PRINTER'S NO. 3472

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2389 Session of 2008

INTRODUCED BY MARSICO, VEREB, BAKER, BARRAR, BEYER, BOYD, CAUSER, CIVERA, CLYMER, CREIGHTON, EVERETT, FAIRCHILD, FREEMAN, GABIG, GEIST, GINGRICH, HENNESSEY, HESS, KAUFFMAN, MAJOR, MOUL, MOYER, MURT, O'NEILL, PETRONE, PHILLIPS, REICHLEY, SAYLOR, SONNEY, STERN, R. STEVENSON, SWANGER, THOMAS, TURZAI, VULAKOVICH, WATSON AND YOUNGBLOOD, MARCH 24, 2008

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, MARCH 24, 2008

AN ACT

Transferring certain powers and duties to the Gaming Enforcement Office; and making related repeals.

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

Section 1. Short title.

This act shall be known and may be cited as the Commonwealth Law Enforcement Gaming Regulation Act.

Section 2. Gaming Enforcement Office.

(a) Legislative findings.--The General Assembly finds that the transfer of the Bureau of Investigations and Enforcement to the Pennsylvania State Police will serve to provide for an appropriate separation of investigative and enforcement functions from licensing functions. The General Assembly further finds that the transfer of the Bureau of Investigations and Enforcement does 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 Enforcement Office in the Pennsylvania State Police. It is the further intent of the General Assembly to completely separate, except as provided under this act, the Gaming Enforcement Office in the Pennsylvania State Police from any regulatory or fiscal control by the Pennsylvania Gaming Control Board.

(c) Establishment.--

(1) The Gaming Enforcement Office is established within the Pennsylvania State Police.

(2) The Commissioner of Pennsylvania State Police shall select all of the following:

(i) A director of the Gaming Enforcement Office.

(ii) A director of the Office of Enforcement Counsel transferred to the Gaming Enforcement Office under this act.

(d) Powers and duties.--The Gaming Enforcement Office shall, in addition to the powers and duties vested in the Pennsylvania State Police under 4 Pa.C.S. Pt. II (relating to gaming), have the powers and duties previously vested in the Bureau of Investigations and Enforcement of the Pennsylvania Gaming Control Board under 4 Pa.C.S. Pt. II.

(e) Assignment.--The Commissioner of Pennsylvania State Police shall assign members of the Pennsylvania State Police to supervisory and other capacities in the Gaming Enforcement

Office as the commissioner deems necessary. All other personnel of the Gaming Enforcement Office shall be civilians.

(f) Complement.--A member of the Pennsylvania State Police assigned to the duties of the Gaming Enforcement Office shall not be counted toward the complement as defined in the act of December 13, 2001 (P.L.903, No.100), entitled "An act repealing in part a limitation on the complement of the Pennsylvania State Police."

Section 3. Transfer provisions.

(a) General rule.--The following are transferred to the Gaming Enforcement Office:

(1) All of the powers, duties and authority previously vested in the Bureau of Investigations and Enforcement of the Pennsylvania Gaming Control Board under 4 Pa.C.S. Pt. II (relating to gaming).

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

(b) Apportionment.--The personnel, appropriations, equipment and other items and material transferred under this section shall include an appropriate portion of the general administrative, overhead and supporting personnel, appropriations, equipment and other material of the Pennsylvania Gaming Control Board.

Section 4. Law enforcement reimbursement.

(a) Expenses.--Expenses of and related to the Gaming Enforcement Office shall be considered reimbursable expenses under 4 Pa.C.S. Pt. II (relating to gaming).

(b) Budget procedure.--The Gaming Enforcement Office shall prepare and annually submit an itemized budget in accordance with 4 Pa.C.S. § 1402.1 (relating to itemized budget reporting).

Section 5. Existing office.

Any gaming enforcement office or unit existing within the Pennsylvania State Police on the effective date of this section shall be absorbed by the Gaming Enforcement Office established under section 2(c)(1).

Section 6. Repeals.

(a) Intent.--The General Assembly declares that the repeals under subsection (b) are necessary to effectuate this act.

(b) Provisions.--The following acts and parts of acts are repealed as follows:

(1) 4 Pa.C.S. § 1202(b)(25) is repealed.

(2) 4 Pa.C.S. §§ 1202(b)(10) and (28), 1402(a)(4) and 1805 are repealed insofar as the sections relate to the procedure for reimbursing costs and expenses incurred by the Pennsylvania State Police.

(3) 4 Pa.C.S. Pt. II is repealed insofar as it relates to the powers and duties of the Bureau of Investigations and Enforcement of the Pennsylvania Gaming Control Board.

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

Section 20. Effective date.

This act shall take effect in 60 days.