

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1332 Session of 2008

INTRODUCED BY REGOLA, PILEGGI, ROBBINS, WOZNIAK, FOLMER, GORDNER, PUNT, WASHINGTON AND ARMSTRONG, MARCH 28, 2008

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 3, 2008

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in general provisions, providing for
3 form of oaths of office; AND IN OTHER SUBJECTS OF TAXATION,
4 PROVIDING FOR HOTEL ROOM RENTAL. <—

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

7 Section 1. Chapter 11 of Title 53 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER D

10 MISCELLANEOUS PROVISIONS

11 Sec.

12 1141. Form of oaths of office.

13 § 1141. Form of oaths of office.

14 Whenever an elected or appointed official of a municipality
15 is required to take, subscribe or file an oath or affirmation of
16 office, the oath or affirmation shall be in the form prescribed
17 in this section, as follows:

1 I do solemnly swear (or affirm) that I will support, obey and
2 defend the Constitution of the United States and the
3 Constitution of this Commonwealth and that I will discharge
4 the duties of my office with fidelity.

5 ~~Section 2. All acts and parts of acts are repealed insofar~~ <—
6 ~~as they are inconsistent with this act.~~

7 SECTION 2. CHAPTER 87 OF TITLE 53 IS AMENDED BY ADDING A <—
8 SUBCHAPTER TO READ:

9 SUBCHAPTER C

10 MISCELLANEOUS TAXES

11 SEC.

12 8721. HOTEL ROOM RENTAL.

13 § 8721. HOTEL ROOM RENTAL.

14 (A) IMPOSITION.--

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

20 (2) THE COUNTY COMMISSIONERS IN EACH COUNTY OF THE
21 SECOND CLASS A ARE AUTHORIZED TO IMPOSE AN EXCISE TAX NOT TO
22 EXCEED 3% ON THE CONSIDERATION RECEIVED BY EACH OPERATOR OF A
23 HOTEL WITHIN THE COUNTY FROM EACH TRANSACTION OF RENTING A
24 ROOM OR ROOMS TO ACCOMMODATE TRANSIENTS.

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

28 (B) COUNTIES OF THE SECOND CLASS.--THE TREASURER OF EACH
29 COUNTY OF THE SECOND CLASS ELECTING TO IMPOSE THE TAX AUTHORIZED
30 UNDER THIS SECTION IS DIRECTED TO COLLECT THE TAX AND TO DEPOSIT

1 THE REVENUE RECEIVED FROM THE TAX IN A SPECIAL FUND. THE
2 REVENUES SHALL BE DISTRIBUTED BY THE COUNTY COMMISSIONERS AS
3 FOLLOWS:

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

9 (2) EXCEPT AS SET FORTH IN PARAGRAPH (4), ONE-THIRD OF
10 TAX COLLECTED BY HOTELS WITHIN A MUNICIPALITY WHERE A
11 CONVENTION CENTER OR EXHIBITION HALL IS LOCATED, LESS THE
12 COST OF COLLECTING THE TAX, SHALL, AT THE REQUEST OF THAT
13 MUNICIPALITY, BE RETURNED TO THAT MUNICIPALITY FOR DEPOSIT IN
14 THAT MUNICIPALITY'S SPECIAL FUND ESTABLISHED SOLELY FOR
15 PURPOSES OF PAYING FOR PROMOTIONAL PROGRAMS IMPLEMENTED BY A
16 NONPROFIT ORGANIZATION WHICH ARE DESIGNED TO STIMULATE AND
17 INCREASE THE VOLUME OF CONVENTIONS AND VISITORS WITHIN THE
18 MUNICIPALITY OR AS PROVIDED IN PARAGRAPH (5) SUBJECT TO THE
19 FOLLOWING REQUIREMENTS:

20 (I) AN AUDITED REPORT ON THE INCOME AND EXPENDITURES
21 INCURRED BY THE MUNICIPALITY RECEIVING FUNDS FROM THE
22 EXCISE TAX ON HOTEL ROOM RENTALS SHALL BE MADE ANNUALLY
23 TO COUNTY.

24 (II) THAT THE MEMBERS OF THE BOARD OF DIRECTORS OR
25 OTHER GOVERNING BODY OF THE NONPROFIT ORGANIZATION
26 UTILIZED BY THE MUNICIPALITY TO PROVIDE THE PROMOTIONAL
27 PROGRAMS SHALL BE APPOINTED BY THE GOVERNING BODY OF THE
28 MUNICIPALITY.

29 (2.1) EXCEPT AS SET FORTH IN PARAGRAPH (4), A 5% FEE
30 SHALL BE PAID TO THE COUNTY FOR COLLECTING THE TAX.

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

7 (4) SUBJECT TO PARAGRAPH (4.1), IF BONDS ARE ISSUED BY
8 THE PUBLIC AUTHORITY TO PROVIDE PERMANENT FINANCING OR
9 REFINANCING OF THE EXPANSION OF AND CAPITAL IMPROVEMENTS TO
10 THE CONVENTION CENTER OR EXHIBITION HALL, THE REVENUE
11 RECEIVED FROM THE TAX AND DEPOSITED IN THE SPECIAL FUND SHALL
12 NOT BE DISTRIBUTED AS SET FORTH IN PARAGRAPHS (1) THROUGH (3)
13 BUT SHALL BE DISTRIBUTED BY THE COUNTY COMMISSIONERS IN THE
14 ORDER OF PRIORITY AS FOLLOWS:

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

17 (II) SECOND:

18 (A) TO THE TRUSTEE FOR THE BONDS IN ACCORDANCE
19 WITH THE PROVISIONS OF THE INDENTURE PURSUANT TO
20 WHICH THE BONDS ARE ISSUED, TO BE USED FOR THE
21 PAYMENT OF DEBT SERVICE ON THE BONDS; AND

22 (B) TO THE PAYMENT OF ALL AMOUNTS SET FORTH IN
23 PARAGRAPH (2.1):

24 (I) IN FULL; OR

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

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

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

30 (4.1) PARAGRAPH (4) SHALL NOT APPLY TO BONDS ISSUED

1 SUBSEQUENT TO THE PERMANENT FINANCING FOR PURPOSES OF
2 COMPLETION OR SUBSEQUENT EXPANSIONS OR CAPITAL IMPROVEMENTS.

3 (5) IF A CONVENTION CENTER OR EXHIBITION HALL
4 DISCONTINUES OPERATION IN A MUNICIPALITY IN WHICH A
5 CONVENTION CENTER OR EXHIBITION HALL IS LOCATED, THE
6 MUNICIPALITY SHALL CONTINUE TO COLLECT AND RECEIVE THE TAX
7 FOR A PERIOD OF THREE YEARS FROM THE DATE OF DISCONTINUATION
8 OF OPERATION OR CLOSURE. THE FOLLOWING APPLY:

9 (I) DURING THIS PERIOD, THE MUNICIPALITY MAY USE
10 REVENUE FROM THE TAX FOR DEBT SERVICE ON THE
11 CONSTRUCTION, RECONSTRUCTION, OPERATION OR MAINTENANCE OF
12 A CONVENTION CENTER OR EXHIBITION HALL IN THE
13 MUNICIPALITY.

14 (II) IF, DURING THIS PERIOD, NO CONVENTION CENTER OR
15 EXHIBITION HALL IS OPERATING OR UNDER CONSTRUCTION, THE
16 MUNICIPALITY SHALL HOLD THE REVENUE IN THE SPECIAL
17 ACCOUNT UNDER PARAGRAPH (2), WHICH IS SEPARATE FROM ALL
18 OTHER MUNICIPAL REVENUE, SOLELY FOR THE PURPOSE OF THE
19 CONSTRUCTION OF A CONVENTION CENTER OR EXHIBITION HALL IN
20 THE MUNICIPALITY.

21 (III) AT THE END OF THIS PERIOD, IF A CONVENTION
22 CENTER OR EXHIBITION HALL DOES NOT OPERATE OR IF THE
23 CONSTRUCTION OF A NEW CONVENTION CENTER OR EXHIBITION
24 HALL IN THE MUNICIPALITY HAS NOT REACHED SUBSTANTIAL
25 COMPLETION, THE REVENUE FROM THE TAX SHALL BE DEPOSITED
26 BY THE COUNTY IN THE ECONOMIC DEVELOPMENT, COMMUNITY
27 INFRASTRUCTURE AND TOURISM FUND MAINTAINED BY THE COUNTY.

28 (C) COUNTIES OF THE SECOND CLASS A.--THE TREASURER OF EACH
29 COUNTY OF THE SECOND CLASS A ELECTING TO IMPOSE THE TAX
30 AUTHORIZED UNDER THIS SECTION IS DIRECTED TO COLLECT THE TAX AND

1 TO DEPOSIT THE REVENUE IN A SPECIAL FUND ESTABLISHED SOLELY FOR
2 PURPOSES OF TRAVEL AND TOURISM PROMOTION AND ADVERTISING RELATED
3 TO TRAVEL AND TOURISM PROMOTION. THE TREASURER IS AUTHORIZED TO
4 ESTABLISH RULES AND REGULATIONS CONCERNING THE COLLECTION OF THE
5 TAX.

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

7 (1) IN COUNTIES OF THE SECOND CLASS, EXPENDITURES FROM
8 THE FUND ESTABLISHED UNDER SUBSECTION (B) SHALL BE USED FOR
9 ALL PURPOSES WHICH A PUBLIC AUTHORITY MAY DETERMINE TO BE
10 REASONABLY NECESSARY TO THE SUPPORT, OPERATION AND
11 MAINTENANCE OF A CONVENTION CENTER OR EXHIBITION HALL,
12 INCLUDING THE FOLLOWING:

13 (I) ADVERTISING AND PUBLICIZING TOURIST ATTRACTIONS
14 IN THE AREA SERVED BY THE RECOGNIZED TOURIST PROMOTION
15 AGENCY.

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

19 (III) PROMOTING AND ATTRACTING CONVENTIONS,
20 EXHIBITIONS AND OTHER FUNCTIONS TO UTILIZE FACILITIES IN
21 THE AREA SERVED BY THE RECOGNIZED TOURIST PROMOTION
22 AGENCY.

23 (IV) PRECOMPLETION ADVERTISING AND PUBLICIZING OF
24 ANY CONVENTION CENTER OR EXHIBITION HALL.

25 (V) PROMOTING AND ATTRACTING CONVENTIONS,
26 EXHIBITIONS AND OTHER FUNCTIONS TO UTILIZE THE CONVENTION
27 CENTER OR EXHIBITION HALL.

28 (VI) PROMOTING AND OTHERWISE ENCOURAGING THE USE OF
29 THE PREMISES BY THE PUBLIC AS A WHOLE, OR ANY SEGMENT OF
30 THE PUBLIC.

1 (VII) OPERATING, FURNISHING AND OTHERWISE
2 MAINTAINING AND EQUIPPING THE PREMISES AND REALTY
3 APPURTENANT TO THE PREMISES.

4 (VIII) FURNISHING AND EQUIPPING THE BUILDING AND
5 GROUNDS.

6 (2) IT IS THE INTENTION OF THIS SUBSECTION THAT THE
7 RECEIPTS FROM ANY TAX IMPOSED UNDER THIS SECTION AFTER
8 PAYMENT OF THE DISTRIBUTIONS UNDER SUBSECTION (B)(1), (2),
9 (2.1), (3) AND (4) BE USED IN THE COUNTY TO OFFSET THE ENTIRE
10 OPERATING DEFICIT, IF ANY, OF ANY CONVENTION CENTER OR
11 EXHIBITION HALL INCLUDING EQUALLY, SHARES OF ANY COOPERATING
12 POLITICAL SUBDIVISION OR AGENCY OF GOVERNMENT INCURRED
13 PURSUANT TO ANY AGREEMENT. THE OPERATING DEFICIT SHALL BE
14 DETERMINED BY THE PUBLIC AUTHORITY WHICH IS THE DESIGNATED
15 OPERATING AGENCY OF THE CONVENTION CENTER OR EXHIBITION HALL.

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

17 (1) IN COUNTIES OF THE SECOND CLASS A, EXPENDITURES FROM
18 THE FUND ESTABLISHED UNDER SUBSECTION (C) SHALL BE ANNUALLY
19 APPROPRIATED BY THE COUNTY COMMISSIONERS FOR TOURIST
20 PROMOTION ACTIVITIES, TO BE EXECUTED BY THE RECOGNIZED
21 TOURIST PROMOTION AGENCY FOR THE FOLLOWING:

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

24 (II) MARKETING THE AREA SERVED BY THE RECOGNIZED
25 TOURIST PROMOTION AGENCY AS A CONVENTION AND BUSINESS
26 TRAVEL DESTINATION.

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

30 (IV) USING ALL APPROPRIATE MARKETING TOOLS TO

1 ACCOMPLISH THESE PURPOSES, INCLUDING ADVERTISING,
2 PUBLICITY, PUBLICATIONS, DIRECT MARKETING, DIRECT SALES
3 AND PARTICIPATION IN TRAVEL TRADE SHOWS.

4 (2) THE COUNTY COMMISSIONERS MAY DEDUCT FROM THE FUNDS
5 COLLECTED ANY DIRECT OR INDIRECT COSTS ATTRIBUTABLE TO THE
6 COLLECTION OF THE TAX.

7 (F) EFFECTIVENESS OF PROVISIONS.--

8 (1) THE PROVISIONS OF THIS SECTION RELATING TO COUNTIES
9 OF THE SECOND CLASS SHALL REMAIN IN FORCE FROM YEAR TO YEAR.
10 THE FOLLOWING APPLY:

11 (I) REVENUE, IN EXCESS OF AMOUNTS NEEDED TO PAY THE
12 DISTRIBUTIONS UNDER SUBSECTION (B.1)(1), (2), (2.1), (3)
13 AND (4) AND TO OFFSET OPERATING DEFICITS UNDER
14 SUBSECTIONS (B.1)(3) AND (D), SHALL BE DETERMINED BY THE
15 PUBLIC AUTHORITY AND MAY BE ACCUMULATED.

16 (II) AT THE DISCRETION OF THE COOPERATING POLITICAL
17 SUBDIVISIONS AND THE PUBLIC AUTHORITY, ANY REVENUE MAY BE
18 USED TO:

19 (A) PROVIDE PART OR ALL OF AN ANNUAL PAYMENT TO
20 BE PAID BY A COUNTY OR A POLITICAL SUBDIVISION UNDER
21 AN AGREEMENT WITH A PUBLIC AUTHORITY CREATED UNDER
22 THE ACT OF JULY 29, 1953 (P.L.1034, NO.270), KNOWN AS
23 THE PUBLIC AUDITORIUM AUTHORITIES LAW, WHICH HAS BEEN
24 DESIGNATED AS THE OPERATING AGENCY FOR A CONVENTION
25 CENTER OR EXHIBITION HALL; OR

26 (B) EFFECT NECESSARY EXPANSION OR FURTHER
27 CAPITAL IMPROVEMENTS.

28 (2) THE PROVISIONS OF THIS SECTION RELATING TO COUNTIES
29 OF THE SECOND CLASS A SHALL REMAIN IN FORCE AND EFFECT FOR
30 THREE YEARS FROM FEBRUARY 14, 1986, AND MAY BE CONTINUED

1 THEREAFTER BY ORDINANCE OR RESOLUTION OF THE COUNTY
2 COMMISSIONERS OF THE RESPECTIVE COUNTIES.

3 (G) TAXABLE YEARS.--EACH TAXABLE YEAR FOR A TAX IMPOSED
4 UNDER THIS SECTION SHALL RUN CONCURRENTLY WITH THE CALENDAR
5 YEAR.

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

9 "CONSIDERATION." RECEIPTS, FEES, CHARGES, RENTALS, LEASES,
10 CASH, CREDITS, PROPERTY OR OTHER PAYMENT RECEIVED BY OPERATORS
11 IN EXCHANGE FOR OR IN CONSIDERATION OF THE USE OR OCCUPANCY BY A
12 TRANSIENT OF A ROOM IN A HOTEL FOR A TEMPORARY PERIOD.

13 "CONVENTION CENTER OR EXHIBITION HALL." A BUILDING OR SERIES
14 OF BUILDINGS:

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

18 (2) WHICH ARE NOT USED FOR THE RETAIL SALE OF
19 MERCHANDISE OR PART OF ANY SHOPPING CENTER, MALL OR OTHER
20 RETAIL CENTER;

21 (3) A MAJOR FUNCTION OF WHICH IS TO HOUSE MEETINGS,
22 EXHIBITIONS, SHOWS, CONVENTIONS, ASSEMBLIES, CONVOCATIONS,
23 AND SIMILAR GATHERINGS. THE TERM INCLUDES LAND APPURTENANT TO
24 THE BUILDING OR BUILDINGS.

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

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

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

1 "HOTEL." ANY OF THE FOLLOWING:

2 (1) ANY HOTEL, MOTEL, INN, GUEST HOUSE OR OTHER BUILDING
3 LOCATED WITHIN THE TAXING JURISDICTION WHICH HOLDS ITSELF OUT
4 BY ANY MEANS, INCLUDING ADVERTISING, LICENSE, REGISTRATION
5 WITH ANY INNKEEPER'S GROUP, CONVENTION LISTING ASSOCIATION,
6 TRAVEL PUBLICATION OR SIMILAR ASSOCIATION OR WITH ANY
7 GOVERNMENT AGENCY, AS BEING AVAILABLE TO PROVIDE OVERNIGHT
8 LODGING OR USE OF FACILITY SPACE FOR CONSIDERATION TO PERSONS
9 SEEKING TEMPORARY ACCOMMODATION.

10 (2) A PLACE WHICH ADVERTISES TO THE PUBLIC AT LARGE OR A
11 SEGMENT OF THE PUBLIC AT LARGE THAT IT WILL PROVIDE BEDS,
12 SANITARY FACILITIES OR OTHER SPACE FOR A TEMPORARY PERIOD TO
13 MEMBERS OF THE PUBLIC AT LARGE.

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

17 "MUNICIPALITY." NOTWITHSTANDING SECTION 8401 (RELATING TO
18 DEFINITIONS), A TOWNSHIP OR BOROUGH OR A HOME RULE MUNICIPALITY
19 WHICH WAS FORMERLY A TOWNSHIP OR BOROUGH.

20 "OCCUPANCY." THE USE OR POSSESSION OR THE RIGHT TO THE USE
21 OR POSSESSION BY ANY PERSON OTHER THAN A PERMANENT RESIDENT OF A
22 ROOM IN A HOTEL FOR ANY PURPOSE OR THE RIGHT TO THE USE OR
23 POSSESSION OF THE FURNISHINGS OR TO THE SERVICES ACCOMPANYING
24 THE USE AND POSSESSION OF THE ROOM.

25 "OPERATING DEFICIT." THE EXCESS OF EXPENSES OVER RECEIPTS
26 FROM THE OPERATION AND MANAGEMENT OF A CONVENTION CENTER OR
27 EXHIBITION HALL.

28 "OPERATOR." ANY INDIVIDUAL, PARTNERSHIP, NONPROFIT OR
29 PROFIT-MAKING ASSOCIATION OR CORPORATION OR OTHER PERSON OR
30 GROUP OF PERSONS THAT MAINTAIN, OPERATE, MANAGE, OWN, HAVE

1 CUSTODY OF OR OTHERWISE POSSESS THE RIGHT TO RENT OR LEASE
2 OVERNIGHT ACCOMMODATIONS IN A HOTEL TO THE PUBLIC FOR
3 CONSIDERATION.

4 "PATRON." A PERSON THAT PAYS THE CONSIDERATION FOR THE
5 OCCUPANCY OF A ROOM IN A HOTEL.

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

9 "RECOGNIZED TOURIST PROMOTION AGENCY." AS DEFINED IN SECTION
10 3(6) OF THE ACT OF APRIL 28, 1961 (P.L.111, NO.50), KNOWN AS THE
11 TOURIST PROMOTION LAW AND IN ACCORDANCE WITH THE TOURIST
12 PROMOTION LAW, THE NONPROFIT CORPORATION, ORGANIZATION,
13 ASSOCIATION OR AGENCY:

14 (1) WHICH IS AND HAS BEEN ENGAGED IN PLANNING AND
15 PROMOTING PROGRAMS DESIGNED TO STIMULATE AND INCREASE THE
16 VOLUME OF TOURIST, VISITOR AND VACATION BUSINESS WITHIN
17 COUNTIES IT SERVES; AND

18 (2) WHICH IS RECOGNIZED BY THE DEPARTMENT OF COMMUNITY
19 AND ECONOMIC DEVELOPMENT.

20 "REGIONAL TOURIST PROMOTION ACTIVITIES." SERVICES,
21 ACTIVITIES, FACILITIES AND EVENTS, WHICH RESULT IN A SIGNIFICANT
22 NUMBER OF NONRESIDENTS VISITING A COUNTY OF THE SECOND CLASS FOR
23 RECREATIONAL, CULTURAL OR EDUCATIONAL PURPOSES.

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

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

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

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

5 "TEMPORARY." A PERIOD OF TIME NOT EXCEEDING 30 CONSECUTIVE
6 DAYS.

7 "TRANSACTION." THE ACTIVITY INVOLVING THE OBTAINING BY A
8 TRANSIENT OR PATRON OF THE USE OR OCCUPANCY OF A HOTEL ROOM FROM
9 WHICH CONSIDERATION EMANATES TO THE OPERATOR UNDER AN EXPRESS OR
10 AN IMPLIED CONTRACT.

11 "TRANSIENT." AN INDIVIDUAL WHO OBTAINS ACCOMMODATION IN ANY
12 HOTEL FOR HIMSELF BY MEANS OF REGISTERING AT THE FACILITY FOR
13 THE TEMPORARY OCCUPANCY OF ANY ROOM FOR THE PERSONAL USE OF THAT
14 INDIVIDUAL BY PAYING TO THE OPERATOR OF THE FACILITY A FEE IN
15 CONSIDERATION FOR THE ACCOMMODATION.

16 SECTION 3. REPEALS ARE AS FOLLOWS:

17 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
18 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 53
19 PA.C.S. § 8721.

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

22 (3) ALL ACTS AND PARTS OF ACTS ARE REPEALED INSOFAR AS
23 THEY ARE INCONSISTENT WITH THIS ACT.

24 SECTION 4. THE ADDITION OF 53 PA.C.S. § 8721 IS A
25 CONTINUATION OF SECTION 1970.2 OF THE SECOND CLASS COUNTY CODE.
26 EXCEPT AS OTHERWISE PROVIDED IN 53 PA.C.S. § 8721, ALL
27 ACTIVITIES INITIATED UNDER SECTION 1970.2 OF THE SECOND CLASS
28 COUNTY CODE SHALL CONTINUE AND REMAIN IN FULL FORCE AND EFFECT
29 AND MAY BE COMPLETED UNDER 53 PA.C.S. § 8721. ORDERS,
30 REGULATIONS, RULES AND DECISIONS WHICH WERE MADE UNDER SECTION

1 1970.2 OF THE SECOND CLASS COUNTY CODE AND WHICH ARE IN EFFECT
2 ON THE EFFECTIVE DATE OF SECTION 3(2) OF THIS ACT SHALL REMAIN
3 IN FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED
4 UNDER 53 PA.C.S. § 8721. CONTRACTS, OBLIGATIONS AND COLLECTIVE
5 BARGAINING AGREEMENTS ENTERED INTO UNDER SECTION 1970.2 OF THE
6 SECOND CLASS COUNTY CODE ARE NOT AFFECTED NOR IMPAIRED BY THE
7 REPEAL OF SECTION 1970.2 OF THE SECOND CLASS COUNTY CODE.

8 Section 3 5. This act shall take effect in 60 days.

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