



HOUSE BILL No. 4808

May 25, 1993, Introduced by Reps. Bodem, Yokich, McManus, Alley, Middaugh, Bobier, Brackenridge, Dalman, Hill, Fitzgerald, Lowe, Goschka, Jamian, Martin, Porreca, London, Allen, Clack, Joe Young, Jr., Rhead, Munsell, Gnodtke, Whyman, Gernaat, Gustafson, Stille, Galloway, Hammerstrom, McNutt, Kukuk and Shugars and referred to the Committee on Tourism and Recreation.

A bill to amend sections 1, 2, 2a, and 3 of Act No. 106 of the Public Acts of 1945, entitled as amended

"An act to enhance the economic viability of the state through development, improvement, and promotion of the travel, tourism, and convention industry of the state; to create the Michigan travel commission and to prescribe its powers and duties; to create a travel bureau, and to prescribe its powers and duties; to provide for appropriations in carrying out this act and the allocation and disbursement of those appropriations; and to repeal certain acts and parts of acts,"

section 2 as amended by Act No. 233 of the Public Acts of 1986, being sections 2.101, 2.102, 2.102a, and 2.103 of the Michigan Compiled Laws; and to add sections 2b, 2c, and 2d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 2, 2a, and 3 of Act No. 106 of the
2 Public Acts of 1945, section 2 as amended by Act No. 233 of the
3 Public Acts of 1986, being sections 2.101, 2.102, 2.102a, and

1 2.103 of the Michigan Compiled Laws, are amended and sections 2b,
2 2c, and 2d are added to read as follows:

3 Sec. 1. (1) ~~The object of this act is to facilitate the~~
4 ~~orderly growth and development of the travel, tourism, and con-~~
5 ~~vention industry of this state, to establish policies encouraging~~
6 ~~vacation, recreation, and convention travel by residents and non-~~
7 ~~residents; and to advertise,~~ THIS ACT SHALL BE KNOWN AND MAY BE
8 CITED AS THE MICHIGAN TOURISM POLICY ACT. THE LEGISLATURE FINDS
9 ALL OF THE FOLLOWING:

10 (A) TOURISM IS A MAJOR SOURCE OF EMPLOYMENT, INCOME, AND TAX
11 REVENUES IN THIS STATE, AND THE EXPANSION OF THE TOURISM INDUSTRY
12 IS VITAL TO THE GROWTH OF THE STATE'S ECONOMY.

13 (B) THE TOURISM INDUSTRY IS IMPORTANT TO THE STATE, NOT ONLY
14 BECAUSE OF THE NUMBERS OF PEOPLE IT SERVES AND THE VAST HUMAN,
15 FINANCIAL, AND PHYSICAL RESOURCES IT EMPLOYS, BUT BECAUSE OF THE
16 BENEFITS TOURISM AND RELATED ACTIVITIES CONFER ON INDIVIDUALS AND
17 ON SOCIETY AS A WHOLE.

18 (C) INVESTMENT OF STATE RESOURCES IS NEEDED TO PROVIDE A
19 MORE EFFECTIVE MEANS OF MARKETING TRAVEL TO, AND WITHIN, THE
20 STATE, AND TO OPTIMIZE THE CONSIDERABLE INVESTMENT OF TIME,
21 ENERGY, CAPITAL, AND RESOURCES BEING MADE BY THE TOURISM
22 INDUSTRY.

23 (D) COORDINATION OF EXISTING STATE GOVERNMENT INVOLVEMENT IN
24 TOURISM PROMOTION AT THE STATE LEVEL AND WITH LOCAL GOVERNMENT
25 AND THE PRIVATE SECTOR WILL MAXIMIZE THE ECONOMIC AND EMPLOYMENT
26 BENEFITS OF THE TOURISM INDUSTRY.

1 (2) THROUGH THIS ACT THE LEGISLATURE INTENDS TO ENCOURAGE
2 ALL OF THE FOLLOWING:

3 (A) A COMMITMENT TO THE FOSTERING OF THE ECONOMIC ACTIVITY
4 INHERENT IN TOURISM PROMOTION.

5 (B) DEVELOPMENT OF A MEANS TO PROMOTE AND MARKET THE STATE
6 AS A DESTINATION FOR TOURISTS ON A WORLDWIDE BASIS.

7 (C) TOURISM GROWTH TO ASSIST THIS STATE IN REMAINING COMPET-
8 ITIVE IN THE WORLD TOURISM MARKETPLACE.

9 (D) MAXIMIZATION OF THE CONTRIBUTION OF THE TOURISM-RELATED
10 INDUSTRIES TO THE STATE'S ECONOMIC PROSPERITY AND EXPANSION OF
11 EMPLOYMENT OPPORTUNITIES.

12 (E) RECOGNITION OF HISTORIC AND SCENIC ENVIRONMENTS, AND THE
13 DEVELOPMENT OF CULTURAL AND HERITAGE TOURISM PROGRAMS AND INTER-
14 NATIONAL MARKETING STRATEGIES, TO ENHANCE THE STATE'S APPEAL AS A
15 DESTINATION FOR DOMESTIC AND INTERNATIONAL TOURISM.

16 (F) PROVISION OF TIMELY, UP-TO-DATE TRAVEL AND TOURISM
17 INFORMATION ON URBAN AND RURAL LOCATIONS IN VARIOUS REGIONS OF
18 THE STATE TO ENABLE STATE RESIDENTS TO TAKE MAXIMUM ADVANTAGE OF
19 TRAVEL OPPORTUNITIES WITHIN THE STATE.

20 (G) HEALTH, EDUCATION, AND INTERCULTURAL APPRECIATION OF THE
21 GEOGRAPHY, HISTORY, ARTS, AND ETHNICITY OF THE STATE.

22 (H) THE WELCOME ENTRY OF INDIVIDUALS TRAVELING TO THE STATE
23 TO ENHANCE INTERNATIONAL UNDERSTANDING AND GOODWILL, CONSISTENT
24 WITH IMMIGRATION LAWS, LAWS PROTECTING THE PUBLIC HEALTH, LAWS
25 GOVERNING THE IMPORTATION OF GOODS INTO THE UNITED STATES, AND
26 OTHER APPLICABLE LAWS AND REGULATIONS.

1 (I) THE COLLECTION, ANALYSIS, AND TIMELY DISSEMINATION OF
2 DATA WHICH ACCURATELY MEASURES THE ECONOMIC IMPACT OF TOURISM ON
3 THE STATE IN ORDER TO FACILITATE PLANNING IN THE PUBLIC AND PRI-
4 VATE SECTORS.

5 (J) THE ESTABLISHMENT OF A PROGRAM TO market ~~and~~
6 ~~publicize~~ the travel vacation ~~product of~~ OPPORTUNITIES AVAIL-
7 ABLE IN this state to residents and nonresidents BY USING ANY
8 MEDIUM OR MEANS THAT THE TRAVEL BUREAU, IN CONSULTATION WITH THE
9 TRAVEL COMMISSION, DETERMINES APPROPRIATE. ~~, in newspapers,~~
10 ~~broadcast media, magazines, booklets, leaflets, movies, and per-~~
11 ~~iodicals, and in such other manner, including media and trade~~
12 ~~receptions, as shall be deemed most advantageous by the travel~~
13 ~~commission to accomplish the object expressed, consistent with~~
14 ~~the public~~

15 (K) PUBLIC interest in protection of the natural resources
16 and the cultural heritage of the state.

17 Sec. 2. (1) The Michigan travel commission is created
18 within the department of commerce.

19 (2) The commission shall consist of 13 members appointed by
20 the governor with the advice and consent of the senate. The gov-
21 ernor shall select members who are experienced in the travel,
22 tourism, and recreation industry or an associated field. Members
23 of the commission shall be representative of all geographic areas
24 of the state. Not less than 7 members of the commission shall be
25 owners and operators of for-profit businesses from the private
26 sector of the travel, tourism, and recreation industry and shall
27 be experienced in the travel, tourism, and recreation industry.

1 Of the 7 members appointed from the private sector not less than
2 4 members shall be owners and operators of small businesses. As
3 used in this section, "small businesses" means business concerns
4 incorporated or doing business in this state which employ not
5 more than 100 full-time or part-time employees.

6 (3) A member of the commission shall be appointed for a term
7 of 4 years. ~~Upon the expiration of a member's 4 year term, a~~
8 ~~vacancy shall exist until filled by the governor. Vacancies in~~
9 ~~the commission membership shall be filled by the governor, with~~
10 ~~the advice and consent of the senate, for the unexpired term. No~~
11 member may serve more than 2 full 4-year terms. A VACANCY ON THE
12 COMMISSION SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL
13 APPOINTMENT.

14 (4) The members of the commission shall ~~be entitled to nec-~~
15 ~~essary travel and other~~ SERVE WITHOUT COMPENSATION. HOWEVER,
16 MEMBERS OF THE COMMISSION MAY BE REIMBURSED FOR THEIR expenses
17 incurred in the performance of THEIR official duties not to
18 exceed 25 days in a fiscal year PURSUANT TO THE STANDARD TRAVEL
19 REGULATIONS OF THE DEPARTMENT OF MANAGEMENT AND BUDGET. ~~The~~
20 ~~members of the commission shall receive a per diem compensation~~
21 ~~and reimbursement of expenses as established annually by the~~
22 ~~legislature.~~

23 (5) The commission shall recommend by name the appointment
24 of the travel bureau director to the director of the department
25 of commerce, and elect from its membership annually a chair and
26 vice-chair. THE COMMISSION SHALL MEET AT LEAST QUARTERLY, OR

1 MORE FREQUENTLY IF REQUESTED BY 8 OR MORE MEMBERS, OR AT THE CALL
2 OF THE CHAIR.

3 (6) A member of the commission may be removed from office by
4 the governor in accordance with section 10 of article V of the
5 state constitution of 1963.

6 ~~(7) The 9 commission members appointed by the governor
7 prior to the effective date of this amendatory act shall complete
8 their current terms of office.~~

9 ~~(8) The terms of office of the 4 commission members repre-
10 senting the regional tourists' associations prior to the effec-
11 tive date of this amendatory act shall end as follows:~~

12 ~~(a) The term of office of the commission member representing
13 the east Michigan tourist association shall end on August 1,
14 1987.~~

15 ~~(b) The term of office of the commission member representing
16 the west Michigan tourist association shall end on August 1,
17 1988.~~

18 ~~(c) The term of office of the commission member representing
19 the southeast Michigan travel and tourist association shall end
20 on August 1, 1989.~~

21 ~~(d) The term of office of the commission member representing
22 the Upper Peninsula travel and recreation association shall end
23 on August 1, 1990.~~

24 (7) A MAJORITY OF THE COMMISSION CONSTITUTES A QUORUM FOR
25 THE TRANSACTION OF BUSINESS AT A MEETING OF THE COMMISSION. A
26 MAJORITY VOTE OF THE MEMBERS PRESENT AND SERVING IS REQUIRED FOR
27 OFFICIAL ACTION OF THE MICHIGAN TRAVEL COMMISSION.

1 (8) THE BUSINESS OF THE MICHIGAN TRAVEL COMMISSION SHALL BE
2 CONDUCTED AT A PUBLIC MEETING OF THAT COMMISSION, HELD IN COMPLI-
3 ANCE WITH THE OPEN MEETINGS ACT, ACT NO. 267 OF THE PUBLIC ACTS
4 OF 1976, BEING SECTIONS 15.261 TO 15.275 OF THE MICHIGAN COMPILED
5 LAWS.

6 (9) A DOCUMENT PREPARED, OWNED, USED, IN THE POSSESSION OF,
7 OR RETAINED BY THE MICHIGAN TRAVEL COMMISSION IN THE PERFORMANCE
8 OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION
9 ACT, ACT NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS
10 15.231 TO 15.246 OF THE MICHIGAN COMPILED LAWS.

11 Sec. 2a. The travel bureau is created within the depart-
12 ment of commerce and shall DO ALL OF THE FOLLOWING:

13 ~~(a) Conduct travel product planning and research studies to~~
14 ~~determine market demand, to prepare marketing, promotion, and~~
15 ~~advertising strategies, to prepare a travel product development~~
16 ~~plan, to determine the feasibility of travel facility development~~
17 ~~proposals, to develop and implement a comprehensive travel prod-~~
18 ~~uct information system, and to evaluate the impact of travel~~
19 ~~product programs and grants.~~

20 (A) ~~(b) Implement advertising and promotion programs to~~
21 ~~market this state's travel product~~ STATE AS A DESIRABLE TRAVEL
22 DESTINATION.

23 ~~(c) Encourage the development of travel product facilities~~
24 ~~and activities by locating potential developers, providing market~~
25 ~~and feasibility analyses, assisting developers in complying with~~
26 ~~public rules, regulations, and laws, and providing technical~~

1 ~~assistance in location decision making including site selection,~~
2 ~~financing, and utilities.~~

3 (B) BEFORE FUNDING A PROMOTIONAL EFFORT, IDENTIFY AND DOCU-
4 MENT THOSE BENEFITS TO THE STATE THAT THE TRAVEL BUREAU DETER-
5 MINES LIKELY TO RESULT FROM THE PROMOTIONAL EFFORT.

6 (C) WITHHOLD FUNDS FOR ANY PROPOSED PROMOTIONAL EFFORT THAT
7 IN THE TRAVEL BUREAU'S DETERMINATION WILL NOT LIKELY BENEFIT THE
8 TRAVEL INDUSTRY IN THE STATE OR CONFORM WITH THE GOALS OF THE
9 MASTER PLAN DESCRIBED IN SECTION 2C.

10 (D) IF THE TRAVEL BUREAU EXPENDS FUNDS FOR A PROMOTIONAL
11 EFFORT, IDENTIFY AND DOCUMENT THE ACTUAL BENEFITS, IF ANY, CON-
12 FERRED UPON THE STATE BY THAT PROMOTIONAL EFFORT.

13 (E) ~~(d) Review~~ USE REASONABLE MEANS TO IDENTIFY, REVIEW,
14 and comment upon the policies and programs of state agencies
15 which directly affect the achievement of the duties and responsi-
16 bilities of the travel bureau.

17 ~~(e) Provide basic support and discretionary grants to local~~
18 ~~and regional agencies for travel product development, marketing,~~
19 ~~promotion, and advertising.~~

20 (F) FACILITATE TRAVEL TO AND WITHIN THIS STATE TO THE MAXI-
21 MUM EXTENT FEASIBLE.

22 (G) FROM TIME TO TIME, CONVENE INTERAGENCY COMMITTEES, CON-
23 SISTING OF REPRESENTATIVES OF UNITS OF STATE GOVERNMENT THAT MAY
24 BE REQUIRED TO DEVISE RECOMMENDATIONS TO IDENTIFY AND SOLVE TOUR-
25 ISM PROBLEMS.

26 (H) PROVIDE INFORMATIONAL ASSISTANCE AND GUIDANCE TO
27 REGIONAL, COUNTY, AND CITY TOURISM DEVELOPMENT ORGANIZATIONS AND

1 SIMILAR PRIVATE ORGANIZATIONS IN PLANNING PROGRAMS TO ATTRACT
2 VISITORS.

3 SEC. 2B. THE TRAVEL BUREAU SHALL DEVELOP WITH THE DEPART-
4 MENT OF COMMERCE A FORMAL, WRITTEN POLICY GOVERNING TRAVEL BUREAU
5 EMPLOYEE ACCEPTANCE OF FREE MEALS OR LODGING, AND IMPLEMENT THAT
6 POLICY WITHIN 1 YEAR OF THE EFFECTIVE DATE OF THE AMENDATORY ACT
7 THAT ADDED THIS SECTION.

8 SEC. 2C. (1) IN CONSULTATION WITH THE APPROPRIATE DIVISIONS
9 OF THE MICHIGAN DEPARTMENT OF COMMERCE, THE TRAVEL BUREAU AND
10 MICHIGAN TRAVEL COMMISSION SHALL DEVELOP A COMPREHENSIVE,
11 LONG-RANGE MASTER PLAN FOR A PERIOD OF NOT LESS THAN 2 YEARS AND
12 NOT MORE THAN 5 YEARS THAT IDENTIFIES EACH OF THE FOLLOWING:

13 (A) TOURISM DEVELOPMENT AND MANAGEMENT GOALS.

14 (B) PROGRAMS PROPOSED TO BE IMPLEMENTED DURING THE TERM OF
15 THE MASTER PLAN.

16 (2) THE MASTER PLAN SHALL BE UPDATED AS THE TRAVEL BUREAU,
17 MICHIGAN TRAVEL COMMISSION, AND THE APPROPRIATE DIVISIONS OF THE
18 DEPARTMENT OF COMMERCE DETERMINE NECESSARY.

19 SEC. 2D. BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
20 AMENDATORY ACT THAT ADDED THIS SECTION, THE TRAVEL BUREAU SHALL
21 SUBMIT TO THE TRAVEL COMMISSION, THE GOVERNOR, AND THE LEGISLA-
22 TURE AN ANNUAL REPORT CONTAINING ALL OF THE FOLLOWING:

23 (A) A STATEMENT IDENTIFYING AND ANALYZING EXPENDITURES
24 AUTHORIZED BY THE TRAVEL BUREAU DURING THE PRECEDING 12 MONTHS,
25 AND A SUMMARY OF THE RESULTS OF THOSE EXPENDITURES.

26 (B) A TOURISM MARKETING PLAN FOR THE NEXT FISCAL YEAR.

1 Sec. 3. (1) The Michigan travel commission shall DO ALL OF
2 THE FOLLOWING:

3 (A) ASSIST THE MICHIGAN TRAVEL BUREAU WITH THE DEVELOPMENT
4 OF A COMPREHENSIVE LONG-RANGE MASTER PLAN.

5 (B) ANNUALLY ASSESS THE ACTIVITIES AND ACCOMPLISHMENTS OF
6 THE MICHIGAN TRAVEL BUREAU, AND CONVEY EACH ASSESSMENT IN WRITING
7 TO THE DIRECTOR OF THE DEPARTMENT OF COMMERCE.

8 (C) WORK TO THE MAXIMUM EXTENT PRACTICABLE WITH THOSE PRI-
9 VATE ASSOCIATIONS, NONPROFIT CORPORATIONS, ORGANIZATIONS, OR
10 OTHER PRIVATE ENTITIES WHICH PROMOTE TOURISM IN THIS STATE.

11 (D) ~~(a)~~ Promulgate rules for the implementation of this
12 act pursuant to Act No. 306 of the Public Acts of 1969, as
13 amended, being sections 24.201 to ~~24.315~~ 24.328 of the Michigan
14 Compiled Laws.

15 ~~(b) Develop policy guidelines on marketing, promotion and~~
16 ~~advertising strategies, and travel promotion development priori-~~
17 ~~ties for implementation by the travel bureau.~~

18 (E) ~~(c)~~ Conduct public hearings to obtain input concerning
19 policy development from a broad cross section of travel
20 interests.

21 ~~(d) Prepare detailed reports for annual submission to the~~
22 ~~director of commerce relative to the programs, policies, and~~
23 ~~accomplishments of the travel bureau.~~

24 (F) WITHHOLD EXPENDITURE OF STATE FUNDS OTHERWISE AUTHORIZED
25 UNDER THIS ACT IF THE MICHIGAN TRAVEL BUREAU DETERMINES THAT THE
26 PROPOSED EXPENDITURE IS FOR AN ACTIVITY THAT DOES NOT CONFORM

1 WITH THE GOALS OF THE MASTER PLAN DESCRIBED IN SECTION 2C OR DOES
2 NOT BENEFIT THE TRAVEL INDUSTRY IN THE STATE.

3 (2) The commission shall authorize the expenditure of funds
4 necessary to carry out this act, and shall be authorized to incur
5 necessary expenses, in accordance with the accounting laws of the
6 state.

7 (3) THE COMMISSION, IN COOPERATION WITH THE MICHIGAN TRAVEL
8 BUREAU, MAY CONVENE COMMITTEES CONSISTING OF QUALIFIED PROFES-
9 SIONALS AND EXPERTS IN VARIOUS SEGMENTS OF THE TOURISM INDUSTRY
10 THAT MAY BE REQUIRED TO AID IN THE PREPARATION OF, OR REVISION
11 OF, ALL OR PART OF A MARKETING PLAN.