

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2042 Session of
2024

INTRODUCED BY DUNBAR, SMITH, JOZWIAK AND DALEY,
FEBRUARY 20, 2024

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, FEBRUARY 20, 2024

AN ACT

1 Amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of
2 the Pennsylvania Consolidated Statutes, in revenues,
3 providing for audits of Pennsylvania Race Horse Development
4 Trust Fund; in administration and enforcement, further
5 providing for investigations and enforcement; in general
6 provisions, further providing for definitions; in
7 administration, further providing for records and
8 confidentiality of information; in application and licensure,
9 further providing for establishment licenses, for license or
10 permit prohibition, for issuance and renewal and for
11 conditional licenses; in operation, further providing for
12 testing and certification of terminals and for video gaming
13 limitations, providing for hours of operation and further
14 providing for terminal placement agreements and for
15 compulsive and problem gambling; in enforcement, further
16 providing for investigations and enforcement; in revenues,
17 further providing for distribution of local share, for
18 regulatory assessments and for transfers from Video Gaming
19 Fund; in ethics, further providing for political influence;
20 in riot, disorderly conduct and related offenses, further
21 providing for the offense of gambling devices, gambling,
22 etc.; providing for implementation; and making a repeal.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. Title 4 of the Pennsylvania Consolidated Statutes
26 is amended by adding a section to read:

27 § 1406.1. Audits of Pennsylvania Race Horse Development Trust
28 Fund.

1 (a) Financial audit.--By December 31, 2023, and each
2 December 31 thereafter, the Office of the Budget shall conduct a
3 financial audit of the money distributed under section 1406
4 (relating to distributions from Pennsylvania Race Horse
5 Development Trust Fund) for the prior fiscal year. The scope of
6 the audit shall be limited to expenditures of money under
7 section 1406(a). The audit may include recommendations for
8 changes relating to the maintenance, use or administration of
9 the money.

10 (b) Public record.--The audit and audited financial
11 statement required under this section shall be open to
12 inspection by the public.

13 (c) Financial statement.--

14 (1) A horsemen's organization shall, within 90 days
15 after the end of the organization's fiscal year, prepare an
16 annual financial statement in accordance with generally
17 accepted accounting principles for the horsemen's
18 organization and each of the horsemen's organization's
19 affiliates.

20 (2) The financial statement required under paragraph (1)
21 shall be prepared beginning in the horsemen's organization's
22 fiscal year ending prior to June 30, 2023, and for each
23 fiscal year thereafter.

24 (3) The financial statement required under paragraph (1)
25 shall include additional information as necessary to
26 reconcile the information in the financial statement to the
27 amounts received by the horsemen's organization during the
28 same fiscal year and as otherwise directed by the Office of
29 the Budget.

30 (d) Accountants or actuaries.--The Office of the Budget

1 shall engage independent certified public accountants or
2 actuaries to conduct the audits under subsection (a) and to
3 audit the annual financial statements and accompanying
4 additional information filed under subsection (c)(3) for each
5 fiscal year. The Office of the Budget shall provide copies of
6 each audit to the persons listed under subsection (e)(2), (3),
7 (4) and (5).

8 (d.1) Additional information.--Within 90 days of a written
9 request by the Office of the Budget for additional information,
10 the horsemen's organization shall provide the additional
11 information.

12 (e) Statements and reports.--Within 10 days of completion of
13 an audit under subsection (a), the horsemen's organization shall
14 provide the financial statement and report required under
15 subsection (c) to each of the following within 90 days of the
16 end of the organization's fiscal year:

17 (1) The Department of Agriculture.

18 (2) The chair and minority chair of the Community,
19 Economic and Recreational Development Committee of the Senate
20 and the chair and minority chair of the Gaming Oversight
21 Committee of the House of Representatives.

22 (3) The chair and minority chair of the Agriculture and
23 Rural Affairs Committee of the Senate and the chair and
24 minority chair of the Agriculture and Rural Affairs Committee
25 of the House of Representatives.

26 (4) The Pennsylvania Gaming Control Board.

27 (5) The State Horse Racing Commission and the State
28 Harness Racing Commission.

29 (f) Distributions suspended for noncompliance.--
30 Distributions under section 1406 shall be suspended for a

1 horsemen's organization that the office certifies is out of
2 compliance with the requirements of this section.

3 (g) Cooperation.--A horsemen's organization shall cooperate
4 fully with an audit under this section.

5 Section 2. Section 1517(c)(13) of Title 4 is amended and the
6 subsection is amended by adding a paragraph to read:

7 § 1517. Investigations and enforcement.

8 * * *

9 (c) Powers and duties of the Pennsylvania State Police.--The
10 Pennsylvania State Police shall have the following powers and
11 duties:

12 * * *

13 [(13) A member of the Pennsylvania State Police assigned
14 to duties of enforcement under this part shall not be counted
15 toward the complement as defined in the act of December 13,
16 2001 (P.L.903, No.100), entitled "An act repealing in part a
17 limitation on the complement of the Pennsylvania State
18 Police."]

19 (13.1) The board shall not require the Pennsylvania
20 State Police to have an office located within a licensed
21 facility.

22 * * *

23 Section 3. The definitions of "coin-operated amusement
24 game," "establishment license," "establishment licensee,"
25 "gaming employee," "inducement," "licensee," "truck stop
26 establishment" and "video gaming terminal" in section 3102 of
27 Title 4 are amended and the section is amended by adding
28 definitions to read:

29 § 3102. Definitions.

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

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

3 * * *

4 "Club liquor license." Any of the following licenses issued
5 by the Pennsylvania Liquor Control Board under Article IV of the
6 act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code:

- 7 (1) Catering club.
- 8 (2) Club liquor.
- 9 (3) Club retail dispenser.

10 "Coin-operated amusement game." A [machine that requires the
11 insertion of a coin, currency or token to play or activate a
12 game the outcome of which is predominantly and primarily
13 determined by the skill of the player.] mechanical, electrical
14 or computerized contrivance, terminal, machine or other device
15 that requires the insertion of a coin, currency, token or
16 similar object to play or activate a game and meets each of the
17 following criteria:

- 18 (1) The outcome of the game is predominantly and
19 primarily determined by the skill of the player.
- 20 (2) Elements of chance do not affect or have a
21 de minimis effect on the outcome of the game.
- 22 (3) Winning the game entitles the player to a noncash
23 merchandise prize or a gift card that may be redeemable for a
24 noncash merchandise prize, food or drink or additional
25 credits to play the game.

26 * * *

27 "Convenience store." A retail business that sells everyday
28 items, such as coffee, groceries, snack foods, confectionery,
29 soft drinks, tobacco products, over-the-counter drugs,
30 toiletries, gasoline and magazines.

1 * * *

2 "Department store." A retail establishment offering consumer
3 goods in different areas of the store, which may include food
4 items.

5 "Establishment." A restaurant liquor license, club liquor
6 license or truck stop establishment.

7 "Establishment license." A license issued by the board
8 authorizing [a truck stop] an establishment to permit a terminal
9 operator licensee to place and operate video gaming terminals on
10 the [truck stop] establishment's premises under this part and
11 the rules and regulations promulgated under this part.

12 "Establishment licensee." [A truck stop] An establishment
13 that holds an establishment license.

14 * * *

15 "Gaming employee."

16 (1) Any of the following:

17 (i) An employee of a terminal operator licensee[,
18 establishment licensee] or supplier licensee [that] who
19 is not a key employee and is involved in the conduct of
20 video gaming.

21 (ii) An employee of a supplier licensee whose duties
22 are directly involved with the repair or distribution of
23 video gaming terminals or associated equipment sold or
24 provided to a terminal operator licensee within this
25 Commonwealth as determined by the board.

26 (iii) An employee of an establishment licensee who
27 is:

28 (A) responsible for the management, supervision
29 and training of establishment employees regarding the
30 conduct of video gaming;

1 (B) responsible for coordinating video gaming
2 operations with a terminal operator; and

3 (C) available to promptly address gaming-related
4 issues that arise at the premises of an establishment
5 licensee.

6 (2) The term does not include nongaming personnel as
7 determined by the board [or an employee of an establishment
8 licensee].

9 * * *

10 "Grocery store." A retail business that primarily sells a
11 variety of fresh and packaged foods, beverages and other items
12 to be consumed or used off of the store premises.

13 * * *

14 "Inducement."

15 (1) Any of the following:

16 (i) Consideration paid directly or indirectly, from
17 a manufacturer, supplier, terminal operator, procurement
18 agent, gaming employee, employee or another person on
19 behalf of an applicant or anyone licensed under this
20 part, to [a truck stop] an establishment, establishment
21 licensee, establishment licensee owner or an employee of
22 the establishment licensee, directly or indirectly as an
23 enticement to solicit or maintain the establishment
24 licensee or establishment licensee owner's business.

25 (ii) Cash, incentive, marketing and advertising
26 cost, gift, food, beverage, loan, prepayment of gross
27 terminal revenue and other contribution or payment that
28 offsets an establishment licensee's operational costs, or
29 as otherwise determined by the board.

30 (2) The term shall not include costs paid by a terminal

1 operator applicant or terminal operator licensee related to
2 [making video gaming terminals operate at the premises of an
3 establishment licensee, including wiring and rewiring,
4 software updates, ongoing video gaming terminal maintenance,
5 redemption terminals, network connections, site controllers
6 and costs associated with communicating with the central
7 control computer system.]:

8 (i) Structural changes necessary to segregate the
9 video gaming area or maintain the security of video
10 gaming terminals and redemption terminals as required by
11 the board that do not exceed \$2,500, except that any
12 changes in excess of \$2,500 may be shared equally between
13 the terminal operator applicant or terminal operator
14 licensee and the establishment applicant or establishment
15 licensee.

16 (ii) Surveillance technology to monitor only the
17 video gaming area.

18 (iii) Operation of video gaming terminals at a
19 licensed establishment, including wiring and rewiring,
20 software updates, ongoing video gaming terminal
21 maintenance, redemption terminals, network connections,
22 site controllers and costs associated with communicating
23 with the central control computer system.

24 (iv) Installation of a security and alarm system at
25 the premises of an establishment licensee that are
26 reasonably necessary to protect video gaming terminals
27 and redemption terminals outside normal business hours,
28 provided that the cost does not exceed \$1,000.

29 (v) A requirement established by the board regarding
30 a minimum standard for a video gaming area.

1 (vi) A cosmetic renovation or improvement within a
2 video gaming area that is reasonably necessary, as
3 determined by the board.

4 (vii) A fee established by the board to cover costs
5 associated with the mandatory employee training program
6 established under section 3706 (relating to compulsive
7 and problem gambling).

8 * * *

9 "Licensee." A person [listed] licensed under this part.

10 * * *

11 "Restaurant." A reputable place:

12 (1) operated by responsible persons of good reputation;

13 (2) habitually and principally used for the purpose of
14 providing food for the public;

15 (3) having an area within a building of not less than
16 400 square feet; and

17 (4) equipped with tables and chairs, including bar
18 seats, accommodating at least 30 individuals at one time.

19 "Restaurant liquor license." A license issued by the
20 Pennsylvania Liquor Control Board under Article IV of the Liquor
21 Code for a restaurant. The term does not include a restaurant
22 liquor license that has an interior connection to a grocery
23 store, convenience store, department store or similar business.

24 * * *

25 "Skill." The knowledge, dexterity, adroitness, acumen or
26 other mental skill of an individual.

27 "Skill video gaming terminal." A video gaming terminal in
28 which a combination of the skill of the player and elements of
29 chance affect the outcome of the game, regardless of whether or
30 not a random number generator is utilized. The term shall not

1 include a coin-operated amusement game.

2 * * *

3 "Truck stop establishment." A premises that:

4 (1) Is equipped with diesel islands used for fueling
5 [commercial motor vehicles.] motor carrier vehicles as
6 defined in 75 Pa.C.S. § 102 (relating to definitions).

7 (2) Has sold on average 50,000 gallons of diesel or
8 biodiesel fuel each month for the previous 12 months or is
9 projected to sell an average of 50,000 gallons of diesel or
10 biodiesel fuel each month for the next 12 months.

11 (3) Has at least [20 parking spaces dedicated for
12 commercial motor vehicles.] 4,000 gross square feet, not
13 necessarily contiguous or marked with individual parking
14 spaces, dedicated for parking motor carrier vehicles as
15 defined in 75 Pa.C.S. § 102.

16 (4) Has a convenience store.

17 (5) Is situated on a parcel of land of not less than
18 three acres that the truck stop establishment owns or leases.

19 (6) Is not located on any property owned by the
20 Pennsylvania Turnpike.

21 (7) Has sufficient laundry facilities for motor carrier
22 vehicle drivers.

23 (8) Has individual shower, toilet and sink facilities
24 for motor carrier vehicle drivers.

25 * * *

26 "Video gaming terminal."

27 (1) A mechanical or electrical contrivance, terminal,
28 machine or other device approved by the board that, upon
29 insertion of cash or cash equivalents, is available to play
30 or operate one or more gambling games, the play of which

1 utilizes a random number generator and:

2 (i) May award a winning player either a free game or
3 credit that shall only be redeemable for cash or cash
4 equivalents at a redemption terminal.

5 (ii) May utilize video displays.

6 (iii) May use an electronic credit system for
7 receiving wagers and making payouts that are only
8 redeemable at a redemption terminal.

9 (2) Associated equipment necessary to conduct the
10 operation of the contrivance, terminal, machine or other
11 device.

12 (3) The term does not include a slot machine operated at
13 a licensed facility in accordance with Part II (relating to
14 gaming) or a coin-operated amusement game.

15 (4) The term does not include "lottery" as defined under
16 the act of August 26, 1971 (P.L.351, No.91), known as the
17 State Lottery Law.

18 (5) The term includes a skill video gaming terminal.

19 Section 4. Section 3305(d) of Title 4 is amended to read:
20 § 3305. Records and confidentiality of information.

21 * * *

22 (d) Information held by other agencies.--Files, records,
23 reports and other information in the possession of the
24 department or the Pennsylvania Liquor Control Board pertaining
25 to an applicant, licensee or permittee shall be made available
26 to the board as may be necessary to the effective administration
27 of this part.

28 Section 5. Section 3514(a) introductory paragraph of Title 4
29 is amended and the subsection is amended by adding a paragraph
30 to read:

1 § 3514. Establishment licenses.

2 (a) General requirements.--[A truck stop] An establishment
3 that submits an application for an establishment license shall
4 include at a minimum:

5 * * *

6 (4.1) If the applicant is in possession of a restaurant
7 liquor license or club liquor license:

8 (i) documentation showing that the restaurant liquor
9 license or club liquor license of the establishment is
10 valid and in good standing with the Pennsylvania Liquor
11 Control Board; and

12 (ii) disclosure of conditional license agreements
13 entered into under the act of April 12, 1951 (P.L.90,
14 No.21), known as the Liquor Code.

15 * * *

16 Section 6. Section 3515(2) of Title 4 is amended by adding
17 subparagraphs to read:

18 § 3515. License or permit prohibition.

19 The following apply:

20 * * *

21 (2) In addition to the prohibition under paragraph (1),
22 the board shall be prohibited from granting the following:

23 * * *

24 (iv) An establishment license to an applicant that
25 is an establishment whose restaurant liquor license or
26 club liquor license is not in good standing with the
27 Pennsylvania Liquor Control Board.

28 (v) An establishment license to an applicant that is
29 an establishment which has been declared a nuisance under
30 section 611 of the act of April 12, 1951 (P.L.90, No.21),

1 known as the Liquor Code, or has been declared a nuisance
2 within the past three years.

3 (vi) An establishment license to an applicant that
4 is an establishment with a conditional license agreement
5 entered into under the Liquor Code unless the agreement
6 has been amended to allow for video gaming.

7 (vii) An establishment license to an applicant that
8 is an establishment whose restaurant liquor license or
9 club liquor license has been suspended, unless three
10 years have elapsed from the date of suspension.

11 * * *

12 Section 7. Section 3516(a)(1) of Title 4 is amended to read:

13 § 3516. Issuance and renewal.

14 (a) Issuance.--

15 (1) In addition to any other criteria provided under
16 this part, any terminal operator, [truck stop] establishment,
17 supplier, manufacturer, gaming employee, key employee,
18 principal or other person that the board approves as
19 qualified to receive a license, permit or other authorization
20 under this part shall be issued a license or permit upon the
21 payment of a fee required in section 4101 (relating to fees)
22 and upon the fulfillment of conditions required by the board
23 or provided for in this part.

24 * * *

25 Section 8. Section 3520(a) of Title 4 is amended by adding a
26 paragraph to read:

27 § 3520. Conditional licenses.

28 (a) Conditional establishment licenses.--

29 * * *

30 (2.1) The board shall issue a conditional license to an

1 applicant for an establishment license if the applicant is a
2 restaurant liquor licensee or club liquor licensee and
3 satisfies the criteria under paragraph (2) and the following
4 criteria, as determined by the board:

5 (i) The applicant held a valid restaurant liquor
6 license or club liquor license on the date of application
7 and the license is in good standing.

8 (ii) The restaurant liquor licensee or club liquor
9 licensee has not been declared a nuisance under section
10 611 of the act of April 12, 1951 (P.L.90, No.21), known
11 as the Liquor Code, or three years have elapsed from the
12 date of the declaration.

13 (iii) The applicant has a conditional license
14 agreement entered into under the Liquor Code.

15 (iv) The applicant's restaurant liquor license or
16 club liquor license has not been suspended or five years
17 have elapsed from the date of suspension.

18 * * *

19 Section 9. Section 3701(b)(9) of Title 4 is amended and the
20 subsection is amended by adding a paragraph to read:

21 § 3701. Testing and certification of terminals.

22 * * *

23 (b) Video gaming terminal specifications.--Video gaming
24 terminals shall be tested and certified to meet the following
25 specifications:

26 * * *

27 (9) [The] Except as provided in paragraph (9.1), the
28 video gaming terminal shall pay out a minimum of 85% of the
29 amount wagered.

30 (9.1) The board shall adopt alternative minimum

1 requirements for payout for skill video gaming terminals that
2 define a minimum win percentage based on the combination of
3 skill and the elements of chance of the game.

4 * * *

5 Section 10. Section 3702(a)(1) and (b)(1) and (6) of Title 4
6 are amended, subsection (a) is amended by adding a paragraph and
7 the section is amended by adding a subsection to read:

8 § 3702. Video gaming limitations.

9 (a) Establishment licensee limitations.--An establishment
10 licensee may offer video gaming terminals for play within its
11 premises, subject to the following:

12 (1) No more than five video gaming terminals may be
13 placed on the premises of [the] an establishment licensee.

14 * * *

15 (13) An establishment licensee must employ at least one
16 gaming employee. An establishment licensee is not required to
17 have a gaming employee on premises during the conduct of
18 video gaming at the establishment.

19 (b) Terminal operator licensee limitations.--A terminal
20 operator licensee may place and operate video gaming terminals
21 on the premises of an establishment licensee, subject to the
22 following:

23 (1) No more than five video gaming terminals may be
24 placed on the premises of [the] an establishment licensee.

25 * * *

26 (6) No terminal operator licensee may give or offer to
27 give, directly or indirectly, any type of inducement to [a
28 truck stop] an establishment to secure or maintain a terminal
29 placement agreement.

30 * * *

1 (c) Video gaming terminal limitations.--There shall be no
2 more than 50,000 video gaming terminals in this Commonwealth.

3 Section 11. Title 4 is amended by adding a section to read:
4 § 3703.1. Hours of operation.

5 (a) Restaurant liquor license establishments and club liquor
6 license establishments.--An establishment licensee that is also
7 a restaurant liquor license establishment or club liquor license
8 establishment may only permit the play of a video gaming
9 terminal during the hours that the restaurant liquor license
10 establishment or club liquor license establishment is authorized
11 by the Pennsylvania Liquor Control Board to sell alcoholic
12 beverages.

13 (b) Truck stop establishments.--An establishment licensee
14 that is also a truck stop establishment may permit play of a
15 video gaming terminal during normal business hours.

16 Section 12. Section 3704 of Title 4 is amended by adding a
17 subsection to read:

18 § 3704. Terminal placement agreements.

19 * * *

20 (f.1) Additional void agreements.--An agreement entered into
21 by a restaurant liquor license establishment or club liquor
22 license establishment prior to the effective date of this
23 subsection with a person for the placement, operation, service
24 or maintenance of a video gaming terminal or skill video gaming
25 terminal, including an agreement granting a person the right to
26 enter into an agreement or match an offer made after the
27 effective date of this subsection, shall be void and may not be
28 approved by the board.

29 * * *

30 Section 13. Section 3706(d) (3) and (e) of Title 4 are

1 amended to read:

2 § 3706. Compulsive and problem gambling.

3 * * *

4 (d) Mandatory training.--

5 * * *

6 (3) At least one gaming employee of the establishment
7 licensee [who holds a valid occupation permit and has
8 successfully completed the training program shall be located
9 on the premises and supervising the video gaming area during
10 all times video gaming terminals are available for play.]
11 shall successfully complete the training program.

12 (e) Penalty.--An establishment licensee that fails to
13 fulfill the requirements of subsection (a), (b), (c) or (d)
14 shall be assessed by the board an administrative penalty and may
15 have its establishment license suspended. When determining the
16 penalty and number of suspension days, the board shall consider
17 the length of time in which the materials were not available or
18 [a trained employee was not located on the premises] at least
19 one gaming employee was not trained as required by subsection
20 (d) (3).

21 Section 14. Section 3904(d) of Title 4 is amended by adding
22 a paragraph and the section is amended by adding a subsection to
23 read:

24 § 3904. Investigations and enforcement.

25 * * *

26 (d) Powers and duties of the Pennsylvania State Police.--The
27 Pennsylvania State Police shall have the following powers and
28 duties:

29 * * *

30 (14) Require the Bureau of Liquor Control Enforcement to

1 report to the bureau violations of this part that are found
2 during the normal course of duties required under the laws of
3 this Commonwealth.

4 * * *

5 (j) Pennsylvania Liquor Control Board.--Nothing in this part
6 shall be construed as conferring on the Pennsylvania Liquor
7 Control Board the authority to assess penalties under the act of
8 April 12, 1951 (P.L.90, No.21), known as the Liquor Code,
9 against a club establishment that holds an establishment license
10 for violations of this part that are not a criminal offense.

11 Section 15. Sections 4103, 4104(b) and (d) and 4105(b) of
12 Title 4 are amended to read:

13 § 4103. Distribution of local share.

14 [(a) Distribution.--

15 (1) (Reserved).

16 (2) The department shall on a quarterly basis deposit
17 the local share assessment imposed under section 4102(b)(1)
18 (ii) (relating to taxes and assessments) into a restricted
19 receipts account to be established in the Commonwealth
20 Financing Authority to be used exclusively for grants for
21 projects in the public interest within the Commonwealth.]

22 (a.1) Distribution.--The department shall distribute, in a
23 manner and according to a schedule adopted by the department, to
24 each county 10% of the gross terminal revenue of each video
25 gaming terminal operating within the county into a restricted
26 receipts account on a quarterly basis to be distributed to the
27 county for grants for projects in the public interest within the
28 county.

29 (b) Duty of terminal operator.--A terminal operator licensee
30 shall continuously provide the department with records,

1 documents or other information necessary to effectuate the
2 requirements of subsection [(a).] (a.1).

3 (c) Reporting.--

4 (1) In cooperation with the department and the
5 Commonwealth Financing Authority, the Department of Community
6 and Economic Development shall submit an annual report by
7 August 31, 2025, and by August 31 of each year thereafter, on
8 all distributions of local share assessments to counties
9 under this section to the chairperson and minority
10 chairperson of:

11 (i) The Appropriations Committee of the Senate.

12 (ii) The Appropriations Committee of the House of
13 Representatives.

14 (iii) The Community, Economic and Recreational
15 Development Committee of the Senate.

16 (iv) The Gaming Oversight Committee of the House of
17 Representatives.

18 (2) A county that receives a distribution of local share
19 assessments under this section shall submit information to
20 the Department of Community and Economic Development on a
21 form prepared by the Department of Community and Economic
22 Development that states the amount and use of the money
23 received under this section in the prior fiscal year.

24 § 4104. Regulatory assessments.

25 * * *

26 (b) Bi-monthly deposits.--

27 (1) The department shall determine the appropriate
28 assessment amount for each terminal operator licensee, which
29 shall be a percentage assessed on the terminal operator
30 licensee's bi-monthly gross terminal revenue, except that the

1 percentage assessed may not exceed 2%.

2 (2) The percentage assessed shall not exceed an amount
3 equal to the costs or expenses incurred by the board, the
4 department, the Pennsylvania State Police or the Office of
5 Attorney General in carrying out their powers and duties
6 under this part based upon a budget submitted by the
7 department under subsection (c).

8 * * *

9 (d) Appropriation.--

10 (1) Costs and expenses may be paid from the accounts
11 established under subsection (a) only upon appropriation by
12 the General Assembly.

13 (2) If the total costs or expenses incurred by the
14 board, the department, the Pennsylvania State Police or the
15 Office of Attorney General exceed the amounts available in
16 the accounts established under subsection (a), the General
17 Assembly [may] shall appropriate additional amounts to the
18 board, the department, the Pennsylvania State Police or the
19 Office of Attorney General from the Video Gaming Fund.

20 § 4105. Transfers from Video Gaming Fund.

21 * * *

22 (b) General Fund transfer.--On June 30, 2018, and on the
23 last day of each fiscal year thereafter, the State Treasurer
24 shall transfer the remaining balance in the Video Gaming Fund
25 [that is not transferred under subsection (a) to the General
26 Fund.] as follows:

27 (1) Fourteen percent to the Race Horse Development Trust
28 Fund.

29 (2) Thirty-eight percent to the Property Tax Relief
30 Fund.

1 (3) Forty-eight percent to the General Fund.

2 Section 16. Section 4305 of Title 4 is amended by adding a
3 subsection to read:

4 § 4305. Political influence.

5 * * *

6 (e.1) Expiration.--

7 (1) Upon publication of the notice required under
8 paragraph (2), this section shall expire.

9 (2) Within 30 days of a final order of court, not
10 subject to appeal, stating that section 1513 (relating to
11 political influence) is unconstitutional, the Secretary of
12 the Commonwealth shall transmit notice of the final order to
13 the Legislative Reference Bureau for publication in the next
14 available issue of the Pennsylvania Bulletin.

15 * * *

16 Section 17. Section 5513(f) of Title 18 is amended by adding
17 definitions to read:

18 § 5513. Gambling devices, gambling, etc.

19 * * *

20 (f) Definitions.--The following words and phrases when used
21 in this section shall have the meanings given to them in this
22 subsection unless the context clearly indicates otherwise:

23 "Amusement game." A mechanical, electrical or computerized
24 contrivance, terminal, machine or other device that requires the
25 insertion of a coin, currency, token or similar object to play
26 or activate a game and meets all of the following criteria:

27 (1) The outcome of the game is predominantly and
28 primarily determined by the skill of the player.

29 (2) Elements of chance do not affect or have a
30 de minimis effect on the outcome of the game.

1 (3) Winning the game entitles the player to a noncash
2 merchandise prize or a gift card that may be redeemable for a
3 noncash merchandise prize, food or drink or additional
4 credits to play the game.

5 * * *

6 "Skill." The knowledge, dexterity,adroitness, acumen or
7 other mental ability of an individual.

8 "Slot machine." The term shall include a mechanical,
9 electrical or computerized contrivance, terminal, machine or
10 other device approved by the Pennsylvania Gaming Control Board
11 which, upon insertion of a coin, bill, ticket, token or similar
12 object therein or upon payment of any consideration whatsoever,
13 including the use of an electronic payment system, is available
14 to play or operate, and in which a combination of the skill of
15 the player and elements of chance affect the outcome of the game
16 and the skill of the player, rather than the element of chance,
17 is the predominant factor in affecting the outcome of the game
18 and awards the player directly or indirectly a prize. The term
19 shall not include an amusement game.

20 Section 18. The Pennsylvania Liquor Control Board shall, for
21 the purposes of the definition of "restaurant" in 4 Pa.C.S. §
22 3102, promulgate regulations to determine what constitutes
23 tables and chairs sufficient to accommodate 30 individuals at
24 one time.

25 Section 19. Repeals are as follows:

26 (1) The General Assembly declares that the repeal under
27 paragraph (2) is necessary to effectuate the addition of 4
28 Pa.C.S. § 1406.1.

29 (2) Section 1701-0 of the act of April 9, 1929 (P.L.343,
30 No.176), known as The Fiscal Code, is repealed.

1 Section 20. This act shall take effect in 30 days.