

A Bill for an Act Relating to Emergencies.

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

SECTION 1. Chapter 201B, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“**§201B-A Tourism emergency.** (a) If the board determines that the occurrence of a world conflict, terrorist threat, natural disaster, outbreak of disease, or other catastrophic event, regardless of when or where it occurs, 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.

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

(b) Moneys in the trust 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-A, including providing emergency assistance to tourists during the tourism emergency.

(c) Use of the trust fund, consistent with subsection (b), shall be provided for in articles, bylaws, resolutions, or other instruments executed by the board as trustee for the trust fund.”

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 pleasure;
- (3) 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 executive director represent the authority in communications with the governor and [with] the legislature;

- (7) Through its executive director, provide for the appointment of officers, agents, 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 executive director purchase supplies, equipment, or furniture;
- (9) Through its executive director allocate the space or spaces [~~which~~] that are to be occupied by the authority and appropriate staff;
- (10) Engage the services of qualified persons to implement the State's tourism marketing plan or portions thereof as determined by the authority;
- (11) 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 [~~such~~] amounts and from [~~such~~] 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, including any revenues or proceeds arising from the operation or use of the convention center;
- (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 and its natural resources infrastructure; provided that the authority shall support the efforts of other state and county departments or agencies to manage, improve, and protect Hawaii's natural environment and areas frequented by visitors;
- (15) Have a permanent, strong focus on marketing and promotion;
- (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 in order 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 [~~sectors~~] sector and private [~~sectors;~~] 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-A;
- [~~24~~] (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;

- ~~[(25)]~~ (26) Notwithstanding ~~[the provisions of]~~ 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)]~~ (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.”

SECTION 3. Section 237D-6.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Revenues collected under this chapter shall be distributed as follows, with the excess revenues to be deposited into the general fund:

- (1) 17.3 per cent of the revenues collected under this chapter shall be deposited into the convention center enterprise special fund established under section 201B-8; provided that beginning January 1, 2002, if the amount of the revenue collected under this paragraph exceeds \$33,000,000 in any calendar year, revenues collected in excess of \$33,000,000 shall be deposited into the general fund;
- (2) 34.2 per cent of the revenues collected under this chapter shall be deposited into the tourism special fund established under section 201B-11 for tourism promotion and visitor industry research; provided that beginning on July 1, 2002~~[-]~~,
 - ~~[(A)]~~ ~~0%~~ of the first \$1,000,000 in revenues deposited:
 - ~~[(+)]~~ (A) Ninety per cent shall be deposited into the state parks special fund established in section 184-3.4; and
 - ~~[(+)]~~ (B) Ten per cent shall be deposited into the special land and development fund established in section 171-19 for the Hawaii statewide trail and access program;

provided that of the 34.2 per cent, 0.5 per cent shall be transferred to a sub-account in the tourism special fund to provide funding for a safety and security budget, in accordance with the Hawaii tourism strategic plan 2005-2015; provided further that of the revenues remaining in the tourism special fund after revenues have been deposited as provided in this paragraph and except for any sum authorized by the legislature for expenditure from revenues subject to this paragraph, beginning July 1, 2007, funds shall be deposited into the tourism emergency trust fund, established in section 201B-B, in a manner sufficient to maintain a fund balance of \$5,000,000 in the tourism emergency trust fund; and
- (3) 44.8 per cent of the revenues collected under this chapter shall be transferred as follows: Kauai county shall receive 14.5 per cent, Hawaii county shall receive 18.6 per cent, city and county of Honolulu shall receive 44.1 per cent, and Maui county shall receive 22.8 per cent.

All transient accommodations taxes shall be paid into the state treasury each month within ten days after collection and shall be kept by the state director of finance in special accounts for distribution as provided in this subsection.”

SECTION 4. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2007.

(Approved June 20, 2007.)

Note

1. Edited pursuant to HRS §23G-16.5.