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# A BILL FOR AN ACT

RELATING TO THE HAWAII TOURISM AUTHORITY.

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

1           SECTION 1. Section 201B-2, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By amending its title to read:

4           "~~§201B-2 Hawaii tourism authority; establishment; board;~~  
5 ~~[staff-]~~ president and chief executive officer."

6           2. By amending subsections (f) and (g) to read:

7           "(f) The board shall appoint [~~an executive director,~~] one  
8 person to serve as president and chief executive officer, exempt  
9 from chapters 76 and 88 who shall oversee the authority staff;  
10 provided that the compensation package, including salary, shall  
11 not exceed nine per cent of the five per cent authorized for  
12 administrative expenses under section 201B-11(c); and provided  
13 further that the compensation package shall not include private  
14 sector moneys or other contributions. The board shall set the  
15 [~~executive director's~~] president and chief executive officer's  
16 duties, responsibilities, holidays, vacations, leaves, hours of

1 work, and working conditions. It may grant such other benefits  
2 as it deems necessary.

3 ~~[The board may appoint a sports coordinator, exempt from~~  
4 ~~chapters 76, 78, and 88, who shall provide management services~~  
5 ~~for all sporting events supported through the authority.~~

6 ~~(g) The authority may employ persons not subject to~~  
7 ~~chapters 76 and 78 to perform and execute the functions of the~~  
8 ~~authority.]"~~

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

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

- 13 (1) Sue and be sued;
- 14 (2) Have a seal and alter the same at pleasure;
- 15 (3) ~~[Make]~~ Through its president and chief executive  
16 officer, make and execute contracts and all other  
17 instruments necessary or convenient for the exercise  
18 of its powers and functions under this chapter;  
19 provided that the authority may enter into contracts  
20 and agreements for a period of up to five years,  
21 subject to the availability of funds; and provided  
22 further that the authority may enter into agreements

- 1 for the use of the convention center facility for a  
2 period of up to ten years;
- 3 (4) Make and alter bylaws for its organization and  
4 internal management;
- 5 (5) Unless otherwise provided in this chapter, adopt rules  
6 in accordance with chapter 91 with respect to its  
7 projects, operations, properties, and facilities;
- 8 (6) Through its [~~executive director~~] president and chief  
9 executive officer, represent the authority in  
10 communications with the governor and the legislature;
- 11 (7) Through its [~~executive director,~~] president and chief  
12 executive officer, provide for the appointment of  
13 officers, agents, a sports coordinator, and employees,  
14 subject to the approval of the board, prescribing  
15 their duties and qualifications, and fixing their  
16 salaries, without regard to chapters 76 and 78, if  
17 there is no anticipated revenue shortfall in the  
18 tourism special fund and funds have been appropriated  
19 by the legislature and allotted as provided by law;
- 20 (8) Through its [~~executive director~~] president and chief  
21 executive officer, purchase supplies, equipment, or  
22 furniture;

- 1 (9) Through its [~~executive director~~] president and chief  
2 executive officer, allocate the space or spaces that  
3 are to be occupied by the authority and appropriate  
4 staff;
- 5 (10) [~~Engage~~] Through its president and chief executive  
6 officer, engage the services of qualified persons to  
7 implement the State's tourism marketing plan or  
8 portions thereof as determined by the authority;
- 9 (11) [~~Engage~~] Through its president and chief executive  
10 officer, engage the services of consultants on a  
11 contractual basis for rendering professional and  
12 technical assistance and advice;
- 13 (12) Procure insurance against any loss in connection with  
14 its property and other assets and operations in  
15 amounts and from insurers as it deems desirable;
- 16 (13) Contract for or accept revenues, compensation,  
17 proceeds, and gifts or grants in any form from any  
18 public agency or any other source, including any  
19 revenues or proceeds arising from the operation or use  
20 of the convention center;
- 21 (14) Develop, coordinate, and implement state policies and  
22 directions for tourism and related activities taking

- 1           into account the economic, social, and physical  
2           impacts of tourism on the State and its natural  
3           resources infrastructure; provided that the authority  
4           shall support the efforts of other state and county  
5           departments or agencies to manage, improve, and  
6           protect Hawaii's natural environment and areas  
7           frequented by visitors;
- 8           (15) Have a permanent, strong focus on marketing and  
9           promotion;
- 10          (16) Conduct market development-related research as  
11          necessary;
- 12          (17) Coordinate all agencies and advise the private sector  
13          in the development of tourism-related activities and  
14          resources;
- 15          (18) Work to eliminate or reduce barriers to travel [~~in~~  
16          order] to provide a positive and competitive business  
17          environment, including coordinating with the  
18          department of transportation on issues affecting  
19          airlines and air route development;
- 20          (19) Market and promote sports-related activities and  
21          events;

- 1 (20) Coordinate the development of new products with the  
2 counties and other persons in the public sector and  
3 private sector, including the development of sports,  
4 culture, health and wellness, education, technology,  
5 agriculture, and nature tourism;
- 6 (21) Establish a public information and educational program  
7 to inform the public of tourism and tourism-related  
8 problems;
- 9 (22) Encourage the development of tourism educational,  
10 training, and career counseling programs;
- 11 (23) Establish a program to monitor, investigate, and  
12 respond to complaints about problems resulting  
13 directly or indirectly from the tourism industry and  
14 taking appropriate action as necessary;
- 15 (24) Develop and implement emergency measures to respond to  
16 any adverse effects on the tourism industry, pursuant  
17 to section 201B-9;
- 18 (25) Set and collect rents, fees, charges, or other  
19 payments for the lease, use, occupancy, or disposition  
20 of the convention center facility without regard to  
21 chapter 91;

1 (26) Notwithstanding chapter 171, acquire, lease as lessee  
2 or lessor, own, rent, hold, and dispose of the  
3 convention center facility in the exercise of its  
4 powers and the performance of its duties under this  
5 chapter; and

6 (27) Acquire by purchase, lease, or otherwise, and develop,  
7 construct, operate, own, manage, repair, reconstruct,  
8 enlarge, or otherwise effectuate, either directly or  
9 through developers, a convention center facility."

10 SECTION 3. Section 201B-7, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

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

- 14 (1) Tourism promotion, marketing, and development;
- 15 (2) Market development-related research;
- 16 (3) Product development and diversification issues focused  
17 on visitors;
- 18 (4) Promotion, development, and coordination of sports-  
19 related activities and events;
- 20 (5) Promotion of Hawaii, through a coordinated statewide  
21 effort, as a place to do business, including high  
22 technology business, and as a business destination;

1 (6) Reduction of barriers to travel;

2 [+] (7) [+] Marketing, management, use, operation, or maintenance  
3 of the convention center facility, including the  
4 purchase or sale of goods or services, logo items,  
5 concessions, sponsorships, and license agreements, or  
6 any use of the convention center facility as a  
7 commercial enterprise; provided that effective  
8 January 1, 2003, and thereafter the contract for  
9 management of the convention center facility shall  
10 include marketing for all uses of the facility; and

11 [+] (8) [+] Any and all other activities necessary to carry out  
12 the intent of this chapter;

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

19 SECTION 4. Section 201B-11, Hawaii Revised Statutes, is  
20 amended by amending subsection (c) to read as follows:

21 "(c) Moneys in the tourism special fund shall be used by  
22 the authority for the purposes of this chapter; provided that:

1 (1) Not more than five per cent of this amount shall be  
2 used for administrative expenses, including \$15,000  
3 for a protocol fund to be expended at the discretion  
4 of the [~~executive director;~~] president and chief  
5 executive officer; and

6 (2) At least \$1,000,000 shall be made available to support  
7 efforts to manage, improve, and protect Hawaii's  
8 natural environment and areas frequented by visitors."

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

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

15 (1) The amendments made to sections 40-1, 40-4, and 40-6,  
16 Hawaii Revised Statutes, by part I of this Act shall  
17 not be repealed when those sections are reenacted on  
18 June 30, 2006, by section 1 of Act 137, Session Laws  
19 of Hawaii 2005; and

20 [~~(2) Part I shall be repealed on June 30, 2010, and~~  
21 ~~sections 28-8.3, 201B-2, and 201B-11, Hawaii Revised~~  
22 ~~Statutes, shall be reenacted in the form in which they~~

1           ~~read on May 5, 2004, and sections 40-1, 40-4, and~~  
2           ~~40-6, Hawaii Revised Statutes, shall be reenacted in~~  
3           ~~the form in which they read on June 30, 1986; and~~  
4       ~~(3)]~~ (2) Section 9 shall take effect on July 1, 2004."

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

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

**Report Title:**

Hawaii Tourism Authority; Officers and Employees

**Description:**

Renames and clarifies the duties of the executive director.  
Removes the sunset date for certain provisions of Act 58,  
Session Laws of Hawaii 2004. (SD1)