

1 HOUSE OF REPRESENTATIVES
2 COMMONWEALTH OF PENNSYLVANIA

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4 RESTRUCTURING the DEPARTMENT of MILIARY
5 and VETERANS AFFAIRS
6 and the Programs the Department Administers

7 * * * *

8 House Veterans Affairs & Emergency
9 Preparedness Committee

10 Ryan Office Building
11 Room G-50, Irvis Office Building & Virtual
12 Harrisburg, Pennsylvania

13 Tuesday, October 19, 2021 - 9:03 a.m.

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15 COMMITTEE MEMBERS PRESENT:

16 Honorable Karen Boback, Majority Chairwoman
17 Honorable Mike Armanini (virtual)
18 Honorable Lynda Schlegel Culver (virtual)
19 Honorable Mark Gillen
20 Honorable Joe Hamm (virtual)
21 Honorable Zachary Mako (virtual)
22 Honorable Natalie Mihalek
23 Honorable Timothy O'Neal (virtual)
24 Honorable Tracy Pennycuick
25 Honorable F. Todd Polinchock (virtual)
Honorable Jim Rigby
Honorable Frank Ryan
Honorable Craig Williams
Honorable Chris Sainato, Minority Chairman
Honorable Carol Hill-Evans
Honorable Kristine Howard (virtual)
Honorable Anita Astorino Kulik (virtual)
Honorable Jennifer O'Mara
Honorable Christina D. Sappey (virtual)
Honorable Joe Webster
Honorable Dan K. Williams

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1 INDEX OF TESTIFIERS

2	TESTIFIERS	PAGE
3	Remarks by Majority Chairwoman Boback...	3
4	Remarks by Minority Chairman Sainato....	5
5	Remarks by Representative Ryan Mackenzie	9
6	Remarks by Representative Frank Ryan....	
7	Remarks by Representative Tracy Pennycuick	
8	Remarks by Representative Craig Williams	
9	Drew Svitko, Executive Director.....	17
10	Pennsylvania Lottery	
11	PA Dept. of Military & Veterans Affairs	
12	Major General Mark Schindler.....	60
13	Acting Adjutant General	
14	Brigadier General PA Maureen Weigl....	77
15	Deputy Adjutant General	
16	Marc Ferraro.....	--
17	Executive Deputy Secretary	
18	Travis Davis, Director.....	--
19	Bureau of Veterans Homes	

18 SUBMITTED WRITTEN TESTIMONY

19 (See other submitted testimony and handouts
20 online.)

22 REQUEST FOR PRODUCTION OF INFORMATION

23	PAGE	LINE	PAGE	LINE	PAGE	LINE
24	52	14-17	92	16-18	93	2-3

25

1 MAJORITY CHAIRWOMAN BOBACK: Good
2 morning. We will now call this public hearing to
3 order. Please silence all cell phones.

4 For the Pledge of Allegiance, I'm going
5 to ask Adjunct General Schindler, will you please
6 lead us in the Pledge of Allegiance.

7 (Pledge of allegiance off the record).

8 MAJORITY CHAIRWOMAN BOBACK: Thank you,
9 General Schindler.

10 My name is Karen Boback. I'm the
11 Majority Chair for the House Veterans Affairs and
12 Emergency Preparedness Committee.

13 For housekeeping purposes, we have
14 members and testifiers in attendance both
15 physically and virtually, as well as public viewing
16 via live stream. Due to the Sunshine Law
17 requirements, if either of these platforms
18 experience technical difficulties, we will pause
19 the meeting in order to correct the issues.

20 For the members participating virtually,
21 will you also please mute your microphones. Please
22 know that when you speak, we all hear you. If you
23 want to be recognized for comments, please raise
24 the hand function, and after being recognized but
25 prior to speaking, please turn on your camera and

1 unmute your mike. After you have completed your
2 questions, then once again please mute your mikes.

3 We are here today to examine a package
4 of bills that alter the organization of our
5 existing Department of Military Affairs, as well as
6 various programs and services that are provided by
7 the Department. This is a very important subject
8 matter that has been raised by the veterans
9 organizations and several members of our standing
10 committees.

11 Thus, Chairman Sainato and I felt that a
12 hearing on these bills would be an excellent venue
13 for discussion on the important matters, for both
14 the Committee members and various stakeholders who
15 are participating and listening at home. I want to
16 thank the members and our panelists for being here
17 today.

18 Chairman Sainato, any opening remarks?

19 MINORITY CHAIRMAN SAINATO: Thank you,
20 Chairwoman Boback.

21 I too want to thank everyone for being
22 here today. These have always been very helpful to
23 our members and to the organizations as we move
24 forward to do what we can to help our veterans.

25 I look forward to our testimony and for

1 our newer members on our Committee, and I think
2 you'll pick up a lot of valuable information today.

3 MAJORITY CHAIRWOMAN BOBACK: Thank you,
4 Chairman Sainato.

5 At this time will the members and staff
6 please introduce themselves, and we'll start with
7 Representative Ryan upfront.

8 REPRESENTATIVE RYAN: Representative
9 Frank Ryan representing the 101st district in
10 Lebanon County, PA.

11 REPRESENTATIVE RIGBY: Representative
12 Jim Rigby, 71st district, Cambria and Somerset
13 counties.

14 REPRESENTATIVE MIHALEK: Natalie
15 Mihalek, 48th legislative district, Allegheny and
16 Washington.

17 REPRESENTATIVE WEBSTER: Good morning,
18 everyone. Job Webster. I represent a portion of
19 western Montgomery County.

20 REPRESENTATIVE D. WILLIAMS: Good
21 morning. My name is Dan Williams. I represent the
22 74th district in Chester County.

23 REPRESENTATIVE GILLEN: Good morning.
24 Mark Gillen, Berks, Lancaster counties.

25 REPRESENTATIVE O'MARA: Good morning.

1 Jennifer O'Mara. I represent Delaware County.

2 MR. HILLMAN: Michael Hillman. I'm the
3 Democratic Executive Director for the Committee.

4 REPRESENTATIVE HOWARD: Hi. It's
5 Kristine Howard from the 167th district in Chester
6 County.

7 MR. O'LEARY: Rick O'Leary, Executive
8 Director for Chairman Boback.

9 MR. HARRIS: Sean Harris, senior
10 research analyst for the Committee.

11 REPRESENTATIVE PENNYCUICK: Tracy
12 Pennycuick, the 147th district, Montgomery County.

13 REPRESENTATIVE C. WILLIAMS: Craig
14 Williams, 160th district, Delaware and Chester
15 counties.

16 MAJORITY CHAIRWOMAN BOBACK: Also
17 joining us virtually are Representatives Mako,
18 Hamm, Polinchock, O'Neal, Culver, Kulik, Armanini,
19 and Howard. Representative Carol Hill-Evans just
20 walked in. Welcome. Thank you.

21 In regard to the bills that I have prime
22 sponsored, House Bill 1691 creates a veteran
23 lottery ticket with proceeds going to elderly care
24 programs for our veterans, such as veterans adult
25 day care and palliative care needs, as well as

1 Act 66 VSO programs to help elder veterans obtain
2 the state and federal V.A. benefits. These veteran
3 lottery tickets have been very successful in many
4 states, and many feel, including myself, that
5 Pennsylvania shall partake in such programs.

6 As well as, House Bill 1964 will create an
7 independent office at the Adjunct General for
8 Veterans Affairs, thereby, placing veterans'
9 programs and our veterans' homes under a veteran
10 and health care centric administrative body, rather
11 than a National Guard military structure. This
12 bill is very similar to what was done in the past
13 by creating an independent office of the State Fire
14 Commissioner under PEMA.

15 The fire and emergency services
16 community, similar to the veterans community,
17 wanted more autonomy and direct oversight for their
18 programs and initiatives. Thus, rather than create
19 a separate department, an independent office
20 sharing department and administrative resources was
21 created, and this model has been very successful
22 for emergency responder communities. Therefore, I
23 think that we should examine this model for our
24 veteran community.

25 In regard to House Bill 1972, this bill

1 creates within the DMVA a veterans' adult daycare
2 and palliative care program which I firmly believe
3 that it will be a great program, not only for our
4 veterans, but for their family members who are not
5 able to provide care or companionship during the
6 day when they must be at work. I think these
7 legislative proposals are worthy of discussion, and
8 I look forward to hearing the views of our panels
9 today.

10 Chairman Sainato, any brief remarks on
11 your House Bill 1953?

12 MINORITY CHAIRMAN SAINATO: Thank you,
13 Chairman Boback.

14 My bill is constitutional amendment that
15 helps disabled veterans on real estate tax
16 exemption. It's been a great program for our
17 veterans who've sacrificed so much. It's time to
18 expand the program to cover those who were injured
19 outside of war zones. Those injuries are just as
20 severe, and they were serving our country no matter
21 where they were injured, and the families of those
22 captured or killed.

23 We left them behind, many of them, and I
24 think this would go a long way to help the spouse
25 to have that same provision. We've worked with the

1 Department to get this right. Eagerly to move this
2 bill forward on behalf of our veterans and their
3 families.

4 MAJORITY CHAIRWOMAN BOBACK: Thank you,
5 Chairman.

6 Next we have Chairman Mackenzie. He's
7 joining us virtually. Chairman Mackenzie, do you
8 have any brief remarks on House Bill 910.

9 REPRESENTATIVE MACKENZIE: I do. Thank
10 you, Madam Chair, and Chair Sainato as well.

11 House Bill 910 is also a constitutional
12 amendment. And in current Pennsylvania law, it
13 provides that a disabled veteran in our state may
14 receive a full property tax exemption on their
15 primary residence if the veteran is 100 percent
16 disabled as a result of wartime service and
17 provides and proves to be in need of financial
18 assistance.

19 Our legislation will remove the injury
20 due to wartime service provision for disabled
21 veterans to receive this exemption, and this
22 property tax exemption would be applied to all
23 veterans who are declared war rated 100 percent
24 disabled by the U.S. Department of Veterans Affairs
25 for an injury or disease related to their service.

1 The Pennsylvania State Veterans Commission would be
2 charged with determining which individuals are in
3 need of this financial assistance.

4 It would also provide the surviving
5 spouse of a member of the U.S. Armed Forces who was
6 killed in action or died as a result of injuries
7 during their active service, they shall be exempt
8 from the payment of all real estate property taxes
9 at their place of primary residence.

10 The spouses and Armed Forces members do
11 not need to be residents of Pennsylvania at the
12 time of death, and there would be no restriction on
13 the surviving spouse's relocation within the
14 Commonwealth to receive the exemption.

15 Finally, our legislation will create a
16 process for disabled veterans to receive a prorated
17 property tax assessment during the year they have
18 been approved for the disabled veterans' real
19 estate tax exemption. Any tax assessment on a
20 property owed by a disabled veteran would be
21 required to be prorated from the date an eligible
22 applicant files for the exemption with the State
23 Veterans Commission.

24 I would say a couple things. This
25 legislation in many ways is similar to Chairman

1 Sainato's legislation. I introduced this
2 legislation with Representative Gillen, who is a
3 member of the Committee, and we have been working
4 around this legislation for a number of years as
5 well. Lots of outside groups, veterans,
6 organizations are in support of this legislation,
7 and they have weighed in and helped with the
8 crafting of this legislation.

9 It really is a personal issue for these
10 individuals who are not receiving the benefits that
11 they deserve and have constituents in my district
12 who this would help. Again, it's not through any
13 fault of their own that they're not eligible. I
14 think it's a change that needs to happen in the
15 Constitution so that, again, they are accounted as
16 injured and recognized as disabled in the proper
17 fashion to receive the benefit.

18 This would clear up some confusion and
19 also make expansion. I really do appreciate the
20 Chairs' support for hearing this issue today. I
21 think you can see with myself, Chairman Sainato,
22 there are other bills on this topic. This is a
23 topic that has a lot of interest, a lot of
24 co-sponsors on our bill and, hopefully, we can take
25 this up and resolve this issue for a lot of the

1 injured and disabled veterans out there.

2 Thank you very much.

3 MAJORITY CHAIRWOMAN BOBACK: Thank you,
4 Representative Mackenzie.

5 Representative Pennycuick, any brief
6 remarks on your House Bill 1978 and House Bill
7 1815?

8 REPRESENTATIVE PENNYCUICK: Thanks,
9 Madam Chair, and members of the Committee.

10 I offered 1815 to help to alleviate some
11 of the burdens placed on veterans and their
12 families and recognize their great sacrifice to the
13 Commonwealth and our country.

14 I am proposing similar to Representative
15 Mackenzie an amendment to the Pennsylvania
16 Constitution to extend the veterans' property tax
17 exemption. This exemption would extend to
18 residents who are the surviving spouse of a member
19 of the U.S. Armed Forces who was killed in action
20 or missing in action and presumed dead, or who
21 received a disability rating of a hundred percent
22 by the V.A. and then subsequently passed away.

23 In addition, my legislation would
24 prohibit the State Veterans Commission from
25 considering V.A. disability income when determining

1 need. Currently, Pennsylvania veterans are exempt
2 from the real estate taxes if they were involved in
3 a war or on conflict which the U.S. was engaged and
4 were honorably discharged, suffered from a service-
5 rated disability and are rated a hundred percent
6 and determined to be in need by the State Veterans
7 Commission. This exemption would be extended to an
8 unmarried surviving spouse upon the death of an
9 eligible veteran provided the commission determines
10 there's a need.

11 It would also allow for more disabled
12 veterans and their spouses to obtain property tax
13 (pause) in the Commonwealth.

14 Thank you, Madam Chair.

15 MAJORITY CHAIRWOMAN BOBACK: Thank you,
16 Representative.

17 Representative Craig Williams, any brief
18 remarks on House Bill 1938?

19 REPRESENTATIVE C. WILLIAMS: Yes. Thank
20 you, Madam Chair.

21 I introduced House Bill 1938 on an idea
22 that I thought would be noncontroversial, which was
23 to make the Chief Counsel of the DMVA somebody who
24 had been previously served by a sworn into practice
25 as a Judge Advocate either on active duty or in the

1 Reserves. It seemed to me that that would be a
2 reasonable request to make sure that the head
3 lawyer for our military Department had been
4 somebody who had been given legal advice in a
5 military capacity, understanding, of course, the
6 DMVA does more than just military issues. On the
7 whole, it does not.

8 And I can tell you that a number of
9 staff Judge Advocates in commands all across this
10 country, all the way up to the Chairman of the
11 Joint Chief of Staff where I served on legal
12 counsel staff handled the entire spectrum of law.
13 It's entirety.

14 For example, in the Office of the
15 Chairman of the Joint Chiefs of Staff, the chairman
16 has nine lawyers. Now after reorganization, it's a
17 two-star General and eight subject-matter experts
18 ranging from administrative law to Title 10 to
19 operational law. The entire spectrum service to
20 the chairman, whereas, the Secretary of Defense has
21 well over a hundred lawyers. So I'm quite certain
22 we can find somebody in the Commonwealth of
23 Pennsylvania who has that breath of experience to
24 advise our General.

25 Thank you very much.

1 MAJORITY CHAIRWOMAN BOBACK: Thank you,
2 Representative Williams.

3 We'll go back to Representative
4 Pennycuick for House Bill 1978.

5 REPRESENTATIVE PENNYCUICK: Thank you,
6 Madam Chair.

7 House Bill 1978 would expand the
8 composition, powers, and duties of the Veterans
9 Commission in the Commonwealth. It would allow any
10 individual organization -- any individual veteran
11 or veteran organization to apply for membership for
12 a four-year term. The membership would be elected
13 by the Governor, the House of Representatives and
14 the Senate, and the Chairman of the Commission
15 would be elected by those members.

16 They would be tasked with advising the
17 Adjunct General, the Deputy Adjunct General along
18 with the Governor and the General Assembly's
19 Veterans Affairs Committees on all matters
20 pertaining to the status, the welfare, benefits,
21 employment and supportive veterans and veterans'
22 programs in the Commonwealth.

23 Given the last 20 years of asymmetric
24 warfare in Iraq and Afghanistan, today's veteran
25 has a very different need from previous

1 generations. Benefit claims are just the beginning
2 of homelessness, underemployment, unemployment, job
3 training, are just a few of the many challenges
4 some veterans face. Medical issues including PTSD,
5 traumatic brain injury, combined with the wear and
6 tear of multiple combat missions and combat
7 deployments leave some veterans with chronic pain
8 and limited mobility.

9 Additionally, we're seeing the largest
10 numbers of veterans interacting with the criminal
11 system. More of our veterans today are facing
12 suicide or attempted suicide. This is why the
13 Commission must expand its composition and its
14 mission.

15 My bill would make better use of our
16 unique knowledge and skill sets that those
17 Committee members bring to the table. These men
18 and women are in a valuable position to help guide
19 the state in more effectively addressing the needs
20 of our veteran population and their families.

21 Thank you, Ma'am Chair.

22 MAJORITY CHAIRWOMAN BOBACK: Thank you,
23 Representative.

24 As well, we have several other
25 organizations that have submitted testimony or

1 letters on these various bills, and these are in
2 your packets for your convenience.

3 At this time I will call up our first
4 testifier, Mr. Drew Svitko, Executive Director of
5 Pennsylvania Lottery. Welcome, and thank you for
6 being with us today. When you're ready, you may
7 begin.

8 MR. SVITKO: We appreciate the time. We
9 appreciate the opportunity to weigh in on this
10 topic. In general, we are very supportive of any
11 effort to increase funding and help for your
12 veterans. Obviously, they deserve a lot of credit,
13 and we owe them a debt of gratitude.

14 So, with that said, the challenges
15 presented by a lottery ticket that's designed for
16 veterans results in some -- some negative
17 performance for that lottery ticket in the field,
18 in retail environments. And so, because of that,
19 we're afraid that even though while a great cause
20 and we understand, it results in a net negative
21 effect for the lottery, its brand.

22 You know, the Pennsylvania Lottery
23 stands for, the Pennsylvania Lottery benefits older
24 Pennsylvanians every day. That's been our mission
25 for 50 years. So any change to that runs the risk

1 of hurting that brand that is so, so important to
2 us.

3 Again, while -- while, really, we
4 understand and appreciate and value the cause for
5 which this Committee is working and the intent of
6 that legislation, it would also result in harm to
7 our beneficiaries, older Pennsylvanians, in that,
8 we would have to take a ticket out of the
9 dispensers in the field.

10 In retail, we have a finite number of
11 dispensers. On average, it's about 24. So every
12 retailer -- some have more and some have less.
13 It's about 24 bins. So if we have to take one
14 ticket out and replace it with another ticket, and
15 that ticket underperforms, it results in a net loss
16 of sales.

17 So going by the industry data that we
18 have, we have seen in Texas and Illinois and Kansas
19 veterans' theme tickets that significantly
20 underperformed the average ticket. So we know that
21 it will result in less sales out of that bin of
22 that instant ticket and, subsequently, less money
23 for older Pennsylvanians. And it doesn't generate
24 what it would be expected to generate for the good
25 cause for which it's designed, and again, one that

1 we support.

2 I think, again, we have serious concerns
3 about designing a ticket for a specific cause that
4 isn't a normal lottery ticket, right? We design
5 our lottery tickets to be fun and entertaining. We
6 know that these tickets, again, generally
7 underperformed in Texas. They sold about
8 64 percent of average. So, if you take a ticket
9 out of the bin and replace it with another ticket,
10 you're comparing it to the average ticket. And so,
11 these tickets have sold anywhere from 50 to
12 64 percent on average.

13 Then in Kansas, their most recent ticket
14 sold 36 percent of average. So, again, while we're
15 really supportive of the intent of the legislation,
16 these tickets -- special interest tickets
17 generally, in our industry, generally underperform
18 average lottery tickets.

19 So again, while we appreciate the intent
20 of the legislation, we're concerned about the harm
21 it would do to our brand and, again, just the
22 confusion it would create. We can no longer say,
23 you know, benefits older Pennsylvanians if it's not
24 a hundred percent of the benefits. And again,
25 we're the only U.S. lottery that does generate

1 money solely for the benefit of older residents.

2 We're coming up on our 50th anniversary
3 in March of next year. In those 50 years we have
4 generated over \$32.6 billion in benefits for those
5 important senior programs that pay for things like
6 prescription drugs, rides to doctor's office,
7 property tax and rent rebate, and senior centers in
8 every county and Meals on Wheels. Those are
9 important senior care programs, and that's what we
10 do. That's what we're passionate about.

11 I think it's worth noting and sharing
12 that while I don't know the percentage of those
13 older Pennsylvanians that benefit from lottery, but
14 some percentage of them are surely veterans. So
15 there is some overlap, I think, just in terms of
16 veterans being part of the population.

17 So again, while I -- you know, we
18 absolutely understand and appreciate the intent and
19 support the intent of the legislation, that is,
20 generating more money for veteran programs, we feel
21 that there is more harm than good would come of it
22 with regard to the lottery and its mission.

23 MAJORITY CHAIRWOMAN BOBACK: Thank you.
24 And I'll start with a question.

25 One of the reasons I developed this

1 legislation was because the veterans who come to me
2 with their spouses, they were seniors. They were
3 well into their 70s and 80s, and were not getting
4 any help, perhaps, because of a nominal pension or
5 Social Security.

6 Now, they had access to senior centers.
7 But when so many of them were disabled, there was
8 nothing that could be taken care of for them in
9 these senior centers, you know, as far as
10 palliative care. Spouses, whether they be male or
11 female, came to me saying, isn't there at least a
12 two-hour respite? My spouse wants me in the home
13 taking care of them. We can't afford to bring
14 anybody in to take care of my spouse.

15 Meanwhile, I have to do the groceries.
16 I have to do the shopping. I have to maintain the
17 household, and I just need at least two hours of
18 care. That was the request of this one wife I had.
19 Unfortunately, she passed before her husband, and
20 then her husband had to be taken care of elsewhere
21 in a home. And to me it just makes so much sense.
22 Again, they are seniors for the most part.

23 In your testimony, Mr. Svitko, you said
24 we know this because you conducted a great deal of
25 research that unequivocally provides that veteran-

1 themed lottery tickets sold in other states have
2 underperformed. But then when we looked at the
3 individual ticket examples, which may not paint the
4 entire picture, what research did you conduct that
5 proves that veterans' lottery tickets in other
6 states have underperformed?

7 For example, you mentioned Texas. In
8 2009, they did raise over 166 million for veterans
9 and 22 million just last year, and to me that's
10 very successful.

11 So, I do believe in the theme for our
12 seniors, benefits older Pennsylvanians. Our
13 veterans do, for the most part, the ones I'm
14 talking about fall into that category. And that's
15 why I really believe this needs to be looked at and
16 why I developed this legislation. If you want to
17 expand on that you may.

18 MR. SVITKO: Sure. So the benefits or
19 the impact that we're talking about is, while
20 sales, say, in the Texas ticket are very strong or
21 were very strong, they still were less than the
22 average ticket would sell.

23 So, if we have a, let's say, a 2-dollar
24 scratch-off ticket here in Pennsylvania, one of
25 those bins -- so a 2-dollar scratch-off ticket on

1 average sells about \$13 million per game. And if
2 we were to replace that with a ticket that does for
3 36 to 50 percent of what it does, so that ticket
4 would still generate, say if it's half, that's 6
5 and a half million dollars. It would still
6 generate 6 and a half million dollars in sales, but
7 we'd be losing the 13 million minus the 6 and a
8 half, so another 6 and a half million dollars it
9 would lose just because it was underperforming what
10 another ticket in its place would generate.

11 MAJORITY CHAIRWOMAN BOBACK: Hmm. I
12 want think about that. We do have other questions
13 from other members.

14 But I know. I think you're saying rob
15 Peter to pay Paul more or less. And yet, to me
16 it's under the entire umbrella in all the research
17 I did. Let's see what the other questions are.

18 Representative Gillen.

19 REPRESENTATIVE GILLEN: Thank you for
20 your testimony.

21 As I look at the Pennsylvania Lottery, I
22 see a stellar program. My mother is 95 years old.
23 It goes without saying, she's been a long-time
24 beneficiary of the lottery. And I think everybody
25 in this room is invested in the health of the

1 lottery system.

2 You had mentioned specifically
3 dispensers. I apologize. I don't buy many lottery
4 tickets, so I'm not overly familiar with the
5 dispensers. The lottery has been going on over
6 50 years. I gather from your testimony you're
7 locked into certain number of dispensers. How long
8 have those slots existed? Certainly within the
9 last 50 years they've changed?

10 MR. SVITKO: So it's -- I appreciate the
11 question. It's not so much we're locked into a
12 certain number. We have so much space at a retail
13 store -- ah, a convenience store, for example, will
14 only give us so much space.

15 REPRESENTATIVE GILLEN: I asked you for
16 a little history, though. That space has changed
17 through the years, no doubt.

18 MR. SVITKO: It has. It changes, but it
19 hasn't changed in a long time. 24 bins is about
20 the average number of bins that we have, and it's
21 been -- I have been with the lottery about
22 25 years, and it's been about 24 bins. And it's, I
23 think, largely driven by the number of bins in our
24 vending machines, which there's 24 at the most
25 right now.

1 So, I think that's probably why because
2 we've had -- When I first started in the industry
3 it was 16-bin and 12-bin machines. But now we have
4 lots and lots of vending machines that have 24
5 bins. And there's lots of vending machines that's
6 how much space on counter we get, and we don't
7 typically get a whole lot of space.

8 So when we're talking about, again,
9 judging whether one ticket would do better than
10 another, we have to presume that it will replace an
11 average ticket.

12 REPRESENTATIVE GILLEN: So I've heard
13 that the bin numbers have changed. And you
14 mentioned a low of 16. 1971 there were projections
15 that the lottery would generate around \$30 million,
16 if I'm not mistaken, in profit. It turned out to
17 be double that.

18 The lottery has faced challenges, and
19 there's a certain amount of doom and gloom relative
20 to gaming. But the lottery has produced its own
21 online product, which has been extraordinarily
22 profitable. So, there's been significant expansion
23 within the lottery system itself, not only of the
24 hard pieces in your hand that you're purchasing,
25 but the online gaming since the last couple of

1 years, I think I remember it being up to close to
2 \$200 million of profit.

3 So, internally, the lottery has done its
4 own expanding. Did that not harm your ticket
5 sales?

6 MR. SVITKO: No. Our expansion is all
7 designed to generate more money for older
8 Pennsylvanians, and that's --

9 REPRESENTATIVE GILLEN: So you can
10 expand and continue to grow the revenue. Have we
11 not experienced record levels of revenue with the
12 internal expansion that's going on?

13 MR. SVITKO: We have.

14 REPRESENTATIVE GILLEN: Can you explain
15 -- Just two brief questions.

16 You mentioned brand damage. How exactly
17 is that gonna harm the lottery by virtue of
18 changing the psyche of the customers and their
19 purchasing patterns?

20 MR. SVITKO: So, what we are able to say
21 right now is 100 -- And we say this all the time.
22 One hundred percent of lottery profits go to older
23 Pennsylvanians, programs that benefit older
24 Pennsylvanians. And when funds start going to
25 other causes --

1 REPRESENTATIVE GILLEN: This is not
2 about other causes. We are very specifically
3 dealing with one bill, veterans' causes. So you're
4 saying that would harm lottery sales?

5 MR. SVITKO: I'm saying that it would --
6 it would -- we could no longer say that. There's a
7 lot of value in us being able to say it benefits
8 older Pennsylvanians. We are the only U.S. lottery
9 that does that. But if we weren't allowed to say
10 that anymore, that a hundred percent of revenue
11 goes to older Pennsylvanians, there is risk to our
12 brand.

13 REPRESENTATIVE GILLEN: My mother would
14 buy more lottery tickets. My dad was a World War
15 II aviator. If it said senior citizens and
16 veterans, I think she would probably purchase more
17 tickets.

18 Finally, you mentioned the term special
19 interest tickets. Are you quantifying veterans'
20 tickets as special interest tickets?

21 MR. SVITKO: What I'm -- What I'm --
22 It's kind of a category of lottery tickets that I'm
23 referring to. There are states which have had
24 tickets designed for breast cancer research and
25 HIV, AIDS and veterans' programs. Those kind of

1 tickets that in our industry are just designated as
2 a special interest ticket.

3 REPRESENTATIVE GILLEN: So veterans'
4 ticket would be a special interest ticket in your
5 vocabulary?

6 MR. SVITKO: Right.

7 REPRESENTATIVE GILLEN: If I could just
8 add a quick addendum, do you have a specific number
9 of dollar loss that would include the lottery as a
10 consequence of this bill passing?

11 MR. SVITKO: Yes. We calculated, again,
12 the difference between what an average ticket would
13 do and what a veterans' ticket would do based upon
14 the performance in the other states. And depending
15 on the price points that it would be offered, so we
16 offer a price point from \$1 to \$30, it would be as
17 low as a million and a half dollars per year less
18 benefits for older Pennsylvanians, to tens of
19 millions of dollars per year. Again, depending
20 upon the price.

21 REPRESENTATIVE GILLEN: And then it's
22 based on the experience of other states. I'm
23 finding the Pennsylvania Lottery doesn't have
24 commensurate examples of other states based on our
25 programming and our profitability.

1 MR. SVITKO: Thank you.

2 REPRESENTATIVE GILLEN: Thank you, Madam
3 Chair. I appreciate the opportunity.

4 MAJORITY CHAIRWOMAN BOBACK: Thank you.

5 If I could interject too, I'm thinking,
6 then, where do we start with the older
7 Pennsylvanian? Is it 55, like, the lottery
8 benefits older? At what age does that begin?

9 MR. SVITKO: I believe most of the
10 programs are 55. Obviously, as the Representative
11 suggested, it's based on income as well, so -- But
12 I believe it's 55.

13 MAJORITY CHAIRWOMAN BOBACK: Because I'm
14 even thinking, looking at this legislation, perhaps
15 if it starts veterans in need at age 55, because
16 then they would be older Pennsylvanians, and they
17 have a category of being a veteran, but then that
18 money can be certainly earmarked for the palliative
19 care.

20 Again, you're -- Good testimony. Good
21 questions. And I'm just thinking about how we can
22 make what I consider a good bill better to fit into
23 where you're asking us to go for benefit older
24 Pennsylvanians. Okay. Thank you.

25 I'll take more questions, and maybe

1 we're on the same track here. Representative
2 Hill-Evans.

3 REPRESENTATIVE HILL-EVANS: Thank you,
4 Madam Chair.

5 Thank you, sir, for your testimony. I
6 do appreciate it. My question is similar to the
7 Chairwoman's question. How do you -- how do you
8 know that because it's veterans, it's going to have
9 kind of a negative connotation or lower sales?
10 Because it seems to me that, as a country, we
11 support and raise up and, you know, hallelujah to
12 our veterans because they deserve it.

13 And so, it seems -- It doesn't seem
14 quite that -- I don't want to say you're not
15 telling the truth. I just would like to know more
16 about the research and the root cause of why you
17 would say that veterans, you know, having a ticket
18 for veterans would cause those sales to be lower
19 when, at least in my mind, it seems like it would
20 raise it up because veterans are the ones that we
21 support so well. Could you just give me a little
22 bit more of that?

23 MR. SVITKO: Absolutely, yeah. Thanks.
24 We agree, veterans should be raised up, right?

25 What I'm talking about is introducing a

1 product into a portfolio, and we have a portfolio
2 of product that is generally -- I mean, the rest of
3 our portfolio is all designed about fun and winning
4 and it's about that entertainment, right? And so,
5 that's why --

6 Again, we base our estimates based upon
7 the performance of these kinds of tickets in other
8 jurisdictions, and we use a sales index which
9 compares the average tickets. That's how we can
10 compare tickets with other jurisdictions.

11 So it's not that -- it's not that a
12 veterans' ticket is a negative connotation. It is
13 that it is not selling entertainment and fun and
14 exciting and winning and bonus, you know, those
15 kinds of things about our product that makes it an
16 entertainment product.

17 It's the same reason we don't have a
18 Pennsylvania senior ticket, right? We have done
19 research about talking about -- talking about our
20 benefits programs, and our players love it. Our
21 players understand and appreciate what we do for
22 older Pennsylvanians, but they don't want to see it
23 on a ticket. They don't want --

24 It's one thing to say benefits older
25 Pennsylvanians every day, but we're not gonna put

1 it in a name of a ticket. We are not going to
2 design that ticket around that benefit. And it's
3 because it's not selling the main benefit of our
4 product, which is fun and entertainment.

5 REPRESENTATIVE HILL-EVANS: I guess my
6 follow-up to that is that, I obviously buy lottery
7 tickets and I've seen Pittsburgh Steelers or
8 Philadelphia Eagles. At Christmastime you have
9 Christmas tickets that come out. How is having one
10 for a veteran any different than those? Again, I
11 go back to how would that then be the reason why
12 people would not buy them as well?

13 I guess I'm still just trying to figure
14 out root cause of why having a veterans' ticket
15 would decrease sales rather than increase? But
16 thank you.

17 Thank you, Madam Chair.

18 MR. SVITKO: Sure. We do use branded
19 tickets, right, for big commercial brands that are
20 successful: Harley-Davison, the Philadelphia
21 Eagles, the Pittsburgh Steelers, the Pirates and
22 the Phillies. You know, we partner with these
23 brands that are, again, commercial brands and
24 commercially successful brands to take advantage of
25 their brand strength, right, and reach a different

1 audience on a big scale.

2 I think what we see in other states,
3 these tickets -- Again, it's not just veterans'
4 tickets. It's any of these kinds of tickets that
5 are focused on something other than a fun,
6 entertaining brand. They typically underperform.

7 MAJORITY CHAIRWOMAN BOBACK: Okay. And
8 before I go on, you did mention that the lottery
9 benefits the seniors, but mainly it's driven by
10 income. And I think the only exception is, any
11 senior can go to a senior center and buy a lunch
12 for 2 or 3, whatever the donation is. But I think
13 that's the only thing that seniors who are not more
14 in need can participate in, because I get asked
15 this all the time. What do you mean it benefits
16 seniors? I get nothing from this. I said, well,
17 you have access to the senior center. I don't go
18 there. I'm too busy. I baby-sit my grandchildren.
19 So how does it benefit me? I get a lot of that.

20 Just so you know, since the subject
21 came up, how does it benefit all seniors? It
22 doesn't. It benefits seniors in need, obviously,
23 with different rebates, et cetera. I understand
24 that in PACE and pharmaceuticals, and God bless,
25 it's a good thing, but it doesn't benefit seniors.

1 I think, there again, that's what
2 tickled my brain to say, what about these seniors
3 that can't go to the senior -- the senior center
4 because they would have to be transported in a
5 wheelchair. And everything that I've investigated,
6 they're not equipped to handle anybody that isn't
7 independent, in other words. So, we have to
8 rethink this, I think, overall with the lottery
9 benefiting seniors.

10 But with that said, thank you for
11 accepting my comment.

12 Representative Craig Williams. And
13 before I go to you Representative Williams, we have
14 been joined by Representative Sappey virtually.
15 Thank you. Now, Representative Williams.

16 REPRESENTATIVE C. WILLIAMS: Thank you,
17 Madam Chair.

18 I hope by now you're starting to get
19 some of the angst from this Committee, and I'm glad
20 the public is getting an opportunity to see this
21 because this is not uncommon. This is a common
22 occurrence where we have an idea. We'd like to
23 have a discussion about an idea, and the answer
24 back is just a flat no. I'm the duty expert. The
25 answer is no.

1 This is a good idea. Here are some of
2 the things I've heard you say today. Would do more
3 harm than good to the brand. It doesn't sell
4 entertainment and fun. We partner with big
5 commercial brands that are successful.

6 Let me tell you something about military
7 service. It's not fun. There are varies chords
8 about patriotism. It's about service to something
9 that's bigger than ourselves, which, oh, by the
10 way, is supposed to be the mission of the lottery;
11 to serve something bigger than itself. To serve
12 seniors.

13 I've heard lost in this conversation the
14 fact that the senior veterans that we want to be
15 serving here are themselves seniors in the same
16 population. I'll give you this little vignette
17 from my professional background serving as Deputy
18 Legal Counsel to the Chairman of the Joint Chiefs
19 of Staff.

20 In one of my many roles for the
21 Chairman, I was also the ethics counsel not only to
22 him personally and to the Vice Chairman personally,
23 but to every General and flight officer on the
24 joint staff. That's more than a hundred Generals;
25 a hundred Generals.

1 My first week on the job as the ethics
2 counsel, again, among other jobs in my portfolio, I
3 was called in to ask -- or to answer questions
4 about gifts to the outgoing Chairman of the Joint
5 Chiefs of Staff. He was with the vice director of
6 the joint staff, a two-star Army General, who had
7 been given the unfortunate task of organizing the
8 party.

9 I had gone around as every good staff
10 officer does. I was only a lieutenant colonel at
11 the time, to make sure I had talked to all the
12 other participants in that meeting about those
13 questions involving gifts to the General. And I
14 had had an answer lined up, and it was no. And all
15 of those other people who were lined up with me
16 going into that meeting, suddenly their answer was
17 maybe. And the General held me back afterwards.
18 And my call sign, I flew for the first half of my
19 career was Remo. And he's like, Remo, I know you
20 just got here. No is easy.

21 Somewhere in this building is someone
22 who's been doing this job for 25 years who can help
23 you get to yes. And I run my office the same way;
24 have ever since. Find a way to yes, no is easy.
25 Find a way in your heart of service to yes. No is

1 easy. That's what I say to you today. No is easy.
2 You came here with the easy answer. And I hope
3 what you're hearing on this Committee is, we don't
4 accept it.

5 I also seen your testimony that you take
6 shots at skills of game, where these are games that
7 are in our VFWs and American Legions and other
8 retailers trying to make some money, and you would
9 like us to declare them illegal so that you can
10 have a monopoly in this fun entertainment brandy
11 world. My answer is no.

12 MAJORITY CHAIRWOMAN BOBACK: Thank you,
13 Representative.

14 There, again, maybe a ticket should say
15 benefits senior veterans to come under this
16 umbrella. The more testimony I'm hearing, I think
17 there's got to be a way.

18 With that, Representative Pennycuick.

19 REPRESENTATIVE PENNYCUICK: Thank you,
20 Madam Chair.

21 Could you please tell me, sir, what the
22 revenue last year was from the lottery?

23 MR. SVITKO: So the lottery last year
24 generated about 5 and a half billion dollars in
25 sales. We generated about \$1.3 billion in profits

1 for older Pennsylvanians.

2 REPRESENTATIVE PENNYCUICK: And what
3 were your expenses last year?

4 MR. SVITKO: I don't know the dollar
5 figure. It's roughly 2 percent of operating
6 expenses -- or 2 percent of sales is our operating
7 expenses.

8 REPRESENTATIVE PENNYCUICK: Could I ask
9 what you make? What's your yearly salary?

10 MR. SVITKO: About \$148,000.

11 REPRESENTATIVE PENNYCUICK: So I'm gonna
12 echo my fellow Colonel's comments. Your comment
13 was, it would hurt our brand. I will tell you that
14 every veteran in this room, you should apologize
15 to. You have no idea at all what brand is.

16 Veterans have been a sexy word for the
17 last 20 years. The men to your left, many of whom
18 never had an opportunity to say yes, to raise their
19 right hand were drafted to Vietnam as 18-year-old
20 young men. Had absolutely no choice. They served
21 their country honorably, sometimes two and three
22 tours of combat in asymmetric warfare with a
23 country that didn't back them. Many now have Agent
24 Orange and the 13 presumptive conditions associated
25 with Agent Orange. Not pretty.

1 They're older. They're not 20 year olds
2 anymore, although we all are at heart. And as they
3 get older, it gets harder. It gets harder to
4 balance your physical needs, your emotional needs,
5 your mental needs from your time in combat.

6 The caregivers of veterans have a lot on
7 their shoulders. To ask for adult day care for
8 veterans is a very, very small ask. These
9 caregivers need a break. Yes, many of them are
10 older veterans. And if old is 55, I'm right there
11 with you for adult day care.

12 The reality is, to tell a room full of
13 veterans that veterans hurt your brand, you need to
14 look in the mirror and figure it out. You're
15 standing here today because of the sacrifices of
16 veterans. The men and women that have stood up,
17 raised their hand, sometimes not happily, and
18 served their country.

19 You made \$1.3 billion last year for
20 older Pennsylvanians. They're older
21 Pennsylvanians. And someone once said to me,
22 sounds to me like veterans are becoming a preferred
23 group. Damn right they are, because unless you
24 served, you should be behind a veteran.

25 So, sir, I'm going to ask you this, you

1 need to rethink that veterans hurt your brand.
2 Become more inventive, think out of the box. My
3 soldiers when we were down range, those playing
4 cards that were Saddam Hussein and all his
5 henchmen, those were the hottest commodity going,
6 playing cards with those. You have to think out of
7 the box.

8 Veterans are sexy, whether they're 75 or
9 whether they're 20, because they've done something
10 that 99.6 percent of our population has not done.
11 They've raised their hand and said to their
12 country, I will give you my life. So, please,
13 think out of the box. Figure out how to get it
14 done, and do it for the veterans that are in this
15 room that deserve that and so much more.

16 Thank you, Madam Chair.

17 MAJORITY CHAIRWOMAN BOBACK: Thank you,
18 Representative. Next Representative Tim O'Neal
19 who's joining us remotely, correct?

20 A VOICE: Correct.

21 REPRESENTATIVE O'NEAL: Thank you, Madam
22 Chair.

23 I think Representative Pennycuick hit on
24 some of the points I was going to make. So, Mr.
25 Svitko, you mentioned \$1.3 billion in profits. And

1 yet, you said that this impact from one game might
2 be as well as one and a half million dollars. You
3 know, quite honestly, I mean, we're talking about
4 big numbers here, of course, and one and a half
5 million dollars is a lot of money. But in the
6 context of \$1.3 billion, to a large degree, I mean,
7 it's to the extent of a rounding error.

8 One of the other comments I'll make,
9 some of the -- some of the things I was going to
10 ask were mentioned previously. But your whole
11 argument seems to be centered around really two
12 things. One is the brand of the lottery of helping
13 older Pennsylvanians. I don't see how making one
14 --

15 Yes, you might not be able to say
16 100 percent of all funds now go to seniors. But I
17 don't see how you have to rework your entire brand
18 because you have one ticket that is branded for
19 veterans. I don't -- Quite bluntly, I don't buy
20 that argument.

21 The other -- The other assumption that
22 you're -- that you're making and, of course, I look
23 through your testimony and you have pictures of
24 Texas's scratch-off, of Kansas's scratch-off, but
25 one of the assumptions that you're making is that

1 branding and fun and entertainment in the military
2 are mutually exclusive.

3 Mr. Svitko, do you know that the top 5
4 selling video games right now is Call of Duty,
5 worldwide? It's Call of Duty and military branded
6 and has been for decades, a military-branded video
7 game. People don't buy that because it's not fun.
8 To say that you can't design a scratch-off ticket
9 that is both fun, entertaining, and enjoyable, and
10 branded with military that supports veterans, it is
11 simply -- simply false.

12 Sure, if you go down the path that Texas
13 did and put together a game and put it on the shelf
14 just because we told you to, I'm sure sales will go
15 down. But if you take the effort to brand, to
16 design a game that is fun and enjoyable, just brand
17 it around veterans, brand it around United States
18 Military. You know, quite literally, you talk
19 about leveraging the strengths of well-known
20 brands. You know what has a pretty darn good brand
21 in the nation, the United States Military.

22 So, I don't totally buy the argument. I
23 get what you're saying as far as hurting the brand
24 and not being able to say 100 percent of revenues.
25 But, of course, that is accurate. You said we

1 can't say 100 of revenues anymore, but you can
2 continue to use the exact same tag line that you
3 have used for years which benefits older
4 Pennsylvanians, and you can even throw in there,
5 and veterans, and it doesn't really change your
6 branding all that much.

7 Thank you, Madam Chair.

8 MAJORITY CHAIRWOMAN BOBACK: Thank you,
9 Representative. Representative Frank Ryan.

10 HONORABLE RYAN: I don't think there's
11 an easy way to say this, but I'm sure you didn't
12 come here today to have the kind of discussion
13 we're expecting. I never thought a lottery ticket
14 bill would generate this kind of comment, but I do
15 feel compelled to say.

16 I played the lottery one time in my
17 life. It was in 1969, and I won. It was the draft
18 lottery. And I'm probably the only one that's old
19 enough to remember that, that's a member of the
20 House of Representatives, the first Peloponnesian
21 War was the worst.

22 But I mention this because you've heard
23 the comments about not fun. But I'm also a CPA,
24 and I also specialize in keeping companies out of
25 bankruptcy. And for the past year I have been

1 dealing with some situations that are publicly
2 known relative to pension funds and issues that
3 myself and a couple other people identified. And
4 I'm professionally skeptical. That's what CPAs
5 are.

6 Representative Carol Hill-Evans made a
7 comment that I have to kind of second. I
8 questioned the studies. I questioned the metrics
9 beyond which the study was designed.

10 The United States Mint has a very
11 similar concept under the commemorative coin sales.
12 I'm a numismatist. And I would tell you if you
13 would look at that, you might find that their
14 analysis would support our Chairperson's bill, that
15 this would make sense.

16 But, the analysis that all that you've
17 presented, not once have you indicated the
18 opportunity cause saying, does the brand who say it
19 only benefits seniors perhaps review as well.

20 You know, in my turnaround management
21 practice throughout my career, I've done an
22 extensive amount of work in the gaming industry,
23 and it's almost a zero sum gain. If you develop a
24 program, it's coming out from somewhere else.

25 If you expand gaming in Atlantic City

1 and Nevada and other places throughout the United
2 States, it can expand the size of the market
3 somewhat, but doesn't always. And then we have
4 secondary tertiary programs to take care of those
5 individuals who, perhaps, exceed a prudent limit on
6 gaming.

7 But what I will tell you is this, I went
8 from being a supporter of the bill to being an
9 ardent supporter of this bill because, I can tell
10 for the 800,000 veterans in Pennsylvania,
11 Pennsylvanians who are veterans, to be marginalized
12 like this is pathetic. I'm appalled, and it goes
13 to some of the other bills that we've got that are
14 on this list.

15 We've got to start challenging the
16 status quo, being in the military or wherever. I
17 was one of the few people that had got called out
18 of retirement to go to Iraq. I remember it was
19 before Thanksgiving. I got a phone call that said,
20 Colonel Ryan, you've been recalled back to duty. I
21 said, you don't understand, I'm retired. They
22 said, you don't understand. You're leaving
23 tomorrow. And I did.

24 And I made the comment to a gentleman
25 today, this is the last declaration I earned when I

1 was on active duty. I have declarations that are
2 higher than this, but there is the one for service
3 in Iraq. And I say that because, as a 56 year old
4 at the time, and now I'm 70, in Iraq, it was
5 anything but fun.

6 When I'd go to a combat support house
7 and find out that an insurgent would bomb the
8 entrance to the combat support house to kill our
9 wounded, and I'd see people who were wounded that I
10 never thought would have survived earlier in my
11 career, but they are now at home dealing with those
12 issues, there's nothing fun about it.

13 I can't tell Lieutenant Colonel
14 Richworth's (phonetic) widow and his children that
15 his service was fun. I can't tell my Sergeant
16 First Class Johnny Vance, whom I saw about two
17 hours before he was killed, that it was fun. When
18 I had to do a casualty call explaining to the three
19 young children and his spouse that their husband
20 and father were not coming home, none of that was
21 fun. It affects you in ways you cannot conceivably
22 imagine.

23 I saw improvised explosive device task
24 force that I was working on in 2003, and came back
25 in 2005 from Iraq to find out they made no

1 progress. And thank God some of those people in
2 the Pentagon were relieved of their command and
3 responsibilities.

4 We've got bills in here today to deal
5 with some of those same issues. I want to
6 congratulate the staff at the veterans homes for
7 the changes that were made, but some of those
8 admonitions beforehand were somewhat ignored.

9 I would ask us to find a way to get the
10 yes. Madam Chair, you not only have my support for
11 this bill, but unequivocal support for this bill.
12 We need to make this happen, because the
13 opportunity cost of not recognizing the great
14 service of those people in this Commonwealth who
15 gave the ultimate sacrifice, and for their families
16 who are still dealing with the injuries of their
17 spouse, their partner, their children, or whatever.

18 When we have to have fundraising events
19 for wounded warriors, what the hell have we come
20 to? We're better than that. And I can assure you,
21 you've, I think, stirred up the ire of this entire
22 Committee, and I can't say we're not doing a vote
23 today. But I can tell you, you certainly stirred
24 up my ire in this process.

25 Now, I don't mean to be delivering this

1 at you, but you're the messenger, but I want
2 everyone to hear loud and clear, there was nothing
3 about what any of these veterans did that I would
4 describe as fun. The comrade to my left and to my
5 rear were two women that when I first joined the
6 military, we didn't have women in combat. Both of
7 them are combat veterans. One, one heck of a
8 combat pilot. I tried to get her in the Marine
9 Corps, but she joined the Army instead.

10 And I have to tell you, please, let's
11 find a way to make this happen. The opportunity
12 cost of appealing to only elderly people, as you
13 can gather I am one, might not necessarily be the
14 only benefit. You may find you're losing revenue
15 because of the things not being advertised; that
16 are not being dealt with.

17 I thank you for your time. I do
18 apologize. You're hearing a lot of this stuff that
19 you probably are the bearer, you know, the news you
20 probably didn't want to deliver. So thank you for
21 at least putting up with this.

22 And, Madam Chair, thank you for the
23 time.

24 MAJORITY CHAIRWOMAN BOBACK: Thank you,
25 Representative.

1 Next, virtually, Representative Mako.

2 REPRESENTATIVE MAKO: Thank you, Madam
3 Chairwoman. Can you all hear me?

4 MAJORITY CHAIRWOMAN BOBACK: Yes, Zach.

5 REPRESENTATIVE MAKO: Thank you, Madam
6 Chairwoman.

7 And thank you to the panel for being
8 here. Just listening virtually and mulling this
9 whole topic over and thinking about it, I do have
10 to say that Representative Pennycuick and O'Neal
11 stole my thunder talking about the military being
12 sexy, and Representative O'Neal talking about -- He
13 did bring up a great point to talk video games or
14 having to deal with combat, as well as top-grossing
15 movies have to do with some kind of violence.

16 And I just wanna quick hit on a point
17 that Representative Ryan just talked about.
18 Whenever somebody talks about combat, having served
19 two tours in Afghanistan, and a little bit of
20 levity into this conversation, the third longest
21 residency I had was in Afghanistan for over 18
22 months, next to Alabama and Pennsylvania.
23 Alabama's kind of a different country, too.

24 You know, people talk about war being
25 fun and cool. People would ask me when I served, I

1 tell them, combat is only cool when you're watching
2 it in a -- on a movie.

3 But, to go into a different direction
4 than the previous speakers, I'm thinking that we
5 should move forward with this veteran ticket. In
6 the theme of older Pennsylvanians, I don't think
7 you need to change the theme benefits older
8 Pennsylvanians.

9 But one of the demographics we talked
10 about was Vietnam veterans. And Representative
11 Ryan just mentioned he won the lottery in 1969.
12 You know, one of the veterans' groups that had
13 issues when they came home were the Vietnam
14 veterans. And I think a way to shout out to them
15 would be to do a welcome home ticket. I think if
16 you did a welcome home ticket for the Vietnam
17 veterans that would go over very well, and I think
18 that it would have a good response among the
19 Pennsylvania population.

20 I just wanted to throw in a positive
21 light and, hopefully, get the gears turning for a
22 ticket that we can make work and have it happen.

23 So that was all I had, Madam Chairwoman.
24 Thank you for recognizing me, and thank you for the
25 panel for being here today.

1 MAJORITY CHAIRWOMAN BOBACK: Thank you,
2 Representative.

3 I do have to comment again. Over the
4 weekend I did seek out some advice from some of my
5 constituency. I asked approximately 20 people, do
6 you buy Pennsylvania lottery tickets? And out of
7 the 20, at least eight said, absolutely. Never
8 miss, every week, I think twice a week, whatever.
9 There were 12 that said no. I don't believe in
10 gambling, or whatever their case was. I said,
11 you've got to play to win. Well, but I never would
12 win something like that.

13 Would you buy a ticket if it benefited
14 senior veterans? Absolutely. I'd buy them at
15 Christmastime. I'd buy them at birth -- I give
16 them as gifts. Why? Because it does benefit
17 veterans. It's a lottery, then they'd take a
18 chance.

19 I'm just giving you this information,
20 perhaps, that you could rethink it with your
21 committee. And thank you.

22 Next we do have a follow-up question
23 with Representative Pennycuick.

24 REPRESENTATIVE PENNYCUICK: Thank you,
25 Madam Chair.

1 You mentioned that you pay for
2 commercial brands, or you partner with commercial
3 brands. Do you pay for the use of the Pittsburgh
4 Steelers' logo and the Eagles' logo?

5 MR. SVITKO: We do, yes.

6 REPRESENTATIVE PENNYCUICK: How much do
7 you pay for those?

8 MR. SVITKO: They are part of, you know,
9 advertising -- typically, advertising deal, so we
10 get advertising in the stadium and on their social
11 media, and that kind of thing, but it's a couple
12 million dollars. And I don't know specifically on
13 that brand.

14 REPRESENTATIVE PENNYCUICK: Could I ask
15 that you provide the Committee with the most recent
16 numbers for the lottery? Thank you.

17 MR. SVITKO: Absolutely.

18 REPRESENTATIVE PENNYCUICK: Thank you,
19 Madam Chair.

20 MAJORITY CHAIRWOMAN BOBACK: Thank you.

21 Are there anymore questions? Follow-up
22 with Representative Williams.

23 REPRESENTATIVE C. WILLIAMS: Thank you.
24 My questions will be brief.

25 You had said during your earlier

1 testimony and in response to questions that you
2 partner with big commercial brands that are
3 successful. Would you consider the brand of the
4 United States Marine Corps successful?

5 MR. SVITKO: Absolutely. I would --

6 REPRESENTATIVE C. WILLIAMS: Would you
7 consider the brand of the United States Army
8 successful?

9 MR. SVITKO: Yes.

10 REPRESENTATIVE C. WILLIAMS: Would you
11 consider the imagery of the raising of the flag on
12 the Iwo Jima successful?

13 MR. SVITKO: Absolutely.

14 REPRESENTATIVE C. WILLIAMS: I'm sorry.

15 MR. SVITKO: Yes.

16 REPRESENTATIVE C. WILLIAMS: Would you
17 consider the brand of the United States Air Force
18 started in the 1940s successful?

19 MR. SVITKO: Yes.

20 REPRESENTATIVE C. WILLIAMS: Would you
21 consider the brand of the brand-new United States
22 Space Command successful?

23 MR. SVITKO: Yes.

24 REPRESENTATIVE C. WILLIAMS: Although
25 it's a fledgling command, it's a successful brand?

1 (Pause). Yes?

2 MR. SVITKO: Yes.

3 REPRESENTATIVE C. WILLIAMS: Thank you.

4 MAJORITY CHAIRWOMAN BOBACK: Thank you,
5 Representative.

6 Well, this went much longer than I
7 anticipated, but I am just elated by the input from
8 this Committee. Most of our Committee, or much of
9 my Committee is comprised of former military. Of
10 course, once in the military also considered
11 military. And they did take the pledge to honor
12 and defend our country.

13 Vice Chairman, I pledged to honor and
14 defend them, and this is just one aspect via this
15 piece of legislation.

16 So please, when you go back, would you
17 consider the input that you received today and
18 maybe we can make this work with a wonderful
19 compromise to benefit senior elder veterans. Thank
20 you.

21 MR. SVITKO: Thank you.

22 MAJORITY CHAIRWOMAN BOBACK: At this
23 time I'm going to go back and recognize
24 Representative Ryan with House Bill 1963, please.

25 REPRESENTATIVE RYAN: Madam Chair, thank

1 you so much. I can absolutely guarantee you that
2 my brief remarks will be significantly less than
3 the amount of time spent on the first bill.

4 House Bill 1963 is an effort to reform
5 the veterans' homes and the control before. I want
6 to thank the Chair and Democratic Chair as well for
7 the opportunity to work on this.

8 As the Subcommittee Chair on Military
9 and Veterans facilities in Pennsylvania, this issue
10 is really a big deal. And the pandemic over the
11 past 18 months, we saw a significant number of
12 issues, and I want to complement the current heads
13 and staff at the veterans' homes. They've done a
14 great job of addressing a great deal of the issues
15 that have been identified in the study that was
16 done called the COVID-19 Outbreak at the Department
17 of Military Veterans Affairs, Southeast Veterans
18 Center, that was issued on October 15, 2020, and
19 amended and revised on December 29, 2020.

20 But in that report, it really generated
21 the significant impetus behind this bill. And in
22 this issue, as it relates that, at the core of the
23 SEVC's failures were the misjudgments and lost
24 opportunities in controlling and eliminating the
25 spread of the virus. There were some other

1 findings that came about.

2 So in that, and some of the great work
3 that's already been done, what it does is, it
4 modifies the existing methodology in a way it's
5 done in terms of the aging council for veterans'
6 homes and replaces that with the Veterans' Homes
7 Advisory Board and then the local advisory councils
8 to provide additional input and guidance.

9 It kind of dovetails, and I want to
10 thank the Chair for allowing me to speak after the
11 first bill that went in, is that, it dovetails with
12 some of the concerns that many of us raised. Many
13 of us that had been in the military saw a situation
14 which appear bureaucracies took over better
15 judgment and controls in the way things happened.

16 And if you go back and look at World War
17 II, there was a battle between the Battleship Navy
18 Admirals and the Aircraft Navy Admirals, their
19 carrier. We've seen situations where the concept
20 behind, artillery today is viewed a little bit
21 differently than it was before. The mobility of
22 forces asymmetrical warfare came about because of
23 the foresight of President John Kennedy, that led
24 to somewhat of the expansion and creation of the
25 JFK War-Fighting Center (sic) at Fort Bragg, North

1 Carolina.

2 When you look at that -- And I was at a
3 Civil Affairs of Psychological Operations Command.
4 I was an integral part to the 193rd Special
5 Operations Wing. I hear asymmetrical warfare at
6 its finest. And when you look at these different
7 issues, we had to break a mold. We had a history
8 of glass ceilings.

9 So what this bill is designed to do is
10 say, perhaps we need to really rethink the control
11 structures and mechanisms by which we provide care
12 so we can become more nimble, more resilient. I do
13 really want to compliment -- I have had an
14 opportunity to speak with the new staff at the
15 veterans' homes, and they're here today in the
16 audience.

17 And I want to specifically thank them
18 for their willingness and desire to work as
19 diligently as they did under very trying
20 circumstances. I want to congratulate your staff
21 as well, particularly the health care professionals
22 who would appear in time of ambiguity. None of us
23 really know what the impact of COVID was going to
24 be.

25 The purpose behind this bill, and I have

1 had an opportunity to look at some of the testimony
2 in advance, I have some concerns about, and I'm
3 obviously always willing to keep an open ear and
4 maintain a dialogue about doing things.

5 But, please, let's break the mold.
6 Let's break the bureaucracy. Let's recognize the
7 objective is to provide the care and the comfort to
8 those veterans that are in need. And I give you a
9 perfect example.

10 I received a call from a dear friend of
11 mine's wife this weekend, and her name is Helen
12 Sinkis (phonetic), and her husband was in my Marine
13 Corps unit, Master Sergeant John Sinkis (phonetic).
14 And he's currently suffering some extraordinary
15 difficult issues. And he's being treated in
16 Altoona Hospital and the Johnstown V.A.

17 But getting through some of the
18 bureaucracy to get him that care was mind boggling.
19 I mean, it was mind boggling. It was easier for me
20 to move a unit that was mobilized from the
21 stateside to a combat zone than it was to get
22 through some of those wickets. That's
23 unacceptable.

24 So the purpose behind this House Bill
25 1963 is to give us the tools necessary so we can

1 become much more nimble and resilient and recognize
2 our responsibilities to care for the veteran in
3 need, many of whom will not have caregivers as
4 family members who could provide assistance to help
5 them in a time when they probably need the help the
6 most.

7 So I would ask you, if you could, to
8 take a look at 1963. Again, I'm willing in light
9 of what I just said, specifically not to create --
10 to solve one problem by creating another. So the
11 intent will be to solve problems and become much
12 more nimble and resilient.

13 So, Madam Chair, thank you for this
14 opportunity. I hope that we can move forward with
15 all of these bills.

16 MAJORITY CHAIRWOMAN BOBACK: Thank you,
17 Representative.

18 Our next panelists are Major General
19 Mark Schindler, the Adjutant General; Mr. Marc
20 Ferraro, Executive Deputy Secretary; Brigadier
21 General Maureen Weigl, Deputy Adjutant General,
22 Veterans Affairs, and Mr. Travis Davis, Executive
23 Director for Long-Term Care. Welcome. Thank you
24 for being here today.

25 I remind you to put on your mike, and

1 whenever you're ready, you may begin.

2 ADJUTANT GENERAL SCHINDLER: Good
3 morning, Chairman Boback, Chairman Sainato, and
4 members of the House Veterans Affairs and Emergency
5 Preparedness Committee. Thank you for the
6 invitation to offer the Administration and the
7 Department's insight on the various legislative
8 proposals being considered by the committee.

9 Today I have with me, to my immediate
10 right, Mr. Marc Ferraro, the Executive Deputy
11 Secretary; Brigadier General PA Maureen Weigl,
12 Deputy Adjutant General for Veterans Affairs, and
13 Mr. Travis Davis, Executive Director for Long-Term
14 Care.

15 In terms of House Bill 1964, Independent
16 Office of the Adjunct General For Veterans Affairs.

17 The Department of Military and Veterans
18 Affairs is responsible for the command control
19 administration of the Pennsylvania National Guard
20 representing military interests within the
21 Commonwealth and administering veterans' programs
22 for veterans and their families residing within the
23 Commonwealth of Pennsylvania.

24 We are the voice and advocates for a
25 population of citizens who serve or have served in

1 the Armed Forces of the United States. We
2 recognize the challenges of our dual mission, but
3 also recognize the connection, needs and commitment
4 to service that binds military service and veterans
5 together. We believe that DMVA is stronger. No
6 other Department in state government has that bond.

7 Like every agency, DMVA has leaders at
8 the deputy level who administer specific programs,
9 services and functions on behalf of the
10 Commonwealth of Pennsylvania. Each deputy is
11 responsible to staff and administer their programs.
12 I'm confident that my deputies have the requisite
13 executive leadership and character to effectively
14 lead their areas of responsibility.

15 Since I have been assigned and confirmed
16 as the Adjunct General, I have led efforts to hire
17 experienced and competent leaders, address span of
18 control issues and concerns, and improve oversight
19 with additional audits, reviews, and surveys. We
20 will continue to evaluate, make necessary changes,
21 reevaluate to ensure that we have the right leaders
22 doing the right things to support our dual
23 missions. Adding additional qualifications for the
24 DAG-VA position will limit our ability to get the
25 most qualified and competent person for the job.

1 My staff and I have looked at the
2 proposal to make the Office of Veterans Affairs,
3 OVA, an independent office within DMVA with
4 numerous oversight councils. The proposals center
5 on the administration of the State Veterans Homes,
6 SVH, but fails to take into account all the other
7 programs the Department administers. Both
8 functions are nested together, and we're working to
9 integrate these functions even more.

10 We completed a cost comparison and
11 operational analysis of the proposal and have
12 determined that OVA receive direct and indirect
13 benefits and support from the Department's military
14 support programs. The synergy between Military and
15 Veterans Affairs' missions in employment outreach,
16 suicide prevention, mental health programs,
17 education, and other functions would be lost if the
18 Department is separated.

19 Specifically, facilities and support
20 services that are provided at no or reduced costs
21 because of current affiliations will drive up costs
22 for an independent Office of Veterans Affairs
23 within the Department. These DMVA programs are
24 specific to the service member family support
25 function, but the expertise is shared across the

1 Department.

2 For example, if OVA were to become an
3 independent office, it would no longer reside in
4 the building it resides in at Fort Indiantown Gap
5 because it would no longer be under the control of
6 myself. Building 0-47 is coded for a federal
7 reimbursement as an Army National Guard Readiness
8 Center. While sharing these functions it's
9 inherent to the Department balancing these
10 priorities, requirements, and funding under two
11 separate authorities would create barriers that do
12 not exist under one Department head.

13 The proposal also splits state
14 Department functions, administrative offices
15 responsible for personnel, for logistics,
16 information technology, facilities engineering,
17 legal, communications; also impacts priorities
18 where they are in conflict. To be sure, managing
19 these functions as one organization with clear
20 priorities can be challenging.

21 However, managing them between two
22 administrative heads with different priorities will
23 be a bigger challenge and can lead to unnecessary
24 conflict.

25 Under one administrative head, conflicts

1 are easily resolved. Attempting to resolve
2 conflict under two would be inefficient and likely
3 ineffective. The deputies and directors would find
4 it different to answer to two administrative
5 leaders. The solution to these issues is funding
6 to provide the OVA with the staffing and resources
7 needed to function separately, which we have
8 assessed to be cost prohibitive.

9 This, however, will eliminate the
10 efficiencies that exist in the current structure.
11 Additional funding and time would be better spent
12 providing additional resources to expand the
13 programs for our service members and veterans.

14 Regarding restructuring and oversight of
15 the State Veterans Homes, H.B. 1963.

16 DMVA has continued to work on improving
17 State Veterans Homes operations and functions
18 within the Bureau of Veterans Homes, starting with
19 a completely new leadership team. The goal to
20 provide exceptional care to our residents has not
21 changed.

22 However, updating the BVH structure,
23 roles and responsibilities, and a renewed emphasis
24 on assuring that we have skilled and knowledgeable
25 staff to provide the necessary oversight of our

1 homes is our main objective. The changes we are
2 currently implementing to mitigate and/or resolve
3 many of the issues that were identified in the
4 independent report, and we continue to review and
5 modify our actions on a continuous basis.

6 The proposed bill would overly specify
7 how the Department is structured, creates new
8 requirements, and sweeping changes to the way the
9 homes are administered, thereby, creating
10 additional bureaucracy and a less agile Department.
11 The result would hinder our ability to provide the
12 best possible care and programs to our veterans.

13 DMVA is already independently
14 implementing additional oversights, creating and
15 building audit and quality control teams. We have
16 implemented a new internal structure with
17 additional licensed nursing home administrators to
18 support and advise the homes. We're formalizing a
19 Medical Advisory Committee, a MAC, that advises the
20 Adjunct General, the Deputy Adjunct General for
21 Veterans Affairs, and the Executive Director for
22 Long-Term Care on clinical policies and procedures
23 within the homes.

24 We've added additional clinical
25 expertise to advise the executive staff who are

1 part of the MAC. While the MAC will meet routinely
2 to discuss the operation of the homes and maintain
3 minutes for transparency, it can be called upon at
4 any time to respond quickly to the needs of the
5 organization for any given crisis and have a direct
6 line of communication to the executive staff.

7 We continue to look at other areas that
8 are in need of improvement. These areas include
9 crisis management, communications, infection
10 control procedures, business operations, and other
11 strategies to improve our veterans, residents, and
12 employees' quality of care, their safety, and their
13 wellness.

14 DMVA is implementing these changes
15 without being directed to do so by the Legislature,
16 without additional funding, and all while operating
17 and caring for nearly a thousand residents in our
18 six SVHs during an ongoing pandemic. DMVA
19 appreciates the oversight of the General Assembly
20 and welcomes legislation and support to address
21 staffing shortfalls in the SVH, veteran advocacy,
22 and resources to expand outreach to get information
23 to our aging veteran population.

24 We ask for your support and patience as
25 we continue to implement changes and adjust our SVH

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1 structure, oversight and facilities to meet the
2 needs of our residents and aging Pennsylvania
3 veterans. We continue to track and study our
4 changes as they are implemented to fine tune and
5 make additional adjustments as needed.

6 In terms of House Bill 1978,
7 restructuring and oversight of State Veterans
8 Commission. The SVC is an advisory commission to
9 the Department, made up of various veteran service
10 organizations who are to represent all veterans of
11 the Commonwealth. Over the years the roles,
12 duties, and responsibilities of the SVC have
13 remained unchanged. The veterans' population,
14 demographics, societal changes, attitudes and needs
15 of veterans have changed and the SVC should reflect
16 those changes.

17 However, the purpose and the function of
18 the SVC are to serve as advisors and advocates; to
19 develop and sustain community networks, and to
20 measure the effectiveness of programs intended to
21 assist veterans.

22 The DMVA and SVC have taken several
23 steps to work closer. We have done so by opening
24 our lines of communication to improve programs,
25 services, and the lives of veterans. Longstanding

1 issues are being discussed. We're finding common
2 ground and are moving forward on these
3 recommendations. These recommendations include
4 changing the meeting format of SVC meetings,
5 changing veterans outreach, a/k/a Act 66, grant
6 requirements, conducting geographical needs
7 assessments, and modifying budget requests to
8 address those needs, building consensus on proposed
9 changes to the Veterans Real Estate Tax Exemption
10 program, and inclusion of the SVC's component
11 organizations in the PA VETConnect program.

12 Overall, the SVC and the component
13 organizations and participants are responsible for
14 ensuring that the DMVA is aware of any new issues
15 that are impacting veterans; communicating what the
16 Administration, DMVA and General Assembly are doing
17 on behalf of veterans, and advocating and providing
18 a voice for all veterans of the Commonwealth.
19 Through our collective efforts and common goals,
20 DMVA continues to provide time, resources,
21 facilities and support to the SVC and its component
22 organizations.

23 In terms of House Bill 1972,
24 codification of adult day health care.

25 The Pennsylvania Long-Term Care Council

1 released Expanding Long-Term Care for Veterans
2 Report in 2019. The expanding long-term care
3 services to Veterans Project Group was assembled to
4 explore options for enhancing long-term care
5 service choices available to Pennsylvania veterans.
6 One of the key recommendations was for DMVA to
7 explore other ways of delivering care to our
8 veteran population.

9 We have asked to expand the language
10 codifying adult day health care to include
11 community palliative care. In doing so, this
12 provides more options for DMVA to support veterans
13 by providing care in multiple settings outlined in
14 the study. These settings include home and
15 community-based services, expanding service options
16 in the six SVHs, and providing solutions to address
17 veteran homelessness and hard-to-place individuals.

18 This legislation is necessary to ensure
19 that DMVA is authorized to consider programs and
20 services within these types of settings. DMVA
21 continues to look for opportunities to leverage
22 federal, state and community programs to expand and
23 care for our aging veterans.

24 I'd like to address disabled veteran
25 real estate tax exemptions, but I'll talk in

1 successive order to save time about H.B. 1953, H.B.
2 1815 and H.B. 910.

3 The Pennsylvania Disabled Veterans Real
4 Estate Tax Exemption, REXT Program, provides county
5 tax exemptions for the veterans' primary residence.
6 The Pennsylvania Constitution, Title 51 of the
7 Pennsylvania statutes and Title 41 of the
8 Pennsylvania code define eligible for the REXT
9 Program. They state that a veteran of the United
10 States Forces who, 1, is a resident of the
11 Commonwealth; 2, was discharged with an honorable
12 discharge or under honorable circumstances; 3, that
13 served during wartime or armed conflict; 4, is
14 deemed 100 percent service connected disabled,
15 total or permanent disability; and 5, has
16 demonstrated financial need is eligible for the
17 REXT. These provisions also extend the benefit to
18 the unmarried surviving spouse of a veteran who met
19 the criteria before passing.

20 DMVA supports a constitutional amendment
21 that removes the wartime service requirement. The
22 program is a needs-based program, and the top
23 eligibility disqualifier is the wartime service
24 requirement. The proposed language removes the
25 wartime service requirement, thereby, applying the

1 additional REXT standards equally to all disabled
2 veterans.

3 DMVA also supports including provisions
4 that would make the unmarried surviving spouse of a
5 deceased service member who suffered service-
6 related deaths eligible for the REXT. Currently,
7 when a service member dies while in active service,
8 their unmarried surviving spouse is not eligible
9 for the REXT because the United States Department
10 of Veterans Affairs never rated the service member
11 as a hundred percent permanent or totally disabled.

12 Many of these Gold Star spouses and
13 military widows/widowers have contacted DMVA
14 expressing frustration with this omission.
15 Unmarried surviving spouses of veterans who the
16 USDVA has granted the 100 percent disability rating
17 are eligible for the REXT, creating an unequal
18 system. Undoing this injustice also requires a
19 constitutional amendment to allow the unmarried
20 surviving spouses of those who died in the line of
21 duty or were posthumously rated 100 percent to be
22 eligible to receive the REXT benefit.

23 Furthermore, DMVA supports the inclusion
24 of language that makes individuals who are eligible
25 for individual unemployability, IU payments at

1 100 percent for the United States Department of
2 Veterans Affairs eligible for the REXT. In order
3 to be eligible for the IU payments, veterans must
4 have at least one service connected disability
5 rated at 60 percent or more disabling, or two or
6 more service-connected disabilities, with at least
7 one rated at 40 percent or more disabling, and a
8 combined rating of 70 percent or more.

9 The veteran must also have documentation
10 that verifies that the veteran cannot hold down a
11 steady job and can support them financially because
12 of their service-connected disability to be
13 eligible to apply for the REXT program.

14 Finally, DMVA supports proposed language
15 to enable a veteran residing in a long-term care
16 facility to remain eligible for REXT if the veteran
17 owns the residence. Without this change, a spouse
18 who remains in the home is not eligible for the
19 REXT until they can apply and be accepted into the
20 program on their own.

21 DMVA does not support any provision to
22 reduce the REXT benefit or expand it to veterans
23 who are not 100 percent disabled or not eligible
24 for the IU payments program and paid at the 100
25 percent disability rating. Proposed proportional

1 REXT benefits would give the same percentage of
2 real estate tax exemption as the veteran's ratings
3 from the USDVA. This expansion of the REXT program
4 would drastically reduce the local taxing
5 authority's revenue. DMVA estimates a proportional
6 REXT could add 82,000 more veterans to this
7 program.

8 Additionally, veterans' disability
9 ratings can change frequently. As a result, a
10 proportional REXT would require DMVA and the SVC to
11 reassess eligible veterans' rating continually.
12 For these reasons, DMVA cannot support changes to
13 the REXT program that include proportional REXT
14 benefits.

15 Regarding House Bill 1691, the veterans
16 lottery ticket, DMVA continues to explore options
17 to increase care for our aging veterans and
18 appreciate the goal of this bill, which is to
19 provide revenue to that cause. DMVA continues to
20 plan to expand long-term care services to more
21 veterans. When these plans begin to materialize,
22 and additional and substantial funding is needed,
23 we will seek appropriations to support these
24 efforts. The state lottery agency provided
25 detailed testimony, and we defer to their expertise

1 on how to best manage lottery projects.

2 SJA requirement for Chief Counsel, House
3 Bill 1938, the DMVA believes that the Chief Counsel
4 of the Department does not need to have at least
5 five years' experience as a sworn-in and certified
6 Judge Advocate. Such a requirement would not
7 benefit the Department, and would only serve to
8 substantially limit the pool of qualified veterans
9 from the Office of General Counsel could select a
10 Chief Counsel.

11 Further, the functions of a Judge
12 Advocate differ from the functions and role of a
13 Chief Counsel of an agency.

14 The Department has numerous Staff Judge
15 Advocates assigned to its federal complement of
16 personnel on both the Army and the Air manning
17 documents. In fact, there are three full-time
18 federal Staff Judge Advocates assigned to the
19 Department. They handle all military justice and
20 operations matters. They also handle all matters
21 involving the Pennsylvania National Guard in its
22 federal capacity.

23 Additionally, the SJAs do not handle
24 matters involving or receive training relating to
25 veterans' benefits or programs, state procurement

1 and contracting processes and requirements, state
2 administrative policies or processes, health care
3 or long-term care law, or any other areas of state
4 law that apply to the state operation of DMVA.

5 The Office of Chief Counsel, on the
6 other hand, handles all state matters involving
7 DMVA. Its primary workload involves compliance
8 with federal and state laws that will impact the
9 operation of the State Veterans Homes, the
10 administration of the Commonwealth's veterans'
11 programs, Commonwealth procurement and contracting,
12 Commonwealth labor and employment matters,
13 Commonwealth construction and real estate matters,
14 and litigation involving the Commonwealth.

15 Both the SJA and Office of Chief Counsel
16 are in the same building. They work closely on all
17 issues that involve both the federal and state
18 sides of DMVA. Ultimately, adding this unnecessary
19 requirement could hinder the Department's ability
20 to hire the most qualified lawyers for Chief
21 Counsel.

22 Lastly, I would like to thank the
23 Committee once again for the opportunity to testify
24 today. I'll look forward to working with you in
25 the future, and I look forward to taking any

1 questions for myself or my staff. Thank you.

2 MAJORITY CHAIRWOMAN BOBACK: Thank you,
3 sir, for your excellent testimony.

4 Are there any questions from members for
5 the panel?

6 Representative Pennycuick.

7 REPRESENTATIVE PENNYCUICK: Thank you,
8 Madam Chair.

9 In your testimony, General Schindler,
10 you talked about longstanding issues with the
11 Veterans Committee. What would those longstanding
12 issues be?

13 ACTING ADJUTANT GENERAL SCHINDLER: I
14 think some of the -- some of the issues may have
15 evolved around who or what is a priority and who or
16 what is not a priority and how those are
17 communicated.

18 I think that, having come on board as
19 the Adjunct General myself, and sat in some of the
20 meetings previously, I had an opportunity to look
21 and see how exchanges were done between the SVC
22 meetings and the Department. I realized that I
23 don't think the issues we're working towards are
24 always for the good of our veterans, but we're
25 seeing a lot of briefings to the SVC from our

1 Department and not hearing enough from the SVC and
2 them not hearing enough about our veterans. So
3 we're coming to common ground, and that is to work
4 towards the veterans.

5 So, I think by reaching out and things
6 I've suggested to the Committee to develop the
7 agenda, to bring them into meetings, to offering --
8 offering their -- to be more open to them help
9 raise and fix some of what I consider to be long-
10 term issues. That's what I meant, ma'am. That's
11 just an observation I had from sitting on the
12 outside and now being in this chair, I think we're
13 working to address those.

14 REPRESENTATIVE PENNYCUICK: I just have
15 one additional question.

16 ADJUNCT GENERAL SCHINDLER: Sure.

17 REPRESENTATIVE PENNYCUICK:
18 Recommendations included changing veterans'
19 outreach grant requirements. Could you explain
20 that a little further?

21 ADJUNCT GENERAL SCHINDLER: Did you want
22 to take those, Maureen?

23 BRIGADIER GENERAL WEIGL: Good morning,
24 ma'am. So we've been looking at our outreach and
25 working with our counties and our veterans service

1 organizations and American Legions. And as you
2 mentioned there is a lot of work to be done for our
3 veterans across the Commonwealth.

4 What we're looking to do is look at
5 other options to get money. The lottery is one
6 option that you're working towards, but there are
7 federal grants from the Department of Labor,
8 Department of Veterans Affairs, Department of
9 Health, Human Resources, and here within the state.
10 And many of my counterparts and other state
11 agencies have found ways to go after grants.

12 So, we are hiring someone to work with
13 us to help me research all of the grant
14 opportunities, so that when nonprofit organizations
15 come to me and say, hey, to keep this homeless
16 shelter open I need so much money and my veterans
17 trust fund only has a million dollars and I can't
18 fund everybody. If I were able to acquire those
19 grants, I could do that.

20 So we work with DDAP regularly and some
21 of the homeless shelters that are -- Just for Today
22 Recovery Service, for example, right across the
23 street. They're funded by a grant from DDAP that
24 we work with. We administer it to those
25 organizations.

1 So more grant opportunities help me take
2 care of veterans for not only palliative care in
3 their homes, but for homelessness, suicide
4 prevention, PTSD. Like I told you all before at
5 other times, there's so many wonderful agencies
6 across the Commonwealth helping veterans. I'm
7 trying to find ways to keep them funded so we can
8 do that.

9 REPRESENTATIVE PENNYCUICK: Great.
10 Thank you so much.

11 MAJORITY CHAIRWOMAN BOBACK: Thank you,
12 Representative.

13 Representative Craig Williams.

14 REPRESENTATIVE C. WILLIAMS: Thank you,
15 Madam Chair.

16 General, I feel a little sorry for the
17 functionary that came from the Lottery, because I
18 think he was the unintended collateral damage.
19 That was redundant. He was the collateral damage
20 of, um --

21 I felt after reading your testimony last
22 night, these are the lines that kind of got my
23 attention as a long-time Judge Advocate in the
24 Marine Corps and a combat veteran I might add. A
25 requirement for a Judge Advocate -- I'm sorry.

1 Requirement for prior Judge Advocate experience to
2 be the Chief Counsel of the DMVA you say, would
3 only serve to substantially limit the pool of
4 qualified veterans from which the Office of General
5 Counsel could select a Chief Counsel.

6 And in one page of testimony, as though
7 that wasn't enough, you said it again, ultimately,
8 adding this unnecessary requirement will hinder the
9 Department's ability to hire the most qualified
10 lawyers for Chief Counsel.

11 I take from that, and maybe you don't
12 intend it, that you don't believe that there's an
13 adequate pool of talented lawyers amongst those who
14 have served on active duty in the reserves who are
15 Judge Advocates from whom you could draw for Chief
16 Counsel, which leads me to the conclusion, based on
17 my long career of being a Judge Advocate advisor to
18 many Generals, that maybe these weren't entirely
19 your words.

20 Did you prepare this testimony yourself?

21 ACTING ADJUTANT GENERAL SCHINDLER: Yes,
22 sir, I prepared the testimony.

23 I thought it was a little over-redundant
24 with saying no, no, it's not going to be. It's
25 clearly from a standpoint from the Department being

1 split the way it's split. All the state functions,
2 all the state -- everything that has to do with
3 state, everything; buildings, everything with the
4 veterans homes, everything with veterans is
5 separated to that side of the Department. And all
6 of the Staff Judge Advocates that report to me on
7 the military side, both Army and Air, are dealing
8 with those military assets completely.

9 We tend to -- What I intend to see in
10 Pennsylvania, I've got them either on one side or
11 the other, even the applicants serve for the jobs.
12 I think the last time we looked for a Chief Counsel
13 we had three applicants -- and there are two
14 applicants in total for that position. So, I love
15 my Staff Judge Advocates and I love what they do.
16 They're definitely hard to find.

17 And since I have such a split in
18 services in the Department, that's how I try to
19 keep them so there's not any confusion about who's
20 dealing with which area of the Department, because
21 they are completely different. So that's why I
22 just think it won't be as beneficial as this bill
23 puts forward.

24 REPRESENTATIVE C. WILLIAMS: So your
25 testimony, then, is that there are basically two

1 functions of the DMVA, which is suggested in the
2 name of the Department, on the military side and on
3 the veterans affairs' side. And your proposition
4 is that an attorney is incapable of understanding
5 the state side of the business versus the federal
6 military side of the business.

7 Are you familiar with General Ayres?

8 ADJUTANT GENERAL SCHINDLER: I am not,
9 sir.

10 REPRESENTATIVE C. WILLIAMS: He and I
11 served together in the Office of Legal Counsel in
12 the Pentagon when he was a Lieutenant Colonel and I
13 was also. He was promoted to become the Staff
14 Judge Advocate of MF -- MFM-5. Later he picked up
15 a star to become the Commandant of the Judge
16 Advocate School. Eventually went on to be the
17 Deputy Judge Advocate General of the entire Army.

18 Do you think that his inventory of
19 knowledge and practice as the Judge Advocate
20 General of the entire Army was limited to warfare
21 alone?

22 ADJUTANT GENERAL SCHINDLER: No, sir.

23 REPRESENTATIVE C. WILLIAMS: Do you
24 think that when he went on to become General
25 Counsel of the Air Force as a civilian, that his

1 practice as the General Counsel of the United
2 States Air Force was limited to military action
3 alone?

4 ADJUTANT GENERAL SCHINDLER: No, sir.

5 REPRESENTATIVE C. WILLIAMS: Or
6 operational law?

7 ADJUNCT GENERAL SCHINDLER: No, I don't,
8 sir.

9 REPRESENTATIVE C. WILLIAMS: Or military
10 justice?

11 ADJUNCT GENERAL SCHINDLER: No.

12 REPRESENTATIVE C. WILLIAMS: Do you think
13 there's some component of his practice as General
14 Counsel that involved labor and employment?

15 ADJUTANT GENERAL SCHINDLER: I'm sure
16 there are, sir.

17 REPRESENTATIVE C. WILLIAMS: Or health
18 care law?

19 ADJUNCT GENERAL SCHINDLER: Yes, sir.

20 REPRESENTATIVE C. WILLIAMS: Or posse
21 comitatus which itself has an implication on state
22 law.

23 ADJUTANT GENERAL SCHINDLER: Yes, sir.

24 REPRESENTATIVE C. WILLIAMS: So, prior
25 Judge Advocate with a wealth of experience both in

1 combat and outside, then becomes the duty expert
2 for the entire department of the U.S. Air Force,
3 which itself is the head lawyer of an agency, which
4 in your testimony you say it's not appropriate for
5 a prior Judge Advocate to be an agency head in
6 Pennsylvania. But he was able to do it for the
7 entire Air Force, right?

8 Not only that, he went beyond the United
9 States Air Force and started the United States
10 Space Command and became its first General Counsel.

11 Now, in your lengthy Army experience,
12 have you had much experience with Space?

13 ADJUTANT GENERAL SCHINDLER: I have not,
14 sir.

15 REPRESENTATIVE C. WILLIAMS: Do you
16 think General Ayres did?

17 ADJUTANT GENERAL SCHINDLER: I would
18 think not.

19 REPRESENTATIVE C. WILLIAMS: Being that
20 he was a paratrooper, probably not, right? And
21 yet, he was able to command that entire waterfront,
22 so to speak, in the space climate so much so he is
23 now, and I envy him for this job, the General
24 Counsel of Blajure (phonetic) Space out in
25 Colorado. I didn't even know there was such a

1 thing until he got the job.

2 My point being is that -- And, oh, by
3 the way, he's Pennsylvania, which is why I bring
4 him up. Born and raised in Pittsburgh, went to
5 West Point, and then went to Penn Law. There's a
6 lot of talent in this state. I think if we start
7 thinking in terms of looking for our active duty
8 and reserve talent in this state, we might draw it
9 out.

10 Meanwhile, for the Chief Counsel of the
11 DMVA reports to whom?

12 ACTING ADJUTANT GENERAL SCHINDLER:
13 Oversight of the Department for myself, but they
14 also report to, um, the --

15 REPRESENTATIVE C. WILLIAMS: Office of
16 General Counsel.

17 ADJUNCT GENERAL SCHINDLER: Exactly.

18 REPRESENTATIVE C. WILLIAMS: And the
19 Office of the General Counsel reports to the Office
20 of the Governor; is that right?

21 ACTING ADJUTANT GENERAL SCHINDLER:
22 That's correct.

23 REPRESENTATIVE C. WILLIAMS: Which is
24 what I took from reading this testimony, is that,
25 it was predominately written in a political point

1 of view rather than in the best interest of our
2 military.

3 So I will be moving forward with this
4 bill. I think it's a great idea. And as I said to
5 the previous testifier, I look forward to working
6 on this. I hope you find a way to get to yes.

7 Thank you.

8 MAJORITY CHAIRWOMAN BOBACK: Thank you.

9 Next Representative Frank Ryan.

10 REPRESENTATIVE RYAN: I didn't think
11 when I got up this morning that these hearings were
12 gonna go quite the way they've been going. And
13 I've decided I don't want to get cross-examined by
14 either of my two colonels behind me. Well done.
15 I'm impressed. And so, I will be careful.

16 But, General, first of all, thank you
17 for being here. Maureen and Travis, thank you.

18 I've kind gone through a fairly
19 significant change in the past, probably two or
20 three months, that I didn't think at age 70 I would
21 be experiencing. Some of it is almost a loss of
22 faith in government, in general. I don't mean
23 anything in particular, but about whether or not we
24 want to solve problems before they explode. Do we
25 want to wait until they explode and then we say we

1 fixed them.

2 I used to make a comment periodically
3 that a good effort about running someone who has
4 been in office for an extended period of time was
5 that they'd make a comment, I'm going to fix the
6 problems that I helped create. And I said that
7 somewhat jokingly, but the reality of it, Maureen
8 and Travis, I want to congratulate you because I
9 think after talking to you, you all ceased a very
10 difficult situation and, General, thank you for
11 doing this as well because it's under your
12 leadership to address these issues.

13 But what I -- And hearing the testimony
14 and Representative Williams just brought up, and
15 other members of the panel is that, we've got to
16 start finding ways of solving problems before they
17 explode on us. Because when they explode on us
18 what happens is, somebody has been hurt.

19 There used to be a joke in the Marine
20 Corps that whenever you graduated from boot camp,
21 they issued you a photographer. And then you go in
22 wherever you wanted to, and that was a combat
23 camera. It was a little joke.

24 As I got longer into my career as
25 Special Operations Command and U.S. Central Command

1 and then eventually with MFM-5. I realized the
2 person that I really wanted with me was my
3 attorney. The rules of engagement were significant
4 and in split-second decisions individuals were
5 making, all of a sudden found themselves having
6 committed a murder when they actually thought they
7 were going into a combat zone.

8 And I would just encourage you to try
9 and tell a 20 year old that that's the way your
10 life is gonna be. You kick down a door. I still
11 remember my first time in Afghanistan, somebody
12 called up and said, by the way, we went into this
13 person's house and we found a weapon. Well, if you
14 went into any Afghani's home and -- and -- I'm
15 sorry. In Afghanistan you found a weapon.

16 And so, I could easily see a 19 year
17 old, 20 year old, or 55 year old making that
18 mistake that inadvertently violates a rule of
19 engagement. A lot of times those rules of
20 engagement were written by someone back in the
21 states that I wish that a more active Judge
22 Advocate that might have potentially had an input
23 and not been so political.

24 So I would ask you, as we look at this,
25 as we talked about the predecessor from the

1 lottery, let's see what we can do to fix this. And
2 from my perspective, I'm not a big believer in
3 putting legislation out there that's so detailed it
4 removes your ability to operate. I mean, that's --
5 that's just as bad in my mind.

6 But, what I fear is, what happens if the
7 four of you are not here? I went through your
8 testimony, and I have great confidence in the DMVA.
9 I do. I think what happens if you're not there?
10 Will that same set of leadership take place to make
11 sure that it's prescriptive in nature? If it's the
12 case, then how did we get to where we were? How
13 did what happen happened?

14 And so, you're all incredibly talented.
15 I have tremendous respect for all of you. But I am
16 concerned that, do we have to wait until something
17 breaks to fix it, or do we design a system that
18 says, let's look at this rationally, realistically
19 so we can avoid the problem?

20 And where I would want someone with
21 Colonel Williams' expertise on this is that, I'm
22 also a realist, in that these laws are going to be
23 interpreted by a court system that may say, if
24 you're not being incredibly specific, then it
25 didn't exist, and what was the legislative intent?

1 And, quite candidly, that's where I've somewhat
2 lost faith. I'm not sure I understand what that
3 answer is quite yet. I'm trying to come to grips
4 with that issue.

5 I look at these issues. And I'll go
6 back to the comments. If they unfortunately
7 weren't so classified, I could give you a number of
8 examples where we got advice from people who might
9 not have necessarily the expertise to provide
10 guidance to us in Iraq and Afghanistan where we
11 lost opportunities. We're a much better Judge
12 Advocate, where someone with significant military
13 experience could have provided that expertise that
14 could have had an entirely different outcome.

15 Sir, I would ask you to look at all
16 these bills. I don't know of any member on this
17 Committee, and I'm incredibly impressed with all my
18 colleagues on this Committee, willingness to say,
19 if you have a suggestion to come up with a
20 different way of doing it, I'm there. I don't wish
21 to speak for anybody else, but I don't know of
22 anyone on this Committee that doesn't feel that
23 same way.

24 The goal is to prevent a crisis from
25 occurring where no one will give us accolades.

1 There will be no medals given for the person who
2 avoided the problem, because no one will know that
3 you avoided the problem. But we will be given the
4 business customer care to people who provided
5 service to our nation.

6 And I remind everyone, that every person
7 who ever sworn an oath of allegiance to this
8 nation, we surrendered all of our First Amendment
9 rights so that somebody else could have theirs. We
10 owe that to the members of our Commonwealth to do
11 the same thing. So let's be creative. Let's find
12 a way to get to yes.

13 Again, I know my own particular case,
14 that I do think I speak for other members of the
15 Committee, we're willing to entertain constructive
16 remarks to do it, but not just no. So, thank you.

17 Madam Chair, thank you.

18 MAJORITY CHAIRWOMAN BOBACK: Thank you,
19 Representative.

20 Representative Pennycuick.

21 REPRESENTATIVE PENNYCUICK: Thank you,
22 Madam Chair.

23 Just going off of Colonel Ryan and best
24 customer care, I'm going back to the Veterans
25 Commission because I need to solidify some stuff in

1 my head.

2 Do you currently know the number of paid
3 veterans service officers in the State of
4 Pennsylvania?

5 ADJUNCT GENERAL SCHINDLER: I would say
6 142.

7 REPRESENTATIVE PENNYCUICK: 142?

8 EXECUTIVE DEPUTY SECRETARY FERRARO:
9 Yes. If I may, it's a combination of the state --
10 Commonwealth employees within DMVA and the service
11 organizations through the Act 66 grant.

12 And also --

13 REPRESENTATIVE PENNYCUICK: Can you
14 break that down between how many are state
15 employees and how many are --

16 EXECUTIVE DEPUTY SECRETARY FERRARO: We
17 have that number back in the office, if you'd like
18 that. We can absolutely get it for you.

19 REPRESENTATIVE PENNYCUICK: And how many
20 volunteer VSOs do we have?

21 ADJUNCT GENERAL SCHINDLER: I don't
22 think we have any.

23 BRIGADIER GENERAL WEIGL: Ma'am, he said
24 a third -- approximately totaling 200. And we'll
25 get you detailed numbers on that. Again, we also

1 have county directors out at all of the counties.
2 There's other individuals, and we'll get that
3 breakdown for you.

4 REPRESENTATIVE PENNYCUICK: That would
5 be great. Thank you. I would really appreciate
6 that.

7 I'm trying to get kind of a picture of
8 how closely linked the Veterans Commission is to
9 the DMVA. And I'm a little concerned they didn't
10 testify today. Are they testifying today?

11 (No response).

12 (A gentleman stood up and responded).

13 REPRESENTATIVE PENNYCUICK: Okay. They
14 can't hear you on Zoom.

15 MR. TAYLOR: I'm sorry. If it pleases
16 the Committee. My name is Nick Taylor. I'm the
17 newly-elected Chairman of the state Veterans
18 Commission 11 days ago.

19 So, we did not have the opportunity to
20 discuss it within the Commission due to the time
21 frame. Our next meeting for the Commission is
22 slated for December, and we plan to discuss these
23 bills and come up with a recommendation.

24 I'd also like to point out to the
25 Committee that I, as Chairman, present the views of

1 the Commissioners and the Commission. And after
2 we've had the chance to discuss it, not only among
3 ourselves, but in consistence with the DMVA, we
4 would be more than happy to come formally back and
5 provide testimony on these bills and make our
6 recommendations.

7 REPRESENTATIVE PENNYCUICK: Great.
8 Thank you. And thank you for getting me those
9 numbers. I appreciate that.

10 MAJORITY CHAIRWOMAN BOBACK: Thank you,
11 Representative.

12 Next we have a follow-up question by
13 Representative Craig Williams.

14 REPRESENTATIVE C. WILLIAMS: I love
15 having Colonel Ryan on this Committee because he's
16 always grounding. And I do think it's very
17 important, General, that we leave this on a
18 positive and constructive note, because that's what
19 I intended with my bill. Like I said, I was just
20 taken a bit back, because in my relationships with
21 all my Generals, it always became very personal.

22 But, it was never an issue of whether or
23 not I had the expertise in a particular subject
24 matter. I was his representative when he sent me
25 across the river to the State Department, field

1 Executive Office Building, what have you, I would
2 come back in the evening for his stand-up meetings
3 because I was his consiglieri.

4 And that's what I saw missing in your
5 testimony today was this sense of partnership with
6 your Judge Advocate. And I think that that's an
7 important one. I mean, I call my General -- or
8 e-mailed him yesterday after the passing of General
9 Calp (phonetic) because I knew it was personally
10 very difficult for him, and he answered in four
11 minutes because that's the nature of our
12 relationship; not four star 2 and 06, but counselor
13 to a principal.

14 Like I said, I know the value of that
15 relationship. It doesn't come from the Office of
16 General Counsel to the Governor. It comes from
17 somebody who understands the unique service that we
18 have been talking about for two hours today, and I
19 know that you appreciate, especially with your own
20 wartime service.

21 It's not about warfare. It's not about
22 the military -- the code of military justice. It's
23 not about military administrative law or
24 installation law or health care law or space law,
25 whatever that is now. It's about a relationship

1 that can only come between a formally-uniformed
2 Judge Advocate and his or her General.

3 Thank you.

4 MAJORITY CHAIRWOMAN BOBACK: Thank you,
5 Representative.

6 Well, with no other questions being
7 posed, I wanted to thank this wonderful panel for
8 your testimony, and expert testimony I might add.
9 I thank you for your input on these bills which
10 we're hoping to vet further and, hopefully,
11 eventually, introduce them.

12 I also want to thank Mr. Nicholas
13 Taylor. You did come forward and thank you,
14 congratulations on recently being appointed Chair.
15 And I look forward to working with you, sir. Is
16 there anything else you wanted to present to the
17 committee?

18 MR. TAYLOR: No, ma'am.

19 MAJORITY CHAIRWOMAN BOBACK: Thank you,
20 sir. Thank you all for your excellent testimony.

21 ADJUNCT GENERAL SCHINDLER: Thank you
22 very much, Chairman Boback. Thank you.

23 MAJORITY CHAIRWOMAN BOBACK: Thank you.
24 I do request that the SVC and the PWVC, some are in
25 attendance and some are listening, please get back

1 to us on your input on the bills we're proposing
2 today. We'd really appreciate that. Thank you.

3 Once again, thanks to everyone for their
4 participation today. I thought we had a very
5 informative dialogue going back and forth, and the
6 prime sponsors and staff will continue to work on
7 these bills as shaped by testimony that was
8 presented today by our panelists. Thank you again
9 to everyone for your participation.

10 At this time, the hearing is adjourned.
11 Thank you.

12 (At 1:10 p.m., the hearing concluded).
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C E R T I F I C A T E

I, Karen J. Meister, Reporter, Notary Public, qualified in and for the County of York, Commonwealth of Pennsylvania, hereby certify that this transcript is a production from a video recording and was recorded by me in stenotype, to the best of my ability, and subsequently reduced to computer printout under my supervision, and that this copy is a true and correct record of the same.

Dated this 10th day of November, 2021.

Karen J. Meister

Karen J. Meister – Reporter

Notary Public

