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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1487** Session of  
2008

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INTRODUCED BY FUMO, STACK, TARTAGLIONE, KITCHEN, C. WILLIAMS,  
HUGHES AND WASHINGTON, JUNE 11, 2008

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REFERRED TO COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT,  
JUNE 11, 2008

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AN ACT

1 Amending Title 4 (Amusements) of the Pennsylvania Consolidated  
2 Statutes, providing for relocation of Category 2 licensed  
3 facilities within cities of the first class.

4 The introduction and consideration of this legislative  
5 initiative shall not be construed or interpreted by any  
6 administrative body or judicial tribunal to imply that it is the  
7 judgment of the sponsors of this initiative or the General  
8 Assembly that the Pennsylvania Gaming Control Board does not  
9 presently possess the legal authority to declare, sua sponte, by  
10 rule, regulation or order, that the timely commencement of slot  
11 machine operations within the city of the first class has been  
12 delayed, that the development plans as originally proposed to  
13 and approved by the Pennsylvania Gaming Control Board cannot be  
14 feasibly completed, and as a consequence to order the relocation  
15 of any licensed facility. Rather, the introduction and  
16 consideration of this initiative is a clear articulation by the  
17 General Assembly of the significant public importance of this  
18 issue and an affirmation of the legal authority of the

1 Pennsylvania Gaming Control Board to take such action necessary  
2 to relocate either or both licensed facilities within the city  
3 of the first class in a manner that is consistent with the  
4 public interest and that facilitates the timely commencement of  
5 slot operations in the city.

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

8 Section 1. Title 4 of the Pennsylvania Consolidated Statutes  
9 is amended by adding sections to read:

10 § 1304.1. Relocation of Category 2 licensed facilities within  
11 cities of the first class.

12 (a) Petition.--Eighteen months following the board's initial  
13 approval of the applications for a Category 2 slot machine  
14 license to be located within a city of the first class pursuant  
15 to section 1301 (relating to authorized slot machine licenses),  
16 any person may file a petition with the board seeking a  
17 determination by the board that local community and governmental  
18 opposition and concerns have delayed or will likely delay the  
19 timely commencement of operations of slot machines at either or  
20 both originally approved locations within a city of the first  
21 class. The board shall conduct a hearing within 20 days of the  
22 filing of the petition and issue a finding determining whether  
23 or not either or both licensed facilities will timely commence  
24 slot operations.

25 (b) Proceeding.--Upon a finding that local community and  
26 governmental opposition and concerns have delayed or will likely  
27 delay the timely commencement of operations of slot machines at  
28 either originally approved location, the board shall initiate a  
29 proceeding to consider, evaluate, identify and order the  
30 relocation of each licensed facility to be located within the

1 city of the first class.

2 (1) The board shall solicit the participation and input  
3 of each slot machine licensee within the city of the first  
4 class that has not commenced slot machine operations,  
5 neighborhood civic associations, as well as local and State  
6 officials representing the city of the first class,  
7 including, but not limited to, the mayor, members of city  
8 council and members of the General Assembly.

9 (2) Upon the commencement of relocation proceedings, the  
10 board shall issue an order to each slot machine licensee  
11 within the city of the first class prohibiting each licensee  
12 from taking any further action to develop or construct a  
13 licensed facility. The board may also temporarily suspend the  
14 provisions of section 1316 (relating to bond for issuance of  
15 slot machine license).

16 (c) Recommendation.--Within 120 days following the date of  
17 commencement by the board of relocation proceedings, the board  
18 shall publicly issue a recommendation of alternative licensed  
19 facility locations report which shall include, without  
20 limitation:

21 (1) An account of the public policy concerns implicated  
22 by each existing licensed facility location.

23 (2) An account of the delays encountered to date, and  
24 the likelihood of future delays associated with the  
25 commencement of slot operations within the city of the first  
26 class.

27 (3) A comprehensive list of alternative locations within  
28 the city of the first class for each licensed facility.

29 (4) An account of the advantages and public policy  
30 benefits associated with each listed alternative location.

1 (d) Responsive comments.--Within 30 days following the  
2 board's publication of its alternative licensed facility  
3 locations report, each of the two slot machine licensees within  
4 the city of the first class shall submit to the board responsive  
5 comments addressing the financial feasibility of relocating the  
6 licensed facilities.

7 (e) Final order.--Within 30 days following the submission of  
8 responsive comments from the slot machine licensees within the  
9 city of the first class, the board shall issue a final order  
10 either approving alternative locations for the slot machine  
11 licensees within the city of the first class, impose additional  
12 conditions requiring the location of the licensed facilities or  
13 revoke the licenses as being impracticable to completely develop  
14 as originally represented to the board and initiate a proceeding  
15 to accept applications for the reissuance of the revoked  
16 Category 2 slot machine license to be located within the city of  
17 the first class.

18 § 1304.2. Category 2 licensed facilities within cities of the  
19 first class.

20 Notwithstanding the provisions of section 1304(b)(1)  
21 (relating to Category 2 slot machine license) which provide that  
22 no Category 2 facility located within a city of the first class  
23 shall be within ten linear miles of a Category 1 facility, the  
24 board, on its own or upon petition, may consider, order and  
25 approve the relocation of either or both Category 2 facilities  
26 to a physical location that is within ten linear miles of a  
27 Category 1 facility at which harness race meetings are  
28 conducted.

29 Section 2. This act shall take effect in 60 days.