

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 168 Session of
2003

INTRODUCED BY GODSHALL, LESCOVITZ, COSTA, BAKER, BARD,
S. MILLER, NAILOR, SAINATO, BUNT, CLYMER, CRAHALLA,
CREIGHTON, FICHTER, FLICK, FRANKEL, HALUSKA, HARHAI, HERSHEY,
HORSEY, MANN, McCALL, McILHATTAN, PICKETT, PRESTON, SOLOBAY,
STABACK, STERN, TANGRETTI, E. Z. TAYLOR, WASHINGTON, WILT,
YOUNGBLOOD, GILLESPIE, LEH, GOODMAN AND WOJNAROSKI,
FEBRUARY 10, 2003

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 23, 2003

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 authorization of excise tax, for the
10 authorization of the hotel tax and for hotel room rental tax.

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

13 Section 1. Subsection (c) and the definition of "recognized
14 tourist promotion agency" in subsection (f) of section 1770.2 of
15 the act of August 9, 1955 (P.L.323, No.130), known as The County
16 Code, amended December 22, 2000 (P.L.1019, No.142), are amended
17 to read:

18 Section 1770.2. Authorization of Excise Tax.--* * *

19 (c) The treasurer of each county electing to impose the tax

1 authorized under this section shall collect the tax and deposit
2 the revenues received from the tax in a special fund established
3 for that purpose. After deducting from the fund any direct or
4 indirect costs attributable to collection of the tax, the county
5 shall distribute to the recognized tourist promotion agency
6 designated to act within the county all revenues received from
7 the tax not later than sixty days after receipt of the tax
8 revenues. [Two-thirds of the revenues from the special fund
9 shall be used by the recognized tourist promotion agency to
10 directly fund countywide tourist promotion. One-third of the
11 revenues from the special fund shall be used by the recognized
12 tourist promotion agency for the purposes of tourism, convention
13 promotion and tourism development.] The revenues from the
14 special fund shall be used by the recognized tourist promotion
15 agency for any or all of the following purposes:

16 (1) Convention promotion.

17 (2) Marketing the area served by the agency as a leisure
18 travel destination.

19 (3) Marketing the area served by the agency as a business
20 travel destination.

21 (4) Using all appropriate marketing tools to accomplish
22 these purposes, including, but not limited to, advertising,
23 publicity, publications, direct marketing, direct sales and
24 participation in industry trade shows.

25 (5) Any other tourism marketing, DEVELOPMENT or promotion
26 program deemed necessary by the recognized tourist promotion
27 agency.

28 * * *

29 (f) As used in this section, the following words and phrases
30 shall have the meanings given to them in this subsection:

1 * * *

2 "Recognized tourist promotion agency." The nonprofit
3 corporation, organization, association or agency which is
4 engaged in planning and promoting programs designed to stimulate
5 and increase the volume of tourist, visitor and vacation
6 business within counties served by the agency as that term is
7 defined in the act of April 28, 1961 (P.L.111, No.50), known as
8 the "Tourist Promotion [Law."] Law," and designated as of
9 January 1, 2003, to be such by the board of commissioners of the
10 county in which the tax is imposed, or the successor of that
11 entity if the entity is decertified due to malfeasance or fraud.

12 * * *

13 Section 2. The definition of "Tourist Promotion Agency
14 (TPA)" in section 1770.4(f) of the act, added June 18, 1997
15 (P.L.179, No.18), is amended and the section is amended by
16 adding a subsection to read:

17 Section 1770.4. Authorization of Hotel Tax.--* * *

18 (e.1) An audited report on the income and expenditures
19 incurred by a tourist promotion agency receiving any revenues
20 from the tax authorized under this section shall be submitted
21 annually by the tourist promotion agency to the county
22 commissioners.

23 (f) As used in this section, the following words and phrases
24 shall have the meanings given to them in this subsection:

25 * * *

26 "Tourist Promotion Agency (TPA)." An organization, agency or
27 corporation designated as of January 1, 2003, to be such by the
28 board of commissioners of the county in which the tax is
29 imposed. The TPA shall be duly established, designated and
30 recognized as the county's TPA in accordance with and pursuant

1 to the act of April 28, 1961 (P.L.111, No.50), known as the
2 "Tourist Promotion [Law."] Law," or shall be the successor of
3 that entity if the entity has been decertified due to
4 malfeasance or fraud.

5 * * *

6 Section 3. The definition of "Tourist Promotion Agency
7 (TPA)" in section 1770.5(f) of the act, amended December 22,
8 2000 (P.L.1019, No.142), is amended and the section is amended
9 by adding a subsection to read:

10 Section 1770.5. Authorization of Three Per Centum Hotel
11 Tax.--* * *

12 (e.1) An audited report on the income and expenditures
13 incurred by a tourist promotion agency receiving any revenues
14 from the tax authorized under this section shall be submitted
15 annually by the tourist promotion agency to the county
16 commissioners.

17 (f) As used in this section, the following words and phrases
18 shall have the meanings given to them in this subsection:

19 * * *

20 "Tourist Promotion Agency (TPA)." An organization, agency or
21 corporation designated as of January 1, 2003, to be such by the
22 board of commissioners of the county in which the tax is
23 imposed. The TPA shall be duly established, designated and
24 recognized as the county's TPA in accordance with and pursuant
25 to the act of April 28, 1961 (P.L.111, No.50), known as the
26 "Tourist Promotion [Law."] Law," or shall be the successor of
27 that entity if the entity has been decertified due to
28 malfeasance or fraud.

29 * * *

30 Section 4. Subsection (c) and the definitions of "permanent

1 resident" and "recognized tourist promotion agency" in
2 subsection (f) of section 1770.6 of the act, added December 22,
3 2000 (P.L.1019, No.142), are amended and the section is amended
4 by adding a subsection to read:

5 Section 1770.6. Authorization of Hotel Tax.--* * *

6 (c) The treasurer of each county electing to impose the tax
7 authorized under this section shall collect the tax and deposit
8 the revenues received from the tax in a special fund established
9 for that purpose. Subsequent to the deduction for administrative
10 costs established in subsection (e), the county shall distribute
11 to the recognized tourist promotion agency all revenues received
12 from the tax not later than sixty days after receipt of the tax
13 revenues. The revenues from the special fund shall be used by
14 the recognized tourist promotion agency for [the purposes of
15 tourism, convention promotion and tourism development.] any or
16 all of the following purposes:

17 (1) Convention promotion.

18 (2) Marketing the area served by the agency as a leisure
19 travel destination.

20 (3) Marketing the area served by the agency as a business
21 travel destination.

22 (4) Using all appropriate marketing tools to accomplish
23 these purposes, including, but not limited to, advertising,
24 publicity, publications, direct marketing, direct sales and
25 participation in industry trade shows.

26 (5) Any other tourism marketing, DEVELOPMENT or promotion
27 program deemed necessary by the recognized tourist promotion
28 agency.

29 * * *

30 (d.1) An audited report on the income and expenditures

1 incurred by a recognized tourist promotion agency receiving any
2 revenues from the tax authorized under this section shall be
3 submitted annually by the recognized tourist promotion agency to
4 the county commissioners.

5 * * *

6 (f) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection:

9 * * *

10 "Permanent resident." A person who has occupied or has the
11 right to occupancy of a room or rooms in a hotel as a patron or
12 otherwise for a period exceeding [sixty] thirty consecutive
13 days.

14 "Recognized tourist promotion agency." The nonprofit
15 corporation, organization, association or agency designated to
16 be such by the board of commissioners as of January 1, 2003, or
17 which succeeds such nonprofit corporation, organization,
18 association or agency which was decertified by reason of
19 malfeasance or fraud, which is engaged in planning and promoting
20 programs designed to stimulate and increase the volume of
21 tourist, visitor and vacation business within counties served by
22 the agency as that term is defined in the act of April 28, 1961
23 (P.L.111, No.50), known as the "Tourist Promotion Law."

24 * * *

25 Section 5. The definition of "Tourist Promotion Agency
26 (TPA)" in section 1770.7(f) of the act, added December 22, 2000
27 (P.L.1019, No.142), is amended and the section is amended by
28 adding a subsection to read:

29 Section 1770.7. Authorization of Three Per Centum Hotel
30 Tax.--* * *

1 (e.1) An audited report on the income and expenditures
2 incurred by a tourist promotion agency receiving any revenues
3 from the tax authorized under this section shall be submitted
4 annually by the tourist promotion agency to the county
5 commissioners.

6 (f) As used in this section, the following words and phrases
7 shall have the meanings given to them in this subsection:

8 * * *

9 "Tourist Promotion Agency (TPA)." An organization, agency or
10 corporation designated to be such by the board of commissioners
11 as of January 1, [2000] 2003, of the county in which the tax is
12 imposed. The TPA shall be duly established, designated and
13 recognized as the county's TPA in accordance with and pursuant
14 to the act of April 28, 1961 (P.L.111, No.50), known as the
15 "Tourist Promotion [Law."] Law," or shall be the successor of
16 that entity if the entity has been decertified due to
17 malfeasance or fraud.

18 * * *

19 Section 6. The definition of "tourist promotion agency" in
20 section 2399.23(j) of the act, added November 3, 1999 (P.L.461,
21 No.42), is amended and the section is amended by adding a
22 subsection to read:

23 Section 2399.23. Hotel Room Rental Tax.--* * *

24 (h.1) An audited report on the income and expenditures
25 incurred by a tourist promotion agency receiving any revenues
26 from the tax authorized under this section shall be submitted
27 annually by the tourist promotion agency to the county
28 commissioners.

29 * * *

30 (j) As used in this section, the following words and phrases

1 shall have the meanings given to them in this subsection:

2 * * *

3 "Tourist promotion agency" shall mean the agency designated
4 as of January 1, 2003, by the governing body of a county or
5 county seat in which the convention center is located to be
6 eligible for grants from the Department of Community and
7 Economic Development pursuant to the act of April 28, 1961
8 (P.L.111, No.50), known as the "Tourist Promotion [Law."] Law,"
9 or the successor of that entity if the entity has been
10 decertified due to malfeasance or fraud.

11 * * *

12 Section 7. The definition of "tourist promotion agency" in
13 section 2399.72(k) of the act, added October 18, 2000 (P.L.541,
14 No.73), is amended and the section is amended by adding a
15 subsection to read:

16 Section 2399.72. Hotel Room Rental Tax.--* * *

17 (h.1) An audited report on the income and expenditures
18 incurred by a tourist promotion agency receiving any revenues
19 from the tax authorized under this section shall be submitted
20 annually by the tourist promotion agency to the county
21 commissioners.

22 * * *

23 (k) As used in this section, the following words and phrases
24 shall have the meanings given to them in this subsection:

25 * * *

26 "Tourist promotion agency" shall mean the agency designated
27 as of January 1, 2003, by the governing body of a county or
28 county seat in which the convention center facilities are
29 located to be eligible for grants from the Department of
30 Community and Economic Development pursuant to the act of April

1 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion
2 [Law."] Law," or the successor of that entity if the entity has
3 been decertified due to malfeasance or fraud.

4 * * *

5 Section 8. This act shall take effect as follows:

6 (1) The amendment of the ~~definitions~~ DEFINITION of <—
7 "permanent resident" and ~~"recognized tourist promotion~~ <—
8 ~~agency"~~ in section 1770.6(f) of the act shall take effect
9 immediately.

10 (2) THE AMENDMENT OF THE DEFINITIONS OF "RECOGNIZED <—
11 TOURIST PROMOTION AGENCY" IN SECTIONS 1770.2 AND 1770.6 OF
12 THE ACT AND "TOURIST PROMOTION AGENCY" IN SECTIONS 1770.4,
13 1770.5, 1770.7, 2399.23 AND 2399.72 OF THE ACT SHALL TAKE
14 EFFECT IMMEDIATELY.

15 ~~(2)~~ (3) This section shall take effect immediately. <—
16 ~~(3)~~ (4) The remainder of this act shall take effect in <—
17 six months.