

ACT 38

S.B. NO. 2635

A Bill for an Act Relating to Tourism.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 201B-3, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§201B-3]] Powers[-] and duties.~~ (a) Except as otherwise limited by this chapter, the board may:

- (1) Sue and be sued;
- (2) Have a seal and alter the same at pleasure;
- (3) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter, provided that the authority may enter into contracts and agreements for a period of up to five years;
- (4) Make and alter bylaws for its organization and internal management;
- (5) Adopt rules in accordance with chapter 91 with respect to its projects, operations, properties, and facilities;
- (6) Through its executive director represent the authority in communications with the governor and with the legislature;
- (7) Through its executive director appoint officers, agents, and employees, prescribe their duties and qualifications, and fix their salaries, without regard to chapters 76, 77, and 78;
- (8) Through its executive director purchase supplies, equipment, or furniture;
- (9) Through its executive director allocate the space or spaces which are to be occupied by the authority and appropriate staff;
- (10) Engage the services of qualified persons to implement the State's tourism marketing plan or portions thereof as determined by the board;
- (11) Engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice;
- (12) Procure insurance against any loss in connection with its property and other assets and operations in such amounts from such insurers as it deems desirable;

- (13) Contract for, and accept gifts or grants in any form from any public agency or any other source;
- (14) Create a vision and develop a long range plan for tourism in Hawaii, including product development, infrastructure, and diversification issues;
- (15) Develop, coordinate, and implement state policies and directions for tourism and related activities taking into account the economic, social, and physical impacts of tourism on the State;
- (16) Develop and implement the state tourism strategic marketing plan, which shall be updated every three years, to promote and market the State as a desirable visitor destination;
- (17) Have a permanent, strong focus on marketing and promotion;
- (18) Conduct market development-related research as necessary;
- (19) Coordinate all agencies and advise the private sector in the development of tourism-related activities and resources;
- (20) Work to eliminate or reduce barriers to travel in order to provide a positive and competitive business environment, including coordinating with the department of transportation on issues affecting airlines and air route development;
- (21) Market and promote sports-related activities and events;
- (22) Coordinate the development of new products with the public and private sectors, including the development of sports, culture, health, education, business, and eco-tourism;
- (23) Establish a public information and educational program to inform the public of tourism and tourism-related problems;
- (24) Encourage the development of tourism educational, training, and career counseling programs; and
- (25) Establish a program to monitor, investigate, and respond to complaints about problems resulting directly or indirectly from the tourism industry and taking appropriate action as necessary[; and
- (26) ~~Do any and all things necessary to carry out its purposes and exercise the powers given and granted in this chapter].~~

(b) The board shall be responsible for:

- (1) Promoting, marketing, and developing the tourism industry in the State;
- (2) Arranging for the conduct of research through contractual services with the University of Hawaii or any agency or other qualified persons concerning social, economic, and environmental aspects of tourism development in the State;
- (3) Providing technical or other assistance to agencies and private industry upon request;
- (4) Developing and implementing the state tourism marketing plan; and
- (5) Reviewing annually the expenditure of public funds by any visitor industry organization with which the board contracts to perform tourism promotion, marketing, and development and making recommendations necessary to ensure the effective use of the funds for the development of tourism. The board shall also prepare annually a report of expenditures, including descriptions and evaluations of programs funded, together with any recommendations the board may make and shall submit the report to the governor and the legislature as part of the annual report required under section 201B-16.

(c) The board shall do any and all things necessary to carry out its purposes, to exercise the powers and responsibilities given in this chapter, and to perform other functions required or authorized by law.”

SECTION 2. Chapter 201, part VII, Hawaii Revised Statutes, is repealed.

SECTION 3. Chapter 203, Hawaii Revised Statutes, is repealed.

SECTION 4. Section 201B-11, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Moneys in the tourism special fund shall be used by the authority for the purposes of this chapter, provided that not more than three per cent of this amount shall be used for administrative expenses; provided further that of this amount the sum of \$15,000 shall be made available for a protocol fund to be expended at the discretion of the executive director[; ~~provided further that moneys in the tourism special fund shall be used for the salaries and expenses of the office of tourism established in section 201-92~~].”

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

SECTION 6. This Act shall take effect upon its approval.

(Approved April 23, 2002.)