

Original sponsor(s): House Special Committee On Tourism

1 IN THE HOUSE BY THE LABOR & COMMERCE COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 442 (L&C)
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; this
18 paragraph may not be interpreted to allow a board member or an immedi-
19 ate family member of a board member to receive, apply for, be a party
20 to, have a personal or financial interest in, or attempt to acquire a
21 grant or contract made by the council; in this paragraph, "immediate
22 family member" has the meaning given in AS 39.52.960.

23 * Sec. 2. AS 44.33.715(a) is amended to read:

24 (a) The board may
25 (1) adopt, alter, and use a corporate seal;
26 (2) prescribe, adopt, amend, and repeal bylaws relating to
27 the internal management and operations of the council [, INCLUDING THE
28 GRANTING OF DISTRIBUTION RIGHTS TO TOURISM MAILING LISTS];
29 (3) sue and be sued in the name of the council;

1 (4) enter into [ANY] agreements necessary to perform its
2 functions;

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

7 (6) receive contributions of money;

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

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

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

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

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

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

24 (13) provide space to a qualified trade association in
25 publications and promotional materials developed by the council if the
26 trade association has contracted with the department under AS 44.33.-
27 705(b) and pays its pro rata share of the production costs for the
28 publication or promotional material; payment under this paragraph is
29 not part of the association's required contribution under AS

1 44.33.705(b); and

2 (14) grant exclusive rights to a qualified trade associa-
3 tion to sell or lease tourism mailing lists developed by the council
4 if the trade association has contracted with the department under
5 AS 44.33.705(b).

6 * Sec. 3. AS 44.33 is amended by adding a new section to read:

7 Sec. 44.33.723. INFORMATION AND DATA. Marketing information and
8 data generated by the council, including tourism mailing lists con-
9 taining consumer names, addresses, and demographic information, are
10 not public writings or records under AS 09.25.110 or 09.25.120.
11 Tourism mailing lists sold or leased by the qualified trade associa-
12 tion under AS 44.33.715(a)(14) shall be sold or leased without dis-
13 crimination to any individual or business for the purpose of promoting
14 an Alaska tourism product or service. The qualified trade association
15 may restrict the subsequent sale or lease of the tourism mailing lists
16 by purchasers or lessees.

17 * Sec. 4. AS 44.33 is amended by a new section to read:

18 Sec. 44.33.727. FUND TRANSFER AND REQUIRED CONTRIBUTION. All of
19 the funds obtained by the qualified trade association from the sale of
20 space in publications and promotional materials under AS 44.33.-
21 715(a)(13) and from the sale or lease of tourism mailing lists under
22 AS 44.33.715(a)(14), less the association's expenses related to those
23 sales and leases, shall be transferred to the council for deposit in
24 the general fund. The amount of the funds turned over to the council
25 under this section shall be applied to the required contribution of
26 the association under AS 44.33.705(b).

27 * Sec. 5. This Act is retroactive to July 1, 1988.

28 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).