

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2167 Session of
2008

INTRODUCED BY WILLIAMS, PETRONE, BLACKWELL, GODSHALL, MAHONEY,
M. O'BRIEN, PARKER, YOUNGBLOOD, JAMES AND CALTAGIRONE,
JANUARY 17, 2008

SENATOR ARMSTRONG, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JULY 3, 2008

AN ACT

1 Amending the act of December 21, 1998 (P.L.1307, No.174),
2 entitled "An act relating to cities of the first class,
3 establishing Neighborhood Improvement Districts; conferring
4 powers and duties on municipal corporations and Neighborhood
5 Improvement Districts; and providing for annual audits and
6 for tourism and marketing," authorizing the Philadelphia
7 hospitality promotion tax; providing for apportionment of
8 revenue AND FOR HOTEL ROOM RENTAL; ~~and~~ making editorial <—
9 changes; AND MAKING A RELATED REPEAL. <—

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

12 ~~Section 1. Section 3 of the act of December 21, 1998~~ <—
13 ~~(P.L.1307, No.174), known as the Community and Economic~~
14 ~~Improvement Act, is amended by adding a definition to read:~~

15 SECTION 1. THE TITLE OF THE ACT OF DECEMBER 21, 1998 <—
16 (P.L.1307, NO.174), KNOWN AS THE COMMUNITY AND ECONOMIC
17 IMPROVEMENT ACT, IS AMENDED TO READ:

18 AN ACT

19 RELATING TO CITIES OF THE FIRST CLASS AND COUNTIES OF THE SECOND
20 CLASS AND SECOND CLASS A, ESTABLISHING NEIGHBORHOOD

1 IMPROVEMENT DISTRICTS; CONFERRING POWERS AND DUTIES ON
2 MUNICIPAL CORPORATIONS AND NEIGHBORHOOD IMPROVEMENT
3 DISTRICTS; AND PROVIDING FOR ANNUAL AUDITS [AND] FOR TOURISM
4 AND MARKETING AND FOR HOTEL ROOM RENTAL.

5 SECTION 2. SECTION 3 OF THE ACT IS AMENDED BY ADDING A
6 DEFINITION TO READ:

7 Section 3. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 * * *

12 "Tourist promotion agency." An agency designated by the
13 council of the city in which the Pennsylvania Convention Center
14 is located to be eligible for grants from the Department of
15 Commerce pursuant to the act of April 28, 1961 (P.L.111, No.50),
16 known as the Tourist Promotion Law.

17 Section ~~2~~ 3. Sections 10 and 11 of the act are amended to <—
18 read:

19 Section 10. Tourism and marketing tax.

20 In addition to the hotel room rental tax imposed under
21 [section 23 of the act of June 27, 1986 (P.L.267, No.70), known
22 as the Pennsylvania Convention Center Authority Act,] 64 Pa.C.S.
23 Ch. 60 (relating to Pennsylvania Convention Center Authority)
24 and under section 202 of the act of March 4, 1971 (P.L.6, No.2),
25 known as the Tax Reform Code of 1971, the council of the city in
26 which a convention center is located is hereby authorized to
27 impose an excise tax on the consideration received by each
28 operator of a hotel within the city from each transaction of
29 renting a room or rooms to accommodate transients. The tax shall
30 be collected by the operator from the patron of the room and

1 paid over to the city pursuant to section 11 and shall be known
2 as the tourism and marketing tax. The rate of tax imposed under
3 this section by the council of the city in which the convention
4 center is located shall not exceed 1%.

5 Section 11. Special tourism and marketing tax fund.

6 There shall be deposited annually in a special fund
7 established pursuant to [section 23(e) of the act of June 27,
8 1986 (P.L.267, No.70), known as the Pennsylvania Convention
9 Center Authority Act,] 64 Pa.C.S. § 6025 (relating to hotel room
10 rental tax; continuation of existing tax), for the use of the
11 regional attractions marketing agency, all revenues received
12 from the tax imposed under section 10. All expenditures from the
13 special fund established under [section 23(e) of the
14 Pennsylvania Convention Center Authority Act] 64 Pa.C.S § 6025
15 shall be used by the regional attractions marketing agency for
16 direct advertising efforts directed towards advertising and
17 publicizing tourist attractions in the area served by the
18 agency, promoting and attracting tourism to facilities in the
19 area served by the agency and promoting and otherwise
20 encouraging the use of the facilities in the area served by the
21 agency by the public as a whole.

22 Section 3 4. The act is amended by adding sections to read: <—

23 Section 11.1. Philadelphia hospitality promotion tax.

24 In addition to the tourism and marketing tax imposed under
25 section 10 and the hotel room rental taxes imposed under 64
26 Pa.C.S. Ch. 60 (relating to Pennsylvania Convention Center
27 Authority) and under section 202 of the act of March 4, 1971
28 (P.L.6, No.2), known as the Tax Reform Code of 1971, the council
29 of the city in which the Pennsylvania Convention Center is
30 located is hereby authorized to impose an excise tax on the

consideration received by each operator of a hotel within the city from each transaction of renting a room or rooms to accommodate transients. The tax shall be collected by the operator from the patron of the room and paid over to the city pursuant to section 11.2 and shall be known as the Philadelphia hospitality promotion tax. The rate of tax imposed under this section by the council of the city in which the Pennsylvania Convention Center is located shall not exceed 1.5%.

Section 11.2. Special Philadelphia hospitality promotion tax fund.

There shall be deposited annually in a special fund established pursuant to 64 Pa.C.S. § 6025 (relating to hotel room rental tax; continuation of existing tax) all revenues received from the tax imposed under section 11.1 to be used as follows:

(1) Revenues shall be distributed to the regional attractions marketing agency and used by it for direct advertising efforts directed towards advertising and publicizing tourist attractions in the area served by such agency, promoting and attracting tourism to facilities in the area served by the agency and promoting and otherwise encouraging the use of the facilities in the area served by such agency by the public as a whole.

(2) Revenues shall be distributed to the tourist promotion agency and used by it to promote the use of the expanded Pennsylvania Convention Center and to promote the area served by the tourist promotion agency, including in international markets.

(3) Revenues shall be used to further support the expanded Pennsylvania Convention Center.

1 SECTION 11.3. HOTEL ROOM RENTAL.

2 (A) IMPOSITION.--

3 (1) THE COUNTY COMMISSIONERS IN EACH COUNTY OF THE
4 SECOND CLASS ARE AUTHORIZED TO IMPOSE AN EXCISE TAX AT 5% ON
5 THE CONSIDERATION RECEIVED BY EACH OPERATOR OF A HOTEL WITHIN
6 THE COUNTY FROM EACH TRANSACTION OF RENTING A ROOM OR ROOMS
7 TO ACCOMMODATE TRANSIENTS.

8 (2) THE COUNTY COMMISSIONERS IN EACH COUNTY OF THE
9 SECOND CLASS A ARE AUTHORIZED TO IMPOSE AN EXCISE TAX NOT TO
10 EXCEED 3% ON THE CONSIDERATION RECEIVED BY EACH OPERATOR OF A
11 HOTEL WITHIN THE COUNTY FROM EACH TRANSACTION OF RENTING A
12 ROOM OR ROOMS TO ACCOMMODATE TRANSIENTS.

13 (3) THE TAX SHALL BE COLLECTED BY THE OPERATOR FROM THE
14 PATRON OF THE ROOM AND PAID OVER TO THE COUNTY AS IN PROVIDED
15 IN THIS SECTION.

16 (B) COUNTIES OF THE SECOND CLASS.--THE TREASURER OF EACH
17 COUNTY OF THE SECOND CLASS ELECTING TO IMPOSE THE TAX AUTHORIZED
18 UNDER THIS SECTION IS DIRECTED TO COLLECT THE TAX AND TO DEPOSIT
19 THE REVENUE RECEIVED FROM THE TAX IN A SPECIAL FUND. THE
20 REVENUES SHALL BE DISTRIBUTED BY THE COUNTY COMMISSIONERS AS
21 FOLLOWS:

22 (1) EXCEPT AS SET FORTH IN PARAGRAPH (4), TWO-FIFTHS OF
23 THE REVENUE RECEIVED BY THE COUNTY FROM THE EXCISE TAX SHALL
24 BE DISTRIBUTED TO A TOURIST PROMOTION AGENCY PURSUANT TO
25 SECTION 2199.14 OF THE ACT OF JULY 28, 1953 (P.L.723,
26 NO.230), KNOWN AS THE SECOND CLASS COUNTY CODE.

27 (2) EXCEPT AS SET FORTH IN PARAGRAPH (4), ONE-THIRD OF
28 TAX COLLECTED BY HOTELS WITHIN A MUNICIPALITY WHERE A
29 CONVENTION CENTER OR EXHIBITION HALL IS LOCATED, LESS THE
30 COST OF COLLECTING THE TAX, SHALL, AT THE REQUEST OF THAT

1 MUNICIPALITY, BE RETURNED TO THAT MUNICIPALITY FOR DEPOSIT IN
2 THAT MUNICIPALITY'S SPECIAL FUND ESTABLISHED SOLELY FOR
3 PURPOSES OF PAYING FOR PROMOTIONAL PROGRAMS IMPLEMENTED BY A
4 NONPROFIT ORGANIZATION WHICH ARE DESIGNED TO STIMULATE AND
5 INCREASE THE VOLUME OF CONVENTIONS AND VISITORS WITHIN THE
6 MUNICIPALITY OR AS PROVIDED IN PARAGRAPH (5) SUBJECT TO THE
7 FOLLOWING REQUIREMENTS:

8 (I) AN AUDITED REPORT ON THE INCOME AND EXPENDITURES
9 INCURRED BY THE MUNICIPALITY RECEIVING FUNDS FROM THE
10 EXCISE TAX ON HOTEL ROOM RENTALS SHALL BE MADE ANNUALLY
11 TO COUNTY.

12 (II) THAT THE MEMBERS OF THE BOARD OF DIRECTORS OR
13 OTHER GOVERNING BODY OF THE NONPROFIT ORGANIZATION
14 UTILIZED BY THE MUNICIPALITY TO PROVIDE THE PROMOTIONAL
15 PROGRAMS SHALL BE APPOINTED BY THE GOVERNING BODY OF THE
16 MUNICIPALITY.

17 (2.1) EXCEPT AS SET FORTH IN PARAGRAPH (4), A 5% FEE
18 SHALL BE PAID TO THE COUNTY FOR COLLECTING THE TAX.

19 (3) EXCEPT AS SET FORTH IN PARAGRAPH (4), ALL REMAINING
20 REVENUE FROM THE TAX RECEIVED BY THE COUNTY, AFTER PAYING THE
21 AMOUNTS SET FORTH IN PARAGRAPHS (1), (2) AND (2.1), SHALL BE
22 USED FOR OPERATIONAL AND MAINTENANCE EXPENDITURES OF THE
23 CONVENTION CENTER OR EXHIBITION HALL AS PROVIDED IN
24 SUBSECTION (D) AND FOR REGIONAL TOURIST PROMOTION ACTIVITIES.

25 (4) SUBJECT TO PARAGRAPH (4.1), IF BONDS ARE ISSUED BY
26 THE PUBLIC AUTHORITY TO PROVIDE PERMANENT FINANCING OR
27 REFINANCING OF THE EXPANSION OF AND CAPITAL IMPROVEMENTS TO
28 THE CONVENTION CENTER OR EXHIBITION HALL, THE REVENUE
29 RECEIVED FROM THE TAX AND DEPOSITED IN THE SPECIAL FUND SHALL
30 NOT BE DISTRIBUTED AS SET FORTH IN PARAGRAPHS (1) THROUGH (3)

1 BUT SHALL BE DISTRIBUTED BY THE COUNTY COMMISSIONERS IN THE
2 ORDER OF PRIORITY AS FOLLOWS:

3 (I) FIRST, TO THE PAYMENT OF ALL AMOUNTS SET FORTH
4 IN PARAGRAPH (2).

5 (II) SECOND:

6 (A) TO THE TRUSTEE FOR THE BONDS IN ACCORDANCE
7 WITH THE PROVISIONS OF THE INDENTURE PURSUANT TO
8 WHICH THE BONDS ARE ISSUED, TO BE USED FOR THE
9 PAYMENT OF DEBT SERVICE ON THE BONDS; AND

10 (B) TO THE PAYMENT OF ALL AMOUNTS SET FORTH IN
11 PARAGRAPH (2.1):

12 (I) IN FULL; OR

13 (II) IF THE REVENUES ARE INSUFFICIENT TO
14 MAKE THE PAYMENT IN FULL, PRO RATA.

15 (III) THIRD, TO THE PAYMENT OF ALL AMOUNTS SET FORTH
16 IN PARAGRAPH (1).

17 (IV) FOURTH, AS SET FORTH IN PARAGRAPH (3).

18 (4.1) PARAGRAPH (4) SHALL NOT APPLY TO BONDS ISSUED
19 SUBSEQUENT TO THE PERMANENT FINANCING FOR PURPOSES OF
20 COMPLETION OR SUBSEQUENT EXPANSIONS OR CAPITAL IMPROVEMENTS.

21 (5) IF A CONVENTION CENTER OR EXHIBITION HALL
22 DISCONTINUES OPERATION IN A MUNICIPALITY IN WHICH A
23 CONVENTION CENTER OR EXHIBITION HALL IS LOCATED, THE
24 MUNICIPALITY SHALL CONTINUE TO COLLECT AND RECEIVE THE TAX
25 FOR A PERIOD OF THREE YEARS FROM THE DATE OF DISCONTINUATION
26 OF OPERATION OR CLOSURE. THE FOLLOWING APPLY:

27 (I) DURING THIS PERIOD, THE MUNICIPALITY MAY USE
28 REVENUE FROM THE TAX FOR DEBT SERVICE ON THE
29 CONSTRUCTION, RECONSTRUCTION, OPERATION OR MAINTENANCE OF
30 A CONVENTION CENTER OR EXHIBITION HALL IN THE

1 MUNICIPALITY.

2 (II) IF, DURING THIS PERIOD, NO CONVENTION CENTER OR
3 EXHIBITION HALL IS OPERATING OR UNDER CONSTRUCTION, THE
4 MUNICIPALITY SHALL HOLD THE REVENUE IN THE SPECIAL
5 ACCOUNT UNDER PARAGRAPH (2), WHICH IS SEPARATE FROM ALL
6 OTHER MUNICIPAL REVENUE, SOLELY FOR THE PURPOSE OF THE
7 CONSTRUCTION OF A CONVENTION CENTER OR EXHIBITION HALL IN
8 THE MUNICIPALITY.

9 (III) AT THE END OF THIS PERIOD, IF A CONVENTION
10 CENTER OR EXHIBITION HALL DOES NOT OPERATE OR IF THE
11 CONSTRUCTION OF A NEW CONVENTION CENTER OR EXHIBITION
12 HALL IN THE MUNICIPALITY HAS NOT REACHED SUBSTANTIAL
13 COMPLETION, THE REVENUE FROM THE TAX SHALL BE DEPOSITED
14 BY THE COUNTY IN THE ECONOMIC DEVELOPMENT, COMMUNITY
15 INFRASTRUCTURE AND TOURISM FUND MAINTAINED BY THE COUNTY.

16 (C) COUNTIES OF THE SECOND CLASS A.--THE TREASURER OF EACH
17 COUNTY OF THE SECOND CLASS A ELECTING TO IMPOSE THE TAX
18 AUTHORIZED UNDER THIS SECTION IS DIRECTED TO COLLECT THE TAX AND
19 TO DEPOSIT THE REVENUE IN A SPECIAL FUND ESTABLISHED SOLELY FOR
20 PURPOSES OF TRAVEL AND TOURISM PROMOTION AND ADVERTISING RELATED
21 TO TRAVEL AND TOURISM PROMOTION. THE TREASURER IS AUTHORIZED TO
22 ESTABLISH RULES AND REGULATIONS CONCERNING THE COLLECTION OF THE
23 TAX.

24 (D) EXPENDITURES IN COUNTIES OF THE SECOND CLASS.--

25 (1) IN COUNTIES OF THE SECOND CLASS, EXPENDITURES FROM
26 THE FUND ESTABLISHED UNDER SUBSECTION (B) SHALL BE USED FOR
27 ALL PURPOSES WHICH A PUBLIC AUTHORITY MAY DETERMINE TO BE
28 REASONABLY NECESSARY TO THE SUPPORT, OPERATION AND
29 MAINTENANCE OF A CONVENTION CENTER OR EXHIBITION HALL,
30 INCLUDING THE FOLLOWING:

1 (I) ADVERTISING AND PUBLICIZING TOURIST ATTRACTIONS
2 IN THE AREA SERVED BY THE RECOGNIZED TOURIST PROMOTION
3 AGENCY.

4 (II) PROMOTING AND OTHERWISE ENCOURAGING THE USE OF
5 THE FACILITIES IN THE AREA SERVED BY THE RECOGNIZED
6 TOURIST PROMOTION AGENCY BY THE PUBLIC AS A WHOLE.

7 (III) PROMOTING AND ATTRACTING CONVENTIONS,
8 EXHIBITIONS AND OTHER FUNCTIONS TO UTILIZE FACILITIES IN
9 THE AREA SERVED BY THE RECOGNIZED TOURIST PROMOTION
10 AGENCY.

11 (IV) PRECOMPLETION ADVERTISING AND PUBLICIZING OF
12 ANY CONVENTION CENTER OR EXHIBITION HALL.

13 (V) PROMOTING AND ATTRACTING CONVENTIONS,
14 EXHIBITIONS AND OTHER FUNCTIONS TO UTILIZE THE CONVENTION
15 CENTER OR EXHIBITION HALL.

16 (VI) PROMOTING AND OTHERWISE ENCOURAGING THE USE OF
17 THE PREMISES BY THE PUBLIC AS A WHOLE, OR ANY SEGMENT OF
18 THE PUBLIC.

19 (VII) OPERATING, FURNISHING AND OTHERWISE
20 MAINTAINING AND EQUIPPING THE PREMISES AND REALTY
21 APPURTENANT TO THE PREMISES.

22 (VIII) FURNISHING AND EQUIPPING THE BUILDING AND
23 GROUNDS.

24 (2) IT IS THE INTENTION OF THIS SUBSECTION THAT THE
25 RECEIPTS FROM ANY TAX IMPOSED UNDER THIS SECTION AFTER
26 PAYMENT OF THE DISTRIBUTIONS UNDER SUBSECTION (B)(1), (2),
27 (2.1), (3) AND (4) BE USED IN THE COUNTY TO OFFSET THE ENTIRE
28 OPERATING DEFICIT, IF ANY, OF ANY CONVENTION CENTER OR
29 EXHIBITION HALL INCLUDING EQUALLY, SHARES OF ANY COOPERATING
30 POLITICAL SUBDIVISION OR AGENCY OF GOVERNMENT INCURRED

1 PURSUANT TO ANY AGREEMENT. THE OPERATING DEFICIT SHALL BE
2 DETERMINED BY THE PUBLIC AUTHORITY WHICH IS THE DESIGNATED
3 OPERATING AGENCY OF THE CONVENTION CENTER OR EXHIBITION HALL.

4 (E) EXPENDITURES IN COUNTIES OF THE SECOND CLASS A.--

5 (1) IN COUNTIES OF THE SECOND CLASS A, EXPENDITURES FROM
6 THE FUND ESTABLISHED UNDER SUBSECTION (C) SHALL BE ANNUALLY
7 APPROPRIATED BY THE COUNTY COMMISSIONERS FOR TOURIST
8 PROMOTION ACTIVITIES, TO BE EXECUTED BY THE RECOGNIZED
9 TOURIST PROMOTION AGENCY FOR THE FOLLOWING:

10 (I) MARKETING THE AREA SERVED BY THE RECOGNIZED
11 TOURIST PROMOTION AGENCY AS A LEISURE TRAVEL DESTINATION.

12 (II) MARKETING THE AREA SERVED BY THE RECOGNIZED
13 TOURIST PROMOTION AGENCY AS A CONVENTION AND BUSINESS
14 TRAVEL DESTINATION.

15 (III) MARKETING THE AREA SERVED BY THE RECOGNIZED
16 TOURIST PROMOTION AGENCY TO THE PUBLIC AS A WHOLE FOR USE
17 OF ITS TOURIST AND CONVENTION FACILITIES.

18 (IV) USING ALL APPROPRIATE MARKETING TOOLS TO
19 ACCOMPLISH THESE PURPOSES, INCLUDING ADVERTISING,
20 PUBLICITY, PUBLICATIONS, DIRECT MARKETING, DIRECT SALES
21 AND PARTICIPATION IN TRAVEL TRADE SHOWS.

22 (2) THE COUNTY COMMISSIONERS MAY DEDUCT FROM THE FUNDS
23 COLLECTED ANY DIRECT OR INDIRECT COSTS ATTRIBUTABLE TO THE
24 COLLECTION OF THE TAX.

25 (F) EFFECTIVENESS OF PROVISIONS.--

26 (1) THE PROVISIONS OF THIS SECTION RELATING TO COUNTIES
27 OF THE SECOND CLASS SHALL REMAIN IN FORCE FROM YEAR TO YEAR.
28 THE FOLLOWING APPLY:

29 (I) REVENUE, IN EXCESS OF AMOUNTS NEEDED TO PAY THE
30 DISTRIBUTIONS UNDER SUBSECTION (B.1)(1), (2), (2.1), (3)

1 AND (4) AND TO OFFSET OPERATING DEFICITS UNDER
2 SUBSECTIONS (B.1)(3) AND (D), SHALL BE DETERMINED BY THE
3 PUBLIC AUTHORITY AND MAY BE ACCUMULATED.

4 (II) AT THE DISCRETION OF THE COOPERATING POLITICAL
5 SUBDIVISIONS AND THE PUBLIC AUTHORITY, ANY REVENUE MAY BE
6 USED TO:

7 (A) PROVIDE PART OR ALL OF AN ANNUAL PAYMENT TO
8 BE PAID BY A COUNTY OR A POLITICAL SUBDIVISION UNDER
9 AN AGREEMENT WITH A PUBLIC AUTHORITY CREATED UNDER
10 THE ACT OF JULY 29, 1953 (P.L.1034, NO.270), KNOWN AS
11 THE PUBLIC AUDITORIUM AUTHORITIES LAW, WHICH HAS BEEN
12 DESIGNATED AS THE OPERATING AGENCY FOR A CONVENTION
13 CENTER OR EXHIBITION HALL; OR

14 (B) EFFECT NECESSARY EXPANSION OR FURTHER
15 CAPITAL IMPROVEMENTS.

16 (2) THE PROVISIONS OF THIS SECTION RELATING TO COUNTIES
17 OF THE SECOND CLASS A SHALL REMAIN IN FORCE AND EFFECT FOR
18 THREE YEARS FROM FEBRUARY 14, 1986, AND MAY BE CONTINUED
19 THEREAFTER BY ORDINANCE OR RESOLUTION OF THE COUNTY
20 COMMISSIONERS OF THE RESPECTIVE COUNTIES.

21 (G) TAXABLE YEARS.--EACH TAXABLE YEAR FOR A TAX IMPOSED
22 UNDER THIS SECTION SHALL RUN CONCURRENTLY WITH THE CALENDAR
23 YEAR.

24 (H) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
25 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
26 SUBSECTION:

27 "CONSIDERATION." RECEIPTS, FEES, CHARGES, RENTALS, LEASES,
28 CASH, CREDITS, PROPERTY OR OTHER PAYMENT RECEIVED BY OPERATORS
29 IN EXCHANGE FOR OR IN CONSIDERATION OF THE USE OR OCCUPANCY BY A
30 TRANSIENT OF A ROOM IN A HOTEL FOR A TEMPORARY PERIOD.

1 "CONVENTION CENTER OR EXHIBITION HALL." A BUILDING OR SERIES
2 OF BUILDINGS:

3 (1) AT LEAST ONE OF WHICH CONTAINS A MINIMUM OF 75,000
4 GROSS SQUARE FEET OF EXHIBITION SPACE FOR SHOWS AND
5 CONVENTIONS;

6 (2) WHICH ARE NOT USED FOR THE RETAIL SALE OF
7 MERCHANDISE OR PART OF ANY SHOPPING CENTER, MALL OR OTHER
8 RETAIL CENTER;

9 (3) A MAJOR FUNCTION OF WHICH IS TO HOUSE MEETINGS,
10 EXHIBITIONS, SHOWS, CONVENTIONS, ASSEMBLIES, CONVOCATIONS,
11 AND SIMILAR GATHERINGS. THE TERM INCLUDES LAND APPURTENANT TO
12 THE BUILDING OR BUILDINGS.

13 "COOPERATING POLITICAL SUBDIVISION OR AGENCY OF GOVERNMENT."
14 A CITY OR PUBLIC AUTHORITY LOCATED IN A COUNTY:

15 (1) WITHIN THE BOUNDARIES OF WHICH A CONVENTION CENTER
16 OR EXHIBITION HALL IS PLANNED OR CONSTRUCTED; AND

17 (2) WHICH SHARES WITH THE COUNTY DUTIES, OBLIGATIONS OR
18 PRIVILEGES WITH RESPECT TO THAT CONVENTION CENTER.

19 "HOTEL." ANY OF THE FOLLOWING:

20 (1) ANY HOTEL, MOTEL, INN, GUEST HOUSE OR OTHER BUILDING
21 LOCATED WITHIN THE TAXING JURISDICTION WHICH HOLDS ITSELF OUT
22 BY ANY MEANS, INCLUDING ADVERTISING, LICENSE, REGISTRATION
23 WITH ANY INNKEEPER'S GROUP, CONVENTION LISTING ASSOCIATION,
24 TRAVEL PUBLICATION OR SIMILAR ASSOCIATION OR WITH ANY
25 GOVERNMENT AGENCY, AS BEING AVAILABLE TO PROVIDE OVERNIGHT
26 LODGING OR USE OF FACILITY SPACE FOR CONSIDERATION TO PERSONS
27 SEEKING TEMPORARY ACCOMMODATION.

28 (2) A PLACE WHICH ADVERTISES TO THE PUBLIC AT LARGE OR A
29 SEGMENT OF THE PUBLIC AT LARGE THAT IT WILL PROVIDE BEDS,
30 SANITARY FACILITIES OR OTHER SPACE FOR A TEMPORARY PERIOD TO

1 MEMBERS OF THE PUBLIC AT LARGE.

2 (3) A PLACE RECOGNIZED AS A HOSTELRY. THE TERM DOES NOT
3 INCLUDE PORTIONS OF THE FACILITY WHICH ARE DEVOTED TO
4 INDIVIDUALS WHO HAVE ESTABLISHED PERMANENT RESIDENCE.

5 "MUNICIPALITY." NOTWITHSTANDING SECTION 3, A TOWNSHIP OR
6 BOROUGH OR A HOME RULE MUNICIPALITY WHICH WAS FORMERLY A
7 TOWNSHIP OR BOROUGH.

8 "OCCUPANCY." THE USE OR POSSESSION OR THE RIGHT TO THE USE
9 OR POSSESSION BY ANY PERSON OTHER THAN A PERMANENT RESIDENT OF A
10 ROOM IN A HOTEL FOR ANY PURPOSE OR THE RIGHT TO THE USE OR
11 POSSESSION OF THE FURNISHINGS OR TO THE SERVICES ACCOMPANYING
12 THE USE AND POSSESSION OF THE ROOM.

13 "OPERATING DEFICIT." THE EXCESS OF EXPENSES OVER RECEIPTS
14 FROM THE OPERATION AND MANAGEMENT OF A CONVENTION CENTER OR
15 EXHIBITION HALL.

16 "OPERATOR." ANY INDIVIDUAL, PARTNERSHIP, NONPROFIT OR
17 PROFIT-MAKING ASSOCIATION OR CORPORATION OR OTHER PERSON OR
18 GROUP OF PERSONS THAT MAINTAIN, OPERATE, MANAGE, OWN, HAVE
19 CUSTODY OF OR OTHERWISE POSSESS THE RIGHT TO RENT OR LEASE
20 OVERNIGHT ACCOMMODATIONS IN A HOTEL TO THE PUBLIC FOR
21 CONSIDERATION.

22 "PATRON." A PERSON THAT PAYS THE CONSIDERATION FOR THE
23 OCCUPANCY OF A ROOM IN A HOTEL.

24 "PERMANENT RESIDENT." AN INDIVIDUAL WHO HAS OCCUPIED OR HAS
25 THE RIGHT TO OCCUPANCY OF A ROOM IN A HOTEL AS A PATRON OR
26 OTHERWISE FOR A PERIOD EXCEEDING 30 CONSECUTIVE DAYS.

27 "RECOGNIZED TOURIST PROMOTION AGENCY." AS DEFINED IN SECTION
28 3(6) OF THE ACT OF APRIL 28, 1961 (P.L.111, NO.50), KNOWN AS THE
29 TOURIST PROMOTION LAW AND IN ACCORDANCE WITH THE TOURIST
30 PROMOTION LAW, THE NONPROFIT CORPORATION, ORGANIZATION,

1 ASSOCIATION OR AGENCY:

2 (1) WHICH IS AND HAS BEEN ENGAGED IN PLANNING AND
3 PROMOTING PROGRAMS DESIGNED TO STIMULATE AND INCREASE THE
4 VOLUME OF TOURIST, VISITOR AND VACATION BUSINESS WITHIN
5 COUNTIES IT SERVES; AND

6 (2) WHICH IS RECOGNIZED BY THE DEPARTMENT OF COMMUNITY
7 AND ECONOMIC DEVELOPMENT.

8 "REGIONAL TOURIST PROMOTION ACTIVITIES." SERVICES,
9 ACTIVITIES, FACILITIES AND EVENTS, WHICH RESULT IN A SIGNIFICANT
10 NUMBER OF NONRESIDENTS VISITING A COUNTY OF THE SECOND CLASS FOR
11 RECREATIONAL, CULTURAL OR EDUCATIONAL PURPOSES.

12 "ROOM." A SPACE IN A HOTEL SET ASIDE FOR USE AND OCCUPANCY
13 BY PATRONS, OR OTHERWISE, FOR CONSIDERATION, HAVING AT LEAST ONE
14 BED OR OTHER SLEEPING ACCOMMODATION.

15 "SUBSTANTIAL COMPLETION." CONSTRUCTION WHICH IS SUFFICIENTLY
16 COMPLETED IN ACCORDANCE WITH CONTRACT DOCUMENTS AND CERTIFIED BY
17 THE CONVENTION CENTER AUTHORITY'S ARCHITECT OR ENGINEER, AS
18 MODIFIED BY CHANGE ORDERS SO THAT:

19 (1) THE MAIN CONVENTION AREA CAN BE USED, OCCUPIED OR
20 OPERATED FOR ITS INTENDED USE; AND

21 (2) AT LEAST 90% OF THE WORK ON THE MAIN CONVENTION OR
22 EXHIBITION AREA IS COMPLETE.

23 "TEMPORARY." A PERIOD OF TIME NOT EXCEEDING 30 CONSECUTIVE
24 DAYS.

25 "TRANSACTION." THE ACTIVITY INVOLVING THE OBTAINING BY A
26 TRANSIENT OR PATRON OF THE USE OR OCCUPANCY OF A HOTEL ROOM FROM
27 WHICH CONSIDERATION EMANATES TO THE OPERATOR UNDER AN EXPRESS OR
28 AN IMPLIED CONTRACT.

29 "TRANSIENT." AN INDIVIDUAL WHO OBTAINS ACCOMMODATION IN ANY
30 HOTEL FOR HIMSELF BY MEANS OF REGISTERING AT THE FACILITY FOR

1 THE TEMPORARY OCCUPANCY OF ANY ROOM FOR THE PERSONAL USE OF THAT
2 INDIVIDUAL BY PAYING TO THE OPERATOR OF THE FACILITY A FEE IN
3 CONSIDERATION FOR THE ACCOMMODATION.

4 SECTION 5. REPEALS ARE AS FOLLOWS:

5 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
6 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF
7 SECTION 11.3 OF THE ACT.

8 (2) SECTION 1970.2 OF THE ACT OF JULY 28, 1953 (P.L.723,
9 NO.230), KNOWN AS THE SECOND CLASS COUNTY CODE, IS REPEALED.

10 Section 4 6. This act shall take effect immediately.

<—