
A BILL FOR AN ACT

RELATING TO THE HAWAII TOURISM AUTHORITY.

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

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

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

(1) Twelve members; provided that:

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

~~[-(2)-]~~ (B) The members shall include at least one representative each from the city and county of Honolulu and the counties of Hawaii, Kauai, and Maui;

~~[-(3)-]~~ (C) Three members shall be appointed by the governor from a list of three names submitted for each appointment by the president of the senate, and three members shall be appointed by the governor



1 from a list of three names submitted for each
2 appointment by the speaker of the house of
3 representatives; provided that if fewer than
4 three names are submitted for each appointment,
5 the governor may disregard the list;

6 ~~[(4)]~~ (D) At least six members shall have knowledge,
7 experience, and expertise in the area of
8 accommodations, transportation, retail,
9 entertainment, or attractions, and at least one
10 member appointed by the governor shall have
11 knowledge, experience, and expertise in the area
12 of Hawaiian cultural practices; provided that no
13 more than three members shall represent, be
14 employed by, or be under contract to any sector
15 of the industry represented on the board;

16 ~~[(5)]~~ (E) The governor shall make appointments to ensure
17 the fulfillment of all requirements of
18 ~~[paragraphs (2) and (4);]~~ subparagraphs (B) and
19 (D); provided that upon the occurrence of a
20 vacancy subject to ~~[paragraph (3);]~~ subparagraph
21 (C), the governor shall notify the president of



1 the senate and the speaker of the house of
2 representatives of any unfulfilled requirements
3 pursuant to ~~[paragraphs (2) and (4),]~~
4 subparagraphs (B) and (D), and the president of
5 the senate or the speaker of the house of
6 representatives, as appropriate, shall submit
7 nominees who fulfill those requirements; and
8 ~~[(6)]~~ (F) No person who has served as a member of the board
9 of directors of the Hawaii Visitors and
10 Convention Bureau shall be eligible to sit as a
11 member of the board of directors of the Hawaii
12 tourism authority until at least two years have
13 expired between the person's termination from
14 service on the Hawaii Visitors and Convention
15 Bureau board and the person's appointment to the
16 authority's board of directors~~[-]~~;
17 (2) The director of business, economic development, and
18 tourism or the director's designee, who shall serve as
19 an ex officio voting member; and
20 (3) The following ex officio nonvoting members or their
21 designees:



1 (A) The director of transportation;

2 (B) The chairperson of the board of land and natural
3 resources;

4 (C) The chairperson of the board of agriculture; and

5 (D) The executive director of the state foundation on
6 culture and the arts.

7 (c) Members appointed pursuant to subsection (b) (1) shall
8 be appointed by the governor for terms of four years; provided
9 that membership on the board shall not exceed eight consecutive
10 years; provided further that each member shall hold office until
11 the member's successor is appointed and qualified."

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

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

16 (1) Sue and be sued;

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

18 (3) Through its president and chief executive officer,
19 make and execute contracts and all other instruments
20 necessary or convenient for the exercise of its powers
21 and functions under this chapter; provided that the



1 authority may enter into contracts and agreements for
2 a period of up to five years, subject to the
3 availability of funds; and provided further that the
4 authority may enter into agreements for the use of the
5 convention center facility for a period of up to ten
6 years;

7 (4) Make and alter bylaws for its organization and
8 internal management;

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

12 (6) Through its president and chief executive officer,
13 represent the authority in communications with the
14 governor and the legislature[+] and advise the
15 governor and the legislature with respect to tourism-
16 related matters;

17 (7) Through its president and chief executive officer,
18 provide for the appointment of officers[+]; agents[+];
19 a sports coordinator[+]; an officer of meetings,
20 conventions, and incentives; and employees, subject to
21 the approval of the board, prescribing their duties



1 and qualifications, and fixing their salaries, without
2 regard to chapters 76 and 78, if funds have been
3 appropriated by the legislature and allotted as
4 provided by law;

5 (8) Through its president and chief executive officer,
6 purchase supplies, equipment, or furniture;

7 (9) Through its president and chief executive officer,
8 allocate the space or spaces that are to be occupied
9 by the authority and appropriate staff;

10 (10) Through its president and chief executive officer,
11 engage the services of qualified persons to implement
12 the State's tourism marketing plan or portions thereof
13 as determined by the authority;

14 (11) Through its president and chief executive officer,
15 engage the services of consultants on a contractual
16 basis for rendering professional and technical
17 assistance and advice;

18 (12) Procure insurance against any loss in connection with
19 its property and other assets and operations in
20 amounts and from insurers as it deems desirable;



- 1 (13) Contract for or accept revenues, compensation,
2 proceeds, and gifts or grants in any form from any
3 public agency or any other source;
- 4 (14) Develop, coordinate, and implement state policies and
5 directions for tourism and related activities taking
6 into account the economic, social, and physical
7 impacts of tourism on the State, Hawaii's natural
8 environment, and areas frequented by visitors;
- 9 (15) Have a permanent, strong focus on Hawaii brand
10 management;
- 11 (16) Coordinate all agencies and advise the private sector
12 in the development of tourism-related activities
13 [and], resources[+], and management;
- 14 (17) Work to eliminate or reduce barriers to travel to
15 provide a positive and competitive business
16 environment, including coordinating with the
17 department of transportation on issues affecting
18 airlines and air route development;
- 19 (18) Market and promote sports-related activities and
20 events;



- 1 (19) Coordinate the development of new products with the
2 counties and other persons in the public sector and
3 private sector, including the development of sports,
4 culture, health and wellness, education, technology,
5 agriculture, and nature tourism;
- 6 (20) Establish a public information and educational program
7 to inform the public of tourism and tourism-related
8 problems;
- 9 (21) Encourage the development of tourism educational,
10 training, and career counseling programs;
- 11 (22) Establish a program to monitor, investigate, and
12 respond to complaints about problems resulting
13 directly or indirectly from the tourism industry and
14 taking appropriate action as necessary;
- 15 (23) Develop and implement emergency measures to respond to
16 any adverse effects on the tourism industry, pursuant
17 to section 201B-9;
- 18 (24) Set and collect rents, fees, charges, or other
19 payments for the lease, use, occupancy, or disposition
20 of the convention center facility without regard to
21 chapter 91;



1 (25) Notwithstanding chapter 171, acquire, lease as lessee
2 or lessor, own, rent, hold, and dispose of the
3 convention center facility in the exercise of its
4 powers and the performance of its duties under this
5 chapter; [~~and~~]

6 (26) Acquire by purchase, lease, or otherwise, and develop,
7 construct, operate, own, manage, repair, reconstruct,
8 enlarge, or otherwise effectuate, either directly or
9 through developers, a convention center facility[~~-~~];
10 and

11 (27) Facilitate the community-based destination management
12 action plans developed by the authority in partnership
13 with the counties."

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

16 "(a) The meetings of the board shall be open to the public
17 as provided in section 92-3, except that when it is necessary
18 for the board to receive:

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



1 (2) Information that is necessary to protect Hawaii's
2 competitive advantage as a visitor destination;
3 provided that information relating to marketing plans
4 and strategies may be disclosed after the execution of
5 the marketing plans and strategies,
6 the board may enter into an executive meeting that is closed to
7 the public in accordance with the procedures provided for
8 holding an executive meeting under part I of chapter 92."

9 SECTION 4. Section 201B-6, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§201B-6 Tourism marketing plan; measures of**
12 **effectiveness.** (a) The authority shall be responsible for
13 developing a tourism marketing plan. The plan shall be a
14 single, comprehensive document that shall be updated every year
15 and include the following:

- 16 (1) Statewide Hawaii brand management efforts and
17 programs;
18 (2) Targeted markets;
19 (3) Efforts to enter into Hawaii brand management projects
20 that make effective use of cooperative programs;



1 (4) Program performance goals and targets that can be
2 monitored as market gauges and used as attributes to
3 evaluate the authority's programs; and

4 (5) The authority's guidance and direction for the
5 development and coordination of promotional and
6 marketing programs that build and promote the Hawaii
7 brand, which are implemented through contracts and
8 agreements with destination marketing organizations or
9 other qualified organizations, including:

10 (A) Target markets and the results being sought;

11 (B) Key performance indicators; and

12 (C) Private sector collaborative or cooperative
13 efforts that may be required.

14 As used in this section, "Hawaii brand" means the programs
15 that collectively differentiate the Hawaii experience from other
16 destinations.

17 (b) In accordance with subsection (a), the authority shall
18 develop measures of effectiveness to assess the overall benefits
19 and effectiveness of the marketing plan and include
20 documentation of the progress of the marketing plan towards
21 achieving the authority's strategic plan goals."



1 SECTION 5. Section 201B-7, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:

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

- 5 (1) Tourism promotion, marketing, and development;
- 6 (2) Market development-related research;
- 7 (3) Product development and diversification issues focused
8 on visitors;
- 9 (4) Promotion, development, and coordination of sports-
10 related activities and events;
- 11 (5) Promotion of Hawaii, through a coordinated statewide
12 effort, as a place to do business, including high
13 technology business, and as a business destination;
- 14 (6) Reduction of barriers to travel;
- 15 (7) Marketing, management, use, operation, or maintenance
16 of the convention center facility, including the
17 purchase or sale of goods or services, logo items,
18 concessions, sponsorships, and license agreements, or
19 any use of the convention center facility as a
20 commercial enterprise; provided that effective January
21 1, 2020, and thereafter, contracts issued pursuant to



1 this paragraph for the marketing of all uses of the
2 convention center facility may be issued separately
3 from the management, use, operation, or maintenance of
4 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 the authority shall periodically submit a report
4 of the contracts and agreements entered into by the authority to
5 the governor, the speaker of the house of representatives, and
6 the president of the senate.

7 (b) The authority shall be responsible for:

8 (1) Creating a vision and developing a functional, long-
9 range strategic plan for tourism in Hawaii[+] as it
10 relates to the Hawaii State Planning Act;

11 (2) Promoting, marketing, [~~and~~] developing, and managing
12 the tourism industry in the State[+] and facilitating
13 the community-based destination management action
14 plans developed by the authority in partnership with
15 the counties;

16 (3) Arranging for the conduct of research through
17 contractual services with the University of Hawaii or
18 any agency or other qualified persons concerning
19 social, economic, and environmental aspects of tourism
20 development in the State;



1 (4) Providing technical or other assistance to agencies
2 and private industry upon request;

3 (5) Perpetuating the uniqueness of the native Hawaiian
4 culture and community, and their importance to the
5 quality of the visitor experience, by ensuring that:

6 (A) The Hawaiian culture is accurately portrayed by
7 Hawaii's visitor industry;

8 (B) Hawaiian language is supported and normalized as
9 both an official language of the State as well as
10 the foundation of the host culture that draws
11 visitors to Hawaii;

12 (C) Hawaiian cultural practitioners and cultural
13 sites that give value to Hawaii's heritage are
14 supported, nurtured, and engaged in sustaining
15 the visitor industry; and

16 (D) A native Hawaiian cultural education and training
17 program is provided for the visitor industry
18 workforce having direct contact with visitors;
19 and

20 (6) Reviewing annually the expenditure of public funds by
21 any visitor industry organization that contracts with



1 the authority to perform tourism promotion, marketing,
2 and development and making recommendations necessary
3 to ensure the effective use of the funds for the
4 development of tourism."

5 SECTION 6. Section 201B-13, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§201B-13 Assistance by state and county agencies[~~+~~**
8 **~~advisory group~~].** ~~[(a)]~~ Any state or county agency may render
9 services upon request of the authority.

10 ~~[(b) The authority may establish an advisory group that~~
11 ~~may meet monthly or as the authority deems necessary, which may~~
12 ~~include the director of business, economic development, and~~
13 ~~tourism, director of transportation, chairperson of the board of~~
14 ~~land and natural resources, and executive director of the state~~
15 ~~foundation on culture and the arts to advise the authority on~~
16 ~~matters relating to their respective departments or agency in~~
17 ~~the preparation and execution of suggested:~~

18 ~~(1) Measures to respond to tourism emergencies pursuant to~~
19 ~~section 201B-9;~~



~~(2) Programs for the management, improvement, and protection of Hawaii's natural environment and other areas frequented by visitors;~~

~~(3) Measures to address issues affecting airlines, air routes, and barriers to travel to Hawaii; and~~

~~(4) Programs to perpetuate the cultures of Hawaii and engage local communities to sustain and preserve the native Hawaiian culture.] "~~

SECTION 7. Section 201B-16, Hawaii Revised Statutes, is amended to read as follows:

"§201B-16 Annual report. The authority shall submit a complete and detailed report of its activities, expenditures, and results, including the progress of the tourism marketing plan developed pursuant to section 201B-6, toward achieving the authority's strategic plan goals, to the governor and the legislature at least twenty days prior to the convening of each regular session of the legislature. The annual report shall include the descriptions and evaluations of programs funded, together with any recommendations the authority may make."

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.



1 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

HTA; Board of Directors; Members; Destination Management Action Plans; Tourism Management; Advisory Group

Description:

Adds the director of business, economic development, and tourism as an ex officio voting member of the Hawaii tourism authority board of directors. Adds the director of transportation; chairperson of the board of land and natural resources; chairperson of the board of agriculture; and the executive director of the state foundation on culture and the arts as ex officio nonvoting members of the Hawaii tourism authority board of directors. Clarifies the authority and responsibility of the Hawaii tourism authority board of directors. Repeals the Hawaii tourism authority advisory group. Effective 7/1/2050. (HD1)

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