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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 321 Session of  
2019

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INTRODUCED BY MARTIN AND AUMENT, MAY 6, 2019

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REFERRED TO LOCAL GOVERNMENT, MAY 6, 2019

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, providing for the option to prohibit  
3 the location of an establishment license within a  
4 municipality.

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

7 Section 1. Title 53 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 5

10 PROHIBITION OPTIONS

11 Sec.

12 501. Definitions.

13 502. Municipal option for gaming.

14 § 501. Definitions.

15 The following words and phrases when used in this chapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "Applicant." As defined under 4 Pa.C.S. § 3102 (relating to  
19 definitions).

1 "Board." The Pennsylvania Gaming Control Board.

2 "County." A county of the third class, based upon county  
3 classification in effect on the effective date of this  
4 definition. Any reclassification of counties as a result of a  
5 Federal decennial census or of a State's statute shall not apply  
6 to this definition.

7 "Establishment license." As defined under 4 Pa.C.S. § 3102.

8 "Establishment licensee." As defined under 4 Pa.C.S. § 3102.

9 "Municipality." A municipality within a county.

10 "Truck stop establishment." As defined under 4 Pa.C.S. §  
11 3102.

12 § 502. Municipal option for gaming.

13 (a) Prohibition.--Notwithstanding 4 Pa.C.S. § 3514 (relating  
14 to establishment licenses), the following shall apply:

15 (1) A municipality may, by delivering a resolution of  
16 the municipality's governing body to the board no later than  
17 60 days after the effective date of this subsection, prohibit  
18 the location of an establishment licensee within the  
19 municipality as follows:

20 (i) Prior to the board approving an application and  
21 issuing an establishment license within the municipality.

22 (ii) After an establishment license has been issued  
23 within the municipality.

24 (2) An establishment licensee may not be located in a  
25 municipality which has exercised its option under this  
26 subsection.

27 (b) Repeal.--

28 (1) In a municipality that prohibits the location of an  
29 establishment licensee within the municipality under  
30 subsection (a), an election may be held on the date of the

1 primary election immediately preceding a municipal election,  
2 but not more than once in four years, to determine the will  
3 of the electors with respect to the repeal of the prohibition  
4 within the limits of the municipality.

5 (2) If an election has been held at the primary election  
6 preceding a municipal election in any year, another election  
7 may be held under this subsection at the primary election  
8 occurring the fourth year after the prior election.

9 (3) If electors equal to at least 25% of the highest  
10 vote cast for any office in the municipality at the last  
11 preceding general election file a petition with the county  
12 board of elections of the county, or the governing body of  
13 the municipality adopts, by a majority vote, a resolution to  
14 place a question on the ballot and a copy of the resolution  
15 is filed with the board of elections of the county for a  
16 referendum on the question of repeal of the prohibition, the  
17 county board of elections shall cause a question to be placed  
18 on the ballot or on the voting machine board. The question  
19 shall be in the following form:

20 Do you favor the repeal of the prohibition against video  
21 gambling within this municipality?

22 (4) If a majority of the electors voting on the question  
23 vote "yes," the prohibition shall be repealed. If a majority  
24 of the electors voting on the question vote "no," the  
25 prohibition shall not be repealed.

26 (5) Proceedings under this subsection shall be in  
27 accordance with the act of June 3, 1937 (P.L.1333, No.320),  
28 known as the Pennsylvania Election Code.

29 (6) A municipality that repeals its prior prohibition  
30 under this subsection may not subsequently prohibit the

1 location of an establishment licensee within the  
2 municipality.

3 (c) Refund of fees.--If a truck stop establishment has been  
4 approved for an establishment license or submits an application  
5 and the fees for an establishment license as required under 4  
6 Pa.C.S. § 4101 (relating to fees) and the municipality within  
7 which the truck stop establishment is located elects to prohibit  
8 establishment licensees under subsection (a), the board shall  
9 refund the fees to the applicant.

10 Section 2. This act shall take effect immediately.