
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 subsections (b) and (c) 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) Twelve members; provided that:

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

10 [~~+2~~] (B) The members shall include at least one
11 representative each from the city and county of
12 Honolulu and the counties of Hawaii, Kauai, and
13 Maui;

14 [~~+3~~] (C) Three members shall be appointed by the governor
15 from a list of three names submitted for each
16 appointment by the president of the senate, and
17 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 designated representative,
 19 who shall serve as an ex officio voting member; and

20 (3) The following ex officio nonvoting members or their
 21 designated representatives:



- 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[7]; agents[7];
 19 a sports coordinator[7]; 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 long-range strategic plan, island
13 destination management action plans, and tourism
14 [marketing] branding plan or portions thereof as
15 determined by the authority;

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



- 1 (12) Procure insurance against any loss in connection with
- 2 its property and other assets and operations in
- 3 amounts and from 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;
- 7 (14) Develop, coordinate, and implement state policies and
- 8 directions for tourism and related activities taking
- 9 into account the economic, social, and physical
- 10 impacts of tourism on the State, Hawaii's natural
- 11 environment, and areas frequented by visitors;
- 12 (15) Have a permanent, strong focus on Hawaii brand
- 13 management;
- 14 (16) Coordinate all agencies and advise the private sector
- 15 in the development of tourism-related activities
- 16 ~~[and]~~, resources[+], and management;
- 17 (17) Work to eliminate or reduce barriers to travel to
- 18 provide a positive and competitive business
- 19 environment, including coordinating with the
- 20 department of transportation on issues affecting
- 21 airlines and air route development;



- 1 (18) Market and promote sports-related activities and
2 events;
- 3 (19) Coordinate the development of new products with the
4 counties and other persons in the public sector and
5 private sector, including the development of sports,
6 culture, health and wellness, education, technology,
7 agriculture, and nature tourism;
- 8 (20) Establish a public information and educational program
9 to inform the public of tourism and tourism-related
10 problems;
- 11 (21) Encourage the development of tourism educational,
12 training, and career counseling programs;
- 13 (22) Establish a program to monitor, investigate, and
14 respond to complaints about problems resulting
15 directly or indirectly from the tourism industry and
16 taking appropriate action as necessary;
- 17 (23) Develop and implement emergency measures to respond to
18 any adverse effects on the tourism industry, pursuant
19 to section 201B-9;
- 20 (24) Set and collect rents, fees, charges, or other
21 payments for the lease, use, occupancy, or disposition



1 of the convention center facility without regard to
2 chapter 91;

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

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

12 (27) Implement the community-based destination management
13 action plans developed by the authority in partnership
14 with the counties; and

15 (28) Develop programs to perpetuate the cultures of Hawaii
16 and engage local communities to sustain and preserve
17 the native Hawaiian culture."

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



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

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

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

13 the board may enter into an executive meeting that is closed to
14 the public in accordance with the procedures provided for
15 holding an executive meeting under part I of chapter 92."

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

18 "**§201B-6 Tourism [~~marketing~~] branding plan; measures of**
19 **effectiveness.** (a) The authority shall be responsible for
20 developing a tourism [~~marketing~~] branding plan. The plan shall



1 be a single, comprehensive document that shall be updated every
2 year and include the following:

- 3 (1) Statewide Hawaii brand management efforts and
4 programs;
- 5 (2) Targeted markets;
- 6 (3) Efforts to enter into Hawaii brand management projects
7 that make effective use of cooperative programs;
- 8 (4) Program performance goals and targets that can be
9 monitored as market gauges and used as attributes to
10 evaluate the authority's programs; and
- 11 (5) The authority's guidance and direction for the
12 development and coordination of promotional and
13 ~~[marketing]~~ branding programs that build and promote
14 the Hawaii brand, which are implemented through
15 contracts and agreements with destination marketing
16 organizations or other qualified organizations,
17 including:
 - 18 (A) Target markets and the results being sought;
 - 19 (B) Key performance indicators; and
 - 20 (C) Private sector collaborative or cooperative
21 efforts that may be required.



1 As used in this section, "Hawaii brand" means the programs
2 that collectively differentiate the Hawaii experience from other
3 destinations.

4 (b) In accordance with subsection (a), the authority shall
5 develop measures of effectiveness to assess the overall benefits
6 and effectiveness of the [~~marketing~~] branding plan and include
7 documentation of the progress of the [~~marketing~~] branding plan
8 towards achieving the authority's strategic plan goals."

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

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

- 13 (1) Tourism promotion, [~~marketing,~~] branding, and
14 development;
- 15 (2) Market and brand development-related research;
- 16 (3) Product development and diversification issues focused
17 on visitors;
- 18 (4) Promotion, development, and coordination of sports-
19 related activities and events;



- 1 (5) Promotion of Hawaii, through a coordinated statewide
2 effort, as a place to do business, including high
3 technology business, and as a business destination;
- 4 (6) Reduction of barriers to travel;
- 5 (7) Marketing, branding, management, use, operation, or
6 maintenance of the convention center facility,
7 including the purchase or sale of goods or services,
8 logo items, concessions, sponsorships, and license
9 agreements, or any use of the convention center
10 facility as a commercial enterprise; provided that
11 effective January 1, 2020, and thereafter, contracts
12 issued pursuant to this paragraph for the marketing of
13 all uses of the convention center facility may be
14 issued separately from the management, use, operation,
15 or maintenance of the facility;
- 16 (8) Tourism research and statistics to:
- 17 (A) Measure and analyze tourism trends;
- 18 (B) Provide information and research to assist in the
19 development and implementation of state tourism
20 policy; and
- 21 (C) Provide tourism information on:



- 1 (i) Visitor arrivals, visitor characteristics,
- 2 and expenditures;
- 3 (ii) The number of transient accommodation units
- 4 available, occupancy rates, and room rates;
- 5 (iii) Airline-related data including seat capacity
- 6 and number of flights;
- 7 (iv) The economic, social, and physical impacts
- 8 of tourism on the State; and
- 9 (v) The effects of the [~~marketing~~] branding
- 10 programs of the authority on the measures of
- 11 effectiveness developed pursuant to section
- 12 201B-6(b); and
- 13 (9) Any and all other activities necessary to carry out
- 14 the intent of this chapter;
- 15 provided that the authority shall periodically submit a report
- 16 of the contracts and agreements entered into by the authority to
- 17 the governor, the speaker of the house of representatives, and
- 18 the president of the senate.
- 19 (b) The authority shall be responsible for:



- 1 (1) Creating a vision and developing a functional, long-
2 range strategic plan for tourism in Hawaii[+] as it
3 relates to the Hawaii State Planning Act;
- 4 (2) Promoting, [~~marketing, and~~] branding, developing, and
5 managing the tourism industry in the State[+] and the
6 community-based destination management action plans
7 developed by the authority in partnership with the
8 counties;
- 9 (3) Arranging for the conduct of research through
10 contractual services with the University of Hawaii or
11 any agency or other qualified persons concerning
12 social, economic, and environmental aspects of tourism
13 development in the State;
- 14 (4) Providing technical or other assistance to agencies
15 and private industry upon request;
- 16 (5) Perpetuating the uniqueness of the native Hawaiian
17 culture and community, and their importance to the
18 quality of the visitor experience, by ensuring that:
19 (A) The Hawaiian culture is accurately portrayed by
20 Hawaii's visitor industry;



1 (B) Hawaiian language is supported and normalized as
2 both an official language of the State as well as
3 the foundation of the host culture that draws
4 visitors to Hawaii;

5 (C) Hawaiian cultural practitioners and cultural
6 sites that give value to Hawaii's heritage are
7 supported, nurtured, and engaged in sustaining
8 the visitor industry; and

9 (D) A native Hawaiian cultural education and training
10 program is provided for the visitor industry
11 workforce having direct contact with visitors;
12 and

13 (6) Reviewing annually the expenditure of public funds by
14 any visitor industry organization that contracts with
15 the authority to perform tourism promotion,
16 [~~marketing,~~ branding, and development and making
17 recommendations necessary to ensure the effective use
18 of the funds for the development of tourism."

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



1 "~~§201B-13 Assistance by state and county agencies[~~;~~~~
2 ~~advisory group]~~. [~~(a)~~] Any state or county agency may render
3 services upon request of the authority.

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

- 12 ~~(1) Measures to respond to tourism emergencies pursuant to~~
13 ~~section 201B-9;~~
- 14 ~~(2) Programs for the management, improvement, and~~
15 ~~protection of Hawaii's natural environment and other~~
16 ~~areas frequented by visitors;~~
- 17 ~~(3) Measures to address issues affecting airlines, air~~
18 ~~routes, and barriers to travel to Hawaii; and~~
- 19 ~~(4) Programs to perpetuate the cultures of Hawaii and~~
20 ~~engage local communities to sustain and preserve the~~
21 ~~native Hawaiian culture.] "~~



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

3 "**§201B-16 Annual report.** The authority shall submit a
4 complete and detailed report of its activities, expenditures,
5 and results, including the progress of the tourism [~~marketing~~]
6 branding plan developed pursuant to section 201B-6, toward
7 achieving the authority's strategic plan goals, to the governor
8 and the legislature at least twenty days prior to the convening
9 of each regular session of the legislature. The annual report
10 shall include the descriptions and evaluations of programs
11 funded, together with any recommendations the authority may
12 make."

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

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



Report Title:

HTA; Board of Directors; Members; Destination Management Action Plans; Tourism Management; Branding

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. Renames the tourism marketing plan to the tourism branding plan. Repeals the Hawaii Tourism Authority advisory group. Effective 7/1/2050. (SD2)

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