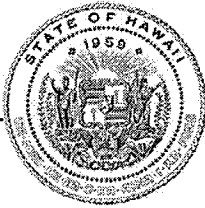


SB 2187



TOURISM LIAISON

Hawai'i State Capitol, Office of the Governor, 4th 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
SENATE COMMITTEE ON TOURISM
Tuesday, February 2, 2010
2:45 p.m.
State Capitol, Conference Room 229

in consideration of
SB 2187
RELATING TO THE HAWAII TOURISM AUTHORITY.

Chair Nishihara, Vice Chair Galuteria and Members of the Senate Committee on Tourism.

Thank you for the opportunity to testify on SB 2187, 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.

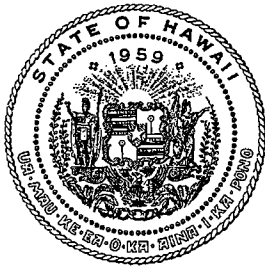
We also support the revision to Section 201B-4, HRS, which would allow the authority to go into executive session, closed to the public, in order to receive information that is necessary to protect Hawai'i's competitive advantage as a visitor destination.

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, HRS, affirm that the authority shall provide tourism information on the effectiveness of the marketing programs, which we support.

The proposed language in Section 201B-7 (9), HRS, states that the authority is to periodically report contracts and agreements entered into by the authority, with no dollar amount affixed. We respectfully suggest that the word *periodically* be further defined and that having to report all contracts and agreements of any size may be overly burdensome to the authority.

Thank you for the opportunity to testify on SB 2187.



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
S.B. 2187
Relating to the Hawai'i Tourism Authority
Senate Committee on Tourism
Tuesday, February 2, 2010
2:45 a.m.
Conference Room 229

The Hawai'i Tourism Authority (HTA) strongly supports S.B. 2187, 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. As such, the amendment in Section 4 of the bill conforms to this 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. S.B. 2187 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, S.B. 2187 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. Thank you for the opportunity to offer these comments.



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32nd Anniversary
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May 15, 2010
(Always the 3rd Saturday in May)
www.charitywalkhawaii.org

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

DATE: February 2, 2010

RE: SB 2187 Relating to the Hawaii Tourism Authority

Good afternoon Chairperson Nishihara and members of the Senate Committee on Tourism. I am Murray Towill, President of the Hawaii Hotel & Lodging Association.

The Hawaii 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 Hawaii Hotel & Lodging Association supports SB 2187 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. SB 2187 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.