
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 the occurrence of world conflict, a terrorist
6 threat, a natural disaster, or the outbreak of disease,
7 regardless of when or where occurring, adversely affects
8 Hawaii's tourism industry by resulting in a substantial
9 interruption in commerce of the State, the board shall submit a
10 request to the governor to declare that a tourism emergency
11 exists.

12 (b) If the governor declares that an emergency exists
13 triggering a tourism emergency, the authority shall implement
14 measures to respond to the tourism emergency, including
15 providing assistance to tourist visitors during the emergency;
16 provided that any tourism emergency response measure implemented
17 pursuant to this subsection shall not include any provision that



1 would adversely affect the organized labor force in tourism-
2 related industries.

3 **§201B-B Tourism emergency trust fund.** (a) There is
4 established outside the state treasury a tourism emergency trust
5 fund to be administered by the board as trustee, into which
6 shall be deposited the revenues prescribed by section
7 237D-6.5(b). All investment earnings from moneys in the trust
8 fund shall be credited to the tourism special fund.

9 (b) Moneys in the trust fund shall be used exclusively to
10 provide for the development and implementation of emergency
11 measures to respond to any adverse effects on the tourism
12 industry, including providing emergency assistance to tourist
13 visitors during the emergency, resulting from world conflicts,
14 terrorist threats, natural disasters, or the outbreak of disease
15 that result in a substantial interruption of commerce of the
16 State, pursuant to section 201B-A.

17 (c) Use of the trust fund, consistent with subsection (b),
18 shall be provided for in articles, bylaws, resolutions, or other
19 instruments executed by the board as trustee for the trust
20 fund."

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



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

3 (1) Sue and be sued;

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

5 (3) Make and execute contracts and all other instruments
6 necessary or convenient for the exercise of its powers
7 and functions under this chapter; provided that the
8 authority may enter into contracts and agreements for
9 a period of up to five years, subject to the
10 availability of funds; and provided further that the
11 authority may enter into agreements for the use of the
12 convention center facility for a period of up to ten
13 years;

14 (4) Make and alter bylaws for its organization and
15 internal management;

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

19 (6) Through its executive director represent the authority
20 in communications with the governor and with the
21 legislature;



- 1 (7) Through its executive director, provide for the
2 appointment of officers, agents, and employees,
3 subject to the approval of the board, prescribing
4 their duties and qualifications, and fixing their
5 salaries, without regard to chapters 76 and 78 if
6 there is no anticipated revenue shortfall in the
7 tourism special fund and funds have been appropriated
8 by the legislature and allotted as provided by law;
- 9 (8) Through its executive director purchase supplies,
10 equipment, or furniture;
- 11 (9) Through its executive director allocate the space or
12 spaces which are to be occupied by the authority and
13 appropriate staff;
- 14 (10) Engage the services of qualified persons to implement
15 the State's tourism marketing plan or portions thereof
16 as determined by the authority;
- 17 (11) Engage the services of consultants on a contractual
18 basis for rendering professional and technical
19 assistance and advice;
- 20 (12) Procure insurance against any loss in connection with
21 its property and other assets and operations in such
22 amounts and from such 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, including any
4 revenues or proceeds arising from the operation or use
5 of the convention center;
- 6 (14) Develop, coordinate, and implement state policies and
7 directions for tourism and related activities taking
8 into account the economic, social, and physical
9 impacts of tourism on the State and its natural
10 resources infrastructure; provided that the authority
11 shall support the efforts of other state and county
12 departments or agencies to manage, improve, and
13 protect Hawaii's natural environment and areas
14 frequented by visitors;
- 15 (15) Have a permanent, strong focus on marketing and
16 promotion;
- 17 (16) Conduct market development-related research as
18 necessary;
- 19 (17) Coordinate all agencies and advise the private sector
20 in the development of tourism-related activities and
21 resources;



- 1 (18) Work to eliminate or reduce barriers to travel [~~in~~
2 ~~order~~] to provide a positive and competitive business
3 environment, including coordinating with the
4 department of transportation on issues affecting
5 airlines and air route development;
- 6 (19) Market and promote sports-related activities and
7 events;
- 8 (20) Coordinate the development of new products with the
9 counties and other public sectors and private sectors,
10 including the development of sports, culture, health
11 and wellness, education, technology, agriculture, and
12 nature tourism;
- 13 (21) Establish a public information and educational program
14 to inform the public of tourism and tourism-related
15 problems;
- 16 (22) Encourage the development of tourism educational,
17 training, and career counseling programs;
- 18 (23) Establish a program to monitor, investigate, and
19 respond to complaints about problems resulting
20 directly or indirectly from the tourism industry and
21 taking appropriate action as necessary;



1 (24) Develop and implement emergency measures to respond to
2 any adverse effects on the tourism industry, pursuant
3 to section 201B-A;

4 [~~(24)~~] (25) Set and collect rents, fees, charges, or other
5 payments for the lease, use, occupancy, or disposition
6 of the convention center facility without regard to
7 chapter 91;

8 [~~(25)~~] (26) Notwithstanding the [~~provisions of~~] chapter 171,
9 acquire, lease as lessee or lessor, own, rent, hold,
10 and dispose of the convention center facility in the
11 exercise of its powers and the performance of its
12 duties under this chapter; and

13 [~~(26)~~] (27) Acquire by purchase, lease, or otherwise, and
14 develop, construct, operate, own, manage, repair,
15 reconstruct, enlarge, or otherwise effectuate, either
16 directly or through developers, a convention center
17 facility."

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

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

- 1 (1) 17.3 per cent of the revenues collected under this
2 chapter shall be deposited into the convention center
3 enterprise special fund established under section
4 201B-8; provided that beginning January 1, 2002, if
5 the amount of the revenue collected under this
6 paragraph exceeds \$33,000,000 in any calendar year,
7 revenues collected in excess of \$33,000,000 shall be
8 deposited into the general fund;
- 9 (2) 34.2 per cent of the revenues collected under this
10 chapter shall be deposited into the tourism special
11 fund established under section 201B-11 for tourism
12 promotion and visitor industry research; provided that
13 beginning on July 1, 2002~~[+]~~,
14 [~~(A)~~ ~~of~~] of the first \$1,000,000 in revenues
15 deposited:
- 16 [~~(i)~~] (A) Ninety per cent shall be deposited into the
17 state parks special fund established in section
18 184-3.4; and
- 19 [~~(ii)~~] (B) Ten per cent shall be deposited into the
20 special land and development fund established in
21 section 171-19 for the Hawaii statewide trail and
22 access program;



1 provided that of the 34.2 per cent, 0.5 per cent shall
2 be transferred to a sub-account in the tourism special
3 fund to provide funding for a safety and security
4 budget, in accordance with the Hawaii tourism
5 strategic plan 2005-2015; provided further that of the
6 revenues remaining in the tourism special fund after
7 revenues have been deposited as provided in this
8 paragraph and except for any sum authorized by the
9 legislature for expenditure from revenues subject to
10 this paragraph, beginning July 1, 2007, funds shall be
11 deposited into the tourism emergency trust fund,
12 established in section 201B-B, sufficient to maintain
13 a fund balance of \$5,000,000; and

- 14 (3) 44.8 per cent of the revenues collected under this
15 chapter shall be transferred as follows: Kauai county
16 shall receive 14.5 per cent, Hawaii county shall
17 receive 18.6 per cent, city and county of Honolulu
18 shall receive 44.1 per cent, and Maui county shall
19 receive 22.8 per cent.

20 All transient accommodations taxes shall be paid into the
21 state treasury each month within ten days after collection and



1 shall be kept by the state director of finance in special
2 accounts for distribution as provided in this subsection."

3 SECTION 4. In codifying the new sections added by section
4 1 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

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

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



Report Title:

Emergencies; Tourism

Description:

Requires the Board of the Hawaii Tourism Authority (HTA) to request that the Governor declare that a tourism emergency exists under certain conditions. Requires HTA to implement emergency measures to respond to a tourism emergency. Establishes the Tourism Emergency Trust Fund. (SB679 HD1)

