

SENATE BILL NO. 122

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR ELTON

Introduced: 3/25/99

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

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

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

5 * **Section 1.** AS 23.20.526(d)(8) is amended to read:

6 (8) in the employ of the state or a political subdivision of the state if
7 the service is performed by an individual in the exercise of duties

8 (A) as a judicial officer, the governor, the lieutenant governor,
9 a person hired or appointed as the head or deputy head of a department in the
10 executive branch, a person hired or appointed as the director of a division of
11 a department in the executive branch, an assistant to the governor, a chair or
12 member of a state commission or board, state investment officers and the state
13 comptroller in the Department of Revenue, the executive director of the
14 [ALASKA] Tourism **Development and** Marketing Council, an appointed or

1 elected municipal officer, any other elected official, the fiscal analyst of the
 2 legislative finance division, the legislative auditor of the legislative audit
 3 division, the executive director of the Legislative Affairs Agency, and the
 4 directors of the divisions within the Legislative Affairs Agency;

5 (B) as a member of the Alaska Army National Guard or Alaska
 6 Air National Guard or Alaska Naval Militia;

7 (C) as an employee serving on only a temporary basis in case
 8 of fire, storm, snow, earthquake, flood, or similar emergency; or

9 (D) as an election official or election worker if the amount of
 10 remuneration received by the individual during the calendar year for services
 11 as an election official or election worker is less than \$1,000;

12 * **Sec. 2.** AS 39.25.110(27) is amended to read:

13 (27) the executive director [AND OTHER STAFF] of the [ALASKA]
 14 Tourism Development and Marketing Council;

15 * **Sec. 3.** AS 39.25.120(c)(15) is amended to read:

16 (15) the [DEPUTY DIRECTOR OF THE DIVISION OF TOURISM
 17 AND THE] deputy director of the division of insurance in the Department of
 18 Commerce and Economic Development;

19 * **Sec. 4.** AS 39.50.200(a)(8) is amended to read:

20 (8) "public official" means

21 (A) a judicial officer;

22 (B) the governor or the lieutenant governor;

23 (C) a person hired or appointed in a department in the executive
 24 branch as

25 (i) the head or deputy head of the department;

26 (ii) the director or deputy director of a division;

27 (iii) a special assistant to the head of the department;

28 (iv) a person serving as the legislative liaison for the
 29 department;

30 (D) an assistant to the governor or the lieutenant governor;

31 (E) the chair or a member of a state commission or board;

1 (F) state investment officers and the state comptroller in the
2 Department of Revenue;

3 (G) the executive director of the [ALASKA] Tourism
4 **Development and** Marketing Council;

5 (H) the chief procurement officer appointed under
6 AS 36.30.010;

7 (I) the executive director of the Alaska Human Resource
8 Investment Council; and

9 (J) each appointed or elected municipal officer;

10 * **Sec. 5.** AS 39.50.200(b)(49) is amended to read:

11 (49) [ALASKA] Tourism **Development and** Marketing Council
12 (AS 44.33.700);

13 * **Sec. 6.** AS 44.33.120(b) is amended to read:

14 (b) The **Tourism Development and Marketing Council (AS 44.33.700)**
15 [ALASKA DIVISION OF TOURISM] shall

16 (1) cooperate with [THE TOURISM MARKETING COUNCIL AND]
17 organizations in the private sector for the promotion and development of tourism and
18 conventions into and within the state;

19 (2) coordinate with municipal, state, and federal agencies for the
20 development and promotion of tourism resources and conventions in the state;

21 (3) [REVIEW AND APPROVE THE PROCUREMENT DOCUMENTS
22 AND PROCEDURES OF THE TOURISM MARKETING COUNCIL TO ENSURE
23 COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS];

24 (4) promote and develop the state's tourist and convention industry by
25 any of the following:

26 (A) publicizing state attractions through such means as display
27 advertising in magazines and newspapers, advertising on radio and television
28 or other advertising media, publishing pamphlets, brochures, and other graphic
29 and pictorial materials, or by aiding and assisting representatives of the media,
30 to ensure greater coverage of the visitor attractions in the state;

31 (B) participation in travel shows;

1 (C) [INCREASING THE AWARENESS OF THE CITIZENS
2 OF THE STATE AT THE STATEWIDE, REGIONAL, AND COMMUNITY
3 LEVEL OF THE ECONOMIC IMPORTANCE OF THE VISITOR
4 INDUSTRY;

5 (D)] assisting potential investors in creating new visitor
6 facilities;

7 ~~(D)~~ [(E)] administering programs of the state in which the state
8 provides matching funds for municipalities of the state or nonprofit
9 organizations that undertake the promotion of visitor travel to and the
10 development of visitor amenities in the state;

11 ~~(E)~~ [(F)] administering visitor information centers;

12 ~~(F)~~ [(G)] conducting research to evaluate the effectiveness of
13 the tourism marketing council's marketing programs;

14 ~~(G)~~ [(H)] ANALYZING THE EFFECT ON THE STATE'S
15 VISITOR INDUSTRY OF STATE LAND AND RESOURCE
16 DEVELOPMENT PROJECTS;

17 (I)] organizing, administering, and evaluating demonstration
18 projects for the promotion of the state's visitor industry and the development
19 of new tourism destination markets; and

20 ~~(H)~~ [(J)] administering grants under AS 44.33.135.

21 * **Sec. 7.** AS 44.33.135 is amended to read:

22 **Sec. 44.33.135. Grants for promotion or development of visitor travel.** (a)

23 A municipality, a nonprofit corporation formed under AS 10.20, or a bona fide
24 nonprofit civic, fraternal, or service organization may receive, as a grant, matching
25 money from the **Tourism Development and Marketing Council** [STATE] for up to
26 **80** [50] percent of the costs of a program or project that the **council** [DIRECTOR OF
27 TOURISM] determines is consistent with the purposes of AS 44.33.119 and is likely
28 to promote or develop visitor travel, including

29 (1) **planning for the development of the visitor industry** [THE
30 PROMOTION OF CONVENTIONS]; **and**

31 (2) **studying the effects of the visitor industry on the municipality**

1 and planning for mitigation of those effects [THE CONSTRUCTION,
2 IMPROVEMENT, OR OPERATION OF VISITOR DESTINATION FACILITIES
3 AND TOURIST ATTRACTIONS; AND

4 (3) THE DEVELOPMENT AND PRESERVATION OF
5 ATTRACTIONS OF HISTORICAL, CONTEMPORARY, RECREATIONAL, OR
6 CULTURAL INTEREST].

7 (b) The Tourism Development and Marketing Council [COMMISSIONER
8 OF COMMERCE AND ECONOMIC DEVELOPMENT] shall adopt regulations under
9 AS 44.62 (Administrative Procedure Act) to carry out the provisions of this section.

10 * **Sec. 8.** AS 44.33.700 is amended to read:

11 **Sec. 44.33.700. [ALASKA] Tourism Development and Marketing Council**
12 **established.** The [ALASKA] Tourism Development and Marketing Council is
13 established as a public corporation of the state. It is an instrumentality of the state in
14 the Department of Commerce and Economic Development, but has a legal existence
15 independent of and separate from the state. Exercise by the council of the powers
16 conferred by AS 44.33.700 - 44.33.735 is an essential governmental function of the
17 state.

18 * **Sec. 9.** AS 44.33 is amended by adding a new section to read:

19 **Sec. 44.33.702. Board of directors.** (a) The 15 members of the board are
20 appointed by the governor and consist of

21 (1) five persons who are officials of destination marketing organizations
22 in unified municipalities or cities with at least 10,000 residents;

23 (2) two persons who are officials of destination marketing organizations
24 in unified municipalities or cities with less than 10,000 residents;

25 (3) two persons who are not engaged in the tourism industry;

26 (4) one person from each of the following sectors of the visitor
27 industry:

28 (A) air carrier;

29 (B) cruise ship;

30 (C) hotel;

31 (D) bed and breakfast;

1 (E) adventure tourism;

2 (F) tour operation.

3 (b) Board members serve for three year terms and may be reappointed. A
4 member serves at the pleasure of the governor. An individual appointed by the
5 governor to fill a vacancy on the board serves for the unexpired balance of the term
6 to which appointed.

7 (c) Board members receive no salary for serving, but are entitled to per diem
8 and travel expenses authorized for boards and commissions under AS 39.20.180,
9 except as provided in AS 44.33.733.

10 (d) Nine members of the board constitute a quorum for the purpose of
11 transacting business. The board shall annually elect one of its members to serve as
12 chair and may elect other officers. The board shall meet at least once each year at the
13 call of the chair or upon the written request of at least two board members.

14 (e) In (a) of this section, "destination marketing organizations" means
15 organizations that deal with tourism promotion and development, that were formed by
16 a municipality, and that are funded, at least in part, by the municipality.

17 * **Sec. 10.** AS 44.33.710 is amended to read:

18 **Sec. 44.33.710. Employees.** The board [OF DIRECTORS OF THE
19 COUNCIL] may employ [AND DETERMINE THE SALARY OF THE STAFF OF
20 THE COUNCIL, WHICH MAY INCLUDE] an executive director **who may employ**
21 **staff. The executive director is in the exempt service under AS 39.25.110. The**
22 **board shall determine the salaries of the executive director and staff** [AND NO
23 MORE THAN TWO OTHER EMPLOYEES. THE EXECUTIVE DIRECTOR AND
24 THE EMPLOYEES OF THE COUNCIL SHALL BE PAID SALARIES THAT ARE
25 COMPARABLE TO SALARIES PAID TO EMPLOYEES OF THE STATE. IF
26 THERE IS NO EXECUTIVE DIRECTOR, THE STAFF OF THE COUNCIL IS
27 SUPERVISED BY THE PRESIDING OFFICER OF THE BOARD].

28 * **Sec. 11.** AS 44.33.715(a) is amended to read:

29 (a) The board may

30 (1) adopt, alter, and use a corporate seal;

31 (2) prescribe, adopt, amend, and repeal bylaws relating to the internal

1 management and operations of the council;

2 (3) sue and be sued in the name of the council;

3 (4) enter into agreements necessary to perform its functions;

4 (5) cooperate with a public or private board, organization, or agency
5 engaged in work or activities similar to the work or activities of the council, including
6 entering into contracts for joint programs of tourism advertising and marketing;

7 (6) receive contributions of money;

8 (7) establish offices in the state and otherwise incur expenses incidental
9 to the performance of its duties;

10 (8) appear on behalf of the council before boards, commissions,
11 departments, or other agencies of municipal, state, or federal government except as
12 provided under (b) of this section;

13 (9) acquire, hold, lease, sell, or otherwise dispose of property, but **only**
14 **as** [SUCH PROPERTY IS LIMITED TO THAT WHICH IS] necessary to the
15 administrative functioning of the council;

16 (10) appoint committees comprised of board and nonboard members;
17 the presiding officer of each committee shall be a board member;

18 (11) prepare and implement plans for the promotion of travel to and
19 inside the state; **and**

20 (12) sell, at fair market value, tourism advertising space in publications
21 and promotional materials developed by the council [;

22 (13) PROVIDE SPACE TO A QUALIFIED TRADE ASSOCIATION
23 IN PUBLICATIONS AND PROMOTIONAL MATERIALS DEVELOPED BY THE
24 COUNCIL IF THE TRADE ASSOCIATION HAS CONTRACTED WITH THE
25 DEPARTMENT UNDER AS 44.33.705(b) AND PAYS ITS PRO RATA SHARE OF
26 THE PRODUCTION COSTS FOR THE PUBLICATION OR PROMOTIONAL
27 MATERIAL; PAYMENT UNDER THIS PARAGRAPH IS PART OF THE
28 ASSOCIATION'S REQUIRED CONTRIBUTION UNDER AS 44.33.705(b); AND

29 (14) GRANT EXCLUSIVE RIGHTS TO A QUALIFIED TRADE
30 ASSOCIATION TO SELL OR LEASE TOURISM MAILING LISTS DEVELOPED
31 BY THE COUNCIL IF THE TRADE ASSOCIATION HAS CONTRACTED WITH

1 THE DEPARTMENT UNDER AS 44.33.705(b)].

2 * **Sec. 12.** AS 44.33.723 is amended to read:

3 **Sec. 44.33.723. Information and data.** Marketing information and data
4 generated by the council, including tourism mailing lists containing consumer names,
5 addresses, and demographic information, are [NOT] public [WRITINGS OR] records
6 under AS 09.25.110 and [OR] 09.25.120. [TOURISM MAILING LISTS SOLD OR
7 LEASED BY THE QUALIFIED TRADE ASSOCIATION UNDER
8 AS 44.33.715(a)(14) SHALL BE SOLD OR LEASED WITHOUT DISCRIMINATION
9 TO ANY INDIVIDUAL OR BUSINESS FOR THE PURPOSE OF PROMOTING AN
10 ALASKA TOURISM PRODUCT OR SERVICE. THE QUALIFIED TRADE
11 ASSOCIATION MAY RESTRICT THE SUBSEQUENT SALE OR LEASE OF THE
12 TOURISM MAILING LISTS BY PURCHASERS OR LESSEES.]

13 * **Sec. 13.** AS 44.33.730(a) is amended to read:

14 (a) The [TOURISM MARKETING] council shall deposit money collected
15 under AS 44.33.700 - 44.33.735 in the general fund.

16 * **Sec. 14.** AS 44.33.735(1) is amended to read:

17 (1) "board" means the board of directors of the [ALASKA] Tourism
18 **Development and** Marketing Council;

19 * **Sec. 15.** AS 44.33.735(3) is amended to read:

20 (3) "council" means the [ALASKA] Tourism **Development and**
21 Marketing Council;

22 * **Sec. 16.** AS 44.66.010(a)(15) is amended to read:

23 (15) [ALASKA] Tourism **Development and** Marketing Council
24 (AS 44.33.700) -- December 30, **2005** [2000];

25 * **Sec. 17.** AS 44.99.030(a)(14) is amended to read:

26 (14) [ALASKA] Tourism **Development and** Marketing Council.

27 * **Sec. 18.** AS 45.90.020(b) is amended to read:

28 (b) The Department of Commerce and Economic Development shall consult
29 with the **Tourism Development and Marketing Council (AS 44.33.700)** [STATE
30 DIVISION OR DEPARTMENT HAVING JURISDICTION OVER TOURISM] on
31 regulations and procedures established under this chapter.

1 * **Sec. 19.** TRANSITION. (a) The Tourism Development and Marketing Council
2 established in AS 44.33.700, as amended in sec. 8 of this Act, is a successor corporation for
3 the Alaska Tourism Marketing Council, and all assets and liabilities of the Alaska Tourism
4 Marketing Council are transferred to the Tourism Development and Marketing Council on the
5 effective date of this Act.

6 (b) Notwithstanding the terms of office under AS 44.33.702, enacted in sec. 9 of this
7 Act, the initial terms of office for members of the board of directors of the Tourism
8 Development and Marketing Council are as follows:

9 (1) two members appointed under AS 44.33.702(a)(1) serve for three-year
10 initial terms, two serve for two-year initial terms, and one serves for a one-year initial term;

11 (2) one member appointed under AS 44.33.702(a)(2) serves for a three-year
12 initial term and one serves for a two-year initial term;

13 (3) one member appointed under AS 44.33.702(a)(3) serves for a three-year
14 initial term and one serves for a one-year initial term; and

15 (4) one member appointed under AS 44.33.702(a)(4) serves for a three-year
16 initial term, two members serve for two-year initial terms, and three serve for one-year initial
17 terms.

18 * **Sec. 20.** AS 44.33.120(a), 44.33.705, 44.33.720(a)(6), 44.33.720(a)(7), 44.33.727, and
19 44.33.735(4) are repealed.

20 * **Sec. 21.** This Act takes effect January 1, 2000.