

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 321 Session of 2019

INTRODUCED BY MARTIN AND AUMENT, MAY 6, 2019

AS AMENDED ON THIRD CONSIDERATION, JUNE 17, 2019

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:

CHAPTER 5

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. WHICH HAS A POPULATION, BASED ON THE MOST <--  
7 RECENT FEDERAL DECENNIAL CENSUS, OF AT LEAST 500,000.

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

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

10 "Municipality." A municipality within a county.

11 "Truck stop establishment." As defined under 4 Pa.C.S. §  
12 3102.

13 § 502. Municipal option for gaming.

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

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

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

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

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

28 ~~(b) Repeal.~~ <--

29 ~~(1) In a municipality that prohibits the location of an~~  
30 ~~establishment licensee within the municipality under~~

1 ~~subsection (a), an election may be held on the date of the~~  
2 ~~primary election immediately preceding a municipal election,~~  
3 ~~but not more than once in four years, to determine the will~~  
4 ~~of the electors with respect to the repeal of the prohibition~~  
5 ~~within the limits of the municipality.~~

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

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

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

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

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

30 ~~(6) A municipality that repeals its prior prohibition~~

~~under this subsection may not subsequently prohibit the  
location of an establishment licensee within the  
municipality.~~

(3) A PROHIBITION UNDER THIS SUBSECTION SHALL NOT BE  
AFFECTED BY A RECLASSIFICATION OF COUNTIES AS A RESULT OF A  
FEDERAL DECENNIAL CENSUS OR PURSUANT TO AN ACT OF THE GENERAL  
ASSEMBLY OR BY A CHANGE IN THE POPULATION OF A COUNTY.

(B) RESCISSION OF PROHIBITION.--

(1) A MUNICIPALITY THAT PROHIBITS THE LOCATION OF AN  
ESTABLISHMENT LICENSEE UNDER SUBSECTION (A) MAY RESCIND THAT  
PROHIBITION AT ANY TIME BY DELIVERING A NEW RESOLUTION OF THE  
MUNICIPALITY'S GOVERNING BODY TO THE BOARD.

(2) A MUNICIPALITY THAT RESCINDS ITS PRIOR PROHIBITION  
ACCORDING TO THIS SUBSECTION MAY NOT SUBSEQUENTLY PROHIBIT  
THE LOCATION OF AN ESTABLISHMENT LICENSEE IN THE  
MUNICIPALITY.

(3) A MUNICIPALITY'S ABILITY TO RESCIND UNDER THIS  
SUBSECTION SHALL NOT BE AFFECTED BY A RECLASSIFICATION OF  
COUNTIES AS A RESULT OF A FEDERAL DECENNIAL CENSUS OR  
PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY OR BY A CHANGE IN  
THE POPULATION OF A COUNTY.

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

Section 2. This act shall take effect immediately.