

JAN 19 2007

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 [~~(i)~~] (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.



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.
4

INTRODUCED BY: *Clarence B. Dickerson*
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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.

