
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, resulting in a substantial interruption of commerce
9 of the State and adversely affect the welfare of its people, it
10 shall submit a request to the governor to declare that a tourism
11 emergency exists.

12 (b) Upon declaration by the governor that a statewide
13 emergency exists triggering a tourism emergency pursuant to
14 subsection (a), the authority may develop and implement measures
15 to respond to the tourism emergency; provided that any tourism
16 emergency response measure implemented pursuant to this
17 subsection shall not include any provision that would adversely
18 affect the organized labor force in tourism related industries.



1 §201B-B Tourism emergency trust fund. (a) There is
2 established outside the state treasury a tourism emergency trust
3 fund to be administered by the board as trustee, into which
4 shall be deposited the revenues prescribed by section
5 237D-6.5(b). All investment earnings from moneys in the trust
6 fund shall be credited to the tourism special fund.

7 (b) Moneys in the trust fund shall be used exclusively to
8 provide for the development and implementation of emergency
9 measures to respond to any adverse effects on the tourism
10 industry resulting from world conflicts, terrorist threats,
11 natural disasters, or the outbreak of disease that may result in
12 a substantial interruption of commerce of the State and
13 adversely affect the welfare of its people, pursuant to section
14 201B-A.

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

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

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



- 1 (1) Sue and be sued;
- 2 (2) Have a seal and alter the same at pleasure;
- 3 (3) Make and execute contracts and all other instruments
- 4 necessary or convenient for the exercise of its powers
- 5 and functions under this chapter; provided that the
- 6 authority may enter into contracts and agreements for
- 7 a period of up to five years, subject to the
- 8 availability of funds; and provided further that the
- 9 authority may enter into agreements for the use of the
- 10 convention center facility for a period of up to ten
- 11 years;
- 12 (4) Make and alter bylaws for its organization and
- 13 internal management;
- 14 (5) Unless otherwise provided in this chapter, adopt rules
- 15 in accordance with chapter 91 with respect to its
- 16 projects, operations, properties, and facilities;
- 17 (6) Through its executive director represent the authority
- 18 in communications with the governor and with the
- 19 legislature;
- 20 (7) Through its executive director, provide for the
- 21 appointment of officers, agents, and employees,
- 22 subject to the approval of the board, prescribing



1 their duties and qualifications, and fixing their
2 salaries, without regard to chapters 76 and 78 if
3 there is no anticipated revenue shortfall in the
4 tourism special fund and funds have been appropriated
5 by the legislature and allotted as provided by law;

6 (8) Through its executive director purchase supplies,
7 equipment, or furniture;

8 (9) Through its executive director allocate the space or
9 spaces which are to be occupied by the authority and
10 appropriate staff;

11 (10) Engage the services of qualified persons to implement
12 the State's tourism marketing plan or portions thereof
13 as determined by the authority;

14 (11) Engage the services of consultants on a contractual
15 basis for rendering professional and technical
16 assistance and advice;

17 (12) Procure insurance against any loss in connection with
18 its property and other assets and operations in such
19 amounts and from such insurers as it deems desirable;

20 (13) Contract for or accept revenues, compensation,
21 proceeds, and gifts or grants in any form from any
22 public agency or any other source, including any



- 1 revenues or proceeds arising from the operation or use
2 of the convention center;
- 3 (14) Develop, coordinate, and implement state policies and
4 directions for tourism and related activities taking
5 into account the economic, social, and physical
6 impacts of tourism on the State and its natural
7 resources infrastructure; provided that the authority
8 shall support the efforts of other state and county
9 departments or agencies to manage, improve, and
10 protect Hawaii's natural environment and areas
11 frequented by visitors;
- 12 (15) Have a permanent, strong focus on marketing and
13 promotion;
- 14 (16) Conduct market development-related research as
15 necessary;
- 16 (17) Coordinate all agencies and advise the private sector
17 in the development of tourism-related activities and
18 resources;
- 19 (18) Work to eliminate or reduce barriers to travel in
20 order to provide a positive and competitive business
21 environment, including coordinating with the



- 1 department of transportation on issues affecting
2 airlines and air route development;
- 3 (19) Market and promote sports-related activities and
4 events;
- 5 (20) Coordinate the development of new products with the
6 counties and other public sectors and private sectors,
7 including the development of sports, culture, health
8 and wellness, education, technology, agriculture, and
9 nature tourism;
- 10 (21) Establish a public information and educational program
11 to inform the public of tourism and tourism-related
12 problems;
- 13 (22) Encourage the development of tourism educational,
14 training, and career counseling programs;
- 15 (23) Establish a program to monitor, investigate, and
16 respond to complaints about problems resulting
17 directly or indirectly from the tourism industry and
18 taking appropriate action as necessary;
- 19 (24) Develop and implement emergency measures to respond to
20 any adverse effects on the tourism industry, pursuant
21 to section 201B-A;



1 [~~(24)~~] (25) Set and collect rents, fees, charges, or other
2 payments for the lease, use, occupancy, or disposition
3 of the convention center facility without regard to
4 chapter 91;

5 [~~(25)~~] (26) Notwithstanding the [~~provisions of~~] chapter 171,
6 acquire, lease as lessee or lessor, own, rent, hold,
7 and dispose of the convention center facility in the
8 exercise of its powers and the performance of its
9 duties under this chapter; and

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

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

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

20 (1) 17.3 per cent of the revenues collected under this
21 chapter shall be deposited into the convention center
22 enterprise special fund established under section



201B-8; provided that beginning January 1, 2002, if the amount of the revenue collected under this paragraph exceeds \$33,000,000 in any calendar year, revenues collected in excess of \$33,000,000 shall be deposited into the general fund;

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

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

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

provided that of the 34.2 per cent, 0.5 per cent shall be transferred to a sub-account in the tourism special fund to provide funding for a safety and security



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

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

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

21 SECTION 4. In codifying the new sections added by section
22 1 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

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

5 SECTION 6. This Act shall take effect on July 1, 2007.



Report Title:
Emergencies

Description:

Allows the Hawaii tourism authority to request that the governor declare that a tourism emergency exists. Authorizes the tourism authority to implement emergency measures to respond to an emergency. Establishes the Hawaii tourism emergency trust fund.
(SD1)

