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# A BILL FOR AN ACT

RELATING TO THE HAWAII TOURISM AUTHORITY.

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

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

3 "(b) The authority shall be headed by a policy-making  
4 board of directors that shall consist of twelve members;  
5 provided that:

6 (1) The members shall be appointed by the governor as  
7 provided in section 26-34, except as provided by this  
8 section;

9 (2) The members shall include at least one representative  
10 each from the city and county of Honolulu and the  
11 counties of Hawaii, Kauai, and Maui;

12 (3) Three members shall be appointed by the governor from  
13 a list of three names submitted for each appointment  
14 by the president of the senate, and three members  
15 shall be appointed by the governor from a list of  
16 three names submitted for each appointment by the  
17 speaker of the house of representatives; provided  
18 that:



- 1           (A) The governor shall appoint each member within  
2           ninety days of receiving the applicable list of  
3           names, except that if fewer than three names are  
4           submitted for each appointment, the governor may  
5           disregard the list;
- 6           (B) If a vacancy continues after ninety days, then  
7           the Senate President shall appoint a replacement  
8           and thereafter such appointments under this  
9           paragraph shall alternate beginning with the  
10          Speaker of the House of Representatives;
- 11          (4) At least six members shall have knowledge, experience,  
12          and expertise in the area of accommodations,  
13          transportation, retail, entertainment, or attractions,  
14          and at least one member appointed by the governor  
15          shall have knowledge, experience, and expertise in the  
16          area of Hawaiian cultural practices; provided that no  
17          more than three members shall represent, be employed  
18          by, or be under contract to any sector of the industry  
19          represented on the board;
- 20          (5) The governor shall make appointments to ensure the  
21          fulfillment of all requirements of paragraphs (2) and



1 (4); provided that upon the occurrence of a vacancy  
 2 subject to paragraph (3), the governor shall notify  
 3 the president of the senate and the speaker of the  
 4 house of representatives of any unfulfilled  
 5 requirements pursuant to paragraphs (2) and (4), and  
 6 the president of the senate or the speaker of the  
 7 house of representatives, as appropriate, shall submit  
 8 nominees who fulfill those requirements; and

9 (6) No person who has served as a member of the board of  
 10 directors of the Hawaii Visitors and Convention Bureau  
 11 shall be eligible to sit as a member of the board of  
 12 directors of the Hawaii tourism authority until at  
 13 least two years have expired between the person's  
 14 termination from service on the Hawaii Visitors and  
 15 Convention Bureau board and the person's appointment  
 16 to the authority's board of directors."

17 SECTION 2. Section 201B-4, Hawaii Revised Statutes, is  
 18 amended to read as follows:

19 "**§201B-4 Meetings of the board.** (a) The meetings of the  
 20 board shall be open to the public as provided in section 92-3,  
 21 except that when it is necessary for the board to receive:

1           (1) Information that is proprietary to a particular  
2           enterprise or the disclosure of which might be harmful  
3           to the business interests of the enterprise; or

4           (2) Information that is necessary to protect Hawaii's  
5           competitive advantage as a visitor destination;  
6           ~~[provided that information relating to marketing plans~~  
7           ~~and strategies may be disclosed after the execution of~~  
8           ~~the marketing plans and strategies,]~~

9           the board may enter into an executive meeting that is closed to  
10          the public in accordance with the procedures provided for  
11          holding an executive meeting under part I of chapter 92 ~~[-]~~;  
12          provided that information relating to marketing plans and  
13          strategies shall be disclosed after the execution of the  
14          marketing plans and strategies; provided further that executive  
15          meeting minutes shall be made available upon request to any  
16          legislator.

17          (b) The board shall be subject to the procedural  
18          requirements of section 92-4, and ~~[this authorization]~~ the  
19          exceptions listed in subsection (a) shall be in addition to the  
20          exceptions listed in section 92-5, to enable the authority board



1 to respect the proprietary requirements of enterprises with  
2 which it has business dealings."

3 SECTION 3. Section 201B-7, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) The authority may enter into contracts and agreements  
6 that include the following:

- 7 (1) Tourism promotion, marketing, and development;
- 8 (2) Market development-related research;
- 9 (3) Product development and diversification issues focused  
10 on visitors;
- 11 (4) Promotion, development, and coordination of sports-  
12 related activities and events;
- 13 (5) Promotion of Hawaii, through a coordinated statewide  
14 effort, as a place to do business, including high  
15 technology business, and as a business destination;
- 16 (6) Reduction of barriers to travel;
- 17 (7) Marketing, management, use, operation, or maintenance  
18 of the convention center facility, including the  
19 purchase or sale of goods or services, logo items,  
20 concessions, sponsorships, and license agreements, or  
21 any use of the convention center facility as a



1 commercial enterprise; provided that effective  
2 January 1, 2003, and thereafter, the contract for  
3 management of the convention center facility shall  
4 include marketing for all uses of the facility;

5 (8) Tourism research and statistics to:

6 (A) Measure and analyze tourism trends;

7 (B) Provide information and research to assist in the  
8 development and implementation of state tourism  
9 policy; and

10 (C) Provide tourism information on:

11 (i) Visitor arrivals, visitor characteristics,  
12 and expenditures;

13 (ii) The number of transient accommodation units  
14 available, occupancy rates, and room rates;

15 (iii) Airline-related data including seat capacity  
16 and number of flights;

17 (iv) The economic, social, and physical impacts  
18 of tourism on the State; and

19 (v) The effects of the marketing programs of the  
20 authority on the measures of effectiveness  
21 developed pursuant to section 201B-6(b); and



1           (9) Any and all other activities necessary to carry out  
2           the intent of this chapter;  
3   provided that at least twenty days prior to the convening of  
4   each regular session of the legislature, the authority shall  
5   [periodically] submit [a] an unredacted report of the summary  
6   descriptions and the planned and actual expenditures of  
7   contracts and agreements entered into by the authority and a  
8   detailed annual budget of the authority's planned and actual  
9   expenditures for a two-year period covering the current and  
10   immediately preceding fiscal years to the governor, the speaker  
11   of the house of representatives, [and] the president of the  
12   senate[-], and the chairs of the legislative committees with  
13   primary jurisdiction over tourism or financial oversight. If  
14   the report contains information that may be withheld from public  
15   disclosure under section 201B-7(d), the governor and members of  
16   the legislature shall not disclose the unredacted report to the  
17   public; provided that the authority shall contemporaneously  
18   provide an additional report redacting competitively sensitive  
19   information, and that redacted report may be disclosed to the  
20   public."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

4



**Report Title:**

Hawaii Tourism Authority; Budget; Expenditures; Reporting Requirement; Sunshine Law; Board Meetings; Board of Directors Appointments

**Description:**

Requires the governor to appoint six Hawaii tourism authority board of directors' members within ninety days of receiving lists of nominees from the president of the senate and from the speaker of the house of representatives. Requires the president of the senate and speaker of the house of representatives to appoint those members if the vacancy continues after ninety days. Requires that executive meeting minutes be available to any legislator upon request. Requires that information relating to market plans and strategies discussed at executive session be disclosed after the execution of the market plans and strategies. Requires the Hawaii tourism authority to report, at least twenty days prior to the convening of each regular session of the legislature, summary descriptions and planned and actual expenditures of contracts and agreements entered into by the authority and a detailed annual budget for the authority for a two-year period covering the current and immediately preceding fiscal years to the governor, speaker of the house of representatives, president of the senate, and chairs of legislative committees with primary jurisdiction over tourism or financial oversight. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

