

JAN 19 2022

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 201B-2, Hawaii Revised Statutes, is
2 amended by amending subsections (b) and (c) to read as follows:

3 "(b) The authority shall be headed by a policy-making
4 board of directors that shall consist of [~~twelve members;~~
5 ~~provided that~~]:

6 (1) Twelve members; provided that:

7 (A) The members shall be appointed by the governor as
8 provided in section 26-34, except as provided by
9 this section;

10 ~~[(2)]~~ (B) The members shall include at least one
11 representative each from the city and county of
12 Honolulu and the counties of Hawaii, Kauai, and
13 Maui;

14 ~~[(3)]~~ (C) Three members shall be appointed by the governor
15 from a list of three names submitted for each
16 appointment by the president of the senate, and
17 three members shall be appointed by the governor



1 from a list of three names submitted for each
2 appointment by the speaker of the house of
3 representatives; provided that if fewer than
4 three names are submitted for each appointment,
5 the governor may disregard the list;

6 ~~[(4)]~~ (D) At least six members shall have knowledge,
7 experience, and expertise in the area of
8 accommodations, transportation, retail,
9 entertainment, or attractions, and at least one
10 member appointed by the governor shall have
11 knowledge, experience, and expertise in the area
12 of Hawaiian cultural practices; provided that no
13 more than three members shall represent, be
14 employed by, or be under contract to any sector
15 of the industry represented on the board;

16 ~~[(5)]~~ (E) The governor shall make appointments to ensure
17 the fulfillment of all requirements of
18 ~~[paragraphs (2) and (4);]~~ subparagraphs (B) and
19 (D); provided that upon the occurrence of a
20 vacancy subject to ~~[paragraph (3);]~~ subparagraph
21 (C), the governor shall notify the president of



1 the senate and the speaker of the house of
2 representatives of any unfulfilled requirements
3 pursuant to ~~[paragraphs (2) and (4),]~~
4 subparagraphs (B) and (D), and the president of
5 the senate or the speaker of the house of
6 representatives, as appropriate, shall submit
7 nominees who fulfill those requirements; and
8 ~~[+6+]~~ (F) No person who has served as a member of the board
9 of directors of the Hawaii Visitors and
10 Convention Bureau shall be eligible to sit as a
11 member of the board of directors of the Hawaii
12 tourism authority until at least two years have
13 expired between the person's termination from
14 service on the Hawaii Visitors and Convention
15 Bureau board and the person's appointment to the
16 authority's board of directors~~[-]~~; and
17 (2) The following nonvoting ex officio members, or their
18 designated representatives:
19 (A) The director of business, economic development,
20 and tourism;
21 (B) The director of transportation;



(C) The chairperson of the board of land and natural resources;

(D) The director of agriculture; and

(E) The executive director of the state foundation on culture and the arts.

(c) Members appointed pursuant to subsection (b)(1) 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."

SECTION 2. Section 201B-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(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 its 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



1 a period of up to five years, subject to the
2 availability of funds; and provided further that the
3 authority may enter into agreements for the use of the
4 convention center facility for a period of up to ten
5 years;

6 (4) Make and alter bylaws for its organization and
7 internal management;

8 (5) Unless otherwise provided in this chapter, adopt rules
9 in accordance with chapter 91 with respect to its
10 projects, operations, properties, and facilities;

11 (6) Through its president and chief executive officer,
12 represent the authority in communications with the
13 governor and the legislature[7] and advise the
14 governor and the legislature with respect to tourism-
15 related matters;

16 (7) Through its president and chief executive officer,
17 provide for the appointment of officers[7]; agents[7];
18 a sports coordinator[7]; officer of meetings,
19 conventions, and incentives; and employees, subject to
20 the approval of the board, prescribing their duties
21 and qualifications, and fixing their salaries, without



1 regard to chapters 76 and 78, if funds have been
2 appropriated by the legislature and allotted as
3 provided by law;

4 (8) Through its president and chief executive officer,
5 purchase supplies, equipment, or furniture;

6 (9) Through its president and chief executive officer,
7 allocate the space or spaces that are to be occupied
8 by the authority and appropriate staff;

9 (10) Through its president and chief executive officer,
10 engage the services of qualified persons to implement
11 the State's long-range strategic plan, island
12 destination management action plans, and tourism
13 ~~[marketing]~~ branding plan or portions thereof as
14 determined by the authority;

15 (11) Through its president and chief executive officer,
16 engage the services of consultants on a contractual
17 basis for rendering professional and technical
18 assistance and advice;

19 (12) Procure insurance against any loss in connection with
20 its property and other assets and operations in
21 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) Coordinate all agencies and advise the private sector in the development of tourism-related activities ~~[and]~~, resources, and management;
- (17) 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;
- (18) Market and promote sports-related activities and events;



- 1 (19) Coordinate the development of new products with the
2 counties and other persons in the public sector and
3 private sector, including the development of sports,
4 culture, health and wellness, education, technology,
5 agriculture, and nature tourism;
- 6 (20) Establish a public information and educational program
7 to inform the public of tourism and tourism-related
8 problems;
- 9 (21) Encourage the development of tourism educational,
10 training, and career counseling programs;
- 11 (22) Establish a program to monitor, investigate, and
12 respond to complaints about problems resulting
13 directly or indirectly from the tourism industry and
14 taking appropriate action as necessary;
- 15 (23) Develop and implement emergency measures to respond to
16 any adverse effects on the tourism industry, pursuant
17 to section 201B-9;
- 18 (24) Set and collect rents, fees, charges, or other
19 payments for the lease, use, occupancy, or disposition
20 of the convention center facility without regard to
21 chapter 91;



(25) 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]

(26) 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[-];

(27) Implement the community-based destination management action plans developed by the authority in partnership with the counties; and

(28) Develop programs to perpetuate the cultures of Hawaii and engage local communities to sustain and preserve the native Hawaiian culture."

SECTION 3. Section 201B-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(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~~ branding plans and strategies may be disclosed after the execution of the ~~marketing~~ branding 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."

SECTION 4. Section 201B-6, Hawaii Revised Statutes, is amended to read as follows:

"§201B-6 Tourism ~~marketing~~ branding plan; measures of effectiveness. (a) The authority shall be responsible for developing a tourism ~~marketing~~ branding 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]~~ branding 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]~~ branding plan and include documentation of the progress of the ~~[marketing]~~ branding plan towards achieving the authority's strategic plan goals."

SECTION 5. Section 201B-7, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The authority may enter into contracts and agreements that include the following:

- (1) Tourism promotion, ~~[marketing,]~~ branding, and development;
- (2) Market and brand 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, branding, 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, 2020, and thereafter, contracts issued pursuant to this paragraph for the marketing of all uses of the convention center facility may be issued separately from the management, use, operation, or maintenance 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]~~ branding 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 functional, long-range strategic plan for tourism in Hawaii[+] as it relates to the Hawaii State Planning Act;

(2) Promoting, ~~[marketing, and]~~ branding, developing, and managing the tourism industry in the State[+] and the community-based destination management action plans



1 developed by the authority in partnership with the
2 counties;

3 (3) Arranging for the conduct of research through
4 contractual services with the University of Hawaii or
5 any agency or other qualified persons concerning
6 social, economic, and environmental aspects of tourism
7 development in the State;

8 (4) Providing technical or other assistance to agencies
9 and private industry upon request;

10 (5) Perpetuating the uniqueness of the native Hawaiian
11 culture and community, and their importance to the
12 quality of the visitor experience, by ensuring that:

13 (A) The Hawaiian culture is accurately portrayed by
14 Hawaii's visitor industry;

15 (B) Hawaiian language is supported and normalized as
16 both an official language of the State as well as
17 the foundation of the host culture that draws
18 visitors to Hawaii;

19 (C) Hawaiian cultural practitioners and cultural
20 sites that give value to Hawaii's heritage are



1 supported, nurtured, and engaged in sustaining

2 the visitor industry; and

3 (D) A native Hawaiian cultural education and training

4 program is provided for the visitor industry

5 workforce having direct contact with visitors;

6 and

7 (6) Reviewing annually the expenditure of public funds by

8 any visitor industry organization that contracts with

9 the authority to perform tourism promotion,

10 ~~[marketing,]~~ branding, and development and making

11 recommendations necessary to ensure the effective use

12 of the funds for the development of tourism."

13 SECTION 6. Section 201B-13, Hawaii Revised Statutes, is
14 amended to read as follows:

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

18 ~~[(b)] The authority may establish an advisory group that~~
19 ~~may meet monthly or as the authority deems necessary, which may~~
20 ~~include the director of business, economic development, and~~
21 ~~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.] "~~

SECTION 7. Section 201B-16, Hawaii Revised Statutes, is amended to read as follows:

"§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]~~ branding plan developed pursuant to section 201B-6, toward achieving the authority's strategic plan goals, to the governor



1 and the legislature at least twenty days prior to the convening
2 of each regular session of the legislature. The annual report
3 shall include the descriptions and evaluations of programs
4 funded, together with any recommendations the authority may
5 make."

6 SECTION 8. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 9. This Act shall take effect upon its approval.
9

INTRODUCED BY: _____



S.B. NO. 2077

Report Title:

Hawaii Tourism Authority; Board of Directors; Members;
Destination Management Action Plans; Tourism Management;
Branding

Description:

Adds the Director of Business, Economic Development, and Tourism; Director of Transportation; Chairperson of the Board of Land and Natural Resources; Director of Agriculture; and the Executive Director of the State Foundation on Culture and the Arts as nonvoting ex officio members of the Hawaii Tourism Authority board of directors. Clarifies the authority and responsibility of the Hawaii Tourism Authority Board of Directors. Renames the Tourism Marketing Plan to the Tourism Branding Plan. Requires any state or county agency to render services upon request of the Hawaii Tourism Authority. Repeals the Hawaii Tourism Authority Advisory Board.

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

