

JAN 21 2011

S.B. NO. 116

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# A BILL FOR AN ACT

RELATING TO CULTURE AND THE ARTS.

**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 (a) to read as follows:  
3           "(a) Except as otherwise limited by this chapter, the  
4 authority may:  
5           (1) Sue and be sued;  
6           (2) Have a seal and alter the same at pleasure;  
7           (3) Through its president and chief executive officer,  
8           make and execute contracts and all other instruments  
9           necessary or convenient for the exercise of its powers  
10           and functions under this chapter; provided that the  
11           authority may enter into contracts and agreements for  
12           a period of up to five years, subject to the  
13           availability of funds; and provided further that the  
14           authority may enter into agreements for the use of the  
15           convention center facility for a period of up to ten  
16           years;  
17           (4) Make and alter bylaws for its organization and  
18           internal management;



- 1 (5) Unless otherwise provided in this chapter, adopt rules  
2 in accordance with chapter 91 with respect to its  
3 projects, operations, properties, and facilities;
- 4 (6) Through its president and chief executive officer,  
5 represent the authority in communications with the  
6 governor and the legislature;
- 7 (7) Through its president and chief executive officer,  
8 provide for the appointment of officers, agents, a  
9 sports coordinator, and employees, subject to the  
10 approval of the board, prescribing their duties and  
11 qualifications, and fixing their salaries, without  
12 regard to chapters 76 and 78, if there is no  
13 anticipated revenue shortfall in the tourism special  
14 fund and funds have been appropriated by the  
15 legislature and allotted as provided by law;
- 16 (8) Through its president and chief executive officer,  
17 purchase supplies, equipment, or furniture;
- 18 (9) Through its president and chief executive officer,  
19 allocate the space or spaces that are to be occupied  
20 by the authority and appropriate staff;
- 21 (10) Through its president and chief executive officer,  
22 engage the services of qualified persons to implement

1 the State's tourism marketing plan or portions thereof  
2 as determined by the authority;

3 (11) Through its president and chief executive officer,  
4 engage the services of consultants on a contractual  
5 basis for rendering professional and technical  
6 assistance and advice;

7 (12) Procure insurance against any loss in connection with  
8 its property and other assets and operations in  
9 amounts and from insurers as it deems desirable;

10 (13) Contract for or accept revenues, compensation,  
11 proceeds, and gifts or grants in any form from any  
12 public agency or any other source, including any  
13 revenues or proceeds arising from the operation or use  
14 of the convention center;

15 (14) Develop, coordinate, and implement state policies and  
16 directions for tourism and related activities taking  
17 into account the economic, social, and physical  
18 impacts of tourism on the State and its natural  
19 resources infrastructure; provided that the authority  
20 shall support the efforts of other state and county  
21 departments or agencies to manage, improve, and



- 1 protect Hawaii's natural environment and areas  
2 frequented by visitors;
- 3 (15) Have a permanent, strong focus on marketing and  
4 promotion;
- 5 (16) Conduct market development-related research as  
6 necessary;
- 7 (17) Coordinate all agencies and advise the private sector  
8 in the development of tourism-related activities and  
9 resources;
- 10 (18) Work to eliminate or reduce barriers to travel to  
11 provide a positive and competitive business  
12 environment, including coordinating with the  
13 department of transportation on issues affecting  
14 airlines and air route development;
- 15 (19) Market and promote sports-related activities and  
16 events;
- 17 (20) Coordinate the development of new products with the  
18 counties and other persons in the public sector and  
19 private sector, including the development of sports,  
20 culture, health and wellness, education, technology,  
21 agriculture, and nature tourism;



- 1 (21) Establish a public information and educational program  
2 to inform the public of tourism and tourism-related  
3 problems;
- 4 (22) Encourage the development of tourism educational,  
5 training, and career counseling programs;
- 6 (23) Establish a program to monitor, investigate, and  
7 respond to complaints about problems resulting  
8 directly or indirectly from the tourism industry and  
9 taking appropriate action as necessary;
- 10 (24) Develop and implement emergency measures to respond to  
11 any adverse effects on the tourism industry, pursuant  
12 to section 201B-9;
- 13 (25) Set and collect rents, fees, charges, or other  
14 payments for the lease, use, occupancy, or disposition  
15 of the convention center facility without regard to  
16 chapter 91;
- 17 (26) Notwithstanding chapter 171, acquire, lease as lessee  
18 or lessor, own, rent, hold, and dispose of the  
19 convention center facility in the exercise of its  
20 powers and the performance of its duties under this  
21 chapter; [~~and~~]



1 (27) Acquire by purchase, lease, or otherwise, and develop,  
2 construct, operate, own, manage, repair, reconstruct,  
3 enlarge, or otherwise effectuate, either directly or  
4 through developers, a convention center facility[-];  
5 and

6 (28) Support and promote traditional Hawaiian pre-contact  
7 arts and cultural activities, including but not  
8 limited to traditional Hawaiian music, dance, and arts  
9 and crafts."

10 SECTION 2. Section 201B-11, Hawaii Revised Statutes,  
11 is amended by amending subsection (c) to read as follows:

12 "(c) Moneys in the tourism special fund shall be used by  
13 the authority for the purposes of this chapter; provided that:

14 (1) Not more than five per cent of this amount shall be  
15 used for administrative expenses, including \$15,000  
16 for a protocol fund to be expended at the discretion  
17 of the president and chief executive officer; [~~and~~]

18 (2) [~~At least~~] Not less than \$1,000,000 shall be made  
19 available to support efforts to manage, improve, and  
20 protect Hawaii's natural environment and areas  
21 frequented by visitors [-]; and



1           (3) Not less than \$                    shall be used by the  
 2                                   authority to support and promote traditional Hawaiian  
 3                                   pre-contact arts and cultural activities as required  
 4                                   under section 201B-3(28)."

5           SECTION 3. Statutory material to be repealed is bracketed  
 6 and stricken. New statutory material is underscored.

7           SECTION 4. This Act shall take effect on July 1, 2011;  
 8 provided that the amendments made to section 201B-11, Hawaii  
 9 Revised Statutes, by section 2 of this Act, shall not be  
 10 repealed when section 201B-11, Hawaii Revised Statutes, is  
 11 reenacted on June 30, 2015, pursuant to section 14 of Act 58,  
 12 Session Laws of Hawaii 2004, as amended by section 50 of Act 22,  
 13 Session Laws of Hawaii 2005, as amended by section 1 of Act 306,  
 14 Session Laws of Hawaii 2006, as amended by section 12 of Act 5,  
 15 Special Session Laws of Hawaii 2009, as amended by section 5 of  
 16 Act 102, Session Laws of Hawaii 2010.

INTRODUCED BY:

*Malama Green*

*John Ryan*

*Gilbert Kahalo*

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**Report Title:**

Hawaii Tourism Authority; Traditional Hawaiian Culture

**Description:**

Requires the Hawaii Tourism Authority to support traditional Hawaiian arts and cultural activities. Requires a portion of the Tourism Special Fund moneys to be used for this purpose.

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

