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# A BILL FOR AN ACT

RELATING TO EMERGENCIES.

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

1           SECTION 1. Chapter 201B, Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4           "§201B-A Tourism emergencies. (a) If the board  
5 determines that an adverse effect on Hawaii's tourism industry  
6 resulting from world conflict, terrorist threat, natural  
7 disaster, or the outbreak of disease regardless of when or where  
8 occurring, may result in a substantial interruption of commerce  
9 of the State of Hawaii and adversely affect the welfare of its  
10 people, it shall submit a request to the governor to declare  
11 that a tourism emergency exists.

12           (b) Upon declaration by the governor that a tourism  
13 emergency exists pursuant to subsection (a) the authority may  
14 develop and implement measures to respond to the tourism  
15 emergency.

16           §201B-B Tourism emergency trust fund. (a) There is  
17 established outside the state treasury a tourism emergency trust  
18 fund to be administered by the board as trustee, into which



1 shall be deposited the revenues prescribed by section  
2 237D-6.5(b). All investment earnings from moneys in the trust  
3 fund shall be credited to the tourism special fund.

4 (b) Moneys in the trust fund shall be used exclusively to  
5 provide for the implementation of emergency measures to respond  
6 to any adverse effects on the tourism industry resulting from  
7 world conflicts, terrorist threats, natural disasters, or the  
8 outbreak of disease that may result in a substantial  
9 interruption of commerce of the State of Hawaii and adversely  
10 affect the welfare of its people, pursuant to section 201B-A.

11 (c) Use of the trust fund, consistent with subsection (b),  
12 shall be provided for in articles, bylaws, resolutions, or other  
13 instruments executed by the board as trustee for the trust  
14 fund."

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

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

- 19 (1) Sue and be sued;
- 20 (2) Have a seal and alter the same at pleasure;
- 21 (3) Make and execute contracts and all other instruments  
22 necessary or convenient for the exercise of its powers



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

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

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

13 (6) Through its executive director represent the authority  
14 in communications with the governor and with the  
15 legislature;

16 (7) Through its executive director, provide for the  
17 appointment of officers, agents, and employees,  
18 subject to the approval of the board, prescribing  
19 their duties and qualifications, and fixing their  
20 salaries, without regard to chapters 76 and 78 if  
21 there is no anticipated revenue shortfall in the



- 1           tourism special fund and funds have been appropriated  
2           by the legislature and allotted as provided by law;
- 3       (8) Through its executive director purchase supplies,  
4           equipment, or furniture;
- 5       (9) Through its executive director allocate the space or  
6           spaces which are to be occupied by the authority and  
7           appropriate staff;
- 8       (10) Engage the services of qualified persons to implement  
9           the State's tourism marketing plan or portions thereof  
10          as determined by the authority;
- 11       (11) Engage the services of consultants on a contractual  
12          basis for rendering professional and technical  
13          assistance and advice;
- 14       (12) Procure insurance against any loss in connection with  
15          its property and other assets and operations in such  
16          amounts and from such insurers as it deems desirable;
- 17       (13) Contract for or accept revenues, compensation,  
18          proceeds, and gifts or grants in any form from any  
19          public agency or any other source, including any  
20          revenues or proceeds arising from the operation or use  
21          of the convention center;



- 1       (14) Develop, coordinate, and implement state policies and  
2           directions for tourism and related activities taking  
3           into account the economic, social, and physical  
4           impacts of tourism on the State and its natural  
5           resources infrastructure; provided that the authority  
6           shall support the efforts of other state and county  
7           departments or agencies to manage, improve, and  
8           protect Hawaii's natural environment and areas  
9           frequented by visitors;
- 10       (15) Have a permanent, strong focus on marketing and  
11           promotion;
- 12       (16) Conduct market development-related research as  
13           necessary;
- 14       (17) Coordinate all agencies and advise the private sector  
15           in the development of tourism-related activities and  
16           resources;
- 17       (18) Work to eliminate or reduce barriers to travel in  
18           order to 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       (19) Market and promote sports-related activities and  
2             events;
- 3       (20) Coordinate the development of new products with the  
4             counties and other public sectors and private sectors,  
5             including the development of sports, culture, health  
6             and wellness, education, technology, agriculture, and  
7             nature tourism;
- 8       (21) Establish a public information and educational program  
9             to inform the public of tourism and tourism-related  
10            problems;
- 11       (22) Encourage the development of tourism educational,  
12            training, and career counseling programs;
- 13       (23) 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       (24) Develop and implement emergency measures to respond to  
18            any adverse effects on the tourism industry, pursuant  
19            to section 201B-A;
- 20       [~~(24)~~] (25) 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~~] (26) Notwithstanding the provisions of chapter 171,  
4 acquire, lease as lessee or lessor, own, rent, hold,  
5 and dispose of the convention center facility in the  
6 exercise of its powers and the performance of its  
7 duties under this chapter; and

8 [~~+26~~] (27) Acquire by purchase, lease, or otherwise, and  
9 develop, construct, operate, own, manage, repair,  
10 reconstruct, enlarge, or otherwise effectuate, either  
11 directly or through developers, a convention center  
12 facility."

13 SECTION 3. Section 237D-6.5, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15 "(b) Revenues collected under this chapter shall be  
16 distributed as follows, with the excess revenues to be deposited  
17 into the general fund:

18 (1) 17.3 per cent of the revenues collected under this  
19 chapter shall be deposited into the convention center  
20 enterprise special fund established under section  
21 201B-8; provided that beginning January 1, 2002, if  
22 the amount of the revenue collected under this



1 paragraph exceeds \$33,000,000 in any calendar year,  
2 revenues collected in excess of \$33,000,000 shall be  
3 deposited into the general fund;

4 (2) 34.2 per cent of the revenues collected under this  
5 chapter shall be deposited into the tourism special  
6 fund established under section 201B-11 for tourism  
7 promotion and visitor industry research; provided that  
8 beginning on July 1, 2002[+],  
9 [~~(A)~~ ~~of~~] of the first \$1,000,000 in revenues  
10 deposited:

11 [~~(i)~~] (A) Ninety per cent shall be deposited into the  
12 state parks special fund established in section  
13 184-3.4; and

14 [~~(ii)~~] (B) Ten per cent shall be deposited into the  
15 special land and development fund established in  
16 section 171-19 for the Hawaii statewide trail and  
17 access program;

18 provided that of the 34.2 per cent, 0.5 per cent shall  
19 be transferred to a sub-account in the tourism special  
20 fund to provide funding for a safety and security  
21 budget, in accordance with the Hawaii tourism  
22 strategic plan 2005-2015; provided further that of the





1 revenues remaining in the tourism special fund after  
 2 revenues have been deposited as provided in this  
 3 paragraph and except for the sum authorized by the  
 4 legislature for expenditure, funds shall be deposited  
 5 into the tourism emergency trust fund, established in  
 6 section 201B-B, to maintain the fund balance of  
 7 \$5,000,000; and

8 (3) 44.8 per cent of the revenues collected under this  
 9 chapter shall be transferred as follows: Kauai county  
 10 shall receive 14.5 per cent, Hawaii county shall  
 11 receive 18.6 per cent, city and county of Honolulu  
 12 shall receive 44.1 per cent, and Maui county shall  
 13 receive 22.8 per cent.

14 All transient accommodations taxes shall be paid into the  
 15 state treasury each month within ten days after collection and  
 16 shall be kept by the state director of finance in special  
 17 accounts for distribution as provided in this subsection."

18 SECTION 4. In codifying the new sections added by section  
 19 1 of this Act, the revisor of statutes shall substitute  
 20 appropriate section numbers for the letters used in designating  
 21 the new sections in this Act.



# H.B. NO. 575

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

3 SECTION 6. This Act shall take effect on July 1, 2007.  
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INTRODUCED BY:

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**Report Title:**

Emergencies

**Description:**

Allows the Hawaii tourism authority to request the governor to declare that a tourism emergency exists. Authorizes tourism authority to implement emergency measures to respond to an emergency. Establishes the Hawaii tourism emergency trust fund.

