

No. 2008-50

AN ACT

HB 2302

Providing for assistance to agencies promoting tourism; authorizing the Department of Community and Economic Development to make grants and provide assistance to properly designated tourism promotion agencies and regional marketing partnerships; conferring powers and imposing duties on the governing bodies of certain political subdivisions; and repealing the Tourist Promotion Law.

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

Section 1. Short title.

This act shall be known and may be cited as the Tourism Promotion Act.

Section 2. 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:

“County tourism 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 50% 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 Community and Economic Development for the purpose of representing a single governmental entity in accordance with this act.

“Department.” The Department of Community and Economic Development of the Commonwealth.

“Eligible costs.” Any and all promotional expenses incurred by a tourism promotion agency in connection with marketing and advertising activities. The term does not include rent, utilities, equipment, insurance, financing and capital expenditures.

“Governing body.” The elected unit empowered to enact ordinances or adopt resolutions in order to govern a particular county, city, borough, town or township.

“Governor’s Tourism Partnership.” The Pennsylvania Travel and Tourism Partnership established under the act of December 9, 2002 (P.L.1491, No.189), known as the Travel and Tourism Act.

“Place-based regional marketing partnership.” An entity supporting regional heritage or natural resources, including, but not limited to, waterways, forests, mountains and experiences that reflect regional assets.

“Regional marketing partnership.” Any of the following:

(1) An eligible applicant under this act that primarily includes a nonprofit entity representing a regional marketing area determined by contiguous counties, that shares a sense of place and experience conducive to tourism promotion.

(2) A marketing entity that focuses on experience-based promotion across multiple regions or multiple states and that focuses on specific interests or other themed tourism experiences.

(3) A place-based regional marketing partnership or eligible applicant from a county of the second class.

(4) For counties of the first class, the regional attractions marketing agency as defined in section 3 of the act of December 21, 1998 (P.L.1307, No.174), known as the Community and Economic Improvement Act.

“Regional tourism promotion agency.” A nonprofit corporation, organization, association or agency which is designated by the governing bodies of counties, governing body of a county of the second class or governing body of a city of the first class as the agency to make application to and receive grants from the Department of Community and Economic Development for the purpose of representing any of the following in accordance with this act:

(1) Two or more counties.

(2) A county of the second class.

(3) A city of the first class.

“Secretary.” The Secretary of Community and Economic Development of the Commonwealth.

“Tourism promotion agency.” A county or regional tourism promotion agency.

“Tourist” and “tourism.” The terms shall be synonymous.

Section 3. Recognition of tourism promotion agencies.

The department, upon receipt of certified copies of such ordinances or resolutions designating a tourism promotion agency to act within counties, a county of the second class or city of the first class shall recognize such tourism promotion agency as the sole such agency within the counties, county of the second class or city of the first class for the purposes of this act.

Section 4. Applications for and approval of grants to tourism promotion agencies.

(a) Duties of department.—

(1) The department, working jointly with the Governor’s Tourism Partnership, shall adopt guidelines for awarding grants under this act.

(2) (i) For the fiscal year 2008-2009, the department shall award grants in the amount of 63% of the appropriation for grants under this section.

(ii) For the fiscal year 2009-2010, the department shall award grants in the amount of 57% of the appropriation for grants under this section.

(iii) For the fiscal year 2010-2011, and every fiscal year thereafter, the department shall award 50% of the appropriation for grants made under this section.

(b) Procedure.—

(1) A tourism promotion agency shall apply to the department for grants under this section in accordance with tourism promotion program guidelines adopted by the department working jointly with the Governor's Tourism Partnership.

(2) After reviewing the application, the department shall award a grant to the tourism promotion agency not to exceed the following:

(i) In the case of a regional tourism promotion agency, two and one-half times the local funds expended by the agency for eligible costs in the previous fiscal year.

(ii) In the case of a county tourism promotion agency, two times the local funds expended by the agency for eligible costs in the previous fiscal year.

(c) Limitation on grant amounts.—No tourism promotion agency shall be awarded more than 30% of the tourism promotion agencies' portion of any appropriation allocated to tourism promotion agencies under this section.

Section 5. Eligibility requirements for tourism promotion agencies.

(a) Guidelines.—

(1) To qualify for a grant under this section, a tourism promotion agency must meet all eligibility requirements as set forth in the tourism promotion grant program guidelines adopted by the department under this act.

(2) The department shall publish annually in the Pennsylvania Bulletin a description of eligibility requirements and guidelines.

(b) Criteria.—The criteria for eligibility established by the tourism promotion grant program guidelines shall include, but not be limited to, requiring the tourism promotion agency to demonstrate:

(1) The existence of sufficient tourism assets, such as lodging, service businesses and tourism attractions.

(2) The capability, through a combination of staffing and contractual support, to carry out essential marketing functions, such as:

(i) An interactive Internet website.

(ii) A strategic tourism marketing plan.

(iii) Comprehensive fulfillment services.

(c) Notification and appeal of determination of noneligibility.—If the department determines that a tourism promotion agency is ineligible for tourism promotion grant program funding, the department shall provide the tourism promotion agency with a written explanation of such determination.

(d) Appeal of decision.—A decision of ineligibility may be appealed to the secretary, whose decision shall be final. The appeal must be filed in accordance with the tourism promotion grant program guidelines to be adopted under this act.

Section 6. Regional marketing partnership grant program.

(a) Authorization.—The department may make grants to regional marketing partnerships that satisfy the eligibility criteria set forth in program guidelines to be adopted by the department working jointly with the Governor's Tourism Partnership.

(b) Funding for regional marketing partnership grants.—

(1) For the fiscal year 2008-2009, the department shall award grants in the amount of 37% of the appropriation to fund grants under this section.

(2) For the fiscal year 2009-2010, the department shall award grants in the amount of 43% of the appropriation for grants made under this section.

(3) For the fiscal year 2010-2011 and every fiscal year thereafter, the department shall award grants in the amount of 50% of the appropriation for grants made under this section.

(c) Eligibility criteria for regional marketing partnership grants.—In order to be eligible for a grant under this act, a regional marketing partnership must satisfy the following criteria:

(1) The regional marketing partnership must include:

(i) the regional attractions marketing agency as defined in section 3 of the act of December 21, 1998 (P.L.1307, No.174), known as the Community and Economic Improvement Act, for counties of the first class;

(ii) the tourist promotion agency for a county of the second class;

(iii) at least two counties of the third class through eighth class;

(iv) for the counties of Cameron, Clarion, Clearfield, Clinton, Elk, Forest, Jefferson, Lycoming, McKean, Potter, Tioga and Warren, the regional marketing partnership determined by the tourist promotion agencies of the counties to be the exclusive regional marketing partnership for the counties; or

(v) a regional entity as defined by department guidelines.

(2) The grantee must be an entity with a charter, bylaws or other such binding governance document that specifies the county, counties or parts of counties included in the tourism marketing programs of the regional marketing partnership and shall demonstrate that it provides comprehensive representation of tourism stakeholders in the marketing region.

(d) Appeal of decision.—A decision of ineligibility for grants under this section may be appealed to the secretary, whose decision shall be final. An appeal shall be heard in accordance with the regional marketing partnership grant program guidelines to be adopted by the department.

(e) Limitation.—No regional marketing partnership shall be awarded more than 35% of the appropriation allocated to the regional marketing partnership grant program in fiscal year 2008-2009. In fiscal year 2009-2010 and each fiscal year thereafter, no regional marketing partnership shall be

awarded more than 30% of the appropriation allocated to the regional marketing partnership grant program.

Section 7. Administration of act.

The department shall administer the tourism promotion program so as to establish an effective and economical tourism promotion program for the Commonwealth.

Section 8. Existing tourism promotion agencies.

It shall not be necessary for a tourism promotion agency that exists on the effective date of this section to be redesignated by ordinance or resolution in order to be recognized by the department under section 3.

Section 29. Repeal.

(a) Intent.—The General Assembly declares that the repeal under subsection (b) is necessary to effectuate this act.

(b) Provision.—The act of April 28, 1961 (P.L.111, No.50), known as the Tourist Promotion Law, is repealed.

Section 30. Effective date.

This act shall take effect immediately.

APPROVED—The 4th day of July, A.D. 2008.

EDWARD G. RENDELL