

ACT 102

S.B. NO. 2187

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-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The authority 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; provided that, where public disclosure of information gathered by the authority may place businesses at a competitive disadvantage and impair or frustrate the authority’s ability to obtain information for a legitimate government function, the authority may withhold from public disclosure competitively sensitive information, including:
 - (A) Completed survey and questionnaire forms;
 - (B) Coding sheets; and
 - (C) Database records of the information;
- (3) Providing technical or other assistance to agencies and private industry upon request;
- (4) Creating a vision and developing a long-range strategic plan for tourism in Hawaii; and
- (5) Reviewing annually the expenditure of public funds by any visitor industry organization with which the authority 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 authority shall also prepare annually a report of expenditures, including descriptions and evaluations of programs funded, together with any recommendations the authority may make and shall submit the report to the governor and the legislature as part of the annual report required under section 201B-16.”

SECTION 2. Section 201B-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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

- (1) Information that is proprietary to a particular enterprise or the disclosure of which might be harmful to the business interests of the enterprise~~;~~; or
- (2) Information that is necessary to protect Hawaii’s competitive advantage as a visitor destination; provided that information relating to marketing plans and strategies may be disclosed after the execution of the marketing plans and strategies.

the board may enter into an executive meeting that is closed to the public~~;~~ in accordance with the procedures provided for holding an executive meeting under part I of chapter 92.”

SECTION 3. Section 201B-6, Hawaii Revised Statutes, is amended to read as follows:

“**§201B-6 Tourism marketing plan; measures of effectiveness.** (a) The authority shall be responsible for developing a tourism marketing plan that shall be updated every year and includes the following:

- (1) Statewide promotional efforts and programs;
- (2) Targeted markets;
- (3) Efforts to enter into brand marketing projects that make effective use of cooperative advertising programs;
- (4) ~~[Measures of effectiveness for]~~ Program performance goals and targets that can be monitored as market gauges and used as attributes to evaluate the authority’s promotional programs; and
- (5) Coordination of marketing plans of all destination marketing organizations receiving state funding prior to finalization of the authority’s marketing plan.

(b) In accordance with subsection (a), the authority shall develop measures of effectiveness to assess the overall benefits and effectiveness of the marketing plan and include documentation of the ~~[directly attributable benefits of the plan to the following:~~

- (1) ~~Hawaii’s tourism industry;~~
- (2) ~~Employment in Hawaii;~~
- (3) ~~State taxes; and~~
- (4) ~~The State’s lesser known and underused destinations.]~~

progress of the marketing plan towards achieving the authority’s strategic plan goals.”

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

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

- (1) Tourism promotion, marketing, and development;
- (2) Market development-related research;
- (3) Product development and diversification issues focused on visitors;
- (4) Promotion, development, and coordination of sports-related activities and events;
- (5) Promotion of Hawaii, through a coordinated statewide effort, as a place to do business, including high technology business, and as a business destination;
- (6) Reduction of barriers to travel;

- (7) Marketing, management, use, operation, or maintenance of the convention center facility, including the purchase or sale of goods or services, logo items, concessions, sponsorships, and license agreements, or any use of the convention center facility as a commercial enterprise; provided that effective January 1, 2003, and thereafter, the contract for management of the convention center facility shall include marketing for all uses of the facility;
- (8) Tourism research and statistics to:
 - (A) Measure and analyze tourism trends;
 - (B) Provide information and research to assist in the development and implementation of state tourism policy;
 - (C) Provide tourism information on:
 - (i) Visitor arrivals, visitor characteristics, and expenditures;
 - (ii) The number of transient accommodation units available, occupancy rates, and room rates;
 - (iii) Airline-related data including seat capacity and number of flights;
 - (iv) The economic, social, and physical impacts of tourism on the State; and
 - (v) The ~~[impact of ongoing]~~ effects of the marketing programs of the authority on [Hawaii's tourism industry, employment in Hawaii, state taxes, and the State's lesser known and underused destinations;] the measures of effectiveness developed pursuant to section 201B-6(b); and
- (9) Any and all other activities necessary to carry out the intent of this chapter;

provided that ~~[for any contract or agreement valued at \$25,000 and over,] the authority shall [provide notice] periodically submit a report of the contracts and agreements entered into by the authority to the governor, the speaker of the house of representatives, and the president of the senate [on the same day that such notification is given to the governor]."~~

SECTION 5. Act 58, Session Laws of Hawaii 2004, as amended by section 50 of Act 22, Session Laws of Hawaii 2005, as amended by section 1 of Act 306, Session Laws of Hawaii 2006, as amended by section 12 of Act 5, Special Session Laws of Hawaii 2009, is amended by amending section 14 to read as follows:

"SECTION 14. This Act shall take effect upon its approval; provided that:

- (1) The amendments made to sections 40-1, 40-4, and 40-6, Hawaii Revised Statutes, by part I of this Act shall not be repealed when those sections are reenacted on June 30, 2006, by section 1 of Act 137, Session Laws of Hawaii 2005;
- (2) Sections 3, 4, 5, 6, and 7 of ~~[Part]~~ part I shall be repealed on ~~[June 30, 2010,] June 30, 2015, and:~~
 - (A) Sections 201B-2 and 201B-11, Hawaii Revised Statutes, shall be reenacted in the form in which they read on May 5, 2004; except that the amendments made by ~~[Act,] Act 5, Special Session Laws of Hawaii 2009,~~ to section 201B-2, Hawaii Revised Statutes, and subsection (c) of section 201B-11, Hawaii Revised Statutes, shall not be repealed; and
 - (B) Sections 40-1, 40-4, and 40-6, Hawaii Revised Statutes, shall be reenacted in the form in which they read on June 30, 1986; and

(3) Section 9 shall take effect on July 1, 2004.”

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 12, 2010.)