

No. 2007-53

## AN ACT

HB 1631

Providing for the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget for 2007; itemizing projects to be assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing recurring payments for certain projects; and making appropriations.

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

## Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget Itemization Act of 2007.

## Section 2. Authorizations from Pennsylvania Gaming Economic Development and Tourism Fund.

Grants for projects, including capital, debt and operational expenses itemized in sections 3 and 4 from the current revenues of the Pennsylvania Gaming Economic Development and Tourism Fund by the Department of Community and Economic Development, or its successors or assigns, are hereby authorized pursuant to 4 Pa.C.S. § 1407 (relating to Pennsylvania Gaming Economic Development and Tourism Fund) as set forth in this act. The total amount authorized to be financed under this act from the revenues of the Pennsylvania Gaming Economic Development and Tourism Fund shall be \$1,509,000,000.

## Section 3. Itemization of Pennsylvania Gaming Economic Development and Tourism Fund projects.

Projects for grants by the Department of Community and Economic Development, its successors or assigns, to be financed from the revenues of the Pennsylvania Gaming Economic Development and Tourism Fund are hereby itemized, together with their respective estimated costs, as follows:

Project	Project Allocation
(1) (Reserved)	
(2) Allegheny County	
(i) County projects	
(A) Retirement of the indebtedness of an urban redevelopment authority in a city of the second class which is financed, in part, with the utilization of funds transferred to the regional asset district pursuant to Article XXXI-B of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code (Base Project Allocation - \$60,000,000)	60,000,000

- (B) Retirement of indebtedness of a convention center in a city of the second class, established pursuant to the authority of the act of July 29, 1953 (P.L.1034, No.270), known as the Public Auditorium Authorities Law 20,000,000  
(Base Project Allocation - \$20,000,000)
- (C) Payment of the operating deficit for the operation of a convention center in a city of the second class, established pursuant to the Public Auditorium Authorities Law 20,000,000  
(Base Project Allocation - \$20,000,000)
- (D) Payments related to the construction of a facility designated for use by a professional hockey franchise 225,000,000  
(Base Project Allocation - \$225,000,000)
- (E) Debt service and development and economic development projects for an international airport located in a county of the second class 150,000,000  
(Base Project Allocation - \$150,000,000)
- (F) Distribution to a community infrastructure development fund of a county of the second class to fund construction, development, improvement and maintenance of infrastructure projects 80,000,000  
(Base Project Allocation - \$80,000,000)
- (G) Retirement of indebtedness and financing of a hotel or convention center in a city of the second class, established pursuant to the authority of the Public Auditorium Authorities Law 44,000,000  
(Base Project Allocation - \$44,000,000)
- (H) Retirement of indebtedness of a county of the second class development fund created pursuant to the authority of Article XXXI-B of the Second Class County Code and the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law 30,000,000  
(Base Project Allocation - \$30,000,000)

- (3) (Reserved)
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- (51) Philadelphia County
  - (i) County projects
    - (A) Reimbursement to the Commonwealth, any other body corporate and politic created by law or a city of the first class to the extent that the Commonwealth, any other body corporate and politic created by law or a city of the first class has made debt service payments for the Pennsylvania Convention Center or has made payments for the operating expenses of the

Pennsylvania Convention Center  
(Base Project Allocation - \$880,000,000)

880,000,000

- (52) (Reserved)
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#### Section 4. Duration of payments.

Notwithstanding any other provisions of law, the following shall apply to the projects authorized in section 3:

(1) The amount allocated to the project described in section 3(2)(i)(A) shall be paid in annual amounts of not less than \$5,100,000 for ten years. The remaining unpaid balance of the total amount authorized in section 3 shall be paid in total within the next two fiscal years.

(2) The amount allocated to the project described in section 3(2)(i)(B) shall be paid in annual amounts of not less than \$1,700,000 for ten years. The remaining unpaid balance of the total amount authorized in section 3 shall be paid in total within the next two fiscal years.

(3) The amount allocated to the project described in section 3(2)(i)(C) shall be paid in annual amounts of not less than \$1,700,000 for ten years. The remaining unpaid balance of the total amount authorized in section 3 shall be paid in total within the next two fiscal years. However, the amount paid shall not exceed the operating deficit of the David L. Lawrence Convention Center.

(4) The amount allocated to the projects described in section 3(2)(i)(D) shall be paid in annual amounts, not to exceed \$7,500,000, for 30 years or the retirement of the debt issued for the projects described in section 3(2)(i)(D), whichever is less.

(5) The amount allocated to the projects described in section 3(2)(i)(E) shall be paid in annual amounts of not less than \$12,400,000 for ten years. The remaining unpaid balance of the total amount authorized in section 3 shall be paid in total within the next two fiscal years.

(6) The amount allocated to the project described in section 3(2)(i)(F) shall be paid in annual amounts of not less than \$6,600,000 for ten years.

The remaining unpaid balance of the total amount authorized in section 3 shall be paid in total within the next two fiscal years.

(7) The amount allocated to the project described in section 3(2)(i)(G) shall be paid in annual amounts of not less than \$3,700,000 for ten years. The remaining unpaid balance of the total amount authorized in section 3 shall be paid in total within the next two fiscal years.

(8) The amount allocated to the project described in section 3(2)(i)(H) shall be paid in annual amounts of not less than \$2,500,000 for ten years. The remaining unpaid balance of the total amount authorized in section 3 shall be paid in total within the next two fiscal years.

(9) The amount allocated to the project described in section 3(51)(i)(A) shall be paid in annual amounts, not to exceed \$64,000,000, for up to 30 years for the retirement of the debt issued or operating expenses for the project described in section 3(51)(i)(A). However, the amount paid may not exceed the actual amounts of debt service and \$6,000,000 for operating expenses in any year. Payments made pursuant to this paragraph, which are reimbursements to the General Fund, shall be deposited into the Capital Debt Fund for repayment of debt issued. Payments authorized under this paragraph shall not exceed \$880,000,000.

#### Section 5. Limitation on expenditures.

Beginning in fiscal year 2007-2008, it shall be mandatory, not directory, that payments made pursuant to section 4(1), (2), (3), (5), (6), (7) and (8) shall be made each year from the Gaming Economic Development and Tourism Fund by the Department of Community and Economic Development. In such years that it is determined for any reason that there are not sufficient funds to make these mandatory payments, each mandatory payment shall be proportionately reduced in an amount equal to the shortfall in the Gaming Economic Development and Tourism Fund. Total expenditures under this act for the projects referred to in section 4 shall not exceed the total amount authorized for each project in section 3.

#### Section 6. Appropriation.

The sums necessary for the annual amounts itemized in sections 3 and 4 are hereby appropriated from the Pennsylvania Gaming Economic Development and Tourism Fund to the Department of Community and Economic Development, upon approval of the Governor, for the projects itemized in this act.

#### Section 7. Special provisions.

(a) Eligibility for funding.—Notwithstanding the provisions of 4 Pa.C.S. §1407(d) (relating to Pennsylvania Gaming Economic Development Tourism Fund), the projects authorized in section 3(2)(i)(D) and (51)(i)(A) shall be eligible for funding from the Pennsylvania Gaming and Economic Development and Tourism Fund.

(b) Bidding.—Notwithstanding any other law to the contrary, the requirements of section 318 of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, shall provide the sole and exclusive requirements for bidding for the acquisition, development and construction of the project in section 3(2)(i)(D).

(c) Delegation.—Notwithstanding any provision of law to the contrary, the Department of General Services may delegate the design and construction of the project described in section 3(51)(i)(A) to the Pennsylvania Convention Center Authority. All contracts for the expenditure of funds for the project described in section 3(51)(i)(A) shall be subject to 64 Pa.C.S. Ch. 60 (relating to Pennsylvania Convention Center Authority).

(d) Payments to county of second class.—Notwithstanding any other provision of law to the contrary, payments from funds appropriated for projects itemized in section 3(2)(i)(E), (F) and (H) shall be made to a county of the second class for use as specified in this act and in 4 Pa.C.S. § 1407(d).  
Section 8. Report.

The Secretary of the Budget shall, within ten days of the expiration of each quarter of each fiscal year, electronically provide, to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives, a report relating to the authorized projects described in section 3 which includes at least all of the following:

(1) An itemized list of the authorized projects approved for release in the preceding quarter.

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

(3) An estimate of the total amount of outstanding debt related to the authorized projects.

Section 9. Editorial changes.

In editing and preparing this act for printing following the final enactment, the Legislative Reference Bureau shall insert or revise letters or numbers for projects where the letters or numbers are missing or require revision. The bureau shall also revise the total monetary amounts for the total authorization, debt authorization, appropriations and departmental totals as necessary to agree with the total monetary amounts of the projects.

Section 10. Effective date.

This act shall take effect immediately.

APPROVED—The 25th day of July, A.D. 2007.

EDWARD G. RENDELL