



Hawai'i Convention Center
1801 Kalākaua Avenue, Honolulu, Hawai'i 96815
kelepona tel 808 973 2255
kelepa'i fax 808 973 2253
kahua pa'a web hawaii tourism authority.org

David Y. Ige
Governor

Ronald Williams
Chief Executive Officer

Testimony of
Ronald Williams
President and Chief Executive Officer
Hawai'i Tourism Authority
on
S.B. No. 283, S.D.1, H.D.1
Relating to the Hawaii Tourism Authority
House Committee on Judiciary
Tuesday, April 7, 2015
2:05 p.m.
Conference Room 325

The Hawaii Tourism Authority strongly supports S.B. No. 283, S.D.1, H.D.1, which proposes to clarify the law relating to the membership of the Board of Directors of the Hawaii Tourism Authority.

Membership qualifications

Currently, section 201B-2, Hawaii Revised Statutes, among other requirements:

- (1) Establishes a 12-member policy-making board of directors of the Hawaii Tourism Authority;
- (2) Provides that three members are to be appointed by the Senate President, three members are to be appointed by the Speaker of the House, and the rest of the members appointed by the Governor; it requires the Senate President and House Speaker to submit three names for each appointment;
- (3) Requires that at least six members have knowledge, experience, and expertise in visitor industry management, marketing, promotion; transportation; retail; entertainment or visitor attractions; and requires one member to have knowledge, experience, and expertise in Hawaiian cultural practices; and
- (4) Provides that each member shall hold office until the member's successor is appointed and qualified.

S.B. 283, S.D.1, H.D.1, clarifies the descriptions of the required qualification by amending the "visitor industry management, marketing, promotion" to "accommodations," which, as used in the industry embraces the management, promotion, and marketing of facilities. It further requires that the governor appoint at

least one member with the expertise in Hawaiian cultural practices. The bill requires the governor to notify the Senate President and House Speaker of the qualifications and any county residency requirement for the nominees to be submitted.

Hold-over members

Act 156, Session Laws of Hawaii 1998, which established the Hawaii Tourism Authority, provides that:

“...Each public member shall hold office ***until the member’s successor is appointed and qualified***. Section 26-34 shall be applicable insofar as it relates to the number of terms and consecutive number of years a member may serve on the board.”

Section 26-34, HRS, relating to selection and terms of members of boards and commissions, provides:

“(a) ...***Unless otherwise provided*** by this chapter or ***by law*** hereafter enacted, the terms of the members shall be for four years. ...No person shall be appointed consecutively to more than two terms as a member of the same board or commission; provided that membership on any board or commission shall not exceed eight consecutive years.”

S.B. 283, S.D.1, H.D.1, clarifies that, “notwithstanding section 26-34,” a member shall hold office until the member’s successor is appointed and qualified. “Such a holdover provision, common to many state statutes, is based on the public policy of avoiding interruption in the performance of the public business. AG Op. No. 80-4.

For these reasons, we strongly support S.B. 283, S.D.1, and recommend it be further amended to change the effective date to “upon its approval.”

Mahalo for the opportunity to present these comments.