

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 733 Session of 2019

INTRODUCED BY BROWNE, BOSCOLA AND SCAVELLO, JUNE 7, 2019

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, OCTOBER 28, 2019

AN ACT

1 ~~Providing for the Pennsylvania Gaming Economic Development and~~ <--  
2 ~~Tourism Fund Capital Budget for 2019; itemizing projects to~~  
3 ~~be assisted by the Department of Community and Economic~~  
4 ~~Development, together with their estimated financial costs;~~  
5 ~~authorizing recurring payments for certain projects; making~~  
6 ~~appropriations; providing for reports relating to projects~~  
7 ~~authorized from the Pennsylvania Gaming Economic Development~~  
8 ~~and Tourism Fund through capital budget itemization acts for~~  
9 ~~years prior to 2019; and making a conforming amendment to~~  
10 ~~Title 4 (Amusements) of the Pennsylvania Consolidated~~  
11 ~~Statutes, in gaming revenues, further providing for the~~  
12 ~~Pennsylvania Gaming Economic Development and Tourism Fund.~~  
13 PROVIDING FOR THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND <--  
14 TOURISM FUND CAPITAL BUDGET FOR 2019; ITEMIZING PROJECTS TO  
15 BE ASSISTED BY THE DEPARTMENT OF COMMUNITY AND ECONOMIC  
16 DEVELOPMENT, TOGETHER WITH THEIR ESTIMATED FINANCIAL COSTS;  
17 AUTHORIZING RECURRING PAYMENTS FOR CERTAIN PROJECTS; AND  
18 MAKING APPROPRIATIONS.

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

21 CHAPTER 1 <--

22 PRELIMINARY PROVISIONS

23 Section 101. Short title.

24 This act shall be known and may be cited as the Pennsylvania  
25 Gaming Economic Development and Tourism Fund Capital Budget  
26 Itemization Act of 2019.

1 ~~Section 102. Declaration of policy.~~

2 ~~The General Assembly finds and declares as follows:~~

3 ~~(1) The Pennsylvania Gaming Economic Development and~~  
4 ~~Tourism Fund is essential to the financial viability of the~~  
5 ~~Commonwealth and its political subdivisions.~~

6 ~~(2) Chapter 3 authorizes project grants from the fund.~~

7 ~~(3) It is necessary to make a conforming amendment to~~  
8 ~~Title 4 (Amusements) of the Pennsylvania Consolidated~~  
9 ~~Statutes to properly administer project grants from the fund.~~

10 ~~CHAPTER 3~~

11 ~~AUTHORIZED PROJECT GRANTS~~

12 ~~Section 301. Authorizations from Pennsylvania Gaming Economic~~  
13 ~~Development and Tourism Fund.~~

14 ~~Grants for projects, including capital, debt and operational~~  
15 ~~expenses itemized in section 302 from the current revenues of~~  
16 ~~the Pennsylvania Gaming Economic Development and Tourism Fund by~~  
17 ~~the Department of Community and Economic Development, or its~~  
18 ~~successors or assigns, are hereby authorized pursuant to 4-~~  
19 ~~Pa.C.S. § 1407 (relating to Pennsylvania Gaming Economic~~  
20 ~~Development and Tourism Fund) as specified in this chapter. The~~  
21 ~~total amount authorized to be financed under this chapter from~~  
22 ~~the revenues of the Pennsylvania Gaming Economic Development and~~  
23 ~~Tourism Fund shall be \$20,000,000.~~

24 ~~Section 302. Itemization of Pennsylvania Gaming Economic~~  
25 ~~Development and Tourism Fund projects.~~

26 ~~The projects to be financed from the current revenues of the~~  
27 ~~Pennsylvania Gaming Economic Development and Tourism Fund are~~  
28 ~~hereby itemized, together with their respective project~~  
29 ~~allocations, as follows:~~

30 ~~Project~~



1 ~~any reason that there are not sufficient funds to make the~~  
2 ~~mandatory payment, the amount of the mandatory payment shall be~~  
3 ~~proportionately reduced in an amount equal to the shortfall in~~  
4 ~~the Pennsylvania Gaming Economic Development and Tourism Fund.~~

5 ~~(c) Total expenditures. Total expenditures under this~~  
6 ~~chapter for the projects referred to in section 303 shall not~~  
7 ~~exceed the total amount authorized for each project in section~~  
8 ~~302.~~

9 ~~Section 305. Limitation on use of allocation.~~

10 ~~No more than one tenth of 1% of the amount of a grant~~  
11 ~~allocated under section 302 may be used for administrative costs~~  
12 ~~incurred by the regional economic development corporation~~  
13 ~~described in section 302 for which the allocation was~~  
14 ~~authorized.~~

15 ~~Section 306. Appropriations.~~

16 ~~The sums necessary for the annual amounts itemized in~~  
17 ~~sections 302 and 303 are hereby appropriated from the~~  
18 ~~Pennsylvania Gaming Economic Development and Tourism Fund to the~~  
19 ~~Department of Community and Economic Development, upon approval~~  
20 ~~of the Governor, for the projects itemized in this chapter.~~

21 ~~Section 307. Reports and notification.~~

22 ~~The Secretary of the Budget shall, within 10 days of the~~  
23 ~~expiration of each quarter of each fiscal year, electronically~~  
24 ~~provide to all members of the General Assembly a report relating~~  
25 ~~to the authorized projects described in section 302, and~~  
26 ~~authorized projects from the Pennsylvania Gaming Economic~~  
27 ~~Development and Tourism Fund through capital budget itemization~~  
28 ~~acts for years prior to 2019, which includes all of the~~  
29 ~~following:~~

30 ~~(1) The authorized projects approved for release in the~~

1 ~~preceding quarter.~~

2 ~~(2) An estimate of the amount of funds remaining~~  
3 ~~available to be committed for additional projects under 4-~~  
4 ~~Pa.C.S. Pt. II (relating to gaming).~~

5 ~~(3) The amount of encumbered and unencumbered funds.~~

6 CHAPTER 5

7 CONFORMING AMENDMENT

8 Section 501. Gaming revenues.

9 Section 1407(d.1)(1) and (d.2) of Title 4 of the Pennsylvania  
10 Consolidated Statutes are amended to read:

11 § 1407. Pennsylvania Gaming Economic Development and Tourism  
12 Fund.

13 \* \* \*

14 ~~(d.1) Community and economic development.~~

15 ~~(1) Notwithstanding subsection (b) or any other~~  
16 ~~provision of law to the contrary, the money authorized but~~  
17 ~~not expended under former subsection (d) (7) as of the~~  
18 ~~effective date of this subsection shall be deposited into a~~  
19 ~~restricted receipts account to be established in the~~  
20 ~~Commonwealth Financing Authority exclusively for eligible~~  
21 ~~applications [submitted by the redevelopment authority of a~~  
22 ~~county of the second class created pursuant to the act of May~~  
23 ~~24, 1945 (P.L.991, No.385), known as the Urban Redevelopment~~  
24 ~~Law,] to the Commonwealth Financing Authority for economic~~  
25 ~~development, infrastructure development, job training,~~  
26 ~~community improvement, public safety or other projects in the~~  
27 ~~public interest located in a county of the second class.~~  
28 ~~Community development corporations, political subdivisions,~~  
29 ~~urban redevelopment authorities, municipal authorities, for-~~  
30 ~~profit entities and nonprofit entities located in a county of~~

1 ~~the second class shall be eligible to receive funds made~~  
2 ~~available under this paragraph.~~

3 ~~\* \* \*~~

4 ~~(d.2) Project extension. Notwithstanding any provision of~~  
5 ~~this title or the act of July 25, 2007 (P.L.342, No.53), known~~  
6 ~~as the Pennsylvania Gaming Economic Development and Tourism Fund~~  
7 ~~Capital Budget Itemization Act of 2007, the projects under~~  
8 ~~subsections (d) (4) and (5) and (d.1) shall be authorized beyond~~  
9 ~~the expiration date of each of the projects set forth in the~~  
10 ~~Pennsylvania Gaming Economic Development and Tourism Fund~~  
11 ~~Capital Budget Itemization Act of 2007. The following shall~~  
12 ~~apply:~~

13 ~~(1) Annual allocations for projects under subsection (d)~~  
14 ~~(4) and (5), and under the former subsection (d) (7) [as of~~  
15 ~~the effective date of subsection (d.1)] after December 31,~~  
16 ~~2017, shall continue in accordance with the amounts set forth~~  
17 ~~in section 4 of the Pennsylvania Gaming Economic Development~~  
18 ~~and Tourism Fund Capital Budget Itemization Act of 2007[.],~~  
19 ~~which authorized:~~

20 ~~(i) annual allocations of not less than \$3,700,000~~  
21 ~~for projects under former subsection (d) (7);~~

22 ~~(ii) \$7,400,000 for projects in fiscal year 2018~~  
23 ~~2019 under subsection (d) (5); and~~

24 ~~(iii) annual allocations of not less than \$6,600,000~~  
25 ~~for projects in fiscal years beginning after June 30,~~  
26 ~~2019, under subsection (d) (5).~~

27 ~~(2) Annual allocations under subsection (d) (5) after~~  
28 ~~December 31, 2017, shall be deposited into the restricted~~  
29 ~~receipts account established under subsection (d.1) and used~~  
30 ~~for projects as set forth in subsection (d.1) (1).~~



1 DEVELOPMENT AND TOURISM FUND) AS SPECIFIED IN THIS ACT. THE  
2 TOTAL AMOUNT AUTHORIZED TO BE FINANCED UNDER THIS ACT FROM THE  
3 REVENUES OF THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND  
4 TOURISM FUND SHALL BE \$20,000,000.

5 SECTION 3. ITEMIZATION OF PENNSYLVANIA GAMING ECONOMIC  
6 DEVELOPMENT AND TOURISM FUND PROJECTS.

7 THE PROJECTS TO BE FINANCED FROM THE CURRENT REVENUES OF THE  
8 PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND ARE  
9 HEREBY ITEMIZED, TOGETHER WITH THEIR RESPECTIVE PROJECT  
10 ALLOCATIONS, AS FOLLOWS:

11		PROJECT
12	PROJECT	ALLOCATION

13	(1) TO A REGIONAL ECONOMIC DEVELOPMENT	
14	CORPORATION LOCATED IN TWO CONTIGUOUS COUNTIES OF	
15	THE THIRD CLASS WHERE A CITY OF THE THIRD CLASS	
16	IS LOCATED IN BOTH COUNTIES OF THE THIRD CLASS	
17	FOR DEBT SERVICE ON THE CONSTRUCTION OF THE DA	
18	VINCI SCIENCE CENTER IN A CITY OF THE THIRD CLASS	
19	WITH A POPULATION OF BETWEEN 115,000 AND 120,000	
20	BASED UPON THE 2010 FEDERAL DECENNIAL CENSUS	
21	LOCATED AT:	

22	ALL THAT CERTAIN LOT OR PARCEL OF GROUND BEING	
23	SITUATED ON THE WEST SIDE OF NORTH 8TH STREET,	
24	BEING IN THE 4TH WARD OF THE CITY OF ALLENTOWN,	
25	LEHIGH COUNTY, PENNSYLVANIA AND BEING BOUNDED AND	
26	DESCRIBED AS FOLLOWS:	

27	BEGINNING AT A POINT ON THE WEST SIDE OF NORTH	
28	8TH STREET, SAID POINT BEING LOCATED AT THE	
29	NORTHEAST CORNER OF 12-16 NORTH 8TH STREET OWNED	
30	NOW OR FORMERLY BY YUYI INCOME TAX SERVICES,	



1 THENCE FROM THE PLACE OF BEGINNING ALONG THE  
2 LANDS OF YUYI INCOME TAX SERVICES THE FOLLOWING  
3 COURSES AND DISTANCES: IN A WESTERLY DIRECTION  
4 FOR A DISTANCE OF 48.92' MORE OR LESS TO A POINT;  
5 THENCE IN A SOUTHERLY DIRECTION FOR A DISTANCE OF  
6 46.43' MORE OR LESS TO A POINT ON THE NORTH LINE  
7 OF HOWE STREET; THENCE ALONG HOWE STREET THE  
8 FOLLOWING COURSES AND DISTANCES:  
9 IN A WESTERLY DIRECTION FOR A DISTANCE OF 100.41'  
10 MORE OR LESS TO A POINT; THENCE IN A SOUTHERLY  
11 DIRECTION FOR A DISTANCE OF 5.00' MORE OR LESS TO  
12 A POINT ON THE NORTH LINE OF THE LANDS OF  
13 ALLENTOWN COMMERCIAL INDUSTRIAL DEVELOPMENT  
14 AUTHORITY; THENCE ALONG THE NORTH LINE OF THE  
15 LANDS OF ALLENTOWN COMMERCIAL INDUSTRIAL  
16 DEVELOPMENT AUTHORITY IN A WESTERLY DIRECTION FOR  
17 A DISTANCE OF 90.80' MORE OR LESS TO A POINT ON  
18 THE LANDS OF THE PLAZA AT 835 W. HAMILTON STREET  
19 L.P. (BEING THE CENTER LINE OF THAT NOW VACATED  
20 PORTION OF LUMBER STREET BY CITY ORDINANCE NO.  
21 13814); THENCE ALONG THE EAST LINE OF THE LANDS  
22 OF THE PLAZA AT 835 W. HAMILTON STREET L.P. IN A  
23 NORTHERLY DIRECTION FOR A DISTANCE OF 115.62'  
24 MORE OR LESS TO A POINT ON THE SOUTH LINE OF  
25 COURT STREET; THENCE ALONG THE LINE OF COURT  
26 STREET THE FOLLOWING COURSES AND DISTANCES:  
27 IN A EASTERLY DIRECTION FOR A DISTANCE OF 10.00'  
28 MORE OR LESS TO A POINT; THENCE IN A NORTHERLY  
29 DIRECTION FOR A DISTANCE OF 69.13' MORE OR LESS  
30 TO A POINT AT THE SOUTHWEST CORNER OF 31-33 NORTH

1 LUMBER STREET BEING OTHER LANDS OF THE ALLENTOWN  
2 PARKING AUTHORITY; THENCE ALONG OTHER LANDS OF  
3 THE ALLENTOWN PARKING AUTHORITY IN A EASTERLY  
4 DIRECTION FOR A DISTANCE OF 230.10' MORE OR LESS  
5 TO A POINT ON THE WEST LINE OF NORTH 8TH STREET;  
6 THENCE ALONG THE WEST LINE OF NORTH 8TH STREET IN  
7 A SOUTHERLY DIRECTION FOR A DISTANCE OF 134.16'  
8 MORE OR LESS TO THE PLACE OF BEGINNING.

9 CONTAINING 40,756 SQUARE FEET MORE OR LESS. 20,000,000

10 (BASE PROJECT ALLOCATION - \$20,000,000)

11 (2) (Reserved).

12 SECTION 4. DURATION OF PAYMENTS.

13 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW:

14 (1) THE AMOUNT ALLOCATED TO THE PROJECT DESCRIBED IN  
15 SECTION 3(1) SHALL BE PAID IN ANNUAL AMOUNTS OF NOT LESS THAN  
16 \$2,000,000 FOR 10 YEARS, SUBJECT TO SECTION 5.

17 (2) (RESERVED).

18 SECTION 5. LIMITATION ON EXPENDITURES.

19 (A) GENERAL RULE.--BEGINNING IN FISCAL YEAR 2019-2020, OR  
20 THE FIRST FISCAL YEAR IN WHICH THE INDEBTEDNESS DESCRIBED UNDER  
21 SECTION 3 IS INCURRED, WHICHEVER OCCURS LATER, IT SHALL BE  
22 MANDATORY, NOT DIRECTORY, THAT PAYMENTS PURSUANT TO SECTION 4(1)  
23 SHALL BE MADE EACH YEAR FROM THE PENNSYLVANIA GAMING ECONOMIC  
24 DEVELOPMENT AND TOURISM FUND BY THE DEPARTMENT OF COMMUNITY AND  
25 ECONOMIC DEVELOPMENT.

26 (B) PROPORTIONATE REDUCTION.--IN ANY YEAR THAT THE  
27 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT DETERMINES FOR  
28 ANY REASON THAT THERE ARE NOT SUFFICIENT FUNDS TO MAKE THE  
29 MANDATORY PAYMENT, THE AMOUNT OF THE MANDATORY PAYMENT SHALL BE  
30 PROPORTIONATELY REDUCED IN AN AMOUNT EQUAL TO THE SHORTFALL IN

1 THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND.

2 (C) TOTAL EXPENDITURES.--TOTAL EXPENDITURES UNDER THIS ACT  
3 FOR THE PROJECTS REFERRED TO IN SECTION 4 SHALL NOT EXCEED THE  
4 TOTAL AMOUNT AUTHORIZED FOR EACH PROJECT IN SECTION 3.

5 SECTION 6. LIMITATION ON USE OF ALLOCATION.

6 NO MORE THAN ONE-TENTH OF 1% OF THE AMOUNT OF A GRANT  
7 ALLOCATED UNDER SECTION 3 MAY BE USED FOR ADMINISTRATIVE COSTS  
8 INCURRED BY THE REGIONAL ECONOMIC DEVELOPMENT CORPORATION  
9 DESCRIBED IN SECTION 3 FOR WHICH THE ALLOCATION WAS AUTHORIZED.  
10 SECTION 7. APPROPRIATIONS.

11 THE SUMS NECESSARY FOR THE ANNUAL AMOUNTS ITEMIZED IN  
12 SECTIONS 3 AND 4 ARE HEREBY APPROPRIATED FROM THE PENNSYLVANIA  
13 GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND TO THE DEPARTMENT  
14 OF COMMUNITY AND ECONOMIC DEVELOPMENT, UPON APPROVAL OF THE  
15 GOVERNOR, FOR THE PROJECTS ITEMIZED IN THIS ACT.

16 SECTION 8. REPORT.

17 THE SECRETARY OF THE BUDGET SHALL, WITHIN 10 DAYS OF THE  
18 EXPIRATION OF EACH QUARTER OF EACH FISCAL YEAR, ELECTRONICALLY  
19 PROVIDE TO THE CHAIR AND MINORITY CHAIR OF THE APPROPRIATIONS  
20 COMMITTEE OF THE SENATE AND THE CHAIR AND MINORITY CHAIR OF THE  
21 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES A  
22 REPORT RELATING TO THE AUTHORIZED PROJECTS DESCRIBED IN SECTION  
23 3 WHICH INCLUDES AT LEAST ALL OF THE FOLLOWING:

24 (1) THE AUTHORIZED PROJECT APPROVED FOR RELEASE IN THE  
25 PRECEDING QUARTER.

26 (2) AN ESTIMATE OF THE AMOUNT OF FUNDS REMAINING  
27 AVAILABLE TO BE COMMITTED FOR ADDITIONAL PROJECTS UNDER 4  
28 PA.C.S. PT. II (RELATING TO GAMING).

29 SECTION 9. EFFECTIVE DATE.

30 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.