

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 262 Session of 2011

INTRODUCED BY VEREB, SCHRODER, REICHLEY, TURZAI, AUMENT, BAKER, BARRAR, CAUSER, CLYMER, CUTLER, DENLINGER, EVANKOVICH, EVERETT, FARRY, GINGRICH, HAHN, HICKERNELL, KAUFFMAN, KORTZ, KRIEGER, MARSICO, METZGAR, MILLER, MURT, PAYNE, PYLE, QUIGLEY, RAPP, ROAE, SCAVELLO, SONNEY, SWANGER, TALLMAN, TOEPEL, WAGNER, WATSON AND BENNINGHOFF, JANUARY 27, 2011

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, JANUARY 27, 2011

AN ACT

1 Providing for the transfer of certain powers and duties from the
2 Pennsylvania Gaming Control Board to the Office of Attorney
3 General; establishing a Gaming Unit in the Office of Attorney
4 General; and making related repeals.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Attorney
9 General Gaming Regulation Act.

10 Section 2. Findings and legislative intent.

11 (a) Findings.--The General Assembly finds that the transfer
12 of the Bureau of Investigations and Enforcement to the Office of
13 Attorney General will serve to provide for an appropriate
14 separation of investigative and enforcement functions from
15 licensing functions. The General Assembly further finds that the
16 transfer of the Bureau of Investigations and Enforcement does
17 not affect the general jurisdiction of the Pennsylvania Gaming

Control Board in any way which impairs or otherwise reduces the board's licensing authority.

(b) Legislative intent.--It is the intent of the General Assembly to transfer all of the existing functions and duties of the Bureau of Investigations and Enforcement in the Pennsylvania Gaming Control Board, including the Office of Enforcement Counsel, to the Gaming Unit in the Office of Attorney General. It is the further intent of the General Assembly to completely separate, except as provided under this act, the Gaming Unit in the Office of Attorney General from any regulatory or fiscal control by the Pennsylvania Gaming Control Board.

Section 3. Gaming Unit.

(a) Establishment.--There is established within the Office of Attorney General a Gaming Unit. The Attorney General shall select:

(1) A director of the Gaming Unit.

(2) A director of the Office of Enforcement Counsel transferred to the Gaming Unit by operation of this act.

(b) Powers and duties.--The Gaming Unit shall, in addition to the powers and duties vested in the Office of Attorney General by 4 Pa.C.S. Pt. II (relating to gaming), also have the powers and duties previously vested in the Bureau of Investigations and Enforcement of the Pennsylvania Gaming Control Board by 4 Pa.C.S. Pt. II.

(c) Personnel.--

(1) The Attorney General shall assign agents to supervisory and other capacities in the Gaming Unit as necessary. All other personnel of the Gaming Unit shall be civilians.

(2) Except as provided in paragraph (3), all personnel

1 shall continue in their employment with the unit with the
2 same pay scales, salaries, wages, seniority benefits, pension
3 rights and other incidents of employment.

4 (3) The unit director, in consultation with the Attorney
5 General, shall determine which personnel transferred under
6 this section shall be retained as unit employees and which
7 personnel transferred under this section shall be replaced
8 within a six-month period after the appointment of the unit
9 director.

10 (d) Transfers.--The following are transferred to the Gaming
11 Unit established under subsection (a):

12 (1) All of the powers, duties and authority previously
13 vested in the Bureau of Investigations and Enforcement of the
14 Pennsylvania Gaming Control Board by 4 Pa.C.S. Pt. II.

15 (2) All personnel, allocations, appropriations,
16 equipment, files, records, contracts, agreements, obligations
17 and other materials which are used, employed or expended by
18 the Pennsylvania Gaming Control Board in connection with the
19 functions transferred by this act to the Gaming Unit as if
20 these contracts, agreements and obligations had been incurred
21 or entered into by the Gaming Unit.

22 (e) Requirement of transfer.--The personnel, appropriations,
23 equipment and other items and material transferred by this
24 section shall include an appropriate portion of the general
25 administrative, overhead and supporting personnel,
26 appropriations, equipment and other materials of the
27 Pennsylvania Gaming Control Board.

28 (f) Expenses and budget.--

29 (1) Expenses of and related to the Gaming Unit shall be
30 considered reimbursable expenses under 4 Pa.C.S. Pt. II.

1 (2) The Gaming Unit shall prepare and annually submit an
2 itemized budget in accordance with 4 Pa.C.S. § 1402.1
3 (relating to itemized budget reporting).

4 (g) Existing gaming enforcement office.--Any gaming
5 enforcement office or unit existing within the Office of
6 Attorney General on the effective date of this section shall be
7 absorbed by the Gaming Unit established under subsection (a).

8 Section 19. Repeals.

9 Repeals are as follows:

10 (1) The General Assembly declares that the repeals under
11 paragraph (2) are necessary to effectuate this act.

12 (2) The following acts and parts of acts are repealed:

13 (i) 4 Pa.C.S. § 1202(b)(25).

14 (ii) 4 Pa.C.S. §§ 1202(b)(10) and (28) and 1402(a)

15 (4) insofar as those sections relate to the procedure for
16 reimbursing costs and expenses incurred by the Office of
17 Attorney General.

18 (iii) 4 Pa.C.S. Pt. II insofar as it relates to the
19 powers and duties of the Bureau of Investigations and
20 Enforcement of the Pennsylvania Gaming Control Board.

21 (iv) 4 Pa.C.S. Pt. II insofar as it relates to the
22 authority and oversight of the Bureau of Investigations
23 and Enforcement by the Pennsylvania Gaming Control Board.

24 Section 20. Effective date.

25 This act shall take effect in 60 days.