

Original sponsor(s): House Special Committee On Tourism

1 IN THE HOUSE BY THE LABOR & COMMERCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 442 (L&C) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the Alaska Tourism Marketing  
7 Council; and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 44.33.705(c) is amended by adding a new paragraph to  
10 read:  
11 (11) notwithstanding AS 39.52, a board member who is a  
12 member of the qualified trade association that has contracted with the  
13 department under (b) of this section may vote or take action on a  
14 matter that might benefit the trade association or members of the  
15 trade association, including the issuance of contracts or the granting  
16 of rights to the trade association, but shall disclose the person's  
17 membership in the trade association before the vote or action.  
18 \* Sec. 2. AS 44.33.715(a) is amended to read:  
19 (a) The board may  
20 (1) adopt, alter, and use a corporate seal;  
21 (2) prescribe, adopt, amend, and repeal bylaws relating to  
22 the internal management and operations of the council [, INCLUDING THE  
23 GRANTING OF DISTRIBUTION RIGHTS TO TOURISM MAILING LISTS];  
24 (3) sue and be sued in the name of the council;  
25 (4) enter into [ANY] agreements necessary to perform its  
26 functions;  
27 (5) cooperate with a public or private board, organization,  
28 or agency engaged in work or activities similar to the work or act-  
29 ivities of the council, including entering into contracts for joint

1 programs of tourism advertising and marketing;

2 (6) receive contributions of money;

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

5 (8) appear on behalf of the council before boards, commis-  
6 sions, departments, or other agencies of municipal, state, or federal  
7 government except as provided under (b) of this section;

8 (9) acquire, hold, lease, sell, or otherwise dispose of  
9 property, but such property is limited to that which is necessary to  
10 the administrative functioning of the council;

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

14 (11) prepare and implement plans for the promotion of  
15 travel to and inside the state;

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

18 [AND]

19 (13) provide space to a qualified trade association in  
20 publications and promotional materials developed by the council if the  
21 trade association has contracted with the department under AS 44.33.-  
22 705(b) and pays its pro rata share of the production costs for the  
23 publication or promotional material; payment under this paragraph is  
24 not part of the association's required contribution under AS 44.33.-  
25 705(b); and

26 (14) grant exclusive rights to a qualified trade associa-  
27 tion to sell tourism mailing lists developed by the council if the  
28 trade association has contracted with the department under AS 44.33.-  
29 705(b).

- 1    \* Sec. 3. AS 44.33 is amended by adding a new section to read:  
2            Sec. 44.33.723. INFORMATION AND DATA. Marketing information and  
3            data generated by the council, including tourism mailing lists con-  
4            taining consumer names, addresses, and demographic information, are  
5            not public writings or records under AS 09.25.110 or 09.25.120.  
6            Tourism mailing lists sold by the qualified trade association under  
7            AS 44.33.715(a)(14) shall be made available without discrimination for  
8            sale to any individual or business for the purpose of promoting an  
9            Alaska tourism product or service.
- 10   \* Sec. 4. AS 44.33 is amended by a new section to read:  
11            Sec. 44.33.727. FUND TRANSFER AND REQUIRED CONTRIBUTION. All of  
12            the funds obtained by the qualified trade association from the sale of  
13            space in publications and promotional materials under AS 44.33.-  
14            715(a)(13) and from the sale of tourism mailing lists under AS 44.33.-  
15            715(a)(14) shall be transferred to the council for deposit in the  
16            general fund. The amount of the funds turned over to the council  
17            under this section shall be applied to the required contribution of  
18            the association under AS 44.33.705(b).
- 19   \* Sec. 5. This Act is retroactive to July 1, 1988.  
20   \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).