

MARYLAND TOURISM DEVELOPMENT BOARD AND OFFICE OF TOURISM DEVELOPMENT

§ 4-201. Definitions.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Board” means the Maryland Tourism Development Board.
- (c) “Fund” means the Maryland Tourism Development Board Fund.
- (d) “Office” means the Office of Tourism Development.

§ 4-202. Policy.

It is the policy of the State to guide, stimulate, and promote the coordinated, efficient, and beneficial development of travel and tourism in the State so that the State can derive the economic, social, and cultural benefits of travel and tourism to the fullest extent possible.

§ 4-203. Maryland Tourism Development Board.

There is a Maryland Tourism Development Board in the Department.

§ 4-204. Board’s Composition.

- (a) The Board consists of the following 24 members:
 - (1) 11 members appointed by the Governor in consultation with the Secretary and with the advice and consent of the Senate;
 - (2) three members appointed by the Governor who are directors or chief executive officers from among the destination marketing organizations officially recognized by the Office;

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(3) five members appointed by the President of the Senate of Maryland as follows:

- (i) at least two members of the Senate; and
- (ii) at least two members from the private business community; and

(4) five members appointed by the Speaker of the House of Delegates as follows:

- (i) at least two members of the House of Delegates; and
- (ii) at least two members from the private business community.

(b) In appointing members to the Board, the Governor and, with respect to private business community members, the President of the Senate and the Speaker of the House shall:

(1) ensure that each geographic region of the State is represented equitably;

(2) give due consideration to the recommendations of representatives of the tourism industry; and

(3) provide balanced representation of the lodging, food service, transportation, retail, and amusements and attractions sectors of the tourism industry.

(c) A member of the Board who is a member of the General Assembly may not vote on a matter before the Board that relates to the exercise of the sovereign powers of the State.

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

(ii) The terms of members are staggered as required by the terms provided for the members on October 1, 2008.

(iii) At the end of a term, a member continues to serve only until a successor is appointed and qualifies.

(iv) A member may be reappointed, but after serving for two consecutive 3-year terms, a member may not be reappointed until at least 1 year after the end of the member's previous tenure.

(v) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(2) A member of the General Assembly appointed by the President of the Senate or the Speaker of the House serves until a successor is appointed.

(3) A member appointed by the Governor may be removed by the Governor with or without cause.

(4) A private business community member appointed by the President of the Senate or the Speaker of the House may be removed by the appointing officer with or without cause.

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§ 4-205. Election of Officers.

(a) Each year the Board shall elect a chair, five vice chairs, and a secretary–treasurer from among its members.

(b) Of the five vice chairs, there shall be one representative each from the lodging, food service, transportation, retail, and amusements and attractions sectors.

§ 4-206. Executive Director.

(a) The director of the Office is the Executive Director of the Board as part of the regular duties of the director of the Office.

(b) The director may not receive additional compensation for serving as Executive Director of the Board.

§ 4-207. Board Meetings; Compensation; Reimbursement.

(a) The Board shall meet at least 4 times a year, at times and places the chair determines.

(b) A member of the Board:

(1) may not receive compensation as a member of the Board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

§ 4-208. Staff; Facilities; Equipment; Supplies.

(a) The Office shall provide staff for the Board.

(b) The Board shall use the facilities, equipment, and supplies of the Office to conduct its business.

§ 4-209. Powers and Duties.

(a) The exercise of the powers and duties of the Board under this subtitle is subject to the approval of the Secretary.

(b) The Board may:

(1) adopt regulations to carry out this subtitle;

(2) enter into contracts and agreements;

(3) obtain services;

(4) ask any other unit of the State for assistance and data that enable the Board to carry out its powers and duties;

(5) accept federal money for any purpose of this subtitle; and

(6) accept gifts, donations, or bequests for any purpose of this subtitle.

§ 4-210. Additional Duties; Reporting Requirement.

The Board shall:

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(1) protect, preserve, promote, and restore the natural, historical, scenic, and cultural resources in the State;

(2) generate revenue through the sale of goods and services related to tourism in accordance with § 4-215 of this subtitle; and

(3) publish and submit to the Maryland Economic Development Commission and the Secretary an annual report and other material that the Board considers appropriate.

§ 4-211. Additional Duties; Strategic Plan.

The Board shall draft and implement a 5-year strategic plan for the promotion and development of tourism in the State.

§ 4-212. Additional Duties; Marketing Plan.

(a) The Board shall draft and implement an annual marketing plan consistent with the strategic plan developed under § 4-211 of this subtitle.

(b) The Board shall establish an annual operating budget consistent with the marketing plan.

§ 4-213. Additional Duties; Tourism.

The Board shall:

(1) encourage the development of new tourism resources, products, businesses, and attractions in the State;

(2) facilitate the movement and activities of tourists to, from, and within the State through signs, information aids, and other services;

(3) improve the safety and security of tourists in the State;

(4) encourage and facilitate training and education of individuals for jobs in the tourism industry;

(5) provide a healthy environment for the development of human resources in tourism businesses;

(6) encourage residents to pursue careers in tourism businesses;

(7) produce a climate conducive to small tourism business growth and viability;

(8) review existing and proposed taxes, fees, licenses, regulations, and regulatory procedures affecting tourism and the tourism industry in the State and evaluate their impact on the ability of the tourism industry to create employment and generate income;

(9) support research necessary to evaluate, plan, and execute effective tourism programs;

(10) cooperate with other public units and private organizations to develop and promote the State's tourism and travel industries; and

(11) encourage, assist, and coordinate the tourism activities of local and regional promotional organizations.

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§ 4-214. Additional Duties; Policies for Spending Money.

The Board shall:

(1) set policies for spending money on tourism advertising, written and graphic materials, cooperative and matching promotional programs, and other tourism and travel developmental and promotional activities for the State;

(2) spend money of the Fund to plan, advertise, promote, assist, and develop the tourism and travel industries in the State; and

(3) provide grants to destination marketing organizations for the purpose of attracting visitors to the State of not less than:

(i) \$2,350,000 in total for fiscal year 2011; and

(ii) \$2,500,000 in total for fiscal year 2012 and for each fiscal year thereafter.

§ 4-215. Maryland Tourism Development Board Fund.

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

(b) The purpose of the Fund is to finance programs relating to the planning, advertising, promotion, assistance, and development of the tourism industry in the State.

(c) The Fund is a special, nonlapsing fund that is not subject to reversion under § 7-302 of the State Finance and Procurement Article.

(d) The Fund consists of:

(1) money appropriated in the State budget to the Fund; and

(2) money that the Board accepts under § 4-209 of this subtitle.

(e) Expenditures from the Fund may be made only by the Board in accordance with an appropriation.

(f) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be credited to the General Fund of the State.

§ 4-216. Definitions; General Fund Appropriation; Reporting Requirements.

(a) (1) In this section the following words have the meanings indicated.

(2) “Tourism tax increment” means the amount, if any, by which the tourism tax revenues collected in the fiscal year 2 years before a particular fiscal year exceeds the tourism tax revenues collected in the fiscal year 3 years before the particular fiscal year.

(3) “Tourism tax revenues” means sales and use tax revenues collected on the retail sale of tourist-oriented goods and services, as determined by the Comptroller under subsection (c)(3) of this section.

(b) (1) For each of fiscal years 2011 and 2012, the Governor shall include in the annual budget bill a proposed General Fund appropriation to the Fund of \$5,000,000.

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(2) For fiscal year 2013 and each fiscal year thereafter, the Governor shall include in the annual budget bill a proposed General Fund appropriation to the Fund in an amount not less than \$6,000,000 for each fiscal year.

(c) (1) On or before August 1 of each year, the Comptroller shall calculate the amount of the qualifying tourism tax increment for the current fiscal year in accordance with paragraph (2) of this subsection.

(2) The qualifying tourism tax increment is:

(i) if the tourism tax increment exceeds 3% of the tourism tax revenues collected in the fiscal year 3 years before the current fiscal year, one-half of the amount of the tourism tax increment above the 3% increase; or

(ii) if the tourism tax increment does not exceed 3%, zero.

(3) The Comptroller shall:

(i) determine the classification codes that shall be included in tourism tax revenues under this subsection after consulting with the Department; and

(ii) on request from the Department, report the amount of the qualifying tourism tax increment to the Department.

(4) The Governor shall consider whether to include the amount of the qualifying tourism tax increment in the appropriation to the Fund in the proposed State budget for the next fiscal year, in addition to the amount to be included in the budget bill under subsection (b) of this section.

(5) This subsection may not be construed to require funding in the State budget of the qualifying tourism tax increment.

(6) If the proposed State budget for a particular fiscal year includes an appropriation to the Fund under this subsection, it is the intent of the General Assembly that the total annual funding appropriated to the Fund in any fiscal year not exceed by more than \$5,000,000 the sum of:

(i) the portion of the qualifying tourism tax increment that the Governor included in the proposed State budget for the fiscal year immediately preceding the particular fiscal year; and

(ii) the amount stated in subsection (b) of this section.

(d) (1) On or before December 1 of each year beginning in 2015, in cooperation with the Board and the Maryland Association of Destination Marketing Organizations, the Department shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on the effectiveness of the funding provided under subsections (b) and (c) of this section in increasing visitor attendance and visitor spending in Maryland.

(2) The report shall include information that addresses the following:

(i) the specific use of the tourism advertising funds provided by this section;

(ii) data quantifying the success of Maryland's increased tourism marketing efforts;

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(iii) tourism marketing strategies used by other states in Maryland's primary market and their impact on Maryland's market share;

(iv) efforts by the Board to generate additional revenues for the Maryland Tourism Development Board Fund; and

(v) other short- and long-term strategies for tourism development that, if adopted, could improve Maryland's competitive position with its neighboring states.