



GOV. MSG. NO. 560

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 12, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 12, 2010, the following bill was signed into law:

SB2187 SD1 HD2 CD1

A BILL FOR AN ACT
RELATING TO THE HAWAII TOURISM AUTHORITY.
ACT 102 (10)

Sincerely,



LINDA LINGLE

Approved by the Governor

on MAY 12 2010

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

ACT 102
S.B. NO. 2187
S.D. 1
H.D. 2
C.D. 1

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[-]; or

4 (2) Information that is necessary to protect Hawaii's
5 competitive advantage as a visitor destination;
6 provided that information relating to marketing plans
7 and strategies may be disclosed after the execution of
8 the marketing plans and strategies,

9 the board may enter into an executive meeting that is closed to
10 the public[-] in accordance with the procedures provided for
11 holding an executive meeting under part I of chapter 92."

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

14 "**§201B-6 Tourism marketing plan; measures of**
15 **effectiveness.** (a) The authority shall be responsible for
16 developing a tourism marketing plan that shall be updated every
17 year and includes the following:

- 18 (1) Statewide promotional efforts and programs;
19 (2) Targeted markets;
20 (3) Efforts to enter into brand marketing projects that
21 make effective use of cooperative advertising
22 programs;



1 (4) ~~[Measures of effectiveness for]~~ Program performance
2 goals and targets that can be monitored as market
3 gauges and used as attributes to evaluate the
4 authority's promotional programs; and

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

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

13 ~~(1) Hawaii's tourism industry;~~

14 ~~(2) Employment in Hawaii;~~

15 ~~(3) State taxes; and~~

16 ~~(4) The State's lesser known and underused destinations.]~~

17 progress of the marketing plan towards achieving the authority's
18 strategic plan goals."

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

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



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



- 1 (B) Provide information and research to assist in the
2 development and implementation of state tourism
3 policy;
- 4 (C) Provide tourism information on:
- 5 (i) Visitor arrivals, visitor characteristics,
6 and expenditures;
- 7 (ii) The number of transient accommodation units
8 available, occupancy rates, and room rates;
- 9 (iii) Airline-related data including seat capacity
10 and number of flights;
- 11 (iv) The economic, social, and physical impacts
12 of tourism on the State; and
- 13 (v) The [~~impact of ongoing~~] effects of the
14 marketing programs of the authority on
15 [Hawaii's tourism industry, employment in
16 Hawaii, state taxes, and the State's lesser
17 known and underused destinations;] the
18 measures of effectiveness developed pursuant
19 to section 201B-6(b); and
- 20 (9) Any and all other activities necessary to carry out
21 the intent of this chapter;



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

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

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

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

19 (2) Sections 3, 4, 5, 6, and 7 of [~~Part~~] part I shall be
20 repealed on [~~June 30, 2010,~~] June 30, 2015, and:

21 (A) Sections 201B-2 and 201B-11, Hawaii Revised
22 Statutes, shall be reenacted in the form in which



1 they read on May 5, 2004; except that the
2 amendments made by [~~Act 7~~] Act 5, Special Session
3 Laws of Hawaii 2009, to section 201B-2, Hawaii
4 Revised Statutes, and subsection (c) of section
5 201B-11, Hawaii Revised Statutes, shall not be
6 repealed; and

7 (B) Sections 40-1, 40-4, and 40-6, Hawaii Revised
8 Statutes, shall be reenacted in the form in which
9 they read on June 30, 1986;

10 and

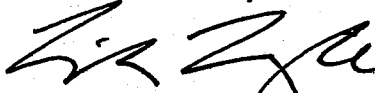
11 (3) Section 9 shall take effect on July 1, 2004."

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

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

15

APPROVED this 12 day of MAY, 2010



GOVERNOR OF THE STATE OF HAWAII