

FEB 23 2005
ECONOMIC GROWTH

HOUSE FILE 415
BY RAECKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating a department of tourism.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 415

1 DIVISION I

2 CREATION OF THE DEPARTMENT OF TOURISM

3 Section 1. NEW SECTION. 15H.101 DEFINITIONS.

4 As used in this chapter, unless the context otherwise
5 requires:

6 1. "Department" means the department of tourism created in
7 section 15H.102.

8 2. "Director" means the director of the department.

9 Sec. 2. NEW SECTION. 15H.102 DEPARTMENT OF TOURISM.

10 The department of tourism is created. The department is
11 under the control of a director who shall be appointed by the
12 governor, subject to confirmation by the senate, and shall
13 serve at the pleasure of the governor. The salary of the
14 director shall be set by the governor within a range set by
15 the general assembly.

16 Sec. 3. NEW SECTION. 15H.103 DIRECTOR.

17 The director or a designee of the director shall:

18 1. Coordinate the internal operations of the department
19 and develop and implement policies and procedures designed to
20 ensure the efficient administration of the department.

21 2. Employ personnel as necessary to carry out the duties
22 and responsibilities of the department, consistent with the
23 merit system provisions of chapter 8A, subchapter IV, for
24 nonprofessional employees. Professional staff of the
25 department are exempt from the merit system provisions of
26 chapter 8A, subchapter IV.

27 3. Prepare an annual budget for the department.

28 4. Develop and recommend legislative proposals deemed
29 necessary for the continued efficiency of department functions
30 and review legislative proposals generated outside of the
31 department which are related to matters within the
32 department's purview.

33 5. Adopt rules deemed necessary for the implementation and
34 administration of this chapter and chapter 15F in accordance
35 with chapter 17A.

1 6. Appoint the administrators of the divisions of the
2 department.

3 7. Enter into contracts for the receipt and provision of
4 services as deemed necessary. The director and the governor
5 may obtain and accept federal grants and receipts to or for
6 the state to be used for the administration of this chapter.

7 8. Administer and enforce this chapter.

8 Sec. 4. NEW SECTION. 15H.104 DIVISIONS.

9 The director may establish administrative divisions within
10 the department in order to most efficiently and effectively
11 carry out the department's responsibilities.

12 Sec. 5. NEW SECTION. 15H.105 RESPONSIBILITIES OF
13 DEPARTMENT.

14 The department shall promote Iowa's public and private
15 recreation and tourism opportunities to Iowans and out-of-
16 state visitors and aid promotional and development efforts by
17 local governments and the private sector. To carry out these
18 responsibilities, the department shall do all of the
19 following:

20 1. Build general public consensus and support for Iowa's
21 public and private recreation, tourism, and leisure
22 opportunities and needs.

23 2. Recommend high-quality site management and maintenance
24 standards for all public and private recreation, tourism, and
25 leisure opportunities.

26 3. Coordinate and develop with the state department of
27 transportation, the department of natural resources, the
28 department of cultural affairs, the department of economic
29 development, and other state agencies public interpretation
30 and education programs which encourage Iowans and out-of-state
31 visitors to participate in recreation, tourism, and leisure
32 opportunities available in Iowa.

33 4. Coordinate with other departments to add Iowa's
34 recreation, tourism, and leisure resources to the agricultural
35 and other images which characterize the state on a national

1 level.

2 5. Consolidate and coordinate the many existing sources of
3 information about local, regional, statewide, and national
4 recreation, tourism, and leisure opportunities into a
5 comprehensive, state-of-the-art information delivery system
6 for Iowans and out-of-state visitors.

7 6. Formulate and direct marketing and promotion programs
8 to specific out-of-state market populations exhibiting the
9 highest potential for consuming Iowa's public and private
10 tourism products.

11 7. Provide ongoing long-range planning on a statewide
12 basis for improvements in Iowa's public and private tourism
13 opportunities.

14 8. Provide the private sector and local communities with
15 advisory services, including analysis of existing resources
16 and deficiencies, general development and financial planning,
17 marketing guidance, hospitality training, and other services.

18 9. Measure the change in public opinion of Iowans
19 regarding the importance of recreation, tourism, and leisure.

20 10. Provide annual monitoring of tourism visitation by
21 Iowans and out-of-state visitors to Iowa attractions, public
22 and private employment levels, and other economic indicators
23 of the recreation and tourism industry and report predictable
24 trends.

25 11. Identify new business investment opportunities for
26 private enterprise in the recreation and tourism industry.

27 12. Cooperate with and seek assistance from the department
28 of cultural affairs.

29 13. Seek coordination with and assistance from the
30 department of natural resources in regard to the Mississippi
31 river parkway under chapter 308 for the purposes of furthering
32 tourism efforts along the parkway.

33 14. Collect, assemble, and publish a list of farmers who
34 have agreed to host overnight guests, for purposes of
35 promoting agriculture and farm tourism in the state, to the

1 extent that funds are available.

2 15. Establish a revolving fund to receive contributions to
3 be used for cooperative advertising efforts. Fees and
4 royalties obtained as a result of licensing the use of logos
5 and other creative materials for sale by private vendors on
6 selected products may be deposited in the fund. The
7 department shall adopt by rule a schedule for fees and
8 royalties to be charged.

9 16. Establish a revolving fund to receive contributions
10 and funds from the product sales center to be used for the
11 start-up or expansion of tourism special events, fairs, and
12 festivals as established by department rule.

13 DIVISION II

14 CONFORMING AMENDMENTS

15 Sec. 6. Section 7E.5, subsection 1, Code 2005, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. w. The department of tourism, created in
18 chapter 15H, which has the primary responsibility of promoting
19 Iowa's public and private recreation, tourism, and leisure
20 opportunities.

21 Sec. 7. Section 12.73, Code 2005, is amended to read as
22 follows:

23 12.73 VISION IOWA FUND MONEYS -- ADMINISTRATIVE COSTS.

24 During the term of the vision Iowa program established in
25 section 15F.302, two hundred thousand dollars of the moneys
26 deposited each fiscal year in the vision Iowa fund and
27 appropriated for the vision Iowa program shall be allocated
28 each fiscal year to the department of ~~economic-development~~
29 tourism for administrative costs incurred by the department
30 for purposes of administering the vision Iowa program.

31 Sec. 8. Section 15.106, subsection 5, Code 2005, is
32 amended to read as follows:

33 5. Review and submit to the board legislative proposals
34 necessary to maintain current state economic development and
35 ~~tourism~~ laws.

1 Sec. 9. Section 15.108, subsection 5, Code 2005, is
2 amended by striking the subsection.

3 Sec. 10. Section 15.221, subsection 1, Code 2005, is
4 amended to read as follows:

5 1. The Iowa Lewis and Clark bicentennial commission is
6 established in the department of ~~economic-development~~ tourism
7 for purposes of coordinating and promoting the observance of
8 this state's bicentennial commemoration of the Lewis and Clark
9 expedition. The commission shall be organized and shall
10 operate as a nonprofit corporation within this state in
11 accordance with chapter 504 or 504A.

12 Sec. 11. Section 15.221, subsection 2, paragraph b, Code
13 2005, is amended to read as follows:

14 b. The ~~administrator-of-the-division~~ director of the
15 department of tourism ~~within-the-department-of-economic~~
16 ~~development~~, or the ~~administrator's~~ director's designee.

17 Sec. 12. Section 15F.101, subsection 2, Code 2005, is
18 amended to read as follows:

19 2. "Department" means the Iowa department of ~~economic~~
20 ~~development~~ tourism created in section ~~15.105~~ 15H.102.

21 Sec. 13. Section 15F.102, subsection 2, paragraph f, Code
22 2005, is amended to read as follows:

23 f. The director of the department of ~~economic-development~~
24 tourism.

25 Sec. 14. Section 15F.102, subsections 3, 4, and 6, Code
26 2005, are amended to read as follows:

27 3. All appointments, except the director of the department
28 of ~~economic-development~~ tourism, the treasurer of state, and
29 the auditor of state, shall be made by the governor, shall
30 comply with sections 69.16 and 69.16A, and shall be subject to
31 confirmation by the senate. All appointed members of the
32 board shall have demonstrable experience or expertise in the
33 field of tourism development and promotion, public financing,
34 architecture, engineering, or major facility development or
35 construction.

1 4. All members of the board, except the director of the
2 department of economic-development tourism, the treasurer of
3 state, and the auditor of state, shall be residents of
4 different counties.

5 6. The members, except the director of the department of
6 economic-development tourism, the treasurer of state, and the
7 auditor of state, shall be appointed to three-year staggered
8 terms and the terms shall commence and end as provided by
9 section 69.19. If a vacancy occurs, a successor shall be
10 appointed to serve the unexpired term. A successor shall be
11 appointed in the same manner and subject to the same
12 qualifications as the original appointment to serve the
13 unexpired term.

14 Sec. 15. Section 99F.6, subsection 5, Code 2005, is
15 amended to read as follows:

16 5. Before a license is granted, an operator of an
17 excursion gambling boat shall work with the department of
18 economic-development tourism to promote tourism throughout
19 Iowa. Tourism information from local civic and private
20 persons may be submitted for dissemination.

21 Sec. 16. Section 306D.2, subsection 1, unnumbered
22 paragraph 1, Code 2005, is amended to read as follows:

23 The department of transportation shall prepare a statewide,
24 long-range plan for the protection, enhancement, and
25 identification of highways and secondary roads which pass
26 through unusually scenic areas of the state as identified in
27 section 306D.1. The department of natural resources,
28 department of economic-development tourism, and department of
29 cultural affairs, private organizations, county conservation
30 boards, city park and recreation departments, and the federal
31 agencies having jurisdiction over land in the state shall be
32 encouraged to assist in preparing the plan. The plan shall be
33 coordinated with the state's open space plan if a state open
34 space plan has been approved by the general assembly. The
35 plan shall include, but is not limited to, the following

1 elements:

2 Sec. 17. Section 321.252, unnumbered paragraph 4, Code
3 2005, is amended to read as follows:

4 The department shall establish, by rule, in cooperation
5 with a tourist signing committee, the standards for tourist-
6 oriented directional signs and shall annually review the list
7 of attractions for which signing is in place. The rules shall
8 conform to national standards for tourist-oriented directional
9 signs adopted under 23 U.S.C. § 131(q) and to the manual of
10 uniform traffic control devices. The tourist signing
11 committee shall be made up of the directors or their designees
12 of the departments of economic-development tourism,
13 agriculture and land stewardship, natural resources, cultural
14 affairs, and transportation, the chairperson or the
15 chairperson's designee of the Iowa travel council, and a
16 member of the outdoor advertising association of Iowa. The
17 director or the director's designee of the department of
18 economic-development tourism shall be the chairperson of the
19 committee. The department of transportation shall be
20 responsible for calling and setting the date of the meetings
21 of the committee which meetings shall be based upon the amount
22 of activity relating to signs. However, the committee shall
23 meet at least once a month. However, a tourist attraction is
24 not subject to a minimum number of visitors annually to
25 qualify for tourist-oriented directional signing. The rules
26 shall not be applicable to directional signs relating to
27 historic sites on land owned or managed by state agencies, as
28 provided in section 321.253A. The rules shall include but are
29 not limited to the following:

30 Sec. 18. Section 461A.79, subsection 3, Code 2005, is
31 amended to read as follows:

32 3. Five percent of the funds appropriated for purposes of
33 this section for public outdoor recreation and resources shall
34 be expended on advertising which shall promote the use of
35 recreational facilities and tourist attractions in the state.

1 The commission shall enter into an agreement with the Iowa
2 department of ~~economic-development~~ tourism for the expenditure
3 of these funds for this purpose.

4 Sec. 19. Section 461A.80, subsection 1, Code 2005, is
5 amended to read as follows:

6 1. An advisory council for public outdoor recreation and
7 resources appropriations made for the purposes of section
8 461A.79 is created. The council shall consist of a public
9 member appointed by the governor from each congressional
10 district, the chairperson of the commission, the director, and
11 a designee of the Iowa department of ~~economic-development~~
12 tourism. No more than three public members shall belong to
13 the same political party. The council shall elect a
14 chairperson annually from among the council's members, and the
15 director shall serve as council secretary. Persons already
16 serving in an elected or appointed governmental capacity are
17 not eligible to serve as council members.

18 Sec. 20. Section 465A.2, subsection 1, paragraph b,
19 unnumbered paragraph 1, Code 2005, is amended to read as
20 follows:

21 Prepare a statewide, long-range plan for the acquisition
22 and protection of significant open space lands throughout the
23 state as identified in section 465A.1. The department of
24 transportation, department of ~~economic-development~~ tourism,
25 and department of cultural affairs, private organizations,
26 county conservation boards, city park and recreation
27 departments, and the federal agencies with lands in the state
28 shall be directly involved in preparing the plan. The plan
29 shall include, but is not limited to, the following elements:

30 Sec. 21. Section 465B.2, subsection 3, unnumbered
31 paragraph 1, Code 2005, is amended to read as follows:

32 The state department of transportation may enter into
33 contracts for the preparation of the trails plan. The
34 department shall involve the department of natural resources,
35 the Iowa department of ~~economic-development~~ tourism, and the

1 department of cultural affairs in the preparation of the plan.
2 The recommendations and comments of organizations representing
3 different types of trail users and others with interests in
4 this program shall also be incorporated in the preparation of
5 the trails plan and shall be submitted with the plan to the
6 general assembly. The plan shall be submitted to the general
7 assembly no later than January 15, 1988. Existing trail
8 projects involving acquisition or development may receive
9 funding prior to the completion of the trails plan.

10 Sec. 22. Section 465B.3, Code 2005, is amended to read as
11 follows:

12 465B.3 INVOLVEMENT OF OTHER AGENCIES.

13 The department of natural resources, the ~~Iowa~~ department of
14 ~~economic-development~~ tourism, and the department of cultural
15 affairs shall assist the state department of transportation in
16 developing the statewide plan for recreation trails, in
17 acquiring property, and in the development, promotion, and
18 management of recreation trails.

19 Sec. 23. CODE EDITOR DIRECTIVE.

20 1. The Code editor shall transfer chapter 15, subchapter
21 II, part 2, relating to the Iowa Lewis and Clark bicentennial
22 commission, as amended in this Act, to chapter 15H.

23 2. The Code editor shall transfer chapter 15, subchapter
24 II, part 7, relating to welcome centers and cooperative
25 tourism, to chapter 15H.

26 EXPLANATION

27 This bill creates a department of tourism.

28 DIVISION I -- Currently, the responsibilities of the
29 department of economic development include tourism activities.
30 The bill transfers such responsibilities to a new department
31 of tourism.

32 The bill provides that a department of tourism is created
33 in new Code chapter 15H, under the control of a director who
34 shall be appointed by the governor, subject to confirmation by
35 the senate, and shall serve at the pleasure of the governor.

1 The bill provides that the director shall coordinate the
2 internal operations of the department and employ personnel as
3 necessary to carry out the duties and responsibilities of the
4 department, consistent with the merit system for
5 nonprofessional employees. The bill provides that
6 professional staff of the department are exempt from the merit
7 system. The bill provides that the director shall prepare an
8 annual budget for the department and develop, recommend, and
9 review legislative proposals. The bill provides that the
10 director shall adopt rules deemed necessary for the
11 implementation and administration of the department and
12 appoint the administrators of the divisions of the department.
13 The bill provides that the director shall enter into contracts
14 for the receipt and provision of services as deemed necessary
15 and shall administer and enforce Code chapter 15H.

16 The bill provides that the director may establish
17 administrative divisions within the department in order to
18 most efficiently and effectively carry out the department's
19 responsibilities.

20 The bill transfers all of the responsibilities that the
21 department of economic development has for tourism to the
22 department of tourism.

23 DIVISION II -- The bill makes conforming amendments
24 necessary in transferring tourism responsibilities from the
25 department of economic development to the department of
26 tourism.

27 The elimination of tourism-related responsibilities from
28 the department of economic development includes amendments to
29 departmental duties and the Iowa Lewis and Clark bicentennial
30 commission. The bill transfers duties of the department of
31 economic development to the department of tourism in relation
32 to the vision Iowa program and the community attraction and
33 tourism program. Other conforming amendments relate to
34 administrative costs for the vision Iowa program; tourism
35 promotion in relation to excursion gambling boats; a statewide

1 long-range plan for the protection, enhancement, and
2 identification of highways and secondary roads which pass
3 through unusually scenic areas of the state; a tourist signing
4 committee; an agreement for the expenditure of moneys for
5 promotion of recreational facilities and tourist attractions;
6 an advisory council for public outdoor recreation and
7 resources; open space lands planning; and recreational trails
8 planning.

9 The bill requires the Code editor to transfer certain
10 tourism-related provisions in Code chapter 15, as amended in
11 the bill, to new Code chapter 15H.

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