
A BILL FOR AN ACT

RELATING TO EMERGENCIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 201B, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§201B-A Tourism emergencies. (a) If the board
5 determines that the occurrence of world conflict, a terrorist
6 threat, a natural disaster, or the outbreak of disease,
7 regardless of when or where occurring, adversely affects
8 Hawaii's tourism industry by resulting in a substantial
9 interruption in commerce of the State and adversely affecting
10 the welfare of its people, the board shall submit a request to
11 the governor to declare that a tourism emergency exists.

12 (b) Upon declaration by the governor that a statewide
13 emergency exists triggering a tourism emergency pursuant to
14 subsection (a), the authority may develop and implement measures
15 to respond to the tourism emergency, including providing
16 assistance to tourist visitors during the emergency; provided
17 that any tourism emergency response measure implemented pursuant
18 to this subsection shall not include any provision that would



1 adversely affect the organized labor force in tourism-related
2 industries.

3 §201B-B Tourism emergency trust fund. (a) There is
4 established outside the state treasury a tourism emergency trust
5 fund to be administered by the board as trustee, into which
6 shall be deposited the revenues prescribed by section
7 237D-6.5(b). All investment earnings from moneys in the trust
8 fund shall be credited to the tourism special fund.

9 (b) Moneys in the trust fund shall be used exclusively to
10 provide for the development and implementation of emergency
11 measures to respond to any adverse effects on the tourism
12 industry, including providing emergency assistance to tourist
13 visitors during the emergency, resulting from world conflicts,
14 terrorist threats, natural disasters, or the outbreak of disease
15 that result in a substantial interruption of commerce of the
16 State and adversely affect the welfare of its people, pursuant
17 to section 201B-A.

18 (c) Use of the trust fund, consistent with subsection (b),
19 shall be provided for in articles, bylaws, resolutions, or other
20 instruments executed by the board as trustee for the trust
21 fund."



1 SECTION 2. Section 201B-3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Except as otherwise limited by this chapter, the
4 authority may:

5 (1) Sue and be sued;

6 (2) Have a seal and alter the same at pleasure;

7 (3) Make and execute contracts and all other instruments
8 necessary or convenient for the exercise of its powers
9 and functions under this chapter; provided that the
10 authority may enter into contracts and agreements for
11 a period of up to five years, subject to the
12 availability of funds; and provided further that the
13 authority may enter into agreements for the use of the
14 convention center facility for a period of up to ten
15 years;

16 (4) Make and alter bylaws for its organization and
17 internal management;

18 (5) Unless otherwise provided in this chapter, adopt rules
19 in accordance with chapter 91 with respect to its
20 projects, operations, properties, and facilities;



- 1 (6) Through its executive director represent the authority
2 in communications with the governor and with the
3 legislature;
- 4 (7) Through its executive director, provide for the
5 appointment of officers, agents, and employees,
6 subject to the approval of the board, prescribing
7 their duties and qualifications, and fixing their
8 salaries, without regard to chapters 76 and 78 if
9 there is no anticipated revenue shortfall in the
10 tourism special fund and funds have been appropriated
11 by the legislature and allotted as provided by law;
- 12 (8) Through its executive director purchase supplies,
13 equipment, or furniture;
- 14 (9) Through its executive director allocate the space or
15 spaces which are to be occupied by the authority and
16 appropriate staff;
- 17 (10) Engage the services of qualified persons to implement
18 the State's tourism marketing plan or portions thereof
19 as determined by the authority;
- 20 (11) Engage the services of consultants on a contractual
21 basis for rendering professional and technical
22 assistance and advice;



- 1 (12) Procure insurance against any loss in connection with
2 its property and other assets and operations in such
3 amounts and from such insurers as it deems desirable;
- 4 (13) Contract for or accept revenues, compensation,
5 proceeds, and gifts or grants in any form from any
6 public agency or any other source, including any
7 revenues or proceeds arising from the operation or use
8 of the convention center;
- 9 (14) Develop, coordinate, and implement state policies and
10 directions for tourism and related activities taking
11 into account the economic, social, and physical
12 impacts of tourism on the State and its natural
13 resources infrastructure; provided that the authority
14 shall support the efforts of other state and county
15 departments or agencies to manage, improve, and
16 protect Hawaii's natural environment and areas
17 frequented by visitors;
- 18 (15) Have a permanent, strong focus on marketing and
19 promotion;
- 20 (16) Conduct market development-related research as
21 necessary;



- 1 (17) Coordinate all agencies and advise the private sector
2 in the development of tourism-related activities and
3 resources;
- 4 (18) Work to eliminate or reduce barriers to travel in
5 order to provide a positive and competitive business
6 environment, including coordinating with the
7 department of transportation on issues affecting
8 airlines and air route development;
- 9 (19) Market and promote sports-related activities and
10 events;
- 11 (20) Coordinate the development of new products with the
12 counties and other public sectors and private sectors,
13 including the development of sports, culture, health
14 and wellness, education, technology, agriculture, and
15 nature tourism;
- 16 (21) Establish a public information and educational program
17 to inform the public of tourism and tourism-related
18 problems;
- 19 (22) Encourage the development of tourism educational,
20 training, and career counseling programs;
- 21 (23) Establish a program to monitor, investigate, and
22 respond to complaints about problems resulting



1 directly or indirectly from the tourism industry and
2 taking appropriate action as necessary;

3 (24) Develop and implement emergency measures to respond to
4 any adverse effects on the tourism industry, pursuant
5 to section 201B-A;

6 ~~[(24)]~~ (25) Set and collect rents, fees, charges, or other
7 payments for the lease, use, occupancy, or disposition
8 of the convention center facility without regard to
9 chapter 91;

10 ~~[(25)]~~ (26) Notwithstanding the ~~[provisions of]~~ chapter 171,
11 acquire, lease as lessee or lessor, own, rent, hold,
12 and dispose of the convention center facility in the
13 exercise of its powers and the performance of its
14 duties under this chapter; and

15 ~~[(26)]~~ (27) Acquire by purchase, lease, or otherwise, and
16 develop, construct, operate, own, manage, repair,
17 reconstruct, enlarge, or otherwise effectuate, either
18 directly or through developers, a convention center
19 facility."

20 SECTION 3. Section 237D-6.5, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) Revenues collected under this chapter shall be
2 distributed as follows, with the excess revenues to be deposited
3 into the general fund:

4 (1) 17.3 per cent of the revenues collected under this
5 chapter shall be deposited into the convention center
6 enterprise special fund established under section
7 201B-8; provided that beginning January 1, 2002, if
8 the amount of the revenue collected under this
9 paragraph exceeds \$33,000,000 in any calendar year,
10 revenues collected in excess of \$33,000,000 shall be
11 deposited into the general fund;

12 (2) 34.2 per cent of the revenues collected under this
13 chapter shall be deposited into the tourism special
14 fund established under section 201B-11 for tourism
15 promotion and visitor industry research; provided that
16 beginning on July 1, 2002[+],
17 [~~(A)~~ ~~of~~] of the first \$1,000,000 in revenues
18 deposited:

19 [~~(i)~~] (A) Ninety per cent shall be deposited into the
20 state parks special fund established in section
21 184-3.4; and



1 ~~[(i)]~~ (B) Ten per cent shall be deposited into the
2 special land and development fund established in
3 section 171-19 for the Hawaii statewide trail and
4 access program;

5 provided that of the 34.2 per cent, 0.5 per cent shall
6 be transferred to a sub-account in the tourism special
7 fund to provide funding for a safety and security
8 budget, in accordance with the Hawaii tourism
9 strategic plan 2005-2015; provided further that of the
10 revenues remaining in the tourism special fund after
11 revenues have been deposited as provided in this
12 paragraph and except for any sum authorized by the
13 legislature for expenditure from revenues subject to
14 this paragraph, beginning July 1, 2007, funds shall be
15 deposited into the tourism emergency trust fund,
16 established in section 201B-B, sufficient to maintain
17 a fund balance of \$5,000,000; and

18 (3) 44.8 per cent of the revenues collected under this
19 chapter shall be transferred as follows: Kauai county
20 shall receive 14.5 per cent, Hawaii county shall
21 receive 18.6 per cent, city and county of Honolulu



1 shall receive 44.1 per cent, and Maui county shall
2 receive 22.8 per cent.

3 All transient accommodations taxes shall be paid into the
4 state treasury each month within ten days after collection and
5 shall be kept by the state director of finance in special
6 accounts for distribution as provided in this subsection."

7 SECTION 4. In codifying the new sections added by section
8 1 of this Act, the revisor of statutes shall substitute
9 appropriate section numbers for the letters used in designating
10 the new sections in this Act.

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:
Emergencies

Description:

Allows the Hawaii tourism authority to request that the governor declare that a tourism emergency exists. Authorizes the tourism authority to implement emergency measures to respond to an emergency. Establishes the Hawaii tourism emergency trust fund.
(SD2)

