

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 733 Session of 2019

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

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 26, 2019

AN ACT

1 Providing for the Pennsylvania Gaming Economic Development and
2 Tourism Fund Capital Budget for 2019; itemizing projects to
3 be assisted by the Department of Community and Economic
4 Development, together with their estimated financial costs;
5 authorizing recurring payments for certain projects; and
6 making appropriations; PROVIDING FOR REPORTS RELATING TO
7 PROJECTS AUTHORIZED FROM THE PENNSYLVANIA GAMING ECONOMIC
8 DEVELOPMENT AND TOURISM FUND THROUGH CAPITAL BUDGET
9 ITEMIZATION ACTS FOR YEARS PRIOR TO 2019; AND MAKING A
10 CONFORMING AMENDMENT TO TITLE 4 (AMUSEMENTS) OF THE
11 PENNSYLVANIA CONSOLIDATED STATUTES, IN GAMING REVENUES,
12 FURTHER PROVIDING FOR THE PENNSYLVANIA GAMING ECONOMIC
13 DEVELOPMENT AND TOURISM FUND.

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<--

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

CHAPTER 1

<--

PRELIMINARY PROVISIONS

18 Section 101. Short title.

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19 This act shall be known and may be cited as the Pennsylvania
20 Gaming Economic Development and Tourism Fund Capital Budget
21 Itemization Act of 2019.

22 SECTION 102. DECLARATION OF POLICY.

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23 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

1 (1) THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND
2 TOURISM FUND IS ESSENTIAL TO THE FINANCIAL VIABILITY OF THE
3 COMMONWEALTH AND ITS POLITICAL SUBDIVISIONS.

4 (2) CHAPTER 3 AUTHORIZES PROJECT GRANTS FROM THE FUND.

5 (3) IT IS NECESSARY TO MAKE A CONFORMING AMENDMENT TO
6 TITLE 4 (AMUSEMENTS) OF THE PENNSYLVANIA CONSOLIDATED
7 STATUTES TO PROPERLY ADMINISTER PROJECT GRANTS FROM THE FUND.

8 CHAPTER 3

9 AUTHORIZED PROJECT GRANTS

10 Section ~~2~~ 301. Authorizations from Pennsylvania Gaming Economic <--
11 Development and Tourism Fund.

12 Grants for projects, including capital, debt and operational
13 expenses itemized in section ~~3~~ 302 from the current revenues of <--
14 the Pennsylvania Gaming Economic Development and Tourism Fund by
15 the Department of Community and Economic Development, or its
16 successors or assigns, are hereby authorized pursuant to 4
17 Pa.C.S. § 1407 (relating to Pennsylvania Gaming Economic
18 Development and Tourism Fund) as specified in this ~~act~~ CHAPTER. <--
19 The total amount authorized to be financed under this ~~act~~ <--
20 CHAPTER from the revenues of the Pennsylvania Gaming Economic <--
21 Development and Tourism Fund shall be \$20,000,000.

22 Section ~~3~~ 302. Itemization of Pennsylvania Gaming Economic <--
23 Development and Tourism Fund projects.

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

28	Project	Project	Allocation
29	Project		
30	(1)	To a regional economic development	

1 corporation located in two contiguous counties of
2 the third class where a city of the third class
3 is located in both counties of the third class
4 for debt service on the construction of a science
5 and education center in either of two contiguous
6 counties of the third class in which a city of
7 the third class is located in both counties and
8 where a Category 2 licensed facility is located
9 in a city of the third class which is located in
10 more than one county of the third class. 20,000,000

11 (Base Project Allocation - \$20,000,000)

12 (2) (Reserved).

13 Section ~~4~~ 303. Duration of payments. <--

14 Notwithstanding any other provisions of law:

15 (1) The amount allocated to the project described in
16 section ~~3(1)~~ 302(1) shall be paid in annual amounts of not <--
17 less than \$2,000,000 for 10 years, subject to section ~~5~~ 304. <--

18 (2) (Reserved).

19 Section ~~5~~ 304. Limitation on expenditures. <--

20 (a) General rule.--Beginning in fiscal year 2019-2020, or
21 the first fiscal year in which the indebtedness described under
22 section ~~3~~ 302 is incurred, whichever occurs later, it shall be <--
23 mandatory, not directory, that payments pursuant to section ~~4(1)~~<--
24 303(1) shall be made each year from the Pennsylvania Gaming <--
25 Economic Development and Tourism Fund by the Department of
26 Community and Economic Development.

27 (b) Proportionate reduction.--In any year that the
28 Department of Community and Economic Development determines for
29 any reason that there are not sufficient funds to make the
30 mandatory payment, the amount of the mandatory payment shall be

1 proportionately reduced in an amount equal to the shortfall in
2 the Pennsylvania Gaming Economic Development and Tourism Fund.

3 (c) Total expenditures.--Total expenditures under this ~~act~~ <--
4 CHAPTER for the projects referred to in section 4 303 shall not <--
5 exceed the total amount authorized for each project in section 3<--
6 302. <--

7 Section 6 305. Limitation on use of allocation. <--

8 No more than one-tenth of 1% of the amount of a grant
9 allocated under section 3 302 may be used for administrative <--
10 costs incurred by the regional economic development corporation
11 described in section 3 302 for which the allocation was <--
12 authorized. <--

13 Section 7 306. Appropriations. <--

14 The sums necessary for the annual amounts itemized in
15 sections 3 and 4 302 AND 303 are hereby appropriated from the <--
16 Pennsylvania Gaming Economic Development and Tourism Fund to the
17 Department of Community and Economic Development, upon approval
18 of the Governor, for the projects itemized in this ~~act~~ CHAPTER. <--

19 Section 8 307. ~~Report~~ REPORTS AND NOTIFICATION. <--

20 The Secretary of the Budget shall, within 10 days of the
21 expiration of each quarter of each fiscal year, electronically
22 provide to ~~the chair and minority chair of the Appropriations~~ <--
23 ~~Committee of the Senate and the chair and minority chair of the~~
24 ~~Appropriations Committee of the House of Representatives~~ ALL <--
25 MEMBERS OF THE GENERAL ASSEMBLY a report relating to the
26 authorized projects described in section 3 302, AND AUTHORIZED <--
27 PROJECTS FROM THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND
28 TOURISM FUND THROUGH CAPITAL BUDGET ITEMIZATION ACTS FOR YEARS
29 PRIOR TO 2019, which includes ~~at least~~ all of the following: <--

30 (1) The authorized ~~project~~ PROJECTS approved for release <--

1 in the preceding quarter.

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

5 (3) THE AMOUNT OF ENCUMBERED AND UNENCUMBERED FUNDS. <--

6 CHAPTER 5
7 CONFORMING AMENDMENT

8 SECTION 501. GAMING REVENUES.

9 SECTION 1407(D.1)(1) AND (D.2) OF TITLE 4 OF THE PENNSYLVANIA
10 CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 1407. PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM
12 FUND.

13 * * *

14 (D.1) COMMUNITY AND ECONOMIC DEVELOPMENT.--

15 (1) NOTWITHSTANDING SUBSECTION (B) OR ANY OTHER
16 PROVISION OF LAW TO THE CONTRARY, THE MONEY AUTHORIZED BUT
17 NOT EXPENDED UNDER FORMER SUBSECTION (D) (7) AS OF THE
18 EFFECTIVE DATE OF THIS SUBSECTION SHALL BE DEPOSITED INTO A
19 RESTRICTED RECEIPTS ACCOUNT TO BE ESTABLISHED IN THE
20 COMMONWEALTH FINANCING AUTHORITY EXCLUSIVELY FOR ELIGIBLE
21 APPLICATIONS [SUBMITTED BY THE REDEVELOPMENT AUTHORITY OF A
22 COUNTY OF THE SECOND CLASS CREATED PURSUANT TO THE ACT OF MAY
23 24, 1945 (P.L.991, NO.385), KNOWN AS THE URBAN REDEVELOPMENT
24 LAW,] TO THE COMMONWEALTH FINANCING AUTHORITY FOR ECONOMIC
25 DEVELOPMENT, INFRASTRUCTURE DEVELOPMENT, JOB TRAINING,
26 COMMUNITY IMPROVEMENT, PUBLIC SAFETY OR OTHER PROJECTS IN THE
27 PUBLIC INTEREST LOCATED IN A COUNTY OF THE SECOND CLASS.
28 COMMUNITY DEVELOPMENT CORPORATIONS, POLITICAL SUBDIVISIONS,
29 URBAN REDEVELOPMENT AUTHORITIES, MUNICIPAL AUTHORITIES, FOR-
30 PROFIT ENTITIES AND NONPROFIT ENTITIES LOCATED IN A COUNTY OF

1 THE SECOND CLASS SHALL BE ELIGIBLE TO RECEIVE FUNDS MADE
2 AVAILABLE UNDER THIS PARAGRAPH.

3 * * *

4 (D.2) PROJECT EXTENSION.--NOTWITHSTANDING ANY PROVISION OF
5 THIS TITLE OR THE ACT OF JULY 25, 2007 (P.L.342, NO.53), KNOWN
6 AS THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND
7 CAPITAL BUDGET ITEMIZATION ACT OF 2007, THE PROJECTS UNDER
8 SUBSECTIONS (D) (4) AND (5) AND (D.1) SHALL BE AUTHORIZED BEYOND
9 THE EXPIRATION DATE OF EACH OF THE PROJECTS SET FORTH IN THE
10 PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT AND TOURISM FUND
11 CAPITAL BUDGET ITEMIZATION ACT OF 2007. THE FOLLOWING SHALL
12 APPLY:

13 (1) ANNUAL ALLOCATIONS FOR PROJECTS UNDER SUBSECTION (D)
14 (4) AND (5), AND UNDER THE FORMER SUBSECTION (D) (7) [AS OF
15 THE EFFECTIVE DATE OF SUBSECTION (D.1)] AFTER DECEMBER 31,
16 2017, SHALL CONTINUE IN ACCORDANCE WITH THE AMOUNTS SET FORTH
17 IN SECTION 4 OF THE PENNSYLVANIA GAMING ECONOMIC DEVELOPMENT
18 AND TOURISM FUND CAPITAL BUDGET ITEMIZATION ACT OF 2007[.],
19 WHICH AUTHORIZED:

20 (I) ANNUAL ALLOCATIONS OF NOT LESS THAN \$3,700,000
21 FOR PROJECTS UNDER FORMER SUBSECTION (D) (7);

22 (II) \$7,400,000 FOR PROJECTS IN FISCAL YEAR 2018-
23 2019 UNDER SUBSECTION (D) (5); AND

24 (III) ANNUAL ALLOCATIONS OF NOT LESS THAN \$6,600,000
25 FOR PROJECTS IN FISCAL YEARS BEGINNING AFTER JUNE 30,
26 2019, UNDER SUBSECTION (D) (5).

27 (2) ANNUAL ALLOCATIONS UNDER SUBSECTION (D) (5) AFTER
28 DECEMBER 31, 2017, SHALL BE DEPOSITED INTO THE RESTRICTED
29 RECEIPTS ACCOUNT ESTABLISHED UNDER SUBSECTION (D.1) AND USED
30 FOR PROJECTS AS SET FORTH IN SUBSECTION (D.1) (1).

1 * * *

2 CHAPTER 7

3 MISCELLANEOUS PROVISIONS

4 SECTION 701. APPLICABILITY.

5 (A) ALLOCATIONS.--FOR PURPOSES OF THE AMENDMENT OF 4 PA.C.S.
6 § 1407(D.1) (1) AND (D.2), ALLOCATIONS SHALL INCLUDE:

7 (1) MONEY ACCUMULATED UNDER THIS ACT AFTER JANUARY 1,
8 2018, WHICH HAS NOT YET BEEN ALLOCATED; AND

9 (2) MONEY WHICH HAS BEEN ALLOCATED BUT NOT AWARDED
10 BEFORE APRIL 27, 2019, TO GRANT APPLICANTS.

11 (B) IMPLEMENTATION.--THE AFFECTED REDEVELOPMENT AUTHORITY
12 SHALL COORDINATE WITH THE COMMONWEALTH FINANCING AUTHORITY TO:

13 (1) RETURN MONEY WHICH HAS BEEN ALLOCATED BUT NOT
14 AWARDED BEFORE APRIL 27, 2019, TO GRANT APPLICANTS; AND

15 (2) ASSIST IN THE IMPLEMENTATION OF SUBSECTION (A) AND
16 THE AMENDMENT OF 4 PA.C.S. § 1407(D.1) (1).

17 Section 9 702. Effective date.

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18 This act shall take effect immediately.