
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1215 Session of
2013

INTRODUCED BY STERN, COHEN, PICKETT, HICKERNELL, DiGIROLAMO,
GODSHALL, KORTZ, HARKINS, MOUL, HESS, FLECK, O'BRIEN,
MACKENZIE, KAUFFMAN, HALUSKA, V. BROWN, MILLARD, MILLER,
HAHN, D. COSTA, GINGRICH, CLYMER, DeLUCA, MURT, DENLINGER,
FABRIZIO AND EVERETT, APRIL 17, 2013

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,
APRIL 17, 2013

AN ACT

1 Establishing the Pennsylvania Tourism Commission; providing for
2 powers and duties of the Pennsylvania Tourism Commission;
3 establishing the Tourism Promotion Trust Fund; and repealing
4 the Travel and Tourism Act.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Pennsylvania
9 Tourism Commission Act.

10 Section 2. Definitions.

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

14 "Board." The Pennsylvania Tourism Commission Board
15 established by this act.

16 "Commission." The Pennsylvania Tourism Commission
17 established by this act.

1 "Destination marketing organization." A nonprofit
2 corporation, organization, association or agency that is engaged
3 in tourism marketing or promotion on a regional or Statewide
4 basis to attract leisure or business travelers to this
5 Commonwealth.

6 "Tourism promotion agency." A recognized nonprofit
7 corporation, organization, association or agency that is engaged
8 in planning and promoting programs designed to stimulate and
9 increase the volume of tourist, visitor and vacation business
10 within counties served by the agency as that term is defined in
11 the act of July 4, 2008 (P.L.621, No.50), known as the Tourism
12 Promotion Act.

13 Section 3. Pennsylvania Tourism Commission.

14 An independent agency is established, which shall be a body
15 corporate and politic to be known as the Pennsylvania Tourism
16 Commission. The purposes, powers and duties of the commission
17 shall be vested in and exercised by the Pennsylvania Tourism
18 Commission Board, which board is established.

19 Section 4. Pennsylvania Tourism Commission Board.

20 (a) Membership.--The Pennsylvania Tourism Commission Board
21 shall consist of the following members appointed by the
22 Governor:

23 (1) Three members representing tourism promotion
24 agencies to be selected from a list of at least six nominees
25 submitted by the major Statewide industry association
26 representing tourism promotion agencies, destination
27 marketing organizations and convention and visitors bureaus,
28 as follows: one member from a county of the first, second or
29 second class A; one member from a county of the third, fourth
30 or fifth class; and one member from a county of the sixth,

1 seventh or eighth class.

2 (2) One member from the hotel and travel lodging sector.

3 (3) One member representing restaurants, taverns or
4 eating establishments.

5 (4) Three at-large members, each of whom has at least
6 ten years of professional experience in marketing or
7 advertising.

8 (5) One member from the retail shopping sector.

9 (6) One member from the recreation and entertainment
10 sector.

11 (7) One member from the transportation sector.

12 (b) Ex officio members.--The following, or their designees,
13 shall serve as nonvoting ex officio members of the board:

14 (1) The Secretary of Community and Economic Development.

15 (2) The Secretary of Conservation and Natural Resources.

16 (3) The executive director of the Pennsylvania
17 Historical and Museum Commission.

18 (4) The executive director of the Commonwealth of
19 Pennsylvania Council on the Arts.

20 (5) The chairman and minority chairman of the Community,
21 Economic and Recreational Development Committee of the
22 Senate.

23 (6) The chairman and minority chairman of the Tourism
24 and Recreational Development Committee of the House of
25 Representatives.

26 (c) Term of office.--Members under subsection (a) shall
27 continue in office for terms of two or four years from the date
28 of their initial appointment, the term of each appointed member
29 to be designated by the Governor at the time of the appointment.
30 Successor members shall be appointed for a term of four years.

1 An appointment to fill a vacancy shall be for the remainder of
2 the unexpired term. No member shall serve more than two full
3 consecutive terms.

4 (d) Chairman.--The board shall select the chairman of the
5 board from among the members by a majority vote with a quorum
6 present.

7 (e) Qualifications of members.--Members under subsection (a)
8 shall be qualified by reason of experience or employment and
9 must be a resident of this Commonwealth for a period of at least
10 one year immediately preceding appointment. Each member shall
11 continue to remain a resident of this Commonwealth during the
12 term of membership on the board.

13 (f) Quorum.--A majority of the voting members of the board
14 shall constitute a quorum for the transaction of business at a
15 meeting or the exercise of a power or function of the
16 commission.

17 (g) Meetings.--The board shall meet at least quarterly and
18 from time to time as it determines.

19 (h) Compensation.--Members shall serve without compensation
20 but shall receive reimbursement for all reasonable and necessary
21 expenses incurred in connection with the performance of their
22 duties as members of the board.

23 (i) Liability.--No member shall be personally liable for
24 obligations of the commission or actions which were within the
25 scope of the member's office and made in good faith.

26 (j) Applicable laws.--

27 (1) The following acts shall apply to the commission:

28 (i) The act of February 14, 2008 (P.L.6, No.3),
29 known as the Right-to-Know Law.

30 (ii) The act of July 19, 1957 (P.L.1017, No.451),

1 known as the State Adverse Interest Act.

2 (iii) The provisions of 65 Pa.C.S. Chs. 7 (relating
3 to open meetings) and 11 (relating to ethics standards
4 and financial disclosure).

5 (2) The commission shall be considered an independent
6 agency for the purposes of 62 Pa.C.S. Pt. I (relating to
7 Commonwealth Procurement Code), excluding expenditures under
8 section 5(a)(5) and (b)(10), (11), (12), (13), (14) and (15).

9 Section 5. General and specific powers.

10 (a) General powers.--

11 (1) The commission shall serve as the official tourism
12 promotion and marketing agency of the Commonwealth.

13 (2) The board shall appoint an executive director who
14 shall be qualified by education and experience and who shall
15 be the chief executive officer of the commission and attend
16 to its administrative work. The executive director shall
17 serve at the pleasure of the board, which shall fix his
18 compensation subject to the approval of the Governor. At the
19 discretion of the board, the executive director may be
20 considered a State employee for purposes of 71 Pa.C.S. Pt.
21 XXV (relating to retirement for State employees and
22 officers).

23 (3) The commission shall employ individuals as necessary
24 to carry out the powers and duties of the commission, who
25 shall serve at the board's pleasure. Notwithstanding the
26 provisions of paragraph (4), an employee of the commission
27 shall not be considered a State employee for purposes of 71
28 Pa.C.S. Pt. XXV.

29 (4) The commission may employ individuals who at the
30 time of hiring are State employees as defined in 71 Pa.C.S.

1 Pt. XXV and who shall continue in that status until they
2 leave employment with the commission.

3 (5) The commission may hire independent contractors as
4 required to achieve the tourism marketing, promotion and
5 development provisions of this act.

6 (b) Specific powers.--The commission shall have the specific
7 powers and duties:

8 (1) To pay or satisfy obligations of the commission.

9 (2) To sue or be sued, implead and be impleaded or
10 interplead.

11 (3) To contract and execute instruments as necessary to
12 carry out the powers and duties of the commission.

13 (4) To sell, transfer, convey and dispose of tangible or
14 intangible property owned by the commission.

15 (5) To adopt a budget.

16 (6) To lease, furnish and equip such buildings, rooms
17 and other accommodations as shall be required for the
18 operation of the commission.

19 (7) To do all acts and things necessary or convenient to
20 carry out the powers granted to it by this act or any other
21 act. The commission shall have no power to pledge the credit
22 or taxing power of the Commonwealth.

23 (8) To purchase insurance against a loss related to the
24 commission's property or assets.

25 (9) To retain attorneys, accountants, auditors and
26 financial and other experts to render services as necessary.
27 For the purposes of this paragraph, the commission shall be
28 considered an independent agency for purposes of the act of
29 October 15, 1980 (P.L.950, No.164), known as the Commonwealth
30 Attorneys Act.

1 (10) To develop, implement and update an annual travel
2 and tourism marketing plan for the Commonwealth.

3 (11) To develop the Commonwealth's official tourism
4 slogan and official tourism logos.

5 (12) To solicit and approve all requests for proposals
6 which pertain to tourism marketing, promotion and
7 development.

8 (13) To make and execute contracts for tourism
9 marketing, promotion and development.

10 (14) To publish and distribute tourism marketing and
11 promotion materials and maintain tourism sites, social media
12 and mobile applications on the Internet.

13 (15) To engage in any other tourism marketing, promotion
14 and development activities to attract leisure and business
15 travelers to this Commonwealth.

16 (16) To develop policies necessary for the
17 administration and enforcement of this act, including minimum
18 standards for recognized tourism promotion agencies.

19 (17) To review and approve applications for grants to
20 recognized tourism promotion agencies under the act of July
21 4, 2008 (P.L.621, No.50), known as the Tourism Promotion Act.

22 (18) To review and approve applications for regional
23 marketing partnership grants to recognized tourism promotion
24 agencies and destination marketing organizations under the
25 Tourism Promotion Act.

26 (19) To collect and publish visitor statistics and
27 tourism research.

28 (20) To expend any revenue under the Tourist Promotion
29 Trust Fund established under section 9.

30 Section 6. Annual report.

1 The commission shall submit a report to the Governor and the
2 General Assembly by the second December 31 following the
3 effective date of this section and every December 31 thereafter.
4 The report shall include, at a minimum, a financial statement
5 with commission revenue and expenditures, the tourism programs
6 and projects undertaken by the commission and tourism
7 statistics.

8 Section 7. Transfer of department power.

9 The powers and duties of the Department of Community and
10 Economic Development imposed under the act of July 4, 2008
11 (P.L.621, No.50), known as the Tourism Promotion Act, are
12 transferred to and shall be exercised by the commission.

13 Section 8. State agencies.

14 (a) Cooperation.--The commission may request and receive
15 from any department, division, board, bureau, commission or any
16 other agency of the State or any political subdivision or
17 authority such cooperation, assistance, information and data
18 necessary to properly carry out its powers and duties.

19 (b) Review.--State departments, divisions, boards, bureaus,
20 commissions and other State agencies shall submit tourism
21 programs, plans or printed materials to the commission for
22 review prior to implementation, renewal or publishing of such
23 programs, plans or printed materials to ensure the coordination
24 of the tourism marketing, promotion and development efforts of
25 the Commonwealth.

26 Section 9. Tourist Promotion Trust Fund.

27 (a) Establishment.--A special fund is established within the
28 State Treasury to be known as the Tourist Promotion Trust Fund.

29 (b) Deposits.--The following shall be deposited into the
30 fund:

1 (1) The amounts made available to the commission as
2 executive authorizations and appropriations from the General
3 Fund.

4 (2) All money received by the commission from
5 cooperative advertising, grants, donations, fees, interest
6 and dividends.

7 (3) Any other tax revenues and fees established by
8 policy, rule or statute.

9 (c) Use of revenues.--

10 (1) Money in the fund shall be used by the commission to
11 effectuate the commission's powers and duties under this act,
12 including, but not limited to, tourism marketing and
13 promotion, grants, fulfillment and the administrative costs
14 of the commission.

15 (2) Money in the fund is appropriated on a continuing
16 basis to the commission and shall not lapse. As often as may
17 be necessary, payments from the fund shall be made upon
18 warrant of the State Treasurer after receipt of a requisition
19 from the commission.

20 (d) Audit.--The accounts and books of the commission shall
21 be examined and audited from time to time by the Auditor General
22 as provided in the act of April 9, 1929 (P.L.343, No.176), known
23 as The Fiscal Code.

24 Section 10. Repeals.

25 (a) Legislative intent.--The General Assembly finds and
26 declares that the repeal under subsection (b) is necessary to
27 effectuate the act.

28 (b) Specific.--The act of December 9, 2002 (P.L.1491,
29 No.189), known as the Travel and Tourism Act, is repealed.

30 (c) General.--All other acts and parts of acts are repealed

1 insofar as they are inconsistent with this act.

2 Section 11. Effective date.

3 This act shall take effect in 90 days.