

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 927 Session of
2003

INTRODUCED BY BRIGHTBILL, OCTOBER 8, 2003

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 15, 2004

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled,
2 as amended, "An act relating to counties of the first, third,
3 fourth, fifth, sixth, seventh and eighth classes; amending,
4 revising, consolidating and changing the laws relating
5 thereto; relating to imposition of excise taxes by counties,
6 including authorizing imposition of an excise tax on the
7 rental of motor vehicles by counties of the first class; and
8 providing for regional renaissance initiatives," further
9 providing for the governing board of a third class county
10 convention center authority; AND FURTHER DEFINING "MARKET
11 AREA" WITH RESPECT TO CERTAIN COUNTIES. <—

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

14 Section 1. Section 2399.11(a) of the act of August 9, 1955
15 (P.L.323, No.130), known as The County Code, added November 3,
16 1999 (P.L.461, No.42), is amended to read:

17 Section 2399.11. Governing Board.--(a) The power of the
18 authority shall be exercised by a governing board composed of
19 [seven] the following members:

20 (1) The governing body of the county seat in which the
21 convention center is located shall appoint three members. The

1 term of office of these members shall be four years. The terms
2 of the first three members appointed shall be allocated between
3 them for a two-year, three-year and four-year term,
4 respectively.

5 (2) The governing body of the county in which the convention
6 center is located shall appoint three members. The term of
7 office of these members shall be four years. The terms of the
8 first three members appointed shall be allocated between them
9 for a two-year, three-year and four-year term, respectively.

10 (3) The two governing bodies shall alternate in the
11 appointment of the seventh board member. The governing body of
12 the county shall make the first appointment of the seventh board
13 member, whose term shall be for four years.

14 [(4) If the authority created pursuant to section 2399.4 is
15 created by the county acting alone, the governing body of the
16 county in which the convention center is located shall appoint
17 all seven members of the board. The term of office of these
18 members shall be four years. The terms of the first members
19 appointed shall be allocated among them as follows: a one-year
20 term, two two-year terms, two three-year terms and two four-year
21 terms. At least one member shall be a representative of the
22 tourist promotion agency of the county.]

23 * * *

24 SECTION 2. THE DEFINITION OF "MARKET AREA" IN SECTION <—
25 2399.72(K) OF THE ACT, ADDED OCTOBER 18, 2000 (P.L.541, NO.73),
26 IS AMENDED TO READ:

27 SECTION 2399.72. HOTEL ROOM RENTAL TAX.--* * *

28 (K) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

30 * * *

"MARKET AREA" SHALL MEAN:

(1) WITH RESPECT TO A COUNTY IN WHICH THERE IS MORE THAN ONE CITY OF THE THIRD CLASS, THE ENTIRE COUNTY.

(2) WITH RESPECT TO A COUNTY IN WHICH THERE IS ONLY ONE CITY OF THE THIRD CLASS, [ONE OF THE FOLLOWING, AS SELECTED BY THE GOVERNING BODY OF THE COUNTY:

(I) THAT CITY AND THE AREA WITHIN THE COUNTY WHICH IS NOT MORE THAN FIFTEEN MILES FROM THE CITY LIMITS OF THE COUNTY SEAT.

(II) THAT] THAT CITY AND THE AREA WITHIN THE COUNTY WHICH, AS DETERMINED BY THE GOVERNING BODY OF THE COUNTY IMPOSING THE TAX, DERIVES A MATERIAL BENEFIT FROM THE EXISTENCE OF THE CONVENTION CENTER WITHIN THE COUNTY. THE OWNER OF A HOTEL AFFECTED BY A DETERMINATION BY THE GOVERNING BODY UNDER THIS SUBPARAGRAPH MAY CHALLENGE THE DETERMINATION BY FILING A PETITION IN THE COURT OF COMMON PLEAS IN THE JUDICIAL DISTRICT WHERE THE DETERMINATION WAS MADE.

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Section 2 3. This act shall take effect immediately.

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