

ACT 133

S.B. NO. 2139-76

A Bill for an Act Relating to the Interim Tourism Policy Act.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Purpose and findings. (a) The purpose of this Act is to establish an Interim State Policy on Tourism for the orderly planned growth of tourism so as to result in the maximum benefit to the people of Hawaii.

(b) The legislature finds that Hawaii is unique in its combination of beauty in the natural physical environment, in its peoples and their Aloha spirit, and in its cosmopolitan mixing of ethnic groups, cultures, religions and life-styles. These facets of beauty are to be preserved and enhanced, not only because they are the basis for Hawaii's attraction to visitors but because they are the basis for Hawaii's attraction to its own people. As other tourist destination areas in the world become increasingly competitive in the marketing of their assets and attractions, and as Hawaii in turn develops its visitor industry to respond to new and changing conditions, it must, as a matter of deliberate policy, seek to retain its uniqueness to visitors and residents, even as it proceeds to maintain the industry as an important source of economic benefits to the people of the State.

SECTION 2. Chapter 203, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

PART . INTERIM TOURISM POLICY

Sec. 203- Definitions. As used in this chapter, unless the context otherwise requires:

- (1) "Tourism" means the activities involved in providing and marketing services and products, including accommodations, to non-residents who visit Hawaii for recreation and pleasure.
- (2) "Visitor industry" means the industry consisting of private and public organizations which directly and indirectly provide services or products to non-residents who visit Hawaii for recreation and pleasure.
- (3) "Tourism promotional organization" means any public promotional organization whose sole function is to promote tourism in the Hawaiian islands.
- (4) "Director" means the director of planning and economic development, except that, in the event a tourism coordinator is established by law, the responsibilities and functions of the director of planning and economic development herein shall be transferred to the tourism coordinator.
- (5) "Resident" means any person who is domiciled in the State of Hawaii and does not maintain a legal residence outside Hawaii.

Sec. 203- Objectives and Policies. (a) It shall be the objective of state policy through its programs, authorities and resources to:

- (1) Provide an optimum of satisfaction and high quality service to visitors;
- (2) Protect the natural beauty of Hawaii;
- (3) Preserve and enrich the understanding, by visitors and residents, of our native Hawaiian heritage as well as the cultural and social contributions to Hawaii of all of its ethnic groups and people; and
- (4) Sustain the economic health of the visitor industry to the extent that such economic health is compatible with the aforesaid objectives.

(b) In pursuance of the objectives, legislative bodies, in the formulation of program policies, and all agencies and the visitor industry, in development and implementation of programs shall, insofar as practicable, adhere to the following interim policies:

(1) **Planned growth of tourism**

- (A) Develop a ten-year master plan for the growth of tourism for presentation to the 1978 session of the legislature. This plan shall, among other matters discussed below, take cognizance of Hawaii's need for additional job opportunities, need for tax revenues, the optimum distribution of the visitor industry throughout the state and the nature of the environment. It shall be the responsibility of the director of planning and economic development to see that this plan is prepared.
- (B) Upgrade and improve the facilities and services available to tourists in Waikiki, as part of the aforesaid master plan.
- (C) Provide adequate opportunities for county participation, federal agency participation, and private citizens' involvement in the decision-making process of tourism planning and policy formulation.

(2) **Visitor satisfaction**

- (A) Encourage the development of tourist destination areas attractive in appearance, manageable in terms of densities with wholesome recreational opportunities.

- (B) Encourage all state and county governmental and private agencies; legislative; executive and judicial, to do their utmost to assure the personal safety of residents and tourists both within and without tourist destination areas.
 - (C) Take whatever administrative, litigative, and legislative steps as are necessary, over the course of time, to minimize the problems of visitors in not receiving contracted services including transportation, tours, hotels, etc.
- (3) Protection and promotion of Hawaii's natural beauty and attractions**
- (A) Protect and preserve shoreline areas and provide access to such areas for tourists and residents.
 - (B) Assure the rights of residents to the use of beaches and beach access areas, surfing and fishing sites, hiking trails, and other recreational sites and scenic areas.
 - (C) Reconstruct, maintain, and preserve sites which have been important in Hawaii's history.
 - (D) Promote various cultural and ethnic holidays, observances and festivities.
- (4) Hawaii's heritage**
- (A) Promote the understanding by visitors and residents of our native Hawaiian heritage and the social and cultural contributions of all ethnic groups and people residing in Hawaii.
 - (B) Foster cultural and social exchanges between visitors and residents.
 - (C) Encourage the visitor industry to emphasize the cultural and social heritage of Hawaii in promoting tourism.
- (5) Resident requirements**
- In pursuance of the state policy on tourism, all agencies, in the development of programs, shall, insofar as practicable, consider the following interim guidelines:
- (A) Attempt to reconcile amicably the activities and accommodations of the visitor with the daily pursuits and lifestyles of the residents.
 - (B) Regard the interests of the residents, including employment, as preferable when attempting reconciliation of conflicting resident and visitor requirements.
- (6) Education and training**
- (A) Develop an understanding among all citizens of the role of tourism in Hawaii, both in terms of its economic and social importance and the problems it presents, through appropriate formal and informal learning experiences, and further, foster among all citizens the Hawaiian capacity for courtesy and the Aloha spirit.
 - (B) Provide for, in all educational levels throughout the State including, but not limited to, the primary school system, formal education in the areas of tourism and Hawaiian history and culture.
 - (C) Provide adequate opportunities for high quality education, training, and understanding of the Aloha spirit by all prospective or

present employees in the Hawaii visitor industry.

(7) Criteria for growth

- (A) Ensure that the growth of the visitor industry is consistent with the attainment of economic, social, physical, and environmental objectives in the state plan and county general plans. Such objectives include, but are not limited to, the striving for full and optimal employment and the attainment of desirable rates of population growth.
- (B) Continuously monitor and evaluate the social costs of growth of the visitor industry against the social benefits.
- (C) Ensure that all sectors of the visitor industry contribute to the generation of tax revenues needed to furnish governmental services. The visitor industry shall be assessed on an equitable basis with other industries. The visitor industry is expected to assume a proportionate share of the total tax burden, recognizing however that an excessive tax burden on any industry can jeopardize or restrict the growth of that industry.
- (D) Seek to eliminate those unreasonable and unnecessary barriers which raise the cost of constructing hotel and other visitor-related facilities.
- (E) Encourage the public and private sectors to cooperatively maintain an economically viable industry in keeping with the attainment of social, economic, and environmental objectives.
- (F) Emphasize in the State's tourism promotional efforts the high quality of the State's natural and cultural features.
- (G) Promote the visitor industry through such activities as the Hawaii Visitors Bureau and similar county agencies, and assure that the visitor industry contributes its fair share of the cost of such promotion.

Sec. 203- Interim Tourism Advisory Council. (a) To provide necessary advice and a means of citizen input, there is established an interim tourism advisory council consisting of:

- (1) Three representatives of the visitor industry appointed by the Governor;
- (2) Three representatives of organized labor appointed by the Governor;
- (3) Three representatives representing the public appointed by the Governor, one of whom the Governor shall designate as chairman;
- (4) One representative from each county government, who shall be an ex-officio voting member.

(b) In making appointments, the Governor shall consider having a council membership composed of residents of each political subdivision of the State. The members of the council shall serve without pay but shall be compensated for necessary expenses incurred. The council shall serve in an advisory capacity to the director."

SECTION 3. Severability. If any portion of this Act or section thereof, or its application to any person or circumstances is held to be invalid for any reason,

then the Legislature hereby declares that the remainder of the Act or sections thereof and each and every other provision thereof shall not be affected thereby.

SECTION 4. This Act shall take effect upon its approval and shall remain in effect until the adoption of the state plan pursuant to chapter 225, Hawaii Revised Statutes.

(Approved May 27, 1976.)