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Sens. Gay, Huxtable, Pettyjohn, Richardson; Reps.  
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DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE BILL NO. 137

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE TOURISM ADVISORY BOARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 8702A, Title 29 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 8702A. Definitions.

4 As used in this chapter:

5 (1) ~~“Board” means the Tourism Advisory Board created by § 8708A of this title. [Repealed]~~

6 Section 2. Amend § 8708A, Title 29 of the Delaware Code by making deletions as shown by strike through and  
7 insertions as shown by underline as follows:

8 § 8708A. Tourism Advisory Board. [Repealed]

9 ~~(a) The Tourism Advisory Board is hereby established and shall serve in an advisory capacity to the Director and  
10 shall consider matters relating to the promotion of the State as a destination for tourists and other travelers and such other  
11 matters as may be referred to it, by the Governor, the Secretary, or by the Director. The Board may study, research, plan  
12 and advise the Director, the Secretary, and the Governor, on matters it deems appropriate to enable the Division to function  
13 in the best possible manner.~~

14 ~~(b) The Tourism Advisory Board shall be composed of 7 members who shall be appointed by the Governor and  
15 serve for a term of 3 years.~~

16 ~~(c) Members of the Board shall be residents of the State who are engaged in the tourist industry or who provide  
17 direct service to tourists and other travelers. At least 2 members shall be appointed from each of the 3 counties of the State.  
18 For purposes of this section, a member’s residence shall be considered the member’s principal place of business. At least 3,  
19 but no more than 4, members of the Board shall be affiliated with 1 of the major political parties and at least 2, but not more  
20 than 3, of the members shall be affiliated with the other major political party; provided, however, that there shall be no  
21 more than a bare majority representation of 1 major political party over the other major political party. Any person who  
22 declines to announce a political affiliation shall also be eligible for appointment as a member of the Board.~~

23           ~~(d) The Director, or such person designated by the Director, shall serve as Secretary to the Board, and shall~~  
24 ~~maintain minutes of all meetings and such other records as are deemed necessary by the Director.~~

25           ~~(e) Members of the Board shall serve without compensation, except that they may be reimbursed for reasonable~~  
26 ~~and necessary expenses incident to their duties as members in accordance with state law.~~

27           ~~(f) A Chairperson of the Board shall be chosen by the members of the Board from among its members and shall~~  
28 ~~serve in that capacity for a term of 1 year and shall be eligible for reelection.~~

29           ~~(g) Any appointment, pursuant to this section, to replace a member whose position becomes vacant prior to the~~  
30 ~~expiration of the member's term shall be filled only for the remainder of that term.~~

31           Section 3. Amend § 8716A, Title 29 of the Delaware Code by making deletions as shown by strike through and  
32 insertions as shown by underline as follows:

33           § 8716A. Reports.

34           (c) The Division shall also submit special reports upon the request of the Governor, the General Assembly, the  
35 Secretary, the Council on Development Finance, ~~the Tourism Advisory Board~~, or at the discretion of the Director of those  
36 aspects of the Division's work which may be deemed of current interest. Copies of all reports shall be made available for  
37 general distribution or sale and published on the Division's public website.

#### SYNOPSIS

This Act is a result of the Joint Legislative Oversight and Sunset Committee's review of the Tourism Advisory Board ("Board"). First formed in 1981, the Board has served in an advisory role to the Delaware Tourism Office, Division of Small Business, and the Department of State. The Board's primary purpose is advocating for and promoting tourism in Delaware. Its duties include researching and studying matters appropriate to best support the Delaware Tourism Office functions.

The Board was once heavily involved in providing the Tourism Office with advice and support. By 2013, however, the Tourism Office's need for the Board's advice and support decreased, as the Tourism Office's staffing and funding structure were improved under the Delaware Economic Development Office. Now under the Division of Small Business, the work of the Tourism Office is captured in the Division's annual report, which has not referenced the Board for at least the last 5 years. The Board's only official act since 2018 was a letter to the General Assembly to support the inclusion of short-term rentals under the State's Public Accommodations Tax.

Over the last 10 years, the Tourism Office has run a successful tourism program without the advice or support of the Board, including winning prestigious industry awards, launching marketing initiatives, holding workshops to support the tourism industry, and releasing the latest Value of Tourism publication in 2019.

For these reasons, and with the support of the Tourism Office, the Joint Legislative Oversight and Sunset Committee concluded that, although the Board once served an important role in tourism in Delaware, the Board is no longer meeting its statutory duties or fulfilling a state need, and that the Board should be terminated. This Act therefore terminates the Tourism Advisory Board.

Author: Senator Hoffner