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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1909 Session of  
2007

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INTRODUCED BY SCAVELLO, HARHART, ARGALL, BELFANTI, BIANCUCCI,  
BOYD, CALTAGIRONE, CARROLL, CAUSER, DALLY, FLECK, FREEMAN,  
GEIST, GEORGE, GIBBONS, GILLESPIE, GOODMAN, GRUCELA, HALUSKA,  
HELM, HORNAMAN, KILLION, MAJOR, MILLARD, R. MILLER, MOYER,  
MURT, PEIFER, RAPP, ROAE, SAYLOR, SIPTROTH AND YUDICHAK,  
OCTOBER 15, 2007

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REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,  
OCTOBER 15, 2007

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AN ACT

1 Amending the act of April 28, 1961 (P.L.111, No.50), entitled  
2 "An act providing for assistance to agencies promoting  
3 tourist travel and vacation business in Pennsylvania;  
4 authorizing the Department of Commerce to make grants and  
5 provide assistance to properly designated tourist promotion  
6 agencies; conferring powers and imposing duties on the  
7 governing bodies of certain political subdivisions,"  
8 requiring grants to be awarded on competitive basis; and  
9 making editorial changes.

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

12 Section 1. The title and section 2 of the act of April 28,  
13 1961 (P.L.111, No.50), known as the Tourist Promotion Law, are  
14 amended to read:

15 AN ACT

16 Providing for assistance to agencies promoting tourist travel  
17 and vacation business in Pennsylvania; authorizing the  
18 Department of [Commerce] Community and Economic Development to  
19 make grants and provide assistance to properly designated

1 tourist promotion agencies; conferring powers and imposing  
2 duties on the governing bodies of certain political  
3 subdivisions.

4 Section 2. Declaration of Policy.--It is hereby determined  
5 and declared as a matter of legislative finding:

6 (1) That the health, safety, morals and general welfare of  
7 the people of the Commonwealth are directly dependent upon the  
8 continual encouragement, development, growth and expansion of  
9 business, industry and commerce within the Commonwealth.

10 (2) That unemployment, the spread of indigency, the heavy  
11 burden of public assistance and unemployment compensation can  
12 best be avoided by the promotion, attraction, stimulation,  
13 development and expansion of all business, industry and commerce  
14 in the Commonwealth.

15 Therefore, it is declared to be the policy of the  
16 Commonwealth of Pennsylvania to promote the health, safety,  
17 morals and general welfare of its inhabitants through its  
18 Department of [Commerce] Community and Economic Development by  
19 means of grants to be made to tourist promotion agencies which  
20 are or may be engaged in planning and promoting programs  
21 designed to stimulate and increase the volume of tourist,  
22 visitor and vacation business within the counties served by such  
23 agencies.

24 Section 2. Section 3 of the act, amended June 29, 1989  
25 (P.L.64, No.14), is amended to read:

26 Section 3. Definitions.--The following words and phrases  
27 when used in this act shall have the meanings given to them in  
28 this section unless the context clearly indicates otherwise:

29 (1) "County tourist promotion agency." A nonprofit  
30 corporation, organization, association or agency which is

1 designated by ordinance in cities of the first class and by  
2 proper resolution of the governing body of a county, concurred  
3 in by resolution of the governing bodies of cities, boroughs,  
4 towns or townships within the county which have an aggregate of  
5 more than fifty per centum of the total population of the  
6 county, as determined by the most recently completed decennial  
7 United States Census, as the agency authorized to make  
8 application to and receive grants from the Department of  
9 [Commerce of the Commonwealth] Community and Economic  
10 Development for the purpose of representing a single  
11 governmental entity in accordance with this act, except as  
12 otherwise provided in paragraph (6).

13 (2) "Department." The Department of [Commerce] Community  
14 and Economic Development of the Commonwealth.

15 (3) "Eligible costs."

16 (i) The term includes promotional expenses incurred by a  
17 tourist promotion agency in connection with marketing and  
18 advertising activities, including, but not limited to, all of  
19 the following:

20 (A) Consultants and contractual services, (including  
21 contracts for fulfillment services or advertising).

22 (B) Travel.

23 (C) Postage.

24 (D) Printing and reproduction.

25 (E) Advertising.

26 (F) Public relations.

27 (G) A maximum of fifty per centum of the salaries and wages  
28 of persons employed by a tourist promotion agency who are  
29 responsible for fulfillment services as determined by the  
30 department.

(H) All toll-free and regular telephone charges except equipment purchase and repair charges.

(I) Salaries, benefits and wages of persons employed by a tourist promotion agency for the sole purpose of staffing an information center which is located at the central office or headquarters of the tourist promotion agency and is approved by the department.

(J) Salaries, benefits and wages of persons employed by a tourist promotion agency to staff, and rent and utilities and insurance associated with, an information center operated by the tourist promotion agency which is not located at the central office or headquarters of the tourist promotion agency.

(ii) Except as otherwise provided in subparagraph (i), the term does not include operational expenses, including, but not limited to, salaries, benefits, wages, rent, utilities, office supplies, equipment, insurance and vehicle expenses.

(3.1) "Fulfillment services." All activities required to be performed in order to respond to travel and tourism inquiries, including, but not limited to, answering and responding to telephone and mail inquiries, stuffing envelopes, gathering requested material and distributing brochures.

(4) "Governing bodies." The elected unit empowered to enact ordinances or adopt resolutions in order to govern a particular county, city, borough, town or township.

(5) "Governmental entity." A city of the first class or a county.

(6) "Regional tourist promotion agency." A nonprofit corporation, organization, association or agency which is designated by ordinance in cities of the first class and by proper resolution of the governing body of a county or counties

1 as the agency to make application to and receive grants from the  
2 department for the purpose of representing any of the following  
3 in accordance with this act:

4 (i) Two or more governmental entities.

5 (ii) A county of the second class.

6 (iii) A city of the first class.

7 (7) "Tourist promotion agency." Either a county or regional  
8 tourist promotion agency, as defined in this section.

9 Section 3. Section 4 of the act is amended to read:

10 Section 4. Recognition of Tourist Promotion Agencies.--The  
11 [Department of Commerce] department, upon receipt of certified  
12 copies of such ordinances or resolutions as may be necessary to  
13 satisfy it that a tourist promotion agency has been duly  
14 designated to act within a particular county or city of the  
15 first class, pursuant to section three of this act, shall  
16 recognize such tourist promotion agency as the sole such agency  
17 within such county or city for the purposes of this act.

18 Section 4. The act is amended by adding a section to read:

19 Section 5.2. Grants awarded on competitive basis.--The  
20 department shall award grants on a competitive basis.  
21 Notwithstanding the provisions of section 5.1, the department  
22 may not reserve, designate or set aside any specific level of  
23 funds or percentage of funds to a tourist promotion agency prior  
24 to the completion of the application process under section 5,  
25 nor may the department use its rulemaking authority under  
26 section 7 to designate a set percentage of funds to a tourist  
27 promotion agency.

28 Section 5. Section 7 of the act is amended to read:

29 Section 7. Rules and Regulations of the Department.--The  
30 [Department of Commerce] department is directed to administer

1 this tourist promotion program with such flexibility so as to  
2 bring about as effective and economical a tourist promotion  
3 program as possible. In order to effectuate and enforce the  
4 provisions of this act, the Department of Commerce is authorized  
5 to promulgate necessary rules and regulations and prescribe  
6 procedures in order to assure compliance by tourist promotion  
7 agencies in carrying out the purposes for which grants may be  
8 made hereunder.

9 Section 6. This act shall take effect in 60 days.