

SENATE BILL 426

C8

71r1964

By: **Senators Middleton, Astle, and Forehand**

Introduced and read first time: February 2, 2007

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2007

CHAPTER _____

1 AN ACT concerning

2 **Maryland Tourism Development Board – Membership**

3 FOR the purpose of expanding the membership of the Maryland Tourism Development
4 Board by adding two appointments of the President of the Senate and the
5 Speaker of the House of Delegates and three appointments of the Governor who
6 are from certain destination marketing organizations; providing that certain
7 members appointed by the Governor meet certain qualifications; providing that
8 certain members may not vote on any matter before the Board; specifying a
9 certain legislative intent relating to the role of certain members; making certain
10 stylistic changes; and generally relating to the membership of the Maryland
11 Tourism Development Board.

12 BY repealing and reenacting, with amendments,
13 Article 83A – Department of Business and Economic Development
14 Section 4–203
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2006 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article 83A – Department of Business and Economic Development
19 Section 4–206 and 4–207

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2003 Replacement Volume and 2006 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article 83A – Department of Business and Economic Development**

6 4–203.

7 (a) There is a Maryland Tourism Development Board in the Department.

8 (b) (1) The Board consists of [19] **24** members appointed as follows:

9 (i) [11] **14** members shall be appointed by the Governor:

10 **1. 11 OF WHOM SHALL BE APPOINTED** in consultation
11 with the Secretary and with the advice and consent of the Senate; **AND**

12 **2. 3 OF WHOM SHALL BE DIRECTORS OR CHIEF**
13 **EXECUTIVE OFFICERS FROM AMONG THE DESTINATION MARKETING**
14 **ORGANIZATIONS OFFICIALLY RECOGNIZED BY THE MARYLAND OFFICE OF**
15 **TOURISM DEVELOPMENT;**

16 (ii) [4] **5** members shall be appointed by the President of the
17 Senate of Maryland, 2 of whom shall be from the private sector business community;
18 and

19 (iii) [4] **5** members shall be appointed by the Speaker of the
20 House of Delegates, 2 of whom shall be from the private sector business community.

21 (2) [Two] **FOUR** members of the Board at all times shall be members
22 of the General Assembly of Maryland, [1 a member] **2 TO BE MEMBERS** of the Senate
23 of Maryland appointed by the President and the other [a member] **2 TO BE MEMBERS**
24 of the House of Delegates appointed by the Speaker.

25 (3) In making the appointments from the private sector business
26 community, the President of the Senate and the Speaker of the House shall:

1 (i) Ensure that each geographic region of the State is equitably
2 represented; ~~and~~

3 (ii) Give due consideration to the recommendations made by
4 representatives of the tourism industry and provide balanced representation of the
5 lodging, food service, transportation, retail, and amusements and attractions sectors of
6 the tourism industry; ~~AND~~

7 ~~(III) ENSURE THAT 3 MEMBERS ARE DIRECTORS OR CHIEF~~
8 ~~EXECUTIVE OFFICERS FROM AMONG THE 25 DESTINATION MARKETING~~
9 ~~ORGANIZATIONS OFFICIALLY RECOGNIZED BY THE MARYLAND OFFICE OF~~
10 ~~TOURISM DEVELOPMENT.~~

11 (4) (I) A member of the Board who is a member of the General
12 Assembly may not vote on matters before the Board relating to the exercise of the
13 sovereign powers of the State.

14 (II) A MEMBER OF THE BOARD WHO IS A DIRECTOR OR
15 CHIEF EXECUTIVE OFFICER FROM A DESTINATION MARKETING ORGANIZATION
16 MAY NOT VOTE ON ANY MATTER BEFORE THE BOARD.

17 (5) In making the appointments the Governor is required to make
18 under paragraph (1)(i) of this subsection, the Governor shall:

19 (i) Ensure that each geographic region of the State is equitably
20 represented; and

21 (ii) Give due consideration to the recommendations made by
22 representatives of the tourism industry and provide balanced representation of the
23 lodging, food service, transportation, retail, and amusements and attractions sectors of
24 the tourism industry.

25 (c) (1) The term of a member is 3 years and begins on July 1.

26 (2) The terms of the members are staggered as required by the terms
27 provided for the members of the Board on July 1, 1993.

28 (3) Any member is eligible for reappointment, but after serving for 2
29 consecutive 3-year terms, a member may not be reappointed until the expiration of at
30 least one year after the termination of the member's previous tenure. Vacancies shall
31 be filled immediately for the remainder of the unexpired portion of the term. A
32 member shall hold office until a successor has been appointed.

1 (4) A member of the General Assembly who is appointed to the Board
2 by the President or the Speaker serves until a successor is appointed.

3 (d) Each member of the Board appointed by the Governor serves at the
4 pleasure of the Governor. Members of the Board shall serve without compensation, but
5 each member shall be reimbursed for necessary travel and other expenses incurred in
6 the performance of official duties in accordance with the Standard State Travel
7 Regulations. The Board shall select annually from its membership a [chairman,]
8 **CHAIR, AND 5 [vice-chairmen] VICE CHAIRS**, 1 each to represent the lodging, food
9 service, transportation, retail, and attractions sectors, and a secretary-treasurer.

10 4-206.

11 Subject to the approval of the Secretary, the Board has the following powers and
12 duties:

13 (1) To adopt reasonable regulations to effectuate the provisions of this
14 subtitle;

15 (2) To enter into contracts and agreements;

16 (3) To engage services;

17 (4) To request and obtain from any department, division, board,
18 bureau, commission or other agency or unit of the State, assistance and data to enable
19 it to carry out its powers and duties under this subtitle;

20 (5) To accept any federal funds granted by an act of Congress or by
21 executive order for any of the purposes of this subtitle;

22 (6) To accept any gifts, donations, or bequests for any of the purposes
23 of this subtitle; and

24 (7) Subject to the provisions of § 4-208 of this subtitle, to generate
25 revenue through sales of goods and services relating to tourism.

26 4-207.

27 Subject to the approval of the Secretary, the Board shall:

28 (1) Draft and implement:

- 1 (i) A 5-year strategic plan for the promotion and development
2 of tourism in Maryland; and
- 3 (ii) An annual marketing plan consistent with the strategic
4 plan;
- 5 (2) Submit to the Maryland Economic Development Commission for its
6 review the 5-year strategic plan and annual marketing plan;
- 7 (3) Establish an annual operating budget consistent with the
8 marketing plan;
- 9 (4) Protect, preserve, promote, and restore the natural, historical,
10 scenic, and cultural resources in the State;
- 11 (5) Encourage the development of new tourism resources, products,
12 businesses, and attractions in the State;
- 13 (6) Facilitate the movement and activities of tourists to, from, and
14 within the State through signs, information aids, and other services;
- 15 (7) Improve the safety and security of tourists in the State;
- 16 (8) Encourage and facilitate training and education of individuals for
17 jobs in the tourism industry, and provide a healthy environment for the development
18 of human resources in tourism businesses;
- 19 (9) Encourage residents to pursue careers in the tourism industry;
- 20 (10) Produce a climate conducive to small tourism business growth and
21 viability;
- 22 (11) Review existing and proposed taxes, fees, licenses, regulations, and
23 regulatory procedures affecting tourism and tourism businesses in the State and
24 evaluate their impact on the ability of the tourism industry to create employment and
25 generate income;
- 26 (12) Support the conducting of research necessary to evaluate, plan,
27 and execute effective tourism programs;

1 (13) Cooperate with other public and private agencies and
2 organizations in the development and promotion of the State's tourism and travel
3 industries;

4 (14) Encourage, assist, and coordinate the tourism activities of local
5 and regional promotional organizations;

6 (15) Publish and submit to the Commission and the Secretary an
7 annual report and other material that the Board considers appropriate;

8 (16) Set policies regarding the expenditures of appropriated and other
9 funds for tourism advertising, written and graphic materials, cooperative and
10 matching promotional programs, and other tourism and travel developmental and
11 promotional activities for the State; and

12 (17) Spend funds of the Maryland Tourism Development Board Fund
13 for the planning, advertising, promotion, assistance, and development of tourism and
14 travel industries in this State.

15 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
16 General Assembly that the members appointed to the Maryland Tourism Development
17 Board from among the destination marketing organizations shall actively advocate
18 and promote the collective interests of all destination marketing organizations.

19 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.