

**ASSEMBLY BILL**

**No. 1604**

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**Introduced by Assembly Member Waldron**

February 5, 2014

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An act to amend Section 13995.40 of the Government Code, relating to tourism.

LEGISLATIVE COUNSEL'S DIGEST

AB 1604, as introduced, Waldron. California Tourism Marketing Act.

The California Tourism Marketing Act authorizes the establishment of the California Travel and Tourism Commission, a nonprofit mutual benefit corporation, for the purpose of promoting tourism in California, as specified. Existing law provides for a 37-member board of the commission.

This bill would make nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 13995.40 of the Government Code is
- 2 amended to read:
- 3 13995.40. (a) Upon approval of the initial referendum, the
- 4 office shall establish a nonprofit mutual benefit corporation named
- 5 the California Travel and Tourism Commission. The commission
- 6 shall be under the direction of a board of commissioners, which
- 7 shall function as the board of directors for purposes of the
- 8 Nonprofit Corporation Law.

1 (b) The board of commissioners shall consist of 37  
2 commissioners comprising the following:  
3 (1) The director, who shall serve as chairperson.  
4 (2) (A) Twelve members, who are professionally active in the  
5 tourism industry, and whose primary business, trade, or profession  
6 is directly related to the tourism industry, shall be appointed by  
7 the Governor. Each appointed commissioner shall represent only  
8 one of the 12 tourism regions designated by the office, and the  
9 appointed commissioners shall be selected ~~so as~~ to represent, to  
10 the greatest extent possible, the diverse elements of the tourism  
11 industry. Appointed commissioners are not limited to individuals  
12 who are employed by or represent assessed businesses.  
13 (B) If an appointed commissioner ceases to be professionally  
14 active in the tourism industry or his or her primary business, trade,  
15 or profession ceases to be directly related to the tourism industry,  
16 he or she shall automatically cease to be an appointed  
17 commissioner 90 days following the date on which he or she ceases  
18 to meet both of the eligibility criteria specified in subparagraph  
19 (A), unless the commissioner becomes eligible again within that  
20 90-day period.  
21 (3) Twenty-four elected commissioners, including at least one  
22 representative of a travel agency or tour operator that is an assessed  
23 business.  
24 (c) The commission established pursuant to Section 15364.52  
25 shall be inoperative so long as the commission established pursuant  
26 to this section is in existence.  
27 (d) Elected commissioners shall be elected by industry category  
28 in a referendum. Regardless of the number of ballots received for  
29 a referendum, the nominee for each commissioner slot with the  
30 most weighted votes from assessed businesses within that industry  
31 category shall be elected commissioner. ~~In the event that~~ *If* an  
32 elected commissioner resigns, dies, or is removed from office  
33 during his or her term, the commission shall appoint a replacement  
34 from the same industry category that the commissioner in question  
35 represented, and that commissioner shall fill the remaining term  
36 of the commissioner in question. The number of commissioners  
37 elected from each industry category shall be determined by the  
38 weighted percentage of assessments from that category.

1 (e) The director may remove any elected commissioner  
2 following a hearing at which the commissioner is found guilty of  
3 abuse of office or moral turpitude.

4 (f) (1) The term of each elected commissioner shall commence  
5 July 1 of the year next following his or her election, and shall  
6 expire on June 30 of the fourth year following his or her election.  
7 If an elected commissioner ceases to be employed by or with an  
8 assessed business in the category and segment which he or she  
9 was representing, his or her term as an elected commissioner shall  
10 automatically terminate 90 days following the date on which he  
11 or she ceases to be so employed, unless, within that 90-day period,  
12 the commissioner again is employed by or with an assessed  
13 business in the same category and segment.

14 (2) Terms of elected commissioners that would otherwise expire  
15 effective December 31 of the year during which legislation adding  
16 this subdivision is enacted shall automatically be extended until  
17 June 30 of the following year.

18 (g) With the exception of the director, no commissioner shall  
19 serve for more than two consecutive terms. For purposes of this  
20 subdivision, the phrase “two consecutive terms” shall not include  
21 partial terms.

22 (h) Except for the original commissioners, all commissioners  
23 shall serve four-year terms. One-half of the commissioners  
24 originally appointed or elected shall serve a two-year term, while  
25 the remainder shall serve a four-year term. Every two years  
26 thereafter, one-half of the commissioners shall be appointed or  
27 elected by referendum.

28 (i) The selection committee shall determine the initial slate of  
29 candidates for elected commissioners. Thereafter the  
30 commissioners, by adopted resolution, shall nominate a slate of  
31 candidates, and shall include any additional candidates complying  
32 with the procedure described in Section 13995.62.

33 (j) The commissioners shall elect a vice chairperson from the  
34 elected commissioners.

35 (k) The commission may lease space from the office.

36 (l) The commission and the office shall be the official state  
37 representatives of California tourism.

38 (m) All commission meetings shall be held in California.

39 (n) No person shall receive compensation for serving as a  
40 commissioner, but each commissioner shall receive reimbursement

1 for reasonable expenses incurred while on authorized commission  
2 business.

3 (o) Assessed businesses shall vote only for commissioners  
4 representing their industry category.

5 (p) Commissioners shall comply with the requirements of the  
6 Political Reform Act of 1974 (Title 9 (commencing with Section  
7 81000)). The Legislature finds and declares that commissioners  
8 appointed or elected on the basis of membership in a particular  
9 tourism segment are appointed or elected to represent and serve  
10 the economic interests of those tourism segments and that the  
11 economic interests of these members are the same as those of the  
12 public generally.

13 (q) Commission meetings shall be subject to the requirements  
14 of the Bagley-Keene Open Meeting Act (Article 9 (commencing  
15 with Section 11120) of Chapter 1 of Part 1).

16 (r) The executive director of the commission shall serve as  
17 secretary to the commission, a nonvoting position, and shall keep  
18 the minutes and records of all commission meetings.

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