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CATHY L. TAKASE  
ACTING DIRECTOR

To: House Committee on Finance  
From: Cathy L. Takase, Acting Director  
Hearing: Thursday, February 18, 2010, 10:00 a.m.  
State Capitol, Room 308  
Re: Testimony on H.B. No. 2445  
Relating to the Hawaii Tourism Authority

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The Office of Information Practices (OIP) takes no position on this bill, but has concerns about the breadth of certain language at section 2 of this bill and recommends amendment as described below.

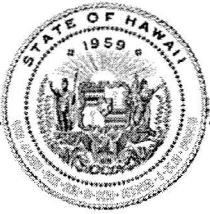
OIP administers the Sunshine Law, which is part I of Chapter 92, HRS. Section 2 of this bill would allow the Hawaii Tourism Authority (HTA) to enter into an executive meeting closed to the public in order to receive “[i]nformation that is necessary to protect Hawaii’s competitive advantage as a visitor destination.”

OIP is concerned about the breadth of the current proposed language. OIP understands that HTA seeks to meet in executive session to protect the confidentiality of information such as detailed marketing plans, market intelligence and research studies, and specific marketing opportunities. OIP believes that, if the Legislature finds an exception to be appropriate, the exception provided should be more narrowly worded (or the intent of the Legislature should be made clear) to reflect that it is this specific type of information that may be discussed in a closed meeting in order to protect Hawaii’s competitive advantage.

In addition, OIP believes that the bill should be amended to make clear that HTA must follow the same procedures required for executive meetings under the Sunshine Law in order to protect the public’s participation on agenda items that would be discussed under the proposed exception to open meetings. Specifically, OIP suggests that the language in this bill for section 201B-4, HRS, be amended by adding language on page 3, line 10, as follows:

the board may enter into an executive meeting that is closed to the public[.] in accordance with the procedures provided for holding an executive meeting under part I of Chapter 92, HRS.

Thank you for the opportunity to testify.



## **TOURISM LIAISON**

Hawai'i State Capitol, Office of the Governor, 4<sup>th</sup> Floor  
Honolulu, Hawai'i 96813

**LINDA LINGLE**  
GOVERNOR  
**MARSHA WIENERT**  
TOURISM LIAISON

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Statement of  
**MARSHA WIENERT**  
**Tourism Liaison**  
Office of the Governor  
before the  
**HOUSE COMMITTEE ON FINANCE**  
Thursday, February 18, 2010  
10:00 a.m.  
State Capitol, Conference Room 308

in consideration of  
**HB 2445 HD1**  
**RELATING TO THE HAWAII TOURISM AUTHORITY.**

Chair Oshiro, Vice Chair Lee and Members of the House Committee on Finance.

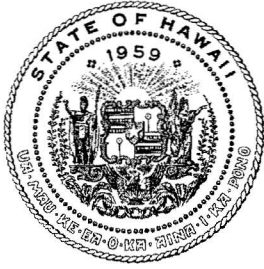
Thank you for the opportunity to testify on HB 2445 HD1, which revises Section 201B-3, HRS, allowing the Hawai'i Tourism Authority (HTA) to withhold from public disclosure competitively sensitive information, including completed survey and questionnaire forms, coding sheets and database records of the information. The ability to keep confidential information gathered from our visitors is necessary for any research function and we support this revision.

We also support the revision to Section 201B-4, HRS, which would allow the authority to go into executive session, closed to the public, in order to receive information that is necessary to protect Hawai'i's competitive advantage as a visitor destination.

The HTA board recently developed a strategic plan that established goals and set targets for the organization. The revisions to Section 201B-6, HRS, solidifies the need for the authority to include in their plan performance goals and targets. We support this revision.

Similarly, changes to Section 201B-7, subsection (a), HRS, affirm that the authority shall provide tourism information on the effectiveness of the marketing programs and state that the authority shall submit a quarterly report of the contracts and agreements entered into by the authority, both of which are provisions we support.

Thank you for the opportunity to testify on HB 2445 HD1.



LINDA LINGLE  
Governor

MIKE MCCARTNEY  
President and  
Chief Executive Officer

# Hawai'i Tourism Authority

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Testimony of  
**Mike McCartney**  
President and Chief Executive Officer  
Hawai'i Tourism Authority  
on  
**H.B. 2445, H.D. 1**  
**Relating to the Hawai'i Tourism Authority**

House Committee on Finance  
Thursday, February 18, 2010  
10:00 a.m.  
Conference Room 308

The Hawai'i Tourism Authority (HTA) strongly supports H.B. 2445, H.D. 1, which proposes five housekeeping amendments to the Hawai'i Tourism Authority law.

#### Confidentiality of tourism research and statistics information

The amendment in Section 1 of the bill corrects an omission of Act 5, Special Session of 2009, which authorized the HTA to contract or enter into agreements for tourism research and statistics, but did not also include the provisions of the law to protect competitively sensitive information gathered by the HTA as part of its research and statistics function from disclosure, where the disclosure could place businesses at a competitive disadvantage.

#### Confidentiality of marketing information and strategy

The amendment in Section 2 of the bill authorizes the HTA Board of Directors to meet in executive session to protect the confidentiality of information, such as:

- Detailed marketing plans including advertising campaigns and promotional calendars;
- Market intelligence and research studies; and
- Marketing opportunities

that are necessary for Hawai'i to maintain its competitive advantage as a visitor destination.

#### Measures of effectiveness

The current law directs the HTA to develop measures of effectiveness to "...*assess the overall benefits and effectiveness of the marketing plan and include documentation of the directly attributable benefits of the plan to the following:*

- (1) *Hawai'i's tourism industry;*
- (2) *Employment in Hawai'i;*
- (3) *State taxes; and*
- (4) *The State's lesser known and underutilized destinations.*

It is difficult to measure and document the "directly attributable benefits" of a marketing plan to Hawai'i's tourism industry, employment in Hawai'i, state taxes, and lesser known and underused destinations.

The amendment in Section 3 of the bill provides that tourism marketing plans include program performance goals and targets that can be monitored to gauge and evaluate the HTA's promotional programs, and requires the HTA to develop measures of effectiveness to assess the benefits and effectiveness of the marketing plan, including documentation of the progress of the marketing plan toward achieving the Authority's strategic plan goals.

#### Notification of contracts

Current law requires the HTA to provide notice to the Speaker of the House of Representatives and President of the Senate at the same time that notice is given to the Governor of any contract or agreement valued at \$25,000 and over that the Authority enters into. Currently, HTA submits, through its monthly CEO Report to the Governor, Speaker of the House of Representatives, and the President of the Senate, notice of **all** contracts and agreements entered into by the HTA. H.B. 2445, H.D. 1, requires that the HTA submit a quarterly report of contracts and agreements entered into by the Authority. The HTA would like to point out that this quarterly report will require the Authority to prepare an additional report, when the reporting requirements are being met under the current reporting practice.

#### Repeal of sunset of HTA provisions

Act 58, SLH 2004:

- Authorized the HTA to retain independent attorneys to provide legal services in cases of contract negotiations where the attorney general lacks sufficient expertise;
- Authorized the HTA to appoint a sports coordinator;
- Exempted HTA from the supervision of accounts by the Comptroller; and
- Authorized the HTA to use up to 5 percent of the moneys in the Tourism Special Fund for administrative expenses.

Act 5, Special Session of 2009, made permanent HTA's authority to retain independent attorneys and hire a sports coordinator. H.B. 2445, H.D. 1 makes the other provisions permanent, which unless extended by the Legislature, will be repealed on June 30, 2010.

The exemption from the supervision of accounts has allowed the HTA to execute its financial transactions more effectively, improve its operational efficiency and overall be more responsive to its stakeholders. The law still requires HTA to conduct preaudits of its payments, maintain records and documents to support disbursements, and to make deposits according to the law regulating state deposit of funds.

Finally, H.B. 2445 H.D. 1 makes permanent the limit on HTA's administrative expenses at 5 percent of moneys in the Tourism Special Fund. At the 3.5 percent, the previous limit on administrative expenses, it was difficult for HTA to fulfill all of its legislative mandates, including implementing measures to insure the accountability of its programs.

We urge your favorable consideration of this measure with the amendment that we have requested relating to the reporting requirements. Thank you for the opportunity to offer these comments.



**HAWAII HOTEL & LODGING  
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32<sup>nd</sup> Anniversary  
Are You Walking???  
May 15, 2010  
(Always the 3<sup>rd</sup> Saturday in May)  
[www.charitywalkhawaii.org](http://www.charitywalkhawaii.org)

**TESTIMONY OF MURRAY TOWILL  
PRESIDENT  
HAWAII HOTEL & LODGING ASSOCIATION**

**DATE: February 18, 2010**

**RE: HB 2445 HD1 Relating to the Hawaii Tourism Authority**

Good morning Chairperson Oshiro and members of the House Committee on Finance. I am Murray Towill, President of the Hawai'i Hotel & Lodging Association.

The Hawai'i Hotel & Lodging Association is a statewide association of hotels, condominiums, timeshare companies, management firms, suppliers, and other related firms and individuals. Our membership includes over 150 hotels representing over 48,000 rooms. Our hotel members range from the 2,680 rooms of the Hilton Hawaiian Village to the 4 rooms of the Bougainvillea Bed & Breakfast on the Big Island.

The Hawai'i Hotel & Lodging Association supports HB 2445 HD1 Relating to the Hawaii Tourism Authority. Most of the provisions in this bill refine and clarify language within the Hawaii Tourism Authority ("HTA") statute and preserve some autonomy functions scheduled to end in 2010. HB 2445 HD1 also allows HTA to keep some of its research and data private. As a public agency, HTA needs to walk a fine line on keeping information private. However, disclosure of proprietary information could reduce a competitive advantage, limit the HTA's effectiveness and impact its ability to collect data in the future. We, therefore, support this measure.

Again, mahalo for this opportunity to testify.