

---

# 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[~~;~~];

17 (2) The director of business, economic development, and  
18 tourism or the director's designated representative,  
19 who shall serve as an ex officio voting member; and

20 (3) The following ex officio nonvoting members or their  
21 designated representatives:



1           (A) The director of transportation;

2           (B) The chairperson of the board of land and natural  
3           resources;

4           (C) The chairperson of the board of agriculture; and

5           (D) The executive director of the state foundation on  
6           culture and the arts.

7           (c) Members appointed pursuant to subsection (b)(1) shall  
8 be appointed by the governor for terms of four years; provided  
9 that membership on the board shall not exceed eight consecutive  
10 years; provided further that each member shall hold office until  
11 the member's successor is appointed and qualified."

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

14           "(a) Except as otherwise limited by this chapter, the  
15 authority may:

16           (1) Sue and be sued;

17           (2) Have a seal and alter the same at its pleasure;

18           (3) Through its president and chief executive officer,  
19 make and execute contracts and all other instruments  
20 necessary or convenient for the exercise of its powers  
21 and functions under this chapter; provided that the



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

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

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

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

17 (7) Through its president and chief executive officer,  
18 provide for the appointment of officers[7]; agents[7];  
19 a sports coordinator[7]; officer of meetings,  
20 conventions, and incentives; and employees, subject to  
21 the approval of the board, prescribing their duties



1 and qualifications, and fixing their salaries, without  
2 regard to chapters 76 and 78, if funds have been  
3 appropriated by the legislature and allotted as  
4 provided by law;

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

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

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

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



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

4 (13) Contract for or accept revenues, compensation,  
5 proceeds, and gifts or grants in any form from any  
6 public agency or any other source;

7 (14) Develop, coordinate, and implement state policies and  
8 directions for tourism and related activities taking  
9 into account the economic, social, and physical  
10 impacts of tourism on the State, Hawaii's natural  
11 environment, and areas frequented by visitors;

12 (15) Have a permanent, strong focus on Hawaii brand  
13 management;

14 (16) Coordinate all agencies and advise the private sector  
15 in the development of tourism-related activities  
16 [and], resources[+], and management;

17 (17) Work to eliminate or reduce barriers to travel to  
18 provide a positive and competitive business  
19 environment, including coordinating with the  
20 department of transportation on issues affecting  
21 airlines and air route development;



- 1       (18) Market and promote sports-related activities and  
2           events;
- 3       (19) Coordinate the development of new products with the  
4           counties and other persons in the public sector and  
5           private sector, including the development of sports,  
6           culture, health and wellness, education, technology,  
7           agriculture, and nature tourism;
- 8       (20) Establish a public information and educational program  
9           to inform the public of tourism and tourism-related  
10          problems;
- 11       (21) Encourage the development of tourism educational,  
12          training, and career counseling programs;
- 13       (22) Establish a program to monitor, investigate, and  
14          respond to complaints about problems resulting  
15          directly or indirectly from the tourism industry and  
16          taking appropriate action as necessary;
- 17       (23) Develop and implement emergency measures to respond to  
18          any adverse effects on the tourism industry, pursuant  
19          to section 201B-9;
- 20       (24) Set and collect rents, fees, charges, or other  
21          payments for the lease, use, occupancy, or disposition



1 of the convention center facility without regard to  
2 chapter 91;

3 (25) Notwithstanding chapter 171, acquire, lease as lessee  
4 or lessor, own, rent, hold, and dispose of the  
5 convention center facility in the exercise of its  
6 powers and the performance of its duties under this  
7 chapter; ~~and~~

8 (26) Acquire by purchase, lease, or otherwise, and develop,  
9 construct, operate, own, manage, repair, reconstruct,  
10 enlarge, or otherwise effectuate, either directly or  
11 through developers, a convention center facility~~[-]~~;

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

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

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



1        "(a) The meetings of the board shall be open to the public  
2 as provided in section 92-3, except that when it is necessary  
3 for the board to receive:

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

7        (2) Information that is necessary to protect Hawaii's  
8 competitive advantage as a visitor destination;

9        provided that information relating to [~~marketing~~]

10        branding plans and strategies may be disclosed after

11        the execution of the [~~marketing~~] branding plans and  
12        strategies,

13 the board may enter into an executive meeting that is closed to  
14 the public in accordance with the procedures provided for  
15 holding an executive meeting under part I of chapter 92."

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

18        "**§201B-6 Tourism [~~marketing~~] branding plan; measures of**

19 **effectiveness.** (a) The authority shall be responsible for

20 developing a tourism [~~marketing~~] branding plan. The plan shall



1 be a single, comprehensive document that shall be updated every  
2 year and include the following:

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



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

4       (b) In accordance with subsection (a), the authority shall  
5       develop measures of effectiveness to assess the overall benefits  
6       and effectiveness of the [~~marketing~~] branding plan and include  
7       documentation of the progress of the [~~marketing~~] branding plan  
8       towards achieving the authority's strategic plan goals."

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

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

- 13      (1) Tourism promotion, [~~marketing,~~] branding, and  
14          development;  
15      (2) Market and brand development-related research;  
16      (3) Product development and diversification issues focused  
17          on visitors;  
18      (4) Promotion, development, and coordination of sports-  
19          related activities and events;



1 (5) Promotion of Hawaii, through a coordinated statewide  
2 effort, as a place to do business, including high  
3 technology business, and as a business destination;

4 (6) Reduction of barriers to travel;

5 (7) Marketing, branding, management, use, operation, or  
6 maintenance of the convention center facility,  
7 including the purchase or sale of goods or services,  
8 logo items, concessions, sponsorships, and license  
9 agreements, or any use of the convention center  
10 facility as a commercial enterprise; provided that  
11 effective January 1, 2020, and thereafter, contracts  
12 issued pursuant to this paragraph for the marketing of  
13 all uses of the convention center facility may be  
14 issued separately from the management, use, operation,  
15 or maintenance of the facility;

16 (8) Tourism research and statistics to:

17 (A) Measure and analyze tourism trends;

18 (B) Provide information and research to assist in the  
19 development and implementation of state tourism  
20 policy; and

21 (C) Provide tourism information on:



- 1 (i) Visitor arrivals, visitor characteristics,  
2 and expenditures;
- 3 (ii) The number of transient accommodation units  
4 available, occupancy rates, and room rates;
- 5 (iii) Airline-related data including seat capacity  
6 and number of flights;
- 7 (iv) The economic, social, and physical impacts  
8 of tourism on the State; and
- 9 (v) The effects of the [~~marketing~~] branding  
10 programs of the authority on the measures of  
11 effectiveness developed pursuant to section  
12 201B-6(b); and
- 13 (9) Any and all other activities necessary to carry out  
14 the intent of this chapter;
- 15 provided that the authority shall periodically submit a report  
16 of the contracts and agreements entered into by the authority to  
17 the governor, the speaker of the house of representatives, and  
18 the president of the senate.
- 19 (b) The authority shall be responsible for:



- 1           (1)   Creating a vision and developing a functional, long-  
2                   range strategic plan for tourism in Hawaii[+] as it  
3                   relates to the Hawaii State Planning Act;
- 4           (2)   Promoting, [~~marketing, and~~] branding, developing, and  
5                   managing the tourism industry in the State[+] and the  
6                   community-based destination management action plans  
7                   developed by the authority in partnership with the  
8                   counties;
- 9           (3)   Arranging for the conduct of research through  
10                   contractual services with the University of Hawaii or  
11                   any agency or other qualified persons concerning  
12                   social, economic, and environmental aspects of tourism  
13                   development in the State;
- 14           (4)   Providing technical or other assistance to agencies  
15                   and private industry upon request;
- 16           (5)   Perpetuating the uniqueness of the native Hawaiian  
17                   culture and community, and their importance to the  
18                   quality of the visitor experience, by ensuring that:
- 19                   (A)   The Hawaiian culture is accurately portrayed by  
20                         Hawaii's visitor industry;



1 (B) Hawaiian language is supported and normalized as  
2 both an official language of the State as well as  
3 the foundation of the host culture that draws  
4 visitors to Hawaii;

5 (C) Hawaiian cultural practitioners and cultural  
6 sites that give value to Hawaii's heritage are  
7 supported, nurtured, and engaged in sustaining  
8 the visitor industry; and

9 (D) A native Hawaiian cultural education and training  
10 program is provided for the visitor industry  
11 workforce having direct contact with visitors;  
12 and

13 (6) Reviewing annually the expenditure of public funds by  
14 any visitor industry organization that contracts with  
15 the authority to perform tourism promotion,  
16 [~~marketing~~] branding, and development and making  
17 recommendations necessary to ensure the effective use  
18 of the funds for the development of tourism."

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



1       "~~§201B-13 Assistance by state and county agencies[~~;~~~~  
2 ~~advisory group]~~. [~~(a)~~] Any state or county agency may render  
3 services upon request of the authority.

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

12       ~~(1) Measures to respond to tourism emergencies pursuant to~~  
13       ~~section 201B-9;~~

14       ~~(2) Programs for the management, improvement, and~~  
15       ~~protection of Hawaii's natural environment and other~~  
16       ~~areas frequented by visitors;~~

17       ~~(3) Measures to address issues affecting airlines, air~~  
18       ~~routes, and barriers to travel to Hawaii; and~~

19       ~~(4) Programs to perpetuate the cultures of Hawaii and~~  
20       ~~engage local communities to sustain and preserve the~~  
21       ~~native Hawaiian culture.] "~~



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

3 "**S201B-16 Annual report.** The authority shall submit a  
4 complete and detailed report of its activities, expenditures,  
5 and results, including the progress of the tourism [~~marketing~~]  
6 branding plan developed pursuant to section 201B-6, toward  
7 achieving the authority's strategic plan goals, to the governor  
8 and the legislature at least twenty days prior to the convening  
9 of each regular session of the legislature. The annual report  
10 shall include the descriptions and evaluations of programs  
11 funded, together with any recommendations the authority may  
12 make."

13 SECTION 8. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect on July 1, 2050.



**Report Title:**

HTA; Board of Directors; Members; Destination Management Action Plans; Tourism Management; Branding

**Description:**

Adds the Director of Business, Economic Development, and Tourism as an ex officio voting member of the Hawaii Tourism Authority board of directors. Adds the Director of Transportation; Chairperson of the Board of Land and Natural Resources; Chairperson of the Board of Agriculture; and the Executive Director of the State Foundation on Culture and the Arts as ex officio nonvoting 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. Repeals the Hawaii Tourism Authority advisory group. Effective 7/1/2050. (SD2)

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

