TO A DULY
21 AUTHORIZED LAW ENFORCEMENT AGENCY OR SHALL BE RELEASED TO THE
22 PUBLIC, IN WHOLE OR IN PART, TO THE EXTENT THAT SUCH RELEASE
23 IS REQUESTED BY AN APPLICANT OR LICENSEE AND DOES NOT
24 OTHERWISE CONTAIN CONFIDENTIAL INFORMATION ABOUT ANOTHER
25 PERSON.

26 (5) THE BOARD MAY SEEK A VOLUNTARY WAIVER OF
27 CONFIDENTIALITY FROM AN APPLICANT OR LICENSEE BUT MAY NOT
28 REQUIRE ANY APPLICANT OR LICENSEE TO WAIVE ANY
29 CONFIDENTIALITY PROVIDED FOR IN THIS SUBSECTION AS A
30 CONDITION FOR THE APPROVAL OF AN APPLICATION, RENEWAL OF A

LICENSE OR ANY OTHER ACTION OF THE BOARD. [ANY PERSON WHO VIOLATES THIS SUBSECTION SHALL]

(6) NO CURRENT OR FORMER MEMBER AND NO CURRENT OR FORMER EMPLOYEE, AGENT OR INDEPENDENT CONTRACTOR OF THE BOARD, THE DEPARTMENT, THE PENNSYLVANIA STATE POLICE, THE OFFICE OF ATTORNEY GENERAL OR ANY OTHER EXECUTIVE-BRANCH OFFICE WHO HAS OBTAINED CONFIDENTIAL INFORMATION IN THE PERFORMANCE OF DUTIES UNDER THIS PART, SHALL INTENTIONALLY AND PUBLICLY DISCLOSE THE INFORMATION TO ANY PERSON, KNOWING THAT THE INFORMATION BEING DISCLOSED IS CONFIDENTIAL UNDER THIS SUBSECTION, UNLESS THE PERSON IS AUTHORIZED BY LAW TO RECEIVE IT. A VIOLATION OF THIS SUBSECTION CONSTITUTES A MISDEMEANOR OF THE THIRD DEGREE. IN ADDITION, AN EMPLOYEE, AGENT OR INDEPENDENT CONTRACTOR WHO VIOLATES THIS SUBSECTION SHALL BE ADMINISTRATIVELY DISCIPLINED BY DISCHARGE, SUSPENSION, TERMINATION OF CONTRACT OR OTHER FORMAL DISCIPLINARY ACTION AS [THE BOARD DEEMS] APPROPRIATE. IF A CURRENT MEMBER VIOLATES THIS PARAGRAPH, THE OTHER MEMBERS SHALL REFER THE MATTER TO THE CURRENT MEMBER'S APPOINTING AUTHORITY.

* * *

SECTION 8.1. SECTION 1207(4), (5), (8), (9), (14) AND (17) OF TITLE 4 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

§ 1207. REGULATORY AUTHORITY OF BOARD.

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

* * *

(4) REQUIRE THAT EACH LICENSED ENTITY PROVIDE TO THE BOARD ITS AUDITED ANNUAL FINANCIAL STATEMENTS, WITH SUCH ADDITIONAL DETAIL AS THE BOARD FROM TIME TO TIME SHALL REQUIRE, WHICH INFORMATION SHALL BE SUBMITTED NOT LATER THAN

1 [60] 90 DAYS AFTER THE END OF THE LICENSEE'S FISCAL YEAR.

2 (5) PRESCRIBE THE PROCEDURES TO BE FOLLOWED BY SLOT
3 MACHINE LICENSEES FOR ANY FINANCIAL EVENT THAT OCCURS IN THE
4 OPERATION AND PLAY OF SLOT MACHINES OR TABLE GAMES.

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 (9) ESTABLISH PROCEDURES FOR THE INSPECTION AND
14 CERTIFICATION OF COMPLIANCE OF EACH SLOT MACHINE, TABLE GAME,
15 TABLE GAME DEVICE AND ASSOCIATED EQUIPMENT PRIOR TO BEING
16 PLACED INTO USE BY A SLOT MACHINE LICENSEE.

17 * * *

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

25 * * *

26 (17) PERMIT, IN ITS DISCRETION AND UPON APPLICATION OR
27 PETITION, THE USE OF A TEMPORARY FACILITY WITHIN WHICH SLOT
28 MACHINES AND TABLE GAMES MAY BE AVAILABLE FOR PLAY OR
29 OPERATION AT A LICENSED [GAMING] FACILITY, FOR A PERIOD NOT
30 TO EXCEED 24 MONTHS, PROVIDED THAT, UPON GOOD CAUSE SHOWN,

1 THE BOARD MAY EXTEND PERMISSION TO OPERATE A TEMPORARY
2 FACILITY FOR AN ADDITIONAL [12-MONTH] 24-MONTH PERIOD.

3 (18) IN CONSULTATION WITH THE DEPARTMENT, ESTABLISH A
4 PROCEDURE AND METHOD FOR DETERMINING THE DAILY GROSS TABLE
5 GAME REVENUE FROM PLAY AT GAMING TABLES, INCLUDING ELECTRONIC
6 GAMING TABLES AND FULLY AUTOMATED ELECTRONIC GAMING TABLES.

7 (19) AUTHORIZE AN EMPLOYEE OF THE BOARD TO APPROVE, DENY
8 OR CONDITION A CERTIFICATE HOLDER'S REQUEST TO DECREASE THE
9 NUMBER OF SLOT MACHINES IN OPERATION AT ITS LICENSED
10 FACILITY. AN EMPLOYEE MAY NOT APPROVE A REQUESTED DECREASE IN
11 THE NUMBER OF SLOT MACHINES UNDER THIS PARAGRAPH IF THE
12 REQUESTED DECREASE EXCEEDS 2% OF THE TOTAL NUMBER OF SLOT
13 MACHINES IN OPERATION AT THE CERTIFICATE HOLDER'S LICENSED
14 FACILITY. AT NO TIME SHALL THE NUMBER OF SLOT MACHINES IN
15 OPERATION AT A CATEGORY 1 OR CATEGORY 2 LICENSED FACILITY BE
16 LESS THAN 1,500.

17 (20) APPROVE, IN ITS DISCRETION, A REDUCTION IN THE
18 NUMBER OF SLOT MACHINES IN OPERATION AT A LICENSED FACILITY
19 UNDER THE FOLLOWING CIRCUMSTANCES:

20 (I) FOR THE DURATION OF ANY RENOVATION, REMODELING
21 OR MODIFICATION OF AN AREA OF A LICENSED FACILITY WHERE
22 SLOT MACHINES ARE LOCATED.

23 (II) TO ENABLE THE LICENSED FACILITY TO RESPOND TO
24 AN EMERGENCY.

25 (III) IN RESPONSE TO MARKET CONDITIONS.
26 AT NO TIME SHALL THE NUMBER OF SLOT MACHINES IN OPERATION AT
27 A CATEGORY 1 OR CATEGORY 2 LICENSED FACILITY BE LESS THAN
28 1,500.

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

1 § 1208. COLLECTION OF FEES AND FINES.

2 THE BOARD HAS THE FOLLOWING POWERS AND DUTIES:

3 (1) TO LEVY AND COLLECT FEES FROM THE VARIOUS
4 APPLICANTS, LICENSEES AND PERMITTEES TO FUND THE OPERATIONS
5 OF THE BOARD. [THE] UNLESS OTHERWISE PROVIDED IN THIS PART,
6 THE FEES SHALL BE DEPOSITED INTO THE STATE GAMING FUND AS
7 ESTABLISHED IN SECTION 1403 (RELATING TO ESTABLISHMENT OF
8 STATE GAMING FUND AND NET SLOT MACHINE REVENUE DISTRIBUTION)
9 AND DISTRIBUTED TO THE BOARD UPON APPROPRIATION BY THE
10 GENERAL ASSEMBLY. IN ADDITION TO THE FEES SET FORTH IN
11 SECTIONS 1209 (RELATING TO SLOT MACHINE LICENSE FEE) AND 1305
12 (RELATING TO CATEGORY 3 SLOT MACHINE LICENSE), THE BOARD
13 SHALL ASSESS AND COLLECT FEES AS FOLLOWS:

14 (I) [SUPPLIER] SUBJECT TO SUBPARAGRAPH (I.1),
15 SUPPLIER LICENSEES SHALL PAY [A]:

16 (A) A FEE OF \$25,000 UPON THE ISSUANCE OF A
17 LICENSE [AND \$10,000 FOR THE ANNUAL RENEWAL OF A
18 SUPPLIER LICENSE.] TO SUPPLY SLOT MACHINES OR
19 ASSOCIATED EQUIPMENT USED IN CONNECTION WITH SLOT
20 MACHINES.

21 (B) A FEE OF \$25,000 UPON THE ISSUANCE OF A
22 LICENSE TO SUPPLY TABLE GAME DEVICES OR ASSOCIATED
23 EQUIPMENT USED IN CONNECTION WITH TABLE GAMES OR
24 TABLE GAME DEVICES.

25 (C) A FEE OF \$15,000 FOR THE ANNUAL RENEWAL OF
26 THE APPROPRIATE SUPPLIER LICENSE. UPON THE EXTENSION
27 OF THE RENEWAL PERIOD UNDER SECTION 1317(C) (1)
28 (RELATING TO SUPPLIER LICENSES), THE FEE SHALL BE
29 \$45,000 FOR THE RENEWAL.

30 (II) [MANUFACTURER] SUBJECT TO SUBPARAGRAPH (II.1),

1 MANUFACTURER LICENSEES SHALL PAY [A]:

2 (A) A FEE OF \$50,000 UPON THE ISSUANCE OF A
3 LICENSE [AND \$25,000 FOR THE ANNUAL RENEWAL OF A
4 MANUFACTURER LICENSE.] TO MANUFACTURE SLOT MACHINES
5 AND ASSOCIATED EQUIPMENT USED IN CONNECTION WITH SLOT
6 MACHINES.

7 (B) A FEE OF \$50,000 UPON THE ISSUANCE OF A
8 LICENSE TO MANUFACTURE TABLE GAME DEVICES OR
9 ASSOCIATED EQUIPMENT USED IN CONNECTION WITH TABLE
10 GAMES OR TABLE GAME DEVICES.

11 (C) A FEE OF \$30,000 FOR THE ANNUAL RENEWAL OF
12 THE APPROPRIATE MANUFACTURER LICENSE. UPON THE
13 EXTENSION OF THE RENEWAL PERIOD UNDER SECTION
14 1317.1(C)(1) (RELATING TO MANUFACTURER LICENSES), THE
15 FEE SHALL BE \$90,000 FOR THE RENEWAL.

16 (III) EACH APPLICATION FOR A SLOT MACHINE LICENSE,
17 SUPPLIER LICENSE OR MANUFACTURER LICENSE MUST BE
18 ACCOMPANIED BY A NONREFUNDABLE FEE SET BY THE BOARD FOR
19 THE COST OF EACH INDIVIDUAL REQUIRING A BACKGROUND
20 INVESTIGATION. THE REASONABLE AND NECESSARY COSTS AND
21 EXPENSES INCURRED IN ANY BACKGROUND INVESTIGATION OR
22 OTHER INVESTIGATION OR PROCEEDING CONCERNING ANY
23 APPLICANT, LICENSEE, PERMITTEE OR REGISTRANT SHALL BE
24 REIMBURSED TO THE BOARD BY THOSE PERSONS.

25 * * *

26 § 1209. SLOT MACHINE LICENSE FEE.

27 * * *

28 (B) TERM.--A SLOT MACHINE LICENSE, AFTER PAYMENT OF THE FEE,
29 SHALL BE IN EFFECT UNLESS SUSPENDED, REVOKED OR NOT RENEWED BY
30 THE BOARD UPON GOOD CAUSE CONSISTENT WITH THE LICENSE

1 REQUIREMENTS AS PROVIDED FOR IN THIS PART. SLOT MACHINE
2 LICENSEES SHALL BE REQUIRED TO UPDATE THE INFORMATION IN THEIR
3 INITIAL APPLICATIONS ANNUALLY, AND THE LICENSE OF A LICENSEE IN
4 GOOD STANDING SHALL BE [UPDATED AND] RENEWED [ANNUALLY] EVERY
5 THREE YEARS. NOTHING IN THIS SUBSECTION SHALL RELIEVE A LICENSEE
6 OF THE AFFIRMATIVE DUTY TO NOTIFY THE BOARD OF ANY CHANGES
7 RELATING TO THE STATUS OF ITS LICENSE OR TO ANY OTHER
8 INFORMATION CONTAINED IN THE APPLICATION MATERIALS ON FILE WITH
9 THE BOARD. AS TO THE RENEWAL OF A LICENSE, EXCEPT AS REQUIRED IN
10 SUBSECTION (F) (1), NO ADDITIONAL LICENSE FEE PURSUANT TO
11 SUBSECTION (A) SHALL BE REQUIRED.

12 * * *

13 (F) RETURN OF SLOT MACHINE LICENSE FEE.--

14 (1) THE ENTIRE ONE-TIME SLOT MACHINE LICENSE FEE OF
15 \$50,000,000 FOR EACH CATEGORY 1 AND CATEGORY 2 SLOT MACHINE
16 LICENSE SHALL BE RETURNED TO EACH LICENSEE IN THE EVENT
17 SECTION 1201 (RELATING TO PENNSYLVANIA GAMING CONTROL BOARD
18 ESTABLISHED), 1202 (RELATING TO GENERAL AND SPECIFIC POWERS)
19 OR 1307 (RELATING TO NUMBER OF SLOT MACHINE LICENSES) IS
20 AMENDED OR OTHERWISE ALTERED BY AN ACT OF THE GENERAL
21 ASSEMBLY, WITHIN FIVE YEARS FOLLOWING THE [INITIAL ISSUANCE
22 OF ANY SLOT MACHINE LICENSES PURSUANT TO SECTION 1301
23 (RELATING TO AUTHORIZED SLOT MACHINE LICENSES)] DATE
24 ESTABLISHED BY THE BOARD AS THE DEADLINE FOR THE INITIAL
25 SUBMISSION OF CATEGORY 1 AND CATEGORY 2 SLOT MACHINE LICENSE
26 APPLICATIONS, TO CHANGE:

27 (I) THE COMPOSITION OF THE BOARD;

28 (II) THE NUMBER OR VOTING POWERS OF MEMBERS OF THE
29 BOARD;

30 (III) THE MANNER IN WHICH MEMBERS ARE NOMINATED OR

1 APPOINTED TO THE BOARD;

2 (IV) THE LENGTH OF TERM FOR WHICH EACH MEMBER
3 SERVES;

4 (V) THE GENERAL JURISDICTION OF THE BOARD IN A
5 MANNER THAT IMPAIRS OR OTHERWISE REDUCES THE BOARD'S
6 LICENSING AUTHORITY; OR

7 (VI) SECTION [1307] 1307(A) TO INCREASE THE
8 STATUTORY MAXIMUM NUMBER OF PERMISSIBLE CATEGORY 1 OR
9 CATEGORY 2 LICENSED FACILITIES.

10 (2) IN THE EVENT THAT [THIS PART IS AMENDED OR OTHERWISE
11 ALTERED BY AN ACT OF] THE GENERAL ASSEMBLY [AS] ACTS IN THE
12 MANNER DESCRIBED [PURSUANT TO] IN PARAGRAPH (1):

13 (I) IN THE SIXTH YEAR FOLLOWING THE [INITIAL
14 ISSUANCE OF ANY SLOT MACHINE LICENSES PURSUANT TO SECTION
15 1301] DATE ESTABLISHED BY THE BOARD AS THE DEADLINE FOR
16 THE INITIAL SUBMISSION OF CATEGORY 1 AND CATEGORY 2 SLOT
17 MACHINE LICENSE APPLICATIONS, A CATEGORY 1 AND CATEGORY 2
18 SLOT MACHINE LICENSEE SHALL BE ENTITLED TO A PARTIAL
19 RETURN OF THE ONE-TIME SLOT MACHINE LICENSE FEE IN THE
20 AMOUNT OF \$41,666,667.

21 (II) IN THE SEVENTH YEAR, [THE] EACH CATEGORY 1 AND
22 CATEGORY 2 SLOT MACHINE LICENSEE SHALL BE ENTITLED TO A
23 PARTIAL RETURN OF THE ONE-TIME SLOT MACHINE LICENSE FEE
24 IN THE AMOUNT OF \$33,333,334.

25 (III) IN THE EIGHTH YEAR, [THE] EACH CATEGORY 1 AND
26 CATEGORY 2 SLOT MACHINE LICENSEE SHALL BE ENTITLED TO A
27 PARTIAL RETURN OF THE ONE-TIME SLOT MACHINE LICENSE FEE
28 IN THE AMOUNT OF \$25,000,000.

29 (IV) IN THE NINTH YEAR, [THE] EACH CATEGORY 1 AND
30 CATEGORY 2 SLOT MACHINE LICENSEE SHALL BE ENTITLED TO A

PARTIAL RETURN OF THE ONE-TIME SLOT MACHINE LICENSE FEE
IN THE AMOUNT OF \$16,666,668.

(V) IN THE TENTH YEAR, [THE] EACH CATEGORY 1 AND
CATEGORY 2 SLOT MACHINE LICENSEE SHALL BE ENTITLED TO A
PARTIAL RETURN OF THE ONE-TIME MACHINE LICENSE FEE IN THE
AMOUNT OF \$8,333,334.

(2.1) IN THE EVENT THAT THE [ACTION] GENERAL ASSEMBLY
ACTS IN THE MANNER DESCRIBED IN PARAGRAPH (1) [OCCURS] AFTER
THE EXPIRATION OF TEN YEARS, [THE LICENSEE] CATEGORY 1 AND
CATEGORY 2 SLOT MACHINE LICENSEES SHALL NOT BE ENTITLED TO A
RETURN OF ANY PORTION OF THE ONE-TIME SLOT MACHINE LICENSE
FEE. NOTWITHSTANDING THE FOREGOING, NO SLOT MACHINE LICENSEE
SHALL BE ENTITLED TO THE RETURN OF ANY PORTION OF THE FEE AS
A RESULT OF ANY ACT OF THE GENERAL ASSEMBLY INSOFAR AS IT
IMPLEMENTS A RECOMMENDATION MADE BY THE BOARD PURSUANT TO A
QUALIFIED MAJORITY VOTE. IN THE EVENT A FULL OR PARTIAL
RETURN OF THE SLOT MACHINE LICENSE FEE IMPOSED PURSUANT TO
SUBSECTION (A) BECOMES DUE PURSUANT TO THIS SUBSECTION, THE
AMOUNT TO BE RETURNED TO ANY SLOT MACHINE LICENSEE SHALL BE
REDUCED ON A DOLLAR-FOR-DOLLAR BASIS BY THE TOTAL ACCUMULATED
TAX CREDITS GRANTED TO SUCH LICENSEE PURSUANT TO SUBSECTION
(C). IN NO EVENT SHALL THE TOTAL AMOUNT OF THE SLOT MACHINE
LICENSE FEE RETURNED TO A CATEGORY 1 OR CATEGORY 2 LICENSEE,
COMBINED WITH THE TOTAL TAX CREDITS GRANTED, EXCEED THE
AMOUNTS SET FORTH IN THIS SUBSECTION FOR ANY LICENSEE. THE
TOTAL OR PARTIAL RETURN OF THE SLOT MACHINE LICENSE FEE SHALL
EXTINGUISH A LICENSEE'S RIGHT TO CLAIM ANY FURTHER TAX
CREDITS PURSUANT TO SUBSECTION (C) AND TO MAKE ANY FUTURE
CLAIM FOR THE RETURN OF THE SLOT MACHINE LICENSE FEE.

(3) WITHIN TEN DAYS FOLLOWING A DETERMINATION THAT A

1 SLOT MACHINE LICENSEE IS ENTITLED TO THE RETURN OF ANY
2 PORTION OF THE SLOT MACHINE LICENSE FEE PAID BY THE SLOT
3 MACHINE LICENSEE BASED ON THE PROVISIONS OF THIS SECTION OR
4 BASED ON A CONTRACT EXECUTED BY A SLOT MACHINE LICENSEE AND
5 THE DEPARTMENT UNDER SUBSECTION (C), THE BOARD SHALL
6 IMMEDIATELY ASSESS A ONE-TIME SLOT MACHINE LICENSE RENEWAL
7 FEE ON EACH SLOT MACHINE LICENSEE IN AN AMOUNT EQUAL TO THE
8 AMOUNT OF THE FEE RETURNED TO THE SLOT MACHINE LICENSEE. THE
9 RENEWAL FEE SHALL BE PAID BY EACH SLOT MACHINE LICENSEE
10 WITHIN TWO BUSINESS DAYS FOLLOWING THE RETURN OF THE INITIAL
11 FEE.

12 § 1210. NUMBER OF SLOT MACHINES.

13 (A) INITIAL COMPLEMENT.--EXCEPT AS PROVIDED FOR CATEGORY 3
14 SLOT MACHINE LICENSEES UNDER SECTION 1305 (RELATING TO CATEGORY
15 3 SLOT MACHINE LICENSE), [ALL] THE FOLLOWING APPLY:

16 (1) ALL SLOT MACHINE LICENSEES SHALL BE PERMITTED TO
17 OPERATE UP TO 3,000 SLOT MACHINES AT ANY ONE LICENSED
18 FACILITY [AND].

19 (2) EACH SLOT MACHINE LICENSEE SHALL BE REQUIRED TO
20 OPERATE AND MAKE AVAILABLE TO PLAY A MINIMUM OF 1,500 SLOT
21 MACHINES AT [ANY ONE] ITS LICENSED FACILITY WITHIN ONE YEAR
22 OF THE ISSUANCE BY THE BOARD OF A SLOT MACHINE LICENSE
23 [UNLESS OTHERWISE EXTENDED BY THE] TO THE SLOT MACHINE
24 LICENSEE. THE BOARD, UPON APPLICATION AND FOR GOOD CAUSE
25 SHOWN, MAY GRANT AN EXTENSION FOR AN ADDITIONAL PERIOD [NOT
26 TO EXCEED 24 MONTHS] ENDING ON THE LATER OF 36 MONTHS FROM
27 THE END OF THE INITIAL ONE-YEAR PERIOD OR DECEMBER 31, 2012.

28 (3) UPON EXPIRATION OF THE APPLICABLE TIME PERIOD UNDER
29 PARAGRAPH (2) AND AT ALL TIMES THEREAFTER, A SLOT MACHINE
30 LICENSEE SHALL BE REQUIRED TO OPERATE AND MAKE AVAILABLE TO

1 PLAY A MINIMUM OF 1,500 SLOT MACHINES AT ITS LICENSED
2 FACILITY.

3 (B) ADDITIONAL SLOT MACHINES.--EXCEPT AS PROVIDED FOR
4 CATEGORY 3 SLOT MACHINE LICENSEES UNDER SECTION 1305, SIX MONTHS
5 FOLLOWING THE DATE OF COMMENCEMENT OF SLOT MACHINE OPERATIONS,
6 THE BOARD MAY PERMIT A SLOT MACHINE LICENSEE TO INSTALL AND
7 OPERATE UP TO 2,000 ADDITIONAL SLOT MACHINES AT ITS LICENSED
8 FACILITY, BEYOND THOSE MACHINES [AUTHORIZED] PERMITTED UNDER
9 SUBSECTION (A), UPON APPLICATION BY THE SLOT MACHINE LICENSEE.
10 THE BOARD, IN CONSIDERING SUCH AN APPLICATION, SHALL TAKE INTO
11 ACCOUNT THE APPROPRIATENESS OF THE PHYSICAL SPACE WHERE THE
12 ADDITIONAL SLOT MACHINES WILL BE LOCATED AND THE CONVENIENCE OF
13 THE PUBLIC ATTENDING THE FACILITY. THE BOARD MAY ALSO TAKE INTO
14 ACCOUNT THE POTENTIAL BENEFIT TO ECONOMIC DEVELOPMENT,
15 EMPLOYMENT AND TOURISM, ENHANCED REVENUES TO THE COMMONWEALTH
16 AND OTHER ECONOMIC INDICATORS IT DEEMS APPLICABLE IN MAKING ITS
17 DECISION.

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

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

29 § 1211. REPORTS OF BOARD.

30 (A) REPORT OF BOARD.--EIGHTEEN MONTHS AFTER THE EFFECTIVE

1 DATE OF THIS PART AND EVERY YEAR ON THAT DATE THEREAFTER, THE
2 BOARD SHALL ISSUE A REPORT TO THE GOVERNOR AND EACH MEMBER OF
3 THE GENERAL ASSEMBLY ON THE GENERAL OPERATION OF THE BOARD AND
4 EACH SLOT MACHINE LICENSEE'S PERFORMANCE, INCLUDING, BUT NOT
5 LIMITED TO, NUMBER AND WIN PER SLOT MACHINE AND TOTAL GROSS
6 TERMINAL REVENUE AT EACH LICENSED [FACILITIES] FACILITY DURING
7 THE PREVIOUS YEAR, ALL TAXES, FEES, FINES AND OTHER REVENUES
8 COLLECTED AND, WHERE APPROPRIATE, DISBURSED, THE COSTS OF
9 OPERATION OF THE BOARD, ALL HEARINGS CONDUCTED AND THE RESULTS
10 OF THE HEARINGS AND OTHER INFORMATION THAT THE BOARD DEEMS
11 NECESSARY AND APPROPRIATE.

12 (A.1) ADDITIONAL REPORTING REQUIREMENTS.--NO LATER THAN 12
13 MONTHS AFTER THE EFFECTIVE DATE OF CHAPTER 13A (RELATING TO
14 TABLE GAMES) AND EVERY YEAR THEREAFTER, THE ANNUAL REPORT
15 SUBMITTED BY THE BOARD SHALL INCLUDE INFORMATION ON THE CONDUCT
16 OF TABLE GAMES AS FOLLOWS:

17 (1) TOTAL GROSS TABLE GAME REVENUE.

18 (2) THE NUMBER AND WIN BY TYPE OF TABLE GAME AT EACH
19 LICENSED FACILITY DURING THE PREVIOUS YEAR.

20 (3) ALL TAXES, FEES, FINES AND OTHER REVENUE COLLECTED
21 AND WHERE APPROPRIATE REVENUE DISBURSED DURING THE PREVIOUS
22 YEAR. THE DEPARTMENT SHALL COLLABORATE WITH THE BOARD TO
23 CARRY OUT THE REQUIREMENTS OF THIS PARAGRAPH.

24 (4) OTHER INFORMATION RELATED TO THE CONDUCT OF TABLE
25 GAMES.

26 THE BOARD MAY REQUIRE CERTIFICATE HOLDERS TO PROVIDE INFORMATION
27 TO THE BOARD TO ASSIST IN THE PREPARATION OF THE REPORT.

28 (A.2) FACILITY RESPONSIBILITY.--EACH CATEGORY 1 LICENSED
29 FACILITY SHALL PROVIDE:

30 (1) AN ANNUAL REPORT TO THE BOARD AND TO THE RESPECTIVE

1 RACING COMMISSION SUMMARIZING HOW THE INTRODUCTION AND
2 EXPANSION OF GAMING HAS FULFILLED THE INTENT OF THIS PART TO
3 ENHANCE LIVE RACING AT THE LICENSED RACETRACK.

4 (2) PLANS TO PROMOTE LIVE RACING AND INCREASE LIVE
5 HANDLE AND DAILY ATTENDANCE AT THE LICENSED RACETRACK IN THE
6 UPCOMING YEAR.

7 (A.3) EXPENSES.--BEGINNING 30 DAYS AFTER THE EFFECTIVE DATE
8 OF THIS SUBSECTION, THE BOARD SHALL POST WITHIN 45 DAYS AFTER
9 THE END OF EACH MONTH ON ITS INTERNET WEBSITE A LIST OF ALL THE
10 ITEMIZED EXPENSES OF EMPLOYEES AND MEMBERS FOR THAT MONTH THAT
11 WERE OR ARE TO BE REIMBURSED FROM THE ASSESSMENTS MADE BY THE
12 DEPARTMENT UNDER SECTION 1402(A) (RELATING TO GROSS TERMINAL
13 REVENUE DEDUCTIONS) AND ALL ITEMIZED EXPENSES OF EMPLOYEES OF
14 THE DEPARTMENT AND THE OFFICE OF ATTORNEY GENERAL AND TROOPERS
15 AND EMPLOYEES OF THE PENNSYLVANIA STATE POLICE FOR THE PRECEDING
16 MONTH THAT WERE OR ARE TO BE REIMBURSED FROM SUCH ASSESSMENTS.
17 THE LIST SHALL IDENTIFY THE NATURE OF THE EXPENSE, THE EMPLOYEE,
18 MEMBER OR THE AGENCY AND EMPLOYEE OF THE AGENCY TO WHICH AN
19 EXPENSE IS ATTRIBUTABLE. IF THE EXPENSE IS DIRECTLY ATTRIBUTABLE
20 TO OR PAID BY A LICENSED GAMING ENTITY, THE LIST SHALL IDENTIFY
21 THE LICENSED GAMING ENTITY AND IF THE EXPENSE WAS CHARGED TO THE
22 LICENSED GAMING ENTITY. BY OCTOBER 1 OF EACH YEAR, A FINAL
23 REPORT OF ALL EXPENSES DESCRIBED IN THIS SUBSECTION FOR THE
24 PRECEDING FISCAL YEAR SHALL BE POSTED ON THE BOARD'S INTERNET
25 WEBSITE AND SHALL BE SUBMITTED TO THE APPROPRIATIONS COMMITTEE
26 OF THE SENATE, THE COMMUNITY, ECONOMIC AND RECREATIONAL
27 DEVELOPMENT COMMITTEE OF THE SENATE, THE APPROPRIATIONS
28 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE GAMING
29 OVERSIGHT COMMITTEE OF THE HOUSE OF REPRESENTATIVES. INFORMATION
30 POSTED ON THE INTERNET WEBSITE PURSUANT TO THIS SUBSECTION SHALL

1 BE FINANCIAL RECORDS FOR THE PURPOSES OF AND SUBJECT TO
2 REDACTION UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
3 KNOWN AS THE RIGHT-TO-KNOW LAW. THE BOARD, THE DEPARTMENT, THE
4 OFFICE OF ATTORNEY GENERAL AND THE PENNSYLVANIA STATE POLICE
5 SHALL COLLABORATE TO DEVELOP A UNIFORM SYSTEM THAT WILL ENABLE
6 THE BOARD TO CARRY OUT THE REQUIREMENTS OF THIS SUBSECTION.

7 * * *

8 (E) SUBMISSION OF REPORTS.--NOTWITHSTANDING ANY OTHER
9 PROVISION OF THIS PART, ALL ANNUAL REPORTS OR STUDIES OF THE
10 BOARD REQUIRED TO BE SUBMITTED TO THE GENERAL ASSEMBLY UNDER
11 THIS PART AFTER THE EFFECTIVE DATE OF THIS SUBSECTION SHALL BE
12 SUBMITTED BY OCTOBER 1, 2010, AND BY OCTOBER 1 OF EACH YEAR
13 THEREAFTER.

14 SECTION 10. SECTIONS 1212 AND 1213 OF TITLE 4 ARE AMENDED TO
15 READ:

16 § 1212. DIVERSITY GOALS OF BOARD.

17 (A) INTENT.--IT IS THE INTENT AND GOAL OF THE GENERAL
18 ASSEMBLY THAT THE BOARD PROMOTE AND ENSURE DIVERSITY IN ALL
19 ASPECTS OF THE GAMING ACTIVITIES AUTHORIZED UNDER THIS PART. THE
20 BOARD SHALL WORK TO ENHANCE THE REPRESENTATION OF DIVERSE GROUPS
21 IN [THE]:

22 (1) THE OWNERSHIP[, PARTICIPATION AND OPERATION] OF
23 LICENSED ENTITIES [AND LICENSED FACILITIES] IN THIS
24 COMMONWEALTH [AND THROUGH THE].

25 (2) THE OWNERSHIP[, PARTICIPATION AND OPERATION] OF
26 BUSINESS ENTERPRISES ASSOCIATED WITH OR UTILIZED BY LICENSED
27 ENTITIES [AND LICENSED FACILITIES] AND THROUGH THE PROVISION
28 OF GOODS AND SERVICES UTILIZED BY SLOT MACHINE LICENSEES
29 UNDER THIS PART.

30 (3) THE OPERATION OF LICENSED ENTITIES AND THE CONDUCT

1 OF GAMING IN THIS COMMONWEALTH BY ENSURING LICENSED ENTITIES
2 PROMOTE THE PARTICIPATION OF DIVERSE GROUPS BY AFFORDING
3 EQUAL ACCESS TO EMPLOYMENT OPPORTUNITIES, INCLUDING KEY
4 EMPLOYEE, GAMING EMPLOYEE, AND NONGAMING EMPLOYEE POSITIONS.

5 (4) THE OPERATION OF BUSINESS ENTERPRISES ASSOCIATED
6 WITH OR UTILIZED BY LICENSED ENTITIES, INCLUDING BUSINESS
7 ENTERPRISES THAT PROVIDE GOODS, PROPERTY AND SERVICES
8 UTILIZED BY SLOT MACHINE LICENSEES IN THIS COMMONWEALTH BY
9 ENSURING THESE BUSINESS ENTERPRISES PROMOTE THE PARTICIPATION
10 OF DIVERSE GROUPS BY AFFORDING EQUAL ACCESS TO EMPLOYMENT
11 OPPORTUNITIES.

12 (5) THE CONSTRUCTION, RENOVATION OR RECONSTRUCTION OF A
13 LICENSED FACILITY BY ENSURING THAT ALL CONTRACTS AND
14 SUBCONTRACTS TO BE AWARDED RELATING TO THE CONSTRUCTION,
15 RENOVATION OR RECONSTRUCTION OF A LICENSED FACILITY CONTAIN
16 ADEQUATE PROVISIONS ENSURING ALL CONTRACTORS OR
17 SUBCONTRACTORS AND ASSIGNEES, WILL PROMOTE THE PARTICIPATION
18 OF DIVERSE GROUPS IN ANY PROPOSED CONSTRUCTION, RENOVATION OR
19 RECONSTRUCTION PROJECT BY AFFORDING EQUAL ACCESS TO
20 EMPLOYMENT OPPORTUNITIES.

21 (6) THE RENDERING OF PROFESSIONAL SERVICES TO LICENSED
22 ENTITIES BY ENSURING LICENSED ENTITIES PROMOTE THE
23 PARTICIPATION OF DIVERSE GROUPS BY AFFORDING EQUAL ACCESS TO
24 PROFESSIONAL SERVICE CONTRACTUAL OPPORTUNITIES.

25 (A.1) REPORTS BY LICENSEES.--EACH SLOT MACHINE LICENSEE
26 SHALL SUBMIT A QUARTERLY REPORT TO THE BOARD DESCRIBING
27 ACTIVITIES UNDERTAKEN AT ITS LICENSED FACILITY RELATED TO THE
28 DEVELOPMENT AND IMPLEMENTATION OF ITS DIVERSITY PLAN IN
29 ACCORDANCE WITH SECTION 1325 (RELATING TO LICENSE OR PERMIT
30 ISSUANCE) DURING THE PRIOR QUARTER. AT A MINIMUM, THE QUARTERLY

1 REPORTS SHALL CONTAIN A SUMMARY OF:

2 (1) ALL EMPLOYEE RECRUITMENT AND RETENTION EFFORTS
3 UNDERTAKEN TO ENSURE THE PARTICIPATION OF DIVERSE GROUPS IN
4 EMPLOYMENT WITH THE SLOT MACHINE LICENSEE.

5 (2) THE TOTAL NUMBER OF HIRES AND EMPLOYMENT OFFERS
6 MADE, INCLUDING DATA RELATING TO THE RACE, GENDER AND
7 RESIDENCE OF THOSE HIRED OR OFFERED EMPLOYMENT.

8 (3) ALL CONTRACTING AND SUBCONTRACTING DATA INVOLVING
9 THE SLOT MACHINE LICENSEE AND MINORITY-OWNED BUSINESS
10 ENTERPRISES AND WOMEN-OWNED BUSINESS ENTERPRISES.

11 (4) ANY OTHER INFORMATION DEEMED RELEVANT OR NECESSARY
12 BY THE BOARD TO ASSESS THE SLOT MACHINE LICENSEE'S DIVERSITY
13 PLAN.

14 (B) [INVESTIGATIONS] ANNUAL REVIEW.--THE BOARD [IS
15 AUTHORIZED TO INVESTIGATE AND] SHALL CONDUCT AN ANNUAL [STUDY TO
16 ASCERTAIN] REVIEW OF EACH SLOT MACHINE LICENSEE'S ACTIVITIES
17 RELATED TO THE IMPLEMENTATION OF ITS DIVERSITY PLAN IN ORDER TO
18 EVALUATE WHETHER THE SLOT MACHINE LICENSEE HAS TAKEN EFFECTIVE
19 AND MEANINGFUL ACTION [HAS BEEN TAKEN OR WILL BE TAKEN TO
20 ENHANCE THE] TO IMPLEMENT A DIVERSITY PLAN AND WHETHER THE
21 LICENSEE'S PLAN AND ANY OTHER ACTIONS TAKEN HAVE ACHIEVED OR
22 WILL ACHIEVE THE COMMONWEALTH'S GOAL OF ENHANCED REPRESENTATION
23 OF DIVERSE GROUPS IN THE [OWNERSHIP, PARTICIPATION AND OPERATION
24 OF LICENSED FACILITIES IN THIS COMMONWEALTH, THROUGH THE
25 OWNERSHIP AND OPERATION OF BUSINESS ENTERPRISES ASSOCIATED WITH
26 OR UTILIZED BY SLOT MACHINE LICENSEES, THROUGH THE PROVISION OF
27 GOODS AND SERVICES UTILIZED BY SLOT MACHINE LICENSEES AND
28 THROUGH EMPLOYMENT OPPORTUNITIES] GAMING INDUSTRY AS SET FORTH
29 IN SUBSECTION (A).

30 (C) COMPLETION OF INVESTIGATION.--THE [FIRST STUDY] REVIEW

1 REQUIRED UNDER SUBSECTION (B) SHALL BE COMPLETED SIX MONTHS
2 FOLLOWING THE EFFECTIVE DATE OF THIS [PART] SECTION, IF
3 PRACTICALLY POSSIBLE, AND ANNUALLY THEREAFTER AND SHALL CONTAIN
4 RECOMMENDATIONS WHICH THE BOARD DETERMINES APPROPRIATE. EACH
5 REVIEW SHALL CONTAIN, AT A MINIMUM, A DESCRIPTIVE SUMMARY OF THE
6 FOLLOWING RELATING TO EACH SLOT MACHINE LICENSEE'S LICENSED
7 FACILITY:

8 (1) EMPLOYEE RECRUITMENT AND RETENTION PROGRAMS DESIGNED
9 TO ENSURE THE PARTICIPATION OF DIVERSE GROUPS.

10 (2) THE TOTAL NUMBER OF HIRES AND EMPLOYMENT OFFERS
11 MADE, INCLUDING DATA RELATING TO THE RACE, GENDER AND
12 RESIDENCE OF INDIVIDUALS HIRED OR OFFERED EMPLOYMENT.

13 (3) MINORITY-OWNED BUSINESS ENTERPRISE AND WOMEN-OWNED
14 BUSINESS ENTERPRISE CONTRACTING AND SUBCONTRACTING DATA.

15 (D) FACILITY RESPONSIBILITY.--EACH SLOT MACHINE LICENSEE
16 SHALL PROVIDE INFORMATION AS REQUIRED BY THE BOARD TO ENABLE THE
17 BOARD TO COMPLETE THE REVIEWS REQUIRED UNDER SUBSECTION (B).

18 (E) DEFINITION.--AS USED IN THIS SECTION, THE TERM
19 "PROFESSIONAL SERVICES" MEANS THOSE SERVICES RENDERED TO A SLOT
20 MACHINE LICENSEE WHICH RELATE TO A LICENSED FACILITY IN THIS
21 COMMONWEALTH, INCLUDING, BUT NOT LIMITED TO:

22 (1) LEGAL SERVICES.

23 (2) ADVERTISING OR PUBLIC RELATIONS SERVICES.

24 (3) ENGINEERING SERVICES.

25 (4) ARCHITECTURAL, LANDSCAPING OR SURVEYING SERVICES.

26 (5) ACCOUNTING, AUDITING OR ACTUARIAL SERVICES.

27 (6) SECURITY CONSULTANT SERVICES.

28 (7) COMPUTER AND INFORMATION TECHNOLOGY SERVICES, EXCEPT
29 TELEPHONE SERVICE.

30 § 1213. LICENSE OR PERMIT PROHIBITION.

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

3 (1) THE BOARD SHALL BE PROHIBITED FROM GRANTING A
4 PRINCIPAL LICENSE OR A KEY EMPLOYEE LICENSE TO AN INDIVIDUAL
5 WHO HAS BEEN CONVICTED OF A FELONY [OR GAMBLING] OFFENSE IN
6 ANY JURISDICTION [SHALL BE ISSUED A LICENSE OR PERMIT UNLESS
7 15 YEARS HAS ELAPSED FROM THE DATE OF EXPIRATION OF THE
8 SENTENCE FOR THE OFFENSE].

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

14 (I) A PRINCIPAL LICENSE OR KEY EMPLOYEE LICENSE TO
15 AN INDIVIDUAL WHO HAS BEEN CONVICTED IN ANY JURISDICTION
16 OF A MISDEMEANOR GAMBLING OFFENSE, UNLESS 15 YEARS HAVE
17 ELAPSED FROM THE DATE OF CONVICTION FOR THE OFFENSE.

18 (II) A GAMING EMPLOYEE PERMIT OR A LICENSE OTHER
19 THAN A PRINCIPAL LICENSE OR KEY EMPLOYEE LICENSE TO AN
20 INDIVIDUAL WHO HAS BEEN CONVICTED IN ANY JURISDICTION OF
21 A FELONY OFFENSE OR OF A MISDEMEANOR GAMBLING OFFENSE,
22 UNLESS 15 YEARS HAVE ELAPSED FROM THE DATE OF CONVICTION
23 FOR THE OFFENSE.

24 (3) FOLLOWING THE EXPIRATION OF ANY PROHIBITION PERIOD
25 APPLICABLE TO AN APPLICANT UNDER PARAGRAPH (2), IN
26 DETERMINING WHETHER TO ISSUE A LICENSE OR PERMIT, THE BOARD
27 SHALL CONSIDER THE FOLLOWING FACTORS:

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

30 [(2)] (II) THE NATURE AND SERIOUSNESS OF THE OFFENSE

OR CONDUCT.

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

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

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

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

(4) FOR PURPOSES OF THIS SECTION, A FELONY OFFENSE IS
ANY OF THE FOLLOWING:

(I) AN OFFENSE PUNISHABLE UNDER THE LAWS OF THIS
COMMONWEALTH BY IMPRISONMENT FOR MORE THAN FIVE YEARS.

(II) AN OFFENSE WHICH, UNDER THE LAWS OF ANOTHER
JURISDICTION, IS:

(A) CLASSIFIED AS A FELONY; OR

(B) PUNISHABLE BY IMPRISONMENT FOR MORE THAN
FIVE YEARS.

(III) AN OFFENSE UNDER THE LAWS OF ANOTHER
JURISDICTION WHICH, IF COMMITTED IN THIS COMMONWEALTH,
WOULD BE SUBJECT TO IMPRISONMENT FOR MORE THAN FIVE
YEARS.

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

§ 1214. SPECIFIC AUTHORITY TO SUSPEND SLOT MACHINE LICENSE.

(A) CONDITIONS.--ANY SLOT MACHINE LICENSEE THAT IS REQUIRED
AS A CONDITION OF LICENSURE TO MAKE PAYMENTS TO A MUNICIPALITY,
MUNICIPAL AUTHORITY OR OTHER ENTITY FOR AN ECONOMIC DEVELOPMENT

1 PROJECT, INCLUDING ANY PROJECT ENUMERATED IN THE ACT OF JULY 25,
2 2007 (P.L.342, NO.53), KNOWN AS PENNSYLVANIA GAMING ECONOMIC
3 DEVELOPMENT AND TOURISM FUND CAPITAL BUDGET ITEMIZATION ACT OF
4 2007, SHALL, WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS
5 SECTION OR WITHIN 30 DAYS FOLLOWING LICENSURE, WHICHEVER IS
6 LATER, ENTER INTO A WRITTEN AGREEMENT WITH THE MUNICIPALITY,
7 MUNICIPAL AUTHORITY OR OTHER ENTITY. THE WRITTEN AGREEMENT SHALL
8 ESTABLISH AND GOVERN THE TERMS OF THE REQUIRED PAYMENTS,
9 INCLUDING THE AMOUNTS OF EACH PAYMENT, THE DATE ON WHICH EACH
10 PAYMENT SHALL BE MADE AND THE DURATION OF THE PAYMENTS.

11 (B) FAILURE TO MEET CONDITIONS.--IF A SLOT MACHINE LICENSEE
12 FAILS TO ENTER INTO A WRITTEN AGREEMENT AS REQUIRED BY
13 SUBSECTION (A), THE BOARD MAY TAKE ANY ACTION IT DEEMS
14 NECESSARY. AN ACTION TAKEN BY THE BOARD SHALL REMAIN IN EFFECT
15 UNTIL THE SLOT MACHINE LICENSEE SATISFIES THE BOARD THAT IT HAS
16 ENTERED INTO THE WRITTEN AGREEMENT REQUIRED BY SUBSECTION (A).

17 (C) FAILURE TO COMPLY WITH WRITTEN AGREEMENT.--IF A SLOT
18 MACHINE LICENSEE IS IN DEFAULT WITH RESPECT TO A PAYMENT
19 OBLIGATION CONTAINED IN A WRITTEN AGREEMENT REQUIRED BY
20 SUBSECTION (A), THE BOARD MAY TAKE ANY ACTION IT DEEMS
21 NECESSARY. AN ACTION TAKEN BY THE BOARD SHALL REMAIN IN EFFECT
22 UNTIL THE SLOT MACHINE LICENSEE SATISFIES THE BOARD THAT IT IS
23 IN COMPLIANCE WITH THE TERMS OF THE WRITTEN AGREEMENT.

24 (D) OTHER REMEDIES APPLICABLE.--NOTHING IN THIS SECTION
25 SHALL PROHIBIT THE BOARD FROM TAKING ANY ADDITIONAL ACTION,
26 INCLUDING SUSPENSION OR REVOCATION OF THE SLOT MACHINE
27 LICENSEE'S LICENSE, APPOINTING A TRUSTEE UNDER SECTION 1332, OR
28 IMPOSING ANY OTHER SANCTION PERMITTED BY THIS PART AGAINST A
29 SLOT MACHINE LICENSEE WHO VIOLATES THE PROVISIONS OF THIS
30 SECTION.

SECTION 10.2. SECTIONS 1304(B), 1305(A)(1), (B)(1), (C), (D)
AND (E) AND 1307 OF TITLE 4 ARE AMENDED TO READ:

§ 1304. CATEGORY 2 SLOT MACHINE LICENSE.

* * *

(B) LOCATION.--

(1) TWO CATEGORY 2 LICENSED FACILITIES AND NO MORE SHALL
BE LOCATED BY THE BOARD WITHIN A CITY OF THE FIRST CLASS, AND
ONE CATEGORY 2 LICENSED FACILITY AND NO MORE SHALL BE LOCATED
BY THE BOARD WITHIN A CITY OF THE SECOND CLASS. NO CATEGORY 2
LICENSED FACILITY LOCATED BY THE BOARD WITHIN A CITY OF THE
FIRST CLASS SHALL BE WITHIN TEN LINEAR MILES OF A CATEGORY 1
LICENSED FACILITY REGARDLESS OF THE MUNICIPALITY WHERE THE
CATEGORY 1 LICENSED FACILITY IS LOCATED. EXCEPT FOR ANY
CATEGORY 2 LICENSED FACILITY LOCATED BY THE BOARD WITHIN A
CITY OF THE FIRST CLASS OR A CITY OF THE SECOND CLASS, NO
CATEGORY 2 LICENSED FACILITY SHALL BE LOCATED WITHIN 30
LINEAR MILES OF ANY CATEGORY 1 LICENSED FACILITY THAT HAS
CONDUCTED OVER 200 RACING DAYS PER YEAR FOR THE TWO CALENDAR
YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS PART
AND NOT WITHIN 20 LINEAR MILES OF ANY OTHER CATEGORY 1
LICENSED FACILITY. EXCEPT FOR ANY CATEGORY 2 LICENSED
FACILITY LOCATED BY THE BOARD WITHIN A CITY OF THE FIRST
CLASS, NO CATEGORY 2 LICENSED FACILITY SHALL BE LOCATED
WITHIN 20 LINEAR MILES OF ANOTHER CATEGORY 2 LICENSED
FACILITY.

(2) WITHIN FIVE DAYS OF APPROVING A LICENSE FOR AN
APPLICANT WITH A PROPOSED LICENSED FACILITY CONSISTING OF
LAND DESIGNATED A SUBZONE, AN EXPANSION SUBZONE OR AN
IMPROVEMENT SUBZONE UNDER THE KEYSTONE OPPORTUNITY ZONE,
KEYSTONE OPPORTUNITY EXPANSION ZONE AND KEYSTONE OPPORTUNITY

1 IMPROVEMENT ZONE ACT FOR A SLOT MACHINE LICENSE UNDER THIS
2 SECTION, THE BOARD SHALL NOTIFY THE DEPARTMENT OF COMMUNITY
3 AND ECONOMIC DEVELOPMENT. THE NOTICE SHALL INCLUDE A
4 DESCRIPTION OF THE LAND OF THE PROPOSED LICENSED FACILITY
5 WHICH IS DESIGNATED A SUBZONE, AN EXPANSION SUBZONE OR AN
6 IMPROVEMENT SUBZONE. WITHIN FIVE DAYS OF RECEIVING THE NOTICE
7 REQUIRED BY THIS PARAGRAPH, THE SECRETARY OF COMMUNITY AND
8 ECONOMIC DEVELOPMENT SHALL DECERTIFY THE LAND OF THE PROPOSED
9 LICENSED FACILITY AS BEING A SUBZONE, AN EXPANSION SUBZONE OR
10 AN IMPROVEMENT SUBZONE. UPON DECERTIFICATION IN ACCORDANCE
11 WITH THIS PARAGRAPH AND NOTWITHSTANDING CHAPTER 3 OF THE
12 KEYSTONE OPPORTUNITY ZONE, KEYSTONE OPPORTUNITY EXPANSION
13 ZONE AND KEYSTONE OPPORTUNITY IMPROVEMENT ZONE ACT, A
14 POLITICAL SUBDIVISION MAY AMEND THE ORDINANCE, RESOLUTION OR
15 OTHER REQUIRED ACTION WHICH GRANTED THE EXEMPTIONS,
16 DEDUCTIONS, ABATEMENTS OR CREDITS REQUIRED BY THE KEYSTONE
17 OPPORTUNITY ZONE, KEYSTONE OPPORTUNITY EXPANSION ZONE AND
18 KEYSTONE OPPORTUNITY IMPROVEMENT ZONE ACT TO REPEAL THE
19 EXEMPTIONS, DEDUCTIONS, ABATEMENTS OR CREDITS FOR THE LAND
20 DECERTIFIED.

21 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
22 GOVERNING BODY OF A CITY OF THE FIRST CLASS SHALL NOT EXEMPT
23 FROM REAL PROPERTY TAXATION OR PROVIDE ANY REAL PROPERTY TAX
24 ABATEMENT UNDER THE ACT OF DECEMBER 1, 1977 (P.L.237, NO.76),
25 KNOWN AS THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE
26 ACT, TO A CATEGORY 2 LICENSED FACILITY LOCATED WITHIN THE
27 CITY, OR ANY IMPROVEMENTS TO SUCH FACILITY, UNLESS THE OWNER
28 OF THE LICENSED FACILITY ENTERS INTO OR HAS ENTERED INTO A
29 TAX SETTLEMENT AGREEMENT OR PAYMENT IN LIEU OF TAXES
30 AGREEMENT WITH THE CITY, INCLUDING ANY AMENDMENTS,

1 SUPPLEMENTS OR MODIFICATIONS OF SUCH AGREEMENTS.

2 § 1305. CATEGORY 3 SLOT MACHINE LICENSE.

3 (A) ELIGIBILITY.--

4 (1) (I) A PERSON MAY BE ELIGIBLE TO APPLY FOR A
5 CATEGORY 3 SLOT MACHINE LICENSE IF THE APPLICANT, ITS
6 AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY
7 HAS NOT APPLIED FOR OR BEEN APPROVED OR ISSUED A CATEGORY
8 1 OR 2 SLOT MACHINE LICENSE AND THE PERSON IS SEEKING TO
9 LOCATE A CATEGORY 3 LICENSED FACILITY IN A WELL-
10 ESTABLISHED RESORT HOTEL HAVING NO FEWER THAN 275 GUEST
11 ROOMS UNDER COMMON OWNERSHIP AND HAVING SUBSTANTIAL YEAR-
12 ROUND [RECREATIONAL GUEST] AMENITIES. THE APPLICANT FOR A
13 CATEGORY 3 LICENSE SHALL BE THE OWNER OR BE A WHOLLY
14 OWNED SUBSIDIARY OF THE OWNER OF THE ESTABLISHED RESORT
15 HOTEL. [A CATEGORY 3 LICENSE MAY ONLY BE GRANTED UPON THE
16 EXPRESS CONDITION THAT AN INDIVIDUAL MAY NOT ENTER A
17 GAMING AREA OF THE LICENSEE IF THE INDIVIDUAL IS NOT A
18 REGISTERED OVERNIGHT GUEST OF THE ESTABLISHED RESORT
19 HOTEL OR IF THE INDIVIDUAL IS NOT A PATRON OF ONE OR MORE
20 OF THE AMENITIES PROVIDED BY THE ESTABLISHED RESORT
21 HOTEL.] IN ADDITION TO ANY OTHER INDIVIDUAL PROHIBITED
22 UNDER THIS PART FROM ENTERING THE GAMING AREA OF A
23 LICENSED FACILITY, AN INDIVIDUAL WHO DOES NOT MEET AT
24 LEAST ONE OF THE FOLLOWING CRITERIA SHALL ALSO BE
25 PROHIBITED FROM ENTERING THE GAMING AREA OF AN
26 ESTABLISHED RESORT HOTEL FOR WHICH A CATEGORY 3 LICENSE
27 HAS BEEN ISSUED:

28 (A) THE INDIVIDUAL IS A REGISTERED OVERNIGHT
29 GUEST OF THE ESTABLISHED RESORT HOTEL.

30 (B) THE INDIVIDUAL IS A PATRON OF THE AMENITIES

1 PROVIDED BY THE ESTABLISHED RESORT HOTEL.

2 (C) THE INDIVIDUAL POSSESSES A MEMBERSHIP TO THE
3 ESTABLISHED RESORT HOTEL OR IS A GUEST OF AN
4 INDIVIDUAL WHO POSSESSES SUCH A MEMBERSHIP. THE GUEST
5 MUST BE ACCOMPANIED BY THE INDIVIDUAL WHO POSSESSES
6 THE MEMBERSHIP WHEN ENTERING OR REMAINING IN THE
7 GAMING AREA OF THE HOTEL. THE OWNER OF THE
8 ESTABLISHED RESORT HOTEL MAY ISSUE MEMBERSHIPS THAT
9 ALLOW FOR UP TO FOUR GUESTS OF THE MEMBERSHIP OWNER
10 TO ENTER THE GAMING AREA.

11 (II) NOTHING IN THIS PARAGRAPH SHALL BE DEEMED TO
12 PROHIBIT AN INDIVIDUAL 18 YEARS OF AGE OR OLDER FROM
13 ENTERING AND REMAINING IN THE GAMING AREA OF AN
14 ESTABLISHED RESORT HOTEL WHILE IN THE PERFORMANCE OF
15 EMPLOYMENT DUTIES PERFORMED ON BEHALF OF THE RESORT
16 HOTEL.

17 * * *

18 (B) LOCATION.--

19 (1) MILEAGE REQUIREMENTS ARE AS FOLLOWS:

20 (I) NO CATEGORY 3 LICENSE WHICH WAS AUTHORIZED BY
21 THIS PART PRIOR TO DECEMBER 1, 2009, REGARDLESS OF WHEN
22 ISSUED, SHALL BE LOCATED BY THE BOARD WITHIN 15 LINEAR
23 MILES OF ANOTHER LICENSED FACILITY.

24 (II) NO CATEGORY 3 LICENSE WHICH WAS AUTHORIZED BY
25 THIS PART AFTER NOVEMBER 30, 2009, SHALL BE LOCATED BY
26 THE BOARD WITHIN 30 LINEAR MILES OF ANOTHER LICENSED
27 FACILITY.

28 * * *

29 (C) NUMBER OF SLOT MACHINES.--NOTWITHSTANDING THE NUMBER OF
30 PERMISSIBLE SLOT MACHINES AS SET FORTH IN SECTION 1210 (RELATING

1 TO NUMBER OF SLOT MACHINES), A CATEGORY 3 LICENSE GRANTED UNDER
2 THE PROVISIONS OF THIS SECTION SHALL ENTITLE THE LICENSED ENTITY
3 TO OPERATE NO MORE THAN 500 SLOT MACHINES AT THE LICENSED
4 FACILITY, PROVIDED, HOWEVER, A CATEGORY 3 SLOT MACHINE LICENSEE
5 HOLDING A TABLE GAME OPERATION CERTIFICATE SHALL BE ENTITLED TO
6 OPERATE NO MORE THAN 600 SLOT MACHINES AT ITS LICENSED FACILITY.

7 (D) CATEGORY 3 LICENSE FEE.--[NOTWITHSTANDING THE ONE-TIME
8 SLOT MACHINE LICENSE FEE AS SET FORTH IN SECTION 1209 (RELATING
9 TO SLOT MACHINE LICENSE FEE), THE] THE BOARD SHALL IMPOSE A ONE-
10 TIME CATEGORY 3 LICENSE FEE TO BE PAID BY EACH SUCCESSFUL
11 APPLICANT IN THE AMOUNT OF \$5,000,000 TO BE DEPOSITED IN THE
12 STATE GAMING FUND. THE PROVISIONS OF SECTION [1209 RELATING TO
13 TERM, CREDIT AGAINST TAX FOR SLOT MACHINE LICENSEES, DEPOSIT OF
14 LICENSE FEE AND CHANGE OF OWNERSHIP OR CONTROL OF A LICENSE
15 SHALL BE APPLICABLE] 1209(B), (C), (D) AND (E) SHALL APPLY TO A
16 CATEGORY 3 [LICENSE FEE] LICENSEE.

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

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

29 "PATRON OF THE AMENITIES." ANY INDIVIDUAL WHO IS A
30 REGISTERED ATTENDEE OF A CONVENTION, MEETING OR BANQUET EVENT OR

1 A PARTICIPANT IN A SPORT OR RECREATIONAL EVENT OR ANY OTHER
2 SOCIAL, CULTURAL OR BUSINESS EVENT HELD AT A RESORT HOTEL OR WHO
3 PARTICIPATES IN ONE OR MORE OF THE AMENITIES PROVIDED TO
4 REGISTERED GUESTS OF THE RESORT HOTEL.

5 § 1307. NUMBER OF SLOT MACHINE LICENSES.

6 (A) CATEGORY 1 AND CATEGORY 2 SLOT MACHINE LICENSES.--THE
7 BOARD MAY LICENSE NO MORE THAN SEVEN CATEGORY 1 LICENSED
8 FACILITIES AND NO MORE THAN FIVE CATEGORY 2 LICENSED FACILITIES,
9 AS IT MAY DEEM APPROPRIATE, AS LONG AS TWO, AND NOT MORE,
10 CATEGORY 2 [LICENSES] LICENSED FACILITIES ARE LOCATED BY THE
11 BOARD WITHIN THE CITY OF THE FIRST CLASS AND THAT ONE, AND NOT
12 MORE, CATEGORY 2 LICENSED FACILITY IS LOCATED BY THE BOARD
13 WITHIN THE CITY OF THE SECOND CLASS. THE BOARD MAY AT ITS
14 DISCRETION INCREASE THE TOTAL NUMBER OF CATEGORY 2 LICENSED
15 FACILITIES PERMITTED TO BE LICENSED BY THE BOARD BY AN AMOUNT
16 NOT TO EXCEED THE TOTAL NUMBER OF CATEGORY 1 LICENSES NOT
17 APPLIED FOR WITHIN FIVE YEARS FOLLOWING THE EFFECTIVE DATE OF
18 THIS PART. EXCEPT AS PERMITTED BY SECTION 1328 (RELATING TO
19 CHANGE IN OWNERSHIP OR CONTROL OF SLOT MACHINE LICENSEE), ANY
20 CATEGORY 1 LICENSE MAY BE REISSUED BY THE BOARD AT ITS
21 DISCRETION AS A CATEGORY 2 LICENSE IF AN APPLICATION FOR
22 ISSUANCE OF SUCH LICENSE HAS NOT BEEN MADE TO THE BOARD.

23 (B) CATEGORY 3 SLOT MACHINE LICENSES.--

24 (1) THE BOARD MAY LICENSE NO MORE THAN TWO CATEGORY 3
25 LICENSED FACILITIES THAT SHALL BE SUBJECT TO THE MILEAGE
26 RESTRICTION UNDER SECTION 1305(B)(1)(I) (RELATING TO CATEGORY
27 3 SLOT MACHINE LICENSE).

28 (2) THE BOARD MAY LICENSE NO MORE THAN ONE CATEGORY 3
29 LICENSED FACILITY THAT SHALL BE SUBJECT TO THE MILEAGE
30 RESTRICTION UNDER SECTION 1305(B)(1)(II). WITHIN TEN DAYS

FOLLOWING THE EFFECTIVE DATE OF THIS PARAGRAPH, THE BOARD
SHALL ESTABLISH AN APPLICATION PERIOD NOT TO EXCEED 90 DAYS
FOR THE ACCEPTANCE OF APPLICATIONS FOR THIS CATEGORY 3
LICENSE.

SECTION 10.3. SECTIONS 1308 AND 1309 OF TITLE 4 ARE AMENDED
BY ADDING SUBSECTIONS TO READ:

§ 1308. APPLICATIONS FOR LICENSE OR PERMIT.

* * *

(A.1) SUBMISSION OF INFORMATION.--AN APPLICANT FOR A LICENSE
OR PERMIT UNDER THIS PART SHALL DISCLOSE IN THE APPLICATION ALL
ARRESTS OF THE APPLICANT AND ALL CITATIONS ISSUED TO THE
APPLICANT FOR SUMMARY GAMBLING OFFENSES. THE INFORMATION SHALL
INCLUDE:

(1) A BRIEF DESCRIPTION OF THE CIRCUMSTANCES SURROUNDING
THE ARREST OR ISSUANCE OF THE CITATION.

(2) THE SPECIFIC OFFENSE CHARGED.

(3) THE ULTIMATE DISPOSITION OF THE CHARGE, INCLUDING
THE DETAILS OF ANY DISMISSAL, PLEA BARGAIN, CONVICTION,
SENTENCE, PARDON, EXPUNGEMENT OR ORDER OF ACCELERATED
REHABILITATIVE DISPOSITION.

NO APPLICANT SHALL BE REQUIRED TO PROVIDE DOCUMENTATION RELATING
TO ANY SUMMARY OFFENSE. FAILURE OF THE BUREAU TO RECOVER RECORDS
OF A SUMMARY OFFENSE SHALL NOT BE GROUNDS FOR DENYING AN
APPLICATION.

* * *

§ 1309. SLOT MACHINE LICENSE APPLICATION.

* * *

(A.1) TABLE GAMES INFORMATION.--

(1) AN APPLICANT FOR A SLOT MACHINE LICENSE MAY SUBMIT
WITH ITS APPLICATION ALL INFORMATION REQUIRED UNDER CHAPTER

1 13A (RELATING TO TABLE GAMES) AND REQUEST THAT THE BOARD
2 CONSIDER ITS APPLICATION FOR A SLOT MACHINE LICENSE AND A
3 TABLE GAME OPERATION CERTIFICATE CONCURRENTLY. ALL FEES FOR A
4 TABLE GAME OPERATION CERTIFICATE SHALL BE PAID BY THE
5 APPLICANT IN ACCORDANCE WITH SECTION 1361A (RELATING TO TABLE
6 GAME AUTHORIZATION FEE).

7 (2) THE BOARD SHALL PERMIT ANY APPLICANT FOR A SLOT
8 MACHINE LICENSE THAT HAS AN APPLICATION PENDING BEFORE THE
9 BOARD ON THE EFFECTIVE DATE OF THIS SUBSECTION TO SUPPLEMENT
10 ITS APPLICATION WITH ALL INFORMATION REQUIRED UNDER CHAPTER
11 13A AND TO REQUEST THAT THE BOARD CONSIDER ITS APPLICATION
12 FOR A SLOT MACHINE LICENSE AND A TABLE GAME OPERATION
13 CERTIFICATE CONCURRENTLY. ALL FEES FOR A TABLE GAME OPERATION
14 CERTIFICATE SHALL BE PAID BY THE APPLICANT IN ACCORDANCE WITH
15 SECTION 1361A.

16 * * *

17 SECTION 10.4. SECTION 1310 OF TITLE 4 IS AMENDED TO READ:

18 § 1310. SLOT MACHINE LICENSE APPLICATION CHARACTER
19 REQUIREMENTS.

20 (A) APPLICATION.--

21 (1) EVERY APPLICATION FOR A SLOT MACHINE LICENSE SHALL
22 INCLUDE SUCH INFORMATION, DOCUMENTATION AND ASSURANCES AS MAY
23 BE REQUIRED TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THE
24 APPLICANT'S SUITABILITY, INCLUDING GOOD CHARACTER, HONESTY
25 AND INTEGRITY. INFORMATION SHALL INCLUDE, WITHOUT LIMITATION,
26 INFORMATION PERTAINING TO FAMILY, HABITS, CHARACTER,
27 REPUTATION, CRIMINAL HISTORY BACKGROUND, BUSINESS ACTIVITIES,
28 FINANCIAL AFFAIRS AND BUSINESS, PROFESSIONAL AND PERSONAL
29 ASSOCIATES, COVERING AT LEAST THE TEN-YEAR PERIOD IMMEDIATELY
30 PRECEDING THE FILING DATE OF THE APPLICATION.

1 (2) NOTWITHSTANDING 18 PA.C.S. § 9124(B) (RELATING TO
2 USE OF RECORDS BY LICENSING AGENCIES), IN ADDITION TO THE
3 INFORMATION SUBMITTED UNDER SECTION 1308(A.1) (RELATING TO
4 APPLICATIONS FOR LICENSE OR PERMIT), A CONVICTION FOR A
5 FELONY OFFENSE OR A MISDEMEANOR GAMBLING OFFENSE THAT HAS
6 BEEN EXPUNGED OR OVERTURNED, OR FOR WHICH A PERSON HAS BEEN
7 PARDONED OR AN ORDER OF ACCELERATED REHABILITATIVE
8 DISPOSITION HAS BEEN ISSUED, SHALL BE INCLUDED WITH AN
9 APPLICATION AND CONSIDERED BY THE BOARD AS PART OF THE REVIEW
10 OF THE APPLICANT'S SUITABILITY UNDER PARAGRAPH (1).

11 (B) CIVIL JUDGMENTS AND LAW ENFORCEMENT AGENCY
12 INFORMATION.--EACH APPLICANT SHALL NOTIFY THE BOARD OF ANY CIVIL
13 JUDGMENTS OBTAINED AGAINST THE APPLICANT PERTAINING TO ANTITRUST
14 OR SECURITY REGULATION LAWS OF THE FEDERAL GOVERNMENT, THIS
15 COMMONWEALTH OR ANY OTHER STATE, JURISDICTION, PROVINCE OR
16 COUNTRY. IN ADDITION, EACH APPLICANT SHALL PRODUCE A LETTER OF
17 REFERENCE FROM LAW ENFORCEMENT AGENCIES HAVING JURISDICTION IN
18 THE APPLICANT'S PLACE OF RESIDENCE AND PRINCIPAL PLACE OF
19 BUSINESS, WHICH LETTER OF REFERENCE SHALL INDICATE THAT THE LAW
20 ENFORCEMENT AGENCIES DO NOT HAVE ANY PERTINENT INFORMATION
21 CONCERNING THE APPLICANT OR, IF THE LAW ENFORCEMENT AGENCY DOES
22 HAVE INFORMATION PERTAINING TO THE APPLICANT, SHALL SPECIFY THE
23 NATURE AND CONTENT OF THAT INFORMATION. IF NO LETTERS ARE
24 RECEIVED WITHIN 30 DAYS OF THE REQUEST, THE APPLICANT MAY SUBMIT
25 A STATEMENT UNDER OATH WHICH IS SUBJECT TO THE PENALTY FOR FALSE
26 SWEARING UNDER 18 PA.C.S. § 4903 (RELATING TO FALSE SWEARING)
27 THAT THE APPLICANT IS OR WAS DURING THE PERIOD THE ACTIVITIES
28 WERE CONDUCTED IN GOOD STANDING WITH THE GAMING OR CASINO
29 ENFORCEMENT OR CONTROL AGENCY.

30 (C) GAMING OR CASINO ENFORCEMENT AGENCY INFORMATION.--IF THE

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

12 (D) AGENCY RECORDS.--EACH APPLICANT FOR A SLOT MACHINE
13 LICENSE, PRINCIPAL LICENSE OR KEY EMPLOYEE LICENSE SHALL BE
14 REQUIRED TO APPLY TO EACH FEDERAL AGENCY DEEMED APPROPRIATE BY
15 THE BOARD OR BUREAU FOR AGENCY RECORDS UNDER THE FREEDOM OF
16 INFORMATION ACT (PUBLIC LAW 89-554, 5 U.S.C. § 552) PERTAINING
17 TO THE APPLICANT AND PROVIDE THE BUREAU WITH THE COMPLETE RECORD
18 RECEIVED FROM THE FEDERAL AGENCY. THE BOARD MAY ISSUE A LICENSE
19 TO THE APPLICANT PRIOR TO THE RECEIPT OF INFORMATION UNDER THIS
20 SUBSECTION.

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

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

1 THROUGH A CONTRACT WITH A LICENSED MANUFACTURER SHALL APPLY TO
2 THE BOARD FOR [A] THE APPROPRIATE SUPPLIER LICENSE.

3 * * *

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

8 (1) [THE LICENSE SHALL BE FOR A PERIOD OF ONE YEAR. UPON
9 EXPIRATION, THE LICENSE MAY BE RENEWED IN ACCORDANCE WITH
10 SUBSECTION (D)] THE INITIAL LICENSE SHALL BE FOR A PERIOD OF
11 ONE YEAR AND IF RENEWED UNDER SUBSECTION (D), THE LICENSE
12 SHALL BE FOR A PERIOD OF THREE YEARS. NOTHING IN THIS
13 PARAGRAPH SHALL RELIEVE A LICENSEE OF THE AFFIRMATIVE DUTY TO
14 NOTIFY THE BOARD OF ANY CHANGES RELATING TO THE STATUS OF ITS
15 LICENSE OR TO ANY INFORMATION CONTAINED IN THE APPLICATION
16 MATERIALS ON FILE WITH THE BOARD.

17 * * *

18 (C.1) ABBREVIATED PROCESS.--IN THE EVENT AN APPLICANT FOR A
19 SUPPLIER LICENSE TO SUPPLY TABLE GAME DEVICES OR ASSOCIATED
20 EQUIPMENT USED IN CONNECTION WITH TABLE GAMES IS LICENSED BY THE
21 BOARD UNDER THIS SECTION TO SUPPLY SLOT MACHINES OR ASSOCIATED
22 EQUIPMENT USED IN CONNECTION WITH SLOT MACHINES, THE BOARD MAY
23 DETERMINE TO USE AN ABBREVIATED PROCESS REQUIRING ONLY THAT
24 INFORMATION DETERMINED BY THE BOARD TO BE NECESSARY TO CONSIDER
25 THE ISSUANCE OF A LICENSE TO SUPPLY TABLE GAME DEVICES OR
26 ASSOCIATED EQUIPMENT USED IN CONNECTION WITH TABLE GAMES,
27 INCLUDING FINANCIAL VIABILITY OF THE APPLICANT. NOTHING IN THIS
28 SECTION SHALL BE CONSTRUED TO WAIVE ANY FEES ASSOCIATED WITH
29 OBTAINING A LICENSE THROUGH THE NORMAL APPLICATION PROCESS. THE
30 BOARD MAY ONLY USE THE ABBREVIATED PROCESS IF ALL OF THE

1 FOLLOWING APPLY:

2 (1) THE SUPPLIER LICENSE WAS ISSUED BY THE BOARD WITHIN
3 A 36-MONTH PERIOD IMMEDIATELY PRECEDING THE DATE THE SUPPLIER
4 LICENSEE FILES AN INITIAL APPLICATION TO SUPPLY TABLE GAME
5 DEVICES OR ASSOCIATED EQUIPMENT.

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

9 (3) THE BOARD DETERMINES, IN ITS SOLE DISCRETION, THAT
10 THERE HAS BEEN NO MATERIAL CHANGE IN CIRCUMSTANCES RELATING
11 TO THE LICENSEE THAT NECESSITATES THAT THE ABBREVIATED
12 PROCESS NOT BE USED.

13 * * *

14 § 1317.1. MANUFACTURER LICENSES.

15 (A) APPLICATION.--A PERSON SEEKING TO MANUFACTURE SLOT
16 MACHINES, TABLE GAME DEVICES AND ASSOCIATED EQUIPMENT FOR USE IN
17 THIS COMMONWEALTH SHALL APPLY TO THE BOARD FOR A MANUFACTURER
18 LICENSE.

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

22 * * *

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

25 (C) REVIEW AND APPROVAL.--UPON BEING SATISFIED THAT THE
26 REQUIREMENTS OF SUBSECTION (B) HAVE BEEN MET, THE BOARD MAY
27 APPROVE THE APPLICATION AND GRANT THE APPLICANT A MANUFACTURER
28 LICENSE CONSISTENT WITH ALL OF THE FOLLOWING:

29 (1) [THE LICENSE SHALL BE FOR A PERIOD OF ONE YEAR. UPON
30 EXPIRATION, A LICENSE MAY BE RENEWED IN ACCORDANCE WITH

1 SUBSECTION (D)] THE INITIAL LICENSE SHALL BE FOR A PERIOD OF
2 ONE YEAR AND IF RENEWED UNDER SUBSECTION (D), THE LICENSE
3 SHALL BE FOR A PERIOD OF THREE YEARS. NOTHING IN THIS
4 PARAGRAPH SHALL RELIEVE THE LICENSEE OF THE AFFIRMATIVE DUTY
5 TO NOTIFY THE BOARD OF ANY CHANGES RELATING TO THE STATUS OF
6 ITS LICENSE OR TO ANY OTHER INFORMATION CONTAINED IN
7 APPLICATION MATERIALS ON FILE WITH THE BOARD.

8 (2) THE LICENSE SHALL BE NONTRANSFERABLE.

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

10 (C.1) ABBREVIATED PROCESS.--IN THE EVENT AN APPLICANT FOR A
11 MANUFACTURER LICENSE TO MANUFACTURE TABLE GAME DEVICES OR
12 ASSOCIATED EQUIPMENT USED IN CONNECTION WITH TABLE GAMES IS
13 LICENSED BY THE BOARD UNDER THIS SECTION TO MANUFACTURE SLOT
14 MACHINES OR ASSOCIATED EQUIPMENT USED IN CONNECTION WITH SLOT
15 MACHINES, THE BOARD MAY DETERMINE TO USE AN ABBREVIATED PROCESS
16 REQUIRING ONLY THAT INFORMATION DETERMINED BY THE BOARD TO BE
17 NECESSARY TO CONSIDER THE ISSUANCE OF A LICENSE TO MANUFACTURE
18 TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT USED IN CONNECTION
19 WITH TABLE GAMES, INCLUDING FINANCIAL VIABILITY OF THE
20 APPLICANT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO WAIVE
21 ANY FEES ASSOCIATED WITH OBTAINING A LICENSE THROUGH THE NORMAL
22 APPLICATION PROCESS. THE BOARD MAY ONLY USE THE ABBREVIATED
23 PROCESS IF ALL OF THE FOLLOWING APPLY:

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

28 (2) THE PERSON TO WHOM THE MANUFACTURER LICENSE WAS
29 ISSUED AFFIRMS THERE HAS BEEN NO MATERIAL CHANGE IN
30 CIRCUMSTANCES RELATING TO THE LICENSE.

1 (3) THE BOARD DETERMINES, IN ITS SOLE DISCRETION, THAT
2 THERE HAS BEEN NO MATERIAL CHANGE IN CIRCUMSTANCES RELATING
3 TO THE LICENSEE THAT NECESSITATES THAT THE ABBREVIATED
4 PROCESS NOT BE USED.

5 (D) RENEWAL.--

6 (1) [SIX] TWO MONTHS PRIOR TO EXPIRATION OF A
7 MANUFACTURER LICENSE, THE MANUFACTURER LICENSEE SEEKING
8 RENEWAL OF ITS LICENSE SHALL SUBMIT A RENEWAL APPLICATION
9 ACCOMPANIED BY THE RENEWAL FEE TO THE BOARD.

10 (2) IF THE RENEWAL APPLICATION SATISFIES THE
11 REQUIREMENTS OF SUBSECTION (B), THE BOARD MAY RENEW THE
12 LICENSEE'S MANUFACTURER LICENSE.

13 (3) IF THE BOARD RECEIVES A COMPLETE RENEWAL APPLICATION
14 BUT FAILS TO ACT UPON THE RENEWAL APPLICATION PRIOR TO THE
15 EXPIRATION OF THE MANUFACTURER LICENSE, THE MANUFACTURER
16 LICENSE SHALL CONTINUE IN EFFECT FOR AN ADDITIONAL SIX-MONTH
17 PERIOD OR UNTIL ACTED UPON BY THE BOARD, WHICHEVER OCCURS
18 FIRST.

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

21 (1) A [LICENSED] MANUFACTURER OR ITS DESIGNEE, AS
22 LICENSED BY THE BOARD, MAY SUPPLY OR REPAIR ANY SLOT MACHINE,
23 TABLE GAME DEVICE OR ASSOCIATED EQUIPMENT MANUFACTURED BY THE
24 [LICENSED] MANUFACTURER, PROVIDED THE MANUFACTURER HOLDS THE
25 APPROPRIATE MANUFACTURER LICENSE.

26 (2) A MANUFACTURER OF SLOT MACHINES MAY CONTRACT WITH A
27 SUPPLIER UNDER SECTION 1317 (RELATING TO SUPPLIER LICENSES)
28 TO PROVIDE SLOT MACHINES OR ASSOCIATED EQUIPMENT TO A SLOT
29 MACHINE LICENSEE WITHIN THIS COMMONWEALTH, PROVIDED THE
30 SUPPLIER IS LICENSED TO SUPPLY SLOT MACHINES OR ASSOCIATED

EQUIPMENT USED IN CONNECTION WITH SLOT MACHINES.

(3) A MANUFACTURER MAY CONTRACT WITH A SUPPLIER UNDER SECTION 1317 TO PROVIDE TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT TO A CERTIFICATE HOLDER, PROVIDED THE SUPPLIER IS LICENSED TO SUPPLY TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT USED IN CONNECTION WITH TABLE GAMES.

(E) PROHIBITIONS.--

(1) NO PERSON MAY MANUFACTURE SLOT MACHINES, TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT FOR USE WITHIN THIS COMMONWEALTH BY A SLOT MACHINE LICENSEE UNLESS THE PERSON HAS BEEN ISSUED [A] THE APPROPRIATE MANUFACTURER LICENSE UNDER THIS SECTION.

(2) [NO] EXCEPT AS PERMITTED IN SECTION 1323.1A (RELATING TO TRAINING EQUIPMENT), NO SLOT MACHINE LICENSEE MAY USE SLOT MACHINES, TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT UNLESS THE SLOT MACHINES, TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT WERE MANUFACTURED BY A PERSON THAT HAS BEEN ISSUED [A] THE APPROPRIATE MANUFACTURER LICENSE UNDER THIS SECTION.

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

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

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

READ:

§ 1317.2. GAMING SERVICE PROVIDER.

(A) DEVELOPMENT OF CLASSIFICATION SYSTEM.--THE BOARD SHALL DEVELOP A CLASSIFICATION SYSTEM GOVERNING THE CERTIFICATION,

1 REGISTRATION AND REGULATION OF GAMING SERVICE PROVIDERS AND
2 INDIVIDUALS AND ENTITIES ASSOCIATED WITH THEM. THE
3 CLASSIFICATION SYSTEM SHALL BE BASED UPON THE FOLLOWING:

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

8 (2) WHETHER THE EMPLOYEES OF THE GAMING SERVICE PROVIDER
9 WILL HAVE ACCESS TO THE GAMING FLOOR OR ANY GAMING-RELATED
10 RESTRICTED AREA OF A LICENSED FACILITY.

11 (3) THE BOARD'S ANALYSIS OF THE GOODS OR SERVICES
12 PROVIDED OR TO BE PROVIDED BY THE GAMING SERVICE PROVIDER.

13 (B) AUTHORITY TO EXEMPT.--THE BOARD MAY EXEMPT ANY PERSON OR
14 TYPE OF BUSINESS FROM THE REQUIREMENTS OF THIS SECTION IF THE
15 BOARD DETERMINES:

16 (1) THE PERSON OR TYPE OF BUSINESS IS REGULATED BY AN
17 AGENCY OF THE FEDERAL GOVERNMENT, AN AGENCY OF THE
18 COMMONWEALTH OR THE PENNSYLVANIA SUPREME COURT; OR

19 (2) THE REGULATION OF THE PERSON OR TYPE OF BUSINESS IS
20 DETERMINED NOT TO BE NECESSARY IN ORDER TO PROTECT THE PUBLIC
21 INTEREST OR THE INTEGRITY OF GAMING.

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

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

26 (2) COOPERATE WITH THE BOARD IN INVESTIGATIONS, HEARINGS
27 AND ENFORCEMENT AND DISCIPLINARY ACTIONS.

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

1 (4) REPORT ANY CHANGE IN CIRCUMSTANCES THAT MAY RENDER
2 THE GAMING SERVICE PROVIDER INELIGIBLE, UNQUALIFIED OR
3 UNSUITABLE FOR CONTINUED REGISTRATION OR CERTIFICATION.

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

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

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

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

23 (3) THE GAMING SERVICE PROVIDER APPLICANT AGREES IN
24 WRITING THAT THE GRANT OF INTERIM AUTHORIZATION TO CONDUCT
25 BUSINESS PRIOR TO BOARD APPROVAL OF ITS APPLICATION DOES NOT
26 CREATE A RIGHT TO CONTINUE TO ENGAGE IN BUSINESS IF THE BOARD
27 DETERMINES THAT THE APPLICANT IS NOT SUITABLE OR CONTINUED
28 AUTHORIZATION IS NOT IN THE PUBLIC INTEREST.

29 (F) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
30 CONSTRUED TO PROHIBIT THE BOARD FROM RESCINDING A GRANT OF

1 INTERIM AUTHORIZATION IF, AT ANY TIME, THE SUITABILITY OF THE
2 PERSON SUBJECT TO INTERIM AUTHORIZATION IS AT ISSUE OR IF THE
3 PERSON FAILS TO COOPERATE WITH THE BOARD, THE BUREAU OR AN AGENT
4 OF THE BOARD OR BUREAU.

5 (G) GAMING SERVICE PROVIDER LISTS.--THE BOARD SHALL:

6 (1) DEVELOP AND MAINTAIN A LIST OF APPROVED GAMING
7 SERVICE PROVIDERS WHO ARE AUTHORIZED TO PROVIDE GOODS OR
8 SERVICES WHETHER UNDER A GRANT OF INTERIM OR CONTINUED
9 AUTHORIZATION.

10 (2) DEVELOP AND MAINTAIN A LIST OF PROHIBITED GAMING
11 SERVICE PROVIDERS. AN APPLICANT FOR A SLOT MACHINE LICENSE OR
12 A SLOT MACHINE LICENSEE MAY NOT ENTER INTO AN AGREEMENT OR
13 ENGAGE IN BUSINESS WITH A GAMING SERVICE PROVIDER LISTED ON
14 THE PROHIBITED GAMING SERVICE PROVIDER LIST.

15 (H) EMERGENCY AUTHORIZATION.--A SLOT MACHINE LICENSEE MAY
16 UTILIZE A GAMING SERVICE PROVIDER THAT HAS NOT BEEN APPROVED BY
17 THE BOARD WHEN A THREAT TO PUBLIC HEALTH, WELFARE OR SAFETY
18 EXISTS OR CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SLOT MACHINE
19 LICENSEE REQUIRE IMMEDIATE ACTION TO MITIGATE DAMAGE OR LOSS TO
20 THE LICENSEE'S LICENSED FACILITY OR TO THE COMMONWEALTH. THE
21 BOARD SHALL PROMULGATE REGULATIONS TO GOVERN THE USE OF GAMING
22 SERVICE PROVIDERS UNDER EMERGENCY CIRCUMSTANCES. THE REGULATIONS
23 SHALL INCLUDE A REQUIREMENT THAT THE SLOT MACHINE LICENSEE
24 CONTACT THE BOARD IMMEDIATELY UPON UTILIZING A GAMING SERVICE
25 PROVIDER THAT HAS NOT BEEN APPROVED BY THE BOARD.

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
29 INDIVIDUAL OR ENTITY ASSOCIATED WITH THE GAMING SERVICE PROVIDER
30 TO SUBMIT TO OR PROVIDE THE BUREAU WITH CRIMINAL HISTORY RECORD

1 INFORMATION UNDER 18 PA.C.S. CH. 91 (RELATING TO CRIMINAL
2 HISTORY RECORD INFORMATION), THE BUREAU SHALL NOTIFY A SLOT
3 MACHINE LICENSEE THAT SUBMITTED A CERTIFICATION UNDER SUBSECTION
4 (E) (2) WHETHER THE APPLICANT HAS BEEN CONVICTED OF A FELONY OR
5 MISDEMEANOR GAMBLING OFFENSE.

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

8 § 1318. OCCUPATION PERMIT APPLICATION.

9 * * *

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

14 § 1319. ALTERNATIVE MANUFACTURER LICENSING STANDARDS.

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

29 (B) ABBREVIATED PROCESS.--IN THE EVENT AN APPLICANT FOR A
30 [SLOT MACHINE] MANUFACTURER LICENSE IS LICENSED IN ANOTHER

JURISDICTION, THE BOARD MAY DETERMINE TO USE AN [ALTERNATE]
ABBREVIATED PROCESS REQUIRING ONLY THAT INFORMATION DETERMINED
BY THE BOARD TO BE NECESSARY TO CONSIDER THE ISSUANCE OF A
LICENSE, INCLUDING FINANCIAL VIABILITY OF THE [LICENSEE, TO SUCH
AN] APPLICANT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
WAIVE ANY FEES ASSOCIATED WITH OBTAINING A LICENSE THROUGH THE
NORMAL APPLICATION PROCESS.

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

§ 1319.1. ALTERNATIVE SUPPLIER LICENSING STANDARDS.

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

(B) ABBREVIATED PROCESS.--IN THE EVENT AN APPLICANT FOR A
SUPPLIER LICENSE IS LICENSED IN ANOTHER JURISDICTION, THE BOARD
MAY DETERMINE TO USE AN ABBREVIATED PROCESS REQUIRING ONLY THAT
INFORMATION DETERMINED BY THE BOARD TO BE NECESSARY TO CONSIDER
THE ISSUANCE OF A LICENSE, INCLUDING FINANCIAL VIABILITY OF THE
APPLICANT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO WAIVE

1 ANY FEES ASSOCIATED WITH OBTAINING A LICENSE THROUGH THE NORMAL
2 APPLICATION PROCESS.

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

5 § 1321. ADDITIONAL LICENSES AND PERMITS AND APPROVAL OF
6 AGREEMENTS.

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

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

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

24 (B) AGREEMENT.--ANY AGREEMENT TO CONDUCT BUSINESS WITHIN
25 THIS COMMONWEALTH BETWEEN A PERSON AND A SLOT MACHINE LICENSEE
26 RELATING TO SLOT MACHINES, TABLE GAMES, TABLE GAME DEVICES OR
27 ASSOCIATED EQUIPMENT IS SUBJECT TO THE APPROVAL OF THE BOARD IN
28 ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE BOARD.
29 EVERY AGREEMENT SHALL BE IN WRITING AND SHALL INCLUDE A
30 PROVISION FOR ITS TERMINATION WITHOUT LIABILITY ON THE PART OF

1 THE SLOT MACHINE LICENSEE UPON A FINDING BY THE BOARD THAT THE
2 AGREEMENT IS NOT APPROVED OR THAT IT IS TERMINATED. FAILURE TO
3 EXPRESSLY INCLUDE THIS CONDITION IN THE AGREEMENT IS NOT A
4 DEFENSE IN ANY ACTION BROUGHT UNDER THIS SECTION RELATING TO THE
5 TERMINATION OF THE AGREEMENT.

6 § 1326. LICENSE RENEWALS.

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

28 * * *

29 § 1328. CHANGE IN OWNERSHIP OR CONTROL OF SLOT MACHINE
30 LICENSEE.

1 (A) NOTIFICATION AND APPROVAL.--

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

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

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

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

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

18 (B) QUALIFICATION OF PURCHASER OF SLOT MACHINE LICENSEE;
19 CHANGE OF CONTROL.--THE PURCHASER OF THE ASSETS, OTHER THAN IN
20 THE ORDINARY COURSE OF BUSINESS, OF ANY SLOT MACHINE LICENSEE
21 SHALL INDEPENDENTLY QUALIFY FOR A LICENSE IN ACCORDANCE WITH
22 THIS PART AND SHALL PAY THE LICENSE FEE AS REQUIRED BY SECTION
23 1209 (RELATING TO SLOT MACHINE LICENSE FEE). A CHANGE IN CONTROL
24 OF ANY SLOT MACHINE LICENSEE SHALL REQUIRE THAT THE SLOT MACHINE
25 LICENSEE INDEPENDENTLY QUALIFY FOR A LICENSE IN ACCORDANCE WITH
26 THIS PART, AND THE SLOT MACHINE LICENSEE SHALL PAY A NEW LICENSE
27 FEE AS REQUIRED BY SECTION 1209, EXCEPT AS OTHERWISE REQUIRED BY
28 THE BOARD PURSUANT TO THIS SECTION. THE NEW LICENSE FEE SHALL BE
29 PAID UPON THE ASSIGNMENT AND ACTUAL CHANGE OF CONTROL OR
30 OWNERSHIP OF THE SLOT MACHINE LICENSE.

1 * * *

2 § 1329. [NONPORTABILITY] PORTABILITY AND RELOCATION OF SLOT
3 MACHINE LICENSE.

4 (A) GENERAL RULE.--[EACH] EXCEPT AS OTHERWISE PROVIDED IN
5 THIS SECTION, EACH SLOT MACHINE LICENSE SHALL ONLY BE VALID FOR
6 THE SPECIFIC PHYSICAL LOCATION WITHIN THE MUNICIPALITY AND
7 COUNTY FOR WHICH IT WAS ORIGINALLY GRANTED. [NO]

8 (B) PETITION.--AN APPLICANT FOR A SLOT MACHINE LICENSE OR A
9 SLOT MACHINE LICENSEE MAY PETITION THE BOARD TO RELOCATE ITS
10 FACILITY. IN DETERMINING WHETHER TO GRANT A PETITION TO
11 RELOCATE, THE BOARD SHALL:

12 (1) EVALUATE THE PROPOSED NEW LOCATION AND THE REASON
13 FOR THE RELOCATION.

14 (2) CONDUCT AN ANALYSIS COMPARING ESTIMATED GROSS
15 TERMINAL REVENUES AND ESTIMATED GROSS TABLE GAME REVENUES AT
16 THE PROPOSED NEW LOCATION WITH ESTIMATED OR ACTUAL GROSS
17 TERMINAL REVENUES AND ESTIMATED OR ACTUAL GROSS TABLE GAME
18 REVENUES AT THE APPROVED CURRENT LOCATION.

19 (3) CONDUCT AN ANALYSIS COMPARING THE ECONOMIC IMPACT OF
20 THE LICENSED FACILITY AT THE PROPOSED NEW LOCATION WITH THE
21 ESTIMATED OR ACTUAL ECONOMIC IMPACT AT THE APPROVED CURRENT
22 LOCATION. THE COMPARATIVE ANALYSIS SHALL INCLUDE THE TOTAL
23 COST OF THE PROJECT AND PROJECTED DIRECT AND INDIRECT
24 EMPLOYMENT FIGURES.

25 (4) COMMISSION A COMPREHENSIVE TRAFFIC STUDY FOR THE
26 PROPOSED NEW LOCATION.

27 (5) EVALUATE COMMUNITY SUPPORT OR OPPOSITION.

28 (6) CONSIDER ANY OTHER INFORMATION SUBMITTED BY THE
29 PETITIONER OR REQUESTED BY THE BOARD.

30 (C) RELOCATION.--A SLOT MACHINE LICENSEE [SHALL BE PERMITTED

TO] MAY MOVE OR RELOCATE [THE PHYSICAL LOCATION OF] THE LICENSED
FACILITY [WITHOUT] WITH BOARD APPROVAL [FOR] UPON GOOD CAUSE
SHOWN IF THE RELOCATION OF THE LICENSED FACILITY:

(1) REMAINS WITHIN THE SAME COUNTY AS WHEN IT WAS
ORIGINALLY LICENSED;

(2) WILL FACILITATE THE TIMELY COMMENCEMENT OR THE
CONTINUED CONDUCT OF GAMING OPERATIONS;

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

(4) IS IN THE BEST INTERESTS OF THE COMMONWEALTH.

(D) PUBLIC INPUT HEARING.--THE BOARD SHALL HOLD AT LEAST ONE
PUBLIC INPUT HEARING IN THE MUNICIPALITY WHERE THE LICENSED
FACILITY WILL BE LOCATED PRIOR TO RULING ON THE PETITION.

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

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

(A) APPOINTMENT.--UPON PETITION OF THE OFFICE OF ENFORCEMENT
COUNSEL, THE BOARD MAY APPOINT A TRUSTEE FROM THE LIST REQUIRED
UNDER SUBSECTION (J) TO ACT ON BEHALF OF THE INTERESTS OF THE
COMMONWEALTH AND THE BOARD TO ENSURE COMPLIANCE WITH THIS PART
AND ANY CONDITIONS IMPOSED UPON THE SLOT MACHINE LICENSE. A
TRUSTEE MAY BE APPOINTED ONLY IN THE FOLLOWING CIRCUMSTANCES:

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

1 (2) UPON THE FAILURE TO RENEW A SLOT MACHINE LICENSE OR
2 A PRINCIPAL LICENSE IF THE PRINCIPAL LICENSEE IS THE ONLY
3 PRINCIPAL WHO EXERCISES OPERATIONAL CONTROL OF THE LICENSED
4 FACILITY.

5 (3) IF NECESSARY TO PROTECT THE BEST INTERESTS OF THE
6 COMMONWEALTH.

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

8 (1) A TRUSTEE SHALL BE REQUIRED TO QUALIFY AS A
9 PRINCIPAL AND OBTAIN A PRINCIPAL LICENSE. THE BOARD MAY
10 APPOINT A TRUSTEE AND AWARD THE TRUSTEE A TEMPORARY PRINCIPAL
11 LICENSE AS PRESCRIBED IN BOARD REGULATIONS.

12 (2) BEFORE ASSUMING DUTIES, A TRUSTEE SHALL EXECUTE AND
13 FILE A BOND FOR THE FAITHFUL PERFORMANCE OF THE TRUSTEE'S
14 DUTIES. THE BOND SHALL BE PAYABLE TO THE BOARD WITH SURETIES
15 AND IN THE AMOUNT AND FORM AS REQUIRED BY BOARD ORDER. THE
16 COST OF THE BOND SHALL BE PAID BY THE FORMER OR SUSPENDED
17 LICENSEE.

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

19 (C) POWERS.--A TRUSTEE APPOINTED UNDER THIS SECTION SHALL
20 EXERCISE ONLY THOSE POWERS, DUTIES AND RESPONSIBILITIES
21 EXPRESSLY CONFERRED UPON THE TRUSTEE BY THE BOARD. THE BOARD'S
22 ORDER APPOINTING THE TRUSTEE SHALL SET FORTH THE POWERS, DUTIES
23 AND RESPONSIBILITIES OF THE TRUSTEE WHICH MAY INCLUDE:

24 (1) MAINTAINING AND OPERATING THE LICENSED FACILITY IN A
25 MANNER THAT COMPLIES WITH THIS PART AND ANY CONDITIONS
26 IMPOSED BY THE BOARD.

27 (2) MAINTAINING AND OPERATING THE LICENSED FACILITY
28 CONSISTENT WITH THE MEASURES GENERALLY TAKEN IN THE ORDINARY
29 COURSE OF BUSINESS INCLUDING:

30 (I) ENTERING INTO CONTRACTS.

1 (II) BORROWING MONEY.

2 (III) PLEDGING, MORTGAGING OR OTHERWISE ENCUMBERING
3 THE LICENSED FACILITY OR PROPERTY THEREOF AS SECURITY FOR
4 THE REPAYMENT OF LOANS SUBJECT TO ANY PROVISIONS AND
5 RESTRICTIONS IN ANY EXISTING CREDIT DOCUMENTS.

6 (IV) HIRING, FIRING AND DISCIPLINING EMPLOYEES.

7 (3) EXERCISING THE RIGHTS AND OBLIGATIONS OF THE FORMER
8 OR SUSPENDED LICENSEE.

9 (4) TAKING POSSESSION OF ALL OF THE ASSETS OF THE SLOT
10 MACHINE LICENSEE, INCLUDING ITS BOOKS, RECORDS AND PAPERS.

11 (5) ESTABLISHING ACCOUNTS WITH FINANCIAL INSTITUTIONS.
12 AN ACCOUNT MAY NOT BE ESTABLISHED WITH A FINANCIAL
13 INSTITUTION IN WHICH THE LICENSEE, AN AFFILIATE OF THE FORMER
14 OR SUSPENDED LICENSEE, THE TRUSTEE, OR AN IMMEDIATE FAMILY
15 MEMBER OF THE TRUSTEE, HAS A CONTROLLING INTEREST.

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

17 (7) MEETING WITH PRINCIPALS AND KEY EMPLOYEES AT THE
18 LICENSED FACILITY.

19 (8) MEETING WITH THE INDEPENDENT AUDIT COMMITTEE.

20 (9) MEETING WITH THE BOARD'S EXECUTIVE DIRECTOR AND
21 KEEPING THE BOARD'S EXECUTIVE DIRECTOR APPRISED OF ACTIONS
22 TAKEN AND THE TRUSTEE'S PLANS AND GOALS FOR THE FUTURE.

23 (10) HIRING LEGAL COUNSEL, ACCOUNTANTS OR OTHER
24 CONSULTANTS OR ASSISTANTS, WITH PRIOR APPROVAL OF THE BOARD,
25 AS NECESSARY TO CARRY OUT THE TRUSTEE'S DUTIES AND
26 RESPONSIBILITIES.

27 (11) SETTLING OR COMPROMISING WITH ANY DEBTOR OR
28 CREDITOR OF THE FORMER OR SUSPENDED LICENSEE, INCLUDING ANY
29 TAXING AUTHORITY.

30 (12) REVIEWING OUTSTANDING AGREEMENTS TO WHICH THE

1 FORMER OR SUSPENDED LICENSEE IS A PARTY AND ADVISING THE
2 BOARD AS TO WHICH, IF ANY, OF THE AGREEMENTS SHOULD BE THE
3 SUBJECT OF SCRUTINY, EXAMINATION OR INVESTIGATION BY THE
4 BOARD.

5 (13) OBTAINING BOARD APPROVAL PRIOR TO ANY SALE, CHANGE
6 OF OWNERSHIP, CHANGE OF CONTROL, CHANGE OF FINANCIAL STATUS,
7 RESTRUCTURING, TRANSFER OF ASSETS OR EXECUTION OF A CONTRACT
8 OR ANY OTHER ACTION TAKEN OUTSIDE OF THE ORDINARY COURSE OF
9 BUSINESS.

10 (14) OBTAINING BOARD APPROVAL FOR ANY PAYMENTS OUTSIDE
11 OF THOSE MADE IN THE ORDINARY COURSE OF BUSINESS.

12 NOTWITHSTANDING ANY PROVISION CONTAINED IN THIS SUBSECTION TO
13 THE CONTRARY, THE TRUSTEE SHALL HAVE THE DUTY TO CONSERVE AND
14 PRESERVE THE ASSETS OF THE LICENSED GAMING ENTITY.

15 (D) COMPENSATION.--THE BOARD SHALL ESTABLISH THE
16 COMPENSATION OF A TRUSTEE AND SHALL REVIEW AND APPROVE ACTUAL
17 AND REASONABLE COSTS AND EXPENSES OF THE TRUSTEE, LEGAL COUNSEL,
18 ACCOUNTANTS OR OTHER CONSULTANTS OR ASSISTANTS HIRED BY THE
19 TRUSTEE. THE COMPENSATION, COSTS AND EXPENSES SHALL BE PAID BY
20 THE FORMER OR SUSPENDED LICENSEE. TOTAL COMPENSATION FOR THE
21 TRUSTEE AND ALL PERSONS HIRED OR RETAINED BY THE TRUSTEE UNDER
22 SUBSECTION (C) (10) SHALL NOT EXCEED \$600 PER HOUR IN THE
23 AGGREGATE UNLESS OTHERWISE INCREASED BY THE BOARD PURSUANT TO
24 SUBSECTION (D.2).

25 (D.1) CALCULATION OF COMPENSATION.--IN DETERMINING THE
26 AGGREGATE HOURLY RATE OF COMPENSATION TO BE PAID TO THE TRUSTEE
27 AND ALL OTHER PERSONS HIRED OR RETAINED BY THE TRUSTEE, THE
28 BOARD SHALL CONSIDER:

29 (1) THE TIME AND LABOR REQUIRED, THE DIFFICULTY OF THE
30 QUESTIONS INVOLVED AND THE SKILL REQUIRED TO PROPERLY PERFORM

1 THE REQUIRED SERVICES.

2 (2) WHETHER THE ACCEPTANCE OF THE POSITION BY THE
3 TRUSTEE OR OTHER PERSON WILL PRECLUDE THE TRUSTEE OR OTHER
4 PERSON FROM OTHER EMPLOYMENT.

5 (3) THE FEE CUSTOMARILY CHARGED FOR SIMILAR SERVICES.

6 (4) THE NATURE AND POTENTIAL LENGTH OF THE DUTIES.

7 (5) THE EXPERIENCE, REPUTATION AND ABILITY OF THE
8 TRUSTEE OR OTHER PERSON SELECTED TO PERFORM THE SERVICES.

9 (D.2) COMPENSATION EXCEPTIONS.--

10 (1) ON JANUARY 1 OF EACH YEAR, THE BOARD MAY ADJUST THE
11 AGGREGATE HOURLY RATE OF COMPENSATION AUTHORIZED UNDER
12 SUBSECTION (D) FOR INFLATION. THE ADJUSTMENT SHALL NOT EXCEED
13 THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR ALL
14 URBAN CONSUMERS FOR THE PENNSYLVANIA, NEW JERSEY, DELAWARE
15 AND MARYLAND AREA FOR THE MOST RECENT 12-MONTH PERIOD FOR
16 WHICH FIGURES HAVE BEEN OFFICIALLY REPORTED BY THE UNITED
17 STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS. WHEN
18 ADJUSTED, THE BOARD SHALL PUBLISH THE ADJUSTED AGGREGATE
19 HOURLY RATE OF COMPENSATION IN THE PENNSYLVANIA BULLETIN.

20 (2) UPON PETITION BY THE DIRECTOR OF THE OFFICE OF
21 ENFORCEMENT COUNSEL, THE BOARD MAY INCREASE THE TOTAL HOURLY
22 RATE OF COMPENSATION ABOVE THE LIMITATION CONTAINED IN
23 SUBSECTION (D) FOR GOOD CAUSE SHOWN. THE BOARD SHALL CONSIDER
24 THE FACTORS UNDER SUBSECTION (D.1) WHEN CALCULATING ANY
25 INCREASE REQUESTED BY THE OFFICE.

26 (E) REPORTS.--A TRUSTEE SHALL FILE REPORTS RELATING TO THE
27 ADMINISTRATION OF THE TRUSTEESHIP WITH THE BOARD IN THE FORM AND
28 AT INTERVALS AS THE BOARD ORDERS. THE BOARD MAY DIRECT THAT
29 COPIES OR PORTIONS OF THE TRUSTEE'S REPORTS BE MAILED TO
30 CREDITORS OR OTHER PARTIES IN INTEREST AND MAKE SUMMARIES OF THE

1 REPORTS AVAILABLE TO THE PUBLIC AND SHALL POST THEM ON THE
2 BOARD'S INTERNET WEBSITE.

3 (F) REVIEW OF ACTIONS.--A CREDITOR OR OTHER PARTY IN
4 INTEREST AGGRIEVED BY ANY ALLEGED BREACH OF A DELEGATED POWER OR
5 DUTY OR RESPONSIBILITY OF A TRUSTEE IN THE DISCHARGE OF THE
6 TRUSTEE'S DUTIES MAY REQUEST A REVIEW OF THE TRUSTEE'S ACTION OR
7 INACTION BY FILING A PETITION IN ACCORDANCE WITH BOARD
8 REGULATIONS. THE PETITION MUST SET FORTH IN DETAIL THE PERTINENT
9 FACTS AND THE REASONS WHY THE FACTS CONSTITUTE THE ALLEGED
10 BREACH. THE BOARD SHALL REVIEW ANY PETITION FILED UNDER THIS
11 SECTION AND TAKE WHATEVER ACTION, IF ANY, IT DEEMS APPROPRIATE.

12 (G) EFFECT OF THE TRUSTEESHIP.--AFTER ISSUANCE OF AN ORDER
13 TO APPOINT A TRUSTEE, THE FORMER OR SUSPENDED PRINCIPAL OR SLOT
14 MACHINE LICENSEE MAY NOT EXERCISE ANY OF ITS PRIVILEGES, COLLECT
15 OR RECEIVE ANY DEBTS OR PAY OUT, SELL, ASSIGN OR TRANSFER ANY OF
16 ITS ASSETS TO ANYONE WITHOUT PRIOR APPROVAL OF THE APPOINTED
17 TRUSTEE AND THE BOARD.

18 (H) DISPOSITION OF NET INCOME.--DURING THE PERIOD OF
19 TRUSTEESHIP, NET INCOME FROM THE LICENSED FACILITY SHALL BE
20 DEPOSITED IN AN ESCROW ACCOUNT MAINTAINED FOR THAT PURPOSE.
21 PAYMENTS FROM THE ESCROW ACCOUNT DURING THE PERIOD OF
22 TRUSTEESHIP MAY NOT BE MADE WITHOUT THE PRIOR APPROVAL OF THE
23 BOARD. A SUSPENDED OR FORMER PRINCIPAL OR SLOT MACHINE LICENSEE
24 MAY REQUEST DISTRIBUTION OF ALL OR A PORTION OF THE FUNDS IN THE
25 ESCROW ACCOUNT DURING THE PERIOD OF TRUSTEESHIP BY FILING A
26 PETITION IN ACCORDANCE WITH BOARD REGULATION. THE SUSPENDED OR
27 FORMER PRINCIPAL OR SLOT MACHINE LICENSEE SHALL HAVE THE BURDEN
28 OF DEMONSTRATING GOOD CAUSE FOR THE DISTRIBUTION OF THE FUNDS
29 REQUESTED.

30 (I) DISCONTINUATION.--THE BOARD MAY ISSUE AN ORDER TO

1 DISCONTINUE A TRUSTEESHIP WHEN:

2 (1) THE BOARD DETERMINES THAT CIRCUMSTANCES REQUIRING
3 THE APPOINTMENT OF THE TRUSTEE NO LONGER EXIST; OR

4 (2) THE TRUSTEE HAS, WITH THE PRIOR APPROVAL OF THE
5 BOARD, CONSUMMATED THE SALE, ASSIGNMENT, CONVEYANCE OR OTHER
6 DISPOSITION OF ALL THE ASSETS OR INTEREST OF THE FORMER
7 PRINCIPAL OR SLOT MACHINE LICENSEE RELATING TO THE SLOT
8 MACHINE LICENSE.

9 (J) LIST OF APPROVED TRUSTEES.--THE BOARD SHALL PROMULGATE
10 REGULATIONS GOVERNING ESTABLISHMENT OF A LIST OF PERSONS
11 APPROVED BY THE BOARD AND QUALIFIED TO SERVE AS A TRUSTEE. AT A
12 MINIMUM, THE REGULATIONS SHALL PROVIDE FOR THE FOLLOWING:

13 (1) THE MINIMUM QUALIFICATIONS A PERSON MUST POSSESS TO
14 BE APPROVED AS A TRUSTEE, WHICH SHALL INCLUDE THE
15 QUALIFICATIONS SET FORTH IN SUBSECTION (B).

16 (2) THE PROCEDURE FOR PLACEMENT ON OR REMOVAL FROM THE
17 APPROVED TRUSTEE LIST.

18 (3) ANY OTHER INFORMATION THE BOARD DEEMS NECESSARY TO
19 CARRY OUT THE INTENT OF THIS SECTION.

20 SECTION 11.1. TITLE 4 IS AMENDED BY ADDING A CHAPTER TO

21 READ:

22 CHAPTER 13A

23 TABLE GAMES

24 SUBCHAPTER

25 A. GENERAL PROVISIONS

26 B. TABLE GAMES AUTHORIZED

27 C. CONDUCT OF TABLE GAMES

28 D. (RESERVED)

29 E. TABLE GAME TESTING AND CERTIFICATION

30 F. (RESERVED)

1 G. TABLE GAME TAXES AND FEES

2 SUBCHAPTER A

3 GENERAL PROVISIONS

4 SEC.

5 1301A. (REERVED).

6 1302A. REGULATORY AUTHORITY.

7 1303A. TEMPORARY TABLE GAME REGULATIONS.

8 1304A. COMMONWEALTH RESIDENT EMPLOYMENT GOALS.

9 § 1301A. (REERVED).

10 § 1302A. REGULATORY AUTHORITY.

11 THE BOARD SHALL PROMULGATE REGULATIONS:

12 (1) ESTABLISHING STANDARDS AND PROCEDURES FOR TABLE
13 GAMES AND TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT,
14 INCLUDING STANDARDS DISTINGUISHING ELECTRONIC GAMING TABLES,
15 FULLY AUTOMATED ELECTRONIC GAMING TABLES AND TRADITIONAL
16 GAMING TABLES. THE STANDARDS AND PROCEDURES SHALL PROVIDE FOR
17 ANY NEW TABLE GAMES OR GAMING TABLES AND VARIATIONS OR
18 COMPOSITES OF APPROVED TABLE GAMES OR GAMING TABLES, PROVIDED
19 THE BOARD DETERMINES THAT THE NEW TABLE GAME, GAMING TABLE OR
20 ANY VARIATIONS OR COMPOSITES OR OTHER APPROVED TABLE GAMES OR
21 GAMING TABLES ARE SUITABLE FOR USE AFTER A TEST OR
22 EXPERIMENTAL PERIOD UNDER THE TERMS AND CONDITIONS AS THE
23 BOARD MAY DEEM APPROPRIATE.

24 (2) ESTABLISHING STANDARDS AND RULES TO GOVERN THE
25 CONDUCT OF TABLE GAMES AND THE SYSTEM OF WAGERING ASSOCIATED
26 WITH TABLE GAMES, INCLUDING THE CONDUCT OF TABLE GAMES AND
27 THE SYSTEM OF WAGERING ON ELECTRONIC GAMING TABLES AND FULLY
28 AUTOMATED ELECTRONIC GAMING TABLES.

29 (2.1) ESTABLISHING THE METHOD FOR CALCULATING GROSS
30 TABLE GAME REVENUE AND STANDARDS FOR THE DAILY COUNTING AND

1 RECORDING OF CASH AND CASH EQUIVALENTS RECEIVED IN THE
2 CONDUCT OF TABLE GAMES, INCLUDING THE CONDUCT OF TABLE GAMES
3 ON ELECTRONIC GAMING TABLES AND FULLY AUTOMATED ELECTRONIC
4 GAMING TABLES, AND ENSURING THAT INTERNAL CONTROLS ARE
5 FOLLOWED, INCLUDING OBSERVATION BY EMPLOYEES OF THE BOARD OF
6 THAT PROCESS, THE MAINTENANCE OF FINANCIAL BOOKS AND RECORDS
7 AND THE CONDUCT OF AUDITS.

8 (3) ESTABLISHING NOTICE REQUIREMENTS PERTAINING TO
9 MINIMUM AND MAXIMUM WAGERS ON TABLE GAMES. MINIMUM AND
10 MAXIMUM WAGERS MAY BE ADJUSTED BY THE CERTIFICATE HOLDER IN
11 THE NORMAL COURSE OF CONDUCTING TABLE GAMES, EXCEPT THAT
12 CHANGES IN MINIMUM WAGERS AT ANY GIVEN GAMING TABLE SHALL NOT
13 APPLY TO PLAYERS ALREADY ENGAGED IN WAGERING AT THAT GAMING
14 TABLE WHEN THE MINIMUM WAGER IS CHANGED, UNLESS 30 MINUTES
15 NOTICE IS PROVIDED AT THAT GAMING TABLE.

16 (4) REQUIRING EACH CERTIFICATE HOLDER TO:

17 (I) PROVIDE WRITTEN INFORMATION AT EACH OPERATIONAL
18 GAMING TABLE ABOUT TABLE GAME RULES, PAYOFFS OR WINNING
19 WAGERS AND OTHER INFORMATION AS THE BOARD MAY REQUIRE.

20 (II) PROVIDE SPECIFICATIONS APPROVED BY THE BOARD
21 UNDER SECTION 1207(11) (RELATING TO REGULATORY AUTHORITY
22 OF BOARD) TO INTEGRATE AND UPDATE THE LICENSED FACILITY'S
23 SURVEILLANCE SYSTEM TO COVER ALL AREAS WHERE TABLE GAMES
24 ARE CONDUCTED. THE SPECIFICATIONS SHALL INCLUDE
25 PROVISIONS PROVIDING THE BOARD AND OTHER PERSONS
26 AUTHORIZED BY THE BOARD WITH ONSITE ACCESS TO THE SYSTEM
27 OR ITS SIGNAL.

28 (III) DESIGNATE ONE OR MORE LOCATIONS WITHIN THE
29 LICENSED FACILITY TO CONDUCT TABLE GAMES.

30 (IV) ENSURE THAT VISIBILITY IN A LICENSED FACILITY

1 IS NOT OBSTRUCTED IN ANY WAY THAT COULD INTERFERE WITH
2 THE ABILITY OF THE CERTIFICATE HOLDER, THE BOARD AND
3 OTHER PERSONS AUTHORIZED UNDER THIS PART OR BY THE BOARD
4 TO OVERSEE THE SURVEILLANCE OF THE CONDUCT OF TABLE
5 GAMES.

6 (V) INTEGRATE THE LICENSED FACILITY'S COUNT ROOM FOR
7 SLOT MACHINE AND TABLE GAME OPERATIONS TO ENSURE MAXIMUM
8 SECURITY OF THE COUNTING AND STORAGE OF CASH AND CASH
9 EQUIVALENTS.

10 (VI) EQUIP EACH OPERATIONAL GAMING TABLE WITH A SIGN
11 INDICATING THE PERMISSIBLE MINIMUM AND MAXIMUM WAGERS AT
12 THE GAMING TABLE.

13 (VII) ADOPT POLICIES OR PROCEDURES TO PROHIBIT ANY
14 TABLE GAME DEVICE OR ASSOCIATED EQUIPMENT FROM BEING
15 POSSESSED, MAINTAINED OR EXHIBITED BY ANY PERSON ON THE
16 PREMISES OF A LICENSED FACILITY EXCEPT IN THE AREAS OF A
17 LICENSED FACILITY WHERE THE CONDUCT OF TABLE GAMES IS
18 AUTHORIZED OR IN A RESTRICTED AREA DESIGNATED TO BE USED
19 FOR THE INSPECTION, SERVICE, REPAIR OR STORAGE OF TABLE
20 GAME DEVICES OR ASSOCIATED EQUIPMENT BY THE CERTIFICATE
21 HOLDER OR IN AN AREA USED FOR EMPLOYEE TRAINING AND
22 INSTRUCTION BY THE CERTIFICATE HOLDER.

23 (VIII) EQUIP ALL DROP BOXES IN WHICH CASH, CASH
24 EQUIVALENTS, FILL SLIPS, CREDIT SLIPS OR INVENTORY SLIPS
25 ARE DEPOSITED AT THE GAMING TABLES, AND ALL AREAS WHERE
26 DROP BOXES ARE KEPT WHILE IN USE, WITH TWO LOCKING
27 DEVICES OR KEYS, OF WHICH ONE LOCKING DEVICE OR KEY SHALL
28 BE UNDER THE EXCLUSIVE CONTROL OF THE BOARD, AND THE
29 SECOND LOCKING DEVICE OR KEY SHALL BE UNDER THE EXCLUSIVE
30 CONTROL OF THE CERTIFICATE HOLDER'S DESIGNATED EMPLOYEES.

1 THE DROP BOXES SHALL BE BROUGHT INTO OR REMOVED FROM AN
2 AREA WHERE TABLE GAMES ARE CONDUCTED OR LOCKED OR
3 UNLOCKED IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE
4 BOARD.

5 (IX) DESIGNATE SECURE LOCATIONS FOR THE INSPECTION
6 AND STORAGE OF TABLE GAME DEVICES AND ASSOCIATED
7 EQUIPMENT AS MAY BE APPROVED BY THE BOARD.

8 (5) ESTABLISHING THE SIZE AND UNIFORM COLOR BY
9 DENOMINATION OF ALL CHIPS USED IN THE CONDUCT OF TABLE GAMES,
10 INCLUDING CONTESTS AND TOURNAMENTS, AND A POLICY FOR THE USE
11 OF PROMOTIONAL OR COMMEMORATIVE CHIPS USED IN THE CONDUCT OF
12 TABLE GAMES. ALL TYPES OF CHIPS SHALL BE APPROVED BY THE
13 BOARD PRIOR TO BEING USED FOR PLAY AT A TABLE GAME AT A
14 LICENSED FACILITY.

15 (5.1) ESTABLISHING THE PROCEDURE TO BE USED BY A
16 CERTIFICATE HOLDER TO DETERMINE AND EXTRACT A RAKE FOR THE
17 PURPOSES OF GENERATING GROSS TABLE GAME REVENUE FROM
18 NONBANKING GAMES. THE RAKE MAY BE CALCULATED AS A PERCENTAGE
19 OR A FLAT FEE.

20 (6) ESTABLISHING MINIMUM STANDARDS RELATING TO THE
21 ACCEPTANCE OF TIPS OR GRATUITIES BY DEALERS AND CROUPIERS AT
22 A TABLE GAME, WHICH SHALL INCLUDE:

23 (I) THE REQUIREMENT THAT TIPS OR GRATUITIES ACCEPTED
24 BY DEALERS AND CROUPIERS AT BANKING GAMES BE PLACED IN A
25 COMMON POOL FOR COMPLETE DISTRIBUTION PRO RATA AMONG ALL
26 DEALERS AND CROUPIERS.

27 (II) THE RIGHT OF THE CERTIFICATE HOLDER TO
28 ESTABLISH POLICIES UNDER WHICH TIPS OR GRATUITIES
29 ACCEPTED BY DEALERS AND CROUPIERS AT NONBANKING GAMES ARE
30 NOT REQUIRED TO BE POOLED AND MAY BE RETAINED BY THE

1 DEALERS AND CROUPIERS.

2 NOTHING IN THIS PARAGRAPH SHALL PROHIBIT A CERTIFICATE HOLDER
3 FROM ADOPTING A FORMAL POLICY RELATING TO ACCEPTANCE OF TIPS
4 AND GRATUITIES, PROVIDED THAT THE POLICY MEETS THE MINIMUM
5 STANDARDS ESTABLISHED BY THE BOARD UNDER THIS PARAGRAPH.

6 (7) ESTABLISHING THE MINIMAL PROFICIENCY REQUIREMENTS
7 FOR INDIVIDUALS TO SUCCESSFULLY COMPLETE A COURSE OF TRAINING
8 AT A GAMING SCHOOL. THE REGULATIONS SHALL NOT PROHIBIT A SLOT
9 MACHINE LICENSEE FROM ESTABLISHING A COURSE OF TRAINING FOR
10 ITS EMPLOYEES OR POTENTIAL EMPLOYEES OR PROHIBIT A
11 CERTIFICATE HOLDER FROM OFFERING EMPLOYMENT TO AN INDIVIDUAL
12 WHO HAS NOT ATTENDED OR COMPLETED A COURSE OF INSTRUCTION AT
13 A GAMING SCHOOL AND SHALL REQUIRE A SLOT MACHINE LICENSEE
14 THAT ELECTS TO TRAIN ITS GAMING EMPLOYEES OR POTENTIAL TABLE
15 GAME EMPLOYEES TO SUBMIT A DETAILED SUMMARY OF THE TRAINING
16 PROGRAM TO THE BOARD AND TO DEMONSTRATE THE ADEQUACY OF THE
17 TRAINING. THE REGULATIONS SHALL PROHIBIT A SLOT MACHINE
18 LICENSEE FROM CHARGING ITS EMPLOYEES OR POTENTIAL EMPLOYEES A
19 FEE TO COMPLETE A COURSE OF TRAINING.

20 (8) PERMITTING CERTIFICATE HOLDERS TO REQUEST
21 AUTHORIZATION TO CONDUCT, AND TO CONDUCT, TOURNAMENTS AND
22 ESTABLISHING THE PRACTICES AND PROCEDURES GOVERNING THE
23 CONDUCT OF THE TOURNAMENTS. THE NUMBER OF GAMING TABLES USED
24 DURING A CONTEST OR TOURNAMENT SHALL NOT BE COUNTED TOWARD
25 THE MAXIMUM NUMBER OF GAMING TABLES AUTHORIZED BY THE
26 CERTIFICATE HOLDER'S TABLE GAME OPERATION CERTIFICATE.

27 § 1303A. TEMPORARY TABLE GAME REGULATIONS.

28 (A) PROMULGATION.--IN ORDER TO FACILITATE THE PROMPT
29 IMPLEMENTATION OF THIS CHAPTER, REGULATIONS PROMULGATED BY THE
30 BOARD SHALL BE DEEMED TEMPORARY REGULATIONS WHICH SHALL EXPIRE

1 NOT LATER THAN TWO YEARS FOLLOWING THE PUBLICATION OF THE
2 TEMPORARY REGULATION. THE BOARD MAY PROMULGATE TEMPORARY
3 REGULATIONS NOT SUBJECT TO:

4 (1) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF
5 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
6 COMMONWEALTH DOCUMENTS LAW.

7 (2) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
8 THE REGULATORY REVIEW ACT.

9 (3) SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER
10 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH
11 ATTORNEYS ACT.

12 (B) EXPIRATION.--EXCEPT FOR TEMPORARY REGULATIONS GOVERNING
13 THE RULES OF NEW TABLE GAMES APPROVED BY THE BOARD, THE BOARD'S
14 AUTHORITY TO ADOPT TEMPORARY REGULATIONS UNDER SUBSECTION (A)
15 SHALL EXPIRE TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION.
16 REGULATIONS ADOPTED AFTER THIS PERIOD SHALL BE PROMULGATED AS
17 PROVIDED BY LAW.

18 (C) TEMPORARY REGULATIONS.--THE BOARD SHALL BEGIN PUBLISHING
19 TEMPORARY REGULATIONS GOVERNING TABLE GAME RULES, LICENSING OF
20 MANUFACTURERS AND SUPPLIERS AND SURVEILLANCE STANDARDS IN THE
21 PENNSYLVANIA BULLETIN NO LATER THAN FEBRUARY 1, 2010.

22 § 1304A. COMMONWEALTH RESIDENT EMPLOYMENT GOALS.

23 (A) EMPLOYMENT OPPORTUNITIES.--IT IS THE GOAL OF THE GENERAL
24 ASSEMBLY THAT THE BOARD PROMOTE AND ENSURE THE AVAILABILITY OF
25 EMPLOYMENT OPPORTUNITIES FOR COMMONWEALTH RESIDENTS IN TABLE
26 GAMES AND TABLE GAME-RELATED OPERATIONS AS AUTHORIZED IN THIS
27 CHAPTER. THE BOARD SHALL WORK WITH EACH CERTIFICATE HOLDER TO
28 ENSURE THAT A SIGNIFICANT NUMBER OF COMMONWEALTH RESIDENTS ARE
29 EMPLOYED BY A CERTIFICATE HOLDER RELATING TO TABLE GAMES. IT IS
30 ALSO THE GOAL OF THE GENERAL ASSEMBLY THAT COMMONWEALTH

1 RESIDENTS COMPRISE AT LEAST 85% OF EACH CERTIFICATE HOLDER'S
2 TABLE GAME-RELATED EMPLOYEES BY THE END OF THE THIRD YEAR
3 FOLLOWING COMMENCEMENT OF THE CONDUCT OF TABLE GAMES AT EACH
4 CERTIFICATE HOLDER'S LICENSED FACILITY.

5 (B) REVIEW.--THE BOARD SHALL CONDUCT AN ANNUAL REVIEW TO
6 ASCERTAIN EACH CERTIFICATE HOLDER'S PROGRESS IN ACHIEVING THE
7 GOALS OF THIS SECTION AND WHETHER EACH CERTIFICATE HOLDER HAS
8 TAKEN EFFECTIVE AND MEANINGFUL ACTION TO EMPLOY COMMONWEALTH
9 RESIDENTS IN TABLE GAME-RELATED POSITIONS AT LICENSED
10 FACILITIES. THE FIRST REVIEW SHALL BE COMPLETED ONE YEAR
11 FOLLOWING THE AWARD OF THE FIRST TABLE GAME OPERATION
12 CERTIFICATE. EACH ANNUAL REVIEW SHALL CONTAIN RECOMMENDATIONS
13 WHICH THE BOARD DETERMINES APPROPRIATE AND MAY BE COMBINED WITH
14 ANY OTHER REVIEW OR STUDY REQUIRED BY THE BOARD UNDER THIS PART.
15 THE REVIEW SHALL BE SUBMITTED TO THE CHAIRMAN AND MINORITY
16 CHAIRMAN OF THE STANDING COMMITTEES OF THE SENATE AND OF THE
17 HOUSE OF REPRESENTATIVES WITH JURISDICTION OVER THIS PART.

18 SUBCHAPTER B

19 TABLE GAMES AUTHORIZED

20 SEC.

21 1311A. AUTHORIZATION TO CONDUCT TABLE GAMES.

22 1312A. PETITION REQUIREMENTS.

23 1313A. PROHIBITIONS.

24 1314A. TABLE GAME AUTHORIZATION HEARING PROCESS; PUBLIC INPUT
25 HEARINGS.

26 1315A. STANDARD FOR REVIEW OF PETITIONS.

27 1316A. AWARD OF CERTIFICATE.

28 1316.1A. AMENDMENT OF STATEMENT OF CONDITIONS.

29 1317A. TABLE GAME OPERATION CERTIFICATE.

30 1318A. TIMING OF INITIAL TABLE GAME AUTHORIZATIONS.

1 § 1311A. AUTHORIZATION TO CONDUCT TABLE GAMES.

2 (A) AUTHORIZATION.--THE BOARD MAY AUTHORIZE A SLOT MACHINE
3 LICENSEE TO CONDUCT TABLE GAMES, INCLUDING TABLE GAME CONTESTS
4 AND TOURNAMENTS, AND TO OPERATE A SYSTEM OF WAGERING ASSOCIATED
5 WITH THE CONDUCT OF TABLE GAMES AT THE SLOT MACHINE LICENSEE'S
6 LICENSED FACILITY. AUTHORIZATION SHALL BE CONTINGENT UPON THE
7 SLOT MACHINE LICENSEE'S AGREEMENT TO ENSURE THAT SLOT MACHINE
8 AND TABLE GAME OPERATIONS WILL BE CONDUCTED IN ACCORDANCE WITH
9 THIS PART AND ANY OTHER CONDITIONS ESTABLISHED BY THE BOARD.
10 NOTHING IN THIS PART SHALL BE CONSTRUED TO CREATE A SEPARATE
11 LICENSE GOVERNING THE CONDUCT OF TABLE GAMES BY LICENSED
12 ENTITIES WITHIN THIS COMMONWEALTH.

13 (B) NUMBER OF AUTHORIZED GAMING TABLES.--

14 (1) A CATEGORY 1 AND CATEGORY 2 SLOT MACHINE LICENSEE
15 AWARDED A TABLE GAME OPERATION CERTIFICATE MAY OPERATE UP TO
16 250 GAMING TABLES AT ANY ONE TIME AT ITS LICENSED FACILITY.
17 NO MORE THAN 75 OF THESE GAMING TABLES MAY BE USED TO PLAY
18 NONBANKING GAMES AT ANY ONE TIME.

19 (2) A CATEGORY 3 SLOT MACHINE LICENSEE AWARDED A TABLE
20 GAME OPERATION CERTIFICATE MAY OPERATE UP TO 50 GAMING TABLES
21 AT ANY ONE TIME AT ITS LICENSED FACILITY. NO MORE THAN 15 OF
22 THESE GAMING TABLES MAY BE USED TO PLAY NONBANKING GAMES AT
23 ANY ONE TIME.

24 (C) ADDITIONAL AUTHORIZATION.--NOTWITHSTANDING SUBSECTION
25 (B), THE BOARD AND, IF AUTHORIZED BY THE BOARD UNDER SECTION
26 1321A (RELATING TO AUTHORIZED LOCATIONS FOR OPERATION), THE
27 EXECUTIVE DIRECTOR MAY AUTHORIZE THE CERTIFICATE HOLDER TO
28 EXCEED THE TOTAL NUMBER OF GAMING TABLES AUTHORIZED IN
29 SUBSECTION (B) AND ITS TABLE GAME OPERATION CERTIFICATE FOR THE
30 PURPOSE OF CONDUCTING CONTESTS OR TOURNAMENTS IN ACCORDANCE WITH

1 SECTION 1321A.

2 § 1312A. PETITION REQUIREMENTS.

3 (A) GENERAL RULE.--UNLESS OTHERWISE PROHIBITED UNDER SECTION
4 1313A (RELATING TO PROHIBITIONS), A SLOT MACHINE LICENSEE MAY
5 SEEK APPROVAL TO CONDUCT TABLE GAMES BY FILING A PETITION WITH
6 THE BOARD.

7 (B) PETITION CONTENTS.--A PETITION SEEKING AUTHORIZATION TO
8 CONDUCT TABLE GAMES SHALL INCLUDE THE FOLLOWING:

9 (1) THE NAME, BUSINESS ADDRESS AND CONTACT INFORMATION
10 OF THE PETITIONER.

11 (2) THE NAME AND BUSINESS ADDRESS, JOB TITLE AND A
12 PHOTOGRAPH OF EACH PRINCIPAL AND KEY EMPLOYEE OF THE
13 PETITIONER WHO WILL BE INVOLVED IN THE CONDUCT OF TABLE GAMES
14 AND WHO IS NOT CURRENTLY LICENSED BY THE BOARD, IF KNOWN.

15 (3) AN ITEMIZED LIST OF THE NUMBER OF GAMING TABLES AND
16 TYPES OF TABLE GAMES FOR WHICH AUTHORIZATION IS BEING SOUGHT.

17 (4) THE ESTIMATED NUMBER OF FULL-TIME AND PART-TIME
18 EMPLOYMENT POSITIONS THAT WILL BE CREATED AT THE LICENSED
19 FACILITY IF TABLE GAMES ARE AUTHORIZED AND AN UPDATED HIRING
20 PLAN PURSUANT TO SECTION 1510(A) (RELATING TO LABOR HIRING
21 PREFERENCES) WHICH OUTLINES THE PETITIONER'S PLAN TO PROMOTE
22 THE REPRESENTATION OF DIVERSE GROUPS AND COMMONWEALTH
23 RESIDENTS IN THE EMPLOYMENT POSITIONS.

24 (5) A BRIEF DESCRIPTION OF THE ECONOMIC BENEFITS
25 EXPECTED TO BE REALIZED BY THE COMMONWEALTH, ITS
26 MUNICIPALITIES AND ITS RESIDENTS IF TABLE GAMES ARE
27 AUTHORIZED AT THE PETITIONER'S LICENSED FACILITY.

28 (6) THE DETAILS OF ANY FINANCING OBTAINED OR THAT WILL
29 BE OBTAINED TO FUND AN EXPANSION OR MODIFICATION OF THE
30 LICENSED FACILITY TO ACCOMMODATE TABLE GAMES AND TO OTHERWISE

1 FUND THE COST OF COMMENCING TABLE GAME OPERATIONS.

2 (7) INFORMATION AND DOCUMENTATION CONCERNING FINANCIAL
3 BACKGROUND AND RESOURCES, AS THE BOARD MAY REQUIRE, TO
4 ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THE FINANCIAL
5 STABILITY, INTEGRITY AND RESPONSIBILITY OF THE PETITIONER.

6 (8) INFORMATION AND DOCUMENTATION, AS THE BOARD MAY
7 REQUIRE, TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT
8 THE PETITIONER HAS SUFFICIENT BUSINESS ABILITY AND EXPERIENCE
9 TO CREATE AND MAINTAIN A SUCCESSFUL TABLE GAME OPERATION. IN
10 MAKING THIS DETERMINATION, THE BOARD MAY CONSIDER THE RESULTS
11 OF THE PETITIONER'S SLOT MACHINE OPERATION, INCLUDING
12 FINANCIAL INFORMATION, EMPLOYMENT DATA AND CAPITAL
13 INVESTMENT.

14 (9) INFORMATION AND DOCUMENTATION, AS THE BOARD MAY
15 REQUIRE, TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT
16 THE PETITIONER HAS OR WILL HAVE THE FINANCIAL ABILITY TO PAY
17 THE AUTHORIZATION FEE UNDER SECTION 1361A (RELATING TO TABLE
18 GAME AUTHORIZATION FEE).

19 (10) DETAILED SITE PLANS IDENTIFYING THE PETITIONER'S
20 PROPOSED TABLE GAME AREA WITHIN THE LICENSED FACILITY.

21 (11) IF THE PETITIONER IS A CATEGORY 1 OR CATEGORY 2
22 SLOT MACHINE LICENSEE, A WAIVER, ON A FORM PRESCRIBED BY THE
23 BOARD WHICH IS SIGNED BY THE PETITIONER AND ACKNOWLEDGED BY
24 EACH OF THE PETITIONER'S PRINCIPALS, OF THE FOLLOWING RIGHTS
25 ARISING AS A RESULT OF AN AMENDMENT OR ADDITION TO THIS PART
26 THAT TOOK EFFECT AT THE SAME TIME AS THE EFFECTIVE DATE OF
27 THIS SECTION:

28 (I) THE PETITIONER'S RIGHT UNDER SECTION 1209(F)
29 (RELATING TO SLOT MACHINE LICENSE FEE) OR UNDER ANY
30 CONTRACT EXECUTED BY THE APPLICANT AND THE DEPARTMENT

1 UNDER SECTION 1209(C) TO RECEIVE THE RETURN OF ANY
2 PORTION OF THE SLOT MACHINE LICENSE FEE PAID BY THE
3 PETITIONER FOR ITS SLOT MACHINE LICENSE; AND

4 (II) THE PETITIONER'S RIGHT, IF ANY, TO SUE FOR THE
5 RETURN OF ANY PORTION OF THE SLOT MACHINE LICENSE FEE
6 PAID BY THE PETITIONER FOR ITS SLOT MACHINE LICENSE.

7 (12) OTHER INFORMATION AS THE BOARD MAY REQUIRE.

8 (C) CONFIDENTIALITY.--INFORMATION SUBMITTED TO THE BOARD
9 UNDER SUBSECTION (B) (6), (7), (9), (10) AND (12) MAY BE
10 CONSIDERED CONFIDENTIAL BY THE BOARD IF THE INFORMATION WOULD BE
11 CONFIDENTIAL UNDER SECTION 1206(F) (RELATING TO BOARD MINUTES
12 AND RECORDS).

13 § 1313A. PROHIBITIONS.

14 (A) SLOT MACHINE LICENSEE.--NO SLOT MACHINE LICENSEE THAT IS
15 REQUIRED AS A CONDITION OF SLOT MACHINE LICENSURE TO MAKE
16 PAYMENTS TO A MUNICIPALITY, MUNICIPAL AUTHORITY OR OTHER ENTITY
17 FOR AN ECONOMIC DEVELOPMENT PROJECT, INCLUDING ANY PROJECT
18 ENUMERATED IN THE ACT OF JULY 25, 2007 (P.L.342, NO.53), KNOWN
19 AS PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND
20 CAPITAL BUDGET ITEMIZATION ACT OF 2007, MAY SUBMIT A PETITION
21 UNDER SECTION 1312A (RELATING TO PETITION REQUIREMENTS) UNTIL
22 THE REQUIREMENTS OF SECTION 1214(A) (RELATING TO SPECIFIC
23 AUTHORITY TO SUSPEND SLOT MACHINE LICENSE) ARE MET.

24 (B) DUTIES OF BOARD.--THE BOARD SHALL NOT ACCEPT OR APPROVE
25 A PETITION SUBMITTED BY ANY SLOT MACHINE LICENSEE SUBJECT TO
26 SUBSECTION (A) UNTIL THE WRITTEN AGREEMENT REQUIRED BY SECTION
27 1214(A) IS SUBMITTED BY THE SLOT MACHINE LICENSEE TO THE BOARD,
28 WHICH SHALL ENSURE THE WRITTEN AGREEMENT MEETS THE REQUIREMENTS
29 OF SECTION 1214(A) AND ALL CONDITIONS RELATING TO THE ECONOMIC
30 DEVELOPMENT PROJECT IMPOSED BY THE BOARD WHEN AWARDING THE SLOT

1 MACHINE LICENSE TO THE LICENSEE ARE SATISFIED.

2 (C) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
3 CONSTRUED TO RELIEVE A SLOT MACHINE LICENSEE OF ITS LEGAL
4 OBLIGATION TO MAKE ANY REQUIRED PAYMENTS REFERENCED UNDER THIS
5 SECTION IF THE SLOT MACHINE LICENSEE ELECTS NOT TO PETITION THE
6 BOARD FOR AUTHORIZATION TO CONDUCT TABLE GAMES.

7 § 1314A. TABLE GAME AUTHORIZATION HEARING PROCESS; PUBLIC INPUT
8 HEARINGS.

9 (A) GENERAL RULE.--THE BOARD'S CONSIDERATION AND RESOLUTION
10 OF ALL PETITIONS TO CONDUCT TABLE GAMES SHALL BE CONDUCTED IN
11 ACCORDANCE WITH 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND
12 PROCEDURE) OR WITH PROCEDURES ADOPTED BY ORDER OF THE BOARD.
13 NOTWITHSTANDING THE REQUIREMENTS OF 2 PA.C.S. §§ 504 (RELATING
14 TO HEARING AND RECORD) AND 505 (RELATING TO EVIDENCE AND CROSS-
15 EXAMINATION) AS THEY RELATE TO THE CONDUCT OF ORAL HEARINGS, THE
16 BOARD MAY ADOPT PROCEDURES TO PROVIDE PARTIES BEFORE IT WITH A
17 DOCUMENTARY HEARING, AND THE BOARD MAY RESOLVE DISPUTED MATERIAL
18 FACTS WITHOUT CONDUCTING AN ORAL HEARING WHERE CONSTITUTIONALLY
19 PERMISSIBLE.

20 (B) PUBLIC INPUT HEARING REQUIREMENT.--

21 (1) PRIOR TO GRANTING A PETITION FOR A SLOT MACHINE
22 LICENSEE TO CONDUCT TABLE GAMES UNDER THIS CHAPTER, THE BOARD
23 SHALL HOLD AT LEAST ONE PUBLIC INPUT HEARING ON THE MATTER IN
24 THE MUNICIPALITY WHERE THE PETITIONER'S LICENSED FACILITY IS
25 LOCATED.

26 (2) A LIST OF ALL WITNESSES SCHEDULED TO TESTIFY AT A
27 PUBLIC INPUT HEARING SHALL BE POSTED ON THE BOARD'S INTERNET
28 WEBSITE AT LEAST SEVEN DAYS PRIOR TO THE HEARING. THE LIST
29 SHALL BE UPDATED AT LEAST THREE DAYS PRIOR TO THE HEARING.
30 ADDITIONAL WITNESSES SHALL BE POSTED ON THE BOARD'S INTERNET

1 WEBSITE AS THEY ARE ADDED TO THE LIST.

2 § 1315A. STANDARD FOR REVIEW OF PETITIONS.

3 THE BOARD SHALL APPROVE A PETITION IF THE PETITIONER
4 ESTABLISHES, BY CLEAR AND CONVINCING EVIDENCE, ALL OF THE
5 FOLLOWING:

6 (1) THE PETITIONER'S SLOT MACHINE LICENSE IS IN GOOD
7 STANDING WITH THE BOARD.

8 (2) THE CONDUCT OF TABLE GAMES AT THE PETITIONER'S
9 LICENSED FACILITY WILL HAVE A POSITIVE ECONOMIC IMPACT ON THE
10 COMMONWEALTH, ITS MUNICIPALITIES AND RESIDENTS THROUGH
11 INCREASED REVENUES AND EMPLOYMENT OPPORTUNITIES.

12 (3) THE PETITIONER POSSESSES ADEQUATE FUNDS OR HAS
13 SECURED ADEQUATE FINANCING TO:

14 (I) FUND ANY NECESSARY EXPANSION OR MODIFICATION OF
15 THE PETITIONER'S LICENSED FACILITY TO ACCOMMODATE THE
16 CONDUCT OF TABLE GAMES.

17 (II) PAY THE AUTHORIZATION FEE IN ACCORDANCE WITH
18 SECTION 1361A (RELATING TO TABLE GAME AUTHORIZATION FEE).

19 (III) COMMENCE TABLE GAME OPERATIONS AT ITS LICENSED
20 FACILITY.

21 (4) THE PETITIONER HAS THE FINANCIAL STABILITY,
22 INTEGRITY AND RESPONSIBILITY TO CONDUCT TABLE GAMES.

23 (5) THE PETITIONER HAS SUFFICIENT BUSINESS ABILITY AND
24 EXPERIENCE TO CREATE AND MAINTAIN A SUCCESSFUL TABLE GAME
25 OPERATION.

26 (6) THE PETITIONER'S PROPOSED INTERNAL AND EXTERNAL
27 SECURITY AND PROPOSED SURVEILLANCE MEASURES WITHIN THE AREA
28 OF THE LICENSED FACILITY WHERE THE PETITIONER SEEKS TO
29 CONDUCT TABLE GAMES ARE ADEQUATE.

30 (7) THE PETITIONER AGREES THAT THE NUMBER OF SLOT

1 MACHINES IN OPERATION AT ITS LICENSED FACILITY ON OCTOBER 1,
2 2009, WILL NOT BE PERMANENTLY REDUCED IN ORDER TO INSTALL
3 GAMING TABLES.

4 (8) THE PETITIONER HAS EXECUTED THE WAIVER REQUIRED
5 UNDER SECTION 1312A(B) (11) (RELATING TO PETITION
6 REQUIREMENTS) AND PROVIDED ANY OTHER INFORMATION REQUIRED BY
7 SECTION 1312A(B).

8 § 1316A. AWARD OF CERTIFICATE.

9 UPON APPROVAL OF A PETITION, THE BOARD SHALL AWARD A TABLE
10 GAMES OPERATION CERTIFICATE TO THE PETITIONER. AWARDING OF A
11 TABLE GAME OPERATION CERTIFICATE PRIOR TO THE PAYMENT IN FULL OF
12 THE AUTHORIZATION FEE REQUIRED BY SECTION 1361A (RELATING TO
13 TABLE GAME AUTHORIZATION FEE) SHALL NOT RELIEVE THE PETITIONER
14 FROM COMPLYING WITH THE PROVISIONS OF SECTION 1361A.

15 § 1316.1A. AMENDMENT OF STATEMENT OF CONDITIONS.

16 (A) AMENDMENT.--UPON AWARDING A TABLE GAME OPERATION
17 CERTIFICATE, THE BOARD SHALL AMEND THE SLOT MACHINE LICENSEE'S
18 STATEMENT OF CONDITIONS GOVERNING THE SLOT MACHINE LICENSE TO
19 INCLUDE CONDITIONS PERTAINING TO THE REQUIREMENTS OF THIS PART.
20 IF THE SLOT MACHINE LICENSEE IS A CATEGORY 1 OR CATEGORY 2 SLOT
21 MACHINE LICENSEE, AMENDMENTS TO THE STATEMENT OF CONDITIONS
22 SHALL INCLUDE A REQUIREMENT THAT THE SLOT MACHINE LICENSEE
23 ACKNOWLEDGE AND HONOR THE WAIVER OF RIGHTS REQUIRED TO BE FILED
24 UNDER SECTION 1312A(B) (11) (RELATING TO PETITION REQUIREMENTS).

25 (B) SANCTIONS.--A CERTIFICATE HOLDER THAT FAILS TO ABIDE BY
26 THIS PART OR ANY CONDITION CONTAINED IN THE LICENSEE'S STATEMENT
27 OF CONDITIONS IN THE CONDUCT OF TABLE GAMES SHALL BE SUBJECT TO
28 BOARD-IMPOSED ADMINISTRATIVE SANCTIONS OR OTHER PENALTIES
29 AUTHORIZED UNDER THIS PART.

30 § 1317A. TABLE GAME OPERATION CERTIFICATE.

1 THE FOLLOWING SHALL APPLY:

2 (1) A TABLE GAME OPERATION CERTIFICATE SHALL BE IN
3 EFFECT UNLESS:

4 (I) SUSPENDED OR REVOKED BY THE BOARD CONSISTENT
5 WITH THE REQUIREMENTS OF THIS PART.

6 (II) THE SLOT MACHINE LICENSE HELD BY THE
7 CERTIFICATE HOLDER IS SUSPENDED, REVOKED OR NOT RENEWED
8 BY THE BOARD CONSISTENT WITH THE REQUIREMENTS OF THIS
9 PART.

10 (III) THE CERTIFICATE HOLDER RELINQUISHES OR DOES
11 NOT SEEK RENEWAL OF ITS SLOT MACHINE LICENSE.

12 (2) THE TABLE GAME OPERATION CERTIFICATE SHALL INCLUDE
13 AN ITEMIZED LIST BY TYPE OF TABLE GAME AND THE NUMBER OF
14 GAMING TABLES APPROVED BY THE BOARD AND PERMITTED IN THE
15 CERTIFICATE HOLDER'S LICENSED FACILITY. THE CERTIFICATE
16 HOLDER MAY INCREASE OR DECREASE THE NUMBER OF GAMING TABLES
17 PERMITTED AT THE LICENSED FACILITY, CHANGE THE TYPE OF TABLE
18 GAMES PLAYED AT A PARTICULAR GAMING TABLE OR CHANGE THE
19 CONFIGURATION OF GAMING TABLES UPON NOTICE TO THE BOARD AND
20 APPROVAL BY A DESIGNATED EMPLOYEE OF THE BOARD. UNLESS
21 APPROVED BY THE BOARD, THE TOTAL NUMBER OF GAMING TABLES IN
22 OPERATION AT THE LICENSED FACILITY MAY NOT EXCEED THE NUMBER
23 AUTHORIZED IN THE TABLE GAMES OPERATION CERTIFICATE.

24 (3) A CERTIFICATE HOLDER SHALL BE REQUIRED TO UPDATE THE
25 INFORMATION IN ITS INITIAL TABLE GAMES PETITION AT TIMES
26 PRESCRIBED BY THE BOARD.

27 § 1318A. TIMING OF INITIAL TABLE GAME AUTHORIZATIONS.

28 THE BOARD SHALL APPROVE OR DENY A PETITION WITHIN 60 DAYS
29 FOLLOWING RECEIPT OF THE PETITION.

30 SUBCHAPTER C

CONDUCT OF TABLE GAMES

SEC.

1321A. AUTHORIZED LOCATIONS FOR OPERATION.

1322A. COMMENCEMENT OF TABLE GAME OPERATIONS.

1323A. TRAINING OF EMPLOYEES AND POTENTIAL EMPLOYEES.

1323.1A. TRAINING EQUIPMENT.

1324A. CONDITION OF CONTINUED OPERATION.

1325A. TABLE GAME ACCOUNTING CONTROLS AND AUDIT PROTOCOLS.

1326A. CASH EQUIVALENTS.

1327A. OTHER FINANCIAL TRANSACTIONS.

1328A. KEY EMPLOYEES AND OCCUPATION PERMITS.

1329A. APPLICATION OF CLEAN INDOOR AIR ACT.

1329.1A. APPLICATION OF LIQUOR CODE.

§ 1321A. AUTHORIZED LOCATIONS FOR OPERATION.

(A) RESTRICTION.--A CERTIFICATE HOLDER SHALL ONLY BE PERMITTED TO OPERATE TABLE GAMES AT THE LICENSED FACILITY, A TEMPORARY FACILITY AUTHORIZED UNDER SUBSECTION (A.1) OR AN AREA AUTHORIZED UNDER SUBSECTION (B).

(A.1) TEMPORARY FACILITIES.--THE BOARD MAY PERMIT A CERTIFICATE HOLDER TO CONDUCT TABLE GAMES AT A TEMPORARY FACILITY WHICH IS PHYSICALLY CONNECTED TO, ATTACHED TO OR ADJACENT TO A LICENSED FACILITY FOR A PERIOD NOT TO EXCEED 24 MONTHS.

(B) POWERS AND DUTIES OF BOARD.--UPON REQUEST MADE BY A CERTIFICATE HOLDER, THE BOARD MAY DETERMINE THE SUITABILITY OF A HOTEL FOR THE CONDUCT OF TABLE GAMES. THE BOARD MAY AUTHORIZE THE EXECUTIVE DIRECTOR TO DESIGNATE SPECIFIC AREAS OF A LICENSED FACILITY, OTHER THAN THE GAMING FLOOR, OR SPECIFIC AREAS OF A HOTEL, INCLUDING CONFERENCE ROOMS, BALLROOMS OR OTHER ROOMS, IN WHICH THE CERTIFICATE HOLDER MAY CONDUCT TABLE GAME CONTESTS OR

1 TOURNAMENTS. NO CERTIFICATE HOLDER MAY BE APPROVED TO CONDUCT
2 TABLE GAMES IN A LICENSED FACILITY OR A HOTEL UNLESS THE AREAS
3 TO BE DESIGNATED ARE EQUIPPED WITH ADEQUATE SECURITY AND
4 SURVEILLANCE EQUIPMENT TO ENSURE THE INTEGRITY OF THE CONDUCT OF
5 A TABLE GAME CONTEST OR TOURNAMENT. THE CERTIFICATE HOLDER SHALL
6 NOTIFY THE BOARD OF THE NUMBER OF GAMING TABLES THAT THE
7 CERTIFICATE HOLDER INTENDS TO OPERATE DURING A CONTEST OR
8 TOURNAMENT, AND THE BOARD SHALL DESIGNATE AN EMPLOYEE OF THE
9 BOARD TO APPROVE OR DENY THE REQUEST. AN AUTHORIZATION GRANTED
10 UNDER THIS SECTION MAY NOT:

11 (1) IMPOSE ANY CRITERIA OR REQUIREMENTS REGARDING THE
12 CONTENTS OR STRUCTURE OF A HOTEL WHICH ARE UNRELATED TO THE
13 CONDUCT OF TABLE GAMES.

14 (2) AUTHORIZE THE PLACEMENT OR OPERATION OF SLOT
15 MACHINES IN A HOTEL.

16 (3) COUNT THE NUMBER OF GAMING TABLES TO BE UTILIZED IN
17 A CONTEST OR TOURNAMENT TOWARD THE NUMBER OF APPROVED GAMING
18 TABLES IN THE TABLE GAME OPERATION CERTIFICATE.

19 § 1322A. COMMENCEMENT OF TABLE GAME OPERATIONS.

20 A CERTIFICATE HOLDER MAY NOT OPERATE OR OFFER TABLE GAMES FOR
21 PLAY AT A LICENSED FACILITY UNTIL THE BOARD DETERMINES THAT:

22 (1) THE CERTIFICATE HOLDER IS IN COMPLIANCE WITH THE
23 REQUIREMENTS OF THIS PART.

24 (2) THE CERTIFICATE HOLDER'S INTERNAL CONTROLS AND AUDIT
25 PROTOCOLS ARE SUFFICIENT TO MEET THE REQUIREMENTS OF SECTION
26 1325A (RELATING TO TABLE GAME ACCOUNTING CONTROLS AND AUDIT
27 PROTOCOLS).

28 (3) THE CERTIFICATE HOLDER'S TABLE GAME EMPLOYEES, WHERE
29 APPLICABLE, ARE LICENSED, PERMITTED OR OTHERWISE AUTHORIZED
30 BY THE BOARD TO PERFORM THEIR RESPECTIVE DUTIES.

1 (4) THE CERTIFICATE HOLDER IS PREPARED IN ALL RESPECTS
2 TO OFFER TABLE GAME PLAY TO THE PUBLIC AT THE LICENSED
3 FACILITY.

4 (5) THE CERTIFICATE HOLDER HAS IMPLEMENTED NECESSARY
5 INTERNAL AND MANAGEMENT CONTROLS AND SECURITY ARRANGEMENTS
6 AND SURVEILLANCE SYSTEMS FOR THE CONDUCT OF TABLE GAMES.

7 (6) THE CERTIFICATE HOLDER IS IN COMPLIANCE WITH OR HAS
8 COMPLIED WITH SECTION 1361A (RELATING TO TABLE GAME
9 AUTHORIZATION FEE).

10 § 1323A. TRAINING OF EMPLOYEES AND POTENTIAL EMPLOYEES.

11 (A) ADEQUACY.--A SLOT MACHINE LICENSEE THAT ELECTS TO OFFER
12 TABLE GAME TRAINING TO ITS EMPLOYEES OR POTENTIAL EMPLOYEES
13 SHALL SUBMIT TO THE BOARD A DETAILED SUMMARY OF THE TRAINING
14 PROGRAM DEMONSTRATING THE ADEQUACY OF THE TRAINING.

15 (B) AUTHORIZATION.--NOTWITHSTANDING ANY PROVISION OF THIS
16 PART TO THE CONTRARY, THE EXECUTIVE DIRECTOR OF THE BOARD MAY
17 AUTHORIZE A SLOT MACHINE LICENSEE TO CONDUCT TABLE GAME TRAINING
18 AND INSTRUCTION FOR THE SLOT MACHINE LICENSEE'S EMPLOYEES AND
19 POTENTIAL EMPLOYEES.

20 (C) EFFECT.--AUTHORIZATION GRANTED UNDER SUBSECTION (B)
21 SHALL DO ALL OF THE FOLLOWING:

22 (1) PERMIT A SLOT MACHINE LICENSEE TO CONDUCT TRAINING
23 AT A LOCATION WITHIN THE LICENSED FACILITY OR AT ANOTHER
24 LOCATION.

25 (2) REQUIRE ANY TRAINING AUTHORIZED ON THE GAMING FLOOR
26 TO BE CONDUCTED IN A SPECIFIED AREA OF THE GAMING FLOOR THAT
27 IS CLEARLY IDENTIFIED AS A TRAINING AREA AND NOT ACCESSIBLE
28 TO THE PUBLIC

29 (3) DESIGNATE A SECURE AREA AT THE LOCATION WHERE THE
30 TRAINING WILL TAKE PLACE FOR THE STORAGE OF TABLE GAME

1 DEVICES AND ASSOCIATED EQUIPMENT USED FOR TRAINING.

2 (4) LIMIT THE NUMBER OF TABLE GAME DEVICES AND
3 ASSOCIATED EQUIPMENT TO THAT NECESSARY TO CONDUCT TRAINING.

4 (5) PROHIBIT THE PAYMENT OF ANY CASH, CASH EQUIVALENT OR
5 OTHER PRIZE TO AN INDIVIDUAL AS A RESULT OF PLAY CONDUCTED
6 DURING TRAINING OR PLAY CONDUCTED UTILIZING TABLE GAME
7 DEVICES OR ASSOCIATED EQUIPMENT OBTAINED UNDER SECTION
8 1323.1A (RELATING TO TRAINING EQUIPMENT).

9 (6) PROHIBIT A SLOT MACHINE LICENSEE FROM CHARGING ITS
10 EMPLOYEES OR POTENTIAL EMPLOYEES A FEE TO PARTICIPATE IN THE
11 TRAINING.

12 (C) RESCISSION OR REVOCATION.--AN AUTHORIZATION GRANTED BY
13 THE EXECUTIVE DIRECTOR UNDER SUBSECTION (B) MAY BE RESCINDED OR
14 REVOKED BY THE EXECUTIVE DIRECTOR OR THE BOARD WITHOUT CAUSE.
15 THE SLOT MACHINE LICENSEE SHALL BE GIVEN NOTICE THAT THE
16 AUTHORIZATION HAS BEEN RESCINDED OR REVOKED AND AFFORDED A
17 REASONABLE TIME TO TAKE ALL NECESSARY ACTIONS REQUIRED BY THE
18 EXECUTIVE DIRECTOR OR THE BOARD.

19 (D) PROHIBITION.--THE BOARD SHALL BE PROHIBITED FROM
20 CHARGING A FEE AS A CONDITION OF RECEIVING AUTHORIZATION UNDER
21 SUBSECTION (B).

22 § 1323.1 A. TRAINING EQUIPMENT.

23 (A) ACQUISITION--NOTWITHSTANDING SECTION 1317 (RELATING TO
24 SUPPLIER LICENSES) OR SECTION 1317.1 (RELATING TO MANUFACTURER
25 LICENSES), FOR A ONE-YEAR PERIOD FOLLOWING THE EFFECTIVE DATE OF
26 THIS SECTION, A SLOT MACHINE LICENSEE MAY PURCHASE, LEASE OR
27 OTHERWISE OBTAIN TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT
28 THAT WILL BE USED FOR THE SOLE PURPOSE OF CONDUCTING TABLE GAME
29 TRAINING AUTHORIZED UNDER SECTION 1323A (RELATING TO INITIAL
30 TRAINING OF EMPLOYEES AND POTENTIAL EMPLOYEES) FROM A

1 MANUFACTURER OR SUPPLIER, WHETHER OR NOT LICENSED OR OTHERWISE
2 APPROVED BY THE BOARD UNDER THIS PART, OR FROM AN AFFILIATE OF
3 THE SLOT MACHINE LICENSEE OR A GAMING FACILITY IN ANOTHER
4 JURISDICTION.

5 (B) IDENTIFICATION.--TABLE GAME DEVICES OR ASSOCIATED
6 EQUIPMENT OBTAINED BY A SLOT MACHINE LICENSEE PURSUANT TO
7 SUBSECTION (A) SHALL HAVE AN IDENTIFICATION NUMBER WHICH SHALL
8 BE KEPT ON FILE WITH THE BOARD AND THE TABLE GAME DEVICES OR
9 ASSOCIATED EQUIPMENT SHALL BE CLEARLY IDENTIFIED AS BEING USED
10 FOR TRAINING PURPOSES ONLY.

11 (C) PROHIBITION.--

12 (1) TABLE GAME DEVICES AND ASSOCIATED EQUIPMENT OBTAINED
13 PURSUANT TO THIS SECTION SHALL BE PROHIBITED FROM BEING USED
14 ON THE GAMING FLOOR UNLESS BEING USED FOR TRAINING PURPOSES
15 PURSUANT TO SECTION 1323A(C)(2).

16 (2) THE PAYMENT OF ANY CASH, CASH EQUIVALENT OR OTHER
17 PRIZE TO AN INDIVIDUAL FROM THE PLAY OF A TABLE GAME ON TABLE
18 GAME DEVICES OR ASSOCIATED EQUIPMENT OBTAINED PURSUANT TO
19 THIS SECTION IS PROHIBITED.

20 § 1324A. CONDITION OF CONTINUED OPERATION.

21 AS A CONDITION OF CONTINUED OPERATION, A CERTIFICATE HOLDER
22 SHALL AGREE TO MAINTAIN ALL BOOKS, RECORDS AND DOCUMENTS
23 PERTAINING TO TABLE GAMES IN A MANNER AND LOCATION WITHIN THIS
24 COMMONWEALTH AS APPROVED BY THE BOARD. ALL BOOKS, RECORDS AND
25 DOCUMENTS RELATED TO TABLE GAMES SHALL:

26 (1) BE SEGREGATED BY SEPARATE ACCOUNTS WITHIN THE SLOT
27 MACHINE LICENSEE'S BOOKS, RECORDS AND DOCUMENTS, EXCEPT FOR
28 ANY BOOKS, RECORDS OR DOCUMENTS THAT ARE COMMON TO BOTH SLOT
29 MACHINE AND TABLE GAME OPERATIONS;

30 (2) BE IMMEDIATELY AVAILABLE FOR INSPECTION UPON REQUEST

1 OF THE BOARD, THE BUREAU, THE DEPARTMENT, THE PENNSYLVANIA
2 STATE POLICE OR THE ATTORNEY GENERAL, OR AGENTS THEREOF,
3 DURING ALL HOURS OF OPERATION OF THE LICENSED FACILITY IN
4 ACCORDANCE WITH REGULATIONS PROMULGATED BY THE BOARD; AND
5 (3) BE MAINTAINED FOR A PERIOD AS THE BOARD, BY
6 REGULATION, MAY REQUIRE.

7 § 1325A. TABLE GAME ACCOUNTING CONTROLS AND AUDIT PROTOCOLS.

8 (A) APPROVAL.--PRIOR TO THE COMMENCEMENT OF TABLE GAME
9 OPERATIONS, A CERTIFICATE HOLDER SHALL SUBMIT TO THE BOARD FOR
10 APPROVAL ALL PROPOSED SITE PLANS, INTERNAL CONTROL SYSTEMS AND
11 AUDIT PROTOCOLS FOR THE CERTIFICATE HOLDER'S TABLE GAME
12 OPERATIONS.

13 (B) MINIMUM REQUIREMENTS.--A CERTIFICATE HOLDER'S INTERNAL
14 CONTROLS AND AUDIT PROTOCOLS SHALL:

15 (1) SAFEGUARD ITS ASSETS AND REVENUES, INCLUDING THE
16 RECORDING OF CASH, CASH EQUIVALENTS AND EVIDENCES OF
17 INDEBTEDNESS RELATED TO TABLE GAMES.

18 (2) PROVIDE FOR RELIABLE RECORDS, ACCOUNTS AND REPORTS
19 OF ANY FINANCIAL EVENT THAT OCCURS IN THE CONDUCT OF TABLE
20 GAMES, INCLUDING REPORTS TO THE BOARD RELATED TO TABLE GAMES.

21 (3) PROVIDE FOR ACCURATE AND RELIABLE FINANCIAL RECORDS
22 RELATED TO TABLE GAMES.

23 (4) ESTABLISH PROCEDURES FOR ALL THE FOLLOWING:

24 (I) THE RECEIPT, STORAGE AND DISBURSAL OF CHIPS,
25 CASH AND CASH EQUIVALENTS USED IN TABLE GAMES.

26 (II) CONVERSION OF CASH EQUIVALENTS TO CASH.

27 (III) THE REDEMPTION OF CHIPS AND OTHER
28 REPRESENTATIONS OF VALUE USED IN TABLE GAMES AND THE
29 PAYMENT OF WINNINGS AND PRIZES.

30 (IV) THE RECORDING OF FINANCIAL TRANSACTIONS

1 PERTAINING TO TABLE GAMES.

2 (5) ESTABLISH PROCEDURES FOR THE COLLECTION AND SECURITY
3 OF CASH AND CASH EQUIVALENTS AT THE GAMING TABLES.

4 (6) ESTABLISH PROCEDURES FOR THE RECORDING OF AND
5 TRANSFER OF CHIPS AND CASH EQUIVALENTS BETWEEN THE GAMING
6 TABLES AND THE CASHIER'S CAGE.

7 (7) ESTABLISH PROCEDURES FOR THE TRANSFER OF DROP BOXES
8 FROM THE GAMING TABLES TO THE COUNT ROOM.

9 (8) ESTABLISH PROCEDURES AND SECURITY FOR THE COUNTING
10 AND RECORDING OF GROSS TABLE GAME REVENUE.

11 (9) ESTABLISH PROCEDURES FOR THE SECURITY, STORAGE AND
12 RECORDING OF CASH AND CASH EQUIVALENTS UTILIZED IN TABLE
13 GAMES.

14 (10) ESTABLISH PROCEDURES AND SECURITY STANDARDS FOR THE
15 HANDLING AND STORAGE OF TABLE GAME DEVICES AND ASSOCIATED
16 EQUIPMENT USED IN CONNECTION WITH TABLE GAMES.

17 (11) ESTABLISH PROCEDURES AND RULES GOVERNING THE
18 CONDUCT OF EACH TABLE GAME AND THE RESPONSIBILITY OF
19 EMPLOYEES RELATED TO TABLE GAMES.

20 (12) ESTABLISH PROCEDURES FOR THE COLLECTION AND
21 RECORDING OF REVENUE FROM POKER AND OTHER TABLE GAMES WHEN
22 PLAYED AS NONBANKING GAMES, INCLUDING THE TYPE OF RAKE
23 UTILIZED AND THE METHODOLOGY FOR CALCULATING THE AMOUNT OF
24 PERMISSIBLE RAKE.

25 (13) ENSURE THAT ANY WAGERING PERMITTED IN THE PLAY OF A
26 TABLE GAME IS IMPLEMENTED ONLY IN ACCORDANCE WITH THE
27 CERTIFICATE HOLDER'S GENERAL OR SPECIFIC AUTHORIZATION, AS
28 APPROVED BY THE BOARD.

29 (14) ENSURE THE PROPER AND TIMELY ACCOUNTING OF GROSS
30 TABLE GAME REVENUE AND THE CALCULATION OF GROSS TABLE GAME

1 REVENUE, FEES, TAXES AND ASSESSMENTS BASED ON THE GROSS TABLE
2 GAME REVENUE.

3 (15) MAINTAIN ACCOUNTABILITY FOR ASSETS, ENSURE THAT
4 RECORDED ACCOUNTABILITY FOR ASSETS IS COMPARED WITH ACTUAL
5 ASSETS AT REASONABLE INTERVALS AND ENSURE THAT APPROPRIATE
6 ACTION IS TAKEN WITH RESPECT TO ANY DISCREPANCIES.

7 (16) ENSURE THAT ALL FUNCTIONS, DUTIES AND
8 RESPONSIBILITIES RELATED TO TABLE GAME OPERATIONS ARE
9 APPROPRIATELY SEGREGATED AND PERFORMED IN ACCORDANCE WITH
10 SOUND FINANCIAL PRACTICES BY QUALIFIED EMPLOYEES.

11 (17) PERMIT USE OF ITS LICENSED FACILITY BY THE BOARD,
12 THE BUREAU AND OTHER PERSONS AUTHORIZED UNDER THIS PART OR BY
13 THE BOARD TO FACILITATE THEIR ABILITY TO PERFORM REGULATORY
14 AND OVERSIGHT FUNCTIONS UNDER THIS CHAPTER.

15 (C) SUBMISSION TO BOARD.--THE SUBMISSION REQUIRED UNDER
16 SUBSECTION (A) SHALL INCLUDE A DETAILED DESCRIPTION OF THE
17 CERTIFICATE HOLDER'S ADMINISTRATIVE AND ACCOUNTING PROCEDURES
18 RELATED TO TABLE GAMES, INCLUDING ITS WRITTEN SYSTEM OF INTERNAL
19 CONTROLS. EACH WRITTEN SYSTEM OF INTERNAL CONTROLS SHALL
20 INCLUDE:

21 (1) AN ORGANIZATIONAL CHART DEPICTING APPROPRIATE
22 FUNCTIONS AND RESPONSIBILITIES OF EMPLOYEES INVOLVED IN BOTH
23 SLOT MACHINE OPERATIONS AND TABLE GAME OPERATIONS.

24 (2) A DESCRIPTION OF THE DUTIES AND RESPONSIBILITIES OF
25 EACH POSITION SHOWN ON THE ORGANIZATIONAL CHART.

26 (3) THE RECORD RETENTION POLICY OF THE CERTIFICATE
27 HOLDER.

28 (4) THE PROCEDURE TO BE UTILIZED TO ENSURE THAT ASSETS
29 ARE SAFEGUARDED, INCLUDING MANDATORY COUNT PROCEDURES.

30 (5) A DETAILED NARRATIVE DESCRIPTION OF THE

1 ADMINISTRATIVE AND ACCOUNTING PROCEDURES IN PLACE TO ENSURE
2 COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1326A (RELATING
3 TO CASH EQUIVALENTS).

4 (6) A STATEMENT SIGNED BY THE CERTIFICATE HOLDER'S CHIEF
5 FINANCIAL OFFICER OR OTHER COMPETENT PERSON ATTESTING THAT
6 THE SIGNATORY BELIEVES, IN GOOD FAITH, THAT THE SYSTEM
7 SATISFIES THE REQUIREMENTS OF THIS SECTION.

8 (D) REVIEW.--PRIOR TO AUTHORIZING A CERTIFICATE HOLDER TO
9 CONDUCT TABLE GAMES, THE BOARD SHALL REVIEW THE SYSTEM OF
10 INTERNAL CONTROLS SUBMITTED UNDER SUBSECTION (C) TO DETERMINE
11 WHETHER IT CONFORMS TO THE REQUIREMENTS OF THIS PART AND WHETHER
12 IT PROVIDES ADEQUATE AND EFFECTIVE CONTROLS FOR THE CONDUCT OF
13 TABLE GAMES.

14 § 1326A. CASH EQUIVALENTS.

15 (A) CHECKS.--

16 (1) A CERTIFICATE HOLDER MAY ACCEPT A CHECK FROM A
17 PATRON IN EXCHANGE FOR CASH OR CHIPS. THE CERTIFICATE HOLDER
18 SHALL PRESENT EACH CHECK FOR PAYMENT TO THE FINANCIAL
19 INSTITUTION UPON WHICH THE CHECK IS DRAWN WITHIN TEN DAYS OF
20 RECEIPT BY THE CERTIFICATE HOLDER. NO THIRD PARTY CHECKS
21 SHALL BE PERMITTED.

22 (2) NOTWITHSTANDING ANY LAW TO THE CONTRARY, CHECKS
23 CASHED IN CONFORMITY WITH THE REQUIREMENTS OF THIS SECTION OR
24 13 PA.C.S. DIV. 3 (RELATING TO NEGOTIABLE INSTRUMENTS) SHALL
25 BE VALID INSTRUMENTS, ENFORCEABLE AT LAW IN THE COURTS OF
26 THIS COMMONWEALTH. ANY CHECK CASHED, TRANSFERRED, CONVEYED,
27 GIVEN OR ACCEPTED IN VIOLATION OF THIS SECTION SHALL BE
28 INVALID AND UNENFORCEABLE FOR THE PURPOSES OF COLLECTION BY A
29 CERTIFICATE HOLDER BUT SHALL BE INCLUDED IN THE CALCULATION
30 OF GROSS TABLE GAME REVENUE.

1 (B) NOTICE OF FEES.--ALL FEES CHARGED FOR THE CONVERSION OF
2 CASH EQUIVALENTS SHALL BE DISCLOSED.

3 (C) PAYMENT OF CASH EQUIVALENTS.--OTHER THAN CREDIT EXTENDED
4 BY A CERTIFICATE HOLDER, AN INSTRUMENT THAT CONSTITUTES A CASH
5 EQUIVALENT SHALL BE MADE PAYABLE TO THE SLOT MACHINE LICENSEE,
6 TO THE BEARER OR TO CASH. AN INSTRUMENT MADE PAYABLE TO A THIRD
7 PARTY SHALL NOT BE CONSIDERED A CASH EQUIVALENT AND SHALL BE
8 PROHIBITED.

9 § 1327A. OTHER FINANCIAL TRANSACTIONS.

10 (A) CREDIT.--NOTWITHSTANDING SECTION 1504 (RELATING TO
11 WAGERING ON CREDIT), A CERTIFICATE HOLDER MAY EXTEND CREDIT TO
12 PATRONS FOR THE PURPOSE OF PLAYING SLOT MACHINES OR TABLE GAMES
13 IN ACCORDANCE WITH THIS SECTION; HOWEVER, A CERTIFICATE HOLDER
14 SHALL NOT ACCEPT CREDIT CARDS, CHARGE CARDS OR DEBIT CARDS FROM
15 A PATRON OR PLAYER FOR THE EXCHANGE OR PURCHASE OR CHIPS, SLOT
16 MACHINE OR TABLE GAME CREDITS OR FOR AN ADVANCE OF COINS OR
17 CURRENCY TO BE UTILIZED BY A PLAYER TO PLAY SLOT MACHINE OR
18 TABLE GAMES.

19 (B) CREDIT APPLICATIONS.--EACH APPLICATION FOR CREDIT
20 SUBMITTED BY A PATRON TO A CERTIFICATE HOLDER SHALL BE
21 MAINTAINED IN A CONFIDENTIAL CREDIT FILE. THE APPLICATION SHALL
22 INCLUDE THE PATRON'S NAME, ADDRESS, TELEPHONE NUMBER AND
23 COMPREHENSIVE BANK ACCOUNT INFORMATION; THE REQUESTED CREDIT
24 LIMIT; THE PATRON'S APPROXIMATE AMOUNT OF CURRENT INDEBTEDNESS;
25 THE AMOUNT AND SOURCE OF INCOME IN SUPPORT OF THE APPLICATION;
26 THE PATRON'S SIGNATURE ON THE APPLICATION; A CERTIFICATION OF
27 TRUTHFULNESS; AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE
28 CERTIFICATE HOLDER. THE CERTIFICATE HOLDER SHALL NOTIFY EACH
29 APPLICANT THAT, AS A CONDITION OF RECEIVING CREDIT, THE
30 CERTIFICATE HOLDER WILL VERIFY IDENTITY AND INDEBTEDNESS

1 INFORMATION THROUGH A CREDIT BUREAU OR CASINO CREDIT BUREAU AND,
2 IF APPROPRIATE, THROUGH DIRECT CONTACT WITH OTHER SLOT MACHINE
3 LICENSEES.

4 (C) CREDIT APPLICATION VERIFICATION.--PRIOR TO APPROVING AN
5 APPLICATION FOR CREDIT, A CERTIFICATE HOLDER SHALL VERIFY:

6 (1) THE IDENTITY, CREDITWORTHINESS AND INDEBTEDNESS
7 INFORMATION OF THE APPLICANT BY CONDUCTING A COMPREHENSIVE
8 REVIEW OF THE INFORMATION SUBMITTED WITH THE APPLICATION AND
9 ANY INFORMATION REGARDING THE APPLICANT'S CREDIT ACTIVITY AT
10 OTHER LICENSED FACILITIES WHICH THE CERTIFICATE HOLDER MAY
11 OBTAIN THROUGH A CASINO CREDIT BUREAU AND, IF APPROPRIATE,
12 THROUGH DIRECT CONTACT WITH OTHER SLOT MACHINE LICENSEES.

13 (2) THAT THE APPLICANT'S NAME IS NOT INCLUDED ON AN
14 EXCLUSION LIST UNDER SECTION 1514 (RELATING TO REGULATION
15 REQUIRING EXCLUSION OF CERTAIN PERSONS) OR 1516 (RELATING TO
16 LIST OF PERSONS SELF EXCLUDED FROM GAMING ACTIVITIES) OR THE
17 VOLUNTARY CREDIT SUSPENSION LIST UNDER SUBSECTION (H).

18 (D) ESTABLISHMENT OF CREDIT.--UPON COMPLETION OF THE
19 VERIFICATION REQUIRED UNDER SUBSECTION (C), A CERTIFICATE HOLDER
20 MAY GRANT A PATRON CREDIT. THE CERTIFICATE HOLDER SHALL
21 ESTABLISH A CREDIT LIMIT FOR EACH PATRON TO WHOM THE CERTIFICATE
22 HOLDER GRANTS CREDIT. EACH APPLICANT'S CREDIT LIMIT SHALL BE
23 APPROVED BY TWO OR MORE EMPLOYEES OF THE CERTIFICATE HOLDER
24 HOLDING THE JOB POSITIONS OF CREDIT MANAGER, ASSISTANT CREDIT
25 MANAGER, CREDIT SHIFT MANAGER, CREDIT EXECUTIVE OR A KEY
26 EMPLOYEE IN A DIRECT REPORTING LINE ABOVE THE MANAGER OR CREDIT
27 MANAGER. THE APPROVAL SHALL BE RECORDED IN THE APPLICANT'S
28 CREDIT FILE AND SHALL INCLUDE THE REASONS AND INFORMATION RELIED
29 ON FOR THE APPROVAL OF CREDIT AND VERIFICATION BY THE EMPLOYEES
30 APPROVING THE APPLICANT'S CREDIT LIMIT. INCREASES TO AN

1 INDIVIDUAL'S CREDIT LIMIT MAY BE APPROVED FOLLOWING A WRITTEN
2 REQUEST FROM THE INDIVIDUAL AND REVERIFICATION OF AN
3 INDIVIDUAL'S CREDIT INFORMATION.

4 (E) RECORDKEEPING.--DETAILED INFORMATION PERTAINING TO ALL
5 TRANSACTIONS AFFECTING AN INDIVIDUAL'S OUTSTANDING INDEBTEDNESS
6 TO A CERTIFICATE HOLDER SHALL BE RECORDED IN CHRONOLOGICAL ORDER
7 IN THE INDIVIDUAL'S CREDIT FILE.

8 (F) REDUCTION OR SUSPENSION OF CREDIT.--A CERTIFICATE HOLDER
9 MAY REDUCE AN INDIVIDUAL'S CREDIT LIMIT OR SUSPEND CREDIT TO AN
10 INDIVIDUAL FOR ANY REASON.

11 (G) VOLUNTARY CREDIT SUSPENSION.--AN INDIVIDUAL MAY REQUEST
12 A CERTIFICATE HOLDER TO SUSPEND THE INDIVIDUAL'S CREDIT. EACH
13 CERTIFICATE HOLDER SHALL INFORM THE BOARD WHEN AN INDIVIDUAL
14 REQUESTS A SUSPENSION OF CREDIT AND SHALL PROVIDE THE BOARD WITH
15 ALL INFORMATION NECESSARY TO MAINTAIN THE VOLUNTARY CREDIT
16 SUSPENSION LIST UNDER SUBSECTION (H).

17 (H) VOLUNTARY CREDIT SUSPENSION LIST.--THE BOARD SHALL
18 MAINTAIN A VOLUNTARY CREDIT SUSPENSION LIST OF ALL INDIVIDUALS
19 WHO HAVE REQUESTED SUSPENSION OF CREDIT PRIVILEGES AND SHALL
20 PROVIDE THE LIST ON A CONTINUOUS BASIS TO THE CREDIT DEPARTMENT
21 OF EACH CERTIFICATE HOLDER. AN INDIVIDUAL MAY REQUEST PLACEMENT
22 ON THE VOLUNTARY CREDIT SUSPENSION LIST BY SUBMITTING TO THE
23 BOARD THE INDIVIDUAL'S NAME, ADDRESS AND DATE OF BIRTH. THE
24 INDIVIDUAL DOES NOT NEED TO PROVIDE A REASON FOR THE REQUEST.
25 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
26 BOARD'S LIST OF INDIVIDUALS WHO HAVE HAD CREDIT PRIVILEGES
27 VOLUNTARILY SUSPENDED SHALL BE CONFIDENTIAL, AND NEITHER THE
28 BOARD NOR THE CREDIT DEPARTMENT OF A CERTIFICATE HOLDER SHALL
29 DIVULGE THE NAME OF ANY INDIVIDUAL ON THIS LIST TO ANY PERSON OR
30 ENTITY OTHER THAN THOSE PROVIDED FOR IN THIS SUBSECTION. TO BE

1 REMOVED FROM THE LIST, THE INDIVIDUAL SHALL SUBMIT A REQUEST TO
2 THE BOARD. THE BOARD SHALL REMOVE THE INDIVIDUAL FROM THE LIST
3 AND INFORM THE CREDIT DEPARTMENT OF EACH CERTIFICATE HOLDER NOT
4 LATER THAN THREE BUSINESS DAYS AFTER THE BOARD'S RECEIPT OF THE
5 REQUEST.

6 (I) LIABILITY.--A CERTIFICATE HOLDER OR EMPLOYEE THEREOF
7 SHALL NOT BE LIABLE TO ANY INDIVIDUAL ON THE VOLUNTARY CREDIT
8 SUSPENSION LIST OR TO ANY OTHER PARTY IN ANY JUDICIAL PROCEEDING
9 FOR ANY HARM, MONETARY OR OTHERWISE, WHICH MAY ARISE AS A RESULT
10 OF:

11 (1) THE FAILURE OF A CERTIFICATE HOLDER TO RESTORE
12 CREDIT PRIVILEGES TO AN INDIVIDUAL ON THE VOLUNTARY CREDIT
13 SUSPENSION LIST; OR

14 (2) OTHERWISE PERMITTING AN INDIVIDUAL ON THE VOLUNTARY
15 CREDIT SUSPENSION LIST TO ENGAGE IN GAMING ACTIVITY IN THE
16 LICENSED FACILITY WHILE ON THE VOLUNTARY CREDIT SUSPENSION
17 LIST.

18 (J) TAX LIABILITY.--DRAWS AGAINST UNSECURED CREDIT EXTENDED
19 TO PATRONS PURSUANT TO THIS SECTION WHICH BECOME UNCOLLECTIBLE
20 MAY NOT BE CLAIMED BY A CERTIFICATE HOLDER AS A DEDUCTION,
21 CREDIT OR ANY OTHER TYPE OF REDUCTION OR OFFSET AGAINST ANY TAX
22 IMPOSED BY THIS PART OR THE ACT OF MARCH 4, 1971 (P.L.6, NO.2),
23 KNOWN AS THE TAX REFORM CODE OF 1971.

24 § 1328A. KEY EMPLOYEES AND OCCUPATION PERMITS.

25 NOTHING IN THIS PART SHALL BE CONSTRUED TO REQUIRE ANY
26 INDIVIDUAL WHO HOLDS A PRINCIPAL LICENSE, A KEY EMPLOYEE LICENSE
27 OR GAMING EMPLOYEE LICENSE UNDER CHAPTER 13 (RELATING TO
28 LICENSEES) TO OBTAIN A SEPARATE LICENSE OR PERMIT TO BE EMPLOYED
29 IN A CERTIFICATE HOLDER'S TABLE GAME OPERATION AUTHORIZED UNDER
30 THIS CHAPTER.

1 § 1329A. APPLICATION OF CLEAN INDOOR AIR ACT.

2 FOR THE PURPOSE OF SECTION 3(B)(11) OF THE ACT OF JUNE 13,
3 2008 (P.L.182, NO.27), KNOWN AS THE CLEAN INDOOR AIR ACT, THE
4 TERM "GAMING FLOOR" SHALL INCLUDE THE AREAS OF ANY LICENSED
5 FACILITY WHERE THE SLOT MACHINE LICENSEE IS AUTHORIZED TO PLACE
6 AND OPERATE SLOT MACHINES OR CONDUCT TABLE GAMES, EXCEPT SUCH
7 AREAS OFF THE GAMING FLOOR WHERE CONTESTS OR TOURNAMENTS ARE
8 CONDUCTED UNLESS SMOKING IS OTHERWISE PERMITTED IN SUCH AREAS.

9 § 1329.1A. APPLICATION OF LIQUOR CODE.

10 THE PROVISIONS OF SECTION 493(24)(II) OF THE ACT OF APRIL 12,
11 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, SHALL ALSO APPLY
12 TO TABLE GAMES.

13 SUBCHAPTER D

14 (RESERVED)

15 SUBCHAPTER E

16 TABLE GAME TESTING AND CERTIFICATION

17 SEC.

18 1341A. TABLE GAME DEVICE AND ASSOCIATED EQUIPMENT TESTING AND
19 CERTIFICATION STANDARDS.

20 § 1341A. TABLE GAME DEVICE AND ASSOCIATED EQUIPMENT TESTING AND
21 CERTIFICATION STANDARDS.

22 (A) EXPANSION OF INDEPENDENT TESTING AND CERTIFICATION
23 FACILITY.--WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
24 SECTION, THE BOARD SHALL EXPAND THE INDEPENDENT TESTING AND
25 CERTIFICATION FACILITY CREATED UNDER SECTION 1320(B) TO INCLUDE
26 THE TESTING AND CERTIFICATION OF TABLE GAME DEVICES AND
27 ASSOCIATED EQUIPMENT. COSTS ASSOCIATED WITH THE EXPANSION OF THE
28 FACILITY SHALL BE ASSESSED ON MANUFACTURERS LICENSED TO
29 MANUFACTURE TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT UNDER
30 THIS PART IN ACCORDANCE WITH A SCHEDULE ADOPTED BY THE BOARD.

1 THE EXPANDED FACILITY SHALL BE MADE AVAILABLE TO EACH TABLE GAME
2 DEVICE MANUFACTURER AND SUPPLIER AS DETERMINED BY THE BOARD.

3 (B) USE OF OTHER STATE STANDARDS.--THE BOARD MAY DETERMINE
4 WHETHER THE TABLE GAME DEVICE TESTING AND CERTIFICATION
5 STANDARDS OF ANOTHER JURISDICTION WITHIN THE UNITED STATES IN
6 WHICH A MANUFACTURER LICENSED PURSUANT TO SECTION 1317.1
7 (RELATING TO MANUFACTURER LICENSES) TO MANUFACTURE TABLE GAME
8 DEVICES OR ASSOCIATED EQUIPMENT USED IN CONNECTION WITH TABLE
9 GAMES IS LICENSED ARE COMPREHENSIVE AND THOROUGH AND PROVIDE
10 SIMILAR ADEQUATE SAFEGUARDS AS THOSE REQUIRED BY THIS PART. IF
11 THE BOARD MAKES THAT DETERMINATION, IT MAY PERMIT THE
12 MANUFACTURER APPROPRIATELY LICENSED PURSUANT TO SECTION 1317.1
13 TO DEPLOY TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT IT
14 MANUFACTURES WHICH HAVE MET THE TABLE GAME DEVICE TESTING AND
15 CERTIFICATION STANDARDS IN ANOTHER JURISDICTION WITHOUT
16 UNDERGOING THE FULL TESTING AND CERTIFICATION PROCESS BY THE
17 BOARD'S INDEPENDENT TESTING AND CERTIFICATION FACILITY.

18 SUBCHAPTER F

19 (RESERVED)

20 SUBCHAPTER G

21 TABLE GAME TAXES AND FEES

22 SEC.

23 1361A. TABLE GAME AUTHORIZATION FEE.

24 1362A. TABLE GAME TAXES.

25 1363A. LOCAL SHARE ASSESSMENT.

26 § 1361A. TABLE GAME AUTHORIZATION FEE.

27 (A) AMOUNT OF AUTHORIZATION FEE.--

28 (1) A CATEGORY 1 OR A CATEGORY 2 SLOT MACHINE LICENSEE
29 THAT SUBMITS A PETITION FOR A TABLE GAME OPERATION
30 CERTIFICATE UNDER SECTION 1312A (RELATING TO PETITION

1 REQUIREMENTS) ON OR BEFORE JUNE 1, 2010, SHALL PAY A ONE-TIME
2 NONREFUNDABLE AUTHORIZATION FEE IN THE AMOUNT OF \$16,500,000.
3 A CATEGORY 1 OR A CATEGORY 2 SLOT MACHINE LICENSEE THAT
4 SUBMITS A PETITION FOR A TABLE GAME OPERATION CERTIFICATE
5 UNDER SECTION 1312A AFTER JUNE 1, 2010, SHALL PAY A ONE-TIME
6 NONREFUNDABLE AUTHORIZATION FEE IN THE AMOUNT OF \$24,750,000.

7 (2) A CATEGORY 3 SLOT MACHINE LICENSEE THAT SUBMITS A
8 PETITION FOR A TABLE GAME OPERATION CERTIFICATE UNDER SECTION
9 1312A ON OR BEFORE JUNE 1, 2010, SHALL PAY A ONE-TIME
10 NONREFUNDABLE AUTHORIZATION FEE IN THE AMOUNT OF \$7,500,000.
11 A CATEGORY 3 SLOT MACHINE LICENSEE THAT SUBMITS A PETITION
12 FOR A TABLE GAME OPERATION CERTIFICATE UNDER SECTION 1312A
13 AFTER JUNE 1, 2010, SHALL PAY A ONE-TIME NONREFUNDABLE
14 AUTHORIZATION FEE IN THE AMOUNT OF \$11,250,000.

15 (3) NOTWITHSTANDING PARAGRAPHS (1) AND (2), THE HOLDER
16 OF A CATEGORY 1 OR CATEGORY 3 SLOT MACHINE LICENSE ISSUED
17 AFTER JUNE 1, 2010, THAT SUBMITS A PETITION FOR A TABLE GAME
18 OPERATION CERTIFICATE SHALL PAY A ONE-TIME NONREFUNDABLE
19 AUTHORIZATION FEE IN THE AMOUNT OF \$16,500,000 OR \$7,500,000,
20 RESPECTIVELY.

21 (4) A TABLE GAME OPERATION CERTIFICATE SHALL NOT BE
22 SUBJECT TO RENEWAL OR PAYMENT OF AN ADDITIONAL AUTHORIZATION
23 FEE.

24 (B) PAYMENT OF FEE.--A SLOT MACHINE LICENSEE THAT SUBMITS A
25 PETITION ON OR BEFORE JUNE 1, 2010, SHALL PAY THE REQUIRED
26 AUTHORIZATION FEE ON OR BEFORE JUNE 1, 2010. THE BOARD MAY ALLOW
27 THE FEE TO BE PAID IN INSTALLMENTS, PROVIDED ALL INSTALLMENTS
28 ARE PAID ON OR BEFORE JUNE 1, 2010. IN THAT EVENT, THE BOARD AND
29 THE SLOT MACHINE LICENSEE SHALL ENTER INTO A WRITTEN AGREEMENT
30 SETTING FORTH THE TERMS OF PAYMENT.

1 (C) FAILURE TO PAY BY DEADLINE.--IF A PETITIONER OR
2 CERTIFICATE HOLDER FAILS TO PAY THE REQUIRED AUTHORIZATION FEE
3 IN FULL BY JUNE 1, 2010, THE BOARD SHALL IMPOSE A PENALTY AND
4 MAY GRANT THE PETITIONER OR CERTIFICATE HOLDER UP TO A SIX-MONTH
5 EXTENSION TO PAY THE AUTHORIZATION FEE OR ANY REMAINING PORTION
6 OF THE AUTHORIZATION FEE AND THE PENALTY. THE BOARD SHALL
7 REQUIRE THE PETITIONER OR CERTIFICATE HOLDER TO MAKE WEEKLY
8 PAYMENTS UNTIL THE FEE AND PENALTY ARE PAID IN FULL.

9 (D) SUSPENSION OF CERTIFICATE.--THE BOARD SHALL SUSPEND THE
10 TABLE GAME OPERATION CERTIFICATE IF THE CERTIFICATE HOLDER FAILS
11 TO PAY THE TOTAL AUTHORIZATION FEE AND THE PENALTY PRIOR TO THE
12 EXPIRATION OF AN EXTENSION PERIOD GRANTED UNDER SUBSECTION (C).
13 THE SUSPENSION SHALL REMAIN IN EFFECT UNTIL FINAL PAYMENT IS
14 MADE.

15 (E) (RESERVED).

16 (F) DEPOSIT OF FEES.--NOTWITHSTANDING SECTION 1208 (RELATING
17 TO COLLECTION OF FEES AND FINES), ALL TABLE GAME AUTHORIZATION
18 FEES OR PENALTIES RECEIVED BY THE BOARD UNDER THIS SUBCHAPTER;
19 ALL TABLE GAME DEVICE AND ASSOCIATED EQUIPMENT MANUFACTURER AND
20 SUPPLIER LICENSE FEES; ALL TABLE GAME DEVICE OR ASSOCIATED
21 EQUIPMENT MANUFACTURER AND SUPPLIER RENEWAL FEES; AND FEES FOR
22 LICENSES ISSUED UNDER CHAPTER 16 (RELATING TO JUNKETS) SHALL BE
23 DEPOSITED IN THE GENERAL FUND.

24 § 1362A. TABLE GAME TAXES.

25 (A) IMPOSITION.--

26 (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3), EACH
27 CERTIFICATE HOLDER SHALL REPORT TO THE DEPARTMENT AND PAY
28 FROM ITS DAILY GROSS TABLE GAME REVENUE, ON A FORM AND IN THE
29 MANNER PRESCRIBED BY THE DEPARTMENT, A TAX OF 12% OF ITS
30 DAILY GROSS TABLE GAME REVENUE.

1 (2) IN ADDITION TO THE TAX PAYABLE UNDER PARAGRAPH (1),
2 EACH CERTIFICATE HOLDER SHALL REPORT TO THE DEPARTMENT AND
3 PAY FROM ITS DAILY GROSS TABLE GAME REVENUE, ON A FORM AND IN
4 THE MANNER PRESCRIBED BY THE DEPARTMENT, A TAX OF 34% OF ITS
5 DAILY GROSS TABLE GAME REVENUE FROM EACH TABLE GAME PLAYED ON
6 A FULLY AUTOMATIC ELECTRONIC GAMING TABLE.

7 (3) UNTIL JULY 1, 2011, THE TAX REPORTED AND PAYABLE
8 UNDER PARAGRAPH (1) SHALL BE 14% OF DAILY GROSS TABLE GAME
9 REVENUE.

10 (B) DEPOSITS AND DISTRIBUTIONS.--

11 (1) THE TAX IMPOSED UNDER SUBSECTION (A) SHALL BE
12 PAYABLE TO THE DEPARTMENT ON A WEEKLY BASIS AND SHALL BE
13 BASED UPON GROSS TABLE GAME REVENUE DERIVED DURING THE
14 PREVIOUS WEEK.

15 (2) ALL FUNDS OWED TO THE COMMONWEALTH UNDER THIS
16 SECTION SHALL BE HELD IN TRUST FOR THE COMMONWEALTH BY THE
17 CERTIFICATE HOLDER UNTIL THE FUNDS ARE PAID TO THE
18 DEPARTMENT. UNLESS OTHERWISE AGREED TO BY THE BOARD, A
19 CERTIFICATE HOLDER SHALL ESTABLISH A SEPARATE BANK ACCOUNT
20 INTO WHICH GROSS TABLE GAME REVENUE SHALL BE DEPOSITED AND
21 MAINTAINED UNTIL SUCH TIME AS THE FUNDS ARE PAID TO THE
22 DEPARTMENT UNDER THIS SECTION OR PAID INTO THE FUND UNDER
23 SECTION 1363A(A) (RELATING TO LOCAL SHARE ASSESSMENT).

24 (3) THE TAX IMPOSED UNDER SUBSECTION (A) SHALL BE
25 DEPOSITED INTO THE GENERAL FUND.

26 (C) DEPOSITS FOR PROPERTY TAX RELIEF.--IF, ON THE LAST DAY
27 OF A FISCAL YEAR THE BALANCE OF THE BUDGET STABILIZATION RESERVE
28 FUND ESTABLISHED PURSUANT TO SECTION 1701-A OF THE ACT OF APRIL
29 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, EXCEEDS
30 \$750,000,000, AS CERTIFIED BY THE SECRETARY OF THE BUDGET, THE

1 DEPOSITS MADE INTO THE GENERAL FUND PURSUANT TO SUBSECTION (A)
2 SHALL CEASE AND THEREAFTER BE DEPOSITED INTO THE PROPERTY TAX
3 RELIEF FUND ESTABLISHED PURSUANT TO 4 PA.C.S. § 1409 (RELATING
4 TO PROPERTY TAX RELIEF FUND).

5 § 1363A. LOCAL SHARE ASSESSMENT.

6 (A) REQUIRED PAYMENT.--IN ADDITION TO THE TAX IMPOSED UNDER
7 SECTION 1362A (RELATING TO TABLE GAME TAXES), EACH CERTIFICATE
8 HOLDER SHALL PAY ON A WEEKLY BASIS AND ON A FORM AND IN A MANNER
9 PRESCRIBED BY THE DEPARTMENT A LOCAL SHARE ASSESSMENT INTO A
10 RESTRICTED RECEIPTS ACCOUNT ESTABLISHED WITHIN THE FUND. ALL
11 FUNDS OWED TO A COUNTY OR MUNICIPALITY UNDER THIS SECTION SHALL
12 BE HELD IN TRUST BY THE CERTIFICATE HOLDER UNTIL THE FUNDS ARE
13 PAID INTO THE ACCOUNT. FUNDS IN THE ACCOUNT ARE HEREBY
14 APPROPRIATED TO THE DEPARTMENT ON A CONTINUING BASIS FOR THE
15 PURPOSES SET FORTH IN THIS SECTION.

16 (B) DISTRIBUTIONS TO COUNTIES.--THE DEPARTMENT SHALL MAKE
17 QUARTERLY DISTRIBUTIONS FROM THE LOCAL SHARE ASSESSMENTS
18 DEPOSITED INTO THE FUND UNDER SUBSECTION (A) TO COUNTIES,
19 INCLUDING HOME RULE COUNTIES, HOSTING A LICENSED FACILITY
20 AUTHORIZED TO CONDUCT TABLE GAMES UNDER THIS CHAPTER IN
21 ACCORDANCE WITH THE FOLLOWING:

22 (1) IF THE LICENSED FACILITY IS A CATEGORY 1 LICENSED
23 FACILITY LOCATED AT A HARNESS RACETRACK AND THE COUNTY,
24 INCLUDING A HOME RULE COUNTY, IN WHICH THE LICENSED FACILITY
25 IS LOCATED IS:

26 (I) A COUNTY OF THE THIRD CLASS: 50% OF THE
27 LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE ADDED
28 TO AND DISTRIBUTED WITH THE FUNDS DISTRIBUTED UNDER
29 SECTION 1403(C)(2)(I)(D) (RELATING TO ESTABLISHMENT OF
30 STATE GAMING FUND AND NET SLOT MACHINE REVENUE

DISTRIBUTION).

(II) A COUNTY OF THE SECOND CLASS A: 50% OF THE
LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE
DISTRIBUTED TO THE COUNTY.

(III) A COUNTY OF THE FOURTH CLASS: 50% OF THE
LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE ADDED
TO THE FUNDS IN THE RESTRICTED RECEIPTS ACCOUNT
ESTABLISHED PURSUANT TO SECTION 1403(C)(2)(I)(E) FOR
DISTRIBUTION WITH THOSE FUNDS.

(IV) A COUNTY OF THE FIFTH CLASS: 50% OF THE
LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE ADDED
TO THE FUNDS IN THE RESTRICTED RECEIPTS ACCOUNT
ESTABLISHED PURSUANT TO SECTION 1403(C)(2)(I)(F) FOR
DISTRIBUTION WITH THOSE FUNDS.

(2) IF THE FACILITY IS A CATEGORY 1 LICENSED FACILITY
THAT IS LOCATED AT A THOROUGHBRED RACETRACK AND THE COUNTY IN
WHICH THE LICENSED FACILITY IS LOCATED IS:

(I) A COUNTY OF THE SECOND CLASS A: 50% OF THE
LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE
DISTRIBUTED TO THE COUNTY TO BE FURTHER DISTRIBUTED AS
GRANTS TO A NONPROFIT HOSPITAL IN A FIRST CLASS TOWNSHIP
THAT IS CONTIGUOUS TO THE MUNICIPALITY IN WHICH THE
LICENSED FACILITY IS LOCATED. IF THE NONPROFIT HOSPITAL
CEASES TO EXIST, 50% OF THE LICENSED FACILITY'S LOCAL
SHARE ASSESSMENT SHALL BE DISTRIBUTED TO THE COUNTY IN
WHICH THE LICENSED FACILITY IS LOCATED.

(II) EXCEPT AS SET FORTH IN SUBPARAGRAPH (III), A
COUNTY OF THE THIRD CLASS: 50% OF THE LICENSED
FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE DISTRIBUTED TO
THE COUNTY TO BE USED SOLELY TO FUND THE ESTABLISHMENT OF

1 A COUNTY VIOLENT CRIME TASK FORCE TO REDUCE GANG
2 VIOLENCE, GUN TRAFFICKING AND VIOLENCE AND DRUG-RELATED
3 CRIMES IN THE COUNTY. THE DISTRICT ATTORNEY SHALL
4 APPOINT, DIRECT AND COORDINATE THE OPERATIONS AND
5 PERSONNEL OF THE TASK FORCE.

6 (III) A COUNTY OF THE THIRD CLASS WHICH IS ALSO A
7 HOME RULE COUNTY: 100% OF THE LICENSED FACILITY'S LOCAL
8 SHARE ASSESSMENT SHALL BE DISTRIBUTED TO A COMMUNITY
9 COLLEGE THAT IS ESTABLISHED IN THE COUNTY AFTER THE
10 EFFECTIVE DATE OF THIS SUBPARAGRAPH AND PRIOR TO JANUARY
11 1, 2014, TO BE USED BY THE COMMUNITY COLLEGE FOR
12 ORGANIZATIONAL, ADMINISTRATIVE, OPERATING AND CAPITAL
13 EXPENDITURES AND THE PAYMENT OF PRINCIPAL, INTEREST AND
14 EXPENSES RELATED TO INDEBTEDNESS, SUBJECT TO THE
15 FOLLOWING:

16 (A) UNTIL JANUARY 1, 2014, OR UNTIL A COMMUNITY
17 COLLEGE IS ESTABLISHED AFTER THE EFFECTIVE DATE OF
18 THIS SUBPARAGRAPH PRIOR TO JANUARY 1, 2014, WHICHEVER
19 OCCURS FIRST, 100% OF THE LICENSED FACILITY'S LOCAL
20 SHARE ASSESSMENT SHALL BE DISTRIBUTED TO THE COUNTY
21 REDEVELOPMENT AUTHORITY TO BE DEPOSITED AND
22 MAINTAINED BY THE COUNTY REDEVELOPMENT AUTHORITY IN A
23 RESTRICTED RECEIPTS ACCOUNT. THE FUNDS MAY BE
24 INVESTED BY THE COUNTY REDEVELOPMENT AUTHORITY AS
25 PERMITTED BY LAW, AND ANY INTEREST EARNED ON THE
26 FUNDS AND INVESTMENT INCOME DERIVED FROM THE FUNDS
27 SHALL BE DEPOSITED INTO THE RESTRICTED RECEIPTS
28 ACCOUNT. THE FUNDS IN THE RESTRICTED RECEIPTS ACCOUNT
29 SHALL BE DISTRIBUTED AS PROVIDED IN CLAUSE (B) OR
30 USED AS PROVIDED IN CLAUSE (C), AS APPLICABLE.

1 (B) IF A COMMUNITY COLLEGE IS ESTABLISHED IN THE
2 COUNTY FOLLOWING THE EFFECTIVE DATE OF THIS
3 SUBPARAGRAPH AND PRIOR TO JANUARY 1, 2014, THE FUNDS
4 IN THE RESTRICTED RECEIPTS ACCOUNT ESTABLISHED UNDER
5 CLAUSE (A) SHALL BE DISTRIBUTED IN THEIR ENTIRETY BY
6 THE COUNTY REDEVELOPMENT AUTHORITY TO THE COMMUNITY
7 COLLEGE NO LATER THAN 60 DAYS FOLLOWING THE DATE OF
8 THE ESTABLISHMENT OF THE COMMUNITY COLLEGE.

9 (C) IF A COMMUNITY COLLEGE IS NOT ESTABLISHED IN
10 THE COUNTY FOLLOWING THE EFFECTIVE DATE OF THIS
11 SUBPARAGRAPH AND PRIOR TO JANUARY 1, 2014, BEGINNING
12 JANUARY 1, 2014, 100% OF THE LICENSED FACILITY'S
13 LOCAL SHARE ASSESSMENT SHALL BE DISTRIBUTED TO THE
14 COUNTY REDEVELOPMENT AUTHORITY TO BE DEPOSITED INTO
15 THE RESTRICTED RECEIPTS ACCOUNT ESTABLISHED UNDER
16 CLAUSE (A) AND ALL FUNDS IN THE RESTRICTED RECEIPTS
17 ACCOUNT SHALL BE USED BY THE COUNTY REDEVELOPMENT
18 AUTHORITY FOR A REVOLVING LOAN PROGRAM AVAILABLE TO
19 MUNICIPALITIES WITHIN THE COUNTY FOR INFRASTRUCTURE
20 PROJECTS, INCLUDING, BUT NOT LIMITED TO, WATER,
21 SEWER, STORM WATER MANAGEMENT, FLOOD CONTROL, ROADS,
22 BROADBAND INTERNET ACCESS, SITE REMEDIATION AND
23 PUBLIC UTILITY INFRASTRUCTURE IN AREAS OTHER THAN A
24 PUBLIC UTILITY'S OWN FACILITIES. THE COUNTY
25 REDEVELOPMENT AUTHORITY MAY USE FUNDS FROM THE
26 REVOLVING LOAN PROGRAM FOR EXPENSES RELATED TO THE
27 COST TO ADMINISTER THE REVOLVING LOAN PROGRAM IN AN
28 AMOUNT NOT IN EXCESS OF 0.5% OF THE REVOLVING LOAN
29 PROGRAM PORTFOLIO IN A GIVEN CALENDAR YEAR. A
30 MUNICIPALITY MAY NOT USE FUNDS RECEIVED UNDER THE

1 REVOLVING LOAN PROGRAM FOR GENERAL BUDGET OR
2 OPERATING EXPENSES. THE COUNTY REDEVELOPMENT
3 AUTHORITY SHALL DEVELOP LOAN PROGRAM CRITERIA AND
4 GUIDELINES CONSISTENT WITH THE PROVISIONS OF THIS
5 CLAUSE.

6 (D) FOR PURPOSES OF THIS SUBPARAGRAPH, A
7 COMMUNITY COLLEGE SHALL BE CONSIDERED TO BE
8 ESTABLISHED ON THE DATE ON WHICH THE PROPOSED
9 COMMUNITY COLLEGE PLAN IS APPROVED BY THE STATE BOARD
10 OF EDUCATION WITHIN THE MEANING OF SECTION 1903-A(C)
11 OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN
12 AS THE PUBLIC SCHOOL CODE OF 1949, NOTWITHSTANDING
13 THE FACT THAT A BOARD OF TRUSTEES OF THE COMMUNITY
14 COLLEGE MAY NOT HAVE YET BEEN APPOINTED BY THE
15 GOVERNING BODIES OF THE LOCAL SPONSOR OF THE
16 COMMUNITY COLLEGE.

17 (3) IF THE FACILITY IS A CATEGORY 2 LICENSED FACILITY
18 AND IF THE COUNTY IN WHICH THE LICENSED FACILITY IS LOCATED
19 IS:

20 (I) A COUNTY OF THE FIRST CLASS: 100% OF THE
21 LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE ADDED
22 TO AND DISTRIBUTED WITH THE FUNDS DISTRIBUTED UNDER
23 SECTION 1403(C) (2) (III) (A).

24 (II) A COUNTY OF THE SECOND CLASS: 50% OF THE
25 LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE
26 DISTRIBUTED AS FOLLOWS:

27 (A) EIGHTY-FIVE PERCENT SHALL BE DEPOSITED INTO
28 A RESTRICTED RECEIPTS ACCOUNT TO BE ESTABLISHED IN
29 THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION PURSUANT
30 TO THE ACT OF JUNE 14, 1961 (P.L.324, NO.188), KNOWN

1 AS THE LIBRARY CODE, FOR GRANTS TO AN ESTABLISHED
2 LIBRARY SYSTEM IN THE COUNTY BUT OUTSIDE A CITY OF
3 THE SECOND CLASS. FUNDS MADE AVAILABLE UNDER THIS
4 CLAUSE SHALL BE IN ADDITION TO ANY FUNDING PROVIDED
5 TO SUCH LIBRARIES PURSUANT TO THE ACT OF APRIL 9,
6 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE; THE
7 PUBLIC SCHOOL CODE OF 1949; AND THE LIBRARY CODE.
8 NOTWITHSTANDING THE LIBRARY CODE, IN MAKING
9 DISTRIBUTIONS FROM FUNDS MADE AVAILABLE UNDER THIS
10 CLAUSE, THE LIBRARY SYSTEM SHALL DISTRIBUTE THE FUNDS
11 AS FOLLOWS:

12 (I) AT LEAST 80% SHALL BE DISTRIBUTED TO
13 LIBRARIES IN THE LIBRARY SYSTEM IN THE COUNTY BUT
14 OUTSIDE A CITY OF THE SECOND CLASS ON A PER
15 CAPITA BASIS OF THE POPULATION OF THE COUNTY
16 BASED ON THE MOST RECENT DECENNIAL CENSUS
17 EXCLUDING A CITY OF THE SECOND CLASS.

18 (II) AT LEAST 15% BUT NOT MORE THAN 20%
19 SHALL BE DISTRIBUTED TO LIBRARIES IN THE LIBRARY
20 SYSTEM IN EACH CITY, BOROUGH, TOWN OR TOWNSHIP IN
21 THE COUNTY OUTSIDE A CITY OF THE SECOND CLASS,
22 WHICH HAS A MARKET VALUE PER CAPITA BELOW THE
23 FIFTH PERCENTILE OF ALL CITIES, BOROUGHs, TOWNS
24 OR TOWNSHIPS, WITH COMPARABLE CLASSIFICATIONS.
25 THE MARKET VALUE PER CAPITA AND PERCENTILES UNDER
26 THIS SUBCLAUSE SHALL BE AS DETERMINED ANNUALLY BY
27 THE STATE TAX EQUALIZATION BOARD.

28 (III) NOT MORE THAN 5% MAY BE USED TO DEFRAY
29 THE REASONABLE AND NECESSARY ADMINISTRATIVE COSTS
30 OF THE LIBRARY SYSTEM IN ADMINISTERING THE FUNDS,

1 AS DETERMINED BY THE DEPARTMENT OF EDUCATION.

2 (IV) IF, AFTER THE DISTRIBUTION AND USE
3 UNDER SUBCLAUSES (I), (II) AND (III), FUNDS ARE
4 STILL AVAILABLE FOR DISTRIBUTION UNDER THIS
5 CLAUSE, THOSE FUNDS SHALL BE SHALL BE DISTRIBUTED
6 TO LIBRARIES IN THE LIBRARY SYSTEM IN THE COUNTY
7 BUT OUTSIDE A CITY OF THE SECOND CLASS ON A PER
8 CAPITA BASIS OF THE POPULATION OF THE COUNTY
9 BASED ON THE MOST RECENT DECENNIAL CENSUS
10 EXCLUDING A CITY OF THE SECOND CLASS.

11 (B) FIFTEEN PERCENT TO A RECOGNIZED TOURIST
12 PROMOTION AGENCY THAT IS ESTABLISHED BY A HOME RULE
13 MUNICIPALITY THAT WAS FORMERLY A TOWNSHIP OR BOROUGH
14 LOCATED IN THE COUNTY PURSUANT TO THE ACT OF JULY 4,
15 2008 (P.L.621, NO.50), KNOWN AS THE TOURIST PROMOTION
16 ACT, AND RECOGNIZED BY THE DEPARTMENT OF COMMUNITY
17 AND ECONOMIC DEVELOPMENT AND THE HOME RULE
18 MUNICIPALITY.

19 (III) A COUNTY OF THE THIRD CLASS WHERE A CITY OF
20 THE THIRD CLASS HOSTING THE LICENSED FACILITY IS LOCATED
21 IN TWO COUNTIES OF THE THIRD CLASS: 50% OF THE LICENSED
22 FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE DISTRIBUTED AS
23 FOLLOWS:

24 (A) SIXTY PERCENT TO THE COUNTY IN WHICH THE
25 LICENSED FACILITY IS LOCATED FOR ECONOMIC DEVELOPMENT
26 PROJECTS, COMMUNITY IMPROVEMENT PROJECTS AND OTHER
27 PROJECTS IN THE PUBLIC INTEREST WITHIN THE COUNTY.

28 (B) TWENTY PERCENT TO THE NONHOST CITY OF THE
29 THIRD CLASS IN THE COUNTY IN WHICH THE LICENSED
30 FACILITY IS LOCATED.

1 (C) TWENTY PERCENT TO THE NONHOST COUNTY IN
2 WHICH THE HOST CITY IS LOCATED, OF WHICH 50% SHALL BE
3 USED SOLELY FOR GRANTS TO MUNICIPALITIES THAT ARE
4 CONTIGUOUS TO THE HOST CITY FOR ECONOMIC DEVELOPMENT
5 PROJECTS, COMMUNITY IMPROVEMENT PROJECTS AND OTHER
6 PROJECTS IN THE PUBLIC INTEREST.

7 (IV) A COUNTY OF THE FIFTH CLASS: 50% OF THE
8 LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE
9 DISTRIBUTED AS FOLLOWS:

10 (A) FIFTY PERCENT SHALL BE ADDED TO THE FUNDS IN
11 THE RESTRICTED RECEIPTS ACCOUNT ESTABLISHED PURSUANT
12 TO SECTION 1403(C) (2) (III) (F) (I) FOR DISTRIBUTION
13 WITH THOSE FUNDS.

14 (B) FIFTY PERCENT SHALL BE TRANSFERRED TO THE
15 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY FOR
16 DEPOSIT INTO A RESTRICTED RECEIPTS ACCOUNT TO BE USED
17 EXCLUSIVELY FOR GRANTS TO A SCHOOL OF MEDICINE
18 LOCATED IN A CITY OF THE SECOND CLASS A WITHIN A
19 COUNTY OF THE THIRD CLASS FOR OPERATING COSTS
20 ASSOCIATED WITH THE SCHOOL OF MEDICINE.

21 (4) THE FOLLOWING APPLY:

22 (I) IF THE FACILITY IS A CATEGORY 3 LICENSED
23 FACILITY LOCATED IN A COUNTY OF THE SECOND CLASS A: 50%
24 OF THE LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL
25 BE DEPOSITED INTO A RESTRICTED RECEIPTS ACCOUNT TO BE
26 ESTABLISHED IN THE COMMONWEALTH FINANCING AUTHORITY TO BE
27 USED EXCLUSIVELY FOR GRANTS OR GUARANTEES FOR PROJECTS IN
28 THE COUNTY THAT QUALIFY UNDER 64 PA.C.S. §§ 1551
29 (RELATING TO BUSINESS IN OUR SITES PROGRAM), 1556
30 (RELATING TO TAX INCREMENT FINANCING GUARANTEE PROGRAM)

1 AND 1558 (RELATING TO WATER SUPPLY AND WASTE WATER
2 INFRASTRUCTURE PROGRAM) .

3 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (I), IF THE
4 FACILITY IS A CATEGORY 3 LICENSED FACILITY IN A COUNTY OF
5 ANY CLASS: 50% OF THE LICENSED FACILITY'S LOCAL SHARE
6 ASSESSMENT SHALL BE ADDED TO THE FUNDS IN THE RESTRICTED
7 RECEIPTS ACCOUNT ESTABLISHED UNDER SECTION 1403(C)(2)(IV)
8 FOR DISTRIBUTION WITH THOSE FUNDS.

9 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF
10 THE FACILITY IS A CATEGORY 1 OR A CATEGORY 2 LICENSED
11 FACILITY IN A COUNTY OF ANY CLASS: 50% OF THE LICENSED
12 FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE DISTRIBUTED IN
13 ACCORDANCE WITH SECTION 1403(C) BASED UPON THE CATEGORY AND
14 TYPE OF LICENSED FACILITY AND THE CLASSIFICATION OF THE
15 COUNTY WHERE THE LICENSED FACILITY IS LOCATED.

16 (C) DISTRIBUTIONS TO MUNICIPALITIES.--THE DEPARTMENT SHALL
17 MAKE QUARTERLY DISTRIBUTIONS FROM THE LOCAL SHARE ASSESSMENTS
18 DEPOSITED INTO THE FUND UNDER SUBSECTION (A) TO MUNICIPALITIES,
19 INCLUDING HOME RULE MUNICIPALITIES, HOSTING A LICENSED FACILITY
20 AUTHORIZED TO CONDUCT TABLE GAMES UNDER THIS CHAPTER IN
21 ACCORDANCE WITH THE FOLLOWING:

22 (1) IF THE LICENSED FACILITY IS A CATEGORY 2 LICENSED
23 FACILITY AND IS LOCATED IN A CITY OF THE SECOND CLASS, 50% OF
24 THE LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE
25 DEPOSITED INTO A RESTRICTED RECEIPTS ACCOUNT TO BE
26 ESTABLISHED IN THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION
27 PURSUANT TO THE LIBRARY CODE FOR GRANTS TO AN ESTABLISHED
28 LOCAL LIBRARY IN THE CITY FOR THE PURPOSE OF MAINTAINING THE
29 LIBRARY BRANCH SYSTEM IN EXISTENCE ON JANUARY 1, 2011. FUNDS
30 MADE AVAILABLE UNDER THIS CLAUSE SHALL BE IN ADDITION TO ANY

1 FUNDING PROVIDED TO SUCH LIBRARIES PURSUANT TO THE FISCAL
2 CODE, THE PUBLIC SCHOOL CODE OF 1949 AND THE LIBRARY CODE. IF
3 THE ESTABLISHED LOCAL LIBRARY IN THE CITY FAILS TO MAINTAIN
4 THE LIBRARY BRANCH SYSTEM AS PROVIDED IN THIS PARAGRAPH, 50%
5 OF THE LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE
6 DISTRIBUTED TO THE CITY TO BE USED SOLELY TO FUND THE ACCRUED
7 LIABILITY OF ALL PENSION PLANS MAINTAINED BY THE CITY.

8 (2) IF THE LICENSED FACILITY IS A CATEGORY 1 LICENSED
9 FACILITY LOCATED AT A HARNESS RACETRACK IN A CITY OF THE
10 THIRD CLASS, 50% OF THE LICENSED FACILITY'S LOCAL SHARE
11 ASSESSMENT SHALL BE DISTRIBUTED TO THE CITY SOLELY FOR THE
12 PURPOSE OF BECOMING AND REMAINING A MEMBER OR LOCAL SPONSOR
13 OF A COMMUNITY COLLEGE ON BEHALF OF ALL STUDENTS IN THE
14 SCHOOL DISTRICT. IF IN ANY YEAR THE AMOUNT DISTRIBUTABLE OR
15 RECEIVED UNDER THIS PARAGRAPH EXCEEDS THE AMOUNT NECESSARY
16 FOR THE CITY TO BECOME OR REMAIN A MEMBER OR LOCAL SPONSOR,
17 THE EXCESS SHALL BE DISTRIBUTED TO, OR RETAINED BY, THE CITY
18 AND MAY BE USED FOR ANY LAWFUL PURPOSE.

19 (3) IF A LICENSED FACILITY IS A CATEGORY 2 FACILITY AND
20 IS LOCATED IN A CITY OF THE THIRD CLASS AND THE CITY IS
21 LOCATED IN MORE THAN ONE COUNTY OF THE THIRD CLASS, 50% OF
22 THE LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE
23 DISTRIBUTED AS FOLLOWS:

24 (I) 50% TO THE HOST CITY;

25 (II) 20% TO A CITY OF THE THIRD CLASS LOCATED SOLELY
26 IN THE NONHOST COUNTY IN WHICH THE HOST CITY OF THE THIRD
27 CLASS IS ALSO LOCATED; AND

28 (III) 30% TO A NONHOST CITY OF THE THIRD CLASS
29 LOCATED SOLELY IN THE HOST COUNTY.

30 (4) IF THE LICENSED FACILITY IS A CATEGORY 1 LICENSED

1 FACILITY LOCATED AT A HARNESS RACETRACK IN A TOWNSHIP OF THE
2 FIRST CLASS, 50% OF THE LICENSED FACILITY'S LOCAL SHARE
3 ASSESSMENT SHALL BE DISTRIBUTED TO THE TOWNSHIP, SUBJECT,
4 HOWEVER, TO THE BUDGETARY LIMITATION IN THIS PARAGRAPH. THE
5 AMOUNT DISTRIBUTED TO THE TOWNSHIP SHALL NOT EXCEED 50% OF
6 THE TOWNSHIP'S TOTAL BUDGET FOR FISCAL YEAR 2009, ADJUSTED
7 FOR INFLATION IN SUBSEQUENT YEARS BY AN AMOUNT NOT TO EXCEED
8 AN ANNUAL COST-OF-LIVING ADJUSTMENT CALCULATED BY APPLYING
9 THE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX IMMEDIATELY
10 PRIOR TO THE DATE THE ADJUSTMENT IS DUE TO TAKE EFFECT. ANY
11 FUNDS NOT DISTRIBUTED TO THE TOWNSHIP BECAUSE OF THE
12 BUDGETARY LIMITATION SHALL BE DISTRIBUTED IN ACCORDANCE WITH
13 SUBSECTION (B) BASED UPON THE CLASSIFICATION OF THE COUNTY
14 WHERE THE LICENSED FACILITY IS LOCATED.

15 (5) THE FOLLOWING APPLY:

16 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND
17 (III), IF THE LICENSED FACILITY IS A CATEGORY 1 OR
18 CATEGORY 2 LICENSED FACILITY AND IS LOCATED IN A TOWNSHIP
19 OF THE SECOND CLASS, 50% OF THE LICENSED FACILITY'S LOCAL
20 SHARE ASSESSMENT SHALL BE DISTRIBUTED TO THE TOWNSHIP,
21 SUBJECT, HOWEVER, TO THE BUDGETARY LIMITATION IN THIS
22 SUBPARAGRAPH. THE AMOUNT DISTRIBUTED TO THE TOWNSHIP
23 SHALL NOT EXCEED 50% OF THE TOWNSHIP'S TOTAL BUDGET FOR
24 FISCAL YEAR 2009, ADJUSTED FOR INFLATION IN SUBSEQUENT
25 YEARS BY AN AMOUNT NOT TO EXCEED AN ANNUAL COST-OF-LIVING
26 ADJUSTMENT CALCULATED BY APPLYING THE PERCENTAGE CHANGE
27 IN THE CONSUMER PRICE INDEX IMMEDIATELY PRIOR TO THE DATE
28 THE ADJUSTMENT IS DUE TO TAKE EFFECT. ANY FUNDS NOT
29 DISTRIBUTED TO THE TOWNSHIP BECAUSE OF THE BUDGETARY
30 LIMITATION SHALL BE DISTRIBUTED IN ACCORDANCE WITH

1 SUBSECTION (B) BASED UPON THE CLASSIFICATION OF COUNTY
2 WHERE THE LICENSED FACILITY IS LOCATED. NO FUNDS SHALL BE
3 DISTRIBUTED UNDER THIS SUBPARAGRAPH TO A TOWNSHIP OF THE
4 SECOND CLASS LOCATED IN A COUNTY OF THE THIRD CLASS
5 RECEIVING ANY FUNDS UNDER SUBSECTION (B) (2) (III).

6 (II) IF THE LICENSED FACILITY IS A CATEGORY 1
7 LICENSED FACILITY LOCATED AT A THOROUGHBRED RACETRACK IN
8 A TOWNSHIP OF THE SECOND CLASS IN A COUNTY OF THE SECOND
9 CLASS A, 50% OF THE LICENSED FACILITY'S LOCAL SHARE
10 ASSESSMENT SHALL BE DISTRIBUTED TO THE RECREATION
11 DEPARTMENT OF THE TOWNSHIP OF THE SECOND CLASS TO SUPPORT
12 YOUTH ATHLETICS, SUBJECT, HOWEVER, TO THE BUDGETARY
13 LIMITATION IN THIS SUBPARAGRAPH. THE AMOUNT DISTRIBUTED
14 SHALL NOT EXCEED 50% OF THE DEPARTMENT'S TOTAL BUDGET FOR
15 FISCAL YEAR 2009, ADJUSTED FOR INFLATION IN SUBSEQUENT
16 YEARS BY AN AMOUNT NOT TO EXCEED AN ANNUAL COST-OF-LIVING
17 ADJUSTMENT CALCULATED BY APPLYING THE PERCENTAGE CHANGE
18 IN THE CONSUMER PRICE INDEX IMMEDIATELY PRIOR TO THE DATE
19 THE ADJUSTMENT IS DUE TO TAKE EFFECT. ANY FUNDS NOT
20 DISTRIBUTED TO THE RECREATION DEPARTMENT BECAUSE OF THE
21 BUDGETARY LIMITATION SHALL BE DISTRIBUTED IN ACCORDANCE
22 WITH SUBSECTION (B) BASED UPON THE CLASSIFICATION OF
23 COUNTY WHERE THE LICENSED FACILITY IS LOCATED.

24 (III) IF THE LICENSED FACILITY IS A CATEGORY 1
25 LICENSED FACILITY LOCATED AT A THOROUGHBRED RACETRACK IN
26 A TOWNSHIP OF THE SECOND CLASS IN A COUNTY OF THE THIRD
27 CLASS WITH A POPULATION OF NOT LESS THAN 200,000 BUT NOT
28 MORE THAN 260,000 WHERE THE LICENSED FACILITY AND ALL
29 ATTACHED OR CONTIGUOUS ACREAGE OWNED BY THE LICENSED
30 FACILITY IS LOCATED IN MORE THAN ONE TOWNSHIP OF THE

1 SECOND CLASS, 50% OF THE LICENSED FACILITY'S LOCAL SHARE
2 ASSESSMENT SHALL BE DISTRIBUTED AS FOLLOWS:

3 (A) \$120,000 OF THE LICENSED FACILITY'S LOCAL
4 SHARE ASSESSMENT SHALL BE DISTRIBUTED ANNUALLY TO
5 EACH SUCH TOWNSHIP OF THE SECOND CLASS; AND

6 (B) REMAINING FUNDS SHALL BE ADDED TO AND
7 DISTRIBUTED WITH THE FUNDS DISTRIBUTED TO THE COUNTY
8 UNDER SUBSECTION (B) (2) (II).

9 (6) THE FOLLOWING APPLY:

10 (I) IF THE LICENSED FACILITY IS A CATEGORY 3
11 LICENSED FACILITY AND IS LOCATED IN A BOROUGH IN A COUNTY
12 OF THE THIRD CLASS AND THE BOROUGH IS CONTIGUOUS TO A
13 CITY OF THE THIRD CLASS:

14 (A) FIFTY PERCENT OF THE LICENSED FACILITY'S
15 LOCAL SHARE ASSESSMENT SHALL BE DISTRIBUTED TO THE
16 HOST BOROUGH, SUBJECT TO CLAUSE (C).

17 (B) FIFTY PERCENT OF THE LICENSED FACILITY'S
18 LOCAL SHARE ASSESSMENT SHALL BE DISTRIBUTED TO THE
19 CITY OF THE THIRD CLASS THAT IS CONTIGUOUS TO THE
20 HOST BOROUGH, SUBJECT TO CLAUSE (C).

21 (C) THE AMOUNT DISTRIBUTED TO THE BOROUGH OR THE
22 CITY SHALL NOT EXCEED 50% OF THE BOROUGH'S OR THE
23 CITY'S TOTAL BUDGET FOR FISCAL YEAR 2009, ADJUSTED
24 FOR INFLATION IN SUBSEQUENT YEARS BY AN AMOUNT NOT TO
25 EXCEED AN ANNUAL COST-OF-LIVING ADJUSTMENT CALCULATED
26 BY APPLYING THE PERCENTAGE CHANGE IN THE CONSUMER
27 PRICE INDEX IMMEDIATELY PRIOR TO THE DATE THE
28 ADJUSTMENT IS DUE TO TAKE EFFECT. ANY FUNDS NOT
29 DISTRIBUTED TO THE BOROUGH OR THE CITY BECAUSE OF THE
30 BUDGETARY LIMITATION SHALL BE DISTRIBUTED IN

1 ACCORDANCE WITH SUBSECTION (B) BASED UPON THE
2 CLASSIFICATION OF THE COUNTY WHERE THE LICENSED
3 FACILITY IS LOCATED.

4 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (I), IF THE
5 LICENSED FACILITY IS A CATEGORY 3 LICENSED FACILITY AND
6 IS LOCATED IN A MUNICIPALITY OF ANY CLASS, 50% OF THE
7 LICENSED FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE
8 DISTRIBUTED TO THE MUNICIPALITY, SUBJECT, HOWEVER, TO THE
9 BUDGETARY LIMITATION IN THIS SUBPARAGRAPH. THE AMOUNT
10 DISTRIBUTED TO THE MUNICIPALITY SHALL NOT EXCEED 50% OF
11 THE MUNICIPALITY'S TOTAL BUDGET FOR FISCAL YEAR 2009,
12 ADJUSTED FOR INFLATION IN SUBSEQUENT YEARS BY AN AMOUNT
13 NOT TO EXCEED AN ANNUAL COST-OF-LIVING ADJUSTMENT
14 CALCULATED BY APPLYING THE PERCENTAGE CHANGE IN THE
15 CONSUMER PRICE INDEX IMMEDIATELY PRIOR TO THE DATE THE
16 ADJUSTMENT IS DUE TO TAKE EFFECT. ANY FUNDS NOT
17 DISTRIBUTED TO THE MUNICIPALITY BECAUSE OF THE BUDGETARY
18 LIMITATION SHALL BE DISTRIBUTED IN ACCORDANCE WITH
19 SUBSECTION (B) BASED UPON THE CLASSIFICATION OF COUNTY
20 WHERE THE LICENSED FACILITY IS LOCATED.

21 (7) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF
22 THE FACILITY IS A CATEGORY 1 OR A CATEGORY 2 LICENSED
23 FACILITY IN A MUNICIPALITY OF ANY CLASS, 50% OF THE LICENSED
24 FACILITY'S LOCAL SHARE ASSESSMENT SHALL BE DISTRIBUTED TO THE
25 MUNICIPALITY, SUBJECT, HOWEVER, TO THE BUDGETARY LIMITATION
26 IN THIS PARAGRAPH. THE AMOUNT DISTRIBUTED TO THE MUNICIPALITY
27 SHALL NOT EXCEED 50% OF THE MUNICIPALITY'S TOTAL BUDGET FOR
28 FISCAL YEAR 2009 ADJUSTED FOR INFLATION IN SUBSEQUENT YEARS
29 BY AN AMOUNT NOT TO EXCEED THE ANNUAL COST-OF-LIVING
30 ADJUSTMENT CALCULATED BY APPLYING THE PERCENTAGE CHANGE IN

1 THE CONSUMER PRICE INDEX IMMEDIATELY PRIOR TO THE DATE THE
2 ADJUSTMENT IS DUE TO TAKE EFFECT. ANY FUNDS NOT DISTRIBUTED
3 TO THE MUNICIPALITY BECAUSE OF THE BUDGETARY LIMITATION SHALL
4 BE DISTRIBUTED IN ACCORDANCE WITH SUBSECTION (B) BASED UPON
5 THE CLASSIFICATION OF COUNTY WHERE THE LICENSED FACILITY IS
6 LOCATED.

7 (D) CONSTRUCTION.--THE FOLLOWING SHALL APPLY TO
8 DISTRIBUTIONS PROVIDED FOR IN THIS SECTION:

9 (1) DISTRIBUTIONS TO COUNTIES SHALL BE BASED UPON COUNTY
10 CLASSIFICATIONS IN EFFECT ON THE EFFECTIVE DATE OF THIS
11 SECTION AND ANY RECLASSIFICATION OF A COUNTY AS A RESULT OF A
12 FEDERAL DECENNIAL CENSUS OR PURSUANT TO AN ACT OF THE GENERAL
13 ASSEMBLY SHALL NOT APPLY TO THIS SECTION UNLESS THE ACT OF
14 THE GENERAL ASSEMBLY SPECIFICALLY PROVIDES OTHERWISE.

15 (2) DISTRIBUTIONS TO MUNICIPALITIES SHALL BE BASED UPON
16 MUNICIPAL CLASSIFICATIONS IN EFFECT ON THE EFFECTIVE DATE OF
17 THIS SECTION AND ANY RECLASSIFICATION OF A MUNICIPALITY AS A
18 RESULT OF A FEDERAL DECENNIAL CENSUS OR PURSUANT TO AN ACT OF
19 THE GENERAL ASSEMBLY SHALL NOT APPLY TO THIS SECTION UNLESS
20 THE ACT OF THE GENERAL ASSEMBLY SPECIFICALLY PROVIDES
21 OTHERWISE.

22 (E) MISCELLANEOUS PROVISIONS.--

23 (1) IF ANY PROVISION OF THIS SECTION IS FOUND TO BE
24 UNENFORCEABLE FOR ANY REASON, THE DISTRIBUTION PROVIDED FOR
25 IN SUCH UNENFORCEABLE PROVISION SHALL BE MADE TO THE
26 MUNICIPALITY IN WHICH THE LICENSED FACILITY IS LOCATED.

27 (2) REFERENCES TO THE CONSUMER PRICE INDEX SHALL MEAN
28 THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE
29 PENNSYLVANIA, NEW JERSEY, DELAWARE AND MARYLAND AREA FOR THE
30 MOST RECENT 12-MONTH PERIOD FOR WHICH FIGURES HAVE BEEN

1 OFFICIALLY REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR,
2 BUREAU OF LABOR STATISTICS.

3 (3) A PERSON OR ITS AFFILIATED ENTITY OR A POLITICAL
4 SUBDIVISION MAY NOT COMPENSATE OR INCUR AN OBLIGATION TO
5 COMPENSATE A PERSON TO ENGAGE IN LOBBYING FOR COMPENSATION
6 CONTINGENT IN WHOLE OR IN PART UPON THE APPROVAL, AWARD,
7 RECEIPT OR DENIAL OF FUNDS UNDER THIS SECTION. A PERSON OR
8 ITS AFFILIATED ENTITY MAY NOT ENGAGE IN OR AGREE TO ENGAGE IN
9 LOBBYING FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON
10 THE APPROVAL, AWARD, RECEIPT OR DENIAL OF FUNDS UNDER THIS
11 SECTION. A VIOLATION OF THIS PARAGRAPH SHALL BE CONSIDERED AN
12 INTENTIONAL VIOLATION OF 65 PA.C.S. § 13A09(E) (RELATING TO
13 PENALTIES). THIS PARAGRAPH SHALL NOT APPLY TO A COUNTY OR
14 MUNICIPALITY THAT COMPENSATES A PERSON TO PREPARE A GRANT
15 APPLICATION FOR FUNDS UNDER THIS SECTION IF ALL OF THE
16 FOLLOWING REQUIREMENTS ARE MET:

17 (I) THE PERSON IS NOT IDENTIFIED IN THE APPLICATION.

18 (II) THE PERSON HAS NO DIRECT CONTACT WITH THE
19 AGENCY, COUNTY OR MUNICIPALITY PROVIDING THE FUNDING.

20 (III) THE PERSON IS PAID A FIXED FEE OR PERCENTAGE
21 OF THE AMOUNT OF ANY FUNDS APPROVED, AWARDED OR RECEIVED
22 OF UP TO 0.5%.

23 (4) IN COOPERATION WITH THE DEPARTMENT, THE DEPARTMENT
24 OF COMMUNITY AND ECONOMIC DEVELOPMENT, AND THE COMMONWEALTH
25 FINANCING AUTHORITY, THE OFFICE OF THE BUDGET SHALL SUBMIT AN
26 ANNUAL REPORT ON ALL DISTRIBUTIONS OF LOCAL SHARE ASSESSMENTS
27 TO COUNTIES AND MUNICIPALITIES UNDER THIS SECTION TO THE
28 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
29 COMMITTEE OF THE SENATE, THE CHAIRMAN AND THE MINORITY
30 CHAIRMAN OF THE COMMUNITY, ECONOMIC AND RECREATIONAL

1 DEVELOPMENT COMMITTEE OF THE SENATE, THE CHAIRMAN AND THE
2 MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE
3 HOUSE OF REPRESENTATIVES AND THE CHAIRMAN AND MINORITY
4 CHAIRMAN OF THE GAMING OVERSIGHT COMMITTEE OF THE HOUSE OF
5 REPRESENTATIVES.

6 (5) ALL COUNTIES AND MUNICIPALITIES RECEIVING
7 DISTRIBUTIONS OF LOCAL SHARE ASSESSMENTS UNDER THIS SECTION
8 SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT OF COMMUNITY
9 AND ECONOMIC DEVELOPMENT ON A FORM PREPARED BY THE DEPARTMENT
10 OF COMMUNITY AND ECONOMIC DEVELOPMENT THAT SETS FORTH THE
11 AMOUNT AND USE OF THE FUNDS RECEIVED FOR THE PRIOR CALENDAR
12 YEAR. THE REPORT SHALL SET FORTH WHETHER THE FUNDS RECEIVED
13 WERE DEPOSITED INTO THE COUNTY'S OR MUNICIPALITY'S GENERAL
14 FUND OR COMMITTED TO A SPECIFIC PROJECT OR USE. THE REPORT
15 SHALL BE SUBMITTED BY AUGUST 31, 2010, AND BY AUGUST 31 OF
16 EACH YEAR THEREAFTER.

17 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
18 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
19 SUBSECTION:

20 "COMMUNITY COLLEGE." THE TERM SHALL HAVE THE MEANING
21 ASCRIED TO IT IN SECTION 1901-A(4) OF THE ACT OF MARCH 10, 1949
22 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949.

23 "LOCAL SHARE ASSESSMENT." TWO PERCENT OF A CERTIFICATE
24 HOLDER'S DAILY GROSS TABLE GAME REVENUE.

25 SECTION 11.2. SECTIONS 1401(B), 1402(A) AND 1402.1 OF TITLE
26 4 ARE AMENDED TO READ:

27 § 1401. SLOT MACHINE LICENSEE DEPOSITS.

28 * * *

29 (B) INITIAL DEPOSIT OF FUNDS.--NOT LATER THAN TWO BUSINESS
30 DAYS PRIOR TO THE COMMENCEMENT OF SLOT MACHINE OPERATIONS BY A

1 SLOT MACHINE LICENSEE, [THE] A SLOT MACHINE LICENSEE SHALL
2 DEPOSIT AND MAINTAIN THE [SUM OF \$5,000,000] FOLLOWING SUMS IN
3 ITS ACCOUNT TO GUARANTEE THE PAYMENT OF FUNDS TO THE
4 COMMONWEALTH UNDER THIS PART AND AS SECURITY FOR ITS OBLIGATIONS
5 UNDER SECTION 1405 (RELATING TO PENNSYLVANIA RACE HORSE
6 DEVELOPMENT FUND) [.]:

7 (1) FOR A CATEGORY 1 OR CATEGORY 2 SLOT MACHINE
8 LICENSEE, \$1,500,000.

9 (2) FOR A CATEGORY 3 SLOT MACHINE LICENSEE, \$1,000,000.

10 NO ADDITIONAL MINIMUM DEPOSIT SHALL BE REQUIRED FROM A SLOT
11 MACHINE LICENSEE IF A SLOT MACHINE LICENSEE IS GRANTED A TABLE
12 GAME OPERATION CERTIFICATE UNDER CHAPTER 13A (RELATING TO TABLE
13 GAMES).

14 * * *

15 § 1402. GROSS TERMINAL REVENUE DEDUCTIONS.

16 (A) DEDUCTIONS.--AFTER DETERMINING THE APPROPRIATE
17 ASSESSMENTS FOR EACH SLOT MACHINE LICENSEE, THE DEPARTMENT SHALL
18 DETERMINE COSTS, EXPENSES OR PAYMENTS FROM EACH ACCOUNT
19 ESTABLISHED UNDER SECTION 1401 (RELATING TO SLOT MACHINE
20 LICENSEE DEPOSITS). THE FOLLOWING COSTS AND EXPENSES SHALL BE
21 TRANSFERRED TO THE APPROPRIATE AGENCY UPON APPROPRIATION BY THE
22 GENERAL ASSEMBLY:

23 (1) THE COSTS AND EXPENSES TO BE INCURRED BY THE
24 DEPARTMENT IN ADMINISTERING THIS PART AT EACH SLOT MACHINE
25 LICENSEE'S LICENSED FACILITY BASED UPON A BUDGET SUBMITTED BY
26 THE DEPARTMENT [TO AND APPROVED BY THE BOARD] UNDER SECTION
27 1402.1 (RELATING TO ITEMIZED BUDGET REPORTING).

28 (2) THE OTHER COSTS AND EXPENSES TO BE INCURRED BY THE
29 DEPARTMENT IN ADMINISTERING THIS PART BASED UPON A BUDGET
30 SUBMITTED BY THE DEPARTMENT [TO AND APPROVED BY THE BOARD]

1 UNDER SECTION 1402.1.

2 (3) SUMS NECESSARY TO REPAY ANY LOANS MADE BY THE
3 GENERAL FUND TO THE DEPARTMENT IN CONNECTION WITH CARRYING
4 OUT ITS RESPONSIBILITIES UNDER THIS PART, INCLUDING THE COSTS
5 OF THE INITIAL ACQUISITION OF THE CENTRAL CONTROL COMPUTER
6 AND ANY ACCESSORIES OR ASSOCIATED EQUIPMENT.

7 (4) THE COSTS AND EXPENSES TO BE INCURRED BY THE
8 PENNSYLVANIA STATE POLICE AND THE OFFICE OF ATTORNEY GENERAL
9 AND NOT OTHERWISE REIMBURSED UNDER THIS PART IN CARRYING OUT
10 THEIR RESPECTIVE RESPONSIBILITIES UNDER THIS PART BASED UPON
11 [A BUDGET] BUDGETS SUBMITTED BY THE PENNSYLVANIA STATE POLICE
12 AND THE ATTORNEY GENERAL [TO AND APPROVED BY THE BOARD] UNDER
13 SECTION 1402.1.

14 (5) SUMS NECESSARY TO REPAY ANY LOANS MADE BY THE
15 GENERAL FUND TO THE PENNSYLVANIA STATE POLICE IN CONNECTION
16 WITH CARRYING OUT ITS RESPONSIBILITIES UNDER THIS PART.

17 (6) THE COSTS AND EXPENSES TO BE INCURRED BY THE BOARD
18 IN CARRYING OUT ITS RESPONSIBILITIES UNDER THIS PART BASED
19 UPON A BUDGET [APPROVED] SUBMITTED BY THE BOARD UNDER SECTION
20 1402.1.

21 (7) SUMS NECESSARY TO REPAY ANY LOANS MADE BY THE
22 GENERAL FUND TO THE BOARD IN CONNECTION WITH CARRYING OUT ITS
23 RESPONSIBILITIES UNDER THIS PART.

24 * * *

25 § 1402.1. ITEMIZED BUDGET REPORTING.

26 (A) SUBMISSION.--THE BOARD, DEPARTMENT, PENNSYLVANIA STATE
27 POLICE AND [THE] OFFICE OF ATTORNEY GENERAL SHALL PREPARE AND
28 ANNUALLY SUBMIT TO THE CHAIRMAN OF THE APPROPRIATIONS COMMITTEE
29 OF THE SENATE AND THE CHAIRMAN OF THE APPROPRIATIONS COMMITTEE
30 OF THE HOUSE OF REPRESENTATIVES AN ITEMIZED BUDGET CONSISTING OF

1 AMOUNTS TO BE APPROPRIATED OUT OF THE ACCOUNTS ESTABLISHED UNDER
2 SECTION 1401 (RELATING TO SLOT MACHINE LICENSEE DEPOSITS)
3 NECESSARY TO ADMINISTER THIS PART. THE DEPARTMENT, PENNSYLVANIA
4 STATE POLICE AND OFFICE OF ATTORNEY GENERAL SHALL PROVIDE COPIES
5 OF THEIR ITEMIZED BUDGETS TO THE BOARD AT THE SAME TIME THEY ARE
6 SUBMITTED TO THE CHAIRMEN OF THE COMMITTEES.

7 (B) ANALYSES AND RECOMMENDATIONS.--AS SOON AS PRACTICABLE
8 AFTER RECEIVING COPIES OF THE ITEMIZED BUDGETS SUBMITTED UNDER
9 SUBSECTION (A), THE BOARD SHALL PREPARE AND SUBMIT TO THE
10 CHAIRMEN OF THE COMMITTEES ANALYSES OF, AND MAKE RECOMMENDATIONS
11 REGARDING, THE ITEMIZED BUDGETS.

12 SECTION 11.3. SECTION 1403(B), (C)(2)(I)(D), (E) AND (F),
13 (III)(F) AND (IV) AND (3)(V) AND (VIII) OF TITLE 4 ARE AMENDED
14 AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

15 § 1403. ESTABLISHMENT OF STATE GAMING FUND AND NET SLOT MACHINE
16 REVENUE DISTRIBUTION.

17 * * *

18 (B) SLOT MACHINE TAX.--[THE DEPARTMENT SHALL DETERMINE AND
19 EACH] EACH SLOT MACHINE LICENSEE SHALL REPORT TO THE DEPARTMENT
20 AND PAY ON A FORM AND IN A MANNER PRESCRIBED BY THE DEPARTMENT A
21 DAILY TAX OF 34% FROM ITS DAILY GROSS TERMINAL REVENUE FROM THE
22 SLOT MACHINES IN OPERATION AT ITS FACILITY AND A LOCAL SHARE
23 ASSESSMENT AS PROVIDED IN SUBSECTION (C) [INTO THE FUND]. ALL
24 FUNDS OWED TO THE COMMONWEALTH, A COUNTY OR A MUNICIPALITY UNDER
25 THIS SECTION SHALL BE HELD IN TRUST BY THE LICENSED GAMING
26 ENTITY FOR THE COMMONWEALTH, THE COUNTY AND THE MUNICIPALITY
27 UNTIL THE FUNDS ARE PAID OR TRANSFERRED [AND DISTRIBUTED] TO THE
28 FUND. UNLESS OTHERWISE AGREED TO BY THE [GAMING BOARD] BOARD, A
29 LICENSED GAMING ENTITY SHALL ESTABLISH A SEPARATE BANK ACCOUNT
30 TO MAINTAIN [GAMING PROCEEDS] GROSS TERMINAL REVENUE UNTIL SUCH

1 TIME AS [THEY] THE FUNDS ARE PAID OR TRANSFERRED UNDER THIS
2 SECTION. MONEYS IN THE FUND ARE HEREBY APPROPRIATED TO THE
3 DEPARTMENT ON A CONTINUING BASIS FOR THE PURPOSES SET FORTH IN
4 SUBSECTION (C).

5 (C) TRANSFERS AND DISTRIBUTIONS.--THE DEPARTMENT SHALL:

6 * * *

7 (2) FROM THE LOCAL SHARE ASSESSMENT ESTABLISHED IN
8 SUBSECTION (B), MAKE QUARTERLY DISTRIBUTIONS AMONG THE
9 COUNTIES HOSTING A LICENSED FACILITY IN ACCORDANCE WITH THE
10 FOLLOWING SCHEDULE:

11 (I) IF THE LICENSED FACILITY IS A CATEGORY 1
12 LICENSED FACILITY THAT IS LOCATED AT A HARNESS RACETRACK
13 AND THE COUNTY, INCLUDING A HOME RULE COUNTY, IN WHICH
14 THE LICENSED FACILITY IS LOCATED IS:

15 * * *

16 (D) (I) A COUNTY OF THE THIRD CLASS: EXCEPT AS
17 PROVIDED IN SUBCLAUSE (II), 2% OF THE GROSS
18 TERMINAL REVENUE FROM EACH SUCH LICENSED FACILITY
19 SHALL BE DEPOSITED INTO A RESTRICTED RECEIPTS
20 ACCOUNT TO BE ESTABLISHED IN THE [DEPARTMENT OF
21 COMMUNITY AND ECONOMIC DEVELOPMENT] COMMONWEALTH
22 FINANCING AUTHORITY TO BE USED EXCLUSIVELY FOR
23 GRANTS FOR [HEALTH, SAFETY AND ECONOMIC
24 DEVELOPMENT PROJECTS] PROJECTS IN THE PUBLIC
25 INTEREST TO MUNICIPALITIES WITHIN THE COUNTY
26 WHERE THE LICENSED FACILITY IS LOCATED.
27 [MUNICIPALITIES THAT ARE CONTIGUOUS TO THE
28 MUNICIPALITY HOSTING SUCH LICENSED FACILITY SHALL
29 BE GIVEN PRIORITY BY THE DEPARTMENT OF COMMUNITY
30 AND ECONOMIC DEVELOPMENT IN THE AWARD OF SUCH

GRANTS.]

(I.1) PRIORITY SHALL BE GIVEN TO MULTIYEAR
PROJECTS APPROVED OR AWARDED BY THE DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT UNDER
SUBCLAUSE (I) ON OR BEFORE THE EFFECTIVE DATE OF
THIS SUBCLAUSE.

(II) IF A LICENSED FACILITY IS LOCATED IN
ONE OF TWO COUNTIES OF THE THIRD CLASS WHERE A
CITY OF THE THIRD CLASS IS LOCATED IN BOTH
COUNTIES OF THE THIRD CLASS, THE COUNTY IN WHICH
THE LICENSED FACILITY IS LOCATED SHALL RECEIVE
1.2% OF THE GROSS TERMINAL REVENUE TO BE
DISTRIBUTED AS FOLLOWS: 20% TO THE HOST CITY,
30% TO THE HOST COUNTY AND 50% TO THE HOST COUNTY
FOR THE PURPOSE OF MAKING MUNICIPAL GRANTS WITHIN
THE COUNTY, WITH PRIORITY GIVEN TO MUNICIPALITIES
CONTIGUOUS TO THE HOST CITY. THE COUNTY OF THE
THIRD CLASS, WHICH INCLUDES A CITY OF THE THIRD
CLASS THAT IS LOCATED IN TWO COUNTIES OF THE
THIRD CLASS AND IS NOT THE HOST COUNTY FOR THE
LICENSED FACILITY, SHALL RECEIVE .8% OF THE GROSS
TERMINAL REVENUE TO BE DISTRIBUTED AS FOLLOWS:
60% TO A NONHOST CITY OF THE THIRD CLASS LOCATED
SOLELY IN THE NONHOST COUNTY IN WHICH THE HOST
CITY OF THE THIRD CLASS IS ALSO LOCATED OR 60% TO
THE NONHOST CITY OF THE THIRD CLASS LOCATED BOTH
IN THE HOST AND NONHOST COUNTIES OF THE THIRD
CLASS, 35% TO THE NONHOST COUNTY AND 5% TO THE
NONHOST COUNTY FOR THE PURPOSE OF MAKING
MUNICIPAL GRANTS WITHIN THE COUNTY.

1 (E) A COUNTY OF THE FOURTH CLASS: 2% OF THE
2 GROSS TERMINAL REVENUE FROM EACH SUCH LICENSED
3 FACILITY SHALL BE DISTRIBUTED AS FOLLOWS:

4 (I) THE DEPARTMENT SHALL MAKE DISTRIBUTIONS
5 DIRECTLY TO EACH MUNICIPALITY WITHIN THE COUNTY,
6 EXCEPT THE HOST MUNICIPALITY, BY USING A FORMULA
7 EQUAL TO THE SUM OF \$25,000 PLUS \$10 PER RESIDENT
8 OF THE MUNICIPALITY USING THE MOST RECENT
9 POPULATION FIGURES PROVIDED BY THE DEPARTMENT OF
10 COMMUNITY AND ECONOMIC DEVELOPMENT, PROVIDED,
11 HOWEVER, THAT THE AMOUNT SO DISTRIBUTED TO ANY
12 MUNICIPALITY SHALL NOT EXCEED 50% OF ITS TOTAL
13 BUDGET FOR FISCAL YEAR 2009, ADJUSTED FOR
14 INFLATION IN SUBSEQUENT FISCAL YEARS BY AN AMOUNT
15 NOT TO EXCEED AN ANNUAL COST-OF-LIVING ADJUSTMENT
16 CALCULATED BY APPLYING ANY UPWARD PERCENTAGE
17 CHANGE IN THE CONSUMER PRICE INDEX IMMEDIATELY
18 PRIOR TO THE DATE THE ADJUSTMENT IS DUE TO TAKE
19 EFFECT. DISTRIBUTIONS TO A MUNICIPALITY IN
20 ACCORDANCE WITH THIS SUBCLAUSE SHALL BE DEPOSITED
21 INTO A SPECIAL FUND WHICH SHALL BE ESTABLISHED BY
22 THE MUNICIPALITY. THE GOVERNING BODY OF THE
23 MUNICIPALITY SHALL HAVE THE RIGHT TO DRAW UPON
24 THE SPECIAL FUND FOR ANY LAWFUL PURPOSE PROVIDED
25 THAT THE MUNICIPALITY IDENTIFIES THE FUND AS THE
26 SOURCE OF THE EXPENDITURE. EACH MUNICIPALITY
27 SHALL ANNUALLY SUBMIT A REPORT TO THE DEPARTMENT
28 OF COMMUNITY AND ECONOMIC DEVELOPMENT DETAILING
29 THE AMOUNT AND PURPOSE OF EACH EXPENDITURE MADE
30 FROM THE SPECIAL FUND DURING THE PRIOR FISCAL

1 YEAR.

2 (II) ANY FUNDS NOT DISTRIBUTED UNDER
3 SUBCLAUSE (I) SHALL BE DEPOSITED INTO A
4 RESTRICTED RECEIPTS ACCOUNT ESTABLISHED IN THE
5 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
6 TO BE USED EXCLUSIVELY FOR GRANTS TO THE COUNTY,
7 TO ECONOMIC DEVELOPMENT AUTHORITIES OR
8 REDEVELOPMENT AUTHORITIES WITHIN THE COUNTY FOR
9 GRANTS FOR ECONOMIC DEVELOPMENT PROJECTS,
10 INFRASTRUCTURE PROJECTS, JOB TRAINING, COMMUNITY
11 IMPROVEMENT PROJECTS, OTHER PROJECTS IN THE
12 PUBLIC INTEREST, AND NECESSARY AND REASONABLE
13 ADMINISTRATIVE COSTS. NOTWITHSTANDING THE
14 PROVISIONS OF THE ACT OF FEBRUARY 9, 1999 (P.L.1,
15 NO.1), KNOWN AS THE CAPITAL FACILITIES DEBT
16 ENABLING ACT, GRANTS MADE UNDER THIS CLAUSE MAY
17 BE UTILIZED AS LOCAL MATCHING FUNDS FOR OTHER
18 GRANTS OR LOANS FROM THE COMMONWEALTH.

19 (F) COUNTIES OF THE FIFTH THROUGH EIGHTH
20 CLASSES:

21 (I) EXCEPT AS SET FORTH IN SUBCLAUSE (II),
22 2% OF THE GROSS TERMINAL REVENUE FROM EACH SUCH
23 LICENSED FACILITY SHALL BE DEPOSITED INTO A
24 RESTRICTED ACCOUNT ESTABLISHED IN THE DEPARTMENT
25 OF COMMUNITY AND ECONOMIC DEVELOPMENT TO BE USED
26 EXCLUSIVELY FOR GRANTS TO THE COUNTY.

27 (II) IF THE LICENSED FACILITY IS LOCATED IN
28 A SECOND CLASS TOWNSHIP IN A COUNTY OF THE FIFTH
29 CLASS, 2% OF THE GROSS TERMINAL REVENUE FROM THE
30 LICENSED FACILITY SHALL BE DISTRIBUTED AS

1 FOLLOWS:

2 (A) 1% SHALL BE DEPOSITED INTO A
3 RESTRICTED RECEIPTS ACCOUNT TO BE ESTABLISHED
4 IN THE COMMONWEALTH FINANCING AUTHORITY TO BE
5 USED EXCLUSIVELY FOR GRANTS FOR PROJECTS IN
6 THE PUBLIC INTEREST TO MUNICIPALITIES WITHIN
7 THE COUNTY WHERE THE LICENSED FACILITY IS
8 LOCATED.

9 (B) 1% SHALL BE DISTRIBUTED TO THE COUNTY
10 FOR PROJECTS IN THE PUBLIC INTEREST IN THE
11 COUNTY.

12 * * *

13 (III) IF THE FACILITY IS A CATEGORY 2 LICENSED
14 FACILITY AND IF THE COUNTY IN WHICH THE LICENSED FACILITY
15 IS LOCATED IS:

16 * * *

17 (F) COUNTIES OF THE FIFTH CLASS: 2% OF THE
18 GROSS TERMINAL REVENUE FROM EACH SUCH LICENSED
19 FACILITY SHALL BE DEPOSITED AND DISTRIBUTED AS
20 FOLLOWS:

21 (I) ONE PERCENT TO BE DISTRIBUTED AS
22 FOLLOWS:

23 (A) BEGINNING IN 2010, THE SUM OF
24 \$2,400,000 ANNUALLY FOR A PERIOD OF 20 YEARS
25 TO THE COUNTY FOR PURPOSES OF FUNDING DEBT
26 SERVICE RELATED TO THE CONSTRUCTION OF A
27 COMMUNITY COLLEGE CAMPUS LOCATED WITHIN THE
28 COUNTY.

29 (B) ANY FUNDS NOT DISTRIBUTED UNDER
30 SUBCLAUSE (A) SHALL BE DEPOSITED INTO A

1 RESTRICTED RECEIPTS ACCOUNT TO BE ESTABLISHED
2 IN THE [DEPARTMENT OF COMMUNITY AND ECONOMIC
3 DEVELOPMENT] COMMONWEALTH FINANCING AUTHORITY
4 TO BE USED EXCLUSIVELY FOR GRANTS WITHIN THE
5 COUNTY FOR ECONOMIC DEVELOPMENT PROJECTS,
6 ROAD PROJECTS LOCATED WITHIN A 20-MILE RADIUS
7 OF THE LICENSED FACILITY AND LOCATED WITHIN
8 THE COUNTY, COMMUNITY IMPROVEMENT PROJECTS
9 AND OTHER PROJECTS IN THE PUBLIC INTEREST
10 WITHIN THE COUNTY. THE AMOUNT UNDER THIS
11 SUBCLAUSE INCLUDES REASONABLE ADMINISTRATIVE
12 COSTS.

13 (II) ONE PERCENT SHALL BE DEPOSITED INTO A
14 RESTRICTED RECEIPTS ACCOUNT TO BE ESTABLISHED IN
15 THE [DEPARTMENT OF COMMUNITY AND ECONOMIC
16 DEVELOPMENT] COMMONWEALTH FINANCING AUTHORITY TO
17 BE USED EXCLUSIVELY FOR GRANTS WITHIN CONTIGUOUS
18 COUNTIES FOR ECONOMIC DEVELOPMENT PROJECTS,
19 COMMUNITY IMPROVEMENT PROJECTS AND OTHER PROJECTS
20 IN THE PUBLIC INTEREST WITHIN CONTIGUOUS
21 COUNTIES. THE AMOUNT UNDER THIS SUBCLAUSE
22 INCLUDES REASONABLE ADMINISTRATIVE COSTS. A
23 CONTIGUOUS COUNTY THAT HOSTS A CATEGORY 1
24 LICENSED FACILITY SHALL BE INELIGIBLE TO RECEIVE
25 GRANTS UNDER THIS SUBCLAUSE.

26 (II.1) PRIORITY SHALL BE GIVEN TO MULTIYEAR
27 PROJECTS APPROVED OR AWARDED BY THE DEPARTMENT OF
28 COMMUNITY AND ECONOMIC DEVELOPMENT UNDER
29 SUBCLAUSE (II) ON OR BEFORE THE EFFECTIVE DATE OF
30 THIS SUBCLAUSE.

(III) FIFTY PERCENT OF ANY REVENUE REQUIRED TO BE TRANSFERRED UNDER PARAGRAPH (3) (V) SHALL BE DEPOSITED INTO THE RESTRICTED RECEIPTS ACCOUNT ESTABLISHED UNDER SUBCLAUSE (I) (B), AND 50% SHALL BE DEPOSITED INTO THE RESTRICTED [RECEIPT] RECEIPTS ACCOUNT ESTABLISHED UNDER SUBCLAUSE (II). NOTWITHSTANDING THE CAPITAL FACILITIES DEBT ENABLING ACT, GRANTS MADE UNDER THIS CLAUSE MAY BE UTILIZED AS LOCAL MATCHING FUNDS FOR OTHER GRANTS OR LOANS FROM THE COMMONWEALTH.

* * *

(IV) [IF] (A) EXCEPT AS PROVIDED IN CLAUSE (B) OR (C), IF THE FACILITY IS A CATEGORY 3 LICENSED FACILITY, 2% OF THE GROSS TERMINAL REVENUE FROM [EACH SUCH] THE LICENSED FACILITY SHALL BE DEPOSITED INTO A RESTRICTED RECEIPTS ACCOUNT ESTABLISHED IN THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO BE USED EXCLUSIVELY FOR GRANTS TO THE COUNTY, TO ECONOMIC DEVELOPMENT AUTHORITIES OR REDEVELOPMENT AUTHORITIES WITHIN THE COUNTY FOR GRANTS FOR ECONOMIC DEVELOPMENT PROJECTS [AND], COMMUNITY IMPROVEMENT PROJECTS AND OTHER PROJECTS IN THE PUBLIC INTEREST.

(B) IF THE FACILITY IS A CATEGORY 3 LICENSED FACILITY LOCATED IN A COUNTY OF THE SECOND CLASS A, 2% OF THE GROSS TERMINAL REVENUE FROM THE LICENSED FACILITY SHALL BE DEPOSITED INTO A RESTRICTED RECEIPTS ACCOUNT TO BE ESTABLISHED IN THE COMMONWEALTH FINANCING AUTHORITY TO BE USED EXCLUSIVELY FOR GRANTS OR GUARANTEES FOR PROJECTS IN THE HOST COUNTY THAT QUALIFY UNDER 64 PA.C.S. §§ 1551

1 (RELATING TO BUSINESS IN OUR SITES PROGRAM), 1556
2 (RELATING TO TAX INCREMENT FINANCING GUARANTEE
3 PROGRAM) AND 1558 (RELATING TO WATER SUPPLY AND
4 WASTEWATER INFRASTRUCTURE PROGRAM).

5 (C) IF THE FACILITY IS A CATEGORY 3 LICENSED
6 FACILITY LOCATED IN A COUNTY OF THE FIFTH CLASS THAT
7 IS CONTIGUOUS TO A COUNTY OF THE SEVENTH CLASS, 2% OF
8 THE GROSS TERMINAL REVENUE FROM THE LICENSED FACILITY
9 SHALL BE DEPOSITED INTO A RESTRICTED RECEIPTS ACCOUNT
10 TO BE ESTABLISHED IN THE COMMONWEALTH FINANCING
11 AUTHORITY TO BE USED EXCLUSIVELY FOR GRANTS WITHIN
12 THE COUNTY FOR ECONOMIC DEVELOPMENT PROJECTS,
13 INFRASTRUCTURE PROJECTS, COMMUNITY IMPROVEMENT
14 PROJECTS AND OTHER PROJECTS IN THE PUBLIC INTEREST
15 WITHIN THE COUNTY AND FOR INFRASTRUCTURE PROJECTS
16 WITHIN A TWO MILE RADIUS OF THE LICENSED FACILITY IN
17 A CONTIGUOUS COUNTY OF THE SEVENTH CLASS.

18 * * *

19 (3) FROM THE LOCAL SHARE ASSESSMENT ESTABLISHED IN
20 SUBSECTION (B), MAKE QUARTERLY DISTRIBUTIONS AMONG THE
21 MUNICIPALITIES, INCLUDING HOME RULE MUNICIPALITIES, HOSTING A
22 LICENSED FACILITY IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

23 * * *

24 (V) TO A TOWNSHIP OF THE SECOND CLASS HOSTING A
25 LICENSED FACILITY[, OTHER THAN A CATEGORY 3 LICENSED
26 FACILITY,]

27 (A) 2% OF THE GROSS TERMINAL REVENUE OR
28 \$10,000,000 ANNUALLY, WHICHEVER IS GREATER, SHALL BE
29 PAID BY EACH LICENSED GAMING ENTITY OPERATING A
30 LICENSED FACILITY [LOCATED IN THE TOWNSHIP], OTHER

1 THAN A CATEGORY 3 LICENSED FACILITY OR A LICENSED
2 FACILITY OWNING LAND ADJACENT TO THE LICENSED
3 FACILITY LOCATED IN MORE THAN ONE TOWNSHIP OF THE
4 SECOND CLASS, TO THE TOWNSHIP OF THE SECOND CLASS
5 HOSTING THE LICENSED FACILITY, SUBJECT, HOWEVER, TO
6 THE BUDGETARY LIMITATION IN THIS SUBPARAGRAPH. THE
7 AMOUNT ALLOCATED TO THE DESIGNATED MUNICIPALITIES
8 SHALL NOT EXCEED 50% OF THEIR TOTAL BUDGET FOR FISCAL
9 YEAR 2003-2004, ADJUSTED FOR INFLATION IN SUBSEQUENT
10 YEARS BY AN AMOUNT NOT TO EXCEED AN ANNUAL COST-OF-
11 LIVING ADJUSTMENT CALCULATED BY APPLYING THE
12 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX
13 IMMEDIATELY PRIOR TO THE DATE THE ADJUSTMENT IS DUE
14 TO TAKE EFFECT. ANY REMAINING MONEY SHALL BE
15 COLLECTED BY THE DEPARTMENT FROM EACH LICENSED GAMING
16 ENTITY AND DISTRIBUTED IN ACCORDANCE WITH PARAGRAPH
17 (2) BASED UPON THE CLASSIFICATION OF COUNTY WHERE THE
18 LICENSED FACILITY IS LOCATED. [WHERE THE LICENSED
19 FACILITY IS OTHER THAN A CATEGORY 3 AND IS LOCATED IN
20 MORE THAN ONE SECOND CLASS TOWNSHIP, THE] IF REVENUES
21 GENERATED BY THE 2% DO NOT MEET THE \$10,000,000
22 MINIMUM SPECIFIED IN THIS SUBPARAGRAPH, THE
23 DEPARTMENT SHALL COLLECT THE REMAINDER OF THE MINIMUM
24 AMOUNT OF \$10,000,000 FROM EACH LICENSED GAMING
25 ENTITY OPERATING A LICENSED FACILITY IN THE TOWNSHIP,
26 PAY ANY BALANCE DUE TO THE TOWNSHIP AND TRANSFER ANY
27 REMAINDER IN ACCORDANCE WITH PARAGRAPH (2).
28 (B) 2% OF THE GROSS TERMINAL REVENUE OR
29 \$10,000,000 ANNUALLY, WHICHEVER IS GREATER, LESS THE
30 AMOUNT PAID UNDER CLAUSE (C), SHALL BE PAID BY EACH

1 LICENSED GAMING ENTITY OPERATING A LICENSED FACILITY
2 AND OWNING LAND ADJACENT TO THE LICENSED FACILITY
3 LOCATED IN MORE THAN ONE TOWNSHIP OF THE SECOND
4 CLASS, OTHER THAN A CATEGORY 3 LICENSED FACILITY, TO
5 THE TOWNSHIP OF THE SECOND CLASS HOSTING THE LICENSED
6 FACILITY, SUBJECT, HOWEVER, TO THE BUDGETARY
7 LIMITATION IN THIS SUBPARAGRAPH. THE AMOUNT ALLOCATED
8 TO THE DESIGNATED MUNICIPALITIES MAY NOT EXCEED 50%
9 OF THEIR TOTAL BUDGET FOR THE FISCAL YEAR 2003-2004,
10 ADJUSTED FOR INFLATION IN SUBSEQUENT YEARS BY AN
11 AMOUNT NOT TO EXCEED AN ANNUAL COST-OF-LIVING
12 ADJUSTMENT CALCULATED BY APPLYING THE PERCENTAGE
13 CHANGE IN THE CONSUMER PRICE INDEX IMMEDIATELY PRIOR
14 TO THE DATE THE ADJUSTMENT IS DUE TO TAKE EFFECT. ANY
15 REMAINING MONEY SHALL BE COLLECTED BY THE DEPARTMENT
16 FROM EACH LICENSED GAMING ENTITY AND DISTRIBUTED IN
17 ACCORDANCE WITH PARAGRAPH (2) BASED UPON THE
18 CLASSIFICATION OF THE COUNTY WHERE THE LICENSED
19 FACILITY IS LOCATED. THE COUNTY COMMISSIONERS OF
20 [THE] A COUNTY OF THE THIRD CLASS IN WHICH THE
21 LICENSED FACILITY IS LOCATED SHALL APPOINT AN
22 ADVISORY COMMITTEE FOR THE PURPOSE OF ADVISING THE
23 COUNTY AS TO THE NEED FOR MUNICIPAL GRANTS FOR
24 HEALTH, SAFETY, TRANSPORTATION AND OTHER PROJECTS IN
25 THE PUBLIC INTEREST TO BE COMPRISED OF TWO
26 INDIVIDUALS FROM THE HOST MUNICIPALITY, TWO FROM
27 CONTIGUOUS MUNICIPALITIES WITHIN THE COUNTY OF THE
28 THIRD CLASS AND ONE FROM THE HOST COUNTY. [A COUNTY
29 OTHER THAN A COUNTY OF THE THIRD CLASS IN WHICH THE
30 LICENSED FACILITY IS LOCATED IS NOT REQUIRED TO

1 APPOINT AN ADVISORY COMMITTEE AND MAY USE FUNDS
2 RECEIVED UNDER THIS SUBPARAGRAPH FOR PURPOSES OTHER
3 THAN MUNICIPAL GRANTS.] IN THE EVENT THAT THE
4 REVENUES GENERATED BY THE 2% DO NOT MEET THE
5 \$10,000,000 MINIMUM SPECIFIED IN THIS SUBPARAGRAPH,
6 THE DEPARTMENT SHALL COLLECT THE REMAINDER OF THE
7 MINIMUM AMOUNT OF \$10,000,000 FROM EACH LICENSED
8 GAMING ENTITY OPERATING A LICENSED FACILITY IN THE
9 TOWNSHIP, PAY ANY BALANCE DUE TO THE TOWNSHIP AND
10 TRANSFER ANY REMAINDER IN ACCORDANCE WITH PARAGRAPH
11 (2) .

12 (C) \$160,000 ANNUALLY SHALL BE PAID BY EACH
13 LICENSED GAMING ENTITY OPERATING A LICENSED FACILITY
14 AND OWNING LAND ADJACENT TO THE LICENSED FACILITY
15 LOCATED IN MORE THAN ONE TOWNSHIP OF THE SECOND
16 CLASS, OTHER THAN A CATEGORY 3 LICENSED FACILITY, TO
17 THE TOWNSHIP OF THE SECOND CLASS THAT IS LOCATED IN A
18 COUNTY OF THE FIFTH CLASS IN WHICH THE ADJACENT LAND
19 IS LOCATED, INCLUDING RACETRACKS, GRAZING FIELDS OR
20 ANY OTHER ADJOINING REAL PROPERTY.

21 * * *

22 (VIII) [TO] (A) EXCEPT AS PROVIDED IN CLAUSE (B) OR
23 (C), TO A MUNICIPALITY OF ANY CLASS HOSTING A
24 CATEGORY 3 FACILITY, 2% OF THE GROSS TERMINAL REVENUE
25 FROM THE CATEGORY 3 LICENSED FACILITY LOCATED IN THE
26 MUNICIPALITY, SUBJECT, HOWEVER, TO THE BUDGETARY
27 LIMITATION IN THIS [SUBPARAGRAPH] CLAUSE. THE AMOUNT
28 ALLOCATED TO THE DESIGNATED MUNICIPALITIES SHALL NOT
29 EXCEED 50% OF THEIR TOTAL BUDGET FOR FISCAL YEAR
30 [2003-2004] 2009, ADJUSTED FOR INFLATION IN

1 SUBSEQUENT YEARS BY AN AMOUNT NOT TO EXCEED AN ANNUAL
2 COST-OF-LIVING ADJUSTMENT CALCULATED BY APPLYING THE
3 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX
4 IMMEDIATELY PRIOR TO THE DATE THE ADJUSTMENT IS DUE
5 TO TAKE EFFECT. ANY REMAINING MONEY SHALL BE
6 COLLECTED BY THE DEPARTMENT FROM EACH LICENSED GAMING
7 ENTITY AND DISTRIBUTED IN ACCORDANCE WITH PARAGRAPH
8 (2) BASED UPON THE CLASSIFICATION OF COUNTY WHERE THE
9 LICENSED FACILITY IS LOCATED.

10 (B) IF THE MUNICIPALITY HOSTING A CATEGORY 3
11 LICENSED FACILITY IS A BOROUGH LOCATED IN A COUNTY OF
12 THE THIRD CLASS AND THE BOROUGH IS CONTIGUOUS TO A
13 CITY OF THE THIRD CLASS, 1% OF GROSS TERMINAL REVENUE
14 SHALL BE DISTRIBUTED TO THE HOST BOROUGH AND 1% OF
15 GROSS TERMINAL REVENUE SHALL BE DISTRIBUTED TO THE
16 CITY OF THE THIRD CLASS THAT IS CONTIGUOUS TO THE
17 HOST BOROUGH, SUBJECT, HOWEVER, TO THE BUDGETARY
18 LIMITATION IN THIS CLAUSE. THE AMOUNT ALLOCATED TO
19 EACH DESIGNATED MUNICIPALITY SHALL NOT EXCEED 50% OF
20 ITS TOTAL BUDGET FOR FISCAL YEAR 2009, ADJUSTED FOR
21 INFLATION IN SUBSEQUENT YEARS BY AN AMOUNT NOT TO
22 EXCEED AN ANNUAL COST-OF-LIVING ADJUSTMENT CALCULATED
23 BY APPLYING THE PERCENTAGE INCREASE, IF ANY, IN THE
24 CONSUMER PRICE INDEX IMMEDIATELY PRIOR TO THE DATE
25 THE ADJUSTMENT IS DUE TO TAKE EFFECT. ANY REMAINING
26 MONEY SHALL BE COLLECTED BY THE DEPARTMENT FROM EACH
27 LICENSED GAMING ENTITY AND DISTRIBUTED IN ACCORDANCE
28 WITH PARAGRAPH (2) BASED UPON THE CLASSIFICATION OF
29 COUNTY WHERE THE LICENSED FACILITY IS LOCATED.

30 (C) IF THE MUNICIPALITY HOSTING A CATEGORY 3

1 LICENSED FACILITY IS A TOWNSHIP OF THE SECOND CLASS
2 IN A COUNTY OF THE FIFTH CLASS, 2% OF THE GROSS
3 TERMINAL REVENUE FROM THE CATEGORY 3 LICENSED
4 FACILITY LOCATED IN THE MUNICIPALITY, SUBJECT,
5 HOWEVER, TO THE BUDGETARY LIMITATION IN THIS CLAUSE.
6 THE AMOUNT ALLOCATED TO THE DESIGNATED MUNICIPALITIES
7 SHALL NOT EXCEED 50% OF THEIR TOTAL BUDGET FOR FISCAL
8 YEAR 2009, ADJUSTED FOR INFLATION IN SUBSEQUENT YEARS
9 BY AN AMOUNT NOT TO EXCEED AN ANNUAL COST-OF-LIVING
10 ADJUSTMENT CALCULATED BY APPLYING THE PERCENTAGE
11 CHANGE IN THE CONSUMER PRICE INDEX IMMEDIATELY PRIOR
12 TO THE DATE THE ADJUSTMENT IS DUE TO TAKE EFFECT. ANY
13 REMAINING MONEY SHALL BE COLLECTED BY THE DEPARTMENT
14 FROM EACH LICENSED GAMING ENTITY AND DISTRIBUTED IN
15 EQUAL AMOUNTS TO EACH MUNICIPALITY CONTIGUOUS TO THE
16 HOST MUNICIPALITY. HOWEVER, IF THE AMOUNT TO BE
17 ALLOCATED TO ANY CONTIGUOUS MUNICIPALITY EXCEEDS 50%
18 OF THE MUNICIPALITY'S TOTAL BUDGET FOR FISCAL YEAR
19 2009, ADJUSTED FOR INFLATION IN SUBSEQUENT YEARS BY
20 AN AMOUNT NOT TO EXCEED AN ANNUAL COST-OF-LIVING
21 ADJUSTMENT CALCULATED BY APPLYING THE PERCENTAGE
22 CHANGE IN THE CONSUMER PRICE INDEX IMMEDIATELY PRIOR
23 TO THE DATE THE ADJUSTMENT IS DUE TO TAKE EFFECT. ANY
24 MONEY REMAINING FOLLOWING DISTRIBUTION TO CONTIGUOUS
25 MUNICIPALITIES SHALL BE COLLECTED BY THE DEPARTMENT
26 AND DISTRIBUTED IN ACCORDANCE WITH PARAGRAPH (2)
27 BASED UPON THE CLASSIFICATION OF COUNTY WHERE THE
28 LICENSED FACILITY IS LOCATED.

29 * * *

30 (E) REPORTING.--

1 (1) IN COOPERATION WITH THE DEPARTMENT, THE DEPARTMENT
2 OF COMMUNITY AND ECONOMIC DEVELOPMENT SHALL SUBMIT AN ANNUAL
3 REPORT ON ALL DISTRIBUTIONS OF LOCAL SHARE ASSESSMENTS TO
4 COUNTIES AND MUNICIPALITIES UNDER THIS SECTION TO THE
5 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS
6 COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN
7 OF THE COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT
8 COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN
9 OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
10 REPRESENTATIVES AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
11 GAMING OVERSIGHT COMMITTEE OF THE HOUSE OF REPRESENTATIVES.
12 THE REPORT SHALL BE SUBMITTED BY AUGUST 31, 2010, AND BY
13 AUGUST 31 OF EACH YEAR THEREAFTER.

14 (2) ALL COUNTIES AND MUNICIPALITIES RECEIVING
15 DISTRIBUTIONS OF LOCAL SHARE ASSESSMENTS UNDER THIS SECTION
16 SHALL SUBMIT INFORMATION TO THE DEPARTMENT OF COMMUNITY AND
17 ECONOMIC DEVELOPMENT ON A FORM PREPARED BY THE DEPARTMENT OF
18 COMMUNITY AND ECONOMIC DEVELOPMENT THAT SETS FORTH THE AMOUNT
19 AND USE OF THE FUNDS RECEIVED IN THE PRIOR CALENDAR YEAR. THE
20 FORM SHALL SET FORTH WHETHER THE FUNDS RECEIVED WERE
21 DEPOSITED IN THE COUNTY'S OR MUNICIPALITY'S GENERAL FUND OR
22 COMMITTED TO A SPECIFIC PROJECT OR USE.

23 (F) PROHIBITED ACTIVITIES.--

24 (1) A PERSON OR ITS AFFILIATED ENTITY OR A POLITICAL
25 SUBDIVISION SHALL NOT COMPENSATE OR INCUR AN OBLIGATION TO
26 COMPENSATE A PERSON TO ENGAGE IN LOBBYING FOR COMPENSATION
27 CONTINGENT IN WHOLE OR IN PART UPON THE APPROVAL, AWARD,
28 RECEIPT OR DENIAL OF FUNDS UNDER THIS SECTION. A PERSON OR
29 ITS AFFILIATED ENTITY SHALL NOT ENGAGE IN OR AGREE TO ENGAGE
30 IN LOBBYING FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART

1 UPON THE APPROVAL, AWARD, RECEIPT OR DENIAL OF FUNDS UNDER
2 THIS SECTION. THIS SUBSECTION SHALL NOT APPLY TO A COUNTY OR
3 MUNICIPALITY THAT COMPENSATES A PERSON TO PREPARE A GRANT
4 APPLICATION FOR FUNDS UNDER THIS SECTION IF THE FOLLOWING
5 REQUIREMENTS ARE MET:

6 (I) THE PERSON IS NOT IDENTIFIED IN THE APPLICATION.

7 (II) THE PERSON HAS NO DIRECT CONTACT WITH THE
8 AGENCY, COUNTY OR MUNICIPALITY PROVIDING THE FUNDING.

9 (III) THE PERSON IS PAID A FIXED FEE OR PERCENTAGE
10 OF THE AMOUNT OF ANY FUNDS APPROVED, AWARDED OR RECEIVED
11 UP TO .5%.

12 (2) A VIOLATION OF THIS SECTION SHALL BE CONSIDERED AN
13 INTENTIONAL VIOLATION OF 65 PA.C.S. § 13A09(E) (RELATING TO
14 PENALTIES).

15 SECTION 11.4. SECTION 1406(A) OF TITLE 4 IS AMENDED TO READ:
16 § 1406. DISTRIBUTIONS FROM PENNSYLVANIA RACE HORSE DEVELOPMENT
17 FUND.

18 (A) DISTRIBUTIONS.--FUNDS [FROM] IN THE PENNSYLVANIA RACE
19 HORSE DEVELOPMENT FUND ARE HEREBY APPROPRIATED TO THE DEPARTMENT
20 ON A CONTINUING BASIS FOR THE PURPOSES SET FORTH IN THIS
21 SUBSECTION AND SHALL BE DISTRIBUTED TO EACH ACTIVE AND OPERATING
22 CATEGORY 1 LICENSEE CONDUCTING LIVE RACING [IN THE FOLLOWING
23 MANNER] AS FOLLOWS:

24 (1) AN AMOUNT EQUAL TO 18% OF THE DAILY GROSS TERMINAL
25 REVENUE OF EACH CATEGORY 1 LICENSEE SHALL BE DISTRIBUTED TO
26 EACH ACTIVE AND OPERATING CATEGORY 1 LICENSEE CONDUCTING LIVE
27 RACING UNLESS THE DAILY ASSESSMENTS ARE AFFECTED BY THE DAILY
28 ASSESSMENT CAP PROVIDED FOR IN SECTION 1405(C) (RELATING TO
29 PENNSYLVANIA RACE HORSE DEVELOPMENT FUND). IN CASES IN WHICH
30 THE DAILY ASSESSMENT CAP AFFECTS DAILY ASSESSMENTS, THE

1 DISTRIBUTION TO EACH ACTIVE AND OPERATING CATEGORY 1 LICENSEE
2 CONDUCTING LIVE RACING FOR THAT DAY SHALL BE A PERCENTAGE OF
3 THE TOTAL DAILY ASSESSMENTS PAID INTO THE PENNSYLVANIA RACE
4 HORSE DEVELOPMENT FUND FOR THAT DAY EQUAL TO THE GROSS
5 TERMINAL REVENUE OF EACH ACTIVE AND OPERATING CATEGORY 1
6 LICENSEE CONDUCTING LIVE RACING FOR THAT DAY DIVIDED BY THE
7 TOTAL GROSS TERMINAL REVENUE OF ALL ACTIVE AND OPERATING
8 CATEGORY 1 LICENSEES CONDUCTING LIVE RACING FOR THAT DAY.

9 [THE] EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (2.1), THE
10 DISTRIBUTIONS TO LICENSED RACING ENTITIES FROM THE
11 PENNSYLVANIA RACE HORSE DEVELOPMENT FUND SHALL BE ALLOCATED
12 AS FOLLOWS:

13 (I) EIGHTY PERCENT SHALL BE DEPOSITED WEEKLY INTO A
14 SEPARATE, INTEREST-BEARING PURSE ACCOUNT TO BE
15 ESTABLISHED BY AND FOR THE BENEFIT OF THE HORSEMEN. THE
16 EARNED INTEREST ON THE ACCOUNT SHALL BE CREDITED TO THE
17 PURSE ACCOUNT. LICENSEES SHALL COMBINE THESE FUNDS WITH
18 REVENUES FROM EXISTING PURSE AGREEMENTS TO FUND PURSES
19 FOR LIVE RACES CONSISTENT WITH THOSE AGREEMENTS WITH THE
20 ADVICE AND CONSENT OF THE HORSEMEN.

21 (II) FOR THOROUGHBRED TRACKS, 16% SHALL BE DEPOSITED
22 ON A MONTHLY BASIS INTO THE PENNSYLVANIA BREEDING FUND AS
23 DEFINED IN SECTION 223 OF THE RACE HORSE INDUSTRY REFORM
24 ACT. FOR STANDARD BRED TRACKS, 8% SHALL BE DEPOSITED ON A
25 MONTHLY BASIS IN THE PENNSYLVANIA SIRE STAKES FUND AS
26 DEFINED IN SECTION 224 OF THE RACE HORSE INDUSTRY REFORM
27 ACT, AND 8% SHALL BE DEPOSITED ON A MONTHLY BASIS INTO A
28 RESTRICTED ACCOUNT IN THE STATE RACING FUND TO BE KNOWN
29 AS THE PENNSYLVANIA STANDARD BRED BREEDERS DEVELOPMENT
30 FUND. THE STATE HARNESS RACING COMMISSION SHALL, IN

1 CONSULTATION WITH THE SECRETARY OF AGRICULTURE BY RULE OR
2 BY REGULATION, ADOPT A STANDARDBRED BREEDERS PROGRAM THAT
3 WILL INCLUDE THE ADMINISTRATION OF PENNSYLVANIA STALLION
4 AWARD, PENNSYLVANIA BRED AWARD AND A PENNSYLVANIA SIRED
5 AND BRED AWARD.

6 (III) FOUR PERCENT SHALL BE USED TO FUND HEALTH AND
7 PENSION BENEFITS FOR THE MEMBERS OF THE HORSEMEN'S
8 ORGANIZATIONS REPRESENTING THE OWNERS AND TRAINERS AT THE
9 RACETRACK AT WHICH THE LICENSED RACING ENTITY OPERATES
10 FOR THE BENEFIT OF THE ORGANIZATION'S MEMBERS, THEIR
11 FAMILIES, EMPLOYEES AND OTHERS IN ACCORDANCE WITH THE
12 RULES AND ELIGIBILITY REQUIREMENTS OF THE ORGANIZATION,
13 AS APPROVED BY THE STATE HORSE RACING COMMISSION OR THE
14 STATE HARNESS RACING COMMISSION. THIS AMOUNT SHALL BE
15 DEPOSITED WITHIN FIVE BUSINESS DAYS OF THE END OF EACH
16 MONTH INTO A SEPARATE ACCOUNT TO BE ESTABLISHED BY EACH
17 RESPECTIVE HORSEMEN'S ORGANIZATION AT A BANKING
18 INSTITUTION OF ITS CHOICE. OF THIS AMOUNT, \$250,000 SHALL
19 BE PAID ANNUALLY BY THE HORSEMEN'S ORGANIZATION TO THE
20 THOROUGHBRED JOCKEYS OR STANDARDBRED DRIVERS ORGANIZATION
21 AT THE RACETRACK AT WHICH THE LICENSED RACING ENTITY
22 OPERATES FOR HEALTH INSURANCE, LIFE INSURANCE OR OTHER
23 BENEFITS TO ACTIVE AND DISABLED THOROUGHBRED JOCKEYS OR
24 STANDARDBRED DRIVERS IN ACCORDANCE WITH THE RULES AND
25 ELIGIBILITY REQUIREMENTS OF THAT ORGANIZATION.

26 (2) [(RESERVED).] BEGINNING JANUARY 1, 2010, AND FOR THE
27 REMAINDER OF FISCAL YEAR 2009-2010, DISTRIBUTIONS FROM THE
28 PENNSYLVANIA RACE HORSE DEVELOPMENT FUND SHALL BE ALLOCATED
29 AS FOLLOWS:

30 (I) EACH WEEK, 34% OF THE MONEY IN THE PENNSYLVANIA

1 RACE HORSE DEVELOPMENT FUND SHALL BE TRANSFERRED TO THE
2 GENERAL FUND.

3 (II) EACH WEEK, 66% OF THE MONEY IN THE PENNSYLVANIA
4 RACE HORSE DEVELOPMENT FUND SHALL BE DISTRIBUTED TO EACH
5 ACTIVE AND OPERATING CATEGORY 1 LICENSEE CONDUCTING LIVE
6 RACING IN ACCORDANCE WITH THE FOLLOWING FORMULA:

7 (A) DIVIDE:

8 (I) THE TOTAL DAILY ASSESSMENTS PAID BY EACH
9 ACTIVE AND OPERATING CATEGORY 1 LICENSEE
10 CONDUCTING LIVE RACING INTO THE PENNSYLVANIA RACE
11 HORSE DEVELOPMENT FUND FOR THAT WEEK; BY

12 (II) THE TOTAL DAILY ASSESSMENTS PAID BY ALL
13 ACTIVE AND OPERATING CATEGORY 1 LICENSEES
14 CONDUCTING LIVE RACING INTO THE PENNSYLVANIA RACE
15 HORSE DEVELOPMENT FUND FOR THAT WEEK.

16 (B) MULTIPLY THE QUOTIENT UNDER CLAUSE (A) BY
17 THE AMOUNT TO BE DISTRIBUTED UNDER THIS SUBPARAGRAPH.

18 (III) THE DISTRIBUTION UNDER SUBPARAGRAPH (II) SHALL
19 BE ALLOCATED AS FOLLOWS:

20 (A) THE GREATER OF 4% OF THE AMOUNT TO BE
21 DISTRIBUTED UNDER SUBPARAGRAPH (II) OR \$275,000 SHALL
22 BE USED TO FUND HEALTH AND PENSION BENEFITS FOR THE
23 MEMBERS OF THE HORSEMEN'S ORGANIZATIONS REPRESENTING
24 THE OWNERS AND TRAINERS AT THE RACETRACK AT WHICH THE
25 LICENSED RACING ENTITY OPERATES FOR THE BENEFIT OF
26 THE ORGANIZATION'S MEMBERS, THEIR FAMILIES, EMPLOYEES
27 AND OTHERS IN ACCORDANCE WITH THE RULES AND
28 ELIGIBILITY REQUIREMENTS OF THE ORGANIZATION, AS
29 APPROVED BY THE STATE HORSE RACING COMMISSION OR THE
30 STATE HARNESS RACING COMMISSION. THIS AMOUNT SHALL BE

1 DEPOSITED WITHIN FIVE BUSINESS DAYS OF THE END OF
2 EACH WEEK INTO A SEPARATE ACCOUNT TO BE ESTABLISHED
3 BY EACH RESPECTIVE HORSEMEN'S ORGANIZATION AT A
4 BANKING INSTITUTION OF ITS CHOICE. OF THIS AMOUNT, A
5 MINIMUM OF \$250,000 SHALL BE PAID ANNUALLY BY THE
6 HORSEMEN'S ORGANIZATION TO THE THOROUGHBRED JOCKEYS
7 OR STANDARDBRED DRIVERS ORGANIZATION AT THE RACETRACK
8 AT WHICH THE LICENSED RACING ENTITY OPERATES FOR
9 HEALTH INSURANCE, LIFE INSURANCE OR OTHER BENEFITS TO
10 ACTIVE AND DISABLED THOROUGHBRED JOCKEYS OR
11 STANDARDBRED DRIVERS IN ACCORDANCE WITH THE RULES AND
12 ELIGIBILITY REQUIREMENTS OF THAT ORGANIZATION. THE
13 TOTAL DISTRIBUTIONS FOR HEALTH AND PENSION BENEFITS
14 FOR FISCAL YEAR 2009-2010 SHALL NOT EXCEED
15 \$11,400,000.

16 (B) OF THE MONEY REMAINING TO BE DISTRIBUTED
17 UNDER SUBPARAGRAPH (II) AFTER APPLICATION OF CLAUSE
18 (A), THE FOLLOWING DISBURSEMENTS SHALL BE MADE:

19 (I) EIGHTY-THREE AND ONE-THIRD PERCENT OF
20 THE MONEY TO BE DISTRIBUTED UNDER THIS CLAUSE
21 SHALL BE DEPOSITED ON A WEEKLY BASIS INTO A
22 SEPARATE, INTEREST-BEARING PURSE ACCOUNT TO BE
23 ESTABLISHED BY AND FOR THE BENEFIT OF THE
24 HORSEMEN. THE EARNED INTEREST ON THE ACCOUNT
25 SHALL BE CREDITED TO THE PURSE ACCOUNT. LICENSEES
26 SHALL COMBINE THESE FUNDS WITH REVENUES FROM
27 EXISTING PURSE AGREEMENTS TO FUND PURSES FOR LIVE
28 RACES CONSISTENT WITH THOSE AGREEMENTS WITH THE
29 ADVICE AND CONSENT OF THE HORSEMEN.

30 (II) FOR THOROUGHBRED TRACKS, 16 AND 2/3% OF

1 THE MONEY TO BE DISTRIBUTED UNDER THIS CLAUSE
2 SHALL BE DEPOSITED ON A WEEKLY BASIS INTO THE
3 PENNSYLVANIA BREEDING FUND ESTABLISHED IN SECTION
4 223 OF THE ACT OF DECEMBER 17, 1981 (P.L.435,
5 NO.135), KNOWN AS THE RACE HORSE INDUSTRY REFORM
6 ACT. FOR STANDARD BRED TRACKS, 8 AND 1/3% OF THE
7 MONEY TO BE DISTRIBUTED UNDER THIS CLAUSE SHALL
8 BE DEPOSITED ON A WEEKLY BASIS INTO THE
9 PENNSYLVANIA SIRE STAKES FUND AS DEFINED IN
10 SECTION 224 OF THE RACE HORSE INDUSTRY REFORM
11 ACT; AND 8 AND 1/3% OF THE MONEY TO BE
12 DISTRIBUTED UNDER THIS CLAUSE SHALL BE DEPOSITED
13 ON A WEEKLY BASIS INTO A RESTRICTED ACCOUNT IN
14 THE STATE RACING FUND TO BE KNOWN AS THE
15 PENNSYLVANIA STANDARD BRED BREEDERS DEVELOPMENT
16 FUND. THE STATE HARNESS RACING COMMISSION SHALL,
17 IN CONSULTATION WITH THE SECRETARY OF
18 AGRICULTURE, PROMULGATE REGULATIONS ADOPTING A
19 STANDARD BRED BREEDERS PROGRAM THAT WILL INCLUDE
20 THE ADMINISTRATION OF THE PENNSYLVANIA STALLION
21 AWARD, THE PENNSYLVANIA BRED AWARD AND THE
22 PENNSYLVANIA SIRE AND BRED AWARD.

23 (2.1) FOR FISCAL YEARS 2010-2011 THROUGH 2012-2013,
24 DISTRIBUTIONS FROM THE PENNSYLVANIA RACE HORSE DEVELOPMENT
25 FUND SHALL BE ALLOCATED AS FOLLOWS:

26 (I) EACH WEEK, 17% OF THE MONEY IN THE PENNSYLVANIA
27 RACE HORSE DEVELOPMENT FUND SHALL BE TRANSFERRED TO THE
28 GENERAL FUND.

29 (II) EACH WEEK, 83% OF THE MONEY IN THE PENNSYLVANIA
30 RACE HORSE DEVELOPMENT FUND SHALL BE DISTRIBUTED TO EACH

1 ACTIVE AND OPERATING CATEGORY 1 LICENSEE CONDUCTING LIVE
2 RACING IN ACCORDANCE WITH THE FOLLOWING FORMULA:

3 (A) DIVIDE:

4 (I) THE TOTAL DAILY ASSESSMENTS PAID, BY
5 EACH ACTIVE AND OPERATING CATEGORY 1 LICENSEE
6 CONDUCTING LIVE RACING, INTO THE PENNSYLVANIA
7 RACE HORSE DEVELOPMENT FUND FOR THAT WEEK; BY

8 (II) THE TOTAL DAILY ASSESSMENTS PAID, BY
9 ALL ACTIVE AND OPERATING CATEGORY 1 LICENSEES
10 CONDUCTING LIVE RACING, INTO THE PENNSYLVANIA
11 RACE HORSE DEVELOPMENT FUND FOR THAT WEEK.

12 (B) MULTIPLY THE QUOTIENT UNDER CLAUSE (A) BY
13 THE AMOUNT TO BE DISTRIBUTED UNDER THIS SUBPARAGRAPH.

14 (III) THE DISTRIBUTION UNDER SUBPARAGRAPH (II) SHALL
15 BE ALLOCATED AS FOLLOWS:

16 (A) THE GREATER OF 4% OF THE AMOUNT TO BE
17 DISTRIBUTED UNDER SUBPARAGRAPH (II) OR \$220,000 SHALL
18 BE USED TO FUND HEALTH AND PENSION BENEFITS FOR THE
19 MEMBERS OF THE HORSEMEN'S ORGANIZATIONS REPRESENTING
20 THE OWNERS AND TRAINERS AT THE RACETRACK AT WHICH THE
21 LICENSED RACING ENTITY OPERATES FOR THE BENEFIT OF
22 THE ORGANIZATION'S MEMBERS, THEIR FAMILIES, EMPLOYEES
23 AND OTHERS IN ACCORDANCE WITH THE RULES AND
24 ELIGIBILITY REQUIREMENTS OF THE ORGANIZATION, AS
25 APPROVED BY THE STATE HORSE RACING COMMISSION OR THE
26 STATE HARNESS RACING COMMISSION. THIS AMOUNT SHALL BE
27 DEPOSITED WITHIN FIVE BUSINESS DAYS OF THE END OF
28 EACH WEEK INTO A SEPARATE ACCOUNT TO BE ESTABLISHED
29 BY EACH RESPECTIVE HORSEMEN'S ORGANIZATION AT A
30 BANKING INSTITUTION OF ITS CHOICE. OF THIS AMOUNT, A

1 MINIMUM OF \$250,000 SHALL BE PAID ANNUALLY BY THE
2 HORSEMEN'S ORGANIZATION TO THE THOROUGHBRED JOCKEYS
3 OR STANDARDBRED DRIVERS ORGANIZATION AT THE RACETRACK
4 AT WHICH THE LICENSED RACING ENTITY OPERATES FOR
5 HEALTH INSURANCE, LIFE INSURANCE OR OTHER BENEFITS TO
6 ACTIVE AND DISABLED THOROUGHBRED JOCKEYS OR
7 STANDARDBRED DRIVERS IN ACCORDANCE WITH THE RULES AND
8 ELIGIBILITY REQUIREMENTS OF THAT ORGANIZATION. THE
9 TOTAL DISTRIBUTION UNDER THIS CLAUSE IN ANY FISCAL
10 YEAR SHALL NOT EXCEED \$11,400,000.

11 (B) OF THE MONEY REMAINING TO BE DISTRIBUTED
12 UNDER SUBPARAGRAPH (II) AFTER APPLICATION OF CLAUSE
13 (A), THE FOLLOWING DISBURSEMENTS SHALL BE MADE:

14 (I) EIGHTY-THREE AND ONE-THIRD PERCENT OF
15 THE MONEY TO BE DISTRIBUTED UNDER THIS CLAUSE
16 SHALL BE DEPOSITED ON A WEEKLY BASIS INTO A
17 SEPARATE, INTEREST-BEARING PURSE ACCOUNT TO BE
18 ESTABLISHED BY AND FOR THE BENEFIT OF THE
19 HORSEMEN. THE EARNED INTEREST ON THE ACCOUNT
20 SHALL BE CREDITED TO THE PURSE ACCOUNT. LICENSEES
21 SHALL COMBINE THESE FUNDS WITH REVENUES FROM
22 EXISTING PURSE AGREEMENTS TO FUND PURSES FOR LIVE
23 RACES CONSISTENT WITH THOSE AGREEMENTS WITH THE
24 ADVICE AND CONSENT OF THE HORSEMEN.

25 (II) FOR THOROUGHBRED TRACKS, 16 AND 2/3% OF
26 THE MONEY TO BE DISTRIBUTED UNDER THIS CLAUSE
27 SHALL BE DEPOSITED ON A WEEKLY BASIS INTO THE
28 PENNSYLVANIA BREEDING FUND ESTABLISHED IN SECTION
29 223 OF THE RACE HORSE INDUSTRY REFORM ACT. FOR
30 STANDARDBRED TRACKS, 8 AND 1/3% OF THE MONEY TO

1 BE DISTRIBUTED UNDER THIS CLAUSE SHALL BE
2 DEPOSITED ON A WEEKLY BASIS INTO THE PENNSYLVANIA
3 SIRE STAKES FUND AS DEFINED IN SECTION 224 OF THE
4 RACE HORSE INDUSTRY REFORM ACT; AND 8 AND 1/3% OF
5 THE MONEY TO BE DISTRIBUTED UNDER THIS CLAUSE
6 SHALL BE DEPOSITED ON A WEEKLY BASIS INTO A
7 RESTRICTED ACCOUNT IN THE STATE RACING FUND TO BE
8 KNOWN AS THE PENNSYLVANIA STANDARDBRED BREEDERS
9 DEVELOPMENT FUND. THE STATE HARNESS RACING
10 COMMISSION SHALL, IN CONSULTATION WITH THE
11 SECRETARY OF AGRICULTURE, PROMULGATE REGULATIONS
12 ADOPTING A STANDARDBRED BREEDERS PROGRAM THAT
13 WILL INCLUDE THE ADMINISTRATION OF THE
14 PENNSYLVANIA STALLION AWARD, THE PENNSYLVANIA
15 BRED AWARD AND THE PENNSYLVANIA SIRED AND BRED
16 AWARD.

17 * * *

18 SECTION 12. SECTION 1407(D) INTRODUCTORY PARAGRAPH AND (7)
19 OF TITLE 4 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING
20 SUBSECTIONS TO READ:

21 § 1407. PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM
22 FUND.

23 * * *

24 (D) RESTRICTIONS ON PROJECTS FOR CERTAIN COUNTIES AND
25 CITIES.--[FOR] EXCEPT AS SET FORTH IN SUBSECTION (D.1), FOR A
26 TEN-YEAR PERIOD BEGINNING WITH THE FIRST FISCAL YEAR DURING
27 WHICH DEPOSITS ARE MADE INTO THIS FUND, NO MONEYS FROM THE
28 PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND SHALL
29 BE DISTRIBUTED FOR ANY PROJECT LOCATED IN A CITY OR COUNTY OF
30 THE FIRST OR SECOND CLASS EXCEPT AS AUTHORIZED BY THIS

SUBSECTION. MONEYS NOT USED FOR THE AUTHORIZED PROJECTS IN
CITIES AND COUNTIES OF THE FIRST AND SECOND CLASSES MAY BE USED
THROUGHOUT THIS COMMONWEALTH. MONEYS FROM THE FUND FOR PROJECTS
WITHIN CITIES AND COUNTIES OF THE FIRST AND SECOND CLASSES MAY
ONLY BE USED FOR THE FOLLOWING PROJECTS DURING THIS TEN-YEAR
PERIOD:

* * *

[(7) FOR RETIREMENT OF INDEBTEDNESS AND FOR FINANCING OF
A HOTEL OR CONVENTION CENTER IN A CITY OF THE SECOND CLASS
ESTABLISHED PURSUANT TO THE AUTHORITY OF THE ACT OF JULY 29,
1953 (P.L.1034, NO.270), KNOWN AS THE PUBLIC AUDITORIUM
AUTHORITIES LAW;]

* * *

(D.1) COMMUNITY AND ECONOMIC DEVELOPMENT.--

(1) NOTWITHSTANDING SUBSECTION (B) OR ANY OTHER
PROVISION OF LAW TO THE CONTRARY, THE MONEY AUTHORIZED BUT
NOT EXPENDED UNDER FORMER SUBSECTION (D) (7) AS OF THE
EFFECTIVE DATE OF THIS SUBSECTION SHALL BE DEPOSITED INTO A
RESTRICTED RECEIPTS ACCOUNT TO BE ESTABLISHED IN THE
COMMONWEALTH FINANCING AUTHORITY EXCLUSIVELY FOR ELIGIBLE
APPLICATIONS SUBMITTED BY THE REDEVELOPMENT AUTHORITY OF A
COUNTY OF THE SECOND CLASS CREATED PURSUANT TO THE ACT OF MAY
24, 1945 (P.L.991, NO.385), KNOWN AS THE URBAN REDEVELOPMENT
LAW, FOR ECONOMIC DEVELOPMENT, INFRASTRUCTURE DEVELOPMENT,
JOB TRAINING, COMMUNITY IMPROVEMENT, PUBLIC SAFETY OR OTHER
PROJECTS IN THE PUBLIC INTEREST LOCATED IN A COUNTY OF THE
SECOND CLASS. COMMUNITY DEVELOPMENT CORPORATIONS, POLITICAL
SUBDIVISIONS, URBAN REDEVELOPMENT AUTHORITIES, MUNICIPAL
AUTHORITIES, FOR-PROFIT ENTITIES AND NONPROFIT ENTITIES
LOCATED IN A COUNTY OF THE SECOND CLASS SHALL BE ELIGIBLE TO

1 RECEIVE FUNDS MADE AVAILABLE UNDER THIS PARAGRAPH.

2 (2) NOTWITHSTANDING THE CAPITAL FACILITIES DEBT ENABLING
3 ACT, FUNDING UNDER THE PARAGRAPH (1) MAY BE UTILIZED AS LOCAL
4 MATCHING FUNDS FOR GRANTS OR LOANS FROM THE COMMONWEALTH.

5 (E) ANNUAL REPORT.--THE OFFICE OF THE BUDGET, IN COOPERATION
6 WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT AND
7 THE COMMONWEALTH FINANCING AUTHORITY, SHALL SUBMIT AN ANNUAL
8 REPORT OF ALL DISTRIBUTION OF FUNDS UNDER THIS SECTION TO THE
9 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE
10 OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
11 COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT COMMITTEE OF
12 THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
13 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
14 CHAIRMAN AND MINORITY CHAIRMAN OF THE GAMING OVERSIGHT COMMITTEE
15 OF THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL INCLUDE
16 DETAILED INFORMATION RELATING TO TRANSFERS MADE FROM THE
17 PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND AND
18 ALL REIMBURSEMENTS, DISTRIBUTIONS AND PAYMENTS MADE UNDER
19 SUBSECTION (B) OR THE ACT OF JULY 25, 2007 (P.L.342, NO.53),
20 KNOWN AS PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM
21 FUND CAPITAL BUDGET ITEMIZATION ACT OF 2007. THE REPORT SHALL BE
22 SUBMITTED BY AUGUST 31, 2010, AND BY AUGUST 31 OF EACH YEAR
23 THEREAFTER.

24 (F) LOCAL REPORT.--A CITY OF THE FIRST CLASS, CITY OF THE
25 SECOND CLASS, COUNTY OF THE SECOND CLASS, CONVENTION CENTER OR
26 CONVENTION CENTER AUTHORITY, SPORTS AND EXHIBITION AUTHORITY OF
27 A COUNTY OF THE SECOND CLASS, URBAN REDEVELOPMENT AUTHORITY,
28 AIRPORT AUTHORITY OR OTHER ENTITY THAT RECEIVES MONEY FROM THE
29 FUND PURSUANT TO AN ECONOMIC DEVELOPMENT CAPITAL BUDGET UNDER
30 SUBSECTION (B) OR THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT

1 AND TOURISM FUND CAPITAL BUDGET ITEMIZATION ACT OF 2007 SHALL
2 SUBMIT AN ANNUAL REPORT TO THE OFFICE OF THE BUDGET. THE REPORT
3 SHALL INCLUDE DETAILED INFORMATION, INCLUDING RECORDS OF
4 EXPENDITURES, PAYMENTS AND OTHER DISTRIBUTIONS MADE FROM FUNDS
5 RECEIVED UNDER SUBSECTION (B). THE INITIAL REPORT SHALL INCLUDE
6 INFORMATION ON ALL FUNDS RECEIVED PRIOR TO AUGUST 31, 2010. THE
7 REPORT SHALL BE SUBMITTED BY AUGUST 31, 2010, AND BY AUGUST 31
8 OF EACH YEAR THEREAFTER UNTIL ALL FUNDS UNDER THIS SECTION ARE
9 DISTRIBUTED OR RECEIVED. AN ENTITY THAT RECEIVES FUNDS FOR THE
10 FIRST TIME AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL SUBMIT
11 ITS INITIAL REPORT BY AUGUST 31 OF THE YEAR FOLLOWING RECEIPT OF
12 THE FUNDS.

13 (G) DISTRIBUTION TO INTERNATIONAL AIRPORT.--NOTWITHSTANDING
14 THE PROVISIONS OF SECTION 7(D) OF THE ACT OF JULY 25, 2007
15 (P.L.342, NO.53), KNOWN AS THE PENNSYLVANIA GAMING ECONOMIC
16 DEVELOPMENT AND TOURISM FUND CAPITAL BUDGET ITEMIZATION ACT OF
17 2007, FOLLOWING THE DISTRIBUTION OF \$42.5 MILLION OF FUNDS
18 ALLOCATED TO A COUNTY OF THE SECOND CLASS FOR DEBT SERVICE AND
19 ECONOMIC DEVELOPMENT PROJECTS FOR AN INTERNATIONAL AIRPORT IN
20 THE COUNTY UNDER SECTION 3(2)(I)(E) OF SAID ACT, ALL REMAINING
21 FUNDS SHALL BE DISTRIBUTED DIRECTLY TO AN AUTHORITY THAT
22 OPERATES AN INTERNATIONAL AIRPORT IN THE COUNTY.

23 SECTION 13. SECTION 1408(A), (C) AND (E) OF TITLE 4 ARE
24 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
25 READ:

26 § 1408. TRANSFERS FROM STATE GAMING FUND.

27 (A) TRANSFER FOR COMPULSIVE AND PROBLEM GAMBLING
28 TREATMENT.--EACH YEAR, THE SUM OF [\$1,500,000] \$2,000,000 OR AN
29 AMOUNT EQUAL TO [.001] .002 MULTIPLIED BY THE TOTAL GROSS
30 TERMINAL REVENUE OF ALL ACTIVE AND OPERATING LICENSED GAMING

ENTITIES, WHICHEVER IS GREATER, SHALL BE TRANSFERRED INTO THE
COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND ESTABLISHED IN
SECTION 1509 (RELATING TO COMPULSIVE AND PROBLEM GAMBLING
PROGRAM) .

(A.1) TRANSFER.--BEGINNING ON THE FIRST BUSINESS DAY OF
JANUARY 2010 AND ANNUALLY THEREAFTER, THE SUM OF \$3,000,000
SHALL BE TRANSFERED TO THE DEPARTMENT OF HEALTH TO BE USED TO
PROVIDE DRUG AND ALCOHOL ADDICTION TREATMENT SERVICES, INCLUDING
TREATMENT FOR DRUG AND ALCOHOL ADDICTION RELATED TO COMPULSIVE
AND PROBLEM GAMBLING, AS SET FORTH IN SECTION 1509.1 (RELATING
TO DRUG AND ALCOHOL TREATMENT).

* * *

(C) LOCAL LAW ENFORCEMENT GRANTS.--ANNUALLY, THE SUM OF
[\$5,000,000] \$2,000,000 SHALL BE TRANSFERRED TO THE BOARD FOR
THE PURPOSE OF ISSUING GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES
TO [ENFORCE AND PREVENT THE UNLAWFUL OPERATION OF SLOT MACHINES]
INVESTIGATE VIOLATIONS OF AND ENFORCE LAWS RELATING TO UNLAWFUL
GAMBLING IN THIS COMMONWEALTH. FOR PURPOSES OF THIS SUBSECTION,
THE TERM "LOCAL LAW ENFORCEMENT AGENCY" SHALL INCLUDE THE
PENNSYLVANIA STATE POLICE WHEN CONDUCTING UNLAWFUL GAMBLING
ENFORCEMENT AND PREVENTION ACTIVITIES IN A MUNICIPALITY WHICH
DOES NOT HAVE A MUNICIPAL POLICE DEPARTMENT AND IN WHICH THE
PENNSYLVANIA STATE POLICE PROVIDE THE MUNICIPALITY WITH PRIMARY
POLICE COVERAGE.

* * *

(E) TRANSFER TO PROPERTY TAX RELIEF FUND.--MONTHLY, THE
STATE TREASURER SHALL TRANSFER THE REMAINING BALANCE IN THE
STATE GAMING FUND WHICH IS NOT ALLOCATED IN SUBSECTIONS (A),
(A.1), (B), (C) AND (D) TO THE PROPERTY TAX RELIEF FUND
ESTABLISHED IN SECTION 1409 (RELATING TO PROPERTY TAX RELIEF

1 FUND) .

2 SECTION 13.1. SECTIONS 1501(B) AND (C), 1504 AND 1505 OF
3 TITLE 4 ARE AMENDED TO READ:

4 § 1501. RESPONSIBILITY AND AUTHORITY OF DEPARTMENT.

5 * * *

6 (B) APPLICATION OF RULES AND REGULATIONS.--THE DEPARTMENT
7 MAY PRESCRIBE THE EXTENT, IF ANY, TO WHICH ANY RULES AND
8 REGULATIONS SHALL BE APPLIED WITHOUT RETROACTIVE EFFECT. THE
9 DEPARTMENT SHALL HAVE AUTHORITY TO PRESCRIBE THE FORMS AND THE
10 SYSTEM OF ACCOUNTING AND RECORDKEEPING TO BE EMPLOYED AND
11 THROUGH ITS REPRESENTATIVE SHALL AT ALL TIMES HAVE POWER OF
12 ACCESS TO AND EXAMINATION AND AUDIT OF ANY EQUIPMENT AND RECORDS
13 RELATING TO ALL ASPECTS OF THE OPERATION OF SLOT MACHINES AND
14 TABLE GAMES UNDER THIS PART.

15 (C) PROCEDURE.--FOR PURPOSES OF IMPLEMENTING THIS PART, THE
16 DEPARTMENT MAY PROMULGATE REGULATIONS IN THE SAME MANNER IN
17 WHICH THE BOARD IS AUTHORIZED AS PROVIDED IN SECTION 1203
18 (RELATING TO TEMPORARY REGULATIONS) AND SECTION 1303A (RELATING
19 TO TEMPORARY TABLE GAME REGULATIONS).

20 * * *

21 § 1504. WAGERING ON CREDIT.

22 [SLOT] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, SLOT
23 MACHINE LICENSEES [MAY] SHALL NOT EXTEND CREDIT. SLOT MACHINE
24 LICENSEES [MAY] SHALL NOT ACCEPT CREDIT CARDS, CHARGE CARDS OR
25 DEBIT CARDS FROM A PATRON OR PLAYER FOR THE EXCHANGE OR PURCHASE
26 OF SLOT MACHINE CREDITS OR FOR AN ADVANCE OF COINS OR CURRENCY
27 TO BE UTILIZED BY A PLAYER TO PLAY SLOT MACHINE GAMES OR EXTEND
28 CREDIT IN ANY MANNER TO A PLAYER SO AS TO ENABLE THE PLAYER TO
29 PLAY SLOT MACHINES. SLOT MACHINE LICENSEES WHO HOLD A TABLE GAME
30 OPERATION CERTIFICATE MAY EXTEND CREDIT FOR SLOT MACHINE GAMING

1 IN ACCORDANCE WITH SECTION 1326A (RELATING TO CASH EQUIVALENTS).

2 § 1505. NO EMINENT DOMAIN AUTHORITY.

3 NEITHER THE COMMONWEALTH NOR ANY POLITICAL SUBDIVISION
4 THEREOF SHALL HAVE THE RIGHT TO ACQUIRE, WITH OR WITHOUT
5 COMPENSATION, THROUGH THE POWER OF EMINENT DOMAIN ANY PROPERTY,
6 EASEMENT OR LAND USE RIGHT FOR THE SITING OR CONSTRUCTION OF A
7 LICENSED FACILITY [FOR THE OPERATION OF SLOT MACHINES BY A SLOT
8 MACHINE LICENSEE].

9 SECTION 13.2. SECTION 1509(A), (B), (C) AND (D) OF TITLE 4
10 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
11 READ:

12 § 1509. COMPULSIVE AND PROBLEM GAMBLING PROGRAM.

13 (A) ESTABLISHMENT OF PROGRAM.--THE DEPARTMENT OF HEALTH, IN
14 CONSULTATION WITH ORGANIZATIONS SIMILAR TO THE MID-ATLANTIC
15 ADDICTION TRAINING INSTITUTE, SHALL DEVELOP PROGRAM GUIDELINES
16 FOR PUBLIC EDUCATION, AWARENESS AND TRAINING REGARDING
17 COMPULSIVE AND PROBLEM GAMBLING AND THE TREATMENT AND PREVENTION
18 OF COMPULSIVE AND PROBLEM GAMBLING. THE GUIDELINES SHALL INCLUDE
19 STRATEGIES FOR THE PREVENTION OF COMPULSIVE AND PROBLEM
20 GAMBLING. THE DEPARTMENT OF HEALTH MAY CONSULT WITH THE BOARD
21 AND LICENSED GAMING ENTITIES TO DEVELOP SUCH STRATEGIES. [THE
22 PROGRAM SHALL INCLUDE:

23 (1) MAINTENANCE OF A COMPULSIVE GAMBLERS ASSISTANCE
24 ORGANIZATION'S TOLL-FREE PROBLEM GAMBLING TELEPHONE NUMBER TO
25 PROVIDE CRISIS COUNSELING AND REFERRAL SERVICES TO FAMILIES
26 EXPERIENCING DIFFICULTY AS A RESULT OF PROBLEM OR COMPULSIVE
27 GAMBLING.

28 (2) THE PROMOTION OF PUBLIC AWARENESS REGARDING THE
29 RECOGNITION AND PREVENTION OF PROBLEM OR COMPULSIVE GAMBLING.

30 (3) FACILITATION, THROUGH IN-SERVICE TRAINING AND OTHER

1 MEANS, OF THE AVAILABILITY OF EFFECTIVE ASSISTANCE PROGRAMS
2 FOR PROBLEM AND COMPULSIVE GAMBLERS AND FAMILY MEMBERS
3 AFFECTED BY PROBLEM AND COMPULSIVE GAMBLING.

4 (4) CONDUCTING STUDIES TO IDENTIFY ADULTS AND JUVENILES
5 IN THIS COMMONWEALTH WHO ARE OR ARE AT RISK OF BECOMING
6 PROBLEM OR COMPULSIVE GAMBLERS.

7 (5) PROVIDING GRANTS TO AND CONTRACTING WITH
8 ORGANIZATIONS WHICH PROVIDE SERVICES AS SET FORTH IN THIS
9 SECTION.

10 (6) PROVIDING REIMBURSEMENT FOR ORGANIZATIONS FOR
11 REASONABLE EXPENSES IN ASSISTING THE DEPARTMENT OF HEALTH IN
12 CARRYING OUT THE PURPOSES OF THIS SECTION.]

13 (A.1) DUTIES OF DEPARTMENT OF HEALTH.--FROM FUNDS AVAILABLE
14 IN THE COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND, THE
15 DEPARTMENT OF HEALTH SHALL:

16 (1) MAINTAIN A COMPULSIVE GAMBLERS ASSISTANCE
17 ORGANIZATION'S TOLL-FREE PROBLEM GAMBLING TELEPHONE NUMBER TO
18 PROVIDE CRISIS COUNSELING AND REFERRAL SERVICES TO
19 INDIVIDUALS AND FAMILIES EXPERIENCING DIFFICULTY AS A RESULT
20 OF PROBLEM OR COMPULSIVE GAMBLING.

21 (2) FACILITATE, THROUGH IN-SERVICE TRAINING AND OTHER
22 MEANS, THE AVAILABILITY OF EFFECTIVE ASSISTANCE PROGRAMS FOR
23 PROBLEM AND COMPULSIVE GAMBLERS AND FAMILY MEMBERS AFFECTED
24 BY PROBLEM AND COMPULSIVE GAMBLING.

25 (3) AT ITS DISCRETION, CONDUCT STUDIES TO IDENTIFY
26 INDIVIDUALS IN THIS COMMONWEALTH WHO ARE OR ARE AT RISK OF
27 BECOMING PROBLEM OR COMPULSIVE GAMBLERS.

28 (4) PROVIDE GRANTS TO AND CONTRACT WITH SINGLE COUNTY
29 AUTHORITIES AND OTHER ORGANIZATIONS WHICH PROVIDE SERVICES AS
30 SET FORTH IN THIS SECTION.

1 (5) REIMBURSE ORGANIZATIONS FOR REASONABLE EXPENSES
2 INCURRED ASSISTING THE DEPARTMENT OF HEALTH WITH IMPLEMENTING
3 THIS SECTION.

4 (A.2) DUTIES OF DEPARTMENT OF HEALTH AND BOARD.--WITHIN 60
5 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION, THE
6 DEPARTMENT OF HEALTH'S BUREAU OF DRUG AND ALCOHOL PROGRAMS AND
7 THE BOARD'S OFFICE OF COMPULSIVE AND PROBLEM GAMBLING SHALL
8 JOINTLY COLLABORATE WITH OTHER APPROPRIATE OFFICES AND AGENCIES
9 OF STATE OR LOCAL GOVERNMENT, INCLUDING SINGLE COUNTY
10 AUTHORITIES, AND PROVIDERS AND OTHER PERSONS, PUBLIC OR PRIVATE,
11 WITH EXPERTISE IN COMPULSIVE AND PROBLEM GAMBLING TREATMENT TO
12 DO THE FOLLOWING:

13 (1) IMPLEMENT A STRATEGIC PLAN FOR THE PREVENTION AND
14 TREATMENT OF COMPULSIVE AND PROBLEM GAMBLING.

15 (2) ADOPT COMPULSIVE AND PROBLEM GAMBLING TREATMENT
16 STANDARDS TO BE INTEGRATED WITH THE BUREAU OF DRUG AND
17 ALCOHOL PROGRAM'S UNIFORM STATEWIDE GUIDELINES THAT GOVERN
18 THE PROVISION OF ADDICTION TREATMENT SERVICES.

19 (3) DEVELOP A METHOD TO COORDINATE COMPULSIVE AND
20 PROBLEM GAMBLING DATA COLLECTION AND REFERRAL INFORMATION TO
21 CRISIS RESPONSE HOTLINES, CHILD WELFARE AND DOMESTIC VIOLENCE
22 PROGRAMS AND PROVIDERS AND OTHER APPROPRIATE PROGRAMS AND
23 PROVIDERS.

24 (4) DEVELOP AND DISSEMINATE EDUCATIONAL MATERIALS TO
25 PROVIDE PUBLIC AWARENESS RELATED TO THE PREVENTION,
26 RECOGNITION AND TREATMENT OF COMPULSIVE AND PROBLEM GAMBLING.

27 (5) DEVELOP DEMOGRAPHIC-SPECIFIC COMPULSIVE AND PROBLEM
28 GAMBLING PREVENTION, INTERVENTION AND TREATMENT PROGRAMS.

29 (6) PREPARE AN ITEMIZED BUDGET OUTLINING HOW FUNDS WILL
30 BE ALLOCATED TO FULFILL THE RESPONSIBILITIES UNDER THIS

1 SECTION.

2 (B) COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND.--THERE
3 IS HEREBY ESTABLISHED IN THE STATE TREASURY A SPECIAL FUND TO BE
4 KNOWN AS THE COMPULSIVE AND PROBLEM GAMBLING TREATMENT FUND. ALL
5 MONEYS IN THE FUND SHALL BE [EXPENDED] ADMINISTERED BY THE
6 DEPARTMENT OF HEALTH AND EXPENDED SOLELY FOR PROGRAMS FOR THE
7 PREVENTION AND TREATMENT OF GAMBLING ADDICTION AND OTHER
8 EMOTIONAL AND BEHAVIORAL PROBLEMS ASSOCIATED WITH OR RELATED TO
9 GAMBLING ADDICTION AND FOR THE ADMINISTRATION OF THE COMPULSIVE
10 AND PROBLEM GAMBLING PROGRAM[.]; PROVIDED THAT THE DEPARTMENT OF
11 HEALTH SHALL ANNUALLY DISTRIBUTE AT LEAST 50% OF THE MONEY IN
12 THE FUND TO SINGLE COUNTY AUTHORITIES UNDER SUBSECTION (D). THE
13 FUND SHALL CONSIST OF MONEY ANNUALLY ALLOCATED TO IT FROM THE
14 ANNUAL PAYMENT ESTABLISHED UNDER SECTION [1408] 1408(A)
15 (RELATING TO TRANSFERS FROM STATE GAMING FUND), MONEY WHICH MAY
16 BE ALLOCATED BY THE BOARD, INTEREST EARNINGS ON MONEYS IN THE
17 FUND AND ANY OTHER CONTRIBUTIONS, PAYMENTS OR DEPOSITS WHICH MAY
18 BE MADE TO THE FUND.

19 (C) NOTICE OF AVAILABILITY OF ASSISTANCE.--

20 (1) EACH SLOT MACHINE LICENSEE SHALL OBTAIN A TOLL-FREE
21 TELEPHONE NUMBER TO BE USED TO PROVIDE PERSONS WITH
22 INFORMATION ON ASSISTANCE FOR COMPULSIVE OR PROBLEM GAMBLING.
23 EACH LICENSEE SHALL CONSPICUOUSLY POST AT LEAST 20 SIGNS
24 SIMILAR TO THE FOLLOWING STATEMENT:

25 IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP
26 IS AVAILABLE. CALL (TOLL-FREE TELEPHONE NUMBER) .

27 THE SIGNS MUST BE POSTED WITHIN 50 FEET OF EACH ENTRANCE AND
28 EXIT [AND] WITHIN 50 FEET OF EACH AUTOMATED TELLER MACHINE
29 LOCATION WITHIN THE LICENSED FACILITY AND IN OTHER
30 APPROPRIATE PUBLIC AREAS OF THE LICENSED FACILITY AS

1 DETERMINED BY THE SLOT MACHINE LICENSEE.

2 (2) EACH RACETRACK WHERE SLOT MACHINES OR TABLE GAMES
3 ARE OPERATED SHALL PRINT A STATEMENT ON DAILY RACING PROGRAMS
4 PROVIDED TO THE GENERAL PUBLIC THAT IS SIMILAR TO THE
5 FOLLOWING:

6 IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP
7 IS AVAILABLE. CALL (TOLL-FREE TELEPHONE NUMBER).

8 (3) A LICENSED FACILITY WHICH FAILS TO POST OR PRINT THE
9 WARNING SIGN IN ACCORDANCE WITH PARAGRAPH (1) OR (2) SHALL BE
10 ASSESSED A FINE OF \$1,000 A DAY FOR EACH DAY THE [SIGN IS]
11 MINIMUM NUMBER OF SIGNS ARE NOT POSTED OR THE REQUIRED
12 STATEMENT IS NOT PRINTED AS PROVIDED IN THIS SUBSECTION.

13 (D) SINGLE COUNTY AUTHORITIES.--THE DEPARTMENT OF HEALTH
14 [MAY] SHALL MAKE GRANTS FROM THE FUND ESTABLISHED UNDER
15 SUBSECTION (B) TO [A SINGLE COUNTY AUTHORITY] SINGLE COUNTY
16 AUTHORITIES CREATED PURSUANT TO THE ACT OF APRIL 14, 1972
17 (P.L.221, NO.63), KNOWN AS THE PENNSYLVANIA DRUG AND ALCOHOL
18 ABUSE CONTROL ACT, FOR THE PURPOSE OF PROVIDING COMPULSIVE
19 GAMBLING AND GAMBLING ADDICTION PREVENTION, TREATMENT AND
20 EDUCATION PROGRAMS. TREATMENT MAY INCLUDE FINANCIAL COUNSELING,
21 IRRESPECTIVE OF WHETHER THE FINANCIAL COUNSELING IS PROVIDED BY
22 THE SINGLE COUNTY AUTHORITY, THE TREATMENT SERVICE PROVIDER OR
23 SUBCONTRACTED TO A THIRD PARTY. IT IS THE INTENTION OF THE
24 GENERAL ASSEMBLY THAT ANY GRANTS [THAT] MADE BY THE DEPARTMENT
25 OF HEALTH [MAY MAKE] TO ANY SINGLE COUNTY AUTHORITY IN
26 ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION BE USED
27 EXCLUSIVELY FOR THE DEVELOPMENT AND IMPLEMENTATION OF COMPULSIVE
28 AND PROBLEM GAMBLING PROGRAMS AUTHORIZED UNDER [SUBSECTION (A)]
29 THIS SECTION.

30 (D.1) ELIGIBILITY.--ELIGIBILITY TO RECEIVE TREATMENT

SERVICES FOR TREATMENT OF COMPULSIVE AND PROBLEM GAMBLING UNDER
THIS SECTION SHALL BE DETERMINED USING FINANCIAL ELIGIBILITY AND
OTHER REQUIREMENTS OF THE SINGLE COUNTY AUTHORITIES AS APPROVED
BY THE DEPARTMENT OF HEALTH.

(D.2) REPORT.--NO LATER THAN OCTOBER 1, 2010, AND EACH
OCTOBER 1 THEREAFTER, THE DEPARTMENT OF HEALTH, IN CONSULTATION
WITH THE BOARD, SHALL PREPARE AND SUBMIT A REPORT ON THE IMPACT
OF THE PROGRAMS FUNDED BY THE COMPULSIVE AND PROBLEM GAMBLING
TREATMENT FUND TO THE GOVERNOR AND TO THE MEMBERS OF THE GENERAL
ASSEMBLY. THE REPORT SHALL INCLUDE AGGREGATE DEMOGRAPHIC-
SPECIFIC DATA, INCLUDING RACE, GENDER, GEOGRAPHY AND INCOME OF
THOSE INDIVIDUALS TREATED.

* * *

SECTION 13.3. TITLE 4 IS AMENDED BY ADDING A SECTION TO
READ:

§ 1509.1. DRUG AND ALCOHOL TREATMENT.

(A) DUTIES OF DEPARTMENT OF HEALTH.--ANNUALLY, THE
DEPARTMENT OF HEALTH SHALL ALLOCATE AND TRANSFER ALL FUNDS
RECEIVED BY IT UNDER SECTION 1408(A.1) (RELATING TO TRANSFERS
FROM STATE GAMING FUND) TO THE SINGLE COUNTY AUTHORITIES.

(B) DUTIES OF SINGLE COUNTY AUTHORITIES.--THE FUNDS
ALLOCATED AND TRANSFERRED TO THE SINGLE COUNTY AUTHORITIES UNDER
SUBSECTION (A) SHALL BE USED BY THE SINGLE COUNTY AUTHORITIES
SOLELY FOR DRUG AND ALCOHOL ADDICTION ASSESSMENTS, INCLUDING
DRUG AND ALCOHOL ADDICTION ASSESSMENT ASSOCIATED OR RELATED TO
COMPULSIVE AND PROBLEM GAMBLING, AND FOR THE RELATED ADDICTION
TREATMENT, IN NONHOSPITAL RESIDENTIAL DETOXIFICATION FACILITIES,
NONHOSPITAL RESIDENTIAL REHABILITATION FACILITIES AND HALFWAY
HOUSES LICENSED BY THE DEPARTMENT OF HEALTH TO PROVIDE ADDICTION
TREATMENT SERVICES.

1 (C) ELIGIBILITY.--ELIGIBILITY TO RECEIVE TREATMENT SERVICES
2 FOR TREATMENT OF DRUG AND ALCOHOL ADDICTION OR DRUG AND ALCOHOL
3 ADDICTION ASSOCIATED WITH OR RELATED TO COMPULSIVE AND PROBLEM
4 GAMBLING SHALL BE DETERMINED USING FINANCIAL ELIGIBILITY AND
5 OTHER REQUIREMENTS OF THE SINGLE COUNTY AUTHORITIES AS APPROVED
6 BY THE DEPARTMENT OF HEALTH.

7 (D) REPORT.--NO LATER THAN OCTOBER 1, 2010, AND EACH OCTOBER
8 1 THEREAFTER, THE BUREAU OF DRUG AND ALCOHOL PROGRAMS SHALL
9 PREPARE AND SUBMIT A REPORT TO THE GOVERNOR AND TO THE MEMBERS
10 OF THE GENERAL ASSEMBLY ON THE DATA AND PROGRESS ON ACTIVITIES
11 INITIATED UNDER THIS SECTION.

12 SECTION 13.4. SECTIONS 1510(A), 1511(B) AND 1512(A.1), (A.5)
13 AND (B) OF TITLE 4 ARE AMENDED TO READ:

14 § 1510. LABOR HIRING PREFERENCES.

15 (A) CATEGORY 1, 2, AND 3 LICENSED FACILITIES, GENERALLY.--
16 EACH LICENSED GAMING ENTITY SHALL PREPARE A HIRING PLAN FOR
17 EMPLOYEES OF ITS RESPECTIVE LICENSED FACILITY WHICH PROMOTES A
18 DIVERSE WORK FORCE, MINORITY PARTICIPATION AND PERSONNEL FROM
19 WITHIN THE SURROUNDING GEOGRAPHICAL AREA. THE HIRING PLAN SHALL
20 BE APPROVED BY THE BOARD AND SHALL BE CONSISTENT WITH THE GOALS
21 OUTLINED IN SECTIONS 1212 (RELATING TO DIVERSITY GOALS OF BOARD)
22 AND 1304A (RELATING TO COMMONWEALTH RESIDENT EMPLOYMENT GOALS)
23 AND SHALL BE UPDATED ANNUALLY.

24 * * *

25 § 1511. DECLARATION OF EXEMPTION FROM FEDERAL LAWS PROHIBITING
26 SLOT MACHINES.

27 * * *

28 (B) LEGAL SHIPMENTS.--ALL SHIPMENTS OF [SLOT MACHINES]
29 GAMBLING DEVICES, AS DEFINED IN SECTION 1 OF THE GAMBLING
30 DEVICES TRANSPORTATION ACT (64 STAT. 1134, 15 U.S.C. § 1171),

1 INTO THIS COMMONWEALTH, THE REGISTERING, RECORDING AND LABELING
2 OF WHICH HAS BEEN EFFECTED BY THE MANUFACTURER AND SUPPLIER OF
3 THOSE DEVICES, IN ACCORDANCE WITH SECTIONS [5 AND 7] 3 AND 4 OF
4 THE GAMBLING DEVICES TRANSPORTATION ACT (64 STAT. 1134, 15
5 U.S.C. §§ [1175 AND 1177] 1173 AND 1174), SHALL BE DEEMED LEGAL
6 SHIPMENTS OF [SLOT MACHINES] GAMBLING DEVICES INTO THIS
7 COMMONWEALTH.

8 § 1512. FINANCIAL AND EMPLOYMENT INTERESTS.

9 * * *

10 (A.1) EMPLOYMENT.--EXCEPT AS MAY BE PROVIDED BY RULE OR
11 ORDER OF THE PENNSYLVANIA SUPREME COURT AND EXCEPT AS PROVIDED
12 IN SECTION 1202.1 (RELATING TO CODE OF CONDUCT) OR 1512.1
13 (RELATING TO ADDITIONAL RESTRICTIONS), NO EXECUTIVE-LEVEL PUBLIC
14 EMPLOYEE, PUBLIC OFFICIAL OR PARTY OFFICER, OR AN IMMEDIATE
15 FAMILY MEMBER THEREOF, SHALL BE EMPLOYED BY AN APPLICANT OR A
16 SLOT MACHINE LICENSEE, MANUFACTURER LICENSEE, SUPPLIER LICENSEE
17 OR LICENSED RACING ENTITY, OR BY ANY HOLDING COMPANY, AFFILIATE,
18 INTERMEDIARY OR SUBSIDIARY THEREOF, WHILE THE INDIVIDUAL IS AN
19 EXECUTIVE-LEVEL PUBLIC EMPLOYEE, PUBLIC OFFICIAL OR PARTY
20 OFFICER AND FOR ONE YEAR FOLLOWING TERMINATION OF THE
21 INDIVIDUAL'S STATUS AS AN EXECUTIVE-LEVEL PUBLIC EMPLOYEE,
22 PUBLIC OFFICIAL OR PARTY OFFICER.

23 * * *

24 (A.5) STATE ETHICS COMMISSION.--THE STATE ETHICS COMMISSION
25 SHALL [PUBLISH] DO ALL OF THE FOLLOWING:

26 (1) ISSUE A WRITTEN DETERMINATION OF WHETHER A PERSON IS
27 SUBJECT TO SUBSECTIONS (A), (A.1) OR (A.2) UPON THE WRITTEN
28 REQUEST OF THE PERSON OR ANY OTHER PERSON THAT MAY HAVE
29 LIABILITY FOR AN ACTION TAKEN WITH RESPECT TO SUCH PERSON. A
30 PERSON THAT RELIES IN GOOD FAITH ON A DETERMINATION MADE

1 UNDER THIS PARAGRAPH SHALL NOT BE SUBJECT TO ANY PENALTY FOR
2 AN ACTION TAKEN, PROVIDED THAT ALL MATERIAL FACTS SET FORTH
3 IN THE REQUEST FOR THE DETERMINATION ARE CORRECT.

4 (2) PUBLISH A LIST OF ALL STATE, COUNTY, MUNICIPAL AND
5 OTHER GOVERNMENT POSITIONS THAT MEET THE DEFINITIONS OF
6 "PUBLIC OFFICIAL" AS DEFINED UNDER SUBSECTION (B) OR
7 "EXECUTIVE-LEVEL PUBLIC EMPLOYEE" [UNDER SUBSECTION (B)]. THE
8 OFFICE OF ADMINISTRATION SHALL ASSIST THE STATE ETHICS
9 COMMISSION IN THE DEVELOPMENT OF THE LIST, WHICH SHALL BE
10 PUBLISHED BY THE STATE ETHICS COMMISSION IN THE PENNSYLVANIA
11 BULLETIN BIENNIALY AND POSTED BY THE BOARD ON THE BOARD'S
12 INTERNET WEBSITE. UPON REQUEST, EACH PUBLIC OFFICIAL SHALL
13 HAVE A DUTY TO PROVIDE THE STATE ETHICS COMMISSION WITH
14 ADEQUATE INFORMATION TO ACCURATELY DEVELOP AND MAINTAIN THE
15 LIST. THE STATE ETHICS COMMISSION MAY IMPOSE A CIVIL PENALTY
16 UNDER 65 PA.C.S. § 1109(F) (RELATING TO PENALTIES) UPON ANY
17 INDIVIDUAL, INCLUDING ANY PUBLIC OFFICIAL OR EXECUTIVE-LEVEL
18 PUBLIC EMPLOYEE, WHO FAILS TO COOPERATE WITH THE STATE ETHICS
19 COMMISSION UNDER THIS SUBSECTION. A PERSON THAT RELIES IN
20 GOOD FAITH ON THE LIST PUBLISHED BY THE STATE ETHICS
21 COMMISSION SHALL NOT BE SUBJECT TO ANY PENALTY FOR A
22 VIOLATION OF THIS SECTION.

23 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
24 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
25 SUBSECTION:

26 ["EXECUTIVE-LEVEL PUBLIC EMPLOYEE." THE TERM SHALL INCLUDE
27 THE FOLLOWING:

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

30 (2) AN EMPLOYEE OF THE EXECUTIVE BRANCH WITH

1 DISCRETIONARY POWER WHICH MAY AFFECT OR INFLUENCE THE OUTCOME
2 OF A STATE AGENCY'S ACTION OR DECISION AND WHO IS INVOLVED IN
3 THE DEVELOPMENT OF REGULATIONS OR POLICIES RELATING TO A
4 LICENSED ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER
5 THIS PART. THE TERM SHALL INCLUDE AN EMPLOYEE WITH LAW
6 ENFORCEMENT AUTHORITY.

7 (3) AN EMPLOYEE OF A COUNTY OR MUNICIPALITY WITH
8 DISCRETIONARY POWERS WHICH MAY AFFECT OR INFLUENCE THE
9 OUTCOME OF THE COUNTY'S OR MUNICIPALITY'S ACTION OR DECISION
10 AND WHO IS INVOLVED IN THE DEVELOPMENT OF LAW, REGULATION OR
11 POLICY RELATING TO A LICENSED ENTITY OR WHO IS INVOLVED IN
12 OTHER MATTERS UNDER THIS PART. THE TERM SHALL INCLUDE AN
13 EMPLOYEE WITH LAW ENFORCEMENT AUTHORITY.

14 (4) AN EMPLOYEE OF A DEPARTMENT, AGENCY, BOARD,
15 COMMISSION, AUTHORITY OR OTHER GOVERNMENTAL BODY NOT INCLUDED
16 IN PARAGRAPH (1), (2) OR (3) WITH DISCRETIONARY POWER WHICH
17 MAY AFFECT OR INFLUENCE THE OUTCOME OF THE GOVERNMENTAL
18 BODY'S ACTION OR DECISION AND WHO IS INVOLVED IN THE
19 DEVELOPMENT OF REGULATION OR POLICY RELATING TO A LICENSED
20 ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER THIS PART.
21 THE TERM SHALL INCLUDE AN EMPLOYEE WITH LAW ENFORCEMENT
22 AUTHORITY.]

23 "FINANCIAL INTEREST." OWNING OR HOLDING, OR BEING DEEMED TO
24 HOLD, DEBT OR EQUITY SECURITIES OR OTHER OWNERSHIP INTEREST OR
25 PROFITS INTEREST. A FINANCIAL INTEREST SHALL NOT INCLUDE ANY
26 DEBT OR EQUITY SECURITY, OR OTHER OWNERSHIP INTEREST OR PROFITS
27 INTEREST, WHICH IS HELD OR DEEMED TO BE HELD IN ANY OF THE
28 FOLLOWING:

29 (1) A BLIND TRUST OVER WHICH THE EXECUTIVE-LEVEL PUBLIC
30 EMPLOYEE, PUBLIC OFFICIAL, PARTY OFFICER OR IMMEDIATE FAMILY

1 MEMBER THEREOF MAY NOT EXERCISE ANY MANAGERIAL CONTROL OR
2 RECEIVE INCOME DURING THE TENURE OF OFFICE AND THE PERIOD
3 UNDER SUBSECTION (A). THE PROVISIONS OF THIS PARAGRAPH SHALL
4 APPLY ONLY TO BLIND TRUSTS ESTABLISHED PRIOR TO THE EFFECTIVE
5 DATE OF THIS PARAGRAPH.

6 (2) SECURITIES THAT ARE HELD IN A PENSION PLAN, PROFIT-
7 SHARING PLAN, INDIVIDUAL RETIREMENT ACCOUNT, TAX-SHELTERED
8 ANNUITY, A PLAN ESTABLISHED PURSUANT TO SECTION 457 OF THE
9 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
10 1 ET SEQ.) OR ANY SUCCESSOR PROVISION DEFERRED COMPENSATION
11 PLAN WHETHER QUALIFIED OR NOT QUALIFIED UNDER THE INTERNAL
12 REVENUE CODE OF 1986 OR ANY SUCCESSOR PROVISION OR OTHER
13 RETIREMENT PLAN THAT:

14 (I) IS NOT SELF-DIRECTED BY THE INDIVIDUAL; AND

15 (II) IS ADVISED BY AN INDEPENDENT INVESTMENT ADVISER
16 WHO HAS SOLE AUTHORITY TO MAKE INVESTMENT DECISIONS WITH
17 RESPECT TO CONTRIBUTIONS MADE BY THE INDIVIDUAL TO THESE
18 PLANS.

19 (3) A TUITION ACCOUNT PLAN ORGANIZED AND OPERATED
20 PURSUANT TO SECTION 529 OF THE INTERNAL REVENUE CODE OF 1986
21 (PUBLIC LAW 99-514, 26 U.S.C. § 529) THAT IS NOT SELF-
22 DIRECTED BY THE INDIVIDUAL.

23 (4) A MUTUAL FUND WHERE THE INTEREST OWNED BY THE MUTUAL
24 FUND IN A LICENSED ENTITY DOES NOT CONSTITUTE A CONTROLLING
25 INTEREST AS DEFINED IN THIS PART.

26 "IMMEDIATE FAMILY." A SPOUSE, MINOR CHILD OR UNEMANCIPATED
27 CHILD.

28 ["LAW ENFORCEMENT AUTHORITY." THE POWER TO CONDUCT
29 INVESTIGATIONS OF OR TO MAKE ARRESTS FOR CRIMINAL OFFENSES.]

30 "PARTY OFFICER." A MEMBER OF A NATIONAL COMMITTEE; A

1 CHAIRMAN, VICE CHAIRMAN, SECRETARY, TREASURER OR COUNSEL OF A
2 STATE COMMITTEE OR MEMBER OF THE EXECUTIVE COMMITTEE OF A STATE
3 COMMITTEE; A COUNTY CHAIRMAN, VICE CHAIRMAN, COUNSEL, SECRETARY
4 OR TREASURER OF A COUNTY COMMITTEE IN WHICH A LICENSED FACILITY
5 IS LOCATED; OR A CITY CHAIRMAN, VICE CHAIRMAN, COUNSEL,
6 SECRETARY OR TREASURER OF A CITY COMMITTEE OF A CITY IN WHICH A
7 LICENSED FACILITY IS LOCATED.

8 "PUBLIC OFFICIAL." THE TERM SHALL INCLUDE THE FOLLOWING:

9 (1) THE GOVERNOR, LIEUTENANT GOVERNOR, A MEMBER OF THE
10 GOVERNOR'S CABINET, TREASURER, AUDITOR GENERAL AND ATTORNEY
11 GENERAL OF THE COMMONWEALTH.

12 (2) A MEMBER OF THE SENATE OR HOUSE OF REPRESENTATIVES
13 OF THE COMMONWEALTH.

14 (3) AN INDIVIDUAL ELECTED OR APPOINTED TO ANY OFFICE OF
15 A COUNTY OR MUNICIPALITY THAT DIRECTLY RECEIVES A
16 DISTRIBUTION OF REVENUE UNDER THIS PART.

17 (4) AN INDIVIDUAL ELECTED OR APPOINTED TO A DEPARTMENT,
18 AGENCY, BOARD, COMMISSION, AUTHORITY OR OTHER GOVERNMENTAL
19 BODY NOT INCLUDED IN PARAGRAPH (1), (2) OR (3) THAT DIRECTLY
20 RECEIVES A DISTRIBUTION OF REVENUE UNDER THIS PART.

21 (5) AN INDIVIDUAL ELECTED OR APPOINTED TO A DEPARTMENT,
22 AGENCY, BOARD, COMMISSION, AUTHORITY, COUNTY, MUNICIPALITY OR
23 OTHER GOVERNMENTAL BODY NOT INCLUDED IN PARAGRAPH (1), (2) OR
24 (3) WITH DISCRETIONARY POWER WHICH MAY INFLUENCE OR AFFECT
25 THE OUTCOME OF AN ACTION OR DECISION AND WHO IS INVOLVED IN
26 THE DEVELOPMENT OF REGULATION OR POLICY RELATING TO A
27 LICENSED ENTITY OR WHO IS INVOLVED IN OTHER MATTERS UNDER
28 THIS PART.

29 THE TERM DOES NOT INCLUDE A MEMBER OF A SCHOOL BOARD OR AN
30 INDIVIDUAL WHO HELD AN UNCOMPENSATED OFFICE WITH A GOVERNMENTAL

1 BODY PRIOR TO JANUARY 1, 2006, AND WHO NO LONGER HOLDS THE
2 OFFICE AS OF JANUARY 1, 2006. THE TERM INCLUDES A MEMBER OF AN
3 ADVISORY BOARD OR COMMISSION WHICH MAKES RECOMMENDATIONS
4 RELATING TO A LICENSED FACILITY.

5 SECTION 14. TITLE 4 IS AMENDED BY ADDING A SECTION TO READ:
6 § 1512.1. ADDITIONAL RESTRICTIONS.

7 (A) RESTRICTIONS.--NO INDIVIDUAL TROOPER OR EMPLOYEE OF THE
8 PENNSYLVANIA STATE POLICE OR EMPLOYEE OF THE OFFICE OF ATTORNEY
9 GENERAL OR THE DEPARTMENT WHOSE DUTIES SUBSTANTIALLY INVOLVE
10 LICENSING OR ENFORCEMENT, THE DEVELOPMENT OF LAWS, OR THE
11 DEVELOPMENT OR ADOPTION OF REGULATIONS OR POLICY RELATED TO
12 GAMING UNDER THIS PART OR WHO HAS OTHER DISCRETIONARY AUTHORITY
13 WHICH MAY AFFECT THE OUTCOME OF AN ACTION, PROCEEDING OR
14 DECISION UNDER THIS PART SHALL DO ANY OF THE FOLLOWING:

15 (1) ACCEPT EMPLOYMENT WITH OR BE RETAINED BY AN
16 APPLICANT OR LICENSED ENTITY, OR AN AFFILIATE, INTERMEDIARY,
17 SUBSIDIARY OR HOLDING COMPANY OF AN APPLICANT OR LICENSED
18 ENTITY, FOR A PERIOD OF TWO YEARS AFTER THE TERMINATION OF
19 EMPLOYMENT.

20 (2) APPEAR BEFORE THE BOARD IN ANY HEARING OR PROCEEDING
21 OR PARTICIPATE IN ANY OTHER ACTIVITY ON BEHALF OF ANY
22 APPLICANT, LICENSEE, PERMITTEE OR LICENSED ENTITY, OR AN
23 AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY OF AN
24 APPLICANT, LICENSEE OR LICENSED ENTITY, FOR A PERIOD OF TWO
25 YEARS AFTER TERMINATION OF EMPLOYMENT. NOTHING IN THIS
26 PARAGRAPH SHALL PREVENT A CURRENT OR FORMER TROOPER OR
27 EMPLOYEE OF THE PENNSYLVANIA STATE POLICE, THE OFFICE OF
28 ATTORNEY GENERAL OR THE DEPARTMENT FROM APPEARING BEFORE THE
29 BOARD IN ANY PROCEEDING OR HEARING AS A WITNESS OR TESTIFYING
30 AS TO ANY FACT OR INFORMATION.

1 (3) AS A CONDITION OF EMPLOYMENT, AN INDIVIDUAL SUBJECT
2 TO THIS SUBSECTION SHALL SIGN AN AFFIDAVIT THAT THE
3 INDIVIDUAL WILL NOT ACCEPT EMPLOYMENT WITH OR BE RETAINED BY
4 ANY APPLICANT OR LICENSED ENTITY, OR AN AFFILIATE,
5 INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY OF AN APPLICANT
6 OR LICENSED ENTITY, FOR A PERIOD OF TWO YEARS AFTER THE
7 TERMINATION OF EMPLOYMENT.

8 (B) EMPLOYMENT OR RETENTION.--AN APPLICANT OR LICENSED
9 ENTITY OR AN AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING
10 COMPANY OF AN APPLICANT OR LICENSED ENTITY SHALL NOT EMPLOY OR
11 RETAIN AN INDIVIDUAL WHO SIGNED AN AFFIDAVIT REQUIRED BY
12 SUBSECTION (A) (3) UNTIL THE EXPIRATION OF THE PERIOD REQUIRED IN
13 SUBSECTION (A) (1). AN APPLICANT OR LICENSED ENTITY, OR AN
14 AFFILIATE, INTERMEDIARY, SUBSIDIARY OR HOLDING COMPANY OF AN
15 APPLICANT OR LICENSED ENTITY, THAT KNOWINGLY EMPLOYS OR RETAINS
16 AN INDIVIDUAL IN VIOLATION OF THIS SUBSECTION SHALL TERMINATE
17 THE EMPLOYMENT OF THE INDIVIDUAL AND BE SUBJECT TO A PENALTY
18 UNDER SECTION 1518(C) (RELATING TO PROHIBITED ACTS; PENALTIES).

19 (C) VIOLATION.--IF AN INDIVIDUAL SUBJECT TO SUBSECTION (A)
20 REFUSES OR OTHERWISE FAILS TO SIGN AN AFFIDAVIT, THE
21 INDIVIDUAL'S EMPLOYER SHALL TERMINATE THE EMPLOYMENT.

22 (D) CODE OF CONDUCT.--THE PENNSYLVANIA STATE POLICE, OFFICE
23 OF ATTORNEY GENERAL AND DEPARTMENT EACH SHALL ADOPT A
24 COMPREHENSIVE CODE OF CONDUCT WHICH SHALL SUPPLEMENT ALL OTHER
25 REQUIREMENTS UNDER THIS PART AND 65 PA.C.S. PT. II (RELATING TO
26 ACCOUNTABILITY), AS APPLICABLE, AND SHALL PROVIDE GUIDELINES
27 APPLICABLE TO TROOPERS, EMPLOYEES, INDEPENDENT CONTRACTORS OF
28 THE AGENCY WHOSE DUTIES SUBSTANTIALLY INVOLVE LICENSING OR
29 ENFORCEMENT, THE DEVELOPMENT OF LAWS, OR THE DEVELOPMENT OR
30 ADOPTION OF REGULATIONS OR POLICY RELATED TO GAMING UNDER THIS

1 PART OR WHO HAS OTHER DISCRETIONARY AUTHORITY WHICH MAY AFFECT
2 THE OUTCOME OF AN ACTION, PROCEEDING OR DECISION UNDER THIS
3 PART, AND THE IMMEDIATE FAMILIES OF THESE INDIVIDUALS TO ENABLE
4 THEM TO AVOID ANY PERCEIVED OR ACTUAL CONFLICT OF INTEREST AND
5 TO PROMOTE PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY
6 OF GAMING ENFORCEMENT AND REGULATION. AT A MINIMUM, THE CODE OF
7 CONDUCT ADOPTED UNDER THIS SECTION SHALL APPLY THE TYPES OF
8 RESTRICTIONS APPLICABLE TO MEMBERS UNDER SECTION 1202.1(C),
9 EXCEPT THAT THE RESTRICTIONS UNDER SECTION 1202.1(C)(5) SHALL
10 NOT APPLY TO AN ELECTED ATTORNEY GENERAL.

11 (E) STATE ETHICS COMMISSION.--THE STATE ETHICS COMMISSION
12 SHALL DO ALL OF THE FOLLOWING:

13 (1) ISSUE A WRITTEN DETERMINATION OF WHETHER AN
14 INDIVIDUAL IS SUBJECT TO SUBSECTION (A) UPON THE WRITTEN
15 REQUEST OF THE INDIVIDUAL OR THE INDIVIDUAL'S EMPLOYER OR
16 POTENTIAL EMPLOYER. A PERSON THAT RELIES IN GOOD FAITH ON A
17 DETERMINATION MADE UNDER THIS PARAGRAPH SHALL NOT BE SUBJECT
18 TO ANY PENALTY FOR AN ACTION TAKEN, PROVIDED THAT ALL
19 MATERIAL FACTS SET FORTH IN THE REQUEST FOR THE DETERMINATION
20 ARE CORRECT.

21 (2) PUBLISH A LIST OF ALL POSITIONS WITHIN THE
22 PENNSYLVANIA STATE POLICE, THE OFFICE OF ATTORNEY GENERAL AND
23 THE DEPARTMENT WHOSE DUTIES WOULD SUBJECT THE INDIVIDUALS IN
24 THOSE POSITIONS TO THE PROVISIONS OF SUBSECTION (A). EACH
25 AGENCY SUBJECT TO THIS SUBSECTION SHALL ASSIST THE STATE
26 ETHICS COMMISSION IN THE DEVELOPMENT OF THE LIST, WHICH SHALL
27 BE PUBLISHED BY THE STATE ETHICS COMMISSION IN THE
28 PENNSYLVANIA BULLETIN BIENNIALY, SHALL BE POSTED BY THE
29 BOARD ON THE BOARD'S INTERNET WEBSITE AND SHALL BE POSTED BY
30 EACH AGENCY ON THE AGENCY'S INTERNET WEBSITE. UPON REQUEST BY

1 THE STATE ETHICS COMMISSION, MEMBERS AND EMPLOYEES OF EACH
2 AGENCY SUBJECT TO THIS SUBSECTION SHALL HAVE A DUTY TO
3 PROVIDE THE STATE ETHICS COMMISSION WITH ADEQUATE INFORMATION
4 TO ACCURATELY DEVELOP AND MAINTAIN THE LIST. THE STATE ETHICS
5 COMMISSION MAY IMPOSE A CIVIL PENALTY UNDER 65 PA.C.S. §
6 1109(F) (RELATING TO PENALTIES) UPON ANY INDIVIDUAL WHO FAILS
7 TO COOPERATE WITH THE STATE ETHICS COMMISSION UNDER THIS
8 SUBSECTION. A PERSON WHO RELIES IN GOOD FAITH ON THE LIST
9 PUBLISHED BY THE STATE ETHICS COMMISSION SHALL NOT BE SUBJECT
10 TO ANY PENALTY FOR A VIOLATION OF SUBSECTION (A).

11 SECTION 14.1. SECTIONS 1513(C) AND 1514 HEADING, (B), (F),
12 (G) AND (H) OF TITLE 4 ARE AMENDED TO READ:

13 § 1513. POLITICAL INFLUENCE.

14 * * *

15 (C) PENALTIES.--

16 (1) THE FIRST VIOLATION OF THIS SECTION BY A LICENSED
17 GAMING ENTITY OR ANY PERSON THAT HOLDS A CONTROLLING INTEREST
18 IN SUCH GAMING ENTITY, OR A SUBSIDIARY COMPANY THEREOF, [AND]
19 OR ANY OFFICER, DIRECTOR OR MANAGEMENT-LEVEL EMPLOYEE OF SUCH
20 LICENSEE SHALL BE PUNISHABLE BY A FINE [OF] EQUAL TO AN
21 AMOUNT NOT LESS THAN [AN] THE AVERAGE SINGLE DAY'S GROSS
22 TERMINAL REVENUE AND GROSS TABLE GAME REVENUE OF THE LICENSED
23 GAMING ENTITY [DERIVED FROM THE OPERATION OF SLOT MACHINES IN
24 THIS COMMONWEALTH]; A SECOND VIOLATION OF THIS SECTION,
25 WITHIN FIVE YEARS OF THE FIRST VIOLATION, SHALL BE PUNISHABLE
26 BY AT LEAST A ONE-DAY SUSPENSION OF THE LICENSE HELD BY THE
27 LICENSED GAMING ENTITY AND A FINE EQUAL TO AN AMOUNT NOT LESS
28 THAN [AN] TWO TIMES THE AVERAGE [TWO DAYS'] SINGLE DAY'S
29 GROSS TERMINAL REVENUE AND GROSS TABLE GAME REVENUE OF THE
30 LICENSED GAMING ENTITY; A THIRD VIOLATION OF THIS SECTION

1 WITHIN FIVE YEARS OF THE SECOND VIOLATION SHALL BE PUNISHABLE
2 BY THE IMMEDIATE REVOCATION OF THE LICENSE HELD BY THE
3 LICENSED GAMING ENTITY. FOLLOWING REVOCATION, THE BOARD SHALL
4 CONSIDER APPOINTING A TRUSTEE IN ACCORDANCE WITH SECTION 1332
5 (RELATING TO APPOINTMENT OF TRUSTEE).

6 (2) THE FIRST VIOLATION OF THIS SECTION BY A
7 MANUFACTURER OR SUPPLIER LICENSED PURSUANT TO THIS PART OR BY
8 ANY PERSON THAT HOLDS A CONTROLLING INTEREST IN SUCH
9 MANUFACTURER OR SUPPLIER, OR A SUBSIDIARY COMPANY THEREOF,
10 [AND] OR ANY OFFICER, DIRECTOR OR MANAGEMENT-LEVEL EMPLOYEE
11 OF SUCH A LICENSEE SHALL BE PUNISHABLE BY A FINE [OF] EQUAL
12 TO AN AMOUNT NOT LESS THAN [ONE] A SINGLE DAY'S AVERAGE OF
13 THE GROSS PROFIT FROM SALES MADE BY THE MANUFACTURER OR
14 SUPPLIER IN PENNSYLVANIA DURING THE PRECEDING 12-MONTH PERIOD
15 OR PORTION THEREOF IN THE EVENT THE MANUFACTURER OR SUPPLIER
16 HAS NOT OPERATED IN PENNSYLVANIA FOR 12 MONTHS; A [SECOND]
17 SUBSEQUENT VIOLATION OF THIS SECTION WITHIN FIVE YEARS OF
18 [THE FIRST] A PRIOR VIOLATION SHALL BE PUNISHABLE BY A ONE-
19 MONTH SUSPENSION OF THE LICENSE HELD BY THE MANUFACTURER OR
20 SUPPLIER AND A FINE [OF] EQUAL TO AN AMOUNT NOT LESS THAN TWO
21 TIMES [ONE] A SINGLE DAY'S AVERAGE OF THE GROSS PROFIT FROM
22 SALES MADE BY THE MANUFACTURER OR SUPPLIER IN PENNSYLVANIA
23 DURING THE PRECEDING 12-MONTH PERIOD OR PORTION THEREOF IN
24 THE EVENT THE MANUFACTURER OR SUPPLIER HAS NOT OPERATED IN
25 PENNSYLVANIA FOR 12 MONTHS.

26 (3) IN NO EVENT SHALL THE FINE IMPOSED UNDER THIS
27 SECTION BE [IN] AN AMOUNT LESS THAN [\$50,000] \$100,000 FOR
28 EACH VIOLATION. IN ADDITION TO ANY FINE OR SANCTION THAT MAY
29 BE IMPOSED BY THE BOARD UNDER THIS SUBSECTION, ANY [PERSON]
30 INDIVIDUAL WHO MAKES A CONTRIBUTION IN VIOLATION OF THIS

SECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

* * *

§ 1514. REGULATION REQUIRING EXCLUSION OR EJECTION OF CERTAIN
PERSONS.

* * *

(B) CATEGORIES TO BE DEFINED.--THE BOARD SHALL PROMULGATE
DEFINITIONS ESTABLISHING THOSE CATEGORIES OF PERSONS WHO SHALL
BE EXCLUDED OR EJECTED PURSUANT TO THIS SECTION, INCLUDING
CHEATS AND PERSONS WHOSE PRIVILEGES FOR LICENSURE, CERTIFICATION, PERMIT OR REGISTRATION HAVE BEEN REVOKED.

* * *

(F) NOTICE.--WHENEVER THE [BOARD PLACES] BUREAU SEEKS TO
PLACE THE NAME OF ANY PERSON ON A LIST PURSUANT TO THIS SECTION,
THE [BOARD] BUREAU SHALL SERVE NOTICE OF THIS FACT TO SUCH
PERSON BY PERSONAL SERVICE OR CERTIFIED MAIL AT THE LAST KNOWN
ADDRESS OF THE PERSON. THE NOTICE SHALL INFORM THE INDIVIDUAL OF
THE RIGHT TO REQUEST A HEARING UNDER SUBSECTION (G).

(G) HEARING.--WITHIN 30 DAYS AFTER RECEIPT OF NOTICE IN
ACCORDANCE WITH SUBSECTION (F), THE PERSON NAMED FOR EXCLUSION
OR EJECTION MAY DEMAND A HEARING BEFORE THE BOARD, AT WHICH
HEARING THE [BOARD] BUREAU SHALL HAVE THE AFFIRMATIVE OBLIGATION
TO DEMONSTRATE THAT THE PERSON NAMED FOR EXCLUSION OR EJECTION
SATISFIES THE CRITERIA FOR EXCLUSION OR EJECTION ESTABLISHED BY
THIS SECTION AND THE BOARD'S REGULATIONS. FAILURE OF THE PERSON
TO DEMAND A HEARING WITHIN 30 DAYS AFTER SERVICE SHALL BE DEEMED
AN ADMISSION OF ALL MATTERS AND FACTS ALLEGED IN THE [BOARD'S]
BUREAU'S NOTICE AND SHALL PRECLUDE [A] THE PERSON FROM HAVING AN
ADMINISTRATIVE HEARING, BUT SHALL IN NO WAY AFFECT THE RIGHT TO
JUDICIAL REVIEW AS PROVIDED IN THIS SECTION.

(H) REVIEW.--IF, UPON COMPLETION OF A HEARING ON THE NOTICE

1 OF EXCLUSION OR EJECTION, THE BOARD DETERMINES THAT PLACEMENT OF
2 THE NAME OF THE PERSON ON THE EXCLUSION OR EJECTION LIST IS
3 APPROPRIATE, THE BOARD SHALL MAKE AND ENTER AN ORDER TO THAT
4 EFFECT, WHICH ORDER SHALL BE SERVED ON ALL [SLOT MACHINE
5 LICENSEES] LICENSED GAMING ENTITIES. THE ORDER SHALL BE SUBJECT
6 TO REVIEW BY THE COMMONWEALTH COURT IN ACCORDANCE WITH THE RULES
7 OF COURT.

8 SECTION 14.2. TITLE 4 IS AMENDED BY ADDING A SECTION TO
9 READ:

10 § 1516.1. PROSECUTORIAL AND ADJUDICATORY FUNCTIONS.

11 THE BOARD SHALL PROMULGATE REGULATIONS AND ADOPT PROCEDURES
12 NECESSARY TO ENSURE THAT THE BUREAU IS A DISTINCT ENTITY AND TO
13 PREVENT COMMINGLING OF THE INVESTIGATORY AND PROSECUTORIAL
14 FUNCTIONS OF THE BUREAU UNDER SECTION 1517 (RELATING TO
15 INVESTIGATIONS AND ENFORCEMENT) AND THE ADJUDICATORY FUNCTIONS
16 OF THE BOARD. REGULATIONS AND PROCEDURES PROMULGATED OR ADOPTED
17 UNDER THIS SECTION SHALL DO ALL OF THE FOLLOWING:

18 (1) PROVIDE THAT NEITHER THE EXECUTIVE DIRECTOR NOR THE
19 CHIEF COUNSEL OF THE BOARD SHALL DIRECT OR LIMIT THE SCOPE OF
20 A BACKGROUND INVESTIGATION CONDUCTED BY THE BUREAU.

21 (2) INCORPORATE SECTION 1202.1(C.1) (RELATING TO CODE OF
22 CONDUCT) AND ANY OTHER APPLICABLE PROVISIONS OF SECTION
23 1202.1.

24 SECTION 15. SECTION 1517(A.1)(2) AND (6), (B)(1), (C)(12)
25 AND (E)(1) OF TITLE 4 ARE AMENDED, SUBSECTION (A.2)(1) IS
26 AMENDED BY ADDING A SUBPARAGRAPH AND SUBSECTION (C) IS AMENDED
27 BY ADDING PARAGRAPHS TO READ:

28 § 1517. INVESTIGATIONS AND ENFORCEMENT.

29 * * *

30 (A.1) POWERS AND DUTIES OF BUREAU.--THE BUREAU OF

1 INVESTIGATIONS AND ENFORCEMENT SHALL HAVE THE FOLLOWING POWERS
2 AND DUTIES:

3 * * *

4 (2) INVESTIGATE AND REVIEW ALL APPLICANTS FOR A LICENSE,
5 PERMIT OR REGISTRATION. THE BUREAU SHALL BE PROHIBITED FROM
6 DISCLOSING ANY PORTION OF A BACKGROUND INVESTIGATION REPORT
7 TO ANY BOARD MEMBER PRIOR TO THE SUBMISSION OF THE BUREAU'S
8 FINAL BACKGROUND INVESTIGATION REPORT RELATING TO THE
9 APPLICANT'S SUITABILITY FOR LICENSURE TO THE BOARD. THE
10 OFFICE OF ENFORCEMENT COUNSEL, ON BEHALF OF THE BUREAU, SHALL
11 PREPARE THE FINAL BACKGROUND INVESTIGATION REPORT FOR
12 INCLUSION IN A FINAL REPORT RELATING TO THE APPLICANT'S
13 SUITABILITY FOR LICENSURE.

14 * * *

15 (6) CONDUCT [AUDITS] REVIEWS OF A LICENSED ENTITY AS
16 NECESSARY TO ENSURE COMPLIANCE WITH THIS PART. [AN AUDIT] A
17 REVIEW MAY INCLUDE THE REVIEW OF ACCOUNTING, ADMINISTRATIVE
18 AND FINANCIAL RECORDS, MANAGEMENT CONTROL SYSTEMS, PROCEDURES
19 AND OTHER RECORDS UTILIZED BY A LICENSED ENTITY.

20 * * *

21 (A.2) OFFICE OF ENFORCEMENT COUNSEL.--

22 (1) THERE IS ESTABLISHED WITHIN THE BUREAU AN OFFICE OF
23 ENFORCEMENT COUNSEL WHICH SHALL ACT AS THE PROSECUTOR IN ALL
24 NONCRIMINAL ENFORCEMENT ACTIONS INITIATED BY THE BUREAU UNDER
25 THIS PART AND SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

26 * * *

27 (IV) PETITION THE BOARD FOR THE APPOINTMENT OF A
28 TRUSTEE UNDER SECTION 1332 (RELATING TO APPOINTMENT OF
29 TRUSTEE).

30 * * *

(B) POWERS AND DUTIES OF DEPARTMENT.--

(1) THE DEPARTMENT SHALL AT ALL TIMES HAVE THE POWER OF ACCESS TO [EXAMINATION] EXAMINE AND AUDIT [OF ANY] EQUIPMENT AND RECORDS RELATING TO ALL ASPECTS OF THE OPERATION OF SLOT MACHINES OR TABLE GAMES UNDER THIS PART.

* * *

(C) POWERS AND DUTIES OF THE PENNSYLVANIA STATE POLICE.--THE PENNSYLVANIA STATE POLICE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

* * *

(1.1) PROMPTLY CONDUCT A BACKGROUND INVESTIGATION ON AN INDIVIDUAL SELECTED BY THE BOARD TO FILL THE POSITION OF EXECUTIVE DIRECTOR OF THE BOARD, DIRECTOR OF THE BUREAU, CHIEF COUNSEL OF THE BOARD OR THE DIRECTOR OF THE OFFICE OF ENFORCEMENT COUNSEL AND SUBMIT THE RESULTS TO THE BOARD.

* * *

(12) CONDUCT AUDITS OR VERIFICATION OF INFORMATION OF SLOT MACHINE OR TABLE GAME OPERATIONS AT SUCH TIMES, UNDER SUCH CIRCUMSTANCES AND TO SUCH EXTENT AS THE BUREAU DETERMINES. THIS PARAGRAPH INCLUDES REVIEWS OF ACCOUNTING, ADMINISTRATIVE AND FINANCIAL RECORDS AND MANAGEMENT CONTROL SYSTEMS, PROCEDURES AND RECORDS UTILIZED BY A SLOT MACHINE LICENSEE.

* * *

(14) BY MARCH 1 OF EACH YEAR, THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE SHALL SUBMIT A REPORT TO THE APPROPRIATIONS COMMITTEE OF THE SENATE, THE COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT COMMITTEE OF THE SENATE, THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE GAMING OVERSIGHT COMMITTEE OF THE

1 HOUSE OF REPRESENTATIVES. THE REPORT SHALL SUMMARIZE ALL LAW
2 ENFORCEMENT ACTIVITIES AT EACH LICENSED FACILITY DURING THE
3 PREVIOUS CALENDAR YEAR AND SHALL INCLUDE ALL OF THE
4 FOLLOWING:

5 (I) THE NUMBER OF ARRESTS MADE AND CITATIONS ISSUED
6 AT EACH LICENSED FACILITY AND THE NAME OF THE LAW
7 ENFORCEMENT AGENCY MAKING THE ARREST OR ISSUING THE
8 CITATION.

9 (II) A LIST OF SPECIFIC OFFENSES CHARGED FOR EACH
10 ARREST MADE OR CITATION ISSUED.

11 (III) THE NUMBER OF CRIMINAL PROSECUTIONS RESULTING
12 FROM ARRESTS MADE OR CITATIONS ISSUED.

13 (IV) THE NUMBER OF CONVICTIONS RESULTING FROM
14 PROSECUTIONS REPORTED UNDER SUBPARAGRAPH (III).

15 (V) THE NUMBER OF PENNSYLVANIA STATE POLICE TROOPERS
16 ASSIGNED TO EACH LICENSED FACILITY AND TO THE GAMING UNIT
17 AT THE PENNSYLVANIA STATE POLICE HEADQUARTERS.

18 (VI) THE NUMBER AND THE SUBJECT MATTER OF COMPLAINTS
19 MADE AGAINST PENNSYLVANIA STATE POLICE TROOPERS IN
20 LICENSED FACILITIES AND THE TYPE OF DISCIPLINARY ACTIONS
21 TAKEN BY THE PENNSYLVANIA STATE POLICE, IF ANY, AGAINST
22 THE PENNSYLVANIA STATE POLICE TROOPERS.

23 (VII) THE CLOSEST LOCAL POLICE STATION, PENNSYLVANIA
24 STATE POLICE STATION AND REGIONAL PENNSYLVANIA STATE
25 POLICE HEADQUARTERS TO EACH LICENSED FACILITY.

26 * * *

27 (E) INSPECTION, SEIZURE AND WARRANTS.--

28 (1) THE BUREAU, THE DEPARTMENT AND THE PENNSYLVANIA
29 STATE POLICE SHALL HAVE THE AUTHORITY WITHOUT NOTICE AND
30 WITHOUT WARRANT TO DO ALL OF THE FOLLOWING IN THE PERFORMANCE

1 OF THEIR DUTIES:

2 (I) INSPECT AND EXAMINE ALL PREMISES WHERE SLOT
3 MACHINE OR TABLE GAME OPERATIONS ARE CONDUCTED, [GAMING
4 DEVICES OR] SLOT MACHINES, TABLE GAME DEVICES AND
5 ASSOCIATED EQUIPMENT ARE MANUFACTURED, SOLD, DISTRIBUTED
6 OR SERVICED OR WHERE RECORDS OF THESE ACTIVITIES ARE
7 PREPARED OR MAINTAINED.

8 (II) INSPECT ALL EQUIPMENT AND SUPPLIES IN, ABOUT,
9 UPON OR AROUND PREMISES REFERRED TO IN SUBPARAGRAPH (I).

10 (III) SEIZE, SUMMARILY REMOVE AND IMPOUND EQUIPMENT
11 AND SUPPLIES FROM PREMISES REFERRED TO IN SUBPARAGRAPH
12 (I) FOR THE PURPOSES OF EXAMINATION AND INSPECTION.

13 (IV) INSPECT, EXAMINE AND AUDIT ALL BOOKS, RECORDS
14 AND DOCUMENTS PERTAINING TO A SLOT MACHINE LICENSEE'S
15 OPERATION.

16 (V) SEIZE, IMPOUND OR ASSUME PHYSICAL CONTROL OF ANY
17 BOOK, RECORD, LEDGER, GAME, DEVICE, CASH BOX AND ITS
18 CONTENTS, [COUNTING] COUNT ROOM OR ITS EQUIPMENT OR SLOT
19 MACHINE OR TABLE GAME OPERATIONS.

20 * * *

21 SECTION 16. SECTION 1517.2 OF TITLE 4 IS AMENDED TO READ:

22 § 1517.2. CONDUCT OF [PUBLIC OFFICIALS AND] BOARD EMPLOYEES.

23 (A) [EX PARTE DISCUSSION PROHIBITED.--AN ATTORNEY
24 REPRESENTING THE BUREAU OR THE OFFICE OF ENFORCEMENT COUNSEL, OR
25 AN EMPLOYEE OF THE BUREAU OR OFFICE INVOLVED IN THE HEARING
26 PROCESS, SHALL NOT DISCUSS THE CASE EX PARTE WITH A HEARING
27 OFFICER, CHIEF COUNSEL OR MEMBER] (RESERVED).

28 (B) [OTHER PROHIBITIONS.--A HEARING OFFICER, THE CHIEF
29 COUNSEL OR A MEMBER SHALL NOT DISCUSS OR EXERCISE ANY
30 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 A MEMBER TO BECOME INVOLVED ON BEHALF OF THE BOARD IN
5 ANY ENFORCEMENT PROCEEDING, THE CHIEF COUNSEL OR THE MEMBER
6 SHALL BE PROHIBITED FROM PARTICIPATING IN THE ADJUDICATION OF
7 THAT MATTER AND SHALL DESIGNATE APPROPRIATE INDIVIDUALS TO
8 EXERCISE ADJUDICATORY FUNCTIONS.

9 SECTION 16.1. SECTION 1518(A)(2), (3), (4), (5), (7), (8),
10 (11) AND (13), (B)(1) AND (2) AND (C)(1)(V) AND (3) OF TITLE 4
11 ARE AMENDED, SUBSECTIONS (A) AND (B) ARE AMENDED BY ADDING
12 PARAGRAPHS AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
13 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, TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT INTO
3 PLAY OR DISPLAY SLOT MACHINES, TABLE GAMES, TABLE GAME
4 DEVICES OR ASSOCIATED EQUIPMENT ON THE [PREMISE] PREMISES OF
5 A LICENSED FACILITY WITHOUT THE AUTHORITY OF THE BOARD.

6 (5) EXCEPT AS PROVIDED FOR IN SECTION 1326 (RELATING TO
7 LICENSE RENEWALS), IT SHALL BE UNLAWFUL FOR A LICENSED ENTITY
8 OR OTHER PERSON TO MANUFACTURE, SUPPLY, OPERATE, CARRY ON OR
9 EXPOSE FOR PLAY ANY SLOT MACHINE, TABLE GAME, TABLE GAME
10 DEVICE OR ASSOCIATED EQUIPMENT AFTER THE PERSON'S LICENSE HAS
11 EXPIRED AND PRIOR TO THE ACTUAL RENEWAL OF THE LICENSE.

12 * * *

13 (7) (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), IT
14 SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO USE OR POSSESS A
15 CHEATING OR THIEVING DEVICE, COUNTERFEIT OR ALTERED
16 BILLET, TICKET, TOKEN OR SIMILAR OBJECTS ACCEPTED BY A
17 SLOT MACHINE OR COUNTERFEIT OR ALTERED SLOT MACHINE-
18 ISSUED TICKETS OR VOUCHERS AT A LICENSED FACILITY.

19 (II) AN AUTHORIZED EMPLOYEE OF A LICENSEE OR AN
20 EMPLOYEE OF THE BOARD MAY POSSESS AND USE A CHEATING OR
21 THIEVING DEVICE, COUNTERFEIT OR ALTERED BILLET, TICKET,
22 TOKEN OR SIMILAR OBJECTS ACCEPTED BY A SLOT MACHINE OR
23 COUNTERFEIT OR ALTERED SLOT MACHINE-ISSUED TICKETS OR
24 VOUCHERS IN PERFORMANCE OF THE DUTIES OF EMPLOYMENT.

25 [(III) AS USED IN THIS PARAGRAPH, THE TERM "CHEATING
26 OR THIEVING DEVICE" INCLUDES, BUT IS NOT LIMITED TO, A
27 DEVICE TO FACILITATE THE ALIGNMENT OF ANY WINNING
28 COMBINATION OR TO REMOVE FROM ANY SLOT MACHINE MONEY OR
29 OTHER CONTENTS. THE TERM INCLUDES, BUT IS NOT LIMITED TO,
30 A TOOL, DRILL, WIRE, COIN OR TOKEN ATTACHED TO A STRING

OR WIRE AND ANY ELECTRONIC OR MAGNETIC DEVICE.]

(7.1) IT SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO DO ANY
OF THE FOLLOWING:

(I) USE OR POSSESS COUNTERFEIT, MARKED, LOADED OR
TAMPERED WITH TABLE GAME DEVICES OR ASSOCIATED EQUIPMENT,
CHIPS OR OTHER CHEATING DEVICES IN THE CONDUCT OF GAMING
UNDER THIS PART, EXCEPT THAT AN AUTHORIZED EMPLOYEE OF A
LICENSEE OR AN AUTHORIZED EMPLOYEE OF THE BOARD MAY
POSSESS AND USE COUNTERFEIT CHIPS OR TABLE GAME DEVICES
OR ASSOCIATED EQUIPMENT THAT HAVE BEEN MARKED, LOADED OR
TAMPERED WITH, OR OTHER CHEATING DEVICES IN PERFORMANCE
OF THE DUTIES OF EMPLOYMENT FOR TRAINING, INVESTIGATIVE
OR TESTING PURPOSES ONLY.

(II) KNOWINGLY, BY A TRICK OR SLEIGHT OF HAND
PERFORMANCE OR BY FRAUD OR FRAUDULENT SCHEME, TABLE GAME
DEVICE OR OTHER DEVICE, FOR HIMSELF OR FOR ANOTHER, WIN
OR ATTEMPT TO WIN ANY CASH, PROPERTY OR PRIZE AT A
LICENSED FACILITY OR TO REDUCE OR ATTEMPT TO REDUCE A
LOSING WAGER.

(8) (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), IT
SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO KNOWINGLY POSSESS
OR USE WHILE ON THE PREMISES OF A LICENSED FACILITY A KEY
OR DEVICE DESIGNED FOR THE PURPOSE OF AND SUITABLE FOR
OPENING OR ENTERING ANY SLOT MACHINE, DROP BOX OR COIN
BOX WHICH IS LOCATED ON THE PREMISES OF THE LICENSED
FACILITY.

(II) AN AUTHORIZED EMPLOYEE OF A LICENSEE OR A
MEMBER OF THE BOARD MAY POSSESS AND USE A DEVICE REFERRED
TO IN SUBPARAGRAPH (I) IN THE PERFORMANCE OF THE DUTIES
OF EMPLOYMENT.

1 * * *

2 (11) IT SHALL BE UNLAWFUL FOR A LICENSED GAMING ENTITY
3 THAT IS A LICENSED RACING ENTITY AND THAT HAS LOST THE
4 LICENSE ISSUED TO IT BY EITHER THE STATE HORSE RACING
5 COMMISSION OR THE STATE HARNESS RACING COMMISSION UNDER THE
6 RACE HORSE INDUSTRY REFORM ACT OR THAT HAS HAD THAT LICENSE
7 SUSPENDED TO OPERATE SLOT MACHINES OR TABLE GAMES AT THE
8 RACETRACK FOR WHICH ITS SLOT MACHINE LICENSE WAS ISSUED
9 UNLESS THE LICENSE ISSUED TO IT BY EITHER THE STATE HORSE
10 RACING COMMISSION OR THE STATE HARNESS RACING COMMISSION WILL
11 BE SUBSEQUENTLY REISSUED OR REINSTATED WITHIN 30 DAYS AFTER
12 THE LOSS OR SUSPENSION.

13 * * *

14 (13) IT SHALL BE UNLAWFUL FOR [ANY PERSON] AN INDIVIDUAL
15 UNDER [18] 21 YEARS OF AGE TO [BE PERMITTED IN THE] ENTER AND
16 REMAIN IN ANY AREA OF A LICENSED FACILITY WHERE SLOT MACHINES
17 ARE OPERATED OR THE PLAY OF TABLE GAMES IS CONDUCTED, EXCEPT
18 THAT AN INDIVIDUAL 18 YEARS OF AGE OR OLDER EMPLOYED BY A
19 SLOT MACHINE LICENSEE MAY ENTER AND REMAIN IN ANY SUCH AREA
20 WHILE IN THE PERFORMANCE OF THE INDIVIDUAL'S EMPLOYMENT
21 DUTIES BEING PERFORMED ON BEHALF OF THE SLOT MACHINE
22 LICENSEE.

23 (13.1) IT SHALL BE UNLAWFUL FOR AN INDIVIDUAL UNDER 21
24 YEARS OF AGE TO WAGER, PLAY OR ATTEMPT TO PLAY A SLOT MACHINE
25 OR TABLE GAME AT A LICENSED FACILITY.

26 (14) (RESERVED).

27 (15) IT SHALL BE UNLAWFUL FOR A LICENSED GAMING ENTITY
28 TO REQUIRE A WAGER TO BE GREATER THAN THE STATED MINIMUM
29 WAGER OR LESS THAN THE STATED MAXIMUM WAGER. HOWEVER, A WAGER
30 MADE BY A PLAYER AND NOT REJECTED BY A LICENSED GAMING ENTITY

1 PRIOR TO COMMENCEMENT OF PLAY SHALL BE TREATED AS A VALID
2 WAGER. A WAGER ACCEPTED BY A DEALER SHALL BE PAID OR LOST IN
3 ITS ENTIRETY IN ACCORDANCE WITH THE RULES OF THE GAME,
4 NOTWITHSTANDING THAT THE WAGER EXCEEDED THE CURRENT TABLE
5 MAXIMUM WAGER OR WAS LOWER THAN THE CURRENT TABLE MINIMUM
6 WAGER.

7 (16) AN INDIVIDUAL THAT ENGAGES IN CONDUCT PROHIBITED BY
8 18 PA.C.S. § 6308 (RELATING TO PURCHASE, CONSUMPTION,
9 POSSESSION OR TRANSFER OF LIQUOR OR MALT OR BREWED BEVERAGES)
10 IN A LICENSED FACILITY COMMITS A NONGAMBLING OFFENSE.

11 (17) IT SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO CLAIM,
12 COLLECT OR TAKE, OR ATTEMPT TO CLAIM, COLLECT OR TAKE, MONEY
13 OR ANYTHING OF VALUE IN OR FROM A SLOT MACHINE, GAMING TABLE
14 OR OTHER TABLE GAME DEVICE, WITH THE INTENT TO DEFRAUD, OR TO
15 CLAIM, COLLECT OR TAKE AN AMOUNT GREATER THAN THE AMOUNT WON,
16 OR TO MANIPULATE WITH THE INTENT TO CHEAT, ANY COMPONENT OF
17 ANY SLOT MACHINE, TABLE GAME OR TABLE GAME DEVICE IN A MANNER
18 CONTRARY TO THE DESIGNED AND NORMAL OPERATIONAL PURPOSE.

19 (B) CRIMINAL PENALTIES AND FINES.--

20 (1) (I) A PERSON THAT COMMITS A FIRST OFFENSE IN
21 VIOLATION OF 18 PA.C.S. § 4902, 4903 OR 4904 IN
22 CONNECTION WITH PROVIDING INFORMATION OR MAKING ANY
23 STATEMENT, WHETHER WRITTEN OR ORAL, TO THE BOARD, THE
24 BUREAU, THE DEPARTMENT, THE PENNSYLVANIA STATE POLICE,
25 THE OFFICE OF ATTORNEY GENERAL OR A DISTRICT ATTORNEY AS
26 REQUIRED BY THIS PART COMMITS AN OFFENSE TO BE GRADED IN
27 ACCORDANCE WITH THE APPLICABLE SECTION VIOLATED. A PERSON
28 THAT IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF
29 18 PA.C.S. § 4902, 4903 OR 4904 IN CONNECTION WITH
30 PROVIDING INFORMATION OR MAKING ANY STATEMENT, WHETHER

1 WRITTEN OR ORAL, TO THE BOARD, THE BUREAU, THE
2 DEPARTMENT, THE PENNSYLVANIA STATE POLICE, THE OFFICE OF
3 ATTORNEY GENERAL OR A DISTRICT ATTORNEY AS REQUIRED BY
4 THIS PART COMMITS A FELONY OF THE SECOND DEGREE.

5 (II) A PERSON THAT VIOLATES SUBSECTION (A) (2)
6 THROUGH (12) OR (17) COMMITS A MISDEMEANOR OF THE FIRST
7 DEGREE. A PERSON THAT IS CONVICTED OF A SECOND OR
8 SUBSEQUENT VIOLATION OF SUBSECTION (A) (2) THROUGH (12) OR
9 (17) COMMITS A FELONY OF THE SECOND DEGREE.

10 (2) (I) FOR A FIRST VIOLATION OF SUBSECTION (A) (1)
11 THROUGH (12) OR (17), A PERSON SHALL BE SENTENCED TO PAY
12 A FINE OF:

13 (A) NOT LESS THAN \$75,000 NOR MORE THAN \$150,000
14 IF THE PERSON IS AN INDIVIDUAL;

15 (B) NOT LESS THAN \$300,000 NOR MORE THAN
16 \$600,000 IF THE PERSON IS A LICENSED GAMING ENTITY;
17 OR

18 (C) NOT LESS THAN \$150,000 NOR MORE THAN
19 \$300,000 IF THE PERSON IS A LICENSED MANUFACTURER OR
20 SUPPLIER.

21 (II) FOR A SECOND OR SUBSEQUENT VIOLATION OF
22 SUBSECTION (A) (1) THROUGH (12) OR (17), A PERSON SHALL BE
23 SENTENCED TO PAY A FINE OF:

24 (A) NOT LESS THAN \$150,000 NOR MORE THAN
25 \$300,000 IF THE PERSON IS AN INDIVIDUAL;

26 (B) NOT LESS THAN \$600,000 NOR MORE THAN
27 \$1,200,000 IF THE PERSON IS A LICENSED GAMING ENTITY;
28 OR

29 (C) NOT LESS THAN \$300,000 NOR MORE THAN
30 \$600,000 IF THE PERSON IS A LICENSED MANUFACTURER OR

1 SUPPLIER.

2 (3) AN INDIVIDUAL WHO COMMITS AN OFFENSE IN VIOLATION OF
3 SUBSECTION (A) (13) OR (13.1) COMMITS A NONGAMBLING SUMMARY
4 OFFENSE AND UPON CONVICTION OF A FIRST OFFENSE SHALL BE
5 SENTENCED TO PAY A FINE OF NOT LESS THAN \$200 NOR MORE THAN
6 \$1,000. AN INDIVIDUAL THAT IS CONVICTED OF A SECOND OR
7 SUBSEQUENT OFFENSE UNDER SUBSECTION (A) (13) OR (13.1) SHALL
8 BE SENTENCED TO PAY A FINE OF NOT LESS THAN \$500 NOR MORE
9 THAN \$1,500. IN ADDITION TO THE FINE IMPOSED, AN INDIVIDUAL
10 CONVICTED OF AN OFFENSE UNDER SUBSECTION (A) (13) OR (13.1)
11 MAY BE SENTENCED TO PERFORM A PERIOD OF COMMUNITY SERVICE NOT
12 TO EXCEED 40 HOURS.

13 (4) AN INDIVIDUAL THAT COMMITS AN OFFENSE IN VIOLATION
14 OF SUBSECTION (A) (16) COMMITS A NONGAMBLING OFFENSE TO BE
15 GRADED IN ACCORDANCE WITH 18 PA.C.S. § 6308 AND SHALL BE
16 SUBJECT TO THE SAME PENALTIES IMPOSED PURSUANT TO 18 PA.C.S.
17 § 6308 AND 6310.4 (RELATING TO RESTRICTION OF OPERATING
18 PRIVILEGES) EXCEPT THAT THE FINE IMPOSED FOR A VIOLATION OF
19 SUBSECTION (A) (16) SHALL BE NOT LESS THAN \$350 NOR MORE THAN
20 \$1,000.

21 (C) BOARD-IMPOSED ADMINISTRATIVE SANCTIONS.--

22 (1) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW,
23 THE BOARD MAY IMPOSE WITHOUT LIMITATION THE FOLLOWING
24 SANCTIONS UPON ANY LICENSEE OR PERMITTEE:

25 * * *

26 (V) SUSPEND THE LICENSE OF ANY LICENSED GAMING
27 ENTITY FOR VIOLATION OF OR ATTEMPTING TO VIOLATE ANY
28 PROVISIONS OF THIS PART OR REGULATIONS PROMULGATED UNDER
29 THIS PART RELATING TO ITS SLOT MACHINE OR TABLE GAME
30 OPERATIONS.

(3) IN ADDITION TO ANY OTHER FINES OR PENALTIES THAT THE BOARD MAY IMPOSE UNDER THIS PART OR REGULATION, IF A PERSON VIOLATES SUBSECTION (A) (2), THE BOARD SHALL IMPOSE AN ADMINISTRATIVE PENALTY OF THREE TIMES THE AMOUNT OF THE LICENSE FEE, AUTHORIZATION FEE, TAX OR OTHER ASSESSMENT EVADED AND NOT PAID, COLLECTED OR PAID OVER. THIS SUBSECTION IS SUBJECT TO 2 PA.C.S. CHS. 5 SUBCH. A AND 7 SUBCH. A.

(D) AIDING AND ABETTING.--A PERSON WHO AIDS, ABETS, COUNSELS, COMMANDS, INDUCES, PROCURES OR CAUSES ANOTHER PERSON TO VIOLATE A PROVISION OF THIS PART SHALL BE SUBJECT TO ALL SANCTIONS AND PENALTIES, BOTH CIVIL AND CRIMINAL, PROVIDED UNDER THIS PART.

(E) CONTINUING OFFENSES.--A VIOLATION OF THIS PART THAT IS DETERMINED TO BE AN OFFENSE OF A CONTINUING NATURE SHALL BE DEEMED TO BE A SEPARATE OFFENSE ON EACH EVENT OR DAY DURING WHICH THE VIOLATION OCCURS. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE THE COMMISSION OF MULTIPLE VIOLATIONS OF THE PROVISIONS OF THIS PART IN ANY ONE DAY THAT ESTABLISH OFFENSES CONSISTING OF SEPARATE AND DISTINCT ACTS OR VIOLATIONS OF THE PROVISIONS OF THIS PART OR REGULATIONS PROMULGATED UNDER THIS PART.

(F) PROPERTY SUBJECT TO SEIZURE, CONFISCATION, DESTRUCTION OR FORFEITURE.--ANY EQUIPMENT, DEVICE OR APPARATUS, MONEY, MATERIAL, GAMING PROCEEDS OR SUBSTITUTED PROCEEDS OR REAL OR PERSONAL PROPERTY USED, OBTAINED OR RECEIVED OR ANY ATTEMPT TO USE, OBTAIN OR RECEIVE THE DEVICE, APPARATUS, MONEY, MATERIAL, PROCEEDS OR REAL OR PERSONAL PROPERTY IN VIOLATION OF THIS PART, SHALL BE SUBJECT TO SEIZURE, CONFISCATION, DESTRUCTION OR FORFEITURE.

1 SECTION 17. TITLE 4 IS AMENDED BY ADDING SECTIONS TO READ:

2 § 1518.1. REPORT OF SUSPICIOUS TRANSACTIONS.

3 (A) DUTY.--A SLOT MACHINE LICENSEE OR A PERSON ACTING ON
4 BEHALF OF A SLOT MACHINE LICENSEE SHALL FILE A REPORT OF ANY
5 SUSPICIOUS TRANSACTION WITH THE BUREAU. THE FILING WITH THE
6 BUREAU OF A COPY OF A REPORT MADE UNDER 31 CFR 103.21 (RELATING
7 TO REPORTS BY CASINOS OF SUSPICIOUS TRANSACTIONS) SHALL SATISFY
8 THIS REQUIREMENT.

9 (B) FAILURE TO REPORT.--

10 (1) A PERSON REQUIRED UNDER THIS SECTION TO FILE A
11 REPORT OF A SUSPICIOUS TRANSACTION WHO KNOWINGLY FAILS TO
12 FILE A REPORT OF A SUSPICIOUS TRANSACTION OR WHO KNOWINGLY
13 CAUSES ANOTHER PERSON HAVING THAT RESPONSIBILITY TO FAIL TO
14 FILE A REPORT COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

15 (2) A PERSON REQUIRED UNDER THIS SECTION TO FILE A
16 REPORT OF A SUSPICIOUS TRANSACTION WHO FAILS TO FILE A REPORT
17 OR A PERSON WHO CAUSES ANOTHER PERSON REQUIRED UNDER THIS
18 SECTION TO FILE A REPORT OF A SUSPICIOUS TRANSACTION TO FAIL
19 TO FILE A REPORT SHALL BE STRICTLY LIABLE FOR HIS ACTIONS AND
20 MAY BE SUBJECT TO SANCTION UNDER SECTION 1518(C) (RELATING TO
21 PROHIBITED ACTS; PENALTIES).

22 (C) BUREAU.--THE BUREAU SHALL MAINTAIN A RECORD OF ALL
23 REPORTS MADE UNDER THIS SECTION FOR A PERIOD OF FIVE YEARS. THE
24 BUREAU SHALL MAKE THE REPORTS AVAILABLE TO ANY FEDERAL OR STATE
25 LAW ENFORCEMENT AGENCY UPON WRITTEN REQUEST AND WITHOUT
26 NECESSITY OF SUBPOENA.

27 (D) NOTICE PROHIBITED.--A PERSON WHO IS REQUIRED TO FILE A
28 REPORT OF A SUSPICIOUS TRANSACTION UNDER THIS SECTION SHALL NOT
29 NOTIFY ANY INDIVIDUAL SUSPECTED OF COMMITTING THE SUSPICIOUS
30 TRANSACTION THAT THE TRANSACTION HAS BEEN REPORTED. ANY PERSON

1 THAT VIOLATES THIS SUBSECTION COMMITS A MISDEMEANOR OF THE THIRD
2 DEGREE AND MAY BE SUBJECT TO SANCTION UNDER SECTION 1518(C).

3 (E) IMMUNITY.--A PERSON WHO IS REQUIRED TO FILE A REPORT OF
4 A SUSPICIOUS TRANSACTION UNDER THIS SECTION WHO IN GOOD FAITH
5 MAKES THE REPORT SHALL NOT BE LIABLE IN ANY CIVIL ACTION BROUGHT
6 BY ANY PERSON FOR MAKING THE REPORT, REGARDLESS OF WHETHER THE
7 TRANSACTION IS LATER DETERMINED TO BE SUSPICIOUS.

8 (F) SANCTIONS.--

9 (1) IN CONSIDERING APPROPRIATE ADMINISTRATIVE SANCTIONS
10 AGAINST ANY PERSON FOR A VIOLATION OF THIS SECTION, THE BOARD
11 SHALL CONSIDER ALL OF THE FOLLOWING:

12 (I) THE RISK TO THE PUBLIC AND TO THE INTEGRITY OF
13 GAMING OPERATIONS CREATED BY THE CONDUCT OF THE PERSON.

14 (II) THE SERIOUSNESS OF THE CONDUCT OF THE PERSON
15 AND WHETHER THE CONDUCT WAS PURPOSEFUL AND WITH KNOWLEDGE
16 THAT IT WAS IN CONTRAVENTION OF THE PROVISIONS OF THIS
17 PART OR REGULATIONS PROMULGATED UNDER THIS PART.

18 (III) ANY JUSTIFICATION OR EXCUSE FOR THE CONDUCT BY
19 THE PERSON.

20 (IV) THE PRIOR HISTORY OF THE PARTICULAR LICENSEE OR
21 PERSON INVOLVED WITH RESPECT TO GAMING ACTIVITY.

22 (V) THE CORRECTIVE ACTION TAKEN BY THE SLOT MACHINE
23 LICENSEE TO PREVENT FUTURE MISCONDUCT OF A LIKE NATURE
24 FROM OCCURRING.

25 (VI) IN THE CASE OF A MONETARY PENALTY, THE AMOUNT
26 OF THE PENALTY IN RELATION TO THE SEVERITY OF THE
27 MISCONDUCT AND THE FINANCIAL MEANS OF THE LICENSEE OR
28 PERSON. THE BOARD MAY IMPOSE ANY SCHEDULE OR TERMS OF
29 PAYMENT OF SUCH PENALTY AS IT MAY DEEM APPROPRIATE.

30 (2) IT SHALL BE NO DEFENSE TO DISCIPLINARY ACTION BEFORE

1 THE BOARD THAT A PERSON INADVERTENTLY, UNINTENTIONALLY OR
2 UNKNOWNLY VIOLATED A PROVISION OF THIS SECTION. THE FACTORS
3 UNDER PARAGRAPH (1) SHALL ONLY GO TO THE DEGREE OF THE
4 PENALTY TO BE IMPOSED BY THE BOARD AND NOT TO A FINDING OF A
5 VIOLATION ITSELF.

6 (G) REGULATIONS.--THE BOARD SHALL PROMULGATE REGULATIONS TO
7 EFFECTUATE THE PURPOSES OF THIS SECTION.

8 § 1518.2. ADDITIONAL AUTHORITY.

9 (A) GENERAL RULE.--THE DIRECTOR OF THE OFFICE OF ENFORCEMENT
10 COUNSEL WITHIN THE BUREAU MAY PETITION A COURT OF RECORD HAVING
11 JURISDICTION OVER INFORMATION IN THE POSSESSION OF AN AGENCY IN
12 THIS COMMONWEALTH, OR IF THERE IS NO SUCH COURT, THEN THE
13 COMMONWEALTH COURT FOR AUTHORIZATION TO REVIEW OR OBTAIN
14 INFORMATION IN THE POSSESSION OF AN AGENCY IN THIS COMMONWEALTH
15 BY AVERRING SPECIFIC FACTS DEMONSTRATING THAT THE AGENCY HAS IN
16 ITS POSSESSION INFORMATION MATERIAL TO A PENDING INVESTIGATION
17 OR INQUIRY BEING CONDUCTED BY THE BUREAU PURSUANT TO THIS PART
18 AND THAT DISCLOSURE OR RELEASE IS IN THE BEST INTEREST OF THE
19 COMMONWEALTH. THE PETITION SHALL REQUEST THAT THE COURT ENTER A
20 RULE UPON THE AGENCY TO SHOW CAUSE WHY THE AGENCY SHOULD NOT BE
21 DIRECTED TO DISCLOSE TO THE BUREAU, OR IDENTIFIED AGENTS
22 THEREOF, INFORMATION IN ITS POSSESSION ABOUT ANY PENDING MATTER
23 UNDER THE JURISDICTION OF THE BUREAU PURSUANT TO THIS PART. IF A
24 RESPONDENT IS A LOCAL AGENCY, A COPY OF ANY RULE ISSUED PURSUANT
25 TO THIS SECTION SHALL BE PROVIDED TO THE DISTRICT ATTORNEY OF
26 THE COUNTY IN WHICH THE LOCAL AGENCY IS LOCATED AND THE OFFICE
27 OF ATTORNEY GENERAL. UPON REQUEST OF A LOCAL AGENCY, THE
28 DISTRICT ATTORNEY OR THE ATTORNEY GENERAL MAY ELECT TO ENTER AN
29 APPEARANCE TO REPRESENT THE LOCAL AGENCY IN THE PROCEEDINGS.

30 (B) PROCEDURE.--THE FILING OF A PETITION PURSUANT TO THIS

1 SECTION AND RELATED PROCEEDINGS SHALL BE IN ACCORDANCE WITH
2 COURT RULE, INCLUDING ISSUANCE AS OF COURSE. A PARTY SHALL NOT
3 DISCLOSE THE FILING OF A PETITION OR ANSWER OR THE RECEIPT,
4 CONTENT OR DISPOSITION OF A RULE OR ORDER ISSUED PURSUANT TO
5 THIS SECTION WITHOUT LEAVE OF COURT. ANY PARTY TO THE
6 PROCEEDINGS MAY REQUEST THAT THE RECORD BE SEALED AND
7 PROCEEDINGS BE CLOSED. THE COURT SHALL GRANT THE REQUEST IF IT
8 IS IN THE BEST INTEREST OF ANY PERSON OR THE COMMONWEALTH TO DO
9 SO.

10 (C) COURT DETERMINATION.--FOLLOWING REVIEW OF THE RECORD,
11 THE COURT SHALL GRANT THE RELIEF SOUGHT BY THE DIRECTOR OF THE
12 OFFICE OF ENFORCEMENT COUNSEL IF THE COURT DETERMINES THAT THE
13 AGENCY HAS IN ITS POSSESSION INFORMATION MATERIAL TO THE
14 INVESTIGATION OR INQUIRY AND THAT DISCLOSURE OR RELEASE OF THE
15 INFORMATION IS IN THE BEST INTEREST OF THE COMMONWEALTH, THAT
16 THE DISCLOSURE OR RELEASE OF THE INFORMATION IS NOT OTHERWISE
17 PROHIBITED BY STATUTE OR REGULATION AND THAT THE DISCLOSURE OR
18 RELEASE OF THE INFORMATION WOULD NOT INHIBIT AN AGENCY IN THE
19 PERFORMANCE OF THE AGENCY'S DUTIES. IF THE COURT SO DETERMINES,
20 THE COURT SHALL ENTER AN ORDER AUTHORIZING AND DIRECTING THE
21 INFORMATION BE MADE AVAILABLE FOR REVIEW IN CAMERA.

22 (D) RELEASE OF MATERIALS OR INFORMATION.--IF, AFTER AN IN
23 CAMERA REVIEW BY THE COURT, THE DIRECTOR OF THE OFFICE OF
24 ENFORCEMENT COUNSEL SEEKS TO OBTAIN COPIES OF MATERIALS IN THE
25 AGENCY'S POSSESSION, THE COURT MAY, IF NOT OTHERWISE PROHIBITED
26 BY STATUTE OR REGULATION, ENTER AN ORDER THAT THE REQUESTED
27 MATERIALS BE PROVIDED. ANY ORDER AUTHORIZING THE RELEASE OF
28 MATERIALS OR OTHER INFORMATION SHALL CONTAIN DIRECTION REGARDING
29 THE SAFEKEEPING AND USE OF THE MATERIALS OR OTHER INFORMATION
30 SUFFICIENT TO SATISFY THE COURT THAT THE MATERIALS OR

1 INFORMATION WILL BE SUFFICIENTLY SAFEGUARDED. IN MAKING THIS
2 DETERMINATION THE COURT SHALL CONSIDER THE INPUT OF THE AGENCY
3 IN POSSESSION OF THE INFORMATION AND ANY INPUT FROM ANY AGENCY
4 WITH WHICH THE INFORMATION ORIGINATED CONCERNING ANY PENDING
5 INVESTIGATION OR ONGOING MATTER AND THE SAFETY OF PERSON AND
6 PROPERTY.

7 (E) MODIFICATION OF ORDER.--IF SUBSEQUENT INVESTIGATION OR
8 INQUIRY BY THE BUREAU WARRANTS MODIFICATION OF ANY ORDER ENTERED
9 PURSUANT TO THIS SECTION, THE DIRECTOR OF THE OFFICE OF
10 ENFORCEMENT COUNSEL MAY PETITION TO REQUEST THE MODIFICATION.
11 UPON SUCH REQUEST, THE COURT MAY MODIFY ITS ORDERS AT ANY TIME
12 AND IN ANY MANNER IT DEEMS NECESSARY AND APPROPRIATE. THE AGENCY
13 NAMED IN THE ORIGINAL PETITION SHALL BE GIVEN NOTICE AND AN
14 OPPORTUNITY TO BE HEARD.

15 (F) USE OF INFORMATION OR MATERIALS.--ANY PERSON WHO, BY ANY
16 MEANS AUTHORIZED BY THIS SECTION, HAS OBTAINED KNOWLEDGE OF
17 INFORMATION OR MATERIALS SOLELY PURSUANT TO THIS SECTION MAY USE
18 SUCH INFORMATION OR MATERIALS IN A MANNER CONSISTENT WITH ANY
19 DIRECTIONS IMPOSED BY THE COURT AND APPROPRIATE TO THE PROPER
20 PERFORMANCE OF THE PERSON'S OFFICIAL DUTIES UNDER THIS PART.

21 (G) VIOLATION.--IN ADDITION TO ANY REMEDIES AND PENALTIES
22 PROVIDED IN THIS PART, ANY VIOLATION OF THE PROVISIONS OF THIS
23 SECTION MAY BE PUNISHED AS CONTEMPT OF THE COURT.

24 (H) DEFINITION.--AS USED IN THIS SECTION THE TERM "AGENCY"
25 SHALL MEAN A "COMMONWEALTH AGENCY" OR A "LOCAL AGENCY" AS THOSE
26 TERMS ARE DEFINED IN SECTION 102 OF THE ACT OF FEBRUARY 14, 2008
27 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

28 § 1518.3. APPLICABILITY OF CLEAN INDOOR AIR ACT.

29 NOTWITHSTANDING SECTION 11(B) OF THE ACT OF JUNE 13, 2008
30 (P.L.182, NO.27), KNOWN AS THE CLEAN INDOOR AIR ACT, THE

1 PROVISIONS OF SECTION 3(B)(11) OF THE CLEAN INDOOR AIR ACT SHALL
2 APPLY TO ALL LICENSED FACILITIES.

3 SECTION 17.1. SECTION 1521 OF TITLE 4 IS AMENDED BY ADDING A
4 SUBSECTION TO READ:

5 § 1521. LIQUOR LICENSES AT LICENSED FACILITIES.

6 * * *

7 (B.1) LIQUOR CODE SANCTIONS.--NOTWITHSTANDING ANY OTHER
8 PROVISION OF LAW, A PERSON HOLDING A SLOT MACHINE LICENSE THAT
9 ALSO HOLDS A LICENSE ISSUED BY THE PENNSYLVANIA LIQUOR CONTROL
10 BOARD SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 471(C)
11 OF THE LIQUOR CODE. IN ADDITION, IF A FINE IS IMPOSED UNDER
12 SECTION 471(B) OF THE LIQUOR CODE, IT SHALL BE FOR NOT LESS THAN
13 \$250 NOR MORE THAN \$25,000. THE PRIOR CITATION HISTORY OF THE
14 SLOT MACHINE LICENSEE SHALL BE CONSIDERED IN DETERMINING THE
15 AMOUNT OF THE FINE.

16 * * *

17 SECTION 18. SECTION 1522 OF TITLE 4 IS AMENDED TO READ:

18 § 1522. INTERCEPTION OF ORAL COMMUNICATIONS.

19 THE INTERCEPTION AND RECORDING OF ORAL COMMUNICATIONS MADE IN
20 A [COUNTING] COUNT ROOM OF A LICENSED FACILITY BY A LICENSEE
21 SHALL NOT BE SUBJECT TO THE PROVISIONS OF 18 PA.C.S. CH. 57
22 (RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE). NOTICE
23 THAT ORAL COMMUNICATIONS ARE BEING INTERCEPTED AND RECORDED
24 SHALL BE POSTED CONSPICUOUSLY IN THE [COUNTING] COUNT ROOM.

25 SECTION 18.1. TITLE 4 IS AMENDED BY ADDING A SECTION TO
26 READ:

27 § 1523. ELECTRONIC FUNDS TRANSFER TERMINALS.

28 (A) PROHIBITION.--A SLOT MACHINE LICENSEE MAY NOT INSTALL,
29 OWN OR OPERATE OR ALLOW ANOTHER PERSON TO INSTALL, OWN OR
30 OPERATE ON THE PREMISES OF THE LICENSED FACILITY A SLOT MACHINE

1 OR TABLE GAME THAT IS PLAYED WITH A DEVICE THAT ALLOWS A PLAYER
2 TO OPERATE THE SLOT MACHINE OR TABLE GAME BY TRANSFERRING FUNDS
3 ELECTRONICALLY FROM A DEBIT CARD, CREDIT CARD OR BY MEANS OF AN
4 ELECTRONIC FUNDS TRANSFER TERMINAL.

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 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

8 "ELECTRONIC FUNDS TRANSFER TERMINAL." AN INFORMATION-
9 PROCESSING DEVICE OR AN AUTOMATIC TELLER MACHINE USED FOR
10 EXECUTING DEPOSIT ACCOUNT TRANSACTIONS BETWEEN FINANCIAL
11 INSTITUTIONS AND THEIR ACCOUNT HOLDERS BY EITHER THE DIRECT
12 TRANSMISSION OF ELECTRONIC IMPULSES OR THE RECORDING OF
13 ELECTRONIC IMPULSES FOR DELAYED PROCESSING. THE FACT THAT A
14 DEVICE IS USED FOR OTHER PURPOSES SHALL NOT PREVENT IT FROM
15 BEING CONSIDERED AN ELECTRONIC FUNDS TRANSFER TERMINAL UNDER
16 THIS DEFINITION.

17 SECTION 18.2. TITLE 4 IS AMENDED BY ADDING CHAPTERS TO READ:

18 CHAPTER 16

19 JUNKETS

20 SEC.

21 1601. GAMING JUNKETS AUTHORIZED.

22 1602. GAMING JUNKET ENTERPRISE LICENSE.

23 1603. CLASSIFICATION SYSTEM.

24 1604. GAMING JUNKET REPRESENTATIVES.

25 1605. JUNKET AGREEMENTS.

26 1606. CONDUCT OF JUNKET.

27 1607. VIOLATION OF TERMS.

28 1608. RECORDS.

29 1609. REPORT.

30 1610. GAMING JUNKET ARRANGEMENT.

1 1611. PROHIBITIONS.

2 § 1601. GAMING JUNKETS AUTHORIZED.

3 THE BOARD MAY AUTHORIZE THE ORGANIZATION AND CONDUCT OF
4 GAMING JUNKETS SUBJECT TO THE PROVISIONS OF THIS CHAPTER. NO
5 GAMING JUNKET SHALL BE ORGANIZED OR PERMITTED TO OPERATE IN THIS
6 COMMONWEALTH AND NO PERSON SHALL ACT AS A GAMING JUNKET
7 REPRESENTATIVE OR GAMING JUNKET ENTERPRISE EXCEPT IN ACCORDANCE
8 WITH THIS CHAPTER. THE BOARD SHALL ESTABLISH A REASONABLE
9 APPLICATION AND AUTHORIZATION FEE FOR ANY LICENSE, PERMIT OR
10 OTHER AUTHORIZATION ISSUED UNDER THIS CHAPTER.

11 § 1602. GAMING JUNKET ENTERPRISE LICENSE.

12 (A) GAMING JUNKET ENTERPRISE LICENSE REQUIRED.--ALL GAMING
13 JUNKET ENTERPRISES SHALL OBTAIN A LICENSE FROM THE BOARD PRIOR
14 TO ACTING AS A GAMING JUNKET ENTERPRISE IN THIS COMMONWEALTH.

15 (B) APPLICATION.--A GAMING JUNKET ENTERPRISE LICENSE
16 APPLICATION SHALL BE IN A FORM PRESCRIBED BY THE BOARD AND SHALL
17 INCLUDE THE FOLLOWING:

18 (1) THE NAME, ADDRESS AND PHOTOGRAPH OF THE APPLICANT
19 AND ALL OWNERS, DIRECTORS, MANAGERS AND SUPERVISORY EMPLOYEES
20 OF A GAMING JUNKET ENTERPRISE.

21 (2) THE DETAILS OF A GAMING JUNKET ENTERPRISE LICENSE OR
22 SIMILAR LICENSE APPLIED FOR OR GRANTED OR DENIED TO THE
23 APPLICANT BY ANOTHER JURISDICTION.

24 (3) CONSENT FOR THE BUREAU TO CONDUCT A BACKGROUND
25 INVESTIGATION, THE SCOPE OF WHICH SHALL BE DETERMINED BY THE
26 BOARD.

27 (4) ALL RELEASES NECESSARY FOR THE BUREAU AND THE BOARD
28 TO ACQUIRE LICENSING DOCUMENTS AND OTHER INFORMATION
29 NECESSARY TO CONDUCT A BACKGROUND INVESTIGATION OR OTHERWISE
30 EVALUATE THE APPLICATION.

1 (5) A LIST OF ALL CIVIL JUDGMENTS OBTAINED AGAINST THE
2 APPLICANT PERTAINING TO ANY GAMING JUNKET ENTERPRISE WITH
3 WHICH THE APPLICANT HAS BEEN ASSOCIATED.

4 (6) A DESCRIPTION OF THE OPERATION AND ORGANIZATION OF
5 THE GAMING JUNKET ENTERPRISE.

6 (7) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.

7 (C) ENFORCEMENT INFORMATION.--IF THE APPLICANT HAS HELD A
8 GAMING JUNKET LICENSE OR OTHER GAMING LICENSE IN ANOTHER
9 JURISDICTION, THE APPLICANT MAY SUBMIT A LETTER OF REFERENCE
10 FROM THE GAMING ENFORCEMENT AGENCY IN THE OTHER JURISDICTION.
11 THE LETTER SHALL SPECIFY THE EXPERIENCES OF THE AGENCY WITH THE
12 APPLICANT, THE APPLICANT'S ASSOCIATES AND THE APPLICANT'S GAMING
13 JUNKET ENTERPRISE OR GAMING ACTIVITY. IF NO LETTER IS RECEIVED
14 WITHIN 30 DAYS FOLLOWING THE APPLICANT'S REQUEST, THE APPLICANT
15 MAY SUBMIT A STATEMENT UNDER OATH, SUBJECT TO THE PENALTY FOR
16 FALSE SWEARING UNDER 18 PA.C.S. § 4903 (RELATING TO FALSE
17 SWEARING), THAT THE APPLICANT IS IN GOOD STANDING WITH THE
18 GAMING ENFORCEMENT AGENCY IN THE OTHER JURISDICTION.

19 (D) ISSUANCE.--FOLLOWING REVIEW OF THE APPLICATION,
20 COMPLETION OF THE BACKGROUND INVESTIGATION AND PAYMENT OF THE
21 LICENSE FEE ESTABLISHED BY THE BOARD UNDER SECTION 1601(A)
22 (RELATING TO GAMING JUNKETS AUTHORIZED), THE BOARD MAY ISSUE A
23 GAMING JUNKET ENTERPRISE LICENSE TO THE APPLICANT IF THE
24 APPLICANT HAS PROVEN BY CLEAR AND CONVINCING EVIDENCE THAT THE
25 APPLICANT IS A PERSON OF GOOD CHARACTER, HONESTY AND INTEGRITY
26 AND THAT THE APPLICANT'S ACTIVITIES, CRIMINAL RECORD,
27 REPUTATION, HABITS AND ASSOCIATIONS DO NOT POSE A THREAT TO THE
28 PUBLIC INTEREST OR SUITABLE OR LEGITIMATE OPERATION OF GAMING.

29 (E) FAILURE TO COOPERATE.--FAILURE TO PROVIDE REQUIRED
30 INFORMATION OR RELEASES UNDER THIS SECTION SHALL RESULT IN THE

1 IMMEDIATE DENIAL OF AN APPLICATION FOR A LICENSE.

2 (F) NONTRANSFERABILITY.--A LICENSE ISSUED UNDER THIS SECTION
3 SHALL BE NONTRANSFERABLE.

4 § 1603. CLASSIFICATION SYSTEM.

5 THE BOARD SHALL DEVELOP A CLASSIFICATION SYSTEM FOR THE
6 REGULATION OF GAMING JUNKET ENTERPRISES AND THE INDIVIDUALS AND
7 ENTITIES ASSOCIATED WITH GAMING JUNKET ENTERPRISES.

8 § 1604. GAMING JUNKET REPRESENTATIVES.

9 (A) OCCUPATION PERMIT.--EXCEPT AS OTHERWISE PROVIDED IN
10 SUBSECTION (E), A GAMING JUNKET REPRESENTATIVE SHALL OBTAIN AN
11 OCCUPATION PERMIT FROM THE BOARD IN ACCORDANCE WITH SECTION 1318
12 (RELATING TO OCCUPATION PERMIT APPLICATION).

13 (B) APPLICATION.--IN ADDITION TO THE REQUIREMENTS OF SECTION
14 1308 (RELATING TO APPLICATIONS FOR LICENSE OR PERMIT), THE
15 APPLICATION FOR A GAMING JUNKET REPRESENTATIVE OCCUPATION PERMIT
16 SHALL BE IN A FORM PRESCRIBED BY THE BOARD AND SHALL INCLUDE THE
17 FOLLOWING:

18 (1) VERIFICATION OF EMPLOYMENT STATUS AS A GAMING JUNKET
19 REPRESENTATIVE WITH A LICENSED GAMING JUNKET ENTERPRISE OR AN
20 APPLICANT FOR A GAMING JUNKET ENTERPRISE LICENSE.

21 (2) A DESCRIPTION OF EMPLOYMENT RESPONSIBILITIES.

22 (3) A CONSENT FORM TO ALLOW THE BUREAU TO CONDUCT A
23 BACKGROUND INVESTIGATION, THE SCOPE OF WHICH SHALL BE
24 DETERMINED BY THE BOARD.

25 (4) A RELEASE FOR THE BUREAU AND THE BOARD TO ACQUIRE
26 COPIES OF INFORMATION FROM GOVERNMENT AGENCIES, EMPLOYERS AND
27 OTHERS AS NECESSARY TO COMPLETE THE INVESTIGATION.

28 (5) FINGERPRINTS WHICH SHALL BE SUBMITTED TO THE
29 PENNSYLVANIA STATE POLICE.

30 (6) A PHOTOGRAPH THAT MEETS THE STANDARDS OF THE

1 COMMONWEALTH PHOTO IMAGING NETWORK.

2 (7) DETAILS RELATING TO A SIMILAR LICENSE, PERMIT OR
3 OTHER AUTHORIZATION OBTAINED IN ANOTHER JURISDICTION, IF ANY.

4 (8) ANY ADDITIONAL INFORMATION REQUIRED BY THE BOARD.

5 (C) ISSUANCE.--FOLLOWING REVIEW OF THE APPLICATION,
6 BACKGROUND INVESTIGATION AND PAYMENT OF THE PERMIT FEE
7 ESTABLISHED BY THE BOARD UNDER SECTION 1601(A) (RELATING TO
8 GAMING JUNKETS AUTHORIZED), THE BOARD MAY ISSUE AN OCCUPATION
9 PERMIT IF THE APPLICANT HAS PROVEN BY CLEAR AND CONVINCING
10 EVIDENCE THAT THE APPLICANT IS A PERSON OF GOOD CHARACTER,
11 HONESTY AND INTEGRITY AND IS ELIGIBLE AND SUITABLE TO RECEIVE AN
12 OCCUPATION PERMIT.

13 (D) NONTRANSFERABILITY.--AN OCCUPATION PERMIT ISSUED UNDER
14 THIS SECTION SHALL BE NONTRANSFERABLE.

15 (E) HOLDER OF OCCUPATION PERMIT.--NOTHING IN THIS SECTION
16 SHALL BE CONSTRUED TO PROHIBIT AN INDIVIDUAL WHO HOLDS A VALID
17 OCCUPATION PERMIT AND WHO IS EMPLOYED BY A SLOT MACHINE LICENSEE
18 FROM ACTING AS A JUNKET REPRESENTATIVE. A GAMING JUNKET
19 REPRESENTATIVE NEED NOT BE A RESIDENT OF THIS COMMONWEALTH.

20 § 1605. JUNKET AGREEMENTS.

21 AGREEMENTS ENTERED INTO BETWEEN A SLOT MACHINE LICENSEE AND A
22 GAMING JUNKET ENTERPRISE OR A GAMING JUNKET REPRESENTATIVE SHALL
23 INCLUDE A PROVISION FOR THE TERMINATION OF THE AGREEMENT WITHOUT
24 LIABILITY ON THE PART OF THE SLOT MACHINE LICENSEE IF:

25 (1) THE BOARD ORDERS THE SUSPENSION, LIMITATION,
26 CONDITIONING, DENIAL OR REVOCATION OF THE LICENSE OF A GAMING
27 JUNKET REPRESENTATIVE LICENSE OR OCCUPATION PERMIT OF A
28 GAMING JUNKET REPRESENTATIVE.

29 (2) THE BOARD DISAPPROVES THE AGREEMENT AND REQUIRES ITS
30 TERMINATION.

1 FAILURE TO EXPRESSLY INCLUDE THE TERMINATION REQUIREMENT UNDER
2 THIS SECTION IN THE AGREEMENT SHALL NOT CONSTITUTE A DEFENSE IN
3 AN ACTION BROUGHT RELATING TO THE TERMINATION OF THE AGREEMENT.
4 § 1606. CONDUCT OF JUNKET.

5 A SLOT MACHINE LICENSEE SHALL BE RESPONSIBLE FOR THE CONDUCT
6 OF A GAMING JUNKET REPRESENTATIVE OR GAMING JUNKET ENTERPRISE
7 WITH WHICH THE SLOT MACHINE LICENSEE HAS AN AGREEMENT AND FOR
8 THE TERMS AND CONDITIONS OF A GAMING JUNKET ON ITS PREMISES.
9 § 1607. VIOLATION OF TERMS.

10 NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, IF THE
11 BOARD DETERMINES THAT THE TERMS OF AN AGREEMENT TO CONDUCT A
12 GAMING JUNKET WERE VIOLATED BY A SLOT MACHINE LICENSEE, GAMING
13 JUNKET ENTERPRISE OR GAMING JUNKET REPRESENTATIVE, THE BOARD MAY
14 DO ANY OR ALL OF THE FOLLOWING:

15 (1) ORDER RESTITUTION TO THE GAMING JUNKET PARTICIPANT.
16 (2) ASSESS CIVIL PENALTIES OR SANCTIONS UNDER SECTION
17 1518 (RELATING TO PROHIBITED ACTS; PENALTIES) FOR A VIOLATION
18 OR DEVIATION FROM THE TERMS OF THE JUNKET AGREEMENT.
19 § 1608. RECORDS.

20 THE BOARD SHALL PRESCRIBE PROCEDURES AND FORMS TO RETAIN
21 RECORDS RELATING TO THE CONDUCT OF A GAMING JUNKET BY A SLOT
22 MACHINE LICENSEE. A SLOT MACHINE LICENSEE SHALL:

23 (1) MAINTAIN A CURRENT REPORT OF THE OPERATIONS OF
24 GAMING JUNKETS CONDUCTED AT ITS LICENSED FACILITY.
25 (2) SUBMIT TO THE BOARD AND THE BUREAU A LIST OF ALL ITS
26 EMPLOYEES WHO CONDUCT BUSINESS ON BEHALF OF THE SLOT MACHINE
27 LICENSEE WITH GAMING JUNKET REPRESENTATIVES ON A FULL-TIME,
28 PART-TIME OR TEMPORARY BASIS.
29 (3) MAINTAIN RECORDS OF ALL AGREEMENTS ENTERED INTO WITH
30 A GAMING JUNKET ENTERPRISE OR GAMING JUNKET REPRESENTATIVE

1 FOR A MINIMUM OF FIVE YEARS.

2 (4) PROVIDE ANY OTHER INFORMATION RELATING TO A GAMING
3 JUNKET REQUIRED BY THE BOARD OR BUREAU.

4 § 1609. REPORT.

5 A SLOT MACHINE LICENSEE, GAMING JUNKET REPRESENTATIVE OR
6 GAMING JUNKET ENTERPRISE SHALL FILE A REPORT WITH THE BUREAU ON
7 EACH LIST OF GAMING JUNKET PARTICIPANTS OR POTENTIAL GAMING
8 JUNKET PARTICIPANTS PURCHASED BY THE SLOT MACHINE LICENSEE,
9 GAMING JUNKET REPRESENTATIVE OR GAMING JUNKET ENTERPRISE. THE
10 REPORT SHALL INCLUDE THE SOURCE OF THE LIST AND ZIP CODES OF
11 PARTICIPANTS OR POTENTIAL PARTICIPANTS ON A LIST PURCHASED
12 DIRECTLY OR INDIRECTLY BY A SLOT MACHINE LICENSEE, GAMING JUNKET
13 REPRESENTATIVE OR GAMING JUNKET ENTERPRISE. NOTHING IN THIS
14 SECTION SHALL REQUIRE THE REPORTING OR MAINTENANCE OF PERSONAL
15 IDENTIFYING INFORMATION PERTAINING TO PARTICIPANTS OR POTENTIAL
16 PARTICIPANTS.

17 § 1610. GAMING JUNKET ARRANGEMENT.

18 UPON PETITION BY A SLOT MACHINE LICENSEE, THE BOARD MAY GRANT
19 AN EXEMPTION FROM THE PERMIT REQUIREMENTS OF THIS CHAPTER TO A
20 GAMING JUNKET REPRESENTATIVE. THE BOARD SHALL CONSULT WITH THE
21 BUREAU PRIOR TO GRANTING AN EXEMPTION UNDER THIS SECTION AND
22 SHALL CONSIDER THE FOLLOWING:

23 (1) THE TERMS OF THE GAMING JUNKET ARRANGEMENT.

24 (2) THE NUMBER AND SCOPE OF GAMING JUNKETS.

25 (3) WHETHER THE EXEMPTION IS CONSISTENT WITH THE
26 POLICIES AND PURPOSES OF THIS PART.

27 (4) ANY OTHER FACTOR DEEMED NECESSARY BY THE BUREAU OR
28 BOARD.

29 THE BOARD MAY CONDITION, LIMIT OR RESTRICT THE EXEMPTION.

30 § 1611. PROHIBITIONS.

A GAMING JUNKET ENTERPRISE OR GAMING JUNKET REPRESENTATIVE
SHALL NOT DO ANY OF THE FOLLOWING:

(1) ENGAGE IN EFFORTS TO COLLECT ON ANY CHECK PROVIDED
BY A GAMING JUNKET PARTICIPANT THAT HAS BEEN RETURNED BY A
FINANCIAL INSTITUTION WITHOUT PAYMENT.

(2) EXERCISE APPROVAL AUTHORITY OVER THE AUTHORIZATION
OR ISSUANCE OF CREDIT UNDER SECTION 1326A (RELATING TO CASH
EQUIVALENTS).

(3) RECEIVE OR RETAIN A FEE FROM AN INDIVIDUAL FOR THE
PRIVILEGE OF PARTICIPATING IN A GAMING JUNKET.

(4) PAY FOR ANY SERVICE, INCLUDING TRANSPORTATION, OR
OTHER THING OF VALUE PROVIDED TO A PARTICIPANT PARTICIPATING
IN A GAMING JUNKET EXCEPT AS AUTHORIZED BY THIS PART.

CHAPTER 17
GAMING SCHOOLS

SEC.

1701. CURRICULUM.

1701.1. (RESERVED).

1702. GAMING SCHOOL GAMING EQUIPMENT.

§ 1701. CURRICULUM.

THE DEPARTMENT OF LABOR AND INDUSTRY, IN CONSULTATION WITH
THE DEPARTMENT OF EDUCATION AND THE BOARD, SHALL, WITHIN 60 DAYS
FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, DEVELOP CURRICULUM
GUIDELINES, INCLUDING MINIMUM PROFICIENCY REQUIREMENTS
ESTABLISHED BY THE BOARD, FOR GAMING SCHOOL INSTRUCTION. THE
GUIDELINES SHALL, AT A MINIMUM, ESTABLISH COURSES OF INSTRUCTION
THAT WILL PROVIDE INDIVIDUALS WITH ADEQUATE JOB TRAINING
NECESSARY TO OBTAIN EMPLOYMENT AS A GAMING EMPLOYEE WITH A
LICENSED GAMING ENTITY.

§ 1701.1. (RESERVED).

1 § 1702. GAMING SCHOOL GAMING EQUIPMENT.

2 (A) USE OF GAMING EQUIPMENT.--ALL GAMING EQUIPMENT UTILIZED
3 BY A GAMING SCHOOL, INCLUDING SLOT MACHINES, TABLE GAME DEVICES,
4 ASSOCIATED EQUIPMENT AND ALL REPRESENTATIONS OF VALUE, SHALL BE
5 USED FOR TRAINING, INSTRUCTIONAL AND PRACTICE PURPOSES ONLY. THE
6 USE OF ANY SUCH GAMING EQUIPMENT FOR ACTUAL GAMING BY ANY PERSON
7 IS PROHIBITED.

8 (B) CHIPS.--UNLESS THE BOARD OTHERWISE DETERMINES, ALL
9 GAMING CHIPS AND OTHER REPRESENTATIONS OF VALUE UTILIZED BY A
10 GAMING SCHOOL SHALL BE DISTINCTLY DISSIMILAR TO ANY CHIPS
11 UTILIZED BY A SLOT MACHINE LICENSEE.

12 (C) POSSESSION, REMOVAL AND TRANSPORT OF EQUIPMENT.--NO
13 GAMING SCHOOL SHALL POSSESS, REMOVE OR TRANSPORT, OR CAUSE TO BE
14 REMOVED OR TRANSPORTED, ANY SLOT MACHINE, TABLE GAME DEVICE OR
15 ASSOCIATED EQUIPMENT EXCEPT IN ACCORDANCE WITH THIS PART.

16 (D) SERIAL NUMBERS.--EACH SLOT MACHINE, TABLE GAME DEVICE
17 AND ASSOCIATED EQUIPMENT ON THE PREMISES OF A GAMING SCHOOL
18 SHALL HAVE PERMANENTLY AFFIXED ON IT A SERIAL NUMBER WHICH,
19 TOGETHER WITH THE LOCATION OF THE MACHINE OR TABLE GAME DEVICE,
20 SHALL BE FILED WITH THE BOARD.

21 (E) SECURITY.--EACH GAMING SCHOOL SHALL PROVIDE ADEQUATE
22 SECURITY FOR THE SLOT MACHINES, TABLE GAMES, TABLE GAME DEVICES
23 AND ASSOCIATED EQUIPMENT ON THE GAMING SCHOOL PREMISES.

24 (F) NOTICE TO BOARD AND BUREAU.--NO GAMING SCHOOL SHALL SELL
25 OR TRANSFER ANY SLOT MACHINE, TABLE GAME, TABLE GAME DEVICE OR
26 ASSOCIATED EQUIPMENT EXCEPT UPON PRIOR WRITTEN NOTICE TO THE
27 BOARD AND THE BUREAU.

28 (G) ADDITIONAL TRAINING.--EACH INDIVIDUAL ATTENDING GAMING
29 SCHOOL SHALL BE TRAINED IN CARDIOPULMONARY RESUSCITATION.

30 SECTION 18.3. SECTION 1901(A) OF TITLE 4 IS AMENDED TO READ:

1 § 1901. APPROPRIATIONS.

2 (A) APPROPRIATION TO BOARD.--

3 (1) THE SUM OF \$7,500,000 IS HEREBY APPROPRIATED TO THE
4 PENNSYLVANIA GAMING CONTROL BOARD FOR THE FISCAL PERIOD JULY
5 1, 2004, TO JUNE 30, 2006, TO IMPLEMENT AND ADMINISTER THE
6 PROVISIONS OF THIS PART. THE MONEY APPROPRIATED IN THIS
7 SUBSECTION SHALL BE CONSIDERED A LOAN FROM THE GENERAL FUND
8 AND SHALL BE REPAYED TO THE GENERAL FUND QUARTERLY COMMENCING
9 WITH THE DATE SLOT MACHINE LICENSEES BEGIN OPERATING SLOT
10 MACHINES UNDER THIS PART. THIS APPROPRIATION SHALL BE A TWO-
11 YEAR APPROPRIATION AND SHALL NOT LAPSE UNTIL JUNE 30, 2006.

12 (2) THE SUM OF \$2,100,000 IS HEREBY APPROPRIATED FROM
13 THE STATE GAMING FUND TO THE PENNSYLVANIA GAMING CONTROL
14 BOARD FOR SALARIES, WAGES AND ALL NECESSARY EXPENSES FOR THE
15 PROPER OPERATION AND ADMINISTRATION OF THE PENNSYLVANIA
16 GAMING CONTROL BOARD FOR THE EXPANSION OF GAMING ASSOCIATED
17 WITH TABLE GAMES. THIS APPROPRIATION SHALL BE A SUPPLEMENTAL
18 APPROPRIATION FOR FISCAL YEAR 2009-2010 AND SHALL BE IN
19 ADDITION TO THE APPROPRIATION CONTAINED IN THE ACT OF AUGUST
20 19, 2009 (P.L. , NO.9A), KNOWN AS THE GAMING CONTROL
21 APPROPRIATION ACT OF 2009.

22 * * *

23 SECTION 18.4. SECTION 1513(B) OF TITLE 64 IS AMENDED TO
24 READ:

25 § 1513. POWERS.

26 * * *

27 (B) DUTIES.--THE AUTHORITY SHALL DO ALL OF THE FOLLOWING:

28 (1) ADMINISTER THE PROGRAMS ESTABLISHED IN SUBCHAPTER E
29 IN ACCORDANCE WITH THIS CHAPTER.

30 (2) FUND THE PROGRAMS ESTABLISHED IN SUBCHAPTER E AND 12

1 PA.C.S. CH. 29 (RELATING TO MACHINERY AND EQUIPMENT LOANS)
2 SUBJECT TO SUBCHAPTER D (RELATING TO FUNDS, ACCOUNTS,
3 INDEBTEDNESS AND USE) .

4 (3) ESTABLISH ACCOUNTS, ADMINISTER AND DISTRIBUTE THE
5 FUNDS DEPOSITED INTO SUCH ACCOUNTS AND PERFORM ALL OTHER
6 DUTIES REQUIRED OF THE AUTHORITY UNDER 4 PA.C.S. PART II
7 (RELATING TO GAMING) .

8 SECTION 19. NO LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE
9 OF THIS SECTION, THE PENNSYLVANIA GAMING CONTROL BOARD SHALL
10 TRANSFER THE SUM OF \$12,500,000 FROM THE AMOUNTS PREVIOUSLY
11 APPROPRIATED TO THE PENNSYLVANIA GAMING CONTROL BOARD PURSUANT
12 TO 4 PA.C.S. § 1408 TO THE GENERAL FUND.

13 SECTION 19.1. NO LATER THAN TEN BUSINESS DAYS AFTER THE
14 EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT OF REVENUE SHALL
15 PAY TO EACH CATEGORY 1 AND CATEGORY 2 SLOT MACHINE LICENSEE FROM
16 ITS EXISTING ACCOUNT ESTABLISHED UNDER 4 PA.C.S. § 1401(A) AN
17 AMOUNT SUFFICIENT TO BRING THE BALANCE IN THE ACCOUNT TO
18 \$1,500,000.

19 SECTION 19.2. (RESERVED) .

20 SECTION 19.3. THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF
21 ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR
22 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT
23 OTHER PROVISIONS OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN
24 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION.

25 SECTION 19.4. THE AMENDMENT OF 4 PA.C.S. § 1201(H) (13) SHALL
26 NOT APPLY TO INDIVIDUALS EMPLOYED ON THE EFFECTIVE DATE OF THIS
27 SECTION BY THE PENNSYLVANIA GAMING CONTROL BOARD UNTIL JULY 1,
28 2010.

29 SECTION 19.5. REPEALS ARE AS FOLLOWS:

30 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER

1 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE AMENDMENT OR
2 ADDITION OF 4 PA.C.S. § 1407(D) (7) AND (D.1) AND 64 PA.C.S. §
3 1513(B) (3) .

4 (2) THE FOLLOWING PROVISIONS OF THE ACT OF JULY 25, 2007
5 (P.L.342, NO.53), KNOWN AS THE PENNSYLVANIA GAMING ECONOMIC
6 DEVELOPMENT AND TOURISM FUND CAPITAL BUDGET ITEMIZATION ACT
7 OF 2007, ARE REPEALED TO THE EXTENT SPECIFIED:

8 (I) SECTION 3(2) (I) (G), ABSOLUTELY.

9 (II) SECTION 4(7), ABSOLUTELY.

10 (III) SECTION 5, INsofar AS INCONSISTENT WITH THIS
11 ACT.

12 SECTION 20. THE FOLLOWING SHALL APPLY:

13 (1) THE AMENDMENT OF 4 PA.C.S. § 1213 SHALL NOT APPLY TO
14 ANY OF THE FOLLOWING:

15 (I) AN APPLICATION SUBMITTED BEFORE THE EFFECTIVE
16 DATE OF THIS SECTION.

17 (II) ANY LICENSE OR PERMIT ISSUED PRIOR TO THE
18 EFFECTIVE DATE OF THIS SECTION.

19 (III) THE RENEWAL OF ANY LICENSE OR PERMIT ISSUED OR
20 APPLIED FOR PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

21 (2) THE AMENDMENT OF 4 PA.C.S. § 1202(A) (2) AND THE
22 ADDITION OF 4 PA.C.S. § 1517(C) (1.1) SHALL NOT APPLY TO AN
23 INDIVIDUAL:

24 (I) WHO, ON JULY 1, 2009, WAS SERVING OFFICIALLY OR
25 ACTING AS EXECUTIVE DIRECTOR OF THE PENNSYLVANIA GAMING
26 CONTROL BOARD, CHIEF COUNSEL OF THE BOARD, OR THE
27 DIRECTOR OF THE OFFICE OF ENFORCEMENT COUNSEL WITHIN THE
28 BUREAU OF INVESTIGATIONS AND ENFORCEMENT; AND

29 (II) ON WHOM THE BUREAU OR THE PENNSYLVANIA STATE
30 POLICE COMPLETED A BACKGROUND INVESTIGATION AS A

1 CONDITION OF EMPLOYMENT WITH THE BOARD.

2 (3) THE AMENDMENT OR ADDITION OF 4 PA.C.S. § 1201(H)
3 (4.1) AND (5) SHALL NOT APPLY TO:

4 (I) AN INDIVIDUAL APPOINTED TO THE PENNSYLVANIA
5 GAMING CONTROL BOARD BEFORE JULY 1, 2010; OR

6 (II) AN INDIVIDUAL UNDER SUBPARAGRAPH (I) WHO IS
7 REAPPOINTED TO THE PENNSYLVANIA GAMING CONTROL BOARD.

8 SECTION 21. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

9 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT JULY 1,
10 2010:

11 (I) THE AMENDMENT OF 4 PA.C.S. § 1407.

12 (II) SECTION 19.5 OF THIS ACT.

13 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
14 IMMEDIATELY.