

No. 1989-14

AN ACT

HB 506

Amending the act of April 28, 1961 (P.L.111, No.50), entitled "An act providing for assistance to agencies promoting tourist travel and vacation business in Pennsylvania; authorizing the Department of Commerce to make grants and provide assistance to properly designated tourist promotion agencies; conferring powers and imposing duties on the governing bodies of certain political subdivisions," further defining "eligible costs" and "regional tourist promotion agency"; and further providing for grants.

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

Section 1. Section 3 of the act of April 28, 1961 (P.L.111, No.50), known as the Tourist Promotion Law, amended October 9, 1986 (P.L.1442, No.139), is amended to read:

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

(1) "County 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, concurred in by resolution of the governing bodies of cities, boroughs, towns or townships within the county which have an aggregate of more than fifty per centum of the total population of the county, as determined by the most recently completed decennial United States Census, as the agency authorized to make application to and receive grants from the Department of Commerce of the Commonwealth for the purpose of representing a single governmental entity in accordance with this act, except as otherwise provided in paragraph (6).

(2) "Department." The Department of Commerce of the Commonwealth.

(3) "Eligible costs." [Expenses]

(i) *The term includes promotional expenses incurred by a tourist promotion agency in connection with marketing and advertising [and promotional] activities, including, but not limited to, [consultants and contractual services, travel, postage, printing and reproduction, advertising, promotion and public relations. The term does not include overhead expenses, including, but not limited to, salaries, benefits, wages, rent, utilities, office supplies, insurance and vehicle expenses.] all of the following:*

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

(B) *Travel.*

(C) *Postage.*

(D) *Printing and reproduction.*

(E) *Advertising.*

(F) *Public relations.*

(G) *A maximum of fifty per centum of the salaries and wages of persons employed by a tourist promotion agency who are responsible for fulfillment services as determined by the 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 [in accordance with the provisions of paragraph (1)] by ordinance in cities of the first class and by proper resolution of the governing body of a county or counties as the agency to make application to and receive grants from the department for the purpose of representing any of the following in accordance with this act:*

(i) *Two or more governmental entities.*

(ii) *A county of the second class.*

(iii) *A city of the first class.*

(7) *“Tourist promotion agency.” Either a county or regional tourist promotion agency, as defined in this section.*

Section 2. Section 5 of the act is amended by adding a subsection to read:

Section 5. Applications for and Approval of Grants to Tourist Promotion Agencies.—

* * *

(f) *As used in this section, the term “expended” shall include commitments by a tourist promotion agency in the fourth quarter of a fiscal year to the extent that the commitments do not exceed the contract balance amount, as determined by the department.*

Section 3. Except for section 1 (section 3(6)), this act shall apply retroactively to July 1, 1988.

Section 4. This act shall take effect immediately.

APPROVED—The 29th day of June, A. D. 1989.

ROBERT P. CASEY