

JAN 21 2009

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 26-34, Hawaii Revised Statutes, is
2 amended:

3 1. By amending subsection (a) to read:

4 "(a) ~~[The]~~ Except as otherwise provided by law, the
5 members of each board and commission established by law shall be
6 nominated and, by and with the advice and consent of the senate,
7 appointed by the governor. Unless otherwise provided by this
8 chapter or by law hereafter enacted, the terms of the members
9 shall be for four years; provided that the governor may reduce
10 the terms of those initially appointed so as to provide, as
11 nearly as can be, for the expiration of an equal number of terms
12 at intervals of one year for each board and commission. Unless
13 otherwise provided by law, each term shall commence on July 1
14 and expire on June 30, except that the terms of the chairpersons
15 of the board of agriculture, the board of land and natural
16 resources, and the Hawaiian homes commission shall commence on
17 January 1 and expire on December 31. No person shall be
18 appointed consecutively to more than two terms as a member of



S.B. NO. 7

1 the same board or commission; provided that membership on any
2 board or commission shall not exceed eight consecutive years."

3 2. By amending subsection (e) to read:

4 "(e) Except as otherwise provided by this chapter~~[7]~~ or by
5 law, this section shall apply to every board and commission
6 established by part I, or existing or established after
7 November 25, 1959. All new appointments to any board or
8 commission shall thereafter be made in accordance with this
9 section."

10 SECTION 2. Section 201B-2, Hawaii Revised Statutes, is
11 amended by amending subsections (b), (c), (d), and (e) to read
12 as follows:

13 "(b) The authority shall be headed by a policy-making
14 board of directors ~~[which]~~ that consists of twelve ~~[public,~~
15 ~~voting]~~ members ~~[, and four ex officio nonvoting members]~~;
16 provided that:

17 ~~[-(1) Twelve public, voting members shall be appointed by~~
18 ~~the governor as provided in section 26-34, except as~~
19 ~~otherwise provided by law;~~

20 ~~-(2) The twelve public, voting members]~~ (1) One member
21 shall be ~~[composed of at least one representative each~~
22 ~~from]~~ nominated and, by and with the advice and



1 consent of the senate, appointed by each of the mayors
2 of the city and county of Honolulu and the counties of
3 Hawaii, Kauai, and Maui [~~the remaining public members~~
4 ~~shall be appointed at large~~];

5 [~~(3)~~] (2) Of the [~~twelve public, voting~~] remaining members,
6 [~~three~~] four shall be appointed [~~by the governor from~~
7 ~~a list of three names submitted for each appointment~~]
8 by the president of the senate, and [~~three~~] four shall
9 be appointed [~~by the governor from a list of three~~
10 ~~names submitted for each appointment~~] by the speaker
11 of the house of representatives; provided that [~~if~~
12 ~~fewer than three names are submitted for each~~
13 ~~appointment, the governor may disregard the list,~~] the
14 appointments by the president of the senate and the
15 speaker of the house of representatives shall be by
16 adoption of a single house resolution by a majority of
17 the members of each of the respective houses;

18 [~~(4)~~] (3) At least six of the twelve [~~public, voting~~]
19 members shall have knowledge, experience, and
20 expertise in the area of visitor industry management,
21 marketing, promotion, transportation, retail,
22 entertainment, or visitor attractions, and at least



S.B. NO. 7

1 one shall have knowledge, experience, and expertise in
2 the area of Hawaiian cultural practices; provided that
3 no more than three members shall represent, be
4 employed by, or be under contract to any sector of the
5 industry represented on the board; and

6 ~~[-(5)]~~ (4) The [governor shall make] president of the senate
7 and speaker of the house of representatives shall
8 coordinate their appointments to ensure the
9 fulfillment of all requirements ~~[, provided that any~~
10 ~~appointments made after July 1, 2002, shall be made to~~
11 ~~fulfill the requirements in place when the~~
12 ~~appointments are made;]~~ of paragraph (3); and

13 ~~[-(6) The director of business, economic development, and~~
14 ~~tourism, or a designated representative, shall be an~~
15 ~~ex officio nonvoting member;~~

16 ~~-(7) The director of transportation, or a designated~~
17 ~~representative, shall be an ex officio nonvoting~~
18 ~~member;~~

19 ~~-(8) The chairperson of the board of land and natural~~
20 ~~resources, or a designated representative, shall be an~~
21 ~~ex officio nonvoting member;~~



1 ~~(9) The executive director of the state foundation on~~
2 ~~culture and the arts, or a designated representative,~~
3 ~~shall be an ex officio nonvoting member; and~~

4 ~~(10)]~~ (5) No person who has served as a member of the board
5 of directors of the Hawaii Visitors and Convention
6 Bureau shall be eligible to sit as a public, voting
7 member of the board of directors of the Hawaii tourism
8 authority until at least two years have expired
9 between the person's termination from service on the
10 Hawaii Visitors and Convention Bureau board and the
11 person's appointment to the authority's board of
12 directors.

13 (c) The public members shall be appointed ~~[by the~~
14 ~~governor]~~ for terms of four years[-]; provided that a member
15 appointed by a mayor shall hold office for a term to expire at
16 the end of the term for which the appointing mayor was elected.
17 A member appointed by a mayor may continue in office as a
18 holdover until a successor is nominated and appointed as
19 provided in subsection (b) (1). ~~[Each public member]~~ A member
20 appointed under subsection (b) (2) shall hold office until the
21 member's successor is appointed and qualified. The president of
22 the senate and the speaker of the house of representatives shall



1 coordinate the terms of all members initially appointed to
2 provide for one half of the terms of the members appointed to
3 expire in two years and one half of the terms of the members
4 appointed to expire in four years. Each term shall commence on
5 July 1 and expire on June 30. Section 26-34 shall [~~be~~
6 applicable] apply insofar as it relates to the number of terms
7 and consecutive number of years a member may serve on the board.

8 When the legislature is not in session and a vacancy occurs
9 for a member appointed pursuant to subsection (b) (1), which
10 requires the confirmation of the senate, the mayor of the
11 respective county shall make the appointment, which shall
12 expire, unless the appointment is confirmed by the senate, at
13 the adjournment sine die of the next regular session of the
14 legislature. When the legislature is not in session and a
15 vacancy occurs for a member appointed pursuant to subsection
16 (b) (2), which requires the adoption of a resolution by the
17 senate or house of representatives, the presiding officer of the
18 respective house who is to make the appointment shall make the
19 appointment, which shall expire at the adjournment sine die of
20 the next regular session of the legislature unless a resolution
21 is adopted by the respective house as provided in subsection
22 (b) (2).



1 (d) The board shall elect a chairperson from among the
2 ~~[voting] members. [The director of business, economic~~
3 ~~development, and tourism or the designated representative shall~~
4 ~~not be chairperson of the board.]~~

5 (e) Seven ~~[voting]~~ members shall constitute a quorum and a
6 minimum of seven affirmative votes shall be necessary for all
7 actions by the authority. The members shall serve without
8 compensation, but shall be reimbursed for expenses, including
9 traveling expenses, necessary for the performance of their
10 duties."

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

13 "[+] §201B-13 [+] Assistance by state and county
14 agencies [-]; advisory group. (a) Any state or county agency
15 may render services upon request of the authority.

16 (b) The authority shall establish an advisory group, which
17 shall include the director of business, economic development,
18 and tourism, the director of transportation, the chairperson of
19 the board of land and natural resources, and the executive
20 director of the state foundation on culture and the arts to
21 assist the authority in the preparation and execution of:



S.B. NO. 7

- 1 (1) Measures to respond to tourism emergencies pursuant to
2 section 201B-9;
- 3 (2) Programs for the management, improvement, and
4 protection of Hawaii's natural environment and areas
5 frequented by visitors;
- 6 (3) Measures to address issues affecting airlines, air
7 routes, and barriers to travel to Hawaii; and
- 8 (4) Programs to perpetuate the cultures of Hawaii and
9 engage local communities to sustain and preserve the
10 native Hawaiian culture."

11 SECTION 4. After the effective date of this Act, members
12 of the Hawaii tourism authority board shall continue to hold
13 office until a successor is appointed as provided in this Act.

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

16 SECTION 6. This Act shall take effect upon its approval.

17

INTRODUCED BY: Clarence B. Iwihiko B/R



Report Title:

Hawaii Tourism Authority; Appointment of Board Members

Description:

Removes the directors of DBEDT and transportation, chairperson of the BLNR, and executive director of the state foundation on culture and the arts from the Hawaii tourism authority board. Requires members to be appointed by the mayors, senate president, and speaker of the house of representatives. Creates advisory group.

