

House Bill 1590

(31r3262)

ENROLLED BILL

Introduced by Delegates Alexander and Taylor

CHAPTER _____

1 AN ACT concerning
2 Maryland Tourism Development Board and Advisory Committee on Tourism
3 FOR the purpose of creating the Maryland Tourism Development Board in the
4 Department of Economic and Employment Development; declaring the intent of
5 the General Assembly; providing for the appointment, terms, eligibility for
6 reappointment, and removal of the members of the Board; providing that the
7 operating staff and functions of the Board shall be provided by the Department of
8 Economic and Employment Development; providing that the Director of the Office
9 of Tourism Development shall serve as Executive Director of the Board with no
10 additional compensation; providing for the powers, duties, and functions of the
11 Board, particularly with respect to the drafting and implementation of a strategic
12 plan for the promotion and development of tourism in the State; creating a
13 Maryland Tourism Development Board Fund that consists of certain moneys;
14 providing for the purpose of the Fund; creating the Advisory Committee on
15 Tourism; providing for the membership, appointment, and duties of the Advisory
16 Committee; requiring the Maryland Tourism Development Board, the Secretary
17 of the Department of Economic and Community Development, the Governor, and
18 the General Assembly to cooperate in identifying and pursuing funding mechanisms
19 to ensure the maintenance of adequate and effective tourism development programs

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.

Italics indicate opposite chamber/conference committee amendments.

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1 in the State; requiring, by a certain date, the Secretary and the Board to submit a
2 certain plan to the Legislative Policy Committee that will make certain
3 recommendations to bolster the State's commitment to enhancing its promotion of
4 the tourism industry; and relating generally to the Maryland Tourism Development
5 Board, the Advisory Committee on Tourism, and the promotion of the tourism
6 industry in the State of Maryland.
7 BY adding to
8 Article 83A - Economic and Community Development
9 Section 4-1A-01 through 4-1A-09, inclusive, to be under the new subtitle "Subtitle
10 1A. Maryland Tourism Development Board and Advisory Committee on
11 Tourism"
12 Annotated Code of Maryland
13 (1991 Replacement Volume and 1992 Supplement)
14 Preamble
15 WHEREAS, Tourism in the State stimulates economic development and capital
16 investment, thereby resulting in the creation of employment, the growth of income,
17 and the generation of tax revenues; and

18 WHEREAS, The tourism industry consists of a wide variety of goods, services, and
19 facilities that are purchased, leased, rented, used, or consumed by travelers and tourists
20 in the State in connection with air, intercity bus, intercity rail, and water transportation;
21 taxicab services; rental automobiles, trucks, trailers, and other vehicles; automotive
22 repair services; hotels, motels, inns, and other public lodging accommodations;
23 conference and meeting facilities; campgrounds and recreational vehicle parks; rental
24 vacation properties; food service, groceries, and beverages; amusements and
25 attractions; sports and outdoor recreational facilities; and retail shopping facilities; and
26 WHEREAS, Most of the businesses that are part of the State's tourist industry are
27 small enterprises that have consistently demonstrated their ability to produce new jobs
in
28 large numbers; and
29 WHEREAS, Almost every sector of the State's economy benefits directly or
30 indirectly from the tourism industry; and
31 WHEREAS, Tourism and the economic activities it generates results in a significant
32 source of income, sales, and admissions and amusement tax revenues for the State and
its
33 local governments; and
34 WHEREAS, The State and its citizens benefit from tourism because the tax
35 revenues it raises are used as a source of funding for the development of public parks
and
36 recreational facilities, cultural programs, historic preservation projects, and new
37 attractions and amusements, all of which serve to enhance the quality of life of the
State's
38 citizens and attract new businesses to locate in the State; and
39 WHEREAS, The State must be aggressive in its efforts to attract visitors and
40 travelers and enhance its tourism industry through a commitment to and investment in
41 appropriate, effective, and well developed and coordinated advertising and marketing
42 strategies for that industry; and
43 WHEREAS, Such a commitment to and investment in a strong strategic approach
44 to marketing the State's tourism industry requires a long-term, consistent, and

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1 adequately-funded effort to promote tourism in the State of Maryland; now, therefore be
2 it

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

4 MARYLAND, That the Laws of Maryland read as follows:

5 Article 83A - Economic and Employment Development

6 SUBTITLE 1A.MARYLAND TOURISM DEVELOPMENT BOARD AND ADVISORY

7 COMMITTEE ON TOURISM

8 4-1A-01.

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED:

11 (B) "ADVISORY COMMITTEE" MEANS THE ADVISORY COMMITTEE ON
12 TOURISM.

13 (C) "BOARD" MEANS THE MARYLAND TOURISM DEVELOPMENT BOARD.

14 4-1A-02.

15 THE GENERAL ASSEMBLY DECLARES IT TO BE THE POLICY OF THE STATE TO
16 GUIDE, STIMULATE, AND PROMOTE THE COORDINATED, EFFICIENT, AND
17 BENEFICIAL DEVELOPMENT OF TRAVEL AND TOURISM IN THE STATE SO THAT THE
18 STATE CAN DERIVE, TO THE FULLEST EXTENT POSSIBLE, THE ECONOMIC, SOCIAL,
19 AND CULTURAL BENEFITS THAT TRAVEL AND TOURISM IN MARYLAND GENERATES.

20 4-1A-03.

21 (A) THERE IS A MARYLAND TOURISM DEVELOPMENT BOARD IN THE
22 DEPARTMENT.

23 (B)(1) THE BOARD CONSISTS OF 15 MEMBERS APPOINTED AS FOLLOWS:

24 (I) 11 MEMBERS SHALL BE APPOINTED BY THE GOVERNOR IN
25 CONSULTATION WITH THE SECRETARY AND WITH THE ADVICE AND CONSENT
26 OF THE SENATE;

27 (II) 2 MEMBERS SHALL BE APOINTED BY THE PRESIDENT OF THE
28 SENATE OF MARYLAND; AND

29 (III) 2 MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE
30 HOUSE OF DELEGATES.

31 (2) 2 MEMBERS OF THE BOARD AT ALL TIMES SHALL BE MEMBERS OF
32 THE GENERAL ASSEMBLY OF MARYLAND, 1 A MEMBER OF THE SENATE OF
33 MARYLAND APPOINTED BY THE PRESIDENT AND THE OTHER A MEMBER OF THE
34 HOUSE OF DELEGATES APPOINTED BY THE SPEAKER.

35 (3) A MEMBER OF THE BOARD WHO IS A MEMBER OF THE GENERAL
36 ASSEMBLY MAY NOT VOTE ON MATTERS BEFORE THE BOARD RELATING TO THE
37 EXERCISE OF THE SOVEREIGN POWERS OF THE STATE.

38 (4) IN MAKING THE APPOINTMENTS. THE GOVERNOR SHALL:

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1 (I) ENSURE THT EACH GEOGRAPHIC REGION OF THE STATE IS
2 REPRESENTED; AND

3 (II) GIVE DUE CONSIDERATION TO THE RECOMMENDATIONS
4 MADE BY REPRESENTATIVES OF THE TOURISM INDUSTRY AND SHALL PROVIDE
5 BALANCED REPRESENTATION OF THE ~~FOLLOWING SECTORS OF THE TOURISM~~
6 ~~INDUSTRY~~; LODGING; FOOD SERVICE, TRANSPORTATION, AND AMUSEMENTS
7 AND ATTRACTIONS SECTORS OF THE TOURISM INDUSTRY.

8 (C)(1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON JULY 1.

9 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
10 THE TERMS PROVIDED FOR THE MEMBERS OF THE BOARD ON JULY 1, 1993.

11 (3) ANY MEMBER IS ELIGIBLE FOR REAPPOINTMENT, BUT AFTER
12 SERVING FOR 2 CONSECUTIVE 3-YEAR TERMS, A MEMBER MAY NOT BE
13 REAPPOINTED UNTIL THE EXPIRATION OF AT LEAST ONE YEAR AFTER THE
14 TERMINATION OF THE MEMBER'S PREVIOUS TENURE. VACANCIES SHALL BE FILLED
15 IMMEDIATELY FOR THE REMAINDER OF THE UNEXPIRED PORTION OF THE TERM. A
16 MEMBER SHALL HOLD OFFICE UNTIL A SUCCESSOR HAS BEEN APPOINTED.

17 (4) A MEMBER OF THE GENERAL ASSEMBLY WHO IS APPOINTED TO THE
18 BOARD BY THE PRESIDENT OR THE SPEAKER SERVES UNTIL A SUCCESSOR IS
19 APPOINTED.

20 (D) EACH MEMBER OF THE BOARD APPOINTED BY THE GOVERNOR SERVES
21 AT THE PLEASURE OF THE GOVERNOR. MEMBERS OF THE BOARD SHALL SERVE
22 WITHOUT COMPENSATION, BUT EACH MEMBER SHALL BE REIMBURSED FOR
23 NECESSARY TRAVEL AND OTHER EXPENSES INCURRED IN THE PERFORMANCE OF
24 OFFICIAL DUTIES IN ACCORDANCE WITH THE STANDARD STATE TRAVEL
25 REGULATIONS. THE BOARD SHALL SELECT ANNUALLY FROM ITS MEMBERSHIP A
26 CHAIRMAN. 4 VICE-CHAIRMEN. 1 EACH TO REPRESENT THE LODGING, FOOD
27 SERVICE, TRANSPORTATION, AND ATTRACTIONS SECTORS, AND A
28 SECRETARY-TREASURER.

29 4-1A-04.

30 THE BOARD SHALL MEET AT THE CALL OF THE CHAIRMAN. THE BOARD SHALL
31 MEET AT LEAST 4 TIMES A YEAR.

32 4-1A-05.

33 (A) THE OFFICE OF TOURISM DEVELOPMENT OF THE DEPARTMENT SHALL
34 PROVIDE A STAFF TO THE BOARD.
35 (B) THE BOARD SHALL USE THE FACILITIES, EQUIPMENT, AND SUPPLIES OF
36 THE OFFICE OF TOURISM TO CONDUCT ITS BUSINESS.
37 (C) THE DIRECTOR OF THE OFFICE OF TOURISM DEVELOPMENT OF THE
38 DEPARTMENT SHALL SERVE AS THE EXECUTIVE DIRECTOR OF THE BOARD AS
39 PART OF THE REGULAR DUTIES OF THE DIRECTOR OF THE OFFICE OF TOURISM
40 DEVELOPMENT AND WITH NO ADDITIONAL COMPENSATION.
41 4-1A-06.

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1 SUBJECT TO THE APPROVAL OF THE SECRETARY, THE BOARD HAS THE
2 FOLLOWING POWERS AND DUTIES:
3 (1) TO ADOPT REASONABLE REGULATIONS TO EFFECTUATE THE
4 PROVISIONS OF THIS SUBTITLE;
5 (2) TO ENTER INTO CONTRACTS AND AGREEMENTS;
6 (3) TO ENGAGE SERVICES;
7 (4) TO REQUEST AND OBTAIN FROM ANY DEPARTMENT, DIVISION,
8 BOARD, BUREAU, COMMISSION OR OTHER AGENCY OR UNIT OF THE STATE,
9 ASSISTANCE AND DATA TO ENABLE IT TO CARRY OUT ITS POWERS AND DUTIES
10 UNDER THIS SUBTITLE;
11 (5) TO ACCEPT ANY FEDERAL FUNDS GRANTED BY AN ACT OF
12 CONGRESS OR BY EXECUTIVE ORDER FOR ANY OF THE PURPOSES OF THIS
13 SUBTITLE;
14 (6) TO ACCEPT ANY GIFTS, DONATIONS, OR BEQUEST FOR ANY OF THE
15 PURPOSES OF THIS SUBTITLE;
16 (7) SUBJECT TO THE PROVISIONS OF § -1A-08 OF THIS SUBTITLE, TO
17 GENERATE REVENUE THROUGH SALES OF GOODS AND SERVICES RELATING TO
18 TOURISM.
19 4-1A-07.
20 SUBJECT TO THE APPROVAL OF THE SECRETARY, THE BOARD SHALL:
21 (1) DRAFT AND IMPLEMENT A 5-YEAR STRATEGIC PLAN FOR THE
22 PROMOTION AND DEVELOPMENT OF TOURISM IN MARYLAND;
23 (2) DRAFT AND IMPLEMENT AN ANNUAL MARKETING PLAN
24 CONSISTENT WITH THE STRATEGIC PLAN;
25 (3) ESTABLISH AND ANNUAL OPERATING BUDGET CONSISTENT WITH
26 THE MARKETING PLAN;
27 (4) PROTECT, PRESERVE, PROMOTE, AND RESTORE THE NATURAL,
28 HISTORICAL, SCENIC, AND CULTURAL RESOURCES IN THE STATE;
29 (5) ENCOURAGE THE DEVELOPMENT OF NEW TOURISM RESOURCES,
30 PRODUCTS, BUSINESSES, AND ATTRACTIONS IN THE STATE;
31 (6) FACILITATE THE MOVEMENT AND ACTIVITIES OF TOURIST TO,
32 FROM, AND WITHIN THE STATE THROUGH SIGNS, INFORMATION AIDS, AND OTHER
33 SERVICES;
34 (7) IMPROVE THE SAFETY AND SECURITY OF TOURIST IN THE STATE;
35 (8) ENCOURAGE AND FACILITATE TRAINING AND EDUCATION OF
36 INDIVIDUALS FOR JOBS IN THE TOURISM INDUSTRY, AND PROVIDE A HEALTHY
37 ENVIRONMENT FOR THE DEVELOPMENT OF HUMAN RESOURCES IN TOURISM
38 BUSINESSES;

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1 (9) ENCOURAGE RESIDENTS TO PURSUE CAREERS IN THE TOURISM
2 INDUSTRY;

3 (10) PRODUCE A CLIMATE CONDUCTIVE TO SMALL TOURISM BUSINESS
4 GROWTH AND VIABILITY;
5 (11) REVIEW EXISTING AND PROPOSED TAXES, FEES, LICENSES,
6 REGULATIONS, AND REGULATORY PROCEDURES AFFECTING TOURISM AND
7 TOURISM BUSINESSES IN THE STATE AND EVALUATE THEIR IMPACT ON THE
8 ABILITY OF THE TOURISM INDUSTRY TO CREATE EMPLOYMENT AND GENERATE
9 INCOME;
10 (12) SUPPORT THE CONDUCTING OF RESEARCH NECESSARY TO
11 EVALUATE, PLAN, AND EXECUTE EFFECTIVE TOURISM PROGRAMS;
12 (13) COOPERATE WITH OTHER PUBLIC AND PRIVATE AGENCIES AND
13 ORGANIZATIONS IN THE DEVELOPMENT AND PROMOTION OF THE STATE'S
14 TOURISM AND TRAVEL INDUSTRIES;
15 (14) ENCOURAGE, ASSIST, AND COORDINATE THE TOURISM ACTIVITIES
16 OF LOCAL AND REGIONAL PROMOTIONAL ORGANIZATIONS;
17 (15) PUBLISH AND SUBMIT TO THE SECRETARY AN ANNUAL REPORT
18 AND OTHER MATERIAL THAT THE BOARD CONSIDERS APPROPRIATE;
19 (16) SET POLICIES REGARDING THE EXPENDITURES OF APPROPRIATED
20 AND OTHER FUNDS FOR TOURISM ADVERTISING, WRITTEN AND GRAPHIC
21 MATERIALS, COOPERATIVE AND MATCHING PROMOTIONAL PROGRAMS, AND
22 OTHER TOURISM AND TRAVEL DEVELOPMENTAL AND PROMOTIONAL ACTIVITIES
23 FOR THE STATE;
24 (17) SPEND FUNDS OF THE MARYLAND TOURISM DEVELOPMENT
25 BOARD FUND FOR THE PLANNING, ADVERTISING, PROMOTION, ASSISTANCE, AND
26 DEVELOPMENT OF TOURISM AND TRAVEL INDUSTRIES IN THIS STATE.
27 4-1A-08.
28 (A) THERE IS A MARYLAND TOURISM DEVELOPMENT BOARD FUND.
29 (B) THE FUND IS ESTABLISHED TO PROVIDE A CONTINUING FUND FOR THE
30 BOARD TO FUND PROGRAMS RELATING TO THE PLANNING, ADVERTISING,
31 PROMOTION, ASSISTANCE, AND DEVELOPMENT OF THE TOURISM INDUSTRY IN THE
32 STATE.
33 (C) THE FUND IS A SPECIAL, CONTINUOUS, NONLAPSING FUND THAT IS NOT
34 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.
35 (D) THE TREASURER SHALL INVEST AND REINVEST THE FUND IN THE SAME
36 MANNER AS OTHER STATE FUNDS AND CREDIT ANY INVESTMENT EARNINGS TO
37 THE GENERAL FUND.
38 (E) THE FUND CONSISTS OF ALL FUNDS ACCEPTED BY THE BOARD IN
39 ACCORDANCE WITH § 4-1A-06 OF THE SUBTITLE.
40 (F) EXPENDITURES FROM THE FUND MAY BE MADE ONLY BY THE BOARD IN
41 ACCORDANCE WITH AN APPROPRIATION ~~APPROVED BY THE SECRETARY.~~

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1 4-1A-09.
2 (A) THERE IS AN ADVISORY COMMITTEE ON TOURISM IN THE DEPARTMENT.
3 (B) THE ADVISORY COMMITTEE CONSISTS OF 40 MEMBERS APPOINTED BY
4 THE GOVERNOR IN CONSULTATION WITH THE SECRETARY AND THE BOARD.
5 (C) OF THE 40 ADVISORY COMMITTEE MEMBERS:
6 (1) 7 SHALL BE REPRESENTATIVES OF THE MARYLAND HOTEL AND
7 MOTEL ASSOCIATION;
8 (2) 7 SHALL BE REPRESENTATIVES OF THE RESTAURANT
9 ASSOCIATION OF MARYLAND;
10 (3) 7 SHALL BE REPRESENTATIVES OF THE MARYLAND TOURISM
11 COUNCIL;
12 (4) 2 SHALL BE REPRESENTATIVES OF THE MARINE TRADE

13 ASSOCIATION OF MARYLAND;
14 (5) 1 SHALL BE A REPRESENTATIVE OF THE MARYLAND BUS
15 ASSOCIATION;
16 (6) 1 SHALL BE A REPRESENTATIVE OF THE MARYLAND TAXI AND
17 LIMOUSINE ASSOCIATION;
18 (7) 1 SHALL BE A REPRESENTATIVE OF THE MARYLAND BED AND
19 BREAKFAST ASSOCIATION;
20 (8) 1 SHALL BE A REPRESENTATIVE OF THE MARYLAND MUSEUMS
21 ASSOCIATION;
22 (9) 1 SHALL BE A REPRESENTATIVE OF THE MARYLAND RETAIL
23 MERCHANTS ASSOCIATION;
24 (10) 1 SHALL BE A REPRESENTATIVE OF THE MARYLAND ASSOCIATION
25 OF CAMPGROUNDS;
26 (11) 1 SHALL BE A REPRESENTATIVE OF THE MARYLAND SERVICE
27 STATION ASSOCIATION;
28 (12) 1 SHALL BE A REPRESENTATIVE OF THE MARYLAND ASSOCIATION
29 OF DESTINATION MARKETING ORGANIZATIONS;
30 (13) 1 SHALL BE A REPRESENTATIVE OF THE AIRLINES;
31 (14) 1 SHALL BE A REPRESENTATIVE OF THE RAILROADS;
32 (15) 1 SHALL BE A REPRESENTATIVE OF THE AUTO RENTAL COMPANIES;
33 (16) 3 SHALL BE REPRESENTATIVES OF SUPPLIERS; AND
34 (17) 3 SHALL BE REPRESENTATIVES OF THE ATTRACTIONS SECTOR.
35 (D) THE TERMS OF THE MEMBERS SHALL BE 4 YEARS EACH.
36 (E) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE
37 UNTIL A SUCCESSOR IS APPOINTED AN QUALIFIES.

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1 (F) THE MEMBERS SERVE AT THE PLEASURE OF THE GOVERNOR.
2 (G) THE MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE WITHOUT
3 COMPENSATION.
4 (H) THE ADVISORY COMMITTEE SHALL:
5 (1) COLLECT AND PREPARE INFORMATION THAT RELATES TO THE
6 ECONOMIC, FISCAL, AND SOCIAL EFFECTS OF TOURISM IN THE STATE; AND
7 (2) ADVISE THE BOARD ON ACTIONS AND INCENTIVES THAT WILL
8 ASSIST THE BOARD IN CARRYING OUT ITS DUTIES.
9 (I) THE BOARD MAY REQUEST THE MEMBERS OF THE ADVISORY
10 COMMITTEE TO SERVE ON COMMITTEES APPOINTED BY THE BOARD TO ASSIST THE
11 BOARD IN ACHIEVING ITS OBJECTIVES IN THE DEVELOPMENT OF TOURISM
12 PROGRAMS IN THE STATE.
13 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
14 members of the Maryland Tourism Development Board that are appointed by the
15 Governor shall expire as follows:
16 (1) 3 members in 1994; and
17 (2) 3 members in 1995.
18 SECTION 3. AND BE IT FURTHER ENACTED, That:
19 (1) It is the intent of the General Assembly that the operational functions of
20 the Maryland Tourism Development Board shall be provided and funded by the Office of
21 Tourism Development of the Department of Economic and Employment Development
22 and that no additional general fund revenues be appropriated or allocated for the
23 operations of the Board.
24 (2) The Maryland Tourism Development Board, the Secretary of Economic
25 and Employment Development, the Governor, and the General Assembly shall cooperate
26 in identifying and pursuing funding mechanisms to ensure the maintenance of adequate

27 and effective tourism development programs in the State.

28 (3) By November 1, 1993, the Secretary of Economic and Employment

29 Development and the Maryland Tourism Development Board shall submit to the

30 Legislative Policy Committee a workable, efficient, and effective plan that will identify

31 and recommend suitable mechanisms for the generating of general, special, and federal

32 funds to bolster the State's commitment to enhancing its promotion of the tourism and

33 travel industries and the marketing of the State to ensure that the State will continue to

34 derive the resultant economic development and other benefits from that commitment.

35 The plan also shall provide the ways and means in which the operating functions of the

36 Board can be self-supported from funds other than general funds. The plan may also

37 include recommendations as to how the development of tourism programs and the

38 functions of the Board could be managed by the private sector and supported by special

39 funds.

40 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect

41 July 1, 1993.