

**CS FOR SENATE BILL NO. 350(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/2/98  
Referred: Rules

Sponsor(s): SENATE FINANCE COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to tourism and tourism marketing; eliminating the Alaska  
2 Tourism Marketing Council; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 36.30.850(b) is amended by adding a new paragraph to read:

5 (38) a tourism marketing contract awarded under AS 44.33.125(a) or  
6 a tourism related contract awarded under AS 44.33.125(b) to a qualified trade  
7 association with a right of first refusal under.

8 \* **Sec. 2.** AS 39.50.200(a)(8) is amended to read:

9 (8) "public official" means a judicial officer, the governor, the  
10 lieutenant governor, a person hired or appointed as the head or deputy head of, or  
11 director of a division, a department in the executive branch, an assistant to the  
12 governor, chair or member of a state commission or board, state investment officers  
13 and the state comptroller in the Department of Revenue, [THE EXECUTIVE  
14 DIRECTOR OF THE ALASKA TOURISM MARKETING COUNCIL,] and each

1 appointed or elected municipal officer;

2 \* **Sec. 3.** AS 44.33.119 is amended to read:

3 **Sec. 44.33.119. Purposes.** The purposes of AS 44.33.119 - 44.33.125  
4 [AS 44.33.119 - 44.33.135 AND AS 44.33.700 - 44.33.735] are to

5 (1) encourage the expansion and growth of the state's visitor industry  
6 for the benefit of the citizens of the state;

7 (2) ensure that the economic benefits to be derived from tourism in the  
8 state are retained in the state, to the greatest extent possible;

9 (3) ensure that a maximum number of residents of the state are  
10 employed in the tourism industry;

11 (4) promote cooperation between the state and private sector in the  
12 planning and execution of a [GENERIC] visitor marketing campaign in the public  
13 interest;

14 (5) promote the development of visitor industry facilities, both in the  
15 public sector and the private sector, through the use of state resources, as appropriate;

16 (6) ensure that the visitors' experience in the state is and continues to  
17 be satisfactory and leads to word-of-mouth advertising and return visits to the state;

18 (7) ensure that consideration is given in the development and  
19 implementation of the tourism program to local community goals and objectives, to  
20 impacts on existing private enterprises, and to impacts on recreational and subsistence  
21 opportunities for the residents of the state;

22 (8) promote the development of tourism opportunities along the  
23 highway system of the state, including the marine highway, and in rural areas of the  
24 state.

25 \* **Sec. 4.** AS 44.33.120(b) is repealed and reenacted to read:

26 (b) The Alaska division of tourism shall

27 (1) cooperate with organizations in the private sector for the promotion  
28 and development of tourism into and within the state;

29 (2) coordinate with municipal, state, and federal agencies for the  
30 development of tourism resources in the state;

31 (3) promote and develop the state's tourist industry;

1 (4) plan and advocate for tourism and tourism development in  
2 coordination with the private sector, municipalities, state, and federal agencies;

3 (5) administer and evaluate the tourism marketing contract program  
4 under AS 44.33.125;

5 (6) administer visitor information centers; and

6 (7) conduct research about the state's visitor industry.

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

8 **Sec. 44.33.125. Tourism marketing contracts and other tourism related**  
9 **contracts.** (a) Subject to appropriations for the purpose, the Alaska division of  
10 tourism shall, on or before August 1 of each year, contract with a single qualified trade  
11 association for the purpose of planning and executing a destination tourism marketing  
12 campaign. The contract may be awarded only if the qualified trade association  
13 provides matching funds equal to at least 30 percent of the costs of the marketing  
14 campaign described in the contract. The marketing campaign may include media  
15 advertising, establishing and operating a system for responding to visitor inquiries,  
16 publishing and distributing information regarding vacation planning, establishing and  
17 maintaining Internet sites that provide tourist information, and other activities related  
18 to tourism that the division may designate in the contract. The marketing campaign  
19 may promote distinct segments of tourism, such as highway tourism, seasonal tourism,  
20 ecotourism, cultural tourism, regional tourism, and rural tourism.

21 (b) A qualified trade association that has been awarded a tourism marketing  
22 contract under (a) of this section has, while the contract is in effect, the right of first  
23 refusal for any other tourism related contract offered by the Alaska division of tourism  
24 if the trade association provides matching funds equal to at least 30 percent of the  
25 amount of the contract.

26 (c) The marketing campaign conducted under a tourism marketing contract  
27 awarded under (a) of this section must be directed by a group within the qualified  
28 trade association that is broadly representative of the various sectors of the visitor  
29 industry in the state and whose members are

30 (1) involved in a visitor industry business and have training in tourism  
31 marketing; or

1                   (2) officers or senior staff members of a state agency, a local  
2 government, or a nonprofit enterprise established to promote the visitor industry.

3                   (d) Materials produced and marketing information and tourism related data  
4 generated under a tourism marketing contract awarded under (a) of this section are the  
5 joint property of the qualified trade association and the Alaska division of tourism.  
6 The qualified trade association retains all revenue generated by the association under  
7 the contract. If a qualified trade association provides the right to use a mailing list  
8 generated under the contract, the list must be made available to every person at the  
9 same price except that a person who is not a participant in the qualified trade  
10 association's marketing program may be charged an additional amount based on the  
11 amount of the qualified trade association's participation fee attributable to a member's  
12 right of access to mailing lists. The qualified trade association may restrict the right  
13 of a person to sell or give the mailing list to other persons.

14                   (e) A qualified trade association shall provide, on request, to the Alaska  
15 division of tourism materials produced and marketing information and tourism related  
16 data generated by the qualified trade association under a tourism marketing contract  
17 awarded under (a) of this section, but the materials, information, and data provided to  
18 the division are not public records under AS 09.25.100 - 09.25.220.

19                   (f) A qualified trade association may not use money from a tourism marketing  
20 contract awarded under (a) of this section or any other tourism related contract  
21 awarded under (b) of this section

22                               (1) to lobby a municipality or an agency of a municipality or to lobby  
23 the state or an agency of the state as defined in AS 44.99.030(b);

24                               (2) to raise funds that will be used to lobby a municipality or an agency  
25 of a municipality or to lobby the state or an agency of the state as defined in  
26 AS 44.99.030(b); or

27                               (3) for administrative or overhead costs associated with any effort to  
28 lobby a municipality or an agency of a municipality or to lobby the state or an agency  
29 of the state as defined in AS 44.99.030(b).

30                   (g) In this section, "qualified trade association" means a private, nonprofit  
31 organization whose primary purposes include the promotion of tourism within the state

1 and encouraging tourists to visit the state and that has a statewide membership  
2 consisting of representatives of all major sectors of the visitor industry, including  
3 hotels, airlines, cruise lines, wholesale and retail travel agencies, visitor attractions, and  
4 convention and visitors bureaus.

5 \* **Sec. 6.** AS 44.33.125(a) is amended to read:

6 (a) Subject to appropriations for the purpose, the Alaska division of tourism  
7 may, on or before August 1 of each year, contract with a single qualified trade  
8 association for the purpose of planning and executing a destination tourism marketing  
9 campaign. The contract may be awarded only if the qualified trade association  
10 provides matching funds equal to at least 60 [30] percent of the costs of the marketing  
11 campaign described in the contract. The marketing campaign may include media  
12 advertising, establishing and operating a system for responding to visitor inquiries,  
13 publishing and distributing information regarding vacation planning, establishing and  
14 maintaining Internet sites that provide tourist information, and other activities related  
15 to tourism that the division may designate in the contract. The marketing campaign  
16 may promote distinct segments of tourism, such as highway tourism, seasonal tourism,  
17 ecotourism, cultural tourism, regional tourism, and rural tourism.

18 \* **Sec. 7.** AS 44.33.125(b) is amended to read:

19 (b) A qualified trade association that has been awarded a tourism marketing  
20 contract under (a) of this section has, while the contract is in effect, the right of first  
21 refusal for any other tourism related contract offered by the Alaska division of tourism  
22 if the trade association provides matching funds equal to at least 60 [30] percent of the  
23 amount of the contract.

24 \* **Sec. 8.** AS 39.25.110(27); AS 39.50.200(b)(49); AS 44.33.135, 44.33.700, 44.33.705,  
25 44.33.710, 44.33.715, 44.33.720, 44.33.723, 44.33.725, 44.33.727, 44.33.730, 44.33.733,  
26 44.33.735; AS 44.66.010(a)(15); and AS 44.99.030(a)(14) are repealed.

27 \* **Sec. 9.** Sections 1 - 5 and 8 of this Act take effect July 1, 1999.

28 \* **Sec. 10.** Sections 6 and 7 of this Act take effect July 1, 2001.