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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-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) The authority shall be responsible for:

4           (1) Promoting, marketing, and developing the tourism  
5 industry in the State;

6           (2) Arranging for the conduct of research through  
7 contractual services with the University of Hawaii or  
8 any agency or other qualified persons concerning  
9 social, economic, and environmental aspects of tourism  
10 development in the State; provided that, where public  
11 disclosure of information gathered by the authority  
12 may place businesses at a competitive disadvantage and  
13 impair or frustrate the authority's ability to obtain  
14 information for a legitimate government function, the  
15 authority may withhold from public disclosure  
16 competitively sensitive information including:

17           (A) Completed survey and questionnaire forms;

18           (B) Coding sheets; and



1            (C) Database records of the information;

2            (3) Providing technical or other assistance to agencies  
3            and private industry upon request;

4            (4) Creating a vision and developing a long-range  
5            strategic plan for tourism in Hawaii; and

6            (5) Reviewing annually the expenditure of public funds by  
7            any visitor industry organization with which the  
8            authority contracts to perform tourism promotion,  
9            marketing, and development and making recommendations  
10           necessary to ensure the effective use of the funds for  
11           the development of tourism. The authority shall also  
12           prepare annually a report of expenditures, including  
13           descriptions and evaluations of programs funded,  
14           together with any recommendations the authority may  
15           make and shall submit the report to the governor and  
16           the legislature as part of the annual report required  
17           under section 201B-16."

18           SECTION 2. Section 201B-4, Hawaii Revised Statutes, is  
19           amended by amending subsection (a) to read as follows:

20           "(a) The meetings of the board shall be open to the public  
21           as provided in section 92-3, except that when it is necessary  
22           for the board to receive [~~information~~]:



1       (1) Information that is proprietary to a particular  
2           enterprise or the disclosure of which might be harmful  
3           to the business interests of the enterprise [7]; or  
4       (2) Information that is necessary to protect Hawaii's  
5           competitive advantage as a visitor destination;  
6       the board may enter into an executive meeting that is closed to  
7       the public."

8       SECTION 3. Section 201B-6, Hawaii Revised Statutes, is  
9       amended to read as follows:

10       "**§201B-6 Tourism marketing plan; measures of**  
11 **effectiveness.** (a) The authority shall be responsible for  
12 developing a tourism marketing plan that shall be updated every  
13 year and includes the following:

- 14       (1) Statewide promotional efforts and programs;  
15       (2) Targeted markets;  
16       (3) Efforts to enter into brand marketing projects that  
17           make effective use of cooperative advertising  
18           programs;  
19       (4) [~~Measures of effectiveness for~~] Program performance  
20           goals and targets that can be monitored as market  
21           gauges and used as attributes to evaluate the  
22           authority's promotional programs; and



1 (5) Coordination of marketing plans of all destination  
2 marketing organizations receiving state funding prior  
3 to finalization of the authority's marketing plan.

4 (b) In accordance with subsection (a), the authority shall  
5 develop measures of effectiveness to assess the overall benefits  
6 and effectiveness of the marketing plan and include  
7 documentation of the [~~directly attributable benefits of the plan~~  
8 ~~to the following:~~

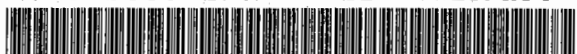
- 9 ~~(1) Hawaii's tourism industry,~~  
10 ~~(2) Employment in Hawaii,~~  
11 ~~(3) State taxes, and~~  
12 ~~(4) The State's lesser known and underused destinations.]~~

13 progress of the marketing plan towards achieving the authority's  
14 strategic plan goals."

15 SECTION 4. Section 201B-7, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

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

- 19 (1) Tourism promotion, marketing, and development;  
20 (2) Market development-related research;  
21 (3) Product development and diversification issues focused  
22 on visitors;



- 1 (4) Promotion, development, and coordination of sports-  
2 related activities and events;
- 3 (5) Promotion of Hawaii, through a coordinated statewide  
4 effort, as a place to do business, including high  
5 technology business, and as a business destination;
- 6 (6) Reduction of barriers to travel;
- 7 (7) Marketing, management, use, operation, or maintenance  
8 of the convention center facility, including the  
9 purchase or sale of goods or services, logo items,  
10 concessions, sponsorships, and license agreements, or  
11 any use of the convention center facility as a  
12 commercial enterprise; provided that effective  
13 January 1, 2003, and thereafter, the contract for  
14 management of the convention center facility shall  
15 include marketing for all uses of the facility;
- 16 (8) Tourism research and statistics to:
- 17 (A) Measure and analyze tourism trends;
- 18 (B) Provide information and research to assist in the  
19 development and implementation of state tourism  
20 policy;
- 21 (C) Provide tourism information on:



- 1 (i) Visitor arrivals, visitor characteristics,  
2 and expenditures;
- 3 (ii) The number of transient accommodation units  
4 available, occupancy rates, and room rates;
- 5 (iii) Airline-related data including seat capacity  
6 and number of flights;
- 7 (iv) The economic, social, and physical impacts  
8 of tourism on the State; and
- 9 (v) The ~~[impact of ongoing]~~ effects of the  
10 marketing programs of the authority on  
11 [Hawaii's tourism industry, employment in  
12 Hawaii, state taxes, and the State's lesser  
13 known and underused destinations;] the  
14 measures of effectiveness developed pursuant  
15 to section 201B-6(b); and
- 16 (9) Any and all other activities necessary to carry out  
17 the intent of this chapter;
- 18 provided that ~~[for any contract or agreement valued at \$25,000~~  
19 ~~and over,]~~ the authority shall ~~[provide notice]~~ periodically  
20 submit a report of the contracts and agreements entered into by  
21 the authority to the governor, the speaker of the house of



1 representatives, and the president of the senate [~~on the same~~  
2 ~~day that such notification is given to the governor~~]."

3 SECTION 5. Act 58, Session Laws of Hawaii 2004, as amended  
4 by section 50 of Act 22, Session Laws of Hawaii 2005, as amended  
5 by section 1 of Act 306, Session Laws of Hawaii 2006, as amended  
6 by section 12 of Act 5, Special Session Laws of Hawaii 2009, is  
7 amended by amending section 14 to read as follows:

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

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

15 [~~(2) Sections 3, 4, 5, 6, and 7 of Part I shall be repealed~~  
16 ~~on June 30, 2010, and:~~

17 ~~(A) Sections 201B-2 and 201B-11, Hawaii Revised~~  
18 ~~Statutes, shall be reenacted in the form in which~~  
19 ~~they read on May 5, 2004; except that the~~  
20 ~~amendments made by Act \_\_\_\_\_, Session Laws of Hawaii~~  
21 ~~2009, to section 201B-2, Hawaii Revised Statutes,~~



1                   ~~and subsection (c) of section 201B-11, Hawaii~~  
2                   ~~Revised Statutes, shall not be repealed; and~~  
3                   ~~(B) Sections 40-1, 40-4, and 40-6, Hawaii Revised~~  
4                   ~~Statutes, shall be reenacted in the form in which~~  
5                   ~~they read on June 30, 1986; and~~

6                   ~~(3)]~~ (2) Section 9 shall take effect on July 1, 2004."

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

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

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**Report Title:**

Hawaii Tourism Authority; Marketing; Autonomy

**Description:**

Authorizes the Hawaii Tourism Authority to maintain the confidentiality of competitively sensitive information. Preserves certain autonomy provisions of Act 58, SLH 2004. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

