

CHAPTER 201B
HAWAII TOURISM AUTHORITY

Part I. General Provisions

Section

- 201B-1 Definitions
- 201B-2 Hawaii tourism authority; establishment; board; president and chief executive officer
- 201B-2.5 Authority, private attorneys
- 201B-3 Powers, generally
- 201B-4 Meetings of the board
- 201B-5 Exemption of Hawaii tourism authority from administrative supervision of boards and commissions
- 201B-6 Tourism marketing plan; measures of effectiveness
- 201B-7 Tourism-related activities
- 201B-7.5 Applicability of Hawaii public procurement code; convention center contractor; construction contracts
- 201B-8 Convention center enterprise special fund
- 201B-8.5, 8.6 Repealed
- 201B-9 Tourism emergency
- 201B-10 Tourism emergency special fund

Part II. Tourism Special Fund; Exemptions; Reports

- 201B-11 Tourism special fund
- 201B-12 Exemption of authority from taxation and Hawaii public procurement code
- 201B-13 Assistance by state and county agencies; advisory group
- 201B-14 Declaration of public function, purpose, and necessity
- 201B-15 Court proceedings; preferences; venue
- 201B-16 Annual report

Note

Hawaiian cultural programs; reports to 2016 to 2018 legislature. L 2015, c 119, §135.

"PART I. GENERAL PROVISIONS

§201B-1 Definitions. As used in this chapter:

"Agency" means any agency, department, authority, board, commission, the University of Hawaii, or any other unit of the State or its political subdivisions.

"Authority" means the Hawaii tourism authority established in section 201B-2.

"Board" means the board of directors of the Hawaii tourism authority established in section 201B-2, and any successor thereto.

"Convention center facility" or "convention center" means any combination of land, buildings, and improvements thereon, acquired or developed by the State, and includes exhibition halls, meeting rooms, a plenary session hall, and support space that reflect a Hawaiian sense of place; any other structure or facility required or useful for the operation of a convention center, including commercial, office, community service, parking, garage, and other supporting service structures; and, all necessary, useful, and related equipment, furnishings, and appurtenances.

"Public agency" means any office, department, board, commission, bureau, division, public corporation agency, or instrumentality of the federal, state, or county government. [L 1998, c 156, pt of §2; am L 2002, c 253, §3]

" **§201B-2 Hawaii tourism authority; establishment; board; president and chief executive officer.** (a) There is established the Hawaii tourism authority, which shall be a body corporate and a public instrumentality of the State, for the purpose of implementing this chapter. The authority shall be placed within the department of business, economic development, and tourism for administrative purposes only.

(b) The authority shall be headed by a policy-making board of directors that shall consist of twelve members; provided that:

- (1) The members shall be appointed by the governor as provided in section 26-34, except as provided by this section;
- (2) The members shall include at least one representative each from the city and county of Honolulu and the counties of Hawaii, Kauai, and Maui;

- (3) Three members shall be appointed by the governor from a list of three names submitted for each appointment by the president of the senate, and three members shall be appointed by the governor from a list of three names submitted for each appointment by the speaker of the house of representatives; provided that if fewer than three names are submitted for each appointment, the governor may disregard the list;
- (4) At least six members shall have knowledge, experience, and expertise in the area of accommodations, transportation, retail, entertainment, or attractions, and at least one member appointed by the governor shall have knowledge, experience, and expertise in the area of Hawaiian cultural practices; provided that no more than three members shall represent, be employed by, or be under contract to any sector of the industry represented on the board;
- (5) The governor shall make appointments to ensure the fulfillment of all requirements of paragraphs (2) and (4); provided that upon the occurrence of a vacancy subject to paragraph (3), the governor shall notify the president of the senate and the speaker of the house of representatives of any unfulfilled requirements pursuant to paragraphs (2) and (4), and the president of the senate or the speaker of the house of representatives, as appropriate, shall submit nominees who fulfill those requirements; and
- (6) No person who has served as a member of the board of directors of the Hawaii Visitors and Convention Bureau shall be eligible to sit as a member of the board of directors of the Hawaii tourism authority until at least two years have expired between the person's termination from service on the Hawaii Visitors and Convention Bureau board and the person's appointment to the authority's board of directors.

(c) Members shall be appointed by the governor for terms of four years; provided that membership on the board shall not exceed eight consecutive years; provided further that each member shall hold office until the member's successor is appointed and qualified.

(d) The board shall elect a chairperson from among the members.

(e) Seven members shall constitute a quorum and a minimum of seven affirmative votes shall be necessary for all actions by the authority. The members shall serve without compensation, but shall be reimbursed for expenses, including traveling expenses, necessary for the performance of their duties.

(f) The board shall appoint one person to serve as president and chief executive officer, exempt from chapters 76 and 88 who shall oversee the authority staff; provided that the compensation package, including salary, shall not exceed fifteen per cent of the 3.5 per cent authorized for administrative expenses under section 201B-11(c); and provided further that the compensation package shall not include private sector moneys or other contributions. The board shall set the president and chief executive officer's duties, responsibilities, holidays, vacations, leaves, hours of work, and working conditions. It may grant other benefits as it deems necessary. [L 1998, c 156, pt of §2; am L 2000, c 253, §150; am L 2002, c 143, §2 and c 148, §19; am L 2003, c 3, §3; am L 2004, c 10, §7 and c 58, §§6, 14(2); am L 2005, c 22, §§46, 50 and c 235, §4; am L 2006, c 306, §1; am L 2007, c 187, §2; am L Sp 2009, c 5, §§4, 12; am L 2010, c 102, §5; am L 2015, c 46, §1]

Note

Appointments to the board made after July 1, 2015, shall be made in accordance with qualifications under subsection (b), as amended by L 2015, c 46. L 2015, c 46, §3.

Revision Note

In subsection (b)(5), "July 1, 2002" substituted for "the effective date of this Act".

Attorney General Opinions

Subsection (c) is constitutional, with regard to the use of the phrase "appointed and qualified" to describe when a successor's appointment terminates a holdover member's position. Att. Gen. Op. 16-3.

" **[\$201B-2.5] Authority, private attorneys.** (a) The board may appoint or retain by contract one or more attorneys who are independent of the attorney general to provide legal services for the board solely in cases of contract negotiations in which the attorney general lacks sufficient expertise; provided that the independent attorney shall consult and work in conjunction with the designated deputy attorney general assigned to the Hawaii tourism authority.

(b) The board may fix the compensation of the attorneys appointed or retained pursuant to this section. Attorneys appointed or retained by contract shall be exempt from chapters

76, 78, and 88. [L 2004, c 58, §§1, 14(2); am L 2005, c 22, §50; am L 2006, c 306, §1; am L Sp 2009, c 5, §12]

" **§201B-3 Powers, generally.** (a) Except as otherwise limited by this chapter, the authority may:

- (1) Sue and be sued;
- (2) Have a seal and alter the same at pleasure;
- (3) Through its president and chief executive officer, make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter; provided that the authority may enter into contracts and agreements for a period of up to five years, subject to the availability of funds; and provided further that the authority may enter into agreements for the use of the convention center facility for a period of up to ten years;
- (4) Make and alter bylaws for its organization and internal management;
- (5) Unless otherwise provided in this chapter, adopt rules in accordance with chapter 91 with respect to its projects, operations, properties, and facilities;
- (6) Through its president and chief executive officer, represent the authority in communications with the governor and the legislature;
- (7) Through its president and chief executive officer, provide for the appointment of officers, agents, a sports coordinator, and employees, subject to the approval of the board, prescribing their duties and qualifications, and fixing their salaries, without regard to chapters 76 and 78, if there is no anticipated revenue shortfall in the tourism special fund and funds have been appropriated by the legislature and allotted as provided by law;
- (8) Through its president and chief executive officer, purchase supplies, equipment, or furniture;
- (9) Through its president and chief executive officer, allocate the space or spaces that are to be occupied by the authority and appropriate staff;
- (10) Through its president and chief executive officer, engage the services of qualified persons to implement the State's tourism marketing plan or portions thereof as determined by the authority;
- (11) Through its president and chief executive officer, engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice;

- (12) Procure insurance against any loss in connection with its property and other assets and operations in amounts and from insurers as it deems desirable;
- (13) Contract for or accept revenues, compensation, proceeds, and gifts or grants in any form from any public agency or any other source;
- (14) Develop, coordinate, and implement state policies and directions for tourism and related activities taking into account the economic, social, and physical impacts of tourism on the State, Hawaii's natural environment, and areas frequented by visitors;
- (15) Have a permanent, strong focus on Hawaii brand management;
- (16) Conduct market development-related research as necessary;
- (17) Coordinate all agencies and advise the private sector in the development of tourism-related activities and resources;
- (18) Work to eliminate or reduce barriers to travel to provide a positive and competitive business environment, including coordinating with the department of transportation on issues affecting airlines and air route development;
- (19) Market and promote sports-related activities and events;
- (20) Coordinate the development of new products with the counties and other persons in the public sector and private sector, including the development of sports, culture, health and wellness, education, technology, agriculture, and nature tourism;
- (21) Establish a public information and educational program to inform the public of tourism and tourism-related problems;
- (22) Encourage the development of tourism educational, training, and career counseling programs;
- (23) Establish a program to monitor, investigate, and respond to complaints about problems resulting directly or indirectly from the tourism industry and taking appropriate action as necessary;
- (24) Develop and implement emergency measures to respond to any adverse effects on the tourism industry, pursuant to section 201B-9;
- (25) Set and collect rents, fees, charges, or other payments for the lease, use, occupancy, or disposition of the convention center facility without regard to chapter 91;

(26) Notwithstanding chapter 171, acquire, lease as lessee or lessor, own, rent, hold, and dispose of the convention center facility in the exercise of its powers and the performance of its duties under this chapter; and

(27) Acquire by purchase, lease, or otherwise, and develop, construct, operate, own, manage, repair, reconstruct, enlarge, or otherwise effectuate, either directly or through developers, a convention center facility.

(b) The authority shall do any and all things necessary to carry out its purposes, to exercise the powers and responsibilities given in this chapter, and to perform other functions required or authorized by law.

(c) As used in this section, "Hawaii brand" shall have the same meaning as in section 201B-6. [L 1998, c 156, pt of §2; am L 2002, c 38, §1, c 143, §3, c 148, §20, and c 253, §7; am L 2003, c 3, §4; am L 2004, c 9, §1; am L 2005, c 235, §5; am L 2007, c 201, §2; am L Sp 2009, c 5, §5; am L 2010, c 102, §1; am L 2014, c 131, §1]

" **§201B-4 Meetings of the board.** (a) The meetings of the board shall be open to the public as provided in section 92-3, except that when it is necessary for the board to receive:

(1) Information that is proprietary to a particular enterprise or the disclosure of which might be harmful to the business interests of the enterprise; or

(2) Information that is necessary to protect Hawaii's competitive advantage as a visitor destination; provided that information relating to marketing plans and strategies may be disclosed after the execution of the marketing plans and strategies,

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.

(b) The board shall be subject to the procedural requirements of section 92-4, and this authorization shall be in addition to the exceptions listed in section 92-5, to enable the authority board to respect the proprietary requirements of enterprises with which it has business dealings. [L 1998, c 156, pt of §2; am L 2010, c 102, §2]

" **§201B-5 Exemption of Hawaii tourism authority from administrative supervision of boards and commissions.**

Notwithstanding any law to the contrary, the authority shall be exempt from section 26-35 with the exception of section 26-35(a)(2), (3), (7), (8) and subsection (b). [L 1998, c 156, pt of §2; am L 2004, c 16, §2; am L 2005, c 22, §4]

" **§201B-6 Tourism marketing plan; measures of effectiveness.**

(a) The authority shall be responsible for developing a tourism marketing plan. The plan shall be a single, comprehensive document that shall be updated every year and include the following:

- (1) Statewide Hawaii brand management efforts and programs;
- (2) Targeted markets;
- (3) Efforts to enter into Hawaii brand management projects that make effective use of cooperative programs;
- (4) Program performance goals and targets that can be monitored as market gauges and used as attributes to evaluate the authority's programs; and
- (5) The authority's guidance and direction for the development and coordination of promotional and marketing programs that build and promote the Hawaii brand, which are implemented through contracts and agreements with destination marketing organizations or other qualified organizations, including:
 - (A) Target markets and the results being sought;
 - (B) Key performance indicators; and
 - (C) Private sector collaborative or cooperative efforts that may be required.

As used in this section, "Hawaii brand" means the programs that collectively differentiate the Hawaii experience from other destinations.

(b) In accordance with subsection (a), the authority shall develop measures of effectiveness to assess the overall benefits and effectiveness of the marketing plan and include documentation of the progress of the marketing plan towards achieving the authority's strategic plan goals. [L 1998, c 156, pt of §2; am L 1999, c 178, §7; am L 2004, c 9, §2; am L Sp 2009, c 5, §6; am L 2010, c 102, §3; am L 2014, c 131, §2]

" **§201B-7 Tourism-related activities.** (a) The authority may enter into contracts and agreements that include the following:

- (1) Tourism promotion, marketing, and development;
- (2) Market development-related research;
- (3) Product development and diversification issues focused on visitors;
- (4) Promotion, development, and coordination of sports-related activities and events;
- (5) Promotion of Hawaii, through a coordinated statewide effort, as a place to do business, including high technology business, and as a business destination;

- (6) Reduction of barriers to travel;
- (7) Marketing, management, use, operation, or maintenance of the convention center facility, including the purchase or sale of goods or services, logo items, concessions, sponsorships, and license agreements, or any use of the convention center facility as a commercial enterprise; provided that effective January 1, 2003, and thereafter, the contract for management of the convention center facility shall include marketing for all uses of the facility;
- (8) Tourism research and statistics to:
 - (A) Measure and analyze tourism trends;
 - (B) Provide information and research to assist in the development and implementation of state tourism policy; and
 - (C) Provide tourism information on:
 - (i) Visitor arrivals, visitor characteristics, and expenditures;
 - (ii) The number of transient accommodation units available, occupancy rates, and room rates;
 - (iii) Airline-related data including seat capacity and number of flights;
 - (iv) The economic, social, and physical impacts of tourism on the State; and
 - (v) The effects of the marketing programs of the authority on the measures of effectiveness developed pursuant to section 201B-6(b); and
- (9) Any and all other activities necessary to carry out the intent of this chapter;

provided that the authority shall periodically submit a report of the contracts and agreements entered into by the authority to the governor, the speaker of the house of representatives, and the president of the senate.

- (b) The authority shall be responsible for:
 - (1) Creating a vision and developing a long-range strategic plan for tourism in Hawaii;
 - (2) Promoting, marketing, and developing the tourism industry in the State;
 - (3) Arranging for the conduct of research through contractual services with the University of Hawaii or any agency or other qualified persons concerning social, economic, and environmental aspects of tourism development in the State;
 - (4) Providing technical or other assistance to agencies and private industry upon request;

- (5) Perpetuating the uniqueness of the native Hawaiian culture and community, and their importance to the quality of the visitor experience, by ensuring that:
 - (A) The Hawaiian culture is accurately portrayed by Hawaii's visitor industry;
 - (B) Hawaiian language is supported and normalized as both an official language of the State as well as the foundation of the host culture that draws visitors to Hawaii;
 - (C) Hawaiian cultural practitioners and cultural sites that give value to Hawaii's heritage are supported, nurtured, and engaged in sustaining the visitor industry; and
 - (D) A native Hawaiian cultural education and training program is provided for the visitor industry workforce having direct contact with visitors; and
- (6) Reviewing annually the expenditure of public funds by any visitor industry organization that contracts with the authority to perform tourism promotion, marketing, and development and making recommendations necessary to ensure the effective use of the funds for the development of tourism.

(c) The authority may delegate to staff the responsibility for soliciting, awarding, and executing contracts and for monitoring and facilitating any and all functions developed in accordance with this section.

(d) Where public disclosure of information gathered or developed by the authority may place a business at a competitive disadvantage or may impair or frustrate the authority's ability to either compete as a visitor destination or obtain or utilize information for a legitimate government function, the authority may withhold from public disclosure competitively sensitive information including:

- (1) Completed survey forms and questionnaire forms;
- (2) Coding sheets; and
- (3) Database records of the information. [L 1998, c 156, pt of §2; am L 2000, c 297, §20; am L 2002, c 143, §4 and c 253, §8; am L Sp 2009, c 5, §7; am L 2010, c 102, §4; am L 2014, c 131, §3]

" **[§201B-7.5] Applicability of Hawaii public procurement code; convention center contractor; construction contracts.** The construction contracts for the maintenance of the convention center facility by the private contractor that operates the convention center, by its direct or indirect receipt of, and its expenditure of, public funds from the department of business,

economic development, and tourism or the authority, or both, shall be subject to part III of chapter 103D. [L Sp 2009, c 5, §1]

" **§201B-8 Convention center enterprise special fund.** (a) There is established the convention center enterprise special fund, into which shall be deposited:

- (1) A portion of the revenues from the transient accommodations tax, as provided by section 237D-6.5;
- (2) All revenues or moneys derived from the operations of the convention center to include all revenues from the food and beverage service, all revenues from the parking facilities or from any concession, and all revenues from the sale of souvenirs, logo items, or any other items offered for purchase at the convention center;
- (3) Private contributions, interest, compensation, gross or net revenues, proceeds, or other moneys derived from any source or for any purpose arising from the use of the convention center facility; and
- (4) Appropriations by the legislature, including any transfers from the tourism special fund established under section 201B-11 for marketing the facility pursuant to section 201B-7(a)(7).

(b) Moneys in the convention center enterprise special fund shall be used by the authority for the payment of any and all of the following:

- (1) Debt owed to the department of budget and finance relating to the convention center; and
- (2) Expenses arising from any and all use, operation, maintenance, alteration, improvement, or any unforeseen or unplanned repairs of the convention center, including without limitation the food and beverage service and parking service provided at the convention center facility, the sale of souvenirs, logo items, or other items, for any future major repair, maintenance, and improvement of the convention center facility as a commercial enterprise or as a world class facility for conventions, entertainment, or public events, and for marketing the facility pursuant to section 201B-7(a)(7).

(c) Moneys in the convention center enterprise special fund may be:

- (1) Placed in interest-bearing accounts; provided that the depository in which the money is deposited furnishes security as provided in section 38-3; or

- (2) Otherwise invested by the authority until such time as the moneys may be needed; provided that the authority shall limit its investments to those listed in section 36-21.

All interest accruing from investment of the moneys shall be credited to the convention center enterprise special fund. [L 2002, c 253, §2; am L 2005, c 235, §6; am L 2014, c 81, §3; am L 2015, c 121, §6]

" **§201B-8.5 REPEALED.** L 2015, c 121, §8.

" **§201B-8.6 REPEALED.** L 2015, c 121, §9.

" **§201B-9 Tourism emergency.** (a) If the board determines that the occurrence of a world conflict, terrorist threat, national or global economic crisis, natural disaster, outbreak of disease, or other catastrophic event adversely affects Hawaii's tourism industry by resulting in a substantial interruption in the commerce of the State and adversely affecting the welfare of its people, the board shall submit a request to the governor to declare that a tourism emergency exists.

(b) Upon declaration by the governor that a tourism emergency exists pursuant to subsection (a), the authority shall develop and implement measures to respond to the tourism emergency, including providing assistance to tourists during the emergency; provided that any tourism emergency response measure implemented pursuant to this subsection shall not include any provision that would adversely affect the organized labor force in tourism-related industries. With respect to a national or global economic crisis only, in addition to the governor's declaration of the existence of a tourism emergency, no action in response to the tourism emergency declaration may be taken by the authority without the governor's express approval. [L 2007, c 201, pt of §1; am L Sp 2009, c 5, §8]

" **§201B-10 Tourism emergency special fund.** (a) There is established outside the state treasury a tourism emergency special fund to be administered by the board, into which shall be deposited the revenues prescribed by section 237D-6.5(b). All investment earnings from moneys in the special fund shall be credited to the tourism special fund established pursuant to section 201B-11.

(b) Moneys in the special fund shall be used exclusively to provide for the development and implementation of emergency measures to respond to any tourism emergency pursuant to section

201B-9, including providing emergency assistance to tourists during the tourism emergency.

(c) Use of the special fund, consistent with subsection (b), shall be provided for in articles, bylaws, resolutions, or other instruments executed by the board as administrator for the special fund. [L 2007, c 201, pt of §1; am L 2015, c 237, §11]

"PART II. TOURISM SPECIAL FUND; EXEMPTIONS; REPORTS

§201B-11 Tourism special fund. (a) There is established in the state treasury the tourism special fund, into which shall be deposited:

- (1) A portion of the revenues from any transient accommodations tax, as provided by section 237D-6.5; and
 - (2) Appropriations by the legislature to the tourism special fund; and
 - (3) Gifts, grants, and other funds accepted by the authority.
- (b) Moneys in the tourism special fund may be:
- (1) Placed in interest-bearing accounts; provided that the depository in which the money is deposited furnishes security as provided in section 38-3; or
 - (2) Otherwise invested by the authority until such time as the moneys may be needed; provided that the authority shall limit its investments to those listed in section 36-21.

All interest accruing from the investment of these moneys shall be credited to the tourism special fund.

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

- (1) Not more than 3.5 per cent of this amount shall be used for administrative expenses, including \$15,000 for a protocol fund to be expended at the discretion of the president and chief executive officer; and
- (2) At least \$1,000,000 shall be made available to support efforts to manage, improve, and protect Hawaii's natural environment and areas frequented by visitors. [L 1998, c 156, pt of §2; am L 2002, c 38, §4, c 143, §5, and c 250, §4; am L 2004, c 58, §§7, 14(2); am L 2005, c 22, §50 and c 235, §7; am L 2006, c 306, §1; am L Sp 2009, c 5, §§9, 12; am L 2010, c 102, §5]

" **[§201B-12] Exemption of authority from taxation and Hawaii public procurement code.** (a) All revenues and receipts derived by the authority from any project or a project agreement or other agreement pertaining thereto shall be exempt from all

state taxation. Any right, title, and interest of the authority in any project shall also be exempt from all state taxation. Except as otherwise provided by law, the interest of a qualified person or other user of a project or a project agreement or other agreements related to a project shall not be exempt from taxation to a greater extent than it would be if the costs of the project were directly financed by the qualified person or user.

(b) The authority shall not be subject to chapter 103D and any and all other requirements of law for competitive bidding for project agreements, construction contracts, lease and sublease agreements, or other contracts unless a project agreement with respect to a project otherwise shall require. [L 1998, c 156, pt of §2]

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

(b) The authority may establish an advisory group that may meet monthly or as the authority deems necessary, which may include the director of business, economic development, and tourism, director of transportation, chairperson of the board of land and natural resources, and executive director of the state foundation on culture and the arts to advise the authority on matters relating to their respective departments or agency in the preparation and execution of suggested:

- (1) Measures to respond to tourism emergencies pursuant to section 201B-9;
- (2) Programs for the management, improvement, and protection of Hawaii's natural environment and other areas frequented by visitors;
- (3) Measures to address issues affecting airlines, air routes, and barriers to travel to Hawaii; and
- (4) Programs to perpetuate the cultures of Hawaii and engage local communities to sustain and preserve the native Hawaiian culture. [L 1998, c 156, pt of §2; am L Sp 2009, c 5, §10]

" **[§201B-14] Declaration of public function, purpose, and necessity.** The powers and functions granted to and exercised by the Hawaii tourism authority under this chapter are declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. [L 1998, c 156, pt of §2]

" **§201B-15 Court proceedings; preferences; venue.** (a) Any action or proceeding to which the authority, the State, or the

county may be a party, in which any question arises as to the validity of this chapter, shall be preferred over all other civil cases, except election cases, in the circuit court of the circuit where the case or controversy arises, and shall be heard and determined in preference to all other civil cases pending therein except election cases, irrespective of position on the calendar.

(b) Upon application of counsel to the authority, the same preference shall be granted in any action or proceeding questioning the validity of this chapter in which the authority may be allowed to intervene.

(c) Any action or proceeding to which the authority, the State, or the county may be party, in which any question arises as to the validity of this chapter or any portion of this chapter, or any action of the authority may be filed in the circuit court of the circuit where the case or controversy arises, which court is hereby vested with original jurisdiction over the action.

(d) Notwithstanding any provision of law to the contrary, declaratory relief from the circuit court may be obtained for any action.

(e) Any party aggrieved by the decision of the circuit court may appeal in accordance with part I of chapter 641 and the appeal shall be given priority. [L 1998, c 156, pt of §2; am L 2001, c 251, §5]

Case Notes

In action for declaratory and injunctive relief brought under this section, petitioner lacked standing to assert claims for relief where petitioner failed to allege or create a genuine issue of material fact as to whether there was an actual or threatened injury resulting from the authority's conduct or that the injury was fairly traceable to the authority's challenged action, and failed to establish that petitioner's injury was likely to be remedied by the court's grant of injunctive or declaratory relief. 100 H. 242, 59 P.3d 877 (2002).

" **§201B-16 Annual report.** The authority shall submit a complete and detailed report of its activities, expenditures, and results, including the progress of the tourism marketing plan developed pursuant to section 201B-6, toward achieving the authority's strategic plan goals, to the governor and the legislature at least twenty days prior to the convening of each regular session of the legislature. The annual report shall include the descriptions and evaluations of programs funded,

together with any recommendations the authority may make. [L
1998, c 156, pt of §2; am L 2014, c 131, §4]