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SESSION OF 2017

201ST OF THE GENERAL ASSEMBLY

No. 66

HOUSE OF REPRESENTATIVES

The House convened at 8 a.m., e.d.t.

THE SPEAKER (MIKE TURZAI) PRESIDING

PRAYER

HON. STEPHEN BLOOM, member of the House of Representatives, offered the following prayer:

Let us pray:

Lord, we all know the wisdom that the best way to make You laugh is to tell You our plans. Lord, in no place in life is the truth, the reality of that wisdom more clear than in this building and in the halls and chambers of this Capitol, where each of us clothed with the outward appearance of power, full of strategies and tactics and ideas of how we can get the things done that we want to get done, we assemble here all within our human powers and abilities and try to make things happen, but yet time after time, Lord, You thwart our plans and yet You see that Your will is done.

So, Lord God, as we stand here humbly before You this morning, again trying to do our best in our human power and wisdom but knowing that by putting our faith in You is the actual power and knowing that only You actually orchestrate the events and scenarios that arise.

So, Lord God, we come before You faithfully, humbly asking for Your blessing, Your guidance, Your discernment as we make decisions today. And I ask especially Your blessing on each of my colleagues gathered here, their families as we have worked so many long hours, and all the staff and their families as well, Lord God. And it is just our joy to be in Your presence and within the realm of Your grace this morning.

I pray this in the name of my Lord and savior, Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

The SPEAKER. Thank you, Representative Bloom.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, October 25, 2017, will be postponed until printed.

Members, we are awaiting leaves of absence, if the members could come to the House floor.

Members, when we resume debate, the first order of business on the gaming expansion bill, we left off with Representative Eddie Day Pashinski. So Representative Pashinski will be the first person to speak. Representative Ortity will be handling the interrogation for that.

We do have one uncontested House calendar resolution, and I think we have a few resolutions on the regular House calendar, I believe.

LEAVES OF ABSENCE

The SPEAKER. The majority whip has indicated that these members will not be here for the day, and I will just go through them: Representative Mike REESE of Westmoreland County for the day, Representative John MCGINNIS of Blair County for the day, Representative Greg ROTHMAN of Cumberland County for the day, Representative Duane MILNE of Chester County for the day, Representative Gary DAY of Lehigh County for the day, Representative Michael CORR of Montgomery County for the day, Representative Frank RYAN of Lebanon County for the day, Representative Kate HARPER of Montgomery County for the day, and Representative Eric ROE of Chester County for the day. Without objection, those will be granted.

The minority whip requests leaves of absence for the following: Representative Flo FABRIZIO of Erie County for the day, Representative Kevin HAGGERTY of Lackawanna County for the day, Representative Leanne KRUEGER-BRANEKY of Delaware County for the day, Representative Rob MATZIE of Beaver County for the day, and Representative Mike O'BRIEN of Philadelphia County for the day. Without objection, those will be granted.

MASTER ROLL CALL

The SPEAKER. We are going to do the master roll. Would members please vote.

(Members proceeded to vote.)

The SPEAKER. For what purpose does the gentleman rise?

Mr. METCALFE. Mr. Speaker, by the number of people absent from their seats, it looks like they thought you were joking about 8 this morning, but I would ask that we hold the roll call up because there are a lot of green, or a lot of empty seats that are showing green.

The SPEAKER. We are going to continue with the master roll. All those in favor, please—

Mr. METCALFE. Mr. Speaker, I would ask that we strike those that are not in their seats from being green on the board then.

The SPEAKER. Sir, I am going to ask you to please take your seat.

We are going to finish the master roll, we are going to get through the uncontested House resolutions, and we are going to begin debate.

LEAVES OF ABSENCE

The SPEAKER. Representative Joe EMRICK has requested to be placed on leave. Without objection, that will be granted.

Representative Jack RADER has requested to be placed on leave.

VOTE STRICKEN

The SPEAKER. We are going to strike the master roll.

The House will stand at ease.

The Chair is going to ask all members to please take your seats. The Chair is going to ask all members to please take their seats. The whips will not be able to do an accurate assessment. All members, please take your seats. Again, I am asking all members to please take your seats. All members, please come to the floor. I would ask all members to please take their seats, and I would ask the whips to just take a count as to who is in their seat. I do know that there are members right off the House floor as well, and I do believe there is a delegation meeting from the minority caucus that is meeting right now, I have been informed.

All members, please report to the floor.

LEAVE OF ABSENCE

The SPEAKER. Representative EVANKOVICH has requested to be placed on leave. Without objection, that will be granted.

STATEMENT BY SPEAKER

The SPEAKER. Members, just while I am here, if I could have your attention, please. If I could have your attention.

Yesterday – and I am not here to name names – but yesterday a member whistled for attention, and one of my colleagues who has been a member for some period of time, a good friend from the Philadelphia delegation, had indicated that a prior Speaker had admonished a member for whistling for attention, which I actually thought was a fair point. Do not take it personally. It is not disrespectful to me as a person; it is disrespectful to the institution and to the position itself.

We have to work within some level of decorum, and we do our best to make sure that everybody who wishes to speak that we understand— We are constantly looking to see who wishes to speak and we never miss. We really try to make sure that we get everybody who wishes to speak, and if they do not, we ask them to come up to the rostrum and we make sure to get them that opportunity.

So for the record, just that type of approach is just not typically the best and disrespectful to the body.

Representative Eric Roe is here and should be placed back on the master roll before we take the vote. Representative Joe Emrick is here.

LEAVE OF ABSENCE

The SPEAKER. Representative Carl METZGAR is on leave. So Representative Joe Emrick is on the floor.

Representative Carl Metzgar has requested leave. Without objection, obviously, those will be noted.

I still believe that there is a delegation meeting for the minority caucus, if I am not mistaken. My understanding is that delegation meeting is over.

I would ask all members to please take your seats so that we can get a full accounting of everybody who is on the floor. I see some people in the anterooms, but I would ask everybody, if you could, come to the floor. If either of the whips have anybody else they wish to identify as not being present today, this is the opportunity.

Members, please come in and take your seats. Please come in and take your seats.

MASTER ROLL CALL CONTINUED

The SPEAKER. We are going to proceed to a vote on the master roll. Members, please proceed to vote.

(Members proceeded to vote.)

LEAVES OF ABSENCE

The SPEAKER. Representative VITALI, Representative THOMAS, Representative BURNS all wish to be placed on leave. Without objection, those will be granted.

Representative McCarter is here.

Representative Mark KELLER has requested to be placed on leave. Without objection, that will be granted. Representative Mark MUSTIO has requested to be placed on leave. Without objection, that will be granted.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—177

Baker	Dunbar	Klunk	Ravenstahl
Barbin	Dush	Knowles	Readshaw
Barrar	Ellis	Kortz	Reed
Benninghoff	Emrick	Kulik	Roae
Bernstine	English	Lawrence	Roe

Bizzarro	Evans	Lewis	Roebuck
Bloom	Everett	Longietti	Rozzi
Boback	Farry	Mackenzie	Saccone
Boyle	Fee	Madden	Sainato
Bradford	Fitzgerald	Maher	Samuelson
Briggs	Flynn	Mako	Sankey
Brown, R.	Frankel	Maloney	Santora
Brown, V.	Freeman	Markosek	Saylor
Bullock	Fritz	Marshall	Schemel
Caltagirone	Gainey	Marsico	Schlossberg
Carroll	Galloway	Masser	Schweyer
Causer	Gergely	McCarter	Simmons
Cephas	Gillen	McClinton	Sims
Charlton	Gillespie	Mehaffie	Snyder
Christiana	Goodman	Mentzer	Solomon
Comitta	Greiner	Metcalfe	Sonney
Conklin	Grove	Miccarelli	Staats
Cook	Hahn	Millard	Stephens
Corbin	Hanna	Miller, B.	Sturla
Costa, D.	Harkins	Miller, D.	Tallman
Costa, P.	Harris, A.	Moul	Taylor
Cox	Harris, J.	Mullery	Tobash
Cruz	Heffley	Murt	Toepel
Culver	Helm	Neilson	Toohil
Cutler	Hennessey	Nelson	Topper
Daley	Hickernell	Nesbit	Vazquez
Davidson	Hill	Neuman	Ward
Davis	Irvin	O'Neill	Warner
Dawkins	James	Oberlander	Warren
Dean	Jozwiak	Ortitay	Watson
Deasy	Kampf	Pashinski	Wentling
DeLissio	Kaufner	Peifer	Wheatley
Delozier	Kauffman	Petrarca	Whealand
DeLuca	Kavulich	Petri	White
Dermody	Keefer	Pickett	Youngblood
Diamond	Keller, F.	Quigley	Zimmerman
DiGirolamo	Keller, W.	Quinn, C.	
Donatucci	Kim	Quinn, M.	Turzai,
Dowling	Kinsey	Rabb	Speaker
Driscoll	Kirkland	Rapp	

ADDITIONS—0

NOT VOTING—0

EXCUSED—25

Burns	Haggerty	Metzgar	Reese
Corr	Harper	Milne	Rothman
Day	Keller, M.K.	Mustio	Ryan
Evankovich	Krueger	O'Brien	Thomas
Fabrizio	Matzie	Pyle	Vitali
Gabler	McGinnis	Rader	Walsh
Godshall			

LEAVES ADDED—4

Cruz	Maher	Nesbit	Wheatley
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LEAVES CANCELED—10

Burns	Evankovich	Nesbit	Vitali
Corr	Keller, M.K.	Rader	Wheatley
Day	Krueger		

The SPEAKER. There are 177 members who have voted on the master roll. There is a quorum.

UNCONTESTED SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. CRUZ called up **HR 580, PN 2653**, entitled:

A Resolution recognizing the week following the second Monday in October as "Indigenous Peoples Week" and the month of October 2017 as "Indigenous Peoples Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. Is Representative Wheatley to be placed on leave? Representative WHEATLEY should be placed on leave. Without objection, that will be granted.

CONSIDERATION OF
RESOLUTION PURSUANT TO RULE 35
CONTINUED

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded

YEAS—176

Baker	Dunbar	Klunk	Rapp
Barbin	Dush	Knowles	Ravenstahl
Barrar	Ellis	Kortz	Readshaw
Benninghoff	Emrick	Kulik	Reed
Bernstine	English	Lawrence	Roae
Bizzarro	Evans	Lewis	Roe
Bloom	Everett	Longietti	Roebuck
Boback	Farry	Mackenzie	Rozzi
Boyle	Fee	Madden	Saccone
Bradford	Fitzgerald	Maher	Sainato
Briggs	Flynn	Mako	Samuelson
Brown, R.	Frankel	Maloney	Sankey
Brown, V.	Freeman	Markosek	Santora
Bullock	Fritz	Marshall	Saylor
Caltagirone	Gainey	Marsico	Schemel
Carroll	Galloway	Masser	Schlossberg
Causer	Gergely	McCarter	Schweyer
Cephas	Gillen	McClinton	Simmons
Charlton	Gillespie	Mehaffie	Sims
Christiana	Goodman	Mentzer	Snyder
Comitta	Greiner	Metcalfe	Solomon
Conklin	Grove	Miccarelli	Sonney
Cook	Hahn	Millard	Staats
Corbin	Hanna	Miller, B.	Stephens
Costa, D.	Harkins	Miller, D.	Sturla
Costa, P.	Harris, A.	Moul	Tallman
Cox	Harris, J.	Mullery	Taylor
Cruz	Heffley	Murt	Tobash
Culver	Helm	Neilson	Toepel
Cutler	Hennessey	Nelson	Toohil
Daley	Hickernell	Nesbit	Topper

Davidson	Hill	Neuman	Vazquez
Davis	Irvin	O'Neill	Ward
Dawkins	James	Oberlander	Warner
Dean	Jozwiak	Ortitay	Warren
Deasy	Kampf	Pashinski	Watson
DeLissio	Kaufer	Peifer	Wentling
Delozier	Kauffman	Petrarca	Wheeland
DeLuca	Kavulich	Petri	White
Dermody	Keefer	Pickett	Youngblood
Diamond	Keller, F.	Quigley	Zimmerman
DiGirolo	Keller, W.	Quinn, C.	
Donatucci	Kim	Quinn, M.	Turzai,
Dowling	Kinsey	Rabb	Speaker
Driscoll	Kirkland		

NAYS—0

NOT VOTING—0

EXCUSED—26

Burns	Haggerty	Milne	Rothman
Corr	Harper	Mustio	Ryan
Day	Keller, M.K.	O'Brien	Thomas
Evankovich	Krueger	Pyle	Vitali
Fabrizio	Matzie	Rader	Walsh
Gabler	McGinnis	Reese	Wheatley
Godshall	Metzgar		

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

The SPEAKER. Members, please turn to your House calendar for today.

I am sorry. There are no resolutions. I earlier had understood that there were resolutions on the House calendar. We are not running any of those today.

CALENDAR

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS FURTHER AMENDED BY THE SENATE TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments as further amended by the Senate to House amendments to **HB 271, PN 2652**, entitled:

An act amending Titles 3 (Agriculture) and 4 (Amusements) of the Pennsylvania Consolidated Statutes, extensively revising gaming provisions as follows: in Title 3: for horse racing, in the area of race horse industry reform. In Title 4: for amusements generally, in the areas of fantasy contests, of lottery and of iLottery; for gaming, in the areas of general provisions, of Pennsylvania Gaming Control Board, of licensees, of table games, of interactive gaming, of revenues, of administration and enforcement and of miscellaneous provisions; and providing for video gaming. Providing, as to the revisions: for related repeals. Repealing a provision related to keno in the State Lottery Law.

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments?

The SPEAKER. Representative Pashinski, you will be our first as I call up the bill.

And, members, I know I am restating it, but it is also for the public, the bill is sponsored by Representative Ortitay. It is HB 271, PN 2652, page 9 of today's House calendar.

The original bill was a House bill. There were Senate amendments, then the House made additional amendments, then the Senate made additional amendments. This was summarized yesterday on the House floor by Representative Ortitay. So this is a continuation of yesterday's debate. This concurrence vote is still in front of us.

The question we are asking is, will the House concur in the various amendments inserted by the House and Senate in the present version as noted in PN 2652?

Representative Pashinski was conducting interrogation. Representative Ortitay has indicated he will continue to stand for interrogation.

Representative Pashinski, you may proceed.

Mr. PASHINSKI. Thank you very much, Mr. Speaker.

Through the encouragement of some of the members here on both sides of the aisle, they have encouraged me to begin this process with a quick song. Good morning, good morning. How are you today? We are voting on gaming, hooray, hooray, hooray. That is enough. Thank you very much. Thank you. I tried to make this a little light. Now it is up to the—

The SPEAKER. All those in favor will— No.

You may proceed, sir. Go ahead.

Mr. PASHINSKI. Thank you very much, Mr. Speaker.

So, Mr. Speaker, we were trying to ascertain yesterday the kind of dollars that this massive 969-page bill would actually create. We have been receiving some information this morning and I have spoken to a couple of the folks. Could you please verify what those numbers would be for this year and for reoccurring revenue the following years?

Mr. ORTITAY. Mr. Speaker, the fiscal impact is expected to be around \$238.5 million. That includes application fees and license fees, which will go directly into the General Fund. The amount of tax revenues to be generated for next budget year will depend on the length of time for the licensees to commence operations.

In addition to that, the department estimates that the iLottery will generate about \$25 million annually for the Lottery Fund. It is also anticipated that \$10 million will be generated for the Lottery Fund in 2017-18.

Mr. PASHINSKI. All right. Thank you very much.

But do you have an estimate of what it would actually accumulate in year 18 or year 19? So once the fees have been absorbed this year, what kind of revenue would we generate in the years following?

Mr. ORTITAY. Mr. Speaker, I really cannot speculate on that, because there are a lot of different variables that go into this as far as where the licenses go, who bids on them, geographically. It is really hard to put a number on those just because there are so many different variables.

Mr. PASHINSKI. Okay. You know, part of the purpose of this was to make sure we had reoccurring revenue so that we would not have to struggle trying to find the dollars in the oncoming years. I have heard estimates anywhere between \$80 million and \$90 million in reoccurring revenue once all of the aspects of the bill are in operation.

Mr. ORTITAY. Mr. Speaker, just give me one second here.

Mr. PASHINSKI. Sure.

LEAVES OF ABSENCE

The SPEAKER. Representative Tedd NESBIT has requested to be placed on leave. Without objection, that will be granted.

Representative John MAHER has requested to be placed on leave. Without objection, that will be granted.

CONSIDERATION OF HB 271 CONTINUED

The SPEAKER. Go ahead. Representative Ortitay, you may proceed.

Mr. ORTITAY. Mr. Speaker, as I said earlier, I do not really want to speculate, but after talking with the Appropriations staff, I believe we are looking at recurring revenue of \$80 million to \$100 million.

Mr. PASHINSKI. Okay. Then those estimates were correct.

How about the impact on our lottery system? It has been indicated that for every dollar, every one of these new dollars that are wagered, the strong potential of detracting a dollar from the lottery operation becomes more of a reality.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Frank Burns is on the House floor and should be placed back on the master roll. Representative Burns is on the master roll.

CONSIDERATION OF HB 271 CONTINUED

Mr. ORTITAY. Mr. Speaker, I will say a few things to that. I believe that the demographic who would use this is different than what is currently in place. This type of demographic would be using a different machine. They would not be using the lottery. You know, people who tend to— There are some people that use all forms of gambling that are available to them now, but there are some that only use certain terms now. I believe several years ago there was an argument that when slot machines came in, that it would hurt the lottery, and I do not believe that has happened. So I will just leave it at that.

Mr. PASHINSKI. All right. Thank you.

I just have one more question.

There are quite a number of businesses throughout Pennsylvania that at the present time do profit by people playing games – amusement halls, coin-operated machines, electronic, mechanical – that provide no compensation for the operation of that machine but may provide, you know, a stuffed animal or something of that nature. Has there been any study done on the impact of those businesses?

Mr. ORTITAY. No. There have not been any studies done.

Mr. PASHINSKI. Okay. Thank you very much.

On the bill, Mr. Speaker? Thank you very much.

The SPEAKER. Yes, sir, Representative. You may proceed.

Mr. PASHINSKI. Well, certainly a great deal of work has gone into this bill. It is massive, and we do appreciate the opportunity that you have given us to come back together today, gave us some hours, some time to at least review it, and we are still struggling with many of the numbers. For a bill that is 900-and-some pages, it is amazing that we are only going to have between \$80 million and \$90 million of reoccurring money in the ongoing years.

PARLIAMENTARY INQUIRY

Mr. PASHINSKI. Mr. Speaker, is it appropriate for me to ask a question regarding the other aspect of the negotiations regarding this budget?

The SPEAKER. Sir, interrogation is designed to elicit questions about the language and the consequence of the language in the bill itself. It is not really about the, quote, unquote, "negotiating process," and so in the first instance, I think it would be astray. But secondly, I am not sure that— You know, the bill did come over from the Senate in its most recent iteration. I doubt that Representative Ortitay could stand to even answer such questions, because I do not believe he would have been personally there to tell you what the negotiations were.

Mr. PASHINSKI. I appreciate that, Mr. Speaker. Possibly the Appropriations chairman?

The SPEAKER. I think he would provide the same answer to you. So I am going to just ask you to continue to speak on the bill itself.

Mr. PASHINSKI. All right. Thank you very much, Mr. Speaker.

So as I was saying, pointing out the fact that a tremendous amount of work has gone into this particular bill. It seems that \$80 million to maybe \$90 million or maybe \$100 million of reoccurring money, you know, seems almost inconsequential relative to reoccurring money that we are going to need in order to keep our schools and agencies and the services funded.

I was struggling trying to figure out whether or not we were going to continue to consider, and as it was understood by, I think, most of us in this hall, Marcellus Shale, which would definitely contribute more than \$250 million a year and in ongoing years four to six hundred million with a potential of a billion dollars, why that is still not considered. That is my concern.

I appreciate the efforts on all sides to try to bring this budget to a close, and I would ask everyone for their consideration in the deliberation not just for this year but for the future.

Thank you very much, Mr. Speaker. I appreciate it.

The SPEAKER. Yes, sir.

STATEMENT BY SPEAKER

The SPEAKER. Members, we have more important items than where I am going to head to next, but I am just going to take a moment. I know the hour is early and I will be glad to call on every and any member who wishes to speak on the bill in front of us.

As you know, our rules refer to Jefferson's Manual, and there is a section in Jefferson's. It is rule XVII, clause 5, and it speaks about "compartment." It is section 962 of Jefferson's and rule XVII, clause 5, of Jefferson's. There has been long-standing precedent and it is the practice that attire for – and I recognize that in the business world it sometimes changes, but attire has long been recognized as a jacket and tie for the House of Representatives. It actually cites an example from the United States Congress, where the Speaker had talked about the long history of the use of a jacket and tie for males, members of the United States House of Representatives.

I am not here to and it has not been my style to direct anybody off the floor. I just think it is a self-pleasing and self-enforcing approach, and it just shows respect to the institution and a respect to the constituents of the importance of the work that is being done here on the House floor. And I understand that some folks wish to maybe even flout that, and if we want to when we come back, I think maybe we will take up a vote on the rules with respect to that, maybe to officially decide whether or not we are going to be taking the approach where business attire – this is referencing Jefferson's – but I myself may just formally introduce a resolution to vote on next time, and if it passes and folks do not adhere to it, we will then resort to enforcement.

And we will proceed.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Evankovich is on the House floor and should be placed back on the master roll.

CONSIDERATION OF HB 271 CONTINUED

The SPEAKER. Does anybody else wish to speak on the concurrence vote here for HB 271, PN 2652?

Representative Conklin, the floor is yours, sir. Go ahead, Representative Conklin. You may proceed.

Mr. CONKLIN. Thank you, Mr. Speaker.

You know, Mr. Speaker, for many years I have been here and I supported the gaming industry, the casino expansion. I was one of 103, 105 when we expanded them, and I did it because I believed that people had the right and the will to do what they wanted with their money. You know, I believed that we as citizens have that right, but, Mr. Speaker, I was wrong, not that we have that right, but I was wrong to put the trust where it did not belong. You see, I believed that responsible government went hand in hand with responsible business practices, but I quickly found out this year how wrong I was. You know, Citizens for Responsible Government opened my eyes. You know, I believed that I was doing the right thing, but Citizens for Responsible Government showed me how wrong I was when they sent those three glorious little fliers to show me how wrong I was, how it is going to hurt the children, how it is going to hurt the senior citizens. Mr. Speaker, I cannot tell you how I almost cried when I opened up my mailbox and I saw these two actors, a male and a female, pretending to be old senior citizens crying how expanded gaming and VGTs (video gaming terminals) were going to hurt them. Mr. Speaker, you cannot believe when I saw these actors and actresses on TV, paid for by Citizens for Responsible Government. Mr. Speaker, this actress who played the teacher, she had tears running in my wife's and my family's eyes the way she talked about how this expansion could hurt our children. Then I read this bill and all I can picture now are the little children in their little yellow school buses riding to school, seeing the bright LED lights of 10 expanded casinos on their route.

Mr. Speaker, what are they going to do when Mommy and Daddy get in the car to go to the casino and they stop at one of the 150 truckstops that now will have gaming and they will be able to let the kids in the car while they are pumping the diesel and go in and spend their hard-earned dollars and the poor children are left behind in the car? What kind of morals and role

models are we showing them? And then from there they go to one of these satellite casinos and they spend what is left of their paycheck? What would Citizens for Responsible Government say about this? I am sure today they are furious with what we are doing.

But not only that, think about the winners and losers. Look at this, if you live in Pike, Wayne, Fayette, or Montgomery County, you cannot have these. You are not allowed to have these because we as the legislators decided that, because if you live in those counties, you might be competition to somebody else and you cannot be part of it.

What about those out-of-State folks who will be able to buy up these Internet licenses once they are gone? Are people from foreign countries going to buy these? I mean, I just heard a debate yesterday on E.T. being an illegal alien here in America. What happens if folks like that want to buy these licenses?

Mr. Speaker, I have seen the light. I apologize for what I have done, but you know what? I can undo the mistakes of the past. We can stand together and think about those actors and actresses that portrayed real people on TV ads and we can stand up for them. We can stand up for those beautiful glossy fliers that were sent telling us how wrong we were, that these VGTs at truckstops, truckstops for goodness' sakes, 150, and all you would have to do is have a convenience store and 3 acres of ground and sell a little bit of diesel. We could have two or three hundred of those before we know it.

Mr. Speaker, I looked and I did not see the brothels in Nevada in this, and to be honest with you, with everything else, I was surprised what went in this, but it is time for us to stand up for the children, stand up for those folks that do such a beautiful job in negative TVs ads, and say no to this expansion. Let us do it for Pennsylvanians. Let us stop this madness now.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

Representative Rozzi.

Mr. ROZZI. Thank you, Mr. Speaker.

I would like to interrogate the maker of the bill.

As we talked yesterday, Mr. Speaker—

The SPEAKER. Yes, sir. You may proceed with interrogation, and Representative Ortitay will so stand.

Mr. ROZZI. Thank you, Mr. Speaker.

As we talked yesterday, there was a question that was brought up about the clawback provision requiring repayment of diverted funds since 2009. Yesterday you said you were going to try to find a fiscal note on that and find out the exact number. Do you have that exact number? Because I had the Appropriations staff on our side look at it, but I want to make sure they are right. I am not sure if this is a correct number, but do you have a number that you expect would be the payback?

Mr. ORTITAY. Mr. Speaker, I currently do not have that number as I did not see it in the fiscal note, but I can try to get that for you.

Mr. ROZZI. Okay. According, Mr. Speaker, to our Appropriations staff, and again, I am not sure if this is correct, but this to me might sound right, this payback could be \$184.4 million. Now, you said in the first year this bill will produce \$238.5 million, but if we are doing a payback for the clawback provision of \$184.4 million, in reality this bill is only producing \$54.1 million in the first year. Is there a provision in the bill, Mr. Speaker, that is going to pay this provision back over 5 years or are we going to pay it back the first year?

The SPEAKER. Sir, before you proceed, just for the record, for the members and for the citizens watching, the fiscal note is on everybody's screen for HB 271, PN 2652. The fiscal note, the fiscal impact provided by the Appropriations Committee who works hand in hand with the budget revenue secretaries to gather information for the fiscal note, that fiscal note is up on everybody's screen and you can certainly request hard copies of it as well. Your respective staff members could secure that for you.

Members, also, the two gentlemen are entitled to be heard and I know that they are having a difficult time hearing each other. So if we could have everybody please take their seats. If everybody could please take their seats.

Representative Rozzi, I did interrupt your question but please restate it.

Mr. ROZZI. All right. Thank you, Mr. Speaker.

Mr. Speaker, in this bill there is a clawback provision requiring repayment of diverted funds since 2009. Now, I asked our staff to at least give me an idea – and I am not sure if this number is right – but it sounds like it could be \$184.4 million that we have to pay back from the General Fund to the Race Horse Development Fund, and, Mr. Speaker, I just want to know if that number is accurate.

Mr. ORTITAY. Mr. Speaker, I cannot speak to the number right offhand, but I can tell you that provision will only be triggered if we take money from that fund. So if we do not withdraw money from that fund, that clawback provision will not be triggered.

Mr. ROZZI. Okay. Thank you, Mr. Speaker.

Just a couple other questions, and I just want to clarify, Mr. Speaker. When I looked at the overlapping zones that they are set up, the 25-mile radius, to me in the map, when I look at the map and you look at the eastern side of this State, a lot of those casinos are overlapping, and if you look at the western side of the State, a lot of them overlap. Is Hollywood Casino our only casino in the midstate that will have a full 25-mile radius around it?

Mr. ORTITAY. Mr. Speaker, yes, that is correct.

Mr. ROZZI. Okay. I also saw in the bill that there was a special carveout for the casino in Mount Airy. Do you know why that was done, why they did a special carveout just for the one casino?

Mr. ORTITAY. I cannot speak to other people's motivations.

Mr. ROZZI. Okay. Thank you, Mr. Speaker.

On the bill?

The SPEAKER. Yes, sir. You may proceed.

Mr. ROZZI. Mr. Speaker, in the Reading Eagle this morning there is an article that the Wyomissing-based Penn National Gaming may sue over the proposed gaming expansion, and after reading the article, I asked myself, why is Hollywood Casino being singled out for discriminatory treatment and harmful disparate impact under this amendment as compared to the other existing casinos in the Commonwealth that will enjoy the mega-sized combined exclusion zones? In addition to its own 25-mile exclusion zone, and having the benefit of overlapping exclusion zones centered around nearby casinos, I understand that this amendment provides an additional protection for a Category 2 casino located in Monroe County by excluding Category 4 casinos from adjacent sixth-class counties, which are Wayne and Pike. Why has this additional protection been provided in the amendment for this single casino in Monroe County? Why does this amendment not afford Hollywood

Casino equal protection and fair treatment with respect to exclusion zones? Does not this unfair and disparate treatment of Hollywood Casino potentially result in a lawsuit that will prevent the ancillary/Category 4 casino licenses from being issued?

We should address this, Mr. Speaker. Two-thirds of their business comes from outside this 25-mile radius. Hollywood Casino will be cannibalized in this process, and I think they deserve a fair hearing to know exactly how this is going to impact them, Mr. Speaker. Thank you.

The SPEAKER. Thank you, sir.

LEAVE OF ABSENCE

The SPEAKER. Representative Angel CRUZ has requested to be placed on leave. Without objection, that will be granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Greg Vitali is on the House floor and should be placed back on the master roll.

CONSIDERATION OF HB 271 CONTINUED

The SPEAKER. Representative Joe Markosek, the minority Appropriations chair, will speak and then Representative Margo Davidson and then Representative Madeleine Dean. So those are the three members that I have to speak: Representative Joe Markosek, Representative Margo Davidson, and Representative Madeleine Dean. Representative McCarter will be fourth.

Representative Markosek, the floor is yours.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Good morning, members. I thought I would just add a little bit of food for thought here, perhaps breakfast food for thought here as we are here at a very early hour. You know, we have been talking about the various aspects of gaming in Pennsylvania and we are talking about VGTs and we are talking about casinos, but you know, one of the other big parts of the gaming that we have here in Pennsylvania is the State lottery. The State lottery is something that we are all familiar with and certainly our constituents are very familiar with. But just so you know, for the first time, for the first time in 40 years the Lottery Fund ended the fiscal year in the red. The Lottery Fund ended the fiscal year in the red. Lower than anticipated revenues with no money held in reserve as a buffer against those kinds of circumstances contributed to the deficit. Lottery ticket sales fell \$37 million below the previous year's estimate, or below this year's estimate, and down \$134 million from 2015-2016's record high. Now, keep in mind we had some big Powerball jackpots at that time, which drove up our revenue. We have not seen that recently, but nevertheless, it has put some pressure on our very valuable State lottery.

Now, all of us, all of you, have a district office, right? And the folks that come into those district offices no matter where you are, I would venture to say that most of you if it is anything like my district office, many of the issues that people come in there with have to do with items that are associated with the lottery. The property tax and rent rebate program, for example, you get a lot of people who come in your office about that, looking for the forms. How about the PACE (Pharmaceutical Assistance Contract for the Elderly) program? You have got

people in your district no matter where you are, no matter what the general income level is of your district. I bet we all have a lot of folks that rely on the PACE program.

Let me just run through a little bit about what the lottery does fund. Just to give you a little bit of a refresher on it. The Department of Human Services, for example, the lottery provides money for medical assistance long-term care. It also provides money for medical assistance transportation, and it also provides money through the Department of Human Services for home and community-based services, home and community-based services, and I know we are all in favor of that, right? More money for that. No matter what side of the aisle you are, we want more money for that and we certainly want to protect the money that we do get now.

The lottery gives money to the Department of Revenue, or through the Department of Revenue to run the property tax and rent rebate program that I mentioned before. Every one of our district offices has a lot of people coming in interested in that program and want to make sure that that program remains viable.

The lottery provides money to the Department of Transportation for public transit, and also, it provides money for the shared-ride program. Now, I know a lot of you in the rural areas do not think that we should be funding mass transit. You think that mass transit is only for the urban areas. All 67 counties have a shared-ride program and it is funded through the lottery. It is funded through the lottery.

So the point that I am trying to make is this bill gives the lottery a tool that they currently do not have in order to make sure and ensure that they have enough funds to provide the programs that I mentioned. That is the iLottery portion of this bill. Now, it is not necessarily going to solve all of their problems, but they have come to us and asked us and explained to us that this would help them raise more money for a lottery system that recently has not done as well as we would all like it to do.

I would suggest that for any reason that you may have and be thinking about voting for this bill or not voting for this bill, consider certainly the help that we would provide for the lottery. It is extremely important. It is extremely important that we continue to fund these programs.

And let me just leave a little extra food for thought. You know, the lottery, unlike other States, our lottery provides for senior citizens, and in my history here, in my stay here in the legislature all these years, I would say that this is a very, very senior citizen-friendly legislature. Who here wants to cut programs for senior citizens? I would suggest if the lottery continues not to have the necessary funds that it needs, that we will not cut those programs. We will not have the political nerve to cut those programs. What we will do is put them in the General Fund and create even more pressure on the General Fund.

So it is not only important that we make sure that we have a healthy, viable lottery and income for the lottery, but it is important for us in our district offices. Call your district office after you vote for this and say, "You know what, I just helped you out." Because all those people coming into your district offices that have issues with the lottery, that want services through the lottery, that need services through the lottery, you will have been able to say that I helped you and they get those services. But you cannot do that if you vote "no" on this bill. You have to vote "yes," in my opinion, for no other reason –

there are certainly a lot of other reasons that you can think of – but just to make sure that we protect the lottery and its funds. It is very important, and for that reason I would ask all of us to vote for HB 271.

Thank you, Mr. Speaker.

The SPEAKER. Representative Margo Davidson. Members, it will be Representative Madeleine Dean, Representative McCarter, Representative DeLuca, and Representative DeLissio, and then Representative Kaufer, in that order.

Representative Davidson.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

In the brief period of time that we have had to read the 939-page bill, I have determined that just like in many of the bills that come before the House, there are winners and losers. But in this particular bill, there are big winners and there are big losers.

Mr. Speaker, I would like to interrogate the maker of the bill, if I may.

The SPEAKER. Yes. The good gentleman has indicated he will stand for interrogation, and you may proceed.

Members, please take your seats. Members, please take your seats.

Representative Davidson, you may proceed.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

I would like to draw your attention to page 666 in the bill. Is there any other county that would fit the description in number (III) of that page, that particular clause? Is there any other county that would fit that description?

Mr. ORTITAY. Mr. Speaker, no, there is not.

Mrs. DAVIDSON. So of the 67 counties, only one fits the description in this particular clause. Could you tell me, Mr. Speaker, why there was a special carveout for this county?

Mr. ORTITAY. Mr. Speaker, no, I cannot speak to motivation.

Mrs. DAVIDSON. Was there a request, Mr. Speaker?

Mr. ORTITAY. I am sorry, Mr. Speaker. A request for what?

Mrs. DAVIDSON. Was there a request that this clause be put in for Delaware County?

Mr. ORTITAY. Mr. Speaker, I cannot speak to that.

The SPEAKER. Representative Davidson, if you would just suspend for a moment.

LEAVES OF ABSENCE CANCELED

The SPEAKER. Representative Michael Corr is on the House floor and should be placed back on the master roll. Representative Jack Rader is on the House floor and should be placed back on the master roll. Representative Jake Wheatley is back on the House floor and should be placed on the master roll.

Thank you. I apologize.

CONSIDERATION OF HB 271 CONTINUED

Mrs. DAVIDSON. So just for clarity, you are saying you are not sure as to why this particular carveout was made for Delaware County in the bill?

Mr. ORTITAY. Mr. Speaker, I cannot speak to motivation as to why things are in the bill or not in the bill.

Mrs. DAVIDSON. Okay. Are there any other WAMs – I am sorry, wrong word – or carveouts for any other entity, Mr. Speaker?

Mr. ORTITAY. In point No. (II) the School District of Philadelphia is also a recipient, right above that line that you referenced in one of your previous questions.

Mrs. DAVIDSON. Yes, yes; thank you. Yes; thank you. I am aware of Philadelphia. Are there any other entities other than counties that have a special carveout in this bill?

Mr. ORTITAY. Mr. Speaker, the entire local share account is different county by county as well, and there were several changes made to LSA throughout the State and the various counties, so those could be impacted by that.

Mrs. DAVIDSON. All right. If I could draw your attention, Mr. Speaker, to page No. 767 in this particular bill. Could you tell me why these three casinos receive special allocations out of the funds that would be generated from this bill?

Mr. ORTITAY. Mr. Speaker, it is because they are underperforming casinos and I think it is the preference of many people in this body that they do not lose their jobs.

Mrs. DAVIDSON. Could you tell me which counties are affected by these three casinos, except for SugarHouse? I am aware that that is in Philadelphia, and Mount Airy is in – is that in Bucks County? Could you let me know what counties are affected by the other two, not including SugarHouse?

Mr. ORTITAY. Yes, Mr. Speaker.

I believe the other counties are Erie County and Fayette County.

Mrs. DAVIDSON. All right. Thank you, Mr. Speaker. I just have two more questions.

Are you aware of the problems that Erie County is facing in terms of their authority?

Mr. ORTITAY. Mr. Speaker, yes, I have had several conversations with members from both sides of the aisle about the local share in Erie County.

Mrs. DAVIDSON. But there was still the decision made to give Delco the same type of authority without a reason why and without a request?

Mr. ORTITAY. These authorities are all run at the local level and it is up to the local people in office to control and set these up as well, so it is also their responsibility to police these and to establish them.

Mrs. DAVIDSON. Yeah, but Delco operates differently. I am going to move on. I will make my comments when I make remarks on the bill.

One other question for clarity. In terms of the auction for the minicasinos in the first round, no other entities other than casinos – actually, in the first and second rounds – no other entities except existing licensed casinos – Category 1, 2, or 3 in the second round – can apply for these minicasinos. Is that correct?

Mr. ORTITAY. Mr. Speaker, yes, that is correct.

Mrs. DAVIDSON. Mr. Speaker, on the bill?

The SPEAKER. Yes. You are in order and you may proceed.

Mrs. DAVIDSON. Mr. Speaker, I have huge concerns about special carveouts in any particular legislation, and in this particular case, according to the maker of the bill, there is no particular reason why, there was no request that he is aware of, but yet Delaware County, like Erie County, is given the authority to direct its own funds and to decide which municipalities get grants and which do not and they get to decide the salary of the staff and how it will be staffed.

Mr. Speaker, I am not sure that that is fair to the 66 other counties that would like sole discretion on how funds are expensed from this authority. It is almost like, Mr. Speaker, having a car idling in your driveway unlocked. It is almost like that. You have your car in the driveway, it is unlocked, the key is in the car and it is idling, and we all know what could happen.

Mr. Speaker, I am also very concerned that there seems to be a bailout for low-performing casinos. Now, that is nice for those casinos, but there are other well-deserving businesses that are failing to perform that would like a bailout. I do not think it is the Commonwealth's job to bail out private businesses. That is what I was told when the poor struggling medallion owners were trying to get money back for the licenses that are now worthless because of the expansion of Uber. So in the same instance, there should not be a carveout of public funds to bail out casinos. Corporate welfare is no more honorable than any other type of welfare that is so often maligned in this House.

Mr. Speaker, the final thing that concerns me is that the only folks that will be able to access these licenses have to be able to afford \$7.5 million and they have to already have a license to operate a casino. Mr. Speaker, I came here to fight for those who do not have the means to fight. I came here to be a voice for the voiceless. The casinos, they have a voice, but the bar and tavern owners that have been left out of this legislation, family-owned businesses throughout my district that employ many of my constituents have been left out. They do not have a pool of money to the tune of \$7.5 million. And so while I was a "yes" for VGTs that would affect the businesses of our bar and tavern owners, I cannot in good conscience, Mr. Speaker, support a bill that has special carveouts for special people and corporate welfare for some but not for others and forgets about the small business man and woman in our communities. So while I would love to support VGTs, a way for our small business owners to make additional revenue, they have been left out of this legislation that has been rushed to the floor for debate.

Mr. Speaker, I urge my colleagues for these and other reasons that are numerous in these 939 pages to reject this bill. We can do better. There is a shale bill that we could do. There are a lot of other options on the table to consider than an expansion of gaming, corporate welfare to casinos, and special carveouts for special people.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Gary Day is back on the House floor and should be marked on the record.

CONSIDERATION OF HB 271 CONTINUED

The SPEAKER. Representative Madeleine Dean is recognized.

Mrs. DEAN. Thank you, Mr. Speaker.

Would the maker of the bill stand for brief interrogation?

The SPEAKER. Yes. The good gentleman has indicated he will stand, and you may proceed.

Mrs. DEAN. Thank you, Mr. Speaker.

I am going to focus on two small, narrow areas of this bill that have, I think, large consequence. So my first question is, what is the definition of a truckstop and where did we get that definition?

Mr. ORTITAY. The definition of a truckstop, Mr. Speaker, is that it must be equipped with diesel islands for fueling commercial vehicles, has sold 50,000 gallons of diesel in the prior year or is projected to sell that amount, has at least 20 parking spaces dedicated for commercial vehicles, has a convenience store, is on a parcel of land of at least 3 acres, and is not located on property owned by the Pennsylvania Turnpike.

Mrs. DEAN. And as I said, what is the origin of that language?

Mr. ORTITAY. Mr. Speaker, I believe we were trying to be as narrow as possible to make sure that we did hit the true truckstops to ensure that we did not include gas stations.

Mrs. DEAN. So the definition, we do not know the exact origin of the definition.

So my next question is about those criteria. We can see in the criteria, number (6), what is not included, and that is any property owned by the Pennsylvania Turnpike. We see what is excluded, but I am concerned because as I read it, a plain reading of this bill, it seems to me that if I satisfy any one of the other five, I am a truckstop establishment. There are no connecting conjunctions. This is simply a list. I can just satisfy one. Am I correct?

Mr. ORTITAY. Mr. Speaker, I believe that it has to fit all of the criteria, not just one of them.

Mrs. DEAN. But you would agree that it is not in the plain meaning of the words? Nowhere in here, for example, does it say you must meet all six of these criteria.

Mr. ORTITAY. After consulting with the attorneys, it means all of them. They have to fit all of the criteria set forth.

Mrs. DEAN. Well, if I am an applicant and I am not meeting with all of the attorneys, I think in the plain reading of this language, is it not true that if I say I have diesel islands used for fueling commercial motor vehicles, I have ticked off one of these. I have satisfied it.

Mr. ORTITAY. Mr. Speaker, no, that is not my belief.

Mrs. DEAN. As we know that typically the language would have said, "The premises shall meet all of the following," I see no "shall meet all of the following"—

The SPEAKER. Representative Dean.

Mrs. DEAN. Yes.

The SPEAKER. Are you still on interrogation?

Mrs. DEAN. I am.

The SPEAKER. Okay. But just be careful that it has to be questions, not items that would actually be in your remarks. You certainly may make the comments you wish to make on the bill in the remarks, but just in the questions, it just needs to be sort of pointed.

Mrs. DEAN. Thank you. I will tighten this up.

So nowhere in this language do we see "The premises shall meet all of the following." Am I correct?

Mr. ORTITAY. Mr. Speaker, the way it is written, it does mean all of the criteria, not just one. It has to be all of them.

Mrs. DEAN. So the answer is, no, it does not say, "Shall meet all of the following." And for the benefit of those on the floor following on the bill, we are on pages 811 and 812 for that listing of criteria.

The next question I have is, in those criteria is convenience store. Would you please tell me the definition of a convenience store?

Mr. ORTITAY. Mr. Speaker, there is no definition of convenience store.

Mrs. DEAN. So without a definition of a convenience store, if I have a gas station with a vending machine in the corner, I could be a convenience store?

Mr. ORTITAY. Mr. Speaker, some of that comes under the purview of the board when they are putting together regulations.

Mrs. DEAN. I apologize. I did not hear that, Mr. Speaker.

The SPEAKER. Yes, sir.

Mrs. DEAN. I did not hear it.

The SPEAKER. Okay. Members, if you could please take your seats. Members, please take your seats.

Mr. ORTITAY. Mr. Speaker, I believe that would come under the control of the board when they are putting together regulations for this.

Mrs. DEAN. So there is no definition of convenience store in this 939-page bill. Am I correct?

Mr. ORTITAY. Mr. Speaker, that is correct.

Mrs. DEAN. Thank you. When HB 271 was voted out of this House, it contained a different definition of what is a truckstop establishment and included a shower requirement. Is the shower requirement still within the bill?

Mr. ORTITAY. Mr. Speaker, no.

Mrs. DEAN. And why was that requirement removed?

Mr. ORTITAY. Mr. Speaker, I cannot speak to the Senate's actions on that.

Mrs. DEAN. So it further broadens the number of places that would qualify if we removed the shower requirement. Am I correct?

Mr. ORTITAY. Mr. Speaker, no, but at the same time we also added the criteria that there have to be 20 parking spaces as well.

Mrs. DEAN. One of the other criteria, Mr. Speaker, is that the truckstop sold an average of 50,000 gallons of diesel or biodiesel fuel each month for the previous 12 months or is projected to do that. Who monitors those requirements? Either the previous sales or the future projected sales, who monitors that?

Mr. ORTITAY. Mr. Speaker, the board is the one who monitors and approves that number.

Mrs. DEAN. Is there a reporting requirement for each establishment, and if so, how often?

Mr. ORTITAY. That will come under the purview of the board when they are putting together regulations on this.

Mrs. DEAN. Sounds like a lot of work there. Good.

Is that timeline for the sales requirement from the date of application or prior to that?

Mr. ORTITAY. Mr. Speaker, the board will have to make that determination. The bill itself does not specify.

Mrs. DEAN. Does PennDOT have a role in this monitoring?

Mr. ORTITAY. Mr. Speaker, no, it does not.

Mrs. DEAN. Does the truckstop have to maintain the 50,000 gallon diesel requirement to continue to be eligible?

Mr. ORTITAY. Mr. Speaker, yes, they would.

Mrs. DEAN. And where is that in the language?

Mr. ORTITAY. Mr. Speaker, it is part of the requirements to, one, get a license and continue renewing your license.

Mrs. DEAN. Is the application form within this bill so that I would see that?

Mr. ORTITAY. Mr. Speaker, the board is best equipped to decide what goes on the application in order to fulfill these requirements set forth in the bill. The application itself is not included in the bill.

Mrs. DEAN. Thank you. So the Gaming Board will be the oversight for that. So under this definition and to conclude my interrogation on this small portion of the bill only, how many truckstops would currently be eligible to place video gaming terminals in their establishments in our Commonwealth?

Mr. ORTITAY. Mr. Speaker, the early estimate before we added the parking space requirement was about 130. I imagine that number has been reduced due to that requirement being added to this bill. I do not have the exact number, but I imagine it is less than the 130 estimated.

Mrs. DEAN. And where is that listing of eligible truckstop establishments?

Mr. ORTITAY. Mr. Speaker, there is no official list.

Mrs. DEAN. That is what I was thinking. So unlike if I have a liquor license, and there we would know how many would be eligible, in this case we have no idea how many would be eligible. Am I correct?

Mr. ORTITAY. Well, we have an idea from the 130 that was previously estimated, so in general, we do have an idea of how many, but not— Off the top of my head, I could not give you the exact number.

Mrs. DEAN. And can you provide us the source for that estimation of 130 and what criteria they coordinated?

Mr. ORTITAY. This is based on previous conversations with the truckstop industry and representatives from those businesses.

Mrs. DEAN. I want to pivot to another set of questions on the licensing requirements. What are the licensing requirements for truckstop establishments?

Mr. ORTITAY. Mr. Speaker, we will be right with you.

Mrs. DEAN. Thank you.

Mr. ORTITAY. Mr. Speaker, if you go to page 856 of the bill, I believe it is numbers (1), (2), (3), (4), and (5), if you look there, "A DESCRIPTION OF THE PROPOSED SURVEILLANCE AND SECURITY MEASURES TO ENSURE THE SECURITY OF THE PROPOSED VIDEO GAMING AREA; A CURRENT TAX LIEN CERTIFICATE ISSUED BY THE DEPARTMENT; THE CRIMINAL HISTORY RECORD OF THE APPLICANT, PRINCIPAL AND KEY EMPLOYEES AND A CONSENT FOR THE BUREAU TO CONDUCT A BACKGROUND INVESTIGATION ON THE APPLICANT, PRINCIPALS AND KEY EMPLOYEES"; and "OTHER INFORMATION DETERMINED TO BE APPROPRIATE BY THE BOARD." And if you go to the next page, on 857 there are also prohibitions at the bottom of page 857: Number (1), "...FROM GRANTING A LICENSE UNDER THIS PART TO ANY APPLICANT WHO HAS BEEN CONVICTED OF A FELONY OFFENSE IN ANY JURISDICTION." In addition, there is also an age requirement as well, I believe. Sorry. And if you go to page 858, "AN ESTABLISHMENT LICENSE TO AN APPLICANT WHO HAS BEEN CONVICTED IN A JURISDICTION OF A MISDEMEANOR GAMBLING OFFENSE, UNLESS 15 YEARS HAVE ELAPSED FROM

THE DATE OF CONVICTION FOR THE OFFENSE." I believe that covers all of it, Mr. Speaker. Thank you for your patience.

Mrs. DEAN. Thank you for finding those answers for me.

So it seems to me that what that is is an application, that the truckstop would be required to fill out an application, and according to my reading of it, that they would be willing to offer background information but does not seem to require it.

I want to contrast that with what I saw on page 835, if you would refer there.

The SPEAKER. If you will please suspend.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Krueger-Braneky is on the House floor and should be placed back on the master roll.

CONSIDERATION OF HB 271 CONTINUED

The SPEAKER. And you may proceed.

Mrs. DEAN. Thank you, Mr. Speaker.

I want to contrast that with what the application for a terminal operator license would include. It has character requirements. So for the truckstop establishment, a different set of criteria. Is that correct?

Mr. ORTITAY. Yes; that is correct.

Mrs. DEAN. So truckstops would not have the same licensing requirements as terminal operators or manufacturers or suppliers. Am I correct?

Mr. ORTITAY. Mr. Speaker, the board is actually allowed to require more stricter guidelines and set forth within the bill itself.

Mrs. DEAN. However, this legislation does not, even though we did – the maker of bill added character requirements for the application for a terminal operator license. That is not anticipated in the plain meaning of the language of this 939-page bill, correct?

Mr. ORTITAY. That could be a requirement made by the board. They can ask for background information character requirements as well.

Mrs. DEAN. And finally, I have a question on the distribution of the video gaming revenue. I see a 42- percent tax rate, a local share of 10 percent to the CFA (Commonwealth Financing Authority) for grants to any county, 15 percent stays with the truckstop establishment. How much goes to the terminal operators?

The SPEAKER. Members, the interrogator and the prime sponsor of the bill are having trouble hearing each other. If we could please take your seats. Please take your seats.

Mr. ORTITAY. Mr. Speaker, could you restate your question?

Mrs. DEAN. Absolutely. In terms of the breakdown of where the money goes, the distribution of revenue, I see there is a 42-percent State tax rate, there is a local share of 10 percent that goes to CFA for grants to any county, 15 percent stays with the truckstop establishment. My question is, I do not see the percentage that goes to the terminal operator; what is that percentage?

Mr. ORTITAY. It is the remainder of what is left, which I believe, if my math is correct and it is early in the morning, it is about 33 percent.

Mrs. DEAN. Is that stated in the bill?

Mr. ORTITAY. No, because normally we do not tell the business how much money they can keep when they are trying to make money.

Mrs. DEAN. Well, actually, this bill is telling everybody exactly what they can keep. So it is 33 percent to the terminal operator, not stated explicitly but by your math and I think your math is correct here this morning.

Mr. Speaker, on the bill?

The SPEAKER. Yes. Representative Madeleine Dean on the bill, please.

Mrs. DEAN. Thank you, Mr. Speaker.

Even though I took quite a long time and I apologize to my colleagues at this early hour for doing that, I was interested in examining two very small but very important areas of this bill: namely, what is a truckstop that would qualify to have five video gaming terminals, and two, what are the licensing requirements and where does that money go?

We saw that, for example, under the issue of what is a convenience store, there is no definition of "convenience store" in this bill. And we saw, we have lived, Philadelphia County in particular has lived with the difficulty of stop-and-goes. Because of the seating requirement of a stop-and-go, which was quite explicit, we see what has actually happened, that chairs would be simply stacked up and chained to meet the requirement. I would argue that in this case with this bill having no definition of what is a convenience store, anything is a convenience store. If I sell a pack of gum at the register, that is convenience. I could qualify. Compounded with that is the fact that the language of this bill is faulty. It lists six different criteria, but nowhere says that the truckstop shall meet all of them. The plain meaning of this bill is all I have to do is meet one of them. Sell a pack of gum at the register; I can get five terminals.

A tremendous number of the questions were answered with the answer that that would be up to the Gaming Board, that would be monitored by the Gaming Board, that could be required by the Gaming Board. It seems that there is an awful lot in this bill in just those two small sections that is unknown, undefined, and up to the board. It is quite a burden.

And then in talking about how many truckstops then are there, under this faulty definition there is an estimate, a vague estimate of 130. I have seen an estimate of 400 truckstops that already sell 50,000 gallons, the required number. Over 400 times 5, this is the number of terminals we can have.

And finally, in terms of the monitoring, think about it, who is to monitor the video gaming going on in the convenience store that sells the pack of gum? Is it the 16-year-old, 17-year-old store clerk who says to the trucker, "It is late. You probably should go get some rest and not be gaming here all night long"? There is so much in this bill that is so unknown and so unwise.

And so I would conclude with this. Last night we were here at 11 o'clock at night talking about a 939-page bill which I showed you the evidence of. Today some 14 hours later we are voting on a bill that in just two simple sections has more questions than answers, could cause more harm than good. I would urge all the members to recognize this is not the way to expand gaming in Pennsylvania. This is not the way to a sound balanced budget. I ask for a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. Thank you. Representative McCarter followed by Representative DeLuca, followed by Representative DeLissio, followed by Representative Kaufer, and followed by Representative Roae.

Representative McCarter, the floor is yours.

Mr. McCARTER. Thank you very much, Mr. Speaker.

I rise today to also ask for a "no" vote on HB 271, and I do this for several reasons, not the least of which is the process that has brought this several hundred-page revenue gambling bill before us today.

I was asked recently by a student what the difference is between the majority Republicans and the minority Democrats. I thought for a minute and answered, "The Republican majority knows how to win elections but can't govern, while the Democrats can govern but can't seem to win elections." Mr. Speaker, I think that is apt for today's discussion.

HB 271 is a failure of leadership. The majority leader said earlier in the debate that this gambling bill is the culmination of 4 years of work, and yet even the chairs of the relevant committees did not know the details of the bill when it came to the floor for debate. Nine hundred pages in total, hundreds of new pages of detailed gambling procedures, and minutes for members to digest it.

Mr. Speaker, this morning after a few hours to analyze its contents does not give me hope that this is in any way a savior of our revenue needs. It is a failure of leadership both in the Senate and in the House that is bad for our children, our gambling addicted, and our seniors.

This bill is filled with an expansion of gambling opportunities that is a recipe for disaster of a gambling population that even before has seen increases in dependency and addiction. And now we will add Internet gaming at airports throughout the Commonwealth, sports wagering in casinos, add 10 new minicasinos, add gambling video terminals to gas stations at so-called truckstops, add multistate wide-area progressive slot machines, skill slot machines, and hybrid slot machines at licensed casinos, simulcast horse racing in casinos, and Internet lottery and instant games, including keno.

Mr. Speaker, with this bill we will become a gambling State without parallel. We will be enticing our 18-year-olds to gamble online on their cell phones and computers while still in high school. Let me repeat that. We will be allowing and encouraging our high school 18-year-olds to gamble even while in school.

This is not responsible revenue legislation. We should not be depending on increasing the habits and addictions of our Pennsylvania population to raise revenue to pay for our real needs. As the majority leader said, we have had many years to work on responsible legislation to help pay for our bills, but this is all we have come up with.

What is also concerning is that there has been very little, if any, analysis of what this impact will really do to the dedicated lottery stream of revenue to our senior programs in Pennsylvania: PACE, PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier), property tax reductions, senior centers, transit subsidies. All of these programs are critical to our seniors in Pennsylvania, and this bill threatens their continued existence as noted by the 52 area agencies on aging.

Mr. Speaker, this bill needs to be defeated, and we need to pass responsible revenue legislation that taxes the gas industry with a responsible severance tax. We need to look at a possible responsible increase in our State income tax to find ways to tax those that can afford the most to be able to help the State move forward to entice more business and engage the State in a transition to a 21st-century economy centered around the worldwide transition to renewable energy.

Mr. Speaker, did anyone in this chamber go to bed last night at midnight or later thinking that we had really done a good day's work? Sadly, I do not think any of us did, and it is even sadder that all can see that sometimes our best days in this legislature are days when we do not come to work at all.

Mr. Speaker, for our addicted gamblers, our children, and our seniors, I urge a "no" vote on HB 271. Thank you, Mr. Speaker.

The SPEAKER. Representative Tony DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support, concur on HB 271, and although the process could have been better, I believe when I start looking over the analysis of this bill and talking to other individuals, I think this is one way of getting the approximately \$225 million for our budget out there. Now, I have not heard anybody talk on this 900-page legislation here, and I have not heard anybody saying about there are no taxes in here that the average person would have to pay. So I mean, if we do not raise the revenue, then we have to think about, for the programs, raising taxes on the average middle-class worker out there who is up to his neck with taxes, is working longer and harder for less money than he made 20 years ago and cannot afford any more taxes and is asking the legislature, all over this country, to find new ways of getting revenue.

Now, I was here when we did the gaming bill and we heard a lot of the same arguments that we are hearing today: addiction, prostitution, taking money out of people's pockets, people not having money. Well, let me tell you this, \$4 billion at that time was leaving the Commonwealth of Pennsylvania. Four billion dollars was going to other places to go to casinos instead of Pennsylvania residents getting the benefit out of it to fund their programs. Now, we have to be naive to think that this stuff is not happening today out there. Sports betting is a big thing out there. I do not know where you guys have been. You have got your head in the sand. If you possibly talk to anybody, you would probably find out that you have got a local bookie on the corner there who is taking sports bets and we are not getting a dime out of it, not one dime.

We talked about the truckstops, and I imagine the majority of those people are going to be out-of-Staters who are going to be in there and certainly that is not going to affect the casinos or I do not think it will affect the lottery and I think there is a protection in there for the lottery as I look at the analysis of this bill. But then I hear about all of these truckstops that are going to have these five machines and that there, but I did not hear the outrage from a lot of people out there when we wanted to put liquor stores on every corner. We had no problem. And I think liquor is a little bit more dangerous out there than somebody who wants to play – gamble. You know, we have a lot of these programs that we all want and a lot of the citizens want, but nobody wants to fund it because you have to raise taxes. If you do not raise taxes, you cannot fund these programs – autism programs, cancer research, a lot of these programs that benefit the public. We have got to start looking outside the box and

finding revenue that does not put a burden on the taxpayers and take more money out of their take-home pay so that they can go out there and spend money and create economic development.

Now, we might hear about all of those jobs that are out there. Well, talk to a lot of the college students out there and ask them how they have been able to find jobs in their profession, who are working as bartenders or maybe working at the McDonald's or someplace just to keep things going. And thank God they are allowed to be on their family's policy until 26 because they are at home and they would not be able to afford insurance, God forbid, if they got sick. So one thing that holds them back, keeps them home, is that they have health insurance.

I would have rather had VGTs in our taverns, in our clubs, because the fact is, they are small businesses. We talked about small businesses. They are the ones who provide jobs. The American Legions and that provide social services for the communities. They do a lot of good, hire a lot of people. But unfortunately, we have not gotten them. I hope maybe in the future we will be able to help these individuals who provide these jobs and are small employers. We keep hearing about them.

But the main thing that I think we should be also realizing is that this does not raise any of those taxes – sales tax, income tax, and all this stuff. Fantasy sports, that is the biggest thing going on right now. That is the biggest thing. And in fact, we are not getting anything done, any revenue for it. Now, when we talked about – let me say this – when we talked about having the VGTs in the taverns, only about one-third wanted them legalized. Two-thirds did not even want to touch it. Why would they? They are in there, they are playing the machines in the taverns, they are getting the money tax-free, the machine operator is getting the money tax-free, nobody is coming in to scrutinize their business. Why would they want to legalize it? That is why you have not seen a lot of pressure up here from the taverns, because the fact is, they are making money. They do not want to take more money. They do not want to pay taxes on that money. We have got to get in the real world, Mr. Speaker. This stuff is happening, and the fact is, we should take advantage to fund the programs that benefit people in our communities.

That is why I ask for a "yes" vote on HB 271. Thank you, Mr. Speaker.

The SPEAKER. Representative Pam DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman stand for interrogation?

The SPEAKER. Representative Ortitay has indicated he will stand for interrogation.

You may proceed.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that only counties with an existing casino can opt out of VGTs that will be permitted under this legislation at truckstops. Am I reading that correctly?

Mr. ORTITAY. Mr. Speaker, yes; that is correct.

Ms. DeLISSIO. Do you know, Mr. Speaker, if that opt-out is permanent? Can that decision be reversed?

Mr. ORTITAY. Mr. Speaker, yes; it can be reversed.

Ms. DeLISSIO. Although I think there is a timing limit to make the decision initially?

Mr. ORTITAY. Mr. Speaker, yes; that is accurate.

Ms. DeLISSIO. Mr. Speaker, is there a particular reason why other counties, because I believe there are, what, 12 up-and-running casinos currently? So 12 counties currently

out of 67 have an option as to whether or not VGTs can be in their county. Was there a particular reason why the remainder, the majority of Pennsylvania's counties cannot exercise that same decision over their own county?

Mr. ORTITAY. Mr. Speaker, I cannot speak to the motivation of that.

Ms. DeLISSIO. Well, it is not motivation. It is, sort of, was there any reasoning that you are aware of as to why those other counties are not permitted that same opt-out?

Mr. ORTITAY. Mr. Speaker, none that I am aware of.

Ms. DeLISSIO. That you are aware of; okay.

Mr. Speaker, I notice that the age for participating in many of these events is 21, with the exception of fantasy sports, which is 18. I have a concern that we are allowing fantasy sports at 18 and not 21. Again, is there a particular reason or explanation as to why fantasy sports is permitting an 18-year-old to participate versus 21?

Mr. ORTITAY. Mr. Speaker, there are a couple reasons. Currently 18-year-olds can and are engaging in fantasy sports. Also, since it is online, they are not serving alcohol, so that is why the age in the casino is 21 and not 18 – and online, of course, they do not serve alcohol – and iLottery is also 18 as well.

Ms. DeLISSIO. Thank you, Mr. Speaker. I appreciate the explanation.

In reference to the airport tablets, I see the fee schedule that is in the bill, and I see the fiscal note that anticipates somewhere in the neighborhood just shy of \$240 million is anticipated, as a result of all the licenses and the fees from this. And, Mr. Speaker, to tell you the truth, I am very concerned that these estimates are much more – anticipate a much bigger revenue stream than we will see realistically, and I am thinking specifically of the legislation we passed, I think, last session, where if a casino wanted to serve liquor overnight – I forget what the parameters were – but it was basically overnight, that additional license was, I think, somewhere in the neighborhood of \$1 or \$2 million, and nobody, I believe, signed up for that.

So I am concerned that these – was there any type of understanding whether these fees are realistic, reasonable, whether people are actually going to find them to be a return on investment worth their investment so that we have some confidence that this \$240 million, give or take, might actually appear?

Mr. ORTITAY. Mr. Speaker, I will speak to my local airport, which is the Pittsburgh International Airport, which has made several trips up here to the Capitol. It is my belief that they want this and that they find this to be a reasonable fee as well, and that was through my direct conversation with the representatives from the Pittsburgh airport. Now, the other airports I imagine would be in the same boat, but I have personally not spoken to them.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, on the iGaming, in the analysis that I have read, it talks about a schedule of timing where existing casinos have first crack at doing this, and then it moves along and it says after 120 days, if any certificates remain unsold, any qualified entity that meets the requirements is eligible to purchase up to three of those certificates for \$4 million each. What is "any qualified entity's" definition?

Mr. ORTITAY. Mr. Speaker, we will be right with you. We want to make sure that we quote exactly from the bill, and we are trying to find the actual page number, so bear with us.

Ms. DeLISSIO. I appreciate that.

The SPEAKER. The next four speakers will be Representative Aaron Kaufer, Representative Brad Roae, Representative Alex Charlton, and Representative Kurt Masser.

Mr. ORTITAY. Mr. Speaker, I believe they have to meet the board's requirements. There is a character/background requirement that goes along with it, as well anything that the board sees fit. So I believe the criteria are relatively the same, if not the exact same, as a casino operator would have to get their license.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, also under iGaming, it talks about a reciprocal agreement. It is expected that Pennsylvania would have reciprocal agreements with at least Delaware, New Jersey, and Nevada. Are those reciprocal agreements for iGaming, is that something that has to be initiated by the legislature, or is that under the purview of the Gaming Control Board?

Mr. ORTITAY. No. It gives the purview to the Gaming Control Board to make that determination.

Ms. DeLISSIO. For the reciprocal agreements?

Mr. ORTITAY. Correct.

Ms. DeLISSIO. Do we know if reciprocal agreements exist between any of those States; obviously not with Pennsylvania at this point, but with each other?

Mr. ORTITAY. Yes, I believe that the States that you had mentioned – outside of Pennsylvania, of course – they are all doing it in regards to iPoker.

Ms. DeLISSIO. Mr. Speaker, in reference to the ancillary facilities, the Category 4s – which for anybody watching are satellite casinos or minicasinos – under the additional provisions, there is a local option where a municipality may adopt a resolution to prohibit a Cat 4 facility within the municipality no later than the end of this year. Mr. Speaker, do we feel that that timing is sufficient to allow municipalities to meet whatever requirements they operate under, which I am sure includes advertising and giving appropriate notice? And hopefully, some of those municipalities are watching today to know that they can do that.

Mr. ORTITAY. Mr. Speaker, yes.

Ms. DeLISSIO. And then where it says that a municipality may adopt a resolution to prohibit a Cat 4 facility – so that is any local municipality within the Commonwealth of PA, that is how I am reading it. But if there is some limitation, I would like to know what that limitation is.

Mr. ORTITAY. Mr. Speaker, no; it is all municipalities. I just wanted to make sure that I was correct on that.

Ms. DeLISSIO. All municipalities. Good news.

Mr. ORTITAY. And, Mr. Speaker, if I could add too that the 25 linear miles limitation is included.

Ms. DeLISSIO. Is also in effect?

Mr. ORTITAY. Yes.

Ms. DeLISSIO. And then, Mr. Speaker, it has also come to my attention recently too that there is some concern, perhaps more of a social concern that VGTs at truckstops could entice, perhaps, truckers to be doing other than resting, as they should be, or sleeping, you know, on their breaks if this particular distraction is there. So I think we need to consider any number of things.

Mr. Speaker, my concern is that I do not know whether this raises sufficient revenue that we anticipate, so I will continue to give careful consideration as we listen to the debate, but I would absolutely—

The SPEAKER. Representative, with all due respect, you may speak on the bill, but what you are doing right now is not a question.

Ms. DeLISSIO. Oh; on the bill then, Mr. Speaker. Thank you.

The SPEAKER. Yes. If you want to speak on the bill, that is perfectly okay.

Ms. DeLISSIO. My apologies. On the bill.

The SPEAKER. Members, please take your seats.

Ms. DeLISSIO. Mr. Speaker, I am concerned that the amount of revenue that is projected here is going to fall short. I plan to listen very carefully to the rest of the debate today as I make my decision, but I would urge the House to strongly consider HB 1401, the severance tax shale bill, because I think that is real recurring revenue and an appropriate way to meet our revenue needs for this year and going forward.

Thank you, Mr. Speaker.

The SPEAKER. Representative Aaron Kaufer, followed by Representative Brad Roae, followed by Representative Alex Charlton, followed by Representative Kurt Masser, and Representative Seth Grove has also added on.

Representative Kaufer, the floor is yours.

Mr. KAUFER. Thank you, Mr. Speaker.

A wise man said, "It has been the ruin of many worthy families, the loss of many a man's honor, and the cause of suicide. To all those who enter the list, it is equally fascinating. The successful gamester pushes his good fortune till it is overtaken by a reverse. The losing gamester, in hopes of retrieving past misfortunes, goes on from bad to worse, till grown desperate he pushes at every thing and loses his all. In a word, few gain by this abominable practice (the profit, if any, being diffused) while thousands are injured." Those are the words of George Washington speaking on gaming and its impact on society, a man whom I think we all respect.

Today there are 15 million people who are gambling addicts, and today we are going to make it easier for people to become addicted to gaming. Today part of this bill is legalized credit card gambling and iGaming, and I have spoken on that issue before. But today this bill goes even one step further. This now legalizes it in casinos, what you have heard me speak about before about credit card gambling. Now we have this creative legislative runaround that now authorizes casinos to issue prepaid cards that can be purchased – you guessed it – with credit cards. We are now going to allow casinos to offer a way for people to use their credit cards right in their facilities to gamble on credit.

This initiative, as I have spoken about too many times on this House floor and too many times in our caucus, I am sure you are sick of hearing me speak about. But today this goes even one step further than my fears that I spoke of before. I have spoken about the effect of cash advances on people, something I used to do when I worked at my job working for Mohegan Sun. This is a 939-page bill we are talking about today, and yes, there are several things in here which I think are positive, but there is no doubt this is the overriding issue that is in this bill. Once we let the toothpaste out of the tube, we cannot put it back in.

I have heard people speak about VGTs here today who think that this is a step in the right direction for VGTs. I think it kills the conversation on VGTs in our bars and taverns. So for members who are concerned about that, I do not understand your reasoning. For people who care about property taxes, the

home foreclosures that we look at with gambling are overwhelming.

But most of all, the largest conversation has to be about suicide. I did a quick search and went onto 1-800-GAMBLER. I am going to quote: "A University of California-San Diego sociologist found that 'visitors to and residents of gaming communities experience significantly elevated suicide levels.' " That is right. Areas that have casinos, gaming communities, have higher rates of suicide. I will continue: "According to Dr. David Phillips, Las Vegas 'displays the highest levels of suicide in the nation, both for residents of Las Vegas and for visitors to that setting.' In Atlantic City, N.J., Phillips found that 'abnormally high suicide levels for visitors and residents appeared only' – only – 'after gambling casinos were opened.'

"Nevada," as I mentioned before, "had the highest suicide rate in the nation from 1990-1994, according to statistics from the Centers for Disease Control and Prevention.

"In Gulfport, Mississippi, suicides increased by 213 percent" – a 213-percent suicide increase – "(from 24 to 75)" – 24 to 75 – "in the first two years after casinos arrived. In neighboring Biloxi, suicide attempts..." were raised "...by 1000 percent" – 1000 percent – "in the first year alone." In one year.

"The National Council of Problem Gambling, citing various studies, reports that one in five pathological gamblers attempts suicide, a rate higher than for any other addictive disorder." You heard that correct. As we have been here talking about the opioid epidemic all across Pennsylvania, and we have been talking about that substantially, gambler-attempted suicide is a rate higher than any other addictive disorder.

"At least 140 clients at Minnesota's six gambling addiction treatment centers have attempted suicide, according to the Minneapolis Star Tribune. The paper confirmed six gambling-related suicides in that state, but noted that the six are 'almost certainly a fraction of the total number,' given that authorities often do not ascertain motives in suicide cases.

"A survey of nearly 200 Gamblers Anonymous members in Illinois found that 66 percent" – 66 percent – "had contemplated suicide, 79 percent had wanted to die, 45 percent had a definite plan to kill themselves, and 16 percent had actually attempted suicide."

As I have spoken before on this floor, this is one of the worst addictions there is in our community. This is not just an addiction where you go to a treatment center and get clean—

The SPEAKER. Representative, please suspend.

I know you have been talking about the addiction issue, and I just want to have members please take their seats. We do have other speakers. If members could please take their seats. Representative Kaufer will be followed by Representative Roae, Representative Charlton, Representative Masser, and Representative Grove. We want to make sure everybody has an opportunity to speak.

Representative Kaufer.

Mr. KAUFER. Thank you, Mr. Speaker.

As I was saying, this is not just an addiction you go and get treatment for and you go back to your normal life, but it is about all the money you actually owe already. Gamblers who go into treatment often have to hit rock bottom in order to see their problem. I have seen it too much in my personal life, and in my professional life, both former and current. I think I am the only member here that comes from a gaming background. My best friend testified in front of our oversight committee about gambling addiction, my brother's partner suffered from

gambling addiction, let alone the people who have left casinos and then committed suicide in the parking lot. I have seen it. People that have been denied a cash advance and they will come and ask for \$5,000, then ask for \$4,000, then \$3,000, \$2,000, \$1,000 – all the way down until they get to \$10. Begging for \$10. Begging. I have seen it too much, and if I were to challenge members in here, I bet you they know somebody too that has suffered from gambling addiction; somebody that has lost their home or their business, their family, their house, their car; maybe even somebody who committed suicide. I have. I am sure there are others that have as well.

I am disappointed that we are taking a vote on this today. Our House Republicans have led on this gaming issue since it came up. Chairman Payne and now Chairman Petri have been leaders on this issue, yet the bill that came back was not consulted with him or with members of our Gaming Oversight Committee. We are being asked here to rubber-stamp a Senate bill that has not engaged to the depth that the House has, and I should say it has been the House in general, not just the House Republicans; the House Democrats have well engaged in this issue.

I will come back to just a few words from our Founder, President George Washington: "The losing gamester, in hopes of retrieving past misfortunes, goes on from bad to worse, till grown desperate he pushes at every thing and loses his all. In a word, few gain by this abominable practice (the profit, if any, being diffused) while thousands are injured."

We are sacrificing short-term gain with a long-term loss and effect that will affect our Commonwealth for generations. If we think today that by legalizing credit card gambling that we are going to fix the woes of this State, I am sad to say, you are mistaken. The impact that this vote will have, if passed, will go on for generations. And I have heard people here say we should allow people to do what they want. Well, things like that happened during our housing bubble. We have a student loan debt issue. If we do not think that this credit card issue is going to bubble up and burst – it is going to affect us all. It is going to affect our budget. It is going to affect our Commonwealth. It is going to affect our property taxes, as homes are foreclosed upon. It is going to affect people's lives.

Mr. Speaker, I cannot implore my colleagues more to vote against this bill. I wish this provision was not in this bill. I am sad that we are taking a vote on this, as something that will move our Commonwealth in such a negative direction today. Please, Mr. Speaker, vote "no." Thank you.

The SPEAKER. Representative Brad Roae. Waives off.

Mr. ROAE. No, no. I am right here.

The SPEAKER. Representative Brad Roae.

Sir, the floor is yours. I am sorry. I was looking at your seat and I did not see you down here.

Please, the floor is yours.

Mr. ROAE. Thank you, Mr. Speaker.

Mr. Speaker, when this bill left this chamber, it was a lot different than the bill is now. There are two major areas where I am very disappointed with what the Senate did. In Erie County, they have a thing called the Erie County Gaming Revenue Authority. Mr. Speaker, that organization has a \$636,000 annual budget. What that organization does is they distribute about \$4 million of local share gaming revenue. The county directly distributes the rest of the money. So, Mr. Speaker, when we had this bill in the House, we had bipartisan agreement with the Republicans and the Democrats

who represent Erie County and we got rid of the Erie County Gaming Revenue Authority, which freed up \$636,000 that could be used for good things that local share money is supposed to fund.

Mr. Speaker, I am concerned that in the language in the amended bill that Delaware County may be getting a similar authority. Now, just so you know how Erie County does it, they pay their executive director of the Erie County Gaming Revenue Authority \$85,000 a year to supervise two employees and give away \$4 million of gaming money. To put that in comparison, Mr. Speaker, the Erie County executive who supervises 1,000 employees and a \$400 million budget for the county only makes about \$75,000 a year. The Erie County Gaming Revenue Authority is a complete waste of taxpayer dollars, Mr. Speaker. They even go as far as they were paying the tuition for the executive director to earn a doctoral-level college degree. This is for a three-person agency. They are using tax money to pay a \$75,000-a-year employee that manages \$4 million and supervises two employees, they were paying for his doctoral-level college degree. They also pay a \$13,000 opt-out for the executive director not to take health insurance from Erie County. It is pretty common in school districts for a school district to give an employee \$1,000 if they opt out of health insurance and get on their spouse's, or \$2,000 or something like that. Thirteen thousand dollars is very rare, Mr. Speaker, so hopefully, if any local elected officials from Delaware County are listening, please do not use the Erie County model on how you set up your authority down there.

But, Mr. Speaker, I am very, very disappointed that the Senate took the language out of the bill that would abolish the Erie County Gaming Revenue Authority, because the Senate basically took away \$636,000 from what Erie County residents should be getting in their local share money.

The second thing I am disappointed with, Mr. Speaker, is when the legislation left this chamber, we had it set up that we could help volunteer fire departments, we could help VFW (Veterans of Foreign Wars) posts and American Legions that want to help veterans, and we helped small business owners that run restaurants and bars. And how we did that, Mr. Speaker, was with video gaming terminals, or VGTs. Mr. Speaker, we were breaking the monopoly that the large corporate casinos have. Right now we have 10 or 11 corporate-owned casinos that have a 100-percent monopoly on legalized slot machines in Pennsylvania. What that means, there are people who live in about 10 counties that have access to legal slot machines, if they feel like playing a legal slot machine. When we passed the bill out of the House, it was so that other places could have legal slot machines, VGTs. Volunteer fire departments that struggle with fundraising, a lot of them operate social clubs, and that could have enhanced their income. A lot of Elks Lodges, Moose Lodges, VFW posts, American Legion posts, organizations like those; they operate restaurants and clubs and their profits go to help veterans, help food pantries, help pay for kids to have college scholarships, things like that. The Senate took that language out of the legislation, and basically keeps the monopoly of major corporations owning the only legal slot machines in Pennsylvania.

Now, as we know, there is a little bit of expansion for VGTs. Truckstops can have VGTs. You know, that is not a very good expansion if we are trying to, you know, spread that out a little bit, but I guess it is better than nothing. There is also a little bit of Internet lottery sales and things like that. And what is really

frustrating with this job is we know what our constituents want – everybody in this room. We know what we support, we know what our people back home want us to do, and we never get a chance to vote on legislation in this chamber that fits what we want to do and what our constituents want. Everything we do here, Mr. Speaker, gets watered down, everything is compromise. And I know that is how the process works, and this bill, it is very, very watered down from how it was. I really wish we could go back and use the bill as we had it when it left this House originally.

As far as the revenue goes, Mr. Speaker, I am concerned that this legislation is not really going to raise the \$236 million that is projected in the fiscal note. Now, I think it will raise some money. It might raise \$100 million or it might raise \$50 million. I mean, I hope it raises the \$236 million, but we seem to be pretty good at estimating incorrectly how much money something is going to raise when we institute some new tax or some new thing, and so I really have mixed feelings on this legislation.

Back to the revenue part of it, we have passed legislation to authorize spending that we do not have the money for, and I guess what we are all going to have to decide is, the little bit of money that this is going to raise, should we do it even though the Senate seriously flawed the legislation? Should we go along with it to help balance the budget?

I am not crazy about this bill, but I am also not crazy about having deficit spending, so I am still torn what to do with this legislation, Mr. Speaker, and I just hope in the future that we can keep legislation more like we have it in this chamber and not let the Senate get away with so much, like they did on this legislation, Mr. Speaker. Thank you.

THE SPEAKER PRO TEMPORE (MIKE TOBASH) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Masser of Northumberland County.

Mr. MASSER. Thank you, Mr. Speaker.

I wanted to clear up some things from comments that were made last evening on the bill. To set the foundation for my record, I want to bring to the chamber's attention that there is a court case from Bucks County, affirmed by the Pennsylvania Superior Court, which found that games of skill were not unlawful gambling devices. The court had determined that, unlike traditional casino slot machines, these machines only operate if the customer manually initiates the stop buttons. The machines do not contain random number generators and the nature of the symbols and operation of the machines made them a game of skill rather than a game of chance.

Last night a concern was raised that this legislation somehow turns the court decision on its head and precludes games of skill at facilities outside the scope of HB 271. In particular, the concern was based on an unspecified definition in the bill. As a result, I think it is worth discussing several of the definitions. Calling your attention to page 544, lines 27 through 30, of the bill. The addition of "SKILL SLOT MACHINE" and "HYBRID SLOT MACHINE" does not fundamentally change the current definition of "slot machine." The bill adds a new definition of "SKILL SLOT MACHINE" on page 543. This definition means, "A SLOT MACHINE IN WHICH THE SKILL OF THE

PLAYER, RATHER THAN THE ELEMENTS OF CHANCE, IS THE PREDOMINANT FACTOR IN AFFECTING THE OUTCOME OF THE GAME." The bill also adds a definition of "HYBRID SLOT MACHINE" on page 533. This is, "A SLOT MACHINE IN WHICH A COMBINATION OF THE SKILL OF THE PLAYER AND ELEMENTS OF CHANCE AFFECTS THE OUTCOME OF THE GAME." The bill would amend the definition of "slot machine" to include both skill slot machines and hybrid slot machines. While these new definitions add clarity to the definition of "slot machine," they do not change the nature of such machines. The definition of "slot machine" in current law, reproduced in the bill on page 544, line 6 through 8, states that a slot machine includes machines, "...THE PLAY OR OPERATION OF WHICH, WHETHER BY REASON OF SKILL OR APPLICATION OF THE ELEMENT OF CHANCE OR BOTH..." delivers a potential payoff. So under current law, a slot machine includes machines which operate by chance, by skill, or by some combination of the two. Under this bill, a slot machine includes machines which operate by chance, by skill, or some combination of the two. If it is legal now, it will be legal after passage of HB 271.

On page 801, lines 21 through 24, the bill defines a "COIN-OPERATED AMUSEMENT GAME" as "A MACHINE THAT REQUIRES THE INSERTION OF A COIN, CURRENCY OR TOKEN TO PLAY OR ACTIVATE A GAME THE OUTCOME OF WHICH IS PREDOMINANTLY AND PRIMARILY DETERMINED BY THE SKILL OF THE PLAYER." These are the kinds of games described in the Superior Court's opinion. Another way of thinking about this is that it includes the kind of games you would find in an arcade; that is, games of skill rather than games of chance.

Coin-operated amusement games are not considered video gaming terminals, or VGTs, according to the definition of "VIDEO GAMING TERMINALS" in chapter 31, on page 812, of this bill. "THE TERM" VGT "DOES NOT INCLUDE A SLOT MACHINE OPERATED AT A LICENSED FACILITY IN ACCORDANCE WITH PART II (RELATING TO GAMING) OR A COIN-OPERATED..." game. Additionally, coin-operated amusement games are not considered slot machines under this bill. The same definition of "video gaming terminals" in chapter 31, on page 812, also excludes coin-operated amusement games from slot machines. "THE TERM" VGT "DOES NOT INCLUDE A SLOT MACHINE OPERATED AT A LICENSED FACILITY IN ACCORDANCE WITH PART II...OR A COIN-OPERATED AMUSEMENT GAME."

Words have meaning. The Pennsylvania Statutory Construction Act states that all the words in a statute are to be "effective and certain." Stating this another way, the Pennsylvania courts have explained that courts should give meaning to every word in a statute and not assume the legislature intended any words to be mere surplusage. VGTs do not include either slot machines or coin-operated amusement games. Since both those terms are used, they will be interpreted correctly to be different things. As a result, a local bar or tavern owner or a restaurant or any other establishment such as clubs that have coin-operated amusement games would not violate this statute, if enacted, by continuing to operate a coin-operated amusement game in their establishment.

Additionally, it is not the legislative intent to eliminate coin-operated amusement games in local bars, taverns, restaurants, clubs, or any other establishments that have these games of skill, nor does the language of the bill have that effect.

I think I would agree with a number of the prior speakers that I am disappointed in the Senate's actions. I think this chamber, and rightfully so, looked after our fraternal organizations, our clubs, our fire companies, and our small business owners, as a way to give them a chance to make a little bit of extra revenue, maybe pay their employees a little bit better salary. I am disappointed that the Senate took that language out and did not help our small businesses and our clubs.

However, I would urge a "yes" vote on this legislation. I think it is a chance to move forward. I think the naysayers that say the games of skill are in jeopardy, as I outlined earlier, are wrong, and I would please ask everyone's support for HB 271.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Speaker thanks the gentleman and recognizes the gentleman from Delaware County, Representative Charlton.

Mr. CHARLTON. Thank you, Mr. Speaker.

I am from Delaware County and I know this gaming bill is going to be good for the county that I was elected to represent. As legislators, our first priority is to the communities that have elected us to represent them. The residents of Delaware County will benefit from the provisions in this bill. The economic impact that the Delaware County casino has had to the county and the city of Chester is in the millions of dollars and hundreds of jobs. The various provisions in this bill go to great lengths to protect the millions of dollars in tax revenue that go to Delaware County and the city of Chester. If you vote against these provisions, you are telling the people of Delaware County that you want to increase their property taxes.

Let me also address the issue of the authority. This authority is a way to help local institutions and emergency responders, which we were elected to do as well. Criticizing dedicated funding sources for the first responders we represent is preposterous. Nearly every week I talk to first responders looking for additional resources to help them carry out the critical mission of protecting our communities. If you take issue with the authority created in this provision, you are telling local responders you do not think their work is a priority.

Moreover, I want to address the baseless and cheap attacks on oversight. As we should all be fully aware, the statute that creates such authorities has oversight provisions that call on both the DCED and the Attorney General to review these activities of such authorities. If you need a reference, Title 53, subsection 5612, section (b): "Every authority...shall file...an annual report of its fiscal affairs...with the Department of Community and Economic Development...." Moreover, section (c): "Attorney General. The Attorney General of the Commonwealth shall have the right to examine the books, accounts and records of any authority." Suggesting that one bad actor across the State is representing all the authorities across this Commonwealth is misinformed and suggests that the administration and the Attorney General are somehow incapable of doing the jobs that they were elected to do.

I also have with me a letter that is being sent out today to the Delaware County Legislative Delegation from the Delaware County F.O.P. (Fraternal Order of Police) Lodge 27 and the

representatives of the Chester City F.O.P. The letter states: "Today I am writing to thank you for your efforts to support local law enforcement and emergency responders. Your efforts to design an innovative way to direct critically needed funds to local emergency responders is laudable and I appreciate your efforts to support our local first responders.

"Specifically, I am writing to thank you and express my support for the section of the gaming legislation that creates a local authority that will be able to provide grants to local emergency responders. While I am not familiar with the details of all the gaming provisions, I can tell you any additional resources for law enforcement and first responders is" certainly "a step in the right direction.

"Not a week goes by where I do not hear from a member department asking me about funding resources for capital projects, training resources, or grants for equipment to keep officers safe. As the challenges of keeping our communities safe grows more complex every day, these resources will be put to good use. Moreover, our departments in close proximity to the casino in Delaware County have an increased responsibility that adds a strain on their departments" and their resources.

"This funded provision for local first responders is an example of good government and I appreciate your efforts on our behalf."

Thank you, Mr. Speaker.

THE SPEAKER (MIKE TURZAI) PRESIDING

The SPEAKER. Representative Seth Grove.

Mr. GROVE. Hello, Mr. Speaker. Thank you.

Would the prime sponsor of the bill stand for brief interrogation?

The SPEAKER. The good gentleman has indicated he will so stand.

You may proceed.

Mr. GROVE. Thank you, Mr. Speaker.

Mr. Speaker, I know some members have great concern over the expansion of gambling. My understanding is there are two provisions where individuals or counties and local governments may opt out. Could you review the county opt-out clause within the legislation?

Mr. ORTITAY. Mr. Speaker, for the Category 4 licenses, municipalities have until December 31 of this year to opt out.

Mr. GROVE. So the entire county – if the county commissioners take a vote, they can opt out and make sure there is no Category 4 facility within that county?

Mr. ORTITAY. Yes, municipalities can opt out.

Mr. GROVE. Is there a county opt-out or just local?

Mr. ORTITAY. There is a county opt-out for the VGT component.

Mr. GROVE. For the VGTs. And the local opt-out is for the Category 4 license?

Mr. ORTITAY. Mr. Speaker, that is correct. The opt-out is for the Category 4 licenses.

Mr. GROVE. Okay. So as House members, we can go back and ask our local governments to make sure they do an opt-out for the VGTs, and then for the Category 4s we could go to our county commissioners and ask for an opt-out?

Mr. ORTITAY. Mr. Speaker, that is correct.

Mr. GROVE. Thank you.

Will this have a detrimental or a positive impact on the Lottery Fund, because I know a lot of people care about the programs, the Lottery Fund, funds from senior rideshare, property tax and rent rebates, and so forth?

Mr. ORTITAY. Mr. Speaker, according to the fiscal note that I have in front of me, on the very last page it says "The department estimates the iLottery will generate \$25,000,000 annually for the Lottery Fund. It is" also "anticipated that \$10,000,000 will be generated for the Lottery Fund in 2017-18."

Mr. GROVE. That is good.

How about the Property Tax Relief Fund, Mr. Speaker? I know property tax is a big issue in multiple areas around this Commonwealth. Will it have a negative or a positive impact on the Property Tax Relief Fund, to make sure homeowners continue to receive tax relief?

Mr. ORTITAY. Mr. Speaker, it is believed that this will have a positive impact on the Property Tax Relief Fund, as more money would be put there. According to the statistic I have in front of me, it will be 34 percent will go to the Property Tax Relief Fund.

Mr. GROVE. So we will not have stagnant proceeds going into there. The potential of seeing more property tax relief can be realized through this legislation.

Mr. ORTITAY. That is correct, with the addition of different venues and means of gambling. The anticipation is that we will bring a different customer to this, which will provide additional revenue for this, which would result in additional impact to the Property Tax Relief Fund, in addition to the Lottery Fund as well, which, of course, benefits a lot of older Pennsylvanians in the State of Pennsylvania.

Mr. GROVE. That is great.

Mr. Speaker, could you review the fiscal impact this fiscal year and next fiscal year of this bill? What is the estimated revenue?

Mr. ORTITAY. I believe the actual estimated revenue is \$238 1/2 million.

Mr. GROVE. Mr. Speaker, is any of that revenue derived from forcibly extracting taxpayer dollars from the wallets of taxpayers across this Commonwealth?

Mr. ORTITAY. Mr. Speaker, no, that is not my belief.

Mr. GROVE. Okay, Mr. Speaker.

Last question. In your assessment, will this bill create new economic opportunities for Pennsylvanians?

Mr. ORTITAY. Mr. Speaker, yes, I believe that it will add additional economic opportunities for Pennsylvanians. You are giving businesses the opportunity and the avenue and the means to add on to their business, which would allow them to make more money and create more jobs – construction jobs to build the Category 4s and tech jobs for the online component. I mean, there are a lot of different aspects that go along with the additional means of gambling that are included in this bill, so yes.

Mr. GROVE. Thank you, Mr. Speaker.

Mr. Speaker, on the bill?

The SPEAKER. Yes.

Representative Grove, on the bill. Thank you.

Mr. GROVE. Thank you, Mr. Speaker.

Ideally, Mr. Speaker, doing more to develop the economy of Pennsylvania would be ideal, whether it is reducing taxes, providing more private-sector job growth or through making

Pennsylvania more business-friendly. Ideally, Mr. Speaker, I wish we could be doing more to debate financial transparency to let taxpayers and members of this General Assembly know where dollars are spent, to better analyze expenditures to make sure we are using dollars in the most efficient and effective way, Mr. Speaker.

The bill we have in front of us today, while not a holistic approach to dealing with our budgetary concerns, provides an avenue to create new jobs, to create economic growth, to expand an industry which is very competitive. Nationally, since gaming was first developed in Pennsylvania, passed, and legalized, we have seen our border States create casinos and expand their gambling. So we are in competition with our sister States, Mr. Speaker, and this provides greater incentive to draw those individuals who choose to gamble back into Pennsylvania, and there are rewards reaped through property tax relief, through funding senior programs that the lottery has funded. Mr. Speaker, if you pay attention to our budget, we have created more pressure on the lottery the past few years by funding more senior programs in the Department of Human Services through lottery funds. This will enable us to stabilize those funds and ensure that we have those programs moving forward for seniors – without hurting proceeds, without having to move money out of the General Fund to do that, Mr. Speaker.

Mr. Speaker, while we can talk about different ways to fund this budget – and there have been many iterations of tax increases proposed in this House, none of which really garnished the votes to move forward – this is a method that we can provide an avenue to provide funding for this year's budget and next year's budget that does not rely on taking money out of our taxpayers' wallets and ensuring that economic decline happens in the Commonwealth, Mr. Speaker.

Most importantly, Mr. Speaker, it gives locals a say in whether they want to expand gaming in their jurisdictions or not. From my understanding, Mr. Speaker, this is new language that was not originated in any gaming bill to date that allows legislators and local communities to gather together to determine whether they want expanded gaming in their local areas or not, giving more protection, more say at the local level, Mr. Speaker. I think that is an important provision to protect taxpayers, particularly in those areas that do not want to see gaming that have steadfast beliefs and ideals, that do not believe in the expansion of gaming. This gives them added protections, Mr. Speaker.

Obviously, this is a large bill, not the 900 pages that have been discussed – half of that, because it was gutted and replaced over in the Senate – but, Mr. Speaker, ultimately we do have decisions to make on how we fund budgets and fund State government. I think we always need to do more, be more innovative, find more cost savings, and protect taxpayers as best we can, Mr. Speaker. Ideally, this is a mechanism to keep Pennsylvania competitive in our gaming industry, as well as ensure we do our best to protect seniors and protect taxpayers moving forward, Mr. Speaker.

I would urge a "yes" vote for these, and I understand there may be provisions that some may like, but ultimately, if we want to move the Commonwealth economy forward and make sure we do best by our taxpayers, we need to do right by them, Mr. Speaker. Thank you.

The SPEAKER. Thank you.

The last two speakers I have listed are Representative Petri, and then, of course, the maker of the bill, Representative Ortitay. Does anybody else wish to be recognized, however, before I call on these gentlemen? Does anybody else wish to be recognized?

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Mark Keller is on the House floor and should be placed back on the master roll.

CONSIDERATION OF HB 271 CONTINUED

The SPEAKER. Representative Petri, you may proceed.

Mr. PETRI. Thank you, Mr. Speaker.

One of the previous—

The SPEAKER. Members, please take your seats.

You may proceed, sir.

Mr. PETRI. Thank you.

Mr. Speaker, we have now had a fairly robust discussion of the bill and there have been a lot of opinions, and, obviously, like most gaming expansion bills, your opinion will depend a lot upon your geography, because this bill impacts everybody in different ways.

One previous speaker mentioned a court of common pleas decision. It involved Judge Cepparulo, and he made a decision in the case of a skilled game. That speaker tried to imply that that decision is binding in some sort of way, but as we know as lawyers, judges' decisions at the court of common pleas level are not binding, even within your own county, and so there are actually two decisions allowing for certain games of skill, and I have already indicated and debated the provisions with you about what the bill says and does not say about your clubs, bars, and taverns. The point I want to make on this, though, is that it is not my opinion, it is the opinion of an expert who practices only in the area of gaming, both in Pennsylvania and other States. And his opinion is as follows: If this bill is enacted, a casino can continue to have a game of skill. A truckstop may not have a game of skill. It is absolutely clear that it is illegal. What the bill does – because of a drafting error, in his opinion – is make questionable whether a bar, tavern, restaurant, or club can continue to have a game of skill. He is not saying absolutely yes, and he is not saying absolutely no, but what he is saying is, remember that if your club, bar, or tavern is cited, it is a criminal offense under Title 18.

Lastly, the important message for each of us: When we pass new legislation, it is our responsibility to communicate the impact to our local elected officials. With most legislation, we have ample time to do so. That is not true with respect to this bill. So may I provide some friendly advice about what I think our responsibility is to our local elected officials, if this bill passes.

Let us start with Category 4, or ancillary casinos. Mr. Speaker?

The SPEAKER. Members, every one of our colleagues is entitled to be heard. If everybody could please take their seats. Thank you very much.

Mr. PETRI. Listen, this is, I believe, an important public service announcement, so just give me 2 minutes.

If you have a casino in your county, I would like you to call your county commissioners today, every one of them, and tell them they have until December 31 to opt out of an ancillary location – strike that. Let me back up. I messed that up. I apologize.

If you have a casino, you have until December 31 to exercise a right to opt out. If this bill passes, draw a circle around your casino, put a protective zone and figure out which municipalities are outside of that protective zone. Call them and tell them that they must begin drafting, right away, an ordinance if they do not want an ancillary in their location. They will tell you, "We already printed the agenda" or "We are not going to have a meeting," and you say, you are going to have to call a special meeting. You are going to have to talk to your solicitor. Read this bill. Understand that if you do not opt out by December 31 – and you are going to have to have a public hearing – you could get a casino. They are going to say, "Well, where are they going to go?" We have no idea. It is a bid process. We do not know. But you if you do not want a casino, you have to tell your municipality that they have to start tomorrow; not a week from tomorrow, tomorrow. They have basically about 15 days to start the process in order to be accomplished by December 31.

But if you are within 25 miles of that casino, there is a protective zone. No problem. If you are in Pike County, you have no problem because there is a special protective zone.

Now, the second thing. Let us assume that you have a Category 1, 2, or 3; so you have a casino in your county. I will give you an example: Bucks County has one; Chester County does not. If you have a casino, you need to call your county commissioners and within 60 days, if this passes, they must decide if they want to opt out of truckstops. So I am going to call my county commissioners. My colleagues will call them and they will say, we are going to encourage you. You are in Bucks County. We have got a casino. Pass an ordinance that you do not want any truckstops, because we do not want them. None of us wants them. If you do not have a casino in your county, you have no ability to stop a truckstop. Your county commissioners, your local government cannot stop it, so you do not have to call them. But if you have a casino in your county, does not matter whether you are in an adjacent county, now you have got a truckstop.

Call your county commissioners. Contact your local officials today. Thank you.

The SPEAKER. Thank you, Representative.

Representative Ortitay, our final speaker on the legislation.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Tedd Nesbit is back on the House floor and should be placed on the master roll.

CONSIDERATION OF HB 271 CONTINUED

Mr. ORTITAY. Mr. Speaker, thank you. I promise I will be brief.

It does feel like Groundhog Day in here, especially from last year and from last night as well.

I just want to take an opportunity to thank everyone for their indulgence during interrogation while we were finding answers. I know it was a 900-page bill. Half of those pages were

strike-throughs and tough to get through, so I appreciate your patience on that.

I just want to mention a few things in closing. Listen, I know it is not a perfect bill. I have yet to see a perfect bill go through this chamber. I have hope in the future that that will happen. I know last session we had over 50 hearings across the State, so a lot of these ideas are not new; they are ideas that we have gone over and reviewed in the past.

Again, one other thing I will just mention in closing before I ask for an affirmative vote. I did just find out that a number of the PA building trades do support this bill, if that helps, but I think at this point, everybody knows where they are.

And again, I would just like to thank everyone for their help in this bill, their patience through the process. We had a late night last night and an early morning this morning.

So again I would just like to ask for an affirmative vote on HB 271. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—109

Barrar	Dunbar	Keefer	Rader
Benninghoff	Dush	Keller, F.	Ravenstahl
Bernstine	Ellis	Keller, W.	Readshaw
Bloom	Evankovich	Kinsey	Reed
Boyle	Evans	Kirkland	Roae
Briggs	Everett	Klunk	Roebuck
Bullock	Fitzgerald	Kortz	Samuelson
Caltagirone	Frankel	Krueger	Sankey
Carroll	Freeman	Kulik	Santora
Causar	Fritz	Lewis	Saylor
Cephas	Gainey	Madden	Schlossberg
Charlton	Gergely	Markosek	Schweyer
Cook	Gillespie	Marshall	Solomon
Corbin	Goodman	Marsico	Sonney
Corr	Grove	Masser	Stephens
Costa, D.	Hahn	McClinton	Tobash
Costa, P.	Hanna	Miccarelli	Toepel
Cutler	Harris, A.	Millard	Toohil
Daley	Harris, J.	Mullery	Topper
Dawkins	Heffley	Neilson	Ward
Deasy	Helm	Nelson	Warner
DeLissio	Hennessey	Neuman	Wheatley
DeLuca	Hill	Oberlander	White
Dermody	Irvin	Ortitay	Youngblood
Diamond	James	Pashinski	
Donatucci	Jozwiak	Quigley	Turzai,
Dowling	Kampf	Quinn, C.	Speaker
Driscoll	Kavulich	Rabb	

NAYS—72

Baker	DiGirolamo	Mako	Roe
Barbin	Emrick	Maloney	Rozzi
Bizzarro	Farry	McCarter	Saccone
Boback	Fee	Mehaffie	Sainato
Bradford	Flynn	Mentzer	Schemel
Brown, R.	Galloway	Metcalfe	Simmons

Brown, V.	Gillen	Miller, B.	Sims
Burns	Greiner	Miller, D.	Snyder
Christiana	Harkins	Moul	Staats
Comitta	Hickernell	Murt	Sturla
Conklin	Kaufer	Nesbit	Tallman
Cox	Kauffman	O'Neill	Taylor
Culver	Keller, M.K.	Peifer	Vitali
Davidson	Kim	Petrarca	Warren
Davis	Knowles	Petri	Watson
Day	Lawrence	Pickett	Wentling
Dean	Longiatti	Quinn, M.	Wheeland
Delozier	Mackenzie	Rapp	Zimmerman

NOT VOTING—2

English	Vazquez
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EXCUSED—19

Cruz	Harper	Milne	Rothman
Fabrizio	Maher	Mustio	Ryan
Gabler	Matzie	O'Brien	Thomas
Godshall	McGinnis	Pyle	Walsh
Haggerty	Metzgar	Reese	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as further amended by the Senate to House amendments were concurred in.

Ordered, That the clerk return the same to the Senate for concurrence.

RECESS

The SPEAKER. Members, the House will stand in recess until later today. We will just be coming back for reading bills across the desk. There are no further votes today.

AFTER RECESS

The time of recess having expired, the House was called to order.

VOTE CORRECTIONS

The SPEAKER. Representative Stephen Kinsey has requested to correct the record. On House roll call for Wednesday, October 25, at 10:10 p.m., we had a motion to postpone that was made by Representative Samuelson. Representative Kinsey was recorded in the negative. He should have been recorded in the positive. So we will correct that record.

Representative Emilio Vazquez would like to correct his vote on the record on the concurrence vote on HB 271. His vote was not recorded as it should have been. It failed to record. He would like to be recorded in the affirmative. He was a "yes" vote on concurrence in amendments in HB 271, Representative Vazquez.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 567 By Representatives GAINNEY, ROZZI, DEAN, BIZZARRO, RABB, STURLA, McCLINTON, KINSEY, MULLERY, WHEATLEY, V. BROWN, SOLOMON, DALEY and SCHLOSSBERG

A Resolution directing the Joint State Government Commission to establish an advisory committee to conduct an ongoing study on the legalization or decriminalization of marijuana and to report its findings and recommendations to the House of Representatives.

Referred to Committee on HEALTH, October 26, 2017.

No. 583 By Representatives HELM, BARRAR, BERNSTINE, BOBACK, V. BROWN, CALTAGIRONE, CHARLTON, DRISCOLL, EVERETT, HAHN, JOZWIAK, W. KELLER, KORTZ, KRUEGER-BRANEKY, MACKENZIE, MENTZER, MILLARD, MURT, NEILSON, O'NEILL, PICKETT, RADER, READSHAW, SCHWEYER, WARD and M. QUINN

A Resolution beseeching the Congress of the United States and the Department of Veterans Affairs to consider authorizing the use of service dogs for veterans suffering from post-traumatic stress disorder or other emotional traumas.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 26, 2017.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1892 By Representatives METCALFE, KNOWLES, MILLARD, SACCONI, McGINNIS, READSHAW, RYAN, IRVIN, D. COSTA, WHEELAND, DOWLING, ROAE, DeLUCA, WARD, ORTITAY, NEILSON, GILLEN, BAKER, ROTHMAN, COOK and BERNSTINE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in offenses against the family, providing for residency restrictions for certain offenders; and prescribing a penalty.

Referred to Committee on JUDICIARY, October 26, 2017.

No. 1893 By Representatives ROAE, DIAMOND, McGINNIS, KAUFFMAN, RAPP, ZIMMERMAN, GROVE, MENTZER, ORTITAY, LAWRENCE and WARD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in duties and powers of boards of school directors, further providing for majority vote required and recording.

Referred to Committee on EDUCATION, October 26, 2017.

No. 1894 By Representatives DUSH, BERNSTINE, COX, DRISCOLL, KNOWLES, B. MILLER, ROEBUCK, RYAN and TOOHL

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in judicial review, providing for criminal penalty.

Referred to Committee on STATE GOVERNMENT, October 26, 2017.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 625, PN 1288

Referred to Committee on STATE GOVERNMENT, October 26, 2017.

SB 676, PN 1289

Referred to Committee on LABOR AND INDUSTRY, October 26, 2017.

SB 822, PN 1046

Referred to Committee on STATE GOVERNMENT, October 26, 2017.

SB 935, PN 1280

Referred to Committee on GAME AND FISHERIES, October 26, 2017.

SB 936, PN 1281

Referred to Committee on LABOR AND INDUSTRY, October 26, 2017.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 271, PN 2652

An act amending Titles 3 (Agriculture) and 4 (Amusements) of the Pennsylvania Consolidated Statutes, extensively revising gaming provisions as follows: in Title 3: for horse racing, in the area of race horse industry reform. In Title 4: for amusements generally, in the areas of fantasy contests, of lottery and of iLottery; for gaming, in the areas of general provisions, of Pennsylvania Gaming Control Board, of licensees, of table games, of interactive gaming, of revenues, of administration and enforcement and of miscellaneous provisions; and providing for video gaming. Providing, as to the revisions: for related repeals. Repealing a provision related to keno in the State Lottery Law.

HB 785, PN 2632

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for bonds, issue of bonds and notes, maturity, interest and for appropriation for and limitation on redevelopment assistance capital projects; and providing for capital budgets.

Whereupon, the Speaker, in the presence of the House, signed the same.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. With respect to HB 785 that I just signed, my understanding is that the Senate and the House had been presented with an incorrect printer's number. I have never seen this occur before. So we had to re-sign HB 785, which I just did. The original one had PN 2623. That is not the correct printer's number for the Capital Facilities Debt Enabling Act that we passed. On the screen was the correct number, in front of the members was the correct number; just when it came to signing, they had the incorrect number. So we re-signed, both the Senate and the House signators are both signing the correct printer's number. It is HB 785, PN 2632, and I just signed that.

CALENDAR CONTINUED**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 332**, **PN 356**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income.

On the question,
Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 332 be removed from the active calendar and placed on the tabled calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 332 be removed from the tabled calendar and placed on the active calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 274**, **PN 1497**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in protection from abuse, further providing for relief.

On the question,
Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 274 be removed from the active calendar and placed on the tabled calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 274 be removed from the tabled calendar and placed on the active calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

RESOLUTION

Mr. REED called up **HR 17**, **PN 20**, entitled:

A Resolution requesting the Congress of the United States to urge the Food and Drug Administration to reverse its directive allowing OxyContin to be prescribed to children 11 to 16 years of age.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 17 be removed from the active calendar and placed on the tabled calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 17 be removed from the tabled calendar and placed on the active calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. If I might, the Chair recognizes Representative Hal English, who moves that the House be adjourned until Monday, November 13, 2017, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

As we indicated, there are no further votes.

The House will stand adjourned until November 13.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 11:28 a.m., e.d.t., the House adjourned.