

# GOV. MSG. NO. 1326

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 8, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 8, 2024, the following bill was signed into law:

SB3364 SD2 HD2 CD1

RELATING TO DESTINATION  
MANAGEMENT.  
**ACT 225**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

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# A BILL FOR AN ACT

RELATING TO DESTINATION MANAGEMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 201B, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§201B-       Destination management action plans; counties;

5 objectives; execution. To meet the destination management

6 objectives for each county, the authority shall perform the

7 actions specified in each of the following plans:

8           (1) Oahu destination management action plan;

9           (2) Maui nui destination management action plan;

10          (3) Hawaii island destination management action plan; and

11          (4) Kauai destination management action plan,

12 during the specified phases; provided that the execution of each

13 destination management action plan shall be dependent on the

14 cooperation and participation of the applicable state or county

15 agency or an advisory group established pursuant to section

16 201B-13."



1 SECTION 2. Section 201B-1, Hawaii Revised Statutes, is  
2 amended by adding three new definitions to be appropriately  
3 inserted and to read as follows:

4 "Destination management" means a collaborative and  
5 coordinated process with public, private, and community  
6 stakeholders to manage the various elements of a visitor  
7 destination to:

8 (1) Create, implement, and monitor strategies that attract  
9 targeted visitor markets and improve visitor  
10 experiences;

11 (2) Improve natural and cultural resources valued by  
12 Hawaii residents and visitors;

13 (3) Develop and maintain tourism-related infrastructure to  
14 prevent overcrowding and overtaxing sites and  
15 resources; and

16 (4) Ensure that the provision of services enhances the  
17 visitor experience.

18 "Hawaii brand" means the qualities and programs that  
19 collectively differentiate the Hawaii experience from other  
20 destinations.

21 "Regenerative tourism" means a tourism model that:



- 1        (1) Is designed and carefully managed to bring net
- 2        benefits to local communities and destinations; and
- 3        (2) Implements an innovative and sustainable economic
- 4        development plan to:
- 5        (A) Make net positive contributions;
- 6        (B) Create conditions that allow communities to
- 7        flourish;
- 8        (C) Engage in collaborative efforts that provide
- 9        visitors with genuine and meaningful experiences
- 10       in Hawaii; and
- 11       (D) Improve destinations for current and future
- 12       generations for the well-being of the
- 13       environment, residents, indigenous communities,
- 14       and visitors."

15       SECTION 3. Section 201B-3, Hawaii Revised Statutes, is  
 16 amended to read as follows:

17       "**§201B-3 Powers, generally.** (a) Except as otherwise  
 18 limited by this chapter, the authority may:

- 19       (1) Sue and be sued;
- 20       (2) Have a seal and alter the same at its pleasure;



- 1           (3) Through its president and chief executive officer,  
2           make and execute contracts and all other instruments  
3           necessary or convenient for the exercise of its powers  
4           and functions under this chapter; provided that the  
5           authority may enter into contracts and agreements for  
6           a period of up to five years, subject to the  
7           availability of funds; [~~and~~] provided further that the  
8           authority may enter into agreements for the use of the  
9           convention center facility for a period of up to ten  
10          years;
- 11          (4) Make and alter bylaws for its organization and  
12          internal management;
- 13          (5) Unless otherwise provided in this chapter, adopt rules  
14          in accordance with chapter 91 with respect to its  
15          projects, operations, properties, and facilities;
- 16          (6) Through its president and chief executive officer,  
17          represent the authority in communications with the  
18          governor and [~~the~~] legislature;
- 19          (7) Through its president and chief executive officer,  
20          provide for the appointment of officers, agents, a  
21          sports coordinator, and employees, subject to the



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

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

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

11 (10) Through its president and chief executive officer,  
12 engage the services of qualified persons to implement  
13 the State's strategic tourism [~~marketing~~] management  
14 plan or portions thereof as determined by the  
15 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 and  
16 resources;
- 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~~] Coordinate the development of tourism  
12 educational, 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) Enhance the tourism industry in the State to grow its  
13 positive contributions to residents of the State;  
14 provided that the authority's initiatives shall follow  
15 destination management practices and integrate  
16 regenerative tourism; and

17 (28) Focus on perpetuating the uniqueness of the Hawaiian  
18 culture and community and their significance to the  
19 quality of the visitor experience by ensuring that:

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



- 1            (B) The Hawaiian language is supported and normalized  
2            as an official language of the State;
- 3            (C) Hawaiian cultural practitioners and cultural  
4            sites are supported, nurtured, and engaged in  
5            sustaining the visitor industry; and
- 6            (D) A Hawaiian cultural education and training  
7            program is provided for the members of the  
8            visitor industry workforce who have direct  
9            contact with visitors.

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

14           ~~[(c) As used in this section, "Hawaii brand" shall have~~  
15 ~~the same meaning as in section 201B-6.]"~~

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

18           **"§201B-6 [Tourism marketing] Strategic tourism management**  
19 **plan; measures of effectiveness.** (a) The authority shall be  
20 responsible for developing a strategic tourism [~~marketing~~]  
21 management plan[~~-~~] that advances tourism marketing, complies



1 with destination management best practices, and promotes  
2 regenerative tourism. The plan shall be a single, comprehensive  
3 document that shall be updated every year and include the  
4 following:

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



1 (C) Private sector collaborative or cooperative  
2 efforts that may be required[-]; and

3 (6) Statewide destination management and regenerative  
4 tourism efforts and programs.

5 ~~[As used in this section, "Hawaii brand" means the programs~~  
6 ~~that collectively differentiate the Hawaii experience from other~~  
7 ~~destinations.]~~

8 (b) In accordance with subsection (a), the authority shall  
9 develop measures of effectiveness to assess the overall benefits  
10 and effectiveness of the ~~[marketing]~~ strategic tourism  
11 management plan and include documentation of the progress of the  
12 ~~[marketing]~~ strategic tourism management plan ~~[towards]~~ toward  
13 achieving the authority's strategic plan goals."

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

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

18 (1) Tourism promotion, marketing, ~~[and]~~ development~~[+]~~,  
19 and destination management;

20 (2) Market development-related research;



- 1 (3) Product development and diversification issues focused  
2 on visitors;
- 3 (4) Promotion, development, and coordination of festivals,  
4 community events, cultural activities, environmental  
5 stewardship activities, sports-related activities, and  
6 events[+] that strengthen the relationships between  
7 the place and people for Hawaii's residents and  
8 visitors alike;
- 9 (5) Promotion of Hawaii, through a coordinated statewide  
10 effort, as a place to do business, including high  
11 technology business, and as a business destination;
- 12 (6) Reduction of barriers to travel;
- 13 (7) Marketing, management, use, operation, or maintenance  
14 of the convention center facility, including the  
15 purchase or sale of goods or services, logo items,  
16 concessions, sponsorships, and license agreements, or  
17 any use of the convention center facility as a  
18 commercial enterprise; provided that effective  
19 January 1, 2020, and thereafter, contracts issued  
20 pursuant to this paragraph for the marketing of all  
21 uses of the convention center facility may be issued



- 1           separately from the management, use, operation, or  
2           maintenance of the facility;
- 3           (8) Tourism research and statistics to:
- 4           (A) Measure and analyze tourism trends;
- 5           (B) Provide information and research to assist in the  
6           development and implementation of state tourism  
7           policy; and
- 8           (C) Provide tourism information on:
- 9           (i) Visitor arrivals, visitor characteristics,  
10           and expenditures;
- 11           (ii) The number of transient accommodation units  
12           available, occupancy rates, and room rates;
- 13           (iii) Airline-related data including seat capacity  
14           and number of flights;
- 15           (iv) The economic, social, and physical impacts  
16           of tourism on the State; and
- 17           (v) The effects of the [~~marketing~~] strategic  
18           tourism management programs of the authority  
19           on the measures of effectiveness developed  
20           pursuant to section 201B-6(b); and



1           (9) Any and all other activities necessary to carry out  
2           the intent of this chapter;  
3 provided that the authority shall periodically submit a report  
4 of the contracts and agreements entered into by the authority to  
5 the governor, [~~the~~] speaker of the house of representatives, and  
6 [~~the~~] president of the senate.

7           (b) The authority shall be responsible for:

8           (1) Creating a vision and developing a long-range  
9           strategic plan for tourism in Hawaii;

10          ~~(2)~~ (2) Developing destination management action plans for  
11          each county;

12          ~~(3)~~ (3) Promoting, marketing, and developing the tourism  
13          industry in the State;

14          ~~(4)~~ (4) Arranging for the conduct of research through  
15          contractual services with the University of Hawaii or  
16          any agency or other qualified persons concerning  
17          social, economic, and environmental aspects of tourism  
18          development in the State;

19          ~~(5)~~ (5) Providing technical or other assistance to  
20          agencies and private industry upon request;



- 1       ~~[(5) Perpetuating the uniqueness of the native Hawaiian~~  
2       ~~culture and community, and their importance to the~~  
3       ~~quality of the visitor experience, by ensuring that:~~
- 4       ~~(A) The Hawaiian culture is accurately portrayed by~~  
5       ~~Hawaii's visitor industry;~~
- 6       ~~(B) Hawaiian language is supported and normalized as~~  
7       ~~both an official language of the State as well as~~  
8       ~~the foundation of the host culture that draws~~  
9       ~~visitors to Hawaii;~~
- 10       ~~(C) Hawaiian cultural practitioners and cultural~~  
11       ~~sites that give value to Hawaii's heritage are~~  
12       ~~supported, nurtured, and engaged in sustaining~~  
13       ~~the visitor industry; and~~
- 14       ~~(D) A native Hawaiian cultural education and training~~  
15       ~~program is provided for the visitor industry~~  
16       ~~workforce having direct contact with visitors;]~~  
17       and
- 18       (6) Reviewing annually the expenditure of public funds by  
19       any visitor industry organization that contracts with  
20       the authority to perform tourism promotion, marketing,  
21       and development and making recommendations necessary





1 to ensure the effective use of the funds for the  
2 development of tourism."

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

5 "**§201B-16 Annual report.** The authority shall submit a  
6 complete and detailed report of its activities, expenditures,  
7 and results, including the progress of the strategic tourism  
8 ~~[marketing]~~ management plan developed pursuant to section  
9 201B-6, toward achieving the authority's strategic plan goals,  
10 to the governor and ~~[the]~~ legislature ~~[at least]~~ no later than  
11 twenty days prior to the convening of each regular session of  
12 the legislature. The annual report shall include the  
13 descriptions and evaluations of programs funded, together with  
14 any recommendations by the authority ~~[may make]~~."

15 SECTION 7. Section 201B-5, Hawaii Revised Statutes, is  
16 repealed.

17 ~~["§201B-5 Exemption of Hawaii tourism authority from~~  
18 ~~administrative supervision of boards and commissions.~~  
19 ~~Notwithstanding any law to the contrary, the authority shall be~~  
20 ~~exempt from section 26-35 with the exception of section 26-~~  
21 ~~35(a)(2), (3), (7), (8) and subsection (b)."]~~



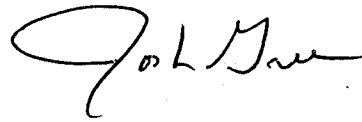
1           SECTION 8. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 9. This Act shall take effect on July 1, 2024.



S.B. NO. 3364  
S.D. 2  
H.D. 2  
C.D. 1

APPROVED this **8th** day of **July**, 2024

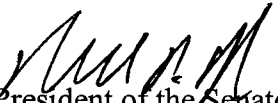



GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate

SB No. 3364, SD 2, HD 2, CD 1

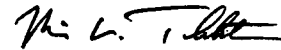
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives