

SENATE CS FOR CS FOR HOUSE BILL NO. 220(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/6/96

Referred: Rules

Sponsor(s): REPRESENTATIVES KOTT, Therriault, Vezey, Toohey, Brice, Williams

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the duties of the commissioner of commerce and economic
2 development concerning the Alaska Tourism Marketing Council; relating to the
3 per diem and travel expenses of the council's board of directors; relating to
4 the powers and duties of the council; extending the termination date of the
5 council; and providing for an effective date."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 * Section 1. AS 44.33.705(b) is amended to read:

8 (b) If the commissioner determines that there is a qualified trade association
9 in the state that has an interest in promoting [IT IS IN THE BEST INTERESTS
10 OF THE STATE TO PROMOTE] the state as a destination through the cooperative
11 marketing program, the commissioner may [SHALL] contract with a single qualified
12 trade association to jointly manage the council if the trade association agrees that,
13 before the end of each fiscal year that the contract covers, the association will

1 contribute at least 25 percent of the total operating expenses of the council for that
2 fiscal year. The term of a contract under this section may not exceed **four** [TWO]
3 years.

4 * **Sec. 2.** AS 44.33.705(c) is amended to read:

5 (c) If the commissioner contracts with a qualified trade association under (b)
6 of this section, the governing body of the council is a board of directors consisting of
7 21 members and subject to the following provisions:

8 (1) a board member shall

9 (A) be involved in a visitor or recreation industry business;

10 (B) have training in a field such as marketing;

11 (C) be an officer or a senior staff member of a local
12 government or nonprofit enterprise established to promote the visitor industry;

13 or

14 (D) have business or government experience that would
15 materially enhance the member's ability to contribute to the planning,
16 execution, or evaluation of a visitor industry promotional marketing campaign;

17 (2) the contract shall provide that the trade association may select up
18 to 10 board members; the governor may remove a member of the board selected under
19 this paragraph on the delivery by the governor to the board of a written statement
20 explaining the reasons for the removal;

21 (3) the director **of tourism** is a member of the board; the governor shall
22 appoint 10 other board members; each board member appointed by the governor serves
23 at the pleasure of the governor; in making appointments to the board under this
24 paragraph, the governor shall ensure that the board, including members selected under
25 (2) of this subsection, is broadly representative of the different regions of the state and
26 the various sectors of the visitor industry;

27 (4) eleven members of the board constitute a quorum for the transaction
28 of business and the exercise of the powers and duties of the board, and any action by
29 the board requires 11 affirmative votes;

30 (5) the governor shall appoint a member of the board to serve as
31 presiding officer of the board; the board shall elect other necessary officers from

1 among its members annually;

2 (6) a board member may not participate or vote by proxy;

3 (7) the board shall meet at least four times a year at the call of the
4 presiding officer or upon the written request of seven members of the board;

5 (8) the members of the board appointed by the governor serve
6 staggered three-year terms, subject to continuation of the contract, and may be
7 reappointed;

8 (9) a person appointed to fill a vacancy on the board holds office for
9 the balance of the term of the person's predecessor;

10 (10) board members receive no salary for serving in that position, but
11 are entitled to per diem and travel expenses under AS 39.20.180, except **as provided**
12 **in AS 44.33.733** [THAT THEY ARE ENTITLED TO PER DIEM AND TRAVEL
13 EXPENSES FOR TRAVEL ONLY FOR THE PERCENTAGE OF TOTAL TRAVEL
14 THAT OCCURS WITHIN THE STATE]; the contract must provide that the trade
15 association will reimburse the council for per diem and travel expenses paid to those
16 board members appointed by the trade association; reimbursement under this paragraph
17 does not qualify as a part of the association's required contribution under (b) of this
18 section;

19 (11) notwithstanding AS 39.52, a board member who is a member of
20 the qualified trade association that has contracted with the department under (b) of this
21 section may vote or take action on a matter that might benefit the trade association or
22 members of the trade association, including the issuance of contracts or the granting
23 of rights to the trade association, but shall disclose the person's membership in the
24 trade association before the vote or action; this paragraph may not be interpreted to
25 allow a board member or an immediate family member of a board member to receive,
26 apply for, be a party to, have a personal or financial interest in, or attempt to acquire
27 a grant or contract made by the council; in this paragraph, "immediate family member"
28 has the meaning given in AS 39.52.960.

29 * **Sec. 3.** AS 44.33.705(d) is amended to read:

30 (d) A contract or grant entered into by the council is not effective until signed
31 by the **commissioner** [DIRECTOR].

1 * **Sec. 4.** AS 44.33.720(a) is amended to read:

2 (a) The council shall

3 (1) conduct a tourism marketing program designed to accomplish the
4 purposes of AS 44.33.700 - 44.33.735; the marketing program must include promotion
5 of the state as a destination and promotion of all forms of travel to the state, including
6 travel by air, highway, and water;

7 (2) prepare and implement plans for the promotion of Alaska tourism,
8 including necessary research;

9 (3) submit an annual report to the governor describing the activities of
10 the council and notify the legislature that the report is available;

11 (4) make available to all interested persons, including tourism
12 businesses, a quarterly report of the council's actions and activities;

13 (5) annually submit a proposed operating budget to the **commissioner**
14 [DIRECTOR], to be used by the Department of Commerce and Economic
15 Development to prepare and submit the operating budget of the council under
16 AS 44.33.725;

17 (6) provide advice, on the request of the director of tourism, on the
18 programs of the division;

19 (7) prepare a report by the 10th day of each regular session of the
20 legislature, describing how the contractual money was spent in the first half of the year
21 and explaining the plan for expenditures during the second half of the year; the council
22 shall notify the legislature that the report is available;

23 (8) consider methods to fund tourism marketing using both public and
24 private assets; and

25 (9) consider methods of providing for the financial self-sufficiency of
26 the council.

27 * **Sec. 5.** AS 44.33 is amended by adding a new section to read:

28 Sec. 44.33.733. BOARD TRAVEL EXPENSES. The members of the board
29 are not entitled to per diem and travel expenses for travel outside the state unless the
30 purpose of the travel is to secure contracts for the promotion of tourism in the state or
31 to promote the state as a travel destination, and unless the travel is in the best interests
32 of the state in general. The council shall submit board members' travel and per diem

1 expenses for travel outside the state to the commissioner or the commissioner's designee
2 for review and approval before the travel occurs.

3 * **Sec. 6.** AS 44.66.010(a)(15) is amended to read:

4 (15) Alaska Tourism Marketing Council (AS 44.33.700) -
5 December 30, 1997 [1996];

6 * **Sec. 7.** AS 44.33.735(4) is repealed.

7 * **Sec. 8.** This Act takes effect July 1, 1996.