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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,~~] 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,~~] state; provided, where  
11 public disclosure of information gathered by the  
12 authority could place businesses at a competitive  
13 disadvantage and impair or frustrate the authority's  
14 ability to obtain information for a legitimate  
15 government function, the authority may withhold from  
16 public disclosure certain sensitive information  
17 including:

18           (A) Completed survey and questionnaire forms;



- 1            (B) Coding sheets; and
- 2            (C) Database records of the information;
- 3            (3) Providing technical or other assistance to agencies
- 4            and private industry upon request;
- 5            (4) Creating a vision and developing a long-range
- 6            strategic plan for tourism in Hawaii; and
- 7            (5) Reviewing annually the expenditure of public funds by
- 8            any visitor industry organization with which the
- 9            authority contracts to perform tourism promotion,
- 10           marketing, and development and making recommendations
- 11           necessary to ensure the effective use of the funds for
- 12           the development of tourism. The authority shall also
- 13           prepare annually a report of expenditures, including
- 14           descriptions and evaluations of programs funded<sup>7</sup> and
- 15           data on expenditures of contracts granted within the
- 16           state and out-of-state, together with any
- 17           recommendations the authority may make and shall
- 18           submit the report to the governor and the legislature
- 19           as part of the annual report required under section
- 20           201B-16."

21           SECTION 2. Section 201B-4, Hawaii Revised Statutes, is

22           amended by amending subsection (a) to read as follows:



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

4           (1) Information that is proprietary to a particular  
5           enterprise or the disclosure of which might be harmful  
6           to the business interests of the enterprise[7]; or

7           (2) Information that is necessary to protect Hawaii's  
8           competitive advantage as a visitor destination;

9 the board may enter into an executive meeting that is closed to  
10 the public."

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

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

- 17           (1) Statewide promotional efforts and programs;  
18           (2) Targeted markets;  
19           (3) Efforts to enter into brand marketing projects that  
20           make effective use of cooperative advertising  
21           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 in section 201B-  
19 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~~] submit a  
3 quarterly 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; and

19 [~~(2) Sections 3, 4, 5, 6, and 7 of Part I shall be repealed~~  
20 ~~on June 30, 2010, 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 \_\_\_\_\_, Session Laws of Hawaii~~  
3 ~~2009, to section 201B-2, Hawaii Revised Statutes,~~  
4 ~~and subsection (c) of section 201B-11, Hawaii~~  
5 ~~Revised Statutes, shall not be repealed; and~~  
6 ~~(B) Sections 40-1, 40-4, and 40-6, Hawaii Revised~~  
7 ~~Statutes, shall be reenacted in the form in which~~  
8 ~~they read on June 30, 1986; and~~

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

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

12 SECTION 7. This Act shall take effect on January 1, 2112.





**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. Requires quarterly reports. Effective January 1, 2012. (HB2445 HD1)

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

