

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1177 Session of
2013

INTRODUCED BY LUCAS, MILLARD AND CALTAGIRONE, APRIL 15, 2013

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
JULY 2, 2014

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, PROVIDING FOR APPEAL OF DECISION BY <--
3 SCHOOL REFORM COMMISSION; further providing for initiative of
4 electors seeking consolidation or merger with new home rule
5 charter; providing for a hotel room rental tax in certain
6 third class counties; further providing for investment
7 authority funds; providing for authorization of a hotel tax
8 in certain counties of the fourth class, for second class
9 township hotel room rental tax and for local option cigarette
10 tax in school districts of the first class and for local
11 sales tax revenues in cities of the first class; and making
12 an editorial change.

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

15 ~~Section 1. Section 735.1(a), (c), (d)(3), (e)(3), (g)(1) <--~~
16 ~~and (l)(6) and (7) of Title 53 of the Pennsylvania Consolidated~~
17 ~~Statutes are amended and subsection (l) is amended by adding a~~
18 ~~paragraph to read:~~

19 SECTION 1. TITLE 53 OF THE PENNSYLVANIA CONSOLIDATED <--
20 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

21 § 303. APPEAL OF DECISION BY SCHOOL REFORM COMMISSION.

22 NOTWITHSTANDING THE PROVISIONS OF SECTION 696(I) OF THE ACT

1 OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL
2 CODE OF 1949, OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
3 FOLLOWING SHALL APPLY:

4 (1) A CHARTER SCHOOL APPLICANT MAY APPEAL A DECISION OF
5 A SCHOOL REFORM COMMISSION TO DENY AN APPLICATION TO
6 ESTABLISH A CHARTER SCHOOL IN A SCHOOL DISTRICT OF THE FIRST
7 CLASS TO THE CHARTER SCHOOL APPEAL BOARD ESTABLISHED UNDER
8 SECTION 1721-A OF THE PUBLIC SCHOOL CODE OF 1949.

9 (2) SECTION 1717-A(A), (C), (D), (E), (F), (G), (H) AND
10 (I) OF THE PUBLIC SCHOOL CODE OF 1949 SHALL APPLY TO AN
11 APPLICATION TO ESTABLISH A CHARTER SCHOOL IN A SCHOOL
12 DISTRICT OF THE FIRST CLASS.

13 (3) A SCHOOL REFORM COMMISSION SHALL BE CONSIDERED A
14 BOARD OF SCHOOL DIRECTORS OR A LOCAL BOARD OF SCHOOL
15 DIRECTORS AS SUCH TERMS ARE USED IN SECTION 1717-A OF THE
16 PUBLIC SCHOOL CODE OF 1949.

17 SECTION 1.1. SECTION 735.1(A), (C), (D)(3), (E)(3), (G)(1)
18 AND (L)(6) AND (7) OF TITLE 53 ARE AMENDED AND SUBSECTION (L) IS
19 AMENDED BY ADDING A PARAGRAPH TO READ:

20 § 735.1. Initiative of electors seeking consolidation or merger
21 with new home rule charter.

22 (a) General rule.--In order for a commission and
23 consolidation or merger proceedings to be initiated by petition
24 of electors, petitions containing signatures of at least 5% of
25 the number of electors voting for the office of Governor in the
26 last gubernatorial general election in each municipality
27 proposed to be consolidated or merged shall be filed with the
28 county board of elections of the county in which the
29 municipality, or the greater portion of its territory, is
30 located. The petition shall set forth:

1 (1) The name of the municipality from which the signers
2 of the petition were obtained.

3 (2) The names of the municipalities proposed to be
4 consolidated or merged.

5 (3) An estimated cost of the study commission.

6 (4) The number of persons to compose the commission.

7 (5) The petition question which shall read as follows:

8 Shall a Government Study Commission of (seven, nine
9 or eleven) members be elected to study the issue of
10 consolidation or merger of (municipalities to be
11 consolidated or merged); to provide a recommendation
12 on consolidation or merger; to consider the
13 advisability of the adoption of a new home rule
14 charter; and to draft a new home rule charter, if
15 recommended in the report of the commission?

16 (6) The petition shall also include the following
17 statement:

18 Only municipalities voting in the affirmative on the
19 question will be held responsible for the costs of
20 the study commission.

21 * * *

22 [(c) Contents.--A petition shall set forth:

23 (1) The name of the municipality from which the signers
24 of the petition were obtained.

25 (2) The names of the municipalities proposed to be
26 consolidated or merged.

27 (3) The number of persons to compose the commission.

28 (4) The petition question which shall read as follows:

29 Shall a Government Study Commission of (seven, nine
30 or eleven) members be elected to study the issue of

1 consolidation or merger of (municipalities to be
2 consolidated or merged); to provide a recommendation
3 on consolidation or merger; to consider the
4 advisability of the adoption of a new home rule
5 charter; and to draft a new home rule charter, if
6 recommended in the report of the commission?]

7 (d) Filing of petition and duty of election board.--

8 * * *

9 (3) At the next general, municipal or primary election
10 occurring not less than the 13th Tuesday after the filing of
11 the petition with the county board of elections, it shall
12 cause the appropriate question and statement listed under
13 subsection (a) (5) and (6) to be submitted to the electors of
14 each of the municipalities proposed to be consolidated or
15 merged in the same manner as other questions are submitted
16 under the act of June 3, 1937 (P.L.1333, No.320), known as
17 the Pennsylvania Election Code.

18 (e) Election of members of commission.--

19 * * *

20 (3) Each elector shall be instructed to vote on the
21 question and, regardless of the manner of his vote on the
22 question, to vote for the designated number of members of the
23 commission who shall serve if the question is or has been
24 determined in the affirmative by the majority of the whole of
25 those voting in all the municipalities impacted by the
26 consolidation or merger.

27 * * *

28 (g) Results of election.--

29 (1) The result of the votes cast for and against the
30 question as to the election of a commission and consolidation

1 and merger proceedings shall be returned by the election
2 officers, and a canvass of the election had, as is provided
3 by law in the case of other public questions put to the
4 electors. The votes cast for members of the commission shall
5 be counted and the result returned by the county board of
6 electors of the county in which the municipality, or the
7 greater portion of its territory, is located, and a canvass
8 of the election had, as is provided by law in the case of
9 election of members of municipal councils or boards. If a
10 majority of the whole in the municipalities proposed to be
11 consolidated or merged vote in the affirmative on the
12 question, then the commission shall be formed to study the
13 issue of consolidation or merger and to make recommendations
14 as set forth in the question. The designated number of
15 candidates receiving the greatest number of votes shall be
16 elected and shall constitute the commission. If a majority of
17 [those] the whole in the municipalities voting on the
18 question vote against the election of the commission, none of
19 the candidates shall be elected. If two or more candidates
20 for the last seat shall be equal in number of votes, they
21 shall draw lots to determine which one shall be elected.

22 * * *

23 (1) Compensation, personnel and commission budget.--

24 * * *

25 (6) No later than 15 days after the submission of a
26 budget in accordance with paragraphs (4) or (5), a joint
27 public hearing of the commission and the governing bodies of
28 the municipalities shall be held. The governing bodies of the
29 municipalities to be consolidated or merged may, by
30 agreement, modify any budget submitted by the commission. A

1 governing body of a municipality to be consolidated or merged
2 may approve appropriations to the commission in conformity
3 with its share of the modified budget as determined in
4 accordance with paragraph (7) or (7.1). Any unreasonable
5 modification of the budget may be subject to an action as
6 provided in paragraph (8) in the court of common pleas of any
7 county wherein a municipality to be consolidated or merged
8 lies.

9 (7) [The] If a majority in each of the municipalities to
10 be consolidated or merged vote in favor of establishing a
11 commission, the municipalities [to be consolidated or merged]
12 may, by agreement, determine the share that each municipality
13 shall appropriate to fund the estimated budget of the
14 commission. If no agreement as to the respective amount that
15 each municipality shall appropriate is reached, each
16 municipality shall appropriate funds equal to its pro rata
17 share of the total estimated budget of the commission based
18 upon its share of population to the total population of the
19 municipalities to be consolidated or merged.

20 (7.1) When a commission is formed to study consolidation
21 or merger by a vote of the whole in the municipalities
22 considering the question, the municipalities that vote in the
23 affirmative shall be responsible for funding the budget of
24 the commission. Any municipalities that vote in the negative
25 on the question shall not be responsible for the budget costs
26 of the commission.

27 * * *

28 Section 2. Section 5611(d) of Title 53 is amended by adding
29 a paragraph to read:

30 § 5611. Investment of authority funds.

1 * * *

2 (d) Types.--Authorized types of investments for authority
3 funds shall be:

4 * * *

5 (7) Commercial paper rated in the highest rating
6 category, without reference to a subcategory, by a rating
7 agency. This paragraph shall only apply to an airport
8 authority board in a county of the second class.

9 * * *

10 Section 3. The heading of section 8721 of Title 53 is
11 amended to read:

12 § 8721. Hotel room rental in certain counties of the second
13 class and second class A.

14 * * *

15 Section 4. Title 53 is amended by adding sections to read:

16 § 8722. Hotel room rental tax in certain third class counties.

17 (a) General rule.--A county may, by ordinance, impose a tax
18 which shall be known as a hotel room rental tax on the
19 consideration received by each operator of a hotel within the
20 county from each transaction of renting a room or rooms to
21 accommodate transients. The tax shall be collected by the
22 operator from the patron of the room and paid over to the county
23 where the hotel is located as provided under this section.

24 (b) Rate.--The rate of the tax imposed under this section
25 shall not exceed ~~5%~~ 2%, IN ADDITION TO THE TAX IMPOSED UNDER <--
26 SECTION 1770.2 OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),
27 KNOWN AS THE COUNTY CODE.

28 (c) Collection.--The treasurer of each county electing to
29 impose the tax authorized under this section shall collect the
30 tax and deposit the revenues received from the tax in a special

1 fund established for that purpose. Subsequent to the deduction
2 for administrative costs established in subsection (f), the
3 county shall distribute to the recognized tourist promotion
4 agency all revenues received from the tax not later than 60 days
5 after receipt of the tax revenues. The revenues from the special
6 fund shall be used by the recognized tourist promotion agency
7 for any or all of the following purposes:

8 (1) Convention promotion.

9 (2) Marketing the area served by the agency as a leisure
10 travel destination.

11 (3) Marketing the area served by the agency as a
12 business travel destination.

13 (4) Using all appropriate marketing tools to accomplish
14 these purposes, including, but not limited to, advertising,
15 publicity, publications, direct marketing, direct sales and
16 participation in industry trade shows.

17 (5) Projects or programs that are directly and
18 substantially related to tourism within the county, augment
19 and do not unduly compete with private sector tourism efforts
20 and improve and expand the county as a destination market.

21 (6) Any other tourism marketing or promotion program
22 deemed necessary by the recognized tourist promotion agency.

23 (d) Tax year.--Each tax year for any tax imposed under this
24 section shall run concurrently with the county's fiscal year.

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

30 (f) Administrative fee.--For the purposes of defraying costs

1 associated with the collection of the tax imposed under this
2 section and otherwise performing its obligations under this
3 section, a county is hereby authorized to deduct and retain an
4 administrative fee from the taxes collected hereunder. Such
5 administrative fee shall be established by the county but shall
6 not exceed in any tax year the lesser of:

7 (1) two percent of all taxes collected under this
8 section; or

9 (2) fifty thousand dollars, which amount shall be
10 adjusted annually, beginning one year after the date of
11 enactment, by the the percentage growth in the Consumer Price
12 Index for All Urban Consumers as determined by the United
13 States Department of Labor.

14 (g) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection unless the context clearly indicates otherwise:

17 "Consideration." Receipts, fees, charges, rentals, leases,
18 cash, credits, property of any kind or nature or other payment
19 received by operators in exchange for or in consideration of the
20 use or occupancy by a transient of a room or rooms in a hotel
21 for a temporary period.

22 "County." Any county of the third class having a population
23 under the ~~most recent~~ 2010 Federal decennial census in excess of <--
24 430,000 residents but less than 440,000 residents.

25 "Hotel." A hotel, motel, inn, guesthouse or other structure
26 which holds itself out by any means, including advertising,
27 license, registration with an innkeepers' group, convention
28 listing association, travel publication or similar association
29 or with a government agency, as being available to provide
30 overnight lodging for consideration to persons seeking temporary

1 accommodation; any place which advertises to the public at large
2 or any segment thereof that it will provide beds, sanitary
3 facilities or other space for a temporary period to members of
4 the public at large; or any place recognized as a hostelry. The
5 term does not include any portion of a facility that is devoted
6 to persons who have an established permanent residence or a
7 college or university student residence hall or any private
8 campground or any cabins, public campgrounds or other facilities
9 located on State land.

10 "Operator." Any individual, partnership, nonprofit or
11 profit-making association or corporation or other person or
12 group of persons who maintain, operate, manage, own, have
13 custody of or otherwise possess the right to rent or lease
14 overnight accommodations in a building to the public for
15 consideration.

16 "Patron." Any person who pays the consideration for the
17 occupancy of a room or rooms in a hotel.

18 "Permanent resident." Any person who has occupied or has the
19 right to occupy a room or rooms in a hotel as a patron or
20 otherwise for a period exceeding 30 consecutive days.

21 "Recognized tourist promotion agency." The nonprofit
22 corporation, organization, association or agency which is
23 engaged in planning and promoting programs designed to stimulate
24 and increase the volume of tourist, visitor and vacation
25 business within counties served by the agency as that term is
26 provided under the act of July 4, 2008 (P.L.621, No.50), known
27 as the Tourism Promotion Act.

28 "Room." A space in a building set aside for use and
29 occupancy by patrons, or otherwise, for consideration, having at
30 least one bed or other sleeping accommodations provided.

1 "Temporary resident." Any person who has occupied or has the
2 right to occupy a room or rooms in a hotel as a patron or
3 otherwise for a period of time not exceeding 30 consecutive
4 days.

5 "Transaction." The activity involving the obtaining by a
6 transient or patron of the use or occupancy of a hotel room from
7 which consideration emanates to the operator under an expressed
8 or implied contract.

9 "Transient." Any person who obtains an accommodation in any
10 hotel for the person by means of registering at the facility for
11 the temporary occupancy of a room for the personal use of that
12 person by paying to the operator of the facility a fee in
13 consideration therefor.

14 ~~§ 8723. Hotel room rental tax in fourth class counties with a~~ <--
15 ~~population between 149,000 and 152,000 residents.~~

16 ~~(a) Authorization The county commissioners of any county of~~
17 ~~the fourth class having a population under the most recent~~
18 ~~Federal decennial census in excess of 149,000 residents, but~~
19 ~~less than 152,000 residents, may impose a hotel tax not to~~
20 ~~exceed 5% of the consideration received by each operator of a~~
21 ~~hotel within the county from each transaction of renting a room~~
22 ~~or rooms to transients. The tax shall be collected by the~~
23 ~~operator from the patron of the room or rooms and paid over to~~
24 ~~the county as provided under this section.~~

25 ~~(b) Records. The provisions of subsection (c)~~
26 ~~notwithstanding, county commissioners may by ordinance impose~~
27 ~~requirements for keeping of records, the filing of tax returns~~
28 ~~and the time and manner of collection and payment of tax. The~~
29 ~~county commissioners may also impose by ordinance penalties and~~
30 ~~interest for failure to comply with recordkeeping, filing,~~

1 ~~collection and payment requirements.~~

2 ~~(c) Audit. Each operator of a hotel within a county that~~
3 ~~imposes the tax authorized under this section shall submit to an~~
4 ~~audit of hotel tax revenue. The audit shall be conducted by the~~
5 ~~county commissioners and shall consist, at a minimum, of~~
6 ~~determining the total amount of consideration received by the~~
7 ~~operator from transactions of renting a room or rooms to~~
8 ~~transients during the period being audited and the total amount~~
9 ~~of hotel tax revenue collected. The county commissioners or~~
10 ~~their duly authorized agents shall conduct at least one audit~~
11 ~~annually and shall bear the costs of the audit.~~

12 ~~(d) (Reserved).~~

13 ~~(e) Collection, deposit and disposition. The treasurer of~~
14 ~~each county that imposes the tax authorized under this section~~
15 ~~shall collect the tax and deposit the revenues received from the~~
16 ~~tax in a special fund established for that purpose. Subject to~~
17 ~~the deduction of the administrative fee authorized by subsection~~
18 ~~(h), the disposition of the revenues from the special fund shall~~
19 ~~be as follows:~~

20 ~~(1) Seventy five percent of all revenues received per~~
21 ~~annum shall be used by the county's recognized TPA for the~~
22 ~~promotion, advertising and marketing of tourism and special~~
23 ~~events and for administrative costs.~~

24 ~~(2) Twenty five percent of all revenues received per~~
25 ~~annum shall be distributed as follows:~~

26 ~~(i) Fifty percent shall be used by the county~~
27 ~~commissioners for the purposes of economic development,~~
28 ~~historic preservation and the arts. The county~~
29 ~~commissioners shall use 10% of the funds received under~~
30 ~~this subparagraph for grants to municipalities that each~~

1 ~~have at least 20,000 residents.~~

2 ~~(ii) Fifty percent shall be used by the county~~
3 ~~commissioners for grants to municipalities that:~~

4 ~~(A) have a municipal police department employing~~
5 ~~at least two full time police officers assigned to~~
6 ~~law enforcement duties who work a minimum of 200 days~~
7 ~~per year; or~~

8 ~~(B) are a member of a regional police department~~
9 ~~that provides full time police services to the~~
10 ~~municipality pursuant to an agreement or contract.~~

11 ~~(iii) Municipalities receiving grants under~~
12 ~~subparagraph (ii) must meet or have met the eligibility~~
13 ~~requirements under subparagraph (ii) (A) or (B) for a~~
14 ~~minimum of two years prior to receiving the grant.~~

15 ~~(f) Grants. Grants under subsection (c) (2) (ii) shall be~~
16 ~~distributed to municipalities in proportion to the number of~~
17 ~~hotel rooms within the municipality as a percentage of the total~~
18 ~~number of hotel rooms in municipalities with police departments~~
19 ~~under subsection (c) (2) (ii) as compiled by the recognized TPA~~
20 ~~and certified by the county commissioners. Grants shall be used~~
21 ~~for police and law enforcement purposes. Any portion of a grant~~
22 ~~not used for police and law enforcement purposes shall be~~
23 ~~returned to the county for the purposes of subsection (d) (2) (i).~~

24 ~~(g) Tax year. The tax year for a tax imposed under this~~
25 ~~section shall run concurrently with the calendar year.~~

26 ~~(h) Audited report. An audited report on the income and~~
27 ~~expenditures incurred by a TPA receiving any revenues from the~~
28 ~~tax authorized under this section shall be submitted annually by~~
29 ~~the TPA to the county commissioners.~~

30 ~~(i) Administrative fee. The county may deduct and retain an~~

~~1 administrative fee from the taxes collected under this section.
2 The administrative fee established by the county may not exceed
3 in any tax year the lesser of:~~

~~4 (1) four and one half percent of all taxes collected
5 under this section; or~~

~~6 (2) ninety five thousand dollars, which amount shall be
7 adjusted biannually, beginning two years after the effective
8 date of this subsection, by the percentage growth in the
9 Consumer Price Index for All Urban Consumers.~~

~~10 (j) Use of fee. Revenue collected from the fee imposed
11 under subsection (i) shall be used for the following purposes:~~

~~12 (1) Defraying the costs associated with the collection
13 and administration of the tax.~~

~~14 (2) Defraying the costs of the audit required under
15 subsection (c).~~

~~16 (k) Definitions. As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection unless the context clearly indicates otherwise:~~

~~19 "Consideration." Receipts, fees, charges, rentals, leases,
20 cash, credits, property of any kind or nature, or other payment
21 received by operators in exchange for or in consideration of the
22 use or occupancy by a transient of a room or rooms in a hotel
23 for any temporary period.~~

~~24 "Hotel." A hotel, motel, inn, guest house or other structure
25 which holds itself out by any means, including advertising,
26 license, registration with an innkeepers' group, convention
27 listing association, travel publication or similar association
28 or with a government agency, as being available to provide
29 overnight lodging or use of facility space for consideration to
30 persons seeking temporary accommodation; any place which~~

1 ~~advertises to the public at large or any segment thereof that it~~
2 ~~will provide beds, sanitary facilities or other space for a~~
3 ~~temporary period to members of the public at large; or any place~~
4 ~~recognized as a hostelry. The term does not include any portion~~
5 ~~of a facility that is devoted to persons who have an established~~
6 ~~permanent residence or a college or university student residence~~
7 ~~hall.~~

8 ~~"Occupancy." The use or possession or the right to the use~~
9 ~~or possession by any person other than a permanent resident of~~
10 ~~any 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 ~~"Operator." An individual, partnership, nonprofit or profit~~
14 ~~making association or corporation or other person or group of~~
15 ~~persons who maintain, operate, manage, own, have custody of or~~
16 ~~otherwise possess the right to rent or lease overnight~~
17 ~~accommodations in a hotel to the public for consideration.~~

18 ~~"Patron." A person who pays the consideration for the~~
19 ~~occupancy of a room or rooms in a hotel.~~

20 ~~"Permanent resident." A person who has occupied or has the~~
21 ~~right to occupancy of a room or rooms in a hotel as a patron or~~
22 ~~otherwise for a period exceeding thirty consecutive days.~~

23 ~~"Room." A space in a hotel set aside for use and occupancy~~
24 ~~by patrons, or otherwise, for consideration, having at least one~~
25 ~~bed or other sleeping accommodation in a room or group of rooms.~~

26 ~~"Tourist Promotion Agency (TPA)." An organization, agency or~~
27 ~~corporation designated to be such by the board of commissioners~~
28 ~~as of January 1, 2000, 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 July 4, 2008 (P.L.621, No.50), known as the~~
2 ~~"Tourism Promotion Act."~~

3 ~~"Transaction." The activity involving the obtaining by a~~
4 ~~transient or patron of the use or occupancy of a hotel room from~~
5 ~~which consideration is payable to the operator under an express~~
6 ~~or an implied contract.~~

7 ~~"Transient." An individual who obtains accommodation in a~~
8 ~~hotel by means of registering at the facility for the temporary~~
9 ~~occupancy of a room for the personal use of the individual by~~
10 ~~paying a fee to the operator.~~

11 ~~§ 8724. Hotel room rental tax in second class township.~~

12 ~~(a) Tax. Notwithstanding any other provision of law to the~~
13 ~~contrary, the governing body of a township of the second class~~
14 ~~with a population of more than 60,000 and less than 61,000 based~~
15 ~~on the most recent Federal decennial census, and which is~~
16 ~~located within a county of the second class A, may impose an~~
17 ~~excise tax on the consideration received by each operator of a~~
18 ~~hotel from each transaction of renting a room to accommodate a~~
19 ~~transient. If levied, the tax shall be collected by the operator~~
20 ~~from the patron of the room and paid over to the township and~~
21 ~~shall be known as the second class township hotel room rental~~
22 ~~tax.~~

23 ~~(b) Rate. The rate of the tax imposed under this section~~
24 ~~shall not exceed 3%.~~

25 ~~(c) Importation. A township electing to impose the tax~~
26 ~~shall by ordinance or resolution provide for the creation or~~
27 ~~designation of a political subdivision, public employee, tax~~
28 ~~bureau or public or private agency to collect the tax and~~
29 ~~deposit the revenues received from the tax in a special fund.~~
30 ~~The revenues from the special fund shall be used by the township~~

1 ~~for the provision of police and emergency services.~~

2 ~~(d) Year. Each tax year when a tax is imposed under this~~
3 ~~section shall run concurrently with the township's fiscal year.~~

4 ~~(e) Limitations. Section 301.1(f) (3) of the act of December~~
5 ~~31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling~~
6 ~~Act, shall not apply to the second class township hotel room~~
7 ~~rental tax imposed under this section.~~

8 ~~(f) Definitions. As used in this section, the following~~
9 ~~words and phrases shall have the meanings given to them in this~~
10 ~~subsection unless the context clearly indicates otherwise:~~

11 ~~"Bed and breakfast" or "homestead." A public accommodation~~
12 ~~consisting of a private residence which contains ten or fewer~~
13 ~~bedrooms used for providing overnight accommodations to the~~
14 ~~public and in which breakfast is the only meal served and the~~
15 ~~charge for breakfast is included in the charge for the room.~~

16 ~~"Consideration." Receipts, fees, charges, rentals, leases,~~
17 ~~cash, credits, property of any kind or nature or other payment~~
18 ~~received by an operator in exchange for or in consideration of~~
19 ~~the use or occupancy by a transient of a room in a hotel for a~~
20 ~~temporary period.~~

21 ~~"Hotel." Includes any of the following:~~

22 ~~(1) hotel, motel, bed and breakfast, homestead, inn,~~
23 ~~guest house or other structure which holds itself out by any~~
24 ~~means, including advertising, license, registration with an~~
25 ~~innkeepers' group, convention listing association, travel~~
26 ~~publication or similar association or with a government~~
27 ~~agency, as being available to provide overnight lodging or~~
28 ~~use of facility space for consideration to persons seeking~~
29 ~~temporary accommodation;~~

30 ~~(2) any place which advertises to the public at large or~~

~~any segment of the public that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or~~

~~(3) any place recognized as a hostelry.~~

~~The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall or any private campground or any cabins, public campgrounds or other facilities located on State land.~~

~~"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.~~

~~"Operator." An individual, partnership, nonprofit or profit making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.~~

~~"Patron." A person who pays the consideration for the occupancy of a room in a hotel.~~

~~"Permanent resident." A person who has occupied or has the right to occupancy of a room in a hotel as a patron or otherwise for a period of more than 30 consecutive days.~~

~~"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.~~

~~"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration is payable to the operator under an express~~

1 ~~or an implied contract.~~

2 ~~"Transient." An individual who obtains accommodation in a~~
3 ~~hotel by means of registering at the facility for the temporary~~
4 ~~occupancy of a room for the personal use of the individual by~~
5 ~~paying a fee to the operator.~~

6 ~~§ 8725. Hotel room rental tax in fourth class counties with a~~
7 ~~population between 148,000 and 149,000 residents.~~

8 ~~§ 8723. HOTEL ROOM RENTAL TAX IN CERTAIN FOURTH CLASS COUNTIES. <--~~

9 ~~(a) General rule. A county may, by ordinance, impose a tax~~
10 ~~which shall be known as a hotel room rental tax on the~~
11 ~~consideration received by each operator of a hotel within the~~
12 ~~county from each transaction of renting a room or rooms to~~
13 ~~accommodate transients. The tax shall be collected by the~~
14 ~~operator from the patron of the room and paid over to the county~~
15 ~~where the hotel is located as provided under this section.~~

16 ~~(b) Rate. The rate of the tax imposed under this section~~
17 ~~shall not exceed 2%, in addition to the tax imposed under~~
18 ~~section 1770.2 of the act of August 9, 1955 (P.L.323, No.130),~~
19 ~~known as The County Code.~~

20 ~~(c) Collection. The treasurer of each county electing to~~
21 ~~impose the tax authorized under this section shall collect the~~
22 ~~tax and deposit the revenues received from the tax in a special~~
23 ~~fund established for that purpose. The governing authority shall~~
24 ~~distribute to county programs, by resolution or ordinance, all~~
25 ~~revenues received from the tax not later than 60 days after~~
26 ~~receipt of the tax revenues.~~

27 ~~(d) Tax year. Each tax year for any tax imposed under this~~
28 ~~section shall run concurrently with the county's fiscal year.~~

29 ~~(e) Definitions. As used in this section, the following~~
30 ~~words and phrases shall have the meanings given to them in this~~

1 ~~subsection unless the context clearly indicates otherwise:~~

2 ~~"Consideration." Receipts, fees, charges, rentals, leases,~~
3 ~~cash, credits, property of any kind or nature or other payment~~
4 ~~received by operators in exchange for or in consideration of the~~
5 ~~use or occupancy by a transient of a room or rooms in a hotel~~
6 ~~for a temporary period.~~

7 ~~"County." Any county of the fourth class having a population~~
8 ~~under the most recent 2010 Federal decennial census in excess of <--~~
9 ~~148,000 residents but less than 149,000 residents.~~

10 ~~"Hotel." A hotel, motel, inn, guesthouse or other structure~~
11 ~~which holds itself out by any means, including advertising,~~
12 ~~license, registration with an innkeepers' group, convention~~
13 ~~listing association, travel publication or similar association~~
14 ~~or with a government agency, as being available to provide~~
15 ~~overnight lodging for consideration to persons seeking temporary~~
16 ~~accommodation; any place which advertises to the public at large~~
17 ~~or any segment thereof that it will provide beds, sanitary~~
18 ~~facilities or other space for a temporary period to members of~~
19 ~~the public at large; or any place recognized as a hostelry. The~~
20 ~~term does not include any portion of a facility that is devoted~~
21 ~~to persons who have an established permanent residence or a~~
22 ~~college or university student residence hall or any private~~
23 ~~campground or any cabins, public campgrounds or other facilities~~
24 ~~located on State land.~~

25 ~~"Operator." Any individual, partnership, nonprofit or~~
26 ~~profit making association or corporation or other person or~~
27 ~~group of persons who maintains, operates, manages, owns, has~~
28 ~~custody of or otherwise possesses the right to rent or leases~~
29 ~~overnight accommodation in a building to the public for~~
30 ~~consideration.~~

1 ~~"Patron." Any person who pays the consideration for the~~
2 ~~occupancy of a room or rooms in a hotel.~~

3 ~~"Permanent resident." Any person who has occupied or has the~~
4 ~~right to occupy a room or rooms in a hotel as a patron otherwise~~
5 ~~for a period exceeding 30 consecutive days.~~

6 ~~"Room." A space in a building set aside for use and~~
7 ~~occupancy by patrons, or otherwise, for consideration, having at~~
8 ~~least one bed or other sleeping accommodations provided.~~

9 ~~"Temporary resident." Any person who has occupied or has the~~
10 ~~right to occupy a room or rooms in a hotel as a patron otherwise~~
11 ~~for a period of time not exceeding 30 consecutive days.~~

12 ~~"Transaction." The activity involving the obtaining by a~~
13 ~~transient or patron of the use or occupancy of a hotel room from~~
14 ~~which consideration emanates to the operator under an expressed~~
15 ~~or implied contract.~~

16 ~~"Transient." Any person who obtains an accommodation in any~~
17 ~~hotel for the person by means of registering at the facility for~~
18 ~~the temporary occupancy of a room for the personal use of that~~
19 ~~person by paying to the operator of the facility a fee in~~
20 ~~consideration therefor. (RESERVED).~~ <--

21 ~~§ 8726 8724. Hotel room rental tax in CERTAIN OTHER fourth~~ <--
22 ~~class counties with a population between 205,000 and~~ <--
23 ~~210,000 residents.~~

24 ~~(a) General rule.--A county may, by ordinance, impose a tax~~
25 ~~which shall be known as a hotel room rental tax on the~~
26 ~~consideration received by each operator of a hotel within the~~
27 ~~county from each transaction of renting a room or rooms to~~
28 ~~accommodate transients. The tax shall be collected by the~~
29 ~~operator from the patron of the room and paid over to the county~~
30 ~~where the hotel is located as provided under this section.~~

1 (b) Rate.--The rate of the tax imposed under this section
2 shall not exceed 5%. 2%, IN ADDITION TO THE TAX IMPOSED UNDER
3 SECTION 1770.6 OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),
4 KNOWN AS THE COUNTY CODE.

5 (c) Collection.--The treasurer of each county electing to
6 impose the tax authorized under this section shall collect the
7 tax and deposit the revenues received from the tax in a special
8 fund established for that purpose. Subsequent to the deduction
9 for administrative costs established in subsection (f), the
10 county shall distribute to a recognized tourist promotion agency
11 for the county all revenues received from the tax not later than
12 60 days after receipt of the tax revenues.

13 (d) Tax year.--Each tax year for any tax imposed under this
14 section shall run concurrently with the county's fiscal year.

15 (e) (Reserved).

16 (f) Administrative fee.--For the purposes of defraying costs
17 associated with the collection of the tax imposed under this
18 section and otherwise performing its obligations under this
19 section, a county is hereby authorized to deduct and retain an
20 administrative fee from the taxes collected hereunder. Such
21 administrative fee shall be established by the county but shall
22 not exceed in any tax year the lesser of:

23 (1) two percent of all taxes collected under this
24 section; or

25 (2) fifty thousand dollars, which amount shall be
26 adjusted annually, beginning one year after the date of
27 enactment, by the the percentage growth in the Consumer Price
28 Index for All Urban Consumers as determined by the United
29 States Department of Labor.

30 (g) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Consideration." Receipts, fees, charges, rentals, leases,
4 cash, credits, property of any kind or nature or other payment
5 received by operators in exchange for or in consideration of the
6 use or occupancy by a transient of a room or rooms in a hotel
7 for a temporary period.

8 "County." Any county of the fourth class having a population
9 during the ~~most recent~~ 2010 Federal decennial census in excess <--
10 of 205,000 residents but less than 210,000 residents.

11 "Hotel." A hotel, motel, inn, guesthouse or other structure
12 which holds itself out by any means, including advertising,
13 license, registration with an innkeepers' group, convention
14 listing association, travel publication or similar association
15 or with a government agency, as being available to provide
16 overnight lodging for consideration to persons seeking temporary
17 accommodation; any place which advertises to the public at large
18 or any segment thereof that it will provide beds, sanitary
19 facilities or other space for a temporary period to members of
20 the public at large; or any place recognized as a hostelry. The
21 term does not include a college or university student residence
22 hall or any private campground or any cabins, public campgrounds
23 or other facilities located on State land.

24 "Operator." Any individual, partnership, nonprofit or
25 profit-making association or corporation or other person or
26 group of persons who maintain, operate, manage, own, have
27 custody of or otherwise possess the right to rent or lease
28 overnight accommodations in a building to the public for
29 consideration.

30 "Patron." Any person who pays the consideration for the

1 occupancy of a room or rooms in a hotel.

2 "Room." A space in a building set aside for use and
3 occupancy by patrons, or otherwise, for consideration, having at
4 least one bed or other sleeping accommodations provided.

5 "Transaction." The activity involving the obtaining by a
6 transient or patron of the use or occupancy of a hotel room from
7 which consideration emanates to the operator under an expressed
8 or implied contract.

9 "Transient." Any person who obtains an accommodation in any
10 hotel for the person by means of registering at the facility for
11 the temporary occupancy of a room for the personal use of that
12 person by paying to the operator of the facility a fee in
13 consideration therefor.

14 § 8727 8725. Local option cigarette tax in school districts of <--
15 the first class.

16 (a) Authorization.--The following shall apply:

17 (1) A school district may, if authorized by ordinance of
18 the governing body of a city of the first class adopted prior
19 to or after the effective date of this section, impose and
20 assess an excise tax upon the sale or possession of
21 cigarettes within the school district at a rate of 10¢ per
22 cigarette. Only one sale shall be taxable and used in
23 computing the amount of tax due, whether the sale is of
24 individual cigarettes, packages, cartons or cases.

25 (2) The governing body of the city of the first class
26 and school district may amend, respectively, the ordinance
27 authorizing the imposition of the tax and the resolution
28 imposing the tax authorized by this section to reflect the
29 provisions of this section in the fiscal year in which this
30 section takes effect.

1 (b) Exception.--The tax authorized under subsection (a) may
2 not be levied upon the possession or sale of any cigarette that
3 is exempt from, or which is otherwise not subject to, levy under
4 Article XII of the Tax Reform Code and the regulations
5 promulgated under that article.

6 (c) Collection.--

7 (1) The tax authorized under subsection (a) shall be
8 collected and remitted to the department in the same manner
9 as the tax imposed under Article XII of the Tax Reform Code.
10 The regulations promulgated under section 1291 of the Tax
11 Reform Code shall be applicable to the tax authorized under
12 subsection (a) insofar as the regulations are consistent with
13 this section.

14 (2) Unless the department promulgates regulations to the
15 contrary under subsection (d), any stamp affixed under
16 section 1215 of the Tax Reform Code shall also reflect
17 payment of any tax authorized under this section.

18 (3) The provisions of section 1216 of the Tax Reform
19 Code shall not apply to any tax authorized under this
20 section.

21 (d) Administration.--The department shall administer and
22 enforce the provisions of this section and may promulgate and
23 enforce any rules and regulations not inconsistent with the
24 provisions of this section.

25 (e) Reimbursement of costs.--From the tax collected under
26 this section, the department may retain a sum of the costs of
27 collection and shall, on a monthly basis, notify in writing the
28 school district imposing the tax of the sum retained and the
29 costs of collection under this section. Annually, the department
30 shall estimate its cost of collection under this section for the

1 next succeeding fiscal year and shall provide the estimate to
2 the school district.

3 (f) Certified copy of ordinance RESOLUTION to department.--A <--
4 school district that adopts a resolution:

5 (1) To impose the tax authorized under this section or
6 to change the rate of the tax shall provide a certified copy
7 of the resolution to the department not later than 20 days
8 prior to the effective date of the tax or change to the tax.

9 (2) To repeal the tax authorized under this section
10 shall provide a certified copy of the resolution to the
11 department not later than 30 days prior to the effective date
12 of the repeal.

13 (g) Effective date.--The effective date of any tax
14 authorized under this section or change to the tax shall be no
15 earlier than 30 days after the adoption of the resolution or
16 ordinance.

17 (h) Local Cigarette Tax Fund.--

18 (1) The Local Cigarette Tax Fund is established in the
19 State Treasury and the State Treasurer shall be custodian of
20 the fund. The fund shall be subject to the provisions of law
21 applicable to funds listed in section 302 of the act of April
22 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

23 (2) The tax imposed under subsection (a) shall be
24 received by the department and paid to the State Treasurer
25 and, along with interest and penalties, less any collection
26 costs allowed under this section and any refunds and credits
27 paid, shall be credited to the fund not less frequently than
28 every two weeks. During any period prior to the credit of
29 moneys to the fund, interest earned on moneys received by the
30 department and paid to the State Treasurer under this section

1 shall be deposited into the fund.

2 (3) Moneys credited to the fund shall be property of the
3 school district and shall be distributed as provided in this
4 section. The money in the fund, including, but not limited
5 to, money credited to the fund under this section, prior year
6 encumbrances and the interest earned thereon, shall not lapse
7 or be transferred to any other fund, but shall remain in the
8 fund and must be used exclusively as provided in this
9 section.

10 (4) Pending their disbursement to the school district,
11 moneys received on behalf of or deposited into the fund shall
12 be invested or reinvested as are other funds in the custody
13 of the State Treasurer in the manner provided by law. The
14 earnings received from the investment or deposit of the funds
15 shall be credited to the fund.

16 (i) Disbursement to school district.--On or before the 10th
17 day of every month, the State Treasurer shall disburse to the
18 school district imposing the tax under this section the total
19 amount of moneys which are, as of the last day of the previous
20 month, contained in the fund.

21 (j) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 "Cigarette." As defined in section 1201 of the Tax Reform
25 Code.

26 "Department." The Department of Revenue of the Commonwealth.

27 "Fund." The Local Cigarette Tax Fund established under this
28 section.

29 "Sale." As defined in section 1201 of the Tax Reform Code.

30 "School district." A school district of the first class

1 coterminous with a city of the first class.

2 "Tax Reform Code." The act of March 4, 1971 (P.L.6, No.2),
3 known as the Tax Reform Code of 1971.

4 § ~~8728~~ 8726. Local sales tax revenues in cities of the first <--
5 class.

6 Notwithstanding the provisions of section 696 of the act of
7 March 10, 1949 (P.L.30, No.14), known as the Public School Code
8 of 1949, an increase in grants to a school district of the first
9 class by a city of the first class based on debt service to be
10 paid as authorized under section 201-B(f)(1) of the act of March
11 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971,
12 shall not require a comparable increase in grants by the city in
13 subsequent years.

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

15 (1) The addition of 53 Pa.C.S. §§ ~~8723, 8724, 8725,~~ <--
16 ~~8726, 8727 and 8728~~ 8722, ~~8723,~~ 8724, 8725 AND 8726 shall <--
17 take effect immediately.

18 (1.1) THE ADDITION OF 53 PA.C.S. § 303 SHALL TAKE EFFECT <--
19 IN 45 DAYS.

20 (2) This section shall take effect immediately.

21 (3) The remainder of this act shall take effect in 60
22 days.